

INTREPID INVESTIGATIONS

New York State Licensed, Insured and Bonded Private Investigator
License#11000074509

INVESTIGATION REPORT Date: May 4, 2007

Mr. Scott XXXX
XXXXXXXXX Insurance Company
800 XXX XXX x 1513

Re: Our Case # 07-106
 Your File # MVPXXXXX
 D/L: 12/12/2001
 Insured:
 Claimant/Subject: Sam Spade
 Type of Claim/Investigation: WC
 Alleged Injury: Knee and Ankle
 Date Assigned: 3/26/07
 Date Investigated: 3/26-4/13/07

ASSIGNMENT

Conduct Activity Check/Surveillance on Claimant to determine activity levels. Requesting 8 hours of total surveillance on claimant based on his recent deposition testimony, please split into 4 two-hour blocks with 2 days of surveillance during the day (business hours) and 2 evenings of surveillance on claimant. Requesting 2 days based on claimant's indication that his knee injury prevents him from performing many physical activities (such as climbing ladder, squatting) when he is currently working as a cable installer. Requesting 2 evenings based on claimant's indication that he is no longer able to participate in martial arts training which he has for approximately 10 years prior to date of loss.

After conferring with Scott XXXXX Adjuster 3/26/07, agreed upon 3 hour sessions or as Investigation develops.

Our Defense Counsel John XXXXX 845 XXX XXXX

SUBJECTS PERSONAL INFORMATION

Data information provided by Client/Investigator

PHYSICAL DESCRIPTION PROVIDED BY THE CLIENT

None available

PERTINENT INFORMATION / DATA INFORMATION

Data information not provided by Client/Investigator

Conducted IRB search on subject, following information was obtained:

- Subject appears to live in Apt 87 At XXXXXLN, Middletown, NY 10940. DOB of X/XX/80.

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- Subject had 2 motorcycles registered to him; both are listed as Road/Street or Mini-bike road/trail.
- Subject has a Judgment against him filed XX/XX/XX \$6275 Creditor XXXX Reg Med Ctr.
- Appears subject may live with parents and sister, Heather XXXXXX.
- Subject appears to be operating Blue Acura NY Reg. # DYK XXXX.

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- 3/26/07 – Received file and conferred with Scott XXX on file. No data completed, ISO conducted with no remarkable results. Subject is working for: XXXXXX Communications, XXX Route XXX, XXXXXX Falls, NY 12590 as a cable installer. Subject has extensive training 10 years prior to date of loss in Martial Arts.
- 3/26/07 – Conferred with our Defense Counsel on file.
- **3/31/07 12:30PM Saturday– At Claimant location/residence XXXXX Lane, Apt 87 Middletown, New York 10940. 1st session surveillance.** Location is a Garden Style Apartment Complex with the XXX address actual number of building. Country Manor Apartments XXXXX. The following activity occurred:
 - Three vehicles were located in the vicinity: CUB XXX Black Neon, CWE XXX Pontiac Vibe, a red Mitsu with no plates, and CWE XXX -Grey Altima.
 - Subjects could be observed inside the Apt as doors were open due to nice weather and roads close proximity to apartment door.
 - 2:45PM – We observed a white male who fits our subject description, exited the location with a dark haired female in her 20's. Subjects entered the Dodge Neon CUB XXXX. Subjects drove to nearby large Mall complex, female passenger was dropped off at the location and the male possible subject drove back to the Apartment.
 - 4:03PM – With no further activity, concluded Surveillance session.

Photos 1-6

- 4/02/07 – Faxed Attorney John XXXXX request for info on his Deposition of Claimant or any information/description.
- 4/02/07 – Obtained Registration info of vehicles parked at location:
 - CUB XXXX Dodge Neon comes back to subjects father however we believe our subject sometimes operating this vehicle.
 - CWE XXX Pontiac Vibe comes back to XXXXX possible subjects sister.
 - CWE XXXX Nissan Grey comes back to XXXXX Sharlene E. XX/XX/XXXX –Does not appear related at this time.

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- **4/03/07 6:00AM** - At Claimant location/residence XXXXX Lane, Apt 87 Middletown, New York 10940, 2nd session surveillance. The following activity occurred:
 - Subjects vehicle(s) at location
 - Our subject could be seen from about 6:20AM-7: 30AM walking around behind his residence talking on his cell phone.
 - At about 7:30AM, our subject left the location operating DYX XXXX -Blue Acura (Vehicle data reveals vehicle registered in our subject's name), along with UK dark-skinned male operating BVC XXXX. Subjects drove a short distance away (both vehicles), Acura picked up a rider, drove back to the residence, then drove to a parking lot location on Rt XX near Rt. XXX, Bullville, NY.
 - Parking lot location is a staging/parking area for the XXXXXX Communications. Location has approx 15-20 white vans. Our subjects arrived at work about 8:10AM, numerous other workers arriving at about the same time.
 - Scene at parking/staging area is one of mass confusion and it is very difficult to determine which subject operates what as many of the subjects-workers look alike and dress alike. Parking area is in a field with limited sight.
 - Subjects appeared to hang out talking, gathering equip etc. One subject who we believed could be our subject appeared to be operating Truck # 72, NY reg.# XXXXXJJ.
 - Our subject along with another worker, after conversing for some time while parked next to each other, left the location and drove to a convenience store (Getty Fuel) in the Town of Pine Bush arriving about 8:50AM. Subjects hung out at this location for a while.
 - Subjects (2 vans) then drove a short distance away to a gated location, entered the location. We then broke off surveillance for the day due to not being able to observe/follow subjects gated location and not wanting to waste time as Positive ID still needed. **Photos 7-23**
- **4/05/07 7:00AM** - At Claimant location/residence XXXXXX Lane, Apt 87 Middletown, New York 10940. Conducted 3rd session of surveillance/activity check on Claimant. The following activity occurred:
 - Subjects vehicle(s) at location.
 - Subjects drove to the work location: (Parking lot/staging area for cable trucks- Rt XXX Bullville, NY) in our subjects blue Acura arriving about 8:00AM, subjects then conducted usual routine starting vehicles, getting

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equipment, talking and appear to go into the back of a home possibly used as an office at location. Limited sight at location.

- Subject believed to be our subject again operating truck#72, left the parking area and drove some distance to a rural residence location -XXXXXX XXXXX Road, Wurtsboro Ridge, NY arriving at about 8:45AM.
- **At this location our subject from about 8:45AM to about 10:30AM our subject was observed/videoed working, setting up a ladder (2 times), climbing ladder, etc.**



Photos 26-39

- At about 10:35 Subject left the location and drove to a convenience store in the Bloomingburg, NY area.
- After leaving this location, our subject was observed driving again some distance to a single-family residence on XXXXX Ave, Walton, NY.
- **At this location our subject from about 10:55AM to about 11:55AM our subject was observed/videoed working, setting up a ladder, climbing ladder, etc.**

Photos 41-74

- At about 12:00PM, subject left the location and drove to a nearby Subway store location where other Cable trucks were located in the parking lot. Subject then entered the Restaurant apparently for lunch; subject was also observed walking outside the Subway store for a few minutes apparently talking on his cell phone.
- At about 12:15PM we concluded surveillance for the session, as we did not wish to compromise the investigation.

Photos-24-81

- **4/13/07 7:00AM - At Claimant work/parking lot location, RT XXXX, Bullville, NY. Conducted 4th session of surveillance/activity check on Claimant.** The following activity occurred:
 - Truck # 72, NY reg.# XXXXXJJ that our subject normally uses was not at the parking lot location.
 - **At about 8:10AM Subjects (Claimant driving with 2 other UK males in his vehicle) arrived at the work location operating the Blue Acura.**
 - Our subject got out of the vehicle and immediately bent down to get something off the ground.
 - Subjects then disappeared into the midst of parked trucks and Clones.

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- Within about 30 minutes all subjects had left the parking area in the white trucks, we attempted to locate our subject but were not able to confirm which vehicle our Claimant was operating, it is possible our subject may be operating a newer white Cable truck **NY reg. XXXX-JV** with no truck number.
 - We observed/followed several Cable Trucks to a Gas station a short distance away at the intersection of Rt XX and RT XXX, but we were not able to ID our subject in the group.
 - **At about 10:00AM, we conducted a drive-by of our subject's residence where it should be noted: a motorcycle is parked, covered on subjects back porch.**
 - At about 10:00AM we concluded session, as it had not been possible to single out our Claimant leaving the parking area until we determine which vehicle he is now operating for work. **Photos 82-93**
- 4/13 and 4/16/07 – Conferred with/updated Adjuster XXXXX on Investigation. Advised to forward report for review/further assignment.

SUMMARY

- Conducted 4 sessions of surveillance.
 - First session conducted on a Saturday found subject to be home and inactive. 3hrs.
 - Second session followed subject to work location in Bullville, NY but terminated session when subject(s) went into a gated area and could not be observed or followed. 3hrs.
 - **Third session followed subject all morning working at 2 residential locations, obtained video of subject climbing ladder etc.** 5hrs.
 - Fourth Session located subject at work/parking location but we were not able to determine which work vehicle he is now operating as he went out of view in the parking/staging work area- subject may be operating newer work van. 3hrs. 3hrs.
- 4/18/07 - Forwarded Report to Adjuster for review.
- 5/04/07 – As requested-sent video with highlights and CD of photos/reports to Adjuster for review.

Very truly yours,

Michael Sepanara
Investigator