

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

JOHN PEOPLES : CIVIL ACTION  
: NO. 08-CV-2024

vs. :

DISCOVER FINANCIAL :  
SERVICES, INC. and :  
DISCOVER CARD SERVICES, :  
INC. t/a DISCOVER CARD :

and :

GINGER DAYLE, GINGER :  
DAYLE PRODUCTIONS and :  
NEW CITY STAGE COMPANY :

- - -

Oral deposition of JOHN F. PEOPLES,  
ESQUIRE, taken pursuant to notice, in the  
offices of LAW OFFICES OF JOHN F. PEOPLES,  
2701 West Chester Pike, Suite 104, Broomall,  
Pennsylvania, on Thursday, October 23 2008,  
commencing at 1:36 p.m., before James J.  
Gallagher Jr., Court Reporter, Notary Public.

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JOHN PEOPLES

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A P P E A R A N C E S:

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JOHN PEOPLES

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JOHN PEOPLES

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2 (It is stipulated and agreed by  
3 and among counsel that the reading, signing,  
4 sealing, filing and certification of the  
5 within deposition be waived; and that all  
6 objections, will be ruled on at the time of  
7 trial.)

8 - - - - -

9 JOHN F. PEOPLES, ESQUIRE, having  
10 been sworn was examined and testified as  
11 follows:

12 - - - - -

13 BY MR. REIL:

14 Q. Have you ever used an escort service?

15 A. Yes, I have.

16 Q. Okay.

17 And on what occasions?

18 A. Probably for the last 20 years.

19 Q. Okay.

20 Have you ever referred to Ginger Dayle as  
21 an escort service?

22 A. Yes, I have.

23 Q. You've referred to Ginger Dayle as an  
24 escort?

JOHN PEOPLES

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1           **A.           As an escort, yes.**

2           Q.           On what occasions?

3           **A.           Probably all throughout, I think,**  
4           **February of 2008 until I stopped using her,**  
5           **which I don't know the exact date, but it**  
6           **might have been in that summer.**

7           Q.           Okay.

8                       Is it your contention that Ginger Dayle  
9           is a prostitute?

10          **A.           Yes.**

11          Q.           Okay.

12                       What is the factual basis for that  
13          statement?

14          **A.           Because I paid her and she had sex**  
15          **with me and there was an understanding that it**  
16          **was a payment for sex.**

17          Q.           Okay.

18                       Can you give me an estimate, Mr. Peoples,  
19          on how many occasions did you pay Ginger Dayle  
20          for sex?

21          **A.           Maybe 20, 25, but that's only a**  
22          **guess.**

23          Q.           I understand.

24                       And when you paid her, were any of the

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1 payments by cash?

2 **A. Very few, if any.**

3 Q. Okay.

4 Were any of the payments by credit card?

5 **A. They were by credit card.**

6 Q. Okay.

7 Did you use your Discover Card?

8 **A. Yes, I did. Most of the time I used**  
9 **the Discover Card -- almost all of the time.**

10 Q. To pay Ginger Dayle for sex?

11 **A. Yes, that's correct.**

12 Q. Were there any occasions when you  
13 used your Discover Card to pay Ginger Dayle  
14 that it wasn't for sexual favors?

15 **A. No.**

16 Q. Now, I don't know in terms of your  
17 disability so you can answer this for me; have  
18 you ever seen any photographs of Ginger Dayle?

19 **A. There are photographs on the**  
20 **computer, but I really don't have enough**  
21 **vision to really see them. Somebody has to**  
22 **look on the computer for me to pick them out.**

23 Q. Okay.

24 **A. I mean, I can tell that there is a**

## JOHN PEOPLES

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1           **A.**        You know, she got undressed, you  
2 know, I went up and down and touched her and  
3 she is anatomically endowed, you know, very  
4 much so.

5           **Q.**        Where did that occur?

6           **A.**        In her apartment. It all occurred in  
7 her apartment.

8           **Q.**        Now, each time you had sex with her,  
9 right, did you pay her for the sex?

10          **A.**        I did, with the credit card.

11          **Q.**        So each time there was sexual  
12 intercourse as you allege between you and Ms.  
13 Dayle it was paid for by a credit card?

14          **A.**        I believe every time. See, I had  
15 trouble with girls stealing cash, so I figured  
16 this was a way that they couldn't screw me up  
17 with the credit card. I found that wasn't  
18 true.

19          **Q.**        So you paid for Ms. Dayle as a  
20 prostitute with a credit card; is that your  
21 testimony?

22          **A.**        That's right.

23          **Q.**        Now, I think it came up in discovery  
24 or something like that that at one point your

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1 Now, there were some receipts that you  
2 signed for Ms. Dayle; is that correct?

3 **A. Yes. I would scribble on them.**

4 Q. Now, is it your contention that she  
5 signed your name?

6 **A. She signed a couple of them because I**  
7 **wasn't there. She also -- she overcharged me**  
8 **and she -- she overcharged me. She also said**  
9 **I came twice. She doubled the amounts as**  
10 **well. She also signed some where I wasn't**  
11 **there those days.**

12 Q. All right.

13 Did you specify in any writing -- there  
14 is a lot of paper in this case, as to what  
15 receipts -- I mean, date-wise, that you think  
16 that she forged your name?

17 **A. I think Steve would know that more**  
18 **than I would am.**

19 Q. How many receipts do you think  
20 approximately she forged your name on?

21 **A. Was it three or four? I don't know.**  
22 **Three or four or five.**

23 Q. Okay.

24 Now, how long were you seeing her at her

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1       it. I'm not look you guys, you know,  
2       dictating everything.

3       Q.       Is that your signature on there?

4       A.       No. That's hers, but that's  
5       essentially the truth, yes.

6       Q.       Okay. I see. All right.

7               Did you say in that letter -- did you  
8       tell Discover that you were alleging that you  
9       were paying for a prostitute?

10      A.       No, but I think she said she was an  
11      escort. What do escorts do?

12      Q.       I don't see the word escort in that  
13      particular letter.

14      A.       I think maybe we told them on the  
15      phone.

16      Q.       I see. Okay.

17               Now, the essence of your claim against  
18      Ms. Dayle is that she overcharged you for  
19      prostitution services; is that correct?

20      A.       Right.

21      Q.       Okay.

22               Was there a rate agreed? You say you  
23      never signed that contract?

24      A.       No.

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1 Q. What was the agreement for?

2 A. **\$375 an hour.**

3 Q. Which happens to be, I think, the  
4 same figure on her Pilates contract, correct?

5 A. **Yeah. Now, it wasn't -- it was --**  
6 **her amount originally was, I think -- I think**  
7 **she charged me \$25 extra for the credit card.**  
8 **She increased her to rate to other people but**  
9 **not to me because I saw her enough times, et**  
10 **cetera.**

11 Q. So it's sort of a volume --

12 A. **\$375 times two is what we did.**

13 Q. And \$375 an hour, what did that  
14 cover?

15 A. **Two hours of her time.**

16 Q. Okay.

17 Did it cover any particular sexual  
18 practices?

19 A. **No. It was whatever she did. It was**  
20 **the time, not the practices.**

21 Q. Okay.

22 When you paid her, as you allege, did you  
23 ever ask her to do anything that she failed to  
24 do?

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1           **A.           I told you, she didn't do anal sex.**

2           **Q.           And did you ask for some sort of a**  
3           **refund?**

4           **A.           No.    She didn't do it and that was**  
5           **the end of it.**

6           **Q.           Okay.**

7                       Now, how much money do you estimate that  
8           you were overcharged and how did you arrive at  
9           that?

10          **A.           Well, my mom offered that.   We looked**  
11          **at the -- several days I was not there.**  
12          **One day she charged me \$2,200 when I probably**  
13          **spent \$750.   As I said, there were several**  
14          **other days that I wasn't there at all and she**  
15          **charged me for them.   So when you add up the**  
16          **\$350 that she overcharged me on I don't know**  
17          **how many days, maybe seven, eight, nine, ten**  
18          **days and then the fact that she was -- she**  
19          **charged me for days that I wasn't there -- I**  
20          **don't know.   I think they came to \$8,000 or**  
21          **something like that.**

22          **Q.           So you went over with your mom the**  
23          **days and the receipts and the figures and your**  
24          **mom helped you to arrive --**

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1 Q. You asked Discover Card for your  
2 money back essentially, correct?

3 **A. That's reason.**

4 Q. And what reason did you give them  
5 that they should give you your money back?

6 **A. I told them that I had been cheated,  
7 that I couldn't see and that if I had been  
8 able to see and she had overcharged me that,  
9 you know, this wouldn't have happened and I  
10 told them. In the beginning they took the  
11 charges off and then they decided to change  
12 their mind about that. I did tell them that I  
13 thought that they had an obligation under the  
14 ADA to challenge these payments and I still  
15 think that's true.**

16 Q. You said you told the folks at  
17 Discover that you had been cheated; did you  
18 tell them that you were cheated by a  
19 prostitute?

20 **A. Yes. If you look at their answer, I  
21 think it's very clear they knew what it was.**

22 Q. Now, when you gave Ms. Dayle your  
23 credit card, was that voluntary or did she  
24 ever take it without your permission?

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1           **A.**           Whenever I gave her -- see, she  
2           didn't have to run -- apparently, she could do  
3           it without my credit card, but I used to give  
4           it to her and she would run it through her  
5           machine.

6           **Q.**           Okay.

7                        Every time Ms. Dayle had your credit  
8           card, was it voluntary on your part?

9           **A.**           Yeah, I gave her the credit card.

10          **Q.**          Okay.

11                       Did you ever ask her when that receipt  
12          came back, did you ever say, Ginger, would you  
13          write down the amount of money that you just  
14          told me on that receipt?

15          **A.**          No.

16          **Q.**          Why not?

17          **A.**          Well, I saw no reason to do that.  
18          Really, if you think about, that isn't going  
19          to -- if she was going to cheat me, would that  
20          really work. She could write \$750 for me and  
21          put \$1,100 on there. That wouldn't work. Do  
22          you understand? If there was a way that you  
23          could get, say, a copy of the receipt and I  
24          could tell what it was, that wouldn't work.

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1 Q. So basically you trusted the  
2 prostitute?

3 A. I had to trust the prostitute. There  
4 was no real way -- until my mom told me what  
5 was on that receipt I was in the dark. I have  
6 tons and tons of receipts. There is no way  
7 that I can watch all these receipts. Quite  
8 honestly, when I'm out most of the time I'm  
9 with the drivers and they fill out all of the  
10 receipts and they look at everything and they  
11 read everything to me. Now, obviously they  
12 couldn't read that to me and that's why she  
13 was able to cheat me.

14 Q. As part of your practice as a  
15 collection attorney, would you go over  
16 receipts from time to time?

17 A. No, I couldn't do that. The  
18 paralegal did that.

19 Q. In a timely fashion?

20 A. Are you talking about their bills,  
21 bills I would have to look at?

22 Q. Yeah.

23 A. No, they would do it. The paralegals  
24 did that. I couldn't really read -- you know,

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1 do some brief follow-up.

2 MR. CRISTAL: Could we take two  
3 minutes.

4 MR. REIL: Sure.

5 (A discussion was held off the  
6 record and a short recess was taken.)

7 BY MR. SCHMIDT:

8 Q. Mr. Peoples, when you visited Ms.  
9 Dayle you voluntarily handed your credit card  
10 to her; is that correct?

11 **A. That's correct.**

12 Q. When she prepared a receipt, did you  
13 sign most of the receipts?

14 **A. I did. The way I sign, it was just**  
15 **scribble.**

16 Q. Do you recall approximately how many  
17 receipts you contend that you did not sign?

18 **A. Three or four I didn't sign at all.**

19 Q. Even if you didn't sign it, did you  
20 receive the receipts nonetheless?

21 **A. I got the receipts -- I got the**  
22 **receipts from Discover, but I never gave her**  
23 **the credit card for that.**

24 Q. Generally, was it standard procedure

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1 for her to give you a copy of the receipt to  
2 take with you?

3 **A. When I handed her the credit card she**  
4 **gave me a receipt back just about every time.**

5 Q. Can you tell me the dates that she  
6 didn't give you a receipt?

7 **A. No. I think that Steve can tell you**  
8 **that.**

9 Q. Are you alleging that there are any  
10 incorrect charges for transactions on days  
11 when she gave you a receipt?

12 **A. Yes.**

13 Q. Because --

14 **A. She overcharged me maybe eight, nine,**  
15 **ten times and she also charged me that I**  
16 **visited twice on -- there was one for \$2,200**  
17 **in one day, you know, that's just -- you know,**  
18 **I could not have stayed anything like that. I**  
19 **usually stayed two hours.**

20 Q. Thank you.

21 When you took the receipt with you, could  
22 you have shown it to someone else, anyone  
23 else?

24 **A. Not until after I was done.**

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1           A.           I would have to call everybody then  
2           and I use Discover almost exclusively, so I  
3           would have to call 20 times a day t check all  
4           of them out.

5           Q.           Was there anything that prevented you  
6           from calling on only large amounts?

7           A.           Well, even there, I had probably four  
8           or five large amounts a day, you know, \$100,  
9           \$200. We had a lot of things in the office  
10          here where I ordered things on the phone and  
11          did other things. It would just be impossible  
12          for me to check them all the time and I had no  
13          reason to do that.

14          Q.           Would you have been capable as a  
15          blind person of using the telephone to call  
16          Discover had you chosen to do so?

17          A.           Yes, I would.

18          Q.           Okay.

19          A.           But as I said, I would have to be  
20          calling them everyday and they would get a  
21          little tired of it too.

22          Q.           Well, are you aware that you could  
23          call an automated menu and get a recording of  
24          all your charges?

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1           **A.           No, I wasn't aware of that.**

2           Q.           Do you deny that there is one?

3           **A.           Oh, I don't know, but if you say**  
4           **there was, I suspect there was. Anything with**  
5           **credit cards I had to have my mom or my**  
6           **paralegal do it.**

7                           MR. SCHMIDT: I'm marking  
8           DFS-00279 as Defendant's Exhibit-4.

9                           (Document was marked as D-4 for  
10          identification.)

11          BY MR. SCHMIDT:

12          Q.           This is a letter dated February 11th,  
13          2008. I'm going to read to you one line.

14                          MR. CRISTAL: Was this the one  
15          that was read before?

16                          MR. SCHMIDT: Yes.

17          BY MR. SCHMIDT:

18          Q.           Due to my frail health, my workday is  
19          from 2:30 p.m. to 7:00 p.m., 90 percent of the  
20          time is spent reclining on the couch where I  
21          conduct business on the telephone.

22          **A.           That's correct.**

23          Q.           So you're able to speak on the  
24          telephone for hours and hours a day?

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1           **A.**       **Yes. I don't speak hours a day, but**  
2           **I speak a little bit on the telephone.**

3           **Q.**       **Well, 90 percent of the time between**  
4           **2:30 p.m. and 7:00 p.m., five days a week?**

5           **A.**       **Most of the time I just lay there. I**  
6           **don't use the phone.**

7           **Q.**       **Okay.**

8           **A.**       **I mean, I'm able to call -- I would**  
9           **be able to call Discover. I didn't know they**  
10          **had an automated hotline. As I told you, I**  
11          **would be calling them everyday about a number**  
12          **of card chits, the receipts, and that is not a**  
13          **proper use of my time.**

14          **Q.**       **Did you receive monthly billing**  
15          **statements from Discover Card?**

16          **A.**       **Yes, I did.**

17          **Q.**       **Are there any months you contend that**  
18          **Discover Card did not mail to you a monthly**  
19          **statement?**

20          **A.**       **I don't think so. And when I picked**  
21          **up the monthly statements, my mom told me**  
22          **about them and we did something about it.**

23          **Q.**       **Who reads your monthly statements?**

24          **A.**       **My mom would go over them and if she**

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1 letter from Discover says thank you for your  
2 recent inquire so.

3 THE WITNESS: I mean, I just --  
4 it's not that we didn't want to fill it out.  
5 Maybe we fouled up, but we thought we  
6 complied.

7 BY MR. SCHMIDT:

8 Q. Have you ever thought that as an  
9 attorney licensed in Pennsylvania that perhaps  
10 you should not use a prostitute because it's  
11 illegal?

12 A. It doesn't bother me because it  
13 doesn't affect my practice of law.  
14 Prostitution, I believe, is a misdemeanor.  
15 Even if convicted, it would not be a problem  
16 for the disciplinary board.

17 Q. What is the first day that you  
18 contend you were aware that Ms. Dayle  
19 allegedly overcharged you?

20 A. It might have been July or -- you  
21 know, it was a couple days before we informed  
22 you of this.

23 Q. Do you have a month?

24 A. You know, I'm not -- when did I stop