

<p style="text-align: right;">Page 10</p> <p>1 roof redone.</p> <p>2 Q How did you know you had roof damage?</p> <p>3 A We had leaks inside our home that we had to have</p> <p>4 repaired.</p> <p>5 Q Where were the leaks?</p> <p>6 A There were several leaks in the skylights. We</p> <p>7 have three skylights, and all three skylights were</p> <p>8 leaking. There was also a leak in the -- we call it like</p> <p>9 the Florida room. It's like an offshoot of our living</p> <p>10 room. And there was also a leak in the living room coming</p> <p>11 out of -- I think it was the smoke detector area. And</p> <p>12 then there was one in our daughter's room and one in our</p> <p>13 son's room, too.</p> <p>14 Q Do you know what caused those leaks?</p> <p>15 A It was damage to the roof caused by different</p> <p>16 storms. There was one particular hurricane, I guess, that</p> <p>17 we were saying was when most of the damage occurred.</p> <p>18 Q Did you relay all of that information to</p> <p>19 Mr. Goldberg?</p> <p>20 A Yes. And he walked around inside the house and</p> <p>21 looked at all of the damage.</p> <p>22 Q Other than explaining the damage, showing the</p> <p>23 damage to Mr. Goldberg, did you and Mr. Goldberg talk</p> <p>24 about anything else of substance besides small talk?</p> <p>25 A Yes. He explained to us that they have a team of</p>	<p style="text-align: right;">Page 12</p> <p>1 point, I think Gary Goldberg no longer worked there, so</p> <p>2 Adam came over, and he discussed basically the same thing</p> <p>3 that Gary had. And at that time, we did sign paperwork</p> <p>4 with him.</p> <p>5 Q I have turned the share screen back on, and I put</p> <p>6 a document on the screen. Just for your information, this</p> <p>7 is attached to the amended complaint that you filed on</p> <p>8 January 5, 2021.</p> <p>9 Is this a copy of the document that you signed</p> <p>10 that day?</p> <p>11 A I think it's one of them, but there was --</p> <p>12 Q Is that your signature in the lower left?</p> <p>13 A Yes. Yes, it is.</p> <p>14 Q I'm sorry, I interrupted you. You were saying?</p> <p>15 A No. I just was saying that that's one of the</p> <p>16 documents that we signed. I don't know if it was that</p> <p>17 day. But there's another document. That one.</p> <p>18 Q I see on this first document -- Actually, let's go</p> <p>19 back a step.</p> <p>20 MR. THALWITZER: Let's enter this amended</p> <p>21 complaint as Exhibit 2, please.</p> <p>22 (Defendant's Exhibit No. 2 was marked for</p> <p>23 identification.)</p> <p>24 Q (By Mr. Thalwitzer) So going back to the first</p> <p>25 document I showed you. I'm going to call this an</p>
<p style="text-align: right;">Page 11</p> <p>1 lawyers who deal with the insurance companies, and if</p> <p>2 there's a named storm involved, that it can't be -- the</p> <p>3 insurance company has to repair the roof within a certain</p> <p>4 time period; and they, you know, just told us exactly how</p> <p>5 their team of lawyers works with the insurance company and</p> <p>6 gets the roof redone.</p> <p>7 Q Did he have a contract for you to sign?</p> <p>8 A I don't believe we signed any contract at that</p> <p>9 time because we wanted to discuss it with each other.</p> <p>10 Q You and Mr. Welsh?</p> <p>11 A Yes.</p> <p>12 Q Was anyone else present when Mr. Goldberg came</p> <p>13 over that first time, besides yourself?</p> <p>14 A No.</p> <p>15 Q Approximately how long, if you recall, was he at</p> <p>16 your house?</p> <p>17 A At the most, it would have been an hour, I would</p> <p>18 say.</p> <p>19 Q When was the next time you communicated with</p> <p>20 Mr. Goldberg or anyone with SFR?</p> <p>21 A The next time, I don't know when it was, but --</p> <p>22 gosh. I mean, most of the dealings were then held -- Bob</p> <p>23 did most of the dealings, but I think the next time</p> <p>24 somebody named Adam, I think his last name is McConnell,</p> <p>25 came over as a representative of the company. At that</p>	<p style="text-align: right;">Page 13</p> <p>1 Assignment of Benefits or AOB. The date on this appears</p> <p>2 to be November 13, 2018.</p> <p>3 Do you see that?</p> <p>4 A Uh-huh.</p> <p>5 Q I'm sorry, I have to confirm. Is that a yes?</p> <p>6 A Yes. I'm sorry.</p> <p>7 Q No problem. I know it's a normal way of talking,</p> <p>8 but for depositions, it doesn't work very well.</p> <p>9 Does that reflect the date that you signed this</p> <p>10 document?</p> <p>11 A Yes.</p> <p>12 Q And this next document, is that your signature</p> <p>13 again on the lower left of this document?</p> <p>14 A Yes, it is.</p> <p>15 Q And this is Exhibit 2 to your amended complaint.</p> <p>16 The date on this, at least next to Mr. Welsh's name, is</p> <p>17 August 16, 2019. Next to your name, it says "August 16"</p> <p>18 but without a year. And I'm not trying to trick you or</p> <p>19 anything, but the dates do appear to be significantly</p> <p>20 apart.</p> <p>21 So are you sure that you signed both of these at</p> <p>22 the same time?</p> <p>23 A I guess, based on those dates, we did not. To the</p> <p>24 best of my memory, maybe the first one was signed with</p> <p>25 Gary Goldberg. Although, I don't know why we would have</p>

<p style="text-align: right;">Page 14</p> <p>1 signed anything with him, you know, just meeting with him</p> <p>2 one time. It would be a pretty big commitment. But</p> <p>3 perhaps. But the second one was with a meeting with Adam.</p> <p>4 Q When you say "second one," I'm going to -- I'll</p> <p>5 call this one a Bill of Sale. It's kind of what it's</p> <p>6 called.</p> <p>7 So when you say "second one," are you referring to</p> <p>8 this document here, the Bill of Sale?</p> <p>9 A Yes.</p> <p>10 Q Going back to the first document, the AOB, when</p> <p>11 you signed it, did you understand what it was that you</p> <p>12 were agreeing to?</p> <p>13 A I believe so, yes.</p> <p>14 Q What was your understanding? Just generally. I</p> <p>15 don't need legal, you know.</p> <p>16 A That we were engaging in a contract with SFR</p> <p>17 Services to repair our roof and it would go through their</p> <p>18 process of them dealing directly with the insurance</p> <p>19 company.</p> <p>20 Q And did you understand that SFR would be paid</p> <p>21 by -- essentially paid by insurance if insurance indeed</p> <p>22 paid?</p> <p>23 A Yes. But we were also told at the time that any</p> <p>24 checks that were paid to SFR would require our signature</p> <p>25 as well as theirs, so it was like a three-party check</p>	<p style="text-align: right;">Page 16</p> <p>1 than what you have already told me?</p> <p>2 A I can't think of what else he possibly would have</p> <p>3 said. No. I think I've covered it.</p> <p>4 Q I take it that you, Mr. Welsh, and Mr. McConnell</p> <p>5 were there; is that correct?</p> <p>6 A Yes.</p> <p>7 Q Was anyone else there that you can remember?</p> <p>8 A No.</p> <p>9 Q When was the next time that you communicated with</p> <p>10 anyone from SFR?</p> <p>11 A I probably did not. And probably -- then Bob</p> <p>12 handled most everything. I backed out of it at that</p> <p>13 point.</p> <p>14 Q So after that meeting where you signed the AOB and</p> <p>15 possibly another document, as far as you can recall, you</p> <p>16 didn't communicate with SFR after that point?</p> <p>17 A Not that I recall, no.</p> <p>18 Q At some point, did you come to learn, perhaps</p> <p>19 indirectly, that your insurance company had agreed to pay</p> <p>20 for your insurance claim?</p> <p>21 A Yes.</p> <p>22 Q How did you learn that?</p> <p>23 A I'm not exactly sure. I don't recall.</p> <p>24 Q I take it that at some point after that, after</p> <p>25 your insurance company agreed to pay the claim, SFR</p>
<p style="text-align: right;">Page 15</p> <p>1 endorsement policy.</p> <p>2 Q Did you read this AOB before signing it?</p> <p>3 A I'm sure I did. I don't recall that I did, but</p> <p>4 knowing myself, I probably did.</p> <p>5 Q And the second document, again, that I'm calling a</p> <p>6 Bill of Sale, did you read this before you signed it?</p> <p>7 A Yes.</p> <p>8 Q What did you understand this document -- what did</p> <p>9 you understand to be the purpose of this document?</p> <p>10 A It was a contract that we were engaging in with</p> <p>11 SFR Services to repair our roof as well as interior</p> <p>12 damages and the skylights, the vents, the soffits, the</p> <p>13 fascia, that they were going to repair all of that.</p> <p>14 Q And the next page -- and I realize this is a</p> <p>15 little bit small.</p> <p>16 Is it your understanding that this is the back</p> <p>17 page to the Bill of Sale?</p> <p>18 A Yes.</p> <p>19 Q We will talk about this next document later on.</p> <p>20 Let's go back to -- I guess it would have been the second</p> <p>21 meeting, which was Adam McConnell. Is that correct?</p> <p>22 A Yes.</p> <p>23 Q I think you testified that you signed at least</p> <p>24 this document, we will call it the AOB, at that time.</p> <p>25 Did Mr. McConnell say anything else to you other</p>	<p style="text-align: right;">Page 17</p> <p>1 notified you that it was going to begin work?</p> <p>2 A Yes.</p> <p>3 Q Based on what you have already testified, I assume</p> <p>4 that they didn't communicate that to you directly; is that</p> <p>5 correct?</p> <p>6 A Correct. Yes, that's correct.</p> <p>7 Q Did SFR, in fact, begin work on your house at some</p> <p>8 point?</p> <p>9 A Well, it's not -- I mean, it's a technicality, but</p> <p>10 it's not really SFR. I believe that they sub it out. And</p> <p>11 there's a company called Steve Frontera that started work.</p> <p>12 Q Do you recall when that happened, when Frontera</p> <p>13 started work?</p> <p>14 A No, I do not.</p> <p>15 Q Does this Bill of Sale accurately describe the</p> <p>16 work that Frontera was to do?</p> <p>17 A Yes.</p> <p>18 Q I'm sorry, I think I turned the share screen off.</p> <p>19 I'm pointing to it without it being visible.</p> <p>20 I'm referring to this document that was previously</p> <p>21 on the screen.</p> <p>22 Does this accurately --</p> <p>23 A Yes.</p> <p>24 Q -- reflect the work that Frontera was to do?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q And did Frontera do that work?</p> <p>2 A Not all of it, no.</p> <p>3 Q What didn't they do?</p> <p>4 A They did not do any interior work that was</p> <p>5 specified, and I don't believe they did the soffits and</p> <p>6 the fascia. I think somebody else ended up doing it after</p> <p>7 some disagreement about what should have been done.</p> <p>8 Q Did someone else do the interior work?</p> <p>9 A No.</p> <p>10 Q Why is that?</p> <p>11 A Because SFR decided not to do it after the</p> <p>12 incidents happened with the fascia and the soffits. They</p> <p>13 stopped communicating with us.</p> <p>14 Q I think that you said that someone else did the</p> <p>15 soffits and fascia besides Frontera; is that correct?</p> <p>16 A To the best of my knowledge. But as I have said,</p> <p>17 I was not really involved in the process. I'm only -- you</p> <p>18 know, just what I heard through my husband Bob.</p> <p>19 Q You referred to an incident, I think. Can you</p> <p>20 tell me what you are referring to there?</p> <p>21 A They didn't want to -- They, being SFR Services,</p> <p>22 did not want to replace the soffits and the fascia, which</p> <p>23 was originally specified on that contract, and so there</p> <p>24 was a lot of back and forth and arguments and, you know,</p> <p>25 disagreement on that.</p>	<p style="text-align: right;">Page 20</p> <p>1 A Not that I recall.</p> <p>2 Q And just to be clear, I'm trying to figure out</p> <p>3 what you sort of were involved with, what you know and</p> <p>4 what you don't. I don't want to ask dozens of questions</p> <p>5 just to have you say "I don't know anything." I'm trying</p> <p>6 to figure out the parameters of what you know. Hopefully,</p> <p>7 it will make this a shorter deposition.</p> <p>8 I think earlier you testified about insurance</p> <p>9 checks and that it was your understanding that the checks</p> <p>10 would be made out to both SFR and you and Mr. Welsh; is</p> <p>11 that correct?</p> <p>12 A Yes.</p> <p>13 Q And I take it, from your answer, that that did not</p> <p>14 happen?</p> <p>15 A Correct. It did not.</p> <p>16 Q So what did happen?</p> <p>17 A We -- Along the way, we thought -- When they</p> <p>18 weren't completing the interior, we kept saying to each</p> <p>19 other, Oh, that's okay. They are not going to get</p> <p>20 paid until -- we are not going to sign this check that we</p> <p>21 are supposed to be getting until everything is done.</p> <p>22 And then we found out that they had gotten the</p> <p>23 check, and we never saw a check, and so that wasn't --</p> <p>24 that information that they had told us was not correct,</p> <p>25 so --</p>
<p style="text-align: right;">Page 19</p> <p>1 Q Do you know if any of the -- if there are any</p> <p>2 written communications about that, specifically SFR not</p> <p>3 wanting to replace the soffits and fascia?</p> <p>4 A I don't know if there was written communications</p> <p>5 not wanting to. There is written communications that they</p> <p>6 said that they would.</p> <p>7 Q Give me a moment, please.</p> <p>8 I want to get into that, but first I want to make</p> <p>9 sure that we are done with the other subject.</p> <p>10 Did you have any involvement -- and I know that</p> <p>11 that's sort of a vague term, but I'll clarify it.</p> <p>12 Did you have any involvement in communicating,</p> <p>13 either with SFR or any third party, about the soffit and</p> <p>14 fascia incident or issue?</p> <p>15 A No.</p> <p>16 Q Was that handled by Mr. Welsh?</p> <p>17 A Yes.</p> <p>18 Q At least up to the point when you hired an</p> <p>19 attorney, was it basically Mr. Welsh handling that by</p> <p>20 himself?</p> <p>21 A Yes.</p> <p>22 Q Were you present during any discussions, whether</p> <p>23 on the phone or in person, with either SFR or any other</p> <p>24 third parties about the incident? And, again, besides</p> <p>25 anything with your lawyer.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Did you end up -- Actually, let me turn the share</p> <p>2 screen back on. I have gone back to the amended</p> <p>3 complaint, which is Exhibit 2. I would like to ask you</p> <p>4 some questions about the allegations in here.</p> <p>5 Have you read this document before today?</p> <p>6 A Yes, I have.</p> <p>7 Q And do you know if the allegations in it are</p> <p>8 correct?</p> <p>9 A Yes, I believe they are. Yes.</p> <p>10 Q Some of this we have already gone over. But some</p> <p>11 of it, I don't think we have quite yet.</p> <p>12 Under No. 8 here, it's in the middle of the</p> <p>13 screen, I'll read that out loud. It says, "Defendant,"</p> <p>14 and that's SFR, "subsequently agreed to replace the roof</p> <p>15 and perform additional work necessary to return the</p> <p>16 residence to its pre-loss condition for all insurance</p> <p>17 proceeds, i.e., for whatever amount of money was issued by</p> <p>18 Plaintiffs' homeowner's insurance carrier in connection</p> <p>19 with the claim assigned by Plaintiffs to Defendant. While</p> <p>20 the language of the contract indicates that Plaintiffs</p> <p>21 were responsible for their deductible, \$4,500, Defendant</p> <p>22 represented to Plaintiffs that they would not collect this</p> <p>23 amount. A true and correct copy of the contract between</p> <p>24 Plaintiffs and Defendant is attached as Exhibit 2."</p> <p>25 My question is about the deductible portion of</p>

<p style="text-align: right;">Page 22</p> <p>1 this allegation. If you know, who made that</p> <p>2 representation that's alleged in here that SFR would not</p> <p>3 collect the deductible?</p> <p>4 A Adam McConnell.</p> <p>5 Q When did he make that representation?</p> <p>6 A When we met with him and signed the contract, that</p> <p>7 was the first time I heard of it. I think that he made</p> <p>8 other references to it subsequent to that.</p> <p>9 Q Do you remember exactly what he said?</p> <p>10 A He said that -- and, you know, this is to the best</p> <p>11 of my knowledge -- that we would not be required to pay</p> <p>12 that \$4,500, that there's enough money in the claim that</p> <p>13 they would not require us to pay that.</p> <p>14 Q Was that before or after you signed the document</p> <p>15 or documents that you signed that day?</p> <p>16 A I'm unsure as to the exact time when he said it.</p> <p>17 Q Did anyone else besides Adam McConnell indicate</p> <p>18 that Plaintiffs would not collect the deductible -- excuse</p> <p>19 me, that SFR would not collect the deductible?</p> <p>20 A No, not that I recall.</p> <p>21 Q Do you know whether anything from SFR in writing</p> <p>22 indicated that they would not collect the deductible?</p> <p>23 A Not to my knowledge.</p> <p>24 Q I take it that you are aware that, at some point,</p> <p>25 a claim of lien was recorded against your property?</p>	<p style="text-align: right;">Page 24</p> <p>1 A Okay.</p> <p>2 Q Have you seen this before?</p> <p>3 A Yes.</p> <p>4 Q And did you see it on or around January 6, 2021?</p> <p>5 A Yes. I would assume so.</p> <p>6 Q And did you understand that this release and</p> <p>7 waiver of lien that was enclosed with the letter</p> <p>8 eventually got rid of the lien that had been recorded</p> <p>9 against your house?</p> <p>10 A Yes.</p> <p>11 Q Now, it's my understanding that you were trying</p> <p>12 to, I believe, pay off the mortgage on your house at some</p> <p>13 point; is that correct?</p> <p>14 A Not pay it off. Refinance it.</p> <p>15 Q When was it that you tried to refinance the</p> <p>16 mortgage on your house?</p> <p>17 A I don't have a date. It was, again, handled by</p> <p>18 Bob, Mr. Welsh.</p> <p>19 Q Was there a particular reason why you wanted to</p> <p>20 refinance?</p> <p>21 A To get the lower interest rate.</p> <p>22 Q Do you know what your interest rate was at the</p> <p>23 time?</p> <p>24 A No, I do not.</p> <p>25 Q Do you know what lower interest rate you were</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes.</p> <p>2 Q And is that claim of lien Exhibit 3 to your</p> <p>3 amended complaint, which I have put on the screen right</p> <p>4 now?</p> <p>5 A Yes.</p> <p>6 Q When did you become aware of the claim of lien?</p> <p>7 I'll turn the share screen off.</p> <p>8 A We received it in the mail. I don't know what</p> <p>9 time -- I don't know the exact date.</p> <p>10 Q Are you aware that this claim of lien has been</p> <p>11 canceled?</p> <p>12 A Yes, I am.</p> <p>13 Q When did you become aware that it was canceled?</p> <p>14 A I don't know an exact date.</p> <p>15 MR. THALWITZER: I'll put a document on the</p> <p>16 screen. Let's make this Exhibit 3, please.</p> <p>17 (Defendant's Exhibit No. 3 was marked for</p> <p>18 identification.)</p> <p>19 Q (By Mr. Thalwitzer) Have you seen this letter</p> <p>20 before? There's an enclosure, so I can go down whenever</p> <p>21 you are ready.</p> <p>22 A I don't see anything.</p> <p>23 Q I'm sorry. I turned it off. I keep doing that.</p> <p>24 Okay. You should be able to see a letter dated</p> <p>25 January 6, 2021.</p>	<p style="text-align: right;">Page 25</p> <p>1 trying to get or would have been able to get?</p> <p>2 A No, I do not.</p> <p>3 Q Were you involved in the refinancing process?</p> <p>4 A No.</p> <p>5 Q Mr. Welsh was handling that?</p> <p>6 A Correct.</p> <p>7 Q Have you tried to refinance your mortgage since</p> <p>8 receiving the January 6, 2021, letter indicating that the</p> <p>9 lien was released?</p> <p>10 A Yes.</p> <p>11 Q Have you been successful?</p> <p>12 A Yes.</p> <p>13 Q When did you end up refinancing your mortgage?</p> <p>14 A I don't recall.</p> <p>15 Q Can you estimate?</p> <p>16 A No. Sorry. I would be completely guessing.</p> <p>17 Q Have you been financially harmed by the recording</p> <p>18 of the claim of lien?</p> <p>19 A Yes.</p> <p>20 Q How?</p> <p>21 A We would have benefited from the lower mortgage</p> <p>22 rate at the time; and then, afterwards, we weren't able to</p> <p>23 get that same rate.</p> <p>24 MR. STERN: I'm going to object. She can answer,</p> <p>25 but it also calls for a legal conclusion.</p>