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PLAINTIFF'S COUNSEL: Mr. Nelson  
THE WITNESS: Brenda Cerda  
THE COURT (male)  
DEFENSE COUNSEL: Ms. Charles

**WARM UP**

Q MR. NELSON: Please state your name and spell your last name for the record.

A Brenda Cerda, C-e-r-d-a.

Q Ms. Cerda, could you indicate your / age.

A I am 51.

Q Are you married?

A Yes.

THE COURT: Ms. Cerda, I am going to ask that you scoot up closer to the microphone so / we can hear you better.

THE WITNESS: Okay. Yes, Your Honor.

THE COURT: This gentleman next to you is a court reporter, and he needs to take down every/ word you say; so it is important that he hear you.

THE WITNESS: Okay.

THE COURT: I am also going to ask that you speak slowly and clearly. This // will make his job easier. He has a difficult job.

THE WITNESS: Yes, Your Honor.

1 Q. BY MR. NELSON: How long have you been married?

2 A I have been married 25 / years.

3 Q And what is your spouse's name?

4 A Kevin Cerda.

5 Q And what is his occupation?

6 A He is a Legal Clerk 3. He works for the County  
7 /// Clerk's office.

8 Q And how long has he been employed by the County?

9 A He has been employed there for about ten years.

10 Q Okay. What about you, / ma'am? What is your  
11 occupation?

12 A I am a fiscal officer. I work for the County too  
13 but not the same department.

14 MS. CHARLES: Your Honor, I am \*(1) a little hard  
15 of hearing. Is it possible to turn up the volume on the  
16 microphones so I can hear better?

17 THE COURT: Yes, I can do / that. And do not be  
18 shy about speaking up if you cannot hear something. I  
19 have a little trouble hearing also.

20 MS. CHARLES: I believe if they / are turned up,  
21 there will probably be fewer interruptions. That would  
22 be my preference.

23 THE COURT: Of course.

24 Q BY MR. NELSON: How long have you been working  
25 there?

1 A I started / in 1998.

2 Q Okay.

3 A So about 15 years.

4 Q How many brothers and sisters do you have?

5 A Counting myself, there are four brothers and  
6 two // sisters.

7 Q Okay. Are you the oldest one in the family?

8 A Yes.

9 Q Can you tell me the names of your younger  
10 brothers?

11 A Jason, Raymond, Harry, and / Alan.

12 Q And the name of your sister?

13 A My sister's name is Teresa.

14 Q And are they all living in the United States?

15 A No.

16 Q Which ones are /// here in the United States?

17 A Only three of my brothers.

18 MS. CHARLES: I hope you do not intend to cover  
19 all of the locations of all of / his siblings.

20 THE COURT: Counsel, is that your intent?

21 MR. NELSON: No, Your Honor. I was not planning  
22 on asking about that.

23 MS. CHARLES: Oh, good. I was going to  
24 object \*(2) if you did.

25 THE COURT: Counsel, please do not interrupt

1 unless you have a proper objection.

2 MS. CHARLES: Yes, Your Honor.

3 Q BY MR. NELSON: Is Harry the defendant in this  
4 case?

5 A Yes. / Correct.

6 Q When did you come to the United States?

7 A I came in 1989.

8 Q Okay. Are your parents here in the United States  
9 as / well?

10 A My mother is here.

11 Q What about your father?

12 A My father passed away in 1992.

13 Q When did your mother come to the United / States?

14 A I do not remember the exact year.

15 Q Did you petition for her to come?

16 A Yes.

17 Q And when she arrived in the United States, did //  
18 she live with you?

19 A Yes.

20 Q When did your brother Harry come to the United  
21 States?

22 A The following year.

23 Q Okay. When he came, what status did he come in  
24 as?

25 MS. CHARLES: Objection. The status of his

1 residency may call for a legal conclusion.

2 THE COURT: Counsel, what is your response to  
3 that?

4 MR. NELSON: I think /// the witness can testify  
5 to her understanding of her brother's status.

6 THE COURT: Well, let's see where this goes, and  
7 I will rule depending on what her / answer is.

8 Q BY MR. NELSON: When he came, what did you  
9 understand his status to be?

10 A He came as a visitor. After his visitor status  
11 expired, he stayed. \*(3)

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13 **END OF WARM-UP**

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**EXAM BEGINS**

Q BY MR. NELSON: Do you know if he has become a permanent resident here?

A Yes.

MS. CHARLES: Objection. What she thought her brother's status was may be different than his / status.

THE COURT: Is your objection relevance?

MS. CHARLES: Yes, it is.

THE COURT: The witness may answer that question.

Q BY MR. NELSON: Do you know if he was a permanent resident?

A Yes.

Q Do / you know when he became a resident?

A In June of 2004.

Q All right. When Harry first arrived here, who did he reside with? /

A He resided with me in my house.

Q Okay. And how long did he reside with you?

A For about two years.

Q Okay. Did he have any // employment back then?

A No.

Q All right. And how did he support himself?

A I supported him.

Q Okay. Did he pay you any money for rent at / your house?

1 A No, he did not.

2 Q Okay. Is it correct that in 2003 you and your  
3 brother Harry purchased a residence together?

4 A Yes, /// it is.

5 Q Please tell us whose idea it was for you to buy  
6 this house together.

7 A It was my idea because I wanted to invest. /

8 Q Okay. And you discussed this idea with Harry; is  
9 that correct?

10 A Yes, that is correct, sir.

11 Q Okay. And how did he respond?

12 A He agreed to /\*(1) it.

13 Q Okay. All right.

14 A And so we purchased the house as a partnership.

15 MS. CHARLES: Objection, Your Honor. There is no  
16 question pending.

17 THE COURT: Please wait for the / question,  
18 ma'am, and only answer that question.

19 THE WITNESS: Okay. I will do that.

20 Q BY MR. NELSON: Did you talk about being equal  
21 partners when you purchased this house with / Harry?

22 A Yes, I did.

23 Q Okay. At the time just before you both purchased  
24 this house together, where did he reside?

25 A He lived in an apartment. /

1 Q Is it your testimony that he was renting an  
2 apartment?

3 A Yes.

4 Q And who did he live there with?

5 A He lived there with our mother.

6 Q Okay. // Did you know why Harry wanted to buy  
7 this residence together with you?

8 A So he can be involved in the investment.

9 Q Were you hoping to / make money on the purchase?

10 A Well, if the house prices go up, we would benefit  
11 from the profit.

12 Q Why could Harry not buy this residence /// by  
13 himself?

14 A Because he was not a resident.

15 Q Was that the only reason he could not buy the  
16 house?

17 A Well, he was not working, and / he did not have  
18 credit.

19 Q You had to utilize your good credit and income to  
20 purchase this house; is that correct?

21 A Yes, that is correct. /\*(2)

22 **END OF LEAD-IN -- keep reading without pause.**

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**START TYPING:**

Q BY MR. NELSON: What is the address of that house?

A 421 Montana.

THE COURT: Is that in Torrance?

THE WITNESS: Yes, Torrance.

MR. NELSON: Your Honor, may I approach?

THE COURT: Certainly.

Q BY MR. NELSON: I want / to show you this document that has been marked as Exhibit 1.

A All right.

Q Exhibit 1 contains three photographs of what appear to be a / house. Do you recognize the house in the photographs?

A Yes, I do.

Q And is that the house that you and Harry bought together?

A Yes.

Q What / is the general description of the house?

A What do you mean? I don't understand.

Q How many bedrooms are there in the house?

A Upstairs there is // one master bedroom. There are three other bedrooms downstairs.

Q Okay. There is a total of four bedrooms; is that right?

1 A Yes.

2 Q How many bathrooms are / there in the house?

3 A There is one in the master bedroom and another in  
4 the hallway.

5 Q Is it your testimony that the house has two ///  
6 bathrooms?

7 A No. There is also one downstairs bathroom, but  
8 it has no shower.

9 Q All right. And how many vehicles fit in the  
10 garage?

11 A Two.

12 Q What / is the square footage of the residence?

13 A I have no idea.

14 Q When Harry and you decided to buy a house  
15 together, did you guys go /\*(1) together to look for a  
16 house?

17 A Yes.

18 Q Did both of you agree to select this residence to  
19 purchase?

20 A Yes.

21 Q Okay. Do you know the purchase / price of this  
22 house?

23 A About \$300,000.

24 MS. CHARLES: Objection. Relevance.

25 THE COURT: Counsel, do you wish to be heard?

1 MR. NELSON: No, Your Honor. I can move on. /

2 THE COURT: Thank you.

3 Q BY MR. NELSON: Did you contribute any money  
4 toward the down payment of the house?

5 A Yes.

6 Q How much money did you contribute for the down  
7 payment / of the house?

8 A \$10,000.

9 Q I would like to show you another exhibit,  
10 Ms. Cerda.

11 A All right.

12 Q This is Plaintiff's Exhibit 2.

13 A Is this // the same one that is on the screen up  
14 there?

15 Q Yes, it is.

16 A I understand.

17 Q Ms. Cerda, do you recognize that specific  
18 document?

19 A Yes, I / do.

20 Q Would you tell us what it is, please.

21 A It is a cashier's check drawn in Harry Cerda's  
22 name.

23 Q Okay. An account number appears at /// the top  
24 of the check. Will you read that account number.

25 MS. CHARLES: Objection. The document speaks for

1       itself.

2               THE COURT:  Objection sustained.

3               Next question, please.

4       Q       BY MR. NELSON:  Whose account is / that?

5       A       This account belongs to my husband and me.

6       Q       Okay.  And who is Kevin John Cerda?

7       A       John is my husband's middle name.

8       Q       Okay.  Is it /\*(2) correct that this check was  
9       drawn from your account?

10      A       Yes.

11      Q       And is it correct that it is made payable to  
12      Harry Cerda?

13      A       Yes.

14      Q       What was / the purpose of this check?

15      A       It was money to put in for the down payment.

16      Q       Why was it in his name?

17      A       Because the mortgage company / wanted it that  
18      way.

19      Q       Okay.  But this money was from your checking  
20      account; is that right?

21      A       Absolutely.

22      Q       And that is a joint checking account with / you  
23      and your husband; is that correct?

24      A       Yes, that is correct.

25      Q       Is there anybody else on that account?

1 A No, sir.

2 MR. NELSON: I am going to have // the next  
3 document marked as Exhibit 3. It is the Wells Fargo  
4 check.

5 THE COURT: Counsel, have you had a chance to  
6 review the check?

7 MS. CHARLES: Yes, Your / Honor. Thank you.

8 THE COURT: Okay. It is marked as Plaintiff's  
9 Exhibit 3.

10 Q BY MR. NELSON: Ms. Cerda, can you see the copy  
11 of the check that has been marked /// as Exhibit Number 3  
12 on your screen?

13 A Yes, I see it here.

14 Q Okay. Do you recognize what that document is?

15 A Yes.

16 Q Tell us what it / is.

17 A This was a check requested by the title company.

18 Q Okay. Do you see where it reads "Pay to the  
19 order of"?

20 A Yes.

21 Q Do you /\*(3) also see that it has "Pay to the  
22 order of Chicago Title Company"?

23 A Yes.

24 Q And it has your name right underneath it; is that  
25 correct? /

1 A Exactly.

2 Q Does it also have an escrow number?

3 A Yes, it does.

4 Q And what is the purpose of this check?

5 A This is being applied to the / down payment for  
6 the residence.

7 Q And was this out of your own money?

8 A Yes.

9 THE COURT: You said earlier with regard to  
10 Exhibit Number 2 that the / mortgage company requested  
11 you to write that check to your brother; correct?

12 THE WITNESS: No, Your Honor.

13 THE COURT: Mr. Nelson, perhaps you could clear  
14 this up for us. //

15 MR. NELSON: Yes, Your Honor.

16 Q Is it your testimony that the mortgage company  
17 wanted the check to come from your brother?

18 A No. They wanted payment, and my / brother did  
19 not have that amount of money; so I paid for him.

20 Q Okay.

21 A I let him borrow the money from me, essentially.

22 Q Did the /// mortgage company know that you were  
23 loaning the money to your brother?

24 A No.

25 Q Did the mortgage company question where he

1       obtained the money?

2       A       I do / not understand the question.

3       Q       I will try to approach it a different way.

4       A       Okay.

5       Q       All right. Ms. Cerda, I am showing you a copy  
6       of /\*(4) a check. Do you recognize that document?

7       A       Yes.

8       Q       What personal knowledge do you have about this  
9       check?

10      A       We went down to the bank together to / obtain  
11      this check.

12      Q       And it was issued to the title company; is that  
13      correct?

14      A       Correct.

15      Q       Is this a portion of the down payment?

16      A       Exactly.

17      Q       When / you say you went to the bank together, do  
18      you mean yourself and Harry?

19      A       Correct. I had the money he was borrowing.

20      Q       Did you have / an account with Bank of America?

21      A       No, I did not, but Harry did. I took the money  
22      to him, and he got this money order // from his bank.

23             MR. NELSON: And I am going to have a copy of the  
24      grant deed marked as Exhibit Number 4.

25             THE COURT: Okay. How shall we reference / that

1 exhibit?

2 MS. CHARLES: Is it dated June 9, 2003?

3 MR. NELSON: Correct.

4 Q Ms. Cerda, please take a look at the copy of the  
5 grant deed on /// the screen.

6 A Okay.

7 Q Have you had a chance to review the exhibit?

8 A Yes, I have.

9 Q All right. And do you recognize this document?

10 A Yes, sir, / I do.

11 Q Is this the document from when you purchased the  
12 house?

13 A Yes.

14 Q When you and Harry purchased the residence, what  
15 was the mortgage payment /\*(5) on the house?

16 A It was \$1,000 per month.

17 Q Does that amount include taxes and insurance?

18 A Yes, it does.

19 MR. NELSON: No further questions at this / time.

20 THE COURT: Do you have cross-examination?

21 MS. CHARLES: Yes, I do.

22 THE COURT: Please proceed.

23 **CROSS-EXAMINATION**

24 Q BY MS. CHARLES: Ms. Cerda, who made the mortgage  
25 payments?



1 A He made the mortgage payments.

2 Q When you / say "he," are you referring to your  
3 brother?

4 A Yes. Harry.

5 Q Okay. Did he ever miss any mortgage payments?

6 A Yes, ma'am, he did.

7 Q On how many / occasions did that happen?

8 A About two to three times.

9 Q When he missed the mortgage payments, who was  
10 responsible for making that payment?

11 A I had to // make that payment.

12 Q You remitted those two or three payments; is that  
13 right?

14 A Correct.

15 Q And who claimed the residence for tax purposes?

16 A I claimed it / until he received his green card  
17 and could legally work.

18 Q Okay. Then what happened?

19 A Then I allowed him to claim it.

20 Q Did he claim it /// totally, or did you split it  
21 between the two of you?

22 MR. NELSON: Objection. Relevance.

23 THE COURT: What is the relevance, Counsel?

24 MS. CHARLES: I will withdraw.

25 Q After you bought the / house, did you buy

1 anything for the house?

2 A Yes.

3 Q What did you purchase?

4 A I bought the appliances in the house.

5 Q Was there anything else you /\*(6) bought for the  
6 house?

7 A Additionally, I fixed all the blinds in the  
8 house, and I also repaired the fencing.

9 Q Ms. Cerda, I am showing you / a receipt from  
10 Sears.

11 A Yes.

12 Q Do you recognize that document?

13 A Yes, I do.

14 Q At the bottom of the receipt, there is a box with  
15 a / signature on there. Whose signature is that?

16 A That is my husband's signature.

17 Q Okay. Do you know what was bought here?

18 A A stovetop for the kitchen. /

19 Q Is that for the same residence that we are  
20 talking about here?

21 A Yes.

22 Q Okay. And is that the stovetop that is in the  
23 residence right // now?

24 A Correct.

25 Q This is another receipt. Do you recognize this?

1 A Yes.

2 Q Do you see the signature in the box?

3 A Yes.

4 Q Whose signature is that?

5 A That / is my husband's signature.

6 Q What is this?

7 A This is a receipt for a washer.

8 Q Was this washer purchased for the residence that  
9 you and Harry /// bought together?

10 A That is correct.

11 THE COURT: At the time these appliances were  
12 purchased from Sears, who was residing in the house on  
13 Montana Drive?

14 THE WITNESS: Harry.

15 THE COURT: And / with his spouse?

16 THE WITNESS: No. Him and my mother.

17 THE COURT: Thank you.

18 Please continue, Counsel.

19 Q BY MS. CHARLES: Was there an occasion when you  
20 and Harry owned this house together /\*(7) that any of  
21 your other brothers resided there?

22 A Yes.

23 Q Who did?

24 A My three brothers resided there.

25 Q Were they living there at the same time or / on

1 separate occasions?

2 A For one period they all lived there together, and  
3 they all moved at separate times.

4 Q Okay. And did they pay rent?

5 A Yes. /

6 Q Okay. How much did each of them pay in rent?

7 A \$100 per week.

8 Q Was that for each person?

9 A For each person, yes.

10 Q Okay. / About \$400 a month per person; right?

11 A Three brothers were residing there, so \$100 per  
12 person.

13 Q If we are talking about // monthly rent, it would  
14 be each brother paid \$400 a month each; correct?

15 A If they were there the entire month; correct.

16 Q And who / received the rent?

17 A Harry received it.

18 Q Okay. Did he provide you any money for rent?

19 A No, he did not give me any money.

20 Q Okay. Did /// you ask for any money?

21 A Absolutely. But he said he was supporting my  
22 brothers; so I said okay.

23 Q Okay. Has Harry ever paid you back / for any of  
24 the money you contributed to the residence?

25 A No, he has not.

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THE COURT: If I may interrupt, Counsel.

At some point in time, did /\*(8) you transfer your interest in the house to Harry?

THE WITNESS: Yes, I did.

THE COURT: Do you have a rough approximation what year that was?

THE WITNESS: No.

THE COURT: You may / continue, Counsel.

Q BY MS. CHARLES: Do you know how the idea of transferring your interest in the house came up?

A Well, it was his idea.

Q And did you / only discuss it one time?

A Actually, at that point in time, he was very persistent about transferring the house.

Q To be clear, do you mean / transferring your share to him?

A That is right, yes.

Q Okay.

A. Because he was always missing the payment.

Q Would his missing the payment affect your credit? //

A Yes, ma'am.

Q Okay. And did he ask you to transfer all of your interest to him?

A No. He only requested 50 percent of my

1 interest./

2 Q All right. Do you know why he requested that you  
3 transfer 50 percent of your share to him?

4 A Well, because he kept missing the payments. ///

5 MR. NELSON: Objection. Nonresponsive.

6 THE COURT: That will be overruled, and the  
7 answer will stand.

8 Go ahead.

9 Q BY MS. CHARLES: Let me ask a better question,  
10 ma'am.

11 A All right.

12 Q Do you know / why Harry only requested 50 percent  
13 of your interest be transferred?

14 A Are you asking why part instead of all of it?

15 Q That is correct.

16 A Well, /\*(9) I gave him money for the down  
17 payment.

18 Q Okay. And did you feel you still wanted to  
19 receive a profit from the purchase of this / house?

20 A Exactly.

21 Q Is it true that in order to do that you needed to  
22 keep some interest in the house?

23 A Yes, ma'am. That is correct. /

24 Q How many times did you have a discussion  
25 regarding the transfer of interest?

1 A I am not sure really but possibly three or four  
2 times.

3 Q Is / that your best estimate of the number of  
4 discussions you have had with him on that subject?

5 A Yes. That is how I remember it.

6 Q Did // you ever agree to transfer your share to  
7 your brother?

8 A At that time we decided that we should sell the  
9 residence.

10 MR. NELSON: Objection. Nonresponsive.

11 THE COURT: I will / sustain that.

12 MR. NELSON: Move to strike.

13 THE COURT: That answer will be stricken.

14 Please continue, Ms. Charles.

15 Q BY MS. CHARLES: Did you agree to transfer your  
16 share of the house to /// Harry?

17 A He insisted on buying me out.

18 Q And were you able to come to an agreement on the  
19 transfer?

20 A Yes, ma'am. Eventually we did.

21 Q Please / tell the Court and members of the jury  
22 what the terms of the agreement were.

23 A Well, I don't remember it exactly.

24 Q I will help you. \*(10)

25 **END OF EXAM**