

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANGEL BAKOV, JULIE
HERRERA, Individually and
on behalf of all others
similarly situated,,

CASE NO. 1:15-cv-02980

Plaintiff(s),

vs.

CONSOLIDATED WORLD TRAVEL,
INC., d/b/a HOLIDAY CRUISE
LINE, a Florida
corporation,

Defendant(s).

AND RELATED ACTION.

DEPOSITION OF KINAYA HEWLETT
Sacramento, California
Friday, February 16, 2018
Volume I

Reported by:

Carrie Pederson

CSR No. 4373, RMR, CRR

Job No. 2789521

Pages 1 - 152

CONFIDENTIAL PAGES: 83-84

<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 5 ANGEL BAKOV, JULIE HERRERA, Individually and 6 on behalf of all others similarly situated,, 7 CASE NO. 1:15-cv-02980 8 Plaintiff(s), 9 vs. 10 CONSOLIDATED WORLD TRAVEL, INC., d/b/a HOLIDAY CRUISE 11 LINE, a Florida corporation, 12 13 Defendant(s). 14 15 _____ 16 17 18 Deposition of KINAYA HEWLETT, Volume I, 19 taken on behalf of the defendants, at 1 Capitol Mall, 20 Suite 240, Sacramento, California, beginning at 21 9:50 a.m. and ending at 12:42 p.m. on Friday, 22 February 16, 2018, before Carrie Pederson, Certified 23 Shorthand Reporter No. 4373. 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX 2 WITNESS: 3 KINAYA HEWLETT 4 Volume I 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">PAGE</p> <p>6 Examination By Mr. Backman 7</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 3 For Plaintiff(s): 4 BURSOR & FISHER, P.A. 5 BY: THOMAS REYDA 6 Attorney at Law 7 1990 N. California Boulevard 8 Suite 940 9 Walnut Creek, California 94596 10 925-300-4455 11 treyda@bursor.com 12 13 For Defendant(s): 14 GREENSPOON MARDER LLP 15 BY: JEFFREY A. BACKMAN 16 Attorney at Law 17 200 East Broward Boulevard 18 Suite 1800 19 Fort Lauderdale, Florida 33301 20 954-491-1120 21 jeffrey.backman@gmlaw.com 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 EXHIBITS 2 DEFENDANT'S 3 DESCRIPTION PAGE 4 Exhibit 1 First Amended Class Action 85 Complaint 5 6 Exhibit 2 Plaintiff's Responses to 88 Defendant Consolidated World Travel, Inc.'s First Set of 7 Interrogatories 8 Exhibit 3 Plaintiff Kinaya Hewlett's 116 Supplemental Responses to 9 Defendant Consolidated World Travel, Inc.'s First Set of 10 Interrogatories 11 Exhibit 4 Plaintiff Kinaya Hewlett's 123 Supplemental Responses to 12 Defendant Consolidated World Travel, Inc.'s First Set of 13 Interrogatories 14 Exhibit 5 Affidavit of Business Records 137 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 22</p> <p>1 came?</p> <p>2 A. I want to say maybe a 916 number or -- yeah,</p> <p>3 a 916 number because I follow them. I stay in</p> <p>4 Sacramento, so my answer is I really don't answer</p> <p>5 1-800 numbers, so I'm going to answer like that.</p> <p>6 Q. Is there anything that you could look at</p> <p>7 that would be able to allow you to associate a</p> <p>8 particular telephone number on a particular date back</p> <p>9 to this call that you're describing for me?</p> <p>10 A. Nothing I can recall, no.</p> <p>11 Q. Were you interested in getting the cruise</p> <p>12 when the offer was presented?</p> <p>13 A. Not really, but I answered the call, and so</p> <p>14 I just listened to what, you know, the call had to</p> <p>15 say.</p> <p>16 Q. On any of the times that you called back,</p> <p>17 did you try to actually get them to give you a cruise</p> <p>18 without having to give your credit card?</p> <p>19 A. No.</p> <p>20 Q. So if the first call was in May or June</p> <p>21 of 2014, when was the second call?</p> <p>22 A. Maybe a couple of weeks later because at</p> <p>23 this point, I think they was toying with me because,</p> <p>24 like I say, I start cussing them out and --</p> <p>25 Q. Well, you hadn't cussed them out yet; right?</p>	<p style="text-align: right;">Page 24</p> <p>1 time period?</p> <p>2 A. Yeah. We're still in the nice zone with</p> <p>3 them, you understand.</p> <p>4 Q. The nice zone?</p> <p>5 A. Yeah. So --</p> <p>6 Q. So what happens on the second call? What do</p> <p>7 you remember about it?</p> <p>8 A. I wanted to just -- when I picked up, I</p> <p>9 wound up just hanging up because I knew who it was</p> <p>10 and called it back and tried to take my number off</p> <p>11 the call, and then -- go ahead.</p> <p>12 Q. No. Please --</p> <p>13 A. Oh.</p> <p>14 Q. -- finish telling me.</p> <p>15 A. And then as time progressed, as I realized</p> <p>16 they wasn't taking my number out, then I started</p> <p>17 getting very rude with them.</p> <p>18 Q. Okay. So, again, you're talking about</p> <p>19 getting rude after more calls were made --</p> <p>20 A. Yes.</p> <p>21 Q. -- not after the second call? You hadn't</p> <p>22 been rude yet; right?</p> <p>23 A. Yes.</p> <p>24 Q. I want to go back to the first call. One</p> <p>25 more question I wanted to ask you. Do you remember</p>
<p style="text-align: right;">Page 23</p> <p>1 I mean this is only the second call?</p> <p>2 A. After the first -- maybe after about the</p> <p>3 fourth phone call, I started cussing them out, and I</p> <p>4 think they started toying with me because now I was</p> <p>5 getting calls, like two and three calls, like,</p> <p>6 back-to-back, and it was the same person.</p> <p>7 Q. All right. Stay with me for a second. So</p> <p>8 the first call is in May or June of 2014. The second</p> <p>9 call, you think, is a couple weeks later?</p> <p>10 A. Yeah.</p> <p>11 Q. Right?</p> <p>12 A. I changed my number because they kept</p> <p>13 calling.</p> <p>14 Q. We're going to get there. You're going to</p> <p>15 get to tell me all that, I promise. I'm just trying</p> <p>16 to figure out the sequence of events here and it's my</p> <p>17 job. I got to know all the details; all right? So</p> <p>18 it might sometimes seem tedious, but I got to try to</p> <p>19 do it. So if the second call comes in two weeks</p> <p>20 later -- that's what you just said, I think.</p> <p>21 A. I said like maybe -- I just know it was a</p> <p>22 few days later.</p> <p>23 Q. Few days later?</p> <p>24 A. Yeah, few days later.</p> <p>25 Q. Okay. So we're still in the May-June 2014</p>	<p style="text-align: right;">Page 25</p> <p>1 what you were doing at the time you got the first</p> <p>2 call?</p> <p>3 A. I have a baby, and so I was dealing with my</p> <p>4 baby.</p> <p>5 Q. Do you know what time of the day it was that</p> <p>6 you got this call?</p> <p>7 A. During the day.</p> <p>8 Q. Any better time on there?</p> <p>9 A. Maybe afternoon. Afternoon like --</p> <p>10 Q. How old was your -- do you have a daughter</p> <p>11 or son?</p> <p>12 A. Daughter.</p> <p>13 Q. How old was your daughter in 2014?</p> <p>14 A. 2014, she was three.</p> <p>15 Q. Did she nap at the time?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know, as you sit here, exactly what</p> <p>18 it was you were doing when you got this call?</p> <p>19 A. I can't recall exactly what I was doing,</p> <p>20 but --</p> <p>21 Q. Did you get -- back in 2014, did you get</p> <p>22 other calls from other people that you would think</p> <p>23 are telemarketers?</p> <p>24 A. Yes.</p> <p>25 Q. How many calls do you think you got a day</p>

<p style="text-align: right;">Page 102</p> <p>1 anybody dial these calls to you, did you?</p> <p>2 A. No.</p> <p>3 Q. Like I say, you never saw the equipment that</p> <p>4 might have been used if any; right?</p> <p>5 A. Yes.</p> <p>6 Q. So you don't know?</p> <p>7 A. (Moves head up and down).</p> <p>8 Q. Right?</p> <p>9 A. Right.</p> <p>10 Q. And it says in March 2016, you were getting</p> <p>11 calls nearly daily. Were you getting daily calls in</p> <p>12 March 2016?</p> <p>13 A. Like I say, we was a battlefield between us,</p> <p>14 and they was toying with me.</p> <p>15 Q. Uh-huh.</p> <p>16 A. And I think at one point to where it was the</p> <p>17 same guy with an Indian voice, we be cussing each</p> <p>18 other out, and I think he did it to annoy me and --</p> <p>19 Q. How come in this response you don't tell us</p> <p>20 about any calls in 2014 or 2015?</p> <p>21 A. I did.</p> <p>22 Q. Do you see it in here?</p> <p>23 MR. REYDA: Take your time to look at the</p> <p>24 response before you answer.</p> <p>25 THE WITNESS: Okay. It's not in here, but I</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. -- March 14, 2016; a time, 1:35 p.m.; the</p> <p>2 number calling (916) 340-8242; and then caller</p> <p>3 identification, it says "Holiday Cruise Line"; right?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. You got to answer yes or noes.</p> <p>8 A. Yes.</p> <p>9 Q. Do you know where you got that information</p> <p>10 from to put in response to this interrogatory?</p> <p>11 A. From Metro Block It.</p> <p>12 Q. Right. And that's what we talked about</p> <p>13 before. Other than Metro Block It, you have no way</p> <p>14 of providing this type of information with respect to</p> <p>15 the call that you got; right?</p> <p>16 A. No.</p> <p>17 Q. So my statement is correct?</p> <p>18 A. I'm not really understanding what are you</p> <p>19 trying to say because --</p> <p>20 MR. REYDA: If you could restate the</p> <p>21 question for her.</p> <p>22 THE WITNESS: Yeah, because you keep asking</p> <p>23 the same question over and over in, like, different</p> <p>24 forms, and I keep saying the same thing. It's, like,</p> <p>25 I don't know. I mean okay. Can I take a break?</p>
<p style="text-align: right;">Page 103</p> <p>1 did.</p> <p>2 BY MR. BACKMAN:</p> <p>3 Q. Right. You see how there's like a little</p> <p>4 log, like four foxes?</p> <p>5 A. I see "Time," "Date," "Number Calling."</p> <p>6 Q. And then at the top of the next page --</p> <p>7 sorry. Then at the top of the next page, there's a</p> <p>8 single line with a date, a time, a telephone number</p> <p>9 and then a reference to Holiday Cruise Line?</p> <p>10 A. Uh-huh.</p> <p>11 Q. See that?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Yes? Yes?</p> <p>14 MR. REYDA: Answer verbally.</p> <p>15 THE WITNESS: Yes. Yes.</p> <p>16 BY MR. BACKMAN:</p> <p>17 Q. How come you didn't provide here any detail</p> <p>18 with respect to any other call?</p> <p>19 A. I'm not for sure.</p> <p>20 Q. Is it because you don't have any information</p> <p>21 for any other call?</p> <p>22 A. I'm not for sure what you're speculating.</p> <p>23 Q. You see there's information here. There's a</p> <p>24 date --</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 105</p> <p>1 Because I'm getting frustrated.</p> <p>2 MR. REYDA: Hold on one second. Kinaya, sit</p> <p>3 for one second, calm down. You have to answer the</p> <p>4 question pending, and then you can take a break.</p> <p>5 THE WITNESS: What was the question?</p> <p>6 MR. REYDA: Can you restate the question</p> <p>7 instead of referencing it in shorthand?</p> <p>8 MR. BACKMAN: Can you go back up?</p> <p>9 BY MR. BACKMAN:</p> <p>10 Q. So looking at the detail of the information</p> <p>11 that we just looked at in response to this</p> <p>12 interrogatory that you provided, do you have any way</p> <p>13 to identify a single one of the other calls that you</p> <p>14 claim came from Holiday Cruise Line?</p> <p>15 MR. REYDA: Objection. Calls for expert</p> <p>16 testimony. She can rely on people to carry that</p> <p>17 burden of proof rather than her own personal</p> <p>18 recollection.</p> <p>19 To the extent you can answer.</p> <p>20 THE WITNESS: No, I can't. I can't tell you</p> <p>21 every number that they call from. No, I can't.</p> <p>22 BY MR. BACKMAN:</p> <p>23 Q. You can't tell me anything other than with</p> <p>24 respect to this one call?</p> <p>25 MR. REYDA: Objection. Asked and answered.</p>

<p style="text-align: right;">Page 110</p> <p>1 A. No. I change my number one time. 2 Q. What happened to five times? What happened 3 to that? 4 A. No, no. I changed my number where I had to 5 pay to change my number. It's five dollars to change 6 a number, to get a new number. 7 Q. Okay. And you still did that five times? 8 We're still consistent with that? 9 A. Yes. 10 Q. Okay. 11 A. But the other times was instead of change 12 it, paying the five dollars to change the number, I 13 just changed the service, started a new plan. 14 Q. When did you do that? 15 A. I don't remember. Like after maybe the four 16 times I got new service -- I mean new numbers. 17 Q. Okay. So after you filed the lawsuit 18 against Holiday Cruise Line? 19 A. Yeah. 20 Q. Right? Yes? 21 A. Yes. 22 Q. Okay. So you talked to me about, you know, 23 some costs that you had to incur in changing your 24 number and changing your plan. What other damages do 25 you think you suffered as a result of getting these</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. And how did you know that that guy was 2 associated with Holiday Cruise Line? 3 A. Because he called right back, and he called 4 back directly. It wasn't a recording. It would be 5 from the same number, but it wouldn't be -- it would 6 be him calling directly in. I didn't argue. That's 7 what made me file the complaint. 8 Q. Did you ever have to go to the hospital 9 after you hung up one of these calls? 10 A. No. 11 Q. Did you ever have to take medication? 12 A. Yes. 13 Q. What kind of medication? 14 A. I take Clonidine. 15 Q. Want to spell that for her? 16 (Discussion off the record) 17 BY MR. BACKMAN: 18 Q. You would hang up the call, and you would go 19 and grab your medication and take it, or you would 20 take that medication every day anyway? 21 A. No, I don't take it every day, no. 22 Q. You were just reaching in your purse to grab 23 it, weren't you? 24 A. Yes. 25 Q. You carry it on you?</p>
<p style="text-align: right;">Page 111</p> <p>1 calls? 2 A. Well, I have high blood pressure, and 3 that -- me getting mad and cussing and stuff, it 4 raises my blood pressure, so it caused me harm. 5 Q. Did that happen on every single call? 6 A. Well, after we started getting hostile with 7 each other, yes. 8 Q. What about the first group of calls before 9 that? 10 A. It was more like I was brushing them off, so 11 yeah. 12 Q. So it wasn't raising your blood pressure on 13 those calls? 14 A. Yeah. It was like when I physically start 15 arguing with them and, like, we'll be, like, back and 16 forth, back and forth, back and forth, and then -- 17 Q. And it would raise your blood pressure? 18 A. Well, yeah, because he would hang up and 19 call right back, and it'd be Indian guy, and we'd be, 20 like, cussing each other out. 21 Q. So you're saying after you would get in one 22 of these fights, would you hang up, and then 23 immediately you'd get another call from some Indian 24 guy yelling at you again? 25 A. On one or two occasions, yes.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. No. I went to the pharmacy yesterday and 2 never just took it out of my purse. 3 Q. Any other medication you had to take after 4 you received these calls? 5 A. No. 6 Q. Do you think you took that medication after 7 you got every call? 8 A. No, not every call, but -- 9 Q. How many times do you think you had to take 10 the medication? 11 A. Not -- I mean I don't -- I mean I took it 12 one time, I was that angry, and that's when I went to 13 the Metro PCS. 14 Q. Do you remember what day that was? 15 A. Whatever day I filed the complaint, whatever 16 day it says I filed the complaint, I pushed the 17 button on the complaint, that was the day. That's 18 the day that I was sitting in the address -- I can't 19 give you a specific address, but it's on the corner 20 of Franklin -- no. Florin and Stockton in 21 Sacramento, California, the Metro PCS headquarters. 22 Q. Did you lose any sleep as a result of these 23 calls? 24 A. No. I had to look at the time. It was 25 1:35 a.m., I was up, but -- no, that's p.m. No.</p>

Page 150

1 30 days after transcript.
 2 MR. BACKMAN: Thank you.
 3 MR. REYDA: Thank you.
 4 THE REPORTER: Do you want a copy?
 5 MR. REYDA: I would love a copy. No rush
 6 needed.
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 152

1 I, the undersigned, a Certified Shorthand
 2 Reporter of the State of California, do hereby
 3 certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place herein set forth;
 6 that any witnesses in the foregoing proceedings,
 7 prior to testifying, were duly sworn; that a record
 8 of the proceedings was made by me using machine
 9 shorthand which was thereafter transcribed under my
 10 direction; that the foregoing transcript is a true
 11 record of the testimony given.
 12 Further, that if the foregoing pertains to
 13 the original transcript of a deposition in a Federal
 14 Case, before completion of the proceedings, review of
 15 the transcript [x] was [] was not requested.
 16 I further certify I am neither financially
 17 interested in the action nor a relative or employee
 18 of any attorney or party to this action.
 19 IN WITNESS WHEREOF, I have this date
 20 subscribed my name.
 21
 22 Dated: March 7, 2018
 23 Carrie Pederson
 24 CARRIE PEDERSON
 25 CSR No. 4373

Page 151

1
 2
 3
 4
 5
 6
 7
 8
 9
 10 I, KINAYA HEWLETT, do hereby declare under
 11 penalty of perjury that I have read the foregoing
 12 transcript; that I have made any corrections as
 13 appear noted, in ink, initialed by me, or attached
 14 hereto; that my testimony as contained herein, as
 15 corrected, is true and correct.
 16 EXECUTED this _____ day of _____,
 17 20_____, at _____, _____.
 18 (City) (State)
 19
 20
 21 _____
 22 KINAYA HEWLETT
 23
 24
 25

Page 153

1 ERRATA SHEET
 2 RE : Bakov, Angel, Julie Herrera And Kinaya Hewlett v.
 Consolidated World Travel, Inc.
 DEPO OF: Kinaya Hewlett
 3 TAKEN : 2/16/2018
 4 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE
 5 Page #| Line #| Change | Reason
 6 _____|_____|_____|_____
 7 _____|_____|_____|_____
 8 _____|_____|_____|_____
 9 _____|_____|_____|_____
 10 _____|_____|_____|_____
 11 _____|_____|_____|_____
 12 _____|_____|_____|_____
 13 _____|_____|_____|_____
 14 _____|_____|_____|_____
 15 _____|_____|_____|_____
 16 _____|_____|_____|_____
 17 _____|_____|_____|_____
 18 _____|_____|_____|_____
 19 _____|_____|_____|_____
 20 _____|_____|_____|_____
 21 State of Florida)
 County of Dade)
 22
 Under penalties of perjury, I declare that I have
 23 read my deposition transcript, and it is true and
 correct subject to any changes in form or
 24 substance entered here.
 25 _____
 Date WITNESS NAME