

XXXXXXX-XX-XX-XX-XXX

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In the Matter of the Claim of:

ELVA DIAZ,

Claimant,

-against-

GEORGE LOPEZ,

Respondent,

-----x

Date: XXX

Time:

File: XXXXXX-XX-XX-XX-XXX

STATUTORY HEARING in the above entitled matter, at the above date and time, taken by electronic recording device, held at the office of XXX. The electronic recording has been transcribed by XXX, and is a fair and accurate transcription of the proceeding herein.

## A P P E A R A N C E S:

ELVA DIAZ  
30 Bridal Path North  
Sandspoint, NY 11050  
BY: Lisa Cisro

GEORGE LOPEZ  
XXX  
BY: XXX

1 Q: Raise your right hand please.  
2 Solemnly swear that the testimony you are  
3 about to give is the truth, the whole truth  
4 and nothing but the truth, so help you God.

5 A: I do.

6 Q: Can you hear us okay?

7 A: Yes I do.

8 Mr. Isaacson: A little louder.

9 Q: Okay. Can you hear us okay?

10 A: Okay.

11 Q: Would you please state your name and  
12 address?

13 A: 30 Bridal Path North...

14 Q: Your name?

15 A: Okay. My name is Elva Diaz.

16 Q: And your address Ms. Diaz?

17 A: 30 Bridal Path North Sandspoint NY  
18 11050.

19 Q: Do you have a driver's license?

20 A: Yes I do.

21 Q: Can you take that out?

22 A: Okay I have to go to my pocket...

23 A: Okay. You'll get it? Okay.

24 Q: While we are taking a moment can you  
25 all identify yourselves? All the persons

1 present.

2 Ms. Lisa: My name is Lisa Cisro. Here  
3 on behalf of Elva Diaz.

4 Q: Anybody else present?

5 Q: We have a digital recorder person  
6 here... go ahead.

7 Mr. Isaacson: Brian Isaacson

8 Q: Okay. Thank you, Mr. Isaacson.

9 Q: Ms. Diaz would you please tell us  
10 your driver's license number for  
11 identification?

12 A: Okay. This is ID 495413755.

13 Q: And what are you looking at?

14 A: My driver's license.

15 Q: Okay. And what state is that?

16 A: New York State.

17 Q: Thank you.

18 Q: Ms. Diaz, did you own a 1997 Ford  
19 motor vehicle?

20 A: Not I, my husband.

21 Q: Okay. Was your name insured under  
22 the policy of insurance on that vehicle?

23 A: We're insured on every... every policy  
24 my husband has... as an insured.

25 Q: You're insured also on all those

1 vehicles?

2 A: Yes.

3 Q: Okay. And is that a vehicle that was  
4 registered in the state of Florida?

5 A: Yes.

6 Q: And do you still own that vehicle?

7 A: No.

8 Q: And when did you last own that  
9 vehicle?

10 A: Excuse me that was leased not owned.

11 Q: Okay, when did you last lease that  
12 vehicle?

13 A: You know I really don't know but I  
14 think it was the last time... it was a three-  
15 year lease or two-year lease and 1999 I  
16 think we turned it in or 2000 something  
17 like that... Wait 2000, cause my daughter  
18 graduated in 2000.

19 Q: And what is your daughter's name?

20 A: Joy Diaz.

21 Q: And was your daughter living in  
22 Miami?

23 A: Yes. She was going to Miami  
24 University.

25 Q: Okay. Was she going to the

1 University of Miami?

2 A: Yes.

3 Q: And that's the school in Coral  
4 Gables. Correct?

5 A: Yes. That's right. Correct.

6 Q: Did you ever come down to see her at  
7 school there?

8 A: Yes. Yes.

9 Q: Did you ever drive that Ford motor  
10 vehicle?

11 A: No, I never drove in Florida.

12 Q: I'm sorry.

13 A: I never drove in Florida.

14 Q: You never drove the vehicle in  
15 Florida?

16 A: Never.

17 Q: Okay. And if the City of Miami  
18 Police Department had a Driver Registration  
19 with your name on it, would they've been  
20 incorrect?

21 Ms. Lisa: Object to the form.

22 Ms. Lisa: Do you understand the  
23 question?

24 A: I don't understand the question  
25 because it's not that I can be registered

1 in Miami.

2 Q: I have a registration from the  
3 department of motor vehicles...

4 A: With my name?

5 Q: It says Diaz, 30 Bridal Path  
6 Sandspoint, New York.

7 A: No, you're wrong.

8 Q: They're wrong?

9 A: They're wrong.

10 Q: Okay. And if the police officer who  
11 read the registration of the vehicle read  
12 your name as the registered owner of that...

13 A: How could that be?

14 Ms. Lisa: Wait... wait... wait.

15 Q: Or lesser of that vehicle would he  
16 be wrong too?

17 A: I'm...

18 Q: ...the police officer?

19 Ms. Lisa: I'm going to object to the  
20 form. You just read from the registration  
21 that you have and you just said that it  
22 says Diaz. So I'm going to object to the  
23 form because I think your question is  
24 ambiguous as stated.

25 Q: Very good. Did you understand my

1 question?

2 A: No I don't.

3 Q: Okay. Let me state my question  
4 again. If you don't understand me just tell  
5 me, okay?

6 A: Okay.

7 Q: Thank you.

8 Q: If the city Miami police officer  
9 when he responded to the scene of the  
10 accident read a registration on the Ford  
11 motor vehicle that we're talking about, the  
12 registration indicated that Elva Diaz was  
13 the registered owner or leasor of that  
14 vehicle would the police officer have been  
15 incorrect?

16 A: Incorrect. That's wrong.

17 Q: Okay. Now this vehicle was for your  
18 daughter's use?

19 A: Yes.

20 Q: And your husband's use?

21 A: No.

22 Q: Okay. Was it for your use at all?

23 A: Not my use. No, because I don't even  
24 know how to... how to get around in Florida.

25 Q: Do you know how to drive?

1           A: Yes I do know how to drive. But I  
2           didn't need to drive when I went down to  
3           see my daughter. She would drive.

4           Q: Where would you stay when you would  
5           come to see your daughter?

6           A: I would stay with her.

7           Q: And where would that be?

8           A: At that time I think she lived in  
9           37th Avenue and oh let's see Coral Gables  
10          somewhere, and... off-campus.

11          Q: Do you know a Jesus Lopez? A George  
12          Jesus Lopez, excuse me.

13          A: Lopez. Yes I do know him.

14          Q: And how do you know him?

15          A: He was going out with my daughter.

16          Q: He was your daughter's boyfriend?

17          Q: Yes?

18          A: Yes

19          Q: And the vehicle that we're talking  
20          about was that the vehicle that was kept at  
21          37th avenue address that you don't  
22          remember?

23          A: Yes.

24          Q: And...

25          A: I think it was 37-28. Something like

1           that.

2           Ms. Lisa: Can the Court reporter hear  
3           the witness?

4           Q: What was the address?

5           A: I think it was 37 28. Was that it?

6           Q: And if your daughter allowed Mr.  
7           Lopez to use the vehicle would that be  
8           okay?

9           Ms. Lisa: Object to the form.

10          A: I don't know... I... I really don't  
11          know... you know, at that time whether we  
12          gave her permission or didn't give her  
13          permission but I don't understand that I  
14          would do that. I don't know.

15          Q: Okay. Did you ever report the  
16          vehicle stolen?

17          A: No.

18          Q: Did you ever report to anybody that  
19          Mr. Lopez stole the vehicle on July 31<sup>st</sup>  
20          2000 when he was involved in an accident  
21          with that vehicle?

22          A: I don't even know about this  
23          accident to tell you the truth.

24          Q: Did you hear my question?

25          A: Yes, I heard your question.

1 Q: Okay.

2 A: And you are talking about an  
3 accident that I don't even know about.

4 Q: Did you report that Mr. Lopez stole  
5 a vehicle on July 31<sup>st</sup> 2000?

6 A: No.

7 Q: When did you first learn about an  
8 accident involving that vehicle?

9 A: When I received the paper reporting  
10 about this accident, I didn't even know  
11 about this accident.

12 Q: Okay. When you received the paper  
13 would that be a couple of years ago?

14 A: You know, I learned... when I received  
15 the complaint about George Lopez and Elva  
16 Diaz this thing here with the court.

17 Q: That's the first time you ever heard  
18 about the accident?

19 A: That's right.

20 Q: So did your insurance company ever  
21 contact you about the accident?

22 A: They must have... may be I forgot - I  
23 don't know.

1 Q: Okay. Did you ever give a statement  
2 to your insurance company about the  
3 accident?

4 A: To tell you the truth this car is  
5 owned by my husband. Anything that has to  
6 do with this car will have to be between  
7 the insurance and my husband. Not between  
8 Elva Diaz, okay, and anything else. It has  
9 to be between Jose Diaz and the insurance.  
10 Cause he's the one that carries the  
11 insurance. And I have nothing to do with  
12 this car.

13 Q: Okay. So if... if Mr. Lopez said that  
14 this was the vehicle that you used when you  
15 came to Florida to see your daughter that  
16 would be incorrect?

17 A: Wrong. Wrong.

18 Q: And if your daughter said this was  
19 the vehicle that you used when you came to  
20 Florida to visit her would that be  
21 incorrect?

22 A: Wrong. Not me.

23 Q: And... and where is your daughter now?

24 A: My daughter is living at home.

25 Q: And where would home be?

1 A: 30 Bridal Path North Sandspoint.

2 Q: And how long has she been back home?

3 A: She graduated, then went to Puerto  
4 Rico then we came back. She's been here  
5 about three or four years... about two years,  
6 yeah. She's working now.

7 Q: Okay. Did your daughter tell you  
8 about the accident?

9 A: My daughter doesn't even remember  
10 one thing about this accident.

11 Q: Okay. Did she ever tell you about  
12 the accident?

13 A: No.

14 Q: And up until you received the  
15 complaint you never even heard of the  
16 accident. Is that your testimony?

17 A: I had no knowledge about it. No.

18 Q: Okay, so that would be a yes.  
19 Correct?

20 A: Yes.

21 Ms. Lisa: Object to the form.

22 Q: You understood my question, correct?

23 A: You want to repeat it again?

1 Q: Sure. Up until you received a  
2 complaint in this matter you had no  
3 knowledge whatsoever about this accident?

4 A: No.

5 Q: Is that correct?

6 A: Correct.

7 Q: Did you ever speak to your husband  
8 about the accident?

9 A: No.

10 Q: And did your husband up until  
11 today's date ever talk to you about the  
12 accident?

13 A: He mentioned one thing about it  
14 before but being that I had nothing to do  
15 with this car or anything I just didn't  
16 follow through.

17 Q: And did your daughter ever talk to  
18 you about this accident?

19 A: She doesn't know about the accident  
20 either.

21 Q: She never knew anything about the  
22 accident either? Is that...?

23 A: You have to understand if they... if  
24 they say my husband... fine, my husband's  
25 gotta be with the insurance I guess my

1 husband never said anything about it before  
2 or I don't know. We just don't remember  
3 this accident.

4 Q: Okay. Well my question wasn't that.  
5 My question was about your daughter.

6 A: Yeah.

7 Q: Did your daughter ever...?

8 A: No.

9 Ms. Lisa: Let him finish his question.

10 Q: Well let me finish... yeah, let me  
11 finish my question.

12 Q: Up until today's day, up until the  
13 time we're here today you're there in that  
14 room and I'm over here in this room did  
15 your daughter ever mention anything to you  
16 about the accident?

17 A: No. No.

18 Q: And when you received notice that  
19 you had to come to this deposition today,  
20 did you speak to your daughter about it?

21 A: Yes, I did.

22 Q: Okay. And what did you ask her?

23 A: I said do you remember anything  
24 about the accident and she said 'no, I  
25 don't mom.'

1 Q: And did you tell her it was an  
2 accident involving Mr. Lopez?

3 A: And she says 'mom, I don't remember  
4 any... any... any accident. I just can't think  
5 remember any accident with the car.'

6 Q: Okay. Now your husband is here today  
7 too, correct?

8 A: Yes.

9 Q: And does your husband remember  
10 anything about the accident?

11 A: Well he's been dealing with the  
12 insurance department. So just so he knows  
13 about it.

14 Q: Okay. Alright. Your husband pays the  
15 bills I guess?

16 A: That's right.

17 Q: And has any insurance company ever  
18 said to you that we're not going to honor  
19 this claim because you didn't lease the  
20 vehicle?

21 A: No.

22 Q: And have ever you told anybody that  
23 Mr. Lopez stole the vehicle that was  
24 involved in this accident?

25 A: No.

1 Q: Did you have any reason to believe  
2 that Mr. Lopez operated the vehicle on July  
3 31<sup>st</sup> 2000 without the permission of your  
4 daughter?

5 A: You know if I would say yes or no I  
6 would be lying.

7 Q: Okay. Well I don't want you to lie.  
8 I just wanted to know...

9 A: That's why I'm saying if I say yes  
10 or no I'd be lying. I don't recall it.

11 Q: Okay. Maybe you didn't understand my  
12 question. Do you have any information that  
13 would lead you to believe that George Lopez  
14 on July 31<sup>st</sup> 2000 was operating this 1997  
15 Ford without your daughter's consent and  
16 permission?

17 A: She might have given him permission  
18 because they were going out together.  
19 That's her boyfriend. So maybe she did give  
20 him permission.

21 Q: And was it okay with you if her  
22 boyfriend used the vehicle to run an  
23 errand?

24 A: Well, I don't see any danger of him  
25 going... doing anything with the vehicle. You

1 know she trusted him but I don't think she  
2 made it a habit of doing that.

3 Q: Okay. And do you personally have  
4 anything wrong with him going to use that  
5 vehicle to run an errand?

6 A: No.

7 Ms. Lisa: Object to the form.

8 Q: I don't think I have any other  
9 questions - thank you.

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XXX hereby certifies:

THAT, THE WITNESS (es) whose  
Testimony is hereinbefore set forth is  
transcribed from tape recordings provided was  
duly transcribed accurately; and

THAT, the within transcript is a true  
and accurate record of the testimony given  
by said witness (es).

XXX AND ITS EMPLOYEES further  
certifies that it is not related either by  
blood or marriage to any of the parties to  
this action, and that It is in no way  
interested in the outcome of the matter.

IN WITNESS WHEREOF, XXX has  
authorized its Office Manager, XXX, to  
hereunto set XXX hand this \_\_\_\_\_ day of  
\_\_\_\_\_2004, to certify the accuracy of  
this proceeding as set forth herein.

\_\_\_\_\_

XXX