

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

--o0o--

**COPY**

SANFER SPORTS CARS, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BRYAN SHISLER, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CASE NOS. 1-09-CV-159153  
1-09-CV-159158

ORDER OF EXAMINATION OF DEE SHISLER

TUESDAY, NOVEMBER 2, 2010

12:06 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

1 APPEARANCES

2 FOR THE PLAINTIFF:

3 COOK COLLECTION ATTORNEYS (PLC)

4 BY: ROBERT PERKISS, ATTORNEY AT LAW

5 165 Fell Street

6 San Francisco, California 94102

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 DEE SHISLER,

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

5 EXAMINATION

6 BY MR. PERKISS:

7 Q. State your full name for the record.

8 A. Dee Shisler.

9 Q. Okay. And can you give me your residence address?

10 A. 5710 Tonopah Drive.

11 Q. Okay. When I gave the admonitions to your wife's  
12 examination, were you present and heard those? Or do you want  
13 me to go over them again?

14 A. Did I hear what? I'm sorry.

15 Q. Did you hear those admonitions at the beginning of  
16 the examination to your wife as to how we're conducting this?

17 A. Go over them again.

18 Q. Sure. I'd love to. This is an examination today  
19 concerning your third party claim. And I'll be asking you  
20 questions concerning and related to that claim. If you don't  
21 understand the question, I would ask that you ask me to repeat  
22 it or rephrase it, and I'll be happy to do that. The reason  
23 I'm telling you that is that, if you respond to a question,  
24 I'm going to assume that you heard the question and that you  
25 understood the question. Do you understand that?

1 Q. Did you look through those boxes to see if there  
2 were any other checks?

3 A. No.

4 Q. How did you get these checks?

5 A. Probably where my wife got these. Especially  
6 those that were old. She pretty much would have had to get  
7 them out of the closet.

8 Q. Who assembled those checks?

9 A. You have to understand that she's the one that  
10 pays the bills.

11 Q. Who assembled those checks for the third party  
12 claim? You or your wife?

13 A. Who got these together?

14 Q. Yeah.

15 A. Must have been my wife.

16 Q. But you don't know?

17 A. I don't know for sure, no. But she's the one that  
18 made some of them out.

19 Q. Okay. Okay. We're still looking at Exhibit 14A.  
20 Let's go back. This is Exhibit A attached to Exhibit 14A,  
21 which is the list of documents you were to bring today.  
22 Looking at -- let's look at number 8. It says the pink slips  
23 for the motor vehicles described as -- and it has the Dodge  
24 Viper, the Lamborghini and the Ducati. Did you bring any pink  
25 slips with you today?

1 A. No.

2 Q. Yes or no?

3 A. No.

4 Q. And when I say pink slips, it's called various  
5 names; certificate of ownership or certificate of title. But  
6 you didn't bring any pink slips with respect to any of those  
7 vehicles with you today?

8 A. Well, the title, as you know. And I already  
9 presented that.

10 Q. You're talking about Exhibit 15, which you brought  
11 with you today. But that's the only thing you have?

12 A. That's the Dodge.

13 Q. That's the only thing you had; correct?

14 A. Yep. Yes.

15 Q. Do you have any other documents that you've  
16 submitted to any Department of Motor Vehicles, whether it's  
17 California or any other state, with respect to any of the  
18 three vehicles?

19 A. Just the ones for the Viper and the Lamborghini.

20 Q. What are you looking at? Exhibit 15 and --  
21 Exhibit 8, I guess it was. Just those two documents; correct?

22 A. It appears, yes.

23 Q. Okay. So the only two documents that you have  
24 that were supplied or came from any DMV or Department of Motor  
25 Vehicles in any state were Exhibits 8 and 15; is that correct?

1 This is what you gave me a couple weeks ago.

2 A. Is that 8?

3 Q. Yes.

4 A. The answer is yes.

5 Q. Okay. And you have no other documents that you  
6 provided any DMV?

7 A. No.

8 Q. Is that correct?

9 A. Yes, that's correct.

10 Q. Okay. Take a look at the remaining -- you have  
11 Exhibit 14A in front of you, which is --

12 A. That's 6, I believe. This is 14A.

13 Q. You're looking at 14A. You're looking at Exhibit  
14 A, which is attached to Exhibit 14A. I'll give you a second  
15 to look at the rest of that list. Do you have any other  
16 documents that would respond to that list?

17 A. No, I don't have any other documents.

18 Q. Okay. Okay. I want to take a look at Exhibit 2,  
19 which is previously marked. Okay. Do you recall being served  
20 with this order?

21 A. It looks familiar.

22 Q. You were directed to turn over the pink slips to  
23 any of these three vehicles; the Dodge Viper, the Lamborghini  
24 or the Ducati. Did you turn over the pink slip to the  
25 Sheriff?

1 A. No. The Sheriff doesn't own the vehicles. I do.

2 Q. That's not the question I asked. The question I  
3 asked is, this is an order from the Court, directing you to  
4 turn over the pink slip to these three vehicles.

5 A. If I have them.

6 Q. Yeah. And the question first is, did you turn  
7 over a pink slip to the Sheriff?

8 A. No.

9 Q. And the reason is you don't have them?

10 A. That's right.

11 Q. Have you ever had them?

12 A. Well, probably had them long ago.

13 Q. Do you recall actually having them, or are you  
14 just guessing?

15 A. I can't answer yes or no, because I don't know the  
16 answer.

17 Q. So you don't recall is what you're saying?

18 A. I don't recall.

19 Q. Okay. Let me ask you, do you recall ever  
20 completing any California DMV pink slip or certificate of  
21 ownership or certificate of title with respect to the  
22 Lamborghini?

23 A. Yes.

24 Q. Okay. And when was this?

25 A. In 2001, I believe, was one time.

1 Q. Any other reason to go to the Department of Motor  
2 Vehicles?

3 A. I don't think so.

4 Q. And this was, what, about a month ago?

5 A. One of the times, yes.

6 Q. Okay. And the time before that that you went to  
7 the Department of Motor Vehicles, did it have anything to do  
8 with the Lamborghini?

9 A. Don't recall.

10 Q. But it was no more than a month ago that you went  
11 this last time, right, to pay the registration?

12 A. The very last time, yes.

13 Q. And you can't recall any other time that you went  
14 to the Department of Motor Vehicles for the Lamborghini, other  
15 than 2001; is that correct?

16 A. Correct.

17 A. I try not to mess with the vehicles. They are in  
18 very good hands.

19 Q. Okay. So you've never completed any pink slip or  
20 certificate of ownership or certificate of title in which you  
21 placed either your name or your wife's name as a lienholder on  
22 that vehicle?

23 A. We are not lienholders. We are the owners.

24 Q. That's not what I'm asking. You've never  
25 submitted any document to the California Department of Motor



1 registered owner. And below it, it has L slash O, which is  
2 lienholder. And I'm just asking you if you ever submitted  
3 anything to the Department of Motor Vehicles as to claiming  
4 that you were a lienholder on the vehicle?

5 A. Not from what I understand as the definition of a  
6 lienholder. I am the owner outright.

7 Q. And did you ever submit any documentation to the  
8 DMV saying that you were the owner outright?

9 A. No.

10 Q. And that's both with the Lamborghini and the  
11 Viper?

12 A. Sufficient to say that the contract between Bryan  
13 and us could confuse the whole country.

14 Q. I'm not interested in the country --

15 A. But it defines where I'm coming from.

16 Q. You've got to divorce that contract from what I'm  
17 asking in these questions. All I'm trying to do is find out  
18 what you told the DMV. Doesn't matter what the contract says.  
19 What I'm asking you, with respect to the Lamborghini is, did  
20 you ever submit a pink slip in which you claimed to be a  
21 lienholder on the Lamborghini?

22 A. No.

23 Q. And did you ever submit to the California DMV a  
24 pink slip or any other document in which you claimed you were  
25 a lienholder on the Dodge Viper?

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

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

DEE SHISLER,

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

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

Dated the 3rd day of November, 2010.

  
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: DEE SHISLER  
6 5710 Tonopah Drive  
7 San Jose, CA 95123

8 Re: Sanfer Sports Cars, Inc. vs. Bryan Shisler  
9 OEX taken on November 3, 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   
28 Heather L. Roseman  
29 Certified Shorthand Reporter

30 cc: All Counsel