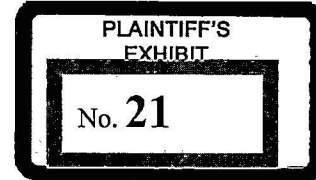


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S.C. SUPREME COURT

COURT OF COMMON PLEAS  
2018-CP-40-00963



STATE OF SOUTH CAROLINA )  
County of Richland )  
  
AUSTIN WOODS APARTMENTS, )  
APPELLANT, )  
vs. )  
MARIE ASSA'AD-FALTAS, MD, MPH, )  
RESPONDENT, )

TRANSCRIPT OF RECORD

January 28, 2022  
Columbia, South Carolina

BEFORE:

THE HONORABLE D. CRAIG BROWN, JUDGE, via WebEx.

APPEARANCES:

DANA KING  
MARY BLACK

MARIE ASSA'AD-FALTAS, MD, MPH

KAREN AMBROZIAK  
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: All right. The first matter I'm going to  
2 deal with real quickly is case number 2018-CP-40-00963.  
3 It was Austin Woods Apartment vs. Marie Assa'ad Faltas,  
4 MD, MPH.

5 The parties in attendance are Dr. Faltas, as well as  
6 Ms. Dana King and Ms. Mary Black who is -- let's see. All  
7 right. I've got them on here now.

8 Ms. King, Ms. Black, can you hear me?

9 MS. KING: Yes, sir.

10 THE COURT: All right. And who was that who just  
11 responded?

12 MS. KING: I'm sorry. It was Dana King.

13 THE COURT: And tell me again for the record, Ms.  
14 King, who you are.

15 MS. KING: I'm the Associate Director of Operations  
16 for OreLiving.

17 THE COURT: Okay.

18 MS. KING: And we are currently managing Austin Woods  
19 Apartments as of July of last year.

20 THE COURT: All right. And that's --

21 MS. KING: I'm sorry, April of last year.

22 THE COURT: Okay.

23 And Ms. Mary Black, can you hear me?

24 (There was no response).

25 Ms. Black?

1 MS. KING: She just texted me, Judge Brown. She  
2 somehow has been knocked out of the audio, and it will not  
3 let her call in.

4 THE COURT: Okay. I don't -- I can't answer that for  
5 you. I don't know.

6 Well, let me say this. I have Dr. Faltas on here and  
7 Ms. King, who is a representative of Austin Woods  
8 Apartment. I will say that Ms. Black reached out to the  
9 -- to my law clerk, I believe it was day before yesterday,  
10 in an email. And in that email, she requested a  
11 continuance of this matter so that she could seek other  
12 counsel pursuant -- or excuse me, so she could seek  
13 counsel.

14 Pursuant to her email, I instructed my law clerk to  
15 find out whether or not she had had any contact with  
16 Dr. Faltas concerning this request for a continuance  
17 because the rules certainly require that consultation be  
18 made with opposing party concerning such a request.

19 Ms. Black, I think, responded that she had not spoken  
20 to Dr. Faltas and, therefore, I instructed Ms. Black to  
21 appear here today or this morning via WebEx when  
22 Dr. Faltas would be present so that Dr. Faltas was --  
23 would certainly be entitled to be made aware of such  
24 request and to be heard on such request. Therefore,  
25 Dr. Faltas is present via WebEx by audio only, not video.

1           Dr. Faltas, you have heard what I have said  
2 concerning this matter and their request, Austin Woods  
3 Apartment's request, to have this matter continued to seek  
4 counsel. Anything that you would like to tell me or --  
5 concerning this issue?

6           DR. FALTAS: Yes, sir. If it pleases the Court, I --  
7 first of all, I object to their having contacted the Court  
8 ex parte. If I had done that, I would have been in jail.  
9 That's -- that's one thing.

10           The other thing is that they have known about this  
11 for two months already, and this is a four-year-old case.  
12 And, in fact, when I was speaking to the local manager in  
13 December, the beginning of December, to pay my rent, she  
14 was aware of the notice.

15           And I told her that they cannot represent a  
16 corporation not being lawyers, but they can work it out  
17 with me without a lawyer if they wished to.

18           Nobody has ever come back and -- and tried to work  
19 anything out with me. I think they've been delaying, and  
20 the conditions are very dangerous. And I have been asking  
21 for a modification of the bond for -- for more than three  
22 years now.

23           Granted, the ownership changed hands several times,  
24 but it -- it doesn't matter. They -- every time a new  
25 landlord buys rental property, they inherit both the

1 assets and the obligations of the previous landlord.

2 So I'm sorry. They should not be given the benefit  
3 of -- of those delinquents and delay and their ex parte  
4 communication with the Court. So I think the request  
5 should be denied and the matter scheduled for today, which  
6 are the bond modification, should go forward, if it  
7 pleases the Court. Because, otherwise, it's unfair to me.

8 And -- but if the Court wants to indulge them --  
9 in--- sorry, indulge them, I think under the order  
10 assigning the cases to your judgeship, it -- it allows you  
11 to hold hearing any time.

12 So if they need any kind of extension, I would ask  
13 that it be not more than a week because this is a  
14 corporation that deals with lawyers all the time, so they  
15 know how to find a lawyer if they want one.

16 Another consideration, and this is crucial, is that  
17 I've had experience with lawyers conspiring to get me  
18 falsely arrested or do other harm to me to gain unfair  
19 advantage in the civil litigation.

20 So for my protection, I don't think they should be  
21 given an extension to hire a lawyer because that lawyer,  
22 all he or she might do is conspire to -- to do some harm  
23 to me to get unfair advantage in the civil litigation.  
24 And this is not some kind of paranoia. This is something  
25 that's been so documented, so documented, it's -- it's

1 unfair to me to expose -- to expose me to. So I can --

2 THE COURT: I understand your objection.

3 Ms. Black, are you on here now?

4 (Pause).

5 Ms. Black, can you hear me now?

6 MS. BLACK: I'm on here now, yes.

7 THE COURT: Okay. I don't know what you heard with  
8 regards to what I put on the record earlier concerning you  
9 reaching out to my law clerk earlier this week about a  
10 continuance in the case to seek counsel.

11 First, let me address the ex parte contact. It is  
12 not inappropriate for ex parte contact concerning  
13 scheduling. In this particular situation, Ms. Black is  
14 unrepresented. She reached out to my law clerk, not me  
15 directly.

16 I'm advising Dr. Faltas at this time of what that  
17 conversation was. Dr. Faltas indicated that if she had  
18 reached out to the Court she would be in jail. Dr. Faltas  
19 is operating under certainly a different set of  
20 circumstances as previously documented by the Supreme  
21 Court's numerous orders concerning her contact with the  
22 Court and prohibition of contacting the Court going  
23 forward.

24 Based upon what I've heard here today, I understand  
25 Dr. Faltas' objection to me granting them time to seek

1 counsel. However, over Dr. Faltas' objection, I am going  
2 to give Austin Woods Apartment 30 days to obtain counsel.  
3 And -- and that will be the order of the Court and to have  
4 the matter be reset as soon as possible as it relates to  
5 this particular case. All right.

6 DR. FALTAS: Sir, may I ask you to admonish them that  
7 once they retain counsel, that counsel should -- should  
8 enter a formal appearance and serve me that appearance?

9 THE COURT: Certainly.

10 Once counsel is retained, a formal Notice of  
11 Appearance shall be filed with the Clerk of Court and a  
12 copy sent to Dr. Faltas.

13 DR. FALTAS: And may I also ask if they do not retain  
14 counsel within 30 days that summary judgment be granted in  
15 my favor?

16 THE COURT: You can make that motion at a later time,  
17 Dr. Faltas. I'm not going to address that issue at this  
18 time as it relates to that, okay.

19 DR. FALTAS: Thank you, sir.

20 THE COURT: All right. Ms. Black, Ms. King, y'all  
21 are done for this morning.

22 Let me ask you this, Dr. Faltas. The Notice of  
23 Appearance, if -- is your -- what is your current address?  
24 Is it still P.O. Box 9115?

25 DR. FALTAS: Yes, sir.

1 THE COURT: Columbia, South Carolina 2929--- excuse  
2 me, 29290?

3 DR. FALTAS: Yes, sir.

4 THE COURT: Okay.

5 Ms. King, Ms. Black, do you all have that address?

6 MS. BLACK: No, sir --

7 MS. KING: Yes, sir. I did make note.

8 THE COURT: Ma'am? You both spoke at the same time.  
9 One of you speak at a time, please.

10 MS. KING: I apologize. Your Honor, this is Dana  
11 King. I did make note of that address as you read it.

12 THE COURT: Okay. Very good.

13 All right. That will conclude this matter for this  
14 morning. All right. You all are free to -- Ms. King and  
15 Ms. Black, you all are free to check out, okay.

16 MS. BLACK: Thank you, sir.

17 MS. KING: Thank you, Your Honor.

18 (Whereupon, the proceedings were concluded.)  
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