

**In The Matter Of:**  
*Mariya Plekan v.*  
*The Salvation Army of Greater Philadelphia, et al.*

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*Mariya Plekan*  
*November 20, 2013*

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<p>1 IN THE COURT OF COMMON PLEAS</p> <p>2 PHILADELPHIA COUNTY</p> <p>3 - - -</p> <p>4</p> <p>5 MARIYA PLEKAN : AUGUST TERM 2013</p> <p>6 vs. :</p> <p>7 THE SALVATION ARMY OF : GREATER PHILADELPHIA, : et al : NO. 001874</p> <p>9</p> <p>10 - - -</p> <p>11 Philadelphia, Pennsylvania</p> <p>12 Wednesday, November 20, 2013</p> <p>13 - - -</p> <p>14</p> <p>15 Videotaped Deposition of MARIYA PLEKAN</p> <p>16 held at Good Shepherd Penn Partners, 1840</p> <p>17 South Street, First Floor Conference Room, on</p> <p>18 the above date, beginning at 10:04 a.m.,</p> <p>19 before Madalene Foster Rohde, a Registered</p> <p>20 Professional Reporter and Notary Public of the</p> <p>21 Commonwealth of Pennsylvania.</p> <p>22 - - -</p> <p>23</p> <p>24</p>	<p>1 APPEARANCES: (Continued)</p> <p>2</p> <p>3</p> <p>4 BRITTANY RASMUSSEN, ESQ. JONATHAN M. COHEN, LLC 20 North 3rd Street, Fifth Floor Philadelphia, PA 19106 215.592.4445 brittany.rasmussen@jmcscq.com</p> <p>6 Counsel for Plaintiff Linda Bell</p> <p>8</p> <p>9</p> <p>10 JOSEPH S. WEISS, ESQ. WAPNER, NEWMAN, WIGRIZER, BRECHER &amp; MILLER 2000 Market Street, Suite 2750 Philadelphia, PA 19103 215.569.0900 weissj@wnwlaw.com</p> <p>13 Counsel for Plaintiffs Estate of Roseline Conteh and Estate of Mary Simpson</p> <p>15</p> <p>16</p> <p>17 DAVID S. WOLF, ESQ. MARSHALL, DENNEHEY, WARNER, COLEMAN &amp; GOGGIN 2000 Market Street Philadelphia, PA 19103 215.575.3577 dswolf@mdwcg.com</p> <p>20 Counsel for Defendant Salvation Army of Greater Philadelphia</p> <p>22</p> <p>23</p> <p>24</p>
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5	MARGOLIS EDELSTEIN	5	
6	The Curtis Center, Fourth Floor	6	- - -
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8	Philadelphia, PA 19106-3337	8	
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10	jlivingood@margolisedelstein.com	10	NO. DESCRIPTION PAGE
11		11	Exhibit 1 Color copy of photograph 17
12	KEVIN E. MONASTRA, ESQ.	12	Exhibit 2 Color copy of photograph 19
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14	Ten Penn Center, Suite 770	14	Exhibit 4 Color copy of photograph 20
15	1801 Market Street	15	Exhibit 5 Color copy of photograph 20
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23	POWELL, TRACHTMAN, LOGAN, CARRLE, BOWMAN	23	
24	& LOMBARDO, P.C.	24	

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1	ALSO PRESENT:	1	---
2		2	(The following took place off
3	DAVID LEVIN	3	the video record.)
4	Videotape Specialist	4	---
5		5	MR. STERN: Let me make a
6	ALEXANDRA DVORTSIN	6	statement before we begin.
7	Russian/Ukrainian Translator	7	It's now 10 o'clock, November
8		8	20th, and I've noticed this trial
9	NURSE KAREN BOGLIN	9	deposition in accordance with the
10		10	stipulation and the Court's Order by way
11	DARIYA TAREB	11	of correspondence and letters to all
12		12	counsel, so everybody is aware that we
13	ANDRII PLEKAN	13	had planned to take the deposition this
14		14	morning at 10 o'clock.
15	- - -	15	We're about to begin. It is a
16		16	trial deposition, so there are no usual
17		17	stipulations. If there are any questions
18		18	by the defense, I will ask that you
19		19	clearly identify for the record who you
20		20	represent before you begin to question my
21		21	client. I don't know that it's going to
22		22	be necessary here, but in the event
23		23	someone wants to ask a question, that's
24		24	the way we'll do that.



<p style="text-align: right;">Page 9</p> <p>1 If you want to take a break, 2 Mariya, you let us know. 3 Okay. We're ready to begin. 4 --- 5 THE VIDEOTAPE SPECIALIST: We 6 are now on the record. My name is David 7 Levin, videographer employed by NextGen 8 Reporting. 9 This is a video deposition for 10 the Court of Common Pleas, Philadelphia 11 County, Law Division, August Term 2013, 12 number 001874. Today's date is 13 Wednesday, November 20th, 2013, and the 14 video time is 10:04 a.m. 15 This deposition is being held 16 at 18th and Lombard Streets, first floor, 17 Philadelphia, Pennsylvania, in the matter 18 of Mariya Plekan versus the Salvation 19 Army of Greater Philadelphia, et al. 20 The deponent is Mariya Plekan. 21 All counsel will be noted on the 22 stenographic record. 23 The court reporter is Madalene 24 Rohde and she will now swear in first the</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Okay. 2 Q. And you're able to understand the 3 interpretation; is that correct? 4 A. Yes. 5 Q. What's your name, please? 6 A. Mariya Plekan. 7 Q. And where were you born? 8 A. Ukraine. 9 Q. And when were you born? 10 A. 2nd of March 1961. 11 Q. How old are you today? 12 A. 52. 13 Q. What is your highest level of formal 14 education? 15 A. I've graduated from technical 16 culinary school as well as nursing assistant 17 and a masseuse. 18 Q. So you finished high school in 19 Ukraine? 20 A. Yes. 21 Q. What type of work did you do in 22 Ukraine before you came to the United States, 23 just briefly? 24 A. I worked in a cafeteria in a medical</p>
<p style="text-align: right;">Page 10</p> <p>1 interpreter. 2 --- 3 ... ALEXANDRA DVORTSIN, 4 Russian/Ukrainian interpreter, sworn... 5 --- 6 ...MARIYA PLEKAN, after being 7 sworn through the interpreter, was 8 examined and testified as follows: 9 VIDEOTAPE SPECIALIST: Please 10 proceed, counsel. 11 MR. STERN: Thank you. 12 --- 13 DIRECT EXAMINATION 14 --- 15 BY MR. STERN: (Through the interpreter) 16 Q. Mariya, good morning. 17 A. Good morning. 18 Q. Can you hear me okay? 19 A. Yes. 20 Q. Can you understand me okay? 21 A. Yes. 22 Q. If for some reason you can't 23 understand any of my questions, will you 24 please tell me?</p>	<p style="text-align: right;">Page 12</p> <p>1 university. 2 Q. And what did you do there? 3 A. I was a cook for the students as 4 well as personnel who was working there. 5 Q. Were you married in Ukraine? 6 A. Yes, I was married in Ukraine. 7 Q. When did you get married? 8 Approximately? 9 A. In 1996. 10 Q. Who did you marry in Ukraine? 11 A. Plekan Romano Romanovich. 12 Q. May I refer to him as Mr. Plekan? 13 A. Yes. 14 THE WITNESS: (In English) 15 Okay. 16 BY MR. STERN: 17 Q. Did you have children in Ukraine 18 through Mr. Plekan? 19 A. Yes, two children. 20 Q. What are their names? 21 A. Andrii and Nataliia. 22 Q. Did Mr. Plekan pass away in Ukraine? 23 A. Yes. 24 Q. What was his cause of death as you</p>

<p style="text-align: right;">Page 13</p> <p>1 understand it?</p> <p>2 A. He had cancer of lungs, lung cancer.</p> <p>3 Q. Was Mr. Plekan the primary wage</p> <p>4 earner in your family before his death?</p> <p>5 A. Yes.</p> <p>6 Q. When Mr. Plekan passed away, what</p> <p>7 did you do to support your children?</p> <p>8 A. I worked and it was very hard.</p> <p>9 Q. And so what was your plan in order</p> <p>10 to be able to support your family?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you come to the United States?</p> <p>13 A. I came to the States, to the aunt of</p> <p>14 my husband. She was sick.</p> <p>15 Q. And when did you come to the United</p> <p>16 States?</p> <p>17 A. In 2002.</p> <p>18 Q. What brought you to the United</p> <p>19 States, why did you come?</p> <p>20 A. I came because my -- the aunt was</p> <p>21 sick and she wanted me to come and take care</p> <p>22 of her. And that was also a way for me to</p> <p>23 take care of my children.</p> <p>24 Q. And you came to the United States in</p>	<p style="text-align: right;">Page 15</p> <p>1 asked me -- and I stayed with him.</p> <p>2 Q. And what was that --</p> <p>3 A. And he asked me to marry him and we</p> <p>4 got married.</p> <p>5 Q. And what was that person's name?</p> <p>6 A. Walter Malcom.</p> <p>7 Q. Did he pass away, too?</p> <p>8 A. Yes.</p> <p>9 Q. So you were widowed twice?</p> <p>10 A. Yes.</p> <p>11 Q. Since you've been in the United</p> <p>12 States since 2002, have you always been</p> <p>13 legally permitted to be here?</p> <p>14 A. Yes.</p> <p>15 Q. Have you filed your tax returns</p> <p>16 during the time you've been in the United</p> <p>17 States?</p> <p>18 A. Yes, from the first year.</p> <p>19 Q. Are you doing things to become a</p> <p>20 U.S. citizen?</p> <p>21 A. Yes, I would like to be a citizen,</p> <p>22 yes.</p> <p>23 Q. Are you okay to keep going, Mariya?</p> <p>24 A. Yes, I'm okay.</p>
<p style="text-align: right;">Page 14</p> <p>1 what year?</p> <p>2 A. In 2002.</p> <p>3 Q. How old were your children when you</p> <p>4 came to the United States in order to provide</p> <p>5 support for them and also to take care of your</p> <p>6 sick aunt -- your husband's sick aunt?</p> <p>7 A. They were 14 and 15.</p> <p>8 Q. Who took care of your children when</p> <p>9 you came to the United States?</p> <p>10 A. My sister was taking care of them.</p> <p>11 Q. When you came to the United States,</p> <p>12 did you take care of your sick aunt, your</p> <p>13 husband's sick aunt?</p> <p>14 A. Yes.</p> <p>15 Q. And did she end up dying in a short</p> <p>16 period of time thereafter?</p> <p>17 A. Yes, she passed away.</p> <p>18 Q. Did you remarry when you -- did you</p> <p>19 marry someone else in the United States?</p> <p>20 A. Yes.</p> <p>21 Q. And who --</p> <p>22 A. Yes, I stayed at that place and her</p> <p>23 husband was very sick and old, and he was</p> <p>24 crying for me not to leave him alone. And he</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Will you please tell me if you would</p> <p>2 like to take a break?</p> <p>3 A. Okay.</p> <p>4 Q. Since the time you've been in the</p> <p>5 United States, what has been your primary job?</p> <p>6 A. I was taking care of old, elderly,</p> <p>7 old Ukranian woman.</p> <p>8 Q. And what was her name?</p> <p>9 A. Katherine.</p> <p>10 Q. Were you taking care of Katherine on</p> <p>11 the day that the building collapsed on you?</p> <p>12 A. Yes. But I had four hours in</p> <p>13 between work, free four hours, and that's why</p> <p>14 I -- and I went to the store.</p> <p>15 Q. And we'll talk more about that in a</p> <p>16 minute.</p> <p>17 For how long had you been taking</p> <p>18 care of Katherine?</p> <p>19 A. Seven years.</p> <p>20 Q. Did you come to learn that Katherine</p> <p>21 has passed away recently?</p> <p>22 A. Yes. Yes.</p> <p>23 Q. During the time that you worked in</p> <p>24 the United States, did you send money and</p>



<p style="text-align: right;">Page 17</p> <p>1 clothing back to your family in Ukraine? 2 A. Yes, for my family, my relatives. 3 Q. At the time of the collapse was your 4 home address 4008 North Franklin Street in 5 Philadelphia? 6 A. Yes. 7 Q. Did you live there yourself? 8 A. Yes. 9 Q. All right. Let me show you what 10 we'll mark as Plaintiff's Exhibit 1. 11 --- 12 (Color copy of photograph 13 marked Plaintiff's Exhibit 1.) 14 --- 15 BY MR. STERN: 16 Q. I'm showing you Plaintiff's Exhibit 17 1. 18 A. This is a photo. 19 Q. What does that show? 20 A. This is me next to my house by the 21 front door. 22 Q. Did you live there by yourself? I 23 think I asked you that. Okay. That's all 24 right.</p>	<p style="text-align: right;">Page 19</p> <p>1 BY MR. STERN: 2 Q. Is that better? 3 A. Yes, it's better. 4 --- 5 (Color copy of photograph 6 marked Plaintiff's Exhibit 2.) 7 --- 8 BY MR. STERN: 9 Q. Let me show you what we'll mark as 10 Plaintiff's Exhibit 2. What's that, please? 11 A. This is me by the church in the 12 springtime, this is the church of St. 13 Nicholas, 24th and Girard. 14 Q. Would you please hold that up for 15 us. Thank you. 16 --- 17 (Color copy of photograph 18 marked Plaintiff's Exhibit 3.) 19 --- 20 BY MR. STERN: 21 Q. Let me show you what's been marked 22 as Plaintiff's Exhibit 3. You said you liked 23 to go to the Art Museum? 24 A. Yes. This is me by the Art Museum.</p>
<p style="text-align: right;">Page 18</p> <p>1 How was your health at the time of 2 the building collapse before that had 3 happened? 4 A. I was in perfect health. 5 Q. What are some of the kinds of 6 activities that you were doing before the 7 collapse happened? 8 A. I used to like everything. I used 9 to like to go to the museums, walked around in 10 all the areas, take the pictures. And I liked 11 to take pictures as well as see historical 12 places. 13 Q. Did you attend church? 14 A. Yes, I used to go to church, even 15 help a lot in church when I had day off. 16 Q. What was the name of the church you 17 used to go to? 18 A. Cathedral, Ukranian cathedral of 19 holy -- and church of St. Nicholas. 20 MR. STERN: Does she need some 21 assistance? 22 NURSE BOGLIN: Yes. 23 Are you okay? 24 THE WITNESS: Yes. Thank you.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Is that a good memory? 2 A. Yes, it's a good memory. It's, yes, 3 I used to like to walk around that, it's so 4 beautiful out there. 5 --- 6 (Color copy of photograph 7 marked Plaintiff's Exhibit 4.) 8 --- 9 BY MR. STERN: 10 Q. Let me show you what's been marked 11 as Exhibit 4. 12 A. This is also a view from the other 13 side of the Schuylkill River, yes. This is 14 the Art Museum as well. 15 Q. Would you hold that up for us. 16 Thank you. 17 --- 18 (Color copy of photograph 19 marked Plaintiff's Exhibit 5.) 20 --- 21 BY MR. STERN: 22 Q. Let me show you what's been marked 23 as Exhibit 5. 24 A. This is the wedding of my daughter</p>

<p style="text-align: right;">Page 21</p> <p>1 three years ago, I went to Ukraine. This is 2 my daughter. 3 Q. Her name is Nataliia? 4 A. Yes, her name is Nataliia. 5 --- 6 (Color copy of photograph 7 marked Plaintiff's Exhibit 6.) 8 --- 9 BY MR. STERN: 10 Q. Let me show you what's been marked 11 as Plaintiff's Exhibit 6. 12 A. This is me at my friend's place with 13 their child when I went to visit them. 14 Q. And when was that taken? 15 A. It was done recently, maybe two 16 months prior until my catastrophe. 17 Q. And that boy in the picture, who is 18 the mother of that boy? 19 A. This is Dariya. 20 Q. And Dariya is seated, she's seated 21 next to you? 22 A. Yes, she's sitting next to me. 23 Q. All right. We'll talk more about 24 Dariya.</p>	<p style="text-align: right;">Page 23</p> <p>1 Street, did you buy things by using cash, 2 credit card, or check? 3 A. Cash. 4 Q. Had you ever experienced any 5 problems before the day of the collapse when 6 you went to the store at 22nd and Market 7 Street? 8 A. No. 9 Q. I'm going to talk about the day of 10 the collapse now. Okay? 11 Do you have a good memory of that 12 day? 13 A. Yes, very well. 14 Q. Were you shopping at the Salvation 15 Thrift Store on that day at 22nd and Market 16 Street? 17 A. Yes. 18 Q. How did you get to the store that 19 day? 20 A. I came by bus from Fairmount, to the 21 Market Street, 22nd and Market Street, I left 22 the bus number 7. 23 Q. Is that the SEPTA bus? 24 A. Yes, SEPTA.</p>
<p style="text-align: right;">Page 22</p> <p>1 Are you okay to keep going? 2 A. Yes. 3 Q. All right. Before the day of the 4 collapse did you ever shop at the Salvation 5 Army Thrift Store at 22nd and Market? 6 A. Many times. 7 Q. And -- 8 A. Many times. 9 Q. Yes. Why did you sometimes shop at 10 that Salvation store? 11 A. It's a little cheaper than the 12 regular stores, and I had, and I needed to buy 13 something for myself and my relatives, and I 14 had to save money on things. 15 Q. And did you sometimes shop at other 16 Salvation Army stores in the Philadelphia area 17 other than the 22nd and Market Street store? 18 A. Yes. And I also shopped at Broad 19 Street, Olney, Girard, and Richmond. 20 Q. When you went to the Salvation 21 Army-- 22 A. And last plaza, Aramingo. 23 Q. When you went to the Salvation Army 24 stores, including the one at 22nd and Market</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. It dropped you at the intersection 2 of 22nd and Market Street? 3 A. Yes. 4 Q. Did you have to cross Market Street 5 and then 22nd Street to get to the store? 6 A. Yes. 7 Q. Before you entered the Salvation 8 Army store, did you notice whether or not 9 there was demolition work going on next to the 10 store? 11 A. No, I didn't see anything. I came 12 out of the store and I crossed the street and 13 went straight into the store. I didn't see 14 anything. 15 Q. Did you see any warning signs 16 telling you you should not enter the store? 17 A. No. I was looking at the, on the 18 signs on the doors for the specials that they 19 have for the day and I didn't see anything. 20 There were people in the store. 21 Q. Did anyone warn you that you should 22 not enter the store? 23 A. No, nobody said anything. 24 Q. Was the door to the Salvation Army</p>



<p style="text-align: right;">Page 25</p> <p>1 store open or did someone have to open it for 2 you? 3 A. No; it was open. 4 Q. When you went into the store, were 5 there other customers shopping in the store? 6 A. Yes, there were other people in the 7 store as well as workmen, they were working 8 there, they were putting things away. 9 Q. And when you say workers or workmen, 10 are you talking about Salvation Army 11 employees? 12 A. Yes. 13 Q. And how did you know they were 14 Salvation Army employees that were working in 15 the store? 16 A. They had blue smocks on. 17 Q. Did any of those Salvation Army 18 employees tell you that it was unsafe to shop 19 at that store? 20 A. No, nobody said anything. 21 Q. Did any of those Salvation Army 22 employees tell you that the roof or the 23 ceiling might fall in or was going to fall in? 24 A. No.</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Yes. 2 Q. During the time you were shopping in 3 the store, did you hear any banging sounds on 4 any of the walls? Did you hear anything like 5 that? 6 A. No, I didn't hear anything. 7 Q. Was it your plan to shop and 8 possibly buy something in the store when you 9 were in there? 10 A. Yes. 11 Q. Where were you located in the store 12 when the collapse occurred? 13 A. I was somewhere in the middle of the 14 building, more toward, from the street of 22nd 15 by the wall there were four rows, and I was by 16 that row next to the 22nd Street. 17 Q. So you were inside the store closer 18 to 22nd Street? 19 A. Yes. Yes, next to the wall from the 20 22nd Street. 21 Q. Did you have any warning just before 22 the collapse occurred? 23 A. No. 24 Q. I realize this is difficult for you.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Did any of those Salvation Army 2 employees tell you that the structure of the 3 building or the adjoining walls were unsafe or 4 unstable? 5 A. No. 6 Q. If any of those Salvation Army 7 employees had told you it was unsafe to shop 8 at the store, what would you have done? 9 A. I would immediately leave or not 10 even walk in if they would tell me by the 11 doors. 12 Q. But nobody told you that? 13 A. Nobody said anything. 14 Q. When you were at the Salvation Army 15 store shopping, did you believe it was safe 16 for you to be shopping there? 17 A. Yes. 18 Q. Why? 19 A. I don't know, because people were 20 shopping and the workmen were working and 21 nothing was -- and nothing was telling me that 22 there is some kind of problem coming up. It 23 was just a regular working day. 24 Q. And so that's your answer?</p>	<p style="text-align: right;">Page 28</p> <p>1 Can you please tell us what you remember about 2 the collapse? 3 A. I was looking through the clothes 4 and all of a sudden I heard the noise, and all 5 I had a chance to turn around and look and the 6 roof went down. And the only thing that I had 7 a chance to say is why, and the roof 8 collapsed. And it pinned me down, my legs, 9 not as much on top here. The beam was a 10 little bit above me so I could move like that. 11 And my limbs, my legs were pinned down. And I 12 couldn't move away from that place. 13 It was a little crack there, a blue 14 little crack, and through that crack the light 15 and the air was coming in. 16 And somewhere it was a little bit 17 wet and I wetted myself with that water 18 because it was very hard, I didn't have 19 anything to breathe with. 20 I heard the voices after that of 21 people that the engine was working. They 22 started to move things around, then I had a 23 hope that, I had a hope that they will save me 24 shortly. But it didn't happen.</p>



Page 29

1 And I was there for a long time, I  
2 was screaming, "Help, help." But nobody heard  
3 me. And I remember everything. I heard how  
4 everybody worked, how when they stopped  
5 working and sit down, where they left and  
6 weren't there at that moment. And the engines  
7 would stop working, I would hear everything.  
8 I heard the barking of the dogs and  
9 I was screaming constantly when there was for  
10 me, when I was able to work when the engines  
11 weren't running, I was screaming, "Help,  
12 help." But there was no help coming. And I  
13 was praying, praying, God, help me, so I could  
14 be found.  
15 And then I heard, I don't know when,  
16 I couldn't figure out what time, I couldn't  
17 figure out how long I've been there because it  
18 was so hard for me. I heard the dog was  
19 barking and coming up. And I started to  
20 scream "Help" again, and the dog followed my  
21 yell. And the man, I don't know who he is, he  
22 said, he came up closer with the dog. And the  
23 dog was barking at that spot and I was  
24 screaming "Help."

Page 30

1 And he said, and he said, I heard  
2 that "There is somebody alive here." And they  
3 started pulling things apart and they pulled  
4 me out. And I didn't realize that it was  
5 night because the spotlights were on. I was  
6 so happy that I was saved. And I didn't know  
7 that my legs were dead at that time.  
8 And then the hospital, and then I  
9 don't remember all of that as well. Those  
10 very hard hours I probably do not remember  
11 right now.  
12 Q. Are you aware that you were buried  
13 under that rubble for about --  
14 A. And I was scared, I was so scared  
15 and the pain and fear.  
16 Q. Mariya, are you okay?  
17 A. Yes. I'm going to come down right  
18 now.  
19 Q. Are you okay to keep going?  
20 A. Yes.  
21 ---  
22 (Color copy of photograph  
23 marked Plaintiff's Exhibit 7.)  
24 ---

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1 BY MR. STERN:  
2 Q. Let me show you what's been marked  
3 as Plaintiff's Exhibit 7. Do you recognize  
4 that as a picture of the rubble?  
5 A. Yes.  
6 Q. Were you buried --  
7 A. I was somewhere here, this is the  
8 beginning, this is the beginning of the  
9 building and I was somewhere here. The Market  
10 Street runs right here and I came through, I  
11 came from that direction and I came to that  
12 direction. And there is 22nd is right here.  
13 And I was somewhere here by the wall.  
14 Q. Will you show us that picture,  
15 please.  
16 You were under that rubble?  
17 A. Yes, somewhere right here, somewhere  
18 right here.  
19 Q. Are you aware that you were under  
20 that rubble, concrete, the bricks, for about  
21 13 hours?  
22 A. No, I didn't know. I had no idea.  
23 I couldn't.  
24 Q. Were you fully conscious during the

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1 entire time you were under that rubble?  
2 A. Yes.  
3 Q. All right. You were rushed to the  
4 Hospital of the University of Pennsylvania;  
5 right?  
6 A. Yes. As they pulled me out, I  
7 wanted to get up but I was told, "Don't, you  
8 cannot."  
9 I said, "Why can't I get up?"  
10 "Because your legs are all swollen."  
11 And then they lifted me up. And I  
12 don't remember then because they put a mask  
13 on, and then the operations.  
14 Q. You were at the hospital for many  
15 months?  
16 A. Yes, yes, it was suffering.  
17 Q. Can you share with us what you went  
18 through there, please?  
19 A. Constant operations as they were  
20 taking me -- constant pain. And I was so  
21 embarrassed because I was constantly open to  
22 everybody. And I had a normal comprehension  
23 because it was -- and that I was so  
24 discomforted. Pain, pain, pain, and that pain

<p style="text-align: right;">Page 33</p> <p>1 is still going on.  2 Q. Are you aware of the kind of --  3 A. The pain not physical, the pain of  4 the flesh, but as well as my soul.  5 Q. Are you aware of the kind of  6 surgeries you have had to undergo?  7 A. Yes, the amputation of both legs.  8 And very high.  9 Q. Do you have an understanding as to  10 how high the amputations are?  11 A. Yes, I understand.  12 Q. Did you have problems with your  13 kidneys?  14 A. Yes.  15 Q. What kind of problems?  16 A. I was constantly on dialysis.  17 Q. Did you have problems breathing?  18 A. Yes. I still have the tube.  19 Q. What is the tube that you have now?  20 A. This is the tube that I breathe  21 through and speak through. I didn't speak for  22 many months.  23 Q. Were you on ventilation for a long  24 period of time?</p>	<p style="text-align: right;">Page 35</p> <p>1 that. She somehow managed to call the  2 Consulate and they went and they received,  3 they got permission and they got a visa.  4 Q. And your daughter Nataliia, did she  5 come right away after the collapse, too?  6 A. Yes, they both came. My daughter  7 was here for three months and she left for  8 Ukraine and son stayed behind.  9 Q. Do you know what they're doing right  10 now, the assistant?  11 A. They just changed my oxygen.  12 Q. How frequently are you on oxygen  13 now?  14 A. Constantly.  15 Q. We were talking about your  16 children --  17 MR. STERN: Are we okay?  18 NURSE BOGLIN: I'm going to put  19 her back up.  20 THE WITNESS: Okay.  21 NURSE BOGLIN: Okay?  22 MR. STERN: Thank you.  23 NURSE BOGLIN: You're welcome.  24 ---</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Yes.  2 Q. Do you have problems with choking?  3 A. A little, yes.  4 Q. Where are we today?  5 A. Rehabilitation center, right here.  6 Q. Were you just recently discharged  7 here, Mariya?  8 A. Yes. I was in the hospital  9 recently. I had a fever, my fever came up.  10 Q. Do you have to go back to the  11 hospital off and on even though you're here?  12 A. Often, often. Yes, they have to  13 check me, I have a lot of tubes in my legs and  14 here.  15 Q. Is your son with you here today?  16 A. Yes, my son is right here.  17 Q. And his name is Andrii?  18 A. He's with me all the time. Yes, his  19 name is Andrii.  20 Q. Did he leave the Ukraine --  21 A. He is my support.  22 Q. Did he leave the Ukraine right away  23 after the collapse?  24 A. Yes. And Dariya was taking care of</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MR. STERN:  2 Q. We were talking about your children,  3 you were talking about Andrii and then we were  4 talking about Nataliia, your daughter.  5 Nataliia left Ukraine right away as well?  6 A. Yes, she left from Ukraine right  7 away. Second or third day they were already  8 here.  9 Q. So both of your children were by  10 your side for months?  11 A. Yes, they were all by my side.  12 Q. Nataliia had to go back --  13 A. It gave me the strength. Yes, she  14 had to leave within three months.  15 Q. Does she have a husband and child  16 back in Ukraine?  17 A. Yes, she has a child in Ukraine.  18 Q. Is Nataliia going to be coming back  19 to the United States soon?  20 A. Yes, she's coming back 2nd of  21 December.  22 Q. And --  23 A. And my son is going to go back  24 because the visa is expiring.</p>



<p style="text-align: right;">Page 37</p> <p>1 Q. When your children come to the 2 United States, who has been taking care of 3 them? 4 THE INTERPRETER: Interpreter 5 needs clarification. 6 BY MR. STERN: 7 Q. When your children come to the 8 United States, is there someone that has 9 helped take care of Andrii and Nataliia in 10 terms of where to live? 11 A. Dariya helped. She took care of 12 everything and she still takes care of 13 everything. 14 Q. Has she been given power of 15 attorney? 16 A. Yes, I gave her the right of power 17 of attorney. 18 Q. How old are your children now? 19 A. My son is 26 and my daughter is 25. 20 Q. Did your children go to college? 21 A. Yes, they both went to university, 22 they both graduated from university. My 23 daughter graduated as a pharmacist from the 24 university and son as a management.</p>	<p style="text-align: right;">Page 39</p> <p>1 to stay alive, Mariya? 2 A. Probably my children, my children 3 and my granddaughter, because of them I want 4 to live, I want to live. But it's so hard. 5 MR. STERN: Thank you, Mariya, 6 those are the only questions I have. 7 Any questions? 8 --- 9 (No response.) 10 --- 11 MR. STERN: All right. There 12 are no questions from defense counsel, so 13 that concludes your trial deposition. 14 We're done. Thank you. 15 THE VIDEOTAPE SPECIALIST: We 16 are off the record at 10:52. 17 --- 18 (Witness excused.) 19 (Whereupon the deposition 20 adjourned at 10:52 a.m.) 21 --- 22 23 24</p>
<p style="text-align: right;">Page 38</p> <p>1 Q. When you were working here in the 2 United States, did you help to pay for their 3 college education? 4 A. Yes. 5 Q. Mariya, can you share with us if you 6 have concerns for your future, what they are? 7 A. Of course I have, every day I have a 8 concerns and worries. I think about 9 everything because I have a normal memory and 10 I have a normal understanding how I am living 11 right now. And every day I understand how 12 hard it is to be without legs. When you 13 cannot take care of yourself, when you 14 constantly depend on other people to take care 15 of you, and I do not know how to live after 16 that because it's so hard for me. And I'm so 17 scared. But the doctors say there is no 18 concerns for my life anymore. But I'm still 19 scared, how am I going to be, how I need the 20 help every day, every second. 21 THE INTERPRETER: Probably 22 didn't interpret one word correctly. 23 BY MR. STERN: 24 Q. What gives you the mental strength</p>	<p style="text-align: right;">Page 40</p> <p>1 CERTIFICATE 2 I HEREBY CERTIFY that the 3 proceedings, evidence, and objections are 4 contained fully and accurately in the 5 stenographic notes taken by me upon the 6 deposition of MARIYA PLEKAN taken on 7 November 20, 2013, and that this is a true and 8 correct transcript of same. 9  10 11 ----- 12 MADALENE FOSTER ROHDE 13 Registered Professional Reporter 14 15 16 17 18 (The foregoing certification of this 19 transcript does not apply to any reproduction 20 of the same by any means unless under the 21 direct control and/or supervision of the 22 certifying reporter.) 23 24</p>

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1 I have read the foregoing transcript of  
2 my examination given on November 20, 2013, and  
3 it is true, correct, and complete, to the best  
4 of my knowledge, recollection, and belief,  
5 except for the list of corrections, if any,  
6 attached on a separate sheet herewith.  
7  
8 -----  
9 Date MARIYA PLEKAN  
10  
11 Sworn to and subscribed  
12 before me this day  
13 of , 2013  
14 -----  
15 Notary Public  
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1 READ/SIGN DEPOSITION OF: Mariya Plekan  
2 DATE OF DEPOSITION: November 20, 2013  
3 IN THE MATTER OF: Plekan v Salvation Army  
4 DO NOT WRITE ON THE DEPOSITION ITSELF  
5 Page Line Changes or corrections and reason  
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21 I have inspected and read my deposition and  
22 have listed all changes and corrections above,  
23 along with my reason therefor.  
24 DATE: SIGNATURE:

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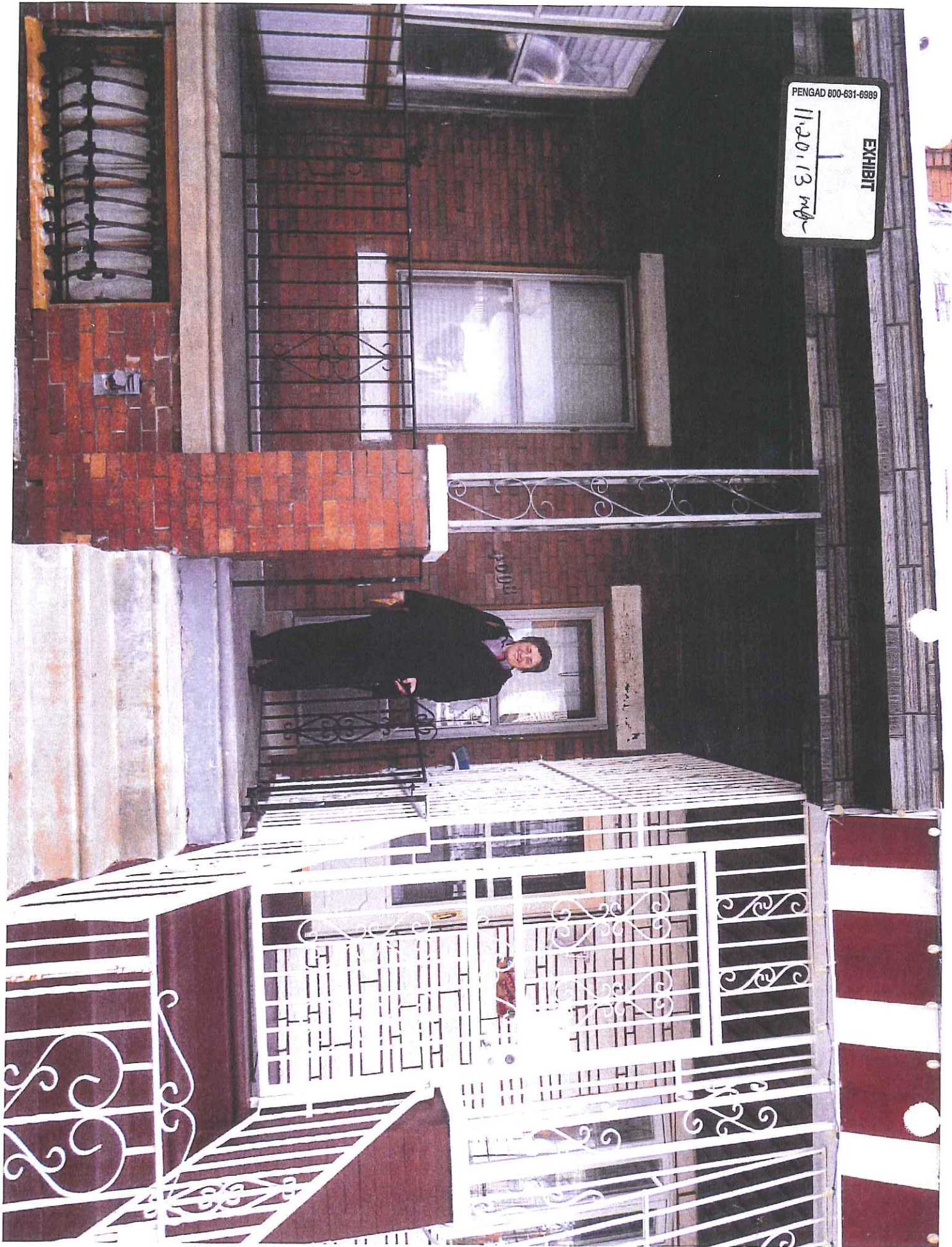
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EXHIBIT

11-20-13 mjb



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EXHIBIT

2

1.20.13 mbr





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EXHIBIT

3

11-20-13 mfr



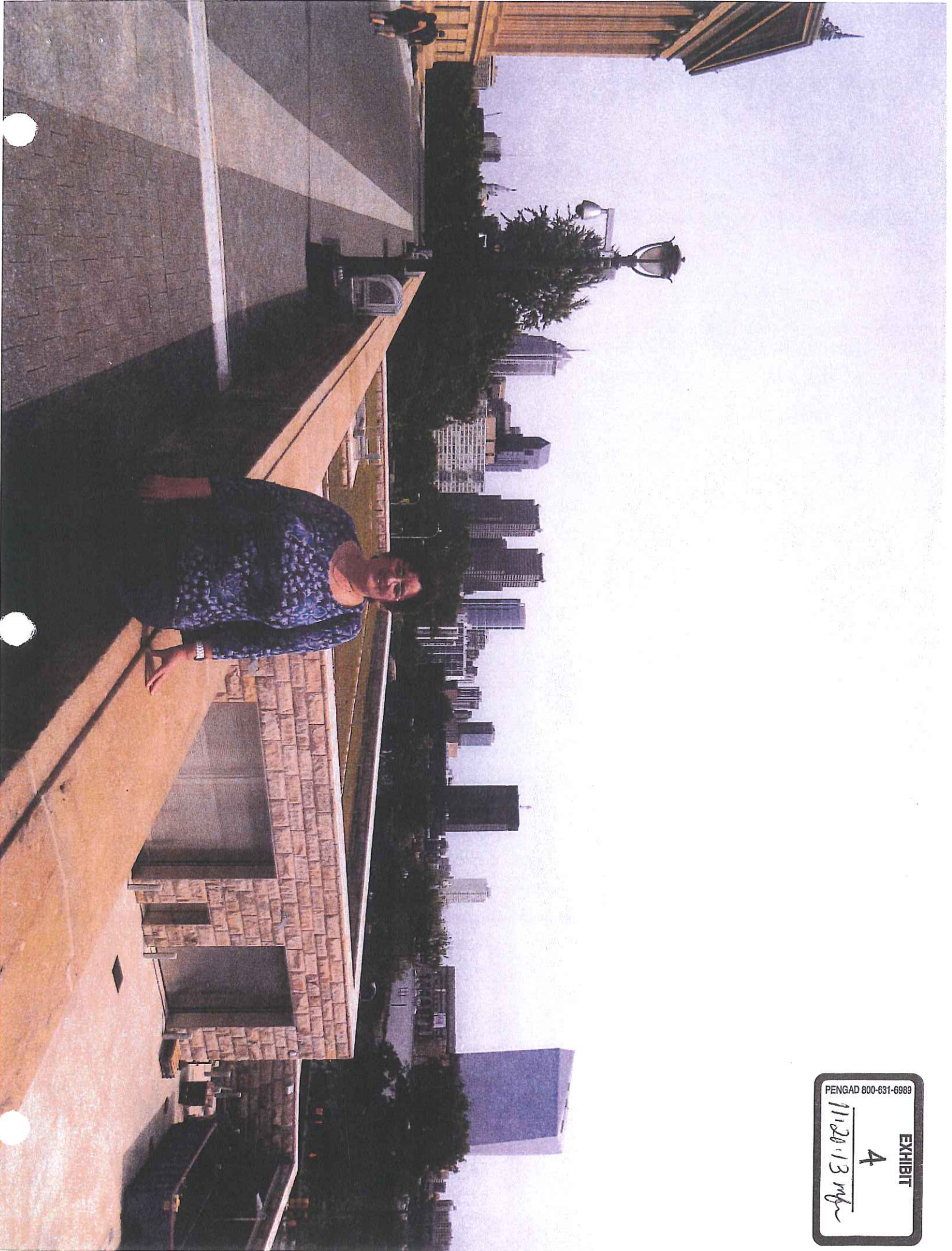


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EXHIBIT

4

11-28-13 mfr







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EXHIBIT

5

11.20.13 mja



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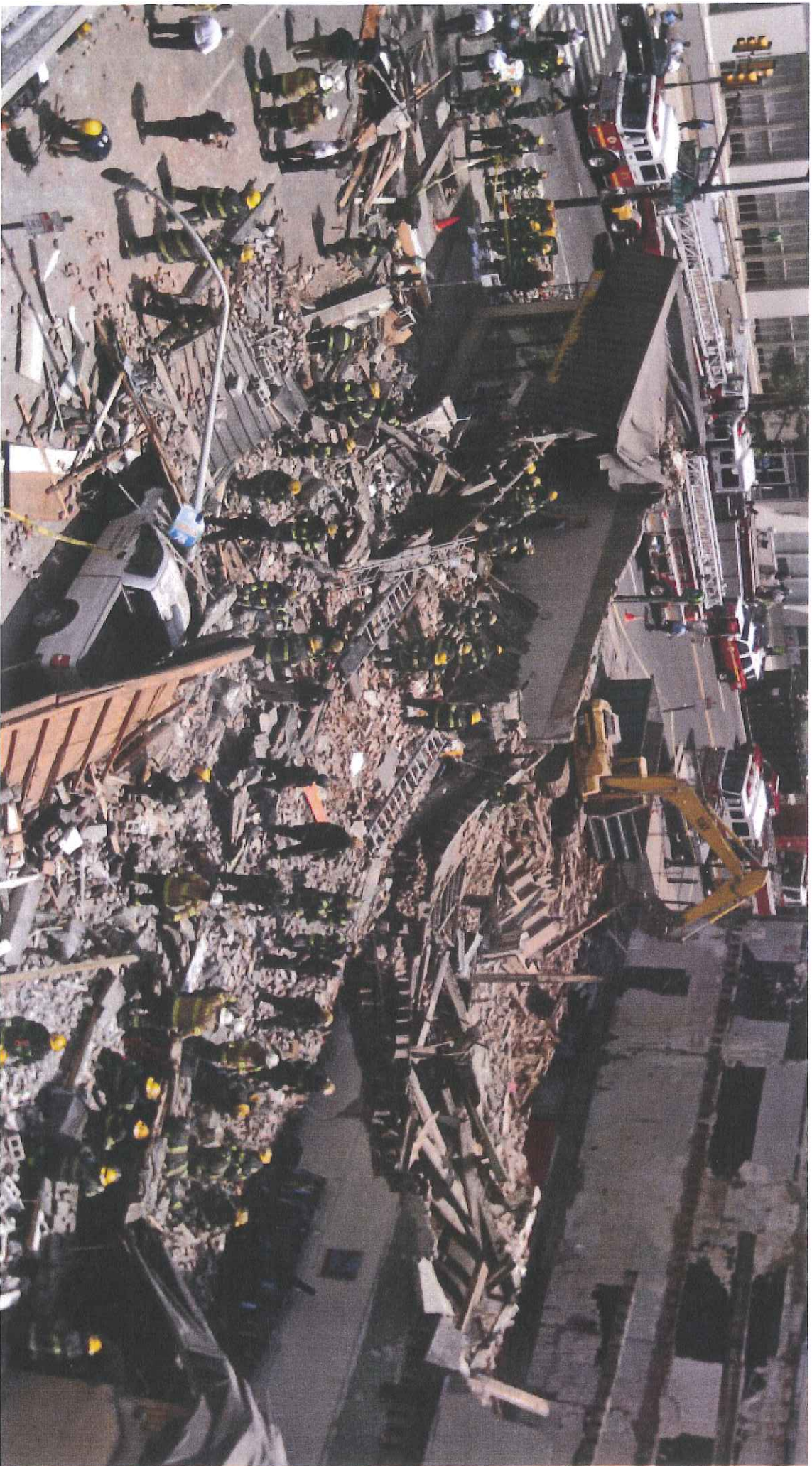
EXHIBIT

6

11.20.13 mjr







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EXHIBIT

7

11.20.13 mfg