Broward County Board of Rules and Appeals Meeting Agenda

October 9, 2025 | Time: 7:00 PM

Zoom Meeting Information:
https://broward-org.zoomgov.com/j/1612250233
Meeting ID: 161 225 0233

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES – September 11, 2025, Board Meeting

V. PUBLIC COMMENT (Except public hearing items on this agenda)
Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. **Certifications** – Staff Recommended

BROWARD SHERIFF'S OFFICE FIRE RESCUE
Strom, Jennifer, Fire Inspector

CITY OF COOPER CITY
Sera, Ralph C., Chief Structural Inspector

CITY OF MIRAMAR
Gonzalez, Gabriel, Fire Inspector

CITY OF NORTH LAUDERDALE
Tedim, Jose, Chief Mechanical Inspector

COUNTYWIDE
Borisov, Denis, Structural Plans Examiner
Faddis, Kevin, Electrical Inspector

VII. REGULAR AGENDA

1. **Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit #B24-01261 Inspection Results Pursuant to Florida Building Code Sections 1512.2.5 and 110.5**

   a. Staff Report – Jack Morell
   b. Board Questions
   c. Board Action

2. **Administrative Director Annual Leadership Performance Review**

   a. Staff Report – Dr. Ana Barbosa
   b. Board Questions
   c. Board Action

3. **Director's Report**

4. **Attorney's Report**

5. **Committee Reports**

6. **General Board Member Discussion**

7. **Adjournment**

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (FS Sec. 286.0105).

Board Members: If you are unable to attend the meeting, please contact Dr. Barbosa at 954-931-2393 between 6:00 PM and 7:00 PM.

September 11, 2025
Board Meeting Minutes

Broward County Board of Rules and Appeals
Meeting Minutes, September 11, 2025

Zoom Meeting Information:
https://broward-org.zoomgov.com/j/1617268759
Meeting ID: 161 726 8759

I. CALL MEETING TO ORDER

Chairman Kamm called to order a published virtual meeting of the Broward County Board of Rules and Appeals at 7:00 PM.

II. ROLL CALL

R. Art Kamm, Chairman	Stephen E. Bailey, Vice Chairman
Eduard Badiu	Gregg D'Attile
Peter Deveaugh	Jeff Falkanger
Robert Taylor	Michael Rada
Scott Taggart	Anthony Salgado
Dennis Ulmer	Derek Wassink
Lynn Wolfson	

III. APPROVAL OF AGENDA

Dr. Ana Barbosa, Administrative Director, requested that Item #1 be removed from the agenda.

Mr. Deveaugh made a motion to approve the agenda as amended, and Mr. Salgado seconded the motion. The motion passed by unanimous vote.

IV. APPROVAL OF MINUTES – August 14, 2025, Board Meeting

Mr. Ulmer made a motion, and Mr. Taylor seconded the motion, to approve the August 14, 2025, minutes as submitted. The motion passed by unanimous vote.

V. PUBLIC COMMENT (Except public hearing items on this agenda) - none

Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

Mr. Deveaugh made a motion, and Mr. Badiu seconded the motion to approve the certifications as recommended by staff. The motion passed by a unanimous vote.

CITY OF COCONUT CREEK
Canfield, Brian, Chief Mechanical Inspector

CITY OF CORAL SPRINGS
Jeoboam, Carpelo, Assistant Building Official

TOWN OF DAVIE
Salas, Gladys, Chief Structural Inspector

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CITY OF FORT LAUDERDALE
Travers, John, Building Official

CITY OF HOLLYWOOD
Robinson, Roy, Mechanical Inspector – 120-Day Temporary

CITY OF MARGATE
Young, Marc-Stuart Ameer, Assistant Building Official

CITY OF PEMBROKE PINES
Palma, Emmanuel D., Mechanical Inspector – 120-Day Temporary

CITY OF POMPANO BEACH
Young, Ashlyn, Fire Inspector

COUNTYWIDE
Giunta, John Joseph, Plumbing Plans Examiner
Morgan, Forrest, Plumbing Plans Examiner
Moyal, Henery, Electrical Inspector
Orozco, Jesus A., Structural Inspector
Salas, Gladys, Structural Inspector
Salas, Gladys, Structural Plans Examiner

VII. REGULAR AGENDA

1. **Appeal #25-04 Tewfig Alexander Khoury, Seeks an Appeal of the Town of Davie Building Official's Actions Pertaining to Permit #2024-6024**

   Removed from the Agenda

2. **Fiscal Year 2026 Budget (October 1, 2025 – September 30, 2026)**

   Dr. Ana Barbosa, Administrative Director, reviewed information in her agenda memorandum provided to the Board. She noted the increase is in anticipation of the office move. The budget also includes the purchase of two vehicles. She responded to various questions.

   Mr. Salgado made a motion to approve the budget as submitted, and Mr. Deveaugh seconded the motion. The motion passed by unanimous vote.

3. **Proposed Formal Interpretation #36 of FBC Broward County Amendments, 8th Edition, Chapter 1, Section 105.2.1 Emergency Repairs**

   a. Staff Report

      Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that the three formal interpretation items on the agenda resulted from a Mechanical Committee meeting in August. The agenda backup for the three items, including the Committee minutes, has been combined into one submittal.

      Mr. Soto advised that the Committee decided that any interruption of heating or air conditioning shall be considered an emergency. Staff recommends approval of this interpretation.

   b. Board Questions

      In response to Mr. D'Attile, it was clarified that the interpretation only has to do with what is defined as an emergency. Mr. Deveaugh emphasized that the position of the building departments is that there is a permit, not that all the paperwork is in place.

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c. Board Action

Mr. Salgado made a motion, and Mr. D'Attile seconded the motion to approve the proposed Formal Interpretation #36. The motion passed by unanimous vote.

4. **Proposed Formal Interpretation #37 of FBC Residential, 8th Edition, Section M1506.3 Exhaust Openings**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, explained that in the Residential part of the Building Code, a window that does not open (i.e. picture window) is a non-operable opening. With a picture window, which is a solid piece of glass, air will not be able to return into the building. It is part of the building envelope. The confusion is about louvered openings. This confusing language was removed from the Mechanical Code, but not the Residential. It is an unnecessary requirement.

b. Board Questions - none

c. Board Action

Mr. D'Attile made a motion, and Mr. Deveaugh seconded the motion to approve the proposed Formal Interpretation #37. The motion passed by unanimous vote.

5. **Proposed Formal Interpretation #38 of Broward County Amendments to Chapter 3, Subsection 307.2.1 of the 2023 Florida Building Code – Mechanical, 8th Edition**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that in 2012, an Ad Hoc Committee reviewed measures to save water and initiated the underlined code language in the agenda item. The language has to do with collecting condensate from AC units, typically in high-rise buildings. This matter was raised by an engineer designing in Broward County regarding the remoteness and size of the unit. He went on to explain the Committee's recommendations that all three of the listed exceptions shall be met, and the designer of record would determine what equipment is considered isolated and remote.

Board Questions

Mr. Soto responded to Mr. Bailey's question, indicating that if there is no cooling tower, there is no need to collect the condensate. It would simply go into the condensate stack and be discharged. The Code only indicates that the discharge be at an approved location, which would be determined generally by the city and utility. Mr. D'Attile indicated that it is mostly directed to the ground. Mr. Soto noted that the code prohibits creating a nuisance with the condensate.

c. Board Action

Mr. Bailey made a motion, and Mr. Salgado seconded the motion to approve the proposed Formal Interpretation #38. The motion passed by unanimous vote.

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6. **Director's Report**

   Dr. Barbosa highlighted training for permit technicians hosted by BORA, as well as updates for building and fire code officials.

7. **Attorney's Report**

   Mr. Kramer apprised the Board of appearance before the Florida Building Commission in August concerning a complaint filed by Mr. Jack Butler as to BORA's authority in adopting local amendments. Mr. Butler has filed another motion for rehearing.

   Mr. Kramer reported on the court hearing concerning complaints filed by Ms. Susan Guo, in which her case against BORA was dismissed. She has filed a second amended complaint.

   Mr. Deveaugh asked if the ruling in the Butler case solidified BORA's authority to amend the Florida Building Code, whether it be administrative or technical. Mr. Kramer responded yes locally, however, it would be limited by any applicable Florida statutes. However, Mr. Butler has filed for reconsideration.

8. **Committee Reports** - none

9. **General Board Member Discussion**

   Mr. Taggart noted he attended the contractor licensing board meeting and learned there are no voluntary licenses. He was informed that what was meant to be a voluntary lesser license is being called a voluntary no license. He noted that the permissible scope of work is extensive. Mr. D'Attile pointed out that if an unlicensed individual is performing unpermitted work and a fine is issued, there is no follow-up on payment of the fine.

10. **Adjournment**

    The meeting adjourned at 7:55 PM.

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Consent Agenda:
Item 1

BROWARD SHERIFF'S OFFICE FIRE RESCUE
Strom, Jennifer, Fire Inspector

CITY OF COOPER CITY
Sera, Ralph C., Chief Structural Inspector

CITY OF MIRAMAR
Gonzalez, Gabriel, Fire Inspector

CITY OF NORTH LAUDERDALE
Tedim, Jose, Chief Mechanical Inspector

COUNTYWIDE
Borisov, Denis, Structural Plans Examiner
Faddis, Kevin, Electrical Inspector

Regular Agenda:
Item 1

Broward County Board of Rules and Appeals

1 N. University Drive Suite 3500B, Plantation, FL 33324

broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Chief Structural Code Compliance Officer

DATE: October 9, 2025

RE: Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit #B24-01261 Inspection Results Pursuant to Florida Building Code Sections 1512.2.5 and 110.5

Recommendation

It is recommended that the Board of Rules and Appeals deny, by vote, Appeal #25-02.

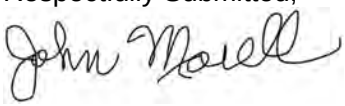
Reasons

On May 8, 2025, the Board of Rules and Appeals heard Appeal #25-02. The Board, by vote, referred the matter to an Ad Hoc committee for a recommendation. On May 29, 2025, the Ad Hoc committee convened, established a quorum, and unanimously recommended upholding the validity of the inspection.

Additional Information

Ad Hoc Committee Meeting Minutes and Agenda

Respectfully Submitted,



Jack Morell

Broward County Board of Rules and Appeals
Ad Hoc Committee for Appeal #25-02
May 29, 2025, Meeting Minutes

Call to Order:

Chair Eduard Badiu called a published meeting of the Ad Hoc Committee concerning Appeal #25-02 to order at 12:05 PM.

The roll was called, and the following members were present:

Eduard C. Badiu, Chair	William Kraemer
Tim Graboski	Derek Wassink
John Heller	

Chairman Badiu noted that the purpose of this Ad Hoc Committee meeting was to hear and deliberate Appeal #25-02 (Ms. Xiaohui Guo vs. City of Weston) regarding the homeowner's request for reversal of passed municipal inspections conducted under Permit #B24-01261. He noted that the full Board considered rejecting the appeal, which did not pass. The Board referred the matter to this Ad Hoc Committee.

Public Comment

Mr. Doug Clarke, Esq., representing Roofing and Construction Corp., noted that their position statement was provided to Dr. Ana Barbosa, Administrative Director, and members of the Committee. He reviewed the statement's attachments, including that the installation of the underlayment in the valley complied with Valley Option 2 of the Westlake Installation Guide (weaving method). Roofing and Construction Corp. has been in litigation with Ms. Guo since July of 2023. During the project, Ms. Guo was very active in taking pictures, getting on the roof, asking for extras, and attempting to direct how the work should be done. Mr. Wagner, City of Weston Building Inspector, conducted the final inspection by the use of pictures as a direct result of Ms. Guo directing that he not return or she would hold him in trespass. The Committee needs to address which inspections would be reversed, how inspections should be performed on an almost one-year-old roof, and who should pay for the inspections and repair. The relief sought by Ms. Guo is unreasonable. He recommended the denial of Ms. Guo's appeal and to have the inspections stand.

Mr. Reginald Cox, Building Official for the City of Weston, noted that during the full Board's deliberations, they looked at the Owens Corning Technical Bulletin concerning a shingle application, whereas Permit #B24-01261 was for a tile application. He emphasized that the focus should be on Section 1512.2.5 of the Building Code, Workmanship Standards.

Mr. Eugene Copaev indicated he is a local roofer in Hollywood. He indicated that Ms. Guo reached out to him last July. His inspection revealed a leak in her attic from the roof valley. Photos were provided.

Mr. Michael Van Cleve, Esq., indicated that he is the opposing counsel in the litigation mentioned by Mr. Clarke. He noted that Owens Corning has not honored the roof warranty because the underlayment was not installed according to the valley underlayment instructions. The question is whether Weston caught this. The narrow issue is whether the work was done pursuant to the Code. The Board's code compliance officers have determined that there are issues here.

Mr. James Wagner, Structural Inspector for the City of Weston, pointed out that the leak was not discovered until nearly a month after the roof passed inspection. From what he has been able to ascertain, it is not in a valley.

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Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, read Section 1512.2.5 of the Florida Building Code: "All roofing work shall be performed by a qualified contractor licensed to perform roofing in compliance with the tolerances, quality and methods of construction established herein or set forth in the standards adopted by these high-velocity hurricane zone requirements. Roofing assemblies detailed in the product approval shall be installed in strict compliance with the method of application set forth in such product approval or, if not part of the product approval, in compliance with the manufacturer's published application instruction, or as approved by the building official." He referred to the Miami-Dade Notice of Acceptance 23-0502, Items 10 and 11, which detail membrane installation. He drew attention to an email from Owens Corning indicating that Owens Corning manufactures the Westlake product. He noted the Westlake Installation Guide for 2-ply with a base sheet as well as a Technical Bulletin from Owens Corning that recommends against weaving of underlayment in the valley (Option 2).

Mr. Morell continued by indicating that Weston's response indicated their belief that the appeal stems from a lawsuit with the roofing company for nonpayment. Ms. Guo filed a counter suit disputing the roof installation. Ms. Guo filed an appeal in 2024 but waited some eight months to provide data for the appeal. Weston believed that fish mouths in the valleys were corrected following Option 1's installation instructions. Weston further believed the Owens Corning denial letter was unreliable because it was a one-sided narrative. Weston believed that reversal of the inspection is unreasonable due to the complex nature of a reinspection, re-roofing, and the cost.

Mr. Morell reviewed the position statement from Roofing and Construction Corp. (RCC). RCC contends that the Weston Building Department did exactly what they were supposed to do. RCC provides a ten-year warranty. The fish mouths were corrected, and RCC complied with Option 1 of the installation guide.

Ms. Guo noted that Owens Corning does not recommend weaving of underlayment in the valleys as it could create air pockets. Item 11 of the product approval also does not allow weaving. Westlake recommends weaving only for single ply. Their illustration clearly shows wood decking for single ply. Her roof is two-ply. Photographs presented by Weston show wood decking. Only ten tiles per stack are to be placed on the underlayment. Air pockets appeared in the valleys. Inspector Wagner emailed her, indicating that the contractor should cut open all air pockets and re-seal the underlayment. The photograph she received from Mr. Wagner looks like the Owens Corning example with no weaving. During his deposition, Mr. Wagner denied that he had shown her that picture and denied that he knew the contractor torched the underlayment. On June 21, 2024, he testified that he saw the contractor sealing the air pockets. The contractor took pictures much later to conceal what was done. She sent pictures to Owens Corning, and her warranty was voided. The underlayment was never sealed. Also, more than ten tiles per stack were placed on the underlayment. The contractor testified he never followed Option 1. On the day of the final inspection, she started to film it and was ordered by Mr. Wagner not to do so. Subsequently, Mr. Wagner passed the final inspection using a fraudulent engineering report and tampered photos. Her video shows an air pocket after the inspection was passed. The roofer denied that his business was ever sued for a roofing job. She concluded by emphasizing that her roof is two-ply, not single-ply.

Mr. Patrick Toomey, Jr., Esq., representing James Wagner and CAP Government, noted he served a response to Ms. Guo's appeal on April 29th and technical data from Westlake, distributor of the underlayment used, and the roofer's judicial statement on May 23rd. These materials make it clear that the weaving method used in the valleys complies with the manufacturer's recommendations and is code compliant. The central point is whether woven valleys complied with applicable product data and were code compliant. The Westlake Technical Bulletin states that woven is an acceptable installation method and does not make any reference to one-ply or two-ply. It is their position that Option 1 is clearly acceptable, and Option 1 includes the woven method. Mr. Wagner has been inspecting roof installations for over thirty-five years. He testified at the May 8th hearing that the woven method is acceptable. There is no basis for rescinding the permit approval that was granted almost eleven months ago. He noted that there was an appeal in July of 2024, where Mr. Cox met with Mr. Morell, and the matter died. The second appeal was filed in the middle of heated litigation between Ms. Guo and RCC. The appeal makes no reference to any of the relevant materials in Westlake and does not appear to speak to RCC weaving the valleys. The central allegation debated at the May 8 hearing was apparently not raised by the

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Appellant and not supported by the Westlake product data. Mr. Wagner was prevented from performing a final inspection on two occasions. He then passed the final inspection using photographs because he had been denied access to the property. Mr. Wagner also accepted the uplift test results, signed and sealed by a Florida professional engineer. Questions remaining: 1) which inspections are to be reversed and why; 2) what would be the results of a reversal; 3) how re-inspections are to be performed; 4) would inspections be in strategic locations only; 5) who would pay for the re-inspections; 6) who pays for a new roof. He cited the 1991 case law for Longboat Key in support of his position. He urged the appeal be denied.

Committee Discussion and Vote

Chairman Badiu addressed the allegation of a fraudulent engineering report. He drew attention to the clarity that came out at the May 8 hearing. Photographs showed that tiles had been marked "T," which is a common practice to indicate that they were tested. Also, the report was not deemed admissible by the court because the engineer of record was not present at the hearing.

Mr. Kraemer felt there should be consideration given to the legal aspects of reversing the inspections.

Mr. Graboski indicated that the TAS106 testing would have been if the tiles were marked pursuant to the guidelines of that application standard. Another such test could be conducted because it is non-destructive. Chairman Badiu pointed out that this was discussed at the hearing.

Mr. Graboski asked if the roof leak had been resolved. Chairman Badiu was not aware of any evidence of an active leak.

Mr. Wassink asked if the manufacturer provided a full warranty. Chairman Badiu indicated the warranty was only related to the materials, not the installation. Mr. Graboski indicated it is not the practice to provide a full system warranty on residential roofing. The consumer relies on the roofing contractor to stand behind their company's warranty. It is considered a material warranty.

Mr. Clarke indicated a warranty would typically not be issued if there is a remaining balance due. He believed the original contract would provide a ten-year labor and parts warranty.

In response to Mr. Kraemer, Mr. Graboski indicated his standard system is to weave the underlayment on the anchor sheets so there are two plies in the valley. Once the valley flashing goes down, and in the cap sheet, two sheets are woven, so there are effectively five sheets in the valley. He would not see that as causing a leak.

Chairman Badiu had a different opinion from the staff regarding weaving in the valley. He referred to Item 11 of the Notice of Acceptance, which describes the application of the membrane in the valley. His understanding is that it is clearly a woven method. Mr. Graboski pointed out that because it speaks of the center of the valley, it would not be weaving.

The Committee recessed until 1:15 PM.

There was a unanimous decision to recommend to the Board, at their July 10, 2025, meeting, that Appeal #25-02 be rejected. The Committee found no substantial evidence indicating that the inspections conducted and approved by the City of Weston were procedurally flawed or inconsistent with applicable code requirements. Accordingly, the Committee recommends that the Board uphold the validity of the approved inspections and take no further action with respect to Appeal #25-02.

Adjournment

There being no further business, the meeting adjourned at 1:15 PM.

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Referenced Code Sections

Chapter 1, Broward County Amendments

110.5 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code. Failure to request such inspections constitutes a violation of this Code. The inspection request shall be made to the Building Department office at least one (1) day prior to the required inspection and shall provide reasonable time for such inspections to be made. Inspections shall be made not later than the following workday after the day of the request for inspection when a request is made prior to noon. Requests for inspections received after noon shall be made not later than the day after the following workday.

2023 Florida Building Code, Building, Eighth Edition

Chapter 15 Roof Assemblies and Rooftop Structures

1512.2.5 Workmanship standards.

All roofing work shall be performed by a qualified contractor licensed to perform roofing, in compliance with the tolerances, quality and methods of construction established herein or set forth in the standards adopted by these high-velocity hurricane zone requirements. Roofing assemblies detailed in the product approval shall be installed in strict compliance with the method of application set forth in such product approval or, if not part of the product approval, in compliance with manufacturer's published application instructions, or as approved by the building official. (Aesthetic issues not affecting the performance of the roof are not part of this chapter.)

Appeal # 25-02 Ad Hoc Committee Agenda

1 N. University Drive, 2nd Floor Hearing Room

Thursday, May 29, 2025, 1200

1. Call Meeting to Order
2. Roll Call
3. Public Comments (limited to 3 minutes)
4. Staff Report -Appeal # 25-02
    - Appellant: presentation of case (limited to 10 minutes and one presenter)
    - City of Weston: presentation of rebuttal (limited to 10 minutes and one presenter)
5. Board Discussion and Vote
6. Adjournment

Broward County Board of Rules and Appeals

1 N. University Drive Suite 3500B, Plantation, FL 33324
broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Chief Structural Code Compliance Officer
Chief Mechanical Code Compliance Officer

DATE: May 8, 2025

RE: Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit #B24-01261 Inspection Results Pursuant to Florida Building Code Section 1512.2.5

Recommendation

It is recommended that the Board of Rules and Appeals approve, by vote, the appeal submitted by Xiaohui Guo requesting to reverse the City of Weston Permit #B24-01261 Inspection Results Pursuant to Florida Building Code Section 1512.2.5.

Summary of Ms. Guo's Appeal:

1. Ms. Guo alleges that the Florida Building Code Section 1512.2.5 was not followed when installing the underlayment.
2. Ms. Guo alleges that she reported to Inspector Wagner that the underlayment was delaminated in the valleys.
3. Ms. Guo alleges that the TAS 106 test results are false.
4. Ms. Guo alleges that the contractor, Roofing and Construction Corporation, and the subcontractor installed the underlayment without sealing the laps.
5. Ms. Guo alleges the fish mouths were torched down instead of being repaired according to the manufacturer's instructions.

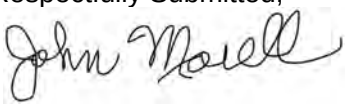
Appellant's Desired Outcome:

1. To have the inspections reversed.

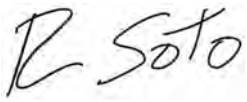
Additional Information:

- City of Weston Response
- Florida Building Code, Section 1512.2.5
- Miami-Dade Notice of Acceptance 23-052.03
- Westlake Installation Instructions
- Westlake Tile Seal HT installation guide
- Email from Owens Corning, manufacturer of Westlake Tile Seal HT
- Technical Bulletin from Owens Corning dated August 2023

Respectfully Submitted,



Jack Morell



Rolando Soto

Florida Building Code Section 1512.2.5

Guo sited code sections

1512.2.5 Workmanship standards.

All roofing work shall be performed by a qualified contractor licensed to perform roofing, in compliance with the tolerances, quality and methods of construction established herein or set forth in the standards adopted by these high-velocity hurricane zone requirements. Roofing assemblies detailed in the product approval shall be installed in strict compliance with the method of application set forth in such product approval or, if not part of the product approval, in compliance with manufacturer's published application instructions, or as approved by the building official. (Aesthetic issues not affecting the performance of the roof are not part of this chapter.)

Ms. Guo Appeal

Broward County Board of Rules and Appeals
1 N. University Drive Suite, 3500B, Plantation, FL 33324
broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

Appeal Application

Appellant Information:

Name: Xiaohui Guo
Address: 2516 Montclaire Circle
City: Weston State: FL
Business/Profession:
Phone: 7862818802
Email: xiaohui_guo@yahoo.com xiaohui.guo2022@gmail.com

Project Information:

Address: 2516 Montclaire Circle, Weston, FL 33327
Type of Construction: single house
Hight of Building:
Square Footage per Floor:
Permit Number: B24-01261
Permit Application Date: 03/25/2024
Group Occupancy:
Number of Stories: 1

Office Use Only

Date Of Receipt:
Appeal #:
Hearing Date:
Notice Mailed:
Code In Effect:
Electrical:
Fire Code:
Mechanical:
Plumbing:
Structural:
Alternate Material:
Alternate Method:

I, the undersigned, appeal the decision of the Building/Fire Code Official of James Wagner as it pertains to Chapter 15, Section 1512.2.5 and 110.5, of the (check one):

☐ South Florida Building Code ☑ Florida Building Code ☐ Florida Fire Prevention Code

☑ Other FL Stat. 468.621(1)(f) and 468.621(1)(g), as applicable to Broward County. (Attach copy of relevant Code sections).

Note: The Board shall base their decision upon the section(s) of the Code you have indicated above. If these are in error, you must re-submit your appeal. The Board is not authorized to grant variances from the Code.

Summary of appeal (attach additional sheets as necessary): "Roofing Component Approval" page 3: "Membrane: ...All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic." The roofer did not seal any laps but Mr. James Wagner only required them to conceal the fish mouths along the valleys. On February 27, 2025, the manufacturer voided the warranty, stating "...end laps were not sealed with roofing mastic/cement per the installation instructions...." The City Inspector also lied under oath at his February 4th, 2025 deposition. For details, please see attached "Summary," "Statement," and Exhibits.

Results desired (attach additional sheets as necessary): re-conduct the inspections [redacted]
See attached "Conclusion."

Fee: Waived

Note: Exhibits intended for distribution to the Board supporting the appeal must be submitted with the appeal. All material shall be kept from the appeal hearing. A letter from the Building or Fire Code Official rejecting the applicant's appeal must be included in the appeal packet submitted to the Board of Rules and Appeals.

Appellant Name (Please Print): Xiaohui Guo

Appellant Signature:

LIST OF EXHIBITS

Document		E.#
Exhibit 1	Roofing Component Approval, produced by Wagner on 01/22/2025	2
Exhibit 2	05/23/2024 Nast Roofing Co.'s Inspection Report	25
Exhibit 3	04/04/2024-07/02/2024 City of Weston's Inspection Comments	39
Exhibit 4	07/22/2024 Rooftop Tech Inc.'s Inspection Report	40
Exhibit 5	02/27/2025 Ownes Corning Roofing and Asphalt, LLC's Warranty Voidance Letter	55
Exhibit 6	06/21/2024-09/12/2024 Email and texting between Wagner and RACC, produced by RACC on 01/07/2025	56
Exhibit 7	10/18/2024 RACC's Answer to Guo's 09/18/2024 First Set of Interrogatories	82
Exhibit 8	03/03/2025 Leonel Calderon's Affidavit	89
Exhibit 9	05/24/2024 Guo's Email to Robert Franklin	92
Exhibit 10	05/24/2024-07/02/2024Texting Messages between Wagner and Guo	93
Exhibit 11	01/27/2025 Leonel Calderon's Deposition Transcript	108
Exhibit 12	06/18/2024-07/03/2024 Guo's emails with City of Weston	178
Exhibit 13	07/03/2024 A Pro Home Inspector's Inspection Report	200
Exhibit 14	07/09/2024-07/28/2024 Guo's Emails to RACC	210
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DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER)
BOARD AND CODE ADMINISTRATION DIVISION

MIAMI-DADE COUNTY
PRODUCT CONTROL SECTION
11805 SW 26 Street, Room 208
Miami, Florida 33175-2474
T (786) 315-2590 F (786) 315-2599
www.miamidade.gov/economy

NOTICE OF ACCEPTANCE (NOA)

Westlake Royal Roofing LLC.
7575 Irvine Center Drive, Suite 100
Irvine, CA 92618

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER - Product Control Section to be used in Miami Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (In Miami Dade County) and/or the AHJ (in areas other than Miami Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.
This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Westlake Royal TileSeal and Westlake Royal MetalSeal HT

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA renews NOA# 22-0714.14 and consists of pages 1 through 4.
The submitted documentation was reviewed by Alex Tigera.

ROOFING COMPONENT APPROVAL

Category: Roofing
Sub-Category: Underlayment
Material: SBS

PRODUCTS DESCRIPTION:

Product	Dimensions	Test Specification	Product Description
Westlake Royal TileSeal	36” x 36’ rolls 36” x 72’ rolls	TAS 103 ASTM D1970	SBS self-adhering asphalt sheet material with a white glass re-enforced polyester surfacing fabric; for use as an underlayment in sloped roof assemblies.
Westlake Royal MetalSeal HT	36” x 36’ rolls 36” x 72’ rolls	TAS 103 ASTM D1970	SBS self-adhering asphalt sheet material with a white glass re-enforced polyester surfacing fabric; for use as an underlayment in sloped roof assemblies.
Westlake Royal Citadel Plus	36” x 72’ rolls	ASTM D1970	SBS self-adhering asphalt sheet material with a poly film-facer; for use as a mid-ply underlayment in sloped roof assemblies.

MANUFACTURIGN LOCATION:

1. Brentwood, NH.
2. Houston, TX.

EVIDENCE SUBMITTED:

Test Agency	Test Identifier	Test Name/Report	Date
PRI Construction Materials Technologies, LLC.	OCF-356-02-04	ASTM D1623	07/25/18
	OCF-356-02-02	TAS 103	07/24/18
	OCF-356-02-01	ASTM D1970	07/26/18
	OCF-424-02-04	ASTM D1623	07/25/18
	OCF-424-02-01	ASTM D1970	07/25/18
	OCF-424-02-03	TAS 103	07/25/18
Trinity ERD	BRLRF-SC16810.11.17	ASTM D 1876	11/28/17

APPROVED ASSEMBLIES:

Deck Type 1: Wood, non-insulated

Deck Description: $^{15}/_{32}$" or greater plywood or wood plank

System E(1): Anchor sheet mechanically fastened deck, membrane adhered.

Base Sheet: One or more plies of ASTM D226 Type II or ASTM D2626 with a minimum 4" head lap and a 6" end lap mechanically fastened to deck with approved nails and tin caps 6" o.c. at the laps and two staggered rows 12" o.c. the field of the roll.

Ply Sheet (Optional): Apply one layer of Westlake Royal Citadel Plus over Base sheet as per current approval.

Membrane: One or more plies of Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment with a minimum 3" head lap and minimum 6" end lap. Place the first course of membrane parallel to the eave, rolling the membrane to obtain maximum contact. Remove the release membrane as the membrane is applied. Vertical strapping of the roof with Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment is acceptable. All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic.

Note: When used in Tile roof systems Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment shall be back nailed to deck with approved annular ring shank nails and tin caps at a maximum 12" o.c. at the side laps. No nails or tin caps shall be exposed.

Surfacing: Approved for Adhered Roof Tile using TILE BOND or AH-160, Mechanically Fastened Roof Tile, Metal Roofing, Wood Shake & Shingles, and Asphaltic Shingle assemblies.

LIMITATIONS:

1. Fire classification is not part of this acceptance.
2. This acceptance is for prepared roofing applications. Minimum deck requirements shall be in compliance with applicable building code. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be installed in strict compliance with applicable Building Code.
3. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be applied to a smooth, clean and dry surface with deck free of irregularities.
4. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall not be applied over an existing roof membrane as a recover, but may be applied over a roofing Base/Anchor sheet underlayment.
5. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall not be left exposed as a temporary roof for longer than 180 days of application.
6. The standard maximum roof pitch for Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be 6:12 when tiles are loaded directly to the Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment; loading boards or battens are required on roof pitches greater than 6:12".
7. Refer to Prepared Roofing system Product Control Notice of Acceptance for listed approval of this product with specific prepared roofing products.
8. Tiles shall be stored on battens on roof pitches greater than 6:12".
9. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment may be used with any approved roof covering Notice of Acceptance listing Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment as a component part of an assembly in the Notice of Acceptance. If Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment is not listed, a request may be made to the Authority Having Jurisdiction (AHJ) or the Miami-Dade County Product Control Department for approval provided that appropriate documentation is provided to detail compatibility of the products, wind uplift resistance, and fire testing results.
10. All nails in the deck shall be carefully checked for protruding heads. Re-fasten any loose decking panels. Sweep the deck thoroughly to remove any dust and debris prior to application.
11. When applying the membrane in the valley, start at the low point and work to the high point, rolling the membrane from the center outward in both directions. For ridge applications, center the membrane and roll from the center outward in both directions.
12. Roll or broom the entire membrane surface so as to have 100% contact with the surface, giving special attention to overlap areas.
13. Flash vent pipes, stacks, chimneys and penetrations in compliance with Roof Assembly current Product Control Notice of Acceptance and applicable Building Code.
14. All protrusions or drains shall be initially taped with a 6" piece of underlayment. This target piece shall be pressed in place and formed around the protrusion to ensure a tight fit. A second layer of Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment shall be applied over the underlayment, and sealed using an SBS modified mastic.
15. All products listed herein shall have a quality assurance audit in accordance with the Florida Building Code and Rule 61G20-3 of the Florida Administrative Code.
16. All membranes or packaging shall bear the imprint or identifiable marking of the manufacturer's name or logo, city and state of manufacturing facility, and the following statement: "Miami-Dade County Product Control Approved" or the Miami-Dade County Product Control Seal as shown below

MIAMI-DADE COUNTY APPROVED

END OF THIS ACCEPTANCE

MIAMI-DADE COUNTY
PRODUCT CONTROL SECTION
11805 SW 26 Street, Room 208
Miami, Florida 33175-2474
T (786)315-2590 F (786) 315-2599
www.miamidade.gov/economy

DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER)
BOARD AND CODE ADMINISTRATION DIVISION

NOTICE OF ACCEPTANCE (NOA)

ICP Adhesives and Sealants, Inc.
12505 NW 44th Street
Coral Springs, FL. 33065

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER -Product Control Section to be used in Miami Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (In Miami Dade County) and/or the AHJ (in areas other than Miami Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.

This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Polyset® AH-160

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA renews NOA 20-1124.07 and consists of pages 1 through 11.
The submitted documentation was reviewed by Alex Tigera.

ROOFING COMPONENT APPROVAL:

Category: Roofing
Sub Category: Roof tile adhesive
Materials: Polyurethane

SCOPE:

This approves **Polyset® AH-160** as manufactured by **ICP Adhesives and Sealants, Inc.** as described in this Notice of Acceptance. For the locations where the design pressure requirements, as determined by applicable building code, do not exceed the design pressure values obtained by calculations in compliance with Roofing Application Standard RAS 127. For use with approved flat, low, and high profile roof tile systems using Polyset® AH-160.

PRODUCTS MANUFACTURED BY APPLICANT:

Product	Dimensions	Test Specifications	Product Description
Polyset®AH-160	N/A	TAS 101	Two component polyurethane foam adhesive
ICP Adhesives Foam Dispenser RTF1000	N/A		Dispensing Equipment
ICP Adhesives ProPack® 30 & 100	N/A		Dispensing Equipment

PRODUCTS MANUFACTURED BY OTHERS:

Any Miami-Dade County Product Control Accepted Roof Tile Assembly having a current NOA which list attachment resistance values with the use of Polyset® AH-160 roof tile adhesive.

MANUFACTURING LOCATION:

1. Tomball, TX.

PHYSICAL PROPERTIES:

Property	Test	Results
Density @ 73°F	ASTM D1622	2.1 lbs./ft.³
Compressive Strength	ASTM D1621	18 PSI Parallel to rise 14 PSI Perpendicular to rise
Tensile Strength	ASTM D1623	29 PSI Parallel to rise
Water Absorption	ASTM D2842	0%
Moisture Vapor Transmission	ASTM E96	2.3 Perms
Dimensional Stability	ASTM D2126	+0.07% Volume Change @ -40° F., 2 weeks +6.0% Volume Change @158°F., 100% Humidity, 2 weeks
Closed Cell Content	ASTM D6226	94%

Note: The physical properties listed above are presented as typical average values as determined by accepted ASTM test methods and are subject to normal manufacturing variation.

EVIDENCE SUBMITTED:

Test Agency	Test Identifier	Test Name/Report	Date
Center for Applied Engineering	#94-060	TAS 101	04/08/94
	257818-1PA	TAS 101	12/16/96
	25-7438-3	SSTD 11-93	10/25/95
	25-7438-4		
	25-7438-7	SSTD 11-93	11/02/95
	25-7492	SSTD 11-93	12/12/95
Miles Laboratories Polymers Division	NB-589-631	ASTM D 1623	02/01/94
Ramtech Laboratories, Inc.	9637-92	ASTM E 108	04/30/93
Southwest Research Institute	01-6743-011	ASTM E 108	11/16/94
	01-6739-062b[1]	ASTM E 84	01/16/95
Trinity Engineering	7050.02.96-1	TAS 114	03/14/96
	P36700.04.12	ASTM D 1623	04/18/12
	P39740.02.12	TAS 101	02/21/12
		TAS 123	
Celotex Corp. Testing Services	528454-2-1	TAS 101	10/23/98
	528454-9-1		
	528454-10-1		
	520109-1	TAS 101	12/28/98
	520109-2		
	520109-3		
	520109-6		
	520109-7		
	520191-1	TAS 101	03/02/99
	520109-2-1		
NEMO ETC, LLC	4p-ICP-20-SSLAP-01.B	Physical Properties	11/11/20

LIMITATIONS:

1. Fire classification is not part of this acceptance. Refer to the Prepared Roof Tile Assembly for fire rating.
2. Polyset® AH-160 shall solely be used with flat, low, & high tile profiles.
3. Minimum underlayment shall be in compliance with the Roofing Application Standard RAS 120.
4. Roof Tile manufactures acquiring acceptance for the use of Polyset® AH-160 roof tile adhesive with their tile assemblies shall test in accordance with TAS 101.
5. All products listed herein shall have a quality assurance audit in accordance with the Florida Building Code and Rule 61G20-3 of the Florida Administrative Code.

INSTALLATION:

1. Polyset® AH-160 may be used with any roof tile assembly having a current NOA that lists attachment resistance values with the use of Polyset® AH-160.
2. Polyset® AH-160 shall be applied in compliance with the Component Application section and the corresponding Placement Details noted herein. The roof tile assembly's adhesive attachment with the use of Polyset® AH-160 shall provide sufficient attachment resistance to meet or exceed the resistance value determined in compliance with Miami-Dade County Roofing Application Standards RAS 127. The adhesive attachment data is noted in the roof tile assembly NOA.
3. Polyset® AH-160 and its components shall be installed in accordance with Roofing Application Standard RAS 120, and ICP Adhesives and Sealants, Inc.'s Operating Instruction and Maintenance Booklet.
4. Installation must be by a Factory Trained 'Qualified Applicator' approved and licensed by ICP Adhesives and Sealants, Inc. ICP Adhesives and Sealants, Inc. shall supply a list of approved applicators to the authority having jurisdiction.
5. Calibration of the ICP Adhesives Foam Dispenser RTF1000 dispensing equipment is required before application of any adhesive. The mix ratio between the "A" component and the "B" component shall be maintained between 1.0-1.15 (A): 1.0 (B).
6. Polyset® AH-160 shall be applied with ICP Adhesives Foam Dispenser RTF1000 or ICP Adhesives ProPack® 30 & 100 dispensing equipment only.
7. Polyset® AH-160 shall not be exposed permanently to sunlight.
8. Tiles must be adhered in freshly applied adhesive. Tile must be set within 1 to 2 minutes after Polyset® AH-160 has been dispensed.
9. Polyset® AH-160 placement and minimum patty weight shall be in accordance with the 'Placement Details' herein. Each generic tile profile requires the specific placement noted herein.

Table 1: Adhesive Placement For Each Generic Tile Profile			
Tile Profile	**Placement Detail**	**Minimum Paddy Contact Area**	**Minimum Paddy Gram Weight**
Eave Course - Flat, Low, High Profiles	**All Eave Course**	**17-23 sq. inches**	**45-65**
Flat, Low, High Profiles	#1	17-23 sq. inches	45-65
Flat Profile	#2	10-12 sq. inches	30
Low Profile	#2	12-14 sq. inches	30
High Profile	#2	17-19 sq. inches	30
Flat, Low, High Profiles	#3	Two Paddys: 8-9 sq. inches at head of tile 9-11 sq. inches at overlap	12 grams per paddy
Two-Piece Barrel (Cap Tile)	Two Piece	2 Beads (1 each longitudinal edge) 20-25 sq. inches each bead	17 grams per bead
Two Piece Barrel (Pan Tile)	Two Piece	65-70 sq. inches	34 grams under pan

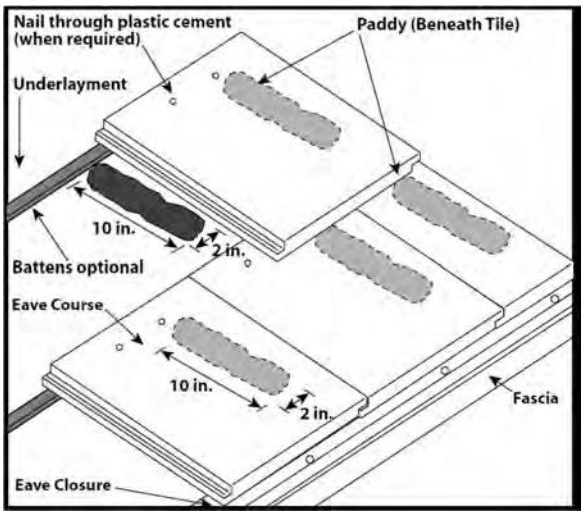
LABELING:

All approved products listed herein shall be labeled and shall bear the imprint or identifiable marking of the manufacturer's name or logo and following statement: "Miami-Dade County Product Control Approved" or the Miami-Dade County Product Control Seal as shown below.

BUILDING PERMIT REQUIREMENTS:

As required by the Building Official or applicable building code in order to properly evaluate the installation of this system.

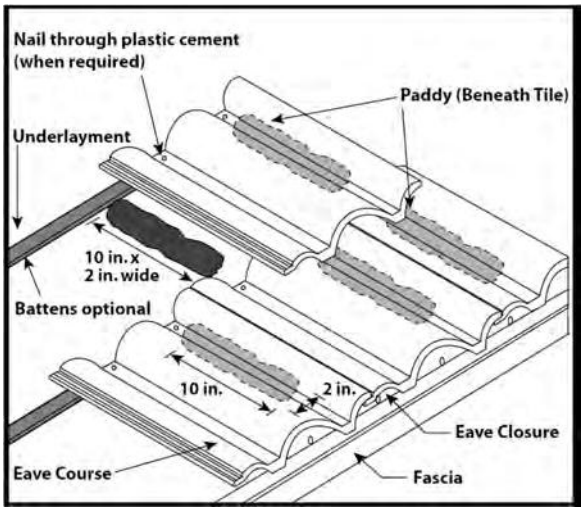
ADHESIVE PLACEMENT DETAIL # 1



Flat/Low Profile Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown, under the strengthening rib closest to the overlock of the tile being set.

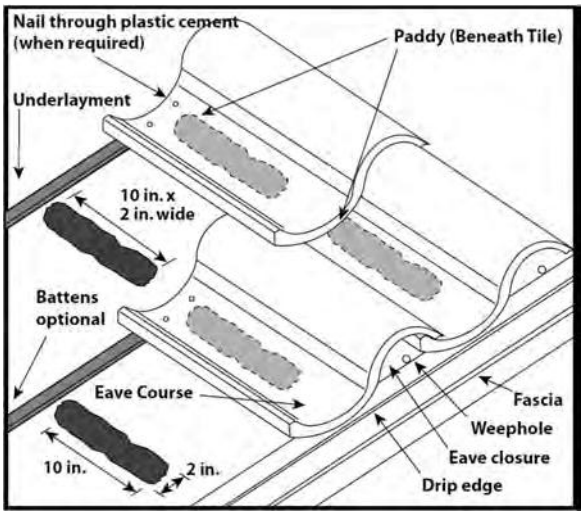
2. Continue in same manner. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.



Medium Profile / Double Pan Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

2. Continue in same manner. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

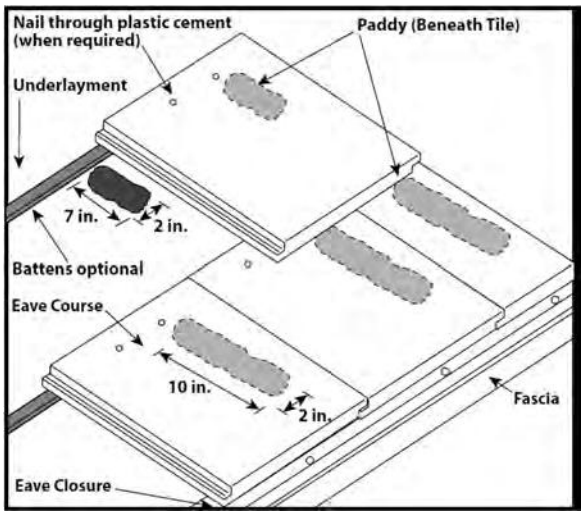


High Profile / Single Pan Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

2. Continue in same manner. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

ADHESIVE PLACEMENT DETAIL # 2

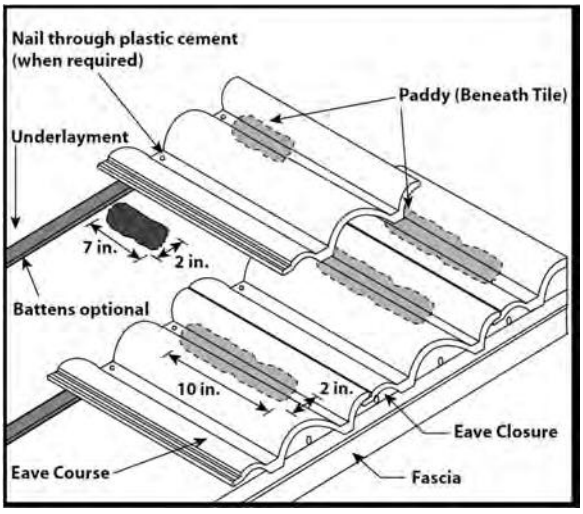


Flat/Low Profile Tile

1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the strengthening rib of the tile closest to the overlock of the tile being set. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

2. At the second course, apply a minimum 2” (50.8mm) x 7” (177.8 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the strengthening rib closest to the overlock of the tile being set.

3. Continue in same manner. Insure approximately 10” (64.5 cm^2) - 12 (77.4 cm^2) square inch adhesive contact with the underside of the tile.



Medium Profile / Double Pan Tile

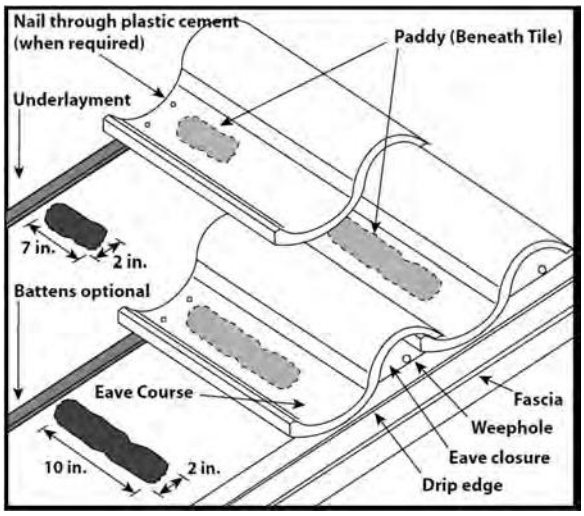
1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

2. At the second course, apply a minimum 2” (50.8mm) x 7” (177.8 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

3. Continue in same manner. Insure approximately 12” (77.4 cm2) - 14 (90.3 cm^2) square inch adhesive contact with the underside of the tile.

(Instructions continued on next page)

ADHESIVE PLACEMENT DETAIL # 2 (CONTINUED)



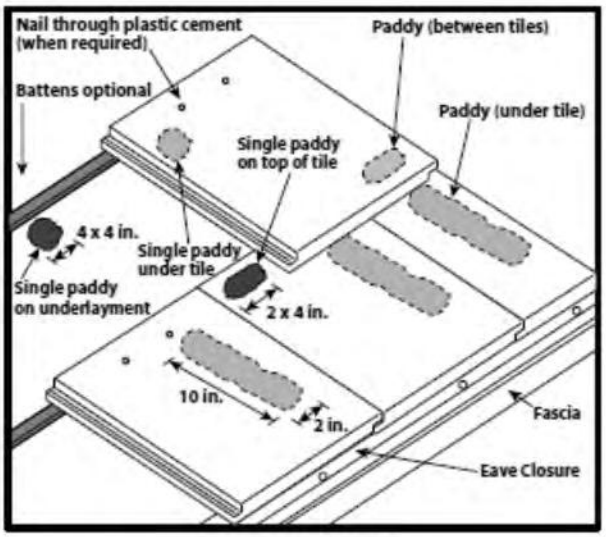
High Profile / Single Pan Tile

1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

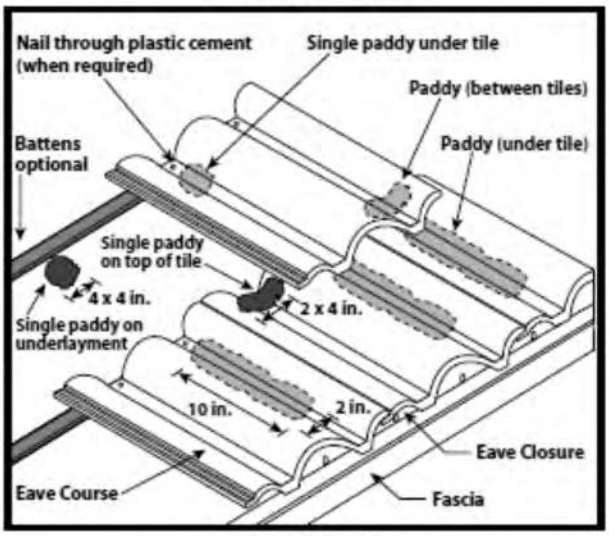
2. At the second course, apply a minimum 2” (50.8mm) x 7” (177.8 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

3. Continue in same manner. Insure approximately 17” (109.7 cm^2) - 19 (122.6 cm^2) square inch adhesive contact with the underside of the tile.

ADHESIVE PLACEMENT DETAIL # 3



Flat/Low Profile Tile



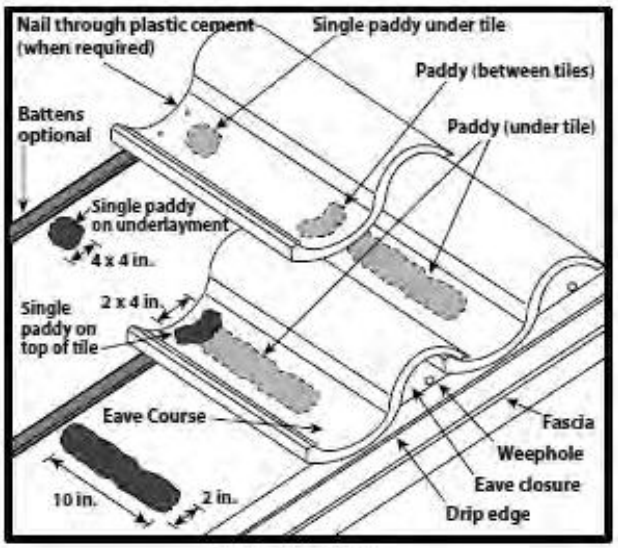
Medium Profile Tile

1. On the eave course only, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown, under the strengthening rib for flat tile or under the pan portion of the tile for low or high profile tile closest to the overlock of the tile being set. Leave approximately 4" (101.6 mm) up from the eave edge free of foam to prevent the expanded adhesive from blocking the weep holes. Insure approximately 17-23 in^2 (109.7-148.4 cm^2) of adhesive contact with the underside of the tile

2. Apply a 4" (101.6 mm) x 4" (101.6 mm) x 1" (25.4 mm) foam paddy onto the underlayment just below the second course line positioned foam paddy under the strengthening rib for flat tile, or under the pan portion of the tile, closest to the underlock for the second course tile to be installed. Insure approximately 8-9 in^2 (51.6-58.1 cm^2) of adhesive contact with the underside of the tile.

(Instructions continued on next page)

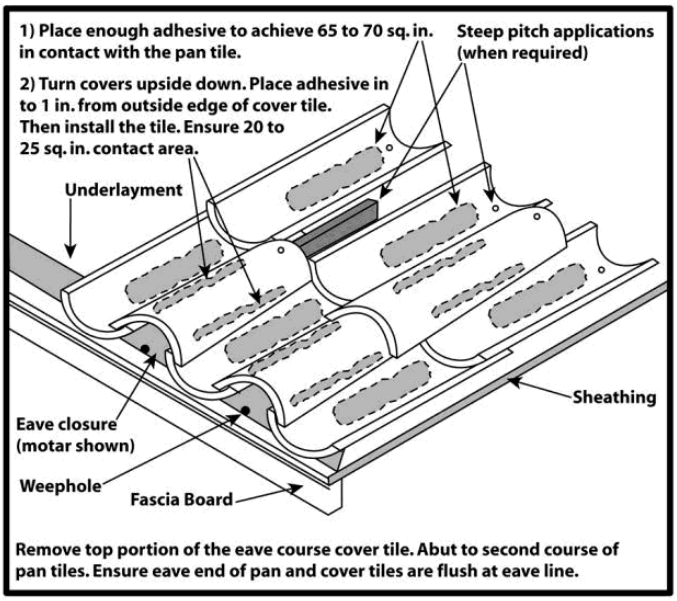
ADHESIVE PLACEMENT DETAIL # 3 (CONTINUED)



High Profile Tile

3. Also apply a 2" (50.8 mm) x 4" (101.6 mm) x ¾" (19 mm) paddy on top of the eave course tile surface as shown, on top of the strengthening rib for flat tile or on top of the pan portion of the tile, closest to the underlock of the first course of tile. Install second course of tile. Insure approximately 9 (58.1 cm^2) - 11 (71cm^2) square inch adhesive contact with the underside of the tile at the overlap and 7 (45.2 cm^2) - 9 (58.1 cm^2) square inch adhesive contact with the underside of the tile at the head of the tile. Continue in same manner.

ADHESIVE PLACEMENT DETAIL
TWO PIECE BARREL



Two Piece Barrel - High Profile Tile

Two Piece Barrel (Cap and Pan) Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown under two adjacent pan tiles. Support eave tiles from rocking until adhesive has a chance to cure.

2. Continue in same manner bringing two pan courses up toward the ridge. Insure approximately 65 (419.4 cm^2) – 70 (451.6 cm^2) square inch adhesive contact with the underside of the pan tile.

3. Turn covers upside down exposing the underside of the tile. Apply a minimum 1" (25.4 mm) x 10" (254 mm) bead of adhesive directly on the inner edge of each side of the cover tile. Leave approximately 3/4" (19 mm) to 1" (25.4 mm) from the outside edge of the tile, inward, free of foam to allow for expansion.

4. Turn cover tile over after foam is applied and place onto pan tile course. Insure a minimum of 20 (129 cm^2) - 25 (161.3 cm^2) square inch contact area on each side of the cover tile to the pan tile. Continue in same manner. Trim away any cured exposed foam adhesive. Pointing of longitudinal edges of the cover tiles are considered optional.

5. When additional nailing is required, 2" (50.8 mm) x 4" (101.6 mm) nailers or the tie wire system using galvanized, stainless steel, or copper wire and compatible nails may be used.

END OF THIS ACCEPTANCE

DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER)
BOARD AND CODE ADMINISTRATION DIVISION

MIAMI-DADE COUNTY
PRODUCT CONTROL SECTION
11805 SW 26 Street, Room 208
Miami, Florida 33175-2474
T (786) 315-2590 F (786) 315-2599
www.miamidade.gov/economy

Exhibit 1 (Page 16 of 23)

NOTICE OF ACCEPTANCE (NOA)

Westlake Royal Roofing, LLC
7575 Irvine Center Drive, Suite 100
Irvine, CA 92618

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER - Product Control Section to be used in Miami-Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (in Miami-Dade County) and/or the AHJ (in areas other than Miami-Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.
This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Villa 900 Concrete Roof Tile

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA revises NOA# 21-0712.03 and consists of pages 1 through 8.
The submitted documentation was reviewed by Alex Tigera.

ROOFING ASSEMBLY APPROVAL

Category: Roofing
Sub Category: Roofing Tiles
Material: Concrete

1. SCOPE

This renews a system using **Villa 900 Concrete Roof Tile**, as manufactured Westlake Royal Roofing, LLC in Lake Wales, FL and described in Section 2 of this Notice of Acceptance. For locations where the pressure requirements, as determined by applicable Building Code, do not exceed the design pressure values obtained by calculations in compliance with RAS 127 using the values listed in section 4 herein. The attachment calculations shall be done as a moment based system.

2. PRODUCT DESCRIPTION

Manufactured by Applicant	Dimensions	Test Specifications	Product Description
Roofing Villa 900	Length = 17" Width = 13" ½" thick	TAS 112 Type 1b Class III	Low profile, interlocking, high pressure extruded concrete roof tile equipped with three nail holes and double rolls. For direct deck, batten, mortar or adhesive set applications.
Trim Pieces	l = varies w = varies varying thickness	TAS 112	Accessory trim, concrete roof pieces for use at ridges, hips and rakes.

2.1 PRODUCTS MANUFACTURED BY OTHERS

Product Name	Product Description	Manufacturer (With Current NOA)
Polyset® AH-160	Two component polyurethane foam adhesive.	ICP Construction, Inc.
APOC® Polyset® RTA-1	Single component polyurethane foam roof tile adhesive.	ICP Construction, Inc.
TILE BOND™ Roof Tile Adhesive	Single component polyurethane foam roof tile adhesive.	DuPont de Nemours, Inc.
"Tile Tite" Roof Tile Mortar	Premixed, pre-bagged roof tile mortar.	Bermuda Roof Co. Inc.
Touch 'N Seal StormBond® 2 Two-Component Polyurethane Roof Tile Adhesive	Two component polyurethane foam adhesive.	DAP Foam, Inc.
Touch 'N Seal StormBond® One Component Polyurethane Roof Tile Adhesive	One component polyurethane foam adhesive.	DAP Foam, Inc.

2.2 MANUFACTURING LOCATION

2.2.1. Lake Wales, FL

2.3 EVIDENCE SUBMITTED

Test Agency	Test Identifier	Test Name/Report	Date
Nutting Engineers	13343.1	TAS 112	Apr. 2006
Redland Technologies	7161-03 Appendix III	Static Uplift Testing TAS 102 & TAS 102(A)	Dec. 1991
	7161-03 Appendix II	Wind Tunnel Testing TAS 108 (Nail-On)	Dec. 1991
	P0402	Withdrawal Resistance Testing of screw vs. smooth shank nails	Sept. 1993
The Center for Applied Engineering, Inc.	94-060B	Static Uplift Testing TAS 101 (Adhesive Set)	March, 1994
	94-084	Static Uplift Testing TAS 101 (Mortar Set)	May 1994
Redland Technologies	P0631-01	Wind Tunnel Testing TAS 108 (Mortar Set)	July 1994
	Letter Dated Aug. 1, 1994	Wind Tunnel Testing TAS 108 (Nail-On)	Aug. 1994
The Center for Applied Engineering, Inc.	Project No. 307025 Test #MDC-76	Wind Driven Rain TAS 100	Oct. 1994
	25-7183-1 25-7183-2	Static Uplift Testing TAS 102 (2 Quik-Drive Screws, Direct Deck)	Feb. 1995
	25-7214-2 25-7214-6	Static Uplift Testing TAS 102 (1 Quik-Drive Screw, Direct Deck) (1 Quik-Drive Screw, Battens)	March, 1995
Celotex Corporation Testing Services	528454-2-1 520109-2	Static Uplift Testing TAS 101	Sep. 1998 Dec. 1998
Walker Engineering, Inc.	Evaluation Calculations	25-7183	March 1995
	Evaluation Calculations	25-7094	February 1996
	Evaluation Calculations	25-7496	April 1996
	Evaluation Calculations	25-7584 25-7804b-8 25-7804-4 & 5 25-7848-6	December 1996
	Evaluation Calculations	Aerodynamic Multipliers	09/01/16
	Evaluation Calculations	Two Patty Adhesive Set System	April 1999
	Evaluation Calculations	Restoring Moment Due to Gravity	09/01/16
American Test Lab of South Florida	RT0617.02-16	TAS 112	06/29/16
	RT0503.02-21	TAS 112	05/12/21

PRI Construction Materials Technologies	COPO-002-02-11	Static Uplift Testing TAS 101 (Adhesive Set)	10/12/2016
	COPO-002-02-04	Static Uplift Testing TAS 101 (Adhesive Set)	10/12/2016
	COPO-002-02-03	Static Uplift Testing TAS 101 (Adhesive Set)	10/12/2016
	2002T003.02	TAS 101	11/06/20
NEMO ETC, LLC	4c-DPBS-20-LSOTM-01.C.R1	TAS 101	12/17/20

3. LIMITATIONS:

3.1 Fire classification is not part of this acceptance.

3.2 For mortar or adhesive set tile applications, a static field uplift test shall be performed in accordance with TAS 106.

3.3 Applicant shall retain the services of a Miami-Dade County Certified Laboratory to perform quarterly test in accordance with TAS 112, appendix 'A'. Such testing shall be submitted to the Building Code Compliance Office for review.

3.4 Minimum underlayment shall be in compliance with the applicable Roofing Applications Standards listed section 4.1 herein.

3.5 30/90 hot mopped underlayment applications may be installed perpendicular to the roof slope unless stated otherwise by the underlayment material manufacturers published literature.

3.6 This acceptance is for wood deck applications. Minimum deck requirements shall be in compliance with applicable building code.

4. INSTALLATION

4.1 Villa 900 Concrete Roof Tile and its components shall be installed in strict compliance with Roofing Application Standard RAS 118, RAS 119, and RAS 120.

4.2 Data For Attachment Calculations

Table 1: Average Weight (W) and Dimensions (l x w)

Tile Profile	Weight-W (lbf)	Length-l (ft)	Width-w (ft)
Villa 900 Concrete Tile	10.90	1.42	1.08

Table 2: Aerodynamic Multipliers - λ (ft^3)

Tile Profile	λ (ft^3) Batten Application	λ (ft^3) Direct Deck Application
Villa 900 Concrete Tile	0.291	0.315

Table 3: Restoring Moments due to Gravity - M_g (ft-lbf)										
Tile Profile	**2":12"**	**3":12"**	**4":12"**		**5":12"**		**6":12"**		**7":12" or greater**	
Villa 900 Concrete Tile	Direct Deck	Direct Deck	Battens	Direct Deck	Battens	Direct Deck	Battens	Direct Deck	Battens	Direct Deck
	7.70	7.62	6.56	7.50	6.42	7.34	6.26	7.15	6.08	6.95

Table 4: Attachment Resistance Expressed as a Moment - M_f (ft-lbf) for Mechanically Fastened Systems				
Tile Profile	**Fastener Type**	**Direct Deck (min 15/32" plywood)**	**Direct Deck (min. 19/32" plywood)**	**Battens**
Villa 900 Concrete Tile	2-10d Ring Shank Nails	27.8	37.4	28.8
	1-10d Smooth or Screw Shank Nail	8.8	11.8	4.1
	2-10d Smooth or Screw Shank Nails	16.4	21.9	7.1
	1 #8 Screw	25.8	25.8	22.9
	2 #8 Screw	47.1	47.1	49.1
	1-10d Smooth or Screw Shank Nail (Field Clip)	24.3	24.3	24.2
	1-10d Smooth or Screw Shank Nail (Eave Clip)	19.0	19.0	22.1
	2-10d Smooth or Screw Shank Nails (Field Clip)	35.5	35.5	34.8
	2-10d Smooth or Screw Shank Nails (Eave Clip)	31.9	31.9	32.2

Table 5: Attachment Resistance Expressed as a Moment M_f (ft-lbf) for Two Paddy Adhesive[1] Set Systems		
Tile Profile	**Tile Application**	**Minimum Attachment Resistance**
Villa 900 Concrete Tile	TILE BOND™ Roof Tile Adhesive	35[2]
	TILE BOND™ Roof Tile Adhesive	67[3]
	ICP Construction Inc.'s Polyset® AH-160	26.1[4]
	Touch 'N Seal StormBond® 2	55[5]
	Touch 'N Seal StormBond® (one component)	72[6]
	ICP Construction Inc.'s APOC® Polyset® RTA-1	44.6[7]

1 See foam adhesive manufacturer's component approval for installation requirements.
2 Medium paddy weight of 8 grams per paddy of TILE BOND™ Roof Tile Adhesive
3 Medium paddy weight of 16 grams per paddy of TILE BOND™ Roof Tile Adhesive
4 Medium paddy weight of 8 grams per paddy of Polyset® AH-160
5 Medium paddy weight of 8 grams per paddy of Touch 'N Seal StormBond ® 2
6 Medium paddy weight of 8 grams between tile and underlayment, paddy weight of 5 grams on overlap of tile of Touch 'N Seal StormBond ® (one component)
7 Medium paddy weight of 11 grams per paddy of APOC® Polyset® RTA-1

Table 6: Attachment Resistance Expressed as a Moment - M_f (ft-lbf) for Single Paddy Adhesive Set Systems		
Tile Profile	**Tile Application**	**Minimum Attachment Resistance**
Villa 900 Concrete Tile	ICP Construction Inc.'s Adhesives Polyset® AH-160	86.6[8]
	ICP Construction Inc.'s Adhesives Polyset® AH-160	45.5[9]
	Touch 'N Seal StormBond® 2	40[10]
	Touch 'N Seal StormBond® 2	70[11]

8 Large paddy weight of 54 grams of Polyset® AH-160
9 Medium paddy weight of 24 grams of Polyset® AH-160
10 Medium paddy weight of 30 grams of Touch 'N Seal StormBond ® 2
11 Large paddy weight of 60 grams of Touch 'N Seal StormBond ® 2

Table 7: Attachment Resistance Expressed as a Moment - M_f (ft-lbf) for Mortar Set Systems		
Tile Profile	**Tile Application**	**Attachment Resistance**
Villa 900 Concrete Tile	Mortar Set[12]	20.6

12 Bermuda Roof Co. Inc. Tile-Tite Roof Tile Mortar.

Table 8: Attachment Resistance Expressed as a Moment Mf (ft.-lbf) for Hybrid Attachment		
Tile Profile	**Tile Application**	**Minimum Attachment Resistance**
Villa 900 Concrete Tile	Two (2) #8 Screws and ICP Construction Inc.'s APOC® Polyset® RTA-1	62.7[13]

13 Medium paddy weight of 11 grams per paddy of APOC® Polyset® RTA-1 at headlap. **See Detail A.**

5. LABELING

5.1 All tiles shall bear the imprint or identifiable marking of the manufacturer's name or logo as detailed below, or following statement: "Miami-Dade County Product Control Approved".

LABEL FOR BORAL VILLA 900 CONCRETE TILE (LOCATED ON THE UNDERSIDE OF TILE)

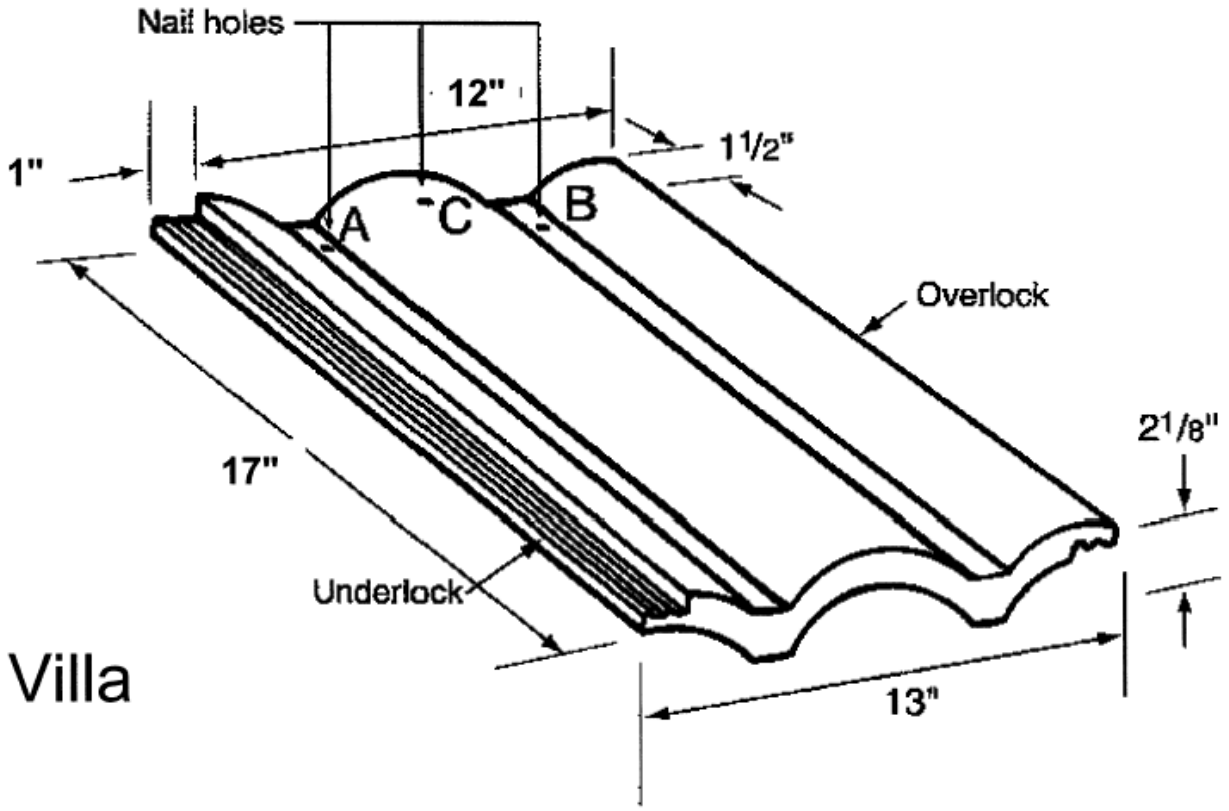
6. BUILDING PERMIT REQUIREMENTS:

6.1 Application for building permit shall be accompanied by copies of the following:

6.1.1 This Notice of Acceptance.

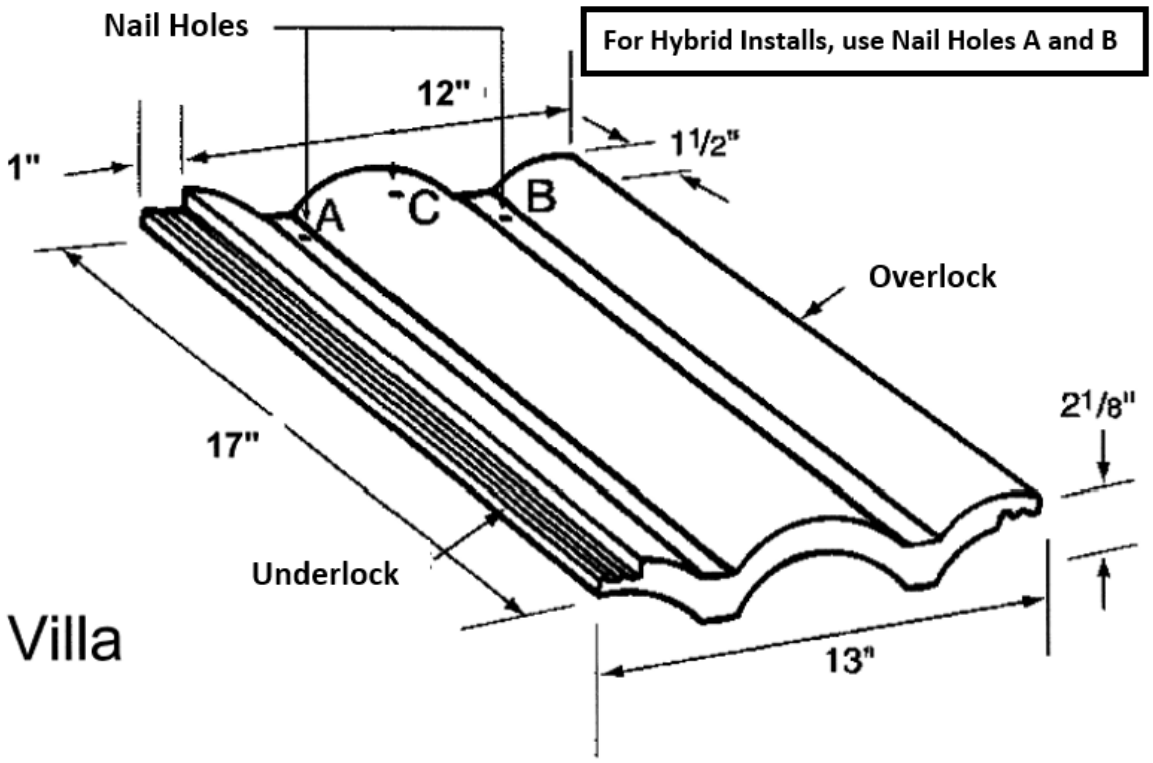
6.1.2 Any other documents required by Building Official or Applicable building code in order to properly evaluate the installation of this system.

PROFILE DRAWING



VILLA 900 CONCRETE ROOF TILE

DETAIL A



END OF THIS ACCEPTANCE

Roof Condition Inspection Form

Applicant/Insured Name: Susan Guo Application/Policy#: _____

Location Address Inspected: 2516 Montclaire Circle, Weston Building Number Inspected: _____

Date of Inspection: 5/21/24

This *Roof Condition Inspection Form* must be completed and signed by a Florida-licensed professional. The form will not be accepted without the dated signature of one of the following appropriately licensed inspectors:

- Licensed roofing contractor
- Licensed general contractor

Note: This form ***does not*** verify windstorm loss mitigation features.

ROOF (Clear photos showing the entire roof's surface and condition must be submitted with this form.)

Primary Roof:

Covering material: Tile peel and stick

Roof age (years): _____

Remaining useful life: _____

Date of last update: _____

Roofing Permit Verified: ☑ *Yes ☐ No

*Permit Application Date: _____

If updated (check one):

Full replacement ☐

Partial replacement ☐

% of replacement _____

Overall Condition of Roof:

Excellent ☐

Good ☐

Fair (explain) ☑

Poor (explain) ☐

Visible damage:

(describe; e.g. curling/ lifted/ loose/ missing shingles or tiles, or punctures, blistering, drainage issues, or bare spots in gravel, or coating degradation, or cracking of asphalt, etc.)

Any visible damage /deterioration?

Primary roof ☑ Yes ☐ No

Secondary Roof ☐ Yes ☐ No

Any visible signs of leaks?

Primary roof ☑ Yes ☐ No

Secondary Roof ☐ Yes ☐ No

Secondary Roof:

Covering material: _____

Roof age (years): _____

Remaining useful life: _____

Date of last update: _____

Roofing Permit Verified: ☐ *Yes ☐ No

*Permit Application Date: _____

If updated (check one):

Full replacement ☐

Partial replacement ☐

% of replacement _____

Overall Condition of Roof:

Excellent ☐

Good ☐

Fair (explain) ☐

Poor (explain) ☐

Comments:

(Additional Comments Required if Primary or Secondary Roof Condition is denoted as Fair or Poor):

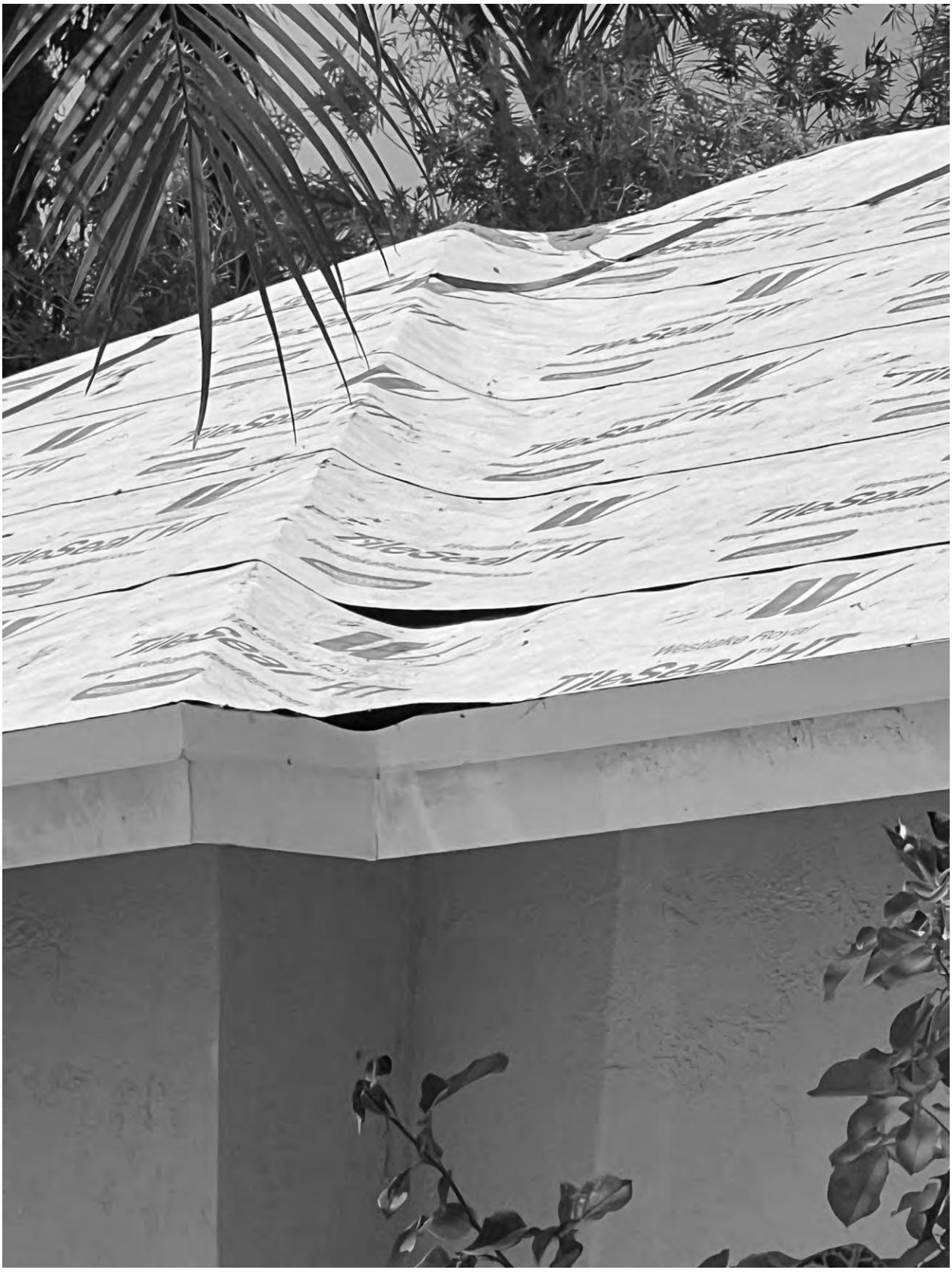
Upon ground visual inspection it is in Nast Roofing opinion that the previous roofer left some areas that need to be addressed. One being the valley weaving since most valleys have open laps and the other is all returns need attention. Two A/C units where affected as one had paint dumped all inside and the other had tile come down smashing the top of it.

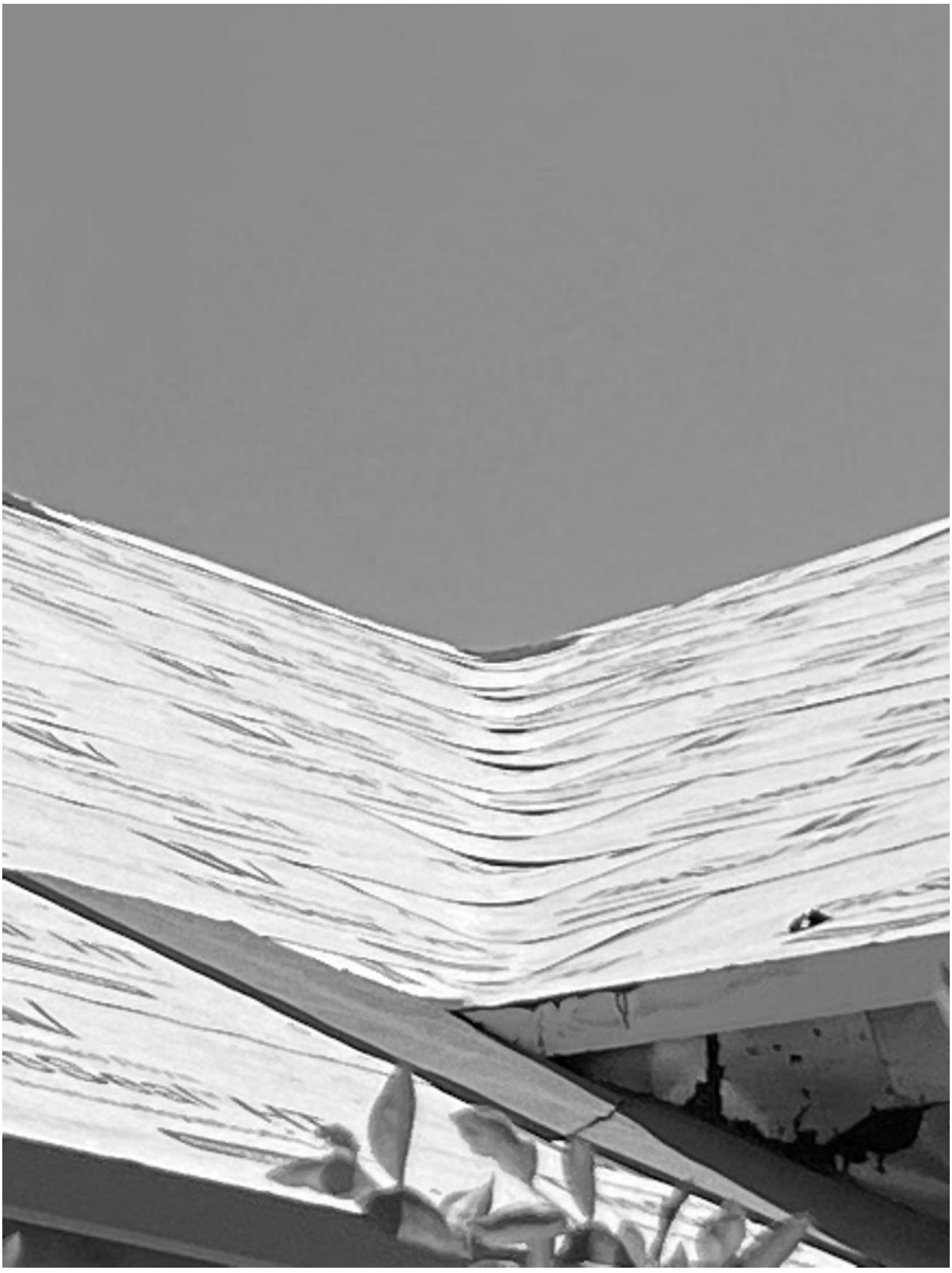
This Inspection Form and the information set forth in it are provided solely for the purpose of verifying that certain structural or physical characteristics exist at the Location Address listed above and for no other purpose. It is not intended to constitute legal or professional advice. The information provided should not be relied upon, or treated as, as substitute for specific advice relevant to particular circumstances. The undersigned does not make a health or safety certification or warranty, express or implied, of any kind, and nothing in this Form shall be construed to impose on the undersigned or on any entity to which the undersigned is affiliated any liability or obligation of any nature to the named insured or to any other person or entity.

All *Roof Condition Inspection Forms* must be signed and completed by a Florida-licensed roofing or general contractor.
I certify that the above statements are true and correct.

Inspector Name (printed)	Telephone Number		
Nast Roofing Co.	954-475-0610		
Signature of Inspector	License Type	License Number	Date
Tyler Zirbes	State Cert.	Ccc057134	5/23/24

TileSeal HT
TileSeal HT
TileSeal HT
TileSeal HT


TileSeal HT



TileSeal™ HT
Westlake Royal
WestlakeRoyalRoofing.com

TileSeal
HT

954-475-0610
NAST ROOFING CO.
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• RE-ROOFS • TILE
• METAL • SHINGLE
• FLAT • INSPECTIONS
• REPAIRS
• COMMERCIAL
• RESIDENTIAL
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• RESIDENTIAL
WWW.NASTROOFING.COM
NRC

City of Weston
17200 Royal Palm Boulevard
Weston, Florida 33326
Building Code Services

Exhibit 3

INSPECTION COMMENTS

Address	Work Description
2516 MONTCLAIRE CIR	Re-Roof with Villa 900

Date	Record #	Inspection	Inspector	Result
Structural				
7/2/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Pass
	As per the homeowners request not to go back to her property Final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and that there were no loose or broken tile.			
7/1/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Cancelled
	CANCELLED BY PROPERTY OWNER- GUO,XIAOHUI 786-281-8802			
6/28/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Fail
	Unable to perform inspection due to homeowner interference 110.5 Florida Statute 468.604 (1) 468.629 (1) (f)			
6/21/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Pass
	Corrections at valleys have been made permit card not on site to sign			
6/20/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Fail
	The tile must be removed from All valley areas in order to confirm that the repairs to the fish melts in The valleys have been corrected 1512.2.5			
4/4/2024	B24-01261	STR-CAP Sheet In Progress	WAGNER, JAMES	Pass
4/4/2024	B24-01261	STR-Tin Cap	WAGNER, JAMES	Pass

24-440 TILE VALLEY REPAIR

07/22/2024

Rooftop Tech Inc
505 South 21st
Avenue ,
Hollywood, FL 33020
CCC1333642
CGCA20625
Phone: (954) 995-9990

Company Representative
EUGENE COPAEV
Phone: (954) 995-9990
e.copaev@rttfl.com

XIAOHUI GUO
2516 Montclaire Circle
Weston, FL 33327
(786) 281-8802

Job: 24-24000440: XIAOHUI GUO

ROOF REPAIRS Section

CAP SHEET FAILURE: VALLEY LEAK
ESTIMATE WILL EXPIRE IN 30 DAYS

1. WE WILL REMOVE TILE DOWN TO WOOD DECK IN WORKING AREAS. (SEE PHOTOS)

2. WE WILL REPLACE ROTTED DECKING IN WORKING AREAS IN IF NEEDED.

3. WE WILL INSTALL TU MAX UNDERLAYMENTS.

4. WE WILL SEAL WORKING AREA USING ROOF CEMENT.

5. WE WILL INSTALL A COTTON MEMBRANE TO RE-ENFORCE THE SEAL IN THE WORKING AREAS.

6. WE WILL RE-INSTALL THE TILE USING A FOAM APPLICATION.

7. WE WILL CLEAN ALL WORKING AREAS.

8. WE WILL HAUL ALL DEBRIS.

NOTE: IF WE MUST REPLACE ANY TILES OR YOU DONT HAVE EXTRA TILE, WE WILL FIND TILE THAT MECHANICALLY ATTACHES. COLOR WILL NOT MATCH.

1 YEAR WARRANTY

50% CREDIT TOWARDS A FULL ROOF PROJECT THAT STAYS WITH YOU!

50% DOWN, BALANCE SAME DAY OF COMPLETION.

$2,450.50

TOTAL	$2,450.50

CONTRACT TERMS AND CONDITIONS:

1. All revisions to this agreement must be in writing. No oral promises or conditions are enforceable to either party.

2. This proposal may be withdrawn if not executed within three (3) days.

3. All payments are due as per the payments schedule indicated in this agreement. All payments must be current before the next phase of work will be performed. Under no circumstance can payments be withheld, such as a accidental breakage, incidental leaks during the projects etc. Should a issue such as those but not limited too the above, RTT and the owners must come to a agreement.

4. Rooftop tech Inc. shall not be responsible for damages or delays, either before commencement of, or during the said work, described herein, **on account of transportation difficulties, priorities, strikes, accidents, war, acts of God or nature, fire, sudden rains, storms, wind or windstorms, or other casualty, theft or other causes beyond R T T, Inc's absolute control.**

5. All damages to work caused by other trades (including, but not limited to, puncturing of underlayment, removing tile or shingles etc) will be repaired by and charged as extra to contract, on a time and materials basis. Rooftop tech Inc. shall bear no liability for hidden/concealed items or risks, such as, but not limited to, puncturing or damaging utilities, coverings, personal property or building components attached to or located below the roof deck, during or after completion of work. driveway damage due to delivery trucks or dump trucks are out of RTT control.

6. After acceptance is provided, Rooftop tech Inc. shall be given a reasonable time, subject to limitation in Paragraph No. 4 above, in which to make delivery of materials and/or labor to commence performance of the contract. Payments for services rendered are due as specified. There s no provision, unless stated otherwise herein, for holding back payments due to pending inspections (including final inspection), funding or any other cause.

7. Removal and replacement of the following are excluded from this contract, TV or phone/internet cables, antennas, satellite dishes/equipment, A/C units, signs, solar panels or heaters, enclosures, awnings, interior carpentry finishes or landscaping of any kind.

8. Owner is responsible for providing clear access to the job site throughout the duration of construction.

The owner of the property has 3 business days to to cancel the contract. After that period has past down payments are non refundable if a down payment is applicable.

9. No warranty will apply, if the contract is not paid in full (on contract), under any circumstances.

10. Most issues can be resolved onsite, during or after the project. Should any issues have to be resolved in court, all court fees and legal cost will be paid by homeowner should the ruling be in RTT favor.

11. Any unforeseen expense such as but not limited too: additional layers of roofing , the need for additional cranes for roof loading, addition alterations to decks, or screen removals, lifting or relocating , A/C units will be paid by the homeowner/clients to RTT , Inc.

12.

13. RTT has the right to fix (FIRST) if deemed "our fault". All leaks MUST be reported AS SOON AS IT OCCURS when possible! Leaks that occur after the roof is completed that are caused by lack of maintenance will not be covered. If your flat roof is a traditional asphalt based flat roofing system. Maintenances are required every 3-5 years for all asphalt flat roofs.

14. Owner specifically acknowledges that the lump sum agreed to by the parties in this Contract includes profits anticipated to be made by Rooftop tech under the Contract. In the event Owner attempts to terminate this Contract and it is determined by a Court that the termination was improper, Rooftop tech shall be entitled to recover all direct damages plus lost profits as a result of any wrongful termination of the Contract.

15

FLORIDA CONTRUCTION LIEN LAW

ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTION 713.001-713.37, FLORIDA

STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR PROVIDE MATERIALS AND

SERVICES AND ARE NOT PAID IN FULL HAVE A RIGHT TO ENFORCE THEIR CLAIM FOR

PAYMENT AGAINST YOUR PROPERTY. THIS CLAIM IS KNOWN AS CONSTRUCTION LIEN

IF YOUR CONTRACTOR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-

CONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED MONEY

MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE ALREADY PAID YOUR

CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR CONTRACTOR, YOUR CONTRACTOR

MAY ALSO HAVE A LIEN ON YOUR PROPERTY. THIS MEANS IF A LIEN IS FILED YOU'RE

YOUR PROPERTY COULD BE SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS,

OR OTHER SERVICES THAT YOUR CONTRACTOR SUBCONTRACTOR MAY HAVE FAILED

TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS CONTRACTOR

THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS REQUIRED TO PROVIDE

YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY PERSON OR COMPANY THAT HAS

PROVIDED TO YOU A "NOTICE TO OWNER." FLORIDA'S CONSTRUCTION LIEN LAW IS

COMPLEX, ANDT IS RECOMMENDED THAT YOU CONSULT AN ATTORNEY.

Company Authorized Signature	Date
Customer Signature	Date
Customer Signature	Date

Rooftop Tech Inc

is a Certified™ Roofing Contractor for GAF

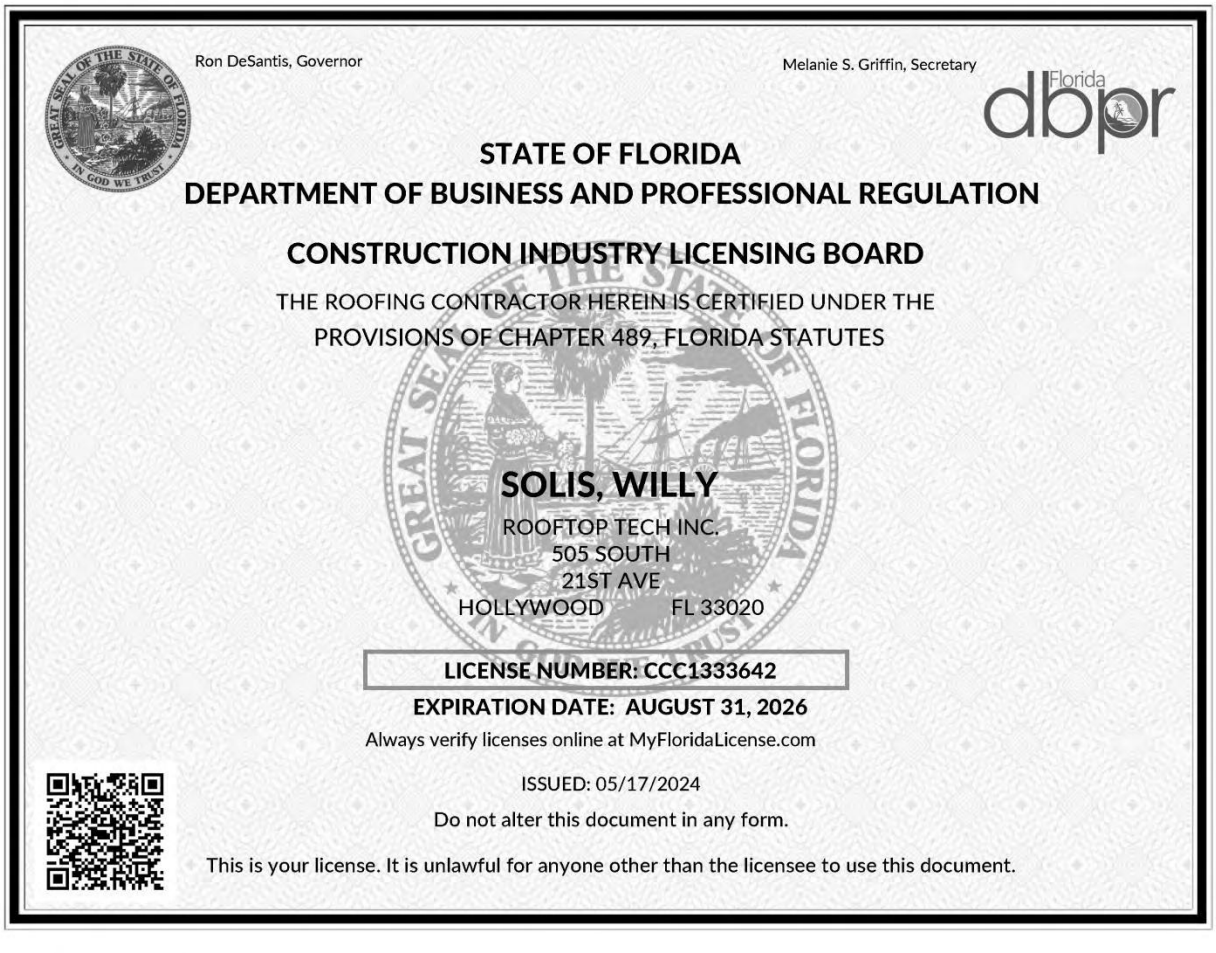
Certified™ status is only offered to about 5% of roofing contractors in North America. Those who have earned this designation have exhibited an uncompromising commitment to the highest standards in sales, service, and installation and are authorized to offer the GAF Weather Stopper® System Plus Ltd. Warranty. These contractors have pledged to ensure that each customer receives the best choice in roofing.

GAF ID: 1127557 Valid Through: 03/2023 Member Since: 03/2021

Jim Schnepper
President and CEO, GAF

Bobby Fischer
VP, Contractor Programs, GAF

Warranties offered



Ron DeSantis, Governor

Melanie S. Griffin, Secretary

Florida dbpr

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE ROOFING CONTRACTOR HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

SOLIS, WILLY

ROOFTOP TECH INC.
505 SOUTH
21ST AVE
HOLLYWOOD FL 33020

LICENSE NUMBER: CCC1333642

EXPIRATION DATE: AUGUST 31, 2026

Always verify licenses online at MyFloridaLicense.com

ISSUED: 05/17/2024

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/14/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	**CONTACT NAME:** Automatic Data Processing Insurance Agency, Inc.
Automatic Data Processing Insurance Agency, Inc. 1 Adp Boulevard Roseland NJ 07068	**PHONE (A/C, No, Ext):** 1-800-524-7024 **FAX (A/C, No):** **E-MAIL ADDRESS:**
INSURED Rooftop Tech INC 509 S 21st Ave Ste 101 Hollywood FL 33020	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** The Pie Insurance Company 21857 **INSURER B :** **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 3688171 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG 	$ $ $ $ $ $ $
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) 	$ $ $ $ $
	☐ **UMBRELLA LIAB** ☐ OCCUR ☐ **EXCESS LIAB** ☐ CLAIMS-MADE ☐ DED ☐ RETENTION $						EACH OCCURRENCE AGGREGATE 	$ $ $
A	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N: N **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	N	WCPI1161307-000	06/16/2024	06/16/2025	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Insured Locations: 509 S 21st Ave Ste 101, Hollywood, FL 33020

CERTIFICATE HOLDER

ROOFTOP TECH INC
505 S 21ST AVE

Hollywood FL 33020

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 09/07/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Custom Contractors Insurance, LLC PO Box 2389 Gilbert AZ 85299	**CONTACT NAME:** Sean O'Keefe **PHONE (A/C, No, Ext):** (888) 652-4513 **FAX (A/C, No):** (888) 274-7438 **E-MAIL ADDRESS:** info@customcontractorsinsurance.com
INSURED Rooftop Tech, Inc 509 South 21st Avenue Hollywood FL 33020	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** PREFERRED CONTRACTORS INSURANCE CO. 12497 **INSURER B :** **INSURER C :** **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			PC441168	09/07/2023	09/07/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 2,000,000 $ 50,000 $ 15,000 $ 1,000,000 $ 2,000,000 $ 1,000,000
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

COVERAGE APPLIES IN FLORIDA

CERTIFICATE HOLDER

ROOFTOP TECH INC
509 S 21ST AVE.
HOLLYWOOD, FL. 33020

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

24-440 TILE VALLEY REPAIR

09/05/2024

Rooftop Tech Inc
505 South 21st
Avenue ,
Hollywood, FL 33020
CCC1333642
CGCA20625
Phone: (954) 995-9990

Company Representative
EUGENE COPAEV
Phone: (954) 995-9990
e.copaev@rttfl.com

XIAOHUI GUO
2516 Montclaire Circle
Weston, FL 33327
(786) 281-8802

Job: 24-24000440: XIAOHUI GUO

ROOF REPAIRS Section

CAP SHEET FAILURE: VALLEY LEAK
ESTIMATE WILL EXPIRE IN 30 DAYS

1. WE WILL REMOVE TILE DOWN TO WOOD DECK IN WORKING AREAS. (SEE PHOTOS)

2. WE WILL REPLACE ROTTED DECKING IN WORKING AREAS IN IF NEEDED.

3. WE WILL INSTALL TU MAX UNDERLAYMENTS.

4. WE WILL SEAL WORKING AREA USING ROOF CEMENT.

5. WE WILL INSTALL A COTTON MEMBRANE TO RE-ENFORCE THE SEAL IN THE WORKING AREAS.

6. WE WILL RE-INSTALL THE TILE USING A FOAM APPLICATION.

7. WE WILL CLEAN ALL WORKING AREAS.

8. WE WILL HAUL ALL DEBRIS.

NOTE: IF WE MUST REPLACE ANY TILES OR YOU DONT HAVE EXTRA TILE, WE WILL FIND TILE THAT MECHANICALLY ATTACHES. COLOR WILL NOT MATCH.

2 YEAR WARRANTY

50% CREDIT TOWARDS A FULL ROOF PROJECT THAT STAYS WITH YOU!

50% DOWN, BALANCE SAME DAY OF COMPLETION.

TOTAL	$3,950.50

CONTRACT TERMS AND CONDITIONS:
1. All revisions to this agreement must be in writing. No oral promises or conditions are enforceable to either party.
2. This proposal may be withdrawn if not executed within three (3) days.
3. All payments are due as per the payments schedule indicated in this agreement. All payments must be current before the next phase of work will be performed. Under no circumstance can payments be withheld, such as a accidental breakage, incidental leaks during the projects etc. Should a issue such as those but not limited too the above, RTT and the owners must come to a agreement.
Client has 2 days after final to pay in full, if paid after there will be a $500 late fee unless otherwise communicated between both parties.
4. Rooftop tech Inc. shall not be responsible for damages or delays, either before commencement of, or during the said work, described herein, **on account of transportation difficulties, priorities, strikes, accidents, war, acts of God or nature, fire, sudden rains, storms, wind or windstorms, or other casualty, theft or other causes beyond RTT, Inc's absolute control.**
5. All damages to work caused by other trades (including, but not limited to, puncturing of underlayment, removing tile or shingles etc) will be repaired by and charged as extra to contract, on a time and materials basis. Rooftop tech Inc. shall bear no liability for hidden/concealed items or risks, such as, but not limited to, puncturing or damaging utilities, coverings, personal property or building components attached to or located below the roof deck, during or after completion of work. Driveway damage due to delivery trucks or dump trucks are out of RTT control.

6. After acceptance is provided, Rooftop tech Inc. shall be given a reasonable time, subject to limitation in Paragraph No. 4 above, in which to make delivery of materials and/or labor to commence performance of the contract. Payments for services rendered are due as specified. There are no provision, unless stated otherwise herein, for holding back payments due to pending inspections (including final inspection), funding or any other cause.
7. Removal and replacement of the following are excluded from this contract, TV or phone/internet cables, antennas, satellite dishes/equipment, A/C units, signs, solar panels or heaters, enclosures, awnings, interior carpentry finishes or landscaping of any kind.
8. Owner is responsible for providing clear access to the job site throughout the duration of construction.
The owner of the property has 3 business days to to cancel the contract. After that period has past down payments are non refundable if a down payment is applicable.
9. No warranty will apply, if the contract is not paid in full (on contract), under any circumstances.
10. Most issues can be resolved onsite, during or after the project. Should any issues have to be resolved in court, prevailing party is entitled to any and all fee's.
11. Any unforeseen expense such as but not limited too: additional layers of roofing , the need for additional cranes for roof loading, addition alterations to decks, or screen removals, lifting or relocating , A/C units will be paid by the homeowner/clients to RTT , Inc.
12. RTT has the right to fix (FIRST) if deemed "our fault". All leaks MUST be reported AS SOON AS IT OCCURS when possible. Leaks that occur after the roof is completed that are caused by lack of maintenance will not be covered. If your flat roof is a traditional asphalt based flat roofing system. Maintenances are required every year for all asphalt flat roofs.
13. Owner specifically acknowledges that the lump sum agreed to by the parties in this Contract includes profits anticipated to be made by Rooftop tech under the Contract. In the event Owner attempts to terminate this Contract and it is determined by a Court that the termination was improper, Rooftop tech shall be entitled to recover all direct damages plus lost profits as a result of any wrongful termination of the Contract.

FLORIDA CONTRUCTION LIEN LAW

ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTION 713.001-713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY. THIS CLAIM IS KNOWN AS CONSTRUCTION LIEN IF YOUR CONTRACTOR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-CONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR PROPERTY. THIS MEANS IF A LIEN IS FILED YOU'RE YOUR PROPERTY COULD BE SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER SERVICES THAT YOUR CONTRACTOR SUBCONTRACTOR MAY HAVE FAILED TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS CONTRACTOR THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER." FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, ANDT IS RECOMMENDED THAT YOU CONSULT AN ATTORNEY.

Company Authorized Signature _____ Date _____

Customer Signature _____ Date _____

Customer Signature _____ Date _____

OWENS CORNING ROOFING AND ASPHALT, LLC
ONE OWENS CORNING PARKWAY
TOLEDO, OHIO 43659
419.248.8000

February 27, 2025

SUSAN GUO
2516 MONTCLAIRE CIR
WESTON, FL 33327

Claim #: 20606525

Dear Susan Guo:
We have reviewed the information that you have submitted and the claim is being denied for improper instillation. Underlayment runs were not cut to manageable lengths, end laps were not sealed with roofing mastic/cement per the installation instructions. Product does not appear to have been installed correctly in the valleys.
If you have any additional questions, or if Owens Corning can assist you any further, please do not hesitate to call 1-800-ROOFING (1-800-766-3464). You can also inquire about the claim by emailing us at OCQS@OWENSCORNING.COM (Please reference the claim number in the subject line of the email).

Sincerely,
Jeremiah (JD)
Resolution Specialist
Owens Corning Sales, LLC
An Authorized Representative of Owens Corning Roofing and Asphalt, LLC

Attachments: PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg

---------- Forwarded message ---------
From: **Roofing Office** <roofingraoffice@gmail.com>
Date: Tue, Jul 2, 2024 at 7:50 AM
Subject: Xuo Final roof pictures B24-01261
To: <jwagner@capfla.com>, Alex Romero <roofingra@gmail.com>

RCC-0191

RCC-0191

RCC-0192

RCC-0194
RCC-0194

RCC-0195

RCC-0196

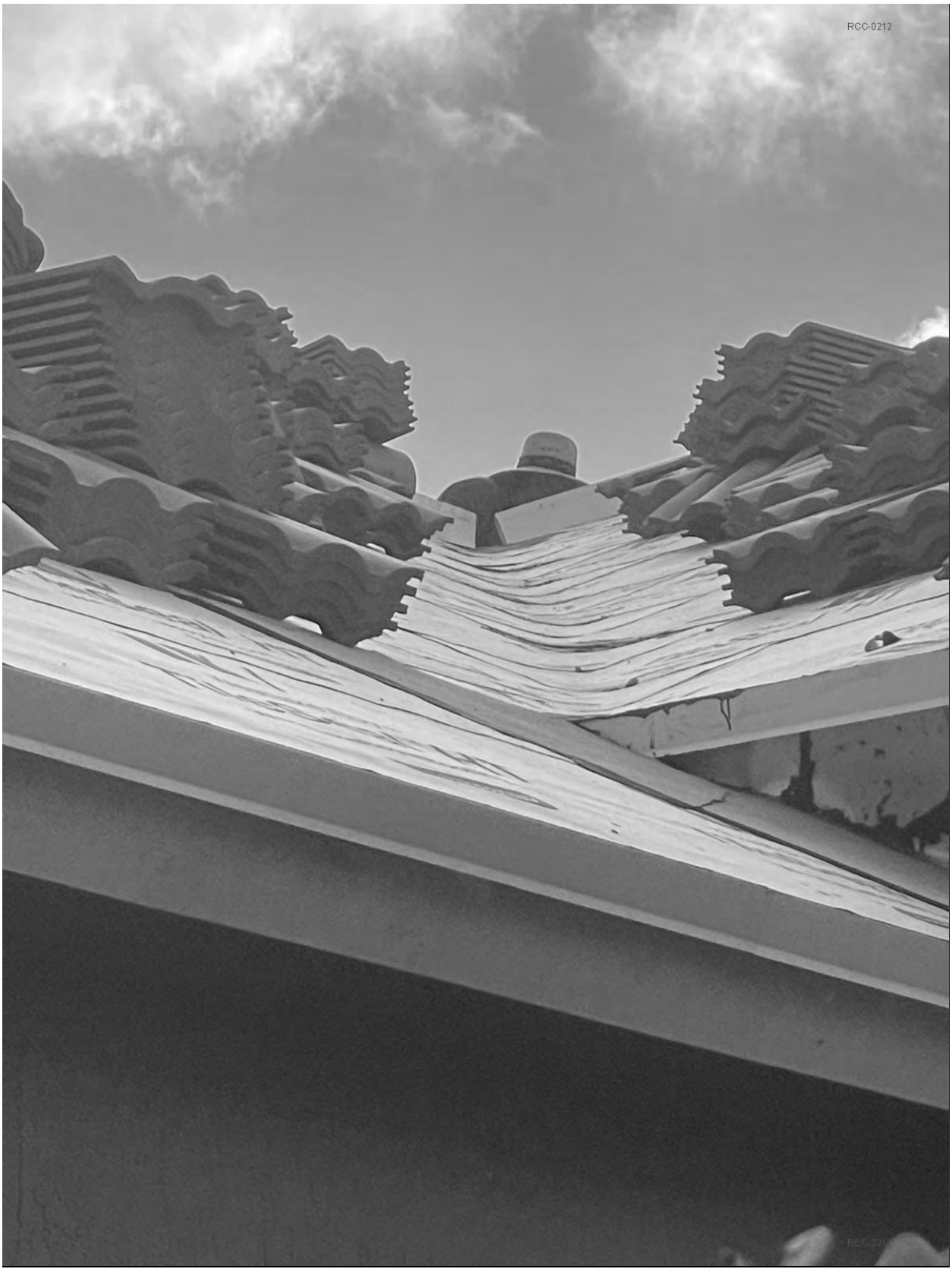
RCC-0197
RCC-0197

11:17
RCC-0199
+1 (786) 365-8015
4 Photos (3 Saved)
Fri, Jun 21 at 11:03 AM
This is Jim Wagner with Weston please start texting me the photos where you have put Bull on all of those laps in The valleys as soon as possible thank you
Mon, Jun 24 at 9:54 AM
This is Jim Wagner again with city of Weston I'm inquiring as to the status of the ceiling of the valley laps
Tue, Jun 25 at 9:28 AM
15 Photos
Text Message
RCC-0199

RCC-0209
Westlake Royal
WestlakeRoyalRoofing

RCC-0210

RCC-0211
RCC-0211


RCC-0212

RCC-0213

RCC-0214
RCC-0214

RCC-0215
HT
yalRoofing.com
MI-DADE COUNTY
APPROVED

RCC-0216
TileSeal™ HT
WestlakeRoyalRoofing.com
DADE COUNTY
APPROVED
RCC-0216

RCC-0217
Westlake Royal
TileSeal™ HT
WestlakeRoyalRoofing.com
MIAMI-DADE COUNTY
APPROVED

TileSeal™ HT
TileSeal™ HT
WestlakeRoyalRoofing.com
TileSeal™ HT
Roofing.com

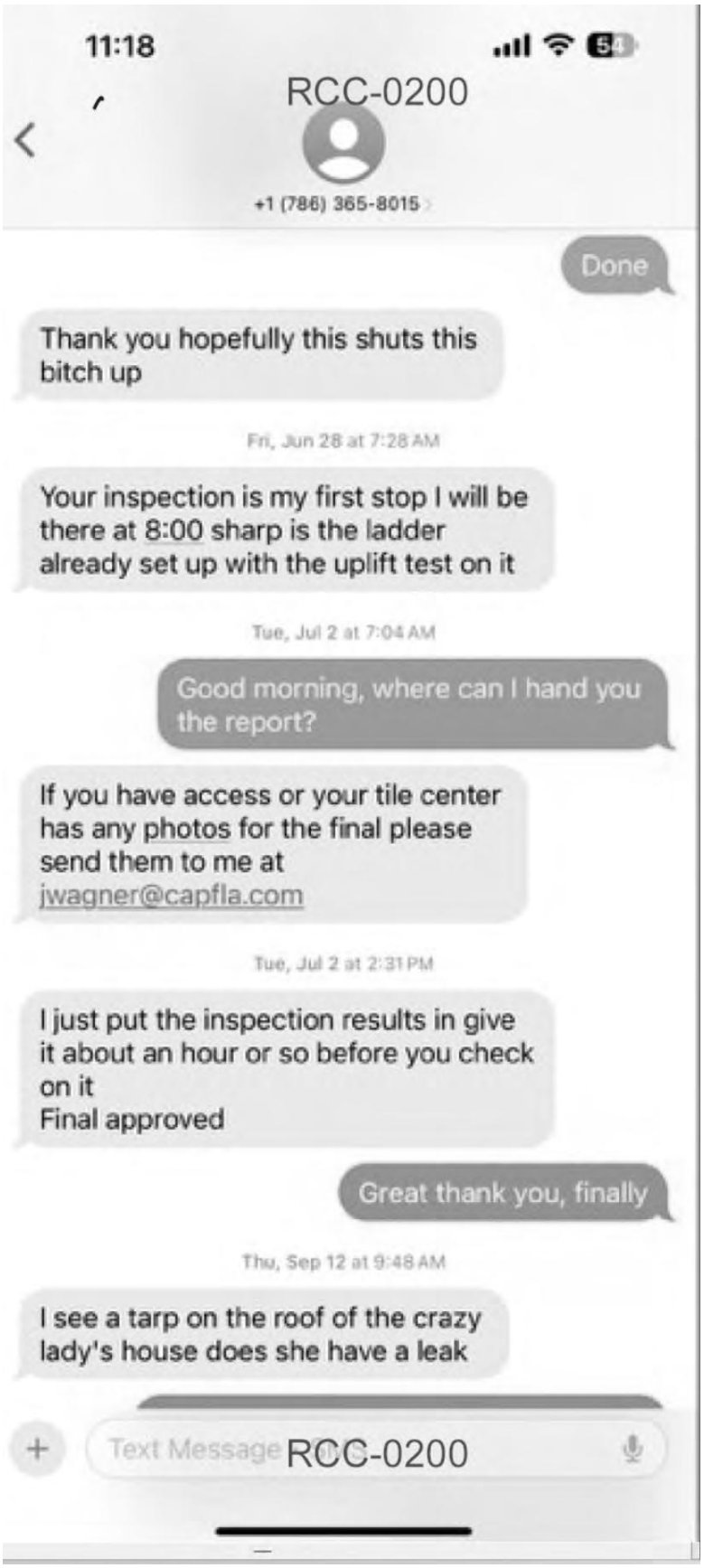
RCC-0219
TileSeal HT
Westlake Royal
TileSeal HT
WestlakeRoyalRoofing.com
Royal
HT
Roofing.com
COUNTY
RCC-0219

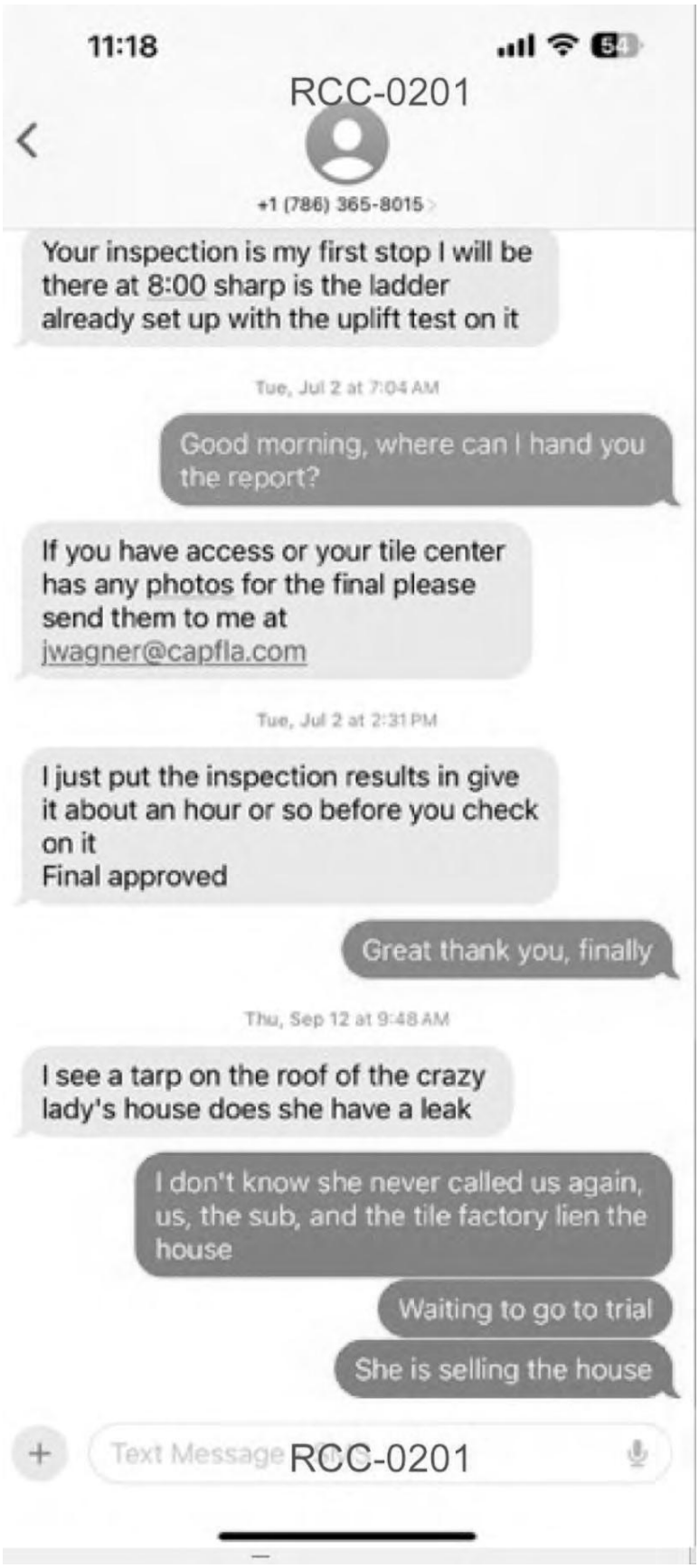
RACC did not produce Picture 12

RACC did not produce Picture 13

RACC did not produce Picture 14

RACC did not produce Picture 15


11:18
RCC-0200
+1 (786) 365-8015
Done
Thank you hopefully this shuts this bitch up
Fri, Jun 28 at 7:28 AM
Your inspection is my first stop I will be there at 8:00 sharp is the ladder already set up with the uplift test on it
Tue, Jul 2 at 7:04 AM
Good morning, where can I hand you the report?
If you have access or your tile center has any photos for the final please send them to me at jwagner@capfla.com
Tue, Jul 2 at 2:31 PM
I just put the inspection results in give it about an hour or so before you check on it
Final approved
Great thank you, finally
Thu, Sep 12 at 9:48 AM
I see a tarp on the roof of the crazy lady's house does she have a leak
Text Message
RCC-0200


11:18
RCC-0201
+1 (786) 365-8015
Your inspection is my first stop I will be there at 8:00 sharp is the ladder already set up with the uplift test on it
Tue, Jul 2 at 7:04 AM
Good morning, where can I hand you the report?
If you have access or your tile center has any photos for the final please send them to me at jwagner@capfla.com
Tue, Jul 2 at 2:31 PM
I just put the inspection results in give it about an hour or so before you check on it
Final approved
Great thank you, finally
Thu, Sep 12 at 9:48 AM
I see a tarp on the roof of the crazy lady's house does she have a leak
I don't know she never called us again, us, the sub, and the tile factory lien the house
Waiting to go to trial
She is selling the house
Text Message
RCC-0201

IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

ROOFING AND CONSTRUCTION CORP., a Florida corporation,

Plaintiff,

v.

XIAOHUI GUO, an individual,

Defendant.

_____/

CASE NO.: COCE-24-046580

XIAOHUI GUO, an individual,

Counter-Plaintiff,

v.

ROOFING AND CONSTRUCTION CORP., a Florida corporation, EZEQUIEL ALEJANDRO ROMERO, an individual, and ELIAS ABDEL REBOLLEDO MORILLO, An individual,

Counter-Defendants.

_____/

PLAINTIFF/COUNTER-DEFENDANT, ROOFING AND CONSTRUCTION CORP.'S RESPONSES AND OBJECTIONS TO DEFENDANT/COUNTER-PLAINTIFF, XIAOHUI GUO'S FIRST SET OF INTERROGATORIES

Plaintiff/Counter-Defendant, ROOFING AND CONSTRUCTION CORP. ("RCC"), by and through its undersigned counsel and pursuant to the Florida Rules of Civil Procedure, hereby files its Responses and Objections to Defendant/Counter-Plaintiff, XIAOHUI GUO's ("Guo") First Set of Interrogatories, and states as follows:

RESERVATION OF RIGHTS

1. RCC responds below to the Interrogatories pursuant, and subject, to the

accompanying objections, without waiving and expressly preserving all such objections.

2. RCC's responses as set forth herein are based upon information presently known to it and RCC therefore reserves the right to supplement the responses as additional fact(s), document(s), or other information is discovered.

3. RCC also submits these responses and objections subject to, without waiving, and expressly preserving: (a) any objections as to competence, relevance, materiality, and admissibility into evidence of any document or information provided in response to the Interrogatory ; (b) the right to object to further discovery involving or relating to the subject matter of the Interrogatory or these responses and objections, including documents or other information produced in response to the Interrogatory; and (c) the right at any time to revise, correct, supplement, or clarify any of the responses and objections herein. RCC expressly does not concede the relevance or materiality of any Interrogatory herein or the subject matter to which it refers.

4. Any objection or lack of objection to any portion of the Interrogatory is not an admission. RCC does not admit, adopt, or acquiesce in any factual or legal contention, assertion, or characterization that is contained or implied in the Interrogatory.

5. The inadvertent production of any document or information subject to a privilege or other protection from disclosure shall not be deemed to be a waiver of any applicable privilege or protection with respect to such document or information or any other document or information.

6. An objection, failure to object, or other response to any of the Interrogatories does not indicate that any documents or information responsive to that specific Interrogatory in fact exist.

7. RCC reserves the right to make future motions and objections relating to the Interrogatories at any subsequent stage of this action, including, but not limited to, relating to the

right to use of any information on any ground in any proceeding in any action, and the right to object on any ground at any time to any demand for a further response to these or to any other Interrogatory. Further, RCC reserves the right to amend this Response.

OBJECTIONS

These Objections are incorporated into each Response to Interrogatories below as if fully repeated therein.

8. RCC objects to the Interrogatory to the extent it seeks documents or information, including drafts, that were collected or prepared in anticipation of litigation, or constitute attorney work product, such as material obtained as a result of the investigations of counsel, or that contain privileged attorney-client communications, or are otherwise privileged or protected from disclosure.

9. RCC objects to the Interrogatory to the extent it seeks information or documents not in its possession, custody, or control.

10. RCC objects to the Interrogatory to the extent it seeks information or documents that already are in Guo's possession, custody or control, are publicly available, or are otherwise equally available to Guo.

11. RCC objects to the Interrogatory to the extent it seeks documents or information the discovery of which is cumulative, duplicative, or obtainable from some other source that is more convenient, less burdensome, or less expensive, or which is more properly obtained by deposition or other discovery device.

12. RCC objects to the Interrogatory to the extent it seeks information or documents protected by any rights of privacy or that contains or constitute personal identifying information of any third parties absent a protective order in place that maintains the confidentiality of such

information.

13. RCC objects to the Interrogatory insofar as it is vague, ambiguous, or cannot be adequately understood without clarification or definition of the vague or ambiguous words or phrases.

14. RCC incorporates each objection set forth herein into the Response to Interrogatories below.

RESPONSES & OBJECTIONS

1. With strict and direct proof, please specify what work ROOFING AND CONSTRUCTION, CORP. accomplished at XIAOHUI GUO (hereafter "GUO")'s Property on each of the following days: March 13th, 2024, March 28th, 2024, April 4th, 2024, April 5th, 2024, April 16th, 2024, April 17th, 2024, June 14th, 2024, June 18th, 2024, June 19th, 2024, June 20th, 2024, June 25th, 2024, June 26th, 2024, and June 27th, 2024. (You must answer day by day. Do not answer collectively.)

Answer:

March 13, 2024: Temporary repairs performed at Guo's property. Guo requested RCC to perform two temporary repairs to the roof and agreed to compensate RCC $550.00 per repair.

March 28, 2024: Guo claimed roof was leaking in the same spot that was previously temporarily repaired by RCC. However, that whole section of the roof was rotted.

April 4, 2024: Installation of peel & stick underlayment.

April 5, 2024: Installation of peel & stick underlayment.

April 16, 2024: No work performed.

April 17, 2024: Replacement of one (1) loose paver.

June 14, 2024: Tiles loaded by the distributor.

June 18, 2024: Small section of tiles installed; application of bull in three (3) spots as agreed by Guo.

June 19, 2024: Corrections completed by RCC as requested by City inspector.

June 20, 2024: RCC removed tiles on the valleys as per City inspector.

June 25, 2024: Tile crew working on site.

June 26, 2024: Tile crew working on site.

June 27, 2024: Collection of tile-related trash ahead of final inspection on June 28, 2024.

2. With strict and direct proof, please specify how ROOFING AND CONSTRUCTION, CORP. protected GUO's Property from damages on each of the following days: March 13th, 2024, March 28th, 2024, April 4th, 2024, April 5th, 2024, April 16th, 2024, April 17th, 2024, June 14th, 2024, June 18th, 2024, June 19th, 2024, June 20th, 2024, June 25th, 2024, June 26th, 2024, and June 27th, 2024. (You must answer day by day. Do not answer collectively.)

Answer: Objection. The term "damages" is not adequately defined. RCC also objects to this Interrogatory to the extent it calls for a legal conclusion that RCC damaged Guo's property. Notwithstanding these objections, protection of the property was achieved and was only required during the tear-off of the roof which took place on April 2 and 3, 2024.

3. With strict and direct proof, if GUO ever refused ROOFING AND CONSTRUCTION, CORP.'s employer, employees, or contractors to inspect the roof or any damages allegedly caused by ROOFING AND CONSTRUCTION, CORP., please specify each date/time and method (such as phone, in-person, email, texting, email, and et al.) that GUO ever refused ROOFING AND CONSTRUCTION, CORP.'s employer, employees, or contractors to inspect the roof or any damages allegedly caused by ROOFING AND CONSTRUCTION, CORP.

Answer: Objection. The term "refused" is not adequately defined. RCC also objects to this Interrogatory to the extent it calls for a legal conclusion that RCC damaged Guo's property. Notwithstanding these objections, Guo did not refuse RCC the ability to inspect the roof.

4. In your 04/16/2024 11:11AM and 04/25/2024 8:15AM Email to GUO, you agreed to compensate GUO's pool net that was damaged by ROOFING AND CONSTRUCTION, CORP.. With strict and direct proof, please demonstrate that ROOFING AND CONSTRUCTION, CORP. 07/12/2024 Claim of Lien deducted any amount to compensate GUO's pool net.

Answer: Pursuant to applicable law, RCC is entitled to record its Claim of Lien for the reasonable value of the work it performed to Guo's property.

5. In your 04/16/2024 11:11AM Email to GUO, you stated that "...Roofing and Construction Corp will Apply bull and membrane on 3 spots on the roof we discussed with the homeowner..." With strict and direct proof, please specify the date/time that ROOFING AND CONSTRUCTION, CORP. applied bull and membrane on the three spots on the roof, as you discussed with GUO on April 16th, 2024, if ROOFING AND CONSTRUCTION, CORP. ever did so.

Answer: See response to Interrogatory #1, above.

6. With strict and direct proof, please specify each Clause in the Contract between ROOFING AND CONSTRUCTION, CORP. and GUO that allows ROOFING AND CONSTRUCTION, CORP. to pause its repairing, inspection, or re-roofing to wait for GUO to agree not to charge ROOFING AND CONSTRUCTION, CORP. for damaging her Property.

Answer: Objection. This interrogatory calls for a legal conclusion. The parties' agreement speaks for itself.

VERIFICATION OF ANSWERS TO INTERROGATORIES

Under penalties of perjury, I declare that I have read the foregoing answers to interrogatories and the facts stated in it are true and correct.

ROOFING AND CONSTRUCTION CORP.

STATE OF FLORIDA)
)
COUNTY OF)

The foregoing was sworn to (or affirmed) and subscribed before me by means of [✓] physical presence or [ ] online notarization this 18 day of OCTOBER, 2024, by EZEQUIEL ROMERO, acting as PRESIDENT of ROOFING AND CONSTRUCTION CORP., who is [✓] personally known to me or [ ] who has produced a Florida Driver's License as identification and who did [✓] /did not [ ] take an oath.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public State of Florida
Nicholas Forero
My Commission HH 523917
Expires 5/5/2028

Signature of Notary

NICHOLAS FORERO
Printed Commissioned Name of Notary

5/5/2028
My commission expires:

SWORN AFFIDAVIT

I, Leonel Cabrera Calderon, testify that:

1. I am the one of the three owners of Calderon All Around Services LLC since 2020. My company is a subcontractor of Roofing and Construction Corp. for 2516 Montclaire Circle, Weston, FL 33327.
2. In March 2024, Roofing and Construction Corp' s owner Ezequiel Alejandro Romero hired my employees to remove all tiles along a long valley above the two air conditioners to temporarily repair two leaks. Romero knew the locations of the temporary repairs. He did not ask my crew to put tiles back to the place. He told my crew just put the tiles along the side of the valley to wait for the dump truck in April 2024. He did not ask my crew to protect the property. There is a high chance that some tiles may have fallen off in March 2024 and caused damages.
3. I personally worked at the Property on April 2nd, April 3rd, April 4th, and April 5, 2024. Each day I worked there for all day long from about 8AM to about 5PM. I was always the first one arrived and the last one left.
4. On April 2nd, 2024 when my crew put screen around two air conditioners condensers to protect them, I noticed that the condenser at the left has no damage but the one at the right has a hole at its cover' s far right corner. Because there were broken tiles in the damaged condenser and the damage looks very new, I believe that, during the March 2024 temporary repair, tiles fell off on the condenser on the right and broke its cover. Because the damage has been covered by bushes and our screen, the owner Xiaohui Guo may not notice the damage at that time.
5. After the peel and stick underlayment was installed on April 4th, 2024, I observed Romero' s employee Elias Morillo painting the fascia boards from beginning to the end. During the whole process, Morillo was never on the roof to paint the fascia boards. The only tools Morillo used are a small ladder and a brush. Because there is no space to put the ladder between two air conditioners, it is a high chance that Morillo stepped on the air conditioner to paint the fascia boards above. From underneath the fascia board, Morillo painted all fascia boards' front, bottom, and behind faces. At this property, there is no chance to paint the fascia board from the roof. First, you would fall off because of the angle of the roof. Second, you would not be able to reach the fascia boards' all faces because of the angle of the fascia boards. If Morillo testified that he squatted on the roof to paint fascia boards, then he was not telling the truth.
6. On January 25th, 2025, Guo showed me every piece of fascia boards around the Property through Zoom. I noticed no change to any of the fascia boards. The paintings on fascia boards were the same as Morillo painted. I know this because the color Morillo used does not match the color the Property had before. I do not think anybody painted the fascia boards after Morillo painted.
7. I particularly remembered that a three-inch big piece of the fascia board above the garage door was chipped off by the tile tearing-off. The worker caulked this damage. Afterwards, Morillo painted the caulking but did not paint the whole fascia above the garage door. Because the new color doesn' t match the old color, the fascia board above the garage door looks bad. Guo worried that the Home Owner

I LeonelC. also ramber that Alex Romero never asked me to roll the peel and stick down.

Association may criticize the different colors on the fascial board above the garage door because the garage was facing the street. On January 25th, 2025 I noticed no change of the paining on the fascia board above the garage door. It is still the same as how Morillo painted. Because Guo has not re-painted the fascia board above the garage door, I do not think she re-painted any other fascia board.

8. On April 2nd, 2024 and April 3rd, 2024, during the tile tearing-off, Roofing and Construction Corp.' s truck broke about five (5) pavers at the driveway. Also, two triangle pavers at one corner of the driveway were used by workers to hold the plastic underneath the truck and damaged. Later, Guo gave a square paver to Elias Morillo for him to cut two triangle pavers. Morillo told Guo that he will cut two triangle pavers. Morillo first asked me if I have a cutter to cut pavers and I said no. He mentioned to me that he didn' t have one as well. Next, I saw Morillo dig out two good triangle pavers from another corner of the driveway and placed them at the missing corner to pretend that he cut the two triangle pavers. Afterwards, Morillo left the property. He never cut two triangle pavers when I was at the property from Tuesday April 2nd, 2024 to Friday April 5th, 2024. Nobody worked at the Property on Saturday and Sunday. On Monday April 8th, 2024, when Guo found that Morillo moved two triangle pavers to pretend that he cut them, Guo was very upset. Morillo serves the same church with me. I knew him for a long time. He should not have done this to Guo. Based on what Guo told me, I don' t think Morillo is a honest guy anymore. I don' t believe Morillo has a personal attorney.
9. After the peeling stick underlayment was installed on April 4th, 2024, Roofing and Construction Corp. should have installed tiles the sooner the better to protect the underlayment from UV light, especially during summer. Although the manufacturer of underlayment' s warranty allows 180 days' exposure without tiles, the longer the wait, the underlayment may get weaker. However, after Guo complained to Romero, Romero told me that he will delay tile loading to make Guo suffer. Romero stopped the tile loading and left the peeling stick underlayment exposed without tile' s protection for more than two months, until open laps appeared along all valleys of the roof. When City of Weston required Romero to correct the open laps, Romero instructed my employees to burn the open laps along the valley with a torch and trowel to lower the laps down. Romero' s purpose was to conceal the defects and did not care about what it was done correctly. Romero' s instruction caused more damages on the underlayment. At my deposition, Guo showed me Romero' s answers to interrogatories that says my company applied bull and membrane on the laps in the valleys via a trowel. This is not true. Romero only asked my crew to torch the laps down.
10. On April 4th, 2024, after the underlayment was installed, Guo inquired about valley metal and flashing. I suggested to install a full roll of SAP modified at valley metal and flashing. Romero did not allow me to do so.
11. Romero never asked me or my crew to apply bull and membrane on three spots of the roof. Nobody from Roofing and Construction Corp. ever mentioned about three spots of the roof to me or my crew. Actually, Romero instructed me to ignore all requests from Guo. At my deposition, Guo showed me Romero' s company' s answers

to interrogatories that says my crew helped Romero' s company with three spots of the roof. That is not true.

12. After Guo found the damages on her air conditioners, Romero instructed me to block Guo' s telephone number in my phone.
13. I have known Romero for one year. He is not an honest guy. Romero has not paid me in full for my company' s job at this Property.
14. I think Guo has to replace the roof installed by Roofing and Construction Corp. because of its bad quality.
15. Besides driveway and two air conditioners, I think Romero also should compensate Guo for her swim pool net and frog fountain. During the tile tearing off, I saw a hammer, tiles, and other heavy items fallen into the pool and a worker used Guo' s pool net to pick them up. I also saw a worker lifting the frog fountain to hold the plastic cover on the pool. I told Romero how the swim pool net and frog fountain were damaged and that he should compensate Guo for them.
16. I and my employees never helped Romero or his company to answer interrogatories or fill any court documents. I was never aware of them. Nobody asked me about when or what I did at the Property.
17. At the deposition, Guo showed me two pictures with "T" marks on them. I saw broken tiles and loose tiles in the pictures. The engineer and the City of Weston should not have passed the roof inspection.
18. It is unsafe to use exterior electronic outlet when it is raining. The outlet may jump if touched with water and may damage the brake.
19. In the past, both Romero and his partner Rodolfo Aranes told me that their company Roofing and Construction Corp. has been sued for their company' s bad roofing job, besides this one.
20. Anne Rocco is Roofing and Construction Corp.' s office manager. She should also know about her company' s lawsuits because she is the one receiving all paperwork.

Under penalties of perjury, I declare that I have read the forgoing "SWORN AFFIDAVIT" and that the facts stated in it are true.

Sign _____

Leonel Cabrera Calderon

STATE OF Georgia
COUNTY OF Paulding
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 3 day of March, 2025, by Leonel Calderon; who is Personally Known___OR Produced Identification ✓. Type of Identification Produced FLA State DL.

NAME OF NOTARY Alejandro Fryer Galindo

SIGNATURE OF NOTARY _____

MY COMMISSION EXPIRES April 12, 2026

ALEJAANDRO FRYER GALINDO
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires April 12, 2026

Re: 2516 Montclaire Circle, Weston roof inspection

From: xiaohui guo (xiaohui_guo@yahoo.com)

To: rfranklin@westonfl.org

Date: Friday, May 24, 2024 at 12:12 PM EDT

Hi, Mr. Franklin,

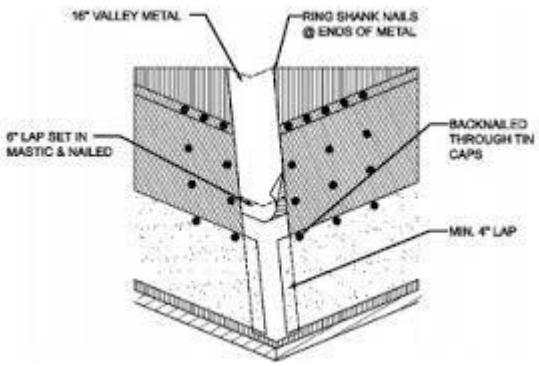
I got back home and surprisedly saw Mr. Wagner. He said that as an inspector he only needs to spend a few minutes on each inspection and today's inspection is an extra work for him.

Although Mr. Wagner threw some temper tantrum, he did state that he will call the roofer to fix the open laps in all valleys, the lifted cap sheets stuck with unknown objects, returns all around the property, and other issues. He wasn't sure how the roofer would fix all the problems. When I asked him whether the delay in the installation of tiles caused the open laps in the valleys, Wagner agreed and said that, without the tiles' protection, the "peel and stick" paper is expanding and contracting. Of course, I'm not an expert. If I misunderstood anything, please let me know.

Mr. Wagner said that because there is no ladder set up, he couldn't get on the roof to check. If I knew that he is coming today, I could have set up a ladder for him. Thanks for sending him in so quickly and thanks for your and Mr. Wagner's extra time on this matter. If there is anything to make your job easier, for example, to request the City to hire more workers for your department, please let me know.

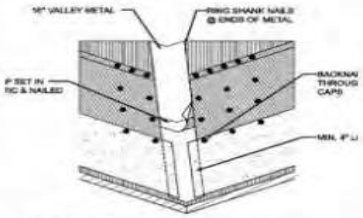
Regards,

Xiaohui Guo


16" VALLEY METAL
RING SHANK NAILS @ ENDS OF METAL
6" LAP SET IN MASTIC & NAILED
BACKNAILED THROUGH TIN CAPS
MIN. 4" LAP

Roof Inspector James ...

Friday, May 24, 2024



MMS 8:22 AM

8:48 AM Hi. Does this picture show peel and stick ?

Yes.... The purpose of that photo is the show that the valley metal is not required to be covered by the peel and stick

8:58 AM

9:42 AM Thanks. What are the black dots please?

Saturday, May 25, 2024

Good morning, James.

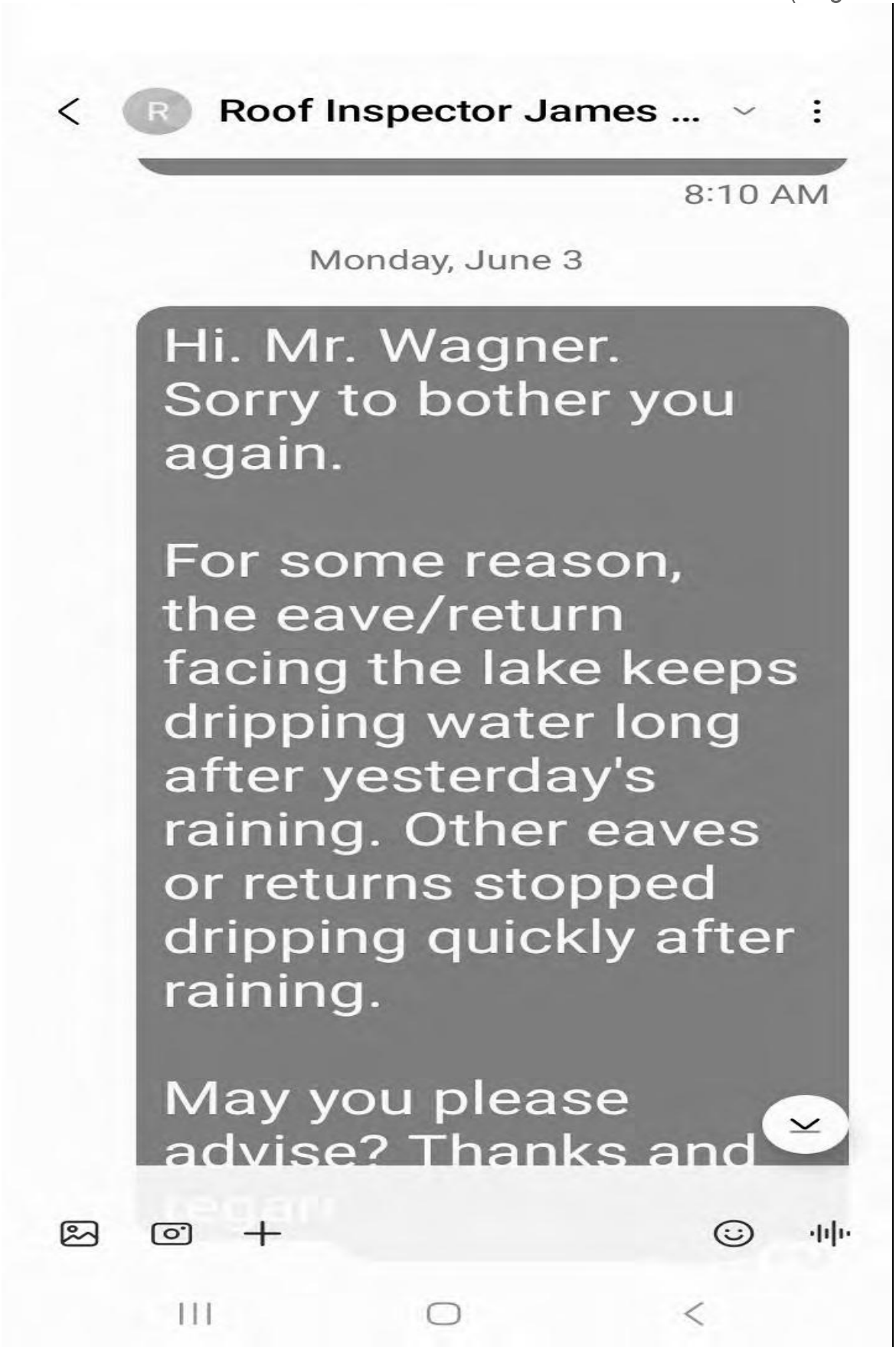
Even if the valley metal is not required to be covered by the peel and stick, the peel and stick can stick at the edge of the valley met when it was newly peeled

Me
8:10 AM, May 25

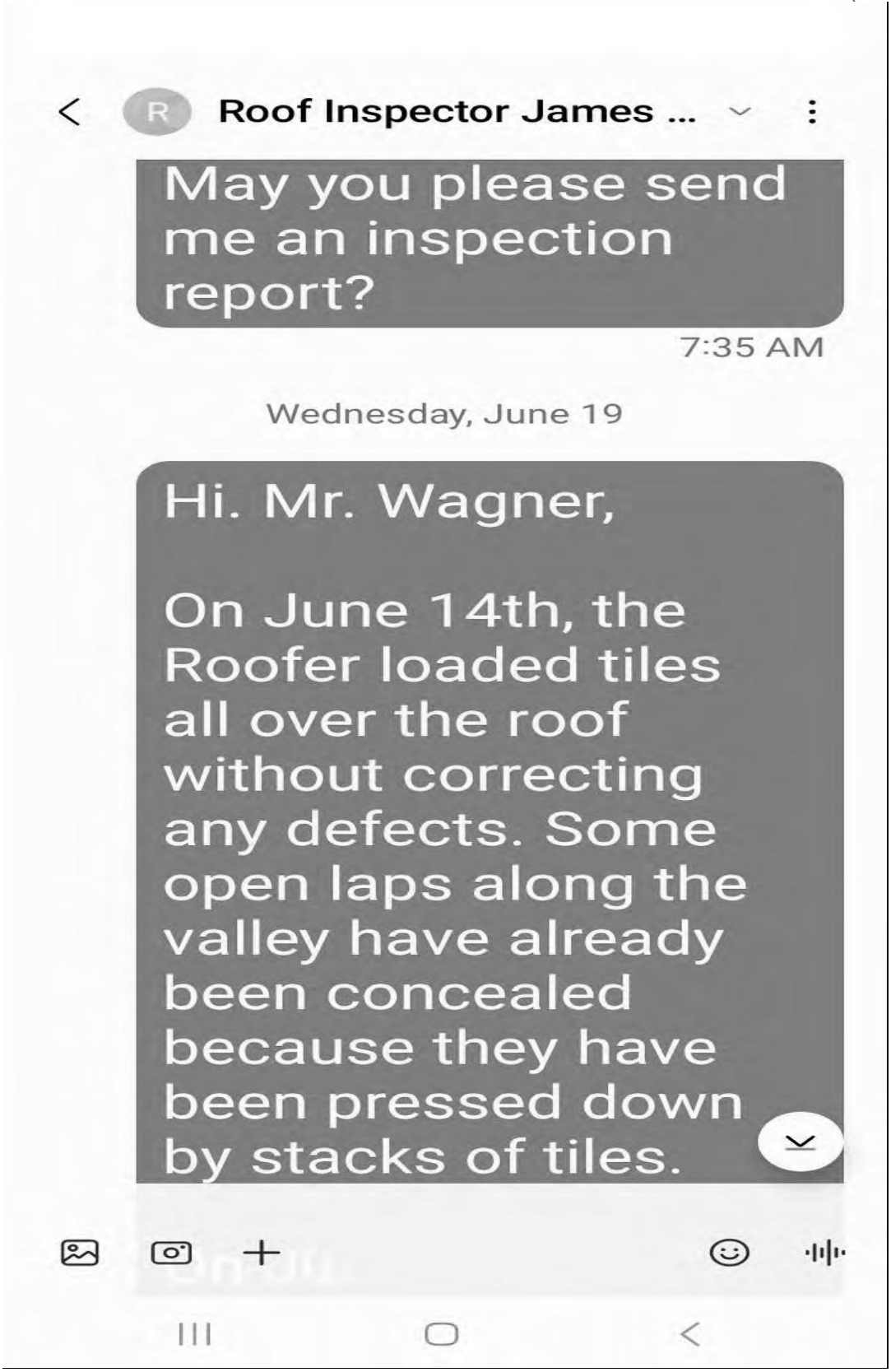
Good morning, James.

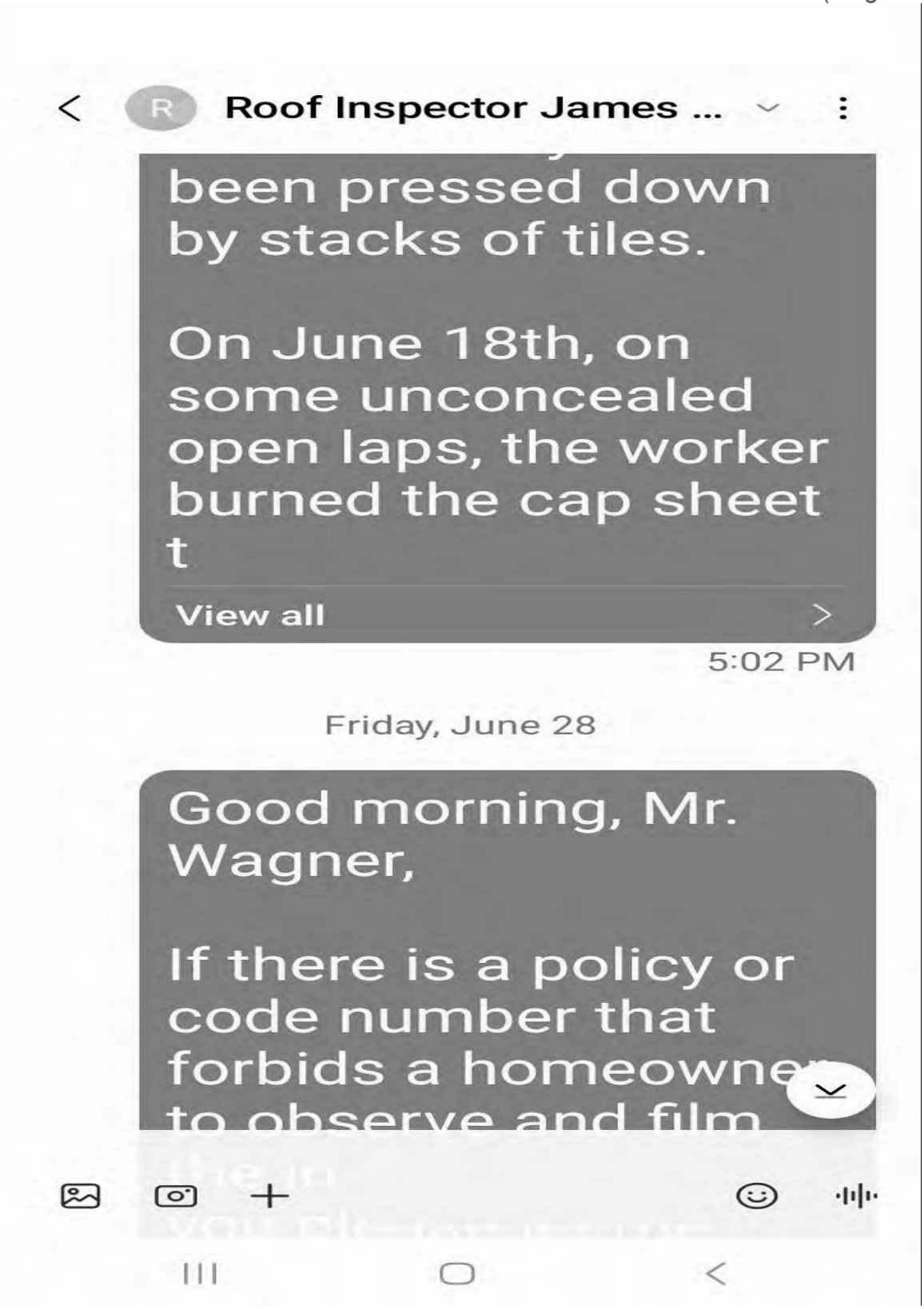
Even if the valley metal is not required to be covered by the peel and stick, the peel and stick can stick at the edge of the valley metal when it was newly peeled off.

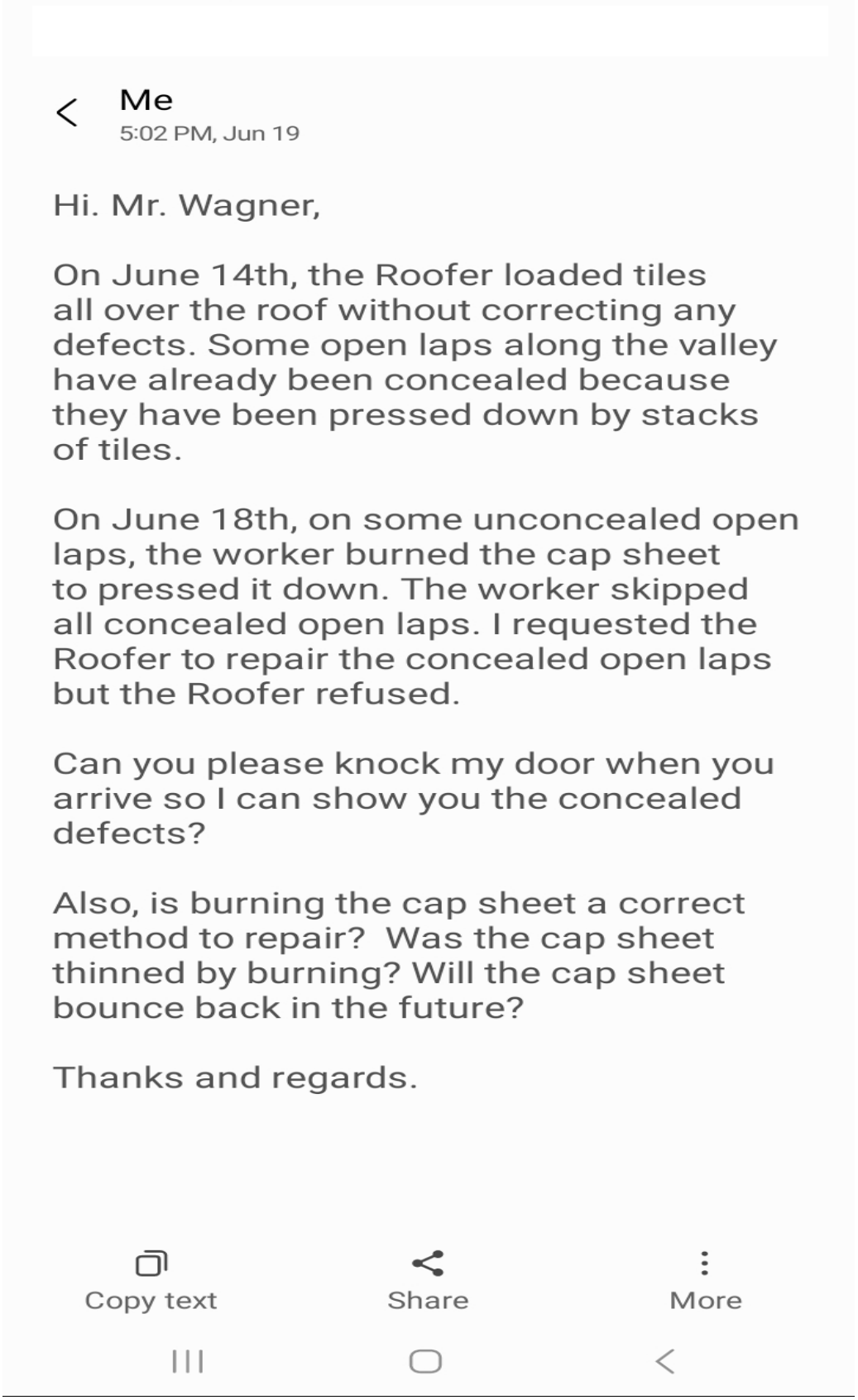
However, because the peel and stick has been peeled off for almost two months and exposed to UV and dust, it may not stick on the edge of valley metal any more if the laps are cut open.


Roof Inspector James ...
8:10 AM
Monday, June 3
Hi. Mr. Wagner.
Sorry to bother you again.
For some reason, the eave/return facing the lake keeps dripping water long after yesterday's raining. Other eaves or returns stopped dripping quickly after raining.
May you please advise? Thanks and

Roof Inspector James ...
May you please advise? Thanks and regards.
10:23 PM
Tuesday, June 4
Good morning, Mr. Wagner.
The roofer neither came to correct nor answered my email.
May you please send me an inspection report?
7:35 AM
Wednesday, June 19
Hi. Mr. Wagner,


Roof Inspector James ...
May you please send me an inspection report?
7:35 AM
Wednesday, June 19
Hi. Mr. Wagner,
On June 14th, the Roofer loaded tiles all over the roof without correcting any defects. Some open laps along the valley have already been concealed because they have been pressed down by stacks of tiles.


Roof Inspector James ...
been pressed down by stacks of tiles.
On June 18th, on some unconcealed open laps, the worker burned the cap sheet t
View all
5:02 PM
Friday, June 28
Good morning, Mr. Wagner,
If there is a policy or code number that forbids a homeowne
to observe and film



Me
5:02 PM, Jun 19

Hi. Mr. Wagner,

On June 14th, the Roofer loaded tiles all over the roof without correcting any defects. Some open laps along the valley have already been concealed because they have been pressed down by stacks of tiles.

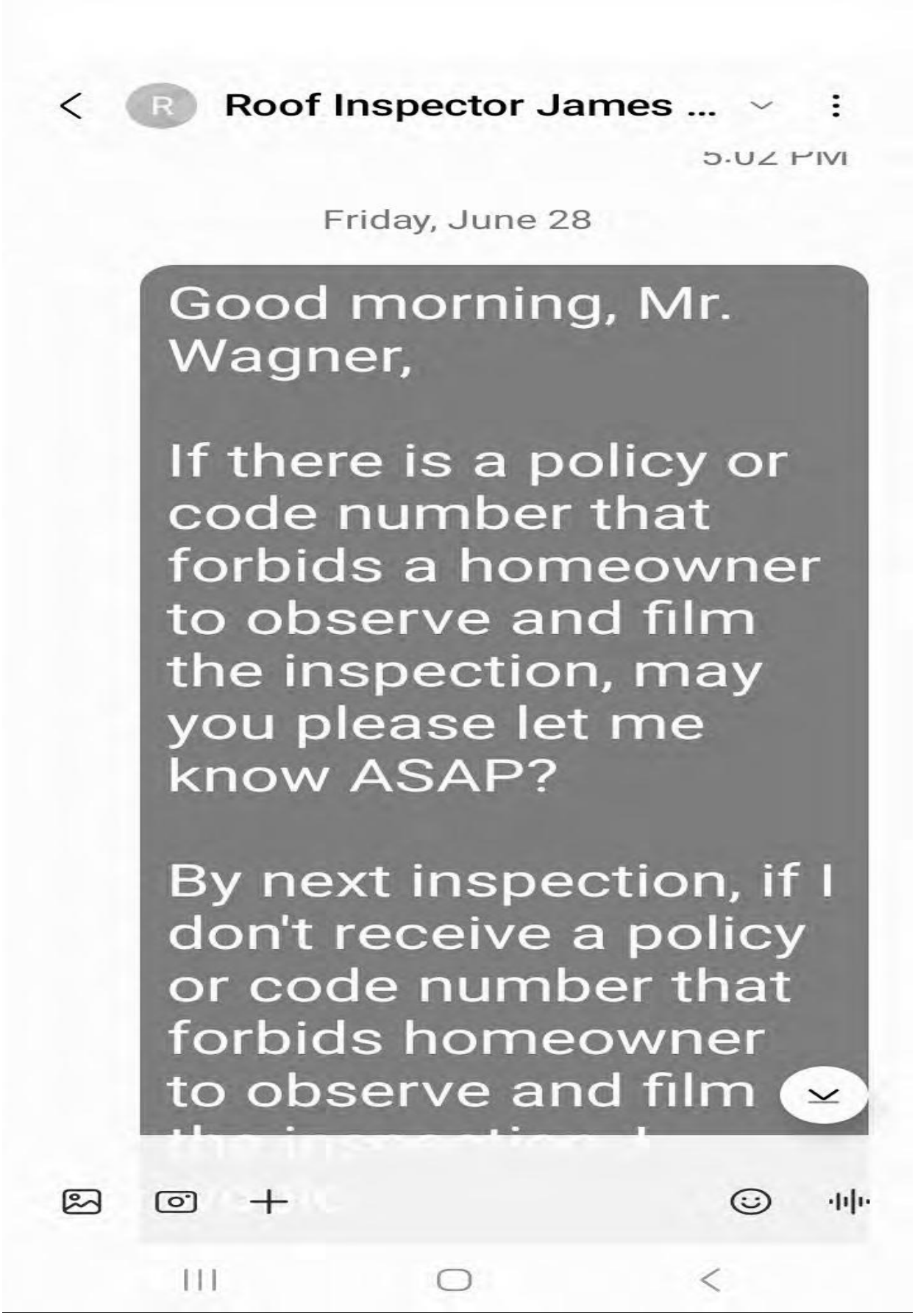
On June 18th, on some unconcealed open laps, the worker burned the cap sheet to pressed it down. The worker skipped all concealed open laps. I requested the Roofer to repair the concealed open laps but the Roofer refused.

Can you please knock my door when you arrive so I can show you the concealed defects?

Also, is burning the cap sheet a correct method to repair? Was the cap sheet thinned by burning? Will the cap sheet bounce back in the future?

Thanks and regards.

Copy text Share More


Roof Inspector James ...
5:02 PM
Friday, June 28
Good morning, Mr. Wagner,
If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?
By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film

< Me
9:15 AM, Jun 28

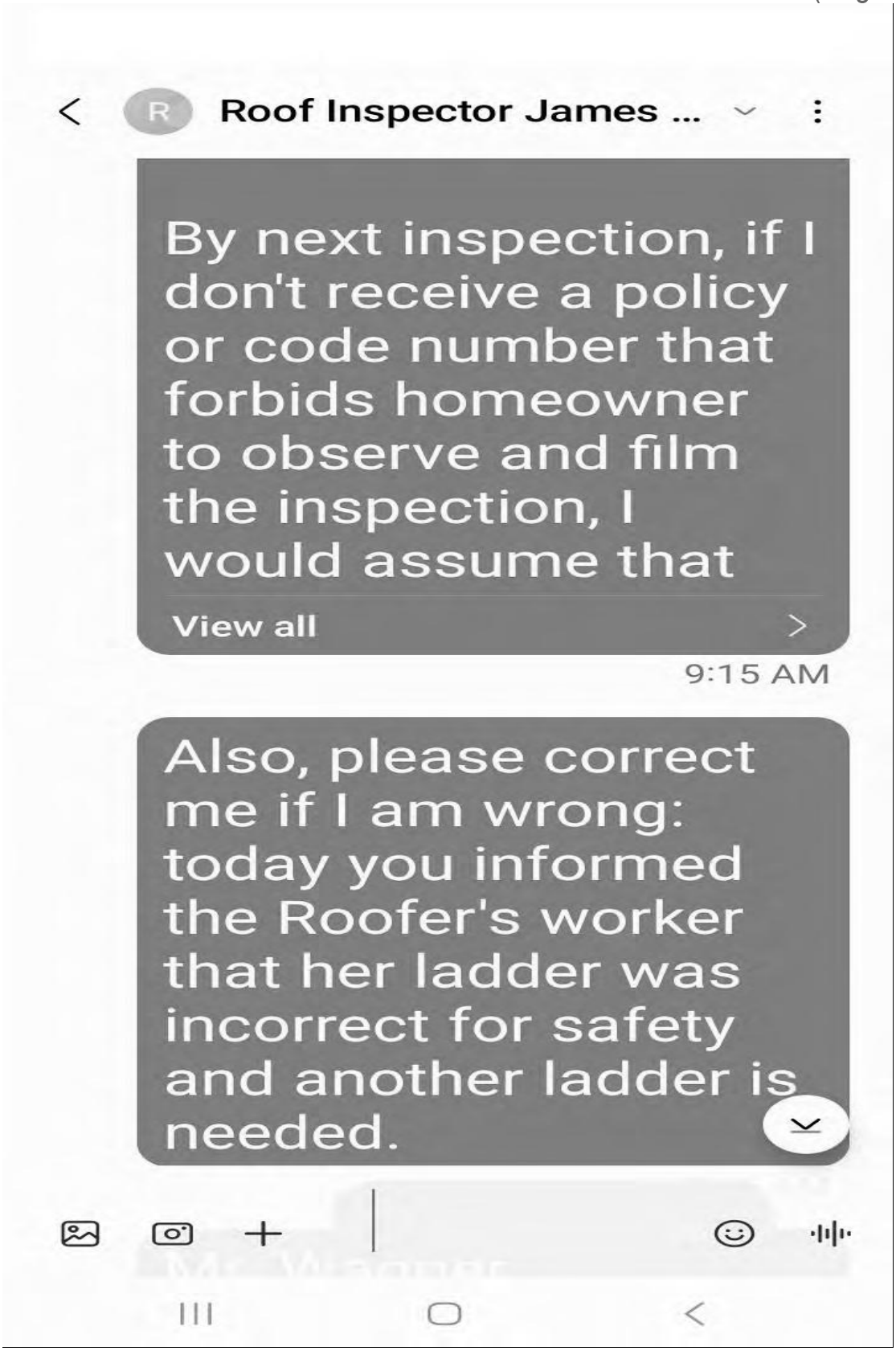
Good morning, Mr. Wagner,

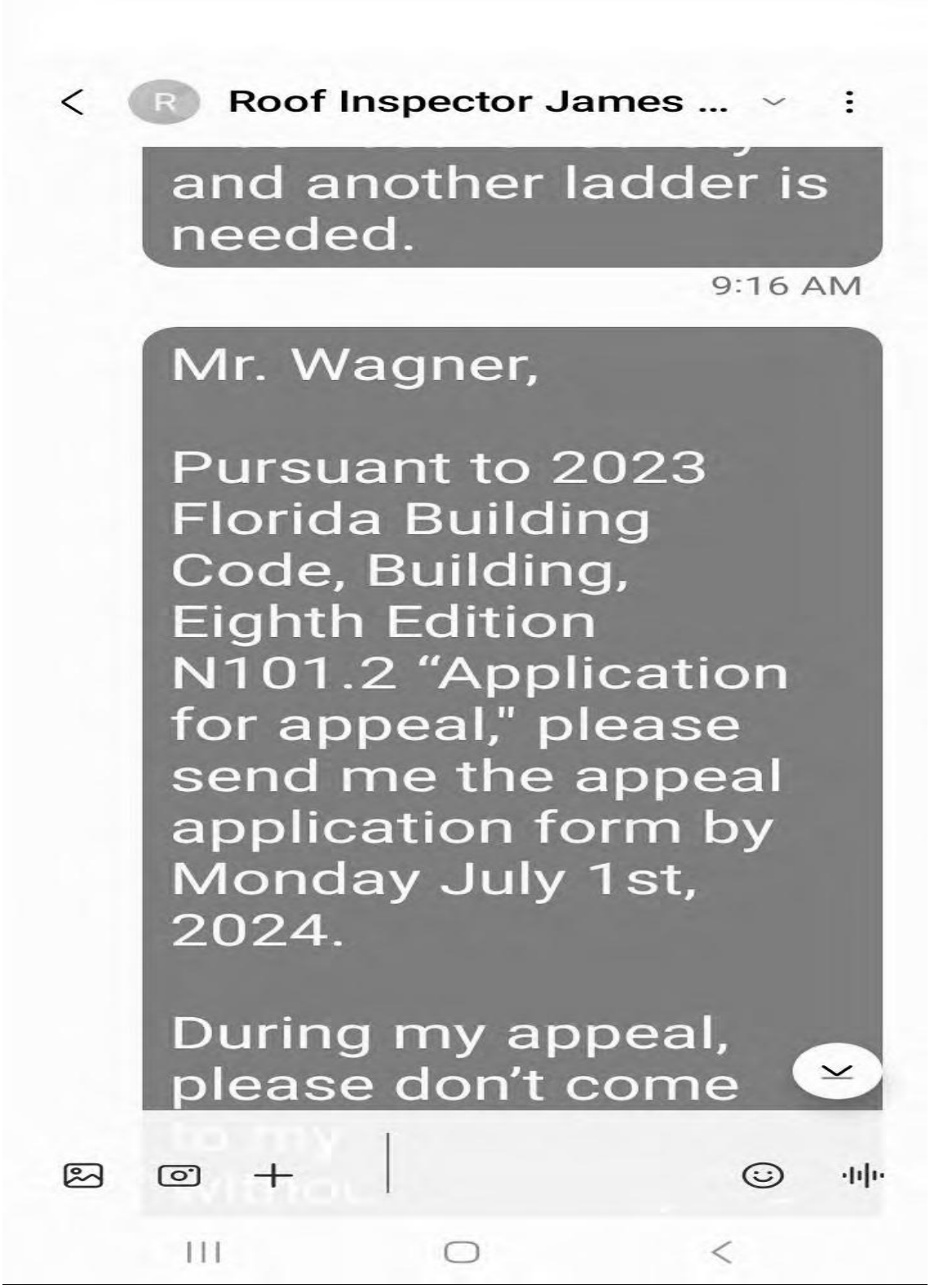
If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?

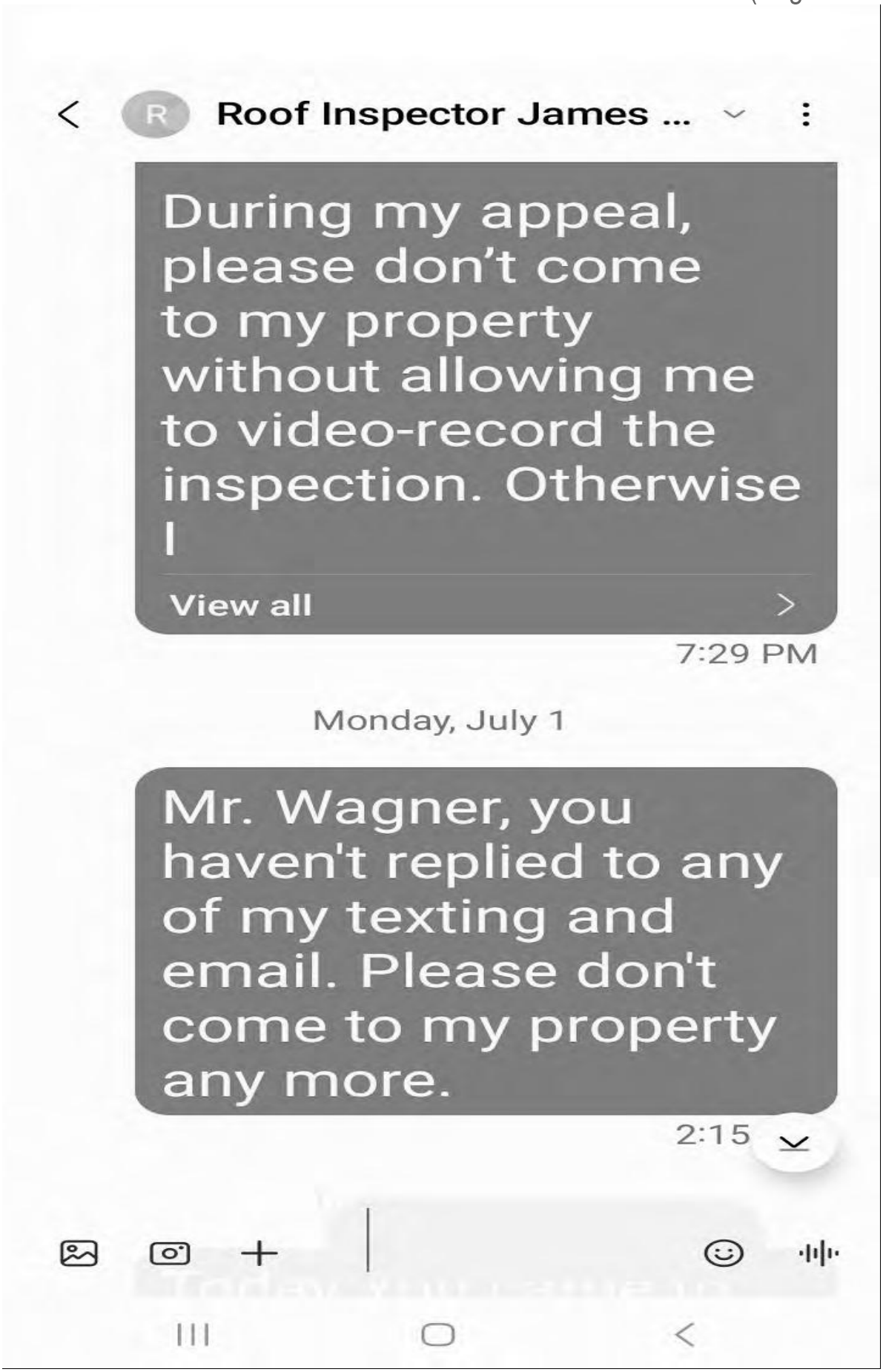
By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that there isn't such policy or code number.

Thanks and regards.

Copy text Share More


Roof Inspector James ...
By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that
View all
9:15 AM
Also, please correct me if I am wrong: today you informed the Roofer's worker that her ladder was incorrect for safety and another ladder is needed.


Roof Inspector James ...
and another ladder is needed.
9:16 AM
Mr. Wagner,
Pursuant to 2023 Florida Building Code, Building, Eighth Edition N101.2 “Application for appeal," please send me the appeal application form by Monday July 1st, 2024.
During my appeal, please don’t come


Roof Inspector James ...
During my appeal, please don't come to my property without allowing me to video-record the inspection. Otherwise I
View all
7:29 PM
Monday, July 1
Mr. Wagner, you haven't replied to any of my texting and email. Please don't come to my property any more.
2:15

Me
7:29 PM, Jun 28

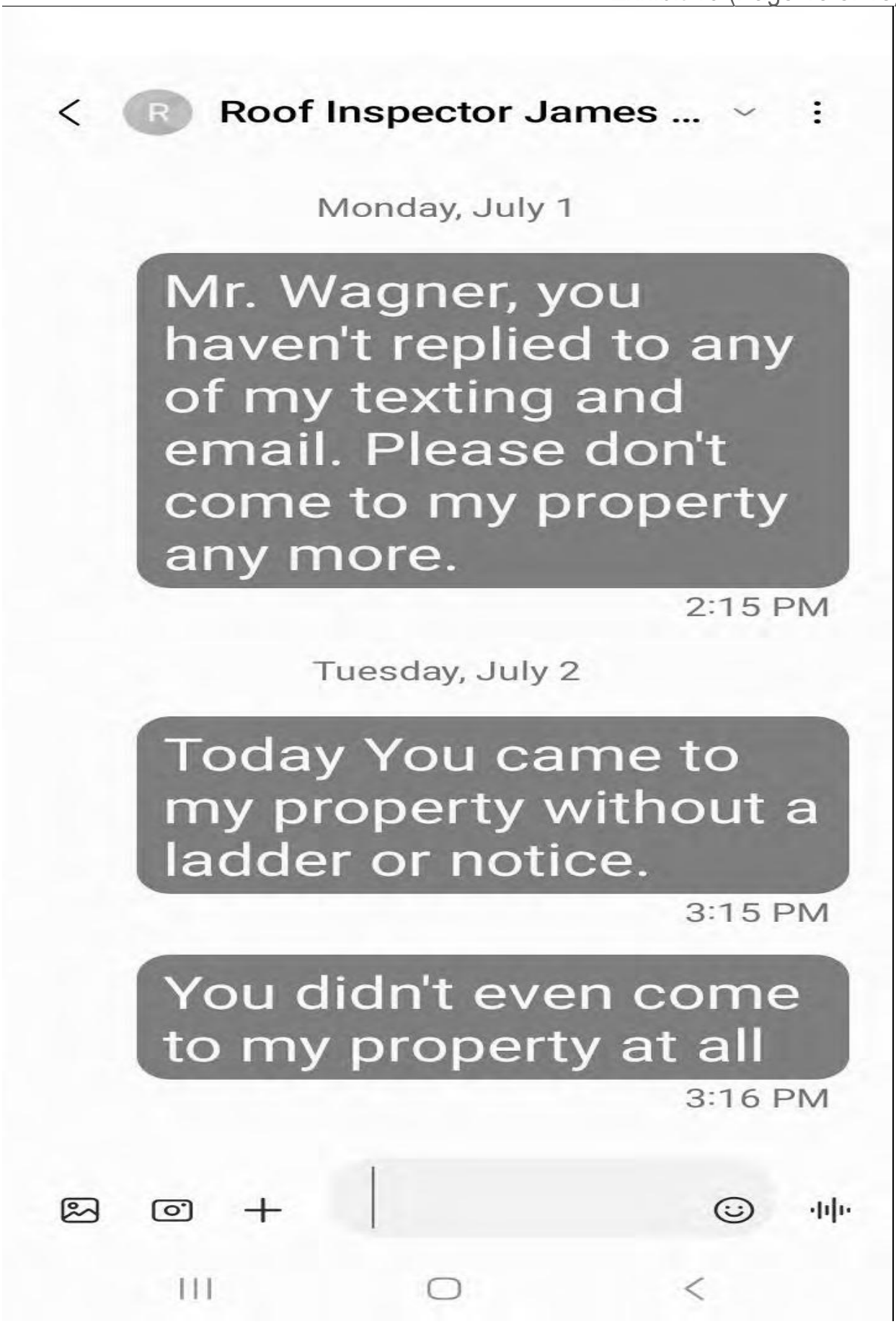
Mr. Wagner,

Pursuant to 2023 Florida Building Code, Building, Eighth Edition N101.2 “Application for appeal," please send me the appeal application form by Monday July 1st, 2024.

During my appeal, please don’t come to my property without allowing me to video-record the inspection. Otherwise I will hold you trespassing.

Have a nice weekend.

Copy text Share More


Roof Inspector James ...
Monday, July 1
Mr. Wagner, you haven't replied to any of my texting and email. Please don't come to my property any more.
2:15 PM
Tuesday, July 2
Today You came to my property without a ladder or notice.
3:15 PM
You didn't even come to my property at all
3:16 PM

IN THE COUNTY COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO, an individual,

Defendant/Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION CORP.,
EZEQUIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants.

_____/

Deposition Via Zoom

Monday, January 27, 2025
2:38 p.m. to 3:59 p.m.

DEPOSITION OF

LEONEL CALDERON

Taken before Heidi Syed, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Video Deposition filed in the above-styled cause.

APPEARANCES:

On Behalf of the Plaintiff/Counter-Defendants:

SOTO LAW GROUP, P.A.

2400 Commercial Boulevard, Suite 400

Fort Lauderdale, FL 33308-4026

(954) 567-1776

doug@sotolawgroup.com

BY: DOUGLAS J. CLARKE, ESQUIRE

On Behalf of the Defendant/Counter Plaintiff:

XIAOHUI GUO

2516 Montclaire Circle

Weston, FL 33327

xiaohui.guo2022@gmail.com

BY: XIAOHUI GUO, PRO SE

INDEX

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THEREUPON:

COURT REPORTER: All right. Good afternoon. My name is Heidi Syed. I'm the court reporter for today's case, Guo vs. Roofing Construction Corp., Ezequiel Alejandro Romero. Today's date is January 27, 2025, and the time is 2:38.

Will counsel please state their appearance for the record.

MR. CLARKE: Ms. Guo?

MS. GUO: Yeah. This is Xiaohui Guo, Pro Se. Sorry.

MR. CLARKE: Good afternoon. Doug Clarke on behalf of the Plaintiff/Counter-Defendant, Roofing and Construction Corporation, as well as Counter-Defendant, Ezequiel Alejandro Romero.

COURT REPORTER: All right. Mr. Calderon, will you please state your full name for the record.

THE WITNESS: Yes. My full name is Leonel Cabrera Calderon.

COURT REPORTER: All right. I do see that you're driving, and I am not sure how the attorney and Ms. Guo would like to continue.

THE WITNESS: I'm just pulling over right now.

COURT REPORTER: Okay. Perfect. So --

MS. GUO: Thank you.

COURT REPORTER: -- once you pull over, I'll swear you in.

MS. GUO: Thank you for your time, Mr. Calderon.

THE WITNESS: Okay. I just stopped.

COURT REPORTER: All right. Would you state your full name for the record?

THE WITNESS: Yes. That's going to be Leonel Cabrera Calderon.

COURT REPORTER: All right. And will you raise your right hand for me?

THE WITNESS: I'm sorry, say that again.

COURT REPORTER: Will you raise your right hand for me?

THE WITNESS: Yes, ma'am.

LEONEL CALDERON,

having been first duly sworn and responding, "Yes," was examined and testified as follows:

COURT REPORTER: All right. You can put your hand down.

MS. GUO: Can start now?

COURT REPORTER: Yes.

DIRECT EXAMINATION

BY MS. GUO:

Q. Mr. Calderon, how long have you been doing roof business?

A. I'm sorry, say that again?

Q. How long have you been doing roof business?

A. So I believe doing -- I've been in this business for over six years now.

Q. So are you familiar with every step of the roof -- re-roofing and repair?

A. That is correct.

Q. I'm going to share you some pictures, two pictures actually. In this picture, do you see a cracked tile -- I'm zooming in here. Do you see a cracked tile here? This picture, I'm sorry --

MR. CLARKE: Form.

Q. This is -- I'm sorry, this is Exhibit X. This is the picture produced by Roofing and Construction Corp. yesterday around 8:00 p.m. This is Page 5 on their production.

Do you see any cracked tile here? Do you see any cracked tiles here?

MR. CLARKE: Form.

THE WITNESS: I'm pretty sure there's one visible on the left side on the middle of the picture.

BY MS. GUO:

Q. Let me move to a little bit to the -- it's a cracked tile, right?

A. Yeah, its -- there's also a chance that that is not -- that it might be broken and they just place it back on, or the -- it might just be cracked and then later the time, you know, storms and all that it's going to just fall off again.

Q. So you are sure this is a cracked tile on this picture, right?

A. Yes.

Q. Do you see this T mark on this picture also?

A. Yes, I see that.

Q. What does this T means?

A. Could be that they -- they marked it as -- at the factory. Sometimes they like to do that depending on what kind of tile it is. They mark all the tile with different letters just to recognize what kind of tile it is, what brand it is.

Q. Could it be marked by an engineer when he does the -- engineer?

A. Could be as well. We need to ask him what he mark a T for, referring to.

Q. Okay. And let me move down a little bit, picture 5 here. At bottom of the picture 5, do you see

some broken tiles -- see some broken tiles on here?

MR. CLARKE: Form.

THE WITNESS: That's correct.

BY MS. GUO:

Q. Yes or no? Did you see broken tiles on picture 5?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Let's go to Page 6 and zoom in. In the middle of picture, do you see broken tiles here?

MR. CLARKE: Form.

THE WITNESS: Yes, there's a lot of broken corners of the tile right there. Right above the -- where you have your mouse, there's a broken tile up here on the second row as well. I'm sorry, that's the third row right there.

BY MS. GUO:

Q. Let me move down -- little bit down. Same picture on Page 6 of Exhibit X. I'm moving to the -- little bit to the left. Let me zoom out. Here. Do you see my mouse move, do you see a crack here? Let me zoom in a little bit.

MR. CLARKE: Form.

THE WITNESS: Yes. There's a crack next to --

right there.

BY MS. GUO:

Q. Okay. So you -- we -- we see more than two cracks on -- on the two pictures, right?

MR. CLARKE: Form.

THE WITNESS: Correct. Yes.

COURT REPORTER: I'm sorry, repeat -- I'm sorry, repeat your answer.

BY MS. GUO:

Q. Do you see more than two cracks on each of the two pictures?

MR. CLARKE: Form.

THE WITNESS: Correct. That's correct, yes.

BY MS. GUO:

Q. Do you also see a mark like a T on Page 6?

A. Yes. Like we mentioned before, it might be a factory. But if the engineer did it, we might want was the reason he marked those tiles for. Usually, when they mark a tile, it's because they want that replaced before he signs the engineer report.

Q. So if they have any cracked tiles, the engineer should not pass the test, right?

A. That's correct.

MR. CLARKE: Form.

THE WITNESS: If there is any cracked tiles on

the roof, the engineer shouldn't be passing that report.

COURT REPORTER: Was that a form objection?

MR. CLARKE: Yes.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. Okay. I'm going to stop sharing for a moment now.

Mr. Calderon, did you work at my property on April 2nd, April 3rd, April 4th, April 5th, 2024?

A. That is correct. Yes, I was there.

Q. Each days when were you working here, were you here from the morning to the afternoon?

A. I was there from 8:00 in the morning to 5:00 in the afternoon -- yes.

Q. So were you always the first person in and the last person left?

A. Yes.

Q. Okay. Before you start working at my property on April 2nd, 2024, did the Roofing and Construction Corp. removed all the tiles along the long valley above the two air conditioner?

MR. CLARKE: Form.

THE WITNESS: Yes, that is correct. They send my worker crew to do our repair above valley metals

because you were having a lot of water coming in that -- into the -- into the -- into the -- I'm sorry, in your valley metals. You were getting a lot of water from it. That's why my guys were sent out there.

BY MS. GUO:

Q. Did Alex Romero tell you to do those temporary leaks?

A. That's correct.

MR. CLARKE: Form.

Q. So in March 2024 Roofing and Construction Corp. did temporary repairs to my property, correct?

A. That is correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Those two temporary repairs were on the side of the roof, above the two air conditioners, right?

MR. CLARKE: Form.

THE WITNESS: There was one right above the air conditioning and there was another one right -- I believe it was the one that was on the other side of the face of the roof.

BY MS. GUO:

Q. Did the --

A. The biggest one was right above the air conditioners, that's correct.

Q. Did your workers remove all the tiles in March 2024? Did the workers remove all tiles along the long valley above the two air conditioners?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. So on April 2nd, 2024, did you put screen around the two air conditioners to protect them?

A. That is correct. My crew -- I made sure that my crew put the screen protector so we don't get no nails inside the air conditioner and they break. So yes, we put them in there -- on there.

Q. Before April 22nd [sic], 2024, did Roofing and Construction protect the property when they do the temporary repair?

MR. CLARKE: Form.

THE WITNESS: I'm not quite sure about that answer right there. I don't -- I was not there. Alex -- Alex was the one sending -- sending my guys there to do the temporary repair.

BY MS. GUO:

Q. Did Alex -- was Alex Romero for sure know where the location of the leaks are?

MR. CLARKE: Form.

THE WITNESS: The previous or the ones you got -- you got right now?

BY MS. GUO:

Q. Do Alex Romero know the location of the leaks?

MR. CLARKE: Form.

THE WITNESS: He should know, yes.

BY MS. GUO:

Q. Okay. On April 2nd, when you put screen around two air conditioner -- so, I'm sorry.

So doing those temporary repairs, March 2024, is it possible tiles fell off the roof?

A. Yes. There's a --

MR. CLARKE: Form.

THE WITNESS: There's a high possibility that some of the tiles might fall on top of things. The reason why temporary repairs are not recommended is because usually they don't request, like in this case, Romero didn't ask my guys to put the tiles back on the place. So he just said to just pile them on the side, so when we do the tear-off of the home, we can just throw it in the dump truck, right. There was not -- there was possibly anymore, but there's a high chance that that could be the situation that.

BY MS. GUO:

Q. So there's a high chance doing a temporary repairs in March 2024, tiles fell off the roof and damaged air conditioner?

A. That is correct.

Q. So on April 2nd, 2024, when you put screen around two air conditioner to protect them, did you notice that one of the air conditioner has a hole?

A. Yes. I noticed it and I took a picture of it to make sure that he was not going to blame on the tear-off crew, my crew, that we broke that.

Q. Did you -- on April 2nd, 2024, when you were there putting screen around two air conditioners -- two -- around two air conditioners, did you notice that other air conditioner has no damage at all?

MR. CLARKE: Form.

THE WITNESS: The other air conditioner didn't have no damage at all. That's correct.

BY MS. GUO:

Q. I was talking about the air conditioner has damage when you noticed on April 2nd, 2024. The damage -- the air conditioner, the hole -- is the hole at its cover's far right corner?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. So that damage looks very new?

MR. CLARKE: Form.

THE WITNESS: It was very new, yes. It looked very new.

BY MS. GUO:

Q. Was that because the edge of the hole very sharp?

COURT REPORTER: I'm sorry, repeat your question.

THE WITNESS: Yes.

BY MS. GUO:

Q. You said brand new it was because the -- the edge of the crack was very -- was still very sharp?

MR. CLARKE: Form.

COURT REPORTER: The age of the crack was what?

MS. GUO: It's okay, it's okay, it's okay.

BY MS. GUO:

Q. So the damage -- the air conditioner, the damage -- the air conditioner damage looks very new, correct?

A. That's correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Okay. So do you think the temporary repair in March 2024 tiles fell off on one of the two air conditioners and broke the -- its cover?

MR. CLARKE: Form.

THE WITNESS: Or damaged them before. it might be -- probably there's a high chance that one of the -- one of the tiles fell off the roof and might've hit the corner of the AC.

BY MS. GUO:

Q. And was the hole on the air conditioner covered by bush when you put on the screens surrounded by the bushes?

A. I'm sorry, repeat that question again.

Q. Were the air conditioners surrounded by the bushes?

A. Yes.

Q. So is it possible that me, as the owner, I, Xiaohui Guo, as the owner, did not notice the damage because the damage was covered by bushes and your screen?

MR. CLARKE: Form.

THE WITNESS: Yeah, there's -- the damage is right on the corner behind -- behind -- it's not on the front face of the AC. It's behind the AC, so

yes, probably you didn't even notice it until you probably took a good look at it.

BY MS. GUO:

Q. Was the peel and stick underlayment installed on April 4th, 2024?

A. I'm sorry, repeat that question again.

Q. Was the peeling and stick underlayment installed on April 4th, 2024?

A. Yes, that is correct.

Q. After peeling and the stick underlayment was installed, did you see Elias Morillo painting the fascia boards?

A. That is correct. I saw -- so it happened for me to go back the same day that he was painting the fascia board to -- to get the -- to get the six inches strip of SAP modified to put on the -- on the L flashings. So he was there painting the fascia. That is correct.

Q. Okay. Did you watch him -- watch Elias Morillo painting the fascia board from beginning to the end?

A. Pretty much, yes.

Q. During the whole process of painting fascia board, was Morillo ever on the roof to paint the fascia boards?

A. No. He was not on the roof. That is -- that is not correct. He was not on the roof.

Q. Did -- what tools did Morillo use to paint the fascia board?

A. He was using a handle and -- and he was also using a brush, regular brush.

Q. Did he use the ladder and the brush?

A. Yes. He was using a ladder, small ladder. Probably two-foot ladder.

Q. Was -- is there a space between the air conditioner to put on -- put in a ladder?

A. No. There's no space between there because there's a lot of things covered. Not just the AC. The bushes are there, so there's no chance for him to, you know, to introduce a ladder in there and then try to paint the fascia from -- from the ladder.

Q. Is it possible to paint the fascia board from the roof without falling off on this property?

MR. CLARKE: Form.

THE WITNESS: The fascia board is what we call a 15-, 20-degree angle. And the roof is a 6 -- I believe it's a 6- or 12-pitch, so there's no chance somebody can paint the fascia board -- at least the front face, you can paint it from the roof, but it's not -- it's still not going to be looking

good. But if you want to paint the fascia behind the back face and underneath it's not going to be possible.

BY MS. GUO:

Q. Did you see Morillo paint the fascia board underneath and behind?

A. Yes.

Q. So he painted the fascia board from the face, the bottom face, and the back face, correct?

A. Correct. That is correct, yes.

Q. Did you ever see Morillo -- Mr. Morillo on the roof to paint the fascia board?

A. No, I didn't.

Q. Did he finish all the painting fascia board from the ground?

A. Yes, he paint all the fascia from the ground. That is correct.

Q. Did he paint all the fascia -- did Morillo paint all the fascia board underneath the fascia board?

A. Yes, he did.

Q. So you are here testifying you watched Morillo painting the fascia board from beginning to the end and never went on the roof to paint the fascia board, correct?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. And you are here testifying that you watched Morillo paint the fascia board front face, the bottom face, and the back face, correct?

A. That is correct, yes.

Q. Mr. Morillo testified that he squatted on the roof to paint fascia boards. Do you think he must be lying?

MR. CLARKE: Form.

THE WITNESS: If he say he was on the roof, he's lying because I was present the day he was painting the fascia, so the -- there's no way he will be saying the truth if he's saying that he was on the roof painting it. Because I was there that day he was painting it, and I saw him.

BY MS. GUO:

Q. Because there's no space to put the ladder between the air conditioners, does Morillo has to step on the air conditioner to paint the fascia board above?

MR. CLARKE: Form.

THE WITNESS: There's a high chance that he probably did.

BY MS. GUO:

Q. On January 25, 2025, did you and I talked

through the Zoom.

A. Yes.

Q. Through the Zoom did I show you around the -- my property at 2516 Montclaire Circle, Weston, Florida 33327?

A. Yes.

Q. Did I, through the Zoom, did I show you every piece of the fascia board at my property?

A. That is correct, yes.

Q. Did you notice any change of the paintings of the fascia board?

A. No. There's no changes --

Q. In my property?

A. There was no changes. The color that he was putting up on that day, that I mentioned before, was the same exact color. And I know that because the color that they got for the fascia board didn't match the color that you had before.

Q. Was the paint -- the fascia board the same as Morillo paint it?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again.

BY MS. GUO:

Q. It's okay. Do you remember that -- do you remember the three -- about a three-inch long piece of

fascia board above the garage door was chipped off during the tile tearing off?

A. Yes, that is correct.

Q. After that did the Roofing and Construction Corp.'s worker caulk this chipped off the place?

MR. CLARKE: Form.

THE WITNESS: That is correct. Romero, he asked me to caulk the fascia there and then he was going to touch it with the paint. He didn't want to replace that whole piece and then we just put -- apply a little bit of caulking on it and then they paint over it.

BY MS. GUO:

Q. Did Morillo painted over the caulking?

A. That is correct, yes.

Q. Did Morillo painted the whole fascia above the garage door?

A. No.

Q. So the fascia board above the garage door has -- shows both old and the new paint, right?

A. That is correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did I complaint to the Alex Romero saying that

the homeowner association may not like the -- the alternate color -- the inconsistent color on the fascia board --

MR. CLARKE: Form.

Q. -- above the garage door?

A. Yes, you did.

Q. Also, on January 25th, 2025, did you see any change on the fascia board above the garage door?

A. No. I did not.

Q. On January 25th, 2025, did you see the fascia board above the garage door still had the same old and new paint like Morillo painted --

MR. CLARKE: Form.

Q. -- when you were here?

A. Yes. That is correct. It looks -- it shows the same color he was applying that day, I was there present. And the day you did the Zoom meeting with me it was showing the same color -- exact color as well.

Q. So do you think I ever repainting the fascia board above the garage door?

MR. CLARKE: Form.

THE WITNESS: No, it was -- like I mentioned before, it was the same color that you apply -- that he apply, I'm sorry, on the fascia board that day I was there. It didn't match the one that you had previously.

BY MS. GUO:

Q. So through the Zoom on June 20 -- on January 25th, 2024 [sic], do you think I ever repainted any of the fascia board at my property?

MR. CLARKE: Form.

THE WITNESS: No, you didn't.

BY MS. GUO:

Q. Okay. Did the Roofing and Construction Corp. do the tile tearing off on April 2nd and April 3rd on 2024?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. In that two days of tearing off, did Roofing and Construction Corp. damage the pavers at my driveway?

MR. CLARKE: Form.

THE WITNESS: Yes. There were some damaged pavers by the truck on the right side. I would say the left side facing the front of the house.

BY MS. GUO:

Q. Did Roofing and Construction Corp. break like about five pavers at my driveway?

MR. CLARKE: Form.

THE WITNESS: That is correct. Yes.

BY MS. GUO:

Q. Did you see two triangle pavers at the one corner of the driveway were used to hold the plastic under the truck of Roofing And Construction Corp.?

MR. CLARKE: Form.

THE WITNESS: Yes.

MR. CLARKE: Mr. Leonel, it looks like we've lost video for you. Can you turn your camera back on?

THE WITNESS: I'm sorry, say that again.

MR. CLARKE: Can you turn your camera on, sir?

MS. GUO: He's talking to me?

MR. CLARKE: You lost video. I'm not sure where you are.

THE WITNESS: Oh, give me one second. Let me check that right now. Okay. There we go.

BY MS. GUO:

Q. Did you notice the two triangle pavers were threw away by Roofing and Construction Corp.'s workers?

MR. CLARKE: Form.

THE WITNESS: Say that again. I'm sorry, I didn't hear you.

BY MS. GUO:

Q. Did you see the triangle pavers was threw away by the Roofing and Construction Corp.'s workers?

MR. CLARKE: Form.

THE WITNESS: I'm not quite sure about that. I didn't see anybody throwing away the triangles. I know that the triangles were broken from -- on the corner, but if you use any triangles to hold the plastic, I don't know if they throw it away or not. I wouldn't be so sure about that.

BY MS. GUO:

Q. Did you see me gave a square paver to Elias Morillo for him to cut two new triangle pavers?

A. Yes.

Q. Did Elias Morillo agree to cut two triangle pavers?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, repeat that again, please?

BY MS. GUO:

Q. Did Morillo -- Elias Morillo agree to cut two triangle pavers?

A. Yes. He -- he told you that he was going to cut two pavers to replace the ones that were broken.

Q. Did Elias Morillo ask you if you have a cutter to cut the pavers?

A. Yes, he asked me if I have a Makita saw to cut the pavers.

Q. Do you have cutter for him to cut the paver?

A. I told him at the moment I didn't have one. He also say -- he mentioned to me he didn't have one as well, so --

Q. So what did you see him do?

A. So he practically switched them sides.

MR. CLARKE: Form.

Q. So see -- did you see Elias move two triangle pavers from a good corner of the driveway to the missing corner?

MR. CLARKE: Form.

THE WITNESS: Yes, that is correct.

BY MS. GUO:

Q. Did you see Elias move the two triangle pavers from the good corner of the driveway to missing corner to pretend that he cut the triangle pavers?

MR. CLARKE: Form.

THE WITNESS: That is correct. If you want to describe it like that, yes, that's correct.

BY MS. GUO:

Q. So did he use my two triangles from a good corner to pretend that he cut two triangle pavers?

A. Yes.

MR. CLARKE: Form.

Q. Did Elias Morillo -- after Mr. Elias remove two triangle pavers from a good corners of driveway to

the missing corner and --

MR. CLARKE: Form.

Q. -- and left the property?

A. Yes.

Q. Did Elias Morillo ever cut two triangles pavers?

A. Not while I was present, no.

Q. I'm sorry?

A. Not while I was present, no, he did not.

Q. Were you at the property from -- on April 2nd, April 3rd, April 4th, April 5th, 2024, every day and whole day long?

A. Yes.

Q. So before April 5th, 2020 -- I mean, by the end of April 5th, 2025, I'm sorry. By the end of April 5th, 2024, you testified that Elias Morillo never cut any triangle pavers; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. So are you sure here this Elias Morillo just remove two triangle pavers to pretend he cut them for me; is that correct?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did Morillo -- Elias Morillo just move the two triangle pavers just to measure them and then later cut them, or he use them to pretend that he cut the triangle pavers?

MR. CLARKE: Form.

THE WITNESS: He just moved the -- he moved them from place.

BY MS. GUO:

Q. He moved them -- does he move them to pretend he cut them?

A. That's correct.

MR. CLARKE: Form.

Q. So he moved the two triangle pavers to pretend he cut the two triangle pavers; is that correct?

A. Yes.

Q. Okay. So we went through the peelings -- the peel and stick underlayment was installed on April 4th, 2024; is that correct?

A. That is correct.

Q. After the peel and stick underlayment was installed on April 4th, 2024, should Roofing and Construction Corp. install tiles immediately to protect the underlayment?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, repeat that question one more time?

BY MS. GUO:

Q. Right after the peel and stick underlayment installed on April 4th, 2024, should -- in your opinion, should the Roofing and Construction Corp. immediately install the tiles right away to protect the underlayment?

A. Yes. They should've delivered the tile one week or two weeks the max after the underlayment was installed. That is correct.

Q. Is it your opinion the longer the wait for the roofing -- for the tile install should -- the less strong the underlayment will become?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again.

BY MS. GUO:

Q. Okay. Is it your opinion the longer the wait for the tile installation, the weaker the underlayment will become?

MR. CLARKE: Form.

THE WITNESS: Yes. Underlayment, this kind of underlayment is pretty sensitive, so it's not something that you can leave exposed for the sun so long. So yes, you should be installing tile right

away before because it's summertime. So in summertime, that kind of underlayment tends to degredate more every day that it stays exposed to the sun.

BY MS. GUO:

Q. So it is your opinion tiles should be installed the sooner the better to protect the underlayment; is that correct?

A. That is correct. The sooner the better it is for the tiles to be installed because then the underlayment is going to get weaker and then the lifetime is going to be less, I would say.

Q. So if you do not -- the longer wait of the tile installation, the shorter the underlayment's life may have, right?

MR. CLARKE: Form.

THE WITNESS: Yes, that is correct.

BY MS. GUO:

Q. Did Roofing -- did Alex Romero install the tiles on my roof right away after the installation of the underlayment?

MR. CLARKE: Form.

THE WITNESS: No, I believe and I heard while I was working with him that it was two weeks -- about two months after he -- we did the tear-off

that he installed the tile.

BY MS. GUO:

Q. Did he tell you why he didn't install tiles right away after the underlayment was installed?

A. Yes. The last time I heard from you was that he said that he was going to stop the project, and the reason it was because he said that you were complaining too much about something that he didn't do on your roof and then he said that he was going to just do it to make you suffer over it, and then that was the last time I heard about it.

Q. Did you hear from him he wants me to suffer, or did you -- did Alex Romero tell you he wants me to suffer?

A. Yes. That's what he say over the phone.

Q. Did he over the phone tell you he wants -- I'm sorry. Did Alex Romero tell you over the phone that he wants me to suffer?

A. Yes. That is correct. That's what he said. He said because the reason why he was going to stop that was because you were complaining too much and he was going to make you suffer for it, and then that was pretty much what he said and then I didn't continue the conversation with him.

Q. Okay. So after the two months without the

tile's protection, did you know that -- did Romero tell you that there's -- some laps appeared on the valleys of the underlayment?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again.

BY MS. GUO:

Q. After two months without installing the under -- tile --

A. Yes.

Q. -- did Romero tell you that some open laps appeared on the valleys of the roof of the underlayment?

A. Yes. That is correct.

Q. Did Romero tell you that the city of Weston asked him to correct the defects of the underlayment?

A. Yes. That is correct. So the inspector from the city -- city inspector told us that we needed to correct that before he passed the inspection, so -- and we were good to close it with tile. So he sent us back there and then he asked us to burn the tiles down so it would seal down.

Q. So Alex Romero asked you to burn the laps -- asked you burn the laps with a torch?

MR. CLARKE: Form.

THE WITNESS: That is correct. That's what he usually requests us to do in every job that we did

for him. I was to burn the tile -- the laps for the --.

BY MS. GUO:

Q. Do you think -- so you just follow Alex Romero's instruction -- so your workers just follow Alex Romero's instruction to burn the open laps with a torch?

A. That is correct.

Q. Did Alex Romero tell you just to lower the laps down and doesn't care about anything else?

MR. CLARKE: Form.

THE WITNESS: Yes. That -- that's it.

BY MS. GUO:

Q. Did Alex Romero just tell you to burn the laps down and to make it appear -- looks like the problem has been fixed; is that correct?

MR. CLARKE: Form.

THE WITNESS: Pretty much, yes.

BY MS. GUO:

Q. On the day that underlayment was installed on April 4th, 2024, did I talk with you about the returns, the flashings?

A. Yeah, so you came to me and you asked me how to support -- how to make the valley metals and the L flashings stronger. And then I gave you one of the ideas -- well, we actually do this before. But

different methods that we use for it. It was to install a full roll of SAP modified granulated on the valley metals as well on the L flashings. But you asked me to do it and I told you you needed to call the contractor, which is Alex, and then after that I didn't -- I don't know what happened. I believe he called me as well and told me that he was not going to be doing that for you because he didn't want to -- he gave me the excuse that he didn't want to add more work to the -- to the roof.

Q. Do you think that modified should be added on the each valley metal flashing?

MR. CLARKE: Form.

THE WITNESS: That is correct. It should be installed on every L flashing and valley metal because, like I mentioned before, peel and stick is not something that is good for sun. It doesn't work good when it's exposed to the sun, because it's -- it's a simple paper, like a tape installed on the roof. And after three months, it's going to start getting rot and it's going to start peeling off. And valley metals and L flashing are exposed, so that is more -- most of the companies I've worked for, I -- that is -- SAP modified granulated on the valley metals because that -- that works the best for -- you know, when it's exposed to the sun.

BY MS. GUO:

Q. How wide do you think the modified should be added under the flashing?

A. In valley metal --

MR. CLARKE: Form.

THE WITNESS: In valley metals, should be the 36 inches, a full roll. And in L flashings, they should be about 10 to 12 inches of a -- of a, you know, a 10-12 inches piece to cover bull and membrane.

BY MS. GUO:

Q. Did Alex Romero ever ask you or your employees to apply bull and membrane on three spots of the roof?

A. No.

Q. Did Alex Romero ever mention to you that I request to apply bull and membrane on three spots of the roof?

MR. CLARKE: Form.

THE WITNESS: She [sic] never tell to me about that.

BY MS. GUO:

Q. After I noticed the damages on my air conditioners, did Alex Romero ask you to block me from -- block me from contacting -- block my phone number from your phone number?

MR. CLARKE: Form.

THE WITNESS: That is correct. After the damages were found and the problem started with the roof, he asked me to block you and ignore any texts or calls that I receive from you.

BY MS. GUO:

Q. So how long do you know Alex Romero?

A. For less than a year. I would say about a year.

Q. Do you think Alex Romero is a honest guy?

MR. CLARKE: Form.

THE WITNESS: Not based on the bad experience I had with him, no.

BY MS. GUO:

Q. Does Romero, Alex -- you are his subcontractor, right? Is your company Alex Romero's subcontractor?

A. Yeah, it's -- that's correct. He's the main contract and we are the subcontractors.

Q. Did Alex Romero pay you in full for your job at my property?

A. There was some money that he discounted from us. There was no reason -- he didn't give us much reasons. That was one of the main problems why we stop working for him, just sharing a little bit more

information with you so you can now base what I'm going based on. He usually, in every pay check that we used to get, I used to send him the invoices for the work that we did during the week, right, and he used to discount all this money on our paycheck and not give us any reasons about it. And that's the same thing he did with you when we did the work for you.

Q. Did Romero pay his workers well to do --

MR. CLARKE: Form.

Q. -- to do a good job?

MR. CLARKE: Form.

THE WITNESS: No, I'm not quite sure how much they get paid.

BY MS. GUO:

Q. How long do you know Mr. Elias Morillo?

A. I have known him for a very long time. He's a member from the church I assist [sic] to.

Q. Do you think he's a honest guy?

MR. CLARKE: Form.

THE WITNESS: Based on the answers that he has gave you -- gave you, I do not -- I don't think the same way now.

BY MS. GUO:

Q. I'm sorry? Do you think he's a --

A. Based on --

Q. Do you think Elias Morillo is dishonest?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again. Who?

BY MS. GUO:

Q. Do you think Elias Morillo is dishonest?

A. Like I mentioned before, I assist to the same church that he assisted, and based on what you telling me that he gave you the answers for, I don't think he's that honest anymore.

Q. When you were here during the tearing off, did you see a worker use the -- did you see a hammer falling off to the pool?

A. Yes.

Q. Did you see tiles and other stuffs falling into the pool?

A. Yes.

MR. CLARKE: Form.

Q. When you were in my property, did you see workers use my swimming pool net to pick up a hammer and other heavy stuffs falling into the pool?

A. Yes.

Q. Okay. Did you also see worker lift the frog fountain to hold the plastic cover on the pool?

A. Yes.

Q. So did you tell Romero, Alex Romero that how

the swimming pool net and the frog fountain were damaged?

A. I sure did.

MR. CLARKE: Form.

THE WITNESS: I told him -- mentioned all the damages were done by the guys. I also mentioned to him the frog that you have -- in the middle of the pool and then I told him that it was -- that you said that there was running water before and now it's not working.

BY MS. GUO:

Q. Do you tell -- suggest that Alex Romero should compensate for my swimming pool net and the frog fountain?

MR. CLARKE: Form.

THE WITNESS: If they -- if they were damaged, they need to be repaired or replaced, that's correct.

BY MS. GUO:

Q. Did you see the swimming pool net was damaged?

A. Yes. There was --

MR. CLARKE: Form.

THE WITNESS: The net had bigger holes than -- than usual nets have.

BY MS. GUO:

Q. Did you see Elias Morillo threw away his --

did you see Elias Morillo -- I'm sorry -- Elias Morillo change his phone recently? Got a new phone recently?

MR. CLARKE: Form.

THE WITNESS: The last I saw him he didn't have a new phone. That is correct.

BY MS. GUO:

Q. Do you think that Elias Morillo still have his old phone?

MR. CLARKE: Form.

THE WITNESS: I'm not quite sure about that. I wouldn't be able to give you a yes or no question because I -- I haven't -- the last that I saw him it was the beginning on November -- the end of November, I believe, and he still has his iPhone 12 from --.

BY MS. GUO:

Q. So you saw Elias Morillo has his iPhone 12, right?

MR. CLARKE: Form.

THE WITNESS: From November -- November last year, I did.

BY MS. GUO:

Q. Okay.

A. Recently I didn't. I -- I haven't even spoke to him or see him, nothing.

Q. Do you know if Elias Morillo has a personal attorney?

MR. CLARKE: Form.

THE WITNESS: I don't think so, no. Unless he has a friend. I don't believe so.

BY MS. GUO:

Q. Let me show you Exhibit H here.

A. Go ahead.

Q. When was last time you talk with anybody at Roofing and Construction Corp.?

A. November. I don't remember the day and the time, but it was November.

Q. Okay. So after November, you -- you never talk to them.

Okay. I'm putting Exhibit H here, which is the October 18, 2024, answer by Roofing and Construction Corp.

A. Okay.

Q. I'm going to move to the page where they answer, Page 4. Can you read this?

A. I don't -- I don't see what -- exactly the answers. I'm on my phone, but I don't see -- I don't see the answers properly.

Q. Can you see response and objections?

A. Response -- yes, I see that one. That one is

capitalized.

Q. Can you read it?

A. Not the bottom part because it's a little -- honestly, I don't see it. I don't get what it's saying.

Q. Did anybody ask you to help to answer this response and objections?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again?

BY MS. GUO:

Q. Did anybody ask your help to answer this document?

A. No. No, nobody did.

Q. Can you read question, with strict and direct proof, please specify which work you take part?

A. I'm sorry, say that again. I don't -- I didn't get the question.

Q. Okay. Did anybody ask your information about which day did you do -- did anybody in -- ask you to -- about on which day of the Roofing and Construction do work on -- I'm sorry, hold on.

Did anybody ask you to finish to answer this question number one here?

MR. CLARKE: Form.

THE WITNESS: Question number one?

BY MS. GUO:

Q. Yeah.

A. No. I don't -- I don't read it, because, like I said, I'm on my phone. I don't see it very well.

Q. Okay. Let me pull you another construction [sic].

I'm going to read for you another one.

A. Okay. That will work.

Q. This is Exhibit K. It's January 7, 2025, Roofing and Construction's answer to my interrogatories. No, it's not right.

Exhibit L, January 9th, 2025, Roofing and Construction's answer to my interrogatories. Two questions here. It's called Specific Response and Objections.

A. Okay.

Q. It says -- question is in its October 18, 2024, sworn answer to Guo's interrogatory number one, Roofing and Construction Corp. stated that June 19, 2024, corrections completed by RCC as requested by city inspector. Please specify what correction allegedly completed, how they were completed, and who completed them.

Response: Remove small object on the peel and stick underlayment on roof. Work completed by RCC subcontractor, Calderon All Around Service, LLC.

Applied the bull membrane on the laps in the valley with a trowel. Work completed by RCC subcontractor, Calderon All Around Service, LLC.

Did you apply bull membrane on the laps in the valleys?

A. No, he never requested for that. He requested to torch it down.

MR. CLARKE: Mr. Calderon, can you repeat that answer?

THE WITNESS: Say that again, sir, I'm sorry?

MR. CLARKE: Can you repeat your answer? I didn't hear it.

THE WITNESS: Yes. He never request to apply any bull and membrane on the laps, the L laps of the hip on the roof. He asked to torch them down.

BY MS. GUO:

Q. Number two, he is -- this he is Alex Romero, right?

A. That is correct. He is Alex Romero. He is our main contact and then he was the one who was telling us what to do. And like I mentioned before, we're subcontractors. He's the contractor. The way he asked the job to be done, we had to get it done; otherwise, we don't get paid.

Q. Did anybody from Roofing and Construction ask

you to apply bull membranes on the laps in the valleys with~~out~~ a trowel?

A. He never did.

Q. So the only thing -- the only instruction from Roofing and Construction is to burn the laps with the torch; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct. Torch them down.

BY MS. GUO:

Q. Number two. In this October 18, 2024, sworn answer to Guo's interrogatory number one, Roofing and Construction Corp. stated that June 18, 2024, application of bull and membrane on three spots as agreed by Guo. Please specify the name of the workers who allegedly accomplished application of bull and membrane on three spots as agreed by Guo.

Response: Unknown as to which individual workers performed said work as RCC engaged the service of -- RCC engaged the service of a subcontractor, Calderon All Around Service, LLC, to perform the same.

Did you -- did your company ever apply bull and membrane on three spots agreed by Guo?

MR. CLARKE: Form.

THE WITNESS: ~~Yeah~~ No, he never asked -- he

didn't ask for that, so.

BY MS. GUO:

Q. When you say "he," it means Alex Romero, the owner of Roofing and Construction Corp., right?

A. That is correct.

Q. Did anybody from Roofing and Construction Corp. ask you to apply bull and membrane on three spots on the roof as agreed by Guo?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. I'm sorry, let me repeat. Did anybody from Roofing and Construction request your company to apply bull and membrane on three spots as agreed by Guo?

A. That -- that is correct. He never asked any of my guys or me to ask -- to apply any bull and membrane. That is correct.

Q. My question is did anybody from Roofing and Construction Corp. ask your company or the employees of your company to apply bull and membrane on three spots as agreed by Guo?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Okay. So I want to repeat on -- so for sure,

you're a hundred percent sure you saw Elias Romero -- I'm sorry, you saw Elias Morillo painting all the fascia boards from underneath the air conditioner and never went up to the roof to paint it?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. And because there's no room to put his ladder between the air conditioner -- so you think Elias Morillo must have step on the air conditioner to paint the fascia board above it; is that correct?

MR. CLARKE: Form.

THE WITNESS: That -- that probably is a high chance probability that he did, yes.

BY MS. GUO:

Q. Okay. And you are sure Alex -- no, Elias Morillo painted the fascia boards, the front face, the bottom face, and the back face behind all the -- all around, right?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. Okay. And then you are sure through your Zoom speaking with my yesterday on -- that you through the Zoom meeting with me on January 25th, 2025, the painting

on the fascia board is exactly the same as you saw Morillo did; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct, yes.

BY MS. GUO:

Q. And then you are sure Elias Morillo took two triangle pavers, pretend he cut it -- that he cutted them; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. And you are sure, hundred percent sure, Elias Morillo, because he did not have a cutter to cut the pavers, so he never cut the -- cut the triangle pavers?

A. Like I mentioned before, not while I was present, he didn't cut none of the pavers. He asked me if I had a saw and I didn't have one, so he just moved them to replace.

Q. So he just moved the two triangles and pretend he cutted the triangle pavers; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. So you and your employees, did your employees or you ever helped Roofing and Construction to finish

the two answers -- two answers to the interrogatories I just showed you?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Listen to my questions. I showed you two documents here, two answers to interrogatories, finished by Roofing and Construction. Did anybody ask your help to finish these two documents?

A. No. Nobody did. I'm sorry.

Q. Were you even aware of these two objects?

MR. CLARKE: Form.

THE WITNESS: Not aware of them, no. I was not aware of them, not until you showed them to me right now.

BY MS. GUO:

Q. Did anybody from Roofing and Construction called you, asked you, hey -- or ask you or ask your employees, said, hey, I'm sorry, let me take it back.

Did anybody from Roofing and Construction called you saying which day did you do what at the property -- at my prop -- at this property, at 2516 Montclaire Circle?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you ever email and text to Roofing and Construction Corp. about this property?

A. I might've have text or emails. Email, no, not emails. Text messages probably. I'll have to look through my text message and all that. Probably I would have a couple.

Q. How many times did you text to Roofing and Construction Corp. about this property?

A. -- about that one.

Q. About what?

A. I'm not quite sure about that question. I don't know how many times I had text him about that property. Most of the times we used to do is phone calls and that's it.

Q. Okay. I have a few more questions.

When it is raining, can you put -- can you use the electronic outlet -- there's two the outside of the property. On a rainy day, are you supposed to use that electronic outlet in a rainy day?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. I'm sorry?

A. Yes.

Q. No, did you hear what I say?

MR. CLARKE: You didn't like his answer, Ms. Guo.

MS. GUO: No, no, no.

THE WITNESS: I'm not quite -- I'm not quite sure about what you're asking me. You say when it's raining are we supposed to use electronic devices? That's what you're asking me?

BY MS. GUO:

Q. No. On a rainy day, did you ever use the electric -- the front electronic outlet in my property?

A. I don't get that question. In a rainy day? That's what you're saying?

Q. No, no. Let me see. Did you ever use the front -- the electronic outlet in my property?

A. Electronic outlet. I'm not even sure what that is. Probably no. I don't even know if you have an electronic outlet on --

Q. Okay.

A. -- or not. I don't even know about that, so I'm not hundred percent sure. I don't even know about it and I never used it before.

Q. Okay. So my next question is when it's rainy, do you know the property has a outlet, electric outlet at front or at outside of the property?

A. I didn't know that.

Q. You didn't know that. Okay. In your property, you have the electronic outlet in your property, outside the property on the exterior side, right?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Right? And when --

A. Yes. That is correct.

Q. Yeah. And in the -- when it is raining, can you -- are you supposed to use those electronic outlet outside of your property?

MR. CLARKE: Form.

THE WITNESS: Electronic outlet. Listen, I'm -- this is the first time I heard about those things, so I'll have to search out what they are. My English doesn't probably go that far, so allow me one second to go on Google and look for it. Electronic.

BY MS. GUO:

Q. Electric outlet. Electric outlet.

A. Oh, electric. Elec -- okay. Yes.

Q. So every property -- most property has an electric outlet inside of house and also outside of

house, right?

A. Yes. They have many different ones --

MR. CLARKE: Form.

THE WITNESS: -- outside and inside. That's correct.

BY MS. GUO:

Q. Yeah. So the electric outlet outside the property, when it is raining, that would be unsafe to use the electric outlet outside of the property?

MR. CLARKE: Form.

THE WITNESS: Yes. Most of the times it's very unsafe to use and they're very exposed to rain and water. Not just for the property, for the workers as well, it's pretty unsafe to use them.

BY MS. GUO:

Q. So if you use the electric outlet when it was raining outside, when you use the exterior -- I'm talking about electrical outlet outside of house, not inside house. When you use the electric outlet outside of house when it's rainy, will the outlet jump?

A. They will probably if they get touched by the water they will jump, yes.

Q. Okay. Thank you.

And that will made damage to the breaker?

MR. CLARKE: Form.

THE WITNESS: That will probably damage the breaker and cause any other problems in the electrical box.

BY MS. GUO:

Q. So it's a yes, it will -- may cause problem?

A. Yes. It might cause problems. That's correct.

Q. Okay. Do you know if Roofing and Construction, besides this lawsuit, do you know if Roofing and Construction Corp. was sued by other people?

A. Many other people, yes, that is correct.

Q. And did you know Roofing and Construction Corp. sued by other people for related to his roofing job?

A. Yes. They got sued for roofing jobs. They also got another lawsuit for a -- one of the drivers got into an accident when he was driving the dump truck, so I know they still got that one going on as well.

Q. Do you think Mr. Alex Romero know about those lawsuit against his company?

MR. CLARKE: Form.

THE WITNESS: Yes, he's aware of that. I'm pretty sure of that.

BY MS. GUO:

Q. Do you think Alex -- his office manager of

Roofing and Construction, Annie Rocco, should know about those lawsuit against Roofing and Construction Corp.?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, repeat that again?

BY MS. GUO:

Q. Do you know the office manager of Roofing Construction, Corp., Annie -- Mrs. Anne -- Annie Rocco?

A. Do I know if anybody local has sued them, that's what you're asking me?

Q. No, no, no, no. Do you know if Mrs. Anne Rocco, office manager of the Roofing Construction Corp.?

A. If the office is local? That's what you're asking me?

Q. No, no, no, no. Do you know if Mrs. Anne Rocco, R-O-C-C-O, Annie Rocco -- Annie Rocco, Anne is A-N-N-E.

A. I'm not really sure what you're asking me, ma'am. I'm sorry.

Q. Do you know who is the office manager of Roofing and Construction Corp.?

A. Oh, who is the office manager, yes. The office manager is -- I believe her name is -- what is her name again? I'm sorry.

Q. Ms. Anne Rocco. Ms. Annie Rocco.

A. Annie, that is correct. Annie. That is

correct.

Q. Annie Rocco. Do you think Ms. Annie should know Roofing and Construction Corp. was sued by other people?

MR. CLARKE: Form.

THE WITNESS: They -- they should -- if she's the office manager, she should be the one receiving all those paperwork.

BY MS. GUO:

Q. Do you think -- I'm going to go back to a question. Do you think Alex Romero should know the lawsuit by other people regarding his company's roofing job?

MR. CLARKE: Form.

THE WITNESS: Yes, he should.

BY MS. GUO:

Q. Not should. Are you sure that he knows about it?

A. Oh, yes, he knows about it. He told me before what kind of sues he got before.

Q. So he told you what kind of suit he had before, right?

A. Had done before, yes, that's correct.

Q. So Alex Romero told you that he was sued by other people related to his roofing job, correct?

A. That is correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Do you know Roofing and Construction Corp. has another owner for Mr. Rodolf Aranes?

A. Rodolfo --

MR. CLARKE: Form.

THE WITNESS: That's correct.

BY MS. GUO:

Q. So did you -- do you speak Spanish with him?

A. Yes, he speaks Spanish, that's correct.

Q. Did he ever tell you that Roofing and Construction Corp. was sued by other people related to roofing job?

MR. CLARKE: Form.

THE WITNESS: That is correct. That he spoke to me about it a little bit briefly.

BY MS. GUO:

Q. Okay. Do you know Manuel -- Manuel -- a person called Manuel Baltazar, something like that?

A. Yes. That's their tile guy.

Q. You know this guy, right?

A. Yes. He's the tile guy, yes, that's correct.

Q. Okay. A tile installer, right?

A. That's correct.

Q. Did he ever tell you that Roofing and Construction Corp. was sued by anybody relating to roofing job?

MR. CLARKE: Form.

THE WITNESS: No, he never talks to me about those things, no. We don't have a stable relationship like that.

BY MS. GUO:

Q. Okay. So let me go back to this question, clarify this question. Did Elias Morillo tell you that Roofing and Construction Corp. was sued by anybody besides me relating to his roofing job?

MR. CLARKE: Form.

THE WITNESS: You're talking about Elias or Alex?

BY MS. GUO:

Q. Did Elias Morillo ever tell you --

A. No, he never mentioned any of that.

Q. Okay.

A. He didn't, yeah.

Q. So let me repeat this one, okay. I'm talking about this lawsuit, okay. Did Alex Romero tell you that his company, Roofing and Construction, was sued by somebody else besides me related to --

A. Yes.

Q. -- his roofing job?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Okay. Did Rodolf Aranes told you -- tell you that, besides this lawsuit, somebody else sued Roofing and Construction Corp. related to its roofing job?

MR. CLARKE: Form.

THE WITNESS: That is correct. Yes.

BY MS. GUO:

Q. Okay.

A. I have a question. I don't know if I can get like a five, ten minutes break. I need to go to the bathroom. I need to go pee, if you don't mind.

Q. We're going to done in -- this is my last question, then we're done now.

A. Okay.

Q. Then I'll let you go.

MR. CLARKE: Ms. Guo, I'm going to have my cross, so --

MS. GUO: Okay.

MR. CLARKE: Are we having Mr. --

MS. GUO: I'm going to stop at 4 o'clock. I'm going to stop 4 o'clock. I'm going to have

last question, Mr. Calderon.

BY MS. GUO:

Q. Just repeat about the office manager, Annie. Did Annie -- Mrs. Annie Rocco tell you that, besides my lawsuit, Roofing and Construction Corp. was sued by anybody relating to roofing job?

A. No, she didn't. She didn't -- we're not established our relationship like that with anybody else besides Rodolfo and Alex.

MS. GUO: Okay. I'm done. Maybe -- your questions, but I -- I'm done with it. And I ask that 4 o'clock deposition on the next one.

MR. CLARKE: Well, hold on. Are we -- because I need to do my cross-examination.

MS. GUO: No, you can -- you can depose him next time. Okay? I'm done here now.

MR. CLARKE: Wait, hold on, hold on. Wait, hold on. I need to reserve --

MS. GUO: At 5 o'clock we have --

COURT REPORTER: Wait, wait, wait, excuse me.

MR. CLARKE: I have a right to ask him questions, Ms. Guo. Are you saying I have to call him again?

MS. GUO: You may have to because I'm going to now take a break now because I'm going to prepare

for the 4 o'clock deposition. The 4 o'clock deposition is coming now. Okay?

MR. CLARKE: Who is the 4 o'clock?

MS. GUO: Mr. Bates. Mr. Bates is coming.

MR. CLARKE: Okay. Well, Mr. Calderon, I'm just letting you know, typically, the other side is allowed to ask you questions. It's called cross-examination.

THE WITNESS: I understand.

MR. CLARKE: And because there's a deposition at 4 o'clock, as Ms. Guo has said, I'm reserving my right to call you to depose you in my own deposition. Do you understand?

THE WITNESS: As long as phone call is recorded, you can call me any time. Okay? I'm also going to be recording. Are you the defendant lawyer?

MR. CLARKE: I represent Roofing and Construction Corporation.

THE WITNESS: Okay. So --

MR. CLARKE: Can I have your cell phone, sir, so I can coordinate a deposition with you?

MS. GUO: I object to that. You should not contact --

MR. CLARKE: What are you talking about? You

had a meeting with him yesterday, Ms. Guo. Is he -- you don't control him.

MS. GUO: Yeah, the -- he --

COURT REPORTER: Wait, guys, guys, I need you to stop. Ms. Guo, I need you to please stop. I need you to let Mr. Clarke talk to the witness, please.

MR. CLARKE: I need your phone number.

THE WITNESS: Okay. You have a pen to write it down?

MS. GUO: I'm sorry. I have an objection here. You need to put down my objection here. Mr. -- Mr. -- Mr. Calderon, whatever Lawyer Clarke called you, I'd like you to join the telephone conference. Okay?

THE WITNESS: So --

MR. CLARKE: I'm sorry, was I invited to the Zoom call yesterday?

MS. GUO: I did not invite you. I'm not going to invite you and I request Mr. Calderon to invite me to the telephone conference.

MR. CLARKE: How does that work, Ms. Guo? How is that fair?

MS. GUO: It's up to Mr. Calderon. I request Mr. Calderon to include me in his telephone

conversation with you.

MR. CLARKE: You're not his lawyer. It's not ex parte. I'm not talking to the judge. I can talk to Mr. Calderon myself. But Mr. Calderon, I need your --

MS. GUO: And I have the right --

MR. CLARKE: -- phone number so I can schedule your deposition, since I don't have time to ask you questions today. So please, what is your phone number?

MS. GUO: Mr. Romero -- Mr. Romero -- I mean, Mr. --

MR. CLARKE: Romero?

MS. GUO: Mr. Romero --

MR. CLARKE: Ms. Guo, please be quiet. Mr. Calderon, I need to get your phone number.

MS. GUO: Mr. -- Mr. -- Mr. --

COURT REPORTER: Ms. Guo, I need you to please -- Ms. Guo, I need you to stop because -- no, no, no --

MS. GUO: You don't tell me to stop.

COURT REPORTER: No, I -- no, I will get off the record right now. I will get off the record and I need you to stop. You are now ruining the transcript. The transcript will not be clear. I

need you to stop.

MS. GUO: Mr. Clarke --

COURT REPORTER: No, no, no, no. No, no, no. You're done. You're done. No, you're done. You're done. I'm not -- no. I will go off the record. I'm not going to do this.

Please, Mr. Calderon, since she will not let you speak, I need you to please put your phone number in the chat so that Mr. Clarke can have --

MS. GUO: No, no, Mr. Calderon --

COURT REPORTER: All right. We are off the record. No, we are off the record and I will stop the complete deposition and you'll have to reschedule your 4 o'clock if you do not stop talking. I am sick of you interrupting me.

MS. GUO: That's fine. If you want to stop the job, that's fine.

COURT REPORTER: Please stop. Please stop. Please stop.

MS. GUO: You don't tell me what to do. Okay?

COURT REPORTER: Please stop. Please stop.

MS. GUO: Mr. Clarke --

COURT REPORTER: Please stop. All right. We are off the record. We are off the record.

(Thereupon, the deposition was concluded at

3:59 p.m.)

(Reading and signing of the deposition transcript was reserved.)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, Notary Public, State of Florida, certify that Leonel Calderon, personally appeared before me on the 27th day of January 2025, and was duly sworn.

Signed this 19th day of February 2025.

_____

Heidi Syed, Court Reporter

Notary Public, State of Florida

Commission No.: HH 568589

Commission Expires: 07/09/28

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, certify that I was authorized to and did report the Deposition of Leonel Calderon; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 19th day of February 2025.

_____

Heidi Syed, Court Reporter

WITNESS NOTIFICATION LETTER

February 19, 2025

LEONEL CALDERON

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Deposition taken on January 27, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,

Heidi Syed
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

LEONEL CALDERON

January 27, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

LEONEL CALDERON Date

2516 Montclaire Circle Roof

•

xiaohui guo
To Robert Franklin · Tue, Jun 18, 2024 at 9:53 AM

• Message Body

Hi, Me. Franklin,

The Roofer suddenly showed up today. They said that they will do "touch up" and install tiles today at the same time. I told them that they need to wait for Mr. Wagner's inspection. I don't know how they will proceed.

Thanks and regards,

Xiaohui.

• xiaohui guo
To rfranklin@westonfl.org · Wed, Jun 19, 2024 at 9:08 AM

Message Body

Thanks for your reply, Mr. Franklin.

On June 14th, 2024, the Roofer loaded all tiles on the roof, which already concealed some defects of the cap sheet. For example, some open laps along the valley have already been pressed down by stacks of tiles.

On June 18th, 2024, using the Roofer's own words, its worker only "touched up" some unconcealed open laps but skipped all concealed defects. I requested the Roofer to correct the concealed defects but the Roofer refused.

I also requested the Roofer to correct the return and other defects but the Roofer refused.

May you please let me know the approximate time Mr. Wagner will be here on Thursday June 20th, 2024 so that I can point out some of the concealed defects to him?

Thanks and regards.

Xiaohui

•

• xiaohui guo
To rfranklin@westonfl.org · Wed, Jun 19, 2024 at 12:38 PM

Message Body

Also, on the unconcealed open laps, the worker burned the cap sheet and then pressed it down. May you please advise me if this is a correct method? Was the cap sheet thinned by burning? Will the cap sheet bounce back?

Thanks and regards.

•

• xiaohui guo
To rfranklin@westonfl.org, jwagner@capfla.com · Thu, Jun 20, 2024 at 5:37 PM

Message Body

Hi, Mr. Franklin and Mr. Wagner,

The Roofer removed some tiles from valleys today. I noticed that the Roofer scheduled another inspection Tomorrow. However, as of now, the Roofer has not repaired the open laps that were concealed by tiles before. Now the open laps looked smaller or even disappeared temporarily because they have been pressed down by tiles for almost a week. They should be repaired before your next inspection.

Today the Roofer even threatened to charge me a fee for the inspection. I really worry, if such a bad Roofer lost license in the near future, who would honor the 10-year warranty for my roof?

(p.s., I still have concerns about other issues, such as returns/eaves, water-saturated cap sheet after last week's record rain, the burning of the cap sheet, and et al.)

Thanks and regards,

Xiaohui

•

• xiaohui guo
To rfranklin@westonfl.org, jwagner@capfla.com · Fri, Jun 21, 2024 at 8:23 AM

Message Body

Hi, Mr. Franklin and Mr. Wagner,

As of now, I still haven't received any message from the Roofer on whether or when he will repair the defects that were concealed by tiles.

Is Mr. Wagner coming today? May you please let me know the approximate time so I can wait for you?
The attached please see the "Inspection Scheduled" notice:

Thanks and regards,

Xiaohui

•

• xiaohui guo
To rfranklin@westonfl.org, jwagner@capfla.com · Fri, Jun 21, 2024 at 10:15 AM

Message Body

Hi, Mr. Franklin and Mr. Wagner,

I have been home waiting for Wagner and never noticed that Mr. Wagner may have come already.

However, I just noticed that Mr. Wagner entered today's inspection results at 8:29AM without even going up to the Roof. How would Mr. Wagner know whether the cap sheet stick to the underneath layer now without going up to the Roof to check?

The attached please see remaining open laps on the valleys. Please let me know if you need me to show you more proofs of how they skipped concealed open laps. May you please advise by today?

Thanks and regards,

Xiaohui

---

5 attachments

• •

Message Body

Mr. Franklin and Mr. Wagner,

Yesterday when the worker removed the tiles from the valley, I can see the cap sheet bouncing under their feet, up and down.

Please go up to the roof to check. When you come please let me know so I can show them to you. Please reply by today.

Thanks and regards,

Xiaohui

•

• xiaohui guo
To rfranklin@westonfl.org, jwagner@capfla.com · Sun, Jun 23, 2024 at 10:52 PM

Message Body

Hi, Mr. Franklin and Mr. Wagner,

For your convenience, I'm attaching two documents for you to analyze:

1. A pdf file showing the comparison between "Before 06/21/2024 Inspection" and "After 06/21/2024 Inspection." You can see that more than half of the open laps in the "Before 06/21/2024 Inspection" pictures are still in the "After 06/21/2024 Inspection" pictures.

Also, as of now, the tiles at the valley on top of the garage (page 1) still have not been removed. With all due respect, how could Mr. Wagner, on June 21st, 2024, determine that this tile-covered valley has been completely repaired?

2. A video showing the peeling-stick cap sheet bouncing underneath the 06/20/2024 worker's feet when he removed the tiles on June 20th, 2024, after being ordered by Mr. Wagner to do so.

You haven't replied to my emails since Jun 19th, 2024. If you cannot help me any further, may you please kindly let me know where I can escalate my concerns?

Thanks and regards,

Xiaohui Guo

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2 attachments

• • 20240623 OpenLaps Comparison.pdfpdf · 825.5kB

• • •

20240620 bouncing capsheet.movmov · 5.2MB

• xiaohui guo

Before
06/21/2024
Inspection

After
06/21/2024
Inspection

Before
06/21/2024
Inspection

After
06/21/2024
Inspection

Before
06/21/2024
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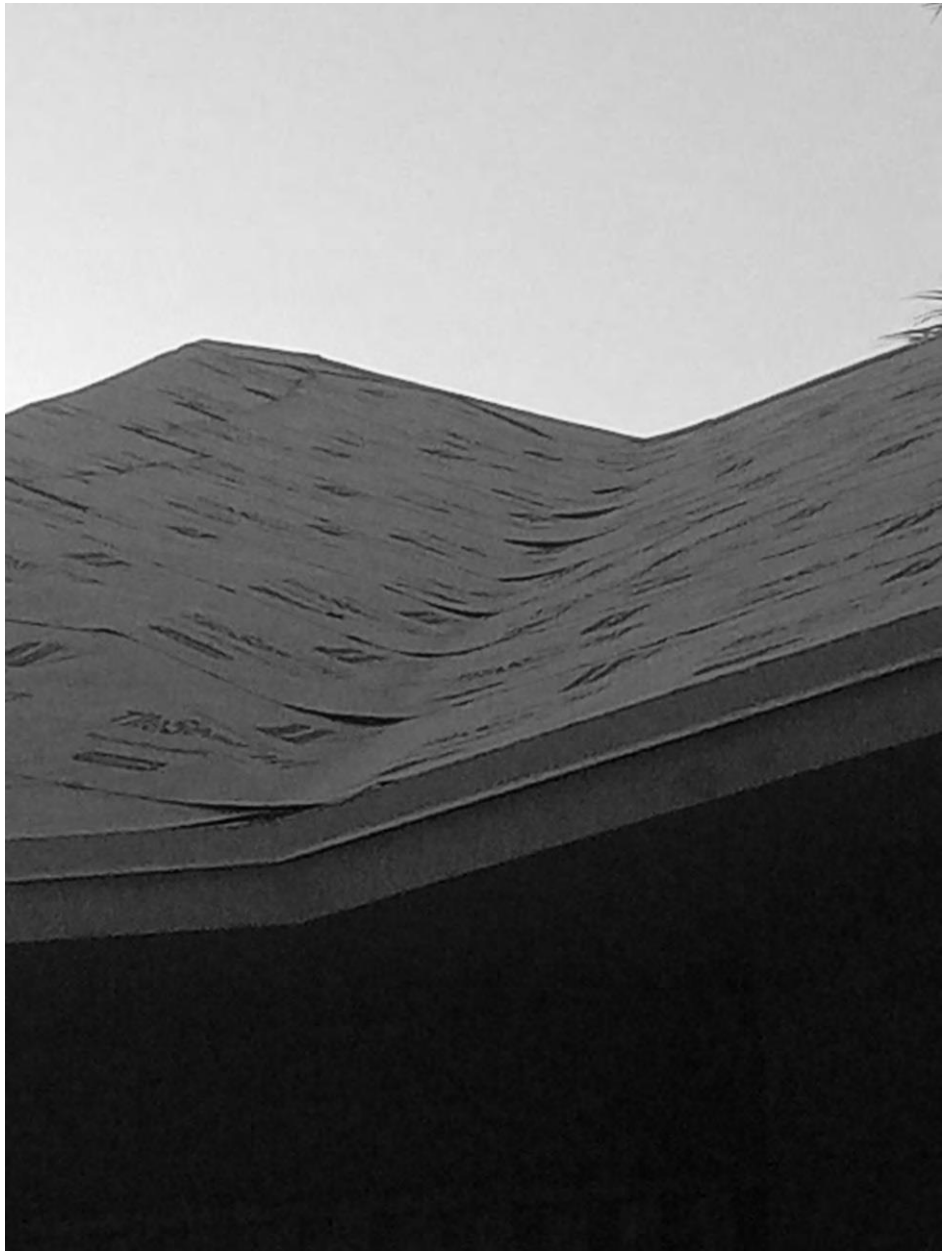
Before
06/21/2024
Inspection



After
06/21/2024
Inspection

Before
06/21/2024
Inspection

After
06/21/2024
Inspection

Before
06/21/2024
Inspection

After
06/21/2024
Inspection

To rfranklin@westonfl.org, jwagner@capfla.com · Mon, Jun 24, 2024 at 8:08 AM

Message Body

Thanks, Mr. Franklin.

•

• xiaohui guo
To rfranklin@westonfl.org, jwagner@capfla.com · Mon, Jun 24, 2024 at 10:46 AM

Message Body

Dear Mr. Cox,

The Roofer just informed me that its team will come tomorrow morning at 7:45AM to resume installation of tiles. May you please address my concern before the Roofer conceals all defects again?

Thanks and regards,

Xiaohui Guo

•

• xiaohui guo
To rfranklin@westonfl.org, jwagner@capfla.com · Tue, Jun 25, 2024 at 6:29 AM

Message Body

Good morning, Mr. Cox,
As of now, I still haven't heard back from you. The Roofer's team will be here at 7:45AM. Please advise ASAP. Thanks.

•

• xiaohui guo
To Reginald Cox · Tue, Jun 25, 2024 at 3:22 PM

• Message Body

Hi, Mr. Cox,

Because you haven't replied to my emails, I called your office this Morning and was given your cell phone. I called you at 10:17AM today and you answered. Thanks.

You said that usually the Roofer has a warranty and suggested me to count on it. As I replied, I worry that, if the Roof lost his license soon, the Roofer's warranty will be useless to me.

I noticed that when Mr. Wagner was here on June 20th, 2024, there was no ladder at all. When a Roofer schedules an inspection, does your office always require the Roofer to set the ladder ready for the inspector?

Please let me know if you want to see more proofs, besides the video, pictures, and comparisons that I already sent to Mr. Franklin and Mr. Wagner.

You said that, because Mr. Wagner already gave the pass on June 21st, 2024, you need to talk with Mr. Franklin about what your office can do at this point and then give me an answer.

As I notified you in my yesterday (06/24/2024) 10:46AM email, today (06/25/2024) 6:29AM email, and today's 10:17AM call, since 7:45AM today, the Roofer's team has been covering uncorrected defects with tiles. As of now, they are still continuing. Please advise ASAP.

Thanks and regards,

Xiaohui

- xiaohui guo

To Reginald Cox · Wed, Jun 26, 2024 at 8:59 AM

Message Body

Thanks for your 06/25/2024 4:27PM reply, Mr. Cox.

On June 21st, 2024 the Roofer left one valley's tile unremoved, thus, Mr. Wagner should have given the same violation number as he did on June 20th, right?

On June 21st, 2024 the Roofer did not set the ladder ready, is there a violation number for failing to set up ladder for inspection, please?

Also, did you see my video showing the cap sheet bouncing? If Mr. Wagner went up on the roof, he would have seen the cap sheet bouncing up and down by himself. Is there a violation number for deception, please?

•

Please advise ASAP,

Thanks and regards,

Xiaohui

- xiaohui guo

To Reginald Cox · Thu, Jun 27, 2024 at 4:52 PM

Message Body

hi, Mr. Cox,

The Roofer scheduled the final inspection tomorrow but again I don't see any ladder set up.

May the inspector please knock my door when he arrives tomorrow? I need to know the inspection process, not just the result.

Thanks and regards,

Xiaohui

xiaohui guo
To Reginald Cox · Fri, Jun 28, 2024 at 9:07 AM

Message Body

Good morning, Mr. Cox, Mr. Franklin, and Mr. Wagner,

If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?

By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that there isn't such policy or code number.

Thanks and regards,

Xiaohui Guo

xiaohui guo
To Reginald Cox · Fri, Jun 28, 2024 at 9:15 AM

Message Body

Also, please correct if I am wrong: today Mr. Wagner informed the Roofer's worker that her ladder was incorrect for safety and another ladder is needed.

xiaohui guo
To building@westonfl.org · Tue, Jul 2, 2024 at 8:50 AM

- ## Message Body

See below email about filming the inspection.

Yahoo Mail: Search, Organize, Conquer

----- Forwarded Message -----
From: "xiaohui guo" <xiaohui_guo@yahoo.com>
To: "Reginald Cox" <rcox@westonfl.org>
Cc: "Robert Franklin" <rfranklin@westonfl.org>, "James Wagner" <jwagner@capfla.com>
Sent: Fri, Jun 28, 2024 at 12:12 PM
Subject: Re: 2516 Montclaire Circle Roof

Hi, Mr. Wagner, Mr. Franklin, and Mr. Cox,

I still haven't received your reply to my emails and textings.

Unless you sent me the policy or code number that prohibts a homeowner to video-record the inspection, I will not allow the inspector to come to my property. If any inspector came to my property without allowing me to video-record, I will hold him/her trespassing.

Thanks and regards,

Xiaohui Guo

- xiaohui guo
To building@westonfl.org · Tue, Jul 2, 2024 at 8:52 AM

Message Body

See below email about ladder.

Yahoo Mail: Search, Organize, Conquer

- ----- Forwarded Message -----
From: "xiaohui guo" <xiaohui_guo@yahoo.com>
To: "Reginald Cox" <rcox@westonfl.org>
Cc: "Robert Franklin" <rfranklin@westonfl.org>, "James Wagner" <jwagner@capfla.com>
Sent: Fri, Jun 28, 2024 at 9:15 AM
Subject: Re: 2516 Montclaire Circle Roof
Also, please correct if I am wrong: today Mr. Wagner informed the Roofer's worker that her ladder was incorrect for safety and another ladder is needed.

On Fri, Jun 28, 2024 at 9:07 AM, xiaohui guo

<xiaohui_guo@yahoo.com> wrote:
Good morning, Mr. Cox, Mr. Franklin, and Mr. Wagner,

If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?

By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that there isn't such policy or code number.

Thanks and regards,

Xiaohui Guo

On Thu, Jun 27, 2024 at 4:52 PM, xiaohui guo
<xiaohui_guo@yahoo.com> wrote:
hi, Mr. Cox,

The Roofer scheduled the final inspection tomorrow but again I don't see any ladder set up.

May the inspector please knock my door when he arrives tomorrow? I need to know the inspection process, not just the result.

Thanks and regards,

Xiaohui

On Wed, Jun 26, 2024 at 8:59 AM, xiaohui guo
<xiaohui_guo@yahoo.com> wrote:
Thanks for your 06/25/2024 4:27PM reply, Mr. Cox.

On June 21st, 2024 the Roofer left one valley's tile unremoved, thus, Mr. Wagner should have given the same violation number as he did on June 20th, right?

On June 21st, 2024 the Roofer did not set the ladder ready, is there a violation number for failing to set up ladder for inspection, please?

Also, did you see my video showing the cap sheet bouncing? If Mr. Wagner went up on the roof, he would have seen the cap sheet bouncing up and down by himself. Is there a violation number for deception, please?

Please advise ASAP,

Thanks and regards,

Xiaohui

- xiaohui guo

To Reginald Cox · Tue, Jul 2, 2024 at 3:26 PM

Message Body

This is to note that at 2:30PM today Mr. Wagner entered "pass" for final inspection without even inspecting.

xiaohui guo
To Reginald Cox · Tue, Jul 2, 2024 at 9:05 PM

Message Body

After Mr. Wagner left my property on June 28th, 2024, he never came back.
However, today at 2:30PM he suddenly entered "pass" for final inspection.

xiaohui guo
To Reginald Cox, Robert Franklin, James Wagner · Wed, Jul 3, 2024 at 11:33 AM

Message Body

Mr. Cox,

Mr. Wagner chose to leave the property by himself and charged a re-inspection fee.

Please send in another inspector because the reinspection fee has been paid.
xiaohui guo
To rcox@westonfl.org, Robert Franklin, James Wagner · Wed, Jul 3, 2024 at 11:30 PM

Message Body

Today, the new roof failed my insurance inspection, mainly due to Mr. Wagner's negligence. If I send you the details, would you like to send another inspector to conduct a real inspection so that Mr. Wagner's mistakes can be corrected in your hand?

If you still refuse to send another inspector to conduct the real inspection,
then please at least refund the Roofer the $103 reinspection fee because your Department should not get paid for an inspection that was never performed. The Roofer is now asking me to pay for the $103 reinspection fee.
(p.s., Who is Flavi Isabel, the added recipient in your 07/03/2024 8:21PM Email?)
Mr. Cox,

Roof Condition Certification

INSPECTOR	CLIENT
Jamie Riley	Xiaohui Guo
APRO Home Inspector	786-281-8802
Florida State Licensed Inspector	BQNewYear2019@gmail.com
License #HI9195	
954-274-9189	
JamieRileyreports@gmail.com	

Subject Property **Date** of Inspection: 3-Jul-24 **Time** of Inspection: 2:00 pm (EST)
2516 Montclaire Circle
Weston FL 33327

4,896 (under air) **Built:** 2000 5 **Bed /** 3.5 **Bath**

Weather Conditions: sunny

~~~~~~~~~~~~~~~~~~~~~~~~ INVOICE ~~~~~~~~~~~~~~~~~~~~~~~~

Total Amount Due For Services Rendered	$ 200
Amount Paid	$ 200

Paid by ☐Cash ☐Check ☒ Zelle ☐Credit Card Amount Still Due **$ 0.00**

~~~~~~~~~~~~~~~~~~~~~~~~ AGREEMENT ~~~~~~~~~~~~~~~~~~~~~~~~

As required by Florida Statute 11.468.8321, INSPECTOR and the undersigned ("CLIENT") understand and voluntarily agree as follows:
1. INSPECTOR agrees to perform an inspection of the home/building and to provide CLIENT with a written report in accordance with industry standards of practice, and the Scope of Inspection (below). 2. CLIENT has reviewed online &/or received copies of license(s) and scope of inspection including exceptions, exclusions, and limitations & agrees to pay the Total Amount Due For Services Rendered in the Invoice above. Payment is due at the time of inspection. Late fees & collection fees apply after 30 days. Results of the inspection do not change the amount due in any way.

Roof Condition Certification Form

APPLICANT/INSURED NAME:_ Xiaohui Guo_ APPLICATION/POLICY #:_____

ADDRESS INSPECTED_2516 Monclaire Circle Weston FL 33327

DATE OF INSPECTION: 3-Jul-24

This form is provided to assist you in complying with certain eligibility rules. The following "qualified inspectors" may complete the form:

- A Florida-licensed general, residential, building, or roofing contractor;
- A Florida-licensed building inspector;
- A Florida-registered architect;
- A Florida-licensed engineer;
- A building code official who is authorized by the State of Florida or its counties' municipalities to verify building code compliance;
- A Florida-licensed home inspector who is a member of the American Society of Home Inspectors (ASHI), the Florida Association of Building Inspectors (FABI) or National Association of Certified Home Inspectors (NACHI)

Certification Information

Roof Covering: _____Tile_____ Approximate remaining useful life of the roof: _____0_____

Age of roof (in years): ____New_____ Date last updated? _2024

What, if any, updates were completed? ☒ Full Replacement ☐ Partial Replacement

Are there any visible signs of damage/deterioration (such as curling/lifted/loose/missing shingles or tiles,

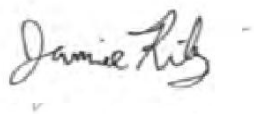
sagging or uneven roof deck, etc.)? ☒ Yes ☐ No. If yes, explain (See Comment Section Below)

Are there any visible signs of leaks? ☐ Yes ☒ No. If yes, explain_ Unable to inspect all areas of attic - limited access.

Two photos representing the roof's condition are required to be submitted with this form.

Florida Fraud Statement

Any person who knowingly and with the intent to injure, defraud, or deceive any insurer, files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

Jamie Riley	954-289-4244		
Inspector Name (printed)	Telephone Number		
			
Signature of Inspector	Home Inspector (HI) License Type	HI9195 License Number	07/31/26 Date

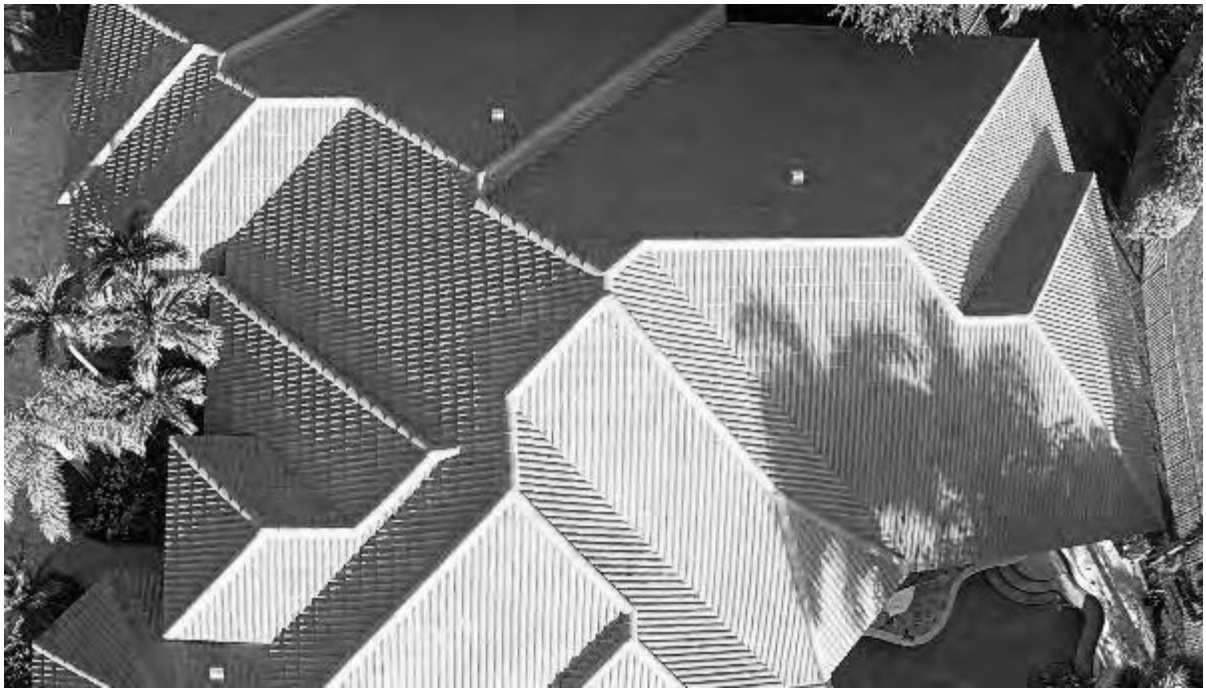
*** Agent / Underwriter: Protect yourself from forgeries - Do not accept handwritten forms or B&W copies of this document ***

COMMENTS:

Unable to inspect all areas of attic - limited access.

Roof overview; see photos 1-10.
Cracked tiles should be replaced to prevent pest and moisture intrusion; see photos 11-17.
Tile cut all the way through by saw should be replaced to prevent pest and moisture intrusion; see photo 18.
Mortar along all tile joints appears to be separating and cracking and should be touched up; see photos 19-20.
At least one splintered truss found in attic where accessible may compromise roof integrity and should be replaced; see photo 21.
Splintered piece of plywood sheathing along underside of roof should be replaced; see photo 22.
Appliance hoses do not appear to be ventilated through roof penetrations properly; see photos 23-25.

Overall Condition: ☐**SATISFACTORY ~** ☒ **UNSATISFACTORY~** ☐ **UNKNOWN / UNDETERMINED**



FRONT

SIDE

SIDE

REAR

PHOTO 1

PHOTO 2

PHOTO 3

PHOTO 4

PHOTO 5

PHOTO 6

PHOTO 7

PHOTO 8

PHOTO 9

PHOTO 10

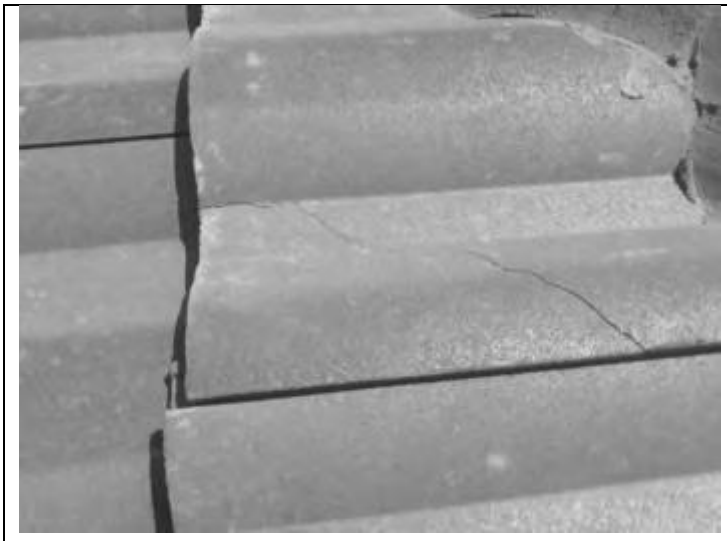


PHOTO 11

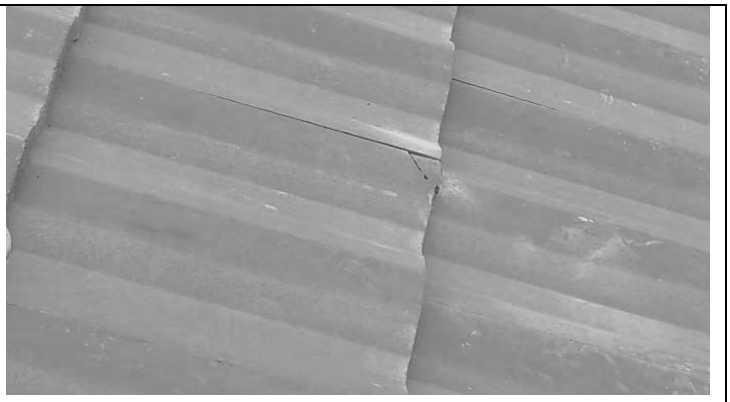


PHOTO 12

PHOTO 13

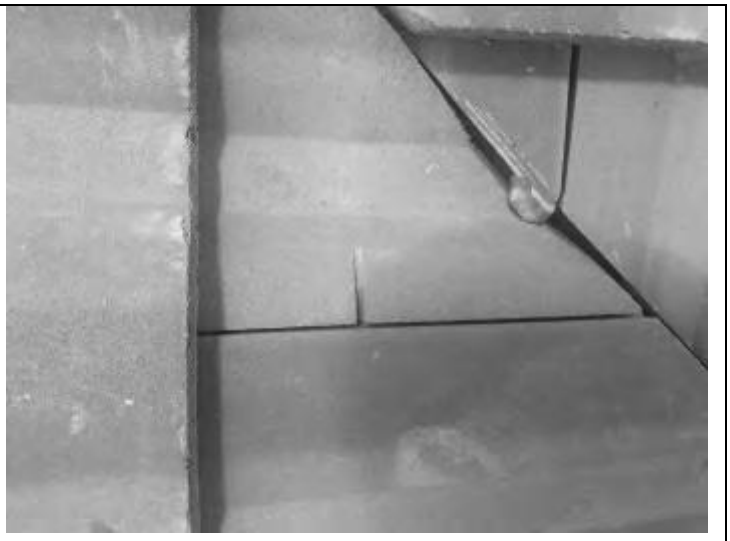


PHOTO 14

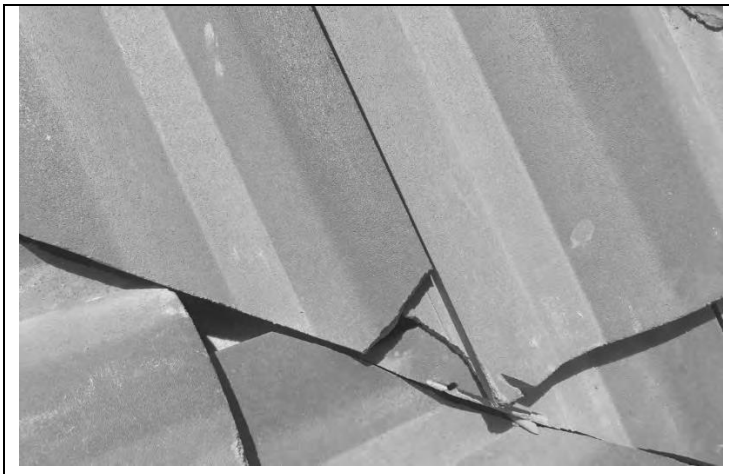


PHOTO 15

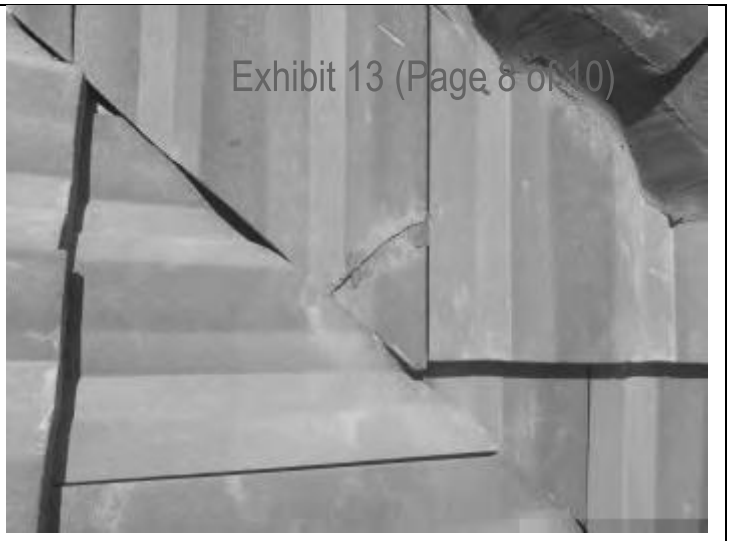


PHOTO 16

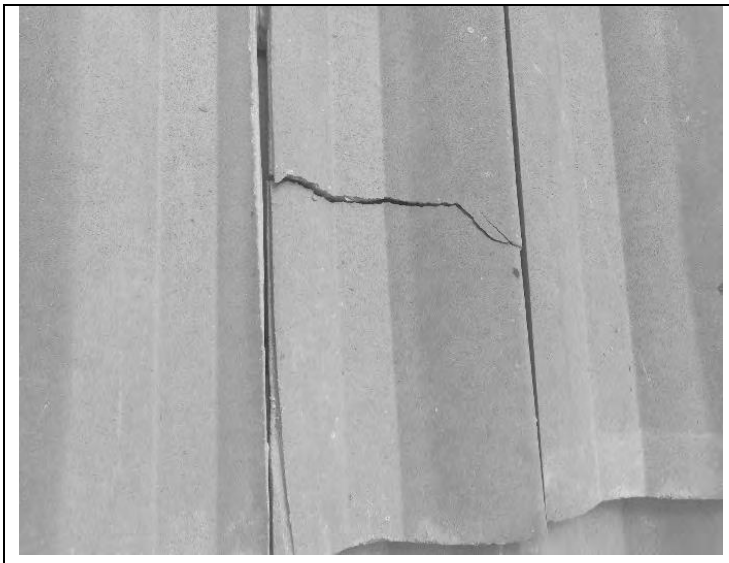


PHOTO 17

PHOTO 18

PHOTO 19

PHOTO 20

PHOTO 21

PHOTO 22

PHOTO 23

PHOTO 24

PHOTO 25

Thank you for choosing APRO Home Inspector. If you have any questions about items in the report, please do not hesitate to contact us. We are grateful for your business and look forward to working with you again in the future!

Gmail

bb qq <bqnewyear2019@gmail.com>

Consolidated Notice of Claim for Construction Defects

bb qq <bqnewyear2019@gmail.com> Tue, Jul 9, 2024 at 9:23 PM
To: "Roofing Office (roofingraoffice@gmail.com)" <roofingraoffice@gmail.com>, Roofing and Construction <roofingra@gmail.com>
Bcc: fiveobuilding@comcast.net

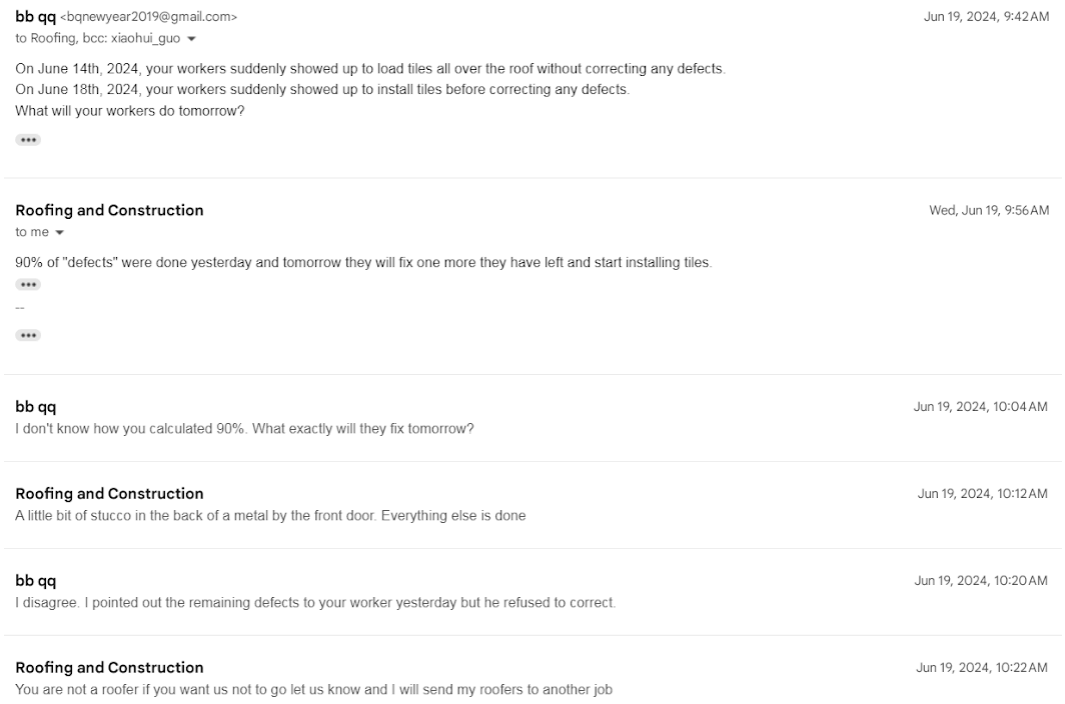
Alex,
From April 4th, 2024 to July 8th, 2024, the City of Weston Inspector Mr. James Wagner, my engineer expert Mr. Thomas M. Glynn, and I myself have been notifying you of the new roof's multiple construction defects. Below is a summary of some construction defects that you have been notified since April 4th, 2024:

1. In your 04/16/2024 11:12AM email, you stated "Roofing and Construction Corp will Apply bull and membrane on 3 spots on the roof we discussed with the homeowner." However, you and your workers never applied bull and membrane on the 3 spots;

2. Due to your intentional delay, as announced in the attachment of your 04/25/2024 8:15AM email, the "peeling and stick tile underlayment" deteriorated after being completely exposed to the record rains without tile protection from April 4th, 2024 to June 25th, 2024. The City Inspector Mr. Wagner notified you of multiple defects on or about May 24th, 2024;

3. Because you sent workers to conceal defects with tiles on June 14th, 2024 and June 18th, 2024, you failed the 06/20/2024 City Inspection. See 06/20/2024 City Inspection Report. On June 21st, 2024, the City Inspector Mr. Wagner did not go up to the roof to check because you didn't set up the ladder on that day.

4. The "peeling and stick tile underlayment" was further damaged by your workers' loading of tiles; See 06/19/2024 Emails between you and me.
,



bb qq <bqnewyear2019@gmail.com> Jun 19, 2024, 9:42 AM
to Roofing, bcc: xiaohui_guo

On June 14th, 2024, your workers suddenly showed up to load tiles all over the roof without correcting any defects.
On June 18th, 2024, your workers suddenly showed up to install tiles before correcting any defects.
What will your workers do tomorrow?

Roofing and Construction Wed, Jun 19, 9:56 AM
to me

90% of "defects" were done yesterday and tomorrow they will fix one more they have left and start installing tiles.

--

bb qq Jun 19, 2024, 10:04 AM
I don't know how you calculated 90%. What exactly will they fix tomorrow?

Roofing and Construction Jun 19, 2024, 10:12 AM
A little bit of stucco in the back of a metal by the front door. Everything else is done

bb qq Jun 19, 2024, 10:20 AM
I disagree. I pointed out the remaining defects to your worker yesterday but he refused to correct.

Roofing and Construction Jun 19, 2024, 10:22 AM
You are not a roofer if you want us not to go let us know and I will send my roofers to another job

The manufactory of the "peeling and stick tile underlayment" is now investigating this matter and requesting the following items, most of which I need you to provide immediately:
"*(1) Proof of Purchase showing the date the product was purchased*
(2) Photographs clearly showing the extent of the issue you are describing
a. Close-up photographs of each affected section
b. Photographs showing the entire roof
c. Photographs showing underside of removed material
d. Photographs of roof deck showing where sample was removed
*(3) 1 roll of unapplied product from jobsite preferred. If unapplied product unavailable, please provide a 4ft*4ft sample extracted from the roof's surface.*
(4) Date and Run number located on packaging (ex. 411899A N19217 030)"

4. On June 28th, 2024, the City Inspector Mr. Wagner told your worker that your ladder was not safe. Mr. Wagner left my property without inspecting the roof. After June 28th, 2024, the City never sent any inspector to my property. On July 2nd, 2024, without inspecting the roof, Mr. Wagner entered the result for Final Inspection.

5. On July 3rd, 2024, the roof newly installed by you failed my property insurance inspection. Besides broken and cut-through tiles, my property insurance inspector found problems with ventilation ducts/pipes, plywood, and truss. Because some defects have been concealed by tiles you installed, my 07/03/2024 property insurance inspection report does not reflect all defects.

6.You haven't sent me your engineering report.

Xiaohui Guo

Gmail

bb qq <bqnewyear2019@gmail.com>

Consolidated Notice of Claim for Construction Defects

bb qq <bqnewyear2019@gmail.com> Sun, Jul 28, 2024 at 9:43 PM
To: "Roofing Office (roofingraoffice@gmail.com)" <roofingraoffice@gmail.com>, Roofing and Construction <roofingra@gmail.com>

Alex,

In addition to my two 07/09/2024 (9:23PM and 9:30PM) Emails, the roof is still leaking now.

On or about July 8th, 2024 and July 11th, 2024, when Mr. Thomas M. Glynn and the Coral Springs Police Department, on behalf of me, asked you if you would like to negotiate a setoff with me and/or correct the construction defects, you refused.

For the third time, let me know if you would like to negotiate a setoff with me and/or correct the construction defects.

Xiaohui Guo

[Quoted text hidden]

IN THE COUNTY COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. **COCE24046580** DIVISION: **56** JUDGE: **Benson, Betsy (56)**

ROOFING AND CONSTRUCTION CORP

Plaintiff(s) / Petitioner(s)

v.

Xiaohui Guo

Defendant(s) / Respondent(s)

_____/

CASE MANAGEMENT ORDER DIRECTING PLAINTIFF/COUNTER-DEFENDANT TO PROVIDE RESPONSES TO REQUEST FOR PRODUCTION (INCLUDING BUT NOT LIMITED TO, VIDEO EVIDENCE AND ENGINEERING REPORT, AND DEFENDANT/COUNTER-PLAINTIFF TO PROVIDE RESPONSES TO EXPERT INTERROGATORIES AND LIST EXPERTS, ON OR BEFORE DECEMBER 20, 2024 AT 5:00 P.M.

THIS CAUSE was before the Court for hearing on December 16, 2024. At hearing, the parties were directed in open court as follows:

ORDERED

that Plaintiff/Counter-Defendant is directed to provide to Defendant/Counter-Plaintiff its discovery responses, including but not limited to, the engineer report provided to the City, any videos, and any other outstanding discovery discussed at hearing, and that Defendant/Counter-Plaintiff is directed to provide the name of its roofing expert, and the responses to Expert Interrogatories Questions 2, 3, 4, 5, 6, 8, 9, 11, 13 and 14 from the Interrogatories sent on October 21, 2024, on or before Friday, December 20, 2024 at 5:00 p.m. At hearing, Defendant/Counter-Plaintiff named its expert as to the cause of and cost of damages to the air conditioning unit and an electrical outlet; Yves Virgile.

The court is heartened to learn that the parties have scheduled depositions and are directed to make any and all deponents available and to attend the depositions.

Failure to comply may result in exclusion of testimony or evidence, as well as adverse inferences, at any future hearing or trial.

DONE AND ORDERED in Chambers at Broward County, Florida on 16th day of December, 2024.

COCE24046580 12-16-2024 12:02 PM
Hon. Betsy Benson
COUNTY COURT JUDGE
Electronically Signed by Betsy Benson

Copies Furnished To:
Douglas Clarke , E-mail : doug@sotolawgroup.com
Douglas Clarke , E-mail : rebecca@sotolawgroup.com
Douglas Clarke , E-mail : eservice@sotolawgroup.com
Oscar E Soto , E-mail : oscar@sotolawgroup.com
Oscar E. Soto , E-mail : wendy@sotolawgroup.com
Xiaohui Guo , E-mail : legalsouthfl@foxmail.com
Xiaohui Guo , E-mail : xiaohui_guo@yahoo.com
Xiaohui Guo , E-mail : xiaohui.guo2022@gmail.com

TAS 106
TEST RESULTS REPORT
GENERAL INFORMATION

Testing Agency Name: **A+ Engineering Testing Lab, LLC.** Certification No. **23-0303.09**
Address: 7135 SW 44 St Miami FL 33155
Telephone: 305-668-5792
Fax: 786-513-3754
Email: **aplusetl@yahoo.com**
Representative Name: Eng. ABDIAS H. SAENZ
Title: P.E # 69687

SITE SPECIFIC. INFORMATION

Roofing Contractor: **ROOFING & CONSTRUCTION CORP** Permit #: B24-01261
Job Address: 2516 MONTCLAIRE CIR. WESTON, FLORIDA
Contact. Name: ANNE
Owner Name: GUO,XIAOHUI
Type of Tile: VILLA 900 Date Installed: -
Roof Height: 10 feet Roof Pitch: 6/12
Job Access: LADDER Gate: NO
Approximate Square Footage of Roof: 61 SQ. Date Tested: 06/27/2024
Required Testing Force: 35 LBS Testing Equipment: **M2-100, S-3741465**

TEST LOCATION	PASS	FAIL
CORNER	11	
PERIMETER	22	
RIDGE	21	
FIELD	11	
TOTAL:	65	

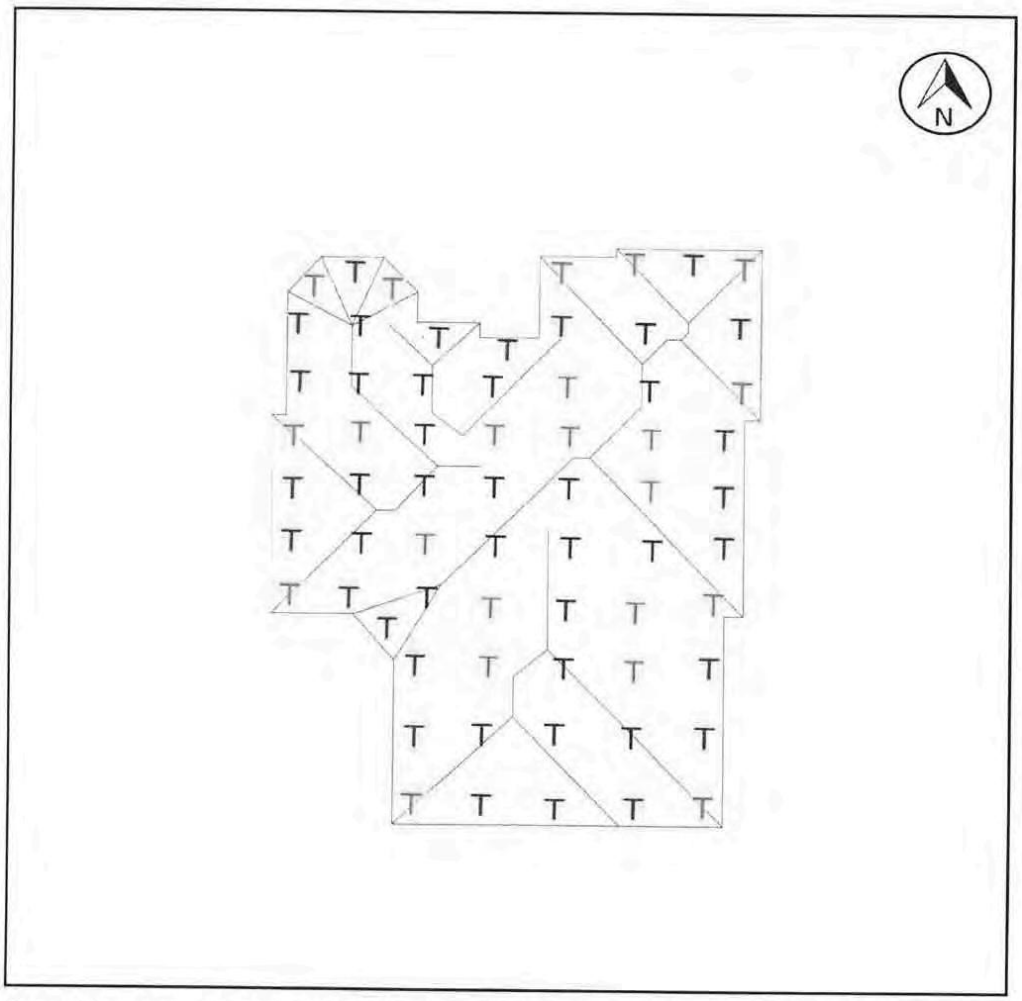
ABBIAS H. SAENZ LICENSE No. 69687 STATE OF FLORIDA PROFESSIONAL ENGINEER

THIS REPORT IS ONLY VALID FOR 30 DAYS.
IN ACCORDANCE WITH THE CRITERIA OF PROTOCOL TAS 106, THIS ROOF ASSEMBLY DID PASS THE STATIC UPLIFT QUALITY CONTROL TEST.
THIS TAS 106 TEST HAS BEEN PERFORMED IN FULL ACCORDANCE TO THE REQUIREMENTS OF DADE COUNTY, WITH NO DEVIATIONS
THIS REPORT IS NOT GUARANTEED IN CASE OF NATURAL DISASTERS.

A+ Engineering Testing Lab

ROOF DIAGRAM

2516 MONTCLAIRE CIR. WESTON, FLORIDA
(PERMIT # B24-01261)



7135 SW 44 St Miami FL 33155 PH: 305-668-5792 Fax: 786-513-3754. aplusetl@yahoo.com

RE: enter my account

From: Ryan Brimo (rbrimo@castlegroup.com)
To: xiaohui_guo@yahoo.com
Date: Friday, December 20, 2024 at 04:43 PM EST

Hi Xiaohui,

Attached is all of your entries beginning in March of this year. I could not find either of those names entered at another address

Regards,

Ryan Brimo
Property Manager, LCAM | Castle Group
| 2270 SW 3rd street, suite 200, Plantation, FL, 33325
rbrimo@castlegroup.com | www.castlegroup.com
P: 954-792-6000 x2922

Signature Recommendation (2).png

Great Place To Work. Certified

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Thursday, December 19, 2024 8:35 PM
To: Michelle Castillo <mcastillo@castlegroup.com>; Ryan Brimo <rbrimo@castlegroup.com>
Subject: Re: enter my account

Mr. Brimo,

May I ask the following two questions:

1. Did ELIAS ABDEL REBOLLEDO MORILLO enter Weston Hills on April 5th, 2024 under another property?
2. Did Abdias Saenz enter Weston Hills on June 27th, 2024 under another property?

Thanks and regards,

Xiaohui Guo

On Thursday, December 19, 2024 at 08:04:10 PM EST, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Thanks, Mr. Brimo.

May I please request a full list of all people entering the gates, north and south, under my property's account from March 8th, 2024 to November 22nd, 2024?

Thanks and regards,

Xiaohui

On Tuesday, December 10, 2024 at 02:50:46 PM EST, Ryan Brimo <rbrimo@castlegroup.com> wrote:

Hi xiaohui,

I see an entry on the 4th. See below.

Kindly,

04/04/2024 04:12:18 PM	ELIAS ABDEL REBOLLEDO MORILLO	ROOFERS	QVKP26	White	Truck

Ryan Brimo
Property Manager, LCAM | Castle Group
12270 SW 3rd street, suite 200, Plantation, FL 33325
rbrimo@castlegroup.com | www.castlegroup.com
P: 954-792-6000 x2922

Error! Filename not specified.

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Saturday, December 7, 2024 6:00 PM
To: Michelle Castillo <mcastillo@castlegroup.com>; Ryan Brimo <rbrimo@castlegroup.com>
Subject: Re: enter my account

Hi, Mr. Brimo,

Hope you are enjoying the weekend.

Is there any record showing that ELIAS ABDEL REBOLLEDO MORILLO came to visit my property on April 5th, 2024?

Thanks and regards,

Xiaohui Guo

NORTH GATE

ENTRY TIME	GUEST/VENDOR	COMPANY	PICTURE	TAG
06/28/2024 07:51:57 AM	ANNE MARIE ROCCO	ROOFING		QVKP26
06/27/2024 07:37:48 AM	ANDRES RAMIREZ MATIAS	ROOFING		51BGGB
06/20/2024 08:17:46 AM	BALTAZAR BALTAZAR MANUEL			LUXU63

IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO,

Defendant/Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION, CORP., EZEQUIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants.
_____/

Via Zoom Videoconference

Wednesday, January 15, 2025
9:05 A.M. to 9:59 A.M.

DEPOSITION OF

ANDRES RAMIREZ MATIAS

Taken before Hailey Grande, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Deposition filed in the above-styled cause.

APPEARANCES:

On Behalf of the Plaintiff/Counter-Defendants and Deponent:

THE SOTO LAW GROUP, P.A.
2400 East Commercial Boulevard
Suite 400
Fort Lauderdale, Florida 33308
954-567-1776
doug@sotolawgroup.com
BY: DOUGLAS J. CLARKE, ESQ.

On Behalf of the Defendant/Counter-Plaintiff:

2516 Montclaire Circle
Weston, Florida 33327
_____
xiaohui.guo2022@gmail.com
BY: XIAOHUI GUO, (PRO SE)

Also Present:

Carlos Rivera-Navas, Interpreter

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TESTIMONY OF ANDRES RAMIREZ MATIAS

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INDEX OF EXHIBITS

DEFENDANT/COUNTER-PLAINTIFF'S EXHIBITS MARKED

NUMBER	DESCRIPTION	PAGE
Exhibit A	Picture	33
Exhibit B	Picture	33

(Exhibits were retained by Ms. Guo.)

THEREUPON:

THE REPORTER: Good morning. We are now on record. Today is January 15th, 2025. We are here for the deposition of Andres Ramirez Matias, whose Florida driver's license I have checked prior to the deposition convincing -- he -- commencing. He is located in Pompano Beach, Florida. My name is Hailey Grande. I am the court reporter. Our Spanish interpreter is Carlos Rivera-Navas.

Mr. Rivera-Navas, can you raise your right hand?

CARLOS RIVERA-NAVAS,

being called as an interpreter, was first sworn to translate English to Spanish and Spanish to English the testimony of the following witness:

THE REPORTER: Thank you. All right. Oh, one second.

And Mr. Ramirez, can you please raise your right hand? Do you swear the testimony you are going to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: It depends.

THE REPORTER: Okay. I'm not sure what to do. I've never gotten that answer, to be honest with you. So like, do we still proceed? I'm not --

MR. CLARKE: Maybe just ask him -- it's a -- it's a yes-or-no question.

THE REPORTER: Okay. Yeah. Just -- and just maybe ask him if -- just ask him if he swears to tell the truth, and maybe it's that simple.

THE WITNESS: Yes. I mean, of course. I mean, it all -- yeah. I mean, it all depends really on what you're going to ask. Because, I mean, you know it's -- it's been a long time, and I really don't remember anything, so --

THE REPORTER: Okay. Can you just tell him it's a yes-or-no? Because --

THE WITNESS: Yes.

ANDRES RAMIREZ MATIAS,

having first been duly sworn, testified as follows:

THE REPORTER: Thank you, sir. I understand what you were saying, and I totally respect that. It was just for -- I had to get a certain answer to that question, but thank you.

Counsel, whenever you're ready.

THE WITNESS: Yes.

THE REPORTER: Thank you.

Actually, can Counsel please state their appearances for the record?

MR. CLARKE: Yes. Good morning.

MS. GUO: This is --

MR. CLARKE: Go ahead. No. Go ahead, Ms. Guo.

MS. GUO: Okay. This is Xiaohui Guo. I'm the pro se defendant -- pro se defendant in this case.

MR. CLARKE: Good morning. My name is Doug Clark. I represent the plaintiff and counter-defendant, Roofing and Construction Corporation, as well as Counter-Defendant Ezequiel Alejandro Romero. And I'm also here representing Mr. Matias in his individual capacity.

THE REPORTER: Thank you.

Ma'am, whenever you're ready.

MS. GUO: So can -- may I start?

THE REPORTER: Yes, ma'am.

DIRECT EXAMINATION

BY MS. GUO:

Q. Okay. Let me start for now, and then I'll switch to computer. So my first question is, Mr. Andres, before today, did you ever see me --

THE INTERPRETER: The interpreter is unable to hear.

THE REPORTER: Yeah. I'm not able to hear you either.

MR. CLARKE: Yeah. Ms. Guo, you're cutting out. Maybe go ahead and try your computer.

MS. GUO: Yeah. I'm going to -- I'm going to put on computer now.

MR. CLARKE: Okay. Do we -- do you want to go off the record for a couple minutes to let you do that, Ms. Guo, or --

MS. GUO: No. It's okay. No. Don't go off.

MR. CLARKE: Mr. Interpreter, can you just let him know what we're doing?

THE INTERPRETER: Yup. Sure.

THE WITNESS: Okay.

MR. CLARKE: Okay. Thank you.

BY MS. GUO:

Q. Hold on. It's -- okay. My first question is how many times did you came to my property?

THE INTERPRETER: Ms. Guo, the interpreter cannot hear you.

THE REPORTER: Yeah. I couldn't hear you either. I heard, how many times did you --

THE INTERPRETER: All we hear is the beginning of it.

BY MS. GUO:

Q. How many times -- okay. How many times did you come to my property?

A. I don't remember.
Q. -- to my property?
THE INTERPRETER: The interpreter was unable to hear, Ms. Guo.
THE REPORTER: The court reporter didn't hear either.
BY MS. GUO:
Q. When was the last time you came to my property?
A. Only when I went -- we went to go do the -- the house, you know. And then after that, I didn't see the house anymore.
Q. Do you remember what you did at my property?
A. No.
MS. GUO: Okay. I'm going to shut down that -- I'm going to leave now. I -- I'm also on another one. Okay. Can you hear me now?
MR. CLARKE: We're hearing an echo.
THE REPORTER: Court reporter. You have to log off of one device.
THE INTERPRETER: You have to log off on the phone, or if you tell me which one you want, I can remove it.
MS. GUO: Okay. This one I just put on mute.
THE REPORTER: Okay. So I'll log off on the

other -- the one that's muted.

MS. GUO: No, no, no, no, no.

THE REPORTER: Okay. Can you try talking so we can see if we can hear you? Or did I just log her off of the computer?

THE INTERPRETER: Computer, yes.

MR. CLARKE: I think you logged her computer off.

THE INTERPRETER: Yes.

THE REPORTER: Okay. So the one with the uppercase G and internal?

MR. CLARKE: I believe so. Ms. Guo, can you unmute yourself?

THE REPORTER: Court reporter. I'm going off record until she gets back on. The time is 9:13.

(A recess was taken.)

THE REPORTER: The time is 9:14 a.m. We're back on record.

MS. GUO: Okay. Thank you.

BY MS. GUO:

Q. Mr. Matias, have you ever seen me before?

A. Yes. When we went to, you know, to do the house.

Q. When you came to my property, what car did you drive?

A. I -- I drove the work van.
Q. What is -- what is the color?
A. White.
Q. What is the model of the car?
A. It's a Ford.
Q. When you -- when you came to my property, were you always the driver?
A. Yes.
Q. Did you ever -- have you ever been a -- have you ever been a passenger to my property?
MR. CLARKE: Form.
THE WITNESS: I'm sorry. What? What was that? I didn't understand.
BY MS. GUO:
Q. Were you ever a passenger? Did anybody else take you to my property as a passenger?
A. I mean, the -- the workers came with me.
Q. So what -- how -- were you always the driver to my property?
A. Yes.
Q. How many passengers did you take to my property?
A. Like three that came with me. So with me, it would have been four.
Q. Who were your passengers?

A. The ones who work with me.

Q. Can -- please give their names. What are their names?

A. It's been -- now they -- they have since left the country, since this all -- I'm sorry. They -- they're no longer here.

Q. Do you remember their names?

A. No.

Q. Were your passengers always your -- were always Roofing and Construction Corp.'s employees?

MR. CLARKE: Form.

THE WITNESS: Some. Some were; some were not. You know, because there are some people that are just not working or unemployed, and they only come for like one or two days, you know. And just like that.

BY MS. GUO:

Q. Who were those passengers that were not Roofing and Construction Corp.'s employees?

A. I mean, you know the -- the ones that were, like -- were -- have left, you know, those are the ones who have left, like, the country, or -- or who have, you know, since moved. You know, and -- and they no longer live in the apartments and everything. It's not like I keep track of them. So I really, you know -- it's been

so many years, so I -- I really don't -- I -- I don't know.

Q. Did you come to my property in June 2024?

A. I don't even remember.

Q. I -- did you take -- besides the -- besides the employees of the Roofing and Construction Corp., what other companies employees or owners did you ever take to my property?

A. No. I didn't take any. I didn't take anyone, anybody else from any other company or anything like that. No.

Q. Let me repeat. So all the persons that you took as passenger -- or the only passengers you took to my property were employees of Roofing and Construction Corp.; is that correct?

A. Yes.

Q. Did you take -- ever take Mr. Abdias Saenz to my gated community?

THE INTERPRETER: May the interpreter have a -- -

MS. GUO: I'm spelling it. Let me spell name. A-B-D-I-A-S is the first name. Last name is S-A-E-N-Z.

THE INTERPRETER: May the interpreter have a repetition on the first name? A-P-E-I-A-S? Ms.

Guo?

MS. GUO: Oh, you need me to repeat? Okay. First name is A-B -- A, like -- A, like apple. B, like boy. D, like dog. I, like ice. A, like apple. S, like Sam.

THE INTERPRETER: Thank you. That's all I needed. I have the last name.

MS. GUO: Last name's going to be -- yeah. Last name is -- no, not --

THE WITNESS: No.

BY MS. GUO:

Q. Last name is S-A-E-N-Z.

A. No.

Q. Did any of the passengers -- okay. Hold on.

Do you see any of -- when you work at my -- when you work on my property, do you only see those people you brought -- when you were working on my property, did you see any other people -- when you're working on my property, do you see any other -- any other people besides your passengers working at my property?

A. No. To be honest, I don't even -- I don't even notice. I mean, I -- you know, I -- I -- when I go, I'm -- I'm there to do my job, and it has to do with the roof and that's it. So I don't ever pay attention

to other people moving about or working there or anything like that.

Q. Did you see anybody from A+ Engineering Testing Lab working at my property?

A. No.

Q. Did you see anybody doing uplift test on my property?

THE INTERPRETER: May the interpreter have a repetition of what kind of test?

MS. GUO: Uplift test, U-P-L-I-F-T.

THE WITNESS: No.

BY MS. GUO:

Q. Did you see anybody mark letter T on the tiles of my property?

A. No, no. Once we're done with installing the tiles, then it's like one or two days later when somebody comes to do the uplift test and marks the tiles.

Q. Did you ever see anybody mark tiles on my property?

A. No.

Q. Did you and your passengers clean my property?

MR. CLARKE: Form.

THE WITNESS: Yes. When we finished the roof, you know, we always clean up everything that has to

do with our work, every -- all the trash that's on the ground. We -- we pick up and clean up everything.

BY MS. GUO:

Q. When were you at my property last time, how long did you stay at my property doing those cleaning and finishing job?

MR. CLARKE: Form.

THE WITNESS: No, no, no. No. That job is a question of minutes. I mean, it's just really just cleaning up whatever pieces of that have fallen down or anything that may be like that. You know, that doesn't take very long at all.

BY MS. GUO:

Q. Did you come to my property -- last time when you were at my property, did you come to my property in the morning?

A. Yes. It's in the morning that we always come. That's when we always start. You know, I mean, I don't know if the gate security -- I think that they don't allow us on -- in there until like 8:00. But once we're in there at 8:00, then we're -- we're there working from 8:00 to -- like 5:00 is when we leave.

Q. So on the last day you work for my property, you work about from 8:00 to 5:00?

A. Yes.
Q. Is it possible you came here about 7:30?
A. No.
Q. But were you the first one -- whenever -- did you come to our property whenever the gate opened?
MR. CLARKE: Form.
THE WITNESS: Yes. Of course.
BY MS. GUO:
Q. And do you -- on the last day, you left at 5:00 p.m.?
A. Yes.
Q. Did you ever go outside to take a lunch break or anything?
A. No. We -- we didn't go out like that. We don't -- we don't do that. We always take our lunch with us whenever we go to work.
Q. So on the last day you were at my property, you were at my property all day long?
MR. CLARKE: Form.
THE WITNESS: Yes.
BY MS. GUO:
Q. I'm going to show you a picture on my -- on my -- did you -- did you ever take a deposition before?
A. No.
Q. On the last day you were at my property, did

you see anybody doing any test at my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Okay. I'm going to open -- show you a picture.

Did you see -- on the last day at my property, did you see anybody mark the tile at my property?

A. No.

Q. Did you or any of your passengers make any mark on my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Do you remember -- did anybody call you today?

A. No.

Q. Did anybody call you yesterday?

A. No.

Q. What time did you wake up today?

A. In the morning.

Q. What time? Approximately what time?

A. Around 6:00.

Q. Do you usually wake up at 6:00?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Do you wake up late at the weekends and wake up at -- early in the -- in the weekdays?

MR. CLARKE: Form.

THE WITNESS: On -- you know, maybe on Saturdays I'll get up, you know, like, maybe a little late. You know, I'm -- when -- when I get up, you know. But on -- on weekdays, you know, I generally get up, like, around 6:00, you know. And nowadays, it's still, like -- it's still dark.

BY MS. GUO:

Q. Do you know Mr. Elias Morillo (phonetic)?

A. Of course.

Q. How long do you know him?

A. Very little. I mean, he just started working with the company, you know, very little -- a little while ago.

Q. Like, how long ago?

A. I -- I don't even remember. I don't have, like, any idea about that.

Q. Did he work with you for more -- work at the company for more than a year?

A. I don't know. To be honest with you, I don't I don't know.

Q. Did he work with you more than three -- more

than two years?

A. No, I don't -- I -- I don't believe so.

Q. Do you think he -- so you think he work with you less than two years?

A. To be honest with you, I don't know. I don't know about that. I -- I don't know anything about that. Like I said, I'm just an -- an employee of the company, so I don't -- I don't know.

Q. But you just said it. You know for sure he works with the company less than three years or --

A. I don't know.

Q. Do you know if he has any memory problem?

A. Who?

Q. Do you know -- do you -- do you talk -- did you work with Mr. Elias Morillo?

A. Yes.

Q. Do you find that Mr. Morillo has some memory problem?

MR. CLARKE: Form.

THE WITNESS: That I wouldn't know, to be honest with you. I just -- I don't know.

BY MS. GUO:

Q. Did he -- when you asked his questions, did he say, I don't remember, I don't know? Does that -- does he do that?

A. Yes. Sure. I mean, you know, he talks normal, you know, depending on what you're asking him, you know.

Q. But do you find that he has a very bad memory?

A. I don't know, to be honest.

Q. I'm going to share a picture with you. See in here.

A. Picture of what?

Q. Yeah. I'm showing. I'm going to share screen.

Do you see a picture on my screen?

A. Yes.

Q. Do you know this person?

A. Yes, it's -- that's Manuel. He is the person in charge of us.

Q. He's the -- I'm sorry, he's the person what?

A. He's the one who's in charge of us.

Q. Is he an employee of Roofing and Construction, Corp.?

A. Yes.

Q. Can you spell his full name for me?

A. To be honest, I don't know. I -- I don't -- I -- I mean, I just know it's Baltazar Manuel.

Q. Can you more or less give me the name, just with your form of pronunciation. Try to estimate his

full name.

A. B-A-L-S-A-R, M-A-N-U-L (sic), Manuel.

Q. Thank you. Did you come to my property more than once?

A. Yes. I mean, just, you know, until we finished the job there, and then after that I haven't gone anywhere near that house ever again.

Q. When you were at my house, did you ever see anybody marks the tiles on my roof?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. When you had my property, did you see anybody running any tests at my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. When you had my property, did you see anybody doing inspection at my property?

A. No.

Q. When you were at my property, did you see anybody tear off the tile from my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. When you at my property, did you see anybody painting my fascia board?

MR. CLARKE: Form.

THE REPORTER: I'm sorry. Court reporter. I didn't understand what you just said.

THE WITNESS: No.

MS. GUO: Sorry.

BY MS. GUO:

Q. Did you -- did -- when you at property, did you ever see anybody painting my fascia board?

THE REPORTER: Okay. Sorry.

And then he answered, "No."

Thank you. Thank you.

BY MS. GUO:

Q. When you were at my property, did you see any -- anybody repair pavers at my property?

A. No.

Q. Did you ever go to the roof at my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you ever get on the roof before?

A. Who? Me?

Q. Yeah.

A. I mean, if I don't go up on the roof, then

who's going to install the tile up there?

Q. Did you ever squat on the edge of the roof?

MR. CLARKE: Form.

THE WITNESS: If not, then how can I finish it?

BY MS. GUO:

Q. Did you ever squat on the edge of the roof to paint fascia boards of the roof?

A. Oh, no.

Q. Do you think it is dangerous to squat on the edge of the roof to paint the fascia board underneath?

MR. CLARKE: Form.

THE WITNESS: Yes, of course.

BY MS. GUO:

Q. Did you ever see anybody put on peel-and-stick underlayment at my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you ever see anybody put on tiles on my property?

MR. CLARKE: Form.

THE INTERPRETER: May the interpreter have repetition on the question?

BY MS. GUO:

Q. Did you see anybody load tiles on my property?
A. No.
Q. Did you see anybody install tiles at my property?
A. Of course. That's us. We're the ones that are installing.
Q. So did you load or did you install -- how did you install tiles at my property?
A. Well, a company -- there's a -- the company sends a -- the company sends a -- a truck to load them up on the roof.
Q. Did Mr. Alex Romero ever tell you to apply membrane on three spots at my roof?
MR. CLARKE: Form.
THE INTERPRETER: May the interpreter have repetition on the name and the name of the product?
MS. GUO: Membrane.
THE INTERPRETER: Okay. And what is the -- Alex. What is the last name?
MS. GUO: Membrane.
THE INTERPRETER: No, the last name of the person.
MS. GUO: Oh, Alex Romero. He's the owner of the Roofing and Construction, Corp.
THE WITNESS: No.

BY MS. GUO:

Q. Did Alex Romero ever tell you there are three spots at my roof need some work?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did Mr. Alex Romero ever mentioned something about the three spots at my roof?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did Mr. Romero talk with your passengers, tell your passengers, anything about three spots at my property?

MR. CLARKE: Form.

THE WITNESS: I don't know. I don't know if he talked to, you know, to Balthazar Manuel, but he didn't with us.

BY MS. GUO:

Q. When you say “us,” that including you and all your passengers, right?

MR. CLARKE: Form.

THE WITNESS: Excuse me?

BY MS. GUO:

Q. When you say “us,” it means you and all your

passengers, right?

A. Yes.

Q. When I say membrane in my previous questions, I mean bull and the membrane.

MR. CLARKE: Form.

BY MS. GUO:

Q. So let me -- let me repeat my question again. Did Alex Romero ever mention anything to you or your passengers about applying bull and the membrane on three spots on my roof --

THE REPORTER: I'm sorry.

THE INTERPRETER: The interpreter is unable to make out --

MR. CLARKE: Form.

THE INTERPRETER: -- that word. The first word. If the interpreter may get a spelling for it?

THE REPORTER: Yeah. Are you saying mammogram?

MS. GUO: Membrane. Okay. Let me spell that. Bull is B-U-L-L. And membrane is M-E-M-B-R-A-N-E.

THE INTERPRETER: Membrane?

MS. GUO: Yeah.

THE INTERPRETER: Okay.

BY MS. GUO:

Q. Do you -- Mr. Matias, do you know what is the bull and the membrane?

A. Yes. That's something that we use. That's something that we do with -- on -- on the ridge of the roof. That's something that you have to put. There's certain metals that you have to put on the ridge, under the tiles, and then you have to apply the bull membrane -- bull and membrane on that. And you have to apply all of that. But that is part of our work. That's something that we do, and that's something that we -- we already do as part of our job.

Q. What's the color of the bull and the membrane?

MR. CLARKE: Form.

THE WITNESS: Black.

BY MS. GUO:

Q. Did Mr. Alex Romero mention to you or your passengers anything about applying bull membrane on three spots on my roof?

MR. CLARKE: Form.

THE WITNESS: No. The -- the people who do that part is somebody else. We go there when it's time to just lay down the tile. That is not our part of the job. That's somebody else.

BY MS. GUO:

Q. Who are the somebody else?

A. The -- the others -- the -- the people who are the ones who start to -- to remove the old tiles.

Q. Do you -- do you know the company's name?

A. I don't know.

Q. Did you see anybody apply bull membrane on the roof?

A. No.

Q. Do you know Calderon All Around Services? And let me spell the Calderon. K -- C-A-L-D-E-R-O-N. Calderon. C, like cat. A, like apple. L, like laugh. D, like dog. E, like Ed. R, like Robert. O, like orange. N, like Nancy. All Around Services. Do you know this company?

THE INTERPRETER: I'm sorry, madam -- ma'am.

THE REPORTER: Yeah.

THE INTERPRETER: Can -- may the interpreter have a repetition on the name?

THE REPORTER: Yeah.

BY MS. GUO:

Q. Do you know the Calderon All Around Services?

A. No.

Q. Do you know Leonel Calderon? Leonel, let me spell Leonel. L-E-O-N-E-L. L, like in -- L, like in laugh. E, like Ed. O, like orange. N, like Nancy. E, like Ed. L, like laugh. Leonel Calderon. Calderon is

the one I just spelled out.

A. No.

Q. Did you ever see a hole in my AC -- my air conditioner unit at the outside?

MR. CLARKE: Form.

THE INTERPRETER: May the interpreter have a repetition? A what? The interpreter was unable to make out the word.

BY MS. GUO:

Q. Did you ever see a hole on the air conditioner at my property?

THE INTERPRETER: If the interpreter may inquire. Is it Hole, as in the -- a brand, or hole, as in an actual orifice, like a hole in the wall?

MS. GUO: Hole. I mean -- I'm sorry. Hole. H-O-L-E.

THE INTERPRETER: Okay.

THE WITNESS: No.

BY MS. GUO:

Q. Was my AC surrounded by bushes?

MR. CLARKE: Form.

THE WITNESS: I don't know. To be honest with you, I didn't even see it.

BY MS. GUO:

Q. Did you ever see any damage at my property's air conditioning unit?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you take any pictures of my property?

A. No.

Q. Did you see anyone take pictures at my property?

A. No.

Q. Did you ever receive any documents from anybody at my property -- about my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you receive any email, mail, texting, anything at all, anything like that, about my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Let me show you another picture.

MS. GUO: Interpreter, we only have five minutes left, right?

THE INTERPRETER: Correct. Less than that. Four.

MS. GUO: Okay.

BY MS. GUO:

Q. Did you see the picture on my phone -- on my computer now?

A. Yes.

Q. Do you know the three people's names?

A. I don't even know them. I mean, they -- they were the ones that were working with me, but they're no longer there.

Q. They're not in your company anymore?

MR. CLARKE: Form.

THE WITNESS: No. No.

BY MS. GUO:

Q. Does your company randomly hire people without writing down their names?

A. Well, no. I mean, that -- that has to do with my bosses. You know, that -- the bosses are the ones who deal with that. But there are people that just show up without -- that don't have work, and, you know, come and -- and work one or two days. Like -- and just that -- like that.

Q. Does the company always then know their name?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did these people ever work with you more than once?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did you -- did you -- did you -- do you know their background?

MR. CLARKE: Form.

BY MS. GUO:

Q. Do you know if they have work permit? Work permit here in United States?

MR. CLARKE: Form.

THE WITNESS: I have no idea. I mean, what -- how am I going to know that about people?

BY MS. GUO:

Q. Should Mr. Morillo know if they had work permit at this -- at this country?

MR. CLARKE: Form.

THE WITNESS: I don't know.

MS. GUO: Okay. I'm done with today's deposition. I paid up to my interpreter fee and my court reporter fee. I'm done now.

THE INTERPRETER: Counsel, do you have any cross?

MR. CLARKE: No. But we will read, Madam

Court Reporter.

THE REPORTER: Okay. And --

THE INTERPRETER: And Madam Court Reporter, do you -- do you need any spellings?

THE REPORTER: No. I think I got everything that I could.

Ms. Guo, do you want to -- are you wanting to order?

MS. GUO: Yes. I'm going to order, but I need your name so I can email you the two exhibits I sent -- I had. First picture will be Exhibit A. Second picture will be Exhibit 2.

THE REPORTER: Okay. I will put my email.

MS. GUO: Exhibit B. I'm sorry.

(Exhibits A to B were marked for identification.)

THE REPORTER: That's okay. I'll put my email in the chat for you. And you said you did want to order a copy of the transcript?

MS. GUO: Yes.

THE REPORTER: Okay.

THE INTERPRETER: Okay. And is the witness excused?

MS. GUO: Yes, please. Thank you.

THE INTERPRETER: The interpreter's signing

off.

THE REPORTER: The court reporter time is 9:59. We are now off record.

(A recess was taken.)

THE REPORTER: Oh, Mr. Clark, did you want a copy?

MR. CLARKE: I would like a quote on the amount, if possible.

THE REPORTER: Okay. Let me write that down.

MR. CLARKE: I can give you my email address.

THE REPORTER: Yes, please. I'm ready for that.

MR. CLARKE: I presume Ms. Guo will CC me when she sends exhibits, but it's Doug, D-O-U-G, @soto, S-O-T-O, LawGroup.com.

THE REPORTER: Perfect. Got it. Thank you so much.

MR. CLARKE: Thank you, ma'am.

THE REPORTER: You guys have a great rest of your day.

MR. CLARKE: Yup.

(Deposition concluded at 9:59 a.m.)

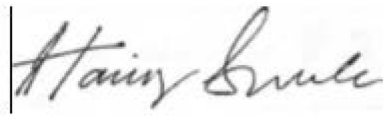
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Hailey Grande, Court Reporter, Notary Public, State of Florida, certify that Andres Ramirez Matias, personally appeared before me on the 15th day of January 2025, and was duly sworn.

Signed this 19th day of February 2025.



_____

Hailey Grande, Court Reporter

Notary Public, State of Florida

Commission No.: HH 312573

Commission Expires: September 15, 2026

CERTIFICATE OF REPORTER

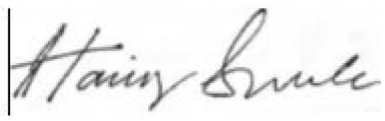
STATE OF FLORIDA

COUNTY OF BROWARD

I, Hailey Grande, Court Reporter, certify that I was authorized to and did report the Deposition of Andres Ramirez Matias; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 19th day of February 2025.



_____

Hailey Grande, Court Reporter

WITNESS NOTIFICATION LETTER

February 19th, 2025

ANDRES RAMIREZ MATIAS

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., EZEQUIEL ALEJANDRO ROMERO

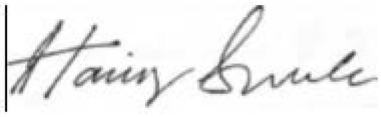
Deposition taken on January 15, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,



Hailey Grande
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., EZEQUIEL ALEJANDRO ROMERO

ANDRES RAMIREZ MATIAS

January 15, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

ANDRES RAMIREZ MATIAS Date

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO, an individual,

Defendant/Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION CORP.,
EZEQUIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants.

_____/

Deposition via Zoom

Monday, January 27, 2025
11:15 a.m. to 2:02 p.m.

DEPOSITION OF

MANUEL BALTAZAR

Taken before Heidi Syed, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Video Deposition of Plaintiff/Counter-Defendants filed in the above-styled cause.

APPEARANCES:

On Behalf of the Plaintiff/Counter-Defendants:

SOTO LAW GROUP, P.A.

2400 Commercial Boulevard, Suite 400

Fort Lauderdale, FL 33308-4026

(954) 567-1776

doug@sotolawgroup.com

BY: DOUGLAS J. CLARKE, ESQUIRE

On Behalf of the Defendant/Counter Plaintiff:

XIAOHUI GUO

2516 Montclaire Circle

Weston, FL 33327

xiaohui.guo2022@gmail.com

BY: XIAOHUI GUO, PRO SE

Also Present:

Carlos Rivera-Navas, Interpreter

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DEFENDANT/COUNTER-PLAINTIFF'S EXHIBITS MARKED

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(Exhibits were retained by XIAOHUI GUO.)

THEREUPON:

COURT REPORTER: All right. Good morning. My name is Heidi Syed. I'm the Court Reporter for today's case, Guo verse Roofing and Construction Corporation, Ezequiel Alejandro Romero. Today's date is January 27th, 2025, and the time is 11:15. Will counsel please state their appearance for the record?

MS. GUO: I'm Xiaohui Guo, Pro se.

MR. CLARKE: Yes. Good morning. This is Doug Clarke, on behalf of the Plaintiff, Counter-Defendant Roofing and Construction Corporation, along with the Counter-Defendant, Ezequiel Alejandro Romero, also representing the deponent here in his individual capacity.

And before we begin, I would just like to state on the record that it is my understanding that the deponent is not a comfortable English speaker, especially for purposes of taking sworn deposition testimony. I've asked Ms. Guo to provide a translator, she has decided not to.

So, Manuel, if you can hear me, if you do not understand the question, please say so.

COURT REPORTER: All right, and I do need you to please stop sharing your screen.

MS. GUO: Yes. You need to swear in, right? Oh, I see. Sorry. Go ahead.

COURT REPORTER: All right. Mr. Manuel, will you please state your full legal name for the record?

MR. BALTAZAR: Say again?

COURT REPORTER: Will you please state your full name for the record?

MR. BALTAZAR: My full name is Baltazar Manuel.

COURT REPORTER: All right. And will you please raise your right hand?

MR. BALTAZAR: No. I'm not understand that.

COURT REPORTER: Will you put your right hand up in the air and let me see it? Thank you.

MR. BALTAZAR: I'm not understand that.

COURT REPORTER: I'm not sure how you want to go about this, Mr. Clarke or Ms. Guo. If he's not understanding a swear in, I can't --

MS. GUO: Can you put on the record he said he does not understand the swear?

COURT REPORTER: I can put on the record, but I don't --

MR. CLARKE: Again, I asked for a translator to be provided, Ms. Guo refused and we've been

running into issues specifically that could've been remediated had a translator been provided. So I don't know what to do, Madam Court Reporter, I've never run into this situation before.

COURT REPORTER: If they can't swear in, nothing that he says is or can be used really, because he's not sworn in. So if --

MS. GUO: Can you ask him again?

MR. CLARKE: I don't think asking him again is going to change his answer.

COURT REPORTER: If you give me a second, we can go off the record and I can call the agency to see what to do in this circumstance.

But I'm pretty sure that anything that he says, it's not going to be an official record because it's not -- he's not sworn.

MS. GUO: It's okay. Just ask him one more time and see if he understand.

COURT REPORTER: He's not even understanding to put his right hand up in the air.

MS. GUO: I know. Read it one more time. Keep everything in the record because I want to see his reaction. Go ahead, please.

COURT REPORTER: All right, Mr. Manuel, will you please put your right hand in the air? Hold

on. Let me turn on my video. I'm sorry. I haven't been feeling good, so I'm not really dressed for this, so I do apologize. Like this, Mr. Manuel, like this.

MANUEL BALTAZAR

having been first duly sworn and responding, "Yes, true," was examined and testified as follows:

COURT REPORTER: You can put your hand down.

DIRECT EXAMINATION

BY MS. GUO:

Q. All right, Mr. Romero, I'm just showing Exhibit --

MR. CLARKE: This is not Mr. Romero.

BY MS. GUO:

Q. Mr. Manuel, I'm currently on Exhibit X here, and showing this is 29 page produced by Mr. Clarke yesterday.

COURT REPORTER: I'm sorry, by who?

MS. GUO: Mr. Clarke, the counsel of my opponent, of Manuel, the witness.

MR. CLARKE: I think she's referring to me.

MS. GUO: Yeah.

BY MS. GUO:

Q. I'm going to Page 7.

COURT REPORTER: You're not sharing your

screen, Ms. Guo.

MS. GUO: Oh, I'm so sorry.

COURT REPORTER: Are you saying Mr. Manuel or Mr. Romero?

MS. GUO: Manuel. Mr. Manuel.

BY MS. GUO:

Q. Mr. Manuel, you talk with me several times in English when you were at my property?

MR. CLARKE: Form.

BY MS. GUO:

Q. Mr. Manuel?

A. Yes.

Q. Did you talk with me several times at my property in English?

A. Why I talk to you in English in your property?

Q. Yes.

A. Because I'm asked you something. That's all I talk to you.

Q. What did you talk with me about?

A. Asked your name.

Q. Did you ever tell me that after underlayment was installed, the tile should be installed as soon as possible to protect the underlayment?

MR. CLARKE: Form.

THE WITNESS: Well, my question is why -- my

question -- I have only one question, but I want to -- you answer me. Why you need to me -- talk to me about your job?

I'm not talk to you when we start the work. You call the -- who give to you the permit, who talk to you, who brought the estimate, who charge you the money?

BY MS. GUO:

Q. So you do speak English very well.

MR. CLARKE: Form.

THE WITNESS: Yeah. But I'm not working with the company, but why you call me? I'm not doing the paper with you. Only you call me, why?

BY MS. GUO:

Q. I just asked you, do you have any trouble speaking English with me?

A. Yes. I'm -- I don't know why you -- I don't know what you need to me, but I don't know what you -- what are you ask to me, why? But I don't have -- I'm -- I'll talk to you English, but not too much. I talk to some, but I'm trying to help you what you need.

Q. Let's go to this Page 7 in this exhibit. I produced the whole exhibit. Page 14. Did you send this message to Ms. Anne Rocco?

MR. CLARKE: Form.

BY MS. GUO:

Q. Page 7, Mr. Manuel?

A. Yes.

Q. This is a text message between you and Ms. Anne Rocco.

MR. CLARKE: Form.

BY MS. GUO:

Q. Do you recognize this message between you and Mr. Rocco -- Mrs. Rocco? Moving from Page 7, Page 8, Page 9. Do you recognize these pages? This a text texting between you and Ms. Anne Rocco.

MR. CLARKE: Form. Again, Ms. Guo, I don't think he's understanding your question.

MS. GUO: Did he just speak English very well?

THE WITNESS: Yeah, but I don't know what is your question here, what you need there?

BY MS. GUO:

Q. I'm going to page -- is this picture showing -- taken by you?

COURT REPORTER: I'm sorry, can you please repeat your question?

BY MS. GUO:

Q. Is this picture taken by you on Page 8?

A. (No audible response.)

Q. Was this picture taken by you, Mr. Manuel?

A. What do you -- what do you need there?
Q. Was this picture taken by you?
A. I have the picture. I see the picture now, but what is that?
Q. Was this picture taken by you?
A. Yes, I have the picture, but what's going on there?
Q. Was this picture taken by you?
COURT REPORTER: Maybe restate your question so that he can understand, ma'am. He's not understanding your question.
BY MS. GUO:
Q. Who took this picture?
MR. CLARKE: Which picture, Ms. Guo?
MS. GUO: Page 8's picture.
BY MS. GUO:
Q. Who took this picture?
A. Yes, I see the picture, but what's going on there?
Q. Did you take this picture?
A. I see that picture.
Q. Did you take this picture?
THE INTERPRETER Hello? I'm sorry to interrupt. I'm the interpreter here. I'm going to go ahead and rename myself.

MS. GUO: Yes, go ahead, please.

MR. CLARKE: I'm sorry. Can we go off record? I'm very confused.

COURT REPORTER: Well, before we go off the record, we've already started the deposition. I haven't sworn in the interpreter. I didn't even get notification that we had an interpreter. So I'm not sure that we can last minute put in an interpreter, especially without Mr. Clarke's approval.

So Ms. Guo, can we please go off the record because Mr. Clarke has requested it?

MS. GUO: I just hired the interpreter here.

COURT REPORTER: Right. I understand that, but Mr. Clarke would like to go off the record.

MS. GUO: So you would like to swear in the Spanish -- the interpreter.

COURT REPORTER: Right. We need to go off the record so that you and Mr. Clarke can talk about it unless you -- because this is getting really -- hold on.

MS. GUO: You don't have to get off the record.

COURT REPORTER: Right. But wait, hold on, please. I have to make sure that I can even swear

in an interpreter after we've already set or after we've already started the deposition. And I cannot swear in somebody that Mr. Clarke was unaware was coming if he does not approve it.

MS. GUO: We can be -- stay in the record. Mr. Clarke, do you have any problem? This is the same interpreter company used as the last interpreter, just a different person because the last one was not available and this one is new but it's also certified translator.

MR. CLARKE: Yes, but, Ms. Guo, you represented yesterday, I'm not hiring one. You filed a motion about you not hiring one and then you just hired one a minute ago?

MS. GUO: Yes, because Mr. Manuel indicated he does not understand. So that's why I have to immediately get one.

MR. CLARKE: So why wasn't one hired yesterday when I told you that he can't speak English --

MS. GUO: Because I don't believe so. But right now, if he -- he's showing that, I have to let this deposition continue. So I hired one immediately.

MR. CLARKE: Again, we have another deposition at 12:00 p.m.

MS. GUO: Yes, let's finish this one quickly in 30 minutes. Let's finish it. Mr. Manuel --

MR. CLARKE: Well, Madam Court Reporter, I, again, have no idea. I've never had this happen to me before. If you want, I don't know if we can just start a new transcript.

If the interpreter's here and she's certified and she's going to represent she's certified and say, this is my company, this is my certification, then sure. I'm willing to compromise and help Ms. Guo out here. But I don't know, do we start another transcript?

COURT REPORTER: I'm going to have to call my agency because I've also never had this happen. The deposition that has already happened is already on the record and so I can't not have it on the record.

So the previous deposition would still be -- it would be a continuation. I just have to double check with my agency because I've never had an interpreter come later on especially without both attorneys or both parties knowing that one was coming.

MS. GUO: Yes. You can check that Mr. Clarke does not object to have this new interpreter come

in. So, yes, go ahead, have a quick check, please.

MR. CLARKE: No, I don't object. Assuming this interpreter is state certified and can represent that on the record.

MS. GUO: Yes, he's state certified.

MR. CLARKE: We can't continue. Well, that's not up for you to make that determination, Ms. Guo, that's for her to state on the record. But again, five minutes I guess to check, Madam Court Reporter?

COURT REPORTER: Yes, I will need to go off the record.

MS. GUO: Please. Thank you.

COURT REPORTER: All right. We are off the record at 11:30.

(Off the record.)

(On the record.)

COURT REPORTER: All right, we are back on the record at 11:49. We did have a interpreter join Mr. Carlos Navas to help Mr. Baltazar because he does not speak enough English to continue the deposition. I wanted to make sure that both parties agree to Mr. Navas being the Spanish interpreter.

MR. CLARKE: Go ahead, Ms. Guo.

MS. GUO: Yes, I agree.

MR. CLARKE: And yes, I agree on behalf of the Plaintiff/Counter-Defendant, Roofing and Construction Corporation, as well as the Counter-Defendant, Ezequiel Alejandro Romero.

COURT REPORTER: All right, and, Mr. Navas, just for record purposes, would you mind stating that -- if you are state certified and what your number is?

THE INTERPRETER: Interpreter's State certified, certification number 08-00065SPA.

COURT REPORTER: Thank you so much. And, Mr. Navas, will you please raise your right hand?

CARLOS NAVAS,

was duly sworn to truly and accurately translate the testimony from English to Spanish and Spanish to English.

COURT REPORTER: All right, you can put your hand down and we're ready to continue.

BY MS. GUO:

Q. Mr. Manuel, when you came to my property, were you always the driver to my property?

A. No.

Q. Did you ever be a passenger to my -- when you came to my property?

A. No.

Q. How did you get to my property every time?

A. Because I'm the supervisor of the group.

Q. Did you walk to my property when you come to my property?

A. No, in my own car.

Q. What kind of car did you drive?

A. A Chevy -- 1500 Chevy Silverado.

Q. What's the color?

A. Red.

Q. When you came to my property, were you always the driver to my property?

A. Yes.

Q. When you came to my property, did anybody take you to my property as a passenger?

A. No.

Q. When you came to property, do you always give your -- give them your driver license at the gate?

MR. CLARKE: Form.

THE WITNESS: My identification.

BY MS. GUO:

Q. Did you ever go through my security gate without showing your identification?

A. No.

Q. I'm sharing a screen now. This is Exhibit X.

Exhibit X, this is a 29 page production received from Mr. Clarke, your attorney, yesterday. I am going to Page 14. Is this a text between you and Ms. Anne Rocco?

THE INTERPRETER: The interpreter needs a repetition on the name of the person, Ms. who?

MS. GUO: A-N-N-E, the first name. Last name is, R-A-C-C-O.

MR. CLARKE: That's incorrect.

MS. GUO: What's his last name -- what's her last name?

MR. CLARKE: Rocco.

MS. GUO: R-O-C-C-O.

THE WITNESS: Ms. Annie? Ms. Annie? Anita? Annie? Yes.

BY MS. GUO:

Q. Is this is this a text between you and Ms. Annie, the office manager of Roofing and Construction Corp?

A. Yes.

Q. Did you send these pictures to Annie, the office manager of Roofing and Construction Corp?

A. Yes.

Q. Did you take these pictures?

A. Yes.

Q. When did you take those pictures?

A. The day that we finished the work.

Q. When was that day?

A. I don't remember. I work every day, so I don't remember the date.

Q. When you were at the property, did you ever -- did you see any engineer perform any test at the property?

A. No.

Q. When you were at my property working, do you always stay there all day long?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. On the last day when you were at my property, do you stay at my property all day long?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. When did you come to my property?

A. I don't know the dates, but I always go in the morning and in the afternoon.

Q. On last day when you were at my property, did you leave in the middle of the day and came back?

A. No.

Q. Did you stay at my property all day long when

you were on my property on the last day?

A. No.

Q. Did you left my property in the middle of the day when you were at my property on the last day?

MR. CLARKE: Form.

THE WITNESS: Middle of the day.

COURT REPORTER: And I'm sorry, Mr. Clarke, was that a form objection?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: And Mr. Interpreter, can you just give a second or two, just so I can hear Mr. Clarke?

THE INTERPRETER: Yes.

COURT REPORTER: Thank you so much. Continue.

BY MS. GUO:

Q. On the last day when you were here at my property, when did you come to my property?

A. In the morning and I left midday.

Q. What time did you come back to the property on the last day in that property?

A. Having returned to the property at what time? I don't remember, but I did go.

Q. Why did you leave my property in the middle of the day on the last day at my property?

MR. CLARKE: Form.

THE WITNESS: Because I have other jobs.

BY MS. GUO:

Q. Did you take this picture at this property?

A. Yes.

Q. What is this red object on this -- on this picture?

A. It's a bag of that color.

Q. Hold on. Did you take this picture on Page 42?

A. Yes.

Q. Did you take this picture on Page 43?

A. Yes.

Q. Did you take this picture on Page 44?

A. Yes.

Q. Did you this picture on Page 45?

A. Yes.

Q. At the right top corner, did you see a worker in this picture?

THE INTERPRETER: Ms. Guo, if the interpreter may have a repetition on the question.

BY MS. GUO:

Q. Did you see a worker at the right corner of this picture on Page 45? I think.

THE INTERPRETER: And if the interpreter may clarify, when you say a walker, are you talking

about the device to help walking or are you talking about somebody walking.

MS. GUO: Worker, W-O-R-K-E-R.

THE WITNESS: No.

BY MS. GUO:

Q. Let me repeat my question. On this picture, did you see a worker at this place in the corner of the -- the upright corner of this picture?

THE INTERPRETER: And may the interpreter have a spelling on the word you're saying, Madam Guo?

MS. GUO: W-O-R-K-E-R.

THE INTERPRETER: A worker. Got it.

MS. GUO: Yeah.

THE WITNESS: No.

BY MS. GUO:

Q. Did you see those cans -- this bucket at the right corner of this picture?

A. Yes.

Q. Do you see this person holding a bucket on the right corner of this picture?

A. Uh-huh (affirmative). Yes, I see it.

Q. Do you see this look like a T on this picture -- upside down T on this picture?

A. That's from the engineer that comes to do the uplift test.

Q. Did you see any engineer taking the test?

A. No.

Q. When you were taking this picture, are Roofing and Construction's workers still working on the roof?

A. No.

Q. What were the workers doing here when you took this picture?

A. Picking everything up for us to leave.

Q. Whose car is this one on the top part of this picture, whose truck is this one?

A. I don't know. I don't know who the white one is. I don't know whose car that is.

Q. Where is your red car?

A. It's a little further forward.

Q. Is Page 46 taken by you?

A. Yes.

Q. Do you see this red bag on this roof here on the top left corner?

THE INTERPRETER: Ms. Guo, may the interpreter have a repetition on the question.

BY MS. GUO:

Q. Mr. Manuel, did you see this reddish thing on this picture resting on top of the roof?

A. Yes. It's a color bag.

Q. After you had taken this picture, do the

workers have to come back to the roof to pick up this red bag?

A. No, I took it down.

Q. Is this the last object on the roof when you take those pictures?

MR. CLARKE: Form.

THE INTERPRETER: Counsel, did you have a form objection, if the interpreter may ask.

MR. CLARKE: Yes, I made a form objection.

THE INTERPRETER: Okay.

THE WITNESS: Yes.

BY MS. GUO:

Q. So after you took this picture, you took this bag with you and get off the roof; is that correct?

MR. CLARKE: Form.

THE WITNESS: Yes.

COURT REPORTER: And was that a form objection, Mr. Clarke?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. Were you the last person on the roof of your company?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Page 47. Did you take this picture?

A. Yes.

Q. Can you go back to this picture? It's Page 46. After you taking this picture, 47 -- oh, 46, did you walk on the roof to pick up this red bag?

A. Yes.

Q. After you take this picture 46, did you take this bag and walk all the way to the ladder?

A. The ladder was real close to there.

Q. After you take this picture, did you have to walk from this roof to pick that up, that red object there, red bag, and then walk to the roof -- walk to the ladder?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Is it possible after you took the picture, when you went to pick up this red bag and walk to the ladder, you broke some tiles?

MR. CLARKE: Form.

THE WITNESS: Impossible.

BY MS. GUO:

Q. Why is it impossible?

A. Because we are the workers who have

experienced walk on the roof.

Q. Do experienced worker ever step on tile and break it?

A. Yes.

Q. Did you ever walk on roof and break tile?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Is it possible after you take this picture, you walk on the roof, take the red bag, and walk to the ladder, break some tile?

MR. CLARKE: Form.

THE WITNESS: Well, there is a possibility, but we never leave broken tiles. If I break a tile, we replace it.

BY MS. GUO:

Q. Is it possible on my roof, you break some tile, but you did not realize it?

A. No.

Q. Were you sure after you take these pictures, there was no tiles broken at the roof at all?

MR. CLARKE: Form.

THE WITNESS: I am a hundred percent certain that no tile -- that none were broken.

BY MS. GUO:

Q. Did you take pictures of every tiles on the property on the -- on my roof?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Were this picture you sent to Ms. Annie Rocco, the office manager of Roofing and Construction, Corp.?

A. Yes.

Q. What time did you take those pictures of my roof?

A. I don't remember the time, but around midday.

Q. Midday like what, from 12:00 to 1:00?

A. Like from 1:00 to 3:00, give or take.

Q. Why this picture here, I'm going back the exhibit. I think it's Exhibit X. I'm going to Page -- Page 14. Why the page here shows 21 the comma -- not comma, the -- Page 127 looks like it's --

COURT REPORTER: Hold on. Can you please start that question over? I didn't understand after you said Page 21.

Q. Why this picture show the -- each picture shows 21:27.

MR. CLARKE: Form.

THE WITNESS: That must be from the phone, I guess. I don't know. I don't remember.

BY MS. GUO:

Q. What time did you send the pictures to Ms. Anne Rocco at -- the office manager of Roofing and Construction, Corp.?

A. It was in the evening after getting off work. I -- that's when I go through the pictures and I sent them to her. I looked through the phone and sent the pictures.

Q. How many pictures did you take of the roof?

A. I don't recall how many.

Q. Did you ever take any videos of my property?

THE INTERPRETER: If the interpreter may have a repetition, did you say "re-dos"?

BY MS. GUO:

Q. Did you ever take any videos -- videos at my property?

THE INTERPRETER: Thank you.

THE WITNESS: No.

BY MS. GUO:

Q. Other than the pictures of the tiles, do you take any pictures of my roof like flashings, returns?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. How many years have you been in roofing

business, Mr. Manuel?

A. Twenty-five (25) years.

Q. So if a tile is broken you know it is broken right away, right?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. I'm going Page 5 here and I'm zooming in. Do you see a cracked tile here?

A. No.

Q. I'll zoom in a little more. Do you see a cracked tile here?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Do you see a mark of T here, next to the -- do you see it on the same picture?

A. Yes.

Q. I'm going to Page 6. Still Page 5, at bottom of Page 5. Do you see broken tiles here on bottom of Page 5?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Do you see a piece of tiles here on bottom of

Page 5?

A. No. That's like dust.

BY MS. GUO:

Q. So this piece above the letter RCC-0236, does this look like a broken piece of tile?

A. No, that's trash. That's blown in by the wind there. It's a piece of wood or a splinter or a stick or something.

Q. So you think this is a piece of wood?

A. Like a branch from the trees.

Q. Let's go to Page 6.

COURT REPORTER: And just a reminder, we have ten minutes before we have to take a 30 minute lunch break. Did you hear me?

MS. GUO: I'm going to allow 20 minutes.

COURT REPORTER: No. We will be taking 30 minutes. I will be logging out and we will log back in at 1:00.

MS. GUO: Yeah.

BY MS. GUO:

Q. Page 6. Do you see a broken tiles here on Page 6?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. When you were here at my property, did you do some work on the flashing?

THE INTERPRETER: If the interpreter may ask for a clarification?

BY MS. GUO:

Q. When you were at my property, did you do some work on the flashing?

THE INTERPRETER: The interpreter may ask, what flashing?

MS. GUO: F-L-A-S-H-I-N-G.

THE INTERPRETER: Oh, the interpreter just needs some context because the interpreter's not familiar with that term.

MS. GUO: Flashing, F-L-A-S-H-I-N-G.

THE INTERPRETER: The interpreter hears the word. The interpreter is not familiar with the context of the word as far as roofing.

BY MS. GUO:

Q. When you were at my property, did you put on stuccos on flashing?

A. Yes. A little from what the inspector had us do.

Q. Who told you the inspector asked you to put the stucco on flashing?

A. The company.

Q. Who from the company tell you to put stucco on the flashing?

A. The owner.

Q. Who is the owner?

A. Alex.

Q. Is that Alex Romero?

A. Yes.

Q. How many flashes did you put stuccos on?

A. In four areas.

Q. Did your workers ever use my electronic outlet at the entrance?

MR. CLARKE: Form.

THE WITNESS: Not the one at the entrance, no. The one that's by the pool, we did, in the back.

BY MS. GUO:

Q. Did you ever try to use the outlet at my entrance in a rainy day?

A. No, we don't work on rainy days.

Q. Did you ever ask me to allow you to use electric because you -- did you ever ask you to allow you to use electrical outlet from inside house because the front outlet did not work?

MR. CLARKE: Form.

THE WITNESS: Yes. And you showed me where the outlet was in the back of the property by the

pool.

BY MS. GUO:

Q. Did you ask me to use outlet from my -- let you use -- did I -- did you ask me to use a power cord and extension into my garage and into my laundry room use the outlet from inside of my property?

A. No.

Q. I'm going Exhibit -- I think it's Exhibit H. Mr. Manuel, did you ever seen this document before?

A. No.

Q. Did anybody ask your help to finish this document here?

A. No.

Q. Can you read this one? Response and objections. When you finish reading, let me know. From Page 4 to the beginning of Page 5 to the answer one.

A. You want me to read all of that?

Q. Can you read it?

A. Yes, but that -- those have nothing to do with me. I mean, I don't know anything about these documents.

Q. No. Can you read this documents?

COURT REPORTER: I'm just letting you know we have one minute until we have to go off the record for 30 minutes.

MS. GUO: Ms. Madam Court Reporter, can we postpone the lunch at 1:00 because I like to finish this post -- use the same interpreter.

And we are going to just do a next one for 15 minutes. I'm going to finish this one in 15 minutes, and then we use 15 minutes to do the next one. Then we have our lunch at 1:00; is that okay?

COURT REPORTER: No, we have to do the 30 minutes. I've been telling you for the last hour that we were going to do it at 12:30.

MS. GUO: No, I have to decide what time to take a break.

COURT REPORTER: Right. No, I understand that, but I've been telling you at 12:30, you've given me a five minute break.

MS. GUO: I'm telling you that.

COURT REPORTER: I understand. If you have a problem, you can contact the agency. I've already let the agency -- you've given me a five minute break for the last four and a half hours. I am typing everything.

MS. GUO: No, I'm going to give you 30 minutes after 1:00.

COURT REPORTER: No. Mr. Clarke, I'm sorry to be difficult also, but --

MR. CLARKE: No, you're not being difficult whatsoever, Madam Court Reporter.

COURT REPORTER: So it's actually --

MS. GUO: But we haven t finished this deposition.

COURT REPORTER: -- 12:30 right now. So we are going to go off the record at 12:30 and we'll be back at 1:00.

(Off the record.)

(On the record.)

COURT REPORTER: All right. We are back on the record at 1:04, the continuation of Mr. Manuel Baltazar.

MS. GUO: Yes.

BY MS. GUO:

Q. I'm going back to where we left with Exhibit H. Mr. Manuel, can you read this Page 4 of Exhibit H, responses and objections?

A. Let me see. Page 4? I don't understand that, it's in English.

MS. GUO: Mr. Interpreter, can you read this whole thing to him?

THE INTERPRETER: Starting from where, Madam Guo?

MS. GUO: Responses and objections.

THE INTERPRETER: From the subject?

MS. GUO: Yeah. Moving into the next page.

Can to go to the next page. Continue here.

BY MS. GUO:

Q. My question is from beginning here. Yeah. Mr. Manuel, did you do any of the work listed here?

A. Just the one for the 25th, 26th and 27th.

Q. June 25th, 26th, June 27 in 2024, correct?

A. Yes.

Q. Did you help anybody to complete this answer?

A. No.

Q. Did anybody ask you help to finish this answer?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you discuss with anybody about this answer?

A. I don't know anything about this document.

Q. I'm going to next document, my Exhibit L. This is January 9th, 2025, Roofing and Construction's answer to my interrogatory.

A. I know nothing about paperwork. I know nothing about documents or paperwork or documentation or anything like that. All I -- all we do is install tile

on roofs. That's it. I don't deal with paperwork at all.

MS. GUO: Interpreter, could you read this one? Start with specific responses and objections.

THE WITNESS: Yes, but I have nothing to do at all with the other construction because -- with the other subcontractor.

BY MS. GUO:

Q. Did you do any work listed here on this page?

A. No.

Q. Did anybody ask your help to complete this page?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you talk with anybody else about this document here?

MR. CLARKE: Form.

THE WITNESS: I don't know anything about this document here.

BY MS. GUO:

Q. On the last day when you were at my property, did you enter my security entrance twice?

MR. CLARKE: Form.

THE WITNESS: I don't remember. But that's the way you come in. I mean, there's no way to

come in any other way.

COURT REPORTER: And Mr. Clarke, was that a form objection?

MR. CLARKE: Yes.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. On the last day you were at my property, did you enter my entrance -- security entrance twice with your red car?

MR. CLARKE: Form.

THE WITNESS: I don't recall.

BY MS. GUO:

Q. On the last day when you were at property, did you come to my property in the morning?

A. Yes.

Q. On the last day when you were at property, did left my property in the middle of the day?

A. Yes.

Q. On the last day when you were at property, did you coming back to my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. On the last day when you were at property, what time did you leave my property?

A. I don't remember, but that was -- it was afternoon.

Q. On the last day when you were at property, when you left my -- when did you leave my property?

MR. CLARKE: Form.

THE WITNESS: I already just answered that. I left in the afternoon.

BY MS. GUO:

Q. What time in afternoon, about what time?

COURT REPORTER: I'm sorry. Please, just repeat that. You were breaking up.

BY MS. GUO:

Q. On the last day you were at my property, about what time did you leave my property?

MR. CLARKE: Form.

THE WITNESS: Well, I don't have the exact time, but it was between 1:00 and 3:00.

COURT REPORTER: And was that a form objection, Mr. Clarke?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. On the last day when you were at my property, did you come in the morning, what time -- about what time?

A. I don't have a set schedule because I arrived after the workers.

Q. About what time did you come to my property?

A. I'd say between 8:30 or 9:00 around there. Because the gate, it opens at 8:00.

Q. On last day when you were at my property, from about 8:00 to about 3:00 in the afternoon -- let me repeat my question, I'm sorry.

On the last day you were in my property from 8:00 in the morning to about 3:00 in the afternoon, did you ever leave my property?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. On the last day you were at my property, what time did you leave -- did you leave my property twice?

A. No.

Q. On the last day you were at my property, did you come to my property twice?

A. No. May I ask a question?

Q. Go ahead.

A. I mean, what are these questions for? I mean, I don't understand what it has to do with when I -- what time I arrived, what time I left, all of these things. I guess my question is, why the question, what's the

purpose of these questions, what you trying to get at?

Q. Mr. Manuel, you testified you were here at my property around 8:00 in the morning on the last day you were at property.

MR. CLARKE: Form.

THE WITNESS: But I don't know. I'm not Morillo, I'm Manuel.

BY MS. GUO:

Q. Sorry, what did you say?

A. I'm not Morillo, I'm Manuel.

Q. Yeah. Mr. Manuel, on the last day you were here from 8:00 in the morning, about 8:00 in the morning, you entered into my property to about 3:00 you left my property, did you ever left my property in between?

MR. CLARKE: Form.

THE WITNESS: Yes. No.

BY MS. GUO:

Q. I am sorry. Is it yes or no?

A. No.

Q. So is that true, on the last day you were at my property, you came about 10:00 and left about 3:00, I'm sorry. I'm so sorry. Strike that, I'm sorry.

Is that true, on the last day you were my property, you came to my property about 8:00 in the morning and

left around 3:00 and that's it; is that correct?

MR. CLARKE: Form.

THE WITNESS: Yes. But you didn't answer my question.

BY MS. GUO:

Q. After you left my property at 3:00, did you come back?

A. You didn't answer my question.

Q. I'm asking you questions. After 3:00, did you come back from my property on the last day you were at my property?

A. No.

Q. On the last day you were at my property, so from about 8:00 in the morning to the -- about 3:00 in the afternoon, you stayed at my property all the time, right?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. And then you left then at 3:00 and never came back, correct?

MR. CLARKE: Form.

THE WITNESS: Yes. I mean, it's the same question.

BY MS. GUO:

Q. I just want to make it straight.

COURT REPORTER: I'm sorry, what did you say?

MS. GUO: I just want to make it straight.

THE WITNESS: But what's the purpose? That's the thing.

BY MS. GUO:

Q. Let me just repeat.

A. That's my question. My question is, what's the purpose of the question, what do I have to do with all of this?

COURT REPORTER: Hold on. I really need you to please stop talking over the interpreter while he's talking. Once he's talking, if you start talking, neither one of you are on the record and the transcript is no longer clear, even if you do not like what is being said, I need you to please stop doing that. Thank you. Continue.

BY MS. GUO:

Q. Mr. Manuel, let me just ask you last time. So on the last day you were my property, you came about 8:00 in the morning and then left about 3. I'm sorry. Let me check. Let me repeat.

On the last day you were my property, you came in my property about 8:00 in the morning, stayed at my property all the time until 3:00 in the afternoon, and

the left at 3:00, never came back; is that correct?

MR. CLARKE: Form.

THE WITNESS: I never returned and I never will.

BY MS. GUO:

Q. No. Yes or no, my question, get clear. On the last day when you were at my property, is that correct, you came about 8:00 in the morning, stayed at my property all the time until about 3:00 p.m. in the afternoon and left my property, did not come back; is that correct?

MR. CLARKE: Form.

THE WITNESS: Correct. Yes.

BY MS. GUO:

Q. Mr. Manuel, why wouldn't you use exterior electronic outlet in a rainy day?

MR. CLARKE: Form.

THE WITNESS: Because you can't, because we don't work on rainy days.

BY MS. GUO:

Q. Did you ever come to my property on a rainy day?

A. No.

Q. If you come to my property on a rainy day, would you use the electronic outlet at my property?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. If you use electrical outlet on a rainy day, would that electric outlet jump?

MR. CLARKE: Form.

THE INTERPRETER: The interpreter needs a repetition? The Interpreter was unable to understand the last portion of the question.

BY MS. GUO:

Q. If you use exterior electronic outlet on a rainy day, would that exterior electric outlet jump?

MR. CLARKE: Form.

THE INTERPRETER: The interpreter still doesn't understand the last word of that question.

MS. GUO: We can do that later.

BY MS. GUO:

Q. Did the city inspector ask you to correct the problems of four flashings?

MR. CLARKE: Form.

THE WITNESS: No.

COURT REPORTER: And was that a form objection, Mr. Clarke?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. So did the city inspector ask you to correct the problems of flashings?

MR. CLARKE: Form.

THE WITNESS: Not to me. They told the company, but not me.

BY MS. GUO:

Q. Did the city inspector ask the company to correct the problem of four flashings?

MR. CLARKE: Form.

THE WITNESS: I believe so, because I was told to put cement there.

BY MS. GUO:

Q. What's the problem of the flashings?

MR. CLARKE: Form.

THE WITNESS: It didn't have any, it was just that it was missing a little bit of cement on the flashing.

BY MS. GUO:

Q. Did you tell me that after the underlayment was installed, the tiles should have been installed as soon as possible to protect the underlayment?

MR. CLARKE: Form.

THE WITNESS: I didn't talk to you about that.

BY MS. GUO:

Q. Is it dangerous to squat on my roof to paint the fascia boards underneath?

MR. CLARKE: Form.

THE WITNESS: I don't understand the question.

BY MS. GUO:

Q. Would it be dangerous to squat on the roof to paint the fascia boards underneath?

MR. CLARKE: Form.

THE WITNESS: No.

COURT REPORTER: And just so you know, we have the next deponent that just logged in. It looks like it says De Leonel [phonetic]. I did put him in the waiting room.

MS. GUO: Yeah, I put him in the waiting room. Yeah. I'm sorry.

THE INTERPRETER: And if the interpreter may, so that we're aware, we're into hour three for the interpreter.

BY MS. GUO:

Q. Mr. Manuel, besides this lawsuit, do you know if Roofing and Construction, Corp. ever been sued by anybody else?

A. Never.

Q. Your company Roofing and Construction, Corp. have a battery-operated a cutter?

MR. CLARKE: Form.

THE INTERPRETER: The interpreter's going to need repetition, Madam Guo.

BY MS. GUO:

Q. Your company Roofing Construction, Corp. have a battery-operated a cutter?

MR. CLARKE: Form.

THE INTERPRETER: The interpreter needs a clarification. Have you how operated the cutter?

MS. GUO: Has a battery-operated cutter.

THE INTERPRETER: Thank you.

THE WITNESS: It is not my company, but it -- we do not have a battery-operated cutter.

BY MS. GUO:

Q. I'm putting on this video which is Exhibit Y.

COURT REPORTER: You're putting on this video, what?

MS. GUO: Exhibit Y.

BY MS. GUO:

Q. Can you hear it, can you hear the video?

A. Yes.

Q. Can you see this video?

MR. CLARKE: I can't hear the video.

MS. GUO: You cannot hear.

COURT REPORTER: I also cannot hear the video.

MS. GUO: Let me stop sharing. I have to re-share it.

COURT REPORTER: All right. Really quickly, Mr. De Leonel, is that how you pronounce it? I'm going to put you in the waiting room. We are finishing up the current deposition.

MR. CALDERON: I understand. Thank you.

COURT REPORTER: You're very welcome.

BY MS. GUO:

Q. I'm playing to you now.

(Video was played.)

BY MS. GUO:

Q. Mr. Manuel, is that you in the video?

A. Yes.

Q. Was that the rainy day when you were here at my property?

MR. CLARKE: Form.

THE INTERPRETER: The interpreter was unable to understand the question.

BY MS. GUO:

Q. Was that the rainy day in this video?

A. I don't recall.

COURT REPORTER: And was that a form objection?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. Do you see the raining there?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did you come to work on that day?

A. Yes, but we were unable to work because when it rains we can't work.

Q. Did you use the electronic outlet in the water?

A. Well, it wasn't raining when we arrived.

Q. But did you use that outlet when the water -- when it start raining?

MR. CLARKE: Form.

THE WITNESS: No, no one was using it. It was just plugged in. That's it.

BY MS. GUO:

Q. Did I ask you to take that out?

A. Yes.

Q. Was that electronic outlet stop working at that time?

MR. CLARKE: Form.

THE WITNESS: No.

COURT REPORTER: Was that a form objection?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. So you kept using the electronic outlet while it was still raining?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Was the electronic outlet working when you get there?

MR. CLARKE: Form.

THE WITNESS: Yes.

COURT REPORTER: Was that an objection, Mr. Clarke?

MR. CLARKE: Yes.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. Was the electronic outlet working when you started working at my property on that day?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Was the electronic outlet stopped working at that time -- on that day when you were there?

MR. CLARKE: Form.

THE WITNESS: Not that I recall.
BY MS. GUO:
Q. You not recall what, before it stopped working or recall it still working?
MR. CLARKE: Form.
THE WITNESS: It was working.
BY MS. GUO:
Q. Yes. After it rained, did it stopped working?
MR. CLARKE: Form.
THE WITNESS: I don't recall.
(A video was played.)
MS. GUO: Stop.
BY MS. GUO:
Q. What were you reading in this video?
A. The permits. I was checking the permit.
Q. Were those permit in English?
A. Yes.
Q. Can you read in English?
A. No.
Q. So why you are reading this document?
A. I wasn't reading the whole thing. I was just reading the measurements, the dimensions and the material, the equipment that we were going to be using there.
Q. Did you read the city inspector's report?

A. The report? No. Just where they signed.

Q. I'm sorry, what did you say?

A. The report? No, just where it was signed.

Q. What do you mean by where it was signed?

A. I was just checking to see if it was signed. If they had already signed off.

Q. Did you ever talk with me in English?

A. Yes. Very little.

Q. How little, how many minutes did you talk with me?

MR. CLARKE: Form.

THE WITNESS: I don't know. A minute.

BY MS. GUO:

Q. One minute?

A. Maybe. Yes. I mean, because I don't talk very much.

Q. Do you have to take the paper out of the bag to check if it is signed?

MR. CLARKE: Form.

THE INTERPRETER: If the interpreter may clarify.

THE WITNESS: Like I told you already, I only check to see what material is being used and also the measurements, the dimensions.

BY MS. GUO:

Q. Did you read the city inspector's inspection results?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Were you reading the inspection's results at this time?

MR. CLARKE: Form.

THE WITNESS: No. I was just looking where he signed.

BY MS. GUO:

Q. How long does it take for you to look where he signed?

MR. CLARKE: Form.

THE WITNESS: There's no set time. I just check the document like I always do.

(A video was played.)

COURT REPORTER: Hold on. You cannot talk while the video is going.

BY MS. GUO:

Q. Did you read that document again after you take picture?

A. No.

Q. What you were doing?

COURT REPORTER: I'm sorry. Repeat your

question.

BY MS. GUO:

Q. What were you doing after you take the picture?

A. Just making sure that it had been signed.

Q. You read this twice, three times actually. Before you take out the bag and after you take the bag and after you take picture, you read it three times to make sure that it was signed?

MR. CLARKE: Form.

THE WITNESS: I mean, oh goodness. Okay. Whatever. I mean, we check it and we look at it and we double check it, and because since we don't speak English, we just have to make sure.

MR. CLARKE: Ms. Guo, it's been 45 minutes.

MS. GUO: Okay. I'm going to come back -- I'm going to -- yeah. I'm going to depose Mr. Arane. I need to come with Mr. Morillo again -- Manuel again. Let's have Mr. Arane here. Hold on.

BY MS. GUO:

Q. Again, did you ever take any videos of my -- at my property?

A. No. No.

Q. When you asked me, "What's your name?" were you pointing your phone at me taking videos?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. After you finished repairing flashing, did you take pictures of the flashings?

A. Yes. The company has them.

Q. No. Did you take pictures of the flashing after you repaired the flashing?

A. Yes.

Q. Did you produce that picture of the flashing you repaired?

A. Yes.

Q. When did you produce the pictures of the flashing you repaired?

A. Same day.

Q. I am going to show you the last video and let you go.

(A video was played.)

COURT REPORTER: Hold on. You have to turn the video off in order to ask the question.

BY MS. GUO:

Q. Is that you in the video?

A. Yes.

Q. Were you taking video of the roof while you -- at this time?

A. No, I was taking pictures.

Q. Where are those pictures?

A. In my phone.

Q. Did you produce those pictures?

A. The company has them.

Q. I need to see those pictures.

MS. GUO: And again, Madam Court Reporter, this is Exhibit R. The title is 20240620 Bouncing Capsheet.

COURT REPORTER: You're marking this?

MS. GUO: Yes, I'm marking it. I do have a last video to show him. One more.

(Thereupon, Defendant/Counter-Plaintiff's Exhibit R was marked for identification.)

MR. CLARKE: Ms. Guo, just for the record, I'm representing to you that I have no pictures from Manuel. I can't confirm whether or not those pictures were provided to my client. But I will confer and if there are pictures, I will produce them to you in due time.

MS. GUO: Yeah, I'm sorry. I have last video to show him and then that's it. Hold on.

BY MS. GUO:

Q. Almost there. Okay, this will be the last video I'm going show and then I'm going to resume next

time. Hold on. So I can have Ms. -- I'm going to show you a video. Hold on.

MR. CLARKE: Ms. Guo, are we having Rodolfo next?

MS. GUO: I'm sorry.

MR. CLARKE: Are we having Rodolfo next or?

MS. GUO: Yeah, I'm going to have a very short one with him. Very short one. I don't have time because I have to do --

COURT REPORTER: He is still in the waiting room.

MS. GUO: Yes.

BY MS. GUO:

Q. I'm sorry. Yeah, I'm going to share it now. I'm going to share it. I am sorry. What I share with sound, did you hear it, do you hear a sound now?

(A video was played.)

BY MS. GUO:

Q. Mr. Manuel, did the electricity outlet stop working, so you asking me to give you the power from -- open garage door to give you power from inside?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. So the electrical outlet jumped after you and

all your workers used it in the rain; is that correct?

MR. CLARKE: Form.

COURT REPORTER: Sorry, continue.

THE WITNESS: It wasn't because of the rain, it's just that the trip -- it -- the fuse generally gets tripped. It generally gets tripped when we use the compressor.

COURT REPORTER: We have two people in the waiting room.

MS. GUO: Yeah, I'm going to finish this one very quick. Sorry.

BY MS. GUO:

Q. This will be the last video show. Let me show you. Hold on. This is would be the last one. Hold on. I'm going to share this last video.

(A video was played.)

BY MS. GUO:

Q. Were you video taping me in this video?

A. No.

(A video was played.)

BY MS. GUO

Q. Were you videotaping me in this video?

A. No.

Q. This video title is 110 and it has been produced already and also will be -- name this one as Z

-- Exhibit Z.

(A video was played.)

COURT REPORTER: Hold on. I didn't hear your question. You cannot play the video while asking a question.

BY MS. GUO:

Q. Are you videotaping me in this video?

COURT REPORTER: I need you to please repeat your question.

BY MS. GUO:

Q. Mr. Manuel, were you videotaping me in this video?

MR. CLARKE: Form.

THE WITNESS: No.

COURT REPORTER: Was that a form objection?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: Thank you.

(A video was played.)

MS. GUO: We're done. I'm going to resume my deposition on Mr. Manuel next time. Let's start with our next -- Mr. Arane, please.

COURT REPORTER: All right. Are we going to be reading or waiving?

MR. CLARKE: Reading.

COURT REPORTER: All right. Same email that

you gave me for the previous?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: All right. Are we going to be ordering today?

MS. GUO: Yes, please.

COURT REPORTER: All right. And Mr. Clarke, you're going to hold to ask your client, correct?

MR. CLARKE: Correct.

COURT REPORTER: All right. We are off the record at 2:02.

(Thereupon, the deposition was concluded at 2:02 p.m.)

(Reading and signing of the deposition transcript was reserved.)

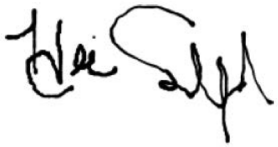
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, Notary Public, State of Florida, certify that Carlos Rivera-Navas and Manuel Baltazar, personally appeared before me on the 27th day of January 2025, and was duly sworn.

Signed this 10th day of February 2025.



_____

Heidi Syed, Court Reporter

Notary Public, State of Florida

Commission No.: HH 568589

Commission Expires: 07/09/28

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, certify that I was authorized to and did report the Deposition of Manuel Baltazar; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 10th day of February 2025.

_____

Heidi Syed, Court Reporter

WITNESS NOTIFICATION LETTER

February 10, 2025
MANUEL BALTAZAR

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Deposition taken on January 27, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,

Heidi Syed
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

MANUEL BALTAZAR

January 27, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

MANUEL BALTAZAR Date

IN THE COUNTY COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. COCE24046580

XIAOHUI GUO,

Defendant/Counter-Plaintiff,

vs.

ROOFING AND CONSTRUCTION, CORP., EZEKIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants.
_____/

CERTIFICATE OF NONAPPEARANCE

STATE OF FLORIDA)
ss:
COUNTY OF BROWARD)

I, Brittany Gadea, a Court Reporter and Notary Public for the State of Florida, hereby certify that pursuant to the Notice of Taking Deposition of The Corporate Representative, In Aid of Execution, I appeared via Zoom Meeting ID: 852 8339 9844 on February 12, 2025 at 10:00 a.m. for the Deposition of Mr. Abdias H. Saenz; that I remained at said premises until 10:30 o'clock, a.m., and that Mr. Abdias H. Saenz did not appear.

Dated at Broward, Florida this
12th day of February, 2025

Brittany Gadea
BRITTANY GADEA
COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA
Commission No.: HH 509715
Commission Exp: 03/28/2028

IN THE COUNTY COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. **COCE24046580** DIVISION: **56** JUDGE: **Benson, Betsy (56)**

ROOFING AND CONSTRUCTION CORP

Plaintiff(s) / Petitioner(s)

v.

Xiaohui Guo

Defendant(s) / Respondent(s)

_____/

ORDER GRANTING DEFENDANT/COUNTER-PLAINTIFF'S MOTION IN LIMINE REGARDING ENGINEERING REPORT FILED FEBRUARY 20, 2025 (DOCKET #283)

THIS CAUSE was before the Court on March 3, 2025 on Defendant/Counter-Plaintiff's Motion to Motion in Limine Plaintiff/Counter0Defendants' "Engineering Report" or in the Alternative Form Motion To Compel Engineer's Deposition and Memorandum of Law filed February 20, 2025, (Docket #283).

The Court, having reviewed the Motion, relevant Florida rules and law, having heard argument, and being fully advised in the premises, finds as follows:

the Motion is GRANTED, however, the parties are directed to contact the engineer, Mr. Saenz, at (305) 668-5792 and/or aplusetl@yahoo.com or aplusetz@yahoo.com on Thursday, March 6, 2025 in hopes of coordinating an opportunity to discuss the report, or depose the witness so that the report might be introduced or the witness testify at trial. The parties were directed in open court that the timeframes for discovery are not extended.

DONE AND ORDERED in Chambers at Broward County, Florida on 3rd day of March, 2025.

COCE24046580 03-03-2025 12:20 PM

COCE24046580 03-03-2025 12:20 PM
Hon. Betsy Benson
COUNTY COURT JUDGE
Electronically Signed by Betsy Benson

Copies Furnished To:
Douglas Clarke , E-mail : doug@sotolawgroup.com
Douglas Clarke , E-mail : rebecca@sotolawgroup.com

Douglas Clarke , E-mail : eservice@sotolawgroup.com
Engineer , E-mail : aplusetz@yahoo.com
Michael E Van Cleve , E-mail : michael@michaelvanclevelaw.com
Mr Saenz , E-mail : aplusetl@yahoo.com
Mr. Bates , E-mail : royjamesbates@gmail.colm
Oscar E Soto , E-mail : oscar@sotolawgroup.com
Oscar E. Soto , E-mail : wendy@sotolawgroup.com
Roy James Bates , E-mail : royjamesbates@gmail.com
Xiaohui Guo , E-mail : xiaohui_guo@yahoo.com
Xiaohui Guo , E-mail : xiaohui.guo2022@gmail.com

IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

ROOFING AND CONSTRUCTION CORP., a Florida corporation,

Plaintiff,

v.

XIAOHUI GUO, an individual,

Defendant.

_____/

CASE NO.: COCE-24-046580

XIAOHUI GUO, an individual,

Counter-Plaintiff,

v.

ROOFING AND CONSTRUCTION CORP., a Florida corporation, EZEQUIEL ALEJANDRO ROMERO, an individual, and ELIAS ABDEL REBOLLEDO MORILLO, An individual,

Counter-Defendants.

_____/

PLAINTIFF/COUNTER-DEFENDANT, ROOFING AND CONSTRUCTION CORP.'S MOTION FOR ENTRY UPON LAND FOR INSPECTION OF PROPERTY

Plaintiff/Counter-Defendant, ROOFING AND CONSTRUCTION CORP. ("RCC"), by and through its undersigned counsel, and pursuant to the Florida Rules of Civil Procedure, hereby file this Motion for Entry Upon Land for Inspection of Property owned by and in the possession and control of Defendant/Counter-Plaintiff, XIAOHUI GUO's ("Guo"), to inspect, measure, video record, and photograph areas and items addressed in Guo's Counterclaim, and in support thereof state as follows:

1. In the early part of 2024, RCC entered into an agreement with Guo (the "Agreement") whereby RCC was to furnish reroofing labor, services and materials for the construction of certain improvements to real property owned by Guo and located at 2516 Montclaire Circle in Weston, Florida (the "Project").

2. When Guo failed to make full payment to RCC for its worked performed at the Project, RCC liened Guo's real property, eventually filing suit against Guo on July 26, 2024, asserting causes of action for foreclosure of its construction lien and breach of the Agreement.

3. Thereafter, on August 19, 2024, Guo filed her Counterclaim, asserting various causes of action ranging from breaches of the Agreement to criminal mischief.

4. More specifically, Guo includes in her Counterclaim certain allegations that pertain to alleged defects in RCC's work and/or damages caused by RCC to Guo's property. Such allegations include, but are not limited to, all of the following:

a. "When it worked at the Property on March 13th, 2024, March 28th, 2024, April 4th, 2024, April 5th, 2024, April 16th, 2024, and April 17th, 2024, Counter-Defendant did not protect the Property and damaged GUO's two Air Conditioners, swim pool equipment, and other items." See P. 12 of Guo's Counterclaim;

b. "Counter-Defendant installed the peeling stick tile underlayment on April 4th, 2024 . . . From April 4th, 2024 to June 11th, 2024, several record rains hit South Florida . . . Since April 4th, 2024, after being exposed in rain without tiles' protection for more than two months, both the peeling stick tile underlayment and the returns of the roof deteriorated." See P. 15, 16 & 17 of Guo's Counterclaim;

c. "On June 20th, 2024, the City Inspector Mr. Wagner entered the inspection result as "fail." His report states "The tile must be removed from All valley areas in order to confirm that the repairs to the fish melts in the valleys have been corrected 1512.2.5." See P. 21 of Guo's Counterclaim.

d. "When it worked at the Property on June 20th, 2024, Counter-Defendant did not protect the Property and damaged GUO's electric outlet." See P. 22 of Guo's Counterclaim;

e. "On July 28th, 2024, GUO emailed to ROMERO that the roof is still leaking, to which Counter-Defendant never responded." See P. 29 of Guo's Counterclaim;

f. "Counter-Defendant's brech of contract directly damaged GUO's two air conditioners, swimming pool equipment, electric outlet, and other items." See P. 54 of Guo's Counterclaim;

g. "On April 5th, 2024, MORILLO internationally digged good pavers out of one corner the driveway to replace another corner's pavers that were damaged by RACC." See P. 70 of Guo's Counterclaim; and

h. "MORILLO also stepped on air conditioner condensor to paint fascia boards." See P. 71 of Guo's Counterclaim

5. It is necessary for RCC to inspect the present condition of Guo's property in order to adequately access all allegations in Guo's Counterclaim, prepare for its defense of the same, and ensure that Guo does not modify or change work that is already accepted and in place.

6. The areas for inspection that RCC is requesting includes, but is not limited to, the portions of the property where leaks are alleged to have occurred, the HVAC system, pool equipment, driveway, electrical outlet(s) and roof of Gou's property.

WHEREFORE, Plaintiff/Counter-Defendant, ROOFING AND CONSTRUCTION CORP., respectfully requests this Court enter an Order for Entry Upon Land for the Inspection of the Property located at 2516 Montclaire Circle in Weston, Florida, for purposes of inspecting, measuring, video recording, and photographing all of the areas noted above, along with any locations at the residence property where alleged defects or deficiencies may be attributable to RCC's scope of work, or actions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September 2024, a true and correct copy of the foregoing document was filed with and served by e-mail via the Florida Courts E-Filing Portal pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(A) to:

Xiaohui Guo
PRO SE
2516 Montclaire Cir.
Weston, FL 33327

E-mail(s): xiaohui.guo2022@gmail.com
xiaohui_guo@yahoo.com

SOTO LAW GROUP, P.A.
Attorneys for Plaintiff & Counter-Defendants
Coastal Tower, Suite 400
2400 Commercial Boulevard
Fort Lauderdale, Florida 33308
Tel: (954) 567-1776
Fax: (954) 567-1778
Primary: oscar@sotolawgroup.com
Secondary: doug@sotolawgroup.com
Secondary: rebecca@sotolawgroup.com
E-service only: eservice@sotolawgroup.com

By:/s/ *Douglas J. Clarke*
Oscar E. Soto, Esq.
Florida Bar No.: 766038
Douglas J. Clarke, Esq.
Florida Bar No.: 1025344

open laps along valley

Ss Gg <sgfl2015@gmail.com> Fri, Dec 20, 2024 at 3:55 PM
To: rlamar@westlake.com

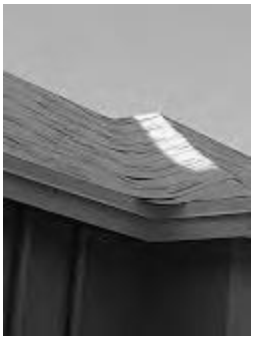
Hi, Mr. Lamar,

I just called you. Thanks for advising me that, to fix the open laps, using a torch to burn underneath the peel & stick underlayment is not the right way and will damage it.
May you please send me any guideline?

Thanks and regards,

Susan Guo
7862818802

8 attachments



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Gmail Ss Gg <sgfl2015@gmail.com>

open laps along valley

Lamar, Rene <rlamar@westlake.com> Mon, Dec 23, 2024 at 11:50 AM
To: Ss Gg <sgfl2015@gmail.com>

Good morning,

Our recommendation would be to have a roofer razor cut the TileSeal that is not firmly adhered to the deck and SBS mastic the loose parts to the deck/base sheet/TileSeal.

Lead times continue to improve. Please visit: BLT | myWestlakeRoyal (westlakeroyalbuildingproducts.com) for weekly updates.

Best regards,

Rene Lamar | Territory Sales Manager

E. rlamar@westlake.com

C. 786.512.3870

Westlake Royal Roofing Solutions

www.westlakeroyalroofing.com

Roofing LinkedIn

[Quoted text hidden]

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO,

Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION, CORP.,
and EZEQUIEL ALEJANDRO ROMERO,

Counter-Defendants.
_____/

Deposition via Zoom

Thursday, January 23, 2025
8:59 a.m. to 5:14 p.m.

DEPOSITION OF

EZEQUIEL A. ROMERO

Taken before Samantha Giarratana, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Video Deposition filed in the above-styled cause.

APPEARANCES:

On Behalf of the Defendant/Counter-Plaintiff:

XIAOHUI GUO, PRO SE

On Behalf of the Plaintiffs/Counter-Defendants:

THE SOTO LAW GROUP, P.A.
2400 East Commercial Boulevard, Suite 400
Fort Lauderdale, Florida 33308-4026
(954) 567-1776
doug@sotolawgroup.com
BY: DOUGLAS J. CLARKE, ESQUIRE

Also Present:

Ron Hoffman, VIDEOGRAPHER

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(Exhibits were retained by Ms. Guo.)

THEREUPON:

VIDEOGRAPHER: Today's date is January 23rd, 2025, and the time is 8:59 a.m. This is the video deposition of Ezequiel Romero in the matter of Guo v. Roofing and Construction Corporation, et al. Our court reporter is Samantha Giarratana of Cogent Legal Services, and the videographer is Ron Hoffman of Cogent Legal Services.

Will counsel please announce their appearance for record. And Madam Court Reporter, you may swear in the witness.

MR. CLARKE: Yes. Good morning. Douglas Clarke on behalf of the plaintiff, counter-defendant, Roofing and Construction Corporation, as well as counter-defendant Ezequiel Alejandro Romero.

MS. GUO: Hi, I'm Xiaohui Guo, I'm pro-se representing myself.

COURT REPORTER: Okay. Can I please have our witness raise your right hand and state your name for the record.

THE WITNESS: Ezequiel Romero.

EZEQUIEL A. ROMERO,

having been first duly sworn and responding, Yes, I do, was examined and testified as follows:

COURT REPORTER: Thank you so much. You may begin, Ms. Guo.

DIRECT EXAMINATION

BY MS. GUO:

Q. Okay. I'm going to share my screen first.

MS. GUO: This will be my Exhibit I. Exhibit I will be -- I.

(Thereupon, Counter-Plaintiff's Exhibit I was marked for identification.)

BY MS. GUO:

Q. Okay. Mr. Romero, did you get this notice of taking video deposition?

A. I don't remember.

Q. Okay. According to this deposition you are supposed to bring -- produce documents, like number 2 and 3. Produce all communications with anybody about this property except for your lawyer, of course. Did you produce all the communication with anybody other than your lawyer about this property?

A. I believe I did, yes.

Q. Okay. For my property, did you -- I'm going to take this off for now, from screen now.

Okay. For this property, did you send Mr. Carlos Duran to inspect my air conditioner?

A. Carlos Duran was a phone call, so there's no

record.

Q. Did he ever give you any report?

A. Yes, he gave me a letter that I sent to you.

Q. So he mailed you the letter?

A. He gave me the letter.

Q. How did he give you the letter?

A. In my hands.

Q. He gave you in your hands?

A. Yes.

Q. He did not mail to you?

A. Did what?

Q. Did he mail to you?

A. No, he gave it to me in my hands. He brought it to me.

Q. Did he ever email to you the report?

A. No, he gave me the letter in my hands.

Q. Did he email you the pictures?

A. I think he -- I don't remember. He might have texted pictures. I don't remember.

Q. Did you -- did he mail you any pictures?

A. No, I don't think he emailed me any pictures.

Q. Did you get any email from him about this property?

A. No.

Q. Did you get any text from him about this

property?
A. I don't remember.
Q. Did he ever text you the report?
A. The report he gave it to me in my hands.
Q. Did you give me that report?
A. I gave you that report the same day.
Q. How did you give me the report?
A. I emailed you the letter.
Q. So if he gave you the report by hand, how can you email me the report?
MR. CLARKE: Form.
THE WITNESS: What?
BY MS. GUO:
Q. You scan the report and email to me?
A. I believe so, yes. I don't remember.
Q. No. How did you give me the report?
A. I emailed you the report.
Q. How did you email me a paper report?
A. I mean, the only way would be to scan it, I guess. I don't remember.
Q. Did you scan the report?
A. I believe so. I don't remember.
Q. Is there any other way you can turn into a paper report into an email send to me?
MR. CLARKE: Form.

THE WITNESS: What?
BY MS. GUO:
Q. Besides scanning the paper report and the email to me, is there any other way in this world you know to allow you to give me that -- make that paper report into email?
A. Yeah, I guess you can take a picture of the report. I don't remember how I did it, but I did give you the letter.
Q. Did you take a picture of that report and email to me?
A. I don't remember.
Q. Did you scan the paper report and email it to me?
A. I don't remember how I did it. I don't.
Q. Are you sure you only get the paper report from him directly in the hand?
A. Yes.
Q. Did you ever email me an electronic copy of that report?
MR. CLARKE: Form.
THE WITNESS: Once again, I sent you the letter. I do not remember if it was -- I took a picture, if I scanned it, I don't remember.
BY MR. GUO:

Q. So whatever you sent to me should be image of the report, right?

MR. CLARKE: Form.

THE WITNESS: I don't know what you want me to say. I answered the same thing 100 times. I sent you an email with the letter. I don't remember if I scanned the letter, if I took a picture, but -- and the AC guy gave it to me in my hand.

BY MS. GUO:

Q. Did the AC -- Mr. AC guy -- Mr. Carlos Duran ever give you an electronic copy of his report?

A. I don't think so.

MR. CLARKE: Form.

THE WITNESS: I would have to go through my emails, but --

BY MS. GUO:

Q. You want to go through your email now? Check, see if you ever received the email from him.

A. Sure. Here it is. He emailed me a letter. And he also gave me one in-person, but he did email it as well.

Q. What is that email? Is there any pictures attached to that email?

A. No. Let me see. No, it's just a letter.

Q. Did you produce this email to me?

A. Yes. Not -- I don't remember.
Q. Can you forward this email to me right now?
A. Sure.
Q. Which email are you forwarding me to?
A. Hold on. Give me one second. What is your email again?
Q. bqnewyear2019@gmail.com.
A. I got it. There.
Q. Okay. I'm going to go to my email now.
Mr. Romero, at the beginning you were so sure you never received any email with him until I asked you, did he ever send you any electronic mail -- electronic copy. And then you realized you cannot -- you -- I'm going to -- I have evidence that you're sending me an electronic copy. Now you change your answer; is that correct?
MR. CLARKE: Form.
THE WITNESS: Yeah. Once again, I don't remember. It was a while ago. What I remember is me sending you the letter he gave me. What I remember is he giving me a letter in my hand. If he also sent it by email, I didn't remember, but he did. I mean, I just sent it to you.
BY MS. GUO:
Q. But at the beginning I asked you so many

times, you're so sure he never sent you by email.

A. Because if I -- when you requested all the records, if I didn't send it to you, it's because I didn't find it then.

Q. You know, I asked this question many, many times. I also asked Carlos. Carlos Duran at the beginning he said he emailed to you. Later, second time he said he mailed to you. And now only after I ask you, are you sure he did not send -- you know I received electronic copy. You know that.

Let me ask you why. Why you -- did he come to your house -- come to your office and give you a copy -- paper copy?

A. He came to my office.

Q. Why would he drive to your office? How far is his place to your office?

MR. CLARKE: Form.

THE WITNESS: I don't know. We do work together, so I don't know.

BY MS. GUO:

Q. What work do you do together?

A. Well, he's an AC contractor. Sometimes I use him for other jobs.

Q. Why did he email to you and he -- and still email -- give you a paper copy?

MR. CLARKE: Form.

THE WITNESS: I don't know. I don't remember.

BY MS. GUO:

Q. It's such a simple question. Do you know how many times you changed the answer and Mr. Duran changed the answer?

MR. CLARKE: Form.

THE WITNESS: I don't remember how he did it. I know he gave me a copy in my hand. A paper copy. I didn't know he also emailed it. I didn't remember that.

BY MS. GUO:

Q. Do you know this kind of changing answer is a sign of lying?

MR. CLARKE: Form.

THE WITNESS: Again --

BY MS. GUO:

Q. I'm going go to my -- that is the reason I want my video today. Hold on. Okay? I'm going to share my screen again. It was my -- this is sharing. This is my email here. Okay? I'm going to open your email later. This is your email you sent to me.

You know that after I asked you whether you are sending me an electronic copy, you realize that you won't be able to cover your lie.

MR. CLARKE: Form.

Q. That's why you start change your answer. Okay? This is all in the video. This is the first lie I caught you, okay? Let me show you. Let me show everybody.

MR. CLARKE: If you continue to insinuate my client is a liar, I will end this deposition. Do not continue to harass him. You ask him questions.

MS. GUO: He is a liar.

MR. CLARKE: Am I understood?

MS. GUO: Yes. If you want to -- that s the reason I'm suing him. Okay. Stop.

MR. CLARKE: If you state that he is a liar, Ms. Guo, and harass him and do not ask questions, we will end this deposition.

MS. GUO: I ask question, he lie. You don't bother me --

MR. CLARKE: Ms. Guo, remember, it is incorrect, if you continue to harass him, we will end the deposition. Ask your questions, Ms. Guo.

MS. GUO: Go ahead. End the deposition, okay?

MR. CLARKE: Continue your deposition.

BY MS. GUO:

Q. Mr. Romero, do you recognize this email you sent to me?

A. It looks like mine, yes.

Q. Okay. This is the report you sent to me, right?

A. Yeah.

Q. Right?

A. Uh-huh (affirmative).

Q. And I'm going to download right here, okay? All right. I'm going to go to my download. That is the reason today I'm here have this video because I'm going to show you, you lied that he handed over to you and he never emailed to you.

And Mr. Duran lied, said he -- at the beginning, he said he emailed it to you, and then later he said he sent -- he mailed to you. The reason you're lying about it, because you are hiding the 12 pictures.

MR. CLARKE: Ms. Guo, are we asking a question or are we proving a conspiracy theory of yours? What are we doing here?

MS. GUO: I'm doing both.

BY MS. GUO:

Q. Okay. This is the -- ignore that, okay? This is the report here, all right? Does this look like an electronic copy or is a image for you?

A. I don't know.

MR. CLARKE: Form.

THE WITNESS: No idea.
BY MS. GUO:
Q. You don't know? All right.
A. No.
Q. It's very easy to prove. You see here?
A. Mm-hmm (affirmative).
Q. I can search the word. I can type the word, and I can even save it as into a Word file. This is electronic copy, right? You know that.
MR. CLARKE: Form.
Q. You change your answer right away, right? I can convert into a Word file. Okay. I'm going to show this in the trial. This is the first lie I caught.
I'm going to second lie -- okay? Careful now. I'm going to move the screen a little bit away. I don't know how to minimize it. Anyway, can you see the three pictures on the screen now? Let me increase a little bit.
A. Yeah.
Q. Have you seen this picture before?
A. No.
Q. Does this look like the picture taken at the same day?
MR. CLARKE: Form.
THE WITNESS: I don't know.

BY MS. GUO:

Q. Huh?

A. I said I don't know.

MR. CLARKE: -- how you've ever seen this picture before.

BY MS. GUO:

Q. Do these three pictures look like taken at the same day?

MR. CLARKE: Form.

THE WITNESS: I have no idea.

BY MS. GUO:

Q. Okay. Let me adjust them a little bit, okay? I'm going to duplicate this page -- this page. I'm going to put everything in front of you so you know what I'm doing here. I'm going to first remove this picture on the side, so I can make this one -- I'm going to move this one into the middle. I'm going to put this one here. I'm going to turn the right picture angle a little bit this way.

Okay. Do this two picture look like taken the same time now?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. All right. Let me get in closer. I'm making

this one bigger. Does this picture look more similar now?

MR. CLARKE: Form.

Q. Looks like the same day now?

A. I still won't know.

Q. Okay. Let me put those together. 140, 150. Do these two picture look like taken the same day?

MR. CLARKE: Form.

THE WITNESS: Don't know.

BY MS. GUO:

Q. Do this two picture look like same day now?

MR. CLARKE: Form.

Q. I'm asking you. You can answer now. Do these two picture look like taken at the same time, same day?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Okay. Look at this piece. What does this look like to you?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Does it look like a leaf to you?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Does it look like the same object to you?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Does it look like same water stain to you?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Does it look like the same debris is here? This one here?
MR. CLARKE: Form.
THE WITNESS: Don't know.
BY MS. GUO:
Q. You don't know. Does this look like -- this triangle paver is the same one as this one?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Huh? Yes? No?
A. I don't know.
Q. Does this triangle look like same like this one?
MR. CLARKE: Form.
THE WITNESS: No.
BY MS. GUO:

Q. Does this little pavers look same like this one?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Does this leaves look like same leaves like this one?
MR. CLARKE: Form.
Q. Hello? I'm asking a question.
A. I don't know. You keep asking the same question, so I'm --
Q. Yeah, I'm asking you. Does this plant -- no -- okay. Does here, this little weeds look like weeds here?
A. Don't know.
MR. CLARKE: Form.
BY MS. GUO:
Q. Does this weeds here look like a weeds here?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Okay. How about this two picture? Do this two picture look like taken same day to you?
MR. CLARKE: Form.
THE WITNESS: I don't know.
MR. CLARKE: How many times are we asking the

same question?

MS. GUO: I'm asking --

MR. CLARKE: You don't like his answer. He said, I don't know.

BY MS. GUO:

Q. It's okay. Do this two picture look the same to you?

A. No idea.

Q. Let's go back to this one. I'm going to remove this one. No, I'm not going to remove this one. I'm just going to duplicate this one again so we know that we have three -- still the same pictures. I'm going to remove this one now.

Mr. Romero, do you have any problem with your eyes?

MR. CLARKE: Form.

THE WITNESS: No problem with my eyes.

BY MS. GUO:

Q. All right. I am going to move this picture a little bit, all right? Do this two picture look like taken the same day to you?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. I'm going to shrink this one a little bit.

Does this object here look same with this object here?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. I'm going to shrink a little bit more. Does this part -- this -- look at this one, you have to look at screen, okay? Does this part look like same as this part, this object here?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Does this plants, the plants here look like the plants here?

MR. CLARKE: Form.

Q. I'm asking a question. You should answer.

A. I don't know.

Q. Does these pavers here look like these pavers here?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Does these pavers here look like these pavers here?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Does this branch -- that branch here -- there's a branch here looks like the branch here?

MR. CLARKE: Form.

THE WITNESS: Don't know.

BY MS. GUO:

Q. Does this object here looks like this object here?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Do this two picture looks -- look about taken at the same time?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. All right. I'm taking -- this is my exhibit, I think it's Exhibit T. I'm taking off my screen now. I'm going to save it and send to you later. I'm going to the next one. Hold on. I'm going to open the email you just sent to me.

You said he -- is this the only email he sent to you?

A. Yes.

Q. Did he email you any pictures?

A. No. I believe he texted me. I didn't find any pictures when I searched for the email just now.

Q. He texted you the picture?

A. I think so.

Q. Can you check your text to see you have the text pictures in your phone?

A. I believe I provided that already.

Q. I want see the text. You didn't provide me the text of the pictures.

MR. CLARKE: Ms. Guo, we've already humored you with the email. This is a deposition to ask questions, not to demand my client provides you access to his phone.

MS. GUO: You are supposed to bring me the --

MR. CLARKE: It's asking questions. We went through this with several other depositions. We sent you the email. If you require other documents, there's a way to go about getting those documents, not in a deposition.

BY MS. GUO:

Q. Did you see the text?

MR. CLARKE: Ask questions, Ms. Guo.

Q. Did you see the text?

MS. GUO: You can put your objection in.

BY MS. GUO:

Q. Did you see the text he sent to you?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. I'm sorry?

A. No.

Q. You have no text from him anymore?

A. I didn't search. According to my lawyer, you have to go through the proper channels.

Q. Proper channel is you should produce me all the texts and the communication and all the emails before this deposition. You have -- you failed produce this email to me. So that's why I'm going to reserve my right to depose you again after I study this email. Because you just produced this email on the spot and you lied at --

MR. CLARKE: Ms. Guo, you got this email from him with the letter back in April. You have the letter. You've had the letter for months.

MS. GUO: No, I did not have this email. I need to check whether he deleted images or any other things from this email. I need to know whether he has other emails. If he was working on that, he may delete those emails.

BY MS. GUO:

Q. I'm asking you again, Mr. Romero, are you sure Mr. Romero, Mr. Duran never sent you other emails about this deposition? About this property?

A. I just searched and I didn't find any more.

Q. Did he ever email you any pictures?

A. I don't remember. I just searched and didn't find them.

Q. Did he text you all of his pictures?

A. Can I answer that, Douglas?

MR. CLARKE: I have noted my objection, but you can answer that question.

THE WITNESS: Okay. I don't remember if he sent me any pictures.

BY MS. GUO:

Q. Did he -- never sent you any pictures?

MR. CLARKE: Form.

THE WITNESS: I don't remember if I sent him the pictures or he sent them to me. I don't remember.

BY MS. GUO:

Q. Did he text you any pictures?

A. Once again, I don't remember if he did.

Q. Did he email you any pictures?

A. I didn't find any emails, no.

Q. Did he print out any pictures and put into

your hand?
A. No.
Q. Did you send me any pictures taken by him?
A. Send you pictures?
Q. Yes. Of the AC taken by him?
A. I don't remember.
Q. Is it possible he text you the pictures?
A. I don't remember.
Q. Is it possible he text you the pictures?
MR. CLARKE: Form.
THE WITNESS: Yeah, it's possible or it's possible that I texted him the pictures as well.
BY MS. GUO:
Q. Okay. So I need you -- I'm going to reserve my deposition because I'm waiting for you to check for your phone. If he text you any pictures and produce me that text, he text you the pictures, all right?
A. Can you show me the pictures I sent you? Because I don't remember.
Q. Is that picture you sent to me? Look at this picture. The first picture here. Who took it?
A. That might have been me or Elias. I don't know. Probably Elias. The one with the can of paint, that was probably Elias or me. I don't know.
Q. Did you see Elias -- who put this can of paint

here?

MR. CLARKE: Can you actually zoom in on the picture and click the picture so my client can see?

MS. GUO: He can recognize it.

THE WITNESS: I can see it. Elias put the picture -- put the can of paint by the front door. You were there.

BY MS. GUO:

Q. Did you see him put the --

A. Yes.

Q. -- paint at -- my front?

A. Yes. You also saw him. We were meeting all three of us together.

Q. I also saw him?

A. Yes.

Q. Do you have any proof I saw it -- saw him put the paint ~~by the back~~ at my entrance?

A. You were filming.

Q. I was filming?

A. Yeah.

Q. Filming the can of paint?

A. You were filming everything when me, Elias and you met at your property, you were filming me, him, you were filming everything.

Q. And did you take any pictures that day at my

property?

A. I don't remember.

MR. CLARKE: Form.

Q. Did you take these pictures? This picture of the -- I'm putting my mouse here -- the paint in front of my property?

A. I don't know if it was me or Elias. It was probably Elias. I don't remember who took it.

Q. Are you sure that was the day you were here you and me and Elias and me, right?

A. Yeah.

MR. CLARKE: Form.

THE WITNESS: We were meeting together, all three of us.

BY MS. GUO:

Q. Do you have any picture showing I saw this paint at my entrance?

MR. CLARKE: Form.

THE WITNESS: Once again, I don't have a picture of you and the can of paint, but me, you and Elias were all three together.

BY MS. GUO:

Q. Why didn't he put the paint in my hand if all three of us are together?

MR. CLARKE: Form.

THE WITNESS: I don't know.
BY MS. GUO:
Q. Did he say to me, I put this paint at entrance of the property?
A. I don't know what he said to you.
Q. Did you said to -- say to me, you put the paint in my property -- at entrance of property?
MR. CLARKE: Form.
THE WITNESS: I don't remember. If we took that picture, it's because we sent it to you.
BY MS. GUO:
Q. Sent to me what? Send me this picture or send the paint?
MR. CLARKE: Form.
THE WITNESS: The picture.
BY MS. GUO:
Q. When did you -- when was the first time you sent me this picture?
A. I don't remember sending you the picture. I'm saying if we took it, it was to show you that we left it there. You asked us to leave you the paint.
Q. If I saw you left the paint at my property, why do you need to send me a picture to show you left the can at my property?
MR. CLARKE: Form.

THE WITNESS: I don't know why he left you -- why he took the picture. But it's to prove that we left you the paint. You requested the paint. You weren't happy with how the fascia looked. You wanted to paint the whole fascia. We spoke about this, you called me about this, and you told us to leave you the paint. And we did --

BY MS. GUO:

Q. Do you have any evidence showing I asked you to paint the whole fascia board?

A. You called me about that. And you probably sent me an email. I don't remember saying that the association wasn't going to be happy with only painting the three spots, and that we needed to -- and I told -- and then we went into the discussion that we don't paint the whole fascia for the entire house. And then you told us to leave you the paint and you were going to paint the rest.

Q. Did I ever ask you -- did my email ever ask you to paint the whole house fascia board?

A. No. I don't remember if that was exactly what you said, but you said that the HOA wasn't going to be happy because the fascia that we replaced and the existing fascia, there was a difference. So we -- I told you that we only paint what we replace by contract.

And then you requested us to leave you the paint.

Q. Did you ever -- when you left the paint at my entrance, do you have any -- did you ever tell me, I'm leaving this paint here at your entrance?

A. I don't remember.

Q. Okay. Did you paint -- put the can of paint when I wasn't looking?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. Did you put the can of paint here when I wasn't looking at this place?

MR. CLARKE: Form.

THE WITNESS: I don't know. I don't remember.

BY MS. GUO:

Q. Did you take this picture? Second picture.

A. I don't know if it was me or if that's a picture you sent me. I don't remember.

Q. How about this picture?

A. The same.

Q. I'm going to open this picture so that -- for your memory. Did you take this picture or Mr. Duran took this picture?

A. I don't remember if it was when I did the inspection of the ACs or if that's a picture that you

sent me. I don't remember.

Q. Did Mr. Duran send you this picture?

A. Who?

Q. Did Mr. Duran -- Carlos Duran. Your AC --

A. Once again, I don't remember.

Q. Did Mr. Duran send you this picture?

A. I don't remember.

Q. Did Mr. Duran send you this picture?

A. I don't remember.

Q. Did Mr. Duran send you this picture?

A. I don't remember.

Q. Did Mr. Duran send you this picture?

A. No. That picture was taken by one of my employees. I don't know who. The day that we did the tear-off to show that the AC was damaged before we started.

Q. I'm going to come back to this question later. Did Mr. Duran send you this picture?

A. I don't remember.

Q. Did Mr. Duran send you this picture?

A. No. That was the same picture you showed me before. It has the date that we did the tear-off, and the time before we even got on the roof. And he's showing --

Q. When was the first day you go on the roof?

MR. CLARKE: Mr. Romero, were you finished with your answer?

THE WITNESS: Yeah.

MR. CLARKE: Okay.

BY MS. GUO:

Q. When was the first day you get on my roof?

A. I believe it's that day.

Q. What day?

A. April 2nd, I believe.

Q. Did you do any repair before -- did you do any temporary repair before April 2nd?

A. We did.

Q. So was April 2nd the first day you get on the roof?

MR. CLARKE: Form.

THE WITNESS: To replace the roof, yes.

BY MS. GUO:

Q. No. ~~That's~~ Was the first day you get on the roof. When was the first day you get on the roof?

A. I don't know when we did the temporary repair, but the day of the tear-off is that day.

Q. Did you do temporary repair before you do tear-off?

A. Yes.

Q. Did you get on my roof before April 2nd?

A. Not me, but my employees, yes.
Q. When we talk about you, it's you the company, right?
A. Yeah.
Q. Did you ever do any work at my property?
A. Did I what?
Q. Did you do any work at my property?
MR. CLARKE: Form.
THE WITNESS: Myself?
BY MS. GUO:
Q. Yeah.
A. No. I didn't do any work.
Q. This is the report. This is the letter. Okay. I'm going to my second question.
I reserve my -- I'm going to redepose you another day after I receive your text and your email, complete email. Hold on. Now I'm taking off this one.
Mr. Romero, if tiles were placed more than ten tiles per stack, would the manufacturer void a warranty?
MR. CLARKE: Form.
THE WITNESS: I'm not sure.
BY MS. GUO:
Q. If you -- when I say you, it means you and your company, okay? Or any of your workers or any of the subcontractors because you didn't do any work on

that.

MR. CLARKE: Ms. Guo, it might be more helpful for the record if you say RCC instead of you, so you don't confuse Mr. Romero.

MS. GUO: I'm going to decide.

BY MS. GUO:

Q. If you or any of your workers or subcontractors burn the underlayment would the manufacturer void the warranty?

A. I don't know.

MR. CLARKE: Form.

Q. Would ten tile -- does the manufacturing guideline says no more than ten tiles per stack.

A. Is that a question?

Q. Yes. Does the manufacturers guideline says no more than ten tiles per stack?

MR. CLARKE: Form.

THE WITNESS: Okay.

BY MS. GUO:

Q. Yes or no?

A. I don't know.

Q. I'm going to ask you the same question again. Does the manufacturers of the underlayment's guideline says no more than ten tiles per stack?

A. I do not know.

Q. Are you familiar with the underlayment you put on me?

MR. CLARKE: Form.

THE WITNESS: Yeah, it's a peel and stick. I don't remember if it was a Boral Seal or a TU MAX. I will have to see the permit. I don't remember.

BY MS. GUO:

Q. Did you read manufacturer's guideline before you purchased the underlayment?

MR. CLARKE: Form.

THE WITNESS: My employees, maybe. I mean --

BY MS. GUO:

Q. Say it again.

A. We're not in charge of loading the tile. The distributor of the tiles is.

Q. Did you yourself read the brochure or guidelines about the underlayment you put on my roof?

MR. CLARKE: Form.

THE WITNESS: I read it many times. I don't remember how many tiles can you stack because I'm not in -- my company doesn't stack the tiles. The delivery of the tiles stack the tiles. We don't load the tiles. My company doesn't load the tiles.

BY MS. GUO:

Q. Do you know the manufacturer of the

underlayment?

A. Do I what?

Q. Do you know the manufacturer of the underlayment you put on has a guideline says no more than ten tiles per stack?

MR. CLARKE: Form.

THE WITNESS: I don't know. If you read it then, maybe. I don't know.

BY MS. GUO:

Q. Do you know the manufacturer of that underlayment you put on my roof, does not allow burn the underlayment with the torch?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. Does the manufacturer of the underlayment you put on my roof allow you to -- allow you or your worker or contractor or whatever to burn the underlayment with a torch?

A. I don't know.

Q. Do you remember when you were at my property, I showed you the spots, three spots that you agreed to put a membrane -- the membrane on top of it?

MR. CLARKE: Form.

THE WITNESS: I remember, but putting the

three spots was an agreement that we made, and you didn't follow your part of the agreement.

BY MS. GUO:

Q. Did you agree to put a membrane on the three spots?

A. Only if you agree to do something else that we agree on in person.

Q. Did you allow your employee or your subcontractor to put a membrane on the three spots?

A. I don't remember because you didn't -- we agreed that you were going to sign an email I was going to send to you with what we agree on and you never did.

Q. So did you ask your employee or contractor to apply the three -- apply membrane on the three spots?

A. I don't remember. It wasn't necessary. I told you that on the roof, but I agree to do it if you agree to sign the email I sent. You did not.

Q. Did you ever tell anybody to apply the membrane on the three spots?

A. I don't remember.

MS. GUO: I'm going to fast forward a little bit here. This is my -- this will be -- it's called -- I'm going call this one probably -- no, Exhibit R, but it says balancing video. Okay. Exhibit R.

(Thereupon, Counter-Plaintiff's Exhibit R was marked for identification.)

BY MS. GUO:

Q. I'm going to move forward to one point -- 1:40, here, 1:40. About 1:40. Minute's about 1:40. Okay. Here, spot 1:34. Do you see this spot here?

A. Yes.

Q. Does this look like more than ten tiles for you on this stack?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Will this damage the underlayment?

A. No, because it's temporary. It wasn't loaded like that for a long period of time. The guys need to move tiles around to be able to install.

Q. Does the manufacturer guideline says it is okay to temporary put more than ten tiles per stack?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Will this ten tiles damage this vent underneath?

A. No.

Q. Are you familiar with the guideline about

putting tiles on the underlayment?

A. No.

MR. CLARKE: Form.

Q. So how do you know if it's okay to temporary put more than ten tiles per stack here won't damage the underlayment?

A. It's always done like that and we never have any issues.

Q. So it's always done in your other roofing project, you put more than ten tiles per stack?

MR. CLARKE: Form.

THE WITNESS: We don't put more than ten tiles. I already told you we don't load the roof. The guys have to temporary move tiles around. As you can see in the picture, everything else is less than ten tiles. He had to move those tiles so that he can install them.

BY MS. GUO:

Q. I'm going to show you more stacks on the other side. More than ten tiles. Does this look like more than ten tiles in the stack? This one here?

A. Yes.

MR. CLARKE: Form.

Q. Does this part look more than ten tiles per stack?

A. Maybe. Yeah, it's close.
Q. So we counted three already, right? Three stacks already.
MR. CLARKE: Form.
Q. Does this look more than ten tiles per stack?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Does this one look more than ten tiles per stack?
A. I don't know.
MR. CLARKE: Form.
Q. Can you count? One, two, three --
A. Yeah, it does actually.
Q. It does, okay.
A. Uh-huh.
Q. So we count five. This is the fifth stack already.
A. Uh-huh.
Q. Does this look more than ten tiles per stack?
A. Maybe.
Q. This is six tiles. Sixth one. Does this look more than ten tiles per stack?
MR. CLARKE: Form.
THE WITNESS: Maybe.

MR. CLARKE: And let the record reflect there's no way of knowing if this is a previously identified stack of tiles.

BY MS. GUO:

Q. You can look at the video, okay? You already counted at least six. Hold on, let me move another one. The other one I just skipped.

Do you recognize this employee here?

A. I see him, yeah.

Q. Who is he?

A. I don't know.

Q. Is that Manuel? Does he look like Manuel to you?

MR. CLARKE: Let the record reflect his face is not even visible.

Q. Okay. I'm going to show you later. What is he doing there? Can you tell?

A. No.

Q. Is he doing -- is this a return here? Does this look like a return here?

A. A repair?

Q. A return, R-E-T-U-R-N. A return here.

A. I don't know what he's doing.

Q. Does this look like a return here at this place?

A. I don't know.
Q. How many times have you been at my property?
A. How many times what?
Q. Did you come to my property?
A. I believe two -- three, I believe. Yeah. Three times.
Q. Does this part look more than ten stacks to you -- ten tiles per stack for you?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Let's count. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. At least 12. Does this look like more than ten stacks to you -- ten tiles per stack to you?
A. I don't know.
Q. Does this part look like more than ten tiles per stack to you?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Let's count. One, two, three, four, five, six -- actually, let me do this one. Let me do this one.
MR. CLARKE: Ms. Guo, can you zoom in? We can't tell, the picture is blurry.
Q. I can tell very well. Okay? Everybody can

look very well. So 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. Does this look like ten tiles per stack to you?

MR. CLARKE: Are we on a new -- where are we now? We were over there and now we're over here.

Q. I'm moving my mouse here.

A. I don't know.

Q. Let's count. One, two, three, four, five, six, seven, eight, nine, ten.

MR. CLARKE: Well, the stack is like 30 feet away from the camera, it's impossible to tell.

Q. Okay. So you -- do you know how to -- how many feet -- Mr. Romero, how many foot -- feet from here to the camera?

MR. CLARKE: How would he know that, Ms. Guo?

MS. GUO: You just said that. You just estimate. I'm asking Mr. Romero.

MR. CLARKE: Yes. Look how far away it is.

MS. GUO: No, but you just said that. I'm asking --

MR. CLARKE: Can you zoom in for the witness so he can see what you're counting?

BY MS. GUO:

Q. Yes, I am -- Mr. Romero, I'm asking you the question.

MR. CLARKE: This is Mr. Romero.

MS. GUO: Mr. Romero.

MR. CLARKE: Mr. Romero.

MS. GUO: Yes. I'm asking Mr. Romero.

BY MS. GUO:

Q. Can you tell how many feet from this place to where the camera is?

A. I have no idea. I don't know if you're zooming or what. I don't know.

Q. I'm not zooming or anything. Can you tell by the -- counting by tiles difference here? This is the one tile in between -- here. Can you tell how many feet --

MR. CLARKE: Form.

Q. -- from this place to this place where the photo -- where I stand? I took the video.

A. Yeah. No, I have no idea how many feet you are from the pile of tiles.

Q. Did Mr. Clarke, your attorney, just estimate how many feet?

MR. CLARKE: Ms. Guo, I have no idea. I'm trying to say it's very far away. You need to zoom in if you're counting something very far away in a video.

MS. GUO: You -- did you just said a number.

THE WITNESS: Just make the picture bigger.

MR. CLARKE: It's a figure of speech, Ms. Guo. You're very far away. You need to zoom in if you're going to start counting tiles.

BY MS. GUO:

Q. How about this one? Does this tile -- this stack looks more than ten tiles to you?

MR. CLARKE: Form.

THE WITNESS: Maybe. I don't know. It's close.

BY MS. GUO:

Q. Let's count. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12. So how many we counted -- stacks here? One, two, three, four, five. Five on this angle.

MR. CLARKE: Form.

Q. We counted five -- five stacks here. All right. I can do a screenshot later to do the -- let me see if I can do a screenshot to zoom in. Actually, I already counted here. Everybody can see very well. Okay. Does this stack look more than ten tiles per stack?

A. Yes.

MR. CLARKE: Form.

Q. Okay. This will count as like at least like 11 stack. Does this stack look more than ten stack -- ten tiles per stack?

MR. CLARKE: Form.

THE WITNESS: Maybe.

BY MS. GUO:

Q. Let's count. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.

MR. CLARKE: Ms. Guo, does this video have audio?

MS. GUO: You can hear the volume, yes.

MR. CLARKE: We can't hear anything if there's audio in this video.

MS. GUO: It's just the noise. Nobody talk. But you can just hear the sound. It's in the video. You have this video. I produced it.

MR. CLARKE: Is there a reason why you're not playing it with sound?

MS. GUO: I'm sorry?

MR. CLARKE: Why are you not playing it with sound?

MS. GUO: There's no sound at all?

MR. CLARKE: No sound.

MS. GUO: Oh, I'm sorry. Maybe I did not share the sound. Hold on. Let me stop sharing it and then redo it. I'm so sorry. Sound all the time. Hold on. I can hear it. I did not know. Maybe I did not -- sharing sound. Okay. That's

why maybe you did not hear the sound. It has sound all the time.

Now can you hear the sound?

(Video was played.)

MR. CLARKE: Yes.

MS. GUO: Okay. Now, there's sound. There's nobody talking here, just the sound.

BY MS. GUO:

Q. Do you recognize this person now? Do you see this guy here now in the background?

A. I still don't see his face.

Q. But from his figure, can you tell who he is?

A. No.

Q. Is he Manuel?

A. I don't know. I don't see his face.

Q. Does he look like he was taking pictures of the place.

A. I don't see his face.

Q. Okay. Does this look like this person was taking picture here, took out a phone? He's taking pictures. Now we are at -- he kneel down, is he taking the picture?

MR. CLARKE: Form.

THE WITNESS: He might be taking pictures.

MS. GUO: Okay. Let me play this one again.

(Video was played.)
BY MS. GUO:
Q. Does this look like a return to you now? Here, this place?
MR. CLARKE: Form.
THE WITNESS: A return?
BY MS. GUO:
Q. Yeah.
A. A flashing?
Q. Yeah. Maybe that's what you call, I call it return. Anything that you have like --
A. It looks like it might be a flashing, yeah.
Q. Okay. I call it return. You can call it flashing. They are meaning the same thing.
Okay. What did he carry?
MR. CLARKE: Form.
Q. He carried away something from the roof. What did he carry?
A. That's a bucket.
Q. Okay. What was inside?
MR. CLARKE: Form.
THE WITNESS: How am I supposed to know? I mean, I don't know.
BY MS. GUO:
Q. Did you ask this guy to put stuccos on the

flashing or the return?

A. I don't remember.

Q. Did you ask any of your employee or subcontractor to put stuccos on flashing or on return?

A. If we cut your flashings, then yes, they have to stucco, the top of it.

Q. Should they do the stucco before loading the tiles?

A. No. You can do -- it's on a wall. You can do it anytime you want.

Q. Did the city inspector ever ask you to put the stuccos on the flashings?

A. The city inspector, first he passed the inspection, and then you called them nonstop, even Saturday nights. And then he told me -- he gave me instructions to, I believe, fix a couple of things.

Q. Did the city inspector ask you to fix the return or flashings?

A. He didn't ask me to fix any flashings. He might have. I don't remember. I produced the texts with the inspectors, I believe. And in there he -- you can see what he requested.

Q. Are you sure the city inspector never asked you to correct any returns or flashings?

A. I don't remember what, I can look. Give me a

second. Well, in the text doesn't say that. He only -- he's requesting to put tar, removing an object that was by the front door. And then put tar under the, I mean, bring down the valleys, put some tar under the valleys. That's what I have on the text. You have that text.

Q. Did you ever talk with him over the phone?

A. Yes.

Q. Over the phone, did he ever tell you to correct anything on the flashing or returns?

A. I don't remember.

(Video was played.)

BY MS. GUO:

Q. Do you recognize this guy now?

A. Yeah. That's Manuel.

Q. Was he taking video all the way on up?

A. I don't know if he's taking videos.

(Video was played.)

MS. GUO: Hi Manuel, here is a spot. Alex said he's going to --

MANUEL: Where?

MS. GUO: Here.

(Video ends.)

BY MS. GUO:

Q. Is this one the spots of the three spots you agreed to put on the membrane?

A. I don't remember, but it was part of an agreement which you didn't follow.

Q. Did you ever ask anybody to put membrane on the spot?

A. I don't remember. Probably not because you didn't follow your part of the agreement.

Q. Okay. From this picture here, does it look like anybody applied any membrane on the spot?

A. No.

MR. CLARKE: Which spot, Ms. Guo?

MS. GUO: On the picture on the phone now, right here on the picture now.

MR. CLARKE: Can you point out the spot you're talking about for the witness?

BY MS. GUO:

Q. Yeah. I'm circling. My mouse is moving here. This spot. Does this spot look like somebody applied membrane on this spot?

A. No. And it's not needed.

Q. Did you agree with me to put on the membrane on this spot?

MR. CLARKE: Form.

THE WITNESS: I agree. If you were to follow what we agree in person, which I sent you an email with everything we agreed in person. You were

supposed to pay the extras. You were supposed to, I mean, put in writing that we did not damage your driveway. You agreed to that with me and you were filming it.

BY MS. GUO:

Q. So you can --

A. As a condition of that, I was willing to put tar and membrane on those spots even though it's not needed. You don't need it.

Q. So did you ask anybody to apply membrane on this spot.

MR. CLARKE: Form.

THE WITNESS: I don't remember. Once again, but you didn't follow your part of the deal, so that why it wasn't done.

BY MS. GUO:

Q. This spot here, was this one of the spots -- I'm going to move in closer a little bit. Okay. Was this spot one of the three spots that I requested you to put the membrane?

A. I don't remember.

Q. Does it look like this part has been applied membrane?

A. I don't know. He's far.

Q. What is this color?

MR. CLARKE: Form.

THE WITNESS: He put a -- he probably put tar to install the metal channels. I don't know. He's far.

BY MS. GUO:

Q. What's the color of tar?

MR. CLARKE: Can you zoom in, Ms. Guo?

MS. GUO: This is the best -- I cannot -- this is video. I cannot zoom in. And this is -- you can tell this color.

BY MS. GUO:

Q. What's this color?

A. It kind of looks black.

Q. Does it look like tar to you?

MR. CLARKE: Form.

THE WITNESS: Maybe. I'm not sure.

BY MS. GUO:

Q. Did you ask anybody to apply membrane on this spot?

MR. CLARKE: Form.

THE WITNESS: No, not that I remember.

BY MS. GUO:

Q. Did you ask anybody to burn the underlayment with a torch?

MR. CLARKE: Form.

THE WITNESS: What?
BY MS. GUO:
Q. Did you ask anybody to burn the underlayment with a torch?
A. If I asked somebody to put the underlayment with what?
Q. Burn the underlayment with a torch.
A. No.
Q. Do you know if anybody -- any of your workers or subcontractors burnt the underlayment with a torch?
A. No. I didn't ask anybody to torch the underlayment.
(Video was played.)
BY MS. GUO:
Q. Is this the third spot that you -- I request to put on membrane?
MR. CLARKE: Form.
THE WITNESS: I don't know.
BY MS. GUO:
Q. Hello? Can you hear me?
A. I told you I don't know.
Q. Does it look like this part -- anybody -- did you tell anybody to put membrane on this spot?
MR. CLARKE: Form.
THE WITNESS: I don't remember.

BY MS. GUO:

Q. Does it look like this one -- this spot has been applied membrane?

A. The metal is covering it, so I don't know.

Q. Does it look like it has any membrane on it?

A. I don't know.

MR. CLARKE: Form.

Q. Does this look like black? Black thing look like tar?

MR. CLARKE: Form.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Tar. I'm sorry, tar. Is this -- does this black thing look like tar to you?

A. Yes.

Q. Do you see any membrane on here?

A. I don't see any membrane.

Q. Did you ask anybody to apply membrane on this spot?

MR. CLARKE: Form.

THE WITNESS: Once again, you asked it seven times. No, I don't remember.

MS. GUO: One second.

(Video was played.)

BY MS. GUO:

Q. Okay. Does this look like this one -- this person was burning underlayment?

A. Yes. He's heating it up, not burning it.

Q. Heating up.

A. Yeah.

Q. And then did he use a trowel to press it down?

(Video was played.)

BY MS. GUO:

Q. Did you ask that guy to -- using the torch to -- torch the underlayment?

MR. CLARKE: Form.

THE WITNESS: Not precisely. I told him to lower the laps on the valleys because that's one of the things the inspector wanted.

BY MS. GUO:

Q. Did you instruct him how to lower the open laps?

A. How what?

Q. Did you instruct him how to do that?

A. No.

Q. Did you just say whatever you can to lower the open lap?

MR. CLARKE: Form.

THE WITNESS: Yeah, I mean the -- they do that for a living so they know what they're doing.

BY MS. GUO:

Q. Is that guy a roofer?

A. Yes.

Q. Was he doing the job under your license?

A. Obviously.

Q. Does he know as much as you do as roof?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. Does he know as much as you about the roof?

A. He probably knows more. He does this every day.

Q. So if a subcontractor or employee agree with me to do something you would allow it without stopping do it?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. If an employee or subcontractor put -- do anything on the roof, do you allow it?

A. Not anything.

Q. Do you have to approve their -- your employee or roofs job in writing?

A. They don't call me every time they're doing something.

Q. Did you ever tell me whatever your employee or subcontractor agree with me does not count unless you agree in writing?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. Did you ever tell me whatever your employee or contractor agree with me it won't count unless you agree with me in writing?

A. I don't have to agree with you --

MR. CLARKE: Form.

THE WITNESS: -- in writing.

BY MS. GUO:

Q. No. If your employee or contractor agree to do something -- agree with me to do something or told me to -- they're going to do something on the roof, you have to approve it in writing?

A. Yes.

MR. CLARKE: Form.

Q. You --

A. Homeowner shouldn't be talking to my employees.

Q. Did you agree with this guy to torch my underlayment in writing?

MR. CLARKE: Form.

THE WITNESS: In writing, no.
BY MS. GUO:
Q. Did this guy tell you -- did you instruct this guy to torch the underlayment?
A. No.
Q. Did this guy tell you he was going to torch underlayment?
A. No. The instructions were make sure you don't see any gaps on the valleys. Lower the laps, that's it. Those were the instructions and he did it.
Q. Whose instruction?
A. My instructions.
Q. So you instruct him to lower down -- to do whatever you can to lower down the underlayment, correct?
A. Not do whatever he can, do it right, but lower the paper even though it wasn't needed. Once again, it's just because you won't stop.
Q. Is it right to torch the underlayment like this?
A. Yeah, it works. It's just heating up the paper so it will glue.
Q. So it is a -- in your opinion, torch the underlayment is the right way to correct the open laps?
MR. CLARKE: Form.

THE WITNESS: Yeah, it works.

BY MS. GUO:

Q. I'm going to bring another video.

MR. CLARKE: Well, you've going for an hour-and-a-half. Are you going to take a five-minute bathroom break?

MS. GUO: No, I'm going to -- you take the five minutes break and you can come back. Yes. Okay.

MR. CLARKE: Well, it's not just for my benefit, it's for everyone else's benefit.

MS. GUO: Five minutes come back, please.

MR. CLARKE: I'm sorry?

MS. GUO: Five minutes, please come back.

MR. CLARKE: Okay. Are we off the record?

VIDEOGRAPHER: Okay. The time is 10:26 and we are going off record.

(Off the record.)

(On the record.)

VIDEOGRAPHER: Okay. The time is 10:36 and we are back on record.

BY MS. GUO:

Q. I'm sharing another video now. Do you remember the day you were here with me and Morillo we went on the roof?

A. Yes.

Q. To show you where the spots I request to put the membrane?

A. Once again, I answered this before. It was part of an agreement that we made. You didn't follow your part of the agreement. That's why it wasn't done. And also it wasn't necessary.

Q. So did you ever apply -- ask anybody to apply a membrane on the three spots?

MR. CLARKE: Form.

THE WITNESS: No, because you didn't follow your part of the plan -- of the deal.

(Video is played:)

MR. ROMERO: So what do you want to --

(Video ends.)

BY MS. GUO:

Q. Okay. So do you recognize this video I was taking with you?

A. No, I don't remember.

(Video is played:)

MS. GUO: You put it on. Okay. There's several places.

MR. ROMERO: You only put it on when there's a tear or something. You don't put it on --

(Video ends.)

BY MS. GUO:

Q. Is your voice in the video?

A. Yes.

Q. Do you recognize this is the video you and I together on the roof?

A. Yes.

Q. Was that the only time you and I together on the roof?

A. I believe so.

(Video is played:)

MS. GUO: There's no tear here, right? There's no tear here. There's no tear there. It's all good.

MR. ROMERO: Because it's covered with the granules. That's what they're doing. That's what -- do.

MS. GUO: There's no tear there. Every place -- like this one there's no tear, there's a whole piece. There's no tear unless somebody --

MR. ROMERO: The tear is underneath.

MS. GUO: When you put it on there's a tear. It's one piece where there's a tear. There's no piece. There's no -- no meeting or something.

MR. ROMERO: What they're doing is -- what?

MS. GUO: Like this piece, like this spot,

this is a tear, right? This is a tear. You --

MR. ROMERO: This is a valley, you don't need to put it.

MS. GUO: No, but this is a --

(Video ends.)

BY MS. GUO:

Q. Is this the same spot -- do you remember this is a spot I request you to put on the membrane? One with the three spots to put on the membrane?

A. Yes. As a part of our deal.

(Video was played.)

MS. GUO: The video I put on, the tar -- I'm sorry, the other -- the exhibit that I just put on is Exhibit -- I'll put that as Exhibit -- this will be Exhibit T. Okay. This one will be Exhibit T.

(Thereupon, Counter-Plaintiff's Exhibit T was marked for identification.)

COURT REPORTER: I'm sorry, which exhibit will this be?

MS. GUO: Exhibit T.

COURT REPORTER: D as in dog?

MS. GUO: T like tongue.

COURT REPORTER: Okay.

MS. GUO: Because there's one Exhibit S I already played, but I did not say it. I'm going to

let you know that one was exhibit -- when I said the first part is Exhibit S. I'm going to show you later, but this one is Exhibit T.

(Thereupon, Counter-Plaintiff's Exhibit S was marked for identification.)

MS. GUO: So this is Exhibit R I showed before. I'm moving to the -- where we showed Manuel.

MR. CLARKE: Mr. Guo, just for the record. I believe this has already been noted as an exhibit based off of the file name.

MS. GUO: Yes.

MR. CLARKE: Are you sure this is a new video?

MS. GUO: Yes, this is Exhibit R, I showed before. The one we saw Mr. Manuel taking pictures.

MR. CLARKE: You said Exhibit R?

MS. GUO: We showed counting the tiles.

MR. CLARKE: R as in --

MS. GUO: R like Robert.

MR. CLARKE: Robert?

MS. GUO: Yeah. And we show the tiles, counting the tiles. That's the same exhibit.

(Video is played:)

MS. GUO: Hi, Manuel, here is a spot. Alex said he's going to --

MANUEL: Where?

MS. GUO: Here.

(Video ends.)

BY MS. GUO:

Q. Okay. This is the same spot I request you to -- I'm stopping at Exhibit R, 9:43. Is nine minutes 43 seconds. Is this the same spot I request you to put a membrane on?

MR. CLARKE: Form.

THE WITNESS: Yes. As part of a deal -- of an agreement.

BY MS. GUO:

Q. Did you ask anybody to apply membrane on this spot?

A. No, because you did not follow your part of the deal.

Q. Is this your signature here?

A. Yes.

MS. GUO: This is my exhibit -- I'm sorry. Exhibit L, L like left. And this is your answer.

(Thereupon, Counter-Plaintiff's Exhibit L was marked for identification.)

BY MS. GUO:

Q. Is this your answer to my interrogatory?

A. It looks like it is, yeah.

Q. Can you please read number 2?
A. You want me to read it?
Q. Yeah, number 2.
A. It's 10/18/2024 Answer to Guo's Interrogatory. Roofing and Construction stated that June 18, 2024, application of bull and membrane on three spots as agreed by Guo. Please specify the name of worker who allegedly accomplished application of bull and membrane on three spots as agreed by Guo.
Q. Response, please.
A. Unknown as to which individual worker performs said work as RCC engaged in services as subcontractor Calderon All Around Services, LLC to perform same.
Q. Is this your response?
A. Yeah.
Q. Did you ask subcontractor Calderon to apply the membrane on the three spots?
A. I did.
Q. Did you?
A. Yeah. But --
Q. You asked them to apply the membrane?
A. I did. But after you signed the email that I sent you, which you didn't.
Q. So did anybody apply the three -- apply the membrane on the three spots?

A. No. Because you did not reply to our email.
Q. So --
MR. CLARKE: Well, can you clarify the spots because --
MS. GUO: The three spots I just mentioned.
MR. CLARKE: -- laps in the valleys and then we have other spots we looked at. Can you clarify what you mean by spots?
BY MS. GUO:
Q. We already go through those three spots already.
A. Out of the three spots, I only identify one and --
Q. Okay.
A. -- I told you on the roof it was not necessary. But if you -- if we agree to do something -- I would agree to put the three spots of tar if you agree not to go -- come after us about the driveway and this and that. And it's all in an email.
Q. Did anybody as far as any of your worker or subcontractor apply membrane on the three spots?
A. I don't know about the three spots. I know about the one that you see in the video. And then you see it on the tile installation. And it's -- there's no bull and membrane on those -- on that particular spot.

Q. Did you -- did I show you three spots --
A. No.
Q. -- on the three days? On the three days -- on the day we were there?
A. I don't remember. I believe so, yes.
Q. Did anybody -- any of your contractors, employees apply membrane on the three spots I requested?
A. You already asked this, and I already told you no because it was part of an agreement that you and me had together that you film the agreement and you did not follow your part of the agreement.
Q. So this job application of bull and membrane on three spots was never accomplished, correct?
A. Correct. Because you did not reply to our email. I don't know about the other two. The one that you just showed me there's no bull and membrane.
Q. Did anybody -- any of your worker or subcontractor apply any membranes on the -- any of the three spots I requested?
A. I don't know about the other two. The one that you show on the video, no. There's not any tar or any bull and membrane.
Q. Did you ask anybody, any of your employer or subcontractor to apply membrane on any of the three spots I requested?

A. Yes, I did. Once again, it didn't happen because you didn't do your part of the deal.

Q. Who did you ask to apply membrane on any of the three spots I requested?

A. I don't remember.

Q. Did you ask Calderon to apply membrane on any of the three spots?

A. I don't remember.

Q. Your answer here just said -- I'm sorry. Here. You asked Calderon to do that? Your answer just show -- the response said you requested Calderon to apply membrane any of the three spots?

MR. CLARKE: Can you show him his actual response when you're asking him a question?

MS. GUO: I already showed him the spot --

MR. CLARKE: When you ask somebody question on a document, it's good practice to have the document up so he can look at it, Ms. Guo.

BY MS. GUO:

Q. Did you ask -- did anybody -- any of your employee or contractor apply membrane on any of the three spots I requested?

MR. CLARKE: Form.

THE WITNESS: I answered that already.

BY MS. GUO:

Q. Yes or no?

MR. CLARKE: Form.

Q. Ask one more time. Did anybody --

A. I answered that.

Q. Did any of your -- let me repeat last time.

Did any of your employee or contractor apply the membrane on any of the three spots I requested?

A. I do not know about two of them because I don't -- I haven't seen a picture. But the one that you showed me when -- then you show the video of the tar installation did not have any membrane or bull.

Q. Did anybody or any employee or contractors told you that he applied membrane on any of the three spots?

A. No, nobody told me.

MR. CLARKE: Form.

Q. So if nobody told you he ever applied membrane on the three spots, you wouldn't know that job was accomplished, correct?

MR. CLARKE: Form.

THE WITNESS: The job didn't need to be accomplished because you did not -- putting tar on the three spots was contingent on you following your side of the deal. You did not. So I did not have to apply any tar on the three spots.

BY MS. GUO:

Q. Did you actually instruct any employee or subcontractor not to apply the membranes on the three -- any of the three spots?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. Did you ever instruct Calderon not to apply the three spot -- membrane on any of the three spots?

A. I don't remember.

Q. Did you -- did any of your employees or contractors -- subcontractors tells you that I request you to apply the three spots -- apply membrane on the three spots?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. Did you ever ask your -- instruct your employee or subcontractor to ignore my request to apply membranes on the -- any of the three spots?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

(Video is played:)

MR. ROMERO: So where do you want it?

MS. GUO: Okay. So here you put --

MR. ROMERO: This is extra. This is -- this paper, instead of here, this goes all the way down, and then you have this one.

MS. GUO: This was after that. It did not come after you put this one. You said you did not -- no, did not come. They did not come here. I keep asking you, you said you don't know, okay? So this is one place. And this is -- it's not going to take too much time. Just put on this one.

MR. ROMERO: We're not doing what you want. We're doing what the code and --

MS. GUO: So you think this one you shouldn't put it on, right?

MR. ROMERO: No, it's good.

MS. GUO: Okay.

MR. ROMERO: Just pay attention. Feel. Look. This paper, this paper, you see it? It's all the way here. So that's your first protection. This paper here that is under this one is here already. And then this is extra. There's three papers here.

MS. GUO: Why would this also have three papers?

MR. ROMERO: One, two --

(Video ends.)

MS. GUO: This is the same one is R -- Exhibit

R.

(Video was played.)

BY MS. GUO:

Q. You see the loosing underlayment there? I start with -- starting with 2:23. Let me start a little earlier. 2:21.

(Video was played.)

BY MS. GUO:

Q. Okay. I stopped at 2:27. Do you see the underlayment bouncing under this worker's feet?

A. Are you asking me?

Q. Yes.

A. Yeah, that is always loose.

Q. Supposed to be loose like that?

A. Yeah. You have a -- when there's a two-inch section of the peel and stick that is just to cover the nails, that is fabric to fabric, and that is always loose.

Q. I'm trying to go -- I'm going back to Exhibit -- Exhibit T. Let's continue to find the two other spots. I already showed you the two other spots at the previous video, but I'm going to play it. Okay. Stop.

MR. CLARKE: Ms. Guo, if you're playing a video, we can't see it.

MS. GUO: Hold on. The videographer, when the

time is up, then I can stop, okay? Hello? Hello?

VIDEOGRAPHER: Yes, ma'am. I am here. You're asking me to stop video?

MS. GUO: No, when my time is up you can stop, okay?

VIDEOGRAPHER: Your time is up in 40 seconds.

MS. GUO: Okay.

VIDEOGRAPHER: You asked me to run for two hours, so if you --

MS. GUO: Yeah.

VIDEOGRAPHER: If you no longer require my services, then I need to close out properly, okay?

MS. GUO: Yeah. Okay. Let's stop right there.

VIDEOGRAPHER: Okay. Very well. The time is 11:11 a.m. And this concludes the video deposition of Ezequiel Romero, in the matter Guo v. Roofing and Construction Corporation, et al.

Have a good day everyone.

THE WITNESS: All right. Bye.

VIDEOGRAPHER: Are you requiring any copies of video, ma'am?

MS. GUO: Yes. If two hours is up then stop it.

VIDEOGRAPHER: Are you -- I'm asking before I

disconnect and stop recording, are you requiring a copy of the video?

MS. GUO: Yes. Later. Yes. Send me the quote. Yes. Thank you.

VIDEOGRAPHER: Okay. Very well. Have a good day, everyone.

MS. GUO: Bye-bye.

THE WITNESS: So I can leave?

VIDEOGRAPHER: Give me one second because I need to transfer over the host to our court reporter. Otherwise, everyone's going to disconnect.

Okay. Ms. Samantha, I made you host.

COURT REPORTER: Okay. Thank you.

VIDEOGRAPHER: Okay. Have a good day, everyone.

COURT REPORTER: Thank you. You as well.

Okay. Ms. Guo, you can continue on. I am still recording everything, so you can continue on with your deposition.

MS. GUO: Thank you.

Okay. Let's stop at -- for Exhibit T I stopped time 3:47. 3:47.

MR. CLARKE: Ms. Guo, we can't see any video.

MS. GUO: No, I stopped the video. I stopped

it. I'm sorry. I'm so sorry. I did not share it?

MR. CLARKE: No.

MS. GUO: I'm so sorry. I didn't realize I wasn't sharing it. Hold on. I didn't realize I wasn't sharing. Okay. Can you see the stop now?

MR. CLARKE: Should we see a video?

MS. GUO: Yeah. Can you see my screen now?

MR. CLARKE: Yes.

BY MS. GUO:

Q. Okay. This is Exhibit T I'm playing, and we'll stop at 3:49.

(Video is played:)

MR. ROMERO: We have to do it.

MS. GUO: This one, the --

(Video ends.)

BY MS. GUO:

Q. You see 3:49? Do you remember this spot? Is this one of the three spots I request you to apply a membrane on?

MR. CLARKE: Form.

THE WITNESS: Maybe, I don't know.

BY MS. GUO:

Q. Let's continue.

(Video is played:)

MS. GUO: There's a tear here.

MR. ROMERO: It doesn't matter. There's nothing --

MS. GUO: You're not going to put on this one, right? So you're not going to put on this one, right?

MR. ROMERO: No, everything is fine here.

MS. GUO: Okay. That's fine. You're not going to put on this one.

(Video ends.)

BY MS. GUO:

Q. Okay. This is second one. And I'm going to show you the next one. Continue.

(Video is played:)

MS. GUO: There's another one I remember.

MR. ROMERO: You say you're not an expert, and then you want us to tell -- you want to tell us how to do our work.

MS. GUO: I'm not, just common sense.

MR. ROMERO: You know better than --

MS. GUO: No, I don't. I don't.

MR. ROMERO: -- the inspector? You know better than my company? You know better than a ten-year warranty?

MS. GUO: I know -- I know when he said in my driveway he cut it, he did not cut it because he

put that one there.

MR. ROMERO: That's a different story. He already said he was going to cut that piece.

MS. GUO: But he lied about that one. He lied about that.

MR. ROMERO: You want to charge me for three more pavers?

MS. GUO: I did not. Okay. This piece. I said that piece. I said this piece. Oh, okay. Here, this piece. This one. You're not going to do this one, right? Are you going to do this one?

(Video ends.)

BY MS. GUO:

Q. Okay. This is the -- let's stop at 4:44. Is this the third spot I asked you -- request you to apply membrane?

A. I don't see anything.

Q. 4:44. I said this one. You see -- I see this one. I pointed this one here.

MR. CLARKE: We can't see your mouse, Ms. Guo. We don't know what you're pointing at.

BY MS. GUO:

Q. Here.

A. There's no tear there.

Q. Hold on. Let me play it a bit more.

(Video is played:)

MS. GUO: Are you going to do this one? This one you can obviously see this one come up. This one will come up. This one already. When the water splits here, you're coming back.

MR. ROMERO: There's no water splitting.

MS. GUO: Well --

MR. ROMERO: We're going to have a ridge cap -- a round ridge cap like that covered with cement. No water will ever touch --

(Video ends.)

BY MS. GUO:

Q. Let me go back.

(Video is played:)

MS. GUO: When the water splits here this one come up. When the water splits here, you're coming back.

MR. ROMERO: There's no water splitting.

MS. GUO: Well --

MR. ROMERO: We're going to have a ridge cap -- a round ridge cap like that covered with cement, no water will --

MS. GUO: So this one you can obviously see this one come up.

(Video ends.)

MR. CLARKE: Madam Court Reporter, are you distinguishing voices from videos versus actual testimony here?

COURT REPORTER: Yes. Yeah, I notate when a video is playing and when it ends.

MR. CLARKE: Okay. Thank you.

COURT REPORTER: You're welcome.

(Video is played:)

MS. GUO: Are you going to do this one?

(Video ends.)

BY MS. GUO:

Q. Okay. I do this again. This picture here, 4:42 instead of 4:44, 4:42 is even better angle. Can you see the spot on the left or here saying -- showing a spot, like three lines meet?

A. There's no tear there.

Q. I'm not saying tear. Is this the spot? Is this the third spot? This is the third spot -- is this the third spot I request you do you put a membrane?

A. I don't know. You didn't request any bull and membrane there.

Q. I ask you, this is the whole video I have. This is the -- I asked you, I said, it's in the video. Says, are you going to put this one?

A. I told you no.

(Video is played:)
MS. GUO: Are you going to put this one?
(Video ends.)
BY MS. GUO:
Q. Did I say that? Are you going to put this one? Did I point out this one to you and you said no?
A. There's no tear.
(Video is played:)
MS. GUO: You can obviously see this one come up.
(Video ends.)
BY MS. GUO:
Q. I already put this at 4:44 as the same spot. I had three spots. Play the whole video now.
(Video is played:)
MS. GUO: Come up this one already. When the water splits here, you're coming back.
MR. ROMERO: There's no water splitting.
MS. GUO: Well --
MR. ROMERO: We're going to have a ridge cap -- a round ridge cap like that covered with cement. No water will ever touch this area.
MS. GUO: Okay. I took the video.
MR. ROMERO: Never in history has there been a leak on a ridge cap. This paper, this paper here

goes all the way here, and this paper comes all the way this way.

MS. GUO: That's okay. I took the video of this one. Okay. This one I think you need to put -- okay, three places. I need -- put actually granulate.

MR. ROMERO: Okay. This is pointless.

(Video ends.)

BY MS. GUO:

Q. In this video, did I point out the three spots to you?

MR. CLARKE: Form.

THE WITNESS: You -- and I answered that. You mentioned three spots and I explained why they didn't need any tar on all three of them.

BY MS. GUO:

Q. Let's go to the --

(Video is played:)

MR. ROMERO: What --

MS. GUO: Like this piece, like --

MR. ROMERO: -- fine that we don't owe you. There's no -- there's no discounts. We're not going to --

MS. GUO: I'm not asking any discount. I didn't ask for any discount.

MR. ROMERO: Not going to until you write on an email. There's not going to be any --

MS. GUO: I said that piece. I said this piece. Oh, okay. Here, this piece. This one. This one. You going to do this one?

(Video ends.)

BY MS. GUO:

Q. 4:42. Is 4:42 one same as this one?

MR. CLARKE: Form.

Q. I'm asking you. Remember this is 4:42 spot. Is this the same one on here on Exhibit R?

MR. CLARKE: Form.

MS. GUO: I'm going to open up the Exhibit R.

Yeah, this is Exhibit S. I'm sorry.

Samantha, Madam Court Reporter, Exhibit S is the one I played before Exhibit R. Exhibit S, okay, is what I played before. I'm playing it again. The title is 121. It's a video 121 produced to the --

(Video is played:)

MR. ROMERO: So what do you want?

MS. GUO: Okay. So here you put it on, okay? There are several places.

MR. ROMERO: You only put it on when there's a tear or something. You don't put it on --

MS. GUO: Is there a tear here? There's no tear here, right? There's no tear here, there's no tear there. It's all good.

MR. ROMERO: Because it's -- fine that we don't owe you. There's no -- there's no discounts -- as long as we don't continue.

Okay. Fine. They were not loading the tiles.

MS. GUO: Here.

MR. ROMERO: Do whatever you want.

MS. GUO: This is one piece you put it on. This one you did not put on.

MR. ROMERO: Where is the damage?

MS. GUO: I showed the damage of the part -- do that already. Okay. We're done with such a thing, okay?

MR. ROMERO: Yeah, those papers we're not paying for. So right now we can get lawyers. You hire somebody else to finish the job. We don't have a problem.

(Video ends.)

(Video is played:)

MR. ROMERO: There's no damage on the roof.

(Video ends.)

MR. CLARKE: Ms. Guo, is there a reason why you're skipping through the video and not playing

it in its entirety?

MS. GUO: No, I'm just trying to -- I already played that, but you have all the video. I try to find that spot. I'm trying to find that spot.

(Video was played.)

BY MS. GUO:

Q. Let's go to the next question. Okay. How do I put this back? Stop sharing. Now it's back. I'm sharing my screen again. Do you recognize this is your signature here?

A. Yes.

Q. Is this your October 18 answer -- October 18th, 2024, answer for my interrogatories?

MR. CLARKE: Can you show him the title of the document, Ms. Guo?

MS. GUO: This is Exhibit -- I will say Exhibit H.

(Thereupon, Counter-Plaintiff's Exhibit H was marked for identification.)

BY MS. GUO:

Q. Is this your answer of your October 18 -- answer to my interrogatories October 18th, 2024?

A. It looks like it is.

MR. CLARKE: For the record, this is RCC's response.

Q. Did you answer on behalf of RCC?

A. I don't know who answered those. I don't remember.

MR. CLARKE: Just want the record to reflect this is not his interrogatories. He's answering his interrogatories on behalf of the company RCC. So when you say your interrogatories Ms. Guo, you need to clarify.

Q. Mr. Romero, did you answer these interrogatories on behalf of RCC?

A. I don't remember. It might have been a teamwork because it -- it needed dates. So --

Q. Did you sign it?

A. Yes.

Q. You sign this answer. Did you check it --

A. Yes.

Q. -- before -- check accuracy before you signed it?

A. Yes.

Q. Can you read answer for number 1?

A. With strict and direct proof, please specify that work Roofing and Construction, accomplished at, your name, property on each of the following days: March 13, 28th, April 4th, April 5th, April 16th, 17th, June 14th, June 18th, 19th, June 19th, June 20th, June

25th, June 26th, June 27th. You must answer day-by-day. Do not answer collectively.

Q. Please read answer.

A. March 13, temporary repairs performed at Guo's property. Requested RCC to perform two temporary repairs.

Q. Do not skip any word. Read the answer again.

A. How do you say your name?

Q. Guo.

A. Guo requested RCC to perform --

Q. Start from the beginning, please. Start from answer.

A. Temporary repairs performed --

Q. No. Start with answer, March 13th.

A. Answer March 13th, 2024. Temporary repairs performed at Guo's property who requested RCC to perform two temporary repairs to the roof and agreed to compensate RCC 550 per repair. March 28th, 2024, Guo claimed the roof was leaking in the same spot that was previously temporarily repaired by RCC, however, the whole section of the roof was rotted.

April 4th, 2024, installation of peel and stick underlayment. April 5th, 2024, installation of peel and stick underlayment. April 16th, 2024, no work performed. April 17th, 2024, replacement of one loose

paver. June 14th, 2024, tiles loaded by distributor. June 18th, 2024, small section of tiles installed, application of bull in three spots as agreed by Guo. June 19th, 2024, corrections completed by RCC as requested by city inspector.

June 20th, RCC removed tiles on the valleys as per city inspector. June 25th, 2024, tile crew working on site. June 26th, 2024, tile crew working on site. June 27th, 2024, collection of tile-related trash ahead of final inspection on June 28th, 2024

Q. Did you say June 18th, 2024, application of bull in three spots as agreed by Guo?

A. Uh-huh (affirmative).

Q. So in this interrogatory, did you testify you applied the three spots -- applied the membrane in the three spots agreed by Guo?

A. Yeah. Apparently, they -- it says that in there.

Q. So did you -- your -- any of the workers at that day applied membrane at the spots?

A. Personally, no. I didn't see any. I installed the tar.

Q. Personally, did you see the membrane applied on the three spots? The membranes applied on the three spots?

A. Personally, I did not see it.
Q. Who told you they applied the three membranes on the spots -- on the three spots?
MR. CLARKE: Form.
THE WITNESS: I don't remember if they told me or somebody else. I don't remember.
BY MS. GUO:
Q. Why did you sign this one, June 18th, 2024, application of bull in three spots as agreed by Guo?
MR. CLARKE: Form.
THE WITNESS: I don't know why they put that in there.
BY MS. GUO:
Q. Did you make sure its accuracy before you signed for it?
A. I don't remember every single thing that happened on your job.
Q. Did you ask your employee or the contractor to ignore my request to put the membrane in the three spots?
A. I don't remember, but probably because you didn't -- applying the three spots of tar was part of an agreement that me and you had. You did not -- you did not fulfill your part of the agreement.
Q. So you're sitting here, yes or no? Did you --

any of your workers or employees apply membrane at the three spots?

A. I originally told them to do it. I don't know, but then probably they didn't do it because you didn't fulfill your part of the agreement.

Q. But why on this answer to interrogatory, you said, you claim you accomplished application of the bull in three spots as agreed by Guo.

A. I don't know why that is in there.

Q. Now, do you admit you never applied the three spots?

MR. CLARKE: Form.

THE WITNESS: I admitted that seven times to you already.

BY MS. GUO:

Q. So you are changing your answer to the interrogatories now, right?

MR. CLARKE: Form.

THE WITNESS: Yeah.

BY MS. GUO:

Q. Yes or no? You change your answer to the -- you change your answer in your October 18th, 2024 interrogatories?

A. Yes. You just showed me the video.

Q. If I do not show you a video, are you going to

change your answer in October 18th, 2024, interrogatories?

MR. CLARKE: Form.

THE WITNESS: Well, if you show me video showing that the -- they put tar on the spots, then yes.

BY MS. GUO:

Q. If I do not show you the video of you applying -- the videos, are you going to change your answer of October 18th, 2024, interrogatories?

MR. CLARKE: Form.

THE WITNESS: I did not answer this question, so I don't know why that is in there.

BY MS. GUO:

Q. Did you sign this answer?

A. Yes.

Q. Did you check the accuracy of this answer before you signed?

A. I mean, I told my guys to apply tar all the time, so I couldn't remember if they did it on your job or not. I do remember that I didn't pursue it because you didn't fulfill your part of the deal. Applying tar on the three spots was contingent on you signing an email I sent you. You did not.

Q. Did you ask any of your employee or subcontractor to ignore my request to put the three

spots?

MR. CLARKE: Form.

THE WITNESS: Oh, I told them to ignore your requests all the times. You requested a million things that weren't in the contract.

BY MS. GUO:

Q. Did you request them -- did you tell them to request my -- ignore my request to put the three membranes on the -- did you -- strike that. Let me repeat.

Did you tell your employee or subcontractor to ignore my request?

A. I don't remember, but I told them to ignore a lot of your requests, yes. You're not --

Q. But why you signed this answer saying you accomplished application of the bull in the three spots as agreed by Guo?

A. Yeah, that's wrong.

Q. Do you know here says, please read this verification answer to interrogatories?

A. Yes.

Q. Can you read it?

A. Under penalties of perjury, I declare that I have read the forgoing answers to interrogatories and the facts stated in it are true and correct.

Q. Do you agree now forgoing answers to interrogatories and facts stated are not true and not correct?

MR. CLARKE: Form.

THE WITNESS: That part of that answer is not correct. And the only reason I know is because you just showed me video.

BY MS. GUO:

Q. Did you see this video before today?

A. No.

Q. Do you know when did I send this video to you?

MR. CLARKE: Form.

THE WITNESS: To me?

BY MS. GUO:

Q. To your attorney.

A. Oh, I don't know.

Q. Your attorney never sent you the video, showed you this video after -- ever since I sent to you?

MR. CLARKE: Ms. Guo, you are entering into attorney-client privilege. Instructing my client not to answer any conversations or communications we've had.

Q. Do you know I sent these videos to you on December -- on January 13th, 2025?

A. No.

Q. Who are the two people that torch the underlayment?

MR. CLARKE: Form.

THE WITNESS: Who are what?

BY MS. GUO:

Q. Did I just show you a video of workers or subcontractors torch -- use the torch to -- you used the word heat; I use the word burn to --

A. I don't know what you're saying.

MR. CLARKE: Can you show him the video, Ms. Guo? That was hour-and-a-half ago, if not more.

(Video was played.)

MR. CLARKE: Ms. Guo, we can't hear you when you're playing the video.

BY MS. GUO:

Q. Do you know this guy?

A. No.

Q. Are they Mr. Calderon's employees?

A. Yes.

Q. Did you instruct them -- how many times did you come to my property again?

MR. CLARKE: Form.

THE WITNESS: Three.

BY MS. GUO:

Q. Three times. Do you remember each time?

A. Give you an estimate?
Q. Not an estimate. Let me show you the answer to interrogatories so you can tell me which date. Exhibit H. And this is your October 18th, 2024, answer on behalf of RACC. I'm putting on the dates here for answer number 1. Did you come here on March 13th, 2024?
A. I don't remember.
Q. Did you come here on March 28th, 2024?
A. I don't know.
Q. Did you come here on April 4th, 2024?
A. No.
Q. Did you come here April 5th, 2024?
A. No.
Q. Did you come here on April 16th, 2024?
A. I don't remember the day we did the meeting. I don't know if it was the 16th or 17th. So I don't know which one of those two days is it. I don't remember.
Q. Did you watch anybody replace one loose paver?
A. He was doing it as we were there. Me, you, and him.
Q. Who is he?
A. Elias.
Q. Can you spell the full name.
MR. CLARKE: Form.

THE WITNESS: E-L-I-A-S.
BY MS. GUO:
Q. Last name please.
A. I don't remember the last name. Rebolledo, I think. I don't know how to spell it.
Q. Is it Elias Morillo? Morillo, M-O-R-I-L-L-O.
A. Elias, E-L-I-A-S.
Q. Is his last name Morillo? M-O-R-I-L-L-O.
A. Maybe.
Q. So you remember you were here -- you come on both April 16, 2024 and April 17th, 2024?
A. No, I came one day.
MR. CLARKE: Form.
Q. So did you come April 16th, 2024?
A. I believe. I don't remember.
Q. Did you come on April 17th, 2024?
A. Only one day.
Q. What was the day -- the picture -- you said that -- did you say the day you were here and Mr. Morillo, you took the picture of the paint in front of my entrance?
MR. CLARKE: Form.
THE WITNESS: I didn't say I took the picture.
BY MS. GUO:
Q. Who took that picture?

A. Of what?
Q. Of the paint in front of my entrance.
A. It might have been me or Elias. I don't remember.
Q. Did you come here on June 14th, 2024?
A. No.
Q. Did you come here on June 18th, 2024?
A. No.
Q. Did you come here on June 19th, 2024?
A. No.
Q. Did you come here on June 20th, 2024?
A. No.
Q. Did you come here on June 25th, 2024?
A. No.
Q. Did you come here on June 26th, 2024?
A. No.
Q. Did you come here on June 27th, 2024?
A. No.
Q. So from all those dates, your answer to answer 1, you only identified either April 16th, 2024 or April 17th, 2024, correct?
A. Correct.
Q. On the day you were here with me and Elias, did you tell me that the contract doesn't cover damages of driveway?

MR. CLARKE: Form.

THE WITNESS: What? I don't remember.

BY MS. GUO:

Q. Let me ask you again. On the day you visit the property with Elias, did you tell me that the contract does not cover damages of driveway?

A. Our contract states that we don't cover driveways, correct.

Q. Do you need to protect the driveway?

A. We did.

Q. Do you need to protect the driveway?

MR. CLARKE: Form.

THE WITNESS: We do.

BY MS. GUO:

Q. Does the contract says any damage caused by the -- by your company will not be covered at all?

MR. CLARKE: Form.

THE WITNESS: For the driveway.

BY MS. GUO:

Q. If a tile hits the driveway and break the driveway as the -- will your company be responsible for that?

MR. CLARKE: Form.

THE WITNESS: If a tile breaks the driveway?

BY MS. GUO:

Q. Yes.
A. I mean, yeah. If a piece of tile falls and then breaks a paver, we would replace it.
Q. And did you just say contract does not cover any damage of the driveway?
MR. CLARKE: Form.
THE WITNESS: For vehicle parked there.
BY MS. GUO:
Q. On the day you were here with Elias, you told me the contract does not cover damages of driveway.
MR. CLARKE: Form.
THE WITNESS: You have the contract in your hands. You signed it. You can read it.
BY MS. GUO:
Q. I'm asking you a question. On the day you were here with me and Elias, did you tell me the contract does not cover damages of driveway?
MR. CLARKE: Form.
THE WITNESS: Yeah, I told you that. I told you what the contract says. I don't remember my exact words.
BY MS. GUO:
Q. On the day you were with me and Elias, did you tell me that the contract does not cover, even if your company caused damage on my driveway, is not covered?

MR. CLARKE: Form.

THE WITNESS: I told you whatever is in the contract. I don't remember my exact words once again.

BY MS. GUO:

Q. Do you think the plastic cover is good enough to protect the driveway?

MR. CLARKE: Form.

THE WITNESS: Yeah. From debris, yes.

BY MS. GUO:

Q. Do you think the plastic cover would be good enough to protect driveway from falling tiles?

MR. CLARKE: Form.

THE WITNESS: You did not complain about broken -- any broken pavers. You complained about the pavers being bent or being -- like you had a paver contractor there.

BY MS. GUO:

Q. Did I complain -- on the day you were here at my property, did I complain to you some pavers were broken by you?

A. No. You told me that my -- that Elias removed a few pavers. And you gave me -- and you told me that I should pay an invoice for $250 from a paver company that was there present when we were there at the meeting.

Q. Did I send you a invoice of $250 to replace the driveway?

A. I don't remember. It's not to replace the driveway. It was to fix it. It was 250 something dollars.

Q. Did I send you a invoice of $250?

A. I don't remember.

Q. How do you remember I mentioned $250?

A. Because we spoke about it in-person.

Q. So I mentioned $250 in-person?

A. Yes.

Q. So nothing in writing?

A. I don't know. I don't remember. Maybe

Q. Let's go back to answer. March 13th, 2024, two temporary repair performed at Guo's property. Guo request RCC to perform two temporary repairs to the roof and agree to compensate RCC $550 per repair. Do you have any document to show that I agreed to compensate $550 per repair?

A. I don't remember. I think it was applied as an -- as a discount to your contract.

Q. Do you have anything in writing showing this number of 550?

A. No, I don't know. I don't do billing.

Q. And why do you think -- why do you put this

550 here?

A. That's what we charge for our repair most of the times. So either we would have charged you 550 for our repair or we would have deducted it from your -- from the contract.

Q. Do you have any document showing I agreed to compensate RCC 550 per repair?

A. I don't know if the office does. I'm not sure.

Q. Can you check with the office after this deposition?

A. Yeah.

Q. Can you send me any document showing I agreed to compensate RCC 550 per repair?

A. I will ask --

MR. CLARKE: Ms. Guo, I will -- Ms. Guo, I'm representing, I will talk to my client about any sort of other document that you have requested here today, but this is not an investigation into these documents. This is a deposition asking questions.

MS. GUO: You're supposed to produce all documents before this deposition.

MR. CLARKE: Ms. Guo --

MS. GUO: I'm going to redepose you again, Mr. Romero.

MR. CLARKE: If you are asking him to produce documents at this deposition that is improper. You can ask him questions. I will speak to Mr. Romero after deposition. If there are any other documents, I will provide them to you.

BY MS. GUO:

Q. Mr. Romero, on the day you were here at my property with Mr. Elias, did you show me some pictures of driveway?

MR. CLARKE: Form.

THE WITNESS: If I show you pictures?

BY MS. GUO:

Q. Yes, of driveway.

A. I don't remember.

Q. Did you bring a paper -- print out a picture of the driveway -- print out a picture of driveway?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. Did you claim that driveway was damaged before the truck was here?

A. I don't remember. Probably, but it wouldn't be me, probably was Elias.

Q. Did you tell me -- on day you were here with Elias, did you tell me that my driveway was broken

before, and you have picture to prove that?

A. Not broken.

Q. My pavers broken -- on the day you were here at my property with Mr. Elias, did you tell me that pavers of my driveway were broken?

A. I told you that they were -- you have different levels on your driveway because the driveway is very old. You have holes in it like indentations. You have damage done by the tree roots as well. Some areas of the driveway were lift up. Some areas were low. You had holes in them. The same thing that the paver company told me that was there.

Q. Did you -- on the day you were here with Mr. Elias, did you tell me that some of my pavers were broken before your companies --

A. I didn't tell --

Q. -- started working at my property?

A. I didn't tell you broken. I told you that your whole damage -- your whole driveway is already messed up, but not broken.

Q. The day you were here with Mr. Elias, did you tell me my pavers were cracked?

A. I don't remember.

MR. CLARKE: Form.

Q. Mr. Romero, when you were at my property with

Elias, do you remember I accused Elias to remove two triangle pavers from one corner to the other corner?

MR. CLARKE: Form.

THE WITNESS: You just show me one missing paver on a corner of your driveway.

BY MS. GUO:

Q. I tell you instead of repairing my pavers -- instead of cutting two triangle pavers, he removed two triangle pavers from one corner.

A. Yes.

Q. Please check that.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Do you remember I tell you that Mr. Elias -- Morillo removed two triangle pavers from corner --

A. Correct.

Q. -- to the corner he's supposed to repair?

A. Yes.

MR. CLARKE: Form.

BY MS. GUO:

Q. Did you ask him whether he removed two triangles from one corner to the other corner?

A. I told him to put it back wherever he removed.

Q. So do you know he did removed two triangles

pavers from one -- good corner to the missing corner and did not put back?

MR. CLARKE: Form.

THE WITNESS: If I know if he removed them?

BY MS. GUO:

Q. Check that.

A. What is the question?

Q. The question is, you know the fact that he removed two triangle pavers from my good corner to missing corner; is that correct?

MR. CLARKE: Form.

THE WITNESS: That's what you told me when we met that they removed a corner of the pavers.

BY MS. GUO:

Q. Did he admit that to you?

MR. CLARKE: Form.

THE WITNESS: He didn't do it himself. So he did -- I don't remember he did -- if he did or not.

BY MS. GUO:

Q. -- he didn't do it himself.

A. I don't know if he was the one that removed the pavers or was some other employee. I don't know, but I told them to fix it.

Q. Did he tell you he cut two triangles -- on the day you were here on April 16th -- on the day you were

here with Mr. Elias -- on the day you were here with Elias Morillo, did Elias tell you he already cut two triangular pavers?

A. I don't remember. I know he asked you for a paver to -- for an extra paver so that he can do it.

Q. On the day you were here with Elias, did Elias tell you he already cut two triangles?

A. I don't know.

MR. CLARKE: Form.

Q. Sorry?

A. I don't remember.

Q. Are you familiar with Westlake underlayment?

A. Yes.

Q. Did you put Westlake underlayment on my roof?

A. Yes.

Q. Once the underlayment you is put on, should tile be put on as soon as possible?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. Once the underlayment is put on the roof, should tiles be put on as soon as possible?

A. The underlayment can be exposed up to 180 days.

Q. The answer is, once the underlayment is put on

should the tile be put on as soon as possible?

A. No, the underlayment can be exposed up to 180 days, and you will keep the same warranty.

Q. Why underlayment -- why the tile must be put on within 180 days?

A. That's their warranty. You have to install the tile within 180 days since you install it.

Q. Would the underlayment turn bad on 181 days --

MR. CLARKE: Form.

Q. -- without tile protection?

A. I guess, you lose the warranty. I don't know. That's a question for the Boral rep.

Q. Does UV light make the underlayment deteriorate?

A. If you installed within -- before 180 days the underlayment is fine. There's no problems. That's according to Westlake.

Q. Why after 180 days underlayment is not fine anymore?

MR. CLARKE: Form.

THE WITNESS: I do not know.

BY MS. GUO:

Q. Does UV light cause any damage on underlayment without tile protection?

A. Once again, you have 180 days to install the

tiles once you lay the underlayment.

Q. Are you still seeing a picture on my screen?

MR. CLARKE: We see a very zoomed out copy of the contract.

MS. GUO: Okay. This is my Exhibit J. This is a 151-page PDF I received from you. You produced, I think December 19th, 2024. I'm moving to Page 30.

(Thereupon, Counter-Plaintiff's Exhibit J was marked for identification.)

BY MS. GUO:

Q. Did your company put plastic to protect the driveway?

A. Yes.

Q. Is the plastic good enough to protect the driveway?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. If a tile fall on the driveway, would that plastic cover work to protect the driveway?

MR. CLARKE: Form.

THE WITNESS: I don't know. We try to dump the tiles inside the truck.

BY MS. GUO:

Q. Could that be the tiles fall out of the truck?

MR. CLARKE: Form.

THE WITNESS: I don't know. Anything is possible.

BY MS. GUO:

Q. Would the tiles slide off the tile -- slide off the roof before anybody picks up it and throw into the truck?

MR. CLARKE: Form.

THE WITNESS: I don't know. Accidents can happen. I'm not sure.

BY MS. GUO:

Q. So looking at this picture, Page 30, if a tile dropped on the driveway, would the tile damage this driveway?

A. No.

MR. CLARKE: Form.

Q. Why not?

A. Because those are concrete pavers.

Q. Would the truck damage the driveway?

A. No. If the driveway is not already damaged, no.

Q. The truck is not heavy enough to damage the driveway?

A. No.

Q. Did you see other companies use plywood underneath the truck to protect the driveway?

MR. CLARKE: Form.

THE WITNESS: I don't know what other companies do.

BY MS. GUO:

Q. Did you ever -- did your company ever damage driveways?

A. No.

MR. CLARKE: Form.

Q. Page 31. Is this the ladder you usually use -- you usually put on the side of the property for the city inspector to use?

A. I have many ladders, so that might be one of them.

Q. Is this the longest ladder you have?

A. No, I have longer ladder than that.

Q. What's the requirement for the ladder for -- by the city placed by the side of the property for inspection?

MR. CLARKE: Form.

THE WITNESS: Three feet higher than the edge.

BY MS. GUO:

Q. The edge. What is the edge?

A. The edge of the roof.

Q. Is this ladder three feet higher than the edge?
A. I don't know. I don't see the top of it.
Q. Do you have any ladders less than three higher?
A. Every single ladder is larger than the edge of your roof. The smaller ladder I have is 16 feet. Your roof is probably 8.
Q. So any --
A. You cut off. Hello?
MR. CLARKE: Ms. Guo, we can't hear you or see you. Madam Court Reporter, you might just want to go off the record. I don't know.
COURT REPORTER: Okay. Yeah, I can't see or hear her either.
MS. GUO: You have at least --
COURT REPORTER: Ms. Guo, Ms. Guo, you cut off and we could not hear you. So if you want to please repeat your question, that would be great. And she looks frozen. And she's gone now. Okay. We're off record.
(Off the record.)
(On the record.)
COURT REPORTER: We are back on record.
BY MS. GUO:
Q. Mr. Romero, are all of your ladders all three

feet higher than the edge of my roof?

A. Yes.

MS. GUO: It's 12:03. Can we take like 20 minutes break only?

MR. CLARKE: Thirty (30) minutes for lunch, Ms. Guo.

MS. GUO: No, 20 minutes because I'm paying for it. Okay? Twenty minutes from now. Bye-bye.

COURT REPORTER: Okay. We're now off record.

(Off the record.)

(On the record.)

COURT REPORTER: Okay. The time is now 12:27 p.m. We are back on record. You may begin, Ms. Guo.

BY MS. GUO:

Q. Thank you. Mr. Romero, did your worker ever come to my property without informing me in advance?

A. When I went to your property, what?

Q. Did any of your worker come to my property without informing me in advance?

A. I don't know. We don't have to inform you. You're supposed to leave our name at the gate, and then we come in and out to perform work. So I'm not sure.

Q. Did any of your worker enter my property when I was not home?

MR. CLARKE: Form.

THE WITNESS: Inside of your property?

BY MS. GUO:

Q. Not inside my property, inside of -- like come to my driveway or come to my backyard when I was not home?

A. I don't know when you're home or when you're not home.

Q. Did any of your worker ever enter into my driveway or front of my house or back of my house when I was not home?

MR. CLARKE: Form.

THE WITNESS: Once again, I don't know when you are home and when you are not home.

BY MS. GUO:

Q. Did any of your workers entered into my property, driveway, entrance, or backyard when I was not home?

MR. CLARKE: Form.

THE WITNESS: Why do you keep asking the same question?

BY MS. GUO:

Q. I'm asking because you are not answering.

A. I just did. I don't know when you're home.

MR. CLARKE: Ms. Guo, you're just not getting

the answer you want. You've asked your question, he's answered three times.

Q. Is it possible your worker came to my property when I was not home?

MR. CLARKE: Form.

THE WITNESS: I don't know. Did you -- when my workers were there, did you go somewhere?

BY MS. GUO:

Q. Is it possible?

A. If you left, then yes. I don't know. I don't --

Q. Is it possible you -- is it possible your worker came to my property after I left the home?

MR. CLARKE: Form.

THE WITNESS: I don't know. I don't know when you go home -- when you're home and when you're not home.

BY MS. GUO:

Q. Did your subcontractor ever enter my property when I was not home?

MR. CLARKE: Form.

THE WITNESS: Once again, I don't know when you are home and when you are not home.

BY MS. GUO:

Q. Did your subcontractor ever come to my

property without informing me in advance?

MR. CLARKE: Form.

THE WITNESS: Once again, you are supposed to put our name at the gate in Western Hills. And the gate, I guess keeps a record of who comes in and out. So my guys will go to work. We don't tell homeowners every day we go to work at their property.

BY MS. GUO:

Q. Did your worker never come to my property without informing me in advance?

MR. CLARKE: Form.

THE WITNESS: I do not know.

BY MS. GUO:

Q. Did your worker never enter in my property when I was not home?

MR. CLARKE: Form.

THE WITNESS: I don't know when you're home or not.

BY MS. GUO:

Q. Did your subcontractor never come to my property without informing me in advance?

MR. CLARKE: Form.

THE WITNESS: I don't know when you're home.

BY MS. GUO:

Q. Did your subcontractor never enter at my property when I was not home?

MR. CLARKE: Form.

THE WITNESS: I don't know when you're home.

BY MS. GUO:

Q. On the day you were here with Elias, did you say that I made Leonel Calderon to chip off a piece of fascia board?

MR. CLARKE: Form.

THE WITNESS: What?

COURT REPORTER: Yes. Can you please repeat that?

BY MS. GUO:

Q. On the day you were here with Elias, did you say that I made Leonel Calderon chip off one piece of fascia board?

COURT REPORTER: I'm sorry, Ms. Guo. I'm still not understanding.

BY MS. GUO:

Q. On the day you were here with Elias Morillo, did you say that I, it was me, Guo, who made Leonel Calderon chip off one piece of fascia board?

A. I don't remember. Normally, we would remove a little bit piece of the fascia board to match the paint. I don't know if it was you who told us or if we did it.

I don't remember.

Q. Did Leonel Calderon tell you that I made him chip off a piece of fascia board?

MR. CLARKE: Form.

THE WITNESS: Yeah, I don't know.

BY MS. GUO:

Q. On April -- on the day you were here with Elias Morillo, did you see any problem with the underlayment?

A. There was no problems with the underlayment.

Q. On the day you were here with Elias, did you see any open laps along the valleys of the underlayment?

A. Any what?

Q. Any open laps. Did you -- on the day you were here with Elias, did you see any open laps along the valleys of the underlayment?

A. No.

Q. On the day you were here with Elias, did you see any problem with the flashings or returns?

A. No.

Q. How did you protect the -- my air conditioner and the pool equipment?

MR. CLARKE: Form.

THE WITNESS: They put a -- I believe they put a screen. That would be a question for Elias who

was the foreman. I wasn't at the job.

BY MS. GUO:

Q. Do you think Elias -- do you think the screen is good enough to protect the conditioner and pool equipment?

MR. CLARKE: Form.

THE WITNESS: Yes, for what we were doing.

BY MS. GUO:

Q. If the tile drop off the air conditioner or the pool equipment, will it damage it -- damage the air conditioner or pool equipment?

MR. CLARKE: Form.

THE WITNESS: I do not know.

BY MS. GUO:

Q. Did you agree to compensate me $30 for a screen -- a pool -- swimming pool net?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did you deduct $30 amount from your agreed amount?

MR. CLARKE: Form.

THE WITNESS: That was part of our deal. I agreed to compensate you for the pool net, and the amount of fascia that we replace, you said it was

less, and the amount of plywood. So it was all part of a deal. Like if we do these three things, you will do these other three things. You did not fulfill your part of the deal.

BY MS. GUO:

Q. So you -- did you apply $30 off the swimming pool net?

MR. CLARKE: Form.

THE WITNESS: I do not know. That would be a question for Annie. That being said it was part of a deal. You did not fulfill your part of the deal.

BY MS. GUO:

Q. Did your worker break my swimming pool net?

MR. CLARKE: Form.

THE WITNESS: I don't -- that's what he told me. And before knowing you, I believed you because that was at the very beginning. But I didn't see who broke it. I don't even know if it was us. That's your word.

BY MS. GUO:

Q. Did Leonel Calderon tell you --

A. Did who?

Q. Leonel Calderon. You know Leonel Calderon, right?

A. The owner?

Q. Leonel, L-E-O-N-E-L. Leonel.
A. Leonel, yes.
Q. Did Leonel Calderon tell you that swimming pool net was damaged in your work?
MR. CLARKE: Form.
THE WITNESS: You told me.
BY MS. GUO:
Q. So Mr. Leonel Calderon never mentioned to you about the swimming pool net?
A. Normally, if you call me then I would call him and ask him. Yeah. So if you call me with a complaint, I would call the foreman on site.
Q. Who is your foreman? Leonel or Elias?
A. Both.
Q. Is Leonel Calderon your employee?
A. Leonel is the employee for Calderon for my subcontractor. But he doesn't do the roofing work. He's a foreman.
Q. Was the Leonel Calderon ever your employee?
A. They're subcontractors.
Q. Was Leonel Calderon ever your employee?
MR. CLARKE: Form.
THE WITNESS: No, he's a subcontractor.
BY MS. GUO:
Q. Did you ever tell me Leonel Calderon is your

employee?

A. Well, he works for my company as a subcontractor. He's not my direct employee.

Q. Did you ever tell me Leonel Calderon is your employee?

A. I don't know.

MR. CLARKE: Form.

THE WITNESS: I doubt it. What I told you was to stop talking to my employees. That you shouldn't be talking to my employees. You should be talking directly to me because you wanted to change the deal.

BY MS. GUO:

Q. Did you ever tell me Leonel Calderon is your employee?

MR. CLARKE: Form.

THE WITNESS: I just asked you. I just answered that.

BY MS. GUO:

Q. What is your answer? Yes or no? Did you ever tell me Leonel --

A. I told you to stop talking to my employees. That's what I told you. I didn't tell you a particular name is my employee or not.

Q. Can you see the screen now?

A. Yes.
Q. Is this the screen you said you used to, you or your employee or your subcontractor used to protect the AC?
A. Yes.
Q. Who put on the screen?
A. I don't know.
Q. Is that your employee or your subcontractor?
A. Well, the people that did the tear-off, so the subcontractor.
Q. Who are they?
A. Calderon.
Q. Is this good enough to protect the --
MS. GUO: I'm sorry, I'm sorry, Ms. Court Reporter, this is still the exhibit we left off from the last one. And this is still the exhibit, I believe is J. And we are on Page 31.
BY MS. GUO:
Q. You think this screen is good enough to protect the AC?
A. Yeah, they're trying to protect it from small debris.
Q. If a tile drop off on it, will it damage the AC?
MR. CLARKE: Form.

THE WITNESS: I don't know if there's tiles there.

BY MS. GUO:

Q. Would the tiles fall off the roof on the ground?

MR. CLARKE: Form.

THE WITNESS: If tiles can fall from the roof?

BY MS. GUO:

Q. While you're working on the roof.

A. Yeah, it can happen.

Q. Even if you have people try to pick them up?

A. Accidents happen. Anything can happen.

Q. So it is possible during a job, any kind of job, the tiles will fall off to the ground; is that possible?

MR. CLARKE: Form.

THE WITNESS: Yeah.

BY MS. GUO:

Q. It is possible the tile fall on the AC and cause damage on it?

MR. CLARKE: Form.

THE WITNESS: It's possible.

BY MS. GUO:

Q. I am going to Page 46 now. Is this the screen you used to protect the pool equipment?

A. It looks like it is.

Q. Is it good enough to protect the -- is it good enough -- is this screen on Page 46 good enough to protect the pool equipment?

A. The pool equipment is under the overhang so no tile can fall on it. So they're trying to protect it from dust and small debris.

Q. Can you say that again?

A. The pool equipment is under the overhang of the roof, so no tile can fall on top of that. If the tile falls, it's going to fall to the grass. They're trying to protect it from small debris, from dust. And obviously we didn't damage your pool equipment, so I guess it worked.

Q. Was the AC under the overhead of the roof? I'm going back Page 30 now.

A. That's a little bit more over.

Q. So if tile fall off the -- on the AC, would it damage the AC?

A. I don't know.

MR. CLARKE: Form.

Q. Why you didn't know? Are you a roofer?

MR. CLARKE: Form.

THE WITNESS: I'm a roofer. I'm not an expert on things falling on top of -- you have a hedge

there. You have plants. And if that mesh is well installed then no, but I don't know.

BY MS. GUO:

Q. Are the hedge on the top of the AC?

A. No, it's on the sides.

Q. If the tile fall on the top of the AC will it break the AC?

MR. CLARKE: Form.

THE WITNESS: I have no idea.

MS. GUO: I'm in my Exhibit G, Madam Court Reporter.

(Thereupon, Counter-Plaintiff's Exhibit G was marked for identification.)

BY MS. GUO:

Q. Mr. Romero, did you get my July 28th, 9:43 p.m. email?

A. Yes.

Q. Can you read it for me?

A. Alex, in addition to my two 7/09/2024 emails, the roof is still leaking now. On or about July 8th, 2024 and July 11th, 2024, when Mr. Thomas Glynn and the Coral Springs Police Department on behalf of me asked you if you would negotiate a setup with me or correct the construction defects you refused. For the third time, let me know if you would like to negotiate a setup

with me and/or correct the construction defects.

Q. Did you receive this email on July 28th, 2024?

A. Yes.

Q. Did you read it?

A. Yes.

Q. Did you read it on July 28th, 2024?

A. Yes. I don't know if I read it the same day. It looks like it's on a Sunday, so no, probably I read it on Monday.

Q. So July 28th, 2024, you read it already, right?

MR. CLARKE: Form.

THE WITNESS: I don't know if I read it that same day or the next day, but I read it.

BY MS. GUO:

Q. So were you aware I told you my property was leaking in this email?

MR. CLARKE: Form.

THE WITNESS: You told me July -- yeah, on that email you told me. Yes.

BY MS. GUO:

Q. So were you aware my roof was leaking when you read this email on July 28th or July 29th?

MR. CLARKE: Form.

THE WITNESS: According to you, yes. I don't

know if it's true though.

BY MS. GUO:

Q. So on July 28th, 2024, July 29th, 2024, I informed you that my roof is still leaking, correct?

A. Yeah.

MR. CLARKE: Form.

THE WITNESS: Still leaking, no. Leak for the first time, I'm guessing because that's the first time I heard about it.

BY MS. GUO:

Q. July 28th, 2024, was the first time I informed you my roof was leaking?

A. Yes, you.

Q. Did I inform you the roof was leaking after you start working at my property?

MR. CLARKE: Form.

THE WITNESS: Do you what?

BY MS. GUO:

Q. After you start working at my property, when was the first time I informed you my roof was still leaking?

A. The 28th on that email.

Q. When did you start working at my property?

A. April, I believe. I don't remember.

Q. When did you sign the contract with me?

A. I don't know. You have the contract.

Q. After your workers start working at my property, is July 28th, 2024, the first time I informed you my roof was leaking?

MR. CLARKE: Form.

THE WITNESS: When you sent me that email is when I found out your roof was leaking.

BY MS. GUO:

Q. After your workers start working at my property, was July 28th, 2024, the first time I informed you my roof still leaking?

MR. CLARKE: Form.

THE WITNESS: I believe so. I don't know where you're getting at.

BY MS. GUO:

Q. On my Exhibit F. Mr. Romero, did you ever lie to the city inspector?

MR. CLARKE: Form.

THE WITNESS: Did I what?

BY MS. GUO:

Q. Did you ever lie to the city inspector?

A. No.

Q. Did you give him any incorrect information about my property to city inspector?

A. No.

Q. Is it possible you made some mistake when you talked with the city inspector when you talked about my property?

MR. CLARKE: Form.

THE WITNESS: We talked about your property one or two times only.

BY MS. GUO:

Q. Is it possible you made some mistake when you communicate with the city inspector about my property?

A. I doubt it.

MR. CLARKE: Form.

Q. I'm going back to my Exhibit G. Did you get my July 9th, 2024, 9:23 p.m., email titled, consolidated notice of claim for construction defects?

A. Alex, from April 14th, 2024 to July 8th, 2024, the city of Weston inspector, Mr. James Wagner, my engineer expert, Mr. Thomas Glynn, and myself have been notifying you of the new roof, multiple construction defects. Below is a summary of some construction defects that you have been notified since April 4th.

Q. Finish it.

A. In your --

Q. Finish April 4th, the year.

A. 2024. In your 4/16/2024, 11:12 email, you stated, Roofing and Construction will apply bull and

membrane on three spots on the roof we discussed with the homeowner. However, you and your workers never applied bull and membrane on the three spots. That email is incomplete. That email -- you only selected one portion of the email.

Q. On the email is one, two, three, four. I have to continue.

A. Correct. You didn't -- that's not the full email. You only --

Q. That's not full email?

A. Number 1 is not the full email. That's not what I said.

Q. You said number 1 is not the email you received? And this is the email is not exactly the way you received?

A. Number 1, when you stated Roofing and Construction will apply bull and membrane, that was -- that email was bigger. It was telling you what you have to do in order for me to do that, to apply bull on the three spots.

Q. Are you saying I put on the screen now is not the email I sent to you, Exhibit G, I put on the screen?

A. What I'm saying is, number 1, when you are saying that Roofing and Construction will apply bull and membrane on three spots, that is not complete. I told

you what you needed to do in order for me to apply bull on the three spots.

Q. Okay. Let me go back to this email again, okay? I want to understand what you mean.

A. Okay.

Q. Exhibit G. Hold on. Let me bring the title of this exhibit, so everybody can see the first page I jumped to the -- this is a 74-page document I filed at the court on October 24th, 2024. Title is Counter-Plaintiff Exhibit 1 to 14, and Mr. Clarke has that. I was going to Page 30 -- 73 -- 72 of this Exhibit G. And I'm showing an email I sent to Mr. Romero on July 9th, 2024, 9:23 p.m.

Mr. Romero, is this is the email you received on July 9th, 2024, 9:23 p.m.?

A. I believe it is.

Q. Okay. Can you just read, finish that before you put the comments on it, so the court reporter does not know how to type it.

A. All right. I already said, on number 1, that's not the full -- that's not the full answer I gave her. So let the record show. Two, due to your intentional delays as announced in attachment of your 4/25/2024, 8:15 email, the peel and stick underlayment deteriorated after being completely exposed to the

record rains without tile protection from April 4th, 2024 to June 25th, 2024.

The city inspector, Mr. Wagner, notified you of multiple defects on or about May 24th, 2024. Three, because you sent workers to conceal defects with tiles on June 14th, 2024 and June 18th, 2024, you failed the 6/20/2024 city inspection. See 6/20/24 city inspection report. On June 21st, 2024, the city inspector, Mr. Wagner, did not go up on the roof to check because you didn't set up the ladder on that day. The peel and stick underlayment was further damaged by your workers loading tiles. See 6/19/2024 emails between you and me.

Q. So in between is the attachment of the email. You don't have to read the attachment, just read the posting afterwards.

A. The manufacturer of the peel and stick underlayment is now investigating this matter and requesting the following items, most of which I need you to provide immediately: Proof of purchase showing the date the product was purchased. Photographs clearly showing the extent of the issue you're describing. Close-up photographs of each affected section. Photographs showing the entire roof. Photographs showing underside of removed materials. Photograph of roof deck showing where sample was removed. One roll of

unapplied product from jobsite preferred. If unapplied product unavailable, please provide four by four sample extracted from the roof's surface. Date and run number located on packaging.

On June 28th, 2024, the city inspector, Mr. Wagner told your workers that the ladder was not safe. Mr. Wagner left the property without inspecting the roof. After June 28th, 2024, the city never sent any inspector to my property. On July 2nd, 2024, without inspecting the roof, Mr. Wagner entered the result for final inspection. On July 3rd, 2024, the roof newly installed by you failed my property insurance inspection.

This has broken and cut through tiles. My property insurance inspector found problems with ventilations, duct pipes, plywood and truss because some defects have been concealed by tiles you installed. My 7/3/2024 property insurance inspection does not reflect all defects. You haven't sent me your engineering report.

Q. Did you reply to this July 9th, 2024, 9:23 p.m. email?

A. I don't know.

MR. CLARKE: Ms. Guo -- you say respond to -- can you repeat that question?

Q. Did you ever respond to this email I sent to you on July 28th, 9:23 p.m.?

A. I don't think so because we were probably entering a lawsuit already, but I'm not sure.

Q. Can you check your computer now see if you have a reply to this email?

A. Well, do you have the email?

Q. I'm asking you, do you -- did you ever reply to this email?

A. I don't remember. I doubt it.

Q. Did you ever send me your engineer report?

A. I don't need to send it to you.

Q. The contract said engineer report included.

A. Yeah. That engineer report is for the city. You can call the city and request it.

Q. Did your contract with me says engineer report included?

A. Right.

MR. CLARKE: Form.

THE WITNESS: That means that I'm not going to charge you for it, but it doesn't mean I'm providing you with one. That's for the city.

BY MS. GUO:

Q. Where in the contract says you do not need to provide me with engineer report?

A. Where does it say that I need to provide you with one?

Q. Does it says you cannot provide me with engineer report?

MR. CLARKE: Form.

THE WITNESS: I did not say --

BY MS. GUO:

Q. What does engineer report included mean?

A. That I'm not going to charge you for it. That I'm going to get it done, provide it to the city like I do with every single job, put it in the permit, and then -- or give it to the inspector, and then the city has it.

Q. Where in the contract is saying that?

A. It doesn't need to say it. That's part of how the roof work is done in every single job.

Q. I'm in Exhibit A. Do you recognize this is the contract between you and me?

A. Yes.

Q. Here did it say -- on the first page, did it say engineering report included?

A. Correct.

Q. Other than this page, any other page in this contract mention engineer report?

A. I don't think so. That should be it.

Q. How did you receive the engineering report?

A. They emailed us the engineering report.

Q. Did you produce that email?

A. I'm not sure that was -- I'm not in charge of the engineering report.

Q. Did you produce that email that engineer sent you the engineering report?

A. Once again, I'm not in charge of that, so I don't know if the -- that would be Annie. That would be the office.

Q. So I'm going to request that email of the engineer sent you the report. And I also reserve my -- retake deposition after I receive the engineer report.

How do you know the engineer emailed to -- the report to Anne if you are not the person receiving it?

A. Because we pass -- because that's how they always send us the engineering report. They email us the engineer report. Sorry. To clarify. It depends. If the city accepts the engineering report electronically, then they email us the report. If the city wants a physical copy of the engineering report, then we send somebody to get it. So it depends.

Q. In my case.

A. I don't know. You would have to ask the office, Annie. She's in charge of that.

Q. Does city of Weston require physical engineering report?

A. Okay. Then if that's the case, I'm not saying it is. If that's the case, then we went to the office, picked it up and brought it.

Q. I'm asking you the question. Does the city of Weston require engineering report physical?

A. And I answer you. I do not remember. I don't know. Every city is different.

Q. Did Mr. Wagner ask you to email him the engineer report?

A. I believe he -- no, I believe we gave it to him in his hand. I don't -- I'm not sure though because I wasn't in charge of it.

Q. How was the uplifting test conducted?

A. A what?

Q. How the uplifting test was conducted?

MR. CLARKE: Form.

THE WITNESS: I'm not understanding what you're saying.

BY MS. GUO:

Q. Does the engineer conduct the uplifting test?

A. The engineer goes to your property, goes up on the roof, and does his test.

Q. What kind of test is -- do you call it?

A. It's called a pull test. I don't know the exact correct name.

Q. A pull test. Okay. Does the engineer conduct the test by himself?

A. I don't know. That's a question for them. I don't know who does their -- who their employees are.

Q. Do you know which day engineer --

A. I have no idea.

Q. Just continue through my email. Mr. Romero, did anybody tell you I am selling my property?

A. Did what?

Q. Did anybody tell you I am selling my property?

MR. CLARKE: Form.
THE WITNESS: I heard about it, but I don't remember who told me.

BY MS. GUO:

Q. You heard about it. Did anybody tell you orally --

A. Yes.

Q. -- or tell you in writing?

A. I think orally.

Q. So somebody orally told you I am selling my property?

A. Somebody told me, yes.

Q. Is it a man who told you I'm selling my property or is a woman telling you I'm selling my property?

A. I don't remember. It was so long ago.
Q. Is this person who telling you I'm selling my property an employee of your work -- a job -- of the company?
A. No.
MR. CLARKE: Form.
Q. Is this person who telling you I'm selling my property a subcontractor -- one of your subcontractors?
A. No, because it was well after we left the property. So no.
Q. Did this person who telling you I'm selling property called to tell you, or did this person tell you in face-to-face that I'm selling the property?
A. No, it was a phone call. I don't remember who might have been -- I don't remember.
Q. When was that time this person telling you I am selling my property?
A. A few months after, I believe. I don't know.
Q. One month after?
A. I don't know when. I don't remember.
Q. One month after when?
A. When?
Q. One month after what?
MR. CLARKE: Form.
THE WITNESS: Oh, after we left.

BY MS. GUO:

Q. When did you left property?

A. I don't know. When we passed final inspection. I don't remember. If you go to the -- to your list of every day, what we did when we took -- when we removed -- when we passed final inspection, when we removed the trash, I'm guessing. Actually, the last time we were at your property was when you're saying that the ladder was placed wrong, which is a lie. That day. That was the last time we were there, I believe.

Q. So one month after that, someone told you I was selling the property?

A. Yes.

Q. One month after you left my property, someone called you to tell you I'm selling my property?

A. I believe so, yes.

Q. Was this person calling you only to tell you I'm selling my property? Or was he mentioned something else to you and by the way tell you I'm selling the property?

A. I don't remember what the conversation was.

Q. Was this person who telling you I'm selling the property you know before -- you knew before?

MR. CLARKE: Form.

THE WITNESS: I don't know because I don't

remember who it was.
BY MS. GUO:
Q. Besides telling you I'm selling my property, did this person tell you anything else about my property?
A. I don't remember.
Q. How did this person mention my property?
A. That's what I don't remember.
Q. So did this person just randomly says I'm telling you that lady was selling her property?
MR. CLARKE: Form.
THE WITNESS: Yes.
BY MS. GUO:
Q. How this person know about my property?
A. I don't know,
MR. CLARKE: Form.
THE WITNESS: Because I don't know who it was.
BY MS. GUO:
Q. Is there anybody know me and then know -- also know your phone number?
MR. CLARKE: Form.
THE WITNESS: I don't know who knows you.
BY MS. GUO:
Q. Somebody knows me, also have your number. Did this person know you too before -- so if this person

told you -- besides my property, did this person tell you about any other matters?

A. I don't remember who it was. If he -- if I remember I can tell you. But I don't remember who it was. But I know I found out. So that's why I'm telling you this.

Q. Did this person call you just to tell you I'm selling my property?

A. I don't remember.

Q. Were you familiar with this person telling you I'm selling my property?

A. I don't remember who he was.

Q. You don't even remember this person is like a man or woman who told you I'm selling my property?

A. No, I don't remember.

Q. Did you ask this person about this property and this person telling you I'm selling the property? Or this person spontaneously tell you I was selling the property?

MR. CLARKE: Form.

THE WITNESS: I don't remember how the conversation went.

BY MS. GUO:

Q. Do you know this person who tell you I'm selling this property?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. Let's go over those people who knows my roof and you. Was this person from Mr. Leonel Calderon's -- is this person telling you I'm selling property associated with subcontractor Calderon?

A. I doubt it. No. Why?

Q. Is this person telling you I'm selling my property associated with the tile company you hired for my property?

MR. CLARKE: Form.

THE WITNESS: No. The tile once it's delivered, they don't ever see you again.

BY MS. GUO:

Q. Was this person telling you I'm selling property associated with the city of Weston?

A. Maybe.

MR. CLARKE: Form.

THE WITNESS: I don't know. I don't remember.

MR. CLARKE: Ms. Guo, he told you he doesn't know who called him.

BY MS. GUO:

Q. Is this person who told you I'm selling property associate with city of Coral Springs?

MR. CLARKE: Form.

THE WITNESS: Coral Springs, no. I'm guessing, why would they be there? I don't remember who it was. So you can keep asking the same questions, but that's not going to make me remember.

BY MS. GUO:

Q. Is it possible nobody told you I'm selling the property?

A. No, somebody did call me. That's how I found out because I never went to your -- back to your property after --

Q. But you don't even remember the conversation -- how the conversation began? How do you remember the conversation?

A. I make probably 80 phone calls a day so --

Q. And was this person you knew?

A. And this was six months ago, so how can I remember?

Q. But this person must be -- know you and me, correct?

MR. CLARKE: Form.

THE WITNESS: I'm guessing. I don't know.

BY MS. GUO:

Q. Besides the workers and subcontractors and the

city office inspector, do you know anybody who know you and me?

A. No. Well, yes. The friend that you recommended that we did the roof and he paid in full and was super happy. That guy knows you.

Q. That person called you and said I'm selling the property?

A. I don't remember.

Q. Could that guy telling you I'm selling the property?

MR. CLARKE: Form.

THE WITNESS: I don't know, because I don't remember.

BY MS. GUO:

Q. Could he the person telling you I'm selling the property?

MR. CLARKE: Form.

THE WITNESS: Don't know.

BY MS. GUO:

Q. Was this guy who telling you I'm selling the property, call him Thomas Glynn?

MR. CLARKE: Form.

THE WITNESS: Don't remember.

BY MS. GUO:

Q. Look at the screen now.

A. I see it. I don't remember if it was him.

Q. On July 8th, 2024, did somebody called Thomas Glynn called you on behalf of me to negotiate a setoff with you?

A. I remember somebody call me, yeah.

Q. Did this guy tell you I'm selling the property?

A. I don't remember.

Q. On or about July 11th, 2024, did anybody phone call you from Coral Springs Department, called you on behalf of me to negotiate a setoff with you?

A. Somebody call me to negotiate a setoff with you. I don't remember who it was.

Q. Did this person tell you I'm selling the property?

A. I don't remember.

Q. After July -- let's go back to this page now. Did you see -- did you read -- did you see my email on July 28th, 2024, 9:30 p.m.?

MR. CLARKE: Ms. Guo, it's July 9th.

Q. July 9th, 2024, at 9:30 p.m., did you get my email saying --

A. I see it.

Q. This is about -- this is a page -- let me see what the page number of the exhibit. The same Exhibit

G, let me see the page number. The page number must be 67. Page number 67.

Did you receive this email I sent you on July 9th, 2024, at 9:30 p.m., titled "Damages in dollar amount"?

A. Yes.

Q. So you received my email after July, you left -- after you left the property. Did you receive my July 9th, 2024, at 9:30 p.m. email?

A. You just asked me that. Yes.

Q. Okay. Did you receive my -- after you left my property, did you receive my July 9th, 2024 --

A. You already asked me, and I told you yes.

Q. Hold on. Let me go to that page. I can read the time.

Did you receive another email July 9th, 2024, at 9:23 p.m.

A. Yes.

Q. After that, did you receive my July 28th -- 28th, 2024, 9:43 p.m. email?

A. Yes.

Q. So after you left my property, did you receive three emails from me?

A. Yes.

MR. CLARKE: Form.

Q. In one of the email did I inform you the roof

is still leaking?

A. On the last one.

Q. July 28th, 2024, 9:43 p.m., I informed you the roof is leaking, right?

A. Correct.

Q. Did you ever tell to the inspector I never contact you after you left the property?

MR. CLARKE: Form.

THE WITNESS: The city inspector what?

BY MS. GUO:

Q. Hold on.

Did you tell the city inspector after I left my property I never contact you again?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. Did you ever tell the city inspector that after you left the property I never called you again?

A. I don't remember.

MR. CLARKE: Ms. Guo, are you saying after you left the property?

THE WITNESS: After I left I guess.

BY MS. GUO:

Q. Yeah, after -- did you tell the city inspector that you never -- I never called you again?

MR. CLARKE: Form.

THE WITNESS: I don't remember what I talked to the guy about. I spoke to him once or twice.

BY MS. GUO:

Q. Did the city inspector ever told you that -- ask you whether my property had leak?

A. The inspector -- you have the texts with -- between me and the inspectors, so here's the last -- September 12th, the inspector wrote me: I see a tarp on the roof of the crazy lady's house. Does she have a leak?

And then I went: I don't know. She never called us again. The tile factory -- and asking the tile factory are putting a lien on the house. Waiting to go to trial. And then: She's selling the house. That's what I wrote to him.

Q. On September 12th, did you know I -- I notified you of the leak?

MR. CLARKE: Form.

THE WITNESS: According to your email, yes, but I -- unfortunately, I don't believe anything you say.

BY MS. GUO:

Q. Why you tell him she never -- never called us again?

A. You never called me again. That is true. You send me an email, but you never called me again.

Q. Why did you in the email -- in the text, she never called me, but she emailed me?

A. I don't have to specify. I mean, you never call me again. That is true.

Q. But that doesn't -- sounds like I never contact you again.

A. No, I said you never call me again.

Q. But this sounds like you never -- I never contact you again.

MR. CLARKE: Form. Ask a question.

THE WITNESS: That's what it sounds to you, but I -- what I told him is the truth. You never called me again.

BY MS. GUO:

Q. -- you tell the whole truth that I emailed you and notified the property still -- the roof is still leaking.

MR. CLARKE: Form.

THE WITNESS: I don't have to tell that to the inspector. And also, everything on those emails you sent is a lie. So how can I believe that you have a leak?

BY MS. GUO:

Q. Did I just show you the interrogatories -- did you admit your interrogatories saying about the three spots was wrong?

A. Yep. But why don't you show the full email?

Q. Okay. So that email -- so that answer was not a lie when you answered that on the -- telling the truth, was that a lie?

MR. CLARKE: Form.

THE WITNESS: Well, the inspector told me to apply bull in some areas. I told my employees that, so they maybe assume that it -- that was the three spots, that's why they said that. That being said, you should show us the email, the full email.

BY MS. GUO:

Q. Yeah. But you have email, okay? So it's okay. We are going to let the judge see how your answer -- how you change your answer, how you admit you are wrong. Okay? Hold on.

A. You already -- we already did this.

Q. Let's go over. Did you make it up that I'm selling the house?

A. What?

MR. CLARKE: Form.

Q. In the letter, why didn't you say somebody told you about selling the house. Why you said she is

selling the house?

A. Why would I have to specify?

Q. You said are you -- do you know I am selling the house?

A. Yeah, somebody told me. I already told you.

Q. Do you know who this person is?

A. No, I do not.

MR. CLARKE: Form.

Q. All right. All right. Typical liar. It's okay. Let's go --

MR. CLARKE: I'm sorry, what was that, Ms. Guo?

MS. GUO: I'm calling him a typical liar.

BY MS. GUO:

Q. In your production, did you produce my July 28th, 2024, email?

A. I don't know. What's your email?

Q. This email. I'm just showing my July 28th, 2024, email to notify you that I was -- my roof was leaking. Did you ever produce that email?

A. I don't know if I did. I don't know. I mean, you have it.

Q. Well, you're required to produce all my communications with you.

This last page of my Exhibit G, my July 28th, 2024,

9:43 p.m. email, did you produce it?

A. I don't know. I don't remember.

Q. I'll bring back Exhibit J. This is 151 pages production by Mr. Romero and his company. I'm going page -- I'm going to page 118. 118.

Mr. Romero, did you take this picture?

A. Yes.

Q. When did you take this picture?

A. I don't remember the date.

Q. Was this the day you came to my property to inspect the leak?

MR. CLARKE: Form.

THE WITNESS: Well, I couldn't get inside the property, so I guess.

BY MS. GUO:

Q. Did your partner come inside of my property --

A. Yeah. But in order to find out if there's a leak, we do have to do a water test. We have to go inside the attic. And that wasn't allowed.

Q. Did you request to do a water test?

A. Well, yeah. I mention it. We have to go inside the attic. We have to do a water test. Put a water hose in there.

Q. Did you request to the Court for water test inside the house?

A. Me personally? No.

Q. Who made the request to the Court to do a water test?

A. I don't know. The only thing is I wasn't allowed to go inside the house. The only person allowed was a 74-year-old that won't be able to fit in an attic.

Q. Did you ever request to do a water test at the property?

A. I don't know.

Q. This picture, is there any sign of -- of this area?

A. Sign of what?

Q. --.

MR. CLARKE: I'm sorry?

Q. In your -- in one of the document, you said -- in your affirmative defense. Hold on. Let me bring your affirmative defense.

Mr. Romero.

A. Yes.

Q. It looks like your original work on my property?

MR. CLARKE: Form.

THE WITNESS: Does it look like what?

BY MS. GUO:

Q. Does this look like your original work at my

property?

A. I don't understand what you're saying.

Q. From this picture -- when you were at my property, did you find any -- any sign that somebody modified your job at my property?

A. That somebody modified it?

Q. Yeah.

A. I couldn't see the whole thing because there was a tarp. But the only area I opened, it doesn't look like somebody touched it. I don't know.

Q. Were you allowed to open the tarp?

A. Yeah, I'm not going to remove a tarp from your roof and damage tiles and all of that. I'm not going to do that.

Q. Were you at my property, besides a blue tarp on the property, on my roof, did you see any sign that somebody modified your job after you left?

MR. CLARKE: Form.

THE WITNESS: I mean, I didn't inspect the whole roof, so I don't know.

BY MS. GUO:

Q. Why didn't you inspect the whole roof?

A. Because I was there to take a look at a leak that you said you had.

Q. Did anyone stop you inspect the whole roof?

A. I wasn't there to inspect the whole roof.
Q. Did I inform you there was broken tile and cut-through tiles?
MR. CLARKE: Form.
THE WITNESS: I don't remember.
BY MS. GUO:
Q. Let's go back to the email again.
A. But obviously you were on the roof a lot. So I don't know who broke the tiles.
Q. On the day you are here, did you see any broken tiles on my property?
A. I didn't inspect the whole roof.
Q. Did you walk on the roof to make sure there's a -- no broken tiles?
MR. CLARKE: Form.
THE WITNESS: I did not inspect the full roof.
BY MS. GUO:
Q. Is that because you know that if you check, you will see broken tiles?
MS. GUO: Form.
THE WITNESS: No. It's because I was there to take a look at a leak. And also, you had a guy on top of the roof stepping on the valleys. He could've broke a million tiles by walking on it.
BY MS. GUO:

Q. Did you see him break any tiles?
A. No. But he was stepping on the -- he was stepping on an area that you're not supposed to be stepping. And I don't know who -- how many people went up on the roof after I left.
Q. Did you have any picture or video showing he step on the --
A. Yes, I do.
Q. Where is the picture showing that he supposed stepping on some areas he was not supposed to do. I need all the pictures and you show me each picture, okay?
A. Right there. Go to where he's at.
Q. This one here?
A. Go down. Go down.
Q. Okay.
A. Go down.
MR. CLARKE: Next picture.
THE WITNESS: There. He's stepping on the valleys, on the tops of the tiles. You see the little broken tile where he's stepping? That little angle?
BY MS. GUO:
Q. Did he break the tiles?
A. Probably. He's stepping on an area you're not

supposed to be stepping. Keep going down. There, you see?

Q. Did he break these tiles?

A. Probably, yes.

Q. Did you see him break this tile?

A. No. But he's stepping on it and there's a piece broken.

Q. Could that piece be broken before he step on it?

A. Everything's possible. But he's not supposed to be stepping there. That's a valley. You don't step on the valleys.

Q. Did any of your worker step on valleys?

A. No.

Q. You're a hundred percent sure none of your workers step on valleys?

MR. CLARKE: Form.

THE WITNESS: The last people that is on my -- the last people that is mine that is on a roof is the tile installers. And the tile installers, the last thing they do is to replace all broken tiles.

BY MS. GUO:

Q. Do you have pictures showing every tiles on the -- on the roof was not broken?

MR. CLARKE: Form.

THE WITNESS: No. But I got an engineer letter.
BY MS. GUO:
Q. And did any engineer has a picture showing every tile on the roof?
A. You would have to ask the engineer. But that's their job. They go on the roof. They prove that the tiles were glued on correctly and that there's no broken tiles.
Q. The engineer report is saying there's no broken tiles on the roof?
A. That's one of the things that they got to do, yes.
Q. Did you say the engineer report should say whether there's a broken tile or not?
A. Right. They normally tell you if there's broken tiles.
Q. Is this the engineer report you received?
A. Yeah.
Q. Did it say anything about tiles broken or anything not broken?
A. Well, if there's broken tiles, they will -- they will not pass the inspection and call us.
Q. Did any engineer --
MR. CLARKE: Ms. Guo, are you still here, or did you cut out?

MS. GUO: Yes, I'm here. I'm trying to bring up the engineer pictures.

BY MS. GUO:

Q. Did engineer email you all the pictures they took?

A. They don't email me pictures.

Q. I'm sorry?

A. They don't email me pictures. They just -- they just do their engineer report, I go pick it up, and I put it in the permit.

Q. So if the engineer send picture -- they never send you any picture of --

A. No.

Q. Did the engineer never send you any pictures about this roof?

A. No.

Q. Did you employee or your subcontractor take a picture of the roof after tiles was installed?

A. Sometimes they do. It's not required.

Q. Did you take any pictures of the roof?

A. Me personally? No.

Q. The tiles?

A. No. Me myself -- me personally, no.

Q. Did any of your employees or subcontractors take any pictures of the roof?

A. Like I said, maybe the tile installer, Manuel, took pictures, but I'm not sure.

Q. Do you have any picture of the tiles?

MR. CLARKE: Form.

Q. After you installed?

A. I don't remember.

MR. CLARKE: Ms. Guo, we've been going for almost an hour and a half after lunch. I'd like to take a five-minute at some point soon.

BY MS. GUO:

Q. Did you send -- did you send the city any pictures of the tiles after you installed?

A. Whatever you have on the texts that I have with the inspector, that's all the communication I have with the city about your house.

Q. I'm asking you. Did you, your company or whoever, send any pictures of the tiles?

A. I just answered you.

Q. Did you or your company or subcontractors, actually just did you send any -- did you or your company send any picture of tiles to the city inspector?

A. The conversation between me and the inspector that I sent, that I produced, that you have, that's all I sent to the inspector.

Q. Not my question. Did you send any picture of

tiles after being installed to the city inspector, yes or no?

A. I don't remember. I would have to go through the texts, but you have them. Let me see. No, I didn't send the inspector any pictures of the tiles, of the roof completed, because he -- he normally sees them himself with his own eyes.

Q. You just checked your email and text?

A. I just checked my texts.

Q. Did you ever email the city inspector?

A. No.

MR. CLARKE: Ms. Guo, again, a five-minute comfort break soon would be appreciated.

MS. GUO: I'm going to ask another question and then we go, okay? Another few questions. I'm not tired. I'm the person asking questions.

MR. CLARKE: Ms. Guo, I don't care if you're tired. Everyone else would like to use --

MS. GUO: You have to care about me, okay, I'm the person working here.

MR. CLARKE: You have to accommodate --

MS. GUO: Always a break so you can instruct your --

MR. CLARKE: A five-minute break.

COURT REPORTER: Ms. Guo, if we could use the

restroom in any short period of time.

MR. CLARKE: We've got a court reporter with child, Ms. Guo.

MS. GUO: And you're asking me -- give me another five minutes and I let you go.

COURT REPORTER: Okay. Okay. That would be wonderful if we could do that.

BY MS. GUO:

Q. Mr. Romero, are you seeing my screen?

A. Yes.

Q. Do you see this picture?

A. Yes.

Q. What is this picture?

A. I don't know.

Q. Was it the engineer who took this picture?

MR. CLARKE: Form.

THE WITNESS: I doubt it. That's probably one of the tile installers.

BY MS. GUO:

Q. Who took this picture on Page 43? I just showed you --

MS. GUO: I'm sorry, Mr. -- Madam Court Reporter, I'm going to the Exhibit K, which is 80 pages production by Mr. Romero and his company.

(Thereupon, Counter-Plaintiff's Exhibit K was

marked for identification.)
BY MS. GUO:
Q. I'm going to page -- I just asked Page 40 -- 42.
A. Yeah, so if I have to guess those pictures were taken by my tile installers, if I have to guess.
Q. How about this 43?
A. I think they're all from the same person.
Q. Who's the tile installer?
A. It was probably taken by the tile installer.
Q. Who -- who's your tile installer?
A. I don't know who took it, but Manuel is the main guy.
Q. Manuel?
A. Yep.
Q. So Man -- this person who took this picture must be with Manuel?
A. Manuel, yes.
Q. Could it be Andres Matias?
A. I guess.
Q. So it could be either Andres or Manuel?
MR. CLARKE: Form.
THE WITNESS: I -- I'm just guessing here.
BY MS. GUO:
Q. So you think either Manuel or Andres? Their

crew or -- their crew took this picture; is that correct

MR. CLARKE: Form.

Q. Picture 43?

A. I'm guessing.

Q. How about 45? Who took this picture?

A. I am -- I'm guessing the tile installer.

Q. Which is either Manuel or Andres, right?

MR. CLARKE: Form.

THE WITNESS: There's four or five of them, so I -- yeah, maybe.

BY MS. GUO:

Q. I just skipped picture 44.

A. It looks like they're all from the same person.

Q. Does Page 44 looks like it's from your installer?

A. It might be, yeah.

Q. Does Page 46 --

A. Yeah.

Q. -- taken by your installer?

A. Uh-huh (affirmative).

Q. What is this red thing on the tile -- on the -- on the tile?

A. That is the oxide that they use to mix the cement.

Q. What is oxide?
A. The red color that you see on the ridge caps.
Q. Can you spell that word for me?
A. O -- O-X-I-D-E.
Q. O-X-I-D-E, Oxide?
A. O-X-I-D-E.
Q. What is the oxide for?
A. To turn the gray cement into red cement to match the tiles.
Q. So are they using this oxide to make those -- the red cement around the -- around this thing here -- right?
A. Yes.
Q. Does that Page 47 looks like taken by your tile installer?
A. Correct. The good thing here is you see there's no broken tiles.
Q. Is those pictures showing all of the tiles of the roof?
A. Well, it show most of the slopes, yeah.
Q. Can you see any tiles here, see the detail, do you see here?
A. I can see the tiles, yeah. I mean, you could count piles of tiles sooner from this distance.
Q. Okay. We can put up the picture together.

This is much further than that. How many feet from here to the person who taking the pictures --

A. I don't know.

Q. -- to here?

MR. CLARKE: Form.

THE WITNESS: I don't know. But I'm guessing we can compare these pictures to where the broken tiles are now in your house and see.

BY MS. GUO:

Q. Yes. We can do it. Are these your workers here on Page 45 at the top -- top corner --

A. Correct.

Q. -- I guess they're your workers here.

A. Yep.

Q. How about in the three buckets here?

A. Uh-huh (affirmative).

Q. Do you see three buckets here in the upper right -- right corner?

A. I see two buckets.

Q. Oh, so this is two bucket and this is the red oxide?

A. Yes.

Q. Is this guy mixing the cement --

A. Yes.

Q. -- in this picture?

A. Uh-huh (affirmative).

Q. So when he took this picture he was still doing the job of putting the red cement on the roof, right?

A. On the edges of the roof he was doing.

Q. So when this guy was taking picture here, your guy are still working?

A. Not on top of --

Q. Put cement on edges, correct?

A. Not on -- not on top of the roof. They're working with the ladder on the edge. The head of the ridge cap is the last thing they do.

Q. So while this person taking -- while this tile installer taking picture of this Page 46, your other workers are still working on the roof -- working -- have not completed the roof yet, right?

A. I don't know what he's doing. I don't know if he's cleaning the bucket, I don't know if he's working. I don't know what he's doing. He might -- he can easily be cleaning it because I see the red mortar everywhere already.

MR. CLARKE: Ms. Guo, again, it's 2 o'clock. Can we take a five-minute bathroom break?

MS. GUO: Hold on. Just last -- last question. Last question.

BY MS. GUO:

Q. Did you send these pictures to the city inspector?

A. Not myself. I don't know if somebody from the office did, but I didn't. I just went through my texts with the guy, which is the same texts you have, and there's no pictures of the completed roof. I don't know if the office or somebody send them pictures. But myself, no.

Q. You ask if anybody from your office send this picture to the city inspector?

A. The only person that could've send the city inspector pictures would've been Annie, who is in charge of calling the inspections, and maybe the inspector requested pictures. I don't know. But myself, no.

Q. Did you ask Annie to send picture to the city inspector?

A. I don't remember. Normally she will contact the city herself.

Q. Did the city inspector ask you to send picture to the city?

A. I don't remember. I don't know if he called me and asked me. To be honest, I don't remember. He did ask me for the pull test for the engineering report.

Q. Do you read your text now?

A. Sure.

MR. CLARKE: Again, Ms. Guo, you keep saying one more question --

COURT REPORTER: Yeah, Ms. Guo, I need to use the restroom, so if we could please just go off record and --

MS. GUO: Well, let me ask this question because he --

MR. CLARKE: Ms. Guo, please.

COURT REPORTER: Ms. Guo, I need to use the restroom.

MS. GUO: I am in the middle of question.

MR. CLARKE: Ms. Guo, you're in the middle of 15 questions --

COURT REPORTER: Yeah, we've been asking for about 11 minutes.

MS. GUO: Let me finish this question --

MR. CLARKE: We're going to go off the record so Madam Court Reporter --

(Crosstalk)

COURT REPORTER: Ms. Guo, we've been asking for 11 minutes.

MS. GUO: This is not the question --

COURT REPORTER: Please respect the fact that we need to use the restroom.

MS. GUO: Last question. Do not argue with me. This is the last question.

COURT REPORTER: Okay.

(Crosstalk)

MR. CLARKE: -- representation.

COURT REPORTER: Ms. Guo, do I need to contact my office, because if I'm unable to use the restroom, then I cannot work. So please allow me to use the restroom.

MS. GUO: Last question. Mister -- I'm sorry, Madam, this will be my last question.

COURT REPORTER: It must be because I'm going to stop record right now if it isn't.

MS. GUO: This is my last question.

BY MS. GUO:

Q. Can you check your text to see if the city inspector asking you to send your pictures?

A. Yeah. And apparently he did.

Q. Did you ask -- ask anybody in your office to send pictures to the city inspector?

A. If the inspector contact me like it looks he did, then I would've asked Annie to send the -- to send the inspector pictures.

Q. So now you change your answer. Okay.

A. I'm not changing my answer. I told you that,

myself, I didn't send the inspector any emails.

Q. So that's not what you said. Okay. We're taking a break now.

A. That's exactly what I said.

Q. No.

COURT REPORTER: Okay. We are off record. Thank you.

(Off the record.)

(On the record.)

COURT REPORTER: Okay. We are back on record.

BY MS. GUO:

Q. Mr. Romero, are you supposed to send me contractor's final affidavit?

A. I'm supposed to what?

Q. Send you contractor's final affidavit?

A. Yes.

Q. How many copies of final contractor's final affidavit did you sign?

A. I don't remember.

Q. For my property, how many times did you sign?

A. Well, contractor's affidavit that you pay?

Q. Your final contractor's affidavit. Do you know what is a final contractor's affidavit?

A. No. Explain it to me.

Q. Do you know what is a final contractor's

affidavit?

A. Normally, when we finish the job, we're supposed to provide you with that release of lien when you pay the full -- the full amount. When you pay your bill.

Q. Do you send me release of lien every time I make you a payment?

MR. CLARKE: Form.

THE WITNESS: If you request it, yes.

BY MS. GUO:

Q. Are you supposed to send me the final contract -- are you supposed to deliver a final contactor's affidavit to me before you sue me?

MR. CLARKE: Form.

THE WITNESS: You -- we exchanged that with the final check. You did not pay your bill.

BY MS. GUO:

Q. Are you supposed to give me your final contractor's affidavit -- are you supposed to deliver a final contactor's affidavit five days prior to sue me?

THE WITNESS: Doug, this is something I spoke with Oscar. Can I -- do I answer, because it's between you and --

MR. CLARKE: Ms. Guo, I'm advising him not to discuss any conversations he had with counsel. But

I am representing that our firm did indeed send you a final contractor's affidavit timely before filing suit.

MS. GUO: This isn't an answer for you, Mr. Clarke. Strike your answer, okay. I'm asking Mr. Romero.

BY MS. GUO:

Q. Mr. Romero, are you supposed to deliver final contractor's affidavit prior -- five days prior to sue me?

A. I don't know the law.

MR. CLARKE: Form.

THE WITNESS: That's why I rely on my lawyer.

BY MS. GUO:

Q. Okay. Did you sign final contractor's affidavit?

A. If -- if it was sent to you, then yes.

Q. How many final contractor's affidavit did you sign?

A. I did not send it personally. My lawyer did.

Q. No. Did you -- how many final contractor's affidavit did you sign, S-I-N-G [sic], for my property?

A. I don't remember.

Q. Did you sign more than once? Did you sign more -- final contractor's affidavit more than once for

my property?

MR. CLARKE: Form.

THE WITNESS: Don't remember.

BY MS. GUO:

Q. Did you ever sign final contractor's affidavit for my property?

A. Whatever my lawyer require, I did it. So I don't remember what it was. How many or what it was.

Q. When did you ever pay all of your final -- all of your subcontractors?

A. Don't remember.

Q. How many subcontractors do you have for my property?

MR. CLARKE: Form.

THE WITNESS: Are you calling the material distributor a subcontractor?

BY MS. GUO:

Q. Yes. Everybody. How many?

A. Okay. So those are suppliers. Not subcontractors.

Q. Everybody.

A. Gulf Eagle, Mediterranean Roof Tile, and then Calderon.

Q. What is Gulf Eagle? How do you spell Gulf Eagle.

A. Gulf Eagle.
Q. How do you spell Gulf Eagle?
A. G-U-L-F, and then the eagle, the bird.
Q. What does the Gulf Eagle do?
A. They brought the roofing materials.
Q. Did you ever email to them?
A. Do I have what?
Q. Do you have email communications with them?
A. No. I gave the material list over the phone to the rep.
Q. Did they ever email you the receipt?
A. Not -- not right away. They probably did -- they send an -- send us invoices, so they normally come -- come in a month later or something.
Q. Did they email you the receipt?
A. Yeah, probably. Not me, but the office.
Q. Did you pay off Gulf Eagle?
A. Yes.
Q. Did you pay off the Mediterranean?
A. Yes.
MR. CLARKE: Form.
THE WITNESS: But Mediterranean, the roof tiles.
BY MS. GUO:
Q. Did you pay off Mediterranean?

A. Yes.
Q. Did you pay off Calderon?
A. Yes.
Q. When did you pay off Mr. Calderon?
A. I don't know. That's not a question for me. I don't do billing.
Q. I'm sharing the screen now. Do you see the screen now?
A. Very small.
Q. Is this your signature here?
A. Yes.
Q. Did here it says you owe Mediterranean 150,900 -- $15,902.82?
MR. CLARKE: Form.
THE WITNESS: What?
BY MS. GUO:
Q. Did here it says you owe Mediterranean Roof Tile $15,902.82.
A. Yes.
MR. CLARKE: Form. You're misreading the document, Ms. Guo. You're misrepresenting.
Q. Can you read number 4?
A. All work to be performed under the contract fully completed to the extent possible and all lienors under direct contract have been paid in full except the

following listed lienors: Mediterranean Roof Tile, 5,902.82.

Q. After I inform you take -- the AC's broken, did you come to my property and take pictures?

MR. CLARKE: Form.

THE WITNESS: When you informed me that the AC was broken, you informed me on a Sunday at 2:00 a.m. maybe, 1:00 a.m. I didn't see it until like the next morning, and I believe I sent out a contractor that same Monday or Tuesday of that same week. The AC contractor went and then I went and took pictures myself.

BY MS. GUO:

Q. Did you produce those pictures?

A. I don't remember.

Q. Can you check your phone and see if you produce those pictures?

MR. CLARKE: Ms. Guo, again, this is not an inspection of his phone. It is a deposition.

MS. GUO: I'm going to redepose because I do not see any picture taken by you.

MR. CLARKE: Well, how do you know? You haven't asked him. Why don't you show him the pictures that have been produced and ask him if he took them.

BY MS. GUO:

Q. How many pictures did you take on that day?

MR. CLARKE: Form.

THE WITNESS: Of the ACs?

BY MS. GUO:

Q. Yes.

A. I don't know, two or three. I know you put duct tape on top of one AC, so I couldn't take pictures of the hole.

Q. When you came here -- last time you were at my property, did you test the electrical outlet at the entrance?

MR. CLARKE: Form.

THE WITNESS: That was a different time. That was when I went to inspect the leak.

BY MS. GUO:

Q. Yes. Did you take -- test the out -- electrical outlet at the entrance of my property?

A. I did test the electrical outlet.

Q. Does it work? Does the electrical outlet work?

A. I don't think it did, no.

Q. Did Leonel Calderon tell you that he agreed to add a four feet wide modified at each flashing or return?

A. What did you say, sorry?

MR. CLARKE: Form.

Q. Leonel, Leonel, Leonel, L-E-O-N-E-L, Calderon, did Leonel Calderon tell you that I should add -- four feet of modified should be add at each flashing and return?

A. No. Thats what you told me. He told --

Q. Did Leon --

A. He told me that's what you wanted. I told him that that wasn't in the contract.

Q. Did Leonel tell you that he agreed to -- did Leonel ask your permission to put four feet of modified at each flashing and return?

A. He told me you mentioned that to him and I told him not to do it until you agreed to pay for it in writing.

Q. Did I -- did Leonel said it's necessary to add four feet of modified at each return?

MR. CLARKE: Form.

THE WITNESS: I don't remember, but it's not necessary.

BY MS. GUO:

Q. Did you allow him to add any modified at each return at all?

A. If you pay for it, yes, sure.

Q. Did I tell you Leonel agreed to put?
A. What?
Q. Did I tell you Leonel agreed to add four feet of modified at each return?
MR. CLARKE: Form.
THE WITNESS: I don't understand what you're saying. Sorry.
BY MS. GUO:
Q. Did I tell you Leonel Calderon agreed to put modified under each return?
A. I don't remember and I don't care. I'm the owner of the company. I don't care what the employee says. That's when I told you you shouldn't be talking to my employees.
Q. Did you tell me that's your policy that -- is that your policy that unless you agree in writing to whatever your employee or subcontractor promise doesn't count?
MR. CLARKE: Form.
THE WITNESS: No. If you're trying to change what's in the contract, you have to call me. We have to talk about a price to add extra work, and I have to send you a quote and you have to sign it and agree to pay for it. You just wanted as part of the same deal.

BY MS. GUO:

Q. So it's your policy that you unless you agree in writing, whatever your employee or subcontractor agreed does not count?

MR. CLARKE: Form.

THE WITNESS: No, I didn't say that. I said if the homeowner wants extra work, he -- the homeowner has to call me, not the subcontractor.

BY MS. GUO:

Q. And do I have to -- do you have to agree in writing?

A. Normally --

Q. Allow any extra?

A. Normally, with people I trust, I would probably made a deal over the phone. But with you, I would -- I would ask you to sign an estimate.

Q. Did you tell me that unless you agree with me in writing, you will not give anything extra?

A. I mentioned to you that it was going to be extra, yes.

Q. No. Did you tell me that it was your policy that unless you agree in writing, you will not give me anything extra.

A. If you ask for extra, I'll explain it again. If you as a homeowner ask for extra work, like anything

like putting extra modified in some areas, then me and you would have to talk, come out -- agree on a price, and I would give you a price and then you would have to accept it and do it -- and then I would do it.

Q. Not only about the modified. Anything. Did you ever tell me that unless you in agree in writing, whatever you employee or subcontractor agreed with me orally, doesn't count.

MR. CLARKE: Form.

THE WITNESS: It doesn't have to be -- it doesn't have to be in writing. I normally put it in writing, so I -- we don't have any issues. But yeah, you -- but you would have to talk to me. Anything you and the subcontractor or you and the employees talk -- talk about has nothing to do with the work. I told you since day one you have to call me.

BY MS. GUO:

Q. So even if you agree with me in -- orally, we did not put it in writing, it doesn't count, correct?

MR. CLARKE: Form.

THE WITNESS: Again, normally I put it in writing, but with people I trust I -- it might be orally too.

BY MS. GUO:

Q. So did you tell me that unless you agree with me in writing, you will not give me any extra, even you or employee or subcontractor or agreed orally, correct?

MR. CLARKE: Form.

THE WITNESS: I don't understand the question.

BY MS. GUO:

Q. Okay. Okay. Another way. Did you tell me unless I show you anything in writing you will not agree to give me anything extra; is that correct?

MR. CLARKE: Form.

THE WITNESS: No. What -- what you did was you went to my subcontractor and asked him to do extra work. My subcontractor called me and I told him that's not in the contract. If she needs extra work, she needs to call me. And then I called you and we discussed the extra modified many times.

BY MS. GUO:

Q. Not just the -- did you tell me over the phone, before we meet, over the phone -- did you ever tell me that unless I showed you something in writing you will not agree with me anything extra than the contract?

A. No.

MR. CLARKE: Form.

THE WITNESS: What I said to you is, if you

don't pay for it, I'm not going to do it.

BY MS. GUO:

Q. You don't do anything for extra, right?

A. Unless you pay for it, correct.

Q. So you -- did you tell me unless you agreed in writing you are not going to -- okay, unless you put it in writing and that I pay for it, you are not going to give me any extra, right?

A. Unless you agree to pay for the work that you want extra, I won't do it. I'm not going to work for free.

Q. Not just work for free. Anything extra? If I ask you for anything extra?

A. You did.

Q. If I ask you any -- for any material -- ask you -- did I ask you any material -- extra material, give me some a piece off material?

A. But you -- you wanted to change the scope of work. You wanted to -- you wanted my employees to install an extra layer of paper that wasn't in the contract.

Q. What I'm asking you, did you -- did you agree -- did you tell me unless we agree in writing and I will pay you, that you will not give anything extra; is that correct?

MR. CLARKE: Form.

THE WITNESS: Yeah, I wouldn't do something extra outside the contract if you don't agree to pay for it.

BY MS. GUO:

Q. Would you give me anything outside the contract if we did not agree in writing and I agree to pay for it?

MR. CLARKE: Form.

THE WITNESS: Well, you requested to install modified on the flashings. That -- you didn't call me to talk about that. You talked to my employees about it. My --

BY MS. GUO:

Q. That's not my question. My question is, did you tell me unless you agree to it and I agree in writing that I will pay you, you will not give me anything extra?

A. I don't remember.

Q. So is that possible

A. What's possible?

Q. You tell me that unless you and I agree in writing that I will pay for it, you will not give me any extra?

A. It's possible, yeah.

Q. Can you see my screen?
A. No.
Q. Oh, I'm sorry. The Zoom.
Do you remember where the two temporary repair is?
A. I don't remember where it was.
MR. CLARKE: Form.
THE WITNESS: I didn't go to your property for -- to see where the repairs were.
BY MS. GUO:
Q. Did you come to my property before we sign the contract?
A. I came to your property to give you the estimate, but you did not show me any leaks or you didn't bring me inside the house or anything. We just met at the front --
Q. You didn't come to my inside? I didn't show you the house, inside of the house?
A. No. You just showed me -- we just signed the contract in the -- in the front of your property, and then I left.
Q. You didn't know where the two temporary repairs are?
A. No.
Q. Do you see my screen now?
A. Yes.

Q. Do you recognize this worker on the roof?
A. No.
Q. Why not?
A. I don't know every employee from Calderon. I don't know who he is.
Q. This employee tell you that there's water in two leaks?
A. Yes.
Q. So, but you don't remember who this employee is?
A. The -- Leonel would have called me. I don't talk directly to the employees.
Q. So this Leonel's employee?
A. Yes.
Q. Did Elias Morillo tell you how did he paint the fascia board above the AC?
A. What did you say?
Q. Did Elias Morillo tell you how did he paint the fascia board above the AC?
MR. CLARKE: Form.
THE WITNESS: He -- I don't know how he painted it.
BY MS. GUO:
Q. Did he tell you he squat on the roof edge to paint the fascia board underneath?

MR. CLARKE: Form.

THE WITNESS: I -- I don't know how he painted it. That's a question for him. Not for me.

BY MS. GUO:

Q. Did he tell you how he does it?

MR. CLARKE: Form.

THE WITNESS: How he did it? No.

BY MS. GUO:

Q. Do you think it would be dangerous to squat on the edge of the roof to paint a fascia board underneath?

MR. CLARKE: Form.

THE WITNESS: I don't know. I don't know how he did it.

BY MS. GUO:

Q. No, I'm asking you. Do you, as a roofer, would you squat on the edge of roof to paint the fascia board underneath?

MR. CLARKE: Form.

THE WITNESS: Myself, I wouldn't do it that way, but I don't know how they -- how other people do it.

BY MS. GUO:

Q. Why yourself would not squat on the edge of roof to paint the fascia board?

A. Because I'm afraid I might fall.

Q. Have you ever seen anybody squat on the roof -- edge of roof to paint fascia board?

A. Yes.

Q. Who did you ever see anybody squat on the edge of roof to paint the fascia board?

A. I've seen gutter installers squat on the edge of the roof. I see roofers to install the metal drip edge squat on the edge of the roof. I -- I seen many different ways.

Q. No, I'm asking did you ever see anybody squat on the roof to paint the fascia board?

A. I don't remember.

Q. Would you allow your employee to squat on edge of roof to paint the fascia board?

MR. CLARKE: Form.

THE WITNESS: I mean, I -- if I see him I would tell him maybe not to. But if he wants to do it that way, if it's a one-story house, I mean, whatever is more -- is better for him.

BY MS. GUO:

Q. Do you think a gallon of paint would slide off the underlayment if you put the gallon of paint on the roof?

MR. CLARKE: Form.

THE WITNESS: It depends.

BY MS. GUO:

Q. It depends on what?

A. On how you put it.

Q. How would you put it to stop it -- to stop a gallon of paint slide off the roof?

MR. CLARKE: Form.

THE WITNESS: Well, you can put it on a valley. You can put it on a -- you can put something underneath. I -- I don't know.

BY MS. GUO:

Q. If you just put a gallon of paint on top of the roof without anything else, would it slide off of the roof

MR. CLARKE: Form.

THE WITNESS: I don't know. I never put a -- I mean, on this picture that you're showing right now. You see the picture you're showing?

BY MS. GUO:

Q. Yeah.

A. Look to the left. You see that can of tar?

Q. Yeah.

A. Okay. That can of tar is standing there without falling and it's not secured by anything.

Q. That was not on underlayment. Was that can of paint on underlayment?

A. I'm talking about the bucket of tar that you see on the roof.

Q. Yes.

A. Okay.

Q. Bucket tar. Was this bucket tar on tile or on underlayment?

A. That is tar to --

Q. Tar. Tar. Was this tar on tiles or on underlayment?

A. It's on tiles.

Q. Okay. Is underlayment more slippery than tiles?

MR. CLARKE: Form.

THE WITNESS: It depends if it's wet or if it's not wet.

BY MS. GUO:

Q. Is this tiles here in this picture, in this video at 0002 here, so this is Exhibit C. March -- it says March temporary repair 2. Is this one in this picture, in this video here, it looks like the tile is wet?

A. It doesn't look wet.

Q. So is this tile in this video slippery?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Is underlayment more slippery than these tiles in this video?

MR. CLARKE: Form.

THE WITNESS: I don't know which one is more slippery. I mean, the tiles are loaded on the underlayment and the tiles don't fall from the roof, so I guess the underlayment is not that slippery.

BY MS. GUO:

Q. Do you have -- put anything to stick the tile to the underlayment?

MR. CLARKE: Form.

THE WITNESS: We foam the tile to the underlayment.

BY MS. GUO:

Q. So if you do not foam the under -- tile on the underlayment, would the tile fall?

MR. CLARKE: Form.

THE WITNESS: Yes. But when it's loaded, when they face -- when they first load the tile on the roof, it's not secured to anything.

Also, if a can of paint would fall from the edge of the roof, it would've sprayed through all the grass and everywhere. It will go everywhere

because it's falling from eight feet. So imagine a can of paint falling from the edge of the roof, it would spray the whole thing.

MR. CLARKE: Ms. Guo.

MS. GUO: Yeah, I'm working. I'm getting --

MR. CLARKE: Are these two videos we've seen about repairs, have those been produced to me, Ms. Guo?

MS. GUO: I produced them December 13th.

MR. CLARKE: Those two videos we just saw?

MS. GUO: Yes.

MR. CLARKE: Okay. Thank you.

BY MS. GUO:

Q. Was painting fascia board part of your contractor -- within the scope of contractor?

A. Only the fascia we replace.

Q. Was painting fascia board you replaced part of the work within the scope of your contract?

A. Yes.

MR. CLARKE: Form.

Q. Did your company painted fascia boards in my -- you replaced in my property?

A. Yes.

Q. When did you -- when your company painted the fascia board?

A. I don't know the exact date, but it would've been a couple of days after the tear-off. So I'm just throwing out a date here. If we -- if we tear-off the house April 2nd, we would've painted it April 4th, more or less.

Q. Did Elias painted fascia board on the day where you were here with?

A. No, he did a touchup, and me and you were watching him. You said that the fascia was -- had some issues with paint, so he touch up the fascia, and you and me were watching him do it.

Q. Are you sure you and I were watching Elias painting the fascia board?

A. Yes. I'm sure.

Q. And you are -- are you sure you watched Elias painting the fascia board?

A. No. Not paint the -- paint the fascia the first time.

Q. On the day --

A. On the day we met there, Elias was measuring the fascia. You and me were underneath watching him do it. Elias was measuring the fascia because you were questioning how much extra fascia we were charging you. Okay? At that point, you also pointed out that the fascia had some little marks in them. Like he missed a

little -- a couple of paint here and there. He did that as me and you were watching him.

Q. So you are here testifying you and I physically standing there watching Elias painting the fascia board?

A. Touching up the -- the --

Q. Touch up the fascia board?

A. Correct. Yes.

Q. Did I ask you when you're about to leave -- did I stop you, ask, "Elias, did you paint the fascia board?"

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. After that, do you remember -- after you -- were almost get -- after you went inside of your car and Elias almost went in the car, I -- I stop, I say, "Oh, Elias, did you paint the fascia board?" You came out the car, said, "Elias, did you paint the fascia board?" Do you remember that?

A. No, I don't remember that.

Q. Did you remember that then you turn back to me saying, "He already painted it"? You remember that?

A. That's a possibility, yeah.

Q. So did you and I watch Elias paint the fascia

board?

A. Yes, we did.

Q. If you and I paint -- watch Elias paint the fascia board, how come I didn't even realize Elias paint the fascia board?

MR. CLARKE: Form.

THE WITNESS: Because you asked me if Elias had painted the fascia board, and I told you yes, he already painted it. This wasn't -- this wasn't painting brand-new fascia. This was a touchup. Something you had an issue with.

BY MS. GUO:

Q. No. What I mean is when you about to leave, I stopped you. I says, "Did Elias painted the" -- I ask you whether he -- ask Elias to finish those touchup.

A. Uh-huh.

Q. Did you go to Elias, ask him to paint -- to finish the touchup, and then Elias told you, "Oh, I already did it"?

MR. CLARKE: Form.

THE WITNESS: I don't remember if he told me he already did it. No. Because I -- I remember looking at him do it.

BY MS. GUO:

Q. Okay.

A. And you were -- and you were next to me.
Q. Okay. That's such a big lie, okay. All right. That's a lie.
A. Okay. So you think he dropped the can of paint as you were there? As me and you were there, you -- you think Elias dropped the can of paint --
Q. And whenever he painted the fascia board, I was not there seeing him.
A. Okay. So -- so you weren't there when he did the touchup?
Q. I was not next to him.
A. I'm not saying when he painted the fascia. I'm saying when he did the touchup. When he touched up --
Q. I never saw him doing touchup or paint the fascia for the first time. He -- I never saw him painting the fascia board the first time he did or the second time he painted the --
A. We're not talking about the first time. We're talking about when me and you met at the house, you made us measure the fascia with a -- with a --
Q. You did not measure the -- you did not -- you were about to, but you did not. Anyway, let's go -- that's okay. We have video to prove. Okay? You are such a liar. I never see him painting the fascia board

or touchup the fascia board. I never see him and you never saw him. Okay?

A. Okay. Sure. I did.

Q. You are lying when you say you see him.

A. I did see him.

Q. Okay. All right.

A. And Elias also left at the same time as me, and you were always present. Me, Elias, and my partner, you were always present. We all left at the same time.

Q. I have proof, video to show you are lying again. Okay. That's --

(Crosstalk)

A. --

Q. There are so many lies.

A. Okay.

Q. The video -- can you still see this video here?

A. Yes.

Q. Was this the temporary repair you did on my property in March?

A. Yes.

Q. Did you put any protection in my property when you did these two temporary repairs in March?

A. You don't need to --

MR. CLARKE: Form.

THE WITNESS: You don't need to put protection to do a repair.

BY MS. GUO:

Q. Would these tiles fall off the roof in temporary repairs?

MR. CLARKE: Form.

THE WITNESS: Anything can happen.

BY MS. GUO:

Q. Is this letter dated April 24, 2024, sent -- sent by you, sent to me?

A. Uh-huh (affirmative). Yes.

Q. Can you read it to me.

A. Our company started the tear-off of the roof April 2nd. Before my guys are allowed to start work, as a rule from our company, they take pictures of any preexisting damages they might see. On April 5th, Elias Rebolledo, our foreman, painted the 42 feet of fascia that we replaced. That same day --

Q. Okay.

A. Huh?

Q. That same day we received a complaint from you above the fascia paint not matching with the existing. We explained to you that we only paint the replaced fascia, and that you will need to paint the rest yourself, which you replied in your own words, "If you

give me the remaining paint or the color code of the paint, I can try to help you improve it."

On Tuesday, April 16, you, me, and Elias met your house at 9:30 a.m., and walked the property to address the fascia, pavers, and roof. That day we left -- that day, we left you the can of paint by your front door, see picture attached, for you to paint the fascia. That was the last day Roofing and Construction did any work on your roof. You filmed our complete encounter.

On Sunday, April 21st, at 1:14 a.m., you reported, my AC stopped working now. And that same Sunday at 4:44 p.m., you reported a hole in the cover of the second AC unit. That is 5 days after the last we worked at your property and 16 days after my foreman partially painted the 42 feet of fascia.

According to the expert opinion of the AC contractor and the -- the AC unit that -- hold on. According to the expert opinion of the AC contractor, the AC unit that is not working could not have worked for a second after the damage took place. The AC stopped working Sunday, and the last time we were there was on the previous Tuesday. We did not damage this AC unit and will not be responsible for any cost. This unit was damaged the same day it stopped working.

We have pictures of the second unit before we

even went on the roof the first day of work, providing that the hole in the cover was already there. See attached. Furthermore, according to the AC company, the hole is very old. We will not be responsible for any cost to this unit, as the damage was not done by us.

Our intention is to finish the work in a timely manner, but we will have to agree to these findings and irrefutable proof to prevent any problems in the future. In order to continue, we need in writing by you a letter stating that you agree and we will not give any discounts on final payment for AC or any damages claimed by you, except for $30 for a pool net.

Please reply that you agree with the findings and supporting documents for us to continue.

Q. Mr. Romero, where in contract allow you to stop working unless I agree not to charge you for any damage in writing?

MR. CLARKE: Form.

THE WITNESS: Where what?

BY MS. GUO:

Q. Where in -- Mr. Romero, where in contract saying allow you to discontinue the work unless we agree in writing that I'm not going to charge you for any damage?

A. Well, you were -- you were asking me to pay

for AC units that I didn't damage. So that means a big deduction on my payment. So why would I continue work when I know you're not going to pay --

Q. My question is where in the contract?

A. I was --

Q. Did the contract allow -- saying any contract -- any place in the contract saying you can stop working unless I agree not to charge anything in writing?

MR. CLARKE: Form.

THE WITNESS: I don't know if the contract says that. Once again, you threaten me with deducting the -- the AC units, which we not -- we did not do damage on. So that's why we stopped.

BY MS. GUO:

Q. Here you says, "We have pictures of a second unit before we even went on the roof first day of work."

A. Uh-huh (affirmative).

Q. What's the first day of your work?

A. The day we did the tear-off. You have the picture with the date and time.

Q. Do you count March -- put temporary job as your first day of your work?

A. No. The tear-off is the first day of work. Not the temporary repair.

Q. Could it be in March -- so in April 2nd, you

put on the net around the AC, right?

A. Yes.

MR. CLARKE: Form.

Q. Could it be in March when you do temporary work and tile fall off, damage the AC?

A. No.

MR. CLARKE: Form.

Q. Why not?

A. Because you would've noticed it. And also, when you do repairs, you never cause damage. We're not doing a tear-off. We're not throwing tiles off the roof. Also, I don't know where that repair is located.

Q. Did you ask your workers where the two repairs were?

MR. CLARKE: Form.

Q. You were at my house, right, you -- did I show you the leaking?

A. No.

Q. If I did not show you the leaking how would you agree to do temporary repairs? How would you know the charge, how much you would like to charge?

MR. CLARKE: Form.

THE WITNESS: You told me you had two leaks, two temporary leaks, and if I agree to do them you will sign the contract. I calculated the cost of

repairs in my contract. But I did not --

BY MS. GUO:

Q. Did you come in --

A. -- where the leak was.

Q. Did you come inside of my property?

MR. CLARKE: Form.

THE WITNESS: I don't think I did, no.

BY MS. GUO:

Q. Did you come inside of my attic?

A. No. I did not.

Q. So you had no idea where the leaks were?

A. No.

Q. Did you went on my roof?

A. No.

Q. Did you walk around my property?

MR. CLARKE: Form.

THE WITNESS: The day of the -- the day of the estimate, no.

BY MS. GUO:

Q. Did you go to the side of my property, did I show you the leak? Did I show you --

A. I don't remember.

Q. -- the roof?

A. I don't think so.

Q. So when you came to my property, you have no

idea where my leaks were?

A. No. I went to your property to give you a roof estimate to replace the entire thing.

Q. Did you see any tiles removed on my property?

A. I don't remember.

Q. So the day you gave me a estimate and then you put the two temporary leaks on the -- two temporary repairs on my -- in the contract, you have no idea where my leaks are?

A. What?

Q. Is it possible that two temporary repairs are on the side where the AC is?

A. Yeah. It's possible.

Q. Is it possible those tiles fell of the tile -- fell off the roof and drop on AC?

A. No.

MR. CLARKE: Form.

Q. Were you involved in any lawsuit before?

A. Was I what?

Q. Were you involved in any lawsuit before?

A. Me? I was never in a lawsuit, no.

Q. Was your company ever involved in any lawsuit before?

A. No. But you have.

Q. Were you partner or coworkers ever involved in

any lawsuit before?

A. I don't know.

MR. CLARKE: Form.

Q. I'm going back Exhibit 80.

MR. CLARKE: Did you say Exhibit 80?

MS. GUO: My exhibit -- I'm sorry, Exhibit -- the -- what did I say? Sorry. It's a 80-page PDF produced by you. And it's Exhibit, let me see what's exhibit number. K, I'm sorry. K. That's page -- 80-page report produced by you. I'm going to Page 55. It doesn't show the -- 55.

BY MS. GUO:

Q. Mr. Romero, Page 55, who -- who took this picture?

A. That was probably the inspector I'm guessing.

Q. Who was the inspector?

A. Who was?

Q. Who was the inspector?

A. The city inspector.

Q. What is his name?

A. I don't remember. Vladimir (phonetic), I think that's the last name.

Q. Did he text you this picture or emailed you this picture?

A. I believe he texted me that picture.

Q. Why did he text you this picture?
A. Because you made him go back to a roof that had already passed inspection. You called him until you drove him insane and then he -- well, as you can read on the text -- to shut you up, he told me to go ahead and do a couple of things on the roof.
Q. What did he require you to do on -- on the things in this picture?
A. He required me to remove that piece of tile from the edge, which we did. He -- and to bring down the valleys, the laps of the valleys, I believe.
Q. Did he ask you to correct any returns or flashings?
A. I don't remember. I would have to go to these texts.
Q. On the day you were here, when I -- when you were here, did I ever request you to remove this object on the underlayment?
A. Oh, yeah, you did.
Q. Did you reject to remove object on the -- on this underlayment?
A. No, I didn't reject doing that.
Q. Did you tell me that's not the problem?
A. I did not tell you that. I told you I was going to remove it.

Q. Did you ever -- let's go back to Exhibit J, 151 pages produced by you or your company. Let's go back to the letter.

Here, you said in your own words, "If you give me paint -- remaining paint or the color code of the paint, I can try to help you improve it."

A. Uh-huh.

Q. Did you reply to my email?

MR. CLARKE: Form.

THE WITNESS: What email?

BY MS. GUO:

Q. You said in this one, you said -- "If you give me the remaining paint or the color code of the -- or the color code of the paint, I can try to help you" --

MR. CLARKE: Ms. Guo, you're misstating the evidence here. There's no such -- it doesn't say anywhere that your email --

MS. GUO: Okay.

BY MS. GUO:

Q. Where did you find this word, if you give me the remaining paint or the color code of the paint, I can try to help you to improve it?

A. I don't know if it was a text, if you told me over the phone, if it was an email. I don't remember.

Q. Did you ever agree to give me the remaining

paint?

A. I agreed to give you the can of paint, yes.

Q. When? When did you agree to give me the paint?

A. I don't know. When you called me or when we discussed it.

Q. You have anything in writing that you agreed to give me the remaining paint -- the remaining paint?

A. I don't remember. No.

Q. Here, this sentence. Our company started the tear-off of roof April 20 -- April 2nd. Did you do any job before -- did you do temporary repair before April 2nd?

A. Yeah. We already established that.

Q. After you left the -- you and Mr. Romero -- Elias left it at my property.

A. Elias left the paint the same day that we met.

Q. I'm asking my question, okay? My question is after you -- after April 16th, did any of your workers work at my property?

A. Not on your roof. Elias went by the next day to finish the paver on the corner.

Q. So why here you said -- why you said April 16th here the last day Roofing and Construction come and did any work on your roof?

A. That is true. That was the last day we did any work on your roof.

Q. How did you know Elias did not do anything on my roof after you left?

A. Because the next day he only went there to put pavers on -- the little paver. You were there.

Q. So did Elias talk to you about -- told you about he fix the paver after you left, the next day after you --

A. Yeah. Yeah. He told me he fixed it.

Q. Did Elias tell you how did he painted the fascia board at my property?

A. No. You already asked me that.

Q. Do you have cutters at your property -- at your -- paver cutters at your -- at your company?

A. I have what?

Q. I'm sorry?

A. What did you say?

Q. Do you have any cutter to cut the pavers at your property -- at your -- at your company?

A. A paver company?

Q. Do you have any cutter? Does your company have any cutters to cut the pavers?

A. Well, we have a -- we have cutters to cut concrete tiles, and these are concrete pavers, so I

guess
-- I guess yes.
Q. How many cutters do you have?
A. I don't know.
Q. Are they -- do they use power cord or do they use battery?
A. I don't know.
Q. Who would know what cutters do you have?
A. Well, you can ask Elias. He's the one that cut the pavers.
Q. I'm asking you. In your company, who keep the inventory?
A. Elias has his --
MR. CLARKE: Form.
THE WITNESS: Elias has his tools. I don't know what he has.
BY MS. GUO:
Q. In your company, who would know the inventory of your company?
A. I already told you.
MR. CLARKE: Form.
THE WITNESS: You can ask Elias.
BY MS. GUO:
Q. Would Anne Rocco, Ms. Anne Rocco know the inventory?

A. No. No.

Q. Here, AC stopped working Sunday, and last time we were there was on previous Tuesday.

A. Uh-huh.

Q. Let's check April 16. What day is April 16?

MR. CLARKE: Form.

Q. April 16, 2024 was Tuesday. April 17, 2024 was Wednesday.

A. Okay.

Q. Why you say the last time we were there was on the previous Tuesday.

A. Because we were talking the -- doing roofing work, and also, that Tuesday you were there with us the whole time we were there.

Q. Did your company -- did anybody at the company come here at my property on 17th, Wednesday?

A. Elias went on the 17th to change the paver.

Q. So why don't you say the last day you were there was Wednesday?

A. Because I was talking about roofing work, not something in the driveway. Obviously, we cannot damage anything from the driveway.

Q. We have picture of the second unit before we even went on the roof for the first day of work.

A. Uh-huh.

Q. When is the first day of your work?
A. I'm talking about the tear-off. I'm not talking about the repair.
Q. So the temporary repair does not count as your work?
A. No. That's a temporary repair. I was talking about the tear-off of the roof.
Q. The temporary work -- the temporary repair does not count as your scope of your contract?
MR. CLARKE: Form.
THE WITNESS: It's a temporary repair. It's not -- it's not the tear-off of the roof. I was talking about the tear-off of the roof.
BY MS. GUO:
Q. Is temporary repair part of your work?
MR. CLARKE: Form.
THE WITNESS: It's not part of the tear-off. It was a part of the deal.
BY MS. GUO:
Q. Here, it's the first day of your work. That's your work, including temporary repairs.
A. No. I wasn't including the temporary repairs. I was talking about the tear-off.
Q. Is temporary repair part of your work?
A. It's -- it's part of the work, but it's not

part of the tear-off.

Q. So when is the first day of your work?

A. The first day of my work, I'm talking about of re-roofing your house, of what is in the permit, was April 2nd. We already established that we did a temporary repair before that. I'm not disputing that.

Q. I'm asking you what is the first day of your work?

A. April 2nd.

Q. So does temporary repair count as your work?

A. It's not part of the quote of the permitted work, no. It's something that we did to --

Q. I'm not talking about permit work. It's part -- did you do the work of temporary repair?

A. I already told you yes.

MR. CLARKE: Form.

Q. I'm going back Exhibit H. Your answer to my first interrogatories on behalf of RACC.

Is painting fascia part of your work?

A. The existing fascia -- sorry, the fascia that we replace, yes.

Q. Is painting a fascia board you replaced part of your work?

A. It's part of the re-roof process, yes.

Q. In your first answer here from my

interrogatory 1, Page 4 of your answer --

A. Which one?

Q. Yes. On which day did you, in any of your work, painting the fascia boards that you replaced?

A. It was probably the day, like I said, the day that -- that they did the tear-off. If I have to guess, maybe April 3rd, April 2nd. I'm not -- I'm not sure when he painted it exactly.

Q. So is it possible Elias Rebolledo painted the fascia board while you are doing the tear-off?

A. Yeah. It's possible. I mean, he would have to -- no. Let me correct that. No. He wouldn't be able to do it during tear-off, because he would have to wait for the fascia to be replaced before he painted it. So more than likely, it was done when they were doing the peel and stick. So the 4th or the 5th of April.

Q. Why you didn't mention painting fascia board on April 4th or April 5th?

A. Because I didn't -- I don't know when he did it. I'm not sure when he did it.

Q. But did you do it? Did he do it? Did he paint the fascia board?

A. Yeah, he did.

Q. Did he -- this question ask you -- everything specify what work you did. Why you omit painting fascia

board from this answer?

A. Because I don't know when he did it. I do now know the day he did it.

Q. Do you know he paint the fascia board?

A. Yes, I know he painted the fascia board because you called me complaining about it.

Q. So when you fill this answer, should you ask -- call him, ask him when he paint the fascia board, and put on here answer?

A. It didn't come to mind. I mean, I don't -- we do a lot of things during every day that I don't mention. I mean, we -- April 2nd, we tear-off. Do I have to mention that we threw the tiles on the truck, that we picked up the trash? I mean, it's part of the -- it's part of the installation.

Q. Did I accuse you -- did I accuse your worker damage the fascia board -- damage the AC while painting the fascia board?

MR. CLARKE: Form.

THE WITNESS: If you accuse that my -- that -- come again? Say it again, please?

BY MS. GUO:

Q. Do you know I accuse you coworker damage the AC while painting the fascia board?

A. No. What you said is that we damaged your

ACs.

Q. Did you see my counterclaim?

A. Did I see what?

Q. Did I see -- did I read my counterclaim against you?

A. No. I'm not understanding what you're saying.

Q. Did you read my counterclaim? Did I sue you?

A. Yes.

Q. Did you read my counterclaim what I sue you about?

A. I don't remember.

Q. Did Mr. Carlos Duran said it was likely somebody step on the AC to paint the fascia board and damage the AC?

MR. CLARKE: Form.

THE WITNESS: I don't remember what you sue me about.

BY MS. GUO:

Q. No, I'm asking. Your AC contractor, Mr. Carlos Duran, in his report says, it was likely somebody -- it was likely -- let me bring the letter here.

A. It was somebody likely stepping on the AC to paint the fascia. That's what he said.

Q. So do you remember painting fascia board is a big argument here?

MR. CLARKE: Form.

THE WITNESS: I don't understand your question.

BY MS. GUO:

Q. So do you purposely omit that you painted the fascia board on this answer?

A. I -- I -- we already many times told you that never said that we did not paint the fascia. I told you that we painted the fascia twice.

Q. But you, on this answer, you omitted the part that you painted the fascia board.

A. We did not -- I did not omit it. I don't know what day it was done. I didn't know if we were have -- we were supposed to be that specific.

Q. Why you everything you listed except this fascia board painting omitted from this answer?

A. Because it's not a big part of the job. It's like, once again, I omitted saying we picked up the trash, we dumped the tiles on the truck. It's not a big part of the job. I don't know which day he did it. But obviously he did it way before the 16th because you called to complain.

Q. Did you just say you watched him touch up the fascia board on April 16th, 2024?

A. Yes.

Q. So why did you put here no work performed then?
A. We weren't working. We had a meeting with you. All he did was -- we were measuring the fascia, and you told us to do a quick touchup of three little spots that took him maybe one minute.
Q. Touch up of fascia board does not count as work?
A. No. Not to me.
Q. Besides these dates -- here, in this answer here, did you work at my property at any other dates?
A. I only went to your property --
Q. Oh, no, no, no. Did your company or subcontractors work in my property at any other days besides these days listed here at my -- in my --
A. Well --
Q. -- in your answer to my --
A. -- April -- April 2nd, I believe we did the tear-off.
Q. Did you do any work on April 2nd, 2000 -- April 3rd, 2024?
A. I believe it was April 2nd. It might've been April 3rd. We might've finished April 3rd. I think that's what it was. We started April 2nd and finished April 3rd.
Q. Other than -- do you have any other dates you

worked -- your company worked in my property other than days listed here, your answer to interrogatory 1 in April 2nd and April 3rd?

A. I -- I don't remember. I don't -- I don't think so.

Q. Where in the contract saying you only need protection on April 2nd and April 3rd?

A. I don't know if the contract says that. That's just common sense. You protect when you're throwing everything off the roof.

Q. I'm bringing Exhibit A back, which is the contract.

MR. CLARKE: Madam Court Reporter, do you need another bathroom break?

COURT REPORTER: No. Thank you for asking. I'm fine. But I will probably in the next half hour, maybe 40 minutes.

MR. CLARKE: Okay.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. This is the first page of the contract, Exhibit A. Can you read here, complete roof preparation? Can you read this whole thing?

A. Service provided to help you avoid hassles and to protect your home. Home exterior landscaping,

shrubs, trees, pool, cars, and driveway to be protected from damage.

Q. Here it says you only need protection during tear-off and do not need protection for any other day?

MR. CLARKE: Form.

THE WITNESS: It doesn't say that, no.

BY MS. GUO:

Q. Did the city inspector ever ask you to -- when the city inspector called you, what corrections he ask you to do?

A. What what?

MR. CLARKE: Form.

Q. What corrections did he ask you to do?

A. From what I remember, remove that piece of tile from that edge, lower the valleys, the gaps on the valleys. I don't remember if it was something else. Maybe yes. I don't remember.

Q. Why there is open laps show up on underlayment?

A. Why?

Q. Yeah.

A. Because I told you, when you touch -- the peel and stick underneath is black. When you touch the white part with the white part, it doesn't stick. It's supposed to be there just to cover the nails. It's

always loose. The guy made me correct it because you wouldn't stop calling it, not because he was wrong.

Q. So it is common to see those open laps at the underlayment like that?

A. Yes.

Q. Do you have any property showing those open laps?

MR. CLARKE: Form.

THE WITNESS: No. But you can ask the manufacturer of the paper.

BY MS. GUO:

Q. I'm bringing back Exhibit K. Who took this picture on Page 80 of this 80-page PDF? Exhibit K. Did I say Exhibit K? Who -- Exhibit K, yes. Who took this picture, Page 80?

A. That might be the inspector as well.

Q. What did he tell you about this picture?

A. I don't remember.

Q. Does this picture show a return or flashing?

A. It's showing a -- it's showing a flashing, yes.

Q. Did he tell you anything wrong with this flash?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. How did you correct this flashing?

MR. CLARKE: Form.

THE WITNESS: I don't remember. It might've -- it might've been the back of it, put some more stucco. I don't remember.

BY MS. GUO:

Q. Is this the only flashing you corrected?

A. Yes.

MR. CLARKE: Form.

Q. Is this the only flashing he require you to correct?

A. Yes.

Q. Did he require you to do any -- to correct any other flashings?

A. No.

Q. So only thing you did to correct this flashing is to put stucco on it, correct?

MR. CLARKE: Form.

THE WITNESS: On the back of it. It's actually part of the soffit. It's not the flashing itself.

BY MS. GUO:

Q. So how did you correct this flashing?

A. I don't know. I believe they put stucco in

it. We didn't correct the flashing. The flashing was fine. I believe it was the -- the soffit in the back.

Q. What wrong with the soffit in the back?

A. You see the flashing on the right?

Q. Yeah. Keep going.

A. Where the flashing finishes and it touches the roof coming down, that cement that's there. You can --

Q. What's wrong with it?

A. You can use your pointer. There's nothing wrong with it. He just wanted more stucco in it. No, go -- keep going. Keep going. Keep going. Keep going. Keep going. That.

Q. What's wrong with it?

A. I don't know. There's nothing wrong with it. I believe he wanted more stucco on it. There's nothing wrong with it. And that's not part of the roof. That's a soffit. A soffit is like a wall. It's past the roof already.

Q. Was this part of your job? Was the soffit part of your job?

A. Normally not.

Q. You are not supposed to take care of this soffit part?

A. It depends. If it -- when it gets to -- when it touches the roof, then yes.

Q. I'm going to Page 48, still this Exhibit K on this 80-page PDF. Is this the text between you and city inspect -- okay.

Is this the page -- is this the text between you and the city inspector?

A. Yes.

Q. Can you read it.

A. Which one?

Q. Both of them.

A. "This is James Wagner with Weston. Please start texting me the photos where you have to put bull on all of those laps in the valleys as soon as possible. Thank you."

"This is James Wagner again with the City of Weston. I'm inquiring about the status of the" -- he misspelled there. He meant to say sealant, S-E-A -- "of the valley laps."

Q. What's next?

A. I don't see anything else.

Q. Next -- read -- was your answer here?

A. There's no answer. You have to keep going down.

Q. No, you said T-U-E. What is that?

A. Where?

Q. Here. After this words valley laps, what

about here?

A. I sent him pictures.

Q. What is the date of this one?

A. Tuesday, June 25th.

Q. At?

A. 9:28 a.m.

Q. How many picture did you send to him?

A. Fifteen.

Q. You send him 15 photos, right?

A. Correct.

Q. Where are the 15 photos?

THE WITNESS: Doug, did I gave them to you?

MR. CLARKE: I'm not quite sure. I'll have to go back and look at what was produced.

THE WITNESS: Okay.

BY MS. GUO:

Q. Before the break you check -- just check your texts. You said you did not send any photos -- send any photos to the city.

A. No. No. You're lying. I said I didn't send any photos myself to the inspector of the roof completed. You asked me if I sent him pictures of the whole tile installation, the roof finish, showing no broken tiles. I told you, me personally did not. Those 15 pictures are there, we would have to check if -- if I

sent them to the lawyer or not, are not of the completed roof. Are of -- they're repairs that the inspector wanted me to do.

Q. You did not produce these 15 photos.

A. Well, we would have to check. I don't know. I believe I might have, but I don't know.

Q. On the next message here, Tuesday, July 2nd, at 7:04 a.m.

A. Uh-huh.

Q. Can you read that.

A. "Good morning. Where can I hand you the report? If you have access or your tile center has any photos for the final, please send them to me at jWagner@capfla.com."

MR. CLARKE: Ms. Guo, the pictures look like they were produced if you look at Bates stamp 219, going back up to -- looks like 2 --

MS. GUO: It's okay. We can talk about it later.

MR. CLARKE: No, no, no. I'm just -- because you represented that there was no pictures, and I'm just letting you know that --

MS. GUO: No, picture in this text. I'm asking -- I'm asking this question --

MR. CLARKE: It looks like the pictures in the

text --

MS. GUO: We can talk about it later.

MR. CLARKE: Just for the record, Ms. Guo, I don't want you to misrepresent we didn't provide the pictures.

MS. GUO: Not misrepresenting. You're interrupting my question here.

MR. CLARKE: No, I'm not interrupting you. I'm just making it known on the record that it looks like the pictures were produced. You can ask him about the pictures, Ms. Guo.

MS. GUO: You can finish -- you can talk after the -- after the witness finish.

MR. CLARKE: I'm just -- I want to just make sure you're not, you know, misrepresenting.

MS. GUO: Don't interrupt. He's talking.

MR. CLARKE: You can continue. I just want to let you know.

MS. GUO: You are wasting my time.

BY MS. GUO:

Q. Mr. Romero, did you read this email? Did you finish reading this message?

A. Yeah, I finished.

Q. Did you send any email to Mr. Wagner?

A. No, I did not send, myself, me, an email.

Q. Did you ask anybody from company to send him an email -- email him?

A. Well, if that was the text from the inspector, I would've told Annie to go ahead and send him the pictures that she may have. But me, I did not send him any pictures of the completed work.

Q. A while did I ask you to check the text?

A. I would have called her. I would not have text her.

MS. GUO: Miss -- Madam Court Reporter, can you please take a five-minutes break now so you can go to the bathroom, because I'd like to no more break after this five-minutes break?

COURT REPORTER: Yeah. That would be fine.

MS. GUO: Yeah. Thank you. You can take five-minutes break and then I'm going to -- can take five minutes now. I will come back at 3:56. Thank you.

COURT REPORTER: Okay. We are off record.

(Off the record.)

(On the record.)

COURT REPORTER: We're now back on record.

BY MS. GUO:

Q. Mr. Romero.

A. Yes.

Q. When we signed the contract, did you ask me to notarize a page?

A. I don't remember.

Q. The contract -- the notice of commencement need a -- need a notary for me -- for me? Did I need to notarize any pages to finish the contract?

A. Not for the contract. For the permits.

Q. For the permit. Do I have to notarize something for the permit?

A. I believe you do. I'm not in charge of permits, but yes, probably.

Q. Did you ask me to send you a driver's license so you can get a notary for me?

A. I don't remember.

Q. Did you ever ask your clients to send you a driver license so you can get the notary, notarize it for them?

MR. CLARK: Form.

THE WITNESS: I'm not in charge of it, so I don't remember.

BY MS. GUO:

Q. Did you ever ask any of your client to send their driver license so you can put a notarize?

A. Probably.

Q. Is that because you know a notary personally?

A. I don't know a notary --

MR. CLARK: Form.

THE WITNESS: -- personally.

BY MS. GUO:

Q. I'm sorry?

A. I don't know a notary personally.

Q. You do not know any notary personally?

A. That I remember, no.

Q. So any time you notarize something, they have to check your driver license?

A. I'm not in charge of notarizing papers.

Q. But every time you sign something, you have to be present?

A. Myself?

Q. Yeah.

A. I don't know. I don't remember the last time I notarized something.

Q. Did you ever do any notaries through online?

A. Maybe. I don't know. I don't remember.

Q. You haven't notarized anything?

MR. CLARKE: Form.

THE WITNESS: I have notarized stuff. I don't remember if I did it online ever.

BY MS. GUO:

Q. And you don't know any notary -- notary in

person?
A. Yes, I don't notarize in person.
Q. So if you notary something, you always have to show this person your driver license, correct?
A. It depends. If the notary knows who I am, then no, but if -- if I go to somewhere that they don't know me, yes.
Q. When was the last time you notarized something?
A. I don't -- I don't remember. I mean, I know --
Q. Did you notarize anything for this property?
A. I sign permits all the time and get them notarized.
Q. Do you always have to go to a notary to sign it?
MR. CLARK: Form.
THE WITNESS: The permits?
BY MR. GUO:
Q. Yeah.
A. No. Sometimes I sign them in the office, and then they get them notarized.
Q. Where did they get them notarized?
A. I don't -- I don't know who we're using right now.

Q. For the permit, did you notarize any document for this property?
A. Yes, the permits.
Q. Other than permit, did you notarize any document for this property?
MR. CLARKE: Form.
THE WITNESS: I don't remember.
BY MS. GUO:
Q. I'm going to this Page of 151. I'm going to Exhibit J again, the 151 page PDF produced by you, and I'm on Page 119. Did you take this picture?
A. Maybe.
Q. This is something produced by you.
A. Okay.
Q. Do you remember taking this picture?
A. Then yes. I don't -- I mean, I remember taking a picture of that same cricket. I don't know if that's the exact picture, but it looks like it.
Q. In this area, did you see any of prior work by other people? Any work by other worker --
MR. CLARKE: Form.
THE WITNESS: I don't see --
BY MS. GUO:
Q. For the roofing?
A. Once again, I wasn't there to see that. I

don't see from the picture that anybody touched that, like they did major work on it.

Q. Did you see any work -- did you see any prior person's work on this area?

A. Prior from where? From when we started?

Q. Yeah. Before you do the re-roofing.

A. Before we did the roof?

Q. Yeah.

A. No. We would've had removed it, whatever was there before.

Q. So nothing here were done by anything -- anybody else, correct?

A. No. It looks like it's what we did.

Q. So there's nothing here done anybody prior your work or after your work, correct?

MR. CLARKE: Form.

THE WITNESS: I don't know after. But before, no. We would've had removed it. Whatever is -- whatever is the roof is new.

BY MS. GUO:

Q. Do you have anything to show anybody worked on this part after your work?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Is anything wrong with your work here?
MR. CLARKE: Form.
THE WITNESS: No.
BY MS. GUO:
Q. I'm pointing here now. Is this flashing here that's -- that's a open lap here?
A. That flashing what?
Q. Here, is this a piece of flashing here?
A. It's hard to see, but it looks like it.
Q. Is this a open lap here in the flashing here?
MR. CLARKE: Can you zoom in, Ms. Guo.
Q. Is this a open lap here, between the flashing here, where my mouse is?
A. I'm not sure.
Q. If there is a open lap here, would water go inside here?
MR. CLARKE: Form.
THE WITNESS: I'm not sure if that's an open flashing.
BY MS. GUO:
Q. If it is a open flashing, would water go inside of here?
MR. CLARKE: Form.
THE WITNESS: Water doesn't normally travel up.

BY MS. GUO:

Q. But if the water build up in this area reaching to higher than this level, would water go inside of this open lap?

MR. CLARKE: Form.

THE WITNESS: It depends what is behind that flashing, if it's a flashing. I don't know what that is. It doesn't look like flashing. It looks like membrane.

BY MS. GUO:

Q. So you mean this one look like a membrane?

A. Yes.

Q. I'm talking about this picture up left corner here.

A. Yeah, but it doesn't look like that's a flashing. A flashing is a silver -- silver metal color. It's not black like that.

Q. Is this part a flashing here?

A. I don't know what that is.

Q. Do you see any flashing on this picture at all?

A. The flashing would be inside -- inside the wall and underneath that metal, that roofing paper, so you might not be able to see it.

Q. So you cannot see any flashing here at all?

A. No. It would be inside the wall.

Q. I'm showing the picture -- here, 118. Do you see any flashing here?

A. On the corner. That metal is flashing.

Q. Where? Is this here?

A. On the left.

Q. This is flashing?

A. The left.

Q. Left. Here?

A. Left and down.

Q. Left and down. Do you see here?

A. No, you got to go to the front of the wall. You're on the side wall. Go to the front of the wall.

Q. You mean here is the flashing?

A. Correct. Underneath that. That is the flashing.

Q. You don't see any flashing here where the tiles touch the wall?

A. It would be inside the wall. You wouldn't be able to see it.

Q. Okay. So on this Page 119, you don't see any flashing, correct?

A. No.

Q. I'm going back to 180. Do you see the left?

A. Yes.

Q. Left bottom corner here. If the water build up here, it must be higher than this part -- this part?

A. What did you say?

Q. Can water be stopped here -- here, stopped here?

A. No.

MR. CLARKE: Form.

THE WITNESS: There's a hole in there for water to go under the tiles.

BY MS. GUO:

Q. There's a hole? Under where? Under here?

A. Where that point -- where you have the pointer thingy before.

Q. There's a hole here?

A. Not there.

Q. Where?

A. Keep going. Keep going. Probably there.

Q. There's a hole here?

A. Yeah, there's probably not -- no -- not cement there, so that the tile can get -- the water can get under.

Q. Okay. Let me repeat. We are seeing here there are three tiles and there's a wall here, right? It's like a rectangle. The left side is a wall and that other side are tiles; am I correct?

A. Yes.
Q. Okay. At left bottom corner of this rectangle, you say there is hole here?
A. Yeah. There's probably a hole there for water to come out.
Q. Did you see a hole here when you were at property -- inspect the property?
A. I didn't pay attention to that.
Q. Should there be a hole here?
A. If water -- I mean, if water comes there, then water should come out.
Q. Should be a hole here -- put a hole here?
A. Not a hole per se, but don't put cement there so that the water can get under the tiles.
Q. You mean under the tile at the bottom of this square, right?
A. Yes.
Q. If there's no hole here, would water be stuck into this square where there's no tile covered?
MR. CLARKE: Form.
THE WITNESS: Well, no. I mean, it wouldn't be stuck. It would build up a little bit and then go on top of the tile. It wouldn't be stuck.
BY MS. GUO:
Q. I'm still talking about this rectangle here

uncovered by the tiles. One side is the wall and the other three sides are tiles. Inside of this rectangle, can the water build up -- build up until it's higher than the tiles underneath at the bottom of the square?

MR. CLARKE: Form.

THE WITNESS: Yeah, I don't know if it's higher or not. If it's a little higher, then for the water to come out, water will have to build up and then come out. That's why the paper on that cricket is different. It's a -- it's not a regular peel and stick. It's a modified paper meant for a flat roof. That's called a cricket because water ponds. So that's why we have a better paper on that area.

BY MS. GUO:

Q. So if the water build up here and there's a hole somewhere along this wall here, the water get into the wall?

MR. CLARKE: Form.

THE WITNESS: What did you say?

BY MS. GUO:

Q. If the water build up in this rectangle where no -- no tiles cover and if the water get into the level, if there's any hole inside of this wall, would the buildup water get inside of this wall?

A. No. Because you have a wall.
Q. Do you see anything wrong with this part?
MR. CLARKE: Form.
THE WITNESS: I don't know. I don't see a picture from the other side coming this way, so I couldn't tell you. But from the picture you're showing me, no, there's nothing wrong with it.
BY MS. GUO:
Q. So when you were here, you inspect the house, you did not see anything wrong with this -- this area?
A. No, I didn't see anything wrong with it.
Q. Did Mr. Carlos Duran ever mail you anything?
A. Who?
Q. Your AC contractor, Mr. Carlos Duran, ever mailed you something?
MR. CLARKE: Form.
THE WITNESS: Mail me something?
BY MS. GUO:
Q. Mail you or your company anything?
A. I don't remember.
Q. Is Carlos Duran a certified air conditioner contractor?
A. I believe so.
Q. Did you ever check his license?
A. Me? No.

Q. So how do you know he is a certified air conditioner?

A. I don't. That's why I say I believe so. I didn't say yes.

Q. Where in the contract says if I don't pay you then you don't need to come back to repair the -- you don't need to come to repair the leak?

MR. CLARKE: Form.

THE WITNESS: I don't know if it says that. But you reported the leak a month after or more since we left the house, and you didn't pay the bill.

BY MS. GUO:

Q. But your contract says you are going to -- hold on. Let me get the contract. Here. Your contract said new plumbing vent flashing will be installed and flashed.

MR. CLARKE: Form.

THE WITNESS: Okay. I see it.

BY MS. GUO:

Q. This is Exhibit A. Okay?

(Thereupon, Counter-Plaintiff's Exhibit A was marked for identification.)

BY MS. GUO:

Q. Did you use the new plumbing vent?

A. Did I what?

Q. Did you use the new plumbing vent flashing?

MR. CLARKE: You're asking about the vent or the flashing?

BY MS. GUO:

Q. I don't know what is the vent flashing. Did you use the new plumbing vent flashing?

A. Yeah. We put new flashing.

Q. When you put the new flashing, did you need to remove -- take all the flashing from the vent -- old flashing from the vent and put the new flashing?

A. Yes.

Q. Did you need to connect the vent back to the flashing?

A. Connect the vent?

Q. You need to put the vent back to the flashing, new flashing?

A. I don't know what a vent -- what you're talking about a vent.

Q. This is your -- from your contract. What is a vent? Plumbing vent?

A. That is -- that has nothing to do with the flashing. That is the vents for the dryer, for the -- for the pipes. That has nothing to do -- that's an attic vent. It has nothing to do with the flashing.

Q. Yes. The flashing -- is the flashing supposed to connect it with the vent?

A. No. The flashing goes in the wall. The vents goes -- it's on top of the roof. It has -- they're not even near close to each other.

Q. No. What I mean the vent -- the vent -- one side is inside of the house. The other side go to the roof, right?

MR. CLARKE: Form.

THE WITNESS: That's called a flashing. Not a vent.

BY MS. GUO:

Q. I know. But the vent -- vent is the long pipe, right? Is the vent a long pipe?

A. The vent can be just a hole on the roof to vent out the attic. It can be the -- the tubes for the -- for the dryer. It has nothing to do with the flashing.

Q. No, okay. There's an opening -- there's supposed to be like a metal long pipe connect the dryer all the way up to the roof.

A. I don't know. That's -- that's not up to me. That's whatever the homeowner has. My job is a roofer is to remove the old vent and put a new one. I don't see what's underneath. I don't see what's inside the

attic.

Q. You remove the old one, are you supposed to put a new one back in place.

A. We put a new vent. We don't -- we don't touch any tubes that are inside the attic. That is not our work.

Q. When -- if it's out of the place, do you have to put it back? It's connected the old one, right?

MR. CLARKE: Form.

Q. Then you put the new one, right?

A. There's nothing connected to it. We just -- we pull the vent out of the roof. We remove the vent, and then we put one on the same spot. We do not know what's inside the attic. If there's a rigid tubes, if it's a flexible tube, we don't know what's in there.

Q. If there's broken tile in the roof, did you -- are you supposed to finish it before you're asking me for money?

MR. CLARKE: Form.

THE WITNESS: There's no broken tiles when we left, because, obviously, we have pictures. And then the engineer certified that there was no broken tiles.

BY MS. GUO:

Q. Where in the engineer report it says there's

no broken tiles?

A. It doesn't say that, but that's one of the things they inspect, because a broken tile is not going to pass a wind -- a wind speed resistant, obviously.

Q. Were you at the property when the roof was -- was -- when the -- when the tile loader took those pictures?

MR. CLARKE: Form.

THE WITNESS: When the tile loader? If I was there?

BY MS. GUO:

Q. Yeah.

A. No. The tile loader or the tile installer?

Q. Do you have pictures of showing every tile in my roof?

A. The pictures we have are the ones that you showed me, the ones that my tile installer, not my tile loader, my tile installer took. Those are the pictures that you already showed, showing there were no broken tiles.

Q. I'm going to show you -- hold on.

Did you see this report?

MS. GUO: This is Exhibit U.

(Thereupon, Counter-Plaintiff's Exhibit U was marked for identification.)

BY MS. GUO:

Q. Did you see this inspection report?

A. I don't remember.

Q. Did I tell you -- my email tell you that my insurance inspection did not pass?

MR. CLARKE: Form.

Q. Did I ever email you that roof did not pass my insurance inspection?

A. I think you did. You mentioned it.

Q. Look at the Page 8 here, his report. On the left side -- right side picture. Do you see this tile -- those two tile?

A. Yes.

Q. Is that possible that your roofers left it like this, as a cutting through there?

MR. CLARKE: Form.

THE WITNESS: I'm not sure.

BY MS. GUO:

Q. This picture was taken on July 3rd.

A. Yeah, that -- that wouldn't pass inspection.

Q. So you don't think this cutting through tile was there on July 3rd?

A. Photo 17?

MR. CLARKE: Form.

Q. Photo 18 -- yeah, photo 17.

A. 18, maybe an inspector might've missed that. But 17, 15, no.

Q. How about 16 here?

A. I doubt it, no.

Q. 16, do you see somebody actually apply some red cement here?

A. I see that, yeah.

Q. Did your worker apply some cement on it?

A. I don't know who did that.

Q. How about photo 14? Did you see a cut here?

A. I don't know.

Q. You don't see this cut here on 14?

A. I see it. I don't know who did it.

Q. Did you fix this hole on this photo 18 here?

MR. CLARKE: Form.

THE WITNESS: If I would fix it?

BY MS. GUO:

Q. Yeah.

A. Yeah, if you pay your bill, yeah, of course.

Q. Should you fix this before I pay you?

A. Before you pay me?

Q. This job should be done before I pay you?

A. No. You -- you got to pay me.

Q. Was this cutting hole part of your re-roofing job?

MR. CLARKE: Form.

THE WITNESS: I don't know if we did that.

BY MS. GUO:

Q. If your worker did that cutting hole, was this part of your job to fix it before you ask for the final payment?

MR. CLARKE: Form.

THE WITNESS: You didn't -- you didn't pay not because there was issues with the roof. You didn't pay because you said that we damaged your ACs. That's why you offered me money several times. You mentioned the issues of the roof way after, a few months after.

BY MS. GUO:

Q. Did I mention your roof did not pass the insurance inspection in my July 9th, 2024, email?

MR. CLARKE: Form.

THE WITNESS: You said -- you mentioned it -- mentioned it on an email. I don't remember the date.

BY MS. GUO:

Q. How many emails did I send you after you left the job?

A. Don't remember.

Q. Did we just go through the three emails?

MR. CLARKE: Form.

Q. On Page 9, did you see this vent here on photo 23?

A. I see it.

Q. Do you see this vent is out of place?

MR. CLARKE: Form.

THE WITNESS: That's not our job. That vent is -- is part of your attic. We don't have access to the attic.

BY MS. GUO:

Q. Was this pipe connected to the flashing you installed?

MR. CLARKE: Form.

THE WITNESS: It's not a flashing. It's a vent.

BY MS. GUO:

Q. No. Did you put a flashing on top of this vent?

A. No. We put a vent. Not a flashing.

Q. You put the vent on it?

A. Yes.

Q. Was this --

A. You see that picture on the right?

Q. Yes.

A. You see how that flexible is strapped to the

2x4? There's a metal strap.

Q. Yeah.

A. You see how it's -- that flexible is being held down by a metal strap?

Q. Are you saying you put this flexible in photo 24?

A. No. What I'm saying is that flexible had a metal strap. The one you're showing me doesn't. So if it's out of place, it's because it's not properly secured inside of the attic. That's not our job. We work from the plywood up. We only replace the vent. We don't touch the flexibles inside the attic.

Q. Would that -- because you put a new vent and the -- you took out the old vent and this one was out of place?

MR. CLARKE: Form.

THE WITNESS: Well, yeah, because it's not secure like the one on the right. The one on the right has a strap. The one on the left doesn't.

BY MS. GUO:

Q. So should you pull this back, pull this vent back -- this flexible back to the right place?

A. No. You -- you should put it inside the hole correctly and put a strap on the flexible so it doesn't move. That has nothing to do with -- has nothing to do

with the roof.

Q. In my July 9th, email -- July 9th, 2024, email, did I tell you that roof did not pass my insurance inspection?

A. I don't know if that --

MR. CLARKE: Form.

THE WITNESS: -- July 9th email says that. I remember you told me. I don't know which date.

BY MS. GUO:

Q. Was that one of the July email I told you?

MR. CLARKE: Form.

Q. That my roof did not pass my insurance test?

A. Open the emails again, we'll see the date. You want the exact date. I don't remember the date.

Q. I'm pulling up this email now. This is Page 72 of my Exhibit G, which this Page 72 says it's July 9th, 2000 -- this is an email sent -- what's the date of this email?

A. July 9th.

Q. Which year?

A. 2024. That doesn't say anything about a home inspection -- a home inspector.

Q. Let me move to next page. Number 5, read the number 5.

A. Okay. There, yes. So it was July 9th.

Q. Can you read number 5.

A. "On July 3rd, 2024, the roof newly installed by you failed my property insurance inspection. Besides broken tiles and cut through tiles, my property insurance inspector found problems with ventilations, ducts, pipes, plywood, and truss. Because some defects have been concealed by tiles you installed, my 7-3-24 property insurance inspection report does not reflect all defects."

Q. So when I tell you there's broken and cutting through tiles, should you come to fix the -- fix this problem before you ask for money?

A. No. We finished the property way before that and you never said anything.

Q. When did you left my property?

MR. CLARKE: Form.

THE WITNESS: You have the dates. I don't remember.

BY MS. GUO:

Q. So how do you know July 3rd, 2024, is -- why July 23rd, 2024 [sic] is too late?

A. Well, we already -- we had already taken pictures of all the slopes, that there were no broken tiles. We had engineer do a pull test, showing that there were no broken tiles. And you had plenty of

people go up on the roof after -- during, after, and I just saw a picture of your friend stepping on the valleys.

Q. How many people? How many people do you think --

MR. CLARKE: Mr. Romero, are you finished with your answer? Are you finished with your answer, sir?

THE WITNESS: yeah.

BY MS. GUO:

Q. How many people do you think I had on my roof?

A. I am not sure. I have no idea.

Q. Well, you said "many." What do you mean by "many"?

A. Well, you -- you is one of them. The guy that went up on the roof, that's another guy. The insurance inspector, that's a third person. So at least three.

Q. Is that possible your -- your engineer or whatever your people missing some of the broken or cut through tiles?

MS. GUO: Form.

THE WITNESS: No. No. He -- the engineer wouldn't miss the broken tiles, and my people wouldn't leave broken tiles like that. And you see the pictures. There's no broken tiles.

BY MS. GUO:

Q. Did your picture show every tiles on the property or on the roof?

MR. CLARKE: Form.

THE WITNESS: I don't know if they show every tile.

BY MS. GUO:

Q. Is it possible you -- the -- your people missed some of the broken and cut through tiles?

MR. CLARKE: Form.

THE WITNESS: Not the broken. Maybe a little cut on a tile, possibly. Not the brokens. Also, you never offered to pay the bill. You always talked about deducting 16,000, stuff like that, from the bill. Even if we fixed any defects that you think that might be on the roof. So you never offered to pay the bill.

BY MS. GUO:

Q. Are you supposed to complete any broken cut through tiles before you asking me for the final payment?

MS. GUO: Form.

THE WITNESS: Not when the homeowner calls me and tells me that she's not going to pay, that she's going to pay $16,000 less.

BY MS. GUO:

Q. When did I -- when did I call you to tell you I'm going to pay you $16,000 less?

A. Not you. It was that Thomas, whatever his name is.

Q. Did he tell you I'm going to pay $16,000 less?

A. It's a figure of speech. I don't remember the exact amount, but it was close to that, yes.

Q. Did he email you anything?

A. No. He called me.

Q. Do you have any proof saying he asked you to take 16,000 off -- $16,000 off?

MR. CLARKE: Form.

THE WITNESS: No. It's just what he told me. And look at the quotes you send me for the AC. How much are the quotes for?

BY MS. GUO:

Q. On the 21st, the city inspector ask you correct the open laps around the valleys?

MR. CLARKE: Form.

THE WITNESS: I sent you what I texted with the inspector already. We already went through this.

BY MS. GUO:

Q. On June 20th, 2024, did the city inspector

enter inspection results as a fail?

MR. CLARKE: Form.

THE WITNESS: I don't remember the inspection results. I know he passed the inspection. But then you called him nonstop and then he -- he called me for something.

BY MS. GUO:

Q. Did he ever -- did the city inspector ever enter the inspection result as fail for this property?

A. I don't remember. You should have the inspection results. You can --

Q. Does his report ever state the tile must be removed from all valleys areas in order to confirm that repairs to the -- and the valleys have been corrected?

A. Okay. Then yes.

Q. Did you remove all tiles from the valley after --

A. The tiles were not installed. He just wanted to move the -- he wanted me to move the piles of tiles. There was no tile installed in the valleys. So we did.

Q. So in June 20th, 2004, when the city inspector entered the results as -- in this report, you did not install any tile at all?

A. On the valleys.

Q. Did you install any tiles on the roof?

A. Yes. But not on the valleys.
Q. Did you remove all tiles from the valley for him to reinspect?
A. Yeah, that's why he passed the inspection.
Q. Did you set up a ladder for the city inspector to reinspect?
MR. CLARKE: Form.
THE WITNESS: There was a ladder there. Yeah, my guys were working there when he came back.
BY MS. GUO:
Q. Are you sure when the city inspector come back there was a ladder on the property?
MR. CLARKE: Form.
THE WITNESS: My guys were working there, so they had a ladder. How else would a -- would they go onto the roof?
BY MS. GUO:
Q. Did you send your guys working here when the city inspector come back to inspect?
A. Did I what?
Q. Should you wait until the city inspector finish the reinspection and then you start working?
A. We were doing -- he told me to fix it and then during tile in progress he will pass the inspection. That's what we did.

Q. Whenever the city inspector fail, should stop the work and wait until he finish the inspection, you resume the work?

MR. CLARKE: Form.

THE WITNESS: We did stop. We did not install any tiles on the valleys, which was the problem that he had. The tiles were not installed on the valleys.

BY MS. GUO:

Q. Did you tell -- ever tell the city inspector that you -- you employee or subcontractors torch the underlayment?

MR. CLARKE: Form.

THE WITNESS: No. I just sent him the pictures that all the valleys were fixed. And then when he did the tile in progress, he saw it and passed it.

BY MS. GUO:

Q. Did you ever send Mr. Wagner any picture of how you corrected the underlayment?

A. I sent him pictures of how I corrected the underlayment, yes. I show him -- I send him pictures of the valleys.

Q. Did you send him any pictures of the flashing or returns?

A. There's 15 pictures. You have them. So if you want to open them up, we can go through them.

Q. I don't think we have time now. It's 4:49.

A. Okay. Then I don't remember.

Q. We'll do it next time. But is Manuel the person -- did you ask Manuel to -- to correct the flashing or returns?

MR. CLARKE: Form.

THE WITNESS: I don't remember.

BY MS. GUO:

Q. Who did you ask to correct the flashing or returns?

MR. CLARKE: Form.

THE WITNESS: It was probably Manuel, but I don't remember. And it wasn't flashings with an S. It was only one. By the front door on the left side.

BY MS. GUO:

Q. What did you ask him to do to correct the flashing?

A. It wasn't the flashing. It was the back of that wall and if I told him that it's because the inspector asked me to.

Q. What did you ask him to do -- to do at that return?

A. Put some stucco in the back of it.

Q. Did the city inspector only asked you to put the stuccos on it?

A. That's it.

Q. That's what the city inspector ask you to only put the stucco on that return or flashing?

MR. CLARKE: Form.

THE WITNESS: Yes. I already told you that.

BY MS. GUO:

Q. Did the city inspector ask you to do anything else about the flashing or the return?

A. No.

Q. Did the city inspector ever ask you to cut open the underlayments on the valley and apply some special glues to make it stick back again?

A. No. He told me to bring it down -- bring it down only.

Q. Did he tell you exactly how to bring down?

A. He told me -- I mean, he suggested bull, which is tar.

Q. Did he ask you to put the bull and tar on top of the open laps or underneath the open -- open laps?

A. No. He wanted me to bring down the open valleys, which, once again, there was nothing wrong with them because that -- that part is supposed to stick up.

He told me to bring them down. I believe he said bull, to apply bull on them. But the bull wouldn't keep it down.

Q. You just said the bull won't keep it down?

A. The bull wouldn't probably keep it down, no.

Q. So what do you do then?

A. What my guys did. You heat up the paper a little bit and then you put pressure on it and it will stick. That's why it worked. That's why all the valleys were glued down, even on the areas that they weren't supposed to.

Q. Do you know that the manufacturer says you're not allowed -- you are not supposed to burn the underlayment with a torch?

MR. CLARKE: Form.

THE WITNESS: We didn't install the underlayment with a torch. We just brought down some laps with the torch.

BY MS. GUO:

Q. Were you allowed to -- even to bring it down with a torch?

MR. CLARKE: Form.

THE WITNESS: What?

BY MS. GUO:

Q. Were you allowed to burn the open laps with the torch?

A. Yes.
Q. Did Ms. Annie Rocco tell you that city inspector told her that the ladder she set up on her own for inspection was not unsafe?
MR. CLARKE: Form.
THE WITNESS: Did the what?
BY MS. GUO:
Q. Did Miss -- on the day, did you send Ms. Rocco -- Annie Rocco come to the property to set up a ladder for the city inspector to do the inspections?
A. What inspection are we talking about?
Q. Did you ever send Mr. -- Mrs. Annie Rocco here --
A. Yes. I sent Annie with the pull test for a final inspection.
Q. Did you ask Ms. Rocco to set up a ladder for --
A. Yes.
Q. -- the city inspector?
A. Correct.
Q. Did Ms. Rocco tell you that the city inspector told her that the ladder she set up was unsafe?
MR. CLARKE: Form.
THE WITNESS: He told her -- he told her to put the ladder higher up. She was going to do

that, but you wouldn't stop filming the inspector, so the inspector left. And that is noted in the inspection. He did not fail the inspection because of the ladder. He failed the inspections because you wouldn't stop filming him.

BY MS. GUO:

Q. The city inspector left the property only because I want to film him?

A. Yeah. Read the comments. They're on the inspection report.

Q. Did I do anything else that make him left the property?

A. He put a note on the -- on the inspection he failed. Pull the inspection report out and we can read it.

Q. Did the city inspector ever told Ms. Rocco that the ladder she brought was not a right ladder?

A. No. We didn't need another ladder. He just need to extend the ladder a little higher. She was there. She was present. But the guy --

Q. Did Ms. Rocco called you saying I need to bring back another ladder, this is not the right ladder?

A. No. She didn't -- I don't know. I wasn't there, but that's not the reason he failed the inspection.

Q. No. What I mean is did Ms. Rocco called you in my property saying this is not the right ladder, I need another ladder?

A. No. She told me --

MR. CLARKE: Form.

THE WITNESS: -- that the inspector wanted the ladder a little higher, which you could do. The ladder is a ladder that you can pull up and it goes -- it grows bigger -- it goes bigger. So she was going to do that, but the inspector didn't want to wait because you wouldn't stop filming him.

BY MS. GUO:

Q. Did Ms. Rocco tell you that he -- next time he come back he will bring another ladder, not this ladder?

A. No. Read the comments. They're on the inspection that we failed.

Q. We're going to read the comment next time when we do a deposition.

MR. CLARKE: Ms. Guo, are we ending at 5:00?

MS. GUO: Yeah. We're going to end at 5:00. But before the next deposition I need you to send the documents we -- I said in the deposition. Okay?

MR. CLARKE: Can you specify what documents you're looking for again --

MS. GUO: I'm going to -- afterwards. Hold on. You should have a note, but if I think of anything, I'm going to -- I may email you, but you should have the documents in that. Let me finish my -- my deposition. I only have three minutes left.

BY MS. GUO:

Q. Was your company ever sued by any other people?

MR. CLARKE: Form.

THE WITNESS: Not that I remember, no. There is an -- sorry, to correct myself, there is a -- a car -- a car claim, a crash. So --

BY MS. GUO:

Q. Did you ever file insurance claim for the air conditioner damaged for my property?

A. No, you did.

Q. Is there anything you want correct on your answer to my interrogatories?

A. I don't remember anything, no.

Q. I'm bringing back this -- your answer on behalf of RACC on October 18th, which is Exhibit H. I would like you to read it. Let me know if there's anything you want corrected here.

A. Well, we already established on -- go up.

Q. Number 2, read it quickly because we don't

have so much time now. Could you read it? And if there is some -- anything to read it now, your answer -- all your answers, let me know before next deposition you want to correct anything on here.

MR. CLARKE: Well, Ms. Guo, just for the record, in the response, we reserved our right to amend the interrogatories. And if we so choose to do so, we will. But it's improper to force my client to consider, I guess, within 30 seconds whether or not he's going to change any of his answers. We will confer, but, again, we reserved our right to revise our answer accordingly.

So are we finished?

MS. GUO: We have to end now, but I have to resume it. But I need documents. I'm not sure if I can resume tomorrow because I need documents before next one. So we can resume another day then. I'll let you know what day, okay?

MR. CLARKE: Ms. Guo, it would be very simple if you just email me what documents you think my client has, and I can confer with him, and then we can pick a date if you give me three dates.

MS. GUO: It's supposed to be tomorrow, but I may have --

MR. CLARKE: It's not supposed to be tomorrow.

That's not how it works, Ms. Guo.

MS. GUO: On the notice it says --

MR. CLARKE: I -- I'm tired of telling you that's not how you coordinate depositions or hearings. Provide me three dates, tell me which documents you think my client has. I will confer with him, and we will schedule and coordinate a further deposition, if necessary.

MS. GUO: Of course. I haven't finished with today's deposition yet.

MR. CLARKE: Yes, but you're not going to demand him to show up tomorrow. That's not how it works.

MS. GUO: That's the notice of deposition --

MR. CLARKE: That's not proper coordination.

MS. GUO: Notice of taking deposition says so, okay? I have the right --

MR. CLARKE: That's not how it works, Ms. Guo.

So are we -- are we concluded?

MS. GUO: We are not concluded deposition --

MR. CLARKE: Yes. But for today, are we concluded?

MS. GUO: Do not bother me. I'm thinking if I have another question.

MR. CLARKE: You made a big deal about ending

at 5:00. It's 5:02.

BY MS. GUO:

Q. Mr. Romero, did you ever change your phone after you left my property?

A. Did I what?

Q. Did you ever change your phone after you left my property?

A. No.

Q. Are those pictures of my -- on your phone -- still on your phone?

MR. CLARKE: Form.

Q. I'm sorry?

MR. CLARKE: Form.

THE WITNESS: I'm not sure --

BY MS. GUO:

Q. Are those pictures you taken, do you still have all the pictures you taken on my property?

A. I -- I don't remember. I don't know what I erased, what I have.

Q. Did you -- did you remove -- delete any pictures you taken of my property?

A. I don't remember. I doubt it. I should have everything, every picture I took there.

Q. Do you think you should paint -- when the fascia board -- when the fascia board -- painting the

fascia board, could you use a long stick attached to a brush if you cannot access to the -- fascia board with ladder?

MR. CLARKE: Form.

THE WITNESS: I don't know how Elias painted the fascia. Do you have pictures of it?

BY MS. GUO:

Q. I'm asking you. Do you think --

A. I'm answering you. I don't know how Elias painted --

Q. I'm asking you. Do you think you should use a long stick attached to a brush --

A. You can use a --

MR. CLARKE: Form.

THE WITNESS: You can use a paint brush. You can use many different ways. I'm not a painter, but there's many different ways of painting a fascia.

BY MS. GUO:

Q. What's the other ways -- what's the ways to paint the fascia board when you cannot access it through a ladder?

MR. CLARKE: Form.

THE WITNESS: I mean, normally you put a ladder and then you -- you use a paint brush or a

roller.

BY MS. GUO:

Q. Did your employee or subcontractor ever stand on the air conditioner to paint the fascia board?

A. Obviously not.

Q. Did you forbid your employee to stand on air conditioner to paint the fascia board?

A. I don't forbid it. It's -- it's like I don't forbid them to break a window or to, I don't know, pee in the pool. It's something that common sense tells you not to do.

Q. Is it possible your employee stand on air conditioner to paint fascia board?

A. No.

MR. CLARKE: Form.

Q. Did Elias Romero -- I'm sorry. Did Elias Morillo [sic] ever make a mistake?

MR. CLARKE: Form.

THE WITNESS: Obviously. He's human.

BY MS. GUO:

Q. Did Elias Morillo ever damaged anything when he at properties doing his job?

A. No.

MR. CLARKE: Form.

THE WITNESS: He's a foreman. He -- he

doesn't do tear-off, so he doesn't damage things.

BY MS. GUO:

Q. Did Leonel Calderon ever damage any -- anything when his team doing work at my -- at any property?

MR. CLARKE: Form.

THE WITNESS: Probably. I mean, it's a -- it's a major construction. I'm not sure though. I don't remember. But probably.

How long? I got to kind of pick up my kids.

MR. CLARKE: Yeah, Ms. Guo --

MS. GUO: How old are your kids?

MR. CLARKE: -- you represented --

MS. GUO: Where are your kids?

MR. CLARKE: -- we're done at 5:00.

MS. GUO: We took a lot -- many breaks, okay? How many kids do you have?

MR. CLARKE: Doesn't matter, Ms. Guo.

THE WITNESS: I have two kids, but it doesn't matter.

MR. CLARKE: You're going to make them walk home?

MS. GUO: No. How old are they -- are your kids?

MR. CLARKE: You said 5 o'clock.

MS. GUO: -- don't bother me. I'm going --

MR. CLARKE: No, no, no. This is a man's family after 5 o'clock, Ms. Guo. I'm going to give you five more minutes and then we're done, and then you can email me the documents you think we have, and then we can reschedule his deposition. You need to be respectful of this man's time, the court reporter's time, my time. You have five more minutes and then we're concluding the deposition for today.

BY MS. GUO:

Q. Did you ever tell me that you will not start a re-roofing job before the tiles are ready?

MR. CLARKE: Form.

THE WITNESS: Maybe. I don't remember.

BY MS. GUO:

Q. Why would you say that you will not start the job until the tile is ready?

MR. CLARKE: Form.

THE WITNESS: Why?

BY MS. GUO:

Q. Yeah.

A. Because I like to finish the roof quickly.

Q. Does the underlayment deteriorate without tile for protection?

A. No. The underlayment will keep the same 30-year warranty if you install the tiles on day one or on day 179. We already talked about this.

Q. But the question is, does underlayment deteriorate without proper protection?

MR. CLARKE: Form.

THE WITNESS: Not before six months. Or sorry, 180 days to be precise.

MR. CLARKE: Ms. Guo, it looks like you're trying to find a question.

MS. GUO: No, I'm going to see if I had anything I can ask him before next deposition.

And this will be the last few. I will let you go very quickly.

BY MS. GUO:

Q. Besides the lawsuit against your -- your car accident, do you have any other lawsuit against you, Mr. Romero?

MR. CLARKE: Form.

THE WITNESS: I don't --

BY MS. GUO:

Q. Against your company?

A. Yeah, I don't remember. I doubt it. No.

Q. Did anybody sued you for your roofing job -- sued your company for any roofing job?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Mr. Romero, did anybody sue your company for roofing job?

A. I told you no.

MR. CLARKE: Form.

Q. Are you there?

A. Yeah. I said no.

Q. Are you there?

MR. CLARKE: Yes.

Q. Are you answering me?

MR. CLARKE: He said no twice.

MS. GUO: You hear me?

MR. CLARKE: We can hear you. Seems like you can't.

MS. GUO: Hello?

THE WITNESS: No.

MS. GUO: Hello?

MR. CLARKE: Can't hear you.

COURT REPORTER: Ms. Guo, are you not able to hear us?

MR. CLARKE: This looks like a great stopping point.

Ms. Guo, can you give us a thumb's up if you

can hear us?

MS. GUO: Hello. Hi. How are you? This will be my last question.

BY MS. GUO:

Q. Has anybody sued you for -- sued your company for roofing job?

A. No.

MR. CLARKE: Form.

Q. Did anybody sued your company anything to do with roof?

A. No.

MR. CLARKE: Form.

MS. GUO: Okay. End of today and I'm going to think about whether I will resume tomorrow. But I definitely need to --

MR. CLARKE: Ms. Guo, again --

MS. GUO: -- continue because --

MR. CLARKE: -- not tomorrow. You will properly coordinate depositions with --

MS. GUO: -- I'm going to leave now. It's okay.

MR. CLARKE: -- our availability -- tomorrow, Ms. Guo.

MS. GUO: Leave note in your email now.

(Crosstalk)

COURT REPORTER: Before we go off record, I need to ask a few questions.

MS. GUO: I'm sorry, Madam Reporter, I'm sorry?

COURT REPORTER: Before we go off record, I need to ask a few questions. Are you ordering the transcript? And will our witness read or waive?

MR. CLARKE: We'll read.

MS. GUO: Yes. I'm going to -- I'm going to order the transcript. Thank you.

COURT REPORTER: Okay. We will send you the quote. Please respond quickly.

And Mr. Clarke, would that be the same email, doug@sotolawgroup.com?

MR. CLARKE: Yes, ma'am.

COURT REPORTER: All right. The time is 5:14 p.m. We are off record now.

(Thereupon, the deposition was concluded at 5:14 p.m.)

(Reading and signing of the deposition transcript was reserved.)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Samantha Giarratana, Court Reporter, Notary Public, State of Florida, certify that Ezequiel A. Romero, personally appeared before me on the 23rd day of January 2025, and was duly sworn.

Signed this 10th day of February 2025.

_____

Samantha Giarratana, Court Reporter

Notary Public, State of Florida

Commission No.: HH 195048

Commission Expires: 12/13/25

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Samantha Giarratana, Court Reporter, certify that I was authorized to and did report the Deposition of Ezequiel A. Romero; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 10th day of February 2025.

_____

Samantha Giarratana, Court Reporter

WITNESS NOTIFICATION LETTER

February 10, 2025
EZEQUIEL A. ROMERO

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Deposition taken on January 23, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,

Samantha Giarratana
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

EZEQUIEL A. ROMERO

January 23, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

EZEQUIEL A. ROMERO Date

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO,

Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION, CORP.,
EZEQUIEL ALEJANDRO ROMERO,

Counter-Defendants.
_____/

Remote Deposition via Zoom

Monday, January 27, 2025
9:00 a.m. to 10:20 a.m.

DEPOSITION OF

ANNE ROCCO

Taken before Heidi Syed, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Deposition filed in the above-styled cause.

APPEARANCES:

On Behalf of the Plaintiff/Counter-Defendants:

SOTO LAW GROUP, P.A.

2400 Commercial Boulevard, Suite 400

Fort Lauderdale, FL 33308-4026

(954) 567-1776

doug@sotolawgroup.com

BY: DOUGLAS J. CLARKE, ESQUIRE

On Behalf of the Defendant/Counter Plaintiff:

XIAOHUI GUO

2516 Montclaire Circle

Weston, FL 33327

xiaohui.guo2022@gmail.com

BY: XIAOHUI GUO, PRO SE

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INDEX OF EXHIBITS

DEFENDANT/COUNTER-PLAINTIFF'S EXHIBITS MARKED

NUMBER	DESCRIPTION	PAGE
Exhibit X	Pictures 29 Pages	23
Exhibit K	Pictures 80 pages	32

(Exhibits were retained by Ms. Guo)

THEREUPON:

COURT REPORTER: Good morning. My name is Heidi Syed. I'm the court reporter for today's case, Guo v. Roofing and Construction, Corp., Ezequiel Alejandro Romero.

Today's date is January 27, 2025, and the time is 9:00. Will counsel please state their appearance for the record?

MS. GUO: Hi, I am -- yes, I am Xiaohui Guo.

MR. CLARKE: And good morning. My name is Doug Clarke on behalf of the Plaintiff/Counter-Defendant, Roofing and Construction Corporation, as well as Counter-Defendant, Ezequiel Alejandro Romero. I'm also here representing the deponent, Ms. Anne Rocco, in her individual capacity.

COURT REPORTER: Ms. Guo, I need you to please stop sharing your screen so that I can swear in the witness.

MS. GUO: Oh, sorry for that. Let me see how I can do that.

COURT REPORTER: It should be up at the top where it says end shared screen or stop sharing.

MS. GUO: Oh, stop sharing. Yes, I got it. Thank you.

COURT REPORTER: All right. Ms. Rocco, will

you please state your full name for the record?

MS. ROCCO: Anne Rocco.

COURT REPORTER: All right. Will you raise your right hand?

ANNE ROCCO,

having been first duly sworn and responding, "I do," was examined and testified as follows:

COURT REPORTER: All right. You can put your hand down, and we're ready to begin.

DIRECT EXAMINATION

BY MS. GUO:

Q. I'm going to start sharing my screen. Mr. -- Ms. Rocco, did you take a deposition before?

A. If I made a deposition before?

Q. Yeah.

A. No, it's my first time.

Q. Thank you. Do you see the documents I'm putting on the screen now? Do you see the -- the documents? Did you produce any of these -- these pages here?

A. It seems like it, yes. That's my background on my phone.

Q. Okay, yeah. I think it's 29 pages. Twenty-nine (29) pages sent by -- PDF file sent by Mr. Clarke to me yesterday, like close to 9:00 or something. I

think 8 o'clock something.

Can you -- of these 29 pages, can you identify which pages were produced by you?

A. So all these --

MR. CLARKE: Ms. Guo, you're not showing -- you're not showing the entire production. Why don't you go page by page?

MS. GUO: It's okay. He can -- she just sees most of it. This is -- this is -- now I'm showing Page 1 through 14.

BY MS. GUO:

Q. Tell me which page you recognize, if you can.

A. 3, 5, 7, 9, 11, 13, 4, 6, 8, 10, 12, and 14.

Q. Say that again. 3, 5 --

A. 7, 9, 11, 13. That's -- that's at the top. And at the bottom --

MS. CLARKE: And, Ms. Guo, she can't even see Page 1 or 2. It's so small.

THE WITNESS: Yeah.

MS. CLARKE: That's why I'm saying you should show her each page individually.

MS. GUO: Page 1, 2.

MS. CLARKE: Can you -- can you rotate it?

BY MS. GUO:

Q. No, I -- I can. Oh, okay. Let's see if I can

rotate it. Is this rotating? No. You can just look -- look around. You should be familiar. You -- you sent -- you sent to me. You can turn your head and look at that. That's how you sent to me.

A. Yeah.

Q. Is number 1 yours?

A. Yes.

Q. Number 2?

A. Which one is number 2?

Q. This one.

A. Which one is number 2?

Q. This is two.

A. This one is number 2?

Q. This is two. Yeah.

A. Yes, that's my signature. That's my email signature.

Q. Page 3?

A. Yes.

Q. Did you produce this page?

A. Yes.

Q. Page 4?

A. Yes.

Q. Did you produce this one? Page 5? Did you produce Page 5?

A. This is 5, the roof? Yes.

Q. Did you produce Page 6?
A. Yes.
Q. Did you produce Pages 7?
A. Yes.
Q. Did you produce Page 8?
A. Yes.
Q. Did you produce Page 9?
A. Yes.
Q. Did you produce Page 10?
A. Yes.
Q. How about Page 11? Did you produce Page 11?
A. I don't know if this is 11. It looks like the one you just showed me before.
Q. This is Page 11. It says Page 11.
A. Okay. Yes.
MS. CLARKE: Is there any way to zoom out to show the whole picture?
MS. GUO: This is zoomed out.
BY MS. GUO:
Q. Eleven (11)? Page 12?
A. Yes.
Q. Page 13? Did you produce Page 13?
A. Yes.
Q. Did you produce Page 14?
A. Yes.

Q. Did you produce Page 15?
A. Yes.
Q. Did you produce Page 16?
A. Yes.
Q. So Page 16 were the conversation between you and Manuel, right?
A. Can you show me 16 again?
Q. This is Page 16.
A. Yes, that's me and -- and Manuel.
Q. Page 17. Did you produce Page 17?
A. I don't think so. That doesn't -- that doesn't look familiar to me. I mean, I know it's your house. These are the pictures, but I don't -- I don't think I gave that.
Q. Did you produce Page 17?
A. I don't think I did. No.
Q. Did you produce Page 18?
A. No.
Q. Did you produce Page 19?
A. No.
Q. Did you produce Page 20?
A. No.
Q. Did you produce Page 21?
A. No.
Q. Did you produce Page 22?

A. No.

Q. Did you produce Page 23?

A. No, I don't think so.

Q. Did you produce Page 24?

THE WITNESS: Hold on. Are we talking about -- Doug, are we talking about the emails that I forwarded from -- from the job site or that's from my -- my phone? I don't have those in my phone.

MS. CLARKE: No, she -- she just wants to know if you produced these specific documents as in did -- did you take them or --

THE WITNESS: Oh, no.

MR. CLARKE: That's what I'm understanding.

THE WITNESS: I don't know.

BY MS. GUO:

Q. Did you send this -- did you send this Page 24 to Clarke or somebody?

A. Well, I -- I haven't sent it to anybody but the lawyer, so I don't know if I sent that.

Q. Page 24. What I mean is Page 24.

A. I don't think that --

Q. You may know the page in there.

COURT REPORTER: Wait, wait, wait guys. You have to talk at one time. You have to let her answer the question when you ask and let her finish

the question, please.

BY MS. GUO:

Q. Did you send Page 24 to the lawyer?

A. I don't know.

Q. Did you send Page 19 to the lawyer?

A. I don't know.

Q. Did you send Page 20 to the lawyer?

A. I -- I don't know. I don't think I sent those ones. I think those ones were sent by Alex, but not by me.

Q. Did you send Page 21 to the lawyer?

A. No, I don't think so.

Q. Did you send Page 22 to the lawyer?

A. I don't think so.

Q. Did you send Page 23 to the lawyer?

A. No, I don't think so.

Q. Did you send Page 24 to the lawyer?

A. No, I don't think so.

Q. Did you send Page 25 to the lawyer?

A. No.

Q. Did you send Page 26 to the lawyer?

A. No.

Q. Did you send Page 27 to the lawyer?

A. No, I don't think so.

Q. Did you send Page 28 to the lawyer?

A. No.

Q. Did you send Page 29 to the lawyer?

A. No, I don't think so.

Q. So only --

A. That's a chat from Elias.

Q. The only page you sent to the lawyer is 1 to Page 18. Did you send Page 18 to the lawyer?

A. No.

Q. So -- so it's your -- whatever you sent to the -- page, it's up to, you know, from one to --

A. If you can show them again to me, like from -- like that?

Q. Yeah.

A. So 1 through 16.

Q. All right. That was good. Hold on. Let's go to the first page. This is how you send it to me. Is this the email from the engineer?

MR. CLARKE: Form.

A. Yeah. They --

Q. Is Page 1 the email -- is Page 1 and 2 the email from the engineer?

A. Yes. So I sent a request to go through the engineer report to your house, and that's at the bottom of the email. And at the top of the email is their response with the report and the paid invoice.

Q. Let's go to Page 3. Is Page 3 a text from the engineer's office?

A. Yes, from the engineer's office.

Q. When did -- when did you get this text?

A. I got this text on -- let me see. I got this text last Wednesday. Last week Wednesday. I never had that text before. So last week Wednesday was the 22nd, January 22nd.

Q. What time?

A. What time?

Q. Mm-hmm (affirmative).

A. At 7:49 a.m.

Q. Okay. Are these -- are these text -- text and the -- the email the only two communications you -- you -- between you and the engineer report -- engineer office?

A. Repeat the question, please.

Q. Is that the email we saw on Page 1 and 2 and this is text on Page 3 the only two communications between you and the engineer office?

MR. CLARKE: Form.

A. In a -- in a regular basis or for the house?

Q. I'm -- I'm sorry. About my house. I'm so sorry. Let me repeat.

Are Page 1, 2, 3 the only two communications

between you and the engineer about this property?

A. No, I also called them.

Q. When did you call them?

A. That they requested your report which is the 27th of June.

Q. Okay. And about the written communications, the written communication between you and the engineer about this house, are these only these three -- three pages, right? Page 1, 2, 3, right?

MR. CLARKE: Form.

A. I'm not understanding the question.

Q. Are the Page 1, 2, 3 only written communications between you and the engineer office about my property?

A. The only -- the only communication that I had with the engineer is the email that I requested for them to go do your report, for them -- them sending me the response from your house, and these texts are now because we're in litigation with you. I never talked to them about your house ever again.

Q. So you --

A. That was just that one day.

Q. So you emailed Page 1, 2, 3; are the only written communications between you and the engineer office -- engineer office about my property?

A. Yes.

MR. CLARKE: Form.

Q. Okay. I'm moving onto page -- at bottom of the Page 3, the yesterday's -- for January 26, 2025, production. Is this page -- is this picture taken by the engineer office?

A. Yes.

Q. Do you see the mark of T on here?

A. Yes.

Q. I'm moving to Page 4 of this January 26, 2025, production. Do you see T on here?

A. Yes.

Q. Is this picture produced by the engineer office?

A. Yes.

Q. I'm putting my mouse here on Page 4. Do you see broken tiles here on this Page 4?

MR. CLARKE: Form.

A. I -- I don't know. It's too far away. It's -- it's in the valley, so I don't know.

Q. Is this a broken tile? I'm zooming in now. You can see when I zoom in?

A. Yeah. It -- it seems that one is broken what you have to -- is that you with the mouse there, circling?

Q. Yeah, yeah.

A. It seems, yes. It's -- it's on the edges broken.

Q. Hold on. Okay. I'm moving up a little bit on this part, Page 4, going to the -- going to the up top where it says 07519. Do you see a crack here?

MR. CLARKE: Form.

Q. This is still Page 4, Page 4 of the January 26, 2025, production. And for --

MS. CLARKE: And I'm objecting that Ms. Rocco is not a roofer. She's just have -- she's not a certified roofing contractor. To ask her questions about whether tiles are broken, is simply inappropriate based off of her job duties and relevant knowledge.

So I'm objecting to this line of questioning of her interpreting the condition of the roof. But you can answer, Ms. Rocco.

Q. Do you see a crack here, Ms. Rocco, here? Ms. Rocco?

A. I'm not sure if it's a crack. It could be a crack. It could be shade. I'm not sure. This it could be a stain. There are stains at the -- on the line at the bottom on the same road and the T. So I -- I don't really know.

Q. Miss, you are only produce these pictures through your chat. But you have the pictures downloaded in your -- in your phone, right?

A. No, I don't have them in my phone. They're in the chat.

Q. Where?

MS. CLARKE: The pictures have been separately produced. If you scroll down.

MS. GUO: On which page?

MS. CLARKE: It should be the next page.

MS. GUO: No, I don't see any -- no, the picture did not separately produce.

MR. CLARKE: Yes.

MS. GUO: I don't see it separately produced. Where was it separately produced? Which page was separately produced? I only see -- I only see it in the text. It was not separately produced.

MR. CLARKE: Yes, it's -- it's RCC0236 and --

MS. GUO: Okay. I saw a -- I saw a number five. I saw number five. It has a -- the picture of the one I just showed. Hold on.

COURT REPORTER: If I can please remind you --

MS. CLARKE: It's five and -- it's five and six of your documents as well.

MS. GUO: Do not talk when I'm talking.

MS. CLARKE: Well, I'm trying to clarify because obviously you can't read the document I've given you.

MS. GUO: Did you just send me picture last night?

MS. CLARKE: You wanted it this morning. I got it to you the night before on a weekend, Ms. Guo.

MS. GUO: You are supposed to give it to me by December 13th.

MS. CLARKE: And when did you give me your expert roofing report materials?

MS. GUO: The Court allowed me to do that.

MS. CLARKE: The night before or was it ten minutes before my deposition, Ms. Guo?

MS. GUO: No, that's not true. All the pictures were sent to you. The pictures sent to you --

COURT REPORTER: All right, guys. Guys, hold on. Hold on.

MR. CLARKE: Continue your deposition.

COURT REPORTER: I really need you guys to only speak one at a time. Just a reminder, if you guys are speaking at the same time, I cannot take you down and therefore, the record will not be

clear.

So please make sure even if you guys do not disagree or that you -- if you guys do not agree, you are letting him speak and you are letting her speak. Okay? We can continue.

MS. GUO: Okay. Okay. I'm sorry.

BY MS. GUO:

Q. Ms. Rocco, I'm moving to Page 5 now. Is this a bigger picture of the previous two pictures submitted by -- the picture showed in the text?

A. I -- I don't know.

Q. Did you produce this page, Page 5?

A. I don't know.

Q. Did you produce Page 5?

A. Okay. So then I guess, yes.

Q. Is this a picture taken by the engineer? Did you receive this picture from the engineer's office?

A. Let me go into my phone because I -- you're zooming in and I don't know what kind of -- okay.

MR. CLARKE: Ms. Guo --

A. -- broken. I don't --

MS. CLARKE: I'm representing to you, Ms. Guo, that Pages 5 and 6 are the pictures you just saw in the text messages.

Q. Okay. That's Page 5. Ms. Rocco, I'm putting

my -- my mouse here. Is -- is this page -- does this look like crack to you?

MS. CLARKE: Form.

A. I don't know. Maybe.

MS. CLARKE: And I'm noting my continued objection to this line of questioning.

A. I'm not a roofer, so I don't know.

Q. How many years have you been working in Roofing and Construction, Corp.?

A. Seven years.

Q. Are you familiar with pictures of the roofs?

MR. CLARKE: Form.

A. What was the question?

Q. Are you familiar with the roofs, documents about the roofs?

A. Yes.

Q. Do you know that if there is any cracks on the tile that the engineer should not pass the test?

MR. CLARKE: Form.

Q. I'm waiting for your answer, Ms. Rocco.

A. I don't understand the question. What are you asking me?

Q. Do you know the engineer should not pass the test?

A. I know. I -- I don't know. I'm not an --

Q. If there is a --

A. I'm not an engineer. I don't go and -- and do the -- do the test on the roof. I -- I've never been on a roof before. Never. I -- I stay on the floor and I -- I do permits and accounting. I've never been on the floor -- on the -- on the roof before.

Q. I'm going to Page 14 here, June 27.

A. Yes.

Q. Is this a picture from you and Manuel?

MS. CLARKE: Ms. Guo, we can't see the whole document.

Q. I can move here. I'm moving up and down to Page 14. Is this a message from you and Manuel -- Manuel?

A. Between myself and Manuel, yes.

Q. What's the date of this? Is this a text message between you and Manuel and -- between you and Manuel?

A. Yes, it's a WhatsApp between Manuel and myself.

Q. What's the date of this message?

A. June 27.

Q. What's the year?

A. 2024.

Q. Did Mr. Manuel sent you pictures in this text?

A. Yes.

Q. How many pictures did he send to you?

A. If you can zoom in. I mean zoom down a little bit. Go down on to the -- go down. It says plus four. So four or seven. I don't -- I don't know how it goes. It goes with --

Q. How many -- how many pictures did he send to you?

A. It says plus four right there at the bottom on the third picture. So I don't know if it's a total of seven. There's three plus the four. That would be seven.

Q. Where are the four -- four pictures?

MS. CLARKE: Ms. Guo, I can answer that. They've been previously produced. If you look at our January 7th production, it's RCC0192 through RCC0198. Those are the pictures we're looking at. They've already been produced.

Q. Do you know, Ms. Rocco, are those the seven pictures taken by Manuel?

A. If they are taken by Manuel?

Q. Yes.

A. No, I don't know. He sent them to me. I don't know if he took them himself. I -- I don't know.

MS. GUO: I'm going to -- I'm sorry. Madam

Court Reporter, the -- the Exhibit I just showed you is Exhibit X. It's the January 26, 2025, production from my opponent.

COURT REPORTER: Okay, so you want to mark that?

MS. GUO: As Exhibit -- Exhibit X.

COURT REPORTER: Exhibit X?

MS. GUO: Yeah.

COURT REPORTER: Like X-ray?

MS. GUO: Yes.

COURT REPORTER: Okay.

(Thereupon, Plaintiff's Exhibit X was marked for identification.)

MS. GUO: Now, I'm presenting Exhibit K, which is the -- the January 7, 2025, production that's referred by Mr. Clarke.

COURT REPORTER: Are you marking that or you're trying to show it?

MS. GUO: I'm showing it. I'm showing it now.

COURT REPORTER: Okay.

BY MS. GUO:

Q. Ms. Rocco, I'm going to this production, it's Exhibit K. And this is an 80-page PDF produced by your company on January 7, 2025. I'm going to page through 41 and 47. I request you to -- to identify if -- if the

seven pictures are those pictures you received from Manuel on June 27 -- on June 27, 2024.

Is this Page 41 the -- Page 141 one of the pictures -- one of the seven pictures sent in from Manuel? When we talk about --

MR. CLARKE: Did you say 141, Ms. Guo?

MS. GUO: No, 41. When we say Manuel, I want to emphasize his name is Manuel.

BY MS. GUO:

Q. Do you know who I'm not talking about, Manuel? Ms. Rocco, when I say Manuel, do you know who I'm talking about?

A. Yes, Manuel Baltazar, yes.

Q. Okay. So, is this page -- is Page 41 a picture you received from Manuel on June 27, 2024?

A. I'm checking. Is there a red at the bottom? Yes.

Q. Is Page 42 a picture you received from Manuel on January 27, 2024?

A. Yes. That that's your house, yes.

Q. Is Page 43 a picture you received from Manuel on January 27, 2024?

A. Yes.

Q. Is Page 44 a picture you received from Manuel on June 27, 2024?

A. Yes.

Q. Is Page 45 a picture you received from Manuel on January -- on June 26 -- I'm sorry, on June 27, 2024?

A. Yes.

Q. Do you see a T on it?

A. Yes.

Q. Is Page 46 a picture you received from Manuel on June 27, 2024?

A. Yes.

Q. Do you see a red bag of -- red bag on it?

A. If I see a red bag on it?

Q. Yeah. On the roof.

A. Yes.

Q. Okay. Let's go back to Page 46. Do you see a worker with cans on the top right corner of the picture?

A. Yes.

Q. Let's go to Page 48. Oh, no, that's it. Ms. Rocco, who is Nicolas Forero (phonetic)?

A. Nicolas Forero?

Q. Yeah. Yes. Who is Nicolas Forero?

A. He's a notary.

Q. Does he also work in your office?

A. No.

Q. Does Romero know -- what does he do? Did he do anything for -- for your office?

MR. CLARKE: Form.

A. He's a notary.

Q. Okay. Does Romero -- Romero -- Mr. Alex Romero, when I say Alex Romero, do you know who I'm talking about?

A. Alex Romero?

Q. Yeah.

A. Yes, he's my boss. It's Alex.

Q. Does Alex Romero -- does Alex Romero know Nicolas Forero as a notary?

A. Yes.

Q. Does Romero know Nicolas Forero as a notary personally?

MR. CLARKE: Form.

A. What are you saying?

Q. Does Romero know Nicolas Forero as a notary personally?

MR. CLARKE: Form.

A. Yes, because he notarizes Alex's signature.

Q. Do Romero and Forero know each other very well?

MR. CLARKE: Form.

MS. GUO: What are you doing? I'm asking a question.

BY MS. GUO:

Q. Do -- do Romero knows Forero notarizes his -- his documents?

A. He knows him. He knows and he knows Alex's signature.

Q. Does Romero know --

A. He comes and he's --

MR. CLARKE: Let her finish the answer, Ms. Guo.

Q. Does Romero know Forero notarizes his documents?

A. Does he -- does Alex know if Nicolas signs -- notarizes Alex's signature?

Q. Yes.

A. Yes, he has to be there.

Q. Every time Forero notarizes Romero's documents, was Romero with Forero?

COURT REPORTER: I'm sorry, can you please repeat your question? I did not understand it.

Q. Every time Forero notarizes Romero's documents, was Romero with Forero?

MR. CLARKE: Form.

A. I don't understand.

Q. Every time that Forero notarizes Romero's documents, was Romero in front of Forero?

A. Yes. Are you talking about the court

documents and -- and everything that was notarized for your case?

Q. Yes.

A. Yes.

Q. All documents for this case, did you prepare all the documents for this -- for this case signed by --

MR. CLARKE: Form.

Q. -- Romero?

A. I'm not understanding the question. You're -- you're asking me if I prepare the documents?

Q. Signed by Romero for this case.

MR. CLARKE: Ms. Guo, I'm not objecting to any sort of questions that are going to the mental impressions of counsel and if you're asking about communications between my office and RCC including Ms. Rocco.

MS. GUO: This is not a mental -- mental --

MR. CLARKE: You're asking about documents in this case that were filed --

BY MS. GUO:

Q. I'm asking about for this -- Mr. -- Ms. Rocco, what's your job, daily job in the office?

A. The office manager.

Q. What do you do?

A. What do I do?

Q. Yeah.

A. I make permits, I schedule inspections, I do the accounting. So, I'm not sure what does -- I have to do the notary with -- with your case because the notary is what we need to have notarized for your case. So, what does that have to do with your house? I'm -- I'm confused.

Q. Do you have to -- do permits have to be notarized?

A. Yes.

Q. Do you prepare those documents to be notarized?

A. Yes.

Q. Do you print those -- those -- do you print those documents to be signed by Romero?

A. Yes.

MR. CLARKE: Form.

COURT REPORTER: Was that a form objection?

MR. CLARKE: Yes, Madam Court Reporter.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. After those permits were signed by Romero, did to you bring to Forero for notary?

MR. CLARKE: Form.

A. I'm sorry, do I answer?

Q. Okay, you have to answer.

A. I don't believe Nicolas was -- I don't remember him notarizing your paperwork for your permits that -- that -- what I'm --

Q. What documents do you remember Nicolas notarized for Romero?

MR. CLARKE: Form.

A. No, it's not Romeo, it's Romero. That's my boss' last name, Romero. And I believe Nicolas only notarized the papers for the court.

Q. What papers --

A. For your case, not for your permits.

Q. What papers Nicolas notarized for Romero for my case?

A. I think I just said it just the papers for your deposition. Whatever it needs to attest and certify. What is it called?

Q. What's the titles of the documents notarized by Nicolas for Romero?

MR. CLARKE: Form. Do you mean regarding this case, Ms. Guo? You need to be more specific.

MS. GUO: Regarding this case.

THE WITNESS: Whatever -- whatever the lawyer is asking me to have notarized for your answers, I think it's what he notarizes.

BY MS. GUO:

Q. Do you remember the titles of the documents? Do you --

A. No, I don't. It's -- it's whatever you're asking us to -- to do. Are they called interrogation, interrogatories, something like that? I don't know. I'm also not a lawyer, so I don't know.

Q. Do you help answer any of the documents Mr. Romero notarized?

A. If I helped answer any documents that my boss prepared?

Q. Notarized.

A. Notarized, yes.

Q. You help answer them?

A. If I did what?

Q. Do you help answer any documents? Did you help write -- help writing any documents notarized by your boss?

A. Yes. Some of the documents I've helped, yes.

Q. Which documents did you help your boss to write?

A. I don't know.

Q. I'm showing you my exhibit page.

COURT REPORTER: Were -- were you marking Exhibit K?

MS. GUO: H, Exhibit H.

COURT REPORTER: Right, but you did just show Ms. Rocco Exhibit K, and I wanted to know if you were marking that or no?

MS. GUO: I'm marking that, so I'm going to show you another one now.

COURT REPORTER: Okay.

(Thereupon, Plaintiff's Exhibit K was marked for identification.)

MS. GUO: This is Exhibit H.

COURT REPORTER: And were you marking the whole entire file, or were you just marking Pages 41 through 47?

MS. GUO: The entire file.

COURT REPORTER: And you said there were 89 pages?

MS. GUO: Eighty (80) pages.

COURT REPORTER: Eighty (80)? Okay. And now you are showing Exhibit H?

MS. GUO: Yes.

COURT REPORTER: Okay.

BY MS. GUO:

Q. Do you see this Exhibit H, Mr. -- Ms. Rocco?

A. Yeah. Yes.

Q. Do you recognize these documents?

A. It's a legal --

Q. It has seven pages.

A. It's a legal document, yes.

Q. Did you help answer this document's response and objections?

A. I believe I did, yes.

Q. Did you type March 13, 2024, March 28, 2024?

MR. CLARKE: Form.

A. I don't know specific ones, but probably.

Q. Where did you get the answer, March 13, 2025 [sic], temporary repairs performed at Guo's property or request RCC to perform?

COURT REPORTER: I'm sorry, you're breaking in and out. I did not hear your question.

Q. Besides you, who helped Mr. Romero answer -- prepare this document?

MR. CLARKE: Form.

A. I think -- I think just me.

Q. So only you and Mr. Romero prepared this document together, correct?

A. Correct.

Q. Where did you put -- did you type March 13, 2024, temporary repairs performed at Guo's property or request RCC? Did you type the whole document?

MR. CLARKE: Form.

A. Are you asking me -- I did not type what's on the screen. So what are you asking me?

Q. Who typed on the screen?

A. I don't know. Is that our answer? Oh, it says answers. Yes.

Q. Who typed?

A. Who typed? Me. Me. Yes.

Q. You typed this -- you typed this answer?

A. Yes.

Q. Where did you get this information, March 13, 2024, temporary repair performed at Guo's property or request RCC to perform two temporary repairs to the roof and agreed to compensate RCC 550 for repair?

A. Where did I get the information?

Q. Yeah.

A. From Alex. From my boss.

Q. Did you get this information from anybody else?

A. From your contract?

Q. Yes.

A. Probably from Alex.

Q. Did you get this information from anybody else?

A. No. Who -- who would give me that information?

Q. For March 28, 2024, Guo claimed roof was leaking in the same spot that was previously temporarily repaired by RCC. All right. That's whole section of the roof was loaded. Can you read the whole thing, answer one? Answer -- answer to number one?

A. I'm not -- I'm not understanding the question.

MR. CLARKE: You asked her to read March 28 and the entire answer, Ms. Guo.

Q. Can you read the entire answer to number one, question number one. Integrity number one.

A. What -- what number one?

Q. --

A. Where it says one?

Q. Yes.

A. With strict and direct -- and direct proof, please specify -- that part you want me to read?

Q. Yes, please.

A. We have -- I have about like four minutes. Do you want me to keep reading?

Q. Yes, please.

A. Okay. With strict and direct proof, please specify what work Roofing and Construction Corp. accomplished at Xiaohui Guo, hereby Guo property on each of the following days; March 13th, 2024; March 28th, 2024; March 4th, 2024; March -- April 5th, 2024; April

16th, 2024; April 17th, 2024; June 14th, 2024; June 18th, 2024; June 19th, 2024; June 20th, 2024; June 25th, 2024; June 26th, 2024; and June 27th, 2024. You must answer day by day. Do not answer collectively.

Q. Answer. Continue.

A. Answer: March 13th, 2024, temporary repair performed at Guo's property. Guo requested RCC to perform two temporary repairs to the roof and agreed to compensate RCC 550 -- $550 for repair. Continue reading?

Q. Yes.

A. March 28th -- March 28th, 2024, Guo claimed roof was leaking in the same spot that was previously temporarily repaired by RCC. However, that whole section of the roof was rotted.

Q. Continue, please. Finish this whole answer.

A. April 4th, 2024, installation of peel and stick underlayment. April 5th, 2024, installation of peel and underlayment. April 16th, 2024 --

Q. Continue, please. Continue. Finish.

A. No work -- no work performed. April 17th, 2024, replacement of one loose paver. June 14, tile loaded by distributor. June 18, small section of tile install application in three spots as agreed by Guo. June 19, correction complete by RCC as requested by the

city inspector. June 20th, 2024, RCC remove tile on the valley as per city inspector.

Q. Continue, please.

A. June 25th, the tile crew working on site. June 26, the tile crew working on site. June 27, collection of tile-related trash ahead of final inspection on June 28, 2024.

Q. Did you type all this answer?

A. Probably yes.

Q. Did you get all those answers from your boss, Romero -- Romero?

MR. CLARKE: Form.

A. Some of them I knew because I called the inspections and some of them I got from Alex because he's the one that manages the -- the project.

Q. Did Alex Romero make sure it is correct before he signed it?

MR. CLARKE: Form.

A. Yes.

MR. CLARKE: Madam Court Reporter, is there anyone at the waiting room since we have another depo of 10:00?

COURT REPORTER: Let me double check. It does not look like we have anyone in the waiting room. We do actually do not have a waiting room, so they

will log directly in. But I will keep up the list, so when somebody comes in, if you don't see it, I'll -- I'll announce it.

MR. CLARKE: Okay. Thank you.

COURT REPORTER: You're very welcome.

BY MS. GUO:

Q. I'm going to open my -- my Exhibit L. Like like leg like in the --

MR. CLARKE: And just -- just so everyone knows, Mr. Morillo, the 10:00 says that he's on.

MS. GUO: We can start with him very -- very soon. Okay.

MR. CLARKE: No. I'm just -- does anyone -- Madam Court Reporter, do you see him?

COURT REPORTER: I do not. We probably should make sure that he got the correct Zoom information.

THE WITNESS: Yeah, I -- I sent it to him this morning when I got the link.

BY MS. GUO:

Q. All right. Ms. Rocco, this is my Exhibit L and it is your office answer to interrogatory, signed. Do you recognize this document was signed by your boss Romero?

MR. CLARKE: Form.

A. Alex, yes.

Q. And what's the date?

A. January 9th, 2025.

COURT REPORTER: Okay. Hold on. It looks like we have someone that just logged in with the initials E.R.

MR. CLARKE: Yeah. That's the 10:00. That's Mr. Morillo.

COURT REPORTER: All right. Let me see if I can put him into a waiting room. Okay. Yeah. I -- so I just put him into a waiting room. So he -- he is not present for the deposition.

THE WITNESS: I mean, I can tell him he -- he's at work right now. I can tell him to log in later when we're done because I don't want him to be waiting if he has work to do.

COURT REPORTER: Log in when I tell you.

MR. CLARKE: Well, Ms. -- Ms. Guo, we have a schedule to keep but I'm not sure. So, well, how many more -- how many more questions are we --

COURT REPORTER: I'm sorry, Ms. -- oh, Guo, we cannot hear you if you're talking to us.

MS. GUO: Yes.

COURT REPORTER: You're still -- you're not on mute, but I can't hear you.

MR. CLARKE: Ms. Guo, the court reporter can't

hear you.

COURT REPORTER: Are you guys hearing her?

MR. CLARKE: I'm telling Ms. Guo the court reporter can't hear you. She can't hear you, Ms. Guo. And she can't hear you, which is the most important person to hear you.

COURT REPORTER: Yeah. Meaning like I can see her moving her mouth, but the sound is not coming through, but I can hear you guys perfectly clear.

MR. CLARKE: Yeah. Ms. -- Ms. Guo, the court reporter can't hear --

MS. GUO: Is here better?

COURT REPORTER: Yes. Yes.

MS. GUO: Okay.

BY MS. GUO:

Q. Ms. Rocco, can you see these documents on my -- my screen?

MR. CLARKE: There's -- there's no document, Ms. Guo.

Q. Documents L. Do you recognize these documents in exhibit I just show you?

A. Yes.

Q. It's not -- okay. Did you help Ms. Rocco to answer this document?

MR. CLARKE: Form.

A. Ms. -- Mr. Romero?

Q. Mr. Romero, yes, your boss.

A. Yes, probably.

Q. Did you type this one, these documents?

A. Probably, yes.

Q. Could you read it?

A. Do you want me to read it?

Q. Yes.

A. Specific response and objections?

Q. Yes.

A. One, in its 10/18/2024 sworn answer to Guo interrogatory number one, Roofing and Construction Corp. stated that June 19, 2024, correction completed by RCC as requested by city inspector. Please specify what correction allegedly completed, how they were completed, and who completed them.

Response: Removed small object on the peel and stick underlayment on the roof, work completed by RCC subcontractor -- subcontractor Calderon All Around Services, LLC. Applied bull and membrane on laps in the valleys via a trowel -- trowel. Work completed by RCC subcontractor, Calderon All Around Services, LLC.

Two, in its 10/18/2024 sworn answer to Guo's interrogatory. Number one, Roofing and Construction Corp. stated that June 18, 2024, application of bull and

membrane on three spots as agreed by Guo. Please specify the name of the worker who allegedly accomplished application of bull and membrane on three spot agreed by Guo. Response unknown as to which individual worker performed said work by -- as RCC engaged the services of subcontractor Calderon All Around Services, LLC to -- to perform same.

Q. Where did you get this answer to type in?

A. From my boss.

Q. Your boss is Romero, right?

A. Romero, yes, Alex.

Q. Besides you and Mr. Romero, who contributed to this answer?

MR. CLARKE: Form.

Q. Who else did you contributed to this answer?

A. Besides me and Alex? I don't understand the rest of the question.

Q. Did you get any -- all those information you typed in? Did you get this information besides -- from anybody besides Mr. Romero?

A. No.

Q. Your boss, the boss?

A. No, just Alex.

Q. So only you and your boss Romero created this answer, correct?

A. Yes.

Q. Did Mr. Romero checks these answers accuracy before he signed it?

MR. CLARKE: Form.

A. Yes.

Q. Next question, did Carlos Duran ever mail to your company anything?

COURT REPORTER: I'm sorry, can you please repeat the question. I did not hear it.

Q. Did Carlos Duran ever mail your company anything?

MR. CLARKE: Form.

A. Did Carlos Duran --

Q. Ever mail to your company anything?

A. Mailed?

Q. Yeah, mail. Send the mail.

A. Like regular mail?

Q. Yeah.

A. I don't think so. No, I don't think so.

Q. Besides this lawsuit, was Roofing and Construction Corp., your company, ever sued by anybody else related -- besides this lawsuit, was Roofing and Construction Corp., your company, ever sued by anybody else?

MR. CLARKE: Form.

A. By whom?

Q. Was your company, Roofing and Construction Corp. ever sued by anybody else besides this lawsuit?

MR. CLARKE: Form.

A. I don't think so.

Q. How many years do you know Elias Morillo?

COURT REPORTER: I'm sorry, how many years --

Q. How many years do you know Elias Morillo?

A. I think Elias is working here two years, three years. I'm not sure.

Q. Did he ever mention -- do you know if he has a personal attorney?

MR. CLARKE: Form.

A. If -- if I know if he has what?

Q. Personal attorney.

A. A personal opinion?

Q. Personal attorney.

A. A personal attorney? No, I don't know.

Q. Did -- did he ever mention to you that he has a personal attorney?

MR. CLARKE: Form.

A. No.

Q. When you sent -- did you email the engineering report to the City of Weston?

A. If I emailed the engineering report to Weston?

Q. City of Weston, yes.

A. I had the original at your house for the final inspection. So I don't think I emailed it to them unless the inspector asked Alex because --

Q. Did you ever -- did you ever email -- do you have any email between -- or with or from -- do you have any email to or from the City of Weston about this property?

A. The only email I sent to the inspector was your pictures for the roof, for the final roof.

Q. Did you produce that email?

A. Yes.

MR. CLARKE: That's been produced, Ms. Guo. I'm representing it's been produced.

MS. GUO: When was it produced?

MR. CLARKE: In the January 7th, 2025, production. It's RCC0191. And again, it's 10:11 and we have --

MS. GUO: Oh, I'm going to check. I don't -- I don't believe January 7th, 2025, you produced -- you send email to -- I don't think you produced any email to the City of Weston.

MR. CLARKE: Well, you would be wrong.

MS. GUO: Okay, let me check.

MR. CLARKE: RCC0191.

BY MS. GUO:

Q. Did you text any -- did you text with City of Weston?

A. Text, no.

MR. CLARKE: Form.

Q. Do you have -- does your company -- does your company have a battery-operated cutter?

COURT REPORTER: I'm sorry, can you repeat your question?

Q. Does your company have a battery-operated cutter?

MR. CLARKE: Form.

COURT REPORTER: A battery-operated what?

MS. GUO: Cutter. Cutter. It's like used to cut the pavers, something like that. Cutter.

COURT REPORTER: Oh, cutter, like C-U-T-T-E-R?

MR. CLARKE: Cutter?

MS. GUO: Yeah, C-U-T-T-E-R.

COURT REPORTER: Okay.

BY MS. GUO:

Q. Do you have a battery-operated cutter?

A. I don't think so. I don't know. I don't think so.

Q. Does your office have any safety guide for workers?

MR. CLARKE: Form.

A. A safety program? Is that what you're asking?

Q. Yeah.

A. Yes.

Q. Do you have a safety guidance? Did you produce a safety guidance -- guide for -- to me?

MR. CLARKE: Form.

A. I don't know.

Q. On the day you were at my property, did you tell Romero that the ladder you brought was not safe and you need a new -- another ladder?

MR. CLARKE: Form.

A. When I went to the final -- repeat your question?

Q. When you were at my property, did you tell -- call Romero and tell him that the ladder you have was not safe for the inspection and that you need another ladder?

A. No, I never said it was not safe. It was too short because I only could put two feet because the ladder was really heavy, and I only could put two feet up the roof without making the ladder steep for the inspector.

Q. So, you -- you do not need to change a new -- another ladder?

MR. CLARKE: Form.

A. Repeat your question?

Q. Do you need to use another ladder on that day?

A. No, we didn't -- we didn't use another ladder. I used the same ladder.

Q. Do you need to use another ladder?

A. No, because the inspector went up and you were filming him and he left. So there was no inspection done. He just walked away.

Q. But the inspector did not tell you that the ladder itself is not good. You need a new -- another ladder?

MR. CLARKE: Form.

A. No.

Q. Did you tell -- did you tell Mr. Romero that because this ladder is too heavy, so next time when you come you should bring another ladder?

MR. CLARKE: Form.

A. I don't think I said -- I don't think I did, I said that. I don't know. I usually don't bring the ladders. Usually Elias goes put -- he goes put the ladders.

Q. Why that day you came to put ladders?

A. Because you kept going on the roof and we didn't want you to go on the roof and break tiles after

-- after the engineer went in.

Q. Why not Elias come to set up a ladder? Why did he send you to do that, go set up a ladder?

MR. CLARKE: Form.

A. Because Elias was on another job site and I went straight to Miami to pick up the report and bring it to your house.

Q. So what did you -- did you went to Miami to get what report?

A. The engineering report.

Q. Did you just say the engineer report was emailed to you?

MR. CLARKE: Form.

A. No. The City of Miami -- the City of Weston requires the original report, the original engineering report to pass the final. So the day of your final, the first final that was cancelled because you were filming him there, you were filming the inspector.

I went -- I came to the office, I pick up the red truck, I went to Miami to pick up the report, the engineering report, and drove to your house to set up the ladder and have the engineering report before 8:00 a.m. because I know that inspector was going to go there at 8:00.

Q. What time did you go to Miami to pick up the

engineer report?

A. Probably left at 6:00, 6:15 a.m.

Q. Did you call my -- your boss saying the ladder was too heavy, you won't be able to pull it up? So when you come back, redo the inspection, you're going to bring another ladder?

MR. CLARKE: Form.

A. No. No, I called my boss because the inspector walked out and I did not know if I should leave the ladder there or they were going to bring another ladder for the next day inspection, which you cancelled. You called the city and you cancelled that was not convenient for you.

Q. Did you ever tell Mr. Romero that the city inspector complained about the ladder?

MR. CLARKE: Form.

A. If I told the city inspector? Did I tell --

Q. No, did you tell your boss -- did you tell your boss, the city inspector complained about your ladder?

MR. CLARKE: I'm sorry, it looks like the 11:00 has signed in. Ms. Guo, are we -- can we go on --

MS. GUO: Almost. Almost. This is -- this is probably the last two questions.

MR. CLARKE: You're not being very respectful of everyone's time.

MS. GUO: Last two questions, hold on.

MR. CLARKE: -- 20 minutes after. You keep saying --

COURT REPORTER: Wait, wait, wait, wait, wait, wait, wait, wait. I need --

MS. GUO: So, Ms. Rocco, these are the last two questions.

COURT REPORTER: No, no, no, no, no, no. Excuse me. Excuse me. Excuse me. Please stop. You cannot speak over him even if you disagree with what he's saying. If you speak over him and he speaks over you, you are no longer on the record. I need you to let him speak and I need you to let her speak, please. Now --

BY MS. GUO:

Q. Last two questions, Ms. Rocco. Did you tell Mr. Romero that the city inspector complained about your ladder?

MR. CLARKE: Form.

A. I told him that I had only put two feet up and not three. And the inspector told me that he was going to fix it himself. He went up the ladder, but because you were filming him and he warned him -- he warned you

not to film him and you did not stop, he left. He went down the ladder and he left. He did not do the inspection.

Q. Last question. It's not like the last question for the deposition, but I will continue to redo your deposition. The last deposition for you today.

Did your boss, Romero, ever tell you that homeowners should not talk with his employees?

MR. CLARKE: Form.

A. Repeat your question.

Q. Did your boss, Romero, ever tell you that homeowners should not talk with his employees?

A. If my boss told me that homeowners should not talk to the employees?

Q. Yes.

A. No. I talk to homeowners all the time.

Q. All right. Let's -- let's get to the next one. I'm going to redepose you, Ms. Rocco. Thank you. Bye-bye.

A. Okay.

COURT REPORTER: Wait, hold on one second.

MS. GUO: I'm here.

THE WITNESS: I'm still here.

COURT REPORTER: Before we go off the record, are we going to be ordering this portion?

MS. GUO: Yes, please.

COURT REPORTER: Okay, and you want a copy?

MR. CLARKE: Well, we'd like to read, Madam Court Reporter.

COURT REPORTER: Absolutely. If you wouldn't mind putting your email in the chat for me.

MR. CLARKE: Yes, ma'am.

COURT REPORTER: All right. And are you going to also want a copy?

MR. CLARKE: I will -- I will let you know. I need to get client approval first.

COURT REPORTER: Not a problem. All right, we are off the record at 10:20.

(Thereupon, the deposition was concluded at 10:20 a.m.)

(Reading and signing of the deposition transcript was reserved.)

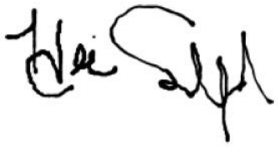
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, Notary Public, State of Florida, certify that Anne Rocco, personally appeared before me on the 27th day of January 2025, and was duly sworn.

Signed this 10th day of February 2025.



_____

Heidi Syed, Court Reporter

Notary Public, State of Florida

Commission No.: HH 568589

Commission Expires: 07/09/28

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, certify that I was authorized to and did report the deposition of Anne Rocco; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 10th day of February 2025.

_____

Heidi Syed, Court Reporter

WITNESS NOTIFICATION LETTER

February 10, 2025
Anne Rocco

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Deposition taken on January 27, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,

Heidi Syed
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Anne Rocco

January 27, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

Anne Rocco Date

Transcript of the Testimony of **James Wagner**

February 4, 2025

XIAOHUI GUO v. ROOFING AND CONSTRUCTION, CORP

YM Legal Services
info@ymlegalservices.com
ymlegalservices.com

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT

IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO,

Defendant/Counter-Plaintiff,

Vs.

ROOFING AND CONSTRUCTION, CORP.,

EZEQUIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants

_____

ZOOM DEPOSITION

Tuesday, February 4, 2025

9:00 a.m. - 2:56 p.m.

DEPOSITION OF JAMES WAGNER

Taken before PATREEZE PEARCE, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Deposition filed in the above-styled cause.

APPEARANCES OF COUNSEL

On Behalf of the Defendant/Counter-Plaintiff:

XIAOHUI GUO
2516 Monteclaire Circle,
Weston, FL, 33327
(786) 281-8802
Xiaohui.guo2022@gmail.com
BY: XIAOHUI GUO, PRO SE

On Behalf of the Plaintiff/Counter-Defendants:

THE SOTO LAW GROUP, P.A.
2400 E Commercial Blvd Ste 400
Fort Lauderdale, FL 33308-4026
(786) 386-1538
doug@sotolawgroup.com
BY: DOUGLAS JOHN CLARKE ESQ.

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(EXHIBITS KEPT WITH PROSE LITIGANT)

DEPOSITION OF JAMES WAGNER

FEBRUARY 4, 2025

Thereupon:

JAMES WAGNER,

was called as a witness, and after having been first duly sworn, testified as follows:

THE COURT REPORTER: And do both parties agree and stipulate that by video conference technology, the witness, Mr. Wagner was identified -- Mr. James Wagner was identified and placed under oath?

MS. GUO: Yes, thank you.

MR. CLARK: And yes. Took on behalf of the Plaintiff.

THE COURT REPORTER: Counsel's appearance for the record, please.

MS. GUO: I'm Xiaohui Guo, Pro Se.

MR. CLARK: Good morning. Doug Clark on behalf of Roofing and Construction, Corporation, Plaintiff/Counter-Defendant, as well as Counter-Defendant Ezequiel, Alejandro Romero.

THE COURT REPORTER: Okay. Thank you. You may continue.

MS. GUO: Court Reporter, do you need to identify Ms. James Wagner's attorney.

THE WITNESS: I'm sorry, we didn't understand what you said. Ms. Guo.

MS. GUO: Hi, Mr. Wagner, do you have an attorney with you?

THE WITNESS: No. I'm with the company, but I'm not an attorney.

MS. GUO: I see. So, you are -- okay. Thank you. Okay. I'm going to start sharing my document. Okay. I'm going to share documents on my computer.

MR. CLARK: Are we on the record, Madam Court Reporter?

THE COURT REPORTER: Yes, we are on the record.

MR. CLARK: Okay. Thank you.

MS. GUO: Could you please allow me to share my documents?

THE COURT REPORTER: Give me one moment. Let's see if I have that here. Okay. You may try now.

MS. GUO: Thank you.

DIRECT EXAMINATION

BY MS. GUO:

Q Mr. Wagner, have you ever taken deposition before?

A No.

Q Okay. Thank you. So, I asked you a question, just let me know yes or no, okay? But if you nod, the Court Reporter cannot see it. So, you just answer yes or no. If you say yeah, uh-huh Court Reporter is not going to understand, okay? Thank you for visiting my property several times.

Shortly after you visited my property for the last time my property start leaking, this is -- I'm going to show you the leaking inspection report I got from the one company from the roof -- from one roofing company. This is called Rooftop Tech, Inc.

MS. GUO: Madam Court Reporter this will be my Exhibit Q.

(Thereupon, Defendant's Exhibit Q was entered into the record.)

MS. GUO: I'm going to e-mail you after the deposition, and I'm going to --

A I'm having a very hard time understanding what you're saying.

BY MS. GUO:

Q I'm sorry. Shortly after you visited my property for the last time my property had leaking. This is -- I'm showing you a roofer's inspection report. The roofer's name is called --

A I cannot read that roofing report on this

computer screen, and it has not been provided to me in a hard copy. Plus, once -- if your roof starts leaking after I have visited, that's --

MR. CLARK: Hello?

THE WITNESS: Yes.

MR. CLARK: Yeah, I think I'm having issues at my office with internet, so, I have rejoined. So, just, if you guys can just bear with me, I wasn't there. I don't know how long we've been going, but I would prefer if we could potentially start from the beginning, because again, I wasn't there to make objections.

MS. GUO: It's okay. It's okay.

MR. CLARK: Not ok -- you know.

BY MS. GUO:

Q Your -- Mr. Wagner, I'm just going to ask questions. You just need to answer yes or no. Okay. You -- it's okay. I will give you time to elaborate. But let me just finish my --

MR. CLARK: Madam Court Reporter, can we -- can you at least mention what the questions were? Because again, I wasn't there, please --

THE COURT REPORTER: Counsel, just real quickly Pro Se took a while to share her screen. So, you -- we were just sitting waiting for that,

and now she's presenting her Exhibit Number 2. We haven't --

MS. GUO: I'm sorry, no it's Exhibit Number Q, I'm sorry, Q.

THE COURT REPORTER: Yes, that's what I said. Number 2, correct.

MS. GUO: No, Q I'm so sorry. Q, letter Q.

THE COURT REPORTER: Letter Q.

MS. GUO: Yes.

THE COURT REPORTER: Okay. And Counsel, that's the only exhibit she's attempting to present.

MR. CLARK: Okay. I'm going to try to reconnect again. It looks like my internet came back. We just moved new offices and we have been having issues. So, just give me a second to see if I can come back in. I apologize for the delay.

MS. GUO: So, Mr. Clark, you did not see the screen now?

MR. CLARK: Hold on. Can everybody hear me?

THE COURT REPORTER: Yes.

MR. CLARK: Okay. I apologize. No, I'm back on my computer. I can see the screen. We can continue.

BY MS. GUO:

Q Okay. Mr. Wagner, I'm going to show you a roof inspection report, shortly after you left my property for the last time. Yes, I never sent you this report before. This is the first time I show you at the screen. This will be e-mailed to Court Reporter as Exhibit Q.

This is a -- I think it's a 15-page leaking report from a company called Rooftop Tech, Inc. I'm going to show you the one picture for you. This is a picture they taken from the attic. Does this look like water to you?

A I cannot tell what these pictures are.

Q Let me make it zoom out a little bit. This is the 15 pages from that report. This first page is the -- I think first page is the -- let's go to -- the first page is their certificate, their license. Let me go to their -- this page. This is Page 4. Can you read this page?

A No, I'm going to have to object to answering any questions about this document. It has not been provided to me, and I cannot -- simply cannot read it.

Q It's okay. I just ask you questions. You can say you don't know, you don't see whatever. It's fine. Hold on. So, you couldn't see these documents well?

A No, I cannot see the documents well.

Q Can I e-mail you these documents now? You can see them --

A I will not -- I did not have access to look through my e-mail.

Q None of the e-mail can --

A I'm at a Zoom meeting.

Q You have no access to e-mail whatsoever. How about the gentleman next to you -- team next to you? Does he have an e-mail -- or can I text you this e-mail -- this document? You can see that from your phone?

A No, again, I object to making any comments on documents I have not seen, nor can I see them clearly.

Q How can I make you see clearly? Does this look like a little clear to you?

MR. CLARK: Form.

A I cannot tell what it is.

BY MS. GUO:

Q Okay. Let me zoom in a little bit me. How about this, Mr. Wagner, in our break, I e-mail to you and you can take a look. Is that okay?

A Again, I cannot clearly identify what it is I'm looking at in these photos.

Q No, I understand probably has some computer issue, so I'm going to e-mail you after the break so you see if you can, or text you after break, okay? So,

let's go to my next exhibit.

A Please do not text me.

Q Do not text you. I e-mail you then see if you can see that. Actually, let me e-mail you now and let's see if the gentleman next to you can see. Okay. Who is -- I just sent you the e-mail now.

A Okay. Again, I cannot open my e-mail right now during this deposition.

Q No, during our break. I request you to open it and not know we have so many technical issues. I'm going to try. Okay. I just sent to you and also to jose e-mail to you. See if you can do that. I'm going to go on my next exhibit. Hopefully, this one does not have pictures, so probably you can see better. Okay. Hold on.

MS. GUO: Madam Court Reporter, this one -- next exhibit would be called H.

(Thereupon, Defendant's Exhibit H was entered into the record.)

BY MS. GUO:

Q Okay. I'm going to go to -- this is my Exhibit H and I'm going to go to the last page. Can you read this e-mail for me? Whatever is on the screen you read for me?

A Most of it is too blurry to read. In addition

to my 27/09/24 the time e-mail, the roof is still leaking. On or about July 8th and 11th, 2024 Mr. Thomas Glenn, Coral Springs Police Department on behalf asked you whether negotiate a set off the fax to refuse for the third time. This has nothing to do with my roofing inspection or my --

Q I know --

A -- or my knowledge in regards to this roof.

Q No, James -- Mr. Wagner, could you read the sentence --

A I can barely read that. It is blurry. And again, that does not pertain to any knowledge I have of this roof.

Q Can you see who wrote this, the -- what's the name here? Who wrote this e-mail?

A I don't know how to pro -- it's you, I don't know how to pronounce your name. I believe --

Q It's X-I-A-O-H-U-I, G-U-O.

MR. CLARK: And I'm going to object to this line of questioning based off of a document Mr. Wagner has no personal knowledge of.

THE WITNESS: Thank you.

MS. GUO: It's okay.

A That's how I was trying to say it.

BY MS. GUO:

Q Could you read is this e-mail -- and what is the receiver of this e-mail?

A Again, Alex, I have no idea who that is, and I have no idea of what this pertains to.

Q Okay. Alex, can you read the e-mail address here as it say roofingraoffice R-O-O-F-I-N-G-R-A-O-F-F-I-C-E @gmail.com? Does it say --

A I can't see what that says. It's blurry. Again, if you have not provided me with documents, do not ask me to answer questions on them.

Q Okay. Let me see if I can make it a little bigger here. Okay. Have you ever received an e-mail from e-mail address R-O-O-F-I-N-G R-A O-F-F-I --

A Don't ever recall seeing an e-mail from that.

Q Okay. So, did Roofing Construction e-mail you anything?

A No.

Q Okay. Thank you. All right. Here, did you -- can you see the time of this e-mail and read this time of this e-mail?

A July 28th, 2024 this was e-mailed after the final.

Q Yes.

A Okay. That means your roof was finaled. That means whatever happened after I finaled your roof is

whatever happened. I have no idea of somebody else going on your roof. I don't know. Your roof --

Q So, this roof --

A -- met the code when I was there.

Q So, the roof, the e-mail is July 28th, 2024 at 09:43 p.m. Is that correct?

A As far as I can see, yes.

Q Does this e-mail is telling Alex that the roof is still leaking now?

MR. CLARK: Form.

A Again, I don't have access to this document. I don't see it. If you want me to ask any questions on this, you need to provide these to me in advance.

BY MS. GUO:

Q Yeah, but I'm reading this one to you now, Alex, in addition to my two July --

A I don't know -- ma'am, I don't know who Alex is.

Q Okay. It's okay. Do you know --

A Okay? I'm really not even seeing where an address is being provided, so I really don't even know if they're talking about your roof. Again, I don't know what this is.

Q Mr. Wagner, did you ever text or talk with Roofing and Construction Corp's owner?

A I'm not sure if it was the owner or the qualifier, but yes, I have had text messages with the roofing company involved in this. And you have also been provided with those text messages and photos from --

Q Which text did you provide to me? I'm bringing all the documents here, here. I did not see --

A Whatever text messages I have, have been provided to you.

Q Let me go through them, Mr. Wagner first. I have all your production here. I do not see any of your -- did you produce any documents? Did you produce all those pictures, here?

A Again, I can't see them well enough. I cannot tell if those are photos that I have taken or if those were photos that were provided to me from the contractor.

Q Okay. I will show you picture by picture. This is all the production you gave to me. I did not receive any of the texts you gave me.

A Those are definitely photos I took.

Q Which other photos you took? You mean this photos that you took?

A These are definitely ones that I took.

Q So, this one are the photos you took. Okay.

I'm like pulling them as the number is 1000001298, 1000001299, 1000001300, 1000001301, 1000001 – I'm sorry, repeat this one. 1000001302, 1000001303, 1000001304, 1000001305, 1000001306. So, I called nine pictures. Those pictures were taken by you, right, Mr. Wagner?

A I have already stated that. Yes, they were.

Q Okay. Let me see if any other picture were taken by you. Are these picture taken by you?

A Those I cannot tell if they were ones that I took or not.

Q Okay. I will go back to the nine pictures you just said you did. When did you take those pictures? Do you remember?

A It would've been most likely on 06/21/24, possibly 06/20/24.

Q Okay. All right. So, either six -- can you make sure, what day is that? Do you have those picture in your phone or you was anywhere?

A No, I don't have access to them right now.

Q Okay. You -- so, you think is June 20th, 2024?

A Either the 20th or the 21st.

Q I see. Thank you. Now let's go to the next picture. Next one. All right. For all documents here,

which documents contains your textings with Roofing and Construction, Corp?

A Again, I cannot read your computer screen on this computer screen.

Q Okay. I'm read the documents in the name for you. First one is "Guo Affidavit", second is a "Guo Approved Box", third is "BCPA", fourth "Guo Building Code Provision 104.28", fifth "Guo Building Permit Card", six "Guo E-mails", seven Guo Hurricane Mit Forms", eight "4-Inspection Report", nine "Guo NOC", 10 "Guo Permit Application", 11 Guo Photo General, 12thGuo Photo of Camera"?

A Stop. It could be Guo photo general; photo of camera could be.

Q Okay. Hold on. I'm sorry --

A But again, I don't know. This is your computer program. You know where things are, I don't.

Q This is all the documents you sent to me. Okay. I did not receive any other document. If you think you have other documents, please let me know. Hold on. Let me close my - I'm going to open Guo photo journal to see if you have any texting in there.

This one has seven pages. I'm going each one. When you see the texting, please let me know. Page 1, Page 2, Page 3, Page 4, Page 5, Page 6, Page 7. Do you see

any texting here between you and --

A No, I didn't see any text in there.

Q I'm sorry?

A No.

Q All right. Let's go to the next one. Photo Guo photo of camera. This one only had one picture. It's a black and white picture.

A That is a photo of when you put up a camera after you threatened to have me trespassed if I went on your roof.

Q When did you take this picture, please?

A I'm sorry, I did not hear you.

Q When did you take this picture?

A I don't have the exact date in front of me.

Q Was it after you left my property refused to do the inspection?

A Again, it was sometime after you threatened to have me trespassed.

Q So, you came after I threatened you have trespassed. You came to my property to take this picture?

A No, I just happened to be driving down the block seeing that and thought it was funny.

Q Next one is Guo code of approvals, NOA. Does this one -- does this document contain your texts with

Roofing and Construction, Corp?

A I do not know.

Q You want me to open and check?

A No.

Q No. Okay. How about this one? Guo -- affidavit?

A No.

Q This one -- no. Guo roofing package?

A No.

Q Guo section 1524?

A No.

Q Guo subpoena?

A No.

Q Guo uplift test?

A No.

Q Okay. So, I go through all the documents PDFs file you sent to me. Then I'm going through the photos. This is -- again, this is the photos.

MR. CLARK: Ms. Guo, I apologize to interrupt, but the pictures you're showing in those sub folders, I was not provided.

MS. GUO: I did not know if they sent it to you, but if you don't buy, I'm -- I will be happy to, I can send the -- they can -- send it to you again. It's okay. This -- I didn't know. If they

did not send to you.

MR. CLARK: I would request that you send me the pictures other than the folder we just saw with the PDFs, because I was not provided those pictures.

MS. GUO: I thought they sent -- when they sent the e-mail to me, they sent to you and me at the same time.

MR. CLARK: I'm looking at it January 17th. I just have the PDFs. I don't have those separate folders with pictures that you do.

MS. GUO: I will check that later. Okay. So, this is all --

MR. CLARK: I'm asking you to provide those pictures to me, Ms. Guo at the end of the day.

MS. GUO: Yes. Whatever if you don't have it, I will try to help you get it and ask Mr. Wagner to send you again or whatever. It's okay. Okay?

MR. CLARK: I'm asking you to send me the pictures, Ms. Guo.

BY MS. GUO:

Q Okay. All right. So, we went through all the documents you sent to me. I did not find any textings you, between you and the Roofing and Construction, Corp. Could you please produce those texting during our

break?

A I don't understand what you said.

Q When we take a break, can you send me all those texting between you and --

A I'm not sure I have the ability to do that.

Q Why not? Do you have the text --

A Because I'm not very tech savvy.

Q Do you have those texts in your phone?

A Yes.

Q Do you have your phone with you?

A My phone is in my vehicle.

Q I see. We can deal with that later. Okay. So, let's go through this document here now. Okay. All right. So, let go. Let me show --

THE WITNESS: I think we need to take a break.

MS. GUO: We need to take a break. We just start with -- we only start like 20 minutes.

THE WITNESS: Need to take a bathroom break.

MS. GUO: Okay. Go ahead. Let's take a five-minute bathroom break then. Thank you. Just very quick, okay?

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

THE COURT REPORTER: Okay. We are back on record. As requested by Pro Se, we went on break at 09:32 a.m., and we are now back at 09:39 a.m.

MS. GUO: Thank you.

BY MS. GUO:

Q Mr. Wagner, I'm still taking -- I'm still doing the sharing screen. I would like to show you the notice you received, which is my Exhibit O.

MS. GUO: Madam Court Reporter, my Exhibit -- this one is Exhibit O.

(Thereupon, Defendant's Exhibit O was entered into the record.)

BY MS. GUO:

Q This is subpoena. And the notice I served Mr. Wagner on December 26th. And here, Mr. Wagner, do you recognize this document? Mr. Wagner --

A That's the Notice of Subpoena.

Q Yes. Okay. Can you read the here the name of the Plaintiff/Counter-Defendant?

A The Roofing and Construction, Corp.

Q And the next?

A Ezequiel Alejandro Romero.

Q Do you know Alejandro Romero is the owner of the Roofing and Construction, Corp?

A No, I did not know.

Q Okay. Did you ever a text with him or e-mail with him?

A Again, I believe I have already answered that question, saying yes, I have had text messages.

Q So, as for the record, his name, we usually call him Alex, and you can see his name, middle name here is Alejandra. Do you object I call him Alex?

A No, I have no objection to that.

Q Thank you. All right. Let's go back to the exhibit I just showed you. I'm going to still go to the last page of it. Actually, this is an e-mail I sent it to the owner of the Roofing Construction, Corp., Alex. I'm going to read it and if I read anything wrong, you can object --

A Again, I'm not -- I cannot comment on any document that has not been provided to me to look over.

Q It's okay, Mr. Wagner, I'm just going to read and I will let you ans -- object later. Okay? This is an e-mail from me on -- from bqnewyear2019@gmail.com sent on Sunday, July 28th, 2024 at 09:43 p.m. Do you agree with that?

A Again, I cannot see the document.

Q Did you just read --

A I don't have a document in front of me. I cannot comment on it.

Q Yeah, I'm making a lot larger now. Yeah. Did you just read the date -- you just read the date, you just read the record and date --

A Again, I object to commenting on any document that has not been provided to me.

Q It's okay. On the right corner look, did they say Sun, S-U-N, J-U-L 28th, 2024 at 09:43 p.m.

A Was there a question there?

Q Yeah, do you see it? Do you see --

A Yeah, I'm not commenting on any --

Q No, I'm not asking you comment. I'm asking you question, observation. I need ask you question above observation --

A I'm not commenting on any document that has not been provided to me that I -- so that I can look over and have it in front of me.

Q Mr. Wagner, please answer my question. Do you see --

A I just said --

Q -- do you see on the right corner -- left corner of this document?

A No, I cannot see it well enough to comment on it.

Q You don't see anything here?

A I see blur. It's blurry. The whole thing is

blurry.

MS. GUO: Madam Court Reporter, could you read -- go back to the before the break Mr. Wagner read this one, so July 28th, he read that. Can you read that part back to him to show --

THE COURT REPORTER: I would have to go back and reread.

MS. GUO: Yes, could you read that part Mr. Alex, when he -- first Mr. Wagner, when he first read this one, he read this line. Can you please read that line to everybody?

THE COURT REPORTER: I'm not able to do that right this moment. I would have to go back to the transcript. So, we would have to go off record and you would have to give me time to pull that back up.

MS. GUO: And how long does that take?

THE COURT REPORTER: I'm not sure.

BY MS. GUO:

Q Okay. Let me ask Mr. Wagner again. I'm going to zoom in again. Mr. Wagner, before you take break, did you read this line on the upper right--

A Again, I don't know if this is the same document you showed me. I don't have the document in front of me. I'm not commenting on it.

Q Did you read this e-mail saying, Alex, in addition to my two, 07/09/2024, 09:23 p.m., and the 09:32 p.m., e-mails, the roof is still leaking. Now, do you remember you just read the sentence before the break?

MR. CLARK: Form.

A Again, I don't have the document in front of me to look over it, to confidently comment on it.

BY MS. GUO:

Q No, my question is, did you read the sentence before your break?

A I did not recall reading it before the break.

Q Do you have a -- okay. Mr. Wagner, do you have a memory problem?

MR. CLARK: Form.

BY MS. GUO:

Q Mr. Wagner, do you have any memory problem?

A No.

Q Let me ask you this same question again. Before the break did you read this e-mail saying, Alex, in addition to my two July 9th --

A Again, I don't know if this is the same document, I don't know. You've got documents that you have not provided me. I need to look them over before I can make any kind of a definitive comment on them.

Either provide them to me or stop asking me about them.

Q No, Mr. Wagner, I can just ask you the question. Before you break --

A And I keep telling you the answer.

Q -- did you read a sentence in addition to my two 07/09/2024 at 09:23 a.m. --

A I don't know.

Q You forgot. You don't know now.

MS. GUO: So, Madam Court Reporter, after next break, could you bring back the transcript? Let's read the transcript before Mr. Wagner's first break, okay?

BY MS. GUO:

Q Mr. Wagner, did you read this sentence? Did you read the sentence for the third time? Let me know if you would like to negotiate a set off with me and or correct the construction defects -- did you --

A No, I cannot see that very clearly.

Q No. Did you read this sentence? Do you have trouble understanding me?

A Yes, I do have trouble understanding you.

Q All right. Let me ask you again. What did I say last time?

A You've already asked me quite a few times.

Q Let me say --

A I have no knowledge of this document.
Q My question is before the break, did you read this Sunday, July 28th --
A I don't recall reading that specific document.
Q Did you -- before your break, did you read this e-mail into the record
A I do not recall reading that specific document.
Q Did I ask you who this Xiaohui -- who X-I-A-O-H-U-I, G-U-O is?
A That is you, I believe.
Q Okay. So, you can read this X-I-A-O-H-U-I, G-U-O --
A No, you spelled it for me and I can barely make it out what it is.
Q So, when -- before the last break, you were not able to read this e-mail at all?
A Okay. Can we move on to something else?
MR. CLARK: Form.
BY MS. GUO:
Q No.
A Because we are just --
Q Before the break --
A -- going to go over the same thing over and

over.

Q Mr. Alex -- Mr. Wagner, before this break could you read this message at all?

MR. CLARK: Form.

A I don't even know if you're showing me the same one now that you're talking about in the past.

BY MS. GUO:

Q So, in the past, before the break, what e-mail did you read?

A I have no idea.

Q Did you see an e-mail --

A I have no idea of what e-mail you showed me and I had extreme difficulty reading it. This one I cannot read. I do not have clear enough vision on this.

Q Before the break were you able to read an e-mail and that said July 28th, 2024?

MR. CLARK: Form.

BY MS. GUO:

Q Mr. Wagner, please answer my question. Mr. Wagner, please answer my question.

A Your question has already been answered.

Q Before your break --

A Your question has already been answered.

Q No, you're not answer, yes or no answer. You have yes or no answer.

A Your question has already been answered.
Q Mr. Wagner --
A Move on from it. You were just wasting your time.
Q Mr. Wagner, I'm asking you, you need to give me yes or no answer. Before the break did you read the e-mail saying, Alex, in addition to my two 07/09/2024 09:23 p.m. and the 09:30 p.m. e-mails, the roof is still leaking now? Did you say that sentence?
A I don't recall if this is the same e-mail. And again, I'm having difficulty saying this. This is not a good copy. It is blurry.
Q My question is, Mr. Wagner --
A My question is -- here's my answer. Provide me with a hard copy of any document you want me to comment on. Q I already emailed you A not a blurry screenshot of something.
Q Mr. Wagner, my question is, before the eight -- before the break, did you read an e-mail?
A I don't know. I don't recall reading this specific e-mail.
Q What e-mail did you read before the break?
A I have no idea because you are refusing to provide them to me so that I can look over --
Q They are already e-mailed to you.

A -- there so that I can actually make an honest answer.
Q Mr. Wagner, I just e-mailed to you.
A I don't have my access to my e-mail and my e-mail's on an even smaller screen.
Q Mr. Wagner, my question is, before the break, were you able to read some of my e-mail and read the content out to me?
MR. CLARK: Form.
BY MS. GUO:
Q Yes, or no?
A I do not recall.
Q Mr. Wagner, what did you do during the break?
A That's none of your business.
Q Mr. Wagner, are you capable of doing deposition today?
A I'm not capable of answering your questions on documents that you have not provided me with.
Q My question is, Mr. Wagner, are you capable of doing deposition today?
MR. CLARK: Form.
A I'm not capable of answering questions on documents that you have not provided me with.
BY MS. GUO:
Q Mr. Wagner, are you under any influences

today?

A Again, that's none of your business.

Q It is my business; Mr. Wagner I have to make sure you're in sober status to take the deposition.

A No, I'm not on any substances.

Q You are not in sober status today?

A I'm sober, yes.

Q Okay. I'm going to show you a next document.

A Again, if it's a document you haven't provided me with, I don't feel competent to answer any questions with regards to it.

Q Mr. Wagner, where are you now?

A City of Weston.

Q Okay. If I drive to City of Weston and give you the -- all the hard copies, can you take it? I'm going to take a break. I'm going to stop the deposition now.

A If you're going to stop the deposition and reschedule, that would be fine with me.

Q No, not reschedule. I will be back in 30 minutes -- be there in 15 minutes and I be back. So, we resume at like 11 o'clock, is that okay?

A No.

Q If you -- no, we have to do it. This is supposed to be last the whole day. Okay. So, we cannot

--

A If you want me to comment on documents you needed to provide them to me.

Q I already provided -- everybody was able to read on my screen. I have never had problem. If now you have a problem, I'm going to City of Weston now and provide with your document. Let's just take a break, like a 30-minute break. I will be there, okay? I will give you all the documents.

MR. CLARK: Ms. Guo, I'm going to object to this.

MS. GUO: I cannot because he said he cannot read it. I cannot redo another deposition.

MR. CLARK: Is there something you can fix on your computer because it's, you've been showing --

MS. GUO: My computer is fine. Everybody having -- deposition fine. He can always say electronic copy's not good. So, I'm printing now, so I'm going to take a break -- 30 minutes break. Everybody will be back, right? I'm printing everything now and give to you. I'm going to drive to the City of Weston now, because whatever electronic copy, he'll say no.

THE COURT REPORTER: All right. This is the Court Reporter, what was the last statement you

made?

MS. GUO: I'm sorry. Whatever electronic I sent to him, he'll say no. So, I'm going to just send you the hard copy now. Nobody has the --

BY MS. GUO:

Q Actually Mr., how about this. I'm going to come the City of Weston do the deposition with you. Is that okay?

A No.

Q No. Okay. So, I'm going to bring the hard copy to you now, everything will be hard copy, okay? Give me 30 minutes. There you have everything.

A You want to bring the hard copies here to the City of Weston?

Q Yes, I give to you so you can have it. We resume the deposition in like, 30 minutes, okay?

A Again, I will not have had time to read them and go over them.

Q I'm sorry. It's okay. You don't have, you can just say for the record, okay. Does not take too long. Or if you want, I can e-mail to you now. I e-mail you -- actually, I'm e-mail you everything now. You can pull the e-mail.

A If you want me to comment on any of these, I need to be able to see them print it out and be able to

read them.

Q Yes, I'm going to send you – I'm printing out every document now. And actually, a lot of documents is already you have it.

A Okay. You've already wasted the last half hour basically on one question.

MR. CLARK: And Ms. Guo, anything you print out and provide to Mr. Wagner, you need to scan and send to me to make sure that the document he has is the same one you're asking questions about. Because I have no way of knowing.

MS. GUO: This will be the exhibit.

MR. CLARK: Well, no. Ms. Guo, anything you provide him, I need to --

MS. GUO: Of course. Of course.

MR. CLARK: I need you to scan whatever you're printing out and send it to me because if I don't know what you've given him, I don't know if you're asking him questions about the same documents, but it's your deposition. So, you need to determine what you want to do here because you're wasting everybody's time.

MS. GUO: No, Mr. Wagner says he cannot understand those questions.

MR. CLARK: Because you can't show a clear

copy. It's blurry.

MS. GUO: I showed already. Everybody has no problem.

MR. CLARK: I'm telling you that the document was blurry.

MS. GUO: He made it out first one. He made it first one. Okay. Madam Court Reporter, do you find that the document I sent to you is blurry?

THE COURT REPORTER: I haven't received any document from you.

MS. GUO: No, from the screen.

MR. CLARK: When you share your screen, Ms. Guo, the screen is blurry.

MS. GUO: Madam Court Reporter, can you read this documents here? And he just -- this is exhibit --

THE COURT REPORTER: Yes, I could see it.

BY MS. GUO:

Q And Mr. Wagner, can you see this documents here?

A That I can see it, that one I could read most of it. Again, if you want me to comment on any documents, you need to provide them to me physically. That way I don't have to strain and struggle to read them.

Q Mr. Wagner, can you read this documents on the screen now?

A Most of it, again, if you can't provide me with a hard copy so that I can easily read it without straining.

Q It's okay.

A Now you're getting into fine print that I can't read.

Q I'm making it bigger. Mr. --

MS. GUO: Madam Court Reporter, can you read this --

A And right now I only have reading glasses. I do not have my prescription glasses with me.

MS. GUO: Please Court Reporter, can you see this -- this is my Exhibit J.

(Thereupon, Defendant's Exhibit J was entered into the record.)

MS. GUO: It's called Plaintiff/Counter-Defendant Roofing and Construction, Corp. It's a Motion for Entry Upon Land for inspection of property.

THE COURT REPORTER: Ma'am, for the record, can you slow down a little bit?

BY MS. GUO:

Q This is -- we e-filed document on September

10th, 2024. Plaintiff/Counter-Defendants, Roofing and Construction, Corp., Motion for Entry Upon Land for inspection of property. This is a document filed by Roofing and Construction, Corp., to request to enter my property inspection. Mr. Wagner, can you read this documents here?

A Again it is blurry and you're moving it around again.

Q Okay. I'm stopping here. I'm making bigger --

A Please reschedule this. If you want me to comment on documents, you need to provide them to me so that I can read them.

Q No, I'm not going to reschedule it. Mr. Wagner, just -- okay. Can you read this last sentence here?

A Which last sentence?

Q Start with E.

A Where?

Q Where my mouse is.

A Where?

Q Yeah, where my mouse is.

A On July 28th, 2024 Guo e-mailed to Romero that the roof is still leaking to which Counter-Defendant never responded CP29 of Guo's counterclaim. Again, reading this document in this form with just

these reading glasses that I have not my prescription glasses is very difficult.

Q Understand, Mr. Wagner, I understand. Does this sentence says on July 28th, 2024, I e-mailed to Romero that roof is still leaking?

A I believe that's what it says.

Q Thank you. Do you agree --

MR. CLARK: What document are we reading from now?

MS. GUO: That's document filed by you on July 10th - July -- September 10th, Motion for Entry Upon Land property to inspect my property?

MR. CLARK: Yes, and what exhibit is this?

MS. GUO: This Exhibit J.

MR. CLARK: J as in John?

MS. GUO: J like John, yes.

BY MS. GUO:

Q So, I'm going back to number E again. Mr. Wagner, this means that I e-mailed Romero -- you answered the question. Thank you. So, I e-mailed the Romero on July 28th, 2024. I notified Roofing and Construction that the roof is still leaking. Do you agree?

A That's what you claim.

Q Thank you. That's actually -- that's their e-

mail. That's Roofing and Construction's filing -- that's filed by Roofing and Construction. Let's move to the last paragraph here. Last sentence. This is --

THE COURT REPORTER: Hi, it is the Court Reporter. Could you repeat the last thing that you said?

BY MS. GUO:

Q This is the documents filed by Roofing and Construction. They request to inspect my property after they received my notice on September 28th that the -- my roof was leaking. The date of filing is September 10th, 2024. Mr. Wagner, do you see this date here?

A Yeah.

Q September -- can you read the date September 10th, 2024?

A September 10th, 2024. Again, this is after I performed the inspections. I have nothing to do with this. I have no knowledge of this.

Q I understand, Mr. Wagner. So, July 28th, I in e-mailed Roofing and Construction that my property was leaking and September 10th on the roofing company -- September 10th, 2024, the roofing company filed this document to request Motion for Entry Upon Land for inspection of property.

They request to inspect my property after they

received my notice that the house is leaking. The date of request is September 10th, 2024. So, do you agree that by September 20 -- September 10th, 2024, they learned that I told them the property was leaking?

MR. CLARK: Form. I'm going to object to Ms. Guo mischaracterizing the document.

BY MS. GUO:

Q You can answer, Mr. Wagner, does that mean --

A What is the question?

Q Okay. Let me rephrase my question. I'm sorry. Does that look like to you by July 10th, 2024, Roofing and Construction and his owner, Romero learned, that --

A That's not July.

Q No, July 28th, I e-mailed them, I e-mailed Romero, that roof is still leaking and Romero on September 10th, 2024 request to inspect the property. Is that correct?

A What is your question?

Q Okay. Yeah, my question, just like, do you understand the timeline here? So, the timeline here is on July 28th, 2024, I e-mailed to Romero that roof is still leaking. So, on September 10th, --

A Okay. Let me stop you right there. On July 28th, that was after the final roofing inspection had been performed?

Q Yes.
A Okay. So, we don't warranty the roof, okay? That's why you have your contractor. That's a contractual obligation, not a code issue.
Q Understand. My answer -- my question is -- okay. So, it's okay. So, I just want to let you know the, inform -- give you some background information. After July 10th, 2024, Roofing and Construction, Romero request to inspect my house to see -- to check to inspect the leaking. Next, I'm going to show you the next exhibit. So, just remember this two date, your --
A Again, this is why you need to print out the documents and give them to me.
Q Yes --
A Because if you're going back and forth --
Q I'll give to you that later. We can take a break.
A -- I have no way of knowing that you're showing me the same document or not.
Q Yeah, it's okay. September, just remember this two dates --
A No, it's not okay.
Q I'm going to send to you after the -- when we take a break, okay? So, just remember for now, just remember this two days, July 28th, 2024, I e-mailed

Romero saying, property is leaking. And on September 10th, 2024, Roofing and Construction filed this motion to inspect my property. And you agree with this?

A Again, that has nothing to do with me or my job.

Q I understand, but you agree with this timeline.

MR. CLARK: Form.

A I don't know.

BY MS. GUO:

Q Okay. Hold on. Now let me show you the next deposition -- the next exhibit. Mr. Wagner, we confirm that you didn't send me any texts between you and the Roofing and Construction, but I did receive some texts from them. So, I'm going to show you.

MS. GUO: Madam Court Reporter, this will be my Exhibit K like kick this is Roofing and the Constructions production July 7th, 2025 production of 80 pages.

(Thereupon, Defendant's Exhibit K was entered into the record.)

BY MS. GUO:

Q I'm going to go to Page 50. Mr. Wagner, do you recognize this text message between you and Alex Romero?

A No, I can't read that -- wait, wait. Yes, I can read part of it. I recognize one of my spelling errors. That's how I can tell it is.

Q Thank you. Can you read this text message on Thursday, September 12th at 09:48 a.m.?

A Which one?

Q Text message September 12th -- Thursday, September 12th at 09:48 a.m.?

A I see a tarp -- wait, yeah, I see a tarp on the roof of the crazy lady's house. Does she have a leak?

Q Is that your message on September 12th, 2024?

A What -- where?

Q Is this message -- I see a tarp on the roof of the crazy lady's house. Does she have a leak? Your message sent on September 12th --

A Yes, looks like September 12th.

Q 2024?

A Yes.

Q Okay. Let me -- bring the next pages is better. This page has, shows the whole text. This is -- let me see, what's the page number. Page 50, this has the whole conversation. Could you read the Page 50 again, I'm sorry. I'm showing September 12th, 09:48 a.m. message again. Can you please read Alex's answer

on September 12th, 2024?

A I don't know. She never called us again.

MR. CLARK: And I'm going to object. You haven't established that the individual in the green is Alex Romero. You need to lay that foundation as well.

BY MS. GUO:

Q Can you read the reply, Mr. Wagner?

A Do I have to answer that?

Q Yes, you have answer --

A Well, I don't know. I heard an objection.

Q Objection just means this will let the Court know they have objection, but you still have to answer. He's not your attorney. He cannot tell you what to do. You need to answer my question.

A The greens says, I don't know. She never called us again, us the sub and the tile factory lien. The house waiting to go to trial, she's selling the house.

Q Was this message -- who did you send this message to? I see a tarp on the roof of the crazy lady's house, does she have a leak?

A Who did I send that to?

Q Yes.

A I believe the contractor. Whatever contact

number I have for somebody at that roofing company, I cannot tell you what their actual name is.

Q Did this contractor reply says, I don't know, she never called us again?

MR. CLARK: Form.

A That seems to be the reply.

BY MS. GUO:

Q Yes. This is September 12th, 2024. Is September 12th, 2024 after July 28th, 2024.

A Do you have a question there?

Q Yeah, but it just -- we have established this. Do you think September 12th, 2024 it's after July 28th, 2024?

MR. CLARK: Form.

A Yes, I would say that it is.

BY MS. GUO:

Q Do you agree September 12th, 2024 is after September 10th, 2024?

MR. CLARK: Form.

A Yes, the 12th comes after the 10th.

BY MS. GUO:

Q So, do you agree after I e-mailed to the contractor at my house is tar -- is leaking and after the contract filed a motion to inspect my house.

A Okay. Again, I'm going to stop you --

MR. CLARK: Form.

A -- right there. I don't have, I'm not privy to your e-mails between you and your contractor. I don't have them in front of me. I can't go through them to accurately answer the question, either provide me with these documents or stop asking me questions, please.

BY MS. GUO:

Q It's okay. I'm just asking you question --

A Now, wait a second. I have got a question for you. You said that we did not provide you with this text message. You have the text message.

Q Mr. Wagner, with all due respect, you need to provide your part of the text. They provide their part of text. That is why, how we compare if they're hiding anything. It's very important for you as a -- third party witness.

MR. CLARK: Form.

A I'm pretty sure you were provided with it from me and obviously from them as well.

BY MS. GUO:

Q No, I did not receive any pa -- any texting between you and the contractor, please go back and check your production, Mr. Wagner. Okay. This is a text I got from them. So, my question is, we just establish

that we just read the e-mail July 28th, e-mail, July 28th, 2024, e-mail from me to the contractor ended September 10th, 2024 motion to inspect my property's leak from the contractor. Now we are reading the September 12th, 2024 texting between you and the contractor.

MR. CLARK: Form.

BY MS. GUO:

Q So --

A Do you have a question in there somewhere?

Q Yes, I have a question. It seems to me. You are asking him that the house has a leak. You are telling him the house has a tarp on the roof. The contractor told you he don't -- I don't know. Do you agree?

A I don't understand what you're saying.

MR. CLARK: Form.

BY MS. GUO:

Q Mr. Wagner, if you're a contractor -- Mr. Wagner, I'm asking this question --

A I'm not answering hypothetical questions.

Q You need to -- you sometimes you can, you can reject, but I'm just asking you this question. You can say no, let me finish my question. Mr. Wagner, if you are contractor, you get a notice from the owner saying

house is leaking and you filed a motion to inspect the leaking on September 10th, 2024.

Two days later, the city inspector text you saying, I saw a tarp on it. Does she have a leak? Would you tell the city inspector says yes, he -- she notified me there was a leak. We are going to check.

A I don't understand what your question is.

MR. CLARK: Form.

A I don't understand where you're going with this.

BY MS. GUO:

Q My question is, if you are the city -- you're a contractor yourself on September 10th, 2024, you request to go back to see the property check, inspect leak. Two days later in city asks you whether house has a leak. What would you answer?

A That's a question --

MR. CLARK: Form.

A -- for your contractor, not for me.

BY MS. GUO:

Q Hypothetically, if you are the contractor?

MR. CLARK: And I'm going to object to your line of questioning as to Mr. Wagner's capacity as a contractor. Mr. Wagner is an inspector and --

MS. GUO: It's okay.

MR. CLARK: -- I'm also objecting on the basis if you are trying to elicit opinion testimony reserved for expert witnesses in this matter, Ms. Guo.

BY MS. GUO:

Q Mr. Wagner, Mr. Clark can put his objection. He's not your attorney. He cannot stop you any answer, you're under oath. Just to your best of knowledge, to your best of consciousness, just to your best integrity answer my question. It's okay if you don't answer, it's okay. But this will be on the record.

My question is for you is if you are the contractor and on September 28th, 2024, you received an e-mail saying house is leaking. And on September 10th, 2024, you filed a motion to inspect the property and two days later, the city inspector told me -- told you that house has a tarp and ask you, do you have a leak? What would you answer as an honest person, what could you answer?

MR. CLARK: Form.

A We don't know how I would answer it. I'm not in that position. I'm not a contractor.

BY MS. GUO:

Q Would you answer that question? Would you answer the city inspector.

MR. CLARK: Form.
A They answered.
BY MS. GUO:
Q I'm sorry?
A They gave a reply.
Q Okay. Would you reply this way? I don't know.
A Again, I'm not a contractor --
MR. CLARK: Form.
A -- I can't testify as -- and I certainly can't testify as to what somebody else would say or do in any circumstance.
BY MS. GUO:
Q I know, I'm just a hypothetical. Would you?
A Again, this is why I'm not answering any hypothetical questions because I'm not in that position, so I don't really know what I would do.
Q Okay. Next one. He says she is selling the house. At his deposition, I deposed this contractor. I asked him, where from -- where did you know I'm selling the house? He said, somebody called me telling me she's selling the house. I said, who is this person? She said -- he said, this contractor's answer.
I don't remember this person. I don't know his gender, his name, his relationship, and why he call me, nothing. He cannot provide any resource -- any sources

where he got this message says she is selling the house.

A Okay. I have no knowledge --

MR. CLARK: I'm going to object mischaracterizing his testimony, Ms. Guo.

BY MS. GUO:

Q I'm just letting you know, Mr. Wagner, if -- no, if you don't know, you don't know, remember from where you got the information selling someone selling house, would you tell a city inspector she's selling the house?

MR. CLARK: Form.

A Again, I cannot testify as to what other people will or will not do under any given circumstances. Can you please get on with the deposition with questions that regard me?

BY MS. GUO:

Q Yes, next one. I'm going to show you that. I'm going to Page 48. This question, and actually I'm going back to Page 40 -- 50 here. Is this your message saying, I see a tarp on the roof of the crazy lady's house does she have a leak.

A We have already established this.

Q Is that your message?

A Yes. We have already established that.

Q When you say crazy lady, do you mean me Xiaohui Guo?
A It appears as if maybe talk to text might have autocorrected it. But we -- the conversation is about your house.
Q When you say crazy lady, do you mean me?
A Again, it is about your house. It appears as if talk to text may have auto corrected me.
Q Who is a crazy lady?
A There's a lot of them.
Q So, is this house -- crazy lady's house my house?
A Again, I have already answered that. The house I was talking about was your house.
Q So, do you mean this crazy lady is me?
A Again it appears to me as if that was an auto correct from talk to text.
Q What did you mean to type? If you did not --
MR. CLARK: I apologize to interrupt. I was kicked off the meeting again. I just want to let the record know.
BY MS. GUO:
Q So, you do not mean to call --
MR. CLARK: Hear me. Yes, or no?
MS. GUO: Yes, I can hear you.

MR. CLARK: Thank you. Please acknowledge.
THE WITNESS: Yes, I can hear you.
MR. CLARK: Thank you, sir.
BY MS. GUO:
Q Do you mean you did not want to call me crazy lady but the -- your phone make it into a crazy lady?
A I --
MR. CLARK: Form.
A -- I don't recall referring to you as a crazy lady.
BY MS. GUO:
Q So, your phone automatically call me a crazy lady?
MR. CLARK: Form.
A Apparently so, talk to text. If you remember earlier, you were -- I don't remember if it was in this text or something else. I noticed it. I was -- it was easily identifiable to me because of a texting error. Go up a couple of texts if you don't mind.
BY MS. GUO:
Q So, let me finish this one. So, do you think I'm a crazy lady?
MR. CLARK: Form.
A I'm not qualified to answer that question.
BY MS. GUO:

Q Did you ever call any other people crazy lady?

MR. CLARK: Form.

A No, I do not recall ever calling anybody else a crazy lady -- well, maybe one of my sisters.

BY MS. GUO:

Q Did you ever call any homeowner crazy lady?

A No.

Q When you type this message, what do you originally want to type?

A I'm sorry?

Q If you -- crazy lady is not your words. What was your original word?

A Ma'am, this was back in September if I made a mistake in typing something I don't know what it was. Again, I asked you to go back up. You can see that I have made grammar and spelling mistakes before.

Q Is there any spelling error in this message? I see a tarp on the roof of the crazy lady's house does she have a leak.

A I do not believe there's any spelling errors in that message.

Q But why do you believe crazy lady is an error not your original word?

A Because I don't recall ever referring to you

as a crazy lady.
Q I'm sorry, say that again.
A I do not recall ever referring to you as a crazy lady.
Q Did you ever call me any other bad word?
A No.
Q Is this the only time -- crazy lady the only time you call me as a bad name?
A And again, it doesn't appear to be intentional. I believe it to be a talk to text override, spell check, whatever you want to call it.
Q Did you ever call me B-I-T-C-H?
A What?
Q Did you ever call me the word B-I-T-C-H?
A No.
Q You never orally call me a B-I-T-C-H?
A No.
Q Did you ever in writing call me B-I-T-C-H?
A No.
Q Do you have any intention to call me B-I-T-C-H?
A No.
MR. CLARK: Form.
BY MS. GUO:
Q Did I do anything to make you think I am a B-

I-T-C-H?

MR. CLARK: Form.

A You are a very obnoxious and irritating person.

BY MS. GUO:

Q Does that make you call me B-I-T-C-H?

A No, I have never referred to you that manner.

Q What did I do to make you think I'm obnoxious?

A Well, one, you keep asking me about questions that I can't possibly answer. Two, you've interfered in the inspection process throughout the entire reroof of your house. You've threatened to have me arrested for trespassing.

Q What did I do to interfere your inspection?

A I'm sorry?

Q What did I do to interfere your inspection?

A You repeatedly tried pointing out things that were extremely minor and inconsequential that you felt that the roofer needed to correct.

Q What are the minor and inconsequential things I called you about?

A The big issue on this roof -- your big issue on this roof was some very minor and inconsequential fishmouths in the valleys. The contractor repaired

them. That was the end of it.
Q Do you know how they repaired them?
A With mastic.
Q I'm sorry, what did they do?
A They used mastic.
Q They used mastic?
A Yes, commonly referred to as bowl roofing cement.
Q Did they use a torch to --
A I seen no places where they were using a torch.
Q I'm sorry?
A I seen no torch -- no areas where they were using a torch.
Q So, they never told you they use a torch with the fishmouths?
A I never seen any air -- I never seen them using a torch.
Q Can they use a torch?
A I don't see --
MR. CLARK: Form.
A -- I don't see why not. The material once it gets hot, it will melt down. The manufacturers themselves will basically say that the material sticks better when it -- once it's gone through a few cycles

of heating properly and it's been rolled down properly. The -- heat --yeah, heat makes it sealed down better.

BY MS. GUO:

Q Mr. Wagner, did I tell you the burn -- the use of they torch the underlayment?

A I do not recall if you did or not.

Q But you are sure you never knew they torched it, right?

A I'm sorry; I didn't understand the question.

Q Okay. So, nobody told you think you nev -- before today, you don't know they torched it underlayment, correct?

A I do not know of the roofing contractors torching the underlayment. I see -- I can only go by what I see when I'm there.

Q Okay. Mr. Wagner, let's go back. Can you read this message here?

A Which one?

Q This is your phone number (786) 365-8015?

A Yes.

Q Can you read this message here?

A Which one?

Q Thank you -- starting with thank you.

A Thank you, hopefully this shuts this bitch up. Well apparently, I have referred to you as a bitch.

I misspoke.
Q This is a misspelled again?
A No, I said I misspoke.
Q What do you mean by?
A I misspoke.
Q Do you owe me apology call me a B-I-T-C-H?
MR. CLARK: Form.
A I don't know that I do.
BY MS. GUO:
Q I'm sorry?
A I don't know that I do.
Q Do you think you can call me a B-I-T-C-H?
MR. CLARK: Form.
BY MS. GUO:
Q Is it ethical for you to call me a B-I-T-C-H, Mr. Wagner?
A There's nothing in any ethics that says I can't.
Q So, you think you can call me a B-I-T-C-H, right?
A Well apparently, I did.
Q So, you did you -- now do you think it's okay for you to call me a crazy lady?
MR. CLARK: Form.
A I don't think that I called you a crazy lady.

I believe that was a mis talk to text.
BY MS. GUO:
Q This B-I-T-C-H --
A -- be one.
Q -- is this B-I-T-C-H a misspell?
A This -- I just answered that. I said this does not appear to be one.
Q Okay. I'm going to bring the next exhibit.
THE WITNESS: We have already to take another break.
MS. GUO: You already took one break. Let me just take this break.
THE WITNESS: Yeah, that's why I said another.
MS. GUO: Not yet, not yet. Let finish this one and I will let you know, okay?
THE WITNESS: Again, I have to use the restroom.
MR. CLARK: And Mr. Wagner, if you need to use the restroom, just wait, there's no pending question and then you can go. Ms. Guo can't force you to stay if you need to take a break.
THE WITNESS: Yes, there's no pending question. Thank you.
MS. GUO: How long you going to take five

minutes? Okay. Ms. Court Reporter, can you make announcement of the time, minutes? And what time we get off?

THE COURT REPORTER: Sure, one moment. Okay. It's now 10:34. We are off record.

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

THE COURT REPORTER: Okay. This time is now 10:40 a.m. We are back on record.

MR. CLARK: And Madam Court Reporter, can you let me back in. I'm just -- I think my internet's back. I just want to get back on. Thank you.

BY MS. GUO:

Q I'm going show, Mr. Wagner next --

A While you're looking for that, I would like to elaborate on a previous question that you asked with regards to the torching.

Again, I did not see them using a torch, but regards to that there is nothing specific in the code nor in the product approval that prevents them from using a torch to aid in the adhesion of the material.

Q About that -- let me show you something here. Is that possible, Mr. Wagner, some document -- some underlayment can be torched, some not, can be torched?

MR. CLARK: Form.
BY MS. GUO:
Q Is it possible -- this is the message I got from the manufacturer from Westlake, Mr. Lama -- Renee Lama. I talked -- I e-mailed to him on December 20th, 2024 at 03:55 p.m., --
MS. GUO: I'm sorry, this is -- Madam Court Reporter, this is Exhibit M.
(Thereupon, Defendant's Exhibit M was entered into the record.)
BY MS. GUO:
Q I'm showing a message I sent to the manufacturer December 20th, 2024, 03:55 p.m. "Hi, Mr. Lama, I just called you. Thanks for advising me that. To fix the open labs using a torch to burn underneath the pill and stick underlayment. It's not the right way and were damage it. Can you please send me any guideline? Thanks, in regards. Susan -- 762818802". And the next is this eight pictures of the open laymans -- open labs in my roof.
And next, I'm reading the next message here. Open labs -- that's his answer, Mr. Lama answer on Monday, December 23rd, 2024 at 11:50 a.m. "Good morning. Our recommendation would be to have a roofer razor out -- laser cut tile seal that is not firmly adhered to the

deck and SBS mastic the loose parts to the deck/base sheet/TileSeal". This is the message from Mr. Lama.

A Hello. Do you have a question for me?

THE WITNESS: Hello? It seems that we are frozen. Hello?

MR. CLARK: Yes, it looks like we are frozen as well. Or she's frozen on our end, Madam Court Reporter?

THE COURT REPORTER: Yes, I'm here.

MS. GUO: Why, just to start the recordings. Did we miss all those words?

A Do you have a question?

BY MS. GUO:

Q Okay. Mr. Lama --

A Who's Lama?

Q Mr. Wagner, when you were with me. Do you remember you showed me a picture saying, it's okay the open lap should be cut to fix that problem. Do you remember, you showed me a picture that?

A You have the picture that --

MR. CLARK: Form.

A -- you're referring to? I'm not exactly sure what you're referring to.

BY MS. GUO:

Q Anything -- when you were here with me, when

we talk about the open laps, did you show me a picture you explained to me that the open labs should be cut?

A I don't recall. Again, you need to provide me with the photo if you want me to answer a question about a photo.

Q Do you remember? I just want to ask you remember. Did you -- I think you show me a picture from your -- hold on. Okay. Let me think. Give me one second. Okay. Did you remember you showed me a picture of like a valley - and has --

A Again, if you want me to remember a picture that I showed you, you need me to show me the picture.

Q To your best of knowledge --

A Without showing me what you're talking about, I'm not aware. I have no reclamation of what you're talking about.

Q No, but you -- do you think it's okay to cut the -- it's the right way to fix the open lab is to cut the -- cut open the laps and then --

A Without visually seeing what you're talking about I'm unwilling to answer that question.

Q No, my question is, as you're sitting here when you were here --

A Well, I don't -- you're not making the picture clear enough in my mind.

Q No, I'm not making picture. I'm just asking you. I'm just read this manufacturer's answer. He said -- he told me, I e-mailed him and said, we agreed. He said the -- when we talk to him, he said, no, you cannot torch it. He said, our recommendation would be have a roof raise, cut tile seal, and that is not firmly adhere to the deck. And SBS mastic the loose part to the deck base sheet and tile seal. Do you --

A Okay --

MR. CLARK: I going to object to Ms. Guo misstating the document.

MS. GUO: I'm not misstating. Hold on. Don't talk at the same time.

BY MS. GUO:

Q Mr. Wagner --

MR. CLARK: I'm making my objection, Ms. Guo.

BY MS. GUO:

Q Mr. Wagner, I'm reading this manufacturer, Mr. Lama's e-mail or recommendation would -- to have the roofer laser cut the tile seal that is not firmly adhered to the deck and SBS mastic loose parts --

A Okay. Let me stop you right there. I'm having -- one, I'm having a hard time understanding what you're saying, but when you mentioned SBS mastic, that is what they sealed those valleys that had the slight

little fishmouths in them. That is what I have seen them using.

Q No, did they put -- did they cut open the labs?

MR. CLARK: Form.

A I don't recall. And again, as all the materials adhered, it's adhered.

BY MS. GUO:

Q Should they cut the laps and apply?

A Let me explain something to you.

MR. CLARK: Form.

A I'm a building inspector. We inspect for the building code issues, okay? If it's not specifically addressed in the building code or in the product approval, I can't reject them. There's more than one way to do a lot of things.

BY MS. GUO:

Q Did you ever show me a picture of valley with underlayment on it and tell me roofer should cut open the laps?

A I do not recall what you're talking about.

Q I'm sorry?

A I do not recall what you're talking about. I have already answered this.

Q Did you ever show me the picture of a valley?

A Again, I don't recall showing you a picture of a valley.
Q You never showed me a picture of a valley. Not this valley, just like a model. Explain to me at the roofer the right way to do it is to cut open?
MR. CLARK: Form.
BY MS. GUO:
Q Do you ever show me a picture of valley at all?
A Show me --
MR. CLARK: Form.
A -- what you're talking about. I have no idea of what you're talking about.
BY MS. GUO:
Q No. My question is, do you ever show me of a picture -- did you like when you were here with me --
A Yes, how hard is it for you to understand that I don't know what you're talking about. You're not showing me what you're talking about.
Q Mr. Wagner, let's recall when you were here with me, did you go to the internet and download the picture of a valley and they explain to me how the underlayment work?
A What part of I do not recall do you not understand?

Q My question for you, I'm asking you a question. Do you remember you went to the internet, downloaded a picture of valley and the picture saying something about --

A I just said no.

Q I'm sorry. Yes, or no?

A I just said I don't recall.

Q Okay. Do you agree that some underlayment may be able to torch, but some underlayment should not be torched?

MR. CLARK: Form.

A You need to be specific with what you're talking about. Different types of roofing materials are treated differently.

BY MS. GUO:

Q Is it possible some underlayment cannot be torched?

MR. CLARK: Form.

A Ma'am, you need to be specific with what materials you're talking about.

BY MS. GUO:

Q Do you have any evidence this underlayment on my roof can be torched?

MR. CLARK: Form.

A The underlayment on your roof, there is

nothing in the code nor in the product approval that says that the -- that states that heat cannot be applied to it to help it seal down. That's -- stop, let me finish answering the question. The next thing in that question is, I never seen them using a torch to heat up the material. Do you understand that?

BY MS. GUO:

Q Okay. Let me show you the picture of video of them heating up -- the heating up it. I'm showing Exhibit R this is a video -- sorry, sir. This is wrong, wrong one. Sorry, this is -- no, I'm sorry. I apologize here.

MS. GUO: This is Exhibit, actually 39, Ms. Madame court reporter, 39.

(Thereupon, Defendant's Exhibit 39 was entered into the record.)

MR. CLARK: Ms. Guo, are you showing a video? Because I can't see any video.

MS. GUO: Yeah, I'm showing a video. You cannot, see?

MR. CLARK: I can't --

MS. GUO: Anybody see a video?

MR. CLARK: I can't see.

THE WITNESS: Nobody can see your video.

MS. GUO: Sorry. Can anybody see a video?

THE WITNESS: No.

MS. GUO: Court Reporter, did you see a video?

THE COURT REPORTER: No, ma'am.

MS. GUO: Am I sharing the screen?

THE COURT REPORTER: No.

MS. GUO: I'm sorry. Maybe I stopped the sharing. Hold on, it stopped.

THE COURT REPORTER: And what exhibit is this?

MS. GUO: Exhibit 39.

(Thereupon, a video was played into the record.)

BY MS. GUO:

Q Okay. Let me repeat this part. I have more, but you can repeat this part.

(Thereupon, a video was played into the record.)

BY MS. GUO:

Q Okay. Mr. Wagner, do you see this guy torching the underlayment?

A I see that he is using a small torch to a heat that minor fish lap. And again, I see nothing specifically in the code nor in their product approval that says they cannot do that.

Q And, do you have Westlake brochure saying you --

A The brochure is not -- ma'am, I do code inspections. What they have for brochures is not enforceable. It needs to either be in the code or in their product approval.

Q Do you agree some underlayment may not be able to burn and some may be is okay --

MR. CLARK: Form.

A Ma'am, if you're going to ask me a such a broad question like that, I can't give you an actual correct answer without you being specific on what materials.

BY MS. GUO:

Q You know, my underlayment is called "Westlake Tile Seal", right?

A Right.

Q Do you have any proof of opinion says the manufacturer says, you can torch underlayment?

MR. CLARK: Form.

A Can you repeat that question?

BY MS. GUO:

Q Do you have any authority telling you that this Westlake Tile Seal underlayment can be torched?

MR. CLARK: Form.

A I have nothing saying they cannot do it.
BY MS. GUO:
Q My question is, do you have anything saying they, Westlake Tile Seal can be torched?
A Again, they have nothing in the code or in their product approvals that say they cannot do that.
Q My question is another way. Do you have -- do not change my question. I'm asking question, yes or no, my ask que -- my question is do you have any authority saying they, roofer, can torch the Westlake Tile Seal underlayment?
A The code and their product approval is silent on the matter, I'm a building code inspector. I can only go by what the code and the product approval says.
MR. CLARK: And just for the record, I don't know if you guys can hear me on the computer, but I have been making form objections for the last three questions.
THE COURT REPORTER: This is the Court Reporter, Counsel, I didn't hear that.
MR. CLARK: Can you --
THE WITNESS: I did not hear them either.
MR. CLARK: Can you hear me?
THE COURT REPORTER: Yes, I can hear you now.
MR. CLARK: Okay. Because I don't know if

there's audio issues on my computer. I was using my phone and I just wanted to make sure my form objections were noted for the last three or four questions. I didn't see my box light up when I was speaking on my computer.

THE COURT REPORTER: Yes, I could hear you now though.

BY MS. GUO:

Q Okay. Mr. Wagner, please answer yes or no to my question. Is there any authority saying a roofer can ~~porch~~ torch a Westlake Tile Seal underlayment on my property?

MR. CLARK: Form.

A Again, I am a building code inspector. If it is not expressly forbidden by the code or in their product approval, I cannot reject them for that.

BY MS. GUO:

Q That's not my answer. My answer --

A -- answer however you want.

Q -- I'm asking your question, yes or no, you should answer yes or no. Do you have any authority --

A I'm answering the question to the best of my ability.

MR. CLARK: I'm going to object to you making him answer yes or no. He can answer the question the way he wants to --

MS. GUO: Yeah, he must answer yes or no.
MR. CLARK: -- answer the question.
BY MS. GUO:
Q Mr. Wagner --
THE COURT REPORTER: This is the Court Reporter. Ma'am, it's been a lot of talking over each other. I would like to get a clear transcript for you both. So, if please, one at a time moving forward.
MS. GUO: Thank you, Ms. Court Reporter.
BY MS. GUO:
Q Mr. Wagner, do you have 11 fingers?
MR. CLARK: Form.
BY MS. GUO:
Q Mr. Wagner, do you have three eyes?
MR. CLARK: Form.
A Ma'am, I'm here to do a deposition regarding your roof.
BY MS. GUO:
Q Yes, I'm asking a question I need to ask you. See if you understand my question, yes or no question. Mr. Wagner, do you have three eyes?
MR. CLARK: Form.
A I'm not playing this stupid game.
BY MS. GUO:

Q No, you need answer. It's not stupid game. This is logic.
A Move on to questions with that --
Q Exactly. Mr. Wagner, answer my question. You're here under oath. If you're avoiding my question -- you are --
A I may be under oath, but I'm under no obligation to answer any stupid question you may have.
Q No, that -- there's no question stupid, Mr. Wagner. Do you have three eyes?
MR. CLARK: Form.
BY MS. GUO:
Q Mr. Wagner, please answer.
A Can you see my face in the screen?
Q I'm answering you. Do you have three eyes?
A Count them.
Q Mr. Wagner, do you have three eyes? Mr. Wagner, do you have three eyes?
A Can you just move on?
Q No, I'm not moving on until you answer this question. Mr. Wagner, do you have three eyes?
A Can you move on?
Q No, I'm asking a question, Mr. Wagner.
A This has no bearing on your roof.
Q Yes, if you reject my question, I'm just

going to have to depose you again, Mr. Wagner. Mr. Wagner, answer my question. Do you have three eyes?

A Again, this has no bearing on why I have been called into the deposition.

Q Mr. Wagner, do you have three eyes? Mr. Wagner, do you have any authority saying that Westlake tile seal underlayment on my property -- on my roof can be torched?

MR. CLARK: Form.

A I have no authority to reject the inspection based on them using a torch to heat the material up based on the code and on your product approval.

BY MS. GUO:

Q No, my question is, do you have any authority saying Westlake underlayment --

A Ma'am, what you're not understanding is that if I do not have a specific code reference or a specific item in their product approval, I do not have the authority to reject them for that. That's the first thing. The second thing is I never seen them using the torch. Every time I seen them; they were using the mastic. And again, I can't go by things that I did not physically see.

Q Mr. Wagner, did I ever e-mailed you and tell you they were you -- they torched the underlayment?

A I do not recall that you did.

MR. CLARK: And sorry to interrupt. Can everyone still hear me?

THE WITNESS: Yes, we can.

MR. CLARK: Thank you, sir.

MS. GUO: Hold on. Let me show you the e-mail. This is Exhibit E, Madam Court Reporter -- no, it's not Exhibit E. Hold on.

THE COURT REPORTER: Ms. Guo, are you saying something? I'm not sure.

MS. GUO: Yeah, I tried to find that e-mail.

THE COURT REPORTER: Okay. I just wanted to make sure it's still on record.

MS. GUO: Yeah, sorry. Yeah, I'm trying to find that e-mail of with --

THE WITNESS: Well, there's no pending question, so I will be taking a break.

MS. GUO: No, no, please do not take a -- okay. You can -- get off the record for five minutes, then.

THE WITNESS: We'll be taking a break. Thank you very much.

MS. GUO: I'm sorry. Can you announce the time -- Ms. Court Reporter, announce the time? Ms. Court Reporter, can you announce the time?

THE COURT REPORTER: Sure. It is now 11:06 and we are off record.

MS. GUO: Thank you.

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

THE COURT REPORTER: We are now back on record.

THE WITNESS: Yes, we are back. Is everyone back?

MS. GUO: Yes, thank you.

THE WITNESS: Okay.

MS. GUO: I'm trying to find the message. I am going to show this message here. Can you announce the time now? Time, Ms. Court Reporter?

THE COURT REPORTER: You would like me to announce the time now we have been back on record?

MS. GUO: Yeah, time -- what the time is it?

THE COURT REPORTER: The time is 11:14.

BY MS. GUO:

Q Okay. We are back to the record. And I'm showing my Exhibit Y.

(Thereupon, Defendant's Exhibit Y was entered into the record.)

BY MS. GUO:

Q This is a message -- e-mails from -- Mr. Wagner, this is a e-mail I sent to --

A Give me a moment. I wish you would've told me this. I could have had the e-mails.

MR. CLARK: Is there a noise anyone else is hearing?

MS. GUO: Maybe it's my --

THE WITNESS: Not from our side.

MS. GUO: Maybe it's my computer making an e-mail.

BY MS. GUO:

Q Did you see this e-mail says --

A Can you give me a moment? Okay. I believe that I have all the e-mails that you sent to me in front of me.

Q So, can you read this e-mails?

A What's the date of this e-mail?

Q This is the e-mail to Mr. Franklin, on June 19th, 12:38 p.m., I said "Also on the end concealed open labs, the worker burned the cap sheet and then pressed it down. May you please advise me that this is the correct method. Was the cap sheet seamed by burning will the cap sheet comes back? Thanks, and regards". Did you ever see this e-mail?

A I don't recall seeing that, but go on down to

what the reply is.

Q I did not get a reply on -- this email --

A That's not a reply, okay. Yeah.

Q I never got a reply on this e-mail. I never got a reply.

A Again, -- let me stop you for a second. You're stating that also on the unconcealed open laps. I am not exactly sure what you're talking about there. The worker burned the lap -- burn the cap sheet and then pressed it down. Well, you say burn.

There's a big difference between heating up the material in order to get it to adhere and burning it. Which the video you showed me earlier, it just showed that the cap sheet was being warmed up enough to make the asphalt in it able to adhere not burnt. Big difference.

Q Is the -- Mr. Wagner, did you talk with somebody during your break?

A Did what?

Q Did you talk with somebody with your break?

A No.

Q Okay. Did I -- before you see this -- today, did I ever tell you roofer burn underlayment?

MR. CLARK: Form.

A I don't recall you ever saying that. And I

know I have seen a bunch of these e-mails. I have probably read this, but I don't recall this specific one.

BY MS. GUO:

Q Did I ever tell you they burned the paper sheet?

MR. CLARK: Form.

A Again, I have already answered your question. Here, are you referring to it as burning the cap sheet?

BY MS. GUO:

Q That's not my answer -- that's my question. My question is, did you ever -- did I ever inform you specifically the roofer burned the cap sheet?

MR. CLARK: Form.

A Ma'am, in this e-mail, I'm sure I have received the e-mail. I'm telling you I don't recall it specifically.

BY MS. GUO:

Q Not -- did you -- other than this e-mail, did you ever receive me telling you directly to burn the cap sheet?

A I don't recall you ever telling me that they burnt the cap sheet. And again, what you showed me is not burning the cap sheet. It's heating it up. Big difference.

Q What's the difference?
A Well, if you were to burn it, it would be scorched and catch on fire. Heating is just heating it up.
Q Is there any authority says you can -- the roofer can heat underlayment with the torch?
A Ma'am, there's nothing in the code and there's nothing in the product approval that says that they cannot warm up that material and press it down.
Q Now you're using another word --
A Again, I did not see them doing that. We have already been through this.
Q No, you did not. You never answer me question my questions. Did any -- do you have any authority allow a roofer --
A I don't have the authority to reject them.
Q You have any authority to accept it. Allow it. Do you have any to allow it? Do you have any authority --
MR. CLARK: Form.
A Ma'am, you don't understand how the code works. If I cannot give a specific example on why something should be rejected, I have no other choice but to approve it.
BY MS. GUO:

Q Go back to the old question again. Did I ever tell -- did you just say several times before today you have no idea they torched -- they used the torch to heat up underlayment, correct?

MR. CLARK: Form.

A I'd never seen them use a torch. And I don't recall you saying anything about a torch.

BY MS. GUO:

Q Did I ever inform you that burn the cap sheet?

A I don't recall you doing that. I see an e-mail here. The roofer suddenly showed up. They said that they will do touch up and install the tile today.

Q Mr. Wagner, again, do you have any memory problem?

MR. CLARK: Form.

BY MS. GUO:

Q Mr. Wagner, do you have any memory problem?

A No, I did not have any memory problem. Well, you don't seem to understand is that as a building inspector, I probably go on anywhere between 80-100 roofs every week. You and your roof are not special.

Q Do you have -- did anybody ever complain to you --

A Any every conversation I have had --

MR. CLARK: Let him finish his answer.
BY MS. GUO:
Q Mr. Wagner, did anybody -- did any owner complain to you that the roofer burned the cap sheet?
MR. CLARK: Form.
A What are you talking about?
BY MS. GUO:
Q Did -- what -- is there any homeowner complain to you that their roofer burned the cap sheet?
A What homeowner?
Q Homeowner of the property.
A What property?
Q Any property.
A What are talking about?
Q You have inspected so many properties. Is there any homeowner complaint to you that the roofer burned the cap sheet?
A I do not recall that.
Q So, if I tell you the cap -- the my -- roofer burned the cap sheet, you would remember, right?
MR. CLARK: Form.
A No, I might not remember.
BY MS. GUO:
Q So, you don't remember I ever told you that -- the roofer burned the cap sheet. Correct?

A Ma'am?

MR. CLARK: Form.

A I do not recall you telling me that they burnt the cap sheet. I never seen any areas of burnt cap sheet. The video that you showed -- the video that you showed me does not show them burning the cap sheet either. It shows them heating it up. Big difference.

BY MS. GUO:

Q Mr. Wagner, let me show you this text message I sent it to you.

A Okay.

Q This is a message -- I'm saying from beginning, is it June 19th, Wednesday?

A Okay.

Q Can you read it?

A Okay.

Q Can you read it?

A Yes, I can read it.

Q Go ahead, please.

A What?

Q Can you read the message to me -- for me?

A It says, "Hi, Mr. Wagner, on June 14th, the roofer loaded tile all over the roof without correcting any defects. Some open laps along the valley have already been concealed because they have been pressed

down". And again --

Q --

A No, stop. I'm going to answer your question before you even ask it on this. I made them move all the tile out of the valleys.

Q Let's just finish reading this message, please.

A I already did.

Q Did you read the by stacks of tile? Did you read that one?

A Yes. I already read that. Pay attention.

Q Okay. Continue to next page.

A Okay. "Been pressed down by stacks of tiles on June 18th, some unconcealed open laps worker burnt the cap sheet". Okay. 05:02 p.m. is when you sent that message?

Q Yes.

A That's after working hours. I probably would not have read that.

Q Would you read the message next morning?

A I don't read text messages from people who send them after working hours.

Q So, in the morning you don't even read those messages at all?

A Again, I don't read messages that were sent

during non-working hours.

MR. CLARK: Yes. Ms. Guo, it's your laptop charger that keeps dinging. It's very annoying. If you can fix that.

BY MS. GUO:

Q Mr. Wagner, do you think roofer should check with the manufacturer before they do anything on the roof?

MR. CLARK: Form.

BY MS. GUO:

Q Okay. Strike that. It's okay. Let me ask you this question. Let's read this in Mr. -- my e-mails with the manufacturer. I talk with Mr. Lamar in the manufacturing. "Mr. Lama, I just called you. Thanks for advising me that for -- to fix the open laps using a torch to burn underneath the peel and stick" --

MR. CLARK: It's all blurry. I can't even read it.

THE COURT REPORTER: Yes, it's --

BY MS. GUO:

Q You have this one --

THE COURT REPORTER: -- the Court Reporter. Ma'am? I can't read what's on your screen and you are reading quite quickly. I'm not able to understand what you are saying.

MS. GUO: Sorry. This is Exhibit L and I put it on this one before and Mr. Clark has it.

(Thereupon, Defendant's Exhibit L was entered into the record.)

BY MS. GUO:

Q This is the e-mail I sent it to the Westlake, a manufacturer. "Mr. Lamar, I just called you. Thanks for advising me that to fix the open laps using a torch to burn underneath the peel and stick underlayment is not the right way and will damage it. Will you please send me any guideline?"

That was December 20th, 2024 and Mr. Lamar replies, "Good morning. Our recommendation would be to have a Roof Razor cut. The tile seal is not firmly adhered to the pack and SPS mastic to the loose parts to the deck base sheet and tile seal". Do you agree with Mr. Lama's recommendation, Mr. Wagner?

MR. CLARK: Form.

A This is one method that could be used to do it. It does not mean it's the only method.

BY MS. GUO:

Q What the other method Mr. Lamar will be allowed by the manufacturing?

A Again, she --

MR. CLARK: Form.

A -- I can only go by what's done by the code, okay? The code just says that it has to be installed as per the code and per the product approval, it was installed towards the product approval.

BY MS. GUO:

Q Where's the code --

A And here -- look, here, he's saying, use mastic to the loose parts. That's what they did. That's what I seen them doing was using the mastic.

Q Did you see them use the mastic on top of the underlayment open laps or underneath the open laps?

A A little bit of both. They would put it underneath there and you get the stuff on your trowel. It's trowel grade and then you push it down. So, yes, there's going to be some that gets on top of it.

Q Mr. Wagner, you keep saying code. Where are the codes saying this? Can you give me the code specifically saying the code, saying that you can put mastic on it and you can torch it, where are the codes?

A Ma'am, what I'm saying, if the code does not forbid them from doing it, I have to approve it.

Q But if the manufacturer does not allow it?

MR. CLARK: Form.

A Then, if it's in the product approval, it's something that can be enforced. If it's in the product

approval.
BY MS. GUO:
Q Where is the code that says this, what are the other methods you recommend, Mr. Lama -- Mr. Wagner?
A I don't – I'm not understanding what you are saying.
Q You said there's many ways to fix it. What are the other ways to fix it?
MR. CLARK: Form.
A I do not tell contractors how to fix things.
BY MS. GUO:
Q Where are the codes saying how to --
A The code is not going to be specific on something like that. Again, he is a licensed professional that assumes that he knows what he is doing.
And if there is not a code or a product approval thing saying that they can't do it, I have to approve it.
Q Mr. Wagner, have you ever seen open laps along valley like that?
MR. CLARK: Form.
A I don't know what you are talking about.
BY MS. GUO:

Q Do you -- did you -- when you were at my property, did you explain to me why those open laps showed up to my property?

A Are you talking about the fishmouths in the valleys?

Q Yes.

A They would show up because they stretched the material across the valley and it wasn't properly or fully pushed down and your contractor made the corrections to it.

Q Mr. Wagner, you ins -- how many times did you come to my property, to inspect the property, the roof?

A At least one, two, three, four, five and I believe I was sent out there a sixth time to go over some concerns with you that wasn't actually called an inspection.

Q Did you come here on April 4th and show -- saw them in the middle of putting the -- you passed the -- on April 4th, did you pass the installation of the underlayment?

A On April 4th, I passed the tin cap and the cap sheet inspections.

Q At that time, did you see any fishmouths --

A No.

Q -- along the valleys? Hello! My question is

on April 8th -- April 4th, did you --

A I said no.

Q Let me repeat this question so, Court Reporter can get a clean copy. On April 4th, when you were here -- on April 4th, 2024, you were at my property, did you see any fishmouths on the underlayment?

A No.

Q On April -- on May 24th when you were at my property, did you see any open mouth along the valley?

A May 24th? I don't have a record of being there on May 24th. That may have been the day that I was asked to come over and visit you to go over some of your concerns.

If that's the day in question -- I don't really know if that's the day in question, but according to the inspection, I was not there that day.

Q You were not there, but you did not put on official record of thing, you just came here, you said that it's a courtesy inspection. I think --

A Yes. That's what I'm referring to.

Q Yes, so --

A I don't know the date of that.

Q Yes, but it's more about it's in May, right?

MR. CLARK: Form.

A I'm sorry. I did not understand that.
BY MS. GUO:
Q It's more about in May?
MR. CLARK: Form.
A More above in May. I don't know what you are saying.
BY MS. GUO:
Q So, anyway, after you passed the underlayment in April, sometime after that, I called you and telling you, the property has something wrong with the underlayment. Is that correct?
MR. CLARK: Form.
A I don't recall you calling me.
BY MS. GUO:
Q Did I call your office and your office sent you to come get a check --
A My office sent me out there to speak with you about some concerns that you had. I do not know the date.
Q Okay. So, at that time, did you see open mouth or fishmouths on the valleys?
A Can you repeat that?
Q On that day when you came back, did you see the fishmouth on the valleys?
MR. CLARK: Form.

A Yes. I have seen a few areas that needed to be addressed. One was in the front of the house. It looked like the cap sheet was not adhered at the return flashing that would be towards the left of your front door.

And also, to the left of your front door, it looks like they installed cap sheet over something, some kind of debris and yes, there were various areas in the valleys that had fishmouths in them, very minor fishmouths.

BY MS. GUO:

Q If they put down the tiles in April, will those fishmouths show up?

MR. CLARK: Form.

A I don't really understand what you are asking. You need to use proper roofing terminology and be able to describe what you are asking better.

BY MS. GUO:

Q The reason you said you -- a few minutes ago, you just said because they did not -- did you tell me that underlayment stretches and expand?

A Yes, they will expand and contract. Yes, that is correct.

Q And that is why the --

A The whole building will do that.

Q Then the -- then that's why the fishmouths show up, right?

MR. CLARK: Form.

A That can be one reason.

BY MS. GUO:

Q What are other reasons?

A There can be a host of reasons.

Q What are other reasons, please?

A Again, there can be a host of reasons. Somebody going up there, prying them open would be one of them.

Q Yes. Okay. Right. So, another -- okay. So, if you -- if the roofer installs tiles along the valley, it will stop the underlayment from stretch and expand. Is that correct?

MR. CLARK: Form.

A Actually, it -- with this type -- this specific type of material -- with this type of material on a hot day, putting weight on it would help it seal down.

BY MS. GUO:

Q So, in other words, if you do not put the tiles on --

A Not in other words, I just told -- gave you, my answer.

Q Okay. Say that answer again and see if I understand.

A I said that on a warm day putting weight on this cap sheet will help it seal down to the 30-pound underlayment.

Q So, my understanding, because they did not put the weight down, that is why the underlayment stretch, expand, right? And make the fish mouths --

MR. CLARK: Form.

A I'm not going to speculate as to how that happened. I didn't do a forensic investigation on your roof.

BY MS. GUO:

Q So -- right. So, after you put the installment in a warm day like this, they should put on the tiles to stop it from expanding and stretch. Is that correct?

MR. CLARK: Form.

A According to the product approval, when they install it, they are supposed to use a roller or a broom to broom it or roll it down to get adhesion. Then you stack the tile on it.

BY MS. GUO:

Q Did you see them use a roller to do that?

A No. And that's not very often seen as --

during the inspection process.

Q Do you often seen -- how many properties do you check each day?

MR. CLARK: Form.

A I will check anywhere from 15 to 20 properties average a day. 25 maybe.

BY MS. GUO:

Q So, how many minutes do you spend on each property?

A Well, we work an eight-hour day. You can do the math. I don't have the calculator on.

Q How many of -- those properties, how many of them you seen has open laps like this as a fishmouths like this?

MR. CLARK: Form.

A Like this? One, you are asking a hypothetical question, but jobs do get rejected for having fish laps and for not being properly adhered. It's a common thing for a job to be rejected for. In your specific case, the fishmouths were confined to the valleys and were really not very severe or detrimental to your roof. And they fixed them.

BY MS. GUO:

Q How -- of the 20 -- did you say you see 20 properties a day?

A It -- that could be a good average. Yes.
Q And of the 20 properties, how many did you see have those fishmouths?
MR. CLARK: Form.
A It can vary. That's --
BY MS. GUO:
Q Give me a range, please.
A That's a ridiculous question.
Q Please, give me a range.
A I am -- I can't. I cannot give you an accurate answer on that.
Q You will say like half of them have fishmouths?
A Again, I can't give you an accurate answer on that.
Q Can you see one of the 20 has fishmouths?
MR. CLARK: Form.
A Again, I can't give you an accurate answer on that. I'm not here --
BY MS. GUO:
Q When was last time --
A -- I'm not here to discuss other roofs.
Q Go ahead. When was the last time you saw fishmouths other than my property?
MR. CLARK: Form.

A I don't recall a specific date.
BY MS. GUO:
Q Did you see any fishmouths this year?
MR. CLARK: Form.
A Yes, I have.
BY MS. GUO:
Q How many did you see?
A I just got through telling you. I don't know.
Q Did you see 10 fishmouths this year?
A Ma'am, you are not going to try to pin me down to a number.
Q Did you see -- did you -- would you say like 10% of the property you see has fishmouths?
A What part of -- you are not going to try to pin me down to a number. Do you not understand? I do not sit there and calculate how many jobs get rejected for having fishmouths.
Q Let's do it. Do a math here. Okay? You see -- you say you do 20 -- you see 20 properties a day and now it's little bit February. So, we -- you probably work like 20 days. 20 x 20 = 400. You -- this year you saw 400 properties about. Of these 400 properties, how many fishmouths have you ever seen this year?
A I do not keep track of the number of jobs where I see fishmouths.

MR. CLARK: I'm objecting to this entire line of questioning.

A Me too.

BY MS. GUO:

Q Of these 400 properties, did you see 100 of them has fishmouths?

MR. CLARK: Form.

BY MS. GUO:

Q I'm asking you a question, Mr. Wagner.

A Did you not seem to understand what I'm telling you? I don't keep track of that. Nobody does.

Q Of these 400 properties you saw this year, would you say 50 of them has fishmouths?

MR. CLARK: Form.

A I'm not saying anything. I don't recall how many of them did.

BY MS. GUO:

Q Of these 400 mo -- houses, would you say 10 of them has fishmouths?

MR. CLARK: Form.

A Ma'am, I'm tired of telling you. I don't recall. I don't keep track of it.

BY MS. GUO:

Q Of these 400 properties, do you see one of them have fishmouths?

MR. CLARK: Ms. Guo, this is borderline harassment.

A No, this is past borderline harassment.

BY MS. GUO:

Q Mr. Wagner, I am asking you again, of these 400 -- about 400 property you saw this year --

A Stop harassing me, please.

Q -- do you see one of them has fishmouths?

A Ma'am, please stop harassing me with this badgering line of questioning. Get onto some questions that might actually help your case or hurt your case. I don't care which one.

Q Mr. Wagner, besides the -- okay. Let me show you this part. You just mentioned this one. Let me show you. I'm sharing an e-mail with you with e-mail to Mr. Franklin, your -- the supervisor at the -- Did you read this e-mail from Mr. Franklin?

A This is to Mr. Franklin.

Q What's the date?

A May 24th, 2004.

Q 2024, right?

A Yes. I believe that's what I said.

Q Can you read it?

A I got back home and su -- no, can't read it now.

Q I'm sorry. Okay. Yes, sorry.
A "I got back home and surprisingly saw Mr. Wagner. He said that as an inspector, he only needs to spend a few minutes on something inspection. On today's inspection, his extra work for him". I don't know what you are -- you are not showing me the whole amount of the e-mail.
Q Yes.
A "Although Mr. Wagner threw some temper tantrum he did state that he will call the roofer to fix the open laps. Lifted ca" -- I can't read it the way you got this. You're not giving me the full text. "Lifted cap --
Q Please, --
A -- stuck with unknown object return around valley property, other issues". That's exactly what I just discussed with you earlier.
Q Continue, please.
A This is what -- I have already testified to what I seen on the property that day.
Q Yes, continue the --.
A Okay. Here -- "When asked him whether the delay the installation of tile causes open laps, Wagner agreed and said that without the tiles protection, a peel and stick paper expanding and contraction, of

course, not an expert".

I don't know that I told you this. You are probably just putting words into my mouth or on here.

Q Which one is on the --

A I don't know. Ma'am, this is you writing Robert Franklin --

Q Yes.

A -- saying that I told you something. I don't recall telling you this.

Q What you don't recall calling me?

A All I know this is just a figment of your imagination.

Q No. Which part is you did not recall?

A I don't recall talking to you specifically about anything other than fishmouths being on that job, of which I took photos and provided you the photos of.

Q Did you say the peel and stick expanding and contracting without the tiles on it?

A I don't recall that in our conversation.

Q Did you just testify that, you said the tiles -

A No, I didn't. I said that can be one cause, you are asking me a question about this specific conversation. I'm telling you I don't recall saying that in this specific conversation.

Q How many times did we have a conversation about the fish mouths? I called open laps, you called it fishmouths. How many times did we talk about that?
A I don't recall.
Q Did I ask you whether the delay in the installation of tiles caused the open laps in the valley?
MR. CLARK: Form.
A I do not recall.
BY MS. GUO:
Q Did you -- did I tell you that peel and stick paper is expanding and the contracting up without the tiles?
MR. CLARK: Form.
A I don't recall. Ma'am, I keep telling you, I don't recall having these specific conversation words with you.
BY MS. GUO:
Q So, where did I get the words about expanding and the contracting?
A I have absolutely no idea.
Q So, you did not tell me --
A I just said I don't recall. I didn't say I didn't, I said I don't recall.
Q So, you do not remember what you talked with

me about?
MR. CLARK: Form.
A Again, I don't recall.
BY MS. GUO:
Q Is that true -- did you just testify, it's true that the peel and stick pad -- paper is expanding and contracting without the tiles weight on it?
MR. CLARK: Form.
A All materials will expand and contract. Your entire home expands and contracts.
BY MS. GUO:
Q No. I'm asking you does the underlayment --
A I just told you.
Q You -- do you agree the underlayment expanding and contracting without the tiles weight on it, especially on a warm day?
MR. CLARK: Form.
A I don't even understand what you are trying to say.
BY MS. GUO:
Q Did you just say, on a warm day like this, without the tiles weight on it, the peel and the stick will expand and contracted -- contract?
MR. CLARK: Form.
A That is completely not what I said, at least

not the way --
BY MS. GUO:
Q -- what you said. What did you say?
A -- not the way I'm understanding the question as you are asking it now.
Q So, what did you say? What did you just say? When you talk about the warm weather, what did you just say, Mr. Wagner?
A Heat will help the self-adhered membrane adhere to the 30, is the idea I'm trying to convey to you.
Q Without the tiles on it --
A Also pressure will help it adhere. That's why they roll it or broom it down. The added weight of the tile will also aid in that.
Q Did you just mention the peel and stick will expand and the contracting --
MR. CLARK: Form.
BY MS. GUO:
Q -- in your previous deposition -- previous --
A I wasn't in a previous deposition.
Q No. Previous, no. In a previous conversation when you testified, when you say that, did you use that word expanding and contracting?
MR. CLARK: Form.

A What part of materials expand and contract are you not understanding?
BY MS. GUO:
Q Did you say the peel and stick paper is expanding and contracting? We are talking about underlayment --
A Okay. Again, ma'am -- again, this line of questioning is just harassment, plain and simple. Let's get onto something of some substance.
Q I'm asking you, do you agree when I say peel and a stick paper, it means underlayment?
A Okay. This can be a kind of a difficult question that -- to answer. If you look at your -- a 1525 that was filled out for roofing, it will say underlayment, on your specific roof, what they call the underlayment on it is the 30.
Then it will say cap sheet. The cap sheet is your peel and stick on this roof. Now, a lot of times some phrases can be used interchangeably, like the cap sheet, it could be used as cap sheet or it could also be called a tile underlayment or even just an underlayment. But yet at the same time, the 30 can be referred to as an underlayment.
Q Okay. So, basically in my message when I talk with Franklin, that's my -- I -- my understanding, I

use my understanding and I told Mr. Franklin, is it possible Mr. Wagner, when I talk with you, I ask you whether the installation of tiles -- whether the delay of installation of tiles caused the open laps in the valley. And whether you said -- is it possible you said, yes, without the tiles weight --

A Ma'am, I don't recall -- ma'am, I don't recall this conversation with you.

Q You don't recall, you told me that peel and stick paper, expanding and contracting when there's no tiles on it?

MR. CLARK: Form.

A Ma'am, the tile on it is inconsequential. Materials expand and contract. Again, this is badgering.

BY MS. GUO:

Q Because you keep changing your answer. Did you just say --

A No, I'm not changing my answer.

Q Did you -- Mr. Wagner, did you just say when you put the weight of tile on it, is the warm make the underlayment stick to underneath 30 pounds?

A It -- the heat from the sun and the weight of using a roller or a broom while it's being installed and the weight of the tile will help the peel and stick

adhere to the 30. Yes, it will help.

Q So, without the tile, without the pressure of the tile. The peel and stick do not stick to the roof. Is that correct?

MR. CLARK: Form.

A I don't understand what you are asking.

BY MS. GUO:

Q You need the warm of the sun and the tile's weight to make the tile -- make the underlayment stick to the 30 pounds. Is that correct?

MR. CLARK: Form.

A I would not describe it in that manner.

BY MS. GUO:

Q So --

A The material is considered a self-adhered material. That means it adheres itself. I'm just telling you things that aid in it adhering.

Q Okay. Then you tell me now, why the peel and stick paper on the underlayment shows fishmouths. Please explain why in April 4th, when you were here, there's no fishmouths. But when you came back after this, without the tiles, those fishmouth appear, please let me know why? Explain to me why?

MR. CLARK: Form.

A Okay. When I went there on the 4th, the roof

would have been fully tin capped. That's your 30 and your anchor sheet, okay? That would have been done. As far as the amount of cap sheet installed, while I don't recall specifically on this job, it's pretty much customary to not put down more than one roll, because I have to be able to see the back nailing on it and that it was installed.

And the -- whatchamacallit, the primer on the metals. And since both inspections were called in, enough of the 30 has to be left exposed for me to see. So, what I'm trying to tell you is its customary not to install very much of the cap sheet, all the photos that you are showing. And when I went back there to discuss this with you, it was after the cap sheet was completed.

Again, a com - I'm only on a job site for a few minutes. I'm only seeing a snapshot in time. What happens between then and at some point, in time later, I have got no control over that.

BY MS. GUO:

Q I asked you to explain why the fishmouths appear and was no fish mouth before, but then in May has fish mouth. Why is that?

MR. CLARK: Form.

A I don't know why they appeared. Okay. Again,

for all I know, you went up there and pulled them up yourself.

BY MS. GUO:

Q Did you see I pulled up myself?

A No, I did not see that. You are asking me what can cause it.

Q That because -- is that why you call me a B-I-T-C-H?

MR. CLARK: Form.

A Yeah, form. I don't recall.

BY MS. GUO:

Q So, you are sitting here accusing me, pull up the cap sheet --

MR. CLARK: Form.

A No, I did not accuse you of anything. I'm saying I have no knowledge of what happened to that roof between the April 4th and the next time I was out there. You got a question or are we going to take another break?

BY MS. GUO:

Q No, I have a --

MR. CLARK: It's also lunchtime, Ms. Guo. We need to take a lunch break.

MS. GUO: Yes, let's go this one question. And --

BY MS. GUO:

Q You -- Mr. Wagner?

A Yes.

Q Do you see the video?

A This is the specific area I was talking about where at the return the cap sheet was not properly adhered and that they went over some debris.

Q Hold on. Yes. Okay. So, this is the -- this is my video. This is my exhibit -- Court Exhibit 16, a video of Romero the contractor at my home on April 24.

A Okay.

Q Okay. I pointed out that -- do you recognize this in front of my property? This -- there's a little -- what do you call it? Please, describe it.

A The debris. I don't know what it is.

Q Debris on the left side of my entrance underneath the underlayment, right?

A Yes.

Q And I point out this to Mr. -- the -- before you came, it's on April 24th. That's one month before you came here. I don't know what that is. I ask this guy, the roofer, whether he should fix it. Please listen to his answer.

(Thereupon, a video was played.)

MS. GUO: You see here? It doesn't matter.

You want me point it out, what that is? Like this thing, you want to see my video here? This thing here sticks out.

MR. ROMERO: Okay.

MS. GUO: That's supposed to be peel and a stick, right? Those things, a couple of like that, do you need to use some way to make pull down?

MR. ROMERO: On that area there's going to be a metal.

MS. GUO: Um-hum.

MR. ROMERO: A metal edge that is the shape of the tiles.

MS. GUO: Um-hum.

MR. ROMERO: It's going to be nailed down. So, all that paper is going to come down because it's going to be nailed down to the roof.

MS. GUO: So, you don't worry?

MR. ROMERO: Don't worry.

MS. GUO: But -- okay. There are several -- some places that's losing from, it's not totally -- I know this is supposed to peel and stick, should stick to the --

MR. ROMERO: No, because there's an area of stick --

(Video recording ended.)

MS. GUO: Hold on, let's go back to hear -- listen to his talking about the objects.

(Thereupon, a video was played.)

MR. ROMERO: The tiles --

MS. GUO: Um-hum.

MR. ROMERO: It's going to be nailed down.

(Video recording ended.)

MS. GUO: I asked him to fix it. He said, no need to worry about that. So, that's his explanation.

(Thereupon, a video was played.)

MR. ROMERO: But on that area, there's going to be a metal.

(Video recording ended.)

MR. CLARK: Objection.

MS. GUO: Hold on.

MR. CLARK: Ms. Guo, pause your video. I'm objecting to you, misstating.

MS. GUO: Hold on.

(Thereupon, a video was played.)

MR. ROMERO: Okay.

MS. GUO: That's supposed to be peel and a stick, right? Those things, a couple like that. Do you need to use some way to make to pull down?

MR. ROMERO: On that area there's going to be

a metal.

MS. GUO: Um-hum.

MR. ROMERO: A metal edge that is the shape of the tiles.

MS. GUO: Um-hum.

MR. ROMERO: It's going to be nailed down. So, all that paper is going to come down because it's going to be nailed down to the roof.

MS. GUO: So, you don't worry?

MR. ROMERO: Don't worry.

MS. GUO: But -- okay. There are several --

(Video recording ended.)

BY MS. GUO:

Q I said don't worry. He said, yes, don't worry. Okay. So, what do you think about his answer, Mr. Wagner?

MR. CLARK: Form.

BY MS. GUO:

Q Do you know agree to what he said --

A I have no -- one, I have no thoughts on his answer. I'm not him. Two, that area was fixed.

Q After you asked them to fix that, right?

A So, you are dragging up stuff that has been corrected.

Q No They fixed after -- you tell them to fix it?

A Yes.
Q Okay.
A And it was fixed.
Q But when you were here, it was not fixed, correct?
MR. CLARK: Form.
A That's --
BY MS. GUO:
Q When you were here, it was not fixed, right?
A I don't really understand the question, but if you are trying to say, did I see it in that state? Yes. And I took a picture of it. And you have the picture that I took of it. But again, it has been fixed before I approved.
Q Did they fix it after you --
A No, they fixed it before the tile placing was approved.
Q Did they fix it after you told them to fix?
A Okay. What's your point?
Q My point -- I'm asking you a question.
A Got a question with that?
Q No, I'm asking you a question. Did they fix after you told them to fix?
MR. CLARK: Form.
A Yes.

(Thereupon, a video was played.)

MS. GUO: The thing you see those things what you -- the white thing? It sticks out a little bit. You see here? It doesn't matter. You want me point it out, what that is? Like this thing, you want to see my video here? This thing here sticks out.

MR. ROMERO: Okay.

MS. GUO: That's supposed to be peel and a stick, right? Those things, a couple of like that, do you need to use some way to make pull down?

MR. ROMERO: On that area there's going to be a metal.

MS. GUO: Um-hum.

MR. ROMERO: A metal edge that is the shape of the tiles.

MS. GUO: Um-hum.

MR. ROMERO: It's going to be nailed down. So, all that paper is going to come down because it's going to be nailed down to the roof.

MS. GUO: So --

(Video recording ended.)

BY MS. GUO:

Q When he said there's a metal, there will be a nail down. Do you agree what he said?

A Yes, I heard what he said.
Q You heard what he said. Do you understand what he said?
MR. CLARK: Form.
A Yes, I understood what he said.
BY MS. GUO:
Q What did he was saying?
MR. CLARK: Form.
A You didn't hear and understand what he said? Do I need to repeat it for you? Rewind the thing.
BY MS. GUO:
Q Yeah.
A Rewind the thing and listen to it yourself again.
Q You tell me. What did you hear? Is --
A I heard him say he is going to install bird stop.
Q Bird what?
A Bird stop. That's a common name for what it's called. He didn't use that phrase, but I'm telling you what he is talking about.
Q Bird? Can you spell that? B-I-R-D?
A Bird stop.
Q Bird stop. Okay.
A Yeah.

Q He's going to put a bird -- would put a bird stop, correct, to this problem?
A No, the -- whatever debris is under there needed to come out. And again, they removed it and fixed it.
Q In this video did Mr. Romero said he's going to remove that debris?
MR. CLARK: Form.
A I don't know.
BY MS. GUO:
Q No. In the e-mail -- in the message here -- in the video here, did you hear that --
A You know what? I don't care. Ma'am, I don't care what he said he was going to do. I'm telling you what he did do. The debris was removed from that area and it was sealed down and properly adhered.
Q He moved the debris after you told him to do, right?
MR. CLARK: Form.
A Yes.
BY MS. GUO:
Q In this video, did he agree to remove that debris?
MR. CLARK: Form.
A I don't care.

BY MS. GUO:

Q In this video, did you hear him say, yes, I am going to remove that debris?

A Okay. Ma'am, you are badgering me again.

MR. CLARK: And it's also lunchtime. Ms. Guo, what are we doing? You said one more question.

A It's lunch time. You are badgering me. What you are showing is stuff that is no longer a condition that existed on that roof.

BY MS. GUO:

Q Right. Listen, I'm asking you last time before we take the lunch.

A This condition has been corrected.

Q Listen, I'm asking you this question last time. In this video, did he say he's going remove that debris? Did you hear, he says he's going to remove debris?

MR. CLARK: Form.

A Again, it's inconsequential what he said.

BY MS. GUO:

Q I'm asking you a yes or no question. In this video, did you hear --

A I'm telling you it's inconsequential.

Q No, I'm asking yes or no question, answer me yes or no, Mr. Wagner. In this video --

A I'm telling you it's inconsequential. It was --

Q Don't interrupt me. You are just making it difficult. I have to depose you gain.

A That was corrected.

Q Yes or no answer, Mr. Wagner.

A That was corrected.

Q Mr. Wagner, in this video, did you hear --

A It was corrected before the tile placing inspection was approved.

Q I'm asking you a question. Answer me yes or no. In this video, did you hear Mr. -- this gentleman, this contractor says he's going to correct it?

A Again --

MR. CLARK: Form.

A -- it was corrected before the tile placing was approved. Please --

BY MS. GUO:

Q In this video --

A Please stop badgering and harassing me.

Q Mr. Wagner, I'm asking you this question. In this video, did the contractor says he is going to correct this defect?

MR. CLARK: Form.

A Ma'am, it was corrected before the tile

placing was approved.
BY MS. GUO:
Q In this video, this contractor said he's going to correct these defects, yes, or no?
A Ma'am, let's move on to the next line of questioning. This has been answered.
Q You did not answer yes or no. You did not answer my question.
MR. CLARK: He didn't answer the question the way you want him to.
THE WITNESS: That's because I -- yes, thank you.
MS. GUO: He supposed answer yes or no question.
MR. CLARK: He can answer the question any way he wants to. There's no requirement to answer yes or no, Ms. Guo.
THE WITNESS: I don't take my orders from you, Ms. Guo.
MR. CLARK: Can we take a lunch break or are we going to just --
MS. GUO: Wait, let's take a -- Court Reporter, can we take a like, now it's 12:11. Can we take a -- like a 19-minutes break. I'm coming back at 12:30? Is that okay with you?

MR. CLARK: It's not okay with me, Ms. Guo. I'm not going to take a 19-minute lunch break.

MS. GUO: We took a lot of breaks already, Ms. -- it's up to --

THE WITNESS: Well, the reason we have been taking so many breaks is because you are unprepared to have your next question available. So, we take breaks while we are waiting for you to prepare your next slide.

MS. GUO: Who is this man talking?

THE WITNESS: This is me.

MS. GUO: Who is this person talking?

MR. CLARK: Are we taking a break? What are we doing, Ms. Guo?

MS. GUO: Who is this person just talking?

MR. MIRANDA: Yes. That was Mr. Wagner. Ms. Guo, I -- what time would we all agree on being able to come back?

MS. GUO: Ms. Court Reporter, can we be back at 12:30, please?

MR. MIRANDA: No, we cannot.

THE COURT REPORTER: Are we off the record?

MR. CLARK: Yes.

MS. GUO: No, we are not off the record. Ms. Court Reporter, can we be back --

THE COURT REPORTER: Okay. Ma'am, I don't make that decision. It's --

MS. GUO: Okay. I make the decision. The --

THE COURT REPORTER: -- you, the Attorney -- you and you -- ma'am?

MS. GUO: Yes --

THE COURT REPORTER: I'm trying to answer. You are cutting me off and I'm trying to answer your question.

MS. GUO: Thank you, Court Reporter.

THE COURT REPORTER: I don't make that decision. That's a decision that's made between you and Counsel and the Witness, so --

MR. MIRANDA: Okay. Ms. -- is it Mr. Clark?

MR. CLARK: Yes, sir.

MR. MIRANDA: Yes, Mr. Clark, how much time do -- would you -- do you need for lunch?

MR. CLARK: I would like at a minimum of 30 minutes.

MR. MIRANDA: Okay.

MS. GUO: No, I have asked for 12:30, that's coming back Mr. --

MR. MIRANDA: Well, how much time do you need?

THE WITNESS: I'm amicable with half an hour.

MR. MIRANDA: Okay. Half an hour is good enough for everyone? We will see everyone back here at 12:45. Thank you all.

MR. CLARK: Perfect. Thank you.

MS. GUO: I request -- 12:30.

MR. MIRANDA: 12:45.

MR. CLARK: Ms. Guo, that's not reasonable. You are not going to make these people eat lunch in 17 minutes. You need to be reasonable --

MS. GUO: This is 12:00 -- now it's 12:13 --

MR. CLARK: -- and respectful. You need to be respectful of everyone's time, Ms. Guo. You set the deposition.

MS. GUO: Ms. Court Reporter --

MR. CLARK: You set it over the lunch hour. We get 30 minutes. We will see you at 12:45. Thank you very much.

MS. GUO: Court Reporter, can you make an announcement? What time is now?

THE COURT REPORTER: Well, the time is now 12:13 p.m.

MS. GUO: Let's be back at 12:30. Thank you. Bye-bye.

MR. CLARK: Well, that's not happening. 12:45, you are going to give us 30 minutes for

lunch.

MR. MIRANDA: We are entitled to at least 30 minutes. Thank you very much. See you all at 12:45. Thank you, ma'am.

MS. GUO: Now, it's 12:30 -- 12:13.

MR. CLARK: You can come back at 12:30, but no one else is going to be here, Ms. Guo.

MS. GUO: It's going to be on record. We are off the record now, Court Reporter?

THE COURT REPORTER: Yes, we are off the record.

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

THE COURT REPORTER: Okay. We're now back on record. The time is 12:47 p.m.

MS. GUO: Thank you. Madam Court Reporter.

BY MS. GUO:

Q I'm going to share, documents with you, Mr. Wagner. Did you see -- this is --

MS. GUO: Madam Court Reporter Exhibit X. It's an 80-page production from the roofer on. This is Page 5. Ms. -- production on January 7th, 2025.

(Thereupon, Plaintiff's Exhibit X was entered

into the record.)
BY MS. GUO:
Q Mr. Wagner do you see any loose tiles on this picture?
A No, I do not see any loose tile.
Q You -- how about this bottom here? What is this?
A What is what?
Q Where my mouse move.
A Just appears to be discoloration.
Q So, this one is not -- don't you think this is, some loose tiles here?
A It does not appear to be loose tile, no.
Q Okay.
A I don't have the date in front of me, but there was a tile uplift test done. The engineer stated that there were no loose or broken tile and that the tile had been marked.
Q Look at -- I'm moving up a little bit to this picture of the page file. Do you see a tile -- do you see a broken tile here on where my mouse move on the middle of the --
A It looks like it may possibly have a hairline fracture on it.
Q Did you say it's a hairline fracture?

A That's what it appears to possibly be.
Q So, that's a fractured tile. That's what you called, right?
MR. CLARK: Form.
A And I got to ask you, when was this picture taken and by who?
BY MS. GUO:
Q I'm going to tell you a little bit. I'm going to check record, tell you a little bit. There's two pictures, I'm going to show you the two pictures. There's two pictures. And then how about here? You see this Page 6 of that production, 80-page production. And do you see here -- do you see a broken tile here?
MR. CLARK: Form.
A I can see a chip is missing out of it again what date were these tile, or are these photos taken?
BY MS. GUO:
Q This pictures supposed to taken. I was told that they were taken by the engineer. Engineer sent these two pictures to the roofer --
A What engineer?
Q Engineer who conduct a supposed to conduct a test.
A What test?
Q Pulling test. Uplift test.

A It was not in this state when the final was approved.

Q It's the -- it's the date when he was here. Did you ever seen these two pictures?

A No.

Q Is that supposed, when the engineer do the test, the uplift test -- pass the uplift test, is it supposed to be no fractured tile, no broken tiles? Right?

A I would have to look up the specifics on what the code says. There can be a certain amount of loose tile. I think it's three per square or something like that. I'm just going off the top of my head, so don't quote me on that. So, so yes, they can have some loose tile. And again, without knowing exactly when these photos, I don't see any timestamp or anything. So, I really can't comment on them because I don't know when this was, it was taken, or by whom.

Q I was told these pictures were taken by the engineer who came here --

A Who told you that?

Q I'm sorry?

A Who told you that?

Q The roofer told me that -- roofer told me. Can you see --

A Then you need to -- you need to talk to your roofer about that. These were not the photos that I was provided.

Q So, if you see this photo, you are not going to pass the test, right?

MR. CLARK: Form.

A I -- one you have a piece of tile over here that is loose. I would've told them to remove that. Those little small chips like that is not a big deal. I would not reject a tile a roof for that.

BY MS. GUO:

Q How about the fractured tile?

A Again, the -- where that fracture is, it's got foam underneath it. It's not loose.

Q So, you don't count --

A The code says you can have a certain amount of loose tile.

Q What is a certain amount?

A Again, I asked you not to quote me. I don't have the code in front of me. I believe it is three tile per square. Again, that's just off the top of my head. Do not quote me on that.

Q Could you check the code for me now?

A Right now? No, you can look it up yourself. TAS 106.

Q Okay. Hold on. Say that again please. Okay. Say that again?
A TA 6 -- hang on TAS 106.
Q TAS 106. Okay. Do you see a T mark on this?
A Yes.
Q It looks like this picture was taken after the uplift test?
MR. CLARK: Form.
A That's correct.
BY MS. GUO:
Q In your report, did you say there's no let me get the report now?
A It states that all tile were passed.
Q Did you say no tiles -- broken --
A All test passed.
Q Let me go to your TAS 106.
A Ma'am, can you keep this moving along and you keep having a lot of delays with stuff that you're looking for with without asking questions?
Q Yeah, because you just -- you're supposed to remember the code, but you did not know the code. So that's why I have --
A I don't believe I'm required to remember every word that's in the code, ma'am.
Q Okay. That's fine. Okay. Let me ask you next

question then, since we are on the code --

MR. CLARK: Sorry, was that a question?

BY MS. GUO:

Q Yes. I'm going to show you a code here of the -- you are referring to. Do you recognize this one is the building code you were talking about?

A Chapter 1, scope and administration. That's out of the Florida, Building Code 2020, 7th Edition.

Q Okay. And if we read here, 1013 intent, can you read this one in intent here?

A What is it you're asking?

Q Read this 1013.

A 1013. Okay.

Q Let me -- hold on. Let me move the mouse little bit over so you can easier for you to read, okay? Hold on. Give me a second. Hold on. Okay. I move to the right so you can read the whole, okay. Can you read the whole 101.3 intent?

A Well, ma'am, what I'm going to tell you is that Broward County Board of Rules and Appeals has Amended Chapter 1. This does not apply in Broward County. You have to go to the Broward County Chapter 1, Amendments of the current edition.

Q Okay. You first read this one. I'm looking for the other one Broward County --

A Ma'am, I'm telling you, this does not apply here in Broward County.

Q Tell me the Broward County 1, tell me, please?

A I already told you, is the Broward County Board of Rules and Appeals Amendments to Chapter 1.

Q Broward County. Say that again.

A Broward County Board of Rules and Appeals Amendments to Chapter 1. Now, can we go on to the next one because we really don't have all day for you to sit here and look up stuff that you should have been prepared for.

Q Amendment Chapter 1. So, this one, that the -- the one I'm showing you does not apply anymore?

A It does not apply in Broward County.

Q Is this the -- for Florida?

A Ma'am, I don't have time to explain to you how the building code works. I'm telling you that Broward County Board of Rules and Appeals has amended Chapter 1 of the Florida building code, and that is what takes precedence in Broward County.

Q Okay. Can you just read this 1.1? So, we finish it. Okay. I have this one --

A It doesn't apply here.

Q I got this Broward County one, so let me --

give me one second, I'm going to bring --

MR. CLARK: Ms. Guo, did you freeze?

THE WITNESS: No, she's just stalling and delaying. Ms. Guo, I cannot possibly strenuously object hard enough to you just not answering questions as you should have really been prepared for this.

MR. CLARK: Did we lose her?

THE WITNESS: Ms. Guo?

MS. GUO: Hello?

A Hello Ms. Guo, would you be better prepared if you, we, push this off until a later date? You're clearly not.

BY MS. GUO:

Q No, I'm here already, please. I already opened this file -- Would you read this? Would you read this 101.3 intent here on the Broward County Appeal -- Broward County of Appeal Amendment 1 -- Amendment Chapter 1? Could you read 101.3 intent here?

MR. CLARK: There's nothing. I don't see anything, Ms. Guo.

MS. GUO: I'm not showing?

MR. CLARK: Not to me.

MS. GUO: You mean I'm not -- I stopped sharing?

MR. CLARK: It seems so.

THE WITNESS: Is there a time limit on how much time she can waste without getting to any questions?

MR. CLARK: Well, today we need to stop, at least well before 3 o'clock since we have a hearing at 03:00.

BY MS. GUO:

Q Okay. I'm sharing a screen now. Sharing. And can you see --

MR. MIRANDA: So, as I understand that you have a -- excuse me just a second. You have a hearing today at 03:00?

MR. CLARK: Yes, sir.

MR. MIRANDA: All right. So, we will then, finish this up for at 02:45-ish?

MR. CLARK: or earlier, because I might have a couple questions for --

MR. MIRANDA: That's right. Sorry about that. Okay.

BY MS. GUO:

Q Mr. Wagner, can you read 101.3?

A Can you stop -- can you stop for a moment and let me read what you're showing me. Okay. What you are showing me appears to be October 8th, 2024. That's

probably the current edition. Okay. Now you --

MR. CLARK: If you are sure say so. If you're not sure --

A Yes, I'm not positive – I'm not positive. This is the current edition.

BY MS. GUO:

Q Did you read here says a version October, 2024 current?

A I'm not -- I'm not sure. Again, ma'am you're looking this up. I don't know where you're getting this information from. I would have to look it up myself and I don't have the availability to do that.

Q Can you just read the screen 101.3 intent?

A Again, I'm not going to read something if I don't know that it's out of the correct code.

Q Okay. I'm going to read to the screen. If you see anything I read wrong, you can object, okay? I just searched this one, Broward County Board of Appeals Amendment Chapter 1, and pop up this way and said, working October 8th, 2024 current 101.3 intent.

"The purpose of this code is to establish a minimum requirements to safeguard public health, safety and the general welfare through structure Gens means of egress, facilities, stability, sanitation, adequate light, and the ventilation, energy conservation, and

the safety of life and the property from file and other hazards attribute to the built environment and to provide safety to firefighters and emergency responders doing emergency operations." Did I read everything correct from the screen?

A I believe so.

Q I'm sorry?

A I believe you did.

Q Thank you. Did the -- did I just said -- well, 101.3 intent says, "The purpose of this code is to establish minimum requirements to save that public health".

A Yes. Please keep in mind that word minimum.

Q So, your job -- how do we interpret this intent?

MR. CLARK: Form.

BY MS. GUO:

Q So --

A We have what is referred to as a minimal code. That means it has to meet a minimal standard. That means you cannot build it any crappier.

Q Thank you.

MS. GUO: I'm in Exhibit Z, Madam Court Reporter.

THE COURT REPORTER: Exhibit G?

MS. GUO: Yes.

(Thereupon, Plaintiff's Exhibit Z was entered into the record.)

BY MS. GUO:

Q This is Westlake tile seals brochure download from the website. Mr. Wagner, have you ever seen this before?

A That's not part of the Notice of Acceptance.

Q But have you ever seen this before?

A No. That's not part of the Notice of Acceptance.

Q What do you mean by part of the Notice of Acceptance?

A The Notice of Acceptance -- is what the companies have to provide to us, to -- in order to get a Notice of Acceptance that they can use their products in Dayton, Broward County.

Q So, this is not part of it?

A No, that's not part of it.

Q So, you don't have to abide for that?

A No.

Q Okay. Mr. -- in the production you produced to me, did you produce your final inspection results?

A I don't understand what you said.

Q You produced me some documents in those

documents you gave to me. Did you produce any -- your final inspection results?

A The final inspection was approved. I don't --

Q Can you read that for me?

A -- understand what you're asking the way you're asking it.

Q Okay. I want to bring up the -- where it shows which -- which of those documents shows your final inspection results?

A It's going to be on the inspection comments.

Q Inspection. Which file is this one?

A I don't know. You figure it out.

Q You sent me those documents, right? Did you send me all those documents?

A No, I did not personally send them to you.

Q You did not produce this document to me, roofing --

A I did not personally send them to you.

Q You did not personally send them. But did you produce this to Mr. Jose? Give this to Mr. Jose for Jose say to send to me?

MR. CLARK: Form.

A Ma'am, much of this stuff is stuff that I cannot produce. It's on computers that I don't, and areas that I don't have access to. And I really don't

know what you have and how you have it formatted. I can't answer that question.

BY MS. GUO:

Q Hold on.

A There's --

Q This is the --

A There it is.

Q And why is only one page. Okay. Seven page, okay. Can you read the top July 2nd?

A You want the final inspection? Yes. Blah, blah. As per the homeowner's request not to go back to the property, the final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and there were no loose or broken tile.

Q If you saw -- I showed you two pictures. Did you see -- did you say you saw some, chipped the tiles and the fractured tiles?

A I have no idea of when those pictures were taken.

Q Okay. If those tile -- if you saw those tiles, would you write on this comment section?

A I have no idea of when those photos were taken.

Q My question is, if you -- those pictures -

were sent to you.

A Asked and answered. Move on, please.

Q No, I haven't finished my question. It's the -- if you saw those pictures sending to you, are you going to put the comments there were no loose or broken tile --

A I --

MR. CLARK: Form.

A I answered your question.

BY MS. GUO:

Q What's your answer, please?

A I answered your question.

Q My question is, if you saw that two pictures, I just showed you, Page 5 and Page 6?

A I have no idea of when those pictures were taken.

Q If those pictures --

A I'm not commenting on stuff that I do not know about. Again, you've asked it, I've answered it. Move on. We only --

Q Question --

A We only --

Q You don't even let me finish the question, Wagner. If you saw the two pictures, will you write, there were no loose or broken tile?

MR. CLARK: Form.

A You're badgering again; we only have until 3 o'clock. If you want to get some answers in, start asking some questions.

BY MS. GUO:

Q January 28th. Can you read the comments?

MR. CLARK: Say January?

BY MS. GUO:

Q I'm sorry. June 28th, 2024.

A June 28th, unable to perform inspection due to homeowner interference 110.5 Florida Statute. I believe that's 468.4 -- no 604(1), 468.629(1) F.

Q And when you say Homeowner, do you mean that's me, Xiaohui Guo?

A Yes.

Q How did I interfere with you expect before?

A You kept following me around with a camera trying to tell me how to do my inspection, I felt unsafe to go up on the roof. You got to consider that that roof is approximately 5.5/12. Those tile are not flat. It's a very dangerous situation for me to be walking around there while worrying about somebody following me around harassing me.

Q What did I talk to you? What did I say to you?

A I don't recall any specific things that you said. But you again you've been, complete pain throughout this entire process.

Q And how do you remember I tried to tell you what to do?

A Because that's what you've done throughout this entire process. This is what you keep doing right now. Every time I answer a question and you don't like it, you keep answering -- asking it again.

Q Mr. Wagner, I'm asking on June 28th, 2024, besides filming you, what words did I say to you?

A I don't recall any specific words.

Q Besides filming you, what did I do?

A You were following me around. And again, it's dangerous up on a roof. I'm not going to walk a roof with somebody following me around.

Q Did I walk up with you to the roof?

A I didn't get all the way up the roof.

Q Did you ever get on the ladder --

A Because I kept asking you -- I kept asking you to turn the camera off and allow me to do my inspection freely. But you wouldn't do that.

Q How far would it mean from you when I tried to film you?

A The feet? I don't -- I don't know. I didn't

take a tape measure to it.

Q Am I with you within a feet -- within a foot?

A I don't recall how far you were. Again, once again, I've answered your question. My answer isn't good enough. It's not the answer that you want. So, you keep asking it.

Q How far am I -- with from with you two feet away from you?

A Ma'am, I don't recall the exact distance.

MR. CLARK: Form.

A Again, stop badgering me. Move on. Ask a new question.

BY MS. GUO:

Q Did you ever try to get on the ladder?

MR. CLARK: Form.

A Yes, I started up that ladder.

BY MS. GUO:

Q Did you tell the lady who set up the ladder, the ladder was not safely installed, didn't safely set?

A No. I did not tell her that.

Q So, you think that ladder was safe for you to -- you did not tell him -- her the ladder was not high enough?

A See, that's a different question. What I told her was I can climb up the ladder the way it is, but

while I'm up on the roof to raise it up one more rung so that I can safely get down. But you were there following me around like you were getting ready to climb up on the roof with me. And as I had asked you multiple times to turn that camera off and allow me to do my job safely, you wouldn't do it. So, that's when I left.

Q Did I try to get on the ladder with you?

A I was on the ladder. So, no, you couldn't have gotten on the ladder with me.

Q How far were me?

A I don't --

Q From you?

A Again, once again, this question has been answered. I did not take measurements.

Q Mr. Wagner, you're such a liar, Mr. Wagner.

A Okay.

Q Okay. On June 21st, 2024, please read this one. June 21st, 2024.

A June 20th. Okay. 6/21. What about it?

Q Read this one. June 21st, 2024.

A Corrections at valleys have been made permit card not on site to sign.

Q On June 21st, 2024, did you get on the roof?

A No, the corrections to the valley are -- it's

easier to visually observe that the corrections are down or that the laps have been pressed down from the roof looking up at it. Look -- if I'm on top of the roof looking down at it, I can't tell that they've been sealed down.

Q On June 20 -- can you read the June 20th, 2024 comment?

A "Tile must be removed from all valley areas in order to confirm that the repairs of the fishmouths and the valleys have been corrected".

Q On June 21st, 2024, do you see all the tiles were -- the tiles were removed from all valleys?

A I believe so.

Q Did you take pictures of all of Valleys?

A I do not recall taking photos of them.

Q Let's go back. Did you just tell me, you took about seven pictures on June 20th or June 24th?

A I don't recall telling you what day I took any photos.

Q Did you ever take any pictures of my property?

A Yes, I've taken photos of your property.

Q What pictures did you take from my property?

A I've taken several of them. They -- I've taken of your roof and of your little camera.

Q Did you take pictures on June 21st?
A I do not recall.
Q Did you just say you took some pictures maybe on June 20th or maybe on June 21st?
A Yes, I don't recall the day of what pictures I took.
Q Did you say you took the seven pictures?
A Yes. Those pictures I took.
Q When did you take it?
A I don't know --
MR. CLARK: There's more than seven pictures.
THE WITNESS: I'm sorry, Doug. I didn't hear you.
MR. CLARK: There's more than seven pictures. I'm not looking at seven pictures. I'm looking at about 10 or 9 pictures.
BY MS. GUO:
Q Nine, I think nine. Hold on.
A There's nine.
Q Hold on. Maybe I confused. Hold on. It's nine pictures. Hold on. I -- so, hold on. Let me get this picture show up here. Mr. Wagner, do you have any proof showing all the valleys -- the tiles on all the valleys were removed?
A I don't understand. Yeah, the valleys have

been remo -- the tile have been removed out of that valley.

Q Do you have any proof show --

A See, I see no fish. Well, right, there's a photo of it.

Q Yes. This is your picture, right?

A I'm not positive if that's one of mine.

Q But did you just say this, you took of the -- took these pictures?

MR. CLARK: Form.

A I've taken some photos. I don't know if that was one of them that I specifically taken.

BY MS. GUO:

Q Okay. I'm going back to here now. Okay. Hold on. I'm going to the photo here. I see this one. The title is FWSF. It's a -- Photo 3. And it has nine pictures in it. This morning, you just said this picture looks like you taken by you?

A These -- accounting from the right 1, 2, 3, 4, 5, 6 are definitely taken by me.

Q So, I just read the number, one zero -- they all start with 10000 and the ending last four number is 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306. Are you saying 1298 to 13 -- all three are yours?

A I'm not really sure exactly what you're

asking. Why don't you click on each picture for me one at a time?

Q That's what I just did. I opened this one.

A No, you didn't click on each picture individually, one at a time.

Q Yes, I can click on 1298.

A You clicked on that one.

Q Okay.

A And I have already told you I'm not positive if that was one that I took or not. So, let's go on to the next photo.

Q So, you don't know if you took 1298.

A I don't recall if that is one that I specifically took. I've already answered that. Move on to the next photo, please.

Q How about this one? This is a 1299?

A That's the same photo that I just got through telling you. I do not recall if I took that one off the top of my head.

MR. CLARK: Ms. Guo, that's still 1298.

BY MS. GUO:

Q Okay. Let's go back. And go to 1299.

A I'm not positive if I took that one or not, but if you look, you're --

MR. CLARK: Do you remember?

A I don't remember if I took that photo or not.
BY MS. GUO:
Q Okay. I'm going to 1300. You take this picture?
A I can't even see it. I do not recall if I took that photo, but it does show that the areas in the front of your house to the left of your door have been corrected that you were talking about in the video.
Q Did you take this picture?
A I don't recall if I took that photo.
Q Okay. 1301. Do you remember -- do you see this picture?
A I see most of it. I don't see the whole thing. Yes, I took that photo.
Q So, 1301, you took this picture?
A Yes.
Q On what day did you take it?
A I don't recall the date.
Q 1302, did you take this picture?
A Yes, I took that photo.
Q Do you remember which day did you take it?
A Again, I don't remember what photo -- what day these photos were taken on.
Q Do you still have these pictures on your phone?

A I could probably find them.
Q Can you find out now?
A No.
Q How about 1303? Did you take this picture?
A Yes. I took that photo. And it can -- and it shows you that the metals have been installed. Fasteners have been sealed. Bird stops have been sealed. Correct amount of foam underneath the tile shows that the tile have been installed correctly.
Q Does this picture shows any valley?
A Any what?
Q Does this picture show any valley?
A What's a valley?
Q Valley, V-A-L-L-E-Y.
A Valley, yes, it's a -- an area where a hip and a valley meet.
Q Let's go back to this one, 1301. Does this Picture 1301 show any valley?
A No, that's showing a hip.
Q Does Picture 1302 show any valley?
A No, that shows the corner of a hip.
Q We went through 1303. So, now let's go to 1304. Okay. Now, I'm going to 1304. I believe we are still 130 -- this is still 1303.
A That's the same photo.

Q Yeah. Hold on, let me close off then. Go to 1304.

A Appears to be the same photo.

Q It's named as 1304. It looks like -- Does it looks like 1303.

A It appears to be the same photo.

Q Okay. But it's labeled as 1304. It looks like the same as 1303. It's a little bit different. You can see it's a little bit different. Okay. Let's go to 1305. Okay. And then, did you see any valley on 1305?

A No, I cannot see any valley there.

Q 1306, do you see any valley?

A No, that photo is taken to show the foam underneath the tile.

Q So, of those nine pictures, only 1303 and 1304, it should look like the same pictures shows valley, correct?

MR. CLARK: Form.

A Those are the only ones in this set of photos that show any portion of a valley.

BY MS. GUO:

Q Okay. Let me go to other pictures. Tell me what -- did you take any other pictures? Did you take any pictures here?

A I'm not sure if I took any of those photos.

Q You are not sure. Do you want me to go through each one to ask you?
A You can go through the photos and ask me what they're showing.
Q I want to ask you your pictures --
A I don't -- I just don't know if I am the person that took those photos.
Q You don't know yet?
A I don't recall if I'm the one that took those photos.
Q Okay. How about this one? Do you take these pictures?
A Those look to be the same photos. And again, I do not recall if I took those photos.
Q So, far we only identify Pictures 1301 to 1306, six pictures taken by you, right?
A I have taken more than that. And you have the --
Q How about the one you produced --
A Let me try to explain this to you. I've -- I recognize these pictures from the tile that are installed. I took a bunch of other photos of repairs that were made in the valleys, and I have also been sent photos from the contractor of repairs made in the valleys. I just can't tell you which ones were which.

Q Do you -- for all those pictures, can you prove that on June 21st when you were here, all the valleys were -- tiles on all the valley have been removed?

A To the best of my knowledge, yes.

Q Do you have any proof pictures showing that all the tiles on – valleys tiles on valleys have been removed.

A Ma'am, I took a bunch of photos of valleys being repaired to the best of your --

Q Where are they? Where are the picture -- other than the two picture you showed me --

A To the best of my -- well, why don't you click on the pictures of the valleys. To the best of my knowledge, all areas were repaired.

Q I'm asking you on June 21st, 2020 --

A Again, I don't recall the date. Why don't you take on those --

Q Okay. Let's back to your report again. Let's go back to your report. June 21st, 2024.

A "Corrections at valleys have been made permit card not on site to sign".

Q On June 21st, 2024, did you take any picture showing the tiles on all valleys, have you been -- have been removed?

A Ma'am, I took photos of the repairs that have been made in the valleys. I don't know the exact date. I'm going to have to assume it was that date.

Q So, yes. Okay. Which picture shows --

A And then I told you, I don't know which pictures came off of my camera or which pictures came off of the contractor's camera. I would have to --

Q I'm asking for your picture --

A I would have to look through my camera in order to know that.

Q Yes, we just go through those pictures. You only identify six pictures were taken from you --

A Because those I recognize off the top of my head as being taken by me. If you notice the rest of those pictures, they all look somewhat similar, so I can't identify them.

Q So, you cannot identify any pictures taken by you showing the tiles from all valleys --

A Okay. Again, let's move on. I've already answered the question.

Q I haven't finished Mr. Wagner, please don't interrupt me.

A I've already -- here, can you see?

Q Have you --

A You know what? Here, maybe we can do this

this way. Can you see? This is one that came off of my phone. I don't know what it is in your file, but this is one that came off of my phone. Valley has been sealed. You've been provided with these. Again, foam, a photo --

Q I couldn't see your picture. You have to raise up a little bit.

A Sorry.

Q Okay. That's one picture.

A Okay.

Q Okay. I saw one picture when valley was removed. That's your picture.

A This, they've been repaired.

Q How many pictures do you have?

A I don't know yet.

Q Okay.

A This one.

Q But is this picture taken by you? Is the picture taken by you?

A Yes. These are ones that have been taken by me. These have been sent to you.

Q Okay. Stop that picture. No, go to that picture. Go to that picture you just showed me. Go to that picture, you just showed, the second picture you showed me. Go to the second picture you showed me. Yes.

Okay. Let me ask you when you were here, 20 -- June 21st, 2024, is there anybody working in -- on the roof?

A I don't recall.

Q Okay. Are they supposed to wait after you did the correction and start resuming the works?

A I don't understand your question.

Q Are you --

A Well, yeah. I -- well, hang on, stop. I took this picture. It was during the time of the corrections being done. I can see a guy up there right now. So, yeah, there was somebody up there.

Q So, June 21st you were here. There's somebody there. That's what you mean?

A Yes.

Q So, I -- so, when you were here June 21st, 2024, there was somebody walking on the roof?

A Yes. There are people in the roof, or on the roof.

Q And you're saying this picture, I saw this picture. Hold on, let me move this picture to here. So, you're saying the picture there, with somebody walking on the roof taken by you, and on June 21st, 2024, this is the picture you just showed. It says 1335, 1000001335.

MR. CLARK: Ms. Guo, there's no picture --

A Okay. Ma'am, again, I'm not positive that this was the date that I took these pictures without actually looking for them through my camera.
BY MS. GUO:
Q Okay. I'm putting out this picture from my -- so, you were positive Mr. Wagner?
A I what?
Q Are you sure when you were here on June 21st, 2024, you saw workers --
A Is that date that the inspection was put in?
Q Hold on, let me show you the report here.
A Hold it.
Q I'm bringing out your inspection.
A I could be mistaken, but I believe those are photos that I took. I'm looking through other ones that don't seem to match, which I believe are ones that were taken from the contractor.
Q Can you look at this report now, June 21st, 2024.
A Okay. What about it?
Q Is the day you come to make sure. Come to check the valleys -- the tiles on valley had been removed, correct?
A Yes.
Q Okay. On that day did you take pictures of

these valleys?

A Again, I've answered your question. Yes.

Q Okay. Where are the pictures? What are the pictures?

A I've been showing them to you. You've been e-mailed them. You figure it out.

Q Okay. No, I don't figure, I don't know which pictures you are. Are you saying this picture? I'm going to this picture now, because you just raised the one picture from your computer from here. I'm putting on this Picture Number is 1000001335 --

A I don't have them by number, ma'am.

Q No, 335 -- no, it's okay. I'm going to put this one, that one -- because that one is the picture you showed as you just, you -- hold on. You just print out. Showed me. Is this the picture one of the pictures in your hand?

A I believe it is.

Q Okay.

A Yes.

Q Is this picture --

A That appears to be one that I took.

Q So, is this the one you took on June 21st, 2024?

A I believe that is the date that I took the

photos. Again, we keep going. You keep asking the same questions over.

Q So, June -- this one, you took this picture on June 21st, 2004. The picture is 100003 --

A Again, I would have to double check the date on the -- on my camera. But I believe so.

Q You can double check now.

A Let's get over the date for right now.

Q No, because the date is critical.

A Well, then in that case, my answer's going to be, I don't recall.

Q Okay. So, you -- okay. So, when you were here checking make sure the tiles were removed from the valleys, you saw workers on the roof. Is that correct?

A That would be correct.

Q And you were here -- according to record, you were June 21st, 2024, to make sure the tiles were removed from the valleys, correct?

A I was there to do a tile in-progress inspection.

Q Okay. Let's go through this again. Mr. Wagner, did you take a Picture 1329? Yeah, starting with 100001329?

A Can you blow it up?

Q Yes. Did you take this picture?

A Give me a moment.
Q What are you doing, Mr. Wagner?
A I'm looking through what I believe to be are the photos that I've taken. I'm not sure if that's the same photo. Looks like the same area, but I don't think it's the same photo.
Q Can you -- I'm going to -- no, it's okay.
A No, it's not blown up.
Q Do you remember on June 21st, 2024, you come at my property at about 08:27 in the morning and left about 08:29?
A I don't recall the times.
Q Can you check the report time?
A Can I check what?
Q Your report time, your report says 08:29.
A I don't have access to that.
Q Okay. At the beginning of this deposition, I showed you all those photos, okay? You denied 1329 through 1343 --
A No, I don't believe that -- I don't believe that I did deny that. I believe I said I was uncertain.
Q Okay. We can go back to check record, okay? The only picture you identified as yours, well, through 1298 to 1306. Now you changed your answer.
A No, I didn't change my answer.

MR. CLARK: Objection. Ms. Guo, you're misstating his testimony. You showed him nine pictures and nine pictures only.

Out of those pictures he told you which ones he might have taken. You haven't shown him all of the pictures.

MS. GUO: I showed him each photo -- each folder here.

THE WITNESS: No, you haven't, ma'am.

BY MS. GUO:

Q I didn't change this folder 1000001329?

A No, ma'am. You haven't gone through those photos.

Q Okay. So, that's -- no, at the beginning, I asked you does this picture look like from you?

A And again, I told you I am not positive. If I am the one that took it. I would have to go through my camera and verify that.

Q Okay. So, can you verify now, did you take this picture here 1339?

A No, I cannot verify that right now. Send me those in an e-mail or something. And when we continue this deposition another time, I can have that a more accurate answer for you. That's how --

Q I have your e-mail here. This is picture from

you --

A That photo shows them fixing one of those fishmouths. What's more? There's nothing wrong.

Q -- what picture --

A The photos prove that the work is being corrected.

Q Hold on. This picture here, 1339, 1000001339 showing a -- what do you say this picture showing?

A That photo shows that the corrections have been made in the valley.

Q Does it show the person was making any correction?

A It shows that the correction has been made.

Q This person was standing on it.

A Look by his left foot --

Q You can see his foot on it.

A Mastic has been used under there.

Q Can ~~And~~ you see mastic has been put underneath it?

A That is correct. That is how --

Q How can you see it's underneath the mastic -- underneath the underlayment? You can see -- can you --

A You don't see the mastic bleeding out from there?

Q I see mastic on top, but I don't see any

mastic underneath it. Can you see any mastic underneath it?

A I'm objecting to this. This is just a ridiculous badgering question. Obviously, the contractor used a trowel to put down the mastic underneath it, otherwise it would be popped back up.

Q Do you see any trowel in this picture?

A Again, I'm objecting. I don't need to see a trowel because as I've stated, the repair has already been done.

Q Did you see how they -- actually see how they performed the correction?

A There are photos of them making the corrections.

Q Like what? Which photo shows them how they make corrections?

A Well, keep going through those photos. You will start seeing them.

Q Okay. Let's go through each picture. Show me how -- each picture, I'm going through each one now. 1329.

A Go through 1340.

Q No, 13 -- I'm sorry, what?

A 1340.

Q 1340. 1340.

A You can see --
Q What do you see this one?
A You can see that he is making the repair, putting the mastic underneath and going on -- and then pushing it down.
Q You see he put the mastic on 1340. You see him actually putting --
A You can see the repair being done.
Q You see him put the mastic underneath the underlayment?
A Oh my dear God.
Q Did you see that --
A Ma'am, you can see the repair is being done in being done correctly.
Q Did you see him use the trowel?
A Actually, it's difficult to tell from this picture, but it looks like he's using a piece of eave metal as a trowel. Now I need a bathroom break. Thank you. I will be back.
Q Does he -- no, does he use put the mastic underneath the underlayment?
MR. CLARK: We are muting. Ms. Guo, he ---
BY MS. GUO:
Q Did you take this picture?
THE COURT REPORTER: Ma'am, the Witness

stepped away.

MS. GUO: Oh my lord.

THE COURT REPORTER: So, we are going to go off record. It's 01:50 p.m.

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

THE COURT REPORTER: Okay. The time is now 11 -- I'm sorry, 01:59 p.m. We are back on record.

BY MS. GUO:

Q Mr. Wagner, before next our deposition, I please make -- all the pictures you produced me, please identify which one you are making by you, which one you were sent, you received from others. Is that -- can you do that, please?

A I don't understand what you're saying.

Q Before our next deposition, could you identify --

A Yeah. Yes. Yeah, I will have which ones are the ones I have taken. I was not prepared for that specific question as far as dates and which ones were mine and which ones were just ones that I had.

Q All right. Thank you. Okay. Is it possible you can do it -- what time do you think you can identify those pictures for me?

A I don't know.
Q Can you do that by the end of this week?
A What part of it? I don't know. Do you not understand?
Q I have a time because we have a Trial coming, so we have a deadline for the discovery. So, and also, I have rescheduled deposition. So, can you -- is -- can you please give me -- let me know all pictures, which one was taken by you and date --
A I cannot give you an answer on that right now.
Q When can you tell me those pictures, when it can be taken?
A I didn't understand what you said.
Q When do you think you can tell me identify who took those pictures and when those pictures were taken or were received?
A I can tell you which ones I've taken. I could get -- hang on, let me rephrase that. I could gather the information to tell you which ones I have taken. As far as any other ones, no, I really couldn't tell you who took them and what days they were taken.
Q No, but you tell me, what days did you receive them?
A I believe that's in the text message that you

have from the contractor.

Q So, you got all their pictures from text, correct?

A I don't know. I don't recall if that, that would be a truthful statement or not.

Q Did you ever receive any e-mail from them?

A I don't recall if I specifically received an e-mail from them.

Q So, it's like a No. You never received any e-mail from them?

MR. CLARK: Form.

A Again, I don't recall.

BY MS. GUO:

Q So, by what time, you can tell me which pictures were taken by you and which date did you take them --

A Reschedule deposition and then, we will go from there.

Q I need to know what day you can tell me, so I can reschedule deposition.

MR. MIRANDA: Yeah, let's try -- well, I think you would have to speak with Mr. Clark also, Ms. Guo, and see when he's available. But we would propose next week sometime. What do you have -- what -- do you have a discovery deadline?

MS. GUO: Yes.
MR. MIRANDA: When is it?
MS. GUO: Okay. We are going to check with the Court then -- let's get the question done first here.
MR. MIRANDA: I'm sorry?
BY MS. GUO:
Q I'm showing my Exhibit U -- it's an inspector, insurance inspector did on January -- July 3rd, okay? And I'm going to show you a tile, Mr. --
A Is this a question for me?
Q Mr. Wagner, yes. Do you see on this Photo 18, do you see a cut through tiles on here?
A Yes.
Q Okay. What --
A What I don't know is what date those photos were taken on or who took them? You said that that what -- who took that? What was that Pro Roof Inspection?
Q That's my -- yeah, my roof inspector taken on July 3rd.
A Well, for all I know, he broke them himself.
Q So, you think my home inspector broke that tile by himself?
A I don't know. I'm saying for all I know, I don't know, ma'am. All I know is, I have photos that

were provided to me, and I based my final inspection o on the photos that were provided to me by the contractor. And the uplift test, that was done by the engineer. The reason that it was done this way is because if you remember correctly, you threatened to have me arrested for trespassing.

Q Mr. Wagner, did you ever talk with engineer -- report -- engineer report's office by yourself?

A I'm sorry, I didn't understand the question.

Q Did you directly contact the engineer office?

A Are you asking if I ever contacted the engineer?

Q Yeah. Directly.

A Is that what you're asking?

Q Yes.

A No.

Q Okay. The City of Weston require physical copy of the engineer report.

A That is correct.

Q Okay. Did I ever call you on Saturday night?

MR. MIRANDA: Form.

A I don't recall if you ever called me on a Saturday night, but you have texted and called me and e-mailed me at very odd hours. And during non-working times.

BY MS. GUO:

Q Like what time?

A I'm sorry?

Q Like what time did I, you think it's the awkward time --

A Again, ma'am, I don't have that specific information in front of me, but you already know that you call text and e-mail people during non-working hours. You already know that. We have already established it in that one text message that you showed.

Q So, you never replied to that text, correct?

A That's correct. It was sent during non-working hours.

Q And do you read that e -- the text after read the text next day?

A I don't --

MR. CLARK: Form.

A -- I don't recall reading the text. I generally ignore texts that are sent during non-working hours.

BY MS. GUO:

Q Okay. Other than the open labs and the debris object underneath underlayment on the day you were here with me, did you notice anything other things were

wrong of the property?

A I don't understand what you're saying.

MR. CLARK: Form.

BY MS. GUO:

Q On the day you were here with me, I called you back to check the property. Did you notice something wrong with the returns on all the --

A On what day?

Q In May, when I ask you come to check the open laps and point out that the debris underneath that underlayment on the left side --

A Was that a day an inspection was performed?

Q No, that's day you were here for a courtesy inspection.

A For a courtesy inspection. That --

Q Did you --

A Off the top of my head, I may -- it may not be a full recollection of what I seen, but there was definitely the return area in the front and the area where there was some debris underneath it. Again, both of those areas were to the left of your front door. And through various valleys, there were some small minor fishmouths.

Q How many returns do you think it would be corrected at that time?

A How many, what?
Q How many returns. I call them returns, but it may call --
A In certain areas --
MR. CLARK: Form.
A -- I can only think of the one off the top of my head. Unless we -- unless you're trying to refer to a cricket area that was on the other side --
BY MS. GUO:
Q Yes.
A -- of that.
Q Yes. I -- when I say return, I'm not familiar with your terms. So, I -- when I say return means cricket, flashing, whatever. So, how many crickets --
A Well, again, ma'am, without you using proper terminology for one, and without having a graph of your roof -- without looking at a graph of your roof, it is a little difficult to say.
Q You remember how many cricket you are --
A Okay. If you slow down, I'm looking at a graph of your roof that appears to be hip, hip. Looks like there's maybe two returns in the back off to the right side. One in the very rear, the one in the front, and then the cricket and the front on the right-hand side. That's what it appears to be from the graph.

Q So, two returns how many crickets?
A Just the one cricket. And again, I'm going off of the graph that was provided for the roofing permit application.
Q And what's the code saying that a homeowner cannot videotape you?
A There is no code that says you can't videotape me. The reason why I stopped the inspection is because you were following me around with that camera harassing me, and it's dangerous to climb up on the roof with somebody following me around with a camera. Now, if you would have wanted to videotape me from the sidewalk or out in the street or from, away from me, but you were following me around with that thing.
Q Did I ever follow you up to the ladder?
A I didn't make it all the way off the ladder. You were right behind me though. Again --
Q Did you ever put your foot --
A Ma'am, again, we've already been through this.
Q Yes, Mr. Clark -- I meant, I -- did you -- do you remember? You are sure. Okay. You remember I'm videotaping you, remember -- tell me, are you sure you ever put your foot on that ladder?

A Yes. And I'm also pointing --
Q And you are sure --
A -- you stopped and started that camera a couple of times editing it as well.
Q I'm sorry?
A I'm pretty sure you stopped and started editing that camera as well too, because I to -- I asked you several times to put it away and you would for a second, but then you would whip it back out as soon as I turned my back.
Q Mr. Wagner, you are on the oath now, okay? Are you sure you ever put your foot on the ladder?
A Yes.
Q And how many foot are -- how many feet I'm from you?
MR. CLARK: Form.
A Again, we've already had this conversation. I don't know. I didn't take --
BY MS. GUO:
Q How do you know I was trying to --
A I did not take a tape measure with me.
Q How do you know I was going to follow you on the ladder?
A Because you've done nothing but be a pain in throughout this entire process and telling me how to do

my job. And again, I asked you repeatedly to just put the camera away and let me do my inspection. You refuse to do that. I cannot be climbing around on a steep roof worrying about you telling me how to do my job and stuff. I need to be able to walk around there, concentrate on where I'm stepping and what I'm visually seeing.

Q Mr. Wagner --

A Without an appearance.

Q Did you tell anybody that I was following you trying to get on the roof with you?

A I don't believe I used that language. I don't recall any using language like that.

Q Did you tell any of your supervisor what happened?

A I don't recall.

Q Did you tell your supervisor; I tried to film you?

A I don't recall.

Q Did you tell your supervisor; I tried to follow you?

A I don't recall.

Q Did you tell anybody I tried to get on with you on the roof?

A I don't recall.

Q Did you talk with anybody about why you left the property on June 28th, 2024?
A I don't recall.
Q If I was trying to follow you around, would you tell and somebody about it?
MR. CLARK: Form.
A I don't know. I can't give an answer to that.
BY MS. GUO:
Q Did you know after June 28th, 2024, I complained to Mr. Franklin and the supervisor, Mr. -- your supervisor, another supervisor, both supervisors. Did you know that?
MR. CLARK: Form.
A No, I don't know.
BY MS. GUO:
Q Did anybody of the City of -- after you left my property on June 28th, 2024, did anybody --
A I don't think I was there June 28th.
Q Okay. Let me read back the report here.
A Yeah, see, I think your roof was final on July 4th -- I don't see the date right off the top of my head. So, if you're trying to confuse me with dates and I get some of them wrong, I apologize. Reserve the right to amend that.
Q Let's read the report. Did you see the screen

now? Do you see the screen now?

A June -- 6/28. I see your screen. I'm looking at it here. 6/28, unable to perform inspection due to homeowner interference. We already went over this.

Q Yes.

A And I gave the Florida statutes.

Q Okay. I'm past you this, Mr. Wagner. Do you know, after June 28th, 2024, I complained to the City of Weston about you left the property without inspection?

A No, I don't know.

Q So, after June 28th, 2024, or on June 20 -- after you left my property on June 28th, 2024, did you talk with anybody?

A Again, I don't recall speaking with anybody --

MR. CLARK: Form.

A -- about it.

BY MS. GUO:

Q Did you e-mail anybody?

A How often do I have to answer the same question over and over again.

Q I just -- did you communicate in any way to anybody?

A I do not recall having any conversation

regarding that. I would have to look through possible e-mails, talk with other people. I don't recall.

Q So, after you left my property June 28th, 2024, you do not recall you had any communication about my property?

A No, I do not recall that.

MR. CLARK: Form.

A Again, I've answered this question. Can we move on? Mr. Clark has some questions for me.

BY MS. GUO:

Q No, I haven't finished my question yet. This is my deposition.

A Well, why don't you just ask one question and let me answer it instead of asking the same question over and over.

Q Because you are trying to avoid the question.

A No, I'm not avoiding the question. You're trying to put words into my mouth and you're trying to trip me up.

Q What did I trip you off?

A Well, you keep asking dates and then saying different dates and things like that.

Q Did -- Which dates --

A If you're asking me about specific conversations, I've had with somebody six or eight

months ago, I'm sorry.

Q Which date did I say wrong?

A You've said a couple of them wrong.

Q Which one?

A Well, you've said a couple of them wrong.

Q Which one, please point out?

A I -- again, I don't recall which one, but you have incorrectly stated dates as I have during this in -- during this deposition.

Q Which days did I say wrong?

A I don't know.

Q Which days did you say wrong?

A I don't recall off the top of my head.

Q What is your relationship with City of Weston?

A I'm employed by CAP Government and we do buildings inspections here.

Q Do you -- are you belong to government?

A I'm sorry?

Q Are you a government worker?

A Again, I've already answered your question. I work for CAP government and we have the contract to do the building inspections in the City of Weston.

Q What is CAP Government? It's like a non - it's a government owned --

A It's a company I work for.
Q It's a private owned company?
A I don't know exactly what the ownership would be considered.
Q Let me ask you this question now. Do you smoke a cigarette?
A No, I haven't had a cigarette in about seven years.
Q You use electronic cigarette?
A Yes.
Q So, electronic cigarette is not a cigarette?
A No.
Q How much do you smoke a cigarette? A electronic cigarette a day?
A I have no idea.
Q Do you have to take the electric cigarette every 30 minutes?
MR. CLARK: Form.
A I use it at my leisure.
BY MS. GUO:
Q Do you bring electric cigarette with you when you were ~~walk~~ work at the site?
MR. CLARK: Form.
A What relevance does this have?
BY MS. GUO:

Q I'm just asking you question you are supposed to answer --

A I don't smoke cigarettes anymore. I vape. Okay. This has nothing to do with your roof.

Q When you at the site, do you have electronic cigarette with you?

A Again, what relevance does this have? I'm objecting to this.

Q I'm asking you a question you're supposed to answer.

A Well, I can re -- object --

Q Yes, or no?

A I've already --

Q Yes, or no? Did you --

A Ma'am, I've already answered your question. I've already answered it. I vape.

Q My question. Did you bring electronic --

A I vape. Okay.

Q Let me finish my question. Did you bring an electronic cigarette with you when you come to my site?

A When I came to your site, I do not recall if I did or not. It's not like I sit there and write a diary down of when and where I'm vaping at.

Q Did you ever bring a vaper with you on any of the property?

A I don't understand your question.
MR. CLARK: Form.
BY MS. GUO:
Q I'm sorry. Did you ever bring that electronic cigarette with you when you were on any of the property?
A Ma'am, I've already answered this. This has no relevance. I'm objecting to it. Just -- let's move on from this.
Q You haven't answered my question yet.
A I've answered it in three different ways, at least I believe.
Q Mr. Wagner, do you know the Western Lake is underlayment brochure required no more than 10 tiles per stack?
MR. CLARK: Form.
A What's the question?
BY MS. GUO:
Q You know Western Lake underlayment manufacturer?
A Westlake Tile Underlayment Manufacturer, yes.
Q They do not -- they require no tiles, no more than 10 tiles per stack on the underlayment. Are you aware of that?
A Okay.

Q Are you aware of that?
A I'm aware of stacking requirements.
Q And what is the stacking requirement?
A Well, let me go right over to it so I can actually read it to you. Hang on. Maybe I'm confusing Westlake with a different brand. I'm looking through the limitations on the product approval. Okay. Standard maximum pitch for Westlake tile seal in Westlake metal HD underlayment shall be 612 when tiles are loaded directly onto the Westlake, Westlake metal HD underlayment. Loading boards are required, greater than 612, tile shall be stored on baton for pitches more than 612. No, I don't recall any.
I don't see any specific thing in their product approval that says anything about stacking them more than 1012. But as a general rule, when they are loaded, you will see that they put them in stacks of five right straight on the deck. And then another stack of five kind of angled that standard operating procedure. If you're trying to go to get at -- when they removed tile from the valley that they stacked some over 10, yes, they did for a temporary time. If that's what you're getting at.
Q Let's go back to this Picture of 1339. Yes, the code says distinction between temporary stacking

and the permanent stacking?

A The product approval. I just read it to you.

Q Did it say temporary stacking more than 10 is allowed? I'm asking a question, Mr. Wagner.

A No, ma'am. I just read what it said. Okay. Now, go take -- show me the picture that you're complaining about.

Q Did you -- any place said, what is temporary stacking?

A Temporary, that means they moved it out of their way to make the correction to the valley.

Q Where did you get the definition? Where the code says, remove --

A It doesn't say in the code -- again, it doesn't say it in the code. The code doesn't say how high they can stack their tile and their product approval doesn't say that they can't stack it more than 10. So, I have no code to reject them for.

Q And you said general rule is per stack cannot be more than 10 stacks, right?

A From some manufacturer --

MR. CLARK: Form.

BY MS. GUO:

Q So, it's manufactured. So, manufacturer --

A Some, not this one. Not Westlake.

Q Not Westlake. Let show you Westlake brochure here.

A Again, a brochure and a product approval are two different things. We cannot go by brochures.

Q What's the difference between brochures and product approval?

A Product approvals, they have to go through certain testing and stuff like that to become -- what you may call it, Dade County approved.

Q So, if the brochures says, no more than tile per --

A Again, ma'am, I've already explained this to you. I cannot enforce things that are in the brochure.

Q My question is, would manufacturer void the avoid the warranty if it's more than 10 tiles?

MR. CLARK: Form.

A You would've to speak to the manufacturer about that. That's a legal issue that I don't know anything about.

BY MS. GUO:

Q Okay. And let me go the next one. Share a screen. Do you see my screen?

A It is not showing anything other than your files.

Q Okay.

A Again, I ask that you start having this stuff ready. You wasting everybody's time.

Q I'm going to Page 40. Did you just say you received the pictures from roofer about based on pictures --

A I have received some photos from the roofer.

Q To based on that --

A I believe this to be one of them. Yes.

Q Okay. This is the Picture 44. You based on your -- how many pictures did they send to you for --

A I don't have that in front of me.

Q I'm going to picture, this is Exhibit K. And let me see how many pictures in total, Exhibit K. That's the roofing they produce this to me on January 7th, 2025. It's a 80 Page PDF file. I'm showing Page 46 here. Do you see a red object on this roof?

A Yes, it looks like it's a bag from one of the workers.

Q And I'm showing you Page 45 on the right side here -- corner here. What do you see here on Page 45?

A I see a worker down on the ground.

Q Let's go back to 46. Can they leave this red bag here on the roof?

MR. CLARK: Form.

A I'm sorry?

BY MS. GUO:
Q Can they leave this bag when they -- when the bag leaved on this red bag on this on this roof. Does that mean haven't finished a job?
MR. CLARK: Form.
A I don't understand what you're asking about.
BY MS. GUO:
Q When this red bag is still on the roof. Doesn't mean a roofer hasn't finished their job?
MR. CLARK: Form.
A It means somebody's up there taking pictures.
BY MS. GUO:
Q When somebody's taking pictures, the roof is not completely done, right?
MR. CLARK: Form.
A It's done.
BY MS. GUO:
Q And does the -- do people -- worker have to take out this red bag?
A I don't understand what you're saying.
Q Do the workers have to take out this red bag?
MR. CLARK: Form.
A I don't know.
BY MS. GUO:
Q Can the roofer, just leave this red bag on

the roof and leave the roof just like that?

MR. CLARK: Form.

A Ma'am, is that red bag on your roof right now?

BY MS. GUO:

Q I'm asking you asking. Can the roof --

A There was no red bag on that roof.

Q Did you come to see there's no bag -- red bag on my roof?

A Yes. I've been by your house a million times. I'm exaggerating. Don't hold me to that.

Q You did not -- you came to me property, you never -- how did for -- did you come to my roof after June 28th?

A Ma'am, you live on Montclair Circle. That road is a circle. You are not the only person that is getting re-roofed in that area. I drive down that block white frequently.

Q Did you -- can you see from street that this red object, that red that has been removed from my roof?

A Yes, you would be able to see that from the street.

Q From like what side of the street? The other side of the street or the side close to my house?

A Obviously the farther away it would be easier.

Q So, you actually check, you can see from farther away the roof you can see --

A Yeah, ma'am, again, I object to this. That bag is not there. You're trying to make something out of a condition that does not exist right now.

Q No, I'm asking you?

A And I'm telling you.

Q You -- have you seen this corner by your eyes -- in your eyes, this bag is not there anymore?

A Yes, that bag is not there anymore. A blue tarp is though.

Q How do you know the blue tarp not cover this red bag?

A Because I've been by it since the time that the roof was final and before the tarp got put on there.

Q Do you know when the tarp was put on there?

A No, I don't know when the tarp was put on there.

Q Are you sure when you passed the street – you can see --

A Well, give me just moment to finish answering your question to the best of my ability on that. Okay.

Hang on. Your roof was funneled on what? July 4th. Is that correct? No, July 2nd. June, July, June? July, July 2nd, at some time September 12th is when I noticed that there was a tarp on it.

Q In between did you come to my property?

A Did I come to your property, no.

Q Did you see that my property --

A Have I drove by that street? Yes.

Q So, when you drove by the street, you can see this corner has no red bag?

A Has what?

Q Are you -- from July 2nd to September 12th, when you pass the street, you can see there's no bag, no red bag on the roof at that time?

A I don't know. I don't even understand what you're trying to ask me.

Q Did you just say between July 2nd and September 12th, you passed by my house in the street?

A Ma'am, I have drove by that house quite a few times. Again, you're not the only person that's having work done on that block.

Q Are you sure --

A Will you stop for a second? It was not until September. Did I say 12th? I think 12th, whatever day it was that I noticed the tarp. Okay --

Q And the --
A That go from July 2nd to August, September 12th, or whenever, that's what -- over two months, I have no idea of when that tarp was put on there over those two months, but it was put on after your roof was final.
Q From the street, can you see the spot where the red bag is?
MR. CLARK: Form.
A I've already answered it.
BY MS. GUO:
Q No, you did not answer it. Yes or no from the street -- can you see
A I've already answered it.
Q Yes, or no? Can you see from the street where the red bag is?
A Move on. I'm not answering your question. You need to -- or I'm not answering it again. I've already answered it.
Q Okay. When the bag is on here, when the people come to after -- this picture, when the picture was taken, the bag is there. Is that correct?
MR. CLARK: Form.
BY MS. GUO:
Q Picture 46, Page 60 was taken. The bag was

there, right?

A Are you asking me if there's a picture of a bag in the picture? Yes, there is a bag in the picture.

Q Okay. So, after this picture is taken, when this person -- so if this bag has been removed -- this bag has to be removed after this picture is taken, correct?

MR. CLARK: Form.

A I don't even -- ma'am, I -- again, I object. I don't even understand what you're trying to ask me. You're talking in circles.

BY MS. GUO:

Q I'm asking you questions, Mr. Wagner.

A -- not that are incomprehensible.

Q This -- should this bag be removed after this picture is taken, correct?

MR. CLARK: Form.

A Again, I really don't an understand the question.

BY MS. GUO:

Q You are sure there's no red bag on the roof now, correct?

MR. CLARK: Form.

A Ma'am --

BY MS. GUO:

Q Are you sure there's no red bag --
A I don't understand what you're asking.
Q No, my question is, you are sure there's no red bag on that roof now, correct?
A I have not seen a red bag on your roof recently.
Q Okay. So, this red bag must be taken away after this picture was taken, correct?
MR. CLARK: Form.
A I don't know. Just move on with this.
BY MS. GUO:
Q No, because this bag is --
A Yes.
Q -- in the picture.
A Yes.
Q The question is --
A Ma'am, you've asked this question quite a few times. I've answered it. That's the end of this. Stop with your badgering.
Q This bag should be taken --
A Goodbye.
Q This bag should be removed by this person --
MR. MIRANDA: We are going to take a few minutes here, Ms. Guo. How much more time do you have?

MS. GUO: He's not answering question yet. I have three or five -- my question is --

MR. MIRANDA: Okay. Wait. He stepped out. Can you hear me? Can you hear me, ma'am? Hello?

MR. CLARK: We can hear you, sir.

MR. MIRANDA: Okay. I wanted to make sure that Ms. Guo, heard me. He stepped out for a few minutes, so we will call it a break and we will be back in touch as soon as possible.

MS. GUO: Madam Court Reporter, could you make a note, now it's 02:40, and Mr. Wagner left the left of the deposition, stepped out. Court Reporter. Hello? Court Reporter?

THE COURT REPORTER: Yes. Sorry, I was muted. Yes.

MS. GUO: Yeah.

THE COURT REPORTER: I know that it's noted. You just said it so it's noted.

MR. CLARK: And also note, he left to take a break.

MS. GUO: He left without really -- without permission to for a break. He just left out.

MR. CLARK: He probably left because you are harassing him the last 15 minutes about a red bag. So, he's taking a break. He will come back.

MS. GUO: Mr. -- are you -- Madam Court Reporter, are you still on recording?

THE COURT REPORTER: No, we are off record now.

MS. GUO: When did you stop the recording?

THE COURT REPORTER: When you said it, ma'am. When you said it's 02:40, and we're on break.

MS. GUO: But did you record it? I said 02:40.

THE COURT REPORTER: That's what I just said, ma'am. Yes.

MS. GUO: I did not say we're in break. We just say 02:40, he left. I did not say we're in break.

THE COURT REPORTER: I paraphrased. You called it at 02:40, you said 02:40, correct?

MS. GUO: Yes, I said 02:40, he left the room.

THE COURT REPORTER: Okay.

MS. GUO: Thank you. So, just make a note when he come back -- the time, so we know what time he came back.

THE COURT REPORTER: Make a note of what?

MS. GUO: Make a note, like what time he came back. Thank you.

(Thereupon, a short discussion was held off record.)

(Deposition resumed.)

THE COURT REPORTER: It is now 02:45, we are back on record.

MS. GUO: Thank you very much.

MR. CLARK: I need to make a note here. We have a hearing at 03:00. I need time to prepare. How much longer are we going, Ms. Guo?

MS. GUO: I try it's possible the quickest, but Mr. --

MR. CLARK: No, no, no. I need to know Ms. Guo, because I need to swap over and get prepared to finish --

MS. GUO: Mr. Wagner, the longer -- I try to finish. I need to --

MR. CLARK: You set this deposition and the motion that we are going to be hearing at 03:00. So, you need to let me know when we are going to be done. You've already told me that I can't ask the Deponent any questions today, and I'm reserving my right to call him for his own deposition if necessary. But you need to tell me how much longer, because this has to end and it can't end at 02:59 p.m. That's not going to

happen.

MS. GUO: Mr. Wagner --

MR. CLARK: Ms. Guo, are you listening to what I'm telling you?

MS. GUO: Mr. Wagner --

MR. CLARK: Ms. Guo --

MS. GUO: You should make your objection one during a break.

MR. CLARK: Okay. Madam Court Reporter, this deposition will be ending at 02:55 because we have a 3 o'clock motion that Ms. Guo set. Is that understood?

MR. MIRANDA: That's understood.

BY MS. GUO:

Q Yes, we're going to -- okay. Mr. Wagner, does the code allow you to pass the test based on the picture when there's still objects on the roof?

MR. CLARK: Form.

A Yes, the -- what you may call it? DBPR has said that it's okay to take photos for inspections.

BY MR. CLARK:

Q Yes, it takes photos, but when you see a red bag like this on the photo, does that allow you to pass the test?

A There's no code that says a red bag cannot be

on the roof.

Q So, when the person -- after this person take the picture and somebody had to remove the bag when he -- somebody remove the bag, could that person break the tiles?

MR. CLARK: Form.

A I'm not going into hypothetical speaking, situations with that.

BY MS. GUO:

Q Is that possible after this picture taken somebody pick up -- remove that bag from the roof and break some tiles. Is that possible?

MR. CLARK: Form.

A I object to this question.

BY MS. GUO:

Q Let's go back to the page, this one. Did you see my screen? This is -- hold on. Page 48, so you mentioned that you did not see my e-mails, my text sending to you after 5 o'clock complaining they burned --

MR. CLARK: Form.

BY MS. GUO:

Q That e-mail was sent on June 19th. And is this your text on June 21st, 2024. Can you read your e-mail.

A It says, "This is Jim Wagner with Weston. Please start texting me photos where you have put bull on all those laps and the valleys as soon as possible. Thank you."

Q And --

A And I asked again, "This is Jim Wagner again with City of Weston. Inquiring the statics of the ceiling". I meant seal. That's a typo. Probably from my talk to text of the valley labs.

Q When was this message sent?

A It appears Monday, June 24th.

Q So, from June 21st to June 24th, did you get any reply from them?

MR. CLARK: Form.

A I'm sorry?

BY MS. GUO:

Q From June 21st to June 24th, did you get any reply from the contractor?

A You have the replies that I got. I don't know what days they are.

Q No. From between June 21st and June 24th, did you receive any reply, from -- them from

A Again, I just told you I do not know what day they were. You have them as well.

Q No, that they work, June 21st, you send this

first message. This is Jim Wagner. And June 24th, you sent another message. This is Jim Wagner, again. Between June 21st and June 24th, did you receive any message from them?

MR. CLARK: Form.

A No, I'm looking at the copy I have of it. I don't believe they sent me any of them.

BY MS. GUO:

Q So, June 25th --

A I could be wrong, but I don't think that they have.

Q So, it was not until June 25th, they sent you 15 photos, correct?

A I don't know the number. I don't think these are right. I think I have these in the wrong order or something. I don't think those are -- I don't think I have the -- what I'm looking at I don't think is the correct thing. So, I can -- I don't -- I will have to tell you, I don't know because I --

Q But this is the text message you sent to me. Did they send 15 photos here?

A Ma'am, I'm trying to look through this. You can't expect me to know off the top of my head when somebody sent me photos six, eight months ago. So, what is your question?

Q So, this here, did you see here says 15 photos?
A What says 15 photos?
Q Here right after your message, June 25th at the 09:28 a.m. Did you see this 15 photos here?
MR. CLARK: Ms. Guo, you have one minute remaining.
A 1, 2, 3, 4, 5, 6, 7, 8, 9. I'm seeing nine.
BY MS. GUO:
Q So, you did not receive 15 photos from them?
A Well, I'm telling you what I'm looking at, and I'm only seeing nine.
Q And you produce that 15 -- are those 15 tile pictures, I saw here. Let's go back to our -- your production. I saw one of the group picture.
MR. CLARK: Okay. It's now 02:55, Madam Court Reporter. This concludes today's deposition.
MS. GUO: I haven't done yet.
MR. CLARK: We are done because we have a --
MR. MIRANDA: Yeah, we are done.
MR. CLARK: -- five minutes.
MR. MIRANDA: We are done. There's a hearing in five minutes and we --
BY MS. GUO:
Q Okay. Last question, Mr. Wagner, last

question. You see the crickets and the returns need to be correct --

MR. MIRANDA: This deposition is over.

BY MS. GUO:

Q Mr. Wagner, this is the last question, Mr. Wagner. When you say the flashings and the crickets need be corrected, how should they be corrected? Hello?

MR. CLARK: Ms. Guo, again, we have less five minutes remaining for a hearing that you set. If you need to re-depose Mr. Wagner, you can do that and coordinate with my office and with Mr. Wagner.

MS. GUO: He left already?

MR. CLARK: It looks like he's still here. But again, we need to conclude the deposition.

MS. GUO: Mr. Wagner? This will be a last question then we are going to go to hearing. This will be last question, Mr. Wagner. Mr. Wagner? Mr. Wagner? This would be last question. Mr. Wagner?

MR. CLARK: Okay. Madam Court Reporter again, we need to end.

THE COURT REPORTER: Yes, we are off record now because I also have to head on to the 3 o'clock.

MS. GUO: So, I think Mr. Wagner already

left. He's not answering the question?

MR. CLARK: Okay. Madam Court Reporter, can sign off now?

THE COURT REPORTER: Yes.

MS. GUO: Let me make sure, Mr. Wagner is not here anymore.

THE COURT REPORTER: Ma'am, he's not answering. And we have to now move on to the 3 o'clock. I'm also the Court Reporter on that one, so.

MS. GUO: Thank you.

THE COURT REPORTER: Would you -- okay. It's now 02:56, we are off record.

(Deposition concluded at 02:56 p.m.)

CERTIFICATE OF OATH

STATE OF FLORIDA

BROWARD COUNTY

I, PATREEZE PEARCE, Court Reporter, Notary Public, State of Florida, certify that JAMES WAGNER personally appeared before me on the 4th day of February, 2025, and was duly sworn

Signed this 28th day of February 2025.

Patreeze Pearce

PATREEZE PEARCE, Court Reporter

Notary Public, State of Florida

CERTIFICATE OF REPORTER

STATE OF FLORIDA

BROWARD COUNTY

I, PATREEZE PEARCE, Court Reporter, certify that I was authorized to and did report the Deposition of JAMES WAGNER; that a review of the transcript was requested; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties, attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 28th day of February 2025.

Patreeze Pearce

PATREEZE PEARCE, Court Reporter

ERRATA SHEET

RE: XIAOHUI GUO V ROOFING AND CONSTRUCTION, CORP

DEPO OF: JAMES WAGNER

TAKEN: FEBRUARY 4TH, 2025

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DO NOT make any marks or changes on the transcript itself.

Enter any changes here.

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I, JAMES WAGNER, do hereby certify that I have read the foregoing pages, 4 to 206, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

_____

JAMES WAGNER DATE

Subscribed and sworn to before me this

_____ day of _____, 2025.

My commission expires: _____

_____

Notary Public

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Xiaohui Guo <xiaohui.guo2022@gmail.com>

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Jose MIRANDA <jose.a.miranda@bureauveritas.com> Fri, Jan 17, 2025 at 3:08 PM
To: "Xiaohui.Guo2022@gmail.com" <Xiaohui.Guo2022@gmail.com>

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

www.capfla.com | jmiranda@capfla.com

343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
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Cc: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

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To: "Xiaohui.Guo2022@gmail.com" <Xiaohui.Guo2022@gmail.com>

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Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

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343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
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Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
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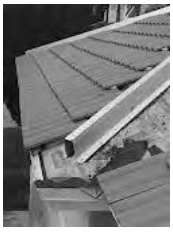

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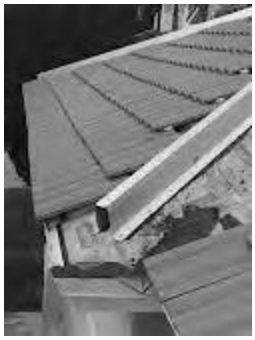

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To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

Thanks, Mr. Miranda,

However, again, none of the pictures I received were taken by Mr. Wagner himself.
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1000001343

Gmail

Xiaohui Guo <xiaohui.guo2022@gmail.com>

XIAOHUI GUO vs. Roofing and Construction Corp., et al Broward County Circuit Court Case Number COCE24046580 Response to Subpoena Attached

Xiaohui Guo <xiaohui.guo2022@gmail.com> Wed, Jan 22, 2025 at 5:33 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

Thanks, Mr. Miranda,

The first page of the attachment "Guo Emails.pdf" contains attorney-client privileged information. It was obviously sent to Mr. Wagner by mistake. You should have excluded it from the exhibit.
Also, I have not received any communications between Mr. Wagner and Roofing and Construction Corp., such as texting, email, and phone records. Please produce them today by 5PM because I need to depose Roofing and Construction Corp. owner tomorrow . Thanks.

Xiaohui Guo
[Quoted text hidden]

Gmail

Xiaohui Guo <xiaohui.guo2022@gmail.com>

XIAOHUI GUO vs. Roofing and Construction Corp., et al Broward County Circuit Court Case Number COCE24046580 Response to Subpoena Attached

Xiaohui Guo <xiaohui.guo2022@gmail.com> Wed, Jan 22, 2025 at 6:11 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

Hi, Mr. Miranda,

Mr. Wagner took pictures by himself but I haven't received them. Please send them to me by 5PM today.

Thanks.

Xiaohui Guo
[Quoted text hidden]

Gmail

Xiaohui Guo <xiaohui.guo2022@gmail.com>

Confirm Feb 4 2025 9AM deposition

Xiaohui Guo <xiaohui.guo2022@gmail.com>
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

Thu, Jan 30, 2025 at 4:47

Hi, Mr. Miranda,

By 12PM today, can you please confirm that Mr. Wagner will appear for his deposition? Thank you,

Xiaohui Guo

On Wed, Jan 22, 2025, 4:03 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

Thanks, Mr. Miranda,

However, again, none of the pictures I received were taken by Mr. Wagner himself.

On Wed, Jan 22, 2025 at 3:58 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Xiaohui:

This is the third email of 3, please confirm receipt.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Jose MIRANDA
Sent: Friday, January 17, 2025 3:10 PM
To: Xiaohui.Guo2022@gmail.com
Subject: FW: Subpoena photos 3

Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
Sent: Thursday, January 16, 2025 10:06 AM

To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Subpoena photos 3

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---

Jose MIRANDA <jose.a.miranda@bureauveritas.com> Thu, Jan 30, 2025 at 9:23 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

Ms. Xiaohui:

We would like to extend the date/time of the deposition to Monday, February 10, 2025 at 10:00 A.M., Mondays are usually Mr. Wagner's less busy days.

Please advise.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 4:47 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Confirm Feb 4 2025 9AM deposition

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Xiaohui Guo <xiaohui.guo2022@gmail.com> Thu, Jan 30, 2025 at 9:53 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

HI, Mr. Miranda,

I hope you have requested the extension earlier. I already scheduled another witness on February 10th. The best I can do is to schedule Mr. Wagner on February 3rd, 2025 at 1PM, depending on whether my opponent's Counsel is available. Would that help?
Thanks,

Xiaohui Guo
[Quoted text hidden]

Jose MIRANDA <jose.a.miranda@bureauveritas.com> Thu, Jan 30, 2025 at 10:05 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

February 17th would then be acceptable, we can not attend on the 3rd, any Mon, Tues, Wed, Thurs beginning the week of February 10th is good, no Fridays please.

Thanks for your professional consideration.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 9:53 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

[Quoted text hidden]
[Quoted text hidden]

Jose MIRANDA <jose.a.miranda@bureauveritas.com> Thu, Jan 30, 2025 at 10:10 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

Ms. Xiaohui:

I would recommend that you contact your attorney, OPC, and agree on a date.

We are available Monday, Feb 10 any day that week other than Friday.

We are available Monday, Feb 17, any that week other than Friday.

Please let me know as we are not available the week of February 3, 2025.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 9:53 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

[Quoted text hidden]
[Quoted text hidden]

Xiaohui Guo <dachui.guo2022@gmail.com> Thu, Jan 30, 2025 at 10:24 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>

HI, Ms. Miranda,

Mr. Wagner was served on December 26th, 2025. According to the Court stamped Subpoena served on him, you should have raised your objection by January 5th, 2025. Now it is too late for you to request extension.
My 01/30/2025 4:47AM Email was a courtesy reminder for you. Because your 01/30/2025 9:23AM email indicated that Monday is less busy, I even requested my Court Reporter to change the date from February 4th, 2025 to Monday February 3rd, 2025, which is another courtesy from me. Because you rejected Monday February 3rd, 2025, now I have to request the Court Reporter to put Mr. Wagner's deposition back to February 4th, 2025.
Also, due to the Court's trial schedule, I cannot extend Mr. Wagner's deposition.
If Mr. Wagner fails to show up on February 4th, 2025, I will seek the Court's sanction.
See you on February 4th, 2025. I will email you the Zoom instructions.
Thanks and regards,
Xiaohui Guo
[Quoted text hidden]

Jose MIRANDA <jose.a.miranda@bureauveritas.com> Thu, Jan 30, 2025 at 10:48 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

jmiranda@capfla.com

jwagner@capfla.com

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

www.capfla.com | jmiranda@capfla.com

343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 10:25 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

[Quoted text hidden]
[Quoted text hidden]

Xiaohui Guo <dachui.guo2022@gmail.com> Thu, Jan 30, 2025 at 9:48 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@capfla.com

The attached please see Notice of Taking Deposition. Thanks. Xiaohui Guo
[Quoted text hidden]

20250130 215741115 Notice Of Taking Deposition wagner.pdf
195K

Jose MIRANDA <jose.a.miranda@bureauveritas.com> Mon, Feb 3, 2025 at 10:03 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>, James WAGNER <james.wagner@bureauveritas.com>

Ms. Xiaohui:

The attached Notice does not include any of the attachments mentioned. Please provide.

Also, please forward the zoom link, etc. by 12:00 Noon today. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 9:48 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

[Quoted text hidden]
[Quoted text hidden]

Xiaohui Guo <xiaohui.guo2022@gmail.com> Mon, Feb 3, 2025 at 10:23 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Cc: James WAGNER <james.wagner@bureauveritas.com>

The attachments were served to Mr. Wagner on December 26, 2024.
[Quoted text hidden]

Jose MIRANDA <jose.a.miranda@bureauveritas.com> Mon, Feb 3, 2025 at 11:17 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

Ms. Xiaohi:

Per your email below, please provide Mr. Wagner with a Zoom link. The following is his email:

jwagner@capfla.com

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 10:25 AM

To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

[Quoted text hidden]
[Quoted text hidden]

Xiaohui Guo <xiaohui.guo2022@gmail.com> Mon, Feb 3, 2025 at 2:56 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@capfla.com

Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

https://us06web.zoom.us/j/85044408688?pwd=hMmmEMYGpLCVtw52Vaqm8bpVmw3cSo.1
Meeting ID: 850 4440 8688
Passcode: 055142

One tap mobile
+13052241968,,85044408688#,,,,*055142# US
+13126266799,,85044408688#,,,,*055142# US (Chicago)
[Quoted text hidden]

James WAGNER <james.wagner@bureauveritas.com> Mon, Feb 3, 2025 at 3:04 PM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>, Jose MIRANDA <jose.a.miranda@bureauveritas.com>

I believe the email that I will need to use for the deposition is jwagner@westonfl.org

Please send the link to that Weston email address

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From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:56:58 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Jose MIRANDA <jose.a.miranda@bureauveritas.com> Mon, Feb 3, 2025 at 3:11 PM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>, James WAGNER <james.wagner@bureauveritas.com>

Ms. Xiaohui:

Please use the following email for Mr. Wagner:

jwagner@westonfl.org

Please be so kind as to change to the Weston email. Thank you.

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Jose E. Miranda, J.D.
Compliance Manager
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D 786.515.6710
C 786.344.4369
F 305.448.1712
www.capfla.com | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:57 PM

To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

[Quoted text hidden]
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Xiaohui Guo <xiaohui.guo2022@gmail.com> Mon, Feb 3, 2025 at 7:13 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@westonfl.org
Cc: James WAGNER <james.wagner@bureauveritas.com>

Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

https://us06web.zoom.us/j/85044408688?pwd=hMmmEMYGpLCVtw52Vagm8bpVmw3cSo.1
Meeting ID: 850 4440 8688
Passcode: 055142

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+13126266799,,85044408688#,,,,*055142# US (Chicago)

[Quoted text hidden]

Xiaohui Guo <xiaohui.guo2022@gmail.com> Tue, Feb 4, 2025 at 9:15 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@westonfl.org
Cc: James WAGNER <james.wagner@bureauveritas.com>

[Quoted text hidden]

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2632K

Xiaohui Guo <xiaohui.guo2022@gmail.com> Tue, Feb 4, 2025 at 9:34 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@westonfl.org

[Quoted text hidden]

H 20240709-0728 Gmail - C Exhibit 14.pdf
348K

Xiaohui Guo <xiaohui.guo2022@gmail.com> Tue, Feb 4, 2025 at 12:28 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@westonfl.org

[Quoted text hidden]

X 01.26.25 RCC Bates Stamped Supp Production - 0232-0260.pdf
5829K

Xiaohui Guo <xiaohui.guo2022@gmail.com> Wed, Feb 5, 2025 at 12:28 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>, jwagner@westonfl.org, James WAGNER <james.wagner@bureauveritas.com>

Mr. Wagner,

As I requested during yesterday's deposition, by 5PM February 7th, 2025, please identify when and who took each of the pictures you provided, otherwise I will seek the Court's help. Also, I would like to continue your deposition either on February 10th or February 12th, 2025, please let me know which day is good for you.

Thanks,

Xiaohui Guo
[Quoted text hidden]

Joseph R. Natiello <JNatiello@wsh-law.com> Mon,
To: "xiaohui.guo2022@gmail.com" <xiaohui.guo2022@gmail.com>
Cc: "doug@sotolawgroup.com" <doug@sotolawgroup.com>

Good morning Ms. Guo,

I represent the City of Weston, and for this matter Mr. Wagner.

From here forward all communications with Mr. Wagner must go through me.

Neither Mr. Wagner nor myself are available for deposition on the proposed dates.

We are, however, available on February 26th or 27th.

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

WEISS SEROTA
HELFMAN COLE + BIERMAN

200 E. Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 E: jnatiello@wsh-law.com Bio | wsh-law.com | vCards

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 5, 2025 12:28:51 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; jwagner@westonfl.org <jwagner@westonfl.org>; James WAGNER <James.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Mr. Wagner,

As I requested during yesterday's deposition, by 5PM February 7th, 2025, please identify when and who took each of the pictures you provided, otherwise I will seek the Court's help.

Also, I would like to continue your deposition either on February 10th or February 12th, 2025, please let me know which day is good for you.

Thanks,

Xiaohui Guo

On Tue, Feb 4, 2025 at 12:28 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> On Tue, Feb 4, 2025 at 9:34 AM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:
>
> |

On Mon, Feb 3, 2025 at 7:13 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

-

https://link.edgepilot.com/s/5381a607/acc9Hv2pf0lNy79uJLtE3g?u=https://us06web.zoom.us/j/85044408688?pwd=hMmmEMYGpLCVtw52Vaqm8bpVmw3

Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Mon, Feb 3, 2025 at 3:11 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

Please use the following email for Mr. Wagner:

jwagner@westonfl.org

Please be so kind as to change to the Weston email. Thank you.

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

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343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:57 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

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Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

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+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Thu, Jan 30, 2025 at 9:48 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

The attached please see Notice of Taking Deposition. Thanks. Xiaohui Guo

On Thu, Jan 30, 2025 at 10:48 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

jmiranda@capfla.com

jwagner@capfla.com

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

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343 Almeria Avenue, Coral Gables, FL 33134

From: Jose MIRANDA
Sent: Friday, January 17, 2025 3:10 PM
To: Xiaohui.Guo2022@gmail.com
Subject: FW: Subpoena photos 3

Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134
cap government

From: James WAGNER <james.wagner@bureauveritas.com>
Sent: Thursday, January 16, 2025 10:06 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Subpoena photos 3

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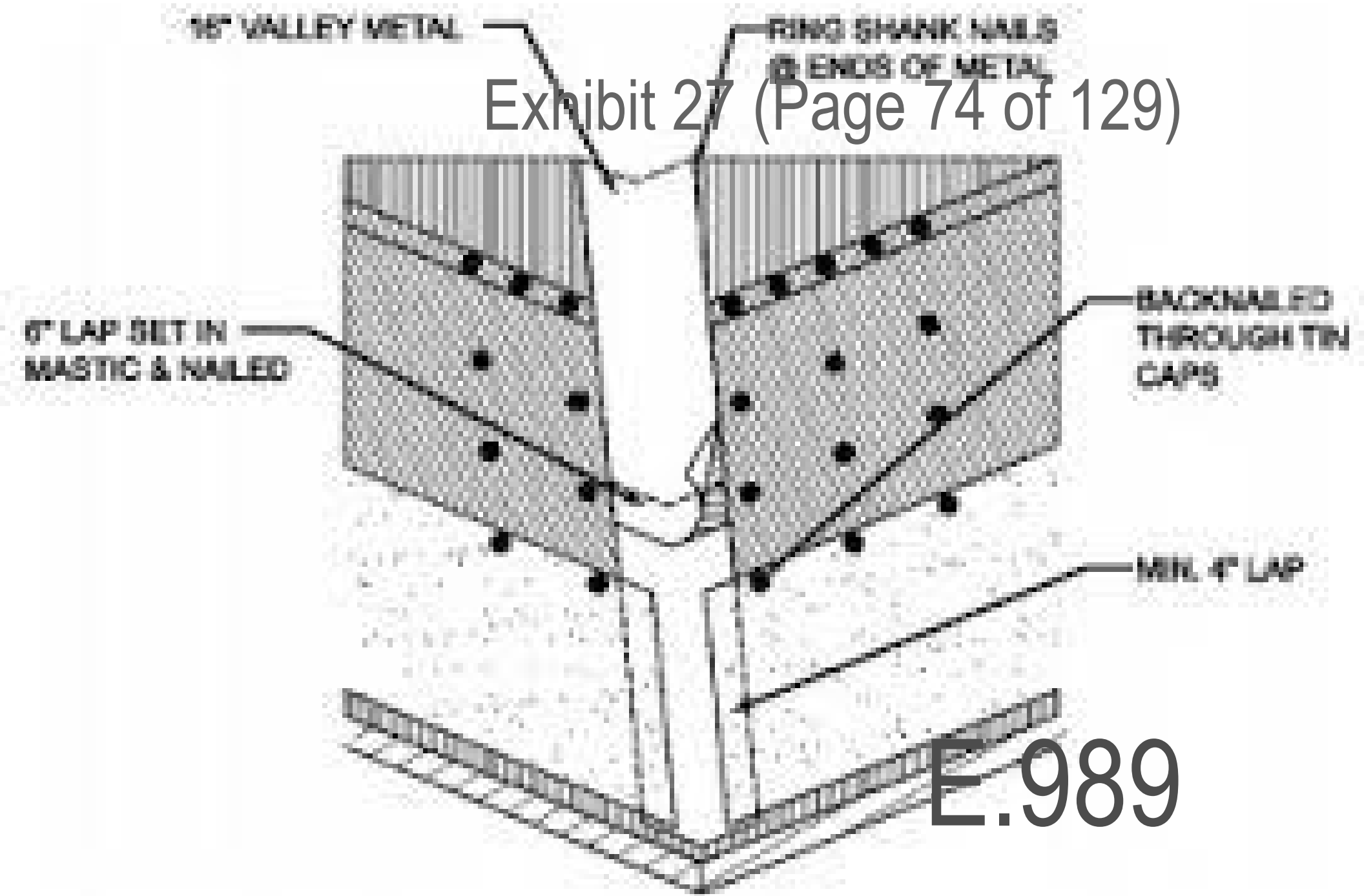
Xiaohui Guo <xiaohui.guo2022@gmail.com> Mon, Feb 10, 2025 at 2:21 PM
To: "Joseph R. Natiello" <JNatiello@wsh-law.com>
Cc: "doug@sotolawgroup.com" <doug@sotolawgroup.com>, Oscar Soto <oscar@sotolawgroup.com>

HI, Mr. Natiello,

I'm including my opponent's both counsels in this email.
Thanks for offering Feb 25 and Feb 26. I will coordinate and let you know.
I already repeatedly request Mr. Wagner to identify when and who took each of the pictures Mr. Wagner provided but Mr. Wagner hasn't answered. Please request Mr. Wagner to identify when and who took each of the pictures he provided by February 12th, 2025 5PM.
At Mr. Wagner's 02/04/2025 Deposition, I asked him about my texting messages with him and he requested a copy. I'm attaching them to this email. If there is any discrepancy from Mr. Wagner's record, please let me know by tomorrow 5PM.

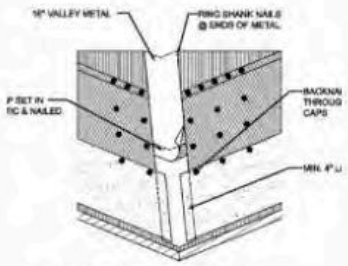
Sincerely,
Xiaohui Guo
[Quoted text hidden]

Wagner Texting.pdf
1170K


16" VALLEY METAL
RING SHANK NAILS @ ENDS OF METAL
6" LAP SET IN MASTIC & NAILED
BACKNAILED THROUGH TIN CAPS
MIN. 4" LAP

Roof Inspector James ...

Friday, May 24, 2024



MMS 8:22 AM

8:48 AM

Hi. Does this picture show peel and stick ?

Yes.... The purpose of that photo is the show that the valley metal is not required to be covered by the peel and stick

8:58 AM

9:42 AM

Thanks. What are the black dots please?

Saturday, May 25, 2024

Good morning, James.

Even if the valley metal is not required to be covered by the peel and stick, the peel and stick can stick at the edge of the valley met when it was newly peeled

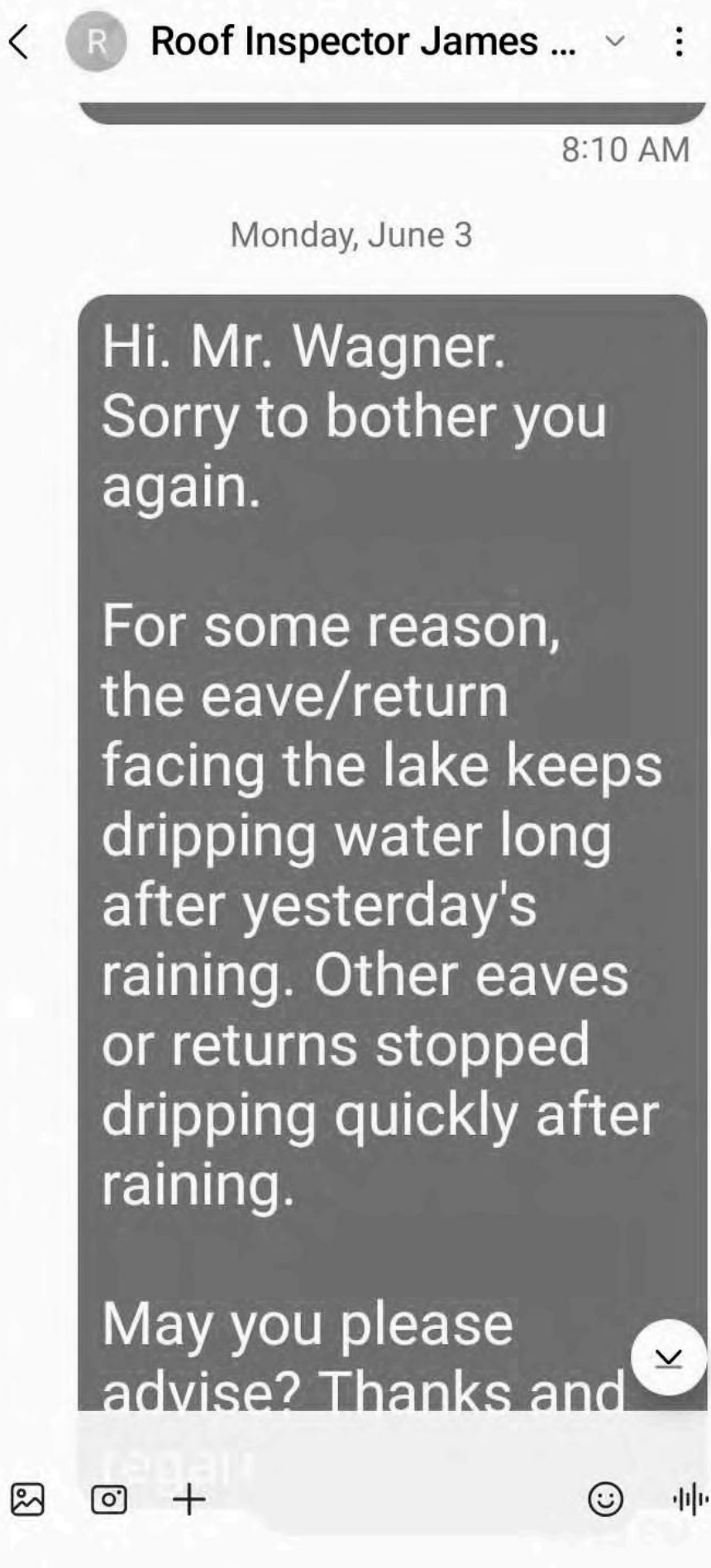
Me

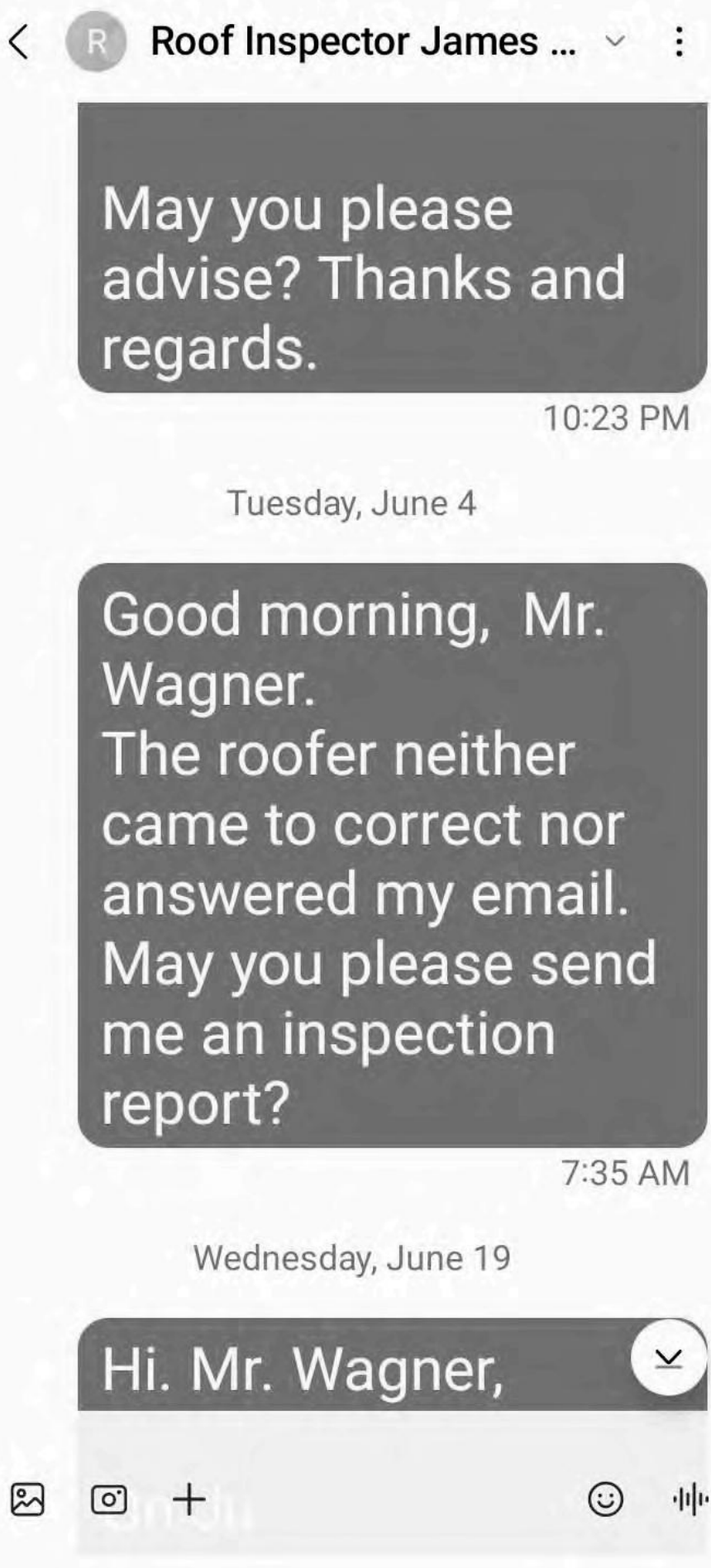
8:10 AM, May 25

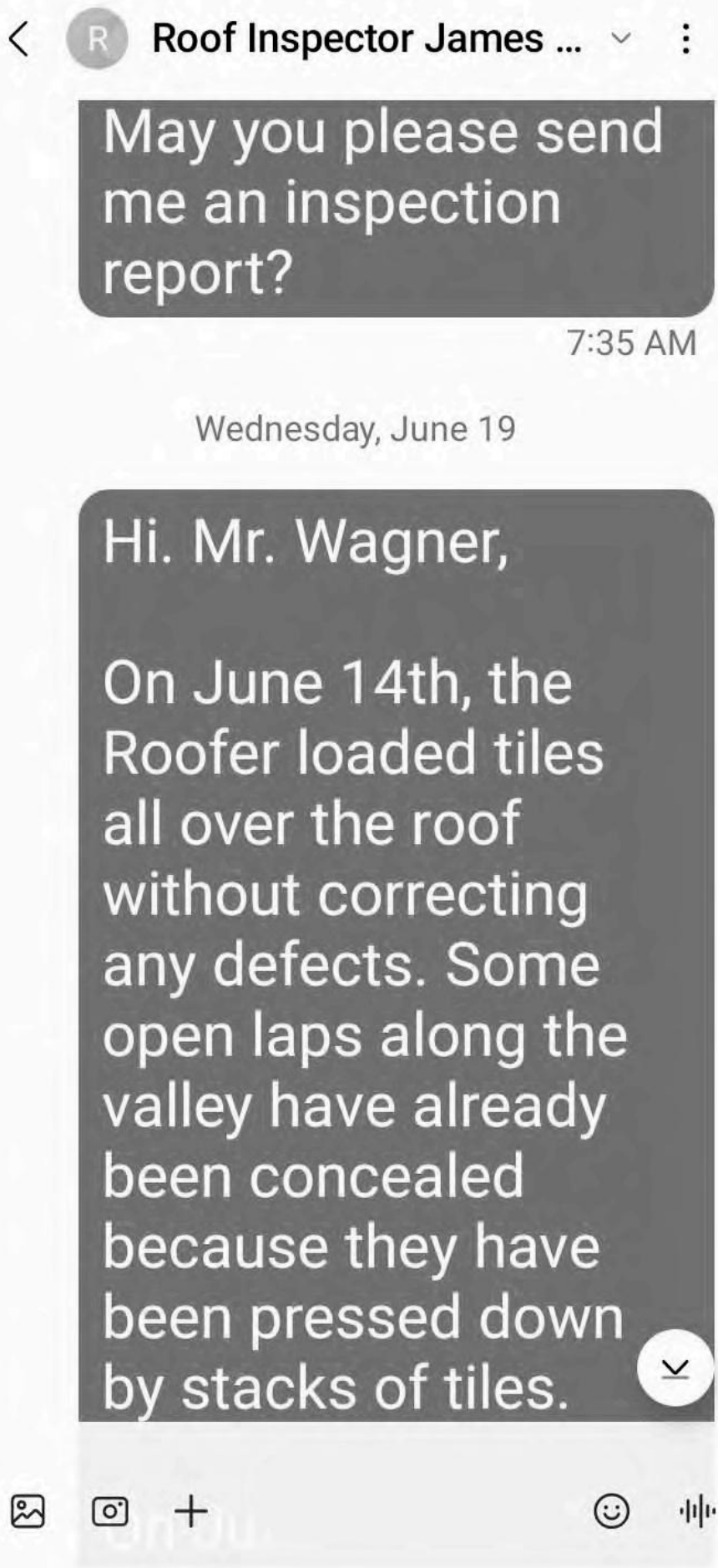
Good morning, James.

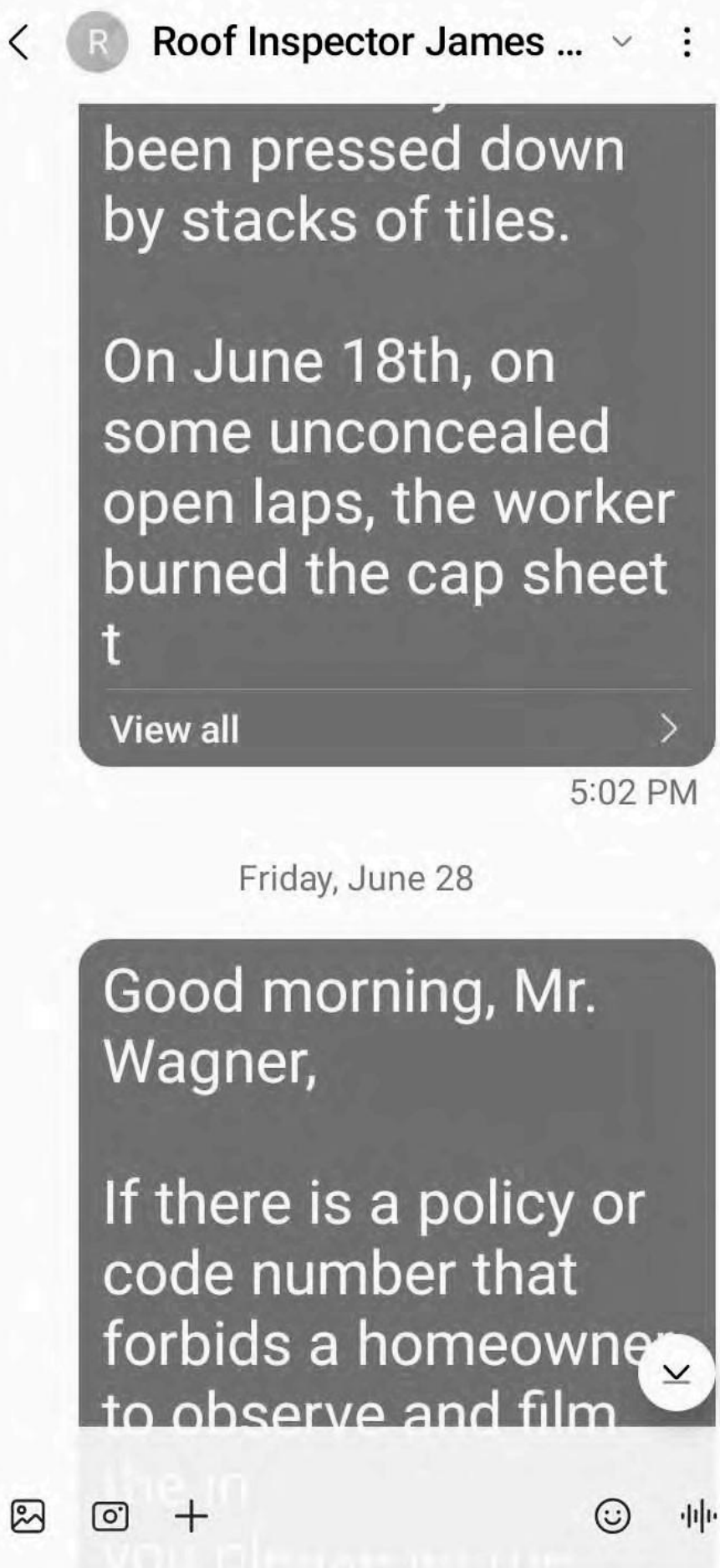
Even if the valley metal is not required to be covered by the peel and stick, the peel and stick can stick at the edge of the valley metal when it was newly peeled off.

However, because the peel and stick has been peeled off for almost two months and exposed to UV and dust, it may not stick on the edge of valley metal any more if the laps are cut open.


Roof Inspector James ...
8:10 AM
Monday, June 3
Hi. Mr. Wagner.
Sorry to bother you again.
For some reason, the eave/return facing the lake keeps dripping water long after yesterday's raining. Other eaves or returns stopped dripping quickly after raining.
May you please advise? Thanks and


Roof Inspector James ...
May you please advise? Thanks and regards.
10:23 PM
Tuesday, June 4
Good morning, Mr. Wagner.
The roofer neither came to correct nor answered my email.
May you please send me an inspection report?
7:35 AM
Wednesday, June 19
Hi. Mr. Wagner,


Roof Inspector James ...
May you please send me an inspection report?
7:35 AM
Wednesday, June 19
Hi. Mr. Wagner,
On June 14th, the Roofer loaded tiles all over the roof without correcting any defects. Some open laps along the valley have already been concealed because they have been pressed down by stacks of tiles.


Roof Inspector James ...
been pressed down by stacks of tiles.
On June 18th, on some unconcealed open laps, the worker burned the cap sheet t
View all
5:02 PM
Friday, June 28
Good morning, Mr. Wagner,
If there is a policy or code number that forbids a homeowne
to observe and film

Me
5:02 PM, Jun 19

Hi. Mr. Wagner,

On June 14th, the Roofer loaded tiles all over the roof without correcting any defects. Some open laps along the valley have already been concealed because they have been pressed down by stacks of tiles.

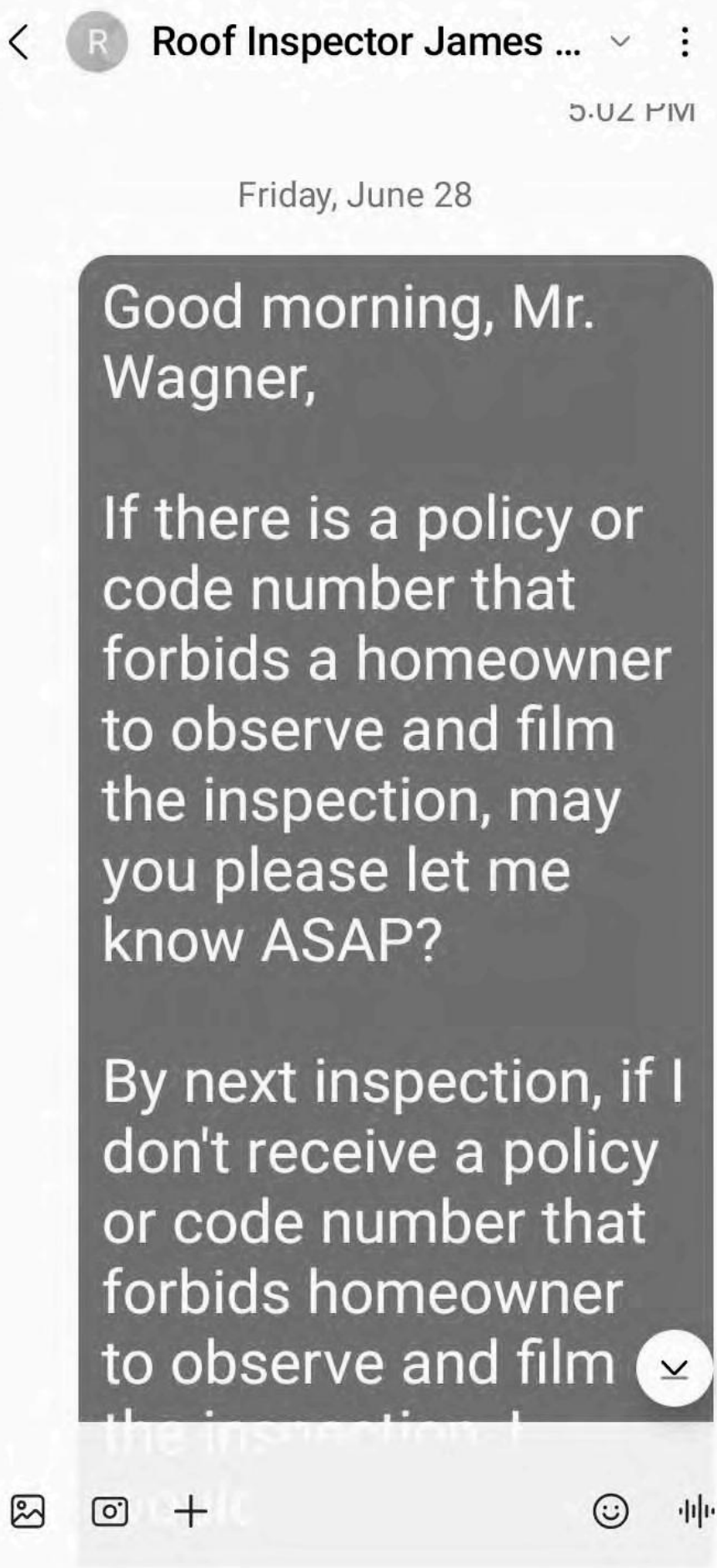
On June 18th, on some unconcealed open laps, the worker burned the cap sheet to pressed it down. The worker skipped all concealed open laps. I requested the Roofer to repair the concealed open laps but the Roofer refused.

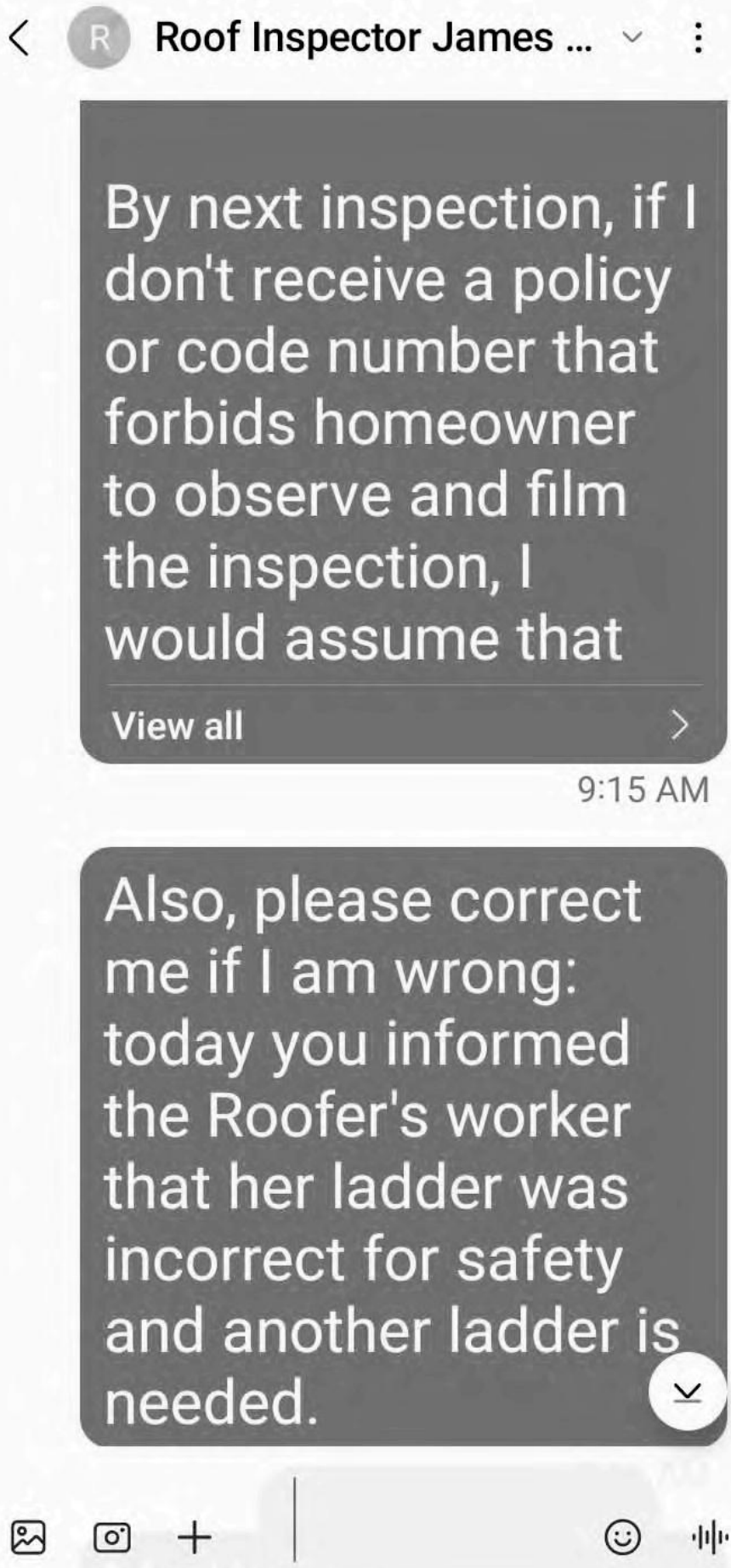
Can you please knock my door when you arrive so I can show you the concealed defects?

Also, is burning the cap sheet a correct method to repair? Was the cap sheet thinned by burning? Will the cap sheet bounce back in the future?

Thanks and regards.

Copy text Share More


Roof Inspector James ...
5:02 PM
Friday, June 28
Good morning, Mr. Wagner,
If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?
By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film


Roof Inspector James ...
By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that
View all
9:15 AM
Also, please correct me if I am wrong: today you informed the Roofer's worker that her ladder was incorrect for safety and another ladder is needed.

Me
9:15 AM, Jun 28

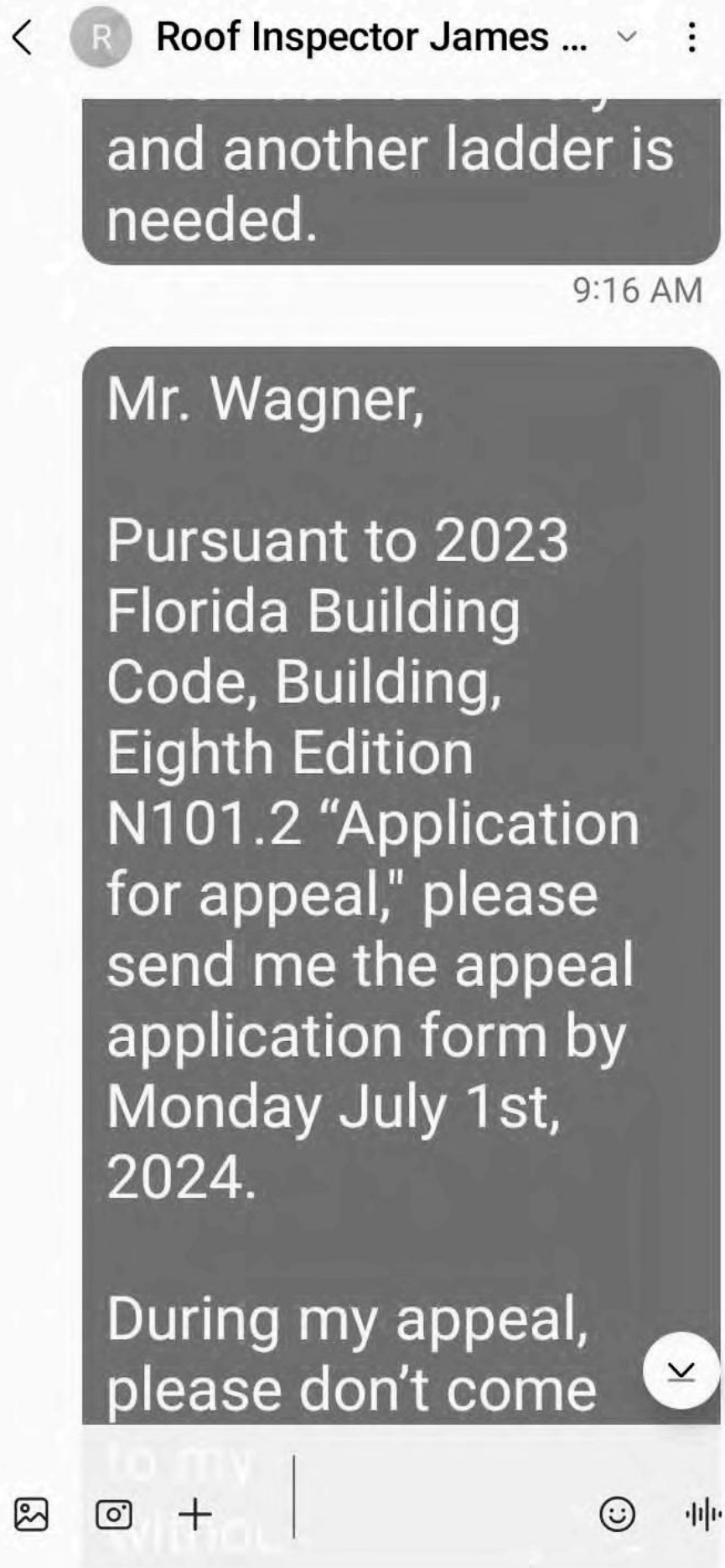
Good morning, Mr. Wagner,

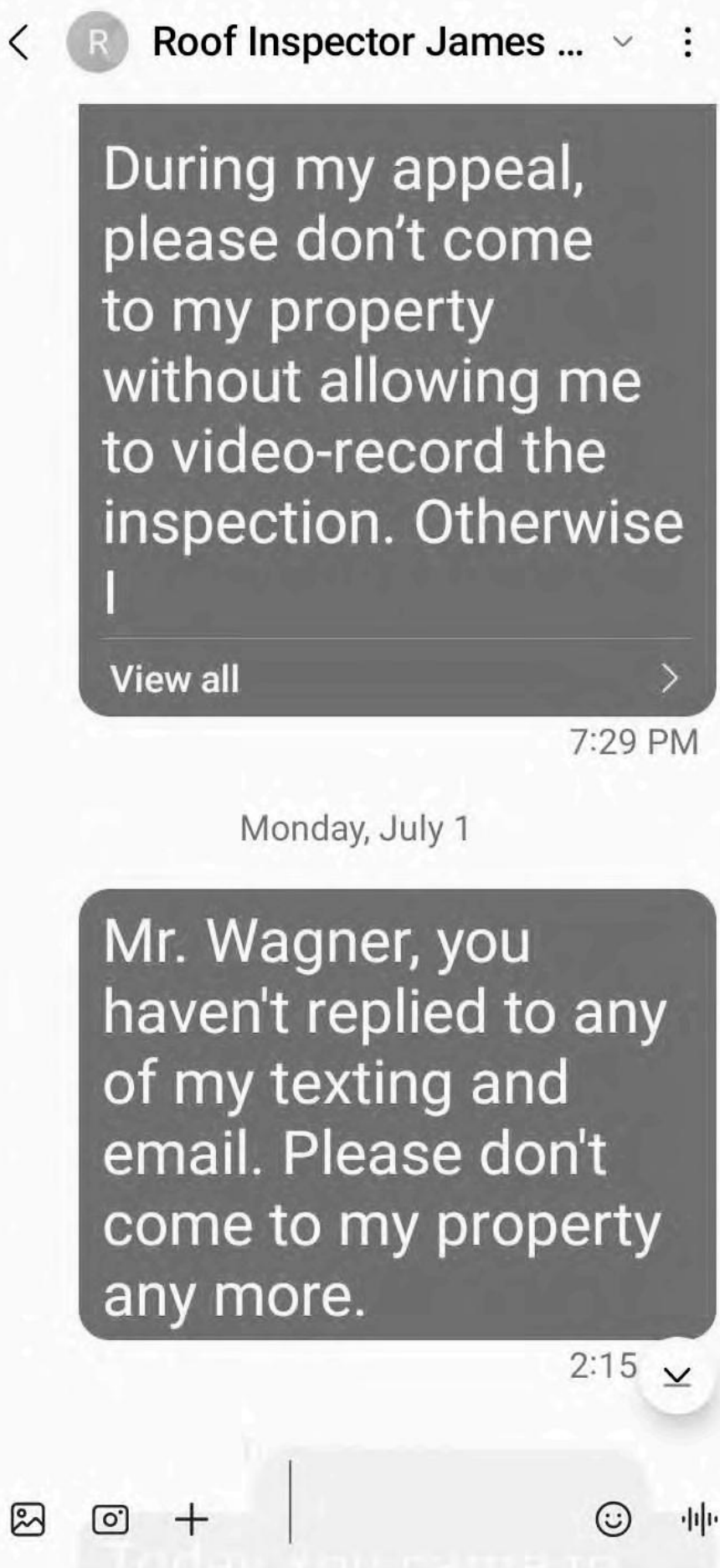
If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?

By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that there isn't such policy or code number.

Thanks and regards.

Copy text Share More


Roof Inspector James ...
and another ladder is needed.
9:16 AM
Mr. Wagner,
Pursuant to 2023 Florida Building Code, Building, Eighth Edition N101.2 “Application for appeal," please send me the appeal application form by Monday July 1st, 2024.
During my appeal, please don’t come


Roof Inspector James ...
During my appeal, please don't come to my property without allowing me to video-record the inspection. Otherwise I
View all
7:29 PM
Monday, July 1
Mr. Wagner, you haven't replied to any of my texting and email. Please don't come to my property any more.
2:15

Me
7:29 PM, Jun 28

Mr. Wagner,

Pursuant to 2023 Florida Building Code, Building, Eighth Edition N101.2 “Application for appeal," please send me the appeal application form by Monday July 1st, 2024.

During my appeal, please don’t come to my property without allowing me to video-record the inspection. Otherwise I will hold you trespassing.

Have a nice weekend.

Copy text Share More

Roof Inspector James ...
Monday, July 1
Mr. Wagner, you haven't replied to any of my texting and email. Please don't come to my property any more.
2:15 PM
Tuesday, July 2
Today You came to my property without a ladder or notice.
3:15 PM
You didn't even come to my property at all
3:16 PM

Joseph R. Natiello <JNatiello@wsh-law.com> Tue, Feb 11, 2025 at 11:21 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: "doug@sotolawgroup.com" <doug@sotolawgroup.com>, Oscar Soto <oscar@sotolawgroup.com>

Hi Ms. Guo,

I look forward to hearing from you on those later February dates.

Regarding your previous questions to Mr. Wagner: those are questions to be asked at the deposition, not in an email. You as a party to the litigation do not have the right to ask him questions outside the presence of a court reporter and the opposing party.

Mr. Wagner will be happy to answer your questions at the deposition.

Take care,

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

[Quoted text hidden]

Xiaohui Guo <xiaohui.guo2022@gmail.com> Tue, Feb 11, 2025 at 8:39 PM
To: "Joseph R. Natiello" <JNatiello@wsh-law.com>
Cc: "doug@sotolawgroup.com" <doug@sotolawgroup.com>, Oscar Soto <oscar@sotolawgroup.com>

Mr. Clark and Mr. Soto,

Mr. Natiello's 02/10/2025 2:21PM offered February 26th, 2025 and February 27th, 2025. As of now, you haven't raised any objection. So I take it that you will be available on both days from 9 to 5.

Xiaohui Guo
[Quoted text hidden]

Douglas J Clarke <doug@sotolawgroup.com> Wed, Feb 12, 2025 at 8:41 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>, "Joseph R. Natiello" <JNatiello@wsh-law.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>

Good morning, Ms. Guo,

It is quite presumptuous of you to assume I am available the entire day on 26th or 27th. I know this will continue to fall on deaf ears, but the Court's procedures allow an opposing party 48 hours to respond to any scheduling requests. Based on your below email, you have only represented that you will "coordinate" and let Mr.

Natiello know. As of yet, you have not specifically emailed me to *ask* if I am available, nor have you made any assertion that you are available on those dates provided by Mr. Natiello.

Are you planning on deposing Mr. Wagner a full day? If so, I would like to do the 26th.

Thank you,

Doug

[Quoted text hidden]

Xiaohui Guo <xiaohui.guo2022@gmail.com> Wed, Feb 12, 2025 at 8:50 AM
To: Douglas J Clarke <doug@sotolawgroup.com>
Cc: "Joseph R. Natiello" <JNatiello@wsh-law.com>, Oscar Soto <Oscar@sotolawgroup.com>
Bcc: Michael Van Cleve <michael@michaelvancleve law.com>

Mr. Clarke and Mr. Soto,

Would either of you be available on February 27th for the whole day?

(Mr. Clarke, as per your 02/12/2025 8:41AM email, please still keep the whole day of February 26th open until I decide).

Xiaohui Guo
[Quoted text hidden]

Douglas J Clarke <doug@sotolawgroup.com> Wed, Feb 12, 2025 at 10:14 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: "Joseph R. Natiello" <JNatiello@wsh-law.com>, Oscar Soto <Oscar@sotolawgroup.com>

Ms. Guo,

I will be filing a motion in regard to your 2/6 deposition, and the earliest I will be able to set it for hearing would be the 27th, since the transcript will not be ready until the 25th. I plan on filing the Motion early next week and then supplementing it once I have the transcript. The hearing would probably be a 15 min special set. The Court presently has availability on the 27th from 10-11:45am; the 28th from 1:15-3:30pm and March 3 from 9:30am-12pm. However, the 27th or 28th is best for me.

So, if you need to depose Mr. Wagner on the 27th, I would ask you either agree to start after the hearing in the morning, or, please agree to be available on the 28th.

Let me know.

Thanks,

[Quoted text hidden]

Joseph R. Natiello <JNatiello@wsh-law.com> Wed, Feb 12, 2025 at 2:20 PM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>, Douglas J Clarke <doug@sotolawgroup.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>

Ms. Guo,

Allow me to clarify: I am not making myself or my client available for a deposition that takes the entire day: My calendar is open for the deposition to be set at most any time during those days. Tell me how much time you will need for the ***second*** deposition of Mr. Wagner, but it will not be for the entire day as I have other clients and other litigations to address.

JOE
NATIELLO
PARTNER

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United States Supreme Court Bar – 2016

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 12, 2025 8:50 AM
To: Douglas J Clarke <doug@sotolawgroup.com>

[Quoted text hidden]

[Quoted text hidden]

Joseph R. Natiello <JNatiello@wsh-law.com>
To: Douglas J Clarke <doug@sotolawgroup.com>, Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>

Good evening,

I am unavailable on the 28th.

JOE
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PARTNER

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Douglas J Clarke <doug@sotolawgroup.com>
Sent: Wednesday, February 12, 2025 10:15 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: RE: FW: Confirm Feb 4 2025 9AM deposition

Ms. Guo,

I will be filing a motion in regard to your 2/6 deposition, and the earliest I will be able to set it for hearing would be the 27th, since the transcript will not be ready until the 2 Motion early next week and then supplementing it once I have the transcript. The hearing would probably be a 15 min special set. The Court presently has availability on the 28th from 1:15-3:30pm and March 3 from 9:30am-12pm. However, the 27th or 28th is best for me.

So, if you need to depose Mr. Wagner on the 27th, I would ask you either agree to start after the hearing in the morning, or, please agree to be available on the 28th.

Let me know.

Thanks,

Doug

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 12, 2025 8:50 AM
To: Douglas J Clarke <doug@sotolawgroup.com>
Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Clarke and Mr. Soto,

Would either of you be available on February 27th for the whole day?

(Mr. Clarke, as per your 02/12/2025 8:41AM email, please still keep the whole day of February 26th open until I decide).

Xiaohui Guo

On Wed, Feb 12, 2025 at 8:41 AM Douglas J Clarke <doug@sotolawgroup.com> wrote:

> Good morning, Ms. Guo,
>
> It is quite presumptuous of you to assume I am available the entire day on 26th or 27th. I know this will continue to fall on deaf ears, but the Court's procedures allow a to respond to any scheduling requests. Based on your below email, you have only represented that you will "coordinate" and let Mr. Natiello know. As of yet, you have to *ask* if I am available, nor have you made any assertion that *you* are available on those dates provided by Mr. Natiello.
>
> Are you planning on deposing Mr. Wagner a full day? If so, I would like to do the 26th.
>
> Thank you,
>
> Doug
>
> ---
>
> **From:** Xiaohui Guo <xiaohui.guo2022@gmail.com>
> **Sent:** Tuesday, February 11, 2025 8:39 PM
> **To:** Joseph R. Natiello <JNatiello@wsh-law.com>
> **Cc:** Douglas J Clarke <doug@sotolawgroup.com>; Oscar Soto <Oscar@sotolawgroup.com>
> **Subject:** Re: FW: Confirm Feb 4 2025 9AM deposition
>
> Mr. Clark and Mr. Soto,
>
> Mr. Natiello's 02/10/2025 2:21PM offered February 26th, 2025 and February 27th, 2025. As of now, you haven't raised any objection. So I take it that you will be available on both days from

On Tue, Feb 11, 2025 at 11:21 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

Hi Ms. Guo,

I look forward to hearing from you on those later February dates.

Regarding your previous questions to Mr. Wagner: those are questions to be asked at the deposition, not in an email. You as a party to the litigation do not have th outside the presence of a court reporter and the opposing party.

Mr. Wagner will be happy to answer your questions at the deposition.

Take care,

JOE
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PARTNER

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 10, 2025 2:22 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: doug@sotolawgroup.com; Oscar Soto <oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

HI, Mr. Natiello,

I'm including my opponent's both counsels in this email.

Thanks for offering Feb 25 and Feb 26. I will coordinate and let you know.

I already repeatedly request Mr. Wagner to identify when and who took each of the pictures Mr. Wagner provided but Mr. Wagner hasn't answered. Please request Mr. Wagner to identify the pictures he provided by February 12th, 2025 5PM.

At Mr. Wagner's 02/04/2025 Deposition, I asked him about my texting messages with him and he requested a copy. I'm attaching them to this email. If there is any discrepancy from Mr. \ know by tomorrow 5PM.

Sincerely,

Xiaohui Guo

On Mon, Feb 10, 2025 at 8:58 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

Good morning Ms. Guo,

I represent the City of Weston, and for this matter Mr. Wagner.

From here forward all communications with Mr. Wagner must go through me.

Neither Mr. Wagner nor myself are available for deposition on the proposed dates.

We are, however, available on February 26th or 27th.

JOE
NATIELLO
PARTNER

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United States Supreme Court Bar – 2016

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 5, 2025 12:28:51 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; jwagner@westonfl.org <jwagner@westonfl.org>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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---

Mr. Wagner,

As I requested during yesterday's deposition, by 5PM February 7th, 2025, please identify when and who took each of the pictures you provided, otherwise I will seek the Court's help.

Also, I would like to continue your deposition either on February 10th or February 12th, 2025, please let me know which day is good for you.

Thanks,

Xiaohui Guo

On Tue, Feb 4, 2025 at 12:28 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

On Tue, Feb 4, 2025 at 9:34 AM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

On Mon, Feb 3, 2025 at 7:13 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

-

https://link.edgepilot.com/s/5381a607/acc9Hv2pf0lNy79uJLtE3g?u=https://us06web.zoom.us/j/85044408688?pwd=hMmmEMYGpLCVtw52Vagm8b

Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Mon, Feb 3, 2025 at 3:11 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

Please use the following email for Mr. Wagner:

jwagner@westonfl.org

Please be so kind as to change to the Weston email. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:57 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

-

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Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Thu, Jan 30, 2025 at 9:48 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> The attached please see Notice of Taking Deposition. Thanks. Xiaohui Guo
>
> On Thu, Jan 30, 2025 at 10:48 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:
>
> > jmiranda@capfla.com
> >
> > jwagner@capfla.com

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

https://link.edgepilot.com/s/279da27b/N_aUn5ZoClmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com

343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 10:25 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Hi, Ms. Miranda,

Mr. Wagner was served on December 26th, 2025. According to the Court stamped Subpoena served on him, you should have raised your objection by January 5th, 2(request extension.

My 01/30/2025 4:47AM Email was a courtesy reminder for you. Because your 01/30/2025 9:23AM email indicated that Monday is less busy, I even requested my Cou from February 4th, 2025 to Monday February 3rd, 2025, which is another courtesy from me. Because you rejected Monday February 3rd, 2025, now I have to request Mr. Wagner's deposition back to February 4th, 2025.

Also, due to the Court's trial schedule, I cannot extend Mr. Wagner's deposition.

If Mr. Wagner fails to show up on February 4th, 2025, I will seek the Court's sanction.

See you on February 4th, 2025. I will email you the Zoom instructions.

Thanks and regards,

Xiaohui Guo

On Thu, Jan 30, 2025 at 10:10 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

> Ms. Xiaohui:
>
> I would recommend that you contact your attorney, OPC, and agree on a date.
>
> We are available Monday, Feb 10 any day that week other than Friday.
>
> We are available Monday, Feb 17, any that week other than Friday.
>
> Please let me know as we are not available the week of February 3, 2025.

Jose E. Miranda, J.D.
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O 305.448.1711 x 3422
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343 Almeria Avenue, Coral Gables, FL 33134

cap government

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Sent: Thursday, January 30, 2025 9:53 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Hi, Mr. Miranda,

I hope you have requested the extension earlier. I already scheduled another witness on February 10th. The best I can do is to schedule Mr. Wagner on February 3 whether my opponent's Counsel is available. Would that help?

Thanks,

Xiaohui Guo

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>
> We would like to extend the date/time of the deposition to Monday, February 10, 2025 at 10:00 A.M., Mondays are usually Mr. Wagner's less b
>
> Please advise.

Jose E. Miranda, J.D.
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Subject: Confirm Feb 4 2025 9AM deposition

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---

Hi, Mr. Miranda,

By 12PM today, can you please confirm that Mr. Wagner will appear for his deposition? Thank you,

Xiaohui Guo

On Wed, Jan 22, 2025, 4:03 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> Thanks, Mr. Miranda,
>
> However, again, none of the pictures I received were taken by Mr. Wagner himself.
>
> On Wed, Jan 22, 2025 at 3:58 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:
>
> > Xiaohui:

This is the third email of 3, please confirm receipt.

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343 Almeria Avenue, Coral Gables, FL 33134

From: Jose MIRANDA
Sent: Friday, January 17, 2025 3:10 PM
To: Xiaohui.Guo2022@gmail.com
Subject: FW: Subpoena photos 3

Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
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343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
Sent: Thursday, January 16, 2025 10:06 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Subpoena photos 3

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suspicious content is detected, you will see a warning.

Douglas J Clarke <doug@sotolawgroup.com>
To: "Joseph R. Natiello" <JNatiello@wsh-law.com>, Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>

Mr. Natiello, while we await Ms. Guo's response to your email from earlier this afternoon, I just want to clarify my prior email this morning so that there is no confusion for

I will be filing, unrelated to Mr. Wagner's deposition, a motion as to Ms. Guo's 2/6 deposition. I would prefer to hear said motion on the 27th or the 28th. The Court current 11:45am available on the 27th. So, I would ask that, if possible, we either have Mr. Wagner's deposition on the 26th, or start Mr. Wagner's deposition sometime in the afte Ms. Guo and I can have the hearing that morning. If Ms. Guo cannot agree to that, I would ask that she please agree to make herself available for my hearing on the 28th compromise. I am not asking to have Mr. Wagner's deposition on the 28th.

Thank you,

Doug

From: Joseph R. Natiello <JNatiello@wsh-law.com>
Sent: Wednesday, February 12, 2025 4:59 PM
To: Douglas J Clarke <doug@sotolawgroup.com>; Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>
Subject: RE: FW: Confirm Feb 4 2025 9AM deposition

Good evening,

I am unavailable on the 28th.

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

WEISS SEROTA
HELFMAN COLE + BIERMAN

200 E. Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 E: jnatiello@wsh-law.com Bio | wsh-law.com | vCards

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Douglas J Clarke <doug@sotolawgroup.com>
Sent: Wednesday, February 12, 2025 10:15 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>

Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: RE: FW: Confirm Feb 4 2025 9AM deposition

Ms. Guo,

I will be filing a motion in regard to your 2/6 deposition, and the earliest I will be able to set it for hearing would be the 27th, since the transcript will not be ready until the 2 Motion early next week and then supplementing it once I have the transcript. The hearing would probably be a 15 min special set. The Court presently has availability on the 28th from 1:15-3:30pm and March 3 from 9:30am-12pm. However, the 27th or 28th is best for me.

So, if you need to depose Mr. Wagner on the 27th, I would ask you either agree to start after the hearing in the morning, or, please agree to be available on the 28th.

Let me know.

Thanks,

Doug

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 12, 2025 8:50 AM
To: Douglas J Clarke <doug@sotolawgroup.com>
Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Clarke and Mr. Soto,

Would either of you be available on February 27th for the whole day?

(Mr. Clarke, as per your 02/12/2025 8:41AM email, please still keep the whole day of February 26th open until I decide).

Xiaohui Guo

On Wed, Feb 12, 2025 at 8:41 AM Douglas J Clarke <doug@sotolawgroup.com> wrote:

> Good morning, Ms. Guo,
>
> It is quite presumptuous of you to assume I am available the entire day on 26th or 27th. I know this will continue to fall on deaf ears, but the Court's procedures allow a to respond to any scheduling requests. Based on your below email, you have only represented that you will "coordinate" and let Mr. Natiello know. As of yet, you have to *ask* if I am available, nor have you made any assertion that *you* are available on those dates provided by Mr. Natiello.
>
> Are you planning on deposing Mr. Wagner a full day? If so, I would like to do the 26th.
>
> Thank you,
>
> Doug
>
> ---
>
> **From:** Xiaohui Guo <xiaohui.guo2022@gmail.com>
> **Sent:** Tuesday, February 11, 2025 8:39 PM
> **To:** Joseph R. Natiello <JNatiello@wsh-law.com>
> **Cc:** Douglas J Clarke <doug@sotolawgroup.com>; Oscar Soto <Oscar@sotolawgroup.com>
> **Subject:** Re: FW: Confirm Feb 4 2025 9AM deposition
>
> Mr. Clark and Mr. Soto,
>
> Mr. Natiello's 02/10/2025 2:21PM offered February 26th, 2025 and February 27th, 2025. As of now, you haven't raised any objection. So I take it that you will be available on both days from

On Tue, Feb 11, 2025 at 11:21 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

Hi Ms. Guo,

I look forward to hearing from you on those later February dates.

Regarding your previous questions to Mr. Wagner: those are questions to be asked at the deposition, not in an email. You as a party to the litigation do not have th outside the presence of a court reporter and the opposing party.

Mr. Wagner will be happy to answer your questions at the deposition.

Take care,

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

WEISS SEROTA
HELFMAN COLE + BIERMAN

200 E. Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 E: jnatiello@wsh-law.com Bio | wsh-law.com | vCards

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 10, 2025 2:22 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: doug@sotolawgroup.com; Oscar Soto <oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

HI, Mr. Natiello,

I'm including my opponent's both counsels in this email.

Thanks for offering Feb 25 and Feb 26. I will coordinate and let you know.

I already repeatedly request Mr. Wagner to identify when and who took each of the pictures Mr. Wagner provided but Mr. Wagner hasn't answered. Please request Mr. Wagner to identify the pictures he provided by February 12th, 2025 5PM.

At Mr. Wagner's 02/04/2025 Deposition, I asked him about my texting messages with him and he requested a copy. I'm attaching them to this email. If there is any discrepancy from Mr. \ know by tomorrow 5PM.

Sincerely,

Xiaohui Guo

On Mon, Feb 10, 2025 at 8:58 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

Good morning Ms. Guo,

I represent the City of Weston, and for this matter Mr. Wagner.

From here forward all communications with Mr. Wagner must go through me.

Neither Mr. Wagner nor myself are available for deposition on the proposed dates.

We are, however, available on February 26th or 27th.

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

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From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 5, 2025 12:28:51 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; jwagner@westonfl.org <jwagner@westonfl.org>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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---

Mr. Wagner,

As I requested during yesterday's deposition, by 5PM February 7th, 2025, please identify when and who took each of the pictures you provided, otherwise I will seek the Court's help.

Also, I would like to continue your deposition either on February 10th or February 12th, 2025, please let me know which day is good for you.

Thanks,

Xiaohui Guo

On Tue, Feb 4, 2025 at 12:28 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

On Tue, Feb 4, 2025 at 9:34 AM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

On Mon, Feb 3, 2025 at 7:13 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

-

https://link.edgepilot.com/s/5381a607/acc9Hv2pf0lNy79uJLtE3g?u=https://us06web.zoom.us/j/85044408688?pwd=hMmmEMYGpLCVtw52Vagm8b

Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Mon, Feb 3, 2025 at 3:11 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

Please use the following email for Mr. Wagner:

jwagner@westonfl.org

Please be so kind as to change to the Weston email. Thank you.

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

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343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:57 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

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>
> > jmiranda@capfla.com
> >
> > jwegner@capfla.com

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cap government

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Hi, Ms. Miranda,

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Also, due to the Court's trial schedule, I cannot extend Mr. Wagner's deposition.

If Mr. Wagner fails to show up on February 4th, 2025, I will seek the Court's sanction.

See you on February 4th, 2025. I will email you the Zoom instructions.

Thanks and regards,

Xiaohui Guo

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> Ms. Xiaohui:
>
> I would recommend that you contact your attorney, OPC, and agree on a date.
>
> We are available Monday, Feb 10 any day that week other than Friday.
>
> We are available Monday, Feb 17, any that week other than Friday.
>
> Please let me know as we are not available the week of February 3, 2025.

Jose E. Miranda, J.D.
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Thanks,

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>
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>
> Please advise.

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Subject: Confirm Feb 4 2025 9AM deposition

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---

Hi, Mr. Miranda,

By 12PM today, can you please confirm that Mr. Wagner will appear for his deposition? Thank you,

Xiaohui Guo

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>
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>
> > Xiaohui:

This is the third email of 3, please confirm receipt.

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343 Almeria Avenue, Coral Gables, FL 33134

From: Jose MIRANDA
Sent: Friday, January 17, 2025 3:10 PM
To: Xiaohui.Guo2022@gmail.com
Subject: FW: Subpoena photos 3

Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.
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To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Subpoena photos 3

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suspicious content is detected, you will see a warning.

Xiaohui Guo <xiaohui.guo2022@gmail.com> Wed, Feb 12, 2025 at 9:57 PM
To: "Joseph R. Natiello" <JNatiello@wsh-law.com>
Cc: Douglas J Clarke <doug@sotolawgroup.com>, Oscar Soto <Oscar@sotolawgroup.com>

Mr. Natiello,

I will need an entire day from 8AM to 5PM to continue Mr. Wagner's deposition.

Xiaohui Guo
[Quoted text hidden]

Joseph R. Natiello <JNatiello@wsh-law.com>
To: Douglas J Clarke <doug@sotolawgroup.com>, Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>

Good morning Mr. Clarke – thank you for clarifying. I am amenable to your proposal for scheduling on the 26th or the afternoon of the 27th.

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

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200 E. Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 E: jnatiello@wsh-law.com Bio | wsh-law.com | vCards

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Douglas J Clarke <doug@sotolawgroup.com>
Sent: Wednesday, February 12, 2025 5:33 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>; Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>
Subject: RE: FW: Confirm Feb 4 2025 9AM deposition

Mr. Natiello, while we await Ms. Guo's response to your email from earlier this afternoon, I just want to clarify my prior email this morning so that there is no confusion for

I will be filing, unrelated to Mr. Wagner's deposition, a motion as to Ms. Guo's 2/6 deposition. I would prefer to hear said motion on the 27th or the 28th. The Court current 11:45am available on the 27th. So, I would ask that, if possible, we either have Mr. Wagner's deposition on the 26th, or start Mr. Wagner's deposition sometime in the afte Ms. Guo and I can have the hearing that morning. If Ms. Guo cannot agree to that, I would ask that she please agree to make herself available for my hearing on the 28th compromise. I am not asking to have Mr. Wagner's deposition on the 28th.

Thank you,

Doug

From: Joseph R. Natiello <JNatiello@wsh-law.com>
Sent: Wednesday, February 12, 2025 4:59 PM
To: Douglas J Clarke <doug@sotolawgroup.com>; Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Oscar Soto <Oscar@sotolawgroup.com>
Subject: RE: FW: Confirm Feb 4 2025 9AM deposition

Good evening,

I am unavailable on the 28th.

JOE
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PARTNER

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Douglas J Clarke <doug@sotolawgroup.com>
Sent: Wednesday, February 12, 2025 10:15 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: RE: FW: Confirm Feb 4 2025 9AM deposition

Ms. Guo,

I will be filing a motion in regard to your 2/6 deposition, and the earliest I will be able to set it for hearing would be the 27th, since the transcript will not be ready until the 2 Motion early next week and then supplementing it once I have the transcript. The hearing would probably be a 15 min special set. The Court presently has availability on the 28th from 1:15-3:30pm and March 3 from 9:30am-12pm. However, the 27th or 28th is best for me.

So, if you need to depose Mr. Wagner on the 27th, I would ask you either agree to start after the hearing in the morning, or, please agree to be available on the 28th.

Let me know.

Thanks,

Doug

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 12, 2025 8:50 AM
To: Douglas J Clarke <doug@sotolawgroup.com>
Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Clarke and Mr. Soto,

Would either of you be available on February 27th for the whole day?

(Mr. Clarke, as per your 02/12/2025 8:41AM email, please still keep the whole day of February 26th open until I decide).

Xiaohui Guo

On Wed, Feb 12, 2025 at 8:41 AM Douglas J Clarke <doug@sotolawgroup.com> wrote:

> Good morning, Ms. Guo,
>
> It is quite presumptuous of you to assume I am available the entire day on 26th or 27th. I know this will continue to fall on deaf ears, but the Court's procedures allow a
> to respond to any scheduling requests. Based on your below email, you have only represented that you will "coordinate" and let Mr. Natiello know. As of yet, you have
> to *ask* if I am available, nor have you made any assertion that *you* are available on those dates provided by Mr. Natiello.
>
> Are you planning on deposing Mr. Wagner a full day? If so, I would like to do the 26th.
>
> Thank you,
>
> Doug

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Tuesday, February 11, 2025 8:39 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: Douglas J Clarke <doug@sotolawgroup.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Clark and Mr. Soto,

Mr. Natiello's 02/10/2025 2:21PM offered February 26th, 2025 and February 27th, 2025. As of now, you haven't raised any objection. So I take it that you will be available on both days from

Xiaohui Guo

On Tue, Feb 11, 2025 at 11:21 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

> Hi Ms. Guo,
>
> I look forward to hearing from you on those later February dates.
>
> Regarding your previous questions to Mr. Wagner: those are questions to be asked at the deposition, not in an email. You as a party to the litigation do not have th
> outside the presence of a court reporter and the opposing party.
>
> Mr. Wagner will be happy to answer your questions at the deposition.
>
> Take care,

JOE
NATIELLO
PARTNER

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 10, 2025 2:22 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: doug@sotolawgroup.com; Oscar Soto <oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

HI, Mr. Natiello,

I'm including my opponent's both counsels in this email.

Thanks for offering Feb 25 and Feb 26. I will coordinate and let you know.

I already repeatedly request Mr. Wagner to identify when and who took each of the pictures Mr. Wagner provided but Mr. Wagner hasn't answered. Please request Mr. Wagner to identify the pictures he provided by February 12th, 2025 5PM.

At Mr. Wagner's 02/04/2025 Deposition, I asked him about my texting messages with him and he requested a copy. I'm attaching them to this email. If there is any discrepancy from Mr. \ know by tomorrow 5PM.

Sincerely,

Xiaohui Guo

On Mon, Feb 10, 2025 at 8:58 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

> Good morning Ms. Guo,
>
> I represent the City of Weston, and for this matter Mr. Wagner.
>
> From here forward all communications with Mr. Wagner must go through me.
>
> Neither Mr. Wagner nor myself are available for deposition on the proposed dates.
>
> We are, however, available on February 26th or 27th.

JOE
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From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 5, 2025 12:28:51 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; jwagner@westonfl.org <jwagner@westonfl.org>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Mr. Wagner,

As I requested during yesterday's deposition, by 5PM February 7th, 2025, please identify when and who took each of the pictures you provided, otherwise I will seek the Court's help.

Also, I would like to continue your deposition either on February 10th or February 12th, 2025, please let me know which day is good for you.

Thanks,

Xiaohui Guo

On Tue, Feb 4, 2025 at 12:28 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> On Tue, Feb 4, 2025 at 9:34 AM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:
>
> > On Mon, Feb 3, 2025 at 7:13 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:
> >
> > Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

-

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Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Mon, Feb 3, 2025 at 3:11 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

Please use the following email for Mr. Wagner:

jwagner@westonfl.org

Please be so kind as to change to the Weston email. Thank you.

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

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343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:57 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

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Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Thu, Jan 30, 2025 at 9:48 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

The attached please see Notice of Taking Deposition. Thanks. Xiaohui Guo

On Thu, Jan 30, 2025 at 10:48 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

jmiranda@capfla.com

jwagner@capfla.com

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

https://link.edgepilot.com/s/279da27b/N_aUn5ZoClmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com

343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 10:25 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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---

HI, Ms. Miranda,

Mr. Wagner was served on December 26th, 2025. According to the Court stamped Subpoena served on him, you should have raised your objection by January 5th, 2(request extension.

My 01/30/2025 4:47AM Email was a courtesy reminder for you. Because your 01/30/2025 9:23AM email indicated that Monday is less busy, I even requested my Cou from February 4th, 2025 to Monday February 3rd, 2025, which is another courtesy from me. Because you rejected Monday February 3rd, 2025, now I have to request Mr. Wagner's deposition back to February 4th, 2025.

Also, due to the Court's trial schedule, I cannot extend Mr. Wagner's deposition.

If Mr. Wagner fails to show up on February 4th, 2025, I will seek the Court's sanction.

See you on February 4th, 2025. I will email you the Zoom instructions.

Thanks and regards,

Xiaohui Guo

On Thu, Jan 30, 2025 at 10:10 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

I would recommend that you contact your attorney, OPC, and agree on a date.

We are available Monday, Feb 10 any day that week other than Friday.

We are available Monday, Feb 17, any that week other than Friday.

Please let me know as we are not available the week of February 3, 2025.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUnSZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 9:53 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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---

Hi, Mr. Miranda,

I hope you have requested the extension earlier. I already scheduled another witness on February 10th. The best I can do is to schedule Mr. Wagner on February 3 whether my opponent's Counsel is available. Would that help?

Thanks,

Xiaohui Guo

On Thu, Jan 30, 2025 at 9:23 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

We would like to extend the date/time of the deposition to Monday, February 10, 2025 at 10:00 A.M., Mondays are usually Mr. Wagner's less b

Please advise.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
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343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 4:47 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Confirm Feb 4 2025 9AM deposition

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Hi, Mr. Miranda,

By 12PM today, can you please confirm that Mr. Wagner will appear for his deposition? Thank you,

Xiaohui Guo

On Wed, Jan 22, 2025, 4:03 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> Thanks, Mr. Miranda,
>
> However, again, none of the pictures I received were taken by Mr. Wagner himself.
>
> On Wed, Jan 22, 2025 at 3:58 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:
>
> > Xiaohui:
> >
> > This is the third email of 3, please confirm receipt.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
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From: Jose MIRANDA
Sent: Friday, January 17, 2025 3:10 PM
To: Xiaohui.Guo2022@gmail.com
Subject: FW: Subpoena photos 3

Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
Sent: Thursday, January 16, 2025 10:06 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Subpoena photos 3

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Joseph R. Natiello <JNatiello@wsh-law.com>
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Cc: Douglas J Clarke <doug@sotolawgroup.com>, Oscar Soto <Oscar@sotolawgroup.com>

Ms. Guo,

Provide potential dates in the morning, and we'll see how the deposition goes from there.

JOE
NATIELLO
PARTNER

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From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 12, 2025 9:57 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: Douglas J Clarke <doug@sotolawgroup.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Natiello,

I will need an entire day from 9AM to 5PM to continue Mr. Wagner's deposition.

Xiaohui Guo

On Wed, Feb 12, 2025 at 2:20 PM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

> Ms. Guo,
>
> Allow me to clarify: I am not making myself or my client available for a deposition that takes the entire day: My calendar is open for the deposition to be set at most ar
> Tell me how much time you will need for the ***second*** deposition of Mr. Wagner, but it will not be for the entire day as I have other clients and other litigations to address
>
> JOE
> NATIELLO
> PARTNER
>
>
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From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 12, 2025 8:50 AM
To: Douglas J Clarke <doug@sotolawgroup.com>
Cc: Joseph R. Natiello <JNatiello@wsh-law.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Clarke and Mr. Soto,

Would either of you be available on February 27th for the whole day?

(Mr. Clarke, as per your 02/12/2025 8:41AM email, please still keep the whole day of February 26th open until I decide).

Xiaohui Guo

On Wed, Feb 12, 2025 at 8:41 AM Douglas J Clarke <doug@sotolawgroup.com> wrote:

> Good morning, Ms. Guo,
>
> It is quite presumptuous of you to assume I am available the entire day on 26th or 27th. I know this will continue to fall on deaf ears, but the Court's procedures allow to respond to any scheduling requests. Based on your below email, you have only represented that you will "coordinate" and let Mr. Natiello know. As of yet, you hav to *ask* if I am available, nor have you made any assertion that *you* are available on those dates provided by Mr. Natiello.
>
> Are you planning on deposing Mr. Wagner a full day? If so, I would like to do the 26th.
>
> Thank you,
>
> Doug

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Tuesday, February 11, 2025 8:39 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: Douglas J Clarke <doug@sotolawgroup.com>; Oscar Soto <Oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

Mr. Clark and Mr. Soto,

Mr. Natiello's 02/10/2025 2:21PM offered February 26th, 2025 and February 27th, 2025. As of now, you haven't raised any objection. So I take it that you will be available on both days fr

Xiaohui Guo

On Tue, Feb 11, 2025 at 11:21 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

> Hi Ms. Guo,
>
> I look forward to hearing from you on those later February dates.
>
> Regarding your previous questions to Mr. Wagner: those are questions to be asked at the deposition, not in an email. You as a party to the litigation do not have outside the presence of a court reporter and the opposing party.

Mr. Wagner will be happy to answer your questions at the deposition.

Take care,

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

WEISS SEROTA
HELFMAN COLE + BIERMAN

200 E. Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 E: jnatiello@wsh-law.com Bio | wsh-law.com | vCards

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 10, 2025 2:22 PM
To: Joseph R. Natiello <JNatiello@wsh-law.com>
Cc: doug@sotolawgroup.com; Oscar Soto <oscar@sotolawgroup.com>
Subject: Re: FW: Confirm Feb 4 2025 9AM deposition

HI, Mr. Natiello,

I'm including my opponent's both counsels in this email.

Thanks for offering Feb 25 and Feb 26. I will coordinate and let you know.

I already repeatedly request Mr. Wagner to identify when and who took each of the pictures Mr. Wagner provided but Mr. Wagner hasn't answered. Please request Mr. Wagner to iden the pictures he provided by February 12th, 2025 5PM.

At Mr. Wagner's 02/04/2025 Deposition, I asked him about my texting messages with him and he requested a copy. I'm attaching them to this email. If there is any discrepancy from M know by tomorrow 5PM.

Sincerely,

Xiaohui Guo

On Mon, Feb 10, 2025 at 8:58 AM Joseph R. Natiello <JNatiello@wsh-law.com> wrote:

> Good morning Ms. Guo,
>
> I represent the City of Weston, and for this matter Mr. Wagner.
>
> From here forward all communications with Mr. Wagner must go through me.
>
> Neither Mr. Wagner nor myself are available for deposition on the proposed dates.

We are, however, available on February 26th or 27th.

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Wednesday, February 5, 2025 12:28:51 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; jwagner@westonfl.org <jwagner@westonfl.org>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Mr. Wagner,

As I requested during yesterday's deposition, by 5PM February 7th, 2025, please identify when and who took each of the pictures you provided, otherwise I will seek the Court's hel

Also, I would like to continue your deposition either on February 10th or February 12th, 2025, please let me know which day is good for you.

Thanks,

Xiaohui Guo

On Tue, Feb 4, 2025 at 12:28 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> On Tue, Feb 4, 2025 at 9:34 AM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

On Mon, Feb 3, 2025 at 7:13 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

-

https://link.edgepilot.com/s/5381a607/acc9Hy2pf0lNy79uJLtE3g?u=https://us06web.zoom.us/j/85044408688?pwd=hMmmEMYGpLCVbw52VaqmI

Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Mon, Feb 3, 2025 at 3:11 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

Please use the following email for Mr. Wagner:

jwagner@westonfl.org

Please be so kind as to change to the Weston email. Thank you.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Monday, February 3, 2025 2:57 PM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>; James WAGNER <james.wagner@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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Please see below's Zoom Instructions for 02/04/2025 9AM deposition.

-

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Meeting ID: 850 4440 8688

Passcode: 055142

One tap mobile

+13052241968,,85044408688#,,,,*055142# US

+13126266799,,85044408688#,,,,*055142# US (Chicago)

On Thu, Jan 30, 2025 at 9:48 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> The attached please see Notice of Taking Deposition. Thanks. Xiaohui Guo
>
> On Thu, Jan 30, 2025 at 10:48 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:
>
> > jmiranda@capfla.com
> >
> > jwagner@capfla.com

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

https://link.edgepilot.com/s/279da27b/N_aUn5ZoOkmDFVtywc3UpA?u=http://www.capfla.com/ | jmiranda@capfla.com

343 Almeria Avenue, Coral Gables, FL 33134

cap government

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 10:25 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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---

Hi, Ms. Miranda,

Mr. Wagner was served on December 26th, 2025. According to the Court stamped Subpoena served on him, you should have raised your objection by January 5th, request extension.

My 01/30/2025 4:47AM Email was a courtesy reminder for you. Because your 01/30/2025 9:23AM email indicated that Monday is less busy, I even requested my C from February 4th, 2025 to Monday February 3rd, 2025, which is another courtesy from me. Because you rejected Monday February 3rd, 2025, now I have to reque Mr. Wagner's deposition back to February 4th, 2025.

Also, due to the Court's trial schedule, I cannot extend Mr. Wagner's deposition.

If Mr. Wagner fails to show up on February 4th, 2025, I will seek the Court's sanction.

See you on February 4th, 2025. I will email you the Zoom instructions.

Thanks and regards,

Xiaohui Guo

On Thu, Jan 30, 2025 at 10:10 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

I would recommend that you contact your attorney, OPC, and agree on a date.

We are available Monday, Feb 10 any day that week other than Friday.

We are available Monday, Feb 17, any that week other than Friday.

Please let me know as we are not available the week of February 3, 2025.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3UpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 9:53 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Re: Confirm Feb 4 2025 9AM deposition

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---

Hi, Mr. Miranda,

I hope you have requested the extension earlier. I already scheduled another witness on February 10th. The best I can do is to schedule Mr. Wagner on Februan whether my opponent's Counsel is available. Would that help?

Thanks,

Xiaohui Guo

On Thu, Jan 30, 2025 at 9:23 AM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:

Ms. Xiaohui:

We would like to extend the date/time of the deposition to Monday, February 10, 2025 at 10:00 A.M., Mondays are usually Mr. Wagner's less

Please advise.

Jose E. Miranda, J.D.
Compliance Manager
O 305.448.1711 x 3422
D 786.515.6710
C 786.344.4369
F 305.448.1712
https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.com
343 Almeria Avenue, Coral Gables, FL 33134

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, January 30, 2025 4:47 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Confirm Feb 4 2025 9AM deposition

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Hi, Mr. Miranda,

By 12PM today, can you please confirm that Mr. Wagner will appear for his deposition? Thank you,

Xiaohui Guo

On Wed, Jan 22, 2025, 4:03 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

> Thanks, Mr. Miranda,
>
> However, again, none of the pictures I received were taken by Mr. Wagner himself.
>
> On Wed, Jan 22, 2025 at 3:58 PM Jose MIRANDA <jose.a.miranda@bureauveritas.com> wrote:
>
> > Xiaohui:
> >
> > This is the third email of 3, please confirm receipt.
> >
> > Jose E. Miranda, J.D.
> > Compliance Manager
> > O 305.448.1711 x 3422
> > D 786.515.6710

C 786.344.4369

F 305.448.1712

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343 Almeria Avenue, Coral Gables, FL 33134

From: Jose MIRANDA
Sent: Friday, January 17, 2025 3:10 PM
To: Xiaohui.Guo2022@gmail.com
Subject: FW: Subpoena photos 3

Xiaohui Guo:

I have now sent you 3 emails with photos. Thank you.

Jose E. Miranda, J.D.

Compliance Manager

O 305.448.1711 x 3422

D 786.515.6710

C 786.344.4369

F 305.448.1712

https://link.edgepilot.com/s/279da27b/N_aUn5ZoCkmDFVtywc3JpA?u=http://www.capfla.com/ | jmiranda@capfla.c

343 Almeria Avenue, Coral Gables, FL 33134

From: James WAGNER <james.wagner@bureauveritas.com>
Sent: Thursday, January 16, 2025 10:06 AM
To: Jose MIRANDA <jose.a.miranda@bureauveritas.com>
Subject: Subpoena photos 3

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Xiaohui Guo <xiaohui.guo2022@gmail.com> Fri, Feb 21, 2025 at 5:52 AM
To: "Joseph R. Natiello" <JNatiello@wsh-law.com>, Oscar Soto <oscar@sotolawgroup.com>, Douglas J Clarke <doug@sotolawgroup.com>, Michael Van Cleve <michael@michaelvancleve law.com>

Mr. Natiello,

Attorney Mr. Michael Van Cleve is now representing me in this case. He is unavailable on February 26 or February 27, 2025 for City Inspector Mr. James Wagner's deposition. Please provide other availabilities.
Thanks,

Xiaohui Guo

——— Forwarded message ———
From: **Joseph R. Natiello** <JNatiello@wsh-law.com>
Date: Mon, Feb 10, 2025 at 8:58 AM
Subject: FW: Confirm Feb 4 2025 9AM deposition
To: xiaohui.guo2022@gmail.com <xiaohui.guo2022@gmail.com>
Cc: doug@sotolawgroup.com <doug@sotolawgroup.com>

[Quoted text hidden]

Joseph R. Natiello <JNatiello@wsh-law.com> Fri, Feb 21, 2025 at 10:38 AM
To: Xiaohui Guo <xiaohui.guo2022@gmail.com>, Oscar Soto <oscar@sotolawgroup.com>, Douglas J Clarke <doug@sotolawgroup.com>, Michael Van Cleve <michael@michaelvancleve law.com>

That's excellent news, Ms. Guo.

Mr. Van Cleve – at your convenience, let's schedule a conference concerning the deposition of my client.

I look forward to hearing from you.

Regards,

JOE
NATIELLO
PARTNER

Federal Bureau of Investigation National Academy – 232nd Session

United States Supreme Court Bar – 2016

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200 E. Broward Blvd., Suite 1900 | Fort Lauderdale, FL 33301
P: (954) 763-4242 E: jnatiello@wsh-law.com Bio | wsh-law.com | vCards

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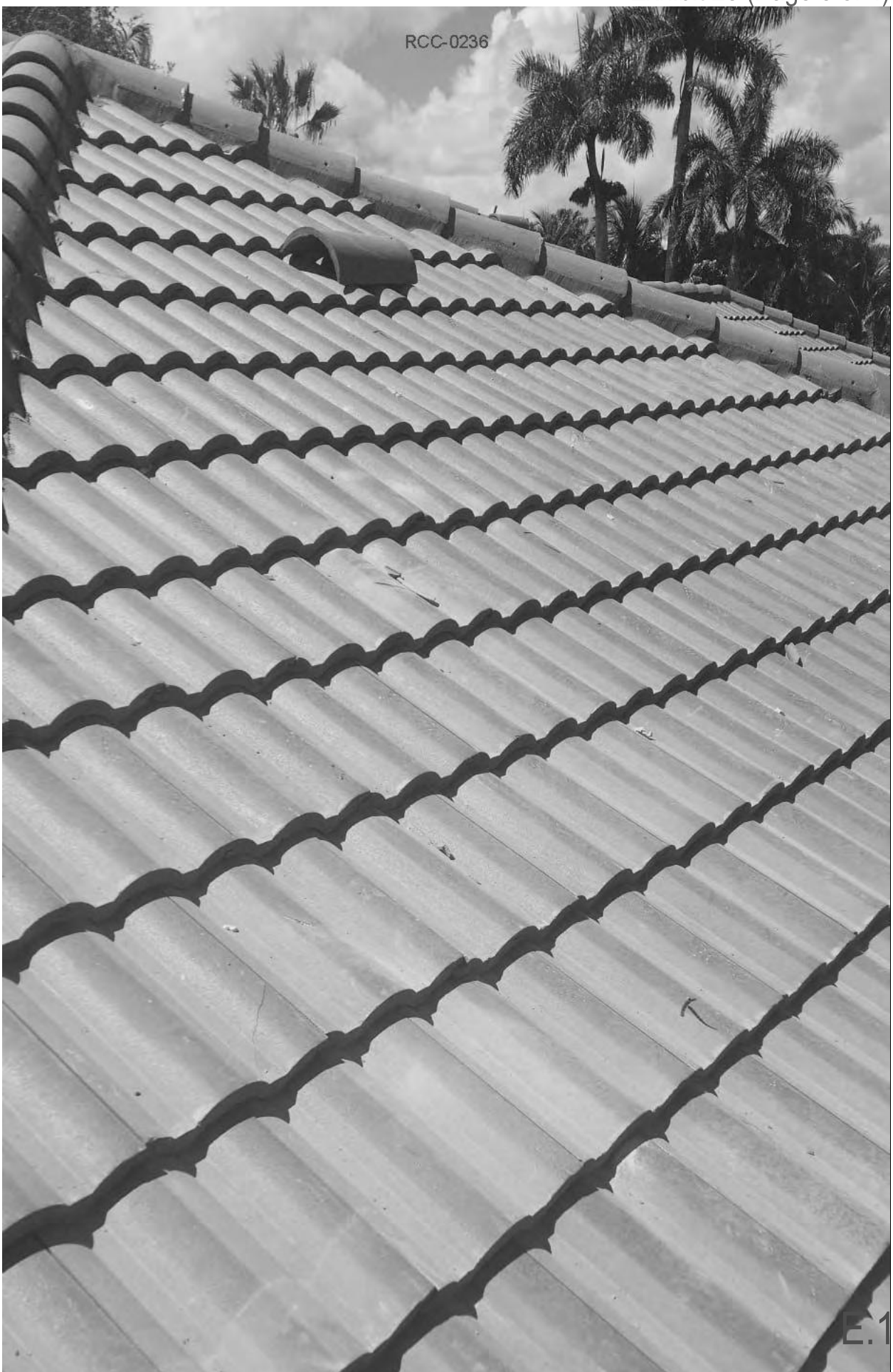
[Quoted text hidden]

17:42
14
Laura
last seen today at 17:01
Buenos días Anne
07:49
Estas son las dos fotos que tenemos de la inspección
07:49
07:49

17:42
14
Laura
last seen today at 17:01
07:49
07:49
Y seguros fue el 27 a


RCC-0236

CC-0237

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

XIAOHUI GUO
Defendant/Counter-Plaintiff,
vs.

CASE NO.: COCE24046580

ROOFING AND CONSTRUCTION, CORP.,
EZEQUIEL ALEJANDRO ROMERO.
Plaintiff/Counter-Defendants
_____/

SWORN AFFIDAVIT

I, Timothy Nast **(License Number CCC057134)**, testify as follows:

1. I am a Florida Licensed Roofer since June 1994 and the owner of Nast Roofing Co since same. I reguarly complete ongoing edutation related to licensure and have numerous certifications from Manufacturers.

2. On or about January 14th, 2025, I was informed that Plaintiff/Counter-Defendants deposited $1,200.00 at the Clerk of Court's Registry for me to attend a three-hour deposition at the rate of $400.00 per hour. On January 17th, 2025, I attended the deposition for more than five (5) hours. During the deposition, Plaintiff/Counter-Defendants' Counsel Mr. Douglas Clark asked me questions for more than three (3) hours, excluding all breaks. As of now, I have not received my $1,200.00 for attending the deposition.

3. At my January 17th, 2025 deposition, I offered my following expert opinions.

4. First, on May 21st, 2024, my employee Tyler Zirbes inspected the roof of the property at 2516 Montclaire Circle, Weston, FL 33327. His report and pictures (#1-11) are attached. I support his observation and opinion.
5. Second, on January 14th, 2025, I and my employee Eric Drake examined the roof at 2516 Montclaire Circle, Weston, FL 33327. We were asked if it were possible to paint fascia board at the bottom of the roof above the AC unit from the top of the roof. It is my expert opinon that it is impossible to squat on the roof and paint the fascia boards underneath, even if fall protection was used, as you cannot reach underneath. Eric's height is 5 feet 10 inch, my height is 5 feet 7 inc. Further, if a gallon of paint was put on the underlayment of this property, it would slide off due to the steep pitch. Self-adhered underlayment, which has polyester fibers, is more slippery than concrete tile.
6. Third, it is best practice to always use plywood to protect driveways, air conditioners, pool equipment, and other fixtures of the exterior. I observed a photograph that Plaintiff/Counter-Defendant only used mesh tarp to protect, which is inadequate in my opinion.
7. Fourth, I reviewed the insurance inspection report by A Pro Home Inspector and the leak report by Rooftop Tech Inc.. Within my own inspection, I support A Pro Home Inspector and

Rooftop Tech Inc.'s observation and opinion. My pictures are attached as #12-25. It is my expert opinion that the leak is caused by Plaintiff/Counter-Defendants' bad workmanship as follows:

(1) There is a open-lap in the new flashing approximately 1 foot from the wall flashing returning to the front door. Additionally, mud work for existing tile at that corner is blocking the flow of water, causing it to back up into the open flashing. When water builds up higher than the open-lap, it leaks into the attic below;

(2) Second, the manufacturer allows for up to 6 months of exposure of the self-adhered underlayment. Thus, we can infer that deterioration begins at day one and is only acceptable until day 180. Thus, although the manufacturer warrants underlayment for 180 days without tiles' protection, tiles should be installed as soon as possible to reduce the underlayment's deterioration.

(3) The Plaintiff/Counter-Defendants repaired open laps, commonly referred to as fish mouths, with a torch. This is against the manufacturers specifications for self-adhered underlayment and would void any kind of warranty.

(4) Although the underlayment is now covered by tiles, we observed an area at the bottom of a valley that had delaminated self-adhered underlayment on top of the metal.

Thus, it would be reasonable to conclude that there could be other areas of delamination. See picture #23. This indicates the underlayment covered by tiles is very likely still delaminated from the roof.

(5) From a video provided by Defendant/Counter-Plaintiff, I noticed that Plaintiff/Counter-Defendants placed more than ten (10) tiles per stack, which would void the manufacturer's warranty;

(6) At the deposition I was informed that Plaintiff/Counter-Defendant accused that Defendant/Counter-Plaintiff damaged the air conditioner when she re-painted the fascia board above the air conditioner to avoid Home Owner Association's criticism. I did not observe any sign of homeowner repainting. Also, the fascia board above the air conditioner is outside of the street view. It is unlikely that a home owner would re-paint fascia boards at this most difficult area without re-painting the front fascia boards.

(7) Because the returns are covered with stucco, I could not tell if the problems indicated in Tyler's report have been corrected.

8. Typically, "punch-out" items like these are corrected prior to final billing. Thus, I would have corrected all the defects of the roof before requesting final payment from the owner.

9. On January 24th, 2025, I was informed by Defendant/Counter-Plaintiff that EZEQUIEL ALEJANDRO ROMERO testified on January 23rd, 2025 that protection of the Property only is needed during tear-off stage, to which I disagree. A professional roofer should protect the Property at each step of repairing and re-roofing.

10. In summary, a new roof should be leak-free for at least twenty (20) years. However, in my opinion and because there is a current leak and previous photos have indicated improper installation in critical areas, the new roof installed by Plaintiff/Counter-Defendants has a better chance of failing within one to five years than if it were properly installed. To stop the leak, my company can give a repair estimate with only two (2) year's warranty for the repair. However, Defendant/Counter-Plaintiff deserves a complete new-roof with ten (10)'s warranty. Tyler Zirbes' May 23rd, 2024 estimate of $80,400.00 of a new roof is accurate.

11. The interior of the house has a fancy faux painting. Also, the stain of leaking in master bathroom goes further behind the mirror. Thus, I cannot accurately estimate the interior damage caused by the leak.

Under penalties of perjury, I declare that I have read the forgoing "SWORN AFFIDAVIT" and that the facts stated in it are true.

Sign _____
Timothy Nast

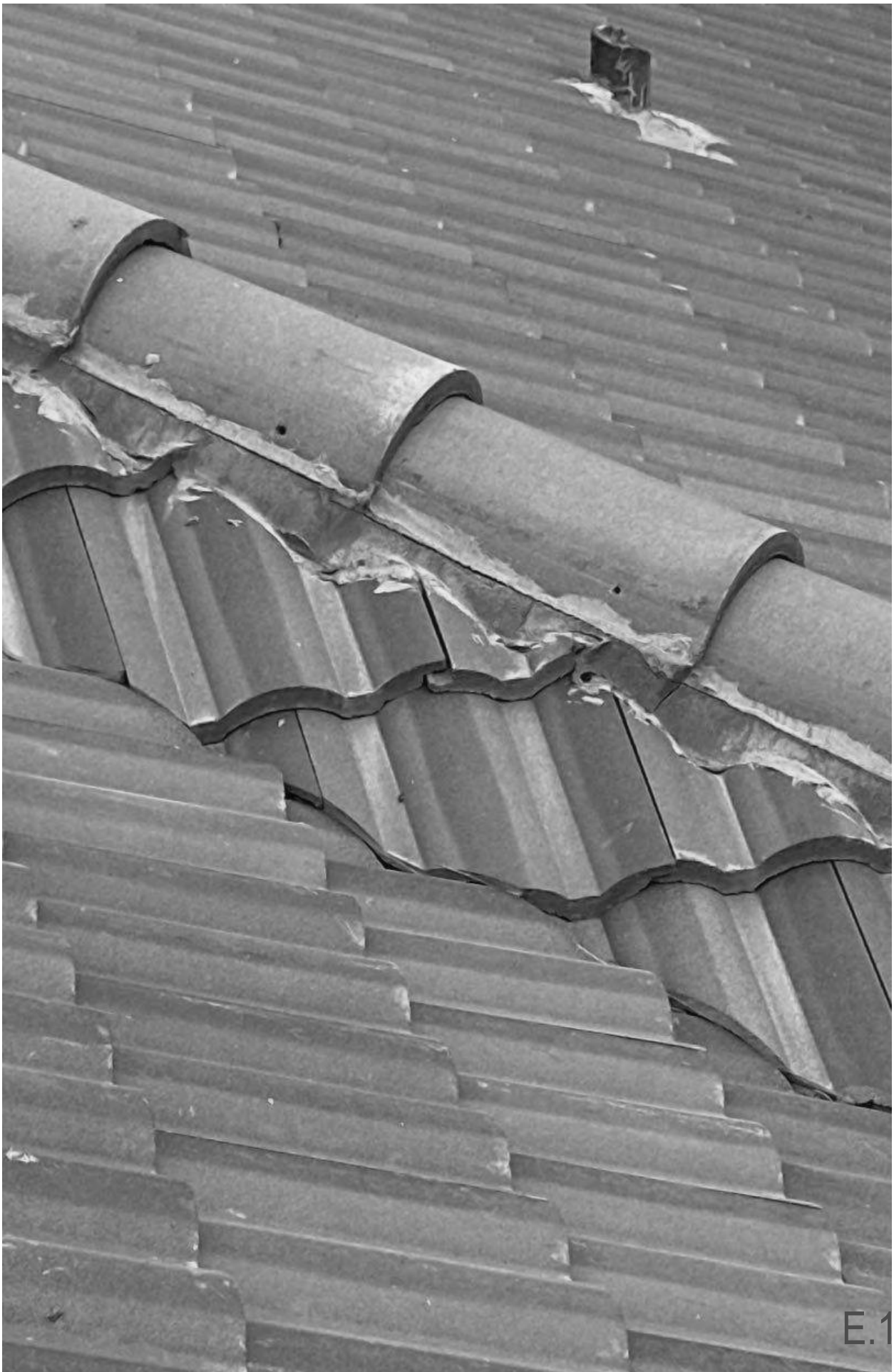
STATE OF FLORIDA
COUNTY OF Broward
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 31 day of January, 2025, by Timothy Nast; who is Personally Known X OR Produced Identification ____. Type of Identification Produced _____.

NAME OF NOTARY Michelle Cole

SIGNATURE OF NOTARY _____

MY COMMISSION EXPIRES March 19 2026

NOTARY PUBLIC STATE OF FLORIDA
MICHELLE COLE
Commission # HH 228114
Expires March 19, 2026



SWORN AFFIDAVIT

I, Leonel Cabrera Calderon, testify that:

1. I am the one of the three owners of Calderon All Around Services LLC since 2020.
2. My company is a subcontractor of Roofing and Construction Corp. for 2516 Montclaire Circle, Weston, FL 33327.
3. Alex Romero is the owner of Roofing and Construction Corp..
4. In April 2024, my crew completed the installation of Westlake Royal TileSeal peel and stick underlayment.
5. Romero never asked me or my crew to seal any end laps and laps without black selvage area under lap using an SBS modified mastic or any material.
6. Romero never asked me or my crew to cut the peel and stick underlayment to manageable lengths.
7. Romero never asked me or my crew to roll the peel and stick underlayment down with a roller or any tool.
8. In June 2024, after City of Weston required Romero to correct the open laps (fish mouths) along all valleys, Romero instructed my crew to burn the open laps along valleys with a torch and then press them down with a trowel. Romero's purpose was to conceal the defects and did not care about if it was done correctly. Even though the open laps along valleys appeared to be lowered down, Romero's instruction caused more damages on the peel and stick underlayment.
9. At my January 27, 2025 deposition, the homeowner Xiaohui Guo showed me Romero's answers to interrogatories that say my company applied bull membrane on the laps in the valleys via a trowel. Romero's answer is not true. Romero only asked my crew to torch and press down the open laps along valleys to conceal the defects.
10. Comment about pictures: after my crew torched down the open laps along valleys, a Roofing and Construction Corp. worker added bull (without membrane) on the top to make them look like have been sealed. Because my crew already torched and pressed down the open laps along valleys, this guy could not apply bull under the laps. The peel and stick underlayment was never properly sealed.

11. Romero never mentioned to me or my crew about Florida Building Code or "Roofing Component Approval."
12. Romero never asked me or my crew to follow Florida Building Code or "Roofing Component Approval."
13. To save material and labor, Romero does not care about quality of his company's roofing job.

Under penalties of perjury, I declare that I have read the forgoing "SWORN AFFIDAVIT" and that the facts stated in it are true.

Sign _____

Leonel Cabrera Calderon

STATE OF Georgia
COUNTY OF Paulding
The foregoing instrument was sworn to (or affirmed) and subscribed before me this

12 day of March, 2025, by Leonel Cabrera Calderon; who is Personally

Known ___ OR Produced Identification ✓ .Type of Identification Produced FLA state license.

NAME OF NOTARY
Alejaandro Fryer Galindo

SIGNATURE OF NOTARY _____

MY COMMISSION EXPIRES April 12, 2026

ALEJAANDRO FRYER GALINDO
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires April 12, 2026

IN THE COUNTY COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO, an individual,

Defendant/Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION CORP.,
EZEQUIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants.

_____/

Deposition Via Zoom

Monday, January 27, 2025
2:10 p.m. to 2:30 p.m.

DEPOSITION OF

RODOLFO ARANES

Taken before Heidi Syed, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Video Deposition filed in the above-styled cause.

APPEARANCES:

On Behalf of the Plaintiff/Counter-Defendants:

SOTO LAW GROUP, P.A.

2400 Commercial Boulevard, Suite 400

Fort Lauderdale, FL 33308-4026

(954) 567-1776

doug@sotolawgroup.com

BY: DOUGLAS J. CLARKE, ESQUIRE

On Behalf of the Defendant/Counter Plaintiff:

XIAOHUI GUO

2516 Montclaire Circle

Weston, FL 33327

xiaohui.guo2022@gmail.com

BY: XIAOHUI GUO, PRO SE

Also Present:

Carlos Rivera-Navas, Interpreter

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DEFENDANT/COUNTER-PLAINTIFF'S EXHIBITS MARKED

NUMBER	DESCRIPTION	PAGE
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Exhibit L	Answer to Interrogatories	12

(Exhibits were retained by Mr. Guo.)

THEREUPON:

COURT REPORTER: All right. Good afternoon. My name is Heidi Syed. I'm the court reporter for today's case, Guo vs. Roofing Construction Corp., Ezequiel Alejandro Romero. Today's date is January 27, 2025, and the time is 2:10.

Will counsel please state your appearance for the record.

MS. GUO: Xiaohui Guo, Pro Se.

MR. CLARKE: Good afternoon. Doug Clarke, on behalf of the Plaintiff/Counter-Defendant, Roofing and Construction Corporation, as well as Counter-Defendant, Ezequiel Alejandro Romero. I'm also here representing Mr. Aranes in his individual capacity.

COURT REPORTER: All right. Mr. Aranes, will you -- oh, actually, Mr. Interpreter, Mr. Navas, will you please state your name for the record.

THE INTERPRETER: My name is Carlos Rivera, and I'm a Spanish interpreter.

COURT REPORTER: All right. And will you please raise your right hand.

CARLOS RIVERA-NAVAS,

was duly sworn to truly and accurately translate the testimony from English to Spanish and Spanish

to English.

RODOLFO ARANES,

having been first duly sworn and responding, "Yes, I swear," was examined and testified as follows:

COURT REPORTER: All right. You can put your hand down. We're ready to begin.

DIRECT EXAMINATION

BY MS. GUO:

Q. Mr. Aranes, how many times did you come to the property?

A. Three -- three times.

Q. Did you talk with me in English?

A. A little the first time that, you know, when I asked to be able to come into the house to look at a leak that you were saying you were having.

Q. Did you come to my property in April 2024?

A. To be honest with you, I don't -- I don't remember dates. I don't remember the dates. I went on three occasions. The first two I stayed in the truck the whole time. The last one was the one that I told you that I had to go inside to look at the leak.

Q. Do you remember you see -- you came here see Elias Morillo and Alex Romero with me?

THE INTERPRETER: May the interpreter have

repetition on the question?

Q. Did you -- is there a time you came to my property, you saw Elias Morillo and Alex Romero with me at my property?

COURT REPORTER: I'm sorry, I'm not getting the first name. I got Alex Romero. What's the first name you're saying?

MS. GUO: Elias Morillo. Elias is just the -- the second person we had the deposition today. Elias, E-L-I-A-S.

COURT REPORTER: Oh.

MS. GUO: Morillo, M-O-R-I-L-L-O.

COURT REPORTER: Okay.

THE WITNESS: Yes. The second time. The second time I went. The first time we went, we went to drop off an estimate, which was dropped of by Mr. Alex Romero. The second time that I went was when Mr. Alex Romero and Elias Morillo were with you.

BY MS. GUO:

Q. That time, did you see Morillo paint the property -- paint to the fascia boards?

THE INTERPRETER: The interpreter is going to need repetition on the question, please.

MS. GUO: Yes.

BY MS. GUO:

Q. That time when you were here did you see Morillo put the paint at the -- of my property?

A. No.

Q. Where did you park your truck? Did you park your truck in front of my property?

MR. CLARKE: Form.

THE WITNESS: On the road. On the street. Yes, yes, in front of the property on the street.

COURT REPORTER: And was that a form objection?

MR. CLARKE: Yes.

BY MS. GUO:

Q. When you at my property, did you ever take any videos?

A. Yes.

Q. Did you produce those videos?

A. I took the videos, but I don't understand what you mean by "produce." What do you mean by that?

Q. Did you give those videos to the lawyer and they could send it to me?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. So did you produce those videos to -- did you

produce all your videos?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. All right. I'd like to have those videos, and I may have to redepose you.

MR. CLARKE: Ms. Guo, can you clarify if you're talking about the videos he took during the inspection or videos taken during the other two visits. There might be some confusion that you could clarify.

MS. GUO: I need all the videos he took from my property.

MR. CLARKE: Well, you should ask him when he took those videos because we --

MS. GUO: I just asking him whatever -- whatever he has, the video he has, he should produce, of my property, he should take -- give to me.

MR. CLARKE: We've produced --

MS. GUO: That is my request -- request for production.

MR. CLARKE: Yes. We produced the videos taken during the inspection. You should ask him if he took any other pictures or videos, because

that's --

MS. GUO: No. He said no, he did not produce the videos.

MR. CLARKE: Can you ask him that question to clarify and save time.

MS. GUO: I already ask the questions. I am --

MR. CLARKE: You didn't ask a very good question.

MS. GUO: I already ask the question. Very good question, okay. You can have your own deposition made in the future if you want.

MR. CLARKE: If you want to prevent confusion, I'd suggest asking him if he took videos other than the inspection.

MS. GUO: I don't have to ask him that. Ask him whether he had videos, okay?

MR. CLARKE: If you want to get to the bottom of it, that's an option. But if you just want to go ahead, that's fine too.

MS. GUO: I'm asking him to produce all the videos of this property.

MR. CLARKE: Okay. You can continue, Ms. Guo.

BY MS. GUO:

Q. Okay. I'm going to the next depo -- next on

my -- on my exhibit. This is a October 18, 2024, RACC's answer, Roofing Construction Corp.'s answer to my interrogatories.

And Interpreter, could you please read this one to him, to the witness, if he does not speak English.

MR. CLARKE: There's nothing on the screen.

THE INTERPRETER: Interpreter's not seeing anything on the screen.

MS. GUO: Hold on. I'm sorry.

BY MS. GUO:

Q. Mr. Aranes, can you read this thing on the screen?

THE INTERPRETER: The interpreter is not seeing anything on the screen.

MS. GUO: Oh, I'm sorry, I didn't share. I'm so sorry.

I'm presenting Exhibit H.

(Thereupon, Defendant/Counter-Plaintiff's Exhibit H was marked for identification.)

THE INTERPRETER: And just so Ms. Guo is aware, for the interpreter, in six minutes, we enter hour four.

MS. GUO: Okay, yeah. That's okay. I'm just going to let you go after six minutes. Just read this one very quickly. Here. Read this one.

BY MS. GUO:

Q. Do you speak -- can you read this one by yourself, Mr. Aranes?

A. It's too small. No.

MS. GUO: Can you read it to him?

THE WITNESS: I read some English.

THE INTERPRETER: Do you want the interpreter to -- to read the document?

MS. GUO: Yes.

BY MS. GUO:

Q. Mr. Aranes, did you do any of the work here?

A. All I can say is that Alex is the project manager. I am more in charge of sales and marketing. I do not deal with that, so I do not recognize these dates as anything that I would've done, because, again, I'm not the one that does that. All I know is that the roof replacement was done at the property correct and completely and according to all codes. That's why it passed all the inspections.

But again, that is not -- I do not deal with that directly because the project manager is actually Alex, not myself.

Q. Did you -- did anybody ask your help to finish this -- to answer this document?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Okay. I'm going to the next one. This will be my last exhibit and last question and let you go for today.

MS. GUO: Exhibit L. This is Mr. -- this is my opponent's January 9th, 2025, answer to my interrogatory.

(Thereupon, Defendant/Counter-Plaintiff's Exhibit L was marked for identification.)

MS. GUO: I'm going to this answer here, and Mr. Interpreter, can you finish reading this one.

BY MS. GUO:

Q. Mr. Aranes, did you do any of the work listed here on this page?

A. I'll repeat again. I am not the project manager. I do not deal with that side of operations. It is Alex who's the project manager. He would've been the one in charge of that. I do sales and marketing. I do not participate in any of these activities, as that is not my role within the company. That is not something that I handle. It's Alex who is the -- who is the project manager. And so any of these dates or the work performed it is not anything that I would've participated in or anything that I would've done.

However, I do know that the work at the property was completed and completed correctly, since it was -- it met all codes and passed all inspections.

Q. Mr. Aranes, did anyone ask your help to finish or answer this document?

MR. CLARKE: Form.

THE INTERPRETER: Sorry, Counsel.

THE WITNESS: No.

BY MS. GUO:

Q. Last question, Mr. Aranes. Did -- was your company, Roofing and Construction Corp. ever sued by anybody else besides this lawsuit?

MR. CLARKE: Form.

THE WITNESS: No. That is to say, not because of any job that was done.

BY MS. GUO:

Q. Were Roofing and Construction Corp. be sued by anybody related to roofing job?

MR. CLARKE: Form.

THE WITNESS: Not that I recall, no.

BY MS. GUO:

Q. Besides this lawsuit, was Roofing and Construction, Corp. ever sued by anybody else?

MR. CLARKE: Form.

THE WITNESS: If it's regarding work

performed, no.

BY MS. GUO:

Q. Besides this lawsuit, has Roofing -- Mr. Aranes, were you ever sued by anybody else?

MR. CLARKE: Form.

THE WITNESS: Regarding work? Not that I recall.

BY MS. GUO:

Q. Mr. Aranes -- Mister, were you ever evicted by a landlord?

MR. CLARKE: Form.

THE WITNESS: Not that I recall.

BY MS. GUO:

Q. Was Roofing and Construction Corp. ever been sued by anybody?

MR. CLARKE: Form.

THE WITNESS: Not as far as work is concerned, no.

BY MS. GUO:

Q. Was Roofing and Construction Corp. ever sued by -- other than work?

A. Yes. For a traffic accident.

Q. Okay. I'm done with here, Mr. Aranes. I'm going to have your next deposition then. Thank you.

COURT REPORTER: All right. Are we reading or

waiving?

MR. CLARKE: Reading.

COURT REPORTER: All right. Same email?

MR. CLARKE: Yes, ma'am. And same -- same response to your next couple of questions.

COURT REPORTER: Thank you. Will you be ordering?

MS. GUO: Yes. Thank you.

COURT REPORTER: All right. We are off the record at 2:30.

(Thereupon, the deposition was concluded at 2:30 p.m.)

(Reading and signing of the deposition transcript was reserved.)

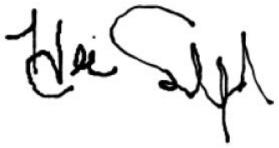
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, Notary Public, State of Florida, certify that Carlos Rivera-Navas and Rodolfo Aranes, personally appeared before me on the 27th day of January 2025, and was duly sworn.

Signed this 7th day of February 2025.



_____

Heidi Syed, Court Reporter

Notary Public, State of Florida

Commission No.: HH 568589

Commission Expires: 07/09/28

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, certify that I was authorized to and did report the Deposition of Rodolfo Aranes; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 7th day of February 2025.

_____

Heidi Syed, Court Reporter

WITNESS NOTIFICATION LETTER

February 10, 2025
Rodolfo Aranes

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Deposition taken on January 27, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,

Heidi Syed
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Rodolfo Aranes

January 27, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

Rodolfo Aranes Date

Westlake Royal Building Products™ | ROOFING SOLUTIONS

WESTLAKE ROYAL™ ROOFING COMPONENTS

Westlake Royal TileSeal™ HT

Part of the Westlake Royal™ Cool Roof System

MODIFIED ASPHALT ROOFING UNDERLAYMENT

WEATHER RESISTANT | SAVE TIME & MONEY | EASY INSTALLATION | UNCOVERED EXPOSURE | HIGH GRIP NO SLIP | HIGH TEMPERATURE | UNDER ALL ROOFING MATERIALS | YEAR LIMITED WARRANTY

- Self-adhered water proofing for fast and easy installation
- High strength non-woven polyester surface remains intact under high foot traffic
- Stable in low and high temperatures for all climates
- Suitable for use under all roofing materials including metal
- Up to 10 tiles per stack when roof loading
- UV resistant for up to 6 months
- Self-seals around fasteners
- 30 year limited warranty

Westlake Royal

TileSeal™ HT

UNMATCHED PERFORMANCE AND VERSATILITY

HIGH PERFORMANCE FOR ANY ROOF IN ANY CLIMATE

WEATHER RESISTANT

Durable Protection – All Season

Protects against wind, rain, snow and ice-dams by bonding to the base sheet or directly to the roof deck and self-sealing around every fastener penetration.

SAVE TIME & MONEY

Save Time and Money

Many ways to save when compared to hot mopping: faster coverage with less people, no kettles to buy or maintain & safer than hot mopping.

216 square foot per roll - net 2 squares; more than competing underlayments.

EASY INSTALLATION

Easy Installation

Eliminates use of so many nails by self-adhering directly to the deck or to a base sheet. Reduces the installation time. Great surface traction provides safer, faster and easier installation for the entire roof.

The flexibility and robustness of the materials allow Westlake Royal TileSeal™ HT to be installed in freezing or hot summer temperatures to get the job done without delays.

6 months
UNCOVERED EXPOSURE

6 months Uncovered Exposure

Can be left uncovered and exposed to the elements for up to 6 months without degradation.

WESTLAKE ROYAL™
ROOFING COMPONENTS

HIGH GRIP NO SLIP

Superior Grip

Wet or dry, Westlake Royal TileSeal™ HT has a superior slip-resistant surface making it a favorite among roofers. Strong polyester surface provides excellent adhesion strength for foam installations.

30 YEAR LIMITED WARRANTY

UNDER ALL ROOFING MATERIALS

Unequalled Product Performance

30 year limited warranty for guaranteed performance under any roofing material. Westlake Royal TileSeal™ HT meets or exceeds all national, Florida & Miami-Dade building code requirements and outperforms all other underlayments.

DID YOU KNOW...

HT HIGH TEMPERATURE

Westlake Royal TileSeal™ HT is rated up to 260° F. **Excellent under metal roofing.**

"I have used other self-adhered tile underlayments and TileSeal far exceeds them in warranty and ease of installation. Thanks Westlake Royal for a great product with a great warranty."

Craig Squier, President, Kirkey Roofing, Inc.
Englewood, FL

"TileSeal has the best warranty and is one of the easiest to install self-adhered underlayments on the market as well as the safest, most walkable surface in the industry."

Don Poss, Owner, Don Poss Roofing, Inc.
Inverness, FL

CERTIFICATIONS / APPROVALS

Miami-Dade County	Approved
Florida Building Code	FL14317
ASTM	D4869, D226, Type I and Type II D1970, E2178
Patent	US 6,296,912 B1

SPECIFICATIONS

Roll size	3' x 72'
Coverage	Net 2 squares
Roll weight	70 lbs (nominal)
Thickness	64 mil (nominal)
Rolls per pallet	20 rolls
Pallet weight	1454 lbs (nominal)

PART NUMBERS

91020	Net 2 Square Roll
91059	Drop Ship/Ship To - 660 Rolls/Truck
91860	Drop Ship/Ship To - 20 Rolls/Pallet Mixed Truck

About Westlake Royal Building Products™ | Roofing Solutions

The Roofing Solutions portfolio from Westlake Royal Building Products™ is a recognized, national leader in durable and sustainable clay, composite, concrete, and steel roof systems. Encompassing a suite of materials that provide strength, versatility, and refinement, our portfolio includes US Tile® Clay Roofing Products, Newpoint™ Concrete Roof Tile, Unified Steel™ Stone Coated Roofing, DaVinci® Roofscapes, and Westlake Royal™ Roofing Components, all designed to deliver a higher standard of roof installation, performance, and design.

SIDING & ACCESSORIES TRIM & MOULDINGS ROOFING STONE WINDOWS OUTDOOR LIVING

BE BOUNDLESS™

THE PRODUCTS TO DO EVERYTHING. THE POWER TO DO EVEN MORE.

There are no limits to how far we innovate, how deeply we express, how strongly we commit, how boldly we go.

Westlake Royal Building Products™

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WestlakeRoyalRoofing.com
800.669.8453 - West & Central
863.824.1289 - Florida & East
Item# 182604 | AC542 01/24

Guo sited code sections

1512.2.5 Workmanship standards.

All roofing work shall be performed by a qualified contractor licensed to perform roofing, in compliance with the tolerances, quality and methods of construction established herein or set forth in the standards adopted by these high-velocity hurricane zone requirements. Roofing assemblies detailed in the product approval shall be installed in strict compliance with the method of application set forth in such product approval or, if not part of the product approval, in compliance with manufacturer's published application instructions, or as approved by the building official. (Aesthetic issues not affecting the performance of the roof are not part of this chapter.)

TESTING APPLICATION STANDARD (TAS)
No. 106
STANDARD PROCEDURE FOR FIELD VERIFICATION OF THE BONDING OF MORTAR OR ADHESIVE SET TILE SYSTEMS AND MECHANICALLY ATTACHED, RIGID, DISCONTINUOUS ROOF SYSTEMS

1. Scope

1.1 This Application Standard is a product application quality control test to confirm: 1) sufficient bonding by the mortar or adhesive to the tile and underlayment in a mortar or adhesive set tile system; or 2) effective mechanical attachment of components within a rigid discontinuous roof system.

2. Definitions

2.1 For definitions of terms used in this application standard, refer to ASTM D1079; and the *Florida Building Code, Building.*

3. Requirements

3.1 All field verification and testing shall be performed by a Dade County Approved Testing Agency. All reports, tests, and calculations shall be in compliance with TAS 301.

3.2 A minimum of 97% of the roofing tile physically inspected shall be determined to be fully bonded.

3.3 A minimum static test uplift load of not less than 35 lbf. per tile shall be applied for mortar or adhesive set tile systems.

3.4 For mechanically attached, rigid discontinuous systems, a minimum static test uplift load of not less than 80% of the resistance load (F) or (Mr') as listed in the manufacturer's Product Approval shall be applied.

4. Procedure

4.1 Examine the entire area of the roof for loose tile by lifting any tile by hand or with a hand held griping device. Physically examine not less than one (1) tile in ten (10) of all components in the field area and one (1) tile in five (5) of all tile in perimeter and corner areas including hip and ridge tile.

4.1.1 Mark each physically tested tile in the field and record all loose tile observed.

4.1.2 If more than 3% of the tile in any roof area are determined to be loose. No further testing shall be conducted and the Roof System shall be considered to have failed the testing and be unacceptable.

4.1.3 If less than 3% of the tile in any roof area are determined to be loose static up lift tests shall be performed.

4.1.4 Mark all tested tile with a "T" using a waterproof marker.

5. Apparatus

5.1.1 The test apparatus shall consist of a hook shaped to a 90 degree angle, or other load transfer device capable of sliding underneath the nose of the tile and remaining in lace as the loads are applied. The hook or other device shall have sufficient strength to resist applied loads of at least 100 lbf.

5.1.2 The hook- or other load transfer device shall be attached to a cable fitted with a load cell with a dial or digital indicator, which displays the load within 0.1 lbf.

6. General

6.1 The number of tiles which shall be tested in the field, perimeter and comer areas of the roof shall be as follows:

6.1.1 For roof areas less than 5 squares, one (1) uplift test is required.

6.1.2 For roof areas five (5) squares or more a minimum of one (1) test per every two (2) squares in the field: one (1) test per square in the perimeter area and (1) in the corner areas including one (1) test per every twenty (20) hip and ridge tiles.

7. Load Application

7.1 For mortar or adhesive set tile systems. The operator shall apply an even load by lifting up on the handle until the load cell indicator register 35.0 ± 5 lbf. The load shall be held for 5 seconds.

7.1.1 This test shall be carried out on all mortar and adhesive set applications after final completion of the application at a time as stated in the Product Approval or as specifically approved by the manufacturer of the mortar/adhesive.

7.1.2 For mechanically attached systems, determine the load to be applied by multiplying the minimum characteristic resistance load (F') or (Mr'), listed in the Product Approval by 0.80. The operator shall apply this load by lifting up on the handle until the load cell indicator registers the magnitude of this load ± 5%. The load shall be held for 5 seconds.

8. Recorded Data shall include the following observations

8.1.1 Tile breaks or cracks.

8.1.2 Mortar patty or adhesive separates from the underlayment.

8.1.3 Tile separates form the adhesive or mortar.

8.1.4 The nose of the tile deflects vertically in excess of 2 inches in mechanically attached systems.

9. Acceptance Criteria

9.1.1 75% or more of the static up lift tests shall be required to pass the testing criteria.

10. Report

10.1 The final test report shall include the following:

10.1.1 A sketch of the test site roof which indicates 1) the field, perimeter and corner areas, with dimensions; and, 2) the location of all components on which a static uplift test is conducted. Indicate those attachments which were initially tested and, if applicable, those attachments which were tested in the extended testing.

10.1.2 A tabulated set of test results, signed by a Professional Engineer or a Registered Roof Consultan

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[redacted]

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Broward County Board of Rules and Appeals
1 N. University Drive Suite, 3500B, Plantation, FL 33324
broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

Appeal Application

Appellant Information:

Name Xiaohui Guo
Address 2516 Montclaire Circle
City Weston State FL
Business/Profession
Phone 7862818802
Email xiaohui_guo@yahoo.com xiaohui.guo2022@gmail.com

Project Information:

Address 2516 Montclaire Circle, Weston, FL 33327
Type of Construction single house
Hight of Building
Square Footage per Floor
Permit Number B24-01261
Permit Application Date 03/25/2024
Group Occupancy
Number of Stories 1

Office Use Only

Date Of Receipt
Appeal #:
Hearing Date
Notice Mailed
Code In Effect
Electrical
Fire Code
Mechanical
Plumbing
Structural
Alternate Material
Alternate Method

I, the undersigned, appeal the decision of the Building/Fire Code Official of James Wagner as it pertains to Chapter 15, Section 1512.2.5 and 110.5, of the (check one):

☐ South Florida Building Code ☑ Florida Building Code ☐ Florida Fire Prevention Code

☑ Other FL Stat. 468.621(1)(f) and 468.621(1)(g), as applicable to Broward County. (Attach copy of relevant Code sections).

Note: The Board shall base their decision upon the section(s) of the Code you have indicated above. If these are in error, you must re-submit your appeal. The Board is not authorized to grant variances from the Code.

Summary of appeal (attach additional sheets as necessary): "Roofing Component Approval" page 3: "Membrane: ...All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic." The roofer did not seal any laps but Mr. James Wagner only required them to conceal the fish mouths along the valleys.

On February 27, 2025, the manufacturer voided the warranty, stating "...end laps were not sealed with roofing mastic/cement per the installation instructions...."

The City Inspector also lied under oath at his February 4th, 2025 deposition. For details, please see attached "Summary," "Statement," and Exhibits.

Results desired (attach additional sheets as necessary): re-conduct the inspections [redacted]
See attached "Conclusion."

Fee: Waived

Note: Exhibits intended for distribution to the Board supporting the appeal must be submitted with the appeal. All material shall be kept from the appeal hearing. A letter from the Building or Fire Code Official rejecting the applicant's appeal must be included in the appeal packet submitted to the Board of Rules and Appeals.

Appellant Name (Please Print): Xiaohui Guo

Appellant Signature:

G:\SHARED\Board and Agenda Info\Board Meeting Agendas\2024\2. February 8\Item 1 - Admin. Policy for Appeals\Policy 95-01 Appeal Application (2024).docx

SUMMARY

"Roofing Component Approval," also known as Product Approval, p.3, states "Membrane:…All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic." [1] The roofer did not seal any lap during installation. [2] However, inspector James Wagner gave a pass in April 2024,[3] violating Product Approval.

In May and June 2024, when open laps (fish mouths) appeared along all valleys, Mr. Wagner only requested the roofer to lower the open laps at the valleys, without demanding the roofer to seal any other laps. [4] Mr. Wagner also ignored the fact that the roofer placed more than 10 tiles per stack. In July 2024, the roof started leaking.[5]

On February 27th, 2025, the manufacturer voided the warranty, stating "underlayment runs were not cut to manageable lengths, end laps were not sealed with roofing mastic/cement per the installation instructions. Product does not appear to have been installed correctly in the valleys." [6]

TAS-106 Test was never performed. The roofer provided a fraudulent engineering report to Mr. Wagner and hid it from the owner Xiaohui Guo. On March 3rd, 2025, the Court ordered to prohibit the roofer to use or refer to the engineering report as evidence for trial. [7]

Mr. Wagner claimed that the roofer did not provide the two pictures of fractured and chipped tiles. Mr. Wagner also ignored the fact that the seven pictures provided by the roofer only showing partial sections of the roof and with red bags still on the roof.

Mr. Wagner [redacted] instructed the roofer to conceal the open laps along the valleys [redacted] accused that Ms. Guo pulled up underlayment to created fish mouths, accused that Ms. Guo's inspector cut through tiles, and lied at his 02/04/2025 deposition.[9]

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[1] See Exhibit 1, "Roofing Component Approval," produced by Mr. Wagner on January 22nd, 2025, E.4.
"E.#" is the label on the bottom-right of each page of the Exhibit.

[2] See Exhibit 30, Subcontractor Leonel Calderon's 03/12/2025 Sworn Affidavit, E.1067 – E.1068, and Exhibit 2, Nast Roofing Co.'s 05/23/2024 Inspection Report, E.25 – E.38.

[3] See Exhibit 3, "Inspection Comments," produced by Mr. Wagner on January 22nd, 2025, E.39.

[4] See Exhibit 8, Mr. Calderon's 03/03/2025 Sworn Affidavit, Paragraph 9 ("9….When City of Weston required Romero to correct the open laps, Romero instructed my employees to burn the open laps along the valley with a torch and trowel to lower the laps down. Romero's purpose was to conceal the defects and did not care about what it was done correctly. Romero's instruction caused more damages on the underlayment. At my deposition, Guo showed me Romero's answers to interrogatories that says my company applied bull and membrane on the laps in the valleys via a trowel. This is not true. Romero only asked my crew to torch the laps down."), E.90.
Also see Exhibit 24, the roofing company's owner Ezequiel Romero's 01/23/2025 Deposition Transcript ("I told him to lower the laps on the valleys because that's one of the things the inspector wanted."), E.389 Lines 9 – 14.

[5] See Exhibit 4, Rooftop Tech Inc.'s 07/22/2024 Inspection Report (requoted on 09/05/2024), E.40 – E.54.

[6] See Exhibit 5, Ownes Corning Roofing and Asphalt, LLC's 02/27/2025 Letter, E.55.

[7] See Exhibit 15, Judge Betsy Benson's 12/16/2024 Order, E.213, and Exhibit 21, 03/03/2025 Order. E.324.
Ms. Guo is counter-suing the roofer at the Broward County Court (case number COCE24046580).

[8] See Exhibit 6, email/text between Mr. Wagner and the roofer, produced by the roofer on 01/07/2025, E.80 – E81.

[9] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.717 Line 23 – E.718 Line 19, E.726 Line 18 – E.731 Line 7, and E.733 Line 16 – E.735 Line 7.

STATEMENT OF FACTS

I. Never Sealed Underlayment

On April 4th, 2024, Roofing and Construction Corp. (hereafter "RACC") hired subcontractor Calderon All Around Services LLC (hereafter "Calderon") to install the peel & stick underlayment, **without sealing any laps**. *See* Mr. Leonel Calderon's 03/12/2025 Sworn Affidavit, stating that RACC's owner never asked his crew to seal any laps, or cut the underlayment to manageable lengths, or roll down the underlayment: [10]

SWORN AFFIDAVIT

I, Leonel Cabrera Calderon, testify that:

1. I am the one of the three owners of Calderon All Around Services LLC since 2020.
2. My company is a subcontractor of Roofing and Construction Corp. for 2516 Montclaire Circle, Weston, FL 33327.
3. Alex Romero is the owner of Roofing and Construction Corp..
4. In April 2024, my crew completed the installation of Westlake Royal TileSeal peel and stick underlayment.
5. Romero never asked me or my crew to seal any end laps and laps without black selvage area under lap using an SBS modified mastic or any material.
6. Romero never asked me or my crew to cut the peel and stick underlayment to manageable lengths.
7. Romero never asked me or my crew to roll the peel and stick underlayment down with a roller or any tool.
8. In June 2024, after City of Weston required Romero to correct the open laps (fish mouths) along all valleys, Romero instructed my crew to burn the open laps along valleys with a torch and then press them down with a trowel. Romero's purpose was to conceal the defects and did not care about if it was done correctly. Even though the open laps along valleys appeared to be lowered down, Romero's instruction caused more damages on the peel and stick underlayment.
9. At my January 27, 2025 deposition, the homeowner Xiaohui Guo showed me Romero's answers to interrogatories that say my company applied bull membrane on the laps in the valleys via a trowel. Romero's answer is not true. Romero only asked my crew to torch and press down the open laps along valleys to conceal the defects.
10. Comment about pictures: after my crew torched down the open laps along valleys, a Roofing and Construction Corp. worker added bull (without membrane) on the top to make them look like have been sealed. Because my crew already torched and pressed down the open laps along valleys, this guy could not apply bull under the laps. The peel and stick underlayment was never properly sealed.

11. Romero never mentioned to me or my crew about Florida Building Code or "Roofing Component Approval."
12. Romero never asked me or my crew to follow Florida Building Code or "Roofing Component Approval."
13. To save material and labor, Romero does not care about quality of his company's roofing job.

Under penalties of perjury, I declare that I have read the forgoing "SWORN AFFIDAVIT" and that the facts stated in it are true.

Sign _____

Leonel Cabrera Calderon

STATE OF Georgia
COUNTY OF Paulding
The foregoing instrument was sworn to (or affirmed) and subscribed before me this

12 day of March, 2025, by Leonel Cabrera Calderon; who is Personally

Known ___ OR Produced Identification ✓ .Type of Identification Produced FLA state license.

NAME OF NOTARY
Alejaandro Fryer Galindo

SIGNATURE OF NOTARY _____

MY COMMISSION EXPIRES April 12, 2026

ALEJAANDRO FRYER GALINDO
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires April 12, 2026

However, on April 4th, 2024, the City of Weston Inspector Mr. James Wagner passed "STR-Tin Cap" and "STR-CAP Sheet In Progress,"[11] failing to enforce Florida Building Code 1512.2.5 ("…Roofing assemblies detailed in the Product Approval shall be installed in strict compliance with the method of application set forth in such Product Approval….").

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[10] See Exhibit 30, subcontractor Leonel Calderon's 03/12/2025 Sworn Affidavit, E.1067 – E.1068.
[11] See Exhibit 3, "Inspection Comments," produced by Mr. Wagner on January 22nd, 2025, E.39.

During RACC's delay of installing tiles, in May 2024 open laps (fish mouths) appeared at all layers of underlayment along all roof valleys. Ms. Guo invited Nast Roofing Co. to inspect, which also found other defects besides the open laps:[12]

On or about May 23rd, 2024, Ms. Guo reported to City of Weston the open laps and other defects.[13]

On May 24th, 2024, Mr. Wagner visited the Property. [redacted] Mr. Wagner stated that fish mouths (open laps) appeared along valleys because the underlayment expands and contracts without the weight of the tiles. Mr. Wagner sent a picture to Ms. Guo, telling her that all the fish mouths need to be cut through each valley to be corrected.[15]

However, from June 14th 2024 to June 18th, 2024, to conceal the fish mouths, RACC's owner Ezequiel Romero (hereafter "Romero") instructed his subcontractor Calderon only to burn the fish mouths with a torch and pressed it down with a trowel.[16]

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[12] See Exhibit 2, Nast Roofing Co.'s 05/23/2024 Inspection Report, E.25 – E.38.

[13] In April 2024, Ms. Guo already pointed out some defects to RACC. However, Romero refused to correct them. For example, Video #16 shows that on April 24th, 2024 Romero refused to remove the "debris" under the underlayment.

[14] See Exhibit 9, Ms. Guo's 05/24/2024 email to Mr. Wagner's supervisor Mr. Robert Franklin, E.92.

[15] See Exhibit 10, Ms. Guo's texting messages with Mr. Wagner, E.93 – E.95.

[16] See Exhibit 30, Mr. Calderon's 03/12/2025 Sworn Affidavit ("8. In June 2024, after City of Weston required Romero to correct the open laps (fish mouths) along all valleys, Romero instructed my crew to burn the open laps along valleys with a torch and then press them down with a trowel. Romero's purpose was to conceal the defects and did not care about if it was done correctly. Even though the open laps along valleys appeared to be lowered down, Romero's instruction caused more damages on the peel and stick underlayment", "9. At my January 27, 2025 deposition, the homeowner Xiaohui Guo showed me Romero's answers to interrogatories that say my company applied bull membrane on the laps in the valleys via a trowel. Romero's answer is not true. Romero only asked my crew to torch and press down the open laps along valleys to conceal the defects", and "10. Comment about pictures: after my crew torched down the open laps along valleys, a Roofing and Construction Corp. worker added bull (without membrane) on the top to make them look like have been sealed. Because my crew already torched and

Afterwards, RACC loaded tiles on all valleys.[17] At his January 23rd, 2025 Deposition, Mr. Romero testified that Mr. Wagner only required him to lower the fish mouths.[18] Thus, nobody either cut or seal the fish mouths.

On June 19th, 2024, Ms. Guo texted to Mr. Wager that fish mouths were burned and tiles were loaded on all valleys to conceal the defects.[19] Mr. Wagner did not reply.

On June 20th, 2024, Mr. Wagner visited the property and commented the inspection as "Fail. The tile must be removed from All valley areas in order to confirm that he repairs to the fish melts in The valleys have been corrected 1512.2.2." [20]

Mr. Wagner's 06/20/2024 Report only required RACC to correct the fish mouths along the valleys. He failed to order RACC to seal all end laps and laps without black selvage area using an SBS modified mastic, which is required by the Product Approval, also known as "Roofing Component Approval."[21]

Membrane:	One or more plies of Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment with a minimum 3" head lap and minimum 6" end lap. Place the first course of membrane parallel to the eave, rolling the membrane to obtain maximum contact. Remove the release membrane as the membrane is applied. Vertical strapping of the roof with Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment is acceptable. All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic.

(Excerpt of "Roofing Component Approval.", produced by Mr. Wagner on 01/22/2025)

On June 20th, 2024, RACC removed tiles from some but not all valleys. Guo emailed to both Mr. Franklin and Mr. Wagner about RACC's burning of the underlayment and other defects.[22] Neither Mr. Franklin nor Mr. Wagner replied.

On June 21st, 2024, without getting on the roof,[23] Mr. Wagner passed the inspection at 8:29AM.[24] At 10:15AM and 10:26AM, Ms. Guo emailed to Mr. Wagner and Mr. Franklin five pictures showing that the fish mouths were not appropriately sealed.[25] Guo did not

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pressed down the open laps along valleys, this guy could not apply bull under the laps. The peel and stick underlayment was never properly sealed."), E.1067 – E. 1068.
Also see Exhibit 11, Mr. Calderon's 01/27/2025 Deposition Transcript, E.140 Line 13 – E.141 Line 17.

[17] See Exhibit 12, Ms. Guo's 06/19/2024 9:08AM Email to Mr. Franklin, E.178.
[18] See Exhibit 24, Ezequiel Romero's 01/23/2025 Deposition Transcript, E.389 Lines 9 – 14 ("I told him to lower the laps on the valleys because that's one of the things the inspector wanted.").
[19] See Exhibit 10, Ms. Guo's June 19th, 2024 5:02PM texting to Mr. Wagner, E.100.
[20] See Exhibit 3, "Inspection Comments," produced by Mr. Wagner on January 22nd, 2025, E.39.
[21] See Exhibit 1, "Roofing Component Approval," produced by Mr. Wagner on January 22nd, 2025, E.2 – E.24.
[22] See Exhibit 12, Guo's June 20th, 2024 5:37PM Email to Mr. Franklin and Mr. Wagner, E.179.
[23] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.820 Line 24 – E.821 Line 5.
[24] See Exhibit 3, "Inspection Comments," produced by Mr. Wagner on January 22nd, 2025, E.39.

receive any reply. Instead, at 11:03AM, Mr. Wagner texted RACC "This is Jim Wagner with Weston please start texting me the photos where you have Bull on all of those laps in The valleys as soon as possible thank you." [26] RACC did not reply to Mr. Wagner.

On June 23rd, 2024, Ms. Guo emailed to Mr. Wagner and Mr. Franklin a before-and-after comparison document to show the remaining defects [27] and a video of the underlayment still bouncing under workers' feet. Neither Mr. Franklin nor Mr. Wagner replied

On June 24th, 2024 at 9:54AM, Mr. Wagner again texted to RACC: "This is Jim Wagner again with city of Weston I'm inquiring as to the status of the ceiling of the valley laps."[28]

On June 25th, 2024 at 8AM, RACC brushed bull on the top of closed fish mouths, not under the laps, along valleys only. **RACC did not seal any other end laps or laps without black selvage area using an SBS modified mastic.** At 9:28AM, RACC texted fifteen (15) pictures to Mr. Wagner. [redacted]

From June 24th, 2024 to June 27th, 2024, because Guo has not received any response to her June 23rd, 2024 Email, she emailed to Mr. Wagner and Mr. Franklin five more times and still received no response.[30]

On December 20th, 2024, Mr. Rene Lamar, the Sales Manager of the underlayment manufacturer, advised Ms. Guo that torching would damage the underlayment and "our recommendation would be to have a roofer razor cut the TileSeal that is not firmly adhered to the deck and SBS mastic the loose parts to the deck/base sheet/TileSeal."[31]

On January 17th, 2025, Mr. Timothy Nast, the Expert Witness and licensed roofer (License#CCC057134), testified at his deposition that "7….(4) Although the underlayment is now covered by tiles, we observed an area at the bottom of a valley that had delaminated self-adhered underlayment on top of the metal. Thus, it would be reasonable to conclude that there could be other areas of delamination. See picture#23. This indicates the underlayment covered by tiles is very likely still delaminated from the roof."[32] Below

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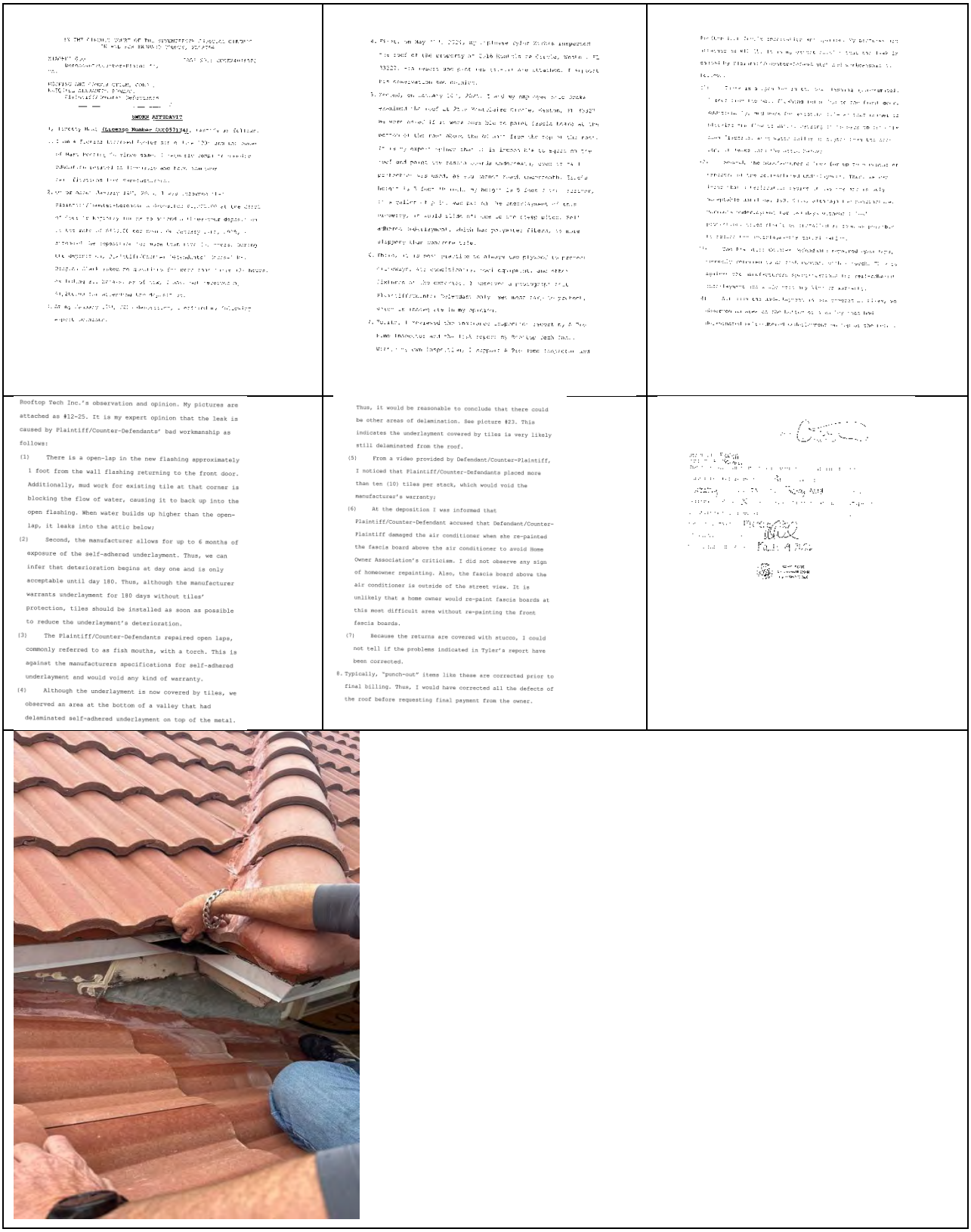
[25] See Exhibit 12, five pictures attached in Ms. Guo's 06/21/2024 10:15AM Email, E.180 – E.185.
[26] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.64
[27] See Exhibit 12, Ms. Guo's June 23rd, 2024 10:52PM Email to Mr. Franklin and Mr. Wagner, E.186 – E.193.
[28] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.64.
[29] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.64 – E.79.
[30] See Exhibit 12, Ms. Guo's June 24th, 2024-June 27th, 2024 Emails to Mr. Franklin and Mr. Wagner, E.194 – E.196.
[31] See Exhibit 23, emails between Ms. Guo and Mr. Lamar, E.330 – E.332.
[32] See Exhibit 29, Mr. Nast's 01/31/2025 Sworn Affidavit, E. 1051 – E.1052.

presents one picture taken by Mr. Nast. For all other pictures and details, see Exhibit 29, E. 1051 – E.1052:



Rooftop Tech Inc.'s observation and opinion. My pictures are attached as #12-25. It is my expert opinion that the leak is caused by Plaintiff/Counter-Defendants' bad workmanship as follows:

(1) There is a open-lap in the new flashing approximately 1 foot from the wall flashing returning to the front door. Additionally, mud work for existing tile at that corner is blocking the flow of water, causing it to back up into the open flashing. When water builds up higher than the open-lap, it leaks into the attic below;

(2) Second, the manufacturer allows for up to 6 months of exposure of the self-adhered underlayment. Thus, we can infer that deterioration begins at day one and is only acceptable until day 180. Thus, although the manufacturer warrants underlayment for 180 days without tiles' protection, tiles should be installed as soon as possible to reduce the underlayment's deterioration.

(3) The Plaintiff/Counter-Defendants repaired open laps, commonly referred to as fish mouths, with a torch. This is against the manufacturers specifications for self-adhered underlayment and would void any kind of warranty.

(4) Although the underlayment is now covered by tiles, we observed an area at the bottom of a valley that had delaminated self-adhered underlayment on top of the metal.

Thus, it would be reasonable to conclude that there could be other areas of delamination. See picture #23. This indicates the underlayment covered by tiles is very likely still delaminated from the roof.

(5) From a video provided by Defendant/Counter-Plaintiff, I noticed that Plaintiff/Counter-Defendants placed more than ten (10) tiles per stack, which would void the manufacturer's warranty;

(6) At the deposition I was informed that Plaintiff/Counter-Defendant accused that Defendant/Counter-Plaintiff damaged the air conditioner when she re-painted the fascia board above the air conditioner to avoid Home Owner Association's criticism. I did not observe any sign of homeowner repainting. Also, the fascia board above the air conditioner is outside of the street view. It is unlikely that a home owner would re-paint fascia boards at this most difficult area without re-painting the front fascia boards.

(7) Because the returns are covered with stucco, I could not tell if the problems indicated in Tyler's report have been corrected.

8. Typically, "punch-out" items like these are corrected prior to final billing. Thus, I would have corrected all the defects of the roof before requesting final payment from the owner.

On February 27th, 2025, the manufacturer voided the warranty, stating "underlayment runs were not cut to manageable lengths, end laps were not sealed with roofing mastic/cement per the installation instructions. Product does not appear to have been installed correctly in the valleys." [33]

Exhibit 5

OWENS CORNING ROOFING AND ASPHALT, LLC
ONE OWENS CORNING PARKWAY
TOLEDO, OHIO 43659
419.248.8000

February 27, 2025

SUSAN GUO
2516 MONTCLAIRE CIR
WESTON, FL 33327

Claim #: 20606525

Dear Susan Guo:
We have reviewed the information that you have submitted and the claim is being denied for improper instillation. Underlayment runs were not cut to manageable lengths, end laps were not sealed with roofing mastic/cement per the installation instructions. Product does not appear to have been installed correctly in the valleys.
If you have any additional questions, or if Owens Corning can assist you any further, please do not hesitate to call 1-800-ROOFING (1-800-766-3464). You can also inquire about the claim by emailing us at OCQS@OWENSCORNING.COM (Please reference the claim number in the subject line of the email).

Sincerely,
Jeremiah (JD)
Resolution Specialist
Owens Corning Sales, LLC
An Authorized Representative of Owens Corning Roofing and Asphalt, LLC

[33] See Exhibit 5, Ownes Corning Roofing and Asphalt, LLC's 02/27/2025 Letter, E.55.

II. Fraudulent Engineering Report

On July 9th, 2024, pursuant to the Contract, Ms. Guo requested RACC to provide the engineering report.[34] However, RACC refused to provide the engineer report to Ms. Guo.[35]

On December 16th, 2024, Judge Betsy Benson ordered RACC to produce the engineering report by December 20th, 2024.[36]

On December 19th, 2024, RACC finally produced the engineer report,[37] which claims that the "TAS 106" uplifting test was performed at the Property on June 27th, 2024, the last day RACC worked at GUO's property. However, Guo's gated community's record shows that Guo's Property's only visitor on June 27th, 2024 was RACC's employee Andres Ramirez Matias.[38] At his 01/15/2025 Deposition, Mr. Matias testified that, while he and his crew finished the job at the Property from the gate opening in the morning to the afternoon on June 27th, 2024, he never saw any test performed at the Property.[39]

Also, at his 01/27/2025 Deposition, another RACC employee Mr. Manuel Baltazar testified that, while he finished the job at the Property and took final pictures of the roof, from the gate opening in the morning to the afternoon on June 27th, 2024, he never saw any test performed at the Property.[40]

At his 02/04/2025 Deposition, Mr. Wagner admitted that he never contacted the engineer to confirm the report's authenticity.[41] A roof is not ready for inspection without TAS-106 test, under Florida Building Code 110.5, which Mr. Wagner failed to enforce.

On February 12th, 2025, Engineer Abdias H. Saenz, who signed RACC's engineering report, failed to show up at his deposition.[42]

On March 3rd, 2025, the Court ordered to prohibit RACC to use or refer to the engineering report as evidence during the trial.[43]

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[34] See Exhibit 14, Guo's 07/09/2024 9:23PM Email to RACC, E.211.
[35] See Exhibit 24, Romero's 01/23/2025 Deposition Transcript, E.468 Line 9 – E.469 Line 23.
[36] See Exhibit 15, Judge Benson's 12/16/2024 Order, E.213.
[37] See Exhibit 16, RACC's Engineer Report, produced by RACC on December 19th, 2024, E.215 – E.216.
[38] See Exhibit 17, Guo's gated community's entrance record, E.217 – E.219.
[39] See Exhibit 18, Andres Ramirez Matias' 01/15/2025 Deposition Transcript, E.233 Lines 14 – 21, E.234 Line 15 – E.236 Line 3.
[40] See Exhibit 19, Manuel Baltazar's 01/27/2025 Deposition Transcript, E.276 Lines 5 – 8, E.279 Line 22 – E.281 Line 24, E.293 Lines 5 – 9, and E.298 Line 11 – E.301 Line 13.
[41] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.845 Lines 7 – 16.
[42] See Exhibit 20, the Court Reporter's February 12th, 2025 Certificate of Nonappearance, E.323.
[43] See Exhibit 15, Judge Betsy Benson's 12/16/2024 Order, E.213, and Exhibit 21, 03/03/2025 Order, E.324.

III. Broken Tiles

On June 28th, 2024, Mr. Wagner visited the Property for the last time. When he told Roofing and Construction Corp.'s worker Ms. Anne Rocco that she did not set her ladder safely,[44] Ms. Guo stand about ten (10) feet away and attempted to videotape the event. Mr. Wagner approached Ms. Guo and asked her to stop video recording. When Ms. Guo insisted to video record, Mr. Wagner left the Property,[45] which cost another inspection fee.

From June 28th, 2024 to July 3rd, 2024, Ms. Guo requested City of Weston to send another inspector.[46] Ms. Guo did not receive any reply.

On July 2nd, 2024, RACC emailed to Mr. Wagner Seven (7) pictures that only show partial sections of the roof,[47] with at least two red bags on it [48], and hid at least two (2) pictures with fractured and chipped tiles. [49] Without visiting the Property, requesting complete pictures of the roof, or confirming that the red bags have been removed from the roof, Mr. Wagner entered "pass," and commented "As per the homeowners request not to go back to her property Final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and that there were no loose or broken tiles."[50]

On July 3rd, 2024, Ms. Guo's roof failed her insurance inspection.[51] Some tiles were obviously cut-through by machines when RACC installed them.[52] Some broken tiles were concealed with red cement.[53]

On January 26th, 2025, RACC produced two pictures of tiles with "T" marks, claiming that they were taken by the engineer.[54] When the two pictures were shown to Mr. Wagner at

[44] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.819 Lines 18 – E.820 Line 7.
[45] See Video #198.
[46] See Exhibit 12, Guo's 06/28/2024 – 07/03/2024 Emails to Mr. Franklin, Mr. Wagner, and Mr. Reginald Cox, E.196 – E.199 ("Please send in another inspector because the reinspection fee has been paid," 07/03/2024 11:33AM Email).
[47] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.56 – E.63.
[48] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.57 and E.62.
[49] See Exhibit 28, produced by RACC on January 28th, 2025, E.1045 – E.1047.
[50] See Exhibit 3, "Inspection Comments," produced by Mr. Wagner on January 22nd, 2025, E.39.
[51] See Exhibit 13, A Pro Home Inspector's July 3rd, 2024 inspection report, E.200 – E.209.
[52] See Exhibit 13, cut-through tile, photo 18, E.207.
[53] See Exhibit 13, broken tile concealed with red cement, phone 16, E.207.
[54] See Exhibit 25, RACC office manager Anne Rocco's 01/27/2025 Deposition Transcript, E.631 Line 13 – E.632 Line 25.

his 02/04/2025 Deposition, he admitted that they show fractured and chipped tiles.[55] However, Mr. Wagner denied that he ever saw them. When being asked that, after seeing the two pictures, whether he would still enter the final inspection result as "there were no loose or broken tiles," Mr. Wagner refused to answer.[56]

Further, after taking the seven pictures, RACC may break tiles when removing the red bags from the roof. However, Mr. Wagner falsely testified that from the street he can see that the red bags in the pictures [57] have been removed from the roof.[58] In fact, it is impossible to see from the street that the red bags have been removed from the roof. If he really could see from the street, before he entered his 07/02/2024 comment "the roof was completed and that there were no loose or broken tiles," Mr. Wagner should have driven by the property to confirm that red bags in the pictures have been removed from the roof.

IV. More Than Ten (10) Tiles Per Stack

Florida Building Code 1512.2.5 states: "…Roofing assemblies detailed in the Product Approval shall be installed in strict compliance with the method of application set forth in such Product Approval or, **if not part of the Product Approval, in compliance with manufacturer's published application instructions**…" (Emphasis Added).

"Up to 10 tiles per stack when roof loading" is instructed in the "Westlake Roya Tile Seal™ HT MODIFIED ASPHALT ROOFING UNDERLAYMENT" brochure,[59] which has been not only published but also approved by Miami-Dade County.

Pictures produced by Mr. Wagner on January 22nd, 2025, such as 1000001314, 1000001317,1000001321, 1000001322, 1000001323,1000001324,1000001325, 1000001326, 1000001327, 1000001328, 1000001329, 1000001332, 1000001333, 1000001337, 1000001338, 1000001339, 1000001340, 1000001341, 1000001342, and 1000001343, clearly show stacks with more than ten (10) tiles.[60]

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[55] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.802 Line 19 – E.803 Line 16.
[56] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.801 Line 21 – E.806 Line 15 and E.815 Line 8 – E.817 Line 4.
[57] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.57 and E.62.
[58] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.864 Line 8 – E.870 Line 4.
[59] See Exhibit 32, Westlake Roya Tile SealTM HT MODIFIED ASPHALT ROOFING UNDERLAYMENT," E.1088 – E. 1091.
[60] See Exhibit 27, 01/17/2025-02/21/2025 Emails between Ms. Guo and Mr. Wagner, pictures 1000001314, E.946, 1000001317, E.949, 1000001321, E.953, 1000001322, E.954, 1000001323, E.955, 1000001324, E.956, 1000001325, E.957, 1000001326, E. 958, 1000001327, E.959, 1000001328, E.960, 1000001329, E.961, 1000001332, E.964, 1000001333, E.965, 1000001337, E.969, 1000001338, E.970, 1000001339, E.971, 1000001340, E.972, 1000001341, E.973, 1000001342, E.974, 1000001343, E.975.

At his 01/23/2025 Deposition, Romero also admitted that tiles were placed more than ten (10) per stack. p.38 Line 21 – p.47 Line 5.[61]

However, at his 02/04/2025 Deposition, Mr. Wagner testified "Again, a brochure and a product approval are two different things. We cannot go by brochures," "Product approvals, they have to go through certain testing and stuff like that to become – what you may call it, Dade County approved," and "I cannot enforce things that are in the brochure." [62] Mr. Wagner's such testimony completely ignored that the published brochure is also Miami-Dade County approved and Florida Building Code 1512.2.5 states "…if not part of the Product Approval, in compliance with manufacturer's published application instructions…."

Exhibit 32 (Page 1 of 4)

[61] See Exhibit 24, Ezequiel Romero's 02/04/2025 Deposition Transcript, E.370 Line 21 – E.379 Line 5.
[62] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.858 Line 13 – E.861 Line 19.

V. Roof Leaking

On July 22nd, 2024, Ms. Guo's roof was found leaking.[63]
On July 28th, 2024, Ms. Guo informed RACC that her house is leaking.[64]
On September 10th, 2024, RACC requested to inspect the leaking.[65]

On September 12th, 2024 at 9:48AM, Mr. Wagner texted to Mr. Romero: "I see a tarp on the roof of the [redacted] house does she have a leak." Mr. Romero answered "I don't know she never called us again" "Waiting to go to trial" "She is selling the house", not only pretending that Ms. Guo never notified him that the roof is leaking but also making up a story that Ms. Guo is selling the house.[66]

On January 23rd, 2025, Ms. Guo deposed Mr. Romero. When being asked about from where he learned that she was selling the house. Mr. Romero answered that someone called him to tell him but he doesn't remember this person's gender, name, relationship, date of the phone call, any other contents of the phone call, or any other circumstances whatsoever. After Ms. Guo spent more than eight pages of transcripts to go over every possible person, Mr. Romero expressly stated: "So you can keep asking the same questions, but that's not going to make me remember,"[67] which indicates that there is no such person telling Romero that "She is selling the house."

On November 22th, 2024, when RACC inspected the Property, RACC's counsel Mr. Douglas Clark called Judge Benson to complain that, because RACC never knew that there is a tarp on the roof, RACC would like to leave the Property without inspecting the roof. Judge Benson correctly pointed out that RACC and Mr. Clark should have known that there must be a tarp.[68]

In fact, RACC has a history and pattern of being sued for their failing for protect property, negligently hiring and training workers, and willfully concealing roofing defects. For examples, see CACE19023564 in Broward Circuit Court [69] and 2022-003438-CC-26 in

[63] See Exhibit 4, Rooftop Tech Inc.'s 07/22/2024 Inspection Report, E.40 – E.54.
[64] See Exhibit 14, Ms. Guo's 07/28/2024 Email to RACC, E.212.
[65] See Exhibit 16, RACC's 09/10/2024 Motion for Entry Upon Land for Inspection of Property, E.326 – E.329.
[66] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.81.
[67] See Exhibit 24, Romero's 01/23/2025 Deposition, E.472 Line 7 – E.480 Line 16, E.483 Lines 5 – 16, and E.485 Line 20 – E.486 Line 10.
[68] See Video #205.
[69] In CACE19023564 Complaint, Count I "Negligence" stated "Defendant breached its duty of ordinary and reasonable care in one or more of the following ways: (a) by failing to inspect, maintain, patch, and/or otherwise adequately repair the roof of the condominium building where Plaintiff's Insured's Property was located; (b) by negligently performing work on the roof at Plaintiff's insured's Property; (c) by failing to adequately secure and/or cover the roof to prevent water intrusions; (d) by negligently hiring, retaining, and/or training agents, employees or

Miami-Dade County Court.[70] However, in their 01/23/2025 and 01/27/2025 depositions, RACC's both owners, Romero [71] and Rodolfo Aranes,[72] and the office manager Anne Rocco,[73] all falsely denied that their company was ever sued for their roofing jobs.

[redacted]

subcontractors who lacked the requisite knowledge or skill to perform the work that Defendant was retained to perform; and/or by failing to properly and adequately oversee and supervise said agents, employees, or subcontractors."

[70] In 2022-003438-CC-26 Complaint's Count I "Negligence ," the Complaint stated "21. ROOFING CORP breached the above duties by negligently and/or carelessly failing to maintain the roof so that the roof was not water tight and allowed water to leak and cause extensive damage to the Premises."

[71] See Exhibit 24, Romero's 01/23/2025 Deposition Transcript, E.540 Lines 18 – 24, E.601 Lines 7 – 12, and E.609 Line 24 – E.611 Line 11.

[72] See Exhibit 31, Rodolfo Aranes' 01/27/2025 Deposition Transcript, E.1081 Line 10 – E.1082 Line 22.

[73] See Exhibit 25, Anne Rocco' 01/27/2025 Deposition Transcript, E.659 Line 20 – E.660 Line 5.

[74] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.717 Line 23 – E.718 Line 19 and E.726 Line 18 – E.731 Line 7.

[75] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on 01/07/2025, E.80 – E81.

[76] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.733 Line 16 – E. 735 Line 7.

[77] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.746 Lines 3 – 6 and E.747 Lines 12 – 14.

[78] See Exhibit 1, "Roofing Component Approval," produced by Mr. Wagner on January 22nd, 2025, E.4.

[79] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.738 Line 16 – E.743 Line 7.
Also see Exhibit 10, Ms. Guo's texting messages with Mr. Wagner, E.93 – E.95.

[80] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.733 Lines 4 – 15.
Also see Exhibit 10, Ms. Guo's texting messages with Mr. Wagner, E.100, and Exhibit 12, Guo's 06/20/2024 5:37PM Email to Mr. Franklin and Mr. Wagner, E.179.

[redacted]

[81] See Exhibit 27, 01/17/2025-02/21/2025 Emails between Ms. Guo and Mr. Wagner, E.967.
[82] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.831 Line 18 – E.835 Line 11.
[83] See Exhibit 7, RACC's 10/18/2024 Answer to Ms. Guo's First Set of Interrogatories, Interrogatory #1, which shows that RACC did not work at the Property on June 21st, 2024, E.85 – E.86.
[84] See Exhibit 6, email/text between Mr. Wagner and RACC, produced by RACC on January 7th, 2025, E.64.
[85] See Exhibit 30, Subcontractor Leonel Calderon's 03/12/2025 Sworn Affidavit, E.1067 – E.1068.
[86] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.785 Line 21 – E. 786 Line 19
[87] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.844 Line 12 – E.845 Line 6.
[88] See Exhibit 13, pictures of tiles obviously cut through by machines, E.207.
[89] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.687 Lines 11 – 17.
[90] See Exhibit 6, document produced by RACC on January 7th, 2025, E.56.
[91] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.688 Line 24 – E. 689 Line 9.
[92] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E. 695 Line 15 – E.696 Line 3.
[93] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.735 Line 17 – E.736 Line 10.
[94] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.752 Line 16 – E.753 Line 19.
[95] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.801 Lines 5 – 16.
[96] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.840 Line 16 – E.841 Line 9.
[97] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.869 Line 20 – E.872 Line 5.

[redacted]

[98] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.863 Line 2 – E.869 Line 21.
[99] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.869 Line 21 – E.872 Line 5.
[100] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.689 Line 18 – E.690 Line 7.
[101] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.690 Lines 8 – 9.
[102] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.690 Lines 10 – 11.
[103] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.823 Line 21 – E.825 Line 10 and E.836 Lines 22 – 25.
[104] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.685 Line 21 – E.686 Line 18.
[105] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.700 Line 1 – E.706 Line 7.
[106] See Exhibit 25, Anne Rocco's 01/27/2025 Deposition Transcript, E.663 Lines 15 – 23.
[107] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.817 Line 6 – E.820 Line 17.
Also see Videos #198 and #200.
[108] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.685 Line 25, E. 686 Line 11, E.687 Line 8, E.698 Line 25 – E.699 Line 1, E.704 Line 12, and E.710 Line 1.
[109] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.710 Line 17.
[110] See Exhibit 26, Mr. Wagner's 02/04/2025 Deposition Transcript, E.706 Lines 12 – 23.

CONCLUSION

Mr. Wagner's failures to enforce FL Building Code 1512.2.5 and 110.5 violated FL Stat. Section 468.621(1)(g) "Failing to properly enforce applicable building codes or permit requirements within this state which the certificateholder knows are applicable or committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property."

(1) During and after the peel & stick underlayment was installed, Mr. Wagner inspected the roof on April 4th, 2024, May 24th, 2024, June 20th, 2024, June 21st, 2024, and June 28th, 2024. However, he failed to demand RACC to satisfy the requirement of "Roofing Component Approval", also known as Product Approval, "All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic." As a result, Ms. Guo lost warranty on the peeling and stick underlayment.
(2) TAS-106 Test was never performed. RACC only provided to Mr. Wagner a fraudulent engineering report and seven pictures of partial roof, while hiding at least two pictures of fractured and chipped tiles. However, Mr. Wagner failed to either confirm the authenticity of the engineering report or request complete pictures of each section of the roof.
(3) Mr. Wagner explictly ignored the fact that RACC placed more than ten (10) tiles per stack, which violated the published and Miami-Dade approved manufacturer brochure.

[redacted]

WHEREFORE Ms. Guo respectfully requests this honorable Board to:

(1) reverse Mr. Wagner's inspection results, pursuant to FL Building Code 1512.2.5 and 110.5

[redacted]

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

XIAOHUI GUO
Defendant/Counter-Plaintiff,
vs.

CASE NO.: COCE24046580

ROOFING AND CONSTRUCTION, CORP.,
EZEQUIEL ALEJANDRO ROMERO.
Plaintiff/Counter-Defendants
_____/

SWORN AFFIDAVIT

I, Timothy Nast **(License Number CCC057134)**, testify as follows:

1. I am a Florida Licensed Roofer since June 1994 and the owner of Nast Roofing Co since same. I reguarly complete ongoing edutation related to licensure and have numerous certifications from Manufacturers.

2. On or about January 14th, 2025, I was informed that Plaintiff/Counter-Defendants deposited $1,200.00 at the Clerk of Court's Registry for me to attend a three-hour deposition at the rate of $400.00 per hour. On January 17th, 2025, I attended the deposition for more than five (5) hours. During the deposition, Plaintiff/Counter-Defendants' Counsel Mr. Douglas Clark asked me questions for more than three (3) hours, excluding all breaks. As of now, I have not received my $1,200.00 for attending the deposition.

3. At my January 17th, 2025 deposition, I offered my following expert opinions.

4. First, on May 21st, 2024, my employee Tyler Zirbes inspected the roof of the property at 2516 Montclaire Circle, Weston, FL 33327. His report and pictures (#1-11) are attached. I support his observation and opinion.

5. Second, on January 14th, 2025, I and my employee Eric Drake examined the roof at 2516 Montclaire Circle, Weston, FL 33327. We were asked if it were possible to paint fascia board at the bottom of the roof above the AC unit from the top of the roof. It is my expert opinon that it is impossible to squat on the roof and paint the fascia boards underneath, even if fall protection was used, as you cannot reach underneath. Eric's height is 5 feet 10 inch, my height is 5 feet 7 inc. Further, if a gallon of paint was put on the underlayment of this property, it would slide off due to the steep pitch. Self-adhered underlayment, which has polyester fibers, is more slippery than concrete tile.

6. Third, it is best practice to always use plywood to protect driveways, air conditioners, pool equipment, and other fixtures of the exterior. I observed a photograph that Plaintiff/Counter-Defendant only used mesh tarp to protect, which is inadequate in my opinion.

7. Fourth, I reviewed the insurance inspection report by A Pro Home Inspector and the leak report by Rooftop Tech Inc.. Within my own inspection, I support A Pro Home Inspector and

Rooftop Tech Inc.'s observation and opinion. My pictures are attached as #12-25. It is my expert opinion that the leak is caused by Plaintiff/Counter-Defendants' bad workmanship as follows:

(1) There is a open-lap in the new flashing approximately 1 foot from the wall flashing returning to the front door. Additionally, mud work for existing tile at that corner is blocking the flow of water, causing it to back up into the open flashing. When water builds up higher than the open-lap, it leaks into the attic below;

(2) Second, the manufacturer allows for up to 6 months of exposure of the self-adhered underlayment. Thus, we can infer that deterioration begins at day one and is only acceptable until day 180. Thus, although the manufacturer warrants underlayment for 180 days without tiles' protection, tiles should be installed as soon as possible to reduce the underlayment's deterioration.

(3) The Plaintiff/Counter-Defendants repaired open laps, commonly referred to as fish mouths, with a torch. This is against the manufacturers specifications for self-adhered underlayment and would void any kind of warranty.

(4) Although the underlayment is now covered by tiles, we observed an area at the bottom of a valley that had delaminated self-adhered underlayment on top of the metal.

Thus, it would be reasonable to conclude that there could be other areas of delamination. See picture #23. This indicates the underlayment covered by tiles is very likely still delaminated from the roof.

(5) From a video provided by Defendant/Counter-Plaintiff, I noticed that Plaintiff/Counter-Defendants placed more than ten (10) tiles per stack, which would void the manufacturer's warranty;

(6) At the deposition I was informed that Plaintiff/Counter-Defendant accused that Defendant/Counter-Plaintiff damaged the air conditioner when she re-painted the fascia board above the air conditioner to avoid Home Owner Association's criticism. I did not observe any sign of homeowner repainting. Also, the fascia board above the air conditioner is outside of the street view. It is unlikely that a home owner would re-paint fascia boards at this most difficult area without re-painting the front fascia boards.

(7) Because the returns are covered with stucco, I could not tell if the problems indicated in Tyler's report have been corrected.

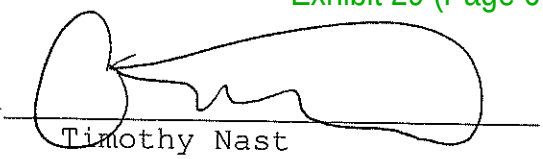
8. Typically, "punch-out" items like these are corrected prior to final billing. Thus, I would have corrected all the defects of the roof before requesting final payment from the owner.

9. On January 24th, 2025, I was informed by Defendant/Counter-Plaintiff that EZEQUIEL ALEJANDRO ROMERO testified on January 23rd, 2025 that protection of the Property only is needed during tear-off stage, to which I disagree. A professional roofer should protect the Property at each step of repairing and re-roofing.

10. In summary, a new roof should be leak-free for at least twenty (20) years. However, in my opinion and because there is a current leak and previous photos have indicated improper installation in critical areas, the new roof installed by Plaintiff/Counter-Defendants has a better chance of failing within one to five years than if it were properly installed. To stop the leak, my company can give a repair estimate with only two (2) year's warranty for the repair. However, Defendant/Counter-Plaintiff deserves a complete new-roof with ten (10)'s warranty. Tyler Zirbes' May 23rd, 2024 estimate of $80,400.00 of a new roof is accurate.

11. The interior of the house has a fancy faux painting. Also, the stain of leaking in master bathroom goes further behind the mirror. Thus, I cannot accurately estimate the interior damage caused by the leak.

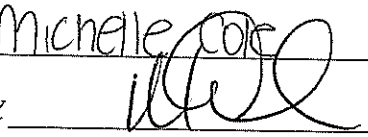
Under penalties of perjury, I declare that I have read the forgoing "SWORN AFFIDAVIT" and that the facts stated in it are true.

Sign 

Timothy Nast

STATE OF FLORIDA
COUNTY OF Broward
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 31 day of January, 2025, by Timothy Nast; who is Personally Known X OR Produced Identification ____. Type of Identification Produced _____.

NAME OF NOTARY Michelle Cole

SIGNATURE OF NOTARY 

MY COMMISSION EXPIRES March 19 2026

NOTARY PUBLIC STATE OF FLORIDA

MICHELLE COLE
Commission # HH 228114
Expires March 19, 2026

IN THE COUNTY COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: COCE24046580

XIAOHUI GUO, an individual,

Defendant/Counter-Plaintiff,

-vs-

ROOFING AND CONSTRUCTION CORP.,
EZEQUIEL ALEJANDRO ROMERO,

Plaintiff/Counter-Defendants.

_____/

Deposition Via Zoom

Monday, January 27, 2025
2:38 p.m. to 3:59 p.m.

DEPOSITION OF

LEONEL CALDERON

Taken before Heidi Syed, Court Reporter, a Notary Public for the State of Florida at Large, pursuant to Notice of Taking Video Deposition filed in the above-styled cause.

APPEARANCES:

On Behalf of the Plaintiff/Counter-Defendants:

SOTO LAW GROUP, P.A.

2400 Commercial Boulevard, Suite 400

Fort Lauderdale, FL 33308-4026

(954) 567-1776

doug@sotolawgroup.com

BY: DOUGLAS J. CLARKE, ESQUIRE

On Behalf of the Defendant/Counter Plaintiff:

XIAOHUI GUO

2516 Montclaire Circle

Weston, FL 33327

xiaohui.guo2022@gmail.com

BY: XIAOHUI GUO, PRO SE

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THEREUPON:

COURT REPORTER: All right. Good afternoon. My name is Heidi Syed. I'm the court reporter for today's case, Guo vs. Roofing Construction Corp., Ezequiel Alejandro Romero. Today's date is January 27, 2025, and the time is 2:38.

Will counsel please state their appearance for the record.

MR. CLARKE: Ms. Guo?

MS. GUO: Yeah. This is Xiaohui Guo, Pro Se. Sorry.

MR. CLARKE: Good afternoon. Doug Clarke on behalf of the Plaintiff/Counter-Defendant, Roofing and Construction Corporation, as well as Counter-Defendant, Ezequiel Alejandro Romero.

COURT REPORTER: All right. Mr. Calderon, will you please state your full name for the record.

THE WITNESS: Yes. My full name is Leonel Cabrera Calderon.

COURT REPORTER: All right. I do see that you're driving, and I am not sure how the attorney and Ms. Guo would like to continue.

THE WITNESS: I'm just pulling over right now.

COURT REPORTER: Okay. Perfect. So --

MS. GUO: Thank you.

COURT REPORTER: -- once you pull over, I'll swear you in.

MS. GUO: Thank you for your time, Mr. Calderon.

THE WITNESS: Okay. I just stopped.

COURT REPORTER: All right. Would you state your full name for the record?

THE WITNESS: Yes. That's going to be Leonel Cabrera Calderon.

COURT REPORTER: All right. And will you raise your right hand for me?

THE WITNESS: I'm sorry, say that again.

COURT REPORTER: Will you raise your right hand for me?

THE WITNESS: Yes, ma'am.

LEONEL CALDERON,

having been first duly sworn and responding, "Yes," was examined and testified as follows:

COURT REPORTER: All right. You can put your hand down.

MS. GUO: Can start now?

COURT REPORTER: Yes.

DIRECT EXAMINATION

BY MS. GUO:

Q. Mr. Calderon, how long have you been doing roof business?

A. I'm sorry, say that again?

Q. How long have you been doing roof business?

A. So I believe doing -- I've been in this business for over six years now.

Q. So are you familiar with every step of the roof -- re-roofing and repair?

A. That is correct.

Q. I'm going to share you some pictures, two pictures actually. In this picture, do you see a cracked tile -- I'm zooming in here. Do you see a cracked tile here? This picture, I'm sorry --

MR. CLARKE: Form.

Q. This is -- I'm sorry, this is Exhibit X. This is the picture produced by Roofing and Construction Corp. yesterday around 8:00 p.m. This is Page 5 on their production.

Do you see any cracked tile here? Do you see any cracked tiles here?

MR. CLARKE: Form.

THE WITNESS: I'm pretty sure there's one visible on the left side on the middle of the picture.

BY MS. GUO:

Q. Let me move to a little bit to the -- it's a cracked tile, right?

A. Yeah, its -- there's also a chance that that is not -- that it might be broken and they just place it back on, or the -- it might just be cracked and then later the time, you know, storms and all that it's going to just fall off again.

Q. So you are sure this is a cracked tile on this picture, right?

A. Yes.

Q. Do you see this T mark on this picture also?

A. Yes, I see that.

Q. What does this T means?

A. Could be that they -- they marked it as -- at the factory. Sometimes they like to do that depending on what kind of tile it is. They mark all the tile with different letters just to recognize what kind of tile it is, what brand it is.

Q. Could it be marked by an engineer when he does the -- engineer?

A. Could be as well. We need to ask him what he mark a T for, referring to.

Q. Okay. And let me move down a little bit, picture 5 here. At bottom of the picture 5, do you see

some broken tiles -- see some broken tiles on here?

MR. CLARKE: Form.

THE WITNESS: That's correct.

BY MS. GUO:

Q. Yes or no? Did you see broken tiles on picture 5?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Let's go to Page 6 and zoom in. In the middle of picture, do you see broken tiles here?

MR. CLARKE: Form.

THE WITNESS: Yes, there's a lot of broken corners of the tile right there. Right above the -- where you have your mouse, there's a broken tile up here on the second row as well. I'm sorry, that's the third row right there.

BY MS. GUO:

Q. Let me move down -- little bit down. Same picture on Page 6 of Exhibit X. I'm moving to the -- little bit to the left. Let me zoom out. Here. Do you see my mouse move, do you see a crack here? Let me zoom in a little bit.

MR. CLARKE: Form.

THE WITNESS: Yes. There's a crack next to --

right there.
BY MS. GUO:
Q. Okay. So you -- we -- we see more than two cracks on -- on the two pictures, right?
MR. CLARKE: Form.
THE WITNESS: Correct. Yes.
COURT REPORTER: I'm sorry, repeat -- I'm sorry, repeat your answer.
BY MS. GUO:
Q. Do you see more than two cracks on each of the two pictures?
MR. CLARKE: Form.
THE WITNESS: Correct. That's correct, yes.
BY MS. GUO:
Q. Do you also see a mark like a T on Page 6?
A. Yes. Like we mentioned before, it might be a factory. But if the engineer did it, we might want was the reason he marked those tiles for. Usually, when they mark a tile, it's because they want that replaced before he signs the engineer report.
Q. So if they have any cracked tiles, the engineer should not pass the test, right?
A. That's correct.
MR. CLARKE: Form.
THE WITNESS: If there is any cracked tiles on

the roof, the engineer shouldn't be passing that report.

COURT REPORTER: Was that a form objection?

MR. CLARKE: Yes.

COURT REPORTER: Thank you.

BY MS. GUO:

Q. Okay. I'm going to stop sharing for a moment now.

Mr. Calderon, did you work at my property on April 2nd, April 3rd, April 4th, April 5th, 2024?

A. That is correct. Yes, I was there.

Q. Each days when were you working here, were you here from the morning to the afternoon?

A. I was there from 8:00 in the morning to 5:00 in the afternoon -- yes.

Q. So were you always the first person in and the last person left?

A. Yes.

Q. Okay. Before you start working at my property on April 2nd, 2024, did the Roofing and Construction Corp. removed all the tiles along the long valley above the two air conditioner?

MR. CLARKE: Form.

THE WITNESS: Yes, that is correct. They send my worker crew to do our repair above valley metals

because you were having a lot of water coming in that -- into the -- into the -- into the -- I'm sorry, in your valley metals. You were getting a lot of water from it. That's why my guys were sent out there.

BY MS. GUO:

Q. Did Alex Romero tell you to do those temporary leaks?

A. That's correct.

MR. CLARKE: Form.

Q. So in March 2024 Roofing and Construction Corp. did temporary repairs to my property, correct?

A. That is correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Those two temporary repairs were on the side of the roof, above the two air conditioners, right?

MR. CLARKE: Form.

THE WITNESS: There was one right above the air conditioning and there was another one right -- I believe it was the one that was on the other side of the face of the roof.

BY MS. GUO:

Q. Did the --

A. The biggest one was right above the air conditioners, that's correct.

Q. Did your workers remove all the tiles in March 2024? Did the workers remove all tiles along the long valley above the two air conditioners?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. So on April 2nd, 2024, did you put screen around the two air conditioners to protect them?

A. That is correct. My crew -- I made sure that my crew put the screen protector so we don't get no nails inside the air conditioner and they break. So yes, we put them in there -- on there.

Q. Before April 22nd [sic], 2024, did Roofing and Construction protect the property when they do the temporary repair?

MR. CLARKE: Form.

THE WITNESS: I'm not quite sure about that answer right there. I don't -- I was not there. Alex -- Alex was the one sending -- sending my guys there to do the temporary repair.

BY MS. GUO:

Q. Did Alex -- was Alex Romero for sure know where the location of the leaks are?

MR. CLARKE: Form.

THE WITNESS: The previous or the ones you got -- you got right now?

BY MS. GUO:

Q. Do Alex Romero know the location of the leaks?

MR. CLARKE: Form.

THE WITNESS: He should know, yes.

BY MS. GUO:

Q. Okay. On April 2nd, when you put screen around two air conditioner -- so, I'm sorry.

So doing those temporary repairs, March 2024, is it possible tiles fell off the roof?

A. Yes. There's a --

MR. CLARKE: Form.

THE WITNESS: There's a high possibility that some of the tiles might fall on top of things. The reason why temporary repairs are not recommended is because usually they don't request, like in this case, Romero didn't ask my guys to put the tiles back on the place. So he just said to just pile them on the side, so when we do the tear-off of the home, we can just throw it in the dump truck, right. There was not -- there was possibly anymore, but there's a high chance that that could be the situation that.

BY MS. GUO:

Q. So there's a high chance doing a temporary repairs in March 2024, tiles fell off the roof and damaged air conditioner?

A. That is correct.

Q. So on April 2nd, 2024, when you put screen around two air conditioner to protect them, did you notice that one of the air conditioner has a hole?

A. Yes. I noticed it and I took a picture of it to make sure that he was not going to blame on the tear-off crew, my crew, that we broke that.

Q. Did you -- on April 2nd, 2024, when you were there putting screen around two air conditioners -- two -- around two air conditioners, did you notice that other air conditioner has no damage at all?

MR. CLARKE: Form.

THE WITNESS: The other air conditioner didn't have no damage at all. That's correct.

BY MS. GUO:

Q. I was talking about the air conditioner has damage when you noticed on April 2nd, 2024. The damage -- the air conditioner, the hole -- is the hole at its cover's far right corner?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. So that damage looks very new?

MR. CLARKE: Form.

THE WITNESS: It was very new, yes. It looked very new.

BY MS. GUO:

Q. Was that because the edge of the hole very sharp?

COURT REPORTER: I'm sorry, repeat your question.

THE WITNESS: Yes.

BY MS. GUO:

Q. You said brand new it was because the -- the edge of the crack was very -- was still very sharp?

MR. CLARKE: Form.

COURT REPORTER: The age of the crack was what?

MS. GUO: It's okay, it's okay, it's okay.

BY MS. GUO:

Q. So the damage -- the air conditioner, the damage -- the air conditioner damage looks very new, correct?

A. That's correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Okay. So do you think the temporary repair in March 2024 tiles fell off on one of the two air conditioners and broke the -- its cover?

MR. CLARKE: Form.

THE WITNESS: Or damaged them before. it might be -- probably there's a high chance that one of the -- one of the tiles fell off the roof and might've hit the corner of the AC.

BY MS. GUO:

Q. And was the hole on the air conditioner covered by bush when you put on the screens surrounded by the bushes?

A. I'm sorry, repeat that question again.

Q. Were the air conditioners surrounded by the bushes?

A. Yes.

Q. So is it possible that me, as the owner, I, Xiaohui Guo, as the owner, did not notice the damage because the damage was covered by bushes and your screen?

MR. CLARKE: Form.

THE WITNESS: Yeah, there's -- the damage is right on the corner behind -- behind -- it's not on the front face of the AC. It's behind the AC, so

yes, probably you didn't even notice it until you probably took a good look at it.

BY MS. GUO:

Q. Was the peel and stick underlayment installed on April 4th, 2024?

A. I'm sorry, repeat that question again.

Q. Was the peeling and stick underlayment installed on April 4th, 2024?

A. Yes, that is correct.

Q. After peeling and the stick underlayment was installed, did you see Elias Morillo painting the fascia boards?

A. That is correct. I saw -- so it happened for me to go back the same day that he was painting the fascia board to -- to get the -- to get the six inches strip of SAP modified to put on the -- on the L flashings. So he was there painting the fascia. That is correct.

Q. Okay. Did you watch him -- watch Elias Morillo painting the fascia board from beginning to the end?

A. Pretty much, yes.

Q. During the whole process of painting fascia board, was Morillo ever on the roof to paint the fascia boards?

A. No. He was not on the roof. That is -- that is not correct. He was not on the roof.

Q. Did -- what tools did Morillo use to paint the fascia board?

A. He was using a handle and -- and he was also using a brush, regular brush.

Q. Did he use the ladder and the brush?

A. Yes. He was using a ladder, small ladder. Probably two-foot ladder.

Q. Was -- is there a space between the air conditioner to put on -- put in a ladder?

A. No. There's no space between there because there's a lot of things covered. Not just the AC. The bushes are there, so there's no chance for him to, you know, to introduce a ladder in there and then try to paint the fascia from -- from the ladder.

Q. Is it possible to paint the fascia board from the roof without falling off on this property?

MR. CLARKE: Form.

THE WITNESS: The fascia board is what we call a 15-, 20-degree angle. And the roof is a 6 -- I believe it's a 6- or 12-pitch, so there's no chance somebody can paint the fascia board -- at least the front face, you can paint it from the roof, but it's not -- it's still not going to be looking

good. But if you want to paint the fascia behind the back face and underneath it's not going to be possible.

BY MS. GUO:

Q. Did you see Morillo paint the fascia board underneath and behind?

A. Yes.

Q. So he painted the fascia board from the face, the bottom face, and the back face, correct?

A. Correct. That is correct, yes.

Q. Did you ever see Morillo -- Mr. Morillo on the roof to paint the fascia board?

A. No, I didn't.

Q. Did he finish all the painting fascia board from the ground?

A. Yes, he paint all the fascia from the ground. That is correct.

Q. Did he paint all the fascia -- did Morillo paint all the fascia board underneath the fascia board?

A. Yes, he did.

Q. So you are here testifying you watched Morillo painting the fascia board from beginning to the end and never went on the roof to paint the fascia board, correct?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. And you are here testifying that you watched Morillo paint the fascia board front face, the bottom face, and the back face, correct?

A. That is correct, yes.

Q. Mr. Morillo testified that he squatted on the roof to paint fascia boards. Do you think he must be lying?

MR. CLARKE: Form.

THE WITNESS: If he say he was on the roof, he's lying because I was present the day he was painting the fascia, so the -- there's no way he will be saying the truth if he's saying that he was on the roof painting it. Because I was there that day he was painting it, and I saw him.

BY MS. GUO:

Q. Because there's no space to put the ladder between the air conditioners, does Morillo has to step on the air conditioner to paint the fascia board above?

MR. CLARKE: Form.

THE WITNESS: There's a high chance that he probably did.

BY MS. GUO:

Q. On January 25, 2025, did you and I talked

through the Zoom.

A. Yes.

Q. Through the Zoom did I show you around the -- my property at 2516 Montclaire Circle, Weston, Florida 33327?

A. Yes.

Q. Did I, through the Zoom, did I show you every piece of the fascia board at my property?

A. That is correct, yes.

Q. Did you notice any change of the paintings of the fascia board?

A. No. There's no changes --

Q. In my property?

A. There was no changes. The color that he was putting up on that day, that I mentioned before, was the same exact color. And I know that because the color that they got for the fascia board didn't match the color that you had before.

Q. Was the paint -- the fascia board the same as Morillo paint it?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again.

BY MS. GUO:

Q. It's okay. Do you remember that -- do you remember the three -- about a three-inch long piece of

fascia board above the garage door was chipped off during the tile tearing off?

A. Yes, that is correct.

Q. After that did the Roofing and Construction Corp.'s worker caulk this chipped off the place?

MR. CLARKE: Form.

THE WITNESS: That is correct. Romero, he asked me to caulk the fascia there and then he was going to touch it with the paint. He didn't want to replace that whole piece and then we just put -- apply a little bit of caulking on it and then they paint over it.

BY MS. GUO:

Q. Did Morillo painted over the caulking?

A. That is correct, yes.

Q. Did Morillo painted the whole fascia above the garage door?

A. No.

Q. So the fascia board above the garage door has -- shows both old and the new paint, right?

A. That is correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did I complaint to the Alex Romero saying that

the homeowner association may not like the -- the alternate color -- the inconsistent color on the fascia board --

MR. CLARKE: Form.

Q. -- above the garage door?

A. Yes, you did.

Q. Also, on January 25th, 2025, did you see any change on the fascia board above the garage door?

A. No. I did not.

Q. On January 25th, 2025, did you see the fascia board above the garage door still had the same old and new paint like Morillo painted --

MR. CLARKE: Form.

Q. -- when you were here?

A. Yes. That is correct. It looks -- it shows the same color he was applying that day, I was there present. And the day you did the Zoom meeting with me it was showing the same color -- exact color as well.

Q. So do you think I ever repainting the fascia board above the garage door?

MR. CLARKE: Form.

THE WITNESS: No, it was -- like I mentioned before, it was the same color that you apply -- that he apply, I'm sorry, on the fascia board that day I was there. It didn't match the one that you had previously.

BY MS. GUO:

Q. So through the Zoom on June 20 -- on January 25th, 2024 [sic], do you think I ever repainted any of the fascia board at my property?

MR. CLARKE: Form.

THE WITNESS: No, you didn't.

BY MS. GUO:

Q. Okay. Did the Roofing and Construction Corp. do the tile tearing off on April 2nd and April 3rd on 2024?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. In that two days of tearing off, did Roofing and Construction Corp. damage the pavers at my driveway?

MR. CLARKE: Form.

THE WITNESS: Yes. There were some damaged pavers by the truck on the right side. I would say the left side facing the front of the house.

BY MS. GUO:

Q. Did Roofing and Construction Corp. break like about five pavers at my driveway?

MR. CLARKE: Form.

THE WITNESS: That is correct. Yes.

BY MS. GUO:

Q. Did you see two triangle pavers at the one corner of the driveway were used to hold the plastic under the truck of Roofing And Construction Corp.?

MR. CLARKE: Form.

THE WITNESS: Yes.

MR. CLARKE: Mr. Leonel, it looks like we've lost video for you. Can you turn your camera back on?

THE WITNESS: I'm sorry, say that again.

MR. CLARKE: Can you turn your camera on, sir?

MS. GUO: He's talking to me?

MR. CLARKE: You lost video. I'm not sure where you are.

THE WITNESS: Oh, give me one second. Let me check that right now. Okay. There we go.

BY MS. GUO:

Q. Did you notice the two triangle pavers were threw away by Roofing and Construction Corp.'s workers?

MR. CLARKE: Form.

THE WITNESS: Say that again. I'm sorry, I didn't hear you.

BY MS. GUO:

Q. Did you see the triangle pavers was threw away by the Roofing and Construction Corp.'s workers?

MR. CLARKE: Form.

THE WITNESS: I'm not quite sure about that. I didn't see anybody throwing away the triangles. I know that the triangles were broken from -- on the corner, but if you use any triangles to hold the plastic, I don't know if they throw it away or not. I wouldn't be so sure about that.

BY MS. GUO:

Q. Did you see me gave a square paver to Elias Morillo for him to cut two new triangle pavers?

A. Yes.

Q. Did Elias Morillo agree to cut two triangle pavers?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, repeat that again, please?

BY MS. GUO:

Q. Did Morillo -- Elias Morillo agree to cut two triangle pavers?

A. Yes. He -- he told you that he was going to cut two pavers to replace the ones that were broken.

Q. Did Elias Morillo ask you if you have a cutter to cut the pavers?

A. Yes, he asked me if I have a Makita saw to cut the pavers.

Q. Do you have cutter for him to cut the paver?

A. I told him at the moment I didn't have one. He also say -- he mentioned to me he didn't have one as well, so --

Q. So what did you see him do?

A. So he practically switched them sides.

MR. CLARKE: Form.

Q. So see -- did you see Elias move two triangle pavers from a good corner of the driveway to the missing corner?

MR. CLARKE: Form.

THE WITNESS: Yes, that is correct.

BY MS. GUO:

Q. Did you see Elias move the two triangle pavers from the good corner of the driveway to missing corner to pretend that he cut the triangle pavers?

MR. CLARKE: Form.

THE WITNESS: That is correct. If you want to describe it like that, yes, that's correct.

BY MS. GUO:

Q. So did he use my two triangles from a good corner to pretend that he cut two triangle pavers?

A. Yes.

MR. CLARKE: Form.

Q. Did Elias Morillo -- after Mr. Elias remove two triangle pavers from a good corners of driveway to

the missing corner and --

MR. CLARKE: Form.

Q. -- and left the property?

A. Yes.

Q. Did Elias Morillo ever cut two triangles pavers?

A. Not while I was present, no.

Q. I'm sorry?

A. Not while I was present, no, he did not.

Q. Were you at the property from -- on April 2nd, April 3rd, April 4th, April 5th, 2024, every day and whole day long?

A. Yes.

Q. So before April 5th, 2020 -- I mean, by the end of April 5th, 2025, I'm sorry. By the end of April 5th, 2024, you testified that Elias Morillo never cut any triangle pavers; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. So are you sure here this Elias Morillo just remove two triangle pavers to pretend he cut them for me; is that correct?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Did Morillo -- Elias Morillo just move the two triangle pavers just to measure them and then later cut them, or he use them to pretend that he cut the triangle pavers?

MR. CLARKE: Form.

THE WITNESS: He just moved the -- he moved them from place.

BY MS. GUO:

Q. He moved them -- does he move them to pretend he cut them?

A. That's correct.

MR. CLARKE: Form.

Q. So he moved the two triangle pavers to pretend he cut the two triangle pavers; is that correct?

A. Yes.

Q. Okay. So we went through the peelings -- the peel and stick underlayment was installed on April 4th, 2024; is that correct?

A. That is correct.

Q. After the peel and stick underlayment was installed on April 4th, 2024, should Roofing and Construction Corp. install tiles immediately to protect the underlayment?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, repeat that question one more time?

BY MS. GUO:

Q. Right after the peel and stick underlayment installed on April 4th, 2024, should -- in your opinion, should the Roofing and Construction Corp. immediately install the tiles right away to protect the underlayment?

A. Yes. They should've delivered the tile one week or two weeks the max after the underlayment was installed. That is correct.

Q. Is it your opinion the longer the wait for the roofing -- for the tile install should -- the less strong the underlayment will become?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again.

BY MS. GUO:

Q. Okay. Is it your opinion the longer the wait for the tile installation, the weaker the underlayment will become?

MR. CLARKE: Form.

THE WITNESS: Yes. Underlayment, this kind of underlayment is pretty sensitive, so it's not something that you can leave exposed for the sun so long. So yes, you should be installing tile right

away before because it's summertime. So in summertime, that kind of underlayment tends to degredate more every day that it stays exposed to the sun.

BY MS. GUO:

Q. So it is your opinion tiles should be installed the sooner the better to protect the underlayment; is that correct?

A. That is correct. The sooner the better it is for the tiles to be installed because then the underlayment is going to get weaker and then the lifetime is going to be less, I would say.

Q. So if you do not -- the longer wait of the tile installation, the shorter the underlayment's life may have, right?

MR. CLARKE: Form.

THE WITNESS: Yes, that is correct.

BY MS. GUO:

Q. Did Roofing -- did Alex Romero install the tiles on my roof right away after the installation of the underlayment?

MR. CLARKE: Form.

THE WITNESS: No, I believe and I heard while I was working with him that it was two weeks -- about two months after he -- we did the tear-off

that he installed the tile.

BY MS. GUO:

Q. Did he tell you why he didn't install tiles right away after the underlayment was installed?

A. Yes. The last time I heard from you was that he said that he was going to stop the project, and the reason it was because he said that you were complaining too much about something that he didn't do on your roof and then he said that he was going to just do it to make you suffer over it, and then that was the last time I heard about it.

Q. Did you hear from him he wants me to suffer, or did you -- did Alex Romero tell you he wants me to suffer?

A. Yes. That's what he say over the phone.

Q. Did he over the phone tell you he wants -- I'm sorry. Did Alex Romero tell you over the phone that he wants me to suffer?

A. Yes. That is correct. That's what he said. He said because the reason why he was going to stop that was because you were complaining too much and he was going to make you suffer for it, and then that was pretty much what he said and then I didn't continue the conversation with him.

Q. Okay. So after the two months without the

tile's protection, did you know that -- did Romero tell you that there's -- some laps appeared on the valleys of the underlayment?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again.

BY MS. GUO:

Q. After two months without installing the under -- tile --

A. Yes.

Q. -- did Romero tell you that some open laps appeared on the valleys of the roof of the underlayment?

A. Yes. That is correct.

Q. Did Romero tell you that the city of Weston asked him to correct the defects of the underlayment?

A. Yes. That is correct. So the inspector from the city -- city inspector told us that we needed to correct that before he passed the inspection, so -- and we were good to close it with tile. So he sent us back there and then he asked us to burn the tiles down so it would seal down.

Q. So Alex Romero asked you to burn the laps -- asked you burn the laps with a torch?

MR. CLARKE: Form.

THE WITNESS: That is correct. That's what he usually requests us to do in every job that we did

for him. I was to burn the tile -- the laps for the --.

BY MS. GUO:

Q. Do you think -- so you just follow Alex Romero's instruction -- so your workers just follow Alex Romero's instruction to burn the open laps with a torch?

A. That is correct.

Q. Did Alex Romero tell you just to lower the laps down and doesn't care about anything else?

MR. CLARKE: Form.

THE WITNESS: Yes. That -- that's it.

BY MS. GUO:

Q. Did Alex Romero just tell you to burn the laps down and to make it appear -- looks like the problem has been fixed; is that correct?

MR. CLARKE: Form.

THE WITNESS: Pretty much, yes.

BY MS. GUO:

Q. On the day that underlayment was installed on April 4th, 2024, did I talk with you about the returns, the flashings?

A. Yeah, so you came to me and you asked me how to support -- how to make the valley metals and the L flashings stronger. And then I gave you one of the ideas -- well, we actually do this before. But

different methods that we use for it. It was to install a full roll of SAP modified granulated on the valley metals as well on the L flashings. But you asked me to do it and I told you you needed to call the contractor, which is Alex, and then after that I didn't -- I don't know what happened. I believe he called me as well and told me that he was not going to be doing that for you because he didn't want to -- he gave me the excuse that he didn't want to add more work to the -- to the roof.

Q. Do you think that modified should be added on the each valley metal flashing?

MR. CLARKE: Form.

THE WITNESS: That is correct. It should be installed on every L flashing and valley metal because, like I mentioned before, peel and stick is not something that is good for sun. It doesn't work good when it's exposed to the sun, because it's -- it's a simple paper, like a tape installed on the roof. And after three months, it's going to start getting rot and it's going to start peeling off. And valley metals and L flashing are exposed, so that is more -- most of the companies I've worked for, I -- that is -- SAP modified granulated on the valley metals because that -- that works the best for -- you know, when it's exposed to the sun.

BY MS. GUO:

Q. How wide do you think the modified should be added under the flashing?

A. In valley metal --

MR. CLARKE: Form.

THE WITNESS: In valley metals, should be the 36 inches, a full roll. And in L flashings, they should be about 10 to 12 inches of a -- of a, you know, a 10-12 inches piece to cover bull and membrane.

BY MS. GUO:

Q. Did Alex Romero ever ask you or your employees to apply bull and membrane on three spots of the roof?

A. No.

Q. Did Alex Romero ever mention to you that I request to apply bull and membrane on three spots of the roof?

MR. CLARKE: Form.

THE WITNESS: She [sic] never tell to me about that.

BY MS. GUO:

Q. After I noticed the damages on my air conditioners, did Alex Romero ask you to block me from -- block me from contacting -- block my phone number from your phone number?

MR. CLARKE: Form.

THE WITNESS: That is correct. After the damages were found and the problem started with the roof, he asked me to block you and ignore any texts or calls that I receive from you.

BY MS. GUO:

Q. So how long do you know Alex Romero?

A. For less than a year. I would say about a year.

Q. Do you think Alex Romero is a honest guy?

MR. CLARKE: Form.

THE WITNESS: Not based on the bad experience I had with him, no.

BY MS. GUO:

Q. Does Romero, Alex -- you are his subcontractor, right? Is your company Alex Romero's subcontractor?

A. Yeah, it's -- that's correct. He's the main contract and we are the subcontractors.

Q. Did Alex Romero pay you in full for your job at my property?

A. There was some money that he discounted from us. There was no reason -- he didn't give us much reasons. That was one of the main problems why we stop working for him, just sharing a little bit more

information with you so you can now base what I'm going based on. He usually, in every pay check that we used to get, I used to send him the invoices for the work that we did during the week, right, and he used to discount all this money on our paycheck and not give us any reasons about it. And that's the same thing he did with you when we did the work for you.

Q. Did Romero pay his workers well to do --

MR. CLARKE: Form.

Q. -- to do a good job?

MR. CLARKE: Form.

THE WITNESS: No, I'm not quite sure how much they get paid.

BY MS. GUO:

Q. How long do you know Mr. Elias Morillo?

A. I have known him for a very long time. He's a member from the church I assist [sic] to.

Q. Do you think he's a honest guy?

MR. CLARKE: Form.

THE WITNESS: Based on the answers that he has gave you -- gave you, I do not -- I don't think the same way now.

BY MS. GUO:

Q. I'm sorry? Do you think he's a --

A. Based on --

Q. Do you think Elias Morillo is dishonest?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again. Who?

BY MS. GUO:

Q. Do you think Elias Morillo is dishonest?

A. Like I mentioned before, I assist to the same church that he assisted, and based on what you telling me that he gave you the answers for, I don't think he's that honest anymore.

Q. When you were here during the tearing off, did you see a worker use the -- did you see a hammer falling off to the pool?

A. Yes.

Q. Did you see tiles and other stuffs falling into the pool?

A. Yes.

MR. CLARKE: Form.

Q. When you were in my property, did you see workers use my swimming pool net to pick up a hammer and other heavy stuffs falling into the pool?

A. Yes.

Q. Okay. Did you also see worker lift the frog fountain to hold the plastic cover on the pool?

A. Yes.

Q. So did you tell Romero, Alex Romero that how

the swimming pool net and the frog fountain were damaged?

A. I sure did.

MR. CLARKE: Form.

THE WITNESS: I told him -- mentioned all the damages were done by the guys. I also mentioned to him the frog that you have -- in the middle of the pool and then I told him that it was -- that you said that there was running water before and now it's not working.

BY MS. GUO:

Q. Do you tell -- suggest that Alex Romero should compensate for my swimming pool net and the frog fountain?

MR. CLARKE: Form.

THE WITNESS: If they -- if they were damaged, they need to be repaired or replaced, that's correct.

BY MS. GUO:

Q. Did you see the swimming pool net was damaged?

A. Yes. There was --

MR. CLARKE: Form.

THE WITNESS: The net had bigger holes than -- than usual nets have.

BY MS. GUO:

Q. Did you see Elias Morillo threw away his --

did you see Elias Morillo -- I'm sorry -- Elias Morillo change his phone recently? Got a new phone recently?

MR. CLARKE: Form.

THE WITNESS: The last I saw him he didn't have a new phone. That is correct.

BY MS. GUO:

Q. Do you think that Elias Morillo still have his old phone?

MR. CLARKE: Form.

THE WITNESS: I'm not quite sure about that. I wouldn't be able to give you a yes or no question because I -- I haven't -- the last that I saw him it was the beginning on November -- the end of November, I believe, and he still has his iPhone 12 from --.

BY MS. GUO:

Q. So you saw Elias Morillo has his iPhone 12, right?

MR. CLARKE: Form.

THE WITNESS: From November -- November last year, I did.

BY MS. GUO:

Q. Okay.

A. Recently I didn't. I -- I haven't even spoke to him or see him, nothing.

Q. Do you know if Elias Morillo has a personal attorney?

MR. CLARKE: Form.

THE WITNESS: I don't think so, no. Unless he has a friend. I don't believe so.

BY MS. GUO:

Q. Let me show you Exhibit H here.

A. Go ahead.

Q. When was last time you talk with anybody at Roofing and Construction Corp.?

A. November. I don't remember the day and the time, but it was November.

Q. Okay. So after November, you -- you never talk to them.

Okay. I'm putting Exhibit H here, which is the October 18, 2024, answer by Roofing and Construction Corp.

A. Okay.

Q. I'm going to move to the page where they answer, Page 4. Can you read this?

A. I don't -- I don't see what -- exactly the answers. I'm on my phone, but I don't see -- I don't see the answers properly.

Q. Can you see response and objections?

A. Response -- yes, I see that one. That one is

capitalized.

Q. Can you read it?

A. Not the bottom part because it's a little -- honestly, I don't see it. I don't get what it's saying.

Q. Did anybody ask you to help to answer this response and objections?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, say that again?

BY MS. GUO:

Q. Did anybody ask your help to answer this document?

A. No. No, nobody did.

Q. Can you read question, with strict and direct proof, please specify which work you take part?

A. I'm sorry, say that again. I don't -- I didn't get the question.

Q. Okay. Did anybody ask your information about which day did you do -- did anybody in -- ask you to -- about on which day of the Roofing and Construction do work on -- I'm sorry, hold on.

Did anybody ask you to finish to answer this question number one here?

MR. CLARKE: Form.

THE WITNESS: Question number one?

BY MS. GUO:

Q. Yeah.

A. No. I don't -- I don't read it, because, like I said, I'm on my phone. I don't see it very well.

Q. Okay. Let me pull you another construction [sic].

I'm going to read for you another one.

A. Okay. That will work.

Q. This is Exhibit K. It's January 7, 2025, Roofing and Construction's answer to my interrogatories. No, it's not right.

Exhibit L, January 9th, 2025, Roofing and Construction's answer to my interrogatories. Two questions here. It's called Specific Response and Objections.

A. Okay.

Q. It says -- question is in its October 18, 2024, sworn answer to Guo's interrogatory number one, Roofing and Construction Corp. stated that June 19, 2024, corrections completed by RCC as requested by city inspector. Please specify what correction allegedly completed, how they were completed, and who completed them.

Response: Remove small object on the peel and stick underlayment on roof. Work completed by RCC subcontractor, Calderon All Around Service, LLC.

Applied the bull membrane on the laps in the valley with a trowel. Work completed by RCC subcontractor, Calderon All Around Service, LLC.

Did you apply bull membrane on the laps in the valleys?

A. No, he never requested for that. He requested to torch it down.

MR. CLARKE: Mr. Calderon, can you repeat that answer?

THE WITNESS: Say that again, sir, I'm sorry?

MR. CLARKE: Can you repeat your answer? I didn't hear it.

THE WITNESS: Yes. He never request to apply any bull and membrane on the laps, the L laps of the hip on the roof. He asked to torch them down.

BY MS. GUO:

Q. Number two, he is -- this he is Alex Romero, right?

A. That is correct. He is Alex Romero. He is our main contact and then he was the one who was telling us what to do. And like I mentioned before, we're subcontractors. He's the contractor. The way he asked the job to be done, we had to get it done; otherwise, we don't get paid.

Q. Did anybody from Roofing and Construction ask

you to apply bull membranes on the laps in the valleys without a trowel?

A. He never did.

Q. So the only thing -- the only instruction from Roofing and Construction is to burn the laps with the torch; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct. Torch them down.

BY MS. GUO:

Q. Number two. In this October 18, 2024, sworn answer to Guo's interrogatory number one, Roofing and Construction Corp. stated that June 18, 2024, application of bull and membrane on three spots as agreed by Guo. Please specify the name of the workers who allegedly accomplished application of bull and membrane on three spots as agreed by Guo.

Response: Unknown as to which individual workers performed said work as RCC engaged the service of -- RCC engaged the service of a subcontractor, Calderon All Around Service, LLC, to perform the same.

Did you -- did your company ever apply bull and membrane on three spots agreed by Guo?

MR. CLARKE: Form.

THE WITNESS: No, Yeah, he never asked -- he

didn't ask for that, so.

BY MS. GUO:

Q. When you say "he," it means Alex Romero, the owner of Roofing and Construction Corp., right?

A. That is correct.

Q. Did anybody from Roofing and Construction Corp. ask you to apply bull and membrane on three spots on the roof as agreed by Guo?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. I'm sorry, let me repeat. Did anybody from Roofing and Construction request your company to apply bull and membrane on three spots as agreed by Guo?

A. That -- that is correct. He never asked any of my guys or me to ask -- to apply any bull and membrane. That is correct.

Q. My question is did anybody from Roofing and Construction Corp. ask your company or the employees of your company to apply bull and membrane on three spots as agreed by Guo?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Okay. So I want to repeat on -- so for sure,

you're a hundred percent sure you saw Elias Romero -- I'm sorry, you saw Elias Morillo painting all the fascia boards from underneath the air conditioner and never went up to the roof to paint it?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. And because there's no room to put his ladder between the air conditioner -- so you think Elias Morillo must have step on the air conditioner to paint the fascia board above it; is that correct?

MR. CLARKE: Form.

THE WITNESS: That -- that probably is a high chance probability that he did, yes.

BY MS. GUO:

Q. Okay. And you are sure Alex -- no, Elias Morillo painted the fascia boards, the front face, the bottom face, and the back face behind all the -- all around, right?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. Okay. And then you are sure through your Zoom speaking with my yesterday on -- that you through the Zoom meeting with me on January 25th, 2025, the painting

on the fascia board is exactly the same as you saw Morillo did; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct, yes.

BY MS. GUO:

Q. And then you are sure Elias Morillo took two triangle pavers, pretend he cut it -- that he cutted them; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. And you are sure, hundred percent sure, Elias Morillo, because he did not have a cutter to cut the pavers, so he never cut the -- cut the triangle pavers?

A. Like I mentioned before, not while I was present, he didn't cut none of the pavers. He asked me if I had a saw and I didn't have one, so he just moved them to replace.

Q. So he just moved the two triangles and pretend he cutted the triangle pavers; is that correct?

MR. CLARKE: Form.

THE WITNESS: That is correct.

BY MS. GUO:

Q. So you and your employees, did your employees or you ever helped Roofing and Construction to finish

the two answers -- two answers to the interrogatories I just showed you?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Listen to my questions. I showed you two documents here, two answers to interrogatories, finished by Roofing and Construction. Did anybody ask your help to finish these two documents?

A. No. Nobody did. I'm sorry.

Q. Were you even aware of these two objects?

MR. CLARKE: Form.

THE WITNESS: Not aware of them, no. I was not aware of them, not until you showed them to me right now.

BY MS. GUO:

Q. Did anybody from Roofing and Construction called you, asked you, hey -- or ask you or ask your employees, said, hey, I'm sorry, let me take it back.

Did anybody from Roofing and Construction called you saying which day did you do what at the property -- at my prop -- at this property, at 2516 Montclaire Circle?

MR. CLARKE: Form.

THE WITNESS: No.

BY MS. GUO:

Q. Did you ever email and text to Roofing and Construction Corp. about this property?

A. I might've have text or emails. Email, no, not emails. Text messages probably. I'll have to look through my text message and all that. Probably I would have a couple.

Q. How many times did you text to Roofing and Construction Corp. about this property?

A. -- about that one.

Q. About what?

A. I'm not quite sure about that question. I don't know how many times I had text him about that property. Most of the times we used to do is phone calls and that's it.

Q. Okay. I have a few more questions.

When it is raining, can you put -- can you use the electronic outlet -- there's two the outside of the property. On a rainy day, are you supposed to use that electronic outlet in a rainy day?

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. I'm sorry?

A. Yes.

Q. No, did you hear what I say?

MR. CLARKE: You didn't like his answer, Ms. Guo.

MS. GUO: No, no, no.

THE WITNESS: I'm not quite -- I'm not quite sure about what you're asking me. You say when it's raining are we supposed to use electronic devices? That's what you're asking me?

BY MS. GUO:

Q. No. On a rainy day, did you ever use the electric -- the front electronic outlet in my property?

A. I don't get that question. In a rainy day? That's what you're saying?

Q. No, no. Let me see. Did you ever use the front -- the electronic outlet in my property?

A. Electronic outlet. I'm not even sure what that is. Probably no. I don't even know if you have an electronic outlet on --

Q. Okay.

A. -- or not. I don't even know about that, so I'm not hundred percent sure. I don't even know about it and I never used it before.

Q. Okay. So my next question is when it's rainy, do you know the property has a outlet, electric outlet at front or at outside of the property?

A. I didn't know that.
Q. You didn't know that. Okay. In your property, you have the electronic outlet in your property, outside the property on the exterior side, right?
MR. CLARKE: Form.
THE WITNESS: Yes.
BY MS. GUO:
Q. Right? And when --
A. Yes. That is correct.
Q. Yeah. And in the -- when it is raining, can you -- are you supposed to use those electronic outlet outside of your property?
MR. CLARKE: Form.
THE WITNESS: Electronic outlet. Listen, I'm -- this is the first time I heard about those things, so I'll have to search out what they are. My English doesn't probably go that far, so allow me one second to go on Google and look for it. Electronic.
BY MS. GUO:
Q. Electric outlet. Electric outlet.
A. Oh, electric. Elec -- okay. Yes.
Q. So every property -- most property has an electric outlet inside of house and also outside of

house, right?

A. Yes. They have many different ones --

MR. CLARKE: Form.

THE WITNESS: -- outside and inside. That's correct.

BY MS. GUO:

Q. Yeah. So the electric outlet outside the property, when it is raining, that would be unsafe to use the electric outlet outside of the property?

MR. CLARKE: Form.

THE WITNESS: Yes. Most of the times it's very unsafe to use and they're very exposed to rain and water. Not just for the property, for the workers as well, it's pretty unsafe to use them.

BY MS. GUO:

Q. So if you use the electric outlet when it was raining outside, when you use the exterior -- I'm talking about electrical outlet outside of house, not inside house. When you use the electric outlet outside of house when it's rainy, will the outlet jump?

A. They will probably if they get touched by the water they will jump, yes.

Q. Okay. Thank you.

And that will made damage to the breaker?

MR. CLARKE: Form.

THE WITNESS: That will probably damage the breaker and cause any other problems in the electrical box.

BY MS. GUO:

Q. So it's a yes, it will -- may cause problem?

A. Yes. It might cause problems. That's correct.

Q. Okay. Do you know if Roofing and Construction, besides this lawsuit, do you know if Roofing and Construction Corp. was sued by other people?

A. Many other people, yes, that is correct.

Q. And did you know Roofing and Construction Corp. sued by other people for related to his roofing job?

A. Yes. They got sued for roofing jobs. They also got another lawsuit for a -- one of the drivers got into an accident when he was driving the dump truck, so I know they still got that one going on as well.

Q. Do you think Mr. Alex Romero know about those lawsuit against his company?

MR. CLARKE: Form.

THE WITNESS: Yes, he's aware of that. I'm pretty sure of that.

BY MS. GUO:

Q. Do you think Alex -- his office manager of

Roofing and Construction, Annie Rocco, should know about those lawsuit against Roofing and Construction Corp.?

MR. CLARKE: Form.

THE WITNESS: I'm sorry, repeat that again?

BY MS. GUO:

Q. Do you know the office manager of Roofing Construction, Corp., Annie -- Mrs. Anne -- Annie Rocco?

A. Do I know if anybody local has sued them, that's what you're asking me?

Q. No, no, no, no. Do you know if Mrs. Anne Rocco, office manager of the Roofing Construction Corp.?

A. If the office is local? That's what you're asking me?

Q. No, no, no, no. Do you know if Mrs. Anne Rocco, R-O-C-C-O, Annie Rocco -- Annie Rocco, Anne is A-N-N-E.

A. I'm not really sure what you're asking me, ma'am. I'm sorry.

Q. Do you know who is the office manager of Roofing and Construction Corp.?

A. Oh, who is the office manager, yes. The office manager is -- I believe her name is -- what is her name again? I'm sorry.

Q. Ms. Anne Rocco. Ms. Annie Rocco.

A. Annie, that is correct. Annie. That is

correct.

Q. Annie Rocco. Do you think Ms. Annie should know Roofing and Construction Corp. was sued by other people?

MR. CLARKE: Form.

THE WITNESS: They -- they should -- if she's the office manager, she should be the one receiving all those paperwork.

BY MS. GUO:

Q. Do you think -- I'm going to go back to a question. Do you think Alex Romero should know the lawsuit by other people regarding his company's roofing job?

MR. CLARKE: Form.

THE WITNESS: Yes, he should.

BY MS. GUO:

Q. Not should. Are you sure that he knows about it?

A. Oh, yes, he knows about it. He told me before what kind of sues he got before.

Q. So he told you what kind of suit he had before, right?

A. Had done before, yes, that's correct.

Q. So Alex Romero told you that he was sued by other people related to his roofing job, correct?

A. That is correct.

MR. CLARKE: Form.

THE WITNESS: Yes.

BY MS. GUO:

Q. Do you know Roofing and Construction Corp. has another owner for Mr. Rodolf Aranes?

A. Rodolfo --

MR. CLARKE: Form.

THE WITNESS: That's correct.

BY MS. GUO:

Q. So did you -- do you speak Spanish with him?

A. Yes, he speaks Spanish, that's correct.

Q. Did he ever tell you that Roofing and Construction Corp. was sued by other people related to roofing job?

MR. CLARKE: Form.

THE WITNESS: That is correct. That he spoke to me about it a little bit briefly.

BY MS. GUO:

Q. Okay. Do you know Manuel -- Manuel -- a person called Manuel Baltazar, something like that?

A. Yes. That's their tile guy.

Q. You know this guy, right?

A. Yes. He's the tile guy, yes, that's correct.

Q. Okay. A tile installer, right?

A. That's correct.

Q. Did he ever tell you that Roofing and Construction Corp. was sued by anybody relating to roofing job?

MR. CLARKE: Form.

THE WITNESS: No, he never talks to me about those things, no. We don't have a stable relationship like that.

BY MS. GUO:

Q. Okay. So let me go back to this question, clarify this question. Did Elias Morillo tell you that Roofing and Construction Corp. was sued by anybody besides me relating to his roofing job?

MR. CLARKE: Form.

THE WITNESS: You're talking about Elias or Alex?

BY MS. GUO:

Q. Did Elias Morillo ever tell you --

A. No, he never mentioned any of that.

Q. Okay.

A. He didn't, yeah.

Q. So let me repeat this one, okay. I'm talking about this lawsuit, okay. Did Alex Romero tell you that his company, Roofing and Construction, was sued by somebody else besides me related to --

A. Yes.
Q. -- his roofing job?
MR. CLARKE: Form.
THE WITNESS: Yes.
BY MS. GUO:
Q. Okay. Did Rodolf Aranes told you -- tell you that, besides this lawsuit, somebody else sued Roofing and Construction Corp. related to its roofing job?
MR. CLARKE: Form.
THE WITNESS: That is correct. Yes.
BY MS. GUO:
Q. Okay.
A. I have a question. I don't know if I can get like a five, ten minutes break. I need to go to the bathroom. I need to go pee, if you don't mind.
Q. We're going to done in -- this is my last question, then we're done now.
A. Okay.
Q. Then I'll let you go.
MR. CLARKE: Ms. Guo, I'm going to have my cross, so --
MS. GUO: Okay.
MR. CLARKE: Are we having Mr. --
MS. GUO: I'm going to stop at 4 o'clock. I'm going to stop 4 o'clock. I'm going to have

last question, Mr. Calderon.

BY MS. GUO:

Q. Just repeat about the office manager, Annie. Did Annie -- Mrs. Annie Rocco tell you that, besides my lawsuit, Roofing and Construction Corp. was sued by anybody relating to roofing job?

A. No, she didn't. She didn't -- we're not established our relationship like that with anybody else besides Rodolfo and Alex.

MS. GUO: Okay. I'm done. Maybe -- your questions, but I -- I'm done with it. And I ask that 4 o'clock deposition on the next one.

MR. CLARKE: Well, hold on. Are we -- because I need to do my cross-examination.

MS. GUO: No, you can -- you can depose him next time. Okay? I'm done here now.

MR. CLARKE: Wait, hold on, hold on. Wait, hold on. I need to reserve --

MS. GUO: At 5 o'clock we have --

COURT REPORTER: Wait, wait, wait, excuse me.

MR. CLARKE: I have a right to ask him questions, Ms. Guo. Are you saying I have to call him again?

MS. GUO: You may have to because I'm going to now take a break now because I'm going to prepare

for the 4 o'clock deposition. The 4 o'clock deposition is coming now. Okay?

MR. CLARKE: Who is the 4 o'clock?

MS. GUO: Mr. Bates. Mr. Bates is coming.

MR. CLARKE: Okay. Well, Mr. Calderon, I'm just letting you know, typically, the other side is allowed to ask you questions. It's called cross-examination.

THE WITNESS: I understand.

MR. CLARKE: And because there's a deposition at 4 o'clock, as Ms. Guo has said, I'm reserving my right to call you to depose you in my own deposition. Do you understand?

THE WITNESS: As long as phone call is recorded, you can call me any time. Okay? I'm also going to be recording. Are you the defendant lawyer?

MR. CLARKE: I represent Roofing and Construction Corporation.

THE WITNESS: Okay. So --

MR. CLARKE: Can I have your cell phone, sir, so I can coordinate a deposition with you?

MS. GUO: I object to that. You should not contact --

MR. CLARKE: What are you talking about? You

had a meeting with him yesterday, Ms. Guo. Is he -- you don't control him.

MS. GUO: Yeah, the -- he --

COURT REPORTER: Wait, guys, guys, I need you to stop. Ms. Guo, I need you to please stop. I need you to let Mr. Clarke talk to the witness, please.

MR. CLARKE: I need your phone number.

THE WITNESS: Okay. You have a pen to write it down?

MS. GUO: I'm sorry. I have an objection here. You need to put down my objection here. Mr. -- Mr. -- Mr. Calderon, whatever Lawyer Clarke called you, I'd like you to join the telephone conference. Okay?

THE WITNESS: So --

MR. CLARKE: I'm sorry, was I invited to the Zoom call yesterday?

MS. GUO: I did not invite you. I'm not going to invite you and I request Mr. Calderon to invite me to the telephone conference.

MR. CLARKE: How does that work, Ms. Guo? How is that fair?

MS. GUO: It's up to Mr. Calderon. I request Mr. Calderon to include me in his telephone

conversation with you.

MR. CLARKE: You're not his lawyer. It's not ex parte. I'm not talking to the judge. I can talk to Mr. Calderon myself. But Mr. Calderon, I need your --

MS. GUO: And I have the right --

MR. CLARKE: -- phone number so I can schedule your deposition, since I don't have time to ask you questions today. So please, what is your phone number?

MS. GUO: Mr. Romero -- Mr. Romero -- I mean, Mr. --

MR. CLARKE: Romero?

MS. GUO: Mr. Romero --

MR. CLARKE: Ms. Guo, please be quiet. Mr. Calderon, I need to get your phone number.

MS. GUO: Mr. -- Mr. -- Mr. --

COURT REPORTER: Ms. Guo, I need you to please -- Ms. Guo, I need you to stop because -- no, no, no --

MS. GUO: You don't tell me to stop.

COURT REPORTER: No, I -- no, I will get off the record right now. I will get off the record and I need you to stop. You are now ruining the transcript. The transcript will not be clear. I

need you to stop.

MS. GUO: Mr. Clarke --

COURT REPORTER: No, no, no, no. No, no, no. You're done. You're done. No, you're done. You're done. I'm not -- no. I will go off the record. I'm not going to do this.

Please, Mr. Calderon, since she will not let you speak, I need you to please put your phone number in the chat so that Mr. Clarke can have --

MS. GUO: No, no, Mr. Calderon --

COURT REPORTER: All right. We are off the record. No, we are off the record and I will stop the complete deposition and you'll have to reschedule your 4 o'clock if you do not stop talking. I am sick of you interrupting me.

MS. GUO: That's fine. If you want to stop the job, that's fine.

COURT REPORTER: Please stop. Please stop. Please stop.

MS. GUO: You don't tell me what to do. Okay?

COURT REPORTER: Please stop. Please stop.

MS. GUO: Mr. Clarke --

COURT REPORTER: Please stop. All right. We are off the record. We are off the record.

(Thereupon, the deposition was concluded at

3:59 p.m.)

(Reading and signing of the deposition transcript was reserved.)

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, Notary Public, State of Florida, certify that Leonel Calderon, personally appeared before me on the 27th day of January 2025, and was duly sworn.

Signed this 19th day of February 2025.

Heidi Syed, Court Reporter

Notary Public, State of Florida

Commission No.: HH 568589

Commission Expires: 07/09/28

CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF BROWARD

I, Heidi Syed, Court Reporter, certify that I was authorized to and did report the Deposition of Leonel Calderon; that a review of the transcript was reserved; and that the transcript is a true and correct record of my notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 19th day of February 2025.

_____

Heidi Syed, Court Reporter

WITNESS NOTIFICATION LETTER

February 19, 2025

LEONEL CALDERON

In Re: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

Deposition taken on January 27, 2025.

The transcript of the above proceeding is now available for your review.

Please call to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Please complete your review within 30 days.

Sincerely,

Heidi Syed
Cogent Legal Services
6586 Hypoluxo Road, Suite 212
Lake Worth, Florida 33467
561-356-0831

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT

ENTER CHANGES ON THIS PAGE

IN RE: XIAOHUI GUO vs ROOFING AND CONSTRUCTION, CORP., and EZEQUIEL ALEJANDRO ROMERO

LEONEL CALDERON

January 27, 2025

Page	Line	Change	Reason

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____

LEONEL CALDERON Date

Curry, Brianna

From: Xiaohui Guo <xiaohui.guo2022@gmail.com>
Sent: Thursday, April 17, 2025 8:42 PM
To: xiaohui guo; Soto, Rolando; Morell, John
Subject: Re: Fw: Try from yahoo
Attachments: 29 20250131 Nast Affidavit and pictures.pdf

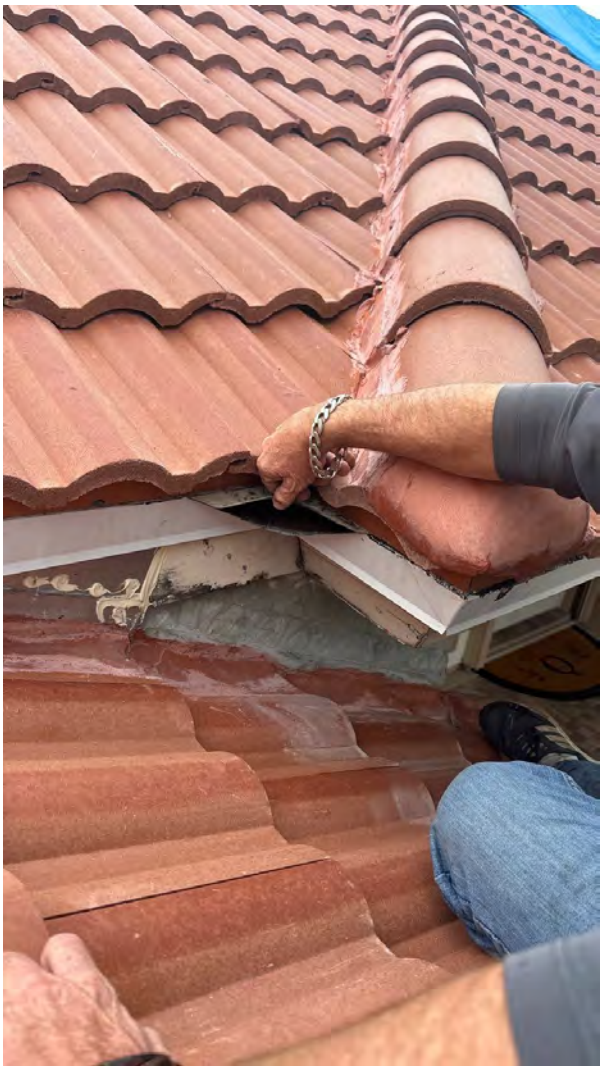
External Email Warning

This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's email address (not just the name) as legitimate and know the content is safe. Report any suspicious emails to ETS Security by selecting the Report Suspicious or Report Phish button.

Report Suspicious

Hi, Mr. Soto,

Please allow me to supplement my licensed roofing witness Mr. Timothy Nast's affidavit, which says that "“7….(4) Although the underlayment is now covered by tiles, we observed an area at the bottom of a valley that had delaminated self-adhered underlayment on top of the metal. Thus, it would be reasonable to conclude that there could be other areas of delamination. See picture#23. This indicates the underlayment covered by tiles is very likely still delaminated from the roof.”



Thanks and regards,

Xiaohui Guo

On Thu, Apr 17, 2025 at 4:59 PM Xiaohui Guo <xiaohui.guo2022@gmail.com> wrote:

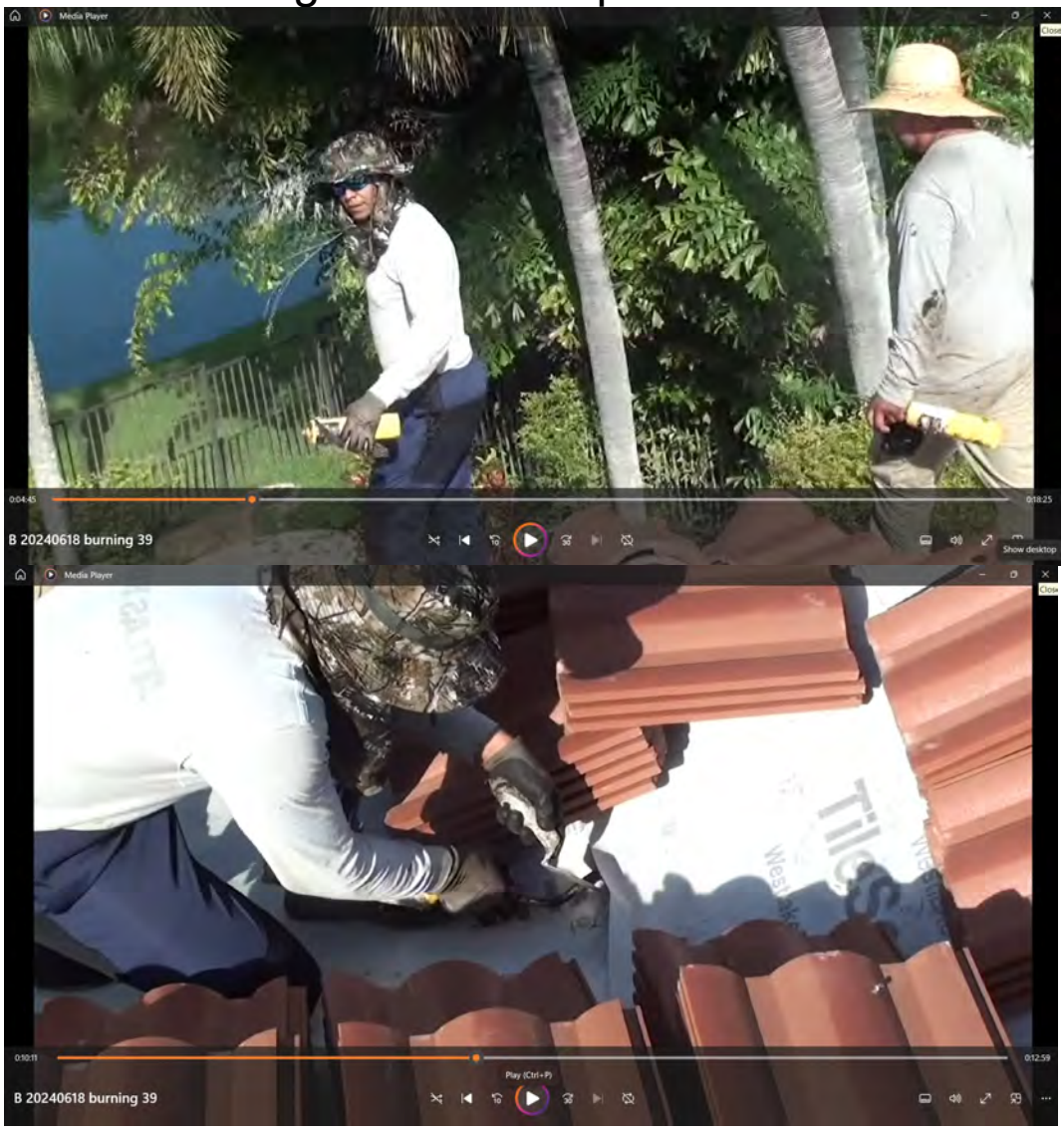
B 20240618 burning 39.mp4

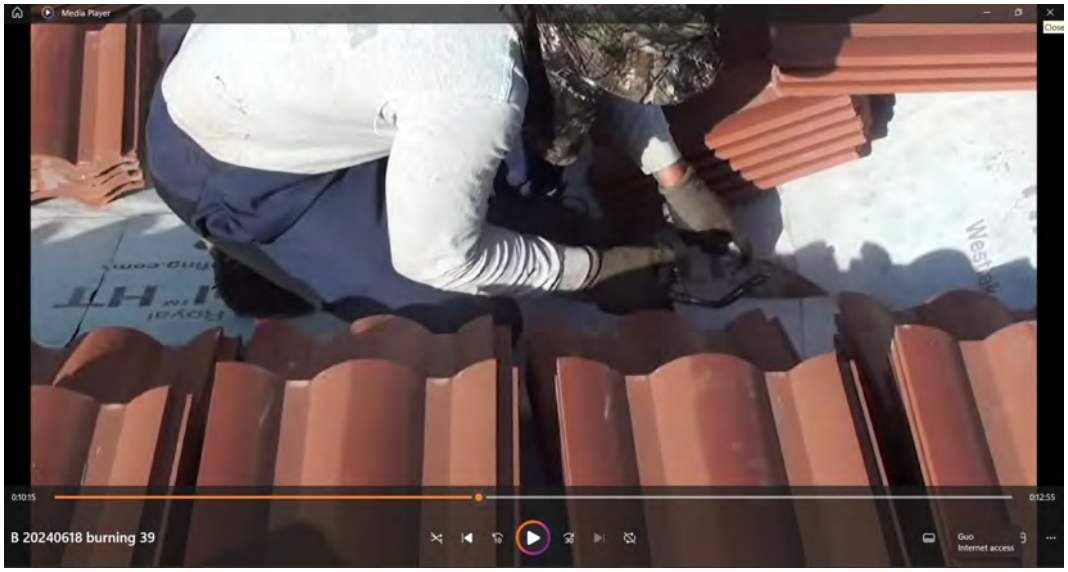
Dear Mr. Soto,

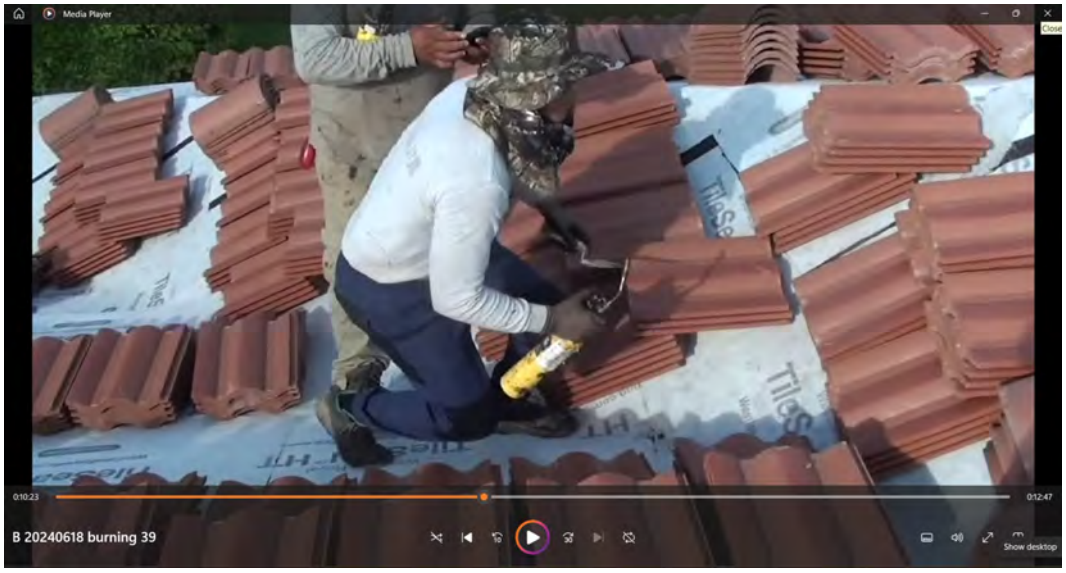
1. In the attached video, from 0:03:55 to 0:04:20, you can see two workers, each holding a torch and walking around the roof.
From 00:10:10 to 00:10:23, you can see one worker torching the underlayment and pressing it down with a trowel. (Perhaps you

need to forward this email to your personal email address to download the video.)

I'm also attaching three screenshots of the video here.
The first picture shows two workers on the roof, each holding a torch and a trowel.
The second picture shows that one worker knelt down at one valley. His left hand used the trowel to hold up the open lap and his right hand torched the underlayment.
The third picture shows that, after torching, the worker pressed down the underlayment with the trowel.
The fourth picture shows that, after pressing down this open lap, the worker began to stand up.







2. In the attached Deposition Transcript, from page 33 Line 13 to page 34 Line 17, the roofer's subcontractor Mr. Leoneal Calderon testified that the roofer instructed his crew to burn the underlayment. Mr. Calderon identified both workers in the video as his crew.

3. In the attached 03/12/2025 Affidavit, paragraph 8, Mr. Calderon testified that the roofer instructed his crew to burn the underlayment.

As stated in my filed "Statement of Facts," on June 20th, 2024 I informed Mr. James Wagner that the roofer burned the underlayment with a torch. Mr. Wagner never replied. Instead, he passed the inspection on June 21st, 2024 and, after receiving my June 21, 2024 complaint, instructed the roofer to brush some black material on top

of the burned area on June 25th, 2024 (in order to pretend that the burned areas have been properly sealed). However, in his 02/04/2025 Deposition, Mr. James stated that (1) he knew nothing about the torching and (2) he himself took pictures of the workers applying bull underneath the underlayment. Such testimonies are untruthful. For details and exhibits, please see my filing.

Thanks and regards,

Xiaohui Guo

On Thu, Apr 17, 2025 at 1:46 PM xiaohui guo <xiaohui_guo@yahoo.com> wrote:

----- Forwarded Message -----
From: Soto, Rolando <rosoto@broward.org>
To: xiaohui guo <xiaohui_guo@yahoo.com>
Cc: Morell, John <jmorell@broward.org>
Sent: Thursday, April 17, 2025 at 10:45:24 AM EDT
Subject: RE: Try from yahoo

Good morning, Ms. Guo,

Do you have pictures of the roofing contractor torching the underlayment (fish mouth)?

If you do, please email them to me. Thank you.

Respectfully,

Rolando Soto

Mechanical Chief Code Compliance Officer

Broward Co. Board of Rules and Appeals

1 N University Dr. Suite 3500B

Plantation Fl 33324

954-765-4500

http://www.broward.org/CodeAppeals/Pages/Default.aspx

Stronger Codes Mean Safer Buildings

~Established 1971~

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Friday, March 21, 2025 2:22 PM
To: Soto, Rolando <ROSOTO@broward.org>
Subject: Try from yahoo

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

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APPROVED

Weston's Response

DANIELS · RODRIGUEZ
BERKELEY · DANIELS · CRUZ
ATTORNEYS AT LAW

MIAMI / FT. LAUDERDALE / TAMPA / TALLAHASSEE / JACKSONVILLE

Reply to: Patrick J. Toomey
ptoomey@drbdc-law.com

April 29, 2025

Via Email
Broward County Board of Rules and Appeals
1 N. University Drive, Suite 3500B
Plantation, Florida 33324
rulesboard@broward.org
Soto, Rolando ROSOTO@broward.org
Morell, John JMORELL@broward.org
Charles Kramer cmk@ckramerlaw.com

Re: Appeal No.: 25-02

Dear Sir/Madam,

As counsel for C.A.P. Government, Inc. and James Wagner, I forward the Response (and accompanying exhibits) to Appeal No.: 25-02 under City of Weston Permit No.: B24-01261. As we understand it, this Appeal will be heard by the Board of Rules and Appeals on the evening of May 8, 2025.

Please contact me should you have any questions about this response.

Sincerely,

/s/ Patrick J. Toomey, Esq.

For the Firm

Encl.
PJT/DO

cap government

BUILDING DEPARTMENT ("DEPARTMENT") RESPONSE TO APPEAL # 25-02
UNDER CITY OF WESTON PERMIT # B24-01261
2515 MONTCLAIRE CIRCLE

As a preliminary matter, we note that the Complaint at issue is rife with allegations and assertions that are totally unrelated to the issue of whether the permit at issue should have been closed by our Department on or about July 2, 2024. In particular, there are multiple references to matters arising in ongoing litigation between Ms. Guo and the roofing contractor. That litigation is an owner-contractor dispute to which Department is not a party. Many of the Complaint's allegations from that litigation arose well after the permit close-out. Our response focuses on allegations that are directly related to our compliance with code requirements in the process that led to the closing of that permit—the sole matter that is currently before BORA.

In an effort to focus the Appeal process on matters that are directly related to our Department's closing of Permit # B24-01261 last July, we have the following (bolded responses) to allegations from Ms. Guo's Complaint:

I. "Never Sealed Underlayment"

Allegation: On April 4th, 2024, Roofing and Construction Corp. (hereafter "RACC") hired subcontractor Calderon All Around Services LLC (hereafter "Calderon") to install the peel & stick underlayment, without sealing any laps. See Mr. Leonel Calderon's 03/12/2025 Sworn Affidavit, stating that RACC's owner never asked his crew to seal any laps, or cut the underlayment to manageable lengths, or roll down the underlayment:
However, on April 4th, 2024, the City of Weston Inspector Mr. James Wagner passed "STR-Tin Cap" and "STR-CAP Sheet In Progress,"11 failing to enforce Florida Building Code 1512.2.5 ("...Roofing assemblies detailed in the Product Approval shall be installed in strict compliance with the method of application set forth in such Product Approval....").

Response: the inspections performed by James Wagner, BN, RRO, on April 4th, were a tincap and cap sheet in progress inspection. As evidenced by his CV attached hereto as Exh. "A", Mr. Wagner has served as a Building/Roofing Inspector for C.A.P. Government since August 2014. He has been performing such inspections for over 35 years. He has a Roofing Certificate of Eligibility from Miami-Dade County and State Standard Building Inspectors License BN 4270. He also is a Certified Building Inspector under the International Code Council.

As of April 4, 2024, no areas were installed that would have required any laps to have been sealed. Nor is any requirement in the Florida Building Code ("FBC" or "code") that areas with those conditions are required to have been installed at the time of inspection:

FBC 1512.4.2.1
During or after application of the base sheet, anchor sheet or underlayment of any roofing system.

FBC 1512.4.2.2
During the installation of the cap sheet.

With regards to the underlayment not being cut to manageable lengths that is an undefined term not anywhere in the code or the notice of acceptance or the installation guidelines.

Allegation: During RACC's delay of installing tiles, in May 2024 open laps (fish mouths) appeared at all layers of underlayment along all roof valleys. Ms. Guo invited Nast Roofing Co. to inspect, which also found other defects besides the open laps:

On or about May 23rd, 2024, Ms. Guo reported to City of Weston the open laps and other defects.

On May 24th, 2024, Mr. Wagner visited the Property. He constantly smoked an electric cigarette and threw a temper tantrum on Ms. Guo. Mr. Wagner stated that fish mouths (open laps) appeared along valleys because the underlayment expands and contracts without the weight of the tiles. Mr. Wagner sent a picture to Ms. Guo, telling her that all the fish mouths need to be cut through each valley to be corrected.

Response: On or about May 24th, when Mr. Wagner visited the property, he took photos of areas that did not appear to be properly sealed down, i.e, fish mouths. These areas were predominantly at side laps that do have the salvage lap and are not required to be sealed down with SBS modified mastic (as per the Notice of Acceptance) but are required to be properly adhered. There was an area of cap sheet that did not appear to be adhered at a return area and an area where the cap sheet appeared to have been rolled over a piece of debris. Mr. Wagner promptly contacted the contractor and explained that those defects needed to be corrected.

Allegation: However, from June 14th 2024 to June 18th, 2024, to conceal the fish mouths, RACC's owner Ezequiel Romero (hereafter "Romero") instructed his subcontractor Calderon only to burn the fish mouths with a torch and pressed it down with a trowel. Afterwards, RACC loaded tiles on all valleys.17 At his January 23rd, 2025 Deposition, Mr. Romero testified that Mr. Wagner only required him to lower the fish mouths.18 Thus, nobody either cut or seal the fish mouths.

On June 19th, 2024, Ms. Guo texted to Mr. Wager that fish mouths were burned and tiles were loaded on all valleys to conceal the defects.19 Mr. Wagner did not reply.

Response: As a building inspector, Mr. Wagner can only go by what he sees himself, not by what other people tell him. Mr. Wagner never saw any fish mouths burned with a torch or pressed down by a trowel.

Allegation: On June 20th, 2024, Mr. Wagner visited the property and commented the inspection as "Fail. The tile must be removed from All valley areas in order to confirm that he repairs to the fish melts in The valleys have been corrected 1512.2.2." 20

Response: On June 20th, Mr. Wagner performed a tile in progress inspection and recorded it as "fail", stating the tile must be removed from all valley areas in order to confirm that the repairs to the fish mouths and the valleys have been corrected as per FBC 1512.2.5. All areas that were properly adhered are assumed to have been done correctly. Mr. Wagner performed his due diligence and took photos while performing this inspection.

Allegation: On June 20th, 2024, tile in progress inspection Mr. Wagner's 06/20/2024 Report only required RACC to correct the fish mouths along the valleys. He failed to order RACC to seal all end laps and laps without black selvage area using an SBS modified mastic, which is required by the Product Approval, also known as "Roofing Component Approval."21

On June 20th, 2024, RACC removed tiles from some but not all valleys. Guo emailed to both Mr. Franklin and Mr. Wagner about RACC's burning of the underlayment and other defects.22 Neither Mr. Franklin nor Mr. Wagner replied.

On June 21st, 2024, without getting on the roof,23 Mr. Wagner passed the inspection at 8:29AM.24 At 10:15AM and 10:26AM, Ms. Guo emailed to Mr. Wagner and Mr. Franklin five pictures showing that the fish mouths were not appropriately sealed.25 Guo did not receive any reply. Instead, at 11:03AM, Mr. Wagner texted RACC "This is Jim Wagner with Weston please start texting me the photos where you have Bull on all of those laps in The valleys as soon as possible thank you." RACC did not reply to Mr. Wagner.

Response--On June 21, 2024, Mr. Wagner walked the perimeter of the roof and observed no areas where fish mouths existed. Therefore, his previous comments were complied with by the contractor, and the inspection result was entered as "approved," stating that corrections at the valley had been made, and the permit card was not on site to sign.

Mr. Wagner did his due diligence while performing this inspection. The proper way to check for fish mouths is by looking up for them, as you cannot see them if you are on the roof looking down. Mr. Wagner also took photos as evidence that the corrections had been made during this inspection.

Allegations: On June 23rd, 2024, Ms. Guo emailed to Mr. Wagner and Mr. Franklin a before-and after comparison document to show the remaining defects and a video of the underlayment still bouncing under workers' feet. Neither Mr. Franklin nor Mr. Wagner replied

On June 24th, 2024 at 9:54AM, Mr. Wagner again texted to RACC: "This is Jim Wagner again with city of Weston I'm inquiring as to the status of the ceiling of the valley laps."

Response: Mr. Wagner requested more photos from the roofing contractor just to provide more evidence that the corrections had been made. These photos were not provided to Mr. Wagner until on or about June 25th. This was after the inspection was approved. Again, Mr. Wagner did his due diligence.

Allegation: On June 25th, 2024 at 8AM, RACC brushed bull on the top of closed fish mouths, not under the laps, along valleys only. RACC did not seal any other end laps or laps without black selvage area using an SBS modified mastic. At 9:28AM, RACC texted fifteen (15) pictures to Mr. Wagner. Mr. Wagner immediately replied: "Thank you hopefully this shuts this bitch up."

From June 24th, 2024 to June 27th, 2024, because Guo has not received any response to her June 23rd, 2024 Email, she emailed to Mr. Wagner and Mr. Franklin five more times and still received no response.

Response: At the time that Mr. Wagner approved the inspection, all areas that he had seen appeared to be properly adhered. It would require destructive testing to prove that the end laps were not sealed. We have seen no evidence that Ms. Guo (or anybody else) has actually performed any destructive testing on the end laps of this roof. As an inspector, if those laps appeared to be properly adhered, Mr. Wagner assumed that they were correctly done.

Allegation: On February 27th, 2025, the manufacturer voided the warranty, stating "underlayment runs were not cut to manageable lengths, end laps were not sealed with roofing mastic/cement per the installation instructions. Product does not appear to have been installed correctly in the valleys."

Response: We have the legal authority to base our inspections on relevant code provisions and on the Notice of Acceptance. We have no legal authority to base our inspections on manufacturer's warranties.

Allegation: At his 02/04/2025 Deposition, Mr. Wagner admitted that he never contacted the engineer to confirm the report's authenticity. A roof is not ready for inspection without TAS-106 test, under Florida Building Code 110.5, which Mr. Wagner failed to enforce.

Response: The engineer's report that was provided to Mr. Wagner was signed and sealed by a registered professional engineer. That is all that is required under applicable law. Mr. Wagner had no legal authority to conduct any further inquiry about that signed & sealed engineer's report.

Allegation: On June 28th, 2024, Mr. Wagner visited the Property for the last time. When he told Roofing and Construction Corp.'s worker Ms. Anne Rocco that she did not set her ladder safely, Ms. Guo stand about ten (10) feet away and attempted to videotape the event. Mr. Wagner approached Ms. Guo and asked her to stop video recording. When Ms. Guo insisted to video record, Mr. Wagner left the Property, which cost another inspection fee.

Response: Mr. Wagner repeatedly asked that he not be followed around being videotaped. This roof is sloped approximately 5/12. It is a very steep roof with curved tile and dangerous to walk on. Mr. Wagner did not want any distractions out of concern for his safety. (One of our mottos is safety is absolute). Furthermore, throughout this entire process, the owner has tried to interfere in the inspection process and attempt to coerce and intimidate the building department into conducting inspections the way she wants them conducted instead of following code-prescribed procedures.

Allegation: From June 28th, 2024 to July 3rd, 2024, Ms. Guo requested City of Weston to send another inspector. Ms. Guo did not receive any reply.

Response: This allegation ignores the emails and texts in which Ms. Guo made such statements as: "Please do not come to my property without allowing me to video record the inspection otherwise I will hold you trespassing..." These statements violated Broward County Board of Rules and Appeals Amendments to Chapter 1--right of entry--104.28.

Copies of an email and 2 texts from Ms. Guo to Mr. Wagner instructing him not to come to her property are attached as composite Exh. "B."

As per composite Exh. "C," on July 3, 2024, I confirmed the Department's position on this issue. Specifically, he informed Ms. Guo then: "I approved the roofing inspector to accept photos and applicable reports provided the permit holder in order to complete the final inspection because you unlawfully denied the inspector entry by indicating to him he would be trespassing on your property." Mr. Cox then cited 5 relevant FBC provisions supporting the Department's position. This email does not appear to have been addressed in Ms. Guo's Complaint.

Allegation: On July 2nd, 2024, RACC emailed to Mr. Wagner Seven (7) pictures that only show partial sections of the roof, with at least two red bags on it 48, and hid at least two (2) pictures with fractured and chipped tiles. Without visiting the Property, requesting complete pictures of the roof, or confirming that the red bags have been removed from the roof, Mr. Wagner entered "pass," and commented "As per the homeowners request not to go back to her property Final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and that there were no loose or broken tiles."

Response: On July 1, 2024, the homeowner canceled the final inspection that was called in by the roofing contractor. This cancellation prevented the contractor from getting their final inspection and further interfered with the inspection process.
On July 2nd, 2024, the roof inspection was approved. Comments were: "As per the homeowners request not to go back to her property final inspection was performed using

photos provided by the contractor and the uplift test is evidence that the roof was completed and that there were no loose or broken tile."

Allegation: On July 3rd, 2024, Ms. Guo's roof failed her insurance inspection. Some tiles were obviously cut-through by machines when RACC installed them. Some broken tiles were concealed with red cement.

On January 26th, 2025, RACC produced two pictures of tiles with "T" marks, claiming that they were taken by the engineer. When the two pictures were shown to Mr. Wagner at his 02/04/2025 Deposition, he admitted that they show fractured and chipped tiles. However, Mr. Wagner denied that he ever saw them. When being asked that, after seeing the two pictures, whether he would still enter the final inspection result as "there were no loose or broken tiles," Mr. Wagner refused to answer.

Further, after taking the seven pictures, RACC may break tiles when removing the red bags from the roof. However, Mr. Wagner falsely testified that from the street he can see that the red bags in the pictures have been removed from the roof. In fact, it is impossible to see from the street that the red bags have been removed from the roof. If he really could see from the street, before he entered his 07/02/2024 comment "the roof was completed and that there were no loose or broken tiles," Mr. Wagner should have driven by the property to confirm that red bags in the pictures have been removed from the roof.

Response: The photos that Ms. Guo is referring to were not provided to Mr. Wagner when he performed the final inspection. As to her reference to broken tile being concealed with red cement, she appears to be referring to areas that have been repaired using the red cement, which would be perfectly acceptable.

With regards to Mr. Wagner being shown (on February 4, 2025) photos of tile that were chipped and fractured, we do not know when these chips or cracks occurred. It's our understanding that there have been multiple people on that roof after he performed his final inspection.

The roof section upon which the red bags were can be seen from the road. The red bags were not there on June 28, 2024 when he went there for the first final inspection. Ms. Guo does not allege that the red bags were there after the roof passed final inspection.

As to allegedly refusing to answer a deposition question, Mr. Wagner believed that he had answered all of Ms. Guo's questions regarding the tile uplift test and loose or broken tile.

Allegation: More Than Ten (10) Tiles Per Stack

Response: With regards to tile being stacked more than 10 high, that is nowhere to be found in the Notice of Acceptance. It's only found in the installation guidelines, which were not part of the approved roofing documents. That creates a conflict between the

Product Approval and the installation guideline; therefore, the Product Approval takes precedence under FBC 1512.2.1

The reason that the tiles were temporarily stacked over 10 high in some areas was because Mr. Wagner required the roofing contractor to remove the tile from the valley areas in order to visually confirm that the end laps and side laps were adhered. Once again, Mr. Wagner performed his due diligence during the inspection process.

Allegation: At the beginning of his 02/04/2025 Deposition, Mr. Wagner falsely denied that he ever called Ms. Guo "crazy lady" or "bitch."74 Even after being shown his texting message to RACC 75, Mr. Wagner claimed that the words were automatically generated by his phone. Later, he admitted that he "misspoke" but refused to apologize to Ms. Guo.76

Response: Mr. Wagner regrets any comments that he may have made about Ms. Guo to the roofing contractor.

Allegation: Mr. Wagner repeatedly testified that, as a building code inspector, his job is to enforce the code or the product approval.77 However, he failed to enforce the product approval's requirement "Membrane: ...All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic."78

Response: If laps appear to be properly adhered, they are considered to be in compliance with the product approval. Forensic testing is not part of an inspector's job duties.

The Complaint uses selective excerpts from Mr. Wagner's deposition transcript to make various assertions that his testimony was allegedly untruthful. Mr. Wagner's deposition is over 200 pages long, and we just received a copy of the transcript a few days ago. We are still in the process of reviewing it and its various exhibits. We are not in a position to make a detailed response to those allegations at this time.

CONCLUSION

Allegation: Mr. Wagner's failures to enforce FL Building Code 1512.2.5 and 110.5 violated FL Stat. Section 468.621(1)(g) "Failing to properly enforce applicable building codes or permit requirements within this state which the certificate holder knows are applicable or committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property."
(1) During and after the peel & stick underlayment was installed, Mr. Wagner inspected the roof on April 4th, 2024, May 24th, 2024, June 20th, 2024, June 21st, 2024, and June 28th, 2024. However, he failed to demand RACC to satisfy the requirement of "Roofing Component Approval", also known as Product Approval, "All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic." As a result, Ms. Guo lost warranty on the peeling and stick underlayment.
(2) TAS-106 Test was never performed. RACC only provided to Mr. Wagner a fraudulent engineering report and seven pictures of partial roof, while hiding at least two pictures of

fractured and chipped tiles. However, Mr. Wagner failed to either confirm the authenticity of the engineering report or request complete pictures of each section of the roof.
(3) Mr. Wagner explictly ignored the fact that RACC placed more than ten (10) tiles per stack, which violated the published and Miami-Dade approved manufacturer brochure.

Mr. Wagner's frauds and bias violated FL Stat. Section 468.621(1)(f) "Making or filing a report or record that the certificate holder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by state or local law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing."
(1) Mr. Wagner intentionally insulted and revenged on Ms. Guo by calling her "bitch" and "crazy lady."
(2) Mr. Wagner instructed RACC to conceal the open laps along the valleys in order to "shut[ ] this bitch up,"
(3) Mr. Wagner falsely accused that Ms. Guo pulled up peel & stick underlayment to create the fish mouths along the valleys.
(4) Mr. Wagner falsely accused that Ms. Guo's inspector cut through tiles.
(5) Mr. Wagner lied at his February 4th, 2025 deposition.

Response: The inspection history set forth in this response, in and of itself is evidence that Mr. Wagner did not commit willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in significant danger to life or property.

He did, in fact, perform his due diligence throughout the inspection processes.

In the case at hand Mr. Wagner observed that there were unsealed laps whether they were end laps or side laps. Mr. Wagner required that the laps that were not properly adhered and needed to be corrected.

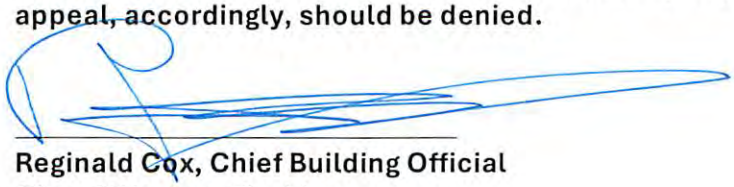
At the tile placing stage of the inspection process, after the cap sheet has been completed, all lap areas that appear to be properly adhered are deemed to be in compliance with the code and the product approval. Just as all areas are deemed to be properly back nailed unless there is obvious slippage of the cap sheet.

Inspectors are only on the job site for a brief time and can only go by what they observe when they are on the job site. Inspectors are not there to babysit contractors or to conduct forensic investigations into how work was done that would not be normally visible during the inspection process--such as how the interior of an end lap is sealed.

As to the final roof Inspection, Mr. Wagner repeatedly asked that he not be followed around being videotaped. As was previously noted, this roof is very steep roof curved tile, and it is dangerous to walk on. Mr. Wagner did not want any distractions out of concern for his safety.

Ms. Guo made various attempts to interfere in the inspection process. She sent repeated emails and text messages to Mr. Wagner after work hours. She essentially attempted to coerce and intimidate the building department so that inspections would be performed the way she wants them performed, not the way the code requires.

As I informed Ms. Guo in my July 3, 2024 email: "you unlawfully denied the inspector entry by indicating to him he would be trespassing on your property." Under those circumstances, photographic evidence was properly used to close out this permit. This appeal, accordingly, should be denied.



Reginald Cox, Chief Building Official
City of Weston, Florida

Date: April 29, 2025

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James R Wagner, BN, RRO

State Standard Building Inspectors License BN4270

12193 SW 10th ST #1

Miami, Florida 33184

Home (305) 229-0429

kokoozzy@bellsouth.net

Delivering excellence in technical oversight, and collaborative problem-solving gained through an accomplished record of experience.

SUMMARY OF QUALIFICATIONS

- 25 years in progressive construction management, supervisory and oversight positions.
- Comprehensive knowledge of building design, building construction and regulation.
- Ability to make decisions compatible with organizational goals, policies and procedures.
- Extensive experience and knowledge in construction matters, building code issues and interacting with designers, consultants and contractors.
- High degree of professionalism, integrity and ethical reliability.

PROFESSIONAL EXPERIENCE

Cap Government **August 2014-Present**

Building /Roofing Inspector

Preforming building code inspections at state owned executional facilities and universities.
Preforming building code inspections various municipalities throughout Palm Beach County.
Preforming roofing inspections for various municipalities throughout Dade and Broward counties.

- Responsible for maintaining the health, safety and welfare of the public, through the implementation of a strong building code.

- Effectively and resourcefully pursue the consistent application and uniform interpretation of the Florida Building Code High Velocity Hurricane Zone.

- Maintain a proficiency in design calculations necessary to establish attachment criteria for roof membranes, wood blocking, insulation, sheet metal components, and roof tile.

- Review roofing plans in the field to ensure accuracy in product approval selection and fire ratings.

- Responsible for employing independent judgment in providing technical assistance and guidance to local government officials, architects, engineers, contractors and the public regarding ➢ Conscientiously provide operational oversight, guidance and assistance to roofing industry personnel, raising the level of proficiency and knowledge of those involved in the design and installation of buildings and structures.

- Aggressively pursue self development through a comprehensive continuing education program designed to maintain professional expertise in all types of industrial, commercial and residential roof systems.

Self-employed **August 2009-August2014**

Performing structural inspections under Florida statute 553.791.

Forensic investigations and evaluation of roofing and building envelope failures, prepared reports outlining code violations and provided recommendations for corrective action. Preformed testing of fenestration systems.

Miami–Dade County **Miami, Florida**

Building Inspector – Roofing Division **November 2000 – April 2009**

- Responsible for maintaining the health, safety and welfare of the public, through the implementation of a strong building code.

- Effectively and resourcefully pursue the consistent application and uniform interpretation of the South Florida Building Code and the Florida Building Code High Velocity Hurricane Zone.

- Maintain a proficiency in design calculations necessary to establish attachment criteria for roof membranes, wood blocking, insulation, sheet metal components, and roof tile.

- Review roofing plans in the field to ensure accuracy in product approval selection and fire ratings.

- Responsible for employing independent judgment in providing technical assistance and guidance to local government officials, architects, engineers, contractors and the public regarding ➢ Conscientiously provide operational oversight, guidance and assistance to roofing industry personnel, raising the level of proficiency and knowledge of those involved in the design and installation of buildings and structures.

- Aggressively pursue self development through a comprehensive continuing education program designed to maintain professional expertise in all types of industrial, commercial and residential roof systems.

Professional Services, Incorporated **Miami, Florida**

Field Technician **April 1999- October 2000**

Assist in the conduct of visual roof surveys, infrared, nuclear, and capacitance moisture surveys, roof drainage studies, roof energy studies, moisture and vapor migration studies, determine physical/chemical properties of construction material through laboratory testing, conduct forensic investigations of roofing failures, and provide recommendations for corrective action, conduct quality assurance efforts during construction, prepare reports and assist the Senior Roof Consultant with all related tasks and efforts.

Airnet **Chicago, Illinois**

Supervisor/Dispatcher **September 1994 - April 1999**

Responsibilities included supervision of parcel delivery drivers, training of new personnel, organization and direction of dispatched drivers and the routing of computerized packages

Sunstate Roofing Associates, Incorporated **Miami, Florida**

Superintendent **August 1983-September 1994**

Responsible for conducting roof system evaluations, estimating roofing projects and direction and supervision of roofing crews in the proper installation of all types of commercial and residential roofing systems.

PROFESSIONAL LICENSES

Roofing Certificate of Eligibility - Miami-Dade County

State Standard Building Inspectors License BN4270 - Department of Business and Professional Regulation

Certified Building Inspector - International Code Council

PROFESSIONAL CREDENTIALS

Registered Roof Observer - Awarded #0549 by the Roof Consultants Institute no longer active

AFFILIATIONS

RCI, Inc., The Institute of Roofing, Waterproofing & Building Envelope Professionals - Former member.

Mr. Wagner,

Pursuant to 2023 Florida Building Code, Building, Eighth Edition N101.2 "Application for appeal," please send me the appeal application form by Monday July 1st, 2024.

During my appeal, please don't come to my property without allowing me to video-record the inspection. Otherwise I will hold you trespassing.

Have a nice weekend.

7/1/2024, 2:15 PM

Mr. Wagner, you haven't replied to any of my texting and email. Please don't come to my property any more.

Send message

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Friday, June 28, 2024 7:22 PM
To: Robert Franklin <rfranklin@westonfl.org>; Reginald Cox <rcox@westonfl.org>; James WAGNER <jwagner@capfla.com>
Subject: appeal 06/21/2024 and 06/28/2024 inspection

Be careful with this message. It's coming from an external sender.
Do not open attachments or click on links unless you are sure that the content is safe.

Dear Mr. Wagner, Mr. Franklin, and Mr. Cox,

The Roofer asked me to pay for the 06/28/2024 $103.44 re-inspection fee. The attached please see the Roofer's bill.

I would like to file an appeal on Mr. Wagner's 06/21/2024 and 06/28/2024 inspection.

Pursuant to 2023 Florida Building Code, Building, Eighth Edition N101.2 "*Application for appeal -- Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served*", please send me the application form by Monday July 1st, 2024 5PM.
During this appeal process, please do not send any inspector to my property without allowing me video-record the inspection. Otherwise, I will hold the inspector trespassing.
Thanks and regards,

Xiaohui Guo

N101.2 Application for appeal.

Any person shall have the right to appeal a decision of the code official to the b
the intent of this code or the rules legally adopted hereunder have been incorrec
an equally good or better form of construction is proposed. The application sha
days after the notice was served.

From: Reginald Cox <rcox@westonfl.org>
Sent: Wednesday, July 3, 2024 11:02 AM
To: xiaohui guo
Cc: Robert Franklin; James Wagner; Flavi Isabel
Subject: RE: 2516 Montclaire Circle Roof

Good morning,

The requirements of the permit have been satisfied. The permit is now closed.

I approved the roofing inspector to accept photos and applicable reports provided the permit holder in order to complete the final inspection because you unlawfully denied the inspector entry by indicating to him he would be trespassing on your property.

Regards,

RAC

Code Reference:

104.28 Right of Entry. Upon presentation of proper credentials, the Building Official, Chief, Fire Marshal/Fire Code Official, or their duly authorized representative may enter, at any reasonable time, any building, structure, or premises for the purpose of making any inspection or investigation, which falls under the provisions of this Code, or the FFPC.

Section 114 Violations

114.1 Violations and Penalties. Any person, firm, or corporation who violates a provision of this Code or the FFPC or fails to comply therewith or with any of the requirements thereof shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code or the FFPC is committed or continued, and upon conviction of any such violation, such person shall be punishable by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment.

110.5 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code. Failure to request such inspections constitutes a violation of this Code. The inspection request shall be made to the Building Department office at least one (1) day prior to the required inspection and shall provide reasonable time for such inspections to be made. Inspections shall be made not later than the following workday after the day of the request for inspection when a request is made prior to noon. Requests for inspections received after noon shall be made not later than the day after the following workday.

Section 113. Board of Rules and Appeals.

113.1 General. In order to determine the suitability of alternate materials and types of construction to provide for reasonable interpretation of the provisions of this Code and to assist in the control of the construction of buildings and structures, there is hereby created BORA, appointed by the appointing authority, consisting of thirteen (13) members and nine (9) alternates who are qualified by training and experience to pass on matters pertaining to building construction.

113.9 Duties

113.9.1 Appeal from decision of Building Official, Assistant Building Official, or Chief Inspector. The Board shall hear all appeals from the decisions of the Building Official, Assistant Building Official, or Chief Inspector wherein such decision is on matters regulated by this Code from any person, aggrieved thereby, and specifically as set forth in Section 104 32. Alternate materials, designs, and methods of construction and equipment application for appeal shall be in writing and addressed to the Secretary of the Board.

Reginald Cox
Chief Building Official
P: (954) 385-0500
www.westonfl.org
17250 Royal Palm Blvd, Weston, Florida 33326

Please note: Florida has a very broad public records law. Most written communications to or from city officials regarding city business are public records, and are available to the public and media upon request. Your e-mail communications, including your email address, may therefore be subject to public disclosure. In addition, this message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from public disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the City of Weston immediately by telephone (954-385-2000) or by return e-mail and delete the message, along with any attachments. (10/2019)

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Tuesday, July 2, 2024 9:06 PM
To: Reginald Cox <rcox@westonfl.org>
Cc: Robert Franklin <rfranklin@westonfl.org>; James Wagner <jwagner@capfla.com>
Subject: Re: 2516 Montclaire Circle Roof

After Mr. Wagner left my property on June 28th, 2024, he never came back.
However, today at 2:30PM he suddenly entered "pass" for final inspection.

On Tue, Jul 2, 2024 at 3:26 PM, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

This is to note that at 2:30PM today Mr. Wagner entered "pass" for final inspection without even inspecting.

On Fri, Jun 28, 2024 at 9:15 AM, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Also, please correct if I am wrong: today Mr. Wagner informed the Roofer's worker that her ladder was incorrect for safety and another ladder is needed.

On Fri, Jun 28, 2024 at 9:07 AM, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Good morning, Mr. Cox, Mr. Franklin, and Mr. Wagner,

If there is a policy or code number that forbids a homeowner to observe and film the inspection, may you please let me know ASAP?

By next inspection, if I don't receive a policy or code number that forbids homeowner to observe and film the inspection, I would assume that there isn't such policy or code number.

Thanks and regards,

Xiaohui Guo

On Thu, Jun 27, 2024 at 4:52 PM, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

hi, Mr. Cox,

The Roofer scheduled the final inspection tomorrow but again I don't see any ladder set up.

May the inspector please knock my door when he arrives tomorrow? I need to know the inspection process, not just the result.

Thanks and regards,

Xiaohui

On Wed, Jun 26, 2024 at 8:59 AM, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Thanks for your 06/25/2024 4:27PM reply, Mr. Cox.

On June 21st, 2024 the Roofer left one valley's tile unremoved, thus, Mr. Wagner should have given the same violation number as he did on June 20th, right?

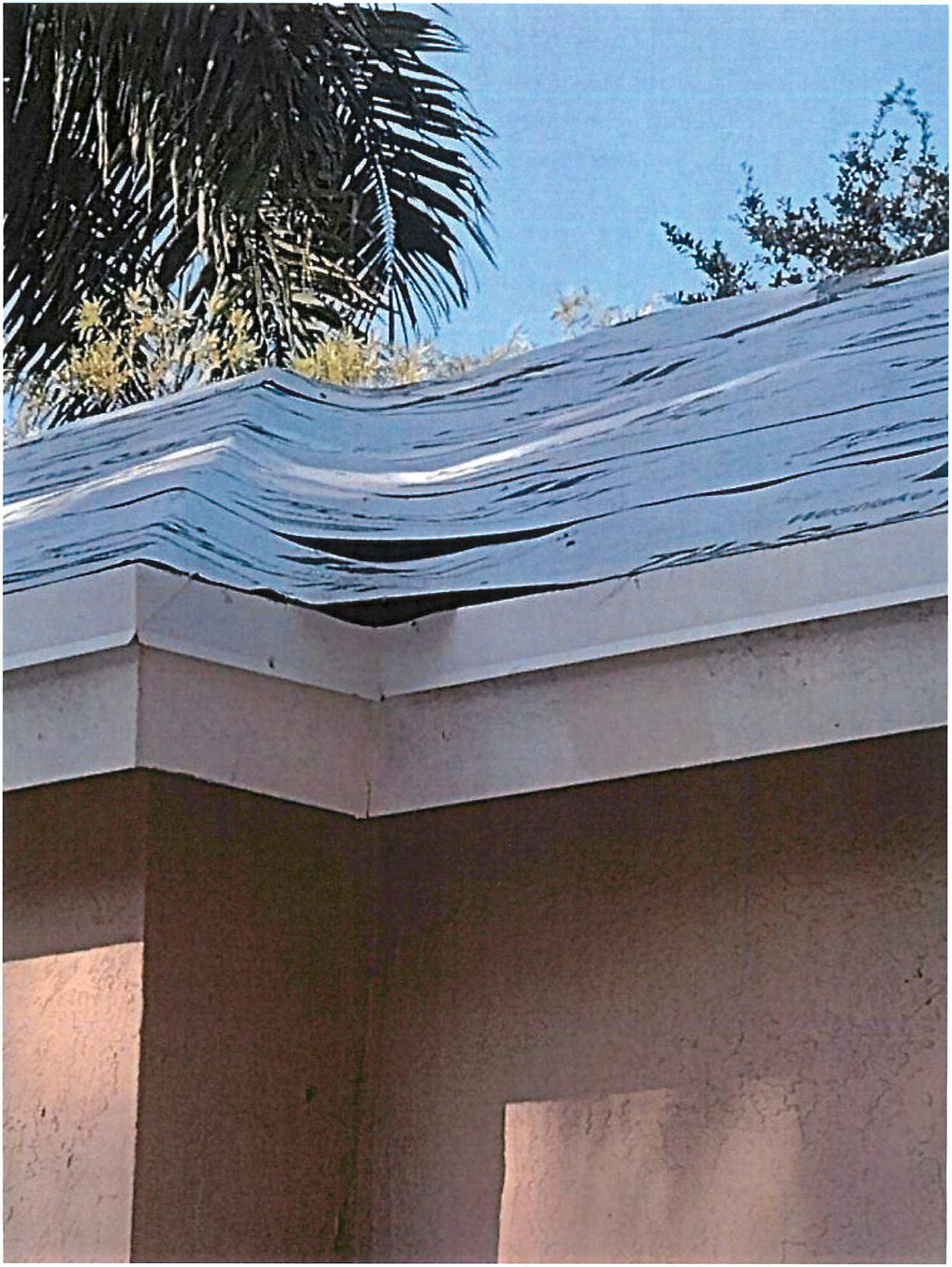
On June 21st, 2024 the Roofer did not set the ladder ready, is there a violation number for failing to set up ladder for inspection, please?

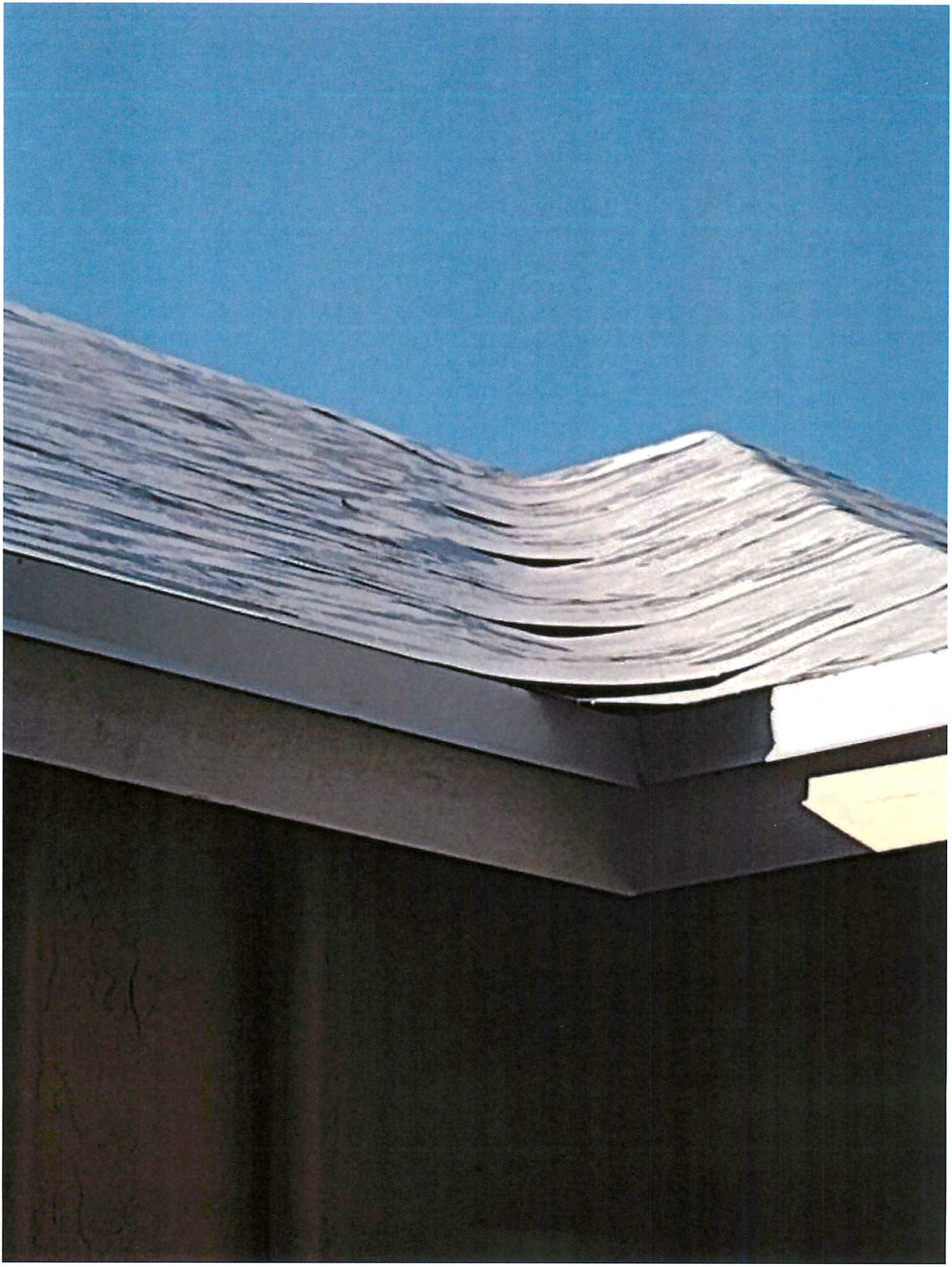
Also, did you see my video showing the cap sheet bouncing? If Mr. Wagner went up on the roof, he would have seen the cap sheet bouncing up and down by himself. Is there a violation number for deception, please?

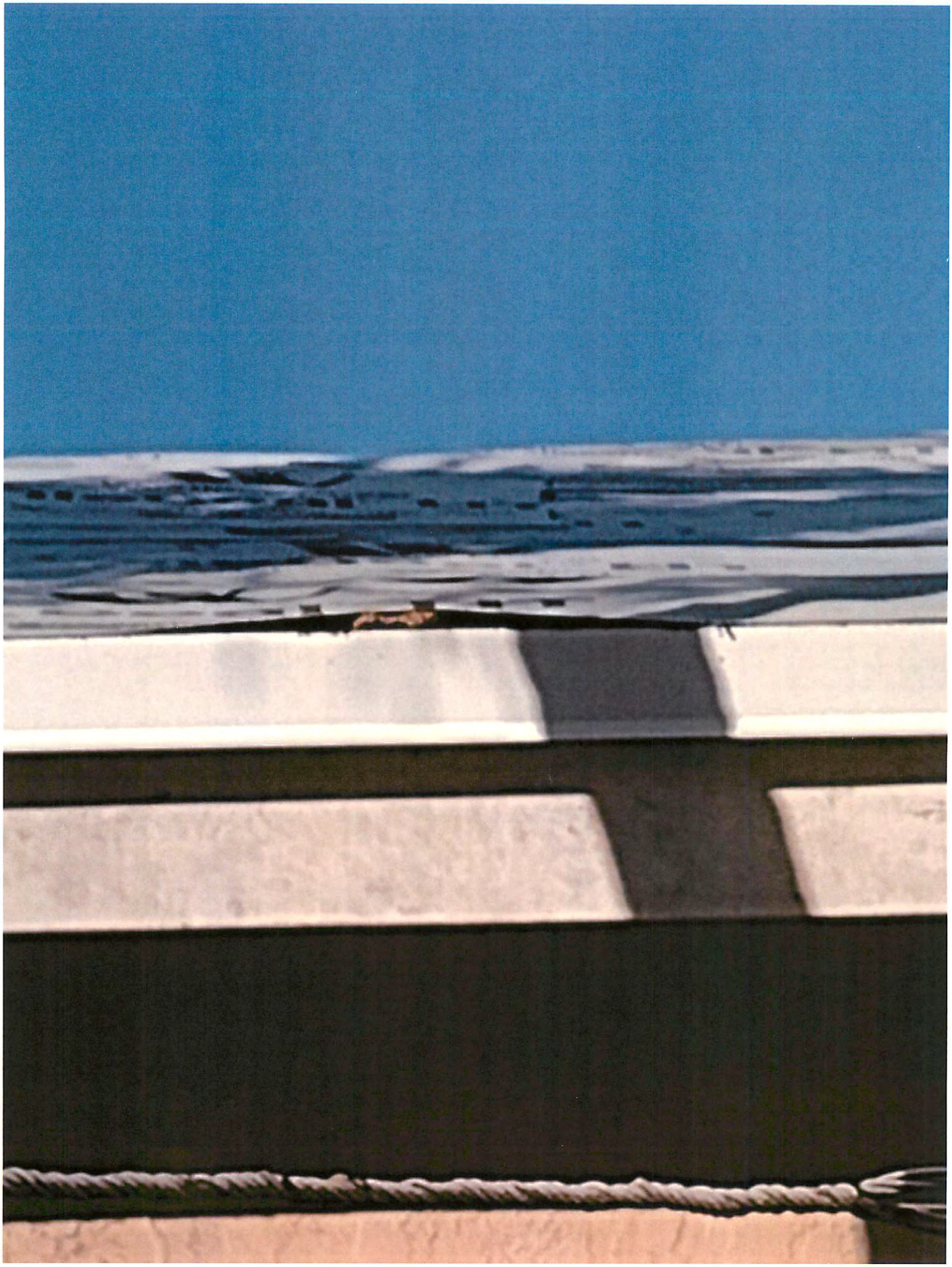
Please advise ASAP,

Thanks and regards,

Xiaohui







Appeal 25-02 Questions for Weston

Florida Building Code Residential section 4402.1, Florida Building Code Building Sectio1512 et seq.

4/4/2024 tin tag and underlayment in progress inspection approved

How much of the underlayment was in place?
The appellant claims that the roofer did not use the SBS mastic on the laps.
Were you aware of this?
Did you see this on the NOA?
If this is correct, why did you approve cap sheet in progress inspection?

6/20/22024 Tile in progress fail,

Remove tile from valleys to confirm repairs to the fish mouths have been corrected.
How and when did you become aware of the of the problems?

6/21/2024 Tile in Progress pass.

Corrections to the valleys have been made, how did you approve the inspection?
Permit card not on job, Why did you approve the job?

6/28/2024 Final Inspection

Homeowner interference. Explain

7/1/2025 Homeowner Canceled

Do you know why?

7/2/2024 Final inspection.

Used photos and pull test
How did you inspect?
Did you use the sky camera?

From:	xiaohui guo
To:	Reginald Cox; Robert Franklin; James Wagner
Cc:	Flavi Isabel
Subject:	Re: 2516 Montclaire Circle Roof
Date:	Wednesday, July 3, 2024 11:34:14 PM

Mr. Cox,

Today, the new roof failed my insurance inspection, mainly due to Mr. Wagner's negligence. If I send you the details, would you like to send another inspector to conduct a real inspection so that Mr. Wagner's mistakes can be corrected in your hand?

If you still refuse to send another inspector to conduct the real inspection,
then please at least refund the Roofer the $103 reinspection fee because your Department should not get paid for an inspection that was never performed. The Roofer is now asking me to pay for the $103 reinspection fee.
(p.s., Who is Flavi Isabel, the added recipient in your 07/03/2024 8:21PM Email?)

From: Robert Franklin
To: xiaohui guo; jwagner@capfla.com
Cc: Reginald Cox
Subject: RE: 2516 Montclaire Circle Roof
Date: Monday, June 24, 2024 7:33:43 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png

I have notified the Building Official Reggie Cox of your concerns. Going forward please direct all your emails to Mr. Cox.

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Sunday, June 23, 2024 10:53 PM
To: Robert Franklin <rfranklin@westonfl.org>; jwagner@capfla.com
Subject: Re: 2516 Montclaire Circle Roof

Hi, Mr. Franklin and Mr. Wagner,

For your convenience, I'm attaching two documents for you to analyze:

1. A pdf file showing the comparison between "Before 06/21/2024 Inspection" and "After 06/21/2024 Inspection." You can see that more than half of the open laps in the "Before 06/21/2024 Inspection" pictures are still in the "After 06/21/2024 Inspection" pictures.

Also, as of now, the tiles at the valley on top of the garage (page 1) still have not been removed. With all due respect, how could Mr. Wagner, on June 21st, 2024, determine that this tile-covered valley has been completely repaired?

2. A video showing the peeling-stick cap sheet bouncing underneath the 06/20/2024 worker's feet when he removed the tiles on June 20th, 2024, after being ordered by Mr. Wagner to do so.

You haven't replied to my emails since Jun 19th, 2024. If you cannot help me any further, may you please kindly let me know where I can escalate my concerns?

Thanks and regards,

Xiaohui Guo
On Friday, June 21, 2024 at 10:26:13 AM EDT, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Mr. Franklin and Mr. Wagner,

Yesterday when the worker removed the tiles from the valley, I can see the cap sheet bouncing under their feet, up and down.

Please go up to the roof to check. When you come please let me know so I can show them to you. Please reply by today.

Thanks and regards,

Xiaohui

On Friday, June 21, 2024 at 10:15:40 AM EDT, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Hi, Mr. Franklin and Mr. Wagner,

I have been home waiting for Wagner and never noticed that Mr. Wagner may have come already.

However, I just noticed that Mr. Wagner entered today's inspection results at 8:29AM without even going up to the Roof. How would Mr. Wagner know whether the cap sheet stick to the underneath layer now without going up to the Roof to check?

The attached please see remaining open laps on the valleys. Please let me know if you need me to show you more proofs of how they skipped concealed open laps. May you please advise by today?

Thanks and regards,

Xiaohui

On Friday, June 21, 2024 at 08:23:47 AM EDT, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Hi, Mr. Franklin and Mr. Wagner,

As of now, I still haven't received any message from the Roofer on whether or when he will repair the defects that were concealed by tiles.

Is Mr. Wagner coming today? May you please let me know the approximate time so I can wait for you?
The attached please see the "Inspection Scheduled" notice:

Inspection Scheduled

noreply@westonfl.org Thu, Jun 20, 8:33 AM
to ROOFINGRA, me

DO NOT REPLY To this EMAIL ADDRESS

Hello,

The following inspection has been scheduled for record#: ***B24-01261***

Inspection Type: ***STR-Tile In-Progress***

Requested Inspection Date: ***6/21/2024***

*Inspection Address:****2516 MONTCLAIRE CIR, WESTON, FL 33327***

Notes/Instructions to Inspector:*

**Notes/Instructions are not visible on the ePermits public portal.*

Thanks and regards,

Xiaohui

On Thursday, June 20, 2024 at 05:37:40 PM EDT, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Hi, Mr. Franklin and Mr. Wagner,

The Roofer removed some tiles from valleys today. I noticed that the Roofer scheduled another inspection Tomorrow. However, as of now, the Roofer has not repaired the open laps that were concealed by tiles before. Now the open laps looked smaller or even disappeared temporarily because they have been pressed down by tiles for almost a week. They should be repaired before your next inspection.

Today the Roofer even threatened to charge me a fee for the inspection. I really worry, if such a bad Roofer lost license in the near future, who would honor the 10-year warranty for my roof?

(p.s., I still have concerns about other issues, such as returns/eaves, water-saturated cap sheet after last week's record rain, the burning of the cap sheet, and et al.)

Thanks and regards,

Xiaohui

On Wednesday, June 19, 2024 at 12:38:31 PM EDT, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Also, on the unconcealed open laps, the worker burned the cap sheet and then pressed it down. May you please advise me if this is a correct method? Was the cap sheet thinned by burning? Will the cap sheet bounce back?

Thanks and regards.

On Wednesday, June 19, 2024 at 09:08:23 AM EDT, xiaohui guo <xiaohui_guo@yahoo.com> wrote:

Thanks for your reply, Mr. Franklin.

On June 14th, 2024, the Roofer loaded all tiles on the roof, which already concealed some defects of the cap sheet. For example, some open laps along the valley have already been pressed down by stacks of tiles.

On June 18th, 2024, using the Roofer's own words, its worker only "touched up" some unconcealed open laps but skipped all concealed defects. I requested the Roofer to correct the concealed defects but the Roofer refused.

I also requested the Roofer to correct the return and other defects but the Roofer refused.

May you please let me know the approximate time Mr. Wagner will be here on Thursday June 20th, 2024 so that I can point out some of the concealed defects to him?

Thanks and regards.

Xiaohui

On Tue, Jun 18, 2024 at 11:22 AM, Robert Franklin <rfranklin@westonfl.org> wrote:

> James will be out on Thursday to inspect the cap sheet.
>
> Sent from Samsung Galaxy smartphone.

Get Outlook for Android

Robert Franklin
Plans Examiner/Structural Inspector
P: (954) 385-0500
www.westonfl.org
17250 Royal Palm Blvd, Weston, Florida 33326

Please note: Florida has a very broad public records law. Most written communications to or from city officials regarding city business are public records, and are available to the public and media upon request. Your e-mail communications, including your email address, may therefore be subject to public disclosure. In addition, this message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from public disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the City of Weston immediately by telephone (954-385-2000) or by return e-mail and delete the message, along with any attachments. (10/2019)

From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Tuesday, June 18, 2024 9:53:31 AM
To: Robert Franklin <rfranklin@westonfl.org>
Subject: 2516 Montclaire Circle Roof

Hi, Me. Franklin,

The Roofer suddenly showed up today. They said that they will do "touch up" and install tiles today at the same time. I told them that they need to wait for Mr. Wagner's inspection. I don't know how they will proceed.

Thanks and regards,

Xiaohui.

From: Reginald Cox
To: xiaohui guo; Robert Franklin; James Wagner
Cc: Flavi Isabel
Subject: Re: 2516 Montclaire Circle Roof
Date: Wednesday, July 3, 2024 8:21:10 PM
Attachments: image329506.png
image052120.png
image999483.png
image022671.png
image311014.png
image866743.png
image225187.png
image359887.png
image888531.png

Good afternoon,

The requirements of the permit have been satisfied. The permit is now closed.

Sincerely,

RAC

Sent from my T-Mobile 5G Device
Get Outlook for Android

Reginald Cox
Chief Building Official
P: (954) 385-0500
www.westonfl.org
17250 Royal Palm Blvd, Weston, Florida 33326

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From: xiaohui guo <xiaohui_guo@yahoo.com>
Sent: Wednesday, July 3, 2024 11:33:37 AM
To: Reginald Cox <rcox@westonfl.org>; Robert Franklin <rfranklin@westonfl.org>; James Wagner <jwagner@capfla.com>
Subject: Re: 2516 Montclaire Circle Roof

Mr. Cox,

Mr. Wagner chose to leave the property by himself and charged a re-inspection fee.

Please send in another inspector because the reinspection fee has been paid.

Xiaohui

Wagner cited code sections

468.629 Prohibitions; penalties.—

(1) No person may:

(a) Falsely hold himself or herself out as a certificateholder.

(b) Falsely impersonate a certificateholder.

(c) Present as his or her own the certificate of another.

(d) Give false or forged evidence to the board or the department, or a member, an employee, or an officer thereof, for the purpose of obtaining a certificate.

(e) Use or attempt to use a certificate which has been suspended or revoked.

(f) Threaten, coerce, trick, persuade, or otherwise influence, or attempt to threaten, coerce, trick, persuade, or otherwise influence, any certificateholder to violate any provision of this part.

(g) Offer any compensation to a certificateholder in order to induce a violation of this part, a local building code or ordinance, or another law of this state.

(2) Any person who violates any provision of this part commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates any provision of this part after a previous conviction for such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

468.604 Responsibilities of building code administrators, plans examiners, and inspectors.—

(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person.

BUILDING DEPARTMENT
Reviewed for Code Compliance
BC-01121
3/25/2024
CITY OF WESTON

BUILDING CODE SERVICES

HURRICANE MITIGATION

Florida Statute 553.884, Hurricane Mitigation Retrofits, requires this Affidavit along with the High Velocity Hurricane Zone Uniform Permit Application Form. A Secondary Water Barrier is also included in my HVHZ Roof Application (30# felt underlayment installed with nails and tin tabs, covered with either an approved self adhering polymer modified bitumen cap sheet, or an approved cap sheet applied using an approved hot mop application.

Permit Number: _____

Job Address: 2516 Montclaire Circle

Is the value of the dwelling more than $300,000? ☐ NO ☒ YES

If **NO**, the following documents are required:

1) A copy of Ad Valorem Taxation Notice or copy of Insured Value.
2) Re-Nailing Affidavit.
3) Secondary Water Barrier Affidavit.

If **YES**, the following documents are required:

1) Roof to Wall Connections Certificate.
2) Re-Nailing Affidavit.
3) Secondary Water Barrier Affidavit.

In accordance with Secion201.3.1 to 201.3.4 the wall to roof connections;

☒ YES Comply with the prescriptive method requirements

☐ NO Require complying or exceeding uplift required by Table 201.03*, or, prescriptive (Separate permit required by General, Building or Residential Contractor)

I am a (make one (1) selection)
☐ Florida Professional Engineer* ☐ Registered Architect* ☒ Licensed General Contractor
☐ Building Contractor ☐ Residential Contractor
☐ Person certified in the Structural discipline under FS 468

I hereby certify that the roof to wall connections comply or exceed the requirements mentioned above ☒ **Prescriptive** ☐ **Table 201.03***.

_____ CGC 1518547 3/11/24
Signature License Number Date

Sworn to and subscribed before me this 11 day of March 20 24.

By Ezequiel Alvarado

Produced as ID. KNOWN TO ME

Pamela Rodriguez
Notary Public, State of Florida

PAMELA RODRIGUEZ
Notary Public-State of Florida
Commission # HH 57121
My Commission Expires
October 26, 2024

MARTY KIAR
BROWARD COUNTY
PROPERTY APPRAISER

BUILDING DEPARTMENT
Reviewed for Zoning Compliance
BP-001761
APPROVED
CITY OF WESTON

PROPERTY SUMMARY

Tax Year: 2024
Property ID: 503913080480
Property Owner(s):GUO,XIAOHUI
Mailing Address:2516 MONTCLAIRE CIR WESTON, FL 33327
Physical Address:2516 MONTCLAIRE CIRCLE WESTON, 33327

Property Use: 01-01 Single Family
Millage Code: 3312
Adj. Bldg. S.F: 4896
Bldg Under Air S.F: 3790
Effective Year: 2000
Year Built: 1999
Units/Beds/Baths: 1 / 5 / 3.50

Deputy Appraiser: Residential Department
Appraisers Number: 954-357-6831
Email: realprop@bcpa.net
Zoning : RE - ESTATE RESIDENTIAL
Abbr. Legal Des.: SECTOR 7 - PARCEL O TWO 162-6 B LOT 48

PROPERTY ASSESSMENT

Year	Land	Building / Improvement	Agricultural Saving	Just / Market Value	Assessed / SOH Value	Tax
2024	$157,910	$926,130	0	$1,084,040	$724,470	
2023	$157,910	$926,130	0	$1,084,040	$703,370	$14,282.55
2022	$157,910	$802,750	0	$960,660	$682,890	$13,471.83

EXEMPTIONS AND TAXING AUTHORITY INFORMATION

	County	School Board	Municipal	Independent
Just Value	$1,084,040	$1,084,040	$1,084,040	$1,084,040
Portability	0	0	0	0
Assessed / SOH 10	$724,470	$724,470	$724,470	$724,470
Granny Flat				
Homestead 100%	$25,000	$25,000	$25,000	$25,000
Add. Homestead	$25,000	0	$25,000	$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exemption Type	0	0	0	0
Affordable Housing	0	0	0	0
Taxable	$674,470	$699,470	$674,470	$674,470

SALES HISTORY FOR THIS PARCEL

Date	Type	Price	Book/Page or Cin
07/18/2009	Warranty Deed Qualified Sale	$775,000	46411 / 170
03/19/1999	Special Warranty Deed	$469,300	29363 / 1015
07/21/1998	Special Warranty Deed	$124,000	28623 / 752

LAND CALCULATIONS

Unit Price	Units	Type
$12.00	13,159 SqFt	Square Foot

RECENT SALES IN THIS SUBDIVISION

Property ID	Date	Type	Qualified/ Disqualified	Price	CIN	Property Address
503913080120	12/08/2023	Warranty Deed	Qualified Sale	$1,750,000	119309376	2523 MONTCLAIRE CIR WESTON, FL 33327
503913080390	06/02/2023	Warranty Deed	Qualified Sale	$2,200,000	118899482	2534 MONTCLAIRE CT WESTON, FL 33327
503913080430	03/18/2023	Warranty Deed	Qualified Sale	$1,701,000	118768790	2526 MONTCLAIRE CIR WESTON, FL 33327
503913080040	07/26/2022	Warranty Deed	Qualified Sale	$1,455,500	118308974	2507 MONTCLAIRE CIR WESTON, FL 33327
503913080520	11/29/2021	Warranty Deed	Qualified Sale	$1,250,000	117775796	2508 MONTCLAIRE CIR WESTON, FL 33327

SPECIAL ASSESSMENTS

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
Weston Fire Protection (33)	Weston Solid Waste (S)			Indian Trace (57)				
Residential (R)				Indian Trace (57)				
1	1.00			0.30				

SCHOOL

Gator Run Elementary: A
Falcon Cove Middle: A
Cypress Bay High: A

ELECTED OFFICIALS

Property Appraiser	County Comm. District	County Comm. Name	US House Rep. District	US House Rep. Name
Marty Kiar	1	Nan H. Rich	25	Debbie Wasserman Schultz

Florida House Rep. District	Florida House Rep. Name	Florida Senator District	Florida Senator Name	School Board Member
103	Robin Bartleman	35	Lauren Book	Brenda Fam

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Florida Building Code 8th Edition (2023)
High-Velocity Hurricane Uniform Permit Application Form

Section A (General Information)

Master Permit No. _____ Process No. _____

Contractor's name: ROOFING AND CONSTRUCTION CORP

Job Address: 2516 MONTCLAIR CIR WESTON FL 33327

ROOF CATEGORY

- ☐ Low Slope
- ☐ Asphaltic Shingles
- ☐ Mechanically Fastened Tile
- ☐ Metal Panel / Shingles
- ☐ Prescriptive BUR-RAS150
- ☒ Mortar/Adhesive Set Tiles
- ☐ Wood Shingles / Shakes

ROOF TYPE

- ☐ New Roof
- ☐ Repair
- ☐ Maintenance
- ☒ Reroofing
- ☐ Recovering

ROOF SYSTEM INFORMATION

Low Slope Roof Area (SF) 0 Steep Sloped Roof Area (SF) 6077 Total (SF) 6077

Section B (Roof Plan)

Sketch Roof Plan: Illustrate all levels and sections, roof drains, scuppers, overflow scuppers and overflow drains. Include dimensions of sections and levels, clearly identify dimensions of elevated pressure zones and location of parapets.

SEE ATTACHMENT

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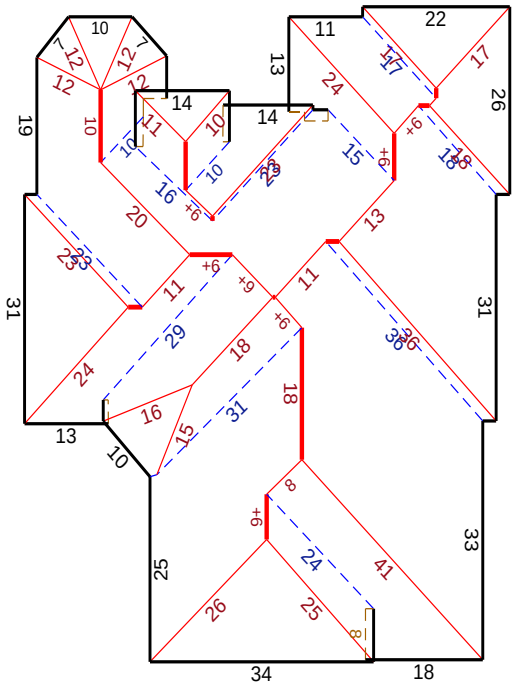
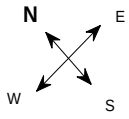
LENGTH DIAGRAM

Total Line Lengths:
Ridges = 62 ft
Hips = 480 ft
Valleys = 253 ft
Rakes = 0 ft
Eaves = 379 ft
Flashing = 10 ft
Step flashing = 32 ft
Parapets = 0 ft





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Note: This diagram contains segment lengths (rounded to the nearest whole number) over 5.0 Feet. In some cases, segment labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9).

© 2008-2024 Eagle View Technologies, Inc. and Pictometry International Corp. – All Rights Reserved – Protected by European Patent Application No. 10162199.3 – Covered by one or more of U.S. Patent Nos. 8,078,436; 8,145,578; 8,170,840; 8,209,152; 8,515,125; 8,825,454; 9,135,737; 8,670,961; 9,514,568; 8,818,770; 8,542,880; 9,244,589; 9,329,749; 9,599,466. Other Patents Pending.

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Florida Building Code 8th Edition (2023)
High-Velocity Hurricane Uniform Permit Application Form

Section D (Steep Sloped Roof System)

Roof System Manufacturer: Westlake Royal Roofing.

Notice of Acceptance Number: 22-0201.07

Minimum Design Wind Pressures, If Applicable (From RAS 127 or Calculations): 45.5

Zone 1: -69 Zone 2: -82 Zone 3: -106

Roof Gable ☐ Roof Hip ☒ Roof Hip/Gable ☐

Roof Slope: 6 : 12

Deck Type: 5/8 Plywood

Type Underlayment: 30LB

Insulation: —

Fire Barrier: —

Ridge Ventilation? N/A

Fastener Type & Spacing: 1 1/4 R. Nails 6" OC Seams 4" Field

Adhesive Type: Self Adhered

Type Cap Sheet: Tile Seal

Mean Roof Height: 15'

Roof Covering: Concrete Tiles

Type & Size Drip Edge: 3x3 24ga Galv.

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Section E

Section E (Tile Calculations)

For Moment-based tile systems, choose either Method 1 or 2. Compare the values for M_r with the values from M_r. If the M_r values are greater than or equal to the M_r values, for each area of the roof then the tile attachment method is acceptable.

Method 1 "Moment-Based Tile Calculations Per RAS 127"

(Zone 1:____ × λ ____ = ____) – Mg: ____ = M_{r1} ____ Product Approval M_r _____

(Zone 2:____ × λ ____ = ____) – Mg: ____ = M_{r2} ____ Product Approval M_r _____

(Zone 3:____ × λ ____ = ____) – Mg: ____ = M_{r3} ____ Product Approval M_r _____

Method 2 "Simplified Tile Calculations Per Table Below"

Required Moment of Resistance (M_r) From Table Below 39.6 Product Approval M_r 45.5

M_r required Moment Resistance*					
Mean Roof Height Roof Slope	15'	20'	25'	30'	40'
2:12	-46	-47.6	-49.4	-50.9	-53.3
3:12	-47.3	-48.9	-50.7	-52.2	-54.6
4:12	-47.2	-52.0	-53.8	-55.3	-57.9
5:12	-39.8	-41.5	-42.8	-43.7	-45.7
6:12	-39.6	-40.6	-41.9	-42.9	-44.8
7:12	-39.4	-40.3	-41.6	-42.6	-44.6

Method 2 may be utilized within Broward County Exposure C only.

For Uplift-based tile systems use Method 3. Compare the values for F' with the values for F_r. If the F' values are greater than or equal to the F_r values for each area of the roof then the tile attachment method is acceptable.

Method 3 "Uplift-Based Tile Calculations Per RAS 127"

(Zone 1:____ × L ____ = ____ × w: = ____) – W: ____ × cos r ____ = F_{r1} ____ Product Approval F' _____

(Zone 2:____ × L ____ = ____ × w: = ____) – W: ____ × cos r ____ = F_{r2} ____ Product Approval F' _____

(Zone 3:____ × L ____ = ____ × w: = ____) – W: ____ × cos r ____ = F_{r3} ____ Product Approval F' _____

Where to Obtain Information		
Description	**Symbol**	**Where to find**
Design Pressure	Zones 1, 2, 3	From applicable table in RAS 127 or by an engineering analysis prepared by PE based on ASCE 7
Mean Roof Height	H	Job Site
Roof Slope	θ	Job Site
Aerodynamic Multiplier	λ	Product Approval
Restoring Moment due to Gravity	M_g	Product Approval
Attachment Resistance	M_r	Product Approval
Required Moment Resistance	M_q	Calculated
Minimum Attachment Resistance	F'	Product Approval
Required Uplift Resistance	F_r	Calculated
Average Tile Weight	W	Product Approval
Tile Dimensions	L = length W = width	Product Approval
All calculations must be submitted to the building official at the time of permit application.		

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CITY OF WESTON

BUILDING CODE SERVICES

RE-NAILING AFFIDAVIT/ SECONDARY WATER BARRIER AFFIDAVIT

Permit Number: _____ Job Address: 2516 Montclaire Cir

Re-Nailing Affidavit

I am a (make one (1) selection)

☐ Florida Professional Engineer ☐ Registered Architect ☐ Licensed General Contractor

☐ Building Contractor ☐ Residential Contractor ☑ Roofing Contractor

☐ Person certified in the Structural discipline under FS 468

I hereby certify that the existing or supplemental fasteners have satisfied the requirement of Table 201.1. (8d Round Head Ring Shank @ 6" o.c. max)

_____ 3/11/24
Certifier Signature Date

Sworn to and subscribed before me this 11 *day of* March *20* 2024.

By Ezequiel Romero

Produced as ID. Personally known

Pamela Rodriguez
Notary Public, State of Florida

PAMELA RODRIGUEZ
Notary Public-State of Florida
Commission # HH 57121
My Commission Expires
October 26, 2024

Secondary Water Barrier Affidavit

I am a (make one (1) selection)

☐ Florida Professional Engineer ☐ Registered Architect ☐ Licensed General Contractor

☐ Building Contractor ☐ Residential Contractor ☑ Roofing Contractor

☐ Person certified in the Structural discipline under FS 468

I hereby certify that the secondary water barrier has been installed and inspected by me personally and it complies with all requirements of FBC 2004 and the Hurricane Mitigation requirements.

_____ 3/11/24
Certifier Signature Date

Sworn to and subscribed before me this 11 day of March 20 24.

By Ezequiel Romero

Produced as ID. Personally known.

Pamela Rodriguez
Notary Public, State of Florida

PAMELA RODRIGUEZ
Notary Public-State of Florida
Commission # HH 57121
My Commission Expires
October 26, 2024

DocuSign Envelope ID: 3B0AF3BD-A226-47C4-8488-668ED7264665

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SECTION 1524
HIGH VELOCITY HURRICANE ZONES REQUIRED OWNERS NOTIFICATION FOR ROOFING CONSIDERATIONS

1524.1 As it pertains to this section, it is the responsibility of the roofing contractor to provide the owner with the required roofing permit, and to explain to the owner the content of this section.. The provisions of Chapter 15 of the *Florida Building Code, Building* govern the minimum requirements and standards of the industry for roofing system installations. Additionally, the following items should be addressed as part of the agreement between the owner and the contractor. The owner's initial in the adjacent box indicates that the item has been explained.

DS XG _____ **1. Aesthetics-Workmanship:** The workmanship provisions of Chapter 15 (High Velocity Hurricane Zone) are for the purpose of providing that the roofing system meets the wind resistance and water intrusion performance standards. Aesthetics (appearance) issues are not a consideration with respect to workmanship provisions. Aesthetic issues such as color or architectural appearance, that are not part of a zoning code, should

DS XG _____ be addressed as part of the agreement between the owner and the contractor.

DS XG _____ **2. Renailing Wood Decks:** When replacing roofing, the existing wood roof deck may have to be renailed in accordance with the current provisions of Chapter 16 (High Velocity Hurricane Zones) of the Florida Building

DS XG _____ Code. (The roof deck is usually concealed prior to removing the existing roof system).

DS XG _____ **3. Common Roofs:** Common roofs are those which have no visible delineation between neighboring units (i.e. townhouses, condominiums, etc.). In buildings with common roofs, the roofing contractor and/or owner

DS XG _____ should notify the occupants of adjacent units of roofing work to be performed.

DS XG _____ **4. Exposed Ceilings:** Exposed, open beam ceilings are where the underside of the roof decking can be viewed from below. The owner may wish to maintain the architectural appearance, therefore, roofing nail penetrations of the underside of the decking may not be acceptable. The Florida Building Code provides the

DS XG _____ option of maintaining this appearance.

DS XG _____ **5. Ponding Water:** The current roof system and/or deck of the building may not drain well and may cause water to pond (accumulate) in low-lying areas of the roof. Ponding can be an indication of structural distress and may require the review of a professional structural engineer. Ponding may shorten the life expectancy and performance of the new roofing system. Ponding conditions may not be evident until the original

DS XG _____ roofing system is removed. Ponding conditions should be corrected.

DS XG _____ **6. Overflow scuppers** (wall outlets): It is required that rainwater flow off so that the roof is not overloaded from a build up of water. Perimeter/edge walls or other roof extensions may block this discharge if overflow scuppers (wall outlets) are not provided. It may be necessary to install overflow scuppers in accordance

DS XG _____ with the Florida Building Code, Plumbing.

DS XG _____ **7. Ventilation:** Most roof structures should have some ability to vent natural airflow through the interior of the structural assembly (the building itself). The existing amount of attic ventilation shall not be reduced. It may be beneficial to consider additional venting which can result in extending the service life of the roof.

DocuSigned by:
Xiaohui Guo
6583FBEC8836410...
Owner's/Agent's Signature

3/11/24
Date

Contractor's Signature

2516 Montclaire Cir
Property Address

Permit Number

Rev:1/20/2005,Computer Services, Building Department

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3/25/2024
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DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER)
BOARD AND CODE ADMINISTRATION DIVISION

MIAMI-DADE COUNTY
PRODUCT CONTROL SECTION
11805 SW 26 Street, Room 208
Miami, Florida 33175-2474
T (786) 315-2590 F (786) 315-2599
www.miamidade.gov/economy

NOTICE OF ACCEPTANCE (NOA)

Westlake Royal Roofing LLC.
7575 Irvine Center Drive, Suite 100
Irvine, CA 92618

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER - Product Control Section to be used in Miami Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (In Miami Dade County) and/or the AHJ (in areas other than Miami Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.
This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Westlake Royal TileSeal and Westlake Royal MetalSeal HT

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA renews NOA# 22-0714.14 and consists of pages 1 through 4.
The submitted documentation was reviewed by Alex Tigera.

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ROOFING COMPONENT APPROVAL

Category: Roofing
Sub-Category: Underlayment
Material: SBS

PRODUCTS DESCRIPTION:

Product	Dimensions	Test Specification	Product Description
Westlake Royal TileSeal	36” x 36’ rolls 36” x 72’ rolls	TAS 103 ASTM D1970	SBS self-adhering asphalt sheet material with a white glass re-enforced polyester surfacing fabric; for use as an underlayment in sloped roof assemblies.
Westlake Royal MetalSeal HT	36” x 36’ rolls 36” x 72’ rolls	TAS 103 ASTM D1970	SBS self-adhering asphalt sheet material with a white glass re-enforced polyester surfacing fabric; for use as an underlayment in sloped roof assemblies.
Westlake Royal Citadel Plus	36” x 72’ rolls	ASTM D1970	SBS self-adhering asphalt sheet material with a poly film-facer; for use as a mid-ply underlayment in sloped roof assemblies.

MANUFACTURIGN LOCATION:

1. Brentwood, NH.
2. Houston, TX.

EVIDENCE SUBMITTED:

Test Agency	Test Identifier	Test Name/Report	Date
PRI Construction Materials Technologies, LLC.	OCF-356-02-04	ASTM D1623	07/25/18
	OCF-356-02-02	TAS 103	07/24/18
	OCF-356-02-01	ASTM D1970	07/26/18
	OCF-424-02-04	ASTM D1623	07/25/18
	OCF-424-02-01	ASTM D1970	07/25/18
	OCF-424-02-03	TAS 103	07/25/18
Trinity ERD	BRLRF-SC16810.11.17	ASTM D 1876	11/28/17

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APPROVED ASSEMBLIES:

Deck Type 1: Wood, non-insulated

Deck Description: $^{15}/_{32}$" or greater plywood or wood plank

System E(1): Anchor sheet mechanically fastened deck, membrane adhered.

Base Sheet: One or more plies of ASTM D226 Type II or ASTM D2626 with a minimum 4” head lap and a 6” end lap mechanically fastened to deck with approved nails and tin caps 6" o.c. at the laps and two staggered rows 12" o.c. the field of the roll.

Ply Sheet (Optional): Apply one layer of Westlake Royal Citadel Plus over Base sheet as per current approval.

Membrane: One or more plies of Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment with a minimum 3” head lap and minimum 6” end lap. Place the first course of membrane parallel to the eave, rolling the membrane to obtain maximum contact. Remove the release membrane as the membrane is applied. Vertical strapping of the roof with Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment is acceptable. All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic.

Note: When used in Tile roof systems Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment shall be back nailed to deck with approved annular ring shank nails and tin caps at a maximum 12” o.c. at the side laps. No nails or tin caps shall be exposed.

Surfacing: Approved for Adhered Roof Tile using TILE BOND or AH-160, Mechanically Fastened Roof Tile, Metal Roofing, Wood Shake & Shingles, and Asphaltic Shingle assemblies.

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LIMITATIONS:

1. Fire classification is not part of this acceptance.
2. This acceptance is for prepared roofing applications. Minimum deck requirements shall be in compliance with applicable building code. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be installed in strict compliance with applicable Building Code.
3. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be applied to a smooth, clean and dry surface with deck free of irregularities.
4. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall not be applied over an existing roof membrane as a recover, but may be applied over a roofing Base/Anchor sheet underlayment.
5. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall not be left exposed as a temporary roof for longer than 180 days of application.
6. The standard maximum roof pitch for Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be 6:12 when tiles are loaded directly to the Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment; loading boards or battens are required on roof pitches greater than 6:12".
7. Refer to Prepared Roofing system Product Control Notice of Acceptance for listed approval of this product with specific prepared roofing products.
8. Tiles shall be stored on battens on roof pitches greater than 6:12".
9. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment may be used with any approved roof covering Notice of Acceptance listing Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment as a component part of an assembly in the Notice of Acceptance. If Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment is not listed, a request may be made to the Authority Having Jurisdiction (AHJ) or the Miami-Dade County Product Control Department for approval provided that appropriate documentation is provided to detail compatibility of the products, wind uplift resistance, and fire testing results.
10. All nails in the deck shall be carefully checked for protruding heads. Re-fasten any loose decking panels. Sweep the deck thoroughly to remove any dust and debris prior to application.
11. When applying the membrane in the valley, start at the low point and work to the high point, rolling the membrane from the center outward in both directions. For ridge applications, center the membrane and roll from the center outward in both directions.
12. Roll or broom the entire membrane surface so as to have 100% contact with the surface, giving special attention to overlap areas.
13. Flash vent pipes, stacks, chimneys and penetrations in compliance with Roof Assembly current Product Control Notice of Acceptance and applicable Building Code.
14. All protrusions or drains shall be initially taped with a 6" piece of underlayment. This target piece shall be pressed in place and formed around the protrusion to ensure a tight fit. A second layer of Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment shall be applied over the underlayment, and sealed using an SBS modified mastic.
15. All products listed herein shall have a quality assurance audit in accordance with the Florida Building Code and Rule 61G20-3 of the Florida Administrative Code.
16. All membranes or packaging shall bear the imprint or identifiable marking of the manufacturer's name or logo, city and state of manufacturing facility, and the following statement: "Miami-Dade County Product Control Approved" or the Miami-Dade County Product Control Seal as shown below

MIAMI-DADE COUNTY APPROVED

END OF THIS ACCEPTANCE

CITY OF WESTON
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3/25/2024
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www.miamidade.gov/economy

DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER)
BOARD AND CODE ADMINISTRATION DIVISION

NOTICE OF ACCEPTANCE (NOA)

ICP Adhesives and Sealants, Inc.
12505 NW 44th Street
Coral Springs, FL. 33065

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER -Product Control Section to be used in Miami Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (In Miami Dade County) and/or the AHJ (in areas other than Miami Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.

This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Polyset® AH-160

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA renews NOA 20-1124.07 and consists of pages 1 through 11.
The submitted documentation was reviewed by Alex Tigera.

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ROOFING COMPONENT APPROVAL:

Category: Roofing
Sub Category: Roof tile adhesive
Materials: Polyurethane

SCOPE:

This approves **Polyset® AH-160** as manufactured by **ICP Adhesives and Sealants, Inc.** as described in this Notice of Acceptance. For the locations where the design pressure requirements, as determined by applicable building code, do not exceed the design pressure values obtained by calculations in compliance with Roofing Application Standard RAS 127. For use with approved flat, low, and high profile roof tile systems using Polyset® AH-160.

PRODUCTS MANUFACTURED BY APPLICANT:

Product	Dimensions	Test Specifications	Product Description
Polyset®AH-160	N/A	TAS 101	Two component polyurethane foam adhesive
ICP Adhesives Foam Dispenser RTF1000	N/A		Dispensing Equipment
ICP Adhesives ProPack® 30 & 100	N/A		Dispensing Equipment

PRODUCTS MANUFACTURED BY OTHERS:

Any Miami-Dade County Product Control Accepted Roof Tile Assembly having a current NOA which list attachment resistance values with the use of Polyset® AH-160 roof tile adhesive.

MANUFACTURING LOCATION:

1. Tomball, TX.

PHYSICAL PROPERTIES:

Property	Test	Results
Density @ 73°F	ASTM D1622	2.1 lbs./ft.³
Compressive Strength	ASTM D1621	18 PSI Parallel to rise 14 PSI Perpendicular to rise
Tensile Strength	ASTM D1623	29 PSI Parallel to rise
Water Absorption	ASTM D2842	0%
Moisture Vapor Transmission	ASTM E96	2.3 Perms
Dimensional Stability	ASTM D2126	+0.07% Volume Change @ -40° F., 2 weeks +6.0% Volume Change @158°F., 100% Humidity, 2 weeks
Closed Cell Content	ASTM D6226	94%

Note: The physical properties listed above are presented as typical average values as determined by accepted ASTM test methods and are subject to normal manufacturing variation.

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EVIDENCE SUBMITTED:

Test Agency	Test Identifier	Test Name/Report	Date
Center for Applied Engineering	#94-060	TAS 101	04/08/94
	257818-1PA	TAS 101	12/16/96
	25-7438-3	SSTD 11-93	10/25/95
	25-7438-4		
	25-7438-7	SSTD 11-93	11/02/95
	25-7492	SSTD 11-93	12/12/95
Miles Laboratories Polymers Division	NB-589-631	ASTM D 1623	02/01/94
Ramtech Laboratories, Inc.	9637-92	ASTM E 108	04/30/93
Southwest Research Institute	01-6743-011	ASTM E 108	11/16/94
	01-6739-062b[1]	ASTM E 84	01/16/95
Trinity Engineering	7050.02.96-1	TAS 114	03/14/96
	P36700.04.12	ASTM D 1623	04/18/12
	P39740.02.12	TAS 101	02/21/12
		TAS 123	
Celotex Corp. Testing Services	528454-2-1	TAS 101	10/23/98
	528454-9-1		
	528454-10-1		
	520109-1	TAS 101	12/28/98
	520109-2		
	520109-3		
	520109-6		
	520109-7		
	520191-1	TAS 101	03/02/99
	520109-2-1		
NEMO ETC, LLC	4p-ICP-20-SSLAP-01.B	Physical Properties	11/11/20

LIMITATIONS:

1. Fire classification is not part of this acceptance. Refer to the Prepared Roof Tile Assembly for fire rating.
2. Polyset® AH-160 shall solely be used with flat, low, & high tile profiles.
3. Minimum underlayment shall be in compliance with the Roofing Application Standard RAS 120.
4. Roof Tile manufactures acquiring acceptance for the use of Polyset® AH-160 roof tile adhesive with their tile assemblies shall test in accordance with TAS 101.
5. All products listed herein shall have a quality assurance audit in accordance with the Florida Building Code and Rule 61G20-3 of the Florida Administrative Code.

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INSTALLATION:

1. Polyset® AH-160 may be used with any roof tile assembly having a current NOA that lists attachment resistance values with the use of Polyset® AH-160.
2. Polyset® AH-160 shall be applied in compliance with the Component Application section and the corresponding Placement Details noted herein. The roof tile assembly's adhesive attachment with the use of Polyset® AH-160 shall provide sufficient attachment resistance to meet or exceed the resistance value determined in compliance with Miami-Dade County Roofing Application Standards RAS 127. The adhesive attachment data is noted in the roof tile assembly NOA.
3. Polyset® AH-160 and its components shall be installed in accordance with Roofing Application Standard RAS 120, and ICP Adhesives and Sealants, Inc.'s Operating Instruction and Maintenance Booklet.
4. Installation must be by a Factory Trained 'Qualified Applicator' approved and licensed by ICP Adhesives and Sealants, Inc. ICP Adhesives and Sealants, Inc. shall supply a list of approved applicators to the authority having jurisdiction.
5. Calibration of the ICP Adhesives Foam Dispenser RTF1000 dispensing equipment is required before application of any adhesive. The mix ratio between the "A" component and the "B" component shall be maintained between 1.0-1.15 (A): 1.0 (B).
6. Polyset® AH-160 shall be applied with ICP Adhesives Foam Dispenser RTF1000 or ICP Adhesives ProPack® 30 & 100 dispensing equipment only.
7. Polyset® AH-160 shall not be exposed permanently to sunlight.
8. Tiles must be adhered in freshly applied adhesive. Tile must be set within 1 to 2 minutes after Polyset® AH-160 has been dispensed.
9. Polyset® AH-160 placement and minimum patty weight shall be in accordance with the 'Placement Details' herein. Each generic tile profile requires the specific placement noted herein.

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Table 1: Adhesive Placement For Each Generic Tile Profile			
Tile Profile	**Placement Detail**	**Minimum Paddy Contact Area**	**Minimum Paddy Gram Weight**
Eave Course - Flat, Low, High Profiles	**All Eave Course**	**17-23 sq. inches**	**45-65**
Flat, Low, High Profiles	#1	17-23 sq. inches	45-65
Flat Profile	#2	10-12 sq. inches	30
Low Profile	#2	12-14 sq. inches	30
High Profile	#2	17-19 sq. inches	30
Flat, Low, High Profiles	#3	Two Paddys: 8-9 sq. inches at head of tile 9-11 sq. inches at overlap	12 grams per paddy
Two-Piece Barrel (Cap Tile)	Two Piece	2 Beads (1 each longitudinal edge) 20-25 sq. inches each bead	17 grams per bead
Two Piece Barrel (Pan Tile)	Two Piece	65-70 sq. inches	34 grams under pan

LABELING:

All approved products listed herein shall be labeled and shall bear the imprint or identifiable marking of the manufacturer's name or logo and following statement: "Miami-Dade County Product Control Approved" or the Miami-Dade County Product Control Seal as shown below.

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BUILDING PERMIT REQUIREMENTS:

As required by the Building Official or applicable building code in order to properly evaluate the installation of this system.

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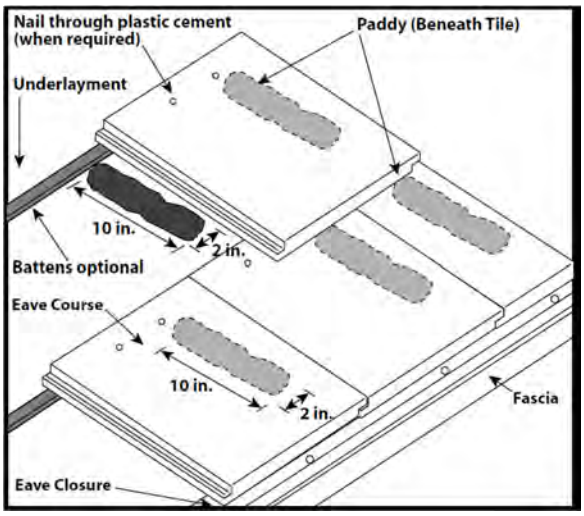
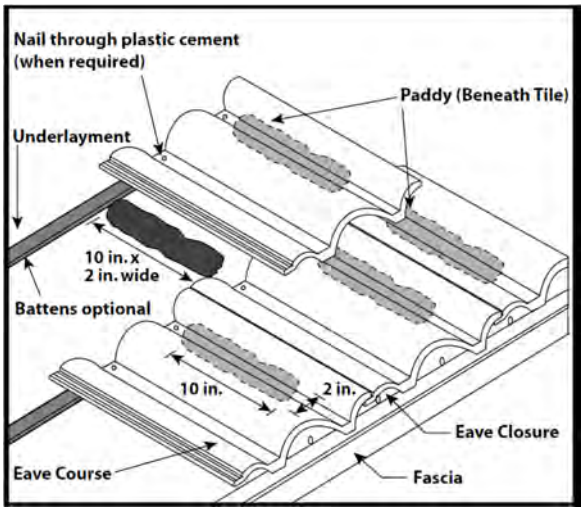
ADHESIVE PLACEMENT DETAIL # 1



Flat/Low Profile Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown, under the strengthening rib closest to the overlock of the tile being set.

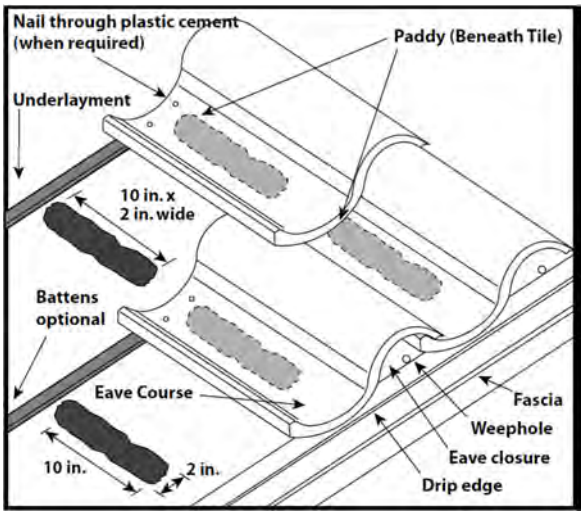
2. Continue in same manner. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.



Medium Profile / Double Pan Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

2. Continue in same manner. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.



High Profile / Single Pan Tile

1. Starting at the eave course, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

2. Continue in same manner. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

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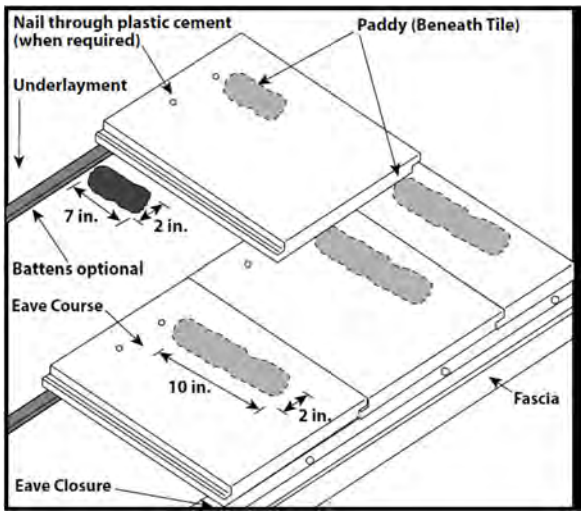
ADHESIVE PLACEMENT DETAIL # 2

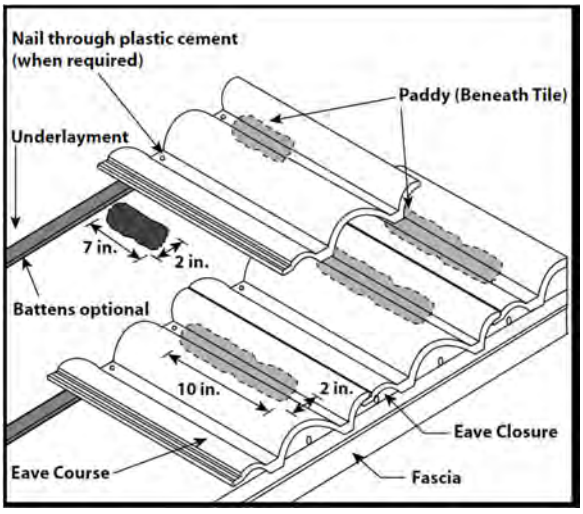


Flat/Low Profile Tile

1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the strengthening rib of the tile closest to the overlock of the tile being set. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

2. At the second course, apply a minimum 2” (50.8mm) x 7” (177.8 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the strengthening rib closest to the overlock of the tile being set.

3. Continue in same manner. Insure approximately 10” (64.5 cm^2) - 12 (77.4 cm^2) square inch adhesive contact with the underside of the tile.



Medium Profile / Double Pan Tile

1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

2. At the second course, apply a minimum 2” (50.8mm) x 7” (177.8 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

3. Continue in same manner. Insure approximately 12” (77.4 cm2) - 14 (90.3 cm^2) square inch adhesive contact with the underside of the tile.

(Instructions continued on next page)

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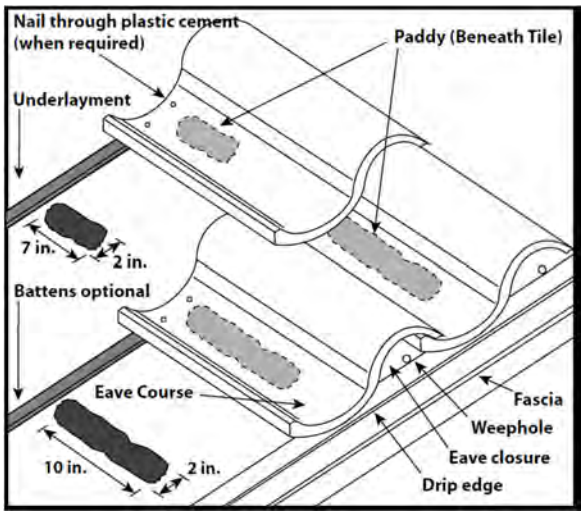
ADHESIVE PLACEMENT DETAIL # 2 (CONTINUED)



High Profile / Single Pan Tile

1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set. Insure approximately 17 (109.7 cm^2) – 23 (148.4 cm^2) square inch adhesive contact with the underside of the tile.

2. At the second course, apply a minimum 2” (50.8mm) x 7” (177.8 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under the pan portion of the tile closest to the overlock of the tile being set.

3. Continue in same manner. Insure approximately 17” (109.7 cm^2) - 19 (122.6 cm^2) square inch adhesive contact with the underside of the tile.

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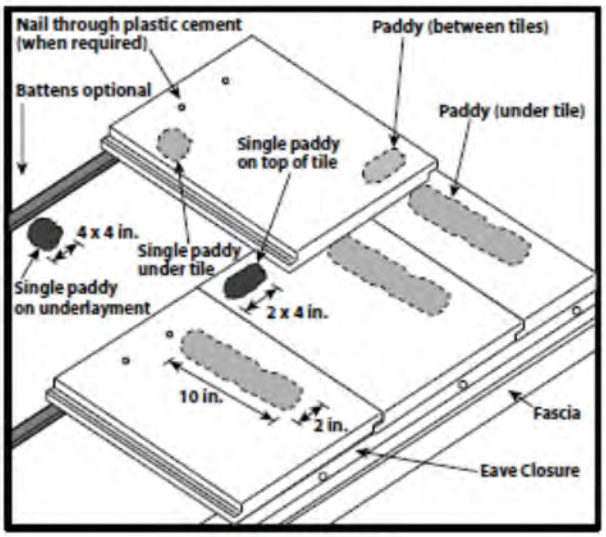
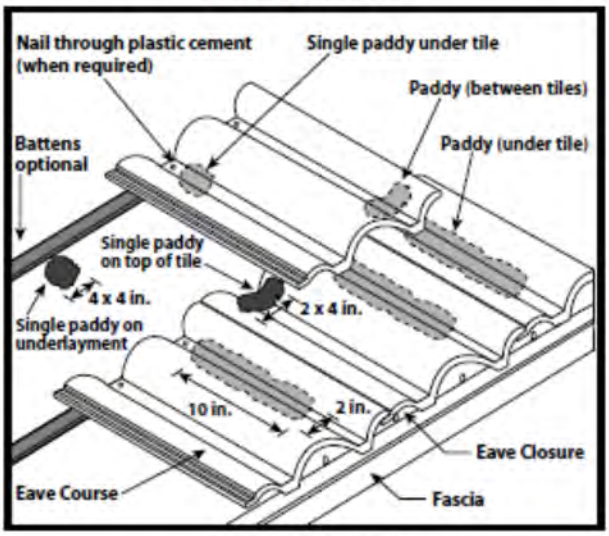
ADHESIVE PLACEMENT DETAIL # 3



Flat/Low Profile Tile



Medium Profile Tile

1. On the eave course only, apply a minimum 2" (50.8 mm) x 10" (254 mm) x 1" (25.4 mm) foam paddy onto the underlayment positioned as shown, under the strengthening rib for flat tile or under the pan portion of the tile for low or high profile tile closest to the overlock of the tile being set. Leave approximately 4" (101.6 mm) up from the eave edge free of foam to prevent the expanded adhesive from blocking the weep holes. Insure approximately 17-23 in^2 (109.7-148.4 cm^2) of adhesive contact with the underside of the tile

2. Apply a 4" (101.6 mm) x 4" (101.6 mm) x 1" (25.4 mm) foam paddy onto the underlayment just below the second course line positioned foam paddy under the strengthening rib for flat tile, or under the pan portion of the tile, closest to the underlock for the second course tile to be installed. Insure approximately 8-9 in^2 (51.6-58.1 cm^2) of adhesive contact with the underside of the tile.

(Instructions continued on next page)

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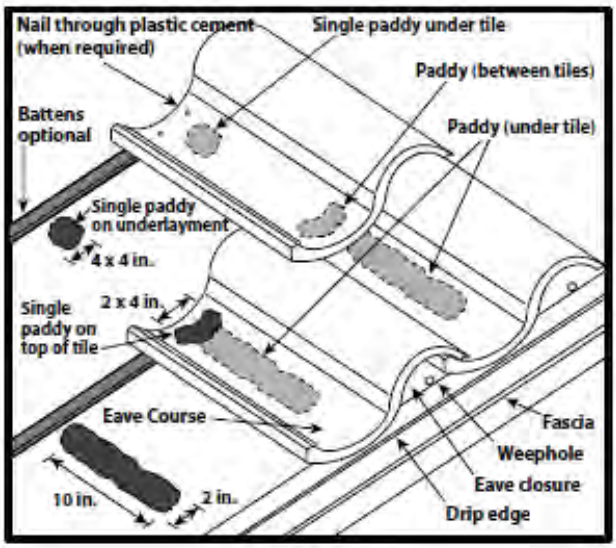
ADHESIVE PLACEMENT DETAIL # 3 (CONTINUED)



High Profile Tile

3. Also apply a 2" (50.8 mm) x 4" (101.6 mm) x ¾" (19 mm) paddy on top of the eave course tile surface as shown, on top of the strengthening rib for flat tile or on top of the pan portion of the tile, closest to the underlock of the first course of tile. Install second course of tile. Insure approximately 9 (58.1 cm^2) - 11 (71cm^2) square inch adhesive contact with the underside of the tile at the overlap and 7 (45.2 cm^2) - 9 (58.1 cm^2) square inch adhesive contact with the underside of the tile at the head of the tile. Continue in same manner.

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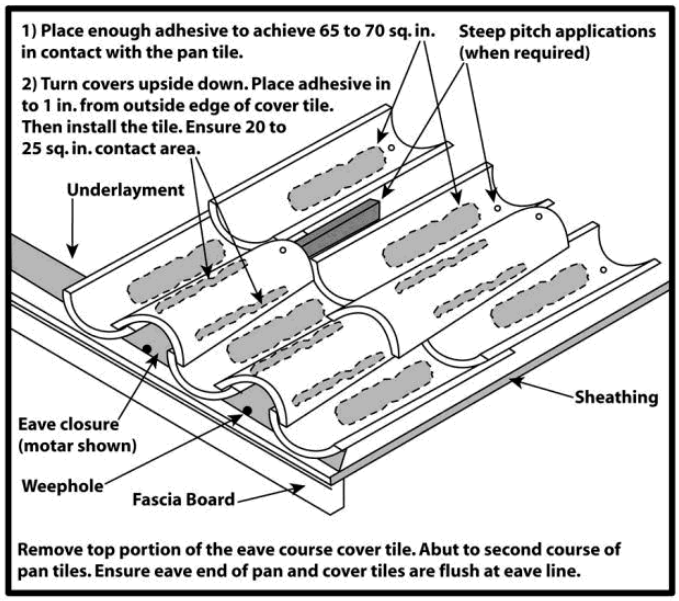
ADHESIVE PLACEMENT DETAIL
TWO PIECE BARREL



Two Piece Barrel - High Profile Tile

Two Piece Barrel (Cap and Pan) Tile

1. Starting at the eave course, apply a minimum 2” (50.8 mm) x 10” (254 mm) x 1” (25.4 mm) foam paddy onto the underlayment positioned as shown under two adjacent pan tiles. Support eave tiles from rocking until adhesive has a chance to cure.

2. Continue in same manner bringing two pan courses up toward the ridge. Insure approximately 65 (419.4 cm^2) – 70 (451.6 cm^2) square inch adhesive contact with the underside of the pan tile.

3. Turn covers upside down exposing the underside of the tile. Apply a minimum 1” (25.4 mm) x 10” (254 mm) bead of adhesive directly on the inner edge of each side of the cover tile. Leave approximately 3/4” (19 mm) to 1” (25.4 mm) from the outside edge of the tile, inward, free of foam to allow for expansion.

4. Turn cover tile over after foam is applied and place onto pan tile course. Insure a minimum of 20 (129 cm^2) - 25 (161.3 cm^2) square inch contact area on each side of the cover tile to the pan tile. Continue in same manner. Trim away any cured exposed foam adhesive. Pointing of longitudinal edges of the cover tiles are considered optional.

5. When additional nailing is required, 2” (50.8 mm) x 4” (101.6 mm) nailers or the tie wire system using galvanized, stainless steel, or copper wire and compatible nails may be used.

END OF THIS ACCEPTANCE

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DEPARTMENT OF REGULATORY AND ~~ECONOMIC RESOURCES (RER)~~
BOARD AND CODE ADMINISTRATION DIVISION

MIAMI-DADE COUNTY
PRODUCT CONTROL SECTION
11805 SW 26 Street, Room 208
Miami, Florida 33175-2474
T (786) 315-2590 F (786) 315-2599
www.miamidade.gov/economy

NOTICE OF ACCEPTANCE (NOA)

Westlake Royal Roofing, LLC
7575 Irvine Center Drive, Suite 100
Irvine, CA 92618

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER - Product Control Section to be used in Miami-Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (in Miami-Dade County) and/or the AHJ (in areas other than Miami-Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.
This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Villa 900 Concrete Roof Tile

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA revises NOA# 21-0712.03 and consists of pages 1 through 8.
The submitted documentation was reviewed by Alex Tigera.

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ROOFING ASSEMBLY APPROVAL

Category: Roofing
Sub Category: Roofing Tiles
Material: Concrete

1. SCOPE

This renews a system using **Villa 900 Concrete Roof Tile**, as manufactured Westlake Royal Roofing, LLC in Lake Wales, FL and described in Section 2 of this Notice of Acceptance. For locations where the pressure requirements, as determined by applicable Building Code, do not exceed the design pressure values obtained by calculations in compliance with RAS 127 using the values listed in section 4 herein. The attachment calculations shall be done as a moment based system.

2. PRODUCT DESCRIPTION

Manufactured by Applicant	Dimensions	Test Specifications	Product Description
Roofing Villa 900	Length = 17" Width = 13" ½" thick	TAS 112 Type 1b Class III	Low profile, interlocking, high pressure extruded concrete roof tile equipped with three nail holes and double rolls. For direct deck, batten, mortar or adhesive set applications.
Trim Pieces	l = varies w = varies varying thickness	TAS 112	Accessory trim, concrete roof pieces for use at ridges, hips and rakes.

2.1 PRODUCTS MANUFACTURED BY OTHERS

Product Name	Product Description	Manufacturer (With Current NOA)
Polyset® AH-160	Two component polyurethane foam adhesive.	ICP Construction, Inc.
APOC® Polyset® RTA-1	Single component polyurethane foam roof tile adhesive.	ICP Construction, Inc.
TILE BOND™ Roof Tile Adhesive	Single component polyurethane foam roof tile adhesive.	DuPont de Nemours, Inc.
"Tile Tite" Roof Tile Mortar	Premixed, pre-bagged roof tile mortar.	Bermuda Roof Co. Inc.
Touch 'N Seal StormBond® 2 Two-Component Polyurethane Roof Tile Adhesive	Two component polyurethane foam adhesive.	DAP Foam, Inc.
Touch 'N Seal StormBond® One Component Polyurethane Roof Tile Adhesive	One component polyurethane foam adhesive.	DAP Foam, Inc.

2.2 MANUFACTURING LOCATION

2.2.1. Lake Wales, FL

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2.3 EVIDENCE SUBMITTED

Test Agency	Test Identifier	Test Name/Report	Date
Nutting Engineers	13343.1	TAS 112	Apr. 2006
Redland Technologies	7161-03 Appendix III	Static Uplift Testing TAS 102 & TAS 102(A)	Dec. 1991
	7161-03 Appendix II	Wind Tunnel Testing TAS 108 (Nail-On)	Dec. 1991
	P0402	Withdrawal Resistance Testing of screw vs. smooth shank nails	Sept. 1993
The Center for Applied Engineering, Inc.	94-060B	Static Uplift Testing TAS 101 (Adhesive Set)	March, 1994
	94-084	Static Uplift Testing TAS 101 (Mortar Set)	May 1994
Redland Technologies	P0631-01	Wind Tunnel Testing TAS 108 (Mortar Set)	July 1994
	Letter Dated Aug. 1, 1994	Wind Tunnel Testing TAS 108 (Nail-On)	Aug. 1994
The Center for Applied Engineering, Inc.	Project No. 307025 Test #MDC-76	Wind Driven Rain TAS 100	Oct. 1994
	25-7183-1 25-7183-2	Static Uplift Testing TAS 102 (2 Quik-Drive Screws, Direct Deck)	Feb. 1995
	25-7214-2 25-7214-6	Static Uplift Testing TAS 102 (1 Quik-Drive Screw, Direct Deck) (1 Quik-Drive Screw, Battens)	March, 1995
Celotex Corporation Testing Services	528454-2-1 520109-2	Static Uplift Testing TAS 101	Sep. 1998 Dec. 1998
Walker Engineering, Inc.	Evaluation Calculations	25-7183	March 1995
	Evaluation Calculations	25-7094	February 1996
	Evaluation Calculations	25-7496	April 1996
	Evaluation Calculations	25-7584 25-7804b-8 25-7804-4 & 5 25-7848-6	December 1996
	Evaluation Calculations	Aerodynamic Multipliers	09/01/16
	Evaluation Calculations	Two Patty Adhesive Set System	April 1999
	Evaluation Calculations	Restoring Moment Due to Gravity	09/01/16
American Test Lab of South Florida	RT0617.02-16	TAS 112	06/29/16
	RT0503.02-21	TAS 112	05/12/21

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PRI Construction Materials Technologies	COPO-002-02-11	Static Uplift Testing TAS 101 (Adhesive Set)	10/12/2016
	COPO-002-02-04	Static Uplift Testing TAS 101 (Adhesive Set)	10/12/2016
	COPO-002-02-03	Static Uplift Testing TAS 101 (Adhesive Set)	10/12/2016
	2002T003.02	TAS 101	11/06/20
NEMO ETC, LLC	4c-DPBS-20-LSOTM-01.C.R1	TAS 101	12/17/20

3. LIMITATIONS:

3.1 Fire classification is not part of this acceptance.

3.2 For mortar or adhesive set tile applications, a static field uplift test shall be performed in accordance with TAS 106.

3.3 Applicant shall retain the services of a Miami-Dade County Certified Laboratory to perform quarterly test in accordance with TAS 112, appendix 'A'. Such testing shall be submitted to the Building Code Compliance Office for review.

3.4 Minimum underlayment shall be in compliance with the applicable Roofing Applications Standards listed section 4.1 herein.

3.5 30/90 hot mopped underlayment applications may be installed perpendicular to the roof slope unless stated otherwise by the underlayment material manufacturers published literature.

3.6 This acceptance is for wood deck applications. Minimum deck requirements shall be in compliance with applicable building code.

4. INSTALLATION

4.1 Villa 900 Concrete Roof Tile and its components shall be installed in strict compliance with Roofing Application Standard RAS 118, RAS 119, and RAS 120.

4.2 Data For Attachment Calculations

Table 1: Average Weight (W) and Dimensions (l x w)

Tile Profile	Weight-W (lbf)	Length-l (ft)	Width-w (ft)
Villa 900 Concrete Tile	10.90	1.42	1.08

Table 2: Aerodynamic Multipliers - λ (ft^3)

Tile Profile	λ (ft^3) Batten Application	λ (ft^3) Direct Deck Application
Villa 900 Concrete Tile	0.291	0.315

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Table 3: Restoring Moments due to Gravity - M_g (ft.-lbf.)										
Tile Profile	**2":12"**	**3":12"**	**4":12"**		**5":12"**		**6":12"**		**7":12" or greater**	
Villa 900 Concrete Tile	Direct Deck	Direct Deck	Battens	Direct Deck	Battens	Direct Deck	Battens	Direct Deck	Battens	Direct Deck
	7.70	7.62	6.56	7.50	6.42	7.34	6.26	7.15	6.08	6.95

Table 4: Attachment Resistance Expressed as a Moment - M_f (ft-lbf) for Mechanically Fastened Systems				
Tile Profile	**Fastener Type**	**Direct Deck (min 15/32" plywood)**	**Direct Deck (min. 19/32" plywood)**	**Battens**
Villa 900 Concrete Tile	2-10d Ring Shank Nails	27.8	37.4	28.8
	1-10d Smooth or Screw Shank Nail	8.8	11.8	4.1
	2-10d Smooth or Screw Shank Nails	16.4	21.9	7.1
	1 #8 Screw	25.8	25.8	22.9
	2 #8 Screw	47.1	47.1	49.1
	1-10d Smooth or Screw Shank Nail (Field Clip)	24.3	24.3	24.2
	1-10d Smooth or Screw Shank Nail (Eave Clip)	19.0	19.0	22.1
	2-10d Smooth or Screw Shank Nails (Field Clip)	35.5	35.5	34.8
	2-10d Smooth or Screw Shank Nails (Eave Clip)	31.9	31.9	32.2

Table 5: Attachment Resistance Expressed as a Moment M_f (ft-lbf) for Two Paddy Adhesive[1] Set Systems		
Tile Profile	**Tile Application**	**Minimum Attachment Resistance**
Villa 900 Concrete Tile	TILE BOND™ Roof Tile Adhesive	35[2]
	TILE BOND™ Roof Tile Adhesive	67[3]
	ICP Construction Inc.'s Polyset® AH-160	26.1[4]
	Touch 'N Seal StormBond® 2	55[5]
	Touch 'N Seal StormBond® (one component)	72[6]
	ICP Construction Inc.'s APOC® Polyset® RTA-1	44.6[7]

1 See foam adhesive manufacturer's component approval for installation requirements.
2 Medium paddy weight of 8 grams per paddy of TILE BOND™ Roof Tile Adhesive
3 Medium paddy weight of 16 grams per paddy of TILE BOND™ Roof Tile Adhesive
4 Medium paddy weight of 8 grams per paddy of Polyset® AH-160
5 Medium paddy weight of 8 grams per paddy of Touch 'N Seal StormBond ® 2
6 Medium paddy weight of 8 grams between tile and underlayment, paddy weight of 5 grams on overlap of tile of Touch 'N Seal StormBond ® (one component)
7 Medium paddy weight of 11 grams per paddy of APOC® Polyset® RTA-1

CITY OF WESTON
APPROVED-STRUCTURAL
3/25/2024
BUILDING DEPARTMENT

BUILDING DEPARTMENT
Reviewed for Code Compliance
1996
EST.2021.11
3/25/2024
CITY OF WESTON

Table 6: Attachment Resistance Expressed as a Moment - M_f (ft-lbf) for Single Paddy Adhesive Set Systems		
Tile Profile	**Tile Application**	**Minimum Attachment Resistance**
Villa 900 Concrete Tile	ICP Construction Inc.'s Adhesives Polyset® AH-160	86.6[8]
	ICP Construction Inc.'s Adhesives Polyset® AH-160	45.5[9]
	Touch 'N Seal StormBond® 2	40[10]
	Touch 'N Seal StormBond® 2	70[11]

8 Large paddy weight of 54 grams of Polyset® AH-160
9 Medium paddy weight of 24 grams of Polyset® AH-160
10 Medium paddy weight of 30 grams of Touch 'N Seal StormBond ® 2
11 Large paddy weight of 60 grams of Touch 'N Seal StormBond ® 2

Table 7: Attachment Resistance Expressed as a Moment - M_f (ft-lbf) for Mortar Set Systems		
Tile Profile	**Tile Application**	**Attachment Resistance**
Villa 900 Concrete Tile	Mortar Set[12]	20.6

12 Bermuda Roof Co. Inc. Tile-Tite Roof Tile Mortar.

Table 8: Attachment Resistance Expressed as a Moment Mf (ft.-lbf) for Hybrid Attachment		
Tile Profile	**Tile Application**	**Minimum Attachment Resistance**
Villa 900 Concrete Tile	Two (2) #8 Screws and ICP Construction Inc.'s APOC® Polyset® RTA-1	62.7[13]

13 Medium paddy weight of 11 grams per paddy of APOC® Polyset® RTA-1 at headlap. **See Detail A.**

5. LABELING

5.1 All tiles shall bear the imprint or identifiable marking of the manufacturer's name or logo as detailed below, or following statement: "Miami-Dade County Product Control Approved".

LABEL FOR BORAL VILLA 900 CONCRETE TILE
(LOCATED ON THE UNDERSIDE OF TILE)

CITY OF WESTON
APPROVED-STRUCTURAL
3/25/2024
BUILDING DEPARTMENT

BUILDING DEPARTMENT
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1996
EXPIRES
3/25/2024
CITY OF WESTON

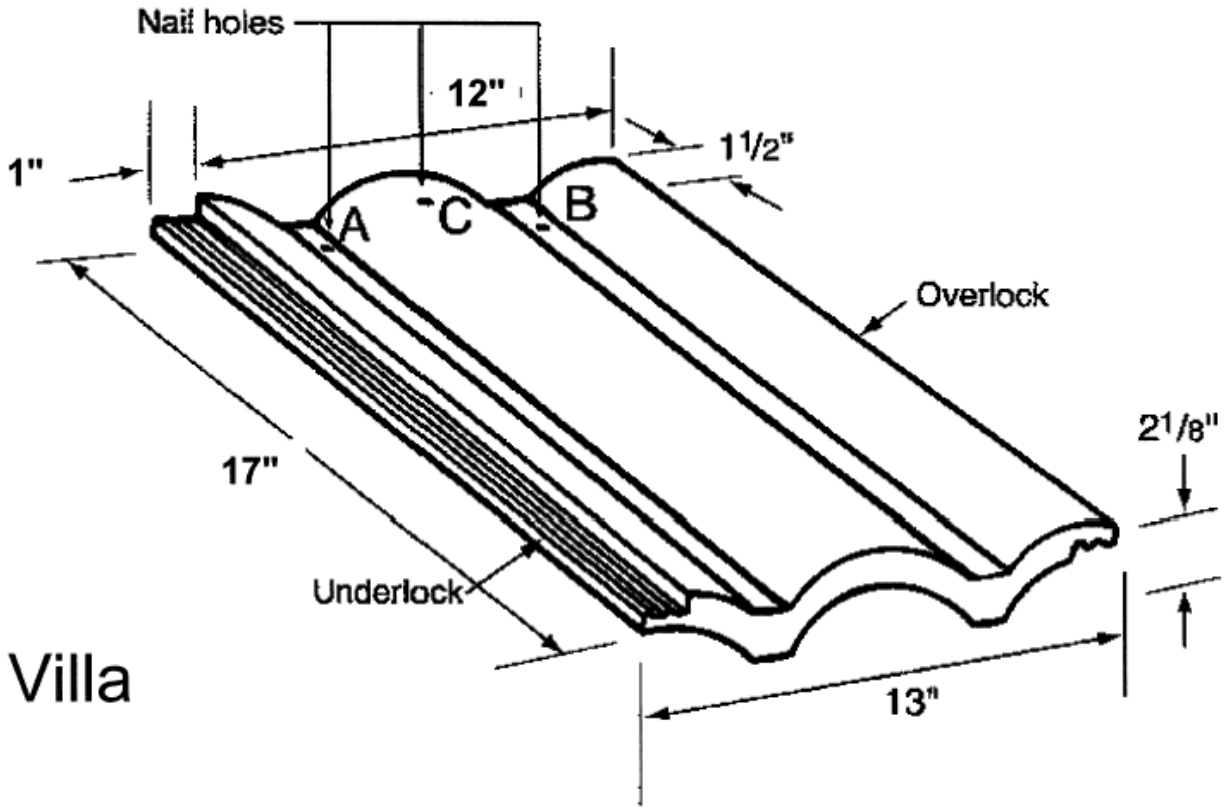
6. BUILDING PERMIT REQUIREMENTS:

6.1 Application for building permit shall be accompanied by copies of the following:

6.1.1 This Notice of Acceptance.

6.1.2 Any other documents required by Building Official or Applicable building code in order to properly evaluate the installation of this system.

PROFILE DRAWING

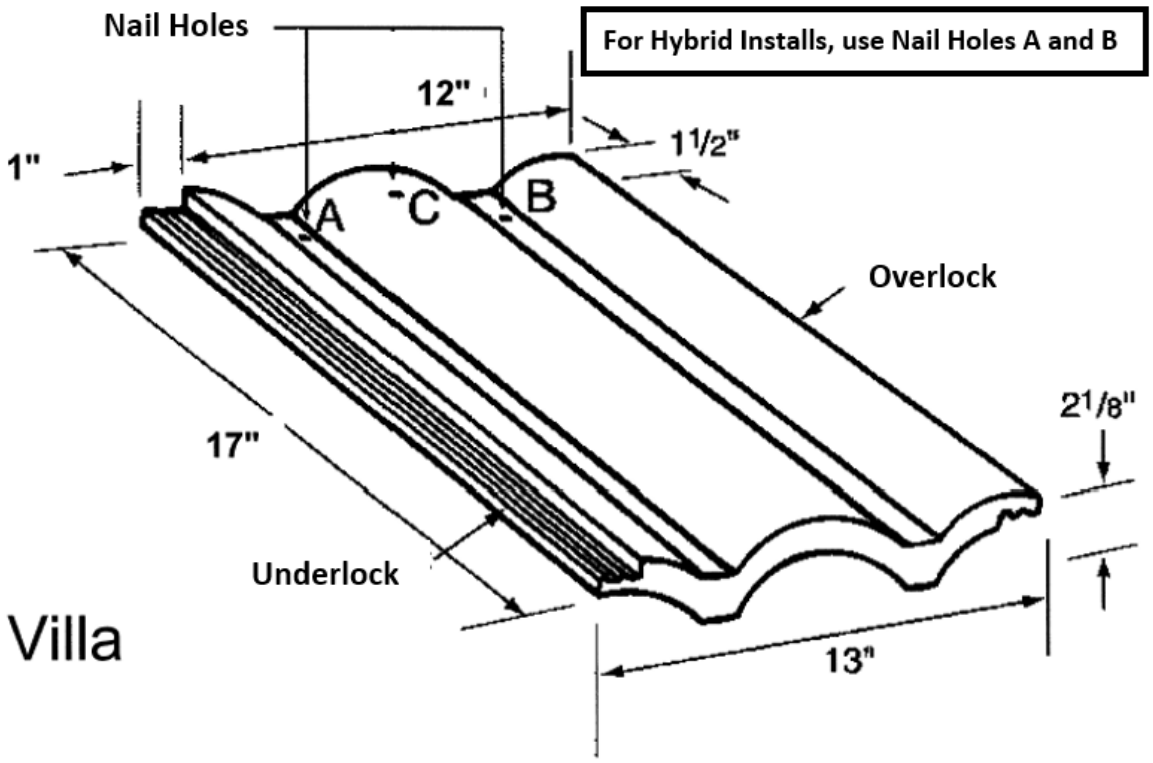


VILLA 900 CONCRETE ROOF TILE

CITY OF WESTON
APPROVED-STRUCTURAL
3/25/2024
BUILDING DEPARTMENT

BUILDING DEPARTMENT
Reviewed for Code Compliance
1996
EXCEPTION
3/25/2024
CITY OF WESTON

DETAIL A



END OF THIS ACCEPTANCE

BUILDING DEPARTMENT
Reviewed for Code Compliance
1996
CITY OF WESTON

Board Policy 22-03

Effective Date: October 24, 2022
Revised: _____

MANDATORY COUNTYWIDE ROOFTOP MOUNTED EQUIPMENT AFFIDAVIT

ALL EQUIPMENT THAT IS ROOFTOP MOUNTED IS REQUIRED TO BE IDENTIFIED BY THIS AFFIDAVIT AND SUBMITTED WITH THE HIGH VELOCITY HURRICANE ZONE UNIFORM ROOFING PERMIT APPLICATION

Permit Number: _____

Site Address: 2516 Montclaire Cir Weston FL 33327

Company Name: Roofing and Construction Corp

Address: 1111 SW 21st Ave B18 Ft. Lauderdale, FL 33312

Name of Qualifier: Ezequiel Romero

License Number: CCC 1328459 Contact No: 9546384580

PLEASE CHECK ALL APPLICABLE EXISTING ROOFTOP EQUIPMENT:

☐ A/C EQUIPMENT ☐ PHOTOVOLTAIC PANELS ☐ SOLAR THERMAL ☐ GAS VENTS

☐ WATERLINES ☐ ELECTRICAL CONDUITS

CITY OF WESTON
APPROVED-STRUCTURAL
3/25/2024
BUILDING DEPARTMENT

PERMITS ARE REQUIRED FOR:

- REMOVAL AND REINSTALLATION OF PHOTOVOLTAIC PANELS.
- REMOVAL AND REINSTALLATION OF SOLAR THERMAL.
- REMOVAL AND REINSTALLATION OF GAS VENTS.

IF A/C EQUIPMENT IS CHECKED ABOVE:

- IS THERE AN EXISTING CODE APPROVED CURB OR STAND? ☐ YES ☐ NO

IF YOU ANSWERED NO, A MECHANICAL PERMIT IS REQUIRED FOR THE INSTALLATION OF THE PROPOSED CURB OR STAND.

ANY ROOFTOP EQUIPMENT REMOVED DURING REROOFING, SHALL BE REINSTALLED IN COMPLIANCE WITH THE CODE IN EFFECT AT THE TIME A REROOFING PERMIT IS ISSUED.

NOTE: All above permits may be considered as deferred submittals.

_____ 3/11/24
CONTRACTOR/OWNER BUILDER SIGNATURE DATE

Ezequiel Romero
PRINT CONTRACTOR/OWNER BUILDER NAME

CITY OF WESTON
BUILDING PERMIT

PERMIT No. **B24-01261** DATE **7/10/2024 11:33:33 AM**

OWNER **GUO,XIAOHUI**

CONTRACTOR **ROOFING & CONSTRUCTION CORP [CCC1328459]** STATE CERTIFIED **FL**

ADDRESS **2516 MONTCLAIRE CIR, WESTON, FL 33327**

SUBDIVISION **MONTCLAIRE**

LOT BLOCK

NOTICE: In addition to the requirements of this permit there may be additional restrictions applicable to this property that may be found in the public records of this county and there may be additional permits required from other governmental entities such as zoning, water management districts, state agencies or federal agencies. CERTIFICATE OF OCCUPANCY MUST BE OBTAINED BEFORE THIS BUILDING CAN BE USED FOR ANY PURPOSE. DO NOT REMOVE THIS CARD BEFORE COMPLETION UNDER SECTION 104.1 OF THE FLORIDA BUILDING CODE.

PURPOSE
Residential Structural Application

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT

SUB PERMITS

24TMP-012417 (Revision Application)

INSPECTION RECORD

STRUCTURAL			
INSPECTION	DATE	INSP	Status
STR-CAP Sheet In Progress	04/04/24	James	Pass
STR-Final Roof	06/28/24	James	Fail
STR-Final Roof	07/02/24	James	Pass
STR-Final Roof			
STR-Tile In-Progress	06/20/24	James	Fail
STR-Tile In-Progress	06/21/24	James	Pass
STR-Tin Cap	04/04/24	James	Pass
Comments:			

ELECTRICAL			
INSPECTION	DATE	INSP	Status
Comments:			

PLUMBING			
INSPECTION	DATE	INSP	Status
Comments:			

ZONING			
INSPECTION	DATE	INSP	Status
Comments:			

MECHANICAL			
INSPECTION	DATE	INSP	Status
Comments:			

FIRE			
INSPECTION	DATE	INSP	Status
Comments:			

Approval Comments

CITY OF WESTON DISCLAIMER-CONDITIONS

In accordance with Florida State Statutes 166.033 as amended: Issuance of a development permit by the City of Weston does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All applicable state and federal permits must be obtained before commencement of the development.

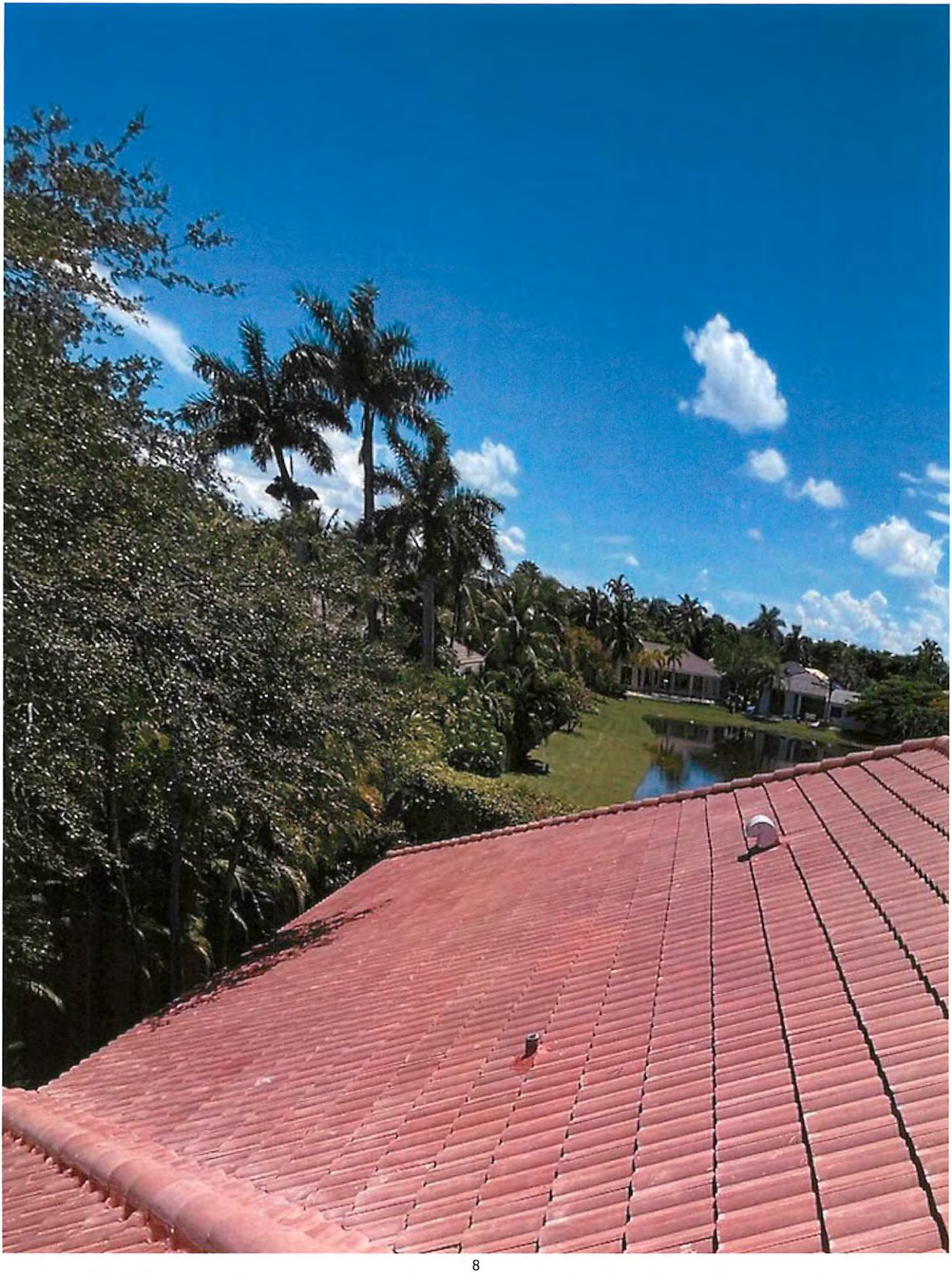
City of Weston
17200 Royal Palm Boulevard
Weston, Florida 33326
Building Code Services

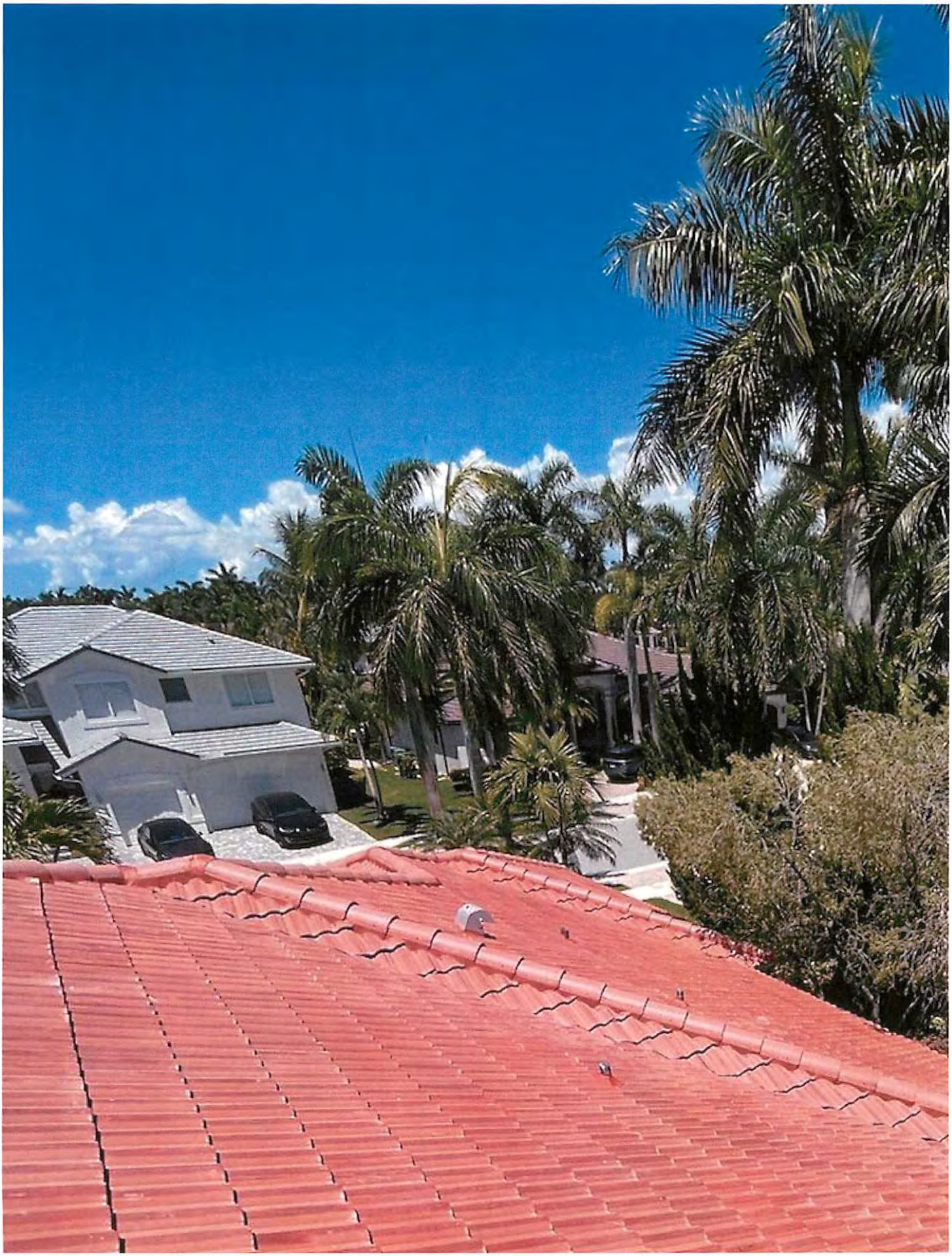
INSPECTION COMMENTS

Address	Work Description
2516 MONTCLAIRE CIR	Re-Roof with Villa 900

Structural

Date	Record #	Inspection	Inspector	Result
7/2/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Pass
	As per the homeowners request not to go back to her property Final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and that there were no loose or broken tile.			
7/1/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Cancelled
	CANCELLED BY PROPERTY OWNER- GUO,XIAOHUI 786-281-8802			
6/28/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Fail
	Unable to perform inspection due to homeowner interference 110.5 Florida Statute 468.604 (1) 468.629 (1) (f)			
6/21/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Pass
	Corrections at valleys have been made permit card not on site to sign			
6/20/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Fail
	The tile must be removed from All valley areas in order to confirm that the repairs to the fish melts in The valleys have been corrected 1512.2.5			
4/4/2024	B24-01261	STR-CAP Sheet In Progress	WAGNER, JAMES	Pass
4/4/2024	B24-01261	STR-Tin Cap	WAGNER, JAMES	Pass





TAS 106
TEST RESULTS REPORT
GENERAL INFORMATION

Testing Agency Name: ***A+ Engineering Testing Lab, LLC.*** Certification No. **23-0303.09**
Address: 7135 SW 44 St Miami FL 33155
Telephone: 305-668-5792
Fax: 786-513-3754
Email: **aplusetl@yahoo.com**
Representative Name: Eng. ABDIAS H. SAENZ
Title: P.E # 69687

SITE SPECIFIC. INFORMATION

Roofing Contractor: **ROOFING & CONSTRUCTION CORP** Permit #: B24-01261
Job Address: 2516 MONTCLAIRE CIR. WESTON, FLORIDA
Contact. Name: ANNE
Owner Name: GUO,XIAOHUI
Type of Tile: VILLA 900 Date Installed: -
Roof Height: 10 feet Roof Pitch: 6/12
Job Access: LADDER Gate: NO
Approximate Square Footage of Roof: 61 SQ. Date Tested: 06/27/2024
Required Testing Force: 35 LBS Testing Equipment: **M2-100, S-3741465**

TEST LOCATION	PASS	FAIL
CORNER	11	
PERIMETER	22	
RIDGE	21	
FIELD	11	
TOTAL:	65	

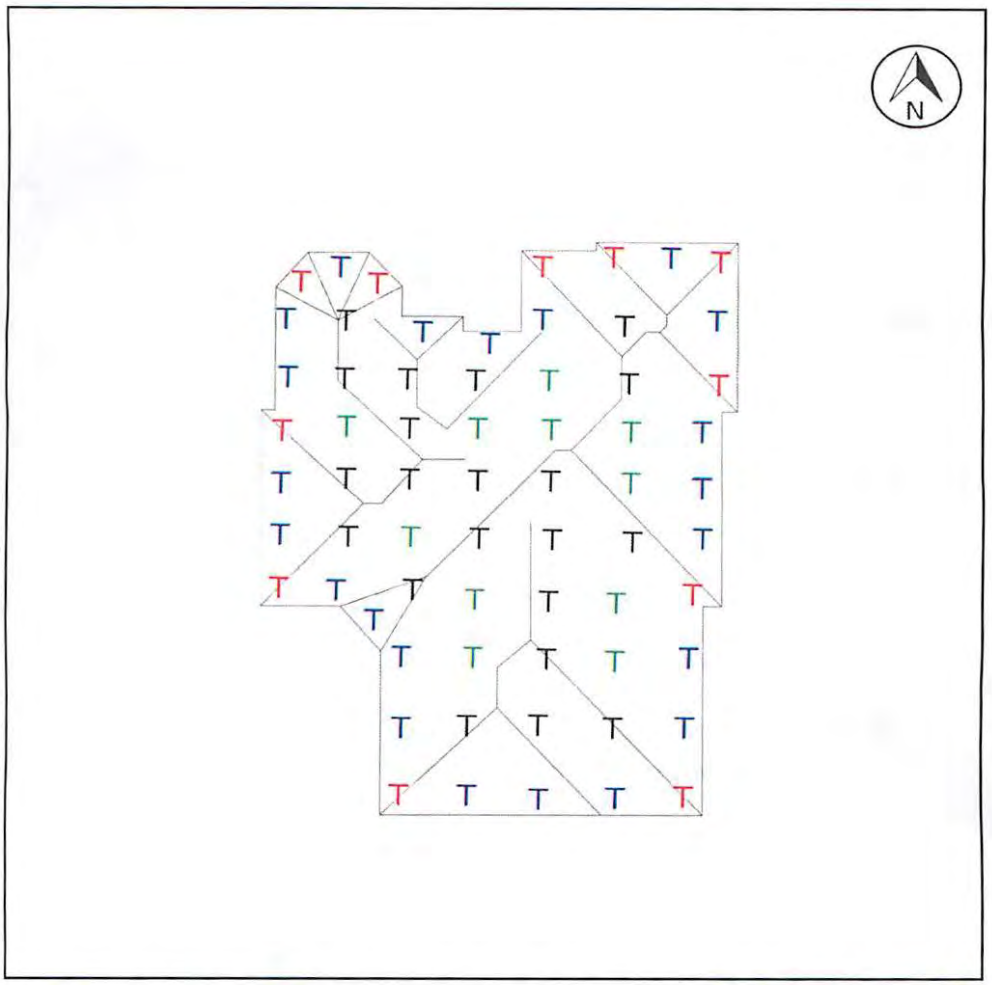
ABDIAS H. SAENZ LICENSE No. 69687 STATE OF FLORIDA PROFESSIONAL ENGINEER

THIS REPORT IS ONLY VALID FOR 30 DAYS.
IN ACCORDANCE WITH THE CRITERIA OF PROTOCOL TAS 106, THIS ROOF ASSEMBLY DOES PASS THE STATIC UPLIFT QUALITY CONTROL TEST.
THIS TAS 106 TEST HAS BEEN PERFORMED IN FULL ACCORDANCE TO THE REQUIREMENTS OF DADE COUNTY, WITH NO DEVIATIONS
THIS REPORT IS NOT GUARANTEED IN CASE OF NATURAL DISASTERS.

A+ Engineering Testing Lab

ROOF DIAGRAM

2516 MONTCLAIRE CIR. WESTON, FLORIDA
(PERMIT # B24-01261)



7135 SW 44 St Miami FL 33155 PH: 305-668-5792 Fax: 786-513-3754. aplusetl@yahoo.com

Closed Valley Detail with Weaves Application

From: Patrick Toomey
To: Barbosa, Ana
Subject: Appeal 25-02 Additional Information--Valley Flashing detail from Polyglass
Date: Wednesday, May 21, 2025 5:44:38 PM
Attachments: image001.png
image002.png
image003.png
11-FLASHING DETAILS.pdf

External Email Warning
This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's email address (not just the name) as legitimate and know the content is safe. Report any suspicious emails to ETS Security by selecting the Report Suspicious or Report Phish button.

Report Suspicious

Dr. Barbosa,

In addition to the Westlake Royal Roofing Solutions ("Westlake"), Technical Bulletin for Valley Metal Tile Installations that Reggie Cox sent to Jack Morell and to you on May 13, we wish to forward this Valley Flashing detail from Polyglass. Like Westlake, Polyglass authorizes the weaving of valleys—see their "CLOSED VALLEY DETAIL WITH WEAVED APPLICATION (TYPICAL)" on p. 3/7 of the attachment above.

The Westlake and Polyglass product data confirm that, as per Jim Wagner's testimony at the recent BORA hearing, the weaving of valleys is common on roofs in this area.

Patrick J. Toomey, Jr., Esq
Partner | Daniels·Rodriguez·Cruz
4000 Ponce de Leon Boulevard, Suite 800
Coral Gables, FL 33146
Toll Free: (888) 448.7988
P: (305) 448.7988 | F: (305) 448.7978
Email | drclaw.com

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This is to certify that:

Cotect Roofing, LLC

Polyglass Registered Contractor #8303

Has met all requirements to become a

Registered Contractor of Polyglass U.S.A. Inc.

National Technical & Services Manager

September 1, 2023
Date

Polyglass USA, Inc. Corporate Office
1111West Newport Center Drive
Deerfield Beach, FL 33442

POLYGLASS
MAPEI GROUP

GENERAL NOTATIONS FOR STEEP LOPE DETAILS:

1. Polyglass details may exceed the minimum standards required by Code, always refer/comply with applicable Code of the Authority Having Jurisdiction (AHJ).
2. For a list of approved substrates please see the Technical Bulletin at Suitable Substrates at www.Polyglass.us.
3. Polystick underlayments to be back-nailed at slopes 2:12" or greater, or as otherwise required by local Building Code. Be sure that all nails are covered by the overlapping sheet.
4. Any exposed areas of non-mineral surfaced underlayments need to be protected from UV exposure. For more information, consult a local Technical Representative at technical@polyglass.com.
5. Do not apply Polystick underlayments directly to shingles or other roof coverings.
6. Apply Polyglass underlayments only when the weather is dry and material interface temperatures (air, roof deck, and membrane) are 40^{o}F and rising.
7. Overlap side-laps a minimum 3" and endlaps a minimum 6". When lapping onto a granulated or sanded surface membrane (e.g., TU Max, TU Plus, or IR-Xe), apply modified roof cement (PG500 or PolyPlus 50) between the layers.
8. Remove all release films before completing installation.
9. If full roof coverage application is desired, proper venting of the structure is required. Consult a design professional for proper venting requirements.
10. Polystick underlayments exposure limits vary, refer to www.polyglass.us and locate the product being installed to determine exposure limitations unless otherwise limited by local authorities.
11. Apply a minimum 6" uniform bed of modified roof cement (e.g., PolyPlus 50 or PG 500) between the underlayment layers to seal all end laps, hip and ridge details, and any "Self-Adhered compound to fabric" splices, patches or details.
12. Apply primer (e.g., PG100 or WB3000) on all metal flashing detail work, such as edge metal, lead flashings, vents, as well as concrete, and other similar roof accessories.
13. The term "Polystick" refers to all Polystick underlayments (e.g., Polystick XFR, Polystick TU Max, etc.).
14. When the Stripping Ply is installed under the underlayment, it can be any film-surfaced or smooth-surfaced membrane (e.g., Elastoflex SA V, Polystick MTS Plus, 30# felt, etc.).
15. When Stripping Ply is installed on top of the underlayment, it is typically the same membrane that was used as the underlayment. When Stripping Ply is installed over a fabric or sanded surface membrane (e.g., TU Max, TU Plus, or IR-Xe), apply modified roof cement (PG500 or PolyPlus 50) between the Stripping Ply and the underlayment. When Stripping Ply is installed over a film-surfaced membrane (e.g. Polystick MTS Plus, Polystick XFR, etc.), the use of mastic is not required.

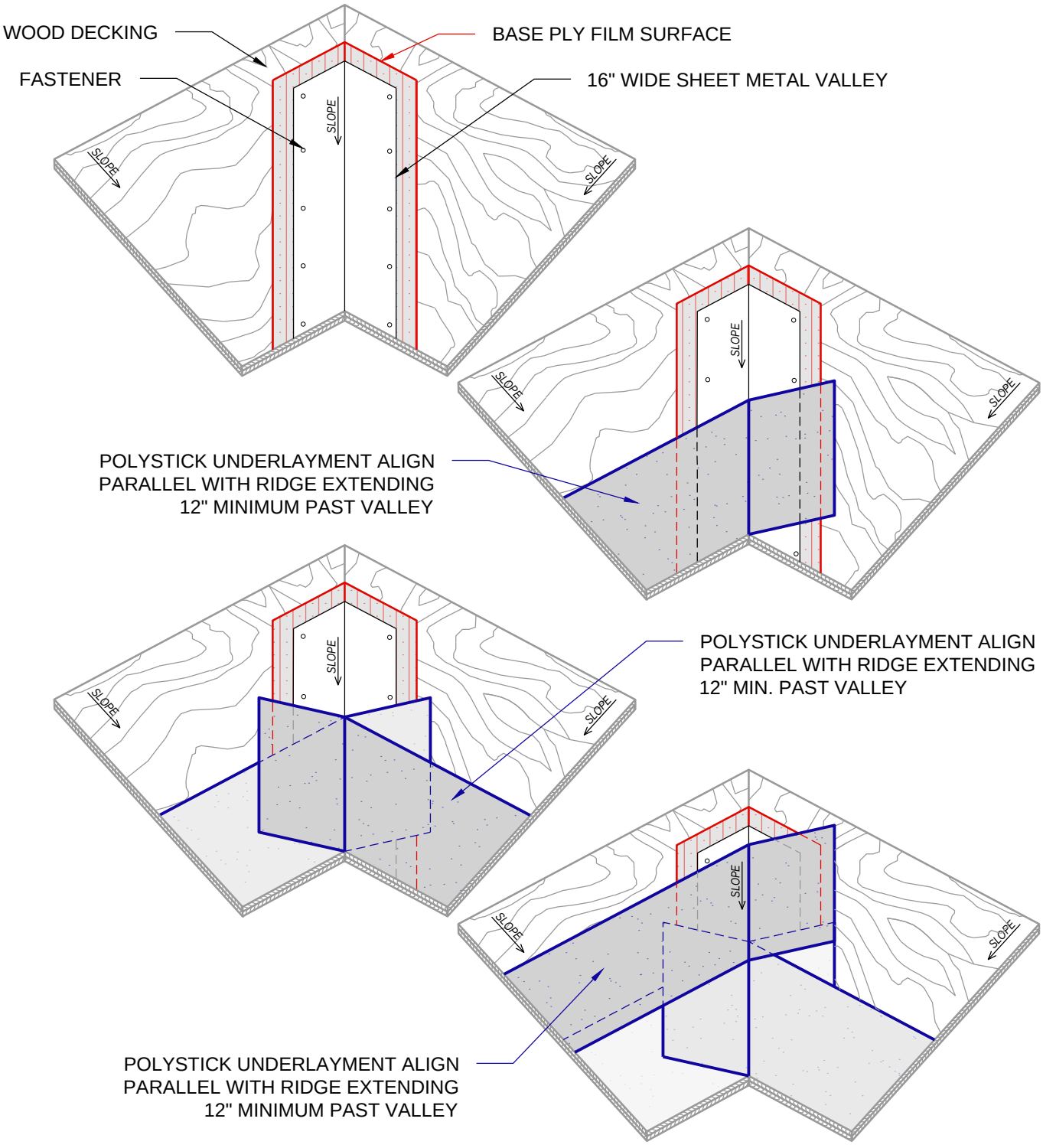
POLYGLASS
MAPEI GROUP
polyglass.us
1111 West Newport Center Drive
Deerfield Beach, FL 33442
Technical Service: (866) 794-9659
technical@polyglass.com

Description:

GENERAL STEEP SLOPED DETAILED DRAWINGS INSTALLATION NOTES

NOT DRAWN TO SCALE

Number:	PG-SS-INS-01	**Effective Date:**	090324



GENERAL NOTATIONS:

1. SEE POLYGLASS PG-SS-INS-01 FOR INSTALLATION NOTES PERTAINING TO STEEP SLOPE ROOF.

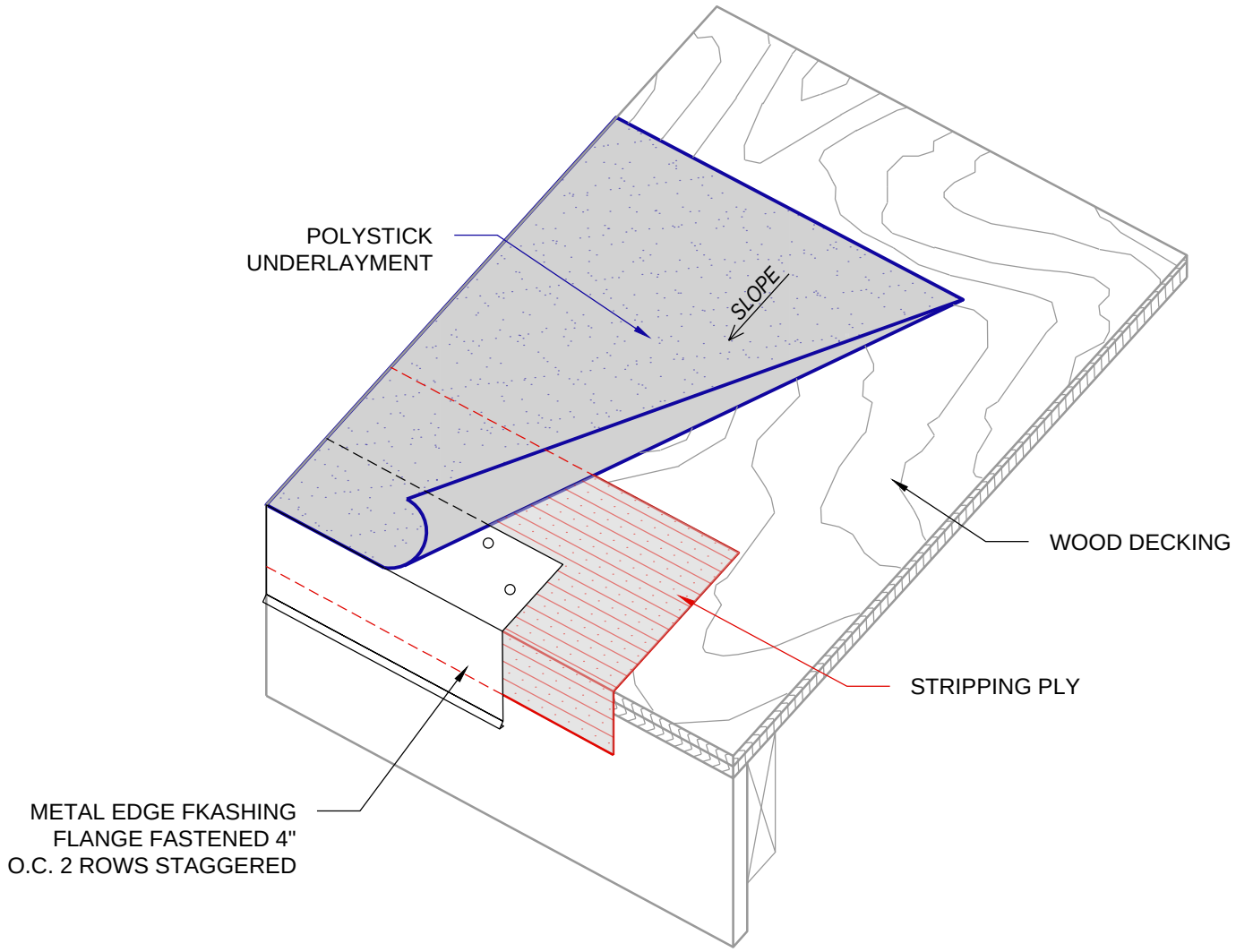
POLYGLASS
MAPEI GROUP
polyglass.us
1111 West Newport Center Drive
Deerfield Beach, FL 33442
Technical Service: (866) 794-9659
technical@polyglass.com

Description:

CLOSED VALLEY DETAIL WITH WEAVED APPLICATION (TYPICAL)

NOT DRAWN TO SCALE

Number:	PG-SS-VALL-04	**Effective Date:**	101824



GENERAL NOTATIONS:

1. SEE POLYGLASS PG-SS-INS-01 FOR INSTALLATION NOTES PERTAINING TO STEEP SLOPE ROOF.

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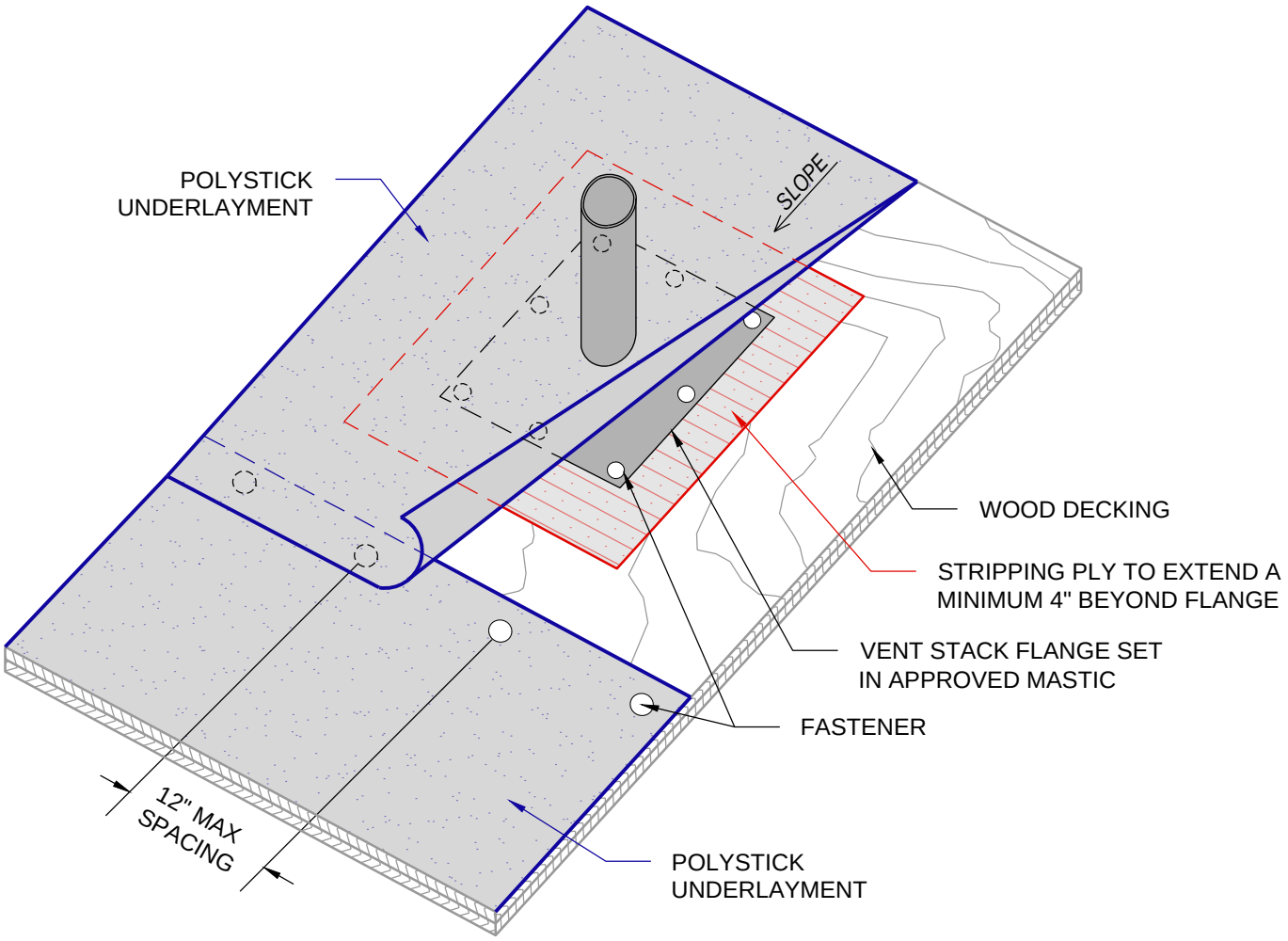
1111 West Newport Center Drive
Deerfield Beach, FL 33442
Technical Service: (866) 794-9659
technical@polyglass.com

Description:

EDGE DETAIL WITH STRIP PLY LAYER APPLICATION (TYPICAL)

NOT DRAWN TO SCALE

Number:	PG-SS-EDGE-02	**Effective Date:**	101824



GENERAL NOTATIONS:

1. SEE POLYGLASS PG-SS-INS-01 FOR INSTALLATION NOTES PERTAINING TO STEEP SLOPE ROOF.

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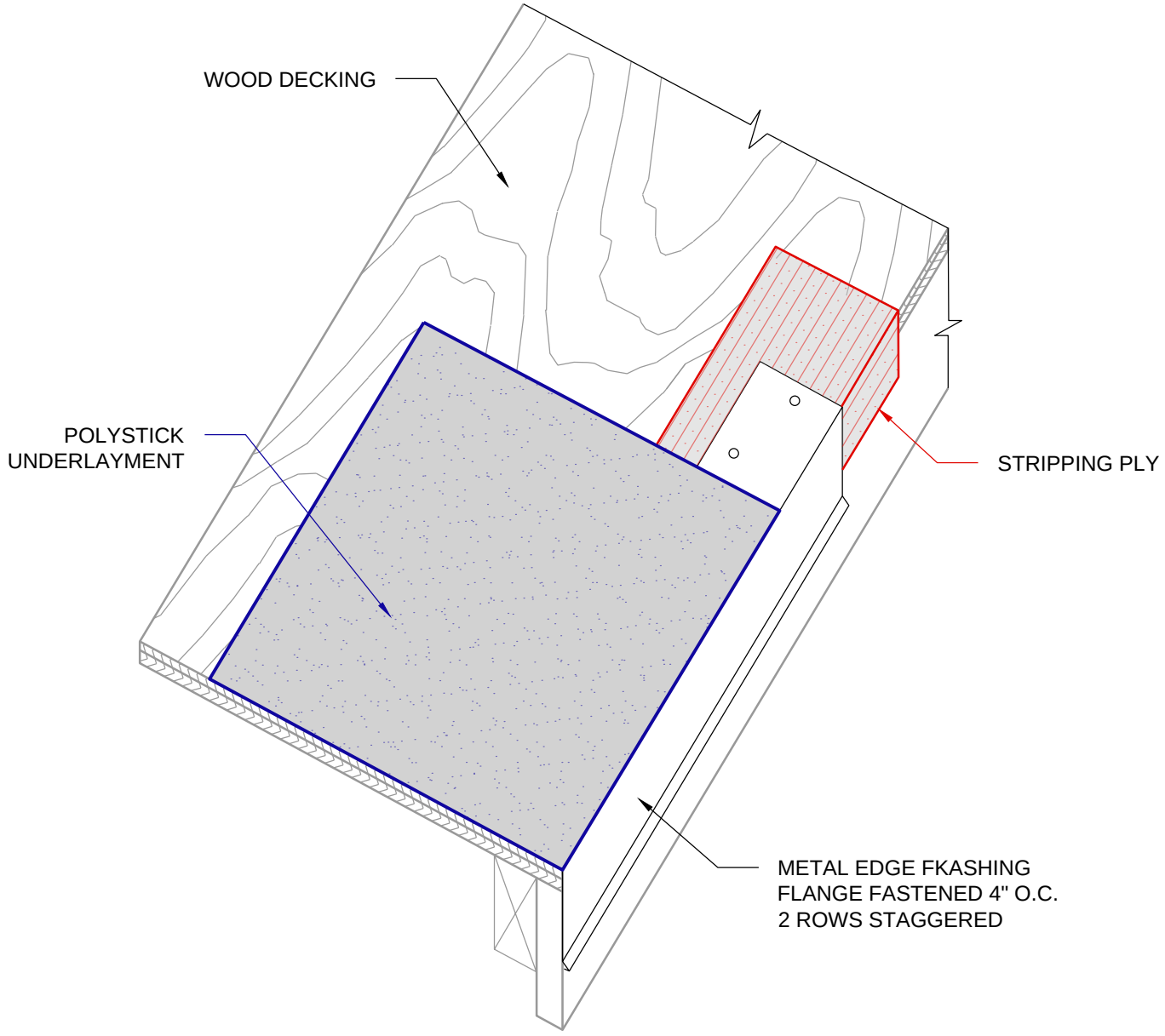
polyglass.us
1111 West Newport Center Drive
Deerfield Beach, FL 33442
Technical Service: (866) 794-9659
technical@polyglass.com

Description:

PENETRATION DETAIL WITH STRIPPING PLY APPLICATION (TYPICAL)

NOT DRAWN TO SCALE

Number:	PG-SS-PEN-02	**Effective Date:**	101824



GENERAL NOTATIONS:

1. SEE POLYGLASS PG-SS-INS-01 FOR INSTALLATION NOTES PERTAINING TO STEEP SLOPE ROOF.

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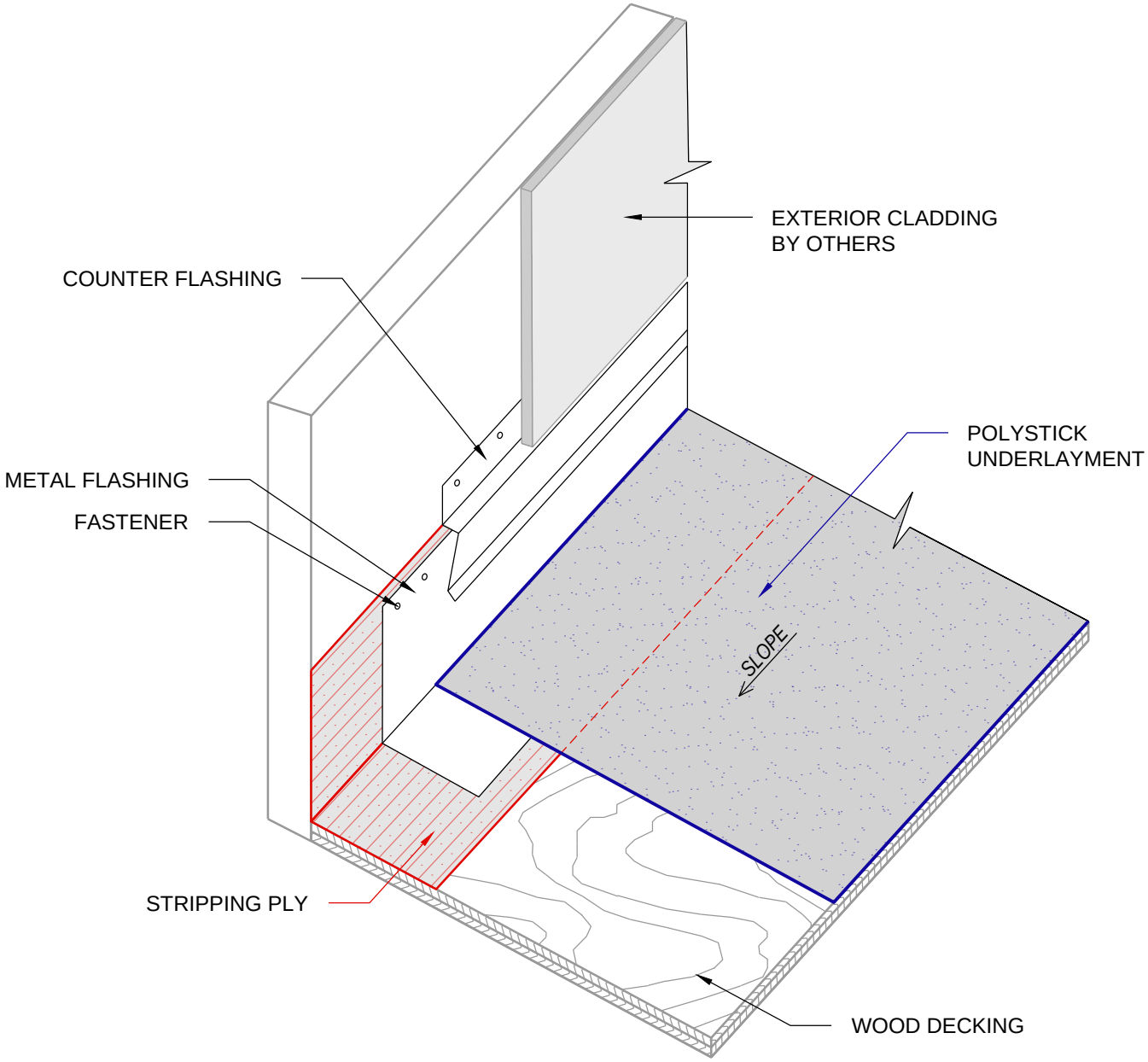
1111 West Newport Center Drive
Deerfield Beach, FL 33442
Technical Service: (866) 794-9659
technical@polyglass.com

Description:

RAKE DETAIL WITH STRIPPING PLY UNDER METAL APPLICATION (TYPICAL)

NOT DRAWN TO SCALE

Number:	PG-SS-RAKE-03	**Effective Date:**	101824



GENERAL NOTATIONS:

1. SEE POLYGLASS PG-SS-INS-01 FOR INSTALLATION NOTES PERTAINING TO STEEP SLOPE ROOF.

POLYGLASS
MAPEI GROUP
polyglass.us
1111 West Newport Center Drive
Deerfield Beach, FL 33442
Technical Service: (866) 794-9659
technical@polyglass.com

Description:

SIDEWALL DETAIL WITH BASE STRIP LAYER APPLICATION (TYPICAL)

NOT DRAWN TO SCALE

Number:	PG-SS-SIDE-01	**Effective Date:**	101824

Amended Position Statement from RCC

From:	Patrick Toomey
To:	Barbosa, Ana
Cc:	cmk@ckramerlaw.com; EFax RULESBOARD
Subject:	Appeal 25-02 Additional Information from Roofing & Construction Corp. (RCC)
Date:	Friday, May 23, 2025 2:19:00 PM
Attachments:	image001.png image002.png image003.png 05.23.25 RCC Amended Position Statement re Guo Appeal #25-02.pdf

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Dr. Barbosa,

In addition to the materials that Reggie Cox and I have previously forwarded, attached is an Amended Position Statement with exhibits from RCC for review and consideration by the Ad Hoc Committee at the upcoming May 29 hearing. These materials include communications that RCC's principal had with Westlake Royal Roofing Solutions confirming that the woven method used by RCC on this residence is proper.

Please contact me if you have any questions these materials.

Patrick J. Toomey, Jr., Esq
Partner | Daniels·Rodriguez·Cruz
4000 Ponce de Leon Boulevard, Suite 800
Coral Gables, FL 33146
Toll Free: (888) 448.7988
P: (305) 448.7988 | F: (305) 448.7978
Email | drclaw.com

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The Soto Law Group, P.A.

EST. 1997
AV RATED FIRM
BUSINESS & CONSTRUCTION LAWYERS
1430 N. FEDERAL HIGHWAY, SUITE 200
FORT LAUDERDALE, FL 33304
TEL. (954)567-1776 · FAX (954)567-1778

Oscar E. Soto, Esq.
oscar@sotolawgroup.com
Douglas J. Clarke, Esq.
doug@sotolawgroup.com

May 23, 2025

ROOFING AND CONSTRUCTION CORP.'S ("RCC") MAY 23, 2025 AMENDED POSITION STATEMENT RE: BROWARD COUNTY BOARD OF RULES AND APPEALS' APPEAL NO.: 25-02

I. RELEVANT FACTUAL BACKGROUND

Roofing and Construction Corp. ("RCC") is a roofing company with its principal place of business in Broward County, Florida. RCC has been in operation since 2012 and since that time has worked on the roofs of nearly a thousand (1,000) single-family homes and has completed roofing systems on several developments. RCC is qualified by Mr. Alex Romero, who has been involved in the roofing industry for over twenty years, a Certified Roofing Contractor since 2008, and a Certified General Contractor since 2010. RCC has performed roofing work in the City of Weston, Florida, including the neighborhood of Weston Hills, among many other cities and towns within the county and throughout the state.

On or about March 8, 2024, RCC entered into a written contract with Ms. Guo for RCC to perform said Project, which was a total re-roof and installation of a new, concrete barrel S tile roof system. In exchange for RCC's performance of the work, Ms. Guo agreed, per the contract, to pay RCC $62,600.00. RCC's work on Ms. Guo's roof commenced in early April 2024 with the tear-off of the existing roof.

During the progress of RCC's work, it became clear almost immediately that Ms. Guo was going to do everything in her power to not fully compensate RCC and/or obtain as much extra work she could, without paying RCC for same. Ms. Guo, at nearly every instance RCC workers were present at her property, would religiously film them, going as far as getting on the roof several times to watch their every move. Ms. Guo would also, on several occasions, attempt to cajole RCC workers into applying unnecessary and superfluous materials to the roof, such as extra bull

membrane or modified bitumen – items Ms. Guo, who is not a certified roofing contractor and has no experience with roofing, *believed* was necessary.

Despite Ms. Guo's interference and inability to adhere to the contract's payment terms, RCC persevered and completed Ms. Guo's roof in early July 2024. Final Inspection was achieved on July 2, 2024, and was conducted, in part, via the use of pictures provided by RCC to the inspector, Mr. James Wagner. The Building Department had no choice but to conduct the final inspection in this manner as a direct result of Ms. Guo's interference with Mr. Wagner's official duties, her demands that Mr. Wagner not return to her property, and her threats of holding Mr. Wagner in trespass should he return.

Below is one of the photographs of the roof at the time RCC completed its work, along with the complete Inspection Record associated with the Permit:

II. RCC AND MS. GUO'S COUNTY COURT LITIGATION

Unfortunately, despite completing its work and obtaining a final inspection of same by Mr. Wagner, Ms. Guo refused to compensate RCC the remaining fifty-percent (50%) of the contract price - $31,300.00. Such refusal by Ms. Guo was primarily due to non-roof-related damages Ms. Guo alleges RCC caused to her property, and which RCC vehemently denies.

Nonetheless, on July 26, 2024, RCC was ultimately left with no choice but to file suit against Ms. Guo to seek enforcement of its Claim of Lien recorded against Ms. Guo's property on July 12, 2024, and to recover the fifty-percent (50%) remaining contract balance Ms. Guo failed and/or otherwise refused to pay RCC. Guo quickly countersued RCC, as well as asserted a counterclaim against RCC's principal, Mr. Alex Romero, and an RCC foreman who worked on the Project, Mr. Elias Morillo. Mr. Morillo has since been dismissed as a party.

In the span of less than one (1) year, the docket has swelled to ***over 300 filings***, an

City of Weston
17200 Royal Palm Boulevard
Weston, Florida 33326
Building Code Services

INSPECTION COMMENTS

Address	Work Description
2516 MONTCLAIRE CIR	Re-Roof with Villa 900

Date	Record #	Inspection	Inspector	Result
Structural				
7/2/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Pass
	As per the homeowners request not to go back to her property Final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and that there were no loose or broken tile.			
7/1/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Cancelled
	CANCELLED BY PROPERTY OWNER- GUO,XIAOHUI 786-281-8802			
6/28/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Fail
	Unable to perform inspection due to homeowner interference 110.5 Florida Statute 468.604 (1) 468.629 (1) (f)			
6/21/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Pass
	Corrections at valleys have been made permit card not on site to sign			
6/20/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Fail
	The tile must be removed from All valley areas in order to confirm that the repairs to the fish melts in The valleys have been corrected 1512.2.5			
4/4/2024	B24-01261	STR-CAP Sheet In Progress	WAGNER, JAMES	Pass
4/4/2024	B24-01261	STR-Tin Cap	WAGNER, JAMES	Pass

overwhelming majority of which come from Ms. Guo alone. RCC and its attorneys have spent countless hours and thousands of dollars in responding to the litany of Ms. Guo's discovery requests and motions and have attended more hearings and depositions than one can count. Ms.

Guo has used this litigation to perpetually harass RCC and run up fees in the hopes that RCC will simply give up and allow Ms. Guo to enjoy a fifty-percent (50%) discount on a brand-new roof.

Ms. Guo's tactic of attrition against RCC is deliberate and not the result of a *Pro Se* litigant unsure of how to navigate the judicial system of this County and of this State. This is because Ms. Guo is no stranger to litigation. In fact, not only has Ms. Guo represented herself *Pro Se* for a majority of her case with RCC (Ms. Guo obtained counsel in late February 2025 shortly after the undersigned filed a Motion for Sanctions against Ms. Guo due to her misconduct throughout the litigation as well as at her deposition), but Ms. Guo has also represented herself in other matters as well.

A simple search of just the Broward County Clerk of Courts alone shows that since 2012, Ms. Guo has been involved in approximately ten (10) lawsuits, including the instant matter. Such cases include claims against property insurance carriers, a claim against prior legal counsel of Ms. Guo, a claim against Ms. Guo by prior legal counsel for unpaid attorney's fees, and a claim against Ms. Guo by previous tenants alleging toxic mold in a rental home owned by Ms. Guo and resulting injury to minor children. In several of these cases, Ms. Guo is either currently representing herself *Pro Se* or did represent herself *Pro Se.* Simply put, Ms. Guo is a serial litigant who has no qualms about using and abusing the judicial system to her advantage, including the system of appeals allowed for by the BORA.

III. THE VARIOUS "DEFECTS" OF MS. GUO'S APPEAL

Having only been made aware of Ms. Guo's Appeal on May 2, 2025 - less than a week from the BORA's May 8 Hearing (which led to the formation of the Ad Hoc Committee for further consideration) the undersigned worked extensively to put together its initial Position Statement. Said Position Statement was submitted on May 7, 2025, to BORA's counsel, Mr. Charles Kramer, along with the two (2) BORA officials assigned to the Appeal – Mr. Rolando Soto and John Morell, Chief Mechanical Code Compliance Officer and Chief Structural Code Compliance Officer, respectively. Unfortunately, it does not appear that RCC's initial Position Statement was considered by Mr. Morell, Mr. Soto and the constituents of BORA at the May 8, 2025 Hearing.

It is RCC sincere desire that this Ad Hoc Committee consider this Position Statement, which has been revised minorly to account for additional information received from Westlake

Royal Roofing Solutions – the distributor of the underlayment used on Ms. Guos' roof. The overarching purpose of this Position Statement is not to overwhelm the reader with voluminous documents, to litigate the ongoing County Court matter between RCC and Ms. Guo, or to repeat facts and allegations that the BORA and this Committee is already aware of. Instead, the purpose here is to provide critical, missing context and additional information so that the BORA and this Committee may come to a decision which accounts for, and takes into due consideration, the entire underpinnings of Ms. Guo's Appeal.

The "Fishmouths" in the Valleys Were Corrected by RCC

During the several months RCC was progressing its work at the Project, all required inspections were carried about by Mr. James Wagner, a certified Building Inspector with C.A.P. Government, Inc., a company that provides inspection services on behalf of the City of Weston, Florida. Mr. Wagner has decades of relevant experience and knowledge regarding the design, construction and regulation of building in the State of Florida. Mr. Wagner's impressive resume is attached to his, and C.A.P. Government, Inc.'s, April 29, 2025 Response to Ms. Guo's Appeal #25-02 (the "Building Department Response"). RCC fully adopts and supports the Building Department Response.

Each and every inspection performed by Mr. Wagner is noted in the Inspection Record attached hereto as Exhibit "A" and as shown above. The only inspection that was "failed" by Mr. Wagner was the June 20, 2024 "Tile-in-Progress" inspection, wherein Mr. Wagner comments, as follows: "The tile must be removed from All valley areas in order to confirm that the repairs to the fish melts in The valleys have been corrected 1512.2.5". On June 21, 2024, Mr. Wagner "passed" the "Tile-in-Progress" inspection, noting that "corrections at valleys have been made . . ."

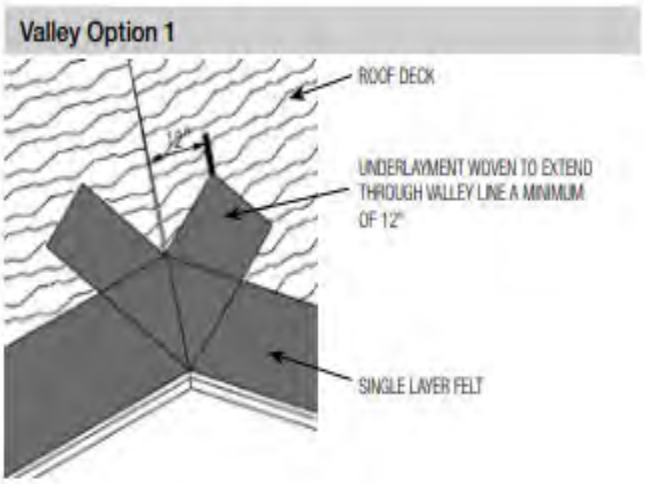
Critically, the Inspection Record tracks with Mr. Wagner's own, sworn testimony. At his February 4, 2025 deposition, Mr. Wagner explained to Ms. Guo that she "repeatedly tried pointing out things that were extremely minor and inconsequential that you [Guo] felt that the roofer [RCC] needed to correct." . . . "The big issue on this roof –your big issue on this roof was some very minor and inconsequential fishmouths in the valleys. The contractor repaired them. That was the end of it."

Missing from the Building Department Response are pictures of such corrections, which show RCC forces applying the "bull membrane" to those "fish mouths" in the valley. A compilation of those photographs sent to Mr. Wagner by RCC, as well as pictures taken by Mr.

Wagner during the progress of the work are attached hereto as Exhibit "B". In these photographs, the "fish mouths" in the valley of Ms. Guo's roof can clearly be shown to have been remedied by the application of the requisite mastic or "bull membrane". For example, in the picture associated with the number "1000001339" Mr. Wagner testified that this picture shows that the corrections have been made in the valley, that mastic has been used underneath the underlayment and that the repair is being done and done correctly.

RCC Complied with "Valley Option 1" of the Relevant Installation Guide

At the May 8 Hearing, there was substantial discussion as to the proper installation of the underlayment in the valleys – i.e., the areas where the "fishmouths" arose. The relevant installation guide for the "Westlake Royal TileSeal HT" is attached hereto as Exhibit "C". As reflected in the pictures provided in Exhibit "B" RCC complied with Valley Option 1 by "weaving" the underlayment. Additionally, RCC's principal, Mr. Alex Romero, contacted Westlake Royal Roofing Solutions, the creator of the above-described installation guide, and was able to confirm that the woven method RCC employed – i.e., Valley Option 1 – is proper. A copy of these emails are attached hereto as Exhibit "D". Unfortunately, the BORA was not able to see RCC's compliance with Valley Option 1 as none of the pictures contained in Exhibit "B" were ever provided to the board members. BORA was only left to rely upon the one-sided, in-progress pictures Ms. Guo cherry-picked, which in no way show the subsequent corrections made to the underlayment and its subsequent, completed condition. Below is Valley Option 1 and a picture of RCC's work in compliance with same.



The Engineering "Uplift Test" Report is Not Fraudulent

Also missing from Ms. Guo's Appeal is important information pertaining to Mr. Abdias H. Saenz, P.E., the Engineer who sealed the June 27, 2024, "Uplift Test" or Engineering Report. Ms. Guo claims that the Report is "fraudulent" because her neighborhood's gatehouse has no record of anyone coming to perform said test from the Engineer's office. Not only do the seven (7) pictures provided to Mr. Wagner for purposes of final inspection show the completed roof, they show the "T" markings from the performed uplift test. These pictures are attached as Exhibit "E". Additionally, Ms. Guo has been provided two (2) pictures taken of the roof by the Engineer's field technician, Mr. Dayan Valdes, who took said pictures on June 27, 2024 as proof of his presence on the roof and the performance of the test.

In her deposition in the County Court matter, Ms. Guo admitted that sometimes RCC workers would show up to her property without her knowing, alleging and speculating that they might have come in for other jobs in the neighborhood and went to her house as well. Ms. Guo, at the beginning of RCC's work, was instructed to leave RCC's name at the gatehouse so that RCC can come and go to perform their work. It is just as plausible that the gatehouse simply failed to make a separate note of the field technician's arrival, assuming the technician was with RCC.

As to the reason why the Court is not presently allowing Mr. Saenz to testify at trial is due to Mr. Saenz's non-appearance at deposition scheduled by Ms. Guo. However, Ms. Guo has admitted at her deposition that she ***personally attempted*** to serve Mr. Saenz and came to his place of business, along with the same individual who performed unlicensed work on her roof, but now serving in the capacity as Ms. Guo's "process server." Ms. Guo has a habit of attempting to personally serve subpoenas and other documents throughout the County Court litigation.

The Florida Rules of Civil Procedure prohibit a party from personally serving a non-party witness. The reasoning is obvious – to prevent potential witness harassment and tampering. Mr. Saenz's office did not respond to Ms. Guo's subpoena because it was not properly served by Ms. Guo. Moreover, the Court's Order directed at Mr. Saenz and the Engineering Report clearly stated that the parties are to attempt to coordinate an opportunity to discuss the report or depose the witness so that the report might be introduced or the witness testify at trial. Thus, the Court made no finding that the Engineering Report was fraudulent, only that the report cannot be used, or Mr. Saenz allowed to testify, until he is deposed or both parties are able to speak to him about the subject matter of his testimony at trial. Mr. Saenz's deposition has commenced but has not been

completed as of yet.

"Broken Tiles"

As stated above, Ms. Guo, during the performance of RCC's work at the Project, had a habit of going on the roof herself on a near constant basis whenever RCC workers were present. Ms. Guo, who is not a roofer, has no roofing experience, or understanding of how to properly traverse a roof, could just as well broken various roof tiles. There are also several persons who were on Ms. Guo's roof after the final inspection was completed and after RCC finished its work. The few pictures Ms. Guo claims are proof of broken tiles existing at the time the final inspection was completed would certainly not warrant a reversal of the final inspection. At his deposition, Mr. Wagner explained to Ms. Guo that he would not reject the roof over a loose tile or small chips. This is because the applicable code (TAS 106) allows for a certain amount of loose tile and that small chips are insignificant because the tile on Ms. Guo's roof is foamed down.

RCC Did Not "Burn the Laps"

At his February 4, 2025 deposition, Mr. Wagner was shown certain videos taken by Ms. Guo during her frequent, if not constant, presence on the roof to film RCC's workers. In one video, Mr. Wagner comments that there is a "big difference" between heating and "burning" the material. As shown in the video, RCC workers are merely warming up the cap sheet for three (3) to five (5) seconds to ensure that the asphalt is able to adhere. We will make a copy of the video available should the Ad Hoc Committee request same.

What Ms. Guo showed Mr. Wagner is not burning the cap sheet. Mr. Wagner neither saw any areas of the cap sheet that were "burnt". Ms. Guo has provided zero proof of "burnt" cap sheets. Mr. Wagner not only testified that there is nothing in the code or the product approval that says RCC cannot warm up the material and press it down, but Mr. Wagner also testified that heat generally will ***help*** the self-adhered membrane adhere to the 30lb roofing paper and that the added pressure of the loaded tiles will help it adhere as well. To note, the heat from the sun generally will also result in better adhesion of the underlayment.

The Owens Corning Denial Letter is Unreliable

Owens Corning is the manufacturer of the underlayment used on Ms. Guo's roof. Ms. Guo tried to open a claim with Owens Corning in an attempt to get Owens Corning to pay for a new roof. However, Owens Corning's warranty is only as to the material itself. In other words, Owens Corning does not warrant against any other issues than defects inherent in the product itself. The

denial letter from Owens Corning referenced in Ms. Guo's Appeal is written by a "resolution specialist" in **Ohio**, who works for the sales wing of Owen Corning. RCC is unaware what roofing experience, licensure or knowledge this individual possesses, if any. The Owens Corning denial letter is not based on any personal inspection by the manufacturer but rather solely upon Ms. Guo's one-sided and incomplete narrative – i.e., what Ms. Guo wanted the manufacturer to see. Moreover, the "evidence" Ms. Guo sent to Owens Corning does not include the subsequent corrections made or the approval by Mr. Wagner of the Tile-In-Progress inspection. This representative, and Owens Corning in general, at no time reached out to RCC for any comment or asked RCC to provide any evidence or documentation to rebut Ms. Guo's claim.

Allegations of Roof Leak

Ms. Guo asserts that her roof is leaking in one spot in her Master Bathroom. Regardless of whether Ms. Guo's roof is or was leaking, that has nothing to do with whether RCC passed final inspection – it is a warranty issue between RCC and Ms. Guo that is addressed in the parties' contract. Ms. Guo claims that she informed RCC that her roof was leaking on July 28, 2024 – almost a month after final inspection was achieved. At the time final inspection was obtained on July 2, 2024, there was no roof leak. Ms. Guo cannot prove there was a leak at or near the time of the final inspection. Ms. Guo has performed no destructive testing or leak tests and merely relies upon the speculation of her "roofing expert" to show that RCC caused said leak. Mr. Guo's roofing expert testified at his deposition that the cost to repair the single leak alleged by Ms. Guo would cost approximately $1,500.00, with an additional $300.00-$1,000.00 for drywall repair.

IV. REVERSAL OF THE INSPECTION RESULTS IS NOT WARRANTED; CONCLUSION

Notwithstanding Ms. Guo's constant meddling and conspiracy theories, Ms. Guo's roof has been completed, and a final inspection has been achieved, since early July 2024 – nearly an entire year ago. Ms. Guo filed this Appeal ***over (8) months after the final inspection was obtained*** and just over one (1) month before the first day of trial in the County Court matter. It clear that the timing of this Appeal is nothing more than another tactic by Ms. Guo to utilize in her litigation with RCC and to avoid paying RCC what Ms. Guo owes. Rescinding the prior inspections is not warranted by the facts and will undoubtedly open a "pandora's box" of issues for not only the Building Department, but RCC as well. BORA, and this Committee, should consider the following

questions and their associated ramifications before making any decisions as to this Appeal:

- Which inspection [results] are being reversed? And why?
- What is the actual result(s) of a reversal of the inspection result(s)?
- How are re-inspections supposed to be performed when the roof is nearly a year old?
- Would the inspections be in strategic locations only (the tile is foamed down – the tile cannot be repositioned once removed)
- Who is to pay for the re-inspections? (Ms. Guo prevented the final inspection)
- Who is to pay to repair and re-roof the Project as a result of the re-inspections and attendant destructive testing and demolition?

Simply put, Ms. Guo is asking BORA for retroactive and frankly unreasonable relief – a total reversal of all inspections performed and to have the entire roof re-inspected. The relief requested by Ms. Guo is something that goes beyond mere inspections, beyond the code, and beyond the applicable product approvals. The Building Department and Mr. Wagner have done exactly what they are supposed to do and have carried out their functions with all necessary due diligence. Ms. Guo's concerns, even assuming they have a modicum of veracity, are covered in the parties' contract and the ten (10) year warranty RCC provides all of its customers.

Should you have any questions or wish to discuss this Position Statement further, please do not hesitate to contact the undersigned.

Sincerely,

Oscar E. Soto
Oscar E. Soto, Esq.
FLORIDA BOARD CERTIFIED-CONSTRUCTION ATTORNEY
Douglas J. Clarke, Esq.
FOR THE FIRM

EXHIBIT “A”

City of Weston
17200 Royal Palm Boulevard
Weston, Florida 33326
Building Code Services

INSPECTION COMMENTS

Address	Work Description
2516 MONTCLAIRE CIR	Re-Roof with Villa 900

Structural

Date	Record #	Inspection	Inspector	Result
7/2/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Pass
	As per the homeowners request not to go back to her property Final inspection was performed using photos provided by the contractor and the uplift test as evidence that the roof was completed and that there were no loose or broken tile.			
7/1/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Cancelled
	CANCELLED BY PROPERTY OWNER- GUO,XIAOHUI 786-281-8802			
6/28/2024	B24-01261	STR-Final Roof	WAGNER, JAMES	Fail
	Unable to perform inspection due to homeowner interference 110.5 Florida Statute 468.604 (1) 468.629 (1) (f)			
6/21/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Pass
	Corrections at valleys have been made permit card not on site to sign			
6/20/2024	B24-01261	STR-Tile In-Progress	WAGNER, JAMES	Fail
	The tile must be removed from All valley areas in order to confirm that the repairs to the fish melts in The valleys have been corrected 1512.2.5			
4/4/2024	B24-01261	STR-CAP Sheet In Progress	WAGNER, JAMES	Pass
4/4/2024	B24-01261	STR-Tin Cap	WAGNER, JAMES	Pass

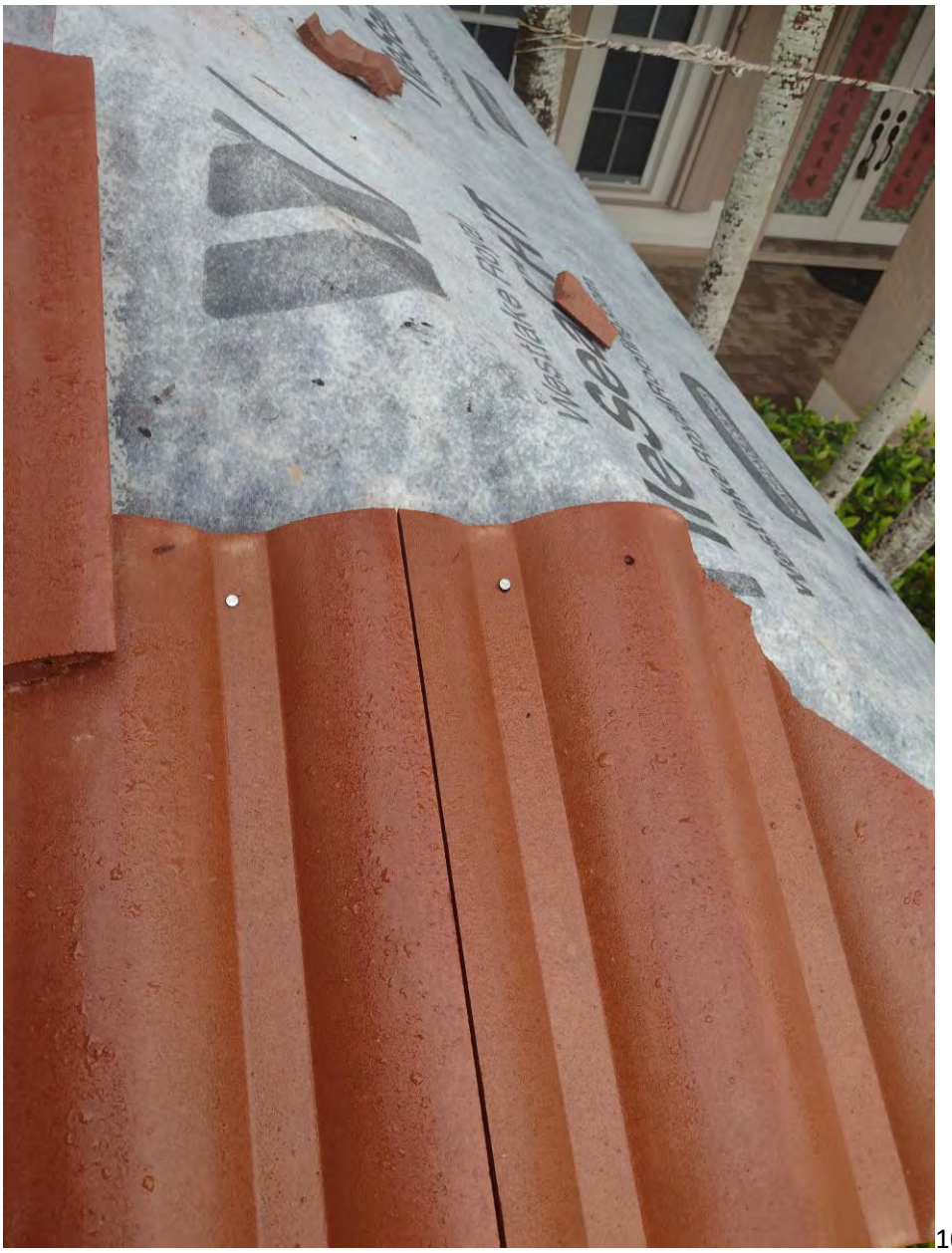
EXHIBIT “B”

1000001299

GUO-2293

1000001300

GUO-2294



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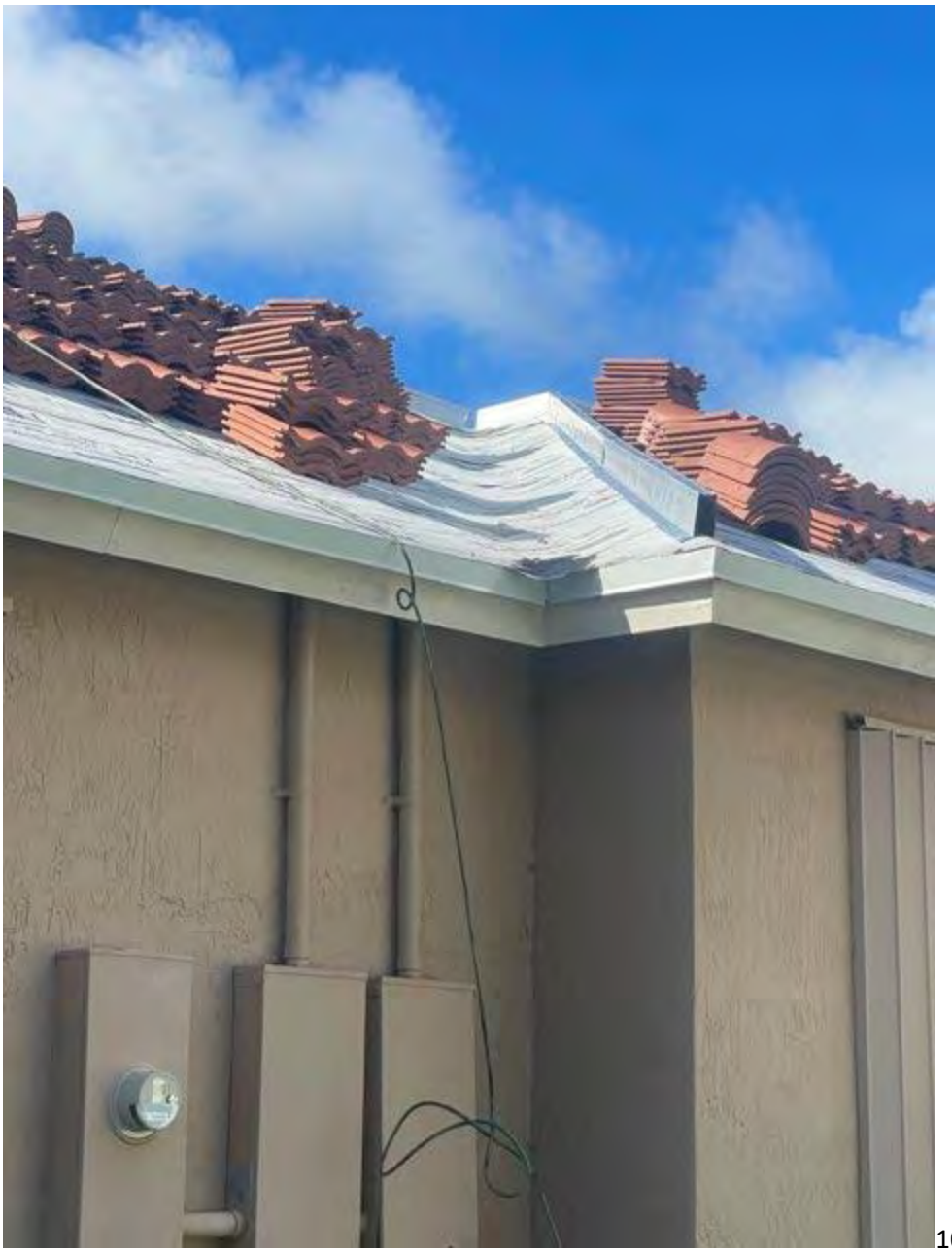

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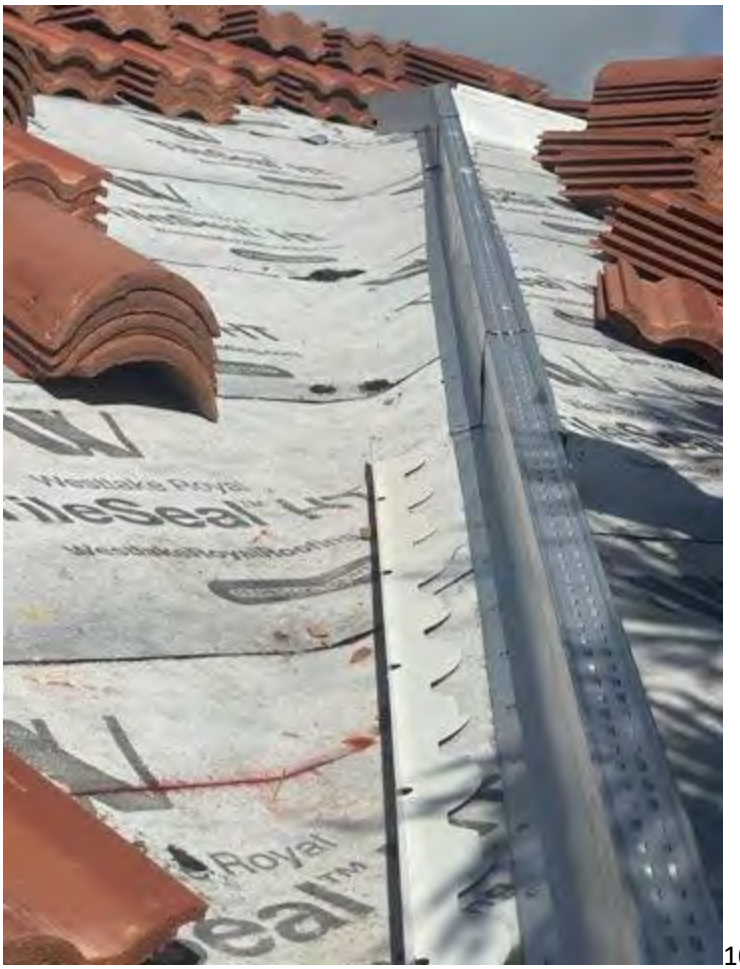

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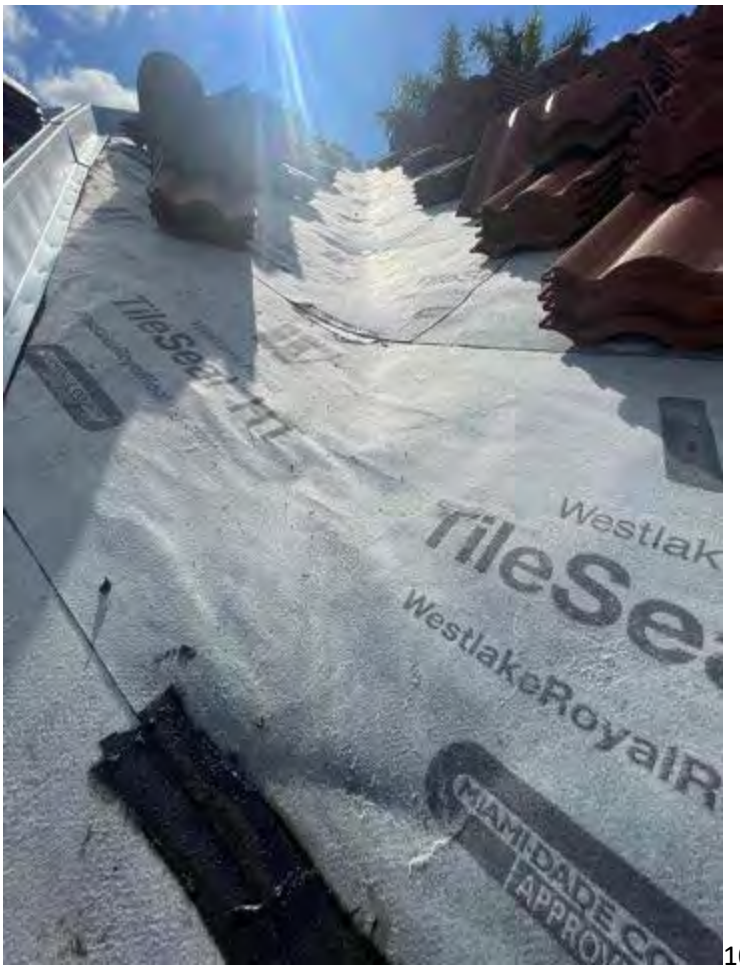

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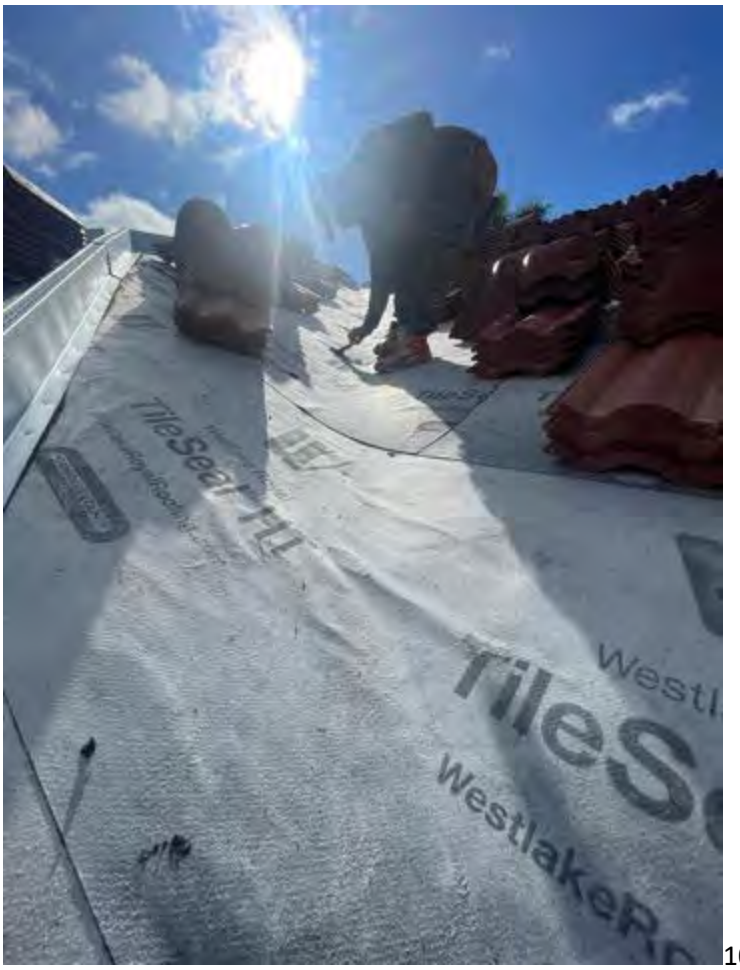

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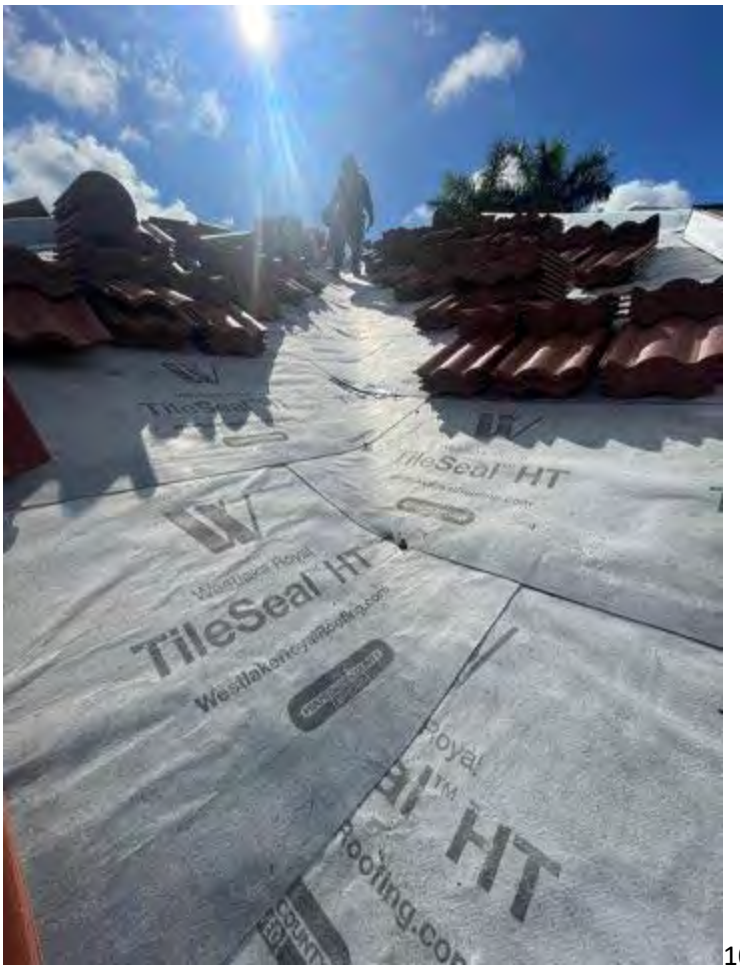
GUO-2322



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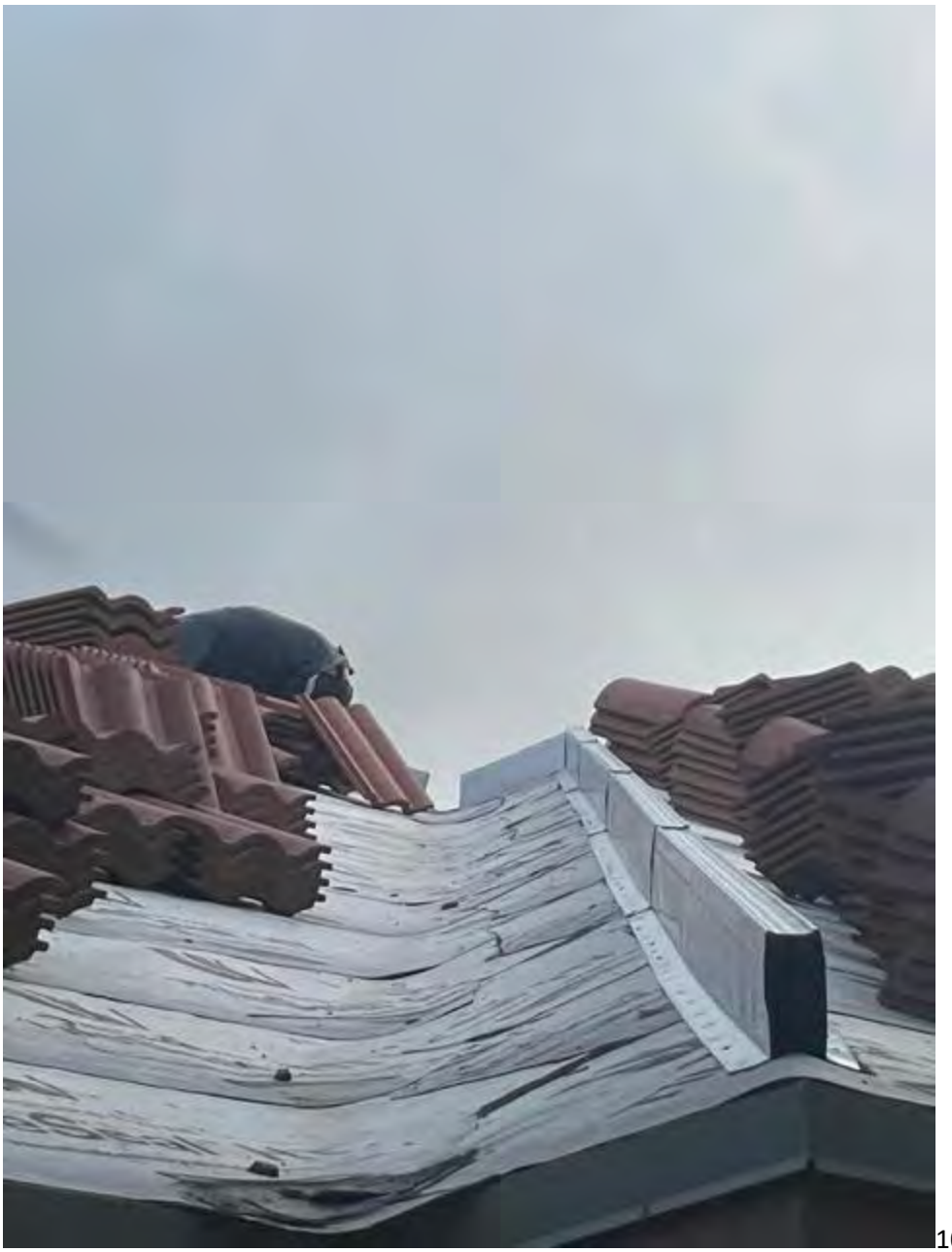
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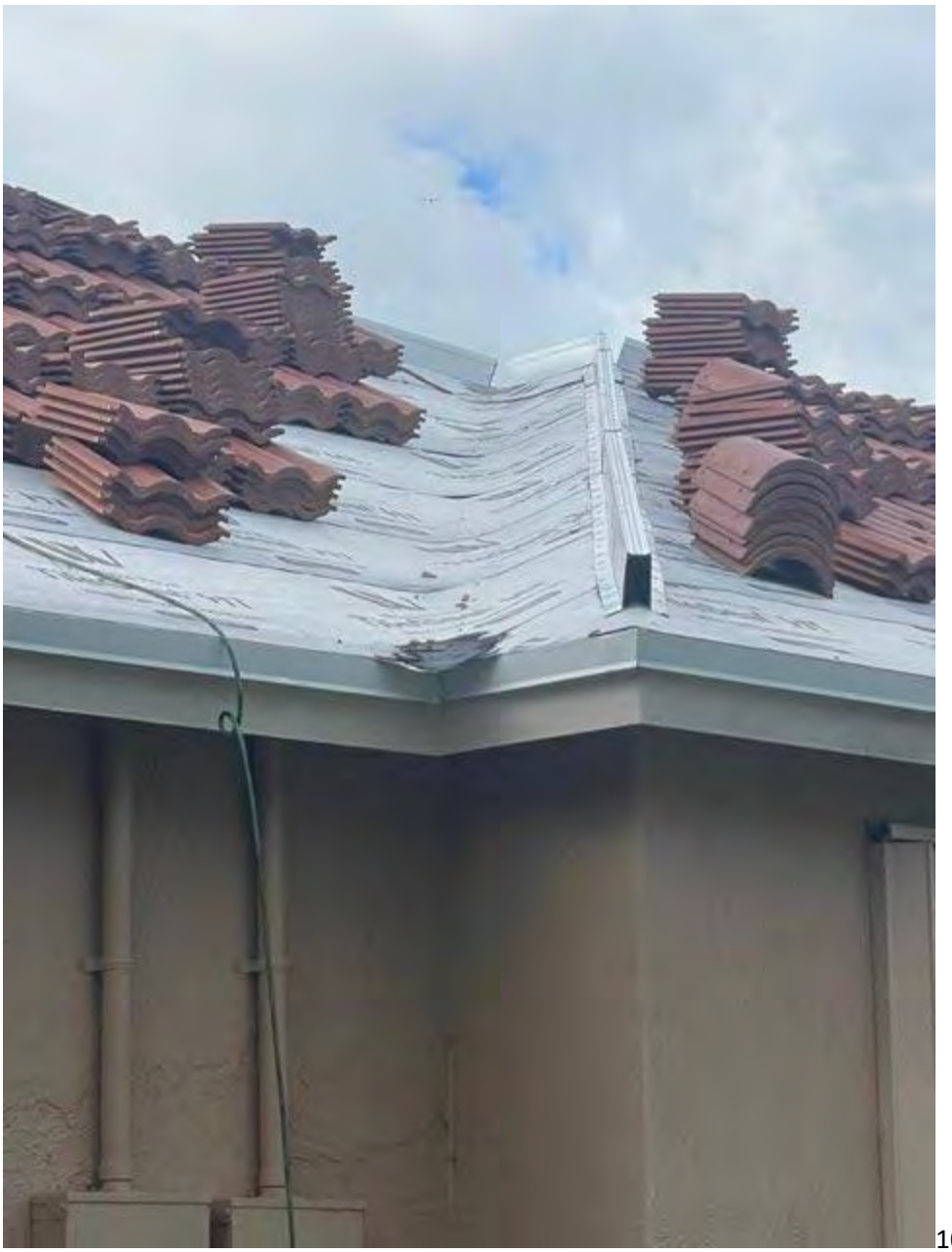
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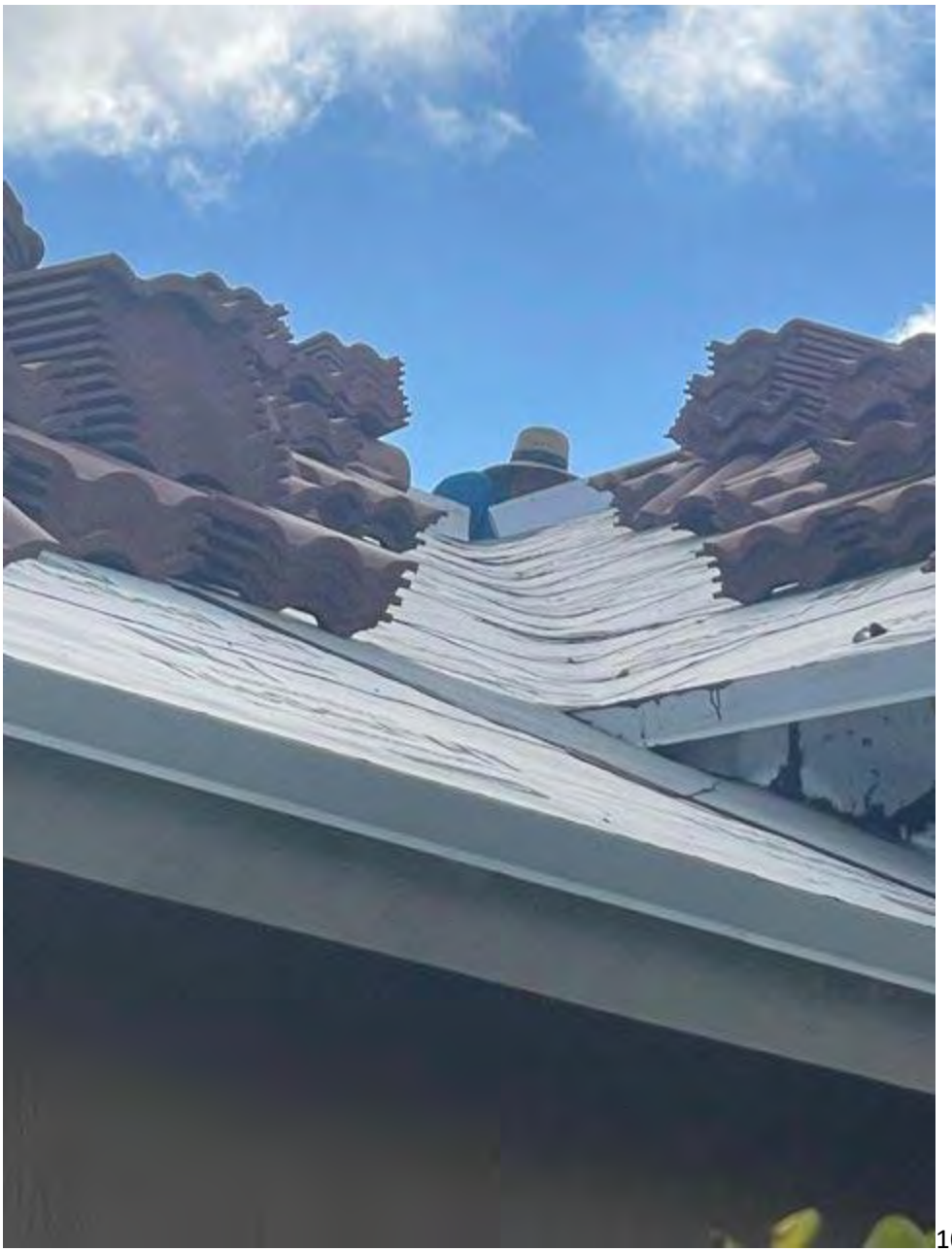
GUO-2328



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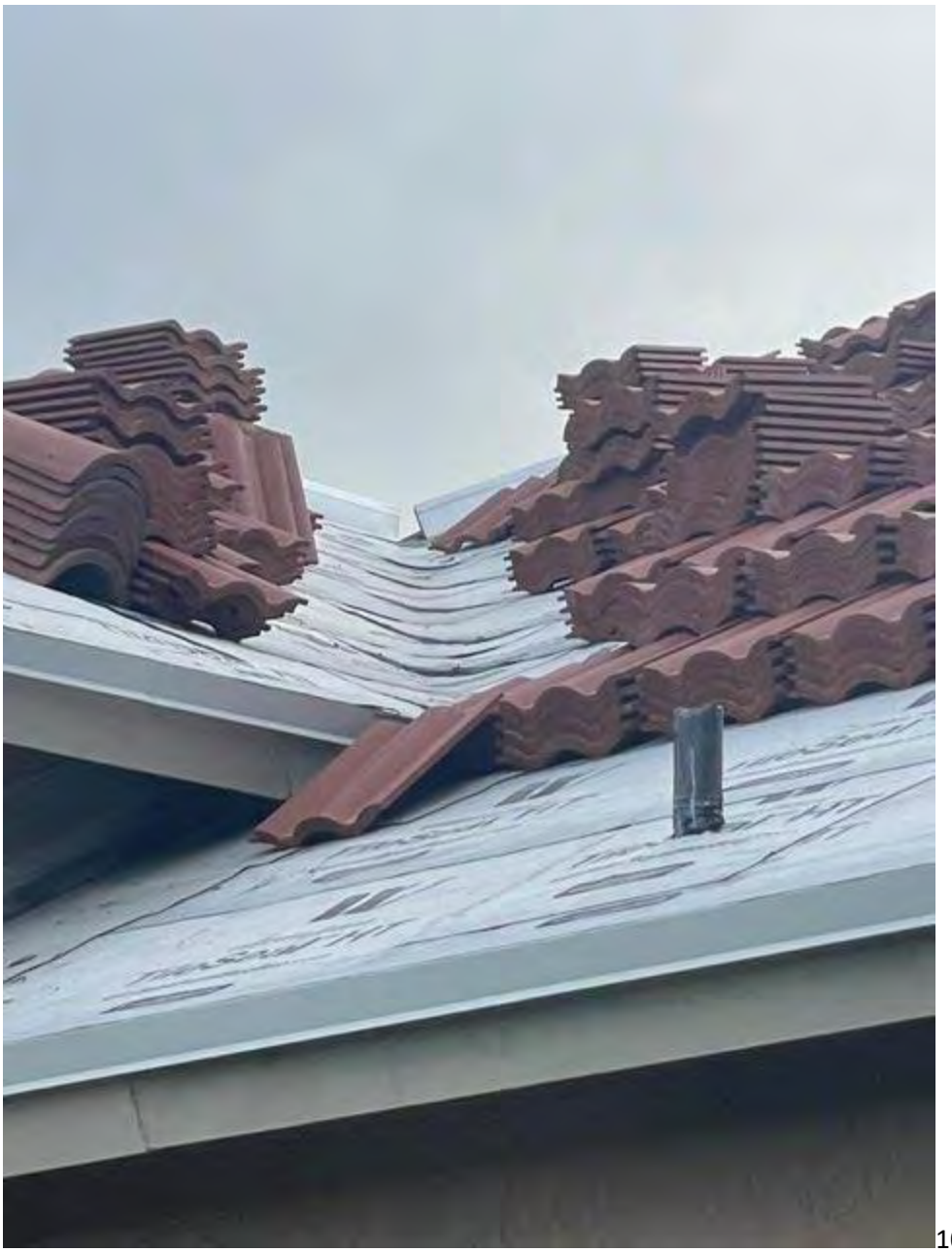
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GUO-2330

EXHIBIT “C”

Westlake
Royal Roofing Solutions™

WESTLAKE ROYAL™
ROOFING COMPONENTS

Westlake Royal

TileSeal™ HT

INSTALLATION GUIDE

The following guidelines are provided for the installation of Westlake Royal TileSeal™ HT, however local building codes may differ so please consult with the local building department for any different or additional installation requirements.

GENERAL GUIDELINES FOR ALL INSTALLATIONS

The deck must be clean, dry, free from loose contaminants, and structurally sound. Westlake Royal TileSeal HT™ underlayment should be installed when ambient and substrate temperatures are 40F (4.4C) or higher.

For tile applications (i) do not use Westlake Royal TileSeal™ HT below a 2½:12 (21% slope) when tiles are mechanically fastened and (ii) do not use Westlake Royal TileSeal HT below 2:12 (17% slope) when using foam adhesive to fasten tiles. Water must be allowed to drain freely from all areas of the roof.

For tile applications outside the High Velocity Hurricane Zone of Florida, Westlake Royal TileSeal™ HT underlayment should be installed in compliance with local building codes and the applicable Tile Installation Manual published by the Tile Roofing Institute. For tile applications in the High Velocity Hurricane Zone of Florida, Westlake Royal TileSeal HT™ underlayment must be installed in accordance with Miami-Dade building codes.

Roof tiles may be loaded directly onto Westlake Royal TileSeal™ HT underlayment up to 6:12 roof pitch. Loading boards or battens are required on roof pitches greater than 6:12.

When using tile fasteners with Westlake Royal TileSeal HT™, the use of modified mastic is optional because Westlake Royal TileSeal HT™ is a self-sealing underlayment based on testing performed pursuant to ASTM D 1970.

When installing higher profile tiles with a closed tile valley detail, it may be necessary to consider the potential exposure of the Westlake Royal TileSeal HT™ underlayment in regions where the valley metal is installed first. While it may take extended time periods for the surface mat to show any signs of degradation due to partial exposure to UV rays, it should be noted that in most cases where a double weave of the valley has been used, there will still be plenty of protection from the SBS modified base material. In the interests of good roofing practice, a narrow strip of an approved granular surface modified type cap sheet may be applied in the valley center prior to the tile installation.

Some codes require an additional base sheet under Westlake Royal TileSeal™ HT. Check your local building codes.

2-PLY OR MULTI-PLY SYSTEMS WITH A BASE SHEET

Install a code approved base sheet onto the entire roof surface according to local code and manufacturer's instructions. Apply the metal drip edge and other flashings over the base sheet. Coat entire metal surface of deck flange with asphalt primer.

Apply Westlake Royal TileSeal™ HT underlayment to the roof, starting at the eave. The first course of Westlake Royal TileSeal™ HT underlayment should be parallel and flush to the edge of the eave.

Fasten the top of each sheet to the deck through the black selvage lap maximum 12" on center with approved fasteners. Apply each succeeding course of Westlake Royal TileSeal™ HT underlayment, lapping the entire width of the black selvage area.

Apply SBS mastic under all laps onto the top white surface of Westlake Royal TileSeal™ HT. (Pic 1) All end laps must be minimum 6". Use a roller to insure complete adhesion to the base sheet. (Pic. 2)

1

2

SINGLE PLY (DIRECT TO DECK)

Westlake Royal TileSeal™ HT may be self-adhered to primed or unprimed plywood, primed or unprimed oriented strand board (OSB), Huber ZIP System® Roof Sheathing, or DensDeck® Prime Roof Boards. Primer must conform to ASTM D 41 and primer manufacturer's installation instructions must be followed.

If an additional sheet is not used under Westlake Royal TileSeal™ HT underlayment, use a separator/slip sheet between metal and deck where required by code, and coat the roof flange as described above. Install Westlake Royal TileSeal™ HT underlayment in all valleys by either weaving or by first applying a strip down the length of the valleys as shown below. When weaving the underlayment in the valleys, the upper edge of the underlayment must be at least 12" past the center of the valley. See Vallley Options section.

Apply Westlake Royal TileSeal™ HT underlayment to the roof, starting at the eave. The first course of Westlake Royal TileSeal™ HT should be parallel and flush to the edge of the eave. Use a roller to insure complete adhesion to the roof deck. (Pic. 2)

Fasten the black selvage area at the top of the sheet at 12” on center. (Pic. 3) Apply each succeeding course of Westlake Royal TileSeal™ HT, lapping the entire width of the black selvage area.

It is necessary to seal all end laps using one of the following methods:

The first is to apply SBS modified mastic under all laps and onto the top white surface of Westlake Royal TileSeal™ HT to ensure a completely watertight seal. All laps must be minimum 6”.

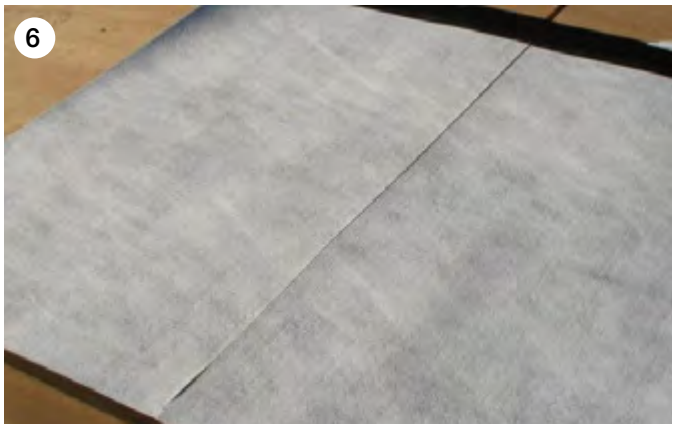
Alternatively, an Inverted Sheet Seam may be made by adhering the ends onto an inverted sheet that has been fastened to the roof deck.

Inverted Sheet Seam (not allowed in Hurricane Zones)

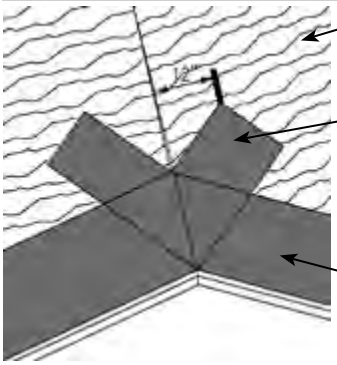
Cut a 12” strip of Westlake Royal TileSeal™ HT and invert (flip over) on the roof deck in a position that half will be under the end of the adjoining sheets. Tack the strip into place before setting the sheets. (Pic. 4)

Lap the adjoining sheets onto the inverted strip and press the sheets together to form a solid bond. Roll the seams with a seam roller to assure complete adhesion. (Pic. 5)

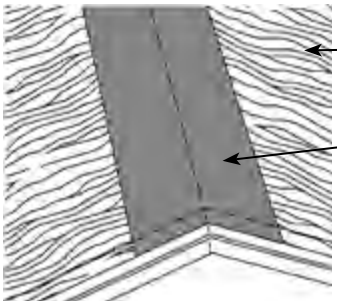
Completed Inverted Sheet Seam (Pic. 6)



Valley Option 1



Valley Option 2



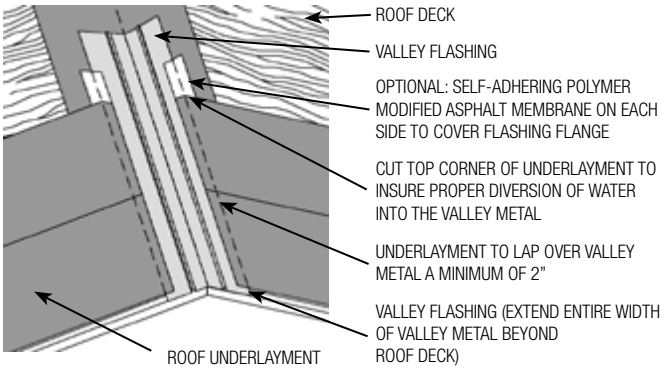


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EXHIBIT “D”

From: "Anderson, Robin" <randerson3@westlake.com>
Date: May 12, 2025 at 3:47:27 PM EDT
To: "Oleksak, Paul" <poleksak@westlake.com>
Cc: ezequiel romero <ezequiel.romero@icloud.com>
Subject: RE: [EXT] Installation of valleys

The "written" approval would be that "Option 1" is shown in our installation guide.

From: Oleksak, Paul <poleksak@westlake.com>
Sent: Monday, May 12, 2025 1:45 PM
To: Anderson, Robin <randerson3@westlake.com>
Cc: ezequiel romero <ezequiel.romero@icloud.com>
Subject: FW: [EXT] Installation of valleys

Robin:

Ezequiel Romero, Roofing and Construction Corp, sent pictures of a woven valley of TileSeal. The homeowner is looking for something in writing from Westlake to say that woven valleys are acceptable.

See email below.

Paul

Paul Oleksak I Technical Trainer
E. poleksak@westlake.com
C. 954.410.3342
Westlake Royal Roofing Solutions
www.westlakeroyalroofing.com

From: ezequiel romero <ezequiel.romero@icloud.com>
Sent: Monday, May 12, 2025 2:53 PM
To: Oleksak, Paul <poleksak@westlake.com>
Subject: [EXT] Installation of valleys

Paul,

Here are the pictures of the valleys: as you told me this an approved method of installation for the valleys. It is the woven method. I just need a letter stating that. We have install over 1000 homes with this product and your tiles.

9:59
June 25, 2024

TileSeal HT

9:59
June 25, 2024

9:59
June 25, 2024

9:59
June 25, 2024

Cordially,

Alex Romero
Project Manager
Roofing and Construction Corp.
954-638-4580

EXHIBIT “E”

Attachments: PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg; PHOTO-2024-06-27-21-27-32.jpg

---------- Forwarded message ---------
From: **Roofing Office** <roofingraoffice@gmail.com>
Date: Tue, Jul 2, 2024 at 7:50 AM
Subject: Xuo Final roof pictures B24-01261
To: <jwagner@capfla.com>, Alex Romero <roofingra@gmail.com>

RCC-0191

RCC-0191

RCC-0192

RCC-0192

RCC-0193

RCC-0193

RCC-0194

RCC-0196

RCC-0196

RCC-0197

RCC-0197

Staff Report

FBC Test Protocols 106

TESTING APPLICATION STANDARD (TAS)
No. 106
STANDARD PROCEDURE FOR FIELD VERIFICATION OF THE BONDING OF MORTAR OR ADHESIVE SET TILE SYSTEMS AND MECHANICALLY ATTACHED, RIGID, DISCONTINUOUS ROOF SYSTEMS

1. Scope

1.1 This Application Standard is a product application quality control test to confirm: 1) sufficient bonding by the mortar or adhesive to the tile and underlayment in a mortar or adhesive set tile system; or 2) effective mechanical attachment of components within a rigid discontinuous roof system.

2. Definitions

2.1 For definitions of terms used in this application standard, refer to ASTM D1079; and the *Florida Building Code, Building.*

3. Requirements

3.1 All field verification and testing shall be performed by a Dade County Approved Testing Agency. All reports, tests, and calculations shall be in compliance with TAS 301.

3.2 A minimum of 97% of the roofing tile physically inspected shall be determined to be fully bonded.

3.3 A minimum static test uplift load of not less than 35 lbf. per tile shall be applied for mortar or adhesive set tile systems.

3.4 For mechanically attached, rigid discontinuous systems, a minimum static test uplift load of not less than 80% of the resistance load (F) or (Mr') as listed in the manufacturer's Product Approval shall be applied.

4. Procedure

4.1 Examine the entire area of the roof for loose tile by lifting any tile by hand or with a hand held griping device. Physically examine not less than one (1) tile in ten (10) of all components in the field area and one (1) tile in five (5) of all tile in perimeter and corner areas including hip and ridge tile.

4.1.1 Mark each physically tested tile in the field and record all loose tile observed.

4.1.2 If more than 3% of the tile in any roof area are determined to be loose. No further testing shall be conducted and the Roof System shall be considered to have failed the testing and be unacceptable.

4.1.3 If less than 3% of the tile in any roof area are determined to be loose static up lift tests shall be performed.

4.1.4 Mark all tested tile with a "T" using a waterproof marker.

5. Apparatus

5.1.1 The test apparatus shall consist of a hook shaped to a 90 degree angle, or other load transfer device capable of sliding underneath the nose of the tile and remaining in lace as the loads are applied. The hook or other device shall have sufficient strength to resist applied loads of at least 100 lbf.

5.1.2 The hook- or other load transfer device shall be attached to a cable fitted with a load cell with a dial or digital indicator, which displays the load within 0.1 lbf.

6. General

6.1 The number of tiles which shall be tested in the field, perimeter and comer areas of the roof shall be as follows:

6.1.1 For roof areas less than 5 squares, one (1) uplift test is required.

6.1.2 For roof areas five (5) squares or more a minimum of one (1) test per every two (2) squares in the field: one (1) test per square in the perimeter area and (1) in the corner areas including one (1) test per every twenty (20) hip and ridge tiles.

7. Load Application

7.1 For mortar or adhesive set tile systems. The operator shall apply an even load by lifting up on the handle until the load cell indicator register 35.0 ± 5 lbf. The load shall be held for 5 seconds.

7.1.1 This test shall be carried out on all mortar and adhesive set applications after final completion of the application at a time as stated in the Product Approval or as specifically approved by the manufacturer of the mortar/adhesive.

7.1.2 For mechanically attached systems, determine the load to be applied by multiplying the minimum characteristic resistance load (F') or (Mr'), listed in the Product Approval by 0.80. The operator shall apply this load by lifting up on the handle until the load cell indicator registers the magnitude of this load ± 5%. The load shall be held for 5 seconds.

8. Recorded Data shall include the following observations

8.1.1 Tile breaks or cracks.

8.1.2 Mortar patty or adhesive separates from the underlayment.

8.1.3 Tile separates form the adhesive or mortar.

8.1.4 The nose of the tile deflects vertically in excess of 2 inches in mechanically attached systems.

9. Acceptance Criteria

9.1.1 75% or more of the static up lift tests shall be required to pass the testing criteria.

10. Report

10.1 The final test report shall include the following:

10.1.1 A sketch of the test site roof which indicates 1) the field, perimeter and corner areas, with dimensions; and, 2) the location of all components on which a static uplift test is conducted. Indicate those attachments which were initially tested and, if applicable, those attachments which were tested in the extended testing.

10.1.2 A tabulated set of test results, signed by a Professional Engineer or a Registered Roof Consultan

NOA 23-0502.03

DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES (RER)
BOARD AND CODE ADMINISTRATION DIVISION

MIAMI-DADE COUNTY
PRODUCT CONTROL SECTION
11805 SW 26 Street, Room 208
Miami, Florida 33175-2474
T (786) 315-2590 F (786) 315-2599
www.miamidade.gov/economy

NOTICE OF ACCEPTANCE (NOA)

Westlake Royal Roofing LLC.
7575 Irvine Center Drive, Suite 100
Irvine, CA 92618

SCOPE:

This NOA is being issued under the applicable rules and regulations governing the use of construction materials. The documentation submitted has been reviewed and accepted by Miami-Dade County RER - Product Control Section to be used in Miami Dade County and other areas where allowed by the Authority Having Jurisdiction (AHJ).

This NOA shall not be valid after the expiration date stated below. The Miami-Dade County Product Control Section (In Miami Dade County) and/or the AHJ (in areas other than Miami Dade County) reserve the right to have this product or material tested for quality assurance purposes. If this product or material fails to perform in the accepted manner, the manufacturer will incur the expense of such testing and the AHJ may immediately revoke, modify, or suspend the use of such product or material within their jurisdiction. RER reserves the right to revoke this acceptance, if it is determined by Miami-Dade County Product Control Section that this product or material fails to meet the requirements of the applicable building code.
This product is approved as described herein, and has been designed to comply with the Florida Building Code including the High Velocity Hurricane Zone of the Florida Building Code.

DESCRIPTION: Westlake Royal TileSeal and Westlake Royal MetalSeal HT

LABELING: Each unit shall bear a permanent label with the manufacturer's name or logo, city, state and following statement: "Miami-Dade County Product Control Approved", unless otherwise noted herein.

RENEWAL of this NOA shall be considered after a renewal application has been filed and there has been no change in the applicable building code negatively affecting the performance of this product.

TERMINATION of this NOA will occur after the expiration date or if there has been a revision or change in the materials, use, and/or manufacture of the product or process. Misuse of this NOA as an endorsement of any product, for sales, advertising or any other purposes shall automatically terminate this NOA. Failure to comply with any section of this NOA shall be cause for termination and removal of NOA.

ADVERTISEMENT: The NOA number preceded by the words Miami-Dade County, Florida, and followed by the expiration date may be displayed in advertising literature. If any portion of the NOA is displayed, then it shall be done in its entirety.

INSPECTION: A copy of this entire NOA shall be provided to the user by the manufacturer or its distributors and shall be available for inspection at the job site at the request of the Building Official.

This NOA renews NOA# 22-0714.14 and consists of pages 1 through 4.
The submitted documentation was reviewed by Alex Tigera.

MIAMI-DADE COUNTY APPROVED

NOA No.: 23-0502.03
Expiration Date: 08/02/28
Approval Date: 08/03/23
Page 1 of 4

ROOFING COMPONENT APPROVAL

Category: Roofing
Sub-Category: Underlayment
Material: SBS

PRODUCTS DESCRIPTION:

Product	Dimensions	Test Specification	Product Description
Westlake Royal TileSeal	36” x 36’ rolls 36” x 72’ rolls	TAS 103 ASTM D1970	SBS self-adhering asphalt sheet material with a white glass re-enforced polyester surfacing fabric; for use as an underlayment in sloped roof assemblies.
Westlake Royal MetalSeal HT	36” x 36’ rolls 36” x 72’ rolls	TAS 103 ASTM D1970	SBS self-adhering asphalt sheet material with a white glass re-enforced polyester surfacing fabric; for use as an underlayment in sloped roof assemblies.
Westlake Royal Citadel Plus	36” x 72’ rolls	ASTM D1970	SBS self-adhering asphalt sheet material with a poly film-facer; for use as a mid-ply underlayment in sloped roof assemblies.

MANUFACTURIGN LOCATION:

1. Brentwood, NH.
2. Houston, TX.

EVIDENCE SUBMITTED:

Test Agency	Test Identifier	Test Name/Report	Date
PRI Construction Materials Technologies, LLC.	OCF-356-02-04	ASTM D1623	07/25/18
	OCF-356-02-02	TAS 103	07/24/18
	OCF-356-02-01	ASTM D1970	07/26/18
	OCF-424-02-04	ASTM D1623	07/25/18
	OCF-424-02-01	ASTM D1970	07/25/18
	OCF-424-02-03	TAS 103	07/25/18
Trinity ERD	BRLRF-SC16810.11.17	ASTM D 1876	11/28/17

APPROVED ASSEMBLIES:

Deck Type 1: Wood, non-insulated

Deck Description: $^{15}/_{32}$" or greater plywood or wood plank

System E(1): Anchor sheet mechanically fastened deck, membrane adhered.

Base Sheet: One or more plies of ASTM D226 Type II or ASTM D2626 with a minimum 4" head lap and a 6" end lap mechanically fastened to deck with approved nails and tin caps 6" o.c. at the laps and two staggered rows 12" o.c. the field of the roll.

Ply Sheet (Optional): Apply one layer of Westlake Royal Citadel Plus over Base sheet as per current approval.

Membrane: One or more plies of Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment with a minimum 3" head lap and minimum 6" end lap. Place the first course of membrane parallel to the eave, rolling the membrane to obtain maximum contact. Remove the release membrane as the membrane is applied. Vertical strapping of the roof with Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment is acceptable. All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic.

Note: When used in Tile roof systems Westlake Royal TileSeal or Westlake Royal MetalSeal HT Underlayment shall be back nailed to deck with approved annular ring shank nails and tin caps at a maximum 12" o.c. at the side laps. No nails or tin caps shall be exposed.

Surfacing: Approved for Adhered Roof Tile using TILE BOND or AH-160, Mechanically Fastened Roof Tile, Metal Roofing, Wood Shake & Shingles, and Asphaltic Shingle assemblies.

LIMITATIONS:

1. Fire classification is not part of this acceptance.
2. This acceptance is for prepared roofing applications. Minimum deck requirements shall be in compliance with applicable building code. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be installed in strict compliance with applicable Building Code.
3. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be applied to a smooth, clean and dry surface with deck free of irregularities.
4. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall not be applied over an existing roof membrane as a recover, but may be applied over a roofing Base/Anchor sheet underlayment.
5. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall not be left exposed as a temporary roof for longer than 180 days of application.
6. The standard maximum roof pitch for Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment shall be 6:12 when tiles are loaded directly to the Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment; loading boards or battens are required on roof pitches greater than 6:12".
7. Refer to Prepared Roofing system Product Control Notice of Acceptance for listed approval of this product with specific prepared roofing products.
8. Tiles shall be stored on battens on roof pitches greater than 6:12".
9. Westlake Royal TileSeal and Westlake Royal MetalSeal HT underlayment may be used with any approved roof covering Notice of Acceptance listing Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment as a component part of an assembly in the Notice of Acceptance. If Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment is not listed, a request may be made to the Authority Having Jurisdiction (AHJ) or the Miami-Dade County Product Control Department for approval provided that appropriate documentation is provided to detail compatibility of the products, wind uplift resistance, and fire testing results.
10. All nails in the deck shall be carefully checked for protruding heads. Re-fasten any loose decking panels. Sweep the deck thoroughly to remove any dust and debris prior to application.
11. When applying the membrane in the valley, start at the low point and work to the high point, rolling the membrane from the center outward in both directions. For ridge applications, center the membrane and roll from the center outward in both directions.
12. Roll or broom the entire membrane surface so as to have 100% contact with the surface, giving special attention to overlap areas.
13. Flash vent pipes, stacks, chimneys and penetrations in compliance with Roof Assembly current Product Control Notice of Acceptance and applicable Building Code.
14. All protrusions or drains shall be initially taped with a 6" piece of underlayment. This target piece shall be pressed in place and formed around the protrusion to ensure a tight fit. A second layer of Westlake Royal TileSeal or Westlake Royal MetalSeal HT underlayment shall be applied over the underlayment, and sealed using an SBS modified mastic.
15. All products listed herein shall have a quality assurance audit in accordance with the Florida Building Code and Rule 61G20-3 of the Florida Administrative Code.
16. All membranes or packaging shall bear the imprint or identifiable marking of the manufacturer's name or logo, city and state of manufacturing facility, and the following statement: "Miami-Dade County Product Control Approved" or the Miami-Dade County Product Control Seal as shown below

MIAMI-DADE COUNTY APPROVED

END OF THIS ACCEPTANCE

Westlake Tile Seal HT Installation Guide

Westlake
Royal Roofing Solutions™

WESTLAKE ROYAL™
ROOFING COMPONENTS

Westlake Royal

TileSeal™ HT

INSTALLATION GUIDE

The following guidelines are provided for the installation of Westlake Royal TileSeal™ HT, however local building codes may differ so please consult with the local building department for any different or additional installation requirements.

GENERAL GUIDELINES FOR ALL INSTALLATIONS

The deck must be clean, dry, free from loose contaminants, and structurally sound. Westlake Royal TileSeal HT™ underlayment should be installed when ambient and substrate temperatures are 40F (4.4C) or higher.

For tile applications (i) do not use Westlake Royal TileSeal™ HT below a 2½:12 (21% slope) when tiles are mechanically fastened and (ii) do not use Westlake Royal TileSeal HT below 2:12 (17% slope) when using foam adhesive to fasten tiles. Water must be allowed to drain freely from all areas of the roof.

For tile applications outside the High Velocity Hurricane Zone of Florida, Westlake Royal TileSeal™ HT underlayment should be installed in compliance with local building codes and the applicable Tile Installation Manual published by the Tile Roofing Institute. For tile applications in the High Velocity Hurricane Zone of Florida, Westlake Royal TileSeal HT™ underlayment must be installed in accordance with Miami-Dade building codes.

Roof tiles may be loaded directly onto Westlake Royal TileSeal™ HT underlayment up to 6:12 roof pitch. Loading boards or battens are required on roof pitches greater than 6:12.

When using tile fasteners with Westlake Royal TileSeal HT™, the use of modified mastic is optional because Westlake Royal TileSeal HT™ is a self-sealing underlayment based on testing performed pursuant to ASTM D 1970.

When installing higher profile tiles with a closed tile valley detail, it may be necessary to consider the potential exposure of the Westlake Royal TileSeal HT™ underlayment in regions where the valley metal is installed first. While it may take extended time periods for the surface mat to show any signs of degradation due to partial exposure to UV rays, it should be noted that in most cases where a double weave of the valley has been used, there will still be plenty of protection from the SBS modified base material. In the interests of good roofing practice, a narrow strip of an approved granular surface modified type cap sheet may be applied in the valley center prior to the tile installation.

Some codes require an additional base sheet under Westlake Royal TileSeal™ HT. Check your local building codes.

2-PLY OR MULTI-PLY SYSTEMS WITH A BASE SHEET

Install a code approved base sheet onto the entire roof surface according to local code and manufacturer's instructions. Apply the metal drip edge and other flashings over the base sheet. Coat entire metal surface of deck flange with asphalt primer.

Apply Westlake Royal TileSeal™ HT underlayment to the roof, starting at the eave. The first course of Westlake Royal TileSeal™ HT underlayment should be parallel and flush to the edge of the eave.

Fasten the top of each sheet to the deck through the black selvage lap maximum 12" on center with approved fasteners. Apply each succeeding course of Westlake Royal TileSeal™ HT underlayment, lapping the entire width of the black selvage area.

Apply SBS mastic under all laps onto the top white surface of Westlake Royal TileSeal™ HT. (Pic 1) All end laps must be minimum 6". Use a roller to insure complete adhesion to the base sheet. (Pic. 2)

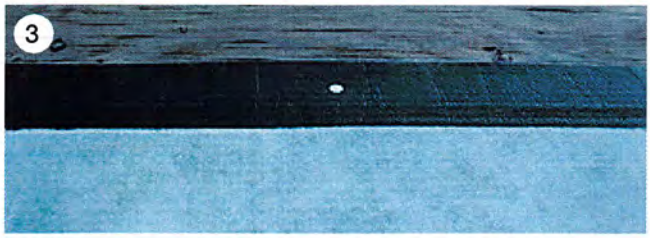
SINGLE PLY (DIRECT TO DECK)

Westlake Royal TileSeal™ HT may be self-adhered to primed or unprimed plywood, primed or unprimed oriented strand board (OSB), Huber ZIP System® Roof Sheathing, or DensDeck® Prime Roof Boards. Primer must conform to ASTM D 41 and primer manufacturer's installation instructions must be followed.

If an additional sheet is not used under Westlake Royal TileSeal™ HT underlayment, use a separator/slip sheet between metal and deck where required by code, and coat the roof flange as described above. Install Westlake Royal TileSeal™ HT underlayment in all valleys by either weaving or by first applying a strip down the length of the valleys as shown below. When weaving the underlayment in the valleys, the upper edge of the underlayment must be at least 12" past the center of the valley. See Vallley Options section.

Apply Westlake Royal TileSeal™ HT underlayment to the roof, starting at the eave. The first course of Westlake Royal TileSeal™ HT should be parallel and flush to the edge of the eave. Use a roller to insure complete adhesion to the roof deck. (Pic. 2)

Fasten the black selvage area at the top of the sheet at 12" on center. (Pic. 3) Apply each succeeding course of Westlake Royal TileSeal™ HT, lapping the entire width of the black selvage area.



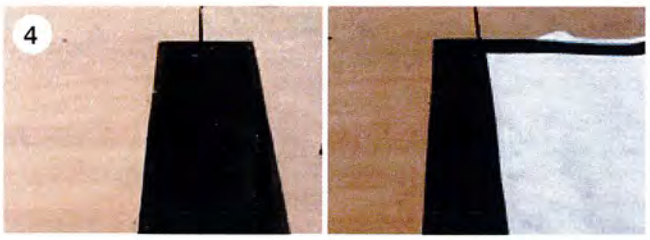
It is necessary to seal all end laps using one of the following methods:

The first is to apply SBS modified mastic under all laps and onto the top white surface of Westlake Royal TileSeal™ HT to ensure a completely watertight seal. All laps must be minimum 6".

Alternatively, an Inverted Sheet Seam may be made by adhering the ends onto an inverted sheet that has been fastened to the roof deck.

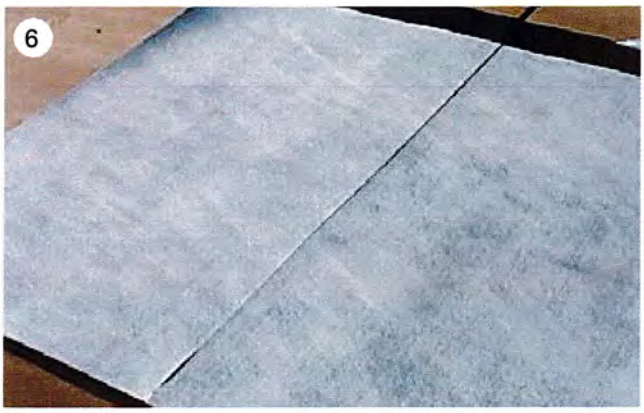
Inverted Sheet Seam (not allowed in Hurricane Zones)

Cut a 12" strip of Westlake Royal TileSeal™ HT and invert (flip over) on the roof deck in a position that half will be under the end of the adjoining sheets. Tack the strip into place before setting the sheets. (Pic. 4)

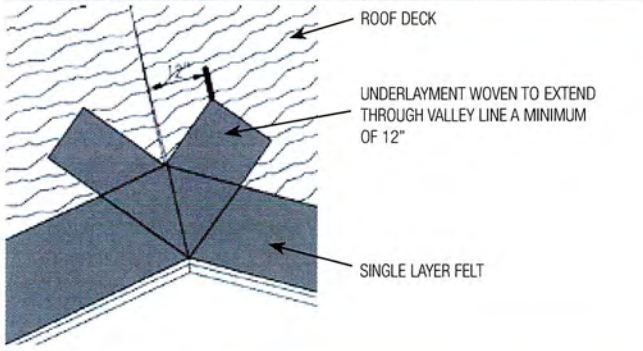


Lap the adjoining sheets onto the inverted strip and press the sheets together to form a solid bond. Roll the seams with a seam roller to assure complete adhesion. (Pic. 5)

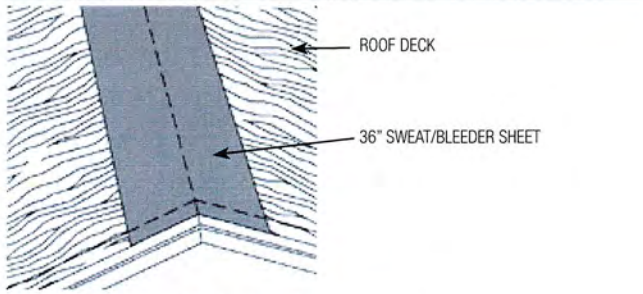
Completed Inverted Sheet Seam (Pic. 6)

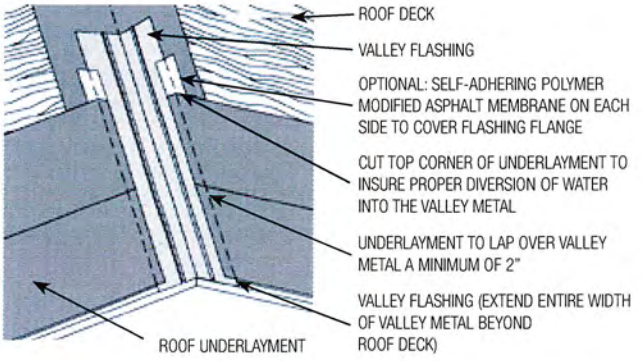


Valley Option 1



Valley Option 2





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Email from Owens Corning

Morell, John

From: Answers.Roofing <Answers.Roofing@owenscorning.com>
Sent: Monday, April 14, 2025 4:31 PM
To: Morell, John
Subject: Owens Corning Information

External Email Warning

This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's email address (not just the name) as legitimate and know the content is safe. Report any suspicious emails to ETS Security by selecting the Report Suspicious or Report Phish button.

Report Suspicious

Hello Jack,

Thank you for contacting Owens Corning.

As we agreed during our call, I am sending you this email to confirm that the Westlake Tileseal HT product is indeed manufactured by Owens Corning. If you have any further questions regarding this matter, please feel free to reach out, and I will be happy to assist you.

If you have any other questions, please feel free to call 1-800-GET-PINK (438-7465) or reply to this email.

Best Regards,

Paola
Customer Solutions Agent
Strategic Marketing | Customer Solutions
P: 1.800.GETPINK(438-7465)
OWENS CORNING
One Owens Corning Parkway
Toledo, OH | 43659-0001 | United States
www.owenscorning.com

Owens Corning Technical Bulletin

TB-10024611O-A

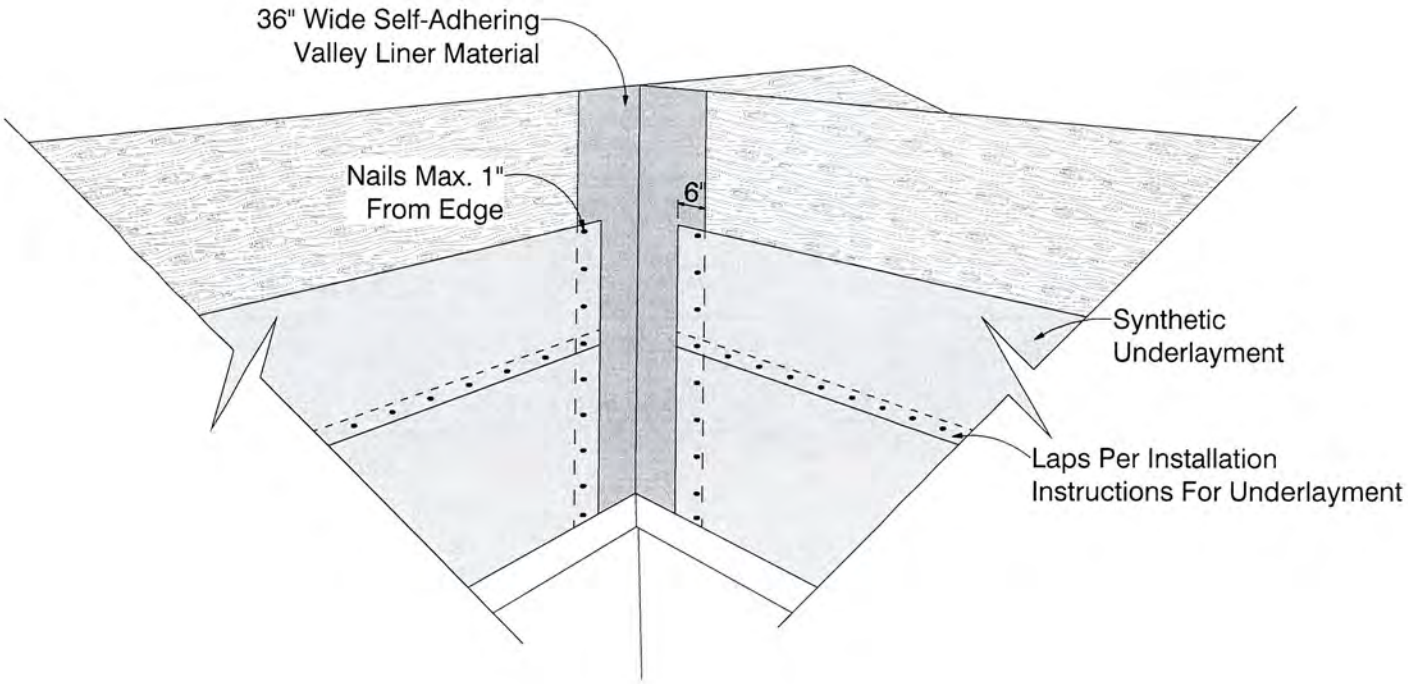
TECHNICAL BULLETIN

UNDERLAYMENT APPLICATION IN VALLEYS

SUPERSEDES PREVIOUS BULLETINS

Owens Corning requires a 36" wide valley liner of self-adhered underlayment, or a 36" wide minimum 50-lb roll roofing that complies with ASTM D6380, Class M to be installed in the valley starting from the bottom edge of the roof working upward. If an overlap is needed, be sure to overlap the previous piece by 6". Underlayment courses in the field should overlap onto the valley liner a minimum of 6". Refer to manufacturer for top lap requirements. Local code requirements must also be followed.

Owens Corning does not recommend the weaving of underlayment in the valley. Weaving underlayment in the valley can create air pockets that can lead to the underlayment bridging across the valley. Bridging underlayment can cause the shingles to lift, or buckle. If shingles lift or buckle due to bridging underlayment, this is not considered a manufacturing defect and therefore would not be covered under the Standard Product Limited Warranty for Roofing Shingles.



Please contact 419-248-6557 for additional information.
Email: gettech@owenscorning.com

Disclaimer of Liability
Technical information contained herein is furnished without charge or obligation and is given and accepted at recipient's sole risk. Because conditions of use may vary and are beyond our control, Owens Corning makes no representation about, and is not responsible or liable for the accuracy or reliability of data associated with particular uses of any product described herein.

OWENS CORNING ROOFING AND ASPHALT, LLC
ONE OWENS CORNING PARKWAY
TOLEDO, OHIO 43659
1-800-GET-PINK®
www.owenscorning.com

Pub. No. 10024611-A. Printed in U.S.A. August 2023.

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Affidavit of Leonel Cabreara Caldron

SWORN AFFIDAVIT

I, Leonel Cabrera Calderon, testify that:

1. I am the one of the three owners of Calderon All Around Services LLC since 2020.
2. My company is a subcontractor of Roofing and Construction Corp. for 2516 Montclaire Circle, Weston, FL 33327.
3. Alex Romero is the owner of Roofing and Construction Corp..
4. In April 2024, my crew completed the installation of Westlake Royal TileSeal peel and stick underlayment.
5. Romero never asked me or my crew to seal any end laps and laps without black selvage area under lap using an SBS modified mastic or any material.
6. Romero never asked me or my crew to cut the peel and stick underlayment to manageable lengths.
7. Romero never asked me or my crew to roll the peel and stick underlayment down with a roller or any tool.
8. In June 2024, after City of Weston required Romero to correct the open laps (fish mouths) along all valleys, Romero instructed my crew to burn the open laps along valleys with a torch and then press them down with a trowel. Romero's purpose was to conceal the defects and did not care about if it was done correctly. Even though the open laps along valleys appeared to be lowered down, Romero's instruction caused more damages on the peel and stick underlayment.
9. At my January 27, 2025 deposition, the homeowner Xiaohui Guo showed me Romero's answers to interrogatories that say my company applied bull membrane on the laps in the valleys via a trowel. Romero's answer is not true. Romero only asked my crew to torch and press down the open laps along valleys to conceal the defects.
10. Comment about pictures: after my crew torched down the open laps along valleys, a Roofing and Construction Corp. worker added bull (without membrane) on the top to make them look like have been sealed. Because my crew already torched and pressed down the open laps along valleys, this guy could not apply bull under the laps. The peel and stick underlayment was never properly sealed.

11. Romero never mentioned to me or my crew about Florida Building Code or "Roofing Component Approval."
12. Romero never asked me or my crew to follow Florida Building Code or "Roofing Component Approval."
13. To save material and labor, Romero does not care about quality of his company's roofing job.

Under penalties of perjury, I declare that I have read the forgoing "SWORN AFFIDAVIT" and that the facts stated in it are true.

Sign _____

Leonel Cabrera Calderon

STATE OF Georgia
COUNTY OF Paulding
The foregoing instrument was sworn to (or affirmed) and subscribed before me this

12 day of March, 2025, by Leonel Cabrera Calderon; who is Personally

Known ___ OR Produced Identification ✓ .Type of Identification Produced FLA state license.

NAME OF NOTARY
Alejaandro Fryer Galindo

SIGNATURE OF NOTARY _____

MY COMMISSION EXPIRES April 12, 2026

ALEJAANDRO FRYER GALINDO
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires April 12, 2026

Engineering Roof Uplift Test

TAS 106
TEST RESULTS REPORT
GENERAL INFORMATION

Testing Agency Name: **A+ Engineering Testing Lab, LLC.** Certification No. **23-0303.09**
Address: 7135 SW 44 St Miami FL 33155
Telephone: 305-668-5792
Fax: 786-513-3754
Email: **aplusetl@yahoo.com**
Representative Name: Eng. ABDIAS H. SAENZ
Title: P.E # 69687

SITE SPECIFIC. INFORMATION

Roofing Contractor: **ROOFING & CONSTRUCTION CORP** Permit #: B24-01261
Job Address: 2516 MONTCLAIRE CIR. WESTON, FLORIDA
Contact. Name: ANNE
Owner Name: GUO,XIAOHUI
Type of Tile: VILLA 900 Date Installed: -
Roof Height: 10 feet Roof Pitch: 6/12
Job Access: LADDER Gate: NO
Approximate Square Footage of Roof: 61 SQ. Date Tested: 06/27/2024
Required Testing Force: 35 LBS Testing Equipment: **M2-100, S-3741465**

TEST LOCATION	PASS	FAIL
CORNER	11	
PERIMETER	22	
RIDGE	21	
FIELD	11	
TOTAL:	65	

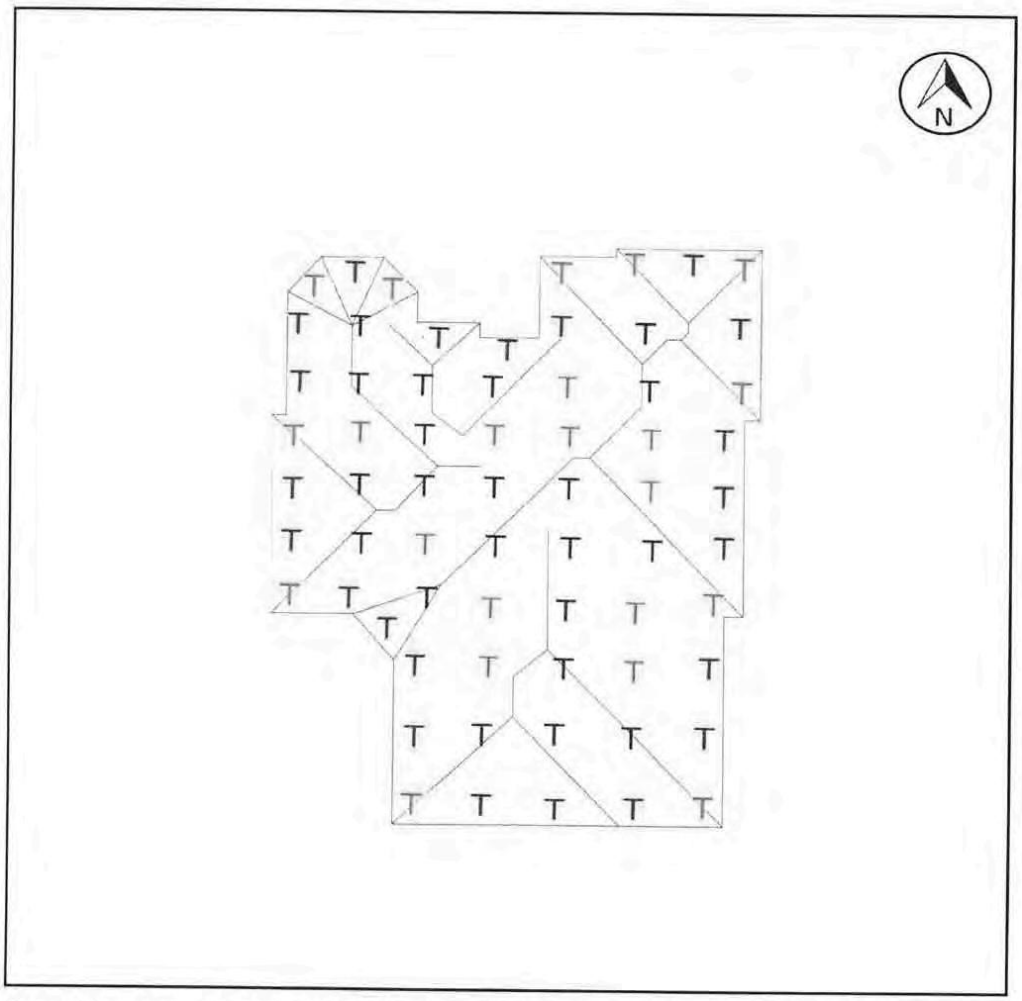
ABBIAS H. SAENZ LICENSE No. 69687 STATE OF FLORIDA PROFESSIONAL ENGINEER

THIS REPORT IS ONLY VALID FOR 30 DAYS.
IN ACCORDANCE WITH THE CRITERIA OF PROTOCOL TAS 106, THIS ROOF ASSEMBLY DID PASS THE STATIC UPLIFT QUALITY CONTROL TEST.
THIS TAS 106 TEST HAS BEEN PERFORMED IN FULL ACCORDANCE TO THE REQUIREMENTS OF DADE COUNTY, WITH NO DEVIATIONS
THIS REPORT IS NOT GUARANTEED IN CASE OF NATURAL DISASTERS.

A+ Engineering Testing Lab

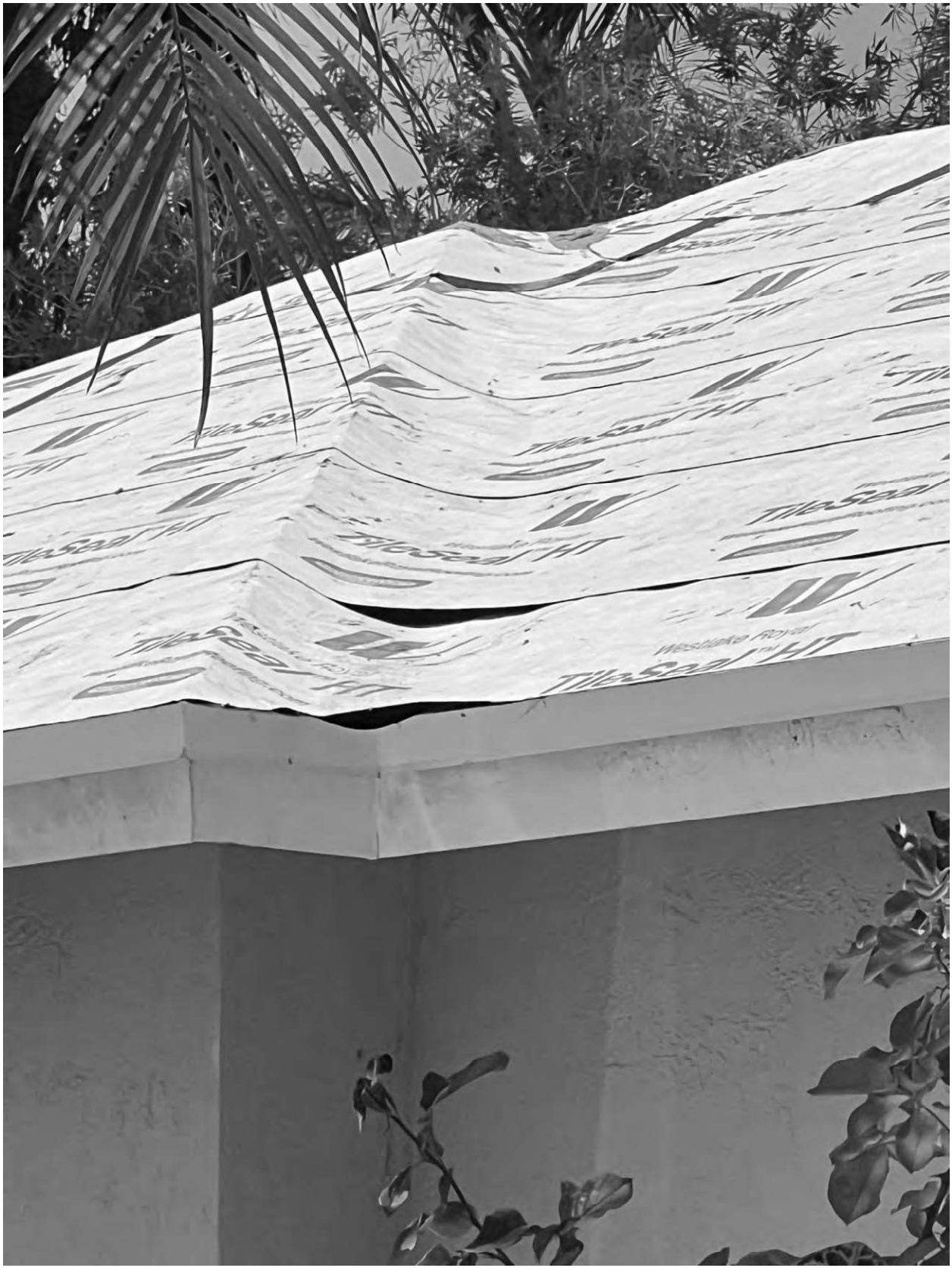
ROOF DIAGRAM

2516 MONTCLAIRE CIR. WESTON, FLORIDA
(PERMIT # B24-01261)



7135 SW 44 St Miami FL 33155 PH: 305-668-5792 Fax: 786-513-3754. aplusetl@yahoo.com

Valley Photographs


TileSeal HT

Item 2

Broward County Board of Rules and Appeals

1 N. University Drive Suite 3500B, Plantation, FL 33324

broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Administrative Director

DATE: October 9, 2025

RE: Administrative Director Annual Leadership Performance Review

Recommendation

I respectfully request that the Board of Rules and Appeals review and approve, by vote, a 2% merit increase in accordance with my Annual Leadership Performance Review.

Reasons

During the FY26 budget approval process, the Board authorized a 2% merit-based increase and a 3% cost-of-living adjustment.

As reflected in my attached Leadership Performance Review, I have consistently demonstrated a strong commitment to effective and efficient management, aligning with the criteria established for a merit increase. Given that the FY26 budget already provides for a 2% merit increase for Board staff, this request is both appropriate and consistent with the Board's approved compensation framework.

Additional Information

For your consideration, the Annual Leadership Performance Review is attached.

Respectfully Submitted,

Dr. Ana C. Barbosa

Board of County Commissioners, Broward County, Florida
Finance and Administrative Services Department
DIVISION OF HUMAN RESOURCES

BROWARD COUNTY
LEADERSHIP PERFORMANCE REVIEW

Employee Name	Ana C. Barbosa			Job Title	Administrative Director			
Dept/Div/Office	Board of Rules and Appeals							
Rating Period From	Oct. 1, 2024	Rating Period To	Sep. 30, 2025	Anniversary	Month	8	Day	22
Review Type	Annual Review							

I. Professional Skills and Competency Appraisal

1. How well does the employee's performance support the agency's mission and represent the County in a positive and effective manner demonstrating SUNsational public service with colleagues, members of the public, and customers/clients?

Please choose one: Consistently contributes more than expected

Comments:

Ana consistently demonstrates a strong commitment to advancing the BORA's mission and representing the County with professionalism and integrity. She leverages and informal communication to build genuine connections and deliver high-quality service to colleagues, customers, and the public. Her approach fosters trust and reflects the County's commitment to SUNsational service.

2. How well does the employee demonstrate an understanding of the agency's business operations in support of innovation?

Please choose one: Contributes as expected

Comments:

Ana actively seeks innovative solutions that improve workflow efficiency and compliance. She continuously evaluates processes for timeliness, responsiveness, and effectiveness.

3. How effectively does the employee communicate (verbally and in writing), keep supervisors, coworkers and other stakeholders informed about agency issues, liabilities, and programs?

Please choose one: Consistently contributes more than expected

Comments:

Ana communicates with clarity and purpose, keeping her staff engaged and motivated by reinforcing the value of teamwork. Her leadership in increased productivity and a stronger sense of individual contribution. She works closely with the Board Chair and stakeholders, ensuring they remain informed of organizational issues, policies, and processes.

4. How well does the employee listen and give consideration and feedback to the ideas of others?

Please choose one: Consistently contributes more than expected

Comments:

Ana embraces constructive feedback and views it as essential professional growth. She actively solicits ideas from others, encourages continuous improvement, and is willing to acknowledge and take responsibility for mistakes. Within her team, feedback is woven into daily operations and is always delivered with respect and

the intent to strengthen performance.

5. How well does the employee resolve disputes constructively and take prompt and effective actions to address issues and reduce liabilities?

Please choose one: Consistently contributes more than expected

Comments:

Ana addresses conflicts directly and constructively, whether from interpersonal challenges or work-related issues. She carefully considers all perspectives, works toward equitable resolutions, and reassesses solutions when necessary. She fosters a positive, healthy, and respectful workplace culture by promoting open dialogue and proactively readjusting expectations.

6. How well does the employee work as part of a team, helping build consensus, sharing information and contributing to the overall success of the agency?

Please choose one: Consistently contributes more than expected

Comments:

Ana has built a collaborative team environment where information is shared freely, and decision-making includes diverse perspectives. She works to build consensus by ensuring all voices are heard and by identifying solutions that the entire team can support, ultimately strengthening agency success.

7. How well does the employee keep up with professional education and enhance job-related personal skills?

Please choose one: Contributes as expected

Comments:

Ana continues to enhance her knowledge and skills in ways that directly support her role and the organizations' evolving needs.

8. How well does the employee respond to critical incidents, emergencies, unexpected situations, anomalies?

Please choose one: Consistently contributes more than expected

Comments:

Ana approaches critical incidents and unexpected challenges with composure and preparedness. For example, when technical difficulties disrupted Board meetings, she implemented proactive measures --requiring staff to test devices, maintain backup equipment, and assign alternate personnel --to ensure smooth operations and prevent future disruptions.

Items 9-12 are to be completed for those who supervise other employees

9. As a supervisor or manager, how effective is the employee as a positive role model?

Please choose one: Contributes as expected

Comments:

Ana builds strong relationships across all organizational levels and sets a high standard for behavior and accountability.

10. How effective is the employee as a coach, provider of praise and corrective action and in supporting SUNsational public service?

Please choose one: Consistently contributes more than expected

Comments:

Ana provides timely, constructive, and specific feedback to her team. She sets measurable goals, equips staff with the necessary resources, and recognizes progress. Her coaching approach ensures employees feel supported and empowered to excel.

11. How effective is the employee in demonstrating support for County's equal employment opportunity, workplace and supplier diversity policies?

Please choose one: Consistently contributes more than expected

Comments:

Ana embraces diversity and fosters an inclusive workplace. She is committed to ensuring every employee can thrive in an environment free of harassment or discrimination, while promoting respect for individual differences.

12. How effective is the employee in completing performance appraisals in a job-related and timely manner?

Please choose one: Consistently contributes more than expected

Comments:

Ana prioritizes timely and meaningful performance reviews. Since assuming leadership, she has set clear expectations and goals while providing thorough and actionable feedback, ensuring employees receive consistent guidance and recognition.

II. PROFESSIONAL DEVELOPMENT OBJECTIVES

A. Describe the employee's attainment of the agreed upon measurable professional development objectives for the PREVIOUS RATING PERIOD. For additional objectives, please use the plus button (+).

* Expanded knowledge of industry trends and emerging issues across disciplines
* Attend an industry-specific conference to expand professional knowledge and network with peers.
*
*

-

+

B. List at least three agreed upon professional development objectives with measurable outcomes to be implemented by the employee IN THE NEXT RATING PERIOD. For additional objectives, please use the plus button (+).

- 1. Develop a deeper understanding of industry trends impacting each discipline and proactively align agency practices
- 2. Attend an industry-specific conference to expand professional knowledge and network with peers.
- 3. Enhance accessibility and visibility with City Managers and Mayors to better support their initiatives and strengthen municipal partnerships.
-
-

+

III. PERFORMANCE OBJECTIVES

A. Describe the employee's attainment of the agreed upon measurable performance objectives for the PREVIOUS RATING PERIOD. For additional objectives, please use the plus button (+).

- Improved legislative communication by providing structured updates to the Board, Attorney, and stakeholders.
- Increased Board Member engagement through one-on-one discussions and participation opportunities.
- Reviewed Board policies for relevance, making updates or eliminations as necessary to align with current practices.
-

+

B. List at least three agreed upon performance objectives with measurable outcomes to be implemented by the employee IN THE NEXT RATING PERIOD. For additional objectives, please use the plus button (+).

- 1. Establish a formalized reporting system for legislative updates to ensure consistent communication with the Board and stakeholders.
- 2. Expand Board Member involvement by tailoring engagement opportunities to their availability and interests.
- 3. Complete a comprehensive review of administrative policies, ensuring relevance and alignment, while updating or removing outdated policies.
-

+

IV. CONCLUSIONS AND RECOMMENDATIONS

Based upon the employee's overall performance during the rating period CHOOSE ONE of the following:

Please choose one: Meets overall expectations

Evaluator's Comments

Evaluator Comments:

Ana is a highly capable and results-driven manager who excels in leadership and operational execution. She relates well to staff, stakeholders, and the public, and consistently demonstrates professionalism, passion, and dedication to BORA's mission. Her strong communication, decision-making, and problem-solving skills ensure issues are addressed promptly and effectively. Shes exceed expectations, further validating the Board's confidence in renewing her contract.

ROBERT A. KAMM — Evaluator's Name (Please print or type.)

Evaluator's Signature

9-29-2025 — Date

Reviewer's Signature

Date

Employee's Comments

Employee Comments:

I would like to take this opportunity to express how much I truly enjoy my role as Administrative Director. I am deeply grateful for the privilege of serving the Board of Rules and Appeals and take great pride in the meaningful work we accomplish together. I sincerely value and appreciate my staff, whose dedication and professionalism contribute greatly to our collective success. It is both an honor and a joy to work alongside the Board, and I remain committed to continuing the high standards of service and leadership that this position requires.

Employee's Signature

09-29-2025 — Date

Signature certifies the employee had the opportunity to review and discuss the appraisal with the evaluator and does not necessarily mean the employee agrees with the appraisal. Further, this appraisal does not constitute an actual or implied employment contract, nor does it establish any expectation of continued employment.