

EXHIBIT 5

LAUREN M. DREW
August 28, 2006

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 C.A. No. 05-40170 FDS
4 * * * * *
5 STEPHANIE HOFER and DOUGLAS HOFER, *
6 Plaintiffs *
7 v. *
8 THE GAP, INC., EXPEDIA, INC. and *
9 TURTLE BEACH TOWERS, *
10 Defendants *
11 * * * * *
12 VOLUME I
13 PAGES 1-115
14
15 DEPOSITION OF LAUREN M. DREW, a
16 witness called on behalf of the Defendant
17 The Gap, Inc., pursuant to the Federal Rules
18 of Civil Procedure, before Jessica L.
19 Williamson, Registered Merit Reporter,
20 Certified Realtime Reporter and Notary
21 Public in and for the Commonwealth of
22 Massachusetts, at the Offices of Morrison,
23 Mahoney, LLP, 250 Summer Street, Boston,
24 Massachusetts, on Monday, August 28, 2006,
25 commencing at 9:29 a.m.

1 Q. And what was discussed -- strike that.

2 And what did your daughter tell you
3 shortly after her release about the resort
4 itself?

5 **A. Not specifically about the resort but about**
6 **how it happened.**

7 Q. And, again, I recognize that there was some
8 discussion about this, but I'm going to ask
9 you to explain that to me again so that we
10 have it clear for the record, okay?

11 **A. Okay.**

12 Q. What did your daughter explain to you about
13 what happened at the resort?

14 **A. She explained that when she went to**
15 **someplace in the hotel, I don't know, to get**
16 **information on events that they could**
17 **attend, that the door was locked and she**
18 **turned to go back down the stairs and her**
19 **sandal broke and she went to grab onto**
20 **something, but there was nothing there, and**
21 **that's when she fell into the turtle pool.**

22 Q. And is that all that your daughter has told
23 you about how she injured herself?

24 **A. No.**

25 Q. What else has she told you since the release

1 from the hospital about how she injured
2 herself at the resort?

3 **A. Well, she did tell me how she injured**
4 **herself at the hospital, I mean, but not**
5 **specifics because it didn't -- that wasn't**
6 **the focus. The focus was the leg, so**
7 **understand that it's not that I wasn't**
8 **interested, but we've discussed pretty much**
9 **the same thing.**

10 Q. Has your daughter mentioned anything else
11 about the resort at any point, you know,
12 things about her room, things about the
13 pool, anything else about the resort?

14 **A. Which pool? The turtle pool?**

15 Q. Any pool. I'll ask you more broadly.

16 **A. Okay.**

17 Q. Has your daughter since arriving back from
18 Jamaica in March of 2004 explained anything
19 further about the resort other than how she
20 injured herself?

21 **A. Not to me, no.**

22 Q. So she hasn't explained to you what the room
23 looked like?

24 **A. No. I don't think I ever asked.**

25 Q. And she never explained whether there was or

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1 purchased the flip-flops that she claimed to
2 be involved in the incident?

3 **A. Yes.**

4 Q. Where did she say she purchased them?

5 **A. I believe it was Old Navy.**

6 Q. Do you recall when she told you that she
7 purchased them there?

8 **A. Prior to the trip.**

9 Q. Before she left for Jamaica --

10 **A. Correct.**

11 Q. -- she told you she purchased flip-flops at
12 Old Navy?

13 **A. She showed me what she purchased at Old
14 Navy.**

15 Q. Earlier you testified that the flip-flops
16 involved in your incident may have been from
17 Old Navy?

18 **A. I'm pretty sure that they were.**

19 Q. And at the time when she showed you the
20 flip-flops before she left on her trip that
21 she purchased at Old Navy, did you tell
22 her --

23 **A. No, I did not.**

24 Q. -- about your experience?

25 **A. No.**

1 flip-flops that you saw prior to the trip
2 since that time when she showed you that she
3 had purchased them?

4 **A. No.**

5 MS. MINCHOFF: Objection.

6 Q. You have not seen them? Have you seen the
7 flip-flops that she showed you prior to her
8 trip at any other time since then?

9 **A. Since she's been back from Jamaica?**

10 Q. At any other time has she showed -- let me
11 clarify the question. You --

12 MS. MINCHOFF: Objection. It's
13 been asked and answered --

14 MS. LASNA: I haven't asked the
15 question.

16 MS. MINCHOFF: -- three times.

17 MS. LASNA: I haven't asked the
18 question.

19 MS. MINCHOFF: You've asked it
20 three times. Go ahead, ask it a fourth.

21 MS. LASNA: I haven't asked the
22 question.

23 BY MS. LASNA:

24 Q. You've testified that she showed you a pair
25 of flip-flops that she purchased, correct?

1 MS. MINCHOFF: Objection.

2 **A. She showed me what she purchased for her**
3 **trip. There were flip-flops in the bag.**

4 Q. Is that the only time you saw those
5 flip-flops?

6 **A. As far as I can recall, yes.**

7 MS. LASNA: I believe that is all I
8 have.

9 MS. MINCHOFF: I have no questions.

10 THE WITNESS: You have no
11 questions?

12 MS. MINCHOFF: I have no questions.

13 THE WITNESS: Thank you.

14 (Whereupon the deposition was
15 concluded at 11:58 a.m.)
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