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Apr 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Appellate Case No. 2022-001385
Case No. 2017-CP-08-02238

Matthew Zetz,

Appellant,

v.

Daniel Island Company, Inc.,

Respondent.

RECORD ON APPEAL – VOLUME 3

POULIN | WILLEY | ANASTOPOULO, LLC

Angeline M. Larrivee (SC #105466)
Roy T. Willey, IV (SC #101010)
Eric Poulin (SC #100209)
Lane Jefferies (SC #101764)
32 Ann Street
Charleston, SC 29403
(803) 222-2222

Attorneys for the Appellant

BARNWELL WHALEY
PATTERSON & HELMS, LLC

Kenneth Michael Barfield (SC #69400)
Diane Summers Clarke, II (SC #74829)
211 King Street, Suite 300
Charleston, SC 29401
(843)577-7700

Attorneys for the Respondent

1 the closing documents.

2 Q Gotcha. Is that -- that owner database, is that
3 one database for the whole development or is it separate
4 databases depending--

5 A It's all one.

6 Q It's all just -- it's one thing?

7 A It is.

8 Q Does it have, like, a name?

9 A Jenark.

10 Q Spell that for me.

11 A J-E-N-A-R-K.

12 Q Jenark. And that's the database of property
13 owners in the entire development of Daniel Island, as far as
14 you know?

15 A As far as I know, yes.

16 Q Okay. And the Property Owners Association manages
17 that -- that database?

18 A Yes, our office does, yes.

19 Q Okay. Who lets you know when a piece of
20 property's been sold so that you need to update the
21 database?

22 A Well, I don't have any involvement -- I don't
23 currently have any involvement with the move-in, move-outs.

24 Q When you did, do you remember, like, how you'd get
25 that information?

1 A The mail. E-mail from Sara through the lawyer's
2 offices. The closing attorney.

3 Q The closing attorney office would copy Sara.

4 A Would e-mail. Because they would contact her to
5 get the details on closing fees and whatnot.

6 Q Gotcha. Okay. And that's how she'd know--

7 A Yes.

8 Q -- that a piece of property was going to change
9 hands?

10 A Right.

11 Q And then y'all have a database of all these
12 properties and you update them?

13 A Right.

14 Q And I'm guessing there's probably a note in there,
15 maybe I'm wrong, about where in the property they live in
16 terms of whether they're in the community association
17 portion or town association or park association?

18 A Yes.

19 Q Okay. But it's all together in one big database?

20 A Yes.

21 Q All right. You know, Lisa, you've been really
22 helpful. I think that I've asked you everything I need to
23 ask you. These other attorneys -- these other lawyers, they
24 might have some questions for you. If they do, I might have
25 some follow-ups, depending on what they ask you. But just

1 in case they don't, I'll kind of end with a handful of
2 questions. Have you understood everything I've asked you?

3 A Yes.

4 Q And you've answered it all truthfully?

5 A Yes.

6 Q And is there any reason that you would answer
7 differently when one of these lawyers, or even if I, ask you
8 the same question later?

9 A No.

10 Q All right. If anything would cause you to change
11 your answer, will you let Mr. Sobocinski know so he can tell
12 me that something has changed?

13 A Sure.

14 Q Excellent. Well, unless I have follow-ups to
15 theirs I'm -- I'm -- I'm finished. I'm going to let you get
16 on with your day.

17 MR. SOBOCINSKI: Let them go first. Y'all have
18 anything? Bo? Michael?

19 MR. WILSON: No questions.

20 MS. BAER: This is Laura Baer. I don't have any
21 questions.

22 MR. BARFIELD: Nothing here.

23 MR. SOBOCINSKI: I don't have anything either.

24 Thank you, Lisa

25 MR JEFFERIES: You are free to go. Thank you,

1 Lisa.

2 A Okay.

3 MR. JEFFERIES: Appreciate your time very, very
4 much.

5 THE WITNESS: Okay.

6 THE VIDEOGRAPHER: We are off the record. The
7 time is approximately 2:21 p.m. This concludes the video
8 recorded testimony of Lisa Avant.

9
10 [Deposition concluded at 2:50 p.m. and the deponent
11 waived her right to read and sign her deposition
12 testimony.]

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF DORCHESTER) C E R T I F I C A T E

3
4 I, Michele Darling Neville, RPR, Registered
5 Professional Reporter and Notary Public for the State of
6 South Carolina, certify that I did have Lisa Avant to appear
7 before me at 1:47 p.m. on Tuesday, September 14, 2021, in
8 the Offices of Anastopoulo Law Firm, 32 Ann Street,
9 Charleston, South Carolina; that the witness was duly sworn
10 and cautioned to tell the truth, the whole truth and nothing
11 but the truth; that the foregoing pages constitute a true
12 and accurate transcript of testimony given at the time and
13 place.

14 I do further certify that I am not of counsel or
15 kin to any of the parties to this cause of action, nor am I
16 interested in any manner of its outcome.

17 IN THE WITNESS WHEREOF I have hereunto set my hand
18 and seal this the 19th day of September, 2021.

19
20
21
22 
23

24 Notary Public for South Carolina
25 My Commission Expires April 29th, 2024

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In The Matter Of:
Zetz v.
Daniel Island Company, et al.

Zoom Videoconference Deposition

Sara Cuthbert
September 22, 2021



Janice D. Hayward, RMR
Independent Court Reporter
843.478.6756
JanHayward1@gmail.com

Original File 09-22-21 Sara Cuthbert.txt
Min-U-Script® with Word Index

Zoom Videoconference Deposition

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1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
 2 COUNTY OF BERKELEY) CASE NO. 2017-CP-08-022038

3
 4
 5 MATTHEW ZETZ,)
 6 Plaintiff,)
 7 vs.)
 8 DANIEL ISLAND COMPANY INC.;)
 9 DANIEL ISLAND COMMUNITY)
 10 FOUNDATION INC.; DANIEL ISLAND)
 11 TOWN ASSOCIATION INC.; DANIEL)
 12 ISLAND COMMUNITY ASSOCIATION)
 13 INC.,)
 14 Defendants.)
 15 -----

ZOOM VIDEO DEPOSITION

16 WITNESS: SARA CUTHBERT

17 DATE: Wednesday, September 22, 2021

18 TIME: 12:06 PM

19 LOCATION: Zoom Videoconference

20 REPORTED BY: Janice D. Hayward, RMR
 21 NCRA Registered Merit Reporter
 22 240 Oak View Way
 23 Summerville, South Carolina 29483
 24 843.478.6756
 25 JanHayward1@Gmail.com

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APPEARANCES

FOR THE PLAINTIFF

Lane D. Jefferies
lane@akimlawfirm.com
Anastopoulo Law Firm
32 Ann Street
Charleston, South Carolina 29403
and
Kathryn Harden
kathryn@akimlawfirm.com
Anastopoulo Law Firm
418 River Street
Greenville, South Carolina 29601

FOR THE DEFENDANT DANIEL ISLAND COMPANY INC.

Connor Hoy
choy@barnwell-whaley.com
Barnwell, Whaley, Patterson & Helms
211 King Street, Suite 300
Charleston, South Carolina 29455

FOR THE DEFENDANT DANIEL ISLAND COMMUNITY FOUNDATION

Bonum S. Wilson
bwilson@wilsonheyward.com
Wilson, Heyward & Horn
924 Folly Road
Post Office Box 13177
Charleston, SC 29422

Zoom Videoconference Deposition

3

1 FOR THE DEFENDANT DANIEL ISLAND TOWN ASSOCIATION
2 INC.

3 Jennifer F. Nutter
4 jennifer.nutter@hoodlaw.com
5 Hood Law Firm
6 172 Meeting Street
7 Charleston, South Carolina 29401

8 FOR THE DEFENDANT DANIEL ISLAND COMMUNITY
9 ASSOCIATION INC.

10 Laura R. Baer
11 lbaer@collinsandlacy.com
12 Collins & Lacy
13 1330 Lady Street, Sixth Floor
14 Columbia, South Carolina 29201

15 Also Present

16 Kevin O'Quinn, Videographer
17
18
19
20
21
22
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25

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1 (The deposition began at 12:06 PM.)

2 MR. O'QUINN: Now on the record at
3 12:06 PM on September the 22nd, 2021.
4 This is the video deposition of
5 Sara Cuthbert. Counsel has waived the
6 reading of the caption.

7 Counsel, please state your
8 appearances for the record.

9 MR. JEFFERIES: Good afternoon.
10 Lane Jefferies with the Anastopoulo Law
11 Firm for the plaintiff, Matthew Zetz.

12 MR. WILSON: Bo Wilson for Daniel
13 Island Community Foundation.

14 MS. BAER: Laura Baer for Daniel
15 Island Community Association.

16 MR. BARFIELD: This is
17 Michael Barfield for Daniel Island
18 Company.

19 MS. NUTTER: Jennifer Nutter for
20 Daniel Island Town Association.

21 MR. JEFFERIES: And, Michael, this is
22 Lane again, just for your benefit because
23 I don't think you were on the line,
24 Kathryn Harden, the other name you see up
25 there, is with my office in Greenville.

1 She's not participating, she's just
2 listening in, she's going to join us
3 working on this case as we start getting a
4 little closer to trial.

5 MR. BARFIELD: Sure.

6 MR. JEFFERIES: Just wanted you to
7 know who she was.

8 MR. BARFIELD: All right. Appreciate
9 it.

10 MR. JEFFERIES: All right. Jan.
11 (Sara Cuthbert, after being sworn/affirmed
12 via Zoom, testified as follows:)

13 EXAMINATION

14 BY MR. JEFFERIES:

15 Q Good afternoon again, Miss Cuthbert. This
16 is, once again, Lane Jefferies with the Anastopoulo
17 Law Firm. I represent the plaintiff in this matter.

18 A few things as we get started.
19 And the first thing is what would you prefer that I
20 call you? Do you prefer to be Mrs. Cuthbert or
21 Miss Cuthbert or Sara? What's best for you?

22 A Sara is fine.

23 Q Sara. Excellent. Well, Sara, I
24 appreciate your time today. I'm going to make this
25 as expeditious as possible. A few things as we get

1 started. First, you know you were just sworn in, so
2 you're sworn to tell the truth and the whole truth
3 and nothing but the truth, right?

4 A Yes.

5 Q Excellent. I'm going to ask you a number
6 of questions. I hope that most of them will be
7 extremely well worded and very clear, but odds are
8 there's some that are not going to be that way.

9 If you don't understand a
10 question, please just ask me to clarify it or
11 rephrase it or whatever, and I'll do that as many
12 times as I need to until you understand it, okay?

13 A Okay.

14 Q I'd just ask that you don't look to anyone
15 else for clarification. None of the other attorneys
16 or anyone else is allowed to explain my question,
17 you just got to get that explanation from me, all
18 right?

19 A Right.

20 Q Excellent. When you answer a question,
21 I'm going to conclude two things from the fact that
22 you answered. I'm going to conclude, first, that
23 you understood the question; and, second, that you
24 gave a truthful and complete answer. Is that fair?

25 A Yes.

1 Q You're doing extremely well, it's
2 something I want to encourage you to continue doing,
3 and that's answering questions with words as opposed
4 to headshakes or uh-huh or huh-uhs. Please keep on
5 doing that because it makes it so much easier for
6 our court reporter, Miss Hayward, to actually write
7 down your answers. So I appreciate that.

8 All right. So let's get into
9 the meat of this. I understand from the deposition
10 of Kay Fabrizio a week or so ago that you work with
11 her at the Daniel Island Property Owners
12 Association, is that correct?

13 A Yes.

14 Q And that's where you work now as of
15 today's date, correct?

16 A Yes.

17 Q And how long have you worked for the
18 Daniel Island Property Owners Association?

19 A Since 2015.

20 Q And you were working continuously at the
21 Daniel Island Property Owners Association since 2015
22 up through today?

23 A Yes.

24 Q So you were working there back in 2016
25 around the time of, you know, November, around the

1 time of the Park Day and the incidents that are
2 involved in this lawsuit?

3 A Yes.

4 Q Is there a significant difference between
5 what you do now for the Property Owners Association
6 and what you did back in 2016?

7 A No.

8 Q All right. So I'm going to ask you about
9 what you do. And instead of asking two complete
10 sets of questions which would make this take twice
11 as long, when I ask you these, I want you to tell me
12 about what you do now and back in 2016.

13 If they're different, you know,
14 call that to my attention. But if you don't say,
15 hey, this has changed, then we're all going to
16 presume that it's the same now as it was then, that
17 your answer is good for both. Is that good for you?

18 A Yes.

19 Q Excellent. All right. So tell us what
20 you do and did for the Daniel Island Property Owners
21 Association.

22 A What I do and did is accounts payables,
23 accounts receivable, 1099s, new homeowner
24 move-in/move-outs. I provide all closing
25 information to attorneys for resales. I work with

1 Kay on the audits, which we have only done for the
2 past few years, so I did not do that in '16.

3 I work with the ARB department
4 in fining. And I am responsible for vendor
5 information. And at that point, I was writing
6 checks. We now have a third party that writes the
7 checks for us, but I approve all invoices with Kay.

8 Q All right. So if I understand that
9 correctly, I'm going to run back through here and
10 just make sure I got all of these. There were two
11 items that you mentioned that are different between
12 now and then. One of those is something that you do
13 now but didn't do back in 2016, and that's to assist
14 Kay Fabrizio with audits, is that correct?

15 A Correct.

16 Q All right. And then another item that's
17 different that you did back in 2016 but don't do now
18 is the actual writing of physical checks, is that
19 correct?

20 A Yes.

21 Q Okay. All right. So to run through all
22 of these items, you are involved with accounts
23 payable, accounts receivable, 1099s, new homeowner
24 information as to the HOAs, people moving in and
25 out, closing info to attorneys.

1 Now you're involved with Kay
2 Fabrizio on audits, you work with the ARB, you
3 handle vendor information. Back in 2016 but no
4 longer today, you were writing physical checks. And
5 finally, the tenth thing is that you approve
6 invoices along with Kay, is that correct?

7 A Yes.

8 Q All right. Is there anything else that
9 you do or did at the Property Owners Association?

10 A No.

11 Q Were you involved at all in reconciling
12 bank accounts either then or now?

13 A No.

14 Q Were you involved at all either then or
15 now in the collection of money, dues or that sort of
16 thing from homeowners?

17 A Oh, yes.

18 Q Okay. And how would you -- is that like
19 a -- collecting money a subset of one of these ten
20 things you mentioned already, or is that something
21 additional?

22 A Kay and I work on collecting assessments
23 together. They come through a lockbox, a bank
24 lockbox.

25 Q I gotcha. All right.

1 MR. O'QUINN: Excuse me, Lane, I'm
2 sorry to interrupt. I got cut out about a
3 minute ago and then I got back on. I
4 apologize, I don't know what happened, for
5 purposes of the video.

6 MR. JEFFERIES: Okay. What I'll do
7 is -- I think it's fine, unless you-all --
8 the rest of you-all object, I'm going to
9 run back through those items I went
10 through, and we'll have a video of it that
11 way if that's cool with you-all. I don't
12 hear any objection, so that's what I'll
13 do.

14 BY MR. JEFFERIES:

15 Q All right. So just to recap through that,
16 Sara, it looks like 11 different items: Accounts
17 payable, accounts receivable, 1099s, new homeowner
18 move-in/move-out stuff with the HOAs, closing --
19 info to closing attorneys.

20 Here in 2021 but not back in
21 2016, you worked with Kay Fabrizio on audits, you
22 worked with the ARB, the Architectural Review Board,
23 you handled vendor information.

24 Back in 2016 but no longer
25 today, you handled the physical writing of checks,

1 you approve invoices along with Kay Fabrizio, and
2 you handle collection of assessments along with
3 Kay Fabrizio. Is that correct?

4 A Yes.

5 Q And that's it, that's a big job and that's
6 the extent of it, there's nothing else?

7 A No.

8 Q Okay. Are you involved at all -- and I'm
9 not trying to trick you on any of these, I'm just
10 trying to make sure I get a whole picture. Are you
11 involved at all in like creation of financial
12 statements or that sort of thing?

13 A No.

14 Q Okay. All right. So here's what I'd like
15 you to do is I'm going to go through each of these
16 11 things, and I want you to kind of break that down
17 for us a little bit, tell us what you do, and then
18 I'll probably have some follow-up questions as to
19 each one.

20 So with respect to accounts
21 payable, tell us about that -- about that job.

22 A Accounts payable to accounts receivable,
23 I receive all the invoices from vendors, they're
24 approved, and I process them for payment.

25 Q Okay. And my understanding -- you tell me

1 if this is correct. My understanding from
2 Kay Fabrizio is that there's no entity actually
3 called Daniel Island Property Owners Association.
4 That's more of an umbrella term for a collection of
5 other entities. So are there -- number one, is that
6 correct, my understanding?

7 A Yes.

8 Q Okay. Would there be any invoices that
9 would be payable by the Property Owners Association
10 in that name, or are they coming to other entities?

11 A Other entities.

12 Q Okay. And what would those entities be
13 that you handle accounts payable for?

14 A Daniel Island Town Association, Daniel
15 Island Community Association, Daniel Island Park
16 Association, Daniel Island Community Fund, and
17 Daniel Island Community Foundation.

18 Q Gotcha. And so that is -- one, two,
19 three, four, five -- five entities that you handle
20 accounts payable for, correct?

21 A Yes.

22 Q And before we go down through the rest of
23 this list, as we go down through these other things,
24 are there any things that you do for entities other
25 than the five that you just named for me?

1 A No.

2 Q Okay. So for the sake of convenience, I
3 might occasionally refer to these five entities just
4 as the five entities so we don't have to repeat them
5 every single time. Is that fair?

6 A Sure.

7 Q And to be clear, the five entities I'm
8 talking about are the ones that you just listed for
9 us, Daniel Island Town Association, Daniel Island
10 Community Association, Daniel Island Park
11 Association, Daniel Island Community Fund, and
12 Daniel Island Community Foundation. Is that
13 correct?

14 A Yes.

15 Q So you handle accounts payable for all
16 five of those entities that you just listed, right?

17 A Yes.

18 Q All right. Does anyone else handle
19 accounts payable for those five entities?

20 A Kay may if I am out of town.

21 Q So either you or Kay or the both of
22 you-all?

23 A Yes.

24 Q All right. There's no separate person
25 that works on accounts payable for any of those

1 entities?

2 A Just myself and Kay.

3 Q Do all of those five entities have
4 accounts that need to be paid?

5 A Yes, at times, Daniel Island Community,
6 Town, and Park are weekly payments.

7 Q Okay. So those first three, Town
8 Association, Community Association, and Park
9 Association, have weekly bills coming in that need
10 to be paid?

11 A Yes.

12 Q And the other two have less frequent
13 payments?

14 A Yes.

15 Q And would -- if you can, would Community
16 Fund and Community Foundation, would their payments
17 be something that has to be once a month, once a
18 quarter, or once a year?

19 A It just depends.

20 Q Okay.

21 A I don't have anything to do with that.

22 Q All right. So the bills come when they
23 come and you pay them?

24 A Yes.

25 Q Am I correct that, for instance, Daniel

1 Island Community Association, if it were the only
2 entity that existed, if none of these others ever
3 came into being, Daniel Island Community Association
4 would still have bills that needed to be paid,
5 right?

6 A Yes.

7 Q And it would have to pay somebody to
8 handle them, something like you, right?

9 A Yes.

10 Q So the work you're doing is necessary work
11 for each of these five entities?

12 A Yes.

13 Q What about accounts receivable, is that
14 related to assessments or is that something
15 different?

16 A Mainly assessments, yes.

17 Q Okay. And do you handle accounts
18 receivable in some form or another for all of the
19 same five entities: Town Association, Community
20 Association, Park Association, Community Foundation,
21 and Community Fund?

22 A Really just the three, the Community
23 Association, Park Association, and Town
24 Association.

25 Q Okay. So you handle receivables for those

1 first three, Town, Park -- the three that end in
2 association?

3 A Right.

4 Q And is there any sort of even occasional
5 accounts receivable for Daniel Island Community Fund
6 or Community Foundation?

7 A No.

8 Q What's the difference between those first
9 three that have accounts receivable and the last two
10 that don't?

11 A The first three are tied to the
12 associations. The foundation is a 501(c)(3), and
13 the fund is a 501(c)(4).

14 Q Okay. So the first three, they actually
15 have homeowners that are paying dues, and that's
16 what all that receivable is largely about?

17 A Yes.

18 Q Okay. And the second two are some kind of
19 nonprofits under 501(c) something of the Internal
20 Revenue Code?

21 A Yes.

22 Q I should be clear, because instead of
23 saying -- what I meant was the Daniel Island
24 Community Fund and the Daniel Island Community
25 Foundation, those two are 501(c)(3) and (c)(4),

1 respectively, nonprofits. Is that right?

2 A Yes.

3 Q What about the first three, are they 501,
4 anything, organizations under the Internal Revenue
5 Code?

6 A No.

7 Q And am I correct in concluding that, like
8 accounts payable, accounts receivable for Daniel
9 Island Town Association, Daniel Island Community
10 Association, and Daniel Island Park Association,
11 that's a necessary function that you're performing
12 there for those three?

13 A Yes.

14 Q And that even if only one or two of them
15 existed and not all three, somebody, somebody like
16 you, would have to do that job, right?

17 A Yes.

18 Q All right. Tell us about 1099s. What
19 does that entail?

20 A At the end of the year, I produce 1099s
21 for any vendor that provides a service over \$600.

22 Q And would that be for all -- vendors for
23 all five of the entities or just for some of them?

24 A I believe it is for the town, the
25 community, the park, and maybe the fund -- yeah,

1 and the fund.

2 Q But not foundation?

3 A No.

4 Q And again, that's a task that you have to
5 do that you're required by law to do or that the
6 entities are required by law to do, right?

7 A Yes.

8 Q And so if it weren't you doing them,
9 somebody else would have to do them?

10 A Yes.

11 Q Now, when you do that work, when you do
12 accounts payable, accounts receivable, issuing
13 1099s, how do you keep track in terms of like your
14 hours or material used, et cetera, of which entity
15 you were working for at which time?

16 A We're all paid by Daniel Island Town
17 Association and we work for all of them, do not
18 keep separate accounting.

19 Q So there's no, like -- for instance, in a
20 law firm that bills by the hour, you know, if
21 there's -- a lawyer works, does ten minutes of work
22 on one client's account and then he shifts gears and
23 makes a telephone call on client number two's
24 account and then shift gears again, maybe goes to
25 court on client number three's account, he's keeping

1 track of how much time he's spent on client one,
2 client two, and client three.

3 Are you saying you don't do
4 that, you just work all day and you don't keep track
5 of which of these entities you were actually
6 spending which hours of the day working for?

7 A No, I do not.

8 Q What about like use of any sort of
9 supplies, like paper, copier, toner, pens, ink,
10 stamps, that sort of thing, do you keep track of
11 which one was used for which entity?

12 A No, I do not.

13 Q When you do this work for these five
14 different entities, are there different areas of the
15 office space in which you work? Is there like a
16 Town Association area and a Community Association
17 area and a Park Association area that you go to to
18 perform tasks for each of them?

19 A No.

20 Q If I came into the office or if anyone
21 came into the office and saw you working, would
22 there be any way to tell which entity you were
23 working for at any given time?

24 A No.

25 Q All right. Tell me about -- tell me about

1 the new homeowner in-and-out stuff with the HOA.
2 What does that involve?

3 A I provide attorneys all the closing
4 information and, in turn, I am sent checks for
5 closings and new homeowner information that I
6 update in our system.

7 Q So you have a -- you have a database or
8 something as to who the homeowners are?

9 A We do.

10 Q And then you mentioned you -- you send
11 information to the attorneys, and then you get back
12 from them information and checks as well?

13 A Yes.

14 Q The information that you send to the
15 attorneys, what is that information?

16 A What fees are due at closing, whether
17 their assessment's been paid or if there is a
18 prorated amount due.

19 Q Okay. And how do you find that
20 information?

21 A I go to their account and see if they've
22 paid their assessment.

23 Q And that account, is that something -- is
24 it like in the old days where they're kept in a
25 filing cabinet on three-by-five cards, or is it on a

1 computer, or how is it kept?

2 A It's on a computer.

3 Q Is it like a database or an Excel
4 spreadsheet or --

5 A No, it's a system called Jenark. It's a
6 homeowners database system called Jenark?

7 Q How do you spell Jenark?

8 A J-e-n-a-r-k.

9 Q Exactly like it sounds. My apologies.

10 All right. So in the Jenark
11 system, do you have, like, three separate Jenark
12 systems, one for the people who are under Town
13 Association, one for the folks who are under
14 Community Association, and one for the folks who are
15 under Park Association?

16 A No.

17 Q There's just -- there's one big Jenark
18 system, everybody's in it?

19 A Yes.

20 Q And that's where you go to that one big
21 Jenark system to look up information about any
22 particular property owner?

23 A Yes.

24 Q And I imagine, therefore, then somewhere
25 in there, there's a field that tells you what Town

1 Association or Community Association or Park
2 Association, what area of the development they live
3 in. Is that right?

4 A Yes.

5 Q And that's a field like any other, like
6 their middle name or their birth date or whatever?

7 A Yes.

8 Q So you don't keep Town Association,
9 Community Associations, or Park Associations'
10 databases separate, they're just all comingled
11 together like one big thing.

12 A Yes.

13 Q And that's where you said you -- that's
14 where you go to look up the information that you
15 give to the lawyers?

16 A Yes.

17 Q All right. So then the lawyers then send
18 back some information to you along with money,
19 correct?

20 A Yes.

21 Q All right. So what information do the
22 lawyers send back to you?

23 A They send back a new homeowner update
24 information sheet, hopefully, and closing fees.

25 Q Okay. And that new homeowner update

1 sheet, is that just -- that's information for you to
2 update your one big Jenark database?

3 A Yes.

4 Q Does that sheet itself say anything about
5 whether the new homeowner falls within Town or
6 Community or Park Association's area, or is that
7 something that you would know based on the address?

8 A Smoggy would know.

9 Q So there's not like a separate sheet, like
10 you send this sheet for Town Association, this for
11 community, and this for park?

12 A No.

13 Q And when that information gets sent, is it
14 sent to you old-school snail mail, or does it go by
15 email, or how does it go?

16 A Both.

17 Q Both.

18 If it were to go by US Mail, I
19 paper mail, where would it go to?

20 A Our office at 130 River Landing Drive,
21 Suite 1C, Charleston, South Carolina, 29492.

22 Q And when you say our office, that's --
23 whose office is that?

24 A Daniel Island Property Owners
25 Association.

1 Q Which, as we mentioned earlier, isn't a
2 thing on its own, it's a name you-all use to
3 describe a group of other entities, right?

4 A Yes.

5 Q So is there a separate address -- if
6 somebody buys a house that's within the Town
7 Association area, and somebody else buys a house
8 that's within the Community Association area, do the
9 lawyers doing those closings, do they send that
10 information in the US Mail to different physical
11 addresses for you, or does it all go to that 130
12 River Landing address?

13 A Yes, it goes to the one address.

14 Q 130 River Landing?

15 A Yes.

16 Q And if they email it, does that go to --
17 is there an email for, like, new homeowner info at
18 Daniel Island Town Association.com and a separate
19 one for new homeowner info for Daniel Island
20 Community Association.com, and a third one for new
21 homeowner info at Daniel Island Park
22 Association.com, or do they all just go to one email
23 address?

24 A They go to me.

25 Q And what is your email address?

1 A Sara.Cuthbert@DIcommunity.org.

2 Q All right. Community.org. I believe that
3 the part after the @ is what the tech people call a
4 domain name. Does that sound right to you?

5 A Sure.

6 Q So the email address is -- your email
7 address is at the domain name DIcommunity.org?

8 A Yes.

9 Q As far as you know, are there any other
10 domain names used by the folks you work with there
11 in that office at 130 River Landing Drive?

12 A Not that I'm aware of.

13 Q So everybody you email on a daily basis
14 within your office there, their address is
15 something, something, something at DIcommunity.org?

16 A I believe.

17 Q What if one of those attorneys has a
18 question, what number would they call to -- you
19 know, say they're missing some piece of information,
20 they need it right away, they don't want to email,
21 they certainly don't want to snail mail, they just
22 need you, what number do they call to reach you?

23 A Most likely my direct line.

24 Q And your direct line is what?

25 A (843)971-4404.

1 Q And is there a main line that comes into
2 that office as well?

3 A Yes.

4 Q And what would that number be?

5 A (843)971-9200.

6 Q Are there any direct lines for --
7 separately for Daniel Island Town Association,
8 Daniel Island Community Association, Daniel Island
9 Park Association?

10 A No.

11 Q So all three of those entities use the
12 same phone number?

13 A Yes.

14 Q I just want to recap a little of that just
15 to make sure I understand that right. So with
16 respect to the new homeowner information and closing
17 information and the checks that are coming in, all
18 that information comes and goes out of one database
19 that applies to everybody, right?

20 A Yes.

21 Q Out of one office where everybody works,
22 right?

23 A Yes.

24 Q Through one domain name, DIcommunity.org,
25 right?

1 A Yes.

2 Q Through one main telephone number,
3 971-9200?

4 A Yes.

5 Q So if somebody went and had a question and
6 they just, you know, Googled, wanted to look up the
7 phone number for Town Association, that's going to
8 be the same phone number they'd get if they had a
9 question about Community Association, right?

10 A Yes.

11 Q Do you have any idea why there are three
12 different names of these associations when they have
13 the same office and the same people and the same
14 database and same email domain and same telephone
15 number and same equipment, et cetera?

16 MS. BAER: Object to the form.

17 MS. NUTTER: Object to the form.

18 BY MR. JEFFERIES:

19 Q Just curious if you have any idea?

20 A No.

21 Q Now, when you do this work with new
22 homeowner information in and out and collecting
23 checks, closing information, do you keep track of
24 your time as to those activities depending on which
25 association you were actually doing the work for at

1 the time?

2 A No.

3 Q This strikes me by way of analogy, this is
4 kind of like, you know, my brother and I used the
5 same dry cleaner but he has one account and I have
6 another. He doesn't pay for my shirts and I don't
7 pay for his. But my wife and I, we're just all one
8 big bill, doesn't matter whether it's her dress or
9 my tuxedo jacket, we just get one big bill.

10 It strikes me that this
11 situation there at Daniel Island is a lot more like
12 my wife and me than like my brother and me. Would
13 you agree with that?

14 MS. NUTTER: Objection to the form.

15 BY MR. JEFFERIES:

16 Q You can go ahead and answer.

17 A No.

18 Q Oh, you think it's separate like my
19 brother and me?

20 A No.

21 Q It's together like my wife and me, isn't
22 it?

23 MS. NUTTER: Objection to the form.

24 A Yes.

25

1 BY MR. JEFFERIES:

2 Q Which, actually, I think works out pretty
3 well for her because I end up paying that bill,
4 so...

5 Let me ask you about the work
6 you do at the ARB. And the ARB stands for what?

7 A Architectural Review Board.

8 Q All right. What's your involvement with
9 the Architectural Review Board?

10 A I collect fines and fees from builders
11 and homeowners.

12 Q Do you actually generate the -- I don't
13 know whether you call it a bill or a fine or a fee,
14 but how does that bill get generated? Is that you
15 as well, or are you just the collection end of it?

16 A I'm just the collection end of it.

17 Q Do you know who is on the generating of
18 it?

19 A It's not a bill, it's a fine for a
20 builder -- for a builder, fine.

21 Q And who would fine those builders?

22 A We had field ops that go out and look at
23 builder sites.

24 Q And what sort of thing would one of these
25 field ops be looking for that might cause a fine to

1 be generated?

2 A A silt fence down, Sunday work.

3 Q So violating some of the rules of how you
4 are supposed to behave as a builder?

5 A Yes.

6 Q Do you know roughly how many -- and you
7 called them field ops. Is that their -- is that
8 that person's title?

9 A No. They're just people that go out and
10 look.

11 Q Okay. Do you know how many of those
12 people there are?

13 A One.

14 Q Oh, one guy. Well, I guess, guy, lady?

15 A It's a guy.

16 Q Guy. Do you know that field op guy's
17 name?

18 A Yes.

19 Q What is his name?

20 A Larry Whetsell.

21 Q Larry Whetsell.

22 A And he's really not field ops, he's code
23 enforcement, really, is what we call it.

24 Q Okay. Code enforcement, okay. Got you.
25 Yeah.

1 All right. And is
2 Larry Whetsell code enforcement for Daniel Island
3 Town Association, or is he code enforcement for
4 Daniel Island Community Association, or is he code
5 enforcement for Daniel Island Park Association?

6 A For all.

7 Q For all three?

8 A Yes.

9 Q Do you happen to know when Mr. Whetsell
10 issues a ticket, have you ever, like, seen the
11 ticket?

12 A I don't know what you mean.

13 Q Well, like, so I don't know how he
14 actually tells a builder -- say a builder has a silt
15 fence that's down and he's going to write them up,
16 they got to pay a fine. Does he have a ticket book
17 like a police officer, or does he have -- how does
18 he do it?

19 A No. He sends a picture.

20 Q Okay. He takes a picture of it, he sends
21 it to them, says, you owe me \$50?

22 A He sends a picture and it goes through
23 the ARB department.

24 Q I gotcha. Okay.

25 A And they in turn send it to me.

1 Q And is Larry riding around in his own car
2 doing this or do you know, or does he have like an
3 official vehicle?

4 A I don't know. I don't think so.

5 Q Well, I suppose I could ask Larry these
6 things. I mean, do you have any idea whether Larry
7 has three separate cameras that he uses depending on
8 where he is, he just uses them --

9 A I don't know.

10 Q I'll ask Larry about that.

11 Now, the ARB, Architectural
12 Review Board, I take it that's a horde, that's a
13 group of people?

14 A There are two people in our office that
15 are a part of that.

16 Q Okay. And who are those two people?

17 A Mary Stuart Sutton and Carson Jackson,
18 who is new.

19 Q Carson Jackson. Okay. Carson Jackson
20 would not have been around back in 2016?

21 A No.

22 Q Mary Stuart Sutton would have been?

23 A Yes.

24 Q All right. Now, is Mary Stuart Sutton
25 actually on the Architectural Review Board like a

1 board member, or does she work for the Architectural
2 Review Board like you do?

3 A She works for the ARB department.

4 Q Okay. Do you know who the board members
5 actually are?

6 A No.

7 Q When you do work for ARB, who do you
8 actually report to? Like who tells you whether
9 you're doing a good job or what to do or if you're
10 doing, heaven forbid, a bad job?

11 A Kay Fabrizio.

12 Q Kay Fabrizio. Okay.

13 Do you have any other boss
14 besides Kay? Like is she your direct -- do you
15 report directly to Kay?

16 A Yes.

17 Q Okay. But you don't report to anybody
18 else?

19 A No.

20 Q Just to Kay.

21 So if somebody comes and says,
22 the boss wants to see you, you know exactly who they
23 mean, they mean Kay?

24 A Yes.

25 Q Tell me about the vendor information that

1 you mentioned as one of your responsibilities. What
2 do you do there?

3 A I need to make sure they have an updated
4 W-9 and the correct mailing/billing address for
5 their check.

6 Q Okay. And that -- so that is related,
7 really, kind of to the accounts payable?

8 A Yes.

9 Q Okay. Now, that information, the accounts
10 payable and the vendor information and their W-9s
11 and addresses and all that, how do you-all keep
12 that? Is that like in QuickBooks or Peachtree or
13 index cards or Excel spreadsheet? How do you do
14 that?

15 A It's in Jenark and QuickBooks.

16 Q Okay. So partially in Jenark, partially
17 in QuickBooks?

18 A Um-hum.

19 Q All right. And when it's in Jenark, it's
20 in -- is it in that same -- is it all like just one
21 database, or are there multiple databases?

22 A One database.

23 Q One database, okay.

24 What about QuickBooks?

25 A The same, one database.

1 Q One database. Okay.

2 So it's not like there's a
3 database with the vendor information for Daniel
4 Island Town Association and a separate place you'd
5 have to look for vendor information for Daniel
6 Island Community Association and a third place you'd
7 have to look for vendor information for Daniel
8 Island Park Association, right?

9 A Right.

10 Q It's not like that, it's all together in
11 one big thing?

12 A Yes.

13 Q Now, back when you were writing checks,
14 back in 2016 when a check needed to be written, you
15 actually got the paper check, put it in a printer
16 and made the printer do its thing and print the
17 check?

18 A Yes.

19 Q You weren't literally still handwriting
20 them with an ink pen?

21 A No.

22 Q Did you sign the checks back then?

23 A No.

24 Q Who would have signed the checks back in
25 2016?

1 A Jane Baker.

2 Q Jane Baker, okay.

3 (Zoom interruption.)

4 BY MR. JEFFERIES:

5 Q To sign them, your job was to print them
6 out and make sure they got to Jane Baker?

7 A Yes.

8 Q So tell me about that process. I assume
9 you don't just leave the checks laying around the
10 office back then, you know, all loose. I assume
11 they were maybe locked up or at least in a filing
12 cabinet or something?

13 A Yes.

14 Q How many different checkbooks, so to
15 speak, did you-all have? How many accounts were you
16 writing checks out of?

17 A About nine, ten. Maybe more.

18 Q Okay. And I assume some of those -- some
19 of those accounts were in the names of Town
20 Association, some were in Community Association,
21 some were Park Association, some were Community
22 Fund, some were Community Foundation?

23 A Yes.

24 Q And any one of those entities, if there's
25 ten or more accounts and only five entities, then

1 those entities could have one account or they might
2 have two or three?

3 A Yes.

4 Q Depending on the entity. Okay.

5 Where did you actually keep all
6 those checks?

7 A In a file cabinet, locked.

8 Q And that file cabinet was there at
9 you-all's office at 130 River Landing Drive?

10 A Yes.

11 Q Did you have a private office within that
12 office at 130 River Landing Drive, or were you kind
13 of out like on a main floor with a bunch of desks?

14 A Private.

15 Q And the filing cabinet in which you kept
16 the checks, was it within your private office?

17 A Yes.

18 Q And you said it was locked?

19 A Yes.

20 Q Who all had a key to that locked filing
21 cabinet in your private office at 130 River Landing
22 Drive where you kept all the checks for those nine
23 or ten or more accounts?

24 A Myself and Kay.

25 Q And it was just one key, one lock?

1 A Yes.

2 Q So if you went and opened up the filing
3 cabinet, you had that key to open the filing
4 cabinet, once you did that, you could grab a check
5 from a Daniel Island Town Association account, or
6 you could grab one from a Daniel Island Community
7 Fund account or from a Daniel Island Community
8 Association account, they were all in there?

9 A Yes.

10 Q Kind of like when I open up my desk
11 drawer, I've got a Money Market account, I've got a
12 checking account, my wife's checking account, my
13 wife's Money Market. They're all just there in that
14 one drawer in her office together.

15 A Yes.

16 MS. NUTTER: Objection to the form.

17 BY MR. JEFFERIES:

18 Q Now, you mentioned you printed the checks,
19 so I assume you had a printer nearby to that filing
20 cabinet?

21 A Yes.

22 Q And was that a printer that you printed
23 other stuff on, or was it just a check printer?

24 A Just check printer.

25 Q Smart, because when you use it for other

1 stuff, people end up printing their fax covers on
2 top of your checks half the time. So you had a
3 dedicated check printer, you just put checks in it
4 and printed them out?

5 A Yes.

6 Q How many different check printers did you
7 have?

8 A One.

9 Q Just that one.

10 So regardless of which entity
11 was having a check printed, it all came out of that
12 one filing cabinet and went into that one check
13 printer?

14 A Yes.

15 Q And while you were doing this, printing
16 these checks, did you keep track of how much time
17 you spent printing checks for which entity?

18 A No.

19 Q When it came time to order toner for the
20 machine, did you bill that out to the different
21 entities based on how much each of them used?

22 A No.

23 Q Just all there all together, everybody's
24 toner, everybody's printer?

25 A Yes.

1 Q Tell us about approving invoices with Kay.
2 What does that process look like?

3 A She codes them and I process them.

4 Q Tell me what that means, that Kay codes
5 them.

6 A She codes them with the correct GL in
7 our budget that she creates.

8 Q GL stands for what?

9 A General ledger.

10 Q Okay. All right. So an invoice comes in
11 for, I don't know, some kind of landscaping or
12 something, and she determines what general ledger
13 line item that should fall on and she codes it
14 appropriately?

15 A Yes.

16 Q Okay. And then it comes to you, and then
17 it's your job to make sure that it actually gets
18 inputted right and the check printed out?

19 A Yes.

20 Q And I would assume at least there's
21 separate general ledgers for these five entities
22 since they have separate bank accounts. Am I right
23 about that?

24 A I don't know.

25 Q In your work there at 130 River Landing

1 Drive, who all works in that same office with you?

2 And you know what, before you
3 answer that, a very loud train is about to go by.
4 So I'm going to suggest, since we've been at this
5 for close to an hour, this would be a great time to
6 take a break and let the train pass.

7 MR. O'QUINN: Off the record, 12:52.

8 (Recess.)

9 MR. O'QUINN: Back on the record,
10 1 o'clock PM.

11 BY MR. JEFFERIES:

12 Q Excellent. Sara, we're back after just a
13 brief break. And I know we're all doing this
14 remotely, so this might be a silly question. But
15 while we were on break, did you talk with, text
16 with, email with, communicate with anybody?

17 A No.

18 Q All right. So the question I had asked
19 you right before the train came was, who all do you
20 work with there at 130 River Landing Drive. And let
21 me clarify, I mean back in 2016, not necessarily
22 today. Might be the same people, but specifically
23 back in 2016.

24 A Jane Baker, Barb McLaughlin, Lisa Avant,
25 Danny Herman, Kay Fabrizio, Chris Hamil,

1 Larry Whetsell. I can't remember who all was on
2 the field ops team that worked with Chris. And I
3 believe -- Elizabeth Bolin.

4 Q All right. So when you say, with Chris,
5 do you mean -- is that Chris Hamil?

6 A Yes. Chris has a team of guys that work
7 with him.

8 Q Okay. And Larry Whetsell, is he one of
9 those guys or is somewhere else?

10 A He's code enforcement.

11 Q Okay. Do you know who Larry would have
12 reported to?

13 A No.

14 Q And then you mentioned Elizabeth somebody?

15 A Elizabeth Bolin.

16 Q How do you spell her last name?

17 A B-o-l-i-n. She was a different name
18 then, she got married, so I can't remember her
19 maiden name.

20 Q Oh, okay. So that -- Bolin is a married
21 name?

22 A Yes.

23 Q Okay. Do you remember what Elizabeth
24 Bolin, now Bolin, what she did there with you-all
25 back in 2016?

1 A Yes. She was a secretary, front desk.

2 Q Front desk, okay.

3 A Yeah. Yeah.

4 Q And who would she have reported to?

5 A You know, I don't know.

6 Q But she sat at the front desk and answered
7 the telephone?

8 A Yes.

9 Q And directed people when they came to the
10 office where they needed to go, et cetera?

11 A Yes.

12 Q Okay. Now, you mentioned that you
13 reported directly to Kay Fabrizio --

14 A Yes.

15 Q -- who was the finance manager. Is that
16 right?

17 A Yes.

18 Q And do you know who Kay Fabrizio reported
19 to?

20 A Jane Baker.

21 Q Okay. And do you know -- my understanding
22 is Jane Baker's title was vice president of
23 community services. Do you know if that's correct?

24 A That was correct, yes.

25 Q And within that office there at 130 River

1 Landing Drive, was there anybody who worked in that
2 office that was senior to Jane Baker, or was she the
3 top dog, so to speak?

4 A She was the top.

5 Q Okay. So whoever her bosses were, they
6 didn't work there at 130 River Landing Drive?

7 A No.

8 Q And do you know who Jane actually reported
9 to?

10 A No.

11 Q You said something earlier about taking
12 checks to Jane Baker to have them signed. Was that
13 true of all the different nine or ten or more
14 accounts that you printed checks for, they all went
15 to Jane Baker to be signed?

16 A Any check printed went to Jane to be
17 signed.

18 Q So regardless of whether it was a Daniel
19 Island Town Association check or a Daniel Island
20 Community Association check or a Park Association or
21 Community Fund or Community Foundation, Jane Baker
22 signed all those checks?

23 A Yes.

24 Q Do you know anything about how or who
25 controls the various associations, the five entities

1 we've talked about? Typically they're controlled by
2 boards that have officers and that sort of thing.
3 Do you know anything about that?

4 A No.

5 Q So you took your marching orders from
6 Kay Fabrizio who took them from Jane Baker. But as
7 to anybody senior to that, you just don't know?

8 A No.

9 Q Do you know who Matt Sloan is?

10 A Yes.

11 Q Who is Matt Sloan?

12 A Part of the developer company.

13 Q And what is the name of that developer
14 company?

15 A DI DevCo.

16 Q Say that again, maybe even spell it out.

17 A DI Development Company.

18 Q Okay. And DI is short for Daniel Island?

19 A Yes.

20 Q Kind of like the DI in DIconmunity.org?

21 A Yes.

22 Q And what is Mr. Sloan's -- if you know,
23 what is Mr. Sloan's position with the Daniel Island
24 Development Company?

25 A I do not know.

1 Q What else do you know about Matt Sloan?

2 A Nothing.

3 Q Do you ever see Matt Sloan in your work?

4 A Yes.

5 Q On what occasions would you see Matt Sloan
6 in your work?

7 A He was part of the ARB weekly meeting.

8 Q Do you know what Matt Sloan's role was as
9 part of the ARB weekly meeting?

10 A No.

11 Q You attended those weekly meetings?

12 A No.

13 Q Okay. How did you know Matt Sloan was at
14 the weekly ARB meetings?

15 A Because the conference room is next to
16 my office, and I can see everybody who walks by.

17 Q Oh, okay. So the ARB once a week would
18 hold a meeting in the conference room next to your
19 office there at 130 River Landing Drive?

20 A Yes, or maybe it was every other week.

21 Q Okay. Weekly, biweekly, something along
22 those lines?

23 A Yes.

24 Q All right. Is that like a public
25 conference room, like anybody can use it, Boy Scouts

1 meet there, church can meet there?

2 A No.

3 Q Who uses that conference room?

4 A Our office.

5 Q And so that would be for Town Association,
6 Community Association, Park Association, Community
7 Fund, Community Foundation, and Architectural Review
8 Board?

9 A Yes.

10 Q Now, is the Architectural Review Board a
11 part of the Property Owners Association?

12 A I guess. I don't know.

13 Q Who else would come to these weekly
14 meetings, or biweekly, whichever it was, of the
15 Architectural Review Board there at the conference
16 room next to your office at 130 River Landing Drive?

17 A Well, if I could remember all their
18 names. Bill Marshall I know was one of them. And
19 Bill, and I cannot remember his last name, and a
20 few other people who I do not know.

21 Q And were any --

22 A Carolyn --

23 Q I'm sorry, go ahead.

24 A Carolyn somebody, but I don't know any
25 of these names.

1 Q And are these meetings of the
2 Architectural Review Board, are those open to the
3 public? Like could I come and sit in at the next
4 one?

5 A No.

6 Q Is any -- public's not allowed to come to
7 those?

8 A I don't believe so.

9 Q So the people who are there are, like, the
10 staff of the ARB?

11 A The ARB department is there.

12 Q I'm sorry, say again.

13 A The ARB department is there amongst
14 other people.

15 Q Okay. And those other people are not the
16 general public, they're what type of people?

17 A I have no clue.

18 Q But somehow associated with the ARB or
19 Daniel Island development somehow, or do you know?

20 A I do not know.

21 MR. BARFIELD: Object to the form.

22 BY MR. JEFFERIES:

23 Q What about Frank Brumley, do you know who
24 that is?

25 A Yes.

1 Q Who is Frank Brumley?

2 A I've known him, I grew up here, so.

3 Q So you've known him for a long time?

4 A Yes.

5 Q Well, tell me about what you know about
6 Frank Brumley in a nutshell, and then I'll ask you a
7 little more specifically about 2016.

8 A I just know he was part of Daniel Island
9 development.

10 Q Okay. Do you see Frank Brumley in your
11 office?

12 A No.

13 Q Have you ever seen Frank Brumley in your
14 office?

15 A I don't remember.

16 Q You don't remember either way, seeing him
17 or not seeing him?

18 A No.

19 Q Do you know if Frank Brumley has any role
20 with the ARB or any of these five entities we've
21 talked about?

22 A No.

23 Q You don't know whether he's on the board
24 of any of them or all of them or none of them?

25 A I do not know.

1 Q What about with respect to Matt Sloan, do
2 you know of his role, if any, in the boards of any
3 of the five entities or the ARB that we've talked
4 about?

5 A I do not know.

6 Q Do you know anything about where these
7 five entities and the ARB came from, came to be?

8 A I do not know.

9 Q You don't know who created them?

10 A No.

11 Q You don't know when they were created?

12 A No.

13 Q Any idea about who controls them now or
14 back in 2016?

15 A I was fairly new in 2016, so I have no
16 clue and I don't really know. It's not -- I'm not
17 part of that department. I don't know in detail
18 about that.

19 Q Well, aside from in detail, do you know in
20 general about that?

21 A About what?

22 Q About who controls the five entities and
23 the Architectural Review Board.

24 A I do not know.

25 Q You've described to me where your office

1 is, 130 River Landing Drive. If I were to pull up
2 at 130 River Landing Drive and wanted to go visit
3 the folks at Daniel Island Community Association, is
4 that the sign I'd look for?

5 A No.

6 Q What about if I wanted to visit somebody
7 with Daniel Island Town Association, is that -- I'd
8 look for a Daniel Island Town Association sign?

9 A No.

10 Q What about Community Fund?

11 A No.

12 Q Or Park Association?

13 A No.

14 Q Or Community Foundation?

15 A No.

16 Q What about the ARB, would I see a sign,
17 ARB meetings here?

18 A No.

19 Q When I got to 130 River Landing Drive,
20 would I see any sign at all?

21 A Yes.

22 Q And what would that sign say?

23 A Daniel Island Property Owners
24 Association.

25 Q I gotcha. But that's not a real thing,

1 right? It's not a -- there's no entity called
2 Daniel Island Property Owners Association, is there?

3 A I don't know.

4 MR. BARFIELD: Object to the form.

5 BY MR. JEFFERIES:

6 Q You don't know about one, do you? Have
7 you ever received or written a check on behalf of
8 the Daniel Island Property Owners Association out of
9 the Daniel Island Property Owners Association
10 account?

11 A No.

12 Q All right. So the sign there says Daniel
13 Island Property Owners Association, but everyone
14 inside working is doing work for Daniel Island Town
15 Association, Daniel Island Community Association,
16 Daniel Island Park Association, Daniel Island
17 Community Fund, Daniel Island Community Foundation,
18 and sometimes the Architectural Review Board. Is
19 that right?

20 A Yes.

21 Q And all these people are doing that work
22 for all those entities all together with the same
23 equipment and the same materials and the same office
24 and the same phone number and the same domain name,
25 and not keeping track of what time they're spending

1 on which one, they're just all there working
2 together inside that building that has the one side
3 that says Property Owners Association. Is that
4 right?

5 MS. NUTTER: Object to the form.

6 A Yes.

7 BY MR. JEFFERIES:

8 Q Anywhere inside that office at all -- and
9 I think you've already answered this -- where
10 there's some sign that describes a part that belongs
11 just to one of these entities and not the others?

12 A No.

13 Q And no designated equipment for one entity
14 but not the others, they just share all the office
15 equipment?

16 A Yes.

17 Q All the office equipment shares, there's
18 not a separate copier or fax machine or water cooler
19 or refrigerator for any of them, is there?

20 A No.

21 Q Okay. And I think you already addressed
22 the phone number. The main number is 971-9200, and
23 that goes right in to somebody who answers, says,
24 Daniel Island Property Owners Association, right?

25 A Yes.

1 Q And none of these five entities has a
2 separate telephone number dedicated just to that
3 entity?

4 A No.

5 Q Are there any, at all, records, whether
6 they're time records or machinery usage records or
7 material consumption records, any sort of logbooks
8 or records at all that differentiate between which
9 entity somebody's time or stuff was used for?

10 A No.

11 Q Are you aware of any contracts between any
12 of the five entities we've talked about? For
13 instance, a contract between Daniel Island Town
14 Association and Daniel Island Community Association?

15 A No.

16 Q And you're not aware of any contracts
17 between any of the entities, not just that example I
18 gave, between any of the five entities we've
19 discussed?

20 A No.

21 Q Now, since you're here today, I presume at
22 some point you talked to a lawyer. And I want to
23 be -- before I ask you any questions, I want to be
24 really clear. None of my questions are designed to
25 get you to tell me what you talked about with a

1 lawyer. I don't want to know the details of any
2 conversation you had with a lawyer.

3 My only -- my questions are
4 going to be about who you talked to and when you
5 talked to them and just this very general question
6 as to whether it was about this case or about
7 something else.

8 So who was the lawyer, any
9 lawyer, you spoke with most recently about this
10 particular case?

11 A Evan.

12 Q Evan Sobocinski?

13 A Yes.

14 Q And when did you speak most recently with
15 Evan Sobocinski about this case?

16 A Friday.

17 Q When you say Friday, meaning this --

18 A What date -- last Friday would have been
19 the 17th?

20 Q September 17th?

21 A Yeah. Yes.

22 Q You spoke with Evan Sobocinski on Friday,
23 September 17th, regarding this case?

24 A Yes.

25 Q Was that the first time you had spoken to

1 Mr. Sobocinski about this case?

2 A Yes.

3 Q Had you spoken to any lawyer about this
4 case at all prior to when you spoke to
5 Evan Sobocinski on Friday, September 17th?

6 A No.

7 Q Were you aware of this case, that it
8 existed, prior to speaking with Evan Sobocinski on
9 Friday, September 17th?

10 A Yes.

11 Q And how were you aware of this case?

12 A We were, I guess, told in a staff
13 meeting years ago that this had happened, and then
14 a little bit after that that there was a case.

15 Q Do you remember who would have told you?

16 A Maybe Jane Baker.

17 Q Have you spoken to any lawyers besides
18 Evan Sobocinski about this case?

19 A No.

20 Q All right. So if I understand that
21 correctly, one conversation, one time, with one
22 lawyer about this case, and that lawyer was Evan
23 Sobocinski, and the conversation was on Friday,
24 September 17th, last Friday?

25 A Yes.

1 Q Have you ever spoken with Jennifer Nutter?

2 A No.

3 Q Are you aware of an attorney named
4 Cordes Ford?

5 A I have heard his name.

6 Q Have you ever spoken with Mr. Ford?

7 A No.

8 Q Do you know in what context you would have
9 heard Mr. Ford's name?

10 A I don't know if I've heard his name or I
11 pay some invoices to the attorney's office.

12 Q So he might have done some legal work for
13 one or more of these entities?

14 A Yes.

15 MS. NUTTER: I'm going to object to
16 the form and her answering to the extent
17 it might relate to any privilege. I'm not
18 aware of any details of that, Lane, but
19 just in an abundance of caution.

20 MR. JEFFERIES: Noted.

21 BY MR. JEFFERIES:

22 Q Do you remember what entities you would
23 have paid Cordes Ford for doing work on their
24 behalf?

25 A No.

1 Q Do you remember whether it was more than
2 one or only one?

3 A I do not.

4 Q And do you have any memory of how recently
5 that might have been or how long ago that might have
6 been?

7 A I do not.

8 Q I'm assuming that, like most offices, you
9 have some office policies there at your place of
10 work. Is that right? Like probably you can't smoke
11 in the office?

12 A Yes.

13 Q Do you have any other particular policies
14 related to COVID?

15 A Yes.

16 Q And what are those policies related to
17 COVID?

18 A We have a mask policy.

19 Q And that requires you to wear a mask when
20 you're at work?

21 A If you are unvaccinated, we follow the
22 city guidelines, so it changes.

23 Q Are you required to be vaccinated?

24 A No.

25 Q But if you're unvaccinated, you're

1 required to wear a mask?

2 A Yes.

3 Q Do you have any sort of travel
4 restrictions related to COVID or otherwise, like
5 can't travel until COVID goes away, that sort of
6 thing?

7 A No, not that I'm aware of.

8 Q These policies in your office related to
9 COVID and other things, no smoking, et cetera, are
10 they unique to any one of the five entities we've
11 talked about, or are they across-the-board policy
12 for everyone in the office all the time?

13 A They're across-the-board all the time.

14 Q So there's not like a Daniel Island
15 Community Association policy that says you can't
16 bring a dog but Park Association says you can bring
17 your dog, there's nothing like that, it's just one
18 big policy covers everybody there?

19 A Yes.

20 Q Are you familiar with an event called Park
21 Day?

22 A Yes.

23 Q Tell me just generally what you know about
24 Park Day.

25 A It was a nonprofit day in the park

1 raising money for charity.

2 Q And was that -- the nonprofit day in the
3 park raising money for charity, was that put on by
4 one of the local businesses there on Daniel Island,
5 or was it put on by the Property Owners Association
6 or by Matt Sloan, or who did it?

7 A I don't know who it was put on by but
8 our office did the work.

9 Q Okay. Folks in your office did the work
10 to organize Park Day?

11 A Yes.

12 Q Was that also true back in 2016?

13 A Yes.

14 Q When the folks in your office did the work
15 to organize and run Park Day back in 2016, were they
16 keeping track of which of the five entities they
17 were doing that work for and which of the five
18 entities' stuff they were using to organize and put
19 on Park Day?

20 A No.

21 Q The bills for Park Day, did you pay those?

22 A I paid the vendors, yes.

23 Q You paid the vendors.

24 And do you recall what account
25 you would have paid those vendors out of? And by

1 this, I don't mean specifically which bank account,
2 I mean which entities' account you would have paid
3 those vendors from.

4 A Daniel Island Community Fund.

5 Q Daniel Island Community Fund.

6 And it paid the vendors?

7 A Yes.

8 Q Do you know why Daniel Island Community
9 Fund paid the vendors versus the other entities?

10 A No.

11 Q Do you know who would know?

12 A I don't know. I just write the checks
13 to whom I was told to write them to.

14 Q And who told you to write those checks out
15 of the Daniel Island Community Fund account?

16 A I guess Kay would have coded them.

17 Q Do you know if that would have been Kay's
18 decision as to which account to write the checks for
19 Park Day out of, or was she just doing what she was
20 told by somebody else?

21 A I don't know.

22 Q Back in 2016, did you have any personal
23 involvement in planning or executing that particular
24 Park Day?

25 A No.

1 Q Did you attend that particular Park Day?

2 A Yes.

3 Q Have you had any personal involvement in
4 planning or executing any other Park Days besides
5 the 2016 event?

6 A I had -- was required to work all of
7 them. But I don't remember, maybe '15, '16, '17.

8 Q Okay. And so you worked at all of them
9 including the 2016 event?

10 A Yes.

11 Q And what sort of work did you do?

12 A I collected tickets and I collected the
13 money.

14 Q And when you were collecting tickets and
15 money for the 2016 Park Day event, where did you do
16 that?

17 A Down at the park.

18 Q And was there like a -- was there like a
19 gate or a ticket booth or a tent, or how did that --
20 I haven't been, so I don't really know. Is it like
21 going to a county fair where they've got the
22 turnstile thing and you got to give money to get
23 through? Or how do you make sure people pay you?

24 A They came up to the table and paid us,
25 bought tickets and paid.

1 Q And do you know how the folks buying
2 tickets and paid for them knew to come to that
3 particular table?

4 A No.

5 Q Was there any kind of sign or anything
6 there?

7 A Might have said tickets.

8 Q That would make sense.

9 Did it say who was selling the
10 tickets, anything like that? Like did it say,
11 Property Owners Association or Park Day tickets, or
12 do you remember?

13 A I don't remember.

14 Q So somebody coming up to buy a ticket,
15 would they have any idea who they were actually
16 buying the ticket from?

17 A No.

18 Q In the 2016 event, how long did you work
19 collecting tickets and money?

20 A I think the entire day.

21 Q And you were at a table that was there in
22 the children's park?

23 A Yes.

24 Q Was it like literally inside the
25 children's park, or was it just outside like on the

1 road, on the sidewalk, that sort of thing?

2 A I don't remember.

3 Q But you do remember that the event and you
4 and the table were at the children's park on Daniel
5 Island?

6 A Yes.

7 Q I had asked you earlier about various
8 policies and whatnot. And I know in big companies,
9 you know, those would typically come down from a
10 human resources department. Do you-all have like a
11 separate HR department there, or do you just have
12 some person who's in charge of that sort of thing?

13 A We have a separate HR department now.

14 Q In 2021?

15 A Yes, we do now.

16 Q But not back in 2016?

17 A I don't know who it was.

18 Q Okay. Well, who's in charge of the HR
19 department now in 2021?

20 A A third party.

21 Q Okay. And what's the name of that third
22 party?

23 A I believe it's called TriNet.

24 Q TriNet?

25 A TriNet.

1 Q Okay. And does that third-party HR
2 department, that's for all of you-all there in the
3 office, not just a -- there's not a separate one for
4 Town Association or Community Association or Park
5 Association, anything like that?

6 A It is for Town Association, I believe,
7 who pays me.

8 Q Your paycheck comes from Town Association?

9 A It does.

10 Q Does everyone's paycheck come from Town
11 Association there in the office at 130 River Landing
12 Drive?

13 A Yes.

14 Q So if everybody's paycheck comes from Town
15 Association. But you-all do work for Town
16 Association, Daniel Island Community Association,
17 Daniel Island Park Association, Daniel Island
18 Community Fund, Daniel Island Community Foundation,
19 and the Daniel Island Architectural Review Board?

20 A Yes.

21 Q And there's one HR department that you
22 deal with this third party called TriNet?

23 A Yes.

24 Q Is there an HR manual?

25 A I believe so.

1 Q Is that something they like give out in
2 hard copy or in PDFs?

3 A I believe it's PDF.

4 Q PDF.

5 And are there separate HR
6 manuals for Daniel Island Town Association, Daniel
7 Island Community Association, Daniel Island Park
8 Association, Daniel Island Community Fund, and
9 Daniel Island Community Foundation?

10 A No.

11 Q There's just that one manual?

12 A For Daniel Island Town Association.

13 Q 'cause that's who your paycheck comes
14 from?

15 A Yes.

16 Q Even though you work for all of them?

17 A Yes.

18 Q Do you have any involvement with paying
19 invoices related to liability insurance for any of
20 the five entities that we've talked about?

21 A Yes.

22 Q All right. Tell me about that
23 involvement. Is that a check that you would write?

24 A Yes.

25 Q How many such checks would that be? I'm

1 guessing there's more than one insurance company.

2 A Same insurance company, I think
3 different policies.

4 Q Just one insurance company and different
5 policies for each of the five?

6 A I believe.

7 Q You don't know for sure off the top of
8 your head, though?

9 A I just write checks. I don't have
10 anything to do with that part of it.

11 Q So you remember one insurance company,
12 multiple policies?

13 A Yes.

14 Q And you don't remember -- well, let me not
15 put words in your mouth.

16 Do you remember any of the
17 details about what those policies would be for the
18 different entities, the size, or anything like that?

19 A No.

20 Q All right. Or the amount of the check?
21 I'm not asking you the amount of the check. But the
22 amount of the checks that would have been written,
23 is that something you would know -- that you would
24 remember?

25 A No.

1 Q I don't remember if I asked you earlier,
2 do you have any knowledge of why there's a Daniel
3 Island Town Association, a Daniel Island Community
4 Association, and a Daniel Island Park Association
5 instead of just a Daniel Island Property Owners
6 Association?

7 A No.

8 Q You mentioned earlier that you're
9 originally from the area. Were you born in Berkeley
10 County?

11 A No, I was born in Charleston.

12 Q Downtown Charleston?

13 A Um-hum. Yes.

14 Q Outstanding. Do you have relatives in
15 Berkeley County where this case is pending?

16 A No.

17 Q I'm guessing you have relatives in
18 Charleston County?

19 A I do.

20 Q Any of them have different last names from
21 you?

22 A Yes.

23 Q Lots of them or just a few?

24 A I mean, any other relative I have.

25 Q All right. So there's some Cuthberts, I

1 imagine?

2 A Yes.

3 Q What would the other last names be?

4 A Manucy.

5 Q How do you spell that?

6 A That's my maiden name, M-a-n-u-c-y.

7 Q Any others I should know about?

8 A I have some cousins named Lucas,

9 L-u-c-a-s.

10 Q And these are all folks in Charleston
11 County, none of them live in Berkeley County?

12 A No.

13 Q And the reason I ask that is I'm just
14 looking at who might end up be being picked as a
15 juror, and, you know, if it turns out to be your
16 second cousin, I'd like to know.

17 So where do you yourself live,
18 Sara?

19 A In Mount Pleasant.

20 Q Okay. You go to church in Mount Pleasant?

21 A I go to church on Sullivan's Island.

22 Q Oh, what church on Sullivan's?

23 A Holy Cross.

24 Q Very nice.

25 I hate to have to ask you this

1 question but I have to ask it of everybody, have you
2 ever been convicted of a crime other than a minor
3 traffic violation?

4 A No.

5 Q I have only a handful more questions, I'm
6 going to turn this over to the other lawyers. If
7 they have questions, they might create more
8 questions for me, might not. But assuming that they
9 don't, I'll hit you with my last few and then turn
10 it over to them.

11 We've talked about a variety of
12 things the past, you know, hour and a half. Have
13 you understood all the questions that I've asked
14 you?

15 A Yes.

16 Q And have you answered all of those
17 questions truthfully?

18 A Yes.

19 Q And you've told us the truth and the whole
20 truth and nothing but the truth?

21 A Yes.

22 Q Is there any reason you can think of that
23 you would change your answer if I asked it to you
24 later maybe at trial or maybe if one of these other
25 attorneys ask it to you?

1 A No.

2 Q If for any reason you discover that you
3 want to change your answer, maybe later you just
4 realize you said something wrong, will you please
5 let Miss Nutter or Mr. Sobocinski know so that they
6 can let me know so we can know what the truth is?

7 A Yes.

8 Q During this entire deposition since we
9 started at noon and now it's about almost a quarter
10 of 2:00, have you had any communications of any
11 variety, whether it's email, text, phone call, wink,
12 nod, wave, anything like that, with anybody at all
13 except me and the court reporters here on this Zoom
14 call?

15 A No.

16 Q All right. Sara, listen, that's the last
17 of my questions unless I end up having some
18 follow-ups to their questions. I really appreciate
19 your time today. Thank you for taking time out of
20 your day to do it.

21 A Thank you-all for doing Zoom.

22 Q Absolutely. Our pleasure to do it.

23 MR. JEFFERIES: Jennifer, I don't
24 know if you want to lead off or whoever?

25 MS. NUTTER: I do not have any

1 questions for Miss Cuthbert. Thank you.

2 MR. WILSON: Bo Wilson, no questions.

3 MS. BAER: Laura Baer, I don't have
4 any questions.

5 MR. BARFIELD: Nothing from me.

6 MR. JEFFERIES: Well, then you're in
7 luck, Sara, because I don't have any more.
8 So once again, thank you for your time,
9 and I hope you have a great rest of your
10 day.

11 THE WITNESS: Thank you.

12 MR. O'QUINN: This will conclude the
13 video deposition of Sara Cuthbert. We're
14 off the record at 1:38 PM on
15 September 22nd, 2021.

16 MS. HAYWARD: Read and sign?

17 MR. JEFFERIES: So, Sara, this is
18 something, you have the right if you want
19 to to read over a transcript of the
20 deposition, see if the court reporter made
21 any typos and ask her to correct them.

22 I can tell you, I mean, you can
23 do it if you like. It's the most boring
24 thing in the world. And generally it's
25 only doctors who do it to make sure the

1 complicated medical things are spelled
2 right. But if you want to do it, you're
3 welcome to do it. Otherwise, you can say,
4 no, I really don't want to do that.

5 MS. NUTTER: Yeah. I usually
6 recommend it to all my clients, but it's
7 your decision.

8 THE WITNESS: I'll follow you-all's
9 lead, that would probably be good.

10 MS. NUTTER: If it's easier, Jan,
11 just send it to me.

12 Or if you'd rather receive it
13 directly, Sara, that's fine. But
14 sometimes I think it's easier if it gets
15 sent to me. That way I can let you know
16 your deadline to respond so Jan can post
17 her transcript.

18 THE WITNESS: Yeah, that's fine.

19 MR. O'QUINN: You also have the
20 opportunity to view the video right now if
21 you would like since you're reading and
22 signing.

23 MS. NUTTER: And that's up to you as
24 well. I don't generally recommend that,
25 but it's totally your call.

1 THE WITNESS: I'll follow your lead.
2 (The deposition concluded at 1:41 PM.)
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Zoom Videoconference Deposition

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STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) CERTIFICATE

I, Janice D. Hayward, Registered Merit Reporter and Notary Public, certify that I was authorized to and did stenographically report the foregoing deposition via Zoom, and that the transcript is a true record of the testimony given by the witness.

I further certify that the witness was duly sworn/affirmed and cautioned by me via Zoom to tell the truth, the whole truth, and nothing but the truth. I certify that the same was reduced to typewritten form from my original stenograph notes by computer-aided transcription.

I further certify that I am not of counsel or kin to any of the parties to this cause of action nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this the 4th day of October 2021.



Janice D. Hayward, RMR
Notary Public, South Carolina
My Comm. Expires 10-10-22

Zoom Videoconference Deposition

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ATTESTATION

In Re: Zetz v. Daniel Island Company, et al.
Case No.: 2017-CP-08-02238
Deposition of: SARA CUTHBERT
Date Taken: Wednesday, September 22, 2021
Taken Before: Janice D. Hayward, RMR, Notary Public

I have read the transcript of my deposition
and find that no changes are necessary.

Name of Deponent

Having read the transcript of my deposition,
I wish to make the following corrections:
(State reason.)

Page Line :

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Name of Deponent

Sworn to and subscribed before me this _____
day of _____, 2021, in _____ County,
South Carolina.

Notary Public
State of South Carolina
My Comm. Expires: _____

Janice D. Hayward, RMR
843.478.6756

Zoom Videoconference Deposition

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October 5, 2021

Sara Cuthbert
c/o Jennifer F. Nutter
Hood Law Firm
172 Meeting Street
Charleston, South Carolina 29401

Dear Deponent,

Please find a copy of your deposition. You will also find enclosed the attestation page from the original deposition.

This is a verbatim transcript. If, however, you feel that it is necessary to make any corrections or changes, you may do so on the attestation page, indicating page and line number. You must state your reason for making the change.

Upon completion, please sign and date the attestation page from the original transcript in front of a notary public and return within 30 days to Janice D. Hayward, 240 Oak View Way, Summerville, South Carolina 29483.

If you have any questions, feel free to contact me.

Yours truly,

Janice D. Hayward, RMR
Court Reporter

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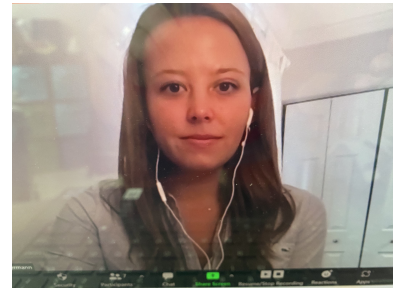
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In The Matter Of:
Zetz v.
Daniel Island Company, et al.

Zoom Video Deposition

Danielle Hermann
September 30, 2021



Janice D. Hayward, RMR
Independent Court Reporter
843.478.6756
JanHayward1@gmail.com

Original File 09-30-21 Danielle Hermann.txt
Min-U-Script® with Word Index

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1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
2 COUNTY OF BERKELEY) CASE NO. 2017-CP-08-02238
3
4
5 MATTHEW ZETZ,
6 Plaintiff,
7 vs.
8 DANIEL ISLAND COMPANY INC.;
9 DANIEL ISLAND COMMUNITY
10 FOUNDATION INC.; DANIEL ISLAND
11 TOWN ASSOCIATION INC.; DANIEL
12 ISLAND COMMUNITY ASSOCIATION
13 INC.,
14 Defendants.
15 -----
16
17 ZOOM VIDEO DEPOSITION
18
19 WITNESS: DANIELLE HERMANN
20
21 DATE: Thursday, September 30, 2021
22
23 TIME: 12:02 PM
24
25 LOCATION: Zoom Videoconference
26
27 REPORTED BY: Janice D. Hayward, RMR
28 NCRA Registered Merit Reporter
29 240 Oak View Way
30 Summerville, South Carolina 29483
31 843.478.6756
32 JanHayward1@gmail.com

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APPEARANCES

1 FOR THE PLAINTIFF
2 Kathryn Lynn Harden
3 kathryn@akimlawfirm.com
4 Anastopoulos Law Firm
5 418 River Street
6 Greenville, South Carolina 29601
7
8 FOR THE DEFENDANT DANIEL ISLAND COMPANY INC.
9 Connor Hoy
10 choy@barnwell-whaley.com
11 Barnwell, Whaley, Patterson & Helms
12 211 King Street, Suite 300
13 Charleston, South Carolina 29455
14
15 FOR THE DEFENDANT DANIEL ISLAND COMMUNITY FOUNDATION
16 Jeannette Heyward Wilson
17 jheyward@wilsonheyward.com
18 Wilson, Heyward & Reeser
19 924 Folly Road
20 Post Office Box 13177
21 Charleston, SC 29422
22
23
24
25

Page 3

1 FOR THE DEFENDANT DANIEL ISLAND TOWN ASSOCIATION
2 INC.
3 Jennifer F. Nutter
4 jennifer.nutter@hoodlaw.com
5 Hood Law Firm
6 172 Meeting Street
7 Charleston, South Carolina 29401
8
9 FOR THE DEFENDANT DANIEL ISLAND COMMUNITY
10 ASSOCIATION INC.
11 Laura R. Baer
12 lbaer@collinsandlacy.com
13 Collins & Lacy
14 1330 Lady Street, Sixth Floor
15 Columbia, South Carolina 29201
16
17 Also Present
18 Kevin O'Quinn, Videographer
19
20
21
22
23
24
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1 INDEX TO EXAMINATIONS
2 Examination By Ms. Harden
3 Examination By Ms. Baer
4
5
6 INDEX TO EXHIBITS
7 No exhibits marked.
8
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Page 5	Page 6
1 (The deposition began at 12:02 PM.) 2 THE VIDEOGRAPHER: We're now on the 3 record at 12:02 PM on September 30, 2021. 4 This is the video deposition of Danielle 5 Hermann. Counsel has waived the reading 6 of the caption. 7 Counsel, please state your 8 appearances for the record. 9 MS. HARDEN: Good afternoon. My name 10 is Kathryn L. Harden with Anastopoulos Law 11 Firm for the plaintiff, Matthew Zetz. 12 MS. NUTTER: Good afternoon. My name 13 is Jennifer Nutter. I'm with Hood Law 14 Firm and here for Daniel Island Town 15 Association. 16 MS. BAER: I'm Laura Baer from 17 Collins & Lacy here on behalf of Daniel 18 Island Community Association. 19 MS. WILSON: Jeannette Wilson with 20 Wilson, Heyward & Reeser, here on behalf 21 of Daniel Island Community Foundation. 22 MS. HAYWARD: Connor's here. Connor, 23 are you here? 24 Maybe we should go off the 25 record a second.	1 time, please let me know just so that we can make 2 sure that this process is going smoothly. 3 As Jan stated earlier, if you do 4 have a question or anything or an answer, please 5 wait till I finish my question for you to answer it 6 just so that we don't have any issues on that end. 7 Now, have you taken your 8 deposition before at any time? 9 A I have not. 10 Q Okay. That's okay. I'm going to go ahead 11 and explain a few ground rules for you just so that 12 you know what we're looking for, what to expect, and 13 also a few other ground rules when it comes to 14 depositions. 15 So just a quick few rules to 16 make up. This is a simple question-and-answer 17 session under oath. You've been sworn in by the 18 court reporter, Miss Jan. So if you confirm that 19 you understand that you're going to tell the truth, 20 the whole truth, and nothing but the truth for me. 21 A I understand. 22 Q Excellent. 23 I'm going to ask you questions. 24 Some of the other attorneys are going to ask you 25 questions potentially afterwards as well. So I hope
1 THE VIDEOGRAPHER: Off the record, 2 12:03 PM. 3 (The deposition went off the record.) 4 THE VIDEOGRAPHER: Back on the 5 record, 12:03 PM. 6 MR. HOY: Good afternoon. My name is 7 Connor Hoy, and I'm with the law firm of 8 Barnwell, Whaley. I am appearing on 9 behalf of Michael Barfield, who is counsel 10 for Daniel Island Company. Thanks. 11 (Danielle Hermann, after being 12 sworn/affirmed via Zoom, testified as 13 follows:) 14 EXAMINATION 15 BY MS. HARDEN: 16 Q Good afternoon, Ms. Hermann. Again, my 17 name is Kathryn Lynn Harden. I am, unfortunately, 18 the reason you are here today. We are doing the 19 deposition, but I'm going to make this go as quickly 20 as possible so that you can return to the rest of 21 your day. Of course, we don't want to take up as 22 much of your day as possible. 23 I do want you to know that the 24 video will not be there, but you will still be able 25 to hear me. If you can't hear me at any point in	1 that during this process that my questions are well 2 worded and clear and intelligent. If they are not, 3 please look to me for clarification, not to anybody 4 else. Just ask me to rephrase or restate it or 5 explain it or whatever, and we will until you 6 understand the question. Do you understand? 7 A I do. 8 Q And if you would, it would make my life, 9 again, and Jan's, very easy who's writing all of 10 this down to give us oral yeses or noes or I do or 11 just something oral. Headshakes, unfortunately, 12 cannot be written down, and so that's something that 13 can come into debate later on in the transcript. So 14 we just ask that you say yes or no or verbalize your 15 answer. Do you understand? 16 A I do. 17 Q All right. Is there anything that would 18 prevent you today, Ms. Hermann, from being able to 19 give a -- complete and truthful answers? Being 20 under the influence of medication or undue stress or 21 anything along those lines? 22 A No. 23 Q Excellent. 24 If you do answer a question, I'm 25 going to conclude two things from that. The first

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1 thing I'm going to conclude is that you understood
2 the question, and the second is that you gave a
3 truthful and complete answer. Is that fair?
4 A Yes, that is.
5 Q Okay. Outstanding.
6 All right. Also, if you do need
7 a break at any point in time during this deposition,
8 please just let me know. Just after you answer a
9 question say, Hey, I need a break, and we'll take
10 one, that's no trouble at all.
11 But I'm going to give you a word
12 of caution. Anything that you say or talk about on
13 the break, I can ask you about. So things that
14 might ordinarily be privileged if you were to talk
15 about them on the break are not privileged anymore.
16 So it's best not to talk to anybody while you are on
17 break.
18 So with that in mind, are you
19 ready to go ahead and start the deposition?
20 A Yes, I am.
21 Q Perfect.
22 I think you know that you're
23 here as a result of a lawsuit that arise -- arose
24 out of a fall on November 11th, 2016, is that
25 correct?

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1 A That is correct.
2 Q And do you know anything about that
3 particular event?
4 A Not really, no.
5 Q When was the first time that you heard
6 about the plaintiff, Matthew Zetz?
7 A When the lawsuit began.
8 Q And when -- what time around was that?
9 A I don't recall.
10 Q That's okay.
11 Have you heard from others who
12 were witnesses about Matthew Zetz's fall?
13 A No. I have not.
14 Q Have you talked to anybody at your work
15 regarding this lawsuit or deposition?
16 A Only internally when it's been brought
17 up.
18 Q Okay. And who -- who would -- what
19 conversations -- or who were those conversations
20 with? I apologize.
21 A When Jane Baker has just notified us
22 about the deposition or the lawsuit in general but
23 nothing in detail.
24 Q And how would she let you know that?
25 A She had let me know just about the

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1 lawsuit verbally and then about the deposition via
2 email.
3 Q Okay. And where are you currently
4 employed?
5 A Currently employed at the Daniel Island
6 Property Owners Association.
7 Q Okay. Where is that located?
8 A Daniel Island, South Carolina.
9 Q Do you have an exact address?
10 A I do. Sorry. 130 River Landing Drive,
11 Suite 1-C, and that's Charleston, 29492, South
12 Carolina.
13 Q And how long have you been working for
14 Daniel Island Property Owners Association?
15 A I was hired in September 2013.
16 Q And what is it that you do for Daniel
17 Island Property Association?
18 A I am the recreation and communications
19 manager.
20 Q What does that entail?
21 A Basically I manage and oversee the pools
22 and the activities at the pools. I create the
23 weekly newsletters and assist with any
24 communication, the social media, so Instagram and
25 Facebook, and then the website. I manage the

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1 website as well.
2 Q So you said that you oversee, like, the
3 pool events and activities like that. Do you do
4 that for all three communities?
5 A The Daniel Island Community Association
6 is the only association that owns the three pools.
7 I do oversee two of the boat landings. One is in
8 the Park Association and one is in the Community
9 Association, as well as a few facilities that are
10 in the Park and Community Association.
11 Q So you oversee some activities that are
12 not owned by Daniel Island Property Owners
13 Association?
14 A I oversee the activities that are on
15 the --
16 Q On the --
17 A Yes.
18 MS. HAYWARD: On what? I missed
19 that. Let me repeat. I oversee the
20 activities that are on --
21 BY MS. HARDEN:
22 Q This premises?
23 A Yes.
24 Q And who do you communicate to about those
25 activities?

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1 A I communicate with Jane Baker and
2 Barbara McLaughlin.
3 Q And who is Jane Baker?
4 A Jane Baker is my boss.
5 Q Okay. And the second name, can you repeat
6 that for me.
7 A Barbara McLaughlin.
8 Q And who is she?
9 A Barbara is my supervisor.
10 Q What does Barbara do?
11 A Her title is community manager.
12 Q And what kind of stuff does she do in
13 comparison to you?
14 A She hosts larger-scale events within the
15 community. She also oversees code enforcement.
16 Q You said that you also send out weekly
17 letters, newsletters?
18 A That is correct.
19 Q Is that -- do you send it to a specific
20 community? Do you have one for each community?
21 A It is a general distribution list that
22 residents sign themselves up for.
23 Q Could those residents be from different
24 communities?
25 A They can be from anywhere on island or

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1 off island.
2 Q You also said that you maintain the
3 Instagram account. What Instagram account is that?
4 A It is the Daniel Island POA.
5 Q On the Instagram account, do you share any
6 information about any of the individual events that
7 take place outside of Daniel Island Park Association
8 property?
9 A Can you rephrase the question?
10 Q Yeah. On the Instagram when you post
11 things, say it's an event that is not on Daniel
12 Island Property Association but is on, say, the
13 Children's Park, would you post that on the
14 Instagram?
15 A If our office is involved in some way, I
16 do post.
17 Q Do you know if you guys posted about the
18 2016 family day at the children's park?
19 A The Instagram is new as of this year.
20 Q You also said that you maintain the
21 website. What details are on that website regarding
22 the Daniel Island Park Owners Association?
23 A The website is owned by the Daniel
24 Island Property Owners Association, so we do have
25 various information such as resources tab where

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1 people can find our governing documents. We have
2 events that anybody can post on our event calendar
3 even if the event does not take place on Daniel
4 Island. We also have helpful articles such as
5 maintaining homes or something that the police
6 asked us to share.
7 Q So you said that there were -- the first
8 thing that you listed, can you say that again for
9 me.
10 A I don't recall the first thing I listed.
11 Q The first thing with regards to, like,
12 home ownership policies that are on the website.
13 A Yes. So we have a -- we have a
14 resources tab that includes items such as the
15 CC&Rs for all three associations. We have
16 governing documents for all three associations,
17 audits, financial records. I believe those are
18 the budgets, though.
19 Q So if I were a resident of any three of
20 those associations and I need to get resources, I
21 would go to the Daniel Island Property Owners
22 Association website to get that information?
23 A Correct.
24 Q Okay. Do you use any equipment like a
25 printer or a computer?

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1 A I do.
2 Q And do you print anything off with regards
3 to each different community? Do you do like -- when
4 you do your letters, do you print them off?
5 A Everything is printed through the one
6 office printer.
7 Q Okay. Do you know who purchased that
8 printer?
9 A I do not.
10 Q Do you know if it's specifically labeled
11 for one community or if all communities can use it?
12 Is there -- is there a separate printer for each
13 community?
14 A No. There is only one printer.
15 Q You said that your office is located at
16 1300 River Land Drive, is that correct?
17 A No. 130 River Landing Drive.
18 Q Landing.
19 A Suite 1-C.
20 Q And who works with you in there?
21 A Do you want all staff members or just a
22 general --
23 Q General is fine.
24 A All employees with the Property Owners
25 Association.

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1 Q That would include Jane Baker?
2 A It does.
3 Q Do you have anybody that you work with
4 that's under supervision of Barbara? Do you have
5 any coworkers that are on the same level as you?
6 A I don't know other than just that she is
7 my supervisor.
8 Q So it basically goes Barbara and then Jane
9 as the commands?
10 MS. HAYWARD: Answer, please.
11 A Yes.
12 BY MS. HARDEN::
13 Q When you're doing an event, do you need
14 to -- who do you contact about that event if you are
15 starting to plan an event?
16 A I do not host or plan events.
17 Q So if somebody comes to you and they want
18 to do an event, who would you go to first?
19 A If they are looking to host an event at
20 one of our parks, that would be with Barbara. If
21 it is at one of our facilities that we have within
22 the Community Association or Park Association,
23 they contact me directly and I handle the booking
24 of that.
25 Q And those facilities that they may use,

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1 are those in all three different communities?
2 A Three of them are located with -- I'm
3 sorry. Two are located within the Daniel Island
4 Community Association, and that is the Crow's Nest
5 and Pierce Park Pavilion, and then one is within
6 the Park Association, and that is the River Porch.
7 Q Now, does -- the Daniel Island Property
8 Owners Association, do they hold any events?
9 A Not that I know of.
10 Q Are you familiar with a Matt Sloan?
11 A I am.
12 Q And how are you familiar with him?
13 A I have met him before as a partner of
14 the Daniel Island Company.
15 Q And what can you tell me about the Daniel
16 Island Company?
17 A I do not know much about the company
18 other than that they used to help with advertising
19 of the island.
20 Q Do you know if they have any association
21 or if they planned any events with you guys?
22 A I don't recall.
23 Q Did you see Matt Sloan in passing?
24 A Can you be more specific of when?
25 Q Have you seen Matt Sloan -- like, when are

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1 the instances in which you've seen Matt Sloan at the
2 office?
3 A I have been to his office before to
4 discuss with their marketing department. I have
5 also seen him at gatherings at a holiday party
6 once a year.
7 Q And that holiday party is -- who is that
8 -- what is that from? Who does that?
9 A It's just a bunch of Daniel Island
10 groups, the POA, real estate, the company just get
11 together at the end of the year and celebrate the
12 holidays.
13 Q There's no one specific entity that plans
14 that?
15 A Not that I know of. I just know I've
16 been invited.
17 Q When you discussed the marketing with him
18 what was that in relation to?
19 A It was not with Matt Sloan. It was with
20 his marketing team, and it was basically the
21 website design when we switched over from the old
22 website to the new one.
23 Q Are you familiar with a Frank Brumley?
24 A I've heard of the name.
25 Q And where would you have heard that name

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1 A With our Daniel Island philanthropy
2 efforts. I have spoken with Frank Brumley on how
3 the philanthropy began on Daniel Island.
4 Q And what kind of -- I'm sorry. That's a
5 terrible word for me to say. What kind of
6 philanthropy was happening at the island at that
7 time?
8 A This was for this past year's annual
9 mailer. We send it out every year for the past, I
10 believe, two or three years, and it just includes
11 an update on the fund and foundation efforts for
12 that year.
13 Q Do you know what his position is?
14 A I do not.
15 Q Do you know what company he works for?
16 A I do not.
17 Q Now, on your office, what kind of signage
18 do you have on your office that indicates that it is
19 Daniel Island's Property Owners Association?
20 A There is a sign. It is -- it states
21 Daniel Island Property Owners Association above
22 the door and then again on the door.
23 Q Does everybody that works out of that
24 office work for Daniel Island Property Association?
25 A As far as I know, but I'm not sure.

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1 Q When you're working on -- let's say you
2 were working on something and you're working on an
3 activity that's in -- you said Crow's Nest was one
4 of the places, correct?
5 A Correct.
6 Q Let's say you're working on an activity of
7 planning and helping an activity for Crow's Nest
8 which is in a separate community than the other two.
9 Do you log those hours differently?
10 A I do not.
11 Q Do you keep any log on the different
12 communities that you work on?
13 A I do not.
14 Q Do you have an email address?
15 A I do.
16 Q What is that email address?
17 A It's my name,
18 danielle.hermann@dicommunity.org.
19 Now, can I clarify, when you
20 said log the hours differently or log the work
21 differently, I do not differentiate my time;
22 however, if there are any invoices or payments, we
23 do separate those by association.
24 Q What about equipment that -- like, say you
25 need more paper for the office. How do you divvy

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1 that up between the associations?
2 A That we do not separate.
3 Q If you need -- say you need more
4 equipment, you need to go to Staples and run and get
5 something, how would you do that?
6 A Anything additional we would purchase
7 and then we would mark it as for that association.
8 Q But if it's office supplies that you use
9 and you don't log the hours on which you use it, how
10 would you be able to diff- -- differentiate between
11 which association you're using it for? If you need
12 a stapler, you're not logging it in for each
13 individual community?
14 A We only log the things such as signage
15 that we purchase additionally. I do not know how
16 the office separates the other office items.
17 Q Say that somebody wants to contact you
18 about the Crow's Nest, activities at the Crow's
19 Nest. Do they use a different phone number for a
20 different community?
21 A They do not.
22 Q How do you keep track of your time?
23 A I am salary, so I do not keep track of
24 my time.
25 Q Do you ever have meetings with, say,

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1 Barbara or Jane where they want you to work on a
2 specific, you know, newsletter activity for a
3 specific -- say they want a story about one of the
4 communities in the newsletter. Do you log that time
5 when you draft that story or put that story in?
6 A I do not.
7 Q When you post on the Instagram do you
8 diff- -- like, say you post a picture of a community
9 on the Instagram, do you say which community that
10 from?
11 A I do not.
12 Q On the website that you created, does it
13 discuss the difference between the three
14 communities?
15 A It does.
16 Q Now, are those communities a part of
17 Daniel Island Property Owners Association?
18 A As far as I know.
19 Q What about the Children's Park, Daniel
20 Island Children's Park?
21 A I do not know.
22 Q Have you done any events at Daniel
23 Island's Children's Park?
24 A I have not hosted any events there.
25 Q Are you aware of any events that have been

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1 hosted there?
2 A I am.
3 Q And who would be the person that would
4 hold those events?
5 A Barbara McLaughlin.
6 Q Do you have any contracts between the
7 entities such as, you know, for example, is there a
8 contract between Daniel Island's Association,
9 Property Owners Association and one of the
10 communities on this is how we're going to do our
11 Instagram? This is how we're going to do our
12 website? Are there any contracts between the two?
13 A I do not know.
14 Q When you use your computer -- and I'm
15 anticipating your work -- you use a computer quite
16 often, is that correct?
17 A That is.
18 Q Do you make a difference when drafting
19 anything? Do you specifically put this community
20 for this drafting or this community for this
21 drafting?
22 A I do not.
23 Q With regards to the equipment that you do
24 use, what kind of equipment do you use on a daily
25 basis?

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1 A Mainly just my computer and the printer.
2 Q And those were given to you by Daniel
3 Island Property Owners Association?
4 A They were.
5 Q You work on material, though, for all
6 three communities on that computer?
7 A I do.
8 Q And you print stuff for all three
9 communities on the same printer, correct?
10 A Correct.
11 Q So there's not really a way for you to
12 tell the difference of how many hours you worked on
13 something for one community compared to another?
14 A Correct.
15 Q Have you talked to an attorney in
16 preparation for this?
17 A I did.
18 Q And who did you speak with?
19 A I can't remember his name.
20 Q That's okay.
21 When did you speak with him?
22 A Tuesday.
23 Q Okay. And with regards to policies, I'm
24 sure your office has policies, correct?
25 A Can you elaborate?

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1 Q Like travel policies or mask mandates.
2 A Correct, we do.
3 Q And do those travel policies -- say you
4 need to go to one of the activity centers in one of
5 the communities. Is that travel policy different
6 than if you were to go to a different community?
7 A We don't have any travel policies. We
8 do have mask mandates, though.
9 Q So is the mask mandate the same for all
10 communities?
11 A It is.
12 Q Do you have any other policies that you're
13 required to do in the office?
14 A Not that I can recall.
15 Q Are you familiar with the Park Day?
16 A I am.
17 Q And what did you generally know about it?
18 A I generally know that it was an event
19 that was used as a fundraiser.
20 Q And do you know who was a part of it?
21 A Can you more specific?
22 Q Do you know who holds the event?
23 A I do not know. I know that Barbara
24 McLaughlin organized it.
25 Q Do you know anything specific about the

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1 vendors that were there or anything in preparation
2 for the event?
3 A I do not.
4 Q When you're working, do you generally know
5 the difference between the separate entities that
6 you're working on?
7 A Can you give an example?
8 Q Yeah. Example would be if you are doing
9 an Instagram photo of one community and you're
10 putting it up there on Instagram, are you generally
11 aware that it's a different community than the other
12 two?
13 A I don't understand the question.
14 Q If -- are you aware that, in a sense, when
15 you're taking a photo and you're putting it on
16 Instagram, that this is one of three communities?
17 A Yes.
18 Q Okay. And do you believe that you work
19 for all three communities equally?
20 A Yes.
21 Q Now, you stated one community didn't have
22 any activities or an activity place, is that
23 correct?
24 A Not one that I manage.
25 Q Okay. So you just manage the three,

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1 including any pool activities?
2 A Correct.
3 Q Are there any pools in the children's --
4 Daniel Island's Children's Park?
5 A There are not. All three are located
6 within the Community Association.
7 Q So you don't maintain any waterways or
8 pools or anything at the Children's Park in Daniel
9 Island?
10 A I do not.
11 Q Do you have any relatives in
12 Berkeley County?
13 A I do not.
14 Q Do you go to church?
15 A I do not.
16 Q Have you ever been convicted of a crime?
17 A No. I have not.
18 Q So just kind of to wrap up, I understand
19 that you were an employee of Daniel Island's
20 Property Owners Association, but you do work for
21 three separate entities with regards to the
22 different communities, correct?
23 A Can you rephrase that?
24 Q Yeah. You work for Daniel Island Property
25 Owners Association, but you also do work for the

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1 three different communities or three different
2 entities?
3 A Correct.
4 Q Have you fully understood all of my
5 questions?
6 A Yes.
7 Q Have you answered them truthfully?
8 A Yes.
9 Q Is there any reason why you would change
10 an answer?
11 A No.
12 Q Okay. If you do change an answer, will
13 you let your attorney know so that they can then
14 contact us and let us know the change of answer?
15 A Yes.
16 Q Thank you. I have no questions at this
17 time.
18 MS. NUTTER: I don't have any
19 questions. Thank you.
20 EXAMINATION
21 BY MS. BAER:
22 Q Ms. Hermann, I have just a couple
23 questions. My name is Laura Baer, and I represent
24 the Daniel Island Community Association. It's more
25 just a question for clarification.

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1 Can you tell me -- you said you
2 worked for three entities. Can you list what those
3 entities are.
4 A I work for the Daniel Island Property
5 Owners Association and within the association
6 there is the Community Fund -- or, sorry --
7 Community Association, Property -- Park
8 Association, and Town Association. So sorry.
9 Q That's okay.
10 So you work for the Daniel
11 Island Community Association, the Daniel Island Park
12 Association, and the Daniel Island Town Association?
13 A Correct.
14 Q But you get one paycheck?
15 A Correct.
16 Q So you're not paid separately by those
17 separate entities?
18 A No. I am not.
19 Q Okay. And just repeat for me also what
20 facilities or spaces fall within the Daniel Island
21 Community Association.
22 A The Daniel Island Community Association
23 has three pools. It's got Park Pool, Pierce Park
24 Pool, and Edgefield Park Pool. Attached to two of
25 those pools are amenities. So the Edgefield Park

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1 Pool has the Crow's Nest amenity and then Pierce
2 Park Pool has the Pierce Park Pavilion. And then
3 I also oversee the Beresford Creek Boat Landing,
4 which is just a boat ramp.
5 Q What was the name of the creek?
6 A Beresford Creek.
7 Q Can you spell that for me.
8 A B-e-r-e-s-f-o-r-d.
9 Q All right. Those are all my questions.
10 Thank you for your time.
11 THE VIDEOGRAPHER: Any further
12 questions?
13 (No response.)
14 THE VIDEOGRAPHER: Okay. This will
15 conclude the video deposition of Danielle
16 Hermann. We're off the record 12:39 PM on
17 September 30th, 2021.
18 MS. HAYWARD: And read and sign on
19 this?
20 (The deposition went off the record, and
21 the deposition concluded at 12:39 PM.)
22 ---oOo---
23
24
25

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF DORCHESTER) CERTIFICATE
3 I, Janice D. Hayward, Registered Merit
4 Reporter and Notary Public, certify that I was
5 authorized to and did stenographically report the
6 foregoing deposition, and that the transcript is
7 a true record of the testimony given by the witness
8 I further certify that the witness was
9 duly sworn and cautioned by me to tell the truth,
10 the whole truth, and nothing but the truth. I
11 certify that the same was reduced to typewritten
12 form from my original stenograph notes by
13 computer-aided transcription.
14 I further certify that I am not of
15 counsel or kin to any of the parties to this cause
16 of action nor am I interested in any manner in
17 its outcome.
18 IN WITNESS WHEREOF I have hereunto set
19 my hand and seal this the 12th day of October 2021.
20
21
22
23 Janice D. Hayward, RMR
24 Notary Public, South Carolina
25 My Comm. Expires 10-10-22

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1 ATTESTATION

2 In Re: Zetz v. Daniel Island Company, et al.
3 Case No.: 2017-CP-08-02238
4 Deposition of: DANIELLE HERMANN
5 Date Taken: Thursday, September 30, 2021
6 Taken Before: Janice D. Hayward, RMR, Notary Public

7 I have read the transcript of my deposition
8 and find that no changes are necessary.

9 Name of Deponent

10 Having read the transcript of my deposition,
11 I wish to make the following corrections:
12 (State reason.)

13 Page Line :

14 Page Line :

15 Page Line :

16 Page Line :

17 Page Line :

18 Name of Deponent

19 Sworn to and subscribed before me this
20 day of _____, 2021, in _____ County,
21 South Carolina.

22 Notary Public
23 State of South Carolina
24 My Comm. Expires: _____
25

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1 October 12, 2021

2

3 Danielle Hermann
4 c/o Jennifer F. Nutter
5 Hood Law Firm
6 172 Meeting Street
7 Charleston, South Carolina 29401

8 Dear Deponent,

9 Please find a copy of your deposition. You will
10 also find enclosed the attestation page from the
11 original deposition.

12 This is a verbatim transcript. If, however, you
13 feel that it is necessary to make any corrections
14 or changes, you may do so on the attestation page,
15 indicating page and line number. You must state
16 your reason for making the change.

17 Upon completion, please sign and date the
18 attestation page from the original transcript in
19 front of a notary public and return within 30 days
20 to Janice D. Hayward, 240 Oak View Way, Summerville,
21 South Carolina 29483.

22 If you have any questions, feel free to contact me.

23 Yours truly,

24

25 Janice D. Hayward, RMR
Court Reporter

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In The Matter Of:
Matthew Zetz v.
Daniel Island Company et al.

Mary Stuart Sutton
September 14, 2021

Michele Darling Neville, RPR, ACR
Independent Contractor working in association with
Milligan Court Reporting
O: 843.224.5211 F: 843.971.6509
Email: schedule@courtreportingsc.com

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1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON
2 COUNTY OF BERKELEY) PLEAS
3) NINTH JUDICIAL CIRCUIT
4) CASE NO. 2017-CP-08-02238
5 MATTHEW ZETZ,)
6)
7 PLAINTIFF,)
8 VS.)
9) DEPOSITION OF:
10 DANIEL ISLAND COMPANY, INC.;) MARY STUART SUTTON
11 DANIEL ISLAND COMMUNITY)
12 FOUNDATION, INC.; DANIEL)
13 ISLAND TOWN ASSOCIATION, INC.;)
14 DANIEL ISLAND COMMUNITY)
15 ASSOCIATION, INC.,)
16 _____ DEFENDANTS)

17 DATE: Tuesday, September 14, 2021
18 TIME: 12:12 p.m.
19 LOCATION: Anastopoulo Law Firm, LLC
20 23 Ann Street
21 Charleston, South Carolina 29403
22 REPORTER: Michele Darling Neville, RPR
23 VIDEOGRAPHER: Ashley Bowler

24 Michele Darling Neville, RPR
25 Independent Contractor working in
association with Milligan Court Reporting
Telephone: (843) 224-5211
Email: schedule@courtreportingsc.com

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A P P E A R A N C E S

For Plaintiff: Anastopoulo Law Firm, LLC
By: Lane D. Jefferies, Esquire
32 Ann Street
Charleston, South Carolina 29403
E-mail: cld@akimlawfirm.com

For Defendants: Wilson & Heyward, LLC
Daniel Island By: Bonum S. Wilson, III, Esquire
Community 924 Folly Road
Foundation Charleston, South Carolina 29412
via Zoom E-mail: bwilson@wilsonheyward.com

For Defendants: Hood Law Firm
Daniel Island By: Ryan M. Sobocinski, Esquire
Town Association, 172 Meeting Street
Inc. Charleston, South Carolina 29401
E-mail: Evan.Sobocinski@Hoodlaw.com

For Defendants: Collins & Lacey, PC
Daniel Island By: Laura Baer, Esquire
Community 1330 Lady Street, 6th Floor
Association, Inc. Columbia, South Carolina 29201
via Zoom E-mail: lbaer@collinsandlacy.com

For Defendants: Barnwell Whaley Patterson & Helms
Daniel Island By: K. Michael Barfield, Esquire
Company, Inc. 211 King Street, Suite 300
via Zoom Charleston, South Carolina 29401
E-mail: mbarfield@barnwell-whaley.com

via Zoom Womble Bond Dickinson
By: F. Cordes Ford, IV, Esquire
5 Exchange Street
Charleston, South Carolina 29401
E-mail: cordes.ford@wbd-us.com

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I N D E X

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Examination by Mr. Jefferies.....	5

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
P1	Daniel Island staff page	44
P2	LinkedIn pages	46
P3	Multi-paged document	50

1 THE VIDEOGRAPHER: We are now on the record.
2 Today's date is September 14th, 2021. The time is
3 approximately 12:12 p.m. This is the video deposition of
4 Mary Stuart Sutton taken by counsel for the plaintiff. The
5 location is Anastopoulo Law Firm, 32 Ann Street, Charleston,
6 South Carolina 29403.

7 My name is Ashley Bowler, legal videographer
8 representing Vidsouth Production. I am familiar with the
9 provisions of Rule 30(h) pertaining to videotaped
10 depositions.

11 This deposition is taken in the matter of Matthew
12 Zetz versus Daniel Island Company, Inc., et al, case number
13 2017-CP-08-02238.

14 Counsel, please introduce yourselves for the
15 record.

16 MR JEFFERIES: Good afternoon. Lane Jefferies
17 with the Anastopoulo Law Firm for the plaintiff, Matthew
18 Zetz.

19 MR. SOBOCINSKI: Evan Sobocinski for defendant
20 Daniel Island Town Association, Inc.

21 MS. BAER: Laura Baer, B-A-E-R, for defendant
22 Daniel Island Community Association.

23 MR. BARFIELD: This is Michael Barfield for Daniel
24 Island Company.

25 MR. WILSON: This is Bo Wilson for Daniel Island

1 Community Foundation.

2 THE VIDEOGRAPHER: The court reporter today is
3 Michele Neville. Would the court reporter please swear the
4 witness and we may begin.

5 P R O C E E D I N G S

6 Thereupon, MARY STUART SUTTON, the Deponent, called for
7 examination by Counsel for Plaintiff and, after having
8 been duly sworn by the notary, was examined and
9 testified as follows:

10 EXAMINATION BY COUNSEL FOR PLAINTIFF

11 BY MR JEFFERIES:

12 Q Good afternoon, Ms. Sutton. Again, my name is
13 Lane Jefferies; I represent the plaintiff in this matter. I
14 appreciate your time in being here.

15 A Uh-huh.

16 Q I'm going to try to make this as quick and
17 painless as possible. So before we get started, let me make
18 sure I'm addressing you right. Do you go by Mary or Mary
19 Stuart or--

20 A Mary Stuart is my first name and my married last
21 name is Sutton.

22 Q Is Sutton. Okay. So you -- you go by Mary
23 Stuart, that is your first name?

24 A My first name, yes.

25 Q Okay. I have a son with a dual first name. James

1 Marshall is his first name. And, of course, everyone wants
2 to just call him James. So I spend a lot of my time
3 correcting that.

4 Do you mind if I call you Mary Stuart or would you
5 prefer Ms. Sutton?

6 A I don't mind.

7 Q Mary Stuart. Excellent. Mary Stuart, a few just
8 ground rules with respect to depositions. You know, you've
9 been sworn in, so you've got to tell the truth and the whole
10 truth and nothing but the truth; right?

11 A Correct.

12 Q All right. I'm going to ask you a bunch of
13 questions; you're going to answer them. I hope to ask
14 questions that are really clear and intelligent; but I don't
15 always succeed in that hope. So if I ask something, you
16 just don't understand it, please just look to me and only to
17 me to explain it. And I'll rephrase it, explain it, as many
18 times as you need me to until you understand it, okay?

19 A Okay.

20 Q When you answer a question, I'm going to conclude
21 two things. I'm going to conclude, first, that you
22 understood it. Fair?

23 A Yes.

24 Q Same thing is I'm going to conclude that you
25 answered it truthfully with the whole truth and nothing but

1 the truth. Fair?

2 A Correct. Yes.

3 Q All right. You're doing great at this. You're
4 answering with -- with words and not uh-huhs and huh-uhs and
5 head shakes; so thank you for that. Please continue to do
6 that; because that makes the court reporter's job a lot
7 easier.

8 There's a ton of other rules that relate to
9 depositions. And I'm not going to spend an hour going
10 through all that stuff. If they come up, I'll mention it to
11 you. But nine times out of ten, most of that stuff doesn't
12 come up.

13 So with that in mind, you ready to get started?

14 A Yes, I am.

15 Q Cool. All right. So one of the things that I was
16 doing before you got here today was I was looking at your
17 LinkedIn page, and it looks like, according to LinkedIn,
18 that before you were at the Daniel Island Property Owners
19 Association, you were with the Seabrook Island Property
20 Owners Association.

21 A Correct.

22 Q Okay. What years were you at Seabrook Island?
23 And I can tell you that LinkedIn says November 2013 to
24 October 2014.

25 A That's fair.

1 Q Sound about right?

2 A Correct.

3 Q And then when you left Seabrook, did you go
4 directly to the Daniel Island Property Owners?

5 A No, I moved to Colorado.

6 Q Okay. How long were you in Colorado for?

7 A Until 2016.

8 Q What -- do you remember what month in 2016 you
9 would of moved back?

10 A I believe it was April; but I'd have to double
11 check.

12 Q Okay. Whereabouts in Colorado were you?

13 A Outside of Boulder.

14 Q Very nice. Very nice. And then you just missed
15 the Lowcountry so much you had to come back?

16 A The tied doesn't rise out in Colorado. Yes, I did
17 miss the Lowcountry and we moved back.

18 Q Fair enough. When did you start with Daniel
19 Island Property Owners Association?

20 A June 1st, 2016.

21 Q Okay. And that would be about, roughly, five
22 months, a little -- little more, before the incident that
23 gave rise to this lawsuit, which was in November of 2016,
24 just by way of reference --

25 I also took a peek at the Daniel Island Property

1 Owners Association page where it says Daniel Island POA
2 staff. And just for the ease of talking, if I say Daniel
3 Island POA, I mean property owners association. I'm not
4 going to spell it out every time. So can we agree that POA
5 means property owners association?

6 A Yes.

7 Q Excellent. So as I look at the staff page, it
8 says that you, Mary Stuart Sutton, are the ARB
9 administrator. Is that correct?

10 A It is.

11 Q Excellent. Is that what -- and I know that's what
12 you are now. Is that what you were back in 2016?

13 A Yes.

14 Q Okay. So you've had that same--

15 A Yes.

16 Q -- I mean, that's the job you've had?

17 A Yes.

18 Q Okay. I'm going to ask you a number of questions
19 about the job, about -- well, about a lot of things. If
20 there's a difference between how it is now and how it was
21 then, back in 2016, I'd like you to highlight that for me.

22 I'll try to ask you about both so that we're real
23 clear. But if some -- if there's some big difference and
24 you're not clear which I'm asking about, please say, hey,
25 Lane, you know, are you talking about now or are you talking

1 about then.

2 A Okay.

3 Q Okay. So, tell me, both now and back in 2016,
4 when you were an ARB administrator, what -- well, first off,
5 what does ARB stand for?

6 A Architectural review board.

7 Q Excellent. All right. What did you do and do you
8 do as architectural review board administrator?

9 A I'm responsible for reviewing new home
10 construction plans and improvement plans, modifications.

11 Q All right. So you review those plans. Do you
12 yourself--

13 A Administer the guidelines and create meetings with
14 the architectural review board members to also review the
15 plans.

16 Q So if somebody wants to either build a house or
17 improve a house--

18 A Correct.

19 Q -- they need to submit something to you?

20 A Correct.

21 Q And then you review it. And then does it
22 automatically go to the full board or is there the chance
23 that you might look at it and kick it back and say there's
24 no sense taking this to the board, this is completely out of
25 whack?

1 A Correct, we would look at something like that at
2 staff level review.

3 Q Okay. So the first thing is a staff level review
4 to see if it complies with the guidelines?

5 A Correct.

6 Q It might not, in which case it gets kicked back?

7 A Correct.

8 Q If it does, then you take it to a meeting with
9 the -- with the board?

10 A I can. Or review it at staff level. And/or
11 review it with a board member outside of an ARB meeting.

12 Q Okay.

13 A And process it from there.

14 Q Okay. Is there -- how do y'all decide, like, what
15 has to go to a full board meeting and what one board member
16 can do and--

17 A The guidelines are fairly straightforward about
18 what is required for review. And if I feel that the design
19 doesn't meet the design guidelines, I'll ask the board to
20 review it.

21 Q Okay. Let me make sure I understand the process.
22 And that sounds like, you know, kind of my typical
23 understanding of what an architectural review board and a
24 review board administrator does.

25 You -- applications come in for you, new

1 construction or improvement, you take an initial look at
2 those, see if they meet the guidelines. They might get
3 rejected by you. They might get scheduled for a meeting
4 with one or more of the board members, in which case it
5 could get rejected or approved potentially.

6 A Uh-huh.

7 Q So it's really kind of three things. You know,
8 the stuff coming in, your initial review, and then dealing
9 with the board. Is that a fair way of saying it?

10 A You -- we could review it one or two board members
11 outside of an ARB formal meeting.

12 Q Okay.

13 A Or then have the entire board review it as well.

14 Q All right. Aside from -- so essentially four
15 things. Aside from those four things, is there anything
16 else you do as a part of your job title as ARB administrator
17 for the Daniel Island Property Owners Association?

18 A That consumes most of my time.

19 Q Okay. Is there any other tasks that you have
20 that's not a part of that? Is there any separate thing,
21 like in addition to that you are also in charge of dog
22 walking trails or--

23 A No.

24 Q Okay. So everything you do is essentially this or
25 some component of this?

1 A Correct.

2 Q Related to approval. All right.

3 Now, tell me about this. So these applications
4 come in because someone is doing construction or
5 improvement. In what geographical area do they have to
6 apply to you in your office? I mean, is it -- is it all of
7 the entire island called Daniel Island or is it just the
8 development of Daniel Island or is it just parts of the
9 Daniel Island development or, you know, who has to apply to
10 you and who can just build a house on their own?

11 A It would be the entire subdivision of Daniel
12 Island.

13 Q Okay. So essentially every part of Daniel Island,
14 the Daniel Island Company has developed over time if there's
15 going to be a new house or a -- or an improvement, that
16 application process is coming through your office?

17 A I don't know if the Daniel Island Company was
18 solely responsible for all of the development. But any new
19 developments or improvements in the subdivision of Daniel
20 Island, I review. Came through my office.

21 Q Okay. So the entire subdivision. All right. And
22 that -- and that makes sense. Are there different -- are
23 there different sets of guidelines for different parts of
24 Daniel Island? Or what guidelines do you look at? Is it
25 like one big book and it applies everywhere? Or is it, you

1 know, this neighborhood has this set and this other
2 neighborhood has that set?

3 A The different associations have different
4 guidelines.

5 Q Okay. And the -- by different associations, how
6 many different associations are there?

7 A Daniel Island Park Association, Daniel Island
8 Community Association, and Daniel Island Town Association.

9 Q Okay. So each of -- Daniel Island Park
10 Association, Daniel Island Community Association, and Daniel
11 Island Town Association, each of those has a separate set of
12 guidelines?

13 A Correct.

14 Q And you just apply the relevant guidelines for
15 wherever the building is?

16 A Correct.

17 Q Okay. Do you know where those -- where those
18 guidelines came from? Like where they originated from? I'm
19 guessing they existed before you.

20 A Yes.

21 Q Any idea of their origin, who wrote them or--

22 A I do not.

23 Q I'm sorry--

24 A I do not.

25 Q Okay. Is there a way for you to characterize for

1 me, without going into all the detail of these regulations,
2 is there any way that they differ or any way that they are
3 alike, kind of across the board?

4 A In terms of differences, there are technicalities
5 with setbacks and -- setbacks, landscaping requirements.

6 Q Okay. And do you know the reason for those
7 differences in setbacks and landscaping requirements?

8 A Lot -- lot sizes, being able to accommodate the
9 different setbacks and landscaping.

10 Q Okay.

11 A Is typically a driving element for that.

12 Q Okay. And the commonalities, I imagine, probably
13 outnumber the differences. I mean, I imagine you can't have
14 a mobile home anywhere; right? And you can't have --
15 probably all manner of things. You can't have garish colors
16 probably anywhere; is that fair to say?

17 A Colors are reviewed on a case-by-case basis.

18 Q Okay. Now, where do you -- where do you actually
19 work out of?

20 A 130 River Landing Drive, unit 1C.

21 Q Unit 1C. Is that the same unit 1C that Kay
22 Fabrizio works in and -- oh, gosh, who else? Chris Hamil
23 and Barbara McLaughlin and--

24 A Correct.

25 Q -- those folks? Okay. All right. Is there

1 another office--

2 Thank you, Fanisa. [ph]

3 Is there another office that y'all have aside from
4 this 130 River Landing address?

5 A Other -- when COVID hit, we worked from our --
6 whatever little home office we were able to set up.

7 Q Gotcha.

8 A But, no, that is the -- that is the office.

9 Q That's the address?

10 A Uh-huh. Correct.

11 Q And y'all work, I understand, under the banner of
12 the Daniel Island Property Owners Association?

13 A Correct.

14 Q Okay. Is there a unit 1A and 1B in--

15 A I don't know.

16 Q Okay. But they're not -- if they are, they're not
17 yours?

18 A Correct.

19 Q Okay. I was just curious. Y'all were 1C. So
20 you're not the entire -- are you not the entire building?
21 Are there other people in the building?

22 A It's a condominium complex.

23 Q Okay.

24 A With residential housing above and other rental
25 spaces on the first floor.

1 Q I gotcha. And so all of the Daniel Island
2 Property Association stuff is at this 130 River Landing,
3 unit 1C?

4 A The offices, yes.

5 Q Okay. I'm going to try to save a little time here
6 by telling you what we just heard Kay Fabrizio say about the
7 structure at Daniel Island Property Owners Association. And
8 I just want you to tell me if you agree that it's right or
9 if -- or if you think it's something wrong. If she said
10 something wrong, I want you to, obviously, point it out.

11 But my understanding is that you report directly
12 to Jane Baker as vice president of community services. Is
13 that who you report to?

14 A I report to Jane Baker, yes.

15 Q Okay. And you report to Jane Baker now. Did you
16 also report to Jane Baker back in 2016?

17 A Yes.

18 Q Okay. Have you ever reported directly to anybody
19 else or has it always been Jane Baker?

20 A It's always been Jane.

21 Q Okay. And Kay Fabrizio told us that she also
22 reports to Jane Baker. Is that your understanding?

23 A I believe so.

24 Q Okay. And that Sara Cuthber reports to Kay?

25 A That's my understanding.

1 Q All right. And then do you know Chris Hamil?

2 A Yes.

3 Q All right. And my understanding from Ms. Fabrizio
4 is that Chris Hamil also reports to Jane Baker?

5 A I believe that's correct.

6 Q All right. And you know Barbara McLaughlin?

7 A Uh-huh.

8 Q Okay.

9 A Yes.

10 Q My understanding from Ms. Fabrizio is that Barbara
11 McLaughlin also reports to Jane Baker.

12 A That's my understanding.

13 Q Okay. Are you aware of anybody else that reports
14 to Jane Baker, either now or back in 2016, besides the four
15 people I just named, you, Mary Stuart Sutton, Kay Fabrizio,
16 Chris Hamil and Barbara McLaughlin?

17 A Other staff members or sub-staff members?

18 Q Yeah, anybody who works at the property owners
19 association that reports to Jane.

20 A No.

21 Q Okay. And then do you know who Jane Baker reports
22 to?

23 A When?

24 Q Well, at any time, I guess, would be a good
25 question. My understanding -- so I'll tell you what -- what

1 Ms. Fabrizio told us.

2 Thank you very much.

3 She told us that Jane Baker reports to the boards
4 of five different entities, three of which you just named,
5 those three associations, as well as the Daniel Island
6 Community Fund and the Daniel Island Community Foundation.

7 A Uh-huh.

8 Q Does that sound right?

9 A Correct. Yes.

10 Q Okay. And Ms. Fabrizio also told us that back in
11 2016, the president and vice president of each of those five
12 boards were Matt Sloan and Frank Brumley, respectively. Is
13 that your understanding as well?

14 A I don't recall Frank Brumley's position on the
15 boards.

16 Q Okay.

17 A I do recall Matt Sloan being on the board.

18 Q Okay. And do you remember Matt Sloan's position?
19 Was he president?

20 A I believe so.

21 Q Okay. All right. So with respect to what Ms.
22 Fabrizio told us, you don't think she's wrong, you just
23 don't know?

24 A Correct.

25 Q Okay. Fair enough. All right. And she also told

1 us that each of those five boards, back in 2016, as well as
2 today, was still under the control of the developer of the
3 island, Daniel Island Company. Is that your understanding
4 as well?

5 A That's my understanding.

6 Q Okay. All right. So you, unlike Ms. Fabrizio who
7 did work for five different entities under that property
8 owners association umbrella, you don't do any work for
9 community fund or community foundation, do you?

10 A I do not.

11 Q Okay. You just do work strictly for Daniel Island
12 Town Association, Daniel Island Park Association, Daniel
13 Island Community Association?

14 A Correct.

15 Q Okay. Now, your -- your actual paycheck, does
16 that come from Daniel Island Property Owners Association or
17 town or community or park association?

18 A Daniel Island Town Association.

19 Q Daniel Island Town Association. So Daniel Island
20 Town Association writes your paycheck to you, but you
21 actually do work not only for town association, but also for
22 park association and community association?

23 A Correct.

24 Q Okay. Do you know if there's any sort of
25 contracts between Daniel Island Town Association, Daniel

1 Island Park Association and Daniel Island Community
2 Association?

3 A I do not.

4 Q Okay. And no contracts that you're aware of,
5 like, related to your work?

6 A I do not--

7 Q Okay.

8 A -- know of any contracts.

9 Q So one of them pays you, but the other two, you do
10 work for them? Those other two? You're not sure how they
11 sort that out--

12 A Correct.

13 Q -- in terms of money. Okay.

14 At -- at your offices there at 130 River Landing,
15 do you have a private office to yourself or do you have a
16 desk kind of on a big floor with a bunch of other people?

17 A I have a private office.

18 Q Does everybody there at 130 River Landing have a
19 private office?

20 A Except for the front desk, yes.

21 Q Okay.

22 A Except for the -- Lisa Avant, who sits at the
23 front desk.

24 Q Your -- and I have not -- you know, I haven't been
25 to your offices. COVID, all of that. We've all been hardly

1 going anywhere. If I were to come to 130 River Landing,
2 coming in off the street, is there a sign to tell me, like,
3 where I am? I'm looking for you because I want to renovate
4 my house, let's say. How do I know what building to come
5 into?

6 A There is a sign that says Daniel Island Property
7 Owners Association.

8 Q Okay. And so coming through there -- and
9 presumably I'd come to the front desk and I say, hey, I'm
10 here to see Mary Stuart, and they show me back to your
11 office?

12 A Correct.

13 Q And then your office, does it say anything? Does
14 it say Mary Stuart Sutton or does it say anything else?

15 A Nothing. No.

16 Q All right. Do you have a business card?

17 A I do.

18 Q What is -- and it has your title on it?

19 A Correct.

20 Q And who does it -- what does it say for the
21 entity, Daniel Island Property Owners Association?

22 A Correct.

23 Q Okay. Do you have a separate business card for
24 Daniel Island Town Association, park association and
25 community association?

1 A I do not.

2 Q Okay. So it's just the one card that says
3 property owners association?

4 A Correct.

5 Q Now, Ms. Fabrizio told us that property owners
6 association really isn't a separate entity. It's a name for
7 all of these associations put together. Is that fair? Is
8 that right?

9 A I can't speak to the structure of it. But it's
10 intended for a one-stop shop so we can help provide
11 community members service.

12 Q Okay. And that sounds very convenient. Is there
13 any distinction, if I were to come into the office or
14 anybody were to come into the office, is there any
15 distinction about this -- this part of the office is town
16 association, this other part is park, and this other part is
17 community association?

18 A I'm sorry, would you ask the question again.

19 Q Yeah. If I were to walk into the offices at 130
20 River Landing, would I be able to tell what part was the
21 office for the Daniel Island Town Association and what part
22 was the office for the community association and what part
23 was the office for the park association?

24 A The office is not subdivided by association.

25 Q It's just altogether?

1 A Yes.

2 Q Okay. Is the stuff in the office that same way?
3 Like are there five different copiers or does everybody use
4 one copier?

5 A Everyone uses one copier.

6 Q And fax machine and phone and all the other--

7 A Uh-huh.

8 Q Okay. And your phone -- the main phone number to
9 come in there is just the one main phone number?

10 A And I have a number to my office.

11 Q And you have a number--

12 A Yeah. Sure.

13 Q When you answer the phone at your office, and it's
14 actually you answering it, what do you -- how do you answer
15 that?

16 A Daniel Island Property Owners Association, this is
17 Mary Stuart, how may I help you.

18 Q Okay. And then somebody says--

19 A Or this is Mary Stuart -- if it comes directly
20 into my line--

21 Q Okay.

22 A -- this is Mary Stuart, how may I help you.

23 Q Fair enough. And then you do whatever they need--

24 A Correct.

25 Q -- need you to do?

1 All right. The guidelines that you apply when
2 somebody applies to do new construction or to make an
3 improvement, are those published somewhere or is that
4 something that just, you know, y'all have internally?

5 A They're published on our website.

6 Q Okay. And when you say "our website," what
7 website is that?

8 A The Daniel Island Property Owners Association
9 website.

10 Q Okay. The same one I'm looking at here when I saw
11 your--

12 A I believe so, yes.

13 Q Yeah, that--

14 A Yeah.

15 Q That one. Which is dicommunity.org?

16 A If that's--

17 Q Yeah. That's the one I'm looking at anyway.

18 A Okay.

19 Q All right. Before you came in here for your
20 deposition today, did you do anything to prepare for the
21 deposition? Like did you read anything or talk to anybody?
22 And I want to be careful. When I ask about talking to
23 somebody, if you talked to any lawyers, I don't want you to
24 tell me what y'all talked about. So did you review
25 anything? Read anything? Talk to anybody?

1 A Only spoke to counsel.

2 Q Okay. And when you say "spoke to counsel," would
3 that be Mr. Sobocinski or it was another--

4 A It would be. Correct.

5 Q Who's sitting right here?

6 A Yes.

7 Q Okay. Did you speak to Jennifer Nutter? Attorney
8 Jennifer Nutter at any point?

9 A I have not spoken to her, no.

10 Q Okay. Any other attorneys with respect to this
11 matter besides Mr. Sobocinski?

12 A No.

13 Q Okay. Did you speak at any point to the corporate
14 attorney for the various Daniel Island entities, a gentleman
15 by the name of Cordes Ford?

16 A In this case?

17 Q Regarding this case.

18 A This case only, no.

19 Q Okay. You would naturally talk to him about
20 general business things?

21 A Sure.

22 Q Yeah.

23 A Perhaps.

24 Q Okay. Your conversation with Mr. Sobocinski, do
25 you remember when that was?

1 A It was last week.

2 Q Okay. Had you talked to Mr. Sobocinski--

3 A I think--

4 Q -- before last week at any point?

5 A No.

6 Q Okay. So the first time you talked to a lawyer,
7 any lawyer about this case, would have been last week? And
8 that lawyer was Mr. Sobocinski?

9 A I believe so.

10 Q Okay. Fair enough. Are you familiar at all with,
11 just in general, the event at Daniel Island called park day?

12 A In general, yes.

13 Q Do you have any involvement with park day like in
14 terms of setting it up or planning for it or executing it?

15 A The only -- no.

16 Q Okay. You're just -- you're aware of it because
17 you work there?

18 A Correct.

19 Q Fair. With respect to the 2016 park day, did you
20 have any involvement in that particular park day?

21 A Yes.

22 Q Okay. Tell me what that was.

23 A A parking attendant.

24 Q And where were you a parking attendant?

25 A Down at Children's Park. In one of the fields

1 adjacent to Children's Park.

2 Q And what -- I know you may not remember the date.
3 But what day of the week? A Friday? A Saturday? A Sunday?

4 A I don't recall.

5 Q Okay. Do you remember roughly what hours of the
6 day it would of been? Like was it morning or night or--

7 A It was morning.

8 Q Morning. How long did you enjoy this task of
9 being a parking attendant?

10 A I would say to midday.

11 Q Okay. So--

12 A Early afternoon.

13 Q A few hours?

14 A Yes.

15 Q All right. And how did you -- how did you end up
16 being a parking attendant for the 2016 park day? Because I
17 imagine it's not a normal part of the ARB administrator job.
18 So how did that come to be?

19 A I don't recall.

20 Q You don't remember who asked you to do it?

21 A Not specifically, no.

22 Q Okay. Were you asked or did you volunteer?

23 A I don't recall.

24 Q Okay. Would you of been paid for that?

25 A No.

1 Q Okay. How did you know when to -- when to come
2 and to work as a parking attendant at the 2016 park day?

3 A That was -- Barbara McLaughlin would likely of put
4 the schedule together, if I remember correctly.

5 Q Okay. And was that organizing a part of her role
6 at the property owners association?

7 A I believe so.

8 Q Okay. With respect to the plaintiff, Matthew
9 Zetz' fall at the Children's Park during the setup evening
10 prior to the actual event, do you have any personal
11 knowledge about that?

12 A I do not.

13 Q Okay. You weren't there?

14 A I was not.

15 Q You didn't see it?

16 A Wasn't -- did not.

17 Q You might know what other people have told you,
18 but you don't have any actual firsthand knowledge?

19 A I do not.

20 Q Okay. The guidelines that you apply in your job
21 as a -- as an architectural review board administrator, have
22 those remained fixed since you've gotten there or do they
23 get revised from time to time?

24 A They are being revised now. And some of the
25 guidelines -- because some of the guidelines reflect old

1 zoning codes that are applicable to it. And when that
2 changed, the guidelines needed to be updated.

3 Q Okay. Who does that updating and revising of the
4 ARB guidelines?

5 A I do.

6 Q All right. And how do you know how to revise
7 them? Like is it just left to your discretion or do you
8 consult with the board?

9 A I consult with the board.

10 Q Okay. And who is -- well, let me ask you this
11 first. How big is that board? How many people?

12 A Now or?

13 Q Let's say now; and then we'll look back as well.
14 Currently how big is the architectural review board?

15 A Six.

16 Q Six. Okay. And do you know who all those six
17 people are?

18 A Yes.

19 Q Who are they?

20 A James Baker, Bill Marshall, Jeff Elliott, Jeff
21 Johnson, Charles Muldrow. Did I say Bill Marshall? Yeah.
22 Okay. Then five.

23 Q James Baker, Bill Marshall, Jeff Elliott, Jeff
24 Johnson and Charles Muldrow.

25 A Correct.

1 Q Okay. So those five -- that's the current
2 architectural review board?

3 A Correct.

4 Q Do you remember who it was when you started back
5 in 2016?

6 A I do.

7 Q Who was it then?

8 A Those members--

9 Q Uh-huh.

10 A -- that I just said. Those -- those folks. And
11 Matt Sloan and Bill McKenzie. And that's it, to the best of
12 my knowledge.

13 Q Okay. So I recognize the name--

14 A I'm sorry.

15 Q Okay.

16 A Additional -- Carolyn Lancaster.

17 Q Carolyn Lancaster.

18 A I apologize.

19 Q Back in 2016?

20 A Correct.

21 Q Okay. So the architectural review board has
22 shrunk over the years?

23 A It has.

24 Q Carolyn Lancaster. Okay. Some of these names I
25 recognize. Others I don't. I know who Jane Baker is,

1 because you and Ms. Fabrizio have talked about Jane Baker.
2 And I understand she is your boss and she is the vice
3 president of community services for the Daniel Island
4 Property Owners Association; is that right?

5 A I think so.

6 Q Okay. And, again, the Daniel Island Property
7 Owners Association is really the umbrella of Daniel Island
8 Town Association, Daniel Island Park Association, Daniel
9 Island Community Association, as well as a couple funds and
10 foundations; is that right?

11 A I believe so, yes.

12 Q Okay. All right. So I know Jane. And Matt
13 Sloan, is he with -- back in 2016, he would be with the
14 Daniel Island Company?

15 A Correct.

16 Q All right. And did he have any other -- I
17 understand from Ms. Fabrizio he had other roles, obviously,
18 as president of the board of the five different entities
19 that I just listed.

20 A Correct.

21 Q What was Mr. Sloan's role on the architectural
22 review board?

23 A He was president.

24 Q He was president. So he's always president. Do
25 you remember who the vice president was back in 2016?

1 A I do not.

2 Q Okay. I'm going to ask you about each of those
3 other folks. And what I'm really just curious about is who
4 they work for, if you'd know it. Whether they're, you know,
5 independent folks or whether they're related to Daniel
6 Island somehow. Bill Marshall, who is he?

7 A Independent contractor.

8 Q All right. And Jeff Elliott?

9 A Jeff Elliott worked -- worked for the Daniel
10 Island Company, I believe.

11 Q Okay. Do you remember what Jeff Elliott did at
12 the Daniel Island Company?

13 A He was with the development team and physically
14 developing the designs of the roads and residential
15 neighborhoods and subdivisions.

16 Q Okay.

17 A And lots and...

18 Q Okay. What about Jeff Johnson?

19 A Independent contractor.

20 Q And what about Charles Muldrow?

21 A Independent contractor.

22 Q Okay. And then we know Matt Sloan with the Daniel
23 Island Company and president of the architectural review
24 board. What about Bill McKenzie?

25 A Bill McKenzie, I believe, worked for the

1 development company as vice president of development.

2 Q So that would be the vice president of Daniel
3 Island Company?

4 A I'm not sure.

5 Q Okay. Development company, in any event. Okay.
6 As vice president of development, is that what you said?

7 A That's my understanding.

8 Q Okay. And what about Carolyn--

9 A Lancaster?

10 Q -- Lancaster?

11 A She was the vice president of marketing.

12 Q For?

13 A I believe the Daniel Island Company.

14 Q Daniel Island Company. I know you mentioned that
15 the 2016 board, which would have had one, two, three, four,
16 five, six, seven, eight, eight people on it, that Matt Sloan
17 was the president of the architectural review board. Do you
18 remember who the vice president was?

19 A No.

20 Q Do you remember who any of the other officers
21 were?

22 A No.

23 Q Do you know anything at all about the structure of
24 the Daniel Island Company itself? Like who's in charge?

25 A I do not.

1 Q Okay. So if I'm counting this up right, it looks
2 like back in 2016 when there were eight members of the
3 architectural Review Board, one, two, three, four, five of
4 those eight members were also with the Daniel Island
5 Company? That would be Jane Baker, Jeff Elliott, Matt
6 Sloan, Bill McKenzie and Caroline Lancaster?

7 A Jane Baker didn't work for the development
8 company, to my knowledge.

9 Q Oh. She work worked for property owners
10 association?

11 A Yes.

12 Q Okay.

13 A My understanding.

14 Q All right. So four of the eight worked for the
15 Daniel Island Company, and Jane, one of the eight, worked
16 for the Daniel Island Property Owners Association?

17 A Correct.

18 Q Okay. And I can't remember -- I know that Ms.
19 Fabrizio told us this; but I don't know whether you
20 confirmed this or not. At the Daniel Island Property Owners
21 Association, Jane Baker, back in 2016, would have reported
22 to the boards of five entities, and each of those boards had
23 as its president Matt Sloan. Does that sound right to you?

24 A Yes.

25 Q Okay. So Daniel Island Town Association, Daniel

1 Island Park Association, Daniel Island Community
2 Association, Daniel Island Community Fund and Daniel Island
3 Community Foundation, those five entities?

4 A I'm not familiar with the fund and the
5 foundation--

6 Q Okay.

7 A -- structure.

8 Q Okay. The ones you are familiar with, the first
9 three I named, the boards were -- the president of those
10 boards--

11 A I only knew the president.

12 Q That was Matt Sloan?

13 A Correct.

14 Q Okay. And Jane Baker reported to those five --
15 those boards, of which Matt Sloan was the president?

16 A As far as I know.

17 Q Okay. So if I'm reading this right, it looks like
18 whoever was controlling Daniel Island Company, through its
19 control of the property owners association, had five of the
20 eight votes on the architectural review board; right?

21 MR. BARFIELD: Object to the form.

22 MR. SOBOCINSKI: Object to the form.

23 THE WITNESS: I don't--

24 MR. SOBOCINSKI: Do we want to put the stipulation
25 of objection of one is the objection of all?

1 MR JEFFERIES: Yeah, let's stipulate for the
2 record that if anyone objections, it's counted as an
3 objection for all of the defendants so that we don't have to
4 spend a bunch of time raising a bunch of them.

5 BY MR JEFFERIES:

6 Q So I'll ask that again.

7 A Thank you.

8 Q I think, as we went through here, you said there
9 were eight members of architectural review board in 2016; is
10 that right?

11 A I believe so.

12 Q Okay. And of those eight, four were also with the
13 Daniel Island Company, the developer?

14 A Correct.

15 Q And a fifth one was Jane Baker, who was with the
16 property owners association?

17 A Correct.

18 Q And Jane Baker reported to the boards of five
19 entities, three of which you know personally the president
20 of the board was Matt Sloan?

21 A Correct.

22 Q Okay. And as to the other two, you don't know?

23 A Correct.

24 Q All right. But you don't have any reason to doubt
25 Ms. Fabrizio when she says--

1 A Not a bit.

2 Q -- Mr. Sloan was president of those, too?

3 A Huh-uh.

4 Q Okay. So if it turned out to be the case that
5 Mr. Sloan controlled the Daniel Island Company, and that
6 Ms. Fabrizio is right, of course, about him being the
7 president of all five boards--

8 A Uh-huh.

9 Q -- Mr. Sloan really controlled the architectural
10 review board, because he had five people on it?

11 MR. SOBOCINSKI: Object to the form.

12 MR. BARFIELD: Object to the form.

13 THE WITNESS: I do not agree with that statement.
14 He did not.

15 BY MR JEFFERIES:

16 Q Oh. Tell me why not.

17 A Because they're all free-thinking people with
18 opinions about design.

19 Q Who all worked, one way or another, for Matt
20 Sloan?

21 MR. SOBOCINSKI: Object to the form.

22 BY MR JEFFERIES:

23 Q Right? I mean, they did all work one way or
24 another for Matt Sloan; right?

25 A The entire board?

1 Q No, no, no, just the five people that I named.

2 A I believe so, yes.

3 Q Okay. I like to think I'm a free-thinking person.
4 But I know that in the bottom right hand corner of my
5 paycheck, it says Akim Anastopoulo. So when it comes down
6 to it, I know who my boss is.

7 MR. BARFIELD: Object to the form.

8 THE COURT REPORTER: This is the court reporter.
9 Can I -- I'm seeing Mr. Barfield's name only on my Zoom
10 feed. Is that who's been objecting, is Mr. Barfield?

11 MR. BARFIELD: It is I, yes.

12 MR JEFFERIES: Yep.

13 THE COURT REPORTER: Thank you.

14 BY MR JEFFERIES:

15 Q Mary Stuart, when you do -- when you do your work,
16 when you analyze a new proposed -- new construction or
17 proposed improvement, you apply these guidelines. Do you
18 keep track in any way of how much time you're spending
19 applying the guidelines of park association versus community
20 association versus town association?

21 A I do not.

22 Q Okay. Do you keep track of how many copies you
23 make when dealing with park or community or town?

24 A I do not.

25 Q Or how many e-mails you send dealing with park,

1 community or town?

2 A Do not.

3 Q Do you distinguish between them in any way, other
4 than which set of guidelines you apply?

5 A No.

6 Q Remind me. Did you say you knew or did not know
7 why there are three separate sets of guidelines for the
8 three separate associations?

9 A Because they're different properties with
10 different characteristics. Different lot sizes.

11 Q Okay. But all the same developer; right?

12 A On the same development, yes.

13 Q Okay. Yeah. The overall developer is Daniel
14 Island Company, if I understand it right.

15 A I believe so.

16 Q Okay. Within your office where you work, there at
17 130 River Landing, do y'all have any particular policies
18 that apply to one or only several of the various entities
19 that are in there? Or does it just apply across the board?
20 Like is there one that you can bring your dog to work policy
21 for Daniel Island Town Association people, and a different
22 one for community or park or foundation?

23 A There is not.

24 Q Okay. Whatever policies you have are just across
25 the board for everybody working in there?

1 A Correct.

2 Q Okay. I think I understand y'all have a mask
3 policy related to COVID. Is that correct?

4 A We do.

5 Q How long have you had that? Roughly. I mean, I
6 know you don't know exactly what date.

7 A I don't know.

8 Q Okay. More than a month? And I'm not trying to
9 trick you. I'm just curious.

10 A No, no.

11 Q Is it something that came about this week, last
12 month or close to a year ago?

13 A The mask policy was implemented when we started
14 phasing back in to work.

15 Q Okay.

16 A And I can't remember when that was.

17 Q Do you have any sort of policy at your office
18 regarding travel? Do y'all -- well, number one, do y'all
19 have to travel at all? I mean, do you have to get on an
20 airplane and go places as part of your job?

21 A No.

22 Q Do you have any kind of travel policies like can't
23 fly or have to be vaccinated to fly or anything like that?

24 A In terms of COVID policy?

25 Q Or -- or any policy. But, yeah, particularly with

1 respect to COVID to start with.

2 A Not that I'm aware of.

3 Q Okay. And do you have any travel policies at all?

4 A Not that I'm aware of.

5 Q Right. Because y'all just work there in that
6 office?

7 A Correct.

8 Q Okay. I want to show you -- just so we have it,
9 because I know I showed this to you on the computer screen
10 and nobody can see that unless we enter it as an exhibit.
11 One of the things that I showed you or held up on the
12 computer screen was this Daniel Island Property Owners
13 Association web page that showed you, your picture--

14 A Uh-huh.

15 Q -- as ARB administrator. Can you just take a
16 quick look at that--

17 MR. SOBOCINSKI: Do you have a copy for me?

18 MR JEFFERIES: I'll let you share that one. We
19 can pass it around. I'll wait until everyone's looked
20 at it.

21 It's also available at
22 danielislandcommunity.org/directory/staff, for any of our
23 remote people.

24 MR. SOBOCINSKI: You're entering this as an
25 exhibit?

1 MR JEFFERIES: Yes.

2 MR. SOBOCINSKI: Okay. I'd just like on the
3 record that the top -- the full web page name is cut off.

4 MR JEFFERIES: Okay.

5 BY MR JEFFERIES:

6 Q Can you hand that back to me for just a brief
7 moment and I'll take a look at that. Tell you what I'm
8 going to do, I'm going to disconnect my microphone. I'm
9 just going to talk real loudly so everyone can hear me.

10 If you would, Mary Stuart, just take a look at the
11 screen on my computer and compare it to that sheet of paper
12 and tell me if there's any substantive difference. I mean
13 if any names are different -- I mean, it shouldn't be. It's
14 printed right out from there. Is there anything on that
15 paper that's wrong as compared to what's on the computer
16 screen?

17 A I'd have to study that to do a comparison.

18 Q I can tell you that I downloaded it and printed it
19 up five minutes ago. But you can -- you can study it as
20 much as you like. Do you see anything other than that web
21 address being cut off a little bit at the top that looks
22 wrong? Like any of the wrong people? And it's not a trick.
23 I've just got to authenticate the thing before I can use it
24 as evidence.

25 A I can't scroll your computer screen down. The

1 first six people in there look familiar.

2 Q Okay.

3 A And there's -- there should be six more below it.

4 Q And there should be six more. And I cut those
5 folks off.

6 A Correct.

7 Q I just printed down until we got to you. And the
8 website shown on my computer, can you read that out loud
9 there, what's actually shown on the computer screen?

10 A Dicommunity.org/directory/staff.

11 Q Okay. And that's the same as what's shown on the
12 top of the sheet of the paper, to the extent it's shown;
13 right? It's just cut off a little bit.

14 A I can't see the top of the paper; but that's our
15 website.

16 Q Right. That's our website. Okay. So you don't
17 have any reason to believe that this sheet of paper is,
18 like, fake? It looks like your website--

19 A Correct.

20 Q Okay.

21 Let's make this [exhibit 1](#), if we could.

22 [Plaintiff's [Exhibit Number 1](#) was marked for
23 identification.]

24 BY MR JEFFERIES:

25 Q And I also mentioned to you that I had looked at

1 your LinkedIn page. So I printed a copy of that out, too.
2 And I don't know -- I don't know what beach you're standing
3 on, but it sure does look beautiful. Sunrise or sunset.
4 But can you take a look at that and just let me know if that
5 is in fact your LinkedIn page?

6 MR. SOBOCINSKI: Do you have copies for us?

7 MR JEFFERIES: I'll get you a copy as well. It's
8 also available online.

9 But we'll take a minute while you pass it around.

10 THE WITNESS: I have not looked at my LinkedIn in
11 page in a long time.

12 BY MR JEFFERIES:

13 Q LinkedIn, not Facebook.

14 A No, I said LinkedIn.

15 Q Oh, you said LinkedIn. Okay.

16 A Other than to get an e-mail notice that people
17 have been looking at me recently. I assumed it had
18 something to do with the deposition. But it's -- so the
19 page is familiar. It's my photo and title.

20 Q Okay.

21 A I'm not familiar with any of the posts or people
22 who have liked me or whatever.

23 Q Right.

24 A Because I don't look at the LinkedIn.

25 Q But the information that you put on there about

1 yourself is accurate?

2 A Yeah. Uh-huh.

3 Q Like you worked at Seabrook and all that other
4 stuff. Okay. And you don't have any reason to doubt that
5 actually is a printout of your LinkedIn page?

6 A No, I don't.

7 Q Okay.

8 Let's just mark this LinkedIn page as number 2, if
9 you would, please.

10 [Plaintiff's [Exhibit Number 2](#) was marked for
11 identification.]

12 BY MR JEFFERIES:

13 Q I want to show you something that has a black and
14 white copy over here--

15 And Evan, so you can start looking at it, too.

16 I don't know if you've seen this document before.

17 MR. SOBOCINSKI: Are these produced?

18 MR JEFFERIES: You know, I have no idea.

19 MR. SOBOCINSKI: Can we take a second to look at
20 them?

21 MR JEFFERIES: Sure. As long as all y'all are
22 talking about is this thing right here and nothing else, no
23 problem at all. Do you want me just to -- well, no, I'll
24 let y'all--

25 THE VIDEOGRAPHER: Do you want me to go off

1 record?

2 MR JEFFERIES: Yeah, let's go ahead and go off the
3 record when they do that. And the first thing I'm going to
4 ask you, by the way, is if you recognize it. If you don't
5 recognize it, I'm going to have very, very limited questions
6 about it.

7 MR. SOBOCINSKI: That's fine.

8 MR JEFFERIES: If you don't recognize it.

9 MR. SOBOCINSKI: Never seen this, so.

10 THE VIDEOGRAPHER: We're going off record. The
11 time is approximately 1:04 p.m.

12 [Off the record at 1:04 p.m.]

13 [On the record at 1:20 p.m.]

14 THE VIDEOGRAPHER: We are back on record. The
15 time is approximately 1:20 p.m.

16 BY MR JEFFERIES:

17 Q All right. Mary Stuart, we are picking back up
18 after a break so you and Mr. Sobocinski could discuss this
19 20-page document, part of this East West Partners. Looks
20 like a proposal for the redoing of the Children's Park and
21 that area around it.

22 What I learned while we were on the break is this
23 was produced, apparently, from the closing attorneys for the
24 sale, which is Womble Bond & Dickinson. So it's the same --
25 not the same exact attorneys, the same law firm as --

1 represents all of these defendants anyway.

2 So I think y'all -- and I believe we produced it
3 when we got it from the subpoena. So y'all should already
4 have it. But if not, you can certainly get it from Cordes
5 and his people.

6 So here's what I wanted to ask you. You had a
7 chance to look through this document with Mr. Sobocinski.
8 Have you seen it before?

9 A I have not.

10 Q Okay. Then this will be very quick. On page 43
11 of this document, it talks about the Children's Park. And
12 the second line of that page says owned by Daniel Island
13 Property Owners Association and used by the entire Daniel
14 Island Community.

15 And it's, obviously, describing the Children's
16 Park. And the next thing it says is: The POA would have to
17 approve any modifications or improvements to this park.

18 So my question for you is do you know whether that
19 sort of approval of modifications or improvements to the
20 park, is that something that would have to come through you
21 at some point as part of the ARB, or is that a different
22 approval process that you wouldn't participate in?

23 And I'll show you -- and I'll hand you the pages
24 so you can look at it. I'm looking at, like, the very first
25 two lines, I think, up there.

1 And if it's not something you know anything about,
2 that's fine. It's just -- I don't know. So I'm trying to
3 figure out who approves.

4 A I don't know.

5 Q Okay.

6 A And I've not seen this document before.

7 Q Okay. Do you have any idea who would know?

8 A No, I don't.

9 Q Okay. So some -- according to that document --
10 and it could be wrong, of course. According to that
11 document, the POA has to approve changes to the park, but
12 you're not really sure who at the POA would do that?

13 A I believe Jane Baker may have been involved.

14 Q Okay. Fair enough. All right. Cool. That's it.
15 I'm going to enter that as [exhibit 3](#) and I appreciate your
16 time on that.

17 A Sure.

18 MR. SOBOCINSKI: You can hand it to the court
19 reporter.

20 THE COURT REPORTER: Thank you so much.

21 MR. SOBOCINSKI: Just that page as [exhibit 3](#)?

22 MR JEFFERIES: No, enter the -- let me put it
23 around in order. Let's just enter the whole thing, since we
24 have it. It's pages 37 through 57 of a document produced by
25 Womble Bond & Dickinson.

1 [Plaintiff's Exhibit Number 3 was marked for
2 identification.]

3 BY MR JEFFERIES:

4 Q Mary Stuart, do you know who George -- and I'm
5 going to butcher his last name. I think it's McIngvale,
6 McIngvale, something along those lines.

7 A McIngvale?

8 Q M-C-I-N-G-V-A-L-E.

9 A I believe he was a former employee in the field
10 operations department of the POA.

11 Q Okay. Do you remember whether he was the head of
12 it or just--

13 A No, he worked under Chris Hamil.

14 Q He worked under Chris Hamil. Okay.

15 A Uh-huh.

16 Q Bear with me while I fill that in on my -- on my
17 chart.

18 A He no longer works with the POA.

19 Q No longer--

20 A For the POA.

21 Q Do you know where Mr. McIngvale is?

22 A I believe he has his own company.

23 Q Okay. Any idea how we can get in touch with him
24 or where he is or anything like that?

25 A I would have to look that up.

1 Q Okay. Would you have a way to look that up?

2 A I would.

3 Q Okay. Could you do that and let Mr. Sobocinski
4 know so he can let me know?

5 A Sure.

6 Q Excellent. Thank you.

7 Is this the first time someone's asked you to look
8 up Mr. McIngvale, me asking you right now?

9 A Yes.

10 Q Okay. Nobody else has come to you and said, hey,
11 how do I get in touch with him?

12 A No.

13 Q Okay. Do you know who Elizabeth Ferraro is?

14 A She's a former employee with the property owners
15 association.

16 Q Okay. And where -- do you remember where she
17 worked in the property owners association?

18 A She was the front desk.

19 Q Okay. Who's at the front desk now?

20 A Lisa Avant.

21 Q Okay. Lisa. So Elizabeth Ferraro is the former
22 Lisa Avant person?

23 A Yes.

24 Q Okay. Do you know who Lisa Avant reports to now?
25 Like who her boss is?

1 A No.

2 Q Okay. I'll ask her. And I'm guessing you don't
3 know who Ferraro's boss was?

4 A Me and Jane.

5 Q Okay. So Ferraro reported to you and to Jane.
6 All right. Where is Ferraro now?

7 A I don't know.

8 Q Okay. All right. I want to ask you about the
9 architectural review board meetings. How often did you
10 typically have a formal meeting of the architectural review
11 board back in 2016, 2017, that time frame?

12 A Twice a month.

13 Q Twice a month. Oh, wow, a lot. Were those
14 architectural review board meetings open to the public?

15 A They are not.

16 Q They're not. Okay. It's a closed meeting?

17 A Correct.

18 Q All right. And who would be at the closed
19 meeting, board members, I guess?

20 A The board members.

21 Q Okay.

22 A Myself and either another staff member. Elizabeth
23 would have been there. Or I don't know -- I don't remember
24 when she was hired. It wouldn't of been in 2016.

25 Q Okay. And that's Elizabeth Ferraro?

1 A Correct.

2 Q Would have been there. Okay.

3 And then are the people whose homes or proposed
4 improvements are at issue, are they at the board meeting or
5 the board decided, like, without them?

6 A We decide without them.

7 Q Okay.

8 A We review it without them.

9 Q Okay. Are there any sorts of minutes kept at
10 those meetings or recordings?

11 A When?

12 Q Well, so--

13 A I don't believe -- I don't -- no.

14 Q Do you do that today? I mean, are you--

15 A We do that today. I don't know that we did that
16 in 2016.

17 Q So if there were an architectural review board
18 meeting next month, someone would -- do they record it or
19 you just like--

20 A We post the agenda on the website.

21 Q Okay.

22 A Of items that we reviewed by the board.

23 Q And then does somebody actually write down -- you
24 post the agenda before the meeting?

25 A No.

1 Q After the meeting?

2 A Uh-huh.

3 Q Okay. So it's more like minutes, this is what we
4 did?

5 A Correct.

6 Q Is it detailed or is it just--

7 A No. It's not detailed.

8 Q Okay. So there's no way to look at those and
9 determine, like, whose house got reviewed at which meeting?

10 A Or whose house got approved at a meeting or not
11 approved at a meeting, no.

12 Q Okay. So it's just kind of a general--

13 A Correct.

14 Q -- that is what happened at the meeting?

15 So no -- no particularly detailed minutes or
16 recordings?

17 A No.

18 Q Okay. During the meeting, is it a single
19 architectural review board meeting or is -- you know, do you
20 say, okay, here are the Daniel Island Town Association
21 things before us, and we hold that meeting and decide on
22 them and then say, okay, now here are the Daniel Island Park
23 Association things before us. Does it proceed, like, by
24 association or is it just a big meeting for whatever you
25 got?

1 A It is a meeting of any property and any of the
2 associations that's submitted for review.

3 Q Okay.

4 A And it can be organized by -- it's not organized
5 necessarily by the association. But typically so that like
6 kind are with each other. You know, if the house is next to
7 another home, those sort of things.

8 Q So it's not separate meetings?

9 A No, it is not.

10 Q Oh, it's just one meeting?

11 A One meeting.

12 Q But you go in some kind of logical order in the
13 meeting?

14 A Try.

15 Q Try to. Understand. Listen, that's all I have
16 for now. I'm going to turn it over to these other
17 attorneys. They might have some questions that cause me to
18 have more questions and back and forth--

19 A That's fine.

20 Q -- and it could go on forever. And let's hope
21 not. Just a few kind of closing questions to you. Have you
22 understood everything I've asked you?

23 A I believe so.

24 Q Okay. And you've answered truthfully?

25 A As far as I know, yes.

1 Q And you haven't left anything out?

2 A Not to my knowledge.

3 Q Is there anything that you can think of that would
4 cause you to change your answers if the same questions get
5 asked by other attorneys?

6 A I don't believe so.

7 Q Okay. If something comes to your attention that
8 would cause you to change your answer, will you let Mr.
9 Sobocinski know so he can let me know?

10 A Absolutely.

11 MR. JEFFERIES: Excellent. Well, listen, that's
12 all I have for right now. Like I said, I might have some
13 follow-ups after them. We'll see. And then we'll get you
14 out of here.

15 THE WITNESS: Okay.

16 MR. JEFFERIES: Cool.

17 MR. SOBOCINSKI: We'll let them go first. Bo or
18 Michael or anyone have any questions?

19 MR. WILSON: No questions. Thank you.

20 MR. BARFIELD: I don't have any questions.

21 MS. BAER: I don't have any questions.

22 MR. SOBOCINSKI: And I don't either. Thank you.

23 MR. JEFFERIES: Congratulations. You're done.

24 Thank you. Have a great day. Appreciate you coming in.

25 THE VIDEOGRAPHER: We are off the record. The

1 time is approximately 1:31 p.m. This conclude the video
2 recorded testimony of Mary Stuart Sutton.

3
4 [Deposition concluded at 1:31 p.m. and the deponent
5 waived her right to read and sign her deposition
6 testimony.]
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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF DORCHESTER) C E R T I F I C A T E
3)

4 I, Michele Darling Neville, RPR, Registered
5 Professional Reporter and Notary Public for the State of
6 South Carolina, certify that I did have Mary Stuart Sutton
7 to appear before me at 12:12 p.m. on Tuesday, September 14,
8 2021, in the Offices of Anastopoulo Law Firm, 23 Ann Street,
9 Charleston, South Carolina; that the witness was duly sworn
10 and cautioned to tell the truth, the whole truth and nothing
11 but the truth; that the foregoing pages constitute a true
12 and accurate transcript of testimony given at the time and
13 place.

14 I do further certify that I am not of counsel or
15 kin to any of the parties to this cause of action, nor am I
16 interested in any manner of its outcome.

17 IN THE WITNESS WHEREOF I have hereunto set my hand
18 and seal this the 19th day of September, 2021.
19
20
21

22 
23 _____

24 Notary Public for South Carolina
25 My Commission Expires April 29th, 2024

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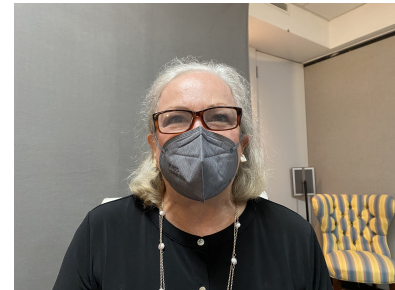
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In The Matter Of:
Zetz v.
Daniel Island Company, et al.

Video Deposition

Barbara McLaughlin
October 5, 2021



Janice D. Hayward, RMR
Independent Court Reporter
843.478.6756
JanHayward1@gmail.com

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Video Deposition

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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF BERKELEY) CASE NO. 2017-CP-08-02238

MATTHEW ZETZ,

Plaintiff,

vs.

DANIEL ISLAND COMPANY INC.;
DANIEL ISLAND COMMUNITY
FOUNDATION INC.; DANIEL ISLAND
TOWN ASSOCIATION INC.; DANIEL
ISLAND COMMUNITY ASSOCIATION
INC.,

Defendants.

VIDEO DEPOSITION

WITNESS: BARBARA McLAUGHLIN

DATE: Tuesday, October 5, 2021

TIME: 12:07 PM

LOCATION: Anastopoulo Law Firm
32 Ann Street
Charleston, South Carolina 29403

REPORTED BY: Janice D. Hayward, RMR
NCRA Registered Merit Reporter
240 Oak View Way
Summerville, South Carolina 29483
843.478.6756
JanHayward1@Gmail.com

Janice D. Hayward, RMR
843.478.6756

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APPEARANCES

FOR THE PLAINTIFF

5
6
7
8 Lane D. Jefferies
lane@akimlawfirm.com
Anastopoulo Law Firm
2411 North Oak Street, Suite 407
9 Myrtle Beach, South Carolina 29577

FOR THE DEFENDANT DANIEL ISLAND COMPANY INC.

10 K. Michael Barfield (Via Zoom)
mbarfield@barnwell-whaley.com
11 Barnwell, Whaley, Patterson & Helms
211 King Street, Suite 300
12 Charleston, South Carolina 29455

FOR THE DEFENDANT DANIEL ISLAND COMMUNITY FOUNDATION

13 Bonum S. Wilson III (Via Zoom)
bwilson@wilsonheyward.com
14 Wilson, Heyward & Horn
924 Folly Road
15 Post Office Box 13177
16 Charleston, SC 29422

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1 FOR THE DEFENDANT DANIEL ISLAND TOWN ASSOCIATION
2 INC.

3 Evan Sobocinski
4 evan.sobocinski@hoodlaw.com
5 Jennifer F. Nutter (Via Zoom)
6 jennifer.nutter@hoodlaw.com
7 Hood Law Firm
8 172 Meeting Street
9 Charleston, South Carolina 29401

7 FOR THE DEFENDANT DANIEL ISLAND COMMUNITY
8 ASSOCIATION INC.

9 Danielle Dixon (Via Zoom)
10 ddixon@collinsandlacy.com
11 Collins & Lacy
12 1330 Lady Street, Sixth Floor
13 Columbia, South Carolina 29201

12 Also Present

13 F. Cordes Ford, IV (Via Zoom)
14 cordes.ford@wbd-us.com
15 Womble Bond Dickinson (US) LLP
16 5 Exchange Street
17 Post Office Box 999
18 Charleston, South Carolina 29402

17 Kevin O'Quinn, Videographer

Video Deposition

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Barbara McLaughlin - October 5, 2021
Video Deposition

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5

1 THE VIDEOGRAPHER: Now on the record
2 at 12:07 PM on October 5th, 2021. This is
3 the video deposition of
4 Barbara McLaughlin. Counsel has waived
5 the reading of the caption.

6 Counsel, please state your
7 appearances for the record.

8 MR. JEFFERIES: Good afternoon.
9 Lane Jefferies with the Anastopoulo Law
10 Firm for the plaintiff, Matthew Zetz.

11 MR. SOBOCINSKI: Evan Sobocinski for
12 defendant, Daniel Island Town Association
13 Inc.

14 MR. WILSON: Bo Wilson --

15 MS. DIXON: Danielle. I'm Danielle
16 Dixon. I am here covering for Laura Baer
17 for the Daniel Island Community
18 Association.

19 MR. WILSON: Bo Wilson representing
20 Daniel Island Community Foundation.

21 MR. BARFIELD: This is Michael
22 Barfield for the Daniel Island Company.
23 (BARBARA McLAUGHLIN, after being
24 sworn/affirmed via Zoom, testified as
25 follows:)

1 MS. NUTTER: Hey you-all.

2 MS. HAYWARD: Hey, Jennifer.

3 MR. JEFFERIES: Hello, Jennifer.

4 MS. NUTTER: Sorry I'm pulling in.
5 Apparently the firetruck came to my house
6 because he's painting and moved his alarm
7 (Zoom interruption) and had to reset the
8 password and all this crazy stuff. But
9 anyhow, apologies.

10 But Evan texted me and said you
11 were running a couple minutes behind for
12 Miss McLaughlin, so hopefully it all
13 worked out. I wasn't trying to hold
14 anybody up, I was just trying to prevent
15 the entire rescue department from coming
16 to my home.

17 MR. JEFFERIES: No worries at all.
18 I'm glad all is well. You haven't missed
19 a thing and you haven't held us up, so
20 good to go.

21 All righty. Kevin, you good?

22 THE VIDEOGRAPHER: (No audible
23 response.)

24 MR. JEFFERIES: Excellent.

25

1 EXAMINATION

2 BY MR. JEFFERIES:

3 Q Good afternoon, Miss McLaughlin. Again,
4 my name is Lane Jefferies. I represent the
5 plaintiff, Matthew Zetz, in this action against a
6 variety of Daniel Island entities. You're familiar
7 with this lawsuit I take it?

8 A Yes, sir.

9 Q Okay. How would you like -- you know,
10 we're going to talk for a few hours. How would you
11 like me to address you? Is it Miss McLaughlin? Is
12 it Barbara? Is it Barb? What makes you
13 comfortable?

14 A I like Barb.

15 Q Barb. I will go with Barb. I like that
16 too. Barb, have you had a deposition taken before?

17 A Not that I recall.

18 Q I'll go over a few ground rules. It's
19 pretty simple. It is a question-and-answer session.
20 I ask the questions, you provide the answers. I
21 hope that all my questions are going to be
22 brilliantly worded and easily understandable, but I
23 fear that some might not be.

24 So if they're not, just look to
25 me to clarify, not to Evan, Mr. Sobocinski, or

1 anybody else, and I'll clarify, restate, rephrase,
2 explain as many times as I need to until you
3 understand, okay?

4 A Okay.

5 Q You know you've been sworn in. So you've
6 sworn to tell the truth and the whole truth and
7 nothing but the truth, right?

8 A Yes, sir.

9 Q All right. When you answer a question,
10 I'm going to conclude two things from the fact you
11 answered. I'm going to conclude first that you
12 understood the question, fair?

13 A Fair.

14 Q And I'm going to conclude that you gave us
15 a truthful answer and a complete answer.

16 A Fair.

17 Q All right. With that in mind, we'll go
18 ahead and get started. We'll probably take a couple
19 hours. I doubt it will take more than three. I
20 like to take a break about once every hour. But if
21 you want to take a break more often, that's fine.
22 Just as soon as you finish answering a question
23 before I ask the next one, just say, hey, let's take
24 a break, and we will do that.

25 A Sounds good.

1 Q All right. We will get started then.
2 Right off the bat, I understand from a variety of
3 other folks who've been deposed that you work with
4 them, like Kay Fabrizio and others, at the Daniel
5 Island Property Owners Association?

6 A That is correct.

7 Q Okay. And that is where you work now?

8 A That is correct.

9 Q And is that also where you worked back in
10 2016?

11 A That is correct.

12 Q And when did you start working with the
13 Daniel Island Property Owners Association?

14 A In June of 2000.

15 Q In June of 2000. So you've been there a
16 little over 21 years now?

17 A That's correct.

18 Q Congratulations. That's wonderful.

19 Have you been there at the
20 Property Owners Association consistently for 21
21 years?

22 A Yes, sir.

23 Q Okay. You said there was never a time
24 where you were on sabbatical for six months or
25 anything like that?

1 A No, I wasn't lucky enough to do that.

2 Q Fair enough. All right. So continuously
3 for 21 years. Now, I've heard some other folks
4 explain it but I'd like you to as well, tell me what
5 the -- the Daniel Island Property Owners Association
6 isn't an entity in itself, is it? It's a collection
7 of entities, is that right?

8 A That's correct.

9 Q And what are those entities that make up
10 the Property Owners Association?

11 A The Daniel Island Community Association,
12 Daniel Island Park Association, and Daniel Island
13 Town Association.

14 Q Daniel Island Community Association,
15 Daniel Island Park Association, and Daniel Island
16 Town Association?

17 A Correct.

18 Q Okay. Now, I'm aware there's some other
19 entities, one called the Daniel Island Community
20 Foundation, and another, the Daniel Island Community
21 Fund. Are you familiar with those at all?

22 A I am familiar with the Daniel Island
23 Community Fund for the purposes of events, some
24 events that I do, that I host.

25 Q Okay. So the Daniel Island Community Fund

1 is like the sponsor of those events?

2 A They are the funder --

3 Q The funder of those events?

4 A -- of the events that I -- most -- I
5 think almost all of the events that I do.

6 Q Okay.

7 A That I execute, yes.

8 Q So tell me what those events would be.

9 And before I ask you that question, let me say
10 something else. A lot of the questions I ask I
11 really want to know about now and about back in 2016
12 when Matthew Zetz was injured.

13 I suspect that a lot of the
14 answers are going to be the same, that things just
15 haven't changed. So unless you tell me otherwise,
16 that's what we're going to presume is that whatever
17 answer you give applies to now as well as back in
18 2016.

19 A Okay.

20 Q If something's different, tell me. Like,
21 if we did it in 2016 but don't do it anymore,
22 mention that, or vice versa, say, you know, we do it
23 now but didn't do it then --

24 A Sounds good.

25 Q -- so we're clear on that.

1 A Okay.

2 Q So the events that Daniel Island Community
3 Fund funds that you run, what would those events be?

4 A Are you talking about now?

5 Q Let's start with now.

6 A Let's see, the Concert In The Park,
7 which is a concert in May. The holiday festival,
8 which actually we no longer do that particular
9 one, so we can probably take that one away. The
10 holiday tree lighting. The -- let's see, what
11 else. I'm trying to think. I know there are
12 others and I'm drawing a blank right now for some
13 reason.

14 Concert In The Park. Let me
15 think. The pumpkin walk is another one. And they
16 also -- we also sponsor third-party events as well,
17 organizations who have events on Daniel Island, we
18 sponsor some of those as well through the Community
19 Fund.

20 Q Okay. Would you -- those third-party
21 events, are those events that you would run, or are
22 you just involved in the funding?

23 A We're involved with the funding of them,
24 either all of it or some of it, but I also assist
25 those organizers who actually execute the event in

1 making sure that we know what's going on at the
2 event. So I'm sort of the liaison from our office
3 for those events.

4 Q Okay. Now, how about back in 2016, what
5 events were you doing in 2016?

6 A Wow. It seems like some of them have
7 gone by the wayside. But a lot of -- all of those
8 same events that I mentioned just now --

9 Q Right.

10 A -- and then the Park Day event was
11 actually a Community Foundation event.

12 Q So that Park Day was funded by Daniel
13 Island Community Foundation?

14 A That's correct.

15 Q Okay. And --

16 A And I'm sure I've probably left off
17 events that I'm just not remembering right now.
18 Because there were quite a few events that I would
19 do.

20 Q Gotcha.

21 A We just don't do quite as many as we
22 used to.

23 Q As you used to do?

24 A Um-hum.

25 Q When did you-all stop doing Park Day?

1 A 2017 was the last year.

2 Q Was the last one. Okay.

3 All right. So let's talk a
4 little bit about Park Day since that's the event
5 where -- set up for which Michael -- pardon me,
6 Matthew Zetz was injured.

7 Tell me about the planning for
8 the 2016 Park Day.

9 A Well, are there particular things that
10 you're wanting me to address?

11 Q Well, if you could tell me about the
12 planning just kind of in general to give us the big
13 picture, and then I am going to ask you some
14 particular questions that pertain to safety and --
15 health and safety measures, that sort of thing.

16 A Okay. Well, it's a very large event.
17 It was most likely the largest event that I did
18 do. I started that event -- I guess I took that
19 event over in 2010, I believe it was, and did
20 execute that event until the last year, which was
21 2017.

22 And that event, you know, we --
23 it was a day of giving back to the community, a
24 family day, fun day, lots of activities for kids and
25 grownups, food and beverage, food trucks, just a

1 typical festival type of event.

2 Q Okay.

3 A And we did -- obviously there was the
4 beneficiary part of that event. And the two
5 beneficiaries for that year were the Charleston
6 Parks Conservancy and Charleston Promise
7 Neighborhood for 2016. And they were the
8 beneficiaries for the event that year.

9 Q Did the two beneficiaries of the 2016 Park
10 Day event have any input into the planning or
11 execution of the event, or were they simply
12 recipients of the money that was raised?

13 A They were at the event, but they didn't
14 have anything to do with the planning of the
15 event.

16 Q Okay. Now, you mentioned that the 2016
17 Park Day was a, I think you said, very large event.
18 Give me some idea of scale. How large is very large
19 in terms of numbers of people, that sort of thing?

20 A Right. This would be an estimate, but
21 there was no way to truly estimate it because we
22 didn't do a ticker.

23 Q Gotcha.

24 A But I guess it had always sort of been
25 said that that event would be somewhere between

1 5,000 to 7,000 people.

2 Q Oh, wow. So a good bit larger than back
3 when it first started out?

4 A I think it grew every year, yes, um-hum.

5 Q And of the five to 7,000 people that would
6 have attended Park Day back in 2016, any idea
7 roughly what proportion were adults, what were
8 children?

9 A I don't know. I don't know. There was
10 a lot of families.

11 Q Lot of families?

12 A Lot of families.

13 Q And so lot of kids?

14 A Yes, sir.

15 Q Might not be half and half but could be a
16 lot of kids?

17 A Yes, sir. We would hope they would come
18 with their parents.

19 Q Well, let's hope so. All right.

20 We took the deposition of a
21 security guard a while back who was working security
22 at Park Day event at the children's park that Friday
23 night. Would you have been involved in hiring of
24 that security?

25 A That would have been part of the City of

1 Charleston special event permit that I would have
2 gotten, yes, sir.

3 Q So a City of Charleston special event
4 permit. And that's something that was required in
5 order to hold Park Day?

6 A Yes, sir.

7 Q All right. And what did the permit
8 require in terms of security folks?

9 A Well, they, when you go to the special
10 event committee meeting, they have representatives
11 from all the different city departments, traffic
12 and transportation, police, fire, the mayor's
13 office, and they take a look at your suggested
14 scope of the event and how many attendees you may
15 think you may have, and then they guide you on the
16 police officers, off-duty City of Charleston
17 police officers that you will need.

18 Q So they say, look, there's a certain
19 number you need during the day, a certain number you
20 need at night, and then it's your job to go hire
21 them?

22 A Right, right, exactly.

23 THE VIDEOGRAPHER: Check your
24 microphone.

25 THE WITNESS: Oops.

1 BY MR. JEFFERIES:

2 Q And what is the role of those off-duty
3 police officers at the event? Are they there to,
4 for instance, investigate crime or prevent crime or
5 just be visible or --

6 A I think it's a combination of all. I
7 think it's more the visibility part of it. But
8 they're there to rove. I was always pretty
9 particular about wanting them to in the daytime
10 event -- obviously this was a daytime event, not a
11 nighttime event -- that they would rove the venue
12 and just make sure that they were seen, and that
13 if we had any problems, you know, anybody doing
14 something, foul play, which we normally never did
15 have that, then they are there to help us out.

16 Q Okay. What about at night, obviously on
17 the Friday night before which would have been, what,
18 the 11th, was that?

19 A Can I go back for one second? Is that
20 okay?

21 Q Sure. Of course.

22 A So they also did the traffic flow,
23 traffic control, for us as well on the day of the
24 event.

25 Q On the day of the event.

1 A So I just wanted to make sure that I was
2 clear on that.

3 Q Yeah, no, that makes sense. And I just
4 want to check the date, make sure I'm not telling
5 you the wrong date. Right, yeah, that would be
6 Friday the 11th of November in 2016. And then
7 Saturday the 12th was the actual -- when the public
8 came in?

9 A Yes, sir.

10 Q Okay. So what was the role of the
11 off-duty police officer on the Friday night during
12 setup of the event? Was it security or what was it?

13 A You could call it security, venue
14 security, venue -- just making sure there were
15 some eyes on the ground there so that, you know,
16 no one got in there and tried to disrupt things,
17 kids or teenagers, or anybody actually, just that
18 nobody was supposed to be there, and we wanted to
19 make sure that we had someone there.

20 And that was really a
21 requirement before I ever took that -- took over
22 Park Day, they had been doing that for years, so it
23 was always in place.

24 Q And that -- having that nighttime security
25 person was a requirement of the City of Charleston

1 events permit?

2 A I can't actually remember if that was a
3 requirement of the permit for the night before,
4 but we certainly felt like it was a good idea. So
5 we may have asked for it for that night.

6 Q Whether or not a requirement, you
7 nonetheless wanted a security person there?

8 A Yes, sir.

9 Q How many did you have on that night
10 before? I know you -- my understanding is you have
11 one at the children's park. Were there others
12 elsewhere?

13 A No, sir.

14 Q Okay. So just the one.

15 And in 2016, who was that
16 security person that you hired for the night of
17 Friday, November 11th?

18 A I believe that her name was
19 Anita Craven. But I don't know exactly how long
20 she'd worked that particular night. Because it
21 sometimes -- the -- depending -- and this was not
22 of my decision, this was the police department's
23 decision, that maybe that person worked for a
24 certain amount of hours, and then they were taken
25 over by someone else and that kind of thing until

1 we arrived the next morning at around 7:00.

2 Q Did you, back in 2016, meet personally
3 with Anita Craven?

4 A I thought back on that, and I'm not sure
5 that I did, so I'd rather -- I don't want to say
6 that I did. I may have. I really just don't
7 remember. And if I did, it was for purposes of
8 giving her a check, a payment.

9 Q Okay.

10 A But I cannot remember if it was -- if I
11 did do that or not. We had so many events going
12 on that I just don't know. At times we would send
13 the checks to Lockwood Boulevard, which is where
14 the police -- they disseminate the checks to them
15 there.

16 Q How -- if you know, how did Anita Craven,
17 when she arrived at the children's park late on
18 Friday, November 11th of 2016, how did Anita Craven
19 know what it was she needed to do while she was
20 there?

21 A I would assume that when we had our
22 special events committee meeting before the event
23 was ever approved, that those things would have
24 been discussed by me and would have been, you
25 know, relayed to the scheduling officer that would

1 schedule the police officers.

2 Q Oh, okay. So your assumption is you told
3 a scheduling officer back during the committee
4 meeting what you needed the cops to do, and then
5 that that scheduling officer would have told
6 Anita Craven and the others what they needed to do?

7 A That is correct. And if I had been
8 there that night -- and I wish I could remember
9 that -- I would have told her to make sure that
10 nobody is supposed to be in the venue. You know,
11 I had not given anyone approval to be at the
12 venue, and so she would need to check with
13 whomever -- whoever she saw walking through the
14 venue.

15 Q Okay. That's the instruction you would
16 have given Miss Craven had you met with her?

17 A Yes.

18 Q But you don't remember if you met with
19 her?

20 A I don't. Sorry.

21 Q And you don't know whether anybody else
22 met with her?

23 A Well, Rona Bobey, who was my teammate
24 for the event, I believe she did speak with her
25 'cause she was on-site later than I was.

1 Q Okay. So if it wasn't you, and you don't
2 remember it being you, it would have been
3 potentially Rona Bobey?

4 A It could have been, yes, sir.

5 Q Could have been Rona Bobey?

6 A Yes, sir.

7 Q The scheduling officer, do you remember
8 who that was?

9 A I believe it was Lieutenant David
10 Bridges.

11 Q Okay. And so maybe, your assumption was
12 that maybe Lieutenant Bridges would have told the
13 officers what they needed to do if you didn't and if
14 Bobey didn't?

15 A That is normally how the special events
16 committee works whenever I've been there for an
17 event. We discuss the event in its entirety and
18 they take notes and they, you know, probably make
19 notations somehow as to what we need the police
20 officers to do.

21 Q I was interested in your comment that
22 nobody was supposed to be there, because that's
23 different from what other folks have told us. My
24 understanding was setup was going on that night,
25 somebody was delivering a camel that night, all

1 sorts of other things were going on on the nights
2 prior to the actual opening to the public. Is that
3 not what was supposed to happen?

4 A So are you referring to the night before
5 the event on the 11th, Friday night?

6 Q Well, generally to the nights before.
7 Well, let me ask you this before we get to that.
8 When did setup start?

9 A I don't recall the exact date of when it
10 began setup. It usually takes several days.

11 Q So midweek or something it would have
12 started?

13 A Mid to late week, um-hum.

14 Q And what would have been the first night
15 of the week that a police officer would be there?

16 A Just Friday night.

17 Q Just the Friday night?

18 A Um-hum.

19 Q Okay. So with respect to Friday night, it
20 was your position as the -- what do we want to call
21 you? Are you the event planner? Is that what you
22 are for this event?

23 A I believe my title for that was Park Day
24 manager.

25 Q Park Day manager?

1 A Um-hum.

2 Q Okay. So you managed the Park Day. Did
3 you also plan it? There's a planning component to
4 it as well?

5 A Yes, sir.

6 Q Okay. So Park Day manager, planning
7 manager. What I think of generically is an event
8 manager, people that do weddings and all those sorts
9 of things. Park Day manager. All right.

10 A Yes, sir.

11 Q So as Park Day manager, were you the big
12 boss with respect to Park Day, like you made the
13 decisions, you told people what to do?

14 A I did all the planning for it.
15 Obviously it all was -- needed to be approved by
16 my boss, Jane Baker. And so, yes, I would say I
17 planned the event.

18 Q All right. So you planned it, and then
19 with Jane's approval executed that plan?

20 A Yes, sir.

21 Q Okay. So if somebody on the ground at
22 Park Day, somebody working for you-all, had a
23 question about, well, how should I do this, where
24 should I put this, whatever, you could make that
25 decision?

1 A I could.

2 Q All right. And as that head person, that
3 event planner, that Park Day manager, head person in
4 charge, it was your position that nobody was
5 supposed to be coming into the park on Friday night,
6 November 11th of 2016?

7 A Unless they had let us know that they
8 needed to come for whatever reason, I did not have
9 anyone personally ask me to come into the park,
10 but Rona Bobey did.

11 Q Okay. How would all the various folks
12 that might come into the park know that they needed
13 to ask you or Rona Bobey?

14 A Well, the communication that was sent
15 out to the -- to all of the vendors and the
16 entertainers. The sponsors, entertainers,
17 everybody that was going to be a part of the event
18 was sent an email on I believe it was Tuesday of
19 that week, and it had -- you know, it either came
20 from me.

21 If it was to sponsors, Rona was
22 the sponsorship acquisition manager, she handled the
23 sponsorship as well as other duties as well. So
24 that's how they would know, you know, what to do,
25 when to be there, that sort of thing.

1 Q Okay. So that email that went out Tuesday
2 of that week. So let's see, Tuesday would be, what,
3 the 8th of November, if Friday was the 11th, 10th,
4 9th, 8th. Yeah, 8th of November?

5 A Yeah, that sounds correct.

6 Q All right. So there's an email that goes
7 out on Tuesday the 8th of November to all the folks
8 who are displaying, for lack of a better word,
9 people are setting up tents and other things, and it
10 says, here are your instructions, do this, don't do
11 that?

12 A Yes, sir.

13 Q Okay. And among those instructions was,
14 feel free to come and set up in the daytime, but
15 don't come here at night without checking with us?

16 A It said, please come between the hours
17 of 10:00 AM to 4:00 PM on Friday the 11th, or if
18 you can't make it then, you have to come in the
19 morning on the day of the event, which would have
20 been the 12th. And I believe the hours for that
21 were 8:00 to 9:30, and everybody was supposed to
22 be in place by 9:30.

23 Q All right. So those were the hours that
24 you said, please come 10:00 to 4:00, or on the 12th,
25 please come 8:00 to 9:30?

1 A That's correct.

2 Q Okay. Was there anything in that email
3 that said, but whatever you do, do not come here on
4 Friday night after it gets dark?

5 A I don't think it specifically said that.

6 Q Okay. And did you give any instruction to
7 the police officer, Anita Craven, hey, if somebody
8 shows up here after dark, don't let them in?

9 A Again, as I said, I'm not sure that I
10 actually did speak with her that night. I just
11 don't remember. But if I had, I would have said
12 that, and I -- so -- and Rona had the person that
13 she met there, so you would have to ask Rona that
14 question.

15 Q But it would have been your desire that if
16 you couldn't talk to the Officer, that Rona would
17 say to the officer -- or somebody would say to the
18 officer, don't let anybody in, because that was your
19 goal?

20 A Yes, sir.

21 Q Okay. And if that didn't happen --

22 A Unless we were on site with those people
23 whoever they may be.

24 Q Okay. Okay. So that's the communication
25 you would like to have had delivered to

1 Officer Craven?

2 A Yes, sir.

3 Q And that's what you would have wanted her
4 to do?

5 A Yes, sir.

6 Q But you don't know whether that happened
7 or not?

8 A I just cannot remember.

9 Q If Officer Craven said, nobody ever told
10 me that, would you have any reason to doubt that
11 she's telling the truth about that?

12 A No, sir.

13 Q Over the years, it's my understanding
14 you-all did Park Day in a variety of different
15 places.

16 A That's correct.

17 Q Is that -- was it always in just a single
18 park or was it sometimes in multiple parks, or how
19 did it go?

20 A In the early years from 2001 until two
21 thousand and -- I don't even know if it was six
22 or -- I don't remember when they would have
23 stopped hosting it at varied parks. But in the
24 beginning, yes, sir, they did have it in multiple
25 parks. I was not involved with the event at that

1 time.

2 Q Okay. And in 2016, was Park Day held in
3 multiple parks, or was it just there in the
4 children's park?

5 A Just in the children's park and what we
6 call the Wando fields.

7 Q The Wando fields?

8 A Yes, sir.

9 Q Okay. So the children's park -- when you
10 say the children's park, I think you mean that paved
11 area, it's kind of entirely surrounded by a road?

12 A Yes, sir.

13 Q I guess there's probably a little bit of
14 grass or something there, isn't there?

15 A Yes.

16 Q All right. But it's that area that's
17 entirely bounded by the road?

18 A Yes, sir, there -- yes.

19 Q And then outside of that are those fields?

20 A Yes, sir.

21 Q All right. Was children's day taking
22 place -- children's day, pardon me. Was Park Day
23 taking place anywhere other than in the children's
24 park and in the surrounding Wando fields back in
25 2016?

1 A There were -- so you had the children's
2 park circular area, concrete area. You had what
3 we call concert field, which was, if you're facing
4 the water, to the left of children's park. And
5 then we had the Wando field area. So I guess you
6 could sort of say it was divided up into maybe
7 three sections.

8 Q All right. What went on in the concert
9 field during Park Day in 2016? I'm guessing it was
10 a concert?

11 A So there was a stage there with a band.
12 We had -- so you would have different
13 entertainment going off and on that stage all day.
14 You had other -- you had
15 sponsors on that -- let me think if you would have
16 had sponsors there. I'm not sure how that actually
17 would have worked. But you would have -- you may
18 have had dog exhibition there. You may have had
19 just non -- maybe some other clubs and groups from
20 the island might have been there.

21 Rona did a -- we did a good job
22 of breaking it up so that there was something in all
23 of the different parts of the area, you know, to --
24 for entertainment.

25 Q And in the Wando field, what would have

1 been there?

2 A So there was another stage over there as
3 well. And there were inflatables, I guess I
4 should have mentioned that too. We had, you know,
5 various carnival-type inflatables and things that
6 you normally would think you would see at a
7 festival type of situation.

8 There was a food truck rodeo.
9 There was sponsors intermingled all throughout. And
10 again, Rona did a great job of doing that and
11 putting the sponsors as close as they could be to
12 whatever they were, at times, sponsoring.

13 Q And in the children's park itself, what --
14 was there a band there or was just --

15 A No, that was kind of our command central
16 I guess you would call it. That was where our
17 information tent was. That's where the two
18 nonprofit beneficiaries were, as well as I believe
19 there were some face painters, some other sort of
20 static activities what we would call static type
21 of activities there.

22 Q And that was where the information tent
23 was. So if you were new to Park Day, didn't know
24 where anything was, that's where you'd go?

25 A That's right.

1 Q Okay. And did you have to buy -- I've
2 heard people mention buying tickets and that sort of
3 thing in other depositions. Did you have to buy
4 tickets to get in, or did you have to buy tickets to
5 ride rides? What was the purpose of the tickets?

6 A It was for the rides. It was a free
7 event, but, you know --

8 Q The event was free, rides cost, you had to
9 buy tickets?

10 A That's correct.

11 Q And where would you go to buy tickets?

12 A To the information tent.

13 Q In the children's park?

14 A In the children's park, yes.

15 Q Okay. So anybody could show up, and if
16 they didn't want to ride a ride, they never had to
17 come to the info tent, they could just walk around,
18 look, listen to music, and that was fine?

19 A Yes, sir.

20 Q But if they wanted to ride any sort of
21 ride, they had to come into the children's park and
22 come to that info tent and buy some tickets.

23 A That's right. We sold merchandise there
24 too.

25 Q Do you remember what your ticket sales

1 were, round numbers, back in 2016?

2 A I don't. I don't want to take a stab at
3 that. I could look it up, but I don't know
4 exactly.

5 Q And is that -- how did you-all generate
6 money to donate to the beneficiaries? Was it
7 through ticket sales alone or through ticket sales
8 and something else?

9 A Through ticket sales. It's a -- it was
10 an expensive event to put on, so we -- I know that
11 it was through ticket sales.

12 And I don't know what else --
13 what other areas -- where we would have gotten the
14 funding, you know, for that unless -- of course,
15 with the Community Fund being a philanthropic arm of
16 our -- you know, what we do, possibly some of that
17 could have come from the Community Fund as well
18 because we do sponsor events, some nonprofit types
19 of -- other nonprofit events, charitable type of
20 philanthropy. So -- but I don't know the exact
21 breakdown of how that happened that year.

22 Q So you don't know even roughly the amount
23 of ticket sales, is that -- for 2016, is that
24 accurate?

25 A That's accurate.

1 Q The event was well attended, five to 7,000
2 people, right?

3 A Guesstimated, yes, sir.

4 Q Roughly. Okay. As you observed the
5 event, were most of those folks just milling around
6 not riding rides, or were a fair number of them
7 actually having bought tickets and riding rides?

8 A Yeah, a lot of them were doing that.
9 Lot of them were buying tickets for rides for
10 their kids.

11 Q So that was successful?

12 A Yes, sir.

13 Q Okay. Were there lines to, like, ride the
14 rides, was it slow enough you could just walk up and
15 get on?

16 A Some lines, some of them did have lines,
17 the more popular ones, yes.

18 Q All right. You don't recall being
19 disappointed in your ticket sales or anything like
20 that?

21 A We were busy all day. It was a fun day.

22 Q Nice weather?

23 A Beautiful weather.

24 Q Not too hot?

25 A No. That's why we like to have it then.

1 Q The year before, if you can recall back in
2 2015, was Park Day held at the children's park and
3 the Wando and concert fields or was it somewhere
4 different?

5 A Gosh, I'm trying to remember if that was
6 the year where we -- let me think about that. I
7 don't remember if that was the last year that --
8 2015, if we had it at Governor's Park or whether
9 we had moved it back to children's park in 2015.
10 I'm not totally remembering that for some reason.

11 Q Did you make the decision to move Park Day
12 to children's park in 2016?

13 A Well, actually, I think what the major
14 decision-maker for that was when we had the event,
15 it was either in 2014 or 2015 at Governor's Park,
16 the city -- you know, we -- we either hosted it
17 there two or three years and it was in the
18 beginning for the grand opening of that particular
19 City of Charleston park, and what a great way to
20 open up that park.

21 But as you may or may not know,
22 that's a field, that's a recreation field for the
23 City of Charleston. And Park Day was a pretty
24 trampling event where a lot of people are on the
25 field. And we had rides at Governor's Park as well.

1 And as I recall, you know, I
2 think that they just weren't -- it had rained and
3 there was muddiness and that sort of thing, and that
4 cost the city money to have to repair our -- you
5 know, whatever damage we may have caused.

6 So I think it was that they
7 didn't really necessarily want us to come back
8 there. Not that it was a bad event, just that I
9 think it did work to the fields that would have
10 been -- you know, had them make them repair that.

11 Q And was that -- did you say, was that
12 governor's field?

13 A Governor's Park.

14 Q Okay. Governor's Park.

15 So when the thought was, hey,
16 let's not go back to Governor's Park because we're
17 tearing it up, who decided that the next location
18 should be the children's park?

19 A You know, I think it probably would be
20 Jane and I just because that was -- it had been
21 there previously, and it's the largest area for us
22 to be able to host an event of that size. So it
23 just made sense to go back there.

24 Q And was that the only place you-all looked
25 at, or did you look at doing it other places, or --

1 A We did not, no.

2 Q So you just went there?

3 A Um-hum, because it had been there
4 before.

5 Q Okay. No independent analysis of whether
6 that was a good place to have it, just, we've been
7 there before, so let's go back there?

8 A Just years of experience of having it
9 there with the size of the venue, we felt that it
10 was the best place to have that event.

11 Q How big is the children's park?

12 A I don't have a measurement for you, I'm
13 sorry, I don't know acre-wise what it is.

14 Q Yeah, I just asked 'cause you mentioned
15 like the size of the venue. Is it -- is the
16 children's park the biggest space that you-all have
17 there on Daniel Island?

18 A It's -- if not the biggest, it was one
19 of the biggest, yes.

20 Q Why not just do it in the Wando field and
21 the concert field? Those are pretty big.

22 A Well, you had to sort of have a tie-in
23 in the middle which is where we felt was the best
24 place for the information tent to be located.

25 Because as you come down River Landing Drive and

1 you hit that park, that just makes the most sense
2 to have information and a huge welcome sign that
3 says, welcome to Park Day, with the balloons
4 and --

5 Q Kind of funnel all the people through
6 there, get them their tickets?

7 A Yes, sir, and -- exactly.

8 Q Okay. What sort of -- when you decided
9 we're going to go to children's park 'cause we've
10 been there before, what sort of safety planning then
11 did you-all do knowing that you were going to make
12 that the focal point and funnel thousands of people
13 through that children's park and through that info
14 tent to buy their tickets?

15 A Are you speaking just about the
16 children's park circular area there, or --

17 Q Yeah. Well, I'm thinking about safety
18 planning in general, but in particular with respect
19 to the children's park. So what I mean is this, so
20 you've decided, hey, we can't be in Governor's Park
21 anymore.

22 We're going to go to the
23 children's park. We're not going to go just to the
24 Wando field or the concert field, but we're going to
25 put our info tent and the big banner right there

1 centrally located in the children's park, like you
2 said. We're going to funnel those people through
3 there and that's where we'll sell them their
4 tickets, and then they can go out to the southern
5 more far flung places.

6 So knowing that you were going
7 to funnel five, six, 7,000 people through that
8 children's park in the course of a single day, what
9 sort of safety planning did you do or analysis did
10 you do to make sure that was going to turn out all
11 right?

12 A Well, approaching the venue, we had
13 police that would not let vehicles come down to
14 that area. They would have to turn around before
15 they ever got there. We had additional -- other
16 than the police officers there, we had additional
17 staff with a company by the name of EPI. We had a
18 good number of them there as well.

19 And they were there to, I guess
20 you could say, help direct -- direct traffic, direct
21 vendors, direct sponsors that came initially. And
22 then at some point in the morning, obviously those
23 people that were a part of the event, they had to
24 get down to the park. So we had to get them in
25 their parking field in the Wando field area.

1 So we gave them things to put --
2 like a flier to put on their windshield that would
3 let the police officer and the EPI people know that
4 they were supposed to be down there.

5 So only those people that had
6 those, you know, types of things in their dashboard
7 were supposed to be coming down there on the day of
8 the event, the morning of the event before the event
9 began.

10 Once the event began, then the
11 police would keep the traffic from coming down
12 there. And we had EPI staff that would basically be
13 stationed around the circle just to make sure that
14 there was nothing else going on that could be a
15 safety problem.

16 Q Okay. So when you looked at the
17 children's park that you were going to funnel five,
18 six, 7,000 people through, one of the hazards,
19 potential hazards that you identified, would be the
20 presence of motor vehicles, is that right?

21 A That's correct.

22 Q Okay. And so you took some action to make
23 sure that there weren't going to be motor vehicles
24 in there where thousands of people were trying to
25 walk through?

1 A Once the event started, yes, sir.

2 Q Okay. Aside from the rather obvious
3 danger of motor vehicle accidents and crowds of
4 people, what other hazards did you identify in that
5 children's park area in that -- in your analysis of
6 the safety of that area?

7 A Personally, I don't know that I
8 discovered any type of safety matters.
9 Chris Hamil, who is on our staff, he's the field
10 operations manager, he was involved with Park Day
11 and, you know, he is in -- he manages all of the
12 different common areas on the island.

13 And so he and The Greenery, who
14 is our landscape contractor, you know, we would -- I
15 believe I did send them something that said, you
16 know, make sure that you've picked up limbs that
17 could cause somebody to fall, you know, make sure
18 that everything looks as picked up and pristine as
19 it possibly can, basically, throughout the venue,
20 not just at the circular children's park area.

21 You know, turning off irrigation
22 if there were -- if there was irrigation on, picking
23 up just trash. And they just do sort of a menu
24 event -- emptying trash, just a venue maintenance
25 cleanup type of situation.

1 Q Was -- turning off irrigation, was that a
2 safety concern, like, you didn't want it to be
3 slippery?

4 A Well, you know, I -- it could be that.
5 Also just because you don't want electrical
6 equipment and other things getting wet if for some
7 reason it did come on, so.

8 Q Okay. So did you conduct -- and I'll give
9 you an example and then I'll ask you if this is what
10 you did or not.

11 Years ago I was in the corporate
12 meeting business, managed meetings all over the
13 country. There were a lot of places we used a bunch
14 of times. We went to Pebble Beach six times a year.
15 I knew Pebble Beach like the back of my hand.

16 I knew what was dangerous, knew
17 what wasn't. Knew where we needed to keep people
18 away from, et cetera. Nonetheless, we'd still kind
19 of, you know, walk the golf course and whatnot each
20 time just to make sure nothing had changed.

21 We went to a new place. We took
22 our whole staff and we walked the whole area saying
23 let's look. What could somebody trip over, bang
24 into, fall off of. We'd do this kind of in detailed
25 analysis of anything that might hurt somebody. And

1 then what we do is kind of rank those things. You
2 know, what's the likelihood of it happening, and if
3 it does happen, how bad is it.

4 You know, so if it were an area
5 of maybe wet grass, well, sure, somebody could slip
6 but then they'd just fall on wet grass. So, you
7 know, fairly high likelihood not much damage.

8 But you'd be surprised some
9 areas you'd find like a piece of rebar sticking up
10 out of the ground. Incredible, you know. If
11 somebody falls on that, they're going to die. So
12 even if it's not likely, it's hugely dangerous.
13 We'd do that kind of analysis and then figure out
14 what we need to do to make sure everyone was safe.

15 Did you-all do that kind of
16 walk-through of the children's park and these areas
17 to identify hazards before -- well, well before the
18 event?

19 A I personally did not do that. I don't
20 know -- again, Chris and the Greenery, they
21 always -- they did such a good job with our venues
22 that I feel -- I felt confident that if they had
23 seen something that they felt would be a potential
24 problem, that they would take care of it.

25 Q Did you have a conversation with

1 Chris Hamil describing to him the sorts of things he
2 should be looking for?

3 A I don't recall that I actually had that
4 specific conversation with him, no.

5 Q You just assumed he would know a dangerous
6 thing when he saw it?

7 A I did.

8 Q And is that based on any particular
9 training that Chris Hamil has in safety event
10 management and that sort of thing?

11 A I think it just falls under part of his
12 job. And he knew that I was a very particular
13 event planner, and so I felt like he would take
14 care of that if he saw something.

15 Q But as a very particular event planner,
16 you did not specifically instruct Chris to go --
17 listen, go out and do an analysis of what might hurt
18 people?

19 A Not that I recall.

20 Q Okay. Do you know if anyone gave that
21 kind of instruction to Chris Hamil?

22 A Not that I recall.

23 Q Did you give that kind of instruction
24 about performing a safety analysis to anybody,
25 Chris Hamil or anybody?

1 A Not that I recall.

2 Q And you didn't do it yourself?

3 A No.

4 Q So it looks like you-all identified some
5 obvious things, vehicles in the presence of
6 thousands of pedestrians, that could be dangerous;
7 trip hazards like limbs and other things laying on
8 the ground where thousands of people are walking
9 through, that can be dangerous; and of course
10 sprinklers coming on at weird times spraying that
11 crowd of people could also be dangerous?

12 A Yes.

13 Q All right. So aside from those three
14 things, did you-all identify any other safety
15 hazards at the children's park?

16 A I don't remember if we did. I don't
17 believe so.

18 Q Okay. And you didn't give any kind of
19 instruction. You're not aware of anybody else
20 giving any kind of instruction to actually go
21 methodically look?

22 A No, I don't remember that.

23 Q After Matthew Zetz got injured at the
24 children's park in November of 2016, was Park Day
25 held at the children's park again? That would have

1 been '17, its last year, or was it --

2 A It was moved to Etiwan Park across from
3 Bishop England High School.

4 Q And for the benefit of the court reporter,
5 will you spell Etiwan?

6 A E-t-i-w-a-n.

7 Q Who made the decision to move the 2017
8 Park Day to Etiwan Park?

9 A As I recall, I believe it probably was
10 Jane. I think it had something to do with that
11 area being under -- being -- considered to be
12 developed or going to be developed. And so that
13 would have been something that she would have
14 directed me to do.

15 Q Okay. Are you aware of anything that was
16 done differently with respect to safety after the
17 2016 Park Day when Matthew Zetz got hurt?

18 A Well, let me think. No, sir.

19 Q And nothing that you did differently?

20 A No, sir.

21 Q Okay. So nobody said, you know, last year
22 a guy got hurt here on something that we did not
23 perceive as a danger. This year I want you-all to
24 go take an especially good look and here's the
25 things I'm telling you to look for, look for this

1 kind of stuff, blah, blah, blah, blah. Nobody had
2 that kind of conversation?

3 A It was a totally different -- it was a
4 different venue. Bishop England is one park, you
5 know -- excuse me, Etiwan Park is one park, it's
6 not divided into different sections. So it's
7 basically your typical one huge big park.

8 So there -- you know, it just
9 was a different layout, it was an easier sort of
10 layout. And I want to say I don't think the event
11 was maybe quite as large that year as it had been in
12 the past, as far as activities and that sort of
13 thing.

14 And that was limited also due to
15 the size of the park at Etiwan Park. And that is a
16 City of Charleston park. And so, you know, we did
17 have to have a special event permit through them for
18 that event as well, and that's one of their parks.

19 Q Had you-all ever done Park Day in Etiwan
20 Park before?

21 A Not when I was involved with it. And I
22 just can't say for sure previously when someone
23 else was doing it, maybe they did, but I never
24 hosted it there.

25 Q And what kind of safety analysis of Etiwan

1 Park did you-all do prior to hosting the Park Day
2 there?

3 A You know, I know we did do -- I know we
4 walked, it's a very easy park to look through and
5 to look at. And so I know we walked through it
6 and observed it.

7 And if there was anything that
8 would have brought any red flags to us, then I would
9 have mentioned something to the City. Because it
10 would be up to them to, you know, take care of
11 whatever that concern might be. But I don't
12 remember any concerns with that particular park.

13 Q What sort of hazards did you-all look for
14 in Etiwan Park?

15 A Well, I mean, the turf, if there were
16 pot -- you know, huge divots in the -- holes in
17 there, pipe, you know, any type of, as you
18 mentioned, rebar sticking up, pretty much those
19 types of things.

20 The great thing about that park
21 was it's very open in the center, so you didn't --
22 and picking up limbs, that sort of thing, we did the
23 same thing. But the trees are on the perimeter of
24 the park. So basically it's wide -- you know, it's
25 wide open in the middle. But, yeah, so that's --

1 I'd say those were probably the same things that we
2 did at the other venues.

3 Q Looking for holes in the ground, looking
4 for pipes or other trip hazards, picking up limbs?

5 A I would say that's right.

6 Q Okay. And there was no concern at Etiwan
7 Park of vehicles 'cause --

8 A Correct. Correct.

9 Q Okay. And this safety analysis of Etiwan
10 Park was done by who?

11 A Well, I don't know that I would phrase
12 it as a safety analysis, but I would say a
13 walk-through. Certainly, you know, a walk-through
14 where we were -- we were there multiple times
15 during the setup of the event, as we were at
16 children's park.

17 And, you know, we would have
18 noticed -- we would have noticed things such as
19 rebar, things that were temporary, I guess that's a
20 good way to put it maybe, things that were temporary
21 that could have been removed, not permanent.

22 Q So would you say you did a safety
23 analysis?

24 A I would call it a walk-through. If you
25 want to call it a safety check, you could call it

1 that. But I would say it's more of a venue
2 walk-through just to make sure that we felt that
3 it was a safe and a good venue to be at.

4 Q And that would be based on your --

5 A My eyes, my experience of hosting
6 events, just visual.

7 Q Walking through and noticing the obvious?

8 A Yes, sir.

9 Q But not what you would call a safety
10 analysis, not anything that would discover the
11 nonobvious?

12 A Yes, sir, that's right.

13 Q All right. Not the sort of thing that
14 like somebody's professionally engaged to do that
15 work would find?

16 A That's right. I'm not a professional
17 safety analysis person.

18 Q Do you consider yourself a professional
19 event planner?

20 A I do.

21 Q Do you have any training in that?

22 A Years and years of experience.

23 Q Experience. Well, that -- yeah, I get
24 that. I was going to ask you about that in a
25 second. But my question was training. Do you have

1 any training as a professional event planner?

2 A I don't have any type of certificates,
3 degrees, anything like that, designations that
4 would call me an event planner. It's more just
5 hands-on from years of doing events.

6 Q So no sort of certification as an event
7 planner?

8 A No, sir.

9 Q Any kind of training, did you ever take
10 any classes?

11 A Not classes per se for that. I'm a
12 professional in my -- in the type of business that
13 I do, community management. So, you know, I'm
14 sure that at some point we probably had some CEU
15 units on that type of thing, but nothing extensive
16 on events.

17 Q Certainly no training in health and safety
18 aspects of event planning?

19 A I would say that's correct.

20 Q Okay. Never took any classes?

21 A No, sir.

22 Q What about your education, what's your
23 college degree in?

24 A Education.

25 Q Education. What --

1 A K through 12.

2 Q K through 12. Do you have an advanced
3 degree, an MBA, doctorate?

4 A I don't have that. I did a little bit
5 of work towards it, but I don't -- I didn't get a
6 master's.

7 Q And your degree in education, BA? BS?

8 A BS.

9 Q BS. BS in K through 12 education. Any
10 classes in college that concerned event planning?

11 A No, sir.

12 Q Any classes in college that concerned the
13 health and safety aspects of event planning?

14 A No, sir.

15 Q Okay. Do you go to any event planner
16 conferences?

17 A All of the conferences that I would have
18 attended would have been through the CAI, which is
19 the Community Association Institute, and those are
20 for community managers, not specifically event
21 managers.

22 Q Okay. So no conferences for event
23 planners, event managers?

24 A No, sir, not that I recall.

25 Q All right. And I'm guessing if you didn't

1 attend any, you probably haven't spoken at any?

2 A That's correct.

3 Q What about any publications that you read
4 with respect to event planning?

5 A You know, the publications that I get
6 would be more from the CAI which I referred to
7 earlier, and occasionally they will have some
8 articles about that type of thing. But that would
9 probably be the extent of that, occasional reading
10 of articles about events or, you know -- but not
11 on a regular basis.

12 Q No particular publications that
13 specifically are targeted for event planners?

14 A That's correct.

15 Q And do you write any articles about event
16 planning?

17 A No, I probably could but I haven't, no.

18 Q Or health and safety aspects of event
19 planning?

20 A No, sir.

21 Q You know there are people that do it for a
22 living, right, that have certificates in that,
23 trained in it?

24 A I'm sure there are.

25 Q That's their job?

1 A Um-hum.

2 Q With respect to the 2016 Park Day, did
3 you-all have to buy any sort of additional insurance
4 for that event, any sort of rider or anything like
5 that?

6 A Kay Fabrizio, who's our finance manager,
7 she would have handled that. I would have
8 submitted the application to her. And she is our
9 liaison with our insurance provider.

10 Q Okay. So you would have told Kay, hey,
11 we're doing this event, but you don't know whether
12 she procured additional insurance?

13 A I do know that she procured an event, a
14 special event insurance policy for that particular
15 event, yes, sir.

16 Q Okay. Do you know any of the details of
17 that special policy for that particular event in
18 2016?

19 A I don't recall what was on the policy,
20 but I do know that it was in place and that we
21 paid for it.

22 Q Okay. And that would be in addition to
23 whatever insurance you-all ordinarily had?

24 A Yes, sir, that's correct.

25 Q Do you know if that additional insurance

1 was a requirement of the City of Charleston's event
2 permit process, or is it just something you-all
3 thought would be smart to do?

4 A I don't recall it being a requirement of
5 the -- when we were at children's park, I don't
6 remember that being a part of the requirement, no.
7 It was just something that we felt was smart to
8 do.

9 Q Okay. And you don't know the amount or
10 the insurance company or anything like that?

11 A The insurance company, as I recall, was
12 Beacon insurance. I think they've changed names
13 now to NFP, but it was Beacon at the time, as far
14 as I remember.

15 Q Do you remember how much the policy would
16 have been for?

17 A I do not.

18 Q Okay. To the best of your knowledge, did
19 Beacon or NFP or whatever company it actually was do
20 any sort of analysis before they wrote that
21 additional policy for the event?

22 A I don't remember any supplemental
23 questions from them after I submitted the
24 application. If there -- you know, so I'm sure
25 that if they had had questions about any part of

1 the event, that they had additional questions,
2 that I think they would have asked either me or
3 Kay.

4 Q Okay. And you submitted the application
5 for that additional insurance?

6 A If I recall, I did do that, yes, to Kay.

7 Q To Kay?

8 A Um-hum.

9 Q All right. Do you still have a copy of
10 that?

11 A I'm sure she probably has it.

12 Q Okay. You do not have it?

13 A I don't know, I may have it in the piles
14 somewhere.

15 Q Would you have a look, and if you find it,
16 let Mr. Sobocinski know so he can let me know?

17 A Absolutely.

18 Q All right. Now, Kay would have written a
19 check for that insurance?

20 A I would imagine that. I don't know how
21 she paid for it. That would be up to her.

22 Q Okay. And to the best of your knowledge,
23 would Kay be able to sign that check? And by Kay, I
24 mean Kay Fabrizio. Would she be able to sign that,
25 or would she have to give it to Jane Baker or

1 somebody else to sign?

2 A She probably would have to give it to
3 Jane to sign.

4 Q All right. Yeah, please have a look for
5 that application and we'll ask -- we'll ask about
6 signing the check, et cetera, with the other folks
7 since that's not something that you would have
8 handled.

9 Did anyone get back to you and
10 tell you, hey, it's fine, we got the additional
11 insurance coverage, you're good to go?

12 A I'm sure that Kay probably -- once she
13 received it back from Beacon, she -- I'm sure she
14 probably told me, yes, we have it.

15 Q Okay.

16 A Yes.

17 Q We've been doing this for precisely one
18 hour now. And I don't know about you, but I'd love
19 a drink of water and a quick trip to the bathroom.
20 Can we take a brief break?

21 A Yes, sir.

22 Q Awesome.

23 THE VIDEOGRAPHER: Off the record,

24 13:07.

25 (Recess.)

1 THE VIDEOGRAPHER: Back on the
2 record, 13:17.

3 BY MR. JEFFERIES:

4 Q All right. We're back after a brief
5 break. Before we took a break, Barb, I had asked
6 you about conducting a safety analysis, and you
7 said, well, you know, I really don't want to call it
8 that, I'd rather call it a walk-through. So I'll
9 call it a walk-through --

10 A Okay.

11 Q -- as you like. When you-all did this
12 walk-through in 2016 of the children's park, and you
13 noticed certain things, did you memorialize any of
14 that in writing either formally or informally in a
15 letter, an email, a notepad, anything like that?

16 A I think if there had been anything
17 spotted on a temporary basis that would have drawn
18 our attention such as a piece of rebar -- that's a
19 really good example of something -- that Rona
20 would have alerted me to it and/or Chris.

21 'Cause she knows that Chris was
22 the -- the remedier of that, not me, because I'm not
23 going to get out there and pull the rebar out. But
24 she and I both were out there multiple occasions
25 walking the venue back and forth. And so at some

1 point, you know, we would have -- I imagine we would
2 have seen something temporary that we would have
3 noted and would have done that, yes.

4 Q Okay. So do you have any particular
5 memory of that, of seeing anything like that and
6 writing it down?

7 A I do not.

8 Q Okay. And do you have any notes or
9 memoranda or anything along those lines saying this
10 is what we looked for, this is what we found, here's
11 how we -- the danger level we're assigning to it,
12 here's what we're going to do about it, if anything?

13 A Nothing that formal. Like I said, if
14 something would have been observed, we would have
15 been on it and would have notified Chris and/or
16 The Greenery. If it was something the Greenery
17 would attend to, then I still would have told
18 Chris and he would have relayed it to The Greenery
19 because they work for him. He has a contract with
20 them.

21 Q And to the best of your knowledge, there's
22 no such writing as that anywhere?

23 A Not that I'm aware of.

24 Q Nothing that -- not only the things that
25 you spotted, but no writing that says this is what

1 we looked for?

2 A Only in the beginning when Chris and I
3 had our initial kind of task list, if you want to
4 call it that, that it would have said, you know,
5 please have The Greenery check for, as I said, the
6 irrigation, any limbs. I probably said poop, too,
7 because of -- we have quite a few dogs on Daniel
8 Island and, you know --

9 Q That's more of a health hazard than a
10 safety hazard, but same idea.

11 A Just an inconvenience to step into that.
12 But so they would have been
13 generalities, not a checklist.

14 Q Okay. And those generalities, are those
15 written down anywhere?

16 A If they are, they would have been in the
17 email exchange between Chris and I as far as
18 pre-event duties, you know, tasks to do.

19 Q Would you-all have discussed anything
20 aside from -- I'm going to ask that a different way.
21 Scratch that question.

22 Would you agree with me that all
23 these sorts of things, like sprinklers coming on and
24 spraying things or limbs that people could trip over
25 or cars driving through a crowd, are to some degree

1 or another rather obvious?

2 A Yes.

3 Q Sort of thing that pretty much any of us
4 could notice as a safety hazard even without any
5 special formal training?

6 A Yes, I would agree to an extent, yes.

7 Q Was there anything that you-all looked for
8 beyond those obvious things in terms of safety?

9 A I don't recall anything else.

10 Q Nothing at all?

11 A As long as the -- you know, the -- the
12 venue itself was basically picked up, you know,
13 from debris and trash and limbs and rebar and that
14 sort of thing. This is -- again, this is pre, but
15 it's also during the event as well.

16 I mean, we had -- at all of my
17 events, I do have a maintenance -- like a janitorial
18 company that assists me, and they know pretty well
19 what I want and don't want -- you know, what I want
20 them to look for.

21 And so I didn't ever give them
22 necessarily instructions to look for things like
23 that, but I think they would have alerted me to
24 something that, again, was of a temporary or a
25 nat -- that could have been fixed.

1 Q And obvious to a regular person?

2 A Um-hum.

3 Q Right?

4 A Right.

5 Q All right. So did anybody, yourself or
6 anybody, go through and look for those things that
7 are not obvious to a regular person?

8 MR. SOBOCINSKI: Object to the form.

9 You can answer.

10 A Can you ask that again? I'm not sure I
11 understood that.

12 BY MR. JEFFERIES:

13 Q Yeah. So I understand pretty clearly that
14 you-all went and you had an informal sort of
15 walk-through and on an ongoing basis looking for
16 obvious dangers and stuff that wasn't clean, right?

17 A Correct.

18 Q Did anyone at any point go look for the
19 nonobvious dangers that might hurt people?

20 MR. SOBOCINSKI: Same objection.

21 You can answer.

22 A Not that I'm aware of. 'Cause I don't
23 know what those would be, but --

24 BY MR. JEFFERIES:

25 Q You didn't do that?

1 A No, I did not.

2 Q So you didn't do it. But you couldn't
3 have done it because you don't know what they are?

4 A That would probably be correct.

5 Q Fair enough. Because you might need some
6 sort of training in that sort of thing to know what
7 the nonobvious stuff is?

8 MR. SOBOCINSKI: Object to the form.

9 But you can answer.

10 A I'm not sure about -- I'm not sure that
11 that's correct. But that's a very hard question
12 to answer because I don't know where you're
13 actually going with that. I don't understand that
14 question of the nonobvious things. 'Cause to me,
15 what I see is what I see.

16 BY MR. JEFFERIES:

17 Q Right. So you would agree with me that
18 there are obvious dangers, right, in life, just in
19 general?

20 A Sure. Yes, sir.

21 Q There's some things that are obvious.
22 Anybody -- for instance, a rattle snake in this
23 room, you don't need a special degree, training,
24 certification, or anything to know that a rattle
25 snake in this room is dangerous.

1 A That's correct.

2 Q Okay. A nonobvious danger might be
3 something like at a concert venue that has not that
4 many doors and not very wide. All right. Most
5 people would think nothing of that because folks
6 stream into a concert over a period of time until
7 they all get inside.

8 A Um-hum.

9 Q But what an expert would know, what
10 somebody who's trained in promoting concerts and
11 picking concert venues would know to look for is
12 this, is what if all of those people have to leave
13 at once; what if the fire alarm goes off and all
14 20,000 people try to get out of that concert at one
15 time.

16 Now, those doors, the fact that
17 there are few of them and they're not very wide,
18 create a serious hazard. People fall, they get
19 trampled, they die, like The Who back in 1976 or
20 whatever it was. That's a nonobvious danger, right?
21 None of us in this room except -- well, now we might
22 recognize it because I just said it, right?

23 But until that, that's something
24 you would need a little special training in event
25 planning, concert promotion, to know about to say,

1 hey, man, we can't do this here, this high school
2 gymnasium looks great but look at those doors, we're
3 going to kill people if the fire alarm goes off.
4 Nonobvious danger, right?

5 A Um-hum.

6 Q So that's what I'm asking about is, did
7 anyone have the training to look for nonobvious
8 dangers? Did anyone actually go and look for those
9 things?

10 MR. SOBOCINSKI: Object to the form.
11 You can answer.

12 A No, sir.

13 BY MR. JEFFERIES:

14 Q No training?

15 A No looking, I guess, for the nonobvious.

16 Q Okay. Fair enough.

17 A The venue was a very wide open venue,
18 and certainly not the same as what you were -- you
19 know, you're using a different analogy.

20 Q Right.

21 A But --

22 Q So you assumed it was safe 'cause it was a
23 wide open venue?

24 MR. SOBOCINSKI: Object to the form.
25 You can answer.