

Exhibit F

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF INDIANA
 3 INDIANAPOLIS DIVISION
 4 Civil Action No. 1:13-cv-01501-WTL-DKL

5 KATHERINE LANTERI, individually)
 6 and on behalf of all others)
 7 similarly situated,)
 8
 9 Plaintiff,)

10 -vs-

11 CREDIT PROTECTION ASSOCIATION, L.P.,)
 12 a Texas limited partnership, and)
 13 ETAN General, Inc., a Texas)
 14 corporation,)
 15
 16 Defendant.)

17 DEPOSITION OF KATHERINE LANTERI

18 The deposition upon oral examination of
 19 KATHERINE LANTERI, a witness produced and sworn
 20 before me, Judith E. Bellinger, RPR, CRR, CSR No.
 21 94-R-1044, a Notary Public in and for the County of
 22 Marion, State of Indiana, taken on behalf of the
 23 Defendant at the offices of AMERICENTER OFFICE
 24 BUILDING, 11805 North Pennsylvania Street,
 25 Suite 114, Carmel, Hamilton County, Indiana, on the
 26 23rd day of October, 2015, commencing at the hour
 27 of 1:16 p.m., pursuant to the Federal Rules of
 28 Civil Procedure with written notice as to the time
 29 and place thereof having been given.

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APPEARANCES

FOR THE PLAINTIFF:

David J. Philipps
PHILIPPS & PHILIPPS, LTD
9760 South Roberts Road
Suite One
Palos Hills, IL 60465
708.974.2900
davephilipps@aol.com

Steven J. Halbert
ATTORNEY AT LAW
11805 North Pennsylvania Street
Carmel, IN 46032
317.706.6762
shalbertlaw@aol.com

FOR THE DEFENDANT:

Justin M. Penn
HINSHAW & CULBERTSON LLP
11601 Wilshire Boulevard
Suite 800
Los Angeles, CA 90025
310.909.8000
jpenn@hinshawlaw.com

1 associated with that again?

2 A (317) 918-2632.

3 Q And is that the same phone on which you were
4 receiving phone calls --

5 A Yes.

6 Q -- from CPA? You've got to let me finish.

7 A Sorry, sorry.

8 Q That's okay. That's the same phone you were
9 receiving phone calls from CPA; is that right?

10 A Yes.

11 Q All right. And you said in your discovery
12 responses, I think -- did you provide that
13 number to Brighthouse?

14 A I don't remember.

15 MR. PENN: All right. Let's mark this as
16 Exhibit 4.

17 (Deposition Exhibit 4 was marked for
18 identification.)

19 Q Take a look at that, please.

20 A (The witness complies.) Okay.

21 Q If you go to page 7.

22 A (The witness complies.)

23 Q And read the response to No. 17, please, to
24 yourself.

25 A (The witness complies.) Okay.

1 Q Have you seen this document before?

2 A Yes.

3 Q What is this document?

4 A My discovery.

5 Q And have you reviewed this prior to today?

6 A Yes.

7 Q Do you remember when?

8 A About a year ago, I believe.

9 Q And did you review it for accuracy?

10 A Yes.

11 Q And at the time did you believe it to be
12 accurate?

13 A Yes.

14 Q Does that refresh your recollection as to
15 whether you gave the number to Brighthouse?

16 A Yes, I -- yeah.

17 Q I'm sorry?

18 A Yes.

19 Q And did you give the number to Brighthouse?

20 A Yes.

21 Q Okay. What's ETAN?

22 A I don't know.

23 MR. PHILIPPS: If you need help with the
24 exhibits, let me know.

25 THE WITNESS: Okay.

1 minutes?

2 A I don't remember if I ever went over.

3 Q Do you think you did?

4 A I don't think, but I'm not sure.

5 Q Let me ask a --

6 MR. PENN: Let me go off the record.

7 (A discussion was held off the record.)

8 MR. PENN: Let's go back on the record.

9 MR. PHILIPPS: Counsel, we just had a
10 discussion off the record and the answer to
11 Interrogatory 4 about damages, we would
12 stipulate that we're not seeking emotional
13 distress damages.

14 MR. PENN: Okay.

15 MR. PHILIPPS: It's just the nominal
16 damages set forth in the answer to paragraph 4.

17 MR. PENN: All right.

18 BY MR. PENN:

19 Q And do you know what the word "nominal" means?

20 A No.

21 MR. PHILIPPS: I do, but I did the
22 stipulation.

23 MR. PENN: I know, I know.

24 Q So we're looking at -- why don't you take a look
25 at No. 4.

1 A Okay. There we go. (The witness complies).

2 Okay.

3 Q Can you place a value on -- no, strike that.

4 You say that Defendant's actions were an
5 intrusion upon your seclusion.

6 Do you see that?

7 A Yes.

8 Q In your own words, what do you mean by that?

9 A That they were aggravating.

10 Q Anything else?

11 A Other than what's written, no.

12 Q All right. And then, it says, "Diminished
13 Plaintiff's telephone battery life."

14 Do you see that?

15 A Yes.

16 Q Is there any way you can quantify that?

17 A I don't understand the question.

18 Q Is there any way you can put a dollar amount on
19 that?

20 A I don't know.

21 Q Okay. And then, same question with the
22 "intrusion upon Plaintiff's seclusion," is there
23 any way you can put a dollar amount on that?

24 A I don't know.

25 Q Fair. And then the last one with the "wasted

1 data storage capacity," what does that mean?

2 A Takes up space on my phone.

3 Q And is there any way you can put a dollar amount
4 on that?

5 A I don't know how.

6 Q I don't either.

7 MR. PHILIPPS: I'll take your deposition
8 next.

9 MR. HALBERT: I'm the only one not getting
10 deposed. That's great.

11 MR. PENN: Not yet.

12 MR. PHILIPPS: We're both going to depose
13 you, Pal.

14 THE WITNESS: Before you ask another
15 question, can I take a break to use the
16 restroom?

17 MR. PENN: Sure.

18 (A recess was taken from 2:04 p.m. to
19 2:07 p.m.)

20 MR. PENN: Back on.

21 BY MR. PENN:

22 Q Sorry, one other question. Number 8 on page 4,
23 I think that's something that's not accurate
24 anymore; right? You don't have the phone
25 anymore?

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1 Q So I'm going to ask you questions about your
2 agreement with your attorneys.

3 A Okay.

4 Q All right? You already told me that there are
5 three law firms that represent you in this case?

6 A Yes.

7 Q Do you know how they are being paid?

8 A No.

9 Q Do you know if you have an obligation to pay
10 them?

11 A I do not.

12 MR. PHILIPPS: Wait.

13 MR. PENN: Go ahead.

14 MR. PHILIPPS: Can you clarify that
15 question because it can be misconstrued.

16 "Do you have an obligation to pay them?"

17 MR. PENN: Well, you can clarify.

18 MR. PHILIPPS: Well, she answered, "I don't
19 know." Either I'm not paying them or I don't
20 know if I have to pay them.

21 THE WITNESS: I meant I'm not paying them.

22 BY MR. PENN:

23 Q Are you aware of any circumstances under which
24 you would have to pay them?

25 A No.

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1 Q Do you know what their hourly rate is?

2 A No.

3 Q Did you agree to pay them -- strike that.

4 Did you agree on any hourly rate with them?

5 A No.

6 Q Did you sign any documents that -- did you sign
7 any formal agreement to retain them?

8 A No.

9 Q Don't tell me what they said to you and don't
10 tell me what you said to them. But was the
11 subject of your agreeing to retain their
12 services ever discussed between you and your
13 attorneys?

14 A I don't understand the question fully, I'm
15 sorry.

16 Q Don't tell me what was said. Don't tell me the
17 content of the conversation.

18 A Okay.

19 Q Were the terms of your agreement between you and
20 your attorneys ever discussed with you?

21 A No.

22 Q Since 2013, is it fair to say that there was
23 never a point where you could afford to pay
24 \$20,000 in attorneys' fees? Let me ask it a
25 different way.

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1 A Yeah, sorry.

2 Q Since 2013, have you had \$20,000 that you would
3 be willing to pay to an attorney to represent
4 you in a case like this?

5 A No.

6 Q Okay. And I'm assuming that's because you
7 probably don't have, as many -- most of us

8 don't -- have \$20,000 expendable income?

9 A Right.

10 (CONFIDENTIAL PORTION ENDS)

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1 Q I'm going to now mark as Exhibit --

2 MR. PHILIPPS: 7.

3 MR. PENN: Madam Court Reporter, 7?

4 THE REPORTER: Yes.

5 (Deposition Exhibit 7 was marked for
6 identification.)

7 Q Okay. Take a look at that and tell me when

8 you're done looking at it.

9 A (The witness complies.) Okay.

10 Q Okay. Have you seen this document before?

11 A Yes.

12 Q What is this?

13 A Class Action Authorization.

14 Q In your own words, what is it? I mean, I know
15 what it says.

16 A I did forget about it, but it's just the
17 agreement that I looked over when we started the
18 class action.

19 Q Okay. In light of this, do any of your last
20 answers change?

21 A Yes, they do.

22 Q Which ones?

23 A That I was aware of their rates and that they
24 were discussed.

25 Q Did you agree to their rates?

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1 A I agreed to this (indicating), yes. Yeah.

2 Q To what?

3 A To Exhibit 7.

4 Q Okay.

5 MR. PENN: I appreciate that we're moving
6 this along, but please don't direct her.

7 MR. PHILIPPS: She wasn't directed. She
8 was pointing herself.

9 MR. PENN: You were pointing, but it's
10 okay.

11 MR. PHILIPPS: She pointed too, Counsel.
12 She put her finger right down.

13 A I did. I didn't know what to call it.

14 MR. PENN: She doesn't need help. She's
15 doing just fine.

16 BY MR. PENN:

17 Q At page 2 there's a paragraph that begins,
18 "Exception for individual settlement."

19 A Yes.

20 Q I'd like you to read that. And when you've had
21 a chance, tell me.

22 A (The witness complies.) Yes.

23 Q Have you ever discussed that paragraph with
24 anyone?

25 A No.

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1 Q Have you ever discussed that with any attorney?

2 A No.

3 Q Have you ever discussed with anyone the subject
4 of whether to seek the advice of an attorney on
5 that paragraph?

6 A No.

7 Q What did you understand that paragraph to mean,
8 in your own words?

9 A That if I do take a settlement and they tell me
10 not to, that I have to pay for everything.

11 Q Anything else?

12 A No.

13 Q What does "settle on an individual basis" mean?

14 A In my words?

15 Q Yes.

16 A That I would be settling not in the best
17 interest of the class and not getting any of the
18 class members anything, that would be a personal
19 settlement. That's how I take it.

20 Q And then I think you said you never discussed
21 this with any attorneys?

22 A Huh-uh -- no, I'm sorry.

23 MR. PENN: All right. I don't think I have
24 any other questions.

25 MR. PHILIPPS: You can take two minutes and