### Written Deposition Service, LLC

1750 Valley View Lane, Suite 210, Dallas, Texas 75234 Telephone (972) 488-5555 ~ Facsimile (972) 488-5590 ~ (800) 346-4405

The following was discovered while preparing the attached records.

Please read thoroughly as it contains important information.

TO: Cary A. Slobin

OF: Bowman and Brooke LLP

**Records Pertaining To: ACCIDENT ON 1/11/2017 Location: CLASSIC KIA OF CARROLLTON** 

Type: Dealership Records

RE: Donald Loughran, et al vs. Kia Motors America, Inc., et al ORDER NO: 61658.002

Should you have any questions about the information below please contact Denise Edwards at 972-488-5555, ext. 225 or by email at <a href="mailto:denise.edwards@writtendeposition.com">denise.edwards@writtendeposition.com</a>

Attached please find the requested records from the above named location. Please be advised this entity does not maintain photographs. Therefore, we are releasing all as provided for your review.

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

DONALD LOUGHRAN and LINDA	§	
LOUGHRAN, Individually and as	§	
Next Friend to M.L., A Minor	§	
vs.	§	CIVIL ACTION NO. 3:17-CV-1632
	§	
KIA MOTORS AMERICA, INC. and	§	
KIA MOTORS CORPORATION	§	

# NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

TO: ALL PARTIES BY AND THROUGH THEIR ATTORNEY(S) OF RECORD AS PROVIDED IN THE ATTACHED SERVICE LIST.

You will take notice that fourteen (14) days after the service hereof, with attached questions, a deposition by written questions will be asked of the custodian of records for:

ALBAYATI MOTORS, INC.-(Dealership Records) 10861 FERGUSON ROAD, DALLAS, TX 75228

Such questions to be answered on or before 09/11/2017, before a Notary Public at the instance of:

Written Deposition Service, LLC 1750 Valley View Lane Suite 210 Dallas, Texas 75234

The deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under Rules 31 & 45, Federal Rules of Civil Procedure, to the officer taking this deposition to issue a Subpoena Duces Tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

### Respectfully Submitted,

Cary A. Slopin SBA #: 00797445

Bowman and Brooke LLP

5830 Granite Pkwy., Suite 1000

Plano, TX 75024

972-616-1700; Fax 972-616-1701 cary.slobin@bowmanandbrooke.com

Attorney for: Defendant Kia Motors America, Inc. and Kia

**Motors Corporation** 

### **CERTIFICATE OF SERVICE**

I certify, as authorized agent for the attorney of record, Cary A. Slobin, that a true and exact copy of foregoing Notice of Intention to Take Deposition upon Written Questions was served to all attorneys of record in the above-styled and numbered matter, said service being effected in the following manner:

CERTIFIED MAIL/RETURN RECEIPT REQUESTED	
HAND DELIVERY	
TELECOPY	
OVERNIGHT/NEXT DAY DELIVERY VIA LONE STAR OR UPS	
E-MAIL	
DATED: 8/24/17 BY: Wild Muthin	>

SERVED TO ALL PARTIES LISTED BELOW:

Donald Loughran, et al vs. Kia Motors America, Inc., et al

ATTORNEYS OF RECORD

E. Todd Tracy The Tracy Firm 4701 Bengal Street Dallas, TX 75235

214-324-9000; Fax: 972-387-2205

Attorney For: Plaintiff

# **United States District Court**

# FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

DONALD LOUGHRAN and LINDA LOUGHRAN, Individually and as Next Friend to M.L., A Minor vs.

SUBPOENA IN A CIVIL CASE

KIA MOTORS AMERICA, INC. and KIA MOTORS CORPORATION

Custodian of Records for:

TO:

Oder No. 61190.002

Civil Action No. 3:17-CV-1632

### SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

ALBAYATI MOTORS, INC.

	10861 FERGUSON ROAD DALLAS, TX 75228	
X	Testimony: YOU ARE COMMANDED to appear at the time, da to be taken in this civil action. If you are an organization that more officers, directors, or managing agents, or designate other the following matters, or those set forth in an attachment.	is not a party in this case, you must designate one or
Pla	Place: The office of the custodian	DATE AND TIME
10	0861 FERGUSON ROAD OALLAS, TX 75228	09/11/2017, 10:00AM
Th	the Deposition will be recorded by this method: <b>Deposition by W</b>	ritten Question
X	Production: You, or your representatives, must also bring with you stored information, or objects, and permit their inspection, copying, te See attached Exhibit	to the deposition the following documents, electronically sting, or sampling of the material:
thi	The provisions of Fed. R. Civ. P. 45 are attached - Rule 450 clating to your protection as a person subject to a subpoena and Runis subpoena and the potential consequences of not doing so.  Oate: CLERK OF COURT	ele 45(e) and (g), relating to your duty to respond to
	Signature of Clerk or Deputy Clerk	Attorney's signature (MW)
Co	The name, address, e-mail, and telephone number of the attorney recorporation who issues or requests this subpoena are: Cary A. Slouite 1000, Plano, TX, 75024	

### **EXHIBIT**

ANY AND ALL RECORDS, INCLUDING BUT NOT LIMITED TO, CONTRACTS, AGREEMENTS, REPAIRS AND OR MAINTENANCE RECORDS, WORK ORDERS, INVOICES, BILLS, ESTIMATES, PHOTOGRAPHS, RECEIPTS, AND EVERY SUCH RECORD, INCLUDING BUT NOT LIMITED TO, THOSE EXISTING IN ELECTRONIC OR MAGNETIC FORM, PERTAINING TO VEHICLE: 2013 KIA SOUL; VIN: KNDJT2A63D7537209

Civil Action No. 3:17-CV-1632

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I served the subpoena by delivering	g a copy to the named individual as follows	•
	on (date)	; or
I returned the subpoena unexecuted	d because:	
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Additional information regarding attempted service, etc:

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

LOUG	LD LOUGHRA HRAN, Individe riend to M.L., A	ually and as	<i>w w w w w w</i>	CIVIL ACTION NO. 3:17-CV-1632
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		DIRECT QUESTIONS TO THE WITNESS, CUSTODI CLASSIC KIA OF	AN OF	RECORDS FOR:
1.	State your full	name and occupation, address and to	elephone	number.
	ANSWER:	(NAME) WILLIAM MI (OCCUPATION) SERVICE	DIR	<u> </u>
2.	RECORDS, I MAINTENAN ESTIMATES, BUT NOT L	NCLUDING BUT NOT LIMIT NCE RECORDS, INSPECTION R PHOTOGRAPHS, RECEIPTS	ED TO EPORT: AND I G IN E	red, have you produced ANY AND ALL AGREEMENTS, REPAIRS AND OR S, WORK ORDERS, INVOICES, BILLS, EVERY SUCH RECORD, INCLUDING LECTRONIC OR MAGNETIC FORM, 63D7537209?
	ANSWER:	IES I HAVE		
3.				as the originals or true and correct copies of
	ANSWER:	YES I HAVE.	MATERIA - 177-18 - 187-2-7-17-11	

Our Ref. # 61658.002

4.	Were these records and/or photographs made and kept in the regular course of your business?
	ANSWER: YES
5.	In the regular course of business of your practice, business, or institution, did the person who signed the records and/or photographs either have personal knowledge of the entries shown on the records and/or photographs, or obtain the information to make the entries from the sources who have such personal knowledge?
	ANSWER: YES
6.	Were such memoranda or documents and/or photographs then transmitted to your files and thereafter maintained under your care, supervision, direction, custody or control as custodian of this facility?
	ANSWER: YES ALTHOUGH MY EMPLOYMENT STARTES 6/1/17
7.	Were the memoranda or documents that were transmitted to your files original entries on the part of the Custodian or other employee or member of the staff of this facility?
	ANSWER: YES
8.	Were the records and/or photographs prepared at or about the time of the events and conditions they record?
	ANSWER: YES
9.	Were these records and/or photographs kept as described in the previous questions?
	ANSWER: YES
10.	Please examine copies of the original requested records and/or photographs. Have you produced records and/or photographs for attachment to this Deposition?
	ANSWER: YES
11.	Has anything been removed from or altered in the original records and/or photographs before making these copies?
	ANSWER:

	original records.
	ANSWER:
13.	In the event that no records and/or photographs can be found, are there document archives (i.e. microfiche) or document retention policies which explain their absence? If so, please identify who has knowledge of those archives or policies of the above named facility.
	ANSWER:
14.	Are you aware that it may be necessary to subpoen you or your employer to court at the time of trial if you have not provided all of the papers, notes, documents, records, general correspondence, or other tangible items of any kind pertaining to the above named individual to the Notary Public taking your deposition?
	ANSWER: (circle one) YES/NO
answe	I, (D) ICLIAN MICES (Custodian of Record), do swear or affirm that my ers to the above questions are the truth, the whole truth and nothing but the truth, so help me God.  Custodian of Record
Custo Custo	I,, A Notary Public, do hereby certify the above dian was duly sworn and the non-stenographic recording of this Written Deposition is a true record of the dian testimony.
No	GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \ \ \tau_\tau_\tau_\tau_\tau_\tau_\tau_\tau_
	LINDA LANCASTER SIGNATURE OF NOTARY PUBLIC IN AND FOR THE STATE OF TX Notary Public, State of Texas
Tanka,	Comm. Expires 02-08-2020 NAME OF NOTARY PUBLIC TYPED OR PRINTED
	My commission expires: $\bigcirc \lambda - \bigcirc \delta - \Diamond \Diamond \Diamond \Diamond$

### 342113

\*INVOICE\*

### Classic Kia of Carrollton

JIMMY SANDERS

PAGE 1

2920 N. Interstate 35 E Carrollton, Texas 75007 Phone: (972) 798-6900

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ACCOUNTING COPY

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PAGE 1

JIMMY SANDERS

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2920 N. Interstate 35 E · Carrollton, Texas 75007

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CUSTOMER SIGNATURE

### **Warranty Coverage**

<< Warranty Coverage Validation

Basic Vehicle Inforr	mation	O Battery Prorating O Warranty History O Print						
VIN#	KNDJT2A63D7537209	Year / Model	2013 / AM Soul (AM)					
Serial	537209	Model Description	SOUL + / B2522					
Engine	G4NACH05 2.0 LITER ENGINE	Color(Ext/Int)	A1-DUNE / WK-BLACK					
First Name		Last Name	SANDERS					
Mileage Entered	49213	Retail Mileage	17					
Production Date	Oct 18, 2012	Sales Type	RSALE NORMAL RETAIL SALE					
Retail Date	Dec 19, 2012	Key Code	C3064 ·					
Wholesale Date	Nov 30, 2012	Warranty Start Date	Dec 19, 2012					
Selling Dealer	TX115: PATTERSON KIA OF ARLINGTON	Branded Title						
Lawsuit	No							
Extended Service Plan	N	Open Campaigns	Yes (See Campaign Info below)					
Owner Transfers	N	Repairs in Last 60 Days	N					
Sirius Subscription	Expired	Sirius ESN						
Sirius Activation Date	Dec 19, 2012	Sirius Expiration Date	Mar 19, 2013					
PDI Performed	Υ							
Remark								

### Service Campaign / Service Action / Recall / Customer Satisfaction Program Information

Issue Number	Issue Type	Description	Dealer Code	Repair Date	Dealer Type
SA205	Service Action	SA205 AM INTERIOR DOOR HANDLE			

### **Basic Warranty Coverage Information**

Basic Warranty Coverage	Y	Remark	
Warranty Start Date	Dec 19, 2012	Warranty Expiration	Dec 19, 2017
Warranty Mileages	60,000	Warranty Terms	60 months (378 days remaining)

### **Powertrain Coverage Information**

Powertrain Coverage	Y	Remark	
Warranty Start Date	Dec 19, 2012	Warranty Expiration	Dec 19, 2017
Warranty Mileage	60,000	Warranty Terms	60 months (378 days remaining)

### Other Coverage Information

Coverage Type	Available	Start Date	Expiration Date	Warranty Terms	Mileage
Audio/Radio/RSE	N	Dec 19, 2012	Dec 19, 2015	36 months (Expired)	36,000
Adjustments	N	Dec 19, 2012	Dec 19, 2013	12 months (Expired)	12,000
				60 months (378 days	

https://webdcs.kdealer.net/Service/SVCWCI02\_WarrantyCoverageView.aspx

12/5/2016

Service Part & Acc'ys	N			12 months	12,000
Paint	N	Dec 19, 2012	Dec 19, 2015	36 months (Expired)	36,000
Emission (8/80)	Y	Dec 19, 2012	Dec 19, 2020	96 months (1474 days remaining)	80,000
Perforation/Corrosion	Y	Dec 19, 2012	Dec 19, 2017	remaining)	100,000

### **Vehicle Option Information**

Installed By	Option	Option				
Port	AR	Center Console Arm Rest				
Port	BA	Rear Bumper Applique				
Port	CF	Carpeted Floor Mats				
Port	CN	Cargo Net				
Port	<u> </u> co	Cargo Cover				
Factory	E20	Eco Package				
Factory	EP1	- Idle Stop and Go System (ISG)				
Factory	EP2	- Battery - 56AH (AGM Type)				
Factory	EP3	- Low Rolling Resistance Tires				
Port	IPD	IPOD CABLE				

### **Warranty History**

### **Warranty History**

Repair Date	Claim Type	Dealer Code	R.O.#	Version	Repair Labor	Causal Part	Mileage
Nov 29, 2012	I:PDI	TX115	48009 A	01	AMPDI	PDI	3

# **SERVICE WRITE UP**

CUST. NAME JAMY Sander VIN KINIPJITIS	21/416/BID3	75131720191
ADDRESS CITY S		
□ CELL PHONE NO □ EMAIL		
☐ HOME PHONE NO. ☐ BUSINESS PHONE NO.		
BEST NUMBER TO REACH YOUYEAR		
LICENSE TAG# $9059$ .  COLOR MILEAGE $49213$ TAG# $9059$ .  SOLUTION (CIVID (15) 41/10 4/10 4/10 4/10 4/10 4/10 4/10 4/1	S/A #	
COLOR MILEAGE 49213		Recommendations
1. SERVICE OPERATION (CWI) C/S #1/640 /ryh4	-1,5 cm	Mile service
, , ,	<u>,                                    </u>	LOF
2. SERVICE OPERATION (CWI)	buch	☐ Tire Rotate
Seat 13 Convey up.		F.E. Alignment
3. SERVICE OPERATION (CWI)		Tire Balance
		☐ Trans service
4. SERVICE OPERATION (CWI)		☐ Maintenance Tune-up
5. SERVICE OPERATION (CWI)		☐ Brakes
		Cooling system service
6. SERVICE OPERATION (CWI)		Differential service
, ,		☐ Other
NOTICE PURSUANT TO \$70.001, TEXAS PROPERTY CODE  I AM THE PERSON OR AGENT ACTING ON BAHALF OF THE PERSON, WHO IS OBLIGATED TO PAY FOR THE REPAIR OF THE MOTOR VEHICLE SUBJECT TO THE REPAIR CONTRACT, I UNDERSTAND THAT THIS VEHICLE IS SUBJECT TO REPOSSESSION IN ACCORDANCE WITH \$9.609, TEXAS BUSINESS AND COMMERCE CODE, IF A WRITTEN ORDER FOR PAYMENT FOR REPAIR ON THE VEHICLE IS STOPPED, DISHONORED BECAUSE OF INSUFFICIENT FUNDS, NO FUNDS, OR BECAUSE THE DRAWER OR MAKER OF THE ORDER HAS NO ACCOUNT OR THE ACCOUNT ON WHICH IT IS DRAWN HAS BEEN CLOSED.	MAINTENA MY CUST. INT VALUAB FRO	N ADVISED OF THE NICE NEEDS FOR VEHICLE.  LES REMOVED M VEHICLE WLEDGEMENT
SIGNATURE OF PERSON RESPONSIBLE OR AGENT FOR PERSON	CUST. INT	
EREBY AUTHORIZE THE REPAIR WORK LISTED TO BE DONE ALONG THE THE NECESSARY MATERIAL AND AGREE THAT YOU ARE NOT SPONSIBLE FOR LOSS OR DAMAGE TO VEHICLE, ARTICLES LEFT IN HICLE IN CASE OF FIRE, THEFT, OR ANY OTHER CAUSE BEYOND YOUR NOTROL OR FOR ANY DELAYS CAUSED BY UNAVAILABLE PARTS OR LAYS IN PARTS SHIPMENTS BY THE SUPPLIER OR TRANSPORTER, I REBY GRANT YOU AND / OR YOUR EMPLOYEES PERMISSION TO ERATE THE VEHICLE HEREIN DESCRIBED ON STREETS, HIGHWAYS ELSEWHERE FOR THE PURPOSE OF TESTING AND / OR INSPECTION. EXPRESS TECHNICIANS LIEN IS HEREBY ACKNOWLEDGED ON ABOVE HICLE TO SECURE THE AMOUNT OF REPAIRS THERETO.		EXTERIOR INSPECTION ACKNOWLEDGEME
FORM # SW-300STK	DEALERS OF	DICE FORMS & SUPPLY (800) 687

LOUGHRAN000019 Classic Kia of Carrollton -00009

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