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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
County of Richland	)	2018-CP-40-00963
	)	
	)	
AUSTIN WOODS APARTMENTS,	)	
	)	
APPELLANT,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
MARIE ASSA'AD-FALTAS, MD, MPH,	)	
	)	
RESPONDENT,	)	

PLAINTIFF'S EXHIBIT
No. 21

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.)

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

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

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

MS. KING: Yes, sir.

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

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

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

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

THE COURT: Okay.

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

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

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

THE COURT: Okay.

And Ms. Mary Black, can you hear me?

(There was no response).

Ms. Black?

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

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

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

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

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

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

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

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

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

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

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

assets and the obligations of the previous landlord.

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

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

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

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

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

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

THE COURT: I understand your objection.

Ms. Black, are you on here now?

(Pause).

Ms. Black, can you hear me now?

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

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

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

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

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

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

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

THE COURT: Certainly.

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

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

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

DR. FALTAS: Thank you, sir.

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

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

DR. FALTAS: Yes, sir.

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

DR. FALTAS: Yes, sir.

THE COURT: Okay.

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

MS. BLACK: No, sir --

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

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

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

THE COURT: Okay. Very good.

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

MS. BLACK: Thank you, sir.

MS. KING: Thank you, Your Honor.

(Whereupon, the proceedings were concluded.)

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Karen Ambroziak, Official Court Reporter for the 5th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 28th day of January, 2022.

September 6, 2022

Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter