

6. D'Andrea Buick presented two witnesses: 1) its President, Nicholas J. D'Andrea; and 2) its General Manager, Edward Earley.

7. Plaintiff's counsel inquired whether Henry Horton would appear as a witness pursuant to a 237 Notice previously-served. D'Andrea Buick's counsel erroneously answered that Mr. Horton was no longer employed by D'Andrea Buick.

8. Prior to the commencement of trial, the Court inquired whether there were any preliminary matters. Counsel for D'Andrea Buick asked the Court to require counsel for Ms. Zhan to specifically state which counts of Ms. Zhan's then-existing complaint were at issue. The Court stated that it would consider all evidence as to any existing counts, and would not pare the pleadings prior to trial. In the opening statement, Plaintiff's counsel presented several claims for relief, as stated in Plaintiff's Complaint.

9. D'Andrea Buick's counsel stated in the opening statement that there would be no evidence shown as to what caused the vehicle to stall, as alleged by Plaintiff. D'Andrea Buick further stated that evidence would be presented in support of its Counterclaim for storage fees.

10. D'Andrea Buick's counsel stated that evidence would be presented in support of its Counterclaim for storage fees, and that it would ask for in excess of \$30,000 on its Counterclaim.

11. Plaintiff testified that on September 4, 2003, she shopped for a vehicle, in expectation of a new job, intending to buy a Toyota, but instead purchasing a car from D'Andrea Buick.

12. Ms. Zhan testified she really wanted a Toyota but did not "find the exact car [she] really liked" at Toyota on Western, and proceeded to D'Andrea Buick's