

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2023-000951

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SC Court of Appeals

Mitch Randall Yawn and Juanita Mae Stanley,
d/b/a Flowertown Bee Farm and Supplies,

Plaintiffs/ Appellants,

v.

Dorchester County,

Respondents.

**RECORD ON APPEAL
VOLUME II of II**

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STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
CASE NO. 2017-CP-18-00138

MITCH RANDALL YAWN and)
JUANITA MAE STANLEY d/b/a)
FLOWERTOWN BEE FARM AND)
SUPPLIES,)

Plaintiffs)

vs.)

DORCHESTER COUNTY,)

Defendant.)

**PLAINTIFFS' MEMORANDUM IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

INTRODUCTION

Juanita Mae Stanley loves honeybees, so much so that, in 2016, she and her husband opened a bee farm and bee-related business called Flowertown Bee Farm and Supplies. Deposition of Juanita Stanley, pp 17:8-19:13. The goal was to produce healthy honeybees to sell to others who needed bees for pollination, honey production, and other purposes. With daily care and maintenance, the couple produced 46 hives with several million healthy bees by late summer of 2016. Stanley, p 45: 9-22.

But, in one day, with one aerial spray of pesticides, the bees and Flowertown's business were destroyed. Without warning to Flowertown, the County of Dorchester ("County") sprayed a "highly toxic" pesticide, Exhibit 1, Allen 095; Exhibit 3, over its property on the evening of August 28, 2016, in an effort to kill mosquitos. The next morning, Stanley found "piles" of dead bees everywhere. The few left alive "were struggling to survive [and] trying to clean out the dead ones that were still in the hive boxes." Stanley, p 39:14-22. Soon, all the bees were dead.

There is no question that the County's spraying pesticides on Stanley and Yawn's beehives resulted in the death of millions of bees they owned and the loss of their livelihood. There is also no question that the County had created a list of beekeepers whom the County had promised to warn and had warned before spraying on their properties for over 3 years before this incident, thus creating a duty on the part of the County to warn the Plaintiffs before the aerial spraying on their property so that they could take action to cover their bees and prevent their loss. Prior to this aerial spraying in 2016, one other beekeeper was notified, acted, and avoided the loss of her hives.

The Plaintiffs were "missed" and were not notified, so they did not know to take protective action before the spray and their bees were completely destroyed.

The County does not dispute that it caused the bees' deaths and that it had adopted a practice of notifying and had promised to notify area beekeepers on their list, including the Plaintiffs. They argue instead that the undertaking to notify was not a binding obligation and created no legal duty, so the County was not responsible for the bees' deaths. Based on the testimony, a fact finder could find that the County assumed a duty to warn on which the Plaintiffs relied and thereby breached its duty to the Plaintiffs by admittedly failing to warn them.

Additionally, there is no question that the County trespassed on the property of the Plaintiffs and in so doing harmed them in poisoning and destroying their property. Based on the facts in this case, a jury could find a trespass and a resulting harm to the Plaintiff and award damages.

Based on these facts that far exceed "a mere scintilla of evidence" that support a breach of duty and a trespass and proximately resulting damage, the County's motion for summary judgment should be denied.

FACTS

The Flowertown Bee Business

Mitch Yawn and Juanita Mae Stanley own Flowertown Bee Farm and Supplies in Dorchester County, South Carolina ("Flowertown"). Stanley, pp 16-17; 73:21-25. They established and licensed the business with intent to "reproduce honeybees for sale and for lease [for pollination purposes] and to also sell any and all supplies needed . . . for other beekeepers," including "bee suits, hive boxes, [and] hive tools." Stanley pp 16:19-23; 18-21.

Stanley acquired extensive knowledge about honeybees and beekeeping while participating in her family's traditional beekeeping practices. Stanley pp. 18-19; Stanley p. 163. In 2016, Yawn and Stanley decided to open their own bee-related business. Concluding that the natural environment around the City of Summerville ("City") was conducive to beekeeping, and "safe" for honeybees, the couple decided to base their business on a 14-acre parcel of land which they own in the area. Stanley, p. 16:7-12. They purchased some bees, acquired additional bees from Stanley's family, and bought "materials to make hive boxes." Stanley, p. 16:13-16. They also applied for a business license from the City, which was approved. Stanley, pp. 73-75.

When applying for the license, Yawn and Stanley asked City Officials who to contact so that "everybody [in the government] would know where we were at and what we were doing, to protect our bees." Stanley p. 35:14-18. The City referred them to a Dorchester County official named Clayton "Scott" Gaskins ("Gaskins"), informing them that Mr. Gaskins maintains a list of people "that he would call and notify before spraying." Stanley at 35:19-20.

Yawn and Stanley contacted Gaskins and "got on his list." Stanley, at 35:21; Deposition of Clayton H. Gaskins, Jr., pp. 40-41; Deposition of Mitch Randall Yawn, pp 108:2-109:5.

Yawn and Stanley then went about building their business. The primary goal was to produce enough honeybees so that the business would be ready to sell and lease hives in the Spring of 2017. Stanley p. 218; p. 191. Stanley inspected and cared for the hives at their Summerville property every

day. Stanley, p. 67:2-4. By mid-summer, Flowertown had 46 healthy hives in a field, Stanley, p. 45:9-11, each containing tens of thousands of bees. By the late summer, there were several million honeybees in the hives, so many that the “whole sky” above the sunny field was “covered with bees.” Stanley p. 39:8-10.

Creation and notification of list of beekeepers by Dorchester County and reliance on that notification by the Plaintiffs

Clayton "Scott" Gaskins, an employee of Dorchester County, was in charge of the mosquito abatement program for the County. As part of those responsibilities, he compiled a list of beekeepers in the County that he undertook to notify so that those beekeepers could take steps to cover their hives and protect their bees from harm when the insecticides to kill mosquitos were sprayed by the County by hand or by truck.

Gaskins initially kept a list of 14-15 beekeepers with their addresses and phone numbers, organized by the zones by which the County is sprayed. Gaskins, p 40:15-22. Gaskins started this practice in 2013 with 14-15 beekeepers and by 2019, Gaskins had 60 beekeepers on that list. Gaskins p 40:24-41: 13.

Yawn and Stanley were on that list in 2016 and Gaskins estimated that he has contacted them over 50 times, every time that the County was going to truck spray for mosquitoes so that they could take steps to protect their bees. Gaskins p. 41:18-42:14. In fact, even after the onetime aerial spraying and resulting bee deaths that occurred in August 2016, Gaskins has continued to call Yawn to notify him when the County was scheduled to conduct truck spraying in his zone. Gaskins p. 43:8- 44:6.

When Gaskins notified Yawn and Stanley prior to truck spraying, they were able to place tarps over the hives and water them with sprinklers to keep the toxic pesticides away from the hives. Yawn pp. 38-40, Stanley pp. 31-33.

Yawn and Stanley relied on the County, through Gaskins, to contact them when there would be spraying nearby, so that they could take steps to protect their bees. Yawn, pp. 113: 15-24.

The aerial spray, failure to notify Stanley and Yawn, and the resulting bee death.

As spring turned to summer in 2016, the County became concerned with the local mosquito population and media reports about the Zika virus. There were no known cases of mosquito-borne Zika in the County or state at the time,¹ Gaskins p. 46, and the record shows no evidence of a formal state-declared or county-declared emergency. Nevertheless, the County claims that its usual concern with mosquito abatement was heightened by Zika publicity. The mosquito abatement issue was the particular concern of the County's Mosquito Abatement Program, run by Gaskins. Gaskins, p. 8:1-4.

Consistent with past practice, Gaskin's initial move to reduce the 2016 mosquito population was to periodically send trucks to spray chemicals in mosquito-prone areas. Gaskins, pp. 48-49. Before any trucks went to Flowertown's region, Gaskin called Yawn and Stanley to notify them. Gaskins, pp. 40-42. Stanley would then "close up all the entrances to the bees . . . take bed sheets and dampen them and lay them across the hives, in case anything was blowing from the wind from the fog trucks . . . and [] keep them covered" until the day after the spraying. Stanley, pp. 32:1-33:1.

In July 2016, the County moved to add aerial spraying to its Mosquito abatement arsenal. Gaskins, pp. 56-57. Although the County had no prior experience with aerial spraying, Gaskins, p. 74:16-18, it quickly entered into a contract with Allen Aviation for "targeted" aerial spraying over property in the County, at the County's direction. Answer of Defendant Allen Aviation, US District Court Docket No. 32 ¶ 21. The County later decided to conduct its first (and only) aerial spray on August 28, 2016, between 6:00 and 8:00 am. Gaskins, pp. 66-67.

¹ County officials assert that state officials informed them that three people within the County's jurisdiction had travel contracted Zika virus. Gaskins, p. 45.

Prior to the scheduled spray, the County sent a press release to some local publications.

Gaskins, as he had done many times before truck and hand sprays, began to contact the beekeepers in the zones to be affected by phone. In this case, those included two in Zone 41, Ms. Hoover and Yawn and Stanley. Gaskins p. 77:18-25. He recalled talking to Ms. Hoover and told her that there was going to be an aerial spray, that she was in the spray zone, that she needed to cover her hives, spray them with water and uncover them later that morning at 10 am. She agreed to do so. Gaskins p. 78:1-15.

He proceeded to call the rest of his list, but tragically, although Flowertown was on the call list, Gaskins did not call Yawn or Stanley to inform them of the spray. Stanley, p. 33:10-13; Gaskins, pp. 79-80. Looking back on it, Gaskins mistakenly called someone named Abbott above them on the list, rather than Yawn and Stanley. Gaskins, p. 79:1-7.

On August 28, 2016, Allen Aviation flew a plane over the Summerville area, including the Flowertown property, and released the toxic chemical Naled (brand name, "Trumpet"). Stanley, p. 38:1-5, 41:23-25, Gaskins, p.63:17-20; Exhibit 3. According to the manufacturer, Naled "[c]auses irreversible eye and skin damage" "skin burns" and "[may] be fatal". Exhibit 1, Allen 093. Humans must avoid "breath[ing] vapor or spray mist." Id. The chemical is "highly toxic" to "bees exposed to direct treatment on blooming crops or weeds," as well as "toxic to fish, aquatic invertebrates, and wildlife." Exhibit 1 Allen 094-095.

The morning after the spray, Stanley went to check on Flowertown's bees and noticed "no bees flying around," contrary to what was normal. She testified that as she "got closer down to the hive boxes, you could just see piles of bees just lying there. And some of them weren't dead yet, and they were . . . struggling to survive [and] trying to clean out the dead ones that were still in the hive boxes." Stanley, pp. 39:14-23, 52:7-10. "[T]here was just like mounds of dead bees piled everywhere." Stanley, p. 39:14-23.

Yawn called Gaskins to find out what had happened and why they had not been contacted as they expected to be and had every other time. Gaskins, p. 79:21-25.

Gaskins admitted to Yawn that he had intended to call him but had mistakenly called the name above him on the list instead of him (Abbott). Gaskins, p. 80: 1-5.

Gaskins also called Ms. Hoover, who was in the flight path of the aerial spray, and she had done what he suggested by covering her hives and had no bee deaths as a result of the spray. Gaskins, p.79:7-11.

After the spraying that caused the death of the bees, Gaskins called Stanley and apologized for his mistake, telling her how badly he felt about it. The conversation left them both in tears. Gaskins, p.82:9-18; Yawn, p.121:1-9.

The morning after the aerial spray, with mounds of dead bees surrounding their hives, Stanley and Yawn contacted Clemson University, Department of Pesticide Regulation (“Clemson DPR”), the entity responsible for regulating and investigating pesticide use and complaints pursuant to state law. The Clemson DPR investigated and found “bees with behaviors consistent with pesticide exposure.” Exhibit 2, Allen 088. The investigation included collecting and testing representative samples of dead bees and soil from around the hives, which the Clemson DPR discovered did not contain pesticide residue. However, the report indicated the lack of pesticide residue “likely occurred due to the time which elapsed between the application and when the samples were obtained, combined with [the pesticide]’s ability to rapidly degrade under typical environmental conditions.” Exhibit 2, Allen 090. Thus, although the investigation “found no [regulatory] violations occurred” during the August 28 aerial spray, it also did not rule out the aerial spray “as a cause for the loss of the bees.” Exhibit 2, Allen 090-191.

Flowertown lost millions of bees, all its hive boxes, and the “baby bees” and honey therein, due to the spray. Stanley, pp. 44-46. A neighbor also lost bees. Stanley, p. 38:8-14. A distraught Stanley

and Yawn and others soon spoke to County officials about the bee death and its connection to the spray. Mr. Gaskins subsequently admitted that he failed to call Yawn and Stanley prior to the spray. Stanley, p. 50:1-11; Gaskins, pp. 79-80. The County has not paid the couple any compensation for the destruction of their bees and the business. Stanley, pp. 80-81.

LEGAL STANDARD

Rule 56(c), SCRCP, provides that a circuit court may grant a motion for summary judgment only "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." *Kunst v. Loree*, 404 S.C. 649, 653, 746 S.E.2d 360, 362 (Ct. App. 2013) *citing* *Bovain v Canal Ins.*, 383 S.C. 100, 105, 678 S.E.2d 422, 424 (quoting Rule 56(c), SCRCP).

The purpose of summary judgment is to expedite the disposition of cases not requiring the services of a fact finder. *George v. Fabri*, 345 S.C. 440, 453, 548 S.E.2d 868, 874 (2001).

"In a negligence case, where the burden of proof is a preponderance of the evidence standard, the non-moving party must only submit a mere scintilla of evidence to withstand a motion for summary judgment." *Bass v. Gopal, Inc.*, 395 S.C. 129, 134, 716, S.E.2d 910, 912 (2011) (emphasis added) (citing *Hancock v. Mid-South Mgm't Co.*, 381 S.C. 326, 330, 673 S.E.2d 801,803 (2009)). In determining whether a genuine issue of fact exists, the evidence and all reasonable inferences drawn from it must be viewed in the light most favorable to the nonmoving party. *Sanner v. Pub. Serv. Auth. of S.C.*, 354 S.C. 397, 404, 581 S.E. 2d 161, 165 (2003).

ARGUMENT

1. **The County had a duty to warn the Plaintiffs, which it breached by admittedly failing to warn them of the aerial spray as it did to other similarly situated beekeepers, preventing the Plaintiffs from protecting their bees from harm.**

In a negligence action, a plaintiff must show the (1) defendant owes a duty of care to the plaintiff, (2) defendant breached the duty by a negligent act or omission, (3) defendant's breach was the actual and proximate cause of the plaintiff's injury, and (4) plaintiff suffered an injury or damages. *Sabb v. S.C. State Univ.*, 350 S.C. 416, 429-30, 567 S.E.2d 231, 237-38 (2002).

Here the County's duty to warn arose (1) from its promise to notify and its practice of notifying registered beekeepers, including the Plaintiffs, prior to spraying by the County, and (2) from its designation of the person in charge of the Mosquito Abatement Program, Scott Gaskins, as the person who beekeepers should contact and to whom they should provide their location and contact information so they could be contacted by the County before a spray.

The Plaintiffs did exactly that, immediately upon starting their business in 2013, and thereafter was contacted by Gaskins prior to the occasions when the County truck or hand sprayed pesticides near their bees. Every time Gaskins contacted them, Yawn and Stanley covered their bees and prevented any harm to the bees as a result of the spraying.

The only time Gaskins failed to contact them, at the time of the aerial spraying by the County, they did not know to cover their bees, and all of their hives were destroyed as a result. A neighboring beekeeper who Gaskins did warn, though, was able to cover and protect her bees and they were saved from harm. Gaskins, p.79:7-11.

In South Carolina, while there is generally no duty to act under the common law, a duty to use due care may arise where an act is voluntarily undertaken. *Vaughan v. Town of Lyman*, 370 S.C. 436, 446, 635 S.E.2d 631, 637 (2006).

"The question of whether such a duty arises in a given case may depend on the existence of particular facts. Where there are factual issues regarding whether the defendant was in fact a volunteer, the existence of a duty becomes a mixed question of law and fact to be resolved by the fact finder." *Id.* at 446-47, 635 S.E.2d at 637 (quoting *Miller v. City of Camden*, 329 S.C. 310, 314, 494 S.E.2d 813, 815 (1997)).

The case of *Wright v. PRG Real Estate Mgmt.*, 426 S.C. 202, 212-213, 826 S.E. 2d 285, 290-91 (2019) recognized this voluntarily assumed duty in South Carolina jurisprudence as rooted in section 323 of the Restatement (Second) of Torts (1965), which provides:

One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other's person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking, if,

- (a) his failure to exercise such care increases the risk of such harm, or
- (b) the harm is suffered because of the other's reliance upon the undertaking.

In *Roundtree Villas Assoc. v. 4701 Kings Corp.*, 282 S.C. 415, 423, 321, S.E. 2d 46, 50-51 (1984) the Supreme Court held that, when the Lender, in effect, took over the project and undertook to market residential units through a corporation it had created and when it undertook to repair defects which existed to promote sales, a common law duty to use due care arose, citing Restatement (Second) of Torts § 323.

For similar cases where our courts recognized the assumption of duty under Section 323, see, *Madison ex rel. Bryant v. Babcock Ctr., Inc.*, 371 S.C. 123, 136, 638 S.E.2d 650, 657 (2006) (recognizing a duty may arise under section 323) and *Russell v. City of Columbia*, 305 S.C. 86, 89-90, 406 S.E.2d 338, 340 (1991) (relying in part on section 323 to find duty may exist between volunteer defendant and plaintiff).

In this case, there is much more than a mere scintilla of evidence to support the County's assumption of a duty to warn Yawn and Stanley, which the County breached by admittedly failing to

warn of an aerial spray of pesticides on their beehives which directly led to a destruction of their bees and hives.

Since the existence of an assumed duty is a mixed question of law and fact and more than sufficient evidence exists to create a factual issue, the County's motion to dismiss must be denied.

2. The County's actions alleged by the Plaintiffs do not fall within one of the exceptions to the Tort Claims Act.

The County argues that even if it breached a duty of care owed the Plaintiffs, it is protected by the exceptions to the waiver of immunity in the Tort Claims Act, including the discretionary act provision. These exceptions do not apply here, however, and cannot serve as the basis for its motion for summary judgment.

The Tort Claims Act waives immunity for torts committed by the State, its political subdivisions, and governmental employees acting within the scope of their official duties. *Pike v. South Carolina Dep't of Transp.*, 343 S.C. 224, 540 S.E.2d 87 (2000). There are several exceptions to this waiver of immunity, including what is known as discretionary immunity. *Id.*

S.C. Code Ann. § 15-78-60(5) (Supp. 2000) provides that a governmental entity is not liable for a loss resulting from:

the exercise of discretion or judgment by the governmental entity or employee or the performance or failure to perform any act or service which is in the discretion or judgment of the governmental entity or employee.

Mere room for discretion on the part of the entity is not sufficient to invoke the discretionary immunity provision. *Sumner v. Carpenter*, 328 S.C. 36, 492 S.E.2d 55 (1997). Discretionary immunity is contingent on proof the government entity, faced with alternatives, actually weighed competing considerations, and made a conscious choice using accepted professional standards. *Wooten ex rel. Wooten v. South Carolina Dep't of Transp.*, 333 S.C. 464, 511 S.E.2d 355 (1999). The governmental entity

bears the burden of establishing discretionary immunity as an affirmative defense. *Summer v. Carpenter, supra*.

In the case of *Sabb v. S.C. State Univ.*, 350 S.C. 416, 428-29, 567 S.E.2d 231, 237 (2002), the Supreme Court found that the burden was on the Defendant to show that it not only actually weighed competing considerations and alternatives but that, in doing so, it utilized accepted professional standards appropriate to resolve this issue. Here, as in *Sabb*, there is no evidence that the County weighed competing considerations and alternatives and exercised discretion in failing to notify the Plaintiffs: it simply made a mistake and failed to notify them, notifying someone else on the list instead.

The exceptions to the waiver of immunity under the Tort Claims Act are inapplicable here.

3. The County trespassed on the property of the Plaintiffs and caused them harm.

One in peaceable possession may maintain an action for trespass against another who interferes with his quiet and exclusive enjoyment of the property. *Lane v. Mims*, 221 S.C. 236, 70 S.E.2d 244 (1952). "The plaintiff need only show a prior peaceable possession as against the defendant, in order to sue for trespass." *Stratos v. King*, 282 S.C. 501, 505, 319 S.E.2d 356 (Ct. App. 1984) (citing *Beaufort Land v. New River Lumber*, 86 S.C. 358, 68 S.E. 637 (1910)).

To constitute an actionable trespass, however, there must be an affirmative act, the invasion of the land must be intentional, and the harm caused must be the direct result of that invasion. *Alabama Power Co. v. C. G. Thompson*, 278 Ala. 367, 178 So. 2d 525 (1965). Trespass does not lie for nonfeasance or failure to perform a duty. *Id.*

Intent is proved by showing that the defendant acted voluntarily and that he knew or should have known the result would follow from his act. *Snakenberg v. Hartford Casualty Insurance Co.*, 299 S.C. 164, 383 S.E.2d 2 (Ct. App. 1989).

Although neither deliberation, purpose, motive, nor malice are necessary elements of intent, the defendant must intend the act which in law constitutes the invasion of the plaintiff's right. *Id.*

Trespass is an intentional tort; and while the trespasser, to be liable, need not intend or expect the damaging consequence of his entry, he must intend the act which constitutes the unwarranted entry on another's land. See *Phillips v. Sun Oil Co.*, 307 N.Y. 328, 121 N.E.2d 249 (1954); *Lee v. Stewart*, 218 N.C. 287, 10 S.E.2d 804 (1940 (it is immaterial whether defendant in committing she trespass actually contemplated the resulting damage to plaintiff)).

In this case, there is no question that the County intended to trespass on the property of the Plaintiffs by having an airplane fly over it and drop pesticide on their property. If there had been no damage to the property, there would not have been an actionable trespass. Tragically, there was catastrophic damage to the Plaintiffs' property, and whether the County intended that damage is irrelevant.

As described in the case of *Snow v. Columbia*, 305 S.C. 544, 552-53, 409 S.E.2d 797, 802 (Ct. App. 1991), what is relevant is the intent related to the trespass, not the intent related to the resulting harm.

The cases relied upon by the Snows are in accord with the rule stated. In each of those cases, the defendant physically entered and conducted activity on land to which the plaintiff claimed title. In each case the entry was manifestly an intentional act. See *Ingleside Manufacturing Co. v. Charleston Light and Water Co.*, 76 S.C. 95, 56 S.E. 664 (1907); *Baldwin v. Postal Telegraph Cable Co.*, 78 S.C. 419, 59 S.E. 67 (1907); *Wood v. Pacolet Manufacturing Co.*, 80 S.C. 47, 61 S.E. 95 (1908); *Woodstock Hardwood and Spool Manufacturing Co. v. Charleston Light and Water Co.*, 84 S.C. 306, 66 S.E. 194 (1909). The issue in *Baldwin* and *Wood* was whether the damage was inflicted willfully. In both cases, the Court used the phrase "unintentional trespass." Taken in context, the Court used "unintentional" to draw a contrast to "wilful." (sic) It said only that the plaintiff need not prove the defendant was wilful (sic) or negligent to recover damages. As used by the Court, "unintentional" meant the defendant did not intend the damage flowing from the entry on the land, not that the entry itself was an unintentional act.

There is more than a mere scintilla of evidence supporting the Plaintiffs' claim that the County intended to come on to their property and while there, caused damage. The Defendant County's motion for summary judgment on the cause of action of trespass must also, therefore, be denied.

CONCLUSION

The questions of whether the County's actions created a duty that it breached by failing to notify the Plaintiffs and whether the County damaged the Plaintiffs by trespassing on their property and spraying it with pesticide are all questions of fact to be determined at trial. Certainly, more than a "mere scintilla" of evidence exists to support the Plaintiffs' arguments. The Court should deny the Defendant's motion for summary judgment.

Respectfully submitted,

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March 13, 2023
Charleston, SC

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INERT INGREDIENTS:

..... 22.0%

TOTAL:

..... 100.0%

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 (If you do not understand the label, find someone to explain it to you in detail.)

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If on skin or clothing:	- Take off contaminated clothing. - Rinse skin immediately with plenty of water for 15-20 minutes. - Call a poison control center or doctor for treatment advice.
If swallowed:	- Immediately call a poison control center or doctor. - Do not induce vomiting unless told to by a poison control center or doctor. - Do not give any liquid to the person. - Do not give anything by mouth to an unconscious person.
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NOTE TO PHYSICIAN	
Naled is an Organophosphatic cholinesterase inhibitor. Contains petroleum distillates. Measurement of blood cholinesterase activity may be useful in monitoring exposure. If signs of cholinesterase inhibition appear, atropine sulfate is antidotal. 2-PAM (Protopam) is also antidotal and may be used in conjunction with atropine, but should not be used alone. Probable mucosal damage may contraindicate the use of gastric lavage. May pose an aspiration pneumonia hazard.	

EPA Reg. No. 5481-481

EPA Est. No. 5481-CA-1, 5481-AL-1

Net Contents:

As Marked on Container



4100 E. Washington Blvd., Los Angeles, CA 90023 U.S.A.
 1-888-462-6822

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. CORROSIVE. Causes irreversible eye and skin damage. Causes skin burns. May be fatal if swallowed. Harmful if inhaled or absorbed through the skin. Do not get in eyes, on skin, or on clothing. Do not breathe vapor or spray mist. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are Barrier laminate, Butyl Rubber, Nitrile Rubber, and Viton.

Mixers, loaders, and other handlers must wear:

- Protective eye wear (goggles, face shield, or safety glasses)
- Long-sleeved shirt and long pants
- Socks plus shoes
- Chemical-resistant gloves (barrier laminate, butyl rubber, nitrile rubber, or viton, selection category E) and apron when mixing or loading

See engineering controls for additional requirements.

In addition, mixers and loaders must:

- Have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown the PPE specified above for handlers engaged in those activities for which use of an engineering control is not possible

Mixers, loaders, applicators and other handlers engaged in those handler activities for which use of an engineering control is not possible, such as cleaning up a spill or leak and cleaning or repairing contaminated equipment, must wear:

- Protective eye wear (goggles, face shield, or safety glasses)
- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves
- Chemical-resistant footwear plus socks
- Chemical-resistant apron if exposed to the concentrate
- Chemical-resistant headgear for overhead exposure
- A respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23G), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH-approved respirator with an organic vapor (OV) cartridge or canister with an R, P, or HE prefilter. Please note that N designation for respirator filters does not apply when application is made with oils.

USER SAFETY REQUIREMENTS

- Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water.
- Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

ENGINEERING CONTROLS

- Mixers and loaders supporting aerial or mechanical ground applications must use a closed system designed by the manufacturer to enclose the pesticide to prevent it from contacting handler or other people *AND* the system must be functioning properly and must be used and maintained in accordance with the manufacturer's written operating instructions.
- The system must be capable of removing the pesticide from the shipping container and transferring it into mixing tanks and/or application equipment.
- At any disconnect point, the system must be equipped with a dry disconnect or dry couple shut-off device that is warranted by the manufacturer to minimize dripage to not more than 2 mL per disconnect point.

Applicators must:

- Use an enclosed cab/cockpit. Wearing specified PPE (e.g.; chemical resistant gloves) within an enclosed cab/cockpit is not required.
- Be provided and have immediately available for use in case of an emergency repair of the application equipment, the PPE specified in the PPE section of this labeling for handlers engaged in those activities for which use of an engineering control is not possible.
- Take off any PPE that was contaminated before entering or reentering the cab/cockpit.
- Store all such PPE in a closed, chemical-resistant container, such as a plastic bag, to prevent contamination of the inside of the cab/cockpit.

In addition, motorized ground-equipment applicators must:

- Use an enclosed cab with a nonporous barrier that totally surrounds the occupant and prevents contact with pesticides outside the cab. The cab must either have a properly functioning ventilation system that is used and maintained according to the manufacturer's written operating instructions and is declared in writing by the manufacturer or by a governmental agency to provide at least as much protection as the type of respirator listed in the PPE section above or the occupant must wear a respirator as specified in the PPE section above.

User Safety Recommendations**Users should:**

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

It is recommended that any worker displaying clinical signs of cholinesterase-inhibition, such as headaches, nausea, and dizziness have an immediate physical examination including appropriate cholinesterase measurements. If initial examination was not conducted by a board-certified person who is certified in occupational health, then a separate examination should be conducted within 24 hours by a person so certified.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish, aquatic invertebrates, and wildlife. Runoff from treated areas or deposition of spray droplets into a body of water may be hazardous to fish and aquatic invertebrates. Before making the first application in a season, consult with the primary State agency responsible for regulating the pesticides to determine if permits are required or regulatory mandates exist. Do not apply over bodies of water (e.g., lakes, swamps, rivers, permanent streams, natural ponds, commercial fish ponds, marshes or estuaries), except when necessary to target areas where adult mosquitoes are present, and weather conditions will facilitate movement of applied material away from the water in order to minimize incidental deposition into the water body. Do not contaminate bodies of water when disposing of equipment washwaters or rinsate.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. To minimize hazard to bees, it is recommended that the product is not applied more than two hours after sunrise or two hours before sunset, limiting application to times when bees are least active. Do not apply this product or allow it to drift to blooming crops or weeds while bees are visiting the treatment area, except when applications are made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or the tribe during a natural disaster recovery effort.

DIRECTIONS FOR USE

Before making the first application of the season, consult with the primary State agency responsible for regulating the use of pesticides to determine if permits are required or regulatory mandates exist.

It is a violation of Federal Law to use this product in a manner inconsistent with its label.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

TANK MIXES

NOTICE: Tank mixing or use of this product with any other product shall be the exclusive risk of user, applicator and/or application advisor. Read and follow the entire label of each product to be used in the tank mix with this product.

TRUMPET EC is a special formulation for use undiluted to be applied for the control of mosquitoes, flies and certain other nuisance insects.

APPLICATION RESTRICTIONS

For application by, or under the supervision of, personnel certified/trained in public health pest control or mosquito control. For each application, a record must be kept of:

- Date, time and areas where application occurred
- Type and size of spray nozzle used
- Dilution and application rate
- Speed of application vehicle (whether air or ground)
- A description of insecticide delivery system used for the specific application
- Climate factors (e.g. ambient temperature, wind speed/direction) as determined using reliable means
- Employees involved in mixing, loading and applying TRUMPET EC

These records must be kept by the responsible public agency or their designee for a minimum of two years using storage methods that will allow the records to be easily retrieved.

Any system used to apply this product must be capable of providing the correct droplet size as specified below. Likewise, all applications must use the correct droplet size as specified below. Careful attention to directions concerning nozzles, nozzle positioning, air speed and droplet size is essential to avoid unwanted effects. Under-atomization produces large droplets that will quickly fall to the ground, while over-atomization produces finer droplets which will evaporate, dissipate, or drift in an unanticipated manner. Correct droplet size is critical to ensure effective mosquito control.

The entire spray system must be inspected before each operation to correct any leaks or obstructions, to detect whether the nozzle, hoses, or other parts are worn and need replacement, to ensure that the flow is properly calibrated and to determine that adequate pressure is being maintained. Adequate cleaning and maintenance of unit must be performed to ensure that the entire system is operating properly. Spray system components essential for correct droplet size must be cleaned or replaced as needed to ensure correct droplet size.

Spray during periods when ground level wind speed is equal to or greater than 1 mph. Apply when thermal activity is low. Do not apply when ambient temperature is less than 50°F.

Do not apply when it is raining in the treatment area.

Treatment of a site must be based on pest surveillance results. Do not treat any site more than 1 time per day. Do not treat any site with more than 2 fl. oz. of undiluted TRUMPET EC per acre within a 7 day period and the amount of undiluted TRUMPET EC applied to any site should not exceed 127 fl. oz. (10.73 pounds per acre of naled a.i./acre) per year. More frequent treatments may be made to prevent or control a threat to public and/or animal health determined by a state, tribal or local health or vector control agency on the basis of documented evidence of disease causing agents in vector mosquitoes or the occurrence of mosquito-borne disease in animal or human populations, or if specifically approved by the state or tribe during a natural disaster recovery effort.

Ground-Based Application:

Spray equipment must be adjusted so that the volume median diameter (VMD) is less than 40 microns ($D_v 0.5 < 40 \mu m$) and that 90% of the spray is contained in droplets smaller than 75 microns ($D_v 0.9 < 75 \mu m$). Directions from the equipment manufacturer or vendor, pesticide registrant, or a test facility using a laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

Aerial Application:

Spray equipment must be adjusted so that the volume median diameter produced is less than 60 microns ($D_v 0.5 < 60 \mu m$) and that 90% of the spray is contained in droplets smaller than 115 microns ($D_v 0.9 < 115 \mu m$). The effects of flight speed and, for non-rotary nozzles, nozzle angle on the droplet size spectrum must be considered. Directions from the equipment manufacturer or vendor, pesticide registrant, or a test facility using a wind tunnel and laser-based measurement instrument must be used to adjust equipment to produce acceptable droplet size spectra. Application equipment must be tested at least annually to confirm that pressure at the nozzle and nozzle flow rate(s) are properly calibrated.

OPERATIONAL USE INSTRUCTIONS

- All equipment used in the mixing or application (by ground or air) of TRUMPET EC must be constructed of corrosion-resistant materials. Stainless steel, bronze, brass, fiberglass, polypropylene and rigid PVC have all proven to be adequately resistant to the effects of TRUMPET EC when properly maintained and inspected.
- Use of Teflon or Viton seals is recommended. Even when these materials are used to construct a spray system, a careful maintenance program involving flushing, cleansing and constant inspection must be followed. Avoid use of steel or galvanized steel.
- Strain TRUMPET EC as it is being loaded. Use a 100 mesh stainless steel or nylon screen. If product crystallization occurs, warm to 70°F until crystals disappear.
- Flushing the system following application is required. Use water to thoroughly flush the entire spray system following application of TRUMPET EC.
- TRUMPET EC must be applied using the correct droplet size. Over-atomization produces finer droplets which either evaporate or dissipate too quickly and become unavailable for mosquito contact. The spread factor for TRUMPET EC on silicone or Teflon-coated slides is 0.54 and 0.7, respectively. If applied incorrectly, TRUMPET EC will spot certain automobile paint finishes. Careful attention to recommendations concerning nozzles, nozzle positioning, air speed and droplet size is essential to avoid paint spotting.

ADULT MOSQUITO CONTROL

Adult Mosquito Control in Residential Areas, Municipalities, Tidal Marshes, Swamps, Woodlands, and Agricultural Areas (when applied in wide-area public pest control programs sponsored by governmental entities): It is not necessary to avoid farm buildings, dairy barns, pastures, feed or forage areas. Use in agricultural areas must be in a manner as to ensure that residues do not exceed the established federal tolerance for the active ingredient in or on raw agricultural commodities resulting from use for wide area pest control. Treat shrubbery and vegetation where mosquitoes may be present. Shrubby and vegetation around stagnant pools, marshy areas, swamps, residential areas, municipalities, woodlands, pastures, farm buildings and feedlots may be treated.

Ultra Low Volume (ULV) Aerial Application: Apply 0.6 to 1.2 fl. oz. of undiluted product per acre (equivalent to 0.05 to 0.1 lb. a.i./acre). Use the 1.2 fl. oz. rate where heavy vegetation exists; i.e., woodlands, etc.

Ultra Low Volume (ULV) Ground Application: Apply TRUMPET EC undiluted at a rate of 0.75 fl. oz. per minute at 5 mph; 1.5 fl. oz. per minute at 10 mph; and 2.2 fl. oz. per minute at 15 mph, applying 30 ft. swath. These flow rates are equivalent to 0.02 lb. active per acre. In conditions of high pest pressure and/or heavy foliage, a maximum of 0.1 lb. active per acre may be applied.

Vehicles used to apply TRUMPET EC must be kept closed during application (air-conditioned) and equipped with an automatic flow control device. Consult equipment manufacturers for specific recommendations.

HOUSEFLIES, GNATS, CERTAIN OTHER NUISANCE INSECTS AND SUPPRESSION OF BLACKFLIES

Small Flying Moths, Flies (including but not limited to Crane Flies, Adult Stable Flies, Dog Flies, Biting Flies, Filth Flies), Midges in Residential Areas, Municipalities, Tidal Marshes, Swamps, Woodlands, and Agricultural Areas (when applied in wide-area public pest control programs sponsored by governmental entities): It is not necessary to avoid farm buildings, dairy barns, and feed or forage areas.

Ultra Low Volume (ULV) Aerial Application: Apply 2 fl. oz. of undiluted TRUMPET EC per acre (equivalent to 0.1 lb. a.i./acre).

SUPPRESSION OF DEER FLIES AND OTHER TABANIDS

Deer Flies in Residential Areas, Municipalities, Tidal Marshes, Swamps, Woodlands, and Agricultural Areas (when applied in wide-area public pest control programs sponsored by governmental entities): It is not necessary to avoid farm buildings, dairy barns, and feed or forage areas.

Ultra Low Volume (ULV) Aerial Application: Apply 1.2 fl. oz. of undiluted TRUMPET EC per acre (equivalent to 0.1 lb. a.i./acre).

STORAGE AND DISPOSAL

PROHIBITIONS: Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited.

STORAGE: Keep pesticides in original container. Do not put concentrate into, or dilute into food or drink containers. For help with any spill, leak, fire or exposure involving this material, call day or night 1-888-462-6822.

PESTICIDE DISPOSAL: This product is acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Container Handling:

Returnable Container. Nonrefillable container. Do not reuse or refill this container. This container is a dedicated, single-product returnable container. Return empty container to seller at location designated by seller as a collection point. Do not break seals, add anything to container or open container after use. Do not use or contaminate empty container. Do not dispose of untampered empty container or use it for any other purposes. Any evidence of broken seals or other tampering or adding anything to the container renders it unfit for return. In such case, it is the obligation of the holder of the container to dispose of it properly or offer for recycling, if available.

It is required that this product be used in a **CLOSED SYSTEM**. This container may require a tank adapter. For questions regarding tank adapters, call AMVAC Customer Service at 1-888-462-6822 (1-888-GO-AMVAC).

LIMITED WARRANTY AND DISCLAIMER

The manufacturer warrants (a) that this product conforms to the chemical description on the label; (b) that this product is reasonably fit for the purposes set forth in the directions for use, subject to the inherent risks referred to herein, when it is used in accordance with such directions; and (c) that the directions, warnings, and other statements on this label are based upon responsible experts' evaluations of reasonable tests of effectiveness, of toxicity to laboratory animals and to plants and residues on food crops, and upon reports of field experience. Tests have not been made on all varieties of food crops and plants, or in all states or under all conditions.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THERE ARE NO EXPRESS WARRANTIES OTHER THAN THOSE SET FORTH HEREIN. THE MANUFACTURER NEITHER MAKES NOR INTENDS, NOR DOES IT AUTHORIZE ANY AGENT OR REPRESENTATIVE, TO MAKE ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, AND IT EXPRESSLY EXCLUDES AND DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY OF FITNESS FOR A PARTICULAR PURPOSE, OR ANY WARRANTY OF QUALITY OR PERFORMANCE. THIS WARRANTY DOES NOT EXTEND TO, AND THE BUYER SHALL BE SOLELY RESPONSIBLE FOR, ANY AND ALL LOSS OR DAMAGE WHICH RESULTS FROM THE USE OF THIS PRODUCT IN ANY MANNER WHICH IS INCONSISTENT WITH THE LABEL DIRECTIONS, WARNINGS OR CAUTIONS.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND MANUFACTURER'S OR SELLER'S EXCLUSIVE LIABILITY FOR ANY AND ALL CLAIMS, LOSSES, DAMAGES, OR INJURIES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER OR NOT BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE, SHALL BE LIMITED, AT THE MANUFACTURER'S OPTION, TO REPLACEMENT OF, OR THE REPAYMENT OF THE PURCHASE PRICE FOR, THE QUANTITY OF PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. NO AGENT, MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

AMVAC offers this product, and Buyer accepts it, subject to the foregoing Limited Warranty which may be varied only by agreement in writing signed by an authorized representative of AMVAC.

Trumper® is a registered trademark of Amvac Chemical Corporation.

Amvac Chemical Corporation,
4100 E. Washington Blvd.
Los Angeles, CA 90023 U.S.A.
1-888-462-6822

CLEMSON

UNIVERSITY

NON-AGRICULTURAL FOLLOW-UP PESTICIDE USE INVESTIGATION

Dorchester County Public Works
2120 E. Main Street
Dorchester, SC 29437

Submitted by Ryan A. Okey, Pesticide Program Chief
Department of Pesticide Regulation (DPR)

29 September 2016

NATURE OF INCIDENT

The Department of Pesticide Regulation (DPR) was contacted by the Dorchester County Extension Office on 29 August 2016 regarding calls they received about a recent aerial application for mosquitoes and the impact it was having on beehives in the area. Additionally, Dr. Jennifer Tsuruda, Apiculture Specialist with Clemson University, forwarded DPR contact information for Ms. Nita Stanley, who alleged the aerial application had fatally affected her bees.

DEPARTMENTAL FINDINGS

DPR Investigator, Michael Russell, met with Nita Stanley, co-owner of Flowertown Bees, located at 503 Pinehurst Avenue, Summerville, SC at approximately 3:00 pm on 30 August 2016. Ms. Stanley stated that a firefighter at a neighboring fire station visited her property on August 29th to see how her bees were after the application. At that time, Ms. Stanley was unaware of the recent aerial application. When she inspected her bee yard, she observed dead bees around each hive.

After talking with Ms. Stanley, Investigator Russell walked down to the location of the hives. He noticed a large number of bees that were deceased on the ground below each hive. As he continued to walk around the hives, he observed bees with behaviors consistent with pesticide exposure, to include bees appearing lethargic on the outside of the hive and worker bees removing dead bees from the entrance of each hive. Investigator Russell also observed very active bees flying around the yard as well. A representative sample of dead and dying bees as well as soil were collected from around the hives by Investigator Russell in compliance with DPR's field sampling policy manual. An unofficial third-party sample of bees that were collected by Ms. Stanley were also obtained. All of the samples were transferred to DPR's Pesticide Residue Laboratory for a full analysis.

DPR met with Scott Gaskins, Ground Supervisor of Dorchester County Public Works, on September 1st and again on the 12th. Mr. Gaskins stated that in July 2016 Dorchester County engaged in talks to perform aerial applications for mosquito control. On July 21st, Dorchester agreed to a contract with Allen Aviation to perform aerial applications in Dorchester County. Mr. Gaskins received confirmed Zika travel related cases in Dorchester County from the South Carolina Department of Health and Environmental Control (DHEC) on consecutive weeks from August 9th through August 19th. Additionally, Mr. Gaskins received nuisance complaints of mosquitoes from the residents of Dorchester County as well as Summerville Elementary School. This information combined with the results of light traps and landing rate counts for mosquitoes, led Mr. Gaskins to create a zone to perform an aerial application for mosquito control. Mr. Gaskins stated that the zone was created to best encompass as many of the above factors as possible. The application zone was submitted to Allen Aviation with a tentative application date of August 27th. On August 26th, the Public Relations Department for Dorchester County published a public notice of the intended application. Mr. Gaskins stated that the tentative date of the application was pushed to August 28th to allow adequate notification. Mr. Gaskins provided DPR with pesticide application records for both the aerial application as well as ground applications performed within the identified zone.

DPR met with Mr. Al Allen, owner and Chief Pilot of Allen Aviation, on September 7th and again on the 15th. Mr. Allen stated that he performed an aerial application of Trumpet EC (EPA Reg. No. 5481-481, AMVAC) in Dorchester County on 28 August 2016. Mr. Allen was provided a map by Dorchester County designating the zone where the application was to be performed. The map included sensitive areas representing the approximate location of beehives, however no specific GPS coordinates were given. In the absence of GPS coordinates, Mr. Allen marks waypoints on the plane's guidance system for sensitive areas. Mr. Allen stated that during the application the spray is shut off approximately three seconds before reaching a sensitive area and turned back on approximately three seconds after passing the sensitive area. This represents an approximate linear distance of three quarters to one mile that the spray is turned off. In addition to pesticide application records, Mr. Allen also provided the most recent equipment calibration record. The records provided by Mr. Allen show that between the hours of 6:45 am and 7:50 am on August 28th he applied 58 gallons of Trumpet EC (EPA Reg. No. 5481-481, AMVAC) at a rate of 0.8 fluid ounces per acre.

DPR performed an in-depth and thorough review of the Trumpet EC (EPA Reg. No. 5481-481, AMVAC) label. The label of Trumpet EC directs that for aerial applications to control adult mosquitoes, the product is to be applied at a rate of 0.6 to 1.2 fluid ounces per acre. DPR also identified language in the *Environmental Hazards* section of this label that contributed to this investigation. The language DPR identified states "*To minimize hazard to bees, it is recommended that the product is not applied more than two hours after sunrise or two hours before sunset, limiting application to times when bees are least active. Do not apply this product or allow it to drift to blooming crops or weeds while bees are visiting the treatment area... except when applications are made to prevent or control a threat to public and/or animal health determined by a state agency on the basis of documented evidence of... the occurrence of mosquito-borne disease in animal or human*

populations..." DPR observed this section of the label as guidance for optimal times to minimize hazard and an exemption to restrictions normally placed on applications performed during the absence of a threat to public health. The National Weather service data states that sunrise occurred at 6:53 am August 28th and that the air temperature did not exceed 73.4°F during the application.

The Regulatory Affairs team with AMVAC Chemical Corporation provided the following statement regarding this section of the label, "The application times given on the label to minimize hazard to bees are recommendations only. This application timing is not directly related to, nor does it affect the enforceability of, the label restriction requiring the user to not apply the product to or allow it to drift to blooming crops or weeds while bees are foraging. The only scenario in which the latter restriction is not in effect is if the application in question is being made to control or prevent a public and/or animal health threat."

DHEC provided confirmation to DPR that travel related cases of Zika were identified in Dorchester County and the State Public Health Entomologist notified Dorchester County on August 9th and August 15th, and provided maps to the county showing a mosquito target zone. The information provided to Dorchester County did not specify the method of application or the type of pesticide to be applied in these zones. DHEC provided the following statement to DPR. "The South Carolina Department of Health and Environmental Control confirms that certain mosquito borne diseases are a public health risk in South Carolina."

The representative sample of dead and dying bees, the soil collected from around the hives, and the unofficial third-party sample of bees collected by Ms. Stanley were analyzed by the DPR Pesticide Residue Laboratory. None of the samples yielded pesticide residue, or specifically Naled, which is the active ingredient in Trumpet EC. These results likely occurred due to the time which elapsed between the application and when the samples were obtained, combined with Naled's ability to rapidly degrade under typical environmental conditions. The official samples were obtained by DPR approximately 53 hours after the application was conducted.

Section 27-1084 (A)(4) of the Rules and Regulation for the Enforcement of the South Carolina Pesticide Control Act states "For non-commercial applicators only, or for commercial applicators making applications for and under the direct supervision of a governmental entity, the disclosure requirements of the above Sections may be met by announcement or publication of the nature and timing of pesticide applications in the appropriate mass media outlets not less than 24 hours prior to the application." The Public Relations Department for Dorchester County published a public notice in The Summerville Journal Scene on August 26th that included the nature, timing, and location of the intended application.

CONCLUSION

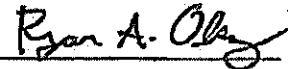
This investigation found no violations occurred as result of the Trumpet EC application performed on August 28th. This conclusion was supported by the following statements: the nature

Gaskins NAFUI
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and timing of the pesticide application was published in a mass media outlet greater than 24 hours prior to the application, the application was performed at or below the labeled rate, the application was not applied more than 2 hours after sunrise, and the application was performed to prevent a threat to public health after identifying the occurrence of a mosquito-borne disease in the human population. This conclusion does not, in anyway, eliminate the Trumpet EC application as a cause for the loss of bees following the application.

SUBMITTED BY



Ryan A. Okey

cc: Nita Stanley, Flowertown Bees
Al Allen, Allen Aviation
Kelly Wilmott, AMVAC Chemical Corporation
Susan Lake, SC DHEC
Dr. Jennifer Tsuruda, Clemson University
DPR Field Investigators
EPA Region IV
Jason Ward, Dorchester County
File

CF# 083016-47-02

ELECTRONICALLY FILED - 2023 Mar 13 9:56 AM - DORCHESTER - COMMON PLEAS - CASE#2017CP1800138

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

MITCH RANDALL YAWN and JUANITA
MAE STANLEY d/b/a FLOWERTOWN BEE
FARM AND SUPPLIES,

Plaintiffs,

vs.

C.A. No. 2:17-CV-00440-DCN

DORCHESTER COUNTY, TOWN OF SUMMERVILLE,
ALLEN AVIATION, INC. and AL ALLEN,

Defendants.

DEPOSITION OF: CLAYTON H. GASKINS, JR.

DATE: March 13, 2019

TIME: 2:35 p.m.

LOCATION: Austen & Gowder
1629 Meeting Street, Suite A
Charleston, SC

TAKEN BY: Counsel for the Plaintiffs

REPORTED BY: Janice N. Shepherd,
Registered Professional
Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES

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Asheville, NC
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APPEARANCES OF COUNSEL:

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datkinson@wilkeslaw.com

(INDEX AT REAR OF TRANSCRIPT)

CLAYTON H. GASKINS, JR.,
being first duly sworn, was examined and testified
as follows:

EXAMINATION

BY MR. GOWDER:

Q. Mr. Gaskins, are you ready?

A. Yes, sir.

Q. Good, good. My name is Andy Gowder. I
represent the plaintiffs in this case, Mitch Yawn
and Nita Stanley and their business, Flowertown Bee
and Nursery. Okay? And I'm here because you are a
witness, been listed as a witness by the defendants
in this case as someone who might know something
about this case. So I'm here to ask you some
questions. It's a relatively informal process. We
have a court reporter here, as you see, who is
taking down everything that's said. I'm going to
ask you questions, and I'll just ask that you give
me the best answer you can give me. Okay. You are
under oath.

A. Yes, sir.

Q. If I ask you a question that is unclear
or you need for me to repeat or you don't
understand it or whatever, please ask me to
rephrase it or ask me a question about my question.

1 Happy to, you know, make myself clear, because I
2 want to make sure that, you know, you -- the record
3 is clear and that your answers are to the questions
4 that I've asked. Is that fair?

5 A. Yes, sir.

6 Q. Okay. I also would ask, now that we
7 have started, that if you have any questions about
8 the proceedings, that you address those to me and
9 not to Mr. Maybank. Mr. Maybank is here ably
10 representing the County. But his role at this
11 point is to have objections to the form of my
12 questions, which he will make from time to time, or
13 he may in a rare case make some objection based on
14 the attorney/client privilege. That's the only
15 instance in which you and Mr. Maybank can confer.

16 A. Yes, sir.

17 Q. Otherwise, just please direct any
18 questions to me. Is that fair?

19 A. Yes, sir.

20 Q. If you do answer a question, I'm going
21 to assume that -- I'm going to rely on it, and I'm
22 going to assume that you've given me your best and
23 your most truthful answer. Is that a fair
24 assumption?

25 A. Yes, sir.

1 Q. Did you meet with anybody or talk with
2 anybody in preparation for this deposition,
3 Mr. Gaskins?

4 A. Our lawyer, Mr. Maybank, Roy Maybank.

5 Q. Okay, good. And so you met with him.
6 I don't want to get into that conversation. Was
7 anybody else present other than Mr. Maybank?

8 A. No, sir, not at the time.

9 Q. Okay. And have you spoken to anybody
10 else in preparation for this deposition?

11 A. No, sir.

12 Q. Do you -- did you review any documents
13 prior to coming here?

14 A. Yes, sir, I did.

15 Q. What did you review?

16 A. We just reviewed emails that we -- that
17 Mr. Maybank had collected and -- basically it was
18 more the emails.

19 (Proceedings were interrupted.)

20 BY MR. GOWDER:

21 Q. That's the other thing. She's the most
22 important person here. If she's not taking stuff
23 down, we have to stop. Okay?

24 MR. MAYBANK: I will say, Andy, not to
25 waive any attorney/client privilege, but for your

1 information, we reviewed all the discovery that I
2 to date have turned over to you, nothing outside of
3 that.

4 MR. GOWDER: Thank you for that
5 clarification. I appreciate that.

6 MR. MAYBANK: It's always an awkward
7 thing, don't tell him what you reviewed if it was
8 with me. That's what we did. We reviewed
9 discoverable documents. I see that you've got some
10 from Allen. I don't recall if we did, but ask him
11 whatever you want to.

12 MR. GOWDER: Thank you. I appreciate
13 that.

14 BY MR. GOWDER:

15 Q. Have you talked to anybody about this
16 case or about the Yawns, not just in preparation
17 for this deposition, but at all?

18 A. No, sir.

19 Q. You have not?

20 A. No, sir. The only thing, if anybody
21 asked me about anything, I told them that I was not
22 allowed to talk about nothing because it was still
23 under litigation.

24 Q. Okay. Fair enough. We do this with
25 all witnesses, not to pry, but just to get some

background, if you tell me a little bit about
yourself, about your background. Where were you
born?

A. I was born here in Charleston, South
Carolina.

Q. Okay.

A. I was born in 1967.

Q. Okay.

A. We moved from Charleston when I was
probably in elementary school. In 1975, we moved
to Bradenton, Florida, and I was there until '93,
until I moved back home, and then ended up getting
a job with Dorchester County. And I was with
Dorchester County since then until present.

And at the time, I got hired on as
Litter and Nuisance. I handled illegal dumping,
overgrown lots, abandoned vehicles. That merged
into Grounds supervisor, so I was over Grounds.
Also with what they call Community Service Program,
I dealt with probation and parole, Solicitor's
Office, dealt with them placing people that had
hours.

And then I don't know the exact date,
early 2000s, 2002 maybe, 2003, that's when I was
told about the Mosquito Abatement Program. And

1 then they had a driver, and they said here is --
2 you're over the Mosquito Abatement Program. And it
3 kind of went from there to present. I've been with
4 the County 26 years.

5 Q. Okay. All right. We're going to go
6 through that. I appreciate that summary. We're
7 going to go through a little bit more. No no,
8 that's great -- in a little more detail. Tell me
9 in terms of school, did you graduate from high
10 school?

11 A. Yes, sir.

12 Q. Where did you graduate?

13 A. From Manatee High School in Manatee
14 County.

15 Q. In Florida?

16 A. Bradenton, Florida, yes, sir.

17 Q. And what year was that?

18 A. 1986.

19 Q. What did you do after that?

20 A. I worked for a golf course. I don't
21 remember the full name.

22 Q. In Florida?

23 A. In Florida.

24 Q. What did you do with there?

25 A. What I did with the golf course is

1 maintenance, grounds maintenance. And then I ended
2 up working and getting on with Manatee County doing
3 basically the same thing, litter and nuisance.
4 That might have been '87, '88. I'm not exactly
5 sure what year I got on with Manatee County.

6 Q. How long were you with Manatee County?

7 A. I was with Manatee County for five
8 years before I came back home.

9 Q. So now we're in the early '90s?

10 A. Yes, sir.

11 Q. Early to mid '90s?

12 A. Yes, sir.

13 Q. And you moved back to the Charleston
14 area?

15 A. Yes, sir.

16 Q. Were you hired immediately by
17 Dorchester County?

18 A. No, sir. In the beginning of '93,
19 February of '93 when I came home, I worked for -- I
20 forget the name of the cabinet company that I
21 worked with. Friend of mine I knew, he got me on
22 with them. It was an ongoing process. That was my
23 goal, to get on with Dorchester County. The
24 gentleman that I was going to take his place was in
25 the process of getting out. So I worked with the

10

1 cabinet company for a while, also worked with
2 Trident Construction until December of '93. 23rd
3 of December is when I got hired on with Dorchester
4 County.

5 Q. What position were you hired for at
6 that time?

7 A. Litter and Nuisance.

8 Q. Litter and Nuisance officer. Tell me
9 what your responsibilities were in that role.

10 A. Responsibilities was that for, of
11 course, illegal dumping, anyone going out on
12 illegal dumping, going through the trash trying to
13 find addresses, names, to find out who did it,
14 going to people's homes for abandoned vehicles, not
15 having license plates that's up to date, overgrown
16 lots, trash in the yard.

17 Q. So you were a code enforcement officer?

18 A. Yes, sir. I wasn't -- I was sworn
19 in -- I say sworn in. I forget what they call it.
20 But, yes, sir.

21 Q. So you wrote tickets?

22 A. Yes, sir.

23 Q. Essentially you would investigate and
24 write tickets for violations of littering and trash
25 ordinances?

1 A. Yes, sir, and could go to court if we
2 needed to.

3 Q. Who did you report to?

4 A. His name was Danny Thrower. He was my
5 supervisor.

6 Q. And how long did you work in that role?

7 A. I'd say five or six years.

8 Q. Okay. So end of the '90s?

9 A. Yes, sir.

10 Q. And then what changed then?

11 A. Well, it kind of overlapped with the
12 Grounds Maintenance supervisor. So they kind of
13 added that to me as I was doing the litter and
14 nuisance.

15 Q. Okay.

16 A. Honestly, I don't know how that phased
17 out with the Litter and Nuisance. I think there
18 was some switching around going on with the County.
19 So I ended up being pretty much the Grounds
20 Maintenance supervisor.

21 Q. Was that your --

22 A. That was my title.

23 Q. What did you do as Grounds Maintenance
24 supervisor?

25 A. I oversee and supervise a couple of

1 individuals that cut grass, two crews basically.
2 Just made sure our sites, County buildings, were up
3 to standards with landscaping.

4 Q. Okay. For property owned by the
5 County?

6 A. The County, yes, sir. Nothing outside
7 of Dorchester County, just for Dorchester County
8 facilities.

9 Q. So you were making sure that the
10 grounds of all County-owned property were up to a
11 standard?

12 A. Standard, yes, sir.

13 Q. Who was your supervisor in that role?

14 A. That was still Danny Thrower.

15 Q. What was Mr. Thrower's position?

16 A. Mr. Thrower, he was with surveying. He
17 might have been at that time, I'd say, the
18 deputy -- I don't want to say superintendent. I
19 don't know exactly what his title was. I can't
20 remember, to be honest with you.

21 Q. That's fine. One of the other rules
22 here is, if you don't know something, you can just
23 say you don't know.

24 A. Okay.

25 Q. But I don't mind you making an educated

13

1 guess on things, as long as you tell me that's what
2 you're doing. Okay?

3 A. Yes.

4 Q. Because we're here to find stuff out.

5 A. Yes.

6 Q. Okay. So how long were you the grounds
7 manager or supervisor?

8 A. Let's see. Ten years maybe.

9 Q. Okay. All right. And doing basically
10 the same job?

11 A. Yes, sir.

12 Q. Okay. What changed or what happened
13 after ten years?

14 A. Between that time frame, between ten to
15 15 years, again, I had a couple of different hats I
16 was doing with the Community Service. New
17 administration came in.

18 Q. Yeah.

19 A. And what had happened then is they
20 created a new department called Community Services,
21 and that happened two years ago. And then what had
22 happened is that the Grounds Maintenance supervisor
23 position was dissolved, and I became just Mosquito
24 Abatement coordinator.

25 Q. When did that happen?

1 A. That happened two years ago, so 2016 --
2 2017, I'm sorry.

3 Q. 2017. Okay. So at some point in your
4 job as Grounds Maintenance supervisor, you were
5 given mosquito abatement responsibilities?

6 A. Yes, sir.

7 Q. When did that happen?

8 A. That happened, I would say, late '90s,
9 early 2000s.

10 Q. Now, was that -- was that after you
11 made the transition to Grounds Maintenance
12 supervisor?

13 A. It was after.

14 Q. It was after you made the transition to
15 Grounds Maintenance supervisor?

16 A. Yes, sir.

17 Q. It wasn't when you were with litter and
18 all of that?

19 A. No, sir.

20 Q. And tell me how that came to be. How
21 did you -- how was it that you became involved with
22 Mosquito Abatement?

23 A. The gentleman that was doing it, our
24 boss who ran Public Works, Doug Tompkins, best of
25 my knowledge came to me one day and said, Scott, we

1 want you to start performing this task along with
2 the Grounds Maintenance supervisor.

3 Q. Was anybody doing that job before you?

4 A. Yes, sir. His name was Buddy Canaday,

5 Q. C-A-N-A-D-A-Y?

6 A. Yes, sir, I believe so.

7 Q. And what did they ask you to do as --
8 when they say start performing this task, what does
9 that mean? What were you to do?

10 A. Just spray for mosquitoes at nighttime.

11 Q. Okay. You personally?

12 A. No, sir. We had people that sprayed at
13 night.

14 Q. Tell me about that. How many people
15 were involved in that?

16 A. At that time, one.

17 Q. One person. And what kind of equipment
18 did they use?

19 A. They use a truck with a mounted sprayer
20 in the back, in the bed of the truck.

21 Q. Okay. And you said at night. Was it
22 after sundown?

23 A. Yes, sir.

24 Q. Why would the spraying be after
25 sundown?

1 A. Because from that time of night, we
2 started, I believe, around 9:00 at night. That was
3 pretty much for safety. By that time, we did that
4 for people being in their homes pretty much.
5 That's the reason why that was done at that time.

6 Q. When you say for safety, do you mean so
7 that people would be less likely to be exposed to
8 it?

9 A. Yes, sir.

10 Q. And animals, pets?

11 A. Yes, sir.

12 Q. Things like that?

13 A. Yes, sir.

14 Q. Now, the sprayer, would it basically
15 just release the spray into the atmosphere as it
16 drove by, or was it more of a specific application?

17 A. It was an application that came out the
18 back of the machine that gave a 300-foot swath that
19 came out of the back of the machine is what it was.
20 There was no handheld spraying. It was all from
21 the machine itself.

22 Q. I remember as a child in St. Andrews
23 Parish, we would drive our bicycles behind what we
24 called fog trucks. But is that what we're talking
25 about?

1 A. That's exactly what it is. Ultra low
2 volume is what it, ULV.

3 Q. That explains all my current
4 peculiarity. But, anyway, all right. So that's
5 what we're talking about is a truck that would
6 drive around in areas and release a spray or a fog
7 to spray for mosquitos?

8 A. Yes, sir.

9 Q. Do you know what the chemical was that
10 was being sprayed out of trucks?

11 A. At that time?

12 Q. At that time.

13 A. Was called malathion.

14 Q. Malathion?

15 A. Yes, sir.

16 Q. All right. Was there a -- was that a
17 brand name, or was that the chemical name?

18 A. That was the chemical name, malathion.

19 Q. Do you remember a brand name?

20 A. No, sir, because I didn't use it for
21 very long.

22 Q. Okay. Tell me about what changed then.

23 A. That's very corrosive to the machine.

24 MR. MAYBANK: Let me just say for the
25 record, I apologize for interrupting you all. I

18

1 have allergies, and it's been so bad out there.

2 MR. GOWDER: You're not alone.

3 Obviously you can take a break whenever you need.

4 MR. MAYBANK: No, no need. I just
5 didn't want you to think I was hacking or coughing
6 trying to signal the witness. All right. Go
7 ahead.

8 THE WITNESS: It was very corrosive to
9 the machines, trucks. Also, it stunk to high
10 heaven. It was very potent. And if it pretty much
11 got on your clothes or anything, you might as well
12 throw it away. So I quit using that product.

13 BY MR. GOWDER:

14 Q. All right. So how long after your --
15 can we peg a date when you started performing this
16 task, roughly?

17 A. When I start doing the mosquitos, the
18 very first?

19 Q. Yes, at the beginning, just so I can
20 get a rough timeline. 2000, 2001?

21 A. I'll say 2000. That's a guesstimation.

22 Q. No, I understand. We're just trying to
23 get a rough timeline here. How long do you think
24 after 2000 were you using malathion?

25 A. I might have changed that year.

1 Q. Okay. So what did you change to?

2 A. It was called Permanone.

3 Q. All right.

4 MR. ATKINSON: Can you repeat that
5 name?

6 MR. GOWDER: Permanone, Dan.

7 THE WITNESS: Permanone 30-30.

8 BY MR. GOWDER:

9 Q. Can you spell that for the court
10 reporter? The best you can.

11 A. P-E-R-O-M -- I don't really know how to
12 spell it, to be honest with you.

13 Q. Okay. That's fine. And what were the
14 characteristics of that? How was that an
15 improvement?

16 A. First of all, Permanone was the
17 knockdown rate, first of all, the corrosion and the
18 smell. That was the one thing, to get rid of that.
19 It was a lot easier on the machines. It was ready
20 to use. There was no mixing. It was ready right
21 out of the drum. It was the 30-30. It was a 30
22 percent permethrin and 30 percent piperonyl
23 butoxide, which makes the chemical. Piperonyl
24 butoxide is like a mineral oil, and it just makes
25 the Permanone react faster.

1 Q. Did you make the decision to change to
2 this product?

3 A. Yes, sir, I did.

4 Q. And what was the basis that you had for
5 making this decision? How did you make the
6 decision?

7 A. For the reason that I just explained.

8 Q. Yeah, I guess what I'm -- what
9 background did you have? What investigation did
10 you do? What was your basis for choosing this
11 product?

12 A. Trey English, who is with Adapco, who I
13 dealt with when I started with mosquitos with the
14 chemicals, Trey is a representative for Adapco.
15 And talking with him, the best of my knowledge, the
16 issue with the malathion, we talked about what we
17 could use, and they suggested that chemical.

18 Q. Adapco is a company that sells
19 pesticides?

20 A. Yes, sir.

21 Q. And it sold pesticides to Dorchester
22 County?

23 A. Yes, sir.

24 Q. And had been doing that?

25 A. That I don't know.

1 Q. When you took over, that's the company
2 you used?

3 A. Yes, sir.

4 Q. Okay. Is that the company that
5 Dorchester County still uses?

6 A. Yes, sir.

7 Q. Did you have any independent knowledge
8 about pesticides or pesticide application before
9 you started doing this job?

10 A. No, sir.

11 Q. When you took this job, did you have
12 any -- did you go to any training? Did you go to a
13 school for mosquito abatement or pesticides?

14 A. No, sir.

15 Q. In your work or educational career up
16 to that point, had you studied or done any training
17 or taken any education about mosquito abatement or
18 pesticides?

19 A. Not to that point, no, sir.

20 Q. Not to that point?

21 A. Not to that point when I started.

22 Q. In 2000?

23 A. Not to that point, no, sir. May I --

24 Q. Yeah, absolutely.

25 A. May I ask? I wanted to make sure the

1 question you asked before, I mean, since then, yes,
2 I have gone to school.

3 Q. We're going to get there.

4 A. Okay, I wanted to make sure I wasn't
5 misunderstanding what you were asking.

6 Q. Go ahead and tell me that since we're
7 on the subject. What training have you had
8 subsequently about mosquito abatement or
9 pesticides?

10 A. In 2006, it was mandatory to get a
11 Public Health Category 8 through the State of South
12 Carolina to be able to spray in South Carolina. So
13 I had to --

14 Q. Tell me that again. A Public Health...

15 A. Public Health Category 8.

16 Q. What is that?

17 A. It's a license through the State of
18 South Carolina that I had to take to be able to
19 perform spraying legally.

20 Q. For you to supervise the spraying?

21 A. To supervise, yes, sir.

22 Q. What did you have to do to obtain this
23 Public Health Category 8 license?

24 A. I had to take a Core exam with Clemson
25 Extension.

1 Q. What kind of exam?

2 A. It's called Core.

3 Q. C-O-R-E?

4 A. C-O-R-E. Then you had to pass the Core
5 exam to be able to give you the Public Health exam
6 which would give you the category 8. So those two
7 exams had to be taken.

8 Q. What is a Core exam?

9 A. It is just a general knowledge of all
10 types of ways of using pesticides, where to use
11 pesticides, how to use pesticides, what to use them
12 on.

13 Q. Are there like study materials for
14 that?

15 A. Yes, sir.

16 Q. And who provides that?

17 A. I got that from Clemson Extension, I
18 believe, Clemson University.

19 Q. Do you still have your materials from
20 that?

21 A. Yes, sir.

22 Q. Would you provide those to Mr. Maybank?

23 A. The two books? Yes, absolutely.

24 (This page contains information to be
25 supplied by counsel and/or the deponent.)

MR. MAYBANK: How are they kept? Are they bound, loose leaf like in a three-ring --

THE WITNESS: It's a binder.

MR. MAYBANK: Okay. We'll give you them, absolutely.

BY MR. GOWDER:

Q. So you took the course and passed the exams in 2006 to get this license. What have you done since then?

A. Each year, they have refresher courses, I guess. You have to take ten hours of recertification hours within a five-year block. But each year before season starts, they always have small seminars you can go to.

Q. Continuing education?

A. Continuing education, yes, sir.

Q. And you take those?

A. Yes, sir. Yes, sir.

Q. And who keeps track -- does LLR keep track of your continuing education or does Clemson?

A. Clemson does that. Clemson.

Q. Okay. And do you still hold the Public Health Category 8 license?

A. Yes, sir. You have to renew it every year.

1 Q. Every year?

2 A. Every year, and ten hours is an
3 every-five-year block.

4 Q. Do you have any other licenses,
5 certifications --

6 A. No, sir.

7 Q. -- education related to this?

8 A. No, sir.

9 Q. All right. So let's go back then. So
10 in 2000, 2001, you switched to Permanone, and you
11 still had one truck and one driver; right?

12 A. Yes, sir.

13 Q. So tell me in terms of the -- and what
14 did you do to supervise this truck and driver?
15 What was your job?

16 A. My job was to make sure that, first of
17 all, they knew safety, they knew how to operate the
18 machine. At that time, calls were just called in
19 to Public Works. That's who I worked for. And
20 then I would make sure that wherever the issues
21 were at, I would get with the driver, give him
22 those complaints, and tell him to make sure that
23 these complaints at these addresses were taken care
24 of. Anything around the area, subdivisions, any
25 problems, go ahead and spray also.

1 Q. And the complaints that you were
2 getting were people that said that they had
3 infestations of mosquitos and they needed spraying;
4 is that right?

5 A. Yes, sir.

6 Q. Did you ever have complaints from
7 people that said that the spraying was harmful to
8 them or their pets or their livestock?

9 A. At that time?

10 Q. Yes, sir.

11 A. I don't remember no, sir. Nothing
12 stands out.

13 Q. So bring me forward with the Mosquito
14 Abatement Program then from that point, from 2001.
15 How long did it continue basically at that level
16 before the Mosquito Abatement Program changed?

17 A. Until about 2015, believe it or not.

18 Q. Okay. All right. And what happened in
19 2015?

20 A. 2015, by that time, I had two trucks
21 and two sprayers. At that time we were still doing
22 the same type of complaints that were called in,
23 going out, taking care of the situation and other
24 areas around it.

25 And then in 2015, I thought to myself,

1 there had to be a better way of organization. So
2 what I did is I got with Charleston County. They
3 have a method with what they call zones that they
4 spray. So what I did is I -- and I can't remember
5 the gentleman's name that I talked to. He gave
6 me -- sent me some information showing how they did
7 their spraying with their zones. And I took
8 Dorchester County with that, and I split Dorchester
9 County up with 50 zones.

10 Q. Fifty?

11 A. Fifty zones. And from there, I did
12 individual maps of each zone, also a priority sheet
13 that had the sprayers' names on them who was
14 spraying for me. And what I did is once I got
15 those maps together and the information together, I
16 would give those to the sprayers, and they would
17 spray those zones.

18 Q. And at this point, two sprayers, two
19 trucks?

20 A. Yes, sir.

21 Q. So tell me a little bit about these --
22 the division into 50 zones. Did somebody help you
23 do that, or did you do that yourself?

24 A. I did that with -- Kasey Byrd was
25 with -- she worked with Water and Sewer. She did

1 the mappings. And I don't know what exactly her
2 title was. And also Kelly -- I started off with
3 Kelly Bilbro -- I do not know how to spell her last
4 name.

5 Q. Bilbro?

6 A. Bilbro.

7 Q. B-I-L-B-R-O?

8 A. Yes, sir. And I got with her and
9 explained to her what I wanted to do. And then we
10 started dividing the County up. She moved along.
11 Kasey came in, got with her. We kind of finished
12 the product, I guess, finished what needed to be
13 done. And then I took it from there.

14 Q. And was the mapping done through GIS?

15 A. GIS.

16 Q. I think I saw some reference, and we'll
17 go through it. The County has a GIS department or
18 at least a GIS person?

19 A. Yes, sir, they do.

20 Q. So that person, the GIS person, was
21 helping you with the mapping, right, dividing into
22 zones?

23 A. Those people.

24 Q. These people?

25 A. Yes, sir. Yes, sir.

1 Q. What was the basis or the criteria of
2 dividing -- how did you divide the County up into
3 those zones?

4 A. Took Dorchester County, and then I just
5 looked and started dividing up areas, from the
6 best of my knowledge, dividing up to where
7 everything could be covered into zones.

8 Q. So just zones that were roughly the
9 same size?

10 A. All of them were different sizes.
11 There was small ones, big ones, and medium ones.
12 Because of Dorchester County being split up like it
13 is, you have the rural and urban. So it's
14 different.

15 Q. So was it based on the length of time
16 it would take to spray? I'm still trying to
17 understand the basis upon which the zones were
18 drawn.

19 A. I did that for more organization,
20 knowing where and what was sprayed. So that way,
21 if something -- a situation came up, I knew
22 exactly instead of sending somebody out and
23 saying here is the complaints, here's the address,
24 go spray these, make sure they're done, spray
25 what's around the area. Now I would be able to say

1 I knew exactly where it was and what was going on
2 and how it was done.

3 Q. I understand your intent. I think I'm
4 not asking a very good question, so let me try
5 again. So you've got the map of Dorchester County,
6 and you've got little areas and bigger areas. How
7 did you determine whether an area would be a little
8 area or a bigger area?

9 A. That was just me taking a pen, a
10 Sharpie, and I took it and I started drawing and
11 making the zones myself. Does that make sense? Is
12 that what you're asking?

13 Q. Physically I understand that. But, I
14 guess, how did you determine what a zone was?

15 A. From Charleston County. From
16 Charleston County, the way they -- I got the idea
17 from Charleston County zones.

18 Q. How did they do it?

19 A. That I have no clue how they did
20 theirs. I don't know if they did it GIS -- I mean,
21 I don't know how else to explain that.

22 Q. Okay. Yeah, I guess I'll go one more
23 time, and then we'll move on. Okay? So this is
24 Dorchester County; right? So what you started
25 doing is saying, hmm, that's one zone, here is a

1 zone, there is a zone? Right?

2 A. Yes, sir.

3 Q. That's kind of what you did?

4 A. And looked at subdivisions and looked
5 at areas to where I could -- I knew my men could
6 not spray -- I was trying to get them to spray
7 three zones, four zones a night. So what I was
8 trying do is take locations -- the rural area and
9 the urban area is totally different. So I was
10 trying do exactly what you did to make sure
11 everything was covered. I don't know exactly
12 what --

13 Q. Well, okay. I think we're getting to
14 it. So in determining the size of the square that
15 you drew, that was based on the sprayers being able
16 to cover that area in a certain amount of time?

17 A. Yes, sir.

18 Q. Okay. So is it how much area two men
19 in two trucks could cover in one night?

20 A. Yes, sir.

21 Q. Got it. There we are. As I said, it's
22 a lot of times about the question I'm asking rather
23 than your answer. So I appreciate it. Okay. So
24 you did that. Where is that map?

25 A. That's at my office. All my maps and

1 everything are at my office.

2 Q. And has that map changed much since you
3 originally drew it in 2015?

4 A. Yes, sir. Matter of fact, I updated
5 the maps -- I believe it was this year I updated
6 the maps because of new subdivisions.

7 Q. Do you still have the map that would
8 have existed in 2016?

9 A. I believe so. I believe so.

10 Q. If you have it, would you go look?

11 A. Sure, absolutely.

12 Q. And if you are able to locate it, would
13 you turn it over to Mr. Maybank?

14 A. Yes, yes.

15 (This page contains information to be
16 supplied by counsel and/or the deponent.)

17 BY MR. GOWDER:

18 Q. So in 2015, that was a big change;
19 right?

20 A. Yes, sir.

21 Q. All right. Other than that change,
22 were there other changes between then and now with
23 the Mosquito Abatement Program?

24 A. Adding that information on the
25 Dorchester County website. I do it every-two-weeks

1 schedule for the citizens to go on to Dorchester
2 County's website. They can pull it up. I have all
3 the zones listed for the two weeks that will be
4 sprayed so they know when they're going to be
5 sprayed. And then that's it.

6 Q. So it's sort of like a recycling map,
7 you know, to take your cans out to the street,
8 because you're on the website, and you know your
9 area is going to be sprayed at this time. Is that
10 basically the case?

11 A. Yes, sir.

12 Q. And obviously the workers know it?

13 A. Yes, sir.

14 Q. And the citizens know it?

15 A. Yes, sir.

16 Q. In 2016 how many men were working in
17 mosquito abatement?

18 A. Three, including me.

19 Q. Two drivers and two trucks?

20 A. Yes, sir.

21 Q. How about today?

22 A. Same thing.

23 Q. Two drivers, two trucks?

24 A. Haven't expanded too much on that.

25 Q. All right. Were they doing -- let's go

1 to 2016. In 2016 were those two workers just
2 driving the trucks, or were they also doing hand
3 spraying?

4 A. They were just driving trucks.

5 Q. Has Dorchester County ever done hand
6 spraying?

7 A. I'm the individual that does
8 larviciding during the day.

9 Q. Okay. All right. So you do the
10 specific -- I'll call it hand application?

11 A. Yes, yes.

12 Q. Does that involve actually like a wand
13 and a --

14 A. It can.

15 Q. It can? And spraying on a location.
16 And do you also use what I'll call briquettes?

17 A. Yes.

18 Q. In certain areas, you place them like
19 in like a pond of water?

20 A. Standing water, yes, sir.

21 Q. What is that chemical?

22 A. That is methoprene is what it is. It's
23 a growth regulator.

24 Q. Growth regulator for mosquitos?

25 A. Yes, sir, for the larvae, so they won't

1 mature to mosquitos is what it does.

2 Q. Okay. All right. Has Dorchester
3 County made any changes to its Mosquito Abatement
4 Program generally since your mapping in 2015?

5 A. Outside of our website, that we've
6 added things to our websites, no, sir.

7 Q. All right. Who do you report to now?

8 A. Now I report to Carol Thompson.

9 Q. What is her position?

10 A. She is the department head.

11 Q. She's the what?

12 A. She's the department head.

13 Q. For Public Works?

14 A. For Community Services.

15 Q. Community Services. In 2016, other
16 than the supervisory role that you have with these
17 two workers who work under you, what were your
18 responsibilities in your position?

19 A. First of all -- for me?

20 Q. Yes.

21 A. During the day, it was making sure
22 phone calls were taken care of, going out and
23 finding any low-lying areas that may need to be
24 treated with the briquettes, going to complaints,
25 people's homes that they have called saying they're

1 having problems with mosquitos, whether it was
2 ditches that was around their homes, trying to
3 assess issues, treating the areas if I needed to,
4 getting suggestions of what to do outside of
5 scheduling, preparing the vehicles for the drivers
6 at night, adding everything into the computers,
7 records with that. We didn't start doing -- we
8 started -- I think it was 2016 we started doing --
9 now I do landing rate counts is what they're
10 called.

11 Q. What is that?

12 A. Landing rate counts is when you
13 actually go out to a site and stand there and see
14 how many mosquitos land on you within a minute.

15 Q. Wow.

16 A. And you pretty much have to count what
17 you can and document that.

18 Q. And what's the purpose of that data?

19 A. That is for -- to see if an influx of
20 mosquitos can happen, if after storms, rain, things
21 like that.

22 Q. And the purpose of that is at a certain
23 rate or level, do you spray differently or spray
24 more or --

25 A. If there's more than five mosquitos

1 that land on me, we spray with trucks.

2 Q. Okay. Right then, even if it's not a
3 scheduled time?

4 A. Yes, sir, but it's -- yes, sir.

5 Q. Okay. What about in your training
6 for -- in your continuing education for your
7 license, is there -- do you learn about chemicals
8 and about pesticides?

9 A. They mentioned different pesticides,
10 how to use them. But it's not like tests at school
11 and stuff like that. It's an area that is gone
12 over.

13 Q. Do you feel like you're an expert in
14 pesticides?

15 A. Not an expert. I mean, the chemical
16 that I use, I know what it is, label.

17 Q. Right. You've read the label? You're
18 familiar with the label?

19 A. Yes, sir.

20 Q. Do you believe you can choose between a
21 number of different kinds of pesticides or
22 chemicals, do you have enough knowledge to do that?

23 A. Yes, yes.

24 Q. What would be the basis of those kind
25 of decisions?

1 A. Those kind of decisions would be off of
2 what the labeling is, what it's for. And, also, I
3 do talk to Trey English, the representative. I do
4 check with surrounding counties too. I do check
5 with them and talk with them.

6 Q. All right. You don't have any
7 licensing or training in chemistry?

8 A. No, sir.

9 Q. Or in pesticides, for that matter?

10 A. Outside of my two Core exams, no, sir.

11 Q. And you rely on Mr. English and his
12 company, Adapco, to really give you the specific
13 knowledge on various pesticide products?

14 A. Yes, sir.

15 Q. All right. What do you know about
16 pollinators?

17 A. I know they pollinate.

18 Q. Do you have any special training or
19 knowledge about bees or butterflies or birds and
20 their pollinating habits?

21 A. Not outside of what the beekeepers have
22 told me, that's it.

23 MR. MAYBANK: I thought you were
24 talking about a machine, the pollinator.

25 MR. GOWDER: They're machines in a way,

1 I suppose.

2 BY MR. GOWDER:

3 Q. Do you learn about or is there any
4 discussion of pollinators in your continuing
5 education or in the materials that you study to get
6 your license?

7 A. Yes, sir.

8 Q. What kinds of things are taught or are
9 the subject of the instruction?

10 A. They go over basically what pollinators
11 are, you know, how they are for the environment,
12 what pesticide applicators need to do outside of
13 following the label to try to -- to be careful, be
14 safe with that issue and around that area.

15 Q. And generally what kinds of things do
16 they say that you need -- what are best practices
17 with regard to pollinators?

18 A. The big thing is always label. Always
19 make sure the label -- that's what they always go
20 back to.

21 Q. You mean follow label instructions?

22 A. Yes, sir. Yes, sir.

23 Q. And what kinds of things are on the
24 labels?

25 A. It explains the best times to spray to

1 not affect the pollinators, and that's what it
2 basically says.

3 Q. What are those times generally?

4 A. From what I -- I know it's a couple of
5 hours before sunrise. I know it's a couple of
6 hours -- that's why we spray at night, for one
7 reason -- a couple of hours before sunset, I
8 believe. But they also don't want you
9 spraying during -- that's why we don't spray during
10 the day, because the pollinators being out doing
11 their jobs, no overflow of spray going on crops,
12 certain flowers, things like that. And it explains
13 why that is and what you need to do basically not
14 to have an issue like that.

15 Q. Okay. All right. Okay. Are there
16 steps that in 2016 Dorchester County was taking in
17 order to address the safety of beekeeping
18 operations in Dorchester County specifically?

19 A. Yes, sir. There was a list that I had.
20 It was about 15 people, 14 people at that time,
21 that were all beekeepers, that what I did, I had
22 their addresses and their telephone numbers. So
23 when complaints came in and things happened, I
24 looked to make sure, because they -- I knew exactly
25 where their zones and where they were located at,

1 so I made sure they were contacted to let them know
2 that, look, tonight the truck is going to be out
3 spraying tonight, please make sure your bees are
4 taken care of so there are no issues.

5 Q. Okay. And when did you start that
6 practice?

7 A. I want to say 2013.

8 Q. Okay. All right. And is that still
9 the practice in Dorchester County?

10 A. Yes, sir.

11 Q. All right. How many people are on your
12 list now?

13 A. I've probably got pretty close to 60.

14 Q. Sixty?

15 A. Sixty.

16 Q. But in 2015 -- 2016, you had about 50?

17 A. Yes, sir. Yes, sir.

18 Q. Were Mitch Yawn and Nita Stanley on
19 that list in 2016?

20 A. Yes, sir. Yes, sir.

21 Q. And did you call Mitch from time to
22 time, Mitch or Nita, from time to time with the
23 same type of call you just described, hey, we're
24 going to be spraying in your area this night or
25 this night, and make sure that your bees are

1 secured or taken care of?

2 A. Yes, sir. Every time that their zone
3 was going to be sprayed, I would call and talk to
4 Mr. Yawn.

5 Q. How many times do you think you did
6 that, just roughly? A lot?

7 A. A lot. I don't know exactly the
8 number.

9 Q. More than a dozen?

10 A. Oh, yes, sir. Yes

11 Q. More than 50?

12 A. I would say more than 50. Within that
13 time frame, since 2013 until -- when? Present?
14 Definitely.

15 Q. Okay. More than 100?

16 A. More than 100, I feel, since 2013.
17 Well, I don't know about 100, but I believe
18 definitely 50.

19 Q. Between 50 and 100?

20 A. Yes, sir.

21 Q. Again, like I said, we're making best
22 guesses. But the ranges are helpful. So if that
23 seems to be a good range to you --

24 A. It's pretty much every other week when
25 I call, because the way the two-week schedule is,

1 it's every other week, outside of the weather. If
2 they're going to be sprayed, they're going to be
3 called.

4 MR. MAYBANK: You meant -- I just want
5 to make sure -- whenever '13 until today, not just
6 '13 to '16?

7 BY MR. GOWDER:

8 Q. Well, let me ask you this question.
9 Have you called Mr. Yawn since August of 2016?

10 A. Oh, absolutely, yes sir.

11 Q. About spraying?

12 A. The truck spraying, yes, sir.

13 Q. The truck spraying?

14 A. Yes, sir.

15 Q. How often would you say in the last
16 year that you called him?

17 A. Every other week.

18 Q. So you continued to call him every
19 other week?

20 A. Oh, absolutely.

21 Q. Until the present time?

22 A. Yes, sir. Yes, sir.

23 Q. So you talked with Mr. Yawn within the
24 last couple of weeks?

25 A. Well, not the last couple of weeks. We

1 stopped spraying in November. All right. November
2 was the last -- I believe November was the last
3 time we sprayed.

4 Q. Okay. So the last time you sprayed,
5 which was November, but you talked with him then?

6 A. Yes, sir. Yes, sir.

7 Q. That's a good question. What is your
8 time period during which you spray?

9 A. Monday through Friday from 9:00 at
10 night until probably about 2:00 or 3:00 in the
11 morning.

12 Q. During what months?

13 A. We'll start April, and we could go,
14 let's say, November. But that could vary because
15 of weather, hurricanes.

16 Q. I'm going to take you to the summer of
17 2016. Okay? What do you remember about what was
18 going on with regard to your job in 2016?

19 A. Just the same -- just doing my job. I
20 mean, just --

21 Q. Well, let me direct you then. Do you
22 recall that there was a particular interest in the
23 Zika virus at that time?

24 A. In 2016 it was a big issue.

25 Q. Tell me about that, what you remember

1 about that.

2 A. What I remember about that with the
3 Zika coming out, West Nile, of course, was before
4 that. But the problem with Zika is that the
5 symptoms that were different from West Nile is that
6 for the fetus, for the ladies, when they were
7 pregnant, it had something to do that affected the
8 child's brain, head size. So it was a very scary
9 time. A lot of people were -- it was like the
10 number one thing that you talked to, no matter
11 anthropologists -- entomologists, I believe,
12 anybody. If you went to a conference, Zika was
13 pretty much the number one thing that year that was
14 hit.

15 Q. Did a lot of people in South Carolina
16 get Zika?

17 A. I can't -- I don't know. I can't
18 answer that.

19 Q. Do you know how many people in
20 Dorchester County in 2016 contracted Zika?

21 A. I believe we had three all together.

22 Q. And do you know whether or not they
23 contracted Zika in South Carolina or someplace else
24 and came home to South Carolina?

25 A. They were travel-related cases.

1 Q. So they weren't cases -- they weren't
2 in South Carolina?

3 A. No, sir.

4 Q. Do you know of any instance in which
5 anybody caught the Zika virus within South
6 Carolina?

7 A. Within South Carolina, not traveled
8 within, not that I know of, no, sir.

9 Q. But what you remember is that there was
10 quite a scare?

11 A. There was a big scare about it.

12 Q. In 2016?

13 A. Yes, sir.

14 Q. So as a result of that, were you given
15 any instructions from folks in state or local
16 government about your job and what you needed to
17 do?

18 A. I had two -- I want to answer this the
19 right way -- state DHEC, South Carolina DHEC, Chris
20 Evans, was who the entomologist there, if anything
21 happened with the Zika that was in Dorchester
22 County, I was contacted. And then it went through
23 the chain of command. We had -- in 2016 I had the
24 two cases at that time. I'm trying to remember the
25 dates, when the third one came out. The third one

1 came out, I think, later. But he contacted me, and
2 I found out where those areas were at in Dorchester
3 County. And I have to --

4 Q. Meaning where those people lived?

5 A. Yes. And that's confidential, so I
6 can't -- with the chain of command of how we had to
7 do it, with truck spraying, there was certain
8 things that I had to do when something like that
9 happens and myself during the day that I have to do
10 to those areas to treat those areas. But there are
11 also areas around those two areas that my truck
12 couldn't get to that were wooded and that had no
13 roads in them or anything that I could get to.
14 There was a 500-yard radius to be treated with
15 trucks, and 160-yard, I believe, perimeter if they
16 wanted me to do any type of larviciding that -- any
17 standing water or anything that might be around
18 that I could treat.

19 Q. And who was that?

20 A. That was Chris Evans from South
21 Carolina DHEC.

22 Q. So Chris Evans told you that South
23 Carolina DHEC wanted a certain area within
24 Dorchester County treated?

25 A. At those areas that he told me that the

1 Zika travel-related cases were at.

2 Q. When did he give you those
3 instructions?

4 A. I want to say one was August 9th and
5 August 15th when those two incidences occurred.

6 Q. And how did he give you those
7 instructions?

8 A. Call for one thing, and then he sent me
9 also a map showing the area that he wanted covered,
10 and then the information as far as what was going
11 on with those two areas.

12 Q. Did he identify specific addresses?

13 A. Yes, sir.

14 Q. Which you were to keep confidential?

15 A. Yes, sir.

16 Q. But he also provided you with a mop
17 showing areas that he wanted treated?

18 A. Yes, sir, that 500-yard radius, and I
19 think it's 150- or 160-yard radius of -- for the
20 other larvicide treatment.

21 Q. Okay. All right. And so what did you
22 do as a result of that?

23 A. Sent my trucks, the two trucks I had at
24 that time, we sprayed -- I had both vehicles go
25 out, spray the area that night. And of course I

1 went myself and went through the neighborhood to
2 check anything, going door to door, making sure
3 standing water, if anything needed to be treated.
4 And after we sprayed that night, I believe the next
5 week, I went back and sprayed again with both
6 trucks in that area. And then that was my -- that
7 was my protocol that I had to do.

8 Q. So we're talking about the first couple
9 of weeks of August?

10 A. Yes, sir, the 9th, and then the other
11 one was the 15th, I believe, those two cases.

12 Q. You sent the truck out, and you
13 yourself went out the next day or two to follow?

14 A. Right.

15 Q. And do you believe that that fulfilled
16 the instructions that you had been given by South
17 Carolina DHEC?

18 A. I did the instructions that they told
19 me. But there was places that I could not get to,
20 because it was a lot of wooded area around those
21 two subdivisions, or that one subdivision that was
22 an Indian spring, I believe, that I just -- I
23 couldn't -- it was so vast, there was no way my
24 truck could get into it, for one thing, and for me
25 to walk through all of that, I didn't have the

1 manpower for that, for that area that was outside
2 of the subdivision that we could spray.

3 Q. So as a result of that, what did you
4 decide to do?

5 A. After that was sprayed?

6 Q. Yes. I mean, was there anything else
7 that you could do?

8 A. I was told -- I was called by my
9 supervisor, and I don't know how to explain -- I
10 don't know if I'm jumping ahead.

11 Q. Don't you worry about it. You tell the
12 story, and I'll bring you back if I need to.

13 MR. MAYBANK: He's all ears.

14 THE WITNESS: I told my boss what I had
15 done, and I felt that I met the protocol.

16 BY MR. GOWDER:

17 Q. Who was your boss?

18 A. My boss then was Jackie Walters. He has
19 now since retired.

20 Q. Okay. Go ahead.

21 A. And I explained to him what I did,
22 because Mr. Jason Ward, our County administrator,
23 was involved, because he gets emails. And I don't
24 know Mario -- I can't pronounce his last name. He
25 is with the Dorchester County Emergency. It goes

1 through a protocol of who is contacted. And
2 administration, Mr. Ward, and deputy
3 administrators, you know, are aware of the
4 situation.

5 Then when I get done with my assessment
6 and also get done with the treatment, what we could
7 do with the trucks and myself, I let Mario know
8 what's going on, and he related that to Mr. Ward.
9 And then I tell my boss what I had done. And then
10 from that point, me personally and my truck, that's
11 all we could do.

12 Q. Okay. All right. So you told
13 Mr. Walters, I've done everything I can?

14 A. With what I had to work with, yes, sir.

15 Q. And what did Mr. Walters say about it?

16 A. He said okay.

17 Q. So did you do anything else?

18 A. No, sir. At that particular time?

19 Q. Yes.

20 A. No, sir. That's all I could do. I
21 mean, I didn't have anything else, a means to be
22 able to treat it.

23 Q. All right. Okay. Prior to 2016, had
24 Dorchester County ever done aerial spraying for
25 mosquitos?

1 A. No, sir.

2 Q. Did Dorchester County do aerial
3 spraying for mosquitos in 2016?

4 A. Yes, sir.

5 Q. Since 2016, has Dorchester County ever
6 done any aerial spraying?

7 A. No, sir.

8 Q. How many times has Dorchester County
9 done aerial spraying in your career?

10 A. One time.

11 Q. So let's talk about that a little bit.
12 How did that subject come up?

13 A. That was a subject that I had been
14 asking about, the aerial spraying, because of the
15 issues with my vehicles and myself, that there were
16 places that I just could not get back to or do if
17 we had a major issue with storms, hurricanes, or
18 anything else. When it gets to that point, it's
19 very difficult for truck spraying to be able to
20 take care of that situation. It just is. It's too
21 vast. It's too much.

22 So I was always asking, could I -- I
23 had talked with Charleston County. I talked with
24 Berkeley County. I talked with Beaufort County,
25 the people that had been aerial spraying for a long

1 time, with issues and problems, that that is one
2 tool in your toolbox, if that's a way of saying it,
3 that would be good to have, so in case something
4 like that did happen, that vehicles could not take
5 care of a public health issue or a disaster. So I
6 was always asking, just throwing around the idea to
7 my boss, do you think we can aerial spray, do you
8 think we can aerial spray. At that time --

9 Q. That was Mr. Walters?

10 A. Yes, sir. And it was told to me, not
11 right now, the County doesn't have the money for
12 that. So I was like, okay.

13 Q. So I when did you first start asking
14 about that?

15 A. I might have just been throwing it
16 around, say, 2014, 2015, I mean, mentioning it.

17 Q. Yeah. In your continuing education
18 classes for your license, did they cover aerial
19 spraying? Was that part of the curriculum?

20 A. It was touched, like kind of how I
21 explained what aerial spraying -- the effects, what
22 aerial spraying can do. But it wasn't like, again,
23 like a class to go out and do certain things.

24 Q. They covered it?

25 A. They covered it, but it wasn't for just

1 that.

2 Q. But you said you had talked to some of
3 your peers in other counties that had some
4 experience with aerial spraying?

5 A. In some of those seminars that we went
6 to and stuff like that, of course they would be
7 there. And then just in conversation, you know, it
8 would come up, and I'd ask about it. And then I
9 would go back and ask my boss about it. But then
10 it was kind of repeated that we didn't have the
11 money at that time.

12 And they did explain to me that when
13 they did aerial spray, the effects that it had was
14 great because of what -- salt marshes and all of
15 that, with that they deal with and how bad things
16 can be, that it was -- I'm trying to find the word
17 to say -- rendered the situation compared to what
18 truck spraying could do at that time.

19 Q. Was there ever concern about the
20 ability to control where the pesticide went, that
21 it was much more widespread with regard to aerial
22 spraying as opposed to truck spraying?

23 A. You mean how much was sprayed when it
24 is sprayed?

25 Q. To be able to control the location of

1 the spray.

2 A. To me, that would be something that the
3 person doing the aerial spraying, that's a question
4 that they could answer. That's a question they
5 would have to answer.

6 Q. But is that a concern of mosquito
7 abatement professionals like yourself that --
8 obviously the most controlled application is like a
9 hand application; right?

10 A. Right.

11 Q. And then the next level up would be a
12 truck; right? And then after that, from a plane,
13 when you're releasing it into the air is the least
14 controlled application. Wouldn't you agree?

15 A. Yes, sir.

16 Q. So would you have a concern as a
17 mosquito control professional, that the release of
18 the chemical is being released over such a
19 widespread area?

20 A. I believe -- truthfully, I believe that
21 the people performing the application are experts
22 at what they do, and they know how to control it.

23 Q. So you're relying on the applicators,
24 the pilots?

25 A. Yes.

1 Q. To --

2 MR. ATKINSON: Objection.

3 BY MR. GOWDER:

4 Q. -- use the best practices?

5 A. Yes, sir, I believe -- yes, sir.

6 Q. So tell me how these conversations --
7 general conversations with Mr. Walters about aerial
8 spraying progressed.

9 A. I was contacted by Mr. Walters, I
10 believe, in the middle of July 2016 when I talked
11 with him. I guess he had talked to Mr. Ward, our
12 County administrator, and I assume that they said,
13 okay, let's go ahead and look into this aerial
14 spraying. I had been talking to Mr. Walters about
15 how I feel it was a very good thing to have,
16 because of what we had, a very small department to
17 be able to cover issues that were a problem, a
18 major problem, that I think we really need to do
19 this.

20 So my honest question is I don't know
21 if he went back and sat down with Mr. Ward and
22 Mr. Ward went to the chairman of County Council.
23 But it was decided, okay, let's go ahead and --
24 let's get a contract with aerial spraying.

25 And I believe -- I can't remember when

1 I sat down with Mr. Allen and them and talked. I
2 think it might have been June. I can't remember.
3 We sat down -- once we got the okay to be able to
4 do aerial spraying, we sat down with Mr. Allen and,
5 I believe, his wife, because I had two -- there was
6 two companies, Williamsburg and Mr. Allen, I
7 believe, in South Carolina that did that. So -- I
8 don't know if I'm talking too much.

9 Q. No, go ahead. Believe me, I'll stop
10 you if I need to.

11 A. Mr. Ward asked if there was -- instead
12 of doing a brand new contract, if there was a
13 county that we could piggyback off of. I asked,
14 well, what do you mean by that?

15 Q. And who said this, Mr. Ward?

16 A. Mr. Ward. And what he meant by that
17 was a county that already had a contract
18 established with aerial spraying to where if we
19 could contact their county and piggyback off of
20 their contract as far as, I guess, what they pay
21 per acre.

22 So what I did is I called Charleston.
23 Charleston said they didn't do that. I called a
24 couple of other places, they didn't do it.
25 Berkeley County did. So the procurement officer

1 for Berkeley County personnel, she said, yes, they
2 would not mind if Dorchester County piggybacked off
3 what the contract was already -- with Allen
4 Aviation already that they had for the price per
5 acre to spray, that Dorchester County could -- of
6 course it had to legally be done with a contract
7 with us, with our name on it, to piggyback off of
8 their contract.

9 Q. When you say piggyback, what do you
10 mean?

11 A. I'm trying to explain. Instead of me
12 sitting down with Allen and getting up a whole
13 brand new contract and all of that, the contract
14 was already set in place with Berkeley County. So
15 Berkeley County allowed us to use that contract
16 to -- that the price -- everything was already
17 established. So that's what we did.

18 Q. Does Dorchester County have a
19 procurement officer?

20 A. Yes, sir, Mr. Sammy Stephens at that
21 time was our procurement officer. He has retired
22 since then.

23 Q. And Mr. Stephens -- did Mr. Stephens
24 make a decision that this was acceptable for
25 Dorchester County not to go through its own

1 procurement process?

2 A. I would believe so, because I know he
3 talked to the procurement officer with Berkeley
4 County. They didn't really keep me informed about
5 that, as far as how the contract was done and who
6 was talked to and that. I know it had to go to Mr.
7 Ward. That's what I assume. But I wasn't in the
8 setting of that. I didn't have anything to do with
9 that.

10 Q. Why wouldn't Dorchester County want to
11 make its own decision?

12 A. That's what Mr. Ward asked. So I don't
13 answer questions. I don't answer; I just do it.

14 Q. So you don't know?

15 A. No, sir.

16 Q. All right. That was a decision made by
17 Mr. Ward and possibly by the procurement officer?

18 A. Yes, sir.

19 Q. But as a result of these conversations,
20 the decision was made to pursue a contract with
21 Allen Aviation?

22 A. Yes, sir.

23 Q. Now, was it for a particular reason or
24 spraying event, or was it to have them available to
25 spray if needed?

1 A. Have them spray if needed.

2 Q. All right. So when these conversations
3 were happening, you estimated in July or so of
4 2016, was there a sense there was a real need for
5 aerial spraying, or were you just getting ready in
6 case you needed them?

7 A. In case something happened, yes, sir.

8 Q. What would that something happened be?

9 A. That would be anything as far as,
10 again, disaster hurricanes, anything that my trucks
11 could not take care of, any major problems.

12 Q. All right. So do you understand that
13 at some point there was a contract entered between
14 Dorchester County and Allen Aviation?

15 A. Yes, sir. Yes, sir.

16 Q. And what led up to -- you said there
17 was one spraying in the history of Dorchester
18 County. What led up to that one spraying event?

19 A. My boss, Mr. Walters, had called me and
20 said, Scott, administration has asked me: Is there
21 aerial spraying that needs to be done? Why aren't
22 we aerial spraying? Is there anything that needs
23 to be done?

24 And I was like, well --

25 Q. When he says administration, who is

1 administration?

2 A. I would say Jason Ward. I don't know
3 100 percent. I would say Mr. Ward. That's who my
4 boss reported to in the County. So I told
5 Mr. Walters, I said: Let me find out what's going
6 on with the County.

7 That's when the issue came up with the
8 two travel-related cases that we had, the Zika
9 cases. I had at that time, when he asked that
10 information, that week, two weeks, I had
11 Summerville Elementary School that was in that area
12 called me -- I cannot remember the lady's name that
13 called me. It had to be in administration, I'm
14 sure -- saying: Scott, look, the children are
15 being absolutely tore up by mosquitos.

16 I had a gentleman that worked with the
17 County that lived not too far from Summerville
18 Elementary School saying: Scott, the mosquitos are
19 absolutely horrible.

20 So I called my boss back and said:
21 Look, we've got these two places and travel-related
22 cases and Summerville Elementary School is calling
23 me telling me how bad the children are getting tore
24 up by mosquitos. We've got somebody that lives not
25 too far from them that works for us saying the same

1 thing. This is an issue, I think. What do you all
2 want to do?

3 So I'm sure he went back and talked to
4 Mr. Ward. That I don't know. And then it was
5 decided to have that area taken care of, more
6 because of the Zika issue, because I don't know if
7 the things that I could treat with my trucks --
8 it's only a 300-foot swath, and it only goes so
9 far. And then after an hour, it settles to the
10 ground, and it dissipates, and it's done.

11 Q. So let's -- I appreciate that answer.
12 So let's back it up and sort of take it in bites.
13 You had -- with your trucks and with your personal
14 surveillance, you had addressed the issues -- the
15 two reports from the South Carolina DHEC on the 9th
16 and 15th, or whatever those dates were; right?

17 A. Yes sir. Yes, sir.

18 Q. So that was done. Right?

19 MR. MAYBANK: Object to the form.

20 THE WITNESS: (Moves head up and down.)

21 BY MR. COWDER:

22 Q. Is that a yes?

23 A. That was done.

24 Q. And then at the same time, I guess
25 money had been allocated by County Council to pay

1 for the spraying; is that right?

2 A. Yes.

3 Q. And the contract had been entered into
4 for the spraying?

5 A. Yes.

6 Q. When needed or as needed; right?

7 A. Yes.

8 Q. And so Mr. Walters came to you and said
9 something about do we need to do aerial spraying?
10 Was that the question?

11 A. Yes, sir. Yes, sir.

12 Q. And is it your sense, Mr. Gaskins, that
13 the County was looking for the right opportunity to
14 spray?

15 A. If there was an issue or threat to
16 public health, yes, sir.

17 Q. All right. So spraying occurred, if
18 I'm correct, on August the 28th of 2016; right?
19 Sunday morning?

20 A. Yes, sir.

21 Q. What was the public health emergency
22 that that was addressing?

23 A. It was for the two Zika cases, and also
24 the complaints from the elementary school and from
25 complaints from that area, the person that said how

1 bad the mosquitos were in that area. But the main
2 thing was the two travel-related cases. And I
3 cannot tell you how long they're supposed to keep
4 quarentine in their house and not have them subject
5 to go outside so they do not get bit to transmit
6 that to somebody else, which can turn into a local
7 issue.

8 Q. The trucks had sprayed in those areas
9 where those people lived; right?

10 A. The best we could, yes, sir.

11 Q. Twice?

12 A. The best we could, yes, sir.

13 Q. Presumably they lived -- I'm not going
14 to ask you the address, but presumably they lived
15 in a house?

16 A. Yes.

17 Q. In a neighborhood?

18 A. Yes.

19 Q. And is it safe to say that the truck
20 went through that neighborhood?

21 A. Yes, sir.

22 Q. Probably right by their house?

23 A. Yes, sir.

24 Q. And had the elementary school been
25 treated before for mosquitos?

1 A. I send the trucks there in a zone. And
2 when the zone comes up, the trucks spray.

3 Q. Regularly; right?

4 A. Regularly.

5 Q. Trucks spray, to this day?

6 A. To this day.

7 Q. And before August of 2016?

8 A. Starting in 2015, yes, if there was an
9 issue.

10 Q. Okay. So these areas were getting
11 sprayed; right?

12 A. Ground-wise, yes, sir.

13 Q. Was there anything that occurred
14 specifically in the days leading up to August the
15 28th, 2016, that led the County to think, on this
16 date at this time, we must spray using airplanes?

17 A. Outside of the public threat that I
18 just talked about?

19 Q. Yeah.

20 A. Do you want me to explain up to that
21 date when -- how we got to spray that day?

22 Q. Sure, yes, sir.

23 A. That week after I had given that
24 information, there is a map that I had --

25 Q. I'm sorry. You had given what

1 information?

2 A. To Mr. Walters, told him about the
3 issue.

4 Q. About the two Zika people --

5 A. In Summerville and the other issue of
6 the person calling in about how bad --

7 Q. About how bad the mosquitos were at the
8 elementary school?

9 A. Yes, and where he lived, yes.

10 Q. Okay.

11 A. So you want me to explain that week up
12 to what happened?

13 Q. Yes, sir, please.

14 A. After calling Mr. Walters back and
15 explaining all of that to him and the documentation
16 from Mr. Chris Evans, having that as far as the
17 issues --

18 MR. MAYBANK: Say it on the record who
19 Chris Evans is.

20 THE WITNESS: Chris Evans is an
21 entomologist for South Carolina DHEC. It has to be
22 a 24-hour notice, by law, before you spray any kind
23 of aerial spraying. There was -- up to that point
24 before we sprayed, it was tentatively, I believe,
25 going to be on that Saturday to spray. I was

1 checking to make sure that -- because of what the
2 label says, you've got to make sure it's two hours
3 before sunrise or two hours before sunset, I
4 believe. So there has to be a window to be able to
5 do that.

6 So Friday evening, I couldn't do
7 anything Friday evening. It was going to be maybe
8 on Saturday tentatively. I was, well, like, we
9 can't do it on Friday evening, because they have a
10 football game at Summerville High School. We can't
11 be doing it then. Saturday morning I called to
12 make sure everything would be okay, found out that
13 at 7:30 in the morning maybe, they have the
14 Summerville Farmers Market. So we couldn't spray
15 then.

16 So that's when I talked to Ms. Langley,
17 Tracey Langley, who -- I don't know if it was Jason
18 Ward's administrative assistant or County Council
19 clerk -- I can't remember what her -- she's the one
20 that did the media and I talked with kind of
21 getting the stuff together. Jason Ward -- after
22 finding out about those two instances, that's when
23 I told Tracey: Look, I think what we should do is
24 wait until Sunday morning to spray. That way,
25 there is nothing going on. There is nothing

1 happening.

2 So she had talked to Mr. Ward, I guess,
3 and Mr. Ward gave the okay on Friday for that to
4 happen. And then Ms. Langley, to the best of my
5 knowledge, she did the mass media outlet. And I --
6 again, that's something that she's going to have to
7 be asked. I wasn't any part of that. And that's
8 when we decided the spray was on that Sunday
9 morning instead of those two, and to make sure it
10 was within that 24 hours or past that 24 hours.

11 Q. Your truck spraying, you said it had
12 always been at 9:00 at night to about 2:00 or 3:00
13 in the morning. Why weren't you spraying in those
14 houses?

15 A. Aerial?

16 Q. Yes, sir.

17 A. From the best of my knowledge -- and I
18 talked to Mr. Allen. Mr. Allen -- because of --
19 they only fly, I believe, 300 feet or so above the
20 canopy. So I think insurance reasons is why.
21 They're not allowed, because of towers -- anything
22 that the plane could run into. Safety, it's a
23 safety issue. That's why. It's either early in
24 the morning or right at dusk is when they aerial
25 sprayed. I know, to the best of my knowledge,

1 that's when they'll perform, either those two
2 times, because of not being able to spray at
3 nighttime because of that safety issue.

4 Q. So Allen Aviation told you when they
5 were willing to fly?

6 A. I called -- yes, sir. I called
7 Mr. Allen and talked to him.

8 Q. What did he say?

9 A. Well, he explained to me why they
10 couldn't spray at night, and that was the reason
11 why he told me.

12 Q. Did you ask him to?

13 A. I think I asked him if it was possible
14 to spray at nighttime, and that's when he explained
15 to me, we don't spray at nighttime because of this.
16 And I said okay.

17 Q. Did he say they never sprayed at night?

18 A. That I can't recall.

19 Q. Okay. All right. And so how were the
20 hours determined then for Sunday morning?

21 A. I believe that -- again, I do not
22 remember telling Mr. Allen. I think Allen chose
23 again, you have to have two hours before sunrise.
24 So that's why I believe those hours were picked,
25 because of that, to make sure that window -- plus,

1 at that time in the morning, the mosquitos are out,
2 early in the morning and at dusk. That's when '
3 they're -- that's when they're the most active.
4 They can bite and do stuff during the day. But for
5 some reason, during the morning time, early
6 morning, and dusk, that's when they're the worst.
7 That's the best time to spray for aerial.

8 Q. Would it also be the worst time for
9 bees and other pollinators to spray?

10 MR. MAYBANK: Object to the form.

11 THE WITNESS: Not if I follow my label,
12 which I did. That's what the label says to do.
13 That's what the label says you can do, by law.

14 BY MR. GOWDER:

15 Q. Don't pollinators leave their hives
16 after daylight to start roaming and pollinating?

17 A. I don't know.

18 MR. ATKINSON: Objection.

19 BY MR. GOWDER:

20 Q. You don't know?

21 A. I can't answer that question. I've
22 been -- okay. I've been told by beekeepers when I
23 call and tell them their zones are being sprayed,
24 they ask me that, trucks, when are you spraying? I
25 said, at night. Good, because that's when the bees

1 are back in their hives. That's what I've always
2 been told.

3 Q. Right. And they leave their hives, as
4 far as you're told?

5 A. They've never really said to me. I
6 mean, it's in the morning time, but I have no idea
7 when.

8 Q. Was that even a discussion that you had
9 with Mr. Allen about beekeepers in the area and
10 avoiding harm to them?

11 A. I sent Mr. Allen the map -- I'll go
12 back to the map, because I believe it's -- we have
13 to spray 2500 acres or above to be able to bring
14 the plane for fuel. It has to be a minimum of 2500
15 acres, I believe. So what I did, it was in those
16 two areas that had the travel-related cases,
17 Summerville High School, and that area, they like
18 to fly -- Mr. Allen told me they like to get it as
19 squared as possible, not a triangle, because of
20 their flight path. If they can get it into more of
21 a squared area so they can do their flight path,
22 flight pattern, efficiently. So that's what I did.

23 David Garber is our GIS person.
24 Mr. Garber set up on my computer to where I could
25 go onto my computer and highlight, draw an area and

1 highlight the area that needed to be sprayed. And
2 then what I did is, after I did that, I gave that
3 to Mr. Garber.

4 Now, I don't know exactly what
5 Mr. Garber did as far as certain points and this
6 and that. I know there was no GPS that was on
7 those two locations. As of the Department of
8 Pesticide Regulation's investigation, I know that
9 Mr. Allen says that, even though there is not -- if
10 there is not GPSs on those locations --

11 Q. Which locations?

12 A. The two beehives in that location --
13 that he puts waypoints in his navigational system.
14 So when he comes to those areas, if there's no GPS
15 coordinates, he has waypoints on those areas. So
16 three seconds out, he'll turn the spray off. And
17 three seconds past, he'll turn it back on, which is
18 equivalent, I believe, to three-quarters to a mile.
19 I guess, the speed the plane is going, I don't know
20 about that.

21 Q. Do you know whether or not Mr. Allen
22 was notified about the location of Flowertown Bees
23 before he flew?

24 A. I have the two areas that the
25 beehives -- two locations that the beehives were in

1 the area that he was spraying. I did not
2 specifically call him and say, look, this is
3 Flowertown Bees, and this is Mrs. -- I believe it's
4 Mrs. Hoover, the home that she had. No, I did not
5 do that.

6 Q. You identified the location of
7 Flowertown --

8 A. They are identified, yes, sir. They
9 are on that map that I sent him, and they're there,
10 where the locations are at.

11 Q. There seemed to be a term in this
12 business called a no-spray zone. Did you designate
13 a no-spray zone for these beehive locations?

14 A. No, sir. I mean -- I don't know how
15 to -- when I sent him that map, that's what I sent.
16 I did not give him GPS coordinates where those
17 locations were at. But those two locations were on
18 the map. And that's where I said that Mr. Allen
19 had put waypoints, from what he had talked to the
20 investigators about with the regulations, that
21 that's what he does if there is no GPS coordinates.

22 Q. So you indicated where Flowertown Bees
23 was on the map?

24 A. Yes, sir.

25 Q. You gave that location on the map to

1 Mr. Allen. Do you know what Mr. Allen did at that
2 point?

3 A. No, sir, I do not. I do not know.

4 Q. Do you know whether Mr. Allen took
5 those locations into account in his spraying?

6 A. From the statement that was made on the
7 Pesticide Regulation investigation, he said that he
8 did put waypoints. He puts waypoints, yes, he did.
9 That's the best I can say.

10 Q. Is that the only evidence you have?

11 A. Yes, sir. Yes.

12 Q. You don't know otherwise, do you?

13 A. No, sir, I don't.

14 Q. You don't know what he did?

15 A. No, sir.

16 Q. All right. You had never done an
17 aerial spray before?

18 A. No, sir.

19 Q. What did you -- in terms of your
20 protocol for that event or that application, did
21 you treat that in the same way as you treated a
22 truck spray in terms of notification?

23 A. As far as contacting the individuals?

24 Q. Yes, sir.

25 A. Is that what you mean?

1 Q. Yes, sir.

2 A. Yes, sir. Yes, sir.

3 Q. So you used the same protocol?

4 A. Yes, sir.

5 Q. So tell me with regard to the aerial
6 spraying, what did you do?

7 A. The first thing we did, once we had
8 that map done out and that was sent to Mr. Allen --

9 Q. You prepared that map?

10 A. I prepared that map. And, again, after
11 that, I took and sent that to Mr. Garber. From
12 that point on, I don't know what Mr. Garber did as
13 far as just certain points -- you know, no GPS, but
14 certain points and stuff, I guess better than what
15 I could do on my computer.

16 Q. Let me just ask, interject a question
17 before I forget it on this topic. You told me that
18 there was a minimum number of acres that Mr. Allen
19 required to fly over in order to essentially make
20 it worthwhile for him to fly; right?

21 A. Yes, sir. Yes, sir.

22 Q. So is it fair to say that you had to
23 create a map encompassing a certain number of acres
24 to fulfill his minimum requirement?

25 A. Well, to fulfill both areas that was

1 Zika cases, the travel-related cases, and the
2 school. So I made a map that was -- that would
3 cover that. And I believe it was -- I can't
4 remember the acreage of it. I think it's going to
5 be 9000 acres, 9500 acres, I believe. Again,
6 that's what -- that's why I did the map, at that
7 size, to make sure all of that was -- and in a
8 flight pattern to where it was required to be
9 efficient.

10 Q. If you didn't have a minimum, if that
11 minimum didn't exist and you were only trying to
12 address the issue of inaccessible areas around the
13 Zika locations, would you have had them cover as
14 much area as they did?

15 MR. ATKINSON: Object to the form.

16 THE WITNESS: Where those two locations
17 were at and where Flowertown Elementary School was
18 at, they're very far apart. They're not close. So
19 to cover that area, yes, sir.

20 BY MR. GOWDER:

21 Q. Let me ask this question, Mr. Gaskins.
22 Other than the fact that they were reported to you
23 at the same time, is there any connection between
24 the two Zika locations and Flowertown school?

25 A. No, sir.

1 Q. They just happened to come -- those
2 reports came to you at the same time?

3 A. Yes, sir.

4 Q. So you were just covering both because
5 they were both reports --

6 A. It didn't seem my trucks were doing
7 anything as far as -- even though we were spraying,
8 it still -- I was having issues with the mosquitos
9 was the problem.

10 MR. MAYBANK: You've got to let him
11 finish his question.

12 THE WITNESS: I'm sorry.

13 BY MR. GOWDER:

14 Q. That's okay. Okay. So we were talking
15 about notification.

16 A. Yes, sir.

17 Q. So tell me what you did.

18 A. After all that was done, I had those
19 two locations. I took my list out of the 13
20 beekeepers that I had. I'm almost positive, not
21 100 percent, that Ms. Hoover -- I had two places
22 that were within that spray zone at that time.
23 Everything was in the zones. Mr. Yawn, Ms. Stanley
24 was in zone 41. I think -- I want to say
25 Ms. Hoover is the other individual that I called.

1 She was in that spray zone or in that area that was
2 going to be sprayed. I believe she was in zone 40.

3 So when I took out my list, I called
4 Ms. Hoover and told her, look, we're going to be
5 spraying at this time. This is what you need to
6 do. I understand from what beekeepers tell me,
7 that when the bees all get in the hives, it can get
8 very hot. I don't know why. It just does. So I
9 told her that, what you needed to do, cover the
10 hives. If you want to keep a sprinkler going on
11 it, if you want to put a sheet to keep it cool
12 somehow, whatever you all do to do that. But what
13 I need for you to do is go ahead and cover it up.
14 And about 10:00 that morning, go ahead and uncover
15 the hives. She said okay.

16 Went to the next individual, called,
17 told them the same thing.

18 Q. Who was that?

19 A. That's what I was getting ready to say.
20 When I called that person, told them that -- Monday
21 morning when I came in, I got a message from
22 Mr. Yawn, saying, Scott -- I can't know exactly
23 what he said. He wasn't ugly, but he was like, why
24 didn't you tell me about aerial spraying?

25 And I was like, I did, I did call him

1 and tell him that. So I was taking my list back
2 out, and I was looking at it. And I said, wow, I
3 called mistakenly the individual above him that was
4 in the same zone, 41, that was, I believe, I want
5 to say Mr. Abbott. I'm not 100 percent sure.

6 MR. MAYBANK: Mister who?

7 THE WITNESS: Abbott. And when I found
8 out I did that, I did call Ms. Hoover, I believe,
9 to find out, look, are your bees okay. And she did
10 tell me: Scott, I did what you told me to do.
11 They're fine.

12 I said: Okay. All right.

13 So then when I got the call or the
14 message from Mr. Yawn, I called him -- well, first
15 of all, when I found out what I did calling the
16 person -- I called my boss, Mr. Walters, and told
17 him, look, this is what happened. This is the
18 message I got. I looked at my list. This is who I
19 called. And he said okay. And I'm sure that went
20 from him to Mr. Ward.

21 Then I called Mr. Yawn, and he did --
22 he asked me: Scott, how come you didn't call me
23 about the aerial spraying? You've always called me
24 in the past about trucks spraying. Why didn't you
25 tell me about this?

1 And I told him what I had done. I told
2 him, and I apologized for what happened, that
3 within my time of calling, I called the individual
4 above you mistakenly. And he said okay.

5 And that's what I did. That sheet that
6 I've got, even to today, is -- it's courtesy. It's
7 not a law. We don't have to do it. It's just
8 courtesy to let them know what's going on, to let
9 them know when we're going to spray, whether it's
10 aerial, whether it's truck, it doesn't matter.
11 Again, Charleston, Berkeley, it's kind of like we
12 all kind of follow the same suit. They have issues
13 with what they call for their people, the same
14 thing.

15 BY MR. GOWDER:

16 Q. It's safe though to say -- I mean, how
17 long have you been calling people?

18 A. 2015, '16 when it happened, I'd say
19 I've been calling people since 2013 maybe when that
20 list was made up.

21 Q. So for three years; right?

22 A. Yes, sir.

23 Q. And people -- would you say people
24 counted on it, counted on you calling them?

25 A. I would say yes.

1 Q. And you said that, fortunately,
2 Ms. Hoover did what she was supposed to do, and her
3 bees were okay?

4 A. Yes, sir.

5 Q. When you called Mr. Yawn the second
6 time to tell him, you know, what you discovered,
7 what happened, were you upset?

8 A. Not mad upset.

9 Q. Right. No. Were you emotionally
10 upset?

11 A. I was very apologetic, because I had
12 called someone above him, and the issue -- it
13 hadn't really -- I can't remember if that's before
14 Ms. Stanley was on the news and all that stuff. I
15 can't remember when all that stuff happened. I had
16 called him and told him and apologized to him. I
17 did not talk to Ms. Stanley at that time. He said:
18 Okay. I wish you would have called me.

19 Hung up. And, again, I don't want to
20 be jumping the gun, as far as saying more --

21 Q. No, go ahead.

22 A. After that happened, it might have been
23 a couple of days afterwards, after Ms. Stanley, the
24 news, all of that stuff come out, personally -- I
25 was not told to do this. Personally, I told my

1 wife: Look, I've got to call and talk to her.

2 I said it was something that bothered
3 me, that's my character, and I felt it was the
4 right thing to do.

5 So I called, and I believe it was a
6 couple of days after, and Mr. Yawn answered the
7 phone, and I asked him if I could talk to
8 Ms. Stanley. And he said: Absolutely.

9 I got on the phone, she got on the
10 phone, and I apologized to her. I could honestly
11 hardly talk, to be honest with you, it upset me
12 that bad. It just did. And she did tell me:
13 Scott, I understand. That puts a little -- I think
14 she made the comment, that puts a little band-aid
15 on my heart, however she said it. And I told her
16 that I just felt that it was my responsibility to
17 call you and apologize to you, that I'm not doing
18 it face to face, but I just wanted to let you know.

19 Q. Have you talked to her since then?

20 A. No, sir.

21 Q. But you have talked to Mr. Yawn,
22 because you notify him about the spraying?

23 A. Yes, sir. Yes, sir.

24 Q. Have you had any conversations with him
25 other than just that sort of routine, hey, we're

1 about to spray?

2 A. No, sir.

3 Q. With Mr. Yawn?

4 A. No, sir.

5 Q. What were the reactions or
6 conversations that you had with any of your either
7 supervisors or colleagues at Dorchester County
8 following the aerial spraying?

9 A. Well, first of all, they wanted to know
10 what happened. There was meetings afterwards with
11 Mr. Ward, County administrator, Jason Ward; my
12 boss, Jakie Walters; Mr. David Chinnis, who at that
13 time was, I believe, chairman of County Council;
14 Ms. Carroll Duncan, which she's no longer with us,
15 she was a councilman; some other people; and there
16 was one other councilman there. I think it was
17 Mr. Jay Byars, I believe. I think he was vice
18 chairman. And we sat at the table and tried to
19 figure out what the issue was, what we could do to
20 render the situation. It happened. The call was
21 made to a different person than who -- Mr. Yawn.
22 We talked about the spraying, the time, why the
23 time was picked, why it was pushed to Sunday
24 instead of Friday or Saturday, what -- our County
25 attorney, Mr. John Frampton was there too.

MR. MAYBANK: Hold on now. I would say not to answer any more of this question. And the reason I say that -- I think we can revisit this, but I'll tell you why I think. There's executive sessions within County Council meetings, and I think I read about this in the paper, because Jay Bender was trying to get something. But when they go into that executive meeting, it is not open to the public. And with John Frampton being in the meeting as the County's attorney, I'm assuming they may have been talking some attorney/client privilege contained in that meeting.

MR. GOWDER: Let me just ask him about that.

BY MR. GOWDER:

Q. Were these executive sessions of County Council that you're talking about?

A. The people that I described --

Q. Yes, sir.

A. -- that was there, that's it.

Q. No. Was this at a County Council meeting?

A. No.

MR. MAYBANK: I think it could be with John giving advice.

1 MR. GOWDER: You say you think the fact
2 that John attended the meeting makes the whole
3 thing privileged?

4 MR. MAYBANK: Yeah, I do. I think he
5 was probably in there dealing with some kind of
6 issue. I will certainly say if that is not the
7 case -- I will ask John directly, do you consider
8 this to be an attorney/client meeting?

9 I guess, was there anybody other than
10 Dorchester County employees or councilmen within
11 that meeting?

12 THE WITNESS: There was, the people
13 that I said. They're my boss.

14 MR. MAYBANK: Dorchester County
15 employees and council members; correct?

16 THE WITNESS: Yes.

17 MR. MAYBANK: Any third-party outside
18 folks?

19 THE WITNESS: No, sir.

20 BY MR. GOWDER:

21 Q Let me ask this. Was the purpose of it
22 to get advice from Mr. Frampton, or he just
23 happened to be attending?

24 A. He was there. I don't know if he was
25 asked. I don't know why. I don't know if that's

1 policy.

2 Q. Here is what I'm going to do, if Roy
3 agrees. Don't tell me what Mr. Frampton said.

4 A. Okay.

5 Q. But I am interested in the subject of
6 conversation, other than what Mr. Frampton said.

7 Is that okay with you?

8 MR. MAYBANK: I don't think so, because
9 I think people -- with the attorney being there,
10 it's a free, open discussion as if, you know, come
11 to see me, lay it all out, I'm your attorney, tell
12 me what's going on, and let's hear everything.

13 MR. GOWDER: All right. Here is what
14 we'll do. I hear you. I'm not sure I agree with
15 you.

16 MR. MAYBANK: Sure.

17 MR. GOWDER: Let's just flag this --

18 MR. MAYBANK: Yeah, yeah, that's fine.

19 MR. GOWDER: -- and we'll come back to
20 it.

21 MR. MAYBANK: That's absolutely -- and
22 I will, as soon as I possibly -- because if I get
23 word that it's not what I think it is, you've got
24 Chinn's deposition lined up. You've got Tracey
25 Langley's deposition lined up. You've got people

1 who were in the meeting. If you can go without
2 having to re-notice and do this again, I think you
3 might be able to get that information from them.
4 But if you want --

5 MR. GOWDER: Or I may just reconvene
6 with Mr. Gaskins just for a while.

7 MR. MAYBANK: That's fine.

8 MR. GOWDER: We've been going almost
9 two hours. Let's take a few-minute break, now that
10 we're stopped. I'm going to finish up the
11 chronology here, and we're going to go through and
12 see if your name appears in any of these documents,
13 and we'll be done, probably in an hour.

14 (A recess transpired.)

15 BY MR. GOWDER:

16 Q. Okay. Mr. Gaskins, are you ready to
17 go?

18 A. Yes, sir.

19 Q. All right, sir. I think where we left
20 off, you were talking about conversations that you
21 had had with others in county government. We got a
22 little sidetracked with the conversation about
23 privilege that we'll take up later. Other than
24 people you worked with, and other than that meeting
25 with -- well, let me ask this question. Outside of

1 the meeting that would involve Mr. Frampton or any
2 other lawyers with the County, did you have
3 conversations with County officials about what to
4 do next after the aerial spraying?

5 A. No, sir.

6 Q. You did not?

7 A. No, sir.

8 Q. Was that sort of other people's jobs?
9 It really wasn't something that they were leaving
10 to you?

11 A. Outside of our meetings?

12 Q. Yes, sir.

13 A. I would say yes, sir.

14 Q. What was your role with regard to what
15 I'll just call the aftermath of the aerial
16 spraying? Did you have any responsibilities
17 dealing with issues relating to the bee death and
18 the aerial spraying?

19 A. One thing was to figure out what
20 Dorchester County could do better to inform, how
21 that could be done in a timely manner.

22 Q. Yes. So what was that -- what did you
23 come up with on that score?

24 A. That's when -- and I can't remember the
25 individual who does all of our website stuff. To

1 me, I talked to my boss, from what I can remember,
2 that what we need to do, is there some that way we
3 need to be able to contact -- and at that time it
4 was just basically beekeepers, how we can notify
5 them, locations, maps to where I have -- at a GIS,
6 I can bring up Dorchester County and look at an
7 area that somebody can go to our website, send in a
8 registration, beekeeper registration that has all
9 of their information on it, address, name,
10 location, all of that, to be able to take that, be
11 able to keep that, but also go on my computer, pull
12 up Dorchester County.

13 And Mr. Garber -- David Garber is the
14 one that did this for me -- to where I can start
15 typing in their address, it goes right to their
16 address where they live at. And then what I would
17 do is take an icon and move it to their property.
18 And what it does is, when I do that, it opens up a
19 page on the computer where I can take all their
20 information and put it on there, and started doing
21 that. So when the areas were going to be sprayed,
22 what I could do, of course checking my zones, then
23 I could bring up that map, check their zone, make
24 sure they were called and so on.

25 Q. Okay. Did you talk to other people who

1 kept bees and whose bees died as a result of the
2 aerial spraying?

3 MR. MAYBANK: Object to the form.

4 THE WITNESS: Not that I can remember,

5 I mean --

6 BY MR. GOWDER:

7 Q. Do you know Andrew or Annie Macke?

8 A. Yes, Mr. Macke, yes.

9 Q. Did you have any conversations with
10 Mr. Macke after the spray?

11 A. Yes, sir. And I honestly can't
12 remember all of the stuff that was said. I know he
13 said he had contacted, I believe, Ms. Stanley. But
14 I believe he knew them. And I cannot remember if
15 Mr. Macke told me if he lost bees or not. I cannot
16 remember. And then that's when he told me, of
17 course, about Ms. Stanley and talking to them about
18 the issue.

19 Q. Was Mr. Macke someone who, at least in
20 2016, was on your list of beekeepers?

21 A. No, sir, not at that time. No, sir.

22 Q. So he would not have been contacted?

23 A. No, sir, because he was not on there,
24 no, sir.

25 Q. Do you know Mr. Macke was a firefighter

1 for --

2 A. At that time I didn't. But throughout
3 the time, I found out, yes, sir.

4 Q. -- for the Town of Summerville?

5 A. Yes, sir.

6 Q. Any other conversations you can
7 remember with people who had hives, bees die as a
8 result of the spraying?

9 A. Not that I can remember --

10 MR. MAYBANK: Object to the form.

11 THE WITNESS: -- no, sir.

12 BY MR. GOWDER:

13 Q. Do you remember there was a fair amount
14 of media attention to this?

15 A. Yes, sir, very much, very much so.

16 Q. A lot of media attention?

17 A. Very quickly.

18 Q. Did you talk to any reporters or any
19 media outlets?

20 A. I tried to stay away from that, because
21 Mr. Ward at one point in time did not like us
22 talking to the media. He would rather handle that
23 himself as County administrator. There might have
24 been one or two people I might have talked to that
25 called me. How they got my number, I have no idea,

1 on my cell phone that I answered. But it wasn't in
2 detail about what I happened. And I more or less
3 told them, look, I can't really give you any
4 details because of that reason.

5 Q. Do you know that there was an
6 investigation by Clemson?

7 A. (Witness moves head up and down.)

8 Q. And did you talk to an investigator
9 from Clemson?

10 A. Yes, sir. I had two of them, I
11 believe. I know one of them was Mike Russell; and
12 his boss, I want to say Okin, and that's not right.

13 Q. Okey?

14 A. Okey.

15 Q. Ryan Okey?

16 A. Yes, sir.

17 Q. You talked to both of them?

18 A. Yes, sir.

19 Q. Do you remember what that conversation
20 was?

21 A. They asked me what had occurred, and
22 what had happened, and I explained to them what had
23 happened, what we did, why we did it, what area we
24 sprayed, how that all occurred. That's what I
25 explained to them.

1 Q. Okay. Do you recall seeing the report
2 that came out later from Clemson as a result of the
3 investigation?

4 A. Yes, sir.

5 Q. You got a copy of that?

6 A. Yes, sir.

7 Q. You described for me one significant
8 change with regard to notification that you made or
9 your department made as a result of this incident.
10 Has your department or has the county changed its
11 policies or procedures in any other way following
12 this aerial spraying?

13 A. Outside of what is available now to the
14 public that wasn't before, the registration, so
15 they can go and register their bees and where their
16 hives are at.

17 Q. With the County?

18 A. With the County.

19 Q. Tell me a little bit about that.

20 A. As far as -- can I understand what
21 you're asking?

22 Q. Yeah. What's involved in doing that?

23 A. Say if you're a beekeeper, you go to
24 Dorchester County's website. When you pull up
25 Dorchester County's website, we have mosquito

1 abatement services. When you pull that up, over on
2 the left-hand side, the first thing that is up
3 there -- well, now it's changed, because we have
4 different things to cover people. But at that time
5 it was beekeeper registration.

6 So as a beekeeper, what you'd do is
7 click on that, and it would bring up a form. You
8 would fill that form out. And I specifically ask
9 for those forms to come to my email specifically,
10 not to go to somebody else. So that way, when I
11 receive them, I can do the documentation that I
12 need to do on my computer to make sure I knew where
13 every location was at. And then when that
14 happened, people just started calling in left and
15 right and sending emails. And I guess word of
16 mouth after that happened. And that's why my list
17 grew as much as it did as big as it is.

18 Q. Is it your sense that there are more
19 beekeepers, or is it your sense that they're coming
20 forward now that they have an opportunity?

21 A. I would believe that there was a lot of
22 beekeepers that just -- they never registered with
23 Dorchester County. I mean, I don't know how
24 long -- we could have been spraying since 2000,
25 2001, and there could have been a bunch of

1 beekeepers around. I never had any calls or any
2 issues ever, because, I think, the time we spray.

3 Q. You spray at night?

4 A. At night.

5 Q. Tell me about the aerial spraying. You
6 haven't sprayed since?

7 A. No, sir.

8 Q. Why is that?

9 A. Because of this issue, because of the
10 ongoing litigations and all of that. Now, I
11 haven't been told that. It just didn't happen. I
12 was not informed we're going to stop aerial
13 spraying until this is taken care of. I was not
14 really informed about any of -- it was not said to
15 do anything else.

16 Q. Have you asked anybody for permission
17 to do aerial spraying again?

18 A. At the time when Mr. Walters was my
19 boss, I know -- I can't tell you specific times and
20 days, but I know I've asked, look, are we going to
21 start aerial spraying again?

22 And I know I was basically told, not
23 right now at this time. That's it.

24 Q. Who told you that?

25 A. I would say Mr. Walters, because he was

1 my boss at that time.

2 Q. Okay. Did he tell you why?

3 A. No, sir.

4 Q. Have you had any reports of people
5 traveling back to Dorchester County since 2016 with
6 Zika, West Nile, any other viruses, mosquito-borne
7 viruses like that?

8 A. No, sir. I know -- well, West Nile, at
9 the end of December of last year, my boss had
10 contacted me and Chris Evans, again, because he's
11 my contact person at DHEC, said that there was a
12 case that had happened, a West Nile case. The
13 onset -- again, what's crazy about that, because
14 the onset date, I think, was -- she called me
15 December -- say November, October. Sometimes it
16 may take a month and a half by the time people
17 start getting sick. They go to the doctor. The
18 doctor in turn goes, look, this is an issue of West
19 Nile.

20 Now, I believe -- I don't know what
21 exactly they put or what documentation they have to
22 put on the computer to send to DHEC. And by the
23 time all that happens, DHEC gets it and gets it to
24 me. With West Nile, it could have been two months
25 ago could have been the onset date of that. So

1 that's the only one I know outside of that that I
2 can remember.

3 Q. In 2017, in 2018, we had significant
4 rain events; right?

5 A. Yes, sir.

6 Q. And we've had hurricanes; right?

7 A. Yes, sir.

8 Q. And following those, Dorchester County
9 has addressed mosquitos using your trucks; right?

10 A. Yes, sir.

11 Q. Only?

12 A. Only.

13 Q. I'm going to ask you to take a look at
14 these documents, and I'm going to kind of go
15 through them fairly quickly and really just ask you
16 about some of them that might have some -- have
17 some involvement with you. Okay?

18 A. Okay.

19 MR. MAYBANK: Numbers at the bottom are
20 called Bates Stamp Numbers. Do you see that? If
21 he references it --

22 MR. GOWDER: Well, I've got exhibits
23 here. So you'll see those at the bottom, like
24 right here.

25 THE WITNESS: Okay, okay.

1 BY MR. GOWDER:

2 Q. There will be exhibits. And I don't
3 know if there's any rhyme or reason to these clips.
4 You can take the clips off. I think they're
5 just -- because that's the size the clips were.
6 The first document, Exhibit Number 1, this is a
7 document that's actually provided to us by Allen,
8 and I believe it to be the label instructions for
9 the pesticide that was sprayed.

10 A. Yes, sir.

11 Q. Are you familiar with this --

12 A. Yes, sir.

13 Q. -- label?

14 A. Yes, sir.

15 Q. You've read it before?

16 A. Yes, sir, I've read it.

17 Q. Did you read this label before the
18 aerial spraying?

19 A. Yes, sir. Yes, sir.

20 Q. Did you know that -- let me ask you
21 this question. Who decided what would be sprayed
22 from the plane?

23 A. That goes back to when we decided to do
24 aerial spraying, talking with Mr. English from
25 Adapco, talking to representatives -- and, again, I

1 can't remember their names -- with Charleston,
2 Berkeley, what people -- they use around, is
3 Trumpet. And it's very effective on mosquitos.
4 Charleston has been using it for a long time.
5 Berkeley has been using it for a long time. I
6 talked to Trey about it, and I went with their
7 recommendations.

8 Q. Whose recommendations?

9 A. Trey English.

10 Q. Trey recommended that you use Trumpet?

11 A. Trumpet, and off of Charleston and
12 Berkeley County.

13 Q. Would you agree with me that, according
14 to the instructions, Trumpet is dangerous to humans
15 and domestic animals?

16 A. If they drink it, spill it on
17 themselves. The way that it comes out of the
18 machines, that's why they're calibrated, and that's
19 why there are droplet rates, for that not to be an
20 issue.

21 Q. Applicators must use an enclosed cab or
22 cockpit, right? Do you agree with me, according to
23 the label?

24 MR. MAYBANK: Object to the form. So
25 not to object each time, all those questions about

1 the label.

2 BY MR. GOWDER:

3 Q. Look at page 3 of 7. Look at the
4 second paragraph. Applicators must use an enclosed
5 cab or cockpit; right?

6 A. Okay, right.

7 Q. On page 5 of 7, there is a paragraph
8 there about aerial application. Do you see that?

9 A. Yes, sir.

10 Q. Did you have a conversation with Allen
11 Aviation about whether or not these instructions
12 would be complied with in their application?

13 A. No, sir, because Allen -- I mean, Trey
14 English is a gentleman that calibrates and does
15 droplet rates for the planes.

16 Q. So Trey English actually calibrates the
17 application machine on the plane?

18 A. On the planes, yes, sir.

19 Q. I need to talk to Mr. English then.

20 MR. MAYBANK: Only on the plane?

21 THE WITNESS: Well, on my trucks also.

22 I mean, he does -- he's been doing any calibration
23 and droplet rates for a very long time on my trucks
24 also.

25 MR. MAYBANK: I wanted to make sure you

1 got that.

2 MR. GOWDER: No, no, that's great. I
3 appreciate it.

4 BY MR. GOWDER:

5 Q. Go to page 4 of 7, if you would. Look
6 at the top paragraph.

7 A. Okay.

8 Q. It says: This product is highly toxic
9 to bees exposed to direct treatment on blooming
10 crops or weeds. To minimize hazard to bees, it is
11 recommended that the product is not applied more
12 than two hours after sunrise or two hours before
13 sunset, limiting application to times when bees are
14 least active. Do not apply this product or allow
15 it to drift to blooming crops or weeds while bees
16 are visiting the treatment area except when
17 applications are made to prevent or control a
18 threat to public and/or animal health determined by
19 a state, tribal, or local health or vector control
20 agency on the basis of documented evidence of
21 disease causing agents in vector mosquitos or the
22 occurrence of mosquito-borne disease in animal or
23 human populations, or if specifically approved by
24 the state or the tribe during a natural disaster
25 recovery effort.

1 Were you familiar with this paragraph
2 prior to the aerial application?

3 A. Yes, sir.

4 Q. Whose responsibility was it for
5 following these directions?

6 A. The applicator.

7 Q. Do you think the County has any role in
8 making sure that the applicator complies with these
9 instructions?

10 A. Yes, sir.

11 Q. All right. And if the County does have
12 a role, who within the County's responsibility is
13 that?

14 A. That would be mine.

15 Q. Okay. And what did you do to make sure
16 that the applicator complied with these
17 instructions?

18 A. I believe when I talked to Mr. Allen,
19 of course after the incident, that the calibrations
20 in the droplet rates, because of this paragraph
21 here, was to what it was supposed to be.

22 Q. Okay. Exhibit 2 that follows this one,
23 just keep going. We're just going to go -- just
24 flip through this one. Are you familiar with this
25 document?

1 A. No, sir.

2 Q. Okay. It did come out of the County's
3 records, but if you're not familiar with it,
4 then --

5 A. I don't remember seeing this.

6 Q. Okay. Then we'll just keep moving.
7 Exhibit 3, you are in an address on this email from
8 Jason Ward dated May 3rd, 2016. Subject: Aerial
9 mosquito spraying. Do you remember seeing this?

10 A. Yes, sir.

11 Q. Okay. Do you remember any of the
12 context for this?

13 A. This, I would believe, is when they --
14 when we were in the process of getting pricing for
15 aerial spraying and when I was checking about the
16 pricing, whether Allen Aviation or Williamsburg
17 Air. That's what I take off of this.

18 Q. Okay. And, again, at this point in
19 time, May of 2016, you were interested in and had
20 been asking about having the ability to do aerial
21 spraying, I think you said, as a tool in your tool
22 kit?

23 A. Yes, sir.

24 Q. You just wanted to have it available if
25 you felt like you wanted to use it?

1 A. If we needed to.

2 Q. If you needed to use it?

3 A. Yes, sir.

4 Q. And then the next document, Exhibit 4,
5 is a package from Berkeley County, and I think this
6 coincides with your conversation with me about
7 piggybacking --

8 A. Yes, sir.

9 Q. -- on Berkeley County's work. Is that
10 right?

11 A. Yes, sir.

12 Q. Have you seen Exhibit 4 before? Did
13 you review this invitation to bid?

14 A. No, sir.

15 Q. Or these agreements?

16 A. No, sir. That was -- I did not see
17 this. I know when it was said and done, there was
18 a part of that that was sent to me when it was
19 allocated, which was around July of when it was
20 done.

21 Q. When you say allocated, the money was
22 authorized by County Council?

23 A. When it was, I guess, agreed upon.

24 Q. Contracted?

25 A. Contracted. And I was given that part

1 showing when -- I think it was around July, mid
2 July, the -- how much it would cost per acre. I
3 think there was a \$200 surcharge, fuel. And then
4 on the back of it was the signatures of our
5 procurement officer, I believe, or our financial
6 person, Jessica, and I don't remember the other
7 names that were on there.

8 Q. Okay. You really weren't as involved
9 in that?

10 A. No, sir. No, sir.

11 Q. So I'm going to be taking the
12 depositions of a number of county people.

13 A. Yes.

14 Q. Who would be the person that would know
15 most about that?

16 A. I would believe Jessica. Jessica --
17 and I think she is still -- let me go back to this
18 right here, this one email.

19 Q. Jessica Shuler?

20 A. Jessica Shuler. I believe she's still
21 with us.

22 Q. And what is her position?

23 A. I know she was finance.

24 Q. All right. Okay.

25 A. I'm almost positive it's in finance.

1 Q. Is she perhaps in the Procurement
2 Department?

3 A. Things have been changed around the
4 last two years.

5 Q. Yeah. Exhibit 5 is the agreement
6 itself. Were you involved in negotiating the
7 agreement at all with Allen Aviation?

8 A. Yes, sir. Yes, sir, this is what I
9 have.

10 Q. Tell me what you know about this.

11 A. What I read, what was agreed upon, and
12 then of course talking to Allen. Once the contract
13 was done, the pricing of what we were going to do
14 by acres, if we ever did larviciding, which we
15 never did, understood what it said, what it meant,
16 minimum acreage, the 24-hour notice, and then --

17 Q. That's 24-hour notice to Allen
18 Aviation; right?

19 A. For larviciding within 24-hour notice
20 to spray, yes, sir, yes.

21 Q. That's not to the public?

22 A. Right. That's to him.

23 Q. To him?

24 A. Yes, sorry, yes. And then Rebecca --
25 maybe it's Rebecca Dantzler, because Sammy was our

1 procurement person at that time. That's
2 Mrs. Allen. That's Mr. Allen. Rebecca Dantzler is
3 someone you may want to talk to also.

4 Q. Who is she?

5 A. I think she might have been in
6 Procurement with Sammy Stephens. Again, we've had
7 people retire, and we've had things move around.

8 Q. All right. Were you involved in
9 negotiating the terms, the 71 cents per acre?

10 A. No, sir. That's why I believe I was
11 trying to -- when I was explaining that Mr. Ward
12 was seeing if a contract had already been done, to
13 piggyback off the contract that was already done
14 up.

15 Q. You think this maybe is the terms they
16 already had with Berkeley County?

17 A. It was. Yes, sir, it was.

18 Q. Exhibit 6 is an email from Tracey
19 Langley, and a newspaper article from Bo Peterson
20 who writes for The Post and Courier, Lowcountry
21 prepped for Zika, mosquito managers say.

22 Are you familiar with this?

23 A. No, sir, I did not see this. No, sir.

24 Q. All right. Exhibit 7, it talks about
25 you, but it doesn't copy you. Well, no, it doesn't

1 copy you, it appears. Well, it does, actually,
2 down in the middle of the page. Do you recall this
3 email, June 20th, 2016?

4 A. This, I believe, is the gentleman --
5 Highway 178, St. George -- I'm almost 100 percent
6 sure, this gentleman lives out --

7 MR. MAYBANK: Who?

8 THE WITNESS: This gentleman,
9 Mr. Infinger, Sammy Infinger of 9620 Charleston
10 Highway, Highway 178, St. George. He was the
11 gentleman that had an area -- he was out by I95, if
12 this is the call that I believe, and he had an area
13 in the back that had goats, chickens, pigs. He had
14 areas that were standing water all over the place,
15 a ditch that kind of ran behind his property, and
16 he was having issues. And I went out, and I
17 treated that ditch with the briquettes. And I'm
18 almost 100 percent positive that's that issue
19 there.

20 Q. Why would somebody with the Federal
21 Facility Liaison For Environmental Affairs with
22 DHEC be calling Jason Ward about this?

23 A. That I cannot answer.

24 Q. Okay. Had you ever had any involvement
25 with this person, Shelly Wilson?

1 A. I believe after this --

2 Q. Before?

3 A. I'm sorry. Not before, no, sir.

4 Q. Or after?

5 A. After. I called her after I did this
6 and treated the area.

7 Q. Right.

8 A. I believe that I called Ms. Wilson and
9 told her what I had done. And then she said, okay.

10 Q. She's a South Carolina DHEC employee?

11 A. Yes, sir, if that's -- yes, sir, I
12 believe.

13 Q. All right. The Federal Facility
14 Liaison term threw me off a little bit. But it
15 looks like she's with the State of South Carolina?

16 A. Yes, sir.

17 Q. All right. Exhibit 8, an email from
18 Jason Ward to you dated August the 1st, do you
19 remember this? And if it's helpful, Mr. Gaskins,
20 the next document, Exhibit 9, appears to be maybe
21 an additional email following this one from Jackie
22 Walters to Jason Ward and you.

23 A. This, I'm sure, was in the process of
24 the contract being done when he says this here.

25 Q. What would the press release and the

1 press conference be about?

2 A. This is my one issue was coming out
3 about the virus, the Zika virus. And I believe
4 Mr. Ward might have been asking about a press
5 release or some press conference about the Zika
6 issue and what we might be doing, if there is a
7 problem with it. I'm not 100 percent sure.

8 Q. Were you the point person for the
9 County on the Zika virus?

10 A. If there was an issue that a Zika --
11 either local or a travel-related issue, I was
12 contacted by DHEC. And then I contacted my
13 supervisor, and then it went through the chain of
14 command like that.

15 Q. Okay. So would you have been holding a
16 press conference or --

17 A. I don't remember any of this happening
18 right here. I was involved with no press
19 conference. And as far as a press release, I
20 didn't release any type of press release. I
21 didn't.

22 Q. Then he asked what has caused the delay
23 in aerial spraying. What does that question mean?

24 A. I don't know if that's when -- earlier
25 when I explained about Mr. Walters contacting me

1 wanting to know if administration -- I said
2 administration, Jason Ward, want to know if we need
3 aerial spraying or whatever. I don't know if
4 that's where that's coming from.

5 Q. Okay. To me, the question seems to
6 imply that the aerial spraying was to have occurred
7 earlier?

8 A. I don't know if he's asking that or if
9 he's asking about what's going on with the
10 contract. I don't know.

11 Q. Okay. So you think the question may
12 have been what has caused the delay with the aerial
13 spraying contract?

14 A. And with this response here, saying
15 waiting on Samuel to get the contract signed to
16 give us the okay to move ahead, that's what I'm
17 thinking.

18 Q. Okay. All right. So there wasn't
19 really a time set for the spraying. It was a time
20 set for entering into the contract?

21 A. Yes, sir.

22 Q. All right. Go forward to Exhibit 10.
23 David Garber I think you referred to earlier in
24 your testimony, the GIS coordinator?

25 A. Yes, sir.

1 Q. Do you recall this document?

2 A. Yes, sir.

3 Q. And its exhibits? What is this?

4 A. This is -- this here?

5 Q. Yeah.

6 A. This is the map that I had given to
7 Mr. Garber to send to Allen Aviation, and this was
8 the zone area where the two beehives were located.

9 Q. And -- let's do this. Exhibit 10 has
10 one, two, three, four -- it appears four
11 attachments to it. Okay? So that being said, I
12 just wanted to make you aware of that. But go
13 ahead.

14 A. This was -- because I know when we were
15 talking about aerial spraying, again, with these
16 two maps right here --

17 MR. MAYBANK: Can I ask a question? Do
18 you know where these came from?

19 MR. GOWDER: Allen.

20 MR. MAYBANK: I'm talking about the
21 maps.

22 MR. GOWDER: Allen. They were
23 attachments to this -- this is all one thing.

24 MR. MAYBANK: Oh, I see, because there
25 are no date stamps on it.

1 MR. GOWDER: Yeah, but it's all one
2 thing.

3 THE WITNESS: I know when Mr. Garber
4 had given me the way to make the maps, I might have
5 sent -- I know I did. I sent these to him. I
6 can't remember if it was just something I was
7 showing how we could do it. I don't remember with
8 this. There wasn't specific issues with these
9 maps.

10 BY MR. GOWDER:

11 Q. Okay. So let's back up. So David
12 Garber sent you an email on Monday, August the
13 22nd, with these attachments, right? So why is he
14 sending these to you? Is this work you had asked
15 him to do for you?

16 A. The only thing that I can say is that
17 when he was sending me these, that we were going
18 back and forth on how I could -- because I didn't
19 know how to do these. And I don't really remember,
20 because this is the one --

21 Q. Let me see if I can help you. And I
22 don't mean to interrupt you. But if you go to
23 Exhibit 11, which might perhaps put this in
24 context. I'm not asking a trick question. I'm
25 trying to understand. So read that and tell me if

1 that helps you any in putting 10 into context.

2 A. That was the week -- this -- I'm trying
3 to remember. But this right here is what we
4 decided to do.

5 MR. MAYBANK: Let's do this. That will
6 read so badly, because this -- this, that
7 doesn't -- we don't know what you're talking about.
8 Can I do this, if it's okay? This is Exhibit 10.
9 Can I put like a number, something to identify
10 Exhibit 10, number 1, map 1, 2, 3, and 4?

11 MR. GOWDER: He can mark on it and just
12 initial it.

13 MR. MAYBANK: So if you'd do that.
14 What you said, she can't physically put it in the
15 thing.

16 THE WITNESS: I understand. So what do
17 you want me to do?

18 BY MR. GOWDER:

19 Q. You were starting to tell me something
20 about this map, the purpose of it and what your
21 involvement in it was. What is that?

22 A. These three maps or --

23 Q. Whatever. You tell me what the
24 document is.

25 A. The best of my knowledge is that when I

1 was doing this --

2 Q. And you say this. You're indicating
3 these maps?

4 A. I'm sorry. These two maps that I'm
5 looking at --

6 MR. MAYBANK: Can you put a number down
7 at the bottom? Have you got a pen?

8 BY MR. GOWDER:

9 Q. Just do A, B, C.

10 A. Exhibit A, B, or C?

11 Q. You can do 10A, 10B, and 10C.

12 A. I'll put 10A, 10B, and 10C.

13 Q. Great.

14 A. Okay. 10A and 10B, I can't remember
15 what -- I don't know if -- because this is a brand
16 new system as far as I was learning. Once we got
17 to be able to send stuff to Allen, we had to make a
18 map of where things had to be aerial sprayed. So
19 when I sent these to David --

20 Q. When you say these, 10A, 10B?

21 A. Map 10A, 10B, and 10C, I do not
22 remember the dates that I sent all of them at one
23 time. I know that I sent 10A, 10B, 10C to David.
24 10A and 10B, when he was showing me or telling me
25 how to do the layout to highlight them and what

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1 areas, I believe these -- I want to say 10A and 10B
2 are examples. And then talking to Allen Aviation,
3 I know we couldn't spray like this, because he was
4 telling me more of a square.

5 Q. You just indicated you couldn't spray
6 like on the configuration of 10A?

7 A. Configuration of 10A, because Mr. Allen
8 told me that their spray patterns that they spray,
9 if it could be more of a square, the best you
10 could, with the flight patterns that they do,
11 instead of like 10A's map, him spraying here, here.
12 I mean, it could be north, south, south, north. I
13 don't know if that makes sense.

14 Q. Yeah, yeah. In other words, they
15 needed to basically spray in straight lines?

16 A. Yes, that's what he told me was the
17 easiest way to aerial spray as far as flight
18 patterns.

19 Q. Okay. On these maps, there are circles
20 with triangles and an exclamation point. Do you
21 know what those indicate?

22 A. Those are the two bee locations.

23 Q. All right. So if you would, circle
24 those and initial those, please.

25 A. (Witness complied.)

1 Q. And you're, indicating on 10C?

2 A. On 10C, I've circled --

3 Q. If you'll write bee locations.

4 A. (Witness complied.)

5 Q. And draw arrows to both.

6 A. (Witness complied.)

7 Q. Thank you. And then initial it,
8 please.

9 A. (Witness complied.)

10 Q. And these are indications that you put
11 on the map?

12 A. Yes, sir.

13 Q. And do you know who the beekeepers are
14 in these locations?

15 A. 10C's map, the lower bee location, that
16 is Mr. Yawn's.

17 Q. Okay. Would you put -- would you write
18 Yawn?

19 A. (Witness complied.)

20 Q. And is the upper location Hoover?

21 A. I'm almost positive that's Ms. Hoover.

22 Q. Okay. Would you write Hoover?

23 A. (Witness complied.)

24 Q. And, again, so that I recall your prior
25 testimony okay, you talked to Ms. Hoover?

1 A. Yes.

2 Q. And you instructed her that the -- or
3 you informed her that the spraying was going to
4 occur, and you instructed her to cover her hives
5 until 10 a.m.?

6 A. Yes, sir.

7 Q. And you called her back, and she
8 indicated that her bees were okay?

9 A. Yes, sir.

10 Q. Because she had done what you had
11 suggested?

12 A. Yes, sir.

13 MR. MAYBANK: Object to the form of
14 that question.

15 BY MR. GOWDER:

16 Q. Okay. Anything else to tell me about
17 these maps? And then that one you didn't mark.
18 Let's mark that one 10D.

19 A. (Witness complied.)

20 Q. Is there anything you want to tell me
21 about that one? Why is that one not in yellow?

22 A. Again, with Mr. Garber and me going
23 over it, when he put this on my computer where I
24 could make up the maps myself to send to him,
25 that's probably why, because then he probably

1 informed me, Scott, you can go to this type of
2 setting, and you can highlight whatever color you
3 want the maps to be.

4 Q. Okay. I noticed on -- I guess it's
5 10A -- no, I guess 10B, there is also an
6 indication, the circle with the triangle in it. Is
7 that also a beekeeper?

8 A. Yes, sir. Who, I do not know unless I
9 look. I have no clue.

10 Q. Would you have notified that person?

11 A. If we were going to spray in that area,
12 absolutely.

13 Q. Okay.

14 A. Excuse me. Do you need me to do this
15 too?

16 Q. No, I think that's enough. Anything
17 else you want to tell me about this exhibit?

18 A. No, sir.

19 Q. On 11, you read it earlier, just to
20 give yourself maybe context on 10. Do you recall
21 this email?

22 A. Yes, sir.

23 Q. Let's just pause.

24 A. Did I mess up?

25 Q. No, you didn't mess anything up. If

1 you could hand me the complete 10, we're going to
2 give this to the court reporter, and we're going to
3 swap out so she holds on to this one.

4 (Off-the-record conference.)

5 BY MR. GOWDER:

6 Q. Okay, let's keep going. On 11?

7 A. I don't know what this Snipping Tool --
8 I think that's the tool you can go on and do the
9 maps and stuff with.

10 Q. So you were preparing -- you were
11 telling me earlier, you were preparing to do
12 spraying actually on Thursday between 6:00 and 8:30
13 p.m.?

14 A. I don't know why that changed. I mean,
15 I know why it changed. I don't -- I'm trying to
16 remember -- I don't remember writing this.

17 Q. Meaning you don't remember writing the
18 language --

19 A. Yes, exactly.

20 Q. -- of the press release?

21 A. Yes.

22 Q. Would anybody have written it for you?

23 A. I know that me and Mr. Garber talked
24 about stuff. And, Mr. Gowder, I honestly can't
25 tell you. I don't remember writing this. I just

1 don't.

2 Q. Do you remember setting Thursday
3 evening, 6 to 8 p.m. or 8:30 p.m. as the original
4 spraying time?

5 A. I can't honestly answer the question.
6 I don't remember.

7 Q. You don't remember?

8 A. I really don't.

9 Q. And then it said if conditions don't
10 allow, then it would be done the next day.

11 A. Yes.

12 Q. Do you know why -- do you have any
13 memory of why it would not have occurred on Friday
14 then?

15 A. I don't know if there was -- well, I
16 know Friday was a football game.

17 Q. Friday evening was football?

18 A. I know that, and that's why we didn't
19 do it then.

20 Q. Do you know why you wouldn't have done
21 it Saturday evening from 6 to 8:30 p.m.?

22 A. No, sir.

23 Q. Or Sunday evening from 6 to 8:30 p.m.?

24 A. No, sir. I think when I talked to
25 Allen, I don't remember if it was my suggestion

1 that I said, you know, in the morning time, because
2 Sunday morning, you probably have less traffic,
3 less people, less activities going on. And that's
4 probably why we decided that morning.

5 Q. So you think that that decision was
6 made in a conversation between you and Mr. Allen?

7 A. I can't say 100 percent. It would have
8 to be, because he'd have to know when to spray.

9 Q. Would he have made that decision?

10 A. I can't honestly say. I don't
11 remember.

12 Q. You don't know one way or another?

13 A. No. I would probably say that I maybe
14 talked to him and told him, because I'm the one
15 that pushed it to Sunday. So I would probably say
16 that I'm the one that made the decision to spray
17 that Sunday morning because of issues that I just
18 said.

19 Q. Okay. And attached to this Exhibit 11
20 is another map. It's not a good copy. But is
21 there any -- can you -- there is sort of -- appears
22 to be somewhat of a darkened area. Is that roughly
23 the spray area?

24 A. This looks like the spray area of the
25 other -- of 10C or 10 -- this one.

1 MR. MAYBANK: And that is --

2 BY MR. GOWDER:

3 Q. 10C?

4 A. 10C, it looks like to me. But I don't
5 see the beehives on that one. So, again, things
6 that me and Mr. Garber -- again, this is just my
7 best knowledge -- when Mr. Garber and I were
8 talking about being able to do this type of
9 mapping, these maps right here could have been --

10 MR. MAYBANK: Which ones?

11 THE WITNESS: The map 10B, 10A --

12 BY MR. GOWDER:

13 Q. We're going to even look at some more
14 maps.

15 A. The previous, 10D, like tell me how to
16 shade different colors, learning how to do that.

17 Q. Because you had never done this before,
18 had you?

19 A. No, sir. No, sir, not the shading, not
20 this type of application, I guess. I don't know
21 what you call this.

22 Q. You'd never been involved in an aerial
23 spraying before, had you?

24 A. No, sir.

25 Q. And you had never been involved in

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1 telling an aerial applicator where to go; right?

2 A. No, sir.

3 Q. And you had never been involved in
4 putting together a map to tell an aerial applicator
5 where to go?

6 A. No, sir.

7 Q. All right. Exhibit 12, what can you
8 tell me about that? There is an attachment to
9 that. In fact, there are a couple.

10 A. I believe I sent these maps to
11 Mr. Allen. The red -- I don't know what map to
12 call that.

13 MR. MAYBANK: How about 12A?

14 BY MR. GOWDER:

15 A. 12 --

16 Q. Or Allen 78?

17 A. The map on Allen 78, that red square
18 would be a no-fly zone. So if he sprayed that area
19 that was already mapped and that blue circle is
20 Town Hall where they do have the bee farmer -- the
21 bee farmer -- the Farmers Market, and it does start
22 at 8 a.m., not to spray that.

23 Q. Right. Now, the Yawn property is not
24 in the no-fly zone, is it?

25 A. Oh, no, sir. No, sir.

1 Q. Look at Allen 79, that page. What is
2 that?

3 A. Allen 79, best of my knowledge, when I
4 sent map 10C, once that was the area, Allen 79 is
5 what, best of my knowledge, Mr. David Garber, GIS
6 with Dorchester County, did up with these, north,
7 west, to send to Mr. Allen.

8 Q. Okay. Now, I want to ask you about
9 that. So it's very faint. But up at the top of
10 the page, it looks like written in, up next to
11 DoCo - 03 Summerville, it looks like it's 8-28-16.
12 Do you see that?

13 A. Yes, sir.

14 Q. Is this document, Allen 79, is this the
15 area where Dorchester County instructed Mr. Allen
16 to spray?

17 A. Allen 79?

18 Q. Yes, sir.

19 A. Yes, sir, that's the area that he was,
20 yes, instructed to spray, yes, sir.

21 Q. Now, are there any circles with the
22 triangle in it, in that yellow --

23 A. No, sir, I do not see that.

24 Q. -- yellow area?

25 A. No, sir, I do not see that.

1 Q. Should there be?

2 A. There should be.

3 Q. Why isn't it there?

4 A. I cannot answer that question, because
5 this is the map, 10C, that I sent that had these
6 locations on it.

7 Q. You sent to who?

8 A. To Mr. Garber, Mr. David Garber.

9 Q. You sent it to Mr. Garber?

10 A. Right.

11 Q. Did anybody send 10C to Mr. Allen?

12 A. That would be, again, best of my
13 knowledge, would be Mr. Garber that sent those. I
14 cannot remember if I sent this to Mr. Allen.

15 MR. MAYBANK: Say what.

16 THE WITNESS: 10C map. Well, because
17 10C map that shows these two beehive locations,
18 almost 100 percent sure is that's why they're
19 there. I don't know, Allen 79, if this is the
20 actual map that was sent to him from GIS. I don't
21 know.

22 BY MR. GOWDER:

23 Q. Do you know, can you tell which map was
24 sent to Mr. Allen which was the final instruction
25 from Dorchester County on where he was to fly?

1 A. No, sir. It had to be -- that's why
2 I'm answering the way I'm answering, because I
3 don't see the two locations that are here when I
4 had them here.

5 Q. When you say here, you're talking about
6 Allen 79?

7 A. Allen 79.

8 Q. You do not see the bee locations on
9 Allen 79?

10 A. No, sir.

11 Q. Why would they not be there?

12 A. I honestly cannot answer that question.
13 I don't know why.

14 Q. If Allen 79 was the map given to
15 Mr. Allen on instructing him where to spray and it
16 did not indicate where the bee locations were, he
17 would not have known where the bee locations were,
18 would he?

19 A. Yes, sir, that is true.

20 Q. Okay. Take a look at Allen 80 for me
21 then, which is also marked as Exhibit 13. Do you
22 recognize that?

23 A. Yes, sir.

24 Q. What is that?

25 A. That is the flight pattern that

1 Mr. Allen did at the time of application.

2 Q. Okay. So this is basically an
3 as-applied map that Mr. Allen created?

4 A. Yes, sir.

5 (The proceedings were interrupted.)

6 MR. GOWDER: I'm go to need to check
7 this.

8 MR. MAYBANK: Please do.

9 MR. GOWDER: Let's take two minutes.

10 (Off-the-record conference.)

11 BY MR. GOWDER:

12 Q. All right. Okay. So what I was asking
13 you, Mr. Gaskins, was just confirming with you that
14 Exhibit 13 is basically an as-applied flight record
15 created by Mr. Allen after or in the process of or
16 following flight. Is that correct?

17 A. Yes sir, I would say yes.

18 Q. Again, is there any indication on this
19 map or on this graphic where the bee locations are?

20 A. No, sir.

21 Q. All right. Let's go to Exhibit 14. Do
22 you recognize this?

23 A. I believe this is -- was released, I'm
24 going to say, by Mrs. Langley.

25 Q. Okay. And you were shown as the

1 contact?

2 A. I was shown -- yes, sir.

3 Q. This was released Friday, 9:00 a.m. Is
4 that correct?

5 A. Yes, sir.

6 Q. So what news outlets would this have
7 been released to, do you have any idea? Or is that
8 something I should ask Ms. Langley?

9 A. That's something you should ask
10 Ms. Langley.

11 MR. MAYBANK: I believe you have her
12 deposition noticed.

13 MR. GOWDER: I do.

14 BY MR. GOWDER:

15 Q. Exhibit 15, I think you're copied on
16 here. Actually, you're not. But I would ask you,
17 have you seen this before?

18 A. No, sir, this -- no, sir. But I would
19 say that it was going to be another press release,
20 I guess. I don't know. I did not see this, no,
21 sir.

22 Q. This is on Saturday, right at 9 p.m.
23 Apparently there had been a number of calls from
24 citizens about the aerial spraying for tomorrow
25 morning.

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1 A. Yes, sir.

2 Q. Do you remember anything about that?

3 A. No. I did not do anything about this.
4 I did not see this email, no, sir.

5 Q. Okay. Well, let's keep going then.
6 Were you involved or do you remember at all the
7 Saturday 8 p.m. press release?

8 A. No, sir, this is -- the only thing --
9 I'm sorry.

10 Q. You're listed as contact, but you had
11 nothing to do with drafting this press release?

12 A. No, sir. That's Ms. Langley.

13 Q. Just looking at this, is there anything
14 in this press release about bees or beekeepers or
15 pollinators?

16 A. Not that I see, no, sir.

17 Q. Okay. All right. There is a document
18 following that is -- doesn't have an exhibit
19 number, but it's Dorchester County File 0090. It's
20 a map, right there.

21 A. This one?

22 Q. Yes, sir. Is that roughly the spray
23 area?

24 A. Yes, sir.

25 Q. Exhibit 16 appears to be a document

1 from Allen Aviation?

2 A. Yes, sir.

3 Q. Have you seen this before?

4 A. I was sent not this, but a type of what
5 he did. It wasn't exactly Exhibit 16 that I'm
6 looking at, but I was sent the information
7 Mr. Allen sent me of when he -- the same
8 information on Exhibit 16 that you're looking at,
9 he sent me the information. It wasn't this that
10 I'm looking at, Exhibit 16, but it was in the same
11 format, but it wasn't exactly this.

12 Q. Okay. I get you.

13 A. Okay.

14 Q. The same information, different format?

15 A. Yes.

16 Q. This document, Exhibit 16, shows you as
17 the customer; right?

18 A. Yes.

19 Q. And then it has basically the details
20 of the application; is that right?

21 A. Yes, sir.

22 Q. And it looks like attached to it are
23 three pages. Allen 103 appears to be a copy of
24 what was earlier marked as Allen 80. But I want
25 you to confirm that for me.

1 A. Allen 80.

2 MR. MAYBANK: Go back to Exhibit 12.

3 I'm sorry, it's Exhibit 13. Right there.

4 THE WITNESS: What's throwing me about
5 this --

6 MR. MAYBANK: Which one?

7 BY MR. GOWDER:

8 Q. 80?

9 A. Exhibit 13, Allen 80, and if I may say,
10 Allen 103, what's throwing me on this is the
11 documentation that I received from Mr. Allen that
12 showed his flight pattern was this --

13 MR. MAYBANK: Which one?

14 THE WITNESS: Was Allen 80 that shows
15 the spray map like 10C has showing his flight
16 pattern going over what 10C's map shows. But I
17 don't see it on Allen 80, as far as the outline of
18 the shaded area on Allen 80 that was sprayed.

19 BY MR. GOWDER:

20 Q. Okay. Look at Allen -- the next page,
21 Allen 104. Okay? Yeah, that's right. Allen 104.
22 Now, is Allen 104 the same document as Allen 79?

23 MR. MAYBANK: Which exhibit was that
24 one?

25 MR. GOWDER: That is 12.

1 THE WITNESS: Yes, sir.

2 BY MR. GOWDER:

3 Q. Okay. So does it appear that Allen 104
4 shows the area in which he sprayed?

5 A. Yes, it's outlined.

6 Q. All right. And on Allen 104, just like
7 on Allen 79, is there an indication of where the
8 Yawn or the Hoover bee locations are?

9 A. No, sir.

10 Q. There is not, okay. Is there anything
11 attached to -- that you can see that's attached to
12 Allen document -- or Exhibit 16, Allen 102 through
13 5, that indicates where the bee locations are? I'm
14 sorry. I mixed you up. If you'll just go to
15 Exhibit 16, which is the one we're on, look at the
16 documents that are attached to that. So that would
17 be Allen 103, Allen 104, Allen 105.

18 A. Yes.

19 Q. Is there any indication on any of these
20 documents where the bee locations are?

21 A. Allen 105 I cannot make out at all.
22 Allen 103 and Allen 104, I do not see the bee
23 locations.

24 Q. Do you have any knowledge, Mr. Gaskins,
25 that Mr. Allen --

1 MR. MAYBANK: What is that?

2 THE WITNESS: That's -- Mr. Gowder?

3 BY MR. GOWDER:

4 Q. Yeah.

5 A. May I circle Allen 104?

6 Q. Yeah.

7 MR. MAYBANK: Do you have a pen? Let's
8 give you a blue one.

9 THE WITNESS: I just circled what looks
10 to me very faintly on Allen 104 the locations that
11 was on 10C's map of the bee locations that I'm
12 letting Mr. Gowder look at.

13 BY MR. GOWDER:

14 Q. Well, it's kind of hard to say, isn't
15 it?

16 A. I understand.

17 Q. Yeah.

18 A. Tomorrow when I get to my office, I
19 would like to pull that document that I --

20 MR. MAYBANK: I need that back.

21 THE WITNESS: -- the document that I
22 have that showed the information that Mr. Allen
23 sent me with the information that he did on that
24 day, 8/28/16, with how many acres he sprayed, how
25 much he sprayed, and the map that showed his flight

1 pattern that was highlighted in yellow, and almost
2 99 percent sure had those two bee locations. I
3 would like to go to work tomorrow and pull that.
4 BY MR. GREAT:

5 Q. Okay. So -- great. So that's the
6 third document now that you're going to give to
7 Mr. Maybank to give to me.

8 (This page contains information to be
9 supplied by counsel and/or the deponent.)

10 MR. MAYBANK: I think we've already
11 given that.

12 MR. GOWDER: It's not here.

13 MR. MAYBANK: You've given it to me,
14 haven't you?

15 THE WITNESS: I'm pretty sure, yeah.

16 MR. GOWDER: I've got what I've got.

17 MR. MAYBANK: I have over 3000 pages.

18 MR. GOWDER: I've looked at every one
19 of them over the last few days. And I could have
20 missed it, but you all will need to show that to me
21 again.

22 MR. MAYBANK: Absolutely.

23 THE WITNESS: Yes, sir, first thing
24 tomorrow morning.

25 MR. MAYBANK: I've been sending myself

1 emails about this stuff.

2 MR. GOWDER: Excellent.

3 BY MR. GOWDER:

4 Q. Okay. Exhibit 17 --

5 MR. MAYBANK: I will say this on the
6 record. To the extent that I thought I've turned
7 over every single document, that there are
8 documents such as this map that exists that have
9 not been turned over, you can reconvene this
10 deposition at your leisure, because you should have
11 every right to ask him about that stuff.

12 MR. GOWDER: I appreciate that very
13 much. And I don't mean to imply anybody meant
14 anything by it. Things happen. It's a lot of
15 documents.

16 MR. MAYBANK: Sure.

17 MR. GOWDER: So no problem, and I
18 appreciate it.

19 BY MR. GOWDER:

20 Q. Exhibit 17, is this something you're
21 familiar with?

22 A. Again, Mr. Gowder, I have not seen
23 this. This came from the County Administrator's
24 Office. Even though it's contact up there, for my
25 name, it says, for immediate release, contact Scott

1 Gaskins. To me, that's a formal thing to where if
2 somebody needs to contact me about any of this that
3 went out, they would be contacting me. I did not
4 send this out.

5 Q. Right. Got it. Okay. That's all I
6 need to know. We're going to skip over to Exhibit
7 19. Take a look at that document, and let me know
8 what you know about that.

9 A. Yes, sir.

10 Q. Tell me about this document.

11 A. This is the document that happened
12 after the aerial spraying was conducted. And the
13 phone call that I had received or the message that
14 I had received from Mr. Yawn up top, please
15 prepare -- from the best of my knowledge, this is
16 Mr. Ward, our County Administrator, probably
17 telling me to please -- how we identified, to
18 explain it to Jackie and him in the morning, which
19 we will need to determine if the spray killed the
20 Yawn's bees and issue release offering help and an
21 apology, which that's Mr. Ward --

22 Q. That's Mr. Ward to you?

23 A. -- to me. And subject: Mitch Yawn.
24 That's what I explained earlier about Mr. Yawn that
25 morning, that I received his message and called him

1 back.

2 Q. This is sort of an odd-looking
3 document. Is this maybe sort of a summary or cut
4 and paste of several emails?

5 A. It might have been, because I did not
6 do this. To me, that's something Mr. Ward --

7 Q. You didn't put Exhibit 19 together?

8 A. No, sir.

9 Q. But does it appear to you to be perhaps
10 two or three different emails that were summarized
11 or put together?

12 A. It could have been, yes, sir.

13 Q. Okay. Now, up at the top, it says: We
14 will need to determine if the spraying killed the
15 Yawn's bees and Macke's bees.

16 So by that time, the County had learned
17 that Mr. Macke had also lost bees?

18 A. Yes, sir.

19 Q. And then here at the bottom, it says:
20 Scott, call Yawn and see how you can help. Reach
21 out to Andrew Macke, and see if he can help you
22 determine the names and addresses of beekeepers in
23 the zone that were sprayed and see if their hives
24 were affected.

25 And that's J. Ward. That's Mr. Ward?

1 A. That's Mr. Ward. That's the County
2 administrator.

3 Q. So Mr. Macke was already identified as
4 someone who had lost bees and was a witness?

5 A. I believe so, yes, sir.

6 Q. Now, this next page, it starts -- the
7 paragraph starts: Words cannot describe.

8 Who wrote that?

9 A. My best knowledge, that came from a
10 citizen.

11 Q. Okay. Perhaps from a Facebook page?
12 There is a Facebook page link --

13 A. Yes, sir.

14 Q. Next page, on Exhibit 20, you're not
15 shown here, but it's a communication to counsel and
16 then a series of Facebook posts. Do you recall
17 seeing these Facebook posts?

18 A. No, sir, I was never shown these, these
19 posts, no, sir.

20 Q. You didn't read these Facebook posts as
21 they were occurring?

22 A. No, sir. No, sir.

23 Q. Do you remember talking to anybody
24 within the County about them or about the reaction
25 that was coming from the public?

1 A. My boss, Mr. Walters, being involved.
2 I could have also talked to Tracey at that time,
3 too, saying the influx of calls that they were
4 getting, emails they were getting, Facebook pages
5 they were getting. I know I received quite a few
6 emails, phone calls saying the same things about
7 people being very upset with that.

8 Q. Okay. Go to Exhibit 23, if you would.
9 These are the Monday after the spraying.

10 A. This right here was on the previous
11 one.

12 Q. Yeah. So this does appear to be a text
13 from the earlier email that we were discussing, the
14 earlier exhibit that we were discussing?

15 A. I would say yes, yes, sir.

16 MR. MAYBANK: Andy, I don't know if you
17 saw -- let's go off the record.

18 (Off-the-record conference.)

19 BY MR. GOWDER:

20 Q. All right. On Exhibit 23, at 3:18 you
21 said: I've not been responding to media. I was
22 planning to visit Mr. Yawn, but I don't know if
23 that's a good idea for me to do that by myself
24 since we don't know what farm this email is
25 referring to?

1 A. Yes, sir.

2 Q. So had you talked to Mitch Yawn by this
3 time?

4 A. This was on --

5 Q. This is middle of the afternoon on
6 Monday.

7 A. Yes, sir, I'm almost 100 percent that I
8 called Mr. Yawn Monday morning, after hearing his
9 message.

10 Q. Okay. Go forward to Exhibit 24, and
11 then there is a page after that that looks like --
12 middle of the page. It's an email from you to
13 Jason Ward, August 29th at 3:05. This appears to
14 be the text of that -- that was in that earlier
15 email or earlier --

16 A. Yes, sir.

17 Q. -- compilation exhibit?

18 A. Yes, sir. Yes, sir.

19 Q. As I recall your testimony, you talked
20 to Mitch Yawn early Monday morning, and then you
21 called back to apologize later in the week and
22 talked to Ms. Stanley; is that correct?

23 A. Yes, sir.

24 Q. Give me a moment. I'm just going to go
25 through here. Go to Exhibit 29, if you would. At

1 the bottom of the page, it says: Dorchester County
2 is aware that some beekeepers in the area that was
3 sprayed on Sunday lost their beehives. In an
4 effort to address this loss, we ask that you call
5 or email Scott Gaskins.

6 Did you talk to anybody as a result of
7 that?

8 A. I can't recall how many people or phone
9 calls I got, but I am sure that I got phone calls
10 from people saying that there was an issue with
11 bees that were not on my list.

12 Q. Yeah, right. Okay. So you think you
13 did get calls from people who were beekeepers who
14 lost bees, but they weren't on the list?

15 A. I can only remember maybe a few that
16 called me and asked me -- it was outside the spray
17 zone -- that they said they might have had some
18 problems. But that's all I can really remember,
19 Mr. Gowder.

20 Q. No, I appreciate it. I want to direct
21 you to a few pages starting with Exhibit 30 and
22 running through Exhibit 31. And I will tell you,
23 just to orient you and save time, it appears to me
24 that it is a string of emails from Mr. Ward to
25 colleagues in other counties asking a series of

1 questions about this incident.

2 There is an email, August the 30th,
3 5:32 p.m., Dorchester County Mosquito Control began
4 aerial spraying and we had an issue with killing
5 honeybees. When we spray using the trucks we
6 notify the known beekeepers prior to spraying. We
7 send out a notice about two days out, but my
8 Mosquito Control person failed to contact one
9 beekeeper. Do you have a standard operating
10 guideline to share? Do you have aerial spraying?

11 And then you'll see, you know, various
12 responses from -- I think there is Horry County,
13 Hampton County, Union County, Laurens County. Do
14 you remember seeing these as they came in?

15 A. Maybe not as they came in, but then
16 they were sent to me. But, yes, sir. I would say
17 yes, sir.

18 Q. Is this the kind of feedback that you
19 got that sort of informed how you have conducted
20 Dorchester County's program going forward?

21 A. As far as the information that Exhibit
22 13 is saying?

23 Q. Yeah. Or 30?

24 A. Or 30?

25 Q. Um-hum. Feedback from other counties.

1 A. Feedback from other counties to better
2 the operation, yes, sir.

3 Q. For example, on Exhibit 30 at the top,
4 from Tom Gerigen from Horry County, he says: We
5 have established a system of GIS mapping of all
6 known beekeeping sites and established a half mile
7 no-spray zone around these sites. We work with the
8 local beekeepers association and use our website
9 and public education to encourage beekeepers to let
10 us know about their locations. We have hundreds of
11 bee sites in the County and do not try and rely on
12 beekeepers to cover their hives. It's better just
13 to avoid them.

14 Would you say that is now Dorchester
15 County's practice, or is it still based largely on
16 notification and relying on beekeepers to cover
17 their hives?

18 A. That is -- the GIS mapping, that's what
19 I explained earlier, why I went to that. So that
20 way --

21 Q. So Dorchester County does that?

22 A. Yes, sir.

23 Q. Okay. But in terms of doing no-spray
24 zones and avoiding the beekeeping areas, does
25 Dorchester County do that?

1 A. My sprayers are instructed that when
2 they come to that address, we stop spraying a
3 certain length, say four or five houses, before we
4 get to that address. The spray, not the sprayer,
5 but the spray is turned off. They pass, go four or
6 five past, sprayer comes back on.

7 Q. When did that --

8 A. I've always done that.

9 Q. That's fine. That's what you've always
10 done?

11 A. Yes, sir.

12 Q. On the ground?

13 A. Yes, sir.

14 Q. Even prior to August 2016?

15 A. Yes, sir.

16 Q. Okay. Do you know whether or not
17 that's what Mr. Allen did in the air?

18 A. I have no indication of that. I don't
19 know.

20 MR. MAYBANK: I'm going to -- if
21 Mr. Allen did what specifically?

22 BY MR. MAYBANK:

23 Q. Turned the sprayer off before he came
24 to a bee area and then turned it back on past the
25 bee area.

1 A. I know from statements, from the
2 Department of Pesticide Regulation, when they
3 talked to the investigator, I'm going on say Mike
4 Russell, Mr. Allen told him that if there are not
5 specific GPS coordinates on sensitive areas, that
6 he will put waypoints in his system. So when he
7 comes to that, three seconds before then, he turns
8 the sprayer off. Three seconds past that sensitive
9 area, he turns back on.

10 Q. I know that you pointed that out, and I
11 know that that's perhaps what he told the
12 investigator. My question to you is, do you know
13 whether or not he did that?

14 A. From what I read from Clemson
15 Extension, I say yes.

16 Q. Other than what he told Clemson
17 Extension, do you independently know whether or not
18 he did that?

19 A. No.

20 Q. And do you know whether he knew where
21 the Yawns' location was?

22 A. May I talk as far as explaining the
23 reason why I want to go back to my office tomorrow
24 with that documentation showing those two areas
25 that I say I'm 99 percent sure that shows his

1 flight pattern over those two locations, and that
2 they're there.

3 Q. Meaning there is an indication of
4 where --

5 A. Mr. Yawn --

6 MR. MAYBANK: Let him finish his
7 question.

8 THE WITNESS: I'm sorry.

9 BY MR. GOWDER:

10 Q. That's all right. So you believe the
11 map that you gave to Mr. Allen will show the
12 locations of Yawn and Hoover?

13 A. I'm almost positive, yes, sir.

14 Q. Okay. All right. Look forward to
15 seeing it.

16 A. I mean, I just -- yes, sir.

17 Q. On Exhibit 32, I see that the contacts
18 are now Mr. Ward, rather than you; right?

19 A. Yes, sir.

20 Q. But do you remember this press release
21 going out on Wednesday following the spraying?

22 A. No, sir, it doesn't look familiar to
23 me.

24 Q. Okay. Exhibit 35, do you know what
25 this is?

1 A. Did you ask me a question?

2 Q. Yeah. Do you know what it is?

3 A. Do I know what this is?

4 Q. Yes.

5 A. Yes, sir. It's explaining what the
6 Dorchester County Mosquito Control Program is.

7 Q. Did you put that together?

8 A. Best of my knowledge, yes, sir.

9 Q. And was this put together following the
10 aerial spraying to essentially be talking points
11 for information for the various media outlets?

12 A. I'm sorry. Could you repeat the
13 question?

14 Q. Sure. Was this put together following
15 the aerial spraying incident as a set of talking
16 points or frequently asked questions for the
17 various media and concerned public?

18 A. I would say yes, sir.

19 Q. Did somebody ask you to put this
20 together?

21 A. I can't answer that question. I don't
22 remember.

23 Q. On the last page of this exhibit under
24 additional aerial spraying, it says: Dorchester
25 County has not used aerial spraying of mosquitos in

1 the past. No additional aerial spraying flights
2 for mosquitos are scheduled at this time.

3 And that has continued to be the case;
4 is that right?

5 A. Yes, sir.

6 Q. Go to Exhibit 38. Do you have any idea
7 what this document is about?

8 A. No, sir.

9 Q. This was on Wednesday after the
10 spraying. Mr. Garber to -- I believe
11 flyallen@sccoast.net is Mr. Allen: Al, this is the
12 link to the presentation we talked about.

13 Do you know what presentation that is?

14 A. No, sir, I do not.

15 Q. I think I'm getting pretty close here.
16 Go to Exhibit 45, if you would, please. Looks like
17 the string starts on the second page, Mr. Ward to
18 Mr. Garber. You are copied.

19 Can you give me the size of the area we
20 sprayed?

21 Mr. Garber, looks like he answers:
22 8033 acres minus no spray areas around designated
23 beekeepers.

24 A. I'm sorry. You're on Exhibit --

25 Q. I'm on Exhibit 45. And go to the

1 second page. It looks like it comes up from the
2 bottom.

3 A. Okay.

4 Q. And so the first question is: Can you
5 give me the size of the area we sprayed?

6 Looks like the answer is on the first
7 page: 8033 minus no spray areas around designated
8 beekeepers.

9 Mr. Ward responds: No spray areas?

10 And Mr. Garber responds: The no spray
11 designation is a programmed exclusion around the
12 designated sites, beekeepers in this case. The
13 plane turns off the sprayer as it approaches the
14 locations and then turns them back on after passing
15 the area.

16 And then Mr. Ward asked: Did this
17 happen, and if so, why not?

18 But I don't see an answer to that.

19 A. I did not see this. Well, I've seen
20 it, but it was -- I didn't answer back with any of
21 this.

22 Q. Okay. Well, then on page -- it's
23 Exhibit 46, the second page --

24 A. Mr. Gowder, may I point something out
25 to you?

1 Q. Sure.

2 A. On --

3 MR. MAYBANK: Exhibit 45.

4 THE WITNESS: Exhibit 45, second page,
5 the map --

6 BY MR. GOWDER:

7 Q. Um-hum.

8 A. It does show the two bee locations in
9 that spray zone that Mr. Allen did.

10 Q. Circle those, if you will, and initial
11 them.

12 A. (Witness complied.)

13 Q. And I think what you're indicating
14 are -- looks like -- it's kind of hard to see,
15 but --

16 A. Yes, sir.

17 Q. Let me see what page it is.

18 MR. MAYBANK: Dorchester County File
19 Bates 1147.

20 BY MR. GOWDER:

21 Q. I also want you to look at Dorchester
22 County File 1149, which are a couple of pages over.
23 All right?

24 A. Yes, sir.

25 Q. And at the bottom there, it says:

1 Jason, area correction. I sent you acreage on the
2 draft area, not the flown area. Actual target area
3 was 9800 acres minus exclusions, approximately 9400
4 acres sprayed. That is 14.86 square miles. And
5 spray company reported that they did not spray the
6 two identified locations in the target area.

7 But I'd ask that you compare that
8 document and the one you just circled.

9 A. Yes, sir.

10 Q. Do the designations appear to be the
11 same?

12 A. Oh, absolutely, yes, sir.

13 Q. But look at them. The locations may be
14 the same, but one of them appears to be like --
15 maybe the one on 1147 appears to be the circle with
16 the triangle, and the one on 1149, it looks like a
17 circle and a circle, a different indication. Am I
18 looking at that correctly?

19 A. Yes, sir. Yes, sir.

20 Q. What do you think the difference is?

21 A. That I cannot tell you. I don't know.

22 Q. And do you know which one of these was
23 given, if either of them, were given to Mr. Allen?

24 A. No, sir.

25 Q. But you'll know that when you go back

1 and look at your office?

2 A. Yes, sir.

3 Q. All right. So let's keep going. There
4 are other things to talk to other of your
5 colleagues about, but not you. do you remember
6 Governor Haley's office getting involved in this?

7 A. No, sir. Not to my knowledge, no, sir.

8 Q. Let's go to Exhibit 82. So I think
9 that's in the next stack. Do you recognize this as
10 the Clemson report?

11 A. Yes, sir, I do.

12 Q. Submitted by Mr. Okey?

13 A. Yes, sir.

14 Q. If you'll go to the second page, also
15 identified as Allen 89, you'll see up there at the
16 top: DPR met with Scott Gaskins.

17 All I'm going to ask you to do,
18 Mr. Gaskins, is to read that and let me know if you
19 agree with everything that is there.

20 I'm not going to ask you to go through
21 it line by line. But does all of that information
22 as reported appear to you to accurately reflect
23 your conversations with the Clemson investigator?

24 A. Yes, sir, it does.

25 Q. Okay. All right. Flip forward to

1 Exhibit 93. I'm just curious about this document.
2 Is this a document -- it looks like it's about
3 three pages -- is this something you're familiar
4 with?

5 A. I have not seen the document, no, sir.

6 Q. And then the next two pages are sort of
7 what piqued my interest. The writing on it, do you
8 recognize that writing?

9 A. I believe 100 percent that's Mr. Ward,
10 I believe.

11 Q. Okay. Now, on the last page:
12 Respectfully submitted, Scott Gaskins.

13 Is that your signature?

14 A. Yes, sir.

15 Q. So, ultimately, is this a letter you
16 signed?

17 A. Yes, sir.

18 Q. All right. Did the markup happen
19 before or after you signed it?

20 A. Oh, it probably happened after.

21 Q. Okay.

22 A. This is what I sent to him.

23 Q. This is what you sent to Mr...

24 A. Ward, Jason Ward.

25 Q. On Exhibit 94, it appears to be a

1 Mosquito Control Support Grant Application. Were
2 you involved in putting that application together?

3 A. Yes, sir.

4 Q. Did Dorchester County get the grant?

5 A. Not all of that, but allocated a
6 certain amount, yes, sir.

7 Q. What did that money go towards?

8 A. That went towards bettering our
9 Mosquito Abatement Program.

10 Q. Like, for example?

11 A. Backpack sprayers, handheld
12 applicators, different type traps we can use going
13 down the road, different lures, like to lure
14 mosquitos, stuff like that.

15 Q. Mr. Gaskins, is there anything -- I'm
16 about done. Is there anything that you know about
17 the aerial spraying, the death of the bees beyond
18 that, or anything that has to do with this case
19 that you and I have not discussed?

20 A. No, sir, not to my knowledge.

21 MR. ATKINSON: Object to the form.

22 BY MR. GOWDER:

23 Q. We've covered everything, the basis of
24 your knowledge of this case?

25 A. Yes, sir.

CLAYTON H. GASKINS, JR. - EX. BY MR. ATKINSON

1 MR. GOWDER: That's all I have. Dan,
2 do you want to go first?

3 MR. ATKINSON: Yeah, I don't have much.

4 MR. GOWDER: Okay. Go ahead.

5 EXAMINATION

6 BY MR. ATKINSON:

7 Q. Mr. Gaskins, my name is Dan Atkinson.
8 I represent Allen Aviation. I just have a couple
9 of questions for you, Mr. Gaskins. First, earlier
10 in your testimony, you referenced the time for
11 spraying pursuant to the label for Trumpet EC. And
12 I just want to make sure I understand what
13 you said. Can you refer to Exhibit 1, please?

14 A. Can you hold on for a minute, please?

15 Q. Sure.

16 A. All right. Yes, sir, I'm there.

17 Q. So within Exhibit 1, the page Bates
18 labeled Allen 95 --

19 A. Yes, sir.

20 Q. -- I believe at some point you stated
21 that the spraying was to be done two hours before
22 sunrise. Would you look at that first paragraph
23 within Exhibit 1 on Allen 95? Can you state when
24 the spraying is supposed to be done in relation to
25 sunrise?

CLAYTON H. GASKINS, JR. - EX. BY MR. ATKINSON

A. Two hours before sunrise.

Q. Can you read the second sentence in
that paragraph?

A. Yes, sir, it says: To minimize hazard
to bees, it is recommended that the product is not
applied more than two hours after sunrise -- I'm
sorry -- or two hours before.

Q. Before sunset?

A. Before sunset, yes, sir.

Q. So is your understanding about when the
product is supposed to be applied based on the
information provided in the product label?

A. Yes, sir.

Q. So based on reviewing Exhibit 1, do you
believe the time limit is within two hours after
sunrise?

A. Is within -- I'm sorry, again. Repeat
that.

Q. Two hours -- is the product supposed to
be applied no more than two hours after sunrise?

A. Right, yes, sir.

Q. Okay. My last kind of series of
questions relate to the decision on what product to
use. Was it Adapco that you relied on to select
the product to be applied during the aerial spray?

CLAYTON H. GASKINS, JR. - EX. BY MR. ATKINSON

A. Yes, sir.

Q. And the product used was supplied to
Allen Aviation rather than Allen Aviation securing
it; correct?

A. Yes, sir.

Q. Okay. And I believe you testified
Adapco checked the calibration of the sprayers to
make sure it was being applied correctly. Is that
your understanding?

A. Yes, sir.

MR. ATKINSON: That's all I have.

Thank you.

MR. MAYBANK: I'm not going to ask him
anything right now, because I want to make sure
that we don't have any more discovery that I'm not
aware of had not been given to you. I thought we
had given it to you. So if it's okay with
everybody, I would like permission to be able to
talk to him.

MR. ATKINSON: I have no objection to
that, Roy.

MR. GOWDER: That's fine.

MR. MAYBANK: And that way, we can see
what we get. I'm hoping that I go tomorrow and
look at my file and say, Andy, you need to look at

CLAYTON H. GASKINS, JR. - EX. BY MR. ATKINSON
page whatever. But in the meantime, Scott will
also look at the Clemson Core material, for that
photograph. I will put this on the record, too, if
there is a file in which that document is
contained, I don't want just that document. I want
the file.

THE WITNESS: Okay.

MR. MAYBANK: Okay? And I'll take a
look at it and make sure we get everything to
everybody. And that's where we'll go. Thank you.

MR. GOWDER: Good. Thanks, Dan.

(The witness, after having been advised
of his right to read and sign this transcript, does
not waive that right.)

(The deposition was recessed at 5:20 p.m.)

REPORTER: Mr. Atkinson, would you like
a copy?

MR. ATKINSON: I would.

REPORTER: Electronic?

MR. ATKINSON: That's fine.

REPORTER: Andy, do you want an etran?

MR. GOWDER: Yes, I do.

REPORTER: Roy, I have you for an
etran, a full, a mini, and a word index.

MR. MAYBANK: Please.

SIGNATURE OF DEPONENT

DEPONENT: CLAYTON H. GASKINS, JR.
DEPOSITION DATE: MARCH 13, 2019
REPORTER: JANICE N. SHEPHERD
CASE CAPTION: MITCH RANDALL YAWN, et al., vs.
DORCHESTER COUNTY, et al.

(Please return both Signature of Deponent pages)

I, the undersigned, CLAYTON H. GASKINS, JR.,
do hereby certify that I have read the foregoing
deposition and find it to be a true and accurate
transcription of my testimony, with the following
corrections, if any:

PAGE	LINE	CHANGE	REASON

SIGNATURE OF DEPONENT (CONTINUED)

DEPOSITION DATE: MARCH 13, 2019

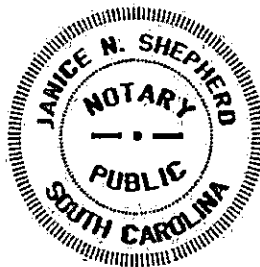
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PAGE	LINE	CHANGE	REASON

CLAYTON H. GASKINS, JR. Date

I, Janice N. Shepherd, Notary Public for the State of South Carolina at Large, do hereby certify that the deponent was advised of his or her right to read and sign said deposition both verbally and in writing. If the deponent fails to execute and return foregoing Signature of Deponent pages within the thirty (30) days allowed pursuant to the Rules of Civil Procedure, the original transcript may be filed with the court.



Janice N. Shepherd

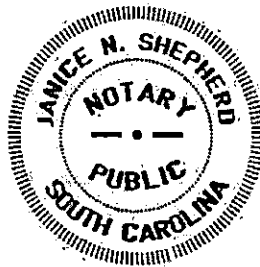
Janice N. Shepherd, RPR, CSR
My Commission expires
October 10, 2024

CERTIFICATE OF REPORTER

I, Janice N. Shepherd, Registered
Professional Reporter and Notary Public for the
State of South Carolina at Large, do hereby certify
that the foregoing transcript is a true, accurate,
and complete record.

I further certify that I am neither
related to nor counsel for any party to the cause
pending or interested in the events thereof.

Witness my hand, I have hereunto
affixed my official seal this 25th day of March,
2019, at Charleston, Charleston County, South
Carolina.



Janice N. Shepherd

Janice N. Shepherd, RPR, CSR
My Commission expires
October 10, 2024

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

- - -

MITCH RANDALL YAWN and JUANITA :
MAE STANLEY d/b/a FLOWERTOWN :
BEE FARM AND SUPPLIES, :
:
Plaintiffs, :
:
CASE NO.
vs. :
:
2:17-cv-00440-DCN
DORCHESTER COUNTY, ALLEN :
AVIATION, INC., and AL ALLEN, :
:
Defendants. :

DEPOSITION OF JUANITA MAE STANLEY

DATE TAKEN: November 28, 2017
TIME BEGAN: 10:03 a.m.
TIME ENDED: 4:47 p.m.
LOCATION: Wilkes Law Firm, PA
200 Meeting Street, Suite 205
Charleston, SC
REPORTED BY: Marie H. Bruegger, RPR, CRR

Page 6 1 JUANITA MAE STANLEY 2 being first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. WILLIAMS: 5 Q Ms. Stanley, we previously met, but for 6 the record, my name is Harrison Williams, and I 7 represent the defendants Allen Aviation and Al 8 Allen in this action in which you are the 9 plaintiff, or one of the plaintiffs. You're 10 appearing here today pursuant to a notice for your 11 deposition. 12 I'm just going to go through some 13 instructions. Have you ever been deposed before? 14 A No. 15 Q So I'll go through some instructions, and 16 then we'll go through your background, and then 17 we'll get into some questions about the actual 18 suit. 19 A Okay. 20 Q And some of the questions are kind of 21 personal, like about your family, but we mainly 22 just ask those questions in case we got to a jury 23 trial in this matter, we would want to know if you 24 knew anybody on the jury or things like that, so 25 when we start asking about your family and	Page 8 1 type of drug or medication that is affecting your 2 ability to understand what we are doing here today? 3 A No. 4 Q And this isn't an endurance contest. 5 Whenever you need a break, just let me know, and 6 we'll take a short break. 7 And can you please state your full name 8 for the record? 9 A Juanita Mae Stanley. 10 Q Do you go by any nicknames? 11 A Nita. 12 Q And what did you do to prepare for your 13 deposition today? 14 A Nothing. 15 Q Did you review any documents? 16 A No. 17 Q Did you speak with anyone besides your 18 attorneys? 19 A No. 20 Q What is your current address? 21 A 503 Pinehurst Avenue, Summerville, South 22 Carolina, 29483. 23 Q And how long have you lived at your 24 current address? 25 A Two years.
Page 7 1 organizations, it's just so we know who you know in 2 the community. 3 A Okay. 4 Q And as the court reporter just swore you 5 in, you're under oath, just like you're giving 6 testimony in court today. 7 The court reporter's going to take down 8 everything that is said, so please only give verbal 9 responses. Don't shake your head yes or no. 10 The court reporter can only take down one 11 thing at a time, so please let me finish asking my 12 question before you begin speaking, and I'll do my 13 best to do the same for you. 14 Now that the deposition has begun, you're 15 not allowed to speak with your attorney regarding 16 the substance of your deposition, and if on a break 17 or anything you do talk to your attorney, I can ask 18 what y'all talked about. 19 If you do not understand a question, 20 don't answer it, and please ask me to rephrase. If 21 you do answer my question, I'm going to assume that 22 you understood it. Is that okay? 23 A Yes. 24 Q And don't be offended by this, but we 25 always ask. Are you under the influence of any	Page 9 1 Q Where did you live before that? 2 A Kentucky. 3 Q Who do you live with at your current 4 address? 5 A Mitch Yawn. 6 Q And who is Mitch Yawn? 7 A He is the co-owner of Flowertown Bee Farm 8 with myself. 9 Q Do y'all have any personal relationship? 10 A We do. 11 Q What is that? 12 A We are married. 13 Q How long have you been married? 14 A Since April 29th, 2016. 15 Q How old is Mitch Yawn? 16 A I think he's 56. I don't really keep up 17 with age that much. 18 Q Is your spouse employed? 19 A Yes. 20 Q What does he do? 21 A Heating and air. 22 Q With what company? 23 A Oh, jeez. I don't remember the name of 24 it. 25 Q That's okay. Do you know how long he's

Page 10 1 been in that position? 2 A With the company he's with now? 3 Q Yes. 4 A Some months, I'm not sure, less than a 5 year. 6 Q Less than a year, okay. 7 Have you been married before? 8 A I have. 9 Q To who? 10 A Herbert Fleming. 11 Q And where does he live? 12 A He's deceased. 13 Q Where did y'all live when you were 14 married? 15 A Kentucky. 16 Q And so is your only address you've ever 17 had in South Carolina your current address? 18 A I was with my daughter temporarily in 19 Moncks Corner for like two months before I moved to 20 Summerville, and I used that address, and I don't 21 even remember what it was exactly. 22 Q What's your daughter's name? 23 A Chasity. 24 Q What's her last name? 25 A Scholl.	Page 12 1 35, and Hawk was born in 1990. 2 Q And do you have any other family in 3 Charleston County? 4 A Charleston County? 5 Q I'm sorry, in Dorchester County. 6 A No. 7 Q Do you have any other family in South 8 Carolina? 9 A Other than my daughter? 10 Q Yes. 11 A My mother recently moved here as well. 12 Q Where does your mother live? 13 A With my daughter. 14 Q And I know you said you have some family 15 in Kentucky. Do you have family anywhere else? 16 A Well, my grandmother had 23 children, so 17 I'm not sure where all my family could be, but the 18 bulk of it is in Kentucky. 19 MR. MAYBANK: Your grandmother had 23 20 children? 21 THE WITNESS: She did. 22 MR. MAYBANK: Wow. 23 THE WITNESS: She had three sets of 24 twins. My mom's a twin. 25 BY MR. WILLIAMS:
Page 11 1 MR. MAYBANK: Can you spell that? I'm 2 sorry. 3 THE WITNESS: S-C-H-O-L-L. 4 MR. MAYBANK: Thank you. 5 BY MR. WILLIAMS: 6 Q And as you previously stated, you don't 7 know what her address is? Or does she still live 8 at that current address? 9 A No. She lives in Cottageville now, and I 10 do know that address. 11 Q Okay. What is her address? 12 A 139 Wilburn Drive, Cottageville, 29485. 13 Q And is that in Cottageville, South 14 Carolina? 15 A Yes. 16 Q Do you have any other children? 17 A I do. 18 Q Who are they? 19 A Cole Fleming and Hawk Shepherd. 20 Q Where do they live? 21 A Hawk is in Kentucky, and Cole is 22 currently staying with me. 23 Q And how old are they? 24 A Oh, wow, another age question. Cole is 25 about thirty -- he was born in '85, so he's about	Page 13 1 Q Are you a member of any type of 2 organizations in the community? You know, do you 3 go to church? 4 A I do not. 5 Q Are you the member of like a Rotary Club 6 or just any type of organization where you spend a 7 lot of time with the same group of people? 8 A No. 9 Q And in the last ten years, have you lived 10 anywhere besides South Carolina and Kentucky? 11 A No. 12 Q And at your current address, do you rent 13 or own your home? 14 A It's a land contract. 15 Q Who is that contract with? 16 A Doug Miles. 17 Q Who is Doug Miles? 18 A He actually was a best friend of Mitch's 19 father, so they've known each other for years. 20 Q And how old are you? 21 A Here we go again. '64. 53. 22 Q And when is your birthday? 23 A January 20th. 24 Q Where were you born? 25 A Kentucky.

Page 14

1 Q Have you ever served in the military?
2 A No.
3 Q Have you ever been arrested or convicted
4 of a crime, other than a minor traffic offense?
5 A No.
6 Q Where did you go to high school?
7 A Fleming-Neon, Kentucky.
8 Q What town is that in?
9 A Neon, Kentucky.
10 Q So, I'm sorry, is the name of the high
11 school just Fleming?
12 A Fleming-Neon High School.
13 Q Fleming-Neon High School, okay.
14 Did you go to college?
15 A No.
16 Q Do you have any other post high school
17 education?
18 A No.
19 MR. MAYBANK: Can I ask a question?
20 Could I change seats with you? I'm having a
21 little bit of a hard time hearing her.
22 MR. ROSE: Yeah, sure.
23 BY MR. WILLIAMS:
24 Q And what is your email address?
25 A Januaryrainjuanita@gmail.com.

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1 Q And do you have any other email
2 addresses?
3 A No.
4 Q Are you involved in any other lawsuits?
5 A No.
6 Q Have you been involved in any other
7 lawsuits in the past?
8 A No.
9 Q What is your current job?
10 A Flowertown Bees.
11 Q And how long have you had that
12 employment?
13 A Since spring 2016.
14 Q And if you could just for me describe
15 your history of employment just generally.
16 A I've been a horse trainer. I've been an
17 official for Kentucky Athletic Association, an
18 umpire. I have been a manager for Walmart. And
19 that's pretty much the base of it.
20 Q So what job did you have immediately
21 before your Flowertown job?
22 A Walmart.
23 Q How long did you work for Walmart?
24 A About six years.
25 Q And I'm assuming that would be Walmart in

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1 Kentucky?
2 A Yes.
3 Q And so let's get more into the Flowertown
4 business. How did you get into the Flowertown Bee
5 business, or if you have a better way of describing
6 it?
7 A Okay. It's actually a bee farm and
8 supplies operation, and I set it up there in
9 Summerville because it was like a sanctuary place,
10 because everything is protected, you can't even cut
11 a tree without permission, so I felt like that was
12 a safe place to do it.
13 And we purchased some bees. We purchased
14 materials to make hive boxes. And then my family
15 had bees, so I brought some bees from Kentucky, and
16 we set up an apiary in the field near our house.
17 Q So I know you mentioned this generally.
18 What does Flowertown sell?
19 A Okay. The way that our business operated
20 was the main focus was to reproduce honeybees for
21 sale and for lease and to also sell any and all
22 supplies needed to -- for other beekeepers to raise
23 bees, such as bee suits, hive boxes, hive tools,
24 anything like that. We didn't sell anything
25 consumable, like honey, it was just the actual bees

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1 and bee supply -- beekeeping supplies, I should
2 say.
3 Q And so is Flowertown still in operation?
4 A It is.
5 Q And you said you leased bees?
6 A We leased bees out. Part of our business
7 plan was to lease bees to farmers for pollination.
8 Q And since -- well, let me ask this first.
9 Sorry. How long has Flowertown been in operation?
10 A Since spring 2016.
11 Q And so since spring of 2016, how many
12 lease agreements has Flowertown reached with
13 farmers?
14 A Zero.
15 Q Since the beginning of Flowertown's
16 operation, how many packages of bees has Flowertown
17 sold?
18 A One colony. Wait a minute. That was
19 prior to the spraying. We brokered bees this past
20 spring and sold them to customers to keep it, but
21 that wasn't from our apiary, because our bees were
22 gone, but we brokered with other beekeepers to get
23 those bees for customers.
24 Q So describe what you mean by brokering of
25 bees.

Page 18	Page 20
1 A Finding bees for sale and advertising 2 those bees to customers that -- when they would be 3 available and then going to the bee farm and 4 picking up the bees, bringing them back to our 5 farm, and customers coming there and picking them 6 up and purchasing them from us. 7 Q And so do you know the names of the bee 8 farms for which you purchased the bees for resale? 9 A I do not. Mitch handled that part of it. 10 Q Do you know how many packages or items 11 of -- let me redescribe that. I'm sorry. 12 How many units of bees did you sell, or 13 resell, to people in the community? 14 A In the spring, it was a package would be 15 the right term to use for that. I do not have that 16 number. Mitch would have that as well. 17 Q And do you have any education related to 18 beekeeping? 19 A Do you mean like certifications? 20 Q Anything, certifications, training. 21 A A lifelong training of it, hands-on 22 training, which to me is the best kind of training. 23 Q Do you possess any specific 24 certifications? 25 A I do not.	1 business address? 2 A 503 Pinehurst Avenue, Summerville, South 3 Carolina, 29483. 4 Q Do you know the legal structure of 5 Flowertown, like what type of business it is, 6 whether it's an LLC or a partnership? 7 A I do not. 8 Q Do you know if Flowertown is registered 9 with the Secretary of State? 10 A I do not. 11 Q And besides what Flowertown sells, does 12 Flowertown provide any services? 13 A Oh, yes. 14 Q What services does Flowertown provide? 15 A Mentoring other beekeepers for them to 16 get the knowledge they need to become beekeepers 17 and to have healthy bees. I also inform and 18 educate with like garden clubs and school 19 organizations. That's a very important part of it 20 for me is getting the information out there of the 21 importance of the honeybees. 22 Q And so besides mentoring, what other 23 services does Flowertown provide? 24 A That's it. 25 Q And so back to the -- I think you
Page 19	Page 21
1 Q So your experience in beekeeping is what 2 you use to be able to run your business? 3 A Yes. 4 Q And how long have you been a beekeeper? 5 A That's kind of a broad question, because 6 I have always been around bees and helped with 7 bees, but as far as having my own apiary, for the 8 first time was in 2016. 9 Q So your experience in beekeeping, like 10 growing up, did your family have bees? 11 A Oh, yeah, yeah. I have pictures of great 12 great great grandfathers with bees, being 13 beekeepers, yes. 14 Q So your family's always kind of been 15 involved in the beekeeping? 16 A Yes, yes. 17 Q And did your family ever have a 18 beekeeping business? 19 A No. 20 Q It was just a hobby? 21 A Well, they sold honey and stuff, but it 22 was like to neighbors and things. It wasn't 23 anything that they ran as a legitimate business. 24 It was just a community thing. 25 Q What is the address of Flowertown, the	1 testified earlier that Flowertown, before the 2 spraying, had sold one colony? 3 A Right. 4 Q And do you remember how much Flowertown 5 sold that colony for? 6 A I do not. 7 Q Do you know approximately how many bees 8 that colony would have possessed? 9 A Probably about 50,000. 10 Q And when you say one colony, do you mean 11 like one entire hive of bees? 12 A The hive is actually the home that the 13 bee lives in. The collection of bees inside it is 14 the colony, which consists of the queen, drones, 15 and worker bees. So what was your question again? 16 Q Well, let me ask a different question, 17 just so I understand this correctly. When you 18 would sell the colony, you wouldn't sell the actual 19 wooden box which would be considered the hive, 20 correct? 21 A I would. It was a whole unit. It was a 22 whole working unit. 23 Q So for terminology sake, the hive 24 consists of the materials and the bees themselves, 25 and the colony would just consist of the bees

Page 22 1 inside of that? 2 A Right. 3 Q And for the services that Flowertown 4 provides, the mentoring services, do you charge for 5 those services? 6 A I do not. 7 Q And for the packages of bees that were 8 sold after the spraying incident, do you know 9 approximately how much was charged for each 10 package? 11 A I do not. 12 Q Do you know how many packages were sold? 13 A No. 14 Q And do you keep records for the sales of 15 bees from Flowertown? 16 A Mitch does. 17 Q Does Flowertown have a bank account? 18 A We had a -- we set up a bank account with 19 Navy Federal, but there was some kind of 20 discrepancy on something to do with the agriculture 21 piece of it or something. I'm not sure, because 22 that's not the area that I worked in. Mitch 23 handled that. I worked with the bees. So he ended 24 up closing it, and it was just in his account. 25 Q So as of now, Flowertown just uses	Page 24 1 for building hive boxes, constructing frames and 2 foundations as the orders would come in. They also 3 assisted me in doing inspections on the hives, 4 because some of the boxes are really heavy, and it 5 takes, a lot of times, more than two people to even 6 lift one to do inspections. They also would help 7 me do bee removals from people's homes and things 8 like that. 9 Q So bee removals from people's homes, is 10 that a service that Flowertown provides as well? 11 A Yes. 12 Q Do you charge for that service? 13 A I haven't. You can, but I haven't 14 charged for it. It's just been a courtesy thing 15 from our company. 16 Q And so once you remove the bees from 17 someone's home, what do you do with them? 18 A I quarantine them in a different area 19 away from my bees for a few weeks to watch them and 20 inspect them and make sure that they're healthy 21 before I add them to the apiary, and then if 22 that -- at that point, if they are healthy enough, 23 then I put them in the apiary. 24 Q How many bee removal services has 25 Flowertown performed?
Page 23 1 Mitch's personal bank account? 2 A Right. 3 Q Do you use personal funds to fund the 4 Flowertown business? 5 A Yeah, yes. 6 Q And who would those funds come from? 7 A Myself and Mitch. 8 Q Do you know how much you yourself have 9 contributed to the Flowertown business? 10 A It's all in the tax documentation, but I 11 don't know to say it out. I don't know. 12 Q Do you know how much Mitch has 13 contributed to the Flowertown business? 14 A No. 15 Q Does Flowertown have any employees? 16 A No. 17 Q Does Flowertown ever have any volunteers? 18 A Yes. 19 Q And excluding yourself, who has 20 volunteered for Flowertown? 21 A My two sons. 22 Q And if you could describe each 23 separately. What kind of duties did they take on 24 on behalf of Flowertown? 25 A Okay. They were primarily responsible	Page 25 1 A I'm guessing about six. 2 Q And out of those six removals, how many 3 of the bees that were removed have you kept in your 4 apiary after you monitored them to make sure that 5 they were healthy? 6 A Probably two. 7 Q And then what did you do with the bees 8 that you did not keep? 9 A They were dead, because a lot of times on 10 removals, the customers have already sprayed to try 11 to get rid of them, because they're afraid of being 12 stung, and so a lot of times that's happened before 13 I get there to do the removal, and then the bees 14 don't usually last long. And the colony's kind of 15 dispersed from a removal, so it's hard to regain 16 strengths in the colony. 17 Q And of the two colonies that you kept 18 from bee removal, what did you do with those bees? 19 A I had them at my daughter's farm in 20 Cottageville. 21 Q And you said that your sons, when they're 22 volunteering for Flowertown, made hive boxes? 23 A Un-huh. 24 Q Did you ever sell any of the hive boxes? 25 A Yeah, we did sell some, yes.

Page 26 1 Q Do you know how many? 2 A I do not. 3 Q Do you know for how much you would have 4 sold a hive box? 5 A I do not. That's all Mitch's area. 6 Q Is there anything else that your sons 7 made for Flowertown that you would have sold? 8 A No. 9 Q Did you pay your sons anything for their 10 services? 11 A I have not yet. They were going to be 12 paid in the spring. 13 Q But up until today, you have not paid 14 your sons anything? 15 A No. 16 Q What expenses does Flowertown have? 17 A Well, when it was running well, I guess 18 one of the biggest expenses would have been for 19 sugar, just to have a supplemental food source for 20 them, because there was a lot of bees there. Other 21 than that, it was just expenses for supplies like 22 wood and tools to build the hive boxes. 23 Q So what kind of supplies does it take to 24 operate Flowertown? 25 A Well, you have to have -- any time you're	Page 28 1 of -- what type of money did you accept? Was it 2 cash, credit card, or any of the above? 3 A Sometimes it was cash, and sometimes it 4 was PayPal. Like with selling the bees that we 5 brokered in the spring, most of that was through 6 PayPal, because they would prepay for those. 7 MR. MAYBANK: Can I ask a question? I 8 don't mean to interrupt. You keep saying the 9 spring, "I was going to pay them in the 10 spring, we brokered in the spring." Can I get 11 a year? 12 THE WITNESS: 2017. 13 MR. MAYBANK: Okay. Very good. Thank 14 you. 15 BY MR. WILLIAMS: 16 Q And so when you received cash as a result 17 of a sale, what did you do with the cash? 18 A Buy more bees. 19 Q Did you deposit it in your bank account 20 first? 21 A Mitch handled that, so that would be a 22 question for him. 23 Q And whose PayPal account did you use for 24 transactions? 25 A Mitch.
Page 27 1 working with bees, I recommend you wear a bee suit, 2 covered in gloves, and a hive tool and a smoker and 3 everything that it takes for the colony to thrive 4 in, which is the different-size boxes for the hives 5 and frames. And pretty much that's it. 6 Q And do you know how much Flowertown has 7 spent on these supplies? 8 A I do not. It's all in the tax 9 documentation. 10 Q Does Flowertown have any loans? 11 A No. 12 Q Any other debt? 13 A No. 14 Q Does Flowertown have a credit card? 15 A No. 16 MR. MAYBANK: I didn't hear the one on 17 the debt. Was that a no? 18 MR. GONDER: That was a no. 19 THE WITNESS: That's a no. 20 BY MR. WILLIAMS: 21 Q So in the past when Flowertown made a 22 sale, what did you do with the money? 23 A Well, we just put it right back into the 24 company to buy more bees and more supplies. 25 Q And when you made a sale, what types	Page 29 1 Q And going back to the supplies that 2 Flowertown has purchased -- and we may have covered 3 this earlier, so I apologize -- how would 4 Flowertown go about purchasing supplies, like in 5 what form? Would you use the cash that you've 6 gotten from a sale, or would you just use your 7 personal account? How would that happen? 8 A Most of the time, personal money. 9 Q And do you know the stores or suppliers 10 that you used to purchase supplies from? 11 A We had wholesale accounts with several 12 different ones. The main one that I used was Dixie 13 Supply, and that's in Lancaster, South Carolina, 14 and good old Home Depot, a lot of -- a lot of 15 supplies came from there to build the boxes. 16 Q And you said you had several wholesale 17 accounts. Do you know the names of the other 18 companies with which you had accounts? 19 A Mitch handled that. 20 Q Did you ever write any checks on behalf 21 of Flowertown? 22 A I did not. 23 Q Does Flowertown keep a record of its 24 customers? 25 A No, not really.

Page 30 1 Q Does Flowertown have a record of the 2 suppliers or wholesale suppliers or stores? 3 A Mitch has some invoices. That would be 4 the record. 5 Q Does Flowertown have an accountant? 6 A Mitch has an accountant. We use her for 7 Flowertown. 8 Q And you said her. Who is that? 9 A All I know her by is Lizzie. I don't -- 10 Q Lizzie? 11 A Yeah. I think her last name may be 12 McGowan. 13 Q Did Flowertown file any type of business 14 income tax return? 15 A I don't know how that was set up. Mitch 16 handled that part of it, so I'm not sure exactly 17 how that was done. 18 (Defendant's Exhibit 1, 8/26/16 19 Press Release [DC File 86-87], was marked 20 for identification.) 21 BY MR. WILLIAMS: 22 Q If you'll take a look at that. You've 23 just been handed what's been marked as Exhibit 1. 24 A Okay. 25 Q Do you recognize Exhibit 1?	Page 32 1 Q And so you would receive a phone call 2 from Dorchester County prior to the fog truck? 3 A Yes. 4 Q Who would call you? 5 A Scott Gaskins. 6 Q And when Scott Gaskins would call you to 7 say that the fog truck was going to spray, would 8 you take any type of measures in relation to your 9 apiary? 10 A Of course. 11 Q What are those measures? 12 A I would go out after dark, which my bees 13 were not happy about. They like to -- feel like 14 they needed to defend their hives. So I would go 15 after dark, and I would close up all entrances to 16 the bees, and I would take bed sheets and dampen 17 them and lay across the hives, in case anything was 18 blowing from the wind from the fog trucks from the 19 road that might come over on them, and I would keep 20 them covered 'til like noon the next day. 21 Q What is the purpose of dampening the bed 22 sheets? 23 A It helps the -- for the pesticide and 24 stuff to not be able to penetrate. If the sheet 25 was dry, it would absorb more of it than it would
Page 31 1 A No, I don't recognize this. 2 Q And you pretty much just answered this 3 question, but did you receive a copy of Exhibit 1, 4 which is a press release? 5 A No. 6 Q So for the record, Exhibit 1 is an 7 August 26th, 2016, at 9:00 a.m., press release by 8 the Office of the Dorchester County Administrator. 9 Were you aware of the aerial spraying 10 that was occurring in Dorchester County prior to 11 August 28th, 2016? 12 A No. 13 Q Have you been aware of any aerial 14 spraying that occurred in Dorchester County besides 15 this specific incident? 16 A No. 17 Q Are you aware of any other types of 18 pesticide spraying that Dorchester County performs, 19 besides like from an airplane? 20 A Yes. 21 Q What type of spraying do they perform? 22 A A fog truck from the road across from the 23 apiary, in front of the fire department. 24 Q Do you know when that spraying occurs? 25 A Only when they call me.	Page 33 1 if it was already wet. 2 Q Do you know how many times Dorchester 3 County has sprayed with a fog truck past your 4 apiary? 5 A I would be guessing if I said that. It's 6 not -- they don't seem to have a set pattern of a 7 schedule when they're going to do it. It seems 8 kind of erratic when they do it, sometimes more 9 often, sometimes not as much. 10 Q And did Scott Gaskins call you prior to 11 the aerial spraying that's the subject of this 12 lawsuit? 13 A No. 14 Q Do you know Scott Gaskins's role with 15 Dorchester County? 16 A I do not. 17 Q And if you'll flip to the second page of 18 Exhibit 1, which is a map, and I'll just ask you -- 19 I know it could be difficult -- is your property 20 located on this map? 21 A I don't know. I really can't tell much 22 about this map, so I don't know. 23 MR. GOWDER: That's 17A and 78, if that 24 helps you. 25 THE WITNESS: So I'm just off 17A.

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1 BY MR. WILLIAMS:
2 Q And just to your knowledge and
3 experience, do you know if your property's located
4 in the yellow-shaded area?
5 A I do not, no.
6 (Defendant's Exhibit 2, 8/27/16
7 Press Release [DC File 88-90], was marked
8 for identification.)
9 BY MR. WILLIAMS:
10 Q You've just been handed what's been
11 marked as Exhibit 2.
12 MR. MAYBANK: If y'all don't mind, can I
13 hold Exhibit 1 real quick? For the record,
14 this is Dorchester County File 0086 and 0087.
15 If y'all don't mind just putting that on
16 the record. That way I can go back and
17 reference those in my file.
18 MR. WILLIAMS: And I'll say that for the
19 record, Exhibit 2 is Dorchester County File
20 88, 89, and 90.
21 BY MR. WILLIAMS:
22 Q Just let me know once you've had a chance
23 to review it.
24 A Okay.
25 Q To your knowledge, did you ever receive a

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1 copy of Exhibit 2?
2 A No.
3 Q Have you ever visited the Dorchester
4 County Website?
5 A I have.
6 Q Have you ever seen any type of press
7 release on the Dorchester County Website related to
8 mosquito spraying?
9 A No.
10 Q And so you said earlier that Scott
11 Gaskins calls you prior to the truck fog spraying.
12 How does he -- how does Scott Gaskins know to call
13 you?
14 A Because we -- when we went to the city to
15 get our business license and we asked who did we
16 need to contact so that everybody would know where
17 we were at and what we were doing, to protect our
18 bees, and we were given his name and said that he
19 had a list that he kept that he would call and
20 notify before spraying, and so we contacted him and
21 got on his list.
22 Q And to your knowledge, is Flowertown
23 listed on any other type of list related to
24 spraying?
25 A No.

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1 Q Is Flowertown registered with any other
2 beekeepers organization?
3 A No.
4 (Defendant's Exhibit 3, 8/31/16
5 Press Release [DC File 91], was marked
6 for identification.)
7 BY MR. WILLIAMS:
8 Q You've just been handed what's been
9 marked as Exhibit 3. Exhibit 3 is Bates stamped
10 Dorchester County File 91. Just let me know when
11 you've had a chance to review it.
12 A Okay.
13 Q To your knowledge, did you receive a copy
14 of Exhibit 3 press release?
15 A No.
16 Q Exhibit 3 press release relates to the
17 spraying in Dorchester County which is the subject
18 of this lawsuit and the loss of some beehives as a
19 result of that spraying. Dorchester County says
20 that they have opened a call center for affected
21 persons to call after the spraying. Did you call
22 the call center?
23 A I did not.
24 Q Did you -- let me rephrase.
25 How did Dorchester County discover that

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1 your bees had been affected by the spraying?
2 A Probably media coverage.
3 Q And so let's just generally go through
4 what happened and how you figured out that
5 Dorchester County had sprayed. So if you could
6 just describe the actions that you took after the
7 spraying. Let me rephrase this. Sorry.
8 How did you discover that Dorchester
9 County had performed aerial spraying for
10 mosquitoes?
11 A On Monday morning, I had --
12 Q And if for Monday, if you could just give
13 us a date.
14 A Okay. I think it was the 29th of August,
15 2016. It was on a Monday morning. I had a knock
16 at the door, early, from a stranger. I'd never met
17 this guy before. And oftentimes, people would, you
18 know, come want to buy hive boxes or something, so
19 I assumed that's what he had shown up for.
20 And he introduced himself as Andrew
21 Macke. I think he said he was the captain of the
22 fire department, which is just right across from my
23 property, and he asked if my bees were okay. And I
24 said, "Why do you -- why are you asking me that?"
25 And he said that him -- himself, along with some

Page 38 1 more firefighters, was outside of the fire station 2 on Sunday morning, the day before, and that they 3 saw a plane fly over my property, my apiary, he 4 said he believed three to four times, and spraying 5 something. 6 And he said that he really didn't think 7 that much about it as it was happening, because 8 we're pretty close to the airport, and then he got 9 a call from his wife. He has -- he's what you call 10 a backyard beekeeper, a hobbyist. And his wife 11 called and was very upset and asked him to come 12 home, that something was wrong with their bees, 13 that they were dead. They had some dead in the 14 driveway. 15 So he went home to check on her and to 16 see what she was talking about. And he said then 17 he came back to work, and when he got back, some of 18 the other firefighters was like, "Look around." On 19 their equipment, on the fire trucks, on their 20 parking lot, all around where my bees often 21 foraged, there was just like dead bees everywhere. 22 And so out of concern for that, on Monday 23 morning, he came to check on my bees and -- excuse 24 me. 25 So Andrew and myself walked to the	Page 40 1 you take then? 2 A Well, once that I could breathe and quit 3 doing projectile vomiting from the shock of it all, 4 I went back to the house, and I called Mitch. He 5 was at work, and I called him, and then I called my 6 daughter and my sons. 7 And as I was doing that, Andrew got out 8 his cellphone and videoed some of what we just saw 9 with the dead bees and what the other bees were 10 doing, and he posted it on his Facebook. 11 And I can't give you an exact time, but 12 pretty quickly after that, news media started 13 showing up at the house and wanting to cover the 14 story and see what happened and get video footage. 15 And I started trying to contact Clemson 16 to get somebody -- to get them to send somebody out 17 to do testing on my honey girls to see what had 18 happened, you know, exactly what was killing them. 19 So I was focused on that in between the different 20 news crews showing up. 21 Q Do you remember who you contacted at 22 Clemson? 23 A I sent an email to I think her name's 24 Jennifer Tuttle, and she directed me to -- I 25 don't -- I don't remember his name right now, but
Page 39 1 apiary, towards the apiary, and this was probably 2 I'm thinking like around 9:00 a.m., and the closer 3 that I got, I knew there was something really, 4 really wrong because what used to be just like -- 5 it'd sound like a machine running, because of all 6 the energy of the bees flying and stuff, was 7 silence, and usually -- 8 My apiary's in an open field, so that 9 they could get full sun, and usually the whole sky 10 would be covered with bees. It was just amazing 11 just how many bees would be co-existing and 12 crossing paths together, and there was none of 13 that. There was no bees flying around. 14 And as we got closer down to the hive 15 boxes, you could just see just piles of bees just 16 laying there. And some of them weren't dead yet, 17 and they were trying -- bees are very, very 18 sanitary, keep very clean houses. So some of them 19 that were struggling to survive were trying to 20 clean out the dead ones that were still in the hive 21 boxes, and there was just like mounds of dead bees 22 piled everywhere. 23 That's how I found out. 24 Q And so after you observed the mass amount 25 of dead bees with Andrew Macke, what actions did	Page 41 1 it was under his job listing would be the one to 2 come out and do it. And so he said he would come 3 out, and it was -- it was like a day or two later 4 before he got there to take the samples to do the 5 testing for the bees. 6 Q So someone from Clemson came to your 7 property? 8 A Yes. 9 Q And I know you mentioned several media 10 outlets came out. Do you remember who from those 11 outlets or which -- who they represented? 12 A News 2, News 5, News 4. That was the 13 local ones that came out real quickly. Then there 14 was many more. There was some from -- that did 15 broadcasting in different countries that send 16 reporters in to do the story and footage. And it 17 was -- it was overwhelming the amount of media 18 coverage. Like it went on all day/all night for a 19 while. 20 Q And so I know you said that you noticed a 21 mass amount of dead bees. When did you find out 22 that -- let me rephrase. 23 Andrew Macke told you he saw a plane 24 flying over your property and spraying something? 25 A Yes.

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1 Q And after that, you noticed a mass amount
2 of dead bees at your apiary?
3 A Yes.
4 Q At what point did you find out that
5 Dorchester County had sprayed for mosquitoes?
6 A I really don't know exactly at what point
7 I knew it was Dorchester County because that -- you
8 probably will never understand the shock involved
9 in that and how distraught I was, so I don't have
10 that information for you as exactly the moment or
11 the source of how I knew it was Dorchester County.
12 Q I guess I'm just trying to make the
13 connection on how you understood that the plane
14 that flew over your property, just whose plane that
15 was?
16 A I did not know whose plane that was. I
17 was blindsided with this. I had no knowledge.
18 Q And so at some point after you noticed
19 the bees, you somehow found out that Dorchester
20 County had ordered spraying of mosquitoes?
21 A There was a group that formed that called
22 themselves Save Humanity, Save the Bees, and some
23 of them came out, and that was probably how I found
24 out was through them, because there were several of
25 them that came out to the apiary on that Monday.

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1 Q So at the time you saw the mass amount of
2 dead bees at your apiary, you had no idea that it
3 was Dorchester County spraying for mosquitoes. All
4 you knew is that a plane flew over your property
5 spraying something?
6 A Yeah.
7 Q And you had dead bees?
8 A Yes.
9 Q Did you take any pictures?
10 A Yes.
11 Q Have you provided those to your attorney?
12 A Yes.
13 Q Did you take any samples?
14 A Samples of the dead bees?
15 Q Did you collect any of the dead bees?
16 A I did, yeah.
17 Q What did you do with those?
18 A I gave them to the guy that came from
19 Clemson.
20 Q Did you take any samples of anything
21 else, whether it be a portion of a hive or soil?
22 A No. He got -- I think he took soil
23 samples when he came.
24 Q The Clemson?
25 A Right, yes.

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1 Q And then I understand you noticed the
2 dead bees. There was a mass amount of people who
3 showed up, news media. After that, what did you do
4 with the hives?
5 A I had to destroy the hives. A queen bee
6 can lay 2- to 3,000 eggs a day, so those hive boxes
7 were full of different stages of baby bees. I'll
8 just say it in that term so you'll understand what
9 I'm talking about.
10 And with the heat in South Carolina, that
11 immediately started to decompose and become toxic,
12 and horrible smells, maggots/other bugs coming in
13 to eat and invade, and it just turned into a
14 nightmare.
15 And I wasn't even able to keep the hive
16 boxes because whatever -- at that point, whatever
17 had killed my bees, wood is porous, and so I
18 couldn't keep that and reuse that knowing that it
19 was so toxic that it had already killed the bees,
20 so I burned everything.
21 Q Were there any hives that were still
22 alive after the spraying?
23 A No. There were some bees that were still
24 alive, like I explained to you. Really, the only
25 activity that was alive, so to speak, were robber

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1 bees from the community, because bees are
2 opportunists. They come to a food source. They
3 don't care if it's a sno-cone or honey or if the
4 honey belongs to them. They're searching for food.
5 So there was a lot of robber bees from the
6 community that immediately started showing up, and
7 there was nothing to defend the hives, so they
8 started taking the honey out of the hives.
9 Q At the time of the spraying, how many
10 hives did you have in your apiary?
11 A In that apiary, 46.
12 Q To your knowledge, how many bees would
13 have been in each hive?
14 A About a minimum of 80,000.
15 Q And how do you know that?
16 A I have a reference here from -- Wikipedia
17 Beekeeping will tell you that a typical colony has
18 50,000 worker bees. That's not including queens
19 and drones, which there's thousands of drones in a
20 hive too. And then with the queen laying 3,000
21 eggs per day, if you do the math, 46 hives times
22 80,000 bees, 3,680,000.
23 (Cellphone rings.)
24 BY MR. WILLIAMS:
25 Q If you need to answer a phone call, we

Page 46 1 can take a break. 2 A I don't. I'm just going to turn it off. 3 Q So to your estimation, the 46 hives were 4 composed of 3.68 million bees? 5 A Yes. 6 MR. MAYBANK: Let's make sure the record 7 reflects that she's reading a handwritten 8 note. 9 THE WITNESS: That's my sketch from that 10 source. 11 MR. GOWDER: Go ahead and mark it if you 12 want to. 13 MR. MAYBANK: Yeah. Let's mark it. I 14 mean, if she's reading off of stuff, let's 15 mark it. 16 (Defendant's Exhibit 4, Handwritten 17 Calculations, were marked for 18 identification.) 19 BY MR. WILLIAMS: 20 Q So for the record, the handwritten note 21 that contains the calculation of the number of bees 22 in the 46 hives has been marked as Exhibit 4, and 23 this is -- you made these calculations yourself? 24 A I did. 25 Q With information you gained from	Page 48 1 Q Besides the individual from Clemson you 2 contacted after the spraying, did you contact 3 anyone else? 4 A No. 5 (Defendant's Exhibit 5, Email Chain 6 Ending in a 9/2/16 Email to Jason Ward 7 from Tracey Langley [DC File 1081], was 8 marked for identification.) 9 BY MR. WILLIAMS: 10 Q You've just been handed what's been 11 marked as Exhibit 5, which is an email from -- 12 well, it's an email chain from Tracey Langley to 13 Jason Ward dated Friday, September 2nd, 2016, at 14 3:12 p.m. The subject is "Bee Slaughter." 15 And if you look down the chain, on 16 September 2nd, 2016, at 3:07 p.m., Jason Ward 17 wrote, "I just spoke to Mr. Yawn and Ms. Stanley. 18 They are not angry. They don't want Scott to lose 19 his job. They have called around and can't locate 20 bees to buy, and they don't have a value on their 21 loss." 22 Do you remember speaking with Jason Ward? 23 A I remember him calling Mitch. 24 Q So to your knowledge, Jason Ward called 25 your husband Mitch?
Page 47 1 Wikipedia? 2 A Wikipedia Beekeeping. 3 Q At the time the representative from 4 Clemson came to your property to perform an 5 investigation, had you done anything to any of the 6 hives on your property? 7 A No. 8 Q All 46 hives were still there? 9 A Yes. 10 Q Did the individual from Clemson tell you 11 to do anything with the hives? 12 A No. 13 Q Did the individual from Clemson recommend 14 that you destroy the hives? 15 A He made no recommendations. 16 Q What was the source of your information 17 that it was necessary to destroy all 46 hives? 18 A Myself. 19 Q And that's just from your personal 20 experience? 21 A Yes. 22 Q Did you Google or look up any information 23 from another source that said -- 24 A No, no. I'm very confident in my 25 beekeeping skills.	Page 49 1 A Yes. 2 Q Do you remember what they talked about? 3 MR. YAWN: She can't. She wasn't there. 4 THE WITNESS: I remember him calling. I 5 remember Mitch saying that Jason Ward had 6 called him concerning the bees, but I do 7 not -- I do not know what the discussion 8 concerned. 9 MR. MAYBANK: I'll object to the form of 10 the questions under hearsay. 11 BY MR. WILLIAMS: 12 Q You were not present at the time of the 13 conversation? 14 A Right. 15 Q Did you ever personally speak with Jason 16 Ward? 17 A I don't think I did. 18 Q Did you ever personally speak with any 19 other representatives of Dorchester County? 20 A Scott Gaskins. 21 Q Did you speak with Scott Gaskins after 22 the spraying incident? 23 A Yes. 24 Q When did you speak with Scott Gaskins? 25 A I don't know the exact day. I just know

Page 50 1 that he called Mitch's phone and asked to speak to 2 me to extend a very heartfelt apology for not 3 contacting me to let me know what their plan was. 4 He showed much remorse, and I really appreciated 5 it. He apologized. He said him and his wife both 6 were heartbroken over what had happened and felt 7 really bad about it, and he was so sorry that for 8 whatever reason he didn't contact me. 9 Q He didn't have an explanation of why he 10 did not contact you prior to the spraying? 11 A I didn't ask him for one. It was 12 irrelevant at that point. 13 Q Besides Scott Gaskins's apology, did he 14 offer to do anything as a result of the spraying 15 incident? 16 A No. 17 Q Did you ever provide any type of 18 information to Dorchester County that would value 19 the loss you suffered as a result of the spraying? 20 A Dorchester County. Mr. Chinnis is a part 21 of Dorchester County, correct? He came to our 22 house for a visit, an unannounced visit, and we 23 spoke about what it would take to get us up and 24 running again, to get us more bees so that we could 25 keep our business on track. I spoke to him about	Page 52 1 MR. WILLIAMS: I asked her for the date 2 that she learned, but just for the record -- 3 MR. MAYBANK: Correct, she learned. 4 BY MR. WILLIAMS: 5 Q To your knowledge, what is the date that 6 the spraying occurred? 7 A The 28th of August 2016. 8 Q And what was the date that you discovered 9 that bees in your apiary had died? 10 A August 29th, 2016. 11 Q Besides the individual from Clemson that 12 came out to your property to perform an 13 investigation, did you have anyone else perform any 14 type of investigation of the spraying incident? 15 A No. 16 Q You said that you collected samples of 17 dead bees after the incident? 18 A Yes. 19 Q Did you give all of those bees to the 20 Clemson individual? 21 A Yes. 22 Q You didn't send any bees to an 23 independent lab? 24 A No. 25 Q Did you attempt in any way to clean the
Page 51 1 that. 2 Q Do you remember what you told him? 3 A I mostly listened. He talked. 4 Q Did y'all ever give Mr. Chinnis any value 5 of supplies or bees? 6 A No. 7 Q Did you ever speak with anyone at the 8 Town of Summerville? 9 A Ever? 10 Q No, about this incident. 11 A No. 12 MR. MAYBANK: Can you do me a favor? Can 13 you establish on the record when this incident 14 occurred? 15 MR. WILLIAMS: Okay. Sorry. I thought 16 we did that. 17 MR. MAYBANK: I don't think we have. 18 MR. WILLIAMS: I mean, at the beginning. 19 MR. GOWDER: She said August 26th, 2016. 20 MR. WILLIAMS: I think she said August -- 21 I thought she said August 29th. 22 MR. GOWDER: Or 29th. 23 MR. MAYBANK: I just want to make sure. 24 No. She's read the dates off the exhibits. I 25 didn't hear her say when it occurred.	Page 53 1 hives before you destroyed them? 2 A I could not. For my own health sake, I 3 could not. 4 Q I apologize if I'm asking you this again. 5 You stated earlier that you had taken preventative 6 measures for the truck spraying that occurred in 7 Dorchester County. Where did you learn the 8 information to take those preventative measures? 9 A I can't give you a source. It's just 10 knowledge that I had, previously already had. 11 Q Did Dorchester County ever issue any type 12 of press release, to your knowledge, that contained 13 information for beekeepers to take preventative 14 measures? 15 A Not to my knowledge. 16 Q Have they done so after the spraying 17 incident? 18 A I'm not sure. 19 (Defendant's Exhibit 6, Clemson 20 Pesticide Use Investigation [Allen 21 88-91], was marked for identification.) 22 BY MR. WILLIAMS: 23 Q You've just been handed what's been 24 marked as Exhibit 6. And for the record, Exhibit 6 25 is Bates stamped Allen 88, 89, 90, 91. And just

Page 54 1 let me know when you've had a chance to review it. 2 MR. MAYBANK: When is the motion for 3 summary judgment on y'all's strict liability? 4 Is that coming up? 5 MR. GOWDER: It's like the 18th of 6 December. 7 MR. MAYBANK: That's what I thought. 8 THE WITNESS: I need to go to the 9 restroom. 10 MR. WILLIAMS: Let's take a break. 11 (A recess transpired.) 12 BY MR. WILLIAMS: 13 Q We were looking at Exhibit 6, which is a 14 Clemson University Nonagricultural Follow-up 15 Pesticide Use Investigation report dated 16 September 29th, 2016, and Ms. Stanley, have you had 17 a chance to review the report? 18 A Yes. 19 Q Did you receive a copy of this report? 20 A Yes. 21 Q Had you reviewed this report prior to 22 your deposition today? 23 A I haven't looked at this since right 24 after the incident. Right after I got it, I looked 25 at it one time, and that's it.	Page 56 1 A Michael Russell. 2 Q So Michael Russell -- 3 A That's who I spoke with. 4 Q Did anyone else from Clemson come to your 5 property? 6 A No. 7 Q Did you speak with anyone else besides 8 Michael Russell at Clemson? 9 A Not other than the initial email to 10 Jennifer, and then she gave me Michael's 11 information to contact him. 12 Q So you never spoke with a Mr. Ryan Okey? 13 A Not to my knowledge. 14 Q Have you ever sprayed any type of 15 pesticide on your property? 16 A No. 17 Q Where your property is located, what's 18 the approximate size of your property, in acres? 19 A 14. 20 Q 14 acres. And where on your property is 21 the apiary located? Is it in the center? To the 22 right? To the left? 23 A It's to the far left of where the home 24 sits. 25 Q And would that be towards the edge of the
Page 55 1 Q So when you received the report, you 2 looked at it? 3 A Yes. 4 Q Did you read it in its entirety? 5 A Yes. 6 Q Who did you receive the report from? 7 A Clemson. 8 Q Clemson sent it directly to you? 9 A Uh-huh. 10 Q Do you understand the report? 11 A I do. 12 Q In your own words, what do you think the 13 report states? 14 A That they saw what I saw, the bees being 15 dead, and that they showed a pattern of pesticide 16 contamination. However, it's kind of a 17 political -- to me, it was a political conclusion 18 saying that it may or may not have been that. 19 Pretty much for the record, that's what I saw on 20 it. 21 Q And I know you testified that one 22 individual who you couldn't remember his name from 23 Clemson came to your property? 24 A His name is listed here. 25 Q Who was that?	Page 57 1 property? 2 A There's about 400 feet of wooded area 3 between the road where they would spray the fog 4 truck and the apiary, and then on the other side of 5 it is like a subdivision, so it's just kind of like 6 in a little nook back in there. 7 Q So 14 acres is a lot. Do you know how 8 many neighbors you have that their property abuts 9 your property? 10 A I do not. 11 Q Do you know the names of any of your 12 neighbors? 13 A No. Well, one. 14 Q Who is that? 15 A Because my dog runs off to his house all 16 the time. I can't even think of his name now. 17 I'll think of it in a minute. I don't know. 18 Q That's okay. 19 A I've got a lot going through my head 20 right now. 21 Q I understand. 22 A Larry. 23 Q Larry? 24 A Yeah. 25 Q Do you remember his last name?

Page 58 1 A I don't. He's at the beginning. When 2 you first enter our driveway, he's our first 3 neighbor there. 4 Q Do you remember the names of any of your 5 other neighbors? 6 A No. 7 Q Do you know approximately how many 8 people's property abuts your property? 9 A No. 10 Q Are you aware of any of your -- are you 11 aware if any of your neighbors ever sprayed 12 pesticides? 13 A I am not aware. 14 Q Are you aware if any of your neighbors 15 have bees, are beekeepers? 16 A I am not aware. 17 Q To your knowledge, could the death of 18 your bees have been caused by something other than 19 Dorchester County's mosquito spraying? 20 A No. 21 Q Are you aware of any other diseases that 22 cause the death of honeybees? 23 A Of course. 24 Q What kind of diseases could affect 25 honeybees?	Page 60 1 we'll move to Varroa mites. 2 A The hive beetles just come in and invade 3 and take out the food source and take over the 4 space and hatch their young in there. 5 And with Varroa mite, which is the big 6 concern right now for beekeepers that they're 7 struggling with, it was thought -- for years we've 8 thought that they feed on the blood of the bees, 9 just like other parasites do, but what we now know, 10 through Clemson research and different types of 11 research, is that they actually feed from the fat 12 instead of the blood of the bees, which mostly 13 targets the young that have not really hatched yet, 14 because they have the most fat content. 15 Q And so what is the result of a Varroa 16 mite infestation of a hive? 17 A If left untreated, it will just -- it 18 will just take over the hive and make your bees so 19 sick that they can't reproduce. It's more of a 20 gradual thing. It's not something that happens 21 just like overnight; it's over time. 22 Q To your knowledge, approximately how long 23 would it take for a Varroa mite infestation to kill 24 a hive? 25 A That's a broad question because it
Page 59 1 A They can die from contamination of hive 2 beetles, Varroa mites. There's many different 3 kinds of disease that can make a hive -- a colony 4 sick, but it wouldn't be that kind of devastation, 5 like immediate death for everybody. 6 Q Have any of your hives ever had any type 7 of infestation or disease? 8 A I've had a few hive beetles that I treat 9 with a trap that's in there, and I check that when 10 I do inspections. If there's three or four beetles 11 in the trap, I know that my girls are strong, and 12 they're defending their hive. If there's like a 13 dozen, then I'm going to be looking to see what's 14 wrong. Sometimes it's too much space available in 15 the hive, that there's too many ways to get in, 16 that they're having a problem doing that, so then I 17 would correct that. But other than some hive 18 beetles, no. 19 Q Have any of your hives ever had maggots? 20 A Not until they -- not until after they 21 were sprayed. 22 Q And so what do the hive beetles do? How 23 do they affect the hive? 24 A The hive beetles or the Varroa mites? 25 Q Well, let's start with hive beetles, and	Page 61 1 depends on the strength of your colony, just like 2 with a person. You know, depending on how their 3 immune system is is how long they could fight it 4 off. It could happen in a couple of weeks, or it 5 could happen over a matter of months. 6 Q And besides hive beetles or Varroa mites, 7 are you aware of any other diseases that could 8 affect a hive? 9 A There are other diseases. I don't have 10 the exact names of them. There's one that they 11 have like a diarrhea, the bees will have like 12 diarrhea. When you're doing inspections, you look 13 for that, signs of that on the frames and stuff, 14 and then you would go from there. So there's 15 several other ones. I don't have the names of 16 those for you. The main concern, like I said, with 17 beekeepers right now are Varroa. 18 Q For your apiary, do you provide a food 19 source for your bees? 20 A I do. 21 Q Do your bees forage off of your property? 22 A Forage off of my property? Bees forage 23 within three to five miles of their home base, so 24 yes. 25 Q Yes. So to your knowledge, your bees

Page 62 1 would consume the food source you provide and also 2 forage off of your property? 3 A They would consume what I provided if 4 they needed it. They would prefer what nature 5 provides, but when there's a low nectar flow, they 6 would consume what I would feed them. 7 Q Do you know of any other apiaries in 8 Dorchester County? 9 A I do not. 10 Q What about other -- are you friends with 11 any other hobby beekeepers close by? 12 A I don't really do a lot of friendships. 13 I'm not -- I'm not about that. I'm a private 14 person and pretty much just do my business and take 15 care of my family. 16 Q Do you have any knowledge of any other 17 apiaries or beekeepers that were affected by the 18 spraying? 19 A Andrew Macke, I mentioned to you about 20 his. That was the first thing that got his 21 concern. There's a couple of ladies in the Save 22 Humanity, Save the Bees group that has some bees. 23 One of them I think sells honey. The other one 24 just does it for pollination, and she has Lyme 25 disease, and she was planning to use it for bee	Page 63 1 medicine for her Lyme disease. Other than that, I 2 don't -- I don't really know other people's 3 businesses. 4 Q Besides Andrew Macke, you don't know if 5 anybody else was affected by the spraying? 6 A I do not. 7 (Defendant's Exhibit 7, GoFundMe 8 Printout [DC File 186-192], was marked 9 for identification.) 10 BY MR. WILLIAMS: 11 Q You've just been handed what's been 12 marked as Exhibit 7. For the record, Exhibit 7 is 13 Bates labeled Dorchester County File 186 14 consecutively to 192. Do you recognize Exhibit 7? 15 A I do. 16 Q And can you describe for the record what 17 Exhibit 7 is? 18 A It was a GoFundMe that we set up after 19 the spraying to inform and educate the public about 20 honeybees. 21 Q Did you personally create the GoFundMe 22 campaign? 23 A My daughter helped me set it up, so yes. 24 Q And you said that the purpose of the 25 campaign was to educate?	Page 64 1 A And inform the public. That was the 2 money used to do -- when you asked me if I charge 3 for the service for the community work like with 4 the garden clubs and the school programs and stuff 5 like that, I did not. I used that money to fund 6 transportation and supplies and stuff to take for 7 those. 8 Q And so how much was your fundraising goal 9 with the GoFundMe campaign? 10 A I don't even remember. It was something 11 new to me. I think it says it on here, \$100,000, 12 maybe. 13 Q And why did you pick the \$100,000? 14 A It was just a number. 15 Q And so it was just an arbitrary number? 16 You didn't calculate anything to get to \$100,000? 17 A No, no. 18 Q Did you receive any funds from the 19 campaign? 20 A The amount there listed, \$7,756. 21 Q And what did you do with those funds? 22 A What I just mentioned, used that to fund 23 providing information and reaching out to people 24 about education and information on honeybees. 25 Q Did you use any of the funds to purchase	Page 65 1 any further supplies to get your apiary back going? 2 A I do not know. Mitch took the money out 3 of this account when we closed it and put it into 4 his account, and that's what we paid for it out of, 5 so I'm not really sure exactly how it was 6 disbursed. 7 Q And if you look through the comments, 8 some of these comments -- I know they're hard to 9 read -- refer to pictures, so if you look at the 10 second page, which is Dorchester County File 187, 11 and the second screenshot says -- refers to 12 pictures. Did you post pictures to the GoFundMe 13 campaign? 14 A It was all on Facebook. GoFundMe was on 15 Facebook, so that was all together. 16 Q So to your knowledge, the pictures the 17 comments refer to are from pictures you posted to 18 Facebook? 19 A Probably. 20 Q Do you remember which pictures you posted 21 to Facebook? 22 A They're all still there. No, I don't. I 23 don't -- I've not gone back and relooked at those, 24 but they're all still there. 25 Q Have you provided those pictures to your

Page 66 1 attorney? 2 A Yes. 3 Q And some of the comments on Dorchester 4 County File 187 refer to just commentary of the 5 individuals saying the pictures are from the 6 neglected hives that have maggots. Did your hives 7 have any maggots at the time of the spraying? 8 A No. 9 Q So you believe these individuals are 10 incorrect? 11 A 100 percent. 12 Q How do you come to that conclusion? 13 A Because I'm a good beekeeper, and I did 14 regular inspections on my hives, and any time -- 15 like social media is a great thing in some ways, 16 but in some ways, people use it as an outlet just 17 to be rude and mean. 18 And the words they were speaking were out 19 of ignorance, because the heat -- like I said 20 before, the heat in South Carolina makes things 21 start to rot quickly, very quickly, and with all of 22 those -- all the larvae and all that that was 23 inside of there, all of that turned into like 24 maggots and stuff immediately, and a maggot looks 25 different than larvae. So yeah, that was just out	Page 68 1 could do five or six in a day, if it was a cooler 2 day and the colonies were smaller. 3 Q What does a typical inspection entail? 4 Are you taking the hive apart? What do you do? 5 A Sort of. Of course, you always are 6 looking at the environment around and noticing 7 flight patterns and anything -- any kind of change 8 on the outside of your boxes, and then you remove 9 it from the roof, you take it off. It has an inner 10 top. You take that off, and then I would start 11 from the left to the right and pull frames and look 12 at both sides of the frame to look for egg 13 patterns, food storage, if there was anything like 14 mites, hive beetles. 15 We're looking for all -- anything and 16 everything like that to see what was going on in 17 there. I like to refer to it as telling their 18 story. I look in that hive box of that colony. I 19 felt like I knew my colonies personally. Bees can 20 actually recognize faces. It might make me sound 21 like a crazy bee lady, but they can. 22 And I knew the personalities of my hives, 23 and so I would say I'm going to tell their story, 24 and I would look in there to see what kind of food 25 sources they were finding, how much more food
Page 67 1 of ignorance. 2 Q Before the spraying incident, how often 3 did you inspect your hives? 4 A I was in my hives nearly every day. 5 Q Did you keep any type of records of 6 inspections? 7 A I had some notes. I've turned those over 8 to my attorney too. I had a few notes, but I was 9 in a bee suit with gloves on, and it was hard to 10 take notes and do that at the same time, so I 11 didn't have a lot of documentation on it. 12 Q Do you think you inspected every hive 13 every day? 14 A No. It's not possible. 15 Q How long does a typical inspection of a 16 hive take? 17 A Again, it depends. It depends on the 18 heat outside. You can't stay in a bee suit for 19 very long in South Carolina heat because you'll 20 have a heat stroke and die. That's nearly happened 21 to me many times. Depending on the numbers in 22 there and how many boxes high that the colony is 23 and getting into that. Some inspections, it would 24 take a day to get through one colony because they 25 were massive amounts and the heat. Sometimes I	Page 69 1 source was in there than the last inspection. I 2 wanted to see the pattern of the eggs being laid in 3 all stages. I wanted to see an adequate amount of 4 drones. I wanted to see the young bees and see how 5 they were thriving so that they could grow up and 6 become foragers and make sure that everybody had 7 enough food in there and that they were getting 8 what they needed. 9 Q At the time of the spraying incident in 10 August 2016, what was the approximate age of the 46 11 hives? 12 A The age of the hives? 13 Q How long had the hives -- 14 A Some of those hives had been a colony for 15 years. 16 Q So let me ask the question in a different 17 way. How would you establish the age of a hive of 18 bees? 19 A I think really for most beekeepers to 20 tell the age of how long that that had been a home 21 for bees would be the coloring of the wax inside of 22 it, but then again, that's not always accurate 23 either because whatever food source they're 24 bringing in and the weather and anything like that 25 affects it.

Page 70 1 I guess the best way to explain it to you 2 is the cycle of a bee's life. A good, healthy 3 queen, if she don't have any wing damage or 4 anything go wrong for about five years, summer bees 5 are a few weeks, like up to six weeks, winter bees 6 are a few months. So it's a cycle that -- they 7 reproduce quickly, and they die off, and they 8 reproduce, except for the queen. She lives the 9 longest. Her life cycle is longest. So to say the 10 age of a colony would be speculation. 11 Q How long had the 46 hives been in your 12 possession at the time of the spraying? 13 A In my apiary since spring of 2016. Some 14 of those were already thriving colonies that had 15 been thriving for years, though, before they came 16 to my apiary. 17 (Defendant's Exhibit 8, Tort Claim 18 Form [DC File 194], was marked for 19 identification.) 20 BY MR. WILLIAMS: 21 Q You've just been handed what's been 22 marked as Exhibit 8. For the record, Exhibit 8 is 23 Bates stamped Dorchester County File 194. Do you 24 recognize Exhibit 8? 25 A I don't really remember this. I'm not	Page 72 1 hives? 2 A That was a very conservative number. It 3 very -- it very possibly could have been more than 4 that because of the amount of bees in that hive. 5 You just would take another queen and some of each 6 of the bees, some worker bees, some of the younger 7 bees, some drones, and start another colony in 8 another box, another hive box. And that's 9 something that's necessary to do to keep from -- a 10 lot of times, that's why bees swarm, take off, is 11 from being overcrowded, and it's also how you 12 repopulate and grow bees. 13 (Defendant's Exhibit 9, 9/16/16 14 Email to Jason Ward from Rich Palmer [DC 15 File 1346], was marked for 16 identification.) 17 BY MR. WILLIAMS: 18 Q You've just been handed what's been 19 marked as Exhibit 9. For the record, Exhibit 9 is 20 Bates stamped Dorchester County File 1346. Do you 21 recognize Exhibit 9? 22 For the record, Exhibit 9 is an email 23 from Rich Palmer to Jason Ward sent September 16, 24 2016, at 3:11 p.m. The subject is "Flowertown Bee 25 Farm."
Page 71 1 saying that it didn't happen, but it don't look 2 familiar to me. 3 Q Do you remember if you prepared 4 Exhibit 8? 5 A I don't remember. 6 Q And for the record, Exhibit 8 is a tort 7 claim form with the name Juanita Mae Stanley. Am I 8 pronouncing that correct? 9 A Yes. 10 Q Dated 9/13/2016, contains your address of 11 503 Pinehurst Avenue, Summerville, South Carolina, 12 29483. 13 You do not remember preparing this tort 14 claim form? 15 A I don't remember it. 16 Q Would you have any knowledge as to who 17 prepared this form? 18 A I don't even remember anything about it, 19 so I don't know. It was -- it was a very hectic 20 time for me, so I'm not sure. 21 Q On the form, it states that there were 46 22 mature hives that were ready to be split? 23 A Correct. 24 Q And so you were claiming for 100 hives. 25 Can you explain how 46 mature hives equals 100	Page 73 1 The Exhibit 9 email references a visit 2 from Rich Palmer to your business, Flowertown Bee 3 Farm. Do you remember this visit? 4 A I do. 5 Q What was the purpose of the visit? 6 A It was a female. She said she was with 7 the city and that she was coming out to see what 8 kind of a business I had, I think is how she stated 9 it, and she just wanted to know some about what had 10 happened. 11 Q Do you know why she came to your 12 business? 13 A I do not. 14 MR. MAYBANK: You said she was with the 15 city? 16 THE WITNESS: I think so. 17 MR. MAYBANK: Which city? 18 THE WITNESS: Summerville. 19 MR. MAYBANK: Okay. Thank you. 20 BY MR. WILLIAMS: 21 Q Does Flowertown possess a business 22 license? 23 A We do. 24 Q Who is that business license with? 25 A The City of Summerville.

Page 74 1 Q When did you apply for the business 2 license? 3 A I think it was like early in the summer 4 of 2016. 5 Q And when did you receive the license? 6 A I don't have that date. It would be on 7 the license, but I'm not sure. 8 Q Was there a lapse of time between when 9 you applied -- 10 A There was, there was. There had never 11 been an application for the type of business that I 12 had; therefore, they have a book of codes that they 13 use for licenses, and mine didn't fall under 14 anything, so they had to research. 15 And I really don't know how they came up 16 with the code, if they just created one or maybe 17 put it in another code category or whatever, but 18 they had to figure out what kind of code to use for 19 our license, so that put a little stall on it. 20 Q Do you know how long that lapse of time 21 was? Was it days? Weeks? Months? 22 A I'm not sure. 23 Q And when you went in -- let me start with 24 this: Where did you go to apply for the license? 25 A Town hall, in Summerville.	Page 76 1 A To my knowledge, that's the only license. 2 We have like tax ID numbers for it, and that's all 3 I know about. 4 Q Does Flowertown have any type of permits 5 with any entity? 6 A Not that I'm aware of. 7 Q Have you registered your business with 8 the South Carolina Department of Agriculture? 9 A Mitch handles all that. I don't think he 10 has, but I'm not sure. 11 Q Do you know if you're required to do so? 12 A I don't think so. 13 Q So from the time Flowertown started until 14 the time of the incident in August of 2016, how 15 long was Flowertown out of operation until you 16 started selling packages of bees again? 17 A Well, you only sell packages in the 18 spring, so the incident was the end of August, and 19 then the packages were sold in spring 2017 that 20 were brokered. 21 Q Would Flowertown be able to sell any type 22 of bees during the winter? 23 A They could, yes. I had -- I had many 24 requests for colonies for -- in the bee community, 25 we call it a full setup, which consists of a
Page 75 1 Q And what type of business were you 2 applying for a license for? 3 A Flowertown Bee Farm and Supplies. 4 Q So what did you tell the officials the 5 nature of your business was? 6 A I told them that it was for -- my 7 business was to sell -- reproduce and sell 8 honeybees and beekeeping supplies, that I wasn't 9 interested in selling anything consumable, such as 10 honey, which is typically what most people that 11 have bees, that's the way they get money back from 12 it is through honey, but I stated, you know, for 13 the record, that's not what I'm about. 14 Q Did you have the business license at the 15 time of the spraying incident? 16 A I don't know. 17 Q And so once you received the license, you 18 mentioned codes that the city had. Do you know 19 what type of business your business is categorized 20 as with the city? 21 A I'm thinking it's somewhere in the 22 agricultural part of it, but I'm not sure how they 23 coded it. 24 Q And what other types of licenses does 25 Flowertown possess?	Page 77 1 thriving colony. It's not a starter package. It's 2 for somebody like Andy that I would assume has not 3 had bees before, but he's interested, and he knows 4 it's the right thing to do for our survival and for 5 the environment. 6 So I would sell a full setup to him, 7 which would include a working, thriving, already 8 well-established colony with everything that it 9 needed, including the boxes, frames, all that, bee 10 suit, the hive tool, gloves, everything that he 11 would need to be a beginning beekeeper. 12 So a lot of times around the holidays, 13 especially Christmas, sometimes it's anniversaries 14 or birthdays, people have been requesting that. I 15 had a lot of calls on our business phone for this 16 business last year. It just rang off the hook, 17 people wanting that for Christmas gifts for people 18 because of the awareness of how important the bees 19 are. 20 Q Before the incident, how much would you 21 sell a full setup for? 22 A We had not sold a full setup. We sold a 23 colony to Mike Brown in Mount Pleasant. I really 24 wasn't interested in selling bees at that point 25 because I was -- I wanted them for the reproduction

Page 78 1 purpose. Everything was geared up for spring 2017. 2 Q How much did you plan to sell a full 3 setup for? 4 A Mitch has those numbers. He's the one 5 that kept all the numbers. I would be guessing for 6 you. 7 Q Have you sold any full setups since -- up 8 until the present time, have you sold any full 9 setups? 10 A No. 11 Q Are you aware of any licenses that you 12 have to obtain to be able to perform removal of 13 bees from other people's property? 14 A Sometimes in some like gated communities, 15 the HOA requires certification for somebody to come 16 on property and do that. I have not performed any 17 of those in those areas. 18 Q So you don't have any certifications as 19 to removal of bees? 20 A No. 21 (Defendant's Exhibit 10, Email Chain 22 ending in a 9/12/16 Email to Daniel 23 Prentice from Jason Ward [DC File 1521], 24 was marked for identification.) 25 BY MR. WILLIAMS:	Page 80 1 A It was a request by David Chinnis for us 2 to do this. 3 Q What did David Chinnis ask for? 4 A He wanted documentation to cover a fund 5 that he said was like a good faith fund that they 6 had that they didn't have to ask permission to use 7 for situations like this to help us get back on our 8 feet, get more bees, and get up and running and -- 9 but it didn't have to go before the whole board. 10 You just needed a couple of people to sign off on 11 it. 12 And he had that, and he needed us to just 13 shoot him an email showing a value that would be 14 within that amount of money so that he could in 15 good faith help us get some more bees to get back 16 on track until -- he said they had an insurance 17 policy that was going to take care of us for the 18 damage they had done, but that this fund would help 19 us until we got that money. 20 Q Did you ever receive money as a result of 21 the insurance policy that David Chinnis referenced? 22 A No. 23 Q Did you ever receive any money from David 24 Chinnis? 25 A No.
Page 79 1 Q You've just been handed what's been 2 marked as Exhibit 10, which is an email from Jason 3 Ward to Daniel Prentice dated Monday, 4 September 12th, 2016, at 12:55 p.m. It's an email 5 chain. 6 If you look down the email chain, there's 7 an email from Mitch Yawn to davidchinnis@me.com and 8 dated September 9th, 2016, at 4:19 p.m. And for 9 the record, Exhibit 10 is Bates stamped Dorchester 10 County File 1521. 11 I understand that this email has your 12 husband's name on it as coming from his email 13 account. Do you remember your husband, Mitch Yawn, 14 sending this email? 15 A I do. 16 Q Did you have any role in drafting the 17 email? 18 A No. 19 Q Did you give him any information to write 20 this email? 21 A We searched for bees together, so we went 22 on -- as you see, it's called the great bee hunt. 23 We were together when we did that. 24 Q And why did you and your husband compile 25 this information to send to Dorchester County?	Page 81 1 Q Did you ever receive any money from 2 Dorchester County? 3 A No. 4 Q Did you ever receive any money from any 5 other individual as a result of this incident? 6 A No. 7 Q But you did receive money from the 8 GoFundMe campaign? 9 A Yes. 10 Q But no other source? 11 A No other source. 12 MR. MAYBANK: So as not to waive the 13 objection, I put on the record any insurance 14 reference, I object to the form. 15 BY MR. WILLIAMS: 16 Q So the email from your husband on 17 September 9th, 2016, references -- states that, "We 18 ask for numbers on a 100 trying to kick start next 19 year." Why were you seeking -- well, let me ask 20 this first. What does the 100 number reference? 21 A I'm not sure what that means. Mitch 22 constructed that. 23 (Defendant's Exhibit 11, 2016 Tax 24 Return [McGowan 5-37], was marked for 25 identification.)

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1 BY MR. WILLIAMS: 2 Q You've just been handed what's been 3 marked as Exhibit 11. For the record, Exhibit 11 4 is Bates stamped Elizabeth Crowe McGowan Subpoena 5 5 consecutively through 37. And I'll represent to 6 you that Exhibit 11 is your US Individual Income 7 Tax Return for 2016. Do you recognize Exhibit 11? 8 A Yes. 9 Q And would you agree with me that 10 Exhibit 11 is your income tax return for 2016? 11 A Yes. 12 Q What was your income in 2016? 13 A I don't know. It's all on there. I 14 don't really keep up with the numbers part. 15 Q Did you make any income from the 16 Flowertown business in 2016? 17 A No. 18 Q What were your personal sources of income 19 in 2016? 20 A My own personal bank account and a 21 retirement fund. 22 Q Did you perform any type of job besides 23 Flowertown? 24 A No. 25 Q In 2016?	1 this page of your income tax form refresh your 2 memory as to a loss you claimed from your 3 Flowertown business? 4 A Yes. 5 Q To your memory, does this form indicate 6 that you claimed a loss of \$124,813 on your income 7 tax return as a result of the spraying incident 8 that occurred on August 29th, 2016? 9 A It appears so. 10 Q And you give a description of the 11 property to which you claim a loss, and that's 46 12 hive boxes? 13 A Yes. 14 Q And 2.3 million honeybees? 15 A That's conservative. That was just a 16 number that was thrown out to news media. 17 Q And 6,900 pounds of honey? 18 A That's an estimate, yes. 19 Q And earlier you testified that the 20 purpose of Flowertown was not to sell honey? 21 A Correct. 22 Q So why would you claim a loss of the 23 value of the honey? 24 A Because the honey still had that value. 25 Q Did you ever claim to -- excuse me. I
Page 83	Page 85
1 A That's correct. 2 Q Do you know what your initial capital 3 investment was in Flowertown? 4 A I do not. 5 Q And so do you know what portion of the 6 income reported on this form is attributable to 7 Flowertown? 8 A I do not. 9 Q How do you track any income or losses 10 from the Flowertown business? 11 A I kept receipts that we turned in to the 12 accountant for anything that we spent, most. I 13 obviously didn't keep everything, but a lot of it. 14 That's how we got the numbers. 15 Q Did you report any losses from Flowertown 16 on your 2016 income taxes? 17 A I'm sure we did. 18 Q Do you know how much those losses were? 19 A I don't. 20 Q Do you know what the losses were 21 attributable to? 22 A I don't. 23 Q If you don't mind, will you flip with me 24 to what is Bates stamped McGowan Subpoena 12? And 25 take a second to refresh your memory, but would	1 used the wrong term. Did you ever plan to harvest 2 any of the honey from the hives? 3 A Not in the near future, no. Maybe down 4 the line that was something that was another 5 possibility, but for the bees that I had at this 6 time, I wanted to use all of the honey for them to 7 get through winter, because there was a lot of 8 them. 9 Q And so the honey remained in the hives? 10 A It did. 11 Q What do the bees use the honey for? 12 A Food source. 13 Q And so during the winter, they have 14 something to eat, because they can't forage? 15 A They don't make honey for us. Bees don't 16 create honey for us. They work really, really hard 17 to gather their own food because they're all about 18 survival, and all of the honey that they gather, 19 all the pollen, all the nectar, it's not for us. 20 It's for them to be able to survive during winter, 21 during times when it's a low nectar flow, during 22 periods of time of hurricanes when they can't get 23 out and forage. That's their supply of food, not 24 ours. 25 Q And so the honey you valued -- the

Page 86	Page 88
1 6,900 pounds of honey on Line C you valued at 2 \$69,000? 3 A Yes. 4 Q How did you come up with that figure? 5 A Mitch got that figure online based on 6 what honey was selling for at the time. 7 Q And for Line B, which is the 2.3 million 8 honeybees, you value that at \$46,613? 9 A That was a guesstimate. 10 Q What did you do to come up with that 11 number? 12 A Mitch got that number. 13 Q And the 46 hive boxes on Line A you value 14 at \$9,200? 15 A It was more than that. That was very 16 conservative as well. It was just -- it was just a 17 guess to be -- to make sure that our taxes were 18 paid on anything that needed to be done to do 19 everything legal. 20 Q And how did you come up with the 9,200? 21 A Ask Mitch that question. 22 Q And you claimed a total loss of all three 23 of these items? 24 A Yes. 25 Q How long after the spraying incident did	1 Doug Miles? 2 A I did. 3 Q And did Mr. Miles pay to lease the bees 4 from you? 5 A He did not. 6 Q And what was the source of the bees that 7 you took to Mr. Miles's property? 8 A Can you be more specific? 9 Q From where did you get the hives of bees 10 that you took to Mr. Miles? 11 A From my apiary. 12 Q What is the maximum number of hives 13 you've ever had at your apiary? 14 A Total with what was at Doug's farm and at 15 the Summerville farm, probably around 200. 16 Q And when was that? When did you have the 17 200 hives? 18 A Late spring 2016. 19 Q And were these all 200 hives located at 20 your apiary at one time? 21 A No, not at the same time, no. They were 22 never all there at one time. 23 Q What is the max number of hives you've 24 ever had on your apiary at 503 Pinehurst Avenue at 25 one time?
Page 87	Page 89
1 it take you to replace your hives and bees? 2 A They've not been replaced. 3 Q Does Flowertown keep bees anywhere else 4 besides the 503 Pinehurst Avenue address? 5 A We had some bees at a farm in Ridgeville, 6 a pecan farm in Ridgeville. 7 Q Whose farm is that? 8 A Doug Miles, same one that owns the 9 property that we're -- that we have a lien contract 10 with. He has a farm there as well. 11 Q Why were your bees located at his farm? 12 A Food source. He asked for us to bring 13 some over because of his pecan trees, and he had 14 friends that were interested in leasing bees from 15 us in the spring, and he asked if we would bring 16 some over there, and I agreed to it because his 17 property meets up with the Audubon Society, so I 18 knew that that -- I can't say that I knew at this 19 point, because I thought I knew that my property 20 was safe for them, but I didn't think that they 21 would be at harm to be sprayed or bothered because 22 the field that we had them in was next to the 23 Audubon Society, and that's a protected area, and 24 so we had some hives on his property. 25 Q And you said this individual's name is	1 A Probably 80. 2 Q And when would you have had 80 hives? 3 A Early summer 2016. 4 Q And if you'll flip over three pages to 5 McGowan Subpoena 15. Does this form relate to 6 another loss that you claimed on your income tax 7 return from Flowertown? 8 A These were the ones that were -- they 9 weren't at the apiary in Summerville; these were 10 the ones in Ridgeville. 11 MR. MAYBANK: Is that Doug Miles's farm? 12 THE WITNESS: It is. 13 MR. MAYBANK: Okay. I was confused. 14 BY MR. WILLIAMS: 15 Q And on this form, which is McGowan 16 Subpoena 15, Line A, you state -- you describe the 17 property as 75 hive boxes at 503 Pinehurst Avenue, 18 Summerville, South Carolina, acquired 19 September 2016? 20 A No. They belonged to Flowertown Bees, 21 but they were actually set up in Ridgeville on that 22 farm, 75 hive boxes. 23 Q So the hive boxes were located at 24 Mr. Miles's farm in Ridgeville? 25 A In Ridgeville, right.

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1 Q And you claim the value of the 75 hive 2 boxes at \$15,000? 3 A I didn't claim the value of them. That 4 number -- I'm not sure where that number came from, 5 but I didn't put the value of that on there myself 6 personally. 7 Q You did not calculate the number? 8 A I did not. 9 Q But you agree that this is your income 10 tax return? 11 A I do. 12 Q So that you did claim the value on the 13 form as \$15,000? 14 A Yes. 15 Q And then on Line B, you describe the 16 property as 3 million honeybees at 503 Pinehurst 17 Avenue, Summerville, South Carolina, acquired 18 September 2016? 19 A We didn't -- we didn't acquire any bees 20 in September 2016. I don't know exactly what 21 that's referring to or why it's stated that way. 22 The 75 hives were in Ridgeville, but they 23 were property of Flowertown Bee Farm, and they were 24 drowned. It was post Hurricane Matthew in the 25 flooding stage. Doug didn't know that his property	1 Q And so after these two losses you claim 2 on your 2016 income taxes, Flowertown still does 3 not have any bees to this day? 4 A They do not. 5 Q Do you plan to restart the Flowertown 6 business? 7 A Yeah. We still have supplies for sale; 8 we just don't have the honeybees. But yes, that is 9 our goal. 10 Q And if you'll flip with me a few more 11 pages to McGowan Subpoena 25. 12 A I don't know what I'm looking for. 13 Q I'm sorry. It's just one more page. 14 A That one? 15 Q And so McGowan Subpoena 25 is Statement 16 No. 2 to Form 4684, Hurricane Matthew Flooding 17 October 2016, in which your income tax return 18 states, "Hurricane Matthew flooding killed 19 approximately 3 million honeybees in 76 hives on 20 our property at 503 Pinehurst Avenue, Summerville, 21 South Carolina, October 8th through 10th, 2016. 22 All 76 hives were contaminated with floodwater and 23 submerged during the flooding." 24 A Yeah. That's not correct. They were not 25 on the property at 503 Pinehurst. They were
Page 91	Page 93
1 even flooded like that and then -- because we went 2 over and we strapped down all the hives and 3 everything you would do to prepare for a hurricane, 4 and they made it through, and everything was fine. 5 We went back and did the checks and inspections, 6 and everything was good. 7 And then it was a few days later that we 8 get a call from Doug that says the farm is flooded, 9 so we went over, and we couldn't even get to the 10 gate. Like they closed roads for a few days before 11 we could even get in there to check, and then when 12 we did get in there, the water was still pretty 13 deep, but the hive boxes were just in the ditches, 14 in the tree lines, just all over the property. 15 They'd been flooded from the Edisto. 16 Q So you claim a total loss of all 75 hive 17 boxes and 3 million bees? 18 A Yeah. It was a total loss. 19 Q And the total value of the Hurricane 20 Matthew flooding loss was \$91,000? 21 A I don't know what that value was. 22 Q But you do agree that the number on your 23 income tax return for the total amount of the 24 Hurricane Matthew loss is \$91,000? 25 A Sure.	1 property belonging to that business there, but they 2 were in Ridgeville. 3 Q Do you think these losses as they're 4 stated on your income tax return are accurate? 5 A Of course I don't think that I filed 6 inaccurate information, to my knowledge. I don't 7 really know if that is the exact value. If 8 anything, it would be a conservative number. 9 (Defendant's Exhibit 12, 12/16 10 Handwritten Note (Yawn 33), was marked 11 for identification.) 12 BY MR. WILLIAMS: 13 Q You've just been handed what's been 14 marked as Exhibit 12. Do you recognize Exhibit 12? 15 A I do. 16 Q Describe for me Exhibit 12. 17 A It's pretty much self-explanatory. In 18 December 2016, I had a request for 17 full setups 19 as Christmas gifts that came through the business 20 phone at our residence, and that states what is 21 included in a full setup, which I already explained 22 that to you. 23 Q You wrote this note that is Exhibit 12? 24 A I did, yes. 25 Q Did you sell the 17 full setups as

Page 94 1 referenced in the note? 2 A No. 3 Q Why not? 4 A I did not have bees to sell. Those were 5 requests during the Christmas holiday last year. 6 Q Did you ever come to a determination of 7 how much you would have sold a full setup for as 8 requested? 9 A Mitch had a list, a price sheet that he 10 kept, but I don't know what that number is right 11 now. 12 Q Why would you have written the note and 13 taken the request if you had no intention of 14 selling the full setup? 15 A Because of the potential of sales during 16 December that I lost because of the aerial 17 spraying. 18 Q So you were just keeping a record of what 19 was requested, even though you had no intention of 20 actually making the sale? 21 A Exactly. I didn't have the bees to sell, 22 and I told the customers that. 23 Q So earlier you testified that Flowertown 24 has been making sales as like a bee broker, buying 25 them from a supply and then reselling them to other	Page 96 1 business even set up a beehive in the middle of 2 winter? 3 A I provide that for them. I do the setup. 4 Q Is it possible to set up a beehive in the 5 winter? 6 A In South Carolina, you can, yes. 7 Q And why is that? 8 A Because of temperatures. Bees are still 9 foraging right now. They're very active. 10 Q But why is it that you testified that you 11 don't know of any other bee supplier that would 12 have sold bees at this time of year in December? 13 Why would you have sold bees? 14 A Because this is how my business operation 15 was set up. This was my business plan. This is 16 how I wanted to do it to help other people become 17 beekeepers. 18 And like I had a lot of women that didn't 19 know what to get their husbands for Christmas. A 20 lot of these, that's what that was. They didn't 21 want to just get them a power tool or a new 22 electric razor or something; they wanted to do 23 something that they could feel good about. 24 And a lot of people entertained the idea 25 of having bees. It's something they want to do.
Page 95 1 people? 2 A That was for a limited time, spring of 3 2017, like February -- went like from February 4 through April. That was it. 5 Q Did you have any reason for not doing the 6 same kind of situation here, buying the bees and 7 then buying all the supplies and then making the 8 sale? 9 A The only way that I could sell a full 10 setup in December is if I had my own bees to do it. 11 I don't know any beekeeping operations that sell 12 their colonies during that time of year to be 13 brokered out. The way that it usually works is 14 they start their sales late in the year for the 15 following spring, and a lot of those are prepaid 16 orders, so they can prepare to know what their 17 potential sales will be in the spring. 18 Q So of these requested for Christmas 19 gifts, if you had the bees, would you have intended 20 to deliver the product -- 21 A Yeah. 22 Q -- including the bees, to the customer 23 before Christmas? 24 A I would. 25 Q How would someone getting into the bee	Page 97 1 They just don't know how to get into it, how much 2 space they need. 3 So once people knew that I had that 4 product available, they started contacting me to 5 purchase those items, and that totally is how I was 6 set up to do. My whole purpose was to -- 7 Excuse me. Let me get water. I'm out of 8 water. Now, what's the question? I'll get back on 9 it. 10 Q So you were describing how you would have 11 made the sale in December of 2016, but you didn't 12 have the bees to do so. 13 A Okay. Let me elaborate on that just a 14 little bit for you. So we will reference the bees 15 that we brokered in the spring for some customers. 16 It was a pickup point. There's a date that's 17 communicated between the one that's purchasing the 18 bees and the ones that's supplying the bees. 19 Because we're dealing with a live insect 20 here, it's not something that you can just like 21 close up, because they have to be fed and have to 22 maintain temperature and stuff. 23 So what happens then is you merely go and 24 you pick that up and you pay for it and you take 25 it -- I bring it back to my farm. The customer

Page 98 1 comes and picks it up, typically is how this is 2 done, and takes it out and does it. That's not how 3 my operation was. 4 We'll go back to the Mike Brown, the only 5 colony that I sold before the spraying. He -- Ace 6 Hardware in Charleston told him about us, and he 7 contacted us wanting bees. And I was skeptical, 8 because like I said, I really wasn't wanting to 9 sell any bees at that time, because I was wanting 10 every single bee I could get for reproduction, 11 because everything was geared up for the spring, 12 towards spring. But because of my passion for what 13 I do and it being part of my business is to provide 14 that service for other people, I did sell him a 15 colony. 16 It was a totally different situation than 17 what I told you about the packages. He did nothing 18 but give me -- hand the money over to me, or to 19 Mitch, for the product. I gathered his bees. I 20 closed them up the night before, made sure it had 21 everything that it needed. I did the 22 transportation to his home. I inspected his 23 property before I opened the bees. 24 Once I did feel like that he had 25 everything set the way he needed to set and we	Page 99 1 talked about what his goals were and what he wanted 2 to do and placement for the sun and all these 3 little things that it's kind of irrelevant to go 4 into right now, I opened the bee box. I had him 5 put on a bee suit, and I did too. 6 I opened it. We did an immediate 7 inspection together, me showing him -- I said, "Let 8 me tell you their story. Let me tell you about 9 these honey girls. This is my favorite queen. 10 She's beautiful. Look at her." Most queens are 11 shy. They'll run away and hide because that's the 12 one piece in the hive that does the reproduction, 13 so they kind of -- other bees guard her, and 14 they'll cover her up. This queen wasn't like that. 15 She was -- she was very proud and very healthy and 16 very beautiful, and it was easy for him, as a 17 beginning beekeeper, to see where his queen was at, 18 so when he did inspections, he could know. 19 I pointed out drones. I pointed out all 20 the pieces of the hive to him. I talked to him 21 about supplemental food sources. This went on for 22 a whole day for one little colony of bees. 23 And then two days later, he called me. 24 "They've already eat all the food that I put out 25 for them. What should I do?" We walked through	Page 100 1 every bit of it again. 2 Then he calls me again. "I saw -- I 3 checked my hive beetle trap, and there's two hive 4 beetles in it." And he was in a panic mode, and 5 I'm like, "I'll come over and look." 6 I've been to his residence probably half 7 a dozen times since I sold him them, walking him 8 through the process, encouraging him. He wants to 9 do it to sell honey. That's his goal is knowing 10 that the health benefits of honey, that's where he 11 wants to go with this. 12 I still today -- if he called me today 13 and said, "Something's going on with my hive, I 14 just don't feel right" -- at the end of the fall, 15 he called, and he was in a panic, and he's like, "I 16 don't know what's happening, but there's dead -- 17 there's some dead bees out here in front of my hive 18 box." And I said, "What do they look like?" 19 Because I'd showed him what a drone was. 20 Then I explained to him that -- how the 21 honey girls push the drones out when it's coming 22 into wintertime. They don't need them. They're 23 just in there eating up the food source, and they 24 can make more drones when they need them, so they 25 push them out, and they starve and they die, and	Page 101 1 it's just the nature of the hive. 2 So I educate and inform all along the 3 line of when I do this. So that is why in 4 December, I could easily -- if I had bees right 5 now, I could easily sell full setups to customers 6 for Christmas presents, because I do the work, and 7 I deliver it, and I don't leave there until I know 8 that they know what they're doing. 9 And then they have me as a mentor to 10 follow up with everything. I don't just say, 11 "Here's your bees. Go get it." It's not -- it's a 12 very hands-on, passionate service, because I 13 believe in these honey girls. I know that we need 14 them, and I know how important it is to try to save 15 them, and the best way I can do that is to 16 reproduce them and get other people to have them 17 and reproduce them. So it's not just a hand-off 18 service, and that's why I can do that in December. 19 Q So to your knowledge, does Mike Brown 20 still have the colony that you sold him? 21 A He does. 22 Q And just to be clear, you said you don't 23 remember how much you sold it to him for? 24 A I do not. Mitch may remember. I don't 25 know.

Page 102 1 Q And so what is your reasoning -- or what 2 is the reason why you do not have bees at this 3 point? 4 A Finances. All of my eggs were in one 5 basket, so to speak. 6 (Defendant's Exhibit 13, Handwritten 7 Note [Yawn 37], was marked for 8 identification.) 9 BY MR. WILLIAMS: 10 Q You've just been handed what's been 11 marked as Exhibit 13. Do you recognize Exhibit 13? 12 A I do. 13 Q Is this another note you wrote? 14 A It is. 15 Q What is the purpose of this note? 16 A Just for me to kind of keep track on what 17 potential I would have had had my bees not been 18 killed. 19 Q And so these are additional requests that 20 you received? 21 A It is. 22 Q Did you also plan to sell queen bees? 23 A I wanted -- my plan for the queens was to 24 just do splits. Mitch had had some requests for 25 people that wanted to buy queens, because sometimes	Page 104 1 documentation of if they survived or not, 2 basically. 3 Q And so when you refer to swarms in your 4 note, is that what you testified about earlier is 5 removing bees -- 6 A Right. 7 Q -- that are in someone's house? 8 A Some of them are at people's property, 9 some of them are just in trees in the neighborhood. 10 Like one of these I got over my pond that was out 11 on a limb, so it's just different locations. 12 Q So if a hive, or a swarm as you refer to 13 it in your note, was on a limb on a tree over your 14 pond, why would you remove it? 15 A Because I want to give it a home so it'll 16 stay and make more bees. You know, the survival 17 rate hanging out on a limb is not very good. 18 Q And so from this note, it looks like -- 19 well, let me ask it in another way. 20 How many swarms have you recovered? 21 A It would be just a guess, probably what's 22 on this page. 23 Q And looking at this note to refresh your 24 recollection, did you charge anything to recover 25 these swarms?
Page 103 1 when your queen gets damaged, people want to 2 replace them. Sometimes people replace them just 3 because they think that after a year or two, you 4 should replace the queen, when that's not the right 5 information. So there is a market for queens, but 6 for my purpose of it, I just wanted them for splits 7 for my own hives. 8 Q And for this note, did you have any idea 9 at the time you wrote the note what you would sell 10 any of these items for? 11 A Like I said, Mitch had a running list of 12 prices that he figured up. 13 (Defendant's Exhibit 14, 5/16/16 14 Handwritten Note [Yawn 41], was marked 15 for identification.) 16 BY MR. WILLIAMS: 17 Q You've just been handed what's been 18 marked as Exhibit 14. Do you recognize Exhibit 14? 19 A I do. 20 Q Exhibit 14 at the top says, "May 16th." 21 Can you give a year to that date? 22 A 2016. 23 Q So what was the purpose of this note? 24 A This was when I had gotten some swarms, 25 and I was just trying to have a little	Page 105 1 A The swarms, did I charge to recover 2 swarms? 3 Q Uh-huh. 4 A No. 5 Q Do you remember where you recovered these 6 swarms from? 7 A Different locations. One was at a 8 construction site downtown Charleston on the roof, 9 one was in the eave of a person's house, one was 10 inside of a wall of a bedroom, several were in 11 trees or on the grass. I got a couple that were 12 just on the ground. Because the swarm's going to 13 go wherever the queen's at. They smell her 14 pheromone, and they go to her. So different 15 locations. 16 Q And you took all of these swarms to your 17 apiary? 18 A Not to my apiary, to the property, but I 19 had them -- I didn't take them into the apiary. I 20 had them quarantined so that I could watch them and 21 see how they would do. And then four of them 22 throughout this process -- it wasn't like all at 23 once, but four of them went to my daughter's farm 24 in Cottageville. 25 Q And do you remember how many of these

Page 106 1 swarms as referenced on Exhibit 14 that actually 2 made it into your apiary that you kept? 3 A I do not remember. 4 A swarm usually is nothing much more than 5 a package of bees. It's a queen and some worker 6 bees and maybe a few drones, but it's split from 7 the original colony, so it's not like it's a 8 thriving hive. This is something that has to build 9 up over time and get more numbers to have a better 10 chance of being a thriving colony. So I just 11 didn't want you to be thinking that a swarm of bees 12 is the same as a colony of bees because it's 13 different. 14 (Defendant's Exhibit 15, 7/25/16 15 Handwritten Note [Yawn 43], was marked 16 for identification.) 17 BY MR. WILLIAMS: 18 Q You've just been handed what's been 19 marked as Exhibit 15. Do you recognize Exhibit 15? 20 A I do. 21 Q What is Exhibit 15? 22 A That was a note after -- that I did after 23 inspections. Sometimes I would do that when I 24 would come in at the end of the day to be planning 25 for the next day, just notes for myself.	Page 108 1 BY MR. WILLIAMS: 2 Q So at the bottom of the note, you have a 3 star, and it says, "Deliver supplies to True Value 4 and collect" -- 5 A Money. 6 Q -- "money." 7 A Yeah. There were some items that they 8 couldn't get that we could get easier for them, was 9 primarily hive beetle traps called beetle blasters, 10 and for some reason, it was just easier for them to 11 get them from us. I was trying to think if we sold 12 them anything else, but it was mostly just beetle 13 blasters. 14 Q And so you were selling supplies to True 15 Value? 16 A Yeah. 17 Q And they were paying you for those 18 supplies? 19 A Yes. 20 Q Were you making a profit on those sales? 21 A A little bit. 22 Q Did you report that income on your 2016 23 income taxes? 24 A Yeah. It was all included. I mean, 25 we're talking beetle trap sales for about \$2, and
Page 107 1 Q So the reference to Hives 30 through 39 2 on the note, what is that referencing? 3 A The boxes, in sequence, in numerical 4 order, the boxes of bees, the colonies. That was 5 the inspections I did on that day. So probably my 6 sons helped me with that day, because it looks like 7 we did nine on that day. It was probably not as 8 hot of a day. I don't have the weather right now 9 how it was on that day, but looking at my note, 10 that's what I would say it was. 11 Q So the Hives 30 through 39 is not a 12 reference to how many hives in total Flowertown 13 possessed? 14 A No. That was just the ones that had -- 15 were inspected on July 25th in the apiary. 16 Q In July, when -- you made this note on 17 July 25th, 2016. Is that correct? 18 A Correct. 19 Q When you made this note on July 25th, 20 2016, how many hives did Flowertown have? 21 A In that apiary there, probably 46 to 50, 22 somewhere in that range. 23 MR. MAYBANK: And you're talking about 24 the Summerville location. Is that right? 25 THE WITNESS: I am, yeah.	Page 109 1 they probably -- in total, I doubt that we had 2 taken them 30 beetle traps, so the markup on that 3 for us was very minimal. 4 Again, it was just something that they 5 requested and something that Mitch would just drop 6 it off when he was at work in town there to help 7 other beekeepers get supplies that they needed. It 8 was like a community courtesy thing. It was 9 certainly not anything you could feed your family 10 on. 11 (Defendant's Exhibit 16, 8/15/16 12 Handwritten Note [Yawn 44], was marked 13 for identification.) 14 BY MR. WILLIAMS: 15 Q You've just been handed what's been 16 marked as Exhibit 16. For the record, it's Bates 17 stamped Yawn 44. Do you recognize Exhibit 16? 18 A I do. 19 Q Would the 15 August date at the top refer 20 to 15 August 2016? 21 A Yes. 22 Q And was the purpose of this note, 23 Exhibit 16 note, another inspection note that you 24 made? 25 A That is correct.

Page 110 1 Q From looking at this note, what do you 2 remember about the August 15 inspection? 3 A The obvious, it was so hot that when I 4 was trying to do these inspections, they were very 5 minimal. I couldn't really look for the queen. I 6 couldn't really look for the nectar flow, what was 7 going on in it, because as soon as you take the top 8 off of the hive box, the temperature changes 9 inside. 10 They want it at about 92 to 96 degrees in 11 there. That's the best temperature to preserve 12 their food sources, but more importantly, for their 13 babies to grow in, and as soon as you remove that 14 top, the heat from outside changes that internal 15 temperature. 16 And on this day, when I would try to pull 17 a frame out to look on both sides of it, the heat 18 was just literally melting the comb inside, which 19 is wax, and everything that was in it, if it was 20 the eggs or if it was honey or whatever, would just 21 start collapsing onto the rest of the bees and 22 stuff, and I would just have to close it up, so it 23 was very frustrating to me on this day. That's 24 what I can remember when I made this note. 25 The bees were a little more aggressive	Page 112 1 Q Is there any temperature at which it just 2 gets simply too hot outside for the hive to 3 survive? 4 A For it to survive? 5 Q Yes. 6 A No, because the bees will do whatever 7 they've got to do. If it's push other bees out or 8 whatever they're going to do, they'll do it to 9 survive. 10 Q So there's no outside temperature that it 11 gets to that the colony would simply die? 12 A I guess it could happen. That's 13 speculation. I don't know. I think that would 14 happen for any living being, wouldn't you think, 15 that at some point it would get so hot that it 16 could kill anything, so perhaps. 17 Q But you've never observed that? 18 A It's not happened to me. It's not 19 happened to me. 20 Q Not happened to you? 21 A Yeah. 22 Q And you've never heard of that happening? 23 A No. 24 (Defendant's Exhibit 17, Handwritten 25 Conference Notes [Yawn 48], were marked
Page 111 1 than usual. I was -- felt like I was dying of a 2 heat stroke in the bee suit, and yet I was getting 3 stung through it anyway. Even though I was wearing 4 it for protection, they were still stinging me, 5 which typically they would rather not sting you. 6 They're pretty docile. 7 And I was frustrated because bearding -- 8 let's speak about bearding. I see a note for heavy 9 bearding on there. When it is so hot inside the 10 hive, all the bees won't go inside for shelter like 11 they normally would, because they do whatever it 12 takes to maintain that temperature inside the hive, 13 so they come out and literally hang on the outside 14 of the box, and they'll like -- looks like they're 15 holding hands, and it'll just fall down, and it 16 looks like a beard, like a big, full beard on a 17 man. And in the bee world, we call it bearding, 18 and it's a way that they try to maintain the 19 temperature inside the hive. 20 And my bees were bearding so heavily that 21 I would -- I was afraid they would swarm because of 22 overcrowding. I needed to do the splits, but I 23 couldn't, because it was too hot, and it was doing 24 damage to the frames to pull them out to move them. 25 So yeah, this was a hard day for me.	Page 113 1 for identification.) 2 BY MR. WILLIAMS: 3 Q You've just been handed what's been 4 marked as Exhibit 17. Do you recognize Exhibit 17? 5 A I do. 6 Q For the record, Exhibit 17 is Bates 7 stamped Yawn 48. 8 Do you remember when you wrote -- or let 9 me ask you this first: Did you write Exhibit 17? 10 A I did. 11 Q Do you remember when? 12 A Yeah. This was during the South Carolina 13 state conference that was held in Charleston. 14 Q When was that? 15 A I don't have that date. 16 Q You don't have to give an approximate 17 date. Was it 2017? 2016? 18 A '16, yeah. This was -- all of this was 19 2016, prior to the bees being killed. 20 Q So this was before the spraying incident? 21 A Yes. This was just notes that I was 22 jotting down while I was at the conference. 23 Q So if you look down, you'll see, "Website 24 Freebees - mite control"? 25 A Right.

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1 Q Why did you make that note? 2 A It was something that I had not heard of, 3 and it was up on the big board, and I was just 4 taking notes for different things to do research 5 and look for. There was nothing significant about 6 it. It was just a Website they were talking about, 7 the guest speaker was speaking of, that I'd never 8 heard of it. 9 Q And did you have any mite issues with 10 your bees? 11 A No. 12 (Defendant's Exhibit 18, Handwritten 13 List of Supplies [Yawn 51-54], was marked 14 for identification.) 15 BY MR. WILLIAMS: 16 Q You've just been handed what's been 17 marked as Exhibit 18. For the record, Exhibit 18 18 is Bates stamped Yawn 51, 52, 53, 54. Did you 19 write Exhibit 18? 20 A I did. 21 Q Do you remember Exhibit 18? 22 A I do. 23 Q Can you describe what Exhibit 18 is? 24 A This was some listing that I did when 25 Mitch and I were talking about supplies to order to	1 Q You've just been handed what's been 2 marked as Exhibit 19. For the record, Exhibit 19 3 is Bates stamped Flowertown FB 3. Do you recognize 4 Exhibit 19? 5 A I do. 6 Q What is Exhibit 19? 7 A This was in Cottageville, spring 2017. 8 It was something that was new to that area. They 9 were setting up like a little small farm swap, I 10 guess you could call it, and I took some of our 11 supplies that we had for sale. This is during the 12 time when we were brokering the bees for customers, 13 and so I pretty much did this to let people know 14 that we were still -- that we still could get bees 15 for them and that we had supplies as well. 16 Q And so you were selling bees at this 17 Cottageville farmers market? Is that fair? 18 A It was a small farm swap, and no, there 19 was no live bees for sale there. We were taking 20 orders for the broker that I told you to get bees. 21 They could come and prepay there that day and pick 22 their delivery date, because we had like three or 23 four different dates that we did the delivery for 24 them, and they could choose what worked best for 25 them. And that was a good time that they could buy
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1 have on hand to sell in our store, and he was 2 looking -- I think he was on his computer online on 3 one of the -- with one of the companies that we had 4 a wholesale account with getting some prices. We 5 were doing price comparisons to prepare to place an 6 order for supplies. 7 Q Do you remember the approximate date 8 which you wrote Exhibit 18? 9 A No, I don't. 10 Q Was it before the spraying incident? 11 A Yes. 12 Q So you didn't create Exhibit 18 as a 13 result of the spraying incident? 14 A No, no. I was just doing price 15 comparisons to prepare to place an order for 16 supplies. 17 Q So Exhibit 18 is a list of things you 18 prepared to purchase? 19 A Right. 20 Q Did you, in fact, purchase them? 21 A Some of them. 22 (Defendant's Exhibit 19, Facebook 23 Post Printout [Flowertown FB 3], was 24 marked for identification.) 25 BY MR. WILLIAMS:	1 any supplies that they needed to either purchase 2 because they needed it or replace because of 3 worn-out gloves that gets holes in them or 4 whatever. That's what that was. 5 Q And so Exhibit 19 is a Facebook post from 6 your Facebook? 7 A Sure, yes. 8 Q And you posted this? 9 A Probably, yes. 10 Q Do you remember how many sales you made 11 during this farm swap? 12 A We sold a couple of signs, the no spray 13 signs, and I gave away some hats, and I think we 14 sold a couple pair of gloves, maybe. It was 15 very -- it was a very minimal amount. 16 But we spent pretty much the whole day, 17 people just picking our brains about honeybees, 18 what about this and what about that and just 19 educating. It was more of an educational forum for 20 us, for the public. 21 (Defendant's Exhibit 20, Facebook 22 Post Printout [Flowertown FB 8], was 23 marked for identification.) 24 BY MR. WILLIAMS: 25 Q You've just been handed what's been

Page 118 1 marked as Exhibit 20. For the record, Exhibit 20 2 is Bates stamped Flowertown FB 8. Do you recognize 3 Exhibit 20? 4 A I do. 5 Q What is Exhibit 20? 6 A It was the -- what we posted for the 7 packages in spring 2017. 8 Q And so Exhibit 20 is a Facebook post by 9 Mitch Yawn? 10 A Yes. 11 Q And you'll see at the top, it says, 12 "March 6th at 8:07 p.m." Would that be March 6th, 13 2017? 14 A Yes. 15 Q And so the post says, "Flowertown Bee 16 Farm and Supplies has three-pound bee packages with 17 young mated queen available for pickup here in 18 Summerville on March 14th, 2017, sold out," and it 19 has several other dates? 20 A Right. 21 Q How many bees would be in a three-pound 22 bee package? 23 A Probably about 10- or 15,000. 24 Q And so you are selling the bees, it says 25 cost is \$125 per package?	Page 120 1 about five to six weeks, and then winter bees are 2 like three to four months. 3 Q And what would someone purchasing a 4 package of bees do with it? 5 A They would set up a hive box, and I 6 recommend to them to have supplemental food sources 7 and do reproduction. 8 Q And so the package of 10,000 bees would 9 eventually turn into -- if properly cared for, 10 would eventually turn into like a whole colony? 11 A Oh, yeah, absolutely, pretty quickly, 12 when you consider that a queen can lay 2- to 3,000 13 eggs a day. 14 Q I don't know if we covered this. How 15 long does it take for an average bee between being 16 a laid egg to being a hatched bee? How long does 17 that take? 18 A Probably about two weeks. 19 (Defendant's Exhibit 21, Plaintiffs' 20 Answers to Allen Aviation and All Allen's 21 First Interrogatories, was marked for 22 identification.) 23 BY MR. WILLIAMS: 24 Q You've just been handed what's been 25 marked as Exhibit 21. Exhibit 21 are Plaintiffs'
Page 119 1 A Right. 2 Q And so what would you -- you said 10- to 3 15,000 bees per package? 4 A Yeah, something like that. That's a 5 close guess. 6 Q \$125 per package? 7 A Right. That's this many bees, literally, 8 what you can put in your hands like that, comes in 9 a little wooden box about this long. You probably 10 have pictures of that too. But that don't include 11 anything except that little handful of bees for 12 that price. 13 Q So you're selling \$125 per package. Have 14 you calculated how much that would cost per bee? 15 A I have not. 16 Q So doing the math, just tell me if you 17 agree with me. We'll pick 10,000 bees. 18 A Okay. 19 Q We'll go with the low end. Would that be 20 about a penny a bee, if you divide \$125 by 10,000? 21 A Okay. 22 Q I think you testified to this earlier. 23 What was the average life span of a honeybee? 24 A Depends on which bee it is. Queen, about 25 five years, worker bees, in the summer and spring,	Page 121 1 Answers to Allen Aviation and Al Allen's First 2 Interrogatories in this matter. Have you seen 3 Exhibit 21 before? 4 A Yes. 5 Q Did you review these interrogatories? 6 A I did. 7 Q If you'll look at Interrogatory No. 2 on 8 Page 5. Interrogatory No. 2 asks, "Set forth an 9 itemized statement of all damages claimed to have 10 been sustained by plaintiffs in this lawsuit and 11 identify all related documents." Your response is, 12 "Cost of setup loss: 46 hive boxes, \$9,200." 13 A That was Mitch's number that he said to 14 the press when it happened. Everybody wanted to 15 know numbers on everything, give me numbers, and he 16 did estimates on that. 17 Q Do you know how you came up with that 18 number? 19 A Mitch came up with that number. 20 Q And so it also says, "2.3 million 21 honeybees: \$46,613." Do you know how you came up 22 with that number? 23 A I do not. That was Mitch. 24 Q And then "6,900 pounds of honey: 25 \$69,000," how did you come up with that number?

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1 A Mitch. 2 Q And then, "Loss of value of bees, 3 2.3 million bees (\$3 a bee) equals \$6.9 million." 4 How did you come up with that number? 5 A Refer that to Mitch. 6 Q And so you didn't have any input in the 7 \$3 a bee calculation? 8 A I do agree with that, but that was a 9 number that he came up with. The reason that I 10 agree with that is because the potential that those 11 bees have to make money for us, the value of those 12 bees based on demand for bees versus availability. 13 And actually, for me personally, I think they're 14 worth more than that, but I think that's a fair 15 statement. 16 Q If each bee is worth \$3 a bee, why were 17 you selling bees at approximately a penny a bee 18 during the farm swap? 19 A Because of the potential these bees had 20 that were in my apiary. They were thriving 21 colonies of bees that were reproducing faster than 22 I could provide hive boxes to split them into. 23 When you have a package of bees, it is 24 really just like Step 1 out of the gate starting 25 with it. You don't know how they're going to	1 Q And Mr. Yawn is to my left? 2 A Yes. 3 Q Ms. Stanley, I want to go back and go 4 over a few things that you had testified to. 5 When did you move to South Carolina? 6 A Two years ago. 7 Q And that would be what, in 2015? 8 A I think so, yes. 9 Q What brought you to South Carolina? 10 A The ocean. 11 Q Had you ever been here before? 12 A Edisto. We often vacationed at Edisto. 13 Q And prior to that, you were in Kentucky. 14 I believe there was a Walmart W-2 form in your 15 discovery. 16 A Uh-huh. 17 Q How long had you been in Kentucky? 18 A I lived in Kentucky pretty much my whole 19 life, was born and raised there. 20 Q When you came here in 2015, did you come 21 here with a job? 22 A No. 23 Q Did your children come here with you as 24 well, or were they already here? 25 A They came later.
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1 perform. You don't know if they're even going to 2 survive, if they're even going to make it. There's 3 a lot of building and provisions that they have to 4 do inside the colony before they can even start 5 reproduction. 6 Q Do you know if Mitch Yawn consulted with 7 anyone to come up with these numbers? 8 A I do not know. 9 Q And I think you testified earlier that 10 you didn't personally come up with the \$100 per 11 pound of honey number? 12 A I did not. 13 Q That's all I have at this time. Thank 14 you. 15 MR. MAYBANK: Do y'all want to take a 16 quick break? 17 THE WITNESS: I do. 18 (A luncheon recess transpired.) 19 EXAMINATION 20 BY MR. MAYBANK: 21 Q Is it still Ms. Stanley? Is that right, 22 Stanley? 23 A I still go by Stanley, yes. 24 Q But you're married to Mitch Yawn? 25 A That's correct.	1 Q When you came here, where did you move 2 to? 3 A When I first came here, I stayed at 4 Moncks Corner with my daughter. She had a house 5 there. 6 Q Well, I thought you said they came after 7 you. 8 A My sons, the ones that are with me, the 9 ones that help me with the business. I thought 10 that's who you were talking about. So let's back 11 up. 12 Q All right. 13 A My daughter got here first. 14 Q Christy? 15 A Chasity. 16 Q Oh, I'm sorry, Chasity. Okay. Very 17 good. 18 A Yes. Her husband got a job with DuPont, 19 and so they lived in Moncks Corner while they were 20 looking for -- working with a Realtor, and then 21 they moved to Cottageville. They bought a farm 22 there. 23 Q How large is that farm? 24 A About seven acres. 25 Q And so once she moved here, then you came

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1 down?
2 A (Witness moves head up and down.)
3 Q Were you divorced at that time?
4 A I was.
5 Q You married -- you had been married in
6 the past to Mr. Herbert Fleming?
7 A Uh-huh.
8 Q And how long were you married to
9 Mr. Fleming?
10 A I don't know. He was killed in 2000.
11 Q And how did he die?
12 A Automobile accident.
13 Q Were you married to him at the time?
14 A No.
15 Q Did you or anybody bring any kind of
16 lawsuit on his behalf to recover damages for that?
17 A My daughter.
18 Q Your daughter, and that was Christy?
19 A Chasity.
20 Q I am so sorry, Chasity. I'm going to
21 rewrite the name.
22 A You can just put Chas -- that's what we
23 call her -- if you want.
24 Q Was Herbert Fleming Chasity's father?
25 A Yes.

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1 Q Is Herbert Fleming Cole's father?
2 A Yes.
3 Q Is Herbert Fleming Hawk Shepherd's
4 father?
5 A No.
6 Q Who is Hawk Shepherd's father?
7 A Chris Shepherd.
8 Q And were you married to Chris at all?
9 A I was.
10 Q And were you married to Chris before you
11 were married to Herbert?
12 A No.
13 Q So it went Herbert, then Chris, then
14 Mr. Yawn?
15 A Lloyd Stanley would be before Mitch Yawn.
16 Q And were you married to Mr. -- who were
17 you married to first, Mr. Fleming?
18 A Yes.
19 Q Y'all lived in Kentucky?
20 A Yes.
21 Q Then you were married to Chris Shepherd?
22 A Yes.
23 Q And y'all lived in Kentucky as well?
24 A Yes.
25 Q And then Lloyd Stanley?

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1 A Yes.
2 Q Kentucky as well?
3 A Yes.
4 Q In any of these three divorces, did you
5 ever go into a deposition room like this and be
6 deposed?
7 A No, not that I'm aware of.
8 Q Is this the first time you've ever had
9 your deposition taken?
10 A I think so, yes.
11 Q And I know that the rules -- they went
12 over the rules with you earlier. I want to just
13 clarify a couple of things. I can ask some poor
14 questions. If you don't understand the question,
15 ask me to repeat it.
16 A Okay.
17 Q If you answer it, can I assume you
18 understood the question as I asked it?
19 A Sure, yes.
20 Q And like always, if you need to take a
21 break, just let me know.
22 So going back to your time in Kentucky,
23 when you were married to Cole, Herbert, or --
24 A Who?
25 Q I'm sorry, Chris, Lloyd, or Herbert, at

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1 any of those times did you ever keep bees on your
2 property?
3 A My family did. I didn't keep them on my
4 property.
5 Q Sure. So Burnet Maybank's a cousin of
6 mine, lives down in Edisto. He's got a huge bee
7 operation. He's my family that I don't -- I don't
8 go out there and mess with the bees, except for the
9 honey harvest when he calls me.
10 Is it safe to say that you did not
11 actively engage in the bee operation process,
12 merely your family did?
13 A That is not correct. I also helped with
14 that.
15 Q Tell me what you did.
16 A I did the same kind of things that my son
17 does with me. I helped with inspections, I helped
18 spin the honey out for honey harvest for the
19 family, pretty much just the basic things like
20 that. It was not a business, and it was not
21 something that was on my own property, and it's not
22 something I did to make money at, but it is
23 something that I worked hands-on with.
24 Q And did you do that consistently
25 throughout all the years, say for ten years prior

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1 to moving to South Carolina? 2 A No consistency with it. It was just as 3 needed. When I was in the area, just like family 4 gatherings or vacations or whatever get-togethers 5 when I was on the property, I helped with it. 6 Q And where was this property located? 7 A In Kentucky. 8 Q Where in Kentucky? 9 A Some of it was in McRoberts, Kentucky. 10 Q Say that again. 11 A McRoberts. 12 Q How do you spell that? 13 A M-C-R-O-B-E-R-T-S. 14 Q And where is that in Kentucky? 15 A It's between Jenkins and Neon, Kentucky. 16 Q I need a bigger city. 17 A I don't have one for you. 18 Q Anything bigger? 19 A No. 20 MR. GOWDER: Southeastern Kentucky. 21 THE WITNESS: Yes. 22 BY MR. MAYBANK: 23 Q And what's the -- is McRoberts the town? 24 A It is. 25 Q Did you live in McRoberts?	1 rented -- we were buying a house in McRoberts, but 2 we rented an apartment so he didn't have to drive 3 as far. 4 Q When did you move away from McRoberts? 5 A Mid-'80s, probably. 6 Q Cole Fleming lives with you? 7 A He's there with me now. 8 Q And is that at the 503 Pinehurst Avenue? 9 A Yes. 10 Q How long has he been there? 11 A For about a year or so. 12 Q Now, does he have a job? 13 A Flowertown Bee Farm was his employment. 14 He has income from his father's death that's set up 15 in a structured settlement that he gets monthly. 16 Q Do you have any income from that death? 17 A No. 18 Q Does he pay you rent? 19 A No. 20 Q Does he pay any expenses? 21 A He does help with expenses. 22 Q Tell me what he pays. 23 A He pays the cellphone bill, sometimes he 24 pays the cable bill, he helps with food and 25 necessities like laundry detergent, things like
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1 A I did for a while, yes. 2 Q When did you live in McRoberts? 3 A From about -- in the early '80s. 4 Q Until when? Was that when you were 5 there? 6 A Just the early '80s. I don't know when I 7 moved from there. 8 Q Were you married to -- 9 A Herbert. 10 Q -- Herbert at the time? 11 And while you and Herbert were married, 12 did y'all always live in McRoberts? 13 A No. We lived in Virginia a little bit 14 because he worked there. We lived in a little town 15 called Hemphill, Kentucky. They were all like in 16 the vicinity. 17 Q I thought you said Virginia. 18 A We did live in Virginia for a brief 19 amount of time when he was working there. You 20 asked me if I always lived in McRoberts with 21 Herbert. 22 Q Yes, ma'am, yes, ma'am. 23 A There was a -- it was like for a year or 24 so that we lived in Virginia, because he was 25 working there and having to drive so far, so we	1 that. 2 Q Where y'all live, do y'all own that land? 3 A It's a land contract. 4 Q What does that mean? 5 A That means like rent to own that's set up 6 through an attorney with legal agreements. 7 Q Which attorney? 8 A Which attorney? 9 Q Yes, ma'am. 10 A I do not know. 11 Q Did you set up the lease? 12 A I did not. 13 Q And what is your understanding of the 14 lease to own or rent to own? 15 A I don't have an understanding of it. I'm 16 not interested in -- I don't ask questions like 17 that. I don't -- that's between Mitch and Doug. 18 Q But let me -- I just want to make sure. 19 You're Mitch's wife, right? 20 A I am. 21 Q And is it your testimony that you don't 22 have an interest to know knowledge about the place 23 you're living? 24 A That is correct. 25 Q Does Mitch have a daughter?

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1 A He does.
2 Q What is her name?
3 A Katherine.
4 Q And does she live there too?
5 A She does not.
6 Q Did she live there at the time that
7 you -- well, when did you meet Mitch?
8 A November, mid-November 2015.
9 Q And where did you meet him?
10 A Where did I meet him?
11 Q Yes, ma'am.
12 A On a dating site, OurTime.
13 Q Pardon me?
14 A OurTime.
15 Q OurTime?
16 A That's what it's called, yes.
17 Q And at the time, was Mitch living at the
18 503 Pinehurst Avenue?
19 A Yes.
20 Q And you were living with your daughter in
21 Cottageville?
22 A Moncks Corner.
23 Q And was anybody else living with Mitch on
24 the property at the time that you met him in 2015?
25 A He had a renter in the mother-in-law

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1 suite that's attached to the house.
2 Q And who was the renter?
3 A I don't even remember her name now.
4 Cheryl. I had to go back and think of a friend of
5 mine's name to remember her name.
6 Q At the time that you came on the
7 property -- did you come on the property in 2015?
8 A November 2015.
9 Q Did you visit Mitch out there on the
10 property?
11 A Yes, yes.
12 Q At that time, was there any active
13 beekeeping being performed on the property?
14 A No.
15 Q I believe you testified earlier that you
16 started in the spring of 2016. Is that correct?
17 A That is correct.
18 Q Was there any agricultural use of the
19 property by Mitch or Cheryl or anybody as of
20 January 2016?
21 A No, not that I'm aware of.
22 Q Did you move in with Mitch?
23 A I did.
24 Q When did you do that?
25 A Around Valentine's Day 2016.

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1 Q When is Valentine's Day?
2 A February 14th, 2016.
3 MR. GOWDER: I won't tell Amanda you
4 don't know that.
5 BY MR. MAYBANK:
6 Q February 14th, okay. From the time that
7 you moved to South Carolina until that Valentine's
8 Day when you moved onto the property, had you
9 engaged in any bee activity?
10 A On the property?
11 Q At any point before you moved onto the
12 property in February 14th of 2016, had you begun
13 engaging in building this bee business?
14 A No.
15 Q Tell me how, then, the concept of the bee
16 business was born.
17 A It was started on the front -- on the
18 back porch that I like to call the front porch.
19 Anyway, and Mitch was talking about how high taxes
20 were in Summerville and other ways to make income
21 for the property to help pay for taxes and things
22 like that.
23 And we talked about -- because I have a
24 lot of horse training background, we talked about
25 boarding horses, because there's a barn on the

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1 property. We talked about -- it was something to
2 do with the trees or something, seemed like. I
3 don't remember exactly what it was, but -- and we
4 talked about bees, because I also had the bee
5 knowledge and bee background. And that's how it
6 started. That's how the conversation started about
7 it.
8 Q Do you remember when? If you moved in on
9 February 14th, 2016, was that discussion before or
10 after that day?
11 A I don't know.
12 Q At that time when you moved to South
13 Carolina, what was your -- you were unemployed when
14 you moved here, correct?
15 A Correct.
16 Q When you moved here in 2015 up until the
17 time you first met Mitch in mid-November of 2015,
18 did you get a job?
19 A No.
20 Q How were you paying for things and
21 living?
22 A I had savings, and I was debt-free.
23 Q Do you own a car?
24 A Of course. I own two, actually.
25 Q And those are paid off?

Page 138 1 A Yes. I'm debt-free. I was debt-free 2 before the bee stuff, yes. 3 Q How much did you make at Walmart? 4 A I don't know. 5 Q What was your position at Walmart? 6 A Assistant manager. 7 Q And you were there for about five years? 8 A Something in that vicinity. I was at two 9 different stores. 10 Q I've got a 2014 W-2 from Walmart in 11 Bentonville, Arkansas, looks like 2014 wages, and I 12 show wages of \$20,558. 13 A Okay. 14 Q If you could please look at it. Do you 15 see that? 16 A Sure. 17 Q Would that be an accurate amount of your 18 income for that year? 19 A Of course not. It would be accurate. 20 That was the last year -- probably the last year 21 that I worked there, and it was only for a few 22 months for that year. 23 MR. MAYBANK: I think I've got a copy of 24 that. Was that in the -- may I please hold 25 the exhibits? Thank you. Was that in here?	Page 140 1 from Mr. Stanley? 2 A No. 3 Q Or Mr. Shepherd? 4 A No. 5 MR. MAYBANK: Why don't we mark that. 6 Can we make -- actually, can we make a quick 7 copy of it? 8 MR. WILLIAMS: Sure. 9 (Defendant's Exhibit 22, 2014 Tax 10 Return [Yawn 2-4 and 6-7], was marked for 11 identification.) 12 MR. MAYBANK: I guess I should have put 13 on the record I represent Dorchester County. 14 THE WITNESS: That's good to know. 15 BY MR. MAYBANK: 16 Q Let's go back to the question on the 17 formation of this company. Who came up with the 18 name? 19 A Mitch. 20 Q And do you know whether or not you or 21 Mitch consulted with an attorney when you formed 22 the corporation? 23 A I did not. 24 Q Let me ask this: When did y'all get 25 married?
Page 139 1 I just didn't want to mark another thing if 2 it's in there. Why don't we mark this as -- 3 what's the next exhibit? 4 THE REPORTER: 22. 5 MR. MAYBANK: That's 22. 6 BY MR. MAYBANK: 7 Q Looks like I have your 2014 tax returns. 8 Let me hand these to you, and tell me if this is a 9 complete set. It looks like it was signed by your 10 tax preparer in 2017 for your 2014 tax return. 11 Take a look at that and tell me if that's correct 12 and accurate. And those were produced by you and 13 your attorney through the discovery process. Is 14 that accurate? 15 A Yeah. 16 Q So let me ask you this: What did Chris 17 Shepherd do for a living? 18 A He was a journeyman lineman. 19 Q And how about Lloyd Stanley? 20 A A retired veteran. 21 Q Retired veteran? 22 A Yes. 23 Q You're talking about from the military? 24 A Yes. 25 Q Do you have any alimony or any payments	Page 141 1 A April 29th, 2016. I think that's when it 2 was. 3 Q Did y'all get married out on the 4 property? 5 A No, no. 6 Q By the time y'all got married -- let's 7 use April 29th -- had Flowertown Bee become an 8 entity? 9 A Yes. 10 Q Do you know how soon before your marriage 11 that the business was born? 12 A I do not. 13 Q By April 29th, were you actually out -- 14 were there beehives on the property? 15 A Yes. 16 Q Now, just so I understand, the hive is 17 the box? 18 A Right. 19 Q Is the colony the box as well? 20 A The colony are the living bees inside the 21 box. 22 Q The hive is the physical box? 23 A Right. 24 Q The colony is the bees? 25 A The bees.

Page 142 1 Q Did you at that time -- and I believe you 2 testified earlier there was no Flowertown Bee bank 3 account, was there? 4 A There was the start of one. 5 Q At the Navy Federal Credit? 6 A Right. 7 Q And what was the problem with it not 8 being able to become one? 9 A I defer that to Mitch. I didn't handle 10 any of that. I do not know. 11 Q So kind of walk me through, then, the 12 beginnings of growing this -- of creating this bee 13 business and how you grew it. 14 A The first bees that we -- we first picked 15 the spot that we would put the apiary on the 16 property and like mowed the grass and made sure 17 everything was good and saw the direction the sun 18 came in. 19 Then we -- my daughter sent me a link to 20 Sumter Bees out of -- it's up around Manning, 21 Sumter, that had bees for sale, so Mitch contacted 22 them, and those were the first bees that we 23 actually purchased out of pocket was from Sumter 24 Bees. 25 Q So let's start with that. Did you have	Page 144 1 Bates numbers. I'm looking at 140, 141, and 142. 2 So who is that, I'm sorry, in 140? Do you know who 3 that is? 4 A That's Cole. 5 Q Your son? 6 A My son. 7 Q And that's his pickup truck? 8 A That's mine. 9 Q That's your pickup truck, okay. 10 And there are multiple boxes, individual 11 boxes, in the back of the truck, right? 12 A Correct. 13 Q And I'm going to hand you 141. It shows 14 kind of the same picture, just more boxes are on 15 the ground? 16 A Yeah. 17 Q And then 143, it looks like those are 18 boxes as well, correct? 19 A Those are what? 20 Q The boxes, the beehive boxes? 21 A Yeah. These are full of bees, all of 22 these. 23 Q So my question is when you purchased from 24 Sumter Bees, did you purchase -- as we look at 140, 25 it looks like he's carrying a box of bees?
Page 143 1 the hives built by then? 2 A I don't understand the question. 3 Q Sure. When you contacted Sumter Bees, 4 did you buy boxes? Did you buy hives? Did you buy 5 bees? 6 A We bought colonies of already working 7 bees that came with boxes. We bought -- we bought 8 the full colony setup. 9 Q So I'm somewhat of a -- I'm not somewhat 10 of, I'm a total neophyte in this business, so let 11 me get a couple of pictures. Y'all have produced 12 some photographs and so -- 13 MR. GOWDER: Harrison's got copies right 14 there, Roy, if you want to use those. 15 MR. MAYBANK: Oh, yeah. Harrison, is 16 this a full extra copy? 17 MR. WILLIAMS: Yeah. 18 MR. MAYBANK: Oh, okay. Let's mark this. 19 Can we just mark this as the next exhibit, the 20 whole thing? 21 (Defendant's Exhibit 23, Color 22 Photographs [Yawn 58-236], were marked 23 for identification.) 24 BY MR. MAYBANK: 25 Q This is Exhibit 23. I'll refer to the	Page 145 1 A Correct. 2 Q Would you have received from Sumter Bees 3 a box just like that with the bees in it? 4 A Yes. 5 Q And how many did y'all purchase 6 originally? 7 A I don't have that number. Mitch handled 8 that. 9 Q Would he also have the receipts from the 10 purchases from those? 11 A I do not know. 12 I think you're seeing a pattern here. I 13 didn't do the financial piece of this; I did the 14 bees. 15 Q Got you. I just need to ask the 16 questions. 17 A Okay. Yeah. 18 Q And so did you put in any of your own 19 money? 20 A I did. 21 Q How much? 22 A I don't know. It's in the tax 23 information what I claimed for my part of it. 24 Q Is there a line item deduction -- 25 A I do not know.

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1 Q -- for the amount that you put in there?

2 A I do not know how she did it.

3 Q Is it your testimony, then -- is it your

4 testimony, then, in the tax returns, if I got an

5 accountant to look at them, that your -- what you

6 put into the business would be listed in your tax

7 returns?

8 A Yes.

9 Q And that's in 2016?

10 A Yes.

11 Q I sent a subpoena to Ms. McGowan, and she

12 sent me back these tax returns. Is it the

13 deduction that we talked about previously on

14 Page 12, Bates stamp 12, the 46 hive boxes at

15 \$9,200 and then the 2.3 million bees at \$46,000 and

16 then the honey at \$69,000?

17 A I don't -- I don't know how she did it.

18 I don't -- I don't know about how she prepares the

19 tax paperwork. I kept receipts for what I spent

20 and turned them in to her, and she did the

21 paperwork on it.

22 Q So she would have those expenses in her

23 file?

24 A I assume.

25 Q Did you keep copies of any of it?

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1 A I do have some at home. I don't know

2 what I've got, but there's a box with stuff in it

3 at home.

4 Q Have you produced that to your attorney?

5 A I have.

6 MR. MAYBANK: I haven't seen any

7 receipts.

8 MR. GOWDER: I think we produced

9 everything that you -- that they provided.

10 MR. MAYBANK: What I have -- just for the

11 record, what I have that I've got, y'all

12 provided tax returns, a lot of photographs,

13 and then some handwritten notes. Maybe these

14 are them. I'll ask her.

15 MR. GOWDER: I think that's what -- I

16 think that's what she's talking about.

17 BY MR. MAYBANK:

18 Q Tell me, when you began the process with

19 Sumter Bees, do you remember how many colony boxes

20 you originally purchased?

21 A I do not.

22 Q Was it more than one?

23 A Yes.

24 Q Do you know how much a colony box costs?

25 A I do not.

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1 Q Is that the same thing as a nook?

2 A Nuc. Sometimes. You can purchase a

3 package or a nuc or a whole colony.

4 Q So if I got a quote from a nuc -- for a

5 nuc with a queen, I guess honey already in it, and

6 fully loaded with bees, would that be what you

7 purchased?

8 A Some of that was. We did purchase some

9 nucs from Sumter Bees.

10 Q What's the difference, then? Help me put

11 this in my mind, the difference between a nook and

12 a colony.

13 A A nuc. It's a nuc.

14 Q A nuc.

15 A Yeah. With a package, you get a mated

16 queen and about three pounds of bees.

17 Q Hold on. I don't mean to interrupt you,

18 but you've now gone to package.

19 A I'm telling you the difference so you'll

20 know the sizes of bee purchasing increments.

21 Q So the lowest is the package?

22 A Right.

23 Q And what is that?

24 A What I just said. It is a mated queen

25 with three pounds -- basically approximately three

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1 pounds of bees. It's just a little starter

2 package.

3 If you buy a nuc, that's usually four

4 frames inside of that which contains a mated queen,

5 a comb, honey, pollen, the queen is already laying

6 eggs in it for reproduction, and a feeder inside of

7 it.

8 Q And the feeder is what you were saying

9 that you put in there in case they need more food?

10 A Yes.

11 Q And then is there a colony stage?

12 A And then there's a colony, which is ten

13 frames with everything the nuc's got in it, but

14 it's a ten-frame without a feeder because they

15 already have enough -- they're much more

16 established. They've been together longer, so they

17 already have their own food source in there. You

18 don't add a feeder to that.

19 Q So if I bought a colony, I could

20 literally put it on my property, and it's go time?

21 A You're ready to go.

22 Q You're ready to go.

23 A Which is what people have been requesting

24 around holidays.

25 Q Your hives that we looked at in those

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1 three photographs, would those be considered --
2 were those ten-frame boxes?
3 A No. The majority of those in those
4 pictures you just showed me were nucs.
5 Q Four-frame?
6 A Right.
7 Q You're educating. That's kind of what
8 you do. I'm learning today.
9 A That's good, yeah. My pleasure.
10 Q On the four-frame, how many of the 46 or
11 49 that you claimed were four-frame versus colony
12 ten-frame?
13 A There were no four-frames at that point.
14 There was nuc boxes being used for some of the hive
15 boxes, but they were stacked like four high, so at
16 that point, they had no feeders in them, so they
17 were then five-frames, because another frame of
18 bees took the place of the feeder. So it was 46
19 hives, and they were all thriving colonies.
20 Q But they were not ten-frame colonies,
21 were they?
22 A That's just -- that's just the way that
23 the frames are spread out. If you have four nuc
24 boxes stacked on top of each other, that's still
25 one colony of bees.

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1 Q Let me ask you this: If I look at 181,
2 and I see two boxes on that pallet --
3 A Those two on that pallet to the left are
4 nucs. The one to the table on the right is a
5 ten-frame deep.
6 Q How about on 184, all these white boxes,
7 are those nucs?
8 A Those are nucs.
9 Q In 185, are all those nucs?
10 A Those are all nucs.
11 Q Now, on 187, there's five it looks like
12 raised platforms with boxes on those. Are those
13 nucs or colonies?
14 A There's a few nucs on there. There's a
15 couple of nucs on this right side. The rest of
16 them are ten-frames. The ones to the left are
17 nucs.
18 Q So the new construction-looking boxes,
19 the fresh wood, so to speak --
20 A Right.
21 Q -- are those your ten-frames?
22 A Yes.
23 Q And then the white boxes are your nuc
24 boxes?
25 A Yeah, pretty much.

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1 Q At the time of this incident that we're
2 here about today, would this have been the -- would
3 this have been the group of bees that you would
4 have had on the property?
5 A That was a portion of them.
6 Q When were these photographs taken?
7 A I don't have the date.
8 Q So while you may have a combination of
9 nucs and colonies, together they all came to the
10 total of 46 colonies?
11 A I had no nucs. I had no four-frame nucs
12 of bees at the time of the spraying. They were all
13 thriving colonies that were in the apiary. That
14 was late summer, and they were ready to split into
15 more colonies.
16 Q Where were the nucs, then, that I see in
17 all these photographs that y'all produced? Where
18 did they go?
19 A Those -- most of those that you're seeing
20 at the beginning of that were at the farm in
21 Ridgeville at the time of the spraying.
22 Q So y'all moved the nucs to Ridgeville,
23 kept the colonies --
24 A Not just the nucs. This is -- these bees
25 move around a lot. I switched them out of nuc

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1 boxes into big boxes and added boxes to that and
2 supers to that and moved some to the farm, and as
3 they were doing at the farm, I'd move some back to
4 there. It wasn't like they were stationary.
5 Q But it's your testimony today that there
6 were no nucs at the time at the --
7 A There were no --
8 Q Hold on, at the Summerville property?
9 A Ask me that question again.
10 Q Sure. Is it your testimony that at the
11 time of the aerial spray, there were no nuc boxes
12 on the Summerville property?
13 A That is not correct.
14 Q What would be a correct statement, then?
15 A There were nuc boxes being used, because
16 the reproduction of bees was so massive that Mitch
17 and Cole could not keep up with the demand of
18 building the boxes to do splits in, so I would add
19 empty nuc boxes on top of other nuc boxes to extend
20 more space, because you can do that. You don't
21 have to do ten-frame or four-frame or five-frame.
22 You can do it how you want to.
23 But some of those were stacked four high
24 of nuc boxes, which was a thriving colony. It was
25 no longer a nuc. All of those frames had bees and

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1 pollen and honey and everything they needed. There
2 was no feeders in there. These are thriving
3 colonies. But because I didn't have enough boxes
4 to put them in, I used what I had for the
5 expansion.
6 Q And I'm going back to look at this. The
7 46 hive boxes that you're claiming and that you put
8 on your federal tax returns to the government, were
9 those 46 hive boxes a combination of both nucs and
10 colony boxes?
11 A No. Those were thriving colonies.
12 Q And so the semantics that we're kind of
13 dealing with, I guess, is you're saying multiple
14 nuc boxes become a colony?
15 A Yes.
16 Q So irrespective, 46 colony boxes that --
17 A 46 colonies.
18 Q Colonies, whether or not they were a part
19 of a multiunit nuc box?
20 A It's still one house.
21 Q Have you ever ordered any bees from I
22 think is it Valley Forge in Georgia?
23 A I'm not aware of the names of where Mitch
24 has gotten bees from. I have not personally
25 ordered them from there.

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1 Q Pigeon Mountain Bees, I'm sorry, Pigeon
2 Mountain.
3 A I have not.
4 Q Are you aware of Pigeon Mountain Bees?
5 A There's so many names of different bee
6 places. I don't know. I'm not sure.
7 Q On Yawn 36, I'm going to hand this to
8 you. It was in your records. And so I'm trying to
9 figure out what is that from?
10 A That was spring 2017.
11 Q Spring 2017, all right.
12 A When we -- do you want me to explain?
13 Q Sure, sure, please.
14 A When we were trying to broker for bees
15 for our customers, this is one of the places that
16 we contacted to see if they had bees for sale, and
17 they told us they were sold out, that their sales
18 this year were the biggest they'd ever been, that
19 they could have -- it was -- it was unlimited the
20 amount of bees they could have sold had they had
21 them; however, they sold out all that they had,
22 which was over 7,000 packages, and they had sold
23 150 nucs the week that I spoke with them, and they
24 did not have any bees for sale to us.
25 MR. MAYBANK: We'll mark that as the next

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1 exhibit. I'm just going to -- we can mark
2 this and then make a copy of it.
3 (Defendant's Exhibit 24, Handwritten
4 Note [Yawn 36], was marked for
5 identification.)
6 BY MR. MAYBANK:
7 Q Did you get a price from them on the cost
8 of the packages or the nocks?
9 A Nucs.
10 Q Nucs.
11 A I'm not even sure who spoke with them, if
12 it was Mitch or myself, because we were both making
13 phone calls, so I don't know.
14 Q Since you're in the broker business, what
15 does a nock currently go for?
16 A You're still not saying it right. It's
17 making me crazy. Nuc.
18 Q What does a nuc currently go for?
19 A I think, the best I can remember, and
20 like I said, that's Mitch's area of this, but it
21 was about \$250 for a nuc.
22 MR. GOWDER: Roy, hold on. What is the
23 number, Bates number on that one?
24 MR. MAYBANK: Y'all's Bates number is
25 Yawn 36.

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1 MR. GOWDER: 36. Thank you.
2 BY MR. MAYBANK:
3 Q I'm sorry. \$250 for a nuc?
4 A I believe. That's a guess.
5 Q Is it fair to say that two nucs make a
6 colony?
7 A No. That is very incorrect. You're
8 going to have a sudden death if you do that.
9 Q See, what I'm trying to figure out is if
10 I were to buy a colony like y'all did from Sumter
11 Bee, how many slats does that equate to when you
12 bought yours?
13 A Slat's?
14 Q Yeah.
15 A I don't understand.
16 MR. YAWN: Frames.
17 MR. MAYBANK: Frames, thank you, frames.
18 BY MR. MAYBANK:
19 Q How many frames is that?
20 A Okay. We'll go right back. I've already
21 answered this question, but I'll do it again.
22 Q You testified ten frames are in a colony,
23 right?
24 A No. That's in a box. That's in a deep
25 or the super. It doesn't matter. The width is the

Page 158 1 size of it. It holds ten frames. Whether it's 2 that tall or that tall, it only holds ten frames 3 for a deep or a super. A nuc box holds either four 4 frames and a feeder or five frames. 5 Q So we could call Sumter Bee and order the 6 same colony that you did, and if it's \$250 for a 7 nuc, it would be, what, \$500 for a colony? 8 A I do not know. 9 You know, here's the thing with bees, 10 too, that a lot of people don't understand. You 11 can have all kinds of gas, gasoline at the gas 12 pumps, but you let a hurricane come through or a 13 natural disaster or something go wrong, what 14 happens? The price of gas shoots up. 15 There is more demand than there is -- 16 than there's bees out there for, so the value of 17 bees, the more bees we kill, the more the value of 18 those bees goes up. 19 What you're going to price today for a 20 package, a nuc, or a colony of bees could be 21 drastically different tomorrow. It's kind of like 22 the stock market. 23 So I can't sit here and tell you this is 24 a solid number for a package, a nuc, or a colony of 25 what I had. For today, I can tell you what I	Page 160 1 nature. I saw a video the other day of a colony 2 that had two queens, and they were both laying, and 3 it was bizarre to me. I've never seen that in my 4 lifetime, but I guess it could happen. 5 But in general, you only have one queen 6 in a colony. It does not matter how many thousands 7 and thousands of bees you have in that colony, that 8 queen is not responsible for caring for them. All 9 she does is eat and lay eggs, but she don't want to 10 have that space with another queen. 11 So if you're going to put two nucs in to 12 make a colony, you can't buy two nucs, and here we 13 go, now I got me a thriving colony, because you're 14 throwing two queens in there and two different sets 15 of worker bees, and it's just going to cause chaos, 16 and one of the queens will die. 17 Q I'm there with you, and that was my -- it 18 was, once again, a poorly-worded question. In 19 other words, I could take two five-frame nucs, 20 similar to what y'all did, and stack them on top of 21 one another, not incorporate them together, but 22 stack them on top of one another, right? 23 A You can stack colonies on top of each 24 other, yes. 25 Q And so you've got 46 colonies that you
Page 159 1 paid -- what Mitch paid in the spring, and I don't 2 know what it's going to cost next year. It may be 3 quadruple that price. 4 Q So I called Pigeon Mountain today, and 5 they've got a nuc, five-frame nuc, honey, larvae, 6 the whole nine yards, for \$222. 7 A Okay. 8 Q Kind of in the ballpark of what you 9 testified to. 10 A Exactly. 11 Q So if a colony, which I thought you 12 testified it was ten frames, if I get two nucs at 13 five frames each, I've got a -- and I ordered those 14 today, I could put those right out on my property 15 tomorrow, right? 16 A That is incorrect. 17 Q Tell me where I'm misunderstanding this. 18 A You cannot take two nucs and form a 19 colony with that. That is -- a nuc is a small 20 colony. It's a beginning small colony. It's more 21 advanced than a package. It's not as advanced as a 22 thriving colony. It houses a queen. 23 You can only have -- I guess there's some 24 things out there I don't want to use the words 25 never or only, because things happen funny in	Page 161 1 claim that you lost due to the aerial spray? 2 A Correct. 3 Q And you testified that a colony was I 4 think a ten-rack when you buy it from Sumter Bees. 5 And so if I double the nuc size, and I say 100 6 nucs, 100 nuc boxes, right, at \$222 comes out to 7 about \$22,000, all right. But I'm ready to roll 8 now, right? I mean, I've got bees, I've got a 9 queen, I've got honey, I've got larvae, and I can 10 start my business tomorrow if I ordered, say, 100 11 nucs from Pigeon Mountain Bees. Is that right? 12 A What did you say, was that a true 13 statement? 14 Q Yes, ma'am. 15 A No. 16 Q I'm just confused because y'all said 17 y'all ordered a colony, and y'all were off and 18 running. 19 A No, we didn't say that. We didn't -- I 20 never said that I ordered a colony and I was off 21 and running. 22 Q I apologize. I misunderstood. I thought 23 you said once you order a colony, it's all 24 inclusive, and it's ready to go. 25 A I said a complete setup, you're ready to

Page 162 1 go. A thriving colony is good to go, but if it's a 2 good, strong, thriving colony, and that queen is 3 laying 2- to 3,000 eggs per day, how fast is that 4 going to expand? Those bees are hatching off. On 5 average, every two weeks you're having a batch of 6 bees come off, and then the next day you're having 7 a batch, because she's laying every day, so you've 8 got that cycle going around. So those numbers 9 reproduce drastically and quickly if your bees are 10 in a healthy environment like mine were in. 11 Q So with that environment in mind, and you 12 ordered overnight 100 nucs -- 13 A Nucs. Think of a nucleus. That'll help 14 you. 15 Q So if I put 100 nucs on your property 16 tomorrow with the setup that y'all have, the 17 equipment that you have, and the knowledge that you 18 have, would you be back up in the bee business? 19 A I would be in the bee business, I would 20 have bees again, but I wouldn't be to where I was 21 at. 22 Q And what's the difference between where 23 you were at and the nucs as they arrive? 24 A I knew my colonies. 25 Q Pardon me?	Page 164 1 and be back where I was at on August 28th. 2 Q Who is this in Yawn 206? 3 A That's Mr. Mike Brown. 4 Q And in 207, 208, 209, looks like he's 5 got -- in 212, looks like there's a four-frame and 6 maybe an eight- or ten-frame. Is that right? 7 A Yeah. 8 Q So did you deliver the four-frame, and 9 y'all were moving the bees from the four-frame to 10 the big box? 11 A That's correct. 12 Q And the four-frame is the four-frame nuc, 13 and the big box would be your ten-frame colony? 14 A Correct. 15 Q And was there anything more that 16 Mr. Brown was going to need to do to get these bees 17 to do whatever it was he wanted them to do? 18 A Oh, yeah. He still don't have them 19 there. 20 Q What does that mean? 21 A He still don't have them to the potential 22 he needs to get them to to produce honey for him to 23 sell to his friends. He told me he gathered -- he 24 harvested some honey I think one time just for 25 hisself, and I don't think he's had any since then,
Page 163 1 A I said I knew my colonies. I knew my 2 honey girls. I knew what they were capable of, how 3 they were working, how each -- like some of those 4 colonies, the queens laid a lot faster than other 5 ones, some of them had a lot more -- preferred to 6 store more honey, some more pollen, some were more 7 aggressive. I knew what I was dealing with. I 8 knew what I was working with. I was familiar with 9 my colonies of bees, so I knew what they were 10 capable of. 11 And if you go out and you get me -- I 12 don't care if you get me 100 ten-frame boxes of 13 bees or 100 colonies of bees, it's a beginning 14 point. I have to learn those bees. They have to 15 learn the terrain. They have to find where they're 16 going to forage. They've got to learn to coexist 17 together, and just like people, they don't always 18 want to coexist together. 19 So it's a beginning. It is another 20 beginning that I had already did all the work for 21 to get to the end of the season, because I was 22 getting ready to go into wintertime, and then all 23 of my -- all of my hard work would pay off in the 24 spring, which is how it is in the bee world. So I 25 couldn't start with a hundred boxes of bees today	Page 165 1 and he's had those for a year. 2 Q So let's go back to the business. Y'all 3 bought some number of bees from Sumter Bee Company? 4 A Correct. 5 Q You don't know how many? 6 A I don't know how many. 7 Q Were you there when they arrived? 8 A They came in different stages, yes. 9 Q Do you know if it was one order or 10 multiple orders? 11 A Multiple orders. 12 Q And over what period of time did they 13 come? 14 A Months. 15 Q You testified there were 75 on one 16 property and 46 on another, so did y'all buy all 17 100 from Sumter? 18 A I don't have the number we bought from 19 Sumter. 20 Q Did you buy them from anywhere else? 21 A I do not know. 22 Q Would that be a Mitch question? 23 A That would be a Mitch question. 24 Q I always ask people this. I'm curious to 25 know, why have you decided or why are you suing

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1 Dorchester County?

2 A Because David Chinnis told me that

3 Dorchester County is the one that signed off for

4 the aerial spraying.

5 Q Do you believe that the aerial spray was

6 against the law?

7 A I did not say that.

8 Q So I don't understand, then. What do you

9 mean they signed -- so they signed off on a piece

10 of paper. What does that matter?

11 A They were the ones that gave permission

12 to somebody to spray my property with poison that

13 killed my apiary.

14 Q Do you know whether or not at the time of

15 the spray they were actually spraying over your

16 property?

17 A What's the question again?

18 Q Do you know whether or not at the time

19 they were flying over your property they were

20 actually spraying your property?

21 A I was not outside looking at it when

22 they -- when they did it, the firemen were, so I

23 don't have that answer.

24 What David Chinnis told me is that that

25 was the first time that they had done an aerial

Page 167

1 spray in Dorchester County, and when I asked him

2 why they did that, he said because that's what

3 Berkeley County had been doing.

4 Q Are you aware of any type of disease or

5 outbreak that was going on in Dorchester at the

6 time?

7 A My knowledge of that also came from David

8 Chinnis. When I asked him -- with us being on the

9 map and knowing -- and the county knowing that we

10 were there and where we were at, why did the plane

11 fly over my apiary? Why did it cover my property?

12 And he said to me in my living room, "I cannot give

13 you names, and I cannot give you an address, but

14 there's been three or four" -- I don't know the

15 number -- "reported cases of the Zika virus that

16 was contracted out of country, and those cases are

17 in this vicinity," is how he said it to me. That

18 was his justification of why they did the massive

19 spray on my property, because it was in the

20 vicinity. That came from David Chinnis.

21 Q You keep saying the massive spray on your

22 property, but you testified you didn't see it?

23 A I did not see it, but I have witnesses

24 that did.

25 Q Would you agree with me that Zika is a

Page 168

1 dangerous disease?

2 A I do not have a lot of knowledge of Zika.

3 Q So you would defer, then, to those with

4 that knowledge on how to best attack it or deal

5 with it?

6 A Sure.

7 Q Are you familiar -- as you have testified

8 that you are a former horse person, are you

9 familiar with equine encephalitis?

10 A I am.

11 Q And what is that?

12 A It's a disease that horses carry. I

13 believe it's the one that you have to have a

14 negative Coggins to transport horses with.

15 Q Are you familiar or do you know whether

16 or not at the same time, do you know how that

17 disease is spread?

18 A I do not.

19 Q Would you be surprised if it spread,

20 similar to Zika, through mosquitoes?

21 A I would not be surprised. It's really

22 not my area of concern.

23 Q So that would be a concern for the

24 government, for the people who oversee the general

25 health and welfare of the residents of Dorchester

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1 County?

2 MR. GOWDER: Object to the form of the

3 question. Go ahead.

4 BY MR. MAYBANK:

5 Q You can answer.

6 MR. GOWDER: You can answer.

7 THE WITNESS: What's the question?

8 MR. MAYBANK: Can you read that back,

9 Madam Court Reporter?

10 (The Court Reporter read the

11 question commencing on Page 168,

12 Line 23.)

13 MR. GOWDER: Same objection. Go ahead.

14 THE WITNESS: I don't know how to answer

15 that question.

16 BY MR. MAYBANK:

17 Q Do you believe the government has a

18 responsibility to protect you?

19 A Yes.

20 Q So then in this instance, if there is

21 this outbreak of Zika and there's equine

22 encephalitis and there are high rates of mosquitoes

23 in the area, wouldn't you agree with me that you

24 would expect your government or the people in

25 charge to ensure the safety and health and welfare

Page 170 1 of the citizens of the county? 2 MR. GOWDER: Object to the form of the 3 question. 4 THE WITNESS: I would expect that our 5 government would become more informed and 6 educated on those practices. And it seems to 7 me that the method they took with the aerial 8 spraying was using a sledgehammer to crack a 9 peanut. 10 With that being said, in that vicinity, 11 per David Chinnis saying that about the Zika 12 virus, I do not personally know anybody that's 13 died of the Zika virus. I don't know anybody 14 that has the Zika virus. I've never met a 15 person that has the Zika virus. 16 And it is my personal experience that the 17 best way to combat mosquitoes is to walk in -- 18 if you have to use chemicals, and I hate using 19 chemicals, but if you have to, you walk into 20 those breeding grounds, and you hands-on spray 21 those areas. You don't go for spreads of 22 acreage and just kill everything out to try to 23 combat some mosquito control. 24 I do not agree that the government or 25 whoever made this decision made the right	Page 172 1 THE WITNESS: I haven't been here that 2 long, and I've really not been interested in 3 learning that piece of it. The questions that 4 I asked were concerning pesticides being 5 sprayed in that area before I set the apiary 6 up, that's my area of concern, and I was 7 assured that it wouldn't happen without my 8 knowledge, so I didn't go any further and try 9 to figure out where the swamplands were or any 10 of the stuff that you just pertained to. 11 BY MR. MAYBANK: 12 Q Let me ask you this: Would you agree 13 with me that there is -- not only does the 14 government, in this case it's Dorchester County, 15 have to look out for the health, welfare, and 16 safety of its citizens, but that if they do 17 something like this, they should also -- that there 18 are rules that they follow when they alert the 19 public to this type of event? 20 MR. GOWDER: Object to the form of the 21 question. 22 BY MR. MAYBANK: 23 Q Are you familiar with that? 24 A With the rules that they follow? 25 Q Yes, ma'am.
Page 171 1 decision in this situation. 2 BY MR. MAYBANK: 3 Q But you would agree with me they made a 4 decision? 5 A Oh, yeah. They made a decision. 6 Q And they used -- 7 A And it was a wrong decision. 8 Q And they used their judgment and 9 knowledge -- 10 A And it was poor judgment. 11 Q One moment, ma'am. I've got to finish my 12 question. 13 And they used their judgment and their 14 choice on how to best deal with what they thought 15 was a public health problem, correct? 16 A Sure. 17 Q Are you familiar with Dorchester County 18 in general? And by that I mean the topographical 19 way that it is laid out. 20 A Somewhat. 21 Q Are you familiar with how inaccessible 22 much of Dorchester County is to anything, vehicles, 23 where low-lying swamps are? 24 MR. GOWDER: Object to the form of the 25 question.	Page 173 1 A The rules that I -- that I was familiar 2 with was a phone call to let me know that it was 3 going to happen. 4 Q Are you familiar with the requirements as 5 set forth under the rules and the laws of the 6 county and the state of South Carolina as to what 7 the obligations are to letting the general public 8 know about this type of spray? 9 MR. GOWDER: Object to the form of the 10 question. 11 THE WITNESS: No. 12 BY MR. MAYBANK: 13 Q Are you aware that, in fact, the county, 14 two to three days before this event, informed the 15 general public that the spray was going to occur? 16 MR. GOWDER: Object to the form of the 17 question. 18 THE WITNESS: No. 19 BY MR. MAYBANK: 20 Q Do you watch TV? 21 A Very little. 22 Q Do you listen to the radio? 23 A Very little. If I do, it's music, it's 24 not commentary. 25 Q How about any of the following media or

Page 174 1 social media outlets: WCBD Channel 2? 2 A What's your question, do I watch it? 3 Q Yes, ma'am. 4 A I have seen it. It's not something that 5 I do often. 6 Q WCTV, Channel 4? 7 A Of course, and Channel 5. They all came 8 out and was at the property and talked to them. 9 They interviewed me. 10 Q And I'm going to walk through each one. 11 WCSC, Channel 5? 12 A Sure. 13 Q WTAF, Channel 24? 14 A I'm not familiar. 15 Q MidlandsBiz, are you familiar with that? 16 A Not really. 17 Q Berkeley Observer? 18 A No. 19 Q The Post and Courier? 20 A No. I do not follow any of those. 21 Q The Summerville Journal Scene? 22 A No. 23 Q Charleston City Paper? 24 A No. 25 Q Eagle Record?	Page 176 1 came up with -- 2 A I did. 3 Q -- in its report? 4 Did you see that they did not fault 5 Dorchester County in the way -- in the methodology, 6 the use, and the way that it let the general public 7 know about this aerial spray? 8 A I just said I read it, yes. I saw that. 9 Q Do you disagree with any of the findings 10 from Clemson University as it relates to their 11 investigation into this matter? 12 A No. 13 Q Then it takes me back to my question. If 14 the agency that investigated Dorchester County and 15 Allen Aviation did not find any fault on what they 16 did, why are you suing my client, Dorchester 17 County? 18 A Because of the aerial spraying that was 19 issued through Dorchester County and done by Allen 20 Aviation resulted in the death of my apiary. 21 Q Fair enough. Let me ask you this 22 question: Have you currently or are you planning 23 on bringing a lawsuit against Doug Miles for the 24 loss of your 75 colony bees that he had on his 25 property?
Page 175 1 A No. 2 Q Summerville Journal Scene? 3 A I know who it is. I do not follow them. 4 Q How about Nash 96.9 radio station? 5 A No. 6 Q Y102.5? 7 A No. 8 Q 101.7? 9 A I know who these stations are, but it's 10 not something that I'm tuned into. My job is 11 outside. 12 Q Did you read the Clemson Exchange 13 investigation letter that they sent you? 14 A After they tested the bees? Is that the 15 one you're talking about? 16 Q Yes, ma'am. 17 A Yes. 18 Q I saw that you were CCed on that letter. 19 A Right. 20 Q Had you asked anybody why you weren't 21 told about the spray? 22 A Had I asked -- please ask that again. 23 Q Sure. Did you ask -- well, let me 24 rephrase it, because that's a bad question. 25 Did you read the conclusions that Clemson	Page 177 1 A That is ridiculous. No. He -- that was 2 an act of God. That was an act of nature. Doug 3 Miles did not create a flood. It was not an 4 intentional thing that he did to sign off and say, 5 "Okay, this week we're going to get a flood. I'm 6 going to issue a flood." It don't work like that. 7 It was not his fault. 8 Q In the 1,000-year flood that we had in 9 2015, do you know whether or not Doug Miles's 10 property at that time flooded? 11 A I do not know. 12 Q If Doug Miles knew that his property 13 flooded -- 14 A He told us that he did not know. 15 Q One second. I have not -- I have not 16 finished. 17 If he did know that it had flooded and 18 failed to tell you, in the area that you put your 19 bees, and you found that out, would you want to 20 bring a lawsuit against Doug Miles? 21 A I don't know how to answer that question. 22 I don't have an answer for that. 23 Q How about did Flowertown Bees have 24 business insurance? 25 A No.

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1 Q Did Doug Miles have -- is he a farmer?
2 A I don't think so. He has -- he has a
3 farm, and it has pecan trees and berries and stuff,
4 but I guess it all depends on what you call a
5 farmer.
6 Q Do you know whether or not he had
7 insurance to cover your loss?
8 A I do not know Doug Miles's business.
9 Q Did you ask Mr. Miles if he had insurance
10 to cover the 75 bees and the other claims that you
11 made on your taxes from that loss?
12 A I do not have conversations with
13 Mr. Miles except for hello, how are you. That is
14 something that Mitch speaks with him about. I do
15 not know his business. I have not had -- I have
16 not had that conversation with him.
17 Q So let me go back. On the day y'all were
18 married on February 14th, 2016, by that point had
19 y'all received from Sumter Bee the first batch of
20 colonies?
21 A That's incorrect information you just
22 stated.
23 Q I'm sorry. Say that again.
24 A That's not correct. What you just said
25 is not correct information.

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1 Q What did I say that was incorrect?
2 A We were married on February 14th.
3 Q I thought that was Valentine's Day.
4 A It is Valentine's Day.
5 Q Oh, I'm sorry. When were y'all married,
6 April?
7 A April 29th.
8 Q April 29th, I apologize. When y'all were
9 married, had y'all gotten your colony -- your first
10 set of colonies from Sumter Bee?
11 A I think so.
12 Q And do you have any idea how many
13 colonies came between April 29th and the date of
14 this event?
15 A I don't have those numbers.
16 Q Did you have any discussions directly
17 with anybody from Dorchester County as a result of
18 this incident, and if so, who and what was
19 discussed?
20 A I had the phone call from Scott Gaskins
21 with the apology that I spoke of earlier. Do you
22 want me to go over that again, or are we good on
23 that?
24 Q If there's anything new, please --
25 A It's not new. It's the same.

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1 Then we had the lengthy visit from
2 Mr. Chinnis at our home, and there was a lot of
3 discussion at that time with him.
4 Q Did the county seem genuinely sorry that
5 this occurred?
6 A Scott, as a man, as a human being, seemed
7 genuinely sorry. That was it.
8 Q Mr. Chinnis didn't seem sorry?
9 A No.
10 Q And the discussion you had with
11 Mr. Chinnis was the cost of replacement?
12 A It was much more than that. Should I go
13 over it with you? Do you want details?
14 Q Please, yes, ma'am. Let me ask you this:
15 Who is Mr. Chinnis?
16 A David Chinnis, he's -- I think at the
17 time he was the chairman of the board of Dorchester
18 County.
19 Q Go ahead.
20 A So it was sometime that week after the
21 spraying, and Mitch and myself, I think my daughter
22 may have been there too, and Andrew Macke, the
23 fireman that was witness to this, was at my house.
24 And Mitch gets a phone call, and it's David Chinnis
25 is in our driveway, and he wants to come in and

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1 talk. Mitch said, "Sure."
2 So Mitch meets him at the door, and he
3 comes in, and he said, "I have been strongly,
4 strongly, strongly urged and persuaded to come and
5 see you about this matter about your bees." He
6 said, "I have a lot of knowledge of a lot of
7 things, I'm a very knowledgeable man, and I know a
8 lot about bees. I know a lot about everything."
9 Okay.
10 And so he sat on the couch, and he talked
11 for a long time about random things, and then he
12 said -- I asked him, "Why did you decide to do an
13 aerial spray?" And he said, "Because that's what
14 Berkeley County was doing."
15 And I said, "Why did you spray over my
16 apiary when the county knew it was here?" And
17 that's when he said about the Zika-related cases in
18 the vicinity, that he couldn't give me addresses or
19 names, but it was in the vicinity.
20 And I said, "Okay. So why was the
21 spraying done during the day when all of my bees
22 were out foraging and working?" Because
23 previously, we had that discussion with Scott that
24 the -- even with the fog truck spraying, it would
25 be done at night, when the majority of the bees

Page 182 1 were in their boxes, and we could close most of 2 them up and try to protect the rest. We'd had that 3 discussion with him. And he said, "Because that's 4 when the aviation company could do the spraying. 5 That's when they had a slot available." 6 And he said, "We have -- the county has 7 an insurance policy that will take care of this, 8 but until then, we have a fund that don't have to 9 go before the board, it's set aside for situations 10 like this when there's an incident, and it's like a 11 good faith money that we can get for you to get you 12 up and running, to get you some bees again, until 13 the insurance policy situation can be looked into." 14 And he said, "All that I need is an email 15 that I can show what the cost went for of the 16 money," and he said, "It's somewhere around 17 \$20,000, and I can get that for you so that you can 18 get some more bees and get back up and running 19 again until the insurance claim." 20 Q And did you send him that email so that 21 he could get the ball rolling? 22 A Yes. You have that in it. You have the 23 email. I've already seen it today. It's already 24 went through. 25 Q Was that one of the previously-viewed	Page 184 1 colony. That's the one we're referring to? 2 A Yes. 3 Q Do you know whether or not y'all sent any 4 type of quotes at all to Dorchester County? 5 Because I didn't see any -- I didn't see any 6 further emails concerning that. 7 A The only communication with -- emails 8 that I'm aware of is with David Chinnis. 9 Q Did y'all ever go down to Dorchester 10 County Council or anybody and say, "Where is this 11 \$20,000?" 12 A No. 13 Q Is there any reason y'all didn't? 14 A Mr. Chinnis made it seem like it should 15 be something that's just kept in that room. It was 16 something -- he said, "This is not something that 17 everybody needs to know about. It's not something 18 that we need to have a meeting about. I just need 19 two or three signatures, and I can get that, and 20 this is all it takes to get it is this email, and 21 we can do that and get you all back up and 22 running." 23 Q And what email is that? 24 A That one, the quote to -- he said he 25 needed something to show what the money was used
Page 183 1 exhibits? 2 A Yeah. 3 Q Let's take a look. 4 MR. MAYBANK: And also, I'm going to mark 5 this as the next one -- it's Dorchester 92, 6 93 -- because I spoke about it. It's the 7 Tuesday, August 30th, 2016, immediate release 8 concerning all the notifications that were 9 sent out by Dorchester County. 10 MR. GOWDER: That might already be in. 11 MR. MAYBANK: Is this one in already? I 12 didn't think this one was in. 13 MR. GOWDER: Look at one, two, and three, 14 and if it's not one of those, then it is not. 15 MR. MAYBANK: It's not three, it's not 16 two, and it is not one. 17 MR. GOWDER: Okay. 18 (Defendant's Exhibit 25, 8/30/16 19 Press Release [DC File 92-93], was marked 20 for identification.) 21 BY MR. MAYBANK: 22 Q And I'm looking at Exhibit 10. That's 23 the email that you're referring to between -- looks 24 like from Mitch to David Chinnis, and it's getting 25 the quote for the boxes, the frames, to start a	Page 185 1 for, and he would need a quote of some bees so that 2 he would have that proof for I guess whoever was 3 going to sign off on it. 4 Q Do you know whether or not y'all ever 5 sent any quote for the bees that they could then 6 justify the expense for? 7 A I'm pretty sure that Mitch sent that to 8 David Chinnis. 9 Q And just they didn't at that point -- 10 A I think the next thing that happened was 11 somebody -- and again, this is really questions you 12 should ask Mitch. I'll just tell you what I know 13 about it, that somebody contacted him to sign a 14 waiver of some sort before that money was issued to 15 us. 16 Q But you don't know who that was? 17 A I do not. Mitch probably does, but I do 18 not. 19 Q My understanding is that the county asked 20 y'all to come down and fill out a tort claim form 21 so that they could make a claim. Is that correct? 22 A They must have spoken to Mitch. Maybe 23 that's the form I was referring to. 24 Q I don't see where it says that there's a 25 waiver. This is merely stating that you're making

Page 186 1 a claim -- this is Exhibit 8 -- against Dorchester 2 County for your loss. 3 Is your Facebook still up and running for 4 the Flowertown Bee? 5 A Yes. 6 Q When did you go down and fill out a 7 business license request for Flowertown Bee with 8 the city? 9 A That would have been sometime in early 10 summer 2016. 11 Q Did you actually fill out a form with 12 them at the time? 13 A I did. 14 Q And the reason I ask is we haven't been 15 able to find what this document is. My 16 understanding, the first time that we heard from 17 you for a business license was sometime after this 18 event occurred. Is that incorrect? 19 A No. It's already went through the 20 paperwork today. I already read it. When the lady 21 from Summerville came to the house, in her 22 statement, she goes over all that, covers it. 23 Q This event occurred when, on August 28th, 24 right, 2016? 25 A Right.	Page 188 1 pickup and nucs pickup, and then you have a 2 standard hive plus 100 packages shipped, standard 3 hive plus nucs shipped. And I think you've gone 4 over the differences between the package, the nucs, 5 and then the colony. 6 A Yes. 7 Q Do you recall producing that or creating 8 that document? 9 A I didn't create it or produce it. Looks 10 like that was Mitch's work doing this. I think 11 this was when he was getting quotes for David 12 Chinnis for the -- to cover the cost of the good 13 faith money. 14 Q That would be more of a Mitch question? 15 A Of course. 16 Q Let me ask you this: As far as your 17 business today, is the only thing -- because you 18 weren't selling honey, you weren't selling products 19 of the bees themselves. Is that correct? 20 A We did not sell anything consumable; 21 therefore, we didn't -- that eliminated a lot of 22 permits, and with the Department of Agriculture and 23 all that, we did not fall into those categories 24 because of that. 25 Q Say the colony that Mr. Brown has in
Page 187 1 Q This is dated September 16th, 2016, after 2 that. It looks like they visited the owner today, 3 on September 16th, 2016. 4 A Correct. 5 Q But you don't know when it was you filled 6 this out? 7 A If you read on in that, I think she 8 mentions that I was in the office in July, because 9 Pam was out, and I talked to Andrew, who was 10 covering for Pam, and he worked with the ladies 11 across the hall, and they tried to come up with a 12 code, and they were unable to, and Pam was out, so 13 they had to wait 'til she got back in. 14 Q I see it right here. It's the second 15 sentence. 16 This is some type of spreadsheet. It's 17 Dorchester File 199 Bates number. And actually, 18 this is a -- it looks like it's a Pigeon Mountain 19 from Mitch, and it's a cost breakdown. You've got 20 your standard hive, your deluxe hive, and your 21 super deluxe hive. Do you know the difference 22 between those types of hives? 23 A That would be how that company classified 24 their hives. 25 Q And then you've got 100 packages customer	Page 189 1 Mount Pleasant, did that come from your Summerville 2 location? 3 A It did. 4 Q Did it have a queen bee in it? 5 A Yes. 6 Q Do you know whether or not you're 7 required by state law to have a license if you're 8 transporting a queen bee? 9 A No, I don't think you do, not to my 10 knowledge. It was just -- and that was just to 11 Mount Pleasant, so -- 12 Q Are you familiar with any of the 13 regulations under the agricultural rules in South 14 Carolina regarding what licenses you have to have 15 to be able to transport bees? 16 A I am not aware of that. I know that 17 coming out of Florida that they are doing 18 inspections and things now before they're letting 19 bees leave, but we weren't at that point, so I 20 don't know what it is in South Carolina. 21 Q Y'all were transporting queen bees 22 in-state? 23 A We sold one colony that had a queen bee 24 in it to Mount Pleasant. That's it. 25 Q And you transported bees from Dorchester

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1 County to Colleton County?

2 A Yes.

3 Q And those were 75 hives, and each hive

4 has a queen bee in it, correct?

5 A What now?

6 Q Each hive has a queen bee?

7 A Yes.

8 Q And there were 75 hives that were

9 transported there?

10 A Right, to Ridgeville.

11 MR. YAWN: Wait a minute. He said

12 Colleton County.

13 THE WITNESS: I said Ridgeville, in

14 Ridgeville.

15 BY MR. MAYBANK:

16 Q Is Ridgeville in Dorchester County?

17 A I think so.

18 Q But back to the business. Is it a true

19 statement that y'all can do everything that you

20 could do before this incident, other than sell

21 bees?

22 A No.

23 Q What are you unable to do from a business

24 perspective today that you are unable to do because

25 of the loss of the bees?

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1 A We cannot lease bees. We have no bees to

2 lease to farmers or other people. We cannot sell

3 bees.

4 Q Let's stop right there.

5 A We cannot reproduce bees.

6 Q Let me ask you about that, leasing of the

7 bees. That brings up a good point. Where were you

8 leasing bees to?

9 A It was going to begin in the spring. We

10 were building that client base over the winter to

11 do that in the spring. It would be to other

12 farmers. And that don't have to be like an

13 industrial-size farmer. I preferred it not be.

14 But that was that -- that was how that was going to

15 work.

16 Q What guarantee did you have that your

17 colony wouldn't run into some type of disease and

18 die?

19 A Me, my inspection.

20 Q Because my understanding is an entire

21 colony, and I may be wrong, but they can get wiped

22 out within 24 hours if the wrong disease infects

23 the hive.

24 A A Varroa mite's not going to do it, a

25 hive beetle's not going to do it. That's something

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1 that's an extended time.

2 I cannot right now remember the name of

3 the one where they have like the diarrhea I

4 mentioned earlier. I don't know what a time frame

5 on that would be because I haven't had that happen

6 in any of my hives, so I'm not going to say yes or

7 no on that one. Perhaps it could happen that way.

8 But before I take -- just like I

9 mentioned with Mike Brown, before I let him have

10 the bees that he was purchasing from me, I looked

11 all around his area that it was going to be to see

12 if there was any kind of concern.

13 When I've went out and spoke to people

14 about -- that are interested in leasing bees for

15 pollination, I would go out and have a meeting with

16 them and say, "This is how this works. Before I

17 will do this, I will come out. I want to know

18 within three to five miles of your property, are

19 there any industrial -- is there any industrial

20 farming going on or anything on a big scale like

21 that." Of course, I can't go door to door knocking

22 and saying, "Do you use bug spray or pesticides,"

23 but look around.

24 I want to know if there's a good water

25 source for the bees. There's a lot of heat in

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1 South Carolina, and my bees have to have a lot of

2 water. And I want to know if there's other bees in

3 that vicinity so that I will know, and I would go

4 and speak to those people and see what kind of

5 things they have encountered.

6 So I do the homework first before I would

7 lease the bees to them. That is one of the steps

8 to help prevent from parasites, disease, things

9 like you were mentioning.

10 Q Is there anything that prevents a bee

11 that's not part of your colonies to come to that

12 colony?

13 A Just the bees that live there. They

14 have -- that's their prerogative. They can accept

15 it or not. If they need help, they might. Most of

16 the time, they don't because they -- if it's a

17 good, healthy colony, they've got what they need,

18 and if they don't have it, they make it.

19 Q I guess what I'm -- I guess my point more

20 is that if you've got -- you said bees travel three

21 to five miles a day, and you've got a radius of

22 three to five miles. Not only can your bees go

23 out, other bees can come in and get into your

24 colony, right?

25 A If that colony will let them. They're

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1 very -- they have guard bees that stand on duty out 2 there all the time for that purpose. Every bee has 3 a job. Those guard bees are watching for things 4 like that, and then they -- if they need help, they 5 alert the other girls to come out and help to get 6 rid of whatever predator it's going to be, and that 7 could very well be just another honeybee. 8 Q I guess my question, then, is sometimes 9 they can come in, and sometimes they can't. Is 10 that a fair statement? 11 A Most of the time, they cannot. 12 Q Are both of your sons still working at -- 13 Cole is working at Flowertown. Is that correct? 14 A Cole volunteers at Flowertown. 15 Q And how about Hawk? 16 A No. He's in Kentucky. 17 Q Did you ever put any of the bees on your 18 daughter's property? 19 A Yes. We already talked about that, but 20 I'll tell you again. There was four hives at my 21 daughter's property that came from swarms that I 22 had collected. 23 Q Dixie Supply in Lancaster, South 24 Carolina, do they sell bees, or is that just -- 25 A I only bought supplies from them, mostly	1 page specifically what the money was to be used 2 for? 3 A I did. 4 Q And what was that for? 5 A To inform and educate about honeybees. 6 Q Are you aware of any threats against any 7 of the employees at Dorchester County as a result 8 of this event? 9 A I was told that by Andrew Macke, and then 10 when Chinnis came over to the house, it resurfaced 11 and came up again. 12 This too was during the week after the 13 spraying. The Save the Bees, Save Humanity group 14 had a meeting at Coastal Coffee in Summerville, and 15 they really, really wanted me to come, and I was 16 just distraught over this and didn't want to go, 17 but I felt like I needed to go and be a voice for 18 the honey girls, so I went. 19 And one of the speakers that was there 20 was going over just some pointers with the 21 organization, and he told me -- I think his name 22 was Steven. But he told me that just throwing it 23 out there, in case I needed an attorney in this 24 event, that he knew somebody that was an attorney 25 in the area, and he said Mike Rose.
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1 kits to make boxes, because my bees were 2 reproducing so fast that Mitch and Cole couldn't 3 build the boxes fast enough for them. So I bought 4 the kits, which were already precut, and then they 5 just had to be assembled and glued and treated 6 before the bees could go in to give me a boost to 7 try to make homes for them because they were 8 reproducing too quickly that they couldn't keep up. 9 Q I'm looking at Exhibit 23, and 10 Photograph 149, 150, 151, 152, 153, 154, and 155. 11 Let's look at 154 and 155. Is that the type of kit 12 that you bought and the wood in 155 already precut? 13 A Yes, came from Dixie. 14 Q And then they would simply put them 15 together? 16 A Yeah. They had to be glued and stapled, 17 nailed, and then treated with something to prevent 18 like moisture from coming in. 19 Q Do you have any idea how much one of 20 these kits would cost? 21 A That would be deferred to Mitch. 22 Q Do you know when you received your 23 federal tax ID number for the business? 24 A Mitch. 25 Q On the GoFundMe page, did you put on the	1 And when he said that, Andrew Macke, 2 which was the -- I think he was the captain of the 3 fire department. I'm really not sure what his 4 title was. He got up and went outside, and then 5 the meeting lasted for a while longer after that. 6 And I was surprised, when I went out to 7 leave, that Andrew was still out in the parking 8 lot, and he was like, "Wait, Nita, wait." And he 9 was on the phone with David Chinnis, and he's 10 like -- he told me who he was on the phone with. 11 That's the first time really I think I'd ever heard 12 his name. And he said, "He is saying that they're 13 getting a lot of push-back from the public and that 14 some of them is wanting Scott Gaskins's head on the 15 line because he failed to let you know about this, 16 and this has happened to your bees. 17 And I said, "I don't want anything -- any 18 more negativity to come out of this. This is 19 already a disaster and horrible, and I don't want 20 anything else negative to come out of this." 21 And he said -- and he still had David 22 Chinnis on the phone, and he said, "And don't get 23 Mike Rose for your attorney." I'd never heard of 24 Mike Rose before Steven said it either, and I was 25 just like listening to it.

Page 198 1 And then when David Chinnis came to our 2 house for that meeting that night, it came up again 3 about Scott had been getting -- I guess people had 4 been threatening. I don't know if they were 5 calling, if they were -- if it was social media, I 6 didn't ask questions about it, but that they were 7 seeming to be threatening violence with him because 8 they were so upset because he failed to call. 9 And I said to David Chinnis, I'm like, 10 "I'm not -- I do not feel like that Scott 11 intentionally did not call me. He's human, and he 12 dropped the ball on this. I was counting on him, 13 and I believed in him, and we had this agreement, 14 and we worked together on this, but he is human, 15 and I don't want anybody to hurt him. I don't want 16 any more negativity to come from this." 17 And so that's when I knew about that, and 18 then when Chinnis said about the -- that they had 19 an insurance policy that was going to take care of 20 us, and then he threw in, he said, "But don't get 21 Mike Rose as your attorney." And I said, "Why 22 not?" And he's like, "Just don't do it. It's not 23 a good move for you." 24 And that's what I knew of the terroristic 25 threatening or anything of that from the situation.	Page 200 1 there, which was quite a bit of time from when he 2 left the building, and he was still out there on 3 the phone. 4 Q Are you aware of any other employees of 5 Dorchester County who also received threats? 6 A I'm not. I'm not aware. 7 Q Did you ever go on social media or on any 8 of the interviews that you did with any of the TV 9 stations to tell the public not to go after 10 Dorchester County? 11 A I did do a post on Facebook. It was on 12 the same -- around the same link as the GoFundMe, 13 and I did bring that to people's attention that I 14 did not want it to go in that direction. Don't 15 bring any more negativity to this. I don't want 16 anybody harmed or hurt or -- let's fix this. Let's 17 not make this worse. Let's see what we have to do 18 to work together to fix this so that it don't 19 happen again. 20 Q What if, in fact, the county attempted to 21 contact you, and you didn't answer your phone? 22 MR. GOWDER: Object to the form of the 23 question. 24 THE WITNESS: What kind of question is 25 that? I mean, I don't keep my phone with me
Page 199 1 Q And that was about two weeks after the 2 event that had occurred with the spraying? 3 A No, that was the following week. 4 Q Following week, all right. 5 A I found out Monday morning. That was 6 sometime during that week. I'm thinking maybe 7 Wednesday, Thursday. That's a guess, but it was 8 sometime during that week. 9 Q And that was at that point then you 10 believe that somebody at the county became aware 11 that you may possibly retain an attorney with legal 12 action? 13 A That -- I told you how that happened. 14 Q Yeah. 15 A That was at that meeting. And when 16 Steven said, "If you need an attorney, there's an 17 attorney here in Summerville that you could check 18 with." He didn't say, "I want you to do this, or 19 this is what you should do," he just said if. And 20 that's when all of that came out was at -- during 21 that meeting. 22 I don't know if David called Andrew or if 23 Andrew called David. I just know they were on the 24 phone in the parking lot by Coastal Coffee, and he 25 still was on the phone with him when I got out	Page 201 1 much at all. I work outside, so I'm not that 2 easy to contact on my cellphone. 3 BY MR. MAYBANK: 4 Q Fair enough. 5 A However, I will go -- I want to go on and 6 say that Jason Ward did call and talked to Mitch, 7 and David Chinnis did call and get ahold of him, 8 and Scott Gaskins called and got ahold of him, so 9 by getting ahold of him, that was a direct link to 10 easily be able to get ahold of me, because we live 11 in the same house. We share the same business. 12 So it's not like I was not reachable or 13 obtainable. It just means that, yeah, I probably 14 missed some phone calls, because my phone was going 15 crazy, and it made me nuts, and I don't like my 16 phone with me most of the time anyway. So I hope 17 that answered it a little better for you. 18 I need some water and a bathroom break. 19 Is that feasible? 20 Q Oh, yes, please. 21 (A recess transpired.) 22 BY MR. MAYBANK: 23 Q Can you identify what these two 24 photographs are? These are Clemson Subpoena 7 25 and 8.

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1 A Those are beetle blasters that are full
2 of maggots. Every now and then, you can see a
3 little tiny black spot in it, and that's an actual
4 hive beetle, but there were so many maggots in it
5 that quickly that it actually absorbed all of the
6 mineral oil that was in the beetle blaster.
7 MR. MAYBANK: Let's mark those next two
8 exhibits.
9 (Defendant's Exhibit 26, Facebook
10 Photographs [Clemson 7-8], was marked for
11 identification.)
12 BY MR. MAYBANK:
13 Q Do you know where those taken -- if you
14 found out on Monday about the death, when did
15 Clemson come out? Do you recall?
16 A I think they were out like 55 hours
17 after -- something about 55 hours. I don't know if
18 that's from the time that I contacted them or from
19 the time of the spraying until they got there, but
20 there was something about 55 hours I think was in
21 the report.
22 Q Would it have been a day or two, to the
23 best of your knowledge?
24 A Yeah, yeah, it was a couple days.
25 Q If the spray happened on a Sunday

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1 morning, and you found out on Monday morning, and
2 Clemson was out there hypothetically say Wednesday,
3 at what point, then, did you set the hive boxes on
4 fire?
5 A I started the following day after Clemson
6 was there. I didn't want to touch or do anything
7 until they came to do what they needed to do, and
8 then the following day, I started cleanup, and it
9 was horrendous. I've never smelled anything like
10 that in my life.
11 Q What percentage of the bees, when Clemson
12 was there, do you believe were still alive?
13 A 10 percent. But let me -- let me go a
14 little bit further with that. 10 percent of my
15 bees. There were -- there were many robber bees in
16 that were healthy and glowing and vigorous to get
17 that honey in those couple of days, and they did.
18 They robbed a lot of it.
19 I can't tell you a percentage on that,
20 because when I got in there to try to clean it up,
21 the maggots and stuff were so bad that I really
22 couldn't inspect how much honey was left, but there
23 was a lot of community bees that were there, and
24 they were alive. But as far as my bees, I would
25 say 10 percent by the time Clemson got there.

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1 And the reason I'm saying my bees, now,
2 my bees don't wear bikinis and stuff like that, so
3 I can't point and say, "That's my bee and that's
4 your bee." I'm saying my bees, what was left was
5 sick, and he mentions that in the report, the way
6 they were acting.
7 Q Are you familiar with the pesticide that
8 was used to spray for mosquitoes?
9 A Not very much. My knowledge of that
10 primarily has come through social media since the
11 spray.
12 Q And do you know whether or not it is
13 approved by the EPA for use in this type of
14 application?
15 A I have no proof of any documentation like
16 that. That's not my area.
17 Q If it was approved by the EPA and used in
18 other counties in South Carolina in a similar
19 fashion for mosquito abatement, you wouldn't be
20 critical of Dorchester County, would you, for
21 employing the same tactic?
22 MR. GOWDER: Object to the form of the
23 question.
24 THE WITNESS: I would.
25 MR. GOWDER: Object to the form of the

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1 question. Go ahead and answer.
2 THE WITNESS: I would be critical of that
3 because -- for several different reasons. One
4 thing is, you know, you mentioned about your
5 child's birthday or something today. We were
6 home, and we lived on that property, and we
7 got poisoned too. We were -- I just rescued a
8 dog that I had neutered, and I had him out in
9 that yard. He got poisoned too.
10 My bees were just the canary in the mine.
11 That was just a fast-forward of what it's
12 doing to all of us. I mean, if you're going
13 to -- if you're going to walk through this
14 earth and think that spraying Naled from an
15 aerial spray is not affecting us, we're not
16 dropping dead like my bees did, but it's
17 affecting us. It's just going to take a
18 little bit longer to see how much effect it's
19 going to have on us.
20 That is not right to do it. I don't --
21 an aerial spraying to combat mosquitoes,
22 especially in an area where you know there's
23 an apiary of honeybees, and as vital as they
24 are to us, that was -- that was the worst
25 decision they could have made was to do it

Page 206 1 that way. I'm in total disagreement with 2 that. 3 BY MR. MAYBANK: 4 Q And that's your personal belief. Do you 5 know of any kind of legal document or legal 6 standard that would have prevented the county from 7 spraying when they did? 8 MR. GOWDER: Object to the form. Go 9 ahead. 10 THE WITNESS: Please ask that again. 11 BY MR. MAYBANK: 12 Q Sure. Are you aware of any law, rule, or 13 regulation that advised or would say to the county 14 that it was improper for them to spray? 15 MR. GOWDER: Object to the form. 16 THE WITNESS: I don't know the laws and 17 regulations concerning that. 18 BY MR. MAYBANK: 19 Q Assume there is none, all right. Assume 20 that they did everything in compliance with the 21 manufacturer's guidelines and that it was sprayed 22 appropriately and it was sprayed at the right time. 23 Would you agree with me that if it was all done 24 properly that you really don't have a claim against 25 the county?	Page 208 1 honeybees, it killed the hummingbirds, it 2 killed the bumblebees, it killed everything on 3 my property like that. It wiped it out. It 4 was a massacre. 5 Is that ever okay to do that to another 6 human being? Don't I deserve the right to say 7 if I want to be poisoned? I was home. I 8 didn't want to breathe that. We went out and 9 went for a motorcycle ride after that, and our 10 motorcycles were sitting outside when they 11 were spraying. And the fireman said they 12 barely covered the treetops. 13 I mean, we got just wiped out with it. 14 That's never okay. I don't choose to be 15 poisoned. I try to eat healthy and take care 16 of myself, and I don't want to be poisoned, 17 and nobody has the right to sign off and spray 18 me with poison, let alone my bees. 19 BY MR. MAYBANK: 20 Q Did you take any photographs of any of 21 these other dead animals? 22 A No. 23 Q I'm going to hand you -- 24 A I'm just telling you they weren't there 25 after that. They were gone.
Page 207 1 MR. GOWDER: Object to the form of that 2 question. 3 THE WITNESS: No, I don't agree with 4 that. We spoke directly with the person that 5 represented the government, County of 6 Dorchester County, concerning those bees in 7 that apiary, and we had a plan, and we worked 8 together on that plan as a business and the 9 government, and that was this is where we're 10 at. I think they even sent somebody out to do 11 measurements in from the road and from all 12 that. Mitch handled that piece of it, but -- 13 so they knew exactly where I was at. And in 14 good faith, I trusted my government of 15 Dorchester County to work with me to protect 16 my honeybees. 17 So no, I don't care if there's any rules 18 or regulations, it is not okay to do an aerial 19 spray of somebody's property, especially if 20 it's something that's -- something that's 21 living, and it's deadly to them. 22 And then especially, take it up another 23 notch, if it's honeybees, because we are not 24 going to -- we can't survive without the 25 pollinators. It didn't just kill my	Page 209 1 MR. MAYBANK: This is Clemson Subpoena 5 2 and 6. If we could mark these next two. 3 (Defendant's Exhibit 27, Facebook 4 Photograph [Clemson 5], was marked for 5 identification.) 6 (Defendant's Exhibit 28, Facebook 7 Photograph [Clemson 6], was marked for 8 identification.) 9 BY MR. MAYBANK: 10 Q Do you recognize those photographs, or 11 have you ever seen them before? 12 A Maybe. I don't know. They're bees in a 13 frame. I've seen so many of them. Looks like 14 maggots on this frame, so I would assume that this 15 was pictures taken after or during the cleanup. 16 Q So I don't -- this is no trick question. 17 This came from the Clemson file, so would that have 18 been taken at the same time, do you think, that 19 Exhibit 26 was taken, during their investigation? 20 A Probably. I don't know when they took 21 pictures, but probably. They were only there one 22 time. 23 Q Do you have -- the top one right there, 24 what is that, is that -- what exhibit is that top 25 one?

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1 A 27. 2 Q Do you know whether or not that was a 3 picture of your hives? 4 A That was a bottom board that a hive came 5 off of that was full of maggots. 6 Q And what is the other -- what document 7 exhibit is that? 8 A 28. 9 Q In 28, what is that? 10 A It's hard to tell. It just looks like 11 bees to me. It appears to be dead bees or sick and 12 dying bees. 13 Q I wasn't sure if they were alive or dead. 14 A It's hard to tell, maybe some of both. 15 Q Do you have any idea what kind of maggots 16 would be on 27? Is there any way to tell? 17 A The smell, the flies, the parasites that 18 were there. I'm not a maggot expert, so I can't 19 tell you exactly what those are. I just know that 20 it's the kind that comes in when something's dead. 21 If it's a deer killed beside the road or whatever, 22 it's the same kind of thing you see on that is what 23 that was. 24 Q When you burned the boxes, did you also 25 burn the bees?	1 A Something like that, yes. 2 Q And it was over that eight months that 3 you and your husband collected the 46 plus 75 hives 4 in total? 5 A Correct, right. 6 Q When you bought them, do you recall if 7 each time you bought them you bought a colony, or 8 would you ever buy a nuc, or would you ever buy a 9 package? 10 A Okay. The only time we bought packages 11 was for customers in the spring when we did -- when 12 we went through and brokered for our customers in 13 spring 2017. We bought several nucs, as you could 14 see in the pictures, during the setup. We bought 15 several thriving full colonies as well. We bought 16 both. 17 Q Since this event, have you spoken -- have 18 you had any recent discussions or conversations 19 with anybody from Dorchester County concerning 20 this? 21 A No, no. 22 Q Did you ask the folks from Clemson when 23 they were there whether or not to burn the hives 24 was the right decision to make? 25 A I don't remember having that conversation
Page 211	Page 213
1 A Yes. 2 Q The dead bees? 3 A Everything, everything that had been 4 contaminated, except the ground and the trees. 5 Q Do you have a regular scheduled service 6 where you go and talk to schools -- 7 A Not a regular. 8 Q -- or community centers? 9 A It is -- it is as they need me. They 10 contact me. 11 Q And what is the gist of your talk each 12 time? 13 A Just like I did with her during the 14 break. People ask me questions, and I give them 15 answers, and then I elaborate on the answers, and I 16 just give them knowledge of how the hive -- the 17 colonies work and what they do and what their 18 responsibilities are and what they look for when 19 they're foraging and what the scout bees are 20 looking for when they're out. Just bee knowledge, 21 beekeeping knowledge. 22 Q From the time that you began the colony 23 when Sumter Bee sent you the first batch until this 24 event, that'd be roughly about eight months. Is 25 that right?	1 with him that day. We just talked about the sample 2 of the bees and getting that collected, which was 3 my request. It wasn't anything the county 4 requested. I wanted to know. 5 Q And did you ever receive -- because I 6 didn't see any information, that the actual 7 chemical used to spray was ever found on any of the 8 bees? Did I miss that, or do you know of anything? 9 A I don't think you missed that. I think 10 what I've seen from the promoters of this product, 11 they're saying that it dissipates in like 30 12 minutes is what I've heard and what I've read a few 13 articles on. 14 That's totally irrelevant to this 15 situation because the damage was done quickly. It 16 didn't -- it don't matter how long that you can 17 test it on something. Once the damage is done and 18 the death is there, it doesn't matter how long it 19 takes it to dissipate. 20 He didn't get there for more than 50 21 hours after it had happened, so there was plenty -- 22 and it rained several times during that. It rained 23 while the news media was out there on that Monday. 24 Q Tell me something, why is it important in 25 this type of situation that the spray occur at a

Page 214 1 certain time? Are bees more active in the morning, 2 afternoon, evening, or nighttime? 3 A Okay. In a perfect world, the bees would 4 all be in the hive at night, because they don't 5 work at night outside of the hive. I'm not real 6 sure what all they do, how much sleep they get, or 7 what goes on at night in there, because if you try 8 to get into them at night, they're not happy about 9 that, so I usually don't -- I usually try to not 10 open up my hive boxes at night to say, "What's 11 going on in there, guys? Are you partying, are you 12 sleeping, or what's happening?" 13 So I'm not sure what they do at night. I 14 just know that if they can, if it's not too hot and 15 they can all fit, they go inside the hive to 16 protect themselves and protect their food sources 17 at night. Then they rise just like the sun. They 18 start out when the sun comes up, and they're out 19 foraging and scouting and doing all the stuff that 20 they do until the sun goes down. 21 Sometimes if its inclement weather comes 22 in, like a storm or something, they'll hurry and 23 try to hurry and rush to get back in, because they 24 could drown, and their wings get heavy with rain 25 and stuff like that, so they try to seek shelter.	Page 216 1 on them, especially with an aerial spraying. 2 Q Let's call it a two-week window after 3 this event when you were talking with Mr. Chinnis 4 or Scott. Did you talk with anybody from the 5 county after the initial flurry and until today 6 about this issue? 7 A Scott -- I only spoke to Scott the one 8 time since then directly. He still calls and lets 9 me know when they're doing the fog truck spraying. 10 But the only time I spoke with him was when he 11 called to apologize, and I really appreciated that. 12 Chinnis kind of dropped out of sight once 13 that we didn't sign the paperwork he wanted us to 14 sign after Mitch sent him the email. Mitch had 15 primarily been the one that was communicating with 16 him through phone calls and emails and stuff like 17 that, and he got to where he wasn't answering 18 Mitch's calls. 19 So sometimes throughout the day, I was 20 feeling pretty desperate and needed some bees, and 21 so I started trying to call him, and he never 22 returned any of my calls. He just pretty much 23 dropped out of sight after that, no more 24 communication, done. 25 Q That was Dave Chinnis?
Page 215 1 But the majority of their -- like I would 2 say 95 percent of their work is done during the 3 daylight hours, other than the guard bees. 4 That's why when -- that's why when we 5 talked with Scott, we went over that, and he agreed 6 that there would be no fog truck spraying until 7 after dark, like 9:00 at night. We even talked 8 about the hours it would be done, because we talked 9 about that piece of it. Don't do anything while 10 they're out and about in the neighborhood. 11 Q I think there was some information about 12 the spray not being recommended more than two hours 13 after sunrise. Do you know what time this spray 14 was done? 15 A It was early on Sunday morning. I think 16 Andrew said I want to think around 8:00, 8:00 or 17 9:00, something in that area. 18 Q And did you see the Clemson report that 19 indicated that the spray time that the county -- 20 that was done for the county was done within the 21 appropriate window as advised? 22 A I read that. I don't agree with it, but 23 I did read it. I don't agree with it for the very 24 thing I just got through explaining to you, when 25 they're out foraging, that you don't put chemicals	Page 217 1 A Yes. 2 Q Anybody besides those two that you were 3 talking to? 4 A No. I've not talked to anybody else from 5 the county. 6 Q Let me go over a few things, and I think 7 I'm wrapping up. 8 A Good. 9 Q I may have forgotten to expand upon this. 10 The things that -- I understand that you can broker 11 bees today, correct, buy them from somebody and 12 sell them to somebody else, right? 13 A In the spring is when that occurs. Most 14 bee operations, bee farms and stuff, they don't 15 really sell bees past spring. 16 Q Other than, though, you being able to 17 lease or broker your -- I guess lease your bees 18 that y'all were waiting -- looking to do in that 19 spring of 2017, or sell the bees, what else can't 20 you do today that you could do then? 21 A Other than reproduction. I mean, I've 22 lost a lot of time that my bees could have been 23 reproducing since that spraying. That's a lot of 24 recovery time for me when you think about the 25 potential for them to grow for the past year that

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1 they've not had, that I've not got to do with them. 2 Other than that, pretty much that's it. 3 Q And why didn't y'all, after this event, 4 go out and simply buy another colony? 5 A A colony -- 6 Q Yes, ma'am. 7 A -- does nothing for us. I'm not about a 8 colony. That's a backyard beekeeper, and that's 9 not what I am. I can't reproduce with a colony of 10 bees and sell them to people and lease them to 11 people. It's not enough. I have to have a lot of 12 bees. 13 The reason I don't have a lot of bees is 14 because -- my main reason why is financially. All 15 of my eggs were in the basket with these bees, and 16 my payoff would have come in the spring to buy even 17 more bees and grow and grow and grow. That was the 18 plan. 19 Q So I just want to make sure I understand 20 your testimony, and that is that you did not have 21 the financial wherewithal, neither you nor Mitch, 22 to begin a single colony, much less two or three 23 colonies, after this event? 24 MR. GOWDER: Object to the form. 25 THE WITNESS: We could have gotten a	1 put everything into my bee business. 2 Q Who was your bank here in South Carolina? 3 A BB&T. 4 Q And did you have your savings with them? 5 A I did. 6 Q And checking account? 7 A Yes. 8 Q You said you had retirement? 9 A Yes. 10 Q Who is your retirement with? 11 A Merrill Lynch I think is who it was 12 through. 13 Q How much do you have in that retirement 14 account? 15 A Nothing. 16 Q And where was that Merrill Lynch? 17 A Where was it? 18 Q Yes, ma'am. 19 A I don't know where the office was at. I 20 did it with a phone call is how I drew the money 21 out of it. It went in from the years I was 22 working, like mostly from Walmart. 23 Q Do you remember how much was in there? 24 A I don't. 25 Q Did you have a local Merrill Lynch branch
Page 219	Page 221
1 single colony. You know, it's not -- we're 2 not poverty-stricken. We could have gotten a 3 single colony. That don't grow our business 4 with a single colony. We're into the 5 reproduction business, and you can't do that 6 with a little bit of bees. You've got to have 7 a lot of bees. 8 BY MR. MAYBANK: 9 Q I understand that. 10 A So I don't understand what point you're 11 getting at with this question. 12 Q I mean, it's a simple point. If my dog 13 is killed, I go buy another dog. 14 A A single dog. 15 Q I'm trying to get -- it's called 16 mitigation of damages. 17 A Right. I understand. 18 Q Why haven't y'all gone out and purchased 19 if even the beginning of a new business to grow? 20 A Finances. 21 Q It's your financial condition? 22 A Right. 23 Q Do you have -- you said you have a 24 savings account? 25 A I no longer have a savings account. I	1 here in -- 2 A No. 3 Q -- South Carolina you dealt with? 4 A No. 5 Q Do you have any -- if Merrill was for 6 savings, did you have any type of investment 7 account -- 8 A No. 9 Q -- separate than your retirement? 10 A No. I had some -- the only thing I had 11 was some stock in Walmart, and I cashed that out as 12 well to buy bees. 13 Q Since the time of this incident 'til 14 today, do you have any other job other than 15 Flowertown Bee? 16 A I do not. I moved my parents in with me 17 a year ago today and cared for my dying father 18 until just a couple months ago, and he passed away, 19 so I've been busy with that, doing what's really 20 important. 21 Q My condolences on your loss. 22 A Thank you. It's been a rough two years. 23 Q Were you the primary caregiver for your 24 parents? 25 A Yes. I'm an only child.

Page 222 1 Q And your mother was one of 23. Is that 2 right? 3 A That's correct. 4 Q I guess she had it with too many 5 siblings? 6 A Yeah. I did have a brother, but he was 7 killed -- 8 Q I'm sorry to hear that. 9 A -- 25 years ago. 10 Q If we can take a quick break. I just 11 want to talk to him for a second. 12 MR. GOWDER: Sure. 13 (A recess transpired.) 14 BY MR. MAYBANK: 15 Q I cannot recall if I asked you this. You 16 testified that y'all began by the purchasing of the 17 bees at Sumter Bee. Did y'all go anywhere else 18 between the time of your first purchase at Sumter 19 Bee and the incident to buy bees at other 20 locations? 21 A Give that one to Mitch because he's the 22 one that handled that. I was out in the field when 23 he was taking care of that stuff. 24 Q Chasity Scholl is your daughter? 25 A Correct.	Page 224 1 A I don't really remember me having 2 pricing. Mine was just pretty much bee inspection 3 notes and people that called making requests for 4 bees, things like that, so I'm not sure what you're 5 talking about. 6 Q Sure. Do you buy a specific type of bee? 7 I know it's a honeybee, right? 8 A No. That's a good question. I'm glad 9 you asked that. 10 When we purchased the bees from Sumter 11 Bees, I asked them that question, "What kind of 12 bees do you have?" I like to ask bee people that 13 kind of question, just to see how they'll answer 14 it. And there's a saying that says if you ask ten 15 different beekeepers the same question, you're 16 going to get ten different answers. That holds 17 true with that one. 18 He said that his bees were Carolinians, I 19 think is how you pronounce it, and an Italian 20 cross. But think about it like this. We're not 21 dealing with something that is domesticated. It's 22 a wild insect, and the drones host a bachelor 23 staging, if you will, out in the wild, and the 24 queen does her maiden flight, and she goes out to 25 those bachelors that are staged out there, and she
Page 223 1 Q Who is Nita Mae Little? 2 A Me. That's my maiden name. My full name 3 is Juanita Mae Little. I was named after my 4 grandmother that had 23 kids, Margie Mae, and my 5 granddaughter's name is Lydia Mae. 6 Q And you reached out to a Dr. Tsuruda? 7 A Yes. She was at the state conference 8 that I was at before this happened. 9 Q Who is she? I'm sorry. Go ahead. 10 A She's listed -- in the Clemson letter, it 11 tells you what her title is. I don't want to say 12 what it is, because I would be -- probably mess it 13 up. 14 Q She's from Clemson? 15 A Yes. She was very informative during the 16 conference, so that's why I remembered her. I know 17 some of those notes that I sketched down, I think 18 her name was one of them that I was using, like in 19 the future, this would be a good reference point 20 for me is her, and then it just -- then this 21 happened, so I remembered her. 22 Q On the prices and the things that were in 23 your notes that you produced, would Mitch be the 24 person to talk about the numbers and how they got 25 there, or were those numbers that you found?	Page 225 1 does her mating for her lifetime in that one cycle. 2 So who's going to be able to prove what each one of 3 those drones were, what kind of bee they were? I 4 don't know anybody that can do it. 5 So you can say you've got a certain type 6 of bee, but it's a wild insect, and you're not in 7 control of who they mate with. So I didn't have a 8 certain kind of bee; I had honeybees. 9 Q I'm going to hand you Yawn 51, 52, 53, 10 54. 11 MR. WILLIAMS: That's already been 12 marked? 13 MR. MAYBANK: Yeah. That's what I -- I 14 didn't -- I couldn't remember. There's 15 pricing on those documents. 16 THE WITNESS: Yeah. I remember talking 17 to you about this earlier. This was some 18 notes that I was taking down. I think Mitch 19 was on his computer, and we were doing price 20 comparisons to prepare to order some 21 honeybeekeeping supplies, and so I was writing 22 down item numbers of things that we would like 23 to be able to order as we could. Some of them 24 we ordered, some of them we did not. But that 25 was just a running price list for comparisons.

Page 226	Page 228
1 MR. GOWDER: Those were marked as 2 Exhibit 18. 3 MR..MAYBANK: Yeah. I just couldn't 4 remember. 5 THE WITNESS: That's what that is. 6 BY MR. MAYBANK: 7 Q And that was for what purpose, for when 8 y'all were to sell stuff? 9 A Yeah. 10 Q Thank you. 11 A You're welcome. 12 Q I ask this question of all my deponents. 13 It's hard to pick up halfway when somebody's 14 already covered a lot of ground, because I can't 15 remember what they've asked and what you've 16 testified to. You've answered a lot of questions, 17 and I appreciate that. 18 A Thank you. 19 Q Is there anything that I haven't asked 20 you -- I oftentimes will get an objection from this 21 question, but anything I haven't asked you, because 22 I only get one time to sit down like this in this 23 environment and talk to you, that I needed to ask 24 you or you wanted to tell me about this event that 25 we haven't discussed?	1 is. 2 So when I saw the devastation from the 3 flood, it was -- it was hard, and it was sad, and 4 it was -- it wasn't as nasty of a cleanup because 5 most everything had washed away. I didn't have to 6 deal with the maggots and the smell and all of 7 that, but -- so that part of it was easier. 8 And knowing that there was really nothing 9 anybody could do to make it not flood or make it -- 10 make us not have a hurricane, that made it a little 11 bit better. Because these little honey girls, they 12 have obstacles every day, things they have to deal 13 with, the weather and the chemicals and other bees. 14 Their life is a hard life to live, so they have a 15 lot of obstacles, but when somebody just 16 deliberately poisons them, that's hard for me. 17 And at the level that that aerial spray 18 did it, the total wipe-out, the total massacre from 19 that, it's a nightmare. It's still a nightmare to 20 me. I still wake up sometimes and just walk out 21 there in the night and just be like how did this 22 happen? 23 It's just -- it's terrible to me, because 24 I'm passionate about it. I know their value, and I 25 know that I was doing work that I could feel proud
Page 227	Page 229
1 A I can't think of anything right now. My 2 brain's a little overworked today with trying to 3 remember. It's hard to go back when you are in a 4 state of crisis and confusion and shock and 5 devastation and remember details and dates and 6 stuff like that. 7 So it's been really hard to try to visit 8 a place that -- of pain and hurt for me to get you 9 this information today, so I really -- I can't 10 think of anything that you haven't asked. It feels 11 like you've asked everything 20 times each. So I 12 guess that's a no, long way of saying no. 13 Q Did the devastation as you've described 14 it or testified to of this event, how did that 15 compare to the devastation of the 75 boxes that you 16 lost that were drowned? 17 A It was different. I guess I felt a lot 18 of betrayal when I saw what had happened to my 19 apiary because I thought I had a solid plan in 20 place to protect them. Just a minute. 21 Q Take your time. 22 A So I questioned myself was there 23 something else I should have done or could have 24 done to prevent this from happening, and there's 25 not. I still can't think of anything that there	1 of. At the end of the day, I was doing something 2 that was making this world and other people's lives 3 better, and that's important to me, so it's been 4 tough. 5 I hope that's a good enough answer for 6 you on that. 7 Q A few more questions. Do you know what 8 American Foulbrood is? 9 A Brood. 10 Q Foulbrood? 11 A I am aware of that. 12 Q What is that? 13 A It's a disease that honeybees get. That 14 may be the one that causes the diarrhea that I was 15 speaking about. 16 Q How about Chalkbrood? 17 A I'm not familiar. 18 Q Sacbrood? 19 A Not familiar. 20 Q Nosema? 21 A That's the one with the diarrhea, the 22 nosema, yeah. 23 American Foulbrood is when you're doing 24 inspections, you can smell it. That's why they 25 call it Foulbrood. It's got a very distinct odor

Page 230 1 to it. Before you even get up to your hive, you 2 can smell it when it's that. I have never had any 3 of my colonies have that, but I've known people 4 that have. 5 Q Do you have any opinion as to the issue 6 of lack of genetic diversity within the honeybee 7 population, or do you know if that's a problem? 8 A I don't think that's a problem for the 9 reason I just explained about their mating ritual. 10 I think there's quite a bit of diversity in it. 11 Q Do you plan on brokering bees this 12 spring? 13 A I do. 14 Q Do you have any idea of the difference in 15 income or profit margin between brokering bees and 16 selling bees? 17 A Yeah, yeah. When I'm raising those bees, 18 other than my blood, sweat, and tears I'm putting 19 into them and the little bit of supplemental food 20 that I'm giving them, I'm making 100 percent profit 21 on it. And when I'm brokering bees, I'm making -- 22 I don't know. Mitch knows the margin on it. It's 23 very minimal. 24 Q Have you had anybody do any financial -- 25 I know Mitch is the financial guy, but do any kind	Page 231 1 of numbers running what you had estimated or 2 thought you might make? 3 A We have hired an expert environmentalist 4 that's working on that for us. 5 MR. GOWDER: Economist. 6 THE WITNESS: Economist, I meant, that's 7 working on that with us now. 8 MR. GOWDER: It's Oliver Wood. We've 9 disclosed that. 10 MR. MAYBANK: That's right, that's right, 11 absolutely, Oliver. 12 BY MR. MAYBANK: 13 Q Thank you. 14 A Thank you. 15 THE WITNESS: I'm done? 16 MR. GOWDER: No. EXAMINATION 17 BY MR. GOWDER: 18 Q I have one follow-up question. 19 A Oh, Andy. 20 Q No, it's okay. Just there was a lot of 21 talk about mitigation damages and about your 22 conversations with Mr. Chinnis. If you had gotten 23 the \$20,000 that you all had discussed, what could 24 you and Mitch have done with that money?	Page 232 1 A We would have went and bought more bees 2 with it, and I would have started growing bees. It 3 wouldn't have been enough to like make a big profit 4 on, but it would have been enough to get me going 5 growing bees again. It wouldn't have set me back 6 as far if I would have been able to get \$20,000 7 worth of bees to get up and running again, because 8 it's a growing process. It's something you do all 9 the money and all the work, and then you get paid 10 at the end of it, just like with crops and things. 11 Q You had mentioned this, but just if you 12 could describe it for the record so that the record 13 is clear. Describe the growth that you -- but for 14 the death, that you would have had in the bees that 15 you owned in August before the spray? 16 A I was on track to at least match the 17 numbers that I got from Pigeon -- whatever the 18 place was there. I was on track to sell 7,000 19 packages in the spring, and I would be able to 20 lease -- I anticipated if everything went fine, I 21 would be able to lease 100 units for pollination 22 purposes in that coming spring. 23 Q And what would have continued to happen 24 with the hives that you had? 25 A They would continue to grow and -- like	Page 233 1 when you're leasing bees to -- for pollination, you 2 still own all of that stock. I take it, I set it 3 up, I deliver it, I inspect it. It's still all 4 mine. Every bit of it's mine. They are just 5 paying me for the service of the pollination. 6 So I'm still growing bees, and it's 7 actually beneficial to my business, because my bees 8 are eating a different food source. They're not 9 having to scrap for food in a concentrated area. 10 They get to spread out and have more food sources, 11 so they can grow even better. The more food 12 sources they have, the faster and better -- the 13 healthier they are, the better they can grow. 14 Q That's all I have. EXAMINATION 15 BY MR. MAYBANK: 16 Q I have one follow-up. 17 Did you ever attempt to go to a financial 18 institution of any kind and ask for a loan for 19 Flowertown Bee to reopen and begin again? 20 A I did not. 21 Q Do you know if Mitch did? 22 A I don't know. 23 Q And you say you have no debt? 24 A I said I had no debt prior to this. I do

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1 have debt now.
2 Q And what is that debt?
3 A Credit card debt.
4 Q Who's your credit card with?
5 A Discover.
6 Q Have you had your Discover card since you
7 moved to South Carolina?
8 A I have.
9 Q Any other credit cards?
10 A CitiBank.
11 Q And had you had the CitiBank credit card
12 before you moved to South Carolina?
13 A I think I got the CitiBank card after
14 South Carolina.
15 Q And then the Discover card prior to?
16 A I think so, yeah.
17 Q Thank you.
18 EXAMINATION
19 BY MR. WILLIAMS:
20 Q I have a follow-up.
21 Have you ever spoken with Al Allen?
22 A I have not.
23 Q Have you ever spoken with anyone at Allen
24 Aviation?
25 A No.

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1 Q Are you aware of Allen Aviation's
2 location?
3 A No.
4 Q That's all I have.
5 THE REPORTER: Do you need a copy of the
6 transcript?
7 MR. WILLIAMS: Yes, an etran, please.
8 - - -
9 (The deposition was concluded at
10 4:47 p.m.)
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CERTIFICATE OF REPORTER

I, Marie H. Bruegger, Registered
Professional Reporter and Notary Public for the
State of South Carolina at Large, do hereby
certify:

That the foregoing deposition was taken
before me on the date and at the time and location
stated on Page 1 of this transcript; that the
deponent was duly sworn to testify to the truth,
the whole truth, and nothing but the truth; that
the testimony of the deponent and all objections
made at the time of the examination were recorded
stenographically by me and were thereafter
transcribed; that the foregoing deposition as typed
is a true, accurate, and complete record of the
testimony of the deponent and of all objections
made at the time of the examination to the best of
my ability.

I further certify that I am neither related
to nor counsel for any party to the cause pending
or interested in the events thereof.
Witness my hand. I have hereunto affixed my
official seal this 4th day of December 2017, at
Johns Island, Charleston County, South Carolina.

Marie H. Bruegger,
Registered Professional Reporter
Notary Public
State of South Carolina at Large
My Commission expires:
April 18, 2021

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF SOUTH CAROLINA
3 CHARLESTON DIVISION

3 MITCH RANDALL YAWN and
4 JUANITA MAE STANLEY d/b/a
5 FLOWERTOWN BEE FARM AND SUPPLIES,

6 Plaintiffs,

7 vs. C.A. NO. 2:17-CV-00440-DCN

8 DORCHESTER COUNTY, TOWN OF
9 SUMMERVILLE, ALLEN AVIATION,
10 INC. and AL ALLEN,

11 Defendants.

12 DEPOSITION OF: MITCH RANDALL YAWN

13 DATE: February 20, 2018

14 TIME: 10:07 a.m.

15 LOCATION: Law Offices of
16 Austen & Gowder
17 1629 Meeting Street
18 Charleston, SC

19 TAKEN BY: Counsel for the Defendant

20 REPORTED BY: Janice N. Shepherd,
21 Registered Professional
22 Reporter

23 A. WILLIAM ROBERTS, JR., & ASSOCIATES

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Page 2

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(INDEX AT REAR OF TRANSCRIPT)

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1 about with your attorney on breaks or anything, I
2 can explore what you talk about.
3 A. Sure.
4 Q. If you don't understand a question, you
5 should not answer it. Ask me to rephrase. If you
6 do answer a question, I'm going to assume that you
7 understood my question, but I'm happy to rephrase
8 and clarify. And please don't be offended by this.
9 Are you under the influence of alcohol or any type
10 of drug that's --
11 A. No.
12 Q. And whenever you want a break, just let
13 me know. It's not an endurance contest. Can you
14 please state your full name for the record?
15 A. Mitch Randall Yawn.
16 Q. What do you prefer to be called?
17 A. Mitch.
18 Q. And do you have any other nicknames?
19 A. Yeah, but not that we can put on the
20 record.
21 Q. And you said you've been deposed
22 before. Do you remember exactly how many times?
23 A. No.
24 Q. When was the last time you were
25 deposed?

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1 MITCH RANDALL YAWN,
2 being first duly sworn, was examined and testified
3 as follows:
4 EXAMINATION
5 BY MR. WILLIAMS:
6 Q. Mr. Yawn, my name is Harrison Williams.
7 We met previously, and I represent Allen Aviation
8 and Al Allen in this lawsuit. Have you ever been
9 deposed before?
10 A. Yes.
11 Q. How many times?
12 A. A couple.
13 Q. Okay. So you're a little bit familiar
14 with the rules. I'm just going to go over a few of
15 them, and then we'll go into your background, and
16 then we'll get into the substance of the lawsuit.
17 A. Okay.
18 Q. As you know, you're under oath, just
19 like you're giving testimony in court. The court
20 reporter is going to take down everything we say,
21 so only one person talk at a time because she can
22 only write down one thing at a time. You're not
23 allowed to speak to your attorney regarding the
24 substance of your deposition from now until your
25 deposition has been concluded. Anything you talk

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1 A. 2008.
2 Q. And were you a plaintiff or a defendant
3 in that lawsuit?
4 A. No.
5 Q. So you were just a non-party?
6 A. I was a witness.
7 Q. You were a witness. What was the case
8 about?
9 A. Construction.
10 Q. Have you ever been deposed in a lawsuit
11 where you were a plaintiff or a defendant?
12 A. Yes.
13 Q. What case was that?
14 A. I got hit head-on by a woman in Toccoa,
15 Georgia.
16 Q. And were you the plaintiff?
17 A. Yes.
18 Q. Have you ever been deposed in another
19 lawsuit in which you were a plaintiff or a
20 defendant?
21 A. No -- yes. Excuse me.
22 Q. What was that case about, the next
23 case?
24 A. Construction.
25 Q. And were you the plaintiff or the



Page 6

1 defendant in that case?
2 A. The defendant.
3 Q. And what were the allegations against
4 you in the case?
5 A. Not against me, against the company.
6 Q. So were you just a representative of
7 the company?
8 A. Yes.
9 Q. And was it like a construction defect
10 case?
11 A. There was a time matter.
12 Q. What do you mean by that?
13 A. Contract said it had to be done in 90
14 days, and it was done in 50 days, and they said it
15 took us 200 days, and I had to go in and tell them
16 they were lying.
17 Q. So it was a contract dispute?
18 A. Yes.
19 Q. Any other cases you've been deposed
20 where you were a plaintiff or a defendant?
21 A. No.
22 Q. Besides those two lawsuits that we just
23 talked about, have you been involved in any other
24 lawsuits?
25 A. As anything other than a witness?

Page 8

1 room out to. I don't know her name. I don't give
2 a shit. And I have a renter in the apartment, and
3 I think her name is Sherry, but I don't care about
4 that one either.
5 Q. But you rent to two different
6 individuals at your current address?
7 A. Yes.
8 Q. Do you have any other rental
9 properties?
10 A. No.
11 Q. Are you currently married?
12 A. Yes.
13 Q. And your wife is Juanita Stanley, who
14 we deposed previously in this case?
15 A. Yes.
16 Q. Do you have any children?
17 A. Yes.
18 Q. How many?
19 A. Two, a daughter 27, and -- would you
20 like her name?
21 Q. Yes, please.
22 A. Katherine Nicole Yawn. I have a son,
23 25, Murphy Randall Yawn.
24 Q. Where does Katherine live?
25 A. Summerville.

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1 Q. Yes, anything other than a witness.
2 A. No.
3 Q. What did you do to prepare for your
4 deposition today?
5 A. Nothing.
6 Q. You didn't review any documents?
7 A. I don't need to.
8 Q. Did you speak with anyone besides your
9 attorney?
10 A. My wife.
11 Q. And did you all talk about the
12 substance of the lawsuit?
13 A. No. We talked about trying to work our
14 differences out because we broke up since the last
15 time we were here.
16 Q. I'm sorry to hear that. What is your
17 current address?
18 A. 503 Pinehurst Avenue, Summerville,
19 South Carolina 29483.
20 Q. How long have you lived there?
21 A. Four plus years.
22 Q. Who do you live with at your current
23 address?
24 A. I live with -- I don't live with
25 anybody now, but I have a roommate that I rent a

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1 Q. Where does Murphy live?
2 A. Pittsburgh.
3 MR. MAYBANK: Mr. Yawn, what was her
4 middle name again?
5 THE WITNESS: Nicole.
6 MR. MAYBANK: Nicole, thank you.
7 BY MR. WILLIAMS:
8 Q. Do you have any other family in the
9 Summerville area?
10 A. Yes.
11 Q. Who are they?
12 A. I have a mother and a stepfather.
13 Q. What is your mother's name?
14 A. Vivian Reba Yawn Huff.
15 Q. Where does she live?
16 A. 108 Lawrence Drive, Summerville, South
17 Carolina 29483.
18 Q. And then who was the other individual?
19 A. Her new husband.
20 Q. Okay. And I'm assuming they live
21 together?
22 A. Yes.
23 Q. Any other family?
24 A. I have a cousin. I don't know her
25 address.

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1 Q. But she lives in the area?
2 A. Yeah.
3 Q. What's her name?
4 A. Monica Lynn Kirkland.
5 Q. So you testified that you've lived at
6 your current address for four plus years?
7 A. Um-hum.
8 Q. Where did you live before them?
9 A. 108 Lawrence Drive.
10 Q. Is that in Summerville?
11 A. Yes. That's with my mother.
12 Q. And how long did you live at Lawrence
13 Drive?
14 A. From -- well, October of '09 until I
15 moved in to here.
16 Q. And so before October of '09, where did
17 you live?
18 A. At 121 Macallan Court, Summerville,
19 South Carolina 29483.
20 Q. How long have you lived in Summerville?
21 A. My life.
22 Q. Do you rent or own your home?
23 A. Rent.
24 Q. How old are you?
25 A. Fifty-six.

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1 Q. And what were the periods of your
2 service?
3 A. '79 to '85 active duty.
4 Q. And did you have -- were you on retired
5 status or anything?
6 A. No, I'm disabled.
7 Q. Okay. And was the discharge honorable?
8 A. Oh, yeah.
9 Q. Have you ever been arrested or
10 convicted of a crime other than a minor traffic
11 offense?
12 A. Yes.
13 Q. Let's talk about each one. What was
14 the first time you were arrested?
15 A. They're all expunged.
16 Q. That's okay.
17 A. They're all expunged. We don't need to
18 discuss them.
19 Q. But we'd like to know about them.
20 A. What would you like to know?
21 Q. When was the first time you were
22 arrested?
23 A. I don't know.
24 Q. What was the charge?
25 A. I don't know, don't remember.

Page 11

1 Q. When was your birthday?
2 A. 5/31/1961.
3 Q. And where were you born?
4 A. Phoenix, Arizona, Luke Air Force Base.
5 Q. So how long were you in Phoenix,
6 Arizona, until you moved to Summerville?
7 A. Didn't move to Summerville.
8 Q. Where did you move?
9 A. Ramstein, Germany.
10 Q. And then from Germany, where did you
11 move?
12 A. Mountain Home, Idaho.
13 Q. Then from Idaho, where did you move?
14 A. Summerville, South Carolina, at the age
15 of nine.
16 Q. Got you. And I think I know the answer
17 to this. We were talking about this earlier. But
18 have you ever served in the military?
19 A. Yes.
20 Q. What branch of the military?
21 A. Navy.
22 Q. Where was your service?
23 A. Around the world.
24 Q. What was your rank upon your discharge?
25 A. E-5.

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1 Q. Do you remember any of the charges that
2 you've ever been arrested for?
3 A. Sure. Criminal domestic violence.
4 Q. When was that?
5 A. '84.
6 Q. Did you serve any time?
7 A. No. I was never found guilty.
8 Q. What about the next one?
9 A. Assault and battery.
10 Q. When was that?
11 A. '84.
12 Q. Where did the offense occur?
13 A. At a bar.
14 Q. In Summerville?
15 A. Yeah.
16 Q. Okay. What was the resulting sentence?
17 A. Found innocent because I was working
18 for the owner of the bar.
19 Q. Okay.
20 A. I was a bouncer.
21 Q. What about the next one?
22 A. Same thing. Several times.
23 Q. That happened several times?
24 A. Yeah.
25 Q. Do you remember how many times?

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1 A. No.

2 Q. Besides the domestic violence and the

3 assault and battery, have you been arrested for any

4 other crimes?

5 A. Failure to pay child support.

6 Q. When was that?

7 A. '80s, '90s somewhere.

8 Q. What was the resulting sentence?

9 A. I paid the child support and got out.

10 Q. Did you spend any time in jail?

11 A. A couple of hours.

12 Q. Anything else?

13 A. No.

14 Q. Where did you go to high school?

15 A. Summerville.

16 Q. Summerville High School?

17 A. Um-hum.

18 Q. Did you go to college?

19 A. No. Took lots of courses though.

20 Q. Where did you take courses?

21 A. Correspondence, just everywhere,

22 anyplace the Navy had courses to take.

23 Q. Did you ever receive a degree?

24 A. No.

25 Q. What did you take courses in?

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1 the military and went to work for my father who

2 owned Amoco stations in the area until sometime in

3 the '90s. I went to work for Detyens Shipyard. I

4 left them, went to work for -- somebody. Then I

5 opened a construction company and an air

6 conditioning company. I ran that until my divorce

7 from my first wife. I went to work for J.W. Long

8 for two years. That was in the '90s. Around '99 I

9 went to work for ARS in Hilton Head until 2001.

10 2001, I came out, opened my own air conditioning

11 company, ran it until my father's death in

12 September of '09. I went to work for Pardee's --

13 well, I became a bail bondsman and a private

14 investigator, and I worked that until I went to

15 work for Pardee -- I don't know -- four years ago,

16 five years ago.

17 Q. Okay. And I asked you about your

18 current marriage. How many times have you been

19 married?

20 A. Three.

21 Q. What are the names of all of your

22 ex-wives?

23 A. The first one was Edna Marie Murphy,

24 something, something, Yawn Schuligoj.

25 Q. And did you all live in Summerville

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1 A. Everything.

2 Q. Just general trade --

3 A. Underwater basket weaving, English, air

4 conditioning, just anything that came along that

5 looked interesting enough to take.

6 Q. Okay. Are you currently involved in

7 any other lawsuits?

8 A. No.

9 Q. What is your current job?

10 A. I'm a subcontractor for People's

11 Heating & Air. I subcontract service work.

12 Q. And how long have you had your current

13 job?

14 A. A year in May.

15 Q. And what are your normal day-to-day

16 activities in your current job?

17 A. Meaning?

18 Q. What kind of services do you perform?

19 A. HVAC.

20 Q. So you go to people's houses and --

21 A. Yes.

22 Q. And if you could, just briefly describe

23 your history of employment from when you left the

24 military until the present.

25 A. When I left the military, I came out of

Page 17

1 together?

2 A. Yes.

3 Q. Where does she live now?

4 A. Texas.

5 Q. How long were you married?

6 A. Eight years.

7 Q. When were those years?

8 A. '85 to '94, somewhere in that area.

9 Q. The next marriage?

10 A. Deborah Lynn, something, Yawn.

11 Q. And how long were you married?

12 A. Two months to the day.

13 Q. What year was that?

14 A. Hell, I don't know. I'd have to ask

15 John Loy. He's the one that did my divorce.

16 Q. Do you pay any type of alimony

17 currently?

18 A. No.

19 Q. And your children, were your children

20 the result of either of those marriages?

21 A. First.

22 Q. So both of your children are just from

23 the first marriage?

24 A. Correct.

25 Q. And so as to the Flowertown business,

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1 how did you get into the bee business?
2 A. As a joke.
3 Q. Why is it a joke?
4 A. The property taxes at 503 Pinehurst
5 Avenue are \$6000 a year. In an effort to lower
6 that, I was looking for a business to do, like
7 horses, cows, farming, whatever. And in November,
8 Nita and I talked about it, and we started talking
9 about bees. So bees are agriculture.
10 Q. Okay.
11 A. And upon further research of doing
12 that, we were only -- to make it a business, we
13 were only required to have a total of seven hives.
14 So we started to become -- we started to become a
15 business. Then it turned into a business. It left
16 being a joke and became a real business, because it
17 was something that I thoroughly enjoyed to do and
18 it's something that she loved to do. So that
19 happened around February.
20 Q. February of what year?
21 A. 2016.
22 Q. And you said that the property taxes at
23 your Pinehurst residence are \$6000 a year?
24 A. Um-hum.
25 Q. But earlier you testified that you rent

Page 20

1 Q. And so there wasn't any threat that it
2 was going to be rezoned to residential? It was
3 going to stay agriculture whether you had the bee
4 business or not?
5 A. Yep. The property is also
6 contaminated, has some groundwater contamination
7 from the service station, so it will never be able
8 to be zoned residential.
9 Q. So how is the purpose of the business
10 to reduce taxes if it was never an issue?
11 A. It didn't. In the process of trying to
12 help him, we found out that he had already had
13 everything we could do, so we were no help to him
14 whatsoever.
15 Q. Okay. And so just describe for me your
16 impression of -- what is the purpose of your
17 business?
18 A. The purpose of the business is to
19 supply bees and beekeeping equipment to the Low
20 Country.
21 Q. And so is Flowertown -- which is the
22 name of your business; correct?
23 A. Um-hum.
24 Q. -- is it still in business?
25 A. Yes. It's struggling very hard. But,

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1 that property?
2 A. I have a rent-to-own-type deal.
3 Q. So you're responsible for the property
4 taxes?
5 A. No, I'm not. But the man who owns the
6 property and I have an agreement that I will do the
7 work to keep the house up and do all the work and
8 will help him decrease the cost of that house in
9 any way possible, because I have the intent to buy
10 that house, or I had the intent to buy the house.
11 Q. And who is this man that you're talking
12 about?
13 A. Doug Miles.
14 Q. And does he live in Summerville?
15 A. Yes.
16 Q. And just so we're clear, you used the
17 bee business to help decrease his tax cost for that
18 property?
19 A. Um-hum.
20 Q. Do you remember how much the tax
21 deduction was?
22 A. He already had it. Then when he had
23 bought the property, the property was already zoned
24 agriculture. So he had already had it. My
25 attempts had nothing to do with him.

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1 yes, it is in business.
2 Q. It's operating today?
3 A. Yes.
4 Q. Do you have any education or training
5 related to beekeeping?
6 A. No.
7 Q. Do you consider yourself a beekeeper?
8 A. Yes.
9 Q. How long have you been a beekeeper?
10 A. Since February.
11 MR. MAYBANK: And that's 2016?
12 THE WITNESS: Right. And I consider
13 myself to be really damn good at it.
14 BY MR. WILLIAMS:
15 Q. And so describe that -- well, just
16 describe what goes into being a beekeeper.
17 A. Clarify.
18 Q. What activities do you have to perform
19 on a daily basis in order to keep up the beehives?
20 A. I didn't perform daily activities. I
21 worked a job that worked 40 to 60 hours a week. My
22 portion of that was to do the bookkeeping, the
23 records, try to get some advertising, whatever that
24 took, and doing all the wood work, building hives,
25 roofs, tops, floors, everything. I did all the

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1 construction work to build hives. And that
2 consumed probably 20 hours a week.
3 **Q. Okay.**
4 **A. After my 60 hours of work.**
5 **Q. Understood. That's a lot. So how many**
6 **hives did you make for Flowertown?**
7 **A. I made and sold hundreds. I have no --**
8 **I don't have a direct count on that, because you**
9 **lose track.**
10 **Q. Did Flowertown keep records of the**
11 **hives that it sold?**
12 **A. No, we did not keep a record of the**
13 **hives that we sold, but we kept a record of the**
14 **hives that we had.**
15 **Q. Have you produced those records to your**
16 **attorney? Have you given those records to your**
17 **attorney?**
18 **A. Yeah, he has all of that.**
19 **Q. What is the address of Flowertown?**
20 **A. 503 Pinehurst.**
21 **Q. And is Flowertown registered with the**
22 **South Carolina Secretary of State's office?**
23 **A. Meaning as an LLC?**
24 **Q. Just as a registered --**
25 **A. No, we're a sole proprietorship and had**

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1 **A. Yes.**
2 **Q. And so we talked about -- so we've got**
3 **bee rescues, selling just the beehives --**
4 **A. The equipment you need, the suits, the**
5 **tools --**
6 **(The proceedings were interrupted.)**
7 **THE WITNESS: I really need to take**
8 **this call. Can I be excused?**
9 **MR. WILLIAMS: Yeah, yeah, yeah.**
10 **THE WITNESS: And this is about bees.**
11 **(A recess transpired.)**
12 **BY MR. WILLIAMS:**
13 **Q. We were talking about what Flowertown**
14 **sells and the services they provide.**
15 **A. Yeah, we sell suits that you need, the**
16 **hood that you need, you know, the netting. We**
17 **sell -- if you need it to work with bees, we sell**
18 **it, or we make it. We do both.**
19 **Q. So Flowertown can provide someone who**
20 **is looking to set up a beekeeping operation with**
21 **all --**
22 **A. Everything they need.**
23 **Q. Including the bees?**
24 **A. Including the bees.**
25 **Q. So did Flowertown keep records of all**

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1 a tax ID number up until it was no longer needed.
2 We found out that we didn't have to collect taxes.
3 Anything that's agriculture, consumable
4 agriculture, such as bees, hives, bee suits, don't
5 require to collect tax on. So we forfeited that.
6 **Q. And who gave you that advice?**
7 **A. South Carolina.**
8 **Q. Okay. What department of South**
9 **Carolina?**
10 **A. Revenue.**
11 **Q. So just describe the services that**
12 **Flowertown -- you mentioned earlier that you sold**
13 **beehives?**
14 **A. Packages of bees.**
15 **Q. So you sell packages of bees?**
16 **A. Yes. We sell nucs, which are small**
17 **colonies. We sell hive boxes. We did -- we did**
18 **bee rescues. I didn't want it called rescues,**
19 **because I wanted to charge for it. But my loving**
20 **wife wouldn't charge anybody to take bees off their**
21 **property that had swarmed. So she calls them**
22 **rescues, and she provided that service.**
23 **Q. And a bee rescue would be just taking a**
24 **hive that is maybe in somebody's house or on their**
25 **property, and would you keep those bees?**

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1 **of the merchandise that they sold?**
2 **A. No, we kept records of everything we**
3 **bought. We gave a lot away. We bartered a lot of**
4 **stuff. We never set this business up to be**
5 **Walmart. We set this business up to help people in**
6 **this area, because now we have a passion for bees.**
7 **Q. Did you set the business up with the**
8 **expectation that you would make a profit?**
9 **A. Yeah, yeah. We -- okay. Our goal in**
10 **this business were humble. We weren't looking to**
11 **be millionaires. We weren't looking to sell for**
12 **high profits and all of that. We were looking for**
13 **enough money to replace money that I make in the**
14 **heating and air business, \$70,000 to \$100,000 a**
15 **year.**
16 **Q. So your goal was to be able to leave**
17 **your current employment in the HVAC business and**
18 **just focus solely on Flowertown?**
19 **A. Yes, at which time we would have then**
20 **became Walmart. We would have gotten real tight on**
21 **everything.**
22 **Q. But you also had charitable interest as**
23 **well; you were giving back to the community?**
24 **A. Always, always.**
25 **Q. And so you testified that Flowertown**

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1 kept records of everything it purchased, but not
2 everything that Flowertown sold?
3 A. Correct.
4 Q. Do you remember how many customers
5 Flowertown had while it operated?
6 A. Over 100.
7 Q. How many packages of bees did
8 Flowertown sell?
9 A. We didn't sell any bees until -- well,
10 that's not true. Packages of bees, we did not sell
11 packages of bees until last year, and we sold 70,
12 and we gave away 15.
13 Q. So when you say you didn't sell
14 packages of bees until last year, that was packages
15 of bees that were sold after the spraying incident
16 that is the subject of this lawsuit?
17 A. Correct. And we had to broker those.
18 We had to buy them elsewhere.
19 Q. And as I understand it, brokering of
20 bees is you go to another supplier and buy a bulk
21 amount of bees?
22 A. No, we buy -- yeah, that's close
23 enough.
24 Q. Well, please explain.
25 A. The gentleman I just spoke to has a bee

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1 Q. So I'm assuming, in the beginning,
2 Flowertown had to purchase bees from someone to get
3 set up?
4 A. Yes.
5 Q. Where did you buy Flowertown's initial
6 purchase of bees from?
7 A. This guy named Harold. He was a crook.
8 Q. Do you remember his last name?
9 A. (Witness moves head from side to side.)
10 Q. Did he have a business?
11 A. Yeah, he had a business called Sumter
12 Bees.
13 Q. Sumter Bees. And you said Harold was a
14 crook. Why do you think that?
15 A. Because he's a crook. I can recognize
16 a crook walking. Here is why. We initially bought
17 eight hives from him. Then we expanded that to be
18 40 hives. Then he came up with this deal that he
19 could bring me 50 more hives. And he brought me
20 the 50 hives. Then he came up another deal that he
21 had like 20 or 25.
22 Q. Okay.
23 A. And he brought those. And he kept
24 trying to get me to pay out up front. And part of
25 his deal was, because he is a master beekeeper,

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1 business in Hardeeville. I go and get bees from
2 him on an as-needed basis. I don't have to buy a
3 number. I can go and say I want 20 or I want 15 or
4 whatever. I don't have to go in and buy a pallet
5 of 1000.
6 Q. And when you say 20 or 1000, what does
7 that number refer to?
8 A. Packages.
9 Q. And how many bees are in just a package
10 of bees?
11 A. 3000 -- or 3 pounds, about 10,000 bees.
12 Q. 3 pounds of bees is 10,000 bees?
13 A. 3 pounds of bees equals 10,000
14 honeybees.
15 Q. And who is the individual you're buying
16 from?
17 A. Mark Lilly.
18 MR. MAYBANK: I'm sorry. Say that
19 again?
20 THE WITNESS: Mark Lilly.
21 BY MR. WILLIAMS:
22 Q. Does he have a business?
23 A. Yeah.
24 Q. What's the name of his business?
25 A. I don't know.

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1 part of the deal was that he was going to educate
2 me, refresh Nita on all this stuff that we needed
3 to know, such as grafting queens, just all the
4 extra stuff that -- the minutia. And he wouldn't
5 come back. And I had \$500 of his money. And until
6 he came back to do what he promised to do, I
7 wouldn't give him the money. So he's gone. I
8 don't know where he's at. And I still have \$500 of
9 his money.
10 Q. That was \$500 that you owed him?
11 A. (Witness moves head up and down.)
12 Q. But he just never came to collect?
13 A. No, he wouldn't come back to do part of
14 the deal that he promised. I had to learn how to
15 graft off the Internet.
16 Q. When you say grafting, what does that
17 entail?
18 A. That's taking an egg larvae -- a bee
19 larvae and putting it into a cup and making it a
20 queen.
21 Q. Would Flowertown sell individual queen
22 bees?
23 A. Yes. I'm proficient at grafting.
24 Q. And so how many queen bees has
25 Flowertown sold?

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1 A. I think we gave away 20.
2 Q. But you've never sold one, just gave
3 them away?
4 A. Yes.
5 Q. And so back to Sumter Bees, is Sumter
6 Bees where Flowertown received all of the initial
7 bees that it used to start the business?
8 A. Yes.
9 Q. How much money did Flowertown spend on
10 the initial purchase of bees?
11 A. About 10 grand.
12 Q. And just so we're clear, that got
13 you -- so you said you started with eight hives?
14 A. Um-hum.
15 Q. And then you got 40 more hives?
16 A. Um-hum.
17 Q. And then you got 50 more hives?
18 A. Um-hum.
19 MR. MAYBANK: Is that a yes? She needs
20 the verbal.
21 THE WITNESS: Yeah, I'm sorry. Yes.
22 BY MR. WILLIAMS:
23 Q. So we've got 98 hives?
24 A. Yes.
25 Q. And so Flowertown spent \$10,000 on 98

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1 Q. And then a colony, what's a colony?
2 A. 60,000 to 80,000 bees, ten frames plus,
3 all of them worked on, and a queen.
4 Q. And so Sumter Bees provided nucs and
5 colonies of bees?
6 A. Correct.
7 Q. And then you used the remainder of the,
8 say, \$5000 to build actual frames and hives and
9 everything for the boxes?
10 A. The boxes, the roofs, the tops. Maybe
11 a picture would help. I found this picture, and I
12 looked for it several times, so I'm going to show
13 it to you now. These are queens that I grafted.
14 You can hold it. Those were an extreme labor of
15 love.
16 Q. That's a picture depicting where you're
17 grafting queens, you're creating queen bees?
18 A. Right.
19 Q. So from the time that Flowertown began
20 operation until the spraying incident, did
21 Flowertown sell any bees?
22 A. No. Well, excuse me, yes, we did. We
23 sold one nuc to a young man in Mt. Pleasant.
24 Q. Do you remember how much you sold that
25 nuc for?

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1 hives from Sumter Bees?
2 A. Yes.
3 Q. I guess 10,000 minus 500 that didn't
4 get paid?
5 A. He collected 10 grand.
6 Q. Okay. He collected 10 grand.
7 A. No, excuse me, that's wrong. He
8 collected his portion of that money, but we had to
9 build hive boxes to put the bees in. So in that,
10 in that, I built -- when we got the bees, I
11 immediately started building 100 hive boxes. So
12 his portion of that was probably -- I don't know --
13 somewhere around 4500 to 5000.
14 Q. So Sumter Bees was just providing
15 packages of bees --
16 A. No, they were providing nucs and
17 colonies.
18 Q. Explain to me the difference between a
19 nuc and a package of bees.
20 A. A package of bees is 3 pounds of bees,
21 which is about 10,000, a queen -- a young, mated
22 queen. A nuc is a small colony, probably 20,000 to
23 30,000 bees, with a queen, drawn-out frame, brood,
24 which are baby bees, and a feeder, and an empty
25 frame for them to work on.

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1 A. I think I sold it -- I think his total
2 order was like 250.
3 Q. Do you remember that man's name?
4 A. Mike Brown.
5 Q. Besides the one nuc that you sold to
6 Mike Brown before this spraying incident, what else
7 did Flowertown sell?
8 A. Nothing. Here is a hive that we built.
9 This is the bottom board. It's a screen bottom
10 board. Underneath it is a political sign from one
11 of the hacks in Dorchester County as a base, like
12 to keep stuff from falling all the way through,
13 because there is screen on the bottom. This is a
14 deep. This is a medium, and that is a roof with a
15 metal top, and there is an inner liner as well. I
16 built all of that.
17 Q. Okay.
18 A. That's what we build. Here you go. In
19 this picture, up here, these are all packages.
20 Q. Okay.
21 A. They are wooden boxes. There is a
22 screen, there is a can of sugar, there is a queen
23 in there, and there is 3 pounds apiece. This here
24 is a nuc. That's a small colony. It has room for
25 a feeder and four frames or five frames, whichever

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1 one you choose. And this is our little sales
2 board, the prices that we sold everything for.
3 **Q. And is this before or after the**
4 **spraying incident?**
5 A. That's after the spraying.
6 **Q. Okay. Thank you.**
7 MR. MAYBANK: Do you have all these
8 photos that he's showing us, do you know?
9 THE WITNESS: No, he doesn't have all
10 of these photos. Some of these photos I couldn't
11 get to download off my phone.
12 That's when we went to Cottageville
13 after the spraying trying to get started, trying to
14 stay alive.
15 BY MR. WILLIAMS:
16 **Q. And this is when you're brokering bees?**
17 A. This is brokering bees.
18 **Q. Does Flowertown have any employees?**
19 A. No.
20 **Q. Did Flowertown have any volunteers?**
21 A. Yeah, her two sons, her mother, her
22 daughter, her granddaughters, anybody that I could
23 get to come over and help when we needed help.
24 **Q. And what would they help with?**
25 A. Anything and everything.

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1 name, whatever that hell that meant. We had
2 already had a state tax license. Flowertown Bees
3 was, you know, a business name. It didn't qualify
4 for what they wanted. In all reality, what they
5 wanted me to do was become an LLC. And at that
6 point in the business, there was no need to become
7 an LLC. So we just operated out of mine and her
8 checking accounts and personal credit cards and
9 whatever else we could do.
10 **Q. Okay. So besides the \$10,000 initial**
11 **investment, up until the spray incident, what other**
12 **expenses did Flowertown have?**
13 A. About another \$20,000.
14 **Q. What was that \$20,000 --**
15 A. Building more boxes, building more
16 hives. And we split hives. We split hives in June
17 that took us from right around 100 to almost 200.
18 **Q. 200 boxes?**
19 A. Yeah.
20 **Q. Did Flowertown purchase any more bees?**
21 A. No.
22 **Q. So the resulting boxes were filled with**
23 **colonies that were growing, and you were splitting**
24 **the colonies and growing them?**
25 A. Yes.

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1 **Q. So people would help you build the**
2 **boxes?**
3 A. Most of the time they would help
4 assemble the boxes. I had to cut them all myself.
5 **Q. Okay. So the \$10,000, the initial**
6 **investment that you made in Flowertown, where did**
7 **that money come from?**
8 A. Out of my pocket.
9 **Q. Okay. Did you have any investors**
10 **besides yourself?**
11 A. No. Well, Nita.
12 **Q. But besides you and your wife, nobody**
13 **else?**
14 A. No. Only thing in my account is the
15 \$500 Harold owes me -- or I owe Harold. I
16 apologize that I'm hostile.
17 **Q. That's all right.**
18 A. I really try hard not to be hostile.
19 **Q. Well, I appreciate that.**
20 A. Okay.
21 **Q. Does Flowertown have a bank account?**
22 A. Flowertown Bees tried to have a bank
23 account. I'm a member of Navy Federal Credit
24 Union. We went to Navy Federal. They opened an
25 account. They wanted something called a fictitious

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1 **Q. So was Flowertown's goal to sell these?**
2 A. That's our only purpose was to sell
3 bees and beekeeping equipment.
4 **Q. And so after the 20,000 second amount**
5 **of investment in the business, did you spend any**
6 **more money before the spraying incident?**
7 A. Yes. I don't know. You know, the
8 money was -- that's all we spent money on. I mean,
9 we ate, drank, and slept bees. I mean, we -- all
10 we did was work bees. We'd go try to get bees,
11 help people that had bee problems get rid of them.
12 We didn't -- we weren't -- we weren't ready to be a
13 real live business.
14 Our goal to be a real live business was
15 in April, we were going to have our grand opening.
16 We were in the process of buying computers. But
17 our grand opening, to get back to that, was going
18 to be the Flowertown bee festival -- or the
19 Flowertown Festival, and we were going to open up
20 and show them. We were going to have -- I spent --
21 I spent probably \$150 building a hive that you
22 could see the bees in, so that you could view them
23 so people could see the -- that sign, I spent \$109
24 on that sign so that we could advertise. We were
25 trying to buy a computer, a damn Mac computer, just

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1 a shitty one, is \$2700. So we were working towards
2 that.
3 I started talking to my accountant or
4 my tax lady, whatever you want to call her, in
5 February trying to make sure I did everything
6 right. I've talked to the State. I went to the
7 County. Went and tried to apply for a business
8 license in the City of Summerville. Those people
9 are so inept, we had to go back two months later.
10 Everything you're asking infuriates me, because
11 everything we did was about the bees.
12 **Q. Okay.**
13 A. Everything. If we went to dinner with
14 somebody, we talked about bees. We were trying to
15 get people interested and motivated and generating
16 to have bees. I still do it. Do I have a monetary
17 number for you? No. I lost everything.
18 **Q. I understand. And I'm just asking**
19 **these questions just, from our side, we just want**
20 **to know how it happened.**
21 A. I understand your side. I just need
22 you to understand that I'm trying real hard not to
23 be a jerk.
24 **Q. I understand, and I appreciate that.**
25 **So let's talk about the spraying incident. Did you**

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1 phone calls from him, and it was done every time
2 the phone call rang.
3 **Q. But those sprayings were by truck?**
4 A. Yes.
5 **Q. To your knowledge, there was only one**
6 **aerial aircraft spraying?**
7 A. Yes. And here is a thing for you, for
8 Dorchester County. Dorchester County says that
9 they have -- that they put this out on the 26th.
10 They had it published in The Journal Scene on the
11 26th. The Journal Scene is only published on
12 Wednesday. The 26th was a Thursday. So the only
13 place it went out was on Journal Scene's web page,
14 who nobody reads. So they didn't even do their due
15 diligence there. They said that they had called
16 everybody and told everybody, but the only one that
17 even acknowledged it was the Summerville Scene.
18 **Q. And when you said the 26th, it's August**
19 **26th, 2016?**
20 A. Yes.
21 (DFT. EXH. 1, Two-page 8/26/16 Notice
22 of Aerial Spraying, Bates Stamp 0086 and 0087, was
23 marked for identification.)
24 BY MR. WILLIAMS:
25 **Q. I'm going to hand you what has been**

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1 **receive any notice from the County that they were**
2 **spraying any type of chemicals in your area?**
3 A. No. And if they would have gave me 24
4 or 48 hours notice, I would have pulled out these
5 two 40-foot tarps I have, I would have draped them
6 over the bees and put a damn water hose with a
7 sprinkler on it to keep the poison washed off.
8 **Q. Had you ever done that before because**
9 **the County told you they were spraying?**
10 A. Yes. I got a call from Gaskins.
11 **Q. Okay.**
12 A. I got a call from him every time they
13 ran a fog truck in my area or even in the next
14 zone. So we had done that several times.
15 **Q. And is Gaskins -- who is -- does he**
16 **work for the County?**
17 A. He's Dorchester County's parks and
18 recreation bee guy or pest control, mosquito
19 control guy.
20 **Q. How many times do you remember**
21 **protecting the hives from the spraying prior to**
22 **this spraying incident?**
23 A. Don't remember. But I personally --
24 because I didn't always do it. I personally pulled
25 the tarps three times. I probably had a dozen

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1 **marked as Exhibit 1 to your deposition. I think I**
2 **know the answer to this, but have you seen Exhibit**
3 **1 before?**
4 A. Yeah, after the fact.
5 **Q. You did not see Exhibit 1 before this**
6 **spraying incident?**
7 A. No. Didn't see this beautiful map
8 you've got. This must have been recently added.
9 **Q. This map is hard to read.**
10 A. I've got this map. There isn't nothing
11 hard about this map.
12 **Q. Okay. Perfect. Is Flowertown's**
13 **location inside of the yellow shaded area on the**
14 **map?**
15 A. Yes, it is.
16 (DFT. EXH. 2, One-page 8/31/16 Press
17 Release, Report Loss Notice, Bates Stamp 0091, was
18 marked for identification.)
19 BY MR. WILLIAMS:
20 **Q. I'll hand you what's been marked as**
21 **Exhibit 2. Do you recognize Exhibit 2?**
22 A. No. I think that I'm the reason they
23 implemented it, though, and I have since registered
24 with the Dorchester County on their website.
25 **Q. So just for the record, Exhibit 2 is a**

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1 press release titled Dorchester County Call Center
2 Now Open to Report Losses Related to Aerial
3 Mosquito Spraying.
4 A. I never got this. I wish I would have.
5 But I had already talked to Ward by this time
6 anyway.
7 Q. So by the time this press release was
8 issued August 31, 2016, you had already spoken to
9 Dorchester County?
10 A. Of course. I spoke to Dorchester
11 County on the 29th, on Monday, the 29th, when I
12 found out you killed my damn bees.
13 Q. So let's talk about that. The spraying
14 incident occurred on August 29th, 2016?
15 A. No, it happened on Sunday between 8:00
16 and 9:00 in the morning on the 28th. Monday, the
17 29th -- because we went on a motorcycle ride. We
18 left around 10:00 Sunday morning and went on a
19 motorcycle ride with our friends and had no clue
20 that you even sprayed.
21 Q. And when you say you, who are you
22 referring to?
23 A. You as Allen Aviation and Dorchester
24 County. Don't you represent them?
25 Q. Yes, I represent Allen Aviation.

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1 called Dorchester County and talked to Ward.
2 MR. MAYBANK: Ward who?
3 THE WITNESS: Jason Ward, the guy
4 that's a supervisor.
5 MR. MAYBANK: Okay.
6 THE WITNESS: And my statement to Jason
7 Ward was: Hell, you made my poor wife cry before I
8 did. You did something.
9 BY MR. WILLIAMS:
10 Q. What did Jason Ward say to you?
11 A. I don't remember. Other than
12 apologizing profusely, I don't remember anything
13 that was said.
14 Q. Did the County offer anything to you?
15 A. Yes, he said that he would personally
16 make sure that it would be -- we would be -- what
17 was his word -- reimbursed or reconciled or
18 whatever. I don't remember the word.
19 Q. Did you ever receive any payments from
20 the County?
21 A. No.
22 Q. Have you to this day?
23 A. No.
24 Q. And so after you learned of the
25 spraying incident and talked to Jason Ward, what

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1 A. Thank you.
2 Q. I just wanted to be clear.
3 A. I'm not mad at you personally.
4 Q. So you did not -- when did you first
5 notice that the spraying had occurred?
6 A. I didn't. I got up Monday morning and
7 went to work. And sometime -- I don't remember the
8 time during the day -- my wife called me crying. I
9 had never seen her cry before that. She called me
10 crying, almost hysterical, because Dorchester
11 County and Allen Aviation flew over my property and
12 sprayed our bees. The young man, he's a captain on
13 the fire department, came across and said, hey --
14 and this is all hearsay. Okay? He came across and
15 told my wife: Hey, did you know that they did a
16 spraying?
17 No, we didn't know, is what she
18 replied.
19 They walked to the bee yard where the
20 bees were dead. He said -- he said that in the
21 parking lot of the new fire department, there were
22 bees littering the parking lot. You crunched every
23 step. And that's across a pond that's 3 1/2 to 6
24 acres large. That's 400 and 500 feet away. So,
25 now, when I got finished with that phone call, I

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1 happened next?
2 A. David Chinnis, the chairman of County
3 Council, came to my house uninvited, unannounced,
4 until he was at the end of the driveway. He came
5 to my house. He walked up to -- it's a little
6 screen porch. He bowed up and tried to tell me he
7 was the man. And I call it bulldogging. But he
8 bowed up, I'm the man, I'm here to fix everything.
9 And then he came into the house and started talking
10 crap, telling that he was really sorry, and he had
11 an emergency fund that had money in it, and he
12 could get us a check for \$20,000. All he had to do
13 was get a couple of extra County Councilmen to sign
14 off on it, and I needed to go see what I could do
15 and get a price on bees. He said it wouldn't be
16 enough to get you back whole, but it would be
17 enough to get you back in business.
18 Q. Okay. And --
19 A. He lied.
20 Q. Why do you say he lied?
21 A. Because there is no damn emergency
22 fund. He had to send me through the tort system.
23 He needed more than two other votes. He's full of
24 shit.
25 Q. Did you get pricing on bees?

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1 A. Yes. I went to Maggie Valley, North
2 Carolina, on what was supposed to be a little
3 three-day vacation, and I spent the whole time
4 looking for bees to replace to make sure that we
5 had -- we were able to answer his request.
6 **Q. And you sent that information to David?**
7 A. Yes. And we got -- our response came
8 back in a tort form.
9 **Q. What kind of tort form, do you**
10 **remember?**
11 A. Saying that we -- if we sign this, you
12 know, that they would give us \$20,000.
13 **Q. Did you ever sign the form?**
14 A. No. My attorney advised against it,
15 because it's a release.
16 (DFT. EXH. 3, One-page Spreadsheet,
17 Bates Stamp 0156, was marked for identification.)
18 BY MR. WILLIAMS:
19 **Q. I'll hand you what's been marked as**
20 **Exhibit 3. Do you recognize Exhibit 3?**
21 A. Yes.
22 **Q. What is Exhibit 3?**
23 A. That is where we got an estimated cost
24 for bees and boxes.
25 **Q. And so Exhibit 3 is an Excel**

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1 a standard hive and packages and standard hives and
2 a nuc. A standard hive is a bottom, a deep brood
3 box, which I showed you, ten frames, an inner
4 liner, and a top. That is a standard hive. So
5 they were doing the standard hive for both. 100
6 packages of bees, 3 pounds of bees with a queen.
7 Okay? The cost that they were wanting was 25,000.
8 Nucs, nucs are four frames or five
9 frames that are already a working colony, 30,000 to
10 40,000 bees, smaller than a regular colony. They
11 want 35,000 for it.
12 **Q. So it was --**
13 A. That was the either/or. That's an
14 either/or. That was not an and/or. That was an
15 either/or.
16 **Q. Okay. And this is what you believe to**
17 **be the amount you needed to get your business back**
18 **up and going after the incident?**
19 A. No, that's the amount that I believed
20 just to get me breathing again. I need double
21 that. By the time the aerial spraying had been
22 done, I had already split my hives. I had already
23 went from like 94 or 95, to 181. I had already had
24 this cat here, because this is the question you
25 asked, if anybody else before the spraying ever

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1 spreadsheet, and it has prices and quantities from
2 Pigeon Mountain?
3 A. Yes.
4 **Q. What is Pigeon Mountain?**
5 A. They're like us. They're a bee farm.
6 They do the same thing we do.
7 **Q. And so you went to Pigeon Mountain. It**
8 **says Pigeon Mountain from Mitch on Exhibit 3. And**
9 **you provided David Chinnis with these numbers?**
10 A. Yes.
11 **Q. Okay. But this is not the exact chart**
12 **that you provided to David?**
13 A. I don't know. I don't remember.
14 **Q. Okay.**
15 A. Honestly, I just forwarded it. As soon
16 as it came in, I just forwarded it.
17 **Q. So Pigeon Mountain just sent you**
18 **information. You just forwarded it to David?**
19 A. Exactly.
20 **Q. Okay. And so from this chart, from the**
21 **information you provided -- well, explain to me on**
22 **line 12, you've got standard hive plus 100 packages**
23 **shipped. And then line 13, you've got standard**
24 **hive plus 100 nucs shipped. So did you need --**
25 A. No, that's the price difference between

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1 came out, this cat from Summerville was a code
2 enforcement guy. He came out because some lady
3 called him and said that we had bees, and they
4 stung our child.
5 MR. MAYBANK: I understand that you're
6 upset, but you don't need you to throw things at
7 people.
8 THE WITNESS: No, I need you to see the
9 card, because you asked that question of me. You
10 asked if anybody else had seen this.
11 MR. MAYBANK: I have not asked you any
12 questions yet.
13 THE WITNESS: But I'm giving you the
14 thing up front while I'm remembering. Code
15 Enforcement came out and said that everything we
16 were doing was fine. And, yes, I am extremely
17 upset.
18 MR. MAYBANK: I get that, sir, but this
19 is -- we have an oath of civility that we all abide
20 by.
21 THE WITNESS: I'm trying very hard to
22 be civil.
23 MR. MAYBANK: Well, we need to be,
24 because, if not, we can reconvene this deposition
25 in a courthouse in front of a judge and bailiff if

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1 we need to. But you don't need to be throwing
2 things and talking loud at people. We treat you
3 with respect, and we're asking for the same.
4 THE WITNESS: I'm trying very hard. I
5 am trying very, very hard.
6 MR. MAYBANK: If you cannot, we can
7 stop this deposition, because I'm not going to
8 be --
9 MR. GOWDER: I get it. That's enough.
10 All right. Let's just take a break.
11 MR. MAYBANK: Let's take a break.
12 THE WITNESS: I need five.
13 (A recess transpired.)
14 BY MR. WILLIAMS:
15 Q. We're back on the record. Before we
16 took a break, we were talking about the hives that
17 Flowertown had prior to the spraying incident.
18 A. Sure.
19 Q. And you had testified that you had
20 taken the 94 and split those hives, so you had
21 around 180 hives?
22 A. The actual number is 181.
23 Q. 181. So Flowertown had 181 hives at
24 the time of the spraying incident?
25 A. Yes.

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1 do -- what did Flowertown do with the equipment,
2 the boxes --
3 A. Burned it, burned it all to the ground.
4 Q. Burned it. Why did you burn it?
5 A. Because wood is porous, and -- let me
6 explain how we got to this.
7 Q. Okay.
8 A. It makes it easier. We found out on
9 Monday, probably around 10:00 or 11:00 -- who
10 knows. I don't know the exact time. Nita probably
11 does -- that all the bees were dead or dying
12 because of being sprayed. We -- she contacted me.
13 She contacted -- and I contacted the County. And
14 we had recently went to what they call a bee
15 conference, and there is a lady in Clemson. I
16 don't know her name. Nita knows her name. She
17 took several seminars with her, and she's a doctor.
18 So Nita called to talk to her. They then told her
19 not to do anything until they came out and did an
20 investigation, which they did that on Wednesday.
21 So we started cleanup on Thursday.
22 By the time we got done cleaning up on
23 Saturday, the death -- the smell of death, the
24 other bugs in it, the maggots, everything that goes
25 along with death, was so rampant that we made the

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1 Q. How many of the 181 hives were lost in
2 the spraying incident?
3 A. There were 46 that we considered to be
4 part of the business, and there were four that we
5 considered personal. We did not count the four
6 personal ones.
7 Q. Okay. Where were the rest of the hives
8 being stored?
9 A. There was some out in Ridgeville and
10 some in Cottageville.
11 Q. Okay. And tell me if I'm incorrect,
12 but I remember from your wife's deposition that one
13 of the purposes of Flowertown was to provide bees
14 to farmers who needed pollination?
15 A. Yes, yes.
16 Q. And were any of these Cottageville or
17 Ridgeland -- was it Ridgeville?
18 A. Ridgeville.
19 Q. Ridgeville, excuse me, the Cottageville
20 or Ridgeville bees being leased to a farmer?
21 A. No.
22 Q. Okay. And so as a result of this
23 spraying incident, Flowertown lost 46 hives?
24 A. Correct.
25 Q. And what did you or what did Flowertown

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1 decision -- and we being Nita and I -- made the
2 decision to burn it all, just burn it to the ground
3 and make sure there was no poison left in the wood,
4 there was no death left in anything. We burned it.
5 Q. So you burned the 46 hives that were
6 lost and everything. So that was everything that
7 was at the Pinehurst location?
8 A. Yep, everything.
9 Q. So once the equipment was burned --
10 well, sorry, let me rephrase this. Let me go in a
11 different direction. Did Flowertown contact anyone
12 besides Dorchester County after this spraying
13 incident?
14 A. Meaning a government entity?
15 Q. Government entity --
16 A. Yeah, Clemson. We contacted Clemson.
17 Oh, because Nita and I are members of South
18 Carolina Beekeepers Association, I called them. We
19 had visited Charleston Area Beekeepers Association,
20 I contacted them. Lowcountry Beekeepers
21 Association, I contacted one of their
22 representatives, and I got no response from any of
23 them. They just said, hey, your problem, not mine,
24 have fun, and they left us hanging.
25 Q. Do you -- are you friends with or just

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1 know of any other beekeepers in the Summerville
2 area?
3 A. You know, beekeepers are extremely
4 tight-lipped. They don't tell you -- they don't
5 want to tell you the secrets, and they don't want
6 to tell you their trade. They don't want to tell
7 you they've got bees. And the reason for that is
8 because people keep bees in their backyard, and
9 they have neighbors next door, and they don't want
10 them to know they have bees. So, no. The only
11 other beekeeper in this area that I know -- I
12 didn't know any of them before the spraying. But
13 the only one I met afterwards that was close was
14 Andrew Macke, who is the one that came and told us
15 that you guys had sprayed us and killed our bees.
16 He's the captain in the fire department.
17 Q. So Andrew Macke had bees of his own?
18 A. Yes.
19 Q. Were they affected by the spraying?
20 A. Yes.
21 Q. Were you aware of any other beekeepers
22 in the area that were affected by the spray?
23 A. No. Now, there was some guy that said
24 he had 50 or 55. He said that he had like 50 or
25 55, and he was devastated. But he was since

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1 and they also took a sample of the bees that Nita
2 had collected on Monday after the spraying.
3 Q. And did you learn -- did Clemson learn
4 anything about what the cause of death of the bees
5 was?
6 A. It was inconclusive to them, because it
7 had rained Sunday and Monday. So they couldn't --
8 and they also say because of the short shelf life
9 of naled, that it would have dissipated by the time
10 they got to it anyway.
11 Q. And how did you learn that the chemical
12 used in the spraying was naled?
13 A. Because of the County. The County put
14 it on their website.
15 Q. Okay. And did you contact any news
16 outlets as a result of the spraying?
17 A. No, they contacted us.
18 Q. And as I understand it, news media
19 showed up to your house?
20 A. Yes. Uninvited. We had -- we had --
21 for a month after the spraying, Nita did interviews
22 around the world. She had people that called her
23 from Russia. They had some I can remember from
24 South Africa. U.S. News and World Report, that
25 fool drove down my driveway. Yeah. It was just --

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1 debunked.
2 Q. And by debunked, he was lying?
3 A. Yeah.
4 Q. Do you know who he is?
5 A. No. Don't care.
6 Q. So you contacted local beekeepers
7 associations after this spraying, or as a result of
8 this spraying?
9 A. Yes.
10 Q. And you contacted Clemson University as
11 a result of the spraying?
12 A. Yes.
13 Q. What actions did Clemson University
14 take after this spraying incident?
15 A. Told us not to do anything until they
16 came and did their investigation.
17 Q. So Clemson came down and did their
18 investigation?
19 A. Yes.
20 Q. Did you observe them while --
21 A. No, I was at work.
22 Q. Okay. Do you know what they did?
23 A. Yeah, they took -- I think they took
24 a -- I think they took a soil sample, but I'm not
25 sure. I do know they took a sample of the bees,

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1 they were like maggots everywhere.
2 Q. Did you give any interviews?
3 A. I gave one interview at the very
4 beginning.
5 Q. Who was that to?
6 A. Journal Scene.
7 Q. And that's the local paper; right?
8 A. Yes. And then she misquoted me.
9 Q. How did she misquote you?
10 A. She said that -- in her article, she
11 put it was 2 1/2 million bees, when it should have
12 been more than 5 million.
13 Q. So what is your opinion of how many
14 bees were contained in the 46 hives?
15 A. I don't know. But you want to know
16 what kind of figures I came up with?
17 Q. Sure.
18 A. Because I went to Summerville, and it
19 makes it easy. I went from 46 to 50 hives.
20 Because the average hive has 60,000 to 80,000 bees,
21 I rounded it down to 50,000 because I'm from
22 Summerville. So 50 times 50 is 2 1/2 million.
23 Every one of our hives needed to be split two to
24 three times. Every one of them needed to be
25 divided two or three times.

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1 Now, the day that the -- the day that
2 they sprayed, I had taken ten days off the next
3 Friday so that we could split these hives. I had
4 already grafted and hatched off 60 queens which
5 were killed. I had another 60 queens that were
6 going to hatch off, hopefully they were going to
7 hatch off Wednesday or Thursday before my time off.
8 And we were going to divide the hives. We were
9 going to make a minimum of 60, but we were hoping
10 to make 120 more.
11 **Q. 120 hives?**
12 A. Yes.
13 **Q. Over ten days?**
14 A. Yes.
15 **Q. Wow. And so --**
16 A. And here is another thing. Because
17 there were so many hives and I couldn't keep up
18 with it, I had to buy boxes out of a place called
19 Dadant in Florida. And they delivered -- UPS
20 delivered -- I think it was either 25 or 50 hive
21 boxes the day that David Chinnis came to my house.
22 **Q. Do you still have those hive boxes?**
23 A. No. I've used them, sold them,
24 whatever I can do with them.
25 **Q. Do you remember how much you paid for**

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1 MR. MAYBANK: It's in the middle of
2 nowhere.
3 THE WITNESS: Oh, man, it's beautiful
4 there, though. I'd live there in a heartbeat.
5 MR. MAYBANK: Yeah. Outside of
6 Gainesville.
7 BY MR. WILLIAMS:
8 **Q. I've just handed you what's been marked**
9 **as Exhibit 4.**
10 A. I've got it.
11 **Q. Do you recognize Exhibit 4?**
12 A. Yes.
13 **Q. What is Exhibit 4?**
14 A. That's the letter from Clemson.
15 **Q. And have you seen this report before?**
16 A. Yes.
17 **Q. Have you read it?**
18 A. Yes.
19 **Q. Do you understand its conclusion?**
20 A. Yes.
21 **Q. And I think you testified earlier about**
22 **the conclusion is inconclusive as to the results?**
23 A. Yes.
24 **Q. Or the cause of the loss of the bees?**
25 A. Yes. And I also know that there's lies

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1 those?
2 A. Not right offhand.
3 **Q. And Dadant is a beekeeping supply?**
4 A. Um-hum.
5 **Q. And you said they're in Florida?**
6 A. Um-hum.
7 MR. MAYBANK: What's the name of it?
8 THE WITNESS: Dadant, D-A-D-A-N-T.
9 Hold on. D-A-D-A-N-T, & Sons. Phone number
10 1-386-454-0237.
11 MR. MAYBANK: Where in Florida is that?
12 THE WITNESS: Southwest of
13 Jacksonville. It's 6 1/2 hours from my door to
14 their door. Nice, nice place. I think -- let's
15 see if I still have them. I didn't put their
16 address in. I don't remember. I know how to get
17 there. I can drive there, but I don't remember the
18 name of the...
19 (DFT. EXH. 4, Four-page 9/29/16
20 Non-Agriculture Follow-Up Pesticide Use
21 Investigation, Bates Stamp Allen 088 Through 091,
22 was marked for identification.)
23 MR. MAYBANK: Near High Springs,
24 Florida.
25 THE WITNESS: That's it.

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1 in it.
2 **Q. What in this report do you believe is**
3 **inaccurate?**
4 A. Dorchester County says that they
5 reported and Summerville Journal Scene published
6 their advertisement. Again, The Journal Scene is
7 published on Wednesday, and they sent it in on the
8 28th. So it was only put on their website. So
9 that is -- that was a lie.
10 And then your client lied because his
11 plane won't fly that fast. Your client stated that
12 he had -- he had turned the spray off 3 seconds
13 before the waypoint, aircraft terminology, and then
14 turned it on 3 seconds afterwards, which was
15 equivalent to three-quarters to 1 mile. Well, I
16 played with the math in every way that I can. And
17 if you use the figures that he said, 6 seconds, and
18 if you use those 6 seconds and you take it into
19 three-quarters and a mile and you average that out
20 to about 4100 feet -- right?
21 **Q. Yeah, keep going.**
22 A. -- that totals out to 525 miles an
23 hour. So an aircraft travelling at 525 miles an
24 hour is jet propelled and the old boy is in a
25 rocket, which he's not. Your old boy is in a crop

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1 duster with a top speed of probably 121 miles an
2 hour. So he lied.
3 **Q. How do you know that the top speed of**
4 **the crop duster is 125?**
5 A. Because I looked it up on the Internet.
6 Google is the best thing in the world, brother.
7 And he can't crop dust at 221 miles an hour either.
8 It would be ineffective.
9 **Q. Why would it be ineffective?**
10 A. Because it would be blowing everywhere.
11 He wouldn't be putting it on his target. It would
12 just be disbursed everywhere.
13 **Q. Just because he was traveling too fast?**
14 A. Yeah. I think that I read that the
15 most effective speed for crop dusting is about 75
16 miles an hour -- 75 to 90, excuse me.
17 **Q. And you just learned all of this off**
18 **Google? You don't have special training?**
19 A. No. I'm just a dumbass from
20 Summerville.
21 **Q. With the 46 hives at the Pinehurst**
22 **property, did you all ever experience any type of**
23 **other issues with the hives as in mites or any type**
24 **of disease?**
25 A. No. We were so proud that we had no

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1 **Q. How far away are your -- let me ask**
2 **this in a different way. How big is the piece of**
3 **property at Pinehurst?**
4 A. 14 acres. About 7 acres are wooded,
5 about 5 1/2 acres cleared, and then there is 3-1/2-
6 to 6-acre pond that has an island on it. To the
7 right side is probably another acre and a half. So
8 it's a total of about 20 acres total.
9 **Q. How far away is the area where you kept**
10 **your bees from the neighbors?**
11 A. From Luden Drive, which is the road --
12 main road, probably 400 yards. From this little
13 neighborhood road, probably 150, 200 yards.
14 **Q. And how far -- so is it 400 yards from**
15 **the road, just from the main road?**
16 A. Um-hum. And a fog truck fogging, the
17 maximum drift range on a fog truck fogging is 150
18 yards. But we've got trees and barriers and
19 everything else, it wouldn't allow it to come that
20 far. Yet we still did our due diligence to cover
21 the bees. Oh, great picture.
22 MR. MAYBANK: These are your pictures.
23 THE WITNESS: I know. One of my
24 favorites. That's Cole putting boxes together that
25 we had just finished cutting. All of that is boxes

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1 Varroa mites. We were so proud that we had no wax
2 moth. It was one of those things that we worried
3 about every day, and we had none of that. And that
4 was a great thing when you could tell somebody,
5 hey, I don't have any of this crap. I don't -- you
6 don't have to worry about my bees. My bees do not
7 have Varroa mites. That is an awesome thing.
8 **Q. And so with Varroa mites, would that be**
9 **a problem maybe if you like sold a package of bees**
10 **and your hive was infected with them, would it**
11 **travel with the package?**
12 A. Sure. The Varroa mites attach
13 themselves to the back of the bees. It's a
14 parasite, just like a tick on a dog. Now, we have
15 all the stuff to combat that, which is Aurora acid,
16 which is wood bleach. And we have a special tool
17 that you put the wood bleach in and you put it in
18 the hive and makes a smoke, you know, and you smoke
19 them up. You have to do that three times in 21
20 days, because the gestation period of a bee is 21
21 days. So you do it three times, and you combat it.
22 And that usually takes care of it. We have all --
23 we've done it for other people. We've done it for
24 several other people. But we've never had to do it
25 for ourselves. She worked hard.

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1 that I had just finished cutting.
2 MR. MAYBANK: You just pointed to
3 Plaintiff's production 0045, so we know that
4 picture in the future.
5 BY MR. WILLIAMS:
6 **Q. After you lost the 46 hives as a result**
7 **of this spraying, did you bring any of these extra**
8 **of 181 back to your Pinehurst property?**
9 A. No.
10 **Q. Why not?**
11 A. The earth hadn't had time to heal.
12 **Q. What do you mean by that?**
13 A. They sprayed poison all over the damn
14 thing. You can't just bring bees right back to
15 where they sprayed poison.
16 **Q. Have you ever brought any of them back?**
17 A. Yes.
18 **Q. So could you use those hives to start**
19 **back your business?**
20 A. Yes.
21 **Q. And so after the spraying incident, did**
22 **you ever sell any packages of bees that weren't**
23 **brokered bees?**
24 A. Yes.
25 **Q. How many packages have you sold?**

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1 A. Actually, not packages, but hives.
2 Q. How many hives have you sold?
3 A. I think it was ten.
4 Q. How much did you sell those for?
5 A. I'm thinking -- I'm thinking about 500
6 apiece.
7 Q. \$500 a hive?
8 A. Um-hum, just bees.
9 Q. Okay. Not the actual physical hives?
10 A. Right, just the bees and the honey they
11 made or the food stores and the brood, yes.
12 Q. So -- and you sold ten of those. Do
13 you have records of those sales?
14 A. No, other than a deposit into my
15 checking account.
16 Q. Okay. And remind me again how many
17 bees would be in a hive.
18 A. The standard hive, an average hive has
19 60,000 to 80,000 bees. Every hive I had at
20 Pinehurst had double that, minimum.
21 Q. Did these hives that you sold have
22 double that?
23 A. No. And some of those that we sold we
24 actually gave away.
25 Q. And do you plan to continue selling

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1 from me and you take them home and they die within
2 the first week, I bring you another package of
3 bees.
4 Q. Okay. Did you have room for 7000 hives
5 at --
6 A. Say again?
7 Q. Did you have room for 7000 hives at the
8 Pinehurst property?
9 A. No, no.
10 Q. But you had other areas to put them?
11 A. Yes.
12 (DFT. EXH. 5, Seven-page Document, Go
13 Fund Me Site, Bates Stamp 0186 Through 0192, was
14 marked for identification.)
15 BY MR. WILLIAMS:
16 Q. This is Exhibit 5 to your deposition.
17 Do you recognize Exhibit 5?
18 A. Yeah, it looks like that Go Fund Me
19 page.
20 Q. Okay. And did you create this Go Fund
21 Me account?
22 A. No, I did not.
23 Q. Who created it?
24 A. Nita's daughter.
25 Q. And this Go Fund Me campaign was

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1 hives this season?
2 A. Yes.
3 Q. And am I correct that you really only
4 sell bees like in the spring and summer?
5 A. Yes.
6 Q. When they're active?
7 A. We were trying to get to the point that
8 we could sell them -- because our climate is so
9 wonderful. We were going to try to get to the
10 point that we could sell nucs in December because
11 there is a lot of people in December wanting bees.
12 But there is a difference. There is a winter bee,
13 and there is a summer bee. Winter bees last about
14 eight months, and a summer bee lasts about two or
15 three months. So we were going to try to work it
16 out, because like today, it's such a great day, so
17 in December, we could still sell nucs or a little
18 larger than a nuc and see how that would work out.
19 That was kind of an offhanded thought.
20 Q. Okay. And what do you have to do to be
21 able to get into that position where you can sell
22 bees in the --
23 A. I needed 7000 hives strong.
24 Q. Oh, wow.
25 A. Because if you buy a package of bees

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1 created after the spraying incident?
2 A. Yes.
3 Q. And do you remember how much money was
4 raised as a result of this campaign?
5 A. It says \$7756.
6 Q. Do you believe that's the final amount?
7 A. That's -- they took taxes out on it.
8 But it's somewhere around there.
9 Q. Okay. And what did you do with this
10 money?
11 A. Bought beekeeping supplies. As a
12 matter of fact, we bought -- because of the
13 things -- the way it happened, we had to change our
14 business plan from bees to equipment and supplies.
15 It was our original intent to kind of drag out the
16 supplies a little longer and concentrate on the
17 bees until April, because our goal was to open in
18 April. But because the spraying killed the bees
19 and we had to -- excuse me, I did, because Nita
20 didn't want any part of this. I went ahead and
21 bought beekeeping suits, tools, smokers, just all
22 the knickknacks that people could want so that we
23 could at least make an effort to sell something and
24 keep moving money and keep the business motivated
25 and moving.

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1 (DFT. EXH. 6, One-page Tort Claim Form,
2 Bates Stamp 0194, was marked for identification.)
3 BY MR. WILLIAMS:
4 Q. I'm going to hand you what's been
5 marked as Exhibit 6. Do you recognize Exhibit 6?
6 A. Yes.
7 Q. What is Exhibit 6?
8 A. The tort form that some lady from
9 Dorchester County sent me.
10 Q. And did you fill out this tort form?
11 A. No, I took it to Mike Rose.
12 Q. And don't tell me anything that you and
13 Mike Rose told me about, because that is
14 privileged.
15 A. There ain't nothing privileged. I'll
16 tell you anything you want to know.
17 MR. GOWDER: No, you won't.
18 THE WITNESS: You're going to jump on
19 me and keep me from doing it?
20 MR. GOWDER: No, I'm not going to.
21 BY MR. WILLIAMS:
22 Q. I just want to ask about --
23 MR. GOWDER: I'm going to give you my
24 advice, which is don't give that information.
25 BY MR. WILLIAMS:

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1 Q. Is Flowertown registered with the South
2 Carolina Department of Agriculture?
3 A. No.
4 Q. Do you know if Flowertown is required
5 to be registered?
6 A. No.
7 Q. You don't know, or it is not?
8 A. No, it's not required. There is no
9 registration for bee farming.
10 Q. Okay.
11 A. Yet I have filed a claim with the FSA
12 for bees that were lost during the flood.
13 Q. And what bees were those?
14 A. I had bees that the flood took out, 75
15 hives, in Ridgeville.
16 Q. Which flood was that?
17 A. Matthew.
18 Q. Do you remember when that was?
19 A. No -- yeah, long time ago.
20 Q. Okay.
21 MR. MAYBANK: Can I ask for a
22 clarification? You filed a claim with whom? You
23 said something like FSA?
24 THE WITNESS: Yes. It's the USDA, but
25 the subdepartment is the FSA.

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1 Q. I'm going to talk about the amount
2 claimed on the form. So the amount claimed is
3 \$17,900 to \$49,900.
4 A. I don't care. When I got this form,
5 when I opened the e-mail and it had a form, I
6 immediately took it to Mike Rose. I didn't care
7 about the numbers. I don't care about anything
8 that was on it. I just took it to Mike Rose,
9 because I hired him to do what he was paid to do
10 and what Andy is paid to do.
11 Q. So you didn't pick this number?
12 A. Nope.
13 Q. And you didn't write anything on this
14 form?
15 A. Nope.
16 Q. And you're not aware of anyone who
17 wrote anything on this form that is not your
18 attorney?
19 A. Nope. My attorneys wouldn't do that.
20 Q. Did Flowertown -- I know we talked
21 about this earlier, but does Flowertown have a
22 business license?
23 A. Yes.
24 Q. And who is that license with?
25 A. Summerville.

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1 BY MR. WILLIAMS:
2 Q. Did you receive any monies as a result
3 of that claim?
4 A. No.
5 (DFT. EXH. 7, 37-page Document:
6 10/30/17 Affidavit and Attached 2016 Tax Return,
7 Bates Stamp 0001 Through 0037, was marked for
8 identification.)
9 BY MR. WILLIAMS:
10 Q. How many hives did you lose as a result
11 of the flood?
12 A. 75.
13 Q. After the flood and after the spraying
14 incident, there were still remaining hives that you
15 had?
16 A. Yes.
17 Q. Do you remember how many,
18 approximately?
19 A. 61 or 2.
20 Q. And where were those hives located?
21 A. Cottageville.
22 Q. Whose property was in Cottageville?
23 A. Nita's daughter.
24 Q. And they were just at her house?
25 A. She has a small farm.

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1 **Q. Was she using the bees to pollinate her**
2 **crops?**
3 A. No, she does ducks and -- she does
4 ducks and turkeys and quail and eggs. She's a fowl
5 person.
6 **Q. Okay. Oh, wow. This is a picture of**
7 **the flood?**
8 A. That's a picture to the entrance of the
9 property where the flood happened. That's over a
10 week before we could get in there.
11 MR. MAYBANK: That looks like a lake.
12 THE WITNESS: It does, doesn't it?
13 MR. MAYBANK: Wow.
14 BY MR. WILLIAMS:
15 **Q. I'm going to hand you what's been**
16 **marked as Exhibit 7. If you'll flip in and just**
17 **let me know if you recognize Exhibit 7.**
18 A. Yeah, that's my tax return.
19 **Q. Tax return for 2016?**
20 A. Yes. You know, I've never looked at
21 it.
22 **Q. You had someone prepare this for you?**
23 A. Yeah.
24 **Q. Who is that?**
25 A. Lizzie McGowan, the lady that's on the

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1 A. Okay.
2 **Q. So on this form, which is Bates Stamped**
3 **Elizabeth Crowe McGowan, Subpoena 12, the property**
4 **described -- and this is a loss of property -- is**
5 **described as 46 hive boxes at 503 Pinehurst Avenue,**
6 **Summerville, South Carolina, acquired at various**
7 **dates March through May 2016; 2.3 million honeybees**
8 **at 503 Pinehurst Avenue, Summerville, South**
9 **Carolina, acquired at various dates, March through**
10 **May 2016; and 6900 pounds of honey, approximately,**
11 **at 503 Pinehurst Avenue, Summerville, South**
12 **Carolina, produced by above bees. Is that correct?**
13 A. No. She used the numbers because I
14 believe there is attached to it, somewhere
15 attached, the articles from The Journal Scene. I
16 believe the requirement to that, when you have a
17 loss with the IRS -- I don't know, because I'm not
18 a tax guy -- is that you have to send in the
19 evidence. So she chose, instead of putting
20 5 million bees plus is what I told her, so that's
21 wrong. But, you know, she's a tax person. I'm
22 not. 6900 pounds, I don't know. I'd have to check
23 real quick, but I think that's low too.
24 Calculator. Yeah, it should be 9200 pounds. So
25 she gave me some fudge room, I guess, in case I'm

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1 front.
2 **Q. She's your accountant?**
3 A. Yes.
4 **Q. Does she do anything for Flowertown**
5 **besides prepare your tax return?**
6 A. Yes, she arranged for me to get an LLC.
7 She arranged for me to get a state retail license.
8 She gave me advice on how to proceed with things
9 when I had a money question so that I didn't fall
10 askew of the law.
11 **Q. Okay. Is Lizzie McGowan a CPA?**
12 A. I don't know.
13 **Q. So if you'll turn with me to page 12.**
14 MR. MAYBANK: There are Bates Numbers
15 at the bottom, the Bates Stamps.
16 BY MR. WILLIAMS:
17 **Q. So you'll see these numbers, and that's**
18 **6. Sometimes they got cut off.**
19 A. Yeah, I'm not seeing any numbers on
20 these.
21 MR. GOWDER: It's this one right here.
22 THE WITNESS: Page 2 of --
23 BY MR. WILLIAMS:
24 **Q. Page 2 of Form 4684, which is**
25 **casualties and thefts. One more page.**

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1 audited.
2 **Q. Okay. And so did you give her any of**
3 **the values of this property?**
4 A. Sure, sure.
5 **Q. Okay.**
6 A. I'll give you the same values I gave
7 her.
8 **Q. Okay.**
9 A. I work under the KISS program, Keep It
10 Simple, Stupid.
11 **Q. Okay.**
12 A. Pretty point blank, ain't it.
13 **Q. So how --**
14 A. How I figured it?
15 **Q. Yes.**
16 A. A package of bees without a queen is
17 \$100. I figured that all my hives needed -- were
18 going to be two to three times the normal hive. So
19 a normal hive has 60,000 to 80,000 bees. So I
20 figured it that if they were two to three times,
21 that was going to be 12,000 to 16,000 bees. So I
22 figured the numbers about 14 for all of them, about
23 14,000 bees. So if it's 10,000 bees in a package
24 at \$100, you have 14, 15 packages, that's \$1500.
25 You have a queen that's worth 25 to 50. If she's

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1 mated, she's worth 50. So that's \$50. So I came
2 up with a price of \$1550 per hive on what we lost
3 at Pinehurst. That's not counting any wood.
4 That's not counting any honey. That's not counting
5 the bees that would hatch off every day.
6 **Q. Okay. And so that is how you came up**
7 **with the item B, which is the 22.3 million**
8 **honeybees, that's \$46,613?**
9 A. I guess that's how she worked it. I
10 just gave her the numbers.
11 **Q. You just gave her 1500 per hive?**
12 A. Right.
13 **Q. Okay. And did you give what's termed**
14 **property A -- well, described property A, which is**
15 **the 46 hive boxes, did you give her this \$9200?**
16 A. Yeah, I told her -- no, actually, it
17 would have been higher with me. She did 6900
18 pounds, and I would have done 9200 pounds. At \$10
19 a pound, that would have been \$90,000.
20 **Q. I'm talking about what's in column A.**
21 **So column A refers to the hive boxes.**
22 A. Oh, yeah, I gave her that number. But
23 that's still low as well.
24 **Q. What number should that be?**
25 A. Should be \$13,110.

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1 were going to buy a pickup truck, a trailer with a
2 little apartment on it, and we were going to take
3 bees to Maine to put them on blackberries and
4 blueberries. Okay? And we were going to do that,
5 and that was -- we were going to do that and have
6 to go back and forth several times during the
7 course of the season. We had intentions of selling
8 that. But that would have sold for \$25 a pound.
9 It would not have sold for \$10 a pound.
10 **Q. Okay. But the honey contained in the**
11 **46 hives --**
12 A. We had no intentions of selling them.
13 That is for the bees to eat, because -- ever price
14 sugar?
15 **Q. Understood. So you had no intention of**
16 **selling the honey that was in the 46 hives?**
17 A. Right.
18 **Q. And so you believe that the numbers on**
19 **your tax return are not as high as they should be?**
20 A. Correct.
21 **Q. Do you have a value of the property**
22 **that was lost at Pinehurst as a result of the**
23 **spraying?**
24 A. 100 million.
25 **Q. How did you come up with that number?**

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1 **Q. So the value of the actual hive boxes**
2 **that you lost as a result of the spraying was**
3 **13,000?**
4 A. Probably. That's probably still low,
5 because I didn't have a -- I didn't have an
6 accurate inventory of how many hives had three
7 deeps and a couple of mediums on them. They
8 varied. They were just -- there was so many
9 different styles out there because we were in such
10 a hurry to build boxes because we were growing
11 bees.
12 **Q. I understand. And so back to the**
13 **honey, which is property C.**
14 A. Yes.
15 **Q. So it looks like here, you're valuing a**
16 **pound of honey at \$100?**
17 A. No, \$10.
18 **Q. Excuse me, \$10. Do you believe you**
19 **gave your tax accountant that \$10 per pound number?**
20 A. Sure.
21 **Q. Did Flowertown ever intend to sell**
22 **anything?**
23 A. No. Not -- I've got to qualify that.
24 We did not intend to sell honey that bees from here
25 did. Okay? One of our dreams that we had was we

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1 A. I pulled it out of my behind.
2 **Q. Have you calculated a number that you**
3 **believe is the value?**
4 A. I can't.
5 **Q. Why can you not?**
6 A. Because there is no value for it. You
7 can't put a value on it. The killing of the bees
8 and the monetary value of the bees is not even
9 close. That doesn't even affect -- that's money.
10 Let's talk about the dreams that -- let's talk
11 about my damn marriage that was ended because of
12 this. She didn't even have -- we had only been
13 married four months to the day, four months to the
14 day that we found out the bees were dead. This
15 thing hit her hard.
16 And I'm a hard-ass. So I bucked up,
17 and I was doing the man thing, and I was going to
18 keep this thing going no matter what it took. And
19 I didn't do what it took for her. I wasn't soft
20 enough and kind enough and loving enough to take
21 care of her because I'm angry. I'm extremely
22 angry. So our marriage busted up.
23 I can't even give you a value.
24 \$100 million, hell, that ain't even enough. I lost
25 every thing I dreamed of, every dream that I had.

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1 Me not being an air conditioning guy anymore, that
2 was a simple dream. Me being able to buy a pickup
3 truck and a trailer to haul bees to Maine, that's
4 gone. My wife is gone. It's over. I'm going to
5 counseling now to try to learn how to not be angry.
6 You know, that's hard.
7 **Q. I understand that it's very hard. But**
8 **my job is to find out what you want from my client**
9 **as a result of this lawsuit.**
10 A. To be honest, how much insurance is --
11 how big is his big insurance policy?
12 **Q. I don't know off the top of my head.**
13 A. When you get that number, come back to
14 me. His maximum insurance policy, whatever it is,
15 you come back to me with it. Then I'll give you a
16 number, because it's going to be that and one of
17 his airplanes. And then it won't be enough. It
18 still won't be enough. And now I'm really getting
19 angry, to the point I'm starting to shake. So I
20 really need to go outside and smoke.
21 MR. WILLIAMS: Take a break.
22 MR. GOWDER: As a matter of fact, how
23 far -- where are you in your --
24 MR. WILLIAMS: Very close to being
25 done, but we can take a lunch break.

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1 notes that we received, and I'm assuming --
2 A. Those are Nita's. I can't really speak
3 to Nita's notes. I probably know every one of
4 them. But you can ask away and ask away, and I can
5 answer your questions. But I don't need her notes.
6 We talked about everything. There was nothing and
7 is nothing a secret on those notes.
8 MR. WILLIAMS: Yeah, and we asked Nita
9 a lot of questions about those notes. So I think
10 we've covered those.
11 (DFT. EXH. 8, Ten-page 8/10/17
12 Plaintiffs' Answers to Allen Aviation and AI
13 Allen's First Interrogatories, was marked for
14 identification.)
15 BY MR. WILLIAMS:
16 **Q. This is Exhibit 8 to your deposition.**
17 **And specifically I want to look at page 5.**
18 A. Okay.
19 **Q. Question 2 on page 5 is: Set forth an**
20 **itemized statement of all damages claimed to have**
21 **been sustained by plaintiffs in this lawsuit and**
22 **identify all related documents.**
23 A. Sure. They were all turned in, to my
24 knowledge.
25 **Q. Do you remember going over these**

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1 MR. GOWDER: Let's take a few minutes.
2 We'll let Harrison finish, and then we'll take a
3 lunch break, and then we'll let Roy go.
4 (A recess transpired.)
5 BY MR. WILLIAMS:
6 **Q. I want to ask a few follow-up questions**
7 **about your taxes, or more just about the income.**
8 **Did Flowertown make any income that you reported on**
9 **your taxes before this spraying incident?**
10 A. No.
11 **Q. And you reported losses, and we went**
12 **through how you tracked this. But from the**
13 **beginning of Flowertown to the present day, how**
14 **does Flowertown track its income and expenses?**
15 A. I have a notebook that I write
16 expenditures and receipts in.
17 **Q. Okay.**
18 A. And right now, Flowertown Bees has
19 about \$800.
20 **Q. Okay. And when you say has \$800, has**
21 **\$800 cash sitting around or just has made \$800?**
22 A. It has \$800 cash money sitting around,
23 and made \$800.
24 **Q. Okay. I won't enter this as an**
25 **exhibit, I'll just ask you. There are a bunch of**

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1 responses to these interrogatories with your
2 attorney and verifying them before they were handed
3 over to us?
4 A. Yes.
5 **Q. And you verified that these responses**
6 **were correct? Page 5.**
7 MR. MAYBANK: Page 5, okay, very good.
8 Thank you.
9 THE WITNESS: Yes, again, they were
10 taken directly off of the tax forms.
11 BY MR. WILLIAMS:
12 **Q. To your knowledge, the answer to**
13 **Interrogatory Number 2 was taken off of your tax**
14 **forms?**
15 A. Exactly.
16 **Q. So on your tax forms, you value the**
17 **bees, the 2.3 million bees at \$46,613?**
18 A. If that's what the tax form says, yes.
19 **Q. And that is -- you know, here, we've**
20 **got cost of setup, 2.3 million honeybees, \$46,613.**
21 A. Yes. We valued the bees at exactly
22 what the federal government said we could do. We
23 did not -- they have -- that's why I hire people.
24 That's why I hired an attorney. He's smarter than
25 me at this than I am. You're smarter at being a

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1 lawyer than I am. Lizzie McGowan is a tax lady.
2 She's smarter at that than I am. When it comes
3 time, I'll hire an accountant, because they're
4 smarter at it than I am. I'm an air conditioning
5 guy that loves bees. So you want to know about air
6 conditioning, I'm your man. There ain't a damn
7 thing you can do on an air conditioner that I don't
8 know. You want to talk about motorcycles, I can
9 probably talk circles around anybody you know.
10 These were given -- I gave her the numbers. She
11 modified the numbers however she needed to to make
12 them correct.
13 **Q. Okay.**
14 A. So that's where that's at.
15 **Q. And I understand, and I'm just trying**
16 **to get to the source. And so I want to talk about**
17 **the loss of value of bees in your response.**
18 A. Okay.
19 **Q. So you've got loss of values of bees,**
20 **you've got 2.3 million bees, you've got \$3 a bee**
21 **equals \$6.9 million?**
22 A. There is a totally different thing what
23 you can actually claim and what a bee is actually
24 worth. First off, 2 1/2 million bees is a number
25 that came off of a newspaper, with the same

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1 A. Okay, I can give that to you pretty
2 quick like too. A queen bee lays 1000 to 3000 bees
3 a day. Okay? So in 30 days -- in 30 days, you
4 hatch off -- one queen hatches off 1000 bees. By
5 the 62nd day, there is another 31,000 bees in that
6 hive. Okay? And that's using the absolute lowest
7 number. That's how I came up with it.
8 **Q. So how does that equate to \$3 a bee?**
9 A. That's how I came up to it. If we go
10 into all the complicated math and we sit there
11 and -- this was a five- or six-hour project is what
12 Nita and I sat down and worked out. And it came
13 out to like \$3 a bee. If we've got five or six
14 hours and we get Nita in here, I'll get the Ouija
15 board-like we used, and we'll go through it.
16 **Q. So you don't sell bees for \$3 a bee?**
17 A. No, no. But every bee has more value
18 than the actual value. I'll use one of Anita's
19 favorite things. If you buy a 1955 Chevrolet Bel
20 Air and you pay \$400 for it and you go in and put
21 in new motor, new transmission, new rear, new
22 tires, paint job, body work, interior, gauges and
23 everything, is it still only worth \$400? No. Is
24 it worth the sum of the money you put in it? No,
25 it's worth more than that.

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1 explanation I gave you, 50 hives and 50,000 bees is
2 2.5 million. But let's take -- let's just do the
3 real number. 46 hives times -- there is between
4 60,000 and 80,000 bees. So let's just use 70,000
5 to be fair. Right?
6 **Q. Okay.**
7 A. Boom, that's 3,220,000 bees. The
8 information is the information. I give them what
9 they needed to do the taxes. The actual number of
10 bees, if they were all standard hives, was
11 3,200,000. They weren't standard hives. They were
12 all overflowed. I took ten days because we were
13 desperately needing to the split the hives. I took
14 and bought 50 boxes from other people because we
15 were desperately needing to split these hives.
16 This was not an oh-we're-going-to-do-this-for-fun.
17 This was an emergency on our part. You hit us a
18 week early. If you had waited until the next week,
19 they would have been split, and we would be talking
20 about 120 to 160 hives out there. There's a
21 difference.
22 **Q. I understand.**
23 A. Okay.
24 **Q. So I want to know how you came up with**
25 **the \$3 a bee figure.**

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1 Barrett Jackson the other day had a '56
2 Chevrolet. I think it was a Bel Air. It went
3 across the auction block at \$72,000, a car that
4 today I wouldn't pay \$20,000 for. It has a value,
5 and it sold.
6 That's where \$3 a bee came up. And
7 that's still not good enough, because my original
8 statement when I was asked that was \$6 a bee. Nita
9 said 10.
10 **Q. Flowertown never paid \$3 a bee or \$6 a**
11 **bee or even \$10?**
12 A. No, but I paid \$25 for a queen. One
13 bug, I paid \$25 for her.
14 **Q. But a queen bee is different than just**
15 **your worker bee?**
16 A. Sure, but a regular bee makes it all
17 go.
18 **Q. And you said earlier Flowertown never**
19 **sold any queens?**
20 A. We gave a bunch away. We didn't have
21 time.
22 **Q. How much time does it take you to buy a**
23 **package of bees and turn those bees into a value of**
24 **\$3 a bee, or are they immediately worth \$3 a bee?**
25 A. Okay. If I take a package of bees

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1 today, in 30 days, if the queen is laying and
2 everything is working like it should be, again, in
3 30 days, we have increased the -- or 62 days,
4 excuse me, we've increased it by 30,000 bees. So
5 we went from 10,000 bees to 40,000 bees, with more
6 hatching off every day. If the weather is good and
7 we have blooms, by that time, they start hatching
8 off bees, they will have already started storing
9 honey, nectar, papyrus. They will already be doing
10 all of that. The bees will have already made a
11 colony. At that point, we would call that a nuc,
12 and we would sell that nuc for \$300. That's what
13 I've got nucs listed for right now is \$300. In
14 another 30 days, that's going to be a colony. In
15 30 days after that, we can split it, because it
16 will be large enough and have enough healthy bees
17 that we can make two colonies out of it.
18 **Q. And so at what point do you believe**
19 **that you get the value of \$3 a bee? How long does**
20 **that take, if the conditions are right?**
21 A. 90 days.
22 **Q. After 90 days, say hypothetically you**
23 **turn around and sell what you have that you've**
24 **generated from one package, how much would you sell**
25 **that for?**

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1 an old, black fella. I never collected a dime from
2 him. Then another one was down just this side of
3 Bluffton. And I never collected a dime from him.
4 **Q. Okay.**
5 A. And the last one, I just donated them
6 because it ended up being more heartache than it
7 was worth, because we didn't have time.
8 **Q. Did you ever collect any leasing fees**
9 **from any of these farmers?**
10 A. Yeah, Haynes, I collected a \$100 bill
11 for the very first lease.
12 MR. WILLIAMS: Okay. All right. I
13 think that's all I have. Thank you.
14 MR. GOWDER: Let's take a break.
15 (A luncheon recess transpired.)
16 EXAMINATION
17 BY MR. MAYBANK:
18 **Q. Mr. Yawn, we met earlier. My name is**
19 **Roy Maybank, and I represent Dorchester County.**
20 **I'm here today to ask questions and really to get**
21 **the most straightforward answer I can from you,**
22 **because what I'm going to do -- it's no secret --**
23 **I'm going to take everything that you've said today**
24 **back to my clients so that they can say, listen,**
25 **this is what Mr. Yawn's position is.**

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1 A. It depends on what I sell. If I sell
2 the package, I'm going to sell it for \$125. If I'm
3 going to sell a nuc, it's going to be 300. If I'm
4 going to sell the whole hive, probably 1500. Plus
5 you have to count -- if you can put these bees out
6 in a farmer's field, you get 100 a month for hives.
7 **Q. Per all of them or just per hive?**
8 A. Per hive. And most farmers want ten to
9 20. So that's a -- you know, if you put ten out
10 there, that's \$1000 a month. They're making it,
11 that you ain't doing nothing to except looking at
12 them.
13 **Q. Does Flowertown currently lease bees to**
14 **any farmers?**
15 A. I had three farmers that I leased bees
16 to that they ended up -- the bees ended up swarming
17 because we got so tied up with other stuff because
18 we got hit so hard.
19 **Q. And what does swarming mean? They left**
20 **the hive?**
21 A. Yeah, they decided to move on.
22 **Q. Who were the farmers you were leasing**
23 **the bees to?**
24 A. One is -- the only thing I know him by
25 is Haynes, and he's over behind Spell's Groceries,

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1 And it's really a question-and-answer
2 session. It's not a time for me to try to beat up
3 on anybody or vice versa. It really is just to let
4 me know what the hell happened and how it has
5 affected you and your family.
6 A. And being very honest, it has affected
7 me very badly with anger.
8 **Q. Okay. And we'll get into that, not so**
9 **much -- we will definitely get into anything you**
10 **want to answer and how you want to answer, because**
11 **I do want a full picture. But it really is a**
12 **question-and-answer session. No more, no less. If**
13 **you need to take a break, you just tell me, I need**
14 **to take a break.**
15 A. I will.
16 **Q. So let's go back to a couple of things**
17 **when you were testifying before. I want to make**
18 **sure that I understand, at the time of this spray,**
19 **August of 2016 -- August 28th, I believe?**
20 A. August 28th.
21 **Q. -- you had bees at three locations; is**
22 **that right?**
23 A. Right.
24 **Q. Cottageville?**
25 A. Ridgeville.

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1 Q. Ridgeville, and Summerville?
2 A. Summerville.
3 Q. The Ridgeville had 75 hives?
4 A. Yes.
5 Q. Cottageville had 60?
6 A. 60, 61. I think we had 61 there. I
7 mean, I don't know the exact number, but it was 60
8 or 61.
9 Q. And then Summerville had 46 -- or 50,
10 but four of those were not yours?
11 A. Four of those were personal. Those
12 were Nita's grandchildren and one was just kind of
13 an experiment.
14 Q. Okay. All right. Where are the bees
15 from Cottageville?
16 A. They've been bartered off or given
17 away.
18 Q. All right. And do you know to whom?
19 A. No.
20 Q. Is there any reason why you and your
21 family didn't -- well, the company did not use
22 those 60 hives -- were they hives?
23 A. Um-hum.
24 Q. Why you didn't use those 60 hives to
25 basically repopulate, restock, and grow the

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1 Q. In terms of counseling, I'm sorry.
2 Sometimes I ask poor questions.
3 A. Okay.
4 Q. Did she go to see -- start seeing a
5 counselor as a result of this event or the flooding
6 event or a combination thereof?
7 A. She didn't start counseling until a
8 month ago. And it was all I could do to get her to
9 go to counseling.
10 Q. Okay. Is there any reason why somebody
11 other than Mrs. Yawn or yourself could not have
12 come in and taken those 61 hives and done the
13 business on your behalf?
14 A. Yeah, I didn't have the money. If I
15 had the money to hire somebody, you know, where I
16 could have kept my role the same, yeah, definitely,
17 because I can take 60 hives, and in 90 days, have
18 180, you know. It's not an impossible thing. I
19 didn't have and don't have the money it would take
20 to hire somebody, because, right now, a beekeeper
21 is 15 bucks an hour.
22 Q. For some reason -- and please correct
23 me if I'm wrong -- I thought that she said that
24 you-all's family or her family volunteered for
25 working over there?

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1 business again?
2 A. I'll be completely honest with you. I
3 wanted to do that.
4 Q. Okay.
5 A. But this event put Nita in a very bad
6 place. She's depressed. I got her going to
7 counseling. I worked and I pay for her to go to
8 counseling. She got to the point she just couldn't
9 do it anymore. I mean, this event, you know, I
10 guess it was like she lost a child. I mean, this
11 was a horrible thing for her, and it became an
12 issue between us. I mean, it's all -- I don't even
13 know how to explain it, I mean, other than we eat,
14 sleep, and drink bees. And we're -- when this
15 event happened, she had been working 40, 60 hours a
16 week, plus helping me, you know, for the time that
17 I was doing it, and this just put her in a funk.
18 It depressed the hell out of her. I'm still trying
19 to get her to go to a shrink and get medicine.
20 Q. Was she seeing a counselor before this
21 event?
22 A. No.
23 Q. Okay. Was it after this event, or was
24 it after the flooding event?
25 A. This is the worst one.

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1 A. They do. But they all have their own
2 stuff to do as well. I mean, it wasn't like they
3 could be there 40 hours a week, and 40 hours a week
4 is what is needed, minimum.
5 Q. All right. Today, are you working in
6 the HVAC business?
7 A. Yes.
8 Q. Is it People's?
9 A. People's Heating & Air.
10 Q. And at the time of this event, were you
11 working for People's as well?
12 A. No, at the time of this event, I was
13 working for Pardee.
14 Q. Pardee Heating & Air. Your salary from
15 Pardee, was that between 70,000 and 100,000?
16 A. Yeah. That's hourly wage, commissions,
17 and we call them spiffs. It's just another word
18 for a commission.
19 Q. Okay. Were you an actual employee, or
20 did you have your own business and --
21 A. I was an actual employee.
22 Q. Same thing with People's?
23 A. No, People's I'm a subcontractor.
24 Q. And what is the name of your business
25 that you're operating under?

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1 A. I don't have one. Mitch. I'm only
2 subcontracting from him. He keeps me busy enough
3 that, you know, I bought my own workmen's comp, my
4 own insurance policy, and I'm just running his
5 service work.

6 Q. So you're not new install. You are --
7 A. Service. I'm a fixer.

8 Q. Okay. The property, is the 20 acres
9 that you're currently living on, do you have a
10 lease agreement with --
11 A. Yes.

12 Q. Who is that again?
13 A. Doug Miles is --
14 Q. Doug Miles, okay.

15 A. Yes. Doug Miles is my dad's best
16 friend, or was my dad's best friend.

17 Q. Does Doug Miles -- did your family own
18 this property at one time?
19 A. No.

20 Q. And the reason I ask is you had
21 mentioned that your dad owned gas stations and that
22 the land was contaminated by underground tanks of
23 gas.

24 A. Yep.

25 Q. I didn't know if there was a

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1 to carry on.

2 Q. Do you have a first right of refusal in
3 the land?
4 A. Yes.

5 Q. Above his children's interest?
6 A. No.

7 Q. Okay. But if none of them want it,
8 then it's you at that point?
9 A. Yep. And I don't think any of them
10 want it.

11 Q. I don't know. The way Summerville is
12 growing, to get a 20-acre piece of property at the
13 lake is pretty good.

14 A. I don't think that -- the one piece of
15 property, the seven acres that's wooded is all
16 lowland, swamp. So they can't ever build in that
17 area. They can't put a road through that area.

18 Q. Okay.

19 A. It's wetlands is what it's called. It
20 took me a minute to get that one.

21 Q. Sure. You're a member of the South
22 Carolina Beekeepers Association?
23 A. I was. I don't know if I still am or
24 not because I don't know if that's been paid or
25 not.

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1 connection.

2 A. No. Actually, the gas station that
3 polluted it, my dad leased it one time, and then
4 Doug Miles bought the property. And Doug Miles had
5 to buy this property because his tanks leaked in
6 the groundwater. So Doug Miles was forced into
7 buying this property.

8 Q. Got you. Has it been --
9 A. Remediated, yes.

10 Q. Is Doug Miles the gentleman who also
11 owned the property in Ridgeville --
12 A. Yes.

13 Q. -- that the bees were on?
14 A. Yes.

15 Q. It's coming back to me now. I thought
16 so. Did he own the Cottageville property as well?
17 A. No.

18 Q. Okay. How long is the lease purchase
19 agreement for, do you know, on this property?
20 A. He -- as long as he's living, I'm good.

21 Q. All right. And then when he passes,
22 you inherit the land?
23 A. No. When he passes, I either have to
24 pony up or get off, unless his children, who are --
25 I'm acquainted with all of them, unless they agree

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 Q. Were you also a member of the
2 Charleston Beekeeper?
3 A. No, I was a visitor.

4 Q. And the Lowcountry Beekeeper?
5 A. No, I was a visitor.

6 Q. Are there any other organizations of
7 beekeeping, I guess, so to speak, that you're a
8 member of?
9 A. No.

10 Q. Okay.

11 A. There is a national beekeepers
12 association, but we had never gotten around to
13 joining that.

14 Q. I oftentimes ask these questions, not
15 because I -- just for jury selection purposes. Do
16 you go to church?
17 A. No.

18 Q. Have you ever been to church?
19 A. Yes.

20 Q. Where would you go? If it's in
21 Summerville, what church would you go to?
22 A. Probably -- what do they call it now --
23 Summerville Family Worship Center.

24 Q. Okay. How about any civic
25 organizations?

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1 A. No.

2 Q. Okay. And of the family members that

3 we talked about earlier -- I'll tell you why we

4 ask. We want to make sure they're not on a jury,

5 not to go track your ex-wives down to go talk to

6 them. It's really just to make sure they're not on

7 the jury.

8 Okay. So you testified earlier that

9 you kept a notebook for expenditures.

10 A. Um-hum.

11 Q. Have you given that up? Because I

12 don't recall seeing that.

13 A. There is nothing -- it's unlegible for

14 anybody but me. There is really nothing in it. I

15 mean, like after the event is when the notebook

16 started, like when I bought the -- after the event,

17 I had to buy beekeeping supplies for like tools,

18 suits, hoods. That's when I started keeping a

19 notebook for that.

20 Q. All right. But prior to, as it relates

21 to buying any of the supplies that you and your

22 wife were going to sell, you have no records --

23 A. We did not have -- okay. We had not

24 gotten to a point that we were going to buy suits

25 and stuff to sell. We were building the bees

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1 A. Sure. I have my notebook that -- you

2 know, and most of the time I would bounce back to

3 my credit card. Like American Express, I put \$3000

4 or \$4000 here and \$2000 there, you know.

5 Q. But that wasn't to replace lost

6 merchandise?

7 A. No, that wasn't to replace loss. That

8 was to try to keep the business going.

9 Q. But you all were planning on doing that

10 part of your business --

11 A. At a later date. We were hoping that

12 we would get almost to April before we had to do

13 that. But we ended up having to do that almost

14 immediately. And I may have made a mistake by

15 doing that.

16 Q. Pardon me, sir?

17 A. I might have made a mistake by doing

18 that.

19 Q. Why was that?

20 A. Because I was trying to continue on,

21 and Nita was trying to grieve. I was trying to be

22 the big, tough guy and let's keep our head above

23 water and keep going, and she was grieving. She

24 needed more time.

25 Q. All right. So let's -- the County.

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1 trying to get our bees to where, when we were

2 ready, which we were hoping to be ready in April

3 for the Flowertown Festival --

4 Q. One second, April of 2017?

5 A. Correct.

6 Q. I'm sorry. Go ahead.

7 A. We were trying to get everything ready

8 for that. And the most important part of that was

9 the bees, because April is a prime selling month of

10 bees. The suits and everything we can sell year

11 round. So at the time of this incident or the

12 event, they weren't priority. I made it a priority

13 right after this. I made it a priority because I

14 wanted to keep the business alive, so I took my

15 American Express card and my Visa card and my cash

16 in my savings account, and I bought material to

17 sell.

18 Q. Okay.

19 A. We then continued building boxes to

20 sell, the hives and components.

21 Q. Okay. Do you have any tax returns or

22 receipts for any of that merchandise that you sold?

23 A. No. I mean, the last tax return was --

24 Q. Pardon me, I don't mean tax return. I

25 mean any kind of ledgers or --

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1 Prior to this incident, can you tell me about any

2 type of interaction you had with any of the County

3 employees as it related to your bee operation? Or

4 let's not even limit it to that point. Any time

5 before this, did you deal with the County or work

6 with any of the County folks on any matters?

7 A. Yes.

8 Q. Out at your farm?

9 A. Yes.

10 Q. Give me kind of a background history.

11 A. Worked with the City and the County.

12 Okay? When we decided that we were -- that we were

13 really going to make this a business, we went into

14 Summerville to see if we needed a business license.

15 Q. And before you go on, for the record, I

16 want to make sure, when you say we, who is the we?

17 A. The we is Nita and I. But I did it by

18 myself, and she went the second time and did it.

19 Q. All right. Tell me what you did. I'm

20 sorry.

21 A. I went in and tried to apply for a

22 business license, and they didn't even know what

23 code it would fall under. They code all the

24 businesses. They didn't know.

25 So sometime later, I don't remember

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 when -- I mean, Nita would probably know -- she
2 went in to try to apply for the business, and they
3 held it up. And then they had this lady come out
4 and do a home visit. When she did the visit, we
5 then got -- they classified our business, and we
6 got our business license.

7 Q. Is that the County or City?

8 A. That's the City. I called the County,
9 long before the event, and the County said we
10 didn't have to have a business license, because we
11 were in the City of Summerville and we had to have
12 a City of Summerville license. But because I was
13 in the heating and air business, and in the heating
14 and air business, you have to have a license in
15 every municipality, I just made the phone call. So
16 I don't even know when she got the license, but she
17 got it. And I do believe it was in effect when the
18 big event happened.

19 Q. Do you know whether or not it was in
20 effect when you all bought the bees from --

21 A. No, it wasn't in effect when we started
22 getting bees.

23 Q. Okay. All right. Would you all have
24 applied -- do you know if Ms. Yawn went down to get
25 that after you all had begun to get the purchase of

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 saying that's a City license you've got to get?

2 A. When I first started bringing in bees,
3 I called -- his name is Scott Gaskins. I got ahold
4 of Scott and got on his no spray list, which was
5 explained to me later that his no spray list was
6 just people he called out of his phone. There
7 wasn't anything official.

8 Q. How did you initially hear about this
9 list?

10 A. About what?

11 Q. How did you initially hear about to
12 call Scott Gaskins to get on this list?

13 A. I don't know, but I'm pretty due
14 diligent about doing everything right. So I think
15 that it kind of just manifested that I would -- you
16 know, things were happening, and they happened
17 every day, and I think it just started as, okay,
18 I've got bees, and do I need to do this. And I
19 think it was like a -- I called Dorchester County,
20 and the lady said, oh, you've got bees, let me send
21 you over here so they don't spray you. The exact
22 way, I don't know, but it was just in a path that
23 was followed.

24 Q. Okay. But somehow, through some folks,
25 you got directed to Mr. Gaskins?

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1 bees?

2 A. Yeah, I mean, the first thing you
3 started doing is purchasing bees. The whole -- we
4 started doing research. And then with research, we
5 then started purchasing bees, and then I started
6 building hives. Then I tried to get a business
7 license. I tried to get insurance. They don't
8 have the insurance. But someone says they do now.
9 We just kind of progressed it as we were going,
10 because when we got started, we weren't a business.
11 You know, we were fledgling. We were trying to
12 build up the bee population, because our primary
13 sell is bees. All the other stuff is minutia. But
14 bees are what we're there to sell, because bees is
15 what society is killing.

16 Q. All right. So you believe -- or to the
17 best of your ability, you believe that the license
18 was in effect with the City prior to the spraying
19 incident?

20 A. If it wasn't prior to, it was right
21 after.

22 Q. Okay. So you have those two
23 interactions with the City folks?

24 A. Um-hum.

25 Q. How about the County, other than them

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1 A. Right.

2 Q. And did you call him, or did you talk
3 to him?

4 A. Yeah, very early on. And, actually,
5 he's a great guy.

6 Q. I appreciate you saying that. He is a
7 nice gentleman.

8 A. Yeah. Matter of fact, I told David
9 Chinnis that he was the only one that was man
10 enough to stand up and say he apologized because he
11 missed it, you know. He called us, and he
12 apologized. And he said, it was my fault because I
13 didn't call you. It takes a lot of a man to stand
14 up and do that, and he was that man. And I told
15 David Chinnis, I said, you can't fire him. You can
16 fire anybody else you want, but you can't fire him,
17 because he was a man.

18 Q. And I do want to get to that, because I
19 get that something like that occurred, but I want
20 to kind of walk to that. You've gone from
21 licensing to after the event.

22 A. That's fine.

23 Q. You got hold of Scott. Did you give
24 him your cell number, or do you have a home number?

25 A. I have a cell number.

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1 Q. All right. And as you earlier
2 testified, you had received calls prior to this
3 incident?
4 A. Many, many calls, yes.
5 Q. Tell me about those calls, and why were
6 you called?
7 A. He called me, and he said: Mitch,
8 we're spraying in zone 41.
9 I'm in zone 41. He said: We're going
10 to have a fog truck coming down Thursday night if
11 it's not raining, about 9:00.
12 Cool.
13 And he usually called me Tuesday.
14 Sometimes he was in a hurry, he'd call me on
15 Wednesday. As soon as that happened, I'd call Nita
16 and say, look, they're spraying tomorrow. And
17 sometime Thursday, she'd go out there and grab the
18 tarps, or she and I would grab the tarps or whoever
19 was there. Most of the time, it was her and one of
20 her sons. They'd grab the tarps out and cover them
21 up. And you don't want to do it early because it's
22 so hot. So you wait as late as you can, and you
23 pour water on them, you know, you put sprinklers on
24 them.
25 Q. Do you recall the last contact you had

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1 anything with Dorchester County's notice was the
2 Summerville Journal Scene, and they put it on their
3 website. Nobody else gave a damn about putting it
4 on there.
5 Q. Have you gone and looked at the -- I
6 don't know if I have it with me today -- the list
7 of the different folks that we -- through the
8 County and through our personnel department
9 contacted --
10 A. Yes.
11 Q. Did you go back and try to find it? Is
12 that why you're saying it wasn't there?
13 A. Yeah.
14 Q. Have you called any of those outlets
15 personally to find out what they did with the
16 information?
17 A. No. I won't do that. I'm not going to
18 call -- even though I'm nosey as hell because I was
19 a private investigator, I'm not doing anything. I
20 mean, I made inquiries, and my inquiries were
21 answered. The only one, to my knowledge, and that
22 I can prove did anything with your notice, was
23 Summerville Journal Scene. And they did it over
24 the computer, because the paper was published
25 before you even sent it to them. So it would not

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1 with anybody from the County before the aerial
2 spray in question?
3 A. Couple of weeks, yes.
4 Q. And what was that call in regard?
5 A. Scott called and said: Hey, we're
6 spraying in your area.
7 Q. Are you referring to a --
8 A. Truck spray.
9 Q. Truck spray?
10 A. Yes.
11 Q. That last call until after the
12 incident, you had no contact with anybody from the
13 County?
14 A. No.
15 Q. And you were at your wife's deposition?
16 A. Yes.
17 Q. And I reviewed the different outlets
18 and went through them in detail with her who the
19 County informed and what they did. Is it your
20 testimony as well you did not hear about it through
21 any of those media outlets?
22 A. Yeah, and I listen to WTMA 50 times a
23 day. Every time I get in and out of the truck, my
24 radio is on WTMA. Here is what I know, not what I
25 can prove, but what I know. The only one that did

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1 have come out -- if it went on the computer, it
2 wouldn't have come out until the following week,
3 and that's unfortunate.
4 Q. Do you know what the state statute
5 requires in terms of --
6 A. Don't care.
7 Q. Well, in terms of notification? I know
8 you're anticipating my question, but --
9 A. No, I don't know. I don't know, but I
10 don't care.
11 Q. No, no, this is what I'm trying to say.
12 It's hard for her to take down when we're talking
13 over each other.
14 A. I know. I know. This is what I know.
15 I've lived in Dorchester County pretty much my
16 whole life. Dorchester County set themselves up as
17 the ultimate authority. They said, hey, we're
18 going to call you when we do some kind of spraying
19 so you can protect your bees. Scott Gaskins did
20 that. Scott Gaskins said, I'm your man. He didn't
21 do it. He didn't make that call, by accident. I
22 understand accidents happen. But he didn't make
23 the call, because if he had made the call, we would
24 have been prepared. We wouldn't be here today,
25 because we don't want to be here. We don't want

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1 this any more than you want it. But it happened.
2 And so we're here.
3 **Q. Let's go back then, because it gives us**
4 **a good point then to jump into the spray occurred.**
5 **Do you know why it occurred?**
6 A. Yes. Chinnis, David Chinnis came to my
7 house after this spraying. And he says -- and I
8 heard this on WTMA -- there were four confirmed
9 cases of the Zika travel virus in Summerville.
10 Well, Summerville proper is a big area. David
11 Chinnis came to my house and said, oh, I can't tell
12 you where, but in the immediate proximity, there's
13 two cases. And some guy found out, and he came and
14 complained to us, and he screamed and yelled. So
15 because this guy screamed and yelled, we went ahead
16 and sprayed. Now, we just piggybacked off Berkeley
17 County. We didn't do no research. We just know
18 that Charleston and Berkeley were doing it, so we
19 decided it was a good thing just to spray to kill
20 the bug. We're just going to kill that pesky
21 mosquito that may or may not have Zika virus,
22 because we have two people that may or may not have
23 Zika in the neighborhood.
24 **Q. All right. So would that be, Mr. Yawn,**
25 **the first discussion with anybody from Dorchester**

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1 And so he called me back.
2 **Q. What was that discussion?**
3 A. You killed my bees.
4 And he apologized. And he said that,
5 you know, hey, I apologize, and we'll get this
6 thing fixed for you as soon as we can, you know,
7 sorry, damn your bad luck. You know, what else
8 could he say?
9 **Q. Okay. Did you speak to anybody other**
10 **than the operator and Mr. Ward that day?**
11 A. Not to my knowledge. You know, I may
12 have. But, you know, I don't remember.
13 **Q. Okay. When was the next time you heard**
14 **officially from Dorchester County, or did you call**
15 **them? However it would have gone down.**
16 A. No, I didn't call anyone. The next
17 thing I heard is when David Chinnis, the chairman
18 of County Council, showed up at my house
19 unannounced.
20 **Q. Okay. Did anybody -- you had no idea**
21 **that somebody from County Council was coming to**
22 **your house?**
23 A. No.
24 **Q. Explain how that encounter occurred and**
25 **what happened. And can you recall what day it was?**

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1 **County after the spray?**
2 A. No, that was the second. Jason Moore
3 was the first.
4 **Q. So let me go back. So we have the**
5 **spray on the 28th. I believe you testified you**
6 **were at work Monday?**
7 A. Um-hum.
8 **Q. And that you received a call from**
9 **Mrs. Yawn, and that she explained to you what had**
10 **occurred; is that right?**
11 A. Um-hum.
12 **Q. You've got to say yes.**
13 A. Yes. I mean, you haven't said anything
14 yet that --
15 **Q. So who did you contact after she**
16 **contacted you?**
17 A. I called Dorchester County, the main
18 number. I looked at the thing. But Dorchester
19 County, it gave me a number. And I said: Hey, you
20 guys did a spraying, and it killed my bees.
21 And she said: Oh, we need to send to
22 you Jason Ward.
23 She said: Can I have him call you
24 back?
25 Yes, you can.

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1 **Was it that Tuesday?**
2 A. I don't remember. It was raining. It
3 was a rainy day. It was pouring down rain all day.
4 I don't know if it was Tuesday or Wednesday. I
5 don't know.
6 **Q. Let me ask you this way. Was it before**
7 **or after the Clemson folks came?**
8 A. Oh, before.
9 **Q. Okay. So we know they came on**
10 **Wednesday. So it was either Monday or Tuesday?**
11 A. No, they didn't come Monday. It had to
12 be Tuesday.
13 **Q. So Mr. Chinnis --**
14 A. Showed up. He called me at the end of
15 my driveway and said that -- he said who he was,
16 and I met him at the door. He tried to let me know
17 that he was the man as soon as he got to the door.
18 He came inside and spewed bullshit.
19 **Q. Okay. And what exactly was it that he**
20 **was saying to you that --**
21 A. He told us that the reason they sprayed
22 is because they piggybacked off Berkeley County,
23 because of the Zika virus, that two people in my
24 immediate area had -- well, he implied that
25 Summerville had knowledge of it and that

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1 Summerville had signed off on them spraying that
2 part. He told us that he had his secret emergency
3 fund, that he could get up to \$20,000 to help us
4 get restarted. We chitchatted about different
5 stuff and who he knew and what he knew and where he
6 knew it. And he made a comment that he knew a lot
7 about bees, and I think Nita shut him down in about
8 30 seconds. But, you know, that was kind of a
9 joyous moment.

10 Q. Did -- at that time when he was telling
11 you that he had this \$20,000, did he hand you any
12 of these forms to fill out --

13 A. No.

14 Q. -- or is that when he requested you to
15 go get pricing?

16 A. He suggested that we go get pricing so
17 he could get to work on it.

18 Q. And I believe you testified earlier
19 that you went to Maggie Valley?

20 A. Well, yeah, we ended up staying in
21 Maggie Valley.

22 Q. Okay. And you did in fact receive
23 pricing from someone there?

24 A. Well, several, actually. There were
25 several -- the first two we got were like three

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1 to get clarification to make sure I was getting him
2 exactly what he needed. And he quit responding.
3 And at that point I went to Mike Rose.

4 Q. All right. Once you went to Mr. Rose,
5 okay, up until the time you went to Mr. Rose, you
6 had talked to Mr. Ward, Mr. Chinnis. Did you talk
7 to anybody else before you went to Mr. Rose?

8 A. Not to my knowledge.

9 Q. Okay. You testified earlier that you
10 talked to Scott Gaskins?

11 A. Yes.

12 Q. When did you speak to Scott?

13 A. The day that Chinnis came over. He
14 called and apologized. Actually, he called and
15 apologized while Chinnis was there.

16 Q. Okay. Why don't you go ahead and walk
17 me through that discussion that you had with Scott.

18 A. He just called me up and said that he
19 was extremely sorry, and, you know, that he -- you
20 know, he should have called me, and he didn't, and
21 he just apologized. He stood up. I mean, it
22 wasn't nothing fantastic. The one that was
23 fantastic was the one that was a week later.

24 Q. Did you talk to him a week later?

25 A. Um-hum, yes. He called me because he

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1 times as much as what they were. And then we had
2 one that said he wouldn't sell us bees if we were
3 the last person on earth.

4 Q. But I believe it was marked as an
5 exhibit, that pricing sheet?

6 A. That was the only one that would do
7 anything for us.

8 Q. Okay. So you forwarded that on
9 to Mr. Chinnis or somebody --

10 A. To Mr. Chinnis.

11 Q. Was there a response to your e-mail?

12 A. Yeah. As a matter of fact, it was kind
13 of a -- I think he was responding that he got it.
14 We had talked on the phone, and it was kind of a
15 weird conversation. And then he wouldn't call me
16 back after that. It was -- I kind of equate it
17 like the guy that got -- I'm the private
18 investigator, and the guy got caught cheating. And
19 he didn't know I was a private investigator at
20 first, but now he knows, so now he's not saying no
21 more. That's kind of how he acted, like he got
22 caught cheating, and he's, oh, I'm not saying no
23 more to you, because that's exactly what happened.
24 We called him -- I called him a couple of times
25 while I was in Maggie Valley trying to talk to him

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1 doesn't have Nita's phone number. He called me,
2 and he asked to speak to Nita. And -- well, he
3 identified himself and asked that he speak to her.
4 And I said, sure, and I handed her the phone. And
5 it was very -- he gave her a very heartfelt, very
6 sincere apology from himself and his wife, who has
7 absolutely nothing to do with it. And I guess it
8 was heartfelt enough and it upset him enough that
9 he was in tears, which in turn put Nita in tears.

10 Q. All right. Other than -- after that
11 call, have you had any interaction with anybody
12 from Dorchester County concerning this case?

13 A. I got a -- I got the tort form, and
14 that's it. Once I got the tort form, Dorchester
15 County and I haven't spoken other than on other
16 business matters, like paying my taxes. We broke
17 up.

18 Q. I'm sorry, say that again.

19 A. We broke up.

20 Q. Who did?

21 A. Me and Dorchester County.

22 Q. Oh.

23 A. That was levity. I'm sorry.

24 Q. I'm looking at an e-mail from
25 Ms. Tracey Langley.

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1 A. That sounds like the girl that sent me
2 the tort form.

3 Q. It is. I'm not trying to hide
4 anything. I'm reading. It looks like it's dated
5 September 15th. Everything is dated September
6 15th. And it says, attached to you, the tort claim
7 form for you and Mrs. Stanley, and it said that the
8 County would provide you a notary public, Chantell
9 Glover, in their Summerville office. Do you
10 remember getting this e-mail?

11 A. No. It wouldn't matter, because at
12 that point, anything I got got forwarded straight
13 to Mike. There -- I didn't even have to read it,
14 because it was not my concern. Mike would read it,
15 tell me what I needed to know.

16 Q. Yeah, I don't want to know what your
17 attorney advised you of. Let me ask you this. It
18 was your testimony earlier that the information
19 contained in these forms -- and I'm going to hand
20 these both to you -- it looks like -- actually, I
21 may have to cover this up. This is an e-mail from
22 you to me.

23 MR. GOWDER: Yeah.

24 MR. MAYBANK: I don't want that to be
25 part of the record.

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1 given Mrs. Langley those valuations?

2 A. I didn't give her nothing.

3 Q. Do you know if Mrs. Yawn gave her
4 those --

5 A. Mrs. Yawn didn't do any of this.
6 Mrs. Yawn wouldn't do any of this. So I don't know
7 where that 17 to 49K came from. Okay? I know
8 that's a point of contention, because this is like
9 the fifth time it's been asked. But, no, I have no
10 clue where that is. And then the only thing that
11 was me directly -- the tort forms, I got those, and
12 I forwarded them -- were these where I sent the
13 e-mails to David Chinnis with the prices.

14 Q. Okay. Do you recognize --

15 A. I recognize them all.

16 MR. MAYBANK: Okay. We'll mark this.
17 (DFT. EXH. 9, Seven-page Document:
18 E-mail Chain and Attachments, was marked for
19 identification.)

20 BY MR. MAYBANK:

21 Q. Do you know what government agencies,
22 other than Dorchester County, may have been
23 involved in the spraying or --

24 A. The only agency that I know that was
25 involved in this is Dorchester, but it was implied

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1 BY MR. MAYBANK:

2 Q. If you could just take a look at some
3 of this e-mail back and forth. And I understand
4 it's your position it wouldn't have mattered. But
5 I also want you to look at the two forms that are
6 attached to it, and then this information along
7 with -- it looks like some in bee packages.

8 A. Some of that may have been what I sent
9 him.

10 Q. Yeah, that's just what I just want
11 to -- do me a favor. Read the e-mail starting
12 right down there. There's not very many of them.
13 And just kind of look at that information. And
14 when you're done, let me know.

15 A. Yeah, I remember that. I remember it.
16 Yeah, here is where I question -- the e-mail where
17 I questioned him.

18 Good morning, I have a few questions
19 for you, please. What is a tort form? What is its
20 significance?

21 I asked why they had a value of 17K to
22 49. Is this a release?

23 I mean, I didn't know -- they had 17K
24 to 49K. I wanted to know why. I mean --

25 Q. Do you know if possibly you may have

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1 that Summerville was involved.

2 Q. All right. Are you aware of any
3 involvement of DHEC or any of the health providers
4 in the State because of the Zika?

5 A. No.

6 Q. Are you aware that there was any kind
7 of equine encephalitis going on in the County at
8 the time?

9 A. No. Is equine encephalitis, is that
10 the same as Zika?

11 Q. No.

12 A. Because the only thing I know about
13 is -- well, equine means horses. The only thing I
14 knew about was the travel-related cases, which were
15 four, of the Zika virus.

16 Q. Okay. Have you spoken to David Chinnis
17 since you last e-mailed with him these pricing?

18 A. No. But I was called by a good friend
19 of mine who says, oh, David Chinnis is a good guy,
20 trust him.

21 Q. Who is that?

22 A. Dwayne Tornabene.
(Off-the-record conference.)

24 BY MR. MAYBANK:

25 Q. Do you have any documents, diaries of

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1 any kind that you haven't already given up to your
2 attorneys?
3 A. No. Nita kept the diaries of the
4 day-to-day operation of the bees.
5 Q. And so when we were questioning your
6 wife about the finances, she kind of threw her
7 hands up, and she said, that's not me.
8 A. That's not her. I took her money and
9 ran.
10 Q. All right. Well, so I'm trying to
11 figure out where you ran it to. I think I sent a
12 subpoena to Bank of America.
13 A. You did.
14 Q. Did you have an account with Navy
15 Federal Credit Union?
16 A. I do have.
17 Q. Is that strictly your account, or is
18 that you-all's account?
19 A. That's mine and her account. I believe
20 it's joint.
21 Q. Okay. So we've got Navy Federal Credit
22 Union. And any other banking or banks that you all
23 bank with?
24 A. Sure. Mine personally is Navy Federal
25 and USAA.

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 A. USAA.
2 Q. USAA credit card?
3 A. American Express is through USAA.
4 Q. Got you. And when you said USAA
5 earlier, is that what you were referring to?
6 A. No, that's talking about a bank.
7 Q. Okay. How about do you have a Visa?
8 A. Yes.
9 Q. Who is that with?
10 A. Navy Federal.
11 Q. How about for your banking -- for
12 banking purposes with your current subcontracting
13 business?
14 A. It just goes right into my personal
15 account.
16 Q. Do you get a -- what is it -- W-9?
17 A. 1099.
18 Q. 1099?
19 A. Yes. I think it said I made 45K from
20 May until the end of the year.
21 Q. And that was from People's?
22 A. Um-hum. You say you're worried about
23 my banking. How do you want to go about the cash
24 that I've spent?
25 Q. Do you have a ledger of that?

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1 Q. USAA Insurance or is that -- you've got
2 an account with them?
3 A. (Witness moves head up and down.)
4 Q. Do they have a local branch in
5 Summerville?
6 A. No.
7 Q. Out of Florida?
8 A. No, Texas.
9 Q. I believe I sent a subpoena to Merrill
10 Lynch. I think that was her retirement?
11 A. I don't know.
12 Q. I'll come back -- do you have a
13 retirement --
14 A. No.
15 Q. -- plan with anybody?
16 A. No.
17 Q. Other than Navy Federal Credit Union
18 and USAA, do you have any other savings accounts
19 anywhere?
20 A. No.
21 Q. Checking accounts?
22 A. No.
23 Q. As far as your credit card, you
24 testified earlier that you put stuff on your
25 American Express?

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1 A. No. We sold a motor home for a couple
2 of grand, and we sold a motorcycle for a couple of
3 grand.
4 Q. Oh, okay. Mr. Yawn, there was a
5 gentleman in Mt. Pleasant that you all sold bees
6 to?
7 A. Mike Brown.
8 Q. That was Mike Brown. Do you know where
9 Mr. Brown lives?
10 A. I could drive you there. I don't know
11 his address.
12 Q. Can you drive there mentally, because I
13 seem to know Mt. Pleasant pretty well.
14 A. Turn right on Six Mile.
15 Q. All right.
16 A. And I think it's Rifle Range is the
17 road there.
18 Q. Yeah.
19 A. Turn left, and it's on the right-hand
20 side. He's got -- he's got a privacy fence around
21 the front of his yard.
22 Q. Okay.
23 A. And then he's got behind that privacy
24 fence, kind of to the back, is a -- like the house
25 is here, and then he's got a garage, but the

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 privacy fence kind of runs like that (indicating).
2 **Q. Have you spoken to Mr. Brown since you**
3 **all sold him those bees?**
4 A. Oh, yeah, I've talked to him several
5 times since we sold them.
6 **Q. Have you sold him more bees?**
7 A. No. Oh, wait a minute, wait a minute.
8 Yes, I think I have.
9 **Q. Recently?**
10 A. I think I sold him bees last summer.
11 **Q. Do you call Mr. Brown and tell him that**
12 **you -- how do you all communicate?**
13 A. Facebook. He goes on Nita's account or
14 on the Flowertown Bee account and private messages
15 Nita.
16 **Q. Does he ever call you all?**
17 A. No, not that I know of. He may. I
18 mean, that's one of them questions I can't answer,
19 because I don't know.
20 **Q. The land in Cottageville that had the**
21 **61 hives, who owned that land?**
22 A. Her son-in-law.
23 **Q. Whose son-in-law?**
24 A. Nita's. Her daughter.
25 **Q. Was that the farm, the fowl farm, as**

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1 **Q. How much do they pay rent?**
2 A. Total is 1800. The apartment pays 12,
3 and the one renting the room pays 6.
4 **Q. But the apartment is part of the house?**
5 **It's not a separate --**
6 MR. MAYBANK: While I'm thinking about
7 it, I think I talked to you about doing a site
8 inspection?
9 MR. GOWDER: Sure. Just let me know
10 when you want to do it.
11 MR. MAYBANK: Sooner rather than later.
12 I don't want it to be 102 degrees out there.
13 MR. GOWDER: Let me know when you want
14 to do it, and I'll have to set it up with Mitch.
15 MR. MAYBANK: Okay. That would be
16 great.
17 THE WITNESS: This is the house. The
18 front door is here. There is a screen porch here
19 that we normally come in and out of.
20 BY MR. MAYBANK:
21 **Q. So screened porch (drawing).**
22 A. Yeah.
23 MR. GOWDER: Why don't you have him do
24 that.
25 BY MR. MAYBANK:

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1 **you called it?**
2 A. Yeah.
3 **Q. Did they ever come back to the**
4 **Summerville location?**
5 A. No.
6 **Q. And her name -- what was her name, do**
7 **you recall?**
8 A. Chastity.
9 **Q. Chastity Sholl; correct?**
10 A. Yes.
11 **Q. And she's in Cottageville?**
12 A. Correct.
13 **Q. Do you know her address?**
14 A. No. I can drive you there.
15 **Q. Is that where Mrs. Yawn is currently**
16 **staying?**
17 A. Yes.
18 **Q. How long has -- I think you testified**
19 **there is an apartment on your property; is that**
20 **right?**
21 A. No, it's part of the house.
22 **Q. Okay. Is it one big house?**
23 A. Yes.
24 **Q. And you have two renters?**
25 A. Yes.

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1 **Q. Yeah, I don't want to be a witness.**
2 A. (Drawing) Front door. The apartment
3 door is there. This is the back porch. Bedroom is
4 up here, a little kitchenette.
5 **Q. So right like an apartment in there?**
6 A. Yep. It's like mother-in-law suite or
7 apartment.
8 **Q. Write apartment there so we know.**
9 A. (Witness complied.)
10 **Q. And this is the house, and this is a**
11 **porch. Okay. So you had somebody rent the**
12 **apartment for X number of dollars, and then**
13 **somebody rents a room?**
14 A. Yep. And there is a bedroom.
15 MR. MAYBANK: Let's mark that as the
16 next exhibit, please.
17 (DFT. EXH. 10, One-page Drawing, was
18 marked for identification.)
19 BY MR. MAYBANK:
20 **Q. And what is your monthly lease payment?**
21 A. 1200.
22 **Q. 1200, okay. So it's a net for you;**
23 **correct?**
24 A. It's still a loss. Electric bill is
25 always 300 plus. Water bill is always 75 plus. So

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1 I don't make anything.
2 **Q. It's a wash?**
3 A. Pretty much.
4 **Q. Do you pay for the apartment's**
5 **electric -- is it all one building?**
6 A. Yes. And I just took the room renter
7 on after Nita moved out.
8 **Q. Okay. There was -- I think you asked**
9 **earlier, do you know the name of the room renter?**
10 A. You know, good thing about smart
11 phones.
12 **Q. I don't know if they make us smarter or**
13 **dumber.**
14 A. Her name is Sarah something. And the
15 apartment renter is Sherry something. And neither
16 one of them know anything, because they're both in
17 their first month.
18 **Q. Okay. Am I right in saying that prior**
19 **to Mrs. Yawn moving on the property, was your**
20 **daughter living on the property with you?**
21 A. Yeah. And that's the biggest liability
22 I had.
23 **Q. I have to ask, why do you say that?**
24 A. I love my daughter. Don't get me
25 wrong.

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1 the clover and was stomping bees and got stung. So
2 this lady then calls Doug Miles, Code Enforcement.
3 Hell, I'm shocked that she didn't call you and Andy
4 because her daughter got stung. She never spoke to
5 me. In response to her having called Code
6 Enforcement, he came out and looked at the bees,
7 and he says, hey -- now, I thought he was County,
8 until I found this card a week ago.
9 **Q. Okay.**
10 A. That was one of the County things I
11 thought. I didn't really even know that the City
12 of Summerville had code enforcement. I thought it
13 was all Dorchester. But he came out and said, hey,
14 bees look great, doing great, have fun, she's a
15 pain in the butt, and went on.
16 But she talked to this stupid-ass
17 renter I had named Shirle, whatever, who is a
18 drunk, dope-smoking whore from hell who wants to
19 stick her nose in everybody's business, and Shirle
20 rattled the cages, and it made it worse for this
21 woman and for me. Hence, the first opportunity
22 that Shirle -- because I'm going to tell you what
23 now, Shirle paid that rent on time. My rule is
24 it's late on the 1st. She always had it to me
25 before the 1st. I loved her for that. But she's a

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1 **Q. Sure.**
2 A. But my daughter is in my pocket like
3 fleas on an old hound dog. You're not going to
4 find a place in my pocket where her hand ain't
5 been, because she takes my money.
6 **Q. Got you.**
7 A. And I ran her off.
8 **Q. All right. Earlier, you were showing**
9 **me a business card. Let's get back to that. Tell**
10 **me what you've got.**
11 MR. WILLIAMS: I think it's under that
12 coaster.
13 BY MR. MAYBANK:
14 **Q. Now, who is this?**
15 A. This guy -- early on --
16 **Q. Before you begin. I've been handed a**
17 **business card from the Town of Summerville, looks**
18 **like Jack Pryor, Code Enforcement Officer. Okay.**
19 A. Early on in the business, springtime --
20 **Q. Of what year?**
21 A. Of '16, when we just -- we were just
22 starting out, we had brought in and split the
23 hives, and we had like 175 hives out in the bottom
24 or the bee yard. And this lady that lives on the
25 street behind us kept -- her daughter went out in

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1 royal pain, a liar, a dope addict, brings hundreds
2 of men in. And I don't like people around my
3 house. I'm not one to invite people over.
4 Well, she stirred the shit pot with
5 this woman, which caused me a lot of heartache. So
6 the first time that Shirle got drunk, started
7 cussing and carrying on and screaming and yelling
8 at her retired deputy daddy and her mama and
9 cussing them out in front of Nita's grandkids, I
10 told her to get the hell out. And I gave her 45
11 days to get out, which I shouldn't have, but I did.
12 I was nice about it. Now she's out.
13 And then, because she's such a
14 contriving female, she decides to show up at County
15 Council for the first County Council meeting that
16 we're going to to see what they're going to do to
17 help us about the bees, and has to have a private
18 meeting at the end of the Council meeting with
19 David Chinnis. So you guys have probably
20 subpoenaed her or have talked to her or whatever.
21 **Q. What is her last name?**
22 A. I don't know. It starts with an S, I
23 believe.
24 **Q. All right. And what Council meeting**
25 **was this?**

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 A. The very first one after the bee
2 spraying.

3 **Q. Did you attend it?**

4 A. Yes.

5 **Q. Did you talk to any of the council**
6 **board members at the time?**

7 A. No. I didn't talk to anybody. They
8 wanted to interview us, because, my God, every news
9 station was there. When it was over, I grabbed
10 Nita, we walked outside and left. She stayed
11 because she had to have her little secret meeting
12 so she could stir the pot.

13 **Q. Do you know what she would be talking**
14 **about?**

15 A. No. Don't care what she talks about,
16 because she's a lying whore. Oh, I bet I can tell
17 you that she probably wanted to talk about how
18 there were so many bees around there.

19 **Q. Are you aware of any limitation on what**
20 **you all could do or couldn't do on that --**

21 A. No.

22 **MR. MAYBANK:** Getting close to being
23 done.

24 **THE WITNESS:** Well, can we take five?
25 I need to use the little boys' room.

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 to limit him.

2 **BY MR. MAYBANK:**

3 **Q. No, no, and it doesn't. If you come up**
4 **with stuff later that -- what I'm trying to make**
5 **sure is if we went to trial tomorrow, so to speak,**
6 **all of a sudden, we don't get up there and hear**
7 **some radical different chain of events that we**
8 **haven't heard yet. In other words, have I walked**
9 **you through the process?**

10 A. Yeah. I mean, I think I've told the
11 story -- I haven't told the story how it's affected
12 me personally, but I told the story how it affected
13 Flowertown Bees.

14 **Q. And how has it affected you personally?**

15 A. Well, now is my time. Nita and I had
16 been married four months to the day when we found
17 out the bees were killed. I instantly went into
18 big man mode trying to protect everybody and make
19 things all right, and she instantly went into being
20 depressed. And since then, it's been kind of the
21 snowball effect. Everything that could go wrong
22 has gone wrong. Everything -- all my dreams got
23 washed. I'm pretty much thinking that all of
24 Nita's dreams got washed. Every hope that we had
25 got dashed. It's just -- it's been -- there is a

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 **MR. MAYBANK:** Please do. Please do.
2 (A recess transpired.)

3 **BY MR. MAYBANK:**

4 **Q. Back on the record. One thing that I**
5 **always ask folks sometimes, for better or worse,**
6 **and that is, have I not -- and sometimes I hear an**
7 **objection, but sometimes not -- have I not asked**
8 **you or have you not testified as to anything**
9 **concerning this? That's a poor question, but it's**
10 **kind of my catch-all. I try to ask whatever**
11 **questions I can as it relates to the County. You**
12 **asked questions earlier.**

13 A. Is there anything you've asked that I
14 haven't covered with you?

15 **Q. Yeah, that you want to -- so that I can**
16 **make sure we get a full picture of what we're**
17 **dealing with.**

18 **MR. GOWDER:** Well, I'm going to allow
19 him to answer, but I'm going to make the objection
20 statement that there may be things that you didn't
21 ask him that he didn't answer that he may testify
22 to at trial that he cannot just recall right now.

23 **MR. MAYBANK:** And that's really what
24 I'm asking.

25 **MR. GOWDER:** I don't want it to be able

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 country song out. It's like a snowball headed for
2 hell.

3 It's not the way I handle things. This
4 is not how I handle things. I'm pretty much an
5 in-your-face kind of guy. I come up and we handle
6 it, and we're done with it. This has made me
7 angry, because I haven't had anyplace to vent this.
8 I haven't had anybody to share it. I haven't had
9 you two to listen to what's happened. This has
10 been very difficult.

11 In return, it's made it very difficult
12 on Nita. Because when you were questioning her,
13 and at the end -- it was the end. I think we were
14 done. You guys walked out. Nita walked out. Mike
15 stayed sitting in his seat. And when I walked into
16 him, I told him -- you know, when I walked back in,
17 I told him, you know, this is going to be a hard
18 night, because every time we bring it up, she gets
19 depressed. She cries. She's asked herself what
20 could she do, or what did she do wrong, what could
21 she have done to keep this from happening. She
22 goes into this whole thing, and it's none of it her
23 fault.

24 I wasn't smart enough a man to see that
25 I should have not worried about the rest and just

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 worried about her. So now I've lost my marriage.
2 I waited 20 years to get married. It's gone. It's
3 done. The hell with the dreams, the hell with
4 having to keep working. The one person that I love
5 is gone because of this incident. And then the
6 snowball that happened afterwards, because it's
7 just been one fight after another.
8 I took every bit of cash I had, I maxed
9 out her credit cards. Hell, I maxed out my credit
10 cards. We sold stuff. We did stuff to get money
11 for bees, and you know that we don't have a damn
12 thing to show for it now. And I don't even have a
13 wife for that anymore.
14 So that's how it's affected me
15 personally. We could go into a lot more, and I
16 could expand on this 1000 times more. This thing
17 hurt me. It hurt her. It's put me in counseling.
18 I go to counseling to figure out how not to be
19 angry every week -- well, I'm on every other week
20 now, because I can't afford to pay 125 a week. So
21 is there anything that I might remember later?
22 Yeah.
23 Q. Sure.
24 A. I remember stuff all the time. I think
25 of things I want to tell you. But, you know, it's

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1 Usually they're smaller, because the spaces are
2 small, so to speak.
3 A. Here is the question. You've got a
4 21-foot, 21-inch round torpedo that weighs
5 approximately 3445 pounds. Do you want some little
6 guy like him to hustle it, or do you want some guy
7 like me to hustle it?
8 Q. Yeah, I'm there with you. When you got
9 out of the Navy, was the submarine -- they were
10 still here in '85?
11 A. Yes, yes.
12 Q. I thought so. They moved them when the
13 base closed.
14 MR. GOWDER: In the '90s.
15 BY MR. MAYBANK:
16 Q. '92 or '93; right?
17 A. Yeah.
18 MR. MAYBANK: I think I'm done. Off
19 the record.
20 (Off-the-record conference.)
21 EXAMINATION
22 BY MR. WILLIAMS:
23 Q. I do have one more question, very
24 simple. Have you ever spoken with Al Allen?
25 A. No.

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MITCH RANDALL YAWN - EX. BY MR. MAYBANK

1 not here. I'm done. You know, I don't think there
2 is anything hidden. If you want to look at
3 something, you don't need a subpoena. I'll give
4 you the pass code to my account. You can look at
5 it. I don't have nothing to hide. We're just
6 simple damn people. We just wanted to raise bees
7 and have a good life.
8 We've got to go off the record for
9 this.
10 Q. Well, let's do that afterwards. I want
11 to complete this.
12 A. Yeah.
13 Q. Let me ask you this, Mr. Yawn. When
14 you were in the Navy --
15 A. Yes.
16 Q. And thank you for your service -- where
17 were you stationed? You were in '79 to '85?
18 A. Yeah.
19 Q. Where were you stationed?
20 A. All over. My primary home port was
21 Charleston.
22 Q. What were you on?
23 A. Submarine.
24 Q. Don't take this the wrong way, but you
25 don't cut the figure of the submariner guy.

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1 Q. Or ever communicated with Allen
2 Aviation in any way?
3 A. No.
4 Q. Did you ever know who they were before
5 this case?
6 A. No, except I think he's the one that
7 has the pretty yellow plane that flies over the
8 Mark Clark bridge -- the blue one. Is it the Don
9 Holt?
10 MR. GOWDER: Don Holt.
11 THE WITNESS: Yeah, I think that's him.
12 I'm not sure. But I don't think there's that many
13 crop dusters in the area, so I'm assuming that's
14 him.
15 MR. WILLIAMS: Okay. That's it.
16 (DFT. EXH. 11, One-page Copy of Jack
17 Pryor Business Card, was marked for
18 identification.)
19 (The witness, after having been advised
20 of his right to read and sign this transcript,
21 waives that right.)
22 (The deposition was concluded at 2:59
23 p.m.)
24
25

1

CERTIFICATE OF REPORTER

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2

3

I, Janice N. Shepherd, Registered

4

Professional Reporter and Notary Public for the

5

State of South Carolina at Large, do hereby certify

6

that the foregoing transcript is a true, accurate,

7

and complete record.

8

I further certify that I am neither

9

related to nor counsel for any party to the cause

10

pending or interested in the events thereof.

11

Witness my hand, I have hereunto

12

affixed my official seal this 28th day of February,

13

2018, at Charleston, Charleston County, South

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Carolina.

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CLEMSON

UNIVERSITY

NON-AGRICULTURAL FOLLOW-UP PESTICIDE USE INVESTIGATION

Dorchester County Public Works
2120 E. Main Street
Dorchester, SC 29437

Submitted by: Ryan A. Okey, Pesticide Program Chief
Department of Pesticide Regulation (DPR)

29 September 2016

NATURE OF INCIDENT

The Department of Pesticide Regulation (DPR) was contacted by the Dorchester County Extension Office on 29 August 2016 regarding calls they received about a recent aerial application for mosquitoes and the impact it was having on beehives in the area. Additionally, Dr. Jennifer Tsuruda, Apiculture Specialist with Clemson University, forwarded DPR contact information for Ms. Nita Stanley, who alleged the aerial application had fatally affected her bees.

DEPARTMENTAL FINDINGS

DPR Investigator, Michael Russell, met with Nita Stanley, co-owner of Flowertown Bees, located at 503 Pinehurst Avenue, Summerville, SC at approximately 3:00 pm on 30 August 2016. Ms. Stanley stated that a firefighter at a neighboring fire station visited her property on August 29th to see how her bees were after the application. At that time, Ms. Stanley was unaware of the recent aerial application. When she inspected her bee yard, she observed dead bees around each hive.

After talking with Ms. Stanley, Investigator Russell walked down to the location of the hives. He noticed a large number of bees that were deceased on the ground below each hive. As he continued to walk around the hives, he observed bees with behaviors consistent with pesticide exposure, to include bees appearing lethargic on the outside of the hive and worker bees removing dead bees from the entrance of each hive. Investigator Russell also observed very active bees flying around the yard as well. A representative sample of dead and dying bees as well as soil were collected from around the hives by Investigator Russell in compliance with DPR's field sampling policy manual. An unofficial third-party sample of bees that were collected by Ms. Stanley were also obtained. All of the samples were transferred to DPR's Pesticide Residue Laboratory for a full analysis.

DPR met with Scott Gaskins, Ground Supervisor of Dorchester County Public Works, on September 1st and again on the 12th. Mr. Gaskins stated that in July 2016 Dorchester County engaged in talks to perform aerial applications for mosquito control. On July 21st, Dorchester agreed to a contract with Allen Aviation to perform aerial applications in Dorchester County. Mr. Gaskins received confirmed Zika travel related cases in Dorchester County from the South Carolina Department of Health and Environmental Control (DHEC) on consecutive weeks from August 9th through August 19th. Additionally, Mr. Gaskins received nuisance complaints of mosquitoes from the residents of Dorchester County as well as Summerville Elementary School. This information combined with the results of light traps and landing rate counts for mosquitoes, led Mr. Gaskins to create a zone to perform an aerial application for mosquito control. Mr. Gaskins stated that the zone was created to best encompass as many of the above factors as possible. The application zone was submitted to Allen Aviation with a tentative application date of August 27th. On August 26th, the Public Relations Department for Dorchester County published a public notice of the intended application. Mr. Gaskins stated that the tentative date of the application was pushed to August 28th to allow adequate notification. Mr. Gaskins provided DPR with pesticide application records for both the aerial application as well as ground applications performed within the identified zone.

DPR met with Mr. Al Allen, owner and Chief Pilot of Allen Aviation, on September 7th and again on the 15th. Mr. Allen stated that he performed an aerial application of Trumpet EC (EPA Reg. No. 5481-481, AMVAC) in Dorchester County on 28 August 2016. Mr. Allen was provided a map by Dorchester County designating the zone where the application was to be performed. The map included sensitive areas representing the approximate location of beehives, however no specific GPS coordinates were given. In the absence of GPS coordinates, Mr. Allen marks waypoints on the plane's guidance system for sensitive areas. Mr. Allen stated that during the application the spray is shut off approximately three seconds before reaching a sensitive area and turned back on approximately three seconds after passing the sensitive area. This represents an approximate linear distance of three quarters to one mile that the spray is turned off. In addition to pesticide application records, Mr. Allen also provided the most recent equipment calibration record. The records provided by Mr. Allen show that between the hours of 6:45 am and 7:50 am on August 28th he applied 58 gallons of Trumpet EC (EPA Reg. No. 5481-481, AMVAC) at a rate of 0.8 fluid ounces per acre.

DPR performed an in-depth and thorough review of the Trumpet EC (EPA Reg. No. 5481-481, AMVAC) label. The label of Trumpet EC directs that for aerial applications to control adult mosquitoes, the product is to be applied at a rate of 0.6 to 1.2 fluid ounces per acre. DPR also identified language in the *Environmental Hazards* section of this label that contributed to this investigation. The language DPR identified states "*To minimize hazard to bees, it is recommended that the product is not applied more than two hours after sunrise or two hours before sunset, limiting application to times when bees are least active. Do not apply this product or allow it to drift to blooming crops or weeds while bees are visiting the treatment area... except when applications are made to prevent or control a threat to public and/or animal health determined by a state agency on the basis of documented evidence of... the occurrence of mosquito-borne disease in animal or human*

populations...." DPR observed this section of the label as guidance for optimal times to minimize hazard and an exemption to restrictions normally placed on applications performed during the absence of a threat to public health. The National Weather service data states that sunrise occurred at 6:53 am August 28th and that the air temperature did not exceed 73.4°F during the application.

The Regulatory Affairs team with AMVAC Chemical Corporation provided the following statement regarding this section of the label, "The application times given on the label to minimize hazard to bees are recommendations only. This application timing is not directly related to, nor does it affect the enforceability of, the label restriction requiring the user to not apply the product to or allow it to drift to blooming crops or weeds while bees are foraging. The only scenario in which the latter restriction is not in effect is if the application in question is being made to control or prevent a public and/or animal health threat."

DHEC provided confirmation to DPR that travel related cases of Zika were identified in Dorchester County and the State Public Health Entomologist notified Dorchester County on August 9th and August 15th, and provided maps to the county showing a mosquito target zone. The information provided to Dorchester County did not specify the method of application or the type of pesticide to be applied in these zones. DHEC provided the following statement to DPR "The South Carolina Department of Health and Environmental Control confirms that certain mosquito borne diseases are a public health risk in South Carolina."

The representative sample of dead and dying bees, the soil collected from around the hives, and the unofficial third-party sample of bees collected by Ms. Stanley were analyzed by the DPR Pesticide Residue Laboratory. None of the samples yielded pesticide residue, or specifically Naled, which is the active ingredient in Trumpet EC. These results likely occurred due to the time which elapsed between the application and when the samples were obtained, combined with Naled's ability to rapidly degrade under typical environmental conditions. The official samples were obtained by DPR approximately 53 hours after the application was conducted.

Section 27-1084 (A)(4) of the Rules and Regulation for the Enforcement of the South Carolina Pesticide Control Act states "For non-commercial applicators only, or for commercial applicators making applications for and under the direct supervision of a governmental entity, the disclosure requirements of the above Sections may be met by announcement or publication of the nature and timing of pesticide applications in the appropriate mass media outlets not less than 24 hours prior to the application." The Public Relations Department for Dorchester County published a public notice in The Summerville Journal Scene on August 26th that included the nature, timing, and location of the intended application.

CONCLUSION

This investigation found no violations occurred as result of the Trumpet EC application performed on August 28th. This conclusion was supported by the following statements: the nature

and timing of the pesticide application was published in a mass media outlet greater than 24 hours prior to the application, the application was performed at or below the labeled rate, the application was not applied more than 2 hours after sunrise, and the application was performed to prevent a threat to public health after identifying the occurrence of a mosquito-borne disease in the human population. This conclusion does not, in anyway, eliminate the Trumpet EC application as a cause for the loss of bees following the application.

SUBMITTED BY Ryan A. Okey

Ryan A. Okey

cc: Nita Stanley, Flowertown Bees
Al Allen, Allen Aviation
Kelly Wilmott, AMVAC Chemical Corporation
Susan Lake, SC DHEC
Dr. Jennifer Tsuruda, Clemson University
DPR Field Investigators
EPA Region IV
Jason Ward, Dorchester County
File

CF# 083016-47-02

**RESTRICTED USE PESTICIDE
DUE TO EYE AND SKIN CORROSIVITY HAZARD**

For retail sale to and use only by Certified Applicators, or persons under their direct supervision, and only for those uses covered by the Certified Applicators Certification.

TRUMPET® EC

INSECTICIDE

FOR USE ONLY BY FEDERAL, STATE, TRIBAL, OR LOCAL GOVERNMENT OFFICIALS RESPONSIBLE FOR PUBLIC HEALTH OR VECTOR CONTROL, OR BY PERSONS CERTIFIED IN THE APPROPRIATE CATEGORY OR OTHERWISE AUTHORIZED BY THE STATE OR TRIBAL LEAD PESTICIDE REGULATORY AGENCY TO PERFORM ADULT MOSQUITO CONTROL APPLICATIONS, OR BY PERSONS UNDER THEIR DIRECT SUPERVISION, NOT FOR USE IN AND AROUND THE HOME BY HOMEOWNERS OR PROFESSIONAL APPLICATORS.

ACTIVE INGREDIENT:

Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate)..... 78.0%

INERT INGREDIENTS:..... 22.0%

TOTAL:..... 100.0%

Contains 10.8 pounds Naled per gallon.

Contains petroleum distillates

**KEEP OUT OF REACH OF CHILDREN
DANGER / PELIGRO**

Si usted no entiende la etiqueta, busque a alguien para que se la explique en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

FIRST AID	
If in eyes:	- Hold eye open and rinse slowly and gently from the side of the eye with water for 15-20 minutes. - Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. - Call a poison control center or doctor for treatment advice.
If on skin or clothing:	- Take off contaminated clothing. - Rinse skin immediately with plenty of water for 15-20 minutes. - Call a poison control center or doctor for treatment advice.
If swallowed:	- Immediately call a poison control center or doctor. - Do not induce vomiting unless told to by a poison control center or doctor. - Do not give any liquid to the person. - Do not give anything by mouth to an unconscious person.
If inhaled:	- Move person to fresh air. - If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth until the individual is contaminated with product. - Call a poison control center or doctor for further treatment advice.
EMERGENCY INFORMATION	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	
FOR THE FOLLOWING EMERGENCIES, PHONE 24 HOURS A DAY:	
For Medical Emergencies phone:	1-888-681-4261
For Transportation Emergencies, including spill, leak or fire, phone: CHEMTREC:	1-800-424-9300
For Product Use information phone: AMVAC:	1-888-462-6822
NOTE TO PHYSICIAN	
Naled is an Organophosphatic cholinesterase inhibitor. Contains petroleum distillates. Measurement of blood cholinesterase activity may be useful in monitoring exposure. If signs of cholinesterase inhibition appear, atropine sulfate is antidotal. 2-PAM (Protopam) is also antidotal and may be used in conjunction with atropine, but should not be used alone. Probable mucosal damage may contraindicate the use of gastric lavage. May pose an aspiration pneumonia hazard.	

EPA Reg. No. 5481-481
EPA Est. No. 5481-CA-1, 5481-AL-1

Net Contents:
As Marked on Container



4100 E. Washington Blvd., Los Angeles, CA 90023 U.S.A.
1-888-462-6822

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. CORROSIVE. Causes irreversible eye and skin damage. Causes skin burns. May be fatal if swallowed. Harmful if inhaled or absorbed through the skin. Do not get in eyes, on skin, or on clothing. Do not breathe vapor or spray mist. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are Barrier laminate, Butyl Rubber, Nitrile Rubber, and Viton.

Mixers, loaders, and other handlers must wear:

- Protective eye wear (goggles, face shield, or safety glasses)
- Long-sleeved shirt and long pants
- Socks plus shoes
- Chemical-resistant gloves (barrier laminate, butyl rubber, nitrile rubber, or viton, selection category E) and apron when mixing or loading.

See engineering controls for additional requirements.

In addition, mixers and loaders must:

- Have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown the PPE specified above for handlers engaged in those activities for which use of an engineering control is not possible

Mixers, loaders, applicators and other handlers engaged in those handler activities for which use of an engineering control is not possible, such as cleaning up a spill or leak and cleaning or repairing contaminated equipment, must wear:

- Protective eye wear (goggles, face shield, or safety glasses)
- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves
- Chemical-resistant footwear plus socks
- Chemical-resistant apron if exposed to the concentrate
- Chemical-resistant headgear for overhead exposure
- A respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23G), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH-approved respirator with an organic vapor (OV) cartridge or canister with an R, P, or HE prefilter. Please note that N designation for respirator filters does not apply when applications are made with oils.

USER SAFETY REQUIREMENTS

- Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water.
- Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2023-000951

Mitch Randall Yawn and Juanita Mae Stanley,
d/b/a Flowertown Bee Farm and Supplies,

Plaintiffs/ Appellants,

v.

Dorchester County,

Respondents.

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.

/s. W. Andrew Gowder, Jr.
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SC Court of Appeals