



DEPOSITION SUMMARY OF LILLIAN XXXXX

NOVEMBER 3, YYYY

Venue: Palm Beach county Courthouse, 205, North Dixie Highway, West Palm Beach, Florida

Counsel for the Plaintiff: Mr. DARRYL XXXXX, ESQUIRE and EDWARD XXXXX, ESQUIRE

Counsel for the Defendant: THOMAS G. GUZDA, ESQUIRE and JACQUELINE G. EMANUEL, ESQUIRE

Court reporter: April XXXXX, RPR

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Examination by Mr. XXXXX		
441:1-451:4	The witness introduced herself as LILLIAN XXXXX. She said that she had testified in a court before, in a hit and run accident. She said that she worked for Anthony XXXXX as the receptionist at the salon. She said she had been working for Mr. XXXXX for four years and has known him from when she was a manager at a beauty supply from where Mr. XXXXX got his supplies. She had known him for 7 years prior to working for him. She said that she saw Mr. XXXXX once a week on an average through the 7 year period. She said that she saw him physically fit, healthy and from what he had said, she knew him to do exercises and keep him fit. She answered that Mr. XXXXX was concerned about the way he looked and he took care of himself. She said that she noticed him to be in pain, she saw him having troubles in moving such as with back pain. She said that Mr. XXXXX told her that he was in an accident. The accident was right before she left the beauty supply. She agreed that she had been working as the receptionist for Mr. XXXXX and she was taking care of the daily operations of the salon. She said that she took care of his scheduling, clients and it was from 8.30 until closing and she net with him frequently. As to her observations of him, she said that he had severe headaches, she had noticed numbness and swelling in his hands, he began to limp while he walked and had to hold on to something to stay balanced. About his headaches, she said that his appointments were set up with intervals for him to rest and he went inside his office frequently to rest. She said that his appointments were spaced farther apart for him to take rest. About the differences in Mr. XXXXX between when she was seeing him during the seven years and now, she said he was not the same physically and that the accident had affected him badly and that she could see that it has taken an emotional as well as physical toll on him.	Employee sees change in Marotta's health



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Cross – examination by Mr. XXXXX		
451:5-456:6	Lillian said that she did not see Mr. XXXXX probably for a few weeks around the time of accident. She said that the limping was going on for the past couple of years after the accident. She has difficulty in getting in and out of the car since the accident. She said that Mr. XXXXX did haircuts still and she spaced him a hair cut every hour or so. She added that he worked from around 9:30 to 5 or 6 in the evening. She agreed that he had problems from his swellings, back pain and headaches. She added that she saw his swelling everyday when she sees him. She had not seen him fall but had seen him catch himself and sit down.	About Mr. XXXXX's medical complaints
Cross - examination by Mr. XXXXX		
456:7-465:5	Aysia introduced herself as Aysia XXXXX and that Lori and Anthony XXXXX are her parents. She said she was 19 and half years old and she was attending Florida Atlantic University, the Boca Campus. She was studying communications and film and media. She answered that she had two jobs aside from school. One of the jobs was as a production assistant for United TV and she said that a woman she met at the Gym ran the company and she was at first an intern and now it has become a full time job. She said that the other job was a server at a restaurant in Boca. She said that she lives in West Boca with her brother and parents. She said that she was very much aware that her dad was in a head-on collision. She said that her dad was fun and care free before the accident. She said that they were a very sports oriented family, went to the park on weekends and played basketball, went to the gym together for exercising, and did biking, beach and similar activities. She said that her dad lifted weights at the gym. She said that her brother's name is Austin and he was 15 years old and basketball was what he wanted to do. She said that her dad ran practices for Austin's team and coached them whenever he could. About the extracurricular activities she did at school, she said that she was involved in plays and was also on the basketball team. She added that her dad went to her school events prior to the accident. He took her to her school and drove her to her school. After the accident, she said that her dad was on edge, miserable, in pain and hard to be around and her relationship has kind of strained. She said that he was not able to attend her college orientation as he was not well due to a bad migraine. She said that she was disappointed as her dad was not able to attend the family night show of the play she was in at the school. She said that her dad did not coach his brother and he is not a bit like how he was before the crash. She added that the accident had such a toll on him that she had got used to the fact the she will not have her dad back as he used to be. She added that he cannot do what he used to do and that kills him.	Aysia's life and her relationship with her dad
Cross- examination by Mr. XXXXX		
465:6-468:1	Aysia said that she knew that her dad had a hernia operation before the accident and that was due for recovery. She said that she went to school five days a week. She said that she would see her dad after her work. She said that she did her editing and figuration of sets in the production assistant job from home and worked at the restaurant 2or 3 or 4 days in a	Aysia's perception of hernia surgery



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	week. She said that Sundays were usually their off days and it was their family day, which was not the case presently.	
Direct Examination of Lori XXXXX by Mr. XXXXX		
468:2-474:7	Lori introduced herself as Lori XXXXX and she was the wife of Anthony XXXXX. She said she referred to her husband as Christian XXXXX. She added that she met him when she was 13 years old and later, at the time of marriage came to know that Christian was his professional name. She said that she was 49 years and was originally from Brooklyn, New York She said she has two children, Austin, who is 15 and in school in West Boca High School. She added that he worked at Publix as a wagon Boy. She said that Aysia was her daughter and will be 20 in January. She said that she was employed as a loan originator, which is the new name for Mortgage Broker. She said that she was 13 years old when he would cut her hair and that she went to his salon frequently and she had a crush on him though he was 10 years older than her. She chanced upon him while crossing a traffic light 8 years later when her engagement with another person was not working well and since then, she has been with him and they got married in 1987. She said that her husband was full of life, had positive attitude and was an enormous personality and participated in everything with his children. She said that he would take the children to the school and pick them up. She said that he assisted coaching in basketball and they had been part of West Boca basketball league for ten years. She said that they were always together as a family in parks, beaches etc. She said they moved to Florida in 1999. They moved because her family was in Florida, her parents were there, and her husband agreed to sell the salon, house and move to where her family was. She said that her husband, before the crash, enjoyed beach, gym, and spending time with his children in a lot of sports activities. As a couple, they went out for dinners, socialize with friends, and go to the gym and basketball sporting events together. They liked to see the heat games. They went to the Broward performing arts center, the Kravis canter to see musical shows frequently. She said that she loved her life with him.	Marottas' wedding, relationship, and family
474:8-481:5	She said that on the day of the crash, her husband called her and sounded dazed. She was a block or two from there and she went there immediately. The place was a very narrow street and she saw the red pickup truck that had hit her husband. She told the jury that there were no parking spaces on the street. It was not a strip mall. It was curbs. There were absolutely no defined lines or parking bumper for parking in the street. She told the jury that her husband's car was close to the curb as double parking could not be done as the street was a narrow one. She said that the truck had hit her husband's car was on the top of the car on her husband's side of the street and she saw that the whole front of the car was smashed in. Answering on the condition of her husband, she said that he looked like a zombie to her, he was like a broken and in bad pain most of the time. He was miserable, and in mental agony and depressed. He does not engage in any activities but he was always at home when not in salon and he was very reclusive but he was not a complainer but a tough man. She said that they do not go out for dinner or socialize. She said that they do not have any intimacy at	The accident and the victim

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	<p>all and it was very hard for them that he does not talk about it as it hurt him and so they do not discuss it. She said that he was close to her parents and spent weekends at each other's places. But, her father had a stroke 6 months after he had his accident and in the last 4 to 5 years, her husband had been to her parents once or twice only. He does not have any interaction at all. He was the type of person who would help in such situations but he had not done anything at all, as he was in pain and does not feel well. She answered that they have been married for 24 years. In comparison to the years after the accident to about the 19 years before it, she said that it is a constant pressure like work now unlike before and he was her best friend and now he was not at all the same guy he was before the crash. She said she loves her husband and wants him to have the surgery but he had not done it because he is petrified by surgery.</p>	
Cross examination by Mr. XXXXX		
481:7-489:25	<p>She agreed that Mr. XXXXX had a hernia surgery about a month before the accident and they had to decrease their physical intimacy a little bit during that period. She said that they got tickets to the heat games through her husband's clients. She agreed that she went to the collision scene before any of the police or paramedics arrived. She said that her husband's car was in the street, close to the curb. She said he was dazed before he was taken out to the hospital and she saw a red mark over his eye. She agreed that he was conscious. She agreed that she was at the scene with in about three minutes. She said that her husband had gone to pick up Kim and take her to work. She added that she did not see Kim there and nobody was there on the street. She said that the vehicle was a Mercedes Benz leased by her mom at the time of the accident and she had finance-purchased it. She answered that she went out for dinner with her husband that weekend to Cafe Bella Sera and it was on a Saturday evening. She answered that she loved her husband and her husband loved her. He said that she went with him on his doctor appointments but for therapies, he went by himself. He was able to drive by himself when he went to Dr. Waden XXXXX office in Fort Lauderdale. She said that he drove his motor cycle to work and back. She said that the therapies have not shown much improvement. She said that he was a bit queasy about taking injections. She agreed that she was aware that Mr. XXXXX had an accident when he was 17 and ejected from then vehicle. She said that she was aware that she was with her husband when he went to an urologist to have an examination as to why he may have problems having intimacy with her. She agreed that he was given medication to try.</p>	Ms. Marotta's views on the collision scene
Direct Examination of Anthony XXXXX by Mr. XXXXX		
490:1- 503: 3	<p>Mr. XXXXX introduced himself as Anthony XXXXX and that he was from Brooklyn, New York. He agreed that they all moved to Florida in 1998 or 1999. He said that his dad died due to a heart attack when he was 5 years old. He added he had two older sisters and he was raised by his mom. He said his mom worked in a sweat shop and he got his first job when he was 9 years old when he started off as a newspaper delivery boy and that he got that job through the church. He said he brought the money</p>	Marotta's background



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	<p>home to the household. Next job was to deliver meat for a butcher shop on a bicycle. He said he had a choice of getting paid in cash or take \$25 worth of meat. He added that he would take home the meat and also the tips he got by delivering the meat. He worked there for a few years and he was taught to cut meat. He said he worked in a pizzeria as a pizza boy, delivering pizzas. He said he became as good as a pizza maker that he became the manager of the store. He said he was into private sanitization business. He worked all over the streets of Manhattan picking up garbage on some days and corrugated cardboard boxes on other days. He said that he was drafted into the military and he explained that he had to prove that he was the sole supporter of the family for him to be released. He said he was not required to support his sister but he said he did because that is what a family does. He said that he went to high school but he did have to leave and work. He said his next job was a roofer in a huge mall, Kings plaza in Brooklyn. He said he was sent to get a list of things from a diner across the street when he was an apprentice in the construction. While he waited, he would go to the salon next door because he knew someone who worked there. He said he liked the air condition, music etc of the salon and he said he liked everything about it.</p>	
503:4-519	<p>He said he immediately joined Bensonhurst Beauty school and graduated. The option was to go as a hairdresser in a local salon or get into Manhattan as an apprentice. He said he joined a salon on the 56th Street between 5th and 6th Avenue as an apprentice. He said he worked his way up to being a Chief Assistant. He said that he worked for famous people and had started developing his own clientele. At some point, Paul Mitchell opened his shop and asked him to work for him. He did that for a while during which he was taken by Paul Mitchell to platform shows to quite a few different places. He said that he did not sustain any long standing injury from the accident when he was 17 years old and it was 40 years ago. He said he liked to all kinds of physical activities such as skiing in winter; he would go up to hunter mountain; in summer, water skiing, handball, baseball, and softball. He said he did not have any physical limitation. He said he went on a tour of seven days and six nights for a photo shoot to Rio de Janeiro and word got out about his skill and he started doing haircuts and he ended up staying for two years as a freelancer in the Intercontinental five-star hotel. He said he sent money home then and at some point, he returned as he felt home sick. He immediately got a job in a salon in Brooklyn and worked there for three or four years. He started planning his own salon while he was there and he opened up that salon in Brooklyn. Ever since, he had had a salon, he agreed. He said that the name of the salon he opened in Manhattan was Christian's as he was known as Christian and his name was well known. He answered that work ethic was to treat everyone as equal and give the best to each individual. He said that he was used to working from the time he entered to the time he left, without looking at the clock. On occasions such as a wedding party or a photo shoot, he would work till 3 am and go back at 9 am after a little sleep. Sometimes, he was required to work six or seven days a week. He said that he got married on November 8, 1987. He</p>	Starting up salon and personal fitness



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	<p>said that he has a wonderful relationship with his wife. He stated that they were honest with each other and their children and he loves his wife. He told the jury that she was absolutely his best friend. He said that, during the early years of their marriage, they used to come down there a lot to be with her parents, play paddle, go to parties, everything that normal happy loving people do-movies, plays, Broadway shows. He said that his wife gave an opportunity to come down to Florida and he liked the place because of the sun, Green, and beaches. He said he did not know anybody when he came down there but built from the scratch and he said that his business is his other family. He said that his shop's name was Christian's, located at 7860, Glades Road, Boca Raton, Florida. He added that the shop had 11 people working and he opened the shop a year after he moved there and it was going to be 12 years since he was in business there. He said that his children were born when he opened up the shop and it was very important for him to have a family and to be a father to his children. He said that he took the children to their school, pick them up; they were a loving family and did things together- playing ball, going to barbecues, swimming, bicycling, basketball, movies etc. He added that they played Frisbees, paddle ball, play chicken, do boarding on the shore line and he did not have any physical limitation in doing all that. He said he had an amazing general health before the accident. He said that he used to go to the gym, not to lift weights but to be on machines to be in shape.</p>	