

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA  
UNLIMITED CIVIL JURISDICTION

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**COPY**

SANFER SPORTS CARS, INC., )

Plaintiff, )

vs. )

BRYAN SHISLER, )

Defendant. )

CASE NOS. 1-09-CV-159153

1-09-CV-159158

ORDER OF EXAMINATION OF BRYAN SHISLER

TUESDAY, NOVEMBER 2, 2010

1:54 p.m.

PREFERRED REPORTERS

CERTIFIED SHORTHAND REPORTERS

19201 Sonoma Highway, #112

Sonoma, California 95476

Phone (707)938-9227

REPORTED BY: HEATHER ROSEMAN, RPR, CRR, CSR #10820

PREFERRED REPORTERS

1-866-372-3376

APPEARANCES

FOR THE PLAINTIFF:

COOK COLLECTION ATTORNEYS (PLC)

BY: ROBERT PERKISS, ATTORNEY AT LAW

165 Fell Street

San Francisco, California 94102

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BRYAN SHISLER,

having been duly sworn by the Certified  
Shorthand Reporter, was examined and testified  
as follows:

EXAMINATION

BY MR. PERKISS:

Q. State your name for the record.

A. Bryan Shisler.

Q. Okay. And your residence address?

A. 1497 Bergerac Drive.

Q. San Jose?

A. San Jose, California, 95118.

Q. And you don't need to have the admonitions stated  
again, do you?

A. No. No thanks.

Q. Okay. We're also using the same exhibits  
previously used?

A. Correct.

Q. I think most of them are in front of you. Did you  
bring any documents with you today?

A. No. Maybe I did. I think I have the same thing  
they brought.

Q. Actually, it's a better copy. We'll keep this  
one. That's fine. What you've shown me is what we've already  
marked as Exhibit 15 today. Any other documents?

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A. No.

Q. Okay. I'm going to have marked next in order Exhibit 17.

(Whereupon, Plaintiff's Exhibit Number 17, copy of order for turnover of pink slips dated 10-15-10, two pages, was marked for identification.)

BY MR. PERKISS:

Q. This is an order for turnover of a pink slip addressed to you. And were you served with that order?

A. Did I what? Did I get served this order? I don't know for sure.

Q. Well, did you receive it in the mail?

A. I couldn't tell you. I get buried from your office, as you know, with documents.

MR. DEE SHISLER: That is true.

MR. PERKISS: I can tell you it was mailed to you.

MR. DEE SHISLER: Inundated.

THE WITNESS: If you say it was mailed, I'll --

BY MR. PERKISS:

Q. I'd have to look at the proofs. The question I have is, did you turn over a pink slip to any of the vehicles to the Sheriff?

A. No. I don't know where they are.

Q. Okay. You have no idea who has possession of them?

1           A. We've had them back and forth between my parents  
2 over the years, so I couldn't tell you where they ended up.

3           Q. Okay. Looking at Exhibits 4 and 5, which is the  
4 February 13th, 2005 agreement and the November 17, 2007  
5 agreement. Do you see that?

6           A. Yes, I see it.

7           Q. Okay. Now, again, it was your understanding that,  
8 when you repaid all these loans, that you'd get all your  
9 property back?

10          A. If it says something along those lines, then  
11 that's what I agreed to. But other than that, I can't tell  
12 you.

13          Q. You don't know what the document says?

14          A. Well, are you referring to a particular section  
15 you want me to read?

16          Q. Okay. Let's start over. Looking at Exhibit 5, is  
17 that your signature on Exhibit 5?

18          A. Yeah.

19          Q. Okay. Looking at, I guess it's Exhibit 16, which  
20 is a copy -- the same document as Exhibit 4, but with a  
21 signature at the bottom -- is that your signature at the  
22 bottom?

23          A. Yes.

24          Q. On each of the pages there?

25          A. Yes.

1 Q. Okay. And did you read these documents before  
2 signing them?

3 A. Yes.

4 Q. Okay. And your parents were loaning you money  
5 from time to time; correct?

6 A. Correct.

7 Q. And did you expect to repay that money?

8 A. No.

9 Q. It was a gift?

10 A. No. I just didn't think I would live that long to  
11 do that.

12 Q. That's a different issue. But were you obligated  
13 to repay that money, regardless of whether you eventually  
14 would?

15 A. Either that, or they would sell the property. So,  
16 for me, it was the same difference.

17 Q. Okay --

18 A. If I can finish that. I haven't really paid any  
19 money back to them. So when they retire, I assumed that they  
20 were going to basically sell whatever they wanted to sell.

21 Q. But if you paid this back, all the money that  
22 you'd borrowed from them back, it was your understanding that  
23 you'd get all the property back?

24 A. In theory. But I don't see myself ever paying  
25 this back.

1 Q. Is that approximately the current balance?  
2 A. Somewhere in there. \$900,000.  
3 Q. Okay. So what's the value of that property today?  
4 A. Maybe a million. Maybe less.  
5 Q. Okay.  
6 A. I really don't know. I'm not a real estate agent.  
7 Q. That's fine.  
8 Q. Okay. What exhibit number are we up to? That's  
9 all right. Okay. Let's have marked as -- it's a group of  
10 exhibits, and they're numbered from 1 to 58.  
11 (Whereupon, Plaintiff's Exhibit Number 18, full page  
12 color copies of photographs of the Lamborghini, Viper  
13 and Ducati, 58 pages, was marked for identification.)  
14 BY MR. PERKISS:  
15 Q. Okay. Do you recognize this vehicle on page one?  
16 A. Yes.  
17 Q. That's the Lamborghini?  
18 A. Yes.  
19 Q. Okay. Looking at page one, there's a top to the  
20 Lamborghini, isn't there?  
21 A. Yes.  
22 Q. Do you know where that top is?  
23 A. No, I don't.  
24 Q. When you purchased the car, did it have a top?  
25 A. Yes.

1 Q. How long ago did you purchase that car?  
2 A. How long ago?  
3 Q. Yeah. Approximately.  
4 A. I don't remember.  
5 Q. Ten years ago, 20 years ago?  
6 A. No.  
7 Q. Over ten?  
8 A. No.  
9 Q. Over five?  
10 A. I don't think so.  
11 Q. But it didn't have a top?  
12 A. Yes.  
13 Q. It had a top when you bought it?  
14 A. Correct.  
15 Q. And do you know what happened to the top?  
16 A. I sold it.  
17 Q. When did you sell the top?  
18 A. Not too long ago.  
19 Q. How long ago is not too long ago?  
20 A. I couldn't tell you. Before they came and got the  
21 car.  
22 Q. A month before they got the car?  
23 A. I never really drove the car with the top. Same  
24 thing with the Dodge Viper. I don't even know where the top  
25 is for the Dodge Viper.



1 Q. When did you sell that top?  
2 A. I couldn't tell you.  
3 Q. How much did you sell it for?  
4 A. I don't remember exactly how much I sold it for.  
5 Q. Who did you sell it to?  
6 A. Some guy who knew somebody who knew somebody.  
7 Q. And when did you sell this, exactly? A month  
8 before they picked up the car?  
9 A. I couldn't tell.  
10 Q. Two months, six months?  
11 A. I really don't remember when.  
12 Q. Just in the last couple months?  
13 A. Couldn't tell you.  
14 Q. Why did you sell the top?  
15 A. I never use it.  
16 Q. Doesn't the value of the car depend on whether it  
17 had the top?  
18 A. I hadn't had the top on the Viper in ten years. I  
19 don't use them. Does it hurt the value? I don't know.  
20 Probably.  
21 Q. You don't remember how much you sold the top for?  
22 A. Not really.  
23 Q. You don't --  
24 A. It was a bunch of things I sold together.  
25 Q. What about the engine cover? That seems to be

1 missing too. Looking at page three.

2 A. Same thing.

3 Q. You sold the engine cover?

4 A. Uh-huh.

5 Q. And why did you sell the engine cover?

6 A. I needed money.

7 Q. And when was this?

8 A. I always need money.

9 Q. When did you sell it?

10 A. I couldn't tell you.

11 Q. In the last month?

12 A. I couldn't tell you.

13 Q. Last two months? You have no idea whether you

14 sold it within a month, two months, three months, four months?

15 A. (No audible response.)

16 Q. Sir?

17 A. I'm sorry. I'm trying to think about what part

18 went where. I sell car parts, if you remember.

19 Q. That's not what I asked you.

20 A. I'm trying to remember when I sold it, for sure.

21 I'm not the best with dates.

22 Q. I'm just asking you, was it recent, or two years

23 ago?

24 A. It was recent.

25 Q. In other words, in the last couple months?

1 STATE OF CALIFORNIA )  
2 COUNTY OF SANTA CLARA ) ss.  
3 )

4 I, HEATHER ROSEMAN, a Certified Shorthand  
5 Reporter of the State of California, duly authorized to  
6 administer oaths pursuant to Section 2025 of the  
7 California Code of Civil Procedure, do hereby certify  
8 that

9 BRYAN SHISLER,

10 The witness in the foregoing examination, was  
11 by me duly sworn to testify the truth, the whole truth and  
12 nothing but the truth in the within-entitled cause;  
13 that said testimony of said witness was reported by a  
14 disinterested person, and was thereafter transcribed  
15 under my direction into typewriting and is a true and  
16 correct transcription of said proceedings.

17 I further certify that I am not of counsel or  
18 attorney for either or any of the parties in the  
19 foregoing examination and caption named nor in any way  
20 interested in the outcome of the cause named in said  
21 caption.

22 Dated the 3rd day of November, 2010.

23  
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25

  
HEATHER L. ROSEMAN, CRR, CSR #10820

1 Preferred Reporters, Inc.  
2 19201 Sonoma Highway, #112  
3 Sonoma, California 95476  
4 November 3, 2010

5 To: BRYAN SHISLER  
6 1497 Bergerac Drive  
7 San Jose, CA 95118

8 Re: Sanfer Sports Cars, Inc. vs. Bryan Shisler  
9 OEX taken on November 2, 2010  
10 Reported by Heather L. Roseman, CSR #10820

11 Dear Mr. Shisler,

12 The original transcript of your deposition taken in  
13 the above-entitled action has been prepared and is  
14 available at this office for your reading, correcting  
15 and signing.

16 You may wish to discuss this matter with your  
17 attorney to determine if counsel requires that the  
18 original transcript of your deposition be read,  
19 corrected and signed by you before it is sealed.

20 Your rights regarding signature of this deposition  
21 are contained in the California Code of Civil Procedure.

22 If you wish to make arrangements to review the  
23 original transcript of your deposition, please contact  
24 this office during office hours, 9:00 to 5:00 Monday  
25 through Friday, to make an appointment to review the  
original transcript.

26 Sincerely,  
27 *Heather Roseman*  
28 Heather L. Roseman  
29 Certified Shorthand Reporter

30 cc: All Counsel