

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NORTHEAST "P"

HON. JAN A. PLUIM, JUDGE

4 JESUS CASTANEDA,  
5 ABEL BUELNA

6 PLAINTIFF,

7 VS.

8 JOSE SALAZAR CASTANEDA,

9 DEFENDANT.

NO. GC 031549

10  
11 REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS  
12 TESTIMONY OF SONIA MERCADO  
13 MAY 10, 2005

14 FOR THE PLAINTIFF:

BERNARD NACIONALES  
ATTORNEY AT LAW

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16  
17 FOR THE DEFENDANT:

DAVID XAVIER  
ATTORNEY AT LAW

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22  
23 ORIGINAL

24 ANDREA J. BILLUE, CSR #3678  
25 OFFICIAL REPORTER

1 CASE NUMBER: GC 031549  
2 CASE NAME: CASTANEDA VS. CASTENADA.  
3 PASADENA, CA MAY 10, 2005  
4 DEPARTMENT NE P HON. JAN A. PLUIM, JUDGE  
5 APPEARANCES: (AS HERETOFORE NOTED.)  
6 REPORTER: ANDREA J. BILLUE  
7 TIME: 2:45 P.M.  
8

9 THE COURT: LET'S GO BACK ON THE RECORD.

10 CALL THE WITNESS, PLEASE.

11 MR. NACIONALES: YES. MS. MERCADO.

12 THE COURT: MS. MERCADO, APPROACH THE WITNESS  
13 STAND.

14 SONIA MERCADO.

15 CALLED AS A WITNEE BY THE PLAINTIFF, WAS SWORN  
16 AND TESTIFIED AS FOLLOWS:

17 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE  
18 TESTIMONY YOU ARE ABOUT TO GIVE IN THE ABOVE-ENTITLED  
19 ACTION SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING  
20 BUT THE TRUTH, SO HELP YOU GO.

21 THE WITNESS: I DO.

22 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT.

23 THE WITNESS: SONIA MERCADO, M-E-R-C-A-D-O.

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25 //

## DIRECT EXAMINATION

1  
2 BY MR. NACIONALES:

3 Q. MS. MERCADO, WHAT IS YOUR CURRENT OCCUPATION?

4 A. I AM ATTORNEY.

5 Q. WHERE DO YOU CURRENTLY WORK?

6 A. I HAVE AN OFFICE DOWNTOWN AND ONE IN CULVER  
7 CITY.

8 Q. MS. MERCADO, WHERE DID YOU ATTEND LAW SCHOOL?

9 A. I WENT TO UCLA.

10 Q. WHERE DID YOU ATTEND UNDERGRADUATE SCHOOL?

11 A. I ATTENDED UNDERGRADUATE SCHOOL BACK EAST.

12 MR. XAVIER: I STIPULATE.

13 THE COURT: WHERE DID YOU DO UNDERGRADUATE WORK?

14 THE WITNESS: ATLANTA UNION COLLEGE IN  
15 MASSACHUSETTS AND A YEAR AND A HALF IN FRANCE.

16 Q. DO HAVE YOU A SPECIALTY, MS. MERCADO?

17 A. YES, I DO.

18 Q. WHAT IS THAT SPECIALTY?

19 A. MY SPECIALTY IS CONSTITUTIONAL LAW. I DO CIVIL  
20 RIGHTS IN CONTENTS OF JAIL, MENTAL HEALTH AND MEDICAL  
21 CARE.

22 Q. HAVE YOU EVER LECTURED ANYWHERE OR WRITTEN ANY  
23 PUBLICATIONS?

24 A. YES. I HAVE LECTURED IN THIS VERY SPECIFIC AREA  
25 TO LAW STUDENTS, TO JUDGES WHO COME FROM SOUTH AMERICA ON

1 HOW TO ENFORCE CONSTITUTIONAL RIGHTS, AND I LECTURED AT  
2 OXFORD UNIVERSITY OF ENGLAND, COLUMBIA UNIVERSITY, UCLA.  
3 I LECTURE TO STUDENTS AND LAWYERS ON ISSUES OF  
4 CONSTITUTIONAL LAW.

5 Q. MS. MERCADO, THIS CASE IS BETWEEN MR. JESUS  
6 CASTANEDA AND JOSE CASTANEDA. DO YOU HAVE ANY -- DO YOU  
7 KNOW EITHER PARTY?

8 A. I KNOW JOSE CASTANEDA.

9 Q. AND IN WHAT CONTEXT?

10 THE COURT: WHO?

11 THE WITNESS: JOSE CASTANEDA. I KNEW JOSE  
12 BECAUSE HE ACCOMPANIED HIS MOTHER WHEN HE FIRST RETAINED  
13 ME.  
14 BY

15 Q. WHAT DID HE RETAIN YOU FOR?

16 A. HE RETAINED ME TO REPRESENT HER IN THE DEATH OF  
17 HER SON LOUIS WHO DIED IN CUSTODY, COMMITTED SUICIDE IN  
18 CUSTODY. SO IT WAS A CIVIL RIGHTS CASE.

19 Q. WHO DID YOU REPRESENT?

20 A. I REPRESENTED MS. CASTANEDA, LOUIS CASTANEDA WAS  
21 MY CLIENT.

22 Q. AND BASICALLY WHAT WERE THE CIRCUMSTANCES UNDER  
23 WHICH YOU WERE RETAINED BY MS. CASTANEDA?

24 A. THERE HAD BEEN AN UNDERLYING ACTION IN WHICH A  
25 PRIOR ATTORNEY IN ORANGE COUNTY, I THINK MR. O'REILLY HAD

1 REPRESENTED MS. CASTANEDA IN THE -- LOUIS CASTANEDA, IN A  
2 CASE HE HAD AS A RESULT OF A CAR ACCIDENT. LOUIS  
3 CASTANEDA HAD SUBSEQUENT TO THAT ACCIDENT RESULTED IN  
4 HAVING PRETTY SEVERE BRAIN INJURY WHICH RESULTED IN HIS  
5 HAVING SUBSTANTIALLY, LONG TIME LIFE, MENTAL HEALTH CARE  
6 ISSUES, MEDICAL ISSUES THAT REQUIRED A SUBSTANTIAL,  
7 MEDICAL, MENTAL HEALTH CARE AND TREATMENT FOR HIS LIFE.

8 SHE CAME TO ME BECAUSE LOUIS HAD DIED IN CUSTODY  
9 AND SO THE UNDERLYING CASE WAS ONE OF THE BIG DEFENSES  
10 THAT THE DEFENDANTS HAD IN THE CASE I HANDLED FOR HER  
11 WHICH WAS A CONSTITUTIONAL LAW CASE.

12 Q. AND SO YOU ARE FAMILIAR WITH THE UNDERLYING  
13 CASE?

14 A. I AM VERY FAMILIAR WITH IT. IT WAS PART OF IT.  
15 I HAD TO BECOME FAMILIAR WITH IT. THAT IS CASE I HANDLED  
16 FOR HER.

17 Q. THE UNDERLYING CASE IS THE CONSERVATORSHIP OF  
18 JOSE CASTANEDA FOR LOUIS CASTANEDA?

19 A. THAT WAS ONE OF THE BIG DEFENSES IN MY CASE,  
20 THAT LOUIS CASTANEDA APPARENTLY HAD ANNUITY.

21 THE COURT: DEFENSES?

22 THE WITNESS: ONE OF THE DEFENSES IN CIVIL  
23 RIGHTS CASE IS THAT LOUIS HAD NOT RECEIVED MEDICAL,  
24 MENTAL HEALTH CARE TREATMENT AND CARE HE WAS SUPPOSED TO  
25 HAVE BEEN RECEIVING. THEREFORE, THEY WERE ALLEGING THAT

1 HE COMMITTED SUICIDE IN JAIL. NOT BECAUSE HE COMMITTED  
2 SUICIDE IN JAIL BUT BECAUSE HE HAD NOT RECEIVED ANY OF  
3 THE MENTAL HEALTH CARE THAT WAS INDICATED FOR HIM FOR  
4 WHICH HE HAD PAID A LARGE ANNUITY.

5 THE COURT: YOU MEAN THE COUNTY OF LOS ANGELES  
6 PAID ANNUITY?

7 MR. NACIONALES: ANNUITY WAS PAID IN A LAWSUIT.

8 THE COURT: THAT WAS FOR CAR ACCIDENT?

9 THE WITNESS: THAT WAS --

10 THE COURT: YOU WERE EMPLOYED BY MRS. CASTANEDA  
11 TO BRING A WRONGFUL DEATH CASE AGAINST THE COUNTY?

12 THE WITNESS: CORRECT.

13 THE COURT: ONE OF THEIR AFFIRMATIVE DEFENSES  
14 WAS THAT, THIS MEANING THE COUNTY, WAS THAT APPARENTLY  
15 THE DECEDENT HAD NOT BEEN GIVEN THE MENTAL HELP THAT HE  
16 SHOULD HAVE GOTTEN; IS THAT RIGHT?

17 THE WITNESS: IT WAS AN ISSUE OF CAUSATION. THE  
18 ISSUE WAS CAUSATION, WHETHER HIS MENTAL HEALTH CARE  
19 CONDITION DETERIORATED IN CUSTODY OR WHETHER HE ALREADY  
20 HAD A DETERIORATION OF MENTAL HEALTH CARE BECAUSE HE HAD  
21 NOT BEEN RECEIVING MENTAL HEALTH CARE THAT WAS SUPPOSED  
22 TO BE PAID THROUGH ANNUITY.

23 BY MR. NACIONALES:

24 Q. WHO WAS IN CHARGE OF GETTING MENTAL HEALTH CARE?

25 A. JOSE TOLD ME HE WAS THE PERSON THAT WAS IN

1 CHARGE OF THAT PARTICULAR MONEY FROM THAT LAWSUIT FOR  
2 LOUIS'S CARE.

3 Q. SO YOU FOUND OUT THAT JOSE WAS NOT GETTING HIM  
4 THE HEALTH CARE?

5 A. I HAD ASKED JOSE FOR VERIFICATION THAT HE WAS  
6 ACTUALLY GETTING PSYCHOLOGIST, PSYCHIATRIST, PEOPLE LIKE  
7 LOUIS, THE MONEY GOES TO PAY FOR WHAT IS CALLED DAY CARE  
8 PROGRAMS. THEY GO TO PLACES WHERE THEY TAKE CARE OF THEM  
9 ALL DAY. SO THAT WAS THE WEAKNESS IN MY CASE.

10 Q. DID JOSE EVER ACCOMPANY YOUR CLIENT TO YOUR  
11 MEETINGS?

12 A. INITIALLY, HE DID.

13 Q. AND HE STOPPED COMING?

14 A. I REQUESTED THAT HE STOP COMING.

15 Q. WHY DID YOU REQUEST THAT HE STOP COMING?

16 A. BECAUSE JOSE WANTED TO BE VERY MUCH IN CHARGE OF  
17 THE CASE THAT I WAS HANDLING.

18 THE COURT: WHO DID?

19 THE WITNESS: JOSE WAS ACCOMPANYING HIS MOTHER.  
20 I ASKED HER NOT TO ACCOMPANYING ME ANYMORE. BECAUSE HE  
21 WAS VERY CONTROLLING IN THE CASE I WAS HANDLING. IT WAS  
22 BECOMING AN IMPEDIMENT. THE WEAKNESS THAT THE CASE HAD,  
23 THAT HE HAD NOT USED FUNDS TO TAKE CARE OF HIS BROTHER.  
24 THAT WAS ONE ISSUE.

25 THE OTHER ISSUE WAS THAT I NEEDED TO

1 REPRESENT MY CLIENT AND HER BEST INTERESTS AND JOSE  
2 WANTED TO BE IN CONTROL OF THAT MONEY AS WELL.

3 Q. HOW DID YOU KNOW THAT JOSE WANTED TO BE IN  
4 CONTROL OF THAT MONEY?

5 A. BECAUSE HE WAS ASKING TO BE PART OF EVERYTHING  
6 IN HER CASE AND WE WERE COMING CLOSE TO A SETTLEMENT, AND  
7 HE WANTED TO BE IN CHARGE OF THAT SETTLEMENT. I  
8 SUGGESTED TO MY CLIENT THAT IT WAS HER MONEY AND THAT SHE  
9 SHOULD BE IN CONTROL OF IT.

10 Q. MS. MERCADO, WHAT WAS THE ATTORNEY FEE  
11 ARRANGEMENT BETWEEN YOU AND LISA CASTANEDA?

12 A. I WORKED STRICTLY ON A CONTINGENCY FEE BASIS.  
13 WHEN I WIN A CASE THE COURT MAY AWARD ME ATTORNEY FEES  
14 AND COSTS. SO MY CONTINGENCY IS STRICTLY BASED UPON MY  
15 SUCCESS IN THE CASE. SO I USUALLY TAKE ON A CONTINGENCY.  
16 IF I WIN, I GET PAID. IF I DON'T WIN, I DON'T GET PAID.

17 Q. I WOULD LIKE TO DIRECT THE WITNESS TO EXHIBIT  
18 192.

19 THE COURT: DO YOU HAVE THE EXHIBIT BOOK IN  
20 FRONT OF HER?

21 MR. NACIONALES: I AM GOING TO BRING HER THE  
22 EXHIBIT RIGHT NOW.

23 Q. THIS IS A CHECK PURPORTEDLY TO BE MADE OUT BY  
24 SONYA MERCADO TO JOSE CASTANEDA, DATE OF CHECK IS  
25 SEPTEMBER 20, 1996.

1 DO YOU RECOGNIZE THAT CHECK? IT IS A CHECK FOR  
2 \$2,000.

3 A. IT HAS MY NAME ON IT AND I GUESS THE BOTTOM  
4 PART IS A SIGNATURE SECTION.

5 Q. DID YOU REMEMBER CASHING THAT CHECK?

6 A. I DON'T REMEMBER THIS CHECK. IT IS DATED 96.

7 Q. I WOULD LIKE TO DIRECT YOU TO EXHIBIT 193, A  
8 CHECK.

9 THE COURT: CAN YOU LOOK AT THE BACK OF THIS  
10 EXHIBIT 192. IS THAT YOUR SIGNATURE?

11 THE WITNESS: IT IS SIMILAR TO MY SIGNATURE,  
12 YOUR HONOR. THERE ARE SOME NUMBERS THERE. I ALWAYS  
13 CROSS MY SEVENS. I DO A EUROPEAN SEVEN.

14 THE COURT: WHAT IS THE POINT OF THIS TESTIMONY  
15 THEN? ARE YOU SUGGESTING SHE DID NOT SIGN THIS? IS THAT  
16 WHAT I AM SUPPOSED TO INFER FROM ALL OF THIS, COUNSEL?

17 MR. NACIONALES: NOT ONLY SHE DID NOT SIGN  
18 THIS. SHE IS CLAIMING THESE CHECKS WERE PAYMENT MADE TO  
19 HER FROM ANNUITY. WHAT WE ARE GETTING AT IS THAT HE DID  
20 NOT ACTUALLY MAKE THIS PAYMENT FROM THE ANNUITY TO HER.  
21 THAT IS WHAT WE ARE GETTING AT.

22 THE COURT: SHE SAID SHE DIDN'T REMEMBER THIS  
23 CHECK. IS THAT YOUR ACCOUNT NUMBER ON THE BOTTOM OF  
24 THIS?

25 MR. XAVIER: YOUR HONOR, THE WITNESS IS SPEAKING

1 TO COUNSEL RIGHT NOW. THAT IS NOT APPROPRIATE.

2 THE COURT: LET'S LOOK AT THIS CHECK. THIS IS  
3 THE WAY THE TRIAL HAS BEEN GOING. I CAN'T TIE ANYTHING  
4 UP.

5 CAN YOU LOOK AT THIS 192? IS THAT -- YOU SAY  
6 THAT DOES NOT APPEAR TO BE YOUR SIGNATURE. IT IS SIMILAR  
7 TO YOUR SIGNATURE. IS THAT CORRECT?

8 THE WITNESS: IT IS MY NAME, YOUR HONOR. THAT  
9 IS NOT MY EXACT NUMBER.

10 THE COURT: THAT IS NOT YOUR SIGNATURE? IS THAT  
11 WHAT YOU ARE SAYING?

12 THE WITNESS: I DON'T KNOW.

13 THE COURT: HOW ABOUT UNDERNEATH THAT, IS THE  
14 ACCOUNT NUMBER?

15 THE WITNESS: THE ACCOUNT NUMBER.

16 THE COURT: IS THAT YOUR ACCOUNT NUMBER?

17 THE WITNESS: I HAVE NO IDEA.

18 THE COURT: DO YOU NORMALLY PUT ACCOUNT NUMBER  
19 ON A CHECK?

20 THE WITNESS: I DO NOT.

21 THE COURT: WHO DOES?

22 THE WITNESS: I JUST PUT IT IN MY TRUST ACCOUNT.

23 THE COURT: DO YOU HAVE AN ACCOUNT WITH SANWA  
24 BANK?

25 THE WITNESS: I DO NOT, YOUR HONOR. AND I NEVER

1 HAVE.

2 THE COURT: IS THERE ANOTHER BANK ON THERE?

3 MR. XAVIER: YES.

4 THE COURT: WHAT IS THE OTHER BANK?

5 MR. XAVIER: HOME SAVINGS?

6 DO YOU HAVE A BANK ACCOUNT WITH HOME  
7 SAVINGS AND LOAN?

8 THE WITNESS: I DON'T HAVE ONE. I DON'T KNOW IF  
9 AT THE PRESENT TIME I DID, YOUR HONOR.

10 THE COURT: ALL RIGHT.

11 BY MR. NACIONALES:

12 Q. MS. MERCADO, HOW DO YOU USUALLY HAVE FEE  
13 AGREEMENTS -- ARE THEY CONTINGENCY OR HOURLY?

14 A. I GIVE THE CLIENTS THE OPTION. THE CAN EITHER  
15 PAY ME CONTINGENCY OR HOURLY. HOWEVER, AS TO RETAINER,  
16 I NEVER TAKE RETAINER. I HAVE TAKEN ONE RETAINER I  
17 PERSONALLY RECALL THAT WAS FOR A SHERIFF THAT WANTED ME  
18 TO REPRESENT HIS SON-IN-LAW. I DON'T KNOW IF THE CHECKS  
19 WERE MADE TO ME BUT MY CUSTOM AND PRACTICE WOULD BE NOT  
20 TO TAKE A RETAINER. IF THERE WAS ANY MONEY GIVEN TO ME,  
21 THE MONEY WOULD HAVE BEEN REIMBURSED TO CLIENT BECAUSE  
22 IT WOULD ONLY GO TO THE COST OF THE CASE.

23 THE COURT: THERE IS ANOTHER CHECK HERE, THERE  
24 IS EXHIBIT 191 -- 192, AND THERE IS EXHIBIT 193.

25 THE WITNESS: HE SHOWED ME BOTH.

1 THE COURT: NEITHER OF THESE TWO CONTAIN YOUR  
2 SIGNATURE?

3 THE WITNESS: YOUR HONOR, WHAT I AM SAYING, THE  
4 SIGNATURE IS SIMILAR TO MINE. NOT QUITE MY SIGNATURE. I  
5 DON'T REMEMBER, AND I DON'T KNOW IF THAT IS MY SIGNATURE  
6 AT THE TIME, AND I DON'T RECOGNIZE THAT ACCOUNT NUMBER.  
7 I DON'T KNOW IF THAT WAS MY ACCOUNT OR NOT.

8 THE COURT: DO YOU GET COSTS?

9 THE WITNESS: THE COSTS COME OUT OF CASE WHEN I  
10 SETTLE THE CASE.

11 THE COURT: YOU DON'T NORMALLY GET COSTS OF \$2,400?

12 THE WITNESS: NO, YOUR HONOR.

13 THE COURT: IF THIS MONEY WAS PAID TO MY OFFICE,  
14 IT WOULD HAVE HAD BEEN ANOMINALLY. I NEVER ASK CLIENTS  
15 TO GIVE ME RETAINER FOR COSTS. WHEN I WAS DOING BUSINESS  
16 YEARS AGO, I MAY HAVE TAKEN A RETAINER. IF THIS MONEY  
17 WAS PAID TO MY OFFICE, THERE WOULD BE A RECORD IN A BANK.  
18 I DON'T RECALL IF THE RETAINER WAS PAID TO MY OFFICE. IT  
19 WOULD HAVE GONE EXCLUSIVELY TO TRUST ACCOUNT AND  
20 EXCLUSIVELY FOR COSTS, AND IT WOULD HAVE BEEN RETURNED TO  
21 THE CLIENTS WHEN THE CASE WAS SETTLED.

22 THE COURT: DID COUNSEL TALK TO YOU ABOUT THE  
23 TWO CHECKS BEFOREHAND?

24 THE WITNESS: ONLY OPPOSING COUNSEL, MR. JOSE  
25 CASTANEDA'S COUNSEL CALLED ME LAST NIGHT.

1 THE COURT: DID COUNSEL STANDING NEXT TO YOU  
2 TALK TO YOU ABOUT THE TWO CHECKS?

3 THE WITNESS: HE ASKED ME TO COME HERE TODAY.  
4 HE SAID THERE WERE TWO CHECKS HE HAD NEVER SHOWN THEM.

5 THE COURT: WOULD THE RECORDS OF YOUR OFFICE  
6 SHOW YOU HAD EVER RECEIVED THE TWO CHECKS OR NOT?

7 THE WITNESS: MY RECORDS WOULD GO BACK TO 96. I  
8 WOULD NOT HAVE THEM ANYMORE. MY BANK RECORDS MIGHT BE IN  
9 STORAGE. AND I RECEIVED A COPY OF THE CHECKS FROM  
10 COUNSEL.

11 THE COURT: TAKE A LOOK AT EXHIBIT 193.

12 THE WITNESS: YES.

13 THE COURT: THERE ARE TWO BANKS ON THE BACK OF  
14 THIS, HOME SAVINGS AND SANWA?

15 THE WITNESS: YES.

16 THE COURT: IF SOMEBODY WERE TO -- I DON'T QUITE  
17 GET IT. WHERE ARE WE GOING ON THIS? ARE YOU SUGGESTING  
18 THAT JOSE SIGNED HER NAME AND DEPOSITED IN SOMEBODY'S  
19 ACCOUNT AT HOME SAVINGS. I JUST DON'T KNOW WHAT TO MAKE  
20 OF ALL OF THIS, COUNSEL.

21 MR. NACIONALES: I ONLY KNOW FROM WHAT THE  
22 WITNESS TOLD ME, THAT SHE DOES NOT REMEMBER RECEIVING THE  
23 CHECK. SHE ONLY RECEIVED A RETAINER ON OCCASION. THAT  
24 IS ONLY THING I KNOW. I CAN'T PROVIDE PROOF THAT  
25 MR. CASTANEDA DEPOSITED IN HIS OWN ACCOUNT. WE CAN'T

1 GET RECORDS THAT FAR BACK. IT IS EIGHT YEARS. THE  
2 RECORDS GET DESTROYED.

3 MR. XAVIER: COUNSEL IS TESTIFYING AT THIS POINT  
4 IN TIME.

5 THE COURT: LET'S FINISH UP THIS TESTIMONY. IS  
6 THAT ALL?

7 RIGHT1: YES. THAT IS ALL, YOUR HONOR.

8 THE COURT: CROSS.

9  
10 CROSS EXAMINATION

11 BY MR. XAVIER:

12 Q. MS. MERCADO, DO YOU HAVE YOUR FILE ON THIS  
13 CASE?

14 A. NO, I DO NOT.

15 Q. IS IT DESTROYED?

16 A. AFTER FIVE YEARS, THE FILES WERE DESTROYED. SO  
17 I DON'T KNOW IF IT IS DESTROYED OR NOT.

18 Q. YOU DIDN'T BRING IT WITH YOU TODAY?

19 A. NOBODY ASKED ME TO BRING ANYTHING.

20 Q. I ASKED YES OR NO?

21 A. I SPOKE WITH YOU LAST NIGHT. YOU DID NOT ASK  
22 ME TO BRING IT.

23 Q. I AM ASKING IF YOU BROUGHT IT TODAY?

24 A. NO, SIR. I DID NOT.

25 Q. LET ME SHOW YOU A LETTER DATED MARCH 3RD, 1998.

1 DO YOU RECOGNIZE THIS LETTER DATED MARCH 3RD,  
2 1998?

3 A. YES. THAT IS MY ADDRESS AND LETTERHEAD.

4 Q. IS THAT YOUR SIGNATURE?

5 A. THAT IS MY SIGNATURE.

6 Q. YOU REFERRED TO O'REILLY. IS THIS NED P.  
7 O'REILLY YOU ARE REFERRING TO?

8 A. IT MUST BE. THAT IS SANTA ANA ADDRESS. IT MUST  
9 BE MR. O'REILLY.

10 Q. THAT IS THE ATTORNEY WHO REFERRED THIS CASE OR  
11 HAD IT PRIOR TO YOUR RETENTION ON THIS CASE?

12 A. I AM SORRY?

13 Q. THAT IS ATTORNEY WHO EITHER REFERRED THIS CASE  
14 TO YOU OR YOU TOOK THIS CASE OVER FROM; IS THAT CORRECT?

15 A. MY UNDERSTANDING WAS FROM MR. JOSE CASTANEDA,  
16 WAS HIS MOM'S PRIOR COUNSEL, THAT IS CORRECT.

17 Q. DID YOU EVER HAVE A BANK ACCOUNT AT HOME  
18 SAVINGS?

19 A. MAY HAVE.

20 Q. IN 1996, DID YOU HAVE A BANK ACCOUNT IN HOME  
21 SAYINGS?

22 A. I MAY HAVE.

23 Q. DID YOU BANK AT HOME SAVINGS RIGHT THERE AND  
24 YOUR OFFICE IS DOWNTOWN? THERE IS A FACILITY, HOME  
25 SAVINGS THERE?

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A. WHERE?

Q. ON FIGUEROA.

A. YES, I DID BANK ON FIGUEROA.

Q. 660 SOUTH FIGUEROA STREET, L. A., HOME SAVINGS?

A. I DON'T KNOW WHAT THE ADDRESS IS. I DID BANK ON FIGUEROA.

MR. XAVIER: THANK YOU.

I HAVE NO FURTHER QUESTIONS.

MAY THE WITNESS BE EXCUSED, YOUR HONOR?

THE COURT: THANK YOU.

(END OF REQUESTED TRANSCRIPT.)

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NORTHEAST "P" HON. JAN A. PLUIM, JUDGE

4 JESUS CASTANEDA,  
5 ABEL BUELNA,

6 PLAINTIFF,

7 VS.

8 JOSE SALAZAR CASTANEDA,

9 DEFENDANTS.

NO. GC 031549

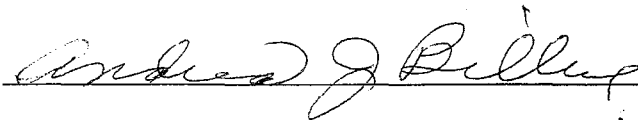
REPORTER'S

CERTIFICATE

10 STATE OF CALIFORNIA )  
11 ) SS.  
12 COUNTY OF LOS ANGELES. )

13 I, ANDREA J. BILLUE, OFFICIAL REPORTER OF THE  
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY  
15 OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES  
16 1 THROUGH 15, INCLUSIVE, COMPRISES A FULL, TRUE AND  
17 CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE  
18 ENTITLED CAUSE ON MAY 10, 2005.

19 DATED THIS 8TH DAY OF JULY, 2005.

20  
21  
22 

CSR #3678

23 OFFICIAL REPORTER  
24  
25