

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

VIP AUTO GLASS, INC., individually, as
assignee, and on behalf of all those similarly
situated,

Case No.: 8:16cv02012-MSS-JSS

Plaintiff,

v.

**GEICO GENERAL INSURANCE
COMPANY,**

Defendant.

**NOTICE OF FILING TRANSCRIPT CONCERNING DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL**

Plaintiff, VIP Auto Glass, Inc., gives notice of filing the transcript of the deposition of Derryl Jones, dated June 8, 2017, concerning Defendant's opposition (Doc. 78) to Plaintiff's Motion for Voluntary Dismissal (Doc. 75). *See Exhibit 1*. Listed below are pinpoint citations to the relevant testimony:

- Q. Okay. In February of 2016, did you own a Honda Accord?
A. Yes.
Q. And was your windshield damaged in your car, in your Honda Accord?
A. Yes.
Q. Did you have VIP Auto Glass replace your windshield?
A. Yes.
Q. And did VIP Auto Glass replace your windshield in February of 2016?
A. Yes
(Jones Transcript 7:12-23)

- Q. ...when you got your windshield replaced by VIP back in, what is it, February of 2016?
Q. Did you reach out to them to replace your windshield?
A. Yeah.
(Jones transcript, 16:15-20)

- Q. Did he ask you for your insurance information?
A. Yeah. I gave him my insurance card and information.
(Jones transcript, 17:11-13)

- Q. Did he say why he wanted your insurance card?
A. He didn't have to say. I already know.
Q. Because you work in the service department?
A. I work – I sold cars 16 years. I understand how the insurance work with you windows, so –
Q. How does it work?
A. Basically, in the state of Florida, you know, if you have some type of damage on your windshield, it's replaced by the insurance, I'm saying.
Q. And they pay all of it?
A. Well, it's no cost to me.
Q. No cost to you?
A. That's – that's what I know.
(Jones Transcript, 17:17-18:4)

- Q. Were you happy with the --?
A. Yeah. Windshield's fine, yeah.
(Jones transcript, 18:14-15)

- Q. Okay. And so you were happy with the work?
A. Work was fine. The window's in my car now.
(Jones transcript, 19:20-21)

- Q. Okay. And did GEICO ever call you about the windshield claim; you know, after the windshield was replaced, did they call you?
A. I vaguely remember.
(Jones transcript, 20:6-9)

- A. I would have more than happily signed it for him, paperwork.
(Jones transcript, 21:22-23)

- A. They probably just confirmed to say, hey, it was done. Because I know – I know they called to make sure it was done. It's been a while.
(Jones transcript 25:8-11)

- Q. So your windshield was definitely damaged?
A. Oh, yeah, yeah, yeah, yeah.
Q. Okay. And you are the one who selected VIP –
A. Yeah.
* * *
Q. . . . you told GEICO that – that VIP did the work and you were happy with it or something to that effect?
* * *

A. Yes, yes.
(Jones Transcript 26:11-14; 26:16-18; 27:1)

- Q. Now, when you first had VIP repair your wind – you gave them your insurance information?
A. That’s the process, yeah.
(Jones Transcript, 27:5-7)
- Q. You did that because you wanted VIP to get paid by GEICO, is that right?
A. Well, who is going to pay them? It’s a process.
(Jones Transcript, 27:11-14)
- Q. In fact, is it your understanding that because of the policy you have with GEICO, GEICO’s supposed to pay for your windshield without a deductible?
* * *
A. I understand it. There is no deductible, not that I know about.
* * *
A. I’ve never heard of anybody having to pay a deductible in the state of Florida. If their window’s cracked, it gets taken care of.
(Jones Transcript 27:23-28:9)
- Q. When you had your windshield replaced, did you want to pay for that yourself or did you want GEICO to pay for it?
A. Why would I want to pay for it?
Q. So I’m asking you: Did you want GEICO to pay for it or did you want to pay for it?
A. That’s what I got insurance for. No, I wasn’t paying for it.
Q. So you wanted GEICO to pay for it, sir?
MR. MARINO: Object to form.
A. Yes.
(Jones Transcript, 29:7-18)
- Q. So, when you gave your insurance information to VIP, was it because – was one of the reasons why you gave him that information was because you wanted VIP to deal with GEICO instead of you paying for it and having to get reimbursement from GEICO or you being involved in the transaction?
* * *
A. I understand it very well. Just there’s no need for me to get – it’s – that’s just how it always works.
Q. And that’s the way you wanted it to work, am I right?
MR. MARINO: Object to form.
A. That’s the way it always works. I never had it done any other way.
Q. So, did you want to deal with GEICO yourself on this windshield claim?
A. Nah.
(Jones Transcript, 30:24-31:17)

- Q. Okay. And so you wanted VIP to look to GEICO to get that money, right –
* * *
Q. -- and not to look to you?
A. Well, not to State Farm –
MR. MARINO: Object to form.
A. -- or not to Progressive. I have GEICO, so that's who they're going to go to.
(Jones Transcript, 32:23-33:5)
- Q. If VIP had handed you that document back in February of 2016 and asked you to sign it in connection with this transaction, do you think you would have refused to sign it or would you have signed it?
MR. MARINO: Object to form.
A. I would have signed it.
(Jones Transcript, 34:5-11)
- Q. So you would have been happy to sign this?
A. I would have signed that, yeah.
(Jones Transcript, 35:19-20)
- Q. If – if GEICO didn't pay VIP in full for the work, you saw there was a \$936, something like that, bill, if GEICO wouldn't pay for the full amount, would you expect VIP to go to GEICO to get the rest – the remaining balance or to you to get the remaining balance paid?
MR. MARINO: Object to form.
A. Well, obviously, they going to go to GEICO because I'm released.
Q. It's between them and GEICO, right?
A. Yeah.
Q. Okay. Yeah. Between VIP and GEICO?
A. Yes.
Q. You don't want to pay any remaining balance due, correct?
MR. MARINO: Object to form.
A. Correct, yes.
(Jones Transcript, 36:1-19)
- Q. Let me just ask you to assume – just assuming that there was nothing wrong with the price, okay, and that may be wrong, okay, but I just want you to assume that, if GEICO only paid a portion of it, you would expect VIP to deal with GEICO to get that money and not you, right?
MR. MARINO: Object to form.
A. Yes.
Q. You agree with that statement?
A. Yes.
(Jones Transcript, 39:15-24)

Respectfully submitted,

/s/ J. Daniel Clark

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on June 30, 2017, I electronically filed the foregoing with the Clerk of Court by using this Court's CM/ECF system that will send a notice of electronic filing to all counsel of record.

/s/ J. Daniel Clark

J. Daniel Clark

EXHIBIT 1

VIP AUTO GLASS vs. GEICO GENERAL INSURANCE
DERRYL JONES

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UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA, TAMPA
DIVISION

CASE NO.: 8:16-CV-02012-MSS-JSS

VIP AUTO GLASS, INC., individually,
as assignee, and on behalf of all
those similarly situated,

Plaintiff,

vs.

GEICO GENERAL INSURANCE COMPANY,

Defendant.

* * * * *

DEPOSITION OF: DERRYL L. JONES
DATE TAKEN: Thursday, June 8, 2017
TIME: 3:26 p.m. - 4:07 p.m.
PLACE: Orange Legal
310 East Main Street
Bartow, Florida 33830
TAKEN BY: Defendant
REPORTED BY: Linda S. Blackburn, RPR, CRR, CCP,
Court Reporter and Notary Public



VIP AUTO GLASS vs. GEICO GENERAL INSURANCE
DERRYL JONES

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20

21

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1 C O N T E N T S

2 TESTIMONY OF DERRYL L. JONES:

3	DERRYL L. JONES.....	4
4	Direct Examination by Mr. Marino.....	4
5	Cross-Examination by Mr. Caldevilla.....	12
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8

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10 E X H I B I T S

11 (Attached)

12	EXHIBIT		PAGE
13	Exhibit 1	2-8-16 VIP Auto Glass Invoice/Bates Nos.	
14		P0002 to P0004.....	8
15	Exhibit 2	5-26-17 Affidavit of Mr. Jones.....	11
16	Exhibit 3	Photocopy of Driver's License.....	16
17	Exhibit 4	2-8-16 Adjuster's Alog Notes/Bates Nos.	
18		GG/VIP000108 to GG/VIP000114.....	23

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S T I P U L A T I O N S

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It is hereby agreed and so stipulated by and
4 between the parties hereto, through their respective
5 counsel, that the reading and signing of the transcript
6 are expressly waived by the Deponent.

7

P R O C E E D I N G S

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* * * *

9

THE COURT REPORTER: Raise your right hand,
10 please, sir. Do you swear or affirm that the
11 testimony you're about to give in this matter will
12 be the truth, the whole truth, and nothing but the
13 truth?

14

THE WITNESS: Yes.

15

DERRYL L. JONES, called as a witness by the
16 Defendant, having been first duly sworn, testified as
17 follows:

18

DIRECT EXAMINATION

19

BY MR. MARINO:

20

Q. Good afternoon, Mr. Jones. How are you?

21

A. I'm doing pretty good.

22

Q. We just met in the lobby. I'm John Marino.

23

This is Lindsey Trowell and Lance Davies down there.

24

We represent GEICO in a lawsuit that's been brought by

25

VIP Auto Glass, Inc. We've asked you to come today to

1 give a deposition because we think you might have
2 information relative to the lawsuit.

3 The gentlemen on the other side are the
4 attorneys for VIP Auto Glass, and they can introduce
5 themselves to you for the record.

6 MR. CALDEVILLA: We just met outside. I'm
7 Dave Caldevilla. This is Matt Crist.

8 MR. CRIST: How you doing?

9 THE WITNESS: Good.

10 BY MR. MARINO:

11 Q. So, have you had -- have you had your
12 deposition taken before?

13 A. As far as like this here?

14 Q. No. In any case. Have you ever done this
15 before?

16 A. No. Never, no.

17 Q. Okay. Let me just kind of --

18 A. It's a good thing though.

19 Q. Depends on how you look at it.

20 A. Yeah.

21 Q. Let me just explain kind of how it works.

22 What a deposition is, it's called discovery in a
23 lawsuit where both sides get to kind of talk to
24 witnesses and so forth before a trial or other
25 proceedings --

1 A. Gotcha.

2 Q. -- in a case.

3 In a deposition, this is the court reporter
4 and she takes down everything that's said. So the
5 attorneys will ask questions, you respond to the
6 questions, and she takes them down.

7 And if you don't understand a question I ask,
8 just ask me to rephrase it, and I'll be happy to.

9 Okay?

10 A. Okay.

11 Q. Could you state your full name, please?

12 A. Derryl Jones.

13 Q. How do you spell your name?

14 A. D-e-r-r-y-l. Last name is Jones, J-o-n-e-s.

15 Q. What's your date of birth?

16 A. August 7th, 1976.

17 Q. And what's your residence address; where do
18 you live?

19 A. 849 North Kunkle, that's K-u-n-k-l-e, Ave., in
20 Fort Meade, Florida, 33841.

21 Q. Are you employed?

22 A. Yes.

23 Q. Who do you work for?

24 A. Right now I work for Coca-Cola.

25 Q. Here in Bartow?

1 A. In Auburndale.

2 Q. In Auburndale.

3 And what do you do there?

4 A. PLE operator, production.

5 Q. Okay. And do you know the address of your
6 employer?

7 A. 810 Main Street.

8 Q. In Auburndale?

9 A. In Auburndale.

10 Q. How long have you worked there?

11 A. Been there seven months.

12 Q. Okay. In February of 2016, did you own a
13 Honda Accord?

14 A. Yes.

15 Q. And was your windshield damaged in your car,
16 in your Honda Accord?

17 A. Yes.

18 Q. Did you have VIP Auto Glass replace your
19 windshield?

20 A. Yes.

21 Q. And did VIP Auto Glass replace your windshield
22 in February of 2016?

23 A. Yes.

24 Q. Did they do that work at Courtesy Toyota of
25 Brandon?

1 A. Yes.

2 Q. So you dropped your car off there and picked
3 it up there at Courtesy Toyota?

4 A. I worked there.

5 Q. Okay. You worked there at the time?

6 A. I was working there, so while I was working,
7 he just -- I gave him my keys and I went back to
8 work --

9 Q. Okay.

10 A. -- because I'm at work, so --

11 Q. Okay. And what were you doing; what did you
12 do there at the time?

13 A. At that time, I was -- I was in the service
14 department.

15 Q. At Courtesy Toyota?

16 A. Yeah. But I sold cars for them for a couple
17 years back. At that moment there, I was a service
18 advisor.

19 (Exhibit No. 1 was marked for identification.)

20 MR. CALDEVILLA: Thank you.

21 BY MR. MARINO:

22 Q. For the record, what I've just marked as
23 Exhibit 1 to this deposition was Exhibit 8 to the
24 deposition of Melva Rivera -- Melvin Rivera?

25 MR. CRIST: Figueroa.

1 MR. MARINO: Is it Melvin Figueroa Rivera?

2 MR. CRIST: Yes.

3 MR. MARINO: Yeah. I think it's Melvin

4 Figueroa --

5 MR. CRIST: That's right.

6 MR. MARINO: -- Rivera. But it was a
7 corporate rep that appeared and testified on behalf
8 of VIP Auto Glass. So, again, what I've marked as
9 Exhibit 1 was Exhibit 8 to the deposition of
10 Mr. Rivera.

11 BY MR. MARINO:

12 Q. Sir, I'm showing you what's been marked as
13 Exhibit 1 to your deposition, which is a three-page
14 document. Could you take a look at the first page of
15 Exhibit 1?

16 A. Uh-huh.

17 Q. Did anybody from VIP ever show you this
18 document?

19 A. No.

20 Q. If you look to the bottom of the first page of
21 Exhibit 1, there appears to be a signature. Mr. Jones,
22 is that your signature on this document?

23 A. No.

24 Q. If you look up just above what appears to be a
25 signature, there appear to be some initials on that

1 document. Mr. Jones, are those your initials on this
2 document?

3 A. No.

4 Q. You did not initial this document, did you?

5 A. No.

6 Q. You did not sign this document, did you?

7 A. No.

8 Q. In fact, you spelled your name at the
9 beginning of this deposition, you spelled it with two
10 R's, correct?

11 A. Yes.

12 Q. You do spell your name with two R's?

13 A. Yes, sir.

14 Q. You do sign your name with two R's; is that
15 correct?

16 A. Yes.

17 Q. Could you turn to the second page of this
18 document? Have you ever seen the second page of
19 Exhibit 1 before, Mr. Jones?

20 A. No.

21 Q. Did anybody from VIP ever show you this
22 document --

23 A. No.

24 Q. -- Mr. Jones?

25 A. No.

1 (Exhibit No. 2 was marked for identification.)

2 MR. MARINO: We're done with that.

3 Q. Mr. Jones, I'm showing you what's been marked
4 as Exhibit 2 to your affidavit.

5 A. Uh-huh.

6 Q. I'm sorry. To your deposition.

7 A. Uh-huh.

8 Q. Is this an affidavit that you provided to
9 Mr. Davies of our office?

10 A. Yes.

11 Q. Did you provide that affidavit on May 26th,
12 2017?

13 A. Yes.

14 Q. Can you turn to the second page, please?

15 A. (Witness complying.)

16 Q. Is that your signature on this affidavit?

17 A. That's my signature. You can see the
18 difference, right? See, I was supposed to be a star
19 when I -- when I grew up, so I had a flower signature.

20 We'll go on.

21 Q. So that is your signature on this affidavit --

22 A. Yes.

23 Q. -- correct?

24 A. Yeah.

25 Q. And, again, I notice that you signed your name

1 with two R's, didn't you?

2 A. Uh-huh.

3 Q. Did you review this affidavit before you
4 signed it?

5 A. Yes.

6 Q. You've read the entire affidavit?

7 A. Yeah. My wife made me. Yeah.

8 Q. Are all the statements in the affidavit
9 correct?

10 A. Yes, sir.

11 Q. Is the affidavit truthful?

12 A. Yes, sir.

13 MR. MARINO: That's all I have.

14 MR. CRIST: Can we take a break?

15 MR. MARINO: Sure.

16 (Recess from 3:35 p.m. until 3:38 p.m.)

17 MR. CALDEVILLA: Let's go back on the record.

18 CROSS-EXAMINATION

19 BY MR. CALDEVILLA:

20 Q. Mr. Jones, you ready?

21 A. Sure. I'm ready.

22 Q. Okay. I'm going to ask you a few questions.

23 Same -- same --

24 A. That's fine.

25 Q. -- things apply. If you don't hear or

1 understand something I say, ask me to repeat or
2 rephrase it.

3 A. It's no problem.

4 Q. We shouldn't be taking too long.

5 At the beginning of the deposition, Mr. Marino
6 introduced himself to you. Is today the first time you
7 met him?

8 A. Yes.

9 Q. Okay. But obviously you spoke to some folks
10 from his firm before today?

11 A. I spoke with Lance.

12 Q. Lance. Okay?

13 A. Yeah.

14 Q. And is he the one who prepared the
15 deposition -- I mean the affidavit for you that was
16 marked?

17 A. Prepared, but I had some changes done because
18 I wanted -- wanted to word it the way I liked it, so --

19 Q. Oh, really? Okay.

20 A. Yeah. So --

21 Q. Do you remember what changes you made?

22 A. My address, because it was the wrong address
23 where I lived at. And then that was pretty much it,
24 because --

25 Q. Okay.

1 A. -- this is everything that I told him that
2 happened, so, yeah.

3 Q. Okay. And before you signed the affidavit,
4 did you speak to anybody at GEICO about this lawsuit?

5 A. No.

6 Q. No?

7 A. GEICO personally?

8 Q. Anybody from GEICO, anybody say they were
9 talking to you on behalf of GEICO?

10 A. As far as -- rephrase that.

11 MR. MARINO: Could you read back the question?

12 I'm sorry.

13 MR. CALDEVILLA: I'd be happy to rephrase it.

14 I'll just -- just withdraw it.

15 BY MR. CALDEVILLA:

16 Q. Before you signed this affidavit --

17 A. Right.

18 Q. -- and before you started talking to their law
19 firm, did you speak to anybody from GEICO or saying
20 they represented GEICO or acting on behalf of GEICO
21 about this lawsuit or about your windshield claim?

22 A. Yeah.

23 Q. Can you tell me --

24 A. That was -- that was Lance.

25 Q. Nobody else before that?

1 A. No.

2 **Q. Okay.**

3 A. I think they called, because it's hard to get
4 ahold of me sometimes, so --

5 **Q. Okay.**

6 A. And I got like about 50 voice mails here that
7 I don't listen to. It's bad, but, you know....

8 **Q. Okay. So, Lance was the first person who**
9 **contacted you about this lawsuit?**

10 A. Yeah.

11 **Q. Okay. Do you know when that was? Is that**
12 **around the same time as this affidavit in May?**

13 A. It's probably a little before that.

14 **Q. Before that?**

15 A. Yeah. Because I'm just hard to get ahold of.
16 I'm working nights, I'm sleeping days. It was probably
17 a little while before that. It just --

18 **Q. Okay.**

19 A. That was like I think about -- this was maybe
20 a few weeks after before that --

21 **Q. Okay.**

22 A. -- I spoke to him.

23 **Q. Okay. You had your driver's license out a**
24 **little while ago?**

25 A. Yeah. Sure. You can see it?

1 Q. If you don't mind.

2 A. Yeah. Here you go, buddy.

3 Q. Thank you. Could we -- could we get a copy of
4 it just for the --

5 A. Sure.

6 Q. You don't mind, do you?

7 A. Yeah. It's all yours. Here.

8 MR. CALDEVILLA: We don't have to do it now.

9 We'll mark that Exhibit C. Is that what we're on?

10 MR. MARINO: 3.

11 MR. CALDEVILLA: 3. Okay.

12 (Exhibit No. 3 was marked for identification.)

13 BY MR. CALDEVILLA:

14 Q. Can you tell me a little bit about what --
15 what happened back when you got your windshield
16 replaced by VIP back in, what is it, February of 2016?

17 A. Yeah. Basically --

18 Q. Did you reach out to them to replace your
19 windshield?

20 A. Yeah. Because they was there. They --
21 they -- they always on the lot, I'm saying, replacing
22 windows and taking care of customers.

23 Q. Okay.

24 A. So, happens there was a crack in my
25 windshield, I'm saying, and I [sic] started to show.

1 Hey, I need my windshield done, I'm saying, can you
2 take care of it, I'm saying.

3 He says, I'll come and I'll make sure your --
4 talking about my VIN number, make sure you got the
5 right window. And he said, I'll be in the next day, or
6 whatever it was. And when he came in, he said, hey, D,
7 what's up. Said he (sound effects). Threw my keys.
8 He went and did what he had to do.

9 **Q. Okay.**

10 A. At the end of the day --

11 **Q. Did he ask for your insurance information?**

12 A. Yeah. I gave him my insurance card and
13 information.

14 **Q. Okay.**

15 A. That's what you need, the insurance and pretty
16 much it, I'm saying.

17 **Q. Did he say why he wanted your insurance card?**

18 A. He didn't have to say. I already know.

19 **Q. Because you work in the service department?**

20 A. I work -- I sold cars 16 years. I understand
21 how the insurance work with your windows, so --

22 **Q. How does it work?**

23 A. Basically, in the state of Florida, you know,
24 if you have some type of damage on your windshield,
25 it's replaced by the insurance, I'm saying.

1 Q. And they pay all of it?

2 A. Well, it's no cost to me.

3 Q. No cost to you?

4 A. That's -- that's what I know.

5 Q. Right.

6 A. So, from that standpoint, you know, I
7 would have --

8 Q. So you --

9 A. -- him do that and -- hold on -- and he did
10 the windshield. I'm still working, busy during the
11 day. That's because I'm running and gunning. And when
12 he finished, he came, threw my keys back. That was
13 that.

14 Q. Were you happy with the --

15 A. Yeah. Windshield's fine, yeah.

16 Q. And I guess Courtesy Toyota of Brandon
17 referred at that time other windshield work to VIP?

18 A. For the most -- most -- most -- most of the
19 guys, yeah, that were VIP, I'm saying.

20 Q. And did you hear any feedback from customers
21 whether they were happy or unhappy with VIP's --

22 A. Customers were cool.

23 Q. They were happy with it all?

24 A. They didn't have an issue with it.

25 Q. Okay. And --

1 A. Not everybody has GEICO, I mean, so --

2 Q. Sure.

3 A. -- you know, so --

4 Q. And they -- so they were on -- on the site
5 already? They came to you to do the -- to do the
6 repair?

7 A. They were on -- on a regular basis. They
8 usually -- like say, for instance, they usually be
9 there like Tuesdays and Thursdays, because they're --
10 they do as well, so --

11 Q. Okay.

12 A. -- you know, so Tuesday and Thursday, unless
13 they have a customer who they spoke to and then they'll
14 meet the customer at their house and take care of at
15 their house or whatnot. But, typically, they were on
16 the lot maybe a couple days a week --

17 Q. Okay.

18 A. -- you know, where they would come in and do
19 the work.

20 Q. Okay. And so you were happy with the work?

21 A. Work was fine. The window's in my car now.

22 Q. And the -- is that your car outside the --

23 A. Yeah.

24 Q. -- window out there?

25 A. Yeah.

1 Q. Okay. And customer -- other customers who
2 would refer work to VIP, never heard any negative
3 feedback --

4 A. I never heard, no.

5 Q. -- on the work they did?

6 Okay. And did GEICO ever call you about the
7 windshield claim; you know, after the window windshield
8 was replaced, did they call you?

9 A. I vaguely remember, because, you know, I
10 really -- I don't get on my voicemail. I mean, they
11 may have called. They may have spoke to my wife. I
12 don't know. Because my wife is -- has both our
13 policies, and I'm really bad when it comes to --

14 Q. It's two years ago, so --

15 A. I know. I'm like -- you know, I'm really bad
16 just getting back in general, you know. I got other
17 things going on.

18 Q. So this was like, I guess, almost a year and a
19 half ago, February of 2016, and you can't remember all
20 the -- all the details all that clearly?

21 A. Well, no.

22 MR. MARINO: Object to form.

23 A. I remember details as far as I know I was
24 working.

25 Q. Okay.

1 A. I know I gave him my keys.

2 Q. Okay.

3 A. I know at the end of the day, he gave me my
4 keys back, so, I mean, I know -- that's what I'm
5 saying.

6 Q. Sure.

7 A. As far -- and as far as the -- just so we
8 get -- get it straight --

9 Q. Yeah.

10 A. -- I don't know what windows cost. It wasn't
11 my issue. I don't -- I don't -- doesn't matter to me
12 because I know it was covered, from what I understood.

13 Q. Right.

14 A. And -- and -- and I never saw any documents,
15 I'm saying. Like because I never -- I see a price
16 there that's like almost a thousand dollars, I've never
17 seen that --

18 Q. Okay.

19 A. -- personally. I was like -- you know, so
20 when I saw that, I was like, ooh, okay. When I saw the
21 signature, you know, it was like, listen, that's not my
22 signature. I would have more than happily signed it
23 for him, paperwork. It's not a big issue, because, you
24 know --

25 Q. Right.

1 A. -- it is what it is. But when I see that, I
2 can't -- you know -- know what I'm saying? It's
3 like --

4 **Q. Yeah, yeah, yeah.**

5 A. Yeah.

6 **Q. So let me get back to the --**

7 A. Go on.

8 **Q. After --**

9 A. Go ahead.

10 **Q. After the -- and we'll get to that. Thank**
11 **you.**

12 **When -- after the windshield was replaced, you**
13 **think you or your wife might have got a call from**
14 **GEICO, but you don't remember the exact details?**

15 A. Oh, yeah, I wouldn't -- I wouldn't -- I
16 wouldn't even remember that.

17 **Q. Okay.**

18 A. Yeah.

19 MR. CALDEVILLA: Well, we have a confidential
20 exhibit that is that. What do they call it? Alog?

21 MR. CRIST: Alog.

22 MR. CALDEVILLA: We're going to ask him, see
23 if he can refresh his memory. I think it starts on
24 page 4, John.

25 MR. MARINO: Okay.

1 MR. CALDEVILLA: And this will be
2 confidential. We'll mark it Exhibit Number 4.
3 (Exhibit No. 4 was marked for identification.)

4 BY MR. CALDEVILLA:

5 Q. Mr. Jones, I'm going to show you page 4 of a
6 document that's confidential, but --

7 A. Okay.

8 Q. -- this -- this is what's been explained to me
9 is, is somebody from GEICO called you and they made
10 some notes about their discussion with you. I'm sorry.
11 We're on page 5. I just want you to read this part
12 here to just see -- see if it rings a bell, you know.

13 A. 2-10....

14 Q. Please read to yourself silently.

15 A. Oh, myself? Okay.

16 Q. Yeah.

17 MR. MARINO: Just for the record, I'm marking
18 this portion of the deposition confidential --

19 MR. CALDEVILLA: That's all right.

20 MR. MARINO: -- as well as this exhibit?

21 Have you marked the exhibit as 3 or --

22 MR. CALDEVILLA: I marked it with my hand,
23 Number 4.

24 MR. MARINO: Okay.

25 MR. CALDEVILLA: The license is 3.

1 MR. MARINO: The license is 3. So this is 4.

2 MR. CALDEVILLA: Yeah.

3 BY MR. CALDEVILLA:

4 Q. Just let me know when you're done, Mr. Jones.

5 A. Okay. Ask you a question?

6 Q. Yeah.

7 A. So, right here they saying they told me that
8 right there?

9 Q. I don't know. This is some notes that --

10 A. Because I --

11 Q. -- that's -- this is what --

12 A. Yeah.

13 Q. -- what GEICO --

14 A. They may have --

15 Q. -- has written. They said they had --

16 A. So they --

17 Q. -- a conversation with you, and I'm just
18 asking if this jars your memory.

19 A. If -- if --

20 Q. If it does --

21 A. If they had a conversation with me, it's
22 probably to say -- confirm that, yeah, they did the
23 work. But nobody ever said anything about that, so I
24 know I -- I --

25 Q. So where it says, "Balance due reflects \$936

1 **and --"**

2 A. That's probably some notes they put in there
3 to say -- but as I see, it breaks down that. And then
4 they said they called, so she probably had her notes in
5 here and then called to say, hey, whatever. She never
6 told me the price though.

7 **Q. That makes sense.**

8 A. That -- so I don't remember seeing this. They
9 probably just confirmed to say, hey, it was done.
10 Because I know -- I know they called to make sure it
11 was done. It's been a while. I don't remember the
12 phone call, but -- I definitely don't remember that
13 right there, anything about money as far as a price
14 point. But, yeah, they more than likely probably
15 called a couple days later, you know. It was a while
16 back.

17 **Q. One thing I want to tell you is that --**

18 A. Yeah. Go ahead.

19 **Q. -- we can't talk at the same time. It makes**
20 **it real difficult for her to take it down.**

21 A. Yeah. No problem.

22 **Q. So I'll try not interrupt you. I'm bad about**
23 **that myself.**

24 So let's just look at this, a couple of things
25 here. There's a phone number listed here.

1 A. That's my cell phone.

2 Q. That's your cell phone. We won't say it out
3 loud.

4 But that's -- so, nothing on this looks
5 inaccurate to you about the conversation as best as you
6 can recall?

7 A. Well, once again --

8 Q. Other than what you've already explained?

9 A. Oh, yeah. Okay.

10 Q. Okay. That's fine.

11 So your windshield was definitely damaged?

12 A. Oh, yeah, yeah, yeah, yeah.

13 Q. Okay. And you are the one who selected VIP --

14 A. Yeah.

15 Q. -- to do the work?

16 And you told VIP -- and you told GEICO that --
17 that VIP did the work and you were happy with it or
18 something to that effect? Not putting the exact words
19 in your mouth.

20 A. Okay.

21 Q. You have to answer yes or no.

22 MR. MARINO: You don't have to answer yes.

23 MR. CALDEVILLA: Yes or no. Yeah.

24 A. No.

25 Q. So she can hear you. That's what I mean.

1 A. Yes, yes.

2 MR. CALDEVILLA: Off the record.

3 (Discussion off the record.)

4 BY MR. CALDEVILLA:

5 Q. Now, when you first had VIP repair your
6 wind -- you gave them your insurance information?

7 A. That's the process, yeah.

8 Q. And you did that because you wanted GEICO --

9 A. Yes.

10 Q. Well, let me finish.

11 You did that because you wanted VIP to get
12 paid by GEICO; is that right?

13 A. Well, who else going to pay them? It's a
14 process.

15 Q. You have to speak louder.

16 THE COURT REPORTER: Yeah. I can't hear you
17 when you have your face turned away.

18 THE WITNESS: Oh. I said, well, who else is
19 going to pay them. And I said, it's part of it.

20 It was a -- you know, it's an insurance claim on my
21 window.

22 BY MR. CALDEVILLA:

23 Q. In fact, is it your understanding that because
24 of the policy you have with GEICO, GEICO's supposed to
25 pay for your windshield without a deductible?

1 MR. MARINO: Object to form.

2 Q. You can answer if you understand the question.

3 Did you understand?

4 A. I understand it. There is no deductible, not
5 that I know about.

6 Q. Okay.

7 A. I've never heard of anybody having to pay a
8 deductible in the state of Florida. If their window's
9 cracked, it gets taken care of.

10 Q. And when you say it's taken care of, what does
11 that mean?

12 A. It's just -- it's the law. I mean, it's the
13 law in Florida.

14 Q. The law is that the insurance company's got to
15 pay the full price of the windshield?

16 MR. MARINO: Object to form.

17 Q. Right? You can answer.

18 A. I don't -- yeah.

19 Q. Yes?

20 A. That's what I -- that's from what I know. I
21 never heard anybody paying anything for their
22 windshield, you know, so -- and now I don't know as far
23 as how pricing goes, I don't know what a windshield
24 costs. I just know it's an insurance claim, and if you
25 have a crack in your windshield or what it may be, if

1 it's a little crack, they can fix it probably with the
2 windshield. This is a little bigger crack obviously,
3 so it gets replaced, you know. So, it depends on what
4 happens from that standpoint.

5 **Q. Okay. So this is probably a stupid question,**
6 **but I'm going to ask you anyway. Bear with me.**

7 **When you had your windshield replaced, did you**
8 **want to pay for that yourself or did you want GEICO to**
9 **pay for it?**

10 A. Why would I want to pay for it?

11 MR. MARINO: Object to form.

12 **Q. So I'm asking you: Did you want GEICO to pay**
13 **for it or did you want to pay for it?**

14 A. That's what I got insurance for. No, I wasn't
15 paying for it.

16 **Q. So you wanted GEICO to pay for it, sir?**

17 MR. MARINO: Object to form.

18 A. Yes.

19 **Q. Yes. And you made that -- made VIP aware of**
20 **that, that you wanted GEICO to pay for it?**

21 MR. MARINO: Object to form.

22 A. I want to make sure I -- you know, one thing
23 clear.

24 **Q. Yes, sir.**

25 A. From what I understand, I don't pay for

1 windshields. If my windshield is cracked, I call my
2 insurance company or whoever else. I have -- I have a
3 customer -- a company that does windshields. They've
4 done many, many cars before that I've seen. It is
5 pretty simple. It's what it is. It's -- it's the law.

6 **Q. Sure.**

7 A. I mean, so, no, I wasn't going to pay for it
8 at all.

9 **Q. And I'm not arguing with you.**

10 A. No. I --

11 **Q. I have to ask these questions.**

12 A. I want to make sure you understood, too, that
13 it's -- it's an insurance claim obviously.

14 **Q. Right.**

15 A. And that's what I did.

16 **Q. And when you gave VIP your insurance
17 information, it was because you wanted VIP to --**

18 A. Because they --

19 **Q. Sir, let me finish the question. I'm not --
20 not to be rude.**

21 A. Go on ahead. Go on ahead.

22 **Q. It's only because she can't take --**

23 A. I understand.

24 **Q. So, when you gave your insurance information
25 to VIP, was it because -- was one of the reasons why**

1 you gave him that information was because you wanted
2 VIP to deal with GEICO instead of you paying for it and
3 having to get reimbursement from GEICO or you being
4 involved in the transaction?

5 MR. MARINO: Object to form.

6 Q. Did you understand that?

7 A. I understand it very well. Just there's no
8 need for me to get -- it's -- that's just how it always
9 works.

10 Q. And that's the way you wanted it to work, am I
11 right?

12 MR. MARINO: Object to form.

13 A. That's the way it always works. I never had
14 it done any other way.

15 Q. So, did you want to deal with GEICO yourself
16 on this windshield claim?

17 A. Nah.

18 Q. I'm not trying to trick you.

19 A. Well, I'm saying I didn't have to deal with
20 GEICO. I gave him my insurance card, and they know me
21 and they'll go out and make the claim.

22 Q. Sir, did you want to deal with GEICO on this
23 windshield claim yourself or did you want VIP to do it
24 for you?

25 MR. MARINO: Object to form.

1 A. What do you mean by "deal with GEICO"?

2 Q. Okay. So, VIP replaced your windshield.

3 A. Right.

4 Q. And you knew there was going to be some charge
5 for that, right? You didn't know what the amount was
6 going to be?

7 A. Go on. Yeah.

8 Q. You knew VIP was going to get paid by
9 somebody?

10 A. Uh-huh.

11 Q. And so VIP could have got paid by you or they
12 could have got paid by GEICO -- by GEICO, right?

13 A. Well, they wasn't going to get paid by me.

14 Q. And you wanted --

15 A. No one.

16 Q. And did you want VIP to get paid by GEICO?

17 A. Well, somebody get paid for the window.

18 Q. Sir, it's just easy. Just -- really, I'm not
19 trying --

20 A. Yeah.

21 Q. -- to trick you.

22 A. So, yes, yes.

23 Q. Okay. And so you wanted VIP to look to GEICO
24 to get that money, right --

25 MR. MARINO: Object to form.

1 Q. -- and not to look to you?

2 A. Well, not to State Farm --

3 MR. MARINO: Object to form.

4 A. -- or not to Progressive. I have GEICO, so
5 that's who they're going to go to.

6 Q. Right. And so you mentioned on this form --
7 do you have Exhibit Number 1, I think it was? Here it
8 is.

9 A. Let me see.

10 Q. Okay. You say you didn't sign this, and I
11 take you at your word. I'm not disputing that.

12 I want you to read it, though, and -- and ask
13 [sic] me if there's anything in there that you would
14 disagree with. If I was to ask you to sign that form
15 today, is there anything in there that you would
16 disagree with --

17 A. Okay.

18 Q. -- and refuse to sign it?

19 A. Read it out loud or just regular?

20 Q. No. Just to yourself.

21 MR. MARINO: What was the question? I'm
22 sorry.

23 MR. CALDEVILLA: Well, let him read it
24 first --

25 MR. MARINO: All right.

1 MR. CALDEVILLA: -- and I'll rephrase.

2 A. It seems pretty straightforward.

3 BY MR. CALDEVILLA:

4 Q. So let me -- I'm going to withdraw the
5 question and ask you this: If VIP had handed you that
6 document back in February of 2016 and asked you to sign
7 it in connection with this transaction, do you think
8 you would have refused to sign it or would you have
9 signed it?

10 MR. MARINO: Object to form.

11 A. I would have signed it.

12 Q. Okay. And today, looking at it today, you
13 have no disagreement with the terms of that document,
14 nothing that -- that causes --

15 A. No.

16 Q. -- you concern or --

17 A. Because what I --

18 Q. -- objection?

19 MR. MARINO: Object --

20 A. I apologize.

21 MR. MARINO: -- to form.

22 A. Because what I read right here, let me see
23 right here, make sure, see this right here? Can I read
24 this out loud?

25 Q. Yes.

1 A. So that says the 10th, right? What day --
2 what day was that thing on -- done on?

3 **Q. This says they called you on the 10th. This**
4 **document, this confidential --**

5 A. And they did work on what date?

6 **Q. The work was on the 8th, I believe.**

7 A. All right. So the words here say, "VIP Auto
8 Glass, within three days," which that looks like it's
9 been more than three days, "Inc. promise to release the
10 insured," which is me, "from any obligations to pay the
11 difference between the amount the insurer agreed to pay
12 pursuant -- the terms and conditions of the policy...."
13 so --

14 **Q. Sorry to get in your --**

15 A. When I read -- when I read that, don't matter
16 what the difference is, I ain't paying it.

17 **Q. No, no.**

18 A. Does that make sense?

19 **Q. So you would have been happy to sign this?**

20 A. I would have signed that, yeah.

21 MR. MARINO: Object to the form.

22 **Q. And if -- and I think you just answered this,**
23 **but I'm going to ask it a different way, not to fuss**
24 **with you. I'm just to try to get a couple answers out**
25 **of you.**

1 If -- if GEICO didn't pay VIP in full for the
2 work, you saw there was a \$936, something like that,
3 bill, if GEICO wouldn't pay for the full amount, would
4 you expect VIP to go to GEICO to get the rest -- the
5 remaining balance or to you to get the remaining
6 balance paid?

7 MR. MARINO: Object to form.

8 A. Well, obviously they going to go to GEICO
9 because I'm released.

10 Q. It's between them and GEICO, right?

11 A. Yeah.

12 Q. Okay. Yeah. Between VIP and GEICO?

13 A. Yes.

14 Q. You don't want to pay any remaining balance
15 due, correct?

16 MR. MARINO: Object to form.

17 A. No, I don't.

18 Q. It's correct, right?

19 A. Correct, yes.

20 Q. Okay. And you don't have -- even though you
21 worked in the parts -- the service department, right,
22 the amount of windshield prices, that's not something
23 that you dealt with?

24 A. I really don't know, yeah. I mean, that's
25 nothing that I dabbled in. I can tell you about cars

1 all day long. What you need?

2 **Q. So, well, on the price of the windshield --**

3 A. Okay.

4 **Q. -- you wouldn't know if that's a high price or**
5 **a low price?**

6 A. I really wouldn't know, no.

7 **Q. Okay. Has -- when you first talked to Lance**
8 **or maybe -- you said you didn't talk to anybody else,**
9 **but has anybody from GEICO suggested to you that this**
10 **price was unreasonable?**

11 A. I never knew what the price was, so I don't
12 know if it was unreasonable or not. It's just that
13 I -- I never -- like this thing here?

14 **Q. Yes.**

15 A. That -- she never said that number to me.

16 **Q. Okay.**

17 A. So, I don't -- didn't, you know -- that's what
18 insurance is for.

19 **Q. Gotcha. And so when you're -- you were just**
20 **referring to Exhibit Number 4, that telephone log**
21 **thing, right?**

22 A. Right.

23 MR. CALDEVILLA: Yeah. We'll just take a
24 short break.

25 (Recess from 4:01 p.m. until 4:03 p.m.)

1 BY MR. CALDEVILLA:

2 Q. You ready, Mr. Jones?

3 A. Yes, sir.

4 Q. Is GEICO still your insurance company?

5 A. They sure are.

6 Q. And you pay premiums to GEICO --

7 A. Yes, I do.

8 Q. -- for your insurance payment?

9 A. Well, my wife pays all the bills.

10 Q. That's a good deal.

11 You expect to get the insurance coverage that
12 you pay for from GEICO, right?

13 A. Of course.

14 Q. Of course.

15 And if -- if any money is still outstanding on
16 this windshield bill, you expect GEICO to be
17 responsible for that?

18 MR. MARINO: Object to form.

19 Q. Do you?

20 A. Well, my issue is I don't know what these
21 things cost, I don't know what the right price is, so I
22 don't know if they were overcharge [sic] me for a
23 window. I don't know the landscape of what a window
24 costs and whatnot. So, I see -- I see 300 and some odd
25 dollars in labor, and it didn't take them that long to

1 do a windshield. So I don't know how to gauge the
2 price point, so I can't say whether they don't have a
3 good price or they should pay more. I don't know.

4 Q. Is --

5 A. So I can't say either/or. I mean, I think
6 they should pay what they pay. I mean, I -- I don't --
7 I don't -- I'm not into that part of the scheme --

8 Q. All right. I understand what you're --

9 A. -- pricing scheme, so --

**10 Q. Has someone suggested to you that VIP's price
11 was too high?**

12 A. Once again, no.

13 Q. Okay.

14 A. I don't know if it's too high, too low.

**15 Q. Let me just ask you to assume -- just assuming
16 that there was nothing wrong with the price, okay, and
17 that may be wrong, okay, but I just want you to assume
18 that, if GEICO only paid a portion of it, you would
19 expect VIP to deal with GEICO to get that money and not
20 you, right?**

21 MR. MARINO: Object to form.

22 A. Yes.

23 Q. You agree with that statement?

24 A. Yes.

25 MR. CALDEVILLA: All right. I don't have any

1 other questions.

2 MR. MARINO: Let me just chat with Lindsey. I
3 might not have anything.

4 MR. CALDEVILLA: Off the record.

5 (Recess from 4:05 p.m. until 4:06 p.m.)

6 MR. MARINO: I don't have anything, so we're
7 done.

8 MR. CALDEVILLA: Do you want to ask him if he
9 wants to read or waive.

10 MR. MARINO: Yeah. Under the -- under the
11 rules --

12 THE WITNESS: Yes.

13 MR. MARINO: -- you have a right to read the
14 deposition and -- and make any corrections that you
15 think should be made or you can waive that right
16 and just have the deposition printed and go -- go
17 to whoever it's going to go to. It's up to you.

18 THE WITNESS: It can go. I waive it.

19 MR. MARINO: You're going to waive. Okay.

20 THE WITNESS: Yeah.

21 MR. MARINO: We'd like an expedited copy
22 please as fast as you can.

23 THE COURT REPORTER: The original?

24 MR. MARINO: Yeah, the original.

25 THE COURT REPORTER: When do you want it?

1 MR. MARINO: Just as soon as you can get it.
2 We're under a time frame to file.

3 MR. CALDEVILLA: We'll take a copy after he
4 pays for the full price.

5 THEREUPON, the Deposition of DERRYL L. JONES,
6 taken at the instance of the Defendant, was concluded
7 at 4:07 p.m.

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF POLK

I, Linda S. Blackburn, Registered Professional
Reporter, Certified Realtime Reporter, Certified
Realtime Captioner, and Notary Public in and for the
State of Florida at large, hereby certify that the
witness named herein appeared before me on
June 8, 2017, produced a Florida Driver's License as
identification, and was duly sworn.

WITNESS my hand and official seal this
June 9, 2017.

Linda S. Blackburn



LINDA S. BLACKBURN, RPR, CRR, CRC
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION NO.: GG 023957
EXPIRES: 11-03-20

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF POLK

I, Linda S. Blackburn, Registered Professional Reporter, Certified Realtime Reporter, and Certified Realtime Captioner, do hereby certify that I was authorized to and did stenographically report the examination of the witness named herein, that a review of the transcript was not requested, and that the foregoing transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney or counsel for any of the parties, nor am I a relative of or employee of any of the parties' attorney(s) or counsel connected with the action, nor am I financially interested in the outcome of this action.

Dated this June 9, 2017, at Lakeland, Polk County, Florida.


LINDA S. BLACKBURN, RPR, CRR, CRC

**VIP AUTO GLASS vs. GEICO GENERAL INSURANCE
DERRYL JONES**

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