

RECEIVED

Jul 03 2024

SC Court of Appeals

W. TREY MERCK
ATTORNEY-AT-LAW
302 Mount Olivet Road
Six Mile, South Carolina 29682
PHONE: (864) 883-6060; FAX: (843) 305-3324
email: trey@treymercklaw.com

July 3, 2024

ADDITIONS TO THE RECORD ON APPEAL

By email to ctappfilings@sccourts.org and First-Class Mail to:

Clerk
The South Carolina Court of Appeals
Jenny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Jirair Baghdassarian v. Judy Tupolo*
Appellate Case No. 2022-001785

Dear Clerk:

Appellant failed to include two (2) Affidavits that were set out in my Designation of Matter to be included in the Record on Appeal and referenced in my Initial Brief, being the Affidavit of Louis Hall, Jr. and the Affidavit of Elissa Peters (attached). I propose that these be included in the Record on Appeal and numbered as follows:

Affidavit of Louis Hall, Jr. 338-340
Affidavit of Elissa Peters 341-343

I very much appreciate your consideration of this request. If a motion is necessary to resolve, please advise.

Respectfully submitted,



W. Trey Merck
Attorney for Respondent, Judy Tupolo

WTM/vm
Attachments

cc: Jirair Baghdassarian, Appellant
2580 La Cara Avenue
Las Vegas, Nevada 89121

10/25/22

ELECTRONICALLY FILED - 2022 Oct 26 3:08 PM - OCONEE - COMMON PLEAS - CASE#2022CP3700157

To whom it concerns,

My name is Louis Hall Jr. and I have been a friend of Brother Don Adair and a member of the Salem Association since 2009. My wife and I spent about 3 weeks with Brother Adair and his wife Sister Marilyn Adair to have in depth studies at that time. We frequently exchanged phone conversations for years before my initial visit with the Adairs. We were good friends before his current medical condition took place.

I have been on the ground to witness Judy's treatment of Brother Adair -which has been great, his living conditions before and after we got involved, and the progression of his disease. I helped my wife find a new place for him to live and many other things.

I also know how the Davidian world works and who's who.

Trevor Bingham has never been a friend of Don Adair's -he's actually the leader of a different Davidian organization for years and is seeking control of Brother Adair for religious clout and to take members of Brother Don Adair's organization for years. Brother Adair constantly fought against his father's teachings, M.J. Bingham, warning all who would listen about his false doctrines. Brother Adair also contended for his entire tenure as vice president that the Davidian association started by the Bingham's (Bashan in Exeter, Missouri) was false and illegitimate. Trevor Bingham is no friend of Salem or Bro Adair.

Jirair Baghdassarian on the other hand is just about an unknown to Brother Don Adair and to Salem. Brother Adair had one study with him 20 years ago and then he went off and started his own Davidian association or group. Brother Adair fought and taught against these independent groups his whole life. He is not a friend of Brother Adair and no one even knew who he was before he started calling and pretending to be an "old friend" of Brother Adair.

Catherine Kerr is a former member who has a serious vendetta against Judy. When Judy became treasurer, she found some financial discrepancies for monies Kerr controlled. Kerr left and now she is a member of a group that split off from our association and names themselves "Salem International". Their very first act was to launch their ministry in Zambia where our largest membership base is and try to steal all of our members there. We have records of the meetings we had to prevent this from happening.

While Sister Judy Tupolo was leaving her family in Texas to care for brother Adair, the longtime enemies of Salem association started waging war and collaborating with each other to take control of the association or Brother Don Adair for personal gain and most importantly money. Some of the main conspirators are Jirair Bagdassarian, Trevor Bingham, Catherine Kerr, and others.

This is a coordinated attack to take full advantage of Brother Don Adair frailty in his older age by his long-time enemies. Their goal: taking his life's work, his likeness, and every penny Salem association has left in its coffers. Brother Adair would not want these people to have control.

Judy Tupolo has been working without pay as a retired Major and nurse of 21 years in the United States Air Force. She took an oath to defend the United States from all enemies foreign and domestic. Most of her days now are spent defending Brother Adair's true interests and that of the Salem Davidian Association's. Sister Tupolo has worked continually to make sure Don Adair has adequate housing, clean, well-fitting clothes, and a home cooked meal seven days a week.

Sister Tupolo has been continually attacked Salem's long-term enemies and a flood of false accusations. These attacks have been in social media to large Davidian Facebook groups, directed to Adair's nursing home and with now with continued court cases.

Brother Don has said in my hearing that he doesn't want anyone else but Sister Judy Tupolo caring for him and wants nothing to do with Jirair Bagdassarian, Trevor Bingham, Catherine Kerr or any of these long-term leaders of other Davidian organizations trying to take the Salem organization over by obtaining him as a trophy.

If you have any questions for me, please contact me at 210-707-4576. I will be happy to testify or give an affidavit of what I witnessed.



Louis Hall Jr.

Phone 210-707-4576

TEXAS ORDINARY CERTIFICATE OF ACKNOWLEDGMENT
Civil Practice & Remedies Code § 121.007

The State of Texas

County of Bexar

Before me,

Erica Garcia, Notary Public
Name and Character of Notarizing Officer,
e.g., "John Smith, Notary Public"

on this day personally appeared

Louis Hall Jr.
Name of Signer

- known to me
- proved to me on the oath of

Name of Credible Witness

proved to me through Texas DL

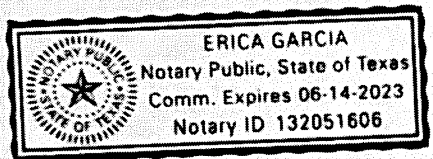
Description of Identity Card or Document

to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this

25th day of October, 2022
Day Month Year

E Garcia
Signature of Notarizing Officer



Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Personal Statement

Document Date: 10-25-22 Number of Pages: 2

Signer(s) Other Than Named Above: _____

August 12, 2022

To Whom It May Concern,

I am writing on behalf of Judy Tupolo about helping Don Adair. I have known Judy since the early two thousand and Don and His wife Marilyn since the late 1990s through my ex-husband who was a member of their association at one time.

In 2010, even though my husband was no longer part of their association, when we got a call about their place burning, where they lost everything, we went over to see if they needed any assistance. I took Marilyn to get her medicine and a few items. (I only share this with you to share that I would check on them from time to time).

On Oct 15, 2018, Don Adair's wife Marilyn passed away after battling cancer. I did go by and see her at the hospice house.

I went by and checked on Don since he was an older man with no family. His place was in bad shape and filthy. He had a hole in the kitchen floor where a rat had chewed a hole and Don would feed the rat, so it would not chew any more holes in his trailer. I tried to reason with him about how we need to clean the place and fix the hole. I cleaned up some. He had rotten food in the refrigerator and the cupboards. He had worms in some of the food. I contacted Judy since she was a friend of the Adair's for many years. I was concerned about his mental state as well as his health. I could not come over every day since I worked and the distance of where I lived verses where he lived.

After Marilyn's death, her nephew Kevin Mueller popped over and would take carpenter tools and other items on the property saying Marilyn told him he could have them. Kevin and his dad Carl Mueller took Don to court trying to evict him from the trailer where Don and his wife were living before her death. Kevin and Carl Mueller would

come to the association property harassing Don about wanting money, and saying that Don had to leave the property because it belongs to them since Marilyn's death. They said Marilyn gave them the property. However, the property did not belong to Don or Marilyn, it belongs to the Salem General Association of Davidians. I did not want to get involved with family matters, but I felt uncomfortable of someone possibly taking advantage of a frail elderly person.

Judy is a retired Air Force Major Nurse who came out to help Don. She set up his doctor's appointments. She didn't have to, but she been friends with him and his wife for over twenty years. She loved both Don and Marilyn. She felt called to help him out since he did not have any family members nor other association members willing to relocate to an isolated area to physically help him.

Don has been diagnosed with Dementia and Alzheimer's with vascular dementia. I have been trained, certified, and work with both since around 2015. I have come over on my days off work to house sit for Don so he could go grocery shopping and run errands. He was scared thieves, as he would say it, would come over and steal his things. I would come over about once a week. Most of the time I would stay in my car because I did not like the smell of the place, and it burned my eyes. I did try to clean up some. I was concern he would get food poison so I would throw away rotten food and outdated cans of food or other items. There were a few times Don got lost coming home. When COVID hit I suggested that I picked up items, food as well as make food for him. He did not like being able to drive to town, but I was concerned for him. I believed that if Don would get COVID it would be detrimental to him.

Judy and Don stayed with me a few months until she was able to get a place. I did not mind them staying. Judy wanted to get him out of that trailer as it was not a healthy environment. He was suspicious and often falsely accused my son of stealing his belongings which he misplaced.

Most of the people who are criticizing Judy's character has not even been to where Don was living and if they had, they should have done something to help. Don is not an easy person to deal with without medication. He can become paranoid, hallucinating (thinking his wife was up the road and that Judy was his wife etc...as well as being combative). It takes someone who has worked with Dementia and Alzheimer's patients who has had training. I believe Judy has been that person who is trained as a retired Air Force Major Nurse. She has taken him to the dentist, eye and doctor appointments etc. It saddens me how people can get. Some I believe are not really interested in Don's physical well-being, they are more interested in what they think he has that is valuable to them, like his published books, charts and Bible study records.

Judy is a very generous, kind and caring person. I've witnessed her giving him great professional care. Don is really blessed to have her as his caretaker.

Sincerely yours,

Elissa Peters 10/26/22

Elissa Peters
508 Overbrook Drive
Seneca, SC 29678
(864) 324-40623

*Notarized on October 26, 2022
by Cornelius J. Morrison*

