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Aug 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

H. Steven DeBerry, IV, Circuit Court Judge

Case No. 2020-CV-21-01817

Appellate Case No. 2023-001713

Barbara Sarb.....Respondent/Appellant,

v.

Julie W. Phillips and Joseph M. Phillips.....Appellants/Respondents.

RECORD ON APPEAL

Vol. 2 of 5

Valerie Garcia Giovanoli
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Total Now Due:



Please remit payment in the amount listed above. The Total Now Due reflects the balance due after any available payments have been applied. Such payments include any cost retainer you've paid, any payments made by the property owner, and payments you've previously submitted. If you have any questions please contact Glenda Murphy at glenda.murphy@mccabetrotter.com or 803-724-5000. Thank you!

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000



Invoice as of 6/17/2022
Invoice no 111668

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
05/02/2022 VG	Emails with opposing counsel regarding Dr. Sarb's deposition; received word from Glenn Stewart regarding cracks in walls and sagging floor; evaluated ability to recover installation of additional column from defendants; annotated file.	0.20	275.00	55.00
05/02/2022 IT	Email correspondence with opposing counsel regarding deposition availability of Sarb; contact client requesting availability.	0.30	125.00	37.50
05/04/2022 EG	Telephone conference with Heath McCollum regarding work performed at Dr. Sarb's residence (.4), and notate file accordingly.	0.60	275.00	165.00
05/05/2022 IT	Email client to request deposition availability; update opposing counsel.	0.20	125.00	25.00
05/09/2022 IT	Follow up with client regarding deposition availability.	0.10	125.00	12.50
05/10/2022 IT	Review Attorney calendar and provide availability per client request.	0.20	125.00	25.00
05/16/2022 EG	Conduct phone interview of James Peterson (.3), and prepare summary of interview to notate file accordingly; Look up contact information Adam Crosson via his company's website; Attempt multiple calls to Adam Crosson - number on his website no longer appears to be in service; Instructing paralegal on researching alternate phone # for Adam Crosson.	0.80	275.00	220.00
05/16/2022 IT	Follow up with client regarding deposition availability.	0.10	125.00	12.50
05/17/2022 EG	Review of additional invoice from Glenn Stewart; Formulate analysis regarding possible further supplementation of discovery responses; Communicate with Valerie Giovanoli regarding possible further supplementation of discovery responses; Compiling information that may need to be included in possible further supplement to discovery responses.	0.50	275.00	137.50
05/17/2022 IT	Provide deposition availability of client to opposing counsel.	0.10	125.00	12.50
05/17/2022 IT	Locate contact information for Adam Crosson per attorney Grote.	0.50	125.00	62.50

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R. 0244

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COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

05/24/2022	EG	Update damages matrix to include additional damages information; Working on preparing additional discovery supplement; Instructing paralegal on finishing completion of additional discovery supplement.	0.60	275.00	165.00
05/24/2022	EG	Briefly review outline of questions for Adam Crosson; Telephone call to Adam Crosson regarding the sale of 550 Wisteria (.1), and notate file accordingly; Telephone call from Adam Crosson to further discuss the sale of 550 Wisteria (.6), and notate file accordingly.	1.20	275.00	330.00
05/24/2022	EG	Receipt and review of revised deposition notice for Dr. Sarb for 6/21/22, and instructing paralegal accordingly.	0.10	275.00	27.50
05/24/2022	IT	Update calendar information regarding deposition of Plaintiff.	0.10	125.00	12.50
05/26/2022	IT	Compile and bates label production documents; draft letter to opposing counsel serving supplemental production; edit Damages Matrix with correct bates labeling.	1.50	125.00	187.50
05/27/2022	EG	Review of supplemental discovery response, including supplemental document production, completed by paralegal, and instructing paralegal regarding finalizing and serving the same.	0.20	275.00	55.00
05/27/2022	IT	Update discovery index regarding revised notice of deposition of plaintiff.	0.10	125.00	12.50
05/27/2022	IT	Finalize second supplemental discovery responses to defendant; sent to opposing counsel.	0.40	125.00	50.00

Sub-total Fees: \$1,605.00

Discount:: **(162.50)**

Rate Summary

Valerie Garcia Giovanoli	0.20 hours at \$275.00/hr	55.00
Ely Grote	4.00 hours at \$275.00/hr	1,100.00
Ian Thomson	3.60 hours at \$125.00/hr	450.00
Total hours:	<u>7.80</u>	

Expenses

		Units	Price	Amount
05/03/2022	Copies and Printing.	2.00	0.10	0.20
05/27/2022	Copies and Printing.	3.00	0.10	0.30
	Sub-total Expenses:			<u>\$0.50</u>

Total Current Billing: \$1,443.00

Previous Balance Due: XXXXXXXXXX

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R. 0245

Total Payments:

Total Now Due:

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Invoice as of 7/15/2022
Invoice no 112564

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount	
06/02/2022	IT E-file Notice of Appearance for attorney Giovanoli.	0.10	125.00	12.50	
06/20/2022	IT Confirm Deposition of Barbara Sarb moving forward 6/21 with client and opposing counsel.	0.10	125.00	12.50	
06/21/2022	VG Travel to (1.9) and from (1.6) Florence County for Dr. Sarb's Deposition (3.5 total) (No charge).	3.50	275.00	0.00	No Charge
06/21/2022	VG Pre-deposition meeting with Dr. Sarb and travel to deposition at Ed Love's office (2.0); Deposition and travel back to Dr. Sarb's residence (4.8).	6.80	275.00	1,870.00	
06/24/2022	IT Process attorney notes to file; review/update physical file.	0.20	125.00	25.00	
06/24/2022	IT Organize documents for production; Draft 3rd Supplemental Responses to Defendants' Requests for Production.	0.70	125.00	87.50	
06/27/2022	EG Evaluate availability of date information for photos we produced, including original and supplemental productions, and communicate with Valerie Giovanoli regarding the same; Conference with Valerie Giovanoli regarding Dr. Sarb's deposition and case strategy.	0.50	275.00	137.50	
Sub-total Fees:				\$2,145.00	

Rate Summary

Valerie Garcia Giovanoli	10.30 hours at \$275.00/hr	1,870.00
Ely Grote	0.50 hours at \$275.00/hr	137.50
Ian Thomson	1.20 hours at \$125.00/hr	137.50
Total hours:	12.00	

Expenses		Units	Price	Amount
06/20/2022	Copies and Printing.	3.00	0.10	0.30
Sub-total Expenses:				\$0.30

Total Current Billing:	\$2,145.30
Previous Balance Due:	[REDACTED]
Total Payments:	[REDACTED]

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R. 0247

Total Now Due:



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Invoice as of 8/9/2022
Invoice no 113041

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees

	Hours	Rate	Amount
07/21/2022 IT Review physical file - update as needed. Update Factual & Procedural Chronology.	1.40	125.00	175.00
	Sub-total Fees:		\$175.00

Rate Summary

Ian Thomson	1.40 hours at \$125.00/hr	175.00
Total hours:	1.40	
	Total Current Billing:	\$175.00

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R. 0249



Invoice as of 9/14/2022
Invoice no 113875

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees			Hours	Rate	Amount	
08/08/2022	EG	Review of Notice of ADR and review ADR court rules to assess whether pre-suit mediation satisfies the mandatory ADR requirements and assess possibility of obtaining exemption from mediation under the ADR rules; Formulate recommendations regarding potentially mediating the case again or seeking exemption; Multiple email correspondence with Dr. Sarb regarding [REDACTED].	0.50	275.00	137.50	
08/08/2022	IT	Update calendar to include ADR deadline based on Notice of ADR received from the court.	0.10	125.00	12.50	
08/09/2022	IT	Review correspondence with client regarding [REDACTED]; update pleadings index.	0.00	125.00	0.00	No Charge
08/12/2022	IT	Download deposition transcript of plaintiff; update file as needed.	0.10	125.00	12.50	
08/18/2022	VG	Emails with Dr. Sarb and opposing counsel regarding exemption from court-mandated mediation.	0.10	275.00	27.50	
08/18/2022	IT	Brief conference with attorney regarding next steps; draft scheduling order; correspondence with opposing counsel regarding exemption from mediation.	0.20	125.00	25.00	
08/19/2022	BB	Researching Westlaw for information related to mandatory Alternative Dispute Resolution; Researching motions to exempt from mandatory ADR based on pre-suit mediation; Compiling findings to word document; Submitted for responsible attorney's review.	2.80	125.00	350.00	
08/19/2022	VG	Emails with Ed regarding exempting case from mediation; update to client.	0.10	275.00	27.50	
08/23/2022	VG	Telephone conference with Dr. Sarb to discuss [REDACTED].	0.20	275.00	55.00	
08/24/2022	EG	Further assess possible exemptions from ADR requirements and communicate the same to Valerie Giovanoli and law clerk to incorporate into motion to exempt case from ADR.	0.10	275.00	27.50	
08/24/2022	IT	Review research on ADR exemption; begin drafting motion.	0.80	125.00	100.00	

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R. 0250

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08/26/2022	BB	Reviewing draft Motion to be exempt from ADR; Reviewing file for proof of previous ADR; Brief conference with litigation assistant about obtaining proof of previous mediation and results thereof.	0.30	125.00	37.50
08/30/2022	VG	Making additions to motion to exempt case from ADR mediation; instructed paralegal to e-file same.	0.10	275.00	27.50
08/30/2022	IT	Finalize motion for exemption from ADR; file with court.	0.20	125.00	25.00
08/31/2022	EG	Assess whether Defendants' motion for summary judgment complies with the requirements of the rules of civil procedure and communicate with Valerie Giovanoli regarding the same.	0.10	275.00	27.50
08/31/2022	IT	Review correspondence from court regarding electronic filing by defendants; review motion for summary judgment; forward to attorney.	0.40	125.00	50.00
08/31/2022	IT	Update pleadings index.	0.20	125.00	25.00
			Sub-total Fees:		\$967.50
			Discount::		(387.50)

Rate Summary

Bradley Bridger	3.10 hours at \$125.00/hr	387.50
Valerie Garcia Giovanoli	0.50 hours at \$275.00/hr	137.50
Ely Grote	0.70 hours at \$275.00/hr	192.50
Ian Thomson	2.00 hours at \$125.00/hr	250.00
Total hours:	6.30	

Expenses		Units	Price	Amount
08/09/2022	Copies and Printing.	2.00	0.10	0.20
08/30/2022	E-Filing Fee - Motion to Exempt ADR.	1.00	31.74	31.74
08/31/2022	Deposition Transcript (Dr. Sarb).	1.00	420.00	420.00
08/31/2022	Copies and Printing.	1.00	0.10	0.10
Sub-total Expenses:				\$452.04
Total Current Billing:				\$1,032.04

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Invoice as of 10/17/2022
Invoice no 114611

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
09/02/2022	VG Reviewed motion; prepared and sent Rule 11 communication to opposing counsel; update email to client; update file.	0.20	275.00	55.00
09/14/2022	VG Review of revised motion for summary judgment filed by Ed Love and formulated response points (0.2); Strategy conference with Attorney Ely Grote (actual time 0.4, only billing 0.2); email update to Dr. Sarb (0.1).	0.50	275.00	137.50
09/14/2022	EG Formulating plan of action for responding to and overcoming Defendants' amended motion for summary judgment; Begin preparing memorandum in opposition to Defendants' amended motion for summary judgment, including performing legal research as necessary.	2.10	275.00	577.50
09/14/2022	EG Conference with Valerie Giovanoli regarding strategy for responding to and combating Defendants' motion for summary judgment.	0.40	275.00	110.00
09/15/2022	EG Performing legal research to support arguments in opposition to Defendants' motion for summary judgment; Continue working on drafting/preparing memorandum in opposition to Defendants' motion for summary judgment.	3.60	275.00	990.00
09/15/2022	EG Begin reviewing deposition transcripts to glean information/excerpts that may be able to be used in opposition to Defendants' motion for summary judgment (reviewed Joseph Phillips and began reviewing Julie Phillips).	2.60	275.00	715.00
09/16/2022	VG Telephone call with Robin Hatchell to obtain consent to sign affidavit; discussed contents of affidavit; advised Attorney Grote regarding Ms. Hatchell's consent and to draft affidavit.	0.30	275.00	82.50
09/21/2022	EG Continue reviewing deposition transcripts to glean information/excerpts that may be able to be used in opposition to Defendants' motion for summary judgment (finished reviewing Julie Phillips; Reviewed Barbara Sarb).	3.80	275.00	1,045.00
09/23/2022	EG Continued drafting legal memorandum in opposition to defendants' motion for summary judgment, including performing legal research as necessary.	4.60	275.00	1,265.00

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R. 0253

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

09/23/2022 EG	Review of notes documenting conversation(s) with Robin Hatchell to assist with preparing her affidavit to file in opposition to Defendants' motion for summary judgment; Briefly reviewing property ownership history of 548 Wisteria Dr. to assess when Robin Hatchell sold the property - for purpose of assisting with preparation of Robin Hatchell's affidavit to be filed in opposition to Defendants' motion for summary judgment; Begin drafting affidavit of Robin Hatchell.	0.60	275.00	165.00
09/26/2022 EG	Working on preparing affidavit of Dr. Sarb, including reviewing relevant records as necessary to assist with the same; Working on preparing exhibits to the affidavit of Dr. Sarb, including reviewing relevant records as necessary; Working on reviewing voluminous photos and compiling exemplar photos of water in the basement for affidavit of Dr. Sarb.	3.90	275.00	1,072.50
09/27/2022 EG	Continue sorting through voluminous photos provided by Dr. Sarb and produced in this litigation (over 1,100 photos and videos) and selecting and compiling select photos to include with affidavit of Dr. Sarb and in support of our opposition to Defendants' motion for summary judgment; Continue working on preparing affidavit of Dr. Sarb in opposition to Defendants' motion for summary judgment, including reviewing records as necessary to assist with the same.	2.20	275.00	605.00
09/28/2022 EG	Conference with Valerie Giovanoli regarding strategy for opposing Defendants' motion for summary judgment.	0.20	275.00	55.00
09/28/2022 EG	Telephone call to Glenn Stewart's office (.1); Telephone conference with Daniel Williams regarding affidavit (.1), and notate file accordingly; Telephone conference with Glenn Stewart regarding affidavit (.2), and notate file accordingly; Prepare draft affidavit of Glenn Stewart, including compiling exhibit thereto; Prepare draft affidavit of Daniel Williams, including compiling exhibit thereto; Performing further drafting/revisions to affidavit of Barbara Sarb; Continued compiling photos for the affidavit of Barbara Sarb; Continued drafting/revision of memorandum in opposition to Defendants' motion for summary judgment.	3.80	275.00	1,045.00

Sub-total Fees: \$7,920.00

Discount:: **(3,000.00)**

Rate Summary

Valerie Garcia Giovanoli	1.00 hours at \$275.00/hr	275.00
Ely Grote	27.80 hours at \$275.00/hr	7,645.00
Total hours:	<u>28.80</u>	

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R. 0254

Expenses		Units	Price	Amount
09/02/2022	Copies and Printing.	2.00	0.10	0.20
		Sub-total Expenses:		\$0.20
		Total Current Billing:		\$4,920.20

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4500 Fort Jackson Blvd., Suite 250
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Invoice as of 11/22/2022
Invoice no 115429

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
10/04/2022	EG Continued drafting/revising memorandum of law in opposition to defendants' motion for summary judgment and supporting affidavits, including reviewing relevant records/materials as necessary; Continuing to compile supporting exhibits for memorandum in opposition to Defendants' motion for summary judgment.	5.20	275.00	1,430.00
10/05/2022	EG Telephone conference with Robin Hatchell regarding affidavit (.2), and notate file accordingly.	0.20	275.00	55.00
10/05/2022	EG Continued drafting/revising/editing memorandum of law in opposition to defendants' motion for summary judgment and supporting affidavits, including continuing to compile exhibits; Instructing paralegal regarding further preparing exhibits.	2.10	275.00	577.50
10/05/2022	DP Briefly discuss matter with responsible attorney; Edit/revise proposed Affidavit(s); Prepare exhibits to said Affidavit; Update file.	2.00	150.00	300.00
10/06/2022	EG Telephone conference with Robin Hatchell to discuss facts for her affidavit further (.2), and notate file accordingly; Compare and contrast information provided by Robin Hatchell to the defendants' deposition testimony; Perform further drafting/revision to the affidavit of Robin Hatchell to incorporate additional information that she provided.	0.70	275.00	192.50
10/06/2022	EG Conference with Valerie Giovanoli regarding reply to Defendants' motion for summary judgment.	0.20	275.00	55.00
10/10/2022	BB Reviewing and analyzing opposing counsel's Answer to the Amended Complaint; Analyzing and briefly researching counterclaims; Beginning to draft Motion for Summary Judgment as to frivolous proceedings counterclaim.	2.80	150.00	420.00

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R. 0256

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

10/10/2022 EG	Editing/finalizing affidavit of Robin Hatchell for distribution to Robin Hatchell; Email to Robin Hatchell providing draft affidavit and requesting review of the same; Telephone call to Robin Hatchell regarding requested revisions to affidavit (.2), and notate file accordingly; Perform revisions to Robin Hatchell's affidavit as requested by Robin Hatchell and provide revised affidavit to Robin Hatchell via email; Editing/finalizing affidavit of Daniel Williams for distribution to him, including reviewing exhibit as prepared/formatted by paralegal; Email to Daniel Williams providing draft affidavit and requesting review of the same; Editing/finalizing affidavit of Glenn Stewart for distribution to him, including preparing attached exhibit thereto; Email to Glenn Stewart providing draft affidavit and requesting review of the same; Editing/finalizing affidavit of Barbara Sarb for distribution to her, including reviewing the numerous exhibits as prepared/formatted by paralegal; Email to Barbara Sarb providing draft affidavit, [REDACTED]; Instructing paralegal on providing the numerous exhibits to affidavit of Dr. Sarb to Dr. Sarb.	2.50	275.00	687.50
10/10/2022 EG	Assess and formulate strategy for possible motion for summary judgment as to defendants' counterclaims; Communicate with Valerie Giovanoli regarding the same.	0.20	275.00	55.00
10/11/2022 BB	Modifying motion for summary judgment to include all of opposing counsel's counter claims; Reviewing and analyzing sales contract, inspection reports, and prepared affidavits; Including arguments for each cause of action; Submitted for responsible attorney's review.	3.10	150.00	465.00
10/11/2022 EG	Conference with law clerk regarding strategy for motion for summary judgment as to Defendants' counterclaims.	0.30	275.00	82.50
10/17/2022 EG	Receipt and review of executed affidavit of Robin Hatchell.	0.10	275.00	27.50
10/18/2022 EG	Telephone call from Robin Hatchell to confirm that we had received her executed affidavit.	0.10	275.00	27.50

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

10/19/2022 EG	Receipt and review of executed affidavit of Barbara Sarb; Review of Notice of Intent to File Suit provided by Dr. Sarb and assess whether Plaintiff's discovery responses need to be supplemented to include this information, including reviewing Plaintiff's prior discovery responses as needed; Drafting content of letter supplementing Plaintiff's prior discovery responses to include information about the Notice of Intent to File Suit and instructing paralegal on completing the same; Telephone call to Glenn Stewart - left message, and notate file accordingly; Telephone conference with Daniel Williams (.1), and notate file accordingly; Re-send draft affidavit to Daniel Williams at new email address he supplied; Telephone conference with Glenn Stewart regarding his affidavit (.1), and notate file accordingly; Email to Glenn Stewart providing draft affidavit in Word form.	1.10	275.00	302.50
10/20/2022 EG	Review of draft of letter supplementing Plaintiff's response to Interrogatory #23 and associated certificate of service, perform edits to the same, and instructing paralegal on finalizing the same.	0.20	275.00	55.00
10/20/2022 MRM	Prepare draft correspondence for Supplement Plaintiff's Answer to Defendants' Interrogatory No. 23; prepare draft COS for attorney review; update file.	0.30	150.00	45.00
10/21/2022 MRM	Disburse mailings of correspondence to Edward Love, Esq. regarding Supplement Plaintiff's Answer to Defendants' Interrogatory No. 23 with Certificate of Service; Communicate with opposing counsel via email, therewith providing copies of aforementioned correspondence; Update file and/or calendar as needed.	0.10	150.00	15.00

Sub-total Fees: \$4,792.50

Discount:: (1,000.00)

Rate Summary

Bradley Bridger	5.90 hours at \$150.00/hr	885.00
Ely Grote	12.90 hours at \$275.00/hr	3,547.50
Roxann McKittrick	1.00 hours at \$150.00/hr	60.00
Deanne Peele	2.00 hours at \$150.00/hr	300.00
Total hours:	<u>21.80</u>	

Expenses	Units	Price	Amount
10/21/2022 Postage.	1.00	0.57	0.57
10/11/2022 Copies and Printing.	2.00	0.10	0.20
10/11/2022 Copies and Printing.	1.00	0.15	0.15
10/20/2022 Copies and Printing.	6.00	0.15	0.90

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R. 0258

Sub-total Expenses: \$1.82

Total Current Billing: \$3,794.32

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Invoice as of 12/13/2022
Invoice no 115773

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
11/02/2022	EG Review of executed affidavit provided by Glenn Stewart..	0.10	275.00	27.50
11/07/2022	VG Finalized Plaintiff's motion for summary judgment as to Defendants' counterclaims; instructed paralegal to e-file same.	0.50	275.00	137.50
11/08/2022	MRM Submit Plaintiff's Motion for Summary Judgement as to Defendants' Counterclaims for consideration of Court; calendar and imposed deadline for Defendant to Answer. .	0.20	150.00	30.00
11/09/2022	MRM Review public index to ensure our records are current; Edit/revise Pleadings Index to reflect all instruments filed herein to date.	0.10	150.00	15.00
11/15/2022	JS Calendar upcoming motion hearing; Update file.	0.10	125.00	12.50
11/16/2022	EG Review court notice for hearing on motion for summary judgment; Telephone conference with Daniel Williams regarding his affidavit (1.), and notate file accordingly; Forward draft affidavit to Daniel Williams again via email.	0.30	275.00	82.50
11/17/2022	EG Review of Defendants' second supplemental answers to interrogatories and requests for production; Review of Defendants' supplemental document production consisting of 276 pages; Email to Dr. Sarb advising [REDACTED].	2.60	275.00	715.00
11/17/2022	EG Working on finishing drafting, revising, editing, and finalizing Plaintiff's memorandum in opposition to Defendants' motion for summary judgment; Instructing paralegal on preparing/finalizing exhibits and performing final formatting of memorandum.	2.50	275.00	687.50
11/17/2022	MRM Download Defendants' Second Supplemental Document Production; update file as needed.	0.20	150.00	30.00
11/17/2022	MRM Communication with Florence scheduling clerk, Dawn Pappas, regarding plaintiff's motion for exemption from adr being added to upcoming hearing.	0.10	150.00	15.00

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McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

11/17/2022	MRM	Assist responsible attorneys in preparing memo by organizing exhibits coupling with Barbara Sarb Affidavit to be filed in advance of upcoming motions hearing; update file.	1.00	150.00	150.00
11/18/2022	MRM	Resume assisting responsible attorneys in preparing for upcoming hearing (12/7) by organizing exhibits coupling with Barbara Sarb Affidavit to be filed in advance of said hearing; update file.	0.60	150.00	90.00
11/21/2022	MRM	Resume assisting responsible attorneys in preparing memo in opposition to defendants' motion for summary judgment by organizing exhibits coupling with Joseph Phillips Deposition excerpts to be filed in advance of said hearing; update file.	0.60	150.00	90.00
11/22/2022	EG	Further revising/finalizing memorandum in opposition to defendants' motion for summary judgment; Reviewing exhibits to memo in opposition of defendants' motion for summary judgment compiled/labeled by paralegal to ensure in proper form and ready for filing and assessing contents thereof for possible redaction of personal identifying information as required by the rules of civil procedure; Instructing paralegal on filing memorandum in opposition to defendants' motion for summary judgment and supporting exhibits.	2.20	275.00	605.00
11/22/2022	MRM	Resume assisting responsible attorneys in preparing memo in opposition to Defendants' motion for summary judgment by organizing exhibits coupling with Joseph Phillips Deposition excerpts to be filed in advance of court hearing; update file.	0.50	150.00	75.00
11/23/2022	EG	Performing final review of memo in opposition to defendants' motion for summary judgment as well as supporting exhibits and authorizing paralegal to submit for filing; Performing further review of Defendants' motion for summary judgment before filing memo in opposition to ensure that our memo and supporting exhibits fully address all points raised.	0.50	275.00	137.50
11/23/2022	MRM	Extract exhibits to meet e-filing file size limitations; Submit Memo for Summary Judgement with Exhibits for consideration of Court.	2.00	150.00	300.00
11/30/2022	EG	Verify that all exhibits to memo in opposition of defendants' motion for summary judgment were accepted for filing; Instructing paralegal regarding compiling and combining filed memo in opposition to Defendants' motion for summary judgment and all exhibits and adding appropriate bookmarks to assist with preparing for and presenting argument at upcoming hearing.	0.20	275.00	55.00

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R. 0261

11/30/2022	MRM	Review public index to ensure our records are current; Edit/revise Pleadings Index to reflect all instruments filed herein to date.	0.40	150.00	60.00
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Sub-total Fees:	<u> </u>	\$3,315.00
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Rate Summary

Valerie Garcia Giovanoli	0.50 hours at \$275.00/hr	137.50
Ely Grote	8.40 hours at \$275.00/hr	2,310.00
Roxann McKittrick	5.80 hours at \$150.00/hr	855.00
James Stewart	0.10 hours at \$125.00/hr	12.50
Total hours:	<u> </u>	14.80

Expenses

		Units	Price	Amount
11/08/2022	E-Filing Fee.	1.00	31.74	31.74
11/08/2022	Copies and Printing.	3.00	0.15	0.45
11/09/2022	Copies and Printing.	1.00	0.10	0.10
11/09/2022	Copies and Printing.	3.00	0.15	0.45
11/17/2022	Copies and Printing.	1.00	0.10	0.10

Sub-total Expenses:	<u> </u>	\$32.84
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Total Current Billing:	<u> </u>	\$3,347.84
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Invoice as of 1/12/2023
Invoice no 116281

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount	
12/01/2022 JS	Review PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS' AMENDED MOTION FOR SUMMARY JUDGMENT WITH EXHIBITS, Arrange all Documents in Book marked PDF, communicate with responsible attorney for review, update file.	1.30	125.00	162.50	
12/02/2022 EG	Briefly skim filed Plaintiff's memo in opposition to defendants' motion for summary judgment compiled with all filed exhibits and book marked, which was compiled/assembled by paralegal to assist with upcoming motion hearing; Review of plaintiff's motion for summary judgment as to the counterclaims and begin formulating plan up action for upcoming hearing.	0.20	275.00	55.00	
12/02/2022 JS	Update discovery index to include Defendants' Second Supplemental Answers to Plaintiff's Interrogatories and Defendants' Second Supplemental Responses to Plaintiff's Requests for Production.	0.10	125.00	12.50	
12/06/2022 VG	Conference with Ely Grote regarding late memos filed by opposing counsel; review memos; communicate with client regarding [REDACTED]; provided additional feedback to Ely regarding opposing counsel's memo and arguments. (No Charge).	0.00	275.00	0.00	No Charge
12/06/2022 EG	Preparing for hearing on cross motions for summary judgment, including reviewing the relevant motions, reviewing our memo in opposition to Defendants' motion for summary judgment and supporting documents, reviewing and analyzing Defendants' memo in opposition to plaintiff's motion for summary judgment which was just filed today, reviewing and analyzing Defendants' memo in support of their motion for summary judgment and extensive supporting documents which was just filed today, performing legal research including reviewing case law cited in Defendants memoranda, reviewing records, reviewing deposition transcripts, and formulating arguments and strategy for presenting oral argument on the motions.	8.80	275.00	2,420.00	

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McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

12/06/2022	MRM	Obtain Defendants filed Memorandum in Support of their Motion for Summary Judgment and compile with exhibits; Obtain Defendants filed Memorandum in Opposition to Plaintiff's Motion Summary Judgment; communicate same via email with attorney; update file.	0.40	125.00	50.00
12/07/2022	EG	Finish preparing for hearing on cross motions for summary judgment, including finishing preparing strategy and outline for oral argument and compiling relevant documents.	1.30	275.00	357.50
12/07/2022	EG	Wait for judge for motions hearing, then attend and participate in hearing on cross-motions for summary judgment via web-ex.	1.80	275.00	495.00
12/07/2022	EG	Conference with Valerie Giovanoli following hearing on cross-motions for summary judgment.	0.20	275.00	55.00
12/09/2022	EG	Further assessing and analyzing whether any reply/supplemental memorandum and supporting documentation should be filed in opposition to Defendants' motion for summary judgment per leave granted by the Court.	0.30	275.00	82.50
12/09/2022	MRM	Review public index to ensure our records are current; Edit/revise Pleadings Index to reflect all instruments filed herein to date.	0.10	125.00	12.50
12/12/2022	EG	Further assessing and analyzing whether additional materials should be filed to supplement the record (pursuant to leave granted by the Court) in response to Defendants' memorandum in support of their motion for summary judgment that was filed by Defendants the day before the hearing; Draft proposed email to court regarding declining to further supplement the record and communicate with Valerie Giovanoli regarding the proposed communication to the court, and then send the same to the Court.	0.50	275.00	137.50
12/13/2022	EG	Email correspondence with Ed Love and Judge DeBerry's law clerk regarding the recent motions hearing.	0.10	275.00	27.50
12/15/2022	EG	Email correspondence with Ed Love regarding redaction of transcript of Barbara Sarb and filing redacted version.	0.10	275.00	27.50
12/22/2022	EG	Receipt and review of court Order denying motions for summary judgment; Multiple email correspondence with Dr. Sarb regarding [REDACTED].	0.20	275.00	55.00
12/27/2022	MRM	Review public index to ensure our records are current; Edit/revise Pleadings Index to reflect all instruments filed herein to date.	0.10	125.00	12.50
Sub-total Fees:					\$3,962.50

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R. 0264

Rate Summary

Valerie Garcia Giovanoli	0.00 hours at \$275.00/hr	0.00
Ely Grote	13.50 hours at \$275.00/hr	3,712.50
Roxann McKittrick	0.60 hours at \$125.00/hr	75.00
James Stewart	1.40 hours at \$125.00/hr	175.00
Total hours:	<u>15.50</u>	

Expenses

		Units	Price	Amount
11/22/2022	Copies and Printing.	12.00	0.10	1.20
11/22/2022	Copies and Printing.	1.00	0.15	0.15
11/30/2022	Copies and Printing.	1.00	0.10	0.10
12/02/2022	Copies and Printing.	1.00	0.10	0.10
12/07/2022	Copies and Printing.	31.00	0.15	4.65
12/07/2022	Copies and Printing.	17.00	0.10	1.70
12/28/2022	Copies and Printing.	1.00	0.10	0.10
Sub-total Expenses:				<u>\$8.00</u>

Total Current Billing: \$3,970.50

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Invoice as of 2/13/2023
Invoice no 116975

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
01/06/2023 EG	Review notice that case placed on trial roster for week of 2/6/23 and review of trial roster.	0.10	275.00	27.50
01/06/2023 MRM	Calendared upcoming Jury Trial Roster to reflect email notification of hearing; update file.	0.20	125.00	25.00
01/09/2023 VG	Telephone call with Ed Love regarding trial scheduled for Feb 6; email to client with [REDACTED].	0.20	275.00	55.00
01/10/2023 MRM	Calendared deadline to e-file Motions for Continuances with proposed Consent Order for Continuance.	0.20	125.00	25.00
01/12/2023 EG	Conference with Valerie Giovanoli regarding possible upcoming trial and plan of action regarding the same.	0.20	275.00	55.00
01/13/2023 EG	Updating damages matrix and assessing possible need for additional damages information for settlement discussions and/or trial; Formulating plan for supplementing discovery responses with additional information.	0.60	275.00	165.00
01/15/2023 VG	Prepare for call with Dr. Sarb to discuss upcoming trial; telephone call to Dr. Sarb and left voicemail.	0.20	275.00	55.00
01/16/2023 VG	Telephone call to Ed Love & left voicemail; telephone call with Dr. Sarb to discuss [REDACTED].	0.80	275.00	220.00
01/17/2023 MRM	Calendar call for 01/18/22 with Ed Love; Update file.	0.10	125.00	12.50
01/18/2023 VG	Telephone call with Ed Love to discuss upcoming trial (0.2); pre-trial strategy/planning conference with Attorney Ely Grote (0.3); correspondence with Dr. Sarb; received and relayed settlement offer from Dr. Sarb to Ed Love (0.1).	0.60	275.00	165.00
01/18/2023 EG	Conference with Valerie Giovanoli regarding trial preparation and trial strategy.	0.30	275.00	82.50
01/19/2023 EG	Begin working on formulating task list for trial preparations and notate file accordingly.	0.10	275.00	27.50
01/20/2023 EG	Working on trial preparation, including beginning: review of extensive file and relevant records; review of notes and research; formulating and preparing document and witness list; formulating pre-trial, trial, and evidentiary strategy, compiling documents for use at trial; preparing task list.	4.80	275.00	1,320.00

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R. 0266

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COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

01/23/2023 EG	Continued working on trial preparation, including continuing review of extensive file and relevant records, formulating and preparing document and witness lists, compiling documents for use at trial, and formulating strategy.	6.40	275.00	1,760.00
01/24/2023 EG	Continued working on trial preparation, including continuing review of extensive file and relevant records, formulating and preparing document and witness lists, compiling documents for use at trial, analyzing and assessing potential evidence and testimony for trial, and formulating strategy.	4.10	275.00	1,127.50
01/25/2023 VG	Reviewed and revised proposed consent order of continuance; litigation conference with Ely in preparation for trial; reviewed documents received from Dr. Sarb; email correspondence with Dr. Sarb.	0.70	275.00	192.50
01/25/2023 EG	Assessing, researching, and formulating analysis regarding possible motion(s) in limine as to evidence at trial.	2.30	275.00	632.50
01/25/2023 EG	Working on preparing subpoena list and witness contact information; Preparing base form to be used by paralegal in connection with preparing trial subpoena packages, including service letter and acceptance of service forms; Meeting with Valerie Giovanoli regarding trial strategy; Continued general trial preparation work, including revising witness list and continuing review of extensive file materials, formulating document list, compiling materials for use at trial, and formulating trial strategy.	4.60	275.00	1,265.00
01/25/2023 MRM	Prepared draft Consent Order of Continuance for attorney review and approval; update file.	0.30	125.00	37.50
01/25/2023 MRM	Communicate via email with Ed Love providing Proposed Motion & Consent Order of Continuance; update file with same.	0.10	125.00	12.50
01/26/2023 VG	Emails with Ed Love re trial date; emails with Dr. Sarb re [REDACTED]; email to Judge Nettles re continuing trial to April term.	0.30	275.00	82.50
01/26/2023 EG	Review of additional records provided by Dr. Sarb and formulate analysis regarding the same and communicate with Valerie Giovanoli regarding thoughts/analysis.	0.40	275.00	110.00
01/26/2023 EG	Continued general trial preparation work, including continuing review of extensive file materials, formulating trial document list and compiling documents, formulating trial strategy, and formulating evidentiary strategy.	2.00	275.00	550.00
01/26/2023 MRM	Submit Consent Motion & Order for Continuance for consideration of Court.	0.20	125.00	25.00

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01/29/2023 EG	Continued general trial preparation work, including continuing review of extensive file materials, formulating trial document list and compiling documents for use as potential exhibits at trial and/or for impeachment/rehabilitation of witnesses, formulating trial strategy, and formulating evidentiary strategy.	2.80	275.00	770.00
01/31/2023 JS	Receipt of file-stamped Consent Motion & Order of Continuance; Edit/revise Pleadings Index to reflect same; Update file.	0.10	125.00	12.50

Sub-total Fees: \$8,812.50

Discount:: (2,000.00)

Rate Summary

Valerie Garcia Giovanoli	2.80 hours at \$275.00/hr	770.00
Ely Grote	28.70 hours at \$275.00/hr	7,892.50
Roxann McKittrick	1.20 hours at \$125.00/hr	137.50
James Stewart	0.10 hours at \$125.00/hr	12.50

Total hours: 32.80

Expenses		Units	Price	Amount
01/23/2023	Copies and Printing.	2.00	0.10	0.20
01/25/2023	Copies and Printing.	6.00	0.10	0.60
01/26/2023	Copies and Printing.	1.00	0.10	0.10
01/26/2023	E-Filing Fee.	1.00	31.74	31.74
01/26/2023	Copies and Printing.	3.00	0.15	0.45
01/31/2023	Copies and Printing.	1.00	0.10	0.10

Sub-total Expenses: \$33.19

Total Current Billing: \$6,845.69

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COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 3/13/2023
Invoice no 117440

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
02/02/2023 SK	Prepare trial subpoenas for various witnesses needed for testimony at trial.	0.40	275.00	110.00
02/03/2023 SK	Continue to prepare trial subpoenas.	0.50	275.00	137.50
02/14/2023 EG	Reviewing Plaintiff's prior responses to Defendants' interrogatories and requests for production and assessing need for any further supplementation prior to trial, including assessing additional medical information provided by Dr. Sarb.	0.40	275.00	110.00
02/16/2023 EG	Continued performing general trial preparation work, including continuing review of extensive file materials and incorporating relevant information into trial strategy.	3.20	275.00	880.00
02/17/2023 EG	Continued performing general trial preparation work, including continuing review of extensive file materials and incorporating relevant information into trial strategy.	1.20	275.00	330.00
02/20/2023 JS	Emailed Dr. Sarb information regarding [REDACTED] [REDACTED] update file.	0.20	125.00	25.00
Sub-total Fees:				<u>\$1,592.50</u>

Rate Summary

Ely Grote	4.80 hours at \$275.00/hr	1,320.00
Stephanie Kellahan	0.90 hours at \$275.00/hr	247.50
James Stewart	0.20 hours at \$125.00/hr	25.00
Total hours:	<u>5.90</u>	

Total Current Billing: \$1,592.50

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R. 0270

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Invoice as of 4/13/2023
Invoice no 118494

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
03/01/2023 EG	Continued performing general trial preparation work, including continuing review of extensive file materials and incorporating relevant information into trial strategy.	1.40	275.00	385.00
03/03/2023 EG	Continued performing general trial preparation work, including continuing review of extensive file materials and incorporating relevant information into trial strategy.	1.60	275.00	440.00
03/04/2023 VG	Preparation for hearing on motion to exempt case from mandatory mediation pursuant to ADR Rules; emailed Dr. Sarb reminder about hearing.	0.70	275.00	192.50
03/06/2023 VG	Attended motion roster; argued motion to exempt from second mediation; emails with counsel & client regarding scheduling second mediation.	0.30	275.00	82.50
03/07/2023 EG	Continued performing general trial preparation work, including continuing review of extensive file materials and incorporating relevant information into trial strategy.	2.90	275.00	797.50
03/14/2023 VG	Review of proposed order denying motion to exempt case from mediation; emails with opposing counsel re same & selection of mediator.	0.10	275.00	27.50
03/16/2023 EG	Conference with Valerie Giovanoli regarding case strategy and plan of action in light of order requiring case to be further mediated.	0.20	275.00	55.00
03/24/2023 MRM	Correspondence via email with Ed Love regarding Mediation date of April 26, 2023; advise client via email suggested date; update file with same.	0.20	125.00	25.00
03/27/2023 VG	Received and reviewed email from Dr. Sarb regarding [REDACTED]; respond to same.	0.10	275.00	27.50
Sub-total Fees:				\$2,032.50

Rate Summary

Valerie Garcia Giovanoli	1.20 hours at \$275.00/hr	330.00
Ely Grote	6.10 hours at \$275.00/hr	1,677.50
Roxann McKittrick	0.80 hours at \$125.00/hr	25.00
Total hours:	8.10	

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R. 0272

Expenses

		Units	Price	Amount
03/22/2023	Copies and Printing.	1.00	0.10	0.10
		Sub-total Expenses:		\$0.10
		Total Current Billing:		\$2,032.60

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Invoice as of 5/11/2023
Invoice no 119435

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
04/03/2023 EG	Review of email from Karl Folkens requesting information be submitted in advance of mediation and review of suggested information outline provided by Karl Folkens; Conference with Valerie Giovanoli regarding strategy for mediation and submissions to mediator in connection with the same; Begin compiling information to submit to mediator Karl Folkens, including beginning to fill out and complete mediation questionnaire/outline provided by Karl Folkens.	1.00	275.00	275.00
04/21/2023 EG	Working on preparing supplemental discovery response, including updating damages matrix and additional document production; Instructing paralegal regarding completing supplemental discovery response; Completing first draft of mediation information outline to provide to the mediator, Karl Folkens; Preparing summary of other relevant information for use at mediation, including review of relevant file history.	1.70	275.00	467.50
04/21/2023 MRM	Draft cover letter to opposing counsel; bates label enclosures; provide same for attorney review; update file.	0.30	125.00	37.50
04/23/2023 VG	Review of mediation outline, damages matrix and explanation of attorneys fees in preparation for mediation; preparing for mediation.	0.50	275.00	137.50
04/24/2023 EG	Further revising damages matrix; Review of draft supplemental discovery response completed by paralegal and instructing paralegal regarding finalizing and serving the same as well as regarding preparation of certificate of service; Revising/finalizing mediation information outline/summary for mediator; Analyzing and assessing additional information to provide to mediator to help facilitate mediation, and compiling relevant information and records to provide to mediator; Email to Karl Folkens providing relevant information for upcoming mediation; Conference with Valerie Giovanoli regarding upcoming mediation.	1.40	275.00	385.00

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R. 0274

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04/24/2023	MRM	Receipt of email from attorney; resume draft cover letter to opposing counsel; affix attorney signature to cover letter; combine damage matrix and ED&T invoice for attorney review in single pdf; provide same for attorney review; update file.	0.20	125.00	25.00
04/24/2023	MRM	Receipt of approval from attorney via email; Correspond via email with Opposing Counsel providing Plaintiff's Supplemental Discovery Response; update file.	0.20	125.00	25.00
04/26/2023	VG	Travel to and from Florence (2.6, no charge); attend mediation (5.0). (Total 7.6).	5.00	275.00	1,375.00
04/26/2023	VG	Telephone call with Karl Folkens (Mediator); mediation prep.	1.40	275.00	385.00
04/26/2023	EG	Assisting with mediation by looking up/researching relevant information requested by Valerie Giovanoli during mediation and providing the same to her.	0.30	275.00	82.50
04/27/2023	BB	Brief conference with responsible attorney to discuss research assignment; Performing extensive research in Westlaw to determine the affect, if any, of [REDACTED] [REDACTED]; Reading and analyzing South Carolina cases; Writing research memo that explains [REDACTED] [REDACTED], including addressing potential scenarios of how the case law could apply in this case.	5.50	150.00	825.00
04/27/2023	VG	Evaluate posture of case and next steps in trial preparation; prepared detailed notes from mediation; assigned research to law clerk on potential defenses on damages (as raised by Mediator).	0.40	275.00	110.00
04/27/2023	EG	Conference with Valerie Giovanoli regarding case strategy and mediation.	0.20	275.00	55.00
04/28/2023	BB	Briefly making edits for clarity to first research memo regarding [REDACTED]; Begin performing legal research regarding [REDACTED] [REDACTED]; Preparing research notes.	2.20	150.00	330.00

Sub-total Fees: \$4,515.00

Discount:: (500.00)

Rate Summary

Bradley Bridger	7.70 hours at \$150.00/hr	1,155.00
Valerie Garcia Giovanoli	7.30 hours at \$275.00/hr	2,007.50
Ely Grote	4.60 hours at \$275.00/hr	1,265.00

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R. 0275

Roxann McKittrick	0.80 hours at \$125.00/hr	87.50
Total hours:	<u>20.40</u>	

Expenses		Units	Price	Amount
04/03/2023	Copies and Printing.	8.00	0.10	0.80
04/03/2023	Copies and Printing.	6.00	0.15	0.90
04/06/2023	Copies and Printing.	1.00	0.10	0.10
04/24/2023	Copies and Printing.	4.00	0.10	0.40
04/24/2023	Copies and Printing.	36.00	0.15	5.40
04/24/2023	Copies and Printing.	37.00	0.10	3.70
Sub-total Expenses:				<u>\$11.30</u>

Total Current Billing:	<u>\$4,026.30</u>
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If you have any questions or would like to pay via credit card, please contact Krystal Johnson at
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McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

Invoice as of 6/12/2023
Invoice no 120294

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees

Professional Fees		Hours	Rate	Amount	
05/01/2023	BB	Researching in Westlaw the potential affect of [REDACTED]; Reading and analyzing cases to determine the proper measurement for damages in this case; Determining [REDACTED] [REDACTED] Drafting memo to incorporate and summarize my findings; Adding extra case law on related issues to the calculation of damages; Submitted for responsible attorney's review.	7.20	150.00	1,080.00
05/16/2023	EG	Review of email from Dr. Sarb regarding [REDACTED] [REDACTED] formulate analysis regarding admissibility of affidavit and plan/strategy for obtaining Robin Hatchell's testimony for trial.	0.10	275.00	27.50
05/19/2023	EG	Email correspondence with Dr. Sarb regarding [REDACTED]; Performing research regarding requirements for use of deposition testimony at trial as well as possible exemptions to required deposition notice period in the case of an emergency.	0.40	275.00	110.00
05/22/2023	EG	Email correspondence with Dr. Sarb regarding [REDACTED] [REDACTED]; Telephone call to Robin Hatchell - left message, and notate file accordingly; Telephone conference with Robin Hatchell (.2), and notate file accordingly; Formulating plan of action based on information provided by Robin Hatchell; Email correspondence with Dr. Sarb regarding [REDACTED] [REDACTED].	0.70	275.00	192.50
05/23/2023	VG	Receipt of mediator invoice and send same to Dr. Sarb for payment.	0.10	275.00	27.50

Sub-total Fees: \$1,437.50

Discount:: **(1,080.00)**

Rate Summary

Bradley Bridger	7.20 hours at \$150.00/hr	1,080.00
Valerie Garcia Giovanoli	0.10 hours at \$275.00/hr	27.50
Ely Grote	1.20 hours at \$275.00/hr	330.00

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R. 0277

Total hours: 8.50

Total Current Billing: \$357.50

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Invoice as of 7/12/2023
Invoice no 121192

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
06/01/2023	EG Conference with Valerie Giovanoli regarding case strategy/plan of action.	0.10	275.00	27.50
06/04/2023	VG Follow up email to Dr. Sarb regarding [REDACTED].	0.10	275.00	27.50
06/05/2023	KC Receive and Review Filing of Proof of ADR; Update pleading index; Update file.	0.20	125.00	25.00
06/14/2023	MRM Receipt of email from court; calendar common pleas jury trial Roster for Monday, July 10, 2023. .	0.10	125.00	12.50
06/16/2023	VG Communicate with client regarding [REDACTED]; communicate with Attorney Ed Love and expert witness Glenn Stewart regarding trial dates; prepare for and attend litigation strategy & prep conference with Ely Grote and paralegal Marilyn Gomez.	0.70	275.00	192.50
06/16/2023	MG Updated Trial Subpoena - Jamie Hoover (ServePro).	0.10	125.00	12.50
06/16/2023	EG Conference with Valerie Giovanoli regarding trial preparation and trial strategy.	0.30	275.00	82.50
06/19/2023	EG Review of trial roster; Review of prior trial preparation notes and formulating plan for additional trial preparations that need to be completed; Telephone conference with Robin Hatchell regarding upcoming trial and availability to testify (.1), and notate file accordingly; Telephone call to Heath McCollum - no answer/left message, and notate file accordingly; Communicate with Valerie Giovanoli regarding upcoming trial.	0.80	275.00	220.00
06/21/2023	VG Email from Attorney Ed Love with draft consent motion to move/add case to July 24 roster; reviewed and approved same.	0.10	275.00	27.50
06/26/2023	MG Researched all upcoming trial roster dates. Sent email to responsible attorneys with the upcoming dates in effort to tie down date certain trial.	0.20	125.00	25.00
06/26/2023	MG Updated pleadings index.	0.10	125.00	12.50

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R. 0279

McCABE, TROTTER & BEVERLY, P.C.
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

06/27/2023 EG	Review draft trial subpoena to Servpro and formulate analysis regarding the same; Review of Servpro records in our possession to assess who the subpoena should be directed to; Review Plaintiff's answers to interrogatories to confirm Servpro representatives have been identified as witnesses; Briefly research corporate information pertaining to Servpro of Florence and instructing paralegal regarding draft subpoena and performing further research pertaining to Servpro of Florence and Jamie Hoover.	0.60	275.00	165.00
06/27/2023 EG	Telephone conference with Robin Hatchell regarding trial availability and notate file accordingly; Telephone call to Heath McCollum - no answer/left message, and notate file accordingly; Briefly review terms of court for possible trial week; Email correspondence with Court regarding continuance request.	0.50	275.00	137.50
06/28/2023 MG	Researched James W. Hoover and Jamie Hoover on database to determine if they are the same person. Saved search results to client file and forwarded to responsible attorneys for review and next steps for serving subpoena on Servpro.	0.30	125.00	37.50
06/28/2023 MG	Submitted Consent Motion for Continuance and proposed Order of Continuance to Florence County for e-filing.	0.20	125.00	25.00
06/28/2023 MG	Email to Judge's law clerk with proposed Order of Continuance and Amended Motion for Continuance. Advised it was also e-filed.	0.10	125.00	12.50
06/28/2023 EG	Email correspondence with the Court and Ed Love's office regarding continuance request; Review of revised motion for continuance and order of continuance provided by Erin Brown and conference with Valerie Giovanoli regarding the same; Review of background search information for James Hoover and Jamie Hoover provided by paralegal; Briefly perform research regarding scope of records admissible under business records exception to hearsay and working on formulating analysis of proper representative(s) of servepro to subpoena to trial; Telephone conference with Heath McCollum regarding trial availability (.1), and notate file accordingly.	0.60	275.00	165.00
06/30/2023 EG	Formulating further analysis regarding admission of [REDACTED]; Instructing paralegal regarding subpoena(s) to Jamie Hoover and/or ServPro.	0.20	275.00	55.00
Sub-total Fees:				\$1,262.50

Rate Summary

Kimberly Cornell	0.20 hours at \$125.00/hr	25.00
Valerie Garcia Giovanoli	0.90 hours at \$275.00/hr	247.50

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R. 0280

Marilyn Gomez	1.20 hours at \$125.00/hr	125.00
Ely Grote	3.10 hours at \$275.00/hr	852.50
Roxann McKittrick	0.10 hours at \$125.00/hr	12.50
Total hours:	<u>5.50</u>	

Expenses		Units	Price	Amount
06/05/2023	Copies and Printing.	1.00	0.10	0.10
06/28/2023	TransUnion Search.	1.00	20.00	20.00
06/29/2023	E-Filing Fee.	1.00	31.74	31.74
Sub-total Expenses:				<u>\$51.84</u>
Total Current Billing:				<u>\$1,314.34</u>

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Invoice as of 8/11/2023
Invoice no 122534

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips et al.

Professional Fees		Hours	Rate	Amount
07/03/2023	MG Updated pleadings index.	0.10	125.00	12.50
07/03/2023	MG Moved photos from exhibits to memorandum in opposition to summary judgment to a shared file for responsible attorney to utilize for trial preparation.	0.70	125.00	87.50
07/03/2023	EG Look up contact information for ServPro of Florence; Telephone call to ServPro of Florence (.1), and notate file accordingly; Instructing paralegal further regarding subpoena to ServPro/Jamie Hoover.	0.30	275.00	82.50
07/03/2023	EG Continued general trial preparation work, including reviewing status of trial preparation and existing trial preparation notes, and continuing working on reviewing relevant records and compiling and preparing documents/evidence for potential use at trial (including by working on reviewing voluminous photos and videos provided by Dr. Sarb to select the most relevant for use at trial).	4.20	275.00	1,155.00
07/05/2023	EG Continued general trial preparation work, including working on reviewing voluminous records and compiling and preparing documents/evidence for potential use at trial (including by working on reviewing voluminous photos and videos provided by Dr. Sarb to select the most relevant for use at trial and to assist with trial preparations), and including preparing notes and continuing to formulate strategies.	8.30	275.00	2,282.50
07/07/2023	MG Updated Servpro subpoena; email to responsible attorneys for review and next steps. .	0.20	125.00	25.00
07/07/2023	EG Receipt and review of order continuing trial until the week of September 11.	0.10	275.00	27.50
07/07/2023	EG Continued general trial preparation work, including working on reviewing voluminous records and compiling and preparing documents/evidence for potential use at trial, and including preparing notes and continuing to formulate strategies.	1.40	275.00	385.00
07/14/2023	EG Continued general trial preparation work, including working on reviewing voluminous records and compiling and preparing documents/evidence for potential use at trial, and including preparing relevant notes.	0.60	275.00	165.00

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R. 0282

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07/17/2023	EG	Continued general trial preparation work, including working on reviewing voluminous records and compiling and preparing documents/evidence for potential use at trial, and including preparing relevant notes.	1.50	275.00	412.50
07/19/2023	EG	Telephone call to Robin Hatchell regarding trial (.1), and notate file accordingly; Telephone call to Heath McCollum regarding trial (.1), and notate file accordingly.	0.20	275.00	55.00
07/24/2023	MG	Created PDF of patio receipt; bates labeled; drafted cover letter to opposing counsel supplementing discovery responses with receipt; emailed to responsible attorney for review.	0.20	125.00	25.00
07/24/2023	EG	Review of note from Dr. Sarb regarding [REDACTED]; Updating damages matrix to include costs and expenses for deck replacement; Review of draft cover letter prepared by paralegal for supplementing discovery to provide updated information on costs to replace deck, and review prior supplement to ensure consistency; Formulate analysis regarding possible need for further supporting information and email correspondence with Valerie Giovanoli regarding the same; Email correspondence with Dr. Sarb regarding [REDACTED].	0.60	275.00	165.00
07/25/2023	EG	Telephone call to Jamie Hoover at ServoPro - spoke to receptionist and left message; notated file accordingly.	0.10	275.00	27.50
07/25/2023	EG	Continued general trial preparation work, including continuing working on reviewing voluminous records and compiling and preparing documents/evidence for potential use at trial and to assist with other trial preparations, and including preparing relevant notes.	1.50	275.00	412.50
07/31/2023	EG	Email correspondence with Dr. Sarb regarding [REDACTED].	0.10	275.00	27.50

Sub-total Fees: \$5,347.50

Discount:: (1,250.00)

Rate Summary

Marilyn Gomez	1.20 hours at \$125.00/hr	150.00
Ely O. Grote	18.90 hours at \$275.00/hr	5,197.50
Total hours:	<u>20.10</u>	

Expenses

	Units	Price	Amount
07/03/2023 Copies and Printing.	1.00	0.10	0.10
			<u>\$0.10</u>
	Sub-total Expenses:		

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R. 0283

Total Current Billing: \$4,097.60

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McCABE, TROTTER & BEVERLY, P.C.

Invoice as of 9/21/2023
Invoice no 123564

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips

Professional Fees			Hours	Rate	Amount
08/10/2023	EG	Review of Judy Dennis invoice for patio installation provided by Dr. Sarb; Email correspondence with Dr. Sarb regarding [REDACTED].	0.10	275.00	27.50
08/14/2023	EG	Review and analyze Home Depot receipts provided by Dr. Sarb and updating damages matrix accordingly.	0.20	275.00	55.00
08/16/2023	EG	Review of last supplemental discovery response and further updating damages matrix; Instructing paralegal regarding preparing supplemental discovery response regarding expenses for replacement of the deck/patio.	0.40	275.00	110.00
08/16/2023	MG	Converted damages matrix to PDF; converted receipts to PDF and added bates labels and sanitized; updated cover letter to opposing counsel regarding supplemental discovery response; drafted certificate of service for supplemental discovery response; emailed to responsible attorney for review.	0.40	125.00	50.00
08/17/2023	EG	Review of supplemental discovery response package completed by paralegal and instructing paralegal regarding serving the same on opposing counsel.	0.20	275.00	55.00

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R. 0285



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08/17/2023 EG	Review of trial notice for the week of 9/11/23; Review of current trial roster for the week of 9/11/23; Review of trial roster news and search for information regarding attorney jury list; Working on formulating analysis regarding recoverable damages and costs (including attorney's fees), including working on formulating legal strategy regarding the same and beginning to perform cursory legal research regarding the same; Instructing law clerk regarding performing additional legal research regarding recoverable damages and costs; Reviewing purchase contract regarding recovery of attorney's fees and costs; Assessing potential revisions to damages spreadsheet for use at trial; Conference with Valerie Giovanoli regarding upcoming trial as well as recoverable damages and costs; Reviewing existing draft trial subpoenas and witness list information; Begin formulating plan for service of trial subpoenas and completing subpoena packages for each trial witness; Begin updating/revising trial subpoena form to be utilized by paralegal to complete rest of trial subpoenas; Begin revising/further drafting alternate subpoena service letter forms and acceptance of service forms for trial subpoenas.	3.60	275.00	990.00	
08/17/2023 MG	Received email from court confirming trial date; calendared on responsible attorneys' calendars; scheduled deadline to have any continuances filed and the proposed consent order.	0.20	125.00	25.00	
08/17/2023 MG	Combined cover letter, certificate of service, damages matrix, and supplemental discovery documents into single PDF; emailed to opposing counsel; copied client via email.	0.20	125.00	25.00	
08/17/2023 MG	Revised damages matrix; converted to PDF; emailed to responsible attorney (0.10 hrs).	0.00	125.00	0.00	No Charge
08/17/2023 MG	Scheduled meeting for trial prep on responsible attorneys/paralegals calendars; email to opposing counsel requesting availability for a conference call to discuss trial stipulations (0.20 hrs).	0.00	125.00	0.00	No Charge
08/17/2023 MG	Scheduled conference call with opposing counsel for 8/24 to discuss trial stipulations.	0.10	125.00	12.50	
08/17/2023 VG	Received and reviewed trial roster notice; advised client & Engineer Glenn Stewart of same; brief trial prep conference with attorney Ely Grote and instructed paralegal to coordinate conference with opposing counsel.	0.40	275.00	110.00	



McCABE, TROTTER & BEVERLY, P.C.

08/18/2023 EG	Further assessing what witnesses will need to testify at trial/be subpoenaed to trial; Further working on revising/further drafting base/form documents and language for trial subpoena packages for each witness; Further assessing additional contact information needed for witnesses to assist with securing attendance of trial witnesses at trial and service of trial subpoenas and briefly attempting to verify existing/current witness contact information; Further evaluating method of service of trial subpoena to be employed for each witness; Briefly reviewing court rules regarding service of trial subpoenas and fees to be tendered, as well as legal requirements for valid acceptance of subpoena by non-attorney; Instructing paralegal regarding completing trial subpoena packages for each witnesses (including which forms to be utilized and which method of service to be utilized), obtaining attorney jury list, contacting witnesses, and further verifying witness contact information.	1.80	275.00	495.00	
08/18/2023 MG	Phone call with responsible attorney explaining trial subpoena project. (0.40 hrs).	0.00	125.00	0.00	No Charge
08/18/2023 MG	Prepared trial subpoena packages for all witnesses; included subpoena, cover letter, and acceptance of service; emailed to responsible attorney for review; phone calls with Lynne Dennis and Tara Bair inquiring if they would accept service and obtaining email addresses; phone call to the court to inquire how I obtain the attorney jury list; have to call back on Monday.	2.50	125.00	312.50	
08/21/2023 BB	Receiving tasks from responsible attorney and discussing desired basis for Motion in Limonite; Reviewing and analyzing previous research performed by the responsible attorney that will aid in arguing that [REDACTED]; Briefly reviewing and analyzing main provisos of contract executed between Dr. Sarb and 'her inspect; Taking notes and beginning research into "limitation of liability" provisions and their enforceability (4.00 hrs).	0.00	150.00	0.00	No Charge
08/21/2023 EG	Prepare for trial preparation strategy conference with Valerie Giovanoli (.2); Attend and participate in trial/trial preparation strategy conference with Valerie Giovanoli and paralegal (.9).	1.10	275.00	302.50	
08/21/2023 EG	Review of free attorney jury list for 9/11/23 term of court; Communicating with Valerie Giovanoli and paralegal regarding jury lists.	0.30	275.00	82.50	
08/21/2023 MG	Trial prep meeting with responsible attorneys.	1.00	125.00	125.00	



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08/21/2023 MG	Phone calls with multiple people at Florence County Court obtaining a copy of the free attorney jury list; finding out how to make payment for the \$25 attorney jury list and when that will be available; learning the courts technology capabilities for showing a video exhibit during trial.	0.30	125.00	37.50	
08/21/2023 MG	Reviewed file looking for floor plans of house (0.30 hrs).	0.00	125.00	0.00	No Charge
08/21/2023 VG	Trial Prep Conference with attorney Ely Grote and paralegal Marilyn Gomez; assigning motion drafting to law clerk; annotating file with my to do list.	1.00	275.00	275.00	
08/22/2023 BB	Performing research related to arguments to be made in Motion in Limine; Assessing possible arguments and beginning to draft motion in limine; Performing additional research into different theories of damages (3.10 hrs).	0.00	150.00	0.00	No Charge
08/22/2023 EG	Continued general trial preparation work, including compiling, reviewing, and organizing relevant records and potential trial exhibits, formulating strategy, preparing notes, and formulating plan for action items for trial preparation and trial; Preparing for trial exhibit and trial strategy conference with Valerie Giovanoli and paralegal; Instructing law clerk regarding further research and motion(s) in limine.	3.70	275.00	1,017.50	
08/22/2023 EG	Attend and participate in trial exhibit and trial strategy conference with Valerie Giovanoli and paralegal.	2.20	275.00	605.00	
08/22/2023 MG	Continued looking through documents for floor plans; found 2 (0.40 hrs).	0.00	125.00	0.00	No Charge
08/22/2023 MG	Drafted cover letter to clerk of court with check for a copy of the attorney jury list; mailed via regular mail (0.20 hrs).	0.00	125.00	0.00	No Charge
08/22/2023 MG	Set up conference room for trial exhibit conference; meeting with responsible attorneys regarding trial exhibits.	2.50	125.00	312.50	
08/22/2023 VG	Prepare for and conference with Attorney Ely Grote & Paralegal Marilyn Gomez to discuss trial strategy & exhibits.	2.50	275.00	687.50	
08/23/2023 BB	Workin on drafting Plaintiff's Motion In Limine (Formatting and drafting the Introduction, Formulating a brief statement of undisputed facts); Organizing notes and research to assert that any testimony or evidence should be excluded concerning any potential claim Plaintiff had against her home inspector (2.00 hrs).	0.00	150.00	0.00	No Charge



McCABE, TROTTER & BEVERLY, P.C.

08/23/2023 EG	Review of trial subpoena packages for 11 witnesses completed/compiled by paralegal, including cover letters, subpoenas, and acceptances of service (where applicable); Formulating needed corrections/revisions to the same and instructing paralegal accordingly; Briefly research/review law regarding party entitlement to witness fee/mileage if subpoenaed.	1.60	275.00	440.00	
08/23/2023 MG	Going through precipitation data and creating different types of graphs with the information and pictures (1.50 hrs).	0.00	125.00	0.00	No Charge
08/24/2023 BB	Finishing Motion in Limine to exclude as inadmissible any evidence, reference, or mention of possible liability of home inspector employed by Plaintiff; Performing last minute research in Westlaw; Drafting Argument and Conclusion of Motion; Brief conference with responsible attorney (2.60 hrs).	0.00	150.00	0.00	No Charge
08/24/2023 EG	Working on formulating analysis regarding possible evidentiary and trial stipulations and working on formulating a possible listing of the same in preparation for upcoming phone conference with Ed Love regarding the same; Also formulating agenda and listing of additional pretrial topics to discuss with Ed Love during upcoming phone conference; Conferences with Valerie Giovanoli to discuss potential trial stipulations and other trial/pretrial matters and strategy (1.1).	3.10	275.00	852.50	
08/24/2023 EG	Telephone conference with Ed Love regarding pre-trial/trial matters.	0.40	275.00	110.00	
08/24/2023 EG	Assisting law clerk with legal research in support of trial preparation and in connection with potential motion(s) in limine.	0.20	275.00	55.00	
08/24/2023 EG	Review of revised trial subpoena packages prepared by paralegal and instructing paralegal regarding further revisions and finalization of the same and service of the same.	0.90	275.00	247.50	
08/24/2023 MG	Phone call with Florence County Court regarding exhibit type for trial and capabilities in the courtroom.	0.10	125.00	12.50	
08/24/2023 MG	Edited all trial subpoena packages and emailed to responsible attorney for final review (0.60 hrs).	0.00	125.00	0.00	No Charge
08/24/2023 MG	Email to Lynne Dennis with subpoena and acceptance of service.	0.10	125.00	12.50	
08/24/2023 MG	Emails to client with [REDACTED] [REDACTED] [REDACTED].	0.30	125.00	37.50	



McCABE, TROTTER & BEVERLY, P.C.

08/24/2023	MG	Further revised trial subpoenas per responsible attorney's instructions; emailed to 5 witnesses with Acceptance of Service; drafted email to process server with the subpoenas that are being served personally; did not send until all subpoenas have been reviewed by responsible attorney.	0.70	125.00	87.50	
08/24/2023	MG	Email to process server with 4 trial subpoenas to personally serve on witnesses.	0.10	125.00	12.50	
08/24/2023	VG	Trial conference with attorney Ely Grote; conference call with opposing attorney Ed Love to discuss evidentiary stipulations; working on trial prep.	1.40	275.00	385.00	
08/25/2023	BB	Re-formatting argument section of Plaintiff's Motion in Limine to include more thorough argument pertaining to limitation of liability of home inspectors; Saving exhibits and marking them; Finalizing first draft of motion in limine, composing email to responsible attorney, and submitted for review (2.30 hrs).	0.00	150.00	0.00	No Charge
08/25/2023	EG	Telephone call from Robin Hatchell regarding trial subpoena (.2), and notate file accordingly; Instructing paralegal regarding preparing revised trial subpoena package for Robin Hatchell; Review of revised trial subpoena package for Robin Hatchell prepared by paralegal and instructing paralegal regarding sending the same to Robin Hatchell; Review of trial subpoena package for the Phillips completed by paralegal; Multiple email correspondence with Ed Love regarding trial subpoenas for the Phillips and Dr. Sarb.	0.80	275.00	220.00	
08/25/2023	EG	Telephone call from John Sims regarding trial testimony (.2), and notate file accordingly; Instructing paralegal regarding updating subpoena status listing accordingly.	0.30	275.00	82.50	
08/25/2023	EG	Review of affidavits for four trial subpoenas served by process server and instructing paralegal accordingly.	0.10	275.00	27.50	
08/25/2023	EG	Further reviewing and selecting/narrowing down photos for use and trial and to be date stamped and provided to Ed Love for consideration as stipulated trial exhibits.	1.40	275.00	385.00	
08/25/2023	MG	Revised Robin Hatchell's trial subpoena package to reflect mailing the subpoena and Acceptance of Service to her instead of e-mail; emailed to responsible attorney for review; updated the witnesses address in several locations in the file.	0.30	125.00	37.50	
08/25/2023	MG	Mailed trial subpoena and Acceptance of Service to Robin Hatchel via first class mail per her request (0.10 hrs).	0.00	125.00	0.00	No Charge



McCABE, TROTTER & BEVERLY, P.C.

08/26/2023 VG	Reading deposition transcript and other file contents in preparation for trial and trial conference with Dr. Sarb.	2.00	275.00	550.00	
08/27/2023 VG	Trial prep to include finishing review of Dr. Sarb's deposition transcript & other documents (2.0); trial prep conference with Dr. Sarb (1.3).	3.30	275.00	907.50	
08/28/2023 BB	Reviewing and analyzing responsible attorney's feedback concerning the draft Motion in Limine submitted for review; Revising Motion in Limine to incorporate suggestions and feedback received from responsible attorney (1.90 hrs).	0.00	150.00	0.00	No Charge
08/28/2023 EG	Email correspondence with Joe McLean regarding acceptance of trial subpoena; Instructing paralegal regarding proofs of service for trial subpoenas.	0.10	275.00	27.50	
08/28/2023 EG	Review of acceptance of service for trial subpoenas to Defendants completed by Ed Love; Review of trial subpoena for Dr. Sarb and proposed acceptance of service for the same provided by Ed Love; Email correspondence with Dr. Sarb regarding [REDACTED]; Instructing paralegal regarding date-stamping digital photos for use at trial; Continue narrowing selection photos and videos for use at trial and to be date-stamped; Meeting with Valerie Giovanoli regarding trial strategy; Performing legal research regarding admissibility of information used to refresh witnesses' recollection; Begin working on outline of questions for Dr. Sarb's trial testimony.	4.50	275.00	1,237.50	
08/28/2023 MG	Submitted check request for process server's invoice for trial subpoenas (0.10 hrs).	0.00	125.00	0.00	No Charge
08/28/2023 MG	Phone calls to Plaintiffs' attorneys on other cases also on the 9/11 jury trial roster to see if they are moving forward with their cases (0.30 hrs).	0.00	125.00	0.00	No Charge
08/29/2023 BB	Reviewing emails from responsible attorney concerning Plaintiff's Motion in Limine and what direction to take revisions; Performing research in Westlaw on case supplied by responsible attorney to be included in motion; Taking notes and saving relevant portions (3.90 hrs).	0.00	150.00	0.00	No Charge
08/29/2023 EG	Perform cursory review of draft motion in limine prepared by law clerk and formulating analysis regarding possible changes and additions; Performing legal research and locating relevant case law and statutory citations to assist law clerk with draft motion in limine; Reviewing and compiling additional records and excerpts germane to arguments to include in motion in limine; Communicate with law clerk and Valerie Giovanoli regarding comments and thoughts on draft motion in limine.	1.00	275.00	275.00	



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08/29/2023 EG	Conference with paralegal regarding status of trial subpoenas and date stamping trial photos.	0.20	275.00	55.00	
08/29/2023 EG	Conference with Valerie Giovanoli regarding trial preparation and trial strategy.	0.50	275.00	137.50	
08/29/2023 EG	Continued general trial preparation work, including working on trial testimony questions/outline for Dr. Sarb, working on timeline of relevant events, working on trial strategy, and working on preparing for trial preparation meeting with Dr. Sarb, and including reviewing and analyzing relevant records as necessary to assist with the foregoing.	5.80	275.00	1,595.00	
08/29/2023 MG	Created GoTo link for virtual meeting with Dr. Sarb (0.10 hrs).	0.00	125.00	0.00	No Charge
08/29/2023 MG	Researched and played with apps to get time and date stamp on pictures; created a draft of one and emailed to responsible attorneys for review (0.80 hrs).	0.00	125.00	0.00	No Charge
08/29/2023 VG	Trial prep to include working on exhibits, conference with Attorney Ely Grote; brief video conference with Dr. Sarb, and preparing jury instructions; working on opening statement and closing arguments (5.90 hrs).	3.00	275.00	825.00	
08/30/2023 BB	Performing additional research in Westlaw into different theories of third-party liability; Narrowing research to [REDACTED]; Saving relevant cases and quotations and using them to formulate arguments to be included in Motion in Limine; Inserting new arguments and case support into outline; Reorganizing Motion's structure to incorporate Defendants' real estate agent in addition to HouseMaster; Brief conference with responsible attorney about Motion (5.90 hrs).	0.00	150.00	0.00	No Charge
08/30/2023 EG	Continued general trial preparation work, including continuing working on trial testimony questions/outline for Dr. Sarb, working on timeline of relevant events, working on trial strategy, and working on preparing for trial preparation meeting with Dr. Sarb, and including reviewing and analyzing relevant records as necessary to assist with the foregoing; Preparing trial document compilation for Dr. Sarb; Instructing paralegal regarding date stamping photos and begin reviewing date-stamped photos; Instructing law clerk regarding motion in limine.	5.70	275.00	1,567.50	
08/30/2023 EG	Attend and participate in trial preparation meeting with Dr. Sarb via video conference.	4.00	275.00	1,100.00	
08/30/2023 MG	Revised subpoena cover letter to reflect mailing subpoena and Acceptance of Service to Lynne Dennis; email to responsible attorney to review before mailing.	0.20	125.00	25.00	



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08/30/2023	MG	Drafted cover letter to process server w/ payment for service of trial subpoenas; mailed via regular mail (0.30 hrs).	0.00	125.00	0.00	No Charge
08/30/2023	MG	Added date and time stamp to all pictures planning to be used at trial.	2.00	125.00	250.00	
08/30/2023	MG	Phone call and email to Heath McCollum following up on the Acceptance of Service for trial subpoena sent to him on 8/24; left message.	0.10	125.00	12.50	
08/30/2023	MG	Revised Heath McCollum Trial Subpoena to reflect service by process server; sent to responsible attorney for final review before sending to process server.	0.20	125.00	25.00	
08/30/2023	VG	Prepare for and participate in trial prep conference with Dr. Sarb & attorney Ely Grote.	5.00	275.00	1,375.00	
08/31/2023	BB	Reviewing and analyzing the Purchase and Sale contract between Plaintiff and Defendant to re-familiarize myself with parties specific obligations under the agreement; Reviewing and analyzing contract between Plaintiff and HouseMaster to cite provision in contract that limits any recovery to the amount paid for the inspection; Quickly formulating arguments on how such a provision effectively eliminates HouseMaster as a viable defendant; Reviewing and analyzing the Listing Agreement between Defendants and their real estate agent; Pulling information from contract that signifies real estate company's compliance with statute by informing sellers of their obligations under the Disclosure Act; Drafting revised Motion in Limine (6.10 hrs).	0.00	150.00	0.00	No Charge
08/31/2023	EG	Review of trial subpoena acceptance of service executed by Robin Hatchell and instructing paralegal accordingly; Instructing paralegal regarding organizing photos and videos for use at trial, including date stamped photos and videos; Review of revised trial subpoena package for Lynne Dennis prepared by paralegal and instructing paralegal accordingly; Instructing paralegal regarding date/time stamps for videos; Conference with law clerk regarding finalizing motion in limine, damages/costs research, and motion to bifurcate any issue concerning alleged counterclaim for frivolous proceedings.	1.00	275.00	275.00	
08/31/2023	EG	Continued working on preparing attorney outline of trial testimony questions for Dr. Sarb, including attorney notes, citations to relevant documents and information, and witness preparation notes.	0.70	275.00	192.50	
08/31/2023	MG	Organized date stamped and non-date stamped pictures into files to make it easier to send to opposing counsel and keep file organized (1.30 hrs).	0.00	125.00	0.00	No Charge



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08/31/2023	MG	Date stamped the videos we are using at trial and added to file; email to responsible attorney regarding the properties of the videos (0.30 hrs).	0.00	125.00	0.00	No Charge
08/31/2023	MG	Calendared next trial prep meeting on responsible attorneys calendars; created GoTo link; email to client with link.	0.20	125.00	25.00	
08/31/2023	MG	Added date and time stamp to all videos.	0.60	125.00	75.00	
09/01/2023	BB	Drafting revised Motion in Limine; Brief conference with responsible attorney about additional argument to include; Performing brief research; Incorporating additional argument to existing section of motion; Formatting and editing motion; Labeling and saving attachments marked as Exhibits; Submitted to responsible attorney for review (4.00 hrs). .	0.00	150.00	0.00	No Charge
09/01/2023	BB	Performing research in Westlaw into pest control companies, and whether they are treated similarly to home inspectors in the context of pre-purchase inspections, [REDACTED] [REDACTED]; Performing research in Westlaw into different theories of damages to ascertain [REDACTED] [REDACTED]; Taking notes on relevant cases to pick back up on Monday; Brief conference with responsible attorney (4.80 hrs)..	0.00	150.00	0.00	No Charge
09/01/2023	EG	Preparing compilation of photos and videos to provide to Dr. Sarb.	0.80	275.00	220.00	
09/01/2023	EG	Continued general trial preparation work, including continuing working on preparing attorney outline for trial testimony of Dr. Sarb (including attorney notes, citations to relevant documents and information, and witness preparation notes), continuing working on timeline of relevant events for reference at trial, and working on general trial/trial preparation strategy.	2.90	275.00	797.50	
09/01/2023	EG	Working on formulating analysis and assessment of additional matters to include in pretrial motion(s) and performing legal research in connection with the same; Instructing law clerk regarding additional items/grounds to be included in motion in limine and to dismiss frivolous proceedings counterclaim; Review, revise, and finalize draft motion in limine and motion to dismiss frivolous proceedings counterclaim prepared by law clerk.	4.10	275.00	1,127.50	
09/03/2023	EG	Review of [REDACTED] provided by Dr. Sarb; Working on providing photos that may be used at trial to Dr. Sarb via sharefile link.	0.50	275.00	137.50	



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09/03/2023 EG	Working on researching legal issues that could potentially come up at trial, including [REDACTED]; Assessing defenses raised in Defendants' answer and evaluating issues to potentially be addressed in a pretrial brief.	0.80	275.00	220.00	
09/03/2023 EG	Continued general trial preparation work, including continuing working on preparing attorney outline for trial testimony of Dr. Sarb (including attorney notes, citations to relevant documents and information, and witness preparation notes), and including continuing working on timeline of relevant events for reference at trial.	4.40	275.00	1,210.00	
09/04/2023 EG	Continued general trial preparation work, including continuing working on preparing attorney outline for trial testimony of Dr. Sarb (including attorney notes, citations to relevant documents and information, and witness preparation notes), and including continuing working on timeline of relevant events for reference at trial.	1.50	275.00	412.50	
09/04/2023 EG	Attend and participate in additional trial preparation conference with Dr. Sarb via video conferencing.	4.00	275.00	1,100.00	
09/05/2023 BB	Performing research in Westlaw for applicable law related to recovery of expert witness fees; Performing additional research trying to locate [REDACTED] [REDACTED] Compiling and organizing relevant information (5.50 hrs).	0.00	150.00	0.00	No Charge
09/05/2023 EG	Working on preparing outline of trial questions for Glenn Stewart and preparing for trial preparation conference with Glenn Stewart, including reviewing relevant records as necessary.	1.50	275.00	412.50	
09/05/2023 EG	Participate in phone conference with Glenn Stewart regarding upcoming trial (1.0), and notate file accordingly; Compiling and providing records to Glenn Stewart via email.	1.40	275.00	385.00	
09/05/2023 EG	Evaluating and compiling records to supply to Ed Love for pretrial stipulations/agreements as to evidence, including redacting medical bills for use at trial.	0.90	275.00	247.50	
09/05/2023 EG	Continued general trial preparation work, including continuing working on preparing attorney outline for trial testimony of Dr. Sarb (including attorney notes, citations to relevant documents and information, and witness preparation notes), and including continuing working on timeline of relevant events for reference at trial.	2.00	275.00	550.00	
09/06/2023 BB	Finishing research on expert fees; Drafting brief memo with findings for responsible attorney's review (3.50 hrs).	0.00	150.00	0.00	No Charge



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09/06/2023 BB	Reviewing and analyzing client's deposition transcript; Formatting annotation log; Distilling client's deposition by page into brief summaries for responsible attorney's use at trial (2.30 hrs).	0.00	150.00	0.00	No Charge
09/06/2023 EG	Continued general trial preparation work, including: continuing working on preparing/revising attorney outline for trial testimony and trial preparation of Dr. Sarb (including attorney notes, citations to relevant documents and information, and witness preparation notes); including continuing working on/revising; timeline of relevant events for reference at trial; Email correspondence with the court regarding pretrial briefs and length of trial; Performing cursory review of Ed Love's pretrial brief on behalf of defendants; Finishing preparing compilation of proposed trial exhibits to distribute to Ed Love; Lengthy email correspondence with Ed Love regarding proposed trial exhibits and explanation regarding the same; Formulating analysis regarding manner and mode of presentation of evidence, including blown up exhibits and demonstratives; Preparing compilation of documents/anticipated exhibits to be sent for printing and instructing paralegal regarding the same; working on cursory review of portion of Dr. Sarb's deposition testimony to assist with incorporating the same into trial outline(s) and preparation; Continuing to review and analyze relevant case documents to assist with trial strategy and to be knowledgeable regarding the contents of the same for trial; formulating general trial strategy; instructing paralegal regarding preparing shell for pretrial brief; and further instructing law clerk regarding research and trial preparation tasks.	6.80	275.00	1,870.00	
09/06/2023 EG	Attend and participate in trial preparation conference with Dr. Sarb via video conference.	1.80	275.00	495.00	
09/06/2023 MG	Created GoTo meetings for 9/6 and 9/7; put on responsible attorney's calendar; emails to client with links for each meeting (0.20 hrs). .	0.00	125.00	0.00	No Charge
09/06/2023 MG	Double checked all time stamps on pictures to make sure they are correct (0.30 hrs).	0.00	125.00	0.00	No Charge
09/06/2023 MG	Phone call to Nova requesting estimate to blow up 3 pictures and make copies of our exhibits; Chris Cooper will call/email back with estimate (0.10 hrs).	0.00	125.00	0.00	No Charge
09/06/2023 MG	Drafted shell of pre-trial brief; email to responsible attorney to complete.	0.30	125.00	37.50	
09/06/2023 MG	Copied and saved each picture from Glenn Stewart's report separately (0.60 hrs).	0.00	125.00	0.00	No Charge
09/06/2023 MG	Phone call to Tara Bair; confirmed she received subpoena; she will sign and fax back.	0.10	125.00	12.50	
09/06/2023 MG	Email to Nova with link to exhibits for printing and further instructions on how we need them printed.	0.20	125.00	25.00	

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09/07/2023 BB	Finishing client's deposition annotation log; Submitted to responsible attorney (3.90 hrs).	0.00	150.00	0.00	No Charge
09/07/2023 BB	Reviewing and analyzing Julie and Joseph Phillips' deposition transcripts; Formatting deposition annotation logs for responsible attorney's use at trial (0.70 hrs).	0.00	150.00	0.00	No Charge
09/07/2023 EG	Preparing pretrial brief as requested by the court, including performing legal research in connection therewith.	4.80	275.00	1,320.00	
09/07/2023 EG	Assess Defendants' witness list and review Defendants' discovery responses to assess whether all of them were identified and their anticipated discovery.	0.20	275.00	55.00	
09/07/2023 EG	Further working on strategy for presentation of Dr. Sarb's testimony, including working on making revisions to proposed attorney question outline for Dr. Sarb's testimony based on discussions with Dr. Sarb during pretrial meetings.	0.70	275.00	192.50	
09/07/2023 EG	Attend and participate in video conference with Dr. Sarb regarding trial preparation.	2.60	275.00	715.00	
09/07/2023 MG	Updated Plaintiff's Pre-Trial Brief to include witness list; emailed to responsible attorney upon completion.	0.30	125.00	37.50	
09/08/2023 EG	Telephone conference with Robin Hatchell regarding upcoming trial.	0.10	275.00	27.50	
09/08/2023 EG	Telephone conference with Joe McLean (.2), and notate file accordingly; Telephone call from Lynne Dennis (.3), and notate file accordingly; Telephone call to Tara Bair - no answer/left message; Telephone call to John Etheridge's office (.1), and notate file accordingly; Telephone call to John Etheridge cell # - no answer/left message; Telephone conference with Tara Bair (.2), and notate file accordingly; Telephone conference with John Etheridge (.3), and notate file accordingly; Telephone call to Servepro (.1), and notate file accordingly; Telephone call to Heath McCollum - no answer-left message; Telephone conference with Heath McCollum (.4), and notate file accordingly.	2.80	275.00	770.00	
09/08/2023 EG	Instructing paralegal regarding preparation of physical trial exhibits and compiling materials to bring to trial.	0.40	275.00	110.00	
09/08/2023 EG	Email correspondence with Ed Love regarding evidentiary stipulations; Review of Ed Love's objections to plaintiff's proposed exhibits, perform legal research as necessary, and formulating response to objections; Review of Ed Love's proposed evidence exhibit list for Defendants and formulating opinions and response regarding the same per his request, including locating and reviewing the proposed documents to be used as exhibits.	1.20	275.00	330.00	



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09/08/2023 EG	Continued general trial preparation work, including: working on preparing/revising witness outlines, reviewing relevant records, preparing/organizing potential exhibits, working on voir dire, coordinating trial preparation with paralegal, and reviewing detailed jury list.	4.70	275.00	1,292.50	
09/08/2023 MG	Email to printing company requesting status of printing project for exhibits.	0.10	125.00	12.50	
09/08/2023 MG	Trial Prep - gathered supplies for attorneys; exhibits were delivered; created exhibit binders and reorganized/labeled exhibits.	3.50	125.00	437.50	
09/09/2023 EG	Continued general trial preparation work, including: working on general trial strategy, organization, presentation, and analysis of legal issues; working on witness outlines and attorney notes regarding the same; and working on organizing and compiling physical exhibits to mesh with witness outlines.	8.40	275.00	2,310.00	
09/09/2023 EG	Conference with Valerie Giovanoli regarding trial strategy and trial preparation.	0.60	275.00	165.00	
09/09/2023 VG	Trial prep (reviewing and adding to Dr. Sarb's trial testimony outline; reviewing Dr. Sarb's deposition annotation, reviewing evidence and timeline, preparing opening statements, preparing requested jury charges, preparing closing cause of action outline; telephone conference with Ely Grote). (Actual time 10.0).	8.80	275.00	2,420.00	
09/10/2023 EG	Continued general trial preparation work, including: working on general trial strategy, working on trial organization, finishing proposed voir dire, preparing/revising Dr. Sarb's testimony outline (including preparing separate non-attorney version for Dr. Sarb to review), reviewing and compiling additional records for use at trial, reviewing physical file, and preparing to meet with Dr. Sarb for final trial preparation.	2.90	275.00	797.50	
09/10/2023 EG	Travel from office location in Columbia to Dr. Sarb's house in Florence for trial preparation meeting (1.30 hrs).	0.00	275.00	0.00	No Charge
09/10/2023 EG	Trial preparation meeting with Dr. Sarb and Valerie Giovanoli (5.9) (arrived shortly after Valerie Giovanoli); Commute from 550 Wisteria to hotel following trial preparation meeting (.1).	6.00	275.00	1,650.00	
09/10/2023 VG	Continued trial prep (finished opening statement, begin review and annotating Phillips' depositions, continue preparing Dr. Sarb's testimony outline.	3.00	275.00	825.00	
09/10/2023 VG	Trial prep.	1.90	275.00	522.50	
09/10/2023 VG	Trial prep conference with Ely & Dr. Sarb (6.2); commute from 550 Wisteria to hotel (0.1); additional preparation for opening statement (2.0).	8.30	275.00	2,282.50	

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09/10/2023 VG	Commute to Florence (550 Wisteria) from Columbia (1.30 hrs).	0.00	275.00	0.00	No Charge
09/11/2023 EG	Morning trial preparation work before first day of trial (.6); Commute to courthouse from hotel, attend and participate in jury selection, pretrial hearing/conference(s), and day 1 of trial, including working lunch, and commute back to hotel (8.1); Evening trial preparation and coordination work following first day of trial, including conferencing with Valerie Giovanoli (4.5).	13.20	275.00	3,630.00	
09/11/2023 MG	Received invoice from Nova for copying trial exhibits; saved to file; requested check (0.10 hrs).	0.00	125.00	0.00	No Charge
09/11/2023 VG	Morning trial preparation work (1.5); commute to courthouse, pretrial conferences, trial, working lunch, commute back to hotel (8.1).	9.60	275.00	2,640.00	
09/11/2023 VG	Post trial conference & trial preparation (Phillips testimony).	5.90	275.00	1,622.50	
09/12/2023 EG	Morning trial preparation work before Day 2 of trial (1.0); Attend and participate in Day 2 of trial, including working lunch and commuting to and from hotel (6.9); Evening trial preparation and coordination work following Day 2 of trial, including conferencing with Valerie Giovanoli (3.9).	11.80	275.00	3,245.00	
09/12/2023 MG	Phone calls to witnesses advising their testimony has been postponed until 3:00 (0.20 hrs).	0.00	125.00	0.00	No Charge
09/12/2023 VG	Morning trial prep work (1.0); commute to court (0.1), attend trial, working lunch, (6.7); commute back to hotel (0.1); post trial conference with Ely (1.4) & prep work for day 3 of trial (3.0).	12.30	275.00	3,382.50	
09/13/2023 EG	Morning trial preparation work before Day 3 of trial (.5); Attend and participate in Day 3 of trial, including working lunch, conference at courthouse after Day 3 of trial, commuting to and from hotel (9.0); Evening trial preparation and coordination work following Day 3 of trial, including conferencing with Valerie Giovanoli, and including preparing for directed verdict motions and for cross examination of defense witnesses and reviewing jury charges (4.2).	13.70	275.00	3,767.50	
09/13/2023 MG	Phone calls and email to witnesses advising court has been postponed to 1:30 today.	0.20	125.00	25.00	
09/13/2023 MG	Phone call to Jamie Hoover relieving him of subpoena.	0.10	125.00	12.50	
09/13/2023 VG	Morning trial prep work (1.0); commute to courthouse, trial, working lunch and post trial conference at courthouse, commute to hotel (9.0); post trial prep work (DV motions, legal issues, jury charges, defense witness cross examination, research, preparing impeachment evidence, preparing closing and power point for closing (4.9).	14.90	275.00	4,097.50	

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09/14/2023	EG	Morning trial preparation work before Day 4 of trial (1.0); Attend and participate in Day 4 of trial, including commuting to and from hotel and post trial conference at courthouse (lunch not included) (9.0); Post trial conference with Valerie Giovanoli, including discussion regarding post-trial motions (1.0).	11.00	275.00	3,025.00	
09/14/2023	EG	Travel back to Columbia from hotel in Florence following conclusion of trial (1.20 hrs).	0.00	275.00	0.00	No Charge
09/14/2023	VG	Morning trial prep work (0.9); commute to courthouse, trial, working lunch, post trial conference at courthouse, commute back to hotel (10.0); post trial conference with Ely & discussion re post trial motions (1.0).	11.90	275.00	3,272.50	
09/14/2023	VG	Commute from Florence County to Lexington County (home) (1.5 hrs).	0.00	275.00	0.00	No Charge
09/15/2023	MG	Updated pleadings index on e-file and physical file (0.10 hrs).	0.00	125.00	0.00	No Charge
09/15/2023	VG	Post trial conference with Ely (0.5); evaluating best course for client (0.4); telephone call to client (left voice message) (0.1).	1.00	275.00	275.00	
09/17/2023	VG	Working on post trial motion decisions in order to discuss same with Dr. Sarb; email from Dr. Sarb rescheduling call.	1.20	275.00	330.00	
09/18/2023	EG	Receipt and review of filed order of judgment and jury verdict form filed by the court.	0.10	275.00	27.50	
09/19/2023	MG	Email to client with a copy of the Judge's Order and the Jury Verdict from trial.	0.10	125.00	12.50	
09/19/2023	VG	Telephone conference and email to Dr. Sarb regarding [REDACTED].	0.40	275.00	110.00	
09/20/2023	EG	Conference with Valerie Giovanoli regarding post trial motions.	0.20	275.00	55.00	
09/21/2023	MG	Saved Garber invoice for reproduced original transcripts; requested check for invoice.	0.10	125.00	12.50	

Sub-total Fees: \$74,325.00

Discount:: **(30,000.00)**

Rate Summary

Bradley Bridger	0.00 hours at \$150.00/hr	0.00
Valerie Garcia Giovanoli	97.80 hours at \$275.00/hr	26,895.00
Marilyn Gomez	17.10 hours at \$125.00/hr	2,137.50
Ely O. Grote	164.70 hours at \$275.00/hr	45,292.50
Total hours:	<u>279.60</u>	

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Expenses		Units	Price	Amount
08/22/2023	Postage.	1.00	0.63	0.63
08/25/2023	Postage.	1.00	1.50	1.50
08/30/2023	Postage.	1.00	0.63	0.63
08/31/2023	Postage.	1.00	1.50	1.50
08/17/2023	Copies and Printing.	3.00	0.10	0.30
08/21/2023	Records Request.	1.00	25.00	25.00
08/22/2023	Copies and Printing.	10.00	0.10	1.00
08/22/2023	Copies and Printing.	26.00	0.15	3.90
08/23/2023	Copies and Printing.	2.00	0.10	0.20
08/23/2023	Copies and Printing.	10.00	0.15	1.50
08/25/2023	Copies and Printing.	2.00	0.15	0.30
08/25/2023	Copies and Printing.	5.00	0.10	0.50
08/28/2023	Process Server Charge - Trial Subpoenas for Etheridge, Williams, Hoover, & Sims.	1.00	300.00	300.00
08/30/2023	Copies and Printing.	1.00	0.15	0.15
08/30/2023	Copies and Printing.	2.00	0.10	0.20
08/31/2023	Copies and Printing.	2.00	0.15	0.30
08/31/2023	Copies and Printing.	4.00	0.10	0.40
09/05/2023	Copies and Printing.	2.00	0.10	0.20
09/06/2023	Copies and Printing.	19.00	0.10	1.90
09/08/2023	Copies and Printing.	60.00	0.15	9.00
09/09/2023	John Sims Witness Fee.	1.00	32.73	32.73
09/09/2023	Joseph McLean Witness Fee.	1.00	25.78	25.78
09/09/2023	Heath McCollum Witness Fee.	1.00	48.06	48.06
09/09/2023	Lynne Dennis Witness Fee.	1.00	82.12	82.12
09/09/2023	Robin Hatchell Witness Fee.	1.00	33.52	33.52
09/09/2023	Tara Bair Witness Fee.	1.00	31.94	31.94
09/09/2023	Daniel Williams Witness Fee.	1.00	27.25	27.25
09/09/2023	John Etheridge Witness Fee.	1.00	26.70	26.70
09/09/2023	Jamie Hoover Witness Fee.	1.00	30.63	30.63
09/10/2023	Copies and Printing.	157.00	0.15	23.55
09/10/2023	Copies and Printing.	446.00	0.10	44.60

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09/10/2023	Copies and Printing.	267.00	0.10	26.70
09/10/2023	Copies and Printing.	1.00	0.10	0.10
09/10/2023	Copies and Printing.	100.00	0.15	15.00
09/11/2023	Copies and Printing.	1.00	725.76	725.76
09/13/2023	Copies and Printing.	3.00	0.15	0.45
09/13/2023	Copies and Printing.	1.00	0.10	0.10
09/21/2023	Court Reporter.	1.00	368.40	368.40

Sub-total Expenses:	<u> </u>	\$1,892.50
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Total Current Billing:	<u> </u>	\$46,217.50
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If you have any questions or would like to pay via credit card, please contact Krystal Johnson at
krystal.johnson@mccabetrotter.com or 803-724-5000. Thank you!

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000



Invoice as of 10/9/2023
Invoice no 124136

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips

Professional Fees			Hours	Rate	Amount
09/21/2023	VG	Conference with Ely regarding post-trial motions and issues.	0.40	275.00	110.00
09/21/2023	EG	Working on preparing JNOV motion, including performing legal research as necessary.	0.50	275.00	137.50
09/21/2023	EG	Conference with Valerie Giovanoli regarding strategy for post-trial motions.	0.40	275.00	110.00
09/22/2023	EG	Continued working on drafting/preparing motion for Judgment Notwithstanding the Verdict, including performing legal research as necessary.	0.70	275.00	192.50
09/25/2023	MG	Reviewed Plaintiff's Motion for Judgment Notwithstanding the Verdict; made final formatting edits; emailed to responsible attorney for review.	0.30	125.00	37.50
09/25/2023	MG	Submitted Plaintiff's motion for JNOV to court for e-filing.	0.20	125.00	25.00
09/25/2023	EG	Working on drafting/preparing Plaintiff's motion for judgment notwithstanding the verdict, including performing legal research as necessary; Review of revisions to JNOV motion proposed by Valerie Giovanoli and revising/finalizing motion for JNOV; Performing legal research regarding other post-trial motions and grounds therefor (including available remedies) and regarding post-trial procedure (.7); Conference with Valerie Giovanoli regarding post-trial strategy (.1); Review of Defendants' motion for JNOV and/or new trial and conference with Valerie Giovanoli regarding the same (.2).	3.20	275.00	880.00
09/27/2023	EG	Briefly review court rules regarding providing post-trial motions to the trial judge; Email to Judge DeBerry's office providing a copy of plaintiff's motion for judgment notwithstanding the verdict as required by the court rules; Review email correspondence from Ed Love providing Defendants' post-trial motions to Judge DeBerry.	0.20	275.00	55.00
09/27/2023	EG	Reviewing, compiling, and beginning working on organizing trial notes, trial exhibits, and other trial materials, and instructing paralegal regarding completing compiling and organizing the same.	1.20	275.00	330.00
Sub-total Fees:					\$1,877.50

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Columbia, South Carolina 29209
803-724-5000

R. 0303

Rate Summary

Valerie Garcia Giovanoli	0.40 hours at \$275.00/hr	110.00
Marilyn Gomez	0.80 hours at \$125.00/hr	62.50
Ely O. Grote	6.20 hours at \$275.00/hr	1,705.00

Total hours: 7.40

Expenses

		Units	Price	Amount
09/13/2023	Postage.	1.00	0.63	0.63
09/20/2023	Postage.	1.00	0.87	0.87
09/27/2023	Postage.	1.00	0.63	0.63
09/05/2023	E-Filing Fee.	1.00	31.74	31.74
09/09/2023	Jamie Hoover Witness Fee.	1.00	(30.63)	(30.63)
09/15/2023	Copies and Printing.	1.00	0.10	0.10
09/20/2023	Copies and Printing.	7.00	0.10	0.70
09/25/2023	Copies and Printing.	1.00	0.15	0.15
09/25/2023	E-Filing Fee.	1.00	31.74	31.74
09/27/2023	Copies and Printing.	2.00	0.10	0.20
09/27/2023	Copies and Printing.	1.00	0.15	0.15

Sub-total Expenses: \$36.28

Total Current Billing: \$1,913.78

If you have any questions or would like to pay via credit card, please contact Krystal Johnson at
krystal.johnson@mccabetrotter.com or 803-724-5000. Thank you!

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000



McCABE, TROTTER & BEVERLY, P.C.

Invoice as of 10/12/2023
Invoice no 124420

Barbara Sarb
[REDACTED]

21624.2: Barbara Sarb v. Joseph & Julie Phillips

Professional Fees		Hours	Rate	Amount
10/02/2023	MG Updated pleadings index for e-file and physical file.	0.10	125.00	12.50
10/02/2023	VG Received and reviewed court order denying all post-trial motions; email update to client.	0.10	275.00	27.50
10/03/2023	EG Conference with Valerie Giovanoli regarding plan of action for motions for attorney's fees and costs; Review order denying post-trial motions and assess for potential impact on timing of motions for attorneys fees and costs; Performing legal research to support motions for attorney's fees and costs, including regarding recoverable costs; Formulating analysis and strategy for motions for attorney's fees and costs; Begin reviewing relevant aspects of file to support reasonableness of claim for attorney's fees and costs.	4.90	275.00	1,347.50
10/03/2023	MG Updated pleadings index for e-file and physical file with Order on Motions for Judgment Notwithstanding Verdict.	0.10	125.00	12.50
10/03/2023	MG Drafted cover letter to witnesses with check for witness fee; sent to responsible attorney for review before sending to witnesses.	0.30	125.00	37.50
10/04/2023	EG Reviewing and revising witness fee check letter prepared by paralegal and instructing paralegal accordingly.	0.20	275.00	55.00
10/05/2023	EG Receipt and review email from Ed Love regarding deadline for motions for costs and attorney's fees and for appeal; Briefly conference with Valerie Giovanoli regarding the same; Briefly review relevant court rules regarding appeal and motions for costs; Formulate thoughts and analysis regarding deadline for motions for costs and attorney's fees and for appeal, and email to Ed Love regarding the same.	0.40	275.00	110.00
10/05/2023	EG Further formulating strategy/plan for motion for attorney's fees and motion for costs; Conference with Valerie Giovanoli regarding strategy/plan for motions for attorney's fees and costs (.5); Begin working on drafting/preparing motion for attorney's fees.	1.60	275.00	440.00

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000

R. 0305



McCABE, TROTTER & BEVERLY, P.C.

10/05/2023	MG	Received approval of cover letter to witnesses with the witness fee checks; mailed to John Etheridge, John Sims, and Daniel Williams via regular mail; saved copies to file.	0.40	125.00	50.00
10/06/2023	EG	Continued working on preparing motion for attorney's fees, including reviewing/performing research as necessary. .	3.40	275.00	935.00
10/06/2023	EG	Begin reviewing/redacting attorney's fees invoices in support of motion for summary judgment compiled by paralegal, and instructing paralegal regarding preparation/organization of the invoices. .	0.20	275.00	55.00
10/09/2023	EG	Continued preparing detailed motion for attorney's fees and costs, including reviewing file as necessary to ascertain supporting factual to include in motion and for supporting affidavits, and include formulating strategy.	5.80	275.00	1,595.00
10/10/2023	EG	Continued working on preparing lengthy motion for attorney's fees and costs.	2.20	275.00	605.00
10/10/2023	MG	Began drafting Trial Exhibit list; organized Exhibit Binder #1 with exhibits 1-11.	0.60	125.00	75.00
10/11/2023	EG	Continue working on drafting and preparing lengthy motion for attorney's fees and costs, including working on compiling supporting information; Reviewing cost information and evaluating and computing costs to include in motion for attorney's fees and costs.	5.60	275.00	1,540.00
10/11/2023	EG	Begin reviewing attorney fee invoices for privilege and redacting the same accordingly for submission with motion for attorney's fees and costs; Working on verifying that attorney's fees invoices to be included support of motion for attorney's fees are complete copy of all invoices.	4.30	275.00	1,182.50
10/11/2023	MG	Continued creating trial exhibit list for exhibits 12-32.	1.00	125.00	125.00
10/12/2023	EG	Finish reviewing attorney fee invoices for privilege and redacting the same accordingly or submission with motion for attorney's fees and costs.	1.20	275.00	330.00
10/12/2023	EG	Further working on drafting and revision of lengthy motion for attorney's fees and costs.	0.90	275.00	247.50
10/12/2023	EG	Working on preparing affidavits of Ely Grote and Valerie Giovanoli in support of motion for attorney's fees and costs.	1.20	275.00	330.00
10/12/2023	MG	Continued creating Exhibit list for exhibits 28-49.	0.30	125.00	37.50
10/12/2023	MG	Received and reviewed Motion for Attorney's Fees and Costs, Affidavit of Ely Grote, and Affidavit of Valerie Giovanoli; made minor edits.	0.50	125.00	62.50

10/12/2023	VG	Conference with attorney Ely regarding motion for fees & costs; review of same and affidavit of Valerie Garcia Giovanoli.	0.50	275.00	137.50
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Sub-total Fees:	<u> </u>	\$9,350.00
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Rate Summary

Valerie Garcia Giovanoli	0.60 hours at \$275.00/hr	165.00
Marilyn Gomez	3.30 hours at \$125.00/hr	412.50
Ely O. Grote	31.90 hours at \$275.00/hr	8,772.50
Total hours:	<u> </u>	35.80

Expenses

		Units	Price	Amount
10/02/2023	Copies and Printing.	1.00	0.10	0.10
10/03/2023	Copies and Printing.	1.00	0.10	0.10
10/03/2023	Witness Fee.	1.00	27.25	27.25
10/03/2023	Copies and Printing.	3.00	0.10	0.30
10/05/2023	Copies and Printing.	4.00	0.10	0.40
10/05/2023	Copies and Printing.	3.00	0.15	0.45
10/12/2023	E-Filing Fee.	1.00	31.74	31.74

Sub-total Expenses:	<u> </u>	\$60.34
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Total Current Billing:	<u> </u>	\$9,410.34
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If you have any questions or would like to pay via credit card, please contact Krystal Johnson at
krystal.johnson@mccabetrotter.com or 803-724-5000. Thank you!

4500 Fort Jackson Blvd., Suite 250
Columbia, South Carolina 29209
803-724-5000



Engineering Design & Testing Corp.
Columbia District Office
Post Office Box 8027
Columbia, South Carolina 29202
P: (803) 791-8800
EDTengineers.com

December 6, 2022

INVOICE NUMBER: 22120019

INVOICE TO:

McCabe, Trotter & Beverly, P.C.
Post Office Box 212069
Columbia, South Carolina 29221
ATTN: Mr. Ely O. Grote

bsarb@me.com
valerie.giovanoli@mccabetrotter.com
ely.grote@mccabetrotter.com

REFERENCE: Water Intrusion Evaluation
Barbara L. Sarb, MD
L. o. I.: 550 Wisteria Drive
Florence, South Carolina
MTB File Number: 21624.2
Case Number: 2020-CP-21-01817 (Florence County)
EDT File Number: COL17888-56899
Engineer-in-Charge: Glenn Stewart, M.E., P.E.

FEDERAL EMPLOYERS IDENTIFICATION NUMBER: [REDACTED]

PROFESSIONAL SERVICES:

Engineer (1.1 hours @ \$250 /hour)\$ 275.00

AMOUNT DUE UPON RECEIPT USD \$ 275.00


Glenn Stewart, M.E., P.E.

REMIT PAYMENT TO:

EDT / Post Office Box 8027 / Columbia, SC 29202

For your convenience, our wire transfer information is as follows:

Wells Fargo N.A., 1131 Knox Abbott Drive, Cayce, South Carolina, 29033 (USA)
SWIFT Number: WFBUS6S; Routing Transit (ABA) Number: 121000248
Account Number: 2030102319311

Plaintiff 001367

PAGE 2

EDT FILE NUMBER: COL17888-56899

INVOICE NUMBER: 22120019

MTB File Number: 21624.2

Engineer

Professional Services Rendered At

\$250.00 Per Hour

DATE	TIME	DESCRIPTION
09/28/22	0.2 hour	Discussion with Mr. Grote; prepare notes to file
10/19/22	0.4 hour	Review draft Affidavit; telephone discussion with Mr. Grote
11/01/22	0.5 hour	Review file materials; execute Affidavit and e-mail to Mr. Grote
	1.1 Hours	

Plaintiff 001368

R. 0309



Engineering Design & Testing Corp.
Columbia District Office
Post Office Box 8027
Columbia, South Carolina 29202
P: (803) 791-8800
EDTengineers.com

September 27, 2023

INVOICE NUMBER: 23090186

INVOICE TO:

McCabe, Trotter & Beverly, P.C.
Post Office Box 212069
Columbia, South Carolina 29221
ATTN: Mr. Ely O. Grote

bsarb@me.com
valerie.giovanoli@mccabetrotter.com
ely.grote@mccabetrotter.com

REFERENCE: Water Intrusion Evaluation
Barbara L. Sarb, MD
L. o. I.: 550 Wisteria Drive
Florence, South Carolina
MTB File Number: 21624.2
Case Number: 2020-CP-21-01817 (Florence County)
EDT File Number: COL17888-56899
Engineer-in-Charge: Glenn Stewart, M.E., P.E.

FEDERAL EMPLOYERS IDENTIFICATION NUMBER: [REDACTED]

PROFESSIONAL SERVICES:

Engineer (7.2 hours @ \$250 /hour) \$ 1,800.00

TRAVEL EXPENSES:

Mileage (170 miles @ \$0.655 /mile) \$ 111.35

SUPPLIES \$ 4.75

COMMUNICATIONS \$ 5.50

AMOUNT DUE UPON RECEIPT USD \$ 1,921.60



Glenn Stewart, M.E., P.E.

REMIT PAYMENT TO:

EDT / Post Office Box 8027 / Columbia, SC 29202

For your convenience, our wire transfer information is as follows:

Wells Fargo N.A., 1131 Knox Abbott Drive, Cayce, South Carolina, 29033 (USA)
SWIFT Number: WFBUS6S; Routing Transit (ABA) Number: 121000248
Account Number: 2030102319311

PAGE 2

EDT FILE NUMBER: COL17888-56899

INVOICE NUMBER: 23090186

MTB File Number: 21624.2

Engineer

Professional Services Rendered At

\$250.00 Per Hour

DATE	TIME	DESCRIPTION
01/26/23	0.1 hour	E-mail from client (schedule update)
06/16/23	0.1 hour	Discussion with Ms. Giovanoli (trial schedule)
06/19/23	0.0 hour	Communicate with client (trial schedule)
06/27/23	0.0 hour	Communication with Ms. Giovanoli (trial schedule)
09/04/23	0.5 hour	Review file materials in preparation for teleconference with client; notes to file
09/05/23	1.2 hours	Participate in teleconference with client (trial preparation)
09/12/23	0.5 hour	Prepare for trial testimony; review file materials in preparation for trial testimony
09/13/23	4.8 hours	Travel from Columbia, South Carolina to Florence, South Carolina; wait to provide trial testimony (review file materials while waiting); give trial testimony; return travel
	7.2 Hours	



STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Barbara L. Sarb,

Plaintiff,

v.

Julie W. Phillips and Joseph M. Phillips,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE 12TH JUDICIAL CIRCUIT
C/A No.: 2020-CP-21-01817

**AFFIDAVIT OF VALERIE GARCIA
GIOVANOLI**

21624.2

PERSONALLY appeared before me Valerie Garcia Giovanoli, who first being duly sworn, deposes and says as follows:

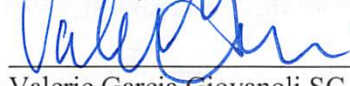
1. I am an attorney for the Plaintiff in the above referenced matter.
2. I graduated from the University of South Carolina Law School in 2010. I am licensed to practice law in Florida and South Carolina. I have twelve (12) years' experience as a practicing attorney. I am currently the managing shareholder with McCabe, Trotter & Beverly, P.C.
3. I am familiar with the rates and fees charged by the firm of McCabe, Trotter & Beverly, P.C. in this matter. Based on my experience and familiarity with rates customarily charged, I believe the rates and fees charged in this matter are reasonable and in accord with rates and fees customarily charged for similar services. I would also note that I devoted a significant amount of additional time on this matter that I never wrote down or billed to this matter, and which never appeared on any statement. I would also note that on July 1, 2022, the firm of McCabe, Trotter, & Beverly, P.C. increased its hourly rates for most clients to: (1) Shareholders - \$350/hr.; (2) Associate Attorneys - \$250/hr.; and (3) Paralegals and Law Clerks - \$150/hr. However, the

hourly rates for this matter were not increased and remained at the following rates for the entirety of this matter: (1) Shareholders - \$275/hr.; (2) Associate Attorneys - \$175/hr.; and (3) Paralegals and Law Clerks - \$125/hr.

4. After due consideration of the nature, extent, and difficulty of the legal services rendered, the time and labor necessarily devoted to the case, the professional standing of counsel, the contingency of compensation, the customary fee charged in the locality for similar services, and the beneficial result obtained, I respectfully submit that an award of attorneys' fees to the full extent set forth requested by Plaintiff is appropriate and reasonable; therefore, Plaintiffs should be entitled to recover the attorneys' fees in the amount of \$183,347.40 for work performed through October 12, 2023.

FURTHER AFFIANT SAYETH NOT.

MCCABE, TROTTER & BEVERLY, P.C.



Valerie Garcia Giovanoli SC Bar No. 102524
4500 Ft. Jackson Blvd., Suite 250
Columbia, South Carolina 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email(s): Valerie.Giovanoli@mccabetrotter.com
ATTORNEY FOR PLAINTIFF

SWORN to before me this 12 day
of October, 2023.


Notary Public for South Carolina
My Commission Expires: 06/10/2024



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF FLORENCE	)	Docket No.: 2020-CP-21-01817
	)	
Barbara Sarb,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND
	)	MOTION FOR ATTORNEY FEES
vs.	)	AND COSTS
	)	
Julie W. Phillips and Joseph M. Phillips,	)	
	)	
Defendants.	)	
_____	)	

TO: ELY GROTE AND/OR VALERIE GIOVANOLI, ATTORNEYS FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE, that the Defendants, Julie W. Phillips and Joseph M. Phillips ("Defendants") hereby move this Court for an award of attorney fees and costs pursuant to the terms of the Contract to Buy and Sell Real Estate (Residential) (Plaintiff's trial exhibit 2). In support of their Motion, Defendants reference the pleadings filed to date, Plaintiff's trial exhibit 2 and their Memorandum in Support filed under separate cover.

WHEREFORE, Defendants request that this Court grant its Motion for the award of attorney fees and costs and any further relief this Court may deem just and equitable.

Florence, South Carolina

KING, LOVE, HUPFER & NANCE, LLC

October 12, 2023

BY: /s/ Edward A. Love
EDWARD A. LOVE
I.D. No.: 75118
Post Office Box 1764
135 South Dargan Street, Suite 201
Florence, SC 29503
(843) 407-5525 – Tel
(843) 407-5782 – Fax
ATTORNEY FOR DEFENDANTS

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF FLORENCE	)	Docket No.: 2020-CP-21-01817
	)	
Barbara Sarb,	)	
	)	
Plaintiff,	)	DEFENDANTS' MEMORANDUM
	)	IN SUPPORT OF THEIR MOTION
vs.	)	FOR ATTORNEY FEES AND COSTS
	)	
Julie W. Phillips and Joseph M. Phillips,	)	
	)	
Defendants.	)	
_____	)	

INTRODUCTION

This matter involves a residential real estate transaction. On September 15, 2023, a verdict was rendered by a Florence County jury which found that the Plaintiff liable for breaching the Contract to Buy and Sell Real Estate at issue, which was entered into evidence as Plaintiff's Exhibit 2 (hereinafter "Contract"). The terms of the Contract require that a breaching party pay the non-breaching party "attorneys' fees and all other direct costs of litigation if Buyer (Plaintiff) is found in default [or in] breach of contract." (See Plaintiff's Trial Exhibit 2, paragraph 23 – attached hereto for ease of reference.)

ARGUMENT AND CITATION OF AUTHORITY

As a general rule, attorney's fees are not recoverable unless authorized by contract or statute. See e.g. Hegler v. Gulf Ins. Co., 270 S.C. 548, 549, 243 S.E.2d 443, 444 (1978). If the award of attorney's fees is based upon a contract between the parties, the determination of reasonableness of those fees is left to the discretion of the trial court and will not be disturbed absent an abuse of discretion. See S.C. Elec. & Gas Co. v. Hartough, 375 S.C. 541, 550, 654 S.E.2d 87, 91 (Ct. App. 2007).

When determining the reasonableness of attorney's fees, the court should consider the following six factors: (1) the nature, extent, and difficulty of the case; (2) the time necessarily devoted to the case; (3) professional standing of counsel; (4) contingency of compensation; (5) beneficial results obtained; and (6) customary legal fees for similar services. Jackson v. Speed, 326 S.C. 289, 308, 486 S.E.2d 750 (1997). The disparity in the amount of the damages award and the attorney fees award, by itself, does not invalidate the latter. See Rice v. Multimedia, Inc., 318 S.C. 95, 101, 456 S.E.2d 381, 385 (1995).

Here, the Defendants seek fees based upon the Contract for Purchase of Real Estate (the "Contract"). Unlike statutory provisions which say the court *may* award reasonable fees, the award of fees and costs under the Contract is clear and mandatory. The court's discretion would be applied to the "reasonableness" of the fees claimed.

Defendants pled a counterclaim against Plaintiff for breach of the Contract. The Defendants prevailed on their claim for breach of Contract. As a result, the Defendants are entitled to an award of attorney fees and costs pursuant to paragraph 23 of the Contract. To date, Defendants have incurred fees in the amount of \$55,393.00 and costs in the amount of \$2,310.11 (see attached Affidavit of Edward A. Love).

In considering the factors outlined by the South Carolina Supreme Court in Jackson:

- (1) the nature, extent, and difficulty of the case: This matter required a trial consisting of fourteen (14) witnesses; approximately two hundred combined exhibits coming from approximately three-thousand documents produced through discovery.
- (2) the time necessarily devoted to the case: approximately two-hundred and seventy working hours were devoted to the case by the office of defense counsel.

- (3) professional standing of counsel: Counsel for the Defendants has been licensed to practice law for twenty years between the State of Georgia, the State of South Carolina and associated federal courts. He has remained in good standing during that time.
- (4) contingency of compensation: Compensation was not contingent, but rather, an hourly rate.
- (5) beneficial results obtained: Counsel for Defendants took one cause of action to the jury and the Defendants were awarded damages for that one cause of action. Defendants also limited the verdict on Plaintiff's claims to only one out of seven causes of action and limited the verdict amount to less than that which was offered at mediation on April 26, 2023 (\$75,000) and far less than the last demand made at that same mediation (\$150,000).
- (6) customary legal fees for similar services: counsel for Defendants would argue that \$225/hr is likely far less than other litigation/trial attorneys with the same and even less experience.

Lastly, while the jury's award to Defendants was less than the fees charged, South Carolina law is clear that, when a contract calls for the payment of fees, disparity between those fees and the amount of the award is not a factor for the Court to consider. (Id.)

CONCLUSION

Unlike statutory fee provisions which provide that a prevailing party *may* recover reasonable fees and *taxable* costs, contractual fee provisions are to be strictly construed. Here, the Contract unequivocally provides for the recovery of fees and costs of litigation if there is found to be a breach of contract. Therefore, the Defendants are entitled to recover the fees and costs incurred in the total amount of \$57,703.11.

Florence, South Carolina

KING, LOVE, HUPFER & NANCE, LLC

October 12, 2023

BY: /s/ Edward A. Love
EDWARD A. LOVE
I.D. No.: 75118
Post Office Box 1764
135 South Dargan Street, Suite 201
Florence, SC 29503
(843) 407-5525 – Tel
(843) 407-5782 – Fax
ATTORNEY FOR DEFENDANTS

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF FLORENCE	)	Docket No.: 2020-CP-21-01817
	)	
Barbara Sarb,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	AFFIDAVIT OF EDWARD A. LOVE
	)	
Julie W. Phillips and Joseph M. Phillips,	)	
	)	
Defendants.	)	

Personally appeared before me, Edward A. Love, who first being duly sworn, deposes and says as follows:

1. I am over the age of eighteen years, and am personally familiar with the facts stated herein.
2. I am a Partner with the law firm of King, Love, Hupfer & Nance, LLC in Florence, South Carolina. I have been licensed to practice law in the state of South Carolina since 2006, and am a member in good standing with the South Carolina Bar association. I am licensed to practice law not only before the state courts of South Carolina and Georgia, but also before the Federal District Courts of South Carolina and Georgia as well as the Fourth and Eleventh Circuit Court of Appeals. I am an active member of numerous professional organizations, including both the South Carolina Bar Association and the Florence County Bar Association.
3. A substantial portion of my law practice involves representing businesses and banks in collection actions. During my legal career, I have been involved in hundreds of civil matters before state and federal courts.

4. My standard hourly rate and the rate of my staff are reasonable for an attorney and office of my age and experience.

5. The Defendants retained my law firm and me to represent them in the above-captioned lawsuit.

6. The Defendants incurred attorney/paralegal fees in the amount of at least Fifty-five Thousand Three Hundred Ninety-three and 00/100 (\$55,393.00) Dollars and costs in the amount of Two Thousand Three Hundred Ten and 11/100 (\$2,310.11) Dollars for a total of Fifty-seven Thousand Seven Hundred Three and 11/100 (\$57,703.11) Dollars. (See Exhibits 1 and 2 attached hereto – itemized billing and expense statements.)

7. The tasks and hours were reasonable and necessary to properly and adequately represent The Defendants in this matter. The tasks and time expended include only those things directly related to the litigation of this action, such as researching, preparing and filing motions, pleadings, responses, and the like. The list does not include administrative matters, such as preparing reports, status updates to clients, and other similar tasks which, while necessary and reasonable, did not directly involve the litigation of this matter.

8. In my experience, the hours expended were necessary, customary, reasonable, and appropriate.

9. This action did not involve any unusual questions of fact or law, any lost opportunities, or the like which would warrant an upward departure from the standard hourly rate or a strict application of the lodestar method.

10. The total amount now sought for attorneys' fees and related costs from my firm in representing the Defendants is at least Fifty-seven Thousand Seven Hundred Three and 11/100

(\$57,703.11) Dollars. This amount is reasonable and customary, and was necessarily incurred in this action.

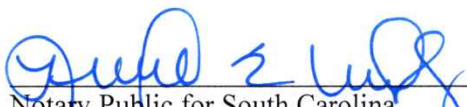
FURTHER YOUR AFFIANT SAITH NOT.



EDWARD A. LOVE

SWORN to before me this

12th day of October 2023.



Notary Public for South Carolina
My Commission Expires: 04/02/2024

Activities Export

EXHIBIT 1

10/12/2023
9:03 AM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
10/10/2023		Finalize Motion for Attorney Fees and Memorandum in support of same including affidavit for fees.  Unbilled	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
10/06/2023		Edits to Memorandum in Support of Motion for Fees correspondence with client concerning same.  Unbilled	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
10/05/2023		Begin developing arguments in favor of Motion for Attorney fees.  Unbilled	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.30h	\$225.00	-	\$292.50
10/02/2023		Receipt and review court's order denying post-trial motions.  Unbilled	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
09/27/2023		Receipt and review Plaintiff's post-trial motion correspondence with court concerning same.  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
09/22/2023		Edits to post-trial motion research regarding same review of trial exhibits correspondence with client concerning same.  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.70h	\$225.00	-	\$382.50
09/19/2023		Began research and preparation of post-trial motions.  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
09/18/2023		Research for post-trial motions. ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.40h	\$225.00	-	\$315.00
09/15/2023		Correspondence with court regarding post-trial motions. ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
09/14/2023		Trial attendance and prep work ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	13.00h	\$225.00	-	\$2,925.00
09/13/2023		Trial attendance and prep work ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	12.00h	\$225.00	-	\$2,700.00
09/12/2023		Trial attendance and prep work ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	11.00h	\$225.00	-	\$2,475.00
09/11/2023		Trial attendance and prep work ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	10.50h	\$225.00	-	\$2,362.50
09/10/2023		trial prep ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	4.50h	\$225.00	-	\$1,012.50
09/08/2023		Trial prep ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W.	Ed Love	6.00h	\$225.00	-	\$1,350.00

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
			Phillips and Joseph M. Phillips					
09/08/2023		Prepare copies of exhibits for EAL trial prep (GW)  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Wendy Lee	0.40h	\$95.00	-	\$38.00
09/07/2023		Trial prep and meeting with client.  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	7.50h	\$225.00	-	\$1,687.50
09/07/2023		Prepare to Right to Rely (GW)  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Wendy Lee	0.30h	\$95.00	-	\$28.50
09/06/2023		Trial prep: Question areas for Julie and Joey Phillips Cross exam for Sarb continuation Pretrial brief to court Correspondence with counsel.  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	6.00h	\$225.00	-	\$1,350.00
09/05/2023		Telephone conference with Florence County Clerk of Court re requesting jury list.  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
09/05/2023		Question areas for Wimberly Directed verdict Motion completion  Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00h	\$225.00	-	\$225.00
09/01/2023		Develop cross examination of	15633.03915	Ed Love	2.40h	\$225.00	-	\$540.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		Plaintiff phone conference with Dodson. ● Billed invoice 33547	Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips					
08/31/2023	🕒	Handled review and emailing of subpoenas, prepare question areas for Dodd, Raley, research economic loss rule. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.40h	\$225.00	-	\$540.00
08/30/2023	🕒	Preparation of correspondence serving trial subpoenas to: Dodson Exterminators, Kevin Watford (Housemaster), David Wimberly (ERA Leatherman), Paul Dodd, Leigh Dodd, Chris Raley, John Simms (Sims Construction), Adam Crosson, and John Ethridge. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.80h	\$95.00	-	\$171.00
08/30/2023	🕒	Preparation of trial subpoenas to: Dodson Exterminators, Kevin Watford (Housemaster), David Wimberly (ERA Leatherman), Paul Dodd, Leigh Dodd, Chris Raley, John Simms (Sims Construction), Adam Crosson, and John Ethridge. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.80h	\$95.00	-	\$171.00
08/30/2023	🕒	Trial Prep - Question areas for Ethridge, Crosson, Dodson, Hatchell, Watford. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	4.50h	\$225.00	-	\$1,012.50
08/28/2023	🕒	Receipt and review of witness list for trial, Creation of folders for	15633.03915 Barbara L. Sarb v. Julie W. Phillips	Scarlet Canter	0.50h	\$95.00	-	\$47.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		each witness in preparation for same ● Billed invoice 33279	Phillips and Joseph M. Phillips					
08/28/2023	🕒	Receipt and review trial subpoenas and acceptance of service for Phillips correspondence with clients concerning same. review of subpoena for Dr. Sarb and acceptance of service prepare cross-examination of expert Stewart. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.90h	\$225.00	-	\$427.50
08/25/2023	🕒	Receipt and organization of trial subpoena for both Defendants. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
08/25/2023	🕒	preparation of trial subpoena and acceptance of service for Dr. Barbara Sarb. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
08/24/2023	🕒	Review of documents to convene conference call for stipulations attended conference call. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
08/23/2023	🕒	Review of file contents to begin developing trial. Correspondence with client concerning trial preparation. ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.40h	\$225.00	-	\$315.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
08/17/2023		Preparation of correspondence to clients regarding Notice of Trial.  Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
08/17/2023		Email communication with Marylin at Attorney Grote's office regarding pre-trial phone conference.  Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
08/17/2023		Receipt and review Notice of trial. Calendar same.  Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
08/17/2023		Receipt and review trial notice.  Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
07/03/2023		Review of correspondence and Motion.  Billed invoice 32852	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
06/29/2023		Email communication with client regarding Amended Request for Continuance and new proposed trial date.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
06/28/2023		Preparation of Amended Motion and Order for Continuance.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
06/28/2023		Email communication with Plaintiff's counsel regarding continuance, availability of Attorney Love and clients and revised Motion and Order.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
06/28/2023		Receipt and review of email from client regarding availability for trial.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
06/27/2023		Telephone conference with client re requesting availability for trial (for Amended Motion for Continuance) (left voicemail). Email communication with client regarding same.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
06/21/2023		Preparation of Order for Continuance with Form 4.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
06/20/2023		Motion/Order for continuance.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.40h	\$225.00	-	\$90.00
06/15/2023		Prepare Requests to Charge Prepare pre-trial brief. Email to opposing counsel.  Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
06/14/2023		Receipt and review of Notice of	15633.03915	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		Trial. Calendar same. Email communication with client regarding same. ● Billed invoice 32591	Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips					
04/26/2023	🕒	Prepared for and attended court-ordered mediation. ● Billed invoice 32102	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	5.60h	\$225.00	-	\$1,260.00
04/03/2023	🕒	Prepare outline for mediator correspondence to same with documents to review and consider. ● Billed invoice 32102	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
03/23/2023	🕒	Email communication with Nell Folens and Kirby at Karl Folens office regarding availability for mediation. ● Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/14/2023	🕒	Email communication with Nell and Kirby at Karl Folens' office regarding mediation. ● Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/14/2023	🕒	Telephone conference with Folens Law Firm regarding mediation. ● Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/14/2023	🕒	Prepare Order on Motion for Exemption from ADR. ● Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.50h	\$225.00	-	\$112.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
03/10/2023		Correspondence with opposing counsel regarding mediation.  Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
03/07/2023		Email communication from Attorney Giovanoli regarding mediation.  Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
03/06/2023		Prepare for and attend hearing on Plaintiff's Motion to Exempt from Mediation.  Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
03/03/2023		File Preparation for Exemption from ADR Hearing: summarize discovery, medical records/bills, etc., highlighting significant/important information for attorney  Billed invoice 31781	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Lesley Wiggins	0.10h	\$95.00	-	\$9.50
02/16/2023		Receipt and review of Notice of hearing on Motion from Exemption from ADR.  Billed invoice 31528	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
01/30/2023		Email communication with client regarding continuance and cancellation of meeting.  Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
01/26/2023		Receipt and review filed Motion for Continuance and correspondence with Judge regarding same.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 31276						
01/25/2023	🕒	Correspondence with opposing counsel and client regarding continuance upon examination of roster for same. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
01/24/2023	🕒	Correspondence from opposing counsel requesting consent to continuance. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
01/24/2023	🕒	Completed review of Depo transcript of Julie Phillips to prepare for trial. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
01/23/2023	🕒	Began review of Depo transcript of Julie Phillips to prepare for trial. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
01/20/2023	🕒	Review depo transcript of Joey Phillips to begin preparing for trial. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.90h	\$225.00	-	\$427.50
01/19/2023	🕒	Correspondence with client concerning settlement demand. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
01/18/2023	🕒	Phone conference with opposing counsel calls to witnesses to prepare for trial.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.50h	\$225.00	-	\$337.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 31276	Phillips					
01/09/2023	🕒	Phone conference with opposing counsel re preliminary checks for trial prep. ● Billed invoice 31276	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
12/12/2022	🕒	Correspondence from opposing counsel regarding additional information in opposition to summary judgment. ● Billed invoice 31099	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
12/07/2022	🕒	Final preparation for and attendance of hearing on Motion for Summary Judgment. ● Billed invoice 31099	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.40h	\$225.00	-	\$540.00
12/06/2022	🕒	Complete memo in support and memo in opposition file same. ● Billed invoice 31099	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.80h	\$225.00	-	\$405.00
12/06/2022	🕒	File Preparation for Motion for Summary Judgment Hearing: summary of discovery, medical records/bills, etc., highlighting significant/important information for attorney ● Billed invoice 31099	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Lesley Wiggins	0.50h	\$95.00	-	\$47.50
12/01/2022	🕒	Finalize Memorandum in Support of MSJ. ● Billed invoice 31099	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.60h	\$225.00	-	\$585.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
11/30/2022		MSJ work  Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	5.00h	\$225.00	-	\$1,125.00
11/29/2022		Edits to MSJ Memo and conference to discuss same.  Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.10h	\$225.00	-	\$472.50
11/28/2022		Receipt and review Plaintiff's Memo in opposition to motion for summary judgment including numerous exhibits thereto.  Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
11/15/2022		Receipt and review of Notice of Motion for Summary Judgment from Florence County Clerk of Court.  Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
11/14/2022		Preparation of file materials for production with Defendant's second supplemental discovery responses.  Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
11/14/2022		Preparation of correspondence to Attorney Grote re Defendants' second supplemental discovery responses.  Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
11/11/2022		Preparation of Defendants' Second Supplemental Answers to Plaintiff's	15633.03915 Barbara L. Sarb v. Julie W.	Erin Brown	0.40h	\$95.00	-	\$38.00
					267.00h		\$0.00	\$55,393.00
							0.00h	267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		Interrogatories and Second Supplemental Requests for Production. ● Billed invoice 32492	Phillips and Joseph M. Phillips					
11/08/2022	🕒	Receipt and review Plaintiff's Motion for Summary Judgment. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.40h	\$225.00	-	\$90.00
09/19/2022	🕒	Completed review of documents produced by John Ethridge. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
09/16/2022	🕒	Began review of documents produced by John Ethridge. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00h	\$225.00	-	\$225.00
09/09/2022	🕒	Additional proofing and revisions of amended motion for summary judgment. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.50h	\$225.00	-	\$112.50
09/09/2022	🕒	Final edits to Amended Motion and filing of same. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00h	\$225.00	-	\$225.00
09/08/2022	🕒	Continued working on Memo for Summary Judgment. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	4.00h	\$225.00	-	\$900.00
09/07/2022	🕒	Memo to EAL re: summary	15633.03915	Robert King	0.10h	\$225.00	-	\$22.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		Judgment strategy. ● Billed invoice 32492	Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips					
09/07/2022	🕒	Proofing and revision of amended motion for summary judgment. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.40h	\$225.00	-	\$90.00
09/07/2022	🕒	Prepared Amended Motion for Summary Judgment. ● Billed invoice 32492	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.50h	\$225.00	-	\$112.50
08/30/2022	🕒	Receipt and review Plaintiff's Motion to exempt from mediation prepared defendant's motion for summary judgment. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
08/25/2022	🕒	Prepared Memo for Summary Judgment. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	5.00h	\$225.00	-	\$1,125.00
08/24/2022	🕒	Email communication with Plaintiff's counsel regarding mediation. Email communication with Kirby at Attorney Folens' office regarding availability to mediate. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.60h	\$95.00	-	\$57.00
08/24/2022	🕒	Research for Motion for Summary Judgment. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.50h	\$225.00	-	\$562.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
Phillips								
08/19/2022		Email communication with attorney for Plaintiff regarding mediation availability.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
08/19/2022		Review of Karl Folens' mediation calendar for availability. Email communication with Kirby at Attorney Folens' office regarding same.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
08/19/2022		Correspondence with opposing counsel, client and proposed mediator regarding mediation.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
08/18/2022		Correspondence with counsel concerning mediation notice and status of discovery.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
08/15/2022		Receipt and organization of Plaintiff's deposition transcript.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
06/21/2022		Prepare for and conduct deposition of Plaintiff.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	7.30h	\$225.00	-	\$1,642.50
06/20/2022		Email communication with Q&A Court Reporting regarding	15633.03915 Barbara L. Sarb v. Julie W.	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		deposition of Dr. Sarb. ● Billed invoice 30120	Phillips and Joseph M. Phillips					
06/20/2022	🕒	Email communication with Plaintiff's counsel to confirm deposition of Dr. Sarb. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
05/31/2022	🕒	Receipt and organization of Plaintiff's second supplemental discovery responses and document production. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
05/31/2022	🕒	Receipt and Review Second Supplemental Document production. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
05/20/2022	🕒	Email communication with clients regarding Plaintiff's rescheduled deposition. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
05/20/2022	🕒	Email communication with Q&A Court Reporting reQuesting coverage of Plaintiff's deposition. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
05/20/2022	🕒	Preparation of Revised Notice of Deposition of Plaintiff and correspondence to Attorney Grote regarding same. ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
05/17/2022		Email communication with Ian at Attorney Grote's office regarding deposition of Dr. Sarb.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/29/2022		Receipt and organization of Defendants' deposition transcripts.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/15/2022		Email communication with Heather at Q&A Court Reporting regarding rescheduling Plaintiff's deposition.  Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/14/2022		Meet with clients to prepare for depositions of Defendants to attend same.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	5.10h	\$225.00	-	\$1,147.50
03/13/2022		Completed question areas for Plaintiff's deposition adding Bates numbers to reference document production during deposition.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.60h	\$225.00	-	\$585.00
03/11/2022		Review and summarize .wav file (voicemail from Ely Grote to Joe McLane).  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/09/2022		Prepare documents for client and prepare meeting information to meet with client to prepare for depositions.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.90h	\$225.00	-	\$427.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548						
03/08/2022	🕒	File review to prepare for deposition ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
03/04/2022	🕒	Completed review of supplemental document production organized same to prepare for depositions. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	3.00h	\$225.00	-	\$675.00
03/03/2022	🕒	Continued review of supplemental document production. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
03/01/2022	🕒	Began review of supplemental document production and timeline development using same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.90h	\$225.00	-	\$427.50
03/01/2022	🕒	Email communication with client to schedule/confirm pre-deposition meeting. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
02/28/2022	🕒	Receipt and organization of Notice of Deposition of Defendants. Email communication with client regarding deposition confirmation and scheduling of pre-deposition meeting with Attorney Love. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
02/21/2022		Email communication with client requesting availability for depositions. Email communication with Plaintiffs' counsel regarding same.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
02/21/2022		Preparation of correspondence to Attorney Grote serving Defendants' supplemental discovery responses. Preparation of file materials for production.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.60h	\$95.00	-	\$57.00
02/19/2022		Correspondence from opposing counsel.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
02/15/2022		Review and organize documents for supplemental production.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
02/11/2022		Initial receipt and review of documents; correspondence with opposing counsel and client concerning depositions in light of supplemental document production.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
02/10/2022		Prepare order for court signature regarding miscellaneous trial preparation and support.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
02/10/2022		Receipt and organization of Plaintiff's supplemental discovery responses.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
02/07/2022		Preparation of Defendants' Supplemental Answers to Plaintiff's Interrogatories and Defendants' Supplemental Responses to Plaintiff's Requests for Production.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
02/04/2022		Phone conference with client to discuss offer of judgment.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
02/03/2022		Preparation of Revised Notice of deposition and correspondence to Attorney Grote regarding same. Email communication with Q&A Court Reporting requesting converge of same.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
02/02/2022		Email communication with Ian at Attorney Grote's office regarding Dr. Sarb's deposition.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
01/24/2022		Email communication with Plaintiff's counsel regarding cancellation of Plaintiff's deposition. Email communication with Q&A Court Reporting regarding same.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548						
01/19/2022	🕒	Preparation of Notice of Deposition and correspondence serving same. Email communication with Plaintiff's counsel regarding deposition of plaintiff. Email communication with Q&A court reporting regarding depositions. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.70h	\$95.00	-	\$66.50
01/18/2022	🕒	Email communication with Plaintiff's counsel regarding deposition of Dr. Sarb. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
01/10/2022	🕒	Email communication with client regarding pre-deposition meeting with Attorney Love. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
01/07/2022	🕒	Email communication with clients regarding depositions. Email communication with Ian at Attorney Grote's office regarding same. Preparation of correspondence to Defendants regarding depositions. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.80h	\$95.00	-	\$76.00
01/04/2022	🕒	Email communication with Plaintiff's counsel regarding depositions. Email communication with client regarding same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
11/29/2021		Review of State Farm letter to clients denying coverage and defense to plaintiff's claims.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.10h	\$225.00	-	\$22.50
11/28/2021		Begin review of State Farm policy, coverage materials, and pleadings for coverage determination and possible challenge to State Farm denial letter.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.50h	\$225.00	-	\$112.50
10/19/2021		Receipt and review Reply to Counterclaims (Amended)  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
10/18/2021		Phone conference and correspondence with State Farm ☐ email ☐ to client and to opposing counsel concerning same.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.50h	\$225.00	-	\$112.50
10/14/2021		Email communication with client to confirm cancellation of depositions.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
10/11/2021		Telephone conference with State Farm to file claim.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
10/08/2021		Correspondence regarding insurance take over of file.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.40h	\$225.00	-	\$90.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
Phillips								
10/07/2021		Correspondence with opposing counsel regarding insurance coverage and denial letters final edits to Answer to Amended Complaint and e-filing of same.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
10/05/2021		Prepared Answer to Amended Complaint with Counterclaims.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.50h	\$225.00	-	\$337.50
09/29/2021		Email communication with Plaintiff's counsel regarding depositions.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
09/28/2021		Email communication with client regarding availability for depositions.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
09/28/2021		Email communication with Roxann at Attorney Grote's office regarding depositions.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
08/27/2021		Email communication with Plaintiff's counsel regarding depositions.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
08/27/2021		Email communication with client regarding depositions.	15633.03915 Barbara L. Sarb v. Julie W.	Erin Brown	0.20h	\$95.00	-	\$19.00

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548	Phillips and Joseph M. Phillips					
08/24/2021	🕒	Email communication with client regarding depositions. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
08/10/2021	🕒	Attend hearing on Motion to Amend. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
08/09/2021	🕒	Prepare for hearing research prejudice to Defendants. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.80h	\$225.00	-	\$630.00
08/04/2021	🕒	Began preparation for hearing on Motion to Amend. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.40h	\$225.00	-	\$315.00
07/20/2021	🕒	Receipt and review of Notice of Hearing issued by Florence Clerk of Court. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
05/20/2021	🕒	Email communication with Megan at AT&T regarding production of content of text messages. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
05/20/2021	🕒	Receipt and organization of records produced by AT&T. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
			Phillips					
05/20/2021		Receipt and review documents from AT&T.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
05/11/2021		Preparation of revised Subpoena and Exhibit A (removing names corresponding to phone numbers provided). Email communication of same to AT&T and Plaintiff's counsel.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
05/11/2021		Email communication with Megan Nadeau at AT&T regarding subpoena.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
05/10/2021		Telephone conference with Megan Nadeau at AT&T regarding subpoena.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
04/30/2021		Preparation of Correspondence to AT&T regarding subpoena.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
04/26/2021		Summarize records from HopeHealth to add to notes/timeline.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
04/20/2021		Preparation of revised subpoena to	15633.03915	Erin Brown	0.30h	\$95.00	-	\$28.50

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		AT&T. Preparation of correspondence to Attorney Grote regarding same. ● Billed invoice 28548	Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips					
03/25/2021	🕒	Review of file contents to prepare Requests for Admission. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
03/25/2021	🕒	Filing TC Sonya Wise re: trial evaluation, possibility of continuance, upcoming expert depositions, delaying pretrial report until after depositions and/or continuance, etc. e-mails with Sonya Wise re: trial cost estimate e-mails with opposing counsel re: continuance, depositions, 40% possibility, etc. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	1.00h	\$225.00	-	\$225.00
03/25/2021	🕒	Receipt, review, and edit defendants' proposed requests to admit to plaintiff. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.10h	\$225.00	-	\$22.50
03/18/2021	🕒	Receipt and review records from MUSC endocrinology. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
03/17/2021	🕒	Telephone conference with Roper St. Francis Physician Partners regarding request for plaintiff's records. Resend request via fax.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548						
03/17/2021	🕒	Receipt and organization of Plaintiff's records from McLeod Internal Medicine and McLeod Endocrinology. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
03/17/2021	🕒	Receipt and review records from McLeod Primary Care. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
03/15/2021	🕒	Receipt and organization of Plaintiff's subpoena to Allstate. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
03/05/2021	🕒	Zoom conference with client to discuss file status and latest developments. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
03/01/2021	🕒	Receipt and review documents produced by Occidental Insurance Co. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
02/26/2021	🕒	Receipt and organization of subpoenaed records from Occidental Fire & Casualty. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
02/24/2021	🕒	Phone conference with attorney for City of Florence.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548	Phillips					
02/22/2021	🕒	Receipt and review records from Hope health for impact same may have upon issues of liability and damages. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.80h	\$225.00	-	\$180.00
02/19/2021	🕒	Receipt and review of plaintiff's records from HopeHealth. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
02/18/2021	🕒	Correspondence to opposing counsel regarding proposed amendment to complaint. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
02/17/2021	🕒	Research Rule 15 Motion to Amend and defenses to same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.10h	\$225.00	-	\$472.50
02/17/2021	🕒	Teleconference with EAL re: facts of case, analysis of plaintiff's claims and defendants' counterclaims, strategy for opposing plaintiff's Rule 15 motion to amend, etc. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.40h	\$225.00	-	\$90.00
02/17/2021	🕒	Review of complaint, proposed amended complaint, housing disclosures, and sales contract re: developing arguments in opposition to plaintiff's Rule 15	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Robert King	0.30h	\$225.00	-	\$67.50
					267.00h		\$0.00	\$55,393.00
							0.00h	267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		motion to amend. ● Billed invoice 28548						
02/16/2021	🕒	Preparation of correspondence to Occidental Fire and Casualty Company of NC regarding subpoena. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
02/15/2021	🕒	Receipt and review Amended Complaint and Summons. Researched amendment issues. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.80h	\$225.00	-	\$180.00
02/05/2021	🕒	Preparation of subpoena to Occidental Fire & Casualty Company of NC. Preparation of correspondence to attorney Grote re same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
02/04/2021	🕒	Receipt and review subpoenas to be sent by Plaintiff to formulate any objections to same. Correspondence with client regarding same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
01/27/2021	🕒	Receipt and review information produced by State Farm for impact same may have upon coverage for loss claimed by Plaintiff. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.40h	\$225.00	-	\$315.00
01/25/2021	🕒	Preparation of FOIA request to City	15633.03915	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		of Florence. ● Billed invoice 28548	Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips					
01/25/2021	🕒	Receipt and review of Plaintiff's supplemental document production and added same to timeline notes for litigation planning purposes. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	5.60h	\$225.00	-	\$1,260.00
01/21/2021	🕒	Receipt and organization of Plaintiff's First Supplemental document production (1,148 photos/1 second videos) and First Supplemental Discovery Responses. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
01/15/2021	🕒	Receipt and review medical records produced by McLeod Pulmonary and Critical Care. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.80h	\$225.00	-	\$180.00
01/13/2021	🕒	Review of Plaintiff's witness list compared to Plaintiff's list of witnesses in discovery responses to identify anyone missing. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
01/11/2021	🕒	Receipt and review subpoenaed records from McLeod Digestive Health Center. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
01/06/2021	🕒	Receipt and review documents from Florence Neurosurgery	15633.03915 Barbara L. Sarb v. Julie W.	Ed Love	0.60h	\$225.00	-	\$135.00
					267.00h		\$0.00	\$55,393.00
							0.00h	267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		regarding employment personnel file. ● Billed invoice 28548	Phillips and Joseph M. Phillips					
01/04/2021	🕒	Telephone conference with Roper St. Francis Physician Partners regarding subpoena (new address). ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
01/04/2021	🕒	Preparation of subpoena and correspondence to Roper St. Francis Physician Partners. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
01/04/2021	🕒	Telephone conference with Andrea at Dr. Gayle Brooks office regarding subpoena. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
12/30/2020	🕒	Receipt and review medical records subpoenaed from McLeod Neurology Associates. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.40h	\$225.00	-	\$90.00
12/30/2020	🕒	Receipt and organization of Plaintiff's subpoenaed records from McLeod Neuro. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
12/23/2020	🕒	Preparation of correspondence to Attorney Grote regarding defendants' discovery responses. Preparation of file materials for production to Attorney Grote.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548						
12/22/2020	🕒	Reviewed, edited and finalized written discovery responses, organized documents and scanned documents for document production.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.90h	\$225.00	-	\$652.50
		● Billed invoice 28548						
12/18/2020	🕒	Preparation of revised subpoena to Florence Neurosurgery. Preparation of correspondence to MUSC Health Endocrinology, Mcleod Pulmonary & Critical Care, Mcleod Primary Care, Mcleod Neurology, Mcleod Digestive Health, Hope Health, Florence Neuro & Spine and Gayle Brook DO regarding subpoenas.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00h	\$95.00	-	\$95.00
		● Billed invoice 28548						
12/18/2020	🕒	Final review of subpoenas and communication with opposing counsel concerning same.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
		● Billed invoice 28548						
12/17/2020	🕒	Email communication to client requesting additional information to complete discovery responses.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
		● Billed invoice 28548						
12/17/2020	🕒	Continued preparation of Defendant's discovery responses to include information provided by Defendant.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.50h	\$95.00	-	\$142.50
					267.00h		\$0.00	\$55,393.00
							0.00h	267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548						
12/17/2020	🕒	Completed review of documentation produced by client. review of proposed discovery answers. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.30h	\$225.00	-	\$292.50
12/16/2020	🕒	Receipt and review documents from client to produce in discovery. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.60h	\$225.00	-	\$360.00
12/11/2020	🕒	Correspondence with opposing counsel regarding subpoenas and Rule 11 requirements. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.80h	\$225.00	-	\$180.00
12/07/2020	🕒	Email communication with client regarding discovery requests to be completed by client. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.10h	\$95.00	-	\$9.50
12/04/2020	🕒	Continued preparation of Defendants' discovery responses. Preparation of list of questions to be answered by client. Telephone conference with client regarding same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00h	\$95.00	-	\$95.00
12/04/2020	🕒	Begin organizing document production and making notes on same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.40h	\$225.00	-	\$540.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
12/02/2020		Preparation of subpoenas for Plaintiff's medical records from: Dr. Broo□ Hope Health (Dr. Patel), McLeod Digestive Health Center (Dr. Chowdhardy), McLeod Neurology Assoc (Dr. McCaffrey), McLeod Primary Care (Dr. Shelton), McLeod Pulmonary & Critical Care and MUSC Health Endocrinology. Subpoena to AT&T for Plaintiff's phone records and subpoena to Florence Neurosurgery and Spine Center for Plaintiff's employment records. Preparation of correspondence to Attorney Grote regarding same.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.40h	\$95.00	-	\$133.00
12/02/2020		Review of Plaintiff's discovery responses and exhaustive document production (approximately 400 pages)  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	3.50h	\$225.00	-	\$787.50
11/24/2020		Began responding to Plaintiff's Re□uests for Production.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.70h	\$225.00	-	\$157.50
11/24/2020		Receipt and review documents produced by Willcox Law Firm in response to subpoena.  Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
11/20/2020		Receipt and organi□ation of Plaintiff's discovery responses and	15633.03915 Barbara L. Sarb v. Julie W.	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		document production. ● Billed invoice 28548	Phillips and Joseph M. Phillips					
10/29/2020	🕒	Continued review of documents produced by Remax (email correspondence of Adam Crosson). ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
10/28/2020	🕒	Receipt and organization of emails and file materials from Adam Crosson. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
10/28/2020	🕒	Initial preparation of Defendant's Answers to Plaintiff's Interrogatories and Defendant's Responses to Plaintiff's Requests for Production. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.40h	\$95.00	-	\$38.00
10/28/2020	🕒	Correspondence with ReMax receipt and review document production in response to subpoena. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
10/23/2020	🕒	Receipt and review discovery requests correspondence with opposing counsel regarding same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.40h	\$225.00	-	\$90.00
10/12/2020	🕒	Review of documents produced by Housemaster for impact same may have upon the issue of liability and	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.70h	\$225.00	-	\$382.50
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		reliance. ● Billed invoice 28548	Phillips					
10/12/2020	🕒	Receipt and review Reply to Counterclaim. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
10/06/2020	🕒	Phone conference with potential counsel for Plaintiff on counter-claim. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
09/28/2020	🕒	Receipt and review correspondence from Plaintiff's counsel regarding attorney client privilege asserted with closing attorney. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
09/28/2020	🕒	Receipt and review correspondence from Plaintiff's counsel regarding Rule 45 subpoenas. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.20h	\$225.00	-	\$45.00
09/25/2020	🕒	Receipt and review letter from opposing counsel to closing attorney's correspondence with closing attorney in response to same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.30h	\$225.00	-	\$67.50
09/24/2020	🕒	Telephone conference with Dana at State Farm regarding production of Defendants/clients' policy.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
					267.00h		\$0.00	\$55,393.00
							0.00h	267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548	Phillips					
09/21/2020	🕒	Preparation of correspondence to Willcox, Buycor & Williams Remax and Housemaster regarding subpoenas. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.60h	\$95.00	-	\$57.00
09/10/2020	🕒	Telephone conference with Julie Barfield at local State Farm office regarding request for Phillips' policy effective on 7/26/2019. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
09/10/2020	🕒	Telephone conference with State Farm main office regarding client's policy. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.20h	\$95.00	-	\$19.00
09/10/2020	🕒	Prepared well-crafted and researched written discovery requests to Plaintiff. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	2.10h	\$225.00	-	\$472.50
09/09/2020	🕒	Preparation of subpoenas to ReMax, Willcox, Buycor & Williams and House Master. Preparation of correspondence to Attorney Grote regarding same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.80h	\$95.00	-	\$76.00
09/09/2020	🕒	Memo to EAL re: research on affirmative defenses and additional causes of action re: answer and counterclaim.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Edward Henderson	0.70h	\$0.00	-	\$0.00
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548						
09/09/2020	🕒	At direction of EAL, review complaint, answer, and case file materials to determine additional necessary causes of action and affirmative defenses. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Edward Henderson	1.10h	\$0.00	-	\$0.00
09/09/2020	🕒	Final research on causes of action in defending claims of buyer in residential real estate transaction. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.40h	\$225.00	-	\$315.00
09/03/2020	🕒	Research on elements of claims made by Plaintiff. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.90h	\$225.00	-	\$202.50
08/31/2020	🕒	Develop affirmative defenses and counterclaims—research same. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.20h	\$225.00	-	\$270.00
08/28/2020	🕒	Prepared Answer and began preparing counterclaims. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.10h	\$225.00	-	\$247.50
08/19/2020	🕒	Edits to Rule 11 letter—receipt and review of pleadings. ● Billed invoice 28548	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	0.60h	\$225.00	-	\$135.00
08/18/2020	🕒	Rule 11 sanctions letter to opposing counsel.	15633.03915 Barbara L. Sarb v. Julie W.	Ed Love	0.70h	\$225.00	-	\$157.50
					267.00h		\$0.00	\$55,393.00
							0.00h	267.00h

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28548	Phillips and Joseph M. Phillips					
08/11/2020	🕒	Review of Summons and Complaint. Preparation of contacts and matter notes for new file.	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	0.30h	\$95.00	-	\$28.50
		● Billed invoice 28548						
					267.00h		\$0.00 0.00h	\$55,393.00 267.00h

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EXHIBIT 2

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
10/10/2023	\$	Filing Fee: Motion for Attorney Fees ● Unbilled	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00	\$31.74	-	\$31.74
09/25/2023	\$	NIC/Florence County Court of Common Pleas efilng fee ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$31.74	-	\$31.74
09/18/2023	\$	LexisNexis research fee ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00	\$474.89	-	\$474.89
09/08/2023	\$	DSIGNZ trial exhibits ● Billed invoice 33547	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$513.00	-	\$513.00
08/31/2023	\$	LexisNexis research ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00	\$35.11	-	\$35.11
08/23/2023	\$	LexisNexis research ● Billed invoice 33279	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Ed Love	1.00	\$34.88	-	\$34.88
06/22/2023	\$	NIC/Florence County Court of Common Pleas efilng fee ● Billed invoice 32591	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$31.74	-	\$31.74
06/15/2023	\$	LexisNexis research ● Billed invoice 32852	15633.03915 Barbara L. Sarb v. Julie W.	Ed Love	1.00	\$24.99	-	\$24.99

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
			Phillips and Joseph M. Phillips					
11/14/2022	\$	Postage \$4.50 ● Billed invoice 32493	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$4.50	-	\$4.50
09/09/2022	\$	NIC/Florence County Court of Common Please efilng fee ● Billed invoice 32493	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$31.74	-	\$31.74
08/31/2022	\$	Florence County Court of Common Pleas efilng fee ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$31.74	-	\$31.74
07/05/2022	\$	Print/Copies - 96 pages @ \$0.10/page ● Billed invoice 30120	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Lesley Wiggins	96.00	\$0.10	-	\$9.60
03/07/2022	\$	M&M Printing & Graphics ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$59.00	-	\$59.00
02/21/2022	\$	Postage - \$4.50 Defendant's supplemental discovery responses) ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$4.50	-	\$4.50
02/11/2022	\$	Print/copies - 953 pages (printing of supplemental document production)	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$95.30	-	\$95.30

ELECTRONICALLY FILED - 2023 Oct 12 3:58 PM - FLORENCE - COMMON PLEAS - CASE#2020CP2101817

Activities Export

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		● Billed invoice 28549						
06/08/2021	\$	AT&T records ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$395.00	-	\$395.00
05/20/2021	\$	Print/Copies - 92 pages @ \$0.10/page (AT&T records) ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$9.20	-	\$9.20
04/23/2021	\$	CIOX/Roper St. Francis Physician Partners medical records ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$69.90	-	\$69.90
03/17/2021	\$	CIOX/MUSC Endo Florence medical records for Barbara Sarb ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$111.69	-	\$111.69
03/17/2021	\$	CIOX/McLeod Internal Medicine medical records for Barbara Sarb ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$98.52	-	\$98.52
03/17/2021	\$	Print/Copies - 115 pages @ \$0.10/page = \$11.50 (records from McLeod Endocrinology) ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$11.50	-	\$11.50
03/17/2021	\$	Print/Copies - 90 pages @ \$0.10/page = \$9.00 (Records from McLeod Internal	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$9.00	-	\$9.00
							\$0.00 0.00h	\$2,310.11 0.00h

ELECTRONICALLY FILED - 2023 Oct 12 3:58 PM - FLORENCE - COMMON PLEAS - CASE#2020CP2101817

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Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		Medicine) ● Billed invoice 28549	Phillips					
02/19/2021	\$	Print/Copies - 23 pages @ \$0.10/ page ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$2.30	-	\$2.30
02/16/2021	\$	Print/Copies - 15 pages @ \$0.10/ page ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$1.50	-	\$1.50
02/15/2021	\$	CIOX/HopeHealth medical records for Barbara Sarb ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$60.11	-	\$60.11
01/19/2021	\$	Data Resources Unlimited, Inc. medical records for Barbara Sarb ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$64.21	-	\$64.21
01/18/2021	\$	Data Resources Unlimited, Inc. medical records for Barbara Sarb ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Leigh King	1.00	\$48.11	-	\$48.11
01/05/2021	\$	Postage ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Lesley Wiggins	1.00	\$2.00	-	\$2.00
12/23/2020	\$	Print/copies - 48 pages @ \$0.10/ page ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$4.80	-	\$4.80

ELECTRONICALLY FILED - 2023 Oct 12 3:58 PM - FLORENCE - COMMON PLEAS - CASE#2020CP2101817

Activities Export

10/12/2023
9:04 AM

Date ▼	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
12/23/2020	\$	Postage ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Erin Brown	1.00	\$4.60	-	\$4.60
09/10/2020	\$	Print/Copies - 32 pages @ \$0.10/page ● Billed invoice 28549	15633.03915 Barbara L. Sarb v. Julie W. Phillips and Joseph M. Phillips	Lesley Wiggins	32.00	\$0.10	-	\$3.20
							\$0.00 0.00h	\$2,310.17 0.00h

ELECTRONICALLY FILED - 2023 Oct 12 12:58 PM - FLORENCE - COMMON PLEAS - CASE#2020CP2101817

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS
FOR THE 12TH JUDICIAL CIRCUIT
C/A No.: 2020-CP-21-01817

Barbara L. Sarb,

Plaintiff,

v.

Julie W. Phillips and Joseph M. Phillips,

Defendants.

**PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTION FOR ATTORNEY'S FEES
AND COSTS**

COMES NOW, the Plaintiff, Barbara L. Sarb, by and through her undersigned counsel, and hereby submits this memorandum in opposition to Defendants' Motion for Attorney's Fees and Costs.

INTRODUCTION

In their motion and supporting memorandum filed on October 12, 2023, Defendants assert that they are entitled to an award of attorney's fees and costs pursuant to an "Agreement/Contract: To Buy and Sell Real Estate (Residential)" between Plaintiff and Defendants, a copy of said contract is attached to Defendants' memorandum in support of their motion for attorney's fees and costs (hereinafter, the "Purchase Contract"). The relevant provision of the Purchase Contract is Paragraph 23 entitled "Default/Breach of Contract", which provides:

23. DEFAULT/BREACH OF CONTRACT:

- (A) If Seller defaults in the performance of any of the Seller's obligations under this Contract ("Default"), Buyer may:
 - (i) Deliver Notice of Default to Seller and terminate Contract; and
 - (ii) Pursue any remedies available to Buyer at law or equity; and
 - (iii) Recover attorneys' fees and all other direct costs of litigation if Seller found in default/breach of Contract.
- (B) If Buyer defaults in the performance of any of the Buyer's obligations under this Contract ("Default"), Seller may:
 - (i) Deliver Notice of Default to Buyer and terminate Contract; and
 - (ii) Pursue any remedies available to Seller at law or equity; and
 - (iii) Recover attorneys' fees and all other direct costs of litigation if Buyer found in default/breach of Contract.
- (C) If either/both Parties default, Parties agree to sign an escrow deposit disbursement agreement or release agreement.
- (D) Parties may agree in writing to allow a Cure Period for a default. If within the Cure Period, either Party cures the Default and Delivers Notice, Parties shall proceed under the Contract.

LAW/ANALYSIS

1. *The Jury Did Not Find Plaintiff to Be in Default/Breach of the Purchase Contract*

Pursuant to Paragraph 23 of the Purchase Contract set forth above, in order for Defendants (the Sellers) to be eligible to recover attorney's fees and costs pursuant to the Purchase Contract, it is required that Plaintiff (the Buyer) must have first been found to be in default/breach of the Purchase Contract. In this case, the jury never made any finding that Plaintiff was in default/breach of the Purchase Contract; therefore, Defendants cannot recover attorney's fees and costs under the Purchase Contract. While Defendants asserted counterclaims for breach of contract in their Answer and Counterclaims to Plaintiff's Amended Complaint filed on October 8, 2021, the issue of breach of contract by Plaintiff never actually went to the jury and was never actually decided by the jury. The jury was never charged as to a counterclaim for breach of contract by Plaintiff. Instead, the jury was simply charged that the Defendants alleged that Plaintiff failed to adequately inspect the property, and as a result, they were entitled to damages. Nothing in the jury charge ever informed the jury of a claim by Defendants for breach of contract. Likewise, the verdict form never informed the jury of any counterclaim for breach of contract, nor did the verdict form ask the jury to decide whether Plaintiff had breached the Purchase Contract. The verdict form simply asked the jury to determine whether Plaintiff was liable "as to Defendant's claim for Failing to Adequately Inspect the Property."¹ Notably, the verdict form specifically listed all of Plaintiff's causes of action by name, including her causes of action for breach of contract and breach of

¹ The Verdict form was filed on September 15, 2023, and a copy is also attached as Exhibit A to Plaintiff's Motion for Attorney's Fees and Costs filed on October 12, 2023.

contract accompanied by a fraudulent act. Specifically, item six (6) on the verdict form asked the jury to determine whether Defendants were liable “As to Breach of Contract” and item seven (7) on the verdict form asked the jury to determine whether Defendants were liable “As to Breach of Contract Accompanied by a Fraudulent Act.” However, again, item eight (8) of the verdict form only asked the jury to determine whether Plaintiff was liable “As to Defendant’s claim for Failing to Adequately Inspect the Property”, and did not mention breach of contract. If the Defendants intended the jury to decide the issue of breach of contract by Plaintiff, the jury should have been charged as such and the verdict form should have instead specifically mentioned a claim by Defendants for breach of contract.

In order to find that Plaintiff breached the Purchase Contract, the jury would have had to determine at least two things: (1) that Plaintiff failed to adequately inspect the property in question; and (2) that such failure to adequately inspect constituted a breach of the Purchase Contract. In this case, the second part is missing. While the jury may have found that Plaintiff failed to adequately inspect the property, there was never any finding by the jury that such failure is a breach of the Purchase Contract. Again, the jury was not charged as to a counterclaim for breach of contract, nor did the verdict form ask the jury to decide whether Plaintiff had breached the Purchase Contract. As such, Plaintiff was never found to have breached the Purchase Contract, and thus Defendants cannot recover attorney’s fees and costs under the terms of the Purchase Contract.

2. An Award of Attorney’s Fees and Costs Under the Purchase Contract is Discretionary and Not Mandatory

In their motion and supporting memorandum, Defendants seem to assert that an award of attorney’s fees and costs is mandatory under the terms of the Purchase Contract, rather than discretionary. Plaintiff disagrees. Paragraph 23 of the Purchase Contract (included above) clearly

provides that if the Buyer (Plaintiff) defaults in the performance of her obligations under the contract, the Seller (Defendants) “may” recover attorney’s fees and costs if the Buyer is found in default/breach of the contract. The use of the word “may” signifies that an award of attorney’s fees and costs is discretionary, rather than mandatory. Had an award of attorney’s fees and costs been intended to be mandatory, the Purchase Contract could have easily indicated that by using different language such as “shall” or “must”, rather than “may”.

While Plaintiff denies that Defendants are even eligible for an award of attorney’s fees and costs under the Purchase Contract as set forth above, in the event the Court determines otherwise, Plaintiff asserts that a discretionary award of attorney’s fees and costs to Defendants under the Purchase Contract should nonetheless not be made in this case. In this case, the jury found the Defendants liable for violating The Residential Property Condition Disclosure Act (S.C. Code Ann. § 27-50-10 to -110), and awarded \$70,000 in damages to Plaintiff as a result of such violation(s). The Residential Property Condition Disclosure Act is intended to be a consumer protection statute to protect a buyer against the risks associated with undisclosed defects in property, and to provide a remedy to buyers for undisclosed defects. See Gladden v. Boykin, 402 S.C. 140, 144, 739 S.E.2d 882, 884 (2013). In this case, it would be inequitable, unfair, and contrary to public policy to make the victim of the Defendants’ misrepresentations have to pay the Defendants’ attorney’s fees and costs. Equity and public policy simply would not be served by making the victim of Defendants’ misrepresentations have to pay any portion of Defendants’ attorney’s fees and costs.

3. The Amount of the Award of Attorney’s Fees and Costs Sought By Defendants Is Not Reasonable

There are six factors to be considered in determining a reasonable attorney's fee: (1) the nature, extent and difficulty of the legal services rendered; (2) the time and labor necessarily devoted to the case; (3) the professional standing of counsel; (4) the contingency of compensation; (5) the fee customarily charged in the locality for similar legal services; and (6) the beneficial results obtained. Baron Data Sys., Inc. v. Loter, 297 S.C. 382, 384-85, 377 S.E.2d 296, 297 (1989).

First, with respect to factors (1) and (2), it is patently evident from the trial of this matter as well as time records submitted by Defendants' counsel in support of Defendants' motion for attorney's fees and costs that the vast majority of time devoted to this case by Defendants' counsel related to defending Plaintiff's claims, rather than devoted to pursuing counterclaims for breach of contract. Some examples of matters that time was spent on that are unrelated to Defendants' counterclaim(s) include, but are not limited to:

- Defendants' post-trial motions were unrelated to Defendants' counterclaim(s).
- Time spent on seeking summary judgment as to Plaintiff's claims is unrelated to Defendants' counterclaim(s).
- Time spent on contesting Plaintiff's motion to amend her complaint is unrelated to the counterclaim(s).
- Most, if not all, of the subpoenas issued on behalf of Defendants were unrelated to the counterclaim(s), such as subpoenas to Plaintiff's employer and Plaintiff's medical providers, and thus much of the document review also appears to be unrelated to the counterclaim(s).
- Very little discovery was devoted to the counterclaim(s).
- It is unlikely that any significant portion of defense counsel's trial preparation time was devoted to the counterclaim(s).

- Very little of the trial pertained to Defendants' counterclaim(s).

Further, with respect to factor six (6) (beneficial results), it is evident that any results obtained on behalf Defendants on the counterclaim(s) were only very minimally beneficial, if beneficial at all. As noted on the verdict form, the jury initially found Plaintiff liable for \$0.00 on Defendants' claim for failing to adequately inspect the property, and then the jury came back with an amount of \$1,000.00 after the Court instructed the jury regarding an inconsistent verdict. The verdict obtained on behalf of the Defendants is less than two percent (2%) of the \$55,393.00 in attorney's fees sought by Defendants. Further, whether Defendants limited the amount of Plaintiff's verdict or the number of causes of action that Plaintiff prevailed under are irrelevant to whether beneficial results were obtained with respect to the counterclaim(s). Likewise, how the verdict in favor of Plaintiff compares to any settlement offers as to Plaintiff's claims is also irrelevant to whether beneficial results were obtained with respect to the counterclaim(s). Thus, the foregoing things are not things that can be considered in evaluating the reasonableness of Defendants' request for attorney's fees under the Purchase Contract with respect to Defendants' counterclaim(s). Further, any reference by Defendants to offers at the mediation on April 26, 2023, is improper and cannot be considered. Discussions and communications at mediation are confidential, and reference to offers at mediation is a violation of the mediation agreement as well as the ADR Rules and such information cannot be considered in connection with Defendants' motion. See Rule 8, SCADR. Additionally, it is nonetheless also misleading to compare any settlement offers or communications as to Plaintiff's claims to the jury verdict of \$70,000 actual damages awarded to Plaintiff, as the issue of attorney's fees has not yet been decided. Any settlement offers or considerations by Plaintiff as to her claims necessarily included consideration

of recoverable attorney's fees, which are not part of the jury verdict and which have not yet been decided by the Court.

Lastly, Defendants' request for costs included \$569.87 for legal research fees though LexisNexis. It is respectfully asserted that any such expenses should be considered firm overhead rather than a recoverable cost. Further, \$474.89 of the research fees appears to be for research performed on September 18, 2023, and when correlated to the time entry of the corresponding date, it appears evident that such research was related to Defendants' post-trial motions. As mentioned above, Defendants' post-trial motions were unrelated to their counterclaim(s), and thus this research fee appears to be an expense unrelated to Defendants' counterclaim(s). Consequently, this amount should not be recoverable under the Purchase Contract.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that Defendants' motion for attorney's fees and costs be denied and that no award of attorney's fees and costs be made to Defendants under the Purchase Contract. In the event the Court does not completely deny Defendants' motion for attorney's fees and costs, Plaintiff respectfully requests that any award be reduced from the amount claimed by Defendants to a reasonable amount as discussed hereinabove and in accordance with South Carolina law.

Respectfully submitted,

MCCABE, TROTTER & BEVERLY, P.C.

/s/ Valerie Garcia Giovanoli

Valerie Garcia Giovanoli, SC Bar No. 102524

/s/ Ely O. Grote

Ely O. Grote, SC Bar No. 75379

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ely.grote@mccabetrotter.com
ATTORNEYS FOR PLAINTIFF

October 20, 2023

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Barbara L. Sarb,

Plaintiff,

v.

Julie W. Phillips and Joseph M. Phillips,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE 12TH JUDICIAL CIRCUIT
C/A No.: 2020-CP-21-01817

**SUPPLEMENTAL AFFIDAVIT OF
ELY O. GROTE**

21624.2

PERSONALLY appeared before me Ely O. Grote, who first being duly sworn, deposes and says as follows:

1. I am an attorney for the Plaintiff in the above referenced matter.
2. The purpose of this Supplemental Affidavit is to supplement and correct the costs being claimed by Plaintiff in connection with Plaintiff's Motion for Attorney's Fees and Costs that was filed on October 12, 2023. Said motion and the accompanying Affidavit of Ely O. Grote inadvertently omitted Plaintiff's share of the cost of the mediation that occurred during the pendency of the suit under the ADR Rules after Plaintiff's Motion for Exemption from ADR was denied. Plaintiff's share of the cost of said mediation was \$1,400. Therefore, below is a corrected itemization of costs incurred by Plaintiff which are respectfully submitted to be costs that should rightfully be considered "court costs" under S.C. Code Ann. § 27-50-65. The listing below is a true and accurate statement of such costs incurred by Plaintiff.

Description of Cost	Amount
Copies and printing for trial (printed in-house)	\$118.85
Copies and printing for trial (third party vendor) - NOVA Office Strategies	\$725.76

Transcripts - depositions of Joseph Phillips and Julie Phillips	\$1,405.05
Transcript - deposition of Barbara Sarb	\$420.00
Court E-filing fees	\$465.98
Process server charges for service of trial subpoenas	\$300.00
Detailed attorney jury list	\$25.00
Fees charged by third parties for records subpoena responses and FOIA responses during pendency of suit	\$403.25
Witness appearance fees for trial	\$335.35
Glenn Stewart (expert witness) litigation services - affidavit in opposition to Defendants' motion for summary judgment	\$275.00
Glenn Stewart (expert witness) litigation services - preparation for trial testimony and appearance and testimony at trial	\$1,921.60
Mediation during the pendency of suit per ADR Rules - Folkens Law Firm, P.A.	\$1,400.00
Total:	\$7,795.84

3. Therefore, the corrected amount of the total award of attorney's fees and costs incurred as of October 12, 2023 sought by Plaintiff under S.C. Code Ann. § 27-50-65 in her Motion for Attorney's Fees and Costs filed on October 12, 2023, is \$191,143.24, which represents the following amounts:

- a) Attorney's fees: \$183,347.40; and
- b) Court costs: \$7,795.84.

FURTHER AFFIANT SAYETH NOT.

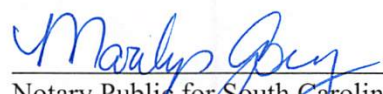
SIGNATURE PAGE TO FOLLOW

MCCABE, TROTTER & BEVERLY, P.C.



Ely O. Grote SC Bar No. 75379
4500 Ft. Jackson Blvd., Suite 250
Columbia, South Carolina 29209
Phone: (803) 724-5000 Fax: (803) 724-5001
Email(s): Ely.Grote@mccabetrotter.com
ATTORNEY FOR PLAINTIFF

SWORN to before me this 20th day
of October, 2023.



Notary Public for South Carolina
My Commission Expires: 3/10/2030



1 STATE OF SOUTH CAROLINA)
2 COUNTY OF FLORENCE)

COURT OF COMMON PLEAS

3
4 BARBARA SARB,)
5 PLAINTIFF,)
6 vs.)
7 JULIE W. PHILLIPS AND JOSEPH M.)
8 PHILLIPS,)
9 DEFENDANTS.)

TRANSCRIPT

OF

RECORD

2020-CP-21-1817

10 september 11th, 2023
11
12

13 B E F O R E:

14 THE HONORABLE H. STEVEN DeBERRY, IV, Judge and a jury.
15

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

17 ELY O. GROTE and VALERIE G. GIOVANOLI
18 ESQ.
Attorneys for the Plaintiff

19 EDWARD A. LOVE
20 ESQ.
Attorney for the Defendants
21
22

23 Transcribed by Pamela E. Green, from
24 DCRP
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I N D E X

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E X H I B I T S

<u>NOS.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
<u>Plaintiff's Exhibits</u>			
P-1	MLS Listing	28	28
P-2	Real Estate Agreement	31	32
P-3	Residential Property Conditioned Disclosure Statement	35	35
P-4	South Carolina Wood Infestation Report	42	43
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P-7	Residential Repair Addendum Agreement	63	64
P-8	Pee Dee Renovating Repair Estimate	66	66
P-9	Quote from Sims Remodeling	69	70
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P-11	Deed to 550 Wisteria Drive	77	78
P-12	Rainfall Data	83	84
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P R O C E E D I N G S

(WHEREUPON, the following is a partial transcript of record in this case as requested by Mr. Love.)

THE COURT: All right. We'll recognize Ms. Giovanoli for opening statement.

MS. GIOVANOLI: May it please the Court?

THE COURT: Yes, ma'am.

MS. GIOVANOLI: And counsel.

This case is about telling the truth.

June, 2019, after five months of looking for a new home, my client, Doctor Sarb, found what she thought was the home of her dreams. The defendants owned this house.

At the time Doctor Sarb was 54, single. She's actually a widow. It was very important to her to find a house that didn't need a lot of repairs, a home that she could live in and be comfortable in.

The defendants, the Phillips, who owned the house at the time, told her, represented to her that there were no problems with this house. After purchasing the house, however, she discovered the home was riddled with problems. At a time when Doctor Sarb should have been excited and happy about moving into a new home, she was living a nightmare.

1 This case is about telling the truth.

2 Ladies and gentlemen, I'm Valerie Garcia Giovanoli, and
3 together with my partner, Ely Grote, we represent the
4 plaintiff in this case, Doctor Barbara Sarb.

5 First and foremost, I want to thank you guys for being
6 here. I know that you've heard that before from the judge.
7 But I say it again because we truly mean it. I know many of
8 you may not want to be here today or tomorrow or for however
9 many days this trial will last. But it's extremely
10 important to our civil justice system. We do have one of
11 the best justice systems in the world and it wouldn't be
12 that way without jurors like you willing to serve. So,
13 thank you very much.

14 I'm, I'm not -- we don't want to try to bore you in
15 this case. But, unfortunately, like the judge mentioned
16 earlier, real life trials are not always as exciting as they
17 are portrayed on TV. Even the Murdaugh trial, if any of you
18 tuned into that, had some boring parts.

19 But today is really important to Doctor Sarb because
20 this case started back in 2019 and now we're here in 2023,
21 four years later, and she's finally getting the opportunity
22 to tell her story to you-all.

23 A little bit of background about Doctor Sarb. She is a
24 doctor that works here in Florence County. She previously
25 lived and worked in Myrtle Beach for 20 years as a doctor

1 before moving to Florence.

2 From 2015 till 2019 when she purchased the house that,
3 that is the subject of this case, she rented. Because she
4 still had a home in Myrtle Beach where she spent her
5 weekends, she rented a home, an apartment actually here, and
6 ultimately decided, in 2019, to take a leap and purchase a
7 home in Florence County and call this, this beautiful county
8 home.

9 It's that leap that led her to 550 Wisteria Drive.
10 That is the home that is the subject of this case. And, at
11 the time, the defendants owned that home. So, her leap led
12 her to the Phillips.

13 Doctor Sarb ultimately purchased the Phillips home and,
14 under South Carolina law, sellers are required to disclose
15 certain characteristics and conditions about a home,
16 disclose any problems that there may be with a residential
17 property to a buyer.

18 The defendants, in fact, did that. They provided a
19 disclosure statement to Doctor Sarb and that disclosure
20 statement represented a clean bill of health for this home.
21 No problems. Doctor Sarb relied on that representation and
22 she ultimately went through with the purchase of the home.
23 In fact, Doctor Sarb paid a -- above the list price for this
24 home.

25 Now, Doctor Sarb's gonna testify in this case and she's

1 going to tell you everything that she has experienced. One
2 of those things was that she had multiple inspections prior
3 to the purchase of her home. She herself performed five or
4 six walk throughs, inspections looking at the home. She
5 also had a contractor inspect the house. She also paid for
6 a certified home inspector to inspect the house and she also
7 had a wood infestation inspection performed.

8 Despite the multitude of inspections that she had
9 performed, none of them discovered the latent defects that
10 she discovered after purchasing the home and that were not
11 disclosed by the defendants.

12 So, what are the problems with the house is probably
13 what you guys are thinking and it starts with one of the
14 biggest problems. Basement flooding.

15 So, this house is a split level home. The first floor
16 is the main living space. You enter it from the front of
17 the house and there's a secondary basement below that in the
18 back of the house from which you enter through a backdoor.
19 They are separate spaces.

20 In fact, Doctor Sarb's gonna testify that the listing
21 for this house actually advertised that basement as a heated
22 and cooled man cave.

23 This was a real selling point for Doctor Sarb. She
24 actually is very involved in arts and crafts and she wanted
25 a space of her own to have her arts and crafts set up

1 separate and apart from her home, from, from the living
2 space.

3 After she purchased the house, and that was in July of
4 2019, in August, the rain started and immediately the
5 basement started flooding and Doctor Sarb's going to tell
6 you about the floods. In fact, with every rainfall, the
7 basement was flooding and it got to the point where the
8 basement was constantly wet. Anywhere from 1 to 4-inches of
9 water in the basement. It was unusable.

10 It also, because of the moisture in the basement that
11 ultimately infiltrated into the living space, it caused her
12 other problems, respiratory problems, coughing. She had
13 headaches. She had arthritis pain, pain in her joints,
14 muscles pains.

15 Ultimately, all of these issues led her to move out of
16 the house. While she was out of the house though, she
17 sought help. She was looking for how to -- how am I gonna
18 fix this house, what am I gonna do. And initially she hired
19 an engineer. His name's Glenn Stewart and you're gonna hear
20 from him today.

21 Glen Stewart is gonna testify and tell you folks the
22 same thing that he told Doctor Sarb, why, where the water
23 was coming from, what was causing it, what was causing the
24 basement to leak, and what his recommendation was as far as
25 how to fix it. He ultimately -- he's gonna testify and tell

1 you guys that he ultimately came to the conclusion that the
2 water in the basement was ground water. Essentially the
3 rain would fall into the ground, infiltrate the ground, and
4 then it would actually come through the basement walls and
5 beneath the basement floor.

6 So, this was -- wall -- this water was penetrating the
7 living space of the basement. He also made a recommendation
8 on how to fix this issue and it was a pretty sunk --
9 complicated, significant project.

10 So, after that, Doctor Sarb reached out to multiple,
11 multiple contractors and she's gonna tell you the
12 contractors that she talked to to try to see can somebody
13 please fix this basement so I can live in my house -- the
14 house that I purchased. Many of those contracts said, you
15 know, this, this job's too big for me. The, the scope is
16 too much for me. I can't handle this. Some contractors
17 provided her estimates for jobs that weren't the
18 recommendation of the engineer. But, ultimately, she was
19 fortunate enough to find Nature's Barber.

20 Keith McCullum with Nature's Barber is gonna testify
21 today -- not today, but in this trial, and is gonna tell you
22 about the complexity of the project and also the cost of the
23 project, which were significant.

24 Now, you may be thinking that well, okay, so the
25 basement is flooding for Doctor Sarb and ground water is

1 infiltrating it.

2 But how do we know that the defendants knew about that?

3 They failed to disclose it. It's undisputed that that
4 was not included on the, the disclosure statement. But
5 we'll have witnesses. Robin Hatchell, for example, is
6 the -- was the next door neighbor during the period of
7 ownership of the Phillips. She is gonna testify that she
8 was the next door neighbor, neighbor and that she actually
9 knew about a flooding event that occurred while the Phillips
10 owned the house. Not only did she know about, she also
11 talked to them about it.

12 Also, Robin Hatchell, who's now in her sixties, lived
13 next door to this home, 550 Wisteria, Wisteria, since she
14 was a child. And, as a child, she actually grew up with the
15 boys that lived in that house when they were children as
16 well and they would play in the basement and her
17 testimony -- we expect her to tell you folks that it -- that
18 the basement was always wet. It was always a wet basement.
19 It was always flooding with water.

20 One of the boys that lived in that house and grew up
21 with Robin Hatchell is Joe McClain. He's an attorney here
22 in Florence and he's going to attend this trial and testify
23 and we expect him to tell you folks that, same experience,
24 that that basement was always wet. When it rained, it, it
25 flooded in the basement.

1 So, aside from the basement problems, Doctor Sarb also,
2 after she purchased the home, she also discovered sewer
3 backups. So, it started with just, after she would take a
4 bath or a shower, water would come up from the drain of the
5 shower and leave dirt and residue in the storm -- in the,
6 excuse me, in the shower pan. Then the toilet started
7 breathing and gurgling. The drains were gurgling. There
8 were noises. The sinks would actually stop draining and
9 then, ultimately, the toilet stopped flushing.

10 So, of course, like any of us would of done, Doctor
11 Sarb called a plumber to come out and look at it and that
12 plumber was Mr. Daniel Williams. Daniel Williams is going
13 to attend this trial and he's gonna testify and we expect
14 him to tell you folks the same thing that he told Doctor
15 Sarb, what he found whenever he did his inspection and tried
16 to figure out how to fix her sewer issues.

17 And what he found was that the sewer line from Doctor
18 Sarb's out to the main sewer line of the street was reverse
19 sloped meaning the gravity was pulling the water back
20 towards the house causing these backups. He's also gonna
21 testify that he found that the pipes went from a larger size
22 at the house to a smaller size where it connected at the
23 street.

24 He's anticipated to tell you folks that that's improper
25 construction and that would have caused the sewer backups.

1 Fortunately, Mr. Daniel Williams was able to repair this and
2 to re-pipe the entire sewer line and he's gonna tell you
3 about the repair that he implemented and how much that
4 costs. That's gonna be another damage that Doctor Sarb is
5 here today claiming as part of this lawsuit.

6 Now, another problem that she discovered in the home
7 was an ex -- extreme cockroach infestation. After she moved
8 into the house, she was noticing 20 or more cockroaches a
9 day and, you know, we live in South Carolina. Cockroaches
10 are, are, are a common occurrence or sight. But she
11 actually had a contractor remove some paneling in a -- in
12 one of the rooms of her home and what they discovered was
13 horrific.

14 It was cockroaches, dead and alive, nests, feces up to
15 the light sockets. Cockroaches that were living and dying
16 behind the wall.

17 Now, fortunately, we will save you guys from seeing any
18 photos or videos of that. There were no photos or videos
19 taken of that. I think everyone at the time that was
20 present, which was my client, Doctor Sarb, as well as a
21 contractor, John Sims, they're gonna testify and tell you
22 guys the details about that experience and what they saw.

23 After that, Doctor Sarb had Harris Pest Control treat
24 the home with -- in order to prevent further pest
25 infestation and get rid of what was going on in there.

1 Now, that's also gonna be part of this case and damages
2 for which she is seeking as part of this lawsuit. But
3 there's two other problems in the house that she discovered
4 that weren't disclosed.

5 One of those problems was a roof leak, a -- multiple
6 roof leaks. Shortly after she moved in she noticed that the
7 roof was leaking. And a -- after she noticed that the roof
8 was leaking, she spoke to Robin Hatchell, the lady that
9 lived next door to 550 Wisteria, and Ms. Hatchell disclosed
10 to her, and we'll disclose to this jury when she testifies,
11 that the Phillips also had roof leaks because she talked to
12 them about it. That was not disclosed in the disclosure
13 statement.

14 But, today, Doctor Sarb's not asking you guys to pay --
15 to -- for her -- you to reward her with the claim for the
16 damages for replacing her roof and that's because she did
17 have an inspection and the inspector did note that there was
18 potentially a problem with the roof and recommended that she
19 get further evaluation. So, she accepts responsibility for
20 that. But, nonetheless, another problem with the house that
21 these defendants failed to disclose.

22 Lastly, HVAC duct work. That was another problem that
23 Doctor Sarb found out after moving into the house. And
24 Doctor Sarb is going to testify and you're going to see the
25 disclosure statement that the defendants provided to Doctor

1 Sarb and it specifically stated that HVAC duct work had been
2 replaced just three years before in 2016. It was later
3 realized -- Doctor Sarb realized that that was only a small
4 percentage of the duct work, that the majority of the duct
5 work had not been replaced and was over 20 years old.

6 Again, there was a note by the inspector that the HVAC
7 duct work probably had some issues with it. And so she's
8 accepting responsibility and is not going to seek the
9 damages that she incurred in having to replace that duct
10 work. But, again, this was not disclosed by the defendants.

11 Doctor Sarb's repair costs are approximately \$97,000.
12 We're gonna provide you itemizations of the invoices that
13 she paid and the repair work that she had done. But she has
14 other costs as well of \$18,000 and that's what she's asking
15 for you guys, among other things, to find in her favor and
16 make the Phillips pay those damages.

17 You'll decide what she's entitled to as far as pain and
18 suffering. But I believe that, at the end of this case,
19 after we've presented all of the evidence, you will find in
20 favor of my client and you will agree with us that telling
21 the truth is always important.

22 Thank you again.

23 Counsel.

24 THE COURT: Mr. Love.

25 MR. LOVE: Thank you, Your Honor, opposing counsel.

1 So, basically if we are to believe everything we just
2 heard, the Phillips raised their son, Brody, and their
3 daughter, Abby Grace, they brought home to a house that was
4 ratchet, a house that nobody should be living in. If we are
5 to believe everything we just heard, then the Phillips are
6 horrible people and horrible parents. There's two sides to
7 every story.

8 Ladies and gentlemen, my name is Ed Love. It is my
9 pleasure to represent Julie Phillips and Joey Phillips in
10 this lawsuit that was filed by Doctor Sarb and has been
11 hanging over their heads for multiple years.

12 This doesn't just affect Doctor Sarb. This affects the
13 Phillips and their entire family. \$100,000 is what she's
14 gonna be asking for. Plus some other costs I hear. That
15 affects the entire future of their family. That's why this
16 case is important.

17 This is the most important document in this case, the
18 most important document, and you're gonna get to see it.
19 You're gonna get to flip the pages. You're gonna get to
20 read it.

21 This is the South Carolina Residential Property
22 Disclosure Statement. This is the form that she so heavily
23 relies upon in calling my clients liars.

24 This form reminds me of a form that you, that you have
25 to fill out when your kids play sports in school and, you

1 know, you've got this physical form, right, and you're
2 checking a box. You're checking a box. Prior conditions,
3 whatever it may be.

4 And so, you know, problem with headaches and I'm
5 thinking to myself I mean he's had a headache.

6 Is it a problem?

7 Probably not. Not something I'm concerned about. Oh,
8 no.

9 This is the very same situation. This form asks for
10 actual knowledge of problems and it defines what the word
11 problems include. Defects, malfunctions.

12 The Phillips had no idea of any defect or malfunction
13 that they needed to disclose on this form. In fact, the
14 word basic is buried in one of these questions along -- a
15 number of terms. It's not even by itself.

16 This isn't some gotcha form. Some of you may have seen
17 this form before. You may have filled out this form before.
18 You probably don't even remember this form. Most of you,
19 what stands out in your mind is the contract, the contract
20 that you signed to buy a house or even maybe the contract
21 where you leased a house. That's what stands out in your
22 mind.

23 What else stands out in your mind?

24 The inspection report. The inspection report in this
25 case is 33 pages of wonderful information and I invite you

1 to take a look at every single page, every single page
2 because she did that and ignored it. She looked at the
3 CL-100 and ignored it.

4 So, their position is the Phillips represented there
5 were no problems. After she bought the, the house, she
6 discovered problems. I can promise you that you're gonna
7 hear testimony that there were problems with this house
8 disclosed in the inspection report. There were problems
9 disclosed in the CL-100 that, when the first estimate was
10 prepared, prepared to repair the house, there were problems
11 listed in that.

12 When the second estimate to repair this house was
13 prepared, there were problems in that and did the Phillips,
14 at closing, even pay to have those repairs made?

15 Every repair that she listed was made. None of them --
16 none of those repairs are what they're here talking about
17 today.

18 You're gonna hear a mountain of evidence from the
19 plaintiff that includes pictures, videos, documents, and
20 witnesses and they're gonna talk about what this house
21 looked like as of August of 2019, two months, three months
22 after the sale, December of 2019, six months after the sale
23 and beyond. What they're not gonna talk about -- what
24 they're not gonna talk about is what it looked like before
25 the sale.

1 And so I can tell you that the Phillips, the Phillips
2 would never raise their children in a home that was just
3 described to you. And I challenge you to keep that thought
4 in your mind as we move through the evidence.

5 I thank you for your time. It is precious and I
6 understand that and I will try to respect that and keep my
7 portion of this case limited to that which matters.

8 Thank you.

9 THE COURT: All right. Thank you.
10 Is the plaintiff ready to call---

11 MR. LOVE: Thank you, Your Honor.

12 THE COURT: ---their first witness?

13 MR. GROTE: Your Honor, may we take up a matter of law
14 please?

15 THE COURT: All right. Ladies and gentlemen, if you
16 will just step to your jury room for one moment. We'll have
17 you right back out.

18 Thank you so much.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: All right.

22 MR. GROTE: Yes, Your Honor. Throughout pretty much
23 that whole thing that the juror in the black shirt right
24 there slept through the entire thing. I'm not sure that
25 he's, he's fit to serve on the jury today---

1 MR. LOVE: He was.

2 MR. GROTE: ---our jury today.

3 MR. LOVE: He was and he snored a little bit. I tried
4 to get a little lively to wake him up and he shifted a
5 little bit. But he is definitely out. He was out
6 downstairs too.

7 THE COURT: Okay.

8 MR. GROTE: I mean he was -- yeah, he was snoring.

9 THE COURT: Do we know---

10 MR. LOVE: I don't know if you've seen jury duty, but
11 Madam Foreperson be responsible for that on that.

12 THE COURT: Oh, yeah?

13 MR. LOVE: Yeah.

14 THE COURT: Mr. Bailiff, which juror was it that was
15 late or---

16 THE BAILIFF: Sitting right here.

17 THE COURT: Okay. Do we have any idea what that
18 juror's name is?

19 THE CLERK: Danerio (phonetic) -- Charles Nero I think.

20 UNIDENTIFIED SPEAKER: Is that seven?

21 MR. LOVE: Charles Nero.

22 THE COURT: Okay. Well, I think we're talking about
23 two different people.

24 Charles Nero's the one that's been sleeping?

25 (WHEREUPON, an individual made an inaudible statement

1 at this time.)

2 THE COURT: All right. I tell you what.

3 I don't know of any reason why -- I -- I'll note the
4 objection or, or the issue that's raised. Let's, let's get
5 through the day with him present, and, if it persists,
6 then -- well, do you think it's a distraction?

7 I was gonna -- also we can, we can replace him with an
8 alternate. I just didn't know if we wanted to do that right
9 now or not.

10 (WHEREUPON, there was indiscernible talking at this
11 time.)

12 MR. GROTE: I mean I think we -- I'm not sure if he's
13 an alternate or what.

14 MS. GIOVANOLI: No, he's not an alternate.

15 (WHEREUPON, there was indiscernible talking at this
16 time.)

17 THE CLERK: He's not an alternate.

18 MR. LOVE: I'm fine with that, Your Honor, for the day.
19 But I, I mean it's up to them. They raised the objection I
20 think.

21 MS. GIOVANOLI: I think the snoring is, is distracting.

22 THE COURT: Okay. Well, if you'll bring out Mr. Nero,
23 Number 11.

24 MR. LOVE: Judge, before we go, can we have a small
25 restroom break prior to the examination?

1 Not now.

2 THE COURT: Oh, yeah, that's fine.

3 MR. LOVE: Okay.

4 THE COURT: So, the first alternate would be -- is it
5 Number 21?

6 MR. GROTE: Your Honor, the first alternate would be
7 Donna Hammond.

8 THE COURT: Right.

9 (WHEREUPON, the juror comes into the courtroom at this
10 time.)

11 THE COURT: Mr. Nero?

12 THE JUROR: Yeah.

13 THE COURT: Come on in please.

14 THE JUROR: Sir?

15 THE COURT: All right, sir. No, that's fine. You can
16 stand right there.

17 It's brought to the Court's attention that, that it
18 seems that you've been falling asleep some. We're gonna go
19 ahead and replace you with an alternate just to try not to
20 distract this jury moving forward.

21 THE JUROR: Yeah, I do have sleep apnea and stuff like
22 that.

23 THE COURT: All right.

24 THE JUROR: Yeah.

25 THE COURT: Well, I appreciate that. Just so we can

1 move forward without any more distractions, we're just gonna
2 go ahead and replace you---

3 THE JUROR: Yes, sir.

4 THE COURT: ---with an alternate.

5 THE JUROR: That's good.

6 THE COURT: All right. Thank you, sir.

7 THE JUROR: All right.

8 (WHEREUPON, the juror leaves the courtroom at this
9 time.)

10 THE COURT: All right. And is it -- you know, in a
11 criminal trial, what -- we randomly select. But I think, in
12 a, in a civil trial, we take the first alternate and then
13 the second alternate if we need it.

14 MR. GROTE: Okay.

15 THE COURT: Is there any objections to that?

16 MS. GIOVANOLI: No, objection.

17 THE COURT: All right. So we'll, we'll install Ms.
18 Donna Hammond, Number 21, as -- well, it's Juror Number 64
19 as an alt -- as a member of the jury now.

20 Okay. And we'll take about five minutes and then we'll
21 get started.

22 (WHEREUPON, a short recess was taken at this time.)

23 THE COURT: All right. Are we ready?

24 MS. GIOVANOLI: Yes, sir.

25 THE COURT: All right.

1 MR. LOVE: Yes, Your Honor.

2 Just a question for procedure, are you going to
3 instruct the jury on replacing him or how does that work?

4 THE COURT: Yeah. I'll go ahead and tell them---

5 MR. LOVE: He's not. You're in.

6 THE COURT: Yeah.

7 If we can have the jury please.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 THE COURT: All right. Sorry for the short delay.

11 As you may know, one of your fellow jurors had to be
12 excused and that puts Juror Number 64, Ms. Hammond, you're
13 now a member of the, the 12 members of the jury.

14 You understand?

15 (WHEREUPON, the juror nods affirmatively.)

16 THE COURT: All right. And that doesn't really change
17 anything at this point. It's just that you'll participate
18 in the deliberations at that time.

19 Okay?

20 THE JUROR: Uh-huh. (Affirmative).

21 THE COURT: All right. Thank you, ma'am.

22 We now recognize the plaintiff for it -- call your
23 first witness.

24 MR. GROTE: Thank you, Your Honor.

25 The plaintiff calls the plaintiff, Barbara Sarb.

Barbara Sarb - Direct examination
By Mr. Love

1 THE COURT: All right. Ms. Sarb, if you'll come
2 around.

3 THE CLERK. Please place your left-hand on the Bible.
4 Raise your right-hand.

5 BARBARA SARB, being first duly
6 sworn, testified as follows:

7 THE CLERK: Please be seated and, and then state your
8 name for the record.

9 THE WITNESS: Barbara Sarb.

10 MR. GROTE: Thank you.

11 DIRECT EXAMINATION

12 BY MR. GROTE:

13 Q. Actually, Doctor Sarb, can you tell us a little bit
14 about yourself?

15 where did you come from?

16 what's your educational background?

17 A. I'm originally from Dearborn, Michigan. I graduated
18 high school in 1983. I went to the Michigan State
19 University from 1983 to 1985. Yeah, excuse me. To the
20 University of Michigan Ann Arbor from '83 through '85 and
21 then transferred to Michigan State to finish my degree,
22 Bachelor of Science at -- in 1987 and majored in physiology.

23 I decided I wanted to be a doctor and went to
24 Kirksville College of faith -- Osteopathic Medicine in
25 Kirksville, Missouri and I did my neurology residency at

Barbara Sarb - Direct examination
By Mr. Love

1 Botsford, Michigan. It was through the Michigan Institute
2 of Neurologic Disorders and did a -- it was a rotating
3 residency where I did a lot of work at the University of
4 Michigan and through the inner city Detroit hospitals.

5 I'm board certified in neurology and sleep medicine
6 with special interest in interventional pain.

7 I worked in Myrtle Beach for -- from 1995 until 2015
8 with Strand Regional Specialty Associates doing neurology
9 and interventional pain and with Grand Strand Hospital.
10 Then I moved here to Florence with Florence Neurosurgery and
11 Spine as an employee and the past year with McLeod, Florence
12 Neurosurgery & Spine.

13 Q. Okay. Are you married?

14 A. No, I'm a widow. My husband passed away in 1997 when
15 my daughter was two.

16 Q. Do you have any children -- or one daughter?

17 A. Yes, she lives in Atlanta. She's 29.

18 Q. Do you have any hobbies or what do you do in your spare
19 time?

20 A. I enjoy drawing. I do different types of arts, water
21 colors, acrylics, some charcoal drawing. One my patients --
22 since my nurses taught me how to do some just small stained
23 glass art, some pottery, and I was doing some small
24 woodworking with hand tools.

25 I took a, a class at Francis Marion recently and I

Barbara Sarb - Direct examination
By Mr. Love

1 enjoy -- I -- flowers, birds. I enjoy all animals. I've
2 got a small Springeroodle who's 13 months old.

3 Q. So, what brought you to Florence?

4 A. Work.

5 Q. How long have you been living in Florence now?

6 A. It's about eight years now.

7 Q. So, when you moved to Florence, were you living in a
8 house or where were you living?

9 A. No. Initially I looked at the houses but I didn't know
10 the area very well. So, I was -- I moved into a one bedroom
11 apartment at The Reserve on Freedom Boulevard.

12 Q. Okay. At some point did you start looking for a house?

13 A. Yes.

14 Q. Okay. What prompted you to start looking for your own
15 house?

16 A. Well, I had a dog and I wanted to get a, a backyard and
17 I wanted somewhere where I could do my arts and crafts.
18 That was kind of hard at -- in a one bedroom apartment and I
19 just wanted a little bit more space. My hours are a little
20 hard.

21 Sometimes I'll come home and take a nap and then wake
22 up like at midnight and do my charts. And so I had, I had a
23 funny, funny time to do my work. So, I just want a little
24 more quiet time than any apartment provided me. Just kind
25 of odd hours.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. Okay. Do you recall when you started your search?

2 A. It was February of 2019.

3 Q. Okay. Did you engage a real estate agent to help you?

4 A. Yes, Mr. John Etheridge.

5 Q. How did you come into contact with John Etheridge?

6 A. His wife does medical sales and her name's Jodi. She
7 mentioned that her husband was a realtor and gave me his
8 number to contact.

9 Q. And did you ultimately go with John Etheridge?

10 A. Yes.

11 Q. So, did you look at several properties as part of your
12 search?

13 A. I think we looked at about 30 homes.

14 Q. Okay. At some point did you look at 550 Wisteria Drive
15 here in Florence?

16 A. Yes.

17 Q. Okay. Was there anything that drew you to that house?

18 A. I saw the listing online and, you know, I saw it. It
19 showed pictures of the, the rooms and it mentioned the
20 heated, cooled man cave and I was interested in that for my
21 arts, art studio --

22 Q. Okay.

23 A. -- and the backyard for my dog.

24 MR. GROTE: May I approach, Your Honor?

25 THE COURT: Yes, sir.

Barbara Sarb - Direct examination
By Mr. Love

1 (WHEREUPON, the MLS listing was marked as Plaintiff's
2 Exhibit No. 1 for identification purposes only at this
3 time.)

4 MR. GROTE: And would you like a copy of the exhibits?

5 THE COURT: No. I have -- thank you.

6 MR. GROTE: Okay.

7 Doctor Sarb, I'm handing you what's been marked as
8 Exhibit No. 1.

9 Can you identify that for me please?

10 A. This is the ML -- MLS listing of the 550 Wisteria Drive
11 house.

12 Q. Does that appear to be the MLS listing that you --
13 information that you reviewed?

14 A. Yes.

15 MR. GROTE: Your Honor, at this time I'd move that into
16 evidence as Plaintiff's Exhibit 1.

17 THE COURT: All right. Is there any objection?

18 MR. LOVE: No objection, Your Honor.

19 THE COURT: All right. Plaintiff's 1 is in evidence.

20 (WHEREUPON, Plaintiff's Exhibit No. 1 was received into
21 evidence at this time.)

22 Q. Okay. Doctor Sarb, if you could, take a look at
23 Exhibit No. 1 for me please?

24 Under the remarks, can you, can you read what the
25 remarks say for the listing information?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Spacious home in desirable Forest Hills location on
2 huge lot. Open island kitchen with breakfast room, granite
3 counter, and stainless appliances. Formal living and dining
4 rooms plus den, multi-level decking out back with tons of
5 room for kids and pets to play. Small man cave on lower
6 level is heated and cooled. Won't last long.

7 Q. Okay. Is that what you're referring to about the
8 heated and cooled man cave?

9 A. Yes.

10 Q. Is that something that you or interested you in the
11 property?

12 A. Yes.

13 Q. Is, is -- is that what kind of drew you there?

14 A. Yes, it was -- why I wanted to look at it with John
15 Etheridge when, like I say, it was -- sounded like something
16 for my arts and crafts.

17 Q. Okay. Did you end up going and looking at the, the
18 property?

19 A. Yes, I, I did. When I saw it online, I asked John
20 about it and we, we looked at it.

21 Q. Okay. Was that before you ever put an offer in on the
22 property?

23 A. Yes.

24 Q. Okay. And take me through and kind of describe what
25 you did when you looked at the property.

Barbara Sarb - Direct examination
By Mr. Love

1 A. We looked at -- we entered, looked at, you know, all
2 the rooms, the, the dining room, kitchen, sunroom, the
3 bedrooms, the bathroom. I had John pull down the attic
4 cause I like to know there's some plywood up there for
5 storage. I have a lot of Christmas and Halloween
6 decorations.

7 We went through all the front areas. We looked around
8 the outside. They had a trampoline in the backyard. They
9 had a big spacious backyard for my dog. Part of it was
10 fenced. The two sides and on the left-hand side was brick
11 pathway with some brick flowerbeds and had an iron gate.

12 So, part of it was fenced for my dog and then we went
13 in the, the basement area and it had a couch and some
14 electronic game and television, refrigerator area, storage
15 area in it. And then there was a, there was a, a kitten in
16 it that was living in there in a crawl space area. So, I
17 looked around.

18 Q. Okay. All right. So, Doctor Sarb, after looking at
19 the property, did you end up making an offer on it?

20 A. Yes, I did.

21 Q. And when did you make that offer?

22 A. That evening. I think it was June 14th.

23 MR. GROTE: Your Honor, may we publish to the jury
24 Exhibit 1 please?

25 THE COURT: Yes, sir.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. If you'll take a look at Exhibit 1 for us please?

2 And, Doctor Sarb, what was the list price or asking
3 price for this property?

4 Do you recall?

5 A. 239,900.

6 Q. And do you recall what your offer was --

7 A. It was a---

8 Q. -- offer amount?

9 A. ---full, full price offer.

10 Q. Do you recall how that number was arrived at or why
11 you, you did that?

12 A. I, I think they may of had another offer.

13 Q. Was, was your offer initially accepted?

14 A. No.

15 Q. So, what took place next?

16 A. They asked for highest and best offer.

17 Q. And what did, what did that mean to you?

18 A. That they wanted the -- they wanted higher than asking
19 price.

20 Q. And who were the sellers of the property?

21 A. Julie and -- Mr. Julie -- Mr. Joseph and Mrs. Julie
22 Phillips.

23 (WHEREUPON, the Real Estate Agreement was marked as
24 Plaintiff's Exhibit No. 2 for identification purposes only
25 at this time.)

Barbara Sarb - Direct examination
By Mr. Love

1 Q. All right. Doctor Sarb, will you please take a look at
2 the document we've marked as Exhibit No. 2?

3 A. Yes.

4 Q. Okay. What is that document?

5 A. This is the real estate agreement, the purchase
6 contract.

7 Q. Okay. And so after they asked for highest and best,
8 did you come back and make another offer on the property?

9 A. Yes.

10 Q. And what was your offer?

11 A. \$241,750.

12 Q. Okay. Was that offer ultimately accepted?

13 A. Yes.

14 Q. Is that a copy of the contract or purchase agreement
15 that you had to purchase the property from the defendants?

16 A. Yes.

17 MR. GROTE: I'd move to admit that into evidence as
18 Plaintiff's Exhibit No. 2.

19 MR. LOVE: No objection, Your Honor.

20 THE COURT: All right. Plaintiff's 2 is in evidence.

21 (WHEREUPON, Plaintiff's Exhibit No. 2 was received into
22 evidence at this time.)

23 MR. GROTE: And permission to publish to the jury?

24 THE COURT: Yes, sir.

25 Q. Okay, Doctor Sarb. So, ultimately what was the, the

Barbara Sarb - Direct examination
By Mr. Love

1 purchase price agreed to in the contract?

2 A. \$241,750.

3 Q. So, did you actually pay over asking price for this
4 property?

5 A. Yes.

6 Q. If you'll look at Paragraph Number 4 of the agreement.
7 What was set for the date of closing or the, the
8 deadline---

9 A. July 26th --

10 Q. ---for closing?

11 A. -- 2019.

12 Q. So, if you'll turn to Paragraph 16 of this contract for
13 me please?

14 A. (WHEREUPON, the witness complies.)

15 Q. Are you there?

16 A. Yes.

17 Q. Okay. As part of this transaction, did you waive your
18 right to receive a disclosure statement or a Property
19 Conditioned Disclosure Statement from the defendants?

20 A. No, I requested a disclosure statement.

21 Q. Okay. Was that part of your agreement that you would
22 receive one?

23 A. Yes.

24 Q. Was that something that was important to you?

25 A. Yes.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. So, after this contract was entered into, did you go
2 back out to the property at some point?

3 A. Yes, I went out a couple days later.

4 Q. Okay. And why did you go back out a couple days later?

5 A. I just was excited. I wanted to look at it again,
6 review it, see it. Everything happened real quick.

7 Q. Did anybody accompany you?

8 A. John Etheridge did.

9 Q. Okay. What did you look at when you were out there the
10 first or the second time?

11 A. Oh, we went through all the upper level rooms. We went
12 around the exterior of the home, the front yard, the
13 backyard. We went in the basement again.

14 Q. Okay. Did you go into the basement area?

15 A. Yes.

16 Q. Did you notice any type of water or moisture in the
17 basement---

18 A. No.

19 Q. ---basement area at that time?

20 A. No.

21 Q. What about on the, the first time that you looked at
22 the property before making the offer?

23 A. No, there was no water.

24 Q. Did you notice any, I guess, pest infestations that
25 stood out to you?

Barbara Sarb - Direct examination
By Mr. Love

1 A. No. There was none.

2 Q. So, ultimately, before you closed on this property, did
3 you receive a -- what's known as a Residential Property
4 Conditioned Disclosure Statement?

5 A. Yes.

6 (WHEREUPON, the Residential Property Conditioned
7 Disclosure Statement was marked as Plaintiff's Exhibit No. 3
8 for identification purposes only at this time.)

9 Q. Okay. I show you -- hand you what we've marked as
10 Plaintiff's Exhibit 3.

11 Can you identify what that is?

12 A. It's the State of South Carolina Residential Property
13 Conditioned Disclosure Statement.

14 Q. Okay. Did you ultimately receive this property
15 conditioned disclosure statement as part of the purchase of
16 the house?

17 A. Yes.

18 MR. GROTE: Your Honor, I'd move to admit Exhibit No. 3
19 into evidence.

20 THE COURT: Is there any ev---

21 MR. LOVE: No objection, Your Honor.

22 THE COURT: All right. Three's in evidence.

23 (WHEREUPON, Plaintiff's Exhibit No. 3 was received into
24 evidence at this time.)

25 MR. GROTE: Permission to publish, Your Honor?

Barbara Sarb - Direct examination
By Mr. Love

1 THE COURT: Sure.

2 Q. All right. Doctor Sarb, if you'll take a look at
3 roughly the third paragraph down about midway through the
4 paragraph, that paragraph where it says if owner and could
5 you read that for us please?

6 A. If owner fails to check yes or makes a disclosure and
7 owner knows there is a problem, owner may be liable for
8 making an intentional or negligent misin -- misin --
9 representation and may owe the purchaser actual damages,
10 court costs, and attorney fees. If a question is
11 answered---

12 MR. LOVE: Objection, Your Honor.

13 THE COURT: All right. Can y'all approach for just a
14 moment please?

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 MR. GROTE: Thank you, Your Honor. My apologies, Your
18 Honor. I have a redacted copy.

19 THE COURT: All right. Ladies and gentlemen, please
20 disregard the last statement or question and answer that was
21 given. Please do not consider it and disregard in its
22 totality. Thank you very much.

23 Mr. Grote.

24 Q. Doctor Sarb, did you ultimately receive this disclosure
25 statement prior to closing on the property.

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yes.

2 Q. Do you recall exactly when you received the disclosure
3 statement?

4 A. No, it was kind of fuzzy the exact date. I remember
5 giving verbal information that it had no disclosures that
6 were gonna be -- that they, they weren't disclosing any
7 problems with the property. I don't remember when I got the
8 exact written copy of it.

9 Q. Okay. Did you ultimately sign acknowledging receipt of
10 this document?

11 A. Yes, it was before closing.

12 Q. If you will turn to the second to the last page.
13 What date did you sign this?

14 A. June 25th.

15 Q. Even if you hadn't received this prior to making an
16 offer of the property, is it something that you still
17 reviewed and relied on in your decision to proceed forward
18 with closing?

19 A. Yes.

20 MR. LOVE: Objection. Leading.

21 THE COURT: All right. Just make sure you don't lead
22 the witness. Thank you.

23 Q. Let me rephrase the question.

24 Is -- did you look at this disclosure statement prior
25 to closing on the property?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yes, I did.

2 Q. Okay. Did you---

3 A. I---

4 Q. ---look at the information contained in there?

5 A. Yes. And I reviewed it with my realtor, John
6 Etheridge, and we looked at it together.

7 Q. Okay. Did the information in this disclosure statement
8 have an influence on whether you proceeded forward with
9 closing?

10 A. Yes.

11 Q. Did you rely on the information in this disclosure
12 statement?

13 A. Yes.

14 Q. So, if you'll turn to Item Number I or Letter I-4?
15 It would be on the second page.

16 A. (WHEREUPON, the witness complies.)

17 Q. Okay. So, if you look up at the top of this page?
18 Can you read what's in the, the box there?

19 A. Apply this question?

20 Is that what you mean?

21 Q. Yes.

22 A. Apply this question below and the three answer choices
23 to the numbered Items 1 through 14 on this disclosure. As
24 owner, do you have any actual knowledge of any problem
25 concerning. Problems include defects, malfunction, damages,

Barbara Sarb - Direct examination
By Mr. Love

1 conditions, or characteristics.

2 Q. Okay. If you'll look at Item Number 4 under there?

3 A. (WHEREUPON, the witness complies.)

4 Q. Did the defendants indicate having any knowledge of any
5 problems with the sanitary sewage disposal system or any
6 waste water?

7 A. No.

8 Q. Is that something you relied upon?

9 A. Yes.

10 Q. And if you'll go down to Item Number 2. Number 7 under
11 there.

12 A. (WHEREUPON, the witness complies.)

13 Q. Okay. Can you read Number 7 for us please?

14 A. Foundation, slab, fireplaces, chimney, wood stoves,
15 floor, basements, windows, driveways, storm windows,
16 screens, doors, ceiling, interior walls, exterior walls,
17 sheds, attachment, garage, carport, patio, deck, walkways,
18 fencing, or other structural, structural components
19 including modifications. No.

20 Q. And what did the defendants check?

21 A. No problems.

22 Q. Is, is that something you relied upon?

23 A. Yes.

24 Q. We'll go to Item Number 3.

25 Okay. Can you read that item for us please?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Plumbing systems, pipes, fixtures, water heater,
2 disposal, softener, plumbing components.

3 Q. Okay. Did the defendants identify any problems with
4 those items?

5 A. No problems.

6 Q. Is that something that you relied upon?

7 A. Yes.

8 Q. If you'll go to Item 5 of 20.

9 A. Problems caused by fire, smoke, or water to the
10 problem -- to the property during your ownership.

11 Q. Okay. And what was indicated by the defendants in
12 response to that question?

13 A. No problems.

14 Q. Is that something you relied upon?

15 A. Yes.

16 Q. If you go to Item Number 21?

17 A. (WHEREUPON, the witness complies.)

18 Q. Can you read that for us please?

19 A. Drainage, soil stability, atmosphere, or undergrown
20 problems affecting the property.

21 Q. Okay. And what was checked by the defendants in
22 response to that question?

23 A. No problems.

24 Q. Is that also something you relied upon?

25 A. Yes.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. So, ultimately, were any problems disclosed with the
2 plumbing system by the defendants in this disclosure
3 statement?

4 A. No.

5 Q. What about problems with water or moisture in the
6 basement?

7 A. There were no problems disclosed.

8 Q. Okay. What was represented as far as the age of the
9 duct work?

10 A. New unit and duct work in 2016.

11 Q. Okay. Were any problems with any pests infestations
12 identified by the defendants in this disclosure statement?
13 If you'll turn to Item 4-C please?

14 A. None.

15 Q. Okay. Did you ultimately or did you want to have the
16 property inspected as part of the purchase process?

17 A. Yes.

18 Q. Why was that important to you?

19 A. I, I thought it was important to get somebody who was
20 knowledgeable about, about evaluating the home, make sure
21 there was no major structural problems prior to me buying
22 it. So, I wanted just to -- somebody who does that as a
23 profession to look at it and make sure that I wasn't
24 overlooking anything on the times that I, I saw it. I
25 thought I was doing due diligence as a normal person buying

Barbara Sarb - Direct examination
By Mr. Love

1 a home. I wanted some -- feeling some security that I was
2 doing the right thing in buying a home.

3 Q. Okay. As part of the inspection process, was there
4 anything in particular importance that you wanted to have
5 looked at?

6 A. Well, I knew this had a crawl space and I just thought
7 it important for, you know, somebody to check moisture
8 content. I know that's an important thing in, in crawl
9 spaces. So, I wanted to make sure that was checked.

10 Q. Okay. So, do you recall the or did you have any
11 inspections performed?

12 A. Yes, I had the CL-100 performed and a home inspection.

13 Q. Okay. Explain for the jury what is a CL-100?

14 A. It is a -- looking for like wood infestation and
15 evaluation like pests and stuff like that.

16 (WHEREUPON, the South Caroling Wood Infestation Report
17 was marked as Plaintiff's Exhibit No. 4 for identification
18 purposes only at this time.)

19 Q. Okay. Doctor Sarb, can you identify what we've marked
20 as Plaintiff's Exhibit No. 4 for me please?

21 A. Official South Carolina Wood Infestation Report dated
22 6/21/2019.

23 Q. Is this a copy of the -- what you call a CL-100 or the
24 Wood Infestation Inspection Report that you had done on 550
25 Wisteria?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yes.

2 MR. GROTE: Your Honor, I'd move to admit into evidence
3 at this time.

4 THE COURT: Any objection?

5 MR. LOVE: No objection, Your Honor.

6 THE COURT: All right. No. 4 is in evidence.

7 (WHEREUPON, Plaintiff's Exhibit No. 4 was received into
8 evidence at this time.)

9 Q. Okay. Who performed this inspection for you?

10 A. Dodson.

11 Q. How did you find Dodson or how did you choose Dodson?

12 A. Mr. John Etheridge, my realtor, suggested them. I
13 think he uses multiple companies and that was one he'd
14 recommended and was available.

15 Q. Okay. Did you have any personal experience with them?

16 A. I, I can't remember.

17 Q. Okay. Did you trust John Etheridge's recommendation?

18 A. Yes.

19 Q. And so do you recall the date that this inspection was
20 performed?

21 A. June 21st, 2019.

22 Q. Were you actually present for the inspection?

23 A. Yes.

24 Q. And what did you do while the inspection was taking
25 place?

Barbara Sarb - Direct examination
By Mr. Love

1 A. I followed the inspector.

2 Q. Okay. And what kind of areas did y'all look at?

3 A. We looked through the house. I believe he looked in
4 the attic and we looked in the basement and the -- I went
5 with him in the crawl space and I looked -- he looked
6 outside also.

7 Q. And who was -- was anybody else present for that
8 inspection?

9 A. I got their first and then John Etheridge came as the
10 inspection was already started.

11 Q. Do you recall how long the inspection took place?

12 A. I think about 45 minutes or an hour.

13 Q. Okay. Do you believe you received a copy of this
14 inspection report before closing on this house?

15 A. Yes, I did.

16 Q. All right. Did you review it?

17 A. Yes.

18 Q. Are you familiar with it?

19 A. Yes.

20 Q. Did you review it with John Etheridge, your real estate
21 agent?

22 A. I think we talked about it over the phone. I don't
23 remember if we did it in -- at this particular one in
24 person.

25 MR. GROTE: Okay. Your Honor, permission to publish

Barbara Sarb - Direct examination
By Mr. Love

1 this exhibit?

2 THE COURT: All right.

3 Q. All right. So let's, let's go through this report. If
4 you'll look at about midway down it says infestation.

5 Do you see that?

6 A. Yes.

7 Q. Okay. Based on this inspection, were any pest
8 infestations or wood destroying infestations identified,
9 wood destroying pests?

10 A. No.

11 Q. Item Number 2, was there any evidence of prior termite
12 treatment noted at the house?

13 A. No.

14 Q. All right. Can you read Item Number 3 for us?

15 A. There's evidence below the first main floor of presence
16 of A is active wood destroying fungi, wood moisture content
17 greater or equal to 28 percent. No.

18 Q. Okay. What about Subpart B?

19 A. Nonactive wood destroying fungi. Wood moisture content
20 less than 28 percent. Yes.

21 Q. Okay. And how did you interpret that or what did it
22 mean to you?

23 A. That there was no active fungi.

24 Q. Okay. Can you read Item Number 4 for us please?

25 A. There is evidence of presence of excess moisture

Barbara Sarb - Direct examination
By Mr. Love

1 conditions below the first main floor 20 percent or above
2 wood moisture content, standing water. No.

3 Q. Okay.

4 A. Wood moisture content of the wood substrate range from
5 16 to 18 percent.

6 Q. Okay.

7 A. I believe---

8 Q. And you had mentioned earlier that you had desired to
9 have the, the joists checked, correct?

10 A. Correct. I believe 20 percent is normal -- less than
11 20 percent is normal. So that was in the normal range.

12 Q. Do you believe that that's something that Dodson did as
13 part of their inspection?

14 A. Yes, he did.

15 Q. Okay. And, again, were there any excessive moisture
16 conditions below the first main floor noted in this
17 inspection?

18 A. There was none.

19 Q. And if you'll move on to the addendum please.

20 All right. So, under damage, can you begin where it
21 says wood decay and what, what that, what that found?

22 A. Wood decay damage is evidenced to various locations to
23 sub-fascia.

24 Q. Okay.

25 A. Water moisture related.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. What is your understanding of what a, a sub-fascia is?

2 A. He pointed that out. The sub-fascia was under the
3 overhead of the roof where there was a spotlight. So it
4 was, was where the, the gutter attaches and the roof
5 overhangs. There was a piece of wood. The paint was
6 peeling. That was kind of in a corner of the overhang where
7 the roof is.

8 Q. Okay. So is, is that up by the roof?

9 A. Yes, it's no where near the basement.

10 Q. All right. And what is the next item noted there?

11 A. Wood decay damage is evident to the window trim and
12 window stool at the rear right side of the basement. Water
13 moisture related.

14 Q. Okay. I'm going to show you a document to see if this
15 will help you.

16 (WHEREUPON, a diagram of the house was marked as
17 Plaintiff's Exhibit No. 5 for identification purposes only
18 at this time.)

19 Q. I show you what we've marked for identification as
20 Plaintiff's Exhibit No. 5.

21 If you'll take a look at that for me please?

22 A. It's kind of the layout of the house and on the
23 left-hand side is where the basement area is. So --.

24 Q. Hold on one second.

25 Can you describe for me what Exhibit No. 5 is?

Barbara Sarb - Direct examination
By Mr. Love

1 A. It's a layout of the, the house.

2 Q. Does that look to be a, a fair and accurate
3 representation of the layout of the house?

4 A. Yes.

5 MR. GROTE: Your Honor, I'd move to admit that as
6 Exhibit No. 5.

7 MR. LOVE: No objection.

8 THE COURT: All right. No. 5 is entered.

9 (WHEREUPON, Plaintiff's Exhibit No. 5 was received into
10 evidence at this time.)

11 MR. GROTE: Permission to publish, Your Honor?

12 THE COURT: Yes, sir.

13 Q. Okay. Can you describe this layout a little bit about
14 how the, the property sits and where these rooms are
15 located?

16 A. Okay. It, it sits on a, on a hill where the living
17 room and bedroom are kind of on the top of the hill. The
18 patio is down where the hill slopes down and the basement
19 area goes underneath where the den, kitchen, and break --
20 breakfast area are and that -- the window that they're
21 describing is in the basement area to the right side of --
22 underneath the -- where the den would be. Right where
23 the---

24 Q. Okay.

25 A. ---hand is and it was -- the wood window sill was at --

Barbara Sarb - Direct examination
By Mr. Love

1 right at ground level. So, it was touching the dirt and it
2 was rotted. It's an old -- older home. So, the wood sill
3 was touching the ground and was -- had water -- like
4 moisture damage from sitting on, on -- right on the dirt and
5 it wouldn't -- needed to be replaced with some, some other
6 material.

7 Q. Would it help you if I handed you a mouse so you could
8 draw and point to things --

9 A. Yes.

10 Q. -- on the picture?

11 A. So, the window would be right along this area in the
12 basement right, right touching the, the ground.

13 Q. Okay. Can, can you draw on this diagram the first
14 floor where the basement sits under just so the jury
15 understands where that's at?

16 A. The basement goes -- it sits right under this den,
17 breakfast, and kitchen area. Right, right here is where,
18 where it is.

19 Q. Okay. And where is this so called man cave area
20 located?

21 A. The man cave is this, this area right here.

22 Q. Well, is there a back---

23 A. Right here.

24 Q. ---basement---

25 A. Yeah.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. ---in this---

2 A. This -- the door you enter is right here. So, it's
3 separate. You can't get to it from the first floor. You
4 get to it from the backyard and this is the, the front area
5 where -- and this is kind of like a -- more of a, a storage
6 area. But this is the main, main entrance. You enter here
7 and there's front windows, a door, and a side window in
8 here---

9 Q. Okay.

10 A. ---and there's a window over on this, this side back
11 here too.

12 Q. Can you show and describe where the crawl space is
13 located---

14 A. Um.

15 Q. ---in relation to the---

16 A. The crawl space---

17 Q. ---rest of the house?

18 A. ---is under this, this dining -- this, this area is
19 where the crawl space is under, under here, under this front
20 area.

21 Q. Okay. If we could go back to the CL-100 or the wood
22 Infestation Report please?

23 A. Yes.

24 Q. Continuing on under observation---

25 A. Wood debris---

Barbara Sarb - Direct examination
By Mr. Love

1 Q. ---can you tell me---

2 A. ---is evident and there was just some -- I think just
3 pieces of wood in the crawl space and just kind of around
4 the window and just -- or in the yard area.

5 Q. All right. What about the next observation?

6 A. Dry staining evident to wood members around plumbing,
7 substructure due to past leak. There was no active leak.
8 But I think they had -- the Phillips had a spare shower
9 remodeled and it was an old stain from where the shower was
10 redone. HVAC duct work is visibly damaged and substructure.
11 There is also separation duct work in various locations
12 causing minimum airflow to the interior of home.

13 Q. Okay. What about the next item, next observation
14 section?

15 A. Nonactive wood decaying, decaying fungi is evident
16 throughout substructure. Wood moisture is 16 to 18 percent.

17 Q. Okay. On this report, was there any active wood
18 destroying fungi noted?

19 A. None.

20 Q. Okay. And going down to the, the next observation.

21 A. Dry staining evident to wood members around the
22 plumbing and the substructure due to past leaks---

23 Q. Was that what you---

24 A. ---which was---

25 Q. ---just described?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yes.

2 Q. Okay. What about the next observation?

3 A. Moisture barrier has been previously installed to help
4 control wood decaying fungi. HVAC duct work is heavily
5 condensation causing standing water throughout various
6 locations of substructure.

7 Q. Okay. Were any active leaks noted anywhere?

8 A. No.

9 Q. When you reviewed this report, did it indicate anything
10 to you indicating that there was -- there may be a problem
11 with excessive water in the basement or, or man cave area?

12 A. No, there was some condensation from the, the duct
13 work. Very much cosmetic stuff from the nonactive fungi and
14 a normal moisture content less than 20 percent.

15 Q. Did anything about the findings in this report give you
16 any notice or knowledge that there may be a severe cockroach
17 infestation in this house?

18 A. No, they didn't see any pests and termites.

19 (WHEREUPON, the HouseMaster Inspection Report was
20 marked as Plaintiff's Exhibit No. 6 for identification
21 purposes only at this time.)

22 Q. Hand you what's been marked as Exhibit No. 6.

23 Could you identify that for me please?

24 A. It's a HouseMaster House Inspection Report dated
25 6/25/2019.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. So, did you hire HouseMaster to perform a home
2 inspection?

3 A. Yes.

4 Q. How did you find HouseMaster?

5 A. Through John Etheridge.

6 Q. Okay. Did HouseMaster, in fact, perform an inspection
7 and issue a report?

8 A. Yes.

9 Q. Okay. Is this a, a copy of the report?

10 A. Yes.

11 MR. GROTE: Your Honor, I would move that or move to
12 admit that into evidence.

13 THE COURT: Any objections?

14 MR. LOVE: No, Your Honor.

15 THE COURT: All right. Plaintiff's 6 is in evidence.

16 (WHEREUPON, Plaintiff's Exhibit No. 6 was received into
17 evidence at this time.)

18 Q. All right. Were you -- what was the date of the
19 inspection performed by HouseMaster?

20 A. June 25th, 2019.

21 Q. Were you present for the inspection?

22 A. Yes.

23 Q. Okay. Do you recall who else may of been present?

24 A. I think I was the only one.

25 Q. Okay. How long did the inspection last?

Barbara Sarb - Direct examination
By Mr. Love

1 A. A couple hours.

2 Q. What did you do while the inspection was taking place?

3 A. I followed them except for on the roof. I have vertigo
4 and can't climb ladders.

5 Q. All right. What parts of the house did y'all look at?

6 A. The attic, the -- all the rooms in the house, the
7 outside, the basement, and the crawl space.

8 Q. Okay. And did you receive a copy of this report prior
9 to closing?

10 A. Yes.

11 Q. Is it something that you reviewed?

12 A. Yes, I did personally and then I looked at it with John
13 Etheridge.

14 Q. So, if you'll turn to Page 3 or, or permission to
15 publish, Your Honor?

16 THE COURT: Yes, sir.

17 Q. If you'll move to -- turn to Page 3 of this document
18 for me please?

19 A. (WHEREUPON, the witness complies.)

20 Q. Down near the bottom is there a section called
21 seller/discloser?

22 A. Yes.

23 Q. Okay. Can you read what that says?

24 A. This report is not a substitute for seller's
25 disclosure. A property history, question, or form may be

Barbara Sarb - Direct examination
By Mr. Love

1 provided with this report to help obtain background
2 information on the property in the event both sellers'
3 disclosure form is not available. The buyer should review
4 this form and/or the seller disclosure with the owner prior
5 to closing for clarification and resolution of any
6 questionable items. A final buyer inspection of the house
7 prior to and at the time of closing is also recommended.

8 Q. Okay. If you'll turn to Pages 6 through 7 for me
9 please?

10 A. (WHEREUPON, the witness complies.)

11 Q. There's a few photographs, 1.6.

12 Okay. We looked at the CL-100. It, it mentioned
13 soffits.

14 Do you know if that's the same thing that was noted?

15 A. Yes, that's the overhang by the gutter underneath the
16 roof that this -- the -- there's some wood decay and the
17 paint peeling that needed to be replaced.

18 Q. I mean is it your understanding that that was what was
19 identified in the, the Dodson -- we'll call it the CL-100---

20 A. Yes, that's---

21 Q. ---that we looked at?

22 A. ---CL---

23 Q. If we could go to 1.6 of the next photograph on the
24 next page?

25 What is that a, a picture of?

Barbara Sarb - Direct examination
By Mr. Love

1 A. That's underneath the roof --

2 Q. Okay.

3 A. -- by the gutters.

4 Q. Do you believe that that is also part of what was noted
5 in the CL-100 regarding the fascia or the soffits?

6 A. Yes.

7 Q. Okay. Is that anywhere near in the basement?

8 A. No.

9 Q. Do you believe that that area or that issue has
10 anything to do with the basement?

11 A. No, it had nothing to do with the basement flooding.

12 Q. Okay. If you'll turn to Pages 8 through 11 for me
13 please or actually we'll go to -- we'll take a look at some
14 photographs. We'll go to Page Number 9 please.

15 Do you know what the Photograph 2.0 Picture 1 is?

16 A. 01. It's a crack by, by the front of the house.

17 Q. Tell me about that.

18 What, what was that about?

19 A. It was noted in the home inspection but not put on the
20 disclosure and the HomeMasters recommended asking the seller
21 about it.

22 Q. Okay. Did you do that?

23 A. Yes, I did through John Etheridge.

24 Q. What type of information was provided about that?

25 A. The Phillips mentioned that it was there before they

1 moved in, possibly four years before they moved in. A, a
2 car ran into the house and that they did not have any issues
3 with it, that they did not repair it or, or anything and we
4 had a contractor, John Sims, evaluate that, that part of the
5 house and said that it was a patch. You could see like with
6 orangish, red mortar and it was more cosmetics and said that
7 if it -- it didn't have any problems, they didn't have any
8 problems, and it looked stable, that it probably didn't need
9 any further treatment.

10 Q. Okay. If you'll turn to Page 8 of the report please?

11 If you'll look at Item 2.1 windows?

12 Can you tell us what that says?

13 A. Decay noted to the basement level window and left end
14 window near the grade. Recommend repairs needed to any
15 damaged wood by a qualified contractor.

16 Q. Okay. And what is your understanding of what was noted
17 there?

18 A. Again, there were two windows. One on the right side
19 and one on the left side. In the basement, in that front
20 room and the back room that were right to ground level, on
21 the window was -- sill was touching the ground and it needed
22 to be repaired -- replaced with some material like vinyl or,
23 or something that wasn't going to rot again. So the
24 window's actually needed to be removed and replaced.

25 Q. Is it---

Barbara Sarb - Direct examination
By Mr. Love

1 A. It was touching the ground.

2 Q. Is it your understanding that that was one of the items
3 that was listed in the CL-100 as well?

4 A. Yes.

5 Q. And if we'll turn to the next page, Page 9, and we'll
6 go to Photograph 2.1, windows.

7 Okay. Is, is that what's being described there?

8 Is that the basement window---

9 A. Yeah.

10 Q. ---that's being referenced?

11 A. I believe -- yes.

12 Q. Okay. So is that the -- one of the windows that's
13 referenced in this report and the CL-100?

14 A. Yes.

15 Q. If you'll turn to Page 22 for me, please?

16 A. Twenty-two?

17 Q. Okay. And what is that section entitled?

18 A. Foundation area water penetration.

19 Q. All right. Were any issues noted with foundation area
20 water penetration in this, this section of the report?

21 A. It said some water intrusion to the front section of
22 the crawl space noted. Foundation vents in this area near
23 the exterior grade. Recommend installing vent wells to
24 reduce water penetration.

25 Q. Okay. What was your understanding of that?

Barbara Sarb - Direct examination
By Mr. Love

1 A. In the front of the house when you enter the door where
2 the living room and the dining room were, the vents to the
3 crawl space --

4 Q. Okay.

5 A. -- right here.

6 Q. If we can show you the diagram, can you --

7 A. Yeah.

8 Q. -- show where that's at?

9 A. So it's -- the crawl space is right here under this
10 area. These vents here were at ground level and they
11 recommended putting those metal or rubber tire wells around
12 it so any surface water wouldn't get into the vents and
13 suggested like putting some gravel and putting the, the
14 rubber or metal vent wells to keep any water since it was
15 kind of like near the ground level.

16 Q. Okay. And where is that in relation to where the
17 basement is?

18 A. The basement is in this area. So that -- that's,
19 that's talking about surface, surface water in, in here at
20 the, the crawl space area right, right there or right, right
21 there.

22 Q. Okay. And where's the front of the house on this
23 diagram?

24 A. Here's, here's the entry and foyer is the front door.
25 Right, right here is the front and that's the front of the

Barbara Sarb - Direct examination
By Mr. Love

1 crawl space is way down here --

2 Q. Okay.

3 A. And the basement is --.

4 Q. So are these---

5 A. I'm sorry.

6 Q. ---foundation vents---

7 A. I'm not good with this.

8 Q. ---noted to be on the --?

9 A. Yeah, the basement is up here --

10 Q. Okay. Are these---

11 A. -- and the entry door's right here.

12 Q. Okay. Now, in this report, and particularly this
13 section, was there ever any finding or indication that there
14 was actually water in the -- what you call the, the basement
15 or the, the man cave area as---

16 A. No.

17 Q. ---opposed or, excuse me, or the basement or the man
18 cave area?

19 A. No.

20 Q. And so if we, we go up under Section 8, foundation area
21 water penetration, there's some, some texts there.

22 Do you see that?

23 A. Yes.

24 Q. About halfway through it says it is recommended that
25 the homeowner be contacted.

Barbara Sarb - Direct examination
By Mr. Love

1 Do you see that?

2 A. That the homeowner be contacted for details about the
3 nature of past and present water penetration and moisture
4 related conditions.

5 Q. Okay. So, did this report make a recommendation that
6 you reach out to the prior owner about whether there was any
7 type of water penetration or moisture related conditions?

8 A. Yes.

9 Q. Okay. Did you do that?

10 A. Yes, I did through Mr. Eth -- Etheridge. I requested
11 to make sure that there was no prior flooding or any water
12 in the home---

13 Q. Okay.

14 A. ---in the past.

15 Q. How did you do that?

16 How did that take place?

17 A. I asked John Etheridge to find out from the Phillips.

18 Q. Okay. And what was the response that you got back from
19 the Phillips?

20 A. There was never any water in the, in the house. Even
21 with hurricanes, the, the water never came into the house.
22 It just got up to the bottom of the hill at the treeline.
23 But there was never water in the home.

24 Q. Okay. Is that something you relied upon?

25 A. Yes.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. And did you also have, as we looked before, the seller
2 disclosure statements with representations by the
3 defendants?

4 A. Yes.

5 Q. So if you'll turn to Section 12 of this report please,
6 which is Page 28?

7 A. (WHEREUPON, the witness complies.)

8 Q. Were any problems noted with the plumbing system in the
9 house?

10 A. None. Everything was satisfactory.

11 Q. At least pursuant to this report, correct?

12 A. Yes.

13 Q. If you'll turn to Pages 30 through 33 and take a look
14 at those for me please?

15 A. Thirty through 33.

16 Yes.

17 Q. Okay. I don't need you to go through each and every
18 one of those things. But you generally indicate what that
19 is.

20 A. This is a summary of the inspector comments.

21 Q. Okay. Do you believe that's a -- generally be a, a, I
22 guess, a summary of the findings from the report?

23 A. Yes.

24 Q. Did you go over the, the findings of the HouseMaster
25 inspection with John Etheridge?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yes.

2 Q. Okay. And what ultimately came from that or from your
3 review of the report?

4 A. We re -- we, we reviewed it and did request some items
5 be repaired.

6 Q. I show you the next document.

7 (WHEREUPON, the Residential Repair Addendum Agreement
8 was marked as Plaintiff's Exhibit No. 7 for identification
9 purposes only at this time.)

10 Q. I show you what we've marked as Plaintiff's Exhibit 7.
11 Can you describe for me what Exhibit 7 is?

12 A. It's the Residential Repair Addendum Agreement.

13 Q. And what does that mean in, in lay terms?

14 A. Some items that we requested the Phillips to repair
15 prior to purchasing the home.

16 Q. Requested by who?

17 A. By me.

18 Q. Okay. Does this appear to be a, a true and accurate
19 copy of the repair addendum?

20 A. Yes.

21 Q. Did you actually submit this repair addendum to the
22 defendants?

23 A. Through John Etheridge and their realtor, yes.

24 MR. GROTE: Okay. Your Honor, I would move to admit
25 Exhibit 7 into evidence.

Barbara Sarb - Direct examination
By Mr. Love

1 MR. LOVE: No objection.

2 THE COURT: All right. Seven's in evidence.

3 (WHEREUPON, Plaintiff's Exhibit No. 7 was received into
4 evidence at this time.)

5 MR. GROTE: Permission to publish?

6 THE COURT: Yes, sir.

7 Q. Okay. Doctor Sarb, in this repair addendum, did you
8 request that certain items be repaired by the sellers?

9 In other words, the defendants in this case?

10 A. Yes.

11 Q. Okay. And what did you request to be repaired, Item
12 Number 1?

13 A. Repair items listed in the summary of the inspector
14 comments. The -- repair items in the CL-100 and to give us
15 time to have Johnsons look at the Item Section 2, which was
16 where the car hit the front of the house, for him to look
17 and be able to tell us if anything needed to be further
18 evaluated on that front section of the home.

19 Q. Okay. Let's start with Item Number 1. It says seller
20 to repair all the -- all items listed under summary of
21 inspector comments on the HouseMaster inspection.

22 Do you see that?

23 A. Yes.

24 Q. Is that the summary that we just looked at?

25 A. Yes.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. What is your understanding of what that request
2 encompassed?

3 A. To, to repair what the inspector noted on that day.

4 Q. Okay. Did you ask that everything noted in that
5 HouseMaster Inspection Report be repaired by the defendants?

6 A. Yes.

7 Q. What about Item Number 2, seller to repair all items
8 recommended to clear CL-100?

9 What is that?

10 What did you request to be prepared?

11 A. The items that were found to be deficient in the
12 CL-100, the wood infest -- infestation.

13 Q. So, did you request that everything found in the, the
14 Dodson CL-100 report be prepared by the defendants?

15 A. Yes.

16 Q. And we looked at Item Number 3.

17 Was that the, the car/foundation issue that we talked
18 about?

19 A. Yes.

20 Q. Did you---

21 A. That was---

22 Q. ---in fact, actually have John Sims go out and take a
23 look at that?

24 A. Yes, he met with John Etheridge and they evaluated that
25 front section of the house.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. And how did the, the defendants respond to your request
2 to repair these items?

3 A. They, they agreed to it except for one or two items.

4 Q. Okay. Did they provide you with a, a repair estimate
5 from their contractor?

6 A. Yes.

7 (WHEREUPON, the Pee Dee Renovating repair estimate was
8 marked as Plaintiff's Exhibit No. 8 for identification
9 purposes only at this time.)

10 Q. I show you what we've marked as Exhibit No. 8.
11 Can you identify that for me please?

12 A. It's an estimate from Pee Dee Renovating, date
13 7/1/2019.

14 Q. Okay. And generally describe for me what is that
15 document?

16 A. It's an estimate of items -- the cost of repairing
17 items noted in the CL-100 in the HomeMaster report.

18 Q. All right. Did you receive a copy of this estimate?

19 A. Yes.

20 MR. GROTE: Your Honor, at this time I'd move to admit
21 it into evidence.

22 THE COURT: All right. Any objection?

23 MR. LOVE: No, Your Honor.

24 THE COURT: All right. No. 8's in evidence.

25 (WHEREUPON, Plaintiff's Exhibit No. 8 was received into

Barbara Sarb - Direct examination
By Mr. Love

1 evidence at this time.)

2 MR. GROTE: Okay. Permission to publish, Your Honor?

3 THE COURT: Yes, sir.

4 Q. Did you have an understanding about whether this repair
5 estimate was designed to address all the issues in the, the
6 Dodson CL-100 report?

7 A. It -- yes, it was to address the issues.

8 Q. Okay. If you'll look at Item Number 1 for me from the
9 CL-100 section?

10 A. (WHEREUPON, the witness complies.)

11 Q. Can you read that for me please?

12 A. Staining evident in and around subfloor and floor
13 joists was evaluated and found to be superficial in nature
14 with no structural damage. No work required at this time.

15 Q. Okay. And what did that mean to you?

16 A. That it was cosmetic and there was no repair needed.

17 Q. Okay. And this was from the defendant's contractor,
18 correct?

19 A. Yes.

20 Q. What about Number 5?

21 Can you read that one for me please?

22 A. Noted item of dry staining evident to wood members
23 around plumbing and substructure due to past leak was
24 evident. Found to be superficial in nature with no
25 structural damage. No work required at this time.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. So, was this item in the CL-100 report also found by
2 the defendant's own contractor to not require any repair?

3 A. Yes.

4 Q. If you'll take a look at Item Number 7 for me please?

5 A. Noted item of nonactive wood decaying fungi evident
6 throughout the substructure was evaluated and found to be
7 superficial in nature with no structural damage and no work
8 re -- no work required at this time.

9 Q. Okay. So, was that item found in the CL-100 by Dodson
10 also found by the defendant's contractor not to require any
11 repairs?

12 A. Yes.

13 Q. And we talked a little bit about the vent wells, did we
14 not?

15 A. Yes.

16 Q. Okay. Did this repair estimate include an item for the
17 vent wells?

18 A. Yes.

19 Q. And, again, is that something that you asked the
20 defendants to repair?

21 A. Yes.

22 Q. And so, after receiving this repair estimate, what took
23 place next?

24 How did you respond?

25 A. I think I discussed it with John Es -- Etheridge and we

Barbara Sarb - Direct examination
By Mr. Love

1 got a second estimate with John Sims.

2 Q. And explain to me who John Sims is?

3 A. John Sims is a, a contractor that John Etheridge knew
4 well and works with on a lot of his home sales, and I met
5 John Sims through a few of the other houses that I'd been
6 through between February and June. When I was looking at
7 this house, I mentioned that we looked at about 30 other
8 houses and I kind of had a rapport with John. He kind of
9 looked at about three or four other houses that I, I kind of
10 looked at and kind of -- I felt comfortable with him. So,
11 we just got another quote from -- just see, you know, his
12 take on it and his estimate.

13 Q. Okay. And looking back at the, the estimates, did it
14 include addressing the other items noted in the CL-100
15 report that we looked at?

16 A. Yes.

17 Q. Did that include window repairs that we looked at?

18 A. Yes.

19 Q. Did that include the repairs to the sub-facia?

20 A. Yes.

21 (WHEREUPON, the quote from Sims Remodeling marked as
22 Plaintiff's Exhibit No. 9 for identification purposes only
23 at this time.)

24 Q. Hand you Exhibit No. 9.

25 Can you describe for the jury what Exhibit No. 9 is?

Barbara Sarb - Direct examination
By Mr. Love

1 A. This was a quote from John -- from Sims Remodeling.
2 Date 7/19/2019.

3 MR. GROTE: Okay. I'd move it in or move to admit into
4 evidence.

5 MR. LOVE: No objection.

6 THE COURT: All right. No. 9's in evidence.

7 (WHEREUPON, Plaintiff's Exhibit No. 9 was received into
8 evidence at this time.)

9 Q. Why was this estimate prepared?

10 A. Just for a, a comparison quote on the CL-100 and
11 HomeMaster's repairs.

12 MR. GROTE: Permission to publish, Your Honor?

13 THE COURT: Yes, sir.

14 Q. So, does this repair estimate by John Sims largely
15 track the one done by Pee Dee Estimate or Pee Dee
16 Renovating---

17 A. Yes.

18 Q. ---as far as the items?

19 A. Yes.

20 Q. Okay. So, looking at the, the CL-100 items noted by
21 Dodson, if you'll look at Number 1 for me?

22 A. (WHEREUPON, the witness complies.)

23 Q. Can you indicate what that says?

24 A. Staining on subfloor and floor joist cosmetic only. No
25 repair necessary.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. Okay. So, did John Sims find any, I guess, need to
2 repair that item?

3 A. No.

4 Q. Item Number 2, is that the -- what is that?

5 A. Repair damage of fascia in various places.

6 Q. What about Item Number 5?

7 A. Staining to wood members around the plumbing leaks
8 repaired. No further repair necessary.

9 Q. Okay. And, again, is that the same thing that Pee Dee
10 Renovating found as well?

11 A. Yes.

12 Q. And what about Item Number 7?

13 A. No active wood decaying fungus throughout substructure.
14 Cosmetic only. No repairs necessary.

15 Q. Was that the---

16 A. Nonactive. Sorry. Nonactive wood decaying fungus.

17 Q. Was that also consistent with what Pee Dee Renovating
18 found?

19 A. Yes.

20 Q. We looked at the HouseMaster report with the Section 8
21 that dealt with the vent wells.

22 Did this estimate also include items from vent wells?

23 A. Yes.

24 Q. Is that something that was recommended by HouseMaster?

25 A. Yes.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. Do you believe that that would resolve the issue noted
2 in the HouseMaster report?

3 A. Yes.

4 Q. Okay. And was that item also included in the Pee Dee
5 Renovating estimate?

6 A. Yes.

7 Q. So, did it also -- did this repair estimate also
8 include repairing those windows that we looked at around
9 the, the basement?

10 A. Yes.

11 Q. Was it your understanding that this repair estimate
12 would or actually I take that back.

13 Is there, is there an item on the, on this estimate
14 that John Sims found that couldn't be repaired?

15 A. I don't know. Couldn't be repaired.

16 Q. If you'll take a look at Item 20 for me please?

17 A. The damper doors on the fireplace.

18 Q. Okay. Tell me about that.

19 Was that something that -- what does that mean?

20 A. I think the Phillips looked into it and they put that
21 they weren't gonna replace it and part of their claim was --
22 is that the fireplace was old and it -- they, they couldn't
23 put damper doors on it. I'm -- I couldn't remember exactly.

24 Q. With the exception of that iteming -- or that item, was
25 it your understanding that this John Sims repair estimate

Barbara Sarb - Direct examination
By Mr. Love

1 would address everything else noted in the, the CL-100 and
2 the HouseMaster inspection?

3 A. Yes.

4 Q. So, was this repair estimate accepted?

5 A. Yes.

6 Q. Did you ultimately have John Sims perform all of the,
7 the repairs noted in this repair estimate?

8 A. Yes.

9 Q. Okay. Did you believe that that would cover everything
10 noted in the HouseMaster inspection report and the CL-100?

11 A. Yes.

12 THE COURT: All right. Mr. Grote, excuse me.

13 But, ladies and gentlemen, we're gonna go ahead and
14 take about a 10 minute break. Please don't discuss this
15 case, and, when we come out, we'll hear testimony until five
16 o'clock and then we'll recess for the day.

17 Okay. Thank you so much for your attention. We'll see
18 you back in just a few minutes.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: And, Doctor Sarb, you're welcome to step
22 down, use the restroom, do whatever you need to do.

23 THE WITNESS: Yes, sir.

24 THE COURT: But you're not allowed to speak to anybody
25 about your testimony during this break.

Barbara Sarb - Direct examination
By Mr. Love

1 All right. Thank you.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE COURT: We'll have the jury.

4 (WHEREUPON, the following takes place within the
5 presence of the jury.)

6 THE COURT: All right. Thank you, ladies and
7 gentlemen.

8 Mr. Grote.

9 CONTINUED DIRECT EXAMINATION

10 BY MR. GROTE:

11 Q. Okay, Doctor Sarb. I think where we left off, did you
12 say that the defendants had agreed to the, the John Sims
13 estimate?

14 A. Yes.

15 Q. Okay. Did you ultimately decide to go forward with the
16 closing on the property?

17 A. Yes.

18 Q. Before you closed on the property, did you go back out
19 and do a, a so called, I guess, pre-closing walk through?

20 A. Yes, John Etheridge and I did a walk through. We
21 requested a walk through the evening prior to closing. But
22 that wasn't convenient with the Phillips. So, we were able
23 to do a walk through at 10:30 that morning of the closing
24 and closing was at noon.

25 Q. Okay. And just take me through, you know, how the --

Barbara Sarb - Direct examination
By Mr. Love

1 what did you do during the walk through?

2 A. We, we walked through. We did a walk through through
3 all the rooms in the -- on the top floor. We walked through
4 the basement, both levels. They're --

5 Q. Okay.

6 A. Yeah, outside.

7 Q. Was there any water in the basement at the time of that
8 walk through?

9 A. No.

10 Q. So, based on the disclosure statement that we looked
11 at, the inspections that you had performed by contractors,
12 your own personal walk throughs, did you have any notice or,
13 or knowledge of any problems with water in the basement?

14 A. None.

15 Q. Okay. Did those same things disclose any type of
16 problems with the sewer line maybe not draining or, or
17 working properly?

18 A. No.

19 Q. What about a severe cockroach infestation?

20 A. No.

21 (WHEREUPON, the American Land Title Association
22 Settlement Statement was marked as Plaintiff's Exhibit No.
23 10 for identification purposes only at this time.)

24 Q. I show you what's been marked as Ex -- Plaintiff's
25 Exhibit No. 10.

Barbara Sarb - Direct examination
By Mr. Love

1 Could you identify that for us please?

2 A. It's the American Land Title Association, the A-L-T-A,
3 Settlement Statement.

4 Q. Is that the settlement statement or the closing
5 statement for when you closed on the property?

6 A. Yes.

7 MR. GROTE: Your Honor, I'd move exhibit -- to admit
8 Exhibit 10 into evidence.

9 THE COURT: Any objection?

10 MR. LOVE: Your Honor, one's redacted. We were having
11 to, to replace that.

12 THE COURT: Okay. Is it redacted now?

13 MR. GROTE: I'm not sure what they're requesting to
14 redact on it.

15 (Pause.)

16 Q. All right. Doctor Sarb, so what was the, what was the
17 date of the closing on the property?

18 A. July 26th, 2019.

19 Q. Okay. And so if you'll take a look at the last page of
20 this document. It says miscellaneous.

21 A. Yes.

22 Q. Okay. Do you see that?

23 A. Yes.

24 Q. So, what is the number or what does it say under the
25 CL-100 part underneath that?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Repairs to be held in escrow.

2 Q. Okay. And that's it?

3 Not reading anything else.

4 And how much was put in escrow?

5 A. \$5,669.00.

6 Q. Was that the same amount as the John Sims estimate?

7 A. Yes.

8 Q. Okay. And so, as part of closing, were the -- I guess
9 the repair costs estimated by John Sims escrowed?

10 A. Yes.

11 Q. Okay. Why was it done that way?

12 I mean did you want to have the defendant's contractor
13 perform the work?

14 A. No. And John Sims es -- estimate was lower.

15 Q. Okay.

16 A. Oh, they were gonna do it after closing.

17 Q. All right. Did you, in fact, have John Sims perform
18 all that work in his estimate after closing?

19 A. Yes.

20 (WHEREUPON, the deed to 550 Wisteria was marked as
21 Plaintiff's Exhibit No. 11 for identification purposes only
22 at this time.)

23 Q. All right. I'm gonna show you what we've marked as
24 Plaintiff's Exhibit No. 11.

25 Can you identify that number for me please?

Barbara Sarb - Direct examination
By Mr. Love

1 A. It's the deed to 550 Wisteria --

2 Q. Okay.

3 A. -- dated 7/26/2019.

4 MR. GROTE: Okay. Your Honor, I'd move to admit that
5 into evidence.

6 THE COURT: Is there any objection?

7 MR. LOVE: No, sir.

8 THE COURT: All right. No. 11's in evidence.

9 (WHEREUPON, Plaintiff's Exhibit No. 11 was received
10 into evidence at this time.)

11 Q. Okay. And so did the defendants, in fact, deed the
12 property located at 550 Wisteria to you?

13 A. Yes.

14 Q. Okay. So, prior to closing on this property, 550
15 Wisteria, how many times do you think you were personally
16 out there?

17 A. Five or six times.

18 Q. Okay. Did you go into the, the basement and the, the
19 man cave area each time that you went out?

20 A. Yes.

21 Q. Was there ever any water in the, the basement or the
22 man cave area when you went out there pre-closing?

23 A. No.

24 Q. Did you ever notice any sort of evidence of a, a severe
25 cockroach infestation those times you went out there before

Barbara Sarb - Direct examination
By Mr. Love

1 closing on the property?

2 A. No.

3 Q. Did you ever notice any problems with the, the sewer
4 backing up during those visits?

5 A. No.

6 Q. Did you have -- did -- back up.

7 Did you have multiple inspections performed prior to
8 closing on this property?

9 A. Yes.

10 Q. Did you have the, the CL-100 that we looked at by
11 Dodson?

12 A. Yes.

13 Q. Did you have the HouseMaster inspection that we looked
14 at earlier done pre-closing?

15 A. Yes.

16 Q. Did you have John Sims out there on more than one
17 occasion?

18 A. Yes.

19 Q. Do you believe that you performed reasonable due
20 diligence as a buyer to look at the property and, and check
21 out the condition of it before you closed on it?

22 A. Yes.

23 MR. LOVE: Objection, Your Honor.

24 A. I think I did what---

25 THE COURT: Overruled.

Barbara Sarb - Direct examination
By Mr. Love

1 You can go ahead and answer it.

2 A. I think I did what a reasonable buyer would do.

3 Q. Okay. Did your real estate agent, John Sims (sic),
4 ever recommend any other inspections be performed?

5 A. No.

6 Q. Did any of these inspections that we looked at re --
7 reveal to you or indicate to you any problems with recurrent
8 water problems in the, in the basement or the man cave area?

9 A. No.

10 Q. What about a severe cockroach infestation in the walls?

11 A. No.

12 Q. What about sewer backups?

13 A. No.

14 Q. If your walk throughs or any of these inspections would
15 of revealed any of those things, what would you have done?

16 A. I would get appropriate inspections or re -- reconsider
17 if I wanted to purchase the property depending on what was
18 revealed.

19 Q. Okay. would you have requested that those items also
20 be addressed as part of the repair in the process?

21 A. Yes.

22 Q. And, if bad enough, would you have potentially backed
23 out of the sale of the property?

24 A. Yes.

25 Q. In addition to those inspections, either your personal

Barbara Sarb - Direct examination
By Mr. Love

1 walk throughs or through your contractors, again, did you
2 specifically ask the sellers, by and through the real estate
3 agents, whether there was ever any water problems in the
4 basement before closing?

5 A. Yes, I did.

6 Q. And, again, what was their response?

7 A. That was -- there was never any water even during a
8 hurricane. It only got to the bottom of the hill where the
9 treeline was. It was never in the house.

10 Q. Okay. So, at the time of the closing, where were you
11 living at?

12 A. In The Reserve in Freedom -- on Freedom Boulevard --

13 Q. Okay.

14 A. -- in an apartment.

15 Q. In an apartment.

16 Did you move into the house right away?

17 A. No, I still had one month left on my contract at the,
18 at The Reserve. So, I stayed there while they were doing
19 the CL-100 repairs.

20 Q. Okay. Do you recall when you moved into the house?

21 A. I believe it was August 26th.

22 Q. Okay. And so, even before you moved to the house, but,
23 but prior to moving into the -- excuse me.

24 After closing but prior to moving into the house, did
25 you ever experience any problems with water in the basement?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yeah, I frequently would go over in the morning before
2 going to work to see, you know, what was on -- what John
3 Sims was gonna be doing on the CL-100. When the Phillips
4 moved out, there was some stains on the hardwood floors.

5 So, I knew I was getting the hardwood floor. So, I
6 wanted to know when they were gonna do it because I had a
7 dog and I wanted to make sure that was kind of one of the
8 first priority things. They were doing some remodeling
9 pro -- projects.

10 So, a lot of times I'd, I'd swing by and see what was
11 on the list of repairs that day and, on August 18th before
12 I moved in, I went downstairs to the basement and the back
13 room in the basement was flooded. There were several inches
14 of water and I called John Sims and I said hey, did you by
15 chance drain the hot water tank because the back room is
16 flooded and he said no. But I'm heading that way. I'll
17 check it out.

18 Q. All right. We're gonna pull up the diagram again so
19 you can show us what you mean by the, the back room.

20 Okay. Can you---

21 A. Oops.

22 Q. Can you take that -- the, the mouse and show the
23 jury---

24 A. Yeah.

25 Q. ---where this---

Barbara Sarb - Direct examination
By Mr. Love

1 A. I entered---

2 Q. ---area is you're talking about?

3 A. I entered the door here and it was this entire portion
4 of the -- oops. Sorry. I'm not good with this. This
5 entire back portion right here was all wet.

6 Q. Okay. And how much water---

7 A. It was---

8 Q. ---did you see?
9 what was happening?

10 A. It was a good inch of water.

11 Q. And so, after contacting John Sims, what happened after
12 that?

13 A. He didn't know where it came from either. There was an
14 old hot water tank right in this corner right, right here.
15 There's a hot water tank right about there. And I said
16 well, maybe the faucet on the bottom of the hot water tank
17 was -- leaked. So, he proceeded to change the little spigot
18 on the bottom of the hot water tank thinking maybe that was
19 the cause.

20 (WHEREUPON, the rainfall data was marked as Plaintiff's
21 Exhibit No. 12 for identification purposes only at this
22 time.)

23 MR. GROTE: Your Honor, I'm gonna hand up Exhibit 12 to
24 the Court.

25 THE COURT: All right.

Barbara Sarb - Direct examination
By Mr. Love

1 MR. GROTE: I would ask as a -- that this be admitted
2 as a certified public record, self-authenticating,
3 precipitation data.

4 THE COURT: What does the defense say?

5 MR. LOVE: I believe you can take judicial notice of it
6 and I'm completely fine with that.

7 THE COURT: All right. I'll take such notice.

8 MR. GROTE: Move Exhibit 12 into evidence, Your Honor.

9 THE COURT: Twelve's in evidence.

10 (WHEREUPON, Plaintiff's Exhibit No. 12 was received
11 into evidence at this time.)

12 Q. And, Doctor Sarb, would you take a look at this
13 document.

14 Have you seen this document before?

15 A. Yes.

16 Q. Doctor Sarb, do you understand or do you understand
17 this to be a -- certified rainfall data from 2010 through
18 February of 2021 --

19 A. Yes.

20 Q. -- for the Florence area?

21 A. Yes.

22 Q. At the nearest with their observation station to 550
23 Wisteria Drive?

24 A. Yes.

25 Q. Okay. Can you look at that precipitation data and

Barbara Sarb - Direct examination
By Mr. Love

1 identify how much it had rained on the preceding dates of
2 April or on the, the dates of April 16 and April 17?

3 A. It didn't, didn't rain.

4 Q. I'm, I'm sorry. August, August 16 and August 17. I'm
5 sorry.

6 A. Yes. It rained .1 on the 16th and, on the 17th,
7 1.78 inches.

8 Q. I'm going to hand you a blue highlighter.

9 Could you highlight those precipitation amounts on this
10 document?

11 A. So you want me to highlight the, the day before?
12 Was this the date that I noticed the---

13 Q. The 16th and the 17th.

14 A. (WHEREUPON, the witness complies.)

15 Q. Okay. I'm gonna hand you a, a yellow highlighter.
16 Okay?

17 A. Yes.

18 Q. And could you identify or highlight in yellow
19 August 18th when you noticed the water in the basement?

20 A. (WHEREUPON, the witness complies.)

21 Q. Okay. You can keep those if you want.
22 So, did this happen again?

23 A. Yes, it happened to -- September 6th.

24 Q. Okay. What happened at that time?

25 A. That time it wasn't as severe. Again, it was in that

1 back room. It was staining of water along the back wall and
2 the side wall. At that time I mentioned it to John Sims
3 again. I had a humidifier going at the time because they --
4 the windows were kind of sweating on the inside and it
5 seemed like there was a high humidity in the, in the
6 basement area and he said well, maybe it's your humidifier
7 over, you know, over filled the bucket, just spilled out and
8 I knew, knew that was wrong cause it, it was a humidifier
9 that I had for five years, and, when the bucket got full, it
10 automatically turned off.

11 So, I know -- I knew that wasn't the answer to the
12 problem. I knew it had to be something else. I just didn't
13 know what.

14 Q. Okay. If you'll look at the, the rainfall data?

15 Can you identify for the jury how much rainfall there
16 was on the preceding day of September 5th?

17 A. 2.68 inches.

18 Q. Okay. And can you come to the exhibit and mark in blue
19 that rainfall data for September 5th?

20 A. (WHEREUPON, the witness complies.)

21 Q. And did you say you noticed the water in the basement
22 on September 6th?

23 A. Yes.

24 Q. Can you go ahead and highlight September 6th with a
25 yellow highlighter please?

Barbara Sarb - Direct examination
By Mr. Love

1 A. (WHEREUPON, the witness complies.)

2 Q. And, again, just describe for the jury, after you sit
3 down, what you are seeing?

4 A. The water in the, in the back coming in between the
5 walls and the floor, the -- it was ground water seeping
6 through the floor.

7 Q. Okay. we'll pull up the diagram again.

8 Can you show us on this diagram where that water---

9 A. Yeah.

10 Q. ---was happening---

11 A. It was---

12 Q. ---the second time?

13 A. It was in this back wall -- oops. This side wall right
14 here and, and this back, back wall. It was kind of like
15 stained in like arch fashion right here and right there.
16 There was nothing in the, in the front, front room or in the
17 center area. And I had a humidifier right, right along
18 this, this back wall that was plugged in.

19 Q. And what was the -- what was the humidity like --

20 A. Um.

21 Q. ---in, in this---

22 A. I bought one of those cheap things you get at, at like
23 Lowe's and it was 90 to 100 percent.

24 Q. And so after you started to have these issues, did you,
25 did you monitor the humidity in the basement?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yes.

2 (WHEREUPON, the Bestair humidity monitor was marked as
3 Plaintiff's Exhibit No. 13 for identification purposes only
4 at this time.)

5 Q. I show you what we've marked as -- for identification
6 as Exhibit No. 13.

7 Can you identify what that is?

8 A. Yeah, it's the, it's this little Bestair humidity re --
9 monitor that I bought at I think a Lowe's or Home Depot and
10 that was one of the recordings from October 31st, 2019.
11 But that's typically what I got in the basement and also the
12 humidity was high upstairs that I had two dehumidifiers
13 going.

14 Q. Did you take this photograph?

15 A. Yes.

16 MR. GROTE: Your Honor, I would move to admit that into
17 evidence.

18 MR. LOVE: No objection, Your Honor.

19 THE COURT: All right. Thirteen's in evidence.

20 (WHEREUPON, Plaintiff's Exhibit No. 13 was received
21 into evidence at this time.)

22 Q. So, Doctor Sarb -- publish to the jury.

23 Doctor Sarb, is this the, the photograph that we were
24 referring to?

25 A. Yes.

Barbara Sarb - Direct examination
By Mr. Love

1 Q. And so, after you began to experience these two issues
2 with water intrusion, did you start to, I guess, monitor the
3 situation in the basement and start documenting it with
4 photographs?

5 A. Yes.

6 Q. Did you, again, experience another event with water in
7 the, the basement?

8 A. Yes, December 13th it rained quite a bit in the
9 evening and through the night and I heard there was a sump
10 pump in the basement. And I heard the sump pump go out
11 through the night. And that next morning I woke up and both
12 rooms of the basement were flooded with several inches of
13 water.

14 Q. And when you say both rooms of the basement, what are
15 you talking about?

16 A. When you open the door, that front room and, and the
17 back room.

18 Q. And can you describe how much water was there that
19 morning?

20 A. In, in the back basement, there was, you know, up to
21 about 4-inches of water and it came up into the front room
22 also about half way, half way up.

23 Q. All right. Was the sump pump still running?

24 A. Yes, it was.

25 Q. Was it taking care of all the water you saw?

Barbara Sarb - Direct examination
By Mr. Love

1 A. No, it was not and I started sweeping water out the,
2 out the door and squeegeing water in the sump pump and it
3 just kept coming up. Even though I'd squeegey it out, within
4 a half hour there was four more inches of water and that
5 continued for about 36 hours.

6 Q. Where was the water coming from that you could tell or
7 where were you seeing it come from?

8 A. It was coming in-between the, the walls and the floor
9 on all three sides of the basement. The back, back wall and
10 these sides here, here, and here.

11 Q. Okay. So, when you noticed the water this time, what
12 did you do?

13 A. Well, I, I was trying to get, get it in every half hour
14 going back in and squeegeing it out and it just kept
15 re-accumulating and my neighbor, Robin Hatchell, knocked on
16 the window about ten o'clock that morning and said oh,
17 that's happened again.

18 MR. LOVE: Objection. Hearsay.

19 THE COURT: Sustained.

20 Ms. Sarb, you can't tell us anything that anybody else
21 has told you.

22 Okay?

23 THE WITNESS: Okay.

24 THE COURT: All right. Thank you, ma'am.

25 A. So I kept, kept putting it and dealing with it as best

1 as I could. But it kept re, re-accumulating.

2 Q. Okay. Did you reach out to John Sims at all after that
3 incident?

4 A. Yes, I did.

5 Q. Okay. And what, what was the result of that?

6 A. I just tried finding out what, what I, I could do to
7 figure out what -- about, about -- what the problem.

8 Q. Okay. Did John Sims offer any help or did he do
9 anything for you?

10 A. Eventually the -- there was so much water the, the sump
11 pump ended up failing and I had to get the sump pump -- a
12 new motor for the sump pump. And I think he gave me a
13 number for Daniel Williams. And I had to get a new, new
14 sump pump installed to get -- help get the water --

15 Q. Okay.

16 A. -- taken care of.

17 Q. Okay. The same drill with the, the rainfall data up
18 there.

19 Can you mark for the jury the or I guess, number one,
20 identify -- you can look at the, the big exhibit if you'd
21 like.

22 But can you identify the rainfall amounts on
23 December 13th, 2019, and December 2014 19 (sic), which is
24 the date you've been describing or leading up to the dates
25 you've been describing?

Barbara Sarb - Direct examination
By Mr. Love

1 A. Yeah.

2 I mean do you want them in blue or --?

3 Q. Yes, in blue please.

4 A. You want the 14th and the other one?

5 Q. Both in blue please.

6 A. 1.6 inches on the 13th and .46 inches on the 14th.

7 Q. Okay. And so did you notice that water or water in the
8 basement on the 14th?

9 Is that what you said?

10 A. Yes.

11 Q. Why don't you maybe put a, a yellow box beside that too
12 or a yellow mark beside it?

13 A. (WHEREUPON, the witness complies.)

14 Q. To the right side of that too.

15 Did you take some photographs during this rain event or
16 at -- when there was water in the basement this time?

17 A. Yes.

18 (WHEREUPON, a photograph was marked as Plaintiff's
19 Exhibit No. 14 and received into evidence at this time.)

20 Q. I show you Exhibit 14.

21 Is that a photograph that you took?

22 A. Yes, it's a photograph with water, yes.

23 Q. Okay. What date did you take that photograph?

24 A. December 14th, 2019.

25 Q. Does that photograph document the, the conditions that

Barbara Sarb - Direct examination
By Mr. Love

1 you were seeing in the basement at that time?

2 A. Yes.

3 MR. GROTE: Your Honor, I'd move to admit that into
4 evidence.

5 MR. LOVE: No objection.

6 THE COURT: All right. Exhibit No. 14's into evidence.

7 (WHEREUPON, Plaintiff's Exhibit No. 14 was received
8 into evidence at this time.)

9 THE COURT: And this -- it's five o'clock.

10 So, ladies and gentlemen, again, I want to thank you
11 for your time and your patience and your attention.

12 We're gonna break for the evening. I'm gonna ask that
13 you be back here at 9:20 in the morning. We're gonna start
14 right at 9:30 and we're gonna work as hard as we can to get
15 the evidence before you.

16 And, again, please understand that you do not talk to
17 anybody about the facts of this case or do any independent
18 research and we'll see you in the morning. Hope you have a
19 good evening.

20 Thank you so much.

21 (WHEREUPON, the following takes place outside the
22 presence of the jury.)

23 THE COURT: All right. And, doctor, you're welcome to
24 step, to step down. And, again, you're still under oath and
25 you're still on the witness stand so to speak. So you can't

1 speak to anybody about your testimony.

2 okay?

3 THE WITNESS: Okay.

4 THE COURT: All right. Thank you so much.

5 Is there anything that we need to bring up before we
6 retire for the day?

7 MR. GROTE: I think they'll be a video coming up that
8 Mr. Love has some objections to and I think we agreed to
9 redact the, the settlement statement too.

10 THE COURT: Okay.

11 MR. GROTE: Those are the things that I'm aware --.

12 MS. GIOVANOLI: Just for the record, once it's
13 redacted, it will be admitted in evidence?

14 THE COURT: That's No. 10?

15 MR. GROTE: Yeah.

16 THE COURT: That's Plaintiff's 10?

17 MR. GROTE: We got to -- we got to work on No. 10 and
18 we got to work on the disclosures.

19 THE COURT: The what?

20 MR. GROTE: The redaction of the disclosures --

21 THE COURT: Okay.

22 MR. GROTE: -- that were published (indiscernible).

23 THE COURT: Okay. Now, as far as the video, is there
24 something that the Court needs to consider as far as that's
25 concerned or is there any motion that needs to happen?

1 MR. GROTE: There's one video that has some commentary
2 or, or narration.

3 THE COURT: Y'all are welcome to sit down. I --
4 whatever you'd like to do or go home. It doesn't matter.

5 MR. GROTE: There's one video that has a, a narration
6 by Doctor Sarb in it and my understanding is they take issue
7 with the -- her narration of it and that'd be the issue.
8 We, we contend it's a present sense impression. She's just
9 describing what she sees as she takes the video.

10 THE COURT: And what's the -- and what's your argument?

11 MR. LOVE: Well, Your Honor, it -- to start off with,
12 it's, it's hearsay. So the exception he's using is that
13 present sense impression, that exception, much like the
14 excited utterance exception, is something that you observe
15 the immediacy and you comment on it in the immediacy.

16 The video makes it clear that she was in there, that
17 the water was there a week, and she's going around saying
18 this is what I've been seeing for a week. This is -- you
19 know, all that kind of stuff.

20 It's stuff that she can testify to. He can ask her the
21 questions and get that out. But it's the audio on the, on
22 the, excuse me, the audio on the video that, that is
23 improper.

24 THE COURT: So, in other words, whatever my decision is
25 can easily be either muted or not?

1 MR. GROTE: Yes, Your Honor. We would con---

2 MR. LOVE: Right. Except for it is published, and if
3 they get it back in the jury room, then that also
4 (indiscernible)---

5 THE COURT: I understand.

6 All right.

7 MR. GROTE: Your Honor, I, I think, you know, for
8 purposes of this, we would have to show you the video just
9 so you can hear the audio and make a, you know---

10 THE COURT: All right.

11 MR. GROTE: ---your own determination on that. I
12 interpret it that she -- my recollection of it is, is that
13 she's just describing this is what she's seeing because it's
14 been like this for a while. But there's also other audio,
15 and if it's independently significant, even if the narration
16 is taken out, at the beginning you can hear the sump pump
17 running in that, which is clearly not hearsay, and I think
18 his client's gonna say that the, the sump pump always took
19 care of the water.

20 And so it has some independent significance with the
21 audio portion of it too even if the narration is taken out
22 of it.

23 THE COURT: Okay. Now you're getting technical. I
24 mean I'm not sure how we're gonna take all of the audio out
25 and leave the sump pump running.

1 MR. GROTE: I don't know other than just playing the
2 first blip. But, again, I don't -- we believe it would fall
3 in an, an exception. But --.

4 THE COURT: And how long was this video?

5 MR. GROTE: We can---

6 MR. LOVE: Under a minute I think if I recall. Maybe.

7 MR. GROTE: Yeah, it's not very long. We can---

8 THE COURT: You want to play it?

9 MR. GROTE: We can play it right now if you'd like to
10 see it?

11 (WHEREUPON, an indiscernible statement was made at this
12 time.)

13 MR. GROTE: It's 12/20/19. We will play the audio
14 through the speakers here.

15 THE COURT: We'll find out.

16 (WHEREUPON, the video was played at this time.)

17 MR. GROTE: And just as a matter of note, she's already
18 testified, it's already in evidence, that she had water in
19 the, in the basement that 13th and 14th or at least the
20 14th of the week prior.

21 THE COURT: Okay. That's what I need to mull over
22 tonight. I'll figure it out.

23 Is there anything further from you, Mr. Love?

24 MR. LOVE: Not right now though, Your Honor.

25 THE COURT: Okay. Well, we'll be here in the morning.

1 If there's nothing else---

2 (WHEREUPON, the audio was turned off at this time.)

3

4 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Florence County, South Carolina, on the 11th day of September, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 21st, 2023



PAMELA E. GREEN, Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF FLORENCE) 2020-CP-21-01817

BARBARA SARB,)
)
 Plaintiff,) **Transcript of Record**
)
 vs.)
) September 12-14, 2023
 JULIE W. PHILLIPS AND)
 JOSEPH M. PHILLIPS,)
)
 Defendants.)

B E F O R E:

Honorable H. Steven DeBerry, IV
Florence County Courthouse
Florence, South Carolina

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

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Attorneys for Plaintiff

Edward A. Love, Esquire
Attorney for Defendants

Kay H. Richardson
Circuit Court Reporter

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9	P55	1 Photo		48
10	P56	1 Photo		48
11	P57	1 Photo		49
12	P58	1 Photo		49
13	P59	1 Photo		49
14	P60	1 Photo		58
15	P61	1 Photo		61
16	P62	1 Photo		61
17	P63	1 Photo		61
18	P64	1 Photo		61
19	P65	1 Photo		61
20	P66	1 Photo		61
21	P67	1 Photo		61
22	P68	1 Photo		61
23	P69	1 Photo		61

<u>E X H I B I T S</u>			
<u>No.</u>			<u>ID</u> <u>EV</u>
1	P70	1 Photo	61
2	P71	1 Photo	61
3	P72	1 Photo	61
4	P73	1 Photo	61
5	P74	1 Photo	61
6	P75	1 Photo	61
7	P76	1 Photo	61
8	P77	1 Photo	61
9	P78	1 Photo	61
10	P79	1 Photo	61
11	P80	1 Photo	61
12	P81	1 Photo	61
13	P82	1 Photo	61
14	P83	1 Photo	61
15	P84	1 Photo	61
16	P85	1 Photo	61
17	P86	1 Photo	61
18	P87	1 Photo	61
19	P88	1 Photo	61
20	P89	1 Photo	61
21	P90	1 Photo	61
22	P91	1 Photo	61
23	P92	1 Photo	61

<u>E X H I B I T S</u>				
	<u>No.</u>		<u>ID</u>	<u>EV</u>
1				
2				
3	P93	1 Photo		61
4	P94	1 Photo		61
5	P95	1 Photo		61
6	P96	1 Photo		61
7	P97	1 Photo		61
8	P98	1 Photo		61
9	P99	1 Photo		61
10	P100	1 Photo		61
11	P101	1 Photo		61
12	P102	1 Photo		61
13	P103	1 Photo		61
14	P104	1 Photo		61
15	P105	1 Photo		61
16	P106	1 Photo		61
17	P107	1 Photo		61
18	P108	1 Photo		61
19	P109	1 Photo		61
20	P110	1 Photo		61
21	P111	1 Photo		61
22	P112	1 Photo		61
23	P113	1 Photo		61
24	P114	1 Photo		61
25	P115	1 Photo		61