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Jun 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS

J. Cordell Maddox, Circuit Court Judge

Case No.: 2019-CP-04-01212

Glenn Mechanical.....Appellant,

v.

Sihierh Smith.....Respondent.

RECORD ON APPEAL

VOLUME TWO

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Attorney for Appellant

June 2, 2023

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APPRAISAL RECORD

DATE 7/27/2016

Owner's Name <u>Sihlerh Hossein-Beik Smith</u>		Year <u>2011</u>	Make <u>Kia</u>	Model <u>Optima</u>
Street Address <u>[REDACTED]</u>		Body Style		Color
City <u>Starr</u>	Zip <u>29684</u>	Phone <u>[REDACTED]</u>	Trim Level	Miles <u>80411</u>
Sales Representative <u>Scott Brown</u>		VIN No.	<u>KNAGM4A72B5182194</u>	
8 Cyl	6 Cyl	4 Cyl	CD Cass	() Air Bag
Turbo	Other	—	AM/FM	Auto Air Cond.
4 X 4	Diesel	None	(type)	✓ F.Cerf. Yes No
4 Speed (5)		Sunroof Tilt		
History of Vehicle: No. of Owners _____		MILEAGE ACTUAL NOT ACTUAL UNVERIFIED		
THIS VEHICLE WAS PREVIOUSLY:		Title in name of: _____		
Salvage Yes No Flood Damaged Yes No Factory Buy Back Yes No		Vehicle Currently Titled in State of: _____		
Has the airbag in this vehicle ever been deployed or disconnected? Yes No		Lien Registered to: _____		
Was this vehicle previously damaged? Yes No		In the amount of \$ _____		
OWNER'S MANUAL		YES NO		
All State and Federal mandatory emissions systems are installed and intact? Yes No				
Recent Improvements or Repairs		KEYS 1 OR 2		REMOTES 1 OR 2
The vehicle described above will be appraised with my permission by Ralph Hayes Toyota, as of this date, based on the description of condition and history as provided by me. I am the legal owner or agent for the above described motor vehicle truthfully represented the vehicle as far back as I am familiar with it.				
Signature of OWNER or AGENT _____		Witness _____		
		EVALUATOR		
		RESOURCE A	AMOUNT	
		RESOURCE B	AMOUNT	
		RESOURCE C	AMOUNT	
		RESOURCE D	AMOUNT	
CURRENT MARKET VALUE				
EQUIPMENT ADJUSTMENT PLUS				
EQUIPMENT ADJUSTMENT MINUS				
TOTAL COST OF RECONDITIONING				
MILEAGE ADJUSTMENT PLUS OR MINUS				
INSPECTION		OFFER TO PURCHASE \$		
DETAIL		Stock		
TIRES		Mileage Limitation _____		
GLASS		Ordered Unit _____		
T/UP & PDR		Good Till ____/____/____		
TOTAL		UNLESS OTHERWISE STATED THIS APPRAISAL EXPIRES 15 DAYS FROM THIS DATE AND IS EFFECTIVE ONLY IF THE UNIT IS IN THE SAME CONDITION AS WHEN THE APPRAISED WITH LESS THAN 750 ADDITIONAL MILES.		
Disposition		Buy Bid ☒ W ☒ R ☐ ☐		

Binder of Insurance

Pending issuance and delivery of a policy pursuant to the application of the insured and to all the terms and conditions of the policy issued by the company the

State Farm Mutual Automobile Insurance Company

Does hereby insure: ABRAHIM HOSSIEN-BEIK

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

Policy Number: 105 2952-A31-40E

Year	Make	Vehicle Identification Number (VIN)
2016	TOYOTA 4 RUNNER SR/5 2WD 4D	JTEZU5JR4G5134086

Coverages

Liability
25/50/25

Comprehensive
\$250

Collision Ded
\$500

Effective July 28, 2016, expiring not to exceed thirty (30) days hence and to become void immediately upon the issuance of a policy in place hereof.

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES.

Date

7.28.16


 Authorized Representative

224-1174

www.mytoyoguard.com

9341110

Call
when back
with Reg

Sihierh

Smith
TOYOGUARD
Deal X-57043

2016 4-Runner

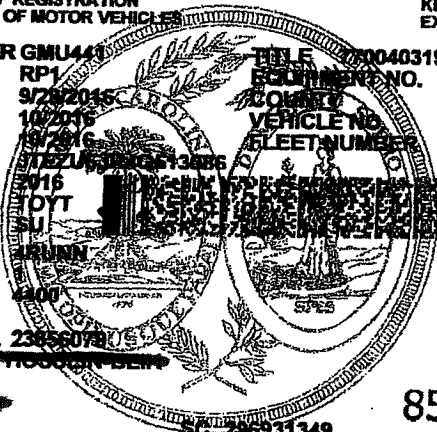
www.mytoyoguardassistant.com

S.C. DOCUMENT OF REGISTRATION
S.C. DEPARTMENT OF MOTOR VEHICLES

KEVIN A. SHWEDO
EXECUTIVE DIRECTOR

PLATE NUMBER GMU441
PLATE CLASS RP1
ISSUE DATE 9/28/2016
PLATE EXP. 10/2018
DECAL EXP. 10/2018
VIN 3TEZU624G413486
YEAR 2016
MAKE TOYOTA
BODY SUV
MODEL 4RUNNER
VEHICLE TYPE
EMPTY/GVV

TITLE 00040319172298 A
EQUIPMENT NO.
COUNTY 37
VEHICLE NO. 24838569
FLEET NUMBER



CUSTOMER NO. 23856078

SMITH, SIHIERH HOSSEIN-BEIK

WESTMINSTER

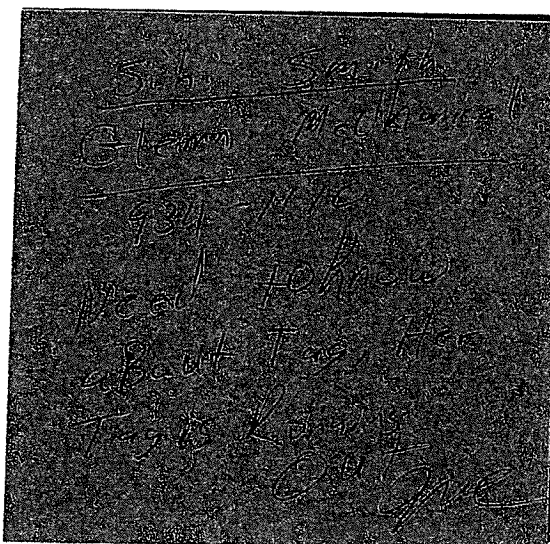
SC-296931349

85032566

GMU441

South Carolina Code of Law 23-3-480 requires a person convicted of a sex offense to register with the county sheriff within 10 days of establishing residency in this state.

SMITH, SIHIERH HOSSEIN-BEIK
301 SIMPSON ST
WESTMINSTER, SC 29693-1349



DDI Technology

Vehicle Research Report

Report Request Details		Title Check Result Summary	
REPORT REQUESTED	SC	Combined Evaluation	Clear
VIN	JTEZU5JR4G5134086	Vehicle Brands	Clear
REQUESTED BY	Debbie Cochran	Title Status Issue	Clear
REQUESTED DATE	09/03/2019 09:42 AM	Existing Liens	Clear
South Carolina Vehicle Information			
VIN	JTEZU5JR4G5134086	MODEL YEAR	2016
MAKE	TOYT	MODEL	4RUNNER
BODY STYLE	SU	EMPTY WEIGHT	4400
GROSS VEHICLE WEIGHT	0	VEHICLE IDENTIFIER	24838569
NEW/USED INDICATOR	N		
Title Record(s)			
TITLE NUMBER	0040367383680	STATUS	Current Title
IS ELECTRONIC	No		
Odometer			
ODOMETER	162		
Vehicle Details			
VEHICLE BRANDS		IS LEASE	N
SALVAGE PERCENT	0		
Registration			
REGISTRATION STATUS	ACT	REGISTRATION VEHICLE TYPE	PRIVATE PASSENGER
REGISTRATION ISSUE DATE	6/26/2019		
PLATE EXPIRATION	10/31/2020	PLATE NUMBER	GMU441
PLATE CLASS CODE	RP1	DECAL EXPIRATION DATE	10/31/2019
Owners			
OWNER COUNT	1		
OWNER ORDER	1		
OWNER NAME	SIHERH HOSSEIN-BEIK SMITH		
ADDRESS	[REDACTED]		
DMV CUSTOMER NUMBER	23856079	RELATIONSHIP TYPE	
Liens			
No lien information provided by state.			
Insurance			
DMV COMPANY NUMBER	12572	POLICY NUMBER	F 5282876
Report requested by Debbie Cochran for Ralph Hayes Toyota			

This report is provided by DDI Technology as part of Premier EVR™. This report includes information from the state combined with analysis of the provided information. Please note that the analysis is dependent on the accuracy of the information provided.

Vehicle information on this report may have been supplemented by data from the National Highway Traffic Safety Administration vin decoder.

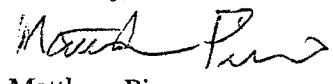


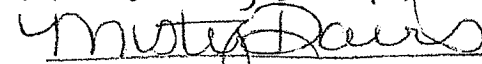
DDI Technology

To Whom It May Concern:

My name is Matthew Pierce. I was in a relationship with Sihierh Smith from Spring 2011 until Spring 2018. We lived together from Fall 2011 until Summer 2017. This is the situation as I know it: John Glenn bought Sihierh a new 4Runner work vehicle in late Spring/early Summer 2016. Sihierh told me that John told her that the 4Runnerr would be put in his name. Sihierh also told me that she had all of the paperwork for the vehicle and that she was going to put it in her name anyway.

Sincerely,

 9/18/19
Matthew Pierce

Sworn to and subscribed before me
This 18th day of September, 2019

Notary Public Of South Carolina
my Commission Expires: 1-29-2029

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ANDERSON	)	CASE NO.: 2019-CP-04-01212
Glenn Mechanical,	)	
	)	
Plaintiff,	)	
	)	Order Denying Plaintiff's Motion
v.	)	For Miscellaneous Relief
	)	
Sihierh Smith,	)	
	)	
Defendant.	)	

The above captioned matter is presently pending before this Court on the Motion For Miscellaneous Relief filed by the Plaintiff seeking to enjoin the Defendant from operating the 2016 Toyota Forerunner vehicle in question until a hearing on the merits in this matter can be held. In response to the Motion, the Defendant filed her Affidavit dated October 4, 2016 along with a copy of the deposition of the Plaintiff and Defendant taken on November 19, 2019.

A hearing was held before this Court on the Plaintiff's Motion on November 21, 2019. Present at the hearing was W. Noman Epps, III, of Epps & Epps, LLC, attorneys for the Plaintiff and James W. Logan, Jr. of Logan & Jolly, LLP, attorneys for the Defendant. The Court has carefully reviewed all documents submitted by the parties, including those referenced in the depositions, along with the argument of counsel at the hearing and has determined that the Plaintiff's Motion shall be denied.

Therefore, Plaintiff's Motion for Miscellaneous Relief is hereby DENIED.

It is so Ordered this _____ of January, 2020.

The Honorable J. Cordell Maddox
Judge, Tenth Judicial Circuit.



Anderson Common Pleas

Case Caption: Glenn Mechanical VS Sihierh Smith

Case Number: 2019CP0401212

Type: Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2020-02-03 13:36:38 page 2 of 2

STATE OF SOUTH CAROLINA	)	IN THE CIRCUIT COURT OF THE
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	CASE NO:2019-CP-04-01212
	)	
Glenn Mechanical,	)	
	)	
PLAINTIFF,	)	
	)	
-vs-	)	TRANSCRIPT OF RECORD
	)	
Sihierh Smith,	)	
	)	
DEFENDANT.	)	
	)	
	)	

June 1, 2022

ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. CORDELL MADDOX, JUDGE

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

William N. Epps, III, Esquire
Attorney for Plaintiff

James W. Logan, Jr., Esquire
Attorney for Defendant

LESA D. TAYLOR
Court Reporter

I N D E X

DirectCrossRedirect

Recross

Colloquy 4

Certificate of Reporter 21

E X H I B I T S

Page

None

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PROCEEDINGS

THE COURT: Hey, y'all, this is Glenn Mechanical versus Smith. And I appreciate y'all switching over to mobile. I'm just trying to avoid being in contact with as many people as I can.

MR. EPPS: Yes.

THE COURT: It's a claim and delivery. I've read through the pleadings, and understand that this was a car that was purchased by Glenn Mechanical and put allegedly erroneously in the name of Mr. Smith personally. And so, this motion is a defense motion, is that correct?

MR. LOGAN: It is, Your Honor. Our version of the facts are much different and bare -- are bared out by the actual facts that have been discussed and obtained in this case. I filed a motion for summary judgment on behalf of the Defendant in February. If you have had a chance to read it, I'm sure you've forgotten it now.

THE COURT: I remember.

MR. LOGAN: So, I do want you to -- I ask you to review that as well as the exhibits that are referenced in that. One of the disadvantages of doing things by remote is the fact that I could go through some of these exhibits with you. I do have an additional exhibit. I'm going to refer to it today, and then I will get it to you ---

THE COURT: Okay.

1 MR. LOGAN: --- by whatever means you tell me to get it
2 to you. I do have the original of the deposition of a Tonya
3 Marie Davis, who was and still is the title clerk at the -- at
4 Ralph Hayes Motors. It's sealed, but I will be referring to
5 certain pages, and I will get the individual pages to you as
6 well.

7 THE COURT: Yeah, whatever is easiest. You can scan them
8 or fax them, whatever is easiest for you.

9 MR. LOGAN: Okay.

10 THE COURT: Okay.

11 MR. LOGAN: I am going to go through, since it's a fairly
12 short memo, some of the pertinent points that I referenced in
13 my memo, so -- as well as the exhibits that I attached to
14 that.

15 THE COURT: Okay. I've got them here.

16 MR. LOGAN: Do you have the memo and ---

17 THE COURT: I do.

18 MR. LOGAN: --- those exhibits?

19 THE COURT: I do.

20 MR. LOGAN: All right. Well, as you know, this is
21 strictly a claim and delivery action that was brought by the
22 Plaintiff for the return of a vehicle. Well, in order to
23 maintain a claim and delivery action, you have to have a claim
24 to the title of the car. You have to have the title. They
25 have no title in this case. They have furnished us no title

1 to this vehicle. Another amazing thing that they have done is
2 they filed suit in the name of Glenn Mechanical. As you'll
3 see as we go through this, the checks pertaining to this
4 vehicle were written by Glenn Mechanical individually -- John
5 Glenn, excuse me. John Glenn. Which supports and bolsters
6 our case that this was a vehicle that he was gifting to this
7 lady who was a valued employee that had worked for him for
8 years, and everything was fine until three years later when
9 she decided that she was not going to work there anymore for
10 whatever reason. That's when things hit the fan. Everything
11 was fine. She was using the car as her own personal car. It
12 was not a company vehicle. It was not bought in the name of
13 the company. It was titled in her name, and I'll go through
14 that as we go.

15 In paragraph one of our memo, I point out that this is a
16 claim and delivery action, and that it had been purchased.
17 The title clerk, whose deposition I took and whose deposition
18 I will refer to and hand to you at the appropriate time --
19 she's been there for 19 years, and that's her job. That's her
20 only job. She testified that the -- under oath, in her
21 deposition on February the 14th of this year, that she received
22 the sales documentation, which is exhibit 2 attached to the
23 memo, from the finance department. Apparently, what happens
24 and as she explained, you have a salesman involved who does
25 nothing more than sell the car. He then takes the paperwork

1 to the finance department, and at the time that finance man
2 was a man by the name of Stanley U-K-A-D-I-K-E -- you can
3 pronounce it however you want to.

4 THE COURT: All right.

5 MR. LOGAN: He's no longer there. And then once finance
6 approves it, all of that paperwork -- she -- the title clerk
7 never sees the individual buying the car. She has nothing to
8 do with the salesman. She has nothing to do with the finance
9 documents. She only gets the documents and applies for the
10 title. She said that's what she did in this case. She got
11 the documents from the finance department, and based upon
12 those documentation, she applied for the title to the vehicle
13 in the name of my client.

14 She also testified that the title was issued by said
15 state agency, returned to the dealership, and then sent to my
16 client. There was a subsequent reissue of the title in 2019
17 due to an error by said agency in the VIN number in the
18 original title. The title was originally issued to her. It
19 has been in her name ever since, and it -- she is the only one
20 of these two parties who has a title to this vehicle.

21 Now, the information that is referenced being with the
22 title, you will see in exhibit 1, if you'll flip a few pages,
23 you will see in exhibit 1 a copy of the title that was issued
24 September 29, 2016. Her name is on that title. The VIN
25 number, which had to be changed later, is at the top left

1 corner. It was just one digit off. That's the only thing
2 that was done to the title subsequently.

3 You'll also see that exhibit, the certificate of the
4 document of registration that was issued at that same time.
5 Whose name is on it? My client's name. And then you'll also
6 see in that list of the exhibits the -- a copy of the
7 certificate of title that was issued in her name, again. Full
8 name of the owner, Mrs. Smith, 2016 Toyota. All right, that's
9 part of the documents that are in exhibit 1. They have no
10 title. They have submitted some documents that I don't know
11 where they got them from. I don't know how they got them.
12 But they haven't proved how they got them and they haven't
13 established anything about how they got it.

14 Now, the second thing I talk about in the memorandum is
15 number two. The Defendant personally paid \$8,000 toward the
16 purchase of the 4Runner. All right, in exhibit 2 you will see
17 a -- let's see, what did they call this thing -- it's just --
18 it looks like this, Judge. It's yellow.

19 THE COURT: All right.

20 MR. LOGAN: It'll be the first thing on exhibit 2. You
21 will see down there that the under total cash selling price,
22 \$42,400. You'll go on down as allowance on trade-in -- these
23 are the finance documents. The title clerk has nothing to do
24 with these documents. These are the finance ---

25 THE COURT: Right.

1 MR. LOGAN: They came from the finance department.
2 You'll see there there's a \$6,000 trade-in allowance. The
3 testimony is that what happened, Ralph Hayes Motors would only
4 allow \$6,000 in a trade-in of my client's car. My client's
5 car was used -- was going to be used as a trade-in. She and
6 Glenn -- or she thought she could get more by selling the car.
7 So, she put the car on the market. Somebody came by and
8 bought it and paid \$8,000 for it. So, she turned that money
9 over to Mr. Glenn.

10 Instead of a down payment -- or a trade-in, excuse me,
11 she turned \$8,000 over to him as part of this transaction.
12 That's why you will see in that exhibit 3 which I have
13 attached, or sent up to you, a check dated August the 16th,
14 2016, for \$6,000. Mr. Glenn personally, individually wrote a
15 check back to Ralph Hayes since they were not using the car as
16 a trade-in, and she, in lieu of that, she paid \$8,000 of her
17 own money that she got from the sale of that car to Mr. Glenn.
18 So that's why he had to write a check back to Ralph Hayes
19 because they had originally prepared the financing documents
20 so that it was shown as a trade-in. So, that's how that
21 \$8,000 comes into play and how it works with the \$6,000.

22 Number 3 in my memo, title clerk testified that there is
23 no certificate of title, there was none and never has been,
24 that the 2016 Toyota 4Runner titled in the name of the
25 Plaintiff, and that she did not prepare and/or submit any

1 request for such to the DMV. She also testified that she did
2 not prepare or submit a Form 400 to the DMV regarding the
3 issuance of the certificate of title in the name of the
4 Plaintiff, which is required by the DMV to issue a title
5 certificate. All of that is covered in the deposition
6 testimony, and I refer to the deposition testimony beginning
7 with page 11, page 20, page 24, page 42, page 46, of her
8 deposition, those particular pages, but I invite you to read
9 the whole deposition where she addressed these issues.

10 On page 45 -- excuse me. On page 11, I say on page 11,
11 after I've asked a question, and she answered, then I'm the
12 last person that gets the deal. Once I get that deal, I go
13 through it and put all my title work together. And I asked
14 her, you never have contact with the customer? You send that
15 paperwork in to the appropriate authorities, is that right?
16 And one of those -- yes, sir. And one of those authorities
17 would be the authorities at the DMV. She goes strictly by the
18 paperwork that is submitted to her by the finance office.

19 She never has contact with my client, and my client --
20 and the finance manager, who is no longer there, can't talk to
21 him -- he gave that paperwork to her according to her
22 testimony. And my -- and Mrs. -- and the clerk said she never
23 got anything from my client. And we -- and that she also
24 says, and by implication that Mr. -- the finance manager got
25 nothing from my client because he gave to her what he got from

1 the sales office. And what he got from the sales office does
2 not have anything to do with putting this vehicle in the name
3 of Glenn Mechanical, John Glenn, or whoever else.

4 So, that's what's in the testimony that I will submit to
5 you.

6 THE COURT: Okay.

7 MR. LOGAN: And, let's see -- as I say, everything was
8 fine until 2019 when my client decided to quit. Apparently,
9 Mr. Glenn wasn't satisfied with that, and now what he wants to
10 claim that what he had given to my client as a valued employee
11 for her own personal use, as her own personal vehicle, and
12 which she used for that, which she has skin in the game, she
13 paid part of the purchase price of that, he now wants to take
14 the position that Glenn Mechanical has that titled in his name
15 -- or in their name, or should have title to that vehicle, and
16 they do not. They cannot produce a certificate of title and
17 that's critical, especially in a claim and delivery action.
18 So, that's my presentation, and I'll get this other
19 documentation to you.

20 THE COURT: Okay, and this is a straight claim and
21 delivery, right?

22 MR. EPPS: Yes, sir, Your Honor.

23 MR. LOGAN: No other cause of action.

24 THE COURT: Okay. All right, yes, sir.

25 MR. EPPS: Your Honor, this is the genuine issue of

1 material fact in this case, and I've filed a memorandum in
2 opposition, but this deals with the affidavit that was filed
3 by my client as of June 28th of 2019. When we filed this claim
4 and delivery as well as a restraining order that Mrs. Smith
5 was -- this is by John Glenn, Junior, who is the managing
6 partner of Glenn Mechanical. All right, Mrs. Smith was hired
7 -- she was hired as an office manager for Glenn Mechanical in
8 2016.

9 To be clear with you, as far as -- from the depositions
10 taken and Mr. Glenn's testimony, what he did for his
11 employees, either you get a vehicle to drive that's in the
12 name of Glenn Mechanical, or you get a vehicle that's in your
13 name, and you get a vehicle allowance. Okay, in this case,
14 they went to -- Mrs. Smith and Mr. Glenn went to Ralph Hayes
15 Toyota. They looked at this Toyota -- 2016 Toyota 4Runner
16 with the VIN number ending in 086.

17 All right, there is a bill of sale in the name of Glenn
18 Mechanical. My client gave -- signed the documentation, gave
19 his drivers license -- a picture of his drivers license
20 number. There is document -- and I have presented that to
21 Your Honor on my memorandum in opposition to show that there
22 is a genuine issue of material fact. The vehicle was to be
23 titled in Glenn Mechanical. Also attached to my motion is --
24 but apparently, it wasn't. It was not.

25 Mr. Glenn paid the amount -- wrote a check for \$36,400,

1 and made another payment of \$6,000 to Ralph Hayes Toyota for
2 the purchase of this vehicle. Now, it's disputed whether he
3 received the money from Mrs. Smith, but it is without question
4 that Mr. Glenn, the managing partner of Glenn Mechanical, paid
5 the entire purchase price to Ralph Hayes Toyota for this
6 vehicle. We have a bill of sale in the name of Glenn
7 Mechanical.

8 You also have the deposition excerpts that I have
9 attached to my motion from Matthew Pierce. That was -- his
10 deposition was taken in December of last year, who was with
11 Mrs. Smith during this period of time. They lived together.
12 He testified he got direct knowledge and saw her with two sets
13 of paperwork. She said I've got the paperwork. She went back
14 to Ralph Hayes Toyota, and she said I'm going to put it in my
15 name, because John's not going to know. That's what happened.

16 And what's critical about this case -- and that's what we
17 said in our claim and delivery, that the title was wrongful.
18 He didn't find out until she left and refused to give the car
19 back. Then he finds out that the car is not in his name, so
20 that our claim and delivery says that he was -- she wrongfully
21 put that vehicle in his name. So, what happened is she went
22 back and talked to Stanley Ukadike -- that's the finance guy.

23 The monkey business happened in the finance office. She
24 was by herself. The salesman -- and what happened in that
25 finance office is that the documentation was changed from

1 Glenn Mechanical to Mrs. Smith. That paperwork then went to
2 Tonya Davis, the title clerk, who doesn't deal with any of
3 these people. She doesn't deal -- she just deals with the
4 paperwork she gets, and by the time she got the paperwork, the
5 documents were wrongfully in the name of Mrs. Smith.

6 Scotty -- Scott Brown, the salesman, testified at his
7 deposition that he remembers them coming in, that there was a
8 hold up on the sale because the car was -- the vehicle was to
9 be titled in Glenn Mechanical. And he said Mrs. Smith came
10 back and she went to the finance office, and that's where the
11 monkey business takes place. That's a genuine issue of
12 material fact.

13 I've got -- like I said, Mr. Glenn testified -- or
14 submitted an affidavit along with a restraining order when
15 this was filed that he wasn't aware until this -- until -- at
16 the time of Mrs. Smith leaving the -- her position, was that
17 the vehicle as not titled in Glenn Mechanical. It was done so
18 without his knowledge or consent, and we have paperwork that
19 lists Glenn Mechanical, LLC as the owner. We have, again, the
20 affidavit as well as the deposition excerpts of Matthew Pierce
21 saying that she purposely knew what she was doing, and she was
22 going to put this car in her name. Why, because they had an
23 argument that says why are you going to give up your car and
24 have a car in the company name. What if you get fired? She
25 says, well, I'm going to go ahead and put it in my name,

1 because I can do it. I've got the paperwork, and he'll never
2 know. That's his direct testimony.

3 As well as the salesman, Scott Brown, that says, you
4 know, where there was a hold up on the sale for a couple of
5 days, and it is my understanding that the hold up was because
6 the car was supposed to be in the name of the company, and it
7 wasn't, because Mrs. Smith went back by herself. That is a
8 genuine issue of material fact, and we'd ask the Court to deny
9 the Defendant's motion for summary judgment.

10 THE COURT: Well, let me ask you something that just
11 initially jumps out at me. Who paid the vehicle taxes on the
12 yearly?

13 MR. LOGAN: My client. Every year.

14 THE COURT: And if -- and I'm just asking because ---

15 MR. LOGAN: --- my client, every year.

16 MR. EPPS: She would. And that -- our position is, that
17 is because she got -- there's no way Mr. Glenn would have
18 known. Because at that point and time, she knew what she was
19 doing, so she'd get all the -- she'd get the tax notices and
20 she was the officer manager. She controlled that. That's ---

21 THE COURT: And that's what leads me to my second
22 question. If it was an allowance -- and I'm just asking this,
23 but if it was a vehicle allowance, wouldn't that be a taxable
24 -- wouldn't that be a taxable income that would show up?
25 Wouldn't that be shown somewhere that she was supposed to

1 receive a taxable vehicle allowance?

2 MR. EPPS: Well, she wouldn't have gotten the allowanc6e
3 because it was -- the purpose was either somebody at the -- if
4 the vehicle was in her name, then she would get a vehicle
5 allowance. If the -- or, if the vehicle would be in the Glenn
6 Mechanical name, and they would drive the vehicle in the name
7 of Glenn Mechanical. That's what -- other employees testified
8 to that.

9 And so, this was the case where she wrongfully -- our
10 position is, she wrongfully put that -- got that title, got
11 into the finance office, gave paperwork that put her name on
12 the title, in contrary to what Mr. Glenn wanted and what he
13 expected, and he didn't know about it, and she knew he
14 wouldn't know about it. She was the office manager, she
15 handled all that business, and you know, as far as if it's in
16 her name, he wouldn't know, because he wouldn't get the tax
17 notice. She would get the tax notice, as well as she being
18 the office manager, she controlled that.

19 So, when he finds out that this is what took place, then
20 that precipitated filing this claim and delivery. And again,
21 it's a genuine issue of material fact of what happened, and
22 nobody's -- and the finance guy is around, but he is not
23 employed by Ralph Hayes Toyota anymore, and nobody's talked to
24 him. That's where the monkey business took place.

25 MR. LOGAN: May I respond, Your Honor?

1 THE COURT: Sure. Yeah.

2 MR. LOGAN: This story is so full of holes it's
3 ridiculous. He had mentioned other transactions where --
4 dealing with other vehicles. I'm not aware of any transaction
5 where the employee put money into a car that was bought. If
6 they have some of those type transactions, I'd like to see
7 them. They haven't showed them to me yet. My client put
8 \$8,000 of her money into this car that he was giving -- that
9 he was buying for her for her own personal use because of her
10 position with the company.

11 That's her vehicle, she has the title. As far as Stanley
12 -- all this stuff he's saying about what Stanley and in this
13 back room somewhere with the finances, what proof does he have
14 of that? The salesman wasn't in there. The title clerk
15 wasn't in there. How does he know that? How does he know
16 that? So, I mean, that's just not plausible that -- Glenn has
17 been buying Toyotas from Ralph Hayes Toyota for years.

18 I don't know how many Toyotas he's bought as company
19 cars. And you're going to tell me that the sales man and a
20 finance guy is going to gratuitously just put the title at the
21 request of my client, who works for him, going to just
22 gratuitously put it in her name, without talking to Glenn? I
23 mean, that's just ridiculous. And I look forward -- if you
24 don't grant this motion, which I strongly suggest that you
25 should, I look forward to talking with these people who have a

1 grudge against my client, who lived -- who she lived with at
2 the time, and cross-examining them. They have nothing to do
3 with this. There was animosity in the relationship that
4 they're talking about. They're trying to use that in order to
5 attack her. Nothing was out of order as long as she was
6 working for them. It doesn't have any traction to it at all.

7 THE COURT: Okay.

8 MR. EPPS: It's an issue of fact that the only canceled
9 checks that you've got for this vehicle is the \$36,400, and
10 the \$6,000 paid by John Glenn, and I can give you the
11 affidavit -- the depositions. John later testified that's --
12 as far as the vehicles, how they are either titled or they are
13 titled in the business, or is titled -- or you get an
14 allowance. You know, that's his testimony, and that's a
15 deposition that we took, that he took, so there's a genuine
16 issue of material fact of what happened and how this car
17 wrongfully got put in her name. And he can argue that to the
18 jury all day long, but it's a genuine issue of material fact.

19 MR. LOGAN: Your Honor, he can only ride that horse of
20 material fact only so long. We don't dispute that Mr. Glenn
21 wrote a check. It was a company car, he should have written a
22 check in the -- from the Glenn Mechanical account. He wrote a
23 personal check for \$36,400 or \$34,600, and the reason we have
24 a \$6,000 check is for the reason that I told you. She was
25 going to use her car as a trade-in, decided to sell it, and

1 then therefore, he had to -- Glenn had to pay the \$6,000 back
2 because it was not used as a trade-in.

3 MR. EPPS: I know this ---

4 MR. LOGAN: So, on this side, it doesn't fit on the other
5 side.

6 MR. EPPS: He is the managing partner of Glenn
7 Mechanical, LLC.

8 THE COURT: Yeah, I get it. All right, look, Jim, if you
9 could send me that stuff.

10 MR. LOGAN: I'll be glad to.

11 THE COURT: And I'll take it home with me, and I'll let
12 you guys know something. I told that other group that it
13 would be Friday. To be honest with you, my wife is really,
14 really significantly sick. It's probably going to be next
15 week before you hear from me. But it will be next week.

16 MR. LOGAN: I'm sorry to hear about that. Do you want me
17 to try to get this to you today or tomorrow?

18 THE COURT: Today or tomorrow. Just tomorrow will be
19 fine. I mean, I ---

20 MR. LOGAN: Do I -- will I just bring it to your office?

21 THE COURT: Sure. You can take it -- if you want to take
22 it to the clerk and have somebody bring it and just put it in
23 my box, I'll send my -- Martin down to get it.

24 MR. LOGAN: Okay.

25 MR. EPPS: And Your Honor, I hope your -- I hope Doctor -

1 - I hope she feels better.

2 THE COURT: Well, we had grandchildren who were with us
3 all weekend.

4 MR. LOGAN: Oh, mercy.

5 THE COURT: And the nine-month old was like an assassin.
6 She had some sort of cold that has almost killed us.

7 MR. EPPS: But, and I just -- real briefly, Your Honor, I
8 just -- as the standard -- as you know, the standard for
9 motions for summary judgment and facts taken in favor of us,
10 and we don't need to submit a scintilla of evidence, so.

11 THE COURT: I get it. I'll let you guys know.

12 MR. EPPS: Yes, sir.

13 MR. LOGAN: Thank you, Judge.

14 THE COURT: I'll wait to get that. Thank y'all.

15 MR. LOGAN: Appreciate it.

16 THE COURT: I appreciate y'all doing it this way.

17 MR. LOGAN: Yes, sir.

18 THE COURT: All right, good luck.

19 MR. EPPS: Thank you.

20 End of Transcript.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON) CERTIFICATE OF REPORTER

I, THE UNDERSIGNED LESA D. TAYLOR, OFFICIAL COURT REPORTER FOR THE TENTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF ALL REQUESTED PROCEEDINGS RECORDED AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT OF ANDERSON COUNTY, SOUTH CAROLINA, ON THE 1ST DAY OF JUNE, 2022.

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

October 12, 2022

Lesa D. Taylor

LESA D. TAYLOR
COURT REPORTER

1 terminated -- I think is the way I phrased my
2 question -- did you believe that she needed to be
3 terminated based upon any illegal activity that she was
4 engaged in?

5 A. I tried to get her to stay.

6 Q. Well, answer my question first, and I'll
7 follow up with what you answer to that.

8 A. Well, your question is "termination." My
9 intent was never to terminate.

10 Q. All right. Well, you responded earlier
11 when I said -- you testified in your affidavit that she
12 was terminated. That's where I'm getting that from.
13 You signed an affidavit saying she was terminated.

14 Now you're saying she was not terminated,
15 if I understand what you're saying. Okay. So now, I'm
16 saying you said she resigned?

17 A. Okay.

18 Q. But she resigned before you were going to
19 terminate her.

20 A. Let's read this affidavit. Okay? Nowhere
21 in here says I terminated. It says, "The defendant was
22 terminated."

23 Termination can be many things.
24 Termination can mean she quit. It can mean anything.
25 It does not say that I nor Glenn Mechanical terminated

1 her, so I stand by what I said.

2 Q. So she could terminate herself. Is that
3 what you're saying?

4 A. She did.

5 Q. So she terminated herself?

6 A. Yes.

7 Q. Okay. All right.

8 All right. She terminated herself, but she
9 was getting ready to be terminated by you. Is that what
10 you told me?

11 A. I just told you. I tried to talk her into
12 taking a little bit of time off and getting her head on
13 straight and coming back to work.

14 Q. All right. And why did she need to have
15 time off to get her head straight?

16 A. She had just gone through her dad being
17 very sick. There were some things that happened, and
18 she needed to get her head straight.

19 Q. What kind of things happened?

20 A. Her dad was in the hospital, and she took a
21 lot of time off.

22 Q. Okay. So you didn't want to terminate her?

23 A. That was not the intent, no.

24 Q. Okay. So you told her she needed to take
25 some time off?

1 A. I did.

2 Q. And she didn't take the time off; is that
3 right?

4 A. I mean, ultimately, she did.

5 Q. Okay. How long was it between her dad
6 being sick and her leaving the company?

7 A. I don't know. It was quick.

8 Q. Okay. Okay.

9 So you didn't terminate her. You didn't
10 want her to leave the company. You tried to keep her on
11 as an employee; is that right?

12 A. That's correct.

13 Q. So she terminated herself, is what you're
14 saying. She left the company.

15 A. She did.

16 Q. She left you.

17 A. Correct.

18 Q. Okay. And do you know what she did once
19 she left your company?

20 A. I do not.

21 Q. Okay. You had no further contact with her;
22 is that correct?

23 A. We've talked once or twice, maybe.

24 Q. What was the substance of that
25 conversation?

1 Q. That's what they allowed?

2 A. That's correct.

3 Q. And once you got cash and Ms. Smith --

4 A. That's not correct.

5 Q. Well, why did you write a check back to
6 Ralph Hayes for \$6,000, because that was shown as the
7 down -- as a trade-in on the transaction, correct?

8 A. That's correct.

9 Q. That's what they allowed.

10 A. That's correct.

11 Q. And once you got cash from Ms. Smith --

12 A. Not correct.

13 Q. Well, why did you write a check back to
14 Ralph Hayes for 6,000?

15 A. Because we owed them 6,000 more dollars
16 because she did not trade her car in.

17 Q. Correct.

18 A. Okay.

19 Q. And she gave you the cash for the car that
20 she sold to apply in lieu of the down -- of the \$6,000
21 trade-in, correct?

22 A. I don't remember.

23 Q. You don't remember?

24 A. I really don't. I mean, honestly, I don't.

25 Q. Okay. Did any of the --

1 Q. \$7,200?

2 A. It was not 8,000.

3 Q. Okay. And was the -- whatever that price
4 was, was that applied toward the purchase of that
5 vehicle?

6 A. I don't know.

7 Q. So you don't know whether she gave you the
8 cash from the sale of the --

9 A. I really don't remember.

10 Q. You don't remember?

11 A. (Shaking head.)

12 Q. Okay. Was anybody else involved in that
13 transaction besides you and Ms. Smith?

14 A. Not that I know of. I don't know.

15 Q. Okay. So you can't say one way or another
16 whether or not she gave you the cash from that sale of
17 her vehicle to apply towards the purchase price of the
18 vehicle that Glenn Mechanical purchased for her?

19 A. Honestly, I cannot. I do not remember that
20 transaction, but I do know that the car was not sold
21 when I wrote the check for the balance of the car.

22 Q. Okay. And, in fact, you later wrote the
23 check back to Ralph Hayes for \$6,000 because that was
24 shown as the trade-in on the transaction, correct?

25 A. That's correct.

1 A. Based on what I've heard today, yes.

2 Q. On what you've heard today? What do you
3 mean?

4 A. I was not in the room, so I don't know.

5 Q. Not in what room?

6 A. The transaction was done at my office. I
7 was not in the room when the transaction was done.

8 Q. The sale of her car?

9 A. The sale, yes.

10 Q. So you were not in there, so you don't have
11 any personal knowledge as to what the car was sold for?

12 A. I do not.

13 Q. Do you have any reason to dispute her
14 testimony that it was sold for \$8,000?

15 A. Today I was told it was sold for \$7,200.

16 Q. Who told you that?

17 A. Jamie Lee.

18 Q. Jamie Lee?

19 A. Yes.

20 Q. And you were told that before you came over
21 here this morning?

22 A. Yes.

23 Q. Okay. And what is the basis of his
24 knowledge?

25 A. I think he was in the room with her.

1 Q. \$7,200?

2 A. It was not 8,000.

3 Q. Okay. And was the -- whatever that price
4 was, was that applied toward the purchase of that
5 vehicle?

6 A. I don't know.

7 Q. So you don't know whether she gave you the
8 cash from the sale of the --

9 A. I really don't remember.

10 Q. You don't remember?

11 A. (Shaking head.)

12 Q. Okay. Was anybody else involved in that
13 transaction besides you and Ms. Smith?

14 A. Not that I know of. I don't know.

15 Q. Okay. So you can't say one way or another
16 whether or not she gave you the cash from that sale of
17 her vehicle to apply towards the purchase price of the
18 vehicle that Glenn Mechanical purchased for her?

19 A. Honestly, I cannot. I do not remember that
20 transaction, but I do know that the car was not sold
21 when I wrote the check for the balance of the car.

22 Q. Okay. And, in fact, you later wrote the
23 check back to Ralph Hayes for \$6,000 because that was
24 shown as the trade-in on the transaction, correct?

25 A. That's correct.

1 Q. That's what they allowed?

2 A. That's correct.

3 Q. And once you got cash and Ms. Smith --

4 A. That's not correct.

5 Q. Well, why did you write a check back to
6 Ralph Hayes for \$6,000, because that was shown as the
7 down -- as a trade-in on the transaction, correct?

8 A. That's correct.

9 Q. That's what they allowed.

10 A. That's correct.

11 Q. And once you got cash from Ms. Smith --

12 A. Not correct.

13 Q. Well, why did you write a check back to
14 Ralph Hayes for 6,000?

15 A. Because we owed them 6,000 more dollars
16 because she did not trade her car in.

17 Q. Correct.

18 A. Okay.

19 Q. And she gave you the cash for the car that
20 she sold to apply in lieu of the down -- of the \$6,000
21 trade-in, correct?

22 A. I don't remember.

23 Q. You don't remember?

24 A. I really don't. I mean, honestly, I don't.

25 Q. Okay. Did any of the --

1 A. The sale of the car was after the \$6,000
2 check was written. If \$6,000 was ever put in my hand or
3 my bank bag, I don't remember.

4 MR. LOGAN: Okay. Since we're talking
5 about that, let's have this marked, please, ma'am. That
6 will be Exhibit 2.

7 (Defendant's Exhibit Number 2, John Glenn, Jr., Check
8 1376, 8/16/16, \$6,000, was marked for identification.)

9 BY MR. LOGAN:

10 Q. All right. What I'm showing you is,
11 apparently, a personal check written on your account as
12 John Glenn, Jr. That's you; is that right?

13 A. That's correct.

14 Q. And it's dated August the 16th, 2016,
15 correct?

16 A. That's correct.

17 Q. The other transaction involving the Toyota
18 is in July of '16; is that right?

19 A. The transaction did not happen on the 27th.
20 No, that's not correct.

21 Q. Okay. But it happened before August the
22 16th, correct?

23 A. Correct.

24 Q. Okay. So between July and August is when
25 the transaction happened?

1 A. Correct.

2 Q. Okay. Is this your signature on this
3 check?

4 A. It is.

5 Q. Okay. And you wrote that -- or you wrote
6 Ralph Hayes a check for \$6,000, and the reason for that
7 was because on the original transaction they had shown a
8 trade-in allowance of \$6,000 for Ms. Smith's vehicle; is
9 that correct?

10 A. That's correct.

11 Q. Okay. So that's why you had to reimburse
12 Ralph Hayes Motors \$6,000.

13 A. That's not correct.

14 Q. Okay. Why did you reimburse it?

15 A. To finish paying off the car.

16 Q. Okay. Why would you need to finish paying
17 off the car?

18 A. Because she did not trade her car in.

19 MR. LOGAN: Let's have that marked as
20 Exhibit 3.

21 (Defendant's Exhibit Number 3, John Glenn, Jr., Check
22 1451, 8/1/16, \$36,400, was marked for identification.)

23 BY MR. LOGAN:

24 Q. Okay. This is a check that you wrote to --
25 Exhibit 3 is a check you wrote to Ralph Hayes Toyota for

1 \$36,400; is that correct?

2 A. That's correct.

3 Q. Okay. The purchase price for the car was
4 how much?

5 A. 42,400, I think.

6 Q. Okay. All right.

7 And those checks were written on the same
8 day; is that right?

9 A. No.

10 Q. I'm sorry. There is a 15-day difference,
11 correct?

12 A. Correct.

13 Q. Okay. All right.

14 And in between the time that you wrote the
15 \$36,400 check and you writing the \$6,000 check, you
16 don't remember receiving cash from Ms. Smith for \$8,000
17 toward the purchase of that vehicle?

18 A. I know for a fact that it didn't happen
19 because the car was sold after I wrote this check.

20 Q. Okay.

21 A. So there's no way.

22 Q. Did you receive it after that?

23 A. I do not think so. I do not remember. If
24 you asked me if I -- honestly, if she handed me and --
25 put cash in my hand, I'll tell you I do not. And if it

1 was \$8,000 -- I know it was not \$8,000.

2 Q. Okay.

3 A. Why would she pay me 2,000 more than she
4 was supposed to? That's what this agreement was
5 supposed to be, was 6,000, but that's not what happened.

6 Q. So she was supposed to pay you \$6,000 as
7 opposed to \$8,000. Is that what you're telling me?

8 A. Yes, from the sale of her car.

9 Q. From the sale of her car.

10 So whether or not cash was paid or whatnot,
11 as part of this transaction that you entered into with
12 her, she was supposed to either use her car as a
13 trade-in towards the purchase of this Toyota or once the
14 car was sold, to give you the cash from that; is that
15 correct?

16 A. That's correct.

17 Q. Okay. And you're saying you don't remember
18 whether that happened or not?

19 A. That's correct.

20 Q. Okay. Now, any other company cars that
21 were furnished by Glenn Mechanical to other employees,
22 did any of them use their vehicles as trade-ins for the
23 company car that you furnished them?

24 A. Yes.

25 Q. Who?

1 was \$8,000 -- I know it was not \$8,000.

2 Q. Okay.

3 A. Why would she pay me 2,000 more than she
4 was supposed to? That's what this agreement was
5 supposed to be, was 6,000, but that's not what happened.

6 Q. So she was supposed to pay you \$6,000 as
7 opposed to \$8,000. Is that what you're telling me?

8 A. Yes, from the sale of her car.

9 Q. From the sale of her car.

10 So whether or not cash was paid or whatnot,
11 as part of this transaction that you entered into with
12 her, she was supposed to either use her car as a
13 trade-in towards the purchase of this Toyota or once the
14 car was sold, to give you the cash from that; is that
15 correct?

16 A. That's correct.

17 Q. Okay. And you're saying you don't remember
18 whether that happened or not?

19 A. That's correct.

20 Q. Okay. Now, any other company cars that
21 were furnished by Glenn Mechanical to other employees,
22 did any of them use their vehicles as trade-ins for the
23 company car that you furnished them?

24 A. Yes.

25 Q. Who?

1 A. Just about getting this resolved.

2 Q. Okay. And what has she told you in those
3 conversations?

4 A. I mean, basically she wasn't returning the
5 car.

6 Q. And did she tell you why she felt like she
7 was entitled to the car?

8 A. She did.

9 Q. And what did she tell you?

10 A. It's what's on your exhibit -- whatever
11 that exhibit is. I mean, she said she paid the taxes,
12 insurance, this, that, or other. But even down to the
13 end, a month or so before she left, I mean, I put a new
14 set of tires on that thing thinking it was a company
15 vehicle.

16 Q. Okay. And if it was a company vehicle, it
17 would have been your responsibility to pay for the taxes
18 and insurance and gas for business use on that vehicle,
19 correct?

20 A. Correct.

21 Q. And if it was a company vehicle, if she, in
22 fact, paid either cash or allowed her vehicle to be used
23 as a trade-in, it would have been your responsibility to
24 reimburse her for whatever ownership interest she had in
25 that vehicle, correct?

1 Q. Okay. And her father continued to do work
2 for you four to six weeks after Ms. Smith left, right?

3 A. Roughly.

4 Q. And you had a conversation with him, and he
5 told her to bring the vehicle back?

6 A. That's what he told me.

7 Q. Okay. And based on -- did he tell you that
8 she -- that he had a vehicle that she could operate?

9 A. He did.

10 Q. Okay. And did he specify what kind of
11 vehicles that he had or other vehicle that he had?

12 A. No. He just said, "I've got a car."

13 Q. Okay.

14 THE WITNESS: Can I use the restroom?

15 MR. LOGAN: Sure.

16 (A break transpired.)

17 BY MR. EPPS:

18 Q. All right. But you've never really seen
19 any proof of payment that these payments were made by
20 Ms. Smith to State Farm, Allstate, or Palmetto Insurance
21 for the insurance on this vehicle, correct?

22 A. No.

23 Q. All right. The only thing that we have
24 that has been provided is two receipts for the property
25 taxes paid on this Toyota Tundra, correct?

1 A. Correct.

2 Q. All right.

3 A. On a 4Runner.

4 Q. Does the receipt state how it was paid, who
5 paid it, and in what manner?

6 A. No.

7 Q. All right. You don't know who paid it,
8 right?

9 A. (Shaking head.)

10 Q. Did you receive any receipts from -- gas
11 receipts for any of these gas estimates?

12 A. I mean, I haven't seen them, no.

13 Q. Okay. And we did receive the receipt from
14 the repair for the chewed wires.

15 A. That's correct.

16 Q. Okay. Now, is there anything else you want
17 to say about -- are you concerned about wear and tear on
18 the vehicle?

19 A. I am.

20 Q. Are you concerned that because of the
21 subject matter of this action that there could be an
22 accident, that that car could be damaged?

23 A. Correct.

24 MR. EPPS: Okay. All right.

25 I've got no further questions.

RE-EXAMINATION

BY MR. LOGAN:

Q. All right. Just to follow up, you were asked about attachments to Exhibit 5 -- excuse me -- 4.

Now, if you'd flip over from the title page, would you agree with me that the attachments are documents that are Ralph Hayes Motors or Ralph Hayes Toyota documents?

A. Say that one more time.

Q. Would you agree with me those attachments beyond the copy of the title are Ralph Hayes Motors documents?

A. I do.

Q. Okay. You're not claiming that Ms. Smith prepared those documents, are you?

A. No.

Q. Okay. And Plaintiff's Exhibit 1, that's a Ralph Hayes document as well; is that right?

A. Which one? Yes.

Q. Both of those pages, right?

A. Yes.

Q. Okay. In between the -- you keep referring to the difference in dates. In between the dates of July 27th and the middle of August, did anyone from Ralph Hayes Toyota call you or contact you about the

1 difference between Plaintiff's Exhibit 1, as far as
2 showing the purchase of Glenn Mechanical and the Ralph
3 Hayes documents dated July 27th showing -- which is the
4 date you went out there with her -- showing Ms. Smith as
5 the purchaser of the vehicle?

6 A. Say that one more time.

7 Q. Did anyone from Ralph Hayes Toyota -- in
8 particular Scott Brown, who is listed as the salesman --
9 call you between July 27th, 2016, and August -- I
10 believe it's the 16th, 2016 -- to ask or inquire about
11 why there is a difference between the purchases being
12 shown as Glenn Mechanical on your Exhibit Number 1 and
13 the purchaser being shown as Ms. Smith on the Ralph
14 Hayes documents attached to Defendant's Exhibit 4?

15 A. No. The only person that called -- in my
16 recollection of the events, we went and test drove the
17 car on the 27th. She liked it. I went in on the 1st
18 and wrote the check.

19 She did not trade her car in. So they
20 called me to finalize the payment, and I think I sent
21 her with the \$6,000 check, and that's when it got
22 changed.

23 Q. You believe that's when it got changed?

24 A. That's the only time it could have been
25 changed.

1 Q. Okay.

2 A. But I was not there when this check was
3 delivered.

4 Q. All right. Did the salesperson at Ralph
5 Hayes contact you in any way about a change being made?

6 A. No.

7 Q. Would you have expected the salesperson to
8 do that on his own without confirmation from you that
9 the name of the owner was being changed?

10 A. I wouldn't expect that, no. I mean --

11 Q. You wouldn't expect them to contact you and
12 say --

13 A. Oh, yeah. I mean, I would, but, I mean,
14 again, Sihi handles all I've done with all 30 of my
15 vehicles until this last one or two that I've bought. I
16 go. I tell them what needs to be bought. I sign the
17 paperwork, usually hand them a check, and I'm done with
18 the transaction.

19 Q. And this check came from John Glenn and/or
20 John Glenn Mechanical, correct?

21 A. It came from John Glenn because at the time
22 that we were opening this business up, I had to loan the
23 company a lot of money.

24 Q. Okay. And no one contacted you from Ralph
25 Hayes Motors inquiring about why there was a change; is

1 that correct?

2 A. That's correct.

3 Q. Would you have expected them -- because
4 you're such a good customer of theirs and you had been
5 out there in July -- to call you about that if that was
6 some concern to them or they didn't have some authority
7 to do it that way?

8 MR. EPPS: Objection to form.

9 THE WITNESS: I mean, again, I just found
10 out about this not long ago. So, I mean, I don't know
11 what their practice --

12 BY MR. LOGAN:

13 Q. That's not my question. My question is:
14 would you have expected because of your relationship
15 with Ralph Hayes Toyota if there was a change in who was
16 going to be the owner of that vehicle to have contacted
17 you before that change was made unless you had given
18 them the authority to do that?

19 MR. EPPS: Object to the form.

20 BY MR. LOGAN:

21 Q. Okay. That's my question. Would you have
22 expected them to call you or contact you?

23 A. I mean, you're asking a hypothetical
24 question.

25 Q. You had a relationship -- Ms. Smith

1 didn't -- with Ralph Hayes Toyota, correct?

2 A. I did, but they also knew she was my office
3 manager.

4 Q. Okay. And you had told them, had you not,
5 why you were buying this car; is that correct?

6 A. I told them, yeah, it was for her. But it
7 was always supposed to be in the Glenn Mechanical name.

8 Q. Okay.

9 A. I was not there on the 16th when it got put
10 in her name.

11 Q. So you told them that it was not to be put
12 in her name, to be put in Glenn Mechanical's name, in
13 July when you first went out there with her?

14 A. That's why I signed it.

15 Q. Okay. All right.
16 So why was it changed?

17 A. That's why we're sitting here.

18 Q. All right. Are you saying Ms. Smith
19 changed it?

20 A. Her signature is on the document.

21 Q. All right. Why would Ralph Hayes Toyota
22 change it just based on her statement if, in fact, it
23 was made --

24 A. I'm not Ralph Hayes Toyota. I can't answer
25 that.

1 Q. Let me finish my question, please.

2 MR. EPPS: Object to the form.

3 THE WITNESS: I'm not Ralph Hayes Toyota.

4 I can't answer that question. I'm not Ralph Hayes

5 Toyota.

6 BY MR. LOGAN:

7 Q. Well, you're the one that had the
8 relationship.

9 A. I did my part.

10 Q. You're the one that went out there in July
11 and told them about the purchase of the car and why it
12 was being purchased, correct?

13 A. Correct.

14 Q. Okay.

15 A. I also bought one for my daughter, and it's
16 not in her name. I bought one for another project
17 manager, and it's not in his name. Typically, we put
18 these things in the name that it's supposed to be in,
19 and when I sign my name on a document, it's done. I did
20 not sign these other documents.

21 Q. But that's why you would have expected
22 and --

23 A. Again, I can't answer for them.

24 Q. Let me finish my question, please. It'll
25 go a lot quicker and I'll be through.

1 You would have expected they would not make
2 any change to how the ownership was to be shown without
3 your authority to do it that, would you?

4 MR. EPPS: Object to the form.

5 THE WITNESS: Again, I've answered that
6 question. I can't tell you what expectations --
7 expectations can be a lot things. But what I can tell
8 you is that when I went there and I signed this paper
9 and put it in Glenn Mechanical's name, I was done, and
10 she went back with a check for \$6,000 because she did
11 not trade her car in. And they asked for final payment,
12 and I wrote them a check, and she went back and changed
13 it to her name. Those are the facts, and that's all I
14 can speak to.

15 BY MR. LOGAN:

16 Q. And nobody from Ralph Hayes Toyota called
17 you to inquire as to whether or not that was your
18 intent, did they?

19 A. No.

20 Q. Okay. So whatever your intent was, they
21 had to have gotten that when you were out there with her
22 in July, correct?

23 A. And they got it.

24 Q. Okay.

25 MR. EPPS: Object to the form.

1 MR. LOGAN: Okay. That's all I've got.

2 MR. EPPS: I've got a quick follow-up.

3 RE-EXAMINATION

4 BY MR. EPPS:

5 Q. Did you ever give Ralph Hayes Toyota
6 permission or authority to change the purchaser name
7 into Ms. Smith's for that Toyota?

8 A. No.

9 MR. EPPS: No questions. No further
10 questions.

11 MR. LOGAN: Maybe we've got another
12 defender in the case.

13 That's all I've got.

14 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION
15 CONCLUDED AT 10:52 A.M.)

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1 STIPULATIONS:

2 It is agreed by and between the Counsel for the parties as
3 follows:

- 4 1. That this deposition is being taken pursuant to Rule 30
5 of the South Carolina Rules of Civil Procedure;
6 2. That the deponent waives the right to read and sign the
7 deposition transcript.

8 *****

9 TONYA MARIE DAVIS, first being duly sworn, was examined and
10 testified as follows:

11 *****

12 EXAMINATION BY MR. LOGAN:

13 Q. For the record would you state your full name, please,
14 ma'am?

15 A. Tonya Marie Davis.

16 Q. Okay. And your address, please, ma'am?

17 A. 212 Green Cherry Road, Anderson, South Carolina 29625.

18 Q. Okay. And I'm going to ask her just to record the last
19 four digits of your social security number. So if
20 you'll give us your full social security number she
21 will only make a record --

22 A. Okay. why do you have to have my social security
23 number?

24 Q. We just need to know to be able to identify if someone
25 comes up later and says I'm Tonya Davis and that kind

1 of thing.

2 A. Uh-huh.

3 Q. But we're not taking the whole number so there's
4 nothing that can be done with it.

5 A. Okay.

6 Q. We just want the last four. We want the whole number,
7 but we will only record the last four digits.

8 A. Okay.

9 Q. Okay.

10 A. 5868.

11 Q. All right. No, you need to give me the first ones too,
12 but she's only recording the 5868.

13 A. Uh-huh.

14 Q. Okay. Can you give me the first part of your Social?

15 A. XXX.

16 Q. And then the next two?

17 A. But we're being recorded, so you're going to have the
18 whole thing.

19 Q. Yeah, I know, but she's -- she's not going to record
20 the whole number is my point. You're going to give it
21 to us, but she's only going to record the last four.

22 A. Okay. I would rather not give my Social Security
23 number, sir.

24 Q. All right.

25 A. I mean if that's fine. I mean.

1 Q. well, give us the last four.

2 A. I did. 5868.

3 Q. All right. That will be fine. Okay. All right. Now,
4 as I explained to you before we got on the record I
5 represent a party to this litigation that has been
6 brought by Glenn Mechanical.

7 A. Uh-huh.

8 Q. Okay. Mr. Epps represents Glenn Mechanical.

9 A. Uh-huh.

10 Q. You are not represented in this case by an attorney.

11 A. Uh-huh.

12 Q. The purpose of us being here today is to find out what,
13 if anything, you know about some of the issues in this
14 case.

15 A. Uh-huh.

16 Q. Since as I understand it you were an employee
17 identified as the Title Clerk in 2016 when this
18 transaction occurred; is that correct?

19 A. Yes, sir.

20 Q. Okay. And there's some documents that were generated
21 as a result of this transaction. I'm going to ask you
22 what, if anything, you know about them and what, if
23 any, dealings you had with either anyone connected with
24 Glenn Mechanical or with my client concerning this
25 transaction.

1 A. Yes, sir.

2 Q. Okay. You understand that?

3 A. Yes, sir.

4 Q. Okay. All right. Let me get just a little bit of
5 background. Are you originally from Anderson?

6 A. Yes, sir.

7 Q. Okay. You've lived here all your life?

8 A. Yes, sir.

9 Q. Okay. How long have you been employed by Ralph Hayes
10 Toyota?

11 A. This September will be 22 years.

12 Q. Twenty-two years?

13 A. Yes, sir.

14 Q. So you've been there a good while then?

15 A. Yes, sir.

16 Q. And have you always been the Title Clerk?

17 A. No, sir.

18 Q. Okay. How long have you been the title clerk?

19 A. Probably about -- I don't know, maybe about 19 or 20
20 years.

21 Q. Nineteen or 20 of those 22 years?

22 A. Yes, sir.

23 Q. Okay. What did you do before you became the Title
24 Clerk?

25 A. I started out as the cashier for parts and service.

1 Q. Okay. And then you moved into the position of Title
2 Clerk?

3 A. Yes, sir.

4 Q. Okay. Are you married?

5 A. No, sir.

6 Q. Okay. Have you ever been married?

7 A. No, sir.

8 Q. Okay. And do you have any relatives that live in
9 Anderson County?

10 A. Yes, sir.

11 Q. All right. Who are those relatives?

12 A. Pretty much my whole family.

13 Q. Okay. Can you give me their names? Like your parents.
14 Are your parents still --

15 A. My parents have passed away.

16 Q. They passed away. Do you have any brothers or sisters?

17 A. I have a brother but he does not live here. That's the
18 only family member I have that doesn't live here.

19 Q. Okay. What's the relationship of your family that does
20 live in Anderson County?

21 A. I've got an aunt that lives here. Uncles that live
22 here.

23 Q. I'm sorry?

24 A. I've got aunts and uncles that live here.

25 Q. Okay.

1 A. Cousins that live here. I mean everybody else pretty
2 much lives here.

3 Q. Can you give me the last names of your aunts, uncles,
4 and cousins that live in Anderson County?

5 A. It would be Southerland, Carothers, Dyar, and then
6 Franks.

7 Q. D-y-a-r?

8 A. Yes, sir.

9 Q. Okay. All right.

10 A. Then Franks.

11 Q. Southerland, Dyar. Who else?

12 A. Carothers.

13 Q. Carothers.

14 A. And Franks.

15 Q. And Franks. Okay. Any other last names that you can
16 think of that you would be related to?

17 A. No, sir.

18 Q. Okay. All right. In your 19 or 20 years as being the
19 Title Clerk for Ralph Hayes Motors have you been
20 involved in any other lawsuits where you testified?

21 A. No, sir.

22 Q. Okay. All right. What are your duties and
23 responsibilities as the Title Clerk?

24 A. I have to go through the paperwork and then process it
25 and register the vehicles.

1 Q. Okay. So you're not involved in the sales transactions
2 yourself?

3 A. No, sir.

4 Q. Okay.

5 A. I never speak with the customers.

6 Q. You never speak with the customers?

7 A. Not unless I have to call once I'm processing the
8 paperwork and get them to change their address if the
9 address is different.

10 Q. Okay. And was that the case in the case of Ms. Sihierh
11 Smith?

12 A. No, sir.

13 Q. Huh?

14 A. No, sir.

15 Q. Okay. What was your involvement with her?

16 A. I just processed the paperwork.

17 Q. Oh, okay. So you just processed the paperwork?

18 A. Yes, sir.

19 Q. And where did you get that paperwork from?

20 A. We get the deals and then once we get the deals I go
21 through those and get the paperwork out of the deal.

22 Q. So you get the deal from the salesperson?

23 A. It comes from -- it goes from the salesperson, then the
24 Finance Department, the Finance Department sends it to
25 us.

1 Q. Okay.

2 A. Then I'm the last person that gets the deal. Once I
3 get that deal I go through it and pull out my title
4 work.

5 Q. Pull out your title work and does that mean then that
6 based upon the paperwork that you got, and you never
7 have contact with the customer, you send that paperwork
8 in to the appropriate authorities; is that right?

9 A. Yes, sir.

10 Q. And one of those of authorities -- would one of those
11 authorities be the DMV?

12 A. Yes, sir.

13 Q. Okay. And the purpose of that is to have a title
14 issued in the name of the person purchasing the vehicle
15 that's on the paperwork that you got from the Finance
16 Department?

17 A. Yes, sir.

18 Q. Okay. Now, I understand that Scott Jason Brown was the
19 salesperson for this 19 -- good gracious, I'm showing
20 you my age, for this 2016 Toyota 4Runner?

21 A. Yes, sir.

22 Q. Okay. Do you have any independent recollection of this
23 transaction as we sit here today?

24 A. No, sir.

25 Q. Okay.

1 A. From what I understand it was from '16, so. And we
2 sell anywhere from 150 to 200 cars a month.

3 Q. I understand.

4 A. So that's a lot of paperwork.

5 Q. I understand. And I wouldn't expect you to have an
6 independent recollection --

7 A. Yes, sir.

8 Q. -- unless it was something unusual that happened --

9 A. Yes, sir.

10 Q. -- in this transaction.

11 A. Yes, sir.

12 Q. Okay. So you don't recall anything unusual in this
13 transaction?

14 A. No, sir.

15 Q. Okay. So he would have been the salesman. Who would
16 have been in charge of the finance office at the time?

17 A. At that time it would have been -- we called him Stan
18 U, but his last name is Ukadike. If I'm saying that
19 right.

20 Q. Well, it's Stan?

21 A. Yes, it Stan. Yes. But we always called him Stan U.
22 He was the Finance Manager at that time.

23 Q. Okay. So the paperwork comes from the salesman?

24 A. Well, they write up the deal and then it goes to
25 finance.

1 Q. Okay. Well, what about the Sales Manager, does he get
2 involved in any way?

3 A. The Sales Manager is normally involved with the price
4 and everything with the vehicle negotiating that, so.

5 Q. Along with the salesman?

6 A. Along with the salesperson.

7 Q. Okay. So the chain of command so to speak in this case
8 would have been Scott Brown and Stan --

9 A. Stan U. We always called Stan U because of his last
10 name. A lot of people can't say that last name.

11 Q. Okay. Okay.

12 A. And I'm not sure I'm saying it right.

13 Q. Okay.

14 A. Because we always just said Stan U.

15 Q. And John, the Sales Manager, is John A-o-s-t-i-n-o; is
16 that correct?

17 A. That would have been John Aostino.

18 Q. And is his title, did I say that correctly, Sales
19 Manager?

20 A. He would have been the Sales Manager at that time, yes,
21 sir.

22 Q. And he would have been involved with -- with Scott or
23 with Stan in the chain?

24 A. He would -- he may have been involved with both of
25 them. I can't say. I'm not sure on that.

1 Q. What was his distinct -- what was John's distinction
2 involvement?

3 A. The salesmen normally go to the Sales Manager, whoever
4 he is that day or at that time, and like I said they
5 normally negotiate the price of the vehicle.

6 Q. Okay. And once a deal is reached does Brown or John
7 carry the paperwork to Stan?

8 A. It would be Scott that would give the deal to Stan.

9 Q. Give the deal to Stan?

10 A. Yes, sir.

11 Q. And the deal would be what's on the paperwork; is that
12 right?

13 A. Yes, sir.

14 Q. And then what role would Stan have?

15 A. Stan does the -- if it's a cash or a finance deal he
16 would get the best rates as far as if it was finance
17 deal and he would draw up the contracts and he would
18 draw up all the paperwork. So he would do all the DMV
19 paperwork and everything that I would get.

20 Q. Okay. When -- when it comes to you from Stan, or when
21 it came to you from Stan, all that type paperwork would
22 have been filled out; is that right?

23 A. Yes, sir, it would have been a completed deal once I
24 get it.

25 Q. Okay. And then you take it from there and see that

1 it's properly filed and sent to the appropriate entity
2 such as the DMV so that a title can be issued; is that
3 right?

4 A. Yes, sir.

5 Q. And when that title is issued does it come back to you?

6 A. It depends on -- at that time I can't remember if we
7 were using the EVR or if it was going to the Highway
8 Department. If it went to the Highway Department it
9 would come back to me.

10 Q. Okay.

11 A. If I process it inside of the system we do the
12 paperwork and then it goes to Columbia and Columbia
13 mails everything to the customer.

14 Q. Okay.

15 A. That's what we're doing now.

16 Q. Well, when we look through some documents maybe you can
17 tell me which -- which way it was handled. Okay?

18 A. Yes, sir.

19 Q. All right. And I understand that neither John nor Stan
20 are still there?

21 A. Yes, sir.

22 Q. But you are and of course Scott Brown --

23 A. Scott, yes, sir.

24 Q. -- is still there? Okay. All right. I have in front
25 of me and I'm just going to hand them to you one at a

1 time. Davis Exhibit Number 1, which is a two-page
2 document and ask you if you can identify that document.

3 (Introduction of pertinent 2-page document,
4 Buyer's Order as
5 Defendant's Exhibit Number 1.)

6 A. This would be what we call the Buyer's Order where
7 they've got how much the vehicle is and the fees and
8 everything, and the trade-in is listed on this.

9 Q. Okay. And whose name is on there as the purchaser?

10 A. I'm not sure. How do you say the first name?

11 Q. Sihierh.

12 A. Sihierh and then Smith.

13 Q. The last name is Smith?

14 A. Yes, sir.

15 Q. Okay. And does it have a purchase order on here?

16 A. The stock number of the vehicle is on here. See. It's
17 on the top right corner.

18 Q. Okay.

19 A. It's the stock number of the car.

20 Q. And it is a 2016 Toyota?

21 A. 4Runner.

22 Q. 4Runner.

23 A. Uh-huh.

24 Q. And got the body style and got the serial number;
25 right?

1 A. Yes, sir.

2 Q. Okay. So is this part of the paperwork that would have
3 come to you from Stan regarding this vehicle?

4 A. Yes, sir.

5 Q. Okay.

6 A. This would have been in the deal.

7 Q. At any time during the transaction, which I assume --
8 well, let's just say assume it's dated July 27th of
9 2016?

10 A. That would have been when the paperwork was done when
11 they were in the finance office.

12 Q. Okay. At any time during or after you received this
13 paperwork, Exhibit 1, and there's more to it that I
14 will get to in a minute, did you have any conversation
15 with either Ms. Smith or with anyone connected in any
16 way with Glenn Mechanical?

17 A. No, sir.

18 Q. Okay. So based upon this paperwork it was your
19 understanding that this vehicle was to be purchased by
20 or at least put in the name of Ms. Smith; is that
21 correct?

22 A. Yes, sir.

23 Q. Okay. All right. That's Exhibit 1. Just flip it over
24 and we'll keep them in order. Now, I'll show you
25 what's been marked as Exhibit 2 to your deposition and

1 ask you if you can tell me what that is?

2 (Introduction of pertinent 1-page document,
3 South Carolina DMV Form 5047 Power of Attorney as
4 Defendant's Exhibit Number 2.)

5 A. This is a Power of Attorney that the customer signs so
6 that if anything comes up afterwards that needs to be
7 signed we can sign her name.

8 Q. Okay. And in this case the customer is identified as
9 Ms. Smith; is that right?

10 A. Yes, sir.

11 Q. Is your name on this form in any way?

12 A. No, sir.

13 Q. And it's not on the Exhibit 1 either; is it?

14 A. No, sir.

15 Q. Okay. And does it appear to be for the same vehicle
16 that you referenced in Exhibit 1?

17 A. Yes, sir.

18 Q. Okay. For the same vehicle. It shows the mileage and
19 shows the date of the sale and the type vehicle with
20 the VIN number?

21 A. Yes, sir.

22 Q. Okay. And is this one of the documents that either
23 Stan, or John, or Scott Brown would have -- that would
24 have been a part of the package that came to you?

25 A. This is -- yes, sir, this is part of what finance

1 prints up.

2 Q. Okay.

3 A. It's in every deal.

4 Q. All right. That's Exhibit 2. All right. Let's look
5 at Exhibit 3 and can you identify that document?

6 (Introduction of pertinent 1-page document,
7 Application for Certificate of
8 Title & Registration Form 400 as
9 Defendant's Exhibit Number 3.)

10 A. This is a Form 400. It is what is used to register the
11 vehicle. It's where you mark if they're going to
12 purchase tag or transfer a tag. On this right here a
13 tag was transferred.

14 Q. From another vehicle?

15 A. From another vehicle, yes, sir.

16 Q. Do you know what vehicle that was from this form?

17 A. No, sir.

18 Q. Okay.

19 A. I wouldn't know from this form what it was.

20 Q. Okay. And whose name is listed as the owner in that
21 one?

22 A. It's Ms. Smith.

23 Q. Okay. Would Exhibit B -- I mean 3 be part of the
24 documentation that came to you from the sale side of
25 the transaction?

1 A. Yes, sir.

2 Q. Okay. Now, some of these exhibits already have an
3 exhibit and then a "G" or an "I" on them, I have
4 renumbered them and she's going to, when she records
5 them she is going to take off that Exhibit G, so I'm
6 going to refer to the number down at the bottom.

7 A. Yes, sir.

8 Q. All right. So this is Exhibit Number 4. So can you
9 tell me what is behind that title page?

10 (Introduction of pertinent 2-page document,
11 Registration for 2016 Toyota 4Runner as
12 Defendant's Exhibit Number 4.)

13 A. This would be the registration for the '16 4Runner.

14 Q. For the sale that these other documents refer to?

15 A. For the sale of this 4Runner.

16 Q. Okay. And whose name is on that document?

17 A. Ms. Smith's name is on this.

18 Q. Okay. Is this something that you would have prepared?

19 A. This is something -- since we have the actually
20 registration it would have went to the Highway
21 Department and come back from the Highway Department.

22 Q. Okay. So the information as to who the owner of this
23 vehicle, which is identified as -- it's got 4Runner,
24 Toyota 2016 4Runner, that information would have been
25 gleaned from the other paperwork that you sent in?

1 A. From the -- yes, sir, from the Form 400 because it's
2 the same plate that they wanted to transfer, so.

3 Q. Okay.

4 A. It's this same plate right here. It went onto the
5 4Runnder.

6 Q. Now, there is it's look a little sticky note at the
7 bottom. Can you read that or have any idea what that
8 says?

9 A. It's got Ms. Smith and Glenn Mechanical and a phone
10 number and it says, "Need to know about tag. Her tag
11 is running out." And then it's -- one of the manager's
12 signature, but I'm not sure which one.

13 Q. And was that a tag that was on -- that was removed from
14 a vehicle and put on the new vehicle that she
15 purchased?

16 A. Yes, sir.

17 Q. All right.

18 A. Because she ended up transferring a tag, so that would
19 have been -- that would have come off of a vehicle and
20 gone onto this one.

21 Q. Okay.

22 A. And then that's when we called. It may have been
23 walked through since the tag was running out. I'm not
24 sure, but we got the new registration.

25 Q. Okay. And that's what's referred to in that top right

1 corner?

2 A. Yes, sir, to call when back with the registration.

3 Q. So the actual document itself, S.C. Document of
4 Registration, that would have been prepared by the
5 Highway Department; is that right?

6 A. Yes, sir.

7 Q. Based upon the information that you sent them?

8 A. Yes. Yes, sir.

9 Q. In 2016?

10 A. Yes, sir.

11 Q. All right. All right. The next exhibit is Exhibit 5
12 that I will show you to your deposition. And if you
13 will take a look at that.

14 (Introduction of pertinent 6-page document,
15 Glenn Mechanical Buyer's Order as
16 Defendant's Exhibit Number 5.)

17 A. (Witness reviewing exhibit.)

18 Q. All right. Can you tell me what that document is?

19 A. It's another Buyer's Order and it's in the name of
20 Glenn Mechanical showing a trade-in.

21 Q. For the 4Runner?

22 A. For -- well, it's a purchase of the 4Runner and trade-
23 in a Kia.

24 Q. Okay. So this just pertains to the Kia; is that right?

25 A. No, this is just like where it's been -- it's just like

1 the other form. I believe it was the first one that
2 you showed me was in Ms. Smith's name. This one right
3 here is in the Glenn Mechanical's name.

4 Q. And is it the same vehicle?

5 A. It's the same.

6 Q. Okay.

7 A. A '16 4Runner.

8 Q. Okay. Do you have any explanation as to why the -- how
9 this came about?

10 A. No, sir.

11 Q. Okay. Or when it came about?

12 A. No, sir.

13 Q. Did you prepare that document?

14 A. No, sir.

15 Q. Who prepared it?

16 A. It would have went through the Finance Department.

17 Q. Okay. So you never touched this document; is that
18 right?

19 A. No, sir.

20 Q. And you knew nothing about this document until today;
21 is that correct?

22 A. No, sir. No, sir.

23 Q. Okay. All right. So you have no knowledge as to why
24 -- is that document the same as Exhibit 1 except just
25 with a different --

1 A. A different name.

2 Q. -- name?

3 A. Yes, sir.

4 Q. Okay. And you have no knowledge as to
5 about, Exhibit 5, nor who prepared it?

6 A. No, sir. It would have went through the Finance
7 Department and that's where it would have come from.

8 Q. Okay. Okay. But it never came to your department to
9 issue a --

10 A. Registration.

11 Q. -- registration or a title; is that right?

12 A. Yes, sir.

13 Q. Okay. So to your knowledge you or anyone in your
14 office never sent in information to have a title issued
15 in the name of Glenn Mechanical?

16 A. No, sir.

17 Q. Okay. And why would Sales have done that instead of
18 going through you if that was your job?

19 A. I don't do the paperwork. All the paperwork comes from
20 finance. And then when I get that deal I go through
21 and pull out my title work.

22 Q. But you never got the paperwork for this?

23 A. No, sir. I would have got paperwork -- if I registered
24 it in her name that would have been the paperwork that
25 I would received.

1 Q. Okay. So you never -- if it's not issued in -- and by
2 you, you never got this paperwork?

3 A. No, sir.

4 Q. Was it common practice for someone in Sales to issue
5 this paperwork to the Highway Department?

6 A. You would have to ask finance that question.

7 Q. I'd have to ask the people who --

8 A. Yeah. Yeah.

9 Q. -- who are not still with Ralph Hayes --

10 A. Yes, sir.

11 Q. -- wouldn't I?

12 A. Yes, sir.

13 Q. Did you find that unusual as you look in here today
14 that you would not have been the one to prepare the
15 title?

16 A. Well, I'll go through about the title work. This is
17 right here is not part of my title work.

18 Q. Okay.

19 A. So I mean I don't look at this when I'm the one to
20 register the vehicle. I don't need this.

21 Q. What do you look at?

22 A. I have to have a Form 400. I have to have either -- if
23 they're transferring I've got to have a copy of the
24 registration. I've got to have an insurance card and
25 I've got to have a PTO, which is showing where Ralph

1 Hayes Toyota sold it to whatever customer.

2 Q. Have you seen any of those documents in what I've asked
3 you to look at so far?

4 A. The Form 400.

5 Q. Which one is that?

6 A. Hold on just a second. Three.

7 Q. Exhibit 3?

8 A. Yes, sir, that's the Form 400.

9 Q. Let me see. Okay.

10 A. That's what sent to the Highway Department along with
11 an insurance card and then they -- like I said if
12 they're transferring I have to a copy of the
13 registration card.

14 Q. Okay.

15 A. And then I have to have the PTO, which is where we sell
16 it to them.

17 Q. Do you see a PTO in what I've shown you so far?

18 A. No, sir.

19 Q. Okay. And you have not so far seen a Form 400 in the
20 name of Glenn Mechanical; is that right?

21 A. No, sir, I have not.

22 Q. Okay.

23 A. This would be the other form, but I can't read what's
24 on here. But this right here has my name as like the
25 seller, which I sign for Ralph Hayes Toyota and this

1 has got the customer's name as Smith as the buyer.

2 Q. Okay. And what is that form called?

3 A. That's the PTO that I was talking about needing.

4 Q. That's the PTA.

5 A. PTO.

6 Q. Okay. Well, let me see if I can --

7 A. Affidavit & Notification of Sale of Motor Vehicle. We
8 call it -- we call it a PTO at the dealership.

9 Q. Okay.

10 A. But I can't read what was on here before. I'm taking
11 it was sold to the customer.

12 Q. Right. Have you -- have I showed you Exhibit 5 yet?

13 A. This is 5 that we're going through now, sir.

14 Q. Right. All right. If you will look, we've talked
15 about the first page of that.

16 A. Yes, sir.

17 Q. That's got Scott Brown and Stanley.

18 A. Uh-huh.

19 Q. And then it says Glenn Mechanical; right?

20 A. Yes, sir.

21 Q. All right. And then you look at the next page. What
22 is this form called?

23 A. It's the same form.

24 Q. The same form as the one that I just asked you about?

25 A. Yes, sir.

1 Q. Okay. But that's got Glenn Mechanical?

2 A. Yes, sir.

3 Q. And you never saw anything -- you didn't handle this at
4 all?

5 A. No, sir.

6 Q. All right. Look at the back of that. I mean the next
7 page. There is a -- it looks like a South Carolina
8 Department of Motor Vehicle Form 5047.

9 A. That's the Power of Attorney just like we had on the
10 other form.

11 Q. Okay.

12 A. So if we have to sign for Glenn Mechanical we could
13 sign for Glenn Mechanical.

14 Q. All right.

15 A. On this one.

16 Q. Who signed that? Can you tell?

17 A. I'm guessing somebody for Glenn Mechanical.

18 Q. Okay. All right.

19 A. I'm not sure. I can't read the signature.

20 Q. I gotcha. Now, you didn't have anything to do with
21 preparing this form either, did you?

22 A. No, sir.

23 Q. Okay. You don't know how it came about?

24 A. No, sir.

25 Q. But you've got one of these in the name of Ms. Smith;

1 right?

2 A. Yes, sir.

3 Q. All right. And then the next page beyond that that's
4 the one that's got both your name and it's got Ms.
5 Smith's name on it; right?

6 A. Yes, sir.

7 Q. Okay. So that would have been a part of the package to
8 go with what Ms. Smith --

9 A. To the Highway Department.

10 Q. To the Highway Department with Ms. Smith?

11 A. Yes, sir.

12 Q. You haven't seen anything yet that would go to the
13 Highway Department for Glenn Mechanical?

14 A. No, sir.

15 Q. Okay. And then the last page of that exhibit, what is
16 that? Is that just a --

17 A. Honestly, sir, I'm not sure what this is. I'm guessing
18 this is just telling about the car.

19 Q. Okay.

20 A. Like I said -- she's got, "I decline all options," and
21 she signed, so I'm guessing it just something that they
22 could maybe sell her maybe on top of the car.

23 Q. I gotcha. But the top of the page says prepared for
24 Ms. Smith; is that right?

25 A. Yes, sir.

1 Q. Okay. So we have no documents in this exhibit that
2 would have gone to the Highway Department with the name
3 of Glenn Mechanical on it; do we?

4 A. No, sir.

5 Q. Okay. Now, I want to show you Exhibit 6.

6 A. Yes, sir.

7 Q. And I want you to go -- I'll tell you what I want you
8 to look at. Most of this is not involved with you.

9 All right. If you'll look several pages in there's

10 some paperwork that looks like this, which appears to
11 me to just to be advertisement.

12 (Introduction of pertinent 36-page document,
13 Plaintiff's Answers to Interrogatories
14 and Request for Production with Documents as
15 Defendant's Exhibit Number 6.)

16 Q. Okay. Do you agree with that assessment?

17 A. Yes, sir.

18 Q. Okay. Now, behind that also is I believe another copy
19 of what you've already looked at --

20 A. Yes, sir.

21 Q. -- dealing with Glenn Mechanical?

22 A. Yes, sir.

23 Q. Okay. Which doesn't go to the Highway Department?

24 A. No, sir.

25 Q. And you had no involvement with?

1 A. No, sir.

2 Q. The next is a Form 40 -- excuse me, 5047, which you've
3 already seen but were not involved in; is that right?

4 A. Yes, sir.

5 Q. You furnished these same forms to -- you saw the same
6 forms dealing with Ms. Smith, but you never saw these
7 forms; is that right?

8 A. Yes, sir.

9 Q. Okay. Can you tell me whose -- well, Scott Brown is
10 the Salesman and then Stanley is the --

11 A. He's the Finance Manager.

12 Q. Finance Manager.

13 A. Uh-huh.

14 Q. Okay. And then I believe the next page is the same as
15 the previous page.

16 A. Yes, sir.

17 Q. Form 5047.

18 A. Yes, sir.

19 Q. Okay. And then there is -- the next page identified as
20 Affidavit of Notification of Sale of Vehicle?

21 A. Yes, sir.

22 Q. Do you see that for the Glenn Mechanical?

23 A. Yes, sir.

24 Q. You never saw that, did you?

25 A. No, sir.

1 Q. Okay. So that didn't come through the Ti
2 Department?

3 A. No, sir.

4 Q. None of these documents with Glenn Mechanical on them
5 ever came through the Title Department?

6 A. Yes, sir.

7 Q. Okay. Next is a picture of Mr. John Glenn. Do you
8 recognize that or did you ever have any dealings with
9 him?

10 A. No, sir.

11 Q. Okay. The next page is what? And it says customer
12 Sihierh Smith?

13 A. That's normally what goes on the front of the deal
14 where the -- it's like a checkoff list for finance to
15 make sure they've got everything. It's the Buyer's
16 Order, We Owe, Agreement to Provide Insurance, copy of
17 driver's license, copy of insurance, and copy of
18 registration or tag.

19 Q. Okay. And that's got Ms. Smith's name on it; right?

20 A. Yes, sir.

21 Q. Would that have been part of the package that came to
22 you?

23 A. That would have been inside the deal from where they
24 had checked off what they had.

25 Q. Okay. And then the page behind that with the same date

1 you've already seen I believe, because it's the --

2 A. It's the Buyer's Order.

3 Q. -- the Buyer's Order and that's in the name of Ms.
4 Smith; right?

5 A. Yes, sir.

6 Q. And that was part of the package that came to you?

7 A. Yes, sir.

8 Q. Okay. And then the next page, what is that document?

9 A. This is just where it's listed the buyer and the trade-
10 in of a vehicle for the Kia.

11 Q. Okay.

12 A. It's where they traded that car in and showed that they
13 were trading that car into the dealership and it's been
14 signed. I'm guessing. It has like the trade
15 allowance, what was given for that car.

16 Q. Uh-huh.

17 A. And the sales price of the vehicle that was being
18 purchased.

19 Q. Okay. And that's in Ms. Smith's name?

20 A. Yes, sir.

21 Q. And do you recognize the signatures of anybody below
22 that?

23 A. That would be -- approved by would be one of the
24 managers, but I'm not sure who signed it. I can't read
25 or tell who --

1 Q. You mean accepted by?

2 A. Accepted by, yes, sir.

3 Q. Okay. Okay. All right. What do you call the next
4 form?

5 A. The next form is a We Owe. If anything is owed to the
6 customer, anything promised by the dealership it would
7 go on that form. Like if they wanted maybe tint on the
8 windows or anything like that, it would be put on that
9 that we owe the customer that for the vehicle. This
10 right here just has sold as equipped, so nothing was
11 owed.

12 Q. And it says sold by -- signed by -- or Scott Brown's
13 name is on it to Ms. Smith; is that right?

14 A. Yes, sir.

15 Q. Okay. That would have been part of the package?

16 A. Yes, sir.

17 Q. Okay. What is this next document behind that?

18 A. This is another form that's just signed by the
19 customer. It's just what does Ralph Hayes Toyota, like
20 with your personal information. It's just stating that
21 we don't do anything with your information.

22 Q. Okay.

23 A. Privacy policy.

24 Q. And, again, it shows Ms. Smith as being the purchaser
25 or customer; is that right?

1 A. Yes, sir.

2 Q. And I assume the next page, it says page 2, I assume
3 that's the second page of that document?

4 A. Continued on to that, yes, sir.

5 Q. Okay. And what is the next page? Agreement to Provide
6 Accidental Physical Damage Insurance?

7 A. This is what they would fill out for the insurance on
8 the vehicle.

9 Q. Okay. And, again, that's Ms. Smith; is that right?

10 A. Yes, sir.

11 Q. Okay. And that would have been part of the package
12 that came to you as far as her purchase; is that right?

13 A. Yes, sir.

14 Q. And the document -- page behind that is that part of
15 that Agreement?

16 A. Yes, sir.

17 Q. Okay. All right. Then the next thing we've got is in
18 that same exhibit is a page titled South Carolina
19 Department of Motor Vehicles. It's got Ralph Hayes as
20 the dealer. It's got Ms. Smith as the prospective
21 purchaser with the same dates and whatnot. And that
22 plate, would that be the plate off of the -- off of her
23 vehicle or do you know?

24 A. I'm trying to see where the plate.

25 Q. Dealer plate right here?

1 A. Oh, no, sir. I'm not sure what that is. That's not --

2 Q. Do you get this form?

3 A. No, sir, I'm not sure what form this is.

4 Q. Well, apparently it's a Department of Motor Vehicle's
5 form.

6 A. Yeah, it's something but it's not something that I
7 would -- I would use.

8 Q. Okay. But you do acknowledge that --

9 A. Yes, sir.

10 Q. -- it shows Ralph Hayes as the dealer --

11 A. Yes, sir.

12 Q. -- and Ms. Smith as the owner?

13 A. Yes, sir.

14 Q. Okay. And I think this is a form that you've seen
15 before that would have been a part of your package
16 since it has Ms. Smith's name on it?

17 A. Yes, sir.

18 Q. Was that a "yes"?

19 A. Yes, sir.

20 Q. Okay. And that's the form that's identified as -- from
21 the South Carolina Department of Motor Vehicle Power of
22 Attorney Form 5047?

23 A. Yes, sir.

24 Q. And then I've asked you about the next one, which is
25 the Affidavit & Notification Sale.

1 A. Yes, sir.

2 Q. And that's your signature and that of Ms. Smith; is
3 that right?

4 A. Yes, sir.

5 Q. Okay. And I've already asked you about the next page
6 that has her name on it?

7 A. Yes, sir.

8 Q. That's talking about -- how the car is equipped and
9 whatnot?

10 A. Yes, sir.

11 Q. Okay. And then I think you've already seen this. This
12 is the Form 400?

13 A. Yes, sir.

14 Q. Another copy of that with Ms. Smith's name on it?

15 A. Yes, sir.

16 Q. Again, part of the package that you saw?

17 A. Yes, sir.

18 Q. Now, the next document would be the Certificate of
19 Title from Toyota to Ralph Hayes Motors when they
20 purchased the car from the manufacturer; is that right?

21 A. Yes, sir. Yes, sir.

22 Q. Okay. So you would expect to see Ralph Hayes have a
23 title to the vehicle?

24 A. Yes, this is what we would use. It was a brand new
25 car, so this is what we would use and fill out the back

1 of it to the customer so they can get a title in their
2 name.

3 Q. Okay. And it's got the VIN number on it?

4 A. Yes, sir.

5 Q. Okay. And then the next page is a copy of Ms. Smith's
6 driver's license; is that correct?

7 A. Yes, sir.

8 Q. Okay. And then it's got the copy of the Certificate of
9 Registration?

10 A. Yes, sir.

11 Q. Okay.

12 A. That would have been the tag that would have been
13 transferred showing where -- showing the tag off the
14 Kia that went onto the vehicle.

15 Q. Okay. And it's got Ms. Smith's name down at the
16 bottom; is that right?

17 A. Yes, sir.

18 Q. Okay. The next form is an appraisal record. Would you
19 have gotten that?

20 A. It would have been in the deal.

21 Q. Okay. And is that part of the next page which is
22 labeled Binder of Insurance?

23 A. No, sir, that's just --

24 Q. That's a separate one?

25 A. -- showing where she has insurance.

1 Q. Okay.

2 A. On the vehicle.

3 Q. And the appraisal record what is that form for?

4 A. Let me see. This would be something that -- I'm trying
5 to see what was on here. It's for the Kia. It's the
6 appraisal for the Kia since it was traded in.

7 Q. Okay. Okay.

8 A. And that would have been what would have been given for
9 the Kia.

10 Q. All right. The next page is that Binder of Insurance?

11 A. Uh-huh. That's showing where she has insurance on the
12 4Runner.

13 Q. Okay. And the next one is another copy of the --

14 A. The registration.

15 Q. -- registration?

16 A. Uh-huh.

17 Q. Do you know why the customer's name is blocked out
18 there?

19 A. No, sir, I'm not sure why it's blocked out.

20 Q. Okay. Is that something you did?

21 A. No, sir.

22 Q. Are the notes on there something that you did?

23 A. At the top where it says call when back with the
24 registration.

25 Q. Call Ms. Smith is that what that would have been?

1 A. It would have been for. Yes, sir.

2 Q. Okay. Okay. What is the Vehicle Research Report?
3 what does that do?

4 A. That's something where you can go on with the state to
5 see what name the vehicle was in.

6 Q. Okay.

7 A. So it would have been run. Requested date was
8 9/3/2019.

9 Q. 9/3/2019?

10 A. That's when it was requested when it went through DDI
11 to find out the name that was on the vehicle.

12 Q. Okay. And it reflected that the name on the vehicle is
13 Ms. Smith; is that right?

14 A. Yes, sir.

15 Q. Okay. All right. In any of these documents have you
16 seen a title issued to Glenn Mechanical or Mr. John
17 Glenn for that vehicle?

18 A. No. No, sir.

19 Q. So there is no Certificate of Title to your knowledge
20 in existence that shows that car being titled in the
21 name of either John Glenn or his company; is that
22 correct?

23 A. No, sir.

24 Q. Okay. Do you recall ever having any conversation
25 during or after your dealings with Ms. Smith with

1 either John Glenn, anybody with Glenn Mecha..
2 whose last name we can't pronounce, Scott Brown, o.
3 John --

4 A. Aostino?

5 Q. Yeah, thank you.

6 A. You're welcome.

7 Q. Okay. About there being any change in the status of
8 title of this vehicle from Ms. Smith's name to Glenn
9 Mechanical or John Glenn?

10 A. No, sir.

11 Q. Okay. So if they're the ones that signed those two
12 documents or three documents, whatever it is, that
13 shows Glenn Mechanical as being the owner that -- you
14 had nothing to do with that; is that right?

15 A. No, sir.

16 Q. And they never told you that they did that?

17 A. No, sir.

18 Q. And they never prepared any of this other paperwork
19 that you prepared for Glenn Mechanical or John Glenn;
20 is that correct?

21 A. Yes, sir.

22 Q. Okay. Prior to today did you have any conversation
23 with either John Glenn or anybody with Glenn
24 Mechanical?

25 A. No, sir.

1 Q. Did you have any conversation with Mr. Epps?

2 A. No, sir.

3 Q. Did you have any conversation with anybody else at
4 Ralph Hayes?

5 A. No, sir.

6 Q. Did you have any conversations with Scott Brown?

7 A. No, sir.

8 Q. Did you have any conversations with me?

9 A. No, sir.

10 Q. Okay. And you never had any conversation with Glenn
11 Mechanical, or John Glenn, or their attorney, or the
12 Sales Manager, or Stan, or Ms. Smith prior to today
13 regarding the title to this vehicle; is that correct?

14 A. No, sir.

15 Q. Okay. You prepared the title for Ms. Glenn -- I mean
16 for Ms. Smith; is that right?

17 A. Yes, sir.

18 Q. And you sent it into the DMV?

19 A. Yes, sir.

20 Q. Okay. And it came back from the DMV; is that right?

21 A. Yes, sir.

22 Q. And did you then deliver it to Ms. Smith?

23 A. I would have called that day --

24 Q. You would have called her?

25 A. -- to let her know I had the registration.

1 Q. And you would have called her when? I think you gave
2 the date a few minutes ago. Sometime in September?

3 A. Whenever I got that, when it went through. It should
4 say on the registration when it was issued.

5 Q. Okay.

6 A. Let me go back to where there was a copy of the
7 registration. This issue date was 9/29/16, so we would
8 have called then.

9 Q. Okay. All right. Let me show you documentation. This
10 will be Exhibit 7. That my client obtained from the
11 South Carolina Department of Motor Vehicles.

12 (Introduction of pertinent 12-page document,
13 Title History as
14 Defendant's Exhibit Number 7.)

15 A. Uh-huh.

16 Q. Okay. And in whose name does the Department of Motor
17 Vehicles show this car as being owned?

18 A. In Ms. Smith's name.

19 Q. Okay. Now, there was a new title issued according to
20 this. Do you see that down there?

21 A. I see the title number. New title was -- yes, sir.

22 Q. Okay. Do you recall there being an issue about the --
23 I don't think they show it on here, there being a
24 mistake made in the VIN number? You will see attached
25 to -- it's the third page attached to Exhibit 7. Is

1 that your handwriting?

2 A. Yes, sir.

3 Q. And that's the VIN number that you put on the original
4 application for registration; right?

5 A. Yes, sir.

6 Q. Okay. Now, you see that VIN number. You see Ms.
7 Smith's signature on the second page?

8 A. Yes, sir.

9 Q. And you see beyond that a Certificate of Title that was
10 issued 9/29/2016 with a VIN number on that?

11 A. Yes, sir.

12 Q. And that's the one that you would have submitted to be
13 issued -- or the information to be submitted that the
14 DOT or Department of Motor Vehicles issued in Ms.
15 Smith's name; right?

16 A. Yes, sir.

17 Q. Okay. Now, if you will check the VIN number on the
18 title, Certificate of Title, to the VIN number that you
19 put on the Department of Motor Vehicles application you
20 see that there between the 3 and the 6 -- I beg your
21 pardon, 0, between the 3 and the 0, the last four
22 numbers?

23 A. Uh-huh.

24 Q. On what you submitted it was 34086 as the correct VIN
25 number and what they -- what the Department's

1 Certificate of Title that was issued it was 3086. So
2 they left out the 4.

3 A. That would have been a mistake from the Highway
4 Department.

5 Q. Yeah, from Highway Department.

6 A. Uh-huh.

7 Q. Then in 2019 --

8 A. That would have been when this would have been -- I'm
9 guessing when I would have wrote this up to fix -- to
10 correct it because it's got "title only." So that
11 would have been to correct, to get a correct title with
12 the correct VIN.

13 Q. Right. And that would have resulted in a revised title
14 being issued that corrected the VIN number; is that
15 right?

16 A. Yes, sir.

17 Q. Okay. Because the correct VIN number is shown on the
18 original Certificate of Origin to Toyota?

19 A. It's showed on all the paperwork it was correct.

20 Q. Right. Right. And it was corrected in 2019 so there
21 would have been a new Title of Certificate issued in
22 2019 with the correct VIN number on it; right?

23 A. Yes, sir, that would have been I guess why we had to
24 call the customer when it was corrected.

25 Q. Okay. And so that's why. But both titles when they

1 were issued were issued in the name of Ms. Smith?

2 A. Yes, sir.

3 Q. Okay. So I'll ask the question one more time. You
4 know of no Title Certificates ever issued in the name
5 of Glenn Mechanical?

6 A. No, sir.

7 Q. Okay. And that's why in their paperwork that they
8 submitted to me in response to my questions there is no
9 title in the name of the Plaintiff in this case?

10 A. Yes, sir.

11 Q. Okay. It was never titled in the name of Glenn
12 Mechanical?

13 A. No, sir.

14 Q. Okay. I think that's all I have.

15 MR. EPPS:

16 Can we take real quick break real quick?

17 MR. LOGAN:

18 Sure.

19 MR. EPPS:

20 I'm not going to be long.

21 (Off the Record 10:50 a.m. -- 10:52 a.m.)

22 EXAMINATION BY MR. EPPS:

23 Q. All right. Ms. Davis, hey, my name is Norman Epps.
24 How are you?

25 A. Good. How are you?

1 Q. I represent Glenn Mechanical in this Action.

2 A. Yes, sir.

3 Q. And did you -- you testified you were the final step in
4 the purchase of a vehicle from Ralph Hayes Toyota;
5 correct?

6 A. Yes, sir.

7 Q. Okay. So in this case it would have gone to Stan -- or
8 Scott Brown was the salesperson?

9 A. Yes, sir.

10 Q. And then Stanley was the finance guy?

11 A. Yes, sir.

12 Q. And you get the paperwork; correct?

13 A. Yes, sir.

14 Q. Now, you testified you never spoke to John Glenn; is
15 that right?

16 A. No, sir, not that I know of. I did not.

17 Q. Do you know John Glenn?

18 A. No, sir.

19 Q. Okay. As we sit here you don't remember speaking to
20 him at all; correct?

21 A. No, sir, this is from 2016.

22 Q. I understand.

23 A. That I know of I have not spoke with any of them.

24 Q. Did you ever speak with Ms. Smith?

25 A. No, sir, not that I recall.

1 Q. Obviously some of the paperwork that you looked at in
2 order to do your job as the finalization of the
3 purchase of this vehicle you signed some documents and
4 Ms. Smith signed documents; is that right?

5 A. Yes, sir.

6 Q. Would she have signed those documents in your presence?

7 A. No, sir.

8 Q. She would not have?

9 A. No, sir.

10 Q. Okay. All right. Let me ask you. I'm going to hand
11 you what's been marked as Plaintiff's 1.

12 A. Yes, sir.

13 MR. LOGAN:

14 Are these altogether?

15 MR. EPPS:

16 Yes, it's altogether.

17 (Introduction of pertinent 7-page document,
18 Ralph Hayes Toyota Documents/Checks as
19 Plaintiff's Exhibit Number 1.)

20 Q. All right. And as you look at the Defendant's exhibits
21 can you identify those documents?

22 A. This is the Buyer's Order.

23 Q. Okay. The same as the one that's got the name of Ms.
24 Smith on it; is that right?

25 A. Yes, sir.

1 Q. Okay. And that states that the Buyer's Order was the
2 buyer of the vehicle would be Glenn Mechanical; is that
3 right?

4 A. Yes, sir.

5 Q. Okay. And what is that next document?

6 A. The next document is a Power of Attorney.

7 Q. Similar as to what Ms. Smith signed; is that right?

8 A. Yes, sir.

9 Q. And that was in the name of Glenn Mechanical, LLC; is
10 that right?

11 A. Yes, sir.

12 Q. Okay.

13 A. The next is another Power of Attorney.

14 Q. All right. And what is that? Is that a duplicate?
15 What is that?

16 A. The first one is for the 4Runner.

17 Q. Yes.

18 A. And then the next one is for the Kia.

19 Q. Okay.

20 A. And then the next one is where Glenn Mechanical would
21 have traded in an Kia.

22 Q. Okay.

23 A. The next one is the driver's license of Mr. Glenn.

24 Q. Yeah, Mr. John Glenn. And you don't know Mr. Glenn; is
25 that right?

1 A. No, sir.

2 Q. Okay. And as we sit here today do you recognize Ms.
3 Smith?

4 A. No, sir.

5 Q. Okay. All right. And the last two documents?

6 A. It would be a check where it went through our bank.
7 It's in Mr. Glenn's name and then the first one would
8 be a copy of the check.

9 Q. Okay.

10 A. Well, it's two different checks. I'm sorry. I just
11 have looked at the amount. It was two different
12 checks, both of them wrote. So the first one may have
13 been a deposit on the car. And then the next one is
14 where it was cleared our bank. The second check was.

15 Q. Okay. So there was a check for \$36,400 made out to
16 Ralph Hayes Toyota from Mr. Glenn; is that right?

17 A. Yes, sir.

18 Q. And then another check for \$6,000 made out to Ralph
19 Hayes Toyota by Mr. Glenn; is that right?

20 A. Yes, sir.

21 Q. Okay. That first check was dated August 1, 2016?

22 A. Uh-huh.

23 Q. And it appeared to be deposited by Ralph Hayes Toyota
24 on August 2nd, 2016; is that right?

25 A. Yes, sir.

1 Q. And then that second check for \$6,000 was dated August
2 16th of 2016; right?

3 A. Yes, sir.

4 Q. Okay. So looking at those records at the very least
5 you didn't have a hand in any of those -- generating
6 any of those documents; is that right?

7 A. No, sir.

8 Q. That would be -- who would that be? That would be
9 Scott Brown in the Finance Department?

10 A. The checks would be wrote there and then it would have
11 went to -- into the office and they would have
12 deposited the checks into our checking account.

13 Q. Okay.

14 A. Ralph Hayes Toyota.

15 Q. Okay. And you didn't have any part in handling that
16 paperwork, generating that paperwork --

17 A. No, sir, I wouldn't have seen the checks.

18 Q. -- handling that money? You wouldn't have seen that at
19 all; correct?

20 A. No, sir.

21 Q. Okay. All right. Does that appear based on what you
22 looked at, the first page of that exhibit, those checks
23 reflect the purchase price of that vehicle; correct?

24 MR. LOGAN:

25 Object to the form. You can answer it if you can.

1 A. From this right here is for this amount, yes, sir.

2 Q. Okay. All right. And so other than that I guess like
3 you testified to you didn't have any interaction or you
4 didn't generate that paperwork. Basically your job is
5 at the end of -- at the end of the line?

6 A. My job is basically to pull out a Form 400, a PTO, and
7 like I said, like the driver's license, and insurance
8 card, and registration if they're going to transfer.

9 Q. Okay. Would you have had any communication with Ms.
10 Smith?

11 A. No, sir.

12 Q. Okay.

13 A. I mean only for -- I guess where -- I'm guessing from
14 the dates, like I said 2016 is a long time.

15 Q. I understand. I understand.

16 A. But from that being issued in September that would have
17 been what that registration was for and why I would
18 have called the customer then. Apparently when the
19 title was received they seen where a mistake was made.
20 So when this right here was done it was corrected in
21 September.

22 Q. Okay.

23 A. So that would have been why I would have called the
24 customer for the new registration.

25 Q. Okay.

1 A. That would make sense why the tag was -- because I was
2 looking at that note. I was trying to figure out why a
3 tag was -- why they were needing it. So apparently
4 they noticed that the registration was wrong and I had
5 to correct that with a new title.

6 Q. All right. Obviously, we've got a set of paperwork
7 made out to Glenn Mechanical; right?

8 A. Yes, sir.

9 Q. And then you've got the same set of paperwork made out
10 to Ms. Smith?

11 A. Yes, sir.

12 MR. LOGAN:

13 Object to the form.

14 Q. Okay. Is that unusual?

15 A. I mean, yes, sir. I mean it's just -- like I said I
16 pull out the Form 400, the PTO and those are the forms
17 that I am looking at. It's my job to register the car.

18 Q. I understand.

19 A. I don't know why these forms. This would be something
20 you have to ask Stan U.

21 Q. Okay.

22 A. He would have been the one who would have generated all
23 these forms.

24 Q. Okay.

25 A. And I don't know why it was done. I wished I did. I

1 wished I could answer.

2 Q. Both sets of those -- both sets of those documentations
3 are dated the same day, July the 27th of 2016; right?

4 A. Yes, sir. Yes, sir.

5 Q. Okay. If both sets of paperwork were not generated the
6 same day is it proper to have both of them dated for
7 the same date of the transaction?

8 A. They can go back. This right here was dated this date,
9 so they were all done -- from what I'm looking at done
10 on the same day. I can't tell you if they were or not.

11 Q. I understand. So you don't know?

12 A. No, sir.

13 Q. Okay. You don't know.

14 A. I do not know.

15 Q. Now, let me ask you this. All right. Now, you
16 testified and I think this is Exhibit I --

17 MR. LOGAN:

18 Exhibit 1.

19 Q. 1? This is 1.

20 A. This is what was given to me. I'm sorry I'm getting
21 confused.

22 Q. I'm just asking -- all right. Do you see that? That's
23 your signature; is that right?

24 A. Yes, sir.

25 Q. Okay. And then that's Ms. Smith's signature below

1 yours?

2 A. Yes, sir.

3 Q. Okay. So you would not -- would she have been with you
4 when you signed that documentation?

5 A. No, sir.

6 Q. Okay.

7 A. Most of the time whenever we get these forms, like I
8 said since I'm the Title Clerk, I sign. If the Finance
9 Manager doesn't sign it, I sign for the seller of Ralph
10 Hayes Toyota because I'm authorized to sign for that.

11 Q. So you would have gotten that document already signed
12 by Ms. Smith; right?

13 A. They sign that paperwork in the finance office, yes,
14 sir.

15 Q. Okay. And -- and Stanley, the finance guy, did not
16 sign it; right?

17 A. To my knowledge, no, sir.

18 Q. I understand that, but you signed it. Therefore you
19 signed; is that right?

20 A. I signed for seller, yes, sir.

21 Q. For the seller?

22 A. Yes, sir.

23 Q. Okay. But did Stanley usually sign for seller?

24 A. It just depends. If they think about it they do, if
25 they don't. It just kind of depends on if they've got

1 customers waiting on them. Like I said I'm authorized
2 to sign for the seller of Ralph Hayes Toyota.

3 Q. So just to be crystal clear you basically take the
4 paperwork that you're given from Finance and then you
5 do your job; correct?

6 A. Yes, sir.

7 Q. Okay. You've gotten no knowledge of anything that
8 transpired prior to you receiving that documentation?

9 A. No, sir.

10 Q. You don't know what communications between the
11 salesperson, the finance guy with Mr. Glenn or Ms.
12 Smith --

13 A. No, sir.

14 Q. -- you don't have any idea what took place between --
15 with those parties; is that right?

16 A. No, sir.

17 Q. Okay. All right. Just give me. So let me ask you.
18 This is paperwork that you received from Stanley; is
19 that right?

20 A. Yes, sir.

21 Q. Would that mean that Ms. Smith was with Mr. Stanley?

22 A. Yes, sir.

23 Q. She would have been in the finance office with him;
24 correct?

25 A. Yes, sir.

1 Q. Okay. All right. I have no further questions.

2 EXAMINATION BY MR. LOGAN:

3 Q. I've just got a few follow-ups.

4 A. Yes, sir.

5 Q. He showed you Plaintiff's Exhibit 1?

6 A. Yes, sir.

7 Q. That's the one you've got right there?

8 A. Yes, sir.

9 Q. In that stack of material is there a Form 400?

10 A. No, sir.

11 Q. Okay. And so this -- the documents in Plaintiff's
12 Exhibit 1 would not have been sufficient to send to the
13 Highway Department to have a Title Certificate issued
14 in the name of Glenn Mechanical; is that right?

15 A. No, sir.

16 Q. Okay. Form 400 is what's needed; right?

17 A. Yes, sir.

18 Q. Are there any other forms that are needed?

19 A. You need the Form 400, the PTO --

20 Q. Is there a PTO in this set of documents?

21 A. Just showing where a Kia was traded in. That's it.

22 Q. That's it?

23 A. Yes, sir.

24 Q. Nothing dealing with the 2016 Toyota?

25 A. No, sir.

1 Q. Okay. So sending in this set of documents, which is
2 part of Plaintiff's Exhibit 1, would not have been
3 sufficient to have a title issued in Glenn Mechanical;
4 is that right?

5 A. No, sir.

6 Q. So whoever prepared this, if that was their intent, did
7 a very sloppy job and could not have had a title from
8 the Highway Department issued in the name of Glenn
9 Mechanical for this vehicle; is that what you're
10 telling me?

11 A. Yes, sir.

12 Q. Okay.

13 MR. LOGAN:

14 Wait a minute. Wait a minute. Let me make sure I'm
15 through.

16 Q. And you don't know other -- if someone else besides you
17 -- you never saw these documents; is that right?

18 A. No, sir.

19 Q. Okay. So you don't know who signed these documents?

20 A. No, sir.

21 Q. You don't know exactly when they were prepared?

22 A. No, sir.

23 Q. And you were never authorized to or got enough
24 documents to send to the Highway Department to have a
25 certificate of Title issued in the name of Glenn

1 Mechanical; correct?

2 A. Yes, sir.

3 Q. All right. Thank you.

4 EXAMINATION BY MR. EPPS:

5 Q. Just real quick.

6 A. Yes, sir.

7 Q. This Form 400 --

8 A. Yes, sir.

9 Q. -- this Form 400. Okay. Is that signed with the
10 finance guy?

11 A. Yes, sir.

12 Q. So Ms. Smith would have to be in the finance office
13 with Stanley, the finance guy, to sign that; correct?

14 A. Yes, sir.

15 Q. Okay. No further questions.

16 EXAMINATION BY MR. LOGAN:

17 Q. One more. And if anyone else -- the only Certificate
18 -- the only -- what's the name of that document that
19 you just showed her?

20 A. The Form 400.

21 Q. Yeah. The only Form 400 you saw had Ms. Smith's name
22 on it?

23 A. Yes, sir.

24 Q. Okay. You never saw a Form 400 from anything that had
25 Glenn Mechanical on it?

1 A. No, sir.

2 Q. So you could not have applied for a Title Certificate
3 in the name of Glenn Mechanical based upon paperwork
4 that's part of Exhibit 1?

5 A. No, sir.

6 Q. Okay. Thank you. That's all I got.

7 MR. EPPS:

8 No further questions.

9 MR. LOGAN:

10 Thank you very much.

11 THE WITNESS:

12 You're welcome.

13 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION CONCLUDED
14 AT 11:06 A.M.)

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1 back home if she was coming back home?

2 A. Yeah.

3 Q. Okay. But she moved out for good, or
4 she -- the last time you all had any real contact
5 was January of 2018; is that fair?

6 A. Maybe.

7 Q. Okay.

8 A. January or February, something like
9 that.

10 Q. All right. Have you been contacted by
11 anyone, besides me in scheduling your testimony for
12 today, about this lawsuit in any way?

13 A. The private investigator for Mr. Epps
14 contacted me. I guess it was -- I don't know how
15 long. Whenever I wrote -- whenever I wrote the
16 affidavit is when the private investigator
17 contacted me, but I haven't spoken to -- I haven't
18 spoken to anybody besides you guys since I wrote
19 that affidavit.

20 Q. All right. What led up to you writing
21 that affidavit?

22 A. I got a phone call from a private
23 investigator. I think her name was Michelle. And
24 she asked me if I knew anything about the situation
25 they're going through right now, and I said, Yeah.

1 She asked me if I would write an affidavit.

2 Q. Okay. Did she ask you to put any
3 particular information in the affidavit, or did you
4 just compose that affidavit yourself?

5 A. I composed it myself.

6 Q. Okay. All right. I've got a copy of
7 your statement, which I will mark as Exhibit 1 to
8 your deposition, and it's dated September 18th of
9 2019. okay?

10 A. Okay.

11 [M. Pierce Deposition Exhibit No. 1 was
12 marked.]

13 Q. [By Mr. Logan] And it's signed by
14 Matthew Pierce, and it's notarized by Misty Davis.
15 Who is Misty Davis?

16 A. Misty, that's her name. I was thinking
17 Michelle. Misty, that's it.

18 Q. Okay. And is she the private
19 investigator for Mr. Epps?

20 A. That's who she claimed to be.

21 Q. Okay. Did you talk to Mr. Epps at all?

22 A. I haven't talked to Mr. Epps at all.

23 Q. Okay. Do you know Mr. Epps?

24 A. Not personally, no. I mean, I've heard
25 his name. Everybody's heard of the Epps name in

1 Anderson.

2 Q. Do you know -- prior to being contacted
3 by Misty Davis, were you -- did you and Mr. Glenn
4 have a conversation?

5 A. I spoke to him once, yeah.

6 Q. And what was the purpose of that
7 conver -- or nature of that conversation?

8 A. I told him if he needed any information
9 from me, he would have to get me subpoenaed.

10 Q. Okay. But yet you were willing to write
11 out a statement without being subpoenaed?

12 A. Yeah.

13 Q. Okay. So he had called you to ask for a
14 statement from you or any information you may have?

15 A. I called him.

16 Q. Okay. And why did you call him?

17 A. Because I had heard that Sihierh had
18 basically stolen the 4Runner.

19 Q. And who told you that?

20 A. I'd hear from so many people about her
21 when I lived in Anderson. I think it was Jeremy
22 Dye.

23 Q. And who is Jeremy Dye?

24 A. He worked -- and don't quote me on that.
25 He works for John, and he's married to my cousin.

1 Q. What's your cousin's name?

2 A. Amanda.

3 Q. Okay. Does Jeremy still work for
4 Mr. Glenn?

5 A. I have no idea.

6 Q. Okay. So you called Mr. Glenn. Do you
7 remember about what time it was that you called
8 Mr. Glenn?

9 A. I know it was daytime. I don't remember
10 the exact time.

11 Q. Okay. I mean, do you have a year, or do
12 you have a date or anything of that nature?

13 A. I'm sorry. I didn't -- were you talking
14 to me?

15 Q. Yes, sir. I said, Can you narrow it
16 down as to when you called -- reached out to
17 Mr. Glenn, called him? Can you tell me a date, a
18 year, a month?

19 A. Well, if I wrote the affidavit in 2019,
20 I would say it was sometime before I wrote the
21 affidavit in 2019.

22 Q. Okay. And what did --

23 A. I don't have a planner.

24 Q. What did he ask you to do?

25 A. He didn't ask me to do anything.

1 Q. Okay. Well, why did you call him?

2 A. Because I know what went down with the
3 4Runner.

4 Q. And what went down with the 4Runner?

5 A. He bought her a 4Runner. The original
6 bill of sale was in his name for her to test drive.
7 And we had an argument about that because she was
8 giving him her car, and I told her that was stupid
9 to give her car for a car -- for a vehicle that she
10 doesn't even own. I told her that was stupid.
11 When she went back to do the paperwork, John Glenn
12 didn't go with her, and she put the bill of sale in
13 her name.

14 Q. And how do you know that?

15 A. Because I saw it.

16 Q. You saw what?

17 A. I saw both bills of sale. When she
18 brought it home the first day, the bill of sale was
19 sitting in the car when I drove it down the road,
20 and it had John -- or Glenn Mechanical might have
21 been the name on the bill of sale. And then when
22 she went back to do the paperwork, she told me she
23 had it put in her name.

24 Q. Okay. Did she tell you anything else
25 about the transaction?

1 A. She said John didn't know because he
2 didn't do the paperwork.

3 Q. Okay. Who did the paperwork?

4 A. She went to Ralph Hayes to do the
5 paperwork.

6 Q. Okay. And Ralph Hayes did the
7 paperwork?

8 A. Yeah. Well, yeah. You know how that
9 goes. I guess the finance guy did the -- I don't
10 know who did the paperwork. I know her name was on
11 the last bill of sale.

12 Q. Okay. And she told you that she gave
13 John Glenn her car in exchange --

14 A. Yeah. Yeah. That was another big
15 argument because I was working in Greenwood at the
16 time. And I wanted to drive her car back and forth
17 to work to save miles and gas in my truck, and she
18 said she had to give that to John Glenn.

19 Q. Okay. So, and she was willing, in order
20 to -- based upon what you've told me, she was
21 willing to give up her car to John Glenn in
22 exchange for the truck that he was going to give
23 her; is that your understanding?

24 A. For the truck -- she had to give her car
25 to be able to drive a company car.

1 Q. She had to give her car to drive a
2 company car?

3 A. Yeah. That was basically the argument
4 we had because I told her it was stupid to give him
5 her car and that 4Runner not be in her name. You
6 don't give up your car and not have anything
7 because he could fire her on a moment's notice, and
8 she wouldn't have anything to drive.

9 Q. Okay. All right. So that was the --
10 that was the information you shared with her; is
11 that right?

12 A. Yeah.

13 Q. Okay. All right. But she was -- your
14 understanding was she was willing to give her car
15 to Glenn in exchange for him buying the 4Runner; is
16 that right?

17 A. Yes.

18 Q. Okay. All right. Did she drive the
19 4Runner while she was still living with you?

20 A. Yeah.

21 Q. Okay. And did you ever drive it at all?

22 A. Yeah.

23 Q. Okay. Who paid the gas on the four --
24 for the 4Runner?

25 A. I'm assuming she did. I don't know. I

1 and that's what's highlighted right here. That's
2 what that looks like, but we have also switched
3 through -- we've switched through CRMs a lot, so it
4 prints out our numbers sheets differently, so. But
5 that's what it looks like. But right here, the part
6 that doesn't look right to me to remember is our old
7 sheets didn't quote payment ranges and stuff like
8 that. Our new ones, who are done through Eleads
9 log-in, does print out a payment block. This one --
10 ours, I don't remember having this payment block.
11 So, to answer that question. I hope I have, sir.
12 Did the best I could.

13 This is a we owe order.

14 Q. A what?

15 A. A we owe, which shows it's sold as
16 equipped, just means that we hadn't promised anything
17 crazy, like 26-inch rims or no hydraulics or anything
18 like that on there.

19 And I can see -- this is the original.
20 These parts, these three would look like something
21 that I would be dealing with. This is the check
22 sheet that is on the front of a deal folder. As you
23 can see, I'm the salesperson there. And you got the
24 stock number on the Toyota 4Runner, and you have her
25 name right there.

1 Now, to answer another question that I
2 would assume that -- what this whole confusion is --
3 what's been going on, to my recollection and to my
4 knowledge, when this -- as you can see, I did all the
5 paperwork in her name, my part, because when this all
6 started, she was -- all right. He, Mr. Glenn, came
7 with some other lady. They came --

8 MS. SMITH: That was me.

9 THE DEPONENT: Oh, that was you. Okay.

10 All right. So there is the face.

11 A. So they came one night before, looking for
12 a car. And I think I showed you a few cars. I can't
13 remember exactly because it's been a long time. And
14 then later on, she came. I forget how to pronounce
15 her last name. I'm sorry.

16 Q. It's Smith.

17 A. Ms. Smith. But I was thinking of the full
18 name. Ms. Smith, so she came. And we were doing --
19 I can't even remember how many times, how many
20 multiple times and stuff, but finally, they were
21 going to do the deal. I remember when we were doing
22 the deal, I asked her specifically, I said, whose
23 name is this vehicle going to be in, because I know
24 that there's Glenn Mechanical, and she's like, I'm
25 not quite sure. And I said, well, until we have an

1 answer, until we know, I'm going to go through this
2 process until we get an answer. So I did my
3 paperwork in her name right then.

4 Now, when it got to the business office, I
5 know that there was a delay. I know that there was a
6 while that I had to wait because normally once
7 someone goes into a business office, it's usually
8 anywhere from 15 minutes to 45 minutes to an hour
9 that it could take, just depending on how long it
10 takes for the business manager to go through the --
11 for the situation. And I was told that I -- I was
12 informed at that time that I -- that we were going to
13 have to wait because Mr. Glenn was going to have to
14 come in. That's -- and then a few hours later, it
15 was, Oh, the deal is done. The deal is done and
16 deliver the car to her. And that's all I pretty much
17 -- the gist of what I remember.

18 Q. When Mr. Glenn came in, did you talk with
19 him?

20 A. The first time. When he came in the second
21 time, he just came in because he's -- he's friends --
22 to my knowledge, they were acquaintances of the Hayes
23 family, and a lot of times with an acquaintance of
24 the Hayes family, they'll just go directly to Robert
25 or something. But he just came, directly went to the

1 business office, and left, to my knowledge.

2 Q. All right. The first time he came in, was
3 he with Ms. Smith?

4 A. Yes. The first time I met them, I upped
5 them on the lot, and it was -- I remember him, and I
6 remember there was another young lady. And that's
7 this young lady (indicating).

8 Q. Did you have any conversations at that time
9 as to whose name the car would --

10 A. No, I did not. No. We were just -- we
11 were --

12 Q. All right. Let me answer my -- ask my
13 questions.

14 A. Okay.

15 Q. Okay?

16 A. Yes, sir.

17 Q. This will go a lot faster, I assure you, if
18 you let me do that.

19 A. Okay.

20 Q. All right. So they come out to the lot.
21 You show them some cars the first -- the first time?

22 A. Yes.

23 Q. Okay. The next -- how long was it between
24 that visit and when Ms. Smith came out?

25 A. Maybe a few days.

1 Q. Okay. Did she drive -- when she came out
2 with Mr. Glenn, did she drive off -- or drive the car
3 that you showed her?

4 A. I do not recall. Like, when they came, I
5 showed cars. When she came, I do not recall if we
6 test drove a vehicle or not. I do not recall.

7 Q. So when they left, they left in whatever
8 car they came in; is that --

9 A. Yes.

10 Q. -- your recollection?

11 A. This is two different days.

12 Q. I understand. I understand. I'm talking
13 about the first day.

14 A. Uh-huh.

15 Q. Okay. So they left in the same car that
16 they came in?

17 A. I don't remember.

18 Q. Okay. All right. And the second time, a
19 few days later, she comes out by herself; is that
20 right?

21 A. To my knowledge, yes.

22 Q. Okay. What car was she driving then?

23 A. A Kia Optima.

24 Q. A Kia Optima. Okay.

25 A. I'm assuming it's a Kia Optima.

1 Q. And you met with her again; is that right?

2 A. No. I met with Ms. Smith. That was the
3 first time I met with Ms. Smith. The first time I
4 met, I met these two, to my knowledge.

5 Q. This is Ms. Smith.

6 MS. SMITH: I am Ms. Smith.

7 THE DEPONENT: Oh, okay. So it was you
8 two. I'm sorry.

9 MS. SMITH: Uh-huh, it was.

10 THE DEPONENT: Well, your hair was
11 different then. I'm sorry.

12 Q. [By Mr. Logan] So you met with Mr. Glenn
13 and Ms. Smith the first time?

14 A. I'm assuming so. I thought that -- I mean,
15 like I said, this is six years ago, sir. I'm being
16 as honest as best I can.

17 Q. I just need to know what you remember.

18 A. I remember --

19 Q. And if you don't remember, then that's
20 fine, but I just need to know what you --

21 A. Then I would rather be honest and say -- I
22 would rather be -- say I just do not recall because I
23 know that there was two people, but I do not recall.

24 Q. All right. The second time, how many
25 people?

1 MR. GLENN: Can I say? I know I'm not
2 supposed to.

3 MR. LOGAN: Go ahead, if he'll let you.
4 It's up to him.

5 MR. GLENN: I've gone up there with several
6 people, so for him to know that it was us two is
7 going to be tough because I've taken a nanny
8 there. I've taken a friend. I mean, so that's
9 why it's not clear, and the story, and Sihierh
10 can tell you, isn't quite --

11 Q. [By Mr. Logan] I'm not fussing at you for
12 not remembering. I just want an accurate and correct
13 answer. If you remember, fine. If you don't
14 remember, just tell me that. But you're waffling
15 back and forth, and that's what confuses me.

16 A. I'm sorry. I'm just trying to recall as
17 best as possible.

18 Q. That's fine. That's fine. All right. The
19 second time she came out --

20 A. Okay.

21 Q. -- by herself; is that what you're telling
22 me --

23 A. Yes.

24 Q. -- as best you can recall?

25 A. Yes.

1 Q. Okay. And is that when you all did the
2 deal?

3 A. I believe maybe that's when we did the -- I
4 do not recall if it was the second or third time.

5 Q. Okay. And you asked her whose name it was
6 going to be --

7 A. Yes.

8 Q. And she told you, if I understand your
9 earlier testimony, that she wasn't sure?

10 A. She wasn't sure.

11 Q. Okay. So you went through the process with
12 her but left the name of the owner blank; is that
13 right?

14 A. No. At that moment, I was like, well,
15 we're going to do this under -- because this is all I
16 have right now, I'm going to put this under your
17 name, but this may change. And then when it went to
18 the business office, it got delayed, and I was -- I
19 was informed that it was needing to be switched to
20 Glenn Mechanical.

21 Q. Who informed you of that?

22 A. Well, my sales manager at the time, who was
23 John Agostino, who --

24 Q. Okay. Is he still there?

25 A. He is no longer in the industry.

1 Q. How do you spell his last name?

2 A. A-G-O-S-T-I-N-O.

3 Q. Okay. All right. He was the sales
4 manager?

5 A. He was my sales manager, yes, sir, at that
6 time.

7 Q. Okay. And he told you what, as best you
8 can recall?

9 A. We were having to -- we were having to hold
10 up because it was going under Glenn Mechanical.

11 Q. Okay. Now, which pages of Exhibit --

12 A. D is the only one.

13 Q. -- D have your name on them?

14 A. This doesn't have my name on it, but this
15 is a form that I would deal with.

16 Q. Can you tell us what page that is, not
17 necessarily the number, but the number -- all right.
18 That's 1. That's 2. That's page 3, correct?

19 A. Yes. So page 3 looks like a numbers sheet
20 when I go out to present numbers to a client.

21 Q. All right. Are any of those signatures
22 yours?

23 A. No.

24 Q. Okay.

25 A. I don't sign these forms.

1 Q. Okay.

2 A. All right. This one right here is a we
3 owe. This is --

4 Q. Page 4?

5 A. Page 4 is a we owe. It is when a -- if we
6 have promised something, which normally I don't put
7 right here "sold as equipped." I put first service
8 appointment, and I set it up six months in advance.
9 So I don't normally put that as sold as equipped
10 there. What I normally -- when I fill out my we
11 owes, I usually type in first service appointment and
12 six months down the road, and then I tell my clients.
13 I'll be like, we'll go ahead and set up your first
14 service appointment in six months or 5,000 miles,
15 whichever comes first. If you do 5,000 beforehand,
16 you call us, and we'll get you in earlier.

17 Q. Okay.

18 A. So this could --

19 Q. Is your name on that document?

20 A. No, sir, it is not on the document.

21 Q. All right. Flip through and tell me what
22 pages have your name.

23 A. The next page, which was, I guess --

24 Q. Page 5.

25 A. Page 5 would have my name on the sheet

1 because I'm the salesperson.

2 Q. Okay. All right.

3 A. And this is a deal checklist. So when --
4 on the front of your deal folder, you staple this to
5 the folder, and they write down, okay, it's got a
6 signed buyers order, it's got a signed UO, it's got a
7 signed privacy, it's got a copy of the driver's
8 license, it's got all this stuff. And they sign off.
9 And then, normally, there would be a manager's
10 signature here, but I don't see a manager's
11 signature. There should be a manager's signature,
12 and there should be a finance manager's signature
13 there.

14 I have nothing to do with this.

15 I have nothing to do with this.

16 This sheet right here is an insurance form
17 that we fill out and print up in our deal packet, and
18 we've got -- you can see where, I guess, I had
19 misheard Ken Sullivan, and it was Kim Sullivan and
20 State Farm Insurance at 1701 Sandifer Boulevard. You
21 can see that that is my handwriting that wrote that
22 in and wrote in Seneca, South Carolina 29678 and
23 wrote -- so, basically, what this is, this part right
24 here is after a deal has been done, they will -- the
25 business manager, F and I manager will bring these

1 forms out to us, and we'll call the next day to
2 confirm insurance. And this was the insurance that I
3 had to confirm it with, and I spoke with Kami who
4 worked at that company.

5 Q. Insurance agency?

6 A. Yes.

7 Q. Okay.

8 A. These next forms, I have zero to do. This
9 is title work. Now, this is appraisal value, but I
10 have never even seen this sheet before ever in my
11 almost 10 years of working at Ralph Hayes Toyota.
12 This is a copy of her insurance -- I mean, her
13 driver's license. I would have made these. I made a
14 copy of the driver's license, insurance card, and
15 registration. And the registration is her
16 registration, and that's -- those are the ones that I
17 -- so to go back over again, I want to apologize for
18 you, ma'am. So page 3 -- wait. Page 3 does have my
19 name on it as salesperson. Name (as spoken) 4 does
20 not have my sales -- my name on it. Name (as spoken)
21 5 does have a salesperson. I didn't see where it had
22 my name printed up there, sir, a while ago.

23 And those are the only pages that have my
24 name that I wrote down or -- but it also appear
25 they've got Scott where the business manager would

1 have wrote Scott so he can remember to hand this back
2 to Scott as the salesperson to get this insurance
3 confirmed.

4 And then the rest of this paperwork I have
5 zero to do with.

6 Q. Okay. And that's in exhibit --

7 A. And then I made copies of those, the
8 driver's license, insurance, and registration.

9 Q. Would I be correct in assuming, then, that
10 to the extent you were involved with the pages in
11 Exhibit D, that would have occurred the second time
12 that she came out; is that correct?

13 A. That would have -- those pages that I did
14 would have been involved when we were actually doing
15 my part of the deal.

16 So usually how the processes works is --
17 now, this was a little weird because it was, like I
18 said, multiple times coming out, but normally how the
19 sales process happens is I meet and greet. Like,
20 let's say if it would have just been her by herself,
21 I would have met her. I would have introduced
22 myself. She would have introduced herself. I would
23 have asked what she was looking for. And then once
24 we found out what she was looking for, I would have
25 tried to aim her to a specific car. We would have

1 test drove the car.

2 Then when we got back from that, I would
3 go, How did you -- what did you think? Did you like
4 the car? Was there anything you don't like about the
5 car? And if she said, No, I'll be like, well, if we
6 can get numbers right, would you want to take this
7 car home today? And if she said, Yes, we would go
8 into the -- go inside, and then I would -- we would
9 basically do the deal. I would get a trade
10 appraisal. I would present numbers, and then I would
11 -- and then if she agreed to sign to the numbers, she
12 would sign. Then I would put in a credit
13 application, but I can see that that's a cash deal.
14 That's normally how the process go. And then after I
15 do my paperwork, they normally have to sit and wait
16 for about 10 to 15 minutes while the business manager
17 has to load up all of their information into the
18 computer system - and I don't remember if they had
19 docuPAD at that time - into the docuPAD system.

20 Q. All right. You've told me how it usually
21 goes?

22 A. Yes.

23 Q. Now, I want to go back. You've said that
24 Mr. Glenn and Ms. Smith came out together the first
25 time as best you can recall?

1 A. I know -- yes.

2 Q. A few days later she comes back by herself,
3 as best you can recall?

4 A. Yes.

5 Q. Is that the last time you dealt with her,
6 as best you can recall?

7 A. The last time I dealt with her was when we
8 was finishing up the deal.

9 Q. So that would have been the second time she
10 came out; is that correct?

11 A. Two or three.

12 Q. Two or three. Why would --

13 A. Two or three.

14 Q. -- she have come back a third time?

15 A. Like I said, because I remember him and
16 someone -- and then I'm also getting -- because I've
17 seen him a few times. And to the best of my
18 recollection, I know he came -- I remember him
19 specifically, and I believe -- I remember her. Her
20 hair was a little bit different, if I'm not mistaken,
21 when we did this deal. But I do not remember if the
22 first time that they were together, but I do remember
23 one time that I could have sworn that they were
24 together.

25 Q. All right. Let me tell you what I've heard

1 you say, and you confirm one way or the other.

2 A. Okay.

3 Q. You remember on one occasion the two of
4 them came out?

5 A. One time, yes, sir.

6 Q. One time?

7 A. Uh-huh.

8 Q. And it would make sense if they're looking
9 for a car that that would be the time that they came
10 out together; would that be correct?

11 A. That would.

12 Q. All right.

13 A. To your -- yes, to your saying it.

14 Q. And the next time that anybody comes out,
15 it's just her by herself; is that right?

16 A. Yes.

17 Q. All right. And then if she came out again,
18 would that be by herself?

19 A. Yes. But I feel like I -- I feel like I --
20 he came twice. I think he came twice and -- 'cause,
21 again, this is a long time ago. I think he came one
22 time, and then he came again with her. But he came
23 with somebody else the first time, then he came again
24 with her. And then she came, and that was when we
25 were, Okay, great, I got a deal, is how I look at

1 things pretty much.

2 Q. All right. When did this -- when did this
3 occur that you found out there was -- according to
4 your testimony, there was going to be a delay in the
5 transaction?

6 A. While she went --

7 Q. Was that the second time or the third time?

8 A. When we finished -- when we was finishing
9 the deal.

10 Q. Okay. And was Mr. Glenn with her at that
11 time?

12 A. Not at the initial time. But I remember us
13 having to stop -- and she can tell you the same
14 thing. Stopping and asking her specifically, I said,
15 whose name is this deal going to be in because I know
16 there's a company? I know there's you. And she
17 couldn't give me a straight answer.

18 Q. Okay.

19 A. And so I was like, well, I'm going to do
20 this in your name because you're here right now.

21 Q. I understand that.

22 A. Yeah.

23 Q. So that wasn't the first time that they
24 came out together. It would have been at least the
25 second time that she came by herself, or was he with

1 her then?

2 A. He wasn't with her when we initially
3 finished the deal, but he had to come to finish the
4 deal.

5 Q. Okay. So -- okay. Now, looking at
6 Exhibit D, once you filled out the paperwork that
7 your name is on, what happened to that paperwork
8 then? Who does it go to?

9 A. It goes -- I initially take that to the
10 sales manager. The sales manager signs off on
11 everything, and then the -- then we take it over to
12 the business manager, and then the business manager
13 loads it up into docuPAD or into his system to
14 present because he is legally obligated to go over
15 all preferred options to you.

16 Q. All right. And the sales manager at that
17 time is this John Asta --

18 A. Agostino.

19 Q. Agostino?

20 A. Yes.

21 Q. Okay. And he's no longer there?

22 A. He is no longer there.

23 Q. Who else would have touched that paperwork
24 besides John Agostino and you?

25 A. Stan Ukadike.

1 Q. Okay. And he's no longer there?

2 A. He's no longer there.

3 Q. And according to your testimony, this John,
4 who is the one that told you about a possible name
5 change on who owned the vehicle, is no longer there;
6 is that correct?

7 A. Yes, that is correct.

8 Q. Okay. All right. But Stan didn't tell you
9 that?

10 A. No. Stan -- but when -- in an F and I
11 department, there is also a privacy issue. That's
12 why there's doors on all of them. They're supposed
13 to -- because you're discussing private issues. So I
14 am not privileged to that information. I am not --
15 for example, you can ask your client, was I standing
16 in that office? was I anywhere near that office?
17 No. I cannot be in that office because that is
18 private issues. That's why most business offices do
19 have a door that can be shut.

20 Q. Okay. That's fine. So what was your next
21 involvement with the project?

22 A. Delivering the vehicle, as in showing her
23 how the vehicle works and getting it gassed up and
24 cleaned up.

25 Q. Okay. So between delivering the paperwork

1 to the sales manager and then showing her the vehicle
2 when the sale is complete, you had no further
3 involvement in this transaction; is that what you're
4 telling me?

5 A. No. After the -- I have no further
6 transactions. After they come out of the -- after
7 she comes out of the business office and I've been
8 told everything's -- everything's good, and this was
9 later on, I have to pair up your cell phone, because
10 she's nodding her head over there. I had to pair up
11 her cell phone, show her how everything works in the
12 vehicle. And then I also go over that they're going
13 to send you a survey, and if nothing is -- if there's
14 anything on there that you don't find truly
15 exceptional or perfect, call me, give me the
16 opportunity to make it up to you.

17 Q. Okay.

18 A. That is the way every single deal for 10
19 years goes.

20 Q. Okay. Now, who handles the obtaining of
21 the title?

22 A. That would be Tonya, and I can't even
23 remember Tonya's last name.

24 Q. Is she still there?

25 A. She is still there.

1 Q. Good. Tonia, T-O-N-I-A?

2 A. Y-A.

3 Q. Last name?

4 A. I can't even remember her last name because
5 I just always call her Tonya the title clerk.

6 Q. What's her title?

7 A. She's the title clerk.

8 Q. Title clerk. Okay. And where would she
9 have gotten the information from that enabled her to
10 fill out the title?

11 A. The business office.

12 Q. The business office.

13 A. Which would have been Stan Ukadike.

14 Q. All right. How long has he been gone?

15 A. Probably since 2016, '17.

16 Q. Okay. So Stan would have told her how to
17 apply for the title; is that correct?

18 A. Yes. Stan Ukadike would have been the one
19 who answers these questions that you have for me.

20 Q. Okay. And I assume we can find out from
21 Tonya where -- that Stan gave her the information;
22 would that be logical?

23 A. I would -- logically, yes.

24 [Defendant's Deposition Exhibit J was
25 marked.]

1 Q. [By Mr. Logan] All right. So, I'm going to
2 jump around a little bit here. I'm going to show you
3 what's been marked as Exhibit J to your deposition.

4 A. See what I mean? Like I said, this is --
5 and even this statement is from almost -- what?
6 Almost three years -- two years ago now. And, like I
7 said, I can't remember exactly a deal from six years
8 -- over six years ago.

9 Q. Who asked you to prepare this statement?

10 A. I was asked if I would give a statement. I
11 was asked by, I forget his lawyer's name, if I would
12 give a statement.

13 Q. Mr. Epps?

14 A. Yes, sir.

15 Q. Okay. And did you write this out, or did
16 someone write it out for you?

17 A. I wrote it out.

18 Q. Okay. So you say in your statement of
19 November 20, 2019, Mr. Glenn and Ms. Smith came in to
20 test drive vehicles?

21 A. Yes.

22 Q. Okay. They were allowed to keep the car
23 through the weekend?

24 A. I'm assuming so.

25 Q. Five days later, she came back by herself

1 to complete the deal. So that's the second time?

2 A. Okay.

3 Q. Okay. According to your statement?

4 A. Yes.

5 Q. I asked whose name it would be in because I
6 knew the company was paying for the vehicle. She
7 told me it would be in her name, so my paperwork
8 listed her name. After doing my paperwork and deal
9 was being loaded in finance office, we found out it
10 was going to be in Glenn Mechanical?

11 A. Uh-huh.

12 Q. Now, is that what -- and that's based on
13 what John Astinino --

14 A. Agostino, yes.

15 Q. -- Agostino told you; is that right?

16 A. Yes.

17 Q. Okay. All right. At that point, Mr. Glenn
18 had to come back in and sign the final contracts. To
19 my knowledge and belief, the vehicle was to be titled
20 in Glenn Mechanical?

21 A. Correct.

22 Q. That's what you said at that time; is that
23 right?

24 A. Correct.

25 Q. But the information that you got as to who

1 the vehicle should be titled in came from Mr. John
2 Agostino?

3 A. It came after the fact, yes.

4 Q. Yeah. And he's the one that told you that,
5 right?

6 A. Yes. Because I'm wondering why I'm sitting
7 here having to wait around because I'm sitting here
8 like -- because when a deal goes through --

9 Q. Okay. I understand that. So my point is
10 it didn't come from anybody else besides John
11 Agostino at that point; is that right?

12 A. Correct.

13 Q. Mr. Glenn didn't tell you that?

14 A. No.

15 Q. All right. Okay.

16 A. Because I'm not privy to the business
17 office.

18 Q. And Mr. Agostino, then, would have told the
19 person -- the title clerk how the car --

20 A. No.

21 Q. Well, you've already testified --

22 A. I said Stan Ukadike would have, not John
23 Agostino. See, John Agostino is the sales manager.
24 Stan Ukadike is the business manager. It's two
25 different departments.

1 Q. All right. So Stan would have told -- so
2 John told you --

3 A. John told me, yes, what was --

4 Q. And then Stan --

5 A. -- holding up the deal.

6 [Reporter interruption.]

7 Q. [By Mr. Logan] So John told you what?

8 A. He told me -- because I asked him, I was
9 like, what's the hold-up, because I can't do
10 anything --

11 Q. Okay. Just tell me what -- my question is,
12 what did he tell you?

13 A. I'm trying to -- I'm trying to answer your
14 question, sir. Let me answer it. Simple as that.

15 Q. Well --

16 A. I'm doing the best of my knowledge of six
17 years. You all drug me into this for six years. I
18 had nothing to do with this case.

19 Q. I didn't drag you anywhere.

20 A. Everybody has drug me into this, so now I'm
21 frustrated.

22 Q. Good. Be frustrated.

23 A. I'm being frustrated. You're not
24 listening. I said, when I am in a deal -- when I am
25 in a car deal as a salesperson, you're sitting there

1 just waiting to hear the popcorn machine go off
2 because that's what they call it when the printer
3 goes off, cha-ching, cha-ching, cha-ching. That
4 means you got a deal. Well, that wasn't going off.
5 So I was wondering what was going on with my deal,
6 and Aggie (phonetic) was telling me -- that's his
7 nickname, Aggie. John Agostino was sitting there
8 telling me we've had an issue. It's supposed to be
9 put in Glenn Mechanical's name. So he told me that
10 name.

11 So if you can get confrontational, I can
12 get confrontational right back with you. This is not
13 my court case. I have nothing to do with this. All
14 I did was a salesperson, and all I did was the
15 paperwork. And you all have drug me into this for
16 over six years, all of you all, when I had nothing to
17 do with it.

18 I have been selling cars for 10 years, and
19 this is the first time in my history that I have had
20 to deal with this for over 10 years. So whatever
21 petty stuff that you all got going on has nothing to
22 do with me, and all it's done is aggravate me and
23 drug me and cost me day after day after day when I
24 could be selling cars right now making money. All
25 you all have done is take money out of my pocket for

1 a measly \$150, which is all I got for the commission
2 for this deal.

3 So you want to keep over-talking me and
4 frustrating me and sitting there trying to talk down
5 to me like a dog when I have nothing to do with this.
6 Go get the people that really know the answers, not
7 me.

8 Q. I'm trying to find out --

9 A. I just gave you the names. Stan Ukadike is
10 the one that did the business -- business paperwork.
11 Ask him, subpoena him, instead of me getting a
12 subpoena every other month telling me that this case
13 is coming, and then it don't come. And then you're
14 asking me to know exact answers six years later. How
15 would you feel taking money off my family's plate to
16 come fill in with you all's little drama, and then
17 you want to talk to me like I'm a dog?

18 And it's also not the first time you've
19 talked to me like a dog. The first time you
20 subpoenaed me, I called you and asked you about it,
21 and you talked to me like a dog. I am not your dog.
22 I am not your client. I'm giving you, out of my
23 time, your answers the best that I can over six years
24 over a deal when I have sold, I don't know, maybe
25 thousands -- at least 2,000 cars.

1 I don't go to law school. I don't remember
2 every single little book that you all have to
3 memorize in Wade versus -- Roe versus Wade and all
4 that stuff. I don't have to remember all these
5 single details. I'm giving you the best I can, so
6 don't sit there and go, oh, huh, try to do what
7 you're doing.

8 Sir, have I given you the answers that you
9 need yet?

10 Q. You okay now? You feel better?

11 A. No, I'm not better because all of you all
12 have drug me into this.

13 Q. Let me just summarize what I understand you
14 have told me. Okay?

15 A. Yeah.

16 Q. We've talked about John, and we've talked
17 about Stan. And Stan would have been the one to give
18 the title information to Tonya?

19 A. Yes.

20 Q. Good. That's all I wanted you to be firm
21 about.

22 [Defendant's Deposition Exhibit K was
23 marked.]

24 Q. [By Mr. Logan] Now, in view of that, I want
25 to show you what we have marked as Exhibit K and see

1 if you have --

2 MR. LOGAN: And I gave you a copy earlier.

3 MR. EPPS: I didn't -- no, I didn't --

4 MR. LOGAN: That's the title. I gave you a
5 copy of the title.

6 MR. EPPS: I didn't get a copy. You kept
7 it.

8 MR. LOGAN: Norman, I gave it to you out
9 there in the hallway.

10 MR. EPPS: No, you kept it. I didn't get a
11 copy. You kept it in your hand. You showed it
12 to me. Thank you.

13 Q. [By Mr. Logan] All right. would you take a
14 look at that and see if you can identify what that
15 is?

16 A. Again, you all are giving me stuff that I
17 have nothing to do with, nothing. I don't deal with
18 any of this paperwork, and this is why I'm so
19 frustrated by all of this.

20 Q. Sir, that's what I need to know is what you
21 deal with and what you don't deal with. I'm just
22 trying to establish that. I don't know your
23 business. I don't know what you deal with and what
24 you don't. If you don't deal with the title work,
25 then just tell me that.

1 A. I've been saying that. I said it a while
2 ago with -- I said Tonya, and you handed me title
3 work. I understand it's just a frustrating process.
4 No. To answer your question, no, sir, I have not
5 dealt with any of that.

6 Q. Okay. So if I told you that this title
7 information shows the car to be titled in her name --

8 A. Yes.

9 Q. And do you see Tonya's name on this
10 anywhere, on this exhibit?

11 A. I don't know if she puts her name on there
12 to be honest.

13 Q. Well, I thought I saw it, but I want you to
14 see if you can confirm that.

15 A. It looks like it's stamped. No. That says
16 Laura. I don't know whose name that is. That could
17 possibly be. I don't know, but where it says
18 signature of seller --

19 Q. What page are you on, sir?

20 A. It's the last page. That's the only one I
21 can see that --

22 Q. Looks like a T, is that right?

23 A. It looks like it could be a T. And,
24 actually, I think her last name is Davis, so that --
25 Tonya Davis, I think that's it.

1 Q. All right. And to reiterate, the
2 information that Tonya would have gotten to put on
3 the title would have come from Stan; is that correct?

4 A. Correct.

5 MR. LOGAN: Okay. All right. Let's take a
6 break, and I think I'm about through. And you
7 can get out of here, unless Mr. Epps wants to
8 ask you some questions.

9 THE DEPONENT: Okay.

10 [Recess taken.]

11 MR. LOGAN: Well, that's all the questions
12 I have. Thank you. Mr. Epps may have some
13 questions for you.

14 THE DEPONENT: Before you ask, I want to
15 apologize for having the outburst I had a while
16 ago. It's just frustrating through this whole
17 process, and I apologize to everybody in this
18 room for that.

19 MR. LOGAN: Apology accepted.

20 MR. EPPS: Apology accepted. Mr. Brown, My
21 name is Norman Epps. I represent John Glenn.
22 I've just got a few questions to ask you, and
23 then we'll be done. All right.

24 EXAMINATION

25 BY MR. EPPS:

1 Q. Let me first -- you know John Glenn; is
2 that right?

3 A. I have met him, yes, a couple of times.

4 Q. And have you -- in the course of working
5 with Ralph Hayes Toyota, have you sold vehicles or
6 been a salesperson for vehicles that John buys at
7 Ralph Hayes Toyota?

8 A. To my knowledge, this is the only one that
9 I remember being involved with, but I believe he has
10 purchased other cars from Ralph Hayes Toyota.

11 Q. Okay. Are you aware of how those vehicles
12 are titled?

13 A. I would believe they would be under the
14 company name, Glenn Mechanical.

15 Q. Glenn Mechanical. Okay. And I know you
16 know why we're here today. We're talking about this
17 2016 4Runner.

18 A. Yeah.

19 Q. I'm going to hand you -- and you've
20 talked -- they've showed you -- Mr. Logan has showed
21 you documentation that was filled out in the course
22 of this deal?

23 A. Yes.

24 Q. And he's showed you, I believe, paperwork
25 that you had filled out talking with Ms. Smith that

1 ultimately led to this vehicle being titled in her
2 name --

3 A. Yes.

4 Q. -- right?

5 I'm going to hand you -- do you remember
6 going through, talking to Mr. Glenn, and filling out
7 paperwork for this 2016 4Runner that put the 4Runner
8 in the name of Glenn Mechanical?

9 A. I don't remember doing it, but Stan Ukadike
10 would have. Like this paperwork, all of this
11 paperwork right here would have been done under Glenn
12 Mechanical, would have been done in the business
13 office, all of these paperwork. This matches up very
14 similar to those other papers that you handed me,
15 sir, where this is all printed up from the business
16 office and --

17 Q. Well, let me ask you this, because your
18 name is at the bottom of them --

19 A. Yes. So they -- it prints up, yeah, as the
20 salesperson. It says -- prints up. And then also it
21 prints up the business manager's name, finance, Stan
22 Ukadike, so yes. I don't -- I don't do these papers,
23 sir.

24 Q. All right. So you don't do these papers --

25 A. No, sir.

1 Q. -- is that right?

2 A. No. But that would have been printed up in
3 the business office. And if -- that's why I'm saying
4 there was some confusion with how it was supposed to
5 be titled at first because this was my first time
6 ever dealing with a Glenn Mechanical deal. And
7 Mr. Glenn -- is that your name?

8 MR. GLENN: (Nods head).

9 A. Mr. Glenn was not there when she was
10 initially there, so I'm like, as -- still -- I mean,
11 I had been doing it for a couple of years at that
12 point, of selling cars, but at that time, I wanted to
13 make sure that the customer -- I have this customer
14 in front of me. Okay. We're going to do it this way
15 until we know otherwise. So I wanted to get the
16 process going because you -- last thing you want to
17 do in sales is -- and I'm sure in everybody's field
18 here, time is money, and I'm just trying to do as
19 fast as possible to get through the process.

20 And then that's why, when it was in the
21 business office and there was a hang-up, I'm like --
22 because I can't do anything. Once a customer is in
23 the business office, all I can do is get the car
24 gassed up, get it cleaned up, and then I'm -- it's a
25 waiting game. I can't grab another customer. I

1 can't talk to another customer until that happens.
2 So that's why I'm sitting there like, well, what's
3 going on? why is this taking so long?

4 And that's when I found out that it was
5 being -- had to be switched to Glenn Mechanical's
6 name. And that's why the hold-up. And then I was
7 told, okay, everything was good a little while later.
8 And, obviously, you can see where he came in and made
9 a copy of his driver's license, and they printed up
10 the paperwork in Glenn Mechanical.

11 Q. So that would have been done in the finance
12 office?

13 A. That would have been in the finance office,
14 sir.

15 Q. Okay. Would there be any reason why both
16 of these documents are dated July 27th of 2016?

17 A. I mean, what was the original date of the
18 deal? I mean, that -- usually, that's the print-up
19 of the -- I would assume is when the deal is done.
20 Is that not when the date was --

21 Q. I think if you'll look at --

22 A. Well, it's the other -- it's the other
23 paperwork. Is this all of them?

24 MR. LOGAN: You want to look at the title I
25 gave you? Is that what you're looking for?

1 MR. EPPS: With the sales information.

2 THE DEPONENT: This one right here. Yeah.
3 They're both dated the same day, July 27th. And
4 if I can see that one again, sir?

5 MR. LOGAN: There you go.

6 THE DEPONENT: And the VIN numbers -- and
7 the VIN numbers match. It's for the same car.
8 And this was -- so you can see where it was
9 originally being printed up in her name, and
10 then it got switched, printed up into Glenn
11 Mechanical's name.

12 MR. EPPS: Okay.

13 THE DEPONENT: To my knowledge, again,
14 because I'm not the business manager, sir.

15 MR. EPPS: I got you. Okay. If I can mark
16 this as Plaintiff's A and add it as an exhibit.

17 MR. LOGAN: Are you through?

18 MR. EPPS: If we can go off the record just
19 for one minute, I'm almost finished.

20 [Recess taken.]

21 [Plaintiff's Deposition Exhibit A was
22 marked.]

23 MR. EPPS: Mr. Brown, I appreciate it.
24 I've got no further questions.

25 EXAMINATION

1 BY MR. LOGAN:

2 Q. You mentioned the finance office or
3 officer. Who would have occupied that position at
4 the time of this transaction?

5 A. Stan Ukadike. And his name is on the
6 bottom of --

7 Q. Well, you've referred to him as business
8 manager and --

9 A. The finance --

10 Q. I just wanted to make sure that -- and
11 finance?

12 A. Yeah. They --

13 Q. So we're talking about the same person?

14 A. Yeah, it's the same person. Your business
15 managers in a sales -- in a new car business -- a new
16 car dealership or used car dealership, they -- some
17 -- like you have an F and I director, who will be
18 over the -- sometimes you have two. Sometimes you
19 have three. When times are really bad, you only have
20 one. But when they have two to three, they'll have a
21 -- they're all titled business managers, but you'll
22 have what they call an F and I director. At that
23 time, I believe Dana Bailey was F and I director, and
24 Stan Ukadike was a business manager.

25 Q. Is the lady still there?

INSURANCE

A. STATE FARM:

7/31/16 – 1/31/17 = \$484.67
1/31/17 – 7/31/17 = \$546.74
(cancelled 5/3/17) **\$1,031.41**

B. ALLSTATE:

4/21/17 – 4/25/18 (12 months)
\$126.90/mo. **\$1522.80**

C. PALMETTO:

4/26/18 to present (18 months)
\$136.33/mo. **\$2453.94**

\$5008.15

1. PROPERTY TAX

2017 - \$405.82
2018 - \$263.40
\$669.22

\$669.22

2. GAS – ESTIMATE

\$50.00 month since July, 2016
\$50 x 52 weeks x 3 years

\$7,800.00

3. REPAIRS

\$234.58

\$234.58

TOTAL - \$13,711.95

+ \$8,000.00

\$21,711.95

STATE OF SOUTH CAROLINA

CERTIFICATE OF TITLE

OF A VEHICLE

VEHICLE ID NUMBER
JTEZU5JR4G513086

YEAR MAKE
2016 TOYT

MODEL
4RUNNE

NEW/USED
NEW

BODY STYLE
SU

DATE ISSUED
09-29-2016

ODOMETER
162

WEIGHT
4400

TITLE NUMBER
770040319172298A

VEHICLE BRAND(S)
ACTUAL MILEAGE

FULL NAME OF OWNER(S)
SMITH, SIHIERH HOSSEIN-BEIK
301 SIMPSON ST
WESTMINSTER SC 296931349

CUSTOMER NUMBER: 023856079



THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES HEREBY CERTIFIES THAT THE PERSON HEREIN IS REGISTERED BY THIS DEPARTMENT AS THE LAWFUL OWNER OF THE VEHICLE DESCRIBED SUBJECT TO THE LIENS, IF ANY, HEREIN SET FORTH.

KEVIN A. SHWEDO
EXECUTIVE DIRECTOR

NIKKI R. HALEY
GOVERNOR

KEEP IN A SAFE PLACE. ANY ALTERATION OR ERASURE VOIDS THIS TITLE.

048993007

REMOVE SIDE EDGES FIRST
THEN SLIDE FINGER UNDER LONG EDGE TO OPEN

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES

ASSIGNMENT OF A VEHICLE

Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.
NOTICE: ANY ALTERATIONS OR ERASURE VOID THE ASSIGNMENT ASSIGNMENT(S) MUST BE MADE IN DARK INK

The undersigned hereby certifies that title to the vehicle described herein has been transferred on this _____ day of _____ year _____ to:

Name _____ Street _____ City _____ State _____ Zip Code _____ and is subject to the following lien

Name of Lienholder _____ Address _____ Date of Lien _____

I certify to the best of my knowledge that the odometer reading is the ACTUAL mileage of the vehicle unless one of the following statements is checked: STOP! DO NOT check one of the following unless it applies.

Odometer Reading (no tenths) _____

- ☐ 1. The mileage stated is in excess of its mechanical limits (the odometer started at zero again).
☐ 2. The odometer reading is not the actual mileage.
WARNING: ODOMETER DISCREPANCY

Date of Sale _____
Sales Price \$ _____
Less Trade-In _____
Taxable Total \$ _____

I am aware of the above odometer certification made by the seller(s)

Signature(s) of Buyer(s) _____

Signature of Seller(s) _____

Hand Print Name(s) of Seller(s) _____

Hand Print Name of Buyer(s) _____

Address _____

ASSIGNMENTS BY DEALER/WHOLESALE/AUCTION

The undersigned hereby certifies that title to the vehicle described herein has been transferred on this _____ day of _____ year _____ to:

Name _____ Street _____ City _____ State _____ Zip Code _____ and is subject to the following lien

Name of Lienholder _____ Address _____ Date of Lien _____

I certify to the best of my knowledge that the odometer reading is the ACTUAL mileage of the vehicle unless one of the following statements is checked: STOP! DO NOT check one of the following unless it applies.

Odometer Reading (no tenths) _____

- ☐ 1. The mileage stated is in excess of its mechanical limits (the odometer started at zero again).
☐ 2. The odometer reading is not the actual mileage.
WARNING: ODOMETER DISCREPANCY

Dealer/Wholesaler
Auction License Number _____

I am aware of the above odometer certification made by the seller(s)

Signature(s) of Buyer(s) _____

Signature of Seller(s) _____

Hand Print Name(s) of Seller(s) _____

Hand Print Name of Buyer(s) _____

Address _____



HBESHSP1 29693

The undersigned hereby certifies that title to the vehicle described herein has been transferred on this _____ day of _____ year _____ to:

Name _____ Street _____ City _____ State _____ Zip Code _____ and is subject to the following lien

Name of Lienholder _____ Address _____ Date of Lien _____

I certify to the best of my knowledge that the odometer reading is the ACTUAL mileage of the vehicle unless one of the following statements is checked: STOP! DO NOT check one of the following unless it applies.

Odometer Reading (no tenths) _____

- ☐ 1. The mileage stated is in excess of its mechanical limits (the odometer started at zero again).
☐ 2. The odometer reading is not the actual mileage.
WARNING: ODOMETER DISCREPANCY

Dealer/Wholesaler
Auction License Number _____

I am aware of the above odometer certification made by the seller(s)

Signature(s) of Buyer(s) _____

Signature of Seller(s) _____

Hand Print Name(s) of Seller(s) _____

Hand Print Name of Buyer(s) _____

Address _____

State of South Carolina)

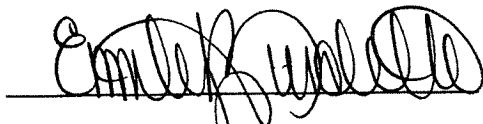
)

AFFIDAVIT

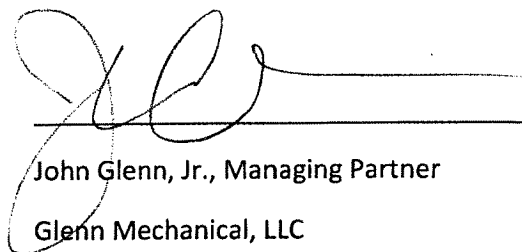
County of Anderson)

The undersigned, John Glenn, Jr., as managing partner for Glenn Mechanical, LLC, does hereby swear and affirm the following:

1. Defendant, Sihierh Smith, has been employed as the office manager for Glenn Mechanical since 2016. As part of her job, Glenn Mechanical purchased and provided Defendant a white 2016 Toyota 4 Runner with VIN# JTEZU5JR4G5134086. At the time of purchase, the Defendant wrongfully placed the title of said vehicle in her name personally.
2. The Defendant was terminated from her position as office manager on June 17, 2019, at which time I requested she return the vehicle. After initially agreeing to its return, despite repeated requests, the Defendant has failed and refused to return the same.
3. The undersigned is informed and believes that the vehicle in question is in danger of being wrongfully disposed of or concealed by the Defendant which would cause irreparable harm to the Plaintiff.

SWORN TO before me this 27thDay of June, 2019.


NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 5/22/23


John Glenn, Jr., Managing Partner
Glenn Mechanical, LLC

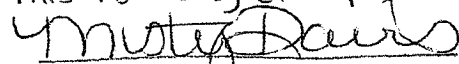
To Whom It May Concern:

My name is Matthew Pierce. I was in a relationship with Sihierh Smith from Spring 2011 until Spring 2018. We lived together from Fall 2011 until Summer 2017. This is the situation as I know it: John Glenn bought Sihierh a new 4Runner work vehicle in late Spring/early Summer 2016. Sihierh told me that John told her that the 4Runner would be put in his name. Sihierh also told me that she had all of the paperwork for the vehicle and that she was going to put it in her name anyway.

Sincerely,

 9/18/19

Matthew Pierce

Sworn to and subscribed before me
This 18th day of September, 2019

Notary Public Of South Carolina
my Commission Expires: 1-29-2029

Telephone (864) 226-1571
FAX (864) 224-1174
www.ralphhayestoyota.com

RALPH HAYES TOYOTA

3525 Clemson Blvd.
P.O. Box 5058
ANDERSON, SC 29621

NOTICE: THIS AGREEMENT IS SUBJECT TO BINDING
ARBITRATION PURSUANT TO THE FEDERAL
ARBITRATION ACT ("FAA") 9 U.S.C. § 1, ET SEQ. OR IF
AND ONLY IF THE FAA DOES NOT APPLY, THEN
PURSUANT TO THE SOUTH CAROLINA UNIFORM
ARBITRATION ACT, S.C. CODE ANN. § 15-48-10, ET SEQ.
THE TERMS AND CONDITIONS OF ARBITRATION ARE
CONTAINED IN THE DEALERSHIP'S ARBITRATION
POLICIES AND PROCEDURES.

Stock No. 13020
Sell Price 41901.00
Less Disc. N/A
Net S.P. 41901.00
DEDUCT:
Inventory _____
G.P. _____

CUST# 105229
DEAL# 57043
Purchaser Ins. Info:
Co. _____

Policy No. _____
Dates _____ to _____ Date JUL 27th, 20 16

Agent _____
Agent Address _____

Purchaser GLENN MECHANICAL LLC
Address 525 N MATN ST City ANDERSON County ANDERSON State SC Zip 29621

I hereby agree to purchase from you under the terms & conditions specified, the following:

Quantity 1 Year 2016 Make TOYOTA Model 4RUNNER Body Style 4DR RWD V6 LTD

X New
Used

Serial Number JTEZU5JR4G5134086 Color _____ Engine _____ License No. _____

1.	CASH SELLING PRICE, INC. EXTRAS	41901.00
2.	LICENSE PLATES, TRANSFER & TITLE	25.00
3.	SALES TAX	300.00
4.	Closing Fee	~~XXXXXX~~ 174.00
5.	TOTAL CASH SELLING PRICE	42400.00
6.	TRADE-IN: Make <u>KIA</u> Body Style <u>4DR SDN 2.4L</u> Year <u>2011</u> Serial No. <u>KNAGM4A72B5182194</u> Insp. No. _____ Engine _____ Transmission _____ A/C _____ License _____	
	ALLOWANCE ON TRADE-IN	6000.00
	LESS PAY OFF TO:	N/A
	NET ALLOWANCE ON TRADE-IN	6000.00
7.	CASH PAYMENT	36400.00
8.	DEPOSIT	N/A
9.	OTHER	42400.00
10.	TOTAL DOWN PAYMENT	N/A
11.	UNPAID BALANCE (4-10)	N/A
12.	LIFE INS. \$ <u>N/A</u> A & H \$ <u>N/A</u>	N/A
13.	AUTO INSURANCE	N/A
14.	AMOUNT FINANCED (11 + 12 + 13)	N/A
15.	FINANCE CHARGE	N/A
16.	TOTAL OF PAYMENTS	42400.00
17.	DEFERRED PAYMENT PRICE (10 + 16)	N/A
	TIME BALANCE PAYABLE IN <u>1</u> MONTHLY INSTALLMENTS OF \$ <u>0.00</u> (ANNUAL PERCENTAGE RATE <u>0.00</u> %)	
	EACH BEGINNING <u>JUL 28th</u> <u>20 16</u>	

DISCLAIMER OF WARRANTIES

I have read this Contract and understand that selling Dealer makes no warranties express or implied with respect to the sale of the vehicle described herein. ANY DESCRIPTION CONTAINED IN THIS CONTRACT IS FOR THE SOLE PURPOSE OF IDENTIFYING THE VEHICLE SOLD AND DOES NOT CONSTITUTE A WARRANTY THAT THE VEHICLE SHALL CONFORM TO THAT DESCRIPTION. THE ONLY WARRANTIES, IF ANY, APPLYING TO THIS VEHICLE ARE THOSE THAT MAY BE OFFERED BY THE MANUFACTURER. THOSE WARRANTIES ARE PROVIDED, IF AT ALL, OUTSIDE OF THIS CONTRACT. THE DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, and Dealer does not assume, nor authorizes any other person to assume for it, any liability in connection with the sale of this vehicle. PURCHASER AGREES THAT PURCHASER SHALL NOT BE ENTITLED TO RECOVER FROM THE DEALER ANY DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFITS, OR INCOME, OR ANY OTHER INCIDENTAL OR CONSEQUENTIAL DAMAGES RELATED TO THIS SALE, ALL OF WHICH ARE EXPRESSLY DISCLAIMED. The undersigned Purchaser expressly accepts the above described vehicle as being in satisfactory condition at the time of sale.

Purchaser Signature _____

Co-Buyer Signature _____

The parties agree that there are no understandings, agreements or representations, express or implied, not specified herein, with respect to this sale, and that this Contract contains the entire agreement between the selling Dealer and the Purchaser and that, consequently, no course of prior dealing or usage of the trade shall be relevant to supplement or explain any terms used in this Contract.

Salesman's Name: SCOTT J BROWN

Finance STANLEY C UKADIKE

Sto. No. _____



South Carolina Department of Motor Vehicles

POWER OF ATTORNEY FOR ODOMETER DISCLOSURE

5047
(Rev. 7/14)

NOTICE: This form may be used only when title is physically held by lienholder or has been lost. This form must be submitted to the DMV by the person exercising Power of Attorney. Failure to do so may result in fines and/or imprisonment.

VEHICLE DESCRIPTION: Year 2011 Make KIA Model Type OPTIMA Body Type 4DR SDN 2.4L
VIN (Vehicle Identification Number) KNAGM4A72B5182194

PART A. POWER OF ATTORNEY TO DISCLOSE MILEAGE 49 USC 327 (580.13)

Federal and State law requires that you state the mileage upon transfer of ownership (49 CFR Chapter 327/SC 56-19-240). Providing a false statement may result in fines and/or imprisonment (49 USC 32709/SC 56-19-240(4)).

PLEASE PRINT: I, GLENN MECHANICAL LLC (Seller/Transferor's Name), appoint RALPH HAYES TOYOTA SCION (Dealer/Transferee's Name) as my attorney-in-fact, to sign all papers and documents required to secure the title and further grant the authority to endorse and transfer title thereto and to disclose the mileage on the title for the vehicle described above, exactly as stated in my following disclosure. I state that the odometer now reads 80411 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one of the following statements is checked.

☒ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.
☒ I hereby certify that the odometer reading is NOT the actual mileage. **WARNING: ODOMETER DISCREPENCY**

GLENN MECHANICAL LLC

07/27/2016

(Transferor's Signature)
525 N MAIN ST ANDERSON SC 29621

(Printed Name)

(Date of Statement)

Transferor's Address (Street, City, State, Zip Code)

(Transferee's Signature)
RALPH HAYES TOYOTA SCION

(Printed Name of Individual Signing as Transferee)
3525 CLEMSON BLVD. ANDERSON SC 29621

(Transferee's Name - Print or Type Name of Business or Company)

Licensed Dealer, Transferee's Address (Street, City, State, Zip Code)

PART B. POWER OF ATTORNEY TO REVIEW TITLE DOCUMENTS AND ACKNOWLEDGE DISCLOSURE 49 USC 327 (580.14)

(PART B is invalid unless PART A has been completed)

PLEASE PRINT: I, _____ (Transferee's Name), appoint _____ (Transferor's Dealership Name) as my attorney-in-fact, to sign the mileage disclosure on the title for the vehicle described above, only if the disclosure is exactly as the disclosure completed below.

(Transferee's Signature)

(Printed Name)

(Transferee's Name - Print or Type Name of Business or Company)

Transferee's Address (Street, City, State, Zip Code)

Federal and State law requires that you state the mileage upon transfer of ownership (49 CFR Chapter 327/SC 56-19-240). Providing a false statement may result in fines and/or imprisonment (49 USC 32709/SC 56-19-240(4)).

I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage unless one of the following statements is checked.

☐ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.
☐ I hereby certify that the odometer reading is NOT the actual mileage. **WARNING: ODOMETER DISCREPENCY**

(Transferor's Signature)

(Printed Name)

(Date of Statement)

Transferor's Address (Street, City, State, Zip Code)

PART C. CERTIFICATION - To be completed when Part A or Parts A and B have been used (49 USC 327 (580.15))

PLEASE PRINT: I, _____ (Person exercising powers of attorney) hereby certify that the mileage I have disclosed on the title document is consistent with that provided me in the above Power of Attorney. Further, upon examination of the title and any reassignment documents for the vehicle described above, the mileage disclosure I have made on the title pursuant to the Power of Attorney is greater than that previously stated on the title and reassignment documents. This certification is not intended to create any new or additional liability under Federal or State Law.

(Signature)

(Printed Name)

(Date of Certification)

3525 CLEMSON BLVD. ANDERSON SC 29621
(Street Address)

(City)

(State)

(Zip Code)

This document is void if any information entered hereon has been erased or altered by any means. Unauthorized printing or reproduction of this document is strictly prohibited. Photo copy may be made only as a completed document for record keeping purposes for the parties named herein.

AFFIDAVIT & NOTIFICATION OF
SALE OF MOTOR VEHICLE
(Entire Form Must Be Typed or Printed)

No. 42862001

Personally appeared before me GLENN MECHANICAL LLC N/A
(Seller) (Dealer Retail Tax #)

525 N MAIN ST ANDERSON ANDERSON SC 29621

(Address)

who being duly sworn, deposes and says that on the 27th day of JULY 202016,

he sold the following motor vehicle: Make KIA Model OPTIMA

Year 2011 Identification (Serial) No. KNAGM4A72B5182194

License No. _____ to RALPH HAYES TOYOTA SCION
(Buyer)

3525 CLEMSON BLVD. ANDERSON SC 29621

(Street)

(City)

(County)

(State)

(Zip)

Special Mailing Address

Deponent further states that there are no liens or encumbrances on the said vehicle except as listed below:

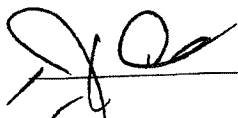
Lienholder _____ Amount _____

Address _____ Date _____

I certify that the odometer now reads 80411 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

☐ (1) I hereby certify that to the best of my knowledge, the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☐ (2) I hereby certify that the odometer reading is NOT the actual mileage. WARNING - ODOMETER DISCREPANCY
Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.


(Signature of Seller)

GLENN MECHANICAL LLC
(Print Seller's Name)

(Signature of Buyer)

RALPH HAYES TOYOTA SCION
(Print Buyer's Name)

Property Tax Section

Check One:

____ Purchase License Plate

D.L. Number _____

License Plate Issued _____

XX
____ Transfer License Plate

Signature of Buyer/if purchasing plates

Property taxes will be due in 120 days

TOP COPY - TO DIVISION OF MOTOR VEHICLES WITH TITLE AND LICENSING APPLICATION. YELLOW COPY - FOR DEALER'S FILE.
PINK COPY - TO DIVISION OF MOTOR VEHICLES IF NEW TAGS ARE TO BE OBTAINED. GOLDENROD COPY - TO BUYER.

South Carolina SC DRIVER'S LICENSE

DL#: [REDACTED] GLENN JOHN WILLIAM JR

08-21-1976

DOB: [REDACTED]

Issued: 05-15-2013

Expires: 08-21-2023

Class: D

Sex: M

Weight: 226

Height: 6-02

Restrict: A

Endorse: None

040004 MD2

Governor

Date: Fri, 30 Aug 2019 03:53:23 PM EDT
From: Celeste Shaw <celeste.shaw@grandsouth.com>
To: "rtuner@ralphhayestoyota.com" <rtuner@ralphhayestoyota.com>
Subject: copy of check \$36,400

Here is the copy of the check you requested. Also pdf attached.
Have a great weekend!

JOHN GLENN JR.
ANDERSON, SC 29621

13020

8/1/16

1451
67-160632

PAY to the order of RALPH HAYES TOYOTA \$ 36,400.00

THIRTY SIX THOUSAND FOUR HUNDRED Dollars

BB&T BRANCH BANKING AND TRUST COMPANY
1-800-BANK BB&T BB&T.com

For _____ Signature [Signature]

121

Applied Checks

0003290712

>053207957<
GrandSouth Bank #003
2016-08-02
0003290712
Batch 81802294

FOR DEPOSIT ONLY
TO THE ORDER OF
RALPH HAYES MOTORS

ENDORSE HERE

Celeste Shaw
Banking Services Representative
864-224-2424
864-622-0607 direct
celeste.shaw@grandsouth.com

GrandSouth
BANK

OB32B1.pdf (179K)

JOHN GLENN JR
ANDERSON, SC 29621

13020

1376
67-180/532

8/16/16

PAY to the order of Ralph Henry Byorn \$ 6000.00
SIX THOUSAND Dollars



BRANCH BANKING AND TRUST COMPANY
1-800-848-1818 BBT.com

For _____

[Signature]

Printed Name

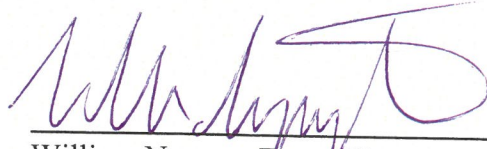
CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

RECEIVED

Jun 30 2023

SC Court of Appeals



William Norman Epps, III
Post Office Box 2167
Anderson, South Carolina 29622
(864) 224-2111
Attorney for Appellant

June 2, 2023