

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES COLLINS,)

Plaintiff,)

vs.)

No. EDCV03-0128RT

DEL TACO, INC. a California) (SLGx)

corporation, WILLIAM WERNER,)

DOUG TELOW, and HURLEY MEEKS,)

partnership, dba DEL TACO #7;)

and DOES 1 to 10, inclusive,)

Defendants.)
_____)

VIDEOTAPED DEPOSITION OF JAMES COLLINS

Volume 2

(Pages 171 through 386, inclusive)

Taken at Palm Desert, California

Friday, December 5, 2003

G. JOANNE BERGREN, CSR, RPR
Certificate No. 6334

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1 VIDEOTAPED DEPOSITION OF JAMES COLLINS,
2 Volume 2, taken on behalf of the Defendants, before
3 G. JOANNE BERGREN, a Certified Shorthand Reporter in
4 and for the State of California, commencing at the
5 hour of 10:06 A.M., Friday, December 5, 2003, at
6 the offices of Bergren & Associates Court Reporters,
7 73-710 Fred Waring Drive, Suite 102, Palm Desert,
8 California 92260.

9

10 APPEARANCES:

11 For the Plaintiff:

12 SINGLETON LAW CORPORATION

13 By: JASON SINGLETON, ESQ.

14 611 "L" Street, Suite A

15 Eureka, California 95501

16 (707) 441-1177

17 For the Defendants:

18 LAWYERS AGAINST LAWSUIT ABUSE, APC

19 By: DAVID W. PETERS, ESQ.

20 402 West Broadway, Suite 400

21 San Diego, California 92101

22 (619) 275-2000

23 Also Present: Jerry Walker

24 Lana Hall

25

1 MR. PETERS: Okay. So you're assuring --
2 you're dissuading me from asking the question
3 because you're telling me it's been asked and
4 answered?

5 MR. SINGLETON: That's correct.

6 MR. PETERS: Okay. That's fine.

7 Q. All right. Let me direct you, again, to
8 Exhibit 35. If you could take a look at paragraph
9 11, which is --

10 MR. SINGLETON: What is 35?

11 MR. PETERS: It's the Banter settlement.

12 MR. SINGLETON: I get copies of everything,
13 and then I don't bother to keep them where I can get
14 at them.

15 MR. PETERS: Well, it happens to the best
16 of us.

17 Q. So here's the question. Paragraph 35 --
18 I'm sorry. Paragraph 11 just says:

19 "Plaintiff's attorney has made a
20 thorough investigation of the subject
21 property and represents through
22 plaintiff that he is not aware of any
23 other violations of any laws
24 governing access to the disabled at
25 the subject property."

1 My -- I guess my question to you is, to the
2 best of your knowledge, is that correct?

3 MR. SINGLETON: That was a term that
4 defendant's attorney wanted.

5 BY MR. PETERS:

6 Q. But is it true?

7 MR. SINGLETON: I don't think I ever went
8 to the property.

9 BY MR. PETERS:

10 Q. Okay. I'm asking the witness, and --

11 A. Is this the -- this is the inside of the
12 theater.

13 As I repeated to you -- as I said to you
14 earlier, my evaluation of the property was only in a
15 darkened theater. Anything else that was discovered
16 there was through discovery and a site survey
17 completed by Mr. Ron Mincer.

18 Q. Okay. But --

19 A. And so I would have no knowledge whether
20 it's been completed or not.

21 Q. Well, let me ask you this. On --

22 A. I believe, if you look in there, they had a
23 length of time to complete the work.

24 Q. Well, I'm -- let me ask you this way. On
25 the last page, is that your signature?