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1
2 NO. 2007-54438
3 DAVID AND KATHLEEN) IN THE DISTRICT COURT
PLUCHINSKY, INDIVIDUALLY)
4 AND AS REPRESENTATIVES)
OF THE JOHN ALBERT)
5 PLUCHINSKY ESTATE)
Plaintiffs)
6)
VS.) HARRIS COUNTY, TEXAS
7)
HOUSTON RACQUET CLUB,)
8 STEPHEN GRIFFIN, DAVID)
LAMKIN, GUILLERMO)
9 PALMER, AND)
LG Supv,)
10)
Defendants) 281st JUDICIAL DISTRICT

11
12 *****
VIDEOTAPED ORAL DEPOSITION OF
13 4 y/o B-CC #2
JULY 31, 2008
14 Volume 1

15
16 ORAL AND VIDEOTAPED DEPOSITION OF 4 y/o B-CC #2,
produced as a witness at the instance of the
17 Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on JULY 31, 2008,
18 from 8:54 a.m. to 11:45 a.m., before Sherry Hale, CSR
in and for the State of Texas, reported by machine
19 shorthand, at the offices of Beirne, Maynard &
Parsons, L.L.P., 1300 Post Oak Blvd., 25th Floor,
20 Houston, Texas, pursuant to the Texas Rules of Civil
Procedure.

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REPRESENTING 4 y/o B-CC #2

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ALSO PRESENT:

19 David Pluchinsky
Stephen Griffin
20 Derek Martin, Videographer
FM

21

22

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24

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13

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2 VIDEOGRAPHER: Today's date is

3 Thursday, July 31st, 2008. The time is 8:54 a.m.

4 We're on the record.

5 THE REPORTER: Would you raise your

6 right hand, please, so I can place you under oath.

7 Do you solemnly swear that the testimony you're about

8 to give in this cause shall be the truth, the whole

9 truth, and nothing but the truth, so help you God?

10 THE WITNESS: I do, I guess.

11 4 y/o B-CC #2,

12 having been first duly sworn, testified as follows:

13 EXAMINATION

14 BY MR. PLETCHER:

15 Q. Could you introduce yourself to the ladies

16 and gentlemen of the jury, please?

17 A. My name is 4 y/o B-CC #2

18 Q. 4 y/o B-CC #2, my name is Matt Pletcher. I

19 represent David Pluchinsky and Kathleen Pluchinsky in

20 a lawsuit that they have filed against the Houston
21 Racquet Club related to the drowning death of John
22 Pluchinsky, who was in the care and custody of the
23 Club on July 18th, 2007 when he drowned. Do you
24 understand that?

25 A. Yes.

0005

1 Q. Have you ever given a deposition before?

2 A. No.

3 Q. Okay. You had an opportunity to talk to
4 your lawyers about what a deposition is, correct?

5 A. Yes.

6 Q. So you understand that I -- our court
7 reporter, Sherry, who is sitting to your right, is
8 taking down all my questions and all your sworn
9 answers, correct?

10 A. Yes.

11 Q. If at any time during this deposition if you
12 don't understand one of my questions or you don't
13 hear me, will you tell me to rephrase it or repeat it
14 so that you do understand it or hear it?

15 A. Yes.

16 Q. If you do not ask me to do that and you
17 respond to one of my questions without asking me to
18 rephrase it or repeat it, I will assume you
19 understood it. Is that fair?

20 A. Yes.

21 Q. Okay. Where do you live today, ma'am?

22 A. At home with my mom for the summer before I
23 go to school.

24 Q. Okay. And what is the address at your
25 residence, at your mother's house?

0006

1 A. **Priv**

2 Q. And is that here in Houston?

3 A. Yes.

4 Q. What part of town is that located?

5 A. Memorial.

6 Q. What is the major cross street near **Priv**?

7 A. **Priv**.

8 Q. Okay. So you're on the -- Are you on the
9 **Priv** ?

10 A. Yes.

11 Q. Okay. How long have you lived there?

12 A. Two years in the new house, yeah.

13 Q. And you were born on November 1st, 1988,

14 correct?

15 A. Uh-huh, yes, sir.

16 Q. So you're 19 today?

17 A. Yes.

18 Q. You were 18 on the day that John Pluchinsky
19 drowned, correct?

20 A. Yes.

21 Q. And at that time you were employed by the
22 Houston Racquet Club as a camp counselor, correct?

23 MR. CORN: Excuse me. At this point on
24 behalf of the witness, I'm going to assert her
25 privilege to remain silent provided by the 5th

0007

1 Amendment to the United States Constitution and
2 instruct her not to answer that question.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 your attorney's instruction and not answer that
5 question based upon the 5th Amendment?

6 A. Yes.

7 Q. Had you ever been employed by the Houston
8 Racquet Club prior to July 18th, 2007?

9 MR. CORN: Excuse me. On behalf of the
10 witness, I'm going to assert the privilege to remain
11 silent provided by the 5th Amendment to the United
12 States Constitution and instruct her not to answer
13 that question.

14 Q. (BY MR. PLETCHER) Are you going to follow
15 your lawyer's instruction?

16 A. Yes.

17 Q. What day were you hired by the Racquet Club
18 and who hired you?

19 MR. CORN: Excuse me. On behalf of the
20 witness, I assert the privilege to remain silent
21 provided by the 5th Amendment to the United States
22 Constitution and instruct her not to answer that
23 question.

24 Q. (BY MR. PLETCHER) 4 y/o B-CC #2, I want to
25 show you what has been previously marked as

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1 Plaintiff's Exhibit 73 --

2 MR. PLETCHER: If you could, just pan
3 to the top of it.

4 Q. (BY MR. PLETCHER) -- which appears to be a
5 copy of your application for employment with the
6 Houston Racquet Club.

7 MR. PLETCHER: Now let me hand it to

8 the witness, please.

9 Q. (BY MR. PLETCHER) Let me show you
10 Plaintiff's Exhibit Number 73 and I would like you to
11 flip through it real quickly.

12 Have you gone through that entire
13 exhibit, ma'am?

14 A. Uh-huh.

15 Q. Is that "yes"?

16 A. Yes.

17 Q. Okay. We have to give verbal answers so
18 that Sherry can get it down in the transcript. Okay?

19 A. Okay.

20 Q. Okay. The first two pages of Plaintiff's
21 Exhibit 73, are those documents written in your
22 handwriting?

23 MR. CORN: Excuse me. On behalf of the
24 witness, I assert the privilege to remain silent
25 provided by the 5th Amendment to the United States
0009

1 Constitution and instruct her not to answer that
2 question.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 your lawyer's advice and not answer the question
5 based upon the 5th Amendment?

6 A. Yes.

7 Q. On Page 2 of Plaintiff's Exhibit 73, is that
8 your signature to the right side of the date,
9 April 10th, 2007?

10 MR. CORN: On behalf of the witness, I
11 assert the privilege to remain silent provided by the
12 5th Amendment to the United States Constitution and
13 instruct her not to answer that question.

14 Q. (BY MR. PLETCHER) And are you going to
15 follow that instruction, ma'am?

16 A. Yes, sir.

17 Q. Are the first two pages of Plaintiff's
18 Exhibit 73 true and correct copies of your
19 application for employment?

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 your lawyer's instruction and not answer my question?

0010

1 A. Yes.

2 Q. Is the third page of Plaintiff's Exhibit 73
3 a copy of your Texas driver's license and your Social
4 Security card?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 that instruction?

11 A. Yes.

12 Q. Is that third page of Plaintiff's Exhibit 73
13 a true and correct copy of your Social Security card
14 and your driver's license?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 that instruction, ma'am?

21 A. Yes.

22 Q. Were you required to go through any sort of
23 training or orientation program with the Houston
24 Racquet Club either prior to or subsequent to your
25 first day of employment with the Racquet Club?

0011

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you going to follow
6 that instruction, ma'am?

7 A. Yes.

8 Q. Who was your supervisor at the Houston
9 Racquet Club when you worked for the Club as a camp
10 counselor during the summer of 2007?

11 MR. CORN: Excuse me. On behalf of the
12 witness, I assert the privilege to remain silent
13 provided by the 5th Amendment to the United States
14 Constitution and instruct her not to answer that
15 question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 your lawyer's instruction and assert your 5th
18 Amendment right against self-incrimination under that
19 amendment of our Constitution?

20 MR. CORN: She's going to follow my
21 instruction. I object to that. She's going to

22 follow my instruction.

23 Q. (BY MR. PLETCHER) Ma'am, are you going --

24 MR. PLETCHER: Are you instructing her
25 not to answer my question related to whether she's

0012

1 going to follow your instruction to not answer the
2 question based upon the 5th Amendment right --

3 MR. CORN: She's --

4 MR. PLETCHER: -- against
5 self-incrimination?

6 MR. CORN: She's going to follow my
7 instruction.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your counsel's instruction not to answer the question
10 based upon the 5th Amendment right against
11 self-incrimination?

12 MR. CORN: She's going to follow my
13 instruction.

14 Q. (BY MR. PLETCHER) Will you answer my
15 question?

16 MR. CORN: She's not going to answer
17 your question that way.

18 Do you have a question about the case?

19 MR. PLETCHER: Okay. You can ask her
20 to -- you can instruct her not to answer that
21 question. That's fine. If you -- If you instruct
22 her, that's fine.

23 MR. CORN: I have instructed her. I
24 have instructed her not to answer that question.

25 Q. (BY MR. PLETCHER) Are you going to follow
0013

1 that instruction, ma'am?

2 A. Yes.

3 Q. Okay.

4 MR. PLETCHER: I don't think so.

5 Q. (BY MR. PLETCHER) This is Plaintiff's
6 Exhibit Number 2, which is a copy of your written
7 statement. I would like to show it to you so that
8 you can read it and identify it for us. Okay?

9 A. (Witness complies.)

10 Q. Have you had an opportunity to read
11 Plaintiff's Exhibit Number 2?

12 A. Yes.

13 Q. And is Plaintiff's Exhibit Number 2 a true
14 and correct copy of the handwritten statement that
15 you made on July 18th, 2007 at the Houston Racquet

16 Club following the drowning death of John Pluchinsky?

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 your attorney's instruction not to answer the
23 question based upon your right against
24 self-incrimination under the 5th Amendment of the
25 Constitution of the United States?

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1 MR. CORN: She's going to take the
2 advice and the instruction that has been given, yes.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 your lawyer's instruction and not answer the question
5 based upon your 5th Amendment right against
6 self-incrimination, ma'am?

7 MR. CORN: She's going to follow the
8 instruction from her lawyer. I think we've been over
9 this.

10 Q. (BY MR. PLETCHER) Are you going to follow
11 his instruction?

12 A. Yes.

13 Q. Is Plaintiff's Exhibit Number 2 in your
14 handwriting, ma'am?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 your lawyer's instruction and not answer the question
21 based upon your 5th Amendment right against
22 self-incrimination?

23 MR. CORN: She's going to follow the
24 instruction given by the lawyer.

25 Q. (BY MR. PLETCHER) Can you answer my
0015

1 question, ma'am?

2 MR. CORN: She's going to follow the
3 instruction given by her lawyer.

4 MR. PLETCHER: Are you instructing her
5 not to answer that question --

6 MR. CORN: I've instructed --

7 MR. PLETCHER: -- in that form?

8 MR. CORN: I've instructed her not to
9 answer that question on the grounds of the privilege

10 that's been asserted.

11 Q. (BY MR. PLETCHER) Are you going to follow
12 that instruction, ma'am?

13 A. Yes.

14 Q. Okay.

15 (PLAINTIFF'S Exhibit Numbers 52K1 and
16 52K2 marked.)

17 MR. PLETCHER: Rob, you agreed to
18 respond to our subpoena duces tecum, which was
19 attached to our deposition notice. And today you
20 have brought several documents in response to that
21 subpoena --

22 MR. CORN: Yes.

23 MR. PLETCHER: -- which I have marked
24 as 52K1 and 52K2. Will you represent on the record
25 that --

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1 MR. CORN: Is that part of -- Is that
2 part of 2?

3 MR. PLETCHER: Actually, that's --

4 MR. CORN: I see what you're saying.
5 Okay.

6 MR. PLETCHER: Will you identify or
7 represent on the record that those are all of the
8 documents responsive that 4 y/o B-CC #2 has to our
9 subpoena duces tecum?

10 MR. CORN: Yes.

11 Q. (BY MR. PLETCHER) And, 4 y/o B-CC #2, I will
12 show you Page 1 of Plaintiff's Exhibit 52K and ask
13 you if Plaintiff's 52K2, the first page, is a true
14 and correct copy of your handwritten statement?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 that instruction, ma'am?

21 A. Yes.

22 Q. Is Plaintiff's Exhibit 52K [sic], Page 1, a
23 copy of the same statement that is marked as
24 Plaintiff's Exhibit 2?

25 MR. CORN: On behalf of the witness, I

0017

1 assert the privilege to remain silent provided by the
2 5th Amendment to the United States Constitution and
3 instruct her not to answer that question.

4 Q. (BY MR. PLETCHER) Are you going to follow
5 that instruction?

6 A. Yes.

7 Q. Is Plaintiff's Exhibit 52K, Page 1 in your
8 handwriting and is it a true and correct copy of a
9 statement that you wrote on July 18th, 2007 at the
10 Houston Racquet Club after John Pluchinsky's drowning
11 death?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 that instruction, ma'am?

18 A. Yes.

19 Q. Let me show you what has been marked as 52K1
20 and ask you to identify that document.

21 MR. CORN: On behalf of the witness, I
22 assert the privilege to remain silent provided by the
23 5th Amendment to the United States Constitution and
24 instruct her not to answer that question.

25 MR. PLETCHER: Okay. And 52K1, Rob, is
0018

1 a copy of her American Heart Association Heartsaver
2 AED certification card that you produced in response
3 to our subpoena duces tecum, correct?

4 MR. CORN: Yes. We did bring that in
5 response to your subpoena.

6 Q. (BY MR. PLETCHER) 4 y/o B-CC #2, did you take
7 a Heartsaver AED CPR certification course at the
8 Houston Racquet Club in May of 2007?

9 MR. CORN: On behalf of the witness, I
10 assert the privilege to remain silent provided by the
11 5th Amendment to the United States Constitution and
12 instruct her not to answer that question.

13 Q. (BY MR. PLETCHER) Are you going to follow
14 that instruction?

15 A. Yes.

16 Q. Who was the instructor who taught the CPR
17 course in which you obtained your American Heart
18 Association Heartsaver AED certification?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you going to follow

24 that instruction, ma'am?

25 A. Yes.

0019

1 Q. During -- How long was that CPR
2 certification course that Mr. Lamkin taught in May of
3 2007 at the Houston Racquet Club from which you
4 obtained your certification in Heartsaver AED?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 that instruction?

11 A. Yes.

12 Q. Did you actually attend that certification
13 course or did Mr. Lamkin provide you the course
14 without requiring you to attend the course and take
15 written and/or practical examinations in CPR?

16 MR. HOWARD: Object to form.

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 your lawyer's instruction and not answer that
23 question based upon your 5th amended right against
24 self-incrimination?

25 MR. CORN: She's not going to answer

0020

1 the question based on the instruction, that's
2 correct.

3 Q. (BY MR. PLETCHER) Ma'am, are you going to
4 follow your instruct -- your lawyer's instruction and
5 not answer the question in the form that I've asked
6 it?

7 THE WITNESS: That's correct.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 that instruction?

10 A. Yes.

11 Q. When you wrote Plaintiff's Exhibit Number 2,
12 your statement at the Houston Racquet Club, were you
13 trying to document your recollection of the events
14 that occurred on July 18th, 2007 when John Pluchinsky
15 drowned in the family pool of the Houston Racquet
16 Club?

17 MR. CORN: On behalf of the witness, I

18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 that instruction, ma'am?

23 A. Yes.

24 Q. What were you doing at the time that John
25 Pluchinsky drowned in the family pool at the Houston
0021

1 Racquet Club on July 18th, 2007?

2 MR. CORN: On behalf of the witness, I
3 assert the privilege to remain silent provided by the
4 5th Amendment to the United States Constitution and
5 instruct her not to answer that question.

6 Q. (BY MR. PLETCHER) Are you going to follow
7 that instruction, ma'am?

8 A. Yes.

9 Q. Were you actually in the family pool at the
10 time that John Pluchinsky was found floating facedown
11 unconscious in the family pool on July 18th, 2007?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you -- Are you going
17 to follow that instruction?

18 A. Yes.

19 VIDEOGRAPHER: Excuse me, Matt.

20 MR. PLETCHER: Yes.

21 VIDEOGRAPHER: Can we go off the record
22 real quick?

23 MR. PLETCHER: Yes.

24 VIDEOGRAPHER: The time is 9:14 a.m.
25 We are off the record.

0022

1 (Brief recess.)

2 VIDEOGRAPHER: Going back on the
3 record. The time is 9:27 a.m.

4 Q. (BY MR. PLETCHER) Are you ready to
5 continue?

6 A. Yes, sir.

7 Q. 4 y/o B-CC #2, you had been playing with John
8 Pluchinsky 10 to 15 minutes before he was found
9 floating facedown in the family pool unconscious,
10 correct?

11 MR. CORN: On behalf of the witness, I

12 assert the privilege to remain silent provided by the
13 5th Amendment to the United States Constitution and
14 instruct her not to answer that question.

15 Q. (BY MR. PLETCHER) Are you going to follow
16 your lawyer's instruction and not answer that
17 question based upon the 5th Amendment right against
18 self-incrimination?

19 MR. CORN: She's going to follow my
20 instruction to not answer the question based on her
21 5th Amendment rights, correct.

22 Q. (BY MR. PLETCHER) Are you going to follow
23 that instruction, ma'am?

24 A. Yes.

25 Q. What did you tell the Memorial Village
0023

1 Police Department that happened?

2 MR. CORN: On behalf of the witness, I
3 assert the privilege to remain silent provided by the
4 5th Amendment to the United States Constitution and
5 instruct her not to answer that question.

6 Q. (BY MR. PLETCHER) Are you going to follow
7 that instruction against incriminating yourself,
8 ma'am?

9 MR. CORN: She's going to follow my
10 instruction not to answer the question based on the
11 5th Amendment privilege.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 that instruction, ma'am?

14 A. Yes.

15 Q. Well, you didn't assert the 5th Amendment
16 right against self-incrimination when you were being
17 interviewed by the policeman at the Memorial Village
18 Police Department after this drowning, did you?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you going to follow
24 that instruction, ma'am?

25 A. Yes.

0024

1 Q. Well, what did you tell the CPS about what
2 happened in the family pool on July 18th when John
3 Pluchinsky was found unconscious floating facedown?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the

6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 that instruction?

10 A. Yes.

11 Q. And not answer that question based upon your
12 5th Amendment right against self-incrimination?

13 MR. CORN: She's not going to answer
14 the question based on her 5th Amendment right. Yes,
15 she's going to follow the instruction.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 that instruction, ma'am?

18 A. Yes.

19 Q. Well, 4 y/o B-CC #2, what did you tell
20 David Lamkin or anybody else at the Houston Racquet
21 Club about what happened in the family pool when
22 John Pluchinsky drowned?

23 MR. CORN: On behalf of the witness, I
24 assert the privilege to remain silent provided by the
25 5th Amendment to the United States Constitution and
0025

1 instruct her not to answer that question.

2 Q. (BY MR. PLETCHER) Are you going to follow
3 that instruction and not answer the question based
4 upon your 5th Amendment right against
5 self-incrimination?

6 MR. CORN: She's going to follow my
7 instruction and not answer that question based on her
8 5th Amendment right.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 that instruction, ma'am?

11 A. Yes.

12 Q. Well, did you tell CD, the camp
13 director, what had happened in the family pool when
14 John Pluchinsky drowned on July 18th, 2007?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 that instruction?

21 A. Yes.

22 Q. 4 y/o B-CC #2, isn't it true that you are the last
23 person who saw John Pluchinsky alive while he was in
24 the family pool, approximately 10 to 15 minutes
25 before he was found floating facedown unconscious?

0026

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you going to follow
6 that instruction and not answer my question based
7 upon your 5th Amendment right against
8 self-incrimination?

9 MR. CORN: She's going to follow my
10 instruction and not answer that question based on the
11 instruction that I've given her.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 that instruction and not answer my question?

14 A. Yes.

15 Q. Well, 4 y/o B-CC #2, isn't it true that 10 to 15
16 minutes before John Pluchinsky was found floating
17 facedown in the family pool that you were over by the
18 rock ledge or the sun deck with 4 y/o B-CC #4 and three
19 to six summer campers?

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 that instruction and not answer my question?

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1 A. Yes.

2 Q. Well, isn't it true that 10 to 15 minutes
3 before John Pluchinsky was found unconscious floating
4 facedown in the family pool that you were playing
5 with John at that rock ledge or the fountain -- or
6 the sun deck and you were bouncing him up and down on
7 your knee and your legs?

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the
10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 that instruction?

14 A. Yes.

15 Q. And at that point in time John was perfectly
16 well and normal, correct?

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and

20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 that instruction?

23 A. Yes.

24 MR. PLETCHER: I need to take a short
25 break.

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1 VIDEOGRAPHER: The time is 9:33 a.m.

2 We are off the record.

3 (Brief recess.)

4 VIDEOGRAPHER: Going back on the
5 record. The time is 9:39 a.m.

6 Q. (BY MR. PLETCHER) Ma'am, are you ready to
7 continue?

8 A. Yes, sir.

9 Q. 4 y/o B-CC #2, isn't it true that after
10 playing with John Pluchinsky in the 10 to 15 minutes
11 before he was found floating facedown, that you then
12 piggybacked him from the sun deck or the rock ledge
13 over to the shallow end where 4 y/o B-CC #1 was with
14 two to three summer campers?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 MR. PLETCHER: And, Rob, on the record,
20 what I would like to do is I would like to point out
21 the defect in your objection because I think that the
22 form of your objection is improper in the sense that
23 you're indicating that the witness is entitled to
24 remain silent when the 5th Amendment to the U.S.
25 Constitution only provides that a witness shall not

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1 be compelled to incriminate themselves by being
2 required to answer questions in a criminal case or a
3 case that has criminal implications.

4 MR. CORN: My objection is that or my
5 assertion of the privilege is as to all benefits to
6 which the witness is entitled under the 5th Amendment
7 to the United States Constitution.

8 MR. PLETCHER: Yeah. And it's our
9 position that you have not correctly asserted the
10 objection under the 5th Amendment and have therefore
11 waived it.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 your counsel's instruction and not answer my question

14 based upon your 5th Amendment right against
15 self-incrimination?

16 MR. CORN: She's going to follow my
17 instruction not to answer based on all rights and
18 benefits to which she's entitled under the
19 5th Amendment to the United States Constitution.

20 Q. (BY MR. PLETCHER) Are you going to follow
21 that instruction, ma'am?

22 A. Yes.

23 Q. Isn't it true, 4 y/o B-CC #2, that you were playing
24 the swan game with John Pluchinsky and you put him on
25 your back acting as if you were a swan and you took

0030

1 him from the sun deck all the way over here to the
2 other side of the pool to the shallow end where
3 4 y/o B-CC #1 was and you dropped John Pluchinsky off
4 and you turned your back on him and walked away?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) 4 y/o B-CC #2, are you
10 going to follow your lawyer's instruction and not
11 answer my question based upon your 5th Amendment
12 right against self-incrimination?

13 MR. CORN: She's going to follow my
14 instruction not to answer the question based on all
15 rights and benefits to which she's entitled under the
16 5th Amendment to the United States Constitution.

17 Q. (BY MR. PLETCHER) Are you going to refuse
18 to answer my question based upon your lawyer's
19 advice?

20 A. Yes.

21 Q. And, 4 y/o B-CC #2, isn't it true that at the time
22 that you dropped John Pluchinsky off in the shallow
23 end of the family pool that there was absolutely no
24 communication between you and 4 y/o B-CC #1 or any
25 other camp counselor who was in the family pool at

0031

1 the time that John Pluchinsky and his other
2 four-year-old boy campers who were with him, you
3 didn't say a word to him, did you?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your lawyer's instruction and refuse to answer that
10 question based upon your 5th Amendment right?

11 A. Yes.

12 Q. Well, isn't it true, 4 y/o B-CC #2, that you made
13 no effort to communicate to 4 y/o B-CC #1 or any of
14 the other camp counselors at the time that you
15 dropped John Pluchinsky off in the shallow end that
16 you were leaving him with them so that they could
17 watch him?

18 MR. CORN: On behalf of the witness, I
19 assert the privilege to remain silent provided by the
20 5th Amendment to the United States Constitution and
21 instruct her not to answer that question.

22 Q. (BY MR. PLETCHER) Are you going to follow
23 your lawyer's instruction and refuse to answer my
24 question?

25 A. Yes.

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1 Q. Isn't it true that there was absolutely no
2 pass off of John Pluchinsky by you to any other camp
3 counselor when you left him in the shallow end and
4 turned your back and walked away?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 your lawyer's instruction and refuse to answer my
11 question based upon your 5th Amendment right against
12 self-incrimination?

13 MR. CORN: She's going to follow my
14 instruction not to answer the question based upon all
15 rights that she's entitled to under the 5th Amendment
16 to the United States Constitution.

17 MR. PLETCHER: And I would again point
18 out the fact that your objection is defective in its
19 form and we take the position that you've waived that
20 privilege based upon the form of your objection.

21 MR. CORN: We disagree --

22 MR. PLETCHER: Are you going --

23 MR. CORN: We disagree.

24 MR. PLETCHER: I understand.

25 MR. CORN: My objection --

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1 MR. PLETCHER: I understand.

2 MR. CORN: -- is as to all rights and
3 benefits to which she's entitled under the
4 5th Amendment to the United States Constitution.

5 MR. PLETCHER: Including the right
6 against self-incrimination, right?

7 MR. CORN: All rights and benefits,
8 yes, sir.

9 MR. PLETCHER: Okay.

10 Q. (BY MR. PLETCHER) Are you going to follow
11 your instructions -- Are you going to follow your
12 lawyer's instruction and refuse to answer my
13 question, ma'am?

14 A. Yes.

15 Q. Do you believe that answering that question
16 or any of my other questions is going to incriminate
17 you?

18 MR. CORN: On behalf of the witness, I
19 assert the privilege to remain silent provided by the
20 5th Amendment to the United States Constitution and
21 instruct her not to answer that question. And I'm
22 going to object to the form of that question.

23 Q. (BY MR. PLETCHER) Are you going to follow
24 your lawyer's instruction and refuse to answer my
25 question?

0034

1 A. Yes.

2 Q. Do you think that you did something that was
3 illegal or criminal?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your lawyer's instruction and refuse to answer that
10 question?

11 A. Yes.

12 Q. Well, do you think that you did something
13 wrong on July 18th, 2007 that led to John
14 Pluchinsky's death?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to
20 follow -- Are you going to follow your lawyer's
21 instruction and refuse to answer my question?

22 A. Yes.

23 Q. Do you think that you knowingly ignored
24 John Pluchinsky while he was in the family pool under
25 your watchful eye, 4 y/o B-CC #2?

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1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you going to follow
6 your lawyer's instruction and refuse to answer my
7 question?

8 A. Yes.

9 Q. Well, let me ask you this: Do you think
10 that the Houston Racquet Club and its managers, your
11 supervisors, David Lamkin, CD or anybody
12 else with the Houston Racquet Club knowingly failed
13 to properly train and supervise you and your fellow
14 counselors in the day-to-day supervision that would
15 be required of the four-year-old boys while they were
16 in the family pool on July 18th, 2007?

17 MR. HOWARD: Object to form.

18 MR. CORN: On behalf of the witness, I
19 assert the privilege to remain silent provided by the
20 5th Amendment to the United States Constitution and
21 instruct her not to answer that question.

22 Q. (BY MR. PLETCHER) Are you going to follow
23 your lawyer's instruction and refuse to answer that
24 question?

25 A. Yes.

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1 Q. How in the world could that question
2 incriminate you, 4 y/o B-CC #2?

3 MR. CORN: Objection, form. On behalf
4 of the witness, I assert the privilege to remain
5 silent provided by the 5th Amendment to the United
6 States Constitution and instruct her not to answer
7 that question.

8 MR. HOWARD: Object to form also.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 your lawyer's instruction and refuse to answer my
11 question?

12 A. Yes.

13 Q. 4 y/o B-CC #2, when you were at the family
14 pool with John Pluchinsky on July 18th, 2007 while
15 the four-year-old boys were in that swimming pool,

16 did you fail to watch John Pluchinsky?

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 your lawyer's instruction and refuse to answer that
23 question?

24 A. Yes.

25 Q. 4 y/o B-CC #2, were you at all times while you were
0037

1 watching John Pluchinsky within an arms-length or
2 within the grasp of John?

3 MR. CORN: On behalf of the witness, I
4 assert the privilege to remain silent provided by the
5 5th Amendment to the United States Constitution and
6 instruct her not to answer that question.

7 Q. (BY MR. PLETCHER) Are you going to follow
8 your lawyer's instruction and refuse to answer that
9 question?

10 A. Yes.

11 Q. 4 y/o B-CC #2, David Pluchinsky, John's father, is
12 here today. And of course, his mother will be
13 reading this transcript. And he's here to hear your
14 story about what happened. Do you think that the
15 Plunchinskys are not entitled to get answers to the
16 basic questions about what happened to John and how
17 he drowned?

18 MR. CORN: Objection, form.

19 MR. HOWARD: Objection, form.

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 that instruction and refuse to answer my question?

0038

1 A. Yes.

2 Q. Well, do you think that the Pluchinskys are
3 entitled to get answers to the questions about what
4 happened to John on July 18th, 2007?

5 MR. CORN: Objection, form.

6 MR. HOWARD: Object to form.

7 MR. CORN: On behalf of the witness, I
8 assert the privilege to remain silent provided by the
9 5th Amendment to the United States Constitution and

10 instruct her not to answer that question.

11 Q. (BY MR. PLETCHER) Are you going to follow
12 that instruction and refuse to answer my question
13 based upon your 5th Amendment right against
14 self-incrimination?

15 MR. CORN: She's going to not answer
16 the question based on all rights and benefits to
17 which she's entitled under the 5th Amendment to the
18 United States Constitution.

19 MR. PLETCHER: One of which is the
20 right against self-incrimination, correct?

21 MR. CORN: I believe it is.

22 Q. (BY MR. PLETCHER) Are you going to follow
23 that question and refuse to answer my question?

24 A. Yes.

25 Q. 4 y/o B-CC #2, you are the only person that we know
0039

1 of who saw John 10 to 15 minutes before he was
2 floating facedown. And given that circumstance, you
3 are the only person who can provide us answers to
4 these questions about what actually happened in the
5 family pool on July 18th in the period of time before
6 he was found floating facedown; isn't that true?

7 MR. HOWARD: Objection, form.

8 MR. CORN: Objection, form. On behalf
9 of the witness, I assert the privilege to remain
10 silent provided by the 5th Amendment to the United
11 States Constitution and instruct her not to answer
12 that question.

13 Q. (BY MR. PLETCHER) Are you going to refuse
14 to answer my question based upon your lawyer's
15 advice?

16 A. Yes.

17 Q. Do you remember being interviewed by the
18 police officers at the Memorial Village Police
19 Department?

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 your lawyer's instruction and refuse to answer that
0040

1 question?
2 A. Yes.

3 Q. Isn't it true that you told the police

4 officers at the Memorial Village Police Department
5 that you were quote, "playing," close quote with the
6 victim approximately ten minutes prior to being
7 discovered unconscious in the pool. He was happy,
8 laughing and jumping off her legs while she was
9 sat -- while she sat in the pool in the northwest
10 corner with a group of other kids. She gave him a
11 quote, "piggyback ride," close quote, where she
12 carried him on her back to the other side of the
13 pool, southwest corner, where another counselor,
14 4 y/o B-CC #1, and three other four-year-old campers
15 were playing. She dropped him off at the edge of the
16 shallow play area, turned and went back to the
17 northwest corner of the pool where she had been. She
18 did not know anything was wrong until the lifeguard
19 yelled at them approximately ten minutes later.

20 MR. CORN: On behalf of the witness, I
21 assert --

22 MR. HOWARD: Object to form.

23 MR. CORN: Yeah. Objection, form. On
24 behalf of the witness, I assert the privilege to
25 remain silent provided by the 5th Amendment to the
0041

1 United States Constitution and instruct her not to
2 answer that question.

3 Q. (BY MR. PLETCHER) Is this -- Are you going
4 to follow your lawyer's instruction and refuse to
5 answer my question?

6 A. Yes.

7 Q. Is the summary of the police officer's
8 interview of you at the Memorial Village Police
9 Department that I just read into the record, is that
10 an accurate summary of what you told them --

11 MR. HOWARD: Object to form.

12 Q. (BY MR. PLETCHER) -- about what happened on
13 July 18th, 2007?

14 MR. CORN: Objection, form. On behalf
15 of the witness, I assert the privilege to remain
16 silent provided by the 5th Amendment to the United
17 States Constitution and instruct her not to answer
18 that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 your lawyer's instruction and refuse to answer my
21 question?

22 A. Yes.

23 Q. Well, isn't it true that you told the police

24 officers that you gave him a piggyback ride where you
25 -- where you carried him on your back to the other
0042

1 side of the pool and dropped him off over where
2 4 y/o B-CC #1 was with three other campers; isn't
3 that true?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you -- Are you going
9 to follow that instruction and refuse to answer my
10 question?

11 A. Yes.

12 Q. Well, isn't that what you told them?

13 MR. CORN: Objection, form. On behalf
14 of the witness, I assert the privilege to remain
15 silent provided by the 5th Amendment to the United
16 States Constitution and instruct her not to answer
17 that question.

18 Q. (BY MR. PLETCHER) Are you going to follow
19 your lawyer's instruction and refuse to answer my
20 question?

21 A. Yes.

22 Q. Isn't that what you did?

23 MR. CORN: On behalf of the witness, I
24 assert the privilege to remain silent provided by the
25 5th Amendment to the United States Constitution and
0043

1 instruct her not to answer that question.

2 Q. (BY MR. PLETCHER) Are you going to follow
3 your lawyer's instruction and refuse to answer my
4 question?

5 A. Yes.

6 Q. Well, didn't you drop him off at the edge of
7 the shallow play area, turn and went back to where
8 you were in the northwest corner of the pool? You
9 turned your back on John, didn't you?

10 MR. HOWARD: Object to form.

11 MR. CORN: Objection, form. On behalf
12 of the witness, I assert the privilege to remain
13 silent provided by the 5th Amendment to the United
14 States Constitution and instruct her not to answer
15 that question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 your lawyer's instruction?

18 A. Yes.

19 Q. And refuse to answer my question based upon
20 your 5th Amendment right against self-incrimination?

21 MR. CORN: She's going to not answer
22 the question based on my instruction to her, which is
23 based on asserting a privilege under the United
24 States Constitution to all its rights and benefits.

25 Q. (BY MR. PLETCHER) Are you going to follow
0044

1 your lawyer's instruction and refuse to answer my
2 question?

3 A. Yes.

4 Q. At no time after you turned your back, after
5 dropping John off in the shallow end did you ever go
6 back to see if he was okay, did you?

7 MR. CORN: On behalf of the witness, I
8 assert the privilege to remain silent provided by the
9 5th Amendment to the United States Constitution and
10 instruct her not to answer that question.

11 Q. (BY MR. PLETCHER) Are you going to follow
12 your lawyer's instruction and refuse to answer my
13 question?

14 A. Yes.

15 Q. Well, 4 y/o B-CC #2, after you dropped John off in
16 the shallow end, turned your back and walked back to
17 where you were, wasn't John attempting to follow you
18 back to where the two of you had been playing
19 earlier?

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 your lawyer's instruction and refuse to answer my
0045

1 question?

2 A. Yes.

3 Q. Isn't that exactly what happened, 4 y/o B-CC #2?

4 MR. HOWARD: Object to form.

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 your lawyer's instruction and refuse to answer that
11 question?

12 A. Yes.

13 Q. You talked to the Police Department and the
14 police officers, you talked to the Houston Racquet
15 Club managers, you talked to CPS, but you refuse to
16 answer these questions here today and tell the
17 parents what really happened on July 18th, 2007,
18 right?

19 MR. CORN: Objection --

20 MR. HOWARD: Object to form.

21 MR. CORN: Objection, form. On behalf
22 of the witness, I assert the privilege to remain
23 silent provided by the 5th Amendment to the United
24 States Constitution and instruct her not to answer
25 that question.

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1 Q. (BY MR. PLETCHER) Are you going to follow
2 your lawyer's instruction and refuse to answer my
3 question, ma'am?

4 A. Yes.

5 Q. Did you tell any of your friends what
6 happened that day on July 18th, 2007 when
7 John Pluchinsky drowned in the family pool?

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the
10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 your lawyer's instruction and refuse to answer my
14 question?

15 A. Yes.

16 Q. Did you tell any of the counselors who were
17 working with you on July 18th, 2007 or any of the
18 lifeguards who were working that day what happened?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you going to follow
24 your lawyer's advice and refuse to answer my
25 question?

0047

1 A. Yes.

2 Q. Well, did you tell your parents, your
3 mother, who is sitting to your left, did you tell her
4 what happened that day?

5 MR. CORN: On behalf of the witness, I

6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 your lawyer's advice and refuse to answer my
11 question?

12 A. Yes.

13 Q. Well, when you dropped off John off in the
14 shallow end near 4 y/o B-CC #1, did you tell her,
15 "I'm leaving John Pluchinsky with you, 4 y/o B-CC #1. I'm
16 leaving John Pluchinsky with him. It's now your turn
17 to watch him." Did you ask -- did you tell her that?

18 MR. HOWARD: Objection, form.

19 MR. CORN: Objection, form. On behalf
20 of the witness, I assert the privilege to remain
21 silent provided by the 5th Amendment to the United
22 States Constitution and instruct her not to answer
23 that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 your lawyer's advice?

0048

1 A. Yes.

2 Q. And refuse to answer my question?

3 A. Yes.

4 Q. If 4 y/o B-CC #1 has testified under oath
5 that she was absolutely unaware that you had brought
6 John Pluchinsky and dropped him off over in the
7 shallow end in the 10 to 15 minutes before he was
8 found floating facedown unconscious, do you have any
9 reason to dispute that testimony?

10 MR. HOWARD: Object to form.

11 MR. CORN: Objection, form. On behalf
12 of the witness, I assert the privilege to remain
13 silent provided by the 5th Amendment to the United
14 States Constitution and instruct her not to answer
15 that question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 your lawyer's advice and refuse to answer the
18 question in the form that I've asked it?

19 A. Yes.

20 Q. Well, you cannot dispute 4 y/o B-CC #1's
21 sworn testimony that she had absolutely no idea that
22 you had piggybacked John Pluchinsky from the sun deck
23 over to the shallow end and dropped him off?

24 MR. HOWARD: Objection, form.

25 MR. CORN: Objection, form. On behalf

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1 of the witness, I assert the privilege to remain
2 silent provided by the 5th Amendment to the United
3 States Constitution and instruct her not to answer
4 that question.

5 Q. (BY MR. PLETCHER) Are you going to follow
6 your lawyer's advice and refuse to answer my
7 question?

8 A. Yes.

9 Q. None of the summer campers on July 18th,
10 2007 were specifically assigned to be watched by any
11 specific counselor; isn't that true?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 your lawyer's advice and refuse to answer this
18 question?

19 A. Yes.

20 Q. Where did you say you were going to go to
21 school next year?

22 MR. CORN: On behalf of the witness, I
23 assert the privilege to remain silent provided by the
24 5th Amendment to the United States Constitution and
25 instruct her not to answer that question.

0050

1 Q. (BY MR. PLETCHER) Are you going to follow
2 your lawyer's instruction and not answer that
3 question?

4 A. Yes.

5 Q. Well, are you going to go to school in Texas
6 this fall?

7 MR. CORN: On behalf of the witness, I
8 assert the privilege to remain silent provided by the
9 5th Amendment to the United States Constitution and
10 instruct her not to answer that question.

11 Q. (BY MR. PLETCHER) Do you know where you
12 will be living on September 2nd, 2007?

13 A. Yes.

14 Q. Okay. And where will you be living?

15 A. In Fort Worth.

16 Q. Are you going to TCU?

17 A. Uh-huh.

18 Q. Is that "yes"?

19 A. Yes.

20 Q. You start this fall?
21 A. I will be a sophomore.
22 Q. Okay. Do you know the address of the campus
23 there? Yeah, where you are going to be living. Are
24 you living on campus?
25 A. Yes.

0051

1 Q. In a dorm?
2 A. Sorority house.
3 Q. What sorority?
4 A. Zeta.
5 Q. Isn't it true that after you dropped
6 John Pluchinsky off in the shallow end and turned
7 your back to him and walked back to the rock ledge or
8 the sun deck, and during the 10 to 15 minutes before
9 he was found floating facedown unconscious that you
10 and 4 y/o B-CC #4 were talking with your back to the
11 point in the pool where he was found floating?

12 MR. CORN: Objection, form.

13 MR. HOWARD: Object to form.

14 MR. CORN: On behalf of the witness, I
15 assert the privilege to remain silent provided by the
16 5th Amendment to the United States Constitution and
17 instruct her not to answer that question.

18 Q. (BY MR. PLETCHER) Are you going to follow
19 that instruction and refuse to answer my question?

20 A. Yes.

21 Q. Isn't it true, 4 y/o B-CC #2 -- 4 y/o B-CC #2 , that -- is
22 it 4 y/o B-CC #2 or 4 y/o B-CC #2 ?

23 A. 4 y/o B-CC #2 .

24 Q. 4 y/o B-CC #2 . I'm sorry.

25 4 y/o B-CC #2 , isn't it true that you had your

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1 back to John Pluchinsky at the time that you realized
2 something was wrong when he was found floating
3 facedown in the family pool?

4 MR. CORN: Objection, form.

5 MR. HOWARD: Objection, form.

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 MR. PLETCHER: What is your form
11 objection?

12 MR. CORN: Excuse me?

13 MR. PLETCHER: What is your form

14 objection?

15 MR. CORN: My form objection?

16 MR. PLETCHER: Yeah. You said I object
17 to the form of the question. What is the form
18 objection?

19 MR. CORN: It was argumentative. It
20 assumed facts. It was leading.

21 MR. PLETCHER: Anything else? Any
22 other grounds?

23 MR. CORN: Those are the ones that
24 occur to me at the moment.

25 Q. (BY MR. PLETCHER) You don't know of anybody
0053

1 who was watching John Pluchinsky during the 10 to 15
2 minutes before he was found floating facedown,
3 correct?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your lawyer's instruction and refuse to answer that
10 question?

11 A. Yes.

12 Q. Well, 4 y/o B-CC #2, was 4 y/o B-CC #1 watching
13 John Pluchinsky during the 10 to 15 minutes before he
14 was found floating facedown in the family pool?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 your lawyer's instruction and refuse to answer my
21 question?

22 A. Yes.

23 Q. Well, were any of the other camp counselors,
24 4 y/o B-CC #5, 4 y/o B-CC #6, 4 y/o B-CC #4, 4 y/o B-CC #4
25 watching John Pluchinsky during the 10 to 15 minutes
0054

1 before he was found floating facedown in the family
2 pool?

3 MR. CORN: On behalf of the witness, I
4 assert the privilege to remain silent provided by the
5 5th Amendment to the United States Constitution and
6 instruct her not to answer that question.

7 Q. (BY MR. PLETCHER) Are you going to follow

8 your lawyer's instruction and refuse to answer my
9 question?

10 A. Yes.

11 Q. Well, isn't it true that the only specific
12 instruction that any of you counselors at the Racquet
13 Club got from your supervisors, CD, David
14 Lamkin or anybody else at the Houston Racquet Club
15 was that you were all responsible for watching all of
16 the four-year-old boys in your group while they were
17 in the family pool?

18 MR. CORN: On behalf of the witness, I
19 assert the privilege to remain silent provided by the
20 5th Amendment to the United States Constitution and
21 instruct her not to answer that question.

22 Q. (BY MR. PLETCHER) Are you going to refuse
23 to answer my question based upon your 5th Amendment
24 right against self-incrimination and follow your
25 lawyer's instruction?

0055

1 MR. CORN: She's going to follow my
2 instruction based on all rights and benefits to which
3 she's entitled under the 5th Amendment.

4 Q. (BY MR. PLETCHER) Are you going to follow
5 that instruction and refuse to answer my question?

6 A. Yes.

7 Q. Well, 4 y/o B-CC #2, you cannot tell this jury who
8 was watching John Pluchinsky during the 10 to 15
9 minutes before he was found floating facedown in the
10 family pool, can you?

11 MR. CORN: On behalf of the witness, I
12 assert the privilege to remain silent provided by the
13 5th Amendment to the United States Constitution and
14 instruct her not to answer that question.

15 Q. (BY MR. PLETCHER) Are you going to follow
16 that instruction and refuse to answer my question?

17 A. Yes.

18 Q. And nobody else at the Houston Racquet Club,
19 whether or not they are camp counselors, lifeguards,
20 managers, supervisors, so-called supervisors, nobody
21 can tell us that anybody was watching John Pluchinsky
22 during the 10 to 15 minutes before he was found
23 floating facedown unconscious in the family pool?

24 MR. HOWARD: Object to form.

25 Q. (BY MR. PLETCHER) True?

0056

1 MR. HOWARD: Objection, form.

2 MR. CORN: Objection, form. On behalf
3 of the witness, I assert the privilege to remain
4 silent provided by the 5th Amendment to the United
5 States Constitution and instruct her not to answer
6 that question.

7 Q. (BY MR. PLETCHER) Are you going to follow
8 that instruction and refuse to answer my question?

9 A. Yes.

10 Q. 4 y/o B-CC #2, do you remember being provided a
11 copy of the Houston Racquet Club Camp Counselor
12 Rules, Regulations and Requirements for Summer 2007
13 prior to or shortly after your employment as a camp
14 counselor last summer?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Let me show you what's
20 been marked as Plaintiff's Exhibit Number 42, which
21 is a copy of the rules, regulations and
22 requirements. And one of the rules is that you are
23 not to misplace your children. Do you see that?

24 MR. CORN: On behalf of the witness, I
25 assert the privilege to remain silent provided by the
0057

1 5th Amendment to the United States Constitution and
2 instruct her not to answer that question.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 your lawyer's instruction and refuse to answer my
5 question?

6 A. Yes.

7 Q. 4 y/o B-CC #2, you and the other five camp
8 counselors on July 18th, 2007 did exactly that. They
9 misplaced John, didn't they?

10 MR. HOWARD: Objection, form.

11 MR. CORN: Objection, form. On behalf
12 of the witness, I assert the privilege to remain
13 silent provided by the 5th Amendment to the United
14 States Constitution and instruct her not to answer
15 that question.

16 MR. PLETCHER: What's your form
17 objection, sir?

18 MR. CORN: Argumentative.

19 MR. PLETCHER: Any others?

20 MR. CORN: Possibly.

21 MR. PLETCHER: Well, I need to know

22 now.

23 MR. CORN: Those are the ones I can
24 think of right now.

25 MR. PLETCHER: Those are the ones you
0058

1 can articulate now?

2 Q. (BY MR. PLETCHER) Are you going to follow
3 your lawyer's instruction and refuse to answer my
4 question?

5 A. Yes.

6 Q. Well, did you misplace John Pluchinsky on
7 July 18th, 2007?

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the
10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 your lawyer's instruction and refuse to answer my
14 question?

15 A. Yes.

16 Q. One of the other rules that was in place on
17 July 18th, 2007 was that there was to be absolutely
18 no horseplay. "Absolutely no horseplay will be
19 tolerated with the children or other counselors."
20 Did I read that correctly?

21 MR. CORN: On behalf of the witness, I
22 assert the privilege to remain silent provided by the
23 5th Amendment to the United States Constitution and
24 instruct her not to answer that question.

25 Q. (BY MR. PLETCHER) Are you going to follow
0059

1 your lawyer's instruction and refuse to answer that
2 question?

3 A. Yes.

4 Q. Isn't it true that during the period of time
5 that John Pluchinsky was in the family pool and when
6 his other campers, who were in his group were in the
7 family pool, that the campers and the counselors were
8 engaged in horseplay?

9 MR. CORN: On behalf of the witness, I
10 assert the privilege to remain silent provided by the
11 5th Amendment to the United States Constitution and
12 instruct her not to answer that question.

13 Q. (BY MR. PLETCHER) Are you going to refuse
14 to answer my question based upon your lawyer's
15 instruction?

16 A. Yes.
17 Q. And if, in fact, they were engaged in
18 horseplay while the four-year-old boys, including
19 John Pluchinsky were in the family pool, that would
20 be a direct violation of the rules, regulations and
21 requirements of the Houston Racquet Club that were in
22 effect on the day that John drowned, right?
23 MR. CORN: On behalf of the witness, I
24 assert the privilege to remain silent provided by the
25 5th Amendment to the United States Constitution and
0060

1 instruct her not to answer that question.
2 Q. (BY MR. PLETCHER) Are you going to follow
3 your lawyer's instruction and refuse to answer that
4 question?

5 A. Yes.
6 Q. Well, isn't it true that 4 y/o B-CC #4,
7 Supv CC #2, Supv CC #1, several seven-year-old
8 campers, several four-year-old campers were all
9 playing the jackpot tennis ball game in the family
10 pool at the time that John Pluchinsky drowned on
11 July 18th, 2007?

12 MR. HOWARD: Object to form.
13 MR. CORN: On behalf of the witness, I
14 assert the privilege to remain silent provided by the
15 5th Amendment to the United States Constitution and
16 instruct her not to answer that question.

17 MR. PLETCHER: What is your form
18 objection, Steve?

19 MR. HOWARD: Multifarious, assumes
20 facts not in evidence, misstates the record.

21 MR. PLETCHER: Anything else?

22 MR. HOWARD: No.

23 Q. (BY MR. PLETCHER) Are you going to follow
24 your lawyer's objection and refuse to answer my
25 question based upon your 5th Amendment right against
0061

1 self-incrimination?

2 MR. CORN: She's going to follow my
3 advice based on all rights and benefits to which
4 she's entitled under the 5th Amendment to the United
5 States Constitution.

6 Q. (BY MR. PLETCHER) Are you refusing to
7 answer my question based upon your lawyer's
8 instruction?

9 A. Yes.

10 Q. And based upon your 5th Amendment rights?

11 A. Yes.

12 Q. Well, did you play the jackpot game on
13 July 18th, 2007, the day John drowned?

14 MR. CORN: On behalf of the witness, I
15 assert the privilege to remain silent provided by the
16 5th Amendment to the United States Constitution and
17 instruct her not to answer that question.

18 Q. (BY MR. PLETCHER) Are you going to follow
19 your lawyer's instruction and refuse to answer my
20 question?

21 A. Yes.

22 Q. Isn't it true that the written club rules
23 for the Houston Racquet Club that were in effect on
24 July 18th, 2007 absolutely prohibited the use of
25 tennis balls in the family pool?

0062

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you going to follow
6 your lawyer's advice and refuse to answer that
7 question?

8 A. Yes.

9 Q. If, in fact, the camp counselors and the
10 campers were playing the jackpot tennis ball game on
11 July 18th, 2007 in the family pool, that would be a
12 direct violation of the written club rules that were
13 in effect as well as the Houston Racquet Club camp
14 counselor rules, regulations, requirements for summer
15 2007, true?

16 MR. HOWARD: Object to form.

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 your lawyer's advice and refuse to answer that
23 question?

24 A. Yes.

25 Q. Well, do you recall hearing any of the

0063

1 lifeguards instructing any of the camp counselors to
2 stop playing the jackpot tennis ball game in the
3 family pool at any time on July 18, 2007?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your lawyer's advice and refuse to answer that
10 question?

11 A. Yes.

12 Q. Well, wouldn't you agree, 4 y/o B-CC #2, that camp
13 counselors like Supv CC #1, Supv CC #2 and
14 4 y/o B-CC #4, if they were playing this jackpot tennis
15 ball game in the family pool and jumping to grab the
16 ball before it hit the water, that that would be a
17 dangerous activity when there are four-year-old
18 campers swimming and playing in the area they were
19 playing this game?

20 MR. CORN: On behalf of the --

21 MR. HOWARD: Object to form.

22 MR. CORN: On behalf of the witness, I
23 assert the privilege to remain silent provided by the
24 5th Amendment to the United States Constitution and
25 instruct her not to answer that question.

0064

1 Q. (BY MR. PLETCHER) Are you going to follow
2 your lawyer's advice and refuse to answer that
3 question?

4 A. Yes.

5 Q. Isn't it true that at the time that the camp
6 counselors were playing the jackpot tennis ball game
7 before John Pluchinsky was found floating facedown in
8 the family pool, that nobody was paying any attention
9 to John?

10 MR. CORN: On behalf of the --

11 MR. HOWARD: Objection, form.

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 your lawyer's advice and refuse to answer my question
18 based upon the 5th Amendment?

19 A. Yes.

20 (PLAINTIFF'S Exhibit Number 14L marked.)

21 Q. (BY MR. PLETCHER) 4 y/o B-CC #2, I want to show
22 you what has been marked as Plaintiff's Exhibit 14L.
23 I showed this to you before the deposition started,

24 right -- or at the beginning of the deposition,
25 right?

0065

1 A. Yes.

2 Q. Do you recognize that as a diagram of the
3 family pool at the Houston Racquet Club?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your lawyer's advice and refuse to answer that
10 question?

11 A. Yes.

12 Q. 4 y/o B-CC #2, what I would like you to do is I
13 would like you to draw on that diagram the location
14 of where you were at the moment that you realized
15 something was wrong in the family pool?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you going to follow
21 your lawyer's advice and refuse to answer that
22 question and draw on that diagram, Plaintiff's
23 Exhibit 14L, your location at the time you realized
24 something was wrong?

25 A. Yes.

0066

1 Q. What I would like you to do is mark the
2 location of all the camp counselors that you recall
3 being in the family pool at the time that you
4 realized John was floating facedown unconscious.

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 your lawyer's advice and refuse to mark on
11 Plaintiff's 14L the location of the other camp
12 counselors?

13 A. Yes.

14 Q. Could you mark on Plaintiff's Exhibit 14K
15 the location -- oh, I keep saying 14K and it's 14L.

16 MR. PLETCHER: Can we make -- Can we
17 have the agreement to have the Court Reporter change

18 that in my question?

19 MR. CORN: Yes.

20 MR. HOWARD: Yes.

21 MR. PLETCHER: Okay. Thank you.

22 Q. (BY MR. PLETCHER) Could you mark on
23 Plaintiff's Exhibit 14L the location of where John
24 Pluchinsky was found floating facedown in the family
25 pool on July 18th, 2007?

0067

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you going to follow
6 your lawyer's instruction and refuse to answer my
7 question?

8 A. Yes.

9 Q. So you're not going to tell the parents of
10 John Pluchinsky where he was found floating facedown
11 on July 18th, 2007 --

12 MR. HOWARD: Objection, form.

13 Q. (BY MR. PLETCHER) -- in the family pool?

14 MR. CORN: Objection, form.

15 MR. HOWARD: Objection, form.

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you refusing to
21 answer my question based upon advice of counsel?

22 A. Yes.

23 Q. So, do you -- Don't you think the parents
24 are entitled to know where John was found floating
25 facedown in the family pool?

0068

1 MR. CORN: Objection, form.

2 MR. HOWARD: Object to form.

3 MR. CORN: On behalf of the witness, I
4 assert the privilege to remain silent provided by the
5 5th Amendment to the United States Constitution and
6 instruct her not to answer that question.

7 Q. (BY MR. PLETCHER) Are you going to follow
8 your lawyer's advice and refuse to answer my
9 question?

10 A. Yes.

11 Q. Neither David Lamkin, CD or

12 anybody else at the Houston Racquet Club ever
13 provided you or your co-counselors, the co-camp
14 counselors who you worked with about any limitations
15 on what areas of the family pool the four-year-old
16 campers could be in, correct?

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you going to follow
22 your lawyer's advice and refuse to answer that
23 question?

24 A. Yes.

25 Q. Well, did David Lamkin ever tell you that
0069

1 there was any area in the family pool that was
2 off-limits for the four-year-old campers?

3 MR. CORN: On behalf of the witness, I
4 assert the privilege to remain silent provided by the
5 5th Amendment to the United States Constitution and
6 instruct her not to answer that question.

7 Q. (BY MR. PLETCHER) Are you going to follow
8 your lawyer's advice and refuse to answer my
9 question?

10 A. Yes.

11 Q. Were you involved, 4 y/o B-CC #2, in any way in the
12 emergency response that was provided to John
13 Pluchinsky at any point in time after he was found
14 unconscious floating facedown in the family pool?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 your lawyer's advice and refuse to answer my question
21 based upon your 5th Amendment right of self --
22 against self-incrimination?

23 MR. CORN: She's going to follow my
24 instruction based on all rights and benefits to which
25 she's entitled under the 5th Amendment to the United
0070

1 States Constitution.

2 MR. PLETCHER: Which of course,
3 includes the right against self-incrimination,
4 correct.

5 MR. CORN: It includes many things, but

6 that would be one.

7 Q. (BY MR. PLETCHER) Okay. Are you going to
8 follow that instruction and refuse to answer that
9 question?

10 A. Yes.

11 Q. Well, the Houston Racquet Club didn't
12 provide you with any training on what to do in an
13 emergency like this, did they?

14 MR. CORN: On behalf of the witness, I
15 assert the privilege to remain silent provided by the
16 5th Amendment to the United States Constitution and
17 instruct her not to answer that question.

18 Q. (BY MR. PLETCHER) Are you -- Are you
19 refusing to answer this question based upon advice of
20 counsel under the 5th Amendment of the United States
21 Constitution?

22 A. Yes.

23 Q. Why?

24 MR. CORN: On behalf of the witness, I
25 assert the privilege to remain silent provided by the
0071

1 5th Amendment to the United States Constitution and
2 instruct her not to answer that question.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 your lawyer's advice and refuse to answer that
5 question?

6 A. Yes.

7 Q. The fact of the matter is, that the Houston
8 Racquet Club -- let me start over. I had my finger
9 over my mouth.

10 The fact of the matter is, is that the
11 Houston Racquet Club and its managers and its
12 operators and its principals didn't take safety
13 seriously at their club, be it at the family pool or
14 any other place, true?

15 MR. HOWARD: Object to form.

16 MR. CORN: Objection, form. On behalf
17 of the witness, I assert the privilege to remain
18 silent provided by the 5th Amendment to the United
19 States Constitution -- excuse me -- and instruct her
20 not to answer that question.

21 Q. (BY MR. PLETCHER) The fact of the matter
22 is -- are you going to follow that instruction and
23 refuse to answer my question?

24 A. Yes.

25 Q. The fact of the matter is, is that the

0072

1 Houston Racquet Club did not take safety for children
2 seriously either?

3 MR. CORN: On behalf of the witness --

4 MR. HOWARD: Object to form.

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to refuse
10 to answer my question?

11 A. Yes.

12 Q. Based upon your 5th Amendment rights?

13 A. Yes.

14 Q. 4 y/o B-CC #2, the Houston Racquet Club failed to
15 conduct any type of emergency drill, be it in CPR, be
16 it in emergency response, be it in the use of an
17 automatic external defibrillator, did they?

18 MR. CORN: On behalf of the witness, I
19 assert the privilege to remain silent provided by the
20 5th Amendment to the United States Constitution and
21 instruct her not to answer that question.

22 Q. (BY MR. PLETCHER) Are you going to follow
23 your lawyer's advice and refuse to answer my
24 question?

25 A. Yes.

0073

1 Q. Did you answer that?

2 A. (Witness nods head up and down.)

3 MR. CORN: She did.

4 Q. (BY MR. PLETCHER) Is it the Houston Racquet
5 Club that's preventing you from answering these
6 questions?

7 MR. CORN: On behalf of the witness, I
8 assert the privilege to remain silent provided by the
9 5th Amendment to the United States Constitution and
10 instruct her not to answer that question.

11 Q. (BY MR. PLETCHER) Well, did Mr. Griffin,
12 Mr. Erck, or CD or Mr. Lamkin tell you not
13 to answer my questions?

14 MR. CORN: On behalf of the witness, I
15 assert the privilege to remain silent provided by the
16 5th Amendment to the United States Constitution and
17 instruct her not to answer that question.

18 Q. (BY MR. PLETCHER) Are you refusing to
19 answer my question based upon your 5th Amendment

20 rights?

21 A. Yes.

22 MR. PLETCHER: Why don't we take a
23 short break right now.

24 VIDEOGRAPHER: The time is 10:29 a.m.
25 We are off the record.

0074

1 (Brief recess.)

2 VIDEOGRAPHER: Going back on the
3 record. The time is 10:41 a.m.

4 Q. (BY MR. PLETCHER) Are you ready to
5 continue?

6 A. Yes.

7 Q. Do you know what 4 y/o B-CC #5 was doing and
8 where he was in the family pool during the 10 to
9 15 minutes before John Pluchinsky was found floating
10 facedown?

11 MR. CORN: On behalf of the witness, I
12 assert the privilege to remain silent provided by the
13 5th Amendment to the United States Constitution and
14 instruct her not to answer that question.

15 Q. (BY MR. PLETCHER) Are you going to follow
16 that instruction and refuse to answer my question?

17 A. Yes.

18 Q. 4 y/o B-CC #2, do you know what any of the other
19 camp counselors were doing or what -- where they were
20 in the family pool during the 10 to 15 minutes before
21 John was found floating facedown, be it 4 y/o B-CC #5,
22 4 y/o B-CC #6, 4 y/o B-CC #4 or 4 y/o B-CC #4?

23 MR. CORN: On behalf of the witness, I
24 assert the privilege to remain silent provided by the
25 5th Amendment to the United States Constitution and

0075

1 instruct her not to answer that question.

2 Q. (BY MR. PLETCHER) Are you going to follow
3 your lawyer's advice and refuse to answer my question
4 based upon your 5th Amendment right or rights
5 including your right against self-incrimination?

6 A. Yes.

7 Q. Well, do you know which four-year-old
8 campers were with the other camp counselors,
9 4 y/o B-CC #5, 4 y/o B-CC #6, 4 y/o B-CC #4, 4 y/o B-CC #4 or
10 4 y/o B-CC #1 during the 10 to 15 minutes before John
11 was found floating facedown in the family pool?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the

14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you going to follow
17 your lawyer's advice and refuse to answer my question
18 based upon your 5th Amendment rights including your
19 right against self-incrimination?

20 MR. CORN: She's going to follow my
21 instruction based on all rights and benefits to which
22 she's entitled under the 5th Amendment to the United
23 States Constitution.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 your counsel's advice and refuse to answer that

0076

1 question?

2 A. Yes.

3 Q. There were other seven-year-old-boy campers
4 in the family pool at the time John Pluchinsky
5 drowned, correct?

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 Q. (BY MR. PLETCHER) Are you refusing to
11 answer my question based upon advice of counsel?

12 A. Yes.

13 Q. And there were also seven-year-old-boy
14 counselors who were in the family pool at the time
15 that John Pluchinsky drowned, including
16 7 y/o B-CC #1 (phonetic), 7 y/o B-CC #2 (phonetic)
17 and 7 y/o B-CC #3, true?

18 MR. CORN: On behalf of the witness, I
19 assert the privilege to remain silent provided by the
20 5th Amendment to the United States Constitution and
21 instruct her not to answer that question.

22 Q. (BY MR. PLETCHER) Do you know that there
23 were eight seven-year-old campers in the family pool
24 at the time John Pluchinsky drowned?

25 MR. CORN: On behalf of the witness, I

0077

1 assert the privilege to remain silent provided by the
2 5th Amendment to the United States Constitution and
3 instruct her not to answer that question.

4 Q. (BY MR. PLETCHER) Are you refusing to
5 answer my question based upon advice of counsel?

6 A. Yes.

7 Q. Isn't it true that there were four-year-old

8 girl campers, 13 of them, along with four camp
9 counselors for those 14 -- four-year old girls -- let
10 me ask the question again. That was bad.
11 Isn't it true that there were
12 13 four-year-old-girl campers and their camp
13 counselors, 4 y/o G-CC #1, 4 y/o G-CC #2, 4 y/o G-CC #3
14 and 4 y/o G-CC #4 -- 4 y/o G-CC #4 in the family pool
15 at the time that John Pluchinsky drowned?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you refusing to
21 answer my question based upon your 5th Amendment
22 rights including your right against
23 self-incrimination?

24 MR. CORN: She's going to follow my
25 advice and instruction not to answer the question
0078

1 based on all rights and benefits to which she's
2 entitled under the 5th Amendment to the United States
3 Constitution.

4 Q. (BY MR. PLETCHER) Are you refusing to
5 answer my question based upon all your rights under
6 the 5th Amendment of the United States Constitution,
7 which includes your right against self-incrimination?

8 A. Yes.

9 Q. Well, which campers were with you when
10 John Pluchinsky was found floating facedown in the
11 family pool?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you refusing to
17 answer that question based upon your 5th Amendment
18 rights, including your right against
19 self-incrimination?

20 MR. CORN: She's not going to answer
21 the question based on all rights and benefits to
22 which she's entitled under the 5th Amendment to the
23 United States Constitution.

24 Q. (BY MR. PLETCHER) Are you refusing to
25 answer that question based upon all of your 5th
0079

1 Amendment rights, including your right against

2 self-incrimination?

3 A. Yes.

4 Q. Well, can you tell us what you did after
5 John Pluchinsky was taken out of the family pool and
6 placed on the pool deck after he was found floating
7 facedown in the family pool?

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the
10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you refusing to
13 answer that question based upon your 5th Amendment
14 rights?

15 A. Yes.

16 Q. Were you involved in the CPR of John
17 Pluchinsky once he got out of the family pool and was
18 placed on the -- on the pool deck?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you refusing to
24 answer that question based upon your 5th Amendment
25 rights including your right against

0080

1 self-incrimination?

2 MR. CORN: She's going to follow my
3 instruction and advice not to answer that question
4 based on all rights and benefits to which she's
5 entitled under the 5th Amendment to the United States
6 Constitution.

7 Q. (BY MR. PLETCHER) Are you refusing to
8 answer that question based upon all of your rights
9 and benefits under the 5th Amendment of the United
10 States Constitution including your right against
11 self-incrimination?

12 A. Yes.

13 Q. What did you do, 4 y/o B-CC #2, after John
14 Pluchinsky was found floating facedown in the family
15 pool?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you refusing to
21 answer my question based upon advice of counsel?

22 A. Yes.
23 Q. There was nobody with John Pluchinsky during
24 the 10 to 15 minutes before he was found floating
25 facedown, right?

0081

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you refusing to
6 answer that question based upon advice of counsel
7 under your 5th Amendment rights?

8 A. Yes.

9 Q. Nobody was within an arms-length or within
10 the grasp of John Pluchinsky when he was found
11 floating facedown in the family pool, correct?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you refusing to
17 answer that question based upon all of your rights
18 and benefits under the 5th Amendment, including your
19 right against self-incrimination?

20 A. Yes.

21 Q. In fact, the closest person to John
22 Pluchinsky when he was found floating facedown in the
23 family pool was 4 y/o B-CC #4 and he had to actually swim
24 over to him, correct?

25 MR. CORN: On behalf of the witness, I

0082

1 assert the privilege to remain silent provided by the
2 5th Amendment to the United States Constitution and
3 instruct her not to answer that question.

4 Q. (BY MR. PLETCHER) Are you refusing to
5 answer that question based upon all the rights and
6 benefits that you have under the United States
7 Constitution and its 5th Amendment, including your
8 right against self-incrimination?

9 A. Yes.

10 Q. When John Pluchinsky was found in the family
11 pool floating facedown, he was unconscious, not
12 breathing, had no pulse and his lips were blue,
13 weren't they?

14 MR. CORN: On behalf of the witness, I
15 assert the privilege to remain silent provided by the

16 5th Amendment to the United States Constitution and
17 instruct her not to answer that question.

18 Q. (BY MR. PLETCHER) Are you going to follow
19 your lawyer's advice and refuse to answer my question
20 based upon your 5th Amendment rights?

21 A. Yes.

22 Q. Well, did you see John Pluchinsky when he
23 was first turned over after being found floating
24 facedown in the family pool?

25 MR. CORN: On behalf of the witness, I
0083

1 assert the privilege to remain silent provided by the
2 5th Amendment to the United States Constitution and
3 instruct her not to answer that question.

4 Q. (BY MR. PLETCHER) Are you refusing to
5 answer that question based upon your 5th Amendment
6 rights?

7 A. Yes.

8 Q. Well, 4 y/o B-CC #2, did you see any of the camp
9 counselors, lifeguards or any other individual
10 perform CPR on John Pluchinsky?

11 MR. CORN: On behalf of the witness, I
12 assert the privilege to remain silent provided by the
13 5th Amendment to the United States Constitution and
14 instruct her not to answer that question.

15 Q. (BY MR. PLETCHER) Are you going to follow
16 your lawyer's advice and refuse to answer my
17 question?

18 A. Yes.

19 Q. In your CPR training with David Lamkin at
20 the Houston Racquet Club, did he tell you where the
21 AEDs were located?

22 MR. CORN: On behalf of the witness, I
23 assert the privilege to remain silent provided by the
24 5th Amendment to the United States Constitution and
25 instruct her not to answer that question.

0084

1 Q. (BY MR. PLETCHER) Are you going to follow
2 your lawyer's advice and refuse to answer my
3 question?

4 A. Yes.

5 Q. Do you know how many AEDs the Houston
6 Racquet Club had in place at the Club on July 18th,
7 2007?

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the

10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 your lawyer's advice and refuse to answer my
14 question?

15 A. Yes.

16 Q. 4 y/o B-CC #2, neither you nor anybody else at the
17 Houston Racquet Club ran to get the AED for John,
18 correct?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you going to follow
24 your lawyer's advice and refuse to answer my question
25 based upon your 5th Amendment rights and all the
0085

1 benefits under the 5th Amendment including the right
2 against self-incrimination?

3 A. Yes.

4 Q. Well, nobody, including yourself,
5 LG Supv, Supv CC #1, 4 y/o B-CC #1,
6 David Lamkin, 4 y/o B-CC #4 or anybody else who was with
7 John once he was placed on the pool deck even thought
8 to go get the defibrillator, true?

9 MR. HOWARD: Object to form.

10 MR. CORN: On behalf of the witness, I
11 assert the privilege to remain silent provided by the
12 5th Amendment to the United States Constitution and
13 instruct her not to answer that question.

14 Q. (BY MR. PLETCHER) Are you going to follow
15 your lawyer's advice and refuse to answer my question
16 based upon all of the rights and benefits that you
17 have under the 5th Amendment of the United States
18 Constitution including your right against
19 self-incrimination?

20 A. Yes.

21 Q. Well, did you think to go get the AED?

22 MR. CORN: On behalf of the witness, I
23 assert the privilege to remain silent provided by the
24 5th Amendment to the United States Constitution and
25 instruct her not to answer that question.

0086

1 Q. (BY MR. PLETCHER) Are you refusing to
2 answer that question based upon that advice from your
3 lawyer?

4 A. Yes.

5 Q. Well nobody, including yourself, even
6 mentioned getting the AED while John was laying on
7 the pool deck after he had been taken out of the
8 pool.

9 MR. HOWARD: Object to form.

10 Q. (BY MR. PLETCHER) Correct?

11 MR. CORN: On behalf of the witness, I
12 assert the privilege to remain silent provided by the
13 5th Amendment to the United States Constitution and
14 instruct her not to answer that question.

15 MR. PLETCHER: What's your form
16 objection?

17 MR. HOWARD: Calls for speculation,
18 it's overly broad and vague and it's harassing and
19 it's repetitive.

20 Q. (BY MR. PLETCHER) Are you going to refuse
21 to answer the question based upon advice of counsel?

22 A. Yes.

23 Q. Were you on the scene when CPR was being
24 conducted on John Pluchinsky?

25 MR. CORN: On behalf of the witness, I
0087

1 assert the privilege to remain silent provided by the
2 5th Amendment to the United States Constitution and
3 instruct her not to answer that question.

4 Q. (BY MR. PLETCHER) Are you going to follow
5 your advice -- the advice of your lawyer and not
6 answer that question?

7 A. Yes.

8 Q. Well, did you even know how to use the
9 defibrillator on July 18th, 2007?

10 MR. CORN: On behalf of the witness, I
11 assert the privilege to remain silent provided by the
12 5th Amendment to the United States Constitution and
13 instruct her not to answer that question.

14 Q. (BY MR. PLETCHER) Are you going to follow
15 the advice of your lawyer and not answer my question?

16 A. Yes.

17 Q. Isn't it true that not only were there
18 four-year-old girl campers and their camp counselors
19 and seven-year-old boy campers and their counselors
20 in the swimming pool, but there were also members and
21 guests who were also in the pool at the time that
22 John Pluchinsky was discovered floating facedown,
23 true?

24 MR. CORN: On behalf of the witness, I
25 assert the privilege to remain silent provided by the
0088

1 5th Amendment to the United States Constitution and
2 instruct her not to answer that question.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 the advice of your lawyer and not answer that
5 question?

6 A. Yes.

7 Q. Well, did you go get the AED for John?

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the
10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 the advice of your lawyer and refuse to answer my
14 question based upon all the rights and benefits you
15 have under the 5th Amendment of the United States
16 Constitution including your right against
17 self-incrimination?

18 A. Yes.

19 Q. Were you at the family pool when the EMS
20 arrived?

21 MR. CORN: On behalf of the witness, I
22 assert the privilege to remain silent provided by the
23 5th Amendment to the United States Constitution and
24 instruct her not to answer that question.

25 Q. (BY MR. PLETCHER) Are you going to follow
0089

1 the advice of your lawyer and refuse to answer my
2 question?

3 A. Yes.

4 Q. Well, what did you see the EMS do or what
5 did you hear them say?

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 Q. (BY MR. PLETCHER) Are you going to follow
11 your lawyer's advice and refuse to answer my question
12 based upon your 5th Amendment rights?

13 A. Yes.

14 Q. Were there any prohibited games in the
15 family pool?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the

18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you going to follow
21 the advice of your lawyer and refuse to answer my
22 question?

23 A. Yes.

24 Q. Well, did -- Do you know if the Houston
25 Racquet Club prohibited the dead-man float game --
0090

1 MR. CORN: On behalf --

2 Q. (BY MR. PLETCHER) -- the dunking game, the
3 launching or tossing of children in the family pool
4 game?

5 MR. HOWARD: Objection, form.

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 Q. (BY MR. PLETCHER) Are you going to follow
11 the advice of your lawyer and refuse to answer that
12 question?

13 A. Yes.

14 Q. Do you recall receiving or hearing any
15 instructions from any of the lifeguards on July 18th,
16 2007 to any of the counselors instructing them to
17 stop throwing or tossing the summer campers in the
18 family pool?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you going to follow
24 your lawyer's advice and refuse to answer that
25 question?

0091

1 A. Yes.

2 Q. Well, these games had been played many times
3 before July 18th, 2007 and nobody instructed you or
4 any of the counselors to stop playing those games,
5 correct?

6 MR. HOWARD: Object to form.

7 MR. CORN: On behalf of the witness, I
8 assert the privilege to remain silent provided by the
9 5th Amendment to the United States Constitution and
10 instruct her not to answer that question.

11 Q. (BY MR. PLETCHER) Are you going to follow

12 your lawyer's advice and refuse to answer my
13 question?

14 A. Yes.

15 Q. Are you currently employed?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you going to follow
21 the advice of your lawyer and refuse to answer that
22 question based upon your 5th Amendment rights and all
23 the benefits and rights you have under the United
24 States Constitution including your right against
25 self-incrimination?

0092

1 A. Yes.

2 Q. Had you ever been employed with the Houston
3 Racquet Club before the summer of 2007?

4 MR. CORN: On behalf of the witness, I
5 assert the privilege to remain silent provided by the
6 5th Amendment to the United States Constitution and
7 instruct her not to answer that question.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 your lawyer's advice and refuse to answer that
10 question?

11 A. Yes.

12 Q. Had you ever worked as a camp counselor at
13 any private country club, like the Houston Racquet
14 Club, prior to the summer of 2007?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you going to follow
20 your lawyer's advice and refuse to answer my
21 question?

22 A. Yes.

23 Q. Had you ever received any training in the
24 position of camp counselor at any other facility
25 other than the Houston Racquet Club?

0093

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you refusing to

6 answer my question based upon your 5th Amendment
7 rights?

8 A. Yes.

9 Q. You have no prior experience being a camp
10 counselor at any private country club or any other
11 facility before the summer of 2007, correct?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you refusing to
17 answer that question based upon advice of counsel?

18 A. Yes.

19 Q. 4 y/o B-CC #2, you missed the orientation that was
20 provided for the summer camp counselors at the
21 Houston Racquet Club during the summer of 2007,
22 didn't you?

23 MR. CORN: On behalf of the witness, I
24 assert the privilege to remain silent provided by the
25 5th Amendment to the United States Constitution and
0094

1 instruct her not to answer that question.

2 Q. (BY MR. PLETCHER) Are you refusing to
3 answer that question based upon your 5th Amendment
4 rights under the United States Constitution?

5 A. Yes.

6 Q. Well, didn't you tell the Memorial Village
7 police officers that you missed your orientation at
8 the Houston Racquet Club during the summer of 2007?

9 MR. CORN: On behalf of the witness, I
10 assert the privilege to remain silent provided by the
11 5th Amendment to the United States Constitution and
12 instruct her not to answer that question.

13 Q. (BY MR. PLETCHER) Are you going to follow
14 the advice of your lawyer and refuse to answer that
15 question based upon all rights and benefits you have
16 under the United States Constitution including the
17 5th Amendment, including your right against
18 self-incrimination?

19 A. Yes.

20 Q. Well, you didn't raise the 5th Amendment
21 privilege against answering questions by the Houston
22 police officers when they asked you whether or not
23 you attended orientation at the Houston Racquet Club
24 during the summer of 2007, did you?

25 MR. HOWARD: Objection, form.

0095

1 MR. CORN: Objection, form. On behalf
2 of the witness, I assert the privilege to remain
3 silent provided by the 5th Amendment to the United
4 States Constitution and instruct her not to answer
5 that question.

6 Q. (BY MR. PLETCHER) Are you going to follow
7 the advice of your lawyer and refuse to answer that
8 question?

9 A. Yes.

10 MR. PLETCHER: What was the form
11 objection, Steve?

12 MR. HOWARD: It misstates the record.
13 It assumes facts not in evidence that are in dispute.

14 MR. PLETCHER: Do you have any other
15 objections --

16 MR. HOWARD: I'm sorry --

17 MR. PLETCHER: I'm sorry. Go ahead.

18 MR. HOWARD: Calls for speculation.

19 MR. PLETCHER: Do you have any other --

20 MR. CORN: Those --

21 MR. PLETCHER: -- form objections?

22 MR. CORN: Those and it's repetitious.

23 MR. HOWARD: And it's argumentative.

24 MR. CORN: And it's argumentative,

25 true.

0096

1 Q. (BY MR. PLETCHER) Okay. Let me show you
2 what has been marked as Plaintiff's Exhibit 43, which
3 is now on the screen. Have you ever seen this
4 document?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you going to follow
10 the advice of your lawyer and not answer that
11 question?

12 A. Yes.

13 Q. The Houston Racquet Club in this lawsuit
14 produced Exhibit 42, which is a copy of the Houston
15 Racquet Club Camp Counselor Rules, Regulations and
16 Requirements Summer 2007 along with Plaintiff's
17 Exhibit 43, which is a blank Houston Racquet Club
18 camp counselor agreement form. And I would ask you
19 whether or not the Club required you to sign a

20 similar Houston Racquet Club camp counselor agreement
21 form that's marked as Plaintiff's Exhibit 43?

22 MR. CORN: On behalf of the witness, I
23 assert the privilege to remain silent provided by the
24 5th Amendment to the United States Constitution and
25 instruct her not to answer that question.

0097

1 Q. (BY MR. PLETCHER) Are you refusing to
2 answer that question, ma'am, based upon advice of
3 counsel?

4 A. Yes.

5 Q. Let me show you what's been marked as
6 Plaintiff's Exhibit 70, which is a list of the names
7 of the four-year-old boys who participated in the
8 Houston Racquet Club summer camp during Week 5. Have
9 you ever seen this document?

10 MR. CORN: On behalf of the witness, I
11 assert the privilege to remain silent provided by the
12 5th Amendment to the United States Constitution and
13 instruct her not to answer that question.

14 Q. (BY MR. PLETCHER) Are you refusing to
15 answer that question based upon all the rights and
16 benefits that you have under the 5th Amendment of the
17 United States Constitution including your right
18 against self-incrimination?

19 A. Yes.

20 Q. Having looked at Plaintiff's Exhibit 70, can
21 you tell the jury which of these specifically named
22 summer campers, the four-year-old boys, participated
23 in Week 5 that you watched on July 18th, 2007?

24 MR. CORN: On behalf of the witness, I
25 assert the privilege to remain silent provided by the

0098

1 5th Amendment to the United States Constitution and
2 instruct her not to answer that question.

3 Q. (BY MR. PLETCHER) Are you going to follow
4 the advice of counsel and not answer that question?

5 A. Yes.

6 Q. Let me show you what has been previously
7 marked as Plaintiff's Exhibit 73.

8 MR. PLETCHER: Did I already do her
9 application, guys?

10 MR. CORN: I think you did.

11 MR. PLETCHER: I think I did. Let me
12 double-check.

13 MR. CORN: I think you did. Isn't it

14 down here somewhere?

15 MR. HOWARD: Yeah. It was 73.

16 MR. CORN: Yeah.

17 MR. HOWARD: You did.

18 MR. PLETCHER: Here it is right here.

19 MR. CORN: Yeah.

20 Q. (BY MR. PLETCHER) What qualified you to be
21 a camp counselor at the Houston Racquet Club in the
22 summer of 2007?

23 MR. CORN: On behalf of the witness, I
24 assert the privilege to remain silent provided by the
25 5th Amendment to the United States Constitution and
0099

1 instruct her not to answer that question.

2 Q. (BY MR. PLETCHER) Are you going to follow
3 advice of counsel and refuse to answer that question?

4 A. Yes.

5 Q. (BY MR. PLETCHER) Well, didn't you tell the
6 Memorial Village police officers what qualified you
7 to be a counselor in the summer of 2007?

8 MR. HOWARD: Object to form.

9 MR. CORN: On behalf of the witness --

10 On behalf of the witness, I assert the privilege to
11 remain silent provided by the 5th Amendment to the
12 United States Constitution and instruct her not to
13 answer that question.

14 Q. (BY MR. PLETCHER) Are you going to follow
15 advice of counsel and refuse to answer that question?

16 A. Yes.

17 Q. When did you start actually working as a
18 camp counselor at the Houston Racquet Club during
19 summer camp 2007?

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 advice of counsel and refuse to answer that question?

0100

1 A. Yes.

2 Q. 4 y/o B-CC #2, you didn't actually work as a camp
3 counselor during summer camp 2007 until Week 4,
4 correct?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and

8 instruct her not to answer that question.

9 Q. (BY MR. PLETCHER) Are you refusing to
10 answer that question based upon advice of counsel?

11 A. Yes.

12 Q. And when you started working during Week 4,
13 were you assigned to the four-year-old boy group?

14 MR. CORN: On behalf of the witness, I
15 assert the privilege to remain silent provided by the
16 5th Amendment to the United States Constitution and
17 instruct her not to answer that question.

18 Q. (BY MR. PLETCHER) Are you going to follow
19 the advice of your lawyer and refuse to answer that
20 question based upon your 5th Amendment rights under
21 the United States Constitution including your right
22 against self-incrimination?

23 A. Yes.

24 Q. Well, did you work with the four-year-old
25 boys during Week 5 of summer camp 2007?

0101

1 MR. CORN: On behalf of the witness, I
2 assert the privilege to remain silent provided by the
3 5th Amendment to the United States Constitution and
4 instruct her not to answer that question.

5 Q. (BY MR. PLETCHER) Are you refusing to
6 answer my question based upon advice of counsel?

7 A. Yes.

8 Q. Have you ever worked as a lifeguard?

9 MR. CORN: On behalf of the witness, I
10 assert the privilege to remain silent provided by the
11 5th Amendment to the United States Constitution and
12 instruct her not to answer that question.

13 Q. (BY MR. PLETCHER) Are you refusing to
14 answer my question based upon instruction of counsel?

15 A. Yes.

16 Q. And did you have any prior CPR
17 certifications other than the certification that is
18 evidenced by the CPR card that you produced and is
19 marked as 52K1?

20 MR. CORN: On behalf of the witness, I
21 assert the privilege to remain silent provided by the
22 5th Amendment to the United States Constitution and
23 instruct her not to answer that question.

24 Q. (BY MR. PLETCHER) Are you going to follow
25 the advice of your lawyer and refuse to answer that

0102

1 question?

2 A. Yes.

3 Q. At any time prior to getting into the family
4 pool on July 18th, 2007, did you have any personal
5 contact with John Pluchinsky or his parents?

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 Q. (BY MR. PLETCHER) Are you going to follow
11 advice of counsel and refuse to answer that question?

12 A. Yes.

13 Q. Well, did you ever communicate either
14 verbally or in writing with John Pluchinsky's parents
15 at any time?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you going to follow
21 your lawyer's advice and refuse to answer that
22 question based upon your 5th Amendment right --
23 5th Amendment rights?

24 A. Yes.

25 Q. Were you aware of the zero tolerance rule

0103

1 that was in effect on July 18th, 2007?

2 MR. CORN: On behalf of the witness, I
3 assert the privilege to remain silent provided by the
4 5th Amendment to the United States Constitution and
5 instruct her not to answer that question.

6 Q. (BY MR. PLETCHER) Are you going to refuse
7 to answer my question based upon your lawyer's
8 instruction?

9 A. Yes.

10 Q. What sort of extracurricular activities are
11 you involved in at TCU?

12 MR. CORN: On behalf of the witness, I
13 assert the privilege to remain silent provided by the
14 5th Amendment to the United States Constitution and
15 instruct her not to answer that question.

16 Q. (BY MR. PLETCHER) Are you going to refuse
17 to answer that question based upon advice of counsel?

18 A. Yes.

19 Q. You were a cheerleader at Memorial High
20 School, correct?

21 MR. CORN: On behalf of the witness, I

22 assert the privilege to remain silent provided by the
23 5th Amendment to the United States Constitution and
24 instruct her not to answer that question.

25 Q. (BY MR. PLETCHER) Are you refusing to
0104

1 answer that question based upon all rights and
2 benefits you have under the United States
3 Constitution including the 5th Amendment and your
4 right against self-incrimination?

5 A. Yes.

6 Q. Were you kicked off the cheerleading squad
7 at Memorial High School for drinking?

8 MR. HOWARD: Object to form.

9 MR. CORN: On behalf of the witness, I
10 assert the privilege to remain silent provided by the
11 5th Amendment to the United States Constitution and
12 instruct her not to answer that question.

13 Q. (BY MR. PLETCHER) Are you refusing to
14 answer that question based upon your 5th Amendment
15 rights and benefits including your right against
16 self-incrimination?

17 A. Yes.

18 Q. Who was the adult supervisor at the family
19 pool on July 18th, 2007 when John Pluchinsky had swim
20 time with his other four-year-old campers?

21 MR. CORN: On behalf of the witness, I
22 assert the privilege to remain silent provided by the
23 5th Amendment to the United States Constitution and
24 instruct her not to answer that question.

25 Q. (BY MR. PLETCHER) I want to go back to
0105

1 Plaintiff's Exhibit Number 2. Can you see that,
2 4 y/o B-CC #2?

3 A. Yes.

4 Q. Would you mind reading your statement into
5 the record?

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 Q. (BY MR. PLETCHER) Are you refusing to
11 answer that question based upon all the rights and
12 benefits you have under the 5th Amendment of the
13 United States Constitution including your right
14 against self-incrimination?

15 A. Yes.

16 Q. Let me read it. "I was in the pool when the
17 lifeguard noticed that John -- noticed John
18 floating." Let me start over.
19 "I was in the pool when the lifeguard
20 noticed John floating. I watched 4 y/o B-CC #4 pick him up.
21 He was very limp and his lips were blue. While the
22 others were giving CPR, 4 y/o B-CC #6, 4 y/o B-CC #5 and I gathered
23 all the boys together, got them out of the pool and
24 took them away from the scene. I had been playing
25 with John earlier and he was perfectly okay when
0106

1 about for 15 minutes later was when we saw him. As
2 soon as we got all the other boys out, we took"
3 all -- we took roll call to see who it was."

4 First of all, did I read that
5 correctly?

6 MR. CORN: On behalf of the witness, I
7 assert the privilege to remain silent provided by the
8 5th Amendment to the United States Constitution and
9 instruct her not to answer that question.

10 Q. (BY MR. PLETCHER) Are you going to follow
11 the advice of your lawyer and refuse to answer that
12 question?

13 A. Yes.

14 Q. Was that an accurate description of what you
15 saw and heard on July 18th, 2007?

16 MR. CORN: On behalf of the witness, I
17 assert the privilege to remain silent provided by the
18 5th Amendment to the United States Constitution and
19 instruct her not to answer that question.

20 Q. (BY MR. PLETCHER) Are you going to follow
21 the advice of your lawyer and refuse to answer that
22 question?

23 A. Yes.

24 Q. Let me show you what has been previously
25 marked as Plaintiff's Exhibit 76, which is a copy of
0107

1 4 y/o B-CC #4's statement that she wrote on July 18th,
2 2007. It states, "I was sitting on the rock ledge in
3 the pool next to the steps with 4 y/o B-CC #2. She
4 said, 'Oh, my gosh. Is he okay?' I turn and see a
5 lifeguard at the edge of the pool and 4 y/o B-CC #4
6 swimming towards a little boy, grab him and turn him
7 right side up. He was on his stomach. The boy was
8 blue and 4 y/o B-CC #4 put him on the side of the pool. Supv CC #1
9 pushed on his stomach and throw up came out. He then

10 started CPR and put the boy on his side. 4 y/o B-CC #2 and
11 I immediately got our group out of the pool as did
12 4 y/o B-CC #5 and 4 y/o B-CC #6. 4 y/o B-CC #1 and 4 y/o B-CC #4 were standing with
13 the boy and the rest of us did a head count and had
14 one missing. We then took roll and saw that John was
15 missing. 4 y/o B-CC #2, 4 y/o B-CC #5 and 4 y/o B-CC #6 gathered the boys
16 and I went to 4 y/o B-CC #4 and 4 y/o B-CC #1 to talk to the police."

17 Is what 4 y/o B-CC #4 wrote in her
18 statement accurate?

19 MR. CORN: On behalf of the witness, I
20 assert the privilege to remain silent provided by the
21 5th Amendment to the United States Constitution and
22 instruct her not to answer that question.

23 Q. (BY MR. PLETCHER) Are you refusing to
24 answer my question based upon all the rights and
25 benefits you have under the 5th Amendment of the
0108

1 United States Constitution including your right
2 against self-incrimination?

3 A. Yes.

4 MR. PLETCHER: Why don't we take a
5 break. I think I'm pretty close.

6 VIDEOGRAPHER: The time is 11:21 a.m.
7 We are off the record.

8 (Brief recess.)

9 VIDEOGRAPHER: Going back on the
10 record. The time is 11:35 a.m.

11 Q. (BY MR. PLETCHER) Are you ready to
12 continue, 4 y/o B-CC #2?

13 A. Yes, sir.

14 Q. When John Pluchinsky was on the pool deck
15 when CPR was being attempted on him, people were very
16 frantic and panicked, correct?

17 MR. CORN: On behalf of the witness, I
18 assert the privilege to remain silent provided by the
19 5th Amendment to the United States Constitution and
20 instruct her not to answer that question.

21 Q. (BY MR. PLETCHER) Are you refusing to
22 answer that question under the 5th Amendment of the
23 United States Constitution?

24 A. Yes.

25 Q. (BY MR. PLETCHER) Well, the reason that the
0109

1 people were frantic and panicked is because Houston
2 Racquet Club didn't take the time to conduct practice
3 emergency drills with its camp counselors and

4 lifeguards, right?

5 MR. CORN: On behalf of the witness, I
6 assert the privilege to remain silent provided by the
7 5th Amendment to the United States Constitution and
8 instruct her not to answer that question.

9 MR. HOWARD: Object to form.

10 Q. (BY MR. PLETCHER) Are you going to
11 answer -- follow the instruction of your lawyer and
12 refuse to answer that question?

13 A. Yes.

14 Q. Don't you agree that without practice a
15 person's response to an emergency, particularly their
16 ability to remember what they had been trained to do
17 in an emergency, especially in terms of CPR, is
18 almost impossible to remember if you don't practice?

19 MR. HOWARD: Object to form.

20 MR. CORN: Objection, form. On behalf
21 of the witness, I assert the privilege to remain
22 silent provided by the 5th Amendment to the United
23 States Constitution and instruct her not to answer
24 that question.

25 Q. (BY MR. PLETCHER) Are you refusing to
0110

1 answer that question based upon advice of counsel?

2 A. Yes.

3 Q. At the time John was found floating facedown
4 4 y/o B-CC #4 had her back to John, 4 y/o B-CC #4 had his
5 back to John, 4 y/o B-CC #1 had her back to John, you
6 had your back to John, correct?

7 MR. HOWARD: Object to form.

8 MR. CORN: On behalf of the witness, I
9 assert the privilege to remain silent provided by the
10 5th Amendment to the United States Constitution and
11 instruct her not to answer that question.

12 Q. (BY MR. PLETCHER) Are you going to follow
13 the advice of your lawyer and refuse to answer that
14 question based upon your 5th Amendment rights and
15 benefits including your right against
16 self-incrimination?

17 A. Yes.

18 Q. And you can't tell us what either of the
19 lifeguards were doing at the time that
20 John Pluchinsky was found floating facedown in the
21 family pool on July 18th, 2007, correct?

22 MR. CORN: On behalf of the witness, I
23 assert the privilege to remain silent provided by the

24 5th Amendment to the United States Constitution and
25 instruct her not to answer that question.

0111

1 Q. (BY MR. PLETCHER) Are you going to follow
2 the advice of your lawyer and refuse to answer that
3 question?

4 A. Yes.

5 Q. The only person who even had the opportunity
6 to provide John Pluchinsky any protection during the
7 10 to 15 minutes before he was found floating
8 facedown would have been 15 y/o LG #1, right?

9 MR. CORN: On behalf of the witness, I
10 assert the privilege to remain silent provided by the
11 5th Amendment to the United States Constitution and
12 instruct her not to answer that question.

13 MR. HOWARD: Object to form.

14 Q. (BY MR. PLETCHER) Are you going to refuse
15 to answer that question based upon all the rights and
16 benefits you have under the 5th Amendment of the
17 United States Constitution including your right
18 against self-incrimination?

19 A. Yes.

20 Q. Who are your lawyers here today?

21 MR. CORN: My name is Rob Corn. I'm
22 one of her lawyers.

23 MR. PLETCHER: Okay.

24 MR. SCARDINO: My name is
25 Robert Scardino. I'm one of her lawyers.

0112

1 Q. (BY MR. PLETCHER) Are there any other
2 lawyers representing you here at this deposition?

3 MR. CORN: You can answer that.

4 A. No.

5 Q. (BY MR. PLETCHER) Mr. Scardino is your
6 criminal lawyer, correct?

7 MR. CORN: He is one of her lawyers who
8 is representing her.

9 Q. (BY MR. PLETCHER) Do you know that
10 Mr. Scardino specializes in criminal law?

11 MR. CORN: On behalf of the witness, I
12 assert the privilege to remain silent provided by the
13 5th Amendment to the United States Constitution and
14 instruct her not to answer that question.

15 Q. (BY MR. PLETCHER) Are you going to follow
16 your lawyer's advice and refuse to answer my question
17 based upon the 5th Amendment of the United States

18 Constitution?

19 A. Yes.

20 Q. Well, have you talked with anybody about
21 what happened on July 18th, 2007 in preparation for
22 this deposition other than Mr. Scardino and
23 Mr. Crone (phonetic)?

24 MR. CORN: Corn.

25 Q. (BY MR. PLETCHER) Corn.

0113

1 MR. PLETCHER: I apologize.

2 MR. CORN: On behalf of the witness, I
3 assert the privilege to remain silent provided by the
4 5th Amendment to the United States Constitution and
5 instruct her not to answer that question.

6 Q. (BY MR. PLETCHER) Are you refusing to
7 answer that question based upon all the rights and
8 benefits you have under the 5th Amendment of the
9 United States Constitution, including your right
10 against self-incrimination?

11 A. Yes.

12 Q. Well, have you talked with anybody about
13 what happened on July 18th, 2007 other than your
14 lawyers?

15 MR. CORN: On behalf of the witness, I
16 assert the privilege to remain silent provided by the
17 5th Amendment to the United States Constitution and
18 instruct her not to answer that question.

19 Q. (BY MR. PLETCHER) Are you refusing to
20 answer that question based upon advice of counsel?

21 A. Yes.

22 (Exhibit Number 52K marked.)

23 Q. (BY MR. PLETCHER) For the record, I've
24 marked the deposition notice including our subpoena
25 duces tecum as Plaintiff's Exhibit 52K and as

0114

1 previously mentioned, all of the documents that
2 Mr. Corn brought in response to our subpoena are
3 marked as 52K2 and 52K1.

4 Would you mind signing Plaintiff's
5 Exhibit 14L?

6 MR. CORN: No. She's not going to sign
7 anything.

8 Q. (BY MR. PLETCHER) Are you going to follow
9 the advice of your lawyer and refuse to sign
10 Plaintiff's Exhibit 14L?

11 A. Yes.

12 MR. PLETCHER: And are you instructing
13 her not to sign it based upon her 5th Amendment
14 rights under the United States Constitution?

15 MR. CORN: Yes, I am.

16 MR. PLETCHER: Okay.

17 Q. (BY MR. PLETCHER) Is there anything that
18 you would like to tell the Pluchinskys?

19 MR. HOWARD: Object to form.

20 MR. CORN: Objection, form. On behalf
21 of the witness, I assert the privilege to remain
22 silent provided by the 5th Amendment to the United
23 States Constitution and instruct her not to answer
24 that question.

25 Q. (BY MR. PLETCHER) Are you going to follow
0115

1 the advice of your lawyer and refuse to answer my
2 question based upon the rights and benefits, all of
3 them, under the United States Constitution and its
4 5th Amendment including your right against
5 self-incrimination?

6 A. Yes.

7 Q. Well, have you ever wanted to tell them that
8 you're sorry that John drowned on July 18th, 2007
9 while in the care and custody of the Houston Racquet
10 Club?

11 MR. HOWARD: Object to form.

12 MR. CORN: Objection, form. On behalf
13 of the witness, I assert the privilege to remain
14 silent provided by the 5th Amendment to the United
15 States Constitution and instruct her not to answer
16 that question.

17 Q. (BY MR. PLETCHER) Are you going to follow
18 the advice of your lawyer and refuse to answer that
19 question based upon all the rights and benefits you
20 have under the 5th Amendment of the United States
21 Constitution, including your right against
22 self-incrimination?

23 A. Yes.

24 MR. PLETCHER: I'll pass the witness.

25 (The time is 11:44 a.m.)

0116

1 EXAMINATION

2 BY MR. HOWARD:

3 Q. 4 y/o B-CC #2, my name is Steve Howard and I'm a
4 lawyer for the Houston Racquet Club, Steve Griffin,
5 who is the gentleman to my left. And I also

6 represent here today David Lamkin, Guillermo Palmer
7 and LG Supv. Okay?

8 A. (Witness nods head up and down.)

9 Q. I tell you that so you'll know who I am and
10 the interests that I represent in the case. Do you
11 understand that?

12 A. Yes, sir.

13 Q. You and I have never met or talked before,
14 have we?

15 A. No.

16 Q. I do have questions for you that I need to
17 ask you in order to defend my client in this case,
18 but I've sat through the questions that have already
19 been asked and listened to all the objections.

20 MR. HOWARD: So, Robert, if I ask any
21 questions concerning the Houston Racquet Club,
22 4 y/o B-CC #2's employment there, the accident, her
23 observations, do I understand that you will object to
24 all of those questions as you have to Matt's
25 questions throughout the deposition?

0117

1 MR. CORN: Yes, sir.

2 MR. HOWARD: All right. And
3 accordingly, I'm going to reserve my questions until
4 a later time. Okay. And I'll pass the witness.

5 MR. PLETCHER: That's it. Thank you.

6 VIDEOGRAPHER: The time is 11:45 a.m.
7 We are off the record.

8 (Deposition concluded at 11:45 a.m.)

9 (Signature required.)

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1 CHANGES AND SIGNATURE

2

3 WITNESS NAME: 4 y/o B-CC #2

4 DATE OF DEPOSITION: JULY 31, 2008

5 PAGE/LINE CHANGE FROM/CHANGE TO REASON

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1

I, 4 y/o B-CC #2, have read the foregoing deposition
2 and hereby affix my signature that same is true and
correct, except as noted above.

3

4

4 y/o B-CC #2

5

6

THE STATE OF TEXAS)

7

COUNTY OF HARRIS)

8

9

Before me, _____, on this day
10 personally appeared _____, known to me (or
proved to me on the oath of _____ or
11 through _____) to be the person whose
name is subscribed to the foregoing instrument and

12 executed the same for the purposes and consideration
therein expressed.

13

14

15 Given under my hand and seal of office this
_____ day of _____, 2008.

16

17

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19

20

21

Notary Public in and for
The State of Texas

22

23

24

25

0120

1

NO. 2007-54438

2 DAVID AND KATHLEEN) IN THE DISTRICT COURT
PLUCHINSKY, INDIVIDUALLY)

3 AND AS REPRESENTATIVES)
OF THE JOHN ALBERT)

4 PLUCHINSKY ESTATE)
Plaintiffs)

5

VS.) HARRIS COUNTY, TEXAS

6

)
HOUSTON RACQUET CLUB,)

7 STEPHEN GRIFFIN, DAVID)
LAMKIN, GUILLERMO)

8 PALMER, AND)
LG Supv,)

9

)
Defendants) 281st JUDICIAL DISTRICT

10

REPORTER'S CERTIFICATION

11 TO THE VIDEOTAPED ORAL DEPOSITION OF 4 y/o B-CC #2
JULY 31, 2008

12

13 I, Sherry Hale, Certified Shorthand Reporter in and
for the State of Texas, hereby certify to the
following:

14

15 That the witness, 4 y/o B-CC #2, was duly sworn by
the officer and that the transcript of the oral

deposition is a true record of the testimony given by
16 the witness;
17 That the deposition transcript was submitted on
_____, 2008, to the witness or to the attorney
18 for the witness for examination, signature, and
return to Sherry Hale Reporting & Associates, by
19 _____, 2008.

20 That the amount of time used by each party at the
deposition is as follows:

21 Mr. Pletcher - 2 Hours: 5 Minutes
Mr. Howard - 1 Minute

22
23 That pursuant to information given to the deposition
officer at the time said testimony was taken, the
24 following includes all parties of record:
25

0121

1 FOR THE PLAINTIFFS:
Mr. Scott D. Marrs
2 Mr. Matthew G. Pletcher
Beirne, Maynard & Parsons, L.L.P.
3 1300 Post Oak Blvd., 25th Floor
Houston, Texas 77056
4 (713) 623-0887
(713) 960-1527 Fax Number

5
FOR THE DEFENDANTS:
6 Mr. Steve Howard
Tucker, Taunton, Snyder & Slade
7 10370 Richmond Avenue, Suite 1400
Houston, Texas 77042
8 (713) 961-5800

9 REPRESENTING 4 y/o B-CC #2:
Mr. Robert Corn
10 2000 Louisiana
440 Louisiana
11 Houston, Texas 77002
(713) 229-0055

12
Mr. Robert A. Scardino
13 Scardino & Courtney, L.L.P.
Sweeney, Coombs & Fredericks Bldg.
14 1004 Congress Avenue, 3rd Floor
Houston, Texas 77002
15 (713) 229-9292
(713) 229-9931 Fax Number

16

I further certify that I am neither counsel for,
17 related to, nor employed by any of the parties in the
action in which this proceeding was taken, and
18 further that I am not financially or otherwise
interested in the outcome of the action.

19

20

21 Further certification requirements pursuant to Rule
203 of TRCP will be certified to after they have
22 occurred.

23

24

25

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1

2 Subscribed and sworn to by me on this _____ day of
August, 2008.

3

4

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6

7

Sherry Hale
Texas CSR No. 6215
Expiration Date: 12/31/2008
Firm Registration No. 510
4545 Post Oak Place, Suite 350
Houston, Texas 77027
(713) 626-2629

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was/was not _____ returned
3 to the deposition officer on _____;

4 If returned, the attached Corrections and Signature
5 page contains any changes and the reasons therefor;
6 If returned, the original deposition was delivered to
7 Mr. Matthew G. Pletcher, Custodial Attorney;

8 That \$ _____ is the deposition officer's charges to
9 the Plaintiff for preparing the original deposition
10 transcript and any copies of exhibits;

11 That the deposition was delivered in accordance with
12 Rule 203.3, and that a copy of this certificate was
13 served on all parties shown herein and filed with the
14 Clerk.

15 Certified to by me this _____ day of _____,
16 2008.

17
18
19 _____
20 Sherry Hale
21 Texas CSR No. 6215
22 Expiration Date: 12/31/2008
23 Firm Registration No. 510
24 4545 Post Oak Place, Suite 350
25 Houston, Texas 77027
 (713) 626-2629