

# EXHIBIT J

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IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY, PENNSYLVANIA

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|               |                    |
|---------------|--------------------|
| STORM LOPEZ,  | :OCTOBER TERM 2018 |
|               | :                  |
| Plaintiff,    | :                  |
|               | :                  |
| -vs-          | :                  |
|               | :                  |
| MICHAEL CAGE, | :                  |
|               | :                  |
| Defendants.   | :NO. 181001174     |

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- - -  
JULY 24, 2019  
- - -

Oral sworn deposition of MICHAEL  
CAGE, held in the offices of KLEHR  
HARRISON HARVEY BRANZBURG LLP, 1835  
Market Street, Philadelphia,  
Pennsylvania, on the above date, before  
Margaret M. Reihl, RPR, CCR, CRR, CLR  
and Notary Public, on the above date,  
commencing at 12:03 p.m., there being  
present:

GOLKOW LITIGATION SERVICES  
877.370.3377 ph/917.591.5672 fax  
deps@golkow.com

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

2

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9 Representing the Plaintiff

7

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17 Feasterville, Pennsylvania 19053  
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20 Representing the Defendant

17

18

19 Also Present: Storm Lopez  
20 Max Reinhardt, Intern

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I N D E X

WITNESS

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1                   ... MICHAEL CAGE, having been  
2                   duly affirmed as a witness, was examined  
3                   and testified as follows:

4 BY MS. O'NEILL:

5                   Q.        Good morning, Mr. Cage. We're  
6                   here today on the matter of Storm Lopez versus  
7                   Michael Cage that was filed in the Philadelphia  
8                   Court of Common Pleas. As you know, I represent  
9                   Mr. Lopez, who is seated to your right and to my  
10                  left.

11                  Could I have your name and full  
12                  address for the record.

13                  A.        Yes, Michael Cage, 5020 Ogontz  
14                  Avenue, O-g-o-n-t-z, Philadelphia, PA 19141.

15                  Q.        Have you ever been deposed  
16                  before, Mr. Cage?

17                  A.        No.

18                  Q.        So I'm just going to go over some  
19                  instructions for this morning. As you can see,  
20                  there's a court reporter seated to your left and  
21                  to my right. The court reporter is taking down  
22                  everything that we're discussing today. She  
23                  cannot transcribe uh-huhs, mm-hmms or nods of  
24                  the head, so I ask that all of your responses be

1 verbal. I also ask that you keep your voice up  
2 and that I also want to remind you that  
3 everything that we're talking about today is  
4 under oath.

5 A few ground rules, please wait  
6 for me to finish my questions before you start  
7 to answer. Tell me if you don't understand any  
8 of the questions that I'm going to be asking  
9 you. It's okay to tell me that you don't know  
10 something or you don't remember, it's a  
11 perfectly acceptable answer.

12 Another thing I want you to keep  
13 in mind is please don't guess at the answers to  
14 any of the questions I'm going to ask you. It's  
15 perfectly fine to make an estimation or an  
16 approximation. So, for example, a guess would  
17 be just if I asked you how many people are in  
18 this building today. An approximation would be  
19 if I asked you how far are we across from the  
20 table, and you can give me an approximate  
21 answer.

22 So do you understand the  
23 difference between a guess and an approximation?

24 A. Yes.

1 Q. Okay, perfect.

2 So please tell me if you want any  
3 breaks, if you want a coffee break, bathroom  
4 break. The only thing that I ask is that if we  
5 do take any breaks, I just want to let you know,  
6 you're not allowed to speak to your attorney  
7 once we start the questioning.

8 Do you understand?

9 A. Okay.

10 Q. Are you currently taking any  
11 medications that would affect your ability to  
12 give truthful testimony today?

13 A. No.

14 Q. Okay. Are there any medications  
15 that you should have taken today but you did not  
16 which would affect your ability to give truthful  
17 testimony?

18 A. No, ma'am.

19 Q. Are you currently under the  
20 influence of any alcohol or drugs?

21 A. No, ma'am.

22 Q. Is there any reason whatsoever  
23 that you cannot give truthful testimony today?

24 A. No, ma'am.

1 Q. Have you ever been convicted of a  
2 crime?

3 A. No, ma'am.

4 Q. So prior to coming to our office,  
5 what did you do to prepare for your testimony  
6 today?

7 A. I spoke with my attorney.

8 Q. So I don't want to know anything  
9 that you spoke about with Mr. Shnayder.

10 Did you review any documents  
11 prior to coming?

12 A. I reviewed the records that I  
13 have as far as contact via e-mail with -- not  
14 e-mail, text messages with Mr. Lopez.

15 Q. Okay. Anything else?

16 A. That was it.

17 Q. Did you see anything in those  
18 text messages that refreshed your recollection  
19 about any of the facts that bring us here today?

20 A. I believe I did, yes.

21 Q. What facts did they refresh your  
22 recollection about?

23 A. One of the points of contention  
24 was when he was allegedly locked out of his



1 apartment.

2 Q. Okay, we'll get into that.

3 A. Yeah.

4 Q. Did you have discussions with  
5 anyone about the fact that you were coming here  
6 today?

7 A. No, ma'am.

8 Q. Other than your attorney?

9 A. No.

10 Q. Okay. Did anyone give you  
11 anything to prepare for your deposition today?

12 A. No, ma'am.

13 Q. So let me just ask you some  
14 background questions.

15 What is your highest level of  
16 education?

17 A. I hold a Master's degree in  
18 social work.

19 Q. Where is that degree from?

20 A. From The Atlanta University.

21 Q. In social work?

22 A. That's correct.

23 Q. Okay. When did you obtain this  
24 degree?

1           A.       I graduated in 1973.

2           Q.       And after graduating in 1973,  
3 where were you employed?

4           A.       I worked in Atlanta, Georgia. I  
5 was employed with a drug rehabilitation program  
6 called Renewal House.

7           Q.       I'm just going to be keeping  
8 notes, so if there is a pause, I apologize for  
9 the pauses.

10                   And after that where did you  
11 work?

12           A.       I worked for a program called the  
13 East Lake Meadows Child Development Center.

14           Q.       I'm sorry. When did you stop  
15 working at Renewal House?

16           A.       I worked there for approximately  
17 two years.

18           Q.       Okay. And then you went to?

19           A.       The East Lake Meadows Child  
20 Development Center.

21           Q.       And how long were you there for?

22           A.       Approximately three years.

23           Q.       So by this point we're in 1978?

24           A.       No.

1 Q. Three plus -- you were at Renewal  
2 House for two years?

3 A. No, no, that's off then.

4 Q. Okay.

5 A. I worked at Renewal House from  
6 '73 -- no, one year, '73, '74, and then I worked  
7 at East Lake Meadows from '74 to '75.

8 Q. And then where did you go?

9 A. I relocated to Pine Bluff,  
10 Arkansas.

11 Q. Okay. In 1975?

12 A. Yes.

13 Q. And where did you work there?

14 A. In Pine Bluff I was employed with  
15 the Pine Bluff Opportunities Industrialization  
16 Center, Pine Bluff OIC.

17 Q. And how many years were you  
18 employed there?

19 A. Approximately two years.

20 Q. And where did you go after that?

21 A. I returned to Philadelphia.

22 Q. So you returned to Philadelphia  
23 in 1977?

24 A. That's correct.

1 Q. And what did you do when you got  
2 up here?

3 A. I was employed with the Sisters  
4 of Good Shepherd.

5 Q. As a social worker?

6 A. That's correct.

7 Q. And how long were you employed  
8 there for?

9 A. Approximately five years.

10 Q. So now we're up to 1982?

11 A. Mm-hmm.

12 Q. And where did you go after the  
13 Sisters of Good Shepherd?

14 A. The Delaware County Children and  
15 Youth Services, which is county child welfare  
16 agency.

17 Q. And how many years were you  
18 there?

19 A. Thirteen.

20 Q. Thirteen, okay.

21 A. Yeah.

22 Q. So in 1995 where did you go?

23 A. I freelanced a bit, and I then  
24 became employed with Children's Services

1 Incorporated, which is a foster care program.

2 Q. Is that a state run?

3 A. No, no, nonprofit, private.

4 Q. But it's a private foster care  
5 placement?

6 A. Private foster care agency.

7 Q. Oh, I see.

8 A. Yeah, they contracted with the  
9 Department of Human Services.

10 Q. So 1995 you freelanced, then you  
11 became employed with Child Services  
12 Incorporated?

13 A. That's Children's Services.

14 Q. Oh, Children's Services  
15 Incorporated.

16 A. Yes.

17 Q. What year did you become employed  
18 with Children's Services?

19 A. I believe it was like '91.

20 Q. '91. But we were in 1995 that  
21 you started freelancing?

22 A. I may have freelanced for about  
23 five years.

24 Q. Wait, I'm confused.

1                   So if you were freelancing in  
2   1995 --

3                   A.       You know, I could be off.  I  
4   don't have my resume in front of me.

5                   Q.       Okay, that's fine.

6                   A.       So I could be off a couple of  
7   years.

8                   Q.       Okay.

9                   A.       But I did freelance for a period  
10   of time.

11                  Q.       So where were you employed prior  
12   to -- are you retired currently?

13                  A.       I'm retired, yeah.

14                  Q.       I remember seeing that in your  
15   discovery responses.

16                               So where were you employed prior  
17   to your retirement?

18                  A.       The Philadelphia Department of  
19   Human Services.

20                  Q.       And how long had you worked there  
21   prior to retirement?

22                  A.       Thirteen years.

23                  Q.       What year did you retire?

24                  A.       2015, October.

1           Q.       And what were your  
2       responsibilities at the Department of Human  
3       Services?

4           A.       I began in our intake department,  
5       which is the investigative unit, and I  
6       investigated cases of alleged child abuse and  
7       child neglect.

8                    From there I moved to our hotline  
9       unit, which is the unit I retired from, and the  
10      hotline unit is kind of like the first  
11      responders as it were.

12          Q.       What do you mean?

13          A.       We would initially take the phone  
14      calls. They would come in alleging abuse and  
15      neglect allegations.

16          Q.       And where would these phone calls  
17      come from?

18          A.       All over the city.

19          Q.       Okay. Are you currently  
20      receiving a pension from that position?

21          A.       I am.

22          Q.       How much do you get in your  
23      pension?

24          A.       \$2,300 a month.

1 Q. Let me start asking you some  
2 questions about the property at 326 North  
3 Preston Street.

4 When did you buy that property?

5 A. I'm going to guesstimate, I think  
6 it was 1985, '86.

7 Q. So that would have been shortly  
8 after you came up to Philadelphia from the  
9 Arkansas area?

10 A. I'm sorry, 1995.

11 Q. 1995?

12 A. Yeah.

13 Q. Whose name is on the deed to the  
14 property or was on the deed to the property when  
15 you bought it?

16 A. My name.

17 Q. Are you married?

18 A. Yes, I am.

19 Q. When were you married?

20 A. 2020.

21 Q. You were married --

22 A. I'm sorry, 2000.

23 Q. You were married in the year  
24 2000?



1 A. Yeah.

2 Q. What's your wife's name?

3 A. Arlene.

4 Q. Arlene?

5 A. Cage.

6 Q. Did you ever put her name on the  
7 deed to 326 North Preston Street?

8 A. No.

9 Q. Did you ever put anyone else's  
10 name on the deed aside from your own?

11 A. No.

12 Q. What kind of property is 326  
13 North Preston?

14 A. It's a rental property, three  
15 stories, two apartments. First floor apartment  
16 and second floor apartment.

17 Q. And so you purchased the house in  
18 1995.

19 Did you -- was it a three-story,  
20 two-apartment building when you purchased it?

21 A. It was.

22 Q. So you didn't convert it into --

23 A. No, no.

24 Q. Did you ever live in it?

1           A.       No, I did not.

2           Q.       Did you buy it with the intention  
3           that it was an investment property?

4           A.       I bought it as an investment  
5           property, that's correct.

6           Q.       So when you bought it in 1995,  
7           how soon after you bought it did you start  
8           having tenants in there?

9           A.       The tenants were there when I  
10          initially bought the apartment.

11          Q.       So the tenants that were there  
12          when you bought the apartment, how long did they  
13          stay for?

14          A.       Approximately a year or two. I'm  
15          not absolute on the time frame.

16          Q.       Did you ever have any issues with  
17          those tenants not paying you rent?

18          A.       The one on the first floor.

19          Q.       And what happened?

20          A.       I asked him to leave and he left.

21          Q.       Okay. You didn't have to go to  
22          court to evict him?

23          A.       No, no.

24          Q.       How long did he go with not

1 paying you rent?

2 A. Like four or five months, as I  
3 recollect.

4 Q. Did you ever do anything to  
5 recoup the money in rent that he did not pay you  
6 for those four to five months?

7 A. No.

8 Q. You just let it go?

9 A. Yeah. I wasn't the greatest as  
10 far as being real savvy as far as landlord was  
11 concerned.

12 Q. Prior to renting it out, renting  
13 the property out, did you create any kind of LLC  
14 or corporate form to --

15 A. No, I didn't.

16 Q. So it was always just in your  
17 name?

18 A. That's correct.

19 Q. The income that you receive from  
20 the property, do you report it on your tax  
21 returns as earned income?

22 A. Yes, yes.

23 Q. During the time that you owned  
24 the property, did you ever make any improvements

1 or changes to it?

2 A. Yes, yes.

3 Q. What were those improvements or  
4 changes?

5 A. I have put in new heaters, new  
6 roofs.

7 Q. How many roofs did you put on  
8 during the time you owned it?

9 A. A couple.

10 Q. A couple?

11 A. Yeah.

12 Q. So you put new heaters --

13 A. Yeah.

14 Q. New heaters, a new roof or two or  
15 more than two?

16 A. Yeah, yeah, more than two.

17 Q. More than two?

18 A. Yeah.

19 Q. More than three?

20 A. Seemed like I was always  
21 repairing the roof.

22 Q. Why is that?

23 A. We had a hard time finding the  
24 leaks.

1 Q. Who is "we"?

2 A. Myself and my roofer.

3 Q. Oh, yourself and your roofer had  
4 a hard time finding leaks, okay.

5 So aside from new heaters and a  
6 few new roofs --

7 A. I completely refurbished the  
8 first floor apartment, also refurbished the  
9 basement.

10 Q. Okay. What did that entail?

11 A. Cement walls.

12 Q. You put up cement walls in the  
13 basement?

14 A. Well, I had them redone. That  
15 was a very expensive proposition.

16 Q. Why did you have to have the  
17 cement walls redone?

18 A. Because the walls were crumbling.

19 Q. The walls were crumbling?

20 A. Yeah.

21 Q. And what kind of -- I'm sorry.

22 A. And also I had it, you know,  
23 redone as far as walls put up and that type of  
24 thing in the basement.

1 Q. So was it a finished basement  
2 when you were done?

3 A. Yeah, it was a finished basement  
4 when I was done.

5 Q. Did you ever put any tenants down  
6 there?

7 A. No. My intention was not to put  
8 tenants down there. My intention was to  
9 increase the value of the first floor apartment.

10 Q. Why would refinishing the  
11 basement increase the value of the first floor  
12 apartment?

13 A. Because it would give them more  
14 living space.

15 Q. So they would have been allowed  
16 to use the basement?

17 A. Yes, yes.

18 Q. Over the course of the time that  
19 you owned the property at 326 North Preston,  
20 could you approximate for me how many tenants  
21 you had over the time that you served as the  
22 landlord to the property?

23 A. Six to ten.

24 Q. Did you ever hire any kind of

1 property management service?

2 A. No, I didn't.

3 Q. Did you draft all the leases for  
4 those tenants?

5 A. I did.

6 Q. Did you have leases for all the  
7 tenants?

8 A. I did.

9 Q. Where did you get the leases  
10 from?

11 A. From Staples.

12 Q. Staples sells leases, form  
13 leases?

14 A. Yes.

15 Q. Did you ever have an attorney  
16 look over the leases?

17 A. No, I did not.

18 Q. Ever have a realtor look at the  
19 leases?

20 A. No, I did not.

21 Q. Between January of 2017,  
22 January 1st of 2017 through the time that you  
23 sold the property, how many tenants did you have  
24 in the property?

1 A. Including Storm?

2 Q. Including Storm.

3 A. One.

4 Q. When did you sell the property?

5 A. In April of 2018.

6 Q. Okay. Between the time that you  
7 first bought the property and the time that you  
8 sold it, how many of your tenants, if any, did  
9 you have to take to landlord-tenant court?

10 A. Only one.

11 Q. Only one. Who was that?

12 A. Mr. Lopez.

13 Q. Did you ever during the course of  
14 your time as a landlord have difficulty with  
15 tenants not paying rent, other than the person  
16 that you just spoke about who had been in the  
17 house and missed four to five months of  
18 payments?

19 A. No.

20 Q. So it was that individual who was  
21 in the house when you first purchased it?

22 A. That's correct.

23 Q. And after that nobody else gave  
24 you any issues as far as not paying the rent?



1 A. That's correct.

2 Q. Okay. So after you purchased the  
3 property in 1995 and the time that you began  
4 renting it out, which was also in the same year,  
5 how often would you go over to the property to  
6 visit it, just to look at it?

7 A. Whenever the tenant would call me  
8 in terms of having issues.

9 Q. So if a tenant called you for any  
10 kind of issue, you would go over to the  
11 property?

12 A. That's correct.

13 Q. Why is that?

14 A. So I could see what the issue was  
15 firsthand.

16 Q. Did you ever do any of the  
17 repairs to the property?

18 A. No, no, no.

19 Q. So you just went over for what  
20 purpose then?

21 A. To see the issue firsthand so  
22 that I would know what I needed to do in order  
23 to repair the situation.

24 Q. Okay. For you to repair the

1 situation or --

2 MR. SHNAYDER: Objection. He  
3 asked and answered this. He has asked  
4 and answered it twice now. He answered  
5 your question about why he went over  
6 there twice, and he answered your  
7 question already about whether he had  
8 did the work.

9 MS. O'NEILL: Okay. He did add  
10 some additional commentary, which I was  
11 following up on.

12 MR. SHNAYDER: You can answer the  
13 question.

14 THE WITNESS: Would you ask the  
15 question again.

16 (Whereupon, the court reporter  
17 read back the following:

18 "Q. So you just went over for  
19 what purpose then?

20 A. To see the issue firsthand so  
21 that I would know what I needed to do in  
22 order to repair the situation.

23 Q. Okay. For you to repair the  
24 situation or --")

1 THE WITNESS: Yes, in order for  
2 me to employ the proper people to come  
3 in to repair the situation.

4 BY MS. O'NEILL:

5 Q. Okay. How would you typically  
6 communicate with your tenants?

7 A. Over the telephone.

8 Q. Would you do it over text  
9 typically or voice?

10 A. No. Well, in 1995 there was no  
11 text, so it was telephone.

12 Q. And then when did you start  
13 texting the tenants?

14 A. Oh, boy, I don't know, maybe  
15 around 2013, '14, that's a real guesstimation.  
16 I was really not a real text savvy kind of  
17 person. It took me a while to catch on.

18 MS. O'NEILL: I'm going to show  
19 you what I'm going to have the court  
20 reporter mark as P-1.

21 (Document marked for  
22 identification as Plaintiff Deposition  
23 Exhibit No. 1.)

24 BY MS. O'NEILL:

1           Q.       Mr. Cage, I just had the court  
2       reporter mark as P-1 your Answers to  
3       Interrogatories which were prepared in this  
4       case, and I'm going to represent to you that  
5       they were dated June 14th, 2019 when my office  
6       received them.

7                    Do you want a second to review --  
8       or do you want a chance to review the responses  
9       prior to me asking you questions about them?

10           A.       No, we can go right ahead.

11           Q.       Okay. Did you review those  
12       responses before they were sent?

13           A.       Yes, I did.

14           Q.       You did, okay.

15                    So in interrogatory number 1 you  
16       were asked to "Identify all persons and/or  
17       entities who have any knowledge of any facts  
18       relating to matters alleged in Plaintiff's  
19       Complaint and Defendant's Answer and New Matter,  
20       describing generally the source of each  
21       individual's knowledge."

22                    And your response was "Michael  
23       Cage; Dennis Britto Realtor, Keller Williams  
24       Real Estate, listing agent of the subject

1 property; Raheem Muhammad, Raheem's Removal  
2 Service, provided the cleanout of the property;  
3 Deewitt Pernell, Pernell's Plumbing Service,  
4 involved in various repairs over the time of  
5 plaintiff's tenancy; Alonzo Winstead, Winstead  
6 Home Repair, involved in various repairs over  
7 the time of plaintiff's tenancy." I won't read  
8 the rest of the response.

9 A. Right.

10 Q. Can I ask you, how do you know  
11 Dennis Britto?

12 A. He was my real estate agent.

13 Q. When did you first meet him?

14 A. I had had a relationship with  
15 Dennis, he initially was my insurance guy  
16 providing me with home insurance for the  
17 property on Preston Street as well as my home,  
18 auto.

19 Q. What year would you say that you  
20 met him?

21 A. Boy, I couldn't say.

22 Q. Okay. So was he always an  
23 insurance salesman or insurance guy, as you call  
24 him, and a real estate agent, or did he --

1           A.       No, he branched off into real  
2     estate.

3           Q.       Do you remember approximately  
4     what year he did that?

5           A.       I don't know.

6           Q.       And Mr. Britto was eventually the  
7     real estate agent that sold the property at 326  
8     North Preston; is that correct?

9           A.       That's correct.

10          Q.       Did he ever provide you with any  
11     kind of advice as to what to do with Mr. Lopez  
12     as a tenant when you became interested in  
13     selling the property?

14          A.       Yes.

15          Q.       What kind of advice did he  
16     provide you?

17          A.       Just in terms of making Mr. Lopez  
18     aware that the property would be for sale and  
19     requesting that he be available when the  
20     property was scheduled to be shown.

21          Q.       And when did you initially become  
22     interested in selling the property?

23          A.       Approximately July of 2017.  
24     June, July.

1 Q. Did you speak to any real estate  
2 agents other than Mr. Britto?

3 A. I did not.

4 Q. You did not, okay.

5 So between July of 2017 --  
6 actually, strike that.

7 Who would contact Storm when  
8 there were showings to let him know there was  
9 going to be a showing?

10 A. Both myself and Mr. Britto.

11 Q. By the way, which level of the  
12 house did Mr. Lopez live in?

13 A. The second floor.

14 Q. He lived on the second floor.

15 Did Mr. Britto ever complain to  
16 you that it was difficult to show the property  
17 because of Mr. Lopez?

18 A. He did.

19 Q. He did?

20 A. Yes.

21 Q. Do you remember when that  
22 happened?

23 A. Not specifics, but it happened on  
24 a number of occasions.

1 Q. And what was the complaint?

2 A. That he would schedule a showing  
3 and Mr. Lopez would not be available to open the  
4 apartment up.

5 Q. Did you ever ask Mr. Lopez if  
6 your realtor could have a key to his apartment  
7 so that he could let himself into the apartment  
8 to do the showings?

9 A. I do not recall.

10 Q. You don't recall, okay.  
11 How much did you eventually sell  
12 the property for?

13 A. I think approximately \$285,000.

14 Q. And what made you want to sell  
15 the property?

16 A. Oh, wow, that is an excellent  
17 question.

18 Q. Okay.

19 A. It was an absolute complete pain  
20 in my neck.

21 Q. And why is that?

22 A. I never received any profit off  
23 of the property. I was constantly repairing the  
24 property. I was no longer working, and I could



1 no longer support the property on my salary, so  
2 it was a real drain on my finances.

3 Q. If you sold the property for  
4 285,000, do you recall how much you netted from  
5 the sale of the property?

6 A. I think -- I'm not sure.

7 Q. Okay. You can't give an  
8 approximation?

9 A. Maybe \$200,000. Actually, I took  
10 a loss.

11 Q. How did you take a loss if you  
12 netted \$200,000?

13 A. Because in the mortgage payments  
14 that I paid, I paid more than \$200,000. If I  
15 had taken the mortgage payment and put it in a  
16 savings account, I would have come out better.

17 Q. Okay. So I'm going to mark as  
18 Exhibit P-2 the text message conversations that  
19 you had with your realtor, Dennis Britto. I  
20 just wanted to ask you some questions about  
21 those.

22 MS. O'NEILL: Actually, I might  
23 have to go make a copy of those.

24 MR. SHNAYDER: I don't need a

1 copy. Do you have a copy just for him?

2 MS. O'NEILL: No.

3 MR. SHNAYDER: Aren't they in  
4 here?

5 MS. O'NEILL: Those are all of  
6 his -- wait a minute. Can I see that?

7 MR. SHNAYDER: They're in here.  
8 It's part of the interrogatories.

9 MS. O'NEILL: I'm sorry, because  
10 my copy, for whatever reason, does not  
11 have those text messages.

12 MR. SHNAYDER: Here you go. It's  
13 Exhibit A.

14 MS. O'NEILL: Great.

15 MR. SHNAYDER: So are you still  
16 leaving this as P-1?

17 MS. O'NEILL: Yeah, that's still  
18 going to be P-1. Are those the text  
19 messages?

20 MR. SHNAYDER: Yeah.

21 MS. O'NEILL: But that's your  
22 copy that you brought.

23 MR. SHNAYDER: Correct.

24 MS. O'NEILL: I'm going to get my

1 copy. Be right back.

2 (Brief recess taken at 12:35

3 p.m.)

4 (Deposition resumes at 12:39

5 p.m.)

6 BY MS. O'NEILL:

7 Q. Exhibit A to those  
8 interrogatories were some text messages that you  
9 exchanged with Mr. Britto. I just wanted to ask  
10 you some questions about them.

11 A. Yes.

12 Q. So on September 15th of 2017 at  
13 1:26 you wrote to Mr. Britto and said, "he was  
14 hurt. States lease just renewed. He will  
15 produce it to show me. I gave him 60 days will  
16 put it in writing."

17 Sixty days was what, what did  
18 that refer to?

19 A. Sixty days to vacate the  
20 property, I believe.

21 Q. Okay. And at this time how long  
22 had Mr. Storm been renting that second floor  
23 apartment from you?

24 A. Oh, boy, I don't know, a long

1 time, 15, 16 years.

2 Q. Had he been a good tenant for  
3 those 15 to 16 years?

4 A. We had our difficulties. I mean,  
5 I'm not going to say that he was the worst  
6 tenant in the world. We had our difficulties.

7 Q. What were those difficulties?

8 A. Difficulties as far as his being  
9 current with the rent. He was late just about  
10 every month, but I worked with that.

11 Q. Did he give you an explanation as  
12 to why he was late with the rent?

13 A. Well, he claimed that according  
14 to the lease, he didn't need to pay until the  
15 end of the month, which was not true.

16 Q. Did you review the lease when he  
17 told that to you?

18 A. Unfortunately, I had lost my  
19 lease.

20 Q. You had lost your copy of the  
21 lease?

22 A. I did, yeah, but I remembered  
23 that the lease was signed for the first of the  
24 month.

1 Q. And when did this conversation  
2 occur?

3 A. Constantly.

4 Q. Constantly?

5 A. Constantly, yeah.

6 Q. So when did you lose the lease?

7 A. I'm not sure.

8 Q. Do you know when you -- did you  
9 ever enter into another lease after he told you  
10 that?

11 A. No, no. I tried, but he would  
12 never sign another lease.

13 Q. Then how did you produce the  
14 lease that you produced in discovery in this  
15 matter?

16 A. No, he produced it.

17 Q. Your attorney produced it.

18 A. No, Mr. Lopez produced it.

19 MS. O'NEILL: Could we go off the  
20 record for a second.

21 (Discussion off the record.)

22 BY MS. O'NEILL:

23 Q. So I had asked you prior to that  
24 little break how you got a copy of the lease

1 that you produced in discovery.

2 Do you recall that question?

3 A. Yes.

4 Q. Okay. And your answer was?

5 A. That Mr. Lopez produced the  
6 lease.

7 Q. Produced it when?

8 A. I'm not sure.

9 Q. You're not sure, okay.

10 A. I don't know.

11 Q. Okay. So you said that Mr. Lopez  
12 was late -- what you called late with the rent,  
13 and you said that he told you that under the  
14 lease, he was entitled to give you rent later  
15 than you thought it should have been due?

16 A. That's correct, yes, ma'am.

17 Q. But you never entered into  
18 another lease with him after you lost your copy?

19 A. No, I did not.

20 Q. Why is that?

21 A. I attempted, but he would not  
22 sign a new lease.

23 Q. Did he tell you why?

24 A. I don't recall.

1           Q.       Okay.  I'm going to point your  
2 attention to a text message that you received on  
3 October 25th of 2017 from Dennis Britto.

4                    Mr. Britto says to you --

5           A.       Hold on.

6           Q.       Sure.

7           A.       You said October 25th?

8           Q.       Yes.

9           A.       Okay.

10          Q.       And Mr. Britto wrote to you, "I  
11 think you/we should start the eviction process  
12 for Preston.  Storm is not responding or being  
13 very cooperative regarding showings anymore.  
14 Have you spoken to him about leaving?"  And you  
15 responded, "No, I have not.  Do you know a good  
16 eviction lawyer?"  He said, "I'll look into it  
17 tomorrow."

18                    What would have been the basis  
19 for your evicting Mr. Lopez on October 25th of  
20 2017?

21          A.       Well, he had stopped paying rent  
22 all together.

23          Q.       When did he stop paying rent?

24          A.       I believe in September.

1 Q. Okay.

2 A. That in conjunction with the fact  
3 that he was being an obstacle for me selling the  
4 property was the motivation.

5 Q. And was he being an obstacle in  
6 any way other than sometimes Dennis wanted to  
7 show the apartment and Storm wasn't there to let  
8 Dennis in?

9 A. That's correct.

10 Q. That's the only way that he was  
11 being an obstacle?

12 A. As I said, he was no longer  
13 paying rent.

14 Q. So when was it that you decided  
15 to file an eviction against Storm?

16 A. I believe it was in November,  
17 but, again, I'm not absolutely sure.

18 Q. Okay.

19 A. November, December.

20 MS. O'NEILL: Okay. I'm going to  
21 show you what I'm going to mark as  
22 Exhibit P-2.

23 (Document marked for  
24 identification as Plaintiff Deposition



1 Exhibit No. 2.)

2 BY MS. O'NEILL:

3 Q. Is this a copy of the Landlord  
4 and Tenant Complaint that you filed against  
5 Mr. Lopez?

6 A. Yes.

7 Q. You recall seeing that document  
8 before then?

9 A. Yes.

10 Q. Can I have that back. Thank you.  
11 And it says here that the amount  
12 of unpaid rent is October 2017, there's an  
13 unpaid rent amount of \$550. In November of  
14 2017, there's an unpaid rent amount of \$550 for  
15 a total of \$1,195.00 that you were seeking; is  
16 that correct?

17 A. That's correct.

18 Q. Prior to initiating that  
19 Complaint, had you ever -- did you ever tell  
20 Mr. Lopez that you were going to write him a  
21 letter of recommendation so that he could secure  
22 other housing?

23 A. I'm not sure. I did tell him I  
24 would do that.

1 Q. And why were you going to do that  
2 for him?

3 A. Because I wanted to help him. I  
4 mean, I was never out to hurt Mr. Lopez at all.

5 Q. Did you ever write that letter of  
6 recommendation?

7 A. I did.

8 Q. Did you produce that in  
9 discovery?

10 A. Did I produce it? I think  
11 Mr. Lopez produced it.

12 Q. Did you ever give Storm any kind  
13 of notice that you were going to be filing this  
14 Landlord and Tenant Complaint that we have  
15 marked as P-2?

16 A. Yes, I'm sure I did.

17 Q. How did you do that?

18 A. In written notice.

19 Q. Written notice?

20 A. Yes.

21 Q. And would that be written notice  
22 in the form of a text message --

23 A. No, no.

24 Q. -- or written notice in the form

1 of a letter?

2 A. A letter.

3 Q. How did you send that letter?

4 A. I believe I hand delivered it.

5 Q. Hand delivered it.

6 Prior to filing the Landlord and  
7 Tenant Complaint we've marked as Exhibit P-2,  
8 whose advice did you rely on prior to writing  
9 that Complaint? Did you seek out any advice  
10 from anyone?

11 A. No, not really, no, no. I mean,  
12 at that point I was so frustrated, I really  
13 wanted to move forward, and it seemed like  
14 Mr. Lopez was blocking me.

15 Q. So did you ever have to get a  
16 name from an attorney that Mr. Britto had  
17 offered you?

18 A. Yes, I did.

19 Q. You did?

20 A. Yes.

21 Q. Is that who eventually helped you  
22 with this Landlord and Tenant Complaint?

23 A. That's correct.

24 Q. So you did get advice prior to

1 filing the Complaint?

2 A. In terms of asking for an  
3 attorney, did he know of an attorney, yes.

4 Q. So did an attorney help you with  
5 this Landlord and Tenant Complaint?

6 A. Yes.

7 Q. So you didn't do it on your own?

8 A. No.

9 Q. So your prior answer about doing  
10 it on your own would be incorrect?

11 A. That's correct.

12 Q. Okay. Just wanted to be clear.

13 To your knowledge, did Mr. Britto  
14 ever act as a realtor for Storm to try and help  
15 him find a new place to live?

16 A. I don't know.

17 Q. You don't know, okay.

18 On October 31st of 2017, you  
19 received a text message from Dennis Britto, and  
20 it says "Did you talk to Storm about being  
21 locked out of his apartment?"

22 MR. SHNAYDER: Sorry. Can you  
23 repeat that again.

24 BY MS. O'NEILL:

1 Q. There's a text message from  
2 Dennis on October 31st of 2017.

3 MR. SHNAYDER: I thought you said  
4 30th.

5 BY MS. O'NEILL:

6 Q. 10:34 a.m. is when it was sent.

7 A. Yeah, vaguely, yeah.

8 Q. It says, "Did you talk to Storm  
9 about being locked out of his apartment?"

10 A. Mm-hmm.

11 Q. What is that referring to?

12 A. He lost the keys, and as a result  
13 of not having the keys, he was unable to access  
14 the apartment, and I think that may have been  
15 one of the excuses for not being able to show it  
16 on that particular day, but I'm not absolutely  
17 sure on that.

18 Q. Okay. As I said, I don't want  
19 you to guess.

20 A. Yeah.

21 Q. Storm had lost the keys?

22 A. Yes, yes.

23 Q. Okay.

24 A. Dropped them down a drain or

1 something, I don't know.

2 Q. So I see that even though he  
3 wrote to you and said, "did you talk to Storm  
4 about being locked out of his apartment," I  
5 don't see a response from you.

6 A. Right.

7 Q. Why is that? Why was there no  
8 response?

9 A. I went over and took care of the  
10 situation with Storm to get him back in the  
11 apartment.

12 Q. Okay. I see on December 9th of  
13 2017, this would have been after you had filed  
14 your Landlord and Tenant Complaint, I see that  
15 there is a message from you to Dennis that says,  
16 "Storm update. He filed for continuance.  
17 Claims he has a place waiting for approval.  
18 Very upset with court involvement."

19 Do you recall that text message  
20 exchange?

21 A. Yes.

22 Q. And then Dennis responded, "He  
23 would've never have tried to leave left without  
24 a push. How much longer might it take?"

1                   Was this text message exchange  
2                   from Dennis a result of the frustration about  
3                   how long it was taking to get --

4                   A.           Yes, that's correct.

5                   Q.           How long it was taking to get him  
6                   out of the apartment?

7                   A.           That's correct. I mean, at this  
8                   point it had become absolutely impossible to  
9                   show the apartment.

10                  Q.           Why is that?

11                  A.           Because he was not cooperating at  
12                  all, so, you know, as a result, I really was  
13                  really frustrated.

14                  Q.           Did you try talking to Storm at  
15                  all about it?

16                  A.           No, I did not.

17                  Q.           No, okay.

18                                Did Storm after getting notice of  
19                                this Landlord and Tenant Complaint, did he ever  
20                                complain to you that having this filed against  
21                                him was making it harder for him to get another  
22                                apartment?

23                  A.           At some point he did, yes.

24                  Q.           Do you recall what he said?

1           A.       That as a result of the pending  
2       court process, potential landlords they would  
3       check his records and see this was happening,  
4       and as a result, he wasn't able to -- they would  
5       not accept him as a possible tenant.

6           Q.       Okay. Did you ever have any  
7       suggestion for him as to what you could do to  
8       make it easier for him to get out of your  
9       apartment and into somewhere else?

10          A.       I don't recall.

11          Q.       You don't recall, okay.

12                    In the years that you acted as a  
13       landlord for the property at 326 North Preston,  
14       did you ever rent to someone who had an eviction  
15       on their record?

16          A.       No.

17          Q.       Okay. Did anyone ever apply to  
18       be a tenant who had any kind of eviction  
19       proceedings filed against them in the past?

20          A.       I don't recall.

21          Q.       You don't recall, okay.

22                    Would you have rented to someone  
23       that had a prior eviction action filed against  
24       them?



1 A. It's possible, yes.

2 Q. It's possible, okay.

3 I see on December 13th of 2017,  
4 there's a text message from you to Dennis. This  
5 is in reference to a continuance through the  
6 landlord-tenant action. It says -- you said to  
7 him, "it is scheduled for early January. And  
8 the stall goes on."

9 What was that referring to?

10 A. The fact that I think Mr. Lopez  
11 was appealing, and as a result -- as a result,  
12 you know, nothing was happening.

13 Q. When did you --

14 A. So the problem continued.

15 Q. I'm sorry?

16 A. The problem continued.

17 Q. The problem continued?

18 A. Yeah.

19 Q. When did you change the locks at  
20 the property?

21 A. February 3rd.

22 Q. And did you change the locks, or  
23 did someone else change the locks?

24 A. No, Mr. Britto changed the locks.

1 Q. Mr. Britto changed the locks?

2 A. Yes.

3 Q. Is he a locksmith?

4 A. No.

5 Q. So then he hired a locksmith to  
6 change the locks?

7 A. No.

8 Q. Then how did he change the locks?

9 A. Went to the store and bought a  
10 new lock and put it on the door.

11 Q. And you're saying he did that  
12 February 3rd?

13 A. That's correct.

14 Q. Okay. Had you asked him to do  
15 that?

16 A. We had talked about it. At the  
17 time I thought Mr. Lopez was out of the  
18 apartment.

19 Q. And why did you think that?

20 A. I believed that he had left.  
21 Because I had gone to the apartment and all of  
22 his things were gone.

23 Q. And when did you go to the  
24 apartment?

1           A.       I think it was in late January.

2           Q.       How did you meet Raheem Muhammad,  
3           the person who you listed in your  
4           interrogatories as a person that provided the  
5           cleanout of the property?

6           A.       I knew him from business.

7           Q.       What kind of business?

8           A.       That he does cleanouts. He had  
9           cleaned out my home. He had cleaned out the  
10          basement in my home.

11          Q.       And prior to him cleaning out the  
12          basement of your home, how did you meet him?

13          A.       Again, through business  
14          arrangements.

15          Q.       I'm just struggling to understand  
16          what business arrangements are.

17          A.       Same way I met my plumber, same  
18          way I met my handyman, just from word of mouth  
19          and referrals.

20          Q.       Word of mouth and referrals,  
21          okay.

22                    Do you recall when you met him?

23          A.       I had known Mr. Muhammad for  
24          years, I mean, probably as long as I've known

1 Storm.

2 Q. As long as you've known Storm; is  
3 that what you said?

4 A. Yes.

5 Q. And so you said that he had  
6 cleaned out your own home?

7 A. Yes.

8 Q. And then he cleaned out the  
9 property at --

10 A. I'm just saying that I had -- the  
11 two aren't connected.

12 Q. No, no, I'm just --

13 A. Just in terms of having used a  
14 service is all I'm saying.

15 Q. So you used his service to clean  
16 your own home, to clean the rental property?

17 A. That's correct.

18 Q. Were there any other times that  
19 you used his services?

20 A. Those were the only two needs.

21 Q. Only two needs, okay.

22 When he would do cleanouts, would  
23 he do it on his own, or did he have people that  
24 worked with him?

1           A.       No, he had people that worked for  
2 him.

3           Q.       Approximately how many people  
4 would work with him?

5           A.       Two or three.

6           Q.       Did you know those people at all,  
7 the people that worked with him?

8           A.       No, no.

9           Q.       When you communicated with Raheem  
10 to coordinate cleanouts, how would you typically  
11 communicate with him?

12          A.       Via phone.

13          Q.       Via phone.

14                   Was it text messages or voice  
15 calls?

16          A.       No, no, telephone calls.

17          Q.       You never exchanged any text  
18 messages with Raheem?

19          A.       No.

20          Q.       Did you ever exchange any text  
21 messages with him related to the property at  
22 North Preston Street?

23          A.       No.

24          Q.       No, okay.

1           A.       I'm really not a text guy,  
2 actually.

3           Q.       After you hired him to clean the  
4 property at 326 North Preston, what did you tell  
5 him he needed to do?

6           A.       I asked him to remove what had  
7 been left and to physically clean the property.

8           Q.       And when did you ask him to clean  
9 the property at North Preston Street?

10          A.       I believe it was around  
11 February 13th.

12          Q.       February 13th is when Raheem went  
13 out to the property to clean it?

14          A.       I believe so.

15          Q.       Did you have any kind of written  
16 agreement with him?

17          A.       Only he gave me a receipt for his  
18 work.

19          Q.       Do you have a copy of that  
20 receipt?

21          A.       I believe you have it.

22                   MR. SHNAYDER:   You do.

23                   MS. O'NEILL:   We do, okay.

24   BY MS. O'NEILL:

1           Q.       What areas of the property at  
2 North Preston Street did you tell Raheem he  
3 needed to clean?

4           A.       Second floor.

5           Q.       Second floor.

6                    Did he also perform the cleaning  
7 out of the first floor, or was any cleanout  
8 necessary?

9           A.       No, there was no cleanout  
10 necessary for the first floor.

11          Q.       Did you do any kind of  
12 walk-through of the property to show him what he  
13 needed to clean prior to him cleaning?

14          A.       Yes.

15          Q.       You did, okay.

16                    When did that occur?

17          A.       On the 13th.

18          Q.       Okay. Did you give Raheem any  
19 instructions as to what he was to do with  
20 anything that he cleaned out of the apartment?

21          A.       No, I did not.

22          Q.       You gave him no instructions; is  
23 that correct?

24          A.       Yes, that's correct.

1 Q. Do you know if he had any  
2 employees with him on the day that he cleaned  
3 out the property at North Preston Street?

4 A. I believe he did, yes.

5 Q. Do you know how many he had that  
6 day?

7 A. I'm not sure. I think two, but  
8 I'm not sure, may have been one, one or two.

9 Q. Do you recall either of their  
10 names?

11 A. No, I don't.

12 Q. Did he tell you anything about  
13 the employees that he had with him?

14 A. No.

15 Q. In your Answers to  
16 Interrogatories, question number 20, you were  
17 asked to describe what items you removed from  
18 the property in January --

19 MS. O'NEILL: Sorry. Do you need  
20 a second to point him to the --

21 MR. SHNAYDER: Yeah.

22 MS. O'NEILL: Okay.

23 THE WITNESS: Okay.

24 BY MS. O'NEILL:



1           Q.       So for the record, you were asked  
2       to describe the items that were removed from the  
3       property in January, February, March and April  
4       of 2018 and to identify pictures or checklists  
5       you or the individuals, entities or companies  
6       involved produced while removing those items.

7                   And your response was "Junk that  
8       the tenant left on the property after he  
9       vacated."

10                   How do you define the word  
11       "junk"?

12           A.       It was just like trash thrown on  
13       the floor.

14           Q.       What kind of trash? Are we  
15       talking soda cans, candy wrappers?

16           A.       I have pictures, but it didn't  
17       appear to be anything of value to me.

18           Q.       Did you make any efforts to  
19       contact Storm in February of 2018 to tell him  
20       that he had left junk on the property?

21           A.       I absolutely did, yes.

22           Q.       And what did you tell him?

23           A.       I asked him to please come and  
24       gather what was left.

1 Q. And did he respond to you?

2 A. Yes, he did.

3 Q. And what did he say?

4 A. If I removed the judgment, he  
5 would come and remove the items.

6 MS. O'NEILL: Off the record.

7 (Brief recess taken at 1:07 p.m.)

8 (Deposition resumes at 1:18 p.m.)

9 BY MS. O'NEILL:

10 Q. Mr. Cage, back on the record.

11 I just wanted to tell you that I  
12 did look through the responses that you sent  
13 with your discovery responses. I didn't see any  
14 kind of receipt from Raheem's Removal Service.

15 MR. SHNAYDER: It's definitely in  
16 there.

17 MS. O'NEILL: It is?

18 MR. DONNELLY: Let's go off the  
19 record and let's all look for it real  
20 quick.

21 (Discussion off the record.)

22 BY MS. O'NEILL:

23 Q. Mr. Cage, do you recall when you  
24 received a writ of possession from the

1 Philadelphia Courts after you filed your  
2 landlord-tenant action against Mr. Cage?

3 A. You mean Mr. Lopez.

4 Q. Mr. Lopez, I'm sorry.

5 A. No.

6 Q. You don't recall, okay.

7 A. No.

8 Q. Do you ever recall receiving  
9 something called an alias writ?

10 A. No, I don't.

11 Q. You don't, okay.

12 Did anyone from the Philadelphia  
13 County Sheriff's Office ever go out to the  
14 property at 326 North Preston in order to  
15 perform any kind of lockout?

16 A. Again, I don't know.

17 Q. You don't know, or you don't  
18 recall?

19 A. I don't recall.

20 Q. Okay. Do you recall going to the  
21 Philadelphia Court of Common Pleas on March 26th  
22 of 2018 related to the landlord-tenant action?

23 A. Yes.

24 Q. You do, okay.

1                   Do you recall -- did you know at  
2   that time that that was Mr. Lopez's appeal of  
3   your eviction of him from the property?

4                   A.       I wasn't actually real, real  
5   clear what it was about.

6                   Q.       Okay.  What did you think it was  
7   about?

8                   A.       I thought it was just another  
9   hearing in terms of the eviction.

10                  Q.       Okay.  So I'm going to read  
11   something from the transcript.  This is dated  
12   March 26th of 2018, and the Court asked you on  
13   page 12 of this transcript that I have, "did you  
14   at some point change the locks?"  And your  
15   response was "I did."  The Court asked you  
16   "when," and your response was "I changed the  
17   locks on or around January 15th."

18                  Do you recall telling the Court  
19   that?

20                  A.       Yeah, I do, yeah.  That was a  
21   horrible, horrible error on my part.  I never  
22   changed the locks.  As a matter of fact, this is  
23   the crazy thing, I was in Atlanta, Georgia  
24   attending a conference at that time, June of --

1 I mean, January of -- January 15th, so I wasn't  
2 even in the city. I have documentation. I have  
3 my hotel receipts documenting that I was in  
4 Atlanta at that time, so that was just a  
5 horrible mistake on my part. I got -- I got --  
6 I just got confused. So that was absolutely  
7 erroneous, and that was like the worst thing I  
8 could have said.

9 Q. Okay. Did you contact anyone on  
10 January 15th in order to perform lock --

11 A. No, absolutely not, no. I was in  
12 Atlanta, and, as a matter of fact, they had an  
13 ice storm in Atlanta. That was unbelievable at  
14 that time. I mean, it wasn't that much ice, but  
15 it shut the whole city down. It was amazing.

16 MS. O'NEILL: Okay. I believe  
17 that Mr. Donnelly has some questions for  
18 you, so I'm going to allow him to ask  
19 you some questions.

20 BY MR. DONNELLY:

21 Q. Sure, I'm just going to go  
22 through the same topics that we've been talking  
23 about, Mr. Cage, okay?

24 A. Yes, sir.

1 Q. So, first, Ms. O'Neill asked you  
2 a question about how many tenants lived in the  
3 property from January 1st, 2017 to April of  
4 2018, and you said including Storm, one.

5 Does that mean --

6 A. Well, yeah, I can clarify that.  
7 It was a husband and wife and their son.

8 Q. Got it.

9 A. But it was only the one person  
10 signed the lease.

11 Q. Right. So it was three  
12 individuals living in the first floor unit,  
13 correct?

14 A. That's correct.

15 Q. And in the interrogatories you  
16 said it was just Storm Lopez; is that correct?

17 A. I'm sorry.

18 Q. If you look at P-1 again, the  
19 interrogatories.

20 MR. SHNAYDER: Do you remember  
21 what question number it was?

22 MS. O'NEILL: It's number 3.

23 BY MR. DONNELLY:

24 Q. We asked you how many people

1 lived in the property from January 1st, 2017 to  
2 the end of the lease.

3 MR. SHNAYDER: Actually to  
4 present.

5 BY MR. DONNELLY:

6 Q. To present, thank you.

7 A. Again, it's kind of close, but  
8 the first floor was vacant for a year, maybe  
9 over a year. I took that to be the last tenants  
10 that lived there.

11 Q. Understood. This isn't a gotcha  
12 question, just trying to clarify.

13 A. No, no, no, I'm not taking it as  
14 a gotcha question. I just want to be clear  
15 myself.

16 So I believe the apartment was  
17 vacant in January of 2017. I was in the process  
18 of having the whole thing redone.

19 Q. Okay. So you think that that  
20 family that you just --

21 A. Yeah.

22 Q. -- mentioned moved out the end of  
23 2016?

24 A. I think so, or very early 2017.

1 Q. Okay. Did you ever rent the  
2 first floor apartment out to somebody after that  
3 family?

4 A. I did not.

5 Q. Why not?

6 A. I couldn't find a tenant that  
7 wanted to pay the rent.

8 Q. Okay. What was the rent for the  
9 first floor apartment?

10 A. It was -- at the time \$950.

11 Q. And what was Mr. Lopez's rent?

12 A. I'm very happy you asked that  
13 question. You know, I want to be clear,  
14 Mr. Lopez was in my property for 17 years. At  
15 that time I never raised his rent.

16 Q. What was his rent?

17 A. His rent was \$550.

18 Q. How many bedrooms did the first  
19 floor apartment have?

20 A. It was three, two upstairs, one  
21 downstairs.

22 Q. You talked about your  
23 relationship with Dennis Britto. He had been  
24 your insurance agent before. Then he moved into



1 real estate, so you used him as your realtor,  
2 correct?

3 A. That's correct.

4 Q. How long did you know Mr. Britto?  
5 Was it over ten years? We asked something  
6 similar --

7 A. Over ten years.

8 Q. Over ten years?

9 A. Yes.

10 Q. Long relationship with him?

11 A. Yes.

12 Q. You talked about your mortgage  
13 payments, right?

14 A. Yes.

15 Q. How long was the rent 900 or \$950  
16 for the first floor apartment? When did you --

17 A. After I had refurbished it.

18 Q. What did you rent it out for  
19 before then?

20 A. Like between 550 and 600.

21 Q. Okay. So the first floor  
22 apartment which had three bedrooms --

23 A. No, first floor apartment had one  
24 bedroom.

1 Q. I'll slow down. Let's back this  
2 up. I talk fast sometimes, so I'll slow it down  
3 for everybody, and I just had a cup of coffee so  
4 no wonder --

5 MR. SHNAYDER: Several.

6 BY MR. DONNELLY:

7 Q. Several, so no wonder I'm moving  
8 fast.

9 The first apartment.

10 A. Yes.

11 Q. Not the one where Mr. Lopez  
12 lived?

13 A. That's correct.

14 Q. How many bedrooms?

15 A. One bedroom.

16 Q. So there was a family living in  
17 that apartment?

18 A. That's correct.

19 Q. The second floor apartment?

20 A. Yes.

21 Q. How many bedrooms?

22 A. Three bedrooms.

23 Q. So Mr. Lopez's unit had three  
24 bedrooms?

1           A.       That's correct.

2           Q.       Okay.  That family that you  
3 mentioned when they moved out, how much were  
4 they paying in rent?

5           A.       I believe 650.

6           Q.       Okay.  You said Mr. Lopez, you  
7 had your difficulties, and I'm paraphrasing, I'm  
8 not quoting directly from the transcript, but  
9 you said we've had our difficulties, but he  
10 wasn't the worst tenant in the world, correct?

11          A.       That's correct.

12                   MR. DONNELLY:  We're going to  
13 mark this P-3.

14                   (Document marked for  
15 identification as Plaintiff Deposition  
16 Exhibit No. 3.)

17                   THE WITNESS:  Yes, I'm very  
18 familiar with the letter.

19 BY MR. DONNELLY:

20          Q.       Can you tell me what you're  
21 looking at, Mr. Cage, for the transcript?

22          A.       Yes, it's the letter that I wrote  
23 for Mr. Lopez to help him find a place.

24          Q.       And that was the letter there,

1 correct?

2 A. That's correct.

3 Q. Thank you.

4 Let's go back to P-2. This is  
5 the Landlord and Tenant Complaint that you filed  
6 against Mr. Lopez, okay.

7 Ms. O'Neill asked you why you had  
8 started eviction proceedings against Mr. Lopez?

9 A. Yes.

10 Q. And you said he hadn't paid rent?

11 A. That's correct.

12 Q. And you said he was being an  
13 obstacle to showings in the house?

14 A. That's correct.

15 Q. Did you claim a breach of lease  
16 or any other nonmonetary claims in this amount,  
17 other than two months' rent or judgment for  
18 possession?

19 A. I don't know.

20 Q. Okay. If I represent to you that  
21 you did not, do you have any reason to think  
22 that that's wrong?

23 A. I do not.

24 Q. So if I represent that to you,

1 you'd agree with that statement? You can look  
2 at this if you need help or recall.

3 There's no breach of lease term  
4 in this Complaint?

5 A. No.

6 MR. DONNELLY: Let's talk about  
7 the Court proceeding very quickly. We  
8 can mark this P-4.

9 (Document marked for  
10 identification as Plaintiff Deposition  
11 Exhibit No. 4.)

12 BY MR. DONNELLY:

13 Q. Mr. Cage, I'm showing you the  
14 writ of possession that you received on  
15 January 22nd of 2018; is that correct?

16 A. Yes, I guess.

17 Q. Okay. Did you ever see this  
18 document?

19 A. I don't recall.

20 Q. Okay. Do you ever remember  
21 having to pay any fees to the Court or to the  
22 Sheriff's office or to the landlord-tenant  
23 officer after you filed for eviction against  
24 Mr. Lopez?

1           A.       I'm pretty sure I did, but I  
2 don't recall.

3           Q.       Okay. You don't remember?

4           A.       No.

5           Q.       So let's fast forward to the  
6 March hearing you had in the Court of Common  
7 Pleas.

8           A.       Yes.

9           Q.       Were you represented by counsel  
10 that day?

11          A.       No. It was big mistake on my  
12 part.

13          Q.       Why not?

14          A.       I didn't think it was going to be  
15 a hearing, actually. As crazy as this may seem,  
16 I didn't think I was properly served, and I  
17 thought that the judge would ask me if I had  
18 been properly served, which I would have said  
19 no, I was not prop -- I didn't think I was  
20 properly served.

21                   The judge really caught me by  
22 surprise when she didn't ask that and just  
23 simply went into the hearing, because had I  
24 given it some thought, I would have asked, I

1 need to postpone this because I don't have my  
2 attorney. So it was just an error in judgment  
3 on my part.

4 Q. But you didn't bring up the  
5 service at the hearing, correct?

6 A. No.

7 Q. And by your recollection, what  
8 happened at that hearing?

9 A. The judge took Mr. Lopez's side  
10 of the story. The judge took my story, at which  
11 point I erred in terms of dates, and she made a  
12 decision.

13 Q. Okay.

14 MR. DONNELLY: P-5.

15 (Document marked for  
16 identification as Plaintiff Deposition  
17 Exhibit No. 5.)

18 BY MR. DONNELLY:

19 Q. This is the order that Judge  
20 Fletman issued after the hearing on March 26th;  
21 is that correct, Mr. Cage?

22 A. Yes, that's correct.

23 Q. Okay. Let's look at the second  
24 sentence. Can you read that for me, it's saying

1 "having," it begins with "having."

2 A. Having found that respondent Cage  
3 illegally evicted Mr. Lopez before he obtained a  
4 writ of possession, and having found that  
5 Mr. Lopez timely filed his appeal and asserted a  
6 meticulous defense, the judgment below is  
7 vacated and Mr. Lopez is granted leave to file a  
8 counterclaim concerning Mr. Cage's disposal of  
9 Mr. Lopez's belongings.

10 Q. Did you appeal that order?

11 A. No, I did not.

12 Q. By your recollection, what  
13 happened next after that hearing?

14 A. I complied with the order. I  
15 gave Mr. Lopez a set of keys, and that was it.

16 Q. At that point you had already  
17 cleaned out the apartment, correct?

18 A. Yes, that's correct.

19 Q. There's another municipal court  
20 hearing after this hearing, correct?

21 A. Yes.

22 Q. Did you attend that?

23 A. No, no, I was never notified of  
24 another hearing, so I had no knowledge.



1 Q. Did you ever file a petition to  
2 open default judgment?

3 A. I wouldn't have known why to do  
4 that.

5 Q. So when did you first learn that  
6 your judgment below had been vacated?

7 A. You're talking about this order?  
8 When I received this in the mail, and plus the  
9 judge had, you know, told me what was going on.

10 Q. So you didn't know there was  
11 going to be another municipal court hearing?

12 A. No, I did not. Had I known, I  
13 would have talked to my attorney, and I would  
14 have been -- I would have been prepared for the  
15 hearing.

16 Q. If I represent to you that I  
17 talked to Mr. Shnayder before that hearing about  
18 this case, because that's when I entered my  
19 appearance for Mr. Lopez, do you have any reason  
20 to doubt that -- you don't have to tell me what  
21 you talked about -- that you didn't talk about  
22 this new municipal court hearing?

23 A. Not that I recollect.

24 Q. Let's go back to P-1, the Dennis

1 Britto texts.

2 I'm on January 20th and the text  
3 message from Mr. Britto that said, "Is it  
4 possible he left?"

5 Do you see that one?

6 A. Yes, I do.

7 Q. You reply, "I don't think he is  
8 gone. I anticipate he will wait until 11th  
9 hour."

10 Is that right?

11 A. That's correct.

12 Q. So on January 20th your position  
13 now is that you still thought Mr. Lopez was in  
14 the house?

15 A. Yes.

16 Q. Did you try to reach out to him  
17 on this date?

18 A. I did not.

19 Q. Let's go to January 23rd, the  
20 first text on January 23rd.

21 It says, "Lock out will happen in  
22 20 days," correct?

23 A. I'm sorry? Oh, yeah, right,  
24 yeah.

1 Q. Why did you send that to  
2 Mr. Britto? What is that in reference to?

3 A. I believe that is in reference to  
4 the eviction that was taking place, but I'm not  
5 100% sure.

6 Q. Okay. Who was going to do the  
7 lockout?

8 A. The sheriff.

9 Q. Did the sheriff do the lockout?

10 A. No.

11 Q. Who did the lockout?

12 A. Mr. Britto changed the locks on  
13 the door after I thought Mr. Lopez had vacated  
14 the apartment.

15 Q. Mr. Britto changed the locks?

16 A. That's correct.

17 Q. At your direction?

18 A. Yes.

19 Q. January 31st, 2018, this text  
20 message, "Went by last Friday." This is from  
21 you. Excuse me, let me back up. This is from  
22 you to Mr. Britto, "Went by last Friday. It  
23 looks like he is preparing to move," right?

24 A. Yes.

1 Q. Did you go in the apartment?

2 A. Yes.

3 Q. What was in the apartment when  
4 you went in there?

5 A. Just an array of what looked like  
6 junk to me.

7 Q. Did you call Mr. Lopez before  
8 going in the apartment?

9 A. No, I did not.

10 Q. Did you text Mr. Lopez before  
11 going in the apartment?

12 A. I did not.

13 Q. So you provided no notice to  
14 Mr. Lopez before going in the apartment?

15 A. I did not.

16 Q. February 3rd, same text, right  
17 below it, "Storm claims he hasn't moved and will  
18 not do so unless judgment is removed," right?

19 A. Yes.

20 Q. Why did you send that to  
21 Mr. Britto?

22 A. I probably had talked to Storm,  
23 but, again, I'm not 100% sure, but he wasn't  
24 there. So I really thought that he had moved,

1 but he was playing this game with me.

2 Q. How many times did you visit the  
3 property in January of 2017 -- or excuse me --  
4 January of 2018?

5 A. I'm not sure. A couple of times.

6 Q. What does a couple mean?

7 A. Two, three.

8 Q. Okay. What does Mr. Britto say  
9 to you in response to that text?

10 A. That it appeared to him that  
11 Mr. Lopez had moved and we should change the  
12 locks.

13 Q. To be frank, he said change the  
14 lock -- "Change the locks. He's out," right?

15 A. According to the text message,  
16 yes.

17 Q. Is there a reason to doubt this?

18 A. No.

19 Q. He then sends you a series of  
20 texts, and I'm looking at the texts from --  
21 looking at the third text on that page,  
22 Mr. Britto --

23 MR. SHNAYDER: What page?

24 MR. DONNELLY: The next page that

1 we're going to. Still on --

2 MR. SHNAYDER: February 3rd.

3 MR. DONNELLY: February 3rd,

4 yeah.

5 MR. SHNAYDER: Okay.

6 BY MR. DONNELLY:

7 Q. If he doesn't agree, go and  
8 change the locks when he's not there.....really.  
9 Talk to Alex about it first but he's not staying  
10 there. If you need to change the locks, just go  
11 alone.

12 MR. SHNAYDER: That's not what it  
13 says.

14 MS. O'NEILL: Just don't go  
15 alone.

16 MR. DONNELLY: Thank you, thank  
17 you. I apologize. Thank you.

18 BY MR. DONNELLY:

19 Q. This next text says, from the  
20 previous text, if you need T, then it says O, so  
21 if you need to change the locks just don't go  
22 alone. Thank you, I apologize.

23 And your response is "Let it play  
24 out".

1                   What do you mean by "Let it play  
2 out"?

3                   A.       Let the court -- let the eviction  
4 process play out.

5                   Q.       And that's on February 3rd,  
6 correct?

7                   A.       Right.

8                   Q.       But that's the same day you  
9 changed the locks, correct?

10                  A.       Right, that's correct.

11                  Q.       So you didn't let it play out?

12                  A.       I thought he had moved. I  
13 honestly thought he had moved.

14                  Q.       Mr. Britto asked you to call him  
15 four times between February 3rd and  
16 February 4th.

17                               What was that -- what did you  
18 talk about with Mr. Britto on the phone?

19                  A.       I don't recall.

20                  Q.       You don't recall why he was so  
21 frantically trying to get you to --

22                  A.       No, I don't.

23                  Q.       Mr. Britto says, "If he wants his  
24 other stuff, just tell him that someone from the

1 sheriff's office will have to meet him  
2 there....that's if he asks."

3 What did you understand "other  
4 stuff" to mean?

5 A. The stuff that was still in the  
6 apartment.

7 Q. How would someone from the  
8 sheriff's office meet him there?

9 A. I don't know.

10 Q. Did you tell Mr. Britto you  
11 didn't know how to do that?

12 A. I don't recall.

13 Q. Next text message is "Oh go  
14 birds." That was the Super Bowl day, right?

15 A. Well, we were getting there.

16 MR. DONNELLY: Yeah, 2018.

17 MR. SHNAYDER: February of 2018,  
18 right.

19 THE WITNESS: We were getting  
20 there.

21 MR. DONNELLY: I think that might  
22 have been Super Bowl Sunday, the 4th.

23 MR. SHNAYDER: It does sound like  
24 it.



1 BY MR. DONNELLY:

2 Q. Then we have this break between  
3 the 4th and the 15th in the text messages  
4 between you and Mr. Britto, right?

5 A. Right.

6 Q. Did you talk to him on the phone  
7 during that time?

8 A. I don't recall.

9 Q. You say, "Now Storm is calling me  
10 for his belongings. What did you think of the  
11 cleanout?"

12 And Dennis says, "To hell with  
13 him. Looks good."

14 And you respond "Ok."

15 You had already cleaned out the  
16 apartment at this point, correct?

17 A. That's correct.

18 Q. Did you tell that to Mr. Lopez?

19 A. Yes, I had called Mr. Lopez  
20 repeatedly asking him to come get his  
21 belongings, what was left, and I gave him the  
22 date of the -- when I would clean the apartment  
23 out.

24 Q. How was he to get his belongings

1 if you had changed the locks?

2 A. I would have met him.

3 Q. Did you offer to meet him?

4 A. Well, he kept putting me off. He  
5 kept saying, you know, if I withdrew the  
6 judgment, then he would come get his stuff, but  
7 at that time he clearly was not in the  
8 apartment.

9 Q. Let's look at the text messages  
10 between you and Mr. Lopez. Because you're  
11 saying right now that your position is that on  
12 February 15th it was clear he wasn't in the  
13 apartment, correct?

14 A. No, as of January 31st it was  
15 clear to me he wasn't in the apartment.

16 Q. As of January 31st.

17 MR. DONNELLY: This is going to  
18 be P-6.

19 (Document marked for  
20 identification as Plaintiff Deposition  
21 Exhibit No. 6.)

22 BY MR. DONNELLY:

23 Q. These are the text messages  
24 between you and Mr. Lopez, correct, Mr. Cage?

1 A. Well, I'm not seeing them.

2 MR. SHNAYDER: You're not showing  
3 it to him.

4 BY MR. DONNELLY:

5 Q. We're going to go all the way up  
6 to -- we're going to go back to the January ones  
7 in a second, but right now we're going to start  
8 at February 2nd.

9 A. Okay.

10 MR. SHNAYDER: The top of  
11 February 2nd?

12 MR. DONNELLY: Yeah, the top of  
13 February 2nd.

14 BY MR. DONNELLY:

15 Q. This is the first time you had  
16 texted Mr. Lopez since February 11th -- excuse  
17 me -- since January 11th. If you want to take a  
18 second to look through it for the ones in  
19 January.

20 A. Okay, okay.

21 Q. Did you speak with Mr. Lopez on  
22 the phone between January 11th and February 2nd  
23 of 2018?

24 A. I don't recall.

1 Q. Do you have any reason to think  
2 that you did?

3 A. I don't know.

4 Q. February 2nd you say "did you  
5 take all your belongings? I need to clean up  
6 the apartment," right?

7 A. That's correct.

8 Q. And then you ask him "are you  
9 out," correct?

10 A. That's correct.

11 Q. And then you say, "ok, but I need  
12 to know you are out," and Mr. Lopez says, "soon  
13 as you remove the judgment please."

14 Is that right?

15 A. That's what it says.

16 Q. Mr. Lopez offers to give you the  
17 keys to the apartment if you meet him at 1339  
18 Chestnut Street, correct?

19 A. That's correct.

20 Q. Did you take him up on that  
21 offer?

22 A. I did not.

23 Q. Okay. Let's go to your last text  
24 message from February 2nd. You say, "Most of

1 your stuff is out. There will be no need to  
2 proceed further. I need to clean the place up.  
3 You are holding me up."

4 A. Where is this?

5 Q. It's like at the top.

6 A. I see.

7 Q. What did you mean by "most of  
8 your stuff is out"?

9 A. Well, actually, all of his stuff  
10 was out.

11 Q. How did you know?

12 A. From what was left there and from  
13 what I had seen prior.

14 Q. What had you seen prior?

15 A. Yes.

16 Q. What had you seen prior?

17 A. Well, I mean, in visiting the  
18 apartment, clothes, records, furniture.

19 Q. Laptops?

20 A. All of that was gone, yeah.

21 Q. DJ equipment?

22 A. That's correct.

23 Q. Let's go down to the bottom of  
24 the page, and Mr. Lopez tells you, "Who told you

1 my stuff was out?" Did you respond to him?

2 A. I don't recall.

3 Q. Did you call him and say, oh, I  
4 thought your stuff was out?

5 A. No, I don't -- I mean, we had  
6 gone back and forth. It was crazy.

7 Q. Did you call him after that text?

8 A. I don't recall.

9 Q. Now we're on February 5th, and  
10 Storm says, "Did you remove judgment? You  
11 changed locks."

12 Did you respond to him that day  
13 about that text?

14 A. I said to him, do you need to get  
15 anything else out of the apartment before I  
16 clean it out?

17 Q. That's the next day, correct?

18 A. That's the next day.

19 Q. Did you call him the night of  
20 February 5th?

21 A. I don't recall.

22 Q. Did you give him any notice that  
23 you were changing the locks?

24 A. I don't recall. But he was not

1 in the apartment.

2 Q. Did he tell you he was not in the  
3 apartment?

4 A. I had been by.

5 Q. So he never told you he was not  
6 in the apartment?

7 A. Not verbally.

8 Q. Let's go to February 20th.

9 A. February 20th?

10 Q. Yes.

11 A. Okay.

12 Q. Mr. Lopez says -- let me back up.  
13 On February 15th, same page that  
14 you're on, Mr. Cage, Mr. Lopez says, "My stuff  
15 is still in the house. I need the keys to get  
16 in the house. My things are in there."

17 Did you respond to him that day  
18 either via text or phone call?

19 A. No, because I thought it was  
20 crazy because I had talked to him the week  
21 before and asked him to please come -- if there  
22 was anything of value to please come and get it.  
23 So it didn't make any sense to me.

24 Q. So you didn't respond to him?

1 A. I don't recall.

2 Q. You had cleaned out the apartment  
3 two days before, correct?

4 A. That's correct.

5 Q. Thrown everything away?

6 A. That's correct.

7 Q. Didn't put anything in storage?

8 A. That's correct.

9 Q. February 23rd, next page,  
10 Mr. Lopez says, "I'm losing money. My speakers  
11 are in the house."

12 You didn't respond to him,  
13 correct?

14 A. Well, again, my response is the  
15 same. All of this seemed to be crazy to me  
16 because I had asked him previously to please  
17 come get anything that he thought that he had of  
18 value in the home. So now he's saying -- it was  
19 just nuts to me.

20 Q. So you didn't respond to him, yes  
21 or no?

22 A. I don't recall.

23 Q. Do you have any reason to think  
24 you responded to him?



1 A. I don't recall.

2 Q. You don't remember anything that  
3 happened that day?

4 A. I don't recall.

5 Q. You didn't text him, though,  
6 correct?

7 A. I don't believe I did. I don't  
8 know.

9 Q. Did you call him in February of  
10 2018 ever?

11 A. I don't recall.

12 Q. You don't remember ever speaking  
13 to him on the phone in February of 2018?

14 A. I don't recall.

15 Q. Okay. February 27th, "Please I  
16 need my speakers." He sends that text to you,  
17 you don't respond, correct?

18 A. Again, it seemed crazy to me.

19 Q. So you have no evidence that you  
20 responded to that? You have no evidence that  
21 you responded to that?

22 A. No, no.

23 Q. Okay. And by my count, he asks  
24 you several more times he needs his property?

1 A. Yeah, right.

2 Q. And you don't respond to him?

3 A. Yeah. And, again, I'll say I had  
4 asked him to please come get his stuff.

5 Q. Let's go to March 30th. Start  
6 with the first text that says "ask your people,"  
7 and take a minute, Mr. Cage, to read from that  
8 text all of Mr. Lopez's texts until you say are  
9 we going to resolve this.

10 A. (Witness reviews document.)  
11 Okay.

12 Q. Did you ever speak to Mr. Lopez  
13 on the phone during this time, or did you just  
14 respond to that text message?

15 A. I don't recall.

16 Q. Did you ever tell Mr. Lopez  
17 during this text messaging on March 30th that  
18 none of this stuff was in the apartment when you  
19 went in there?

20 A. I don't recall.

21 Q. So you don't think you did?

22 A. I don't recall.

23 Q. Do you have any evidence that you  
24 had told him nothing was in there?

1           A.       Again, I don't recall, but none  
2 of this stuff was in there.

3           Q.       So even after he was texting you,  
4 you didn't tell him none of your stuff was in  
5 there, correct?

6           A.       I don't recall if I did or not.

7           Q.       Did you ever get a judgment for  
8 possession against Mr. Lopez after your previous  
9 judgment was vacated by the Court of Common  
10 Pleas?

11          A.       No.

12          Q.       Did you change the locks again in  
13 the future?

14          A.       There was -- there was some  
15 confusion. I did change the locks, but each  
16 time I changed them, I gave him the keys. So I  
17 don't recall the exact circumstances why I had  
18 to change the locks twice but --

19          Q.       Do you remember what the date was  
20 when you changed the locks the second time?

21          A.       It was after the hearing, after  
22 the municipal court hearing is all I recall.

23          Q.       Let's go to April 6, 2018.

24                   MR. SHNAYDER: Sorry, what was

1 the date?

2 MR. DONNELLY: April 6, 2018.

3 THE WITNESS: Okay.

4 BY MR. DONNELLY:

5 Q. Mr. Lopez says, "You changed the  
6 top lock and locked it." Now, on April 1st --  
7 that was him, never mind.

8 MR. SHNAYDER: What was on  
9 April 1st?

10 BY MR. DONNELLY:

11 Q. On April 1st there's a text  
12 message, I'm withdrawing that. It's there.

13 You changed the top lock and  
14 locked it. I've been locked up for another five  
15 days. I've been calling you and you haven't  
16 been picking up your phone.

17 And you say you were out of town  
18 on the next page.

19 So does it seem like you've  
20 changed the locks again in the beginning of  
21 April?

22 A. Yeah, I don't think that's  
23 accurate, but I'm not absolutely sure. I mean,  
24 there was no reason -- there was no reason for

1 me not to be compliant with the judge's order,  
2 so I would not have -- I wouldn't have -- I was  
3 not going to play any games.

4 Q. Let's go to April 7th. You say,  
5 "Lock is off."

6 Why did you say that?

7 A. He may have been having problems  
8 with the key, so apparently what I did I went  
9 over and just took the lock off on the top lock.

10 Q. Okay. Do you ever remember  
11 changing the locks again after that?

12 A. No, no, no, I did not.

13 MR. DONNELLY: Let's take another  
14 quick break. I think I'm done. I just  
15 want to review a few things, and then  
16 Mr. Shnayder might have a few questions  
17 for you.

18 (Brief recess taken at 2:01 p.m.)

19 (Deposition resumes at 2:09 p.m.)

20 MR. DONNELLY: On the record, we  
21 are done, Mr. Cage. We are done asking  
22 questions. Mr. Shnayder may have some  
23 questions for you.

24

1 BY MR. SHNAYDER:

2 Q. I just have a couple questions  
3 for you. This is not going to be in any  
4 particular order. I just wanted to clarify a  
5 couple things.

6 If you go back to P-6, which this  
7 is P-6, if you go back to text conversation on  
8 April 1st.

9 A. Yeah, I got it.

10 Q. Mr. Donnelly asked you a question  
11 about why you changed the locks?

12 A. Mm-hmm.

13 Q. Can you read what the text  
14 message said from Storm to you on April 1st.

15 A. "The top lock on the front door  
16 has to be changed. It's a fire hazard."

17 Q. Okay. So the best of your  
18 recollection, did you change the lock pursuant  
19 to that?

20 A. That may have been what  
21 precipitated me changing the lock, yes.

22 Q. If you go to the text message on  
23 April 2nd, there's a text from you. What does  
24 that text message say?

1           A.       April 2nd, "New key for lock on  
2 stove."

3           Q.       Okay. So, to the best of your  
4 recollection, is that the key to that top lock  
5 that you believe was changed because of the fire  
6 hazard?

7           A.       That's correct.

8           Q.       Okay, great.

9                    On April 6th Storm sends you a  
10 text message, the first text message. What does  
11 it say?

12          A.       You're not supposed to enter  
13 apartment.

14          Q.       April 6?

15          A.       Oh, April 6. "You changed the  
16 top lock and locked it."

17          Q.       Okay. So is that what -- is it  
18 possible that you changed that lock, put the key  
19 on the stove and accidentally locked that top  
20 lock when you left?

21                   MR. DONNELLY: Objection to form.

22                   THE WITNESS: I'm sorry.

23 BY MR. SHNAYDER:

24          Q.       You can answer it.

1           A.       Yes.

2           Q.       As a general question, I'm not  
3 going to point to any -- let me just so we don't  
4 lose this, I'm just going to put this in the  
5 center here.

6                     Without reference to any specific  
7 text messages, I just want to bring you back to  
8 that time frame, end of January, early February.

9                     In any of your conversations via  
10 text, via phone with Mr. Lopez, did he give you  
11 any indication that he was still living in the  
12 property?

13          A.       No, he did not.

14          Q.       In fact, how many times did you  
15 ask him about getting the remainder of his stuff  
16 out?

17          A.       It's in the text messages, three  
18 or four times, I believe.

19          Q.       Okay. And was he -- did he seem  
20 at all concerned about it, whatever was left  
21 there?

22          A.       He didn't seem concerned at all.

23          Q.       What was he concerned about?

24          A.       He was concerned about the



1 judgment.

2 Q. Okay, thank you.

3 Speaking of the judgment, I'm  
4 going to bring out P-6 again. I want to draw  
5 your attention to a text message from Mr. Lopez  
6 to you on January 1st, 2018.

7 A. Yes.

8 Q. Can you read that?

9 A. Which text message?

10 Q. January 1st.

11 A. Can you please remove the  
12 judgment so I can move. I'm gonna get approved  
13 with a judgment against me. I would have been  
14 out.

15 Q. Keep going.

16 A. The agent isn't black and is  
17 scared to go to Germantown.

18 Q. So, to the best of your  
19 recollection, when was the actual  
20 landlord-tenant hearing held?

21 A. I'm not sure.

22 MR. DONNELLY: Off the record.

23 (Discussion off the record.)

24 BY MR. SHNAYDER:

1           Q.       If I told you that the  
2   landlord-tenant hearing was actually held on  
3   January 2nd, that was continued from  
4   December 11th?

5           A.       Right, yes.  Yeah, I recall now,  
6   yes.

7           Q.       So is it possible that you would  
8   have had a judgment on him on January 1st?

9                   MR. DONNELLY:  Objection to form.

10          BY MR. SHNAYDER:

11          Q.       You can answer.

12          A.       Yes.

13          Q.       Yes, it's possible you would have  
14   had a judgment?

15          A.       I think so, but I'm not sure.

16          Q.       Okay.  Mr. Donnelly asked you a  
17   question about the writ of possession, wherever  
18   that may be now.

19                   He asked you a question about  
20   whether you saw this before.

21                   Do you remember seeing this  
22   before?

23          A.       I'm not sure.

24          Q.       Is it likely that you hired an

1 attorney to handle that for you?

2 A. I did.

3 Q. Would your attorney have  
4 explained to you the process?

5 A. Yes.

6 Q. Okay. The question he had was  
7 did you pay for this? Did you remember writing  
8 a check to the landlord-tenant officer, okay?  
9 Do you remember that question earlier?

10 A. Yes, I do.

11 Q. Is it possible that you paid --  
12 that you reimbursed the attorney for the cost of  
13 the landlord-tenant -- the writ of possession?

14 A. Yes.

15 MR. DONNELLY: Objection to form.

16 MR. SHNAYDER: You can answer,  
17 okay.

18 BY MR. SHNAYDER:

19 Q. Looking at P-4 still, at the  
20 bottom, the sideways bottom, you see it says  
21 "Date Generated"?

22 A. Yes.

23 Q. Can you read that date?

24 A. January 22nd, 2018.

1 Q. Okay. So you, in fact, had the  
2 writ of possession as of January 22nd, 2018?

3 A. That's correct.

4 Q. Okay. Next to that there's  
5 another date. It says "Judgment Date"; is that  
6 right?

7 A. Yes.

8 Q. What is the judgment date?

9 A. January 2nd, 2018.

10 Q. Okay. So there was no judgment  
11 prior to this?

12 A. No.

13 Q. Going back to P-5, which was the  
14 order from the judge.

15 A. Yes.

16 Q. Okay. Can you read the third  
17 sentence?

18 A. "Having found that respondent  
19 Cage illegally evicted Mr. Lopez before he  
20 obtained a writ of possession, and having found  
21 that Mr. Lopez timely filed his appeal" --

22 Q. That's okay.

23 So having now just read the writ  
24 of possession, it was dated on what date?

1 A. On the 22nd.

2 Q. Okay. So this was incorrect,  
3 actually?

4 A. That's correct.

5 Q. And the judge, in your opinion,  
6 based it on he or she thought that you didn't  
7 have the writ of possession because why?

8 MR. DONNELLY: Objection to form.

9 BY MR. SHNAYDER:

10 Q. But you can answer.

11 A. Because of the date that I gave  
12 her that the locks were changed, the erroneous  
13 date that I gave her.

14 Q. But they were not, in fact,  
15 changed January 15th?

16 A. No, absolutely not. No way.

17 Q. Taking you back to that  
18 February 3rd time frame, approximately that time  
19 frame, you said that the locks were changed you  
20 believe on February 3rd?

21 A. That's correct.

22 Q. Before that you had -- you were  
23 on the record to say that you had stopped by the  
24 property prior to that?

1 A. That's correct.

2 Q. And you said you went into the  
3 apartment?

4 A. That's correct.

5 MR. SHNAYDER: Okay. I'm going  
6 to mark this as D-1.

7 (Document marked for  
8 identification as Defendant Deposition  
9 Exhibit No. 1.)

10 BY MR. SHNAYDER:

11 Q. What is this that I'm showing you  
12 here?

13 A. The residential lease that I  
14 signed with Mr. Lopez.

15 Q. To the best of your knowledge, is  
16 this a true and accurate depiction of the lease  
17 that was signed?

18 A. Yes.

19 Q. What was the date that it was  
20 signed?

21 A. February 4th, 2000.

22 Q. Okay. Before I get through some  
23 of the other parts of the lease, Mr. Donnelly  
24 asked you a question about requiring permission

1 to enter the property.

2 Do you remember that?

3 A. Yes, I do.

4 Q. The lease that was signed by both  
5 you and Mr. Lopez, if you look at paragraph 12,  
6 can you read that out loud, please?

7 A. "Right of inspection. Lessor and  
8 his agents shall have the right at all  
9 reasonable times during the terms of this lease  
10 and any renewal thereof to enter the dismissed  
11 premises for the purpose of inspecting the  
12 premises and all building and improvement  
13 thereon."

14 Q. So the best of your knowledge,  
15 you had authorization to be able to enter the  
16 property at any time?

17 A. Right.

18 Q. Okay. Getting back to the lease,  
19 the original reason you said you filed the  
20 landlord-tenant complaint was for nonpayment of  
21 rent?

22 A. That's correct.

23 Q. You claimed that Mr. Lopez said  
24 that there was a -- that he was not late because

1 he had till the end of the month or something to  
2 that -- something to that effect?

3 A. That's correct.

4 Q. I'm paraphrasing, okay.

5 A. That's correct.

6 Q. Can you read paragraph 1, please.

7 A. Rent. Lessee agrees to pay  
8 without demand to lessor as the rent for the  
9 demised premises the sum of \$550 per month in  
10 advance of the 4th day of February -- of each  
11 calendar month beginning February.

12 Q. Which would have been the date  
13 that it was signed, correct?

14 A. That's correct.

15 Q. Just as a point of clarity, you  
16 mentioned earlier that you drafted the lease.  
17 You mean you filled in the blanks to a Staples  
18 lease that you bought; is that correct?

19 A. That's correct.

20 Q. Okay. Plaintiff's counsel had  
21 asked you a question about money that you  
22 received from the sale, the proceeds from the  
23 sale of the house, and you used the word netted  
24 and I don't remember the amount.



1           A.       Right.

2           Q.       Okay.  So you netted some amount.

3                    Can you clarify the word netted

4 and by that I mean are you referring to after

5 you paid any kind of capital gains, after you

6 paid any real estate brokerages, after you paid

7 anything?

8           A.       I have yet to pay the capital

9 gains, but I had a mortgage on the home, and I

10 had to pay the balance of the mortgage and of

11 course the costs.

12           Q.       So to clarify, the word netted

13 means your closing costs to sell the property

14 and your mortgage?

15           A.       Right.

16           Q.       And whatever was left is what

17 you're calling netted?

18           A.       That's correct.

19           Q.       But there are still other

20 additional fees and costs are still involved?

21           A.       That's correct.

22           Q.       The Landlord and Tenant

23 Complaint, back to P-2, sorry I'm jumping around

24 here.  When we filed or I filed on your behalf,

1 we filed for nonpayment of rent; is that  
2 correct?

3 A. That's correct.

4 Q. And according to this Complaint,  
5 which two months did we file for?

6 A. October and November.

7 Q. Okay. Below that there's a  
8 sentence. Can you read that sentence out loud?

9 A. "Ongoing rent in the amount of  
10 \$550 from the date of the filing of this  
11 Complaint to the date of the hearing on the  
12 merits in this matter."

13 Q. Okay. And, once again, the  
14 hearing we've established was on January 2nd; is  
15 that right?

16 A. That's correct.

17 Q. Did you receive any further rent  
18 from Mr. Lopez between -- from the time that  
19 this was filed till current, actually?

20 A. No.

21 Q. Going back to the removal  
22 service.

23 A. Yes.

24 Q. You said you had known that

1 gentleman for how long?

2 A. Seventeen, 18 years.

3 Q. Is there any reason that you  
4 believe that he wouldn't notify you if there was  
5 any items of value left in the property to junk?

6 MR. DONNELLY: Objection to form.

7 BY MR. SHNAYDER:

8 Q. You can answer.

9 A. No, I have no doubt at all.

10 Q. The next question is more of an  
11 opinion.

12 Knowing Mr. Lopez was a tenant of  
13 yours for it looks like about 16, 17 years  
14 approximately?

15 A. Yes.

16 Q. Do you have any reason to believe  
17 that he wouldn't have immediately started asking  
18 you about his expensive equipment?

19 MR. DONNELLY: Objection.

20 THE WITNESS: Without question,  
21 he would have asked me about any  
22 expensive equipment that he had left  
23 behind.

24 BY MR. SHNAYDER:

1 Q. Okay.

2 A. As well as the other items that  
3 he lists.

4 Q. Were you at all concerned or  
5 intimidated by Mr. Lopez?

6 A. No, I was not.

7 Q. Okay. Did Mr. Lopez hold himself  
8 out to be any type of expert to you of any type?

9 MR. DONNELLY: Objection to form.

10 MR. SHNAYDER: You can answer.

11 THE WITNESS: Well, he said that  
12 he had attended law school, and he was  
13 well versed with the law.

14 BY MR. SHNAYDER:

15 Q. Do you know whether he went to  
16 law school?

17 A. I have no idea.

18 Q. You had a question that was asked  
19 of you if you would have taken a tenant that had  
20 a judgment for eviction?

21 A. Mm-hmm.

22 Q. Do you know how you would check  
23 to see if a prospective tenant had a judgment  
24 against them or an eviction?

1           A.       Well, early on what I would do, I  
2 would ask the tenant to give me the name of  
3 their landlord, and I would check through the  
4 landlord.

5           Q.       That's the only way?

6           A.       That was the only way, yeah.

7           Q.       So it's possible you could have  
8 had a tenant that had a judgment or eviction?

9           MR. DONNELLY:  Objection.

10          THE WITNESS:  Oh, it was very  
11 possible.  From that vantage point, yes.  
12 For that matter, Mr. Lopez could have  
13 had a prior.

14          MR. DONNELLY:  Objection.

15          MR. SHNAYDER:  That's all I have.

16 BY MR. DONNELLY:

17          Q.       I have a few more follow-up  
18 questions, Mr. Cage.

19                 You told us earlier that you had  
20 lost this lease, correct?

21          A.       That's correct.

22          Q.       And then you said you didn't see  
23 it until Mr. Lopez gave it to you in municipal  
24 court?

1 A. That's correct.

2 Q. But now you're saying that you  
3 used this very lease to go into the property,  
4 correct?

5 A. Yes.

6 Q. Did you memorize the entire  
7 lease?

8 A. Well, I had a -- I didn't have a  
9 signed copy of the lease. I had a blank copy of  
10 the lease, so I knew what was on the lease.

11 Q. So before you went in, without  
12 telling Mr. Lopez, to his unit --

13 A. Yes.

14 Q. -- did you look at a copy of the  
15 lease?

16 A. Yes, I did.

17 Q. Did you tell him that it's in  
18 your lease when he asked you about that?

19 A. I did not, no.

20 Q. I'm glad you remembered that now.  
21 That's good. I'm glad you remembered it after  
22 you were clarified.

23 Let's talk very, very, very  
24 briefly about your contention that Mr. Lopez did

1 not, you know, express worry that his things  
2 were in the apartment; that's what you said,  
3 correct?

4 A. That's correct.

5 MR. SHNAYDER: Objection. That's  
6 not what was said. What was said --

7 MR. DONNELLY: Off the record.

8 MR. SHNAYDER: Off the record.

9 (Discussion off the record.)

10 MR. DONNELLY: We're done. Thank  
11 you, Mr. Cage.

12 THE WITNESS: Thank you, sir.

13 (Witness excused.)

14 (Deposition concluded at

15 2:29 p.m.)

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

I, MARGARET M. REIHL, a  
Registered Professional Reporter,  
Certified Realtime Reporter, Certified  
Shorthand Reporter, Certified LiveNote  
Reporter and Notary Public, do hereby  
certify that the foregoing is a true and  
accurate transcript of the testimony as  
taken stenographically by and before me  
at the time, place, and on the date  
hereinbefore set forth.

I DO FURTHER CERTIFY that I  
am neither a relative nor employee nor  
attorney nor counsel of any of the  
parties to this action, and that I am  
neither a relative nor employee of such  
attorney or counsel, and that I am not  
financially interested in the action.

-----  
Margaret M. Reihl, RPR, CRR, CLR  
CSR #XI01497 Notary Public



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ACKNOWLEDGMENT OF DEPONENT

I, MICHAEL CAGE, do hereby  
certify that I have read the foregoing  
pages, and that the same is a correct  
transcription of the answers given by me  
to the questions therein propounded,  
except for the corrections or changes in  
form or substance, if any, noted in the  
attached Errata Sheet.

\_\_\_\_\_  
MICHAEL CAGE

\_\_\_\_\_  
DATE

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

My commission expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public