

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CARL BARRETT, MICHEL POLSTON,  
NANCY MARTIN, MICHAEL  
RODRIGUEZ, MARIA RODRIGUEZ, No.  
and ANDREW HAGENE, 5:20-cv-04812-EJD  
individually and on behalf of  
All Others Similarly  
Situated,  
Plaintiffs,  
v.  
APPLE, INC., a California  
corporation; APPLE VALUE  
SERVICES, LLC; and DOES 1  
through 10, Inclusive,  
Defendants.

VOLUME I  
REMOTE VIDEOTAPED DEPOSITION OF NANCY MAY MARTIN  
Taken in behalf of Defendants  
February 15, 2023

1           BE IT REMEMBERED THAT, the remote videotaped  
2           deposition of NANCY MAY MARTIN was reported by  
3           Aleshia K. Macom, Oregon CSR No. 94-0296,  
4           Washington CCR No. 2095, California CSR No.  
5           7955, RMR, CRR, RPR, on Wednesday,  
6           February 15, 2023, commencing at the hour of  
7           9:05 a.m., the witness appearing at North Port,  
8           Florida.

9  
10           APPEARANCES (Via videoconference)

11  
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22  
23 ALSO PRESENT: Ed Burke - Videographer

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**EXAMINATION INDEX**

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<b>Examination by Mr. Niles-Weed</b>	<b>6</b>

**EXHIBIT INDEX**

<b>Exhibit No.</b>	<b>Item</b>	<b>Page</b>
<b>Exhibit 1</b>	<b>Class Action Complaint</b>	<b>26</b>
<b>Exhibit 2</b>	<b>First Amended Class Action Complaint</b>	<b>28</b>
<b>Exhibit 17</b>	<b>Responses to Apple Inc.'s First Set of Interrogatories To Nancy Martin</b>	<b>33</b>
<b>Exhibit 18</b>	<b>Verification</b>	<b>35</b>
<b>Exhibit 19</b>	<b>Engagement Agreement</b>	<b>46</b>
	<b>MART0001</b>	

1 my house, drove five to seven minutes to Publix,  
2 got the cards, went back out to my car, car,  
3 van, whatever, my vehicle at that time,  
4 scratched off the number off the back, gave it  
5 to the gentleman on the phone, all three card  
6 numbers, and then he hung up.

7 Q. So you called them first, not they called you?

8 A. Correct. I had to call them to have my computer  
9 fixed.

10 Q. Okay. I'm going to have Ms. Le pull up  
11 Exhibit 2, the amended complaint, at  
12 paragraph 130. It will take just a second.

13 Are you still there?

14 A. Yes. I'm here. I'm just getting a drink.

15 Q. Would you like to take a break?

16 A. Nope. I'm good. Okay. Here I am.

17 Q. So this is the document we were looking at  
18 earlier. And do you see in paragraph 130 it  
19 says, "In January of 2020, Plaintiff Martin  
20 received a telephone call"? Do you see that?

21 A. Yes. Yes. Because I, I received -- I called  
22 them and then they called me back.

23 Q. Okay.

24 A. I didn't tell you that?

25 Q. Did -- Who made the first call?

1 A. I did.

2 Q. But then they called you back; is that right?

3 A. Yes. Correct.

4 Q. Okay. Can you take that down, Ms. Le.

5 So going back to the gift cards you  
6 purchased, you said you don't have them. But do  
7 you have a picture of the gift cards that you  
8 bought?

9 A. No, sir, because at that time I had a phone that  
10 didn't take pictures.

11 Q. And when was that?

12 A. About three, it was three years or a little over  
13 three years ago.

14 Q. And was it in January of 2020?

15 A. Could be. Yes. I don't know the exact date.

16 Q. Do you now have a phone that takes pictures?

17 A. Oh, yeah.

18 Q. When did you get a phone that takes pictures?

19 A. Probably about three days after that, after all  
20 this happened. I was using my -- I didn't have  
21 a lot of money. I was using my dad's old flip  
22 phone. Okay. So now that I've been able to get  
23 better myself with finances and things of that  
24 nature, now I do have an iPhone that someone,  
25 that my daughter bought me. So I do have an

1 on my nerves.

2 MS. FLOHR: We can take another short break  
3 and then wrap up for the day, if that's okay  
4 with you.

5 MR. NILES-WEED: Yeah. We can take a break.

6 MS. FLOHR: Okay. Another 5, 10 minutes and  
7 then back on.

8 Nancy, do you want to mute yourself and turn  
9 your video off.

10 THE VIDEOGRAPHER: We are going off record.  
11 The time is 11:51.

12 (Break taken from 11:51 to 11:59.)

13 THE VIDEOGRAPHER: We are back on record.  
14 The time is 11:59.

15 Q. BY MR. NILES-WEED: Just before the break,  
16 Nancy, we were talking about the conversation  
17 you had when you called the number on the  
18 pop-up. And you said that the person on the  
19 other end of the line identified themselves as  
20 an employee of Microsoft; is that right?

21 A. Yes.

22 Q. Just letting your clock ring.

23 A. Just one more second. Sorry, but it goes  
24 through the whole house.

25 Q. I know. I can wait.



## C E R T I F I C A T E

1  
2 I, Aleshia K. Macom, Oregon CSR No. 94-0296,  
3 Washington CCR No. 2095, California CSR  
4 No. 7955, RMR, CRR, RPR, do hereby certify that  
5 NANCY MAY MARTIN remotely appeared before me at  
6 the time and place mentioned in the caption  
7 herein; that the witness was by me first duly  
8 sworn on oath, and examined upon oral  
9 interrogatories propounded by counsel; that said  
10 examination, together with the testimony of said  
11 witness, was taken down by me in stenotype and  
12 thereafter reduced to typewriting; and that the  
13 foregoing transcript, pages 1 to 142, both  
14 inclusive, constitutes a full, true and accurate  
15 record of said examination of and testimony  
16 given by said witness, and of all other  
17 proceedings had during the taking of said  
18 deposition, and of the whole thereof, to the  
19 best of my ability. I further certify review of  
20 the transcript was not requested.

21 Witness my hand at Vancouver, Washington,  
22 this 23rd day of February, 2023.

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25  
