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IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

HIEHIE, LLC as assignee)	CIVIL NO. 15-1-0255(1)
for the ESTATE OF MOANA)	[Other Civil Action]
PENELOPE MARTIN RAMOS,)	
)	
Plaintiff,)	
)	
vs.)	
)	
KIRK P. GIORDANO; DOE)	
DEFENDANTS 1-10,)	
)	
Defendants.)	
)	

DEPOSITION OF

KIMBERLY KEHAULANI RAMOS CASPILLO

Taken on behalf of the Defendant, Kirk P. Giordano, at Chee Markham & Feldman, American Savings Bank Tower, 1001 Bishop Street, Suite 2700, Honolulu, Hawaii, commencing at 11:57 a.m. on Tuesday, April 25, 2017, pursuant to Notice.

BEFORE: SHARON L. ROSS, RPR, CRR, RMR, CSR No. 432

1 APPEARANCES:

2 For Plaintiff, Hiehie, LLC as assignee for the Estate of
3 Moana Penelope Martin Ramos:

4

5 MATTHEW C. SHANNON, ESQ.

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10

11 For Defendant, Kirk P. Giordano:

12

13 LOCKEY E. WHITE, ESQ.

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18

19 For the witness:

20

21 DEVON I. PETERSON, ESQ.

22 Chee Markham & Feldman

23 American Savings Bank Tower

24 1001 Bishop Street, Suite 2700

25 Honolulu, Hawaii 96813

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1 KIMBERLY KEHAULANI RAMOS CASPILLO,
2 called as a witness at the instance of the Defendant,
3 being first duly sworn to tell the truth, the whole
4 truth and nothing but the truth, was examined and
11:57 5 deposed as follows:

11:57 6 MS. PETERSON: Before we start, I just want
11:57 7 to clarify that it's my understanding from your office
11:57 8 that you're going to be questioning her regarding her
11:57 9 affidavit.

11:57 10 MS. WHITE: Yes. Well, as -- regarding the
11:57 11 case -- all the matters related to the affidavit and the
11:57 12 case so --

11:57 13 MS. PETERSON: My understanding, though, was
11:57 14 that it was going to be confined to the issues covered
11:57 15 in the affidavit --

11:57 16 MS. WHITE: That's --

11:57 17 MS. PETERSON: -- from my conversation with
11:57 18 Mr. Sulla last week.

11:57 19 MS. WHITE: Well, that's the primary focus.
11:57 20 Of course, there's some discrepancies that we need to
11:58 21 clarify so....

11:58 22 MS. PETERSON: Well, to the extent it goes
11:58 23 beyond the affidavit, then I think that's beyond what --
11:58 24 my understanding of what she agreed to testify to.

11:58 25 MS. WHITE: This is under subpoena, not

11:58 1 under stipulation --

11:58 2 MS. PETERSON: Well --

11:58 3 MS. WHITE: -- as far as I can tell.

11:58 4 MS. PETERSON: -- if you need me to pause
11:58 5 everything and go get a protective order, then we can
11:58 6 certainly do that; but when I talked about it with
11:58 7 Mr. Sulla, he said that the issues that were relevant
11:58 8 were what was in her affidavit, if we provided a copy of
11:58 9 the birth certificate, which we did. So --

11:58 10 MS. WHITE: I understand. There were
11:58 11 numerous documents that we requested copies of in
11:58 12 advance, and we did not receive them. And that hindered
11:58 13 my ability to prepare properly for this deposition.

11:58 14 MS. PETERSON: No. The only thing -- the
11:58 15 subpoena -- I specifically called on the date of the
11:58 16 original subpoena and -- to ask if there was anything on
11:58 17 the record that she needed to turn in on that day.

11:58 18 And it was can -- when we spoke with the court
11:58 19 reporter's office, they said they had nothing on the
11:59 20 calendar.

11:59 21 And then when I spoke to Mr. Sulla, I told him I
11:59 22 was happy to provide him with a copy of the birth
11:59 23 certificate. He didn't ask for anything else.

11:59 24 So, there was no agreement that we would provide
11:59 25 anything prior to this deposition.

11:59 1 MS. WHITE: The subpoena clearly states what
11:59 2 we need. It's in the "Comments" section, 1 through 7.
11:59 3 This is what we requested, and this is what we expected.

11:59 4 MS. PETERSON: And the subpoena was --

11:59 5 MS. WHITE: If Mr. Sulla misspoke, that was
11:59 6 a mistake. They're --

11:59 7 MS. PETERSON: The subpoena was for today
11:59 8 per the agreement and we have those documents and we're
11:59 9 ready to produce them. I specifically checked this with
11:59 10 the court reporter's office on the date of the initial
11:59 11 subpoena.

11:59 12 MS. WHITE: Uh-huh.

11:59 13 MS. PETERSON: So, we did not -- she did not
11:59 14 not conform with what the response -- requirements of
11:59 15 the subpoena were in any way; and I did not renege on
11:59 16 any agreement that I had with Mr. Sulla.

11:59 17 MS. WHITE: I'm not accusing you of
11:59 18 reneging. As a courtesy, we allowed you to bring the
11:59 19 documents to this deposition, although the subpoena was
11:59 20 still in effect and the -- we were expecting the
11:59 21 documents prior --

12:00 22 MS. PETERSON: No. We --

12:00 23 MS. WHITE: -- for the original subpoena
12:00 24 date. I did reach out to you, and I did send you
12:00 25 e-mails and phone calls. You never returned my calls.

12:00 1 You never returned my e-mails. You spoke with
12:00 2 Mr. Sulla, and I've been the one focusing on this case.
12:00 3 So, I'm sorry if there was any --
12:00 4 MS. PETERSON: That is not correct.
12:00 5 MS. WHITE: -- misunderstanding.
12:00 6 MS. PETERSON: First of all, are you
12:00 7 prepared -- because we can get Ralph Rosenberg on the
12:00 8 phone right now. We specifically checked on the initial
12:00 9 date of the subpoena if there was anything on record.
12:00 10 They said they didn't have anything scheduled.
12:00 11 MS. WHITE: It --
12:00 12 MS. PETERSON: So, did you call Mr. -- did
12:00 13 you recall Rosenberg's office and ask them to follow up
12:00 14 with us? Because we spoke with them numerous times the
12:00 15 day before.
12:00 16 MS. WHITE: This was not a matter of a court
12:00 17 reporter. This was a matter of document production for
12:00 18 that original date.
12:00 19 MS. PETERSON: To a court reporter.
12:00 20 MS. WHITE: As a courtesy -- as a courtesy
12:00 21 we are allowing document production to our office at --
12:00 22 MS. PETERSON: To your office?
12:00 23 MS. WHITE: Yes, at like -- I -- nobody said
12:00 24 that we had to pay for a court reporter to be there to
12:00 25 receive documents without a deposition.

12:01 1 MS. PETERSON: That's how a Subpoena Duces
12:01 2 Tecum works. You turn it in to the court reporter so
12:01 3 that they can affirm that there's -- these are the
12:01 4 documents responsive. Otherwise, they're not
12:01 5 admissible.

12:01 6 MS. WHITE: I've seen many subpoenas where
12:01 7 the documents were returned directly to counsel. So,
12:01 8 I'm sorry if there was a misunderstanding there.

12:01 9 MS. PETERSON: Where were they --

12:01 10 MS. WHITE: If she's produced --

12:01 11 MS. PETERSON: -- supposed to be --

12:01 12 MS. WHITE: -- the documents --

12:01 13 THE COURT REPORTER: One at a time.

12:01 14 MS. PETERSON: Where were they supposed to
12:01 15 be returned pursuant to the subpoena?

12:01 16 MS. WHITE: On this day the official copies
12:01 17 were supposed to be presented for the deposition to --
12:01 18 as a courtesy so that we would give you more time,
12:01 19 because everybody wanted more time, we rescheduled this
12:01 20 deposition for today; but we still were expecting the
12:01 21 documents for the original deposition date which was
12:01 22 April 13th so that we would have time.

12:01 23 Now, they didn't have to be the originals or the
12:01 24 certified copies or anything like that; but we were
12:01 25 expecting and hoping for at least a digital copy so

12:01 1 that, you know, everybody was cooperative because I
12:01 2 don't know see why this needs to be adversarial. Your
12:01 3 witness -- our witness is not a defendant. We are just
12:02 4 trying to verify facts so that we can hopefully resolve
12:02 5 this matter.

12:02 6 I don't understand why it's starting out this way
12:02 7 because I believe these are reasonable requests for
12:02 8 documents. My clients have hundreds of thousands of
12:02 9 dollars on the line, and they are asking for these
12:02 10 reasonable documents. I don't understand what the issue
12:02 11 is.

12:02 12 MS. PETERSON: Pursuant to the subpoena
12:02 13 where was she supposed to produce the documents to?

12:02 14 MS. WHITE: The original subpoena, the
12:02 15 documents were for April 13th at the court reporter's
12:02 16 for the deposition. We renoticed the deposition --

12:02 17 MS. PETERSON: Precisely.

12:02 18 MS. WHITE: -- for today. Per the subpoena
12:02 19 you must now produce the documents today.

12:02 20 MS. PETERSON: And they are right here.

12:02 21 MS. WHITE: I would like to see them,
12:02 22 please. Thank you.

12:02 23 Is this the original certified copy? It looks
12:02 24 Bates stamped.

12:02 25 MS. PETERSON: It's a copy.

12:02 1 MS. WHITE: We -- we need to see the
12:02 2 original certified copy. We can't see a Bates-stamped
12:02 3 copy.

12:02 4 MS. PETERSON: The certification is on the
12:02 5 back.

12:02 6 MS. WHITE: This is not a certified copy if
12:02 7 it's Bates stamped. We need to see the actual original
12:03 8 certified copy of the birth certificate or -- we have
12:03 9 currently a motion pending to get a court order to get
12:03 10 the birth certificate; but we were hoping to not have to
12:03 11 go there and that you would produce either an original
12:03 12 birth certificate or a certified copy, not a copy of a
12:03 13 copy that's Bates stamped.

12:03 14 So, I appreciate that --

12:03 15 MS. PETERSON: It's not a copy of a copy.
12:03 16 It's a copy.

12:03 17 MS. WHITE: Of a certified copy.

12:03 18 MS. PETERSON: It's a copy of a certified
12:03 19 copy. That's what my client had in her records.

12:03 20 MS. WHITE: Okay.

12:03 21 MS. PETERSON: That's what we're producing.

12:03 22 MS. WHITE: So -- so, your client does not
12:03 23 have a certified copy --

12:03 24 MS. PETERSON: She has a copy --

12:03 25 MS. WHITE: -- in her position?

12:03 1 THE COURT REPORTER: One at a time.

12:03 2 MS. PETERSON: Correct.

12:03 3 MS. WHITE: Okay. So, I'm -- so, we'll have

12:03 4 to keep the hearing on calendar. I'm sorry about that.

12:03 5 Okay. I'm going to take a minute to just review

12:03 6 the documents because I didn't have a chance to review

12:03 7 them. So, if you want, we can have a ten-minute recess;

12:03 8 or you can just bear with me while I check it out.

12:03 9 MR. SHANNON: Yeah. Can we do that off the

12:03 10 record?

12:03 11 MS. WHITE: Yeah, that's fine.

12:04 12 (Recess from 12:03 p.m. to 12:10 p.m.)

12:04 13 EXAMINATION

12:04 14 BY MS. WHITE:

12:10 15 Q. Hi, Kimberly.

12:10 16 A. Hi.

12:10 17 Q. My name is Lockey White. I'm an attorney for the

12:10 18 Defendant, Kirk Giordano, in this matter.

12:10 19 Could you state your full name for the record?

12:10 20 A. Kimberly Kehaulani Ramos Caspillo.

12:10 21 Q. Can you please spell that or did --

12:10 22 MS. WHITE: The court reporter -- you

12:10 23 already have that?

12:10 24 THE COURT REPORTER: I got it.

12:10 25 Q. (BY MS. WHITE) May I see your ID?

12:10 1 A. (Witness complies.)

12:11 2 MS. WHITE: The record shows that the
12:11 3 deponent produced a Hawaii driver's license, and it
12:11 4 looks authentic.

12:11 5 Q. (BY MS. WHITE) Can you please state your address
12:11 6 for the record?

12:11 7 A. P. O. Box 17011, Honolulu, Hawaii, 96817.

12:11 8 Q. And do you have a street address or --

12:11 9 MS. PETERSON: Her P. O. -- she's giving her
12:11 10 P. O. Box, and any other information can be addressed to
12:11 11 our office.

12:11 12 MS. WHITE: So, if we do need to name your
12:11 13 client as a co-defendant, you're willing to accept
12:11 14 service of process?

12:11 15 MS. PETERSON: No.

12:11 16 MS. WHITE: So, we would need a physical
12:11 17 address to be able to do that just in case.

12:11 18 MS. PETERSON: You just started this
12:11 19 deposition by saying she's not a defendant --

12:11 20 MS. WHITE: No, she's not.

12:12 21 MS. PETERSON: -- and now you're planning --

12:12 22 MS. WHITE: I'm just --

12:12 23 MS. PETERSON: -- to bring her in?

12:12 24 MS. WHITE: Only because it's been so oddly
12:12 25 contentious. I didn't expect it to be. So, I just want

12:12 1 to make sure that if there's a problem, we have a way --

12:12 2 MS. PETERSON: I'm instructing --

12:12 3 MS. WHITE: -- to find her and --

12:12 4 MS. PETERSON: -- her not to answer. You

12:12 5 can contact her through me is the appropriate vessel.

12:12 6 MS. WHITE: So, let the record show that the

12:12 7 dependent is refusing to provide her street address.

12:12 8 Q. (BY MS. WHITE) So, you're aware of -- you're

12:12 9 being deposed in the case of Hiehie, LLC versus

12:12 10 Giordano, correct?

12:12 11 A. Yes.

12:12 12 Q. With whom are you currently employed?

12:12 13 A. U.S. Probation Office.

12:12 14 Q. And what is your title there?

12:12 15 A. Data quality analyst.

12:12 16 Q. Data quality analyst?

12:12 17 A. Uh-huh.

12:12 18 Q. And how long have you been employed there?

12:12 19 A. 21 years.

12:12 20 Q. Okay. Have you ever been deposed before?

12:12 21 A. No.

12:12 22 Q. In your deposition I'm going to be asking you
12:12 23 questions, and you're going to be answering under oath.

12:12 24 Do you understand this?

12:12 25 A. Yes.

12:12 1 Q. There are a few differences between a deposition
12:12 2 and a typical conversation that I want to make you aware
12:13 3 of.

12:13 4 First, the court reporter is attempting to
12:13 5 transcribe everything we say. In a normal conversation
12:13 6 folks sometimes interrupt or talk over each other, but
12:13 7 here it's important that we wait for each other to
12:13 8 finish asking or answering a question before the other
12:13 9 begins talking. Do you understand this?

12:13 10 A. Yes.

12:13 11 Q. Second, since this is an oral transcription, the
12:13 12 court reporter cannot indicate head nods or other
12:13 13 gestures or uh-huhs or none of -- or things like that.
12:13 14 So, every answer needs to be verbal. Do you understand
12:13 15 this?

12:13 16 A. Yes.

12:13 17 Q. Finally, unlike a typical conversation, your
12:13 18 answers today are under oath; and this subjects you to
12:13 19 potential charges of perjury for willfully giving false,
12:13 20 misleading, or incomplete testimony under oath. Do you
12:13 21 understand this?

12:13 22 A. Yes.

12:13 23 Q. Is there any reason, such as being under unusual
12:13 24 stress, a physical or a mental condition or being under
12:14 25 the influence of any substances that would prevent or

12:14 1 limit you today from giving truthful answers to my
12:14 2 questions?

12:14 3 A. No.

12:14 4 Q. There is nothing wrong with asking me to repeat a
12:14 5 question or explain a term if you don't understand my
12:14 6 question. However, if you answer my question, I'm going
12:14 7 to assume that you understand it. Do you understand
12:14 8 this?

12:14 9 A. Yes.

12:14 10 Q. If you need clarification of my question, you
12:14 11 need to look to me for clarification and not to anyone
12:14 12 else. Do you understand this?

12:14 13 A. Yes.

12:14 14 (Brief interruption.)

12:14 15 Q. (BY MS. WHITE) Sometimes when I ask a question,
12:14 16 you will have partial knowledge but not absolutely
12:14 17 certain or complete knowledge.

12:14 18 For example, if I asked you your temperature
12:14 19 right now, you couldn't necessarily tell me the exact
12:14 20 degree; but you could give me an approximate answer.
12:14 21 And even if you couldn't, you probably would know
12:14 22 whether you feel really hot or really cold or somewhere
12:14 23 in between.

12:14 24 In that circumstance an answer of "I don't know"
12:14 25 is not appropriate, but an answer giving a range or

12:14 1 estimate based on your knowledge with an explanation
12:15 2 that it's a range or estimate is appropriate. Do you
12:15 3 understand this?

12:15 4 A. Yes.

12:15 5 MS. PETERSON: I'm going to clarify that
12:15 6 she's only obligated to ask the specific -- answer the
12:15 7 specific question you ask. She doesn't have to intuit
12:15 8 what you mean if you were to ask her what's her
12:15 9 temperature. You should say -- the question should be:
12:15 10 Do you feel hot? Do you feel feverish?

12:15 11 She doesn't have to provide initial information.
12:15 12 She's only obligated to give a truthful answer to the
12:15 13 specific question you ask.

12:15 14 MS. WHITE: To the best of her knowledge.

12:15 15 MS. PETERSON: Right.

12:15 16 Q. (BY MS. WHITE) Sometimes I might ask you a
12:15 17 question in which you're not sure of the answer, but you
12:15 18 can reference some document and answer the question with
12:15 19 certainty after you reference it.

12:15 20 For example, if I asked you the balance of your
12:15 21 checking account on a particular date, you can ask to
12:15 22 see the banking statement before answering it. I can
12:15 23 then decide whether or not to show you the banking
12:15 24 statement and get an exact response or not provide it
12:15 25 and get a less exact response. Do you understand this?

12:15 1 A. Yes.

12:15 2 Q. Finally I'm entitled to what are considered
12:15 3 complete answers. That means an answer that fully and
12:16 4 completely answers my question.

12:16 5 For example, if you had orange juice, toast, and
12:16 6 coffee for breakfast and I asked you what you ate for
12:16 7 breakfast, if you answered "orange juice," that would
12:16 8 not be a complete answer and you would not have properly
12:16 9 answered my question.

12:16 10 However, you are under no obligation to answer
12:16 11 that question by telling me what you had for lunch even
12:16 12 if that was a more interesting meal. Do you understand
12:16 13 this?

12:16 14 A. Yes.

12:16 15 Q. As I'm sure you're aware, the subject property is
12:16 16 1020 Hiehie Street in Maui. Did you ever live at the
12:16 17 subject property?

12:16 18 A. No.

12:16 19 Q. Who did live at the subject property that you're
12:16 20 aware of?

12:16 21 A. My --

12:16 22 MR. SHANNON: Objection, ambiguous as to
12:16 23 time.

12:16 24 Q. (BY MS. WHITE) Okay. At the time of the tax
12:16 25 sale who was living at the subject property?

12:16 1 MR. SHANNON: Can you tell her when that
12:17 2 was?

12:17 3 Q. (BY MS. WHITE) The tax sale -- if we need to
12:17 4 know exactly when the tax sale was, I can tell you.

12:17 5 (Brief interruption.)

12:17 6 MS. PETERSON: If we could go off the record
12:17 7 for a second.

12:17 8 (Recess from 12:17 p.m. to 12:18 p.m.)

12:18 9 MS. WHITE: Back on the record.

12:18 10 Q. (BY MS. WHITE) Okay. So, the tax sale that
12:18 11 we're referring to was May 20th, 2014. Are you aware of
12:18 12 who was living at the subject property at that time?

12:18 13 A. I'm not sure who was living there.

12:18 14 Q. Okay. What was your birth mother's legal name?

12:18 15 A. Moana Penelope Martin Ramos.

12:18 16 Q. Were you ever adopted?

12:18 17 A. No.

12:18 18 Q. Where were you born?

12:18 19 A. Honolulu, Hawaii.

12:18 20 Q. When did your mother die?

12:18 21 A. August 5th, 2012.

12:19 22 Q. Where did she die?

12:19 23 A. Waianae.

12:19 24 Q. When did your father die?

12:19 25 A. August 19th, 2011.

12:19 1 Q. And where did he die?

12:19 2 A. Kuakini Hospital.

12:19 3 Q. In Oahu?

12:19 4 A. Honolulu.

12:19 5 Q. What was your father's mother's full maiden name?

12:19 6 A. Maiden name?

12:19 7 Q. Uh-huh.

12:19 8 A. I believe it was Johanna Mielhesa.

12:19 9 Q. Can you spell that, please?

12:19 10 A. M-I-E-L-H-E-S-A. I believe that was her maiden

12:19 11 name.

12:19 12 Q. And what was your birth father's full legal name?

12:19 13 A. Jerry Roligio/Rogelio Dela Rosa Ramos.

12:19 14 Q. Can you spell it?

12:19 15 A. It's either R-O-L-I-G-I-O or R-O-G-E-L-I-O, Dela,

12:20 16 D-E-L-A, Rosa, R-O-S-A, Ramos and Jerry, J-E-R-R-Y.

12:20 17 Q. What was your mother's mother's full legal name?

12:20 18 A. Julia -- her maiden name?

12:20 19 Q. Maiden name, yes.

12:20 20 A. Julia Keikioewa -- I believe was her middle

12:20 21 name -- Plunkett.

12:20 22 Q. Do you have a copy of your father's birth

12:20 23 certificate?

12:20 24 A. No.

12:20 25 Q. Do you have a copy of your father's death

12:20 1 certificate?

12:20 2 A. No.

12:20 3 Q. When were your parents married?

12:20 4 A. I'm not sure on the year, but I know the date was
12:20 5 August 5th.

12:20 6 Q. And where were they married?

12:20 7 A. I believe in Maui.

12:20 8 Q. When did they meet?

12:20 9 A. I'm not sure of the date.

12:21 10 Q. Do you know around -- a range of when they met?

12:21 11 MS. PETERSON: You know, I'm going to object
12:21 12 because obviously they met before she was conceived.
12:21 13 So, anything she's talking about right now would just be
12:21 14 speculation on her part.

12:21 15 MS. WHITE: As far as the family history
12:21 16 goes, I -- your objection is noted for the record.

12:21 17 Q. (BY MS. WHITE) You still need to answer the
12:21 18 question as to your best recollection. From family
12:21 19 history did they meet many years before they got
12:21 20 married? Did they meet and then just get married?

12:21 21 A. I'm not sure how long before they got married,
12:21 22 maybe within a year before they got married.

12:21 23 Q. And do you have a range for when they got
12:21 24 married? Do you have a sense for --

12:21 25 A. 1972 or '71.

12:21 1 Q. But before you were born --

12:21 2 A. Before I was born.

12:21 3 Q. -- they were married? So, do you know how long
12:21 4 they were going out with each other before they were
12:22 5 married?

12:22 6 A. No.

12:22 7 MS. PETERSON: Asked and answered.

12:22 8 Objection.

12:22 9 MR. SHANNON: Assumes facts not in evidence.

12:22 10 Q. (BY MS. WHITE) Why does your affidavit and
12:22 11 obituary -- there's an obituary that was presented in
12:22 12 this case that shows your -- the memorial service for
12:22 13 one year, and your affidavit says the date of death for
12:22 14 another year.

12:22 15 MS. WHITE: And I can present it as an
12:22 16 exhibit to make it easier for everybody. Exhibit D.

12:22 17 MS. PETERSON: I'm going to object that's a
12:22 18 compound question.

12:22 19 MS. WHITE: This is the exhibit if you want
12:22 20 to mark exhibit -- you can change it to A. For my own
21 records I'm calling it D.

22 THE COURT REPORTER: Oh, do you want
23 letters? I did numbers.

24 MS. WHITE: Exactly. You can change it.

25 (Caspillo Exhibit No. 1 marked.)

12:23 1 MS. WHITE: So, this is 1. Okay. And then
12:23 2 there's an affidavit that you signed, and that is going
12:23 3 to be Exhibit 2.

12:23 4 (Caspillo Exhibit No. 2 marked.)

12:23 5 Q. (BY MS. WHITE) Now, as you can see from your
12:23 6 affidavit, you state that Mr. Ramos, your father, died
12:23 7 in 2011 in August; but according to the obituary, the
12:23 8 funeral was held in August of 2012. Can you explain the
12:24 9 discrepancy?

12:24 10 MS. PETERSON: Objection to the
12:24 11 characterization as a "discrepancy."

12:24 12 Q. (BY MS. WHITE) Okay.

12:24 13 A. He died in 2011, and we held his funeral in 2012.

12:24 14 Q. Do you know why there was a year difference?

12:24 15 A. Personal reasons.

12:24 16 Q. You waited for a year. Okay. And are you aware
12:24 17 of any surplus funds from the tax sale for the subject
12:24 18 property that were due to you which remain unclaimed?

12:24 19 MR. SHANNON: Objection, assumes facts not
12:24 20 in evidence.

12:24 21 MS. WHITE: Noted.

12:24 22 Q. (BY MS. WHITE) Are you aware of any surplus
12:24 23 funds from the tax sale of the subject property?

12:24 24 A. No.

12:24 25 Q. What are the circumstances surrounding your

12:24 1 assignment of rights?

12:24 2 And the assignment is exhibit -- I have an
12:25 3 exhibit here to show you, the assignment.

12:25 4 (Caspillo Exhibit No. 3 marked.)

12:25 5 MS. PETERSON: I'm going to object as vague
12:25 6 and ambiguous with re -- oh, that's my copy -- with
12:25 7 regard to the description -- or the characterization of
12:25 8 "circumstances."

12:25 9 If you have specific things you want to know, you
12:25 10 can ask her.

12:25 11 MS. WHITE: I have many specific questions.
12:25 12 I was giving her the opportunity to tell her story
12:25 13 without having to go into specific questions.

12:25 14 MR. SHANNON: Is there an actual question
12:25 15 pending?

12:25 16 MS. WHITE: Yes. There are many questions
12:25 17 pending.

12:25 18 Q. (BY MS. WHITE) I'm just curious what the
12:25 19 circumstances were surrounding the assignment of -- if
12:25 20 there was a story behind how that happened that you
12:25 21 would like to tell; and then if you don't cover my
12:25 22 questions, I can then ask specific questions.

12:25 23 MR. SHANNON: Well, I'm going to object as
12:25 24 to overbroad and ambiguous.

12:25 25 MS. WHITE: Objection noted.

12:25 1 Q. (BY MS. WHITE) What were the circumstances
12:26 2 surrounding your assignment of rights?

12:26 3 A. Like, where do I -- what do you -- what do I
12:26 4 start with? What do I --

12:26 5 Q. How did -- how did this document come about?

12:26 6 A. Oh.

12:26 7 Q. How did you end up assigning your rights?

12:26 8 A. I was approached by Steve Goodenow on behalf of
12:26 9 the LLC if I was -- if I wanted to assign my real
12:26 10 property rights, if any.

12:26 11 Q. And you just decided you wanted to? He just
12:26 12 called you out of the blue and said "Do you want to
12:26 13 assign your rights" and you said "Yes"?

12:26 14 A. No. I thought about it and -- thought about it
12:26 15 and then decided to.

12:26 16 Q. Okay. How do you know Matson Kelley?

12:27 17 A. He's an attorney -- he's an attorney that was
12:27 18 part of this assignment of property.

12:27 19 Q. When did you meet Matson Kelley?

12:27 20 MS. PETERSON: Objection, assumes facts not
12:27 21 in evidence.

12:27 22 Q. (BY MS. WHITE) Okay. Have you ever met Matson
12:27 23 Kelley?

12:27 24 A. No.

12:27 25 Q. Was Matson Kelley ever your attorney?

12:27 1 A. No.

12:27 2 Q. Did you ever hire Matson Kelley to represent the
12:27 3 Estate of Moana Ramos -- or your mother's estate?

12:27 4 A. No.

12:27 5 Q. Did your mother have a will at the time of her
12:27 6 death?

12:27 7 A. No.

12:27 8 Q. Did your mother ever have a will?

12:27 9 A. Not that I know of, no.

12:27 10 Q. Did your father have a will at the time of his
12:27 11 death?

12:27 12 A. No.

12:27 13 Q. Did your father ever have a will?

12:27 14 A. No.

12:27 15 Q. Are there any other heirs to the Estate of Moana
12:27 16 Ramos?

12:27 17 A. No.

12:27 18 MS. PETERSON: Objection to the extent it
12:27 19 calls for a legal conclusion.

12:27 20 MR. SHANNON: And objection to the extent
12:27 21 that it asks for information that might be without -- or
12:27 22 might be outside of her scope of knowledge.

12:28 23 Q. (BY MS. WHITE) Has anyone else come forward to
12:28 24 you or to anybody else that you know of claiming to be
12:28 25 an heir to the Estate of Moana or Jerry Ramos?

12:28 1 MS. PETERSON: Objection, compound question.

12:28 2 Q. (BY MS. WHITE) Okay. I'd still like you to
12:28 3 answer it. Has anyone else come forward to you -- has
12:28 4 anyone come forward to you claiming to be an heir of the
12:28 5 Estate of Moana Ramos?

12:28 6 A. No.

12:28 7 Q. Has anyone come forward to you claiming to be the
12:28 8 heir of the Estate of Jerry Ramos?

12:28 9 A. No.

12:28 10 Q. Have you had any knowledge of anybody coming
12:28 11 forward to anybody else claiming to be an heir of the
12:28 12 Estate of Moana Ramos?

12:28 13 A. No.

12:28 14 Q. Have you had any knowledge of anybody else coming
12:28 15 forward to anybody else -- have you had any knowledge of
12:28 16 anybody coming forward to anybody else claiming to be an
12:28 17 heir to the Estate of Jerry Ramos?

12:28 18 MR. SHANNON: Objection, calls for
12:28 19 speculation.

12:28 20 A. No.

12:28 21 Q. (BY MS. WHITE) Who are the remaining living
12:28 22 family members related to Moana Ramos?

12:29 23 A. She has sisters.

12:29 24 Q. Can you name them?

12:29 25 A. Roberta Stensgaard, Julia Talifolau, and Cynthia

12:29 1 Burns.

12:29 2 Q. Who are the remaining living family members
12:29 3 related to Jerry Ramos?

12:29 4 A. He has a sister, Nancy Okinishi, and two
12:29 5 brothers, Arnold Ramos and Eusibio Ramos.

12:29 6 Q. Why did Moana Ramos deed the subject property to
12:29 7 you and then take the property back out of your name
12:29 8 five years later?

12:29 9 MR. SHANNON: Objection --

12:29 10 MS. WHITE: And I have here Exhibits L and M
12:30 11 I will provide.

12:30 12 MR. SHANNON: Objection, calls for
12:30 13 speculation.

12:30 14 MS. PETERSON: Same objection.

12:30 15 MS. WHITE: Here's one exhibit.

12:30 16 (Caspillo Exhibit Nos. 4 and 5 marked.)

12:30 17 Q. (BY MS. WHITE) So, as you can see, Exhibit 4 --
12:31 18 (Discussion off the record.)

12:31 19 Q. (BY MS. WHITE) As you can see, Exhibit 4 is a
12:31 20 warranty deed dated -- recorded on March 15th, 2001,
12:31 21 which has the subject property being granted from you to
12:31 22 your mother, Moana Penelope Ramos.

12:31 23 MS. PETERSON: Are you referring to 4 or 5?

12:31 24 MS. WHITE: Oh, that's what I was -- shit.
12:31 25 So, which one -- that's 4. Okay. Sorry. I got it

12:31 1 mixed up.

12:31 2 Q. (BY MS. WHITE) Okay. So, let's start again.

12:31 3 Okay. So, you can see Exhibit 4 is a warranty deed that

12:31 4 was -- the recording date is unclear; but it was signed

12:32 5 on May 28th, 1996 and --

12:32 6 MS. PETERSON: Could you tell her where

12:32 7 you're referring to, what page?

12:32 8 Q. (BY MS. WHITE) On the Page 3 of -- well, sorry,

12:32 9 Page 4 -- excuse me -- of the warranty deed. It's

12:32 10 numbered as Page 3, but there's a cover sheet.

12:32 11 MS. PETERSON: (Indicating.)

12:32 12 Q. (BY MS. WHITE) So, the fourth page, it shows

12:32 13 it's dated May 28th, 1996; and this is a deed where

12:32 14 Moana Ramos deeded the subject property to herself and

12:32 15 Jerry Ramos and your -- you. And you were Kimberly

12:32 16 Ramos before you were Kimberly Caspillo.

12:32 17 A. Yes.

12:32 18 Q. Exhibit 5 is a deed recorded March 15th, 2001,

12:32 19 where you and Jerry deeded the property back to Moana

12:32 20 Ramos.

12:32 21 Can you please explain why you deeded the

12:32 22 property back to Moana Ramos?

12:33 23 A. We didn't want to be on the property at the time.

12:33 24 Q. And why -- why was that?

12:33 25 A. I'm starting my family, so I just didn't want to

12:33 1 be on it.

12:33 2 Q. So, you asked her to take it back?

12:33 3 A. Yes.

12:33 4 Q. What was your relationship with Moana Ramos like?

12:33 5 MS. PETERSON: I'm going to object to the
12:33 6 extent that this is going beyond what's in her
12:33 7 affidavit.

12:33 8 MS. WHITE: I did not write in the subpoena
12:33 9 that this deposition was limited to the affidavit. If
12:33 10 there was a misunderstanding with another attorney at my
12:33 11 office, I am sorry for that; but I have many questions
12:33 12 that have -- form the foundation of the affidavit and it
12:33 13 will help everybody involved if we just do this quickly
12:34 14 and easily.

12:34 15 MS. PETERSON: You've already threatened to
12:34 16 name my client as a defendant in this very deposition
12:34 17 so --

12:34 18 MS. WHITE: Only because of the lack of
12:34 19 cooperation that I -- that your office has been
12:34 20 exhibiting.

12:34 21 MS. PETERSON: In what way has our office
12:34 22 not cooperated?

12:34 23 MS. WHITE: I was expecting documents before
12:34 24 and I --

12:34 25 MS. PETERSON: Have you clarified --

12:34 1 MS. WHITE: You've been very aggressive
12:34 2 towards me. I'm sorry. I'm trying to do this in a
12:34 3 pleasant way. I don't understand what the problem is.

12:34 4 MS. PETERSON: The only documents we agreed
12:34 5 to produce prior to the subpoena date was the birth
12:34 6 certificate which we did produce.

12:34 7 The other documents, the subpoena was amended so
12:34 8 that the responsive date was today, which we produced.

12:34 9 And just to clarify for the record, we provided
12:34 10 during this deposition documents Bates stamped KC 1
12:34 11 through 112 in response to the subpoena.

12:34 12 We clarified, as I said, with the court
12:35 13 reporter's office on the date of the initial subpoena
12:35 14 that they had nothing on the calendar for us to respond
12:35 15 to at that time.

12:35 16 So, if there was a misunderstanding it was
12:35 17 between your office and the court reporter. We have
12:35 18 complied in every way with the subpoena.

12:35 19 MS. WHITE: Thank you.

12:35 20 Q. (BY MS. WHITE) What was your relationship with
12:35 21 your mother like, Moana Ramos?

12:35 22 MR. SHANNON: Objection. That's just
12:35 23 irrelevant; and it goes into personal and confidential
12:35 24 information which is really -- Locky, it's just
12:35 25 unnecessary to get into the relationship in the family

12:35 1 and what that was like. I don't really see the
12:35 2 relevance to it.

12:35 3 MS. WHITE: There's relevance, and I can
12:35 4 explain it to you on or off the record.

12:35 5 MR. SHANNON: I mean, I don't really have a
12:35 6 position on it to the extent I'm not going to go get a
12:35 7 protective order. I just think on a personal level it's
12:35 8 just unnecessary.

12:35 9 MS. WHITE: I understand.

12:35 10 MS. PETERSON: You don't need to go into
12:35 11 that unless you want to explain the relevance on the
12:35 12 record.

12:35 13 MS. WHITE: I can explain the relevance.
12:35 14 The property is co-owned by another family member that
12:36 15 in -- I believe that there's -- potentially was friction
12:36 16 in the family that could have caused things to be
12:36 17 executed that maybe wouldn't have been executed
12:36 18 otherwise, and it might have affected the judgment and
12:36 19 the paperwork that's going on.

12:36 20 There's many -- many discrepancies and I will go
12:36 21 into it and this deposition is going to take a lot
12:36 22 longer if we keep objecting to everything.

12:36 23 Q. (BY MS. WHITE) I just want to know whether you
12:36 24 had a good relationship with your mother or a bad
12:36 25 relationship or whether you were on speaking terms at

12:36 1 the time of her death, when the last time you saw her in
12:36 2 person was. These are -- this is relevant.

12:36 3 MS. PETERSON: They're not legally relevant.
12:36 4 She assigned whatever claims, if any, she had to Hiehie.
12:36 5 She didn't represent that she had any authority.

12:36 6 She's already testified that she was not -- she
12:36 7 did not approach Hiehie. She only assigned whatever she
12:36 8 had, but she made no representations about what legal
12:36 9 rights she had in that property.

12:36 10 MS. WHITE: She made a representation that
12:37 11 she is the personal representative of Moana Ramos at the
12:37 12 time.

12:37 13 MS. PETERSON: That's correct.

12:37 14 MS. WHITE: Yes. If she did not -- was not
12:37 15 on speaking terms with her mother at the time of her
12:37 16 death and her mother had disinherited her and there was
12:37 17 actually a problem there and there was a reason she
12:37 18 didn't want the property, these are all relevant reasons
12:37 19 because it --

12:37 20 MS. PETERSON: You can ask --

12:37 21 MS. WHITE: -- forms her intent --

12:37 22 MS. PETERSON: You can ask her --

12:37 23 MS. WHITE: -- what her intent was.

12:37 24 MS. PETERSON: You can ask her if she was
12:37 25 disinherited by her mother.

12:37 1 MS. WHITE: I can ask her what I'm going to
12:37 2 ask her.

12:37 3 MS. PETERSON: No. That's outside of our --

12:37 4 Q. (BY MS. WHITE) Did you have a good
12:37 5 relationship --

12:37 6 THE COURT REPORTER: One at a time.

12:37 7 MS. PETERSON: That's outside of our -- my
12:37 8 understanding of what this deposition was and the fact
12:37 9 that I did not seek a protective order based on your
12:37 10 office's representations. So, I'm going to say that
12:37 11 that's beyond the scope of what I agreed to with
12:37 12 Mr. Sulla.

12:37 13 Q. (BY MS. WHITE) So, are you refusing to answer
12:37 14 that question?

12:37 15 MS. PETERSON: You can answer whether or not
12:37 16 you were disinherited by your mother.

12:37 17 A. No, I was not.

12:37 18 Q. (BY MS. WHITE) Were you on speaking terms with
12:37 19 your mother prior to her death?

12:37 20 A. Yes.

12:37 21 Q. What was the last time you saw your mother in
12:38 22 person?

12:38 23 A. I don't know an exact date.

12:38 24 Q. Can you give me a year?

12:38 25 A. 2012.

12:38 1 Q. So, the year she died?

12:38 2 A. Yes.

12:38 3 Q. Did you have a good relationship with your
12:38 4 mother?

12:38 5 MS. PETERSON: I'm going to object to that.
12:38 6 Don't answer.

12:38 7 MS. WHITE: The objection is noted for the
12:38 8 record. The attorney is telling the witness not to
12:38 9 answer it.

12:38 10 Q. (BY MS. WHITE) I don't understand why; but I
12:38 11 would like to know, are you refusing to answer this
12:38 12 question whether or not -- I'm just asking if you had a
12:38 13 good relationship with your mother.

12:38 14 MS. PETERSON: I'm instructing her not to
12:38 15 answer.

12:38 16 MS. WHITE: Is -- is this worth the fight?

12:38 17 MS. PETERSON: Look, just -- if we're going
12:38 18 to go into everything, okay, someone purporting to be
12:38 19 your client has posted defamatory statements about my
12:38 20 client on the Internet, someone who appears to have a
12:39 21 pretty detailed knowledge of the background of this case
12:39 22 asserting that she's bogus, that she's already committed
12:39 23 perjury.

12:39 24 MS. WHITE: I would like to see that. I was
12:39 25 unaware of this. This is important.

12:39 1 MS. PETERSON: This is from Zillow.

12:39 2 MR. SHANNON: It's on Zillow.

12:39 3 MS. WHITE: It's on Zillow. Wow.

12:39 4 MS. PETERSON: And then your -- you --

12:39 5 MS. WHITE: Can I keep this?

12:39 6 MS. PETERSON: I can make a copy for you.

12:39 7 MS. WHITE: Can I get a copy? That would be

12:39 8 great. Thank you because I do not -- I haven't --

12:39 9 MS. PETERSON: You can go ahead and take a

12:39 10 second to read what your --

12:39 11 MS. WHITE: Okay.

12:39 12 MS. PETERSON: -- someone who purports to be

12:39 13 your client -- even going so far as to say Google me in

12:39 14 the actual statement.

12:39 15 MS. WHITE: Sorry. I need to take a recess.

12:39 16 My daughter's school is trying to call me. Just a

12:39 17 moment.

12:43 18 (Recess from 12:39 p.m. to 12:44 p.m.)

12:44 19 MS. WHITE: Okay. Back on the record.

12:44 20 Q. (BY MS. WHITE) Did you have a bad relationship

12:44 21 with your mother?

12:44 22 MS. PETERSON: Same position.

12:44 23 MS. WHITE: Let the record reflect the

12:44 24 client is refusing to -- or the deponent is refusing to

12:44 25 answer.

12:44 1 Q. (BY MS. WHITE) Are you aware that Julia -- her
12:44 2 name, I always -- Talifolau, I believe your aunt, owns
12:44 3 or owned 50 percent of the subject property at the time
12:45 4 of the tax sale?

12:45 5 A. Yes.

12:45 6 Q. Are you aware that if the redemption is
12:45 7 successful, Julia's interests will be reinstated?

12:45 8 MR. SHANNON: Objection. That calls for a
12:45 9 legal conclusion.

12:45 10 A. Repeat.

12:45 11 Q. (BY MS. WHITE) Are you aware that if the
12:45 12 redemption is successful, if the tax sale gets redeemed,
12:45 13 it goes back to where it was before and so everybody's
12:45 14 interests before the tax sale gets reinstated?

12:45 15 So, that -- you've assigned your interest; but
12:45 16 Julia's interests would remain intact. I just didn't
12:45 17 know if you were aware of that, that she would basically
12:45 18 get 50 percent of the house back.

12:45 19 MS. PETERSON: I'm going to say objection,
12:45 20 incomplete hypothetical.

12:45 21 You can answer.

12:45 22 Q. (BY MS. WHITE) It's just a yes-or-no question.
12:45 23 Are you aware that if the redemption is successful,
12:45 24 Julia's interests will be reinstated?

12:45 25 A. No.

12:45 1 Q. What is your relationship with Julia like?

12:45 2 MS. PETERSON: I'm going to object on the
12:45 3 same grounds and instruct the client not to answer.

12:46 4 Q. (BY MS. WHITE) Are you refusing to answer the
12:46 5 question?

12:46 6 MS. PETERSON: I've --

12:46 7 MS. WHITE: I'm --

12:46 8 MS. PETERSON: -- given the record. I've
12:46 9 instructed her not to answer.

12:46 10 MS. WHITE: She can say yes or no that she's
12:46 11 refusing to answer.

12:46 12 MS. PETERSON: She's taking the advice of
12:46 13 her attorney.

12:46 14 Q. (BY MS. WHITE) Are you refusing to answer the
12:46 15 question as to what -- whether or not -- did you have a
12:46 16 good relationship with Julia, or do you have a good
12:46 17 relationship with Julia?

12:46 18 MR. SHANNON: Well, did you --

12:46 19 Q. (BY MS. WHITE) It's a yes-or-no question.

12:46 20 MR. SHANNON: No. Do --

12:46 21 Q. (BY MS. WHITE) Do you have now currently a good
12:46 22 relationship with Julia?

12:46 23 MS. PETERSON: I'm going to say the same
12:46 24 instruction that I've given my client.

12:46 25 MS. WHITE: I'm not deposing you. I'm

12:46 1 deposing your client. She can tell me on the record
12:46 2 that she is refusing to answer the question. That's all
12:46 3 I need to have on the record, a yes or no.

12:46 4 Q. (BY MS. WHITE) Are you refusing to answer this
12:46 5 question?

12:46 6 MS. PETERSON: You can advise her that
12:46 7 you're following the advice of your client -- of your
12:46 8 attorney.

12:46 9 A. I'm following the advice of my attorney.

12:46 10 Q. (BY MS. WHITE) And what is that advice?

12:46 11 MS. PETERSON: No. That's just harassing
12:46 12 her at this point. My advice is on the record. It's in
12:47 13 front of everyone so --

12:47 14 MS. WHITE: I understand, but I just wanted
12:47 15 the client to say yes or no that she's not going to
12:47 16 answer the question.

12:47 17 MR. SHANNON: No. That's not what you
12:47 18 asked. Objection, argumentative.

12:47 19 Q. (BY MS. WHITE) Are you aware that Matson Kelley
12:47 20 claims to be hired by and representing the Estate of
12:47 21 Moana P. Ramos?

12:47 22 MR. SHANNON: Objection, calls for facts not
12:47 23 in evidence.

12:47 24 MS. WHITE: I'd like to present some more
12:47 25 exhibits. I have here....

12:47 1 (Caspillo Exhibit No. 6 marked.)

12:47 2 Q. (BY MS. WHITE) As you can see from Exhibit 6, it
12:47 3 says on the first paragraph of the letter dated
12:48 4 February 24th, 2015, by Matson Kelley, "Please be
12:48 5 advised that this office has been retained to assist
12:48 6 with the redemption of the real property" -- then it
12:48 7 names the subject property -- "on behalf of the Estate
12:48 8 of Moana Ramos."

12:48 9 Are you aware that Matson Kelley claims to be
12:48 10 hired by and representing the Estate of Moana Ramos?

12:48 11 MR. SHANNON: Objection, assumes facts not
12:48 12 in evidence, calls for a legal conclusion, and it's just
12:48 13 argumentative.

12:48 14 Q. (BY MS. WHITE) This is a yes-or-no question.

12:48 15 MR. SHANNON: No, it's not.

12:48 16 Q. (BY MS. WHITE) Are you -- this is a letter in
12:48 17 front of you. Did you read the first paragraph?

12:48 18 A. Yes.

12:48 19 Q. So, you see that it says it's on behalf of the
12:48 20 Estate of Moana Ramos. You are claiming to be the only
12:48 21 heir of the Estate of Moana Ramos. Were you aware that
12:48 22 there is a law firm sending letters to other people
12:49 23 claiming to represent the Estate of Moana Ramos?

12:49 24 MR. SHANNON: Objection, assumes facts not
12:49 25 in evidence, compound, asks for a legal conclusion.

12:49 1 Q. (BY MS. WHITE) This is a yes-or-no question.

12:49 2 MR. SHANNON: No, it's not. You asked
12:49 3 multiple questions. You also included a hypothetical
12:49 4 and assumed facts that's not been established.

12:49 5 Q. (BY MS. WHITE) Are you aware that Matson Kelley
12:49 6 is representing to others that he represents the Estate
12:49 7 of Moana Ramos, yes or no?

12:49 8 MR. SHANNON: Assumes facts not in evidence.

12:49 9 MS. WHITE: I'm not deposing you.

12:49 10 MR. SHANNON: I'm allowed to state my
12:49 11 objections on behalf of Hiehie.

12:49 12 MS. WHITE: You've already stated your
12:49 13 objection. Thank you.

12:49 14 MR. SHANNON: You're -- and then you're
12:49 15 reasking the same question, so I'm restating my
12:49 16 objection.

12:49 17 MS. WHITE: She has to answer the question
12:49 18 whether or not there's an objection.

12:49 19 MR. SHANNON: I --

12:49 20 MS. WHITE: The objection is noted for the
12:49 21 record. Now she can ask the quest -- answer the
12:49 22 question.

12:49 23 MR. SHANNON: Same objection. I also object
12:49 24 as to ambiguity as to time.

12:49 25 Q. (BY MS. WHITE) The time here -- are you aware

12:49 1 that on February 24th, 2015, Matson Kelley claimed to be
12:49 2 representing the Estate of Moana Ramos, yes or no?

12:50 3 MS. PETERSON: Objection. Just -- or a
12:50 4 point of clarification, are you asking her if she's ever
12:50 5 seen this letter before?

12:50 6 MS. WHITE: No, I'm not.

12:50 7 MS. PETERSON: But -- so, you're just asking
12:50 8 her if she was aware on this particular date of
12:50 9 potential representations made by Matson Kelley?

12:50 10 MS. WHITE: Counsel asked me to clarify a
12:50 11 date.

12:50 12 MS. PETERSON: I'm just asking if that's
12:50 13 what your question --

12:50 14 MS. WHITE: And so my question is whether or
12:50 15 not ever in the -- ever --

12:50 16 Q. (BY MS. WHITE) Okay. Have you ever been aware
12:50 17 that Matson Kelley has ever claimed to represent the
12:50 18 Estate of Moana Ramos?

12:50 19 MR. SHANNON: So, there's no longer any time
12:50 20 limit?

12:50 21 MS. WHITE: I'd like to ask both questions.
12:50 22 Thank you. And this could take all day, if you would
12:50 23 like.

12:50 24 MR. SHANNON: I'm just trying to get
12:50 25 clarification --

12:50 1 MS. WHITE: Okay.

12:50 2 MR. SHANNON: -- because you're making --

12:50 3 MS. WHITE: How about both?

12:50 4 Q. (BY MS. WHITE) On February 24th, 2015, were you
12:50 5 aware that Matson Kelley claimed to represent the Estate
12:50 6 of Moana Ramos?

12:50 7 MR. SHANNON: Objection, asks --

12:50 8 Q. (BY MS. WHITE) Yes or no?

12:50 9 MR. SHANNON: Objection, asks for a legal
12:50 10 conclusion, assumes facts in evidence, compound.

12:50 11 MS. WHITE: Your objection is noted.

12:51 12 Q. (BY MS. WHITE) Please answer the question.

12:51 13 MS. PETERSON: To your knowledge on that
12:51 14 particular date.

12:51 15 A. No.

12:51 16 Q. (BY MS. WHITE) Are you aware that Matson Kelley
12:51 17 has ever held itself out as representing the Estate of
12:51 18 Moana Ramos?

12:51 19 MR. SHANNON: Same objection.

12:51 20 Q. (BY MS. WHITE) Yes-or-no question.

12:51 21 MS. PETERSON: To your knowledge.

12:51 22 A. No, not that I know of.

12:51 23 Q. (BY MS. WHITE) Thank you. Are you aware -- oh,
12:51 24 that -- this one, I already know the question -- answer
12:51 25 to because you provided the documents. Thank you. This

12:51 1 helps speed things up.

12:51 2 Did you ever probate or attempt to open a probate
12:51 3 action for the Estate of Moana Ramos?

12:51 4 MS. PETERSON: Objection, compound.

12:51 5 Q. (BY MS. WHITE) Did you ever open a probate
12:51 6 action or attempt to open a probate action for the
12:51 7 Estate of Moana Ramos?

12:51 8 A. No.

12:51 9 Q. Were there any other estate assets besides the
12:52 10 subject property --

12:52 11 MS. PETERSON: Objection --

12:52 12 Q. (BY MS. WHITE) -- at the time of Moana Ramos'
12:52 13 death?

12:52 14 MS. PETERSON: Objection to the extent it
12:52 15 calls for a legal conclusion.

12:52 16 MR. SHANNON: And for speculation.

12:52 17 MS. WHITE: The objection is noted.

12:52 18 Q. (BY MS. WHITE) What were the other assets of the
12:52 19 estate?

12:52 20 MR. SHANNON: Oh, that's a different
12:52 21 question --

12:52 22 MS. WHITE: Okay. Were you --

12:52 23 MR. SHANNON: -- assumes facts not in
12:52 24 evidence.

12:52 25 Q. (BY MS. WHITE) Were there any other estate

12:52 1 assets at the time of Moana Ramos' death besides the
12:52 2 subject property?

12:52 3 A. What would that be?

12:52 4 Q. The assets of the estate. Did she have any other
12:52 5 properties, any personal effects, any money in the bank
12:52 6 account, any life insurance policies, assets held that
12:52 7 you inherited as the heir? When Moana died, what were
12:52 8 the assets of the estate? What were the things that you
12:52 9 inherited from Moana Ramos?

12:52 10 MR. SHANNON: Objection, compound, assumes
12:52 11 facts not in evidence, calls for speculation.

12:53 12 Q. (BY MS. WHITE) Were there any other assets
12:53 13 besides the subject property to the Estate of Moana
12:53 14 Ramos?

12:53 15 A. Probably bank accounts.

12:53 16 Q. Bank accounts. How much money was in the bank
12:53 17 accounts?

12:53 18 A. I don't know.

12:53 19 Q. Can you give me a range?

12:53 20 A. Possibly under a thousand dollars. I'm not sure.

12:53 21 Q. Did you understand what you were signing when you
12:53 22 signed over your interest in the subject property to
12:53 23 Matson Kelley?

12:53 24 MS. PETERSON: Objection. That's vague and
12:53 25 ambiguous as to what -- what area did she understand or,

12:53 1 you know, that's --

12:53 2 Q. (BY MS. WHITE) Did you understand the assignment
12:53 3 document that you were signing?

12:53 4 The assignment is already in the record. It is
12:53 5 in the record as Exhibit 3. Did you understand what
12:54 6 document that was -- what you were signing?

12:54 7 A. Yes.

12:54 8 Q. And what was it?

12:54 9 MS. PETERSON: Objection, calls for a legal
12:54 10 conclusion. The assignment speaks --

12:54 11 Q. (BY MS. WHITE) What was your understanding?

12:54 12 MS. PETERSON: -- speaks for its -- we've
12:54 13 given instructions that we're not supposed to speak over
12:54 14 each other to the deponent. We should at least try and
12:54 15 respect that for the court reporter also.

12:54 16 Q. (BY MS. WHITE) What was your understanding as to
12:54 17 what you were signing when you signed the assignment?

12:54 18 A. Any rights I had, if any, I was assigning it
12:54 19 over.

12:54 20 Q. Okay. What, in your opinion, was the actual
12:54 21 value of the assignment being assigned?

12:54 22 MR. SHANNON: Objection, calls for
12:55 23 speculation, calls for a legal conclusion, assumes facts
12:55 24 in evidence, makes all sorts of assumptions that are not
12:55 25 in the record yet.

12:55 1 Q. (BY MS. WHITE) What did you feel was the value
12:55 2 of the property interest being assigned at the time?

12:55 3 A. I don't know.

12:55 4 Q. Did you have an estimate, a general range?

12:55 5 MR. SHANNON: Asked and answered.

12:55 6 A. No.

12:55 7 Q. (BY MS. WHITE) Did you think it was worth
12:55 8 \$1,000, 100,000, could have been millions? You don't
12:55 9 have any sense?

12:55 10 MR. SHANNON: Objection, asked and answered.

12:55 11 MS. PETERSON: I mean, this is assuming an
12:55 12 incomplete hypothetical because the value of the
12:55 13 assignment was \$10,000, if I'm correct.

12:55 14 MS. WHITE: That's how much was paid, but
12:55 15 the value of the property interest being assigned --

12:55 16 MS. PETERSON: Well, that's a different
12:55 17 question --

12:55 18 MS. WHITE: Yes.

12:55 19 MS. PETERSON: -- that you're asking.

12:55 20 MS. WHITE: And so I've changed it based on
12:55 21 your sage advice.

12:55 22 Q. (BY MS. WHITE) Were you aware of the value of
12:55 23 the property that was being assigned?

12:55 24 A. No.

12:55 25 Q. Do you feel that you were fairly compensated for

12:55 1 the assignment?

12:56 2 A. Yes.

12:56 3 Q. What was the price that you were paid for the
12:56 4 assignment?

12:56 5 A. \$10,000.

12:56 6 Q. Did you negotiate that price?

12:56 7 MS. PETERSON: Objection, vague and
12:56 8 ambiguous with regard to the term "negotiate."

12:56 9 You can answer.

12:56 10 Q. (BY MS. WHITE) Did -- was -- did you -- did they
12:56 11 offer you and you just accepted? Was there a
12:56 12 counteroffer? Was it your idea? Was there a
12:56 13 negotiation? Was there a back-and-forth, or did you
12:56 14 just take the first offer they gave you?

12:56 15 MR. SHANNON: Objection, compound.

12:56 16 A. Repeat.

12:56 17 MS. PETERSON: You can answer was there a
12:56 18 negotiation, to the extent you understand what that term
12:56 19 means.

12:56 20 A. We didn't negotiate a price.

12:56 21 Q. (BY MS. WHITE) Okay. Who came up with the
12:56 22 number, the proposed price? Was it your idea or someone
12:56 23 else's?

12:56 24 A. Their idea, the -- Steve Goodenow approached me.

12:57 25 Q. Did you ever feel pressured to sign the

12:57 1 assignment?

12:57 2 A. No.

12:57 3 Q. Did you ever feel pressured to sign the
12:57 4 affidavit?

12:57 5 MS. WHITE: And that, I am submitting as
12:57 6 Exhibit A. I mean, excuse me. That will be Exhibit 7.
12:57 7 Oh, no. We've already -- sorry. We've already admitted
12:57 8 it. It's Exhibit 2.

12:57 9 Q. (BY MS. WHITE) Did you ever feel pressured to
12:57 10 sign Exhibit 2?

12:57 11 MR. SHANNON: Objection as ambiguous as to
12:57 12 the meaning of "pressured."

12:57 13 Q. (BY MS. WHITE) I think you know what the meaning
12:57 14 of pressure is. Did you feel pressured to sign it? Did
12:57 15 you feel that somebody was pushing you to sign it, or
12:57 16 did you sign it willingly and happily and readily?

12:57 17 MR. SHANNON: Objection, compound.

12:57 18 Q. (BY MS. WHITE) I'm asking you --

12:57 19 MS. PETERSON: You can answer.

12:57 20 Q. (BY MS. WHITE) -- did you feel pressured to sign
12:57 21 the affidavit?

12:57 22 A. No.

12:57 23 Q. Okay. Did you sign the assignment? Is that your
12:58 24 signature? And -- the assignment, Exhibit 3, is that
12:58 25 your signature? Did you sign it?

12:58 1 Sorry about the blank pages.

12:58 2 A. Yes.

12:58 3 Q. Okay. Did you sign Exhibit 2? Is that your
12:58 4 signature?

12:58 5 A. Yes.

12:58 6 MS. WHITE: Okay. Another exhibit we have
12:58 7 here.

12:58 8 (Caspillo Exhibit No. 7 marked.)

12:59 9 Q. (BY MS. WHITE) As you can see, Exhibit 7 is a
12:59 10 quitclaim deed. It's unrecorded. It's in regards to
12:59 11 the subject property. Page 2 purports to have your
12:59 12 signature. Is this your signature?

12:59 13 A. Yes.

12:59 14 Q. Do you know why it looks so different from the
12:59 15 signatures -- your signatures in Exhibits 3 and Exhibits
12:59 16 2?

12:59 17 A. The name?

12:59 18 Q. Yes.

12:59 19 A. It says Kimberly Caspillo.

12:59 20 Q. The handwriting is very, very different.

12:59 21 MR. SHANNON: Objection, assumes facts not
12:59 22 in evidence.

12:59 23 MS. PETERSON: Objection as to the
12:59 24 characterization of the handwriting.

12:59 25 Q. (BY MS. WHITE) Well, if you look at the

12:59 1 exhibits, you can see that one is very legible and very
12:59 2 round; and the other one --

12:59 3 MS. PETERSON: Which one are you referring
12:59 4 to for the record?

12:59 5 MS. WHITE: Yes.

12:59 6 Q. (BY MS. WHITE) Exhibit -- the assignment,
13:00 7 Exhibit 3, and it's a very similar -- if you look at
13:00 8 Exhibits 2 and Exhibit 3, there are two very similar
13:00 9 signatures.

13:00 10 So, they're the full name. So, I'm just curious
13:00 11 if there's two -- if you have two different signatures
13:00 12 so -- so, you sometimes use one signature and sometimes
13:00 13 another?

13:00 14 MR. SHANNON: What?

13:00 15 Q. (BY MS. WHITE) That's -- I'm just curious.
13:00 16 That's all.

13:00 17 MR. SHANNON: No, you're not. You're --
13:00 18 objection, states -- states facts not in evidence.

13:00 19 MS. PETERSON: Just give that explanation.

13:00 20 A. This is a full name here. So, I had to sign it
13:00 21 out.

13:00 22 Q. (BY MS. WHITE) Okay.

13:00 23 A. Uh-huh.

13:00 24 MS. PETERSON: For the record, she was
13:00 25 indicating Exhibit 2 and contrasting that with her

13:01 1 signature on Exhibit 7.

13:01 2 Q. (BY MS. WHITE) Uh-huh. How do you know -- or,
13:01 3 first, do you know David Wittenberg?

13:01 4 A. No.

13:01 5 Q. Have you ever -- you've never met David
13:01 6 Wittenberg?

13:01 7 A. No.

13:01 8 Q. Have you ever heard of David Wittenberg?

13:01 9 A. Yes.

13:01 10 Q. And what -- and what have you heard about him?
13:01 11 What do you know about him in relation to this case?
13:01 12 What is his role in this case?

13:01 13 MR. SHANNON: If you know.

13:01 14 Q. (BY MS. WHITE) If you know.

13:01 15 A. That he was seeking the property.

13:01 16 Q. Were you aware of the tax sale at the time it
13:01 17 happened?

13:01 18 A. No.

13:01 19 Q. Did you receive notice that the tax sale was
13:01 20 going to happen?

13:02 21 A. No.

13:02 22 Q. Did you know that there was a tax lien on the
13:02 23 property -- on the subject property?

13:02 24 A. Yes.

13:02 25 Q. Why did you not pay the taxes?

13:02 1 A. It was not my taxes.

13:02 2 Q. After your mother died and you inherited her
13:02 3 interest in the subject property, why did you not pay
13:02 4 the taxes on behalf of the estate?

13:02 5 A. I don't know.

13:02 6 Q. But you knew taxes were owed?

13:02 7 MS. PETERSON: Objection, asked and
13:02 8 answered.

13:02 9 Q. (BY MS. WHITE) Did you know that you would lose
13:02 10 the property if you didn't pay the taxes?

13:02 11 A. Yes.

13:02 12 Q. But you didn't care if you lost the property?

13:02 13 A. Try again.

13:02 14 Q. Did you not care that you would lose the
13:02 15 property?

13:02 16 A. Yes.

13:02 17 Q. You just didn't care?

13:03 18 MS. PETERSON: Objection, asked and
13:03 19 answered.

13:03 20 MS. WHITE: Okay. Okay. Okay. Another
13:03 21 exhibit. Let's see. The next exhibit....

13:03 22 MS. PETERSON: Can we take a short break and
13:03 23 let my client use the restroom?

13:03 24 (Recess from 1:03 p.m. to 1:06 p.m.)

13:06 25 MS. WHITE: Okay. I'm going to do the next

13:06 1 exhibit.

13:06 2 (Caspillo Exhibit No. 8 marked.)

13:06 3 MS. WHITE: Okay. Back on the record.

13:06 4 Q. (BY MS. WHITE) Do you see Exhibit 8? Have you
13:06 5 ever seen this document before?

13:06 6 A. No.

13:06 7 Q. It is a Certificate of County Tax Lien reflecting
13:06 8 that there was \$5,079.20 owed on the property. This was
13:07 9 at the time of the tax sale.

13:07 10 And you previously testified that you did not
13:07 11 know what the value of the property was. Had you
13:07 12 known -- did you know that it -- how much was owed for
13:07 13 taxes on the property?

13:07 14 A. No.

13:07 15 Q. Did you ever inquire as to how much was owed?

13:07 16 A. No.

13:07 17 Q. Is this less than you thought was owed?

13:07 18 MS. PETERSON: Objection, assumes facts not
13:07 19 in evidence, to the extent that she had any speculation
13:07 20 as to how much was owed.

13:07 21 Q. (BY MS. WHITE) You can answer that question.

13:07 22 A. Okay.

13:07 23 Q. Just because there's an objection -- did you
13:07 24 think that there was more money owed at the time of the
13:07 25 tax sale?

13:07 1 A. Possibly.

13:07 2 Q. Have you ever had the subject property appraised?

13:07 3 A. No.

13:07 4 Q. The -- your attorney just provided us with this
13:08 5 document that is showing -- and this is just -- again,
13:08 6 it's off the Internet. It's nothing controlling; but
13:08 7 just to give you a sense, this one is showing \$609,000
13:08 8 as the value of the property.

13:08 9 Is that around what you thought was the value of
13:08 10 the property? Is that close to the market value that
13:08 11 you thought your property had?

13:08 12 MR. SHANNON: Objection, asked and answered.

13:08 13 Q. (BY MS. WHITE) You can answer that question. Is
13:08 14 this a surprise to you that the property is worth
13:08 15 somewhere around \$600,000?

13:08 16 MR. SHANNON: Objection, assumes facts in
13:08 17 evidence -- not in evidence and calls for speculation.

13:08 18 Q. (BY MS. WHITE) You can answer this question yes
13:08 19 or no. Is this a surprise to you that you let go of a
13:08 20 \$600,000 property for \$5,000 owed?

13:08 21 MR. SHANNON: That's not a yes-or-no
13:08 22 question.

13:08 23 Q. (BY MS. WHITE) Is this a surprise? It's a
13:08 24 yes-or-no question. Are you surprised to learn that the
13:08 25 property is worth over \$600,000?

13:08 1 A. No.

13:08 2 MR. SHANNON: Objection, argumentative.

13:08 3 MS. PETERSON: Go ahead and say it again so
13:09 4 that the court reporter can hear it.

13:09 5 Q. (BY MS. WHITE) It's just a yes-or-no question.

13:09 6 MS. PETERSON: She answered it. Just --

13:09 7 Q. (BY MS. WHITE) I didn't hear it.

13:09 8 A. No.

13:09 9 Q. No, you were not aware?

13:09 10 MS. PETERSON: No, she was not surprised, I
13:09 11 believe --

13:09 12 Q. (BY MS. WHITE) You were not surprised.

13:09 13 MS. PETERSON: -- was the question.

13:09 14 Q. (BY MS. WHITE) Okay. You're not surprised that
13:09 15 the -- this is what you released. Okay.

13:09 16 MR. SHANNON: Objection as to
13:09 17 characterization of it as "released."

13:09 18 Q. (BY MS. WHITE) Do you know what condition the
13:09 19 subject property was in at the time of the tax sale?

13:09 20 A. No.

13:09 21 Q. How often did you visit the property?

13:09 22 A. I can't remember the last time I visited the
13:09 23 property.

13:09 24 Q. Did your mother ever live at the property --
13:09 25 subject property?

13:09 1 A. Yes.

13:09 2 Q. When did she last live at the subject property?

13:10 3 MS. PETERSON: To the extent you know.

13:10 4 A. In approximately 1990 or 1991.

13:10 5 Q. (BY MS. WHITE) Did anyone ask you to execute a
13:10 6 new affidavit for a probate action for your mother?

13:10 7 A. I'm sorry?

13:10 8 Q. You issued one affidavit. You signed one
13:10 9 affidavit for the Circuit Court matter, and then there
13:10 10 was another matter that's a probate matter to probate
13:10 11 your mother's estate.

13:10 12 And what was submitted was your old affidavit.
13:10 13 It wasn't a new original affidavit. I'm wondering if
13:10 14 anybody asked you to sign a new original affidavit.

13:10 15 A. Yes, I think so.

13:10 16 Q. Did you sign a new original affidavit?

13:10 17 A. No.

13:10 18 Q. Why didn't you execute a new affidavit for the
13:10 19 new legal action?

13:11 20 A. I did not want to.

13:11 21 Q. Why did you not want to?

13:11 22 A. I did not want to be involved.

13:11 23 Q. Have you stayed in touch with Matson Kelley --
13:11 24 Matson Kelley during this lawsuit?

13:11 25 MR. SHANNON: Objection, assumes facts not

13:11 1 in evidence. I believe she said she hasn't had any
13:11 2 contact with Matson Kelley.

13:11 3 Q. (BY MS. WHITE) I'm asking you a yes-or-no
13:11 4 question. Have you been in touch with Matson Kelley
13:11 5 during the pendency of this lawsuit?

13:11 6 A. No.

13:11 7 Q. Have you been in touch with David Wittenberg
13:11 8 during the pendency of this lawsuit?

13:11 9 MS. PETERSON: Objection. I believe she
13:11 10 testified the same thing, that she had never been in
13:11 11 touch with David Wittenberg, so asked and answered.

13:11 12 Q. (BY MS. WHITE) I'm just asking a yes-or-no
13:11 13 question. Have you been in touch with David Wittenberg
13:11 14 during this lawsuit?

13:11 15 A. No.

13:11 16 Q. Do you know the notary who stamped your affidavit
13:12 17 personally, this affidavit being Exhibit 2?

13:12 18 A. Sorry. I mixed them up. No.

13:12 19 Q. Do you know why she would state that she knew you
13:12 20 from personal knowledge?

13:12 21 MR. SHANNON: What?

13:12 22 MS. PETERSON: Objection, calls for
13:12 23 speculation and it's argumentative.

13:12 24 MS. WHITE: Okay. Let me --

13:12 25 MR. SHANNON: What are you talking --

13:12 1 MS. PETERSON: She already testified she
13:12 2 doesn't know this woman.

13:12 3 MS. WHITE: She doesn't know her. Okay.

13:12 4 Q. (BY MS. WHITE) Did you have an attorney at the
13:12 5 time you signed the assignment which is, again,
13:12 6 Exhibit 3? Were you represented by an attorney at that
13:12 7 time?

13:12 8 A. No.

13:12 9 Q. Did your parents ever divorce?

13:13 10 A. No.

13:13 11 Q. Did your parents ever have prior marriages,
13:13 12 either parent?

13:13 13 A. Not that I know of.

13:13 14 Q. Did your parents have any children from any
13:13 15 others out of wedlock?

13:13 16 A. No, not that I know of.

13:13 17 Q. Do you know what Hiehie, LLC is?

13:13 18 MS. PETERSON: Objection, vague, ambiguous,
13:13 19 and broad.

13:13 20 Q. (BY MS. WHITE) What is Hiehie, LLC, to your
13:13 21 knowledge?

13:13 22 A. It's a LLC -- it's an LLC corporation or company.

13:13 23 Q. Do you know anything about it beyond that?

13:13 24 A. No.

13:13 25 Q. Did you owe any money to Matson Kelley?

13:13 1 A. No.

13:13 2 Q. Do you own any interest in Hiehie, LLC?

13:13 3 A. No.

13:13 4 Q. Who asked you to sign the assignment that is

13:14 5 Exhibit 3?

13:14 6 A. Steve Goodenow.

13:14 7 Q. Who asked you to sign the affidavit which is

13:14 8 Exhibit 2?

13:14 9 A. Oh, Steve Goodenow.

13:14 10 Q. Who drafted the assignment which is Exhibit 3?

13:14 11 MS. PETERSON: Objection, calls for

13:14 12 speculation.

13:14 13 Q. (BY MS. WHITE) To your knowledge, do you know

13:14 14 who drafted the assignment which is Exhibit 3?

13:14 15 A. I believe it was Kelley Matson.

13:14 16 Q. Matson Kelley?

13:14 17 A. Yeah.

13:14 18 Q. Do you know who drafted the affidavit, Exhibit 2?

13:14 19 MS. PETERSON: Objection, calls for

13:14 20 speculation.

13:14 21 Q. (BY MS. WHITE) It's a yes-or-no question.

13:14 22 A. Same person.

13:14 23 Q. Did you have any independent consultation --

13:15 24 whether it was an attorney or other professional, did

13:15 25 you consult with anybody to evaluate the deal when you

13:15 1 assigned -- when you signed the assignment on
13:15 2 Exhibit 3 -- when you signed this assignment, did you
13:15 3 have anybody advising you on this?

13:15 4 MR. SHANNON: Objection, ambiguous and
13:15 5 compound.

13:15 6 Q. (BY MS. WHITE) It's a yes-or-no question. Did
13:15 7 anybody advise you? Did you seek advice --

13:15 8 MS. PETERSON: You can answer.

13:15 9 Q. (BY MS. WHITE) -- before you signed the
13:15 10 assignment?

13:15 11 MR. SHANNON: Objection, compound.

13:15 12 Q. (BY MS. WHITE) It's just a yes-or-no question.
13:15 13 He's going to do his objections, but he doesn't tell you
13:15 14 whether to answer or not. You still need to answer.

13:15 15 A. Yes.

13:15 16 Q. Who did you seek advice from?

13:15 17 A. Devon.

13:15 18 Q. So, you were represented by Devon Peterson at the
13:15 19 time of the assignment?

13:15 20 MS. PETERSON: I'm going to object to the
13:15 21 extent that calls for a legal conclusion as to the
13:16 22 nature of our relationship.

13:16 23 You asked if she was represented. She said no.

13:16 24 MS. WHITE: Okay.

13:16 25 MS. PETERSON: You asked if she sought

13:16 1 advice from anyone, and she answered that.

13:16 2 MS. WHITE: Okay.

13:16 3 Q. (BY MS. WHITE) So, you had an attorney that was
13:16 4 not necessarily representing you but you did seek advice
13:16 5 from an attorney at the time of the assignment?

13:16 6 A. Yes.

13:16 7 Q. How do you know Devon Peterson?

13:16 8 A. Friends.

13:16 9 Q. How long have you known Devon Peterson?

13:16 10 A. Possibly ten years?

13:16 11 MS. PETERSON: Longer than that.

13:16 12 Objection -- I mean -- I'm sorry -- off the record.

13:16 13 (Discussion off the record.)

13:17 14 A. Approximately 15 years.

13:17 15 Q. (BY MS. WHITE) Why did you not probate the
13:17 16 estate -- your mother's estate? Why did you not file a
13:17 17 probate action yourself?

13:17 18 A. I did not want anything to do with it.

13:17 19 Q. And why did you not want anything to do with it?

13:17 20 A. I did not want to.

13:17 21 Q. Do you know what your mother's wishes were for
13:17 22 the disposition of her property?

13:17 23 A. No.

13:17 24 Q. Who was present at the time you signed the
13:17 25 affidavit which is Exhibit 2?

13:17 1 A. Steve Goodenow and the -- a notary.

13:17 2 Q. And who was present at the time you signed the
13:17 3 assignment which is Exhibit 3?

13:17 4 A. Same, Steve Goodenow and the notary.

13:17 5 Q. And who was present at the time you signed
13:18 6 Exhibit 7, the quitclaim deed?

13:18 7 A. Same, Steve Goodenow and the notary.

13:18 8 Q. Was there anybody else present?

13:18 9 A. No.

13:18 10 Q. Who provided the notary?

13:18 11 A. Steve.

13:18 12 Q. Did you ask Matson Kelley to send the letter that
13:18 13 we have marked as Exhibit 6 that was sent to the
13:18 14 defendants on February 24th, 2015?

13:18 15 MS. PETERSON: I'm going to object. She's
13:18 16 already testified that she had no contact with Matson
13:18 17 Kelley.

13:18 18 MS. WHITE: I just want a yes-or-no answer.

13:18 19 MS. PETERSON: It's already been asked and
13:18 20 answered. If she had no contact with him, then how can
13:18 21 she be instructing him to send letters?

13:18 22 MS. WHITE: What's the problem with a yes or
13:18 23 a no?

13:19 24 MS. PETERSON: Because it's been asked and
13:19 25 answered multiple times.

13:19 1 MS. WHITE: I -- I asked about Matson Kelley
13:19 2 as a legal representative. Right now, as you just
13:19 3 clarified --

13:19 4 MS. PETERSON: You asked --

13:19 5 MS. WHITE: -- sometimes you can have a
13:19 6 relationship with an attorney that's not legal counsel.
13:19 7 I'm just asking if she asked Matson Kelley to send that
13:19 8 letter, yes or no.

13:19 9 Q. (BY MS. WHITE) And just because she objects
13:19 10 doesn't mean you don't have to answer.

13:19 11 MS. PETERSON: She's answered every question
13:19 12 that I have not instruct -- except those that I have
13:19 13 specifically instructed her for. So, any -- instructing
13:19 14 her to answer questions after my objection is
13:19 15 harassment, one. Two, you earlier -- I believe your
13:19 16 first question regarding Matson Kelley was has she ever
13:19 17 contacted or spoken with Matson Kelley, to which she
13:19 18 said no.

13:19 19 Q. (BY MS. WHITE) Let me clarify, not the
13:19 20 individual Matson Kelley. I'm talking about the law
13:19 21 firm Matson Kelley. They are the same name.

13:19 22 Did you ask the law firm of Matson Kelley to send
13:19 23 the letter that is dated February 24th that is currently
13:19 24 in the exhibits?

13:20 25 A. No.

13:20 1 Q. Did you --

13:20 2 MS. WHITE: Another exhibit here.

13:20 3 (Caspillo Exhibit No. 9 marked.)

13:20 4 Q. (BY MS. WHITE) Okay. As you can see, Exhibit 9
13:20 5 is a check drawn from Matson Kelley's client funds
13:21 6 account, check No. 4022. It was dated February 24th,
13:21 7 2014.

13:21 8 Do you know what the source of this money that
13:21 9 was held on behalf of the Estate of Moana Ramos is?

13:21 10 MS. PETERSON: Objection as to the
13:21 11 characterization.

13:21 12 Go ahead and answer.

13:21 13 A. No.

13:21 14 Q. (BY MS. WHITE) Were you aware that this check
13:21 15 had been issued to my client, Mr. Giordano, from Matson
13:21 16 Kelley?

13:21 17 A. No.

13:21 18 Q. Did you authorize Matson Kelley to deposit these
13:21 19 funds on your behalf or on behalf of the Estate of Moana
13:21 20 Ramos?

13:21 21 MS. PETERSON: Objection, vague and
13:21 22 ambiguous with regard to: Is it Matson Kelley, the
13:21 23 individual or Matson Kelley, the law firm?

13:22 24 Q. (BY MS. WHITE) Matson Kelley, the law firm.

13:22 25 A. Repeat the question.

13:22 1 Q. And I'll ask it twice now. Thanks.

13:22 2 Did you authorize Matson Kelley, the law firm, to
13:22 3 deposit \$73,659.77 into the client funds trust account
13:22 4 on behalf of the Estate of Moana Ramos?

13:22 5 A. No.

13:22 6 Q. Did you authorize Matson Kelley, the individual,
13:22 7 to deposit \$73,659.77 into the client funds trust
13:22 8 account on behalf of the Estate of Moana Ramos?

13:22 9 A. No.

13:22 10 Q. Were you aware that the law firm of Matson Kelley
13:22 11 or the individual Matson Kelley had deposited these
13:22 12 funds in the client trust account in the name of the
13:22 13 Estate of Moana Ramos?

13:22 14 MR. SHANNON: Objection, assumes facts not
13:22 15 in evidence.

13:22 16 Q. (BY MS. WHITE) Were you aware that these funds
13:22 17 had been deposited?

13:22 18 A. No.

13:23 19 Q. Did the Estate of Moana Ramos ever have an
13:23 20 attorney?

13:23 21 A. Not that I know of.

13:23 22 Q. Did you prepare the obituary for Jerry Ramos?

13:23 23 A. Yes.

13:23 24 Q. Did you organize the memorial service?

13:23 25 A. Yes.

13:23 1 MS. WHITE: There was another letter that
13:23 2 was sent March 6th, 2015, that I'm going to also request
13:23 3 to be entered into evidence. Okay. Make this one the
13:23 4 next one.

13:24 5 (Caspillo Exhibit No. 10 marked.)

13:24 6 Q. (BY MS. WHITE) Okay. Did you ask Matson Kelley
13:24 7 to send this letter to the defendant which is --

13:24 8 MR. SHANNON: The law office of Matson
13:24 9 Kelley or the person Matson Kelley?

13:24 10 MS. WHITE: Either.

13:24 11 A. No.

13:24 12 Q. (BY MS. WHITE) Did you ask either the law office
13:24 13 or the individual Matson Kelley to send this letter to
13:24 14 the defendant on March 3rd, 2015, that is currently
13:24 15 marked as Exhibit 9?

13:24 16 MS. PETERSON: 10 --

13:25 17 MS. WHITE: Or -- excuse me -- 10.

13:25 18 MS. PETERSON: -- right?

13:25 19 A. And March 6th. No.

13:25 20 Q. (BY MS. WHITE) March 6th. Okay. How did you
13:25 21 get your name?

13:25 22 MS. PETERSON: Objection, vague and
13:25 23 ambiguous, broad.

13:25 24 Q. (BY MS. WHITE) What's the story behind your
13:25 25 name -- where your name came from? Did your parents

13:25 1 ever tell you how you got your name?

13:25 2 MR. SHANNON: What does that even mean?

13:25 3 A. Yeah.

13:25 4 MS. WHITE: My name's a family name. It's
13:25 5 my great-great-great-great grandmother.

13:25 6 MR. SHANNON: Oh, I see.

13:25 7 Q. (BY MS. WHITE) A lot of Hawaiians have family
13:25 8 names and have names that come from somewhere. I'm just
13:25 9 curious what your -- what your name --

13:25 10 A. My first name?

13:25 11 Q. Your name, your middle name mostly, but overall
13:25 12 your -- just your name, where it came from --

13:25 13 A. Okay.

13:25 14 Q. -- the story of your name.

13:25 15 MS. PETERSON: You know, I'm going to say
13:25 16 that this is beyond the scope of what I agreed to when I
13:25 17 spoke with Mr. Sulla.

13:25 18 And there's -- there's no reason to go digging
13:25 19 into my client's family stories and family history.
13:25 20 She's not a party to this proceeding.

13:25 21 And to the extent that that might be a painful
13:26 22 question or might not be a painful question in the sense
13:26 23 that it's a personal question that's not relevant to
13:26 24 this, I don't see what the basis is.

13:26 25 If you have a basis for stating that my client is

13:26 1 someone other than she has represented herself to be in
13:26 2 the affidavit, that's fine; but there's no reason to go
13:26 3 digging into her personal family stories, especially
13:26 4 when your client -- or someone purporting to be your
13:26 5 client has already called her a bogus daughter.

13:26 6 So, I'm going to instruct her not to answer that
13:26 7 question.

13:26 8 Q. (BY MS. WHITE) So, for the record, you're
13:26 9 refusing to answer the question of how you got your
13:26 10 name?

13:26 11 A. As instructed by my attorney.

13:26 12 Q. So, that's a "yes," you are refusing to answer
13:26 13 the question?

13:26 14 MS. PETERSON: This is just getting
13:26 15 argumentative at this point.

13:26 16 Q. (BY MS. WHITE) Are you related to another
13:26 17 Kimberly Kehaulani?

13:27 18 A. No.

13:27 19 Q. Are you aware of another Kimberly Kehaulani that
13:27 20 lives in Hawaii?

13:27 21 A. No.

13:27 22 Q. Were you aware of how your affidavit were
13:27 23 going -- was going to be used? This is Exhibit 2. Were
13:27 24 you aware that it was going to be used in a lawsuit?

13:27 25 MR. SHANNON: Objection, compound.

13:27 1 MS. PETERSON: Objection, assumes facts not
13:27 2 in evidence.

13:27 3 Q. (BY MS. WHITE) Were you aware of how the
13:27 4 affidavit was going to be used?

13:27 5 A. No.

13:27 6 Q. What -- how did you think it was going to be used
13:27 7 when you signed the affidavit? What was your intent?
13:27 8 Why were you signing an affidavit?

13:27 9 MR. SHANNON: Objection, compound.

13:27 10 Lockey, you're asking, like, multiple questions
13:27 11 blocked together in one. I'm not trying to be
13:27 12 obstructionist. I just for clarity purposes and for
13:27 13 purposes of the record --

13:27 14 MS. WHITE: The longer this will take.
13:27 15 That's fine.

13:28 16 MR. SHANNON: Okay.

13:28 17 MS. WHITE: I can separate every question
13:28 18 and make one question turn into ten and that will just
13:28 19 keep us here longer. That's fine. My flight's not till
13:28 20 5:00 so....

13:28 21 Q. (BY MS. WHITE) So, I'm asking you how you
13:28 22 thought the affidavit was going to be used.

13:28 23 MS. PETERSON: To the extent you know, you
13:28 24 can answer.

13:28 25 Q. (BY MS. WHITE) To the extent that you know.

13:28 1 What were you thinking? When you sign an affidavit,
13:28 2 usually people want to know: How this is going to be
13:28 3 used? Why am I signing this? Is this for a legal
13:28 4 action? I mean, I just want to know --

13:28 5 A. As part of the --

13:28 6 Q. -- what you thought.

13:28 7 A. As part of the assignment of real property --

13:28 8 Q. You just thought it was a standard thing. Okay.

13:28 9 MR. SHANNON: What? Misstates the
13:28 10 testimony.

13:28 11 Q. (BY MS. WHITE) You just said it was a part --
13:28 12 just a part of the packet. It's like a closing. They
13:28 13 just gave you a bunch of stuff to sign, and so you just
13:28 14 signed it --

13:28 15 A. It was --

13:28 16 Q. -- at the same time?

13:28 17 A. -- part of the assignment of real property.

13:28 18 Q. Okay. Do you know where the original affidavit
13:28 19 is?

13:28 20 A. No.

13:28 21 Q. Have you seen the original affidavit since you
13:28 22 signed it?

13:28 23 A. No.

13:28 24 Q. Is the affidavit factually accurate? And, again,
13:29 25 we're referring to the affidavit which is Exhibit 2.

13:29 1 A. Yes.

13:29 2 Q. Okay. Do you have anything to change or add
13:29 3 about the affidavit?

13:29 4 A. No.

13:29 5 Q. Do you understand what the right to redeem is?

13:29 6 A. That you have the right to get something -- to
13:29 7 redeem it -- something.

13:29 8 Q. Get it back, the right to redeem, the right to --
13:29 9 so, a redemption for the tax sale is getting your
13:29 10 property back after the tax sale. You redeem it by
13:30 11 paying your taxes.

13:30 12 A. Okay.

13:30 13 MR. SHANNON: Is that a question?

13:30 14 MS. WHITE: I'm just -- I'm just asking if
13:30 15 she understood what the right to redeem is.

13:30 16 MR. SHANNON: That's not -- that's not what
13:30 17 you were doing. You then -- you asked her; and then
13:30 18 you, you know, gave your own testimony.

13:30 19 MS. WHITE: Okay. I'm just trying to help
13:30 20 her because she seemed like she didn't understand. So,
13:30 21 I was trying to make sure that she actually understood
13:30 22 what I'm talking about.

13:30 23 Q. (BY MS. WHITE) So, you understand what the right
13:30 24 to redeem is?

13:30 25 A. Yes.

13:30 1 Q. Will you be sharing in any of the profits or
13:30 2 proceeds as a result of the redemption?

13:30 3 A. No.

13:30 4 Q. Are you in touch with your Aunt Julia?

13:30 5 A. No.

13:30 6 Q. Did your parents ever have any adopted children?

13:30 7 A. No.

13:30 8 Q. Did you know that you are named as a witness in
13:30 9 this case by the plaintiff, Hiehie, LLC?

13:30 10 A. No.

13:30 11 Q. Are you aware of the trial date for this case?

13:30 12 A. No.

13:30 13 Q. Who is Steve Goodenow?

13:31 14 A. He's a detective or PI.

13:31 15 Q. Did you know him before he approached you about
13:31 16 this assignment?

13:31 17 A. No.

13:31 18 Q. Were you aware that he was hired by Matson
13:31 19 Kelley?

13:31 20 A. Yes.

13:31 21 Q. Are you aware that Matson Kelley paid \$3,699.67
13:31 22 to Steve Goodenow to find you?

13:31 23 A. No.

13:31 24 MR. SHANNON: Objection, assumes facts not
13:31 25 in evidence.

13:31 1 MS. WHITE: Okay. Let me get it in
13:31 2 evidence. Here you go, next exhibit.

13:31 3 (Caspillo Exhibit No. 11 marked.)

13:32 4 Q. (BY MS. WHITE) Why do you think Matson Kelley
13:32 5 paid a private investigator to find you?

13:32 6 MS. PETERSON: Objection --

13:32 7 MR. SHANNON: Object --

13:32 8 MS. PETERSON: -- calls for speculation.
13:32 9 She stated she hasn't ever had any contact with Matson
13:32 10 Kelley, the attorney or the law firm.

13:32 11 MR. SHANNON: Also object as to misstates
13:32 12 the document which says that the payment was made by
13:32 13 Hiehie, LLC.

13:32 14 Q. (BY MS. WHITE) If you look at Page 2 of
13:32 15 Exhibit 11, it is signed by a Fredrick Kelley. Are you
13:32 16 aware that Fredrick Kelley and Matson Kelley are the
13:32 17 same person?

13:32 18 A. No.

13:32 19 Q. Matson Kelley's full name is Fredrick Matson
13:32 20 Kelley.

13:32 21 MR. SHANNON: Okay.

13:33 22 Q. (BY MS. WHITE) You can see Exhibit 9 is a check
13:33 23 written from Matson Kelley, from a client trust funds
13:33 24 account. Exhibit 6 is a letter from Matson Kelley
13:33 25 purporting to be representing the Estate of Moana Ramos.

13:33 1 Do you have any thoughts as to why he would be
13:33 2 using a private investigator to find you in February
13:33 3 2015 when the Estate -- it shows that he was -- as early
13:33 4 as February 24th, 2014, which is the date of the check,
13:33 5 there were client funds on behalf of the Estate of Moana
13:33 6 Ramos?

13:33 7 MR. SHANNON: I'm just going to state a
13:33 8 quick objection as an aside. I believe the second page
13:33 9 of Exhibit No. 11 is not related to the first page.

13:33 10 Exhibit No. 11, the second page with the Bates
13:34 11 No. 01001044, upon reviewing this document, it's come to
13:34 12 my attention it appears to be attorney/client privilege
13:34 13 related between our firm and Hiehie, LLC, some sort of
13:34 14 payment receipt or something.

13:34 15 I believe this is a privileged document that was
13:34 16 inadvertently produced. So, I'm putting it on the
13:34 17 record that I'm aware of this for the first time right
13:34 18 now as I'm looking at it.

13:34 19 I request that this document be returned, and I
13:34 20 will follow up with a request that it also be deleted
13:34 21 from any electronic database or any other storage that
13:34 22 any other attorney has in their possession in this
13:34 23 matter.

13:34 24 MS. PETERSON: For the record, can it please
13:34 25 reflect that I've returned my copy of that page to

13:34 1 Hiehie's counsel.

13:34 2 MS. WHITE: And for the record, I just want
13:34 3 to mention that I received these documents from prior
13:34 4 counsel. I assumed they were produced together; but
13:34 5 upon review, I do see that they don't necessarily match.

13:35 6 So, I was under the assumption that they went
13:35 7 together because it was an invoice and then a payment
13:35 8 so -- but I do see -- and I've returned my copy and I
13:35 9 have digital copies that we can discuss when we get --

13:35 10 MS. PETERSON: Do you want to take off
13:35 11 the -- off the record.

13:35 12 (Discussion off the record.)

13:35 13 Q. (BY MS. WHITE) All right. Do you have any idea
13:35 14 why Matson Kelley would use a private investigator to
13:35 15 find you?

13:35 16 A. No.

13:35 17 Q. Did you ever tell Mr. Goodenow that you had not
13:35 18 signed the acceptance of appointment or be appointed as
13:36 19 special administrator for the Estate of Moana Ramos?

13:36 20 A. Yes.

13:36 21 Q. Why did you refuse to serve?

13:36 22 A. I did not want to sign it.

13:36 23 Q. How were the other assets of the estate disposed
13:36 24 of?

13:36 25 A. I don't know.

13:36 1 Q. Will you be producing any certified copies of
13:36 2 your birth certificate?

13:36 3 MS. PETERSON: Objection. She produced the
13:36 4 copy that she has.

13:36 5 Q. (BY MS. WHITE) Okay. So, I just want to know if
13:36 6 there's going to be any supplementation or -- okay. So,
13:36 7 that's a "no," you're not going to supplement the record
13:36 8 with a certified copy of your birth certificate?

13:36 9 A. No.

13:36 10 Q. Have you received or sent any written
13:36 11 correspondence to or from Hiehie, LLC?

13:37 12 A. No.

13:37 13 MS. PETERSON: I'm going to object to the
13:37 14 extent that she has produced documents today that
13:37 15 reflect electronic correspondence with Mr. Goodenow, who
13:37 16 I'm presuming is a representative of Hiehie, LLC.

13:37 17 So, to the extent that we pro -- I just want it
13:37 18 to be clear that she did produce what documents she has
13:37 19 with regard to her communications with Hiehie, LLC.

13:37 20 MS. WHITE: Hiehie, LLC was incorporated or
13:37 21 registered January 6th, 2015, according to the public
13:37 22 records. The documents you produced, I believe, predate
13:37 23 that; but I will have to double-check. So, I'm not sure
13:37 24 that they -- he could be representing an entity that
13:37 25 didn't actually exist yet.

13:37 1 MS. PETERSON: Well, to the extent that my
13:38 2 client has no knowledge of when Hiehie, LLC was
13:38 3 incorporated --

13:38 4 MS. WHITE: Yes.

13:38 5 MS. PETERSON: -- and her understanding of
13:38 6 who she was dealing with, she has produced all
13:38 7 responsive documents that she has.

13:38 8 Q. (BY MS. WHITE) Okay. What assets did your dad
13:38 9 own when he died?

13:38 10 A. Probably bank accounts.

13:38 11 Q. Do you know how much?

13:38 12 A. No.

13:38 13 Q. Do you know if his estate was probated?

13:38 14 A. Not that I know of.

13:38 15 Q. Do you know if Moana Ramos ever had an attorney?

13:38 16 MS. PETERSON: I'm going to object to
13:38 17 overbroad, vague and ambiguous with regard to time.

13:38 18 Q. (BY MS. WHITE) Okay. Let's go specifically. On
13:39 19 or around March 15th, 2001, were you aware if Moana
13:39 20 Ramos had an attorney?

13:39 21 MS. PETERSON: If you don't know, you
13:39 22 don't --

13:39 23 A. I don't know.

13:39 24 Q. (BY MS. WHITE) Are you aware of any attorneys
13:39 25 that Moana Ramos has had in her life? Are you aware

13:39 1 that she had, for estate planning specifically, any --
13:39 2 any attorneys to help her draft documents for estate
13:39 3 planning?

13:39 4 A. No, not that I know of.

13:39 5 Q. Do you know who Mitchell S. Burns is?

13:39 6 A. No. I don't know.

13:39 7 Q. Do you have any documents related to the subject
13:39 8 property besides what was produced?

13:39 9 A. No.

13:39 10 Q. Did you receive any threats or negative
13:40 11 statements about what might happen if you do not sign
13:40 12 the assignment or the affidavit?

13:40 13 A. No.

13:40 14 Q. Have you ever been accused of fraud?

13:40 15 A. No.

13:40 16 Q. Have you ever been convicted of a crime?

13:40 17 A. No.

13:40 18 Q. Have you ever committed identity theft?

13:40 19 A. No.

13:40 20 Q. How do you know that you are the only heir to
13:40 21 Moana Ramos?

13:40 22 A. I was the only child.

13:40 23 Q. What efforts did you take to locate a will for
13:40 24 Moana Ramos?

13:40 25 A. None.

13:40 1 Q. None?

13:40 2 A. (Witness shakes head.)

13:40 3 Q. What efforts did you take to locate additional
13:40 4 heirs for Moana Ramos?

13:40 5 A. None.

13:40 6 Q. What efforts did you take to locate all assets
13:40 7 owned by Moana Ramos upon her death?

13:41 8 A. Try again. Please say it again.

13:41 9 Q. What efforts did you take to locate all assets
13:41 10 owned by Moana Ramos upon death?

13:41 11 When she died, usually somebody goes and looks
13:41 12 for everything that she might have in her name that she
13:41 13 owns so that they can see if they need to probate the
13:41 14 estate. So, I'm asking you what efforts you made to
13:41 15 locate her assets.

13:41 16 A. I probably had some of her bank statements.

13:41 17 Q. Do you know who Fredrick Kelley is?

13:41 18 A. No.

13:41 19 Q. Are you aware that Fredrick Kelley is a member of
13:41 20 Hiehie, LLC?

13:41 21 A. No.

13:41 22 Q. Are you aware that Fredrick Kelley is the same
13:41 23 person as Matson Kelley?

13:41 24 MS. PETERSON: Objection, asked and
13:41 25 answered. She's already said she doesn't know who he

13:41 1 is, and you've already represented on the record that
13:41 2 it's the same person so....

13:42 3 MS. WHITE: I just -- I'm just wondering if
13:42 4 it's a surprise. It just sounds....

13:42 5 Q. (BY MS. WHITE) Why did you sign the quitclaim
13:42 6 deed that is in the record currently as Exhibit 7?

13:42 7 A. It was part of the documents.

13:42 8 Q. So, it was signed at the same time?

13:42 9 A. Yes.

13:42 10 MS. PETERSON: You've got to speak up.

13:42 11 A. Yes. I'm sorry.

13:42 12 Q. (BY MS. WHITE) Do you know why it wasn't
13:42 13 recorded, the quitclaim deed that you signed?

13:42 14 A. No.

13:42 15 Q. Did you think you owned the property at the time
13:43 16 that you signed the deed?

13:43 17 A. No.

13:43 18 Q. Who are -- who is Corinne K. Dudoit, D-O --
13:43 19 D-U-D-O-I-T?

13:43 20 MS. PETERSON: Say it -- objection, asked
13:43 21 and answered. She already said she did not know the
13:43 22 notary.

13:43 23 MS. WHITE: Okay.

13:43 24 Q. (BY MS. WHITE) Did anyone discourage you from
13:43 25 being the special administrator for the Estate of Moana

13:43 1 Ramos?

13:43 2 A. No.

13:43 3 Q. Do you have any aliases or other names that you
13:43 4 go by?

13:43 5 MS. PETERSON: Other than your -- other than
13:43 6 her maiden name?

13:43 7 Q. (BY MS. WHITE) Yeah. Other than your legal name
13:43 8 or your maiden name, do you have any other names that
13:43 9 you go by?

13:43 10 A. Kim.

13:43 11 Q. Kim. Did Moana Ramos have any aliases or other
13:43 12 names that she went by?

13:43 13 A. No.

13:43 14 Q. Did Jerry Ramos have any aliases or other names
13:43 15 that he went by?

13:43 16 A. No.

13:43 17 Q. Did Moana Ramos know David Wittenberg?

13:44 18 MS. PETERSON: Objection, calls for
13:44 19 speculation.

13:44 20 Q. (BY MS. WHITE) As -- as far as you know.

13:44 21 A. Not that I know of.

13:44 22 Q. Do you know that as special administrator David
13:44 23 Wittenberg becomes Moana Ramos' personal representative?

13:44 24 MR. SHANNON: Objection, calls for a legal
13:44 25 conclusion.

13:44 1 Q. (BY MS. WHITE) Were you aware that -- that David
13:44 2 Wittenberg becomes the personal representative of the
13:44 3 deceased, Moana Ramos?

13:44 4 A. No.

13:44 5 Q. Did your parents ever separate?

13:44 6 MS. PETERSON: Objection. And this is
13:44 7 exactly the kind of family background that I did not
13:44 8 want any digging in. She's already testified they never
13:44 9 divorced so....

13:44 10 MS. WHITE: If there was a long separation,
13:45 11 there could be other heirs.

13:45 12 Q. (BY MS. WHITE) I'm sorry. I know this is
13:45 13 uncomfortable; but it's a very simple question, yes or
13:45 14 no, did your parents ever separate?

13:45 15 MS. PETERSON: She already testified that to
13:45 16 her knowledge she was not aware of any other children.

13:45 17 MS. WHITE: Many times children are not
13:45 18 aware of the other children --

13:45 19 MS. PETERSON: Which is exactly why --

13:45 20 MS. WHITE: -- that happened during the
13:45 21 separation. I'm just asking if there was a separation,
13:45 22 and this is a perfectly legitimate and relevant
13:45 23 question.

13:45 24 MS. PETERSON: No. We're not going to go
13:45 25 into her --

13:45 1 Q. (BY MS. WHITE) Did your parents --

13:45 2 MS. PETERSON: -- her parents' background.

13:45 3 Q. (BY MS. WHITE) -- ever separate?

13:45 4 MS. PETERSON: I'm going to instruct you not
13:45 5 to answer.

13:45 6 A. I'm not going to answer based on my attorney's
13:45 7 instruction.

13:45 8 MS. WHITE: Let the record show the client
13:45 9 is refusing -- or the deponent is refusing to answer.

13:45 10 Q. (BY MS. WHITE) Have you ever heard of the Hawaii
13:45 11 Estate Planning Law Group?

13:45 12 A. Possibly.

13:46 13 Q. If you see Exhibit 5, it has "Return By Mail" to
13:46 14 an attorney for Hawaii Estate Planning Law Group.

13:46 15 MS. PETERSON: Just let her get the document
13:46 16 first.

13:46 17 A. Okay. Sorry.

13:46 18 Q. (BY MS. WHITE) This is Exhibit 5.

13:46 19 MS. PETERSON: 5.

13:46 20 THE WITNESS: Oh, me.

13:46 21 MS. PETERSON: Yeah. What page are you
13:46 22 referring to?

13:46 23 MS. WHITE: The first page.

13:46 24 A. Okay.

13:46 25 Q. (BY MS. WHITE) You will see that the return

13:46 1 by --

13:46 2 A. Oh.

13:46 3 Q. There was an attorney that received the document
13:46 4 after it was recorded. Do you know who this attorney
13:46 5 represented?

13:46 6 A. My mom?

13:46 7 MS. PETERSON: Do you know that, or are you
13:46 8 speculating?

13:46 9 A. I don't know. I don't know.

13:46 10 MR. SHANNON: Wait. Where is this?
13:46 11 Mitchell S. Burns?

13:46 12 MS. WHITE: Yes, Mitchell S. Burns, Hawaii
13:46 13 Estate Planning Law Group.

13:46 14 Q. (BY MS. WHITE) Did you make any effort to
13:46 15 contact this law firm to see if your mother drafted
13:47 16 other probate documents or other wills or estate
13:47 17 planning documents?

13:47 18 A. No.

13:47 19 Q. Okay. Did you ever consider pursuing the right
13:47 20 of redemption for yourself personally?

13:47 21 A. No.

13:47 22 Q. Why did you delete your Facebook page?

13:47 23 MR. SHANNON: Oh, my God.

13:47 24 MS. PETERSON: Objection. This is personal.

13:47 25 MS. WHITE: I'm sorry. The client has asked

13:47 1 me to ask that.

13:47 2 MS. PETERSON: Well --

13:47 3 MR. SHANNON: Well, just because the client
13:47 4 asks you to do something doesn't mean you need to do it.
13:47 5 That's just ridiculous.

13:47 6 MS. PETERSON: And perhaps your question and
13:47 7 your client's instruction provides a very good
13:47 8 explanation of why she would want to do that, especially
13:47 9 since she's aware that somebody purporting to be your
13:47 10 client has called her a bogus liar, a perjurer, amongst
13:47 11 other defamatory statements.

13:47 12 You don't have to answer that.

13:48 13 MS. WHITE: The record is showing the client
13:48 14 is not answering.

13:48 15 Q. (BY MS. WHITE) Are you paying your lawyer's
13:48 16 legal fees today?

13:48 17 MS. PETERSON: Objection.

13:48 18 Q. (BY MS. WHITE) Is somebody else paying your
13:48 19 lawyer's legal fees today?

13:48 20 MS. PETERSON: Objection. This -- there's
13:48 21 no basis for that.

13:48 22 Q. (BY MS. WHITE) Can you answer the question?

13:48 23 MS. PETERSON: I'm instructing her not to.

13:48 24 MR. SHANNON: I'm pretty sure that's
13:48 25 privileged anyway.

13:48 1 Q. (BY MS. WHITE) Sometimes when there's a
13:48 2 third-party payer, it's relevant. So, I'm just trying
13:48 3 to check and see if there's another party here that is
13:48 4 paying for your attorney's fees; and that can be very
13:48 5 relevant. Is there anybody else that's paying for your
13:48 6 attorney's fees?

13:48 7 MS. PETERSON: I've instructed her not to
13:48 8 answer that question.

13:49 9 A. I won't answer based on her instruction.

13:49 10 Q. (BY MS. WHITE) Where were you raised?

13:49 11 A. Honolulu, Hawaii.

13:49 12 Q. Did Jerry Ramos have a girlfriend named Kimberly?

13:49 13 MS. PETERSON: Objection. And if you're
13:49 14 going to pursue this line, then I'm going to terminate
13:49 15 the deposition. We've been more than fair, and this is
13:49 16 precisely exactly what I didn't want to subject my
13:49 17 client to.

13:49 18 So, I'm instructing her not to answer; and if
13:49 19 you're going to ask questions about her family
13:49 20 history -- she's already testified she's not aware of
13:49 21 any other heirs.

13:49 22 If you have information that she doesn't have,
13:49 23 then you're free to pursue that however you want. You
13:49 24 can hire your own detective to look that up, but you're
13:49 25 not going to go creating dirty laundry that may or may

13:49 1 not exist.

13:49 2 MS. WHITE: It's a simple question.

13:49 3 MS. PETERSON: No, it's not.

13:49 4 MS. WHITE: It's just yes or no.

13:49 5 MS. PETERSON: It's a disrespectful question
13:50 6 that's not legally relevant.

13:50 7 She told you she's not aware of any other heirs.
13:50 8 There may be other heirs. I'm not aware of everything
13:50 9 my parents did before I came into existence, just like
13:50 10 everyone else is not aware of what their parents' full
13:50 11 lives are before they were a part of it.

13:50 12 So, I'm instructing her not to answer. If you
13:50 13 want information about other heirs, she doesn't have it.
13:50 14 You can pursue it through other means.

13:50 15 MS. WHITE: My client has found information
13:50 16 that he believes indicates that Kimberly was named after
13:50 17 his girlfriend and not -- and I -- I know that that
13:50 18 might be a long shot, but that's the relevance. Is
13:50 19 that --

13:50 20 MS. PETERSON: Well, your client is free to
13:50 21 pursue it through other means. She's already testified
13:50 22 that she is not aware of any other heirs.

13:50 23 MS. WHITE: Yes. I -- if there was a
13:50 24 certified birth certificate here and not a copy of a
13:50 25 copy --

13:50 1 MS. PETERSON: That's so disingenuous; and
13:50 2 you already have -- even if he has other heirs, what are
13:50 3 you saying, that she's -- that he's not her father? The
13:50 4 fact that he might have other children doesn't affect
13:51 5 whether or not he's her father, so -- no.

13:51 6 MS. WHITE: Mr. Ramos died intestate. If he
13:51 7 had other children, Moana would have only gotten half,
13:51 8 according to the statutes. So, that's the -- that's the
13:51 9 theory.

13:51 10 MS. PETERSON: She's already answered all
13:51 11 questions --

13:51 12 MS. WHITE: Yes.

13:51 13 MS. PETERSON: -- regarding who --

13:51 14 MS. WHITE: And her --

13:51 15 MS. PETERSON: -- her other heirs are. With
13:51 16 regard --

13:51 17 MS. WHITE: So, she can --

13:51 18 THE COURT REPORTER: Wait. Wait.

13:51 19 MS. WHITE: -- refuse to answer.

13:51 20 MS. PETERSON: Well, let me finish ask --
13:51 21 making my record.

13:51 22 I apologize. Tell me when you're ready.

13:51 23 THE COURT REPORTER: Go ahead.

13:51 24 MS. PETERSON: She's already stated that
13:51 25 she's not aware of any other heirs on either her mother

13:51 1 or father's behalf. There's no other questions -- she
13:51 2 has no other information to provide you that's anything
13:51 3 more than scurrilous.

13:51 4 Q. (BY MS. WHITE) Are you being compensated by
13:51 5 anyone to be here right now?

13:51 6 A. No.

13:51 7 MS. WHITE: That was the last question.
13:51 8 Thank you.

13:51 9 THE COURT REPORTER: Signature?

13:52 10 MS. PETERSON: To me.

11 (The deposition was concluded at 1:52 p.m.)

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1 I, KIMBERLY KEHAULANI RAMOS CASPILLO, hereby certify
 2 that I have read the foregoing typewritten pages 1
 3 through 89, inclusive, and corrections, if any, were
 4 noted by me, and the same is now a true and correct
 5 transcript of my testimony.

6 DATED: Honolulu, Hawaii, _____.

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 KIMBERLY KEHAULANI RAMOS CASPILLO

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12 Signed before me this _____

13 day of _____, 20____.

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Case: Hiehie, LLC vs. Giordano
 24 Civil No.: 15-1-0255(1)
 Deposition Dated: April 25, 2017
 25 Taken By: Sharon Ross

C E R T I F I C A T E

STATE OF HAWAII)

) SS:

CITY AND COUNTY OF HONOLULU)

I, SHARON ROSS, Certified Shorthand Reporter, do hereby certify:

That on Tuesday, April 25, 2017, at 11:57 a.m., appeared before me KIMBERLY KEHAULANI RAMOS CASPILLO, the witness whose deposition is contained herein; that prior to being examined the witness was by me duly sworn;

That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

That pursuant to Rule 30(e) of the Hawaii Rules of Civil Procedure, a request for an opportunity to review and make changes to this transcript:

 X Was made by the deponent or a party (and/or their attorney) prior to the completion of the deposition.

 Was **not** made by the deponent or a party (and/or their attorney) prior to the completion of the deposition.

 Was waived.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

Dated this 30th day of April, 2017, in Honolulu, Hawaii.

SHARON ROSS, CSR NO. 432