

EXHIBIT 10

STEPHANIE HOFER
October 13, 2006

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VOLUME: III
PAGES: 355 to 458
EXHIBITS: 12 to 26

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 05-40170 FDS

STEPHANIE HOFER and DOUGLAS)
HOFER,)
Plaintiffs,)
v.)
THE GAP, INC., EXPEDIA,)
INC., and TURTLE BEACH)
TOWERS,)
Defendants.)

CONTINUED VIDEOTAPED DEPOSITION OF
STEPHANIE HOFER, called as a witness on
behalf of the Defendant, The Gap, Inc.,
pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before
Jeanette N. Maracas, Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the Offices
of Morrison Mahoney, LLP, 250 Summer Street,
Boston, Massachusetts, on Friday, October 13,
2006, commencing at 1:10 p.m.

STEPHANIE HOFER
October 13, 2006

1 APPEARANCES:

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For the Plaintiffs.

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Ralph Scopa, Videographer

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STEPHANIE HOFER
October 13, 2006

1 I N D E X

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Testimony of: Page

3

Stephanie Hofer

4

(Resumed)

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(by Mr. Reith) 359,445,451

(by Ms. Minchoff) 440,450

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E X H I B I T S

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No. Page

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STEPHANIE HOFER
October 13, 2006

1 P R O C E E D I N G S
2 VIDEOGRAPHER: Good afternoon. We
3 are now on the record. This is the
4 videotaped deposition of Stephanie Hofer
5 being taken October 13, 2006. The time is
6 1:10 p.m. We are located at Morrison
7 Mahoney, 250 Summer Street, Boston, Mass.
8 This deposition is being taken on behalf of
9 the defendant in the matter of Hofer versus
10 The Gap, Case No. 05-40170 FDS, U.S. District
11 Court of Massachusetts. My name is Ralph
12 Scopa, videotape operator.

13 Will the court reporter swear in the
14 witness and the attorneys briefly identify
15 themselves for the record, please.

16 MS. MINCHOFF: Attorney India
17 Minchoff for Stephanie Hofer.

18 MS. LASNA: Meredith Lasner for The
19 Gap, Inc.

20 MR. REITH: Thomas Reith on behalf
21 of Expedia, Inc.

22 STEPHANIE HOFER, Resumed

23 A witness called for examination
24 by counsel for the Defendant, The Gap, Inc.,
25 having been first duly sworn, was examined

STEPHANIE HOFER
October 13, 2006

1 and testified as follows:

2 EXAMINATION, Continued

3 BY MR. REITH:

4 Q. Ms. Hofer, I introduced myself again, Thomas
5 Reith. We've met before. We started my
6 examination of you on your second day of
7 deposition going back a little while now, if
8 you recall.

9 A. Yes, I do.

10 Q. And just to go over the groundrules again
11 so we can get back up to speed, today I'm
12 going to be asking you some questions and,
13 unfortunately, because I've gone second in
14 questioning, things may seem a little bit
15 broken up, but I'll do my best to keep things
16 in a logical flow so we stay with each other,
17 okay?

18 A. Yes.

19 Q. Another reminder, that you and I need speak
20 in terms of verbal responses and to allow
21 each other to finish my question and then
22 allow you to finish your answer, okay?

23 A. Okay.

24 MR. REITH: Can you mark that as 12.

25

STEPHANIE HOFER
October 13, 2006

1 Q. Turning your attention to Paragraph 11 on
2 Page 3, do you see where it says, "stairway
3 was very dimly lit and did not contain
4 guardrails"?

5 A. Yes.

6 Q. How dimly lit was the staircase?

7 A. I can't recall.

8 Q. Could you see the stairs going up to the
9 lobby?

10 A. Yes.

11 Q. Could you see the lobby door?

12 A. Yes.

13 Q. Could you see the turtle pond?

14 A. I knew it was there.

15 Q. How did you know it was there?

16 A. When we arrived, it was light out.

17 Q. Aside from when you arrived, do you recall
18 seeing it on your way up the stairs to the
19 lobby that evening?

20 A. Yes.

21 Q. And when you turned to go back down the
22 stairs, could you see the staircase on the
23 way down?

24 MS. MINCHOFF: Objection.

25 A. Yes.