

Writer's Direct Dial:

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January 7, 2025

VIA E-FILE

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The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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Jan 07 2025

SC Court of Appeals

Re: *Forum Benefits, LLC v. Brian Bannon and AssuredPartners, NL*
Appellate Case No.: 2022-000231

Dear Ms. Kitchings and Ms. Harrison:

I represent the Respondents in the above referenced appeal. The designated Record on Appeal was intended to include the entire trial transcript. There appears to have been a copying error when Appellant initially submitted the Record on Appeal resulting in pages 603-609 of the trial transcript being omitted. Respondents believe that portions of the omitted pages are relevant for the Court's consideration. As such, please find enclosed the trial transcript pages 603-609 to supplement the Record on Appeal. We have continued the Record on Appeal numbering from the last number and also marked these pages as Record on Appeal pages 2259 to 2265.

Should you have any questions or need anything further related to this issue, please feel free to contact me.

Sincerely,



JEFFREY A. LEHRER

JAL/aat

cc: VIA EMAIL:

Timothy St. Clair
Steven LeBlanc
William Newton
William Harvey, III
Katon Dawson, Jr.

1 MR. LEHRER: Okay.

2 THE COURT: And that, you know, will -- that will take
3 30 minutes for us to -- to go through those, and then if I
4 need to take those under advisement or whatever, I can do
5 that, as well. If I don't think I need to take it under
6 advisement, then that will maybe address some of the issues
7 that you may have for tomorrow, so let's just keep working
8 until 4:00 and --

9 MR. LEHRER: Okay.

10 THE COURT: -- then I'll let them go.

11 MR. LEHRER: Could -- could I have five minutes just
12 to consult with my clients on who we're going to call and
13 when and all that?

14 (Whereupon, the Court takes a brief recess.)

15 THE COURT: All right, did you decide which witness
16 you want to call first.

17 MR. LEHRER: Yeah, I've got -- Your Honor, I --
18 actually, I've got two witnesses, and then that may be it
19 for today, so may not get to 4:00. Like I said, I've got
20 two clients that I'm -- I'm anticipating for them in the
21 morning, but then they'll be short.

22 THE COURT: Okay.

23 MR. LEHRER: I mean these are gonna be short, too.

24 THE COURT: All right, bring them out.

25 (Whereupon, the Jury enters the courtroom.)

1 BAILIFF: The Jury is seated, Your Honor.

2 THE COURT: All right, thank you very much.

3 All right, Ladies and gentlemen of the Jury, what
4 we've decided to do is that there are two witnesses that
5 were unable to be here today, and so they are going to be
6 very short witnesses in the morning, but we're just going
7 to work today until four o'clock, and then I'm just gonna
8 let you go for the rest of the afternoon, and we'll just
9 start back in the morning and we'll be done, all right? So
10 just for planning purposes, that's -- that's how we foresee
11 it moving forward. As you've seen, sometimes there's
12 little hiccups, but that's what we're proposing, so we will
13 just go ahead and see if we can work 'til 4:00. All right,
14 call your next witness.

15 MR. LEHRER: All right, the defense calls Paula Gant.

16 **PAULA GANT,**
17 having been duly sworn,
18 testifies as follows:

19 MADAM CLERK: Please state your name and spell your
20 last name.

21 WITNESS: Paula Gant, G-A-N-T.

22 **DIRECT EXAMINATION**

23 BY MR. LEHRER:

24 Q Good afternoon, Ms. Gant, my name is Jeff Lehrer,
25 we -- we've -- we've talked before, I represent the

1 Defendants Brian Bannon and AssuredPartners partners in
2 this case. Tell the Jury who you work for.

3 A Alpha Genesis.

4 Q How long have you worked for Alpha Genesis?

5 A Sixteen years.

6 Q I know it's been a long time, but when did you
7 first meet Brian Bannon?

8 A Honestly, I don't remember the exact year, that'd
9 have to be maybe five, six years ago, --

10 Q Okay.

11 A -- something like that.

12 Q How did you meet Mr. Bannon?

13 A I believe he just came by the office asking, if,
14 you know, he could quote us, you know.

15 Q And did you give him the -- the permission to
16 give a quote?

17 A Yes. I -- I told him our requirements, what I
18 was looking for and, yes.

19 Q Okay. And so does your job entail dealing with
20 this type of issue, kind of getting quotes and dealing with
21 insurance agents?

22 A Yes.

23 Q What is your job at Alpha Genesis?

24 A I'm the Director of Accounting and Human
25 Resources.

1 Q Did -- did you -- what was your decision with
2 regard to Mr. Bannon and -- and his soliciting of you to
3 become his -- the agent?

4 A Oh, we agreed to allow him to quote us, and we
5 agreed to the terms once everything was -- once we -- he
6 gave me all the information that I needed as far as all --
7 making sure that we -- our needs were met. I agreed to
8 what he had to offer, so --

9 Q Did Mr. Bannon do a good job meeting your needs?

10 A Yes, I had a lot of needs, and so he agreed to
11 make sure everything was done in the manner that I
12 requested, so I was happy with that.

13 Q Did you -- did you start to develop some type of
14 trust for Mr. Bannon that he was able to help you with what
15 you needed?

16 A Yes, because up until that point what had been
17 provided to us was not up-to-par as far as I was concerned.
18 My needs weren't met before, and everything I asked of
19 Brian he actually delivered, so, yes.

20 Q Okay. In 2016, who did you consider to be the --
21 Alpha Genesis' insurance agent?

22 A Brian Bannon.

23 Q Okay, and in 2017, who did you consider to be
24 Alpha Genesis' insurance agent?

25 A Brian Bannon.

1 Q Was there ever a time in -- in that -- those two
2 years that you didn't think Mr. Bannon was your agent?

3 A No.

4 Q Did you at all times during those two years
5 authorize Mr. Bannon to have access to Alpha Genesis' plan
6 information?

7 A Yes.

8 Q At some point, did Mr. Bannon tell you that he
9 was moving to AssuredPartners?

10 A Yes.

11 Q Tell the Jury what you recall about that.

12 A Not every word, of course, but I just remember
13 him -- a conversation that he mentioned that he was in the
14 process of, you know, possibly thinking about moving to a
15 different company.

16 Q Did he give you the option to -- to move with
17 him?

18 A Yes, he, you know, he said we could stay where we
19 were or have the choice of moving over.

20 Q Did he -- did he use any type of specific
21 information, confidential-looking information to solicit
22 you to move?

23 A No.

24 Q What was your decision on moving with Mr. Bannon
25 to AssuredPartners?

1 said before you moved -- when -- let me -- let me say this
2 again. My confusion is you understand that Brian Bannon
3 changed over to AssuredPartners, right?

4 A Yes. In my error, in answering that question,
5 like I stated, it was just Brian Bannon that I considered
6 my agent. I wasn't really considering Forum to Assured,
7 but, yes, I am aware that he moved from Forum to Assured.

8 Q Right. So my confusion is, you -- I think you
9 testified that before -- you transferred because the
10 service you were getting was not very good.

11 A Well, we -- we had someone before Brian, who that
12 company was, I'm not sure. I can't remember. I remember
13 Brian because he did provide us with the services, and he
14 was, you know, basically, our agent, and was very personal,
15 that's why I really remember him. I don't remember who was
16 before Brian, or if it was a different company, or the same
17 company, I just remember Brian.

18 MR. LEBLANC: I don't have any further questions.
19 Thank you.

20 THE COURT: Anything as follow-up?

21 MR. LEHRER: Nothing further, Your Honor.

22 THE COURT: All right, thank you so very much for
23 being here, ma'am, and have a wonderful rest of your day.

24 THE WITNESS: You too.

25 THE COURT: All right, call your next witness.