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Via NYSCEF

September 26, 2023

WILLIAM SCHWITZER & ASSOCIATES

Attn: Christopher Drake, Esq.
820 Second Avenue, 10th Floor
New York, New York 10017

Re: Puac v. BG 37th Avenue Realty et al
Index No: 702770/2022

Dear Mr. Drake:

Enclosed is the original and a copy of the transcript of deposition testimony of your witness, JULIO CESAR PUAC, taken on September 12, 2023, 2023. Please have your client review the transcript and execute it before a notary public and return it to my attention at your earliest convenience.

As you are aware, neither you nor your client are permitted to change the text of the transcript in any way. If the witness desires to make any changes to her testimony those changes must (1) be made on the Errata Sheet found at the end of the transcript, (2) include a full and specific statement of the reasons for making the changes, (3) be signed before a notary, and (4) be returned to the undersigned within sixty days. See Rule 3116 of the Civil Practice Law and Rules. If you fail to return a signed, original and notarized transcript with errata sheet (if required), the deposition of your client may then be used as fully as though signed. As you are further aware, the witness may not make any changes to the transcript more than sixty days after its submission to you.

Please feel free to contact me regarding the foregoing if you have any questions or wish to discuss this further. Thank you for in advance for your anticipated professional courtesies and cooperation.

Sincerely,

Daniel Johnston, Esq.

DJ:sfg
Enclosures

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JULIO CESAR PUAC,

Plaintiff,

-against-

BG 37TH AVENUE REALTY LLC AND LINE VENTURE
GROUP LLC,

Defendants.

SIRS:

PLEASE TAKE NOTICE that by demand herein you are required to return the executed original transcript and all corrections made with respect to the deposition of the examination before trial of Defendant's witness, JULIO CESAR PUAC, within sixty (60) days from the date of this Notice.

PLEASE TAKE FURTHER NOTICE that upon your failure to return said fully executed deposition within that time, the undersigned will make use of the deposition as if it has been duly signed.

Dated: Syosset, New York
September 26, 2023

Yours etc.

BELL LAW GROUP, PLLC

By: Daniel A. Johnston
DANIEL JOHNSTON Esq.
Attorney for Defendants
BG 37TH AVENUE REALTY LLC
116 Jackson Avenue
Syosset, New York 11791
Tel: 516.280.3008

To: WILLIAM SCHWITZER & ASSOCIATES
Attorneys for Plaintiff
JULIO CESAR PUAC
820 Second Avenue, 10th Floor
New York, New York 10017
212-683-3800

ATTORNEY AFFIRMATION OF SERVICE

DANIEL JOHNSTON, attorney duly admitted to practice law before the Courts of the State of New York, affirms as follows:

I am not a party to this action and am over 18 years of age.

I declare under penalty of perjury that the foregoing is true and correct.

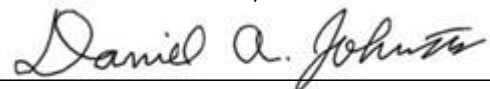
That on the 26th day of September, 2023, deponent served the within:

NOTICE PURSUANT TO CPLR 3116A WITH TRANSCRIPT

Insofar as this case is subject to electronic filing and all parties are in full participation of said filing, that the above-mentioned document(s) was e-filed on the New York State Court Electronic Filing System. Service shall be deemed made upon the defendants upon the transmittal of the electronically filed document to the defendant by the NYSCEF:

To: WILLIAM SCHWITZER & ASSOCIATES
Attorneys for Plaintiff
JULIO CESAR PUAC
820 Second Avenue, 10th Floor
New York, New York 10017
212-683-3800

BELL LAW GROUP, PLLC



Daniel Johnston, Esq.

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SUPREME COURT OF THE STATE OF NEW YORK

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COUNTY OF QUEENS

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INDEX NO.: 702770/2022

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JULIO CESAR PUAC,

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Plaintiff,

8

-against-

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BG 37TH AVENUE REALTY LLC and LINE VENTURE

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GROUP LLC,

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Defendants.

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-----X

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September 12, 2023

14

10:26 a.m.

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EXAMINATION BEFORE TRIAL of the

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PLAINTIFF, JULIO CESAR PUAC, taken by

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Defendants, pursuant to Courtroom Connect,

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held at Veritext Virtual Videoconference,

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before Annelle Gaeta-Innvar, a Court

21

Reporter and Notary Public of the State of

22

New York.

23

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25

Page 2

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2 A P P E A R A N C E S:

3 WILLIAM SCHWITZER & ASSOCIATES PC

4 820 Second Avenue

5 New York, New York 10017

6 Attorneys for Plaintiff

7 BY: CHRISTOPHER W. DRAKE, ESQ.

8

9 BELL LAW GROUP PLLC

10 116 Jackson Avenue

11 Syosset, New York 11791

12 Attorneys for Defendant BG 37TH AVENUE

13 REALTY LLC

14 BY: DANIEL JOHNSTON, ESQ.

15

16 RAVEN KOLBE

17 126 East 56th Street #2R

18 New York, New York 10022

19 Attorneys for Defendant LINE VENTURE

20 GROUP LLC

21 BY: ANNA SCHUELEIN, ESQ.

22

23 ALSO PRESENT: CHRISTIAN CABRERA, SPANISH

24 INTERPRETER

25 JUSTINE BARRIERI, ESQ.

1

2

S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED
by and between counsel for the respective
parties hereto, that;

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All rights provided by the
C.P.L.R. and Part 221 of the Uniform Rules
for Conduct of Depositions, including the
right to object to any question, except as
to the form, or to move to strike any
testimony at this examination is reserved,
and, in addition, the failure to object to
any question or to move to strike any
testimony at this examination shall not be
a bar or waiver to make such motion at, and
is reserved for, the trial of this action.

This deposition may be sworn to by
the witness being examined before a notary
public other than the notary public before
whom the examination was begun, but the
failure to do so, or to return the original
of this deposition to counsel, shall not be
deemed a waiver of the rights provided by
Rules 3116, C.P.L.R. and shall be
controlled thereby.

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The filing of the original of this deposition is waived.

IT IS FURTHER STIPULATED, a copy of this examination shall be furnished to the attorney for the witness being examined without charge.

* *

THE REPORTER: Miss Schuelein,
do you want a copy of this transcript?

MS. SCHUELEIN: Yes.

C H R I S T I A N C A B R E R A,
Having first been duly sworn by a Notary Public of the State of New York, to faithfully and accurately translate, to the best of his ability, from English to Spanish and from Spanish to English, is sworn:

J U L I O C E S A R P U A C,
having first been duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

BY THE REPORTER:

Page 5

1 Puac

2 Q Would you state your full name for
3 the record.

4 A Julio Cesar Puac, P-U-A-C.

5 Q Would you state your current
6 address for the record.

7 A 104-27 Alstytne Avenue, Corona, New
8 York 11368.

9 Q Is there an apartment number.

10 A First floor.

11 EXAMINATION BY MR. JOHNSTON:

12 Q Good morning Mr. Puac. My name is
13 Dan Johnston. I represent some of the
14 defendants in this case. I am here to ask
15 you some questions today. So in a
16 deposition like this, it is not like a
17 regular conversation. We have a reporter
18 here who needs to write down everything
19 that is said. So I am going to ask that
20 all your answers be verbal. She can't take
21 down gestures, head nods, or things like
22 that. Okay?

23 A Okay.

24 Q We also have a translator who has
25 been provided today. Because of that, I

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1 Puac

2 don't know to what extent that you speak
3 English or what extent you understand the
4 question I am asking in English, please
5 wait for all of my questions until they
6 have been translated by the interpreter and
7 provide all your answers in Spanish to the
8 interpreter. Okay?

9 A Very well.

10 Q Lastly, if you need to take a break
11 at any point that is fine, just let us know
12 and we will be happy to oblige. I just ask
13 if you do need to take a break, please
14 answer any question that is pending and
15 then we will figure out a break.

16 A Very well.

17 Q Mr. Puac, have you ever been known
18 by an other name other than Julio Cesar
19 Puac?

20 A Can you repeat the question,
21 please.

22 Q Have you ever been known by any
23 other name than Julio Cesar Puac?

24 A No.

25 Q Do you have any other middle or

Page 7

1 Puac

2 last names?

3 A I didn't understand the
4 question.

5 Q Are there any other middle, last
6 names, family names, surnames, any other
7 names beyond Julio Cesar Puac?

8 A No.

9 Q We can keep it redacted off, can
10 you please give me your date of birth?

11 A (Redacted.)

12 Q We can redact it off the record,
13 can you please give me your Social Security
14 Number?

15 MR. DRAKE: Objection.

16 A I don't have.

17 Q Do you have any type of tax ID
18 Number?

19 A No.

20 Q Do you have any identifying
21 information that you use when paying taxes?

22 MR. DRAKE: I object to form.

23 A No.

24 Q Are you married?

25 A No.

Page 8

1 Puac

2 Q Do you have any children?

3 A I have a stepson.

4 Q Do you live with anyone at the
5 Alstyne address in Corona?

6 A My family.

7 Q Who else lives at that address with
8 you?

9 A My partner and my two daughters.

10 Q You said before you had a stepson;
11 now you are mentioning two daughters.

12 Are the two daughters yours?

13 A No.

14 Q Are the two daughters your
15 partner's daughters?

16 A Yes.

17 Q What is your partner's name.

18 A Margarita Mauro Alvarez.

19 Q How long have you lived at the
20 Alstyne address in Corona?

21 A Four years.

22 Q Where did you live before that?

23 A In another apartment.

24 Q What was the address of the
25 previous apartment?

Page 9

1 Puac

2 A 35-23 89.

3 Q How long did you live at the
4 previous address?

5 A Seven years.

6 Q What is your highest level of
7 education?

8 A Not very well.

9 Q Did you go to grade school?

10 A Two grades.

11 Q Where did you go to grade school?

12 A In Guatamela.

13 Q When did you come from Guatamela
14 to the United States?

15 A I don't remember.

16 Q Based on the length of time of the
17 last two address, was it over eleven years

18 A Yes.

19 Q Do you have a driver's license?

20 A No.

21 Q Do you have any form of
22 identification?

23 A Passport.

24 Q How much do you currently weigh?

25 A 148.

Page 10

1 Puac

2 Q Were you involved in an accident on
3 January 12, 2022?

4 A Yes.

5 Q Back on that date of January 12,
6 2022, did you weigh more less or about the
7 same?

8 A Less. A bit less.

9 Q How tall are you?

10 A 5-2.

11 Q Generally speaking, I know you are
12 not a doctor, what parts of your body
13 generally are you alleging injury to as a
14 result of the January 2022 accident?

15 MR. DRAKE: Objection to form,
16 alleging. But he can answer the
17 answer as far as what part of his
18 body he injured.

19 A Neck, wrist, back, knee, ankle, my
20 ankles.

21 Q Left wrist, right wrist, both
22 wrists?

23 A Both wrists.

24 Q For the knee as well, is that the
25 right knee, left knee, both knees?

Page 11

1 Puac

2 A Both knees.

3 Q The same for the ankle. One ankle
4 or both ankles?

5 A Both.

6 Q Other than your neck, your back,
7 your knees, wrist, or ankles, any other
8 body parts you are alleging injury to in
9 this case?

10 MR. DRAKE: Lawyers make
11 allegations. Plaintiffs have
12 complaints of pain. I object to
13 the form of the question. He can
14 answer what period parts he
15 injured.

16 A My left shoulder and my right knee
17 and my back.

18 Q Is that everything?

19 A Yes.

20 Q Prior to January 12th of 2022, had
21 you ever previously injured your back?

22 A No.

23 Q Before January 12, 2022, had you
24 ever received medical treatment related to
25 your back?

Page 12

1 Puac

2 A I didn't understand the question.

3 Q Before January 12, 2022, did you
4 ever see any doctors related to your back?

5 A No.

6 Q Before January 12, 2022, have you
7 ever previously injured your wrists, your
8 knees, your ankles, or your neck?

9 A That's the part I don't
10 understand.

11 Q What don't you understand?

12 A The question that you asked. When
13 you say "before", I don't understand.

14 MR. DRAKE: He just trying to
15 get to whether you treated for
16 your injuries before this
17 accident. That's what he is
18 trying to establish, if you went
19 to the doctor. He wants if you
20 ever saw a doctor you had an
21 injury before the accident that we
22 are here for?

23 THE WITNESS: No.

24 Q Do you have your own health
25 insurance?

1 Puac

2 A No.

3 Q Do you have a primary-care
4 physician or a doctor that you see once a
5 year or with any frequency?

6 A I don't understand the question.

7 Q Let's say you weren't feeling well
8 or you wanted to go get a physical or
9 checkup, is there someone that you would
10 normally go to?

11 A I don't understand these
12 questions.

13 MR. DRAKE: Off the record.

14 (A discussion was held off the
15 record.)

16 MR. JOHNSTON: Back on. Read
17 the last question.

18 (The pending question was read
19 back.)

20 A I don't understand the question.
21 No.

22 Q So if you had the flu where would
23 you go?

24 A To the doctors.

25 Q Is there a specific doctor that

Page 14

1 Puac

2 you would go to?

3 A No.

4 MR. DRAKE: I can short
5 circuit this.

6 Julio, since you came to the
7 United States had you ever seen a
8 doctor before being in this
9 accident or this hospital?

10 THE WITNESS: No.

11 Q Let's focus on the date of the
12 accident, January 12, 2022. Were you
13 working for anyone that day?

14 A Yes.

15 Q Who were you working for?

16 A Steven.

17 Q Do you know what company Steven
18 was with?

19 A Queens Iron Master.

20 Q Do you know Steven's last name?

21 A No.

22 MR. DRAKE: Off the record.

23 (A discussion was held off the
24 record.)

25 MR. JOHNSTON: Back on the

Page 15

1 Puac

2 record.

3 Q Who was Steven within Queens Iron
4 Master? Was he the supervisor, the owner,
5 or do you know?

6 A The owner.

7 Q When did you start working for
8 Queens Iron Master?

9 A I don't remember the date.

10 Q Was it within a year of the date of
11 the accident?

12 A Are you asking me how many years I
13 worked for Queens Iron Master?

14 Q Yes.

15 A Around four to five years.

16 Q Have you worked at all since the
17 date of the accident?

18 A No.

19 Q So you worked for Queens Iron
20 Master for about four to five years before
21 the date of the accident; right?

22 A Are you telling me if I worked
23 four to five years in the company; is that
24 what you asking?

25 Q Before the date of the accident.

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1 Puac

2 A I didn't understand the question.

3 Repeat, please.

4 Q Let me rephrase it.

5 You said you worked for Queens
6 Iron Master for about four to five years?

7 A Yes.

8 Q You haven't worked since the date
9 of the accident?

10 A That is correct.

11 Q I am trying to be clear on my end,
12 so when you say you worked four to five
13 years, that means before the date of the
14 accident in 2022; right?

15 A If you are telling me before;
16 yes.

17 Q What was your job before Queens
18 Iron Master?

19 A Demolition, welding, everything.

20 Q Did you have another employer
21 before you were working for Steven?

22 A No.

23 Q During the four or five years that
24 you worked for Queens Iron Master, is that
25 what you are referencing regarding

Page 17

1 Puac

2 demolition and welding work and things like
3 that?

4 A Yes. Welding, yes.

5 Q So Queens Iron Master provide you
6 any type of training related to welding?

7 A Yes.

8 Q Was that when you first started
9 working with them?

10 A Yes.

11 Q When the accident took place on
12 January 12, 2022, were you in middle of
13 working a job for Queens Iron Master?

14 A Yes.

15 Q Do you remember what time you
16 started working that day?

17 A No.

18 Q When the accident took place had
19 you been on the site for a while or did it
20 happen relatively quickly after you
21 arrived?

22 MR. DRAKE: Objection.

23 A Can you repeat the question,
24 please.

25 MR. JOHNSTON: Can you

Page 18

1 Puac

2 reinterpret?

3 THE INTERPRETER: Yes.

4 (Interpreter restates.)

5 A We already been sometime that we
6 were working there.

7 Q When you say "we", was any other
8 person at the site working with you that
9 day?

10 A Only my co-workers.

11 Q How many co-workers were there
12 that day?

13 A We are only three.

14 Q The co-workers that were with you
15 that day, what are their names?

16 A Luis, Juan.

17 Q So when you say three earlier
18 that's including yourself, so you Luis and
19 Juan; is that right?

20 A Yes.

21 Q Do you know Luis's last name?

22 A No.

23 Q Do you know Juan's last name?

24 A No.

25 Q Do you have either of their

1 Puac

2 telephone numbers?

3 A Yes.

4 Q Do you know them off the top of
5 your head?

6 A No.

7 Q But they are available to you if
8 you looked for them; is that right?

9 A If I still have their phone
10 numbers.

11 MR. JOHNSTON: Actually, off
12 the record.

13 (A discussion was held off the
14 record.)

15 MR. JOHNSTON: Back on the
16 record.

17 I will make a demand for
18 production of the phone numbers
19 for co-worker Luis and Juan and
20 follow up in writing.

21 MR. DRAKE: Let's agree, put
22 all demands in writing and I will
23 take them under advisement.

24 How is that?

25 MR. JOHNSTON: Great.

Page 20

1 Puac

2 Q Mr. Puac, did Luis and Juan both
3 work at Queens Iron Master as well?

4 A Yes.

5 Q Were they both sort of equal
6 co-workers or was one of them a supervisor
7 or something else?

8 A No. We are equal.

9 Q Was there any supervisor from
10 Queens Iron Master on the site when the
11 accident happened?

12 A No.

13 Q Were there typically supervisor
14 present at your jobs or were you sort of
15 left there on your own devices?

16 MR. DRAKE: Objection.

17 A Only us.

18 Q The job site on January 12, 2022,
19 can you generally describe it for me? Was
20 it a residential property, a commercial
21 property, or something else?

22 A The person was I working for, the
23 company, or what?

24 Q The location where you were
25 actually worked when the accident happened,

1 Puac

2 what kind of location was it?

3 A Johnson Boulevard.

4 MR. DRAKE: Junction

5 Boulevard; is that fair, by

6 counsel?

7 MR. JOHNSTON: Yes.

8 Q The location you were doing work
9 on, was it a house, was it an office
10 building? What kind of property was it?

11 A It was like a business.

12 Q Do you know what kind of business?

13 A No.

14 Q What kind of work were you doing
15 at the property that day?

16 A Demolition.

17 Q What were you demolishing?

18 A The rolling gate.

19 THE INTERPRETER: He is saying
20 rolling gate but in Spanish he is
21 saying curtain.

22 Q Were you installing iron or metal
23 gate that opens and closes vertically?

24 A We were doing demolition.

25 Q Were you taking out some sort of

Page 22

1 Puac

2 metal gate; is that fair to say?

3 A Yes. Screws, all of that.

4 MR. JOHNSTON: I think I will
5 share my screen what is marked as
6 Defendant's Exhibit B.

7 (A one-page photo was deemed
8 marked Defendant's Exhibit B for
9 identification, as of this date.)

10 (Mr. Johnston screen shares.)

11 MR. DRAKE: For the record, it
12 appears to be a Google map photo,
13 the date of the Google map is
14 October 2021, according to the
15 exhibit.

16 MR. JOHNSTON: Yes.
17 Defendant's Exhibit C brings
18 us up to present day.

19 (A one-page photo was deemed
20 marked Defendant's Exhibit C for
21 identification as of this date.)

22 MR. DRAKE: Off the record.

23 (A discussion was held off the
24 record.)

25 MR. JOHNSTON: Back on.

1 Puac

2 Q So, Mr. Puac, what is depicted in
3 the picture on the screen here? Does this
4 appear to be the work site that you were
5 working at on the date of accident?

6 A Yes.

7 Q The gate that you are talking about
8 that you guys were removing, is that the
9 gate on the right-hand side of this
10 building in the center of the picture?

11 A All of the metal, all of the metal
12 that you see, that's here on top, the
13 motor, everything.

14 Q Have you ever been to this location
15 prior to performing work?

16 A No.

17 Q Have you ever been to this
18 location after the date of your accident?

19 A No.

20 Q Sir, if I pull up a picture of
21 what this work looked like at the end of
22 the project, you wouldn't be able to
23 identify that for me; right?

24 A No, no. I don't know. I have no
25 idea.

Page 24

1 Puac

2 Q So we will stick with this picture
3 then. When you were doing work at this
4 location, did you do any work that was on
5 the roof of this building?

6 A I didn't know the question.

7 Q I will rephrase.

8 When you were performing work at
9 the location, at any point in time, did you
10 go on the roof of this building?

11 A Yes. Are you trying to ask me that
12 if I was doing demolition, did I go up on
13 the roof?

14 Q I am asking while you were present
15 at the job site, did you ever go on the
16 roof of the building?

17 A Right here, yes. Where the metal
18 is, yes.

19 Q I think we are getting something
20 lost here. Were you ever on top of the
21 building?

22 A No.

23 Q I am going to take this down.

24 When you were at the job site, did
25 you ever speak with anyone from the

Page 25

1 Puac

2 property like the owners or anyone else

3 from the property itself?

4 MR. JOHNSTON: Read back the
5 question for the interpreter.

6 (The pending question was read
7 back.)

8 A No.

9 Q Was anyone from the property
10 supervising you, Luis, and Juan?

11 A No.

12 Q How did you Luis and Juan get to
13 the job site?

14 A Luis is the driver. So he would
15 drive and the owner would just indicate to
16 us what to do.

17 Q Did the owner of the property or
18 anyone from the property give you any tools
19 for your work?

20 A No.

21 Q Did anyone from the property
22 provide you materials to be used in your
23 work?

24 A No.

25 Q The vehicle Luis would drive, was

1 Puac

2 that a work van?

3 A It is a truck. Like a truck.

4 THE INTERPRETER: Can we take
5 five minutes?

6 MR. JOHNSTON: Yes.

7 (A short break was taken.)

8 MR. JOHNSTON: Back on the
9 record.

10 Q Mr. Puac, did anyone from the
11 property tell you, Luis, or Juan what to do
12 while you were working?

13 A Are you asking if somebody told us
14 what to do?

15 Q Did anyone from the property tell
16 you, Luis, or Juan what to do at the job
17 site?

18 A No.

19 Q Was this intended to be a one-day
20 job or a multi-day job?

21 A One-day.

22 Q If you can estimate about how far
23 into the job were you when the accident
24 happened?

25 A Repeat, ask me the question.

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1 Puac

2 (The pending question was read
3 back.)

4 A I don't remember

5 Q Do you remember if you guys were
6 close to finishing? If you were in the
7 middle of the job, anything like that?

8 A It was close to finishing our job
9 hours.

10 Q Work wise what specifically were
11 you doing when the accident took place?

12 A We were picking up the metal, the
13 metal to take it to the company.

14 Q Was all the metal off the building
15 at that point; or no?

16 A No, not all of it.

17 Q Do you remember approximately what
18 time the accident happened?

19 A I only remember the hour in which
20 we were going to finish the work

21 Q What hour were you finishing the
22 work?

23 A Supposedly at 6:00.

24 Q You were suppose to be finished
25 with that job by six o'clock that day?

1 Puac

2 A It was already late.

3 Q Do you remember if it was light or
4 dark out when the accident happened?

5 A It was already dark.

6 Q Can you describe for me the work
7 vehicle that Luis took to the job site that
8 day?

9 A The truck of the company?

10 Q Yes. Can you describe it for me
11 in any way?

12 A It is gray colored. Approximately
13 about 12 feet of height.

14 Q Is it a box truck or a truck with a
15 bed?

16 A It has a house, like a truck. Box
17 truck.

18 Q When the accident took place,
19 where specifically were you?

20 A On top of the truck.

21 Q Why were you on top of the truck?

22 A Because we were bringing up the
23 metal.

24 Q Where was the truck parked?

25 A It was in front of the place where

1 Puac

2 we were working.

3 Q Was it parked on the street, in a
4 parking lot, driveway, or something else?

5 A It was on the street parked.

6 Q When you were on top of the truck,
7 was there anything directly above you?

8 A I didn't understand the question.

9 Q To clarify when you were standing
10 on top of the truck, was there anything
11 above you? Like scaffolding or part of the
12 building or anything directly above you as
13 you stood on top of the truck?

14 A No. There was nothing.

15 Q How did you get on top of the
16 truck?

17 A With the stair.

18 Q Is the stair part of the truck?

19 A Yes.

20 Q Is it attached to the back of the
21 truck?

22 A No.

23 Q Where is it attached to?

24 A It sustained itself on the back
25 part of the truck, a ladder.

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1 Puac

2 Q Ladder or stair?

3 A Ladder.

4 MR. DRAKE: It's the same
5 word, right, Christian?

6 THE INTERPRETER: Yes, that's
7 correct.

8 Q Is that ladder permanently affixed
9 to the truck?

10 A It's separate.

11 Q How does that work? Is it
12 something that fits into like a slot on the
13 pack of the truck or are you just talking
14 about just a ladder?

15 MR. DRAKE: Objection to form.

16 A Yes. It is a ladder of the truck.
17 The ladder is inside the truck. When we
18 need it, we take it out.

19 Q Is it a ladder that is only used
20 for going on top of the truck?

21 A No.

22 Q It is used for other things as
23 well?

24 A Yes. The ladders, yes.

25 Q Was it used for anything else at

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1 Puac

2 the job site that day?

3 A Are you asking me if the ladder
4 from the truck, if we use it for other work
5 or other jobs or do we only use for things
6 only related to the truck; is that what you
7 are asking me?

8 Q Sure.

9 A Yes. Yes. We use it at different
10 jobs.

11 Q Do you remember using that ladder
12 on the date of the accident for any other
13 reason than getting on top of the truck?

14 A It was only to put the metal up on
15 top because it was too long and too heavy.

16 MR. JOHNSTON: Can you read
17 back the question and repeat my
18 question, please.

19 MR. DRAKE: He answered it.

20 MR. JOHNSTON: No. It is not
21 responsive.

22 MR. DRAKE: I respectfully
23 disagree.

24 MR. JOHNSTON: I will
25 withdraw. Neither here nor

1 Puac

2 there.

3 Q You were able to get on top of the
4 truck; correct?

5 A Yes.

6 Q Once you were on top of the truck,
7 what happened next?

8 A We were bringing up the metal. We
9 were pushing up the metal. We were
10 elevating the metal and it was very heavy.

11 Q I want to back up for one second.
12 You said that plan was to bring the metal
13 back to the company; is that correct?

14 A Yes. All of that, everything from
15 the demolition needed to be taken back to
16 the company.

17 Q Do you know for what reason the
18 metal was being brought back to the
19 company?

20 A No. They just told us to do that.

21 Q Was it standard practice for these
22 demolition jobs to bring the metal from the
23 job back to the company?

24 A Yes.

25 Q Were you trying to load that long

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1 Puac

2 piece of metal on top of the truck?

3 A It was already on top, but it was
4 very heavy. So all of the weight went to
5 one side.

6 Q How was it already on top?

7 A We almost had it completely on top,
8 the whole metal part. But what happened
9 was that it slid off, all of the metal
10 slid.

11 Q Is there any reason that the metal
12 was being placed on the top of the truck as
13 opposed to being placed in the truck?

14 A Because it was very large.

15 MR. DRAKE: Large or long?

16 THE WITNESS: Yes. Long.

17 25 to 26 feet long.

18 Q When you were removing the metal from
19 the building, how were you doing that?

20 A With a hammer, grinder.

21 Q You were possession of tools that
22 could be used to cut metal; correct?

23 A Can you repeat the question? I
24 didn't understand.

25 Q Part of the job of removing the

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1 Puac

2 metal from the building involved cutting
3 the metal; is that correct?

4 A Yes.

5 Q So you were in possession of tools
6 that could cut metal?

7 A Yes. But we needed to take it
8 intact how it was, that's what they told
9 us.

10 Q Who told you that?

11 A The person from the company.

12 Q Was that Steven?

13 A Yes.

14 Q Did he tell you why it had to be
15 brought intact from the job site?

16 A He didn't tell us. He just wanted
17 it like that, to be taken like that to the
18 company.

19 Q How do you know if he didn't tell
20 you that?

21 MR. DRAKE: I object to
22 form.

23 A Because when we were in the office
24 and when we were there, he told us what to
25 do.

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1 Puac

2 Q So Steven told you sort of the
3 parameters of the job before you went to
4 the job site?

5 A Yes.

6 Q Was anyone from the property
7 involved in that conversation?

8 A No.

9 MR. JOHNSTON: I'm going to
10 share my screen with what we can
11 deem marked Exhibit A, the video
12 that was provided. I think the
13 easiest way is to play it and then
14 go back and ask questions. If you
15 can instruct the witness, I am
16 pulling up a video and playing it
17 and I would like him to watch it
18 for now.

19 (A video was deemed marked
20 Defendant's Exhibit A for
21 identification, as of this date.)

22 (Mr. Johnston screen shares.)

23 (Video is viewed.)

24 Q First, does this to your
25 recollection appear to be where the

1 Puac

2 accident took place?

3 A Yes.

4 Q Is that the work truck that Luis
5 used to drive you all to the job site?

6 A Yes

7 Q I will play it for you. It is very
8 fast. I will pause it here in this first
9 second of the video. Are you able to see
10 the long piece of metal that you were
11 discussing earlier?

12 A Yes.

13 Q And at the top of the screen you
14 can see two legs on top of the truck; is
15 that you?

16 A Yes.

17 Q Is Luis or Juan assisting in any
18 way at this point with loading the metal?

19 A Only Juan.

20 Q Is this Juan standing to the left
21 of the truck near what appears to be a
22 traffic cone (indicating)?

23 A I don't remember because it was
24 fast.

25 Q And the remainder of the video,

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1 Puac

2 did that appear to be you falling off the
3 work truck?

4 A Yes.

5 Q You mentioned there was other metal
6 that fell as a result of what took place in
7 the video. Was that metal already on the
8 roof of the truck?

9 MR. DRAKE: Objection to form.

10 A No. I didn't understand the
11 question.

12 Q I want to clarify some testimony
13 from earlier you had mentioned that other
14 metal beyond that one beam that fell as a
15 result of the accident. Can you just
16 clarify for me what that other metal was
17 located before the fall and after?

18 A The metal that came on top of me
19 was the same, that's what I meant to say.

20 Q The one long beam; is that correct?

21 A Yes. The one that is on top
22 sustained or holding the other metals to
23 hold it down.

24 Q Did any other metals other than
25 the long beam fall on top of you?

1 Puac

2 A No. Just that.

3 Q When you were standing on top of
4 the truck, did anything fall from above you
5 and hit you?

6 A No.

7 Q I am stopping the video about a
8 second in. Just let's watch that second.
9 Do you see it looks to be a long beam is
10 now laid flat on top of the truck; right?

11 A Yes. We were taking it off. It
12 was already up when the metal was very
13 heavy, so the metal it came like to the
14 side and then it pulled me.

15 Q Was one of the other guys helping
16 to initially get this metal piece on top of
17 the truck?

18 A Only Juan.

19 Q Did Juan initially help sort of
20 push this beam at the right angle so that
21 it laid flat on the truck; is that correct?

22 A Yes.

23 Q And then once it laid flat, Juan
24 was no longer assisting with the beam; is
25 that correct?

1 Puac

2 A Yes. He got away from there,
3 because it was too long. It could have
4 fell on top of him.

5 Q He didn't have that concern when
6 initially lifting it towards the truck?

7 MR. DRAKE: Objection.

8 A What are you saying?

9 Q Juan initially helped push the
10 beam at the correct angle so that it laid
11 flat on the truck. We just covered that.
12 Once it laid flat, Juan moved out of the
13 way. Are we in agreement on that?

14 A Yes.

15 Q Is that when the heavy beam with
16 part of it hanging off the truck start
17 coming back towards ground and lift you off
18 the truck?

19 MR. DRAKE: He said pulled.

20 MR. JOHNSTON: I will withdraw
21 it.

22 Q Is that when the heavy end of the
23 beam start coming back down towards the
24 ground and pulls you off the truck?

25 A Yes.

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1 Puac

2 MR. JOHNSTON: Off the record.

3 (A discussion was held off the
4 record.)

5 MR. JOHNSTON: Back on record.

6 (Previous testimony was read
7 back.)

8 Q Mr. Puac, you mentioned you didn't
9 cut the beam because Steven back at the
10 company like to get the metal back intact;
11 is that correct?

12 MR. DRAKE: Objection to form.

13 A Yes.

14 Q Was this a common thing with prior
15 jobs you had done before?

16 A Yes. That's what we did.

17 Q In the past have you previously
18 loaded long beams on to the top of the work
19 truck?

20 A Things that are long, yes. Things
21 that are longer, yes. But normally when
22 things are very heavy, we put them on the
23 bottom.

24 Q If they are longer you put them in
25 the bottom of the work truck?

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1 Puac

2 A No. If too long we put them on
3 top. Because it's not allowed anything
4 more than 12 to 14 feet is not allowed
5 because it comes out of the truck. That's
6 what they told us. So we are not allowed
7 to put the long metal in the bottom.

8 Q So you put them on the roof?

9 A Yes.

10 Q Is there any difference between how
11 you loaded those long beams onto the top
12 roof on prior jobs versus how you guys
13 loaded the beam onto the roof on the date
14 of the accident?

15 A That that's what they told us that
16 that had to go on top.

17 Q What I am asking is, is there any
18 difference in the procedure that was used
19 to load long beams on prior jobs as opposed
20 to how the people was loading on the roof
21 on the date of the accident?

22 A The only difference is that on top
23 you are allowed to put the longest things
24 that you can and you are not able to put
25 them underneath.

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1 Puac

2 Q I understand that. Is there any
3 difference between how you loaded the long
4 beams onto the roof of the truck previously
5 versus how you loaded the beam on the date
6 of the accident?

7 A Yes.

8 Q What was the difference between
9 when you loaded the beams on the roof in
10 the past versus when you loaded the beams
11 on the day of the accident?

12 A When the truck is full everything
13 that was cut, the things that are no longer
14 -- that no longer fit, we put them on top.

15 Q Is how you loaded on the beam on
16 the date of the accident the same way that
17 you have loaded beams onto the roof in the
18 past?

19 MR. DRAKE: By hand, what you
20 did that day, did you do it any
21 different way?

22 A Before if there were things that
23 we could use to bring them up, we would
24 bring them up. That day, we didn't have
25 things to bring them up. We did it the

1 Puac

2 same.

3 Q What type of equipment would you
4 previously use to lift heavy beams?

5 A To raise only with the hands.

6 Q You just mentioned equipment you
7 have had in the past that you didn't have
8 on the date the accident. What equipment
9 are you talking about?

10 A Hilo.

11 Q What is a Hilo?

12 A It's something we put heavy
13 objects to change the place where they are
14 located.

15 Q It's a lift of some kind?

16 A Yes.

17 Q Would you typically have that on
18 jobs where you are lifting beams as part of
19 the work being done?

20 A Normally that's what we would do at
21 the job, because there were no other
22 machinery to lift it up.

23 Q Can you say that again, I'm sorry.

24 A Normally that's the way we would
25 do it at the job because there were no

1 Puac

2 other machinery to lift them up.

3 Q Who would typically give you the
4 Hilo to use?

5 A Are you asking me if before how we
6 would do it, how we would lift heavy
7 objects, something like that.

8 Q Let's start with that, sure.

9 MR. DRAKE: Objection.

10 A Well, it would depend on the job
11 that we would have. If they had it, then
12 we would be able it use it. If they
13 didn't, we won't be able to use it.

14 Q Would that typically be used in
15 jobs involving multi-floor buildings or
16 just generally?

17 A It is used with our heavy objects
18 and long objects that is the machine to
19 use.

20 Q Would you typically use that for a
21 demolition job or installation job or
22 something else?

23 A We were to use that; no. We
24 didn't use it.

25 Q You didn't use it for -- what type

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1 Puac

2 of job would typically require a Hilo?

3 MR. DRAKE: I object to form.

4 A When working with beams that are
5 big and long, for example, to install posts
6 things like that that are very heavy.

7 Q Would you usually use a Hilo for a
8 demolition job?

9 A At that moment there was nothing.

10 Q Would you typically use a Hilo for
11 a demolition job?

12 MR. DRAKE: Hilo --

13 Q If you used a Hilo in the past for
14 demolition jobs?

15 A No.

16 Q In the course of performing your
17 work on the day of the accident, did that
18 work involve anything that would have
19 required a safety belt or a harness or a
20 hanging line?

21 MR. DRAKE: I direct him not
22 to answer. It calls for an
23 expert opinion.

24 Q Have you ever used a safety belt,
25 a harness or hanging line for work on a

1 Puac

2 one-floor building?

3 A Yes.

4 Q In what capacity can you describe
5 for me you used of safety belts, harnesses
6 or hanging lines on previous jobs for a
7 one-floor building?

8 MR. DRAKE: I object to form.

9 A Are you asking what moment I could
10 use the harness?

11 Q I am asking, can you describe for
12 me in the past what you have used a safety
13 belt, harness, or hanging line for when
14 working on a one-story building?

15 A Yes, I have used it.

16 Q Please describe that use when
17 working on a one-floor building?

18 A I put up the harness. Then I
19 attach it to a place that is very safe for
20 me to be able to. I don't how to explain.

21 MR. DRAKE: Was that the
22 interpreter or the witness?

23 THE INTERPRETER: The witness.

24 Q Please do your best to try and
25 explain.

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1 Puac

2 MR. DRAKE: That's not a fair
3 question. He said "I don't know
4 how to explain".

5 Q In what circumstances when working
6 on a one-floor building, did you use a
7 safety belt, harness, or hanging line?

8 A What do you want to say when you
9 say "circumstances"?

10 Q What was about it the job that
11 called for the use of a harness or safety
12 line?

13 MR. DRAKE: Calls for an
14 expert opinion. Just ask him what
15 he was doing when he was wearing
16 a harness?

17 MR. JOHNSTON: Fair enough.

18 Q Previous jobs when working on an
19 one-floor building, what were you doing
20 when you were wearing a harness or safety
21 belt or the hanging line?

22 A Welding.

23 Q Was there anything about the job
24 being done on the day of accident that you
25 felt required the use of a safety belt or a

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1 Puac
2 harness or hanging line?

3 MR. DRAKE: I object. It
4 calls for an expert opinion.

5 MR. JOHNSTON: I am asking his
6 own opinion.

7 MR. DRAKE: Exactly. It is
8 an expert opinion. You get your
9 own expert.

10 MR. JOHNSTON: It doesn't
11 sound correct.

12 Are you instructing him not to
13 answer?

14 MR. DRAKE: Off the record.

15 (A discussion was held off the
16 record.)

17 Q Do you keep any harnesses or
18 safety belts or hanging lines in the work
19 truck?

20 MR. DRAKE: Him personally?

21 Q To your knowledge, are they
22 generally present in the work truck?

23 A No.

24 MR. DRAKE: You want to take a
25 minute?

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1 Puac

2 MR. JOHNSTON: Yeah, thank
3 you.

4 (A short break was taken.)

5 MR. DRAKE: Are you read,
6 Anna?

7 MS. SCHUELEIN: Yes.

8 EXAMINATION BY MS. SCHUELEIN:

9 Q My name is Anna Schuelein. I work
10 for Raven Kolbe. I will try to keep my
11 questions short and simple. I can tend to
12 talk fast. Bear with me.

13 My first question is have you ever
14 heard of Line Venture Group?

15 A What is that?

16 Q It is my client.

17 A No. Never hear about them.

18 Q Just to confirm, at the job site on
19 the day of the accident you only were
20 taking instructions that you were
21 previously provided by Steven; is that
22 correct?

23 A Yes.

24 Q When you were at the job site only
25 you, Juan and Luis were present; is that

1 Puac

2 correct?

3 A .

4 Q Did any other company provide you
5 any materials for this job site on the day
6 of the accident?

7 A I don't understand what you are
8 trying to say.

9 Q Were all the materials used on the
10 job site provided by the company that you
11 worked for?

12 A Are you asking me if the company
13 gave us the material? Is that what you are
14 asking?

15 Q I am asking the materials that you
16 worked with, did your company provide them,
17 did you bring them to the job site?

18 MR. DRAKE: You understand?

19 THE WITNESS: I do not
20 understand it.

21 MR. DRAKE: Off the record.

22 (A discussion was held off the
23 record.)

24 MS. SCHUELEIN: Back on the
25 record.

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1 Puac

2 Q You mentioned using hammers and a
3 few other items that were used for the
4 demolition of this job. Your company
5 provided those materials; right?

6 A Yes.

7 Q Just so I understand the
8 accident, of how it happened. Why -- from
9 what I heard is that the accident -- sorry,
10 withdrawn.

11 MR. DRAKE: Off the record.

12 (A discussion was held off the
13 record.)

14 MS. SCHUELEIN: I am going to
15 wait. You want to go back to
16 asking questions, Daniel?

17 MR. DRAKE: I have five
18 questions. If you want to follow
19 up on that.

20 Back on the record.

21 EXAMINATION BY MR. DRAKE:

22 Q Mr. Puac, I have a couple of
23 question of things pertaining to your
24 accident. I don't know if they were
25 covered, I will be very quick.

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1 Puac

2 Before I begin you need a break or
3 glass of water?

4 A I need a break.

5 MR. DRAKE: We will take
6 five minutes, two minutes.

7 (A short break was taken.)

8 BY MR. DRAKE:

9 Q Mr. Puac, the piece of the metal
10 that you were lifting on to the truck, how
11 much did it weigh approximately?

12 A Approximately 200.

13 Q 200 pounds?

14 A Yes.

15 Q 25 or 26 feet long; is that right?

16 A Yes.

17 Q Now, were any ropes available to
18 you that you could use to help lift the
19 metal?

20 A No.

21 Q I know you said there was no Hilo.
22 Was there any other hoist available for you
23 to use to lift the metal?

24 A No.

25 Q Was this any type of pulley system

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1 Puac

2 available for you to use to lift the metal?

3 A No.

4 Q When you were standing on the truck
5 roof about 12 feet above the ground, was
6 there any other place that you could have
7 stood to lift the metal?

8 A No.

9 Q Did the roof that you were standing
10 on of the truck have any railings around
11 it?

12 A No.

13 Q Was there any type of man lift,
14 scissor lift that was available to you to
15 use to try to get towards the top of the
16 truck?

17 A No.

18 Q Did you have a harness or life line
19 available to you use to tie off while you
20 were on top of the truck?

21 A No.

22 Q Did you receive any instructions on
23 January 12, 2022, or any directions to use
24 any of those devices before going on top of
25 the truck to lift the metal?

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1 Puac

2 A No.

3 MR. DRAKE: Nothing further
4 at this time. Thank you.

5 CONTINUED EXAMINATION BY MR. JOHNSTON:

6 Q Mr. Puac, I have a couple of
7 follow up. Then we will dive into
8 treatment.

9 Mr. Puac, who owned the box truck;
10 if you know?

11 A From the company, Steven.

12 Q You mentioned that the truck was
13 parked on the street at the time of the
14 accident; is that correct?

15 A .

16 Q Is that a private street or a
17 public street; if you know?

18 A Public.

19 Q The instructions to keep the metal
20 beam intact came from Steven; correct?

21 A Yes.

22 Q Do you know what Steven would do
23 with the metal recovered from jobs?

24 MR. DRAKE: Note my objection.

25 A No.

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1 Puac

2 Q Do you have any knowledge about
3 metal from jobs being sold for scrap?

4 A Can you repeat it again, please.

5 Q Do you have any knowledge about
6 metal that was recovered from these jobs
7 being sold for scrap?

8 A Are you asking me if the owner
9 reused the metal; is that what you are
10 asking me?

11 Q If you know. If you don't, that's
12 fine.

13 A No I don't know.

14 MR. DRAKE: I will stipulate
15 that is definitely what he is
16 doing with that metal. No
17 question.

18 MR. JOHNSTON: You have it on
19 the record.

20 MR. DRAKE: No doubt in my
21 mind. You can leave that off.

22 Q You mentioned that Steven had
23 discussion with you about the job prior to
24 when you went to the work site; right?

25 A Are you asking if I had a

1 Puac

2 discussion with him before that? I didn't
3 understand.

4 Or are you asking me if he was
5 giving me instructions in regard to the
6 work that was suppose to be done? What are
7 you asking?

8 Q I am asking what did Steven tell
9 you about the job that you were going to do
10 on the date of the accident?

11 A He gave us the instructions about
12 what to do with the metal, to do the
13 demolition, and then what to do with the
14 metal. The metals that was not good, the
15 material that was broken, very broken, we
16 had to cut it in the middle. And then the
17 metal that was good, we had to separate
18 those.

19 Q What did you do with the metal
20 that was no good?

21 A We would cut it.

22 Q Did you still take that metal with
23 you?

24 A No.

25 Q What did you do you with the metal

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1 Puac

2 that was no good?

3 A It was a lot and we had to like
4 separate. They didn't fit in the truck.

5 Q What did you do with the metal that
6 was no good after they were separated from
7 the metal that was good?

8 A That had to go back to the
9 company. All of the materials, everything
10 that was demolished had to be taken back
11 to the company.

12 Q Even that metal that was no good
13 was brought back to the company?

14 A Yes.

15 Q The metal that was no good, you
16 cut up, and put into the work truck?

17 A Yes. That's what we did.

18 Q Is the only reason that you didn't
19 cut the longer piece because of Steven's
20 instructions?

21 A Yes.

22 Q After fell did you lose
23 consciousness?

24 A Yes.

25 Q What was the first thing that you

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1 Puac

2 remember when you regained consciousness?

3 A I remember a very strong pain. I
4 remember there being a lot of people. I
5 saw a lot of people around me. I saw
6 Steven arrived to the workplace to where we
7 were working. Also, the police were there
8 and they did a report to call the
9 ambulance.

10 Q I want to jump back for one
11 second. You had mentioned the work that
12 you were doing that day was demolition was
13 removing the metal from this building;
14 correct?

15 A Yes.

16 Q The decision and the separation of
17 the good metal from the bad metal did that
18 take place after the metal had been removed
19 from the building?

20 A Yes. So we had already removed
21 the metal. The metal that was there and,
22 yeah, it was pretty late.

23 Q Where specifically at the site
24 were you doing or was someone else doing
25 the separation of the good metal from the

1 Puac

2 bad metal?

3 A Are you try to ask me when we
4 finished the demolition once we removed
5 everything and we start and if we separated
6 the metal types in the company; is that
7 what you are asking me?

8 Q What I am asking is where the metal
9 that was taken off the building, you made a
10 decision to cut and not cut some of it.
11 Where was the metal placed when that
12 decision was being made?

13 MR. DRAKE: I object to form.

14 A That was because we given
15 instructions we needed to cut the metal
16 that didn't work, was no good and put it
17 inside the truck.

18 Q Who was cutting the metal? Where
19 were you guys specifically cutting the
20 metal? Were you standing directly behind
21 the truck? Were you standing on the
22 sidewalk? I am asking where you were
23 physically located when you were cutting
24 the metal after it was off the building?

25 A On the sidewalk.

1 Puac

2 Q Going back. You regained
3 consciousness, were you in an ambulance at
4 that point; or no?

5 A When I woke basically when I was on
6 the floor. I was already in the
7 ambulance.

8 Q Where did the ambulance take you?

9 A Elmhurst Hospital.

10 Q When you got to Elmhurst Hospital
11 did they take you to the emergency room?

12 A Yes.

13 Q What, if any, treatment did they
14 provide you at Elmhurst Hospital?

15 A At that moment they gave me a
16 cast. I don't know how to -- can you
17 repeat the question please.

18 Q What treatment did they provide you
19 at Elmhurst Hospital?

20 A I don't remember.

21 Q Did they take any X-rays or MRIs or
22 any other diagnostic?

23 A Yes.

24 Q What parts of your body did you
25 have complaints about at Elmhurst Hospital?

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1 Puac

2 A All over my body.

3 Q How long were you at Elmhurst?

4 A One night.

5 Q Did they perform any surgeries or
6 anything else at Elmhurst Hospital?

7 A No.

8 Q Where did you go after the
9 hospital?

10 A One of my co-workers took me
11 home.

12 Q Did the hospital give you any
13 instructions to follow up with any
14 providers or anything like that?

15 A Yes.

16 Q What did they tell you?

17 A I don't remember what they told
18 me. I couldn't think.

19 Q Did anyone at the hospital tell
20 you you had any fractures?

21 A Yes. They told me I had a
22 fracture.

23 Q Where did they tell you you had a
24 fracture?

25 A They told me -- I don't know how

1 Puac

2 to say -- but part of my left hand, where
3 my left hand is.

4 Q Did they tell you anything else
5 was broken or anything else at the
6 hospital?

7 A I don't remember anything.

8 Q Who is the first medical provider
9 that you went to after the hospital?

10 A What do you mean?

11 Q Who is the first doctor that you
12 saw after you were discharged from the
13 hospital?

14 A I don't remember the name. I don't
15 know. I don't recall the name.

16 Q Do you remember what kind of
17 doctor the person was?

18 A No.

19 Q Who is the last doctor that you
20 have seen; as in, most recently?

21 A Right now?

22 Q Before, right this moment, who is
23 the last medical provider you have seen?

24 A I don't understand the question.

25 Q Have you seen any doctors in the

1 Puac

2 last month?

3 A Yes.

4 Q Who did you see in the last month?

5 A Dr. Touliopoulos.

6 Q What kind of doctor is he?

7 A Only I know his name is Dr.

8 Touliopoulos.

9 Q What are you seeing Dr.

10 Touliopoulos about?

11 A He does checkups.

12 Q For any particular body part or
13 everything?

14 A He was the one that did the
15 surgery.

16 Q What surgery did Dr. Touliopoulos
17 do?

18 A Shoulder.

19 Q Do you have any idea what kind of
20 surgery you received on your shoulder?

21 A No.

22 Q Left shoulder or right shoulder?

23 A The left shoulder. And my back I
24 had surgery. I also had surgery on my
25 right knee.

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1 Puac

2 Q Who did the surgery on your back?

3 A I don't remember the name.

4 Q If I said Andrew Merola would that
5 sound familiar to you?

6 A .

7 Q Do you remember when you had the
8 pack surgery?

9 A No.

10 Q Do you remember when you had the
11 shoulder surgery?

12 A I don't remember the dates.

13 Q Was it sometime last year?

14 A Last year, yes.

15 Q Have you filed a Worker's
16 Compensation action related to this
17 accident?

18 A I don't understand what you are
19 saying with that.

20 Q Other than this lawsuit, are there
21 any other any type of proceedings going on
22 related to this accident?

23 A Yes.

24 Q Does that other proceeding have to
25 do with Queens Iron Master; is that

1 Puac

2 correct?

3 A Yes.

4 MR. DRAKE: Objection.

5 Q Do you know whether that matter
6 has settled or whether it is ongoing?

7 A I don't know.

8 Q Are you receiving any kind of
9 continuing pay related to that accident as
10 we sit here today?

11 A I don't understand what you are
12 saying with that payment. With what?

13 Q Has anyone given you any money
14 right now on a continuous basis?

15 A I don't understand the word. With
16 what getting money. What money are you
17 talking about?

18 MR. DRAKE: Do you get a check
19 every 15 days from the insurance
20 company for the Compensation
21 Claim?

22 THE WITNESS: Yes.

23 Q How much are you currently
24 receiving every 15 days?

25 Q Around 536 something.

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1 Puac

2 Q Are you still going to physical
3 therapy?

4 A Yes.

5 Q How frequently do you go to
6 physical therapy?

7 A Two to three times.

8 Q Does it help at all?

9 A No.

10 Q Your shoulder, is it better, worse,
11 or the same after the surgery?

12 A After the surgery is good. But I
13 don't have strength on my hand to lift
14 something heavy, no.

15 Q How about your back after the
16 surgery, are your symptoms better, worse,
17 or the same?

18 A It's a bit better.

19 Q Same question for the knee.
20 Better, worse, or the same after the
21 surgery?

22 A It bothers me like to walk or to
23 go up the stairs, it's hard on my body to
24 do that.

25 Q The question was related to the

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1 Puac

2 knee surgery. Are your symptoms better,
3 worse, or the same after the surgery?

4 A I would like to know when you are
5 asking if it is better? In what way? In
6 what way are you asking me that? Because I
7 still feel bad.

8 Q I understand that. We will get to
9 that. I am asking whether or not the
10 surgery has improved the situation with
11 your knee versus what it was before the
12 surgery? I am not asking if you are
13 perfect or made whole or better, I am
14 asking if the surgery helped at all?

15 MR. DRAKE: Objection to form.

16 A Yes.

17 Q Have you had to personally pay for
18 any medical treatment related to this
19 accident?

20 MR. DRAKE: Out of your own
21 pocket?

22 A No.

23 Q Since the date of the accident
24 until today, have you been involved in any
25 other accidents?

1 Puac

2 A No.

3 Q You are currently unable to return
4 to work; is that correct? Can you return
5 to work as we sit here today?

6 MR. DRAKE: Note my objection.

7 A No.

8 Q Has any medical provider that you
9 have seen suggested any additional surgery
10 to you?

11 A Are you trying to ask me if the
12 doctor is asking if I need more surgery?

13 Q Has any doctor told you that you
14 should have more surgery?

15 A Yes.

16 Q Which doctor?

17 A In the future they told me.

18 Q Which doctor told you that you
19 needed more surgery?

20 A I don't know the name, no.

21 Q Do you remember what body part they
22 said that you would need surgery for?

23 A Yes.

24 Q What body part?

25 A Left ankle, my hand, my right

1 Puac

2 wrist, and my left.

3 Q Is there any activities that you
4 were able to do prior to the accident that
5 you no longer can do at all? Not that it's
6 harder, but is impossible for you to do
7 now?

8 A I can't lift anything heavy. My
9 whole body hurts. I can't run. I can no
10 longer run. I can't jump. There is a lot
11 of things I can no longer do. I can't do
12 exercises.

13 Q Before the accident did you have a
14 gym membership?

15 A Not exactly, no. I just pay
16 weekly. That's it.

17 Q What gym?

18 A Planet Fitness.

19 Q What town is the Planet Fitness in
20 that you used to go to?

21 A New York.

22 Q Which borough?

23 A Roosevelt, Corona.

24 Q Is there anything that you used to
25 be able to do before the accident that you

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1 Puac

2 still can do but it's much harder?

3 A Are you asking me the type of
4 exercise that I can no longer do or are you
5 trying to ask if I still go to the gym?

6 What I am trying to say, I can no
7 longer do anything what I used to do
8 before. Before I used to give -- teach
9 exercise in class.

10 Q I am not asking specific to the
11 gym. I am asking generally things you used
12 to be able to do before but that you can
13 still do that are harder, that we haven't
14 discussed yet?

15 A I can't do it.

16 MR. JOHNSTON: All right. I
17 am going to hand it off to Anna
18 for a bit.

19 MR. DRAKE: Let's take a
20 break.

21 (A short break was taken.)

22 CONTINUED EXAMINATION BY MS. SCHUELEIN:

23 Q On the day the accident, can you
24 tell me how you fell?

25 A Sorry?

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1 Puac

2 Q On the day of the accident, can you
3 tell me how you fell?

4 A If I am not understanding what you
5 want to ask me, when you say, how did I
6 fall, in what way?

7 Q You were on the truck and then
8 what happened?

9 A Well, the weight of the metal like
10 it pulled me. I don't know how to explain,
11 but I was -- when I was on top and the
12 metal was heavy, it slid to one side and it
13 pulled me. I don't how to explain.

14 Q Were you standing on the metal or
15 on the truck? Where were your feet?

16 A On the truck.

17 Q How did the metal pull you?

18 A Because of how heavy it was.

19 Q Where were your hands?

20 A They were holding -- they were
21 sustaining the metal.

22 Q Is there a reason why you didn't
23 let go of the metal?

24 A Because the metal was still not --
25 was still not flat.

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1 Puac

2 Q So you were placing the metal down
3 to be flat?

4 A No. I was pulling the metal and
5 all of the weight of the metal, it slid, so
6 the metal slid. That's how the metal --
7 when the metal pulled me back, I fell on my
8 back. I don't remember how I fell.

9 Q You said it pulled you and you
10 fell on your back?

11 MR. DRAKE: Objection.

12 A Yes. I don't remember how it was,
13 but yeah. It was very heavy. Yeah, it
14 pulled me. The metal, it pulled me. It
15 was very heavy.

16 Q Before that someone was helping
17 you but they stopped at that point?

18 A Are you asking me if somebody was
19 helping me bringing up the metal; is that
20 what you are trying to ask me?

21 Q Yes.

22 A Yes.

23 MS. SCHUELEIN: I am going
24 stop there for a minute, if you
25 want to continue.

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1 Puac

2 MR. DRAKE: I just to clarify.

3 CONTINUED EXAMINATION BY MR. DRAKE:

4 Q When you fell off the truck were
5 you trying to get the beam on the truck,
6 the beam pulled you down; is that right?

7 A Yeah, pulled me. Like, yeah.

8 MS. SCHUELEIN: What
9 direction?

10 MR. DRAKE: I want to finish,
11 I'm sorry.

12 Q Did the beam fall with you?

13 A Yes.

14 MR. DRAKE: That's all I have.
15 CONTINUED EXAMINATION BY MS. SCHUELEIN:

16 Q What direction was the beam in in
17 relation to you when you were on the truck?

18 A What do you want to say when you
19 say "what direction"?

20 Q In relation to where you were
21 standing, where was the beam?

22 A I was holding it. I had it
23 sustained.

24 Q So it was in front of you, to the
25 right of you, to the left of you?

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1 Puac

2 A On my left.

3 Q As you were placing the beam down,
4 you didn't let go of the beam?

5 A No. Because there was a lot of
6 people around at that moment. So I didn't
7 -- I couldn't let go of it. It was also
8 too heavy, because it slipped, and it was
9 very long. So I wanted to sustain it so it
10 wouldn't fall on top of the people.

11 Q You said it pulled you?

12 A Yes. I was holding it. I was --
13 it was already on top, but in the moment in
14 which I had to pull it, all the weight went
15 to one side.

16 Q So you were pulling the beam?

17 MR. DRAKE: Objection.

18 A Yes.

19 Q Which direction were you pulling
20 the beam?

21 A In the front.

22 Q The front of you is what front?

23 A It is very long. It used -- it
24 needs to be equally shared. You
25 understand, because it is long.

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1 Puac

2 Q You said he was pulling the beam
3 to the front, the front of the truck or the
4 front of which side of the truck? What
5 direction?

6 MR. DRAKE: Objection to form.

7 A Yes. To the front because it was
8 already on top. We just needed to
9 accommodate the metal.

10 Q The front of what?

11 A In front -- I am not understanding
12 in front. In front of what? If I am
13 pulling the metal on top of the truck, I
14 can only pull this way (indicating). I
15 can't pull it to one side or another side,
16 because I am on the truck. I need to pull
17 it from the front.

18 MR. DRAKE: Front of what, in
19 front of the truck?

20 THE WITNESS: .

21 Q So you are pulling to the front of
22 the truck, the beam is going in the same
23 direction as the truck or is the beam going
24 sideways on the truck?

25 MR. DRAKE: Perpendicular.

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1 Puac

2 MS. SCHUELEIN: That's the
3 word. I don't know if that will
4 be translated well?

5 A Are you asking me if I am pulling
6 the metal to the front of me; is that what
7 you trying to ask me?

8 Q When you were on the truck which
9 direction were you facing?

10 A I was looking backward while I was
11 pulling it. I was pulling and I was
12 looking to the back.

13 Q The back of the truck, you were
14 facing the back of the truck.

15 MR. DRAKE: Two different
16 questions. Looking to the back of
17 the truck or facing the back of
18 the truck; two different
19 questions.

20 Q So we will start were you looking
21 to the back of the truck?

22 A Yes.

23 Q Were you facing the back of the
24 truck?

25 A Yes. When you are working you

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1 Puac

2 have to pay attention to all your
3 surroundings. You are not only look one
4 way.

5 Q Were you facing the back of the
6 truck which was where you were looking?

7 A I was on the front on the top of
8 the truck and it was the rest of the metal
9 but the rest of the metal was by the
10 edge.

11 Q You were facing the back of the
12 truck?

13 A What are you trying to ask me if I
14 am looking, if I am directed to? I am
15 looking to the back of the truck where the
16 metal is.

17 Q You said you were looking at the
18 back of the truck. Was the frontal part of
19 your body facing in the direction of the
20 back of the truck?

21 A Are you asking me how did I fall
22 from the truck, is that what you are asking
23 me?

24 Q Yes. Not exactly, but, yes, sure.

25 A So. Okay. I will specify I was

1 Puac
2 looking to the left side.

3 Q The left side of the truck or the
4 your left side?

5 A What are you trying to say by
6 saying the left side of the truck or the
7 right side; or are you trying to ask me
8 what side did I fall on?

9 Q When you were standing on the truck
10 before you fell, which direction of the
11 truck was your body facing?

12 A Right side.

13 Q So your body was facing the right
14 side of the truck, but you were looking to
15 the left side of the truck?

16 A I was looking at my right side and
17 the left side. Are you asking me what
18 position did I fall or are you asking me
19 what position I was standing? I am not
20 understanding what you are asking?

21 Q I am asking about before the fall,
22 what position you were standing and what
23 you were doing?

24 A I was pulling the metal and then I
25 fell on my back and the metal came on top

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1 Puac

2 of me. It pulled me.

3 Q Was pulling the metal in which
4 direction were you pulling the metal?

5 A Towards the front.

6 Q Of the truck?

7 MR. DRAKE: Asked and
8 answered. He can answer again.

9 A Yes.

10 MR. DRAKE: Off the record.

11 (A discussion was held off the
12 record.)

13 MR. JOHNSTON: Back on.

14 I am sharing my screen.

15 CONTINUED EXAMINATION BY MR. JOHNSTON:

16 (Mr. Johnston screen shares.)

17 Q Going back to Defendant's Exhibit
18 A, going back to the video, Mr. Puac, I
19 just want to know, this gentleman on the
20 left who was standing in the roped-off
21 area. He comes running. Who is that guy?
22 Is that Juan?

23 A Luis.

24 Q So that gentleman is Luis; do you
25 see Juan at all during the course of this

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1 Puac

2 video?

3 A I don't see him.

4 Q You do not see him in the video?

5 A Now would you repeat it one more
6 time?

7 Q Sure.

8 (Video playing.)

9 (The interpreter repeats.)

10 A I can't see him. Yeah, he was
11 there helping me.

12 Q I am going to play the video one
13 more time. I just want you to pay
14 attention to the location of the beam.

15 So right here (indicating) the
16 beam is flat; right?

17 A Yes.

18 Q And the beam comes back off; right?

19 A Yes.

20 Q The long end of the beam comes down
21 either just before or as you are falling;
22 is that fair to say?

23 A The back part is start sliding off
24 and that's when I fall.

25 MR. DRAKE: We are at 4

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1

Puac

2

seconds, for the record, :04.

3

MR. JOHNSTON: That's it for

4

me. Thank you very much.

5

(Time noted: 3:05 p.m.)

6

7

JULIO CESAR PUAC

8

Subscribed to and sworn to before me

9

This _____ day of _____, 2023.

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NOTARY PUBLIC

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1

Puac

2

E X H I B I T S

3

DEFENDANTS

PAGE

4

EXHIBITS

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Exhibit A Video

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6

Exhibit B One-page photo

22

7

Exhibit C One-page photo

22

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(MR. JOHNSTON RETAINED EXHIBIT A.

19

VERITEXT RETAINED EXHIBITS B, C.)

20

21

22

23

24

25

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C E R T I F I C A T I O N

I, ANNELLE GAETA-INNVAR, a Court Reporter and a Notary Public, do hereby certify that the foregoing witness, JULIO CESAR PUAC, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any part to this action.



ANNELLE GAETA-INNVAR

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1

ERRATA SHEET

2

VERITEXT/NEW YORK REPORTING, LLC

3

CASE NAME: Puac, Julio Cesar v. BG 37th Avenue Realty LLC

4

DATE OF DEPOSITION: 9/12/2023

5

WITNESSES' NAME: Julio Cesar Puac

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Julio Cesar Puac

22

SUBSCRIBED AND SWORN TO BEFORE ME

23

THIS ____ DAY OF _____, 20__.

24

25

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

[& - ambulance]

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New York Code

Civil Practice Law and Rules

Article 31 Disclosure, Section 3116

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him or her, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath. If the witness fails to sign and return the deposition within sixty days, it may be used as fully as though signed. No changes to the transcript may be made by the witness more than sixty days after submission to the witness for examination.

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Index No.: 702770/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JULIO CESAR PUAC,

Plaintiff,

-against-

BG 37TH AVENUE REALTY LLC AND LINE VENTURE GROUP LLC,

Defendants.

NOTICE PURSUANT TO CPLR 3116A

BELL LAW GROUP, PLLC
Attorney for Defendant
BG 37TH AVENUE REALTY LLC
116 Jackson Avenue
Syosset, New York 11791
(516) 280-3008

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Signature:

DANIEL A JOHNSTON
