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CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

NO. 2020-02558 DIVISION "M" SECTION 13

CAJUN CONTI LLC, CAJUN CUISINE I LLC,
and CAJUN CUISINE LLC d/b/a/ OCEANA GRILL
VERSUS
CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

Zoom Deposition of SARA LOUISE
RALEY, taken on Friday, November 6, 2020,
commencing at 10:32 a.m.

3

1 APPEARANCES:
2
3 Representing the Plaintiffs:
4
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24 BY: MATTHEW A. SHERMAN, ESQ.
25

Reported by:
KAY E. DONNELLY
Certified Court Reporter
State of Louisiana

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I N D E X

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1 APPEARANCES: (Cont.)
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3 Representing the Defendant:
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7 400 Convention Street, Suite 1100
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9 BY: VIRGINIA Y. DODD, ESQ.
10 ALLEN C. MILLER, SR., ESQ.
11
12 ALSO PRESENT: Dr. Moye
13
14 Reported by:
15 KAY E. DONNELLY
16 Certified Court Reporter
17 State of Louisiana
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1 S T I P U L A T I O N

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3 It is stipulated and agreed by and among

4 counsel that the Zoom deposition of SARA LOUISE

5 RALEY is hereby being taken under the Louisiana

6 Code of Civil Procedure in accordance with the

7 Code.

8 The formalities of sealing and

9 certification are hereby waived. The witness

10 reserves the right to read and sign the

11 deposition. The party responsible for service

12 of the discovery material shall retain the

13 original.

14 All objections, save those as to the form

15 of the questions, are hereby reserved until such

16 time as this deposition, or any part thereof,

17 may be used or sought to be used in evidence,

18 and are to be made in accordance with the Code

19 of Civil Procedure.

20 * * * * *

21 KAY E. DONNELLY, Certified Court Reporter,

22 in and for the State of Louisiana, officiated in

23 administering the oath to the witness.

24

25

6

1 SARA LOUISE RALEY, 241 Talmeda

2 Trail, Maitlad, Florida, 32751, after having

3 been first duly sworn, testified on her oath as

4 follows:

5 MR. ALVENDIA:

6 Before we get started, let the

7 Record reflect that this deposition was noticed

8 for 10:00 a.m. today. It is now 10:30 a.m., and

9 to the extent that affects our time we are

10 dealing with today, I just want to put on the

11 Record, that we are starting at 10:30 instead of

12 10:00.

13 EXAMINATION BY MR. ALVENDIA:

14 Q. Ms. Raley, good morning. How are you?

15 A. I am fine. How are you?

16 Q. Okay. Good.

17 Ms. Raley, are you employed by J.S.

18 Held?

19 A. I am.

20 Q. Okay. And I'm looking at your CV. It

21 says you are Vice President - Restoration

22 Practice Director - Insurance Services - Global.

23 What does that mean? Vice President -

24 Restoration Practice Director - Insurance

25 Services, what does that mean?

7

1 A. So I oversee the practice under the

2 Building Consulting Division, of which I assess

3 guidelines, performance, management, and set

4 rules for invoice analysis, as well as processes

5 with regards to property damage claims and their

6 assessment with regards to cleaning,

7 restoration -- mold, water, and fire --

8 textiles.

9 Q. And, in fact, so you do that for

10 insurance companies, correct?

11 A. Now I do. I have only been with J.S.

12 Held for just shy of three years.

13 Q. Three years. Okay.

14 Before that, who did you do it for, this

15 line of work that you have described?

16 A. I owned and operated three Servpro

17 franchises from September 2nd of 1982 and

18 through about 2013.

19 I also had a restoration construction

20 company where I specialized in restoration

21 construction from catastrophic, such as floods,

22 fires, mold, things of that nature, mold

23 remediation. And I am a certified mold

24 remediator in the state of Florida, licensed.

25 Q. Okay. And I'm going to get it, yeah.

8

1 And I'm going to get into your specific

2 qualifications --

3 A. Uh-huh.

4 Q. -- in a second. I'm just trying to get

5 some background information about --

6 A. I'm sorry.

7 Q. -- where you are employed and in what

8 capacity.

9 So, J.S. Held, does J.S. Held do

10 services for insurance companies?

11 A. Yes. We provide invoice analysis and

12 property damage assessment.

13 Q. Okay. Do any of this for plaintiffs, as

14 well, J.S. Held, or no? Just the insurance

15 companies?

16 A. Just insurance companies.

17 Q. Okay. Do you do this type of service

18 for Lloyd's of London Insurance Company?

19 A. Yes.

20 Q. This isn't the first case you are doing

21 for Lloyd's of London, correct?

22 MS. DODD:

23 Object to the form.

24 EXAMINATION BY MR. ALVENDIA:

25 Q. This isn't the first case you have been

9

1 retained to give an opinion on for Lloyd's of
 2 London, is it?
 3 MS. DODD:
 4 Object to the form.
 5 Rico, your question presupposes that
 6 there is a company called Lloyd's of London,
 7 which you know is not accurate.
 8 MR. ALVENDIA:
 9 Okay.
 10 MS. DODD:
 11 And this witness is certainly not --
 12 MR. ALVENDIA:
 13 Okay. Let me ask you --
 14 MS. DODD:
 15 -- knowledgeable on those issues and
 16 can't speak to those.
 17 EXAMINATION BY MR. ALVENDIA:
 18 Q. Do you know who Certain Underwriters at
 19 Lloyd's London is? Do you understand what that
 20 term is used for?
 21 A. Yes.
 22 Q. Okay. What is it used for?
 23 A. It is a re -- it is my understanding
 24 that it is a reinsurance for carriers that sell
 25 policies in the United States and ultimately the

10

1 policy would dictate what the schedule of
 2 insurance is on each claim.
 3 Q. You actually had a much better
 4 definition than I did. Thank you.
 5 So, it is a reinsurance group. Have you
 6 done work for them in the past?
 7 A. I never work directly for them. I
 8 always deal with either a third-party adjusting
 9 firm or with the adjuster directly with the
 10 carrier that holds the policy for the claimant.
 11 Q. Have you indirectly worked for them
 12 before?
 13 A. Yes. Only in the fact that they are
 14 scheduled on the insurance schedule of
 15 coverages.
 16 Q. Okay. And how many times have you
 17 worked for them before indirectly, as you
 18 described to us?
 19 A. Oh, gosh. I couldn't give you an exact
 20 figure, sir.
 21 Q. Less than five?
 22 A. More than five. Probably less than 20.
 23 Q. Less than 20. Okay.
 24 Have you worked for -- let me ask you
 25 this: Who hired you to be here in this case

11

1 today? Why are you with us? Who hired you?
 2 A. The law firm of Ginger Dodd.
 3 Q. Ginger Dodd. Have you ever done work
 4 directly or indirectly for Ginger Dodd's law
 5 firm in the past?
 6 A. I have not.
 7 Q. You have not. Okay. J.S. Held, where
 8 it is based out of?
 9 A. Jericho, New York is our corporate
 10 office.
 11 Q. Okay. And then you have I guess a
 12 regional or city office in New Orleans at One
 13 Canal Place?
 14 A. Yes.
 15 Q. Is that where you are based out of?
 16 A. No, sir.
 17 Q. Okay. Where are you based out of?
 18 A. Our Orlando, Florida office.
 19 Q. And how are you paid? Let's take this
 20 specific case. How are you being paid for this,
 21 for your work in this case?
 22 A. Well, I am a salaried employee, sir.
 23 Q. Salaried. Okay. You get paid by salary
 24 by J.S. Held, correct?
 25 A. That is correct.

12

1 Q. How much do you get paid by J.S. Held on
 2 an annual basis, say this year?
 3 A. As practice director my salary a
 4 \$155,400 annual.
 5 Q. \$155,400. Do you get any bonuses?
 6 A. Yes, but they are discretionary.
 7 Q. Tell me about that. What would qualify
 8 to get you a discretionary bonus by J.S. Held?
 9 A. Make sure I am meeting all of my
 10 benchmarks; have all of my information in what
 11 we call a PDR, a projects details report.
 12 However, our discretionary bonuses have
 13 been furloughed at this time due to COVID-19.
 14 Q. Oh, I am sorry to hear that.
 15 So you are on salary at J.S. Held to do
 16 this type of work for insurance companies,
 17 correct?
 18 A. Yes, sir.
 19 Q. Okay. And, in fact, it looks like you
 20 are out in the field right now working. You are
 21 in Pensacola?
 22 A. Yes, sir. I am on cat loss duty for
 23 hurri -- multiple hurricanes.
 24 Q. Yeah. So that hurricane that ripped
 25 through Pensacola, you are there right now

13

1 working for various insurance companies
 2 indirectly, as you described earlier, right?
 3 A. Correct.
 4 Q. Okay. And so folks that are making
 5 claims for their damages for the hurricane, you
 6 are working for their insurance companies to
 7 determine what the extent of the damages are and
 8 so forth, correct?
 9 A. Correct. We go in and site inspect and
 10 assess.
 11 Q. Okay. Thank you.
 12 Well, let's talk about this case. And,
 13 look, I realize you are in the field. Do you
 14 remember submitting a report in this case?
 15 A. I do.
 16 Q. Okay. Do you have that with you, by
 17 chance?
 18 A. I can pull it up, yes. Well, yeah, I
 19 should be able to pull it up.
 20 Q. Well, let me ask you this: If you pull
 21 it up, are you going to be able to see us still
 22 because I don't want to lose you? Are you going
 23 to pull it up on a different device?
 24 A. I don't have that capability. I might
 25 be able to pull it up by my phone.

14

1 Q. Okay. Well, let's try working through
 2 the situation. You may not have to, okay?
 3 In your -- in your cover letter --
 4 actually, in your report -- page one, two,
 5 three, four, five -- I have a five-page report
 6 produced by you dated October 23rd, 2020.
 7 Does that sound like the date that you
 8 sent Virginia Dodd your report regarding --
 9 A. Yes.
 10 Q. -- Cajun Conti versus Certain
 11 Underwriters at Lloyd's?
 12 A. Yes.
 13 Q. Okay. And it says -- let me ask you
 14 this before we get into the report.
 15 What specific areas of expertise were
 16 you hired in, in this case?
 17 A. To opine on the cleaning process and
 18 efficacy with regards to biological contaminant
 19 removal.
 20 Q. No, no. Ma'am, what I mean is: What
 21 would we call you? An expert what? An expert
 22 in what field?
 23 For example, if I'm going to offer
 24 somebody as a microbiologist in a case, I would
 25 say I am offering him as a microbiologist.

15

1 So if you are going to testify in this
 2 case and your attorney says, "Your Honor, I
 3 offer Ms. Raley as an expert in 'blank'," what
 4 are they offering you as an expert in, in this
 5 case?
 6 A. Cleaning.
 7 Q. Cleaning?
 8 A. (Nods yes.)
 9 Q. So you are an expert in cleaning?
 10 A. Cleaning and restoration.
 11 Q. Okay. Hold on. Let me write that down.
 12 So they are going to offer you as an
 13 expert in cleaning and restoration at the time
 14 of trial, correct? That is your understanding?
 15 A. Yes.
 16 Q. Okay. Have you ever been offered as an
 17 expert in cleaning and restoration at any other
 18 trial in your history?
 19 A. Not in trial. Just by deposition.
 20 Q. Not in trial. So no court has ever
 21 accepted you, in state court or federal court in
 22 this entire country, as an expert in cleaning
 23 and restoration; is that correct?
 24 A. Correct.
 25 Q. Okay. Let's talk about depositions.

16

1 How many depositions have you given, let's start
 2 with that, in your area of expertise, cleaning
 3 and restoration?
 4 A. I would say -- I don't know the exact
 5 number, but I would say less than 10.
 6 Q. Less than 10, okay. And in each one of
 7 those you have been offered as an expert in
 8 cleaning and restoration, correct?
 9 A. Yes.
 10 Q. Okay. Let's talk quickly about your
 11 opinions before we get into the letter.
 12 Well, no, actually, let's talk about
 13 your scope and then we will get into your
 14 opinions real quick. Okay?
 15 And this says J.S. Held was requested --
 16 your company was requested "to review
 17 documentation regarding the above referenced
 18 project and provide an opinion covering the
 19 cleaning and disinfection of COVID-19 exposure
 20 for alleged damages prohibiting restaurant
 21 operations at Oceana Grill." Does that sound
 22 accurate so far?
 23 A. Yes, sir.
 24 Q. Okay. And it says you are to review, of
 25 documents that were provided to you, to review

<p style="text-align: right;">17</p> <p>1 if the restaurant applied appropriate cleaning 2 and disinfection methods, and you are going to 3 provide processes for the restaurant to reopen 4 and continue their operations; is that correct? 5 A. Yes. 6 Q. Okay. So before we get into details of 7 your training and so forth, is it fair to say 8 that one of your opinions in this case is that 9 Dr. Moye failed to recognize that a surface can 10 be restored by specialty cleaning? That is one 11 of your opinions? 12 A. Yes. 13 Q. Okay. Is another one of your opinions 14 is that if a surface can be restored by 15 cleaning, then it has not been physically 16 damaged? Is that another one of your opinions? 17 A. Yes. 18 Q. Okay. We will get back to that in a 19 minute, okay? 20 And then, and to further go into that 21 opinion, you say if a surface can be restored by 22 routine cleaning, then it has not been 23 physically damaged. That is your opinion, as 24 well? 25 A. Yes.</p>	<p style="text-align: right;">19</p> <p>1 Q. And do you think that is sufficient 2 training for somebody who has multiple people 3 coming in and out of their restaurant whose 4 lives depend on potentially the cleanliness of 5 the restaurant? You think it is sufficient 6 training for them to go to a website and receive 7 training on how to clean, such as yourself who 8 has been you trained for years? 9 A. Yes. And that there are only about 10 65,000 certified technicians in the country that 11 have certification in biological contaminant 12 removal. 13 Q. Now, if they were to hire somebody, 14 let's say they said, "Look, this is too 15 complicated for us. It is too dangerous. We 16 are not going to take a risk. Let me -- let's 17 hire somebody to help out, clean and remediate 18 our restaurant," would they have hired somebody 19 like you? 20 A. Yes. 21 Q. Yes. And you would have -- what would 22 you have done? You would have trained them? 23 You would have went to their site and trained 24 them on how to do this training appropriately? 25 A. Yes.</p>
<p style="text-align: right;">18</p> <p>1 Q. Okay. Is it your opinion also that 2 Oceana should have conducted cleaning on a 3 regular basis pursuant to certain standards that 4 you laid out in your report? 5 A. Yes. 6 Q. Okay. Is it also your opinion that they 7 should have retained somebody to help them 8 understand those standards and to employ those 9 standards? 10 A. No. 11 Q. No. They shouldn't have hired somebody? 12 A. They could have done it themselves, but 13 they would have had to have sought training and 14 education in order to be qualified to provide 15 the correct methods and products. 16 Q. Okay. So, tell me about that. 17 How would the owner and the employees of 18 Oceana know what type of training should they 19 have sought out to be able to properly clean a 20 restaurant, as you are going to lay out in your 21 report? 22 A. They could have easily gone to either 23 the CDC website or the World Health Organization 24 website that lays out those processes in detail. 25 And they -- all they had to do was to Google it.</p>	<p style="text-align: right;">20</p> <p>1 Q. How much would you have charged them to 2 do that? 3 A. Depending on the size of the restaurant, 4 how many staff they have, I would say you could 5 probably teach them in about four hours. 6 Q. Uh-huh. And how much -- roughly, how 7 much would that cost? 8 A. Oh, probably about \$500. 9 Q. Okay. So you would have charged them 10 \$500 to do that roughly, right? 11 A. Correct. 12 Q. Okay. Let's take a look -- let me ask 13 you a little bit about your background. You 14 have a college degree, correct? 15 A. I do. 16 Q. And what is that degree in? 17 A. It is in -- actually, in music 18 management. 19 Q. Music management? 20 A. It is a combination of music and 21 business management. 22 Q. Okay. Is what you do today in any way, 23 shape, or form related to your college education 24 of music management? 25 A. No.</p>

21

1 Q. Okay. Let's talk about then, and let me
 2 ask you this: While you were getting your
 3 degree in music management -- what college did
 4 you get that in, by the way?
 5 A. Florida Southern in Lakeland, Florida.
 6 Q. Okay. Florida Southern.
 7 When you were getting your degree in
 8 music management, that was a bachelor's degree,
 9 by the way?
 10 A. It is. It is a BS degree.
 11 Q. Did you study microbiology when you were
 12 studying music management?
 13 A. I did not.
 14 Q. You did not. Did you study anything
 15 about virology, viruses when you were getting
 16 your degree in music management?
 17 A. No.
 18 Q. Okay. But you did list some courses,
 19 and you talked about how you are qualified to be
 20 an expert cleaner and restorer.
 21 In fact, it even talks about, before we
 22 get into the certifications, the first page of
 23 your report says that you have education which
 24 covers the safe and proper techniques in the
 25 removal of biological contaminants. Is that

22

1 accurate?
 2 A. Yes.
 3 Q. Okay. It says that you have been
 4 educated, as well, in the use of equipment such
 5 as negative air scrubbers and tools, use of
 6 personal protective equipment, and self-care to
 7 protect against biohazard contaminations. Is
 8 that accurate, too?
 9 A. Yes.
 10 Q. You have been trained in how to do it.
 11 You have been trained in the mechanisms and
 12 tools to do it correct. Is that correct?
 13 A. Yes.
 14 Q. Okay. Now, let's talk about the
 15 certifications that might then be related to
 16 what we are talking about today, okay?
 17 It says you have been AMRT Certified,
 18 Applied Microbial Remediation Technician. When
 19 did you take that course?
 20 A. Sir, I couldn't give you an exact date.
 21 It --
 22 Q. I mean, was it --
 23 A. -- was probably --
 24 Q. -- five years ago? Ten years ago?
 25 A. I would say approximately 20 --

23

1 Q. Approximately --
 2 A. -- years ago.
 3 Q. -- 20 years ago you took a course to be
 4 a certified applied microbial remediation
 5 technician. In that course, did they teach you
 6 how to remediate viruses?
 7 A. No.
 8 Q. No. And that brings me to my next
 9 question.
 10 I asked you if you studied microbiology
 11 or virology. Have you studied in any of these
 12 certification courses viruses?
 13 A. We did cover some bacterial remediation
 14 in the applied microbial remediation technology
 15 or technical certification courses, as well as
 16 in the Florida state certification exam and, of
 17 course, for my state license.
 18 Q. And you understand, though, that a
 19 bacteria is very different from a virus,
 20 correct? Or do you think --
 21 A. Yes, I do.
 22 Q. Okay. So you have studied bacteria. In
 23 fact, I saw you studied mold, dealt a lot with
 24 mold spores, correct?
 25 A. Yes.

24

1 Q. You would agree with me that mold and
 2 the science behind mold and bacteria is distinct
 3 from the science surrounding viruses? Do you
 4 agree with that?
 5 A. I would agree that the science is
 6 different. The procedures for remediation and
 7 cleaning are pretty much the same.
 8 Q. Pretty much the same. Okay. We are
 9 going to get back to that in a second.
 10 Let me ask you this: Did you -- you
 11 haven't studied viruses, is what I'm hearing.
 12 So, likewise, you haven't studied the
 13 characteristics of viruses either, right?
 14 You have had no formal training on the
 15 physical properties of viruses; how they attach,
 16 how they replicate, what they look like, how
 17 skinny they are, how thick they are? You
 18 haven't studied any type of physical
 19 characteristics of viruses; is that correct?
 20 A. That is correct.
 21 Q. Okay. You are not a medical doctor,
 22 correct?
 23 A. I am not.
 24 Q. Okay. And so there are certain areas
 25 dealing with viruses that you, obviously, defer

<p style="text-align: right;">25</p> <p>1 to a medical doctor who has studied viruses in 2 the past? You would defer to that medical 3 doctor as it relates to certain aspects of 4 viruses, wouldn't you, on the characteristics of 5 viruses? 6 A. Yes. In this particular case, I would 7 defer everything to Dr. Stock. 8 Q. Well, but Dr. Stock is not a medical 9 doctor, is she? 10 A. I would defer to her. She is the expert 11 in that area. That is not in my purview. 12 Q. I understand that completely. And all I 13 am saying is: You would agree with me that a 14 medical doctor, with microbiology experience is 15 the best person to comment on viruses? Would 16 you agree with me on that? 17 MS. DODD: 18 Object to the form. 19 MR. ALVENDIA: 20 You can answer. Do you agree with 21 me? 22 THE WITNESS: 23 I would not. I believe there are 24 other experts that have expertise in this area. 25 EXAMINATION BY MR. ALVENDIA:</p>	<p style="text-align: right;">27</p> <p>1 a certain amount of continuing education to make 2 sure that I am updated on all the processes and 3 techniques and products that are available. 4 Q. To be a master textile cleaner, correct? 5 A. Yes. You must take courses. 6 Q. Okay. Tell me in those courses, those 7 series of courses you talked about earlier, tell 8 me about any of the courses in viruses that you 9 took in those courses. 10 A. They are specifically for biohazard 11 contaminants. 12 Q. I understand that. And that is a 13 general term, biohazard contaminants. Mold, 14 correct? 15 A. Mold is one of them. Yes. 16 Q. Radioactivity? Radon? 17 A. Asbestos. 18 Q. Asbestos. 19 A. Lead. Lead paint. 20 Q. I'm asking you specifically. Did you 21 specifically take a course on viruses in any of 22 these courses for a master textile cleaner? 23 A. No. 24 Q. No, you did not. Once again, you did 25 not learn any of the physical characteristics of</p>
<p style="text-align: right;">26</p> <p>1 Q. Okay. We will get back to the 2 importance of knowing viruses in just a minute, 3 okay? 4 So let's get back to your training here. 5 So you had the certified microbial remediation 6 technician course 20 years ago. You didn't 7 study about viruses in that one, correct? You 8 said that earlier. 9 A. Correct. 10 Q. Okay. Your next one is your master 11 textile cleaner, correct? 12 A. Yes. 13 Q. A certified course in that. When did 14 you take that course? 15 A. There are multiple courses that you must 16 take in order to receive your master 17 certifications in each IICRC discipline. 18 So I probably have about -- in the 19 textile, I think I have about eight 20 certifications that qualify you for master 21 certification. 22 Q. And when did you take those series of 23 courses to get certified? How long ago? 24 A. Over the last -- probably over the last 25 38 years. And then I -- every two years I take</p>	<p style="text-align: right;">28</p> <p>1 the virus that I described earlier, did you? 2 You never learned it? 3 A. I learned them only from continuing 4 education courses that have been -- or papers 5 that have been distributed by IICRC on how to 6 properly handle cleaning for COVID-19 exposure. 7 Q. Oh, and we are going to get to that 8 report in a minute, too. I promise you. 9 But my question is: Specifically you 10 have not taken a course, as a master textile 11 cleaner, you have not taken a course on viruses; 12 is that fair to say? 13 A. Yes. 14 Q. Okay. Let's look at the next one. You 15 are a journeyman textile cleaner. You know, 16 let's just kind of wrap them all up together. 17 Journeyman textile cleaner, a certified 18 carpet cleaning technician, a certified health 19 and safety technician, a certified carpet repair 20 reinstallation technician, an upholstery and 21 fabric technician, and a Florida state certified 22 mold remediator, does that sound like the 23 courses that you have been certified in? 24 A. Yes. 25 Q. In any --</p>

29

1 A. Some. Not all.
 2 Q. I understand some of them.
 3 In any of those courses, did you take a
 4 course in virology --
 5 A. No.
 6 Q. -- specifically? None. Okay. All
 7 right.
 8 Well, let's talk about what you did in
 9 this case, okay? So you are here to criticize
 10 or analyze Dr. Moye, an MD, his report, correct?
 11 That is one thing, correct?
 12 A. Yes.
 13 Q. You were to review the documents
 14 provided to you and see if the restaurant
 15 complied with the appropriate cleaning standards
 16 and recommend measures so that they could open
 17 properly, correct?
 18 A. Correct.
 19 Q. Okay. What documents were provided to
 20 you to provide this analysis to us today?
 21 A. The RIA Fourth Edition that was proposed
 22 to the restaurant association, the RIA Report
 23 for Professional Cleaning and Restoration
 24 service certification.
 25 Q. Okay. My question is: What

30

1 specifically? It says you were provided; you
 2 were requested to review documentation.
 3 What documents did you review? So, let
 4 me try going through them to help you. Did you
 5 review Dr. Moye's report?
 6 A. I did.
 7 Q. Okay. What documents did you review
 8 relative to Oceana, the restaurant itself?
 9 A. I went through the rest of the documents
 10 that were provided, and specifically the list of
 11 receipts to see if I could determine what type
 12 of cleaning products that they were using or had
 13 purchased to clean the restaurant.
 14 Q. Okay. And the other thing you said that
 15 you reviewed -- and my understanding is, this is
 16 your manual here, at least as it pertains to
 17 this report that you produced, because a lot of
 18 your report seems to come from this report -- it
 19 is the COVID-19 Pandemic, a Report For
 20 Professional Cleaning and Restoration
 21 Contractors Fourth Edition. You said that
 22 earlier, right?
 23 A. Yes.
 24 Q. Okay. So based on the documents you
 25 were given, these receipts, do you believe that

31

1 -- and this manual -- do you believe you have
 2 enough to give an opinion more likely than not
 3 that Dr. Moye's opinions were incorrect in
 4 specific things that Oceana should have done to
 5 remediate the property, correct?
 6 A. Correct.
 7 Q. Okay. Tell me about -- you know, I read
 8 this manual on professional cleaning and
 9 employing COVID-19 procedures.
 10 You know, one of the things it says in
 11 there is the first thing you have to do is
 12 perform a risk assessment of the property.
 13 Perform a risk assessment of the
 14 property, okay?
 15 A. Correct.
 16 Q. And you agree with that, right?
 17 A. I do.
 18 Q. Because you need to know whether they
 19 have windows. You need to know how many rooms
 20 there are. You need to know how tall the
 21 ceilings are. You need to know a lot of things
 22 about that specific physical location and the
 23 type of business, and the type of people and how
 24 frequently they are in there. Correct?
 25 A. Correct.

32

1 Q. Okay. Let's talk about your critical
 2 first step, according to your manual in this
 3 case to give the opinions you are giving today,
 4 this assessment.
 5 Can you tell us, please, tell the Judge
 6 here, tell the Court, on a daily basis prior to
 7 COVID how many people were going in and out of
 8 Oceana? How many customers?
 9 A. Sir, I would have no idea.
 10 Q. You have no idea? Wait a second. I
 11 thought than an assessment was the first step
 12 according to your manual. It says you have to
 13 conduct a risk -- let me read it, in fact.
 14 "The actions that you take vary
 15 depending upon the job task associated with the
 16 essential work at the location. An assessment
 17 of risk is a critical part of managing potential
 18 exposure of the people at the location. It is
 19 critical to determining what measures you are
 20 going to take to clean the place."
 21 But you are telling us, the Judge today,
 22 you have no idea how many people were coming in
 23 and out of the restaurant before the COVID
 24 pandemic hit?
 25 A. No.

33	<p>1 Q. Okay. Well, let's talk about after the 2 pandemic hit because that is really the 3 important part here. 4 Do you have any idea over the past few 5 months what the average amount of customers were 6 going in and out of the restaurant has been over 7 the past few months at Oceana? 8 A. I do not. 9 Q. Okay. If I told you that since COVID 10 has hit an average of 600 customers have come in 11 and out of the doors of Oceana, is that brand 12 new news to you? 13 A. I had no knowledge of that information. 14 Q. Okay. Let me ask you this: How many 15 seats are in Oceana? How many chairs are in 16 there to provide a customer a spot to sit on? 17 Do you know that? 18 A. Sir, I did not do any site inspections 19 of this property. 20 Q. Well, I appreciate that. Please answer 21 my question. 22 Do you know how many seats are present 23 in the restaurant? 24 A. I do not. 25 Q. Okay. If I told you there is 500 seats</p>	35	<p>1 Q. Okay. What if I told you it is 20,000 2 square feet, is this the first time you are 3 hearing that? 4 A. Yes. 5 Q. That is pretty big, isn't it, 20,000 6 square feet? 7 A. Sir, I deal with buildings that are 8 multi-million square feet. 9 Q. I understand. Fair enough. 10 Do you have any idea what the surfaces 11 look like inside of Oceana, whether they have 12 carpet throughout the restaurant or tile 13 throughout the restaurant? 14 A. Only from the pictures that I actually 15 saw in the file. 16 Q. Okay. Well, tell me about the pictures 17 you saw in the file then. Can you tell us 18 what -- 19 A. Actually, not in -- not in the file. 20 I'm sorry. In Dr. Moye's report. 21 Q. Oh, Dr. Moye's report. Okay. 22 So you don't -- you have no idea whether 23 or where the carpet is in what rooms and -- you 24 know, let me help you out. 25 MR. ALVENDIA:</p>
34	<p>1 in the restaurant, that is the first time you 2 are hearing about that, is right now; isn't that 3 correct? 4 A. That is correct. 5 Q. Okay. Do you know what the average 6 seating time of a customer is at a table in 7 Oceana? Do you know what the average seating 8 time is, eating time at the table? 9 A. No. 10 Q. If I told you it is 45 minutes, is that 11 the first time you have heard that information? 12 A. Yes. 13 Q. Okay. Do you know how big Oceana is, by 14 the way? 15 A. I do not. 16 Q. If I told you it is 5,000 square feet -- 17 5,000 square feet -- would that surprise you? 18 A. No. 19 Q. No. You don't think -- let me -- but 20 that is the first time you have heard that, that 21 it is 5,000 square feet, correct? 22 A. Correct. 23 Q. You think that is a big size for a 24 restaurant? 25 A. No.</p>	36	<p>1 Can you all see that? 2 THE WITNESS: 3 I can. 4 MR. ALVENDIA: 5 Can everybody see what is on the 6 screen? 7 MS. DODD: 8 Yes. 9 EXAMINATION BY MR. ALVENDIA: 10 Q. Ms. Raley, do you see that picture on 11 there? Do you know what that is? 12 A. I do. 13 Q. Do you know what that is? 14 A. I do not. 15 Q. That is the first floor of Oceana's 16 restaurant? 17 Do you know what that is? 18 A. No. 19 Q. That is the second floor of Oceana's 20 restaurant. 21 Do you know what that is? 22 A. I'm going to assume you are going to 23 tell me it is the third floor of the Oceana 24 restaurant. 25 Q. You got it. Third time is the charm.</p>

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1 Third floor.
 2 So, as we sit here today, your testimony
 3 is that even though your manual that tells you
 4 the first step is to conduct a risk assessment
 5 of a location before you start giving
 6 recommendations on how to clean it, your
 7 testimony to the Judge today is you didn't
 8 conduct any type of risk assessment of the
 9 specific location in this case, did you?
 10 A. No, sir. I have never been to the
 11 location.
 12 Q. Okay. The answer is "no," correct?
 13 A. Correct.
 14 Q. Okay. So how can you say one way or
 15 another more likely than not that the owner and
 16 the employees of Oceana conducted proper
 17 cleaning of the restaurant if you have no idea
 18 of any of the specifics that we just went
 19 through? Isn't that skipping a major step in a
 20 manual you said is the Bible for COVID-19
 21 cleaning? Didn't you skip a major step in this
 22 case?
 23 A. No. It is my understanding that this --
 24 Q. You didn't?
 25 A. -- this particular location, that, you

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1 know, the claim was prior to. All I did was
 2 opine on what I read in his report, and he
 3 didn't provide any information as to the methods
 4 and means of which they used to clean.
 5 Q. Oh, I agree with you 1,000% you reviewed
 6 Dr. Moye's report, but that is not all you did
 7 in this case.
 8 I just read it to you. You said you
 9 were hired to opine on Dr. Moye's report. Then
 10 it said, and you were retained to criticize,
 11 comment on the cleaning procedures of Oceana and
 12 to recommend the procedures they should put in
 13 place to reopen.
 14 And my question to you is: You made all
 15 of those conclusions and you have no idea of the
 16 specifics of the restaurant itself, the
 17 location, do you?
 18 A. I do not.
 19 Q. Okay. Thank you. We can move on.
 20 Let's take a look further in your report
 21 here. So your report, by the way -- the first
 22 thing I want to point out is this: The COVID-19
 23 Pandemic Report Fourth Edition that you talk
 24 about, this is something that is given to people
 25 -- you said that earlier -- you give this to

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1 someone like Oceana. They could read it
 2 supposedly, and they are supposed to be able to
 3 understand what is in here, as well, correct?
 4 A. I have just lost you.
 5 Q. Can you all hear me? Can you all hear
 6 me?
 7 A. I can now. Can you repeat the question?
 8 I'm sorry. I lost you for a second.
 9 Q. Yeah.
 10 This Fourth Edition Report of
 11 Professional Cleaning and Restoration, the
 12 manual that you cite from in your report, this
 13 is something that is readily available not only
 14 to you, but to other people, as well, like
 15 customers or vendors or business owners,
 16 correct?
 17 A. Yes. It is available on the internet.
 18 I am not sure that customers would know where to
 19 find that document, but people who are in the
 20 cleaning and restoration industry do.
 21 Q. And you think this is an important
 22 document? This is what you used to make your
 23 conclusions, correct, on how to --
 24 A. Correct. And he didn't --
 25 Q. -- properly clean a restaurant?

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1 A. Correct.
 2 Q. Okay. I want to read something. And,
 3 look, that is important because there are human
 4 beings going in and out of this restaurant, so
 5 it is very important that we are as accurate as
 6 we can be, correct, on how to clean that
 7 restaurant to prevent them from getting sick on
 8 a daily basis, correct --
 9 A. Correct.
 10 Q. -- from COVID-19, correct?
 11 Do you know that there is a disclaimer
 12 on the first page of this report that you rely
 13 upon? Did you know there is a disclaimer in
 14 here?
 15 A. Yes, sir, I do.
 16 Q. Okay. Let's read it. And I want to ask
 17 your opinion on this.
 18 It says, "The RIA, IICRC, AIHA, and any
 19 and all acknowledged contributors, authors of
 20 this document make no representation or warranty
 21 as to and are not responsible for the accuracy
 22 or validity of the information or its
 23 application by any recipient of this document."
 24 Do you understand that is what is the
 25 disclaimer that is in this manual?

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1 A. I do.
 2 Q. It goes on to say, "The authors do not
 3 warrant that the information in this document is
 4 free of errors and the entire risk of the use of
 5 any information lies on the user." Do you agree
 6 with that?
 7 A. Yes.
 8 Q. So the very document you are relying on
 9 in making your conclusions, on the first page of
 10 the document says there is a disclaimer that
 11 says, "Look, we are not responsible." These
 12 organizations we have talked about, "We are not
 13 responsible and, by the way, we are not saying
 14 this document is free of errors."
 15 You agree that is what they are saying
 16 in the disclaimer?
 17 A. That is why there are multiple editions.
 18 So it is the responsibility of the user to make
 19 sure that they stay up-to-date on any editions
 20 to that.
 21 It is not a manual. It is an -- it is
 22 an attachment that is intended to go
 23 hand-in-hand with the IICRC S500 and S520, which
 24 are the standards for the cleaning and
 25 restoration industry and are ANSI certified.

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1 Q. Ma'am, isn't it true that --
 2 And we are going to go through your
 3 report in a second with the steps that are
 4 outlined in this report.
 5 A. Uh-huh.
 6 Q. -- you relied heavily on this report,
 7 didn't you, the Fourth Edition?
 8 A. They are the recognized consensus for
 9 the cleaning and restoration industry.
 10 Q. And I just want to make sure I am
 11 accurate here. This is your attachment to your
 12 report, by the way. This is the --
 13 A. It is.
 14 Q. -- most recent report, the Fourth
 15 Edition, correct?
 16 A. That is the most recent edition, yes.
 17 Q. Okay. And that disclaimer I just read
 18 to you is on the first page of the Fourth
 19 Edition. You would agree with me on that,
 20 correct?
 21 A. Yes.
 22 Q. Okay. Let's go through your report a
 23 little bit more here in some detail, okay?
 24 By the way, one of the opinions that Dr.
 25 Moye makes, which you have criticized time and

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1 again in your report, is that the surfaces
 2 inside of Oceana were damaged due to the virus
 3 had physical contact with them. You agree with
 4 that, that is one of his opinions that you
 5 disagree with, correct?
 6 A. Correct.
 7 Q. Okay. You say something on Page 3 of
 8 your report.
 9 You say, "To break the chain of
 10 infection a disinfectant should be applied that
 11 has documented product efficacy in killing or
 12 inactivating similar organisms and viruses." Do
 13 you agree with that?
 14 A. Yes.
 15 Q. "To break the chain of infection," you
 16 just said, right?
 17 A. Yes.
 18 Q. We are going to get back to that in just
 19 a minute, okay?
 20 But let's get straight to your
 21 recommendations on what Oceana should have done
 22 or should do to properly restore, clean,
 23 remediate their property, okay?
 24 And I'm going to go to Page 3 of your
 25 report. The first thing you say, you say clean

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1 -- right in the middle of it, it says, "cleaning
 2 services and procedures to minimize secondary
 3 transmission include, but are not limited to" --
 4 one of the first things says touchpoints, right?
 5 A. Uh-huh.
 6 Q. By the way, I went straight to your
 7 Attachment A, and I found exactly where you got
 8 this from. So we will kind of go through this
 9 quickly, okay?
 10 So this touchpoint section, that talks
 11 about the high touch surfaces in the restaurant,
 12 right?
 13 A. Yes.
 14 Q. As we sit here today, you have no idea
 15 what the high touchpoint surfaces are in Oceana,
 16 correct?
 17 A. I don't think -- it really is
 18 immaterial. High touchpoints are things that
 19 are touched regularly, and so it -- I don't need
 20 to know how many doorknobs were there to know
 21 that a doorknob is a high touch area that needs
 22 to be cleaned three to 12 inches surrounding it.
 23 Q. Okay. But you agree with me -- that
 24 wasn't my question.
 25 My question was: You agree with me, you

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1 have no idea what the surfaces look like inside
 2 of Oceana; is that correct?
 3 A. Correct.
 4 MR. MILLER:
 5 Objection.
 6 THE WITNESS:
 7 Ginger, are you still there?
 8 MS. DODD:
 9 I'm here. Did it freeze?
 10 MR. ALVENDIA:
 11 I'm back. That is the problem
 12 with --
 13 Off the Record.
 14 (Off-the-Record discussion.)
 15 EXAMINATION BY MR. ALVENDIA:
 16 Q. My last question, Ms. Raley, was: We
 17 talked about touchpoints surfaces. I understand
 18 your opinions on why you don't need to know what
 19 they are or what they are for.
 20 My question to you is this: You have no
 21 idea what the touchpoint surfaces are in Oceana;
 22 is that correct --
 23 A. Correct.
 24 Q. -- specifically?
 25 Okay. Thank you.

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1 And touchpoint surfaces deals with that;
 2 deals with surfaces, right? How do you clean
 3 properly surfaces, correct?
 4 A. Correct.
 5 Q. Okay. The next section you talk about
 6 is non-porous surfaces, right?
 7 A. Yes.
 8 Q. And you talk about how you clean those
 9 things, right? How you -- how you clean those
 10 type of surfaces, you describe that in your
 11 report, correct?
 12 A. Yes.
 13 Q. Okay. Once again, you have no idea what
 14 the non-porous surfaces are in Oceana, correct?
 15 A. No.
 16 Q. Okay. The next thing is soft, porous
 17 surfaces. Same question. You have no idea what
 18 the soft, porous surfaces are inside of Oceana;
 19 is that correct?
 20 A. No.
 21 Q. You haven't studied the characteristics
 22 of virology in the past have you? We talked
 23 about that.
 24 A. Right.
 25 Q. You did not, right? Do you have any

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1 idea, any opinion as to whether viruses attach
 2 differently to porous; non-porous; soft, porous;
 3 or touchpoint surfaces?
 4 A. No. I defer to --
 5 Q. You would --
 6 A. I would defer to Allison Stock on that.
 7 Q. Okay. But you -- I appreciate you
 8 saying deferring. That is another way -- I just
 9 want to clarify.
 10 You have no knowledge of that, about
 11 whether the virus attaches to different surfaces
 12 differently, correct?
 13 A. No.
 14 Q. Okay. Apply disinfectant, again, this
 15 is coming straight out of the Fourth Edition. I
 16 appreciate that.
 17 Apply disinfectant, you got to apply --
 18 you have to apply disinfectant that is approved
 19 to kill like kind viruses, right?
 20 A. Correct.
 21 Q. Okay. So these are four recommendations
 22 you have made to Oceana that they should follow
 23 that people lives depend on, right? You do this
 24 properly and people's lives may be saved from
 25 COVID-19, correct?

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1 A. Correct.
 2 Q. Okay. The next recommendation -- I kept
 3 looking at your report. It talks about
 4 surfaces, surfaces, surfaces.
 5 I was wondering about the air, cleaning
 6 the air. And the next section you touched on
 7 air. You said that HEPA vacuuming versus normal
 8 vacuuming is preferred. It is high efficiency
 9 particulate air vacuuming; is that correct?
 10 A. Yes.
 11 Q. Okay. And that is something, as opposed
 12 to normal vacuuming or normal -- normal cleaning
 13 of air filtration, you recommend using a HEPA
 14 filter or HEPA vacuuming to clean the air at
 15 Oceana, correct?
 16 A. To clean surfaces, that is specifically
 17 referring to a vacuum.
 18 Q. Sure. Okay. So why is that so
 19 important to use the HEPA vacuum versus a normal
 20 vacuum on all the surfaces?
 21 A. Because a HEPA filter is capable of
 22 removing 99.97% of microns up to 0.3 in size and
 23 removes them and captures them in the HEPA
 24 filter.
 25 Q. All right. You mean larger than point

49	<p>1 -- you read it wrong. It says a true HEPA 2 filter can trap 99.97% of all airborne particles 3 larger than 0.3 microns; is that correct? 4 A. Correct. 5 Q. Okay. And you said at the beginning of 6 your report, too, you are familiar with -- 7 remember, I read that earlier. 8 You said you had been educated in the 9 use of negative air scrubbers, as well? 10 A. Yes. 11 Q. Is that correct? 12 A. Yes. 13 Q. And that is another way that you, as a 14 master cleaner and restorer, recommend people to 15 clean the air, is through this negative -- 16 A. It is called an air filtration device. 17 Q. Yeah. Negative -- 18 A. Some people -- 19 Q. Negative -- 20 A. -- refer to -- 21 Q. -- air -- 22 A. It as an air scrubber. 23 Q. Yeah. Okay. 24 And that is one of the things 25 potentially you would recommend to Oceana, in</p>	51	<p>1 You didn't see the 19,000 square feet and the 15 2 different rooms they had there. 3 But you would agree with me that part of 4 recommending that they clean this place properly 5 is they should pay some attention to the air and 6 use some of the methods you talked about, right? 7 A. Correct. 8 Q. Okay. You know, I looked up these type 9 of cleaners you talk about. I went straight to 10 the manufacturer, in fact, because I didn't 11 understand what it was. Let's take a look at 12 that. 13 A. Same equipment we use in mold and. Lead 14 and asbestos abatement. 15 Q. You are right. You use it in mold, 16 right? 17 A. (Nods yes.) 18 Q. You use that in mold. 19 And this is straight from the 20 manufacturer. This is one of the -- 21 MR. ALVENDIA: 22 Can you all see this by the way? 23 THE WITNESS: 24 No. 25 MR. ALVENDIA:</p>
50	<p>1 addition to using this HEPA vacuum cleaner. 2 That is another thing you would recommend to 3 clean the air, correct? 4 A. Correct. 5 Q. Because that is the big question here. 6 You hit a lot upon the surfaces, how you clean 7 that, but I'm glad we are finally talking about 8 how you clear the air because you agree with me 9 that, to your understanding, the virus is in the 10 air when somebody coughs, right, if they have 11 COVID? 12 MS. DODD: 13 Object to the form. 14 EXAMINATION BY MR. ALVENDIA: 15 Q. If somebody -- to your knowledge, if I 16 am positive with COVID-19 and I cough, will the 17 virus go into the air? 18 A. Yes. 19 Q. Okay. That is not a trick question. I 20 promise you. 21 So if I sneeze and I'm COVID-19 22 positive, will the virus go into the air? 23 A. Yes. 24 Q. So it is an important part of Oceana -- 25 I know you didn't go to the Oceana restaurant.</p>	52	<p>1 Okay. Hold on. One second. I'm 2 sorry. I skipped a step. Give me one second. 3 Here we go. 4 Can you see that? 5 THE WITNESS: 6 I can. 7 EXAMINATION BY MR. ALVENDIA: 8 Q. So this is one of those negative -- let 9 me see what you have called it again because I 10 didn't understand it. That is one of those -- 11 A. I called it AFD. 12 Q. That is one of those negative air 13 scrubbers, right? 14 A. It is an air filtration device that has 15 the capability of creating negative pressure. 16 Q. Right. And part of it -- one of the key 17 things here, like you said -- you say it in your 18 report, is this one uses HEPA filters, as well, 19 correct? 20 A. That is correct. 21 Q. Yeah. And the HEPA filter is important 22 because it captures 99.97% of all airborne 23 particles larger than 0.3 microns, correct? 24 A. Correct. 25 Q. I also looked at some other filtration</p>

<p style="text-align: right;">53</p> <p>1 systems.</p> <p>2 MR. ALVENDIA:</p> <p>3 And by the way -- I'm not entering</p> <p>4 these exhibits.</p> <p>5 These three pictures I referenced</p> <p>6 earlier, Madam Court Reporter is Exhibit P-2 in</p> <p>7 globo, the three pictures.</p> <p>8 The COVID Professional Cleaning and</p> <p>9 Restoration Industry Fourth Edition is Exhibit</p> <p>10 P-1.</p> <p>11 That is P-3, that I'm showing you,</p> <p>12 which Ms. Raley was so kind to describe this is</p> <p>13 one of the equipment she is trained on.</p> <p>14 EXAMINATION BY MR. ALVENDIA:</p> <p>15 Q. And then here is another one. This is</p> <p>16 Airborne and Infectious Disease Management.</p> <p>17 I got this from the Minnesota Department</p> <p>18 of Health Office of Emergency Preparedness. And</p> <p>19 it talks about methods for temporary negative</p> <p>20 pressure isolation.</p> <p>21 And it talks about, again, in here</p> <p>22 filtration. It actually agrees with you. It</p> <p>23 says filtration -- for the purpose of this</p> <p>24 guide, filtration refers to the process of</p> <p>25 passing air through a filter. You agree with</p>	<p style="text-align: right;">55</p> <p>1 try saying that again. I'm just going to say</p> <p>2 "Otto" okay -- Head and Neck Surgery Foundation.</p> <p>3 It is a medical article.</p> <p>4 It is called "Airborne Aerosol</p> <p>5 Generation During Endonasal Procedures in the</p> <p>6 Era of COVID-19: Risks and Recommendations,"</p> <p>7 okay?</p> <p>8 It is written by 11 medical doctors, to</p> <p>9 include doctors from Harvard University and the</p> <p>10 University of Massachusetts. They talk about</p> <p>11 the size of a COVID-19 particle.</p> <p>12 And they say the size of the particle is</p> <p>13 actually 0.06 microns based on an electron</p> <p>14 micrograph, 0.06.</p> <p>15 Do you have any reason to disagree with</p> <p>16 these medical doctors that that is the size of a</p> <p>17 COVID particle?</p> <p>18 MS. DODD:</p> <p>19 Rico, I'm going to object to this</p> <p>20 line of questioning on this document. She has</p> <p>21 never seen this document before. It is up on a</p> <p>22 screen on a Zoom deposition.</p> <p>23 MR. ALVENDIA:</p> <p>24 Okay. I understand.</p> <p>25 MS. DODD:</p>
<p style="text-align: right;">54</p> <p>1 that, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And it says when used correctly, a</p> <p>4 portable HEPA filter in this device you have</p> <p>5 been talking about is proved to be an effective</p> <p>6 method for achieving an airborne isolation</p> <p>7 environment.</p> <p>8 Do you agree with that?</p> <p>9 A. Yes.</p> <p>10 Q. And then it says, "When properly</p> <p>11 installed and maintained, filters for critical</p> <p>12 spaces" -- I guess that is where people are, a</p> <p>13 critical space when you have a virus -- "should</p> <p>14 be able to remove at least 90% of particles 0.5</p> <p>15 microns in size or larger."</p> <p>16 It is a little different from yours, but</p> <p>17 generally 0.3 microns, 0.5 microns. Do you</p> <p>18 agree with that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. I'm going to show you the next</p> <p>21 document, which is something that I received</p> <p>22 here. I'm going to list this as Exhibit P-4.</p> <p>23 I'm going to talk to you about this in a</p> <p>24 second. This is produced by the American</p> <p>25 Academy of Otolaryngology -- I'm not going to</p>	<p style="text-align: right;">56</p> <p>1 She is not --</p> <p>2 MR. ALVENDIA:</p> <p>3 Okay.</p> <p>4 MS. DODD:</p> <p>5 -- an expert in -- she is certainly</p> <p>6 not a doctor. She is not an expert in that</p> <p>7 field and --</p> <p>8 MR. ALVENDIA:</p> <p>9 Fair enough. Fair enough.</p> <p>10 MS. DODD:</p> <p>11 -- is an inappropriate line of</p> <p>12 questioning.</p> <p>13 MR. ALVENDIA:</p> <p>14 Fair enough. Fair enough. And so</p> <p>15 I'll -- I'm still going to enter it as Exhibit</p> <p>16 P-4 attached to this deposition.</p> <p>17 EXAMINATION BY MR. ALVENDIA:</p> <p>18 Q. My question to you is this: Well, how</p> <p>19 big is a COVID-19 particle? Molecule? Because</p> <p>20 you talked about -- remember, we talked about</p> <p>21 you had to clean the air, right? You got to</p> <p>22 clean the air.</p> <p>23 And if you are going to be telling these</p> <p>24 people you better clean the air with certain</p> <p>25 products, don't you think you need to know</p>

<p style="text-align: right;">57</p> <p>1 whether those products will capture a COVID-19 2 particle? Isn't that like basic? I'm sorry. 3 Maybe that is more than one question there. 4 Do you -- 5 A. I am trying to -- 6 Q. Do you think it is important to try, as 7 you said in your report, to use methods to clean 8 the air inside of Oceana, not just the surfaces? 9 Let's start with that question. 10 A. Correct. 11 Q. And in your report you talk about HEPA 12 vacuuming, HEPA filters. You talk about how you 13 are educated in negative air scrubbers. These 14 are, in your opinion, proper methods to clean 15 the air inside of Oceana, correct? 16 A. Correct. It would be the same -- the 17 same piece of equipment where you -- they use in 18 the hospitals for infectious disease control. 19 Q. Well, and that is -- and, look, and you 20 said that is the same thing you use for mold 21 spores, correct? 22 A. Correct. And the same thing for 23 asbestos abatement. 24 Q. Well, let's talk about mold spores. 25 Did you know that mold spores -- the</p>	<p style="text-align: right;">59</p> <p>1 need to use the restroom. 2 MR. ALVENDIA: 3 Yeah. If you don't mind -- 4 MS. DODD: 5 Yeah, we have been going for about 6 an hour. 7 MR. ALVENDIA: 8 Yeah. Well, if you don't mind let 9 me finish this line. Just a couple more 10 questions before we go on any -- before we take 11 a break. 12 Allen, if you need to run to use the 13 bathroom, I'm sure -- Ginger is defending the 14 deposition. You are -- Ms. Raley is in good 15 hands. 16 EXAMINATION BY MR. ALVENDIA: 17 Q. But let me -- let me ask this question: 18 So we talked about all the means that you would 19 have recommended to clean the surfaces at 20 Oceana, correct? 21 A. Yes. 22 Q. Then you talked about all the ways to 23 clean the air at Oceana, correct? 24 A. Yes. 25 Q. But the reality is, if the HEPA filter</p>
<p style="text-align: right;">58</p> <p>1 size of a mold spore -- since this is the area 2 of expertise you are in, mold spores are 3 to 3 100 microns in size. Did you know that? 4 A. Yes. 5 Q. And if we go on the medical data -- I'll 6 just ask you to assume for the purpose of this 7 deposition that the size of a COVID-19 particle 8 is 0.06 microns. 9 That would mean that a mold spore could 10 be 50 to 1600 times larger than a virus, a COVID 11 virus. Did you know that? 12 A. I did not. 13 Q. You did not know that, did you? You 14 didn't know it because you never studied viruses 15 to that detail, did you? 16 A. No. 17 Q. Okay. And so when you sit here and 18 recommend -- 19 MR. MILLER: 20 Rico, you are coming up on the time 21 for a break? 22 MR. ALVENDIA: 23 Huh? 24 MR. MILLER: 25 I need to be gone for a minute. I</p>	<p style="text-align: right;">60</p> <p>1 can only capture something greater than 0.3 2 microns, it will not capture COVID particles 3 that are six times smaller than it is, five 4 times smaller than it is, if it is -- if it is 5 0.06 microns, correct? 6 MS. DODD: 7 Object to the form. 8 EXAMINATION BY MR. ALVENDIA: 9 Q. Correct? You can answer. 10 A. I would have to defer. I believe that 11 it is 0.03 microns. 12 Q. That is not what it says in your report. 13 Your report says, "A true HEPA filter can trap 14 99.97% of all airborne particles larger than 0.3 15 microns. That is your report. I didn't make 16 that up. That is your report, correct? Was 17 that wrong? 18 A. No, it is not wrong, sir. 19 Q. Okay. And so if -- let's just -- look, 20 it is not a trick question. I promise you. 21 If a COVID virus is smaller than 0.3 22 microns, forget about what the number is, then 23 it is not going to be caught by a HEPA filter; 24 isn't that correct? 25 MS. DODD:</p>

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1 Object to the form.
 2 MR. ALVENDIA:
 3 You can answer.
 4 THE WITNESS:
 5 Oh, sorry. I would have to -- it
 6 sounded like you said it was 0.06, which would
 7 mean that it was bigger than a mold spore.
 8 EXAMINATION BY MR. ALVENDIA:
 9 Q. No, no, no, no. A micron. A mold spore
 10 micron is one micron, you would agree with me,
 11 and above? One micron to 100 microns is a mold
 12 spore, correct?
 13 A. Correct. But the HEPA filter can go to
 14 0.03.
 15 Q. Well, no. But that is not what your
 16 report says. Ma'am, I'm reading straight from
 17 your report. It says, "A true HEPA filter can
 18 trap 99% of all airborne particles larger than
 19 0.3 microns." Is that incorrect in your report?
 20 A. No.
 21 Q. Okay. So, once again, if a COVID virus
 22 is smaller than 0.3 microns, if it is smaller,
 23 then the filter is not going to capture it; is
 24 that correct?
 25 MS. DODD:

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1 Object to the form.
 2 THE WITNESS:
 3 If it is smaller, that would be
 4 correct.
 5 MR. ALVENDIA:
 6 Thank you. Let's take a --
 7 MS. DODD:
 8 Rico, can we can take a break,
 9 please?
 10 MR. ALVENDIA:
 11 Sure.
 12 MS. DODD:
 13 We have been going about an hour.
 14 MR. ALVENDIA:
 15 Sure. Sure. Let's take a break.
 16 MS. DODD:
 17 Thank you.
 18 MR. ALVENDIA:
 19 Ma'am, I will say this: Ma'am, you
 20 are currently, on the Record, under oath and
 21 this is as if we are in trial.
 22 And the procedure prohibits you from
 23 talking to anybody where you are, or your
 24 attorneys, or anybody about what you are
 25 testifying about right now.

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1 Do you understand that, that you are
 2 still under oath, even though we take a break?
 3 THE WITNESS:
 4 I understand.
 5 MR. ALVENDIA:
 6 Okay.
 7 MR. MILLER:
 8 What makes you think she can't talk
 9 to her attorney? She is in the deposition. She
 10 can talk to us, if we want to talk.
 11 MR. ALVENDIA:
 12 If she is on the stand -- all I'm
 13 saying is you can talk to her all you want. But
 14 if she is on the stand, she can't talk to you
 15 about her testimony right now. She can't talk
 16 to you about that. I'm not --
 17 MR. HOUGHTALING:
 18 So you plan on talking to her,
 19 Allen? You plan on --
 20 MR. ALVENDIA:
 21 Yeah, I mean, you --
 22 MR. HOUGHTALING:
 23 -- talking to --
 24 MR. ALVENDIA:
 25 -- all are going to talk to her

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1 about this line of questioning, then there is no
 2 reason to -- let's just go on break.
 3 But the reality is, she is an
 4 expert. She is not your client. She is an
 5 expert that is --
 6 MR. MILLER:
 7 I'm trying to understand what your
 8 logic is to --
 9 MR. ALVENDIA:
 10 No. My logic is my --
 11 MR. MILLER:
 12 How did you --
 13 MR. ALVENDIA:
 14 My --
 15 MR. MILLER:
 16 -- notice this deposition?
 17 MR. ALVENDIA:
 18 My logic is --
 19 MR. MILLER:
 20 This deposition is --
 21 MR. ALVENDIA:
 22 -- she is not your --
 23 MR. MILLER:
 24 We are not in trial right now.
 25 There is no --

<p style="text-align: right;">65</p> <p>1 MR. ALVENDIA: 2 No. My logic -- 3 MR. MILLER: 4 This is a discovery deposition. 5 MR. ALVENDIA: 6 -- is she is still under oath 7 regardless if she takes a break. She is not 8 your client. 9 She is an expert and she can talk to 10 you about whatever else she wants to, but you 11 can't talk to her about her testimony while she 12 is on the stand. 13 Let's take a break. 14 MR. MILLER: 15 So -- 16 MR. HOUGHTALING: 17 But, wait -- 18 MR. MILLER: 19 -- I don't know how you noticed it, 20 but this isn't a notice of perpetuation. 21 MR. HOUGHTALING: 22 So, wait. 23 MR. ALVENDIA: 24 She has still taken an oath. She is 25 under oath. If you are going to say she is no</p>	<p style="text-align: right;">67</p> <p>1 MR. HOUGHTALING: 2 About the testimony the witness -- 3 MR. MILLER: 4 It is a discovery deposition. 5 MR. ALVENDIA: 6 It is improper while she is on the 7 stand. This deposition is taken for all 8 purposes in the case. If she is unavailable for 9 trial, it will be used for that purpose. 10 It is inappropriate for you to talk 11 to an expert witness about anything about her 12 testimony in this case. 13 You can talk to your client all you 14 want about anything else. While this deposition 15 is taking place, it is inappropriate -- 16 MR. MILLER: 17 I do not -- 18 MR. ALVENDIA: 19 It is on the Record. Let's move 20 forward. If you want to talk to her about -- 21 MR. MILLER: 22 I don't know -- I don't know what 23 universe this is, but I can talk to a witness 24 during a break, any witness any time I want. I 25 am not --</p>
<p style="text-align: right;">66</p> <p>1 longer under oath, then she -- 2 MR. MILLER: 3 What does her oath have to do 4 with -- 5 MR. ALVENDIA: 6 -- can talk about -- 7 MR. MILLER: 8 What does her oath have to do with 9 talking to me? 10 MR. ALVENDIA: 11 Come on, man. You are arguing about 12 this enough. Let's go on break. 13 You can talk to her about whatever 14 you want to talk to her about. 15 MR. MILLER: 16 All right. 17 MR. HOUGHTALING: 18 Wait. Wait. I just want to 19 establish -- wait. 20 I just want to establish on the 21 Record, so, Allen, you intend on talking to the 22 expert during the break? 23 MR. MILLER: 24 I intend on talking to both Ginger 25 and the expert during deposition breaks.</p>	<p style="text-align: right;">68</p> <p>1 MR. ALVENDIA: 2 You are right, Allen. You are 3 right, Allen. Allen -- 4 MR. MILLER: 5 I can -- 6 MR. ALVENDIA: 7 Allen -- 8 MR. MILLER: 9 -- talk to her. 10 MR. ALVENDIA: 11 Allen, you are right. If you want 12 to go coach your witness about what she is being 13 hammered on, go coach her, okay? 14 Let's take a break. 15 MR. HOUGHTALING: 16 It is pretty obvious what is going 17 to happen here. Yeah. Okay. 18 MS. DODD: 19 Madam Court Reporter, if you could 20 put Allen Miller, Sara Raley, and myself in a 21 breakout room, please. 22 MR. ALVENDIA: 23 John, I'm calling you. 24 MR. HOUGHTALING: 25 Yeah. Okay.</p>

69	<p>1 MR. ALVENDIA: 2 I'm calling you right now. 3 (Court Reporting complying with 4 request.) 5 (Recess held.) 6 MR. ALVENDIA: 7 Okay. Back on the Record. 8 EXAMINATION BY MR. ALVENDIA: 9 Q. Ms. Raley, let's talk about your 10 recommendations for cleaning Oceana. 11 Let me ask you this: The touchpoint 12 cleaning; non-porous surfaces; soft, porous 13 surfaces; applying disinfectant; HEPA vacuuming 14 versus normal vacuuming; and use of such filters 15 such as a negative air scrubber; all of those 16 things, did you do that when you were doing mold 17 remediation? 18 A. Yes. 19 Q. Okay. And, in fact, that is what you 20 have the vast amount of your experience in. It 21 is not in virus cleaning. To be fair, the vast 22 amount of your experience is in mold cleaning, 23 correct? 24 A. I would not agree with that statement, 25 no.</p>	71	<p>1 basis throughout the day to clean touchpoints? 2 MS. DODD: 3 Object to the form. 4 Rico, she has not been offered as an 5 expert in the cost associated with any of these 6 action items. 7 MR. ALVENDIA: 8 Hold on a second. 9 She -- she is being offered as an 10 expert in cleaning and restoration, and she 11 doesn't know what it costs? Is that what you 12 are saying, Counsel? 13 MS. DODD: 14 Rico, she has not -- 15 MR. ALVENDIA: 16 She doesn't know how much to charge? 17 MS. DODD: 18 -- offered an opinion as to the cost 19 of the restoration -- 20 MR. ALVENDIA: 21 Okay. Well, this is a discovery 22 deposition -- 23 MS. DODD: 24 -- or cleaning. 25 MR. ALVENDIA:</p>
70	<p>1 Q. Well let me say this: I shouldn't have 2 used "vast." You certainly have more experience 3 in cleaning mold, than you do in cleaning 4 viruses. Would you agree with that? 5 A. I would agree with that, yes. However, 6 it is the same means and methods that are 7 recommended with regards to asbestos, lead, and 8 mold abatement. 9 Q. Right. And I appreciate that. 10 I'm just trying to get to the next line 11 of questioning, which is the cost for these 12 types of cleaning. 13 You mentioned earlier that you would 14 charge about \$500 to train someone like Oceana 15 on how to clean their property using the proper 16 procedures, correct? 17 A. Correct. 18 Q. And then you listed out some methods on 19 how to clean it. 20 How much would it cost -- let's start on 21 the first one. And if you could draw on your 22 history maybe from when you cleaned mold, if 23 that is something comparable. 24 A. Uh-huh. 25 Q. How much would it cost on a regular</p>	72	<p>1 This is a discovery deposition, as 2 your co-counsel so aptly pointed out. I would 3 like to know if she knows the cost associated 4 with her expertise. 5 So my question to her is: As an 6 expert in cleaning and restoration, how much 7 would it cost to clean touchpoints throughout 8 the day of a business? How much would it cost 9 to do that? 10 THE WITNESS: 11 It would be probably based on an 12 hourly rate for a cleaning technician, which 13 would be -- it varies depending on the place and 14 area of the country. 15 I couldn't tell you what the exact 16 amount is in New Orleans, but it is probably 17 somewhere in that 15 to \$20 per hour per person 18 to do that. 19 EXAMINATION BY MR. ALVENDIA: 20 Q. Okay. 15 to \$20 an hour. 21 So throughout a 12-hour day, it would 22 cost about \$240 a day if they were there for 12 23 hours, right, to be cleaning on a continuing 24 basis touchpoints, correct? 25 A. I would say that it is not a 12 full</p>

<p style="text-align: right;">73</p> <p>1 hours to go around and clean all the high 2 touchpoints because people are occupying tables, 3 and you would have to wait until the table 4 cleared. 5 So I would say that, you know, one 6 person could probably do one floor and regularly 7 make rounds on all of those high touchpoints on 8 a regular schedule. 9 Q. Right. Okay. And that person would 10 charge about -- you said about \$20 an hour, 11 right? 12 A. If it were an outside vendor who was 13 providing the service. 14 Q. Yeah. Okay. Let's -- 15 A. Someone that is working -- 16 Q. Let's do it that way. 17 A. -- for -- well, if it is someone that is 18 working for the restaurant, then it would depend 19 on -- they could be trained. And I don't know 20 what the restaurant pays their people, sir. 21 Q. Okay. Well, let's not go there. 22 Let's go to what you do know, which is 23 you just said a technician would charge about 24 \$20 an hour. 25 And if the restaurant was open for 12</p>	<p style="text-align: right;">75</p> <p>1 hour tables, then you go on 12 hours at \$20 an 2 hour, it is about \$240 a day to clean 3 touchpoints in a restaurant by a technician, 4 correct? 5 MS. DODD: 6 Object to the form. Compound 7 question. 8 THE WITNESS: 9 Again, sir -- okay. Sorry. 10 MS. DODD: 11 Go ahead, Sara. If you can answer. 12 THE WITNESS: 13 Again, it could be a staff person 14 who is already assigned to bus tables. 15 EXAMINATION BY MR. ALVENDIA: 16 Q. I am not asking if it is a staff person. 17 I'm asking if it is a technician. If it is a 18 technician, it would cost about \$20 an hour, 19 correct? 20 A. If it was an outside technician that 21 they hired on a daily basis. 22 Q. Okay. Thank you. 23 About \$20 an hour. And if that outside 24 technician was to stay there throughout the 25 normal course of a business day, and we will</p>
<p style="text-align: right;">74</p> <p>1 hours a day -- I want you to assume that for the 2 purpose of this deposition. It is actually open 3 later, but 12 hours times \$20 is \$240 a day. 4 Is that roughly what it would cost to 5 clean touchpoints on a daily basis? 6 MS. DODD: 7 Object to the form. 8 MR. ALVENDIA: 9 You can answer question. Yes or no? 10 THE WITNESS: 11 No. 12 EXAMINATION BY MR. ALVENDIA: 13 Q. No, it is not. Okay. 14 Well, enlighten me then, because if 15 somebody goes -- if you were to assume that the 16 average customer sits at a table for 45 minutes, 17 when that person gets up from that table, 18 shouldn't that table be cleaned? Isn't it a 19 touch surface, a touchpoint? 20 A. Yes. 21 Q. Okay. So if somebody is cleaning every 22 45 minutes -- it is actually more than once an 23 hour, by the way. But let's just round up to an 24 hour. 25 If they are cleaning at least once an</p>	<p style="text-align: right;">76</p> <p>1 just round it up to 12 hours, it would cost 2 about \$240 a day, correct? 3 A. Based on your scenario, my answer would 4 be yes. 5 Q. Okay. \$240 a day times seven days a 6 week, that would be \$1,680 a week. 7 You are going to have to trust my math 8 on this one. If I entered it properly in my 9 calculator, would you agree that that is about 10 \$1,680 a week for that technician to clean? You 11 agree with that? 12 A. Yes. But it is not going to require -- 13 if someone is trained appropriately, the staff 14 is going to be cleaning the table whether 15 COVID-19 was there or not. 16 Q. Okay. And, ma'am, I appreciate your 17 answer, but my question is if there was a 18 technician, okay? 19 So if it was a technician charging \$20 20 an hour, seven days a week, 12 hours a day, that 21 is about \$1,680 a week. 22 You would agree with me on that, if I -- 23 if I showed you the math; yes? 24 A. I would agree on your math. But I 25 disagree on your analysis in that it wouldn't</p>

<p style="text-align: right;">77</p> <p>1 require --</p> <p>2 Q. Ma'am, I'm not --</p> <p>3 A. -- a technician to be there the whole</p> <p>4 time.</p> <p>5 Q. Okay. Listen to my, question though,</p> <p>6 because I'm not asking whether it is required or</p> <p>7 not. I'm really not.</p> <p>8 I'm just asking you what the cost of a</p> <p>9 technician is. You have given me that number.</p> <p>10 A. Uh-huh.</p> <p>11 Q. I'm doing simple math here.</p> <p>12 A. Right. And I already --</p> <p>13 Q. You agree with me --</p> <p>14 A. I already agreed with you, sir, that,</p> <p>15 yes, based on your scenario, yes, that would be</p> <p>16 the cost if --</p> <p>17 Q. Okay.</p> <p>18 A. -- an outside technician was to be there</p> <p>19 every day, all day long.</p> <p>20 Q. Okay. 1,680 times 30 days, that would</p> <p>21 be \$50,000 a month, if we use an outside</p> <p>22 technician, correct?</p> <p>23 A. Correct.</p> <p>24 MS. DODD:</p> <p>25 Object to the form.</p>	<p style="text-align: right;">79</p> <p>1 this point forward --</p> <p>2 MR. HOUGHTALING:</p> <p>3 Yeah.</p> <p>4 MR. ALVENDIA:</p> <p>5 -- there is only one defense</p> <p>6 attorney speaking.</p> <p>7 MS. DODD:</p> <p>8 Aren't there multiple Plaintiff</p> <p>9 lawyers --</p> <p>10 MR. ALVENDIA:</p> <p>11 No, there is not.</p> <p>12 MS. DODD:</p> <p>13 -- speaking right now?</p> <p>14 MR. ALVENDIA:</p> <p>15 No, there is not.</p> <p>16 MR. HOUGHTALING:</p> <p>17 No. I'm saying I'm happy to speak</p> <p>18 also if this is what we are going to do. If we</p> <p>19 are going to do that --</p> <p>20 MR. ALVENDIA:</p> <p>21 No, no, no, no. Let's follow the</p> <p>22 proper procedure.</p> <p>23 The proper procedure is, this</p> <p>24 deposition is being taken for all purposes, and</p> <p>25 the proper procedure is one attorney defends it,</p>
<p style="text-align: right;">78</p> <p>1 MR. MILLER:</p> <p>2 I think she has answered this</p> <p>3 question several times.</p> <p>4 MS. DODD:</p> <p>5 Right.</p> <p>6 MR. MILLER:</p> <p>7 The scenario is inconsistent with</p> <p>8 your client's testimony.</p> <p>9 MR. HOUGHTALING:</p> <p>10 How many -- hey, Allen. Allen.</p> <p>11 MR. ALVENDIA:</p> <p>12 Yeah, who is defending the</p> <p>13 deposition, number one?</p> <p>14 MR. HOUGHTALING:</p> <p>15 Now, I'm happy to speak --</p> <p>16 MR. ALVENDIA:</p> <p>17 Yeah. No, no. Wait. Let --</p> <p>18 MR. HOUGHTALING:</p> <p>19 If you are --</p> <p>20 MR. ALVENDIA:</p> <p>21 I let it go earlier.</p> <p>22 MR. HOUGHTALING:</p> <p>23 I'm happy to speak.</p> <p>24 MR. ALVENDIA:</p> <p>25 Yeah. I let it go earlier. From</p>	<p style="text-align: right;">80</p> <p>1 one attorney takes it.</p> <p>2 So, John, let's just follow that</p> <p>3 protocol.</p> <p>4 EXAMINATION BY MR. ALVENDIA:</p> <p>5 Q. Okay. So, ma'am, I'm asking you the</p> <p>6 question: If it is 30 days, that is \$50,000 a</p> <p>7 month with an outside technician, correct?</p> <p>8 A. Based on your --</p> <p>9 MS. DODD:</p> <p>10 Again, object to the form. Asked</p> <p>11 and answered. I mean, we --</p> <p>12 MR. ALVENDIA:</p> <p>13 No, it is not.</p> <p>14 MS. DODD:</p> <p>15 Are you going to keep doing this,</p> <p>16 Rico?</p> <p>17 MR. ALVENDIA:</p> <p>18 No, no. No, no, no. Stop. Listen.</p> <p>19 I'm asking a completely different question. I'm</p> <p>20 about to ask how much it would cost on an annual</p> <p>21 basis. This is the first time I've asked that</p> <p>22 question.</p> <p>23 You can conclude all you want from</p> <p>24 my other questions, insinuate all you want. I'm</p> <p>25 asking a brand new question.</p>

81	<p>1 EXAMINATION BY MR. ALVENDIA: 2 Q. And my brand new question is: If it is 3 12 months with an outside technician, is there 4 any reason for you to disagree with my math it 5 would cost \$600,000 -- 6 MS. DODD: 7 Object to the form. 8 MR. ALVENDIA: 9 -- for an outside technician -- 10 MS. DODD: 11 Object to the form. 12 MR. ALVENDIA: 13 -- to clean -- 14 MS. DODD: 15 It assumes facts -- 16 MR. ALVENDIA: 17 -- the property -- 18 MS. DODD: 19 -- not in evidence. 24 hours a day 20 I'm assuming is your math, Rico? 21 MR. ALVENDIA: 22 No, no, no. It is not. It is not. 23 It is 12 hours a day. We did the math. 24 12 hours a day, seven days a week, 25 365 days a year. It comes out to \$600,000.</p>	83	<p>1 cleanest area first; work toward the less clean 2 areas. And as soon as the -- normally, we would 3 use something that would be disposable. 4 Once that has been contaminated after 5 you have cleaned, you now throw that away. You 6 take off your gloves. You wash your hands 7 thoroughly. 8 You don a new set of gloves. You get a 9 new cleaning cloth, and you continue on. 10 After that, you apply disinfectant per 11 the product labels, per the application that is 12 specified on that manufacturer label, and then 13 appropriately recognize the dwell time per the 14 manufacturer's recommendations. 15 Q. Okay. And so that deals with the 16 surfaces. 17 We talked about the air earlier, right? 18 The air is a component of the restaurant, 19 correct? 20 MS. DODD: 21 Object to the form. 22 EXAMINATION BY MR. ALVENDIA: 23 Q. Correct? It is a part of the 24 restaurant, is the air, right? I mean, you 25 can't have a physical space without air,</p>
82	<p>1 EXAMINATION BY MR. ALVENDIA: 2 Q. Do you have any idea -- do you have any 3 reason to disagree with my math on that 4 calculation, Ms. Raley? 5 A. I do not disagree with your math in that 6 scenario. 7 Q. Okay. Thank you. 8 So when we talk about -- that is on 9 touchpoints. So that cost of that technician, 10 he would cover touchpoints; non-porous surfaces; 11 and soft, porous surfaces, correct? 12 A. Correct. 13 Q. What would he do? What is the protocol? 14 What does he do when he does that? Let's go 15 through non-porous surfaces. What does he do to 16 clean those? 17 A. First, they would don gloves, disposal 18 gloves. They would use the appropriate cleaning 19 solution or something with soap in it. 20 They would then clean the surface. It 21 wouldn't be any different than how you would 22 normally clean it without COVID-19. 23 All the areas would be wiped down. Any 24 horizontal, vertical surfaces would be wiped 25 down. And that, you would start from the</p>	84	<p>1 correct? 2 MS. DODD: 3 Object to the form. 4 EXAMINATION BY MR. ALVENDIA: 5 Q. Correct? 6 A. The issue here is that every building in 7 this entire world has air in it, sir, and you 8 have normal air infiltration and ex-filtration 9 every time a door opens and closes. 10 Q. Exactly my point. 11 Okay. So let me ask you this question: 12 If you go through those protocols of cleaning 13 the surfaces, your definition of damages is if a 14 surface can be restored by cleaning, then it has 15 not been physically damaged, correct? 16 A. Correct. 17 Q. So going through these restoration 18 protocols, it is your testimony that that 19 property is no longer damaged, correct? 20 A. That is correct. 21 MS. DODD: 22 Object to the form. 23 EXAMINATION BY MR. ALVENDIA: 24 Q. Okay. But let me ask -- 25 MS. DODD:</p>

<p style="text-align: right;">85</p> <p>1 That is not what she said, Rico. 2 You are mischaracterizing her report. 3 MR. ALVENDIA: 4 Okay. I appreciate your objection. 5 EXAMINATION BY MR. ALVENDIA: 6 Q. So let's go through your definition 7 again. 8 If a surface can be restored by 9 cleaning, then it has not been physically 10 damaged. That is your definition, correct? 11 Correct? 12 A. If it can be cleaned back to normal 13 ecology and reused. 14 Q. Right. Then that is your definition, is 15 it wasn't damaged, correct? 16 A. Correct. 17 Q. What if we replaced that with this: If 18 a surface cannot be restored by cleaning, then 19 it has been physically damaged. Would you agree 20 with the opposite? 21 MS. DODD: 22 Object to the form. That is an 23 improper question mischaracterizing her report 24 and her expertise. 25 MR. ALVENDIA:</p>	<p style="text-align: right;">87</p> <p>1 Q. Right. Well -- 2 A. I mean -- 3 Q. -- my question -- 4 A. -- if you couldn't reuse it, there 5 wouldn't be a building in the world that could 6 be reused if someone came in and had COVID-19 7 and sneezed on a table. 8 Q. Right. So, but to be clear, you say you 9 have to break the chain of infection by using a 10 proper disinfectant, correct? 11 A. You have to clean first, and then 12 disinfect. It clearly states that in that 13 report. 14 Q. And that breaks the chain of infection, 15 correct? 16 A. It does. 17 Q. Okay. 18 A. Cleaning helps to agitate and remove the 19 virus particles, and the disinfectant comes back 20 through and -- and then that biocide kills the 21 virus, as long as it has been followed by the 22 appropriate procedures as outlined on the 23 manufacturer's label of the product that is 24 being used. 25 And it should be a product that comes</p>
<p style="text-align: right;">86</p> <p>1 Okay. We appreciate your objection. 2 EXAMINATION BY MR. ALVENDIA: 3 Q. So you can answer the question. 4 So I understand, you are telling the 5 Court here today, you are telling the Judge if a 6 surface can be restored by cleaning, then it has 7 not been physically damaged, correct? That is 8 your conclusion? 9 A. That is correct. 10 The issue here is if you had something 11 that was an impacted material that you couldn't 12 remove it by cleaning, such as drywall that has 13 visible mold spores, things of that, then that 14 would be required to be removed and replaced. 15 Q. Okay. 16 A. But if it is just cleaning, it can -- it 17 would certainly -- all you have to do is clean 18 and disinfect, and the surface is now usable 19 again. 20 Q. Right. And what you said earlier in 21 your report -- let me get to it now. 22 It says you can break the chain of 23 infection by cleaning the tables, right? 24 A. It would be no different, sir, then 25 cleaning for the flu.</p>	<p style="text-align: right;">88</p> <p>1 from the approved EPA end list, which is on the 2 CDC and the EPA websites. 3 Q. I appreciate that. And I looked at it. 4 Thank you for pointing that out. I looked at 5 that list of cleaners by the way. 6 Can you tell me right now, is there any 7 product on the market that prospectively kills 8 coronavirus? In other words, you put it on the 9 table and it kills it for the rest of the day? 10 A. It will kill it until the point it is 11 touched again, as long as the label has been 12 followed that it was mixed and applied 13 appropriately per the manufacturer's 14 instructions. 15 Q. Okay. And I'm glad you said that. 16 So it will clean it, but until a point 17 it is touched again by a COVID virus, correct? 18 A. No. A disinfectant is different than 19 cleaning, sir. 20 Q. Okay. And that is -- 21 A. Cleaning -- 22 Q. -- my question. That is my question. 23 Does a disinfectant continue to kill 24 anything that comes in contact with a table for 25 an extended --</p>

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1 A. It depends on --
 2 Q. -- time into the future?
 3 A. You would have to refer to the
 4 manufacturer's label and what it indicates.
 5 But usually if something is touched
 6 again by a human hand, it could potentially be
 7 recontaminated. That is why you clean and
 8 disinfect after every use.
 9 Q. And, thank you.
 10 Once again, I think we are saying the
 11 same thing here. But, so can you point to any
 12 chemical disinfectant that will continue to kill
 13 COVID-19 once it has been cleaned and people
 14 start coming and sitting down over and over and
 15 changing out?
 16 Is there any chemical that will
 17 continuously kill the virus that you could put
 18 on there? Specifically, can you name one?
 19 A. I can't answer that question, sir. That
 20 is not in my area of expertise.
 21 Q. Wait a second. You are being offered as
 22 an expert in cleaning and restoration, and you
 23 can't tell us if there is a chemical? That is
 24 out of your area of expertise to tell us --
 25 A. But your --

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1 Q. Wait. Let me finish my question,
 2 please.
 3 A. If I --
 4 Q. Let me finish my question, please.
 5 It is your testimony today that you are
 6 an expert cleaner and restorer, and it is
 7 outside your scope to be able to tell this Court
 8 if there is a specific chemical that will kill
 9 COVID-19 on a continuing basis throughout the
 10 day?
 11 A. The key word here, sir, is continuation.
 12 Q. Right. So you --
 13 A. If I --
 14 Q. If somebody touches it with the virus,
 15 if the virus --
 16 A. If I could answer, I would --
 17 MR. MILLER:
 18 Let her answer.
 19 THE WITNESS:
 20 Let me answer.
 21 MR. ALVENDIA:
 22 Excuse me, Allen. Allen, you don't
 23 have to -- Allen, you are not supposed to talk
 24 again.
 25 MR. MILLER:

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1 I won't, okay.
 2 MS. DODD:
 3 She is trying to talk, Rico. She is
 4 asking to speak.
 5 MR. HOUGHTALING:
 6 No.
 7 MS. DODD:
 8 Let her finish her question.
 9 MR. ALVENDIA:
 10 If you can answer --
 11 MR. HOUGHTALING:
 12 You need to follow the rules.
 13 MR. ALVENDIA:
 14 Finish your --
 15 MS. DODD:
 16 We are.
 17 MR. ALVENDIA:
 18 Finish your answer. Finish your
 19 answer, please. Finish your answer, please.
 20 THE WITNESS:
 21 It states right on the CDC website
 22 that the products that are listed are approved
 23 and assumed to kill the virus that is associated
 24 with the SARS-CoV-2, COVID-19.
 25 That is why my industry must check

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1 that list on a daily basis, to ensure that any
 2 product we are using to apply as a disinfectant,
 3 which is different than a cleaner, is on that
 4 list and is approved by the CDC as having the
 5 appropriate efficacy to kill the virus on a
 6 surface.
 7 EXAMINATION BY MR. ALVENDIA:
 8 Q. Okay. Thank you.
 9 A. Whether or not it continues to provide
 10 additional disinfection capabilities, that would
 11 be a question for the manufacturer and that
 12 particular product.
 13 Q. I appreciate your answer.
 14 My question is: Do you, Ms. Raley, do
 15 you know of any product that continues to kill
 16 the virus after it has been applied, a
 17 disinfectant, and if the virus falls on the
 18 table again whether it is somebody touches it,
 19 sneezes it, coughs on it, do you know of any
 20 chemical that continues to kill prospectively
 21 with each recontamination? Do you know of any
 22 specifically?
 23 MS. DODD:
 24 Object to the form.
 25 THE WITNESS:

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1 Specifically, me?
 2 MR. ALVENDIA:
 3 Yes. Specifically, you.
 4 THE WITNESS:
 5 Specifically, no.
 6 MR. ALVENDIA:
 7 Thank you.
 8 EXAMINATION BY MR. ALVENDIA:
 9 Q. So your testimony then is: You use one
 10 of these approved disinfectants. If somebody is
 11 sitting at the table, they finish eating in 45
 12 minutes. Somebody comes and cleans it with this
 13 disinfect, and it has now been restored. Is
 14 that correct?
 15 A. No. That is not a fair question, sir.
 16 I have already mentioned several times that the
 17 table must be cleaned first, and then
 18 disinfectant applied and allowed to have the
 19 appropriate dwell time for the product to have
 20 its efficacy to kill the virus.
 21 Q. Okay. And let's say we go through that.
 22 They properly clean it. They apply the
 23 disinfectant. It has the dwell time. It has
 24 now been --
 25 MS. DODD:

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1 Rico, let's pause for a minute. Her
 2 camera seems to be obscured, so let's make sure
 3 she is hearing the question, okay?
 4 THE WITNESS:
 5 I am sorry. Go ahead.
 6 MR. ALVENDIA:
 7 That is okay.
 8 MS. DODD:
 9 Start your question over, please,
 10 Rico.
 11 MR. ALVENDIA:
 12 Yeah.
 13 EXAMINATION BY MR. ALVENDIA:
 14 Q. Well, let's say we follow that protocol
 15 you just said. You clean the table properly.
 16 You apply a disinfectant properly. And you let
 17 it have a dwell time properly.
 18 It is your opinion, as an expert cleaner
 19 and restorer, now that that surface has been
 20 restored and cleaned, is safe now, correct?
 21 A. Correct.
 22 Q. Okay. If someone is walking by or
 23 multiple people are walking by in the area who
 24 may be infected with COVID-19 and they cough or
 25 they sneeze as they are passing by the table

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1 that we just talked about, could the table be
 2 reinfected --
 3 MS. DODD:
 4 Object to the form.
 5 MR. ALVENDIA:
 6 -- with COVID-19?
 7 THE WITNESS:
 8 I'm sorry. I would have to defer to
 9 Dr. Stock on that.
 10 MR. ALVENDIA:
 11 Yeah.
 12 EXAMINATION BY MR. ALVENDIA:
 13 Q. Well, I mean, let's talk about this.
 14 What infects the table? COVID-19, correct?
 15 MS. DODD:
 16 Object to the form.
 17 EXAMINATION BY MR. ALVENDIA:
 18 Q. I mean, what are we talking about
 19 cleaning here? We are talking about cleaning
 20 COVID-19, right?
 21 MS. DODD:
 22 Object to the form.
 23 EXAMINATION BY MR. ALVENDIA:
 24 Q. You have been offered as an expert in
 25 cleaning and restoration as it applies in this

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1 case in --
 2 A. I do not have particular expertise to
 3 tell you how far -- if someone coughed, how far
 4 were they from the table, what is the
 5 particulate drop rate, how far can it travel.
 6 That is an ambiguous question, in my opinion.
 7 Q. Okay. So, let me clean it up then.
 8 If Dr. Stock was to tell you -- let's
 9 assume you are an expert, so I can ask this
 10 question.
 11 Let's assume for the purposes of this
 12 deposition that Dr. Stock says as soon as
 13 somebody cleans the table, okay, as we just
 14 talked about, that a virus has the ability to
 15 land on the table.
 16 It has the ability to land on the table.
 17 In your opinion, as an expert cleaner and
 18 restorer, is that table now reinfected?
 19 MS. DODD:
 20 Object to the form.
 21 THE WITNESS:
 22 I would say that there is a
 23 potential. But without -- I mean, I don't -- I
 24 don't know how you could answer that question,
 25 quite frankly.

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1 EXAMINATION BY MR. ALVENDIA:
 2 Q. If COVID-19 touches a table, is there a
 3 potential for infection if somebody sits back
 4 down there?
 5 MS. DODD:
 6 Object to the form. She is not an
 7 expert in transmission.
 8 MR. ALVENDIA:
 9 She is an expert in proper cleaning
 10 and restoration methods of COVID-19.
 11 EXAMINATION BY MR. ALVENDIA:
 12 Q. And I am asking you: If somebody cleans
 13 it properly and somebody passes by and sneezes
 14 and COVID-19 goes all over the table, visible
 15 droplets all over the table and that person has
 16 COVID-19, is that table reinfected or not in
 17 your opinion?
 18 MS. DODD:
 19 Object to the form. She is not an
 20 expert in that field and you know that, Rico.
 21 Move on.
 22 MR. ALVENDIA:
 23 No, I'm not moving on. I'm not
 24 moving on.
 25 This is my deposition. I am asking

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1 proper questions here, and you can testify all
 2 you want.
 3 She talks about to break the chain
 4 of infection. That was written in her report.
 5 Black and white.
 6 And now you are telling me, Ginger,
 7 she is -- that is outside her area of expertise.
 8 EXAMINATION BY MR. ALVENDIA:
 9 Q. Ma'am, in your report, does it say to
 10 break the chain of infection, a disinfectant
 11 should be applied that has document product
 12 efficacy? Do you say that in your report?
 13 A. I do.
 14 Q. To break the chain of infection, and I'm
 15 asking you after your table has been cleaned
 16 with your protocols, does that chain of
 17 infection, does it start up again if somebody
 18 passing by sneezes with COVID-19 and COVID-19 is
 19 all over the table?
 20 MS. DODD:
 21 Object to the form.
 22 MR. ALVENDIA:
 23 You can answer the question.
 24 THE WITNESS:
 25 Again, that area of -- I can't speak

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1 to that because it would -- again, it would
 2 depend on, you know, Can you actually see the
 3 droplets? You know, I don't know. That is
 4 something that would be up to a scientist that I
 5 don't have expertise on.
 6 EXAMINATION BY MR. ALVENDIA:
 7 Q. But at the same time, as we sit here
 8 today, you are fully capable and willing to
 9 testify to the Court that these procedures you
 10 talk about, including the filter, is ample, is
 11 proper to clean COVID-19, such that Oceana's
 12 customers are safe; their lives are safe. That
 13 is what you are testifying to, correct?
 14 A. Yes. But would it be any different than
 15 if you were in the hospital or you were at home?
 16 Q. That is not my question.
 17 A. It would be the same thing.
 18 Q. That is not my question.
 19 My question was: You are here
 20 testifying today that your cleaning protocols,
 21 which include cleaning air with HEPA filters,
 22 these protocols that you put out in your report
 23 are sufficient to keep people's lives safe at
 24 Oceana; isn't that right?
 25 A. It is the most accepted means and

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1 practices that we have available to us to date.
 2 Q. Okay. Where did you get this definition
 3 of damage that you used several times in your
 4 report? When you say, "If a surface can be
 5 restored by routine cleaning, then it has not
 6 been physically damaged," where do you get that
 7 exact definition from?
 8 A. That is my professional opinion.
 9 Q. Based on what?
 10 A. If it can be cleaned and restored, then
 11 it is not permanently damaged.
 12 Q. So that is Sara Raley's definition?
 13 Where did you get that definition from?
 14 We talked about a bunch of courses
 15 earlier. Did they give you that definition at
 16 one of those courses earlier, the definition of
 17 damages?
 18 A. I couldn't -- I don't recall.
 19 Q. Did your attorneys on this deposition,
 20 did they tell you what the definition of damages
 21 is?
 22 A. No, they did not. It is my experience.
 23 Q. So where do you get -- where do you get
 24 that definition from? I'm trying to understand
 25 where you get the definition of --

<p style="text-align: right;">101</p> <p>1 A. I have been doing cleaning and 2 restoration for many, many years. 3 Q. Okay. 4 A. And I have not had any liability claims 5 against me -- 6 Q. Uh-huh. 7 A. -- with regards to mold remediation, 8 cleaning, lead paint removal. 9 If it is cleaned and the procedures are 10 followed appropriately, then there is no reason 11 why the area is not returned to safe and normal 12 ecology. 13 Q. Yeah. What about people walking -- 14 A. It is no different than mold, sir. 15 You have mold on your skin right now. 16 Does that mean that you are going to get sick 17 from it? No. There is mold everywhere. It is 18 on your body. It is in your house. It is right 19 outside your door. 20 The question is whether or not the 21 amount of that contamination is anything 22 different than what is right outside your door 23 or what is considered normal ecology. 24 Q. Okay. I appreciate that explanation. 25 But what I'm getting back to was, I</p>	<p style="text-align: right;">103</p> <p>1 You can answer. 2 THE WITNESS: 3 A fire in the kitchen that burned 4 the hood vent and the wall surrounding it that 5 affected the drywall and the framing that the 6 hood vent is installed on. 7 EXAMINATION BY MR. ALVENDIA: 8 Q. No. You are giving me examples. I'm 9 asking you: What is your definition of a 10 physical loss at Oceana? What is your 11 definition? 12 MS. DODD: 13 Same objection. 14 EXAMINATION BY MR. ALVENDIA: 15 Q. If you don't have one -- if you don't 16 have one, then that is fine. 17 A. I thought I just answered it. 18 Q. You gave an example. I am asking you: 19 What is your definition? Because you gave a 20 definition earlier of damages, which is if it 21 can be restored by routine cleaning, then it has 22 not been physically damaged. 23 I am asking you, and you might not have 24 an answer to it and that is fine: Do you have a 25 definition for physical loss?</p>
<p style="text-align: right;">102</p> <p>1 would like to know specifically where you got 2 that definition of damages from? 3 MS. DODD: 4 Objection. Asked and answered. 5 EXAMINATION BY MR. ALVENDIA: 6 Q. Let me ask you this. What is your 7 definition of a loss, a physical loss? What is 8 your definition of a physical loss? 9 You have given your definition of 10 damages, which is relevant in this case, 11 obviously. For some reason, you gave that 12 definition. 13 What is your definition of a physical 14 loss at a location? 15 A. Are you referring to physical loss as an 16 impacted material, or are you talking just in 17 general, like my father just died? 18 Q. No, no, no. I'm talking about the 19 first. I'm talking about a physical loss at 20 Oceana. What would be your definition of a 21 physical loss at Oceana? 22 MS. DODD: 23 Object to the form. Calls for a 24 legal conclusion. 25 MR. ALVENDIA:</p>	<p style="text-align: right;">104</p> <p>1 MS. DODD: 2 Object to the form. 3 THE WITNESS: 4 So physical loss would be something 5 that cannot be restored and returned to its 6 pre-loss condition. 7 EXAMINATION BY MR. ALVENDIA: 8 Q. Okay. Where do you get that definition 9 from? 10 A. That comes from all of the certification 11 trainings throughout my career that we have been 12 taught, that as long as it can be restored to 13 pre-loss condition, then it doesn't need to be 14 physically replaced. 15 Q. All right. 16 A. And it is a term that is used regularly 17 in the insurance industry. 18 Q. Okay. Wait. Thanks for volunteering 19 that. 20 So physical loss -- your sworn testimony 21 today is what you just described as a physical 22 loss is a definition that is used in the 23 insurance industry; is that correct? 24 MS. DODD: 25 Object to the form. You are</p>

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1 mischaracterizing what she said.
 2 THE WITNESS:
 3 Yeah, that is --
 4 EXAMINATION BY MR. ALVENDIA:
 5 Q. What did you just say?
 6 A. What?
 7 Q. What did you just say?
 8 A. That --
 9 Q. Repeat your answer.
 10 A. -- specifically what I said is, if
 11 something --
 12 Q. Okay.
 13 A. -- can be restored to its pre-loss
 14 condition, then it is not physically altered to
 15 the point that it can't be reused.
 16 Q. Right. Okay. As we sit here today,
 17 let's take a look overall at your assessment of
 18 Oceana.
 19 Do you think, Ms. Raley, that in order
 20 to give complete recommendations to the folks at
 21 Oceana on how to safely open their restaurant
 22 back up to the public, that you should have
 23 completed an assessment that was required by the
 24 COVID-19 Pandemic Report on Professional
 25 Cleaning and Restoration Contractors? Do you

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1 think you should have done a full assessment
 2 before you made these conclusions in your
 3 report?
 4 A. No, sir, I do not. I don't need to be
 5 there for that.
 6 Q. You don't need to do an assessment, as
 7 required in that report?
 8 A. I didn't say that. What I said was that
 9 I can -- it doesn't matter -- surfaces are
 10 similar in all restaurants.
 11 They may have more or less than the
 12 average restaurant because due to their size.
 13 But it is typically the same types of surfaces,
 14 and it doesn't require me to actually physically
 15 be there to do a risk assessment at this point
 16 because I am merely opining on the actual
 17 cleaning process and products that are used and
 18 whether or not they were done in accordance with
 19 the means and methods that are normally used for
 20 biological contaminant removal.
 21 Q. How much does a HEPA filter cost?
 22 A. A HEPA filter? It depends on the
 23 machine.
 24 Q. Give me a range. Give me a range on
 25 these HEPA filters.

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1 A. A HEPA vacuum, probably anywhere from
 2 \$75 to \$85 per filter.
 3 But the manufacturer only recommends
 4 that that be replaced after about every 600 to
 5 800 hours depending on who made it and the size
 6 and so forth. They are all different.
 7 Q. Okay.
 8 A. A larger air scrubber could be anywhere
 9 from \$150 to maybe \$225 per filter. That is
 10 just for the HEPA filter.
 11 Q. All right. And so, again, it is your
 12 testimony, as we saw in your report today as the
 13 expert cleaner and restorer, that a HEPA filter
 14 was the proper filter to filter out the COVID-19
 15 virus in Oceana, correct?
 16 MS. DODD:
 17 Object to the form.
 18 THE WITNESS:
 19 Correct.
 20 EXAMINATION BY MR. ALVENDIA:
 21 Q. You said correct?
 22 A. I said that it -- air scrubbers are one
 23 way that you can help to control the particles
 24 in the air. And you mentioned earlier that it
 25 was a 0.6 where the HEPA --

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1 Q. No, no. That is 0.06, ma'am.
 2 A. .06. Okay. So, 0.03 --
 3 Q. The question --
 4 A. -- is smaller than 0.06. So, therefore,
 5 a HEPA filter would still be the appropriate
 6 filter in use.
 7 Q. No. No, ma'am. And I don't mean to
 8 argue with you. Is it your testimony that 0.06
 9 is bigger than 0.3? Is that your testimony?
 10 A. No. It is point -- it is 0.03, sir.
 11 Q. No. No, ma'am. Again, not to be
 12 argumentative, and I'm looking at your report.
 13 And we will end on this.
 14 But I just want to make sure you are
 15 aware of what is in your report. And if you
 16 want to change it and tell us your report has an
 17 error in it, that is fine.
 18 But your report clearly says -- I will
 19 read it again.
 20 MS. DODD:
 21 Why don't you put it up on the
 22 screen for her?
 23 MR. ALVENDIA:
 24 I mean, look, it is her report. I'm
 25 asking --

109	<p>1 MS. DODD: 2 And she is in her car -- 3 MR. ALVENDIA: 4 I'm not misreading it. Let's ask 5 her the question first and see if she agrees 6 with it. 7 THE WITNESS: 8 I should be able to pull it up. 9 Just a minute. 10 MR. ALVENDIA: 11 Yeah, please, pull it up. 12 Since there is a such a discrepancy 13 on 0.3 versus 0.03, let's look and read what she 14 wrote. 15 THE WITNESS: 16 It would be point -- it is 0.03. So 17 if it says 0.3, then it is an error, and I will 18 have to correct that. 19 EXAMINATION BY MR. ALVENDIA: 20 Q. Okay. So, your report -- so, in other 21 words, if Oceana had taken your report -- never 22 mind. You know, withdraw that. 23 MS. DODD: 24 Rico, let her pull up the document 25 first --</p>	111	<p>1 That is fine. Take your time. 2 MR. MILLER: 3 Can we just stipulate that if it is 4 0.3 -- 5 MR. HOUGHTALING: 6 Who is speaking? 7 MR. ALVENDIA: 8 Allen. Allen, please stop. 9 MR. HOUGHTALING: 10 Who is speaking? 11 MR. ALVENDIA: 12 Please stop. Everybody please stop. 13 MR. MILLER: 14 No. It is unnecessary. 15 MR. ALVENDIA: 16 No. Please stop. Everybody please 17 stop. If it is Ginger not saying it, then let's 18 follow the rules, okay? 19 THE WITNESS: 20 It is just I'm out in the field, and 21 I am having a little bit of internet issue. 22 EXAMINATION BY MR. ALVENDIA: 23 Q. Okay. Well, let me ask this question to 24 try to make it easier, as Mr. Miller was trying 25 to say.</p>
110	<p>1 MR. ALVENDIA: 2 Yeah, please. 3 MS. DODD: 4 -- and then ask her questions. 5 MR. ALVENDIA: 6 Please. 7 MS. DODD: 8 She was in the middle of doing that. 9 MR. ALVENDIA: 10 Please. Please. Please. 11 THE WITNESS: 12 Hang on just a minute. 13 MR. HOUGHTALING: 14 Rico, take a quick break before you 15 end real quick. 16 MR. ALVENDIA: 17 Okay. I will. I will. Let me just 18 finish this line of questions. 19 MR. HOUGHTALING: 20 Yeah. 21 THE WITNESS: 22 Hold on just a moment. I have to 23 find which page it is on. I have to pull it up 24 from the server. Just a moment. 25 MR. ALVENDIA:</p>	112	<p>1 If your report says that a HEPA filter 2 can clean particles -- 3 A. No, it -- I found it. I found it. It 4 is correct. And you are correct. I wasn't. It 5 does do particles of 0.3. 6 Q. Okay. Thank you. That is the first 7 time somebody said I'm correct in a while, so I 8 appreciate that, Ms. Raley. 9 So then we are correct that HEPA filters 10 trap particles -- 11 A. But I can't speak to the fact -- I can't 12 speak to the fact that -- hold on. I just lost 13 you again. 14 Q. You can't speak to what? 15 A. Do you have your screen up? 16 Q. Yeah, it is up. 17 A. Why can't I see you anymore? 18 MR. ALVENDIA: 19 Can you all see me? 20 MS. DODD: 21 I can see you, but you are also 22 screen sharing, so -- 23 MR. ALVENDIA: 24 Yeah, I am screen sharing. 25 MS. DODD:</p>

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1 -- it is a very small picture.
 2 MR. ALVENDIA:
 3 Yeah, because what I wanted to
 4 screen share --
 5 THE WITNESS:
 6 Okay. Now I -- now I've got you
 7 back again. I'm sorry. I couldn't see -- I
 8 couldn't see what you had. It was so small, I
 9 couldn't see it.
 10 MR. ALVENDIA:
 11 No, that is fine.
 12 EXAMINATION BY MR. ALVENDIA:
 13 Q. And, you know, what, in fact, you said
 14 0.3 microns. And that makes sense because the
 15 office of Homeland Security published something
 16 that said HEPA filters are 0.5 microns in size
 17 and larger, which again we agreed earlier is a
 18 little bit off from your number, right? A
 19 little bit off?
 20 A. But it is a different type of machine
 21 that you are looking at here. So I believe this
 22 one is more designed for HVAC systems in
 23 hospitals.
 24 Q. Okay. But your example is 0.3 microns
 25 or larger, right?

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1 A. And those are the ones that we purchase
 2 in the restoration industry, yes.
 3 Q. Okay. Thank you.
 4 So getting back to this point then that
 5 we --
 6 A. Okay.
 7 Q. -- spent so much time on earlier, if the
 8 COVID virus is smaller than 0.3 microns, then
 9 the HEPA filters are not going to catch it,
 10 correct?
 11 MS. DODD:
 12 Object to the form.
 13 THE WITNESS:
 14 Again, sir, I am not a scientist. I
 15 can't tell you what the size of the --
 16 MR. ALVENDIA:
 17 I'm not asking --
 18 THE WITNESS:
 19 -- the micron size of a virus. I
 20 just know that the CDC indicates that the
 21 products that are used do have efficacy in
 22 controlling and killing the virus.
 23 EXAMINATION BY MR. ALVENDIA:
 24 Q. That is not my question. That is not my
 25 question.

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1 A. Well, I feel I am answering your
 2 question.
 3 Q. If you could please -- let me try asking
 4 a different question then.
 5 If it was conclusively shown to you --
 6 you are a master cleaner and restorer, okay?
 7 That is what you are. You are an expert cleaner
 8 and restorer.
 9 If it is conclusively shown to you that
 10 the COVID virus is smaller than 0.3 microns,
 11 would you still recommend the HEPA filter to
 12 Oceana, to use a HEPA filter to clean the air?
 13 A. I would.
 14 Q. You would?
 15 A. I would only because it is going to take
 16 everything up to 0.3 microns, and then you would
 17 have to address the --
 18 Q. No. No, no, no, no. No, you are getting it
 19 in reverse. It would take everything larger
 20 than 0.3 microns, correct?
 21 A. No, no, no. I am not getting it in
 22 reverse.
 23 What I am saying is that air filtration
 24 provides particulate removal. And so,
 25 therefore, if somebody sneezed, it doesn't

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1 necessarily mean that they have COVID or that
 2 they cough, that they had COVID. It might be
 3 just an allergen or something of that nature,
 4 which the HEPA filter would filter out.
 5 Q. Okay. That doesn't answer my question,
 6 but I appreciate your answer.
 7 MR. ALVENDIA:
 8 Let's take a little break real
 9 quick.
 10 John and Matt, I'm going to call. I
 11 think we beat that into the ground.
 12 (Brief recess held.)
 13 EXAMINATION BY MR. ALVENDIA:
 14 Q. Okay. Ms. Raley, are you back?
 15 A. Yes. I just want to notify everyone
 16 I'm down to 19%, and I am going to lose you
 17 after that. I don't have --
 18 Q. You are going to have plenty of power
 19 left. We are wrapping up.
 20 Okay. Just to clarify, if a table has
 21 been properly cleaned, as you described, right,
 22 restored after it has been infected with
 23 COVID-19, clearly once that happens, if it is
 24 reinfected by COVID-19 -- I'm not asking you the
 25 mechanism or how much virus it takes or

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1 whatnot -- if it is reinfected by COVID-19, then
 2 you have to immediately clean it again to remove
 3 that contaminant, correct?
 4 MS. DODD:
 5 Object to the form.
 6 THE WITNESS:
 7 Just like any high touchpoint
 8 surface, it needs to be cleaned and disinfected
 9 on a regular basis.
 10 EXAMINATION BY MR. ALVENDIA:
 11 Q. Well, I'm not asking regular basis. I'm
 12 saying if it is reinfected.
 13 If it is reinfected by COVID-19, should
 14 you clean it again to restore it so it is not
 15 dangerous, it doesn't have the contamination?
 16 That is all I am asking.
 17 A. In that scenario, I would say that that
 18 would be a correct assumption.
 19 Q. A correct assumption. Okay. Thank you.
 20 Getting back to the HEPA filter, and I
 21 think that I just needed some clarity from you
 22 on that, what type of filtration system would
 23 you recommend then for the air at Oceana? One
 24 that has a HEPA filter in it, number one,
 25 starting with that?

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1 A. Yes. Whether or not there are products
 2 out available in the market that can go lower
 3 than that, I have no knowledge of that.
 4 Q. And so that is all I want to know, is
 5 what you know. And based on your knowledge as
 6 the expert cleaner and restorer in this case,
 7 would it be your recommendation to use an air
 8 purifier with a HEPA filter in it at Oceana?
 9 A. I mean, I think any air filtration in an
 10 indoor environment is better than having none at
 11 all.
 12 Q. Okay. So --
 13 A. If they --
 14 Q. -- the answer to the question is yes?
 15 The answer to the question is, yes, you would
 16 recommend a purifier with a HEPA filter? Yes or
 17 no, then you can explain your answer, please.
 18 A. Yes.
 19 Q. Okay. How much do one of those
 20 purifiers cost? Do you have any idea, one of
 21 those machines that we saw earlier or that you
 22 know of?
 23 A. They vary in price, sir. It depends on
 24 the manufacturer, the size. They are all
 25 different.

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1 Q. Okay. Well, let's say one that would be
 2 used to clean a 5,000 square foot property.
 3 What would you use for that? You are the master
 4 cleaner and restorer. What size --
 5 A. I would have to run the calculations,
 6 and it would be based on air exchanges per hour.
 7 So for 5,000 square feet, probably maybe a 2,000
 8 to 3,000 CFM machine.
 9 Q. Okay. Do you have --
 10 A. They can also -- they can also -- there
 11 are attachments to HVAC systems that they can be
 12 installed to work hand-in-hand with the HVAC
 13 system.
 14 Q. Let's say we hire you at Oceana. We
 15 talked about this earlier.
 16 A. Uh-huh.
 17 Q. Which one would you recommend? Now you
 18 know that it is 19,000 square feet, three
 19 separate floors, what air filtration system
 20 would you recommend? The 2,000 to 3,000 CFM?
 21 Would you put that throughout the building,
 22 maybe? Tell me how you would do that. What
 23 would you recommend?
 24 A. Well, first, I would -- first, you have
 25 to figure out the total cubic feet. Then you

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1 would determine how many air exchanges you are
 2 going to do based on after you have done a risk
 3 assessment and whether or not you find anything
 4 as a result of that risk assessment.
 5 Then, at that point, I would determine
 6 probably two air exchanges and then you divide
 7 that by the C -- it will tell you how much CFM
 8 calculation that you would need.
 9 Q. Uh-huh.
 10 A. And then you size that appropriately
 11 based on the amount of cubic feet per minute of
 12 air that needs to be processed.
 13 Q. Okay. And you have not done that
 14 evaluation in this case, correct; that analysis
 15 in this case --
 16 A. No.
 17 Q. -- to determine what proper size of air
 18 filtration system should be used at Oceana,
 19 correct?
 20 A. No. I was not asked to opine on those
 21 fine details. No.
 22 Q. Fine details? Well, hold on a second
 23 now. You were asked -- let's be clear here.
 24 Reading from your report --
 25 A. I was not asked to provide the

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1 calculation, sir. I was just asked to provide
 2 an opinion based on what would be the
 3 appropriate cleaning and products and equipment
 4 and tools that I would use to go in and clean if
 5 I were approaching this from a COVID-19
 6 perspective or even a mold, lead, or asbestos.
 7 Q. Okay. And so you said that this filter
 8 air filtration system --
 9 You have talked about it a second ago.
 10 A. Uh-huh.
 11 Q. -- you would have to measure it out to
 12 finish your analysis. You talked about
 13 potentially using a 2,000 to 3,000 CFM capacity
 14 model. How much would one of those cost? I'm
 15 curious.
 16 A. Again, it just depends on who the
 17 manufacturer is. I would say probably somewhere
 18 in the -- anywhere from \$2,000 to \$4,000.
 19 Q. \$2,000 to \$4,000.
 20 A. There are dozens of companies that make
 21 this type of equipment.
 22 Q. Well, and I appreciate it. Look, I have
 23 no idea. It is like asking somebody who is a
 24 car expert how much cars cost. You know, I
 25 mean, I guess.

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1 So I am asking you: Just, in general,
 2 2,000 to 3,000 CFM costs about \$2,000 to \$4,000,
 3 roughly?
 4 A. Approximately, yes.
 5 Q. Okay. And would you need more than one
 6 of these, do you think, in a 19,000 square foot
 7 restaurant?
 8 A. Depends. It would -- it would depend on
 9 the actual layout. I would have to go through
 10 and determine the layout, how much
 11 compartmentalization there is.
 12 There is a lot of other factors that go
 13 into determining -- modification factors that go
 14 into determining the size of the equipment.
 15 Q. Right. And so you did not do a specific
 16 analysis on how to specifically clean Oceana,
 17 did you?
 18 MS. DODD:
 19 Object to the form.
 20 EXAMINATION BY MR. ALVENDIA:
 21 Q. You said it a second ago. You were not
 22 asked to do a specific detailed analysis. You
 23 said to talk about the modes of cleaning, right;
 24 the methods, correct?
 25 A. The means and methods are the same.

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1 Q. Yeah. And I agree that is what you
 2 said.
 3 But you didn't do an in detail analysis
 4 on how many filtration systems to place in
 5 there; you didn't get into the weeds and
 6 specifics on how to clean Oceana, correct?
 7 MS. DODD:
 8 Object to the form.
 9 THE WITNESS:
 10 No.
 11 MS. DODD:
 12 Mischaracterizing her testimony.
 13 MR. ALVENDIA:
 14 Well, she just said -- you said no,
 15 right? That is your answer, no? Correct?
 16 THE WITNESS:
 17 Based on -- based on your scenario,
 18 no.
 19 EXAMINATION BY MR. ALVENDIA:
 20 Q. Yeah. Then --
 21 A. Just so you know, I'm down to 16%.
 22 Q. Okay. Keep us posted. I appreciate it.
 23 So, how are you able then to make the
 24 conclusion that the Oceana Grill did not
 25 properly clean on a regular basis as part of its

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1 normal business operation by implementing the
 2 appropriate cleaning, disinfecting plan? Their
 3 plan, how do you -- how are you able to opine
 4 that their plan was not proper?
 5 A. Because Dr. Moye failed to address that
 6 in his report. And that would be important for
 7 -- because he mentions in his report that things
 8 can be restored and disinfected and remediated.
 9 And he didn't opine on or provide any detailed
 10 information about what, if anything, the
 11 restaurant staff did.
 12 Q. So you are relying on what Oceana did
 13 for cleaning, all of their cleaning protocols,
 14 how often they cleaned, when they cleaned, what
 15 they used to clean?
 16 A. They didn't provide any of that
 17 information.
 18 Q. Well, did you ask for it?
 19 A. I, personally, did not ask for it. But
 20 I didn't need it to write this report and say
 21 what the proper procedures and methods and means
 22 were. They are the same no matter where you
 23 are. Whether you are doing a bowling alley or
 24 you are doing a restaurant, you are doing the
 25 Publix down the street.

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1 Q. But you make the conclusion in your
2 report that Oceana did not conduct the proper
3 cleaning methods. Where are you getting that
4 from? You are getting that from two paragraphs
5 out of Dr. Moye's report?

6 A. But he made a conclusion that was
7 unsupported because he didn't provide any
8 information with regards to the proper cleaning
9 and efficacy --

10 Q. Okay. So --

11 A. -- of a remediation method.

12 Q. Okay. So if the owner of Oceana and
13 their staff was to give you more information on
14 the protocols they followed as far as cleaning
15 and using the proper methods you describe in
16 your report, that could change your opinion,
17 right?

18 A. It is possible. Based on that scenario,
19 yes, it is possible.

20 Q. Okay.

21 THE WITNESS:

22 I'm down to 15 now, Ginger.

23 MR. ALVENDIA:

24 I'm just about finished. I am just
25 checking my notes.

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1 EXAMINATION BY MR. ALVENDIA:

2 Q. So you disagree with Dr. Moye when he
3 says their cleaning efforts at Oceana was undone
4 by the continual arrival of COVID-19 through
5 positive patrons and employees? You disagree
6 with that, right?

7 A. I do. How would -- how would he know
8 whether the patrons were infected or not? It
9 would be impossible. No one would know that.

10 Q. Right. You are saying it would be
11 impossible for him to know more likely than not
12 whether someone entering the restaurant was
13 infected by COVID-19? Is that what you are
14 saying?

15 A. Yes.

16 Q. Okay. Because you do understand the
17 burden of proof in a civil case for your
18 opinions, all opinions you make, just like Dr.
19 Moye, is more likely than not? You understand
20 that, right?

21 A. I understand that. Yes, sir.

22 Q. So you disagree with Dr. Moye's opinion
23 because you don't think that he could show that
24 more likely than not that the cleaning efforts
25 of Oceana was undone by continued arrival of

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1 COVID-19 in the restaurant? You don't think he
2 could show more likely than not that that
3 existed, correct?

4 A. I do not believe that he can. He -- as
5 far as I know, I didn't see where he actually
6 did -- where there was an actual risk
7 assessment he did himself.

8 Q. Okay. And you think that had they
9 followed the proper procedure, they would have
10 just cleaned the tables and presented a safe
11 environment for the customers, correct?

12 A. No, that is not what I am saying. They
13 would have had to have done all the cleaning
14 that would have been required.

15 Q. That is what I mean.

16 A. Okay.

17 Q. We are going to make your battery. We
18 are going to survive here.

19 MR. ALVENDIA:

20 I have no further questions.

21 John, Matt, do you want to talk
22 offline before I close this out?

23 MR. HOUGHTALING:

24 We are good.

25 MR. ALVENDIA:

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1 Okay. Ms. Raley, I appreciate your
2 time. Thank you very much.

3 THE WITNESS:

4 Thank you. We are done?

5 MS. DODD:

6 Yes. You can leave the meeting.

7 THE WITNESS:

8 Okay.

9 MR. HOUGHTALING:

10 Rico -- Rico, actually, I'm sorry.

11 Rico, one question. Let's just make one phone
12 call. Okay? Just one second, if we could,
13 Rico?

14 MR. ALVENDIA:

15 Hold on one second.

16 (Brief recess held.)

17 MR. ALVENDIA:

18 Okay. Back on the Record.

19 EXAMINATION BY MR. ALVENDIA:

20 Q. Ms. Raley, this report that you produced
21 on October 23rd, 2020, that is the last report
22 you are doing in this case?

23 A. To my knowledge.

24 Q. Okay.

25 A. At this point, yes.

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1 Q. Yeah. You don't -- as we sit here right
 2 now, you don't plan on doing another report, do
 3 you?
 4 A. Not unless additional information
 5 becomes available.
 6 Q. Okay. So, let me ask you this: We
 7 talked about doing a detailed recommended
 8 analysis of the cleaning at Oceana. Do you plan
 9 on doing one of those? Have you been asked to
 10 do that yet?
 11 A. I have not.
 12 Q. Okay. So as far as we know, you haven't
 13 been asked. You don't plan on doing a detailed
 14 analysis specifics of cleaning at Oceana, do
 15 you?
 16 MS. DODD:
 17 Object to the form.
 18 THE WITNESS:
 19 I haven't been requested to, to this
 20 date.
 21 MR. ALVENDIA:
 22 Okay. I didn't think so.
 23 All right. Thank you, Ms. Raley.
 24 We appreciate your time.
 25 THE WITNESS:

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1 So, I may leave now, correct?
 2 MR. ALVENDIA:
 3 Madam Court Reporter, I'm going to
 4 Email you the exhibits.
 5 MS. DODD:
 6 Yes, you may, Sara. Thank you.
 7 (Deposition concluded at 12:38 p.m.)
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1 WITNESS' ATTESTATION
 2 I have read or have had the foregoing
 3 testimony read to me, pursuant to Rule 30(e) of
 4 the Federal Rules of Civil Procedure and/or
 5 Article 1445 of the Louisiana Code Civil
 6 Procedure, and hereby attest that, to the best
 7 of my ability and understanding, it is a true
 8 and correct transcription of my testimony, with
 9 the exception of any attached corrections or
 10 changes, complete with reasons for changes, on
 11 the Witness' Amendment Pages;
 12 I have in no way altered the printed
 13 transcript pages containing testimony herein,
 14 tampered with the seal on the last numbered page
 15 herein, or tampered with the security strip on
 16 the binder hereof. The integrity of this
 17 certified transcript has been maintained in the
 18 identical form as it was received by me, with
 19 the exception of any changes on the Witness'
 20 Amendment Pages.
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1 CERTIFICATE

2 This certification is valid only for a
3 transcript accompanied by my original signature
4 and original required seal on this page.

5 I, KAY E. DONNELLY, Certified Court
6 Reporter in and for the State of Louisiana, as
7 the officer before whom this testimony was
8 taken, do hereby certify that SARA LOUISE RALEY,
9 to whom oath was administered, after having been
10 duly sworn by me upon authority of R.S. 37:2554,
11 did testify as hereinbefore set forth in the
12 foregoing one hundred thirty-two (132) pages;
13 that this testimony was reported by me in the
14 stenotype reporting method, was prepared and
15 transcribed by me or under my personal direction
16 and supervision, and is a true and correct
17 transcript to the best of my ability and
18 understanding; that the transcript has been
19 prepared in compliance with transcript format
20 guidelines required by statute or by rules of
21 the board; and that I am informed about the
22 complete arrangement, financial or otherwise,
23 with the person or entity making arrangements
24 for deposition services; that I have acted in
25 compliance with the prohibition on contractual
relationships, as defined by Louisiana Code of
Civil Procedure Article 1434 and in rules and
advisory opinions of the board; that I have no
actual acknowledge of any prohibited employment
or contractual relationship, direct or indirect,
between a court reporting firm and any party
litigant in this matter nor is there any such
relationship between myself and a party litigant
in this matter. I am not related to counsel or
to the parties herein, nor am I otherwise
interested in the outcome of this matter.

22 _____
KAY E. DONNELLY
Certified Court Reporter
State of Louisiana
Certificate No. 87008
November 8, 2020

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