

# **EXHIBIT 14**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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PATRICIA CONNOR and SHERI L. )  
BYWATER, Individually and on )  
Behalf of All Others Similarly )  
Situated, )

Plaintiffs, ) Case No.

vs. ) 10-CV-01284

JPMORGAN CHASE BANK and FEDERAL ) DMS(BGS)  
NATIONAL MORTGAGE ASSOCIATION )  
A/K/A FANNIE MAE, )  
Defendants. )

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DEPOSITION OF STEPHEN ALEXANDER KRON

Laguna Hills, California

Monday, October 27, 2014

Volume I

Reported by:

Gail E. Kennamer, CSR 4583, CCRR

JOB No. 1956057

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Defendants. )

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Deposition of STEPHEN ALEXANDER KRON, Volume I,  
taken on behalf of Plaintiffs at 23421 South Pointe Drive,  
Suite 280, Laguna Hills, California, beginning at  
9:46 a.m., and ending at 12:07 p.m., Monday, October 27,  
2014, before Gail E. Kennamer, CSR 4583, CCRR.

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WITNESS EXAMINATION

STEPHEN ALEXANDER KRON

Volume I

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EXHIBITS

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Exhibit 3	Objections to Proposed Class Action Settlement	52

1 Laguna Hills, California; Monday, October 27, 2014

2 9:46 a.m.

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4

5

6 STEPHEN ALEXANDER KRON,  
7 a witness herein, having been administered an oath, was  
8 examined, and testified as follows:

9

10 -EXAMINATION-

11

12 BY MR. KAZEROUNIAN:

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Q. Good morning, Mr. Kron. My name is Abbas  
Kazerounian, and I am the attorney for the plaintiffs in  
the putative class action of Connor versus Chase.

To my right is an attorney representing Chase.

So thank you for being here today. I'm just going to  
go over some ground rules first.

But before I do, can you please give me your full  
name for the record and spell it, please.

A. Stephen, S-t-e-p-h-e-n. Alexander,  
A-l-e-x-a-n-d-e-r. Kron, K-r-o-n.

Q. Thank you, Mr. Kron.

Have you ever had your deposition taken before?

A. Yes.

Q. How many times?



1 Q. Have you ever changed provider?

2 A. Yes.

3 Q. How many times?

4 A. I don't remember. I don't know for sure. I  
5 would be guessing.

6 Q. More than two?

7 A. Yeah, I would say more than two.

8 Q. More than five?

9 A. I don't think more than five.

10 Q. Okay. Who is your current cell phone provider?

11 A. AT&T.

12 Q. And how long have you been with AT&T?

13 A. Probably three -- probably three years, maybe  
14 four.

15 Q. And who was your provider before that?

16 A. Sprint.

17 Q. And how long were you with Sprint?

18 A. I'd be guessing.

19 Q. More than five years?

20 A. No. I don't think so.

21 Q. More than two years?

22 A. I think so.

23 Q. More than three years?

24 A. I'd be guessing. I really don't remember.

25 Q. Between two and five years?

1 A. I'd be guessing. If I answered that, I'd be  
2 guessing.

3 Q. You know, you said that you looked at that card  
4 in preparation for today's deposition?

5 A. Yes.

6 Q. I think that is your claim -- The notice that  
7 you got with the claim form on the back; right?

8 A. Yes.

9 Q. Do you remember your claim ID number?

10 A. No.

11 Q. Do you have the card with you today?

12 A. It's, I believe, in the office here somewhere.

13 Q. Okay. The original one that you received?

14 A. Correct.

15 MR. KAZEROUNIAN: Can we go off the record?

16 THE REPORTER: Is that okay?

17 MR. KRON: That's fine.

18 (A discussion is held off the record.)

19 MR. KAZEROUNIAN: Back on the record.

20 THE REPORTER: Back on the record.

21 MR. KAZEROUNIAN: So before we get to your claim  
22 number, let me just -- Let's make this Exhibit 1, please.

23 Q. Have you seen that document before, sir?

24 A. (Indicating.)

25 Yes.

1 Q. That was your Deposition Notice; correct?

2 A. Yes.

3 Q. And that's why you are here today?

4 A. Actually, I received your Subpoena before this.

5 Q. Right. I guess there is two reasons why you are  
6 here today. So I just want to put that in as Exhibit 1.  
7 There is nothing I really want to ask you about that.

8 But can we mark that for the court reporter.

9 (Deposition Exhibit 1 was marked for identification  
10 by the court reporter.)

11 BY MR. KAZEROUNIAN:

12 Q. I'm going to show you what we're going to mark  
13 as Exhibit 2.

14 Can you tell me what that is?

15 A. (Indicating.)

16 It appears to be a copy of the card, front and back  
17 of the card, that I received.

18 Q. Okay. Now, can you -- Is there a claim number  
19 on there?

20 A. (Indicating.)

21 It would --

22 Q. Probably called a Claim ID.

23 A. There is a number next to my name.

24 Q. Does it begin with 59?

25 A. Yes.

1 Q. Okay. So do you want to tell me, read that into  
2 the record?

3 A. 5988124-0.

4 Q. Okay. Have you made a claim based upon this  
5 notice?

6 A. Yes.

7 Q. You have made a claim?

8 A. Yes.

9 Q. When did you do that?

10 A. I don't know the exact date.

11 Q. Can you give me an approximation, please?

12 A. You know, I don't even remember when it was. I  
13 think maybe a couple weeks ago.

14 Q. Couple weeks ago?

15 A. I think so.

16 Q. So it was done in October?

17 A. I don't -- I'd be guessing if I told you exactly  
18 when it was.

19 Q. Was it more than a month ago?

20 A. I don't think so.

21 Q. Okay. And how did you make a claim?

22 A. My attorney filed a claim.

23 Q. Do you know how he did it, whether he did it  
24 over the internet or whether he made a phone call?

25 A. I don't.

1 Q. Were you told after it was done that the claim  
2 was being made or you just made the request, and it was  
3 presumed that it was done?

4 A. The latter. Correct.

5 Q. Okay. Just to clarify, you said, "The latter.  
6 Correct"?

7 A. I did.

8 Q. Why did you make the claim?

9 A. I thought the claim was insufficient. I thought  
10 it was -- I didn't understand why there were so few people  
11 that had filed the claim.

12 Q. I think you need to understand what a claim is.  
13 A claim is you are saying you want to be a part of the  
14 Class. I think what you are describing is perhaps an  
15 objection.

16 A. Correct. I wanted to be part of the Class.

17 Q. You want to be part of the Class?

18 A. Yeah.

19 Q. So you didn't want to object?

20 A. I did want to object.

21 Q. You did both, you made a claim and made an  
22 objection?

23 A. Yes.

24 Q. That's what you did?

25 A. That's a legal term. I don't know.

1 Q. Do you know the name of the underlying case in  
2 this matter?

3 MR. KRON: Objection. The record speaks for  
4 itself.

5 THE WITNESS: What do you mean by -- Repeat your  
6 question.

7 BY MR. KAZEROUNIAN:

8 Q. What's the name of this case?

9 A. The name of this case is on the card here. It  
10 says, Connor, et al. versus JPMorgan Chase, et al.

11 Q. Okay. So that's the name of it.

12 When did you first become aware of this lawsuit? Was  
13 it when you first got the claim, the claim form?

14 A. Correct.

15 Q. So you never heard of this case ever before?

16 A. Correct.

17 Q. When did you receive that card?

18 A. I don't recall.

19 Q. Approximately?

20 A. I don't remember.

21 Q. Okay. Now, to the best of your understanding,  
22 what is Connor versus Chase about, the lawsuit?

23 MR. KRON: Objection. Calls for a legal  
24 conclusion from a lay witness.

25 THE WITNESS: I understand that JPMorgan, Chase,

1 et al. violated some laws regarding phone -- phone calls,  
2 automated phone calls.

3 BY MR. KAZEROUNIAN:

4 Q. Violated some laws as it pertains to automated  
5 phone calls?

6 A. Yes.

7 Q. Okay. Do you know anything more than that?

8 A. Not really.

9 Q. Do you know the damages available to the Class  
10 if they pursue their own cases?

11 MR. KRON: Objection. Calls for a legal  
12 conclusion from a lay witness.

13 THE WITNESS: No.

14 BY MR. KAZEROUNIAN:

15 Q. You don't. Okay.

16 Can I look at the front sheet.

17 Do you know the first name of the plaintiff, Connor?

18 A. Do I know --

19 Q. Yes.

20 A. -- the first name?

21 Q. Yeah.

22 A. Yes, I think I do. It was on some of the other  
23 documents that you sent. Her name was Patricia.

24 Q. Correct. Okay.

25 Have you reviewed the Complaint in this case?

1 A. I have skimmed through it.

2 Q. So you have reviewed the Complaint?

3 A. As the best as I can. I'm not an attorney,  
4 so...

5 Q. I understand.

6 A. Sure.

7 Q. So you have reviewed the Complaint?

8 A. Yeah. Yes.

9 Q. Approximately how many pages is it?

10 A. I don't remember. I believe it's multiple  
11 pages.

12 Q. More than five?

13 A. I don't remember.

14 Q. You don't remember?

15 A. No, I don't remember.

16 Q. You don't remember if it was more than three  
17 pages?

18 A. I think I answered that.

19 Q. No, you haven't.

20 A. I don't remember.

21 Q. You said you didn't remember if it was more than  
22 five pages. I asked you a different question.

23 I said, "Was it more than three pages?"

24 A. I don't remember.

25 Q. Okay. When did you review the Complaint?



1 A. I think this weekend, Sunday.

2 Q. Sunday.

3 And you don't remember approximately how long it was?

4 A. No.

5 Q. Okay. Have you reviewed any of the -- any of  
6 the discovery in that case?

7 MR. KRON: Objection. Vague and ambiguous.  
8 What do you mean by "Discovery"?

9 BY MR. KAZEROUNIAN:

10 Q. Written discovery.

11 MR. KRON: Objection. Calls for a legal  
12 conclusion by a lay witness.

13 The written discovery is not available to Class  
14 Members to review, and he's not a party to this case, so  
15 he has not received any discovery.

16 BY MR. KAZEROUNIAN:

17 Q. It's a "Yes" or "No" question.

18 A. No.

19 Q. Okay. Have you reviewed any deposition  
20 transcripts as it relates to this case?

21 MR. KRON: Same objections.

22 THE WITNESS: No.

23 BY MR. KAZEROUNIAN:

24 Q. Okay. What about any of the confirmatory  
25 written discovery?

1 MR. KRON: Same objections again.

2 THE WITNESS: No.

3 BY MR. KAZEROUNIAN:

4 Q. What about the confirmatory deposition  
5 transcript?

6 MR. KRON: Same objections.

7 THE WITNESS: No.

8 BY MR. KAZEROUNIAN:

9 Q. Have you ever requested it from Class counsel  
10 any of the discovery?

11 A. No.

12 Q. What is your occupation?

13 A. Business owner.

14 Q. What kind of business do you own?

15 A. Construction.

16 Q. How many businesses do you own?

17 A. One.

18 Q. What is the name of your business?

19 A. West Coast Commercial Contractors, Inc.

20 Q. That's the one you set up in 2008?

21 A. Correct.

22 Q. Do you have any numbers that are related to West  
23 Coast apart from the cell phone that you gave me already?

24 MR. KRON: Objection. Vague and ambiguous as to  
25 the definition of numbers.

1 BY MR. KAZEROUNIAN:

2 Q. Telephone numbers.

3 A. For me personally?

4 Q. That's not what I asked.

5 I said what telephone numbers do you have that are  
6 associated with West Coast aside from the cell phone  
7 number that you already said is under that name?

8 A. I have probably eight phone numbers.

9 Q. Eight phone numbers?

10 A. Seven or eight.

11 Q. Any of them cellphones?

12 A. They are all -- No.

13 I have -- I think I have five cellphones and two  
14 landlines.

15 Q. Can you give me the two landlines first, please?

16 A. (949)495-7444.

17 Fax number, (949)495-7484.

18 Q. Do you know the five cells?

19 A. You know, I don't.

20 Q. If I leave a blank in the deposition transcript,  
21 can you fill them in, please?

22 A. If I get the transcript before I leave.

23 Q. I'll try to make sure of that.

24 Do you have them on your cell phone by any chance?

25 A. Don't know if I have them all.

1 You want the ones I do have?

2 Q. Please.

3 A. Okay. Cheryl's, my wife, is (949)283-2213.

4 Another one is where -- Did it go?

5 (Indicating.)

6 MR. KRON: You don't have to announce who the  
7 name is though.

8 THE WITNESS: Okay.

9 (909)208-3347.

10 (949)391-5850.

11 And then, of course, mine, (949)283-2214.

12 Q. Okay.

13 A. The other two I don't have in my phone.

14 Q. Okay. Well, I appreciate you getting those.

15 Now, so I'll leave a blank, with the help of the  
16 court reporter, in the deposition transcript for those two  
17 if you would fill them in when you get the transcript.  
18 Okay?

19 A. Okay.

20 (INFORMATION TO BE SUPPLIED: \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_.)

23 BY MR. KRON:

24 Q. Thank you.

25 How many residences do you own?

1 MR. KRON: Objection. Vague and ambiguous.  
2 Timeframe, are we talking about right this second?

3 BY MR. KAZEROUNIAN:

4 Q. Right now.

5 A. One.

6 Q. Sorry?

7 A. One.

8 Q. Now.

9 A. How --

10 Q. How many residences do you own now?

11 MS. STEPANYAN: He said, "One."

12 THE WITNESS: I said, "One."

13 BY MR. KAZEROUNIAN:

14 Q. Oh, one. I thought you said, "When."

15 A. I'm sorry.

16 Q. Who is the mortgage with, if you have one?

17 A. Wells Fargo.

18 Q. Have you ever had a mortgage with Chase?

19 A. I don't remember. I don't recall.

20 Q. Now, the one residence that you are talking to  
21 me about that you own at this time, is the 5 Marquesa,  
22 Dana Point address?

23 A. Correct.

24 Q. How long have you lived there?

25 A. Since 2001, April.

1 Q. Did you get a mortgage with Wells Fargo for that  
2 address in 2001?

3 A. Yes.

4 Q. Has that ever changed?

5 A. No.

6 Q. Where did you live before that?

7 A. In Laguna Niguel.

8 Q. Do you know the address?

9 A. 28112 Bedford, B-e-d-f-o-r-d, Drive, Laguna  
10 Niguel 92677.

11 Q. And who was the mortgage there with?

12 A. I don't remember.

13 Q. Do you know if it was Chase?

14 A. I don't remember.

15 Q. Since -- What period did you live at the Bedford  
16 Drive address?

17 A. 1984 to 2001.

18 Q. Between 1984 and the present day, have you ever  
19 fallen behind on your mortgage?

20 A. That's kind of vague.

21 Q. Not really.

22 MR. KRON: Which property?

23 MR. KAZEROUNIAN: Any property.

24 THE WITNESS: Yes.

25 BY MR. KAZEROUNIAN:

1 Q. Which one?

2 A. I think maybe both, but I'm not 100 percent  
3 sure.

4 Q. How long did you fall behind in the current  
5 address?

6 A. Current address?

7 The current address I fell behind several months.  
8 How many months, I'm not 100 percent sure, but it might  
9 have been three months.

10 Q. And during what period?

11 A. I'd be guessing.

12 Q. Approximately.

13 A. Probably three years ago, three or four years  
14 ago.

15 Q. So approximately three years ago on the current  
16 address, you fell behind for approximately three months?

17 A. That's my best estimate.

18 Q. Okay. That's fair enough. I don't expect you  
19 to have an exact memory of that.

20 And that was with Wells Fargo; correct?

21 A. Correct.

22 Q. What about the Bed- -- Was that -- Strike that.

23 Was that the only time you fell behind on the current  
24 address?

25 A. Yes.

1 Q. Okay. So going to the Bedford Drive address,  
2 when did you fall behind on that?

3 A. I have no clue on that one. I couldn't even  
4 venture to guess. I think I'm guessing when I tell you  
5 that I may have.

6 Q. You may not have?

7 A. I may not have. I just don't remember.

8 Q. Okay. So going to the three months period that  
9 you fell behind on your current address, did you get  
10 telephone calls from Wells Fargo on that?

11 A. I probably did, yes.

12 Q. Do you know if you received a notice, if you  
13 remember, of a class action called Malta versus Wells  
14 Fargo?

15 A. That doesn't sound familiar.

16 MR. KRON: What was the name of that?

17 MR. KAZEROUNIAN: Malta versus Wells Fargo.

18 MR. KRON: M-a-l-t-a?

19 MR. KAZEROUNIAN: Yeah.

20 Q. Did you make a claim as -- to be part of a class  
21 in Malta versus Wells Fargo?

22 A. I don't know. I don't recognize that name, so I  
23 would say probably not.

24 Q. Have you ever been part of -- Have you ever made  
25 a claim to be part of a class action before?



1 A. Not until this one.

2 Q. This is the first time ever?

3 A. Yes.

4 Q. So you've never been part of a TCPA class action  
5 as a class member before?

6 A. Prior to this?

7 Q. Yes.

8 A. Correct.

9 Q. Do you know what the TCPA stands for?

10 A. No.

11 MR. KRON: Are you sure you are not referring to  
12 Mount, M-o-u-n-t, versus Wells Fargo?

13 MR. KAZEROUNIAN: That is my case too, and I  
14 wasn't referring to Mount.

15 MR. KRON: Okay.

16 MR. KAZEROUNIAN: Yeah. That's a call recording  
17 case, not a TCPA case.

18 MR. KRON: Okay.

19 BY MR. KAZEROUNIAN:

20 Q. Do you own any commercial properties?

21 A. No.

22 Q. Does your company own any real estate?

23 A. No.

24 Q. Do you own any real estate, apart from the real  
25 estate that we've already talked about, at the current

1 time?

2 A. No.

3 Q. Apart from residential addresses, or -- Strike  
4 that.

5 Apart from residential properties, have you owned any  
6 other property apart from your homes that you have lived  
7 in?

8 A. Yes.

9 Q. Which one?

10 A. I own two.

11 Q. Currently?

12 A. No.

13 Q. Previously?

14 A. Correct.

15 Q. Can you tell me when you owned them?

16 A. Approximately 2005 to '08, '09 maybe.

17 Q. You owned both at the same time?

18 A. Correct.

19 Q. What were they?

20 A. One was a four-bedroom home, single-family home  
21 in Lake Forest.

22 And one was a two-bedroom condominium in Dana Point.

23 Q. Were they rental properties?

24 A. Correct.

25 Q. Who owned them?

1 A. I owned them.

2 Q. Personally?

3 A. Well, my wife and I owned them.

4 Q. Okay. So individually the both of you owned  
5 them?

6 A. Correct.

7 Q. So let's go with the Lake Forest one first.  
8 What was the address?

9 A. I don't remember.

10 Q. Do you remember the Dana Point address?

11 A. Yes. That one, 16H Corniche.

12 Q. Can you spell that, please?

13 A. C-o-r-n-i-c-h-e, Corniche, I don't know whether  
14 it was Drive or whatever, and that's Dana Point 92629.

15 I can give you the street address. I just don't know  
16 the name -- I can give you the name of the street of the  
17 other property, but I don't know the number.

18 Q. No problem. Yeah.

19 A. Shawnee, S-h-a-w-n-e-e, Drive, and that's in  
20 Lake Forest.

21 Q. Okay. Did you have mortgages on these homes?

22 A. Yes.

23 Q. Okay. Who was the mortgage with Lake Forest  
24 with?

25 A. Bank of America primarily.

1 Q. And who was -- Did you have a second?

2 A. There was a second, and I don't -- I don't  
3 remember -- I don't remember -- recall. It was like  
4 initials, and I don't recall.

5 Q. EMC, something like that?

6 A. It wasn't EMC. That was on Corniche.

7 Q. But it wasn't Chase though; right?

8 A. I -- No, I don't believe it was Chase.

9 Q. Okay. What about --

10 A. Back in those days, one lender would sell to  
11 another lender and then sell to another lender, and they  
12 kept changing.

13 So I think at one point I had GreenPoint Mortgage and  
14 from there, whatever one.

15 Q. You are not aware of Chase buying any of these  
16 notes as far as you're aware?

17 A. I don't recall Chase, no.

18 Q. What about Dana Point?

19 A. Same with Dana Point. It was Bank of America,  
20 and I think it was GreenPoint.

21 GreenPoint sold it, and I know EMC took it over, but  
22 I don't know if there was somebody in between.

23 Q. Okay. And so that we're adamantly clear, to the  
24 best of your knowledge as you sit here today, of all the  
25 properties that we discussed, you're not aware that Chase

1 ever owned any of these mortgages at any point?

2 A. I can't recall.

3 Q. Okay.

4 A. Honestly, I really can't recall.

5 As I said, they changed several times.

6 Q. Okay. So you don't know?

7 A. Correct.

8 No. I said I don't recall. I said I don't recall.

9 MR. KAZEROUNIAN: Can you mark that as  
10 Exhibit 2, by the way, before we forget.

11 (Deposition Exhibit 2 was marked for identification  
12 by the court reporter.)

13 MR. KAZEROUNIAN: Can we take a five-minute  
14 break? Is that possible.

15 MR. KRON: Sure.

16 (A discussion is held off the record.)

17 MR. KAZEROUNIAN: Back on the record.

18 Q. So did you ever receive calls from Chase?

19 A. You know, I received a lot of calls from a lot  
20 of different people. I don't remember. Back in those  
21 days, I was falling behind on mortgage, and so -- other  
22 bills, so I was getting a lot of calls from a lot of  
23 people.

24 Q. Did you ever fall behind on the Dana Point  
25 address?

1 A. I thought I answered that.

2 Q. No. We haven't been through that.

3 A. Then it's vague and ambiguous because which Dana  
4 Point address?

5 Q. Oh, the rental property.

6 A. I think I did, yes.

7 Q. When?

8 A. About that same time period.

9 Q. The three years ago, approximately?

10 MR. KRON: Longer.

11 THE WITNESS: Yeah. No, it was longer before  
12 then.

13 More like around 2008 to 2010, somewhere around  
14 there.

15 BY MR. KAZEROUNIAN:

16 Q. And how long did you fall behind on that?

17 A. I don't recall.

18 The property went into short sale.

19 Q. What about your Lake Forest rental property?

20 A. Same.

21 Q. That was a short sale too?

22 A. Yes.

23 Q. Were they both successful short sales?

24 A. Yes.

25 Successful for who?

1 Q. I mean as a transaction.

2 A. Yes.

3 Q. Because not all short sales come to fruition.

4 A. True. That's true.

5 Q. So in the same time period, between 2000 and  
6 2010, did you ever receive calls from Chase?

7 A. As I stated, I don't recall. I got a lot of  
8 phone calls from a lot of people.

9 Q. In your applications to buy your rental  
10 properties, did you put your cell phone number down?

11 A. If it was on the form, I probably did.

12 Q. That's not what I'm asking you.

13 A. If it was on the form, I did.

14 Q. Well, do you remember doing it?

15 A. I have no clear recollection of doing it, no.

16 Q. Do you remember ever giving the banks your  
17 telephone number?

18 A. Yes.

19 Q. Okay. So let's go with your current property,  
20 the one on Marquesa, I think.

21 When you got your loan with your current provider,  
22 loan mortgage provider, did you give your telephone number  
23 to them?

24 A. If it was on the form, I filled it out.

25 Q. I'm asking from your memory.

1 A. I don't recall.

2 Q. You don't recall.

3 But if it was on the form, you gave it to them?

4 A. Correct.

5 Q. And does that apply to the Lake Forest rental  
6 property?

7 A. I would say yes.

8 Q. Does that apply to the Dana Point rental  
9 property?

10 A. I would say yes.

11 Q. Does that apply to the Bedford Drive address?

12 A. I would say yes.

13 Q. If you put your cell phone down rather than your  
14 home line, would your answer still be the same?

15 A. Yes.

16 Q. So that we have a clean record, you have no  
17 recollection of specifically Chase calling you; correct?

18 A. That's correct.

19 Q. So if they did call you -- and that's an if --  
20 you don't know how many times they called you; correct?

21 A. Correct.

22 Q. And you don't know whether they called you on  
23 your landline or your cell phone; is that correct?

24 A. That's correct.

25 Q. When in 2008 did you set up your West Coast



1 company?

2 A. I think it was incorporated July of 2008.

3 Q. Did you get calls after July of 2008 from banks  
4 regarding your mortgages?

5 A. I would be -- I would be saying -- Yes, I'm sure  
6 I did.

7 Q. Okay. So if they did call you on that cell  
8 phone after June of 2008, they would have been calling a  
9 cell phone number related to your company; correct?

10 A. No.

11 Q. When did your phone get registered on your West  
12 Coast address?

13 A. Probably not until -- It's -- It's a little  
14 convoluted because of some issues with a prior company,  
15 but that cell phone number has always been my -- my  
16 number. It's been -- I made it a business number, and so  
17 that the business paid for it, but it's always been my --  
18 my name on that cell phone number.

19 Q. So was it a business number before you  
20 transferred it to West Coast?

21 A. No. It's always been my personal number under a  
22 business account.

23 Q. Okay. So was it under a business account before  
24 you transferred it to West Coast?

25 A. I think I said that, yes.

1 Q. Okay. What business was that?

2 A. Kron Interiors.

3 Q. And how long was it under that business account,  
4 under Kron Interiors?

5 A. I'd be guessing. Probably five years.

6 Prior to that, it was under Kron Interior Systems.

7 Q. Okay. Was there any time there was a lapse  
8 between business accounts where it was just your  
9 individual phone number, not associated with a business  
10 account between Kron Interior Systems and the present day?

11 A. I always considered it my personal account,  
12 phone number.

13 Q. Well, I'm not asking what you considered it. I  
14 want to know if it was under a business account or not.

15 A. It was always under a business account.

16 Q. Okay. Have you ever made a claim against Chase  
17 for telephone calls to you?

18 A. No.

19 Q. Have you ever considered it?

20 A. No.

21 Q. Before you received the postcard, did you ever  
22 feel that you had been harmed by Chase in any way as it  
23 relates to automatic calls?

24 MR. KRON: Objection. Calls for a legal  
25 conclusion by a lay witness.

1 THE WITNESS: Are you referring to Exhibit 2?

2 BY MR. KAZEROUNIAN:

3 Q. No. I'm just asking before you received that  
4 card, did you ever feel harmed by Chase in any way as it  
5 relates to automated telephone calls?

6 MR. KRON: Objection. Lacks foundation.  
7 Objection. Calls for a legal conclusion by a lay witness.

8 THE WITNESS: What card?

9 BY MR. KAZEROUNIAN:

10 Q. Exhibit 2.

11 A. Thank you.

12 I did not.

13 Q. What about, same question as it relates to  
14 prerecorded voices.

15 MR. KRON: Objection. Calls for a legal  
16 conclusion by a lay witness; and objection, lacks  
17 foundation.

18 THE WITNESS: Same answer.

19 BY MR. KAZEROUNIAN:

20 Q. So yes -- So no; right? "No" was the previous  
21 answer?

22 A. I did not --

23 Q. Okay.

24 A. -- I think was the previous answer.

25 Q. Have you ever sued Chase at all ever, for

1 anything?

2 A. No.

3 Q. Have you ever considered suing Chase for  
4 anything?

5 MR. KRON: Objection. Incomplete hypothetical.  
6 Calls for speculation.

7 Answer if you can.

8 THE WITNESS: I am not in the business of suing  
9 people, no.

10 BY MR. KAZEROUNIAN:

11 Q. Okay. With the exception of the other two  
12 lawsuits that you mentioned where you were a plaintiff,  
13 have you ever sued anybody else?

14 A. Yes.

15 Q. Who have you sued?

16 A. I sued Wells Fargo.

17 I sued -- And this is all under the same lawsuit --  
18 wells Fargo, Manny Alvarez Castillo, Arrow Liquor, Elias  
19 Beltran, Eddie Ortega, Sergio Gonzalez.

20 Q. This is all one lawsuit?

21 A. One lawsuit.

22 Q. Where was that filed?

23 A. Here in Orange County Superior Court.

24 Q. When?

25 A. 2008.

1 Q. For what?

2 A. I'm sorry?

3 Q. For what?

4 A. For a laymen's term, theft.

5 In the case of Manny Alvarez, I sued -- and the other  
6 individuals -- I sued for theft, breach of contract of  
7 various -- various things.

8 Q. Who was your attorney?

9 A. Scott. Scott Kron.

10 Q. The gentleman sitting to your left?

11 A. Correct.

12 Q. Did this case go to trial or settle?

13 A. Yes and no.

14 Q. Okay. So what was the resolution of this case?

15 A. It was settled.

16 Q. In its entirety?

17 A. Yes.

18 Q. Was it a confidential settlement?

19 A. Yes.

20 Q. Did they -- Did they counter sue you?

21 MR. KRON: Objection. Overbroad. Vague and  
22 ambiguous as to "They."

23 BY MR. KAZEROUNIAN:

24 Q. Did any of the defendants file a counterclaim  
25 against you?

1 A. Yes.

2 Q. Which ones?

3 A. I think Manny Alvarez.

4 Q. For what?

5 A. I'm not sure what -- what -- what their cause of  
6 action was. I don't remember specifically what it was.

7 Q. When did the case settle?

8 A. Probably two years later, 2010. 20- -- maybe  
9 '09, '010. Probably 2010.

10 Q. So apart from -- They never took your deposition  
11 in that case; correct?

12 A. I don't think so.

13 Q. Okay. So apart from the three lawsuits that we  
14 talked about, have you ever sued anybody else?

15 A. Well, I did take a renter to small claims if  
16 that counts.

17 Q. Of course that counts.

18 A. Some guy that wasn't paying me rent, so he moved  
19 out, and I took him to small claims.

20 Q. What was the name of that case?

21 A. I don't remember his name.

22 Q. Okay.

23 A. But it was me versus him, I guess.

24 Q. You just don't remember his name?

25 A. I don't remember his name.

1 Q. What year was that?

2 A. About 2010, I think.

3 Q. Did you win?

4 A. He never showed, so yes, by default. I think I  
5 would have won anyways, but he didn't show.

6 Q. On which property?

7 A. Shawnee, the Lake Forest property.

8 Q. Okay. So apart from the four lawsuits that we  
9 talked about right now, are there any other lawsuits where  
10 you were a plaintiff or the case started with you being a  
11 plaintiff?

12 A. I don't recall anymore.

13 Q. Okay. So when you received Exhibit 2, how did  
14 you -- Did you receive Exhibit 2?

15 A. Yes.

16 Q. How did you receive it?

17 A. In the mail, USPS.

18 Q. And you believe you submitted a claim; correct?

19 A. I'm sorry?

20 Q. You testified earlier that you believe you  
21 submitted a claim; is that correct?

22 A. I know we -- I discussed it with my attorney.

23 Q. Okay. But did you submit a claim?

24 A. That's my best answer for you on that one. We  
25 discussed it, and I think -- I think we did. I don't

1 know.

2 Q. You don't know?

3 A. I don't know. That's what I said.

4 Q. Okay. Do you know what a claim is?

5 A. No, not really.

6 Q. Was it ever explained to you what a claim is?

7 A. In this case?

8 Q. Yeah.

9 A. Talking about in this case?

10 Q. In this case.

11 A. We discussed it, yes.

12 Q. So what is it?

13 A. I don't know. I don't know the definition of  
14 the claim in this case.

15 Q. That is what I'm asking.

16 Was the definition of a claim ever explained to you?

17 A. The definition of a claim, no.

18 Q. Okay. So you don't know as you sit here today  
19 what a claim is?

20 A. Correct.

21 Q. Okay. How long after receiving a card did you  
22 take it to your attorney?

23 A. Probably within a week, few days maybe.

24 Q. Did you take it to him?

25 A. I emailed it to him.



1 Q. You emailed it to him?

2 A. (Witness nods head.)

3 MR. KAZEROUNIAN: I'd like to attach this as  
4 Exhibit 3.

5 (Deposition Exhibit 3 was marked for identification  
6 by the court reporter.)

7 THE WITNESS: (Indicating.)

8 BY MR. KAZEROUNIAN:

9 Q. Do you know what Exhibit 3 is?

10 A. This is objections to proposed class action  
11 settlement.

12 Q. Okay. And have you read this document before?

13 A. I have looked over it, yes, and signed it.

14 Q. So you agree with everything that's in this  
15 objection?

16 A. Correct.

17 Q. Can you repeat that?

18 A. I said, that's correct.

19 Q. Okay. So before you read this document and  
20 signed off on it, what other document did you review in  
21 order to come to these conclusions?

22 MR. KRON: Objection. Calls for a legal  
23 conclusion by a lay witness.

24 THE WITNESS: I believe we looked through just  
25 the card, Exhibit 2.

1 BY MR. KAZEROUNIAN:

2 Q. Okay. Nothing else?

3 A. Not really, no.

4 Q. Okay. Do you know your duties as an objector to  
5 a Class?

6 MR. KRON: Okay. Calls for a legal conclusion  
7 by a lay witness.

8 THE WITNESS: My duties, I don't understand the  
9 question.

10 BY MR. KAZEROUNIAN:

11 Q. Do you understand that you have certain duties  
12 to a Class if you appear as an objector?

13 A. I don't understand what you mean by that.

14 Q. Well, if you are going to be a Class  
15 representative and represent absent Class Members, you  
16 have certain duties by law.

17 A. Okay. Well, that would probably fall under my  
18 attorney's responsibilities.

19 Q. Well, that is a matter of opinion, and I  
20 disagree with you.

21 I'm asking you: Do you know what those duties are?

22 MR. KRON: Objection. Calls for a legal  
23 conclusion by a lay witness.

24 THE WITNESS: Not right here, right now, no.

25 BY MR. KAZEROUNIAN:

1 Q. Were these duties ever explained to you by your  
2 attorney?

3 MR. KRON: Objection. Calls for attorney-client  
4 communication.

5 I instruct the witness not to testify.

6 BY MR. KAZEROUNIAN:

7 Q. I'm not asking you to tell me any content of  
8 communications. I'm asking you: Have you ever been  
9 advised of your duties as an objector?

10 MR. KRON: Objection to the extent the response  
11 calls you to reveal attorney-client communication, I  
12 instruct the witness not to answer.

13 MR. KAZEROUNIAN: It's a "Yes" or "No" question.  
14 I'm not asking for the contents of the communication.

15 MR. KRON: Whether or not it was even discussed  
16 is a communication expressed between an attorney and a  
17 client.

18 MR. KAZEROUNIAN: I completely disagree. I want  
19 to call Judge Skomal on this. Can we get his number,  
20 Judge Skomal, the magistrate.

21 Let's go off the record until we get him on the  
22 phone.

23 MR. KRON: Can you read the question back.

24 (The record is read by the reporter.)

25 MR. KRON: Any communication between an attorney

1 and a client is absolutely privileged. There is no  
2 dispute there.

3 MR. KAZEROUNIAN: No.

4 MR. KRON: Even the subject of the communication  
5 is privileged.

6 MR. KAZEROUNIAN: That's not true.

7 MR. KRON: Well, then get the judge on the  
8 phone. Let him answer then.

9 MR. KAZEROUNIAN: For example, your fee  
10 agreement is not -- in a class action is not privileged.  
11 I can ask your fee agreement, and I will. I have case law  
12 to prove it.

13 MR. KRON: Go for it.

14 THE REPORTER: Are we still on the record?

15 MR. KAZEROUNIAN: Let's go off the record for  
16 now.

17 THE REPORTER: Counsel, do you agree to go off  
18 the record?

19 MR. KRON: Sure.

20 (A discussion is held off the record.)

21 (A recess is taken.)

22 MR. KAZEROUNIAN: Back on the record.

23 Q. Just to be clear, Mr. Kron, as you sit here  
24 today, you do not know what you -- what duties you may  
25 have to the Class, to the Class Members as an objector; is

1 that correct?

2 A. Specifically, no, I don't.

3 Q. Well, do you know generally?

4 A. No, not really.

5 Q. Okay. Well, not really or you don't?

6 A. Well, I don't even know how many there are.

7 Q. That's not -- That's completely irrelevant to my  
8 question.

9 A. You asked me if I knew what my -- what my  
10 obligation is; right?

11 Q. Right.

12 A. Well, is there one or is there multiple?

13 Q. There is millions.

14 A. Okay. So you are asking me if I know them. No,  
15 I don't.

16 Q. I didn't ask you any of them.

17 I asked, do you know what your duties are to them, if  
18 there are any?

19 A. No.

20 Q. Thank you.

21 And when I asked you earlier whether you were ever  
22 advised of any such duties, your attorney objected on  
23 attorney-client privilege and instructed you not to  
24 answer.

25 Are you following counsel's advice?

1 A. Yes.

2 Q. Do you know whether -- Do you know whether or  
3 not you have any fiduciary duties to the Class Members as  
4 an objector?

5 MR. KRON: Objection. Calls for a legal  
6 conclusion by a lay witness.

7 THE WITNESS: If you mean fiduciary duties as  
8 meaning that there is a time -- there are times -- there  
9 is a timeline as to when you file a claim or an objection,  
10 is that what you mean?

11 BY MR. KAZEROUNIAN:

12 Q. No, I don't mean that.

13 A. Okay.

14 Q. Sorry. Please finish.

15 A. Then I need an explanation as to what fiduciary  
16 duties you are referring to, what you mean by that.

17 Q. Well, you don't even know if you have any  
18 duties; correct?

19 MR. KRON: Objection. Calls for a legal  
20 conclusion by a lay witness.

21 THE WITNESS: I don't know how I can answer that  
22 if you don't explain what fiduciary duties I have.

23 BY MR. KAZEROUNIAN:

24 Q. No. I'm asking you if you are aware of any  
25 duties that you may have to the absent Class Members, and

1 you answered no; is that correct?

2 MR. KRON: Objection. Calls for a legal  
3 conclusion by a lay witness.

4 THE WITNESS: I didn't answer no.

5 If I -- I need an explanation of what is a fiduciary  
6 duty.

7 BY MR. KAZEROUNIAN:

8 Q. No. I'm going one step back.

9 First of all, I asked you: Are you aware of any  
10 duties that you may have to the absent Class Members, and  
11 you answered "No"; is that accurate?

12 A. I'm unaware of any, yes.

13 Q. Okay. Are you aware of any fiduciary duties to  
14 the absent Class Members?

15 MR. KRON: Objection. Calls for a legal  
16 conclusion by a lay witness.

17 THE WITNESS: At this time, no.

18 BY MR. KAZEROUNIAN:

19 Q. Have you ever been sued for a fiduciary --  
20 breach of a fiduciary before?

21 A. No.

22 Q. Never?

23 MR. KRON: Objection. Calls for a legal  
24 conclusion by a lay witness.

25 THE WITNESS: Not to my knowledge.

1 BY MR. KAZEROUNIAN:

2 Q. You do know you are under penalty of perjury?

3 A. I'm sorry. You are right.

4 My corporation was, yes, and I was included, yes.

5 Q. Individually; correct?

6 A. Yes.

7 Q. Okay. Do you want to expand on that? Tell me  
8 what lawsuit that was.

9 A. That was Southwest Carpenters Trust.

10 Q. I think there were actually two lawsuits,  
11 weren't there?

12 A. I think the same people.

13 Q. But there were two different lawsuits; correct?

14 A. Correct.

15 Q. And is the first one Carpenters Southwest  
16 Administrative Corp. versus Kron Interiors, Inc.; is that  
17 correct?

18 A. That's correct.

19 Q. Was that in the Central District of California  
20 in federal court?

21 A. Yes. If you say so. I don't know exactly  
22 where, but here -- I believe it was here.

23 Q. And the second lawsuit was Carpenters Southwest  
24 Administrative Corp. versus West Coast Commercial  
25 Contractors; correct?



1 A. Yes.

2 Q. That was also in the Central District of  
3 California in federal court?

4 A. That's correct.

5 Q. In federal court; correct?

6 A. Correct.

7 Q. How did those two cases end, if they ended?

8 A. Settlement.

9 Q. Were they confidential?

10 A. Yes.

11 Q. And who was your counsel?

12 A. Scott Kron actually in the first lawsuit. I had  
13 a couple of counsels.

14 Q. Who else?

15 A. Steve -- and I don't remember his -- I don't  
16 remember his name actually because he was involved for a  
17 short period of time.

18 Q. Okay. Apart from Steve and your son, anybody  
19 else?

20 A. No. None that I can think of.

21 Q. Have you ever been convicted of a crime?

22 A. Yes.

23 I'm sorry.

24 MR. KRON: That's okay.

25 Objection. Relevance.

1 BY MR. KAZEROUNIAN:

2 Q. What crime was that?

3 MR. KRON: Do we really have to get into this?

4 MR. KAZEROUNIAN: Absolutely.

5 MR. KRON: Is it necessary? This is absolutely  
6 irrelevant. It's -- It's harassing the witness.

7 MR. KAZEROUNIAN: He's an objector in a class  
8 action.

9 MR. KRON: Again, what does this have to do with  
10 objecting to a proposed class action settlement, whether  
11 the objector has been convicted of a criminal offense or  
12 not?

13 MR. KAZEROUNIAN: It is wholeheartedly relevant  
14 because if he's going to be representing --

15 MR. KRON: Let's save that for the judge at the  
16 end of this then.

17 MR. KAZEROUNIAN: You are asking him to not  
18 answer the question?

19 MR. KRON: I'm objecting to that as being  
20 completely irrelevant. There is no likelihood of any  
21 discoverable evidence from that whatsoever.

22 MR. KAZEROUNIAN: Well, him being an objector  
23 and representing Class Members is wholeheartedly his --  
24 Are you instructing him not to answer the question?

25 MR. KRON: I am not instructing.

1 MR. KAZEROUNIAN: Are you -- You are not. So  
2 put out your objections, and then he has to answer the  
3 question. Relevance is not even an objection in a  
4 deposition.

5 MR. KRON: I know that, sir, but you are  
6 going --

7 (Simultaneous speaking.)

8 THE REPORTER: You are talking at the same time.

9 MR. KRON: You are going off topic.

10 MR. KAZEROUNIAN: No, I'm not. No, I'm not.

11 MR. KRON: Go ahead and answer.

12 THE WITNESS: I won't answer that.

13 BY MR. KAZEROUNIAN:

14 Q. You refuse to answer that question?

15 A. I refuse to answer that.

16 Q. On what grounds?

17 A. It's irrelevant.

18 Q. He's not instructed you to not answer the  
19 question.

20 A. I'm not answering it. And I won't answer any  
21 questions in that line of questioning.

22 Q. Well, as an objector, I feel differently. We'll  
23 talk to the judge.

24 MR. KRON: Take it up with the judge.

25 THE WITNESS: That's fine.

1 BY MR. KAZEROUNIAN:

2 Q. Do you understand that there is potentially a  
3 conflict of interest in a class action realm when you are  
4 represented by family?

5 MR. KRON: Objection. Calls for a legal  
6 conclusion by a lay witness.

7 THE WITNESS: No.

8 BY MR. KAZEROUNIAN:

9 Q. You don't know that?

10 MR. KRON: Counsel, you are welcome to bring a  
11 motion to disqualify me as counsel if you think there is a  
12 conflict of interest.

13 MR. KAZEROUNIAN: That's not what I'm asking.

14 MR. KRON: You asked him if he knows if there is  
15 a conflict of interest.

16 MR. KAZEROUNIAN: Are you going to obstruct my  
17 entire deposition?

18 MR. KRON: No.

19 MR. KAZEROUNIAN: It's my deposition --

20 THE REPORTER: You are talking at the same time.

21 MR. KAZEROUNIAN: If you are instructing not to  
22 answer, say so. If you want to make an objection --

23 MR. KRON: You --

24 MR. KAZEROUNIAN: If you want to make an  
25 objection, make it.

1 MR. KRON: Let the record reflect that the  
2 deposition officer is raising his voice and yelling and  
3 pointing at the deponent and yelling at me.

4 MR. KAZEROUNIAN: I wasn't. I was pointing at  
5 you because you raised your voice at me first.

6 Let the record be clear, sir. Now you are not going  
7 obstruct this deposition anymore.

8 MR. KRON: I object to your characterization of  
9 obstruct this deposition.

10 MR. KAZEROUNIAN: I have allowed you to have  
11 some talking objections. I'm not going to allow it  
12 anymore.

13 MR. KRON: Talkings objections?

14 MR. KAZEROUNIAN: Are you are allowed to say is  
15 the legal relevance of your objection.

16 MR. KRON: Tell us on the record what speaking  
17 objection did I make?

18 MR. KAZEROUNIAN: I'm not going to go back. The  
19 record speaks for itself.

20 MR. KRON: Thank you. Thank you.

21 MR. KAZEROUNIAN: You're gesturing. Stop your  
22 gesturing.

23 MR. KRON: Gesturing to what?

24 MR. KAZEROUNIAN: When I'm asking a question,  
25 you are nodding or shaking your head, "No, no, no, no,

1 no."

2 MR. KRON: You are being ridiculous. Stop.

3 Stop. Stop. Stop.

4 MR. KAZEROUNIAN: You are being disingenuous.

5 MR. KRON: No.

6 MR. KAZEROUNIAN: Yes, you are.

7 Q. Sir, I'm going to get back on the record and ask  
8 you questions and demand you answer them. If you refuse  
9 them, we will go to the judge and --

10 MR. KRON: Quit threatening with the judge. Get  
11 the judge on the phone.

12 MR. KAZEROUNIAN: You are creating so many  
13 issues.

14 MR. KRON: No, I'm not.

15 MR. KAZEROUNIAN: Judge Skomal's time is more  
16 important than --

17 MR. KRON: Quit threatening us with the  
18 deposition.

19 THE WITNESS: This deposition is over. Okay.  
20 I'm not going to sit here and listen to you yelling at my  
21 counsel. Okay. Get the judge on the line right now. If  
22 you can't get him on the line, get out.

23 MS. STEPANYAN: Can we have a five-minute break?

24 THE WITNESS: If you can't get him on the line,  
25 get out.

1 MR. KRON: We'll stay on the record.

2 MS. STEPANYAN: Are you refusing a five-minute  
3 break?

4 MR. KRON: You guys can take a break.

5 THE REPORTER: Are we off the record?

6 MR. KRON: No.

7 MR. KAZEROUNIAN: You want to keep it on the  
8 record while we take a break?

9 THE WITNESS: That's right.

10 MR. KAZEROUNIAN: I'm not talking to you.

11 THE WITNESS: I'm answering you.

12 MR. KAZEROUNIAN: Stay on the record.

13 Just for the record, you're raising your voice, sir.  
14 I ask you to stop abusing me.

15 THE REPORTER: If they talk in the room, I will  
16 report anything that is said in the room.

17 MR. KAZEROUNIAN: Excuse me?

18 THE REPORTER: If they talk in the room, I need  
19 to report anything that is said.

20 MR. KAZEROUNIAN: Yes, you do.

21 (Counsel for the plaintiffs and counsel for JPMorgan  
22 leave and re-enter the deposition room.)

23 MR. KAZEROUNIAN: We are going to try to call  
24 Judge Skomal in his chambers.

25 This is Abbas Kazerounian. I'm in a deposition with

1 Scott Kron, who represents an objector in a case called  
2 Connor versus Chase.

3 And we're having a discovery dispute in a deposition.  
4 I was wondering if Judge Skomal is available to sort out  
5 the dispute.

6 THE CLERK: I'm not sure the judge is available  
7 right now. He just stepped out.

8 If you can give me a brief idea of what the dispute  
9 is, I will see if I can catch the judge.

10 MR. KAZEROUNIAN: Absolutely.

11 THE CLERK: This is the Connor matter.

12 MR. KAZEROUNIAN: Connor versus JPMorgan. It's  
13 a case that Judge Skomal --

14 THE CLERK: What is the case number?

15 MR. KAZEROUNIAN: Case number is 1284 10 CV.  
16 1284.

17 THE CLERK: And who is opposing who right now?

18 MR. KAZEROUNIAN: Okay. Mr. Kron -- Kron is an  
19 objector to the Class settlement that Judge Skomal  
20 settled.

21 THE CLERK: This is an objector discovery.

22 MR. KAZEROUNIAN: Yes.

23 THE CLERK: Were we aware of these depositions  
24 were being taken?

25 MR. KAZEROUNIAN: No. Judge Skomal was not.



1 THE CLERK: Okay. So Judge Skomal wasn't aware  
2 these depositions were being taken, and this is about an  
3 objection to a settlement that's before the district  
4 judge?

5 MR. KAZEROUNIAN: Yes.

6 THE CLERK: Okay. Hold on.

7 MR. KAZEROUNIAN: Thank you.

8 THE CLERK: I am trying to pull up the case.

9 12 -- I'm sorry -- 10 CV. Sorry.

10 MR. KAZEROUNIAN: Yes.

11 THE CLERK: 10 CV 1284. Connor.

12 And so there was a motion for continuance and  
13 objection to proposed settlement.

14 One issue is this is a federal, and discovery is  
15 over -- this isn't within the discovery realm, so I'm not  
16 sure Judge Skomal is going to be inclined to necessarily  
17 resolve this dispute anyway.

18 But who is deposing who specifically?

19 MR. KAZEROUNIAN: Class counsel is deposing the  
20 objector, Mr. Kron.

21 THE CLERK: Okay. And where is this deposition  
22 happening?

23 MR. KAZEROUNIAN: It's happening in Laguna Hills  
24 at his counsel's office.

25 THE CLERK: Laguna Hills is technically within

1 the Central District of California anyway. I'm not sure  
2 he was subpoenaed for his deposition out of the Central  
3 District. That is another issue about the discovery  
4 dispute, but continue on.

5 MR. KAZEROUNIAN: Okay. So because he's an  
6 objector trying to represent absent Class Members, I asked  
7 the question whether he has a criminal record.

8 He responded, "Yes."

9 And I asked him what the nature of that crime was,  
10 and he refuses -- Even though his counsel did not advise  
11 him not to answer, he refuses to answer that question and  
12 any more questions.

13 So he said unless the judge instructs him to answer  
14 more questions or specifically that question, the --

15 THE CLERK: He doesn't want to continue being  
16 deposed regardless unless the judge says you must because  
17 you asked him about his criminal background?

18 MR. KAZEROUNIAN: Is that not the case anymore?

19 MR. KRON: If you are going to keep your voice  
20 down, and you are not going to point at the witness, we  
21 are will continue the deposition as long as you stay on  
22 things that are even arguably relevant to this case.

23 You're getting into -- And so the record is clear,  
24 this is Scott Kron, K-r-o-n. I'm legal counsel for the  
25 objector, Stephen Kron -- and asking the objector's

1 criminal background -- which is a matter of public record.  
2 You can look at it yourself -- but it's not relevant to  
3 his objections to the proposed class action settlement,  
4 and it doesn't go to his ability to act as a  
5 representative of Class Members objecting to the  
6 settlement.

7 But that's not the only issue here too. The  
8 deposition officer is asking the deponent about conflicts  
9 of interest being represented by his son. I apologize for  
10 the familial relationship, but my client happens to be my  
11 father, and the deposition officer is asking questions of  
12 the deponent as to whether a conflict of interest arises  
13 because he's represented by his son.

14 And then also we're dealing with questions regarding  
15 communications between -- between the deponent and his  
16 counsel.

17 MR. KAZEROUNIAN: Okay. So the -- the issue I  
18 asked him if he was aware that there may be a conflict of  
19 interest.

20 He said, "No."

21 And there was no discovery dispute, so I don't know  
22 what Mr. Kron is referring to.

23 The third issue he said he advised his client not to  
24 answer the question, and I have not raised that before the  
25 Court. So again, I'm not sure what he's referring to.

1           The only dispute that is before the -- Well, I asked  
2           for it to be before the Court -- is the fact that I  
3           believe that if someone is going to be -- going in to  
4           represent Class Members, that his criminal record is  
5           relevant, and we should be able to know about that. So  
6           that is the only dispute in question as far as I'm  
7           concerned.

8           THE CLERK: As an objector, what is the reason  
9           for believing the criminal record is relevant?

10          MR. KAZEROUNIAN: If he's going to be an  
11          objector and going to be representing absent Class Members  
12          as an objector and making representations to the Court and  
13          representing these Class Members, criminal record is  
14          always -- has always been relevant because we want to know  
15          who we're dealing with and their credibility. If they  
16          have a crime for moral turpitude, I think that should be  
17          counted by the district court judge.

18          THE CLERK: Hold on. Let me try to grab the  
19          judge.

20          MR. KAZEROUNIAN: Thank you.

21          Why don't we go off the record now.

22          THE REPORTER: Do you agree?

23          MR. KRON: No. Stay on the record.

24          MR. KAZEROUNIAN: Stay on the record.

25          MR. KRON: Yes.

1 (counsel and witness confer.)

2 THE CLERK: (Inaudible.)

3 THE REPORTER: I can't hear.

4 MR. KAZEROUNIAN: I'm sorry. Can you repeat  
5 that?

6 THE CLERK: Is the purpose of this deposition to  
7 present, you know, at a final hearing whether or not, I  
8 guess, plaintiff believes this is a fair  
9 objection (inaudible).

10 THE REPORTER: I can't understand.

11 MR. KAZEROUNIAN: Madam Reporter, the question  
12 is, is it for the purposes of us presenting -- making a  
13 presentation at the final approval hearing saying that  
14 it's not a valid objection.

15 The answer from class action counsel is yes, it is,  
16 and that is the reason.

17 THE CLERK: What is the basis of the objection?

18 MR. KAZEROUNIAN: The basis of the objection --  
19 I'll let Mr. Kron give the basis for his objection.

20 MR. KRON: It's irrelevant, the questioning of  
21 the deponent's criminal background.

22 THE CLERK: (Inaudible.)

23 THE REPORTER: I can't hear on the phone.

24 MR. KRON: There were two objectors in Document  
25 125. There were two objectors, Stephen Kron and Cheryl

1 Kron.

2 Cheryl Kron withdrew her objection because she was  
3 harassed and intimidated by the Class counsel serving  
4 Subpoenas, admittedly unnecessarily in the matter.  
5 Mrs. Kron is a victim of a home invasion some time back,  
6 and so because of the intimidation, she withdrew her  
7 objection, but Stephen Kron maintains his objection.  
8 That's why he's here submitting to a deposition today.

9 THE CLERK: After talking with Judge Skomal  
10 about the status of the case and where it is in the  
11 proceedings, he's declined to not get involved right now.  
12 The Court was never notified of the deposition or that the  
13 deposition is taking place in our district (inaudible).

14 MR. KAZEROUNIAN: Okay.

15 THE CLERK: That being said, you should continue  
16 on the relevant matters that you guys have agreed to  
17 appear. (Inaudible.)

18 THE REPORTER: I can't understand.

19 THE CLERK: But you handle how you want to  
20 handle the actual fact that, Mr. Kron's prior objections.

21 MR. KAZEROUNIAN: Okay. Okay. No problem.

22 THE CLERK: Thank you.

23 THE REPORTER: I couldn't hear very well on the  
24 phone.

25 MR. KAZEROUNIAN: I don't want to

1 mischaracterize, so correct me if I'm wrong.

2 Judge Skomal, due to the procedural posture of the  
3 case, does not want to get involved in this, but advises  
4 that since we're all here, we carry on with the  
5 deposition.

6 MR. KRON: I also heard it was because it was  
7 being taken outside of the judicial district was the other  
8 grounds as well.

9 But I would agree that we continue on with the  
10 deposition. They can reserve whatever they'd like for  
11 later on.

12 MR. KAZEROUNIAN: Just for clarification, that  
13 was the clerk's opinion before she spoke to Judge Skomal  
14 regarding the judicial district.

15 Do you agree with that?

16 MR. KRON: That was the clerk's opinion it  
17 sounded like to me.

18 MR. KAZEROUNIAN: Okay.

19 Q. So moving on, before receiving the claim, which  
20 is Exhibit 2, did you review any documents concerning this  
21 case of settlement?

22 MR. KRON: Objection. Asked and answered.

23 You can answer.

24 THE WITNESS: I already answered that question.

25 BY MR. KAZEROUNIAN:

1 Q. Would you like to answer it again?

2 A. No.

3 Q. I don't think I asked you that question before.

4 A. No.

5 Q. You are refusing to answer that question?

6 MR. KRON: Go ahead and answer. That's fine.

7 THE WITNESS: I don't recall.

8 BY MR. KAZEROUNIAN:

9 Q. Okay. Once you received the claim form, did you  
10 ever review the Settlement Agreement?

11 A. I don't recall.

12 Q. Did you ever review the long form notice?

13 A. I don't recall.

14 Q. You already answered that.

15 Did you review any documents on the website for the  
16 settlement?

17 A. I don't recall.

18 Q. Have you ever objected to any other class  
19 action?

20 A. I don't recall.

21 Q. You don't recall ever being an objector to any  
22 other Class settlement?

23 A. I don't recall.

24 Q. Do you know that you are under the penalty of  
25 perjury?



1 A. I don't recall.

2 Q. You don't recall that you are under the penalty  
3 of perjury?

4 A. That's correct.

5 Q. Well, I'm going to tell you again you are under  
6 the penalty of perjury right now.

7 A. That's right.

8 Q. So you do know that now?

9 A. Yes.

10 Q. Okay. So have you ever objected to any other  
11 class actions?

12 A. I don't recall.

13 Q. Okay. Do you understand that you submitted an  
14 objection to the Court to disapprove of this settlement?

15 A. I don't recall.

16 Q. Do you have an understanding of your objections?

17 A. I don't recall.

18 Q. You don't -- You don't recall whether you have  
19 an understanding of your objections?

20 A. I don't recall.

21 Q. Okay. Do you have a basic understanding of what  
22 your objections are about?

23 A. I don't recall.

24 MR. KRON: Objection. Objection. Calls for a  
25 legal conclusion by a lay witness.

1 BY MR. KAZEROUNIAN:

2 Q. I'm going to object to that as being  
3 nonresponsive.

4 That is a "Yes" or "No" question.

5 A. Are you the guy that sent that server to my  
6 house?

7 Q. No.

8 A. Your firm?

9 Q. No.

10 A. Then who?

11 Q. I ask the question here, sir, not you. You  
12 answer them.

13 MR. KRON: (Indicating.)

14 THE WITNESS: Co-counsel did?

15 BY MR. KAZEROUNIAN:

16 Q. I don't answer the question. You answer my  
17 questions.

18 Do you realize that you filed a written objection?

19 A. I don't recall.

20 Q. Objection. Nonresponsive.

21 That is a "Yes" or "No" question.

22 MR. KRON: Objection. The document speaks for  
23 itself.

24 BY MR. KAZEROUNIAN:

25 Q. Do you realize that?

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1 A. I don't recall.

2 Q. Same objection.

3 Are you refusing to answer the question?

4 A. I don't recall.

5 Q. Objection. Nonresponsive.

6 Are you refusing to answer any of my questions?

7 A. I don't recall.

8 Q. Are you intending to answer all questions "I  
9 don't recall"?

10 A. I don't recall.

11 MR. KRON: Let me go speak with my client real  
12 quick. Take two seconds.

13 THE REPORTER: Off the record?

14 MR. KRON: Hold on a second. I just want to  
15 note that we don't need any comments from the deposition  
16 officer.

17 THE REPORTER: Are we off the record, counsel?

18 MR. KAZEROUNIAN: If he wants to be.

19 MR. KRON: We can stay on the record.

20 (Counsel and the deponent leave the deposition room.)

21 THE REPORTER: We're still on the record.

22 MR. KAZEROUNIAN: No problem.

23 (Counsel and the deponent re-enter the deposition  
24 room.)

25 MR. KRON: Could you read the last question

1 back, last substantive question.

2 (The record is read by the reporter.)

3 THE WITNESS: No.

4 BY MR. KAZEROUNIAN:

5 Q. Let me ask another question.

6 Do you understand that you filed a written objection  
7 to this -- to the settlement agreement --

8 A. Yes.

9 Q. -- in this case?

10 A. Yes.

11 Q. Okay. Do you understand -- Do you have a  
12 general understanding of your objections?

13 A. A general understanding.

14 Q. Okay. Can you tell me what they are?

15 A. There were several.

16 Q. Okay. Can you tell them to me?

17 A. One that I recall is the objection is in general  
18 terms that very few claimants filed --

19 Q. Okay.

20 A. -- as opposed to the number of claimants  
21 considered.

22 Q. Okay.

23 A. Another was that the law firm -- law firms,  
24 whatever the case may be, filed their motion for attorney  
25 fees after the date of filing claim, so I didn't have

1 proper information to file -- in filing my claim.

2 Q. Okay.

3 A. And the other one was a release -- time period

4 release, it was overbroad --

5 Q. Okay.

6 A. -- as I recall.

7 Q. All right. So let's go with the first one.

8 You received notice of this lawsuit in the

9 settlement; correct?

10 MR. KRON: Objection. Asked and answered.

11 THE WITNESS: Asked and answered.

12 MR. KRON: Go ahead and answer anyway.

13 THE WITNESS: Yes.

14 BY MR. KAZEROUNIAN:

15 Q. Okay. I think in your objection you also were  
16 not happy with the notice.

17 What kind of notice would you have liked that would  
18 have been better than the one that was given here?

19 MR. KRON: Objection. Calls for a legal  
20 conclusion by a lay witness. Document -- The objection  
21 document, Document 125 on the docket speaks for itself.

22 THE WITNESS: That's my answer. The document  
23 speaks for itself.

24 BY MR. KAZEROUNIAN:

25 Q. Right. But the document doesn't say what you

1 would have preferred if you are objecting to this.

2 I'm asking you what would your preference have been  
3 to get better notice?

4 MR. KRON: If you know how to give better  
5 notice.

6 THE WITNESS: I don't know how better notices  
7 are given.

8 BY MR. KAZEROUNIAN:

9 Q. Okay. But you are not happy with direct mail  
10 notice, like getting a postcard in the mail?

11 A. A Subpoena where the server is banging on my  
12 garage door probably would have been more appropriate.

13 Q. So you want everybody to have been subpoenaed;  
14 is that what you are suggesting?

15 A. If you say so.

16 Q. That is what you said. I want to clarify  
17 your --

18 A. That is what you said.

19 Q. No, it's not.

20 I asked if direct mail notice was not sufficient for  
21 you; is that accurate?

22 MR. KRON: Objection. Misstates the objector's  
23 objections.

24 MR. KAZEROUNIAN: What were your objections?

25 Sorry.

1 MR. KRON: Objection. Document 125, which is  
2 attached to this transcript as Exhibit 3, speaks for  
3 itself.

4 BY MR. KAZEROUNIAN:

5 Q. Okay. My response to that was: I have your  
6 objection, but you don't have a remedy. So in order as  
7 Class counsel for me to take what you are telling me  
8 onboard, I want to know what you would have preferred.

9 MR. KRON: Objection. Exhibit 3 to this  
10 transcript speaks for itself.

11 THE WITNESS: That would be up to my attorney to  
12 decide.

13 BY MR. KAZEROUNIAN:

14 Q. Not you?

15 A. Answered -- I answered your question.

16 Q. So it's not up to you. It's up to your  
17 attorney? Is that what you are suggesting?

18 A. That's what I said.

19 Q. Please stop directing the witness.

20 A. That is what I said.

21 Q. Okay. Now, you said very few claimants filed.

22 Do you know how many people actually -- how many  
23 people filed for you to object on those grounds?

24 A. In general terms?

25 Q. In general terms.

1 A. Less than 10 percent.

2 Q. Okay. Roughly, how many percent?

3 A. I think that objection said 9 percent.

4 Q. Okay. So you think that's not satisfactory;  
5 correct?

6 A. That's correct.

7 Q. What would you have preferred it to be for it to  
8 be satisfactory?

9 A. 100 percent.

10 Q. Okay. Now, you said that your other objection  
11 was that the law firms for other attorney fee's petition  
12 was after the claim period; is that correct?

13 A. That's my understanding.

14 Q. Have you -- Did you ever read the attorney's  
15 fees petition that was filed in this case?

16 A. I may have. I don't know. I read a number of  
17 documents as I told you before.

18 Q. Okay. If you have read it, does your opinion  
19 change of whether you would have made a claim or not?

20 MR. KRON: Objection. Incomplete hypothetical.

21 THE WITNESS: I don't understand your question.

22 BY MR. KAZEROUNIAN:

23 Q. Okay. If you had received the fee petition that  
24 was filed the Court before the claims period, my question  
25 to you is: Would you have filed your claim or not?



1 MR. KRON: Objection. Calls for speculation.  
2 Incomplete hypothetical.

3 THE WITNESS: I --

4 MR. KRON: And it calls for a subjective  
5 opinion, not objective.

6 THE WITNESS: I don't know.

7 BY MR. KAZEROUNIAN:

8 Q. You don't know. Okay.

9 But you don't know if you actually have read the fee  
10 petition; correct?

11 MR. KRON: Objection. Asked and answered.

12 THE WITNESS: I think I answered that I read  
13 numerous documents; and if that was part of it, it was  
14 part of it. I don't recall --

15 BY MR. KAZEROUNIAN:

16 Q. As you sit --

17 A. -- specifically.

18 Q. Sorry.

19 As you sit here today, you don't know?

20 A. I said I don't recall specifically.

21 Q. Okay. So if I asked you -- If I asked you how  
22 much attorney's fees the Class counsel are asking for  
23 today, would you know?

24 A. Exactly, no.

25 Q. Okay. Do you know generally?

1 A. My understanding, I think if I remember  
2 correctly, it was like \$3 million or something close to  
3 that.

4 Q. That is your memory?

5 A. I think so, yeah.

6 Q. Do you understand the difference between Group 1  
7 and Group 2 of claimants in this case?

8 MR. KRON: Objection. Calls for a legal  
9 conclusion by a lay witness.

10 If you can answer.

11 THE WITNESS: I don't know the difference  
12 between Group 1 and Group 2 other than I believe I fall  
13 under Group 2.

14 BY MR. KAZEROUNIAN:

15 Q. That is correct.

16 Do you know that the claimants in Group 1 are getting  
17 exactly the same amount of money as Group 2 under the  
18 Settlement Agreement?

19 MR. KRON: Objection. Calls for speculation.  
20 Objection. Calls for legal conclusion by a lay witness.

21 MS. STEPANYAN: Counsel, what is the legal  
22 conclusion that he's calling for?

23 MR. KRON: I'm not going to engage in arguing  
24 objections.

25 You can answer if you know.

1 MR. KAZEROUNIAN: That's fine.

2 I agree with you though.

3 THE WITNESS: Can you repeat your question?

4 BY MR. KAZEROUNIAN:

5 Q. Sure.

6 Do you understand that the claimants in Group 1 and  
7 the claimants in Group 2 get exactly the same recovery?

8 MR. KRON: Objection. Calls for a legal  
9 conclusion by a lay witness.

10 THE WITNESS: I don't know.

11 BY MR. KAZEROUNIAN:

12 Q. You don't know that?

13 A. (Witness shakes head.)

14 Q. Okay.

15 A. As I sit right here right now, I don't know  
16 that.

17 Q. In your objection you suggest that the -- that  
18 the notice that went to Group 2 should have been regiven  
19 to Group 1.

20 MR. KRON: Objection. Lacks foundation. Facts  
21 not in evidence. You are saying that --

22 MR. KAZEROUNIAN: That was a statement. It  
23 wasn't a question.

24 MR. KRON: Don't answer a statement.

25 BY MR. KAZEROUNIAN:

1 Q. Okay. So you make that suggestion.

2 Is that correct?

3 MR. KRON: Objection. Document 125, which is  
4 Exhibit 3 to this transcript, speaks for itself.

5 THE WITNESS: I don't understand your question.

6 BY MR. KAZEROUNIAN:

7 Q. Okay. In your objection you state the Group 2  
8 should have got -- sorry -- Group 1 should have got the  
9 notice that Group 2 got; is that correct?

10 A. That's what it says in my objection.

11 Q. What do you base that on?

12 MR. KRON: Objection. Calls for a legal  
13 conclusion by a lay witness.

14 THE WITNESS: I base it on fairness.

15 BY MR. KAZEROUNIAN:

16 Q. Okay. So if I told you that Group 1 did get  
17 notice, and they are getting exactly the same amount of  
18 money as Group 2, does that change your mind about being  
19 fair?

20 MR. KRON: Objection. Facts not in evidence.  
21 Incomplete hypothetical. Calls for speculation, and calls  
22 for an answer to the subjective opinion rather than  
23 objective.

24 THE WITNESS: No.

25 BY MR. KAZEROUNIAN:

1 Q. It wouldn't change your mind?

2 A. No.

3 Q. Thank you. Why?

4 MR. KRON: Objection. Calls for subjective  
5 opinion.

6 THE WITNESS: Because.

7 BY MR. KAZEROUNIAN:

8 Q. Just because?

9 A. Just because.

10 Q. Dot, dot, dot, no other reasoning after  
11 "Because"?

12 MR. KRON: Objection. Argumentative.

13 Is that a question?

14 MR. KAZEROUNIAN: Yes, it is.

15 Q. Is there any other reason apart from the word  
16 "Because"?

17 A. No.

18 Q. Okay. You claim in your objection that Group 1  
19 members should have been afforded additional time to opt  
20 out or object; is that correct?

21 MR. KRON: Objection. Document speaks for  
22 itself.

23 THE WITNESS: If that's what it says in the  
24 document.

25 BY MR. KAZEROUNIAN:

1 Q. If that's what it says, why do you believe that?

2 MR. KRON: Objection. Vague and ambiguous.

3 Confusing. Calls for a subjective opinion.

4 THE WITNESS: I really don't understand your  
5 question.

6 BY MR. KAZEROUNIAN:

7 Q. Okay. So you are telling the document speaks  
8 for itself.

9 In the document you say that Group 1 should have been  
10 given additional time to opt out or object. My question  
11 is: Why?

12 MR. KRON: Objection. Calls for a legal  
13 conclusion by a lay witness.

14 THE WITNESS: I don't have the legal knowledge  
15 to be able to answer that question.

16 BY MR. KAZEROUNIAN:

17 Q. But you approved the document though; right?

18 A. Yes.

19 Q. So you signed it without -- without having a  
20 legal knowledge or any understanding of why you are  
21 objecting to that?

22 MR. KRON: Objection. Calls for speculation.  
23 Facts not in evidence.

24 THE WITNESS: That's what the attorneys for. On  
25 advice of attorney.

1 BY MR. KAZEROUNIAN:

2 Q. You didn't yourself understand it; correct?

3 MR. KRON: Objection. Calls for a legal  
4 conclusion by a lay witness.

5 THE WITNESS: As thoroughly as maybe you do, no.

6 BY MR. KAZEROUNIAN:

7 Q. Do you have any understanding?

8 A. Yes.

9 Q. What understanding do you have?

10 A. That Group 1 and Group 2 should have been  
11 noticed the same time fairly.

12 Q. The same time fairly?

13 A. Yeah.

14 Q. Okay. And my question to you is: Why? If you  
15 know. If you don't know, just say you don't know.

16 A. Okay. I don't know.

17 Q. Okay. Do you know that there was a fee petition  
18 filed in this case twice?

19 A. I'm not aware of twice, no.

20 Q. Okay. So you don't know the first fee petition  
21 was filed way in advance of you ever receiving your claim  
22 form in the mail; correct?

23 MR. KRON: Objection. Calls for speculation.  
24 Facts not in evidence. Asked and answered. The witness  
25 already testified he didn't know anything about a second

1 fee petition.

2 THE WITNESS: I'm unaware of a second fee  
3 petition.

4 BY MR. KAZEROUNIAN:

5 Q. So you're only aware of one fee petition?

6 A. Correct.

7 Q. The first one?

8 MR. KRON: Objection. Confusing. Vague and  
9 ambiguous --

10 THE WITNESS: Yeah.

11 MR. KRON: -- as to the first one.

12 MR. KAZEROUNIAN: Well, no. The deponent just  
13 responded, "I'm not aware of the second -- second fee  
14 petition"; correct?

15 MR. KRON: Objection. Lacks foundation. Vague  
16 and ambiguous, confusing.

17 Maybe if you identified the dates in which these  
18 petitions are filed, that might get you the answer you are  
19 looking for.

20 THE WITNESS: I think you characterize it as a  
21 second.

22 BY MR. KAZEROUNIAN:

23 Q. I don't think I did. Do you want to read back  
24 the testimony?

25 A. Sure.



1 MR. KAZEROUNIAN: Okay. Can you read back maybe  
2 a page -- I don't know where -- I believe he said he  
3 referenced a second fee petition.

4 THE WITNESS: No. Where you referenced  
5 the second fee petition.

6 MR. KAZEROUNIAN: After you did. I could be  
7 wrong. That's why we are reading it back.

8 MR. KRON: Where are we going? He testified he  
9 didn't know about multiple fee petitions. He testified  
10 earlier that part of his objection is that the fee  
11 petition was filed five days after the claims deadline.

12 To the extent that there is other fee petitions that  
13 predate that, ask him questions about that, but he already  
14 testified he doesn't know about multiple fee petitions.

15 BY MR. KAZEROUNIAN:

16 Q. Is that accurate?

17 A. That's accurate.

18 Q. Okay. So you stand by that testimony, I guess?

19 MR. KRON: No. It's not testimony. It's -- We  
20 can go back and let the record reflect --

21 BY MR. KAZEROUNIAN:

22 Q. I want to ask you a question.

23 A. I believe that's what I testified to. I said  
24 that I'm aware of a fee motion five days after the claim  
25 deadline.

1 You brought up -- You asked me if I was aware of one  
2 that was prior to that.

3 And I said I didn't know of any other ones.

4 Q. Okay. I think there is a disagreement on how I  
5 asked that question, but let's go with that.

6 So you are unaware of a previous fee petition?

7 A. I think I have already answered you.

8 Q. Okay. Now, if I told you that the fees being  
9 requested in the first fee petition and the second fee  
10 petition only differed by \$125,000, would your objection  
11 change?

12 A. No.

13 Q. Do you have a reasoning for that?

14 MR. KRON: Objection. Calls for subjective  
15 opinion. Calls for a legal conclusion by a lay witness.

16 THE WITNESS: No.

17 BY MR. KAZEROUNIAN:

18 Q. Okay. Now, in your objection in Exhibit 3,  
19 you -- I think you stated earlier you believe the release  
20 is too broad; is that correct?

21 A. That's correct.

22 Q. And your main issue with it is it has no time  
23 period?

24 A. That's correct.

25 Q. Okay. If I told you it had a definite end

1 period, would that change your mind --

2 A. No.

3 Q. -- on your objection?

4 A. No.

5 Q. So even if it had a finite time period on the  
6 release, your objection still -- would still stand;  
7 correct?

8 A. Correct.

9 Q. Okay.

10 MR. KRON: Assumes facts not in evidence. Lacks  
11 foundation.

12 BY MR. KAZEROUNIAN:

13 Q. In your objection you believe that the Class --  
14 the Class recovery is approximately eight-and-a-half  
15 million and not \$11 million; is that correct?

16 A. Repeat your question.

17 Q. Sure. In your objection you value the Class  
18 settlement as only being worth \$8,468,609 and not  
19 \$11 million; is that correct?

20 A. I don't understand your question.

21 Q. Okay. Well, there is ambiguity about what the  
22 settlement in this case is worth.

23 You in your objection are proposing the notion that  
24 the settlement is worth about eight-and-a-half million  
25 dollars, and I gave you the exact number a couple seconds

1 ago; is that correct?

2 A. I think the fee settlement is more like  
3 11,000 -- 11 million.

4 Q. You think -- Sorry. Say that again, please?

5 A. That the total settlement will be more like  
6 almost \$12 million.

7 Q. Oh, okay. Now, in your objection you say the  
8 Class counsel should only apply for -- You say the Class  
9 counsel should only get 20 percent in fees; is that  
10 correct?

11 MR. KRON: Objection. Document speaks for  
12 itself.

13 THE WITNESS: Yes.

14 BY MR. KAZEROUNIAN:

15 Q. What do you base that on?

16 MR. KRON: Objection. Calls for a legal  
17 conclusion by a lay witness.

18 THE WITNESS: I think that's fair.

19 BY MR. KAZEROUNIAN:

20 Q. You think that's fair.

21 Do you -- Do you believe that -- Strike that.

22 If I told you that the prevailing law in this  
23 district is 25 percent, would that change your mind?

24 MR. KRON: Objection. Calls for subjective  
25 opinion. Incomplete hypothetical. Calls for a legal

1 conclusion by a lay witness.

2 THE WITNESS: No.

3 BY MR. KAZEROUNIAN:

4 Q. It wouldn't change your mind?

5 A. No.

6 Q. Okay. So if the law was 25 percent, you would  
7 still think that's unfair?

8 MR. KRON: Objection. Lacks foundation. Facts  
9 not in evidence. Calls for a legal conclusion by a lay  
10 witness. Calls for a subjective opinion, and it's  
11 irrelevant.

12 THE WITNESS: If you are asking me my opinion,  
13 you are right. I think it's -- I think 20 percent is  
14 fair.

15 If it's the law, it's the law.

16 BY MR. KAZEROUNIAN:

17 Q. Okay. If it's the law, would that change your  
18 mind on bringing your objection on the fairness of the  
19 attorney's fees?

20 MR. KRON: Objection. Facts not in evidence.

21 And I don't know of any law that sets forth what  
22 fairness of fees are. It varies between districts. It  
23 varies between the Courts, state or federal court, and  
24 calls for a legal conclusion from a lay witness.

25 MR. KAZEROUNIAN: Well, I mean, I don't want to

1 bring up law with your deponent. Since we are talking  
2 between counsel, the Ninth Circuit benchmark is  
3 25 percent. That is pretty much the law, but let's leave  
4 it at that.

5 Q. So if it is the law -- and you don't have to  
6 take my word for it -- but if it was, would you still  
7 believe it's unfair?

8 MR. KRON: Objection. Calls for a legal  
9 conclusion by a lay witness. Lacks foundation. Facts not  
10 in evidence. Calls for subjective opinion.

11 THE WITNESS: I don't understand what your point  
12 is.

13 BY MR. KAZEROUNIAN:

14 Q. Well, the point is that you believe that  
15 20 percent is fair attorney's fees, not 25?

16 MR. KRON: Objection. Misstates the objector's  
17 objection.

18 MR. KAZEROUNIAN: Well, I mean, I don't want to  
19 misstate it. I think it says -- and I'm reading from  
20 page 3 of Exhibit 3, lines 21 to 22. It says, "Based on  
21 actual Class recovery, a 20% fee award (the percentage  
22 Class Counsel requests) is \$1,693,721."

23 Actually doesn't say that. You are right.

24 MR. KRON: Did you get that on the record?

25 THE REPORTER: Yes.

1 MR. KRON: Thanks.

2 MR. KAZEROUNIAN: Oh, okay. I'm sorry. What it  
3 does say, going up to line 17, basically this, "Class  
4 Counsel's fee award should not be based on the total  
5 Settlement Fund Amount (\$11,665,592), which includes  
6 notice and claims administration costs, and incentive  
7 payments. Instead, Class Counsel's fee award should be  
8 based on the total amount recovered for Class Members  
9 (\$8,468,609). Based on actual Class recovery, a 20% fee  
10 award (the percentage Class Counsel requests) is  
11 1,693,721."

12 What the objection is saying is that we should be  
13 only awarded 20 percent of the \$8 million figure; is that  
14 correct.

15 MR. KRON: Objection. Document speaks for  
16 itself.

17 MR. KAZEROUNIAN: I was actually correct, not  
18 incorrect.

19 THE WITNESS: Okay. Reading what you read,  
20 settlement then is what you just said is 11 million,  
21 almost \$12 million.

22 BY MR. KAZEROUNIAN:

23 Q. Okay.

24 A. And the 20 percent should be off -- The actual  
25 settlement to the Class, and that's the 8 million.

1 Q. Okay. We're talking about the percentages right  
2 now.

3 My question to you is: If I told you the law is  
4 25 percent, would your -- would your objection that --  
5 would your statement that 20 percent is fair change and  
6 would you agree that 25 percent is fair?

7 MR. KRON: Objection. Calls for a legal  
8 conclusion by a lay witness. It lacks foundation. Facts  
9 not in evidence. Calls for subjective opinion.

10 THE WITNESS: I really don't know how to answer  
11 that question.

12 20 percent is my personal opinion.

13 BY MR. KAZEROUNIAN:

14 Q. Okay. That's what I wanted to hear. Thank you.  
15 So just -- Earlier you said you believe the  
16 settlement is worth over \$11 million, and now what do you  
17 believe is the settlement amount in this case?

18 A. I believe the settlement amount is what the  
19 defendants would be paying, the total of what they would  
20 be paying.

21 Q. What do you believe that is?

22 A. The 11 -- 11.6 million.

23 Q. Okay. Now, in your objection you claim that the  
24 Cy Pres component is -- C-y P-r-e-s.

25 Cy Pres component is inappropriate.



1 Do you stand by that?

2 A. I don't fully understand what that means, so  
3 you'll have to explain that.

4 Q. Okay. Cy Pres is basically if there is money  
5 left over usually, it goes to some kind of charity.  
6 That's very laymen's terms, and it has some caveats and  
7 provisos to that. That is the general understanding of  
8 it.

9 Now, do you believe that -- You don't agree with that  
10 component of the Settlement Agreement; correct?

11 A. I think it's inappropriate.

12 Q. But why?

13 MR. KRON: Objection. Document speaks for  
14 itself.

15 THE WITNESS: Because that's my personal  
16 opinion.

17 BY MR. KAZEROUNIAN:

18 Q. Okay. Well, let me explain something to you.

19 In the Settlement Agreement the Cy Pres -- Actually,  
20 strike that. I'm not going to go there.

21 Apart from the two lawsuits that we talked about  
22 earlier, have you ever been sued in any other lawsuits?

23 A. Yeah. I think there was one that we just  
24 settled. It was for what the heck was that for? I think  
25 it was like a loan.

1 Q. So you were the defendant?

2 A. Yes.

3 Q. What was -- What was the name of the lawsuit?

4 Who sued you?

5 A. I don't know. I don't remember.

6 Q. You don't know who sued you?

7 A. It was a collection agency, and I don't

8 remember.

9 Q. For what kind of debt?

10 A. It was a personal loan, I believe.

11 Q. Who was your attorney?

12 A. Scott.

13 Q. Kron?

14 A. Scott Kron.

15 Q. When did it get resolved?

16 A. This year, 2014.

17 Q. You don't remember the collection agency? Was

18 it in Superior Court in Orange County?

19 A. I don't know. I don't remember.

20 Q. How much were you being sued for?

21 A. I think the total was \$4,000, I think.

22 Q. Did it have any relation to real property?

23 A. I really don't recall what it was in relation

24 to.

25 Q. Any other lawsuits where you were the defendant?

1 A. None that I can recall right now.

2 Q. Okay. This loan that you were sued for, did it  
3 settle confidentially?

4 A. Yes.

5 (Counsel and witness confer.)

6 THE WITNESS: No. No, it was not.

7 MR. KRON: If it helps get to the end gate, the  
8 case is CACH, LLC versus Stephen Alexander Kron, and it  
9 was a business line of credit that they were seeking --  
10 they were moving on a personal guaranty on. The amount  
11 sought in the Complaint was \$8,000. It was settled for  
12 \$1,500.

13 MR. KAZEROUNIAN: Was it with Mandarich?

14 MR. KRON: I believe so.

15 THE WITNESS: I thought they settled for 1,000.

16 MR. KRON: Maybe it was 1,000.

17 MR. KAZEROUNIAN: If it's not --

18 THE WITNESS: You brought it up, so --

19 MR. KAZEROUNIAN: I didn't ask what it settled  
20 for.

21 THE WITNESS: Must not be important.

22 BY MR. KAZEROUNIAN:

23 Q. Something you said you didn't -- In your line of  
24 you-don't-recall answers, I asked you if you ever objected  
25 to a Class settlement before.

1 Do you have a recollection now?

2 A. I don't know. I don't recall if I filed --  
3 actually filed an objection.

4 I know -- I know I have gotten another card, like  
5 what -- your firm or whatever firm sent it to -- sent me.

6 Q. In what case? Was it the Mount case?

7 A. That name doesn't sound familiar.

8 Q. Mount, M-o-u-n-t.

9 A. Is there another name associated with it?

10 Q. Hoffman. Wells Fargo?

11 A. Wells Fargo possibly.

12 Q. Okay. And you don't know if you objected?

13 A. I don't know if an objection has been filed or  
14 not, but I think we discussed it.

15 Q. Okay.

16 A. I just don't remember. There is a lot of stuff  
17 been going on with my business and -- and other things,  
18 so --

19 Q. Okay. So there may be an objection out there,  
20 but you don't know whether it was or not?

21 A. I don't know whether it's been filed or not.  
22 That's correct.

23 Q. Have you decided to file an objection in the  
24 other case?

25 A. I think we were discussing about filing one in

1 that case, but I don't know if it's been filed yet.

2 Q. Okay. So was that the final decision to file an  
3 objection?

4 A. I don't know if we actually came to a final  
5 decision, but I think it was leaning that way.

6 Q. Okay. Do you know what kind of case that is?

7 A. Offhand, no, I don't.

8 Q. Was it to do with telephone calls?

9 A. As I said, I don't know what exactly what it was  
10 right now.

11 Q. Okay. Any other cases?

12 A. I don't recall anything right now.

13 MR. KAZEROUNIAN: May I have five minutes,  
14 please, off the record?

15 MR. KRON: Yes.

16 (A recess is taken.)

17 MR. KAZEROUNIAN: Back on the record.

18 I don't have any further questions, but I believe  
19 Chase counsel does.

20

21 -EXAMINATION-

22

23 BY MS. STEPANYAN:

24 Q. My name is Julieta Stepanyan. I represent  
25 Chase. I believe plaintiffs' counsel explained that

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1 earlier. I just have a couple quick questions.

2 You said earlier that when Chase -- plaintiffs'  
3 counsel asked you if you understand the lawsuit, you said  
4 that you understand that Chase violated some laws; is that  
5 correct?

6 A. That's my general understanding, yes.

7 Q. Do you know what these laws are?

8 A. I don't know specifically, but generally that  
9 they involved phone calls --

10 Q. Okay.

11 A. -- computerized phone calls.

12 Q. Do you know -- Do you know that Chase actually  
13 violated these laws?

14 A. I don't.

15 I guess I should amend my answer to allegedly.

16 MR. KRON: It's okay. You're privileged in this  
17 situation.

18 THE WITNESS: Okay. Good. I don't want to be  
19 sued.

20 MS. STEPANYAN: No more questions.

21 MR. KAZEROUNIAN: Okay. Can we put a  
22 stipulation down because of the expedited nature of when  
23 our reply brief is due -- our opposition brief is due.

24 Can we stipulate that we get an expedited transcript  
25 to Mr. Kron's office.

1 How quickly can you do it?

2 THE REPORTER: Do you want to go off the record?

3 MR. KAZEROUNIAN: Yes.

4 (A discussion is held off the record.)

5 MR. KAZEROUNIAN: Back on the record.

6 The court reporter has kindly said she can get an  
7 expedited copy to Mr. Kron's office by tomorrow.

8 Mr. Kron, the deponent, will be given an opportunity  
9 to make any changes, should he see a need fit before the  
10 November 5th time period that he gave us earlier in the  
11 deposition.

12 Mr. Kron's counsel, Scott Kron, will keep custody of  
13 the original transcript and make it available for future  
14 hearings and trial.

15 If the original is lost or misplaced, a certified  
16 copy can be used in its place.

17 And if Mr. Kron, the deponent, does not advise us of  
18 any changes or we don't hear of any changes before  
19 November 5th, we will presume none were made.

20 MS. STEPANYAN: Is there any way we can do that  
21 earlier because our response is due November 4th?

22 MR. KAZEROUNIAN: Can we have it by -- We'll get  
23 it to you tomorrow, the 28th. Can you get it to us by the  
24 1st or the 2nd?

25 (Counsel and witness confer.)

1 THE WITNESS: I should advise you that I am  
2 having oral surgery tomorrow afternoon, and I will be  
3 taking Valium and some pain medication over the next  
4 couple of days as needed.

5 MR. KAZEROUNIAN: Okay.

6 THE WITNESS: So I'm going to try to make myself  
7 available to try and get it done by the 1st or 2nd.

8 MR. KAZEROUNIAN: Thank you.

9 MR. KRON: I won't be available to meet and  
10 consult with my client on any potential changes until  
11 November 3rd; otherwise, I'm booked business-wise the rest  
12 of this week, and the weekends I don't work, and I have  
13 personal obligations on the weekends.

14 MR. KAZEROUNIAN: Can you get it to us by  
15 lunchtime on the 3rd?

16 MR. KRON: Yes. I can certainly tell you  
17 whether or not any changes will be made by lunchtime on  
18 the 3rd; and if there are any changes, I'm going to have  
19 to write those up on the sheet that she gives us and send  
20 those out.

21 MR. KAZEROUNIAN: Okay.

22 MR. KRON: I will do my best to have those  
23 complete that day as well.

24 MR. KAZEROUNIAN: Okay. Nothing else to add to  
25 the stipulation.



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MR. KRON: So stipulated.

MS. STEPANYAN: So stipulated.

THE REPORTER: Do you need a copy as well?

MS. STEPANYAN: Yes, please.

THE REPORTER: When do you need your copy by?

MS. STEPANYAN: Tomorrow.

THE REPORTER: Thank you.

Off the record.

(TIME NOTED: 12:07 P.M.)

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I, STEPHEN ALEXANDER KRON, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this \_\_\_\_\_day of \_\_\_\_\_, 2014,  
at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

\_\_\_\_\_  
STEPHEN ALEXANDER KRON  
VOLUME I

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney or any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: October 28, 2014

  
\_\_\_\_\_  
Gail E. Kennamer, CSR 4583