

CONDENSED TRANSCRIPT

Deposition of: Joann Eleanor Kablach

April 18, 2005

Joann Kablach vs.
Metropolitan Life Insurance Company

**Powers
Garrison &
Hughes**

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Joann Eleanor Kablach
April 18, 2005

Joann Kablach vs.
Metropolitan Life Insurance Company

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA	1
-----	2
JOANN KABLACH,) CIVIL DIVISION	3
) Plaintiff,) G.D. No. 95-17637	4
) vs.) Deposition of	5
) JOANN ELEANOR KABLACH	6
METROPOLITAN LIFE)	7
INSURANCE COMPANY and) Filed on behalf of	8
RONALD F. SCHRAM,) the Defendant, MetLife	9
) Defendants.) Counsel of Record for	10
) this Party:	11
) Kevin Allen, Esq.	12
) Thorp, Reed &	13
) Armstrong	14
) 14th Floor	15
) One Oxford Centre	16
) Pittsburgh, PA 15219	17
-----	18
REPRODUCTION OF THIS TRANSCRIPT IS PROHIBITED	19
WITHOUT AUTHORIZATION FROM THE CERTIFYING	20
AGENCY	21
-----	22
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1 DEPOSITION OF JOANN ELEANOR KABLACH	1
2 the Plaintiff herein, called by the Defendants	2
3 for examination, taken pursuant to the	3
4 Pennsylvania Rules of Civil Procedure, by and	4
5 before Kurt M. Ament, a Registered Professional	5
6 Reporter and a Notary Public in and for the	6
7 Commonwealth of Pennsylvania, at the law	7
8 offices of Thorp, Reed & Armstrong, 14th Floor,	8
9 One Oxford Centre, Pittsburgh, PA, on Monday,	9
10 April 18, 2005, at 9:45 a.m.	10
11 -----	11
12 COUNSEL PRESENT:	12
13 For the Plaintiff:	13
14 Behrend & Ernsberger	14
15 by Carl Shelly, Esq.	15
16	16
17 For the Defendant, MetLife:	17
18 Thorp, Reed & Armstrong	18
19 by Kevin Allen, Esq.	19
20 For the Defendant, Ronald F. Schram:	20
21 Wayman, Irvin & McAuley	21
22 by James Creenan, Esq.	22
23	23
24	24
25	25
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1 (Pages 1 to 4)

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1
2 PROCEEDINGS
3
4 JOANN ELEANOR KABLACH
5 the Plaintiff herein, having been first duly
6 sworn, was examined and testified as follows:
7 EXAMINATION
8 BY MR. ALLEN:
9 Q. Good morning, Ms. Kablach.
10 A. Good morning.
11 Q. I am Kevin Allen. I represent
12 MetLife in this case.
13 MR. ALLEN: Let's go off the
14 record.
15 (Discussion off record.)
16 MR. ALLEN: Back on the record.
17 Q. Can you state your full name,
18 please.
19 A. Joann Eleanor Kablach.
20 Q. Your date of birth?
21 A. March 12, 1958.
22 Q. We are here today, ma'am, to take
23 your deposition in the lawsuit that you filed
24 against MetLife and Mr. Schram. Mr. Creenan
25 here represents Mr. Schram. As I said, I

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1 J. Kablach - by Mr. Allen
2 represent MetLife.
3 I am trying to find out, before this
4 case goes to trial, what your position is on
5 what you claim has happened in this case. Kurt
6 here has sworn you in. You are testifying
7 under oath, subject to penalties of perjury.
8 Do you understand that?
9 A. Yes.
10 Q. If you don't understand any of my
11 questions, let me know. I suspect that we may
12 not be here all that long. We will try to get
13 you through as quickly as we can.
14 Okay?
15 A. Okay.
16 Q. Where do you live, ma'am?
17 A. 1811 Baker Street, Spring Hill.
18 Q. How long have you lived there?
19 A. About five years.
20 Q. Where did you live before that?
21 A. Harpster Street, 1718, Troy Hill,
22 H-A-R-P-S-T-E-R.
23 Q. How long did you live at the
24 Harpster address?
25 A. I am going to say about 13 years, 12

Page 7

1 J. Kablach - by Mr. Allen
2 years.
3 Q. You said that's Troy Hill?
4 A. Um-hum.
5 Q. Does anyone live with you currently?
6 A. Yes. I am married currently. My
7 husband.
8 Q. Your husband's name?
9 A. Jeff Platek, P-L-A-T-E-K.
10 Q. P-L-A-T-E-K?
11 A. Um-hum.
12 Q. Yes?
13 A. Yes.
14 Q. When were you married?
15 A. October 16 of this past 2004.
16 Q. Is that your first marriage?
17 A. Yes.
18 Q. Is it his first marriage?
19 A. No.
20 Q. What does Mr. Platek do for a
21 living?
22 A. He owns his own business.
23 Q. What is his business?
24 A. Glass.
25 Q. Can you describe the business,

Page 8

1 J. Kablach - by Mr. Allen
2 please.
3 A. He installs windows, does mirrors,
4 glass top tables.
5 Q. Okay.
6 A. Residential and commercial.
7 Q. When you lived at the Harpster
8 address, did anyone live with you there?
9 A. At one point, yes. He had moved in
10 with me.
11 Q. Mr. Platek?
12 A. Yes.
13 Q. When was that?
14 A. I believe around '92.
15 Q. Was Mr. Platek living with you at
16 Harpster when you purchased the life insurance
17 policy that's the subject of this lawsuit?
18 A. No.
19 Q. Were you dating Mr. Platek at that
20 time?
21 A. We had met right around that time.
22 Q. Have you discussed the lawsuit with
23 your husband?
24 A. No.
25 Q. Do you still go by Kablach?

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1 J. Kablach - by Mr. Allen
2 A. Yes.
3 Q. You haven't even mentioned the
4 lawsuit to him?
5 A. No. Not in detail. I just
6 mentioned that I was coming down here and I
7 still was involved in a case with MetLife prior
8 to him and I meeting.
9 Q. What did you tell him about the
10 case?
11 A. Nothing, really. We don't get into
12 each other's business that way. I mean, we
13 didn't get into detail. I said I had a case.
14 I was sold a savings retirement plan that
15 wasn't what it was meant to be or sold to be
16 as. That was about it. We never actually sat
17 and discussed it in detail.
18 Q. When you say you were sold a savings
19 and retirement plan that wasn't what it was
20 meant to be, what do you mean by that?
21 A. Mr. Schram had, when he had come to
22 my house. What I was looking for at the time
23 was to save money for retirement. He said that
24 I can do that; that this plan not only was an
25 insurance policy, effective from the date of

Page 10

1 J. Kablach - by Mr. Allen
2 purchase, but also a savings slash retirement
3 plan.
4 Q. What did you understand that to
5 mean, that it was not only an insurance policy
6 from the date of issue, but also a savings
7 slash retirement plan?
8 A. Well, how he explained it to me,
9 from the date I signed the first check, I was
10 covered for \$25,000 worth of life insurance.
11 If I were to walk out that day and get hit by a
12 truck, I was insured. But if I were to put
13 \$31.50 a month, which was taken directly out of
14 my checking, and put into this account, to
15 MetLife, that for eight to nine years maximum,
16 and after that, at age 65, I would have, I
17 believe he said 13,000 some dollars, like half,
18 a little more than half of what the policy was
19 to be used as I please as a retirement or
20 savings and I could take it at that point or
21 leave it in to earn interest and take it at a
22 later date if I choose.
23 He said what was nice was I was
24 covered immediately for life insurance, but it
25 also was a savings. At the time, I did have a

Page 11

1 J. Kablach - by Mr. Allen
2 life insurance policy, but not a savings plan.
3 Q. What life insurance policy did you
4 have at that time?
5 A. It was through the company I work
6 for. I don't recall the name of it. It wasn't
7 MetLife, I know that. I don't recall.
8 Q. You worked for National Record Mart
9 at the time?
10 A. I do, yes.
11 Q. Can you describe the insurance
12 policy that you had through National Record
13 Mart at that time?
14 A. It was equivalent to one year's
15 salary.
16 Q. What was your salary in 1991?
17 A. Around \$17,000 a year.
18 Q. Did that life insurance policy
19 provide you any other benefits, other than a
20 death benefit?
21 A. No.
22 Q. Do you understand what I mean when I
23 say death benefit?
24 A. Yes.
25 Q. What do you understand that term to

Page 12

1 J. Kablach - by Mr. Allen
2 mean?
3 A. That the policy is only applicable
4 if the person dies, usually, of natural causes.
5 I don't know if it's covered under suicide, I
6 don't believe, or anything like that.
7 It is only a policy for death. It
8 was only term insurance.
9 Q. Do you understand the difference
10 between term life insurance and whole life
11 insurance, W-H-O-L-E?
12 A. I'm not sure.
13 Q. When did you meet with Mr. Schram?
14 A. It was October of '91, I believe.
15 Q. Can you describe what you believe
16 you purchased. You described what was
17 involved -- let me start over.
18 You described what you believe was
19 involved in the product that you purchased from
20 MetLife back in 1991.
21 What did you think it was? Did it
22 have a name, in your mind?
23 A. Savings retirement plan, life
24 insurance, all combined into one, from how he
25 explained it.

3 (Pages 9 to 12)

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1 J. Kablach - by Mr. Allen
 2 Q. Did you think it was a particular
 3 type of life insurance policy, or did you think
 4 it was like a 401-K plan of some kind?
 5 A. I just assumed that the rate I was
 6 putting in every month, with the interest, that
 7 it would build up to be a savings at that
 8 point.
 9 I wasn't familiar at all at the time
 10 with any type of life insurance or what it
 11 meant or savings plans. I didn't have a
 12 savings plan at that time.
 13 How he explained it to me, he showed
 14 me a chart. I basically went on his word.
 15 Q. Is that the chart that you attached
 16 to your Complaint?
 17 A. I could look and see if it is.
 18 Q. Do you know?
 19 A. What?
 20 Q. Do you know, without looking? We
 21 will look at it later.
 22 A. I would have to look and see if it
 23 is the same chart.
 24 Q. What is your education, ma'am?
 25 A. High school.

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1 J. Kablach - by Mr. Allen
 2 Q. When did you graduate from high
 3 school?
 4 A. 1976.
 5 Q. Which high school?
 6 A. Allegheny.
 7 Q. Where is that?
 8 A. North Side.
 9 Q. Do you have any formal education
 10 after that?
 11 A. No.
 12 Q. Were you ever in the military?
 13 A. No.
 14 Q. Any criminal record?
 15 A. No.
 16 Q. Where did you work following your
 17 high school graduation?
 18 A. National Record Mart.
 19 Q. Am I correct that you have had two
 20 employers your whole working career?
 21 A. Yes.
 22 Q. National Record Mart for a number of
 23 years; is that right?
 24 A. Yes. 26.
 25 Q. How many?

Page 15

1 J. Kablach - by Mr. Allen
 2 A. 26.
 3 Q. Then National Record Mart is gone;
 4 is that correct?
 5 A. Yes.
 6 Q. Did you leave when they went
 7 defunct?
 8 A. Yes.
 9 Q. For whom do you work now?
 10 A. Galaxy Music.
 11 Q. I know what business National Record
 12 Mart was in. What business is Galaxy Music in?
 13 A. It is a distribution for music.
 14 Similar business, but more in the distribution
 15 end, not the sales end, as far as the public
 16 sales. It is not retail, but distribution to
 17 record stores.
 18 Q. Tough line of work now. When you
 19 started with National Record Mart, what was
 20 your position there?
 21 A. Clerical. Various duties:
 22 switchboard operator, filing clerk.
 23 Q. What was the year that you started
 24 at National Record Mart?
 25 A. 1976.

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1 J. Kablach - by Mr. Allen
 2 Q. Did I ask you when you graduated
 3 from high school?
 4 A. Um-hum.
 5 Q. Tell me again.
 6 A. 1976.
 7 Q. How long did you do clerical duties
 8 for National Record Mart?
 9 A. Probably about ten years.
 10 Q. What was your next position with
 11 National Record Mart?
 12 A. Accounts payable.
 13 Q. What were your duties in accounts
 14 payable with National Record Mart?
 15 A. Receiving invoices, matching them up
 16 to inventory, keying them in the system, making
 17 sure that the -- we were being billed for the
 18 correct product at the correct price.
 19 Q. How would you go about doing that?
 20 A. I would get invoices in the mail and
 21 packing slips from various stores and
 22 warehouses, match them up. If there were
 23 discrepancies, I would either go to purchasing,
 24 if it was a cost problem, or to the warehouse
 25 if it was a receiving problem, and find out

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1 J. Kablach - by Mr. Allen
2 what the problem was, and if it was on the
3 vendor's end, we would debit the account.
4 Q. So you would need to make sure, so I
5 understand, that you would get an invoice from
6 a distributor of some kind, who would say --
7 pick a number -- thousand dollars, because we
8 delivered ten boxes of cassettes?
9 A. Right.
10 Q. Then you would compare that to a
11 packaging slip?
12 A. Um-hum.
13 Q. To see that it matched up that we
14 actually got the ten boxes of cassettes in?
15 A. Yes.
16 Q. Would you have to sign?
17 A. No. That would be on the warehouse
18 end.
19 Q. The guys in the warehouse or women
20 in the warehouse would receive the shipment,
21 sign off on it?
22 A. Create a receiving document which I
23 would get, in turn.
24 Q. How long were you in accounts
25 payable with National Record Mart?

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1 J. Kablach - by Mr. Allen
2 A. I was in accounts payable up until
3 the end of the company.
4 Q. Did you have any different positions
5 with accounts payable or were you in the same
6 position?
7 A. I was accounts payable manager at
8 that point.
9 Q. When did you become the manager?
10 A. Probably about five years before the
11 company went out of business.
12 Q. How were your duties as the manager
13 different?
14 A. I had overseen probably about four,
15 five people that did what I did prior, and I
16 also did the reconciliation of the statements.
17 Q. What does that mean?
18 A. We would get a statement in and I
19 would have a report generated from the computer
20 of what the data entry clerks had entered as
21 far as what we were paying for, and I would do
22 a comparison and balance each month at the end
23 of the month that we had to pay and make sure
24 it balanced what was owed. And cut a check for
25 the amount we were paying for that amount due.

Page 19

1 J. Kablach - by Mr. Allen
2 Q. Who was your boss when you were the
3 manager in accounts payable?
4 A. I had several different bosses. At
5 one point, Glen Spoharski.
6 Q. Can you spell that?
7 A. S-P-O-H-A-R-S-K-I, I think. At
8 another point, Rob Toth.
9 Q. T-O-T-H?
10 A. T-O-T-H. Another employer, Chris
11 Brant.
12 Q. B-R-A-N-T?
13 A. Right.
14 Q. So National Record Mart goes bust at
15 a certain point. What year was that?
16 A. Shortly after 2002, around February,
17 March.
18 Q. I don't mean to sound cavalier. I
19 am sure that was not a pleasant thing to have
20 happen. Did you go immediately to Galaxy?
21 A. Yes.
22 Q. What is your position with Galaxy?
23 A. Bookkeeping, accounts payable. It
24 is a three-person office basically. Myself and
25 another girl and the owner's wife. The three

Page 20

1 J. Kablach - by Mr. Allen
2 of us kind of run the office.
3 Q. Who is the owner?
4 A. Last name is Jakiele, J-A-K-I-E-L-E.
5 Q. Where are the offices for Galaxy
6 Music?
7 A. 2400 Josephine Street on the South
8 Side.
9 Q. Local company?
10 A. Yes.
11 Q. Who else do you work with at Galaxy
12 Music?
13 A. As far as?
14 Q. You said it was a three-person
15 office. I am trying to get the name of the
16 people.
17 A. There are various other departments
18 that I don't work directly with.
19 Q. How many employees does Galaxy Music
20 have total?
21 A. Probably about 55, 60.
22 Q. Who are the people in the department
23 or office where you work?
24 A. Carol Jakiele and Stacey Clark and
25 myself.

5 (Pages 17 to 20)

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1 J. Kablach - by Mr. Allen
 2 Q. What is your salary?
 3 A. Around 35.
 4 Q. What was your salary in 1991?
 5 A. 17.
 6 Q. When you were with National Record
 7 Mart, did you always have that life insurance
 8 benefit from National Record Mart?
 9 A. Up until the demise of the company.
 10 Q. Did you have to pay for that?
 11 A. No.
 12 Q. Your father's name was William?
 13 A. Yes.
 14 Q. He is deceased?
 15 A. Yes.
 16 Q. Your mother is deceased also?
 17 A. Yes.
 18 Q. What was her name?
 19 A. Eleanor.
 20 Q. Your father died in 1991; is that
 21 correct?
 22 A. My father died in 2001.
 23 Q. Your father had a MetLife policy?
 24 A. Yes.
 25 Q. What did your father do for a

Page 22

1 J. Kablach - by Mr. Allen
 2 living?
 3 A. He was a city fireman, city fire
 4 captain when he retired.
 5 Q. What was his education?
 6 A. He graduated high school. He also
 7 went to Potomac State and Duquesne University.
 8 Q. You were involved in a lawsuit
 9 related to your father's death; is that
 10 correct?
 11 A. Yes.
 12 Q. I have seen the Complaints that
 13 you filed in that case. Can you tell me
 14 generally -- that was a medical malpractice
 15 action; is that correct?
 16 A. Yes.
 17 Q. Your father had a fall of some kind
 18 in the hospital?
 19 A. Yes.
 20 Q. You were alleging that was the cause
 21 of his death?
 22 A. Yes.
 23 Q. You are blaming his healthcare
 24 providers for that; is that correct?
 25 A. That's -- what is the word I want to

Page 23

1 J. Kablach - by Mr. Allen
 2 use? I think you should talk to my lawyer
 3 about that case. That is not related to this,
 4 in any way.
 5 Q. Well, that's really not for either
 6 you or I to decide. If you could answer my
 7 question, ma'am, I would appreciate it.
 8 A. What is the question?
 9 Q. The question was, I believe I just
 10 summarized the case and whether your claim was
 11 whether your father's healthcare providers were
 12 responsible for his death.
 13 Is that what you are alleging in
 14 your lawsuit?
 15 A. Yes.
 16 Q. Who are your lawyers in that case?
 17 A. Berger & Lagnese.
 18 MR. ALLEN: I will have copies
 19 of these --
 20 MR. CREENAN: That's okay.
 21 We'll get them.
 22 BY MR. ALLEN:
 23 Q. These are, ma'am, copies of your
 24 Complaint, your Amended Complaint and your
 25 Second Amended Complaint in the medical

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1 J. Kablach - by Mr. Allen
 2 malpractice action that you have.
 3 Am I correct that that is what those
 4 documents are? You can look through them,
 5 obviously.
 6 A. (Reviewing documents.) Yes.
 7 Q. How did you get in contact with that
 8 law firm that represents you?
 9 A. My brother called them.
 10 Q. What is your brother's name?
 11 A. John Kablach.
 12 Q. If you just look briefly, ma'am, at
 13 the end or almost at the end of those three
 14 documents, there's a sheet entitled
 15 Verification. If you could let me know if it
 16 is your signature that appears on the
 17 Verification pages of those three Complaints
 18 from the medical malpractice case?
 19 A. (Reviewing documents.) I only see
 20 two with my signature.
 21 Q. All right.
 22 A. That one doesn't have my signature
 23 on it.
 24 Q. Very good.
 25 MR. SHELLY: For the record,

6 (Pages 21 to 24)

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1 J. Kablach - by Mr. Allen
2 the witness was holding the document marked
3 Second Amended Complaint when she said that
4 document did not have her signature on it.
5 MR. ALLEN: We will mark, as
6 Exhibit 1, the Complaint. Exhibit 2, the
7 amended Complaint. Exhibit 3, the second
8 Amended Complaint.
9 Mr. Shelly is correct. Ms. Kablach
10 said it was the Second Amended Complaint. It
11 does not have a verification. She is correct
12 about that.
13 (Kablach Exhibit Nos. 1-3 were
14 marked for identification.)
15 Q. What is your understanding what it
16 means when you sign Verifications for court
17 documents like this?
18 A. That everything is true and
19 accurate, to your knowledge.
20 Q. Do you understand that you are
21 making that Verification, subject to penalties
22 of perjury?
23 A. Um-hum.
24 Q. Is that a yes?
25 A. Yes.

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1 J. Kablach - by Mr. Allen
2 Q. Do you recall signing Verifications
3 in this lawsuit involving MetLife?
4 A. I don't recall. I am sure I
5 probably did, but I don't recall.
6 Q. Do you have any bank accounts
7 anywhere, ma'am?
8 A. Yes.
9 Q. Where?
10 A. I have a savings with Firemen's
11 Federal Credit Union.
12 Q. Just a savings account?
13 A. Yes. And I have an account with Mt.
14 Troy Savings.
15 Q. Can you spell that?
16 A. Mt. Troy, T-R-O-Y. I have a
17 checking account with ESB Bank, and I have an
18 IRA that I'm saving. That was a rollover from
19 a 401-K.
20 Q. From National Record Mart?
21 A. Yes.
22 Q. The first one you mentioned,
23 Firemen's --
24 A. Federal Credit Union.
25 Q. You say that is a savings account?

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1 J. Kablach - by Mr. Allen
2 A. Yes.
3 Q. When did you open that account?
4 A. Probably in mid to late '90s. I'm
5 not sure.
6 Q. I didn't hear what you said?
7 A. I'm not sure exactly when it was
8 opened. I am going to say mid to late '90s.
9 Q. How much is in that account?
10 A. Currently?
11 Q. Yes.
12 A. \$8,000.
13 Q. How have you funded that account?
14 A. I had it taken directly out of my
15 pay when I worked at National Record Mart.
16 Q. Do you know when you -- I asked you
17 when you opened it. Do you remember when you
18 started to fund it?
19 A. I would say late '90s, mid '90s.
20 Late '90s.
21 Q. Do you have --
22 A. Mid '90s.
23 Q. Do you know if it was after you
24 purchased the MetLife policy?
25 A. I know it was after. Yes.

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1 J. Kablach - by Mr. Allen
2 Q. If you could try to wait until I
3 finish my questions. You know where I'm going
4 often with the questions. If you wait until I
5 finish it before you start your answer, that
6 would be helpful. Okay?
7 A. Okay.
8 Q. I know it is difficult. The Mt.
9 Troy Savings account, when did you open that?
10 A. I would say a couple of years ago.
11 Q. How much is in that?
12 A. Around eight or 9,000.
13 Q. How have you funded that over the
14 last couple of years?
15 A. Just through deposit savings. Just
16 on my own.
17 Q. Can you explain that?
18 A. Just savings.
19 Q. Whatever is left over at the end of
20 a month?
21 A. Yes.
22 Q. Why do you have two separate savings
23 accounts?
24 A. Because I had the one that was the
25 direct from National prior, and I like to keep

7 (Pages 25 to 28)

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<p>Page 29</p> <p>1 J. Kablach - by Mr. Allen 2 money in that to keep something with that. It 3 is a good credit union to get into. Once you 4 get out, since my father is deceased, I don't 5 know if I would be able to get back in. So I 6 wanted to keep something in there. I haven't 7 put anything into it lately. 8 Q. Since you left National Record Mart? 9 A. Right. 10 Q. The checking account you said was 11 with who? 12 A. ESB. 13 Q. How much is in that account? 14 A. Probably around 12 or 1500. 15 Q. Is that your day-to-day checking 16 account? 17 A. Yes. 18 Q. That's where you deposit your pay? 19 A. Right. 20 Q. How about the IRA? Who holds that 21 IRA for you? Which financial institution? 22 A. It is through my savings plan. 23 Q. You said that was a rollover from a 24 401-K; is that correct? 25 A. Yes.</p>	<p>Page 31</p> <p>1 J. Kablach - by Mr. Allen 2 Q. Whatever the federal percentage was? 3 A. Right. Then when the interest rates 4 started going down a little bit, I think I 5 dropped it. 6 Q. Why did you do that? 7 A. I didn't drop it. I dropped the 8 amount I was saving and put a little less in. 9 Q. Why did you do that when the 10 interest rates started to go down? 11 A. Just finances, due to different 12 change of finances in my life, that I wasn't 13 able to save the maximum amount. 14 Q. What sort of investments did you 15 hold within the 401-K plan while you had it at 16 National Record Mart? 17 A. Could you rephrase that? 18 Q. Sure. You said you contributed 19 monies into a 401-K plan; is that right? 20 A. Right. 21 Q. How were those monies invested 22 within the 401-K plan? 23 A. I think four different ways. 24 Q. What were those four different ways? 25 A. I just put it into some high</p>
<p>Page 30</p> <p>1 J. Kablach - by Mr. Allen 2 Q. What is a 401-K? 3 A. A savings plan. 4 Q. How does it work? 5 A. Retirement. 6 Q. How does it work? 7 A. The employer matches a percentage of 8 what you put in and you can't do anything with 9 it until I believe age 65 or when you retire or 10 there's penalties. 11 Q. Are there any tax benefits to a 12 401-K plan? 13 A. Yes. It is non-taxable at the time 14 it is taken out of your pay. You pay the taxes 15 when you take the money out. 16 Q. When you had the 401-K, it was with 17 National Record Mart? 18 A. Right. 19 Q. When did you open that 401-K? 20 A. I believe in 1998-'97. Late '90s. 21 Q. How much did you contribute to the 22 401-K per pay or per month or however you 23 funded it? 24 A. Originally, I was contributing the 25 maximum that I could.</p>	<p>Page 32</p> <p>1 J. Kablach - by Mr. Allen 2 interest, some low interest or high stock, low 3 stock, mid -- I'm not sure what you would call 4 it; just different variations of savings. 5 Mutual funds. I don't know. I just varied it 6 into different levels. 7 Q. How did you go about making your 8 choices on what investments to hold in the 9 401-K? 10 A. More or less, a guess. 11 Q. Did you consult with anyone about 12 how to make those decisions? 13 A. No. 14 Q. Do you know which financial 15 institution ran the 401-K for National Record 16 Mart? 17 A. Federated Investors. 18 Q. Forgive me if I asked this: How 19 much was in the 401-K when National Record Mart 20 closed? 21 A. About 28 or \$29,000. 22 Q. Did you roll the whole amount into 23 the IRA? 24 A. Um-hum. 25 Q. Is that a yes?</p>

8 (Pages 29 to 32)

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1 J. Kablach - by Mr. Allen
2 A. Yes.
3 Q. Do you continue to fund the IRA?
4 A. No.
5 Q. Do you know what the value of the
6 IRA is now?
7 A. Around 30,000.
8 Q. Do you know what investments are
9 held in the IRA?
10 A. No.
11 Q. So you can't tell me stocks, bonds,
12 mutual funds, anything like that?
13 A. No.
14 Q. The monies that you have in the
15 Firemen's savings account, do you have that
16 earmarked for any particular purpose?
17 A. No.
18 Q. How about the funds in the Mt. Troy
19 Savings account? Do you have those earmarked
20 for any particular purpose?
21 A. No.
22 Q. How about the monies in your IRA?
23 Do you have those earmarked for any particular
24 purpose?
25 A. Yes. Retirement.

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1 J. Kablach - by Mr. Allen
2 Q. What are your current plans for
3 retirement? In other words, when do you plan
4 to retire, if you have any such plans?
5 A. I would like to retire by the time I
6 am 66.
7 Q. How old are you, today, ma'am?
8 A. 47.
9 Q. Why 66?
10 A. Hopefully, it will still be a
11 retirement age. I may have to wait until I am
12 older than that.
13 Q. Do you have any children?
14 A. No.
15 Q. Does your husband have any children?
16 A. He has a daughter.
17 Q. How old is she?
18 A. 18.
19 Q. Is she financially dependent on you?
20 A. No.
21 Q. Is she financially dependent on your
22 husband?
23 A. Up until 18, yes.
24 Q. In 1991, was anyone financially
25 dependent on you?

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1 J. Kablach - by Mr. Allen
2 A. No.
3 Q. Aside from the investments that you
4 had in the IRA and previously in the 401-K,
5 have you ever owned any stocks?
6 A. The MetLife stock, which I wasn't
7 aware of, until they sent me a check for
8 dividends. I wasn't even aware that I had it.
9 Q. Anything else? Any other stock?
10 A. National Record Mart had a
11 profit-sharing up until 19 -- either '86 or
12 '88, and when the company turned hands, we had
13 that option to take what we had in there or
14 leave it in, which I took mine, because of the
15 advice of the owner of the company at the time,
16 the previous owner.
17 But I don't know if there was any
18 stock involved in that.
19 Q. What was the value of that stock or
20 that share in the profit-sharing that you had
21 at that time?
22 A. I think \$10,500. Oh, I also had
23 stock with Oppenheimer. Through National
24 Record Mart, I had stock in National Record
25 Mart.

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1 J. Kablach - by Mr. Allen
2 Q. What is Oppenheimer? Is that a
3 mutual fund company?
4 A. I don't know. I believe so.
5 Q. How did you contact --
6 A. Go ahead.
7 Q. No. Go ahead. Finish what you were
8 saying, please.
9 A. National Record Mart had awarded me
10 some stock. Then I had purchased some stock on
11 my own outside.
12 Q. In National Record Mart?
13 A. Yes.
14 Q. You mentioned Oppenheimer?
15 A. Um-hum.
16 Q. How did you get in contact with
17 those people? How do you know that name?
18 A. Through my company, through our tax
19 consultant in the office.
20 Q. Your tax consultant -- what?
21 A. One of the women that worked with
22 me.
23 MR. ALLEN: Is Oppenheimer a
24 mutual fund?
25 MR. CREENAN: (Nods

9 (Pages 33 to 36)

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1 J. Kablach - by Mr. Allen
2 affirmatively.)
3 Q. So you owned National Record Mart
4 stock at a certain point in time?
5 A. Yes.
6 Q. When did you first acquire any
7 National Record Mart stock?
8 A. Late '90s.
9 Q. What did you do with the stock in
10 National Record Mart that you acquired?
11 A. Basically, nothing.
12 Q. So you held it?
13 A. Um-hum.
14 Q. Yes?
15 A. Yes.
16 Q. And the company went bankrupt?
17 A. Yes.
18 Q. So you didn't get anything out of
19 that stock; is that correct?
20 A. Yes.
21 Q. Have you ever owned any other stock,
22 other than what we have already talked about?
23 A. No.
24 Q. Have you ever owned any shares in a
25 mutual fund?

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1 J. Kablach - by Mr. Allen
2 A. No.
3 Q. Do you know what a mutual fund is?
4 A. No.
5 Q. Have you ever owned any bonds?
6 A. When I first started at National
7 Record Mart, I did purchase some savings bonds,
8 just a very small amount, that I can't even
9 remember the amount. They were small. Like
10 maybe 20, \$25 bonds.
11 Q. Government bonds?
12 A. Yes.
13 Q. Have you ever owned any corporate
14 bonds?
15 A. No.
16 Q. Have you ever owned a certificate of
17 deposit or a CD?
18 A. When I first took the money from
19 National Record Mart, I did deposit it into --
20 I am not sure if it was a CD or an IRA. I took
21 it back out. I had to pay high penalties. I
22 am not sure which one it was in.
23 Q. Are you talking about the money you
24 took from the profit-sharing plan?
25 A. Yes.

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1 J. Kablach - by Mr. Allen
2 Q. Which financial institution did you
3 get that IRA or CD?
4 A. I don't know.
5 Q. Why did you have to take the money
6 out prematurely?
7 A. I wanted to use it towards paying
8 off some bills and just paying off some credit
9 card debt. I wanted to take a vacation, so I
10 just took it out. I wasn't aware that I would
11 have to pay the high penalties until I took it
12 out.
13 Q. Have you ever had a stockbroker?
14 A. Just Oppenheimer, that I recall, if
15 I wanted to purchase stock in National Record
16 Mart.
17 Q. When did you first get into contact
18 with Oppenheimer?
19 A. I would say late '90s. When I say
20 late '90s, it is probably between '96, '97 and
21 '99.
22 Q. Was there a particular individual at
23 Oppenheimer that you would deal with, or just
24 whoever answered the phone?
25 A. There was a woman. I am trying to

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1 J. Kablach - by Mr. Allen
2 remember what her name was. I don't recall her
3 name.
4 Q. Have you ever had a financial
5 adviser of any kind?
6 A. No.
7 Q. Have you ever attended any financial
8 seminars?
9 A. No.
10 Q. Do you subscribe to any financial
11 publications, like The Wall Street Journal, any
12 money magazines, things like that?
13 A. No.
14 Q. You mentioned a brother. What is
15 his name?
16 A. John.
17 Q. Do you have any other siblings?
18 A. I have a sister, Jeanette, and
19 another brother, William.
20 Q. What does John do for a living?
21 A. He owns a print shop.
22 Q. Where does he live?
23 A. Virginia Beach.
24 Q. What is his education?
25 A. High school and some college, Penn

10 (Pages 37 to 40)

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1 J. Kablach - by Mr. Allen
2 State, Point Park College. I believe that's
3 where he went.
4 Q. Where does Jeanette live?
5 A. Reserve Township.
6 Q. What does she do for a living?
7 A. She is a housewife and mother.
8 Q. What is her education?
9 A. High school.
10 Q. William, where does William live,
11 your brother?
12 A. Spring Hill.
13 Q. What does he do for a living?
14 A. Exterminator.
15 Q. What is his education?
16 A. High school and some college.
17 Q. Where did he go to college?
18 A. LaRoche.
19 Q. Do you own your current residence?
20 A. I don't. My husband does.
21 Q. You are not a joint owner with him?
22 A. No.
23 Q. Was the Harpster address a single-
24 family home or an apartment?
25 A. It was an apartment.

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1 J. Kablach - by Mr. Allen
2 Q. So you rented?
3 A. Yes.
4 Q. Have you ever owned any real estate?
5 A. No.
6 Q. Do you have any investments of any
7 kind, other than what we have already talked
8 about?
9 A. No.
10 Q. Do you have any sources of income
11 other than your salary?
12 A. No.
13 Q. Do you and your husband keep your
14 finances separate?
15 A. Yes.
16 Q. Have you ever had any sources of
17 income other than your salary and the other
18 matters that we have already covered?
19 A. I worked at the Blarney Stone
20 part-time. I am not sure what years. It was
21 late '80s maybe.
22 Q. What was the Blarney Stone?
23 A. A restaurant.
24 Q. What did you do?
25 A. I did banquets, like --

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1 J. Kablach - by Mr. Allen
2 Q. Cooking, waiting tables? What did
3 you do?
4 A. Preparation for a banquet where you
5 would set the tables. Start to finish.
6 Serving, cleaning up. The whole start to
7 finish, as far as the setting up and tearing
8 down and serving food. Kind of like a waitress
9 position.
10 Q. What type of policy with MetLife did
11 your father have?
12 A. I assume it was life insurance.
13 Q. Do you own any other types of
14 insurance today, other than life insurance?
15 A. I don't have life insurance.
16 Q. My question wasn't clear. Do you
17 own any types -- do you own any type of
18 insurance today, period?
19 A. Car insurance. Health insurance.
20 Q. You have health insurance through
21 your employer?
22 A. Yes.
23 Q. Who is your auto insurer?
24 A. State Farm.
25 Q. How long have they been your auto

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1 J. Kablach - by Mr. Allen
2 insurer?
3 A. I am going to say at least 12, 15
4 years, at least. Maybe longer.
5 Q. Did you ever have any problems with
6 State Farm?
7 A. No.
8 Q. Have you ever filed any lawsuit,
9 other than the two that we have already
10 mentioned today?
11 A. No.
12 Q. Have you ever threatened to sue an
13 insurance company, aside from MetLife?
14 A. No.
15 Q. Do you know anyone that works for an
16 insurance company?
17 A. No.
18 Q. Have you ever met anyone that has
19 ever worked for a life insurance company?
20 A. Ronald Schram.
21 Q. Other than Mr. Schram?
22 A. Not that I recall.
23 Q. How many life insurance policies
24 have you ever owned in your life?
25 A. Just one through National Record

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<p>Page 45</p> <p>1 J. Kablach - by Mr. Allen 2 Mart and the retirement insurance plan through 3 MetLife. 4 Q. How did you get in contact with 5 Mr. Schram? 6 A. I'm not sure if he contacted me or I 7 contacted him, but it was through my father 8 having insurance through him. 9 Q. How did that come up? Can you 10 explain that, what you mean, through your 11 father having insurance? 12 A. I think my father had just purchased 13 the insurance through him, and told me that he 14 had some kind of insurance savings that he 15 could come over and talk to me about; something 16 I might be interested in. 17 Q. This is your father? 18 A. Um-hum. 19 Q. Yes? 20 A. Yes. 21 Q. Tell me a little bit more precisely, 22 if you can, the sequence of events. You 23 believe your father had purchased a policy from 24 Mr. Schram? 25 A. Yes.</p>	<p>Page 47</p> <p>1 J. Kablach - by Mr. Allen 2 Q. Through your father's wife or 3 through Mr. Schram's wife? 4 A. Through my father's wife. 5 Q. Your father -- we are talking about 6 someone not your mother? 7 A. Yes. 8 Q. What was that woman's name? 9 A. June. 10 Q. June. Last name? 11 A. Kablach, K-A-B-L-A-C-H. After they 12 were married. 13 Q. When were they married? 14 A. 16 years ago. 15 Q. Is she still living? 16 A. Yes. 17 Q. Where does she live? 18 A. She lives on Troy Hill. 19 Q. Do you know the address? 20 A. No. It is Harpster Street. I am 21 not sure what the address is. 22 Q. Do you know a phone number? 23 A. Offhand, no. We don't really keep 24 in contact much. 25 Q. Did your father describe, at all,</p>
<p>Page 46</p> <p>1 J. Kablach - by Mr. Allen 2 Q. When did he do that? 3 A. I believe it was not long before I 4 did; within that year. Within a few months, 5 maybe. 6 Q. What type of policy was it? 7 A. Well, it showed to be life 8 insurance, but at the time I didn't know. 9 Q. What did your father say to you 10 about this policy? 11 A. He just said he had purchased 12 insurance. 13 Q. Your father said that he had 14 purchased insurance? 15 A. Yes. 16 Q. Did he say anything about 17 Mr. Schram? 18 A. He just said Mr. Schram would like 19 to talk to me about insurance savings and 20 different things. That's when I set up an 21 appointment. 22 Q. How did your father come to be in 23 contact with Mr. Schram? 24 A. I'm not sure. Maybe through his 25 wife. I'm not sure.</p>	<p>Page 48</p> <p>1 J. Kablach - by Mr. Allen 2 the product that he purchased from MetLife? 3 A. No. 4 Q. Did you, otherwise, know what the 5 product was that he purchased? 6 A. No. 7 Q. Did he ever show it to you? 8 A. No. 9 Q. Did you ever see it? 10 A. No. 11 Q. You collected on it, on behalf of 12 your father's estate? 13 A. Yes. 14 Q. Did you see it when you collected? 15 A. I was the executrix. So I did see 16 it but prior to that, I didn't know what he had 17 or what was in it. 18 Q. Where was it when your father died 19 and you were serving as the executrix of his 20 estate? Did you find it somewhere, the policy? 21 A. Yes. He had all his papers filed in 22 a file. They were marked whatever -- whatever 23 they were, they were marked house, insurance, 24 whatever; categorized. 25 Q. How was the policy marked?</p>

12 (Pages 45 to 48)

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1 J. Kablach - by Mr. Allen
 2 A. I guess it said Insurance
 3 Information. Whatever.
 4 Q. What did you do when you found it?
 5 A. I called MetLife.
 6 Q. Why?
 7 A. To see what the amount was and how
 8 to go about cashing in on the insurance.
 9 Q. What was the amount?
 10 A. I am going to say, I'm not sure,
 11 around 28,000, 30,000. I'm not quite exactly
 12 sure.
 13 Q. What type of life insurance policy
 14 was it?
 15 A. I'm not sure. I think it was term.
 16 I think I seen the word "term" on there.
 17 Q. Do you have any documents related to
 18 that policy?
 19 A. I would have to look. Once I
 20 cleared everything up, got the check, I don't
 21 like to keep all that old stuff, once it is
 22 settled. I may. I could look.
 23 Q. Please.
 24 MR. ALLEN: Mr. Shelly, I would
 25 ask that you preserve any documents because

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1 J. Kablach - by Mr. Allen
 2 they may be relevant to this case.
 3 MR. SHELLY: Okay.
 4 Q. Did you have any problems getting
 5 that claim processed under your father's life
 6 insurance policy?
 7 A. No. Not that I am aware of.
 8 Q. You got the money?
 9 A. Yes.
 10 Q. Promptly?
 11 A. Yes.
 12 Q. No complaints about how that was
 13 handled?
 14 A. No.
 15 Q. Is that correct?
 16 A. Yes.
 17 Q. Have you told me everything that you
 18 can recall about your conversation with your
 19 father when -- about his purchase of that
 20 policy in 1991?
 21 A. Yes.
 22 Q. Before your father's death, did you
 23 ever discuss with him this lawsuit?
 24 A. No. He knew that I was in a
 25 lawsuit, but I never really discussed it much;

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1 J. Kablach - by Mr. Allen
 2 not that I recall.
 3 Q. Well, whether you discussed it much,
 4 I would like to know about any discussions that
 5 you can recall with your father about this
 6 lawsuit or any problems that you may have had
 7 with the policy that you purchased.
 8 A. I mentioned to him that I had --
 9 what I had purchased wasn't what it was; that I
 10 had purchased a retirement savings plan, and
 11 that I had seen an article in the paper where
 12 Ronald Schram was not on the up-and-up with all
 13 this stuff.
 14 When I called MetLife to ask them
 15 about my policy, they had told me that it
 16 wasn't a savings plan, it wasn't a retirement
 17 plan and I had to pay it until age 95, and I
 18 almost fell over.
 19 That was as far as I discussed with
 20 him, that I was going to talk to a lawyer and
 21 we never discussed it again.
 22 Q. Did your father have any complaints
 23 about his policy?
 24 A. No. I asked him about his policy.
 25 I said, "Did you purchase the same thing I

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1 J. Kablach - by Mr. Allen
 2 did?" He said, "No. I'm older. I just
 3 purchased life insurance."
 4 Q. Did he say anything else during your
 5 conversation?
 6 A. No.
 7 Q. Okay.
 8 A. He said his policy wasn't the same
 9 as mine.
 10 Q. How did he know whether his policy
 11 was the same -- let me finish the question --
 12 how did he know whether his policy was the same
 13 as yours or not?
 14 A. Because when I purchased it, I told
 15 him that he sold me, Ronald Schram, a savings
 16 plan and insurance retirement all rolled into
 17 one. I said because of my age, that's what he
 18 sold me. He said his was different because of
 19 his age; that he was only interested in
 20 insurance, life insurance.
 21 Q. Does the name Horton, H-O-R-T-O-N,
 22 mean anything to you?
 23 A. I heard that mentioned as a class
 24 action suit. That's all I know about it.
 25 Q. Who mentioned it to you?

13 (Pages 49 to 52)

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<p>Page 53</p> <p>1 J. Kablach - by Mr. Allen 2 A. I don't know if I read it in the 3 paper. I just recall it being mentioned. 4 Q. Are you aware that your lawsuit was 5 at one time pending in a court in Florida? 6 A. I thought maybe it was, but it was 7 maybe too late to get into that. I don't know. 8 Q. What do you mean? 9 A. When I filed, I didn't know if it 10 was tied in with that or I was doing it 11 separate. 12 Q. Does the term "opt out" mean 13 anything to you? 14 A. It means to have the choice to get 15 out of something. 16 Q. Does it mean anything to you in 17 connection with this litigation? 18 A. I opted out to be in with the class 19 action because it was a little late to get into 20 that. I went on my own. 21 Q. I think I understood your answer. 22 It may have been a little unclear. You opted 23 out of what? 24 A. The class action, Horton. 25 Q. So that what?</p>	<p>Page 55</p> <p>1 J. Kablach - by Mr. Allen 2 Q. You didn't understand my question, I 3 don't think. 4 A. No. 5 Q. Are you aware that in this lawsuit 6 there is no allegation, no claim by you, that 7 you purchased a savings and retirement plan? 8 A. No, I am not aware of. 9 Q. This is the first I have heard of 10 this in connection with your lawsuit. Are you 11 aware of that? 12 A. No. 13 Q. So you had this conversation with 14 your father back in 1991 about his purchase of 15 the policy and he mentioned Mr. Schram; is that 16 right? 17 A. Um-hum. 18 Q. Yes? 19 A. Yes. Sorry. 20 Q. Did you know Mr. Schram? 21 A. No. Not prior to that. 22 Q. Did I understand you correctly that 23 your father suggested that you get in contact 24 with Mr. Schram? 25 A. I don't know if he gave him my</p>
<p>Page 54</p> <p>1 J. Kablach - by Mr. Allen 2 A. I am filing separate from them. 3 Q. Why did you decide to go in that 4 direction? 5 A. I filed a little late. I think by 6 the time I read the paper, I think it was a 7 little late or getting late to decide what to 8 do. 9 I don't know. I think I may have 10 wanted to file myself, too, and not get into a 11 class action at all. 12 Q. Are you aware, ma'am, in the lawsuit 13 that you filed here, that we are here for 14 today, that there is no allegation or claim 15 whatsoever that you believe that the policy 16 that you purchased was a savings or retirement 17 plan? 18 A. Sorry. Can you rephrase that? 19 Q. Are you aware that in this lawsuit 20 that we are here for today that you have made 21 absolutely no claim whatsoever that you 22 believed that you had purchased a savings and 23 retirement plan? 24 A. Yes, I believe that's what I 25 purchased.</p>	<p>Page 56</p> <p>1 J. Kablach - by Mr. Allen 2 number or I called him. I don't recall. 3 Q. Somehow, you came to be in contact 4 with Mr. Schram; is that right? 5 A. Yes. 6 Q. Was the first contact over the phone 7 between you and Mr. Schram? 8 A. I believe it was. 9 Q. You don't know who initiated the 10 call? 11 A. No. I'm not a hundred percent sure. 12 I think Mr. Schram did, but I can't be a 13 hundred percent sure. 14 Q. How long did that first phone call 15 last? 16 A. I don't recall. 17 Q. Two hours? 18 A. Maybe five minutes, ten minutes. 19 Q. Was anybody else on the line or just 20 you and Mr. Schram? 21 A. Just me and Mr. Schram. 22 Q. What did Mr. Schram say? 23 A. He wanted to set up an appointment. 24 Q. Did he say anything else? 25 A. To show me how I could save money</p>

14 (Pages 53 to 56)

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1 J. Kablach - by Mr. Allen
2 and also buy insurance. As far as I know,
3 that's all I recall.
4 Q. Did you say anything during that
5 phone call?
6 A. I think I just set up the
7 appointment.
8 Q. Can you tell me anything else about
9 that phone call?
10 A. Huh-uh.
11 Q. No?
12 A. No.
13 Q. You agreed to meet with him?
14 A. Yes.
15 Q. Did you, in fact, meet with him?
16 A. Yes.
17 Q. On how many occasions have you ever
18 met with Mr. Schram?
19 A. Only one that I can recall. There
20 may have been two, maybe one after the
21 purchase, that he may have dropped off papers
22 or something. I don't recall. Just the one
23 meeting is all I recall.
24 Q. So am I correct that in your life,
25 you have laid eyes on Mr. Schram on one and

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1 J. Kablach - by Mr. Allen
2 maybe two occasions?
3 A. Yes.
4 Q. But no more?
5 A. Yes.
6 Q. Have you ever had any telephone
7 conversations with him other than the one that
8 we have discussed?
9 A. Not that I recall. It is possible
10 that he may have called and said, "Your check
11 is fine," or something. Something brief. It
12 lasted 30 seconds, but nothing that I recall.
13 Q. You're guessing, if there was
14 something else?
15 A. I seem to think there might have
16 been a brief, "Your check went through," and
17 that's it.
18 Q. Have you ever spoken to anyone else
19 employed by MetLife?
20 A. Yes.
21 Q. Who?
22 A. I spoke to someone when I called the
23 time I had seen the article on Mr. Schram in
24 the Post-Gazette. I don't know who I spoke to.
25 That was to find out the status of what I had

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1 J. Kablach - by Mr. Allen
2 purchased.
3 Q. What phone number did you call?
4 A. I don't recall.
5 Q. Was it a local Pittsburgh area
6 number or was it an 800 number?
7 A. I think it was the number in the
8 paper. I think there was a number in the paper
9 for MetLife.
10 Q. What newspaper had this article that
11 you mentioned?
12 A. I think the Post-Gazette.
13 Q. Who else from MetLife have you
14 spoken to?
15 A. I don't recall names. I spoke to
16 someone when my father passed away about
17 collecting on his insurance, but I don't recall
18 who.
19 Q. Anyone else?
20 A. Not that I recall.
21 Q. What did the person who you spoke
22 to, after you saw the article in the paper,
23 say?
24 A. Well, I had asked them where the
25 status was of the account that I had with them,

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1 J. Kablach - by Mr. Allen
2 and I told them that I had been paying into it
3 for X amount of years and I wanted to know the
4 value of it, and I had asked them if it was
5 payable for eight to nine years, as a savings
6 plan. Then I didn't have to pay into it
7 anymore. And at age 65, I would have over
8 \$13,000 in there.
9 The lady checked and she got back on
10 the phone and said, "No. That policy is
11 payable to age 95."
12 Q. You mentioned something about an
13 account that you had with them. What account
14 are you talking about?
15 A. Just the MetLife.
16 Q. I am not sure what you are referring
17 to.
18 A. I call it MetLife account because
19 there was money coming out of my account and
20 going into MetLife that I assumed was being put
21 towards retirement. That's why I call it an
22 account. I don't know what else to call it.
23 Q. Have you told me everything that you
24 did recall about that telephone conversation
25 that you had after you saw the article?

15 (Pages 57 to 60)

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<p>Page 61</p> <p>1 J. Kablach - by Mr. Allen 2 A. I was upset because she told me it 3 was payable to age 95. Then I had also told 4 her, "I certainly didn't want life insurance 5 because of my age." I had already had life 6 insurance through my company. I asked her, if 7 I had cashed the policy in, what the value 8 was. She told me some ridiculous amount, like 9 two or 300 hundred some dollars. 10 Q. You just said you didn't want life 11 insurance because of your age. 12 A. Because I had life insurance through 13 the company I worked for. 14 Q. When did you see the article in the 15 Post-Gazette on Mr. Schram? 16 A. I'm not sure exactly when. 17 Q. Approximately? 18 A. Maybe in -- I don't know -- '94, 19 '95. I'm not sure. I really have no idea. 20 Q. Are you familiar with the law firm 21 of Behrend & Ernsberger? 22 A. Yes. 23 Q. How did you get into contact with 24 the law firm of Behrend & Ernsberger? 25 A. I seen her name also, and after I</p>	<p>Page 63</p> <p>1 J. Kablach - by Mr. Allen 2 Ernsberger at that meeting? 3 A. Yes. 4 Q. How many other meetings have you 5 ever had with someone from the law firm of 6 Behrend & Ernsberger? 7 A. Two, maybe. Maybe, three. I think 8 two. 9 Q. With whom did you meet on those 10 occasions? 11 A. I had met with Mrs. Ernsberger. 12 Q. Barbara? 13 A. Barbara. Then I had one meeting 14 with Mr. Shelly. That's it. 15 Q. When was your meeting with 16 Mr. Shelly? 17 A. This past week. 18 Q. Where was that, ma'am? 19 A. At the office. 20 Q. Whose office? 21 A. Behrend & Ernsberger. 22 Q. Who participated in that meeting? 23 A. Just he and I. 24 Q. How long did that meeting last? 25 A. Maybe an hour and a half, two hours.</p>
<p>Page 62</p> <p>1 J. Kablach - by Mr. Allen 2 had called MetLife, I called Mr. Behrend 3 because he was handling those cases. 4 Q. Where did you see their name? 5 A. In the same article. 6 Q. The one that had a mention of 7 Mr. Schram? 8 A. Yes. 9 Q. Did you ever meet with Mr. Behrend 10 or anyone from Behrend & Ernsberger? 11 A. Yes. 12 Q. When was the first time you had a 13 meeting with someone from that law firm? 14 A. After I had seen the article. 15 Q. Where was that meeting? 16 A. At their office. 17 Q. Who was at that meeting? 18 A. Mr. Behrend. 19 Q. And? 20 A. Myself. 21 Q. Anyone else? 22 A. Not that I recall. 23 Q. How long did that meeting last? 24 A. I don't recall. Maybe an hour. 25 Q. Did you decide to hire Behrend &</p>	<p>Page 64</p> <p>1 J. Kablach - by Mr. Allen 2 Q. When was your meeting with Ms. 3 Ernsberger? 4 A. A couple years ago. 5 Q. Generally, what was the purpose of 6 that meeting? 7 A. Just to update what was going on in 8 the case. 9 Q. Who participated in that meeting? 10 A. Just her and myself. 11 Q. How long did that meeting last? 12 A. Probably about an hour. 13 Q. Have you ever consulted with any 14 other lawyers in relation to your claim, 15 whatever they may be, against MetLife and 16 Mr. Schram? 17 A. No. 18 Q. Let's take a five-minute break, 19 ma'am. 20 (Short break.) 21 BY MR. ALLEN: 22 Q. Did you have a meeting with 23 Mr. Schram in 1991? 24 A. Yes. 25 Q. Where was that meeting?</p>

16 (Pages 61 to 64)

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1 J. Kablach - by Mr. Allen
 2 A. In my apartment.
 3 Q. Harpster?
 4 A. Yes.
 5 Q. Was anybody else present during that
 6 meeting?
 7 A. I'm not sure if my father was there.
 8 He may have stopped in and left.
 9 Q. How long did the meeting last?
 10 A. At most, probably a half hour.
 11 Q. Did Mr. Schram have any documents
 12 with him during that meeting?
 13 A. He showed me a chart of how the
 14 savings part would work. He asked me some
 15 questions related to age, basic things that he
 16 would need, like your age or if you smoke,
 17 this, this and the other. The address.
 18 Q. My question was documents. You
 19 mentioned a chart. Were there any other
 20 documents there at that meeting other than the
 21 chart?
 22 A. Not that I recall.
 23 Q. Eventually, you decided to purchase
 24 the product?
 25 A. Yes.

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1 J. Kablach - by Mr. Allen
 2 Q. From Mr. Schram; is that correct?
 3 A. Um-hum.
 4 Q. Yes?
 5 A. Yes.
 6 Q. Was there a determining factor in
 7 your decision to purchase the product?
 8 A. Yes.
 9 Q. What was that?
 10 A. That I only had to pay into it for
 11 eight years and after that, it would pay for
 12 itself and at age 65, I had the option to take
 13 out the 13,000 and some dollars that was in
 14 there, or leave it in to gain more interest and
 15 take it at any time after that.
 16 Q. What was on this chart that was at
 17 the meeting?
 18 A. It showed me what would go in each
 19 year, like how much I would have in, and then
 20 it showed me like at the eighth or the ninth
 21 year where I would be finished paying for it.
 22 Q. Was there anything else on the
 23 chart?
 24 A. It showed at age 65 how much would
 25 be in there to take.

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1 J. Kablach - by Mr. Allen
 2 Q. Can you describe what it physically
 3 looked like, this chart?
 4 A. It was a white piece of paper. It
 5 had years going down the one column and amounts
 6 on another column.
 7 Q. Were there any other columns?
 8 A. There were several columns.
 9 Q. Was it just one sheet of paper or
 10 multiple sheets of paper?
 11 A. I think there may have been two
 12 sheets.
 13 Q. What happened with this chart?
 14 A. What happened to it?
 15 Q. Yes. The physical paper, what
 16 happened to it?
 17 A. I don't know if the one he showed me
 18 was the one he actually gave me after the
 19 policy was purchased, if he left it there. Any
 20 paperwork I had I would have turned over to my
 21 lawyer.
 22 Q. Well, let's focus on this meeting.
 23 You said that there was the chart at the
 24 meeting. Did he leave that chart with you at
 25 the end of that meeting or don't you know?

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1 J. Kablach - by Mr. Allen
 2 A. I don't recall.
 3 Q. Did you sign anything at that
 4 meeting?
 5 A. I think I did sign to purchase the
 6 plan.
 7 Q. Do you know what it was that you
 8 signed?
 9 A. No. I just remember signing that --
 10 I think an authorization to take money out of
 11 my checking account each month.
 12 Q. Now, this meeting is going to be
 13 very important, ma'am, and your recollection of
 14 what happened. I would like you to describe
 15 that meeting as precisely as you can. If you
 16 can envision rewinding a videotape and play it
 17 back for me and tell me, to the best of your
 18 recollection, everything that you can recall
 19 happening at that meeting?
 20 A. I just recall Mr. Schram being real
 21 upbeat and telling me that this is great and
 22 how I can save money and also have life
 23 insurance at the same time and from the day I
 24 sign, including that day, that I would be
 25 covered in full for \$25,000 worth of life

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<p>Page 69</p> <p>1 J. Kablach - by Mr. Allen 2 insurance, but also it is a savings where after 3 eight years I don't have to pay -- I believe 4 only pay 31.50 a month for eight years. 5 At that point, it pays for itself 6 and at age 65, I would have 13,000 some odd 7 dollars in there to do as I pleased with. 8 Q. Is that your entire recollection of 9 everything that happened at that meeting? 10 A. Basically. It was short. It wasn't 11 a long meeting. 12 Q. I don't want to know basically. I 13 need to know every single detail. If a fly 14 flew across the room and you recall that, I 15 want to hear about the fly flying across the 16 room. 17 A. He asked me questions like, "Do you 18 smoke?" "No." He said -- I think I may have 19 said jokingly but he made a comment, "You don't 20 want to say you smoke even if you do because 21 then they may not insure you." Something. He 22 commented something about smoking. 23 I said, "I don't smoke, anyway." I 24 remember saying, "I don't smoke." Questions 25 about my health. I was in good health. I</p>	<p>Page 71</p> <p>1 J. Kablach - by Mr. Allen 2 deducted from my checking each month for eight 3 or nine years, and at that point, his words 4 were, "It would pay for itself after that." 5 After age 65, I would have 13,000 6 some odd dollars in the account to take or -- 7 because I remember I said, "If I wanted to 8 continue saving at that point, could I leave it 9 in?" He said, "Oh, yeah, because you would get 10 interest on it." I stressed the fact that only 11 eight years I have to pay for this, eight or 12 nine years. I can't remember if it was eight 13 or nine. It looked like eight on the chart, it 14 may have been nine. 15 He said, "Yes, that's all you would 16 have to pay into it. Then you would be done 17 making payments." 18 Q. You mentioned interest in that last 19 answer. Was there any other discussion of 20 interest rates during that meeting with 21 Mr. Schram in 1991? 22 A. No. 23 Q. Have you told me everything that you 24 can recall about that meeting, ma'am? 25 A. Everything that I can recall, yes.</p>
<p>Page 70</p> <p>1 J. Kablach - by Mr. Allen 2 wasn't taking medications. All those 3 questions. 4 Q. Tell me all those questions. I need 5 to know everything that you can recall, ma'am? 6 A. Name, age, address, health 7 questions. I don't remember specifics other 8 than the smoking and the medication or doctor, 9 what primary care doctor you go to. That's all 10 I remember. 11 Q. At what point in the meeting was 12 there a discussion of this chart or at least 13 did he show you the chart? 14 A. He showed it to me. 15 Q. At what point in the meeting did 16 that take place? 17 A. Probably into the first five 18 minutes. He showed me the chart before 19 anything was signed or anything else until 20 prior to me agreeing. He said this is how it 21 works. That was what enticed me to sign right 22 there. 23 Q. What did he say with regard to the 24 chart? 25 A. He said that I would have \$31.50</p>	<p>Page 72</p> <p>1 J. Kablach - by Mr. Allen 2 Q. Have you discussed that meeting with 3 anyone other than your attorneys? 4 A. No. 5 Q. What happened next with regard to 6 your MetLife policy? 7 A. Well, then I said, "It sounds 8 great." He asked me questions related to 9 myself, like age and nonsmoker or smoker, 10 health questions. He checked things off. Then 11 I signed. 12 He said he would call me and let me 13 know if everything went through with the check. 14 I think I had to get him a check for the 15 first -- I am not sure if I gave him a check 16 for the first payment. Then it would be taken 17 out. Then I had to set it up with my bank. I 18 don't know if he did or I did. He said I was 19 covered from the first day that I signed. I 20 gave him a check. 21 Q. So the meeting ends? 22 A. Yes. 23 Q. Then what happened with regard to 24 the MetLife policy? 25 A. He said I would be getting some</p>

18 (Pages 69 to 72)

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1 J. Kablach - by Mr. Allen
2 things in the mail.
3 Q. When did he say that?
4 A. After the meeting.
5 Q. When did he say it? Was it at the
6 meeting that he told you that you would get
7 things in the mail?
8 A. I think so.
9 Q. What things did he say?
10 A. Just papers in the mail. Copy of a
11 policy or something.
12 Q. So what happened after the meeting?
13 A. That was it. I believe he called me
14 later in the week to let me know that the check
15 cleared and that everything was good, as far as
16 my check and as far as me being eligible.
17 Q. You mentioned a possible second
18 meeting with Mr. Schram. You weren't sure.
19 Did it actually happen? Do you have any
20 recollection now if there was a second meeting
21 with Mr. Schram?
22 A. No.
23 Q. Did you ever receive anything in the
24 mail from MetLife?
25 A. I believe that he may have either

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1 J. Kablach - by Mr. Allen
2 mailed something or put something in my
3 mailbox. I remember getting a folder or
4 something.
5 Q. How long after your meeting in your
6 apartment with Mr. Schram did you get something
7 in your mailbox?
8 A. I'm not sure. Within a week or two.
9 Q. What was in the folder or what was
10 in your mailbox?
11 A. I think just like a copy of a policy
12 or something.
13 Q. Was it in an envelope?
14 A. I am sure it was.
15 Q. What did you do with the envelope?
16 A. I don't know.
17 Q. So you go to the mailbox. There is
18 an envelope there. Did it say MetLife on it?
19 A. I don't know.
20 Q. Had you ever heard of MetLife before
21 you met with Mr. Schram or at least before your
22 father mentioned the possibility of meeting
23 with Mr. Schram?
24 A. I don't know. I know they are a big
25 company. I am sure I heard it mentioned

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1 J. Kablach - by Mr. Allen
2 somewhere.
3 Q. So back to the mailbox. You go
4 there. There is an envelope. You take it out
5 of the mailbox; is that right?
6 A. Right.
7 Q. What did you do with it?
8 A. I don't remember.
9 Q. Did you open the envelope?
10 A. I am sure I did, but I don't
11 remember.
12 Q. Eventually -- you described it as a
13 folder, maybe a policy inside the envelope?
14 A. I'm not sure. It was papers from
15 MetLife. I am not sure what they were.
16 Q. What did you do with those papers?
17 A. Put them in the drawer.
18 Q. Are these the papers that I have put
19 in front of you? The papers that I have put in
20 front of you, are those the papers that you
21 found in the envelope in your mailbox back in
22 1991?
23 A. It is possible.
24 Q. But you're not sure?
25 A. (Reviewing papers.) This looks

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1 J. Kablach - by Mr. Allen
2 familiar to me.
3 Q. You are pointing to what we will
4 call an illustration. We will mark that as an
5 exhibit later. But that illustration that you
6 are looking at looks familiar to you?
7 A. Yes.
8 Q. What is your familiarity with it?
9 A. This looks like what Mr. Schram had
10 showed me in the meeting.
11 Q. Is it the chart that you mentioned
12 earlier?
13 A. Yes.
14 MR. ALLEN: For the record,
15 Mr. Shelly has brought with him the original
16 policy that is the subject of the lawsuit. A
17 cover letter is within the policy, is loose
18 within the policy, and there is an illustration
19 also loose within the policy, as Mr. Shelly has
20 brought it with him today.
21 Q. So you got some papers in the mail,
22 in your mailbox. You don't know if the policy
23 and the illustration and the letter that you
24 have in front of you were those documents that
25 you got in the mail; is that correct?

19 (Pages 73 to 76)

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<p>Page 77</p> <p>1 J. Kablach - by Mr. Allen 2 A. Yes. 3 Q. Whatever those papers were that you 4 got in the mail, you opened the envelope and 5 then you put them in a drawer? 6 A. Yes. 7 Q. Did you read them? 8 A. I don't recall. 9 Q. Have you ever taken them out of that 10 drawer? 11 A. I don't recall. 12 Q. Did you bother to pull them out 13 before you sued MetLife and Mr. Schram? 14 A. I probably only started looking for 15 them at the point where I seen Mr. Schram 16 mentioned in the paper, because I took his word 17 for what he sold me. 18 Q. My question was before you filed a 19 lawsuit, did you bother to read those papers? 20 A. No. Not that I recall. 21 Q. Why not? 22 A. Because the papers he showed me that 23 I signed for look like this. 24 Q. You are pointing to the 25 illustration?</p>	<p>Page 79</p> <p>1 J. Kablach - by Mr. Allen 2 A. I don't know that it does. The part 3 that said retirement came from Mr. Schram's 4 mouth. This illustration led me to believe 5 that he was correct and accurate. 6 Q. As you sit here today, you have no 7 memory of ever receiving any document from 8 MetLife that said retirement plan? 9 A. I don't recall because I didn't read 10 any of the documents. 11 Q. Not a word? 12 A. I read what he gave me that day and 13 what he showed me that day. After that, I 14 didn't really look at anything else. 15 Q. That was the chart you are saying 16 that you read? 17 A. Yes. This looked very familiar to 18 what he showed me. I don't know if it was the 19 exact one, but it did have where it said, "This 20 is all you have to pay until. After that, it 21 pays for itself. At age 65, that's what you 22 can take." 23 Cash value. I looked at the word 24 cash value. To me, that's saying that is what 25 it is worth.</p>
<p>Page 78</p> <p>1 J. Kablach - by Mr. Allen 2 A. Yes. And it is my understanding 3 this is where I pay into it and it says none, 4 after all this, that I wouldn't have to pay 5 into it. 6 Here, it is saying the value of the 7 policy at age 65. These are the only papers I 8 recall looking at, ever. 9 Q. Show me on there where it says 10 retirement. 11 A. Well, I don't know that it does. 12 Q. Show me -- do you have any papers -- 13 Mr. Shelly has all your documents -- can you 14 pull out anything from MetLife that says 15 retirement and Joann Kablach? 16 A. This is what Mr. Schram -- 17 Q. You can tell me that in a minute. 18 Can you answer my question? 19 A. What was your question? 20 Q. Mr. Shelly, at my request, has 21 brought all of the original documents that you 22 gave to Behrend & Ernsberger. Feel free to go 23 and look at those original documents, if you 24 would like. But I want to see where you have 25 anything that says "retirement" from MetLife.</p>	<p>Page 80</p> <p>1 J. Kablach - by Mr. Allen 2 Q. You pointed to a column that says 3 Illustrative Cash Value at the top; is that 4 right? 5 A. Yes. 6 Q. But the word cash value means what 7 it is worth to you; is that right? 8 A. Yes. 9 Q. Have you ever heard of the word 10 guaranteed before? 11 A. Yes. 12 Q. What does the word guaranteed mean 13 to you? 14 A. It means that that is what you're 15 entitled to that you will receive. 16 Q. Do you see right next to the column 17 you were just pointing to, it says Guaranteed 18 Cash Value? 19 A. I probably didn't look at it. 20 Q. I am asking you do you see it now? 21 A. I see it now. 22 Q. What does that say next to age 65? 23 A. 8,750. 24 Q. Did you read that back when you met 25 with Mr. Schram?</p>

20 (Pages 77 to 80)

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1 J. Kablach - by Mr. Allen
2 A. No. He didn't point that out to
3 me. He may have highlighted things. I'm not
4 sure.
5 Q. That is the original document that
6 we have. I don't believe there is any
7 highlighting?
8 A. I don't believe he brought the
9 original document with him or showed me another
10 illustration similar. I don't see how he could
11 have brought this if I hadn't purchased it yet.
12 Q. I don't understand your answer.
13 A. If I had not purchased this yet -
14 during the first meeting, he brought a similar
15 document showing me what the value was. This
16 may have been something sent later.
17 Q. You told me -- but you don't know
18 whether it is or it isn't; is that correct?
19 A. No. But I don't see how he could
20 have gave me the same exact thing during the
21 day of the meeting.
22 MR. CREENAN: I am going to
23 move to strike that answer as non-responsive.
24 Q. Filing a lawsuit is a pretty big
25 event in your life, I imagine; is that correct?

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1 J. Kablach - by Mr. Allen
2 A. Yes.
3 Q. Not something you do every day?
4 A. No.
5 Q. You take it pretty seriously; is
6 that right?
7 A. Yes.
8 Q. How long did you make payments for
9 the MetLife policy?
10 A. Probably for, I am going to say,
11 probably about four years.
12 Q. Okay.
13 MR. CREENAN: How many years,
14 ma'am?
15 THE WITNESS: I think, four.
16 I'm not sure.
17 Q. Why did you stop after four years?
18 A. Why?
19 Q. Yes.
20 A. Because I didn't want life insurance
21 with no other savings or anything tied in with
22 it. When I had called MetLife and they told me
23 it was payable to age 94, I had no need to pay
24 on it anymore. I wasn't going to keep paying
25 \$31.50 a month. It would have been ridiculous

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1 J. Kablach - by Mr. Allen
2 to pay that, for the rest of my life, a small
3 policy, that policy that I didn't even need.
4 MR. ALLEN: Mark this, please.
5 (Kablach Exhibit No. 4 was
6 marked for identification.)
7 A. I didn't want to lose anymore money.
8 I could earn more money putting it into
9 something else that had interest.
10 Q. Take a look, ma'am, at what I have
11 marked as Exhibit 4, which is copies from
12 MetLife's records. They have been provided to
13 Behrend & Ernsberger.
14 A. Um-hum.
15 Q. Have you ever seen this document
16 before or at least any of the pages in this
17 document?
18 A. I remember seeing checkmarks. I
19 remember signing. He said these were just
20 questions that were standard.
21 Q. Who said that?
22 A. Mr. Schram.
23 Q. When did he say that?
24 A. At the meeting.
25 Q. Is this the meeting at your

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1 J. Kablach - by Mr. Allen
2 apartment in 1991?
3 A. I believe so, yes.
4 Q. Is that your signature on the third
5 page of Exhibit 4?
6 A. Yes.
7 Q. Is that your signature on the fourth
8 page of Exhibit 4?
9 A. Yes.
10 Q. How about on the fifth?
11 A. Yes.
12 Q. On two occasions on the fifth page;
13 is that correct?
14 A. Yes.
15 Q. Let's flip back. So you are saying
16 when he was asking you those questions, that
17 you described earlier, did he have this
18 document?
19 A. This?
20 Q. Yes. Exhibit 4.
21 A. I don't recall ever seeing that, no.
22 Q. I am not talking about the first
23 page, necessarily, but...
24 A. I don't know. He just had me sign
25 the last page. He asked the questions. He

21 (Pages 81 to 84)

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<p>Page 85</p> <p>1 J. Kablach - by Mr. Allen 2 filled them out. I didn't fill them out. I 3 just signed at the bottom. 4 Q. I am looking on the third page of 5 the exhibit, first time your signature appears. 6 There is a date, September 27, 1991. 7 A. Um-hum. 8 Q. Will you agree with me that is the 9 date of your meeting in your apartment with 10 Mr. Schram? 11 A. I assume that's correct. 12 Q. Is that his signature to the left of 13 yours? 14 A. I assume so, yes. 15 Q. Did he sign it in your presence? Do 16 you recall? 17 A. I don't recall. 18 Q. Now, when you signed the document, 19 were there multiple pages or only one page? 20 A. He just told me to sign the last 21 page. I don't recall multiple pages, because 22 he verbally asked me the questions. I don't 23 know how many pages there were. He just said 24 at the end to sign. 25 Q. What does it say right beneath your</p>	<p>Page 87</p> <p>1 J. Kablach - by Mr. Allen 2 to National Record Mart, did you assume that 3 everything that they said was accurate, or did 4 you check the invoice against the delivery 5 receipt? 6 A. Back then, I don't know. But I 7 would never assume anything now. 8 Q. I thought you told me that was your 9 job when you were with National Record Mart, 10 was to check the paper? 11 A. Yes. 12 Q. Right? 13 A. Yes. 14 Q. You didn't take their word for it; 15 is that right? 16 A. That was part of my job. 17 Q. There are a number of paragraphs 18 above your signature on the application. You 19 see where it says Agreement at the top? 20 A. Yes. 21 Q. It says, "I have read this 22 application." Do you see that part? 23 A. Yes. 24 Q. Did you read that before you signed? 25 A. No. Because Mr. Schram said he</p>
<p>Page 86</p> <p>1 J. Kablach - by Mr. Allen 2 signature on the third page of Exhibit 4? 3 A. I can't read that. 4 Q. Let's look. We have the original 5 policy here. I will tell you, ma'am, these 6 applications are included in the policy. You 7 can take a look. You will see that the same 8 page appears in there. Correct? 9 A. Yes. 10 Q. What does it say under your name? 11 A. "Proposed insured." 12 Q. Does it say anything about a 13 retirement plan or savings plan? 14 A. No. But it doesn't -- proposed 15 insured, I knew I was insured also. 16 Q. It didn't say anything about a 17 savings or retirement plan? 18 A. No. But I never read anything into 19 it not being true and accurate that it wasn't. 20 Q. Never read anything into it, what? 21 A. Into what Mr. Schram guaranteed me. 22 I assumed his word was good for what he sold 23 me. 24 Q. During your job, do you assume that 25 the people who deliver or delivered materials</p>	<p>Page 88</p> <p>1 J. Kablach - by Mr. Allen 2 wouldn't take up a lot of my time; that 3 everything he explained to me was what was in 4 all this policy that didn't need to be read at 5 the time and to just sign. 6 Q. I asked you to tell me everything 7 that you can recall about the meeting. You 8 made no mention of that, ma'am. Was it at that 9 meeting that he said that? Is that your 10 testimony, that he actually said those things? 11 A. He didn't tell me to read over 12 anything. 13 Q. Is it your testimony that Mr. Schram 14 said the things that you mentioned two answers 15 ago? 16 A. Um-hum. 17 Q. Is that a yes? 18 A. I know that he told me to just sign. 19 I don't recall him ever saying to read over 20 anything. 21 Q. You don't recall him saying all of 22 the things that you mentioned in your answer 23 three answers ago, do you? 24 A. What things? 25 MR. ALLEN: Let's read that</p>

22 (Pages 85 to 88)

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1 J. Kablach - by Mr. Allen
2 back, Kurt. That is pretty important.
3 (Reporter read from record as
4 requested.)
5 Q. You heard your answer from a few
6 answers ago; is that right?
7 A. Yes.
8 Q. Did Mr. Schram ever tell you there
9 were things that didn't need to be read?
10 A. Not that I recall.
11 Q. He asked you to sign the document;
12 is that right?
13 A. Yes. He did say it -- initially, he
14 said he wouldn't take a lot of time from me.
15 Q. At the start of the meeting he said
16 that?
17 A. Um-hum.
18 Q. Correct?
19 A. Yes.
20 Q. The page that we are looking at,
21 which is the third page of Exhibit 4 that has
22 your signature on it, with respect to that
23 particular page, Mr. Schram never told you not
24 to read that page, did he?
25 A. Not that I recall, but he never told

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1 J. Kablach - by Mr. Allen
2 me to read it, either.
3 Q. Did he prevent you from reading the
4 page at all?
5 A. Not that I recall, no.
6 Q. Did he hold his hand over it say,
7 "Hey, sign there, lady"?
8 A. No. He did talk fast. He did make
9 the meeting very short. He did read what he
10 claimed was important to know.
11 Q. You were a full-grown woman at the
12 time; is that right?
13 A. Yes. But I took his word for it. I
14 guess it was stupid on my part to do that but
15 that's what I did.
16 Q. In the policy, there is a line that
17 says, "Countersigned and delivered." There is
18 a signature that appears to be Mr. Schram's?
19 A. Um-hum.
20 Q. Do you know how that signature came
21 to be on that?
22 A. No, I don't.
23 Q. Turn back, please, ma'am to Exhibit
24 4, which is that document. Turn to the fourth
25 page of the exhibit which also has your

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1 J. Kablach - by Mr. Allen
2 signature, the page entitled, "Authorization
3 and acknowledgment form."
4 A. Um-hum.
5 Q. Do you see where it says, "Signature
6 of proposed insured," right underneath your
7 name?
8 A. Um-hum.
9 Q. You see that; is that correct?
10 A. Um-hum.
11 MR. CREENAN: Is that yes?
12 THE WITNESS: Yes.
13 Q. Try, ma'am. I need you to say yes
14 rather than um-hum.
15 A. Okay.
16 Q. Turn to the next page of Exhibit 4.
17 Request for Check-O-Matic. You understand the
18 Check-O-Matic is the mechanism that takes the
19 money out of your account?
20 A. Yes.
21 Q. That's what you wanted to have
22 happen; is that right?
23 A. Yes.
24 Q. Your signature appears on the left
25 half of that page, too; is that right?

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1 J. Kablach - by Mr. Allen
2 A. Yes.
3 Q. What is next to it there, next to
4 your signature?
5 A. I can't read that small print.
6 Q. "Signature of proposed insured
7 (owner)"?
8 A. Yes.
9 Q. On the next page, that is your
10 signature on the check; is that right?
11 A. Yes.
12 Q. You told me you may have given him a
13 check at that first meeting for the first
14 payment; is that correct?
15 A. Yes.
16 Q. Is that what that check is for?
17 A. Yes.
18 (Kablach Exhibit No. 5 was
19 marked for identification.)
20 Q. Take a look, ma'am, at what we have
21 marked Exhibit 5. You can compare it to the
22 original that Mr. Shelly has here. That should
23 match up. You can compare them, if you would
24 like.
25 I would like you to agree with me

23 (Pages 89 to 92)

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1 J. Kablach - by Mr. Allen
2 that Exhibit 5 is a copy of the illustration or
3 chart that we referred to earlier?
4 A. Yes.
5 Q. Now, looking at the Exhibit 5, the
6 illustration, there is a phrase, "Accelerated
7 Payment Plan."
8 Does that mean anything to you?
9 A. No. The word accelerated means to
10 speed up.
11 Q. All right. Thank you. My question
12 was intended to be: Have you ever heard that
13 phrase before, Accelerated Payment Plan, in
14 connection with this MetLife policy that is the
15 subject of the lawsuit?
16 A. No.
17 Q. Do you see on the first page of
18 Exhibit 5, obviously the first page of the
19 original is the copy, it says, "Name of
20 insured." Right?
21 A. Yes.
22 Q. That is your name?
23 A. Yes.
24 Q. Now, you told me it was this chart
25 that you saw or at least you did say it was

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1 J. Kablach - by Mr. Allen
2 either this one or a similar one at the meeting
3 with Mr. Schram; is that right?
4 A. The chart, this chart, not that
5 paper. This is what I recall seeing.
6 Q. You have turned to the third page?
7 A. Yes.
8 Q. Bates labeled, the numbers in the
9 bottom right-hand corner, Bates labeled JEK 21?
10 A. Yes.
11 Q. Is that what page you're referring
12 to?
13 A. Yes.
14 Q. That is the page you recall from the
15 meeting?
16 A. Yes.
17 Q. Do you recall any other pages from
18 the meeting?
19 A. No.
20 Q. Okay.
21 A. I don't recall these pages
22 (indicating).
23 Q. Okay.
24 A. I only recall him showing me this
25 page.

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1 J. Kablach - by Mr. Allen
2 Q. When you say this page, you are
3 pointing to 21?
4 A. 21.
5 Q. Turn back to the first page, please.
6 If you just take a look at that first page.
7 Let me know if you have ever seen that page
8 before today?
9 A. I don't recall.
10 Q. Turn to the second page of the
11 exhibit, please. Have you ever seen that page
12 before?
13 A. I don't recall that page.
14 Q. Turn to the last page. Have you
15 ever seen that page before, ma'am?
16 A. I may have seen that one.
17 Q. Okay.
18 A. But I mostly recall this being
19 pointed out to age 65. I don't recall a lot
20 about this page, either (indicating).
21 Q. The last part of your answer, you
22 were referring to the last page of Exhibit 5;
23 is that correct?
24 A. Yes.
25 Q. Are you saying definitively, ma'am,

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1 J. Kablach - by Mr. Allen
2 that Mr. Schram, at the first meeting, in your
3 apartment, are you telling us definitively,
4 under oath, that he only had Bates page 21 and
5 maybe 22, or are you saying that's all you can
6 remember?
7 A. That's all I recall him showing me,
8 is a chart.
9 Q. So is it possible that this entire
10 four-page document was there during that first
11 meeting?
12 A. I don't recall seeing it.
13 Q. Is it possible, though -- I know you
14 said you don't recall seeing it -- but is it
15 possible that it was there?
16 Do you understand the difference?
17 A. Yes. I don't know. He may have
18 just went to this page and said this is -- I
19 don't recall seeing the first two pages.
20 Q. I understand you don't recall seeing
21 it. You have now folded it in half,
22 basically. You have two pages folded over and
23 two showing.
24 You are saying it is possible that
25 Mr. Schram showed you page Bates labeled 21,

24 (Pages 93 to 96)

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Page 97	<p>1 J. Kablach - by Mr. Allen</p> <p>2 but that the first two pages and the last page</p> <p>3 were also there?</p> <p>4 A. I don't recall.</p> <p>5 Q. But it is possible; is that correct?</p> <p>6 A. I don't know.</p> <p>7 Q. You are not ruling it out; correct?</p> <p>8 A. Anything is possible anywhere. I</p> <p>9 don't remember ever seeing it. As far as it</p> <p>10 being there, he could have had it in his</p> <p>11 briefcase. I don't know. I don't recall</p> <p>12 seeing it. That's my answer.</p> <p>13 Q. Let me ask it this way: Can you</p> <p>14 tell me under oath that Mr. Schram showed you</p> <p>15 only one page at that meeting?</p> <p>16 A. No. I can't say he only showed me</p> <p>17 that one. But that's the only one I remember</p> <p>18 seeing.</p> <p>19 Q. Let's look at that one page, Bates</p> <p>20 labeled 21. You told me about what you saw in</p> <p>21 the illustrative cash value column related to</p> <p>22 age 65. Is there anything else that you looked</p> <p>23 at on this page, other than that?</p> <p>24 A. No. I basically just looked at the</p> <p>25 amount of years that I would have to pay and at</p>	Page 99	<p>1 J. Kablach - by Mr. Allen</p> <p>2 sufficient in some future years to pay the full</p> <p>3 current premium and some cash outlay may be</p> <p>4 required."</p> <p>5 Do you see that?</p> <p>6 A. I see it now.</p> <p>7 Q. Did you see it then in 1991?</p> <p>8 A. No, I did not.</p> <p>9 Q. Now, you have pointed to, on Bates</p> <p>10 page 21, the Illustrative Cash Value column; is</p> <p>11 that right?</p> <p>12 A. Yes.</p> <p>13 Q. Turn back to 22. Do you see the</p> <p>14 very end, the last sentence says, "Illustrative</p> <p>15 figures are not guarantees or estimates for the</p> <p>16 future."</p> <p>17 Do you see that?</p> <p>18 A. I see it now.</p> <p>19 Q. Did you see it then?</p> <p>20 A. No, I did not.</p> <p>21 (Kablach Exhibit No. 6 was</p> <p>22 marked for identification.)</p> <p>23 Q. Exhibit 6, ma'am, is a photocopy of</p> <p>24 a business card with Mr. Schram's name on it.</p> <p>25 We have the original here, also.</p>
Page 98	<p>1 J. Kablach - by Mr. Allen</p> <p>2 age 65, the amount that he pointed out that</p> <p>3 would be in there.</p> <p>4 I really didn't pay much attention</p> <p>5 to anything else on there.</p> <p>6 Q. Do you see in the column that says</p> <p>7 Annualized Cash Outlay for the year? Do you</p> <p>8 see that column?</p> <p>9 A. Um-hum.</p> <p>10 Q. Yes?</p> <p>11 A. Yes.</p> <p>12 Q. Do you see, at the header of that</p> <p>13 column, there are two asterisks after the year?</p> <p>14 A. Yes.</p> <p>15 Q. Turn to the next page, Bates labeled</p> <p>16 21. Do you see the two asterisks that follow</p> <p>17 the columns?</p> <p>18 A. Yes.</p> <p>19 Q. It says, "The cash outlay</p> <p>20 illustration shows the results of the current</p> <p>21 dividend scales continues without change.</p> <p>22 Dividends are not guaranteed and may increase</p> <p>23 or decrease in the future. If the future</p> <p>24 dividends decrease, it is possible that the</p> <p>25 cash value of additional insurance may not be</p>	Page 100	<p>1 J. Kablach - by Mr. Allen</p> <p>2 Have you ever seen the card before?</p> <p>3 A. Yes.</p> <p>4 Q. When did you first see it?</p> <p>5 A. Mr. Schram gave me the card, I</p> <p>6 believe, at the meeting.</p> <p>7 Q. Why is it ripped?</p> <p>8 A. I don't know. It looks like maybe I</p> <p>9 wrote something on the back of it and maybe</p> <p>10 wrote a phone number or something or sometime</p> <p>11 later that I had no need to call him, ripped it</p> <p>12 off with the number on it or something,</p> <p>13 scribbled something on it.</p> <p>14 Q. Are you a college football fan?</p> <p>15 A. Not really.</p> <p>16 Q. Are you a gambler?</p> <p>17 A. Not really.</p> <p>18 Q. Is your now husband the college</p> <p>19 football fan or gambler?</p> <p>20 A. He likes college football.</p> <p>21 Q. Is he a gambler?</p> <p>22 A. No. Not at all.</p> <p>23 Q. I am not going to copy this. We</p> <p>24 don't have it on Exhibit 6. On the back of the</p> <p>25 original card there is some type of writing</p>

25 (Pages 97 to 100)

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<p>Page 101</p> <p>1 J. Kablach - by Mr. Allen 2 that appears to say, "MICH, six and a half, 3 NEB-nine and a half, and N period, DAME, six 4 and a half." 5 There are numbers, in addition to 6 those numbers. It says 28. Do you see that? 7 A. Um-hum. 8 Q. Yes? 9 A. Yes. 10 Q. Do you know what that 28 refers to? 11 A. No. 12 (Kablach Exhibit No. 7 was 13 marked for identification.) 14 Q. Exhibit 7, ma'am, is a photocopy of 15 the cover letter that I referred to earlier 16 within the original documents that we have. 17 A. Um-hum. 18 Q. In the room. You agree with me that 19 Exhibit 7 is a photocopy of what I am calling 20 the cover letter dated October 18, 1991 that's 21 slipped into the original policy? 22 A. Yes. 23 Q. Have you ever seen this document 24 before? 25 A. I don't recall.</p>	<p>Page 103</p> <p>1 J. Kablach - by Mr. Allen 2 to your lawyers, were you still at your 3 apartment or had you moved? 4 A. I was still in the apartment. No, I 5 didn't have a specific filing system. I kept 6 current bills that I was paying in one area and 7 things that I just filed in a big box somewhere 8 else. I didn't have a lot of space. 9 (Kablach Exhibit No. 8 was 10 marked for identification.) 11 Q. Take a look at Exhibit 8, ma'am, 12 which is a copy of the policy. Again, we have 13 the original here. I want to ask you 14 specifically about this. 15 Have you ever seen the policy before 16 today? 17 A. (Reviewing document.) No. Well, 18 maybe in the lawyer office, but I have never 19 seen it prior to that. 20 Q. The lawyer office. What lawyer 21 office? 22 A. I may have seen it laying on the 23 desk there when I went into the office to meet 24 with the lawyer, but I don't recall seeing it 25 prior to that.</p>
<p>Page 102</p> <p>1 J. Kablach - by Mr. Allen 2 Q. Okay. 3 A. I may have seen it when I brought 4 everything to -- when I went through everything 5 and brought it to the lawyer. I don't recall 6 seeing it at that time. 7 Q. Do you recall ever seeing this 8 document? 9 A. Yes. I am sure I have seen it, to 10 bring it in. 11 Q. To bring it in to Behrend & 12 Ernsberger? 13 A. Yes. 14 Q. Where was it when you found it in 15 order to bring it in? 16 A. Filed away somewhere in the drawer. 17 Q. Where? 18 A. I don't know. Just in a drawer. 19 Q. Do you have a filing system of some 20 kind that was in your apartment and now in your 21 home that you keep papers of some importance? 22 A. Now I do, yes. When I moved, 23 everything was just put in boxes. It was 24 probably in a box somewhere. 25 Q. When you gathered documents to give</p>	<p>Page 104</p> <p>1 J. Kablach - by Mr. Allen 2 Q. What lawyer? 3 A. Behrend & Ernsberger. It may have 4 been sitting on the desk. 5 Q. How did they get it? 6 A. I probably gave it to them. 7 Q. That's the first time you recall 8 seeing this document? 9 A. Yes. 10 Q. Turn to the third page of the 11 document, please. Where it says Premium 12 Schedule. That's it. Do you see that page? 13 A. Um-hum. 14 Q. Yes? 15 A. Yes. 16 Q. It says Premium Amount. Do you see 17 that column? 18 A. Yes. 19 Q. \$31.50? 20 A. Yes. 21 Q. It says Years Payable? 22 A. Yes. 23 Q. 62 years; is that correct? 24 A. That's what it says. 25 Q. Were you expecting to make premium</p>

26 (Pages 101 to 104)

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1 J. Kablach - by Mr. Allen
2 payments of \$31.50 for 62 years?
3 A. No, I wasn't.
4 Q. You agree that that's what this
5 document says?
6 A. That's what this document says. I
7 don't recall seeing this.
8 Q. If you had read the document at
9 delivery, when it came in the mail, in your
10 mailbox, and if you had seen that, would that
11 have kind of raised a red flag for you that
12 there was some issue?
13 A. Yes. I would have canceled.
14 Q. Okay. If you had opened the
15 envelope or if you had read the materials in
16 the envelope, and you hadn't seen anything that
17 said anything about retirement plan, would that
18 have raised any red flag for you?
19 A. Yes. Probably.
20 Q. What would you have done then?
21 A. I would have called MetLife, like I
22 did, after seeing the article in the paper, and
23 questioned exactly what I purchased.
24 Q. You would have done that back in '91
25 or rather than in '94 or '95 whenever you saw

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1 J. Kablach - by Mr. Allen
2 the article; is that right?
3 A. If I would have seen that, right.
4 Q. If you would have opened what was in
5 the mailbox; is that right?
6 A. I don't know if it was in my
7 mailbox. I don't know when I got this. Or if
8 I did. Because I don't recall seeing it.
9 Q. Frankly, ma'am, you have alleged
10 under oath that you got this back in 1991 so it
11 is already in the case. Given that you have
12 alleged that you got this document back in
13 1991, under oath, you would have taken those
14 steps to call MetLife and cancel the policy
15 back in 1991, if you had read it; is that
16 correct?
17 A. I don't know, because I had believed
18 Mr. Schram. That's why I didn't read it. It
19 is not what he initially showed me at the
20 meeting.
21 Q. I am saying if you had read it?
22 A. I don't know.
23 Q. Turn to the next page, which is
24 Bates JEK 04. That is the Table of Values
25 page. It says Table of Values?

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1 J. Kablach - by Mr. Allen
2 A. Um-hum.
3 Q. You see where it says Guaranteed
4 Cash Value?
5 A. Yes.
6 Q. That column. What does that say for
7 age 65?
8 A. \$8,750.
9 Q. Did you read this page back in 1991
10 when this was delivered to you?
11 A. No.
12 Q. Would that have raised any red flags
13 for you if you had read it?
14 A. If I really researched into it, I
15 would have questioned why this is different
16 than the chart that was shown.
17 Q. What research?
18 A. What do you mean what research?
19 Q. That is your term.
20 A. I would have compared. I don't
21 recall ever seeing this.
22 Q. Compared what to what?
23 A. The chart that Mr. Schram showed me.
24 Q. Okay.
25 A. It is not what he sold me at the

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1 J. Kablach - by Mr. Allen
2 time he was in my apartment. This was never
3 shown to me there.
4 Q. So I understand that you're
5 testifying that you don't recall seeing this
6 page, Table of Values?
7 A. Huh-uh. No.
8 Q. But if you had, you would have -- it
9 would have raised a red flag and you would have
10 done some research to compare?
11 A. That day. If I would have seen it
12 the day I signed up for insurance, I would have
13 questioned it, but I didn't see it that day.
14 (Kablach Exhibit No. 9 was
15 marked for identification.)
16 Q. Take a look at what we have marked
17 Exhibit 9. It is entitled, "Affidavit of Joann
18 Kablach, seeking exclusion from the settlement
19 proposed, in the Horton class action."
20 Have you ever seen this document
21 before?
22 A. Yes. I believe in the lawyer's
23 office.
24 Q. When was that?
25 A. I don't recall. Probably when I

27 (Pages 105 to 108)

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1 J. Kablach - by Mr. Allen
2 first, back in the '90s, when I first went to
3 Behrend & Ernsberger.
4 Q. Photocopies aren't great. But can
5 you tell, on the second page, if that is your
6 signature?
7 A. I can't read the signature. I do
8 remember opting out of this class action.
9 Q. Turn to page Bates labeled, upper
10 right-hand margin, ending 116. It is a little
11 better. I guess that is the notary's
12 signature.
13 Do you recall having something
14 notarized in Behrend & Ernsberger's offices
15 back in 1994?
16 A. I don't recall, but I probably did.
17 I don't recall that far back exactly.
18 Q. I am going to go through a couple of
19 paragraphs in the affidavit portion of this and
20 take your time if you want to read the whole
21 thing. I will kind of lead you through it.
22 Let me know if you understand where I am going
23 with this.
24 In paragraph two, flip back, to the
25 first page of the exhibit, ma'am. Paragraph

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1 J. Kablach - by Mr. Allen
2 two says, "Exhibit A is a copy of postmarked
3 envelope," with a particular form.
4 Do you see that paragraph?
5 A. Yes.
6 Q. You see there's a copy of an
7 envelope on the page ending Bates 115?
8 A. Where is the copy of the envelope?
9 MR. SHELLY: Looks like this
10 (indicating).
11 A. Oh.
12 Q. Do you see that?
13 A. Yes.
14 Q. It appears to be marked June 17,
15 1994?
16 A. Yes.
17 Q. Flip back to the affidavit portion.
18 Paragraph three on the second page of the
19 exhibit says, "The exclusion form states that
20 a response to opt out must be received by
21 June 13."
22 The exclusion form refers to the
23 third page of the document, if you could look
24 at that, please. This is your, my
25 understanding is, that this is your affidavit

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1 J. Kablach - by Mr. Allen
2 that we are looking at. I believe the record
3 will show that is, in fact, your signature on
4 the second page.
5 A. Um-hum.
6 Q. In the affidavit, you are saying the
7 opt-out must be received by June 13 and then
8 you are referring to this form on the third
9 page?
10 A. Um-hum.
11 Q. I don't see anything on that form
12 that makes any reference to June 13. Can you
13 tell me where that is?
14 A. On what form? Sorry.
15 Q. The third page of the document. I
16 see something that says, "Must be postmarked no
17 later than June 30, 1994." But I don't see
18 anything that says June 13.
19 A. I think I may have brought that into
20 the office past that date. I don't know.
21 Q. Brought this exclusion form into the
22 office?
23 A. Yes. Possibly. Even though it was
24 postmarked then. I just know that Ms.
25 Ernsberger told me it was too late to file with

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1 J. Kablach - by Mr. Allen
2 the class action.
3 Q. Can you tell me anything else about
4 the circumstances surrounding your apparent
5 signing of this affidavit in Exhibit 9?
6 A. No.
7 Q. Now, in paragraph five of this
8 affidavit, you allege that "after consultation
9 with Attorney Behrend, Affiant," that's you,
10 "concluded the settlement offered by MetLife
11 in the Horton class action was not in her best
12 interests."
13 What did Mr. Behrend say?
14 MR. SHELLY: Objection.
15 Instruct her not to answer.
16 MR. ALLEN: Mr. Shelly, it is
17 clearly waived.
18 MR. SHELLY: Attorney/client
19 privilege.
20 A. I don't recall.
21 MR. ALLEN: It is waived,
22 Mr. Shelly. It is pled in an affidavit.
23 MR. SHELLY: You can ask her
24 what she understood this document is or what
25 she expected to get.

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1 J. Kablach - by Mr. Allen
2 MR. ALLEN: No. I'm asking
3 about the conversations with Mr. Behrend that
4 she has waived because she has made it public
5 here. She's lost the privilege. It may have
6 been privileged to begin with. It stated in a
7 publicly-filed affidavit. I am certainly
8 entitled to inquire into it.
9 MR. SHELLY: I will still
10 instruct the witness not to answer, with
11 respect to conversations between herself and
12 her attorney. You can still ask her what she
13 expected to get or what her best interests
14 were.
15 MR. ALLEN: I will. So I make
16 a record, I can't make you withdraw the
17 instruction unless I convince you of the
18 inaccuracy of it.
19 I have suggested that it has been
20 waived, Mr. Shelly. I have heard no
21 explanation for how it has not been waived by
22 the fact that it is stated in a publicly-filed
23 affidavit.
24 Do you have any explanation for why
25 it is not waived?

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1 J. Kablach - by Mr. Allen
2 MR. SHELLY: Well, she can
3 testify as to her conclusion and what is in her
4 best interests. We're not -- I am not going to
5 allow you to get into conversations between her
6 and her attorney.
7 Q. In this affidavit you stated that
8 you concluded the settlement offer by MetLife
9 was not in your best interests. Was that, in
10 fact, your conclusion?
11 A. I don't remember.
12 Q. Is that your conclusion now? Do you
13 hold that belief now?
14 A. I don't believe MetLife made an
15 offer. I don't recall them making any type of
16 offer.
17 Q. In this affidavit, you say that --
18 looking at paragraph seven, ma'am -- that
19 Attorney Behrend, again, Mr. Shelly without
20 waiving any client privilege, advised affiant
21 that the deadline for a opting out of the
22 Horton class was June 15, 1994.
23 It says, "Since you did not receive
24 the form until after June 13, it was an
25 impossibility."

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1 J. Kablach - by Mr. Allen
2 Again, I am looking at the form. It
3 appears to say June 30, rather than June 13?
4 A. That is after the 13th.
5 Q. But I'm saying the 30th appears to
6 me to be the deadline rather than June 13. In
7 this affidavit, you say the postmark was June
8 17.
9 Just looking at papers, it looks
10 like you could have met the deadline. I am
11 trying to figure out where this June 13
12 deadline came in and why Mr. Behrend advised
13 you of June 13? You submitted an affidavit,
14 swearing under penalty of perjury, all of this
15 is true and I'm just trying to find out about
16 that.
17 Can you tell me anything about this?
18 MR. SHELLY: You can answer if
19 you know.
20 A. I don't know.
21 Q. Again, do you have any explanation
22 now, ma'am, after we have seen more documents,
23 about why your Complaint in this case makes no
24 reference to your now alleged belief that you
25 purchased a savings and retirement plan?

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1 J. Kablach - by Mr. Allen
2 A. It is different now when I read
3 papers that I haven't seen.
4 Q. What is different now?
5 A. Well, this is all different from
6 what Mr. Schram presented to me at the time of
7 signing.
8 Q. Did you and your attorneys make any
9 effort to dupe the Florida Court about the
10 nature of your allegations in order to include
11 the Horton class action?
12 MR. SHELLY: I object to
13 Defendant's counsel's characterization. You
14 may answer, if you can.
15 A. I don't know.
16 Q. You don't know?
17 A. Huh-uh.
18 Q. Is your answer "I don't know"?
19 A. I don't know. I don't recall
20 (Kablach Exhibit No. 10 was
21 marked for identification.)
22 Q. Have you ever seen Exhibit 10
23 before, ma'am?
24 A. I don't recall.
25 Q. Do you recognize the name Venky

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<p>Page 117</p> <p>1 J. Kablach - by Mr. Allen 2 Mysore? 3 A. No. 4 Q. Do you see the PS line that is kind 5 of cut off? It talks about a brochure being 6 enclosed with this letter. 7 Do you recall ever seeing a brochure 8 from MetLife? 9 A. No. 10 (Kablach Exhibit No. 11 was 11 marked for identification.) 12 Q. What is the current status of your 13 MetLife policy that you purchased in 1991? 14 A. I don't know. 15 Q. While you were making payments on 16 that policy, did you receive any regular 17 mailings from MetLife? 18 A. Not that I recall. 19 Q. Annual statements of any kind? 20 A. Not that I recall. 21 Q. Take a look at Exhibit 11, which is 22 a document that your lawyers produced to us. 23 This is MetLife's typical form of an Annual 24 Dividend Statement, at least from that time 25 frame.</p>	<p>Page 119</p> <p>1 J. Kablach - by Mr. Allen 2 back, when you objected to my characterization 3 of what was going on here, can you offer me any 4 explanation for why the Complaint bears no 5 relation to the allegations that your client is 6 making? 7 MR. SHELLY: Well, I'm not 8 going to answer that at this time. 9 Q. Have you ever seen Exhibit 13 10 before, ma'am? 11 A. Yes. 12 Q. Is that your signature? 13 A. Yes. 14 Q. What is this? 15 A. This was -- it was tied in with the 16 stock that I received in the mail about stock 17 that I had in the company. 18 Q. Is this from your father's policy? 19 A. I thought it was from mine. No. It 20 probably is from my father. I don't know what 21 this is. 22 Q. Mr. Shelly has pointed something out 23 to you. I am not sure what. 24 A. I think maybe it could be from my 25 father. It could be something from mine. I</p>
<p>Page 118</p> <p>1 J. Kablach - by Mr. Allen 2 Does that refresh your memory about 3 whether you received statements from MetLife? 4 A. I don't remember this, no. 5 Q. Have you ever seen Exhibit 11 6 before? 7 A. I don't recall seeing it, no. 8 Q. Have you ever seen any documents 9 similar to Exhibit 11: format, layout, 10 whatnot? 11 A. Not that I recall 12 (Kablach Exhibit No. 12 was 13 marked for identification.) 14 Q. Exhibit 12 is another document that 15 your lawyers produced to us, presumably from 16 your files, ma'am. 17 Have you ever seen this letter or 18 memo before? 19 A. (Reviewing document.) I don't 20 recall. When I got things in the mail, I just 21 forwarded them to the lawyer. I don't remember 22 what they were. 23 (Kablach Exhibit No. 13 was 24 marked for identification.) 25 MR. ALLEN: Mr. Shelly, jumping</p>	<p>Page 120</p> <p>1 J. Kablach - by Mr. Allen 2 don't know. I remember seeing that. 3 Q. Do you know what the purpose of the 4 document was? 5 A. To file taxes. Probably something I 6 had to file taxes with for mine. 7 (Kablach Exhibit No. 14 was 8 marked for identification.) 9 A. This, I remember. 10 Q. Exhibit 14, you are saying, this you 11 remember? 12 A. Yes. 13 Q. What is this? 14 A. This is the shares I had cashed in 15 for MetLife. Let me look at it better. I am 16 having a hard time seeing it. This is a 17 statement. I guess I got it from them showing 18 the shares I have and the value of them. 19 Q. You say you cashed those in? 20 A. Yes. 21 Q. You sold your MetLife shares? 22 A. Yes. 23 Q. You got 840 bucks? 24 A. Yes. 25 Q. Why did you decide to sell those</p>

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1 J. Kablach - by Mr. Allen
2 shares?
3 A. I just didn't want any -- I didn't
4 want to really have much else to do with
5 MetLife. I figured I am just going to cash
6 them in and be done. I felt like I had been
7 betrayed by MetLife so I didn't want to go
8 further with anything.
9 (Kablach Exhibit No. 15 was
10 marked for identification.)
11 Q. Take a look briefly at Exhibit 15
12 which is what we call Interrogatory answers.
13 All I want you to do is turn to the second to
14 the last page.
15 Just tell me if that is your
16 signature on the second to the last page?
17 A. Yes.
18 Q. Do you recall now signing
19 Verifications in connection with this lawsuit?
20 A. Yes.
21 Q. Do you have the same understanding
22 about the purpose of a Verification as you had
23 for the lawsuit that you filed in connection
24 with your father's death?
25 A. Yes.

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1 J. Kablach - by Mr. Allen
2 (Kablach Exhibit No. 16 was
3 marked for identification.)
4 Q. Take a look at Exhibit 16, please.
5 It is the same question. I would like you to
6 identify your signature on there.
7 A. Yes.
8 Q. On the second page. Is that yours?
9 A. Yes.
10 Q. What are you trying to get out of
11 this lawsuit, ma'am?
12 A. What am I trying to get out of it?
13 Q. Yes.
14 A. Justice.
15 Q. What is your goal? Justice? Okay.
16 Anything else?
17 A. I would like to see Mr. Schram pay
18 for what he has done to many people. If he did
19 it to me, I am sure there are many elderly
20 people out there that probably got it worse
21 than I did. He falsified what he was selling.
22 Q. What do you expect Mr. Schram to
23 do -- let me rephrase that: What relief are
24 you seeking? What is the end result that you
25 expect to get either from Mr. Schram or from

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1 J. Kablach - by Mr. Allen
2 MetLife or from the court?
3 A. I feel that they should honor what
4 was on the policy and the plan, savings plan,
5 that Mr. Schram claimed that it was.
6 Q. So you want the \$13,000 figure when
7 you reach age 65?
8 A. No. Because after all the hardship
9 I had to go through with this, I don't know
10 that that's fair. I don't know.
11 Q. That's what I am trying to get at.
12 I asked you what you wanted. You said, I'm
13 paraphrasing, you said you wanted what you
14 claim Mr. Schram promised.
15 Then I asked you does that mean that
16 you want the \$13,000 figure at age 65. Now you
17 are telling me that's not what you want. You
18 want more than that; is that right?
19 A. I don't know exactly.
20 Q. You have sued my client and
21 Mr. Creenan's client. We are trying to figure
22 out what you are looking for.
23 A. I don't know what is fair after
24 having to go through 13 years of dealing with
25 this.

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1 J. Kablach - by Mr. Allen
2 Q. Aside from what is fair, what are
3 you seeking to recover?
4 A. I think Mr. Schram should have to
5 pay for what he did somehow. I also feel that
6 the policy or plan should be covered in full to
7 what it should have been that he claimed it
8 was.
9 Q. So you think Mr. Schram should have
10 to pay something?
11 A. Hopefully, he doesn't still work for
12 your company.
13 Q. You want him to pay something and
14 you don't know what. You want the plan to
15 be --
16 A. I want him to admit that's what he
17 sold.
18 Q. You want the plan to be paid in
19 full, I think was the phrase you used. So that
20 means you want the \$13,000 figure when you
21 reach age 65?
22 A. No. I think that a lot of time was
23 wasted, a lot of my time, a lot of the lawyer's
24 time. I think that 13,000 at this point isn't
25 really fair.

31 (Pages 121 to 124)

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1 J. Kablach - by Mr. Allen
 2 Q. Do you have an idea what you think
 3 would be fair?
 4 A. Not right now, I don't, no. Does
 5 Mr. Schram have to go through depositions and
 6 go through everything to admit what he did?
 7 Q. You know what, ma'am --
 8 A. Or is he getting off easy?
 9 Q. -- you filed the lawsuit, ma'am.
 10 You didn't have to go through this. You chose
 11 to go through this. Are you aware of that?
 12 A. Yes. But I was the one that was
 13 deceived, not Mr. Schram. He made money off
 14 me.
 15 MR. CREENAN: I move to strike
 16 that as non-responsive.
 17 (Kablach Exhibit No. 17 was
 18 marked for identification.)
 19 Q. I am handing you Exhibit 17 as your
 20 Complaint that you filed in this case. This
 21 is, in essence, what started the lawsuit. This
 22 is where you tell the Defendants, the people
 23 that you have sued, what it is you are claiming
 24 that they did wrong.
 25 Would you turn to the second to the

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1 J. Kablach - by Mr. Allen
 2 last page and just let me know if that is your
 3 signature on that page?
 4 A. Yes.
 5 Q. I am going to ask you about certain
 6 of the sworn statements that you make in this
 7 Complaint. Okay?
 8 A. Yes.
 9 Q. Turn to paragraph seven, which is on
 10 page 2. In paragraph seven, you allege, under
 11 oath, subject to criminal penalties of perjury,
 12 ma'am, that "MetLife and its agents, in the
 13 sale of their products, used lengthy,
 14 cumbersome and complex applications."
 15 What did you find either lengthy,
 16 cumbersome or complex about a MetLife
 17 application?
 18 A. The chart's misleading. They show
 19 one chart that has none after -- meaning that
 20 you don't have to pay into it after eight or
 21 nine years. Then they send you something else,
 22 which I didn't read, that looks totally
 23 different. It is kind of a contradictory
 24 thing.
 25 Q. You said you didn't know if the

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1 J. Kablach - by Mr. Allen
 2 thing that you got second was the same or
 3 different from what you got before. Am I
 4 correct that it could have been exactly the
 5 same?
 6 A. It could have, until you showed me
 7 today.
 8 Q. What is it that I showed you today?
 9 A. All these different papers.
 10 Q. In any event --
 11 A. Sorry. What is the question?
 12 Q. Paragraph seven, in any event,
 13 refers to applications, not charts or
 14 illustrations.
 15 When you made this statement, under
 16 oath, that there was a complex and lengthy and
 17 cumbersome application, what were you referring
 18 to?
 19 A. The fact that what I was verbally
 20 told was not what MetLife actually had drawn
 21 up. At the time I called them and asked them
 22 exactly what the policy meant after I read the
 23 article.
 24 Q. So it is your testimony, under oath,
 25 that in paragraph seven, what you were

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1 J. Kablach - by Mr. Allen
 2 referring to was what Mr. Schram said,
 3 according to you?
 4 A. No. It was more of what MetLife
 5 said that it was, not what Mr. Schram said. I
 6 mean, I am sure they're saying they complicate
 7 things so you don't read into it, is probably
 8 what I was saying. So you don't take the time
 9 to read all this paperwork. I'm not sure at
 10 that time what I meant.
 11 Q. You're not sure what you meant when
 12 you filed this lawsuit?
 13 A. I know what I meant that he -- I am
 14 confused on the question.
 15 Q. I am confused on your answer. So
 16 we're even. Paragraph eight, it says, "At all
 17 times material hereto, you, due to your
 18 relevant unsophistication in the investment
 19 field, were forced to rely on the professional
 20 judgment of MetLife and its agents."
 21 Who forced you to do anything in
 22 connection with this policy?
 23 A. No one forced me. I relied on
 24 Mr. Schram.
 25 Q. He didn't force you to rely on him?

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1 J. Kablach - by Mr. Allen
2 A. He didn't hold a gun to my head and
3 force me.
4 Q. You could have said no; is that
5 correct?
6 A. Yes.
7 Q. No one forced you to do anything; is
8 that correct?
9 A. No one forced me, no.
10 Q. Paragraph ten, I will paraphrase it.
11 You can look at it. Basically you say that
12 sometime prior 1992, MetLife developed a
13 marketing technique to mislead consumers on a
14 widespread basis about insurance policies?
15 A. Yes. I believe they did.
16 Q. What facts do you have to support
17 that belief?
18 A. What I had bought into it.
19 Q. Anything other than what you claim
20 to be your own personal experience?
21 A. From what it said in the paper,
22 other people have had the same experience. I
23 wasn't the only one that went through that.
24 Q. Secondhand accounts is what you
25 relied upon, aside from your alleged personal

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1 J. Kablach - by Mr. Allen
2 experience; is that correct?
3 A. Yes.
4 Q. Any other facts that you relied on
5 to make this allegation in paragraph ten?
6 A. Based on what I had purchased and
7 based on what I had heard other people read
8 through the meeting that other people
9 purchased.
10 Q. Paragraph 23, please, ma'am. I kind
11 of jumped ahead on the story. Paragraph 32
12 talks about when the policy was delivered to
13 you.
14 Paragraph 32 you say, "When these
15 products were delivered, there were no
16 accompanying documents stating that these
17 products and the financial information
18 delivered were any different from that which
19 the Plaintiffs had requested and were led to
20 believe she was purchasing."
21 In essence, that paragraph says when
22 you got the policy, there wasn't anything in
23 there that was going to tell you that you had
24 allegedly been misled? In essence, that's what
25 it says; is that right?

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1 J. Kablach - by Mr. Allen
2 A. Yes.
3 Q. You have told me that you didn't
4 read anything that came with the policy; is
5 that right?
6 A. Yes.
7 Q. Then --
8 MR. SHELLY: Were you finished
9 with your answer?
10 THE WITNESS: No.
11 MR. CREENAN: She answered the
12 question.
13 MR. SHELLY: Let her answer the
14 question.
15 Q. Go ahead.
16 A. Whatever was delivered to me
17 originally, probably, no, I didn't see anything
18 like was on this. This may have come after
19 (indicating).
20 Q. I don't understand your answer.
21 A. I don't recall ever seeing anything.
22 I am not saying it wasn't because I didn't read
23 it. I don't recall seeing anything that said
24 Payable to 95 or Life Insurance Only or
25 anything like that.

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1 J. Kablach - by Mr. Allen
2 Q. In fact, ma'am, in your own
3 Complaint, you have alleged that in October of
4 1991, the policy was delivered to you. You
5 have alleged that. It is established in this
6 case. Hold on. Hold on, please. You have
7 alleged that under oath, that it was delivered
8 to you.
9 Following that allegation, you say
10 that when it was delivered to you, there was
11 nothing that came with it that would have told
12 you that you had been allegedly misled. My
13 question is: If you didn't read anything when
14 it was delivered to you, how do you know what
15 it said?
16 A. I'm not saying I didn't read
17 anything. I didn't read everything.
18 Q. You did tell me you didn't read
19 anything. Are you changing that testimony now?
20 A. I said that I would probably open it
21 up and glance at something and throw in the
22 drawer. I am not saying I never read anything
23 that was sent to me. I am sure I did read over
24 things.
25 Q. What did you read?

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<p>Page 133</p> <p>1 J. Kablach - by Mr. Allen</p> <p>2 A. I can't remember that far back to</p> <p>3 remember exactly what I read.</p> <p>4 Q. Since you don't recall anything that</p> <p>5 you have read, how do you make this allegation</p> <p>6 in paragraph 32 that there was nothing in there</p> <p>7 that would have alerted you to the alleged</p> <p>8 misdeeds of the Defendants?</p> <p>9 A. Because Mr. Schram, I think, did</p> <p>10 drop something in my mailbox. Maybe it wasn't</p> <p>11 that. Maybe it was something that I read that</p> <p>12 was the chart. Back then, I would have had a</p> <p>13 fresher memory than what I have now.</p> <p>14 Q. Back when?</p> <p>15 A. Back when this was signed</p> <p>16 (indicating). You want me to remember things</p> <p>17 from -- what? 13 years ago?</p> <p>18 MR. CREENAN: You sued us,</p> <p>19 ma'am. You have to remember today.</p> <p>20 MR. ALLEN: Off the record.</p> <p>21 (Discussion off record.).</p> <p>22 MR. ALLEN: Back on the record.</p> <p>23 Can you go back and read about two answers ago,</p> <p>24 please.</p> <p>25 (Reporter read from record as</p>	<p>Page 135</p> <p>1 J. Kablach - by Mr. Allen</p> <p>2 Q. Can you tell me if you ever read</p> <p>3 that?</p> <p>4 A. I don't recall.</p> <p>5 Q. Did something arrive in your mailbox</p> <p>6 more than once in that 1991 time frame or was</p> <p>7 it only once?</p> <p>8 A. I don't recall.</p> <p>9 Q. Back to paragraph 32, ma'am. Very</p> <p>10 important that I understand what you are</p> <p>11 alleging in this lawsuit. Again, looking at</p> <p>12 paragraph 31, that's where you swear under oath</p> <p>13 that the policy was delivered to you in October</p> <p>14 of 1991.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. So we have the policy being</p> <p>18 delivered to you in October of 1991?</p> <p>19 A. Yes.</p> <p>20 Q. Then you say, "When the policy was</p> <p>21 delivered, there were no documents stating that</p> <p>22 it was different from what you claim you</p> <p>23 wanted."</p> <p>24 A. That's possible.</p> <p>25 Q. Well, possible is different than</p>
<p>Page 134</p> <p>1 J. Kablach - by Mr. Allen</p> <p>2 requested.)</p> <p>3 Q. I am going to talk to you about that</p> <p>4 answer. You said maybe Mr. Schram put</p> <p>5 something in my mailbox that was not that. I</p> <p>6 am trying to understand now what you are</p> <p>7 saying?</p> <p>8 A. That policy. That particular</p> <p>9 policy.</p> <p>10 Q. Are you guessing, ma'am?</p> <p>11 A. I don't remember.</p> <p>12 Q. What did Mr. Schram put in your</p> <p>13 mailbox?</p> <p>14 A. I don't recall.</p> <p>15 Q. Can you tell me anything that Mr.</p> <p>16 Schram put in your mailbox?</p> <p>17 A. I can't be positive, no.</p> <p>18 Q. Can you be something less than</p> <p>19 positive?</p> <p>20 A. No. I can't be positive of what he</p> <p>21 gave me.</p> <p>22 Q. But is it still your testimony that</p> <p>23 there was something in your mailbox from</p> <p>24 MetLife?</p> <p>25 A. Yes. I don't recall what it was.</p>	<p>Page 136</p> <p>1 J. Kablach - by Mr. Allen</p> <p>2 swearing under oath. If you didn't read or at</p> <p>3 least you can't recall reading anything that</p> <p>4 was delivered to you, will you agree with me</p> <p>5 there is no way you can make that statement, in</p> <p>6 paragraph 32, accurately?</p> <p>7 A. I am sure if you deliver something</p> <p>8 in the mail, you're going to look at it.</p> <p>9 You're not going to just not open it and throw</p> <p>10 in the drawer. I don't know to what extent I</p> <p>11 read it. I don't know if I just glanced over</p> <p>12 it. I am sure I looked at it.</p> <p>13 Q. What documents were you referring to</p> <p>14 in paragraph 32?</p> <p>15 A. I don't recall what I was referring</p> <p>16 to. Papers from MetLife. I don't recall</p> <p>17 exactly at this time.</p> <p>18 Q. Paragraph 38, please. In paragraph</p> <p>19 38 you allege, "Plaintiff cannot afford to</p> <p>20 purchase replacement coverage in the amount and</p> <p>21 at the cost at which it was offered to her by</p> <p>22 the Defendants."</p> <p>23 What does that mean?</p> <p>24 A. That means that I already had been</p> <p>25 putting money into something else and I just</p>

34 (Pages 133 to 136)

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<p>1 J. Kablach - by Mr. Allen 2 couldn't afford to start over at my age. It 3 would have been higher priced to start another 4 policy with someone else. 5 I wouldn't have got it for the same 6 price. So I didn't -- it wouldn't have been 7 \$31.50 to start another savings or policy. It 8 would have been more than that. 9 Q. Who did you contact in order to make 10 that determination that you couldn't find 11 replacement coverage, to use your term? 12 A. I had gotten things in the mail from 13 various places. One being the Firemen's Credit 14 Union. 15 Q. What did they say? 16 A. I don't recall. I know it would 17 have cost me more. 18 Q. What was the product they were 19 offering you? 20 A. They sent us information for life 21 insurance, and they also have savings plans. 22 Q. How much does it cost for them? 23 A. I don't recall. 24 Q. What were the benefits that that 25 would provide?</p>	<p>1 J. Kablach - by Mr. Creenan 2 bank or it was money. I don't think at the 3 time we had the 401-K. I'm not sure. I didn't 4 want to put any more into something to me that 5 was something that was worthless. 6 Q. Is there any other -- are there any 7 people that you know of that have any facts 8 that relate to your purchase of the policy from 9 MetLife? 10 A. No. Ronald Schram. 11 MR. CREENAN: Excuse me? 12 THE WITNESS: Ronald Schram 13 showed me facts on what I purchased. 14 MR. ALLEN: Your show. 15 ---- 16 EXAMINATION 17 BY MR. CREENAN: 18 Q. Ms. Kablach, I am Jim Creenan. I 19 represent Ronald Schram. 20 A few moments ago, in response to 21 questions from Mr. Allen, concerning what you 22 are trying to get out of this lawsuit, you 23 identified generally you wanted justice. 24 Secondly, you wanted Ron Schram to pay for what 25 he did. Third, you wanted to get what you were</p>
Page 138	Page 140
<p>1 J. Kablach - by Mr. Allen 2 A. It depends on what I would have gone 3 with. 4 Q. What other comparison shopping did 5 you do in order to make this statement under 6 oath? 7 A. I got different things in the mail 8 that I had looked at. 9 Q. Aside from unsolicited mailings, did 10 you do anything else to go out and see what 11 products were available to you? 12 A. Not that I recall, as far as 13 researching. Just based on what I would get in 14 the mail or be offered through someone else. 15 Q. When you stopped making the \$31.50 a 16 month payments to that the MetLife policy, did 17 you redirect those funds to a different savings 18 vehicle? 19 A. I'm not sure if I did at the time. 20 I am sure I started saving something after 21 that. Decided to put it in the savings 22 account. 23 Q. Which savings account did you begin 24 to put that \$31.50 into? 25 A. I don't know if I went with just a</p>	<p>1 J. Kablach - by Mr. Creenan 2 promised by Ron Schram from MetLife? 3 A. Yes. 4 Q. Is there anything else you're trying 5 to get out of this lawsuit? 6 A. No. Just time and suffering. 13 7 years of going through this. 8 Q. When you say going through this, 9 what do you mean? 10 A. Going through having to prove that I 11 was sold something misleading. 12 Q. What was misleading about your 13 encounter with Mr. Schram? 14 A. The whole policy or plan, savings 15 plan, whatever it was, was misleading. 16 Q. How was it misleading? 17 A. Because I was not, after I called 18 MetLife, I was told I was not sold a retirement 19 or savings plan, and I wasn't even sold an 20 insurance plan that was payable for eight 21 years. So the whole thing was misleading. Not 22 just the fact that it was a savings or 23 retirement plan, but the fact that I would have 24 to pay until age 95 on just insurance, even if 25 that was the case.</p>

35 (Pages 137 to 140)

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<p>Page 141</p> <p>1 J. Kablach - by Mr. Creenan 2 Q. What did Mr. Schram say to you that 3 misled you, if anything? 4 A. That I could save money and at the 5 same time be insured for life insurance. 6 Q. Isn't it true that you were insured 7 with life insurance up to \$25,000? 8 A. Yes. 9 Q. That amount would increase over 10 time? Isn't that true? 11 A. I don't know if that would increase 12 over time. I assumed it was \$25,000. 13 Q. Isn't it true that the policy did 14 have a cash value? Mr. Allen went through all 15 the illustrations, and there was a cash value 16 associated with the policy; is that correct? 17 A. It wasn't even equal to the \$31.50 a 18 month that I was putting in. 19 Q. But you were getting insurance, as 20 well? 21 A. Yes. But not what I was promised, 22 as far as the cash value or the savings part of 23 it. 24 Q. What did you expect to receive that 25 you did not receive, based on your conversation</p>	<p>Page 143</p> <p>1 J. Kablach - by Mr. Creenan 2 no children. I wasn't interested in life 3 insurance. Had he told me it was life 4 insurance only, payable to age 94, I would 5 never have purchased it. 6 Q. Let me ask you this: Was it life 7 insurance only? 8 A. According now to MetLife, yes. 9 Q. That's your understanding? 10 A. Yes. 11 Q. When you spoke to someone on the 12 phone from MetLife, did you take any notes? 13 A. No. 14 Q. Did you send them a letter back? 15 A. No. 16 Q. Did they send you a letter? 17 A. Not that I recall. 18 Q. At the time you made the telephone 19 call to MetLife, did you pull out all your 20 papers so you could explain to them the product 21 that you have? 22 A. I explained everything. I gave my 23 policy number. The lady looked it up. 24 Q. That wasn't my question. Did you 25 pull out all your papers?</p>
<p>Page 142</p> <p>1 J. Kablach - by Mr. Creenan 2 with Mr. Schram? 3 A. I expected to only pay for eight or 4 nine years. 5 Q. Let me ask you this: Did you pay 6 for eight or nine years? 7 A. No. I quit paying -- 8 Q. You quit the plan before eight or 9 nine years? 10 A. Yes. Because I was told I would 11 have to pay until 94 or 95. To me, that was 12 ridiculous. I could have put money in the 13 drawer in my house and had more. There was 14 nothing being earned on it at that rate. There 15 was no interest or anything. If I lived to be 16 94, I certainly would not have gotten what I 17 could have got if I put it into a savings plan. 18 Q. Is that all? I am trying to give 19 you a chance to explain some of your answers 20 from before, which were not very comprehensive. 21 You could not remember a lot of 22 things, and yet you're still suing us. I want 23 to know exactly why you are suing us. 24 A. Because Mr. Schram came into my home 25 and sold me at the age of -- what? 33. I had</p>	<p>Page 144</p> <p>1 J. Kablach - by Mr. Creenan 2 A. No. 3 Q. Can you tell me today, under oath, 4 whether, in fact, the policy that is sitting in 5 front of you, bound in that, with that clear 6 cover, is any different than what Mr. Schram 7 promised you? 8 A. This? 9 Q. Yes. 10 A. Yes. 11 Q. How is it different? 12 A. It is different because I don't 13 recall seeing that policy from Mr. Schram. I 14 recall seeing a chart. It was not -- this was 15 not the chart that he showed me. 16 He showed me the chart that had 17 none, none, none, none, written down after 18 eight or nine years, as far as paying. He 19 didn't show me this chart. This is a different 20 chart than the other chart. 21 Q. When did you receive that policy? 22 In 1991? 23 A. I don't recall. 24 MR. ALLEN: Let me interject. 25 One answer ago, when the witness was referring</p>

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1 J. Kablach - by Mr. Creenan
2 to the chart, she was referring to the chart
3 that is bound in the policy, the Table of
4 Values chart, as opposed to the illustration.
5 Sorry, Mr. Creenan.
6 BY MR. CREENAN:
7 Q. Are there any charts that you saw
8 from Mr. Schram or from MetLife that you have
9 not given to your lawyers?
10 A. I don't know if the one Mr. Schram
11 showed me he took with him and mailed me or
12 gave me a similar one after I signed up. But
13 the one he showed me looked to be like the one
14 that had the -- I don't know what you did with
15 it. The one that had --
16 Q. Like Exhibit 5, like we showed you
17 and Mr. Allen said only this page?
18 A. Yes. This one. This is what I was
19 showed at the time of signing for the insurance
20 (indicating).
21 Q. You think that's different than what
22 you got in the policy? Is that your testimony?
23 A. Yes. It looks totally different
24 than this.
25 Q. Okay. The other thing you

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1 J. Kablach - by Mr. Creenan
2 identified as what you are out to get from this
3 lawsuit, is you want Ron Schram to pay for what
4 he did.
5 A. I want him to admit he sold me what
6 he sold me that I am filing the claim for. I
7 want him to admit that he was wrong and he sold
8 me a plan that was supposed to be savings/
9 retirement and not just insurance. I don't
10 care what you do with him after that. I am not
11 a vengeful person. I don't want to see him go
12 to jail or anything. He did sell me something
13 and it wasn't what MetLife sold me, apparently.
14 Q. I am going to ask you a hypothetical
15 question: If you got that policy in the mail
16 and if you would have actually read it, and saw
17 that it was different than what your
18 understanding of Mr. Schram's explanation was,
19 what would you have done with the policy?
20 MR. SHELLY: Objection, due to
21 the form of the question. You may answer it.
22 Q. Would you have sent it back?
23 A. I don't know what I would have done
24 back then. I don't know. I probably would
25 have questioned it.

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1 J. Kablach - by Mr. Creenan
2 Q. But it is a hypothetical question
3 because you never bothered to read the policy?
4 A. I don't know how well I looked over
5 it, but not in depth enough to understand.
6 Maybe I looked at it and didn't understand
7 because I took Mr. Schram's word for it.
8 Q. Did you ever call up Mr. Schram,
9 after you received the policy and say, "I don't
10 understand what this is. I need you to explain
11 it to me"?
12 A. I don't recall if I did.
13 Q. Would you have remembered something
14 like that?
15 A. I don't recall. I may have asked
16 him about it and he said, you know, not to
17 worry about it.
18 Q. You do not know? You did not call
19 him up, did you?
20 A. I don't recall. I may have. I
21 don't recall.
22 Q. What was your phone number at that
23 time?
24 A. I'm not sure. It could have been --
25 Q. Could you slow down?

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1 J. Kablach - by Mr. Creenan
2 A. I don't know.
3 Q. When you answered Mr. Allen's
4 questions before, you said something to the
5 effect that the elderly probably got it worse.
6 Where did you get that information
7 from?
8 A. Because -- maybe I shouldn't have
9 said that. Generalizing that scam artists prey
10 upon elderly people and people that they don't
11 think will know what is going on.
12 Q. I don't understand your answer. Do
13 you have any information about Mr. Schram's
14 dealings with any customer other than yourself?
15 A. No.
16 Q. Do you have any factual basis to
17 call Mr. Schram a scam artist, other than what
18 your dealings are with him?
19 A. No. I called him that because I
20 feel I was scammed.
21 Q. Have you ever testified under oath
22 other than today?
23 A. Yes.
24 Q. When was that?
25 A. Couple months ago.

37 (Pages 145 to 148)

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1 J. Kablach - by Mr. Creenan
 2 Q. What case was that?
 3 A. My father's.
 4 Q. When National Record Mart was going
 5 through bankruptcy, did you testify before the
 6 trustee?
 7 A. No.
 8 Q. Did you sign any affidavits for the
 9 trustee?
 10 A. No.
 11 Q. Did anyone from the trustee's office
 12 contact you to ask you about the way you
 13 handled the business of National Record Mart?
 14 A. No.
 15 Q. In response to Mr. Allen's
 16 questions, you also said that you were out for
 17 justice. What does that mean?
 18 A. That means that I want Mr. Schram to
 19 say he sold me a savings slash retirement plan,
 20 and that's what I bought, based on paying into
 21 it for eight or nine years. I want him to
 22 admit to what he told me I was purchasing.
 23 Q. We've looked at as many as 17 or 18
 24 different documents today in your exhibits.
 25 Your lawyer brought with you all of your

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1 J. Kablach - by Mr. Creenan
 2 original papers.
 3 Can you point out for me anywhere in
 4 any of those papers where Mr. Schram or MetLife
 5 represented to you that this was a savings or
 6 retirement plan?
 7 A. I don't see the words "savings" or
 8 "retirement" in it. That doesn't mean that
 9 I -- I took his word for it.
 10 Q. Is there anywhere written in paper?
 11 You can look all you like. Look through each
 12 one, if you like, ma'am.
 13 A. Not that I can see.
 14 Q. Are you sure you don't want to take
 15 more time to look?
 16 A. (Reviewing document.) Not that I
 17 see.
 18 Q. Do you have any knowledge or
 19 information or facts as to how Mr. Schram sold
 20 insurance policies to anyone other than
 21 yourself?
 22 A. No.
 23 Q. The newspaper article that you
 24 referenced from the Pittsburgh Post-Gazette,
 25 can you tell me what that article said?

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1 J. Kablach - by Mr. Creenan
 2 A. I just remember that Mr. Schram was
 3 mentioned in it as to selling policies that
 4 weren't savings plans or weren't -- I don't
 5 know. I can't remember the words. I remember
 6 Mr. Schram's name being in it, and that he had
 7 claims filed against him and that MetLife was
 8 mentioned in it and that Mr. Behrend was
 9 mentioned as a lawyer. That's all I remember.
 10 Q. Because Mr. Schram had claims filed
 11 against him, does that mean the policy that he
 12 sold you wasn't what he --
 13 A. No, it doesn't mean that. What he
 14 sold me, what he told me it was, is the basis
 15 for me filing against him. It is not because
 16 of what I have read.
 17 I would have never filed a claim if
 18 I had not read that and just continued to pay
 19 until farther down the line that I found out it
 20 wasn't what I purchased. Then I would have
 21 inquired. I really don't recall receiving much
 22 in the mail from MetLife, statements and things
 23 like that.
 24 Q. After you read the Post-Gazette
 25 article, did you try to contact Mr. Schram?

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1 J. Kablach - by Mr. Creenan
 2 A. I think I did. I think I may have
 3 tried to contact him through MetLife but he was
 4 no longer working there.
 5 Q. Did you speak to anyone there or did
 6 you maybe try to maybe follow up with him?
 7 A. I couldn't get ahold of him. I
 8 think I did try.
 9 Q. You think you did or you did?
 10 A. I vaguely remember trying to get
 11 ahold of him somehow.
 12 Q. So you thought you might want to try
 13 to get ahold of him at some point?
 14 A. I think I may have tried, but --
 15 Q. Did you send him any letters?
 16 A. I didn't have an address to send him
 17 letters.
 18 Q. You had a business card with the
 19 gambling information on the back?
 20 A. I think when I called MetLife, they
 21 said he was no longer working there.
 22 Q. Did you ask to speak to the
 23 supervisor or manager or anybody who might be
 24 able to help you out concerning your
 25 understanding of the policy after not reading

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1 J. Kablach - by Mr. Creenan
2 the policy three years earlier?
3 A. I don't recall who I asked to speak
4 with. A representative or whoever I could
5 speak with involving what I had read in the
6 paper is who I asked to talk to about my
7 policy.
8 Q. That was the 800 number you called?
9 A. Whatever number I called.
10 Q. But you never called the office
11 where Mr. Schram worked?
12 A. I don't believe so.
13 Q. How much do you gamble in a year or
14 how much did you gamble in the year in 1991?
15 A. Who?
16 Q. You.
17 A. I don't gamble.
18 Q. Earlier you said you don't gamble
19 much?
20 A. I play bingo. Maybe once every
21 month or so.
22 Q. Is that your handwriting on the back
23 of Mr. Schram's card?
24 A. No. I don't know whose writing this
25 is.

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1 J. Kablach - by Mr. Creenan
2 Q. You are denying this is your
3 handwriting?
4 A. I don't know. It might be mine. I
5 don't know. I don't bet on football. This
6 could very well be my writing. I can't see it.
7 I don't think it is, though.
8 Q. Have you ever been arrested for
9 gambling?
10 A. No. I don't gamble. If you
11 consider bingo gambling --
12 Q. Have you ever bet on a football
13 game?
14 A. No. I played football pools.
15 Q. That's where you pick three or four
16 teams that might win?
17 A. No. Just we used to have a football
18 pool at National Record Mart where we would
19 sign a block, bet a dollar. You get points. I
20 never bet on a football team, though.
21 Q. Was anyone living with you in 1991
22 when Mr. Schram sold you this policy?
23 A. No. My boyfriend moved in shortly
24 after. He wasn't living with me at the time it
25 was sold to me.

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1 J. Kablach - by Mr. Creenan
2 Q. You worked for National Record Mart.
3 Were you ever disciplined for paying bills that
4 shouldn't have been paid?
5 A. No. I had an outstanding record
6 with National Record Mart.
7 Q. Your job was to pay the landlords,
8 the record suppliers?
9 A. Not landlords. I paid the
10 distributors.
11 Q. You were only in charge of paying
12 the distributors?
13 A. Yes. At one point, I did pay, years
14 and years ago, I did pay some rental properties
15 and things like that. That was for a brief
16 time, maybe a year or so. I did various jobs
17 there throughout the first ten years. So I
18 did, at one point at National Record Mart, at
19 one point I did pay the rents.
20 Q. Were you relying on the landlords to
21 call you up and say you owe us \$42,000 in rent
22 for this past month or did you have some other
23 way of doing your job?
24 A. I believe I may have paid some
25 statements.

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1 J. Kablach - by Mr. Creenan
2 Q. You would get a statement, a written
3 statement?
4 A. I would get something in the mail to
5 do comparisons. I don't remember. It was,
6 like I said, I did it for a short time. Maybe
7 six months, a year, something. I don't recall
8 exactly how we paid the landlords back then.
9 Q. Can you tell me whether you paid the
10 landlords based on calling up and telling you
11 you owe a certain amount of money? Was that
12 the way National Record Mart did business?
13 A. No. I am sure we had to follow up
14 with something. I don't remember.
15 Q. You would receive some written
16 documentation?
17 A. I don't remember.
18 Q. You don't remember?
19 A. No.
20 Q. How long had you worked at National
21 Record Mart?
22 A. 26 years.
23 Q. It's been a little while since
24 Mr. Allen asked you about the person that you
25 dealt with at Oppenheimer. Do you happen to

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<p>Page 157</p> <p>1 J. Kablach - by Mr. Creenan 2 remember now the name of the person that you 3 spoke to or dealt with at Oppenheimer 4 concerning stocks you may have purchased 5 through them? 6 A. No. I can't remember her name. 7 Q. Was it a local office? 8 A. No. 9 Q. Okay. 10 A. I'm not sure where it was. New 11 York, maybe. I'm not sure. If I heard the 12 girl's name, I would remember it. 13 Q. Do you have any papers at home from 14 Oppenheimer Funds from your sale of stock to 15 National Record Mart? 16 A. I didn't sell the stock. 17 Q. You bought stock? 18 A. Yes. I may have a statement. 19 Q. How many statements did you get from 20 MetLife over the years? 21 A. I don't recall. 22 Q. Did you get them annually or monthly 23 or quarterly or some other way? 24 A. I don't recall receiving much from 25 MetLife.</p>	<p>Page 159</p> <p>1 J. Kablach - by Mr. Creenan 2 Q. Do you have any papers from that? 3 A. You have them. It is the W-2s. 4 Q. Those are from the year 2000? 5 A. No. I got MetLife -- there's 6 something in there. My W-2 from '94 should be 7 in there, from MetLife. 8 Q. Your W-9 is from 2000? 9 A. Or whatever year it is. This, right 10 here (indicating). 11 Q. You don't know when you got the 12 stock, though? 13 A. When I got it, no, I don't know. I 14 just know when I cashed it in. 15 Q. How did you get stock from MetLife? 16 A. I don't know. I assumed it was from 17 back when I had the policy or -- I don't know. 18 I honestly don't know. I have no idea. 19 Q. You don't have any paperwork? 20 A. Huh-uh. Huh-uh. 21 Q. Do you file tax returns every year? 22 A. Yes. 23 Q. How long have you had that IRA? 24 A. I had it with a different bank for, 25 I believe, three or four and a half, four</p>
<p>Page 158</p> <p>1 J. Kablach - by Mr. Creenan 2 Q. How did you get stock from MetLife? 3 A. I honestly don't know. They sent me 4 the statement showing me I had stock. I wasn't 5 even aware that I had it. 6 Q. They sent it to you? They didn't 7 send it to your father? 8 A. No. They sent it to me. I wasn't 9 aware how I got it, if it was from having the 10 policy. 11 Q. When did they send it to you? 12 A. Within the past year is when I 13 noticed that they sent a statement. I don't 14 recall receiving one prior to that unless it 15 was something -- this year, I received, within 16 the last six months, I received the statement. 17 Q. Do you still own MetLife stock? 18 A. No. 19 Q. What did you do with it? 20 A. I cashed it in when I received the 21 statement. I called them up and asked them if 22 it was mine or my father's because I didn't 23 understand where it came from. They said that 24 it was my stock. I asked if I could sell it. 25 They said yes.</p>	<p>Page 160</p> <p>1 J. Kablach - by Mr. Creenan 2 years. When it matured, I switched it over 3 this past year, just in the last couple of 4 months ago into Mt. Troy. It came due to do 5 something else, so I switched. 6 Q. I am not sure you answered my 7 question. How many years have you had an IRA? 8 A. Since I left National Record Mart. 9 Q. Three, four years? 10 A. It was three years in July. 11 Q. Have you made any contributions to 12 that IRA since then? 13 A. No. 14 Q. Why haven't you? 15 A. Because -- 16 Q. You are so concerned about 17 retirement and savings, how come you haven't -- 18 how come you haven't made any contributions to 19 your IRA since you left National Record Mart? 20 A. Because I started a new 401 with the 21 company I am currently with. I contribute to 22 that. 23 Q. How much do you contribute to your 24 401-K? 25 A. \$50 a pay, which would be \$100 a</p>

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1 J. Kablach - by Mr. Creenan
2 month.
3 Q. What company administers that 401-K?
4 A. I'm not sure.
5 Q. Do you ever get a statement from
6 them?
7 A. We just started it back in January,
8 so we just initially got our first paperwork.
9 I think it is sent every quarter. I don't
10 think it's been a full quarter yet.
11 Q. That is brand-new 401-K for the
12 company?
13 A. Yes.
14 Q. Started in June?
15 A. January.
16 Q. Of 2005?
17 A. Yes.
18 Q. Between the time you left National
19 Record Mart and January of 2005, how come you
20 didn't contribute any money to your IRA?
21 A. Because I had purchased a new car.
22 Just financial reasons.
23 Q. You don't seem so concerned about
24 your retirement during the years 2000, 2005.
25 A. Because I knew when I left National

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1 J. Kablach - by Mr. Creenan
2 Record Mart, that eventually my company had
3 talk of starting a retirement plan and I was
4 waiting to get into that. You can't get into
5 it anyway until you are working there for X
6 amount of time. I had been there three years
7 this past January.
8 Q. Did you have to wait until you were
9 an employee there for three years before you
10 could start?
11 A. I am not sure what the time frame
12 was you had to wait. I know you had to wait at
13 least a year.
14 Q. Who at Galaxy is in charge of the
15 administration of you 401-K?
16 A. George Balicky, B-A-L-I-C-K-Y.
17 Q. What is George's phone number?
18 A. The work number? 412-481-8600,
19 extension 236.
20 Q. Let me be clear. Before you met
21 with Mr. Schram, had you ever dealt with any
22 insurance agents before?
23 A. No.
24 Q. Have you had any dealings with any
25 insurance agents after Mr. Schram?

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1 J. Kablach - by Mr. Allen
2 A. No.
3 Q. How much insurance do you have
4 through your employer now?
5 A. I don't think we have any.
6 MR. CREENAN: Those are all the
7 questions that I have.
8 -----
9 EXAMINATION
10 BY MR. ALLEN:
11 Q. Ma'am, you mentioned a little while
12 ago that you had an outstanding record in your
13 employment. Is that true throughout your
14 career with National Record Mart and now
15 Galaxy?
16 A. Yes.
17 Q. Accounts payable, I would imagine
18 that in order to compile an outstanding record,
19 you have to do a few things. You have to work
20 hard; is that correct?
21 A. Yes.
22 Q. You got to be pretty bright; is that
23 correct?
24 A. Yes.
25 Q. Did you work hard?

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1 J. Kablach - by Mr. Creenan
2 A. Yes.
3 Q. You are a bright person?
4 A. Yes.
5 Q. Particularly in accounts payable, I
6 imagine you have to be very detail oriented?
7 A. Yes.
8 Q. Are you a detail-oriented person?
9 A. Yes.
10 Q. I imagine accounts payable, you have
11 to be pretty careful and organized?
12 A. Yes.
13 Q. Are you a careful and organized
14 person?
15 A. In my business, yes.
16 MR. ALLEN: That's all that I
17 have.
18 -----
19 EXAMINATION
20 BY MR. CREENAN:
21 Q. Ma'am, we looked earlier at Exhibit
22 9, which included, as exhibits, a form from
23 Met's page 114. That was the form that looks
24 just like this (indicating).
25 Did you bring the original with you

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<p>Page 165</p> <p>1 J. Kablach - by Mr. Creenan 2 today, ma'am? 3 A. I didn't bring anything with me 4 today. 5 Q. Excuse me? 6 A. I didn't bring anything with me 7 today. 8 Q. Can you check with your lawyer and 9 see if he brought it with you? 10 A. Which one is it? 11 Q. This form. I am looking for the 12 original. 13 A. This form? 14 Q. Yes. 15 A. No. I didn't bring anything. I 16 don't have anything to bring with me. 17 Everything I have, I turned over to the lawyer. 18 Q. You don't know whether you guys have 19 it here today? 20 A. I don't know. 21 MR. CREENAN: Carl, do you have 22 that? 23 MR. SHELLY: No. I don't have 24 it today. 25 Q. Did you read Exhibit 9 before you</p>	<p>Page 167</p> <p>1 J. Kablach - by Mr. Creenan 2 Q. Do you have any explanation as for 3 why you would sign something that you didn't 4 read? 5 A. If I signed it, I am sure I probably 6 read it, possibly read it. I am sure I had to 7 have read it. I don't know. I signed MetLife 8 and didn't read everything. 9 Q. Let me ask you another hypothetical 10 question: If you had responded back to MetLife 11 in time about this class action, would you have 12 gotten in on it? 13 A. I don't know. I would have -- no. 14 I would have had to have talked to an attorney 15 because I wasn't familiar with that, with what 16 everything was about. 17 Q. You told us the reason you didn't 18 get in on it is because you didn't have a 19 chance. You were too late? 20 A. Yes. That was the reason at the 21 time. I would have probably looked further 22 into it if it was on time. I wasn't sure what 23 a class action involved at the time. I didn't 24 look into it because it was already too late, 25 from my understanding. It was too late to be</p>
<p>Page 166</p> <p>1 J. Kablach - by Mr. Creenan 2 signed it? 3 A. I have to read it to see what it 4 says. I don't remember reading this, no. 5 Q. That is your signature, though, on 6 the second page? 7 A. I can't read that. 8 Q. You can't read it? 9 A. No. 10 Q. Okay. 11 A. I can't tell you if you it is my 12 signature because I can't read it. 13 Q. You do remember signing this? 14 A. I don't remember signing it. 15 Possibly, yes, but if I did, I don't remember 16 if I signed this. 17 Q. You don't remember whether you read 18 it before you signed it? 19 A. No, I don't. 20 Q. That is your name on the front, 21 isn't it? 22 A. Yes. 23 Q. You said Mr. Behrend was your 24 attorney back then, wasn't he? 25 A. Yes.</p>	<p>Page 168</p> <p>1 J. Kablach - by Mr. Creenan 2 part of it. 3 Q. Let me ask you the hypothetical 4 question again: If you had responded on time, 5 if you sent this form back on time, would you 6 have wanted to get in on it? 7 A. I don't know. 8 MR. CREENAN: No further 9 questions. 10 MR. SHELLY: Okay. We're done. 11 (Signature not waived.) 12 (Whereupon, the above-entitled 13 matter was concluded at 1:50 p.m.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1
 2 COMMONWEALTH OF PENNSYLVANIA) ERRATA
 COUNTY OF ALLEGHENY) SHEET
 3
 4 JOANN KABLACH
 vs.
 5 METROPOLITAN LIFE INSURANCE COMPANY, et al.
 6
 I, JOANN KABLACH, have read the foregoing
 7 pages of my deposition given on April 18, 2005,
 and wish to make the following, if any,
 8 amendments, additions, deletions or
 corrections:
 9
 Pg. No. Line No. Change and reason for
 10 change:
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 In all other respects the transcript is true
 21 and correct.
 22

 23 JOANN KABLACH
 Subscribed and sworn to before me this
 24 _____ day of _____, 2005.
 25

 Notary Public (KA)

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1
 2 COMMONWEALTH OF PENNSYLVANIA)
 COUNTY OF ALLEGHENY)
 3
 4 I, Kurt M. Ament, a notary public in
 and for the Commonwealth of Pennsylvania, do
 5 hereby certify that the witness, JOANN KABLACH,
 was by me first duly sworn to testify the
 6 truth, the whole truth, and nothing but the
 truth; that the foregoing deposition was taken
 7 at the time and place stated herein; and that
 the said deposition was recorded
 8 stenographically by me and then reduced to
 typewriting under my direction, and constitutes
 9 a true record of the testimony given by said
 witness, all to the best of my skill and
 10 ability.
 11 I further certify that the
 inspection, reading and signing of said
 12 deposition were not waived by counsel for the
 respective parties and by the witness and if
 13 after 30 days the transcript has not been
 signed by said witness that the witness
 14 received notification and has failed to respond
 and the deposition may then be used as though
 15 signed.
 16 I further certify that I am not a
 relative, or employee of either counsel, and
 17 that I am in no way interested, directly or
 indirectly, in this action.
 18
 IN WITNESS WHEREOF, I have hereunto
 19 set my hand and affixed my seal of office this
 28th day of April, 2005.
 20
 21
 22

 23
 24
 25

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Powers, Garrison & Hughes