

In the Matter of:

Miriam Bonilla vs

State of Rhode

Island

Mirian Bonilla

December 20, 2024

Miriam Bonilla vs
Miriam Bonilla vs
State of Rhode Island
State of Rhode Island

1 STATE OF RHODE ISLAND SUPERIOR
COURT 2 PROVIDENCE, SC.
3
4 MIRIAM BONILLA
5 Plaintiff,
6 vs. C.A. NO: PC-2021-06463
7 STATE OF RHODE ISLAND,
8 Acting by and Through the
9 Department of Transportation,
10 Defendant.
11 -----
12

13 DEPOSITION OF
14 MIRIAM BONILLA
15 December 20, 2024
16 10:22 a.m.
17
18 DARROW EVERETT LLP
19 One Turks Head Place
20 Providence, Rhode Island 02903
21
22
23
24 Elizabette M. Afonso, Court Reporter and Notary
Public

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1 APPEARANCES OF COUNSEL
2
3 On behalf of the Plaintiff:
4 BY: Katie L. Howayeck, Esquire
5 DARROW EVERETT LLP
6 One Turks Head Place
7 Suite 1200
8 Providence, Rhode Island 02903
9 401.453.1200
10 khowayeck@darroweverett.com
11
12 On behalf of the Defendant:
13 BY: Marc E. Finkel, Esquire
14 FREEMAN MATHIS & GARY LLP

10 10 Dorrance Street
Suite 700
11 Providence, Rhode Island 02903
617.963.5975
12 mfinkel@fmglaw.com
13
14 On behalf of Defendant:
15 BY: Raymond A. Marcaccio, Esquire
OLIVERIO & MARCACCIO LLP
30 Romano Vineyard Way
16 Suite 109
North Kingstown, Rhode Island 02852
17 401.861.2900
ram@om-rilaw.com
18
19 Also present: Norma Mann Valladares, Interpreter
20
21
22
23
24

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1 PROCEEDINGS

2

3 (Norma Mann Valladares, Interpreter,
4 having been first duly sworn.)

5

6 MIRIAN BONILLA, having been first
duly 7 sworn through interpretation, was
examined and 8 testified as follows:

9

10 EXAMINATION

11 BY MR. FINKEL:

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4 Q. And what's your date of birth? 5
A. June 24th of 1973. Page 7

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1 A. 11 Pilsudski Street.
2 Q. All right. And that's in
Providence? 3 A. Yes.

6 Q. Okay. And, Ms. Bonilla, have you had
your 7 deposition taken before?
8 A. No.
9 Q. All right. So I'm going to go through a few
ground 10 rules to hopefully make this go as
smoothly as 11 possible.
12 We are being assisted today with a 13
Spanish interpreter, and everything you and I are 14
talking about today is going to be transcribed by 15
the court reporter who is sitting next to you. I'm 16
going to hopefully go as slow as I can to allow for
17 the interpreter to interpret what I'm asking you.
18 I would just ask that you allow the 19
interpreter to finish her interpretation before you 20
start to give your answer, and I'm going to do my 21
best to allow the interpreter to finish her 22
interpretation before I start asking my next 23
question.

24 All right. And it's very important that

Page

6

1 only one person talk at a time, because the court 2
reporter can only take one person's words down at 3
once. I ask that your answers be verbal in nature; 4
things such as mm-hmms or uh-huhs cannot be taken 5
down by the court reporter, same with nods or 6
shakes of the head.

12 Q. Okay. Good morning, Ms. Bonilla, my name's
Marc 13 Finkel. I am a defense attorney. I represent
the 14 State of Rhode Island in a lawsuit that you have
15 brought.

16 Can you please state your full name
for 17 the record?

18 A. Mirian Rosanna Bonilla.

19 Q. All right. And just so I'm clear, because I
think 20 I've seen your first name spelled different
ways, 21 is your first name spelled M-I-R-I-A-N or
22 M-I-R-I-A-M?

23 A. N as in Nancy.

24 Q. Okay. Can you please tell me your current address?

1 MR. FINKEL: Okay. So I am
going to mark 2 this as Exhibit 1.
3 (Exhibit 1 marked for
identification.)

4 Q. Okay. So, Ms. Bonilla, I'm showing
you what's been 5 marked as Exhibit 1.

7 If for any reason you don't understand 8
the question that I'm asking, please ask me to 9
rephrase it. It's okay also if you don't know the 10
answer to a specific question. This is not a quiz 11
or a test of memory; and I would rather have you 12
tell me that you don't know the answer to a 13
question rather than have you guess as to what the 14
answer might be.

15 If at any time you need to take a break, 16
let me know, and we'll accommodate you; similarly,
17 if at any point you need to speak with your 18
attorney, let me know and we'll accommodate you. 19

I don't mean to embarrass you, I ask this 20
of everybody that I question at a deposition: Are 21
you today under the influence of any drugs, 22
alcohol, or medication that will prevent you from 23
understanding the questions that I'm asking? 24 A. No.

6 Is this a document that you have
seen 7 prior to today?

8 A. No.

9 Q. Okay. And this is with every question that I
ask, 10 I am never interested in anything that
you've 11 spoken with your lawyer about.

12 So other than perhaps speak with your
13 lawyer, have you done anything else to prepare
for 14 today's deposition?

15 A. I did not understand the question.

16 Q. Oh, sure. Okay. In order to be here today and
to 17 have me ask you questions, did you do
anything to 18 prepare to get yourself ready for
today, other than 19 perhaps speak with your

attorney?

20 A. No.

21 Q. Okay. Are you married?

22 A. Yes.

23 Q. All right. And what is your spouse's name? 24 A. Noe Bonilla.

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1 Q. All right. And how long have you been married for? 2 A. 25 years.

3 Q. All right. And have you since you've been married 4 to Noe, have you lived with him throughout the 5 entire 25 years that you've been married? 6 A. Yes.

7 Q. All right. And your address at 11 Pilsudski 8 Street, is that a house?

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I don't remember.

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1 that's at 11 Pilsudski Street? 2 A. December 20, 2024

3 Q. Okay. So are you familiar with the Route
6/10 4 Interchange Construction Project?

5 A. Yes.

6 Q. All right. And did the construction project
begin 7 at sometime in 2019, if you remember?

8 A. I don't remember.

9 Q. Okay. Did you own 11 Pilsudski Street at the
time 10 that the construction project started?

11 A. Yes.

12 Q. Okay. And I have an awful memory, I apologize,
but 13 did you say that you live on the second floor of
11 14 Pilsudski Street?

15 A. Yes.

16 Q. All right. Have you always lived on the second
17 floor of Pilsudski Street when you moved in
there? 18 A. Yes.

19 Q. All right. And when you moved into Pilsudski
20 Street, was it after you had purchased 11
Pilsudski 21 Street, or did you move in there before
you owned 22 the house?

23 A. I became owner after I moved in the house. 24

Q. Okay. Do you recall how long you were living at

Page 10

1 Pilsudski Street before you purchased
it? 2 A. I don't remember.

3 Q. Okay. So other than your husband, do you live
with 4 anyone else on the second floor of 11 Pilsudski
5 Street?

6 A. I would like to ask a question: In my apartment
or 7 in the whole building?

8 Q. So I'm going to get there.

9 A. Yes.

10 Q. Is it a single-family house, or are there
multi 11 families living there?

12 A. Two families.

13 Q. All right. And do the families live --
withdrawn. 14 Is 11 Pilsudski Street a

townhouse with 15 two homes next to each other,
or are the families 16 living on different floors of
the house? 17 A. It's two floors: First and second.

18 Q. All right. And do you live on the first floor
or 19 the second floor?

20 A. The second floor.

21 Q. Now, do you own the house that's located at
11 22 Pilsudski Street?

23 A. Yes.

24 Q. All right. And how long have you owned the house

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1 Q. All right. And what's your
husband's girlfriend's 2 name?

9 So how many families live in 11
Pilsudski 10 Street?

11 A. Two.

12 Q. All right. So does one family live on the
first 13 floor and one family lives on the second
floor? 14 A. Yes.

15 Q. Okay. So in answer to your question, right now
I'm 16 talking about the second floor where you live.

17 Other than you and your husband, does 18
anybody else live on the second floor with you? 19 A.
Yes.

20 Q. All right. And who lives with you on the
second 21 floor of 11 Pilsudski Street?

22 A. My son and his girlfriend.

23 Q. All right. And what's your son's
name? 24 A. Isaac Bonilla.

3 THE INTERPRETER: The
husband's? 4 Q. I'm sorry. Your son's

girlfriend's name? 5 MR. FINKEL:
Thank you for clarifying. 6 A. Mayra.

7 Q. All right. And did your son and his
girlfriend, 8 were they living on the second floor
of 11 9 Pilsudski Street at the time that the
construction 10 had started?

11 A. Only my son.

12 Q. And at any point in time -- so when I say 13
construction -- and I'm probably just going to be 14
saying the construction -- I'm referring to the 15
Route 6/Route 10 Interchange Project, just so 16
you're aware.

17 THE INTERPRETER: The Route 6/Route

10 18 what?
19 MR. FINKEL: Route 6/Route 10
Interchange 20 Project.
21 THE INTERPRETER: Interchange,
okay. 22 Just to clarify, I have not been
23 interpreting interchange to her.
24 MR. FINKEL: Okay.

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1 THE INTERPRETER: So when you
mentioned 2 that before, I missed it, so I will correct
that. 3 MR. FINKEL: Sure.
4 THE INTERPRETER: Is that
inter? 5 MR. FINKEL:
Interchange.
6 THE INTERPRETER: Interchange. 7 Q.
When your son was living on the second floor of 11 8

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you. 2

No to that question.

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1 THE INTERPRETER: Thank December 20, 2024

3 Q. Do you recall who was living on the first floor
of 4 11 Pilsudski Street at the time that the 5
construction had started?
6 A. I don't remember the name.
7 Q. Sure. That's okay.
8 Do you recall when Brian moved into
the 9 first floor of 11 Pilsudski Street?
10 A. In August of last year.
11 Q. Okay. Before Brian moved into the first floor at
12 11 Pilsudski Street, how many tenants had you
had 13 at 11 Pilsudski Street on the first floor, if you
14 can recall?
15 A. Three.
16 Q. How many of those tenants lived at 11
Pilsudski 17 Street since the construction project
started? 18 A. One.
19 Q. Okay. I don't mean to ask the same question:
But 20 do you recall the person who was living on the
21 first floor when the construction started? 22 A.
At this moment, I'm forgetting the name. 23 Q. It's okay.
24 Do you recall why that individual moved

Page

14

1 out of the first floor of 11 Pilsudski Street?
2 A. Well, the reason they gave me was that they
had 3 found another apartment.
4 Q. Okay. So going back to the first exhibit,

Pilsudski Street when the construction started, did 9
he at any point in time move out of the apartment? 10

A. No.

11 Q. At any point in time since the construction has
12 started, had either you or your husband moved
out 13 of 11 Pilsudski Street?

14 A. No.

15 Q. All right. Who lives currently on the first
floor 16 of 11 Pilsudski Street?

17 A. The young man is called Brian.

18 Q. All right. Was Brian living on the first floor
of 19 11 Pilsudski Street at the time that the 20
construction had started?

21 A. No.

22 THE INTERPRETER: May I have some
water, 23 please.

24 MR. FINKEL: Sure, of course.

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1 A. Yes.

2 Q. All right. And how many children do
you have?

the 5 notice of deposition, did you speak with
your 6 husband at all about today's
deposition? 7 A. Yes.

8 Q. Okay. And what did you discuss concerning
today's 9 deposition with your husband?

10 MS. HOWAYECK: Objection. You
can 11 answer.

12 A. Nothing special.

13 (Cell phone vibrating.)

14 THE WITNESS: Sorry.

15 MR. FINKEL: Oh, okay. No

problem. I 16 was checking my phone to see if it
was me. 17 THE WITNESS: Sorry.

18 MR. FINKEL: No, no, no need
to 19 apologize.

20 Q. Okay. Did you speak with your son at all
about 21 today's deposition?

22 A. No.

23 Q. All right. Other than your son, do you have
any 24 other children?

3 A. Two.

4 Q. All right. So other than your son, do you two
have 5 two sons or a son and a daughter?

6 A. I have a daughter and a son.

7 Q. All right. And what's your daughter's
name? 8 A. Claudia.

9 Q. And where does Claudia live?

10 A. In Gloucester.

11 Q. I think I know the answer to this, but
12 Massachusetts?

13 A. I think it's between Rhode Island and Connecticut.
 14 Q. Okay. All right. Did your daughter Claudia, did 15 she ever live with you at 11 Pilsudski Street?
 16 A. Yes.
 17 Q. All right. And when did your daughter Claudia move 18 out of 11 Pilsudski Street?
 19 A. I don't remember the year that she moved out. 20
 Q. Did she move out after the construction started?
 21 A. No.
 22 Q. All right. Why did she move out?
 23 A. She left with her boyfriend.
 24 Q. Okay. Did you speak with Claudia at all about

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1 today's deposition?
 2 A. No.
 3 Q. All right. Do you know Virginia Carmona? 4 A. Yes.

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1 have you spoken with anyone else about you
 being 2 here at today's deposition?
 3 THE INTERPRETER: Counsel, did you
 say 4 husband and lawyer?
 5 MR. FINKEL: So other than the
 husband 6 and lawyer, were there anyone else that
 she spoke 7 with about today's deposition?
 8 THE INTERPRETER: Okay.
 9 A. No.
 10 Q. All right. Did you look at or review any
 documents 11 in order to prepare yourself for today's
 12 deposition?
 13 A. No.
 14 Q. Okay. All right. Do you work?
 15 A. Yes.
 16 Q. All right. And where do you work?
 17 A. The company?
 18 Q. Yes.
 19 A. One Solution Home Care.
 20 Q. All right. And what do you do for One
 Solution 21 Home Care?
 22 A. I'm a CNA.
 23 Q. All right. And how long have you been a CNA
 for? 24 A. A little over three years.

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1 Q. All right. And did you have any other
 employment 2 before becoming a CNA?
 3 A. Yes.
 4 Q. What did you do for work before becoming a

5 Q. All right. And do you know Teofilo
 Carmona? 6 A. Her husband.
 7 Q. All right. And how do you know both Virginia
 and 8 Teofilo Carmona?
 9 THE INTERPRETER: What was her
 first 10 name?
 11 MR. FINKEL: Virginia.
 12 A. They live on the next house from me.
 13 Q. Okay. Did you speak at all with Virginia
 Carmona 14 or Teofilo Carmona about you being
 here at your 15 deposition today?
 16 A. No.
 17 Q. Were you aware that Virginia Carmona had
 a 18 deposition similar to you about two weeks
 ago? 19 A. Yes.
 20 Q. All right. And did you speak with Virginia
 Carmona 21 at all about her deposition?
 22 A. No.
 23 Q. And other than speaking with your husband, did
 you 24 speak with any -- and other than your lawyer --

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CNA? 5 A. Jewelry and assembly.
 6 Q. All right. And when you did jewelry and
 assembly, 7 was that at a company, or did you do
 that on your 8 own?
 9 A. For a company.
 10 Q. And what company was that?
 11 A. Cathedral Arts.
 12 Q. Were you working at the time that the
 construction 13 project started?
 14 A. Yes.
 15 Q. All right. And was that as a CNA, or was
 that 16 while you were working for Cathedral
 Arts? 17 A. CNA.
 18 Q. All right. At any point of time during the 19
 construction, were you unable to go to work because 20
 of the construction?
 21 A. No. I worked.
 22 Q. Okay. Do you know a person by the name of
 Jim 23 White?
 24 A. I don't remember. I don't remember.
 1 Q. Okay. How about a person by the name of
 Josh 2 Fenton, F-E-N-T-O-N?
 3 A. Oh, yes.
 4 Q. All right. And how do you know Josh
 Fenton? 5 A. I think it looks like he works for a
 newspaper or 6 something like that.
 7 Q. All right. Have you ever spoken with Josh
 Fenton 8 before?
 9 A. Once.
 10 Q. All right. And when did you speak with
 Josh 11 Fenton?
 12 A. I don't remember.

13 Q. All right. Was it -- did you meet with Josh Fenton 14 in person, or did you speak with him over the 15 telephone?
16 A. I saw him at the construction. He was, like, 17 taking photographs or something.
18 Q. All right. And when you saw him taking 19 photographs, is that when you spoke with him?
20 A. Yes.
21 Q. Do you recall what you and Josh Fenton spoke about? 22 A. No.
23 Q. When you spoke with Josh Fenton, do you have any 24 recollection of what you spoke about with him?

Page 20

1 A. I don't remember.
2 Q. All right. And when you met Josh Fenton at the 3 construction site, where did you meet with him? 4 A. On the other side of my house.
5 Q. All right. When you say the other side of

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O'Brien & Levine, A Magna Legal Services Company 888.825.3376 - fence.

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1 A. It's a whole fence. It was one whole December 20, 2024

2 Q. So it goes from your property line to the Carmona's 3 property line?
4 A. Yes.
5 MR. FINKEL: Okay. So it's just about 6 11:00, so do you need to --
7 MS. HOWAYECK: Why don't we just go for 8 another, like, 20 minutes, and that way we at least 9 get an hour.
10 MR. FINKEL: Are you sure?
11 MS. HOWAYECK: Yeah, it's fine. 12 MR. FINKEL: Okay.
13 Q. All right. So do you recall or did Josh Fenton 14 tell you why he was taking photographs of the 15 construction site?
16 A. No.
17 Q. When you met with Josh Fenton, were you trying to 18 take photographs of the construction site? 19 A. I took some photographs.
20 Q. All right. Of the construction site?
21 A. Yes.
22 Q. Was it on the date that you met with Mr. Fenton? 23 A. I don't remember.
24 Q. Do you recall why you took photographs of the

Page

22

1 construction site?

your 6 house, do you mean your backyard?
7 A. Yes.
8 Q. All right. And was the construction site behind 9 your backyard?
10 A. Yes, yes, oh, yes. It was right next to my yard. 11 Q. Okay.
12 THE INTERPRETER: She used the word "very 13 close" to my yard.
14 Q. Okay. And was your backyard, was there a fence in 15 between your backyard and the construction site? 16 A. Yes.
17 Q. All right. And was that your fence that you owned, 18 or was it a fence that belonged to the owner of the 19 construction site?
20 A. To date, I do not know who this fence corresponds 21 to.
22 Q. All right. And this particular fence, is it a 23 fence that your property shared with the Carmona's 24 property, or was it its own separate fence?

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1 anybody from the State of Rhode Island, or whoever

2 A. Yes. Because they were too close to my house.
3 Q. All right. Did you ever tell anybody from the 4 construction site that they were too close to your 5 house?
6 A. Yes.
7 Q. Do you recall who you told from the construction 8 site that they were too close to your house? 9 A. No.
10 Q. All right. How many times did you tell somebody 11 from the construction site that they were too close 12 to your house?
13 A. About three times.
14 Q. All right. Do you recall when those times were? 15 A. No.
16 Q. All right. Were they on the same day, day after 17 day, or spread out over a period of time?
18 A. It was after several days.
19 Q. All right. And do you recall if anybody from the 20 State of Rhode Island contacted you to talk to you 21 about the construction that was going on behind 22 your home?
23 A. I don't remember.
24 Q. All right. As the construction was ongoing, did 2 was affiliated with the construction, come to your 3 home to talk to you?
4 THE INTERPRETER: Would you repeat the 5 question, please?
6 MR. FINKEL: Can you read it

back, 7 please?
 8 (Court reporter read back pending
 9 question.)
 10 A. Nobody has come.
 11 Q. Okay. Have you asked for anybody from either
 the 12 State of Rhode Island or anyone affiliated with
 the 13 construction site to come to your house to talk
 to 14 you about the construction site?
 15 A. No.
 16 Q. Okay. Do you recall the name of a company
 called 17 GZA Engineering?
 18 A. No.
 19 MR. FINKEL: All right. It's GZA, Z
 as 20 in Zelda. I don't know if you said D.
 21 THE INTERPRETER: I'm sorry,
 G? 22 MR. FINKEL: Z.
 23 THE INTERPRETER: Z as --
 24 MR. FINKEL: Z as in Zelda.

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1 THE INTERPRETER: GZA
 Engineering? 2 MR. FINKEL: Yes.

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2 A. Could you repeat, please?

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1 of your home?

3 MR. FINKEL: Can you read the
 question 4 back, please?
 5 (Court reporter read back
 pending 6 question.)
 7 A. Nobody has come, nobody has come to my
 house. 8 Q. Okay. The question I asked was
 whether you 9 approved somebody coming to
 your house? 10 A. I don't have an answer to that.
 11 Q. Is it that you don't remember, or is there some
 12 other reason that you don't have an answer to
 my 13 question?
 14 THE INTERPRETER: Counsel, may I
 use a 15 different word for "approval" that might be
 more -- 16 you know, give her more understanding.
 17 MR. FINKEL: That's fine.
 18 THE INTERPRETER: And the word is did
 you 19 give "consent" for them?
 20 A. Yes, yes.
 21 Q. Okay. So who did you give consent to to
 review 22 either the exterior or interior of your
 home? 23 A. I'm sorry. That is why I did not have a
 response 24 to that question, because no one has
 come to my

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3 (Interpreter reasked question.)
 4 A. No.
 5 Q. All right. Before the construction started, do
 you 6 recall if anyone came into your home to look
 at the 7 inside of the home before the construction
 started? 8 A. No.
 9 Q. Do you recall if anyone affiliated with either the
 10 State of Rhode Island or anyone involved with
 the 11 construction, came to look at the exterior of
 your 12 home before the construction started?
 13 A. No.
 14 Q. Do you recall if you were asked by anyone from
 the 15 State of Rhode Island or anyone affiliated with
 the 16 construction, whether it would be okay for
 someone 17 to come to your home and look at the
 exterior of 18 your home and the interior of your
 home before the 19 construction started?
 20 A. Nobody came.
 21 Q. Do you recall approving for someone to come to
 your 22 home affiliated either with the State of Rhode
 23 Island or someone with the construction project to
 24 look at the exterior of your home and the interior

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1 Carmona about hiring a lawyer?
 2 A. Yes. In the beginning.

1 house.
 2 Q. Okay. So I understand that you're saying that
 3 nobody came to your house, I'm asking about
 the 4 consent for somebody to come to your
 house? 5 A. No.
 6 Q. Okay. So just so I'm clear, did you or did you
 not 7 give consent for somebody to come to your
 home? 8 A. I didn't give consent, because no one came
 to my 9 house to ask me if I wanted an inspection.
 10 Q. Okay. All right. Now, when you --
 withdrawn. 11 At any point in time, did
 you speak with 12 Josh Fenton about filing a
 lawsuit?
 13 A. No.
 14 Q. At any point in time, did you ask Josh Fenton
 for 15 the name of any lawyers who might be able to
 help 16 you?
 17 A. No.
 18 Q. Did you speak at all with Virginia Carmona
 about 19 filing a lawsuit?
 20 A. No.
 21 Q. Did you speak at all with Teofilo Carmona
 about 22 filing a lawsuit?
 23 A. No.
 24 Q. Did you ever speak with Virginia Carmona or Teofilo
 3 Q. All right. And when did you have that

conversation 4 with Virginia Carmona and Teofilo Carmona? 5 A. I don't remember.

6 Q. Did Teofilo Carmona or Virginia Carmona tell you 7 that they were hiring a lawyer?

8 THE INTERPRETER: About them hiring an 9 attorney?

10 MR. FINKEL: Can you repeat the question, 11 please?

12 (Court reporter read back pending 13 question.)

14 A. I rather not answer that.

15 Q. You have to answer the question.

16 A. Would you repeat it, please?

17 MS. HOWAYECK: Can you read the question 18 back, please?

19 (Court reporter read back previous 20 question.)

21 A. I don't remember.

22 Q. Did Teofilo Carmona or Virginia Carmona suggest 23 that you hire a lawyer?

24 A. I don't remember.

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1 Q. Did you reach out to a lawyer by yourself, or

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1 A. No.

2 Q. Prior to filing this lawsuit, had you

3 discussed anything about this lawsuit with persons 4 from the Rhode Island Department of Transportation?

5 A. No.

6 Q. When is the last time you spoke with Josh Fenton? 7 A. I don't remember.

8 Q. How many times have you spoken with Josh Fenton? 9 A. I think once.

10 Q. Okay. Did you ever discuss the filing of this 11 lawsuit with Josh Fenton?

12 A. No.

13 Q. Did Josh Fenton introduce you to the law firm of 14 Darrow Everett?

15 THE INTERPRETER: What's the name of the 16 law firm?

17 MR. FINKEL: Darrow Everett.

18 A. I don't remember.

19 Q. Did Virginia Carmona or Teofilo Carmona introduce 20 you to the law firm of Darrow Everett? 21

A. No.

22 Q. Do you recall about what you spoke with Josh Fenton 23 about concerning the construction?

24 A. Yes. That my house was shaking too much. Page 30

did 2 somebody reach out to you to suggest that you hire 3 a lawyer?

4 A. I don't remember how I found my lawyer.

5 Q. Okay. Have you ever given an interview to Josh 6 Fenton before?

7 THE INTERPRETER: I'm sorry, did you -- 8 would you repeat the question, please?

9 (Court reporter read back pending 10 question.)

11 A. No.

12 Q. Have you ever read any stories written by Josh 13 Fenton concerning the construction project at 14 issue?

15 A. No.

16 Q. Okay. Do you know Steve Rogers?

17 A. No.

18 Q. Have you ever spoken to or met somebody who's 19 introduced themselves to you as being Steve Rogers? 20 A. No.

21 Q. Do you know Stephen Cardi, C-A-R-D-I? 22 A. No.

23 Q. Have you ever met with or spoken with anybody who's 24 ever introduced themselves to you as Stephen Cardi?

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1 A. No.

2 Q. It's a Union. Are you familiar with the Union at

1 Q. Okay. Other than that your house was shaking too 2 much, did you speak with Josh Fenton about anything 3 else regarding the construction?

4 A. I think that was all.

5 Q. Okay. And since the filing of your lawsuit, have 6 you discussed this case at all with Josh Fenton? 7 A. No.

8 Q. Did Josh Fenton tell you at all why he was at the 9 construction project taking photographs? 10 A.

Because he's from the newspaper that puts out news. 11 Q. Okay. Did you talk to Mr. Fenton about why he was 12 at the construction site taking photographs? 13 A. No.

14 Q. Okay. When Josh Fenton was taking photographs at 15 the construction site and you observed him taking 16 photographs, were you with Virginia Carmona? 17

A. No.

18 MR. FINKEL: We should go off the record. 19 (A short break was taken.)

20 Q. All right. So, Ms. Bonilla, are you familiar with 21 Local 57?

22 THE INTERPRETER: Local 27?

23 MR. FINKEL: Fifty-seven.

24 THE INTERPRETER: Fifty-seven.

3 all?

4 A. No.
 5 Q. Okay. So we talked a little bit about your house 6 at 11 Pilsudski Street and I'm trying to get a 7 sense of the construction project and how it 8 affected your house.
 9 Was the construction limited to the 10 entirety of your backyard, or was it related more 11 to where the Carmonas lived?
 12 A. Also my house.
 13 Q. Okay. In terms of the current state of the 14 project, is there still construction going on in 15 the back of your house?
 16 A. Yes. Behind my yard.
 17 Q. All right. What's going on now?
 18 A. I'm seeing, like, they are excavating a big hole. 19
 Q. Is there any sort of landscaping that's going on in 20 the back of your house?
 21 A. At this time I don't see that.
 22 Q. Okay. In terms of while this construction was 23 going on, did your husband work?
 24 A. Yes.

2 A. In Massachusetts.
 3 Q. What does he do?
 4 A. He drives big trucks, truck driving. It's called 5 truck driving.
 6 Q. Okay. And your husband was a truck driver as this 7 construction started?
 8 A. Yes.
 9 Q. All right. The truck driving that he does, is it 10 the type of truck driving where he's away from home 11 for long periods of time?
 12 A. No.
 13 Q. All right. He comes home every night from his job? 14 A. Yes.
 15 Q. All right. And what were his ordinary hours of 16 work as this construction project began? 17
 A. He would leave at 4:00 or 5:00 in the morning, and 18 he would come back about six o'clock in the 19 afternoon.
 20 Q. Okay. And what about your work schedule, what was 21 your work schedule like at the time of the incident 22 or at the time the construction began?
 23 A. From 8:00 to 5:00 in the afternoon.
 24 Q. All right. And were you working Monday through

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1 Q. And where did he work?

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2 A. Yes.

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1 by the fence.
 2 What I'm asking is: Was the
 dirt piled

1 Friday?

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3 Q. All right. And what time would you ordinarily wake 4 up to get ready for work when the construction 5 started?
 6 A. At 5:00.
 7 Q. All right. And what about your son, did your son 8 work at the time that the construction started? 9 A. No.
 10 Q. Okay. Your husband and son both are not part of 11 this lawsuit, correct?
 12 A. No.
 13 Q. How come?
 14 A. I don't have the answer. I'm not sure.
 15 Q. Okay. When you mentioned earlier that the 16 construction work was close to your house, can you 17 describe how it was close to your house? 18 A.
 It had two sides: One was in front of my house, 19 and the other one was behind my house.
 20 Q. What was in front of your house?
 21 A. A bridge.
 22 Q. Okay. And in terms of how -- so the bridge was 23 close to your house, but in terms of construction 24 equipment and the construction work that was being

1 done, what in front of your house was close to the 2 house?
 3 A. Both constructions, because behind my house on the 4 back part of my house they tore up the street to 5 build a new one.
 6 Q. No. And I understand that, I understand what the 7 project was about.
 8 What I'm asking you about is you 9 mentioned earlier about it being too close to your 10 house, what about it was too close to your house? 11
 A. It was right up against the fence in the back of my 12 yard.
 13 Q. What was right up against the fence of your 14 backyard?
 15 A. There was only dirt there, there was nothing there 16 where they built the new street.
 17 Q. All right. And when you say there was dirt there, 18 was it like a pile of dirt?
 19 A. Okay. The street that was there before was

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away 20 from my fence, but today that street is
almost on 21 top of the fence.

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22 Q. Okay. So I understand the construction, and I
23 understand what the project is, but you
mentioned 24 that there was dirt there in the back of
your house

3 up, or was it level with the ground, the
dirt? **4 A.** It was flat.

5 Q. Flat. Okay. Did you see -- withdrawn. **6**
As the construction was ongoing, did you
7 see any dirt piles behind your home?

8 A. No.

9 Q. All right. Did you smell any odors in the
backyard **10** coming from the construction site?

11 A. Yes.

12 Q. All right. And at some point did the --
withdrawn. **13** Are you aware as to where the
odors were **14** coming from?

15 THE INTERPRETER: I'm sorry?

16 Q. Were you aware as to where the odors were
coming **17** from?

18 A. Dirt that they threw on there.

19 Q. What do you mean by dirt that they threw on
there? **20 A.** They went to place dirt there for the
construction **21** itself and that exuded a bad smell.

22 Q. How close to the fence was the dirt behind
your **23** house?

24 A. Right next to it, very next to it.

1 Q. At some point was that dirt removed from
the **2** construction site?

3 A. Yes.

4 Q. Okay. How soon after the construction began
was **5** the dirt removed?

6 A. I don't remember.

7 Q. Did any of the dirt that was piled in the back
at **8** the construction site blow onto your
property? **9 A.** Yes.

10 Q. All right. And did you tell anybody that the
dirt **11** pile smelled or that dirt was coming onto
your **12** property?

13 A. Yes.

14 Q. Who did you tell?

15 THE INTERPRETER: I'm
sorry? **16 Q.** Who did you tell?

17 A. To the people that were working there. **18 Q.**
All right. And did the people who were working **19**
there hang something on the fence to help prevent **20**
the dirt from coming onto your property after you **21**
had told them?

22 A. No. What they did was they put a plastic cover
on **23** top of the dirt.

24 Q. All right. And was the dirt still coming onto your

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1 property after they did that, or did that
remedy **2** the situation?

3 A. It would fall in, but much less, very little. **4**

Q. All right. But then at some point the dirt pile
5 was removed?

6 A. Yes.

7 Q. Did you seek any medical attention as a result
of **8** the smell that was coming from the back of
the **9** construction site?

10 A. No.

11 Q. All right. Did you miss any work as a result
of **12** the construction site?

13 A. No.

14 Q. Did you get sick as a result of any part of the
15 construction that was ongoing in the back of
your **16** house?

17 A. A lot of headache.

18 Q. All right. Did you ever seek medical treatment
for **19** headaches resulting from the construction? **20**

A. No. I would just take Tylenol and go to work. **21 Q.**

All right. And was the headaches because of the **22**
noise from the construction, or was it from **23**

something else?

24 A. For two reasons: I would wake up at night due to

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1 the loud noise, it would keep me awake, and then I
2 would go to work without having enough sleep;
and **3** also because of the smell.

4 Q. All right. And you would take the Tylenol and
your **5** headache would go away?

6 A. It wouldn't go away completely, but it would
calm **7** down.

8 Q. All right. Now, when the dirt pile was
removed, **9** did the smell go away?

10 A. Not immediately, maybe a week later.

11 Q. Okay. And when you said that you were kept up
at **12** night, how late was the construction going on
for? **13 A.** Sometimes it was midnight or one o'clock. **14**

Q. So your testimony is that there was construction **15**
going on at midnight and 1:00 in the morning? **16 A.**
Yes.

17 Q. What construction was ongoing at midnight or
1:00 18 in the morning?

19 A. When they broke up the bridge.
20 Q. All right. And did you tell anybody from
the 21 construction site to stop, because it was at
22 midnight or 1:00 in the morning?
23 A. Yes.
24 Q. Who did you tell?
1 A. I didn't take down the names.
2 Q. All right. Did you contact anybody from the
Rhode 3 Island Department of Transportation about
the 4 construction at 1:00 in the morning?
5 A. I spoke to my daughter and my daughter called. 6
Q. All right. Do you know who your daughter called?
7 A. I don't remember the name.
8 Q. Okay. Do you still have ongoing
headaches? 9 A. Once and a while.
10 Q. All right. And when are those headaches, when
do 11 you get those?
12 A. It depends, sometimes I wake up in the
early 13 morning or during the day.
14 Q. Are those related to the construction, or are
those 15 just regular tension headaches?
16 MS. HOWAYECK: Objection. You
can 17 answer.
18 You can answer, go ahead.
19 A. I don't know why, but I get them. It could
be 20 tension.
21 Q. Okay. When's the last time you had a headache
from 22 the construction site?

23 A. Would you repeat the question, please?
24 MR. FINKEL: Can you read it back, Page 40
1 please?
2 (Court reporter read back pending
3 question.)
4 A. After the construction I continue to get
headaches. 5 I continue to have headaches after the
6 construction.
7 Q. Okay. When's the last time that you had a
headache 8 that you believe was the result of the
9 construction?
10 A. I don't remember.
11 Q. Okay. Do you recall when you purchased
11 12 Pilsudski Street?
13 THE INTERPRETER: I'm sorry?
14 Q. Do you remember when you purchased 11
Pilsudski 15 Street?
16 A. If I'm not wrong, I believe it was in 2001.
17 Q. Does July of 2001 refresh your
memory? 18 A. Yes.
19 Q. Prior to purchasing 11 Pilsudski Street in 20
Providence, did you have a home inspection done? 21
A. I don't remember.
22 Q. All right. Do you recall whether the State of
23 Rhode Island provided your home and the area
of 24 your home with vibration monitoring as the

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1 mark this as our next exhibit, which I
believe is

1 construction was ongoing?

2 THE INTERPRETER: Please repeat
the 3 question.
4 MR. FINKEL: Can you read it
back, 5 please?
6 (Court reporter read back
pending 7 question.)
8 MR. FINKEL: Did you say
Massachusetts? 9 THE INTERPRETER: I'm
sorry? 10 MR. FINKEL: Did you say
Massachusetts? 11 THE INTERPRETER: I
don't know, did I? 12 MR. FINKEL: It
sounded like you did. 13 THE
INTERPRETER: That was Providence, 14 Rhode
Island?
15 MR. FINKEL: Yes. Why don't we -- so
16 just to avoid confusion, Madam Reporter, can
you 17 just read the question back?
18 (Court reporter read back
pending 19 question.)
20 A. No.

21 Q. All right. So are you aware that vibration
22 monitoring was provided, or you don't
know? 23 A. Now they placed one.
24 Q. When you say now they placed one, when did

they

Page

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1 place the vibration monitoring?
2 A. A couple of months ago.
3 Q. Okay. Was that the result of you complaining
about 4 vibration, or how did it come to be that there
was 5 vibration monitoring put in place?
6 A. That I do not know.
7 Q. All right. And just to the best of your memory,
is 8 it that you recall the vibration monitoring
being 9 put in place just a couple of months ago, or
could 10 it have been for a longer period of time?
11 A. Yes.

12 Q. Okay. Did you speak at all with Virginia Carmona 13 about her deposition testimony?

14 A. No.

15 Q. All right. So Mrs. Carmona said that she had asked 16 Josh Fenton about lawyers who might be able to help 17 her, and he introduced Mrs. Carmona to the law firm 18 of Darrell Everett.

19 Did Mr. Fenton do something similar for 20 you?

21 MS. HOWAYECK: Objection. You can 22 answer.

23 A. No.

24 MR. FINKEL: All right. I'm going to 2 Exhibit 2.

3 (Exhibit 2 marked for identification.) 4 Q. So, Mrs. Bonilla, I'm showing you what we've marked 5 as Exhibit 2, and it's a complaint. Why don't you 6 take a moment to review.

7 I know that you're using the assistance 8 of a Spanish interpreter today. But do you need 9 the Spanish interpreter to read the complaint to 10 you, or do you think this is something that you 11 might be able to review on your own?

12 A. That the interpreter read it to me.

13 Q. Okay. So I don't think I need the interpreter to 14 read everything to you.

15 But I will ask you, this is a four-page 16 document, have you seen this particular complaint 17 prior to today?

18 A. I don't remember.

19 Q. Okay. Do you see up at the top where we call it a 20 caption, where it says State of Rhode Island

and 21 then it gives a name and then it says V and then it 22 gives another name.

23 Do you see that at the very top of page 24 one?

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1 THE INTERPRETER: Are you referring to 2 this or this?

3 MR. FINKEL: No. I'm referring to the 4 caption.

5 A. Yes.

6 Q. All right. And I believe you mentioned earlier 7 that your name is spelled M-I-R-I-A-N? 8 A. Yes.

9 Q. So you would agree with me that the way that your 10 name is spelled here at the top of page one is 11 misspelled?

12 A. Yes.

13 Q. All right. And then Paragraph No. 1 here, similar 14 on page one, where it says, "Plaintiff, Miriam 15 Bonilla, is an individual resident of the State of 16 Rhode Island with an address of 11 Pilsudski 17 Street, Providence, Rhode Island."

18 Did I read that correctly?

19 A. Yes.

20 Q. All right. And it's fair to say that the name 21 that's spelled here in Paragraph 1 is misspelled, 22 correct?

23 A. My name?

24 Q. Yes, your name is misspelled?

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2 Q. Is it fair to say that you did not review this 3 complaint before it was filed with the court?

4 THE INTERPRETER: Before what?

5 MR. FINKEL: Before it was filed with the 6 court.

7 It might help you, I don't know if you 8 need the reporter to read the question back? 9

10 THE INTERPRETER: No.

11 MR. FINKEL: Okay.

12 A. I don't remember.

12 Q. All right. If you had reviewed this complaint 13 before it was filed, you would have noticed that 14 your name was misspelled, correct?

15 A. Yes.

16 Q. And you would have told your lawyer at the

time 17 that your name was misspelled, correct?

18 A. Yes.

19 Q. All right. So where your name is misspelled and 20 you did not tell your lawyer that your name was 21 misspelled in the complaint, is it fair to say that 22 you did not read this complaint before it was filed 23 with court?

24 MS. HOWAYECK: Objection. You can

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1 answer.

2 A. I don't remember.

3 Q. Okay. Sitting here today, you're not able to tell 4 me what is alleged in the complaint that was

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1 Sometimes I don't even read it to have seen my

filed 5 in the court without looking at it, correct?
6 A. I don't understand the question.
7 Q. Sitting here today, without looking at the 8
complaint or without reading it, you're not aware 9
as to what the complaint says, correct? 10
Without looking at the complaint? 11 A. I don't
remember reading this.

12 Q. Okay.

13 A. It could be that my attorney read it to me, but
I 14 don't remember.

15 Q. All right. How many times have you seen
this 16 complaint prior to today?

17 A. I don't remember. I don't remember how many
times. 18 I don't remember.

19 Q. Is it fair to say that you've never seen this
20 complaint prior to today where your name
is 21 misspelled?

22 MS. HOWAYECK: Objection. You
can 23 answer.

24 A. She has sent me the papers, but I don't remember.
2 name.

3 Q. Okay. You would agree with me though that if
you 4 read the complaint and saw that your name
was 5 misspelled, you would tell somebody about
that, 6 correct?

7 MS. HOWAYECK: Objection. You
can 8 answer. Go ahead.

9 A. As I just said to you, sometimes I don't
even 10 notice my name.

11 MR. FINKEL: We'll mark this as the
next 12 exhibit.

13 (Exhibit 3 marked for identification.) 14

Q. So, Ms. Bonilla, we've marked this next exhibit as
15 Exhibit 3. These are answers to interrogatories.

16 All right. So this is a 14-page

17 document. Do you recall ever seeing your

answers 18 to interrogatories prior to today?

19 A. No.

20 Q. Okay. I want to draw your attention to page 13,
so 21 it's the second to last page.

22 All right. And page -- page 13, so
like 23 the page right before where you just
were. 24 A. (Witness complies.)

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1 Q. There you go.

2 Do you see at the very top where it
says, 3 "Verification for Answers to
Interrogatories"? 4 A. Okay.

5 Q. All right. And do you recall seeing
this 6 particular page prior to today?

7 A. I don't remember.

8 Q. All right. Do you see a signature above the
name 9 Miriam Bonilla?

10 A. Yes.

11 Q. Is that your signature?

12 A. Yes.

13 Q. All right. And it's fair to say that your 14
signature with your name is spelled M-I-R-I-A-N? 15
A. (Non-verbal response.)

16 Q. I'm sorry, is that a, yes? You were shaking
your 17 head.

18 A. Yes, yes.

19 Q. Okay. All right. And it's fair to say that the
20 verification it states, "I, Miriam Bonilla,
hereby 21 state that I have read the foregoing
answers to 22 interrogatories."

23 Did I read that correctly?

24 A. I don't remember reading it.

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1 But if my signature is on there, I must 2
have reviewed it, but I don't remember. 3 Q. All
right. Okay. But is it fair to say that your 4 name
is misspelled on the verification page that we 5 just
looked at?

6 A. You can see that sometimes I don't notice. 7

Q. All right. And I want to be clear, your name
8 appears on this particular page 13 four
times? 9 A. Mm-hmm.

10 Q. It appears in the first sentence of
the 11 verification, correct?

12 A. Yes.

13 Q. It appears underneath your signature,
correct? 14 A. Yes.

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15 Q. And then it also appears where it says, "As to
16 objections," towards the bottom, plaintiff,
Miriam 17 Bonilla?

18 Do you see that?

19 A. Yes.

20 Q. All right. So it's fair to say that on this 21
verification page where your name appears four 22
times, it's misspelled three times, correct? 23

MR. FINKEL: Is that a, yes?

24 A. Yes.

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1 Q. All right. And the only time that it appears to
be 2 spelled correctly is where you signed your
name, 3 correct?

4 A. Yes.

5 Q. All right. So it's fair to say that you did not

6 read these interrogatories before signing

them, 7 correct?

8 THE INTERPRETER: Please repeat.

9 Q. It's fair to say that you did not read these 10

interrogatories before you signed the verification, 11

correct?

12 MS. HOWAYECK: Objection. You

can 13 answer.

14 A. I cannot affirm that, because I don't remember.

15 Q. Okay. It's fair to say that if you had seen your 16

name misspelled three times on the verification 17

page, that you would have said something prior to 18

signing your name to it, correct?

19 A. I have many papers that say Miriam with an

M. 20 Because when I first got my ID, that

was 21 misspelled and it came with an M. I had

to do it 22 three different times in order for it to be

23 corrected, and the reason it comes out this way

24 many times is because people go by my ID.

1 Q. Okay.

2 A. But now it is correct.

3 Q. You know the correct spelling of your

name, 4 correct?

5 A. Correct.

6 Q. You've always known the correct spelling of

your 7 name, correct?

8 A. Yes.

9 Q. You just told me that when your name was

incorrect 10 on official documents that you had to have

that 11 fixed, correct?

12 A. Yes.

13 Q. And that's because your name is Mirian Bonilla

and 14 not Miriam Bonilla, correct?

15 A. Yes.

16 Q. So when you had your name corrected on

official 17 documents, you told somebody that your

name was 18 misspelled, correct?

19 A. Yes.

20 Q. So why did you not say anything that your name

was 21 misspelled on this verification page?

22 A. Truthfully, I did not notice. I did not focus

on 23 my name.

24 Q. Okay. Can you turn to page one, please? Page

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1 A. (Witness complies.)

2 Q. Is it fair to say that your name is

misspelled 3 three times on page one of

Exhibit 3?

4 A. Yes.

5 Q. All right. And it's fair to say that you did not

6 tell anybody that your name was misspelled

three 7 times on page one of Exhibit 3, correct?

8 A. I did not focus on the name.

9 Q. Okay. So your name is misspelled in Exhibit 3

at 10 least six times, correct?

11 A. From what it appears.

12 Q. And is that because you did not read Exhibit

3? 13 MS. HOWAYECK: Objection. You

can 14 answer.

15 A. I could have read it, but it's just I didn't

focus 16 on my name simply.

17 Q. All right. I just want to be clear. You're

able 18 to read English, correct?

19 MS. HOWAYECK: Objection. You

can 20 answer.

21 A. Not 100 percent.

22 Q. Okay. Do you recall whether these

interrogatories 23 were read to you or did you read

them yourself or 24 you just simply don't remember?

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1 A. I believe my son read them to me.

2 Q. Do you recall when these interrogatories

were 3 signed?

4 A. No.

5 Q. Okay. So if you turn to page 13, there's no

date 6 attributed to when you signed these

7 interrogatories, correct?

8 A. Yes.

9 Q. It's not dated, correct, where you signed

your 10 name?

11 A. No.

12 MR. FINKEL: All right. And just for

the 13 record, it was just made to my attention that

there 14 are two page 13s, so the page 13 that I've

been 15 referring to on the Verification for

Answers to 16 Interrogatories is Bates stamped as

Bonilla 17 Dep_000058.

18 Q. And I'm just saying that so the record is clear 19

that when the court reporter writes out the 20

transcript we're going to know the page that you 21

were, you know, talking about before, because there 22

are two page 13s.

23 So I do have one additional question: 24

1 the interrogatory answers to you; is that
correct? 2 A. Yes.

3 Q. So where it says, "I, Miriam Bonilla, hereby
state 4 that I have read the foregoing answers to 5
interrogatories," if what I read is accurate -- 6
well, withdrawn. I'm trying to word this. 7
So let me read this to you, "I, Miriam 8 Bonilla,
hereby state that I have read the 9 foregoing
answers to interrogatories." Did I read 10 that
correctly?

11 A. Yes.

12 Q. Would that sentence that I just read to you
be 13 incorrect if your son read the
interrogatories to 14 you?

15 A. So it is he who understands 100 percent how to read
16 in English, so if I read it and there's something I 17
didn't understand, he will review it and then tell 18
me and then I understand it and so I sign it. 19 Q. Did you
sign the interrogatories, because your son 20 read
them to you?

21 MS. HOWAYECK: Objection. You
can 22 answer.

23 A. I read them, my son then reviewed it for me,
and 24 then I signed it.

2 name?

3 A. I don't know.

4 Q. Okay. Has he ever gotten you a Christmas card or
a 5 birthday card?

6 A. My son is not a detailed person.

7 Q. Okay. Did you ever show your interrogatory
answers 8 to Virginia or Teofilo Carmona?

9 A. No.

10 Q. Did Teofilo Carmona or Virginia Carmona ever
show 11 you their answers to interrogatories?

12 A. No.

13 MR. FINKEL: I think you said
Cardona. I 14 just want to make sure that --
15 THE INTERPRETER: Carmona?
16 MR. FINKEL: Yeah.
17 So just for the record to be clear, if
18 you can just read the question back?
19 (Court reporter read back previous
20 question.)

21 A. No.

22 Q. Did you ever see Teofilo Carmona and
Virginia 23 Carmona's complaint that was filed
with the 24 superior court?

1 A. No.

2 MR. FINKEL: Okay. I'm going to mark
the 3 next exhibit. It's a big one.

4 (Exhibit 4 marked for identification.) 5 Q.
Okay. So, Ms. Bonilla, I'm showing you what we've 6
marked here as Exhibit 4. It's your responses to 7
request for production of documents.

8 MR. FINKEL: It just spans, for the
9 record, Bates stamped as Bonilla Dep_000060 all
the 10 way to Bonilla Dep_000194.

11 Q. All right. And looking at page one -- well,
first 12 of all, have you seen this document or this
set of 13 documents prior to today?

14 A. No.

15 Q. Okay. And you would agree with me on page one
that 16 your name is misspelled three times?

17 A. Yes. If it's incorrectly written?

18 Q. I asked if it's fair to say that your name
is 19 misspelled three times on page one?

20 A. Yes.

21 Q. And then on page ten, which is Bates stamped 22
Bonilla Dep_000069, your name is misspelled on that 23
page as well, correct?

24 A. Yes.

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1 Q. Okay. Now, I'm going to draw your attention to
a 2 set of photographs that are attached to Exhibit

A. 3 MR. FINKEL: And the Bate stamping is
4 really, really small, so it's hard to see, but just 5
for the record, the first photograph begins on 6
Bonilla Dep_000072 and the last page of the 7
photographs is Bonilla Dep_000182.

8 THE INTERPRETER: Did you say
182? 9 MR. FINKEL: Yes.

10 Q. Now, my math is not great, it's not my strong suit,
11 but it would appear that there are 110
photographs; 12 is my math correct?

13 MS. HOWAYECK: Objection. You can
answer 14 if you know.

15 A. I'm not sure.

16 Q. Yeah, that's fair. It appears that there are
110 17 photographs here.

18 So my questions are as follows: Did you
19 take all of these photographs that are attached
to 20 your request for production of documents?

21 A. Yes.

22 Q. All right. When were these photographs
taken? 23 A. I don't remember the date.

24 Q. Were the photographs all taken on the same date?

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- 1 A. No.
- 2 Q. All right. Do you recall over how many days these 3 photographs were taken?
- 4 A. No.
- 5 Q. So you don't know how many days it took you to take 6 these photographs?
- 7 A. No.
- 8 Q. All right. What kind of camera did you use to take 9 these photographs?
- 10 Was it over a telephone or a digital 11 camera or a film camera?
- 12 A. With the phone.
- 13 Q. All right. And what kind of phone did you use to 14 take these photographs?
- 15 A. An iPhone.
- 16 Q. Do you still have the phone that you took these 17 photographs with?
- 18 A. No. This one's another one.
- 19 Q. Okay. Did you throw that other phone out or did 20 you sell it or turn it in?
- 21 What happened to that phone?
- 22 A. I turned it over to the company.
- 23 Q. Okay. What company?
- 24 A. Verizon.
- 1 Q. Okay. You have no recollection as to when these 2 photographs were taken?
- 3 A. No.
- 4 Q. Do you recall how you were able to provide these 5 photographs to your lawyer? Like, how you were 6 able to transfer the photographs?
- 7 A. I don't remember how I transferred them to her. 8
- Q. All right. Did you save these photographs on your 9 computer at all, do you know?
- 10 A. Some of them I have the photos.
- 11 Q. Where?
- 12 A. At my house.

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- 1 Q. Okay. So I want to draw your attention to what's 2 been Bates stamped as Bonilla Dep_000183, and it 3 goes to Bonilla Dep_000191.
- 4 All right. And it appears to be 5 approximately eight pages of receipts from the home 6 improvement store Lowe's; is that correct?
- 7 A. Yes.
- 8 Q. And it appears that there are three receipts 9 printed to each page, so it appears that there are 10 24 total receipts that were produced here, correct? 11
- A. Yes.
- 12 Q. All right. Do you still have copies of

- 13 Q. Did you print them out, or did you save them 14 digitally?

15 A. Yes, I printed them off my telephone.

- 16 Q. Did you save these photographs anywhere digitally? 17 A. I don't remember.

- 18 Q. Okay. All right. Can you turn to page -- it would 19 be Bonilla Dep_000172 and 000173.

20 THE INTERPRETER: One-zero-two and

103? 21 MR. FINKEL: Well, 172 and 173. 22

THE INTERPRETER: Oh, 172.

- 23 Q. I think you've gone too far.

24 MS. HOWAYECK: I will help her out. Page

1 MR. FINKEL: Thank you.

- 2 Q. Okay. So I'm having you look at the page that's 3 Bates stamped Bonilla Dep_000172, and it appears to 4 be like an order form from someplace where maybe 5 you printed out the photographs?

6 A. Yes.

- 7 Q. Was it at like a Walgreens or a CVS that you had 8 the photographs printed?

9 A. Yes.

- 10 Q. All right. And I have a date here that says -- 11 well, it says 3/20/19. Is it fair to say 3/20/19 12 is March 20th, 2019?

13 A. Yes.

- 14 Q. So were all of these photographs that we've been 15 looking at, were they taken on or before March 16 20th, 2019?

17 A. Yes.

- 18 Q. All right. Do you know if all of the photographs 19 were taken before March or on or before March 20th, 20 2019 or just some of them?

21 A. I am not sure.

- 22 Q. Okay. Could they have all been taken before or on 23 March 20th, 2019?

24 A. I am not sure.

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these 13 receipts?

14 A. I think I gave them to my attorney.

- 15 Q. Okay. Some of these receipts, particularly the 16 ones that are printed on the left side of these 17 pages, appear to be cut off; is that correct? 18

THE INTERPRETER: I'm sorry, would you 19 repeat the question?

20 MR. FINKEL: Can you read it back, 21 please?

22 (Court reporter read back pending 23 question.)

24 A. Yes.

1 Q. All right. And it appears that some of the
2 receipts that are made part of this group of
3 documents are not easy to read; like, you
can't 4 tell what some of these entries are.

5 Like, for example, the middle of
Bonilla 6 Dep_000183, the middle receipt?

7 A. Yes.

8 Q. All right. Do you recall going to Lowe's on
April 9 2nd, 2023?

10 A. The dates I forget.

11 Q. All right. Were you the one that was going to
12 Lowe's to make these purchases, or was
somebody 13 else?

14 A. In some places I would go with my
husband. 15 Q. Would you go by yourself at
all?

16 A. Yes.

17 Q. Is it your testimony that all of the receipts that
18 we're looking at here from Bonilla Dep_000183
to 19 Bonilla Dep_000191 were for items spent to
fix 20 damage to your home as a result of the 21
construction?

22 A. Yes.

23 Q. All right. Take a look at page Bonilla
Dep_000184. 24 THE INTERPRETER: That's
184, right?

1 MR. FINKEL: Correct.

2 Q. All right. Take a look at the receipts all the
way 3 on the right side of the page.

4 A. (Witness complies.)

5 Q. There appear to be three items that were
purchased 6 on April 12, 2023, one of these entries is
for a 7 Bissell Crosswave Formula for 9.99.

8 THE INTERPRETER: I'm sorry.

9 MR. FINKEL: What are you sorry? 10

THE INTERPRETER: I didn't understand.

11 The purchase of what?

12 Q. One of these items, the third item here, it

says 13 Bissell Crosswave Formula for 9.99.

14 Is that what that says?

15 A. What is that?

16 Q. I'm asking you.

17 A. I bought so many things to fix that apartment
that 18 I have no idea.

19 Q. Well, Bissell, they make vacuum cleaners,
correct? 20 MS. HOWAYECK: Objection. You

can answer 21 if you know.

22 A. I don't know.

23 The receipts I turned over to her were

24 things that I bought for the repairs of the
house.

1 Q. Each and every item that you purchased that is
on 2 these receipts you're telling me was purchased
to 3 fix your home as a result of damage from the
4 construction, that's what you're telling me? 5

A. Correct.

6 Q. All right. Turn to page Bonilla
Dep_000186. 7 Are you there?

8 THE INTERPRETER: It's hard to read
the 9 number there.

10 MR. FINKEL: It is.

11 Q. So I think the easiest way to do it is go to the
12 next page where it says 187 and then just go to
the 13 one page back.

14 A. (Witness complies.)

15 Q. All right. So take a look at the receipt all the
16 way on the right side of the page, and that's
from 17 April 3rd, 2023.

18 A. (Witness complies.)

19 Q. All right. And there are a series of purchases
20 that are on this particular receipt, correct? 21
And I'm asking you because I have no idea 22
what it is, what's White Rabbit Statuary, the very
23 first entry on there?

24 A. I don't know.

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1 Q. All right. What about at the bottom where it says
2 Number 1 Showpot Tea Rose for \$14.24, what's
that? 3 THE INTERPRETER: Would you like

me to 4 translate what --

5 MR. FINKEL: Please.

6 A. I don't understand.

7 Q. Does that have anything to do with the damage
that 8 you're alleging to your home from the
construction? 9 A. No, no. If it's a rose, no.

10 Q. Okay. What about above that entry, Raid Defend

Fog 11 4 pack, do you see that?

12 A. What is that?

13 Q. I'm going to ask you if you know what that
is? 14 A. At some point there were rats in the house,

and so 15 I bought -- first you said -- maybe there
was some

16 receipts that got in there that were for
other 17 things.

18 But I know that I did buy some
sprays, 19 and I also bought poison for rats
because after 20 that there were tons of rats.

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21 Q. Okay. So not everything that is appearing on
these 22 receipts were for fixing any damage that you
allege 23 to have occurred as a result of the
construction 24 project, correct?

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1 A. The damage were for repairs because of the
2 construction, because I spent a lot of money
for 3 repairing.

4 Q. That's not what I asked you. I asked you --
5 MR. FINKEL: Actually, you know what,
can 6 you read the question back, please?
7 (Court reporter read back pending
8 question.)

9 A. It could be.

10 Q. You can't tell me from looking at these -- how
many 11 ever pages of receipts -- eight pages of
receipts, 12 24 total, you can't tell me which items on
there 13 were purchased for fixing alleged damage to
your 14 home and not for fixing damage to your home,
15 correct?

16 MS. HOWAYECK: Objection. You
can 17 answer.

18 A. Well, yes.

19 Q. Well, yes what?

20 A. Would you repeat the question?

21 Q. You cannot tell me from looking at these receipts
22 what you purchased to fix the damage that you
23 allege to have occurred from the construction 24
versus what you purchased that did not go towards
1 fixing any of the alleged damage, correct?

2 MS. HOWAYECK: Objection. You
can 3 answer.

4 A. It could be.

5 Q. All right. It's fair to say that you did not
6 purchase Raid in order to fix damage that
you 7 allege to your home as a result of the
8 construction, correct?

9 MS. HOWAYECK: Objection. You
can 10 answer.

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1 Permission/Selection of Building Condition
Survey" 2 -- and it says -- "Please identify (by
checking the 3 appropriate box below) any of the
Pre-Construction 4 Condition Survey Scope you elect
to have performed 5 at your property."

6 And do you see a signature on this
page? 7 A. Yes.

8 Q. Is that your signature?

9 A. Yes.

10 Q. Do you recall signing this

11 A. Correct.

12 Q. Okay. You can't tell me how much money you
spent 13 at Lowe's for items that went towards fixing
your 14 home that you allege was damaged from the
15 construction, correct?

16 MS. HOWAYECK: Objection. You
can 17 answer.

18 A. For now I could say, no.

19 Q. Okay. Did you have anybody come into your home
to 20 assess the damage that you allege was as a result
21 of the construction?

22 A. No.

23 Q. Okay. Did anybody ever tell you that you could
not 24 live in your home while the construction was

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1 ongoing?

2 A. No.

3 MR. FINKEL: Can you mark this as
the 4 next exhibit?

5 (Exhibit 5 marked for identification.) 6 Q.
Okay. So I'm showing you what's been marked as -- 7
MR. FINKEL: Is this Exhibit 5?

8 MADAM COURT REPORTER: Five. 9
Q. -- Exhibit 5. All right. And it's a letter from 10
GZA Engineering dated January 2nd, 2019. 11

THE INTERPRETER: GZA Environmental? 12
MR. FINKEL: Engineering.

13 THE INTERPRETER: Engineering. 14
Q. Just to be clear, on this particular letter it just
15 says GZA.

16 Have you seen this letter before
today? 17 A. I don't remember.

18 Q. All right. And I asked you before earlier, are
you 19 familiar with GZA?

20 A. No.

21 Q. All right. Can you turn your attention to the
last 22 page, it's page three?

23 A. (Witness complies.)

24 Q. All right. And it states, "Property Owner
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document? 11 A. I don't remember.

12 Q. All right. Words written below with the
property 13 address and the e-mail of I believe to be
your 14 daughter, Claudiabonilla2009@gmail.com.
15 Did you fill that out, or did your 16
daughter fill that out?

17 A. Well, I don't remember.

18 Q. Okay. But you do acknowledge that this is
your 19 signature on this page?

20 A. Yes.

21 Q. All right. And I recognize that this is dated

May 22 10th, 2019, and we're talking about over
five years 23 ago, but do you recall seeing this
particular 24 document before signing your name?

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1 A. No.
2 Q. All right. And because I've asked you a lot of 3
questions about the spelling of your name, the name
4 that's handwritten above your signed name is 5
misspelled, correct?
6 A. Yes.
7 Q. It's fair to say you did not write your name
in 8 handwriting, correct?
9 A. The signature is mine.
10 Q. All right. But the handwritten name is not
your 11 writing?
12 A. I don't remember.
13 Q. Okay. All right. So do you see in the
middle 14 where there's a check mark?
15 A. Yes.
16 Q. And it says, "Exterior and
Interior"? 17 A. Yes.
18 Q. It says, "I agree to have the pre-construction
19 condition survey performed on the exterior
and 20 interior of my property."
21 Did I read that correctly?
22 A. Yes.
23 Q. And then it says, "If applicable, a
representative 24 of the tenant or owner is required
to be present."
1 Did I read that correctly?
2 A. Yes.
3 Q. So is it fair to say that you signed a document in 4
which it was represented that you agreed to have a 5
pre-construction condition survey performed on both 6
the exterior and interior of your property? 7 A. I
don't remember any of that.
8 Q. Okay. But you do agree that that is your
signature 9 on page three of Exhibit 5?
10 A. Yes.
11 MR. FINKEL: All right. Can we just

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1 were only taken by your lawyer or some of them
were 2 taken by you as well?
3 A. No. Some of them were taken by me.
4 Q. All right. You just don't remember when
the 5 photographs were either taken by you or
your 6 lawyers?
7 A. That I do not remember.
8 Q. All right. You just think some of them were taken
9 by you on or before March 20th, 2019 when we

take 12 a five-minute break? I think I'm done. I
just 13 want to look at my notes and confer.
14 MS. HOWAYECK: Sure.
15 (A short break was taken.)

16 Q. Thank you for your time, Ms.
Bonilla. 17 MR. FINKEL: I have
no questions. 18 A. That's fine.
19 MS. HOWAYECK: Okay. I have just
one 20 clarifying question for you.
21 EXAMINATION
22 BY MS. HOWAYECK:
23 Q. If we could go back to Exhibit A of your
responses 24 to request for production of documents
which is --

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1 THE INTERPRETER: Responses to
the 2 interrogatories?
3 MS. HOWAYECK: Production of
documents. 4 THE INTERPRETER: Oh,
production of 5 documents.
6 Q. And I believe that's been marked as Exhibit 4.
7 Ms. Bonilla, can you turn to the 8
photographs that are attached to that document? 9
A. (Witness complies.)
10 Q. Ms. Bonilla, did you take all of these
photographs 11 that are included in Exhibit A
yourself? 12 A. Some of these photographs were taken
by my 13 attorney.
14 Q. Okay. And, Ms. Bonilla, do you
remember 15 approximately when that was?
16 A. I don't remember.
17 Q. Okay. That's okay.
18 MS. HOWAYECK: That's all I
have. 19 MR. FINKEL: So just a
couple of 20 follow-ups.
21 EXAMINATION
22 BY MR. FINKEL:
23 Q. So all of those photographs that you have in
front 24 of you from Exhibit A, were those
photographs that

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looked 10 at the slip from it was either Walgreens, CVS,
or 11 wherever you had the photographs developed? 12
THE INTERPRETER: I'm sorry, you'll have 13
to repeat the question, the beginning.
14 (Court reporter read back pending
15 question.)
16 A. Okay. Yes.
17 MR. FINKEL: I think she said
correct 18 also.
19 A. Correct.

20 MR. FINKEL: Okay. I have
nothing 21 further.
22 MADAM COURT REPORTER: Ms. Howayeck,
did 23 you want a copy?
24 MS. HOWAYECK: Yes, please. Can I do Page

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1 electronic pdf?
2 MR. FINKEL: The same.
3 MADAM COURT REPORTER: Thank
you. 4 MR. FINKEL: Mini and full are fine.
5

6 (Whereupon the Deposition of
Mirian 7 Bonilla concluded at 1:48 p.m.)
8
9
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1 ERRATA SHEET DISTRIBUTION INFORMATION 2
DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS 3
4 ERRATA SHEET DISTRIBUTION
INFORMATION 5
6 The original of the Errata Sheet has been
7 delivered to Katie L. Howayeck, Esquire.
8 When the Errata Sheet has been completed by
9 the deponent and signed, a copy thereof should be
10 delivered to each party of record and the ORIGINAL

11 forwarded to Marc E. Finkel, Esquire, to whom the
12 original deposition transcript was delivered.
13
14 INSTRUCTIONS TO DEPONENT
15
16 After reading this volume of your deposition,
17 please indicate any corrections or changes to your
18 testimony and the reasons therefor on the Errata
19 Sheet supplied to you and sign it. DO NOT make
20 marks or notations on the transcript volume itself.
21 Add additional sheets if necessary. Please refer
22 to the above instructions for Errata Sheet
23 distribution information.
24

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1 PLEASE ATTACH TO THE DEPOSITION OF MIRIAN BONILLA
2 CASE: Mirian Bonilla vs. State of RI, et al
3 DATE TAKEN: December 20, 2024
4

ERRATA SHEET

5
6 Please refer to Page 75 for Errata Sheet
7 instructions and distribution instructions.
8 PAGE LINE CHANGE REASON
9 _____
10 _____ 11
11
12
13
14
15

16 I have read the foregoing transcript of
17 my deposition, and except for any corrections or
18 changes noted above, I hereby subscribe to the
19 transcript as an accurate record of the statements
20 made by me.

21 Executed this ____ day of _____, 2025.
22
23
24

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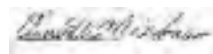
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1 CERTIFICATE

2
3 STATE OF RHODE ISLAND and
4 PROVIDENCE PLANTATIONS
5

6 I, Elizabette M. Afonso, a Professional 7 Shorthand Reporter and
Commissioner in and for the 8 State of Rhode Island and Providence Plantations, 9
do hereby certify that the witness whose deposition 10 is hereinbefore set forth, was
duly sworn by me 11 through interpretation and that such deposition is 12 a true record
of the testimony given by the
13 witness.

14 I further certify that I am neither
15 related to or employed by any of the parties in or 16 counsel to this action, nor am I
financially
17 interested in the outcome of this action.
18 In witness whereof, I have hereunto set 19 my hand and seal this 13th day of
January, 2025. 20

21
22 

23 Elizabette M. Afonso
Notary Public
My commission expires:
24 December 9, 2029

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Mirian Bonilla

Services Company 888.825.3376 -
production@court-reporting.com
888.825.3376 -
production@court-reporting.com
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O'Brien & Levine, A Magna Legal Services Company
O'Brien & Levine, A Magna Legal Services Company 888.825.3376 -
production@court-reporting.com
888.825.3376 - production@court-reporting.com
Mirian Bonilla
Mirian Bonilla

