

Flinders Aluminum vs. Mismo Insurance

Evidentiary Conflict Concerning Personal Guarantee of Bank Loan

John Anderson testifies in his deposition “The Flinders loan was collateralized with inventory and equipment, but there was no other collateral or personal guarantee.” (p. 15, 6th para.)

Arthur Jackson testifies in his deposition “I personally guaranteed the loan, and we used inventory and equipment to secure the loan, but there was no other collateral.” (p. 23, 1st full para.)

This conflict is resolved by changing John Anderson’s testimony to read as follows:

“The Flinders loan was collateralized with inventory and equipment, but there was no other collateral. Arthur Jackson did personally guarantee the loan.”