

EXHIBIT 16

DENROY SCARLETT
August 21, 2006

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE DISTRICT OF MASSACHUSETTS
3
4 STEPHANIE HOFER and DOUGLAS HOFER,
5 Plaintiffs,
6 vs. Case No. 05-40170
7 THE GAP, INC., EXPEDIA, INC.,
8 and TURTLE BEACH TOWERS,
9 Defendants.

10
11
12
13 The Videotaped Deposition of DENROY SCARLETT,
14 Taken at Turtle Beach Towers, Main Street,
15 Ocho Rios, St. Ann, Jamaica, W.I.,
16 Commencing at 11:46 a.m.,
17 Monday, August 21, 2006,
18 Before Rebecca J. Callow, CSR-5228, RPR.

19
20
21
22
23
24
25

DENROY SCARLETT
August 21, 2006

1 Q. All right. Okay, sir. And it is fair to say that you
2 didn't see how this accident happened.

3 A. Yes, sir there that's fair to say.

4 Q. You did not?

5 A. No.

6 Q. Okay.

7 A. Because I was in the office, so I couldn't see.

8 Q. And when you say were in the office, is that an office
9 that's behind the reception desk?

10 A. Yes, sir.

11 Q. Is it fair to say that you have music piped in into
12 the lobby area?

13 MR. REITH: Objection.

14 A. I would have music, but it wouldn't be music that I
15 couldn't hear what's going on outside, it would be
16 very low.

17 BY MR. KUZMA:

18 Q. Okay. And is because it was at night?

19 A. Yeah.

20 Q. After the accident occurred -- I just want to be clear
21 about this, sir. You were able to communicate with
22 Ms. Hofer?

23 A. Yes, sir.

24 Q. She was responsive to your questions?

25 A. Yes, sir.

DENROY SCARLETT
August 21, 2006

- 1 Q. It was clear to you that she was badly injured at that
2 time?
- 3 A. She was.
- 4 Q. Is it clear to you that she was badly injured?
- 5 A. Yes, sir, she was.
- 6 Q. And did you see the cut on her leg?
- 7 A. Yes, sir, I did.
- 8 Q. Was it fair to say that it was a deep cut that you
9 saw?
- 10 A. It was a really bad cut.
- 11 Q. Was there blood all over the turtle pond?
- 12 A. Yes, sir. There was blood all over the turtle pond.
- 13 Q. Did it turn the turtle pond water red?
- 14 A. It did. It did. It did.
- 15 Q. When you saw at least one of the flip-flops, was it
16 floating on top of the water?
- 17 A. I can't recall remembering seeing a flip-flop, sir.
18 I'm trying to remember if there was a flip-flop in the
19 pond or whatnot. I didn't see a flip-flop afterwards,
20 so I'm trying to remember.
- 21 Q. Okay. I believe you said -- you already testified
22 that you did see at least one flip-flop in the turtle
23 pond. Right? You did say that earlier?
- 24 A. No. I don't remember saying that.
- 25 Q. You don't remember saying that?