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S.C. SUPREME COURT

State of South Carolina)
County of Richland)

In the Court of Common Pleas
Fifth Judicial Circuit
2018-CP-40-00963

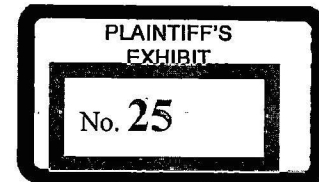
Austin Woods Apartments,)

Plaintiff,)

vs.)

Marie Assa'ad-Faltas,)

Defendant.)



Transcript of Record

November 18, 2022
Columbia, South Carolina

B E F O R E:

The Honorable D. Craig Brown, Judge

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

Marie Assa'ad-Faltas, M.D., MPH
Self-represented Defendant

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

I N D E X

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No exhibits entered.

1 THE COURT: All right, we're here on the record with
2 regards to *Austin Woods Apartments v. Marie -- Dr. Marie*
3 *Assa'ad-Faltas*, case number 2018-CP-40-00963. It appears
4 that it is Dr. Faltas's motion for summary judgment.

5 I will note that this matter was scheduled to take
6 place at 10 o'clock this morning. It is approximately 10
7 minutes after. Well, 12 minutes after 10. Dr. Faltas is
8 here in the courtroom today; no one on behalf of Austin
9 Woods Apartment is present.

10 Dr. Faltas, I'll be happy to hear from you, and you
11 can remain seated if you need to, okay?

12 DR. FALTAS: But I can at any time go into either
13 asystole or severe atrial fibrillation. So, may I just
14 make a sign to the court like this or something to where I
15 could stop, please?

16 THE COURT: Go ahead. I'll hear from you.

17 DR. FALTAS: All right. Sir, in the transcript of
18 the, of the January 28, 2022, hearing where they, they had
19 emailed you ex parte wanting a thirty-day extension to get
20 a lawyer, and I objected very strongly, and you gave them
21 thirty days. And in the transcript, I said if they don't
22 get a lawyer within thirty days, I would be entitled to
23 summary judgment in my favor because that's a company that
24 has been in business for a long time, and they already know
25 that they cannot be in circuit court without a lawyer. And

1 on the transcript you've said yes, you can make that
2 request. Not only ---

3 THE COURT: I'm sorry. What? I didn't understand
4 you.

5 DR. FALTAS: Where did you lose me?

6 THE COURT: The last thing you said.

7 DR. FALTAS: Austin Woods is owned by HAMR 3 LLC
8 Borrower. That's a company that's in business for a long
9 time. They know -- they knew back then and they know now -
10 - that they cannot be in circuit court without a lawyer.
11 Not only that. I discovered that they already had a lawyer
12 that appeared for all other cases. So, that was a delay
13 tactic on their part.

14 In addition, since I was put in jail like an animal,
15 an animal and I came out with atrial fibrillation, they
16 were trying to upset me to where I would die. They
17 would...

18 THE COURT: Do you have some tissues? And if you
19 would, get her some ---

20 COURT CLERK: Yes, Your Honor.

21 BAILIFF: Yes, sir.

22 THE COURT: Get her some water, too, please.

23 BAILIFF: Yes, Your Honor.

24 THE COURT: Please.

25 DR. FALTAS: They would, they would send their agents

1 to go under my window and ring the doorbell and tell me
2 that my phone is out of order. They need another number,
3 and I would go and say, well, call me. Call me again. My
4 number is working fine. Tell me what number you called me
5 from so I can call you back on it, and they would run all
6 kinds of things, sir, since the flood, since the flood of
7 2015. It's, it's like a townhouse with three stories.

8 THE COURT: Yes, ma'am.

9 DR. FALTAS: They took out the carpet from the living
10 room part, but they did not take out the vinyl from the,
11 from the kitchen and hallway. And since then, that vinyl
12 has been -- first, I, I, I can do nothing on the living
13 room because it's concrete floor. The, the vinyl in, in
14 the hallway -- thank you -- the vinyl in the hallway has
15 been wrinkling and a trip hazard. The staircase is broken,
16 and that was since I was before the magistrate and showed
17 her pictures.

18 Even when Mr. Griffith brought me back from jail on
19 ironically, ironically on the 4th of July, freedom day,
20 where I get put in jail for wanting to speak for myself and
21 I get treated like an animal in jail -- when Mr., Mr.
22 Timothy Griffith brought me back from jail, I asked him to
23 go in because I -- with me because I did not know if using
24 the master key they had somebody in there while I was out,
25 and I showed him. The ceiling has been broken for seven

1 years and the stair -- and they, they won't fix anything.

2 So, the, the base line is, is the, is the base rent
3 that's, that's in the contract, and then from that there is
4 diminution -- some people pronounce it wrong and say
5 dimunition but it's diminution from diminish -- by, by the,
6 the failure of the landlord to do repair.

7 In one -- in that -- I'm sorry. I have to say my
8 conscious -- to speak my conscience in what I consider to
9 be cruel, cruel. All the, the, the prefiling injunction,
10 you said that my claims are not based on reality as if I
11 were a crazy person. Sir, there was someone shot to death
12 in Austin Woods.

13 THE COURT: Do you still live in Austin Woods
14 Apartments?

15 DR. FALTAS: Where else can I go?

16 THE COURT: That, and that answers my question. I was
17 just asking.

18 DR. FALTAS: I -- and there were three apartments
19 that, that completely went on fire, and that was a year and
20 a half ago. They have not fixed them. Almost every
21 weekend in the summer, there is shooting. The landlord has
22 a duty to protect the tenants from other parties'
23 criminality, has a duty to make repairs, and if the repairs
24 are not made, then the rent should be abated by the
25 decrease in value.

1 And in my motions, I said really the other three
2 bedroom units that they have, not one, not one other than
3 mine gets rented where a tenant stays put. Fact. A
4 previous manager, previous -- previous because they can't
5 keep, they can't keep employees either and many times, like
6 in emergencies, they say we don't have maintenance. At one
7 time, my high -- there is a window. It's like a split
8 level. The living room doesn't have a ceiling except to
9 the -- so, there is a window, and because I'm committed to
10 the environment, I don't use heating or...

11 (A PAUSE.)

12 DR. FALTAS: Or air conditioning. I rely on natural
13 ventilation, and I noticed from the two or three
14 transcripts of cases that I read that your judge presided
15 over you don't like heating either. So -- but, but in any
16 event, so I had an agreement with them that at the
17 beginning of, of winter, they would come and close that
18 window and at the beginning of summer, they would come and,
19 and shut it because it can't be reached without a ladder.
20 They neglected that and at one, and at one time, because it
21 remained open, the screen got blown out to where a bird
22 could have flown in or a bat or something. And I asked
23 them and they said, oh, we no longer have a ladder. We, we
24 -- ours got stolen and we don't have money to buy another,
25 something totally crazy, totally crazy, and I had to call

1 the fire department and use the goodwill. So, they had to
2 come in and, and shut it for me and fix -- tape the screen.
3 And so many instances that are documented in writing and in
4 the pictures that were submitted to the magistrate that
5 there is a total failure of upkeep by the landlord.

6 So, the, the, the, the, the, the rent should have been
7 abated by some amount, and the law is that the jury should
8 have been instructed to come back with the fair market
9 value, and if it's even one dollar less than, than the, the
10 amount claimed by the landlord -- and that's not my
11 hallucination. That's a ruling that the Honorable Judge
12 Lee had entered when I had sued another tenant. She said
13 yes, that's the law.

14 So, my motion for summary judgment in my favor is very
15 well documented, and if nothing else, they should be
16 sanctioned for their deceptive practices of calling in
17 January and saying they needed thirty-day extension to get
18 a lawyer when they already had the lawyer and they never
19 had the lawyer make an appearance.

20 THE COURT: Who are you paying rent to now, Dr.
21 Faltas?

22 DR. FALTAS: To them, to Austin.

23 THE COURT: To Austin Woods?

24 DR. FALTAS: Yes.

25 THE COURT: At what rate per month?

1 DR. FALTAS: 700.

2 THE COURT: And it's been 700 for how long?

3 DR. FALTAS: Since 2016.

4 THE COURT: It's been the same since 2016?

5 DR. FALTAS: Yes, but actually the value diminished by
6 the flood and by the various things that happened in the
7 common areas and in the failure of upkeep of, of the
8 apartment.

9 But, but, sir, what I wanted to tell you is that
10 comparable property, not one of them runs for 700. They,
11 they can't get tenants in them at all. So, so, the real
12 comparable value is zero, if not negative, because -- and
13 that's also on file that they say that it cost -- it takes
14 them two months to get the tenant moved in and three months
15 to get the tenant moved out. So, the comparable value of
16 similar units is negative.

17 THE COURT: All right. Anything else, Dr. Faltas?

18 DR. FALTAS: Yes, sir, and thank you for the water.

19 The, the -- in my notice of appeal, I gave the grounds
20 and I also attached Judge Lee's order from another case,
21 and then you criticized me for what I had written in my
22 motion to reopen, but Judge Gravely granted the motion to
23 reopen. So, it's not as if I say frivolous things. If I
24 did, how come I had been -- so many other judges agreed
25 with me? And I hope your judgeship has compassion on me

1 because I don't deserve this. I don't deserve it at all.

2 THE COURT: You don't what? I'm sorry.

3 DR. FALTAS: I don't deserve what's been done to me.

4 I, I, I don't deserve it at all.

5 The, the -- oh, one other thing. That woman who had
6 falsely testified against me in the general sessions trial.

7 THE COURT: Well, we're not, we're not talking about
8 the general -- well ---

9 DR. FALTAS: No, I understand, but she came and lives
10 in Austin Woods.

11 THE COURT: She what? I'm sorry.

12 DR. FALTAS: She ---

13 THE COURT: I don't like these glass -- I can't hear
14 people with this glass up here as well.

15 DR. FALTAS: There is so much I can do with my voice,
16 given my ---

17 THE COURT: You're okay.

18 DR. FALTAS: She came to live in Austin Woods. So,
19 those people who wanted me to be put in prison for six
20 years claiming that they don't want me around them, they
21 even followed me to Austin Woods. And she brings with her
22 criminal people and drug dealers, and yet they were going
23 to evict her, but then they cancelled the eviction. And
24 I'm not, like, stalking anyone or -- I, I get all my
25 information from the public records, or most of my

1 information.

2 THE COURT: Yes, ma'am.

3 DR. FALTAS: From the public records.

4 THE COURT: Okay. All right, Dr. Faltas, I'll take
5 under advisement what you've presented to me here today,
6 and I'll issue an order once I've looked at it a little bit
7 more closely, okay?

8 DR. FALTAS: Thank you.

9 THE COURT: All right.

10 DR. FALTAS: May, may I ask for the transcript to be
11 prepared, if you please, at -- because I am IFP, if you
12 would grant me the transcript at government expense,
13 please?

14 (A PAUSE.)

15 THE COURT: Well, what I will do as it relates to that
16 issue, Dr. Faltas, as part of my order here today, I will
17 address that in my order as far as you getting a transcript
18 at the government's expense or at Court Administration or
19 whoever's expense it may be, and I'll address that, okay?

20 DR. FALTAS: Thank you. I had -- if I may just add
21 this, please?

22 THE COURT: Yes.

23 DR. FALTAS: I had previously argued and I still argue
24 that even though this is a civil case, when it's an
25 eviction, it's a heightened standard. There are civil

1 cases where the, the burden of proof is clear and
2 convincing evidence: termination of parental rights,
3 denaturalization, deportation, and, oh, commitment, mental
4 health commitment. And I'm saying that eviction should
5 also be a heightened burden of proof. Even though it's,
6 it's a civil case, it's not a run-of-the-mill civil case,
7 civil case because it's the, the, the landlord is
8 commandeering, so to speak, the power of the state to, to
9 dispossess someone of one's home, and one's home is
10 protected by the Fourth Amendment. So, even though an
11 eviction is, is a law suit by a private person against a
12 private person, that private entity, the landlord, has to
13 commandeer the state power in some way. So, at the very
14 least, the landlord's burden of proof should be clear and
15 convincing evidence.

16 THE COURT: Okay.

17 DR. FALTAS: And in this case, there is no evidence at
18 all, let alone clear or convince -- and convincing, that
19 the landlord properly maintained.

20 THE COURT: Okay.

21 DR. FALTAS: The unit to where, to where it's -- where
22 the, the contractual rent is not diminished.

23 THE COURT: Okay. Like I said, I'll take a look at
24 it, Dr. Faltas, and I'll issue an order. I'll -- and get
25 that order to you, okay?

1 DR. FALTAS: Thank you.

2 THE COURT: With regard ---

3 DR. FALTAS: Thank you for listening to me.

4 THE COURT: Ma'am?

5 DR. FALTAS: Thank you for listening to me.

6 THE COURT: Yes, ma'am, and as it relates to the
7 transcript, like I said, that will be part of my order as
8 well. Certainly, certainly, I'm inclined to certainly do
9 that.

10 DR. FALTAS: Thank you.

11 THE COURT: But it will be in my order, and we'll go
12 from there, okay?

13 DR. FALTAS: So, if I'm granted summary judgment, then
14 there would be no need to appeal and perhaps no need for
15 the transcript.

16 THE COURT: I'll let you make that decision, all
17 right? But like I said, I'll take a look at it a little
18 more closely, and I'll issue an order in it.

19 What I'm going to do right now, I'm going to ask Ms.
20 Harris if, if you would produce -- should be a very short
21 transcript, to go ahead and get me a copy of this
22 transcript at your earliest convenience, and I, and I, and
23 I will, in turn, forward a copy to Dr. Faltas or my office
24 will, okay?

25 COURT REPORTER: Whom should I bill for that?

1 THE COURT: I'm going to -- I guess the state. I'm
2 going to -- I've got to figure out how to do that. You
3 know, in the past when a judge has asked for transcripts,
4 it's always been very short and it hasn't been an issue,
5 but I'll deal with that, okay?

6 All right, that will conclude this matter. Thank you,
7 Dr. Faltas.

8 **--- END OF TRANSCRIPT OF RECORD ---**

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 18TH DAY OF NOVEMBER, 2022.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

DECEMBER 6TH, 2022

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