

**EXHIBIT "D" - PART 3**

1 H. Chang  
 2 since I've been with the company.  
 3 Q. I have taken the liberty of going to  
 4 the Starbucks downstairs in this building. Is  
 5 this a venti cup?  
 6 A. Yes.  
 7 MR. LAIRD: Well, you know, I mean, if  
 8 we are going to do this, I want these cups marked  
 9 as exhibits.  
 10 MR. JAROS: You can mark them all you  
 11 like.  
 12 MR. LAIRD: Okay.  
 13 Can we mark the cups please. Are they  
 14 full?  
 15 MR. JAROS: Yes, they are.  
 16 They are full of tea and water. And I  
 17 don't intend to carry them around or preserve  
 18 them with the tea and the water. So I'm telling  
 19 you, I am going to spill out the tea and water  
 20 before I leave your office and I will maintain  
 21 the cups.  
 22 MR. LAIRD: That is fine. Okay.  
 23 (Plaintiff's Exhibits 4-5 was marked  
 24 for identification, as of this date.)  
 25 Q. Do you see the lids on these cups?

1 H. Chang  
 2 A. Yes.  
 3 Q. What do you call these lids?  
 4 A. Sip lids. Sip lids.  
 5 Q. Were there any other type of lids you  
 6 used in Starbucks for venti cups?  
 7 A. Right now or the at that time?  
 8 Q. At the time Ms. Moltner was injured?  
 9 A. We still had flat lids.  
 10 Q. You did have flat lids?  
 11 A. Yes.  
 12 Q. Do you know at the time that Ms.  
 13 Moltner bought her tea and suffered her accident  
 14 whether she had a flat lid or one of these raised  
 15 lids?  
 16 A. I believe it was a sip lid.  
 17 Q. A what?  
 18 A. A sip lid.  
 19 Q. A sip lid. Which is the ones we are  
 20 looking at here, which is raised with a hole in  
 21 it?  
 22 A. Yes.  
 23 MR. LAIRD: What are the exhibit  
 24 numbers on these? Are these 3 and 4 or 4 and 5?  
 25 MR. JAROS: Four and five.

1 H. Chang  
 2 Q. And would you agree with me that these  
 3 cups are not double cupped?  
 4 A. Yes.  
 5 MR. JAROS: And I can say as an  
 6 officer of the court that I did not designate  
 7 downstairs how I wanted it. I just asked for a  
 8 cup of tea in a venti cup and I was given it with  
 9 a sleeve and not double cupped.  
 10 Q. Are you aware of the fact that some  
 11 Starbucks double cup and some don't with regard  
 12 to venti and hot tea?  
 13 A. Yes.  
 14 Q. Has that been discussed at any meeting  
 15 with you with anyone above you at Starbucks?  
 16 A. No.  
 17 MR. JAROS: Counsel, do you have the  
 18 cup that was identified at Ms. Moltner's  
 19 deposition?  
 20 MR. LAIRD: I do not.  
 21 MR. JAROS: You do not.  
 22 I am going to go out to your men's  
 23 room and spill out one of these.  
 24 (Recess taken.)  
 25 MR. JAROS: For the record, I am

1 H. Chang  
 2 removing the sleeve from Exhibit 4 and I poured  
 3 out the water and the tea bag F from exhibit four  
 4 I'm now inserting Exhibit 5 into Exhibit 4, and  
 5 replacing the sleeve on the outside cup, Exhibit  
 6 4. Now, would you agree that when Ms. Moltner  
 7 purchased her cup, it was double cupped? This is  
 8 what it looked like? It had a sleeve, two venti  
 9 cups and the travel sip lid?  
 10 A. Yes.  
 11 Q. Now, you indicated in your store, as  
 12 opposed to some other stores, the tab would be  
 13 stuck into the sleeve; is that correct?  
 14 A. No. Into -- in between the cups.  
 15 Q. Okay. Do you mind just telling me  
 16 whether I'm doing it correctly? Is this how it  
 17 would be tucked in?  
 18 A. That is how it is tucked in.  
 19 Q. Okay. And would you have two bags in  
 20 a venti tea?  
 21 A. We ask them how many tea bags they  
 22 would like.  
 23 Q. So it is either one or two?  
 24 A. Yes.  
 25 MR. JAROS: The record should indicate

1 H. Chang  
 2 we now have the sleeve on it. We have the double  
 3 cup with the cap, and the tea tabs are tucked  
 4 in.  
 5 Q. Now, have you ever seen a lid that has  
 6 a tab on it, on the side?  
 7 A. Yes.  
 8 Q. And did your sip lids have a tab on  
 9 the side? This one does not, I'm just asking if  
 10 Ms. Moltner's had a tab on the side?  
 11 A. She wouldn't have, unless she had  
 12 requested for a flat lid. But her -- our  
 13 standard is the sip lid.  
 14 Q. Now, I am going to hand you the double  
 15 cup that we have marked as Exhibit 4 and 5 that  
 16 are now together. And ask you to demonstrate  
 17 well, before we do that. When your barista  
 18 completes an order of tea, how is that done in  
 19 terms of steps? Do they double cup it first,  
 20 then put the tea in? Do they put the tea into  
 21 the cup, put hot water into the cup, the tea bag,  
 22 and then double cup it? What is the procedure?  
 23 A. We normally double cup. When we  
 24 double cup the tea, we put the tea bag into the  
 25 cup. But the flap in between the cup, and then

1 H. Chang  
 2 place your thumb?  
 3 MR. LAIRD: I am going to object to  
 4 that and direct the witness not to perform the  
 5 task that you HAVE asked her to do.  
 6 MR. JAROS: I don't see what gives you  
 7 authority to direct this witness not to do it.  
 8 I'm simple asking her where she would place her  
 9 thumb. What is wrong with that?  
 10 MR. JAROS: I don't want her to touch  
 11 the exhibit. Come right next to it, come within  
 12 a quarter of an inch of the exhibit.  
 13 MR. LAIRD: You could do that. Don't  
 14 touch it.  
 15 A. I wouldn't even specifically -- if  
 16 they asked me to take off a lid, I won't put my  
 17 hand in the area where their mouth would go, but  
 18 anywhere besides that area.  
 19 Q. I'm asking, how you would place your  
 20 hand. Would you hold the cup while you were  
 21 doing it?  
 22 A. Yes.  
 23 Q. With your left hand or right hand?  
 24 A. Um, probably with my right hand. I'm  
 25 right-handed.

1 H. Chang  
 2 we put the cover on it and then the sleeve.  
 3 Q. And at what point does the water go  
 4 in?  
 5 A. I'm sorry. Before you put the lid in,  
 6 you put the water in.  
 7 Q. First you double cup, then you double  
 8 in the tea tab and then put the water in, right?  
 9 A. Yes.  
 10 Q. Now, I am going to ask you what is the  
 11 correct way, in your professional opinion, as a  
 12 manager of a Starbucks, to remove the lid off of  
 13 this cup?  
 14 MR. LAIRD: You can answer this  
 15 question verbally if you want. I don't want you  
 16 touching the exhibit at all. This is an oral  
 17 deposition. I am going to object to the witness  
 18 doing anything other than answering your  
 19 questions verbally. If you can answer it.  
 20 MR. JAROS: I don't accept that  
 21 limitation whatsoever. But I will be willing to  
 22 listen to the answer first.  
 23 A. I would probably just take my thumb  
 24 and tab it up.  
 25 Q. Would you show me where you would

1 H. Chang  
 2 Q. For the record, I am reading from page  
 3 74 of your last deposition. When you take the --  
 4 page 73, line 21. When you take the lid off a  
 5 cup, do you have to squeeze the cup to get the  
 6 lid off? Answer, no. Question, how do you take  
 7 the lid off? Turning to Page 74. You clip it  
 8 off. You would clip it off. What do you mean by  
 9 clip it off?  
 10 MR. LAIRD: Objection to form. This  
 11 question was asked at the prior deposition.  
 12 MR. JAROS: I will read the next  
 13 question.  
 14 Q. How do you clip it off. Answer, you  
 15 take your finger. I can't explain it in words.  
 16 I could show you, but I can't explain how you  
 17 take the lid off.  
 18 MR. JAROS: And I'm now asking the  
 19 witness, who said she could show us, since there  
 20 were no double cups available at her last  
 21 deposition, since defendant had not produced the  
 22 cups and lid, it wasn't available, I've now made  
 23 it available and I'm asking the witness to show  
 24 me what she said she could show me.  
 25 MR. LAIRD: Counsel, I am not going to

1 H. Chang  
 2 argue with you.  
 3 MR. JAROS: I'm not looking to argue  
 4 with you either.  
 5 MR. LAIRD: I am simply going to say  
 6 something here. First of all, I'm not  
 7 instructing the witness not to answer any  
 8 question. The witness can and the question.  
 9 What I am instructing the witness not to do is to  
 10 do the activities asked of her by plaintiff's  
 11 counsel. Now, with respect to this issue of the  
 12 double cups not being available at the last  
 13 deposition, they could have been obtained in the  
 14 last matter. They were obtained for this  
 15 deposition.  
 16 MR. JAROS: We ask defendant to  
 17 produce exempt laws of the cup. They didn't ask  
 18 until after the deposition, and they didn't  
 19 identify that they were destroyed, that they  
 20 weren't maintained, as we believe they should  
 21 have been -- that they were thrown out. The fact  
 22 is, we now have a double cup, the witness is  
 23 here. I'm asking her to show me the right way to  
 24 remove the lid. If you are telling her not to do  
 25 it, fine. I will bring it to the magistrate's

1 H. Chang  
 2 MR. LAIRD: Asked and answered.  
 3 A. Um --  
 4 Q. After Ms. Moltner suffered her burn  
 5 because she told you she had trouble removing the  
 6 lid, did you ever try to remove the lid yourself?  
 7 A. She didn't tell me it because --  
 8 because she had trouble removing the lid.  
 9 Q. What did she say?  
 10 A. She just told me she burned herself at  
 11 the time.  
 12 Q. Did you try to find out what had  
 13 caused her to burn herself? Why she pulled the  
 14 tea --  
 15 A. No.  
 16 Q. Are you aware of any rule or  
 17 regulation contained in the Starbucks manual that  
 18 asked the manager to find out why something  
 19 happened when a customer was injured?  
 20 A. I did investigate. I did talk to her  
 21 and I did try to help her with the situation.  
 22 Q. Well, when you tried to investigate,  
 23 what did you try to find out?  
 24 A. Not investigate that way. I did try  
 25 to help her.

1 H. Chang  
 2 attention. If you are going to permit her, then  
 3 let's permit her.  
 4 MR. LAIRD: I'm not going to allow her  
 5 to do it. You could have performed the same  
 6 stunt at the last deposition.  
 7 MR. JAROS: So you are instructing her  
 8 not to touch this cup?  
 9 MR. LAIRD: Objection.  
 10 MR. JAROS: Asked and answered. Can I  
 11 have it read back please.  
 12 (Record read by the reporter.)  
 13 MR. LAIRD: Asked and answered.  
 14 Objection.  
 15 Q. So you would be holding the cup with  
 16 your right hand and removing the lid with your  
 17 left, correct?  
 18 A. Correct.  
 19 Q. And which finger would you use?  
 20 MR. LAIRD: Objection. Asked and  
 21 answered.  
 22 A. Probably my thumb.  
 23 Q. And have you ever actually performed  
 24 this task when a hot tea was double cupped with  
 25 this lid and trying to remove the lid?

1 H. Chang  
 2 Q. Now, going back to Exhibit 3, which is  
 3 Bates stamped 1385, Sleeves and Double Cupping.  
 4 We stopped reading where it says short cups must  
 5 be double cupped. Do you know why short cups  
 6 must be double cupped?  
 7 A. I don't. I don't.  
 8 Q. And then the next paragraph says, a  
 9 customer request tall and grande cups may be  
 10 double cupped, rather than using a sleeve, but  
 11 all venti cups must and that's in capital  
 12 letters, include a sleeve, even if it was also  
 13 double cupped. Do you know why all venti cups  
 14 must include a sleeve?  
 15 A. No.  
 16 Q. And the last paragraph says sleeves  
 17 may not be given to customers or placed in an  
 18 area where customers can get them. If a customer  
 19 requests a sleeve after receiving a beverage, the  
 20 partner should place the sleeve on the cup. Do  
 21 you know why that rule was in effect?  
 22 A. No.  
 23 Q. Turn please to page 138, 9. And is  
 24 that the page that gives you instructions on how  
 25 to make tea?

1 H. Chang  
 2 A. Yes.  
 3 Q. And this says venti, two bags,  
 4 correct?  
 5 A. Uh-huh.  
 6 Q. And that the venti has 20 fluid  
 7 ounces?  
 8 A. Yes.  
 9 Q. And you have told us before that your  
 10 policy is to ask the customer whether they want  
 11 one or two, correct?  
 12 A. Yes.  
 13 Q. And you don't know how many Ms.  
 14 Moltner had?  
 15 A. I do not.  
 16 Q. And then it says, place the bag in a  
 17 cup. And that is what you told us before. That  
 18 is the first thing you put the tea bag in?  
 19 A. Yes.  
 20 Q. And then it says, hot water, filled  
 21 with hot water to one quarter inch below the cup  
 22 rim. Can you tell me what that means?  
 23 A. Uh-huh. The rim of the cup is the top  
 24 of the cup. So you would fill it up a quarter  
 25 inch. Like leave that space, a quarter inch.

1 H. Chang  
 2 Q. And is that up to the barista to  
 3 determine what is a half an inch?  
 4 A. A quarter inch.  
 5 Q. A quarter inch?  
 6 A. Yes, it is done by --  
 7 Q. Are there any lines or markings on the  
 8 cups to tell the barista what is a quarter of an  
 9 inch?  
 10 A. Normally, where the -- the way I see  
 11 it is normally safe.  
 12 Q. So it says on the cup, the way I see  
 13 it, number 51. And it is your testimony that you  
 14 would fill it to the bottom of that writing or to  
 15 the top of that writing?  
 16 A. That's where I would say it is safe.  
 17 Q. To the bottom of the writing or the  
 18 top of that writing?  
 19 A. To the middle of it.  
 20 MR. LAIRD: Referring to Plaintiff's  
 21 Exhibit 4 of today's date.  
 22 Q. The water that comes out, is it  
 23 premeasured from the machine to go to a certain  
 24 height or is that up to the barista how much  
 25 water will go in?

1 H. Chang  
 2 A. It is up to the barista.  
 3 Q. And then it says, use only water from  
 4 the coffee brewer, the insta hot water tap. Do  
 5 you know why the water was used for Ms. Moltner?  
 6 A. The insta hot water tap.  
 7 Q. And that is kept at a set temperature?  
 8 A. I don't know. The exact temperature  
 9 of what that is.  
 10 Q. But were you telling us this last time  
 11 that the water was maintained at a regular  
 12 temperature. What I am asking is, is that  
 13 maintained at a set temperature?  
 14 A. Yes.  
 15 Q. Whatever that temperature is?  
 16 A. Yes.  
 17 Q. And going back to the Exhibit 4 and 5,  
 18 the double cups with the tea bags inside, you  
 19 tucked the string with the tea tab between the  
 20 two cups, correct?  
 21 A. Yes.  
 22 Q. And is that done in any other stores  
 23 to your knowledge?  
 24 A. Any store that I've worked there.  
 25 Q. Has that ever been discussed at any

1 H. Chang  
 2 safety meetings about putting the tea tab between  
 3 the two cups?  
 4 A. No.  
 5 Q. And have you ever seen anything about  
 6 that in any of the Starbucks manuals or e-mails  
 7 or agendas or meetings or anything else from  
 8 Starbucks?  
 9 A. No.  
 10 Q. And that's just something that's done?  
 11 A. Yes.  
 12 Q. Do you know, as the manager of a  
 13 Starbucks, whether the customer would receive the  
 14 tea bags at some point?  
 15 MR. LAIRD: Objection. This was gone  
 16 into at the prior deposition.  
 17 MR. JAROS: We didn't have the cups.  
 18 MR. LAIRD: So.  
 19 MR. JAROS: So I'm asking a question  
 20 now.  
 21 Q. Are you aware of the fact that the  
 22 customer may remove the tea bags at some point?  
 23 MR. LAIRD: Don't answer the  
 24 question.  
 25 MR. JAROS: Are you instructing her

1 H. Chang  
 2 not to answer.  
 3 MR. LAIRD: For the moment, yes.  
 4 MR. JAROS: For the moment doesn't  
 5 count. I have a question. It is a background  
 6 basic question before I could ask my next  
 7 question with the cups here.  
 8 MR. LAIRD: Could you read back the  
 9 last question.  
 10 (Record read by the reporter.)  
 11 MR. JAROS: It is a simple question.  
 12 Q. Do you expect that the customer is  
 13 going to remove the tea bags at some point?  
 14 THE WITNESS: Do I answer?  
 15 MR. LAIRD: What?  
 16 THE WITNESS: Do I answer?  
 17 MR. LAIRD: Yes, if you know.  
 18 A. Yes.  
 19 Q. And now, can you tell me how you  
 20 expect the customer to remove the tea bags with  
 21 the lid on and the double cup the way it is now  
 22 and I'm showing it to you now?  
 23 A. Take off the lid.  
 24 Q. Now, once you remove the lid, how does  
 25 the -- and I just removed the lid for the

1 H. Chang  
 2 record. How does the customer remove the tea  
 3 bag?  
 4 A. They would grab the tabs of the tea.  
 5 Q. Well, the tab is still stuck in  
 6 between the two cups, correct?  
 7 A. It slips out very easily.  
 8 Q. How do they slip it out. That is what  
 9 I am asking you.  
 10 A. If it is sticking out, you just grab  
 11 it. We don't put it in.  
 12 Q. The way you put it in?  
 13 A. That is how we put it in.  
 14 Q. How would you put it in?  
 15 A. We put it in. The name of the tea is  
 16 sticking out, so it is very easy to grab.  
 17 Q. So it would be half in and half out?  
 18 A. Uh-huh.  
 19 Q. Let me show you Safety, Security and  
 20 Health Standards and Manual. Are you familiar  
 21 with that?  
 22 A. Yes.  
 23 MR. LAIRD: Has this been marked at a  
 24 prior deposition?  
 25 MR. JAROS: This was marked on 12/11.

1 H. Chang  
 2 MR. LAIRD: As what?  
 3 MR. JAROS: As Exhibit 3.  
 4 MR. LAIRD: And what is it titled?  
 5 MR. JAROS: Safety Security and Health  
 6 Standards Manual.  
 7 Q. Did you have a camera in the store?  
 8 A. Yes.  
 9 Q. Did you take any pictures?  
 10 A. Oh, did I have a camera?  
 11 Q. Yes.  
 12 A. No.  
 13 Q. Did anyone at Starbucks have a camera?  
 14 A. Not in store.  
 15 Q. Did you have a video on in the store?  
 16 A. Not in that location.  
 17 Q. What location was it on?  
 18 A. It's on -- it was pointing at our  
 19 safe, when you first enter the store, and then on  
 20 our back line.  
 21 Q. You reviewed the video?  
 22 A. I did not.  
 23 Q. Did someone review the video?  
 24 A. I don't know.  
 25 Q. Well, did anyone look at the video to

1 H. Chang  
 2 see if Ms. Moltner was visible on the video when  
 3 she had her accident?  
 4 A. She was not visible because of area  
 5 that she had her accident.  
 6 Q. So you knew that?  
 7 A. Yes. Very large store.  
 8 Q. In your years of experience at  
 9 Starbucks, have you seen customers with the tea  
 10 bag in the cup, double cupped, in a venti cup  
 11 remove the lid?  
 12 A. No.  
 13 Q. When you offered Ms. Moltner ice to  
 14 use, she said she didn't want it, correct?  
 15 A. Correct.  
 16 Q. Did you tell her that you had first  
 17 aid training at Starbucks and that they  
 18 recommended you put ice on it?  
 19 A. I didn't have first aid training at  
 20 Starbucks.  
 21 Q. Well, the Starbucks manual provides  
 22 some first aid tips?  
 23 A. It does provide tips, but it is not --  
 24 Q. And is one of those tips to use ice?  
 25 A. Yes.

1 H. Chang  
 2 Q. And did you tell Ms. Moltner Starbucks  
 3 recommends you put ice on it?  
 4 A. I did recommend to her to put ice on  
 5 it.  
 6 Q. And she said no?  
 7 A. Yes.  
 8 Q. By the way, the lids that you used on  
 9 these venti cups, did they also fit the other  
 10 cups, the grande or the tall or do they have  
 11 different lids for different couples?  
 12 A. They only fit the grande cups.  
 13 Q. Were the lids changed at any point in  
 14 January '08?  
 15 A. No.  
 16 Q. When were the lids changed? Were they  
 17 ever changed?  
 18 A. I'm not aware of it, no.  
 19 Q. Have you ever heard of the term pop  
 20 off?  
 21 A. No.  
 22 Q. Now, how big is a grande?  
 23 A. 16 ounces.  
 24 Q. And what type of lid was that sold  
 25 with?

1 H. Chang  
 2 A. I'm sorry?  
 3 Q. What type of lid was that sold with?  
 4 Same type of lid? Is this the sippy lid?  
 5 A. Yes.  
 6 MR. LAIRD: Indicating the lid on  
 7 Exhibit 4. Plaintiff's Exhibit 4.  
 8 Q. And were the grandes double cupped as  
 9 well when they were sold for tea?  
 10 A. Yes.  
 11 Q. And they got sleeves as well?  
 12 A. Yes.  
 13 Q. Do you know why Starbucks doesn't use  
 14 a lid with a tab on it?  
 15 A. I don't.  
 16 Q. So is it your testimony that Starbucks  
 17 is still using the same cups and lids today at  
 18 your store as you were in January or February of  
 19 '08 when Ms. Moltner had her accident?  
 20 MR. LAIRD: Objection to form. Over  
 21 my objection, you can answer.  
 22 A. I'm pretty sure but, I'm not 100  
 23 percent sure.  
 24 Q. Have you ever seen a barista put too  
 25 much hot water in a cup above the quarter inch

1 H. Chang  
 2 line?  
 3 A. No.  
 4 Q. Aside from filling out the incident  
 5 report that we have seen, as the manager are you  
 6 supposed to speak to anybody at the company about  
 7 what happened?  
 8 A. The incident report was called in.  
 9 Q. And you didn't speak to anybody about  
 10 it?  
 11 A. No. I did. I did speak to my boss  
 12 about it.  
 13 Q. And who is your boss?  
 14 A. Gunnar Syursan, S-Y-U-R-S-A-N, that's  
 15 G-U-N-N-A-R.  
 16 Q. And when was that?  
 17 A. Same day.  
 18 Q. And when was that? What time  
 19 approximately?  
 20 MR. LAIRD: Don't, hold on.  
 21 A. I think we talked about this at the  
 22 last deposition.  
 23 MR. LAIRD: We are going into areas  
 24 that were gone into at the last deposition.  
 25 MR. JAROS: I didn't know that. I'll

1 H. Chang  
 2 accept your word for it.  
 3 Q. Going to refer you to the Safety  
 4 Security and Health Standard Manual, which I have  
 5 marked as Exhibit 3 on 12/11. And it says item  
 6 number 19 on page two, colon 16, submit, retrieve  
 7 product when incident report form to the risk  
 8 management department or customer relations. You  
 9 didn't retrieve the product, correct?  
 10 A. No.  
 11 Q. Now, I'm going to ask you --  
 12 MR. LAIRD: Hold on, counsel. Let me  
 13 get a copy of that.  
 14 MR. JAROS: I just have two  
 15 questions. You don't have to bother really. We  
 16 are finished, basically. If you do, I don't  
 17 mind, you will see if you need it.  
 18 Q. You see this page marked investigating  
 19 incidents?  
 20 A. Yes.  
 21 Q. Had you ever read this or reviewed it  
 22 or are you familiar with it before this incident?  
 23 A. Yes.  
 24 Q. And according to this, you are  
 25 supposed to, as a manager, determine the cause of

1 H. Chang  
 2 the accident, correct?  
 3 A. Sometimes. That refers to other  
 4 incidents when it's talking about -- because it's  
 5 his partner or customers with building and stuff.  
 6 Q. Now, I am asking, when a customer gets  
 7 injured, does this apply?  
 8 A. This is -- I -- I think this is  
 9 referring to property damage. It says, yes. I'm  
 10 sorry. Can you repeat the question?  
 11 Q. Does this apply to people when they  
 12 are injured, such as a burn that Ms. Moltner  
 13 inner suffered at a Starbucks from hot tea? This  
 14 page marked as investigating incidents?  
 15 A. I'm not sure.  
 16 Q. Well, this says an incident is any  
 17 unplanned event that may or may not result in an  
 18 injury and other property damage. So would you  
 19 call this an incident?  
 20 A. Yes.  
 21 Q. And this says at the bottom, item C  
 22 determined the cause of the accident. Did you do  
 23 anything to determine the cause of the accident?  
 24 A. I had spoken to her about the  
 25 accident.

1 H. Chang  
 2 Q. And what did you determine was the  
 3 cause of the accident?  
 4 MR. LAIRD: If anything?  
 5 A. There wasn't a cause.  
 6 Q. Did she explain that she had trouble  
 7 removing the lid?  
 8 A. No, she did not.  
 9 Q. And had she explained to you that she  
 10 had trouble removing the lid, would you have done  
 11 anything differently?  
 12 A. Um --  
 13 MR. LAIRD: As far as what?  
 14 Retrospectively or prospectively? I don't  
 15 understand.  
 16 Q. I don't know. What would the  
 17 procedure have been?  
 18 A. I don't think I would have done  
 19 anything differently.  
 20 Q. Okay.  
 21 MR. JAROS: I have no further  
 22 questions. Thank you very much. I will,  
 23 however, ask that we be provided with two dozen  
 24 exempt block dozen cups and lids that we  
 25 requested. And since our expert's dep is coming

1 H. Chang  
 2 up, we need them rather soon.  
 3 MR. LAIRD: Let me just say, I'm  
 4 exchanging a three-page document here. I'm sure  
 5 they were formally exchanged, but for expediency  
 6 purposes right now, it is an incident report  
 7 form. I understand that that had been demanded  
 8 or ordered to be provided. My understanding is  
 9 that it is going to be formally exchanged, but  
 10 for today's purpose, there is a copy of it.  
 11 MR. JAROS: Let's have it marked.  
 12 (Plaintiff's Exhibit 6 was marked for  
 13 identification, as of this date.)  
 14 MR. LAIRD: Off the record.  
 15 (Discussion off the record.)  
 16 Q. Have you ever seen this document  
 17 before?  
 18 A. No.  
 19 Q. Do you know what it is?  
 20 A. Incident report form.  
 21 Q. Do you have any idea what it is?  
 22 A. No.  
 23 Q. Is this an online form, if you know?  
 24 A. I don't know.  
 25 Q. Is there, other than this incident

1 H. Chang  
 2 report that Ms. Moltner filled out in the store,  
 3 is there another incident report form that's  
 4 filled out online?  
 5 A. I'm not familiar. I've never heard of  
 6 that.  
 7 Q. Okay. Well, this is my copy I assume,  
 8 Exhibit 6.  
 9 MR. LAIRD: Before you go, can I just  
 10 make copies of the coverage pages of exhibits so  
 11 we have them for our file.  
 12 (Continued on the next page, to  
 13 include the jurat.)  
 14  
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 25



1 H. Chang  
 2 MR. JAROS: What else?  
 3 When can I expect a response for the  
 4 two dozen cups? I don't want to have to bother  
 5 the court.  
 6 MR. LAIRD: Off the record.  
 7 (Discussion off the record.)  
 8 MR. JAROS: Hopefully we will hear by  
 9 tomorrow.  
 10 MR. LAIRD: I'll let George know this  
 11 afternoon.  
 12 (Time noted: 1:08 p.m.)  
 13  
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1  
 2 INDEX  
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1 A C K N O W L E D G E M E N T  
 2  
 3 STATE OF NEW YORK )  
 4 ) ss.:  
 5 COUNTY OF )  
 6 I, HESTER CHANG, hereby certify  
 7 that I have read the transcript of my  
 8 testimony taken under oath in my deposition  
 9 of February 5, 2009.  
 10 That the transcript is a true, complete  
 11 and correct record of what was asked, answered  
 12 and said during this deposition, and that the  
 13 answers on the record as given by me are true  
 14 and correct.  
 15  
 16 -----  
 17 HESTER CHANG  
 18  
 19 Signed and subscribed to  
 20 before me, this day  
 21 of , 2009.  
 22 -----  
 23 Notary Public  
 24  
 25

1  
 2 C E R T I F I C A T I O N  
 3  
 4  
 5  
 6 I, TRACY COOK, a Certified Shorthand  
 7 Reporter, Registered Professional Reporter  
 8 and a Notary Public, do hereby certify that  
 9 the foregoing witness, HESTER CHANG, was duly  
 10 sworn on the date indicated, and that the  
 11 foregoing is a true and accurate transcription  
 12 of my stenographic notes.  
 13 I further certify that I am not employed by  
 14 nor related to any party to this action.  
 15  
 16 IN WITNESS WHEREOF, I have hereunder set my  
 17 hand this 23rd day of February 2009.  
 18  
 19  
 20  
 21 -----  
 22 TRACY COOK  
 23  
 24  
 25

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