

DEPOSITION SUMMARY

THOMAS ARTHUR SHAY

SEPTEMBER 13, 1991

PAGE DESCRIPTION

By Mr. Zucker

- 4-5 Thomas Arthur Shay, born 11/3/71. Lives at U.Mass, Dartmouth; prior to that lived in Quincy
- 5 Not a student. Lives with Russ Banano, Director of Housing. Has no mailing address. Telephone Number: 508-999-8836
- 6 Quincy address: 200 Falls Boulevard, Quincy, Ma 02169; Condo owned by Nancy N. Shay, his mother
- 6-7 Lived w/ Bill Smith in an apartment building on 19th and 5th Avenue in New York for a month. Friends with Bill Smith for 1-1/2 years
- 7 Before moving to NY lived in Boston on Falls Boulevard. Moved to NY to explore and did massage work. Operated business called Tom's Professional Massage
- 8 Business had no address, just beeper number. Did out-patient, out-call service. In this business for 1-1/2 years
- 8 Lived in NY for 1-1/2 months; before that lived w/ mother in Quincy for 2 months; before that lived in Fort Lauderdale & Miami, Florida for 3 months
- 9 Lived in the Fort lauderdale & Miami International Youth Hostels. Did not work in Florida. Travels a lot, so lived in L.A. for 2 months before moving to Florida.
- 9-10 Lived in International Youth Hostile in L.A. during summertime months, between April & July, 1990; did not work while there.
- 10 Before L.A., lived w/ mother on 75 Richmond St., Dorchester for 3-4 months. Before that, lived in Houston
- 10 No memory of when he lived in Houston b/c has lived in 12 U.S. cities & 5 Canadian cities within last 2 years

- 10-11 Past three years worked for himself doing massage work. Actually did massage work only for 1 year; did under-the-table work for pay, like labor pool, small help wanted, manual labor
- 11 Worked for under-the-table pay digging ditches and whatever and got paid in cash; did not declare pay on tax returns. Did this work for last three years
- 11-12 Education: no high School Diploma; highest grade completed was 11th grade; 11th grade math and 10th grade science. Attended Campus High School, 11 Sunnyside St., Jamaica Plain. Last year attended school was 1989 or 1990
- 12-13 2-1/2 years ago got his GED through Bridge Over Troubled Waters, 35 West St., Downtown Boston
- 13 Never been married. Has four sisters: Jeanie, nancy, Paula and Amy; and one step sister: Kristen Flannigan
- 13 Last lived w/ Father when in High School
- 14 Realizes that he's testifying in a lawsuit brought by his Father relative to the Oct., 1987 incident that occurred when he was still in high school. At time was living with his father
- 14 In Oct., 1987 lived at Georgetown Housing Development in Hyde Park; no memory of exact address, street had a weird name though
- 15 Lived in Hyde park for 2 years; after Oct., 1987 incident lived w/ father for 1-1/2 years until father moved in w/ his girlfriend, Mary flannigan
- 15 Prior to 10/30/87 incident worked as helper doing errands for father's business; worked for father since he owned the shop
- 16 Grandfather started shop before he (witness) was born, like 1971. Began working for father at age of 10. Non-paid job, "grabbing parts and stuff", did work b/c it was for his father. Received \$20.00 per day for allowance, not b/c he worked for father. Did receive this allowance while working for father
- 17 Stopped working for father 3-4 years ago. Has not worked for his Uncle Arthur Shay during the last 4 years.
- 17 Present at Dedham Service Center on Washington St., Dedham on 10/30/87 b/c he had come home early from

school. Went to the Service Center every day or every other day after school

- 18 Took Dedham line bus to Service center; arrived @ 11:00 a.m.; nice weather in the 70's, sun was behind the clouds; partly cloudy, sun would pop in; no memory of it raining
- 19 Went to Service Center by himself. Called father prior to his arrival; father knew he was going to be there that day
- 20 Knew Jeffrey Berry worked at father's shop, but did not know him. Had never spoken to or been introduced to Berry before 10/30/87. Had said "hello, what's up" to Berry before. Never spoken a full sentence to Berry before 10/30/87
- 21 His father told him Berry worked up stairs. Knew who Jeff was by sight, but not Jeffrey Berry
- 21 Never introduced to Louis Giammarco before 10/30/87. Has been introduced to Louie though.
- 22 Spoke to Louie briefly; introduced by his father. Introduced to Tommy and a kid who worked ther briefly but whose name he does not remember
- 22 Description of kid who hung out with his sister: tall, fat, blond hair and blue eyes. This kid did not date his sister
- 23 This kid was friends w/ his 23 year old sister Nancy
- 23 No recollection of Peter, Tony or John working at the Service Center. Kid who hung out with his sister worked at service station in 1987.
- 24 This kid lived in Milton w/ his parents. Believes Nancy will remember the kid's name if he called her
- 24-25 Not sure if kid actually worked at service station, he was just present. Last saw this kid 5 months ago in Milton, a casual walk by.
- 25 On 10/30/87 arrived at service station at 11:00 a.m. but does not remember which week day it was.
- 26 At service station checked on the GTO and father's van. Discussed van repairs w/father
- 26 Incident happened during early afternoon; not sure if it was before or after lunch. Ate lunch at school before he left at 10:30 a.m.

- 27 Had one meal at home and one at school before incident. Ate fruit, a couple of nectarines, he picked up across the street before going into shop and before incident occurred around 11 and 3 p.m.
- 27-28 Saw a couple of the guys upstairs, a Bronco truck sitting in its usual place, the kid who hangs out w/ his sister and Jeff. Saw them handing out fireworks from the back of the truck
- 28 Father's shop is located in the back under. Went through the parking lot, down and in. Only goes in through service center when no one's around; does not like to get in the way, so always goes around
- 28 Day of incident went around back into father's shop, did not go through service entrance and down steps
- 29 In and out of shop all day, every 10 minutes or so. Does not work on particular vehicles, just hangs around and does whatever he can
- 29 Saw Jeff and the other kid when he went up stairs to see his Uncle work on his Riviera
- 30 His uncle owns the Riviera. The Riviera was parked on the left side of the shop if you stand facing out of the shop
- 30 [Witness draws diagram of service station]
- 30 Indicates on diagram where another car was parked in driveway at time; and points to street labeled Washington St.
- 31 Rectangle labeled "gas", represents gas station; points out side entrance to shop and a car. Indicates that driveway, which leads to father's shop, is located in back of building where gas station is located. Driveway leads down under Louie's shop
- 31 His Uncle Arthur Shay owns the Riviera, not Jeff
- 31-32 The circles in the diagram do not represent anything; pretend they are two rocks sitting on the ground. Does not know why he drew the circles
- 32 Thinks Mike is the name of his sister's friend, does not know his last name though
- 33 [Witness draws Bronco truck on diagram] Saw them in Bronco when coming up the back of the driveway; also saw M-80s, Roman Candles, & bottle rockets

- 33 Understands that he's testifying under oath and that there are penalties for perjury.
- 33-34 Recognized fireworks in bag b/c bought some himself at South of the Border where it's legal to buy them
- 34 Understands that if he testifies to an untruth that there are criminal penalties
- 34-35 Louie, Mike, Jeff and the other guys were also in shop; Mary, father's girlfriend, arrived at shop at 4 or 4:30 p.m. and he was still there. Father, Uncle Arthur & witness himself were also in the shop
- 35-36 Saw Jeff & Mike w/ fireworks when he went up the driveway; saw them take fireworks out of the bag and give them to the other guys. Louie was not present, but Mike, Jeff and two other guys were present. Turned around and walked back down the driveway. Spoke to Mike 10 minutes after seeing them in the Bronco w/ the fireworks.
- 37 Also spoke to Jeff who asked him if he wanted to buy M-80s at \$5 apiece; witness said no. Before witness walked down stairs saw the guys around the drum [witness labels drum on diagram - same area where he drew the circles]
- 38 Drum description: blue, 10-gallon thinner can, 3-4 feet high, 3-1/2 foot radius. No idea if drum was empty or not, would be guessing if he said it had thinner in it.
- 39 Father was downstairs in shop reading the newspaper. Uncle was downstairs working on the GTO; and they had finished painting a Buick which they drove outside and parked near the GTO. Only aware of father's van above the shop.
- 40 [Witness indicates where "above the shop" is on the diagram] Van and six cars located above the shop. Spoke to father when he went back into the shop but not about the fireworks
- 41 Did not mention fireworks to uncle. Standing at front of shop w/ uncle when noticed Mike & Jeff and two other guys standing by the can. Saw Jeff's hand move towards the can, everybody jumped back, and there was an explosion. Can shot up past the roof. Thought the gas tanks had exploded b/c explosion sounded so bad.
- 42 Saw Jeff's right hand move up and down then saw everyone jump back. Did not see anything in Jeff's hand; saw Jeff, Mike and two other guys.

- 43 Does not know other guys' names. Does not know Tony Giammarco, may have seen him before but does not know him. No memory of meeting him before today.
- 43-44 Approximately 18 feet away from Jeff; but w/ his [witness'] height and the wall he could see everything b/c standing at the door, diagonally could see Jeff's hand moving. Only saw top half of Jeff's body, waist up.
- 44-45 Witness is 6'5" tall. During explosion uncle was on his left side, about 2 feet away. His father was in the back of the shop reading the newspaper. Father was sitting in chair about 12-15 feet away. Saw barrel come down and land next to wall, about 15 to 20 feet away from where he was standing. Uncle stopped him from running out of the shop.
- 45-46 Father jumped up and said something about his ears ringing & hurting. He [witness] could still see the flash of the explosion in his eyes b/c it was so bright. Louie came down 5 minutes later and said that Jeff had put an M-80 in the drum upstairs. Father responded by asking who would have paid for damages if the car outside w/ "crap" on it had just been painted. The response to father's question was giggles & laughter.
- 47 After Jeff moved his hand, he moved back w/ everyone else. heard a loud Bang and saw a red flash, fire, for 20 seconds. After Louie came out, he [witness] went to look at the can which had half of its top blown off.
- 48 Drum was on its side after the explosion. Went downstairs; spoke to father about his hearing and what had happened; and at 4:30 Mary arrived and they spoke to her about it. Hung around the shop for the rest of the day. Does not work in the shop.
- 49 Everyone hung around the shop for the rest of the day. Received no personal injuries from explosion, just sat down for 15-20 minutes. Did not receive medical attention after explosion. Uncle complained about spots in his eyes after explosion
- 50-51 Prior to 10/30/87 father never complained of hearing problems and never sought psychiatric care. Witness last received psychiatric care between 1986-1987 when at The Baird School for boys. Attended school b/c had problems w/ growing up w/ 4 older sisters.
- 51 Before 10/30/87 had good relationship w/ father, and still has a good relationship w/him. Psychiatric

treatment was not related to any problems w/ his father.

- 51-52 Returned to Dedham Service Center the next day after the explosion. Nothing unusual happened at the service station, everyone talked about what had happened the day before. Stayed away and did not speak to the guys that day b/c father was "pissed" and had ringing in his ears; did not want his father to get "pissed" at him.
- 52 Continued to help out at father's service station over the next year. Does not know when business closed.
- 53 Witness was living in Florida, L.A. or San Francisco at that time so does not know when it closed. Father & uncle continued to do their work at the auto body shop. Does not know if father & uncle moved location of shop. Not aware of his father running a shop in West Roxbury.
- 54 No knowledge of his father operating another business. Has not spoken to father, Lou or Jeff about incident since it occurred.
- 54 Witness has been arrested twice.
- 54-55 [Mr. Flynn & Mr. Zucker discuss witness' right to privacy and attorney-client privilege.]
- 56 Convicted of a crime; plead guilty; will not say what the conviction was for. [Counsel discuss whether or not they are entitled to question witness about the nature of his conviction.]
- 56-57 Conviction happened when he was 17 years old and the file is now sealed. [Mr. Zucker reserves his rights to inquire about this conviction.]
- 57-58 Counsel discusses Mass. rules governing juvenile convictions being sealed.
- 58-59 Convicted at age 17 in Dedham District courthouse in Mass.; Social Security No. 021-60-3766

By Mr. Freedman

- 59-60 [Mr. Freedman represents Louis Giammarco and Jeffrey Berry, trustees of Ber-Giam Realty Trust; and Jeff Berry individually.]
- 60 Self-employed masseur; trained for one month, last year, at the School of Massage in Los Angeles, California; does not remember the address

- 61 Received a certificate for completing the course at the School of Massage, and is certified as a masseur in the German style. Paid \$100 for the one month program. Did not receive a license just a certificate.
- 61-62 He was not licensed in state of California; received a certificate, did not need a license to practice the profession of masseur in California. Practiced in California but can not remember the dates. [Mr. Flynn objects]
- 63-64 Not licensed in New York as a masseur. [Mr. Flynn advises witness of his Fifth Amendment rights]
- 64 Do not need a license in California, New York or Mass. to do massage for donations; do not have to pay taxes on donations; do not need a license to receive donations. Not a member of any professional masseuse association or organization.
- 65 Never worked in a professional massage parlor in Mass. or in Dartmouth, Ma.. Lives in a dormitory on the campus of U. Mass. Dartmouth.
- 66 Lives w/ Mr. Banano who is the Director of Campus Housing as well as the Dean of the School. Has known Banano for 1-1/2 months
- 66-67 Stayed in International Youth Hostile for \$6 a night. Does not have a Youth Hostile membership card. American Citizens do not need membership cards if they are in the U.S.. Used to have a membership w/ the Boston Youth Hostile, March 3rd to March 4th, one night
- 68 Does not know the name of the town or the address of the school he attended when he was having family problems. Does not understand what this school has to do with this case, especially since the old case was dropped and the files locked
- 69 The school he attended was outside the Boston area in Plymouth. He was not under the treatment of a psychiatrist b/c Baird School does not have psychiatrists. School was like a camp w/a pond & boats; live there and go to school every day but no counseling at all. DSS referred him to that school.
- 70 No one requested DSS' services. Believes that this information is unrelated to present case. Does not understand why they want to know about this other matter since it is a closed/sealed case.
- 71 Does not know the name of the person who caused DSS to get involved in his life. Does not remember if he was

ever placed in the custody of the state. There was no court proceeding concerning his placement in school in Plymouth.

- 71-72 Went to Plymouth school voluntarily. Not aware of his mother, his father or any of his sisters being referred for psychological counseling.
- 72-73 On 10/30/87 saw four people in the area of the Bronco; knows Jeff and Mike by name. The other two people near the Bronco were wearing workman's uniforms like Louie; had dark hair; 5'10"; dark eyes; clean shaven; skinny boys; had seen them before, but had never spoken to them before 10/30/87. Had seen these two people around the shop many times before.
- 73-74 Thinks that all the shop guys look the same: dark hair & eyes and they wear the same uniforms. He does not go by names. Would not be able to identify them if he saw them again.
- 74 His father had hearing problems after the explosion; father still complains about hearing problems. Last spoke to father about his hearing problem 1-2 weeks ago.
- 75 His father complains to him about his hearing every time he talks to him; he even has to raise his voice when he talks to his father. Father never complained about vision problems or memory problems. Father never had physical problems.
- 76 Father used to jog; wants to get back in shape; does not remember when father stopped jogging; jogged w/his dad when he was 12 yrs. old.
- 77 Has not spoken to his Uncle Arthur for 3 yrs., not since 1989; Arthur complained about hearing problems; does not have memory problems; always remembers stories from his childhood.
- 78 Arthur tells stories from 20-30 yrs. ago of things he and Tom's father used to do, like sledding. Lived w/his mother in her condo; she bought the condo w/her own money.
- 79 Mother owned a two-family house in Milton; sold it for \$220,000; gave \$25,000 to his sister; mother went on vacation and bought the condo; put \$60,000 down and now lives on the interest. Milton address: 28 Melvoir Road. He has lived w/his mother except for during school and vacations; lived w/her on Richmond St. and then she bought condo.

80 He lived w/his dad and fiance, does not remember the dates; he has difficulty remembering dates b/c of his travels.

BY MR. FINNERTY:

80 He works as a masseur for donations; customers call his toll free 800 number anywhere in the country and he goes to give them a massage.

81 Advertises in magazines; refuses to say which magazines. [counsel explain why he has to answer the questions.]

82 The magazines are free; will not say who publishes these magazines.

83 His beeper number is 1-800-772-5255. [counsel tells Shay they can get the information via a court order.]

84 He does not pay Banano rent; and will not say how he met him. Lives in U. Mass Dartmouth Dormitory w/3,000 students; does not have a roommate.

85 Banano lives on campus also. Witness is just visiting; does not take courses there. He intends to move to a friends house.

86 Plans to move in w/his friend Scott a state police officer; refuses to say what barracks he works out of or how they met.

87 He has not had any other convictions of a crime besides when he was 17 yrs. old. His father's shop has 2 entrances: the mechanic shop; and the garage door, 9 ft. across and 6 ft. high which rolls up to open.

88 During incident the mechanic shop door was closed and the garage door was open. He was standing near the fully open garage door. His father was sitting 12-15 ft. away from garage door. There are no windows in shop; only a fan sucks out the fumes and smell. Not sure where this fan is located in the shop.

89 Does not know the size of the fan.

BY MR. FLYNN:

89 Day of incident took bus to service station; it dropped him off at the Dedham line by the car wash and Kentucky Fried Chicken.

90 [Drew on diagram the direction he walked to the service station] He walked in on the right side of the station down the driveway. [Added "station" to diagram so it now says "gas station".]

- 91 He walked across the front and then own the driveway. Bought nectarines before he crossed the street to the station. [Marks fruit stand on the diagram.] After he arrived at station he went upstairs at some point.
- 92 Berry and Giammarco worked inside the shop, upstairs. They towed cars into the backyard, nobody's out there unless towing cars. Father worked in back of shop down below; the level above is the mechanic's shop which faces Washington St.
- 93 He walked back up the driveway, not up the stairs to the shop, he does not go up there unless he has to use the restroom.
- 94 He saw Jeff and Mike distributing fireworks. He's familiar w/fireworks from going to South of the Border in South Carolina every year; purchased fireworks there before the incident. Describes M-80's as an inch and a half high w/green wicks and marked M-80; also known as a quarter stick of dynamite.
- 95 M-80's are round and they look like they have wax inside of them. [Draws a picture of an M-80; signs and dates pictures.]
- 96 [Exhibit I diagram of mechanic's shop; Exhibit II diagram of an M-80] Saw Jeff and Mike in Bronco which was parked on the right side of the shop, not on the driveway.
- 97 On diagram indicates with an "x" where Bronco is; in red pen where the barrel is; w/4 red dots where the people were standing near the Bronco; w/"T.S." where he was standing; and w/"A.S." where his uncle was standing.
- 98 He was standing up above when he saw them at the Bronco. He was standing down below, outside his father shop when the explosion happened.
- 99 He tried to run out, but uncle stopped him b/c he did not know what was going on. He was on the level of the Bronco when he saw either Mike or Jeff bring out a brown bag filled w/ fireworks.
- 100 He was 20 ft. away when he saw this; had a clear view; knew they were fireworks. The other 2 guys received and Jeff received them and Mike probably got the rest of them. He does not know who owned the Bronco; its been there since they moved into the shop.
- 101 The truck's rear window was down, it's always down. The guys reached in through the opened window; brought out

the bag and put it on the bumper. He did not see money exchanged.

102 After seeing the fireworks distributed and before the explosion, Jeff said to him "5 bucks apiece for the M-80s"; they were standing on the corner of the building.

103 Marked "O" on diagram for where the offer was made. He said no b/c his father would be "pissed". The fireworks were still on the Bronco's bumper; Jeff did not show him any fireworks.

104 The offer was made 5 minutes after he saw them distribute fireworks; the activity near the barrel took place 10 minutes after the offer. He was standing back down the driveway in his father's shop when he saw the activity around the barrel.

105 Four people were standing near the barrel: Mike jeff and two other guys. [counsel objects to question]

106 After the offer he walked down to the bottom of the shop; heard the guys laughing up above; glanced up and saw the 4 guys standing around the barrel; saw Jeff move his hands toward the barrel; then everybody moved back quickly.

107 He saw Jeff's hand move down and up.

107-110 [counsel discuss leading the witness]

110 He saw Jeff's hand move like he was throwing something into the barrel; and then he jumped back.

111 He saw Jeff's right hand move up and down; then they all moved back quickly; then there was an explosion. The explosion happened 2 seconds after he saw Jeff's hand movement. The explosion was a ball of fire. He did not see the can shoot up, but saw it pass the roof and then come back down again. Can went 20-25 ft above where it was originally resting.

112 The explosion was very loud. Remembers trying to run out of the shop and his uncle grabbing his arm and saying no.

113 When he saw Jeff's hand move he thought they were throwing something into the barrel.

114 [counsel objects to question]

115 After explosion, he had spots in his eyes. The explosion sounded like someone lit 2 sticks of dynamite

10 ft. away from where he was standing; his hearing was affected for 5 minutes.

- 116 His ears were ringing; everyone's ears were ringing. His dad's ears were worse b/c he got the echo by being in the shop. He and his uncle were at the door of the shop. His father was sitting 12-15 ft. away from door, down in back of shop.
- 117 His father was sitting on a seat that came from their van. The photograph shows the shop as if you were looking directly inside from about 4 ft. away from the door. [Exhibit III the photograph]
- 118 After the explosion his father complained of his ears ringing. Witness walked outside to see the can; saw its that its top had been ripped half off.
- 119 [Exhibit 4 photo of mechanics shop; Exhibit 5 photo of barrel; Exhibit 6 photo of mechanic's shop and fence; Exhibit 7 photo of 1969 GTO]
- 120 Exh. 4 is a photo of the door of his father's shop; right-hand side wall; the fence; describes photo in detail.
- 121 Exh. 5 shows the barrel that had its top blown off. Examined the barrel after the explosion; recognizes barrel in picture.
- 122 Does not remember seeing any markings on barrel; thought it was a thinner drum b/c of the way it exploded; an oil drum would not explode that way b/c an M-80 would not be hot enough to ignite it.
- 123 He has seen larger barrels explode prior to incident.
- 124 10/30/87 explosion was different from what he has seen before; saw explosions caused by shooting w/ a gun into a barrel.
- 125 In South Carolina there's a park where you can legally set off fireworks; it costs \$5; saw drums explode out but not up; those explosions were not as loud as the shop explosion. He saw these explosions from 200 ft. away; they used Class B or C fireworks to cause the explosions; Class A is illegal, classified as dynamite.
- 126 Has never seen an M-80 explode a barrel before; 10/30/87 explosion differed from other explosions in terms of movement and sound.
- 127 Exh. 6 shows the left side wall, a bit of the shop and the 6 ft. long fence.

128 The barrel was at the end of the fender in the picture going towards the shop.

129 The barrel comes up to 1 ft. or 6 inches under the fence. The ground level comes up to the first row of cinder blocks of the fence; a row of cinder blocks above ground level.

130 Exh. 7 shows 1969 GTO in same place as it was on day of incident. He was standing on the side of the shop near the barrel.

131 His uncle was standing 2 ft. away from him. In photograph draws barrel in position on day of incident.

132 In photo draws where he and his uncle were standing and labels figures w/their initials. Draws Bronco also.

133 Jeff works at shop; Louie owned shop and house next door.

BY MR. ZUCKER:

134 He is sure that this person is named Jeff; recognizes the name Peter but no face comes to mind.

135 No idea if Peter was there that day; might recognize Jeff if he met him today. Describes Jeff: dark hair & eyes; short 5'8"-5'10". Does not know how far back Jeff was when explosion occurred, could not see him.

136 After explosion he did not see them around barrel any more; before the explosion saw Jeff's face; saw him from the waist up. He could see the edge/ rim of the barrel from where he was standing, not the top.

137 He saw the side of the barrel and Jeff was on the other side of the barrel; one was on Jeff's left and two were on his right; Mike was on his left; after the explosion and the can was coming down everyone ran inside the back door. The explosion occurred 2 seconds after he saw Jeff make a movement w/his hand.

138 They all jumped back together; does not remember if any of them had their backs to him before the explosion. The barrel landed in the same area where it had been before the explosion; he was surprised it did not hit the Bronco. He does not know when photos were taken; thinks his father took the pictures.

139 Does not know that his father took the polaroid pictures. He saw the barrel go up past the roof, come down, land in the same area it originated and then bounce around w/in a 10 ft. radius of where it had been.

- 140 He had seen fireworks on premises before 10/30/87 incident, about a year ago around the 4th of July. He saw Mike inside the truck w/firecrackers by himself. Mike was not working there at the time; he just came to distribute to all the guys.
- 141 First saw Mike 2 months after father moved his shop to Dedham Service Center, around the 4th of July. Mike was distributing fireworks.
- 142 Saw Mike distribute fireworks to the guys in the shop, but does not remember who in particular. Bronco at shop since they moved there. Mike's fireworks were hidden in the Bronco; he saw Mike put the fireworks there. He has never seen the Bronco driven.
- 143 He does not know who actually owns the Bronco; assumes that Louie owns the Bronco. He has never worn glasses. His Mass. driver's license was suspended two years ago.
- 144 His license was suspended in 1989 b/c he went through three stop signs and four red lights; no charges were made against him; just a 30 day suspension & \$500 fine. He was not arrested. He is not on medication.
- 145 On 10/30/87 the Bronco was there when he arrived. First saw the fireworks when he went down to the shop and then came back out (points to Exh.1). He has spoken to his father about the lawsuit several times.
- 146 His father did not discuss his personal claims concerning the lawsuit with him. He spoke to his father weeks before the deposition, but is not sure his father knows of his deposition. Father told him he should attend the deposition, so he canceled his trip to New York. Father told him he lost his hearing in one ear. He discussed the 10/30/87 incident w/his father for weeks.
- 147 He discussed his deposition w/his father. He did not read his father's or any other deposition transcript.
- 148 He only read the subpoena he got in the mail before coming to the deposition. He got the subpoena yesterday but it arrived weeks ago. The subpoena was serviced to his mother's condo at 200 Falls Blvd.
- 149 He never received any other subpoenas for this case b/c he was away in NY. His mother told him about the mail he got concerning his father's case, but she threw it away. His mother gave him a phone number and he called and talked to them about the last subpoena.

- 150 Realizes the difference between a subpoena and a letter. [counsel discussion.]
- 151 At the deposition b/c his father asked him to come. He would testify if his father asked him to testify. His mother's address at 200 Falls Blvd. is the best place to send a subpoena for him. He calls his mother every 3 weeks when he's away on a trip.
- 152 He did not file federal or state income tax forms for 1989 or 1990 and has never filed one. He is 19 yrs. old and has never had a job that paid by check. Did not know he had to pay taxes.
- 153 A letter arrived at his mother's house weeks ago and she threw it away. He never saw the letter. His mother never said that it was a letter, he just assumed it was a letter. He does not know whether or not it was a subpoena.
- 154 He only received one subpoena at his mother's house and it arrived the day before the deposition. He never before met Mr. Flynn until this deposition.

BY MR. FINNERTY:

- 154 Day of incident Jeff weighed between 160-180 lbs.; Jeff wore a blue uniform like Louie's. Mike was wearing regular clothes, jeans and a white T-shirt. Spoke to Mr. Pransky before the deposition; asked him what it was all about. Pransky gave him examples of questions that would be asked; and he told him to be straightforward and not to lie.

Where upon the deposition was concluded.