

EXHIBIT 10

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Docket No. 05-40170 FDS

STEPHANIE HOFER and
DOUGLAS HOFER

Plaintiffs

vs.

THE GAP INC., EXPEDIA, INC.,
and TURTLE BEACH TOWERS,
Defendants

Fort Lauderdale, Florida
October 17, 2006
11:00 o'clock a.m.

APPEARANCES:

THE LAW OFFICES OF RUSSO & MINCHOFF, P.A.

BY: INDIA L. MINCHOFF, Esquire

BY: STEVEN KUZMAN, Esquire

Appearing on behalf of the Plaintiffs.

THE LAW OFFICES OF BURNS & LEVENISON, P.A.

BY: LAWRENCE GREEN, Esquire

Appearing on behalf of the Defendant, Expedia.

THE LAW OFFICES OF SULLIVAN, WARD et al, P.D.

BY: DAVID LAFARGA, Esquire

Appearing on behalf of the Defendant, The Gap

ALSO PRESENT:

LAURA VEGLIA, Company representative for Expedia.

DEPOSITION
OF
NASHARA FRAZIER

1 MR. KUZMAN: Mr. Green, if you would
2 please identify the particular paragraph
3 that she'll be testifying about in our
4 Schedule A attachment notice of taking
5 deposition.

6 MR. GREEN: Yes, certainly.
7 Mrs. Frazier is being produced in response
8 to area Number 5. Area Number 5 is asking
9 about all inspections performed by Expedia
10 of hotels or resorts listed.

11 We objected. We said that there was
12 one visit that took place to Turtle Beach
13 Towers by Expedia. Mrs. Frazier was the
14 one who did that visit.

15 And she's testifying about any other
16 questions that you have with respect to
17 Expedia as to procedures with response to
18 visits done under Mrs. Veglia's testimony.
19 Thank you.

20 MR. KUZMAN: Can you just help me out
21 with the spelling of Mrs. Veglia's last
22 name?

23 MR. GREEN: V-E-G-L-I-A, and the
24 first name is Laura.

25 MR. KUZMAN: G is silent.

1 A. No, it's not fair to say.

2 Q. Have you ever been deposed before?

3 A. No.

4 Q. When was the last time you visited
5 the database which had the financial information
6 on it regarding the number of bookings that Turtle
7 Beach Towers made through Expedia?

8 A. Um, I visited the database
9 approximately last week, but not to review Turtle
10 Beaches information.

11 Q. Why is it that you went to Turtle
12 Beach Towers specifically in May 2004?

13 MR. GREEN: Object to the question.
14 Her visit wasn't to Turtle Beach Tower
15 specifically. So I object to the form of
16 the question.

17 BY MR. KUZMAN:

18 Q. All right. In May 2004, is it fair
19 to say that you visited Turtle Beach Towers?

20 A. Yes.

21 Q. What was the purpose of that visit?

22 A. Um, just to make myself familiar with
23 the property.

24 Q. What do you mean by that?

25 A. Location. Um, for example, from the

1 to a female?

2 A. Yes.

3 Q. Did you look around?

4 A. As far as --

5 Q. Did you walk the physical property at
6 Turtle Beach Towers in May of 2004?

7 A. Some portions of the property.

8 Q. What portions did you walk around on?

9 A. Ah, from what I can recall, I visited
10 one room and then I saw the pool area and that was
11 all.

12 Q. Did you visit the commissary?

13 A. Not that I can recall.

14 Q. Commissary is right next to the pool.
15 Do you recall looking at the commissary at all?

16 A. I don't recall.

17 Q. Did you use any restroom facilities
18 while you were there?

19 A. I don't recall.

20 Q. Do you recall visiting the lobby area
21 of Turtle Beach Towers?

22 A. I don't recall.

23 Q. Did you visit the beach area of
24 Turtle Beach Towers?

25 A. It's not on the beach.