

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

--o0o--

COPY

SANFER SPORTS CARS, INC.,)
)
Plaintiff,)
)
vs.) CASE NOS. 1-09-CV-159153
) 1-09-CV-159158
BRYAN SHISLER,)
)
Defendant.)
_____)

ORDER OF EXAMINATION OF ISABEL SHISLER

TUESDAY, NOVEMBER 2, 2010

9:24 a.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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

FOR THE PLAINTIFF:

COOK COLLECTION ATTORNEYS (PLC)

BY: ROBERT PERKISS, ATTORNEY AT LAW

165 Fell Street

San Francisco, California 94102

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

5 MR. PERKISS: Okay. We're on the record now. My name
6 is Robert Perkiss. I represent Sanfer Sports, Inc. And we're
7 going to be doing the judgment debtor examination, third party
8 examination, today. We're all here, Isabel Shisler, Dee
9 Shisler and Bryan Shisler. Because all of you have the same
10 last names --

11 MR. DEE SHISLER: Of course.

12 MR. PERKISS: But to make it so it's clear on the
13 record, I'll be happy to call you Ms. Shisler. But with
14 respect to Dee and Bryan Shisler, do you mind if I use your
15 first names?

16 MR. DEE SHISLER: Feel free.

17 MR. PERKISS: Just to make it clear on the record when
18 we're speaking. Okay.

19 MR. DEE SHISLER: It's easier and shorter to spell
20 too.

21 MR. PERKISS: That's true. Okay. This is really some
22 admonitions for all three of you. I know Bryan has heard it
23 before. But I'm going to be taking an examination today,
24 asking you questions concerning this case. And specifically,
25 with respect to the three cars and the real property on

1 Bergerac.

2 If you don't understand any of the questions I ask,
3 please feel free to ask me to repeat it or rephrase it. And
4 the reason I say that is, when you respond to a question,
5 we're going to presume that you've heard the question and
6 understood it. And do you understand that?

7 THE WITNESS: Yes.

8 MR. DEE SHISLER: Yes.

9 EXAMINATION

10 BY MR. PERKISS:

11 Q. At this point, just for ease and clarity, I'm
12 really speaking to Isabel Shisler. And you are certainly,
13 obviously, free to listen. But we can only do one at a time.
14 Okay. The other thing is, you'll have to speak up, because
15 the court reporter has to be able to take down exactly what
16 you say.

17 One of the other rules, which both of us will
18 eventually break, we have to wait until the other person is
19 through before we speak. Because she can only take one of us
20 down at a time.

21 A. I understand.

22 Q. Okay. You have to speak up loud enough so she can
23 hear. And you can't answer it uh-huh or huh-uh. You have to
24 answer with an appropriate response. Do you understand that?

25 A. All right. Yes.

1 Q. I can't hear you.

2 A. Which other documents? The rest of the documents
3 listed here?

4 Q. Yes. You were required to bring all these
5 documents with you today.

6 A. Pink slips -- I don't have the pink slips.

7 Q. What?

8 A. I do not have the pink slips for these vehicles.

9 Q. Let's just start with item number 1 on Exhibit A.

10 A. Okay.

11 Q. Which is attached to Exhibit 1 in our examination
12 today. Exhibit 1 talks about any contracts and memorandums of
13 understanding, or agreements, letters, and I'll let you read
14 the rest of it yourself. But relating to any property of
15 Bryan Shisler. Did you --

16 A. I believe this was presented already, this
17 information.

18 Q. Well --

19 A. By Bryan.

20 Q. But what documents do you have? We weren't asking
21 you to tell what you've already presented. We're asking you
22 to bring all your documents today.

23 MR. DEE SHISLER: Excuse me. We brought one copy of
24 the contract between --

25 THE WITNESS: No, that's not the document. Besides,

1 documents and ask you for some more. But we'll get to that.
2 Also, number 2 on Exhibit A asks for proof of payment or money
3 that you lent to Bryan Shisler. Did you bring any other such
4 documents?

5 A. Would you elaborate on this? The money that he
6 owes me, or money that I lent Bryan?

7 Q. We're trying to find out what monies you lent
8 Bryan.

9 A. I think you already have that information.

10 Q. Okay. Is that what was attached to your third
11 party claim? Is that what you're saying?

12 A. I mean, this is the only paper that I received, so
13 far that I can tell. So I was not aware that I had to -- but
14 Bryan has most of the stuff. I thought he had already turned
15 it in.

16 Q. Okay.

17 A. I believe he did.

18 Q. Okay. Let's jump down to number 8 on that Exhibit

19 A. It says the pink slips for the three motor vehicles
20 described as -- and then you can read -- the Dodge Viper, the
21 Lamborghini and the Ducati. Do you have any of those pink
22 slips?

23 A. No.

24 Q. Have you ever had any of those pink slips?

25 A. I may have, but I don't know. I don't know.

1 Q. I'm sorry?

2 A. Not really.

3 Q. When you say not really, what kind of search did
4 you do?

5 A. This happened just a few days ago, like I said. I
6 didn't have the time to look.

7 Q. Based on your testimony, would it be fair to say
8 that you have no recollection, specific recollection, of
9 completing any documents for the California DMV for any of
10 those three vehicles, the Lamborghini, the Dodge Viper or the
11 Ducati?

12 A. I believe I did that, but I don't recall --

13 Q. I'm sorry?

14 A. Yes.

15 Q. Say it again.

16 A. Okay. Would you repeat the question, please?

17 Q. Sure. To briefly summarize -- and I just want to
18 make sure I do it accurately. As you sit here today, you have
19 no recollection of submitting -- I should say completing --
20 any DMV documents, Department of Motor Vehicle documents, for
21 the California Department of Motor Vehicles for any of those
22 three vehicles, the Ducati, the Lamborghini or the Dodge
23 Viper?

24 A. I don't really recall. I don't really recall.

25 Q. You don't recall?

1 A. No.

2 Q. Ever completing them?

3 A. I may have, but I don't really remember.

4 Q. Okay. Do you have any recollection if Bryan
5 Shisler ever asked you to complete any documents for the
6 California Department of Motor Vehicles or sign off on any
7 documents for the California Department of Motor Vehicles?

8 A. I believe so, but I don't know when.

9 Q. You believe that he did?

10 A. Yes.

11 Q. Okay. Do you know what type of documents they
12 were? Bryan, if I can ask you -- -- I don't mind you taking
13 notes, but it's hard to tell -- why don't you spread out. It
14 makes it a little easier --

15 MR. BRYAN SHISLER: You know, Mr. Perkiss, I am going
16 to help them -- first of all, the questions you're asking are
17 extremely vague. So if you have a document that you want them
18 to try to remember -- we've been doing this -- can we be off
19 the record for a second?

20 MR. PERKISS: Let's go off the record.

21 (Whereupon, an off-the-record discussion was held.)

22 MR. PERKISS: Let's go back on the record. Can you --

23 THE COURT REPORTER: Yes.

24 (Whereupon, the record was read.)

25 BY MR. PERKISS:

1 property of Dee and Isabel Shisler. This is not to be
2 construed as a lienholder position on said property."

3 Do you see that?

4 A. Uh-huh.

5 Q. Okay. Now, what you're saying is any property
6 that he owned -- was it all property he owned, or just
7 property he owned by reason of using the money that you loaned
8 him to purchase?

9 A. All property that he owned.

10 Q. Okay. And if he repaid all of the loans back, was
11 he to get the property back?

12 A. Yes.

13 Q. This wasn't to be a gift, right?

14 A. Right.

15 Q. And when that property became yours, because you
16 loaned him money, it didn't extinguish that debt; he still
17 owed the debt, right?

18 A. Exactly.

19 Q. So if he were to today pay you everything that was
20 owed you, then you'd have to make sure that all the property
21 was back in his name, if it was taken out of his name; is that
22 correct?

23 A. That is correct. Correct, yes.

24 Q. Okay. Let's go to page two of this document. I'm
25 looking at the first full -- the second full paragraph, down

1 you. And then we can start with your husband, and we can take
2 a lunch break, or we'll figure it out. Let's finish with you
3 first, so you can get out of here if you want.

4 MR. BRYAN SHISLER: We're all in the same car. That
5 might be hard.

6 BY MR. PERKISS:

7 Q. Okay. Let's talk about these three vehicles, the
8 Lamborghini, the Ducati and the Dodge Viper. I think you said
9 a little while ago that these three vehicles were for the
10 exclusive use of Bryan; is that correct?

11 A. Yes.

12 Q. And were they to be used in his business solely?

13 A. Business.

14 Q. And not for his personal use?

15 A. I'm not -- you're asking me that question. I
16 don't know.

17 Q. Okay. That's fine. And except for a short period
18 of time, none of those vehicles were ever stored at your
19 house; is that a fair statement?

20 A. Yes.

21 Q. And they were stored at your house some years ago,
22 that wasn't recently; is that correct?

23 A. Right.

24 Q. And for each of those -- let's make sure I
25 understand. For each of those vehicles, they were used to

1 secure any loans of money that was given to Bryan; is that
2 correct?

3 A. That is correct.

4 Q. You weren't buying the vehicles from him; correct?

5 A. No.

6 Q. You weren't making a gift of those loans; correct?

7 A. No.

8 Q. You expected those loans to be repaid; correct?

9 A. That's what guaranteed the payment, by taking
10 ownership with that.

11 Q. So they were used as security?

12 A. Security, yes.

13 Q. Is that correct?

14 A. Yes, that is correct.

15 Q. And that was the only purpose of those, to use
16 them as security; is that correct?

17 MR. BRYAN SHISLER: You're putting words in her mouth.
18 That's not what she testified to. That's not what she's
19 stating. I object to that. Asked and answered. So she
20 already answered that. You're asking again, and now you're
21 putting words in her mouth. You said those are her words,
22 they're security. She answered that already.

23 MR. PERKISS: You made your objection. Go ahead, if
24 you want to say something.

25 MR. BRYAN SHISLER: I'm going to tell her to not

1 BY MR. PERKISS:

2 Q. Let me ask the question. I just want to see, the
3 purpose of these vehicles, as well as the house, was to make
4 sure that you got repaid on those loans; is that a fair
5 statement?

6 A. Yes.

7 Q. Because you weren't making them as a gift; is that
8 right?

9 A. That is for sure, no.

10 Q. So it's just to secure your loans; correct?

11 A. Yes.

12 MR. BRYAN SHISLER: I would object to that. She
13 doesn't understand what you're asking.

14 THE WITNESS: What do you mean?

15 BY MR. PERKISS:

16 Q. To protect the loans?

17 A. To protect the loans made to --

18 MR. BRYAN SHISLER: She's already answered that
19 question. You're now trying to put words in her mouth.

20 MR. PERKISS: Excuse me?

21 MR. BRYAN SHISLER: You're using words to tell her to
22 agree to.

23 THE WITNESS: I understand now what he's talking
24 about.

25 MR. BRYAN SHISLER: No, you don't understand what he's

1 asking. If we could take a break, I'd explain to you what
2 he's trying to do to you.

3 BY MR. PERKISS:

4 Q. You need to finish answering. Do you have
5 anything else you want to say?

6 A. Just say it in layman's terms what it is that --
7 what your question is about. What are you trying to ask?

8 Q. I want to make sure you understand. If you don't
9 understand the question, I want you to ask me to repeat it.
10 And that's fair. You made certain loans to your son, Bryan;
11 correct?

12 A. Yes.

13 Q. And there are certain vehicles and there is real
14 property on Bergerac. And you said you had a right to put
15 your name on those pieces of property, you owned the property,
16 or something to that effect?

17 A. The contract. Whatever he owns, we own, my
18 husband and I own.

19 Q. Okay. And what was the purpose of doing that, of
20 whatever he owns, you own?

21 A. To make sure that we would be reimbursed, that we
22 would be paid somehow.

23 Q. Okay. That's fine. Thank you.

24 A. And I do need a break. I have a problem with dry
25 mouth.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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 Ms. 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