

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

RECEIVED

June 5 2023

SC Court of Appeals

Appeal from Florence County
Court of Common Pleas

The Honorable H. Steven Deberry, IV, Circuit Court Judge for Common Pleas

Appellate Case No.: 2022-001006

Wendy Lynch, ...Respondent,

v.

Elizabeth Langley and Rebecca White Lynch, ...Defendants,
Of whom Elizabeth Langley is the Appellant and
Rebecca White Lynch is a Respondent.

**RECORD ON APPEAL
(Vol. I)**

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Pro Se Respondent

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STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Wendy Lynch,

vs.

Elizabeth Langley and
Rebecca White Lynch,

DORIS POULOS O'HARA
Plaintiff, CCCP & GS
FLORENCE COUNTY, SC

Defendants.

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2016-CP-21-304

2018 FEB -7 AM 11:04

CONSENT ORDER PURSUANT TO
RULE 40(j) SCRC

FILED
NOT RECORDED
2018 FEB 7 PM 2:23
DORIS POULOS O'HARA
PLAINTIFF, CCCP & GS
FLORENCE COUNTY, SC

PLEASE TAKE NOTICE that Patrick J. McLaughlin, by agreement and with the consent of Richard E. Conner, Jr., counsel for the Defendant Elizabeth Langley, and Pro Se Defendant Rebecca White Lynch, hereby moves before the Honorable Court for an Order pursuant to Rule 40(j) SCRCP striking the above matter from the docket.

By agreement of counsel, it is hereby

ORDERED that the above referenced matter is hereby stricken from the docket by agreement of the parties, and all further agree that if the claim is restored upon motion made within 1 year of the date stricken, the statute of limitations shall be tolled as to all consenting parties during the time the case is stricken, and any unexpired portion of the statute of limitations on the date the case was stricken shall remain and begin to run on the date the claim is restored. A party moving to restore a case stricken from the docket shall provide all parties notice of the motion to restore at least 10 days before it is heard. Upon being restored, the case shall be placed on the General Docket and proceed from that date as provided in this rule.

2-7-18, 2018

CERTIFIED: A TRUE COPY

Doris Poulos O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

P. J. McLaughlin
Chief Administrative Judge
Twelfth Judicial Circuit

1 of 2

1

SCANNED

WE CONSENT:

s/Richard E. Conner, Jr. (pursuant to email attached)

RICHARD E. CONNER, JR.

The Conner Law Firm, PC

115 Cargill Way, Suite C2

Hartsville, SC 29550

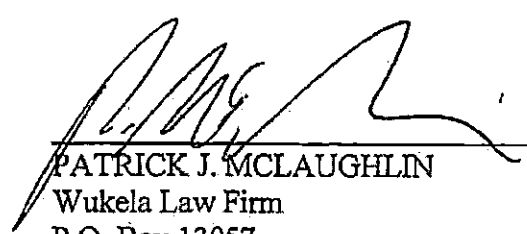
T: 843-332-1678

Attorney for Defendant Elizabeth Langley

s/Rebecca White (pursuant to letter attached)

REBECCA WHITE

Pro Se Defendant



PATRICK J. MCLAUGHLIN

Wukela Law Firm

P.O. Box 13057

Florence, SC 29504-3057

T: 843-669-5634

Attorney for Plaintiff

Re STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)
IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2016-CP-21-00304

Wendy Lynch,)
))
Plaintiff,)
))
vs.)
))
Elizabeth Langley and)
Rebecca Lynch White,)
))
Defendant.)
_____)

ORDER

Judge:	The Honorable Michael G. Nettles
Date of Hearing:	April 1, 2019
Court Reporter:	Keisha T. Reed
Plaintiff Wendy Lynch:	Present with her attorney Patrick J. McLaughlin
Defendant Elizabeth Langley:	Present, pro se
Defendant Rebecca White Lynch:	Present, pro se

This matter came before the Court on the Plaintiff's motion to restore the above-captioned matter to the trial docket pursuant to Rule 40(j) of the South Carolina Rules of Civil Procedure.

The case was originally removed from the roster by order dated February 7, 2018. The Plaintiff timely moved to have the case reinstated pursuant to Rule 40(j) with the filing of a motion to restore the case to the docket on February 6, 2019.

The Court explained to the pro se Defendants that the sole issue before the Court was whether or not to restore the case to the roster pursuant to Rule 40(j).

After hearing from the *pro se* Defendants, the Court informed them that the motion would be granted, and the Court urged both *pro se* Defendants to retain counsel. The Court directed Attorney Patrick J. McLaughlin to draw up an order to restore the case to the docket and to submit that order to the Court and the *pro se* Defendants. Given the fact that the two Defendants were *pro se* at the time, the Court directed both of them to supply Attorney McLaughlin with current contact

information for service.

Defendant Elizabeth Langley provided a mailing address of 1225 Edgewood Avenue, Florence, SC 29501 and an email address of elizalangley@aol.com.

Defendant Rebecca Lynch White informed the Court that she did not have a current email address but provided a mailing address of 434 Wayside Drive, Winston-Salem, NC 27107. Attorney McLaughlin provided Defendant White with the email address of one of his assistants and informed the Court that he would wait ten days before submitting the order to give Defendant White time to obtain an email address and provide that email address to Attorney McLaughlin so that it could be included in any proposed order. Defendant White has not provided any email address.

Based on the above,

I FIND that this matter shall be restored to the Court's jury roster pursuant to Rule 40(j) of the South Carolina Rules of Civil Procedure.

I FURTHER FIND that service of any pleadings, motions, notices of appearance or other legal documents in this matter to the pro se Defendants at the above-referenced addresses shall be sufficient legal service in this matter going forward.

AND IT IS SO ORDERED!

Judge's Signature Page to Follow



Florence Common Pleas

Case Caption: Wendy Lynch VS Elizabeth Langley , defendant, et al

Case Number: 2016CP2100304

Type: Order/Restore Case To Active Docket

So Ordered

s/ The Honorable Michael G. Nettles #2140

Electronically signed on 2019-04-17 14:09:41 page 3 of 3

STATE OF SOUTH CAROLINA
COUNTY OF Florence
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2101042

Wendy Lynch
PLAINTIFF(S)

Elizabeth Langley et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Defendant Langley's post trial motion for a new trial is denied. The court finds that the record contains ample evidence to support the jury's verdict.

Furthermore, the Plaintiff's motion for relief and sanctions including attorneys fees and costs is also denied.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/05/2022 .

Rebecca White Lynch for Rebecca White Lynch
Rebecca White Lynch for Rebecca White Lynch

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.



Florence Common Pleas

Case Caption: Wendy Lynch VS Elizabeth Langley , defendant, et al
Case Number: 2019CP2101042
Type: Order/Electronic Form 4

H. Steven DeBerry, IV

Circuit Court Judge 2771

Electronically signed on 2022-07-05 13:02:49 page 3 of 3

STATE OF SOUTH CAROLINA
COUNTY OF Florence
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2101042

Wendy Lynch
PLAINTIFF(S)

Elizabeth Langley et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☒ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

JURY RENDERED A VERDICT IN FAVOR OF THE PLAINTIFF AGAINST THE DEFENDANT, ELIZABETH LANGLEY, IN THE AMOUNT OF \$60,000.00 ACTUAL DAMAGES AND \$250,000.00 PUNITIVE DAMAGES.

JURY RENDERED A VERDICT IN FAVOR OF THE PLAINTIFF AGAINST THE DEFENDANT, REBECCA WHITE LYNCH, IN THE AMOUNT OF \$40,000.00 ACTUAL DAMAGES AND \$250,000.00 PUNITIVE DAMAGES.

IT IS HEREBY ORDERED BY THIS COURT THAT THE DEFENDANTS, ELIZABETH LANGLEY AND REBECCA WHITE LYNCH WILL NOT HAVE ANY CONTACT WITH THE PLAINTIFF, WENDY LYNCH AND HER SON, DONALD JORDON .

IT IS FURTHER ORDERED THAT DEFENDANT, REBECCA WHITE LYNCH, WILL NOT HAVE ANY CONTACT WITH CASEA DAVID PERTAINING TO THIS CASE.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/06/2022 .

Rebecca White Lynch for Rebecca White Lynch
Rebecca White Lynch for Rebecca White Lynch

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Florence Common Pleas

Case Caption: Wendy Lynch VS Elizabeth Langley , defendant, et al
Case Number: 2019CP2101042
Type: Order/Electronic Form 4

H. Steven DeBerry, IV

Circuit Court Judge 2771

Electronically signed on 2022-05-06 11:20:01 page 3 of 3

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS

Wendy Lynch

Plaintiff(s)

vs.

Elizabeth Langley and Rebecca White Lynch

Defendant(s)

Submitted By: Patrick J. McLaughlin

Address: Wukela Law Firm, P.O. Box 13057, Florence, SC
29504-3057

CIVIL ACTION COVERSHEET

2016 -CP- 21 - 304

SC Bar #: 73675

Telephone #: 843-669-5634

Fax #: 843-669-5150

Other:

E-mail: patrick@wukelalaw.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

☐ Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/ Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199) _____	☐ Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 -NI- _____ ☐ Notice/ File Med Mal (230) ☐ Other (299) _____	☐ Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Assault/Battery (370) ☐ Slander/Libel (380) ☒ Other (399) Conspiracy	☐ Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499) _____
☐ Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599) _____	☐ Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899) _____	☐ Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799) _____	☐ Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999) _____
☐ Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) _____ ☐ Sexual Predator (510)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Pre-Suit Discovery (670)		

Submitting Party Signature:

Date:

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

Wendy Lynch,

Plaintiff,

vs.

Elizabeth Langley and
Rebecca White Lynch,

Defendants.

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT
CASE NO. 2016-CP-21- 304

SUMMONS FOR RELIEF
COMPLAINT SERVED
(JURY TRIAL DEMANDED)

FILED
2016 FEB -8 PM 3:01
CLERK OF COURT
FLORENCE COUNTY, S.C.

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the said Complaint on the subscribers at their offices at 403 Second Loop Road, Florence, South Carolina within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you.

WUKELA LAW FIRM

BY

PATRICK J. MCLAUGHLIN
Attorney for Plaintiff
P.O. Box 13057
Florence, SC 29504-3057
Telephone: 843-669-5634
Facsimile: 843-669-5150

Florence, South Carolina

February 8, 2016

CERTIFIED: A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)
)
Wendy Lynch,)
)
Plaintiff,)
)
vs.)
)
Elizabeth Langley and Rebecca)
White Lynch,)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Case No. 2016-CP-21- 324

COMPLAINT
(Jury Trial Demanded)

2016 FEB -8 PM 3:01
COMM. REC'D & ES. DIV.
FLORENCE COUNTY, SC

COMES NOW Plaintiff, Wendy Lynch ("Ms. Lynch), by and through her undersigned attorney, for her Complaint against Defendants states and alleges as follows:

1. Plaintiff, Ms. Lynch, is a resident and citizen of Florence County, South Carolina.
2. On information and belief, Defendant Elizabeth Langley (hereinafter "Defendant Langley") is a resident and citizen of Florence County, South Carolina. Ms. Langley is the sister of Ms. Lynch.
3. On information and belief, Rebecca White Lynch ("Defendant White") is a resident and citizen of Winston-Salem County, North Carolina. Defendant White is the sister of Ms. Lynch.
4. The acts complained of herein occurred in Florence County, South Carolina, and venue and jurisdiction is proper in this Court.

FACTS

5. Ms. Lynch and Defendants are sisters, all daughters of James M. Lynch who died on February 9, 2013 leaving a will. In the will, Mr. Lynch left assets to his three daughters, his grandson, and former son-in-law. Defendant Langley contested the will by filing an action,

CERTIFIED A TRUE COPY
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Elizabeth Langley v. Wendy Lynch, et. al., case no. 2013-CP-21-01408, all as is more fully detailed in the pleadings on file in the Florence County Clerk of Court's office. In the action, Defendant Langley, and on information and belief, Defendant White, attempted to set aside the will claiming undue influence by Ms. Lynch and incompetence of the testator. This action was dismissed by order granting summary judgment to Ms. Lynch dated June 25, 2015 and the matter is currently on appeal.¹

6. The Defendants, collectively and/or individually, have undertaken a campaign of harassment, including the filing of the civil lawsuit against Ms. Lynch without a basis in law or fact, filing false criminal complaints against Ms. Lynch, filing false abuse and neglect complaints with both South Carolina LLR's Board of Nursing as against Ms. Lynch, filing a false murder complaint with the county coroner as against Ms. Lynch, other harassing and stalking activities, and intentionally interfering with Ms. Lynch's professional and social relationships by falsely communicating information to members of the General Assembly and prospective hospital employees to subvert employment, and Defendants have taken action repetitively to retard the Probate process of Testator's will.

7. On information and belief, all of these actions were undertaken with malice, for improper purposes, and with the intent to cause physical, emotional and financial harm to Ms. Lynch. Defendants have achieved their goal with injurious effort.

8. The Defendants' actions, as set forth herein and more fully described below, have caused and continue to cause emotional distress, financial harm, and reputational damage to Ms. Lynch.

¹ Defendant Langley filed a motion for reconsideration which was denied by Order dated August 14, 2015. The matter is currently on appeal.

9. On information and belief, each and every effort and action instituted by Defendants collectively or individually against Ms. Lynch have been resolved in favor of Ms. Lynch.

10. Ms. Lynch has suffered and continues to suffer damages as set forth herein, for which damages should be awarded against Defendants.

FOR A FIRST CAUSE OF ACTION
(Conspiracy)

11. Each and every allegation set forth above is incorporated herein where relevant as if repeated verbatim herein.

12. Defendants conspired and combined together with known and unknown others, to file lawsuits and complaints against Ms. Lynch for the purpose of inflicting punishment and injuring Ms. Lynch. Defendants also combined and conspired to injure Ms. Lynch by making false allegations to investigative agencies and others during and after Ms. Lynch's tenure as a magistrate alleging that Ms. Lynch had murdered her father, had stolen assets, and was unfit to serve as a magistrate, all in an effort to secure her non-reappointment and to prospective hospital employers to subvert her employment as a nurse.

13. Defendant's overt acts as alleged above pursuant to the conspiracy, proximately caused damage to Ms. Lynch, including special damages not limited to damage to reputation and loss of employment opportunities.

FOR A SECOND CAUSE OF ACTION
(Abuse of Process)

14. Each and every allegation set forth above is incorporated herein where relevant as if repeated verbatim herein.

15. On or about April 30, 2013, Defendant Langley filed a civil action in Florence County, case number 2013-CP-21-01408, against Ms. Lynch alleging that Mr. Lynch's will should be set aside due to incompetence and undue influence by Ms. Lynch. Defendant Langley caused Ms. Lynch to be served with legal process requiring her to appear before the circuit court and submit personally to its jurisdiction and to expend great amounts of time and money in defense of the case. Although Defendant Langley's lawsuit was filed alleging undue influence and incompetence, during her deposition of Ms. Lynch and numerous others, Defendant Langley through her counsel focused almost exclusively on the location of assets, all the while ignoring the required elements of the allegations. Moreover, Defendant Langley in her discovery responses listed specific witnesses to incompetence and undue influence that she had never spoken to and/or who did not support Defendant Langley's claims of undue influence and/or incompetence. The action was dismissed by Judge Brown by order dated June 25, 2015 granting summary judgment in favor of Ms. Lynch. Ms. Langley thereafter filed a Motion for Reconsideration citing no new grounds in support which motion was denied. The matter is currently on appeal before the South Carolina Court of Appeals.

16. During the conduct of the civil action, the Defendant(s) continued to make motions and make demands in the probate court for the purposes of harassing Ms. Lynch and locating non-existent gold and silver – imagined by Defendants to exist as part of the estate.

17. On information and belief, Defendant Langley's purpose in bringing the civil action and actions in Probate Court were to pursue ulterior purposes not legitimate or proper in the regular course and conduct of civil or probate litigation. Defendants knew or should have known that the civil and probate actions and filings by Defendant Langley could not obtain the collateral objective Defendants sought, such that the action and filings was an abuse of process.

18. On information and belief, on or about November 2012 and continuing thereafter, Defendant Langley, with the assistance of her sister Rebecca White, made a report to the South Carolina Department of Social Services and Adult Protective Services for the purpose of initiating a judicial proceeding alleging abuse and neglect against Ms. Lynch. Specifically, Defendant Langley has admitted under oath to making a complaint to DSS alleging that Ms. Lynch was oversedating Mr. Lynch with medication in an effort to murder Mr. Lynch. Ms. Lynch learned of this report sometime thereafter. At the time Defendants made the report, they knew or should have known that the report was false and without substance. On information and belief, Defendants' purpose in instigating the complaint was to pursue an ulterior purpose not legitimate or proper in the regular course and conduct of the proceedings. Such communications were not privileged as they were made with malice.

19. Defendant Langley and/or Defendant White made similar reports to public officials and nurses at various hospitals during Mr. Lynch's treatments, including McLeod Hospice, and others, alleging Ms. Lynch was oversedating Mr. Lynch. Ms. Lynch learned of this report sometime thereafter. At the time Defendant Langley and/or Defendant White made these reports, they knew or should have known that the reports were false. On information and belief, defendants' purpose in instigating the complaints proceedings/investigation was to pursue an ulterior purpose not legitimate or proper in the regular course and conduct of the proceeding. Such communications were not privileged as they were made with malice.

20. Following Mr. Lynch's death from cancer in February 2013, Defendants made a report to the Florence County Coroner alleging that Plaintiff Lynch had murdered Mr. Lynch. On information and belief, these reports were made for the purpose of initiating a coroner's judicial proceedings against Ms. Lynch. At the time Defendants made the report, they knew or

should have known that the report was false. On information and belief, Defendants' purpose in instigating the report was to pursue an ulterior purpose not legitimate or proper in the regular course and conduct of the proceeding. Such communications were not privileged as they were made with malice.

21. On information and belief, Defendants initiated reports, together and individually, on the same grounds as paragraph 19, to the South Carolina Board of Nursing for the purpose of instigating disciplinary proceedings against Ms. Lynch to cause the revocation of her nursing license. On information and belief, Defendants alleged that Ms. Lynch was oversedating or had oversedated Mr. Lynch and had attempted to kill him and/or had killed him. At the time Defendants initiated the report, they knew or should have known that the report was false. On information and belief, defendants' purpose in filing the report(s) was to pursue an ulterior purpose not legitimate or proper in the regular course and conduct of the proceeding. Such communications were not privileged as they were made with malice.

22. On information and belief, Defendants collateral objective in the filing of the above actions was for the sole purpose to harass and punish Ms. Lynch, to gain access and use of property to which Defendants were not entitled under the will, and to try and locate assets – including but not limited to gold bars, silver coins, and nonexistent estate furniture. Defendants acted willfully in the use of process not proper in the regular conduct of the proceedings.

23. Ms. Lynch was forced to retain counsel to defend her in the matters and had to expend substantial time and costs in defense of the numerous complaints and litigation. Ms. Lynch succeeded in having the circuit court action resolved in her favor with the matter currently on appeal. Sometime after Defendants' false complaints to the various agencies against Ms.

Lynch were made, all as alleged above, those complaints were similarly resolved in Ms. Lynch's favor.

24. As a proximate cause of Defendants abuse of process towards Ms. Lynch, Ms. Lynch has sustained damages, both emotional and financial, including but not limited to attorney fees, the depreciation of the Lynch Estate's value, and loss of use of assets bequeathed to Ms. Lynch by reason of abuse of process.

25. The actions of Defendants were intentional, willful, and malicious.

26. As a direct and proximate result of the wrongful acts of Defendants alleged herein, Ms. Lynch is entitled to recover actual and punitive damages against Defendant Langley as a result of the abuse of process described above.

FOR A THIRD CAUSE OF ACTION
(Defamation *Per Se*)

27. Each and every allegation set forth above is incorporated herein where relevant as if repeated verbatim herein.

28. On information and belief, Defendants have told and published to third parties, including but not limited to family members and members of the community, that Ms. Lynch has stolen money from the Estate and/or Mr. Lynch, purposely and intentionally over-medicated their father, Mr. Lynch, and attempted to or succeeded in the murder of Mr. Lynch.

29. The Defendants' statements to the many third parties as set forth above had a defamatory meaning, were false and were known by Defendants to be false when such statements were made, and such publication was made by Defendants with actual and/or implied malice and made for malicious purposes. Defendants published and have continued to publish the above statements concerning Ms. Lynch to third parties continuously for more than a year's time.

30. The statements made by Defendants tended to impeach and injure Ms. Lynch's reputation, honesty, integrity, virtue, and exposed her to public hatred, contempt, ridicule, has caused her to be wrongly shunned, avoided, embarrassed, and injured her in her office and business activities, and occupation.

31. As a direct and proximate result of the Defendants' defamatory statements to others concerning Ms. Lynch, the law presumes damages or special damages to Ms. Lynch, and Ms. Lynch has indeed suffered mental, physical, and financial damages and has also suffered embarrassment, humiliation, and mental suffering as a result of the injury to her reputation.

FOR A FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

32. Each and every allegation set forth above is incorporated herein where relevant as if repeated verbatim herein.

33. The series of intentional and reckless acts undertaken by Defendants against Ms. Lynch at and around the time of their father's terminal illness and through and after his death of cancer, all for the purpose of harassing, stalking and inflicting physical, emotional, career and financial damages upon Ms. Lynch were so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

34. Ms. Lynch has sustained and continues to sustain severe emotional distress as a result of Defendants' actions.

35. The emotional distress sustained by Ms. Lynch as a result of the Defendants' continuous outrageous acts against her is so severe that no reasonable person should be expected to endure it, such that Ms. Lynch has a common law claim for outrage against Defendants.

36. As a result of the intentional infliction of emotional distress inflicted by Defendants against Ms. Lynch, Ms. Lynch is entitled to recover actual and punitive damages against Defendants.

FOR A FIFTH CAUSE OF ACTION
(South Carolina Frivolous Civil Proceedings Sanctions Act)
S.C. Code Ann. §15-36-10

37. Each and every allegation set forth above is incorporated herein where relevant as if repeated verbatim herein.

38. The civil proceeding initiated by Defendant Langley as against Ms. Lynch, as set forth above, specifically Langley v. Lynch, et. al., 2013-CP-21-01408, filed with the Clerk of Court in Florence County Circuit Court, South Carolina, was a frivolous proceeding not filed for a legitimate or proper purpose but rather for the improper and sole purpose of harassment and as a tool to search for assets imagined by Defendants to exist.

39. A reasonable attorney in the same circumstances would believe that under the facts, Ms. Langley's claims were clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law.

40. A reasonable attorney presented with the same circumstances would believe that the procurement, initiation, and continuation of the civil cause was intended merely to harass or injure Ms. Lynch.

41. A reasonable attorney presented with the same circumstances and facts would believe the complaint filed by Ms. Langley and her continuation of the proceeding was frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery or adjudication of the claim upon which the proceedings were based.

42. Ms. Langley made frivolous arguments a reasonable attorney would believe were

not reasonably supported by the facts.

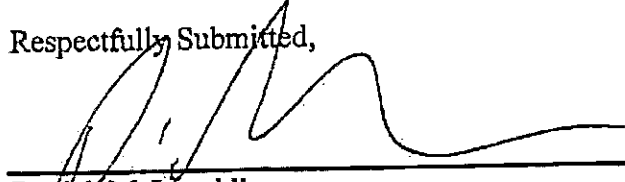
43. Ms. Langley made frivolous arguments that a reasonable attorney would believe were not warranted under the existing law and there is no good faith argument that exists for the extension, modification, or reversal of existing law.

44. As a direct and proximate cause of Ms. Langley's frivolous lawsuit, Ms. Lynch has suffered damages, including but not limited to attorney fees, mental anguish, and other actual damages and seeks a sanction against Ms. Langley for a violation of South Carolina Frivolous Civil Proceedings Sanctions Act.

WHEREFORE, having fully set forth the basis for the claims asserted herein, Plaintiff Lynch moves for an Order of the Court:

- A. Awarding actual, special, and punitive damages in her favor against the Defendants, jointly and severally, in an amount to be determined by the trier of fact.
- B. For an award of attorney fees;
- C. For the costs of this action; and
- D. For such other and further relief as the court deems just and proper.

Respectfully Submitted,



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This 8th day of February , 2016

Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE	)	
	)	CASE No: 2019-CP-21-01042
Wendy Lynch,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND
	)	MOTION FOR NEW TRIAL
vs.	)	
	)	
Elizabeth Langley and Rebecca	)	
White,	)	
	)	
Defendants.	)	

Comes now Defendant Langley, by and through her undersigned attorney, and hereby submits this Notice of Motion and Motion for New Trial.

Defendant Elizabeth Langley respectfully moves this Court pursuant to Rule 59, SCRCP, to grant a new trial in the above entitled case for the following reasons:

1. The evidence presented at trial of a civil conspiracy was insufficient to support the verdict finding that Defendant Langley combined or agreed with one or more persons to commit an unlawful act or a lawful act by unlawful means, or that Defendant Langley committed an overt act in furtherance of the agreement resulting in damages to the Plaintiff. A civil conspiracy claim must establish (1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff. *Paradis v. Charleston Cty. Sch. Dist., Op. No. 28030 (S.C. Sup Ct. filed May 19, 2021)*. First, the evidence

presented at trial primarily focused on the use of the word “we” in court filings by Defendant Langley, but failed to show any combination or agreement between Defendant Langley and any other person. Further, the evidence presented was insufficient to establish an overt act in furtherance of any such agreement between Defendant Langley and any other person.

2. The jury verdict form only provided one space for the jury to state the amount of actual damages. Because of that, a new trial on all issues is warranted because the findings by the jury regarding a civil conspiracy are not supported by the evidence, and there is no separate determination by the jury as to what amount of the verdict was attributable to such civil conspiracy.

3. The evidence is insufficient to support the amount of damages awarded to Plaintiff by the jury verdict. The only evidence of monetary damages presented at trial was for attorney fees of approximately \$60,000.00. Evidence was also presented indicating that the distribution plan for the will of James Lynch had allocated \$30,000.00 to be distributed to Plaintiff for those same attorney fees. Therefore, the evidence available to the jury of monetary damages showed that amount to be approximately \$30,000.00. Therefore, the amount of the monetary damages award to Plaintiff, against Defendant Langley, should have been at most approximately \$30,000.00.

Based on the foregoing, Defendant Langley hereby requests that this Court order a new trial on all issues in this matter.

This Motion may be further supported by such oral argument, pleadings, discovery, affidavits, memoranda of law, briefs, documents and other evidence as permitted and/or required by the Court.

Surfside Beach, South Carolina
May 8, 2022

Respectfully submitted,
s/David E. Rigney
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STATE OF SOUTH CAROLINA

COUNT OF FLORENCE

Wendy Lynch,

Plaintiff,

v.

Elizabeth Langley and Rebecca White
Lynch,

Defendants.

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

Civil Action No.: 2019-CP-21-01042

**PLAINTIFF'S RESPONSE TO
DEFENDANT LANGLEY'S MOTION
FOR NEW TRIAL**

Plaintiff, by and through her Counsel, hereby responds to Defendant Langley's *Notice of Motion and Motion for New Trial* filed May 9, 2022.

Defendant Langley cites three (3) grounds in her motion, which seeks a new trial pursuant to Rule 59 SCRCP, essentially asking the Court to invoke the thirteenth juror doctrine, finding the jury's verdict was not supported by the evidence.

Defendant Langley's arguments are contradicted by the record and the motion should be DENIED.

Civil Conspiracy

As to Defendant Langley's argument that there was insufficient evidence to support the verdict that she conspired with another to harm the Plaintiff, there was ample evidence entered at trial from which a reasonable jury could find that Defendant Langley had civilly conspired against the Plaintiff. Civil Conspiracy requires 1) the combination or agreement of two or more persons, 2) to commit an unlawful act or lawful act by unlawful means, 3) together with the commission of an over act in furtherance of the agreement, and 4) damages proximately resulting to the plaintiff. *Paradis v. Charleston County School District, et al.*, 433 S.C. 562, 861 S.E.2d 774 (2021).

Not only was the jury properly charged by the Court on the law regarding civil conspiracy (with no objections from Defendants to the charges) but the Court included specific interrogatories on the verdict form, which Defendant Langley did not object to, specifically supporting the finding of a civil conspiracy against both Defendants, including Defendant Langley:

Civil Conspiracy	
7. Did Defendant Elizabeth Langley combine or agree with one or more persons to commit an unlawful act or a lawful act by unlawful means?	☒ YES ☐ NO
8. Did Defendant Elizabeth Langley commit an overt act in furtherance of the agreement resulting in damages to the Plaintiff?	☒ YES ☐ NO

Plaintiff would note that Defendant Langley's attempts to defend against this cause of action were summed up by her counsel in opening argument, questioning how could she have conspired with Defendant White, when Defendant White had been a "defendant" in Defendant Langley's will contest. The jury not only heard testimony about Defendant Langley working with Defendant White throughout the last nine (9) years to harm the Plaintiff, but they saw that coordination on full display for a week of trial, culminating in Plaintiff pointing out Defendant White essentially gave a closing argument for Defendant Langley to the jury.

There was ample evidence submitted to the jury to sustain a finding of civil conspiracy against Defendant Langley.

Actual Damages on Verdict form

Defendant Langley, having stood silent on the verdict form prior to its submission to the jury, now argues because the verdict form contained only one line for actual damages, and because

there should have been no finding of civil conspiracy, a new trial is now warranted. First, Defendant Langley's argument regarding civil conspiracy is fatally flawed as discussed above. Second, any issue with the verdict form has been waived because no objection was made at trial. *In the Interest of Michael H.*, 360 S.C. 540, 602 S.E.2d 729 (2004) (noting trial court must be given an adequate opportunity to resolve the issue).

Defendant Langley cannot idly sit by on her hands and not take issue with the verdict form until after judgment has been rendered on that verdict form. Such legal somnolence has been put best as: one who sleeps on a right cannot then assert it. Defendant Langley did not object to the verdict form because there was nothing wrong with it. To allege issue with the verdict form now, after verdict, is merely legal desperation to avoid the jury's verdict.

Not sufficient evidence to support damages

Defendant Langley's argument that there was insufficient evidence to support an award of \$60,000.00 actual damages against the Plaintiff is absurd. Defendant Langley tries to argue in support of this "that the distribution plan for the will of James Lynch had allocated \$30,000.00 to be distributed to Plaintiff for those same attorney's fees. Therefore, the evidence available to the jury of monetary damages showed that amount to be approximately \$30,000.00. Therefore, the amount of monetary damages award to the Plaintiff, against Defendant Langley, should have been at most approximately \$30,000.00."

Set aside the fact this argument ignores that the jury found Defendant Langley liable for causes of action that allow non-economic damages such as mental anguish, stress, anxiety, fear, loss of enjoyment of life, etc. (all of which the jury was presented evidence of the Plaintiff suffering), which easily justify an award of \$60,000 on their own, but Defendant Langley's **argument ignores her own testimony.**

Defendant Langley specifically testified at trial that she disagreed with the Special Administrator's proposed distribution, that she believes her father was worth approximately \$8.5 million dollars more than the proposed distribution, that she does not accept the will upon which the proposed distribution is based and that she will "never give up" fighting over the estate. Plaintiff specifically argued in closing that the jury should discount the "payment" of said legal fees in the proposed distribution because Defendant Langley's testimony showed she does not accept that proposed distribution. In essence, Defendant Langley is now arguing the jury should have never believed her own testimony.

The jury had ample evidence to support awarding the actual damages they awarded, based on conduct they found so reprehensible that they also awarded \$250,000 Dollars in punitive damages.

CONCLUSION

Based on the above, the Plaintiff respectfully asks that the Court DENY Defendant Langley's motion for new trial.

s/ Joseph M. McCulloch

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-and-

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Attorneys for the Plaintiff

May 10, 2022

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	2019-CP-21-01042
Wendy Lynch,	)	
	)	
Plaintiff,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	April 25-29, 2022
	)	
Elizabeth Langley and	)	Florence, South Carolina
Rebecca White,	)	
	)	
Defendants.	)	VOLUME I
	)	(April 25, 2022)
	)	
	)	

B E F O R E:

THE HONORABLE H. STEVEN DEBERRY, IV, Judge

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

JOSEPH MCCULLOCH, JR. Esquire
PATRICK MCLAUGHLIN, Esquire
Attorneys for Plaintiff

DAVID E. RIGNEY, Esquire
Attorney for Defendant Langley

REBECCA LYNCH WHITE,
Self-represented Litigant

Recorded by: DCRP

Transcribed by: MISSY BROWN
Court Reporter

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
VOLUME I:				
Jury qualifications	5			
Jury selection	16			
Pretrial motions	24			
OPENING STATEMENTS:				
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I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

VOLUME IV (CONT'D):

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THOMAS LEVINE:

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By Mr. McCulloch

By Mr. Rigney

By Ms. White

JURY CHARGE BY THE COURT:

JURY'S VERDICT:

CERTIFICATE OF REPORTER

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
P-1	Will filed 3/13/13	135	142
P-2	Proposal for distribution	139	142
P-3	Death certificate	304	304
P-4	Will filed 3/1/13	385	385
P-5	Locksmith invoice	410	411
P-6	Attorney fees - prior actions	657	658
P-7	Letter from Attorney Cromer	659	659
P-8	Allegations from SC LLR	660	662
P-9	Letter from nursing board	667	668
C-1	Copy of text message	704	
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C-3	Affidavit of Rae White Wilkerson	720	
C-4	Notes placed on defense table in courtroom	751	
C-5	Affidavit of Casea David		
C-6	Copy of Text message		
C-7	Judicially designated facts		
C-8	Question from jury to Court		
C-9	Answer from Court to jury		

P R O C E E D I N G S

April 25, 2022

(WHEREUPON, Court was in session with all parties present after the full jury panel was sworn and qualified when the following matters were had, commencing at 11:09 a.m.):

THE COURT: We're going to move forward with selecting a jury.

All right. If everybody will approach one moment, please?

(An off-the-record bench conference was held.)

THE COURT: All right, ladies and gentlemen. We're about to begin the jury selection process for the case of Wendy Lynch versus Elizabeth Langley and Rebecca White Lynch. At this time I'm going to ask the attorneys for the plaintiffs to introduce themselves, their law firms, and their clients. And if you will, please pay close attention. I'll have some questions after that time.

Mr. McCulloch?

MR. MCCULLOCH: Your Honor, thank you. My name is Joe McCulloch and I practice law all over the place it seems, but my office is in Columbia and my law firm is McCulloch and Schillaci. Mr. Schillaci is the one that's now standing right there. And behind me is Ms. Wendy Lynch.

1 Wendy, would you stand up?

2 And, indirectly, I represent her son, Jordy, who
3 is also involved as a witness in this case.

4 Thank you.

5 THE COURT: All right.

6 MR. MCLAUGHLIN: Patrick McLaughlin of the Wukela
7 Law Firm here in Florence for the plaintiff.

8 THE COURT: All right. Ladies and gentlemen, are
9 there any members of the jury panel who have a close
10 personal relationship, have been represented by these
11 attorneys or know the plaintiffs and -- have a close person
12 relationship, related by blood or marriage, or have been
13 represented by them? If so, please stand.

14 PROSPECTIVE JUROR: Number 69, Mark Josey.

15 THE COURT: All right. Mr. Josey, the fact that
16 that is the case, will that affect your ability to be fair
17 and impartial if you're selected to serve on this jury?

18 PROSPECTIVE JUROR: Yes, sir, because I know all
19 the parties involved.

20 THE COURT: All right, sir. All right. Tell me
21 your number again. I'm sorry.

22 PROSPECTIVE JUROR: 69.

23 THE COURT: All right. All right, Mr. Josey,
24 we'll excuse you from serving on this jury. Please remain
25 with us through this process.

7

1 All right, ma'am, your name and number?

2 PROSPECTIVE JUROR: [indiscernible] Leonard,

3 number 77. I think I know Ms. Wendy. She used to work at

4 McLeod.

5 THE COURT: All right, ma'am. And the fact that

6 you know her would that affect your ability to be fair and

7 impartial if you're selected to serve on this jury?

8 PROSPECTIVE JUROR: I hope so. Yes.

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR: Yes, I will -- I will be.

11 MR. MCLAUGHLIN: I think she's trying to say she

12 could be fair and impartial, Your Honor. I believe that's

13 what she's trying to say.

14 PROSPECTIVE JUROR: (No audible response.)

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

16 you so much. That's number 77.

17 All right. At this point in time I'm going to

18 ask Mr. Rigney to stand and introduce yourself and your

19 client.

20 MR. RIGNEY: Good morning. My name is David

21 Rigney. I'm an attorney in Surfside Beach. That's where

22 my office is. And today I am representing Ms. Elizabeth

23 Langley.

24 Please stand.

25 THE COURT: All right.

1 And, ladies and gentlemen, Ms. Rebecca White
2 Lynch. If you'd ---

3 MS. WHITE: It's Lynch ---

4 THE COURT: --- if you'd ---

5 MS. WHITE: It's Rebecca Lynch White.

6 THE COURT: All right. If you'll...

7 MS. WHITE: Hi. I'm Rebecca Lynch White. I'm
8 representing myself. I'm not an attorney.

9 THE COURT: All right. Ladies and gentlemen, is
10 there any member of the jury panel who has a close personal
11 relationship, related by blood or marriage or who has been
12 represented by Mr. Rigney, or either of these ladies? If
13 so, please stand.

14 (No response elicited.)

15 THE COURT: All right.

16 If y'all would like to approach?

17 (An off-the-record bench conference was held.)

18 THE COURT: All right, ladies and gentlemen, this
19 case involves claims arising from family disputes over an
20 estate. Has any member of the jury panel ever been
21 involved in arguments about a will, inheritance, or an
22 estate? If so, please stand.

23 (No response elicited.)

24 THE COURT: All right, ladies and gentlemen, I'm
25 going to now read a list of possible witnesses that may be

1 called throughout this trial and then I'll have some
2 questions for you. So, please, listen to this list of
3 witnesses: Elizabeth Langley, Rebecca White or Rebecca
4 Lynch White, the defendant, or one of the defendants; Wendy
5 Lynch, Senator Kevin Johnson, Cassia David, Eric Hewitt,
6 Ray White Wilkerson, Davis McClem, Lynn Godwin, Donald
7 Campbell, Dondi Campbell, Joyce Thompson, Tracy Frazier, a
8 Dr. Fox. Can we have -- does anybody know his full name --
9 or her?

10 MR. RIGNEY: Dr. Mark Fox, Your Honor.

11 THE COURT: All right. Dr. Mark Fox, Quinn
12 Schaffer, Jimmy Lee Hampton, Jacqueline Hampton, Dana
13 Floyd, Kevin Gibbs, Thomas Levine, Donnard Jordy Lynch,
14 Keith von Luchten, who's the Florence County Coroner,
15 Porter Stewart. He's an attorney. Attorney Rick Hoefer.
16 All right, ladies and gentlemen, are any of you related by
17 blood or marriage, close personal friends, or have any
18 acquaintance with any of the witnesses, the possible
19 witnesses that were just listed? If so, please stand.

20 All right, sir, your name and number?

21 PROSPECTIVE JUROR: Marcus Woodson, 149. Is that
22 Rick Hoefer, at the solicitor's office?

23 THE COURT: Yes, sir, it is.

24 PROSPECTIVE JUROR: I know Rick. We had cases
25 against each other.

1 THE COURT: All right, Mr. Woodson. The fact
2 that you know Mr. Hoefer, would that affect your ability to
3 be fair and impartial if you're selected to serve on this
4 jury?

5 PROSPECTIVE JUROR: No.

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

7 All right. Anyone else?

8 MS. WHITE: The name that you gave Jordy Lynch, I
9 don't know if he's changed his name or not, but they may
10 know him by Jordy Jordan. That was his name all growing
11 up.

12 THE COURT: Okay.

13 MS. WHITE: That way they might not recognize it.

14 THE COURT: All right. Does anybody know a Jordy
15 Jordan?

16 (No response elicited.)

17 THE COURT: All right. Thank you.

18 THE CLERK: Judge, you've got someone.

19 THE COURT: Okay. Sir, your name and number?

20 PROSPECTIVE JUROR: 48, Jimmy Lee Hampton.

21 THE COURT: All right, sir. And who is it that
22 you know?

23 PROSPECTIVE JUROR: Jimmy Lee Hampton.

24 THE COURT: Oh, Jimmy Lee Hampton? All right,
25 sir. And the fact that you know that person, would that

1 affect your ability to be fair and impartial if you're
2 selected to serve on this jury?

3 PROSPECTIVE JUROR: Well I know him way back. I
4 knew him way back in the days. I used to work for him.

5 THE COURT: All right, sir. Would that fact --
6 that fact that you used to work for him affect your ability
7 to be fair and impartial if you served on this jury?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You think it would?

10 PROSPECTIVE JUROR: Yes, it would.

11 THE COURT: All right, sir. We'll excuse you
12 from this trial.

13 THE CLERK: What was your number again, sir; 48?

14 THE COURT: Your number again?

15 PROSPECTIVE JUROR: Right, 48.

16 THE COURT: And you're going to have to remain
17 with us. If you'll take a seat.

18 All right.

19 All right, ma'am. Your name and number?

20 PROSPECTIVE JUROR: Carson Brown, number 12.

21 THE COURT: All right. And who is it that you
22 know?

23 PROSPECTIVE JUROR: I know Porter Stewart and Dr.
24 Mark Fox.

25 THE COURT: All right. And the fact that you

1 know those two individuals, would that affect your ability
2 to be fair and impartial if you're selected to serve on
3 this jury?

4 PROSPECTIVE JUROR: No, sir.

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

6 All right. Has any member of the jury panel ever
7 been wrongfully or falsely accused of a crime? If so,
8 please stand.

9 (No response elicited.)

10 THE COURT: All right. This case involves claims
11 of defamation. Defamation involves injury to reputation as
12 well as -- all right. I'll start over. This claim -- all
13 right. This case involves claims of defamation.
14 Defamation involves injury to reputation as a result of a
15 defendant's communication to others of a false message
16 about the plaintiff. Ultimately if you decide that the
17 plaintiff has been defamed you may award damages for the
18 injury to the plaintiff's reputation. Unlike damages that
19 might arise from a physical injury, which would be costs
20 and bills of medical treatment, an injury to reputation may
21 have no market price or exact measurement. If the
22 plaintiff proves more likely than not that the defendants
23 defamed her, then it will be your duty under the law to
24 place a value on the injury to the plaintiff's reputation.
25 Some people are okay with this concept of being asked to

1 potentially evaluate and award money for an injury to
2 reputation and others may not be. If any member of the
3 jury panel does not believe that they could evaluate and
4 award money to an injury to a reputation, to a person's
5 reputation, please stand at this time.

6 (No response elicited.)

7 THE COURT: All right. Is there any member of
8 the jury panel who's a member of any clubs, organizations,
9 or sororities?

10 All right, sir. Your name and number?

11 PROSPECTIVE JUROR: George Richardson, 112.

12 THE COURT: All right, sir?

13 PROSPECTIVE JUROR: I'm a member of the Shriners.

14 THE COURT: All right, sir. And would that fact
15 affect your ability to be fair and impartial if selected to
16 serve on this jury?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: All right. Thank you, sir. I
19 appreciate it.

20 Sir, your name and number?

21 PROSPECTIVE JUROR: Number 92, Kevin McKnight.
22 I'm a member of the Masons.

23 THE COURT: All right, sir. And would that fact
24 affect your ability to be fair and impartial if you're
25 selected to serve on this jury?

1 PROSPECTIVE JUROR: Not at all, sir.

2 THE COURT: All right. Thank you, sir. I
3 appreciate it.

4 All right, ladies and gentlemen. Has any member
5 of the jury panel formed an expressed -- formed or
6 expressed any opinion about any issue involved in this
7 case? I understand you haven't heard any of the facts of
8 this case; you don't know anything about it; but at this
9 time has any member of the jury panel formed any opinion
10 about any issue or matter involved in this case? If so,
11 please stand.

12 (No response elicited.)

13 THE COURT: Is any member of the jury panel aware
14 of any bias or any prejudice towards either the plaintiff
15 or the defendants in this case? If so, please stand.

16 (No response elicited.)

17 THE COURT: Does any member of the jury panel
18 know of any reason why he or she should not serve as a
19 juror in this case? If so, please stand.

20 (No response elicited.)

21 THE COURT: All right. Are there any objections
22 to the voir dire from the plaintiffs?

23 MR. MCCULLOCH: None from the plaintiffs, Your
24 Honor.

25 THE COURT: Any additions from the plaintiffs?

1 MR. MCCULLOCH: No additions.

2 THE COURT: All right.

3 Mr. Rigney?

4 MR. RIGNEY: No objections and no additions, Your
5 Honor.

6 THE COURT: All right.

7 And, Ms. White?

8 MS. WHITE: No.

9 THE COURT: All right.

10 All right. Ladies and gentlemen, at this time
11 we're going to give the parties an opportunity to select
12 their strikes in this case. What we're going to do is ask
13 you to come back in 15 minutes. It's 11:25 now, I believe.
14 So if you'll be back at 11:40 then we'll continue with this
15 process. Thank you so much for your patience.

16 (The jury panel was excused from the courtroom at
17 11:24 a.m.)

18 (Court was briefly in recess while the clerk generated
19 the strike sheet; after which the following proceedings
20 were had at 11:47 a.m. outside the presence of the jury
21 panel:)

22 THE COURT: Are we ready to proceed? Are we
23 waiting on Mr. McCulloch?

24 MR. MCLAUGHLIN: The plaintiff is ready. We can
25 go.

1 THE COURT: Okay. Are y'all ready?

2 MR. MCLAUGHLIN: Yes, sir.

3 THE COURT: All right.

4 MR. RIGNEY: We're ready to go.

5 THE COURT: All right, Madam Clerk.

6 THE CLERK: The plaintiff strikes first using
7 marginal numbers.

8 MR. MCLAUGHLIN: Plaintiffs strike number 7.

9 THE CLERK: Plaintiff strikes number 7.
10 Defendant?

11 MR. RIGNEY: Defendant strikes number 13.

12 THE CLERK: Defendant struck number 13.
13 Plaintiff?

14 MR. MCLAUGHLIN: Plaintiff would strike number
15 15.

16 THE CLERK: Plaintiff struck 15. Defendant?

17 MR. RIGNEY: Defendant strikes number 10.

18 THE CLERK: Defendant strikes number 10.

19 Plaintiff?

20 MR. MCLAUGHLIN: Plaintiff would strike number
21 17.

22 THE CLERK: Plaintiff struck number 17.

23 Defendant?

24 MR. RIGNEY: Defendant strikes number 20.

25 THE CLERK: Defendant strikes number 20.

1 Plaintiff?

2 MR. MCLAUGHLIN: Plaintiff would strike number 3.

3 THE CLERK: Plaintiff strikes number 3.

4 Defendant?

5 MR. RIGNEY: Defendant strikes number 19.

6 THE CLERK: Defendant strikes number 19. For

7 your first alternate?

8 MR. MCLAUGHLIN: Plaintiff would strike number

9 21.

10 THE CLERK: Plaintiff struck 21. Defendant?

11 MR. RIGNEY: Defendant will strike number 22.

12 THE CLERK: Defendant strikes number 22. For

13 your second alternate?

14 MR. MCLAUGHLIN: Plaintiff would strike 24.

15 THE CLERK: Plaintiff strikes 24. Defendant?

16 MR. RIGNEY: Defendant strikes number 26.

17 THE CLERK: Defendant strikes number 26.

18 Gentlemen, please check your strikes. Plaintiff

19 struck 3, 7, 15, 17, 21 for an alternate, and 24.

20 MR. MCLAUGHLIN: That's correct, Madam Clerk.

21 THE CLERK: Okay. Defendant struck 10, 13, 19,

22 20, 22 for the first alternate, and 26 for the second

23 alternate.

24 MR. RIGNEY: That is correct.

25 THE CLERK: Okay.

1 MS. WHITE: Do I strike any?

2 MR. RIGNEY: That was -- we jointly struck.

3 MS. WHITE: But you don't represent me.

4 THE COURT: All right, Ms. White. The defendants
5 have to strike jointly. Is that not what you did?

6 MS. WHITE: The defendants -- oh, I thought I
7 represented myself.

8 THE COURT: You still share the strikes of the
9 jury. Do you understand that?

10 MS. WHITE: I didn't understand.

11 THE COURT: All right.

12 MS. WHITE: I thought I had my own to strike and
13 they had theirs to strike and they had theirs to strike. I
14 didn't -- I didn't know. So you're saying I don't -- I
15 don't ---

16 THE COURT: Mr. Rigney?

17 MR. RIGNEY: If I may? The clerk explained this
18 to us before we left the room.

19 MS. WHITE: Well she didn't say, Ms. White, you
20 don't have a right to -- I mean, I didn't understand. She
21 just said we had through 21 and ---

22 THE COURT: Mr. Rigney, did Ms. White participate
23 in the strikes, the selection of the strikes?

24 MR. RIGNEY: Yes, Your Honor; she did.

25 THE COURT: All right. Madam Clerk, if you'll

1 get us the jury.

2 (The jury panel returned to the courtroom at 11:51
3 a.m. and the following matters were had:)

4 THE CLERK: As I call your name, please gather
5 your belongings and have a seat in the jury box. —

6 Juror number 74, Angela Lee; jury number 64, Jo
7 Ann Isgett; juror number 14, Gregory Brown; juror number
8 59, Louis Hooks; juror number 85, Lisa Matthews; juror
9 number 40, Don Gibbons; juror number 28, Brianna Dennis;
10 juror number 36, Summer Freeman; juror 142, Emilee Welch;
11 juror 21, Walter Chancey; juror 94, Roger Meadows; juror
12 number 6, Michael Barfield; juror number 51, Vicki
13 Hallifax; juror 136, Harold Tolson.

14 THE COURT: All right. Are there any objections
15 from the plaintiffs as to the jury panel that's seated?

16 MR. MCLAUGHLIN: No, Your Honor.

17 THE COURT: All right. Any from the defendants?

18 MR. RIGNEY: No objection from us, Your Honor.

19 MS. WHITE: No, sir.

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

21 All right. Ladies and gentlemen of the panel who
22 was not selected, if you will, please call back tonight
23 after 6:00. You should have been provided with a number on
24 the information that they gave you. If you'll call back
25 after 6:00, we'll have the message for you pertaining to

1 the rest of the week; okay? So you're excused at this time
2 for the remainder of the day. And if you will just call
3 that number back after 6:00, any time after 6:00 and you
4 can get the message. All right. Thank you very much.

5 MR. MCLAUGHLIN: Your Honor, there were a couple
6 of matters, scheduling-wise, I wonder if we could talk with
7 you about?

8 THE COURT: Yes, sir. If y'all want to come
9 forward we'll talk about them.

10 (An off-the-record bench conference was held.)

11 THE COURT: All right. Ladies and gentlemen, we
12 were discussing some scheduling issues. It seems that
13 there's going to be some matters of law that we need to
14 take up outside of your presence before we begin this trial
15 and instead of asking y'all to hang around for several
16 hours and the lunch break and all that and then possibly
17 get started late this afternoon, we're going to allow you
18 to go -- I'm going to allow you to go home -- or go
19 wherever it is you want to go at this point in time and to
20 be back here at 9:15 in the morning.

21 All right. So it's important that I tell you
22 this. It's extremely important to our system of justice
23 and to this trial and to these parties that everything that
24 you decide this case is based on testimony and evidence
25 that you hear in this courtroom and only in this courtroom.

1 It's improper, highly improper, for you to go try to do any
2 sort of independent research. I don't know if there's any
3 sort of news, press, or social media information out there,
4 but all those things would be improper for you as jurors to
5 conduct during this trial and even before this trial
6 begins. Again, your job in this matter is to determine the
7 facts. You are the sole fact finders. That's what a
8 jury's job is, is to determine what the actual facts of
9 this case are.

10 And it's so important, it's critical to our
11 system of justice that you only consider the testimony and
12 evidence that's presented in this courtroom during this
13 trial. So you can certainly go home and tell your spouse,
14 your children, your parents, whoever it may be, your
15 friends, that you've been selected to serve on a jury this
16 week. But to talk about the case, to ask anybody anything
17 about the case, to do any sort of independent research, if
18 you see anything about this case, just don't even look at
19 it; don't read it; don't do anything, because that would be
20 highly improper.

21 So, other than that, we're going to ask you to be
22 back at 9:15 in the morning. And hope you have a good
23 afternoon and a good night. And we'll see you tomorrow
24 morning. And we'll do everything we can to move this case
25 as efficiently as possible. And I believe at the end of

1 this case, that will be the end of your service for this
2 week.

3 JUROR: Do we come back to this room?

4 THE COURT: The bailiff will let you know. He'll
5 take you out and give you some instructions; okay? All
6 right. Thank everybody so much for your patience and your
7 service.

8 (The jury was excused at 12:02 p.m. and the following
9 matters were had outside their presence:)

10 THE COURT: All right. Are there some matters
11 that we want to hear for maybe the next thirty minutes or
12 do we just want to come back at 2:30 and hear it all?

13 MR. MCCULLOCH: Your Honor, it's entirely up to
14 you from the plaintiff's standpoint. I mean, we can start.
15 I'm happy to take a break. I can line up my ducks, but I
16 don't need that time necessarily.

17 THE COURT: All right. Mr. Rigney?

18 MR. RIGNEY: I'm happy to go with whatever you
19 say, Your Honor.

20 THE COURT: And, Ms. White, do you have any ---

21 MS. WHITE: I would prefer to take a break. I
22 would like ---

23 THE COURT: All right. We'll come back here at
24 2:30 and we'll hear the matters and then we'll go from
25 there. All right.

1 MR. MCCULLOCH: Thank you, Your Honor.

2 MR. MCLAUGHLIN: Thank you, Your Honor.

3 MR. RIGNEY: Thank you, Your Honor.

4 THE COURT: Thank y'all.

5 MS. WHITE: Thank you.

6 (WHEREUPON, proceedings were adjourned at 12:03 p.m.
7 for the lunch recess.)

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AFTERNOON SESSION

1
2 (WHEREUPON, Court was in session with all parties
3 present at 2:37 p.m. when the following matters were had:)

4 THE COURT: All right. Ms. White, we'll be happy
5 to hear from you.

6 MS. WHITE: I was just wanting to ask the Court
7 to consider that I have not been notified that the judge in
8 the dismissal that Beth had filed, there were four things
9 on the docket, I was not present. The judge stated that he
10 did not feel well and that he would make a later ruling.
11 Well within a couple of days or so he made a ruling on my
12 -- the summary court judgment.

13 THE COURT: All right. If you will back up a
14 little bit and just bring me up to speed with what you're
15 talking about.

16 MS. WHITE: The judge made a ruling ---

17 THE COURT: All right. What judge are you talking
18 about?

19 MR. MCLAUGHLIN: Your Honor, if I may, I believe
20 what Ms. White is referring to is back in February we had
21 motions hearings in front of Judge McFadden and Judge
22 McFadden heard a lot of non-jury stuff that day. This is
23 one of the matters that he took up, this case, and he took
24 it under advisement. He subsequently issued rulings
25 essentially in the plaintiff's favor dismissing Defendant

1 Langley's counterclaims.

2 MS. WHITE: What date was that that he dismissed
3 her counterclaims?

4 MR. MCLAUGHLIN: And -- and issued an order
5 dismissing Ms. White's counterclaims. Ms. White's order, I
6 believe, was issued first. Ms. White's was this Friday.
7 Judge McFadden still had it pending and just issued it this
8 Friday on Ms. White. He had issued the one on Ms. Langley.
9 It had been a couple of days ---

10 MS. WHITE: That's backwards.

11 THE COURT: All right. So I printed out some
12 recent orders that had been signed in this case and I have
13 one that was signed as recent as April 22nd, and that was
14 an order denying Defendant Langley's motion to dismiss the
15 entire complaint. Is that what we're talking -- that's --
16 that's the most recent one; right?

17 MR. MCLAUGHLIN: That -- that -- that was the one
18 from Defendant Langley. Yes, sir, Your Honor.

19 THE COURT: And then there's an order here from
20 March 9th of this year and that's granting plaintiff's
21 motion for summary judgment on counterclaims of Ms. Lynch
22 -- or Ms. White.

23 MR. MCLAUGHLIN: That's correct, Your Honor.

24 THE COURT: All right. Now I also have a
25 November 20 -- Well that's November 2020. Okay. So this

1 may not be as relevant.

2 MS. WHITE: I think the case was in February or
3 March. It was in February, not November.

4 MR. MCLAUGHLIN: Those are -- the two you just
5 listed, Judge, those were the two most recent ones. Yes,
6 sir. And Defendant White was not present at those. And,
7 Your Honor, to be perfectly candid with you, you know this
8 is an issue a lot of times when you have a pro se
9 defendant, our clerk's office has kept her notified as she
10 has kept her communication information with the clerk's
11 office updated. She has, throughout this case,
12 continuously been reminded of her responsibility to do
13 that, to keep her communication accounts updated with the
14 clerk's office. You keep your emails and stuff up to date,
15 you get the notices sent out to you. And so, Your Honor, I
16 would just point this out too, the dismissal of her
17 counterclaims that she seems to be upset she didn't get
18 notice about, these would be the same counterclaims all the
19 way back in front of Judge Russo, I believe, in 2018, when
20 she was moving to have a lawyer dismissed, she, on the
21 record, talked about she didn't want to have those
22 counterclaims brought to begin with. And at that point in
23 time Judge Russo issued an order giving her so long --
24 relieving Karl Smith from representing her, giving her so
25 long to find new counsel, and then the case was going to

1 continue forward. And Judge Russo explained to her on the
2 record, Ma'am, if you don't want those counterclaims
3 brought, you get a new lawyer. Your filings can be amended
4 to dismiss those. She's never addressed them. Quite
5 frankly, she's never put forward any evidence to support
6 them. And I would ask that the Court simply stand on the
7 rulings already issued in the matter.

8 MS. WHITE: I never got to speak. He just took
9 over my turn.

10 THE COURT: You're -- you're recognized, Ms.
11 White. I'll be happy to hear from you.

12 MS. WHITE: Okay. I never received notice of any
13 of the dismissals from that judge and I've never had
14 anything sent to me from the clerk's office that I'm aware
15 of other than by mail. If I have, it's by my email
16 purpleginger444. I have called them. I have called
17 Patrick McLaughlin. I've sent them all emails letting them
18 know what my real email was. I got locked of my email a
19 couple of years ago and could not get in it and I had to
20 use another email that I started. And from what I
21 understand he just recently sent a letter to Beth's lawyer
22 saying that my email was lilywhite214@outlook.com when it's
23 actually purpleginger. And then he asked Elizabeth what my
24 email was and she told him it was
25 purpleginger444@outlook.com because there was a

1 miscommunication. And he still sent it to the wrong email
2 even though three different people had discussed it and let
3 them know that my real email -- and I've received stuff
4 from Joe McCulloch. I've received stuff from Patrick
5 McLaughlin on my current email. There was no reason for it
6 to be any kind of confusion whatsoever. And -- and I have
7 not had any chance to get a lawyer, because I was under the
8 impression that if this judge rules and everything's
9 dismissed, why would I need a lawyer?

10 Well now that it hasn't been dismissed one day
11 before court he had since March. He ruled on mine a couple
12 of days later. Then he waited until the day before court
13 to rule on Beth's and then here we are today. So when did
14 I have a chance to get a lawyer to know that I needed one?
15 This has -- this has been dragged out for six years.

16 And also Judge Russo asked me to do a 40(j). I
17 didn't know what a 40(j) was. He coached us and fussed at
18 us and gave us up and down the river until we agreed to
19 one. We were in his chambers or in his courtroom for over
20 an hour or so. And that was the same time with Carl Smith.
21 Carl Smith did not represent me. He lied.

22 UNIDENTIFIED SPEAKER: And Wade Ammons for me,
23 didn't represent me.

24 MS. WHITE: He went and he asked for a recusal.
25 And I proved in court that day, he said that I had only met

1 with him one time for 30 minutes and he wrote up my entire
2 case. And I argued in there with Judge Russo, Here's my
3 bill from Judge -- from Carl Smith. Where does it show
4 that I was in his office more than one time? It doesn't,
5 Judge. He's claiming I've been in his office three times.

6 THE COURT: All right. But, Ms. White, let me
7 just bring you back to where we are today. I certainly
8 haven't been involved in this case. All I know is what's
9 in the record; okay, and what's been filed. And, you know,
10 I still haven't heard you make any -- any motion -- I mean,
11 you're here today. You were notified of this trial; right?

12 MS. WHITE: Absoltuely, on Friday, when he said
13 it's going to come -- it's going to come because I asked
14 Beth, I called her. I said, Did they rule on the
15 dismissal, on all of your motions that you have? She said,
16 No, the judge hasn't ruled on mine; he's only ruled on
17 yours.

18 I said, Why would he divide it like that and
19 strategically wait to rule on hers, I mean, the day before
20 we have to be in court? I should have a chance to go get a
21 lawyer now that I know that this is going through. Because
22 it wasn't going to go through if the judge had ruled as a
23 dismissal. And from my summary court judgment, all my
24 counterclaims have been dismissed that Carl Smith wrote up
25 without any -- talking to me to know if I could even back

1 up all those counterclaims. Those aren't the counterclaims
2 I would have claimed. I would have claimed different
3 counterclaims. And he didn't represent me to the -- to the
4 detail to where it couldn't be dismissed. So if he was a
5 competent lawyer, he would have written it up to the fact
6 that they wouldn't be able to come up with a summary court
7 judgment just to throw it out the door like I wasn't even
8 represented. And they did the same thing with Beth.

9 THE COURT: And I'm -- you know, I'm not -- I'm
10 not understanding what you mean by summary court judgment
11 or -- and we're certainly not here about any past lawyer's
12 representation that you had.

13 MS. WHITE: He brought up my lawyer of Carl Smith
14 and I was letting you know.

15 THE COURT: Okay.

16 MS. WHITE: Aren't I supposed to receive notice
17 that this was dismissed?

18 THE COURT: Well first of all ---

19 MS. WHITE: And how many days do I have ---

20 THE COURT: Ms. White, we're going to run into a
21 real issue if you're going to start receiving advice from
22 your sister there as a co-defendant because ---

23 MS. WHITE: Oh, yeah.

24 THE COURT: --- you cannot be represented by
25 somebody that's not an attorney.

1 MS. WHITE: Oh, I'm ---

2 THE COURT: You've already told this Court that
3 Mr. Rigney's not your attorney.

4 MS. WHITE: Right.

5 THE COURT: All right. And so, you can't ---

6 MS. WHITE: So I didn't understand why we could
7 both pick the jury together and go in there and talk and
8 then now we can't. I don't understand all that. So, but
9 anyway, I wasn't trying to converse with Beth. I was
10 trying to ask you, is there an amount of time ---

11 THE COURT: I've seen her hand you a few notes
12 since you've been arguing this afternoon.

13 MS. WHITE: I didn't get notice. She just wanted
14 me to say that.

15 THE COURT: Okay. All right.

16 MS. WHITE: But this is my thing. How much time
17 before should I get notice? It's usually that you have a
18 ten-day window to file anything or to get a lawyer or, you
19 know, there should be a ten-day grace ---

20 THE COURT: And you're telling this Court that
21 you only received notice about this trial three days ago?

22 MS. WHITE: About the dismissal of the -- of
23 Beth's case on -- not even three days ago. It was
24 Saturday. I got emails from Mr. Rigney and from Patrick
25 McLaughlin Saturday at, like, 1:30 in the morning I think

1 or 1:30 in the afternoon.

2 THE COURT: Well if you're supposed ---

3 MS. WHITE: And that's not even 48 hours.

4 THE COURT: Excuse me, ma'am. But if you're
5 talking about a judge granting the plaintiff's motion for
6 summary judgment, that happened in March. I mean, the only
7 -- the most recent order is an order denying Ms. Langley's
8 ---

9 MS. WHITE: Dismissal.

10 THE COURT: --- motion to dismiss the case.

11 MS. WHITE: Exactly. Beth and I are together.
12 We -- we may not have the same lawyer, but we -- we stand
13 together because we know what happened and we were there
14 and we were witnesses to it.

15 THE COURT: All right, ma'am. That's what the
16 trial is for. Okay? Because I'm not the finder of fact in
17 this case; the jury is.

18 MS. WHITE: But I was just letting you know that
19 we ---

20 THE COURT: Okay.

21 MS. WHITE: --- we do talk together. We're not
22 against each other.

23 THE COURT: I understand that. All right.

24 MS. WHITE: We're not dividing our family. We
25 want our family to stay together. We've always wanted

1 that.

2 THE COURT: All right.

3 MS. WHITE: But is there any time between the
4 dismissal and me a chance to get an attorney? Because I
5 need an attorney here..

6 THE COURT: Well, Ms. White, as you've told me, I
7 mean, this case has been going on for six years now.

8 MS. WHITE: Yeah, and it's been ---

9 THE COURT: And it's the time ---

10 MS. WHITE: --- it's been in ---

11 THE COURT: --- for the trial.

12 MS. WHITE: --- and out and up and down and 40(j)
13 for a year, two years. I don't remember how long that
14 lasted. And then, you know, it's been like this cloud over
15 my head. We've been at this for nine years, since my daddy
16 got sick, ten years. And then this came up in 2016. And
17 then it got sat on 40(j) for ever how long that was. And
18 the day before that expired she refiled it. And so we
19 haven't made it to court yet. So, you know, ---

20 THE COURT: That's what I mean we're here. We've
21 picked the -- you've selected a jury.

22 MS. WHITE: I would like to ask time to get a
23 lawyer.

24 THE COURT: I'm not going to be able to allow you
25 or grant you time for that motion.

1 MS. WHITE: So is there a rule for how soon I
2 should have received notice from any pending -- anything
3 pending in this case before the next step goes through?

4 THE COURT: From the issuance of an order? I'm
5 not aware of one.

6 MS. WHITE: So what is the ten-day rule? Usually
7 you have ten days to file something.

8 THE COURT: All right. And, Ms. White, we can't
9 -- I can't -- the Court cannot give you any kind of legal
10 advice. Do you understand that?

11 MS. WHITE: Yes, sir. I'm just asking in this
12 case. Is there ten days to where I have ---

13 THE COURT: Is there ten days from an order
14 denying a motion to dismiss? I'm not aware of anything.
15 So I'm going to -- you know, so I haven't heard any legal
16 basis for me to rule in your favor whatsoever from whatever
17 you are asking the Court. Okay.

18 MS. WHITE: Yes, sir.

19 THE COURT: All right. Now we've ---

20 MS. WHITE: I have one ---

21 THE COURT: --- selected a jury in this matter.
22 And, you know, barring some unforeseen circumstances we're
23 going to trial tomorrow. Do you understand that?

24 MS. WHITE: We've already -- but I wanted to ask
25 this before we picked the jury and nobody gave me an

1 opportunity.

2 THE COURT: All right. What it is it that you
3 need to ask now?

4 MS. WHITE: About dismiss -- about giving me time
5 to get a lawyer.

6 THE COURT: No, well, I'm not granting ---

7 MS. WHITE: And just continuing the case.

8 THE COURT: --- I'm not granting a continuance.
9 I'm not giving you the opportunity at this point in the
10 game or at this point in this trial, this point in this
11 matter to get a lawyer. It's been going on for six years.
12 We've already selected a jury. I mean, that's going to be
13 the ruling of the Court on that issue. Okay?

14 MS. WHITE: I had another question, but when it
15 got interrupted I forgot what I was going to ask you.

16 THE COURT: All right.

17 MS. WHITE: When -- when a motion goes before a
18 judge and he withholds ruling, how much time does he have
19 to rule on that?

20 THE COURT: Again, ma'am, I'm not going to answer
21 any of these questions. I don't -- I think they're getting
22 awfully close to giving you close to legal advice. That's
23 not the role ---

24 MS. WHITE: No, sir. It's just the ---

25 THE COURT: --- of this Court.

1 MS. WHITE: --- rules of the court.

2 THE COURT: You -- you're -- I mean, you can get
3 the rules of the court on your own. You're here
4 representing yourself. That's, you know, that's what
5 you've chosen to do. I can't help you with that.

6 MS. WHITE: Okay. Well I would -- I would like
7 to object to the judge ruling in part of the motion, said
8 he didn't feel good that day, but then on March the 9th he
9 felt good enough to rule on my motion. And then until
10 April the 22nd, he never looked at it again or ruled on it
11 and it's day before we're supposed to be in court. On a
12 Friday, we're supposed to be in court on Monday. So if I
13 had known on March the 9th that he was going to dismiss --
14 not going to dismiss this case, do you think I would have
15 gotten a lawyer or had a chance to get a lawyer.

16 THE COURT: Well, Ms. White, the problem with
17 your argument is, is that that wasn't your motion to
18 dismiss. Even if he had granted that motion, that would
19 only have dismissed Ms. Langley and not yourself.

20 MS. WHITE: It was dismiss -- to dismiss the
21 entire case.

22 THE COURT: The way I read the order is the
23 motion to dismiss defendant Langley's case.

24 Mr. McLaughlin, is that the way you understand
25 that?

1 MR. MCLAUGHLIN: I believe it's a bit of a
2 confusing motion in and of itself. It was a motion to
3 dismiss the entire complaint. But Your Honor is right. It
4 wasn't Ms. White's motion. It was a motion made by
5 Defendant Langley. Defendant Langley was here. Defendant
6 Langley argued the motion. It has nothing -- no bearing --
7 and quite frankly, Your Honor, Ms. White has not had an
8 attorney since April of 2017, or close about when Mr. Smith
9 was relieved, I believe. This matter came up during COVID
10 when Judge Culbertson was here. It was on the roster. We
11 were supposed to go forward. Got continued at the very
12 last second because I believe she produced documentation
13 showing she had COVID. She didn't have a lawyer then
14 either. It's -- quite frankly, the idea that she has
15 waited just to find out what happened with that motion from
16 Defendant Langley, Your Honor, is not supported by the
17 conduct she has had in this case as far as not getting a
18 lawyer this long. It is very much just an attempt to
19 further delay us having our day in court and we would -- we
20 believe Your Honor's ruling is correct and ask you to stay
21 with it and let's move this case forward.

22 MS. WHITE: As he said that it was to dismiss the
23 entire case. So I was under the assumption that it would
24 dismisses the entire case, I'm included in that.

25 THE COURT: All right.

1 MS. WHITE: That's my argument. And I would
2 plead to the Court to please just give me some time to just
3 get a lawyer.

4 THE COURT: All right. Mr. Rigney, is there
5 anything you need to add?

6 MR. RIGNEY: No, Your Honor. I don't have
7 anything to add at this time.

8 THE COURT: All right.

9 All right. Ms. White, given the totality of
10 these circumstances and the age of this case and -- I'm
11 going to deny your motion. We've already selected the
12 jury.

13 MS. WHITE: I couldn't hear you.

14 THE COURT: I'm denying your motion for further
15 time to get an attorney.

16 MS. WHITE: Has any discovery been filed in this
17 case at all?

18 THE COURT: I don't know. All right.

19 MS. WHITE: You don't know if any discovery has
20 been ---

21 THE COURT: No, ma'am. Discovery is traded
22 between the parties in the case. The Court usually doesn't
23 receive any discovery; okay?

24 MS. WHITE: Because I would like to be able to
25 file for discovery.

1 THE COURT: All right. Well, again, the jury's
2 already been selected in this matter. So ---

3 MS. WHITE: So should this not have been heard
4 before the jury was selected?

5 THE COURT: Did you file a motion?

6 MS. WHITE: You told me I could do a verbal
7 motion or write a ---

8 THE COURT: I told you that about two hours ago.

9 MS. WHITE: And you told me I didn't need to go
10 down to the courthouse because I could speak it verbally
11 from what I understood, a verbal motion.

12 THE COURT: All right. All right, Ms. White. I
13 didn't -- you know, I told -- I told you this morning
14 during the jury selection process when you tried to bring
15 it up at the bench conference that you'd have an
16 opportunity to make any motions that you might have this
17 afternoon.

18 MS. WHITE: So had I done it prior to the jury
19 selection I would have been ---

20 THE COURT: I can't answer that question.
21 Nothing's been filed; okay?

22 All right. Thank you, ma'am.

23 MR. MCLAUGHLIN: Your Honor, just for the record,
24 Ms. White, discovery requests were submitted on behalf of
25 Ms. White and they were answered by the plaintiff. She --

1 looks like they were dated -- this is in her handwriting,
2 it looks like, August 31st of 2017.

3 THE COURT: All right.

4 MR. MCLAUGHLIN: So she submitted discovery. It
5 was responded to.

6 MS. WHITE: I submitted discovery to y'all or
7 y'all -- y'all submitted discovery to me?

8 MR. MCLAUGHLIN: There were discovery requests by
9 Ms. White to the plaintiff, Your Honor.

10 THE COURT: All right.

11 MS. WHITE: With Carl Smith? I didn't know he
12 did that because he refused to do it for me.

13 THE COURT: Okay.

14 MS. WHITE: And the Judge Russo gave me back
15 \$6500 of my money that I paid him \$7500. And he told me
16 that we weren't going to have mediation. And when we --
17 and Beth was in her lawyer's office.

18 And I called Beth and said, My lawyer says we're
19 not having mediation.

20 And she says, Yes, we are. We're having it at
21 9:00 in the morning.

22 So when I showed up the next morning, he said if
23 my client decides to show up. So he lied to me on the
24 phone and told me we weren't going to have mediation. And
25 then he -- and Beth Ammons -- I mean, Greg Ammons has the

1 email from him that says he was and that he showed up. And
2 when he got there that morning he looked at me like, Where
3 did you come from?

4 THE COURT: And I appreciate all that, Ms. White,
5 but it's not before the Court at this time; okay? All
6 right.

7 Is there any -- who's got a -- what's next?

8 MR. MCLAUGHLIN: Did you have some motions?

9 MR. RIGNEY: Did you have something?

10 MR. MCLAUGHLIN: Joe had some, but since he's
11 still doing that bond hearing, if you want to move forward
12 with yours.

13 MR. RIGNEY: All right.

14 So the first thing, Your Honor, if I may?

15 I spoke to Mr. McLaughlin about this outside in
16 the hallway. We have requested that Senator Kevin Johnson
17 appear at this trial as a witness. And I've talked to him
18 and his attorney, Senator Sabb. And they are doing very
19 important work in the legislature. And one of the things
20 that the senators suggested was that maybe we could just
21 read his affidavits into the record. And I believe that
22 there has been some indication that the plaintiffs would
23 not want to agree with that. And if that's something ---

24 MR. MCLAUGHLIN: Let me see the affidavit you're
25 talking about first before I commit to something.

1 MR. RIGNEY: And then, Your Honor, as he's
2 reviewing that, Senator Johnson has said that he would be
3 happy to appear. And in order to maximize the best use of
4 his time in the legislature, what we would request then is
5 that we set a time certain for his testimony and perhaps do
6 it out of order and I believe the plaintiff would be
7 agreeable to that, based on our discussion.

8 THE COURT: Okay.

9 UNIDENTIFIED SPEAKER: If we can beg the Court's
10 indulgence just to take a look at these real quick?

11 (Pause.)

12 MR. MCLAUGHLIN: Your Honor, I'm sorry. We can't
13 -- because of prior admissions by at least one defendant on
14 the record that directly contradicts these, we can't agree
15 to these being read in without our right to confront the
16 witness about those contradictions. So, unfortunately, as
17 much as we'd like to accommodate Senator Johnson, we can't
18 do that without potentially prejudicing our client. We
19 certainly, depending on how the scheduling goes, and we get
20 -- as soon as we get a good idea of what could work with
21 Senator Johnson's schedule, we have no problem trying to
22 work that out. If we need to take him out of order, we
23 would work with Mr. Rigney to make that possible if we need
24 to.

25 THE COURT: All right. And I will absolutely do

1 anything I can to make sure that when Mr. Johnson appears
2 he gets to testify and leave as soon as he's finished. The
3 only other thing I can think of would be to consider some
4 sort of Zoom or virtual testimony. I don't know if that
5 would be -- I mean, it would certainly have to be agreed to
6 by everybody. And it would probably be better if he could
7 come here. But, you know, if that's something we want to
8 try to accommodate him with, I'd be willing to hear it.

9 MR. RIGNEY: I just got an answer to a text from
10 the Senator. I had asked what would be a good time. And
11 he said they're in budget negotiations and they can't
12 figure it out right now for a time. So I will revisit this
13 at a later time then.

14 THE COURT: All right. But, I mean, I think just
15 entering an affidavit is certainly problematic with the
16 confrontation issue. All right.

17 MR. RIGNEY: Your Honor, Ms. Langley has
18 indicated to me that she has some hearing trouble. She had
19 COVID recently and her hearing has not returned to its
20 fullest extent at this time. She has admonished me a few
21 times to speak up a little bit and I try to do that.

22 THE COURT: Okay.

23 MR. RIGNEY: Hopefully we'll be able to work
24 through that.

25 THE COURT: All right.

1 MR. RIGNEY: Then the next motion that I have is
2 to -- I want to revisit the question of dismissing this
3 based on the statute of limitations. Because there are no
4 specific allegations in the complaint indicating that
5 anything that was done was within the statute of
6 limitations. And this specifically relates to the
7 defamation claims with the two-year statute of limitations.
8 The case was originally filed three years -- one day short
9 of three years after the death of Mr. Lynch. And it's my
10 understanding that many of the things that was allegedly
11 said occurred during the time prior to the running of two-
12 year statute of limitations based on the date the Court --
13 the case was filed in court, which would have taken it back
14 to -- anything that was said within a year of his death
15 would not have been available as a lawsuit because of the
16 statute of limitations.

17 THE COURT: All right. Have you argued this
18 motion before?

19 MR. RIGNEY: We did in a -- not specifically, the
20 defamation portion of it, but we did with the -- in the
21 general sense.

22 MR. MCLAUGHLIN: I'll cut right to the chase,
23 Your Honor. They didn't assert statute of limitations,
24 either defendant, did not assert it in their answer, and
25 it's an affirmative defense.

1 THE COURT: Mr. Rigney, what do you say about
2 that?

3 MR. RIGNEY: I would unfortunately have to agree
4 with him. That was prior to the time I was involved in
5 this case.

6 THE COURT: All right. So statute of limitations
7 is an affirmative defense and it was not pled as an answer.
8 Is that what you're telling me.

9 MR. RIGNEY: That's -- he has reminded me that
10 that was in there. And so that is not something that we
11 would likely be able to prevail on, Your Honor.

12 THE COURT: All right. Well I'm going to deny
13 that motion.

14 MR. RIGNEY: All right. Well the next question
15 we have -- the thing I would like to do is limit the use of
16 certain words because in their complaints and in the other
17 filings, I believe, there's been a use of the word murder
18 as being alleged that was said by my client. She's never
19 -- I don't think there's any indication that she ever
20 actually used that word. And so I would like to limit
21 testimony and argument by counsel to avoid the use of that
22 word.

23 THE COURT: All right. Mr. McLaughlin?

24 MR. MCLAUGHLIN: Well, Your Honor, it's admitted
25 that the defendants accused Ms. Lynch of -- they want to

1 play word games -- to sending daddy to heaven early, things
2 like that. Quite frankly I appreciate what counsel's
3 wanting to do, wanting to limit the harsher language. That
4 sounds like an argument to the jury. They didn't -- they
5 can argue how, Well we said Wendy sent daddy to heaven
6 early; we weren't really arguing that she murdered him.
7 And the jury can decide whether or not that's true. But
8 that's the type of word games that these ladies have played
9 over the years to try to avoid liability when we all know
10 what that means. What does it mean, send daddy to heaven
11 early? It means to accuse Ms. Lynch of killing her father.
12 They have accused her of allowing him -- knowingly allowing
13 him to dehydrate, poisoning him, withdrawing -- over-
14 medicating him, and sending him to heaven early. These are
15 admissions that they have admitted during depositions in
16 the probate contest, on the record at hearings. So, quite
17 frankly, I can appreciate what this counsel is wanting to
18 do, but that would be an argument that he can make to the
19 jury to attack credibility of our accusations that they say
20 that we're saying that they said Wendy murdered her father.

21 THE COURT: Mr. Rigney?

22 MR. RIGNEY: The use of the word murder is so
23 prejudicial that it would surely outweigh any probative
24 value when it hasn't been said. This is a defamation per
25 se case, which means that the actual words themselves are

1 the ones that the allegations are made on the defamation.
2 These is not reading anything into the words. But you're
3 supposed to be able to look at the words the defendant said
4 and make out that that was in fact defamatory. And they
5 were talking about sending someone to heaven early, I think
6 that's a jury question as to whether that is defamatory and
7 since what they've pled is defamation per se I don't think
8 that the word murder should be -- I think that should be
9 eliminated from anyone's use during this trial.

10 MR. MCLAUGHLIN: Your Honor, if I may, just
11 briefly? The jury charges for defamation allow inference
12 and conduct, not just words, inference and conduct. So the
13 phrase sending my daddy to heaven early, the jury is
14 allowed to infer that what they are in fact doing is
15 accusing Ms. Lynch of murdering their father. And these --
16 these accusations, Your Honor, were made to a coroner to
17 create an investigation, which, Coroner von Lutcken, who's
18 going to be one of the witnesses, going to come and testify
19 that they were forced to do toxicology results because of
20 the accusations of these ladies, which are going to come
21 into evidence through Mr. von Luckten. So the idea that
22 that word wasn't said and so defamation turns on what
23 specific words are actually uttered, that's not actually
24 true. That's not what the charges for defamation allow
25 for. The charges themselves, the law allows the Court to

1 charge this jury they can consider inference and conduct of
2 the defendants. So you can say whatever you wanted to
3 say. The jury can sit there and infer from how you say it,
4 the circumstances in which you say it, who you say it to,
5 what your actual meaning is. And if the jury takes that to
6 be they're accusing her of murder, then certainly that is a
7 crime of moral turpitude and they would be able to make
8 that decision. So that's all argument to be made to the
9 jury, quite frankly.

10 And so we believe that there's no cause to limit
11 it. To the extent the defense wants to argue, We never
12 uttered those words, to the jury, they're allowed to make
13 that argument to the jury. And they can explain to the
14 jury how what they did say was not really them inferring
15 Wendy murdered her father. And if the jury believes them,
16 then maybe they'll prevail on the defamation count. We
17 don't believe the jury will.

18 THE COURT: All right.

19 Ms. White?

20 MS. WHITE: Tried to send my father heaven, only
21 tried. My father died in the hospital. I witnessed his
22 death. He -- he -- the IV was removed. Wendy came in.
23 Told Dr. Fox to remove the IVs. He agreed with Wendy. Me
24 and Beth didn't agree. He removed my daddy's IVs, and he
25 died from dehydration and his blood got so thick that he

1 couldn't breathe and he gasped for air at the -- at the end
2 of his life. So she wasn't even in the room. How could
3 she murder him?

4 THE COURT: All right. Mr. Rigney?

5 MR. RIGNEY: Your Honor, I would go back to the
6 defamation per se. Because a statement is defamatory per
7 se or on-its face if its defamatory meaning's apparent from
8 the language itself. It must be susceptible to only one
9 meaning, that being a defamatory one, and if an innocent
10 construction can be made of it, it cannot be defamation per
11 se. And since their pleadings indicate defamation per se,
12 that's the basis of my argument.

13 THE COURT: All right.

14 Mr. McLaughlin, when you talk about a crime of
15 moral turpitude, nobody was charged with a crime. And I'm
16 curious if that has any legal effect on the defamation
17 cause of action?

18 MR. MCLAUGHLIN: I don't believe so. It's just
19 the accusation, Your Honor.

20 THE COURT: Well I understand. And I might not
21 have asked my question right. But, I mean, certainly it
22 can be inferred from the statement that's the issue of this
23 argument that they're accusing her of killing their father.
24 I'm not sure if murder is -- is a fair term simply because
25 it might suggest different legal definitions of -- of a

1 killing. What's your position on that?

2 MR. MCLAUGHLIN: Well I believe that would be --
3 if -- since the law allows the jury to decide the inference
4 meant by the defendants with the statement, I think
5 ultimately that becomes a question for the fact-finder,
6 Your Honor. I see what you're saying. But I think
7 ultimately that is a question that the fact-finder is going
8 to have to decide after hearing testimony from the
9 defendants on, let them explain what they meant when they
10 made those comments, versus us putting up witnesses to talk
11 about the fact that this lady was investigated by -- there
12 was a coroner investigation by it. She was reported to the
13 nursing board over it. Adult protective services started
14 an investigation by it. So it's -- it's almost like they
15 -- just if you accuse someone of murder and they're never
16 actually charged with it, doesn't bail you out from being
17 potentially held liable civilly for accusing her of that.

18 THE COURT: I mean, certainly. And I understand.
19 I think I misled you with my question. I just -- I
20 certainly would anticipate that this statement would come
21 into evidence. I mean, it's the crux of the case I would
22 assume to some -- to some extent. And certainly any
23 inference thereof would be properly made by the jury
24 however they saw fit. I would say, you know, especially in
25 closing arguments that, assuming that that came -- that

1 came into testimony -- that the lawyers can also make any
2 inferences that they -- or suggest any inferences that they
3 believe the evidence would -- would conform to as well.

4 MR. RIGNEY: If I may have just one more go at
5 it, Your Honor?

6 THE COURT: Yes, sir.

7 MR. RIGNEY: The crux maybe of my argument is
8 that the murder word is so substantial that the prejudicial
9 value so far outweighs the probative value that we
10 shouldn't allow this. Now we can argue in slanted sort of
11 ways that that's what happened, but the use of the word
12 murder in our society is just tremendous, has a huge
13 affect. I think that would prejudice my client very much.
14 I don't -- I think the main reason to keep that out is the
15 prejudicial effect that would have, Your Honor.

16 THE COURT: I mean, do you object to the term
17 killing?

18 MR. RIGNEY: No.

19 MS. WHITE: Yes.

20 MR. RIGNEY: Killing. What I would recommend --
21 what I would think that we should do is use the actual
22 words since this is a defamation case, the words that were
23 actually said. And we may have some debate as to what
24 those words actually were as we go through this case.

25 MR. MCLAUGHLIN: But, Your Honor, what we're

1 faced here with is these ladies want to try to avoid what
2 they really meant and what they really meant to infer when
3 they made these accusations against their sister. And --
4 and I think Your Honor brought up a great point. What
5 about killing? Because that's really what they were
6 accusing Wendy of doing, killing their daddy. And they
7 don't -- all of a sudden, Well, no, that's not good either;
8 we don't want that. That's the entire game that they were
9 playing with this little cute word game. Well I never said
10 that he tried to -- she tried to kill daddy she just tried
11 to send him to heaven early. I think that is exactly the
12 crux of the argument that the jury needs to decide because
13 of -- he's right. It is prejudicial. It is entirely
14 prejudicial to suggest that a child murdered their parent.
15 But that's really what they did and that's where the harm
16 comes from.

17 THE COURT: Okay.

18 MR. MCLAUGHLIN: And they made this bed. It's
19 time -- it's been six years now. It's time for them to lie
20 in it and let's see what a jury thinks they meant when they
21 said that.

22 THE COURT: Ms. White? And then I'll come back
23 to you, Mr. Rigney.

24 MS. WHITE: Beth nor I call the nursing board nor
25 did we call adult protective services. Wendy called adult

1 protective services.

2 THE COURT: All right, Ms. White. Let me explain
3 something to you. The purpose of the jury, the jury's
4 whole job in this situation is to determine what happened.

5 MS. WHITE: Okay.

6 THE COURT: Okay? And so it's not necessary that
7 try to convince me of what happened.

8 MS. WHITE: Yes, sir.

9 THE COURT: That's what you need to do with the
10 jury. Do you understand that? So we don't need to talk
11 about ---

12 MS. WHITE: I apologize.

13 THE COURT: --- any of the facts of the case.

14 MS. WHITE: I apologize.

15 THE COURT: All right.

16 MS. WHITE: The other thing I wanted to say is I
17 agree that we should use and not just, you know, come up
18 with murder. Because my dad died in the hospital. If
19 somebody murders someone, they're there and they're present
20 over their dead body. They were there and they caused the
21 death. Do you know what I'm saying? Sending somebody to
22 heaven early would be giving him morphine without power of
23 attorney agreement, those kind of things.

24 THE COURT: All right.

25 MS. WHITE: I can't tell you without testimony.

1 I'm just trying to say she was not present when our father
2 died.

3 THE COURT: Okay.

4 MS. WHITE: She was not in the room.

5 THE COURT: Okay.

6 MS. WHITE: My dad died from being unplugged from
7 the IV for 48 hours. And then he -- his blood finally got
8 so thick he couldn't breathe. And that's how my father
9 died.

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

11 Mr. Rigney?

12 MR. RIGNEY: I think I've made my argument, Your
13 Honor, and I think you understand where we're coming from.

14 THE COURT: All right.

15 (Pause.)

16 THE COURT: All right. I'm going to -- what I'm
17 inclined to do is allow the argument, you know, that they
18 accused their sister of killing their father. I'm leaning
19 toward the actual term of murder being more prejudicial
20 than probative and -- but certainly if that statement can
21 be inferred as an allegation that their sister killed their
22 father, then certainly that can be said before the jury.
23 But I'm going to check on that. And I'll let you know for
24 sure before we start the trial. Okay?

25 MR. MCLAUGHLIN: Understood, Your Honor.

1 THE COURT: All right.

2 MR. RIGNEY: Thank you. I hate to disappoint you
3 since Joe's not back yet, but that's the only motion that I
4 had, Your Honor.

5 THE COURT: Okay.

6 Mr. McLaughlin, do y'all have anything further,
7 yet?

8 MR. MCLAUGHLIN: We do, Your Honor. And I
9 believe I know what Mr. McCulloch wanted to address with
10 the Court and I'll do my best to do so. We have a fairly
11 extensive list.

12 THE COURT: Well do y'all want to take a second
13 and see what his status is?

14 MR. MCLAUGHLIN: Yeah. We'll go ahead and take
15 five minutes real quick.

16 (WHEREUPON, a brief recess was taken from 3:19 p.m.
17 until 3:30 p.m.)

18 THE COURT: Are y'all ready to proceed or do you
19 need a minute?

20 MR. MCCULLOCH: I'm sorry, Your Honor. I
21 understand y'all covered most of the grounds in my absence.
22 I think, Your Honor, that first I understand the Court has
23 declined to continue this matter because -- even in view of
24 Ms. White's request for a continuance to find -- have time
25 to find a lawyer. I certainly, as I'm assuming Mr.

1 McLaughlin argued vigorously against a continuance, Ms.
2 White has had nine years to get a lawyer. So I concur in
3 your judgment and ruling about that, Your Honor.

4 But the fact that she intends, and came here
5 today intending to represent herself raises some
6 significant problems. And I -- there are of course Ms.
7 White may or may not appreciate that in these courtrooms,
8 our courtrooms, people who represent themselves are held to
9 the same standard as if they went to law school. And the
10 mere fact that they have made that judgment, that choice,
11 cannot handicap the opposing parties or anyone in this
12 system, certainly not handicap the Court in its helping us
13 get to a verdict in this case.

14 So, I guess, Your Honor, I anticipate having now
15 nine years of experience with Ms. White, and Ms. Langley
16 for that matter, part of my concern is witnesses and
17 issues. There are a number of issues in this case that
18 we'll be talking about. And I think that those issues have
19 been -- some of those issues have been litigated. For
20 instance, Mr. Lynch, the decedent in this case, as this, as
21 you understand comes out of a death and first a will
22 contest in 2013 that ended with a summary judgment in '15.
23 Ms. Langley and Ms. White both have insisted for nine years
24 in relitigating -- well I guess that would make it only
25 2015, since 2015 in every motion, every court appearance

1 we've relitigated Ms. Lynch's competence. We've
2 relitigated whether or not undue influence was used. We've
3 relitigated the validity of the Will.

4 And, Your Honor, we will be here until the cows
5 come home, the whole herd, and I would ask the Court to
6 recognize and anticipate that. And I don't think that
7 extemporizing now on what you will or how you will handle
8 that is going to do any good. I'm just, I guess, warning
9 you, Your Honor, given my experience in this.

10 Mr. McLaughlin is new to the party. But Ms.
11 Schillaci and Ms. Lynch and I have been engaged in this
12 colloquy now for nine years. So I think that's a problem
13 and I will put that in concrete now for you, Your Honor.

14 One of the rules that are required of course are
15 that the parties produce lists of witness or that they
16 exchange lists of witnesses at pretrial. We have striven
17 at every stage to alert Ms. White uniquely, because she's
18 not represented, of pretrial briefs and things, but we can
19 only do so by whatever means are available to us. Because
20 Ms. Langley retained Mr. Rigney, we've had the ability to
21 communicate with him. But we have not to date been advised
22 of any witnesses that Ms. White intends to call.

23 Now one of the things that we'll be arguing,
24 because it is part of the case, is the conspiracy claim
25 cause of action in our complaint. It may be that Ms. White

1 intends to ride the coattails of Ms. Langley's lawyer in
2 representation. It may not be. I have no idea because we
3 don't have a pretrial brief from her. We don't have a list
4 of witnesses. We don't have a list of intended exhibits.
5 We have tried our utmost to keep Ms. Langley's lawyer
6 informed, advised, to work with him as best we can. But I
7 think we need to know who Ms. White intends to call, if
8 anyone, so that we can adequately prepare. Otherwise it's
9 trial by ambush and that's exactly what our system is
10 designed to prevent.

11 Now, Your Honor, in conjunction with this concept
12 of Ms. White's lack of law school experience, that means
13 that she does not fully appreciate relevance, purtenance,
14 admissibility. It doesn't -- it means that she doesn't
15 know, I think, -- perhaps she does after nine years of
16 going to school with us: one trip to common pleas in the
17 old courthouse, one trip in the court of appeals, numerous
18 trips to numerous probate courts, she's had about as much
19 education -- she may exceed Caleb's education in terms of
20 on the job experience. But that doesn't mean that it will
21 not be a mess of a trial and I'm hopeful that we can find a
22 way to avoid that.

23 Now, Your Honor, if I can crystallize this
24 witness problem, we were provided I think last night,
25 perhaps this morning with a new witness, Levine. Now that

1 name was provided to us, Tom Levine I think, Thomas Levine,
2 was provided to us by Mr. Rigney. Now Mr. Levine is a
3 person known to us, but Mr. Levine in this past and
4 previous nine years provided an affidavit at some point. I
5 couldn't tell you the year, Your Honor. And that
6 affidavit has either played itself out in this litigation
7 or some other -- or the prior case or the probate courts.
8 I don't know why and in what context we got it. But when
9 we reviewed that affidavit, it essentially says that he
10 doesn't know anything about this case other than what he
11 was told by Mr. Lynch, who has been dead nine years. If he
12 is to be called, then we will object to it.

13 Now I don't know whether he has suddenly had an
14 epiphany and has learned something through some other
15 means, but it's that relevance that I am depending on
16 counsel, opposing counsel to try and regulate and attend
17 to. But today the only information we have about Mr.
18 Levine's testimony is his sworn affidavit given to Ms.
19 Langley well before this gentlemen's involvement. So I
20 don't know what purtenance that would have because it would
21 be clearly objectionable. But that is a perfect example I
22 think, Your Honor, of the dangers of having a pro se
23 litigant, that we could encounter improper questions,
24 witnesses that are clearly objectionable. So I don't know,
25 other than if the Court will learn from -- help us learn

1 from Ms. White whether she has any witnesses, I'd like the
2 Court to voir dire briefly on the purtenance, relevance,
3 whether it's admissible or not. Let's try to keep this
4 train moving in structured way that conforms to the rules
5 of evidence.

6 THE COURT: All right.

7 MR. MCCULLOCH: Your Honor, let me see if I ---

8 (Pause.)

9 MR. MCCULLOCH: I don't know why they didn't do
10 this while I was down the hall because I'm having now to
11 switch gears, Your Honor.

12 THE COURT: Okay.

13 MR. MCCULLOCH: Would you like to take that issue
14 and then I'll argue these other -- two other brief issues.

15 THE COURT: All right. And Mr. McCulloch brought
16 up a good -- or an interesting scenario. And I have -- I'm
17 brand new to this case. I know this case has been going on
18 a long time between all of these parties and that some of
19 these attorneys have been involved for longer than others.
20 But I did notice, and I had to admonish Ms. White earlier,
21 you know, receiving information from her sister on some
22 motions that she was making and you just can't, you know,
23 that's getting real close to going outside of our rules of
24 this court as far as representation.

25 Certainly you have the right to be represented,

1 Ms. White. And, you know, Mr. McCulloch mentioned that so
2 to speak you would ride the coattails of Mr. Rigney and his
3 defense of Ms. Langley, is there any possibility that he
4 could represent you or is that ---

5 MS. WHITE: No, sir. All the witnesses that have
6 been called on both sides are the same witnesses I would
7 call.

8 THE COURT: Okay.

9 MS. WHITE: So I have an opportunity to ask them
10 questions as well; right?

11 THE COURT: Yes, ma'am.

12 MS. WHITE: Okay. That's what I was counting on.

13 THE COURT: Okay.

14 MS. WHITE: I mean, I really wasn't counting on
15 anything because I was counting on a dismissal because this
16 has been dragging out for so long. It's like it was a big
17 hoax to try to get us to settle my dad's estate. And it
18 was actually put on the table that if we dropped the Will
19 contest, that she would drop this case. So she used it as
20 like a blackmail to blackmail us to -- to drop ---

21 THE COURT: All right.

22 MS. WHITE: --- for Beth to drop her case. I
23 haven't filed anything against Wendy. I've never filed
24 anything other than to protect myself in the show cause
25 hearing as to why they haven't sold the camper and I could

1 get my \$30,000 so I could get a lawyer. But they haven't
2 -- I sent in that show -- it wasn't a show cause. It was a
3 -- oh what is it called? Yeah, it was show cause I think,
4 a show cause hearing, because Porter Stewart was way early
5 on and we were ---

6 THE COURT: All right, Ms. White, and I'm sorry
7 that ---

8 MS. WHITE: --- we were supposed to sell the
9 camper. And we ---

10 THE COURT: Okay.

11 MS. WHITE: --- we made ways to sell the camper
12 and Porter refused to do it. So the camper has since
13 deteriorated. According to Ms. Lang -- Ms. Lynch it's not
14 even worth \$20,000 now. It was worth 90,000 then. And
15 that \$30,000 would have been for me. I lost my job. I was
16 making a thousand dollars a week when my daddy died. I
17 lost my job because I missed so much work coming down here.
18 Neither one of them lost their job.

19 THE COURT: All right. Ms. White, I need you to
20 pay close attention to what I'm about to tell you. What
21 you just told us brings me to a very valid point. And I
22 hope that you can understand this because this is going to
23 continue throughout this trial this week.

24 MS. WHITE: I hope not.

25 THE COURT: It's going to be a very important

1 situation that you understand that we are not here about a
2 will. We are not here about competency of your father. We
3 are not here about anything other than the plaintiff's
4 claims against you in this lawsuit. Do you understand
5 that?

6 MS. WHITE: Yes, sir.

7 THE COURT: And this Court has very strict rules
8 about what's admissible before the jury has to be relevant
9 evidence. Okay? And so everything -- every question that
10 you ask, you know, every statement that you make has to be
11 relevant to the matters that are before the Court during
12 this trial. All right? And it's extremely important that
13 you understand that because anything that's not relevant
14 will not be admissible before this jury. Do you understand
15 that?

16 MS. WHITE: Yes, sir.

17 THE COURT: All right.

18 MR. MCCULLOCH: Your Honor, may I just spring off
19 of what you just said, Your Honor?

20 THE COURT: Sure.

21 MR. MCCULLOCH: What Ms. White just did is
22 illustrative of my concerns. I think it's Rule 408. I'm
23 not a Rule hound any longer. I'm too old. But I think
24 it's 408 that says you can't discuss negotiations as
25 evidence. Of course what Ms. White has just represented to

1 you, shall I just say that's not exactly accurate, but it
2 would be admissible -- it would not be admissible evidence
3 whether she asked the question or I brought it up. It
4 would not be admissible evidence. It would of course be
5 her intention to bring it up as some sort of prejudicial
6 kind of thing and, Your Honor, it would cause either Mr.
7 McLaughlin or myself to stand up and say, Your Honor, we
8 object. And at that point that will probably be my
9 twentieth objection, Your Honor, if I could predict the
10 future. And if you well know as a trial lawyer, before you
11 became a judge, the difficulty of consecutive and
12 repetitive objections, especially in the context of an
13 unrepresented party, the effect on the jury is dangerous.
14 It's prejudicial to us. And I would ask the Court to
15 consider if we have to do that what Ms. White is doing is
16 in essence I think inviting this Court, you, to admonish
17 her that that is a matter that we have discussed outside of
18 the presence of the jury; it's improper; it's
19 inappropriate. And I guess what I'm asking, Judge, warn
20 this lady, if she does that stuff, then you're going to
21 have to take control of the courtroom. And you're going to
22 have to admonish her in a way that doesn't prejudice us
23 because we have to object.

24 THE COURT: I understand.

25 MS. WHITE: Would it be okay if I ask questions

1 that would prove that Ms. Lynch defamed her own character?
2 Those questions are what I'm -- that I could show things
3 that she did during my father's illness that were
4 inappropriate that would lead somebody to believe and to
5 see that she tried to send our father to heaven early, the
6 things that she did against the rules. There's many.

7 There's even a time where she -- and I don't know
8 if I can say that because I might be testifying. But she
9 did things during my father's illness that brought us to go
10 get help. We went to seek help. We didn't defame her
11 character. We went to the proper authorities. Beth is
12 power of attorney along with Wendy. She made decisions
13 without Beth. So Beth sought help. She went to seek help
14 because she was breaking all of the rules. She even gave
15 me a pill and said, the one to kill you. She said she gave
16 me the wrong one. And she was the magistrate during that
17 time.

18 She used police to bully us and make us leave the
19 property while Beth was power of attorney. And so Beth
20 couldn't represent my father ---

21 THE COURT: All right.

22 MS. WHITE: --- and do her part. And that's the
23 line of questioning that I want to go towards to show the
24 reason why Beth feels that she tried to send our father to
25 heaven early.

1 On January the 6th I came home, my father was
2 dehydrated and over-medicated. He got sent to the hospital
3 because I called 911. They came out and pulled my dad out
4 and found he had morphine in his system without Beth's
5 knowledge. And that is a dual power of attorney. And
6 that's a criminal offense. It's absolutely criminal that
7 she -- that she gave our ---

8 THE COURT: All right. Ms. White, again, the
9 jury in this matter, they're the finders of fact; okay?
10 It's important that you understand what Mr. McCulloch's
11 motion is. And that is if you interject into this trial
12 improper testimony, improper questions, improper evidence
13 whatsoever, then he has a duty that he's going to have to
14 object in front of that jury; okay?

15 MS. WHITE: But we have evidence.

16 THE COURT: I understand. And I can't tell you
17 how to try your case. You're here representing yourself.
18 And just as Mr. McCulloch told this Court earlier, you're
19 going to be held to the same standards and the same rules
20 as any other person, whether or not they're representing
21 themselves or whether or not they're represented by an
22 attorney in this proceeding. Do you understand that?

23 MS. WHITE: I have no other choice.

24 THE COURT: I -- okay.

25 MS. WHITE: I have had the executor that is

1 supposed to be in charge of our estate withhold my money
2 where I can get an attorney for nine years. He has
3 withheld our attorney. After my brother died, I am his
4 beneficiary and so is Elizabeth, that money should have
5 been released to us so that I can come and represent --
6 have somebody represent me. I'm not rich, sir. I don't
7 have all that money.

8 THE COURT: All right, ma'am. I understand. I
9 understand your position. But you're here today. This has
10 been going on for a long time.

11 MS. WHITE: And I -- if I had ---

12 THE COURT: We've already -- we've already
13 selected the jury.

14 MS. WHITE: If I would had the money, I would
15 have hired an attorney. I gave Mr. Smith \$7500 of my
16 money. I live alone. I don't have anybody to help me. I
17 don't have money just sitting up waiting. You know what
18 I'm saying?

19 THE COURT: But, Ms. White, I need you to
20 understand what I told you before and that is, is that I
21 can't give you legal advice, but during your representation
22 of yourself throughout this trial you're going to be held
23 to the same standards and the same rules as anyone else
24 whether they're a lawyer or not represent themselves or if
25 they had representation would be held to under the same

1 circumstances. Do you understand that?

2 MS. WHITE: So if I ask the wrong question,
3 they'll just object and then I'll have to change my
4 question.

5 THE COURT: And at that point in time I may even
6 have to tell the jury that you've already been admonished
7 and you've already been told that that's sort of stuff is
8 not admissible. Do you understand that? That -- the jury
9 can take that for what it's worth.

10 MS. WHITE: What kind -- what sort of stuff?

11 THE COURT: Well I can't -- I've only been
12 involved with this case for several hours now. So I'm not
13 -- I'm not as familiar with it as everybody else. So I
14 can't sit here from this bench at this moment in time and
15 anticipate what might be coming; okay? I mean, I can't do
16 that.

17 MS. WHITE: Can you just give me an example?

18 MR. MCCULLOCH: I'd be happy to give the Court an
19 example.

20 THE COURT: Okay.

21 MS. WHITE: Thank you.

22 MR. MCCULLOCH: Your Honor, it would be I think
23 an example that occurs to me most immediately which is when
24 Ms. Lynch takes the witness stand and is presented by us,
25 Ms. Langley's lawyer, and then Ms. White, acting pro se is

1 then entitled to cross-examine her. So to make it clear,
2 at the point that Ms. White rises to her feet to ask a
3 question of a witness, she has put on a lawyer hat. She is
4 not a witness. It would be inappropriate and it is equally
5 inappropriate for a lawyer to say to a witness, that's not
6 what you told me.

7 MS. WHITE: I wouldn't say that.

8 MR. MCCULLOCH: That's not the way it was.
9 That's not X, Y, and Z. That's the pro se problem. And in
10 45 years, Your Honor, I can't think of how many of these
11 I've suffered through. I know how difficult they are. I
12 expect you have also endured that as a lawyer. There is no
13 great, perfect fix. The dangers of self-representation,
14 whether it's a lawyer representing himself or herself, or a
15 non-lawyer, it is dangerous. It is turbulent, tough, murky
16 waters.

17 THE COURT: I understand.

18 And, Ms. White, you know, Mr. McCulloch brings up
19 a good point. When you're questioning a witness that's
20 what you have to do is ask questions.

21 MS. WHITE: Exactly.

22 THE COURT: Okay? You cannot testify. If you
23 want to testify in this trial, certainly somebody might
24 call you as a witness, or you can call yourself as a
25 witness.

1 MS. WHITE: Okay.

2 THE COURT: Do you understand that? And at that
3 point in time is when you can testify in this case. Do you
4 understand that?

5 MS. WHITE: And when I call myself as a witness
6 can I read my statement? I mean, how do I ask myself
7 questions?

8 THE COURT: To a certain extent I think, you
9 know, ---

10 MS. WHITE: Okay.

11 THE COURT: --- depending on what's in the
12 statement. I don't know. Mr. McCulloch?

13 MS. WHITE: And if Mr. McCulloch is so against me
14 representing myself and we went on a 40(j) for over a year
15 or two years or ever how long it was, is there any problem
16 with giving us a couple more weeks for me to get an
17 attorney?

18 MR. MCCULLOCH: Yes, there is a problem.

19 THE COURT: I understand.

20 MR. MCCULLOCH: And, Your Honor, as to how she
21 presents herself as a witness, Your Honor, it's an
22 interesting thing. I think I've seen it done both ways. I
23 don't know that I'm going to be leaping to my feet to
24 object if she wants to read a prepared statement. It would
25 depend on how many pages of that prepared statement. Well

1 it just -- I think we'll have to take that as it comes.

2 MR. MCLAUGHLIN: We want -- we want a copy.

3 MS. WHITE: Does my statement have to be
4 submitted prior to me making my statement.

5 MR. MCLAUGHLIN: If she's going to read from
6 something, yeah.

7 MR. MCCULLOCH: Your Honor, I would say this, if
8 she intends to read something from the witness stand or
9 refer to notes, I'll be asking for those at the very least.

10 THE COURT: I understand.

11 MR. MCCULLOCH: And I'll be, I think, entitled to
12 them.

13 MS. WHITE: It would be just like a summary of
14 things that, you know, that lead us to believe that she was
15 harming our father.

16 THE COURT: Okay. You know, again, Ms. White,
17 I'm in a tough situation here. I cannot give you advice.

18 MS. WHITE: I understand.

19 THE COURT: Okay? And I can't tell you how to
20 try your case.

21 MS. WHITE: Yes, sir.

22 THE COURT: I can't come anywhere close to giving
23 you any kind of legal advice or assistance.

24 MS. WHITE: I appreciate it.

25 THE COURT: If you have something that you think

1 you should turn over to the plaintiff's counsel, then maybe
2 you should turn it over to them. If you don't think you
3 should, then that's completely in your control at this time
4 and when it comes up, if the Court has to, I'll make a
5 ruling on it.

6 MS. WHITE: Okay.

7 MR. MCCULLOCH: Your Honor, I think the final
8 issues, and Mr. McLaughlin can correct me if I am
9 incorrect, but just so that I understand, Ms. White will
10 call no witnesses other than the witnesses that have been
11 listed by Ms. Langley's attorney.

12 MS. WHITE: And you.

13 MR. MCCULLOCH: And me? Okay.

14 MS. WHITE: And your -- from both sides. I can
15 cross-examine them; right?

16 MR. MCCULLOCH: Yes, ma'am.

17 I guess the last issue, is we have had ---

18 MS. WHITE: My ---

19 THE COURT: Go ahead.

20 MR. MCCULLOCH: We've had an ongoing discussion
21 with counsel about documents. In nine years, as the Court
22 might imagine, there's an overwhelming number of documents,
23 not all relevant, but we believe that some of the -- we put
24 a great deal of information in a Dropbox, made it available
25 to everybody we could communicate with, and for instance,

1 Your Honor, there is a death certificate in this case.
2 It's a matter of public record. And we believe it's kind
3 of self-authenticating. And we would like to clarify
4 whether we, you know, have to argue about that, but there
5 is a death certificate, a toxicology report that was done,
6 frankly at the insistence of the defendants, a SLED report,
7 and two wills, Your Honor, that are currently residing
8 wherever probate court is in the courthouse. But there are
9 two wills in this case, virtually the same will, one with
10 certain deletions I'll call it, alterations.

11 But those are fundamentally, Your Honor, the
12 documents that we intend to, you know, to make reference
13 to. There are others. But those we would like to have, if
14 not -- would like to know if these folks will agree that
15 those are real documents that they've seen for nine years.
16 They've been their undisputed documents, undisputedly
17 authenticated -- authentic, and I think admissible under
18 the public records rules, but just rather than have a row
19 about that I thought I would bring it up now.

20 And, Your Honor, there -- obviously over nine
21 years we have taken the deposition of Ms. Langley once. We
22 intend for the purpose of either direct or cross-
23 examination at some point we may make reference to that and
24 offer that document. The original of Ms. Langley's, as the
25 Court is aware, generally what we would do is hand you the

1 original and with some ceremony you would open it while we
2 all refer to copies. So we have copies available. Happy
3 to provide them tonight to them. But the original is
4 somewhere, either at the court of appeals or Charleston
5 where the probate matter currently resides or it could be
6 in this Clerk of Court's filings. But, Your Honor, these
7 are things that are simple to deal with. And we bring them
8 up. So transcripts, the authenticity of the transcripts,
9 and ---

10 What was the other document?

11 MR. MCLAUGHLIN: The filings.

12 Oh, and the filings, Your Honor. There have been
13 some filings that we're going to make reference to.
14 Because, as the Court knows, the filings of a party, even
15 when done through a lawyer, that is the party speaking
16 through their lawyer. They have -- they're inherently an
17 authorization they are statements. And we intend to
18 utilize them as statements against interest from time to
19 time. But these filings were made in either this court or
20 the probate court or one of the probate courts. But they
21 are documents that are undisputably a part of this record.
22 They're documents with lawyers' names on them or not. Ms.
23 White in fact made a filing in 2018 that we intend to make
24 a reference to.

25 THE COURT: All right.

1 MR. MCCULLOCH: But several transcripts and court
2 proceedings.

3 THE COURT: All right. Mr. Rigney, what's your
4 position with respect to these documents?

5 MR. RIGNEY: We have -- as he said, we have
6 received a number of documents. And I did -- they've
7 agreed most of them are -- should be no problem with what
8 you're requesting.

9 MR. MCLAUGHLIN: We're just requesting the
10 authenticity is stipulated to. The majority of this stuff
11 will be used if needed for impeachment purposes, Your
12 Honor. And so, you know, not necessarily would they be
13 marked as exhibits to go back with the jury, just the fact
14 that these are all transcripts, all official filings, and
15 if they're needed for impeachment there's no question about
16 the authenticity of the documents. Either -- either
17 they're transcripts that have already been used so we don't
18 have the original and the seal, but they're marked. Then
19 the filings themselves have all come from the court
20 website.

21 MR. MCCULLOCH: Your Honor, they might be marked
22 for identification if they're offered to the witness for
23 refreshing purposes. But I see very little of that being
24 introduced ---

25 THE COURT: Okay.

1 MR. MCCULLOCH: --- and offered as an exhibit.

2 THE COURT: All right.

3 MR. MCCULLOCH: And because we have a pro se
4 litigant, offering something for identification purposes
5 means the court reporter puts a sticker on it, but it
6 doesn't go to the jury; an exhibit does go to the jury.

7 THE COURT: Mr. Rigney?

8 MR. RIGNEY: As I said, we have no problem with
9 almost everything they've mentioned. I did have a question
10 I need to ask him about a couple of these things, but I
11 don't think there will be any problem agreeing.

12 THE COURT: All right. Ms. White, do you have
13 anything to add?

14 MS. WHITE: Yes, sir. There was an exhibit that
15 they came up with that was made during probate when I was
16 in front of Judge Scott. I don't know if it was the court
17 reportings or whatever it was, but I would like for the
18 original sealed to be handed to you instead of whatever
19 they came up with. Because when I read that, I know it's
20 been nine years ago, but some of it just, it was like, I
21 was saying, um, um, um, I mean like I was some kind of,
22 didn't even know how to talk, some of the stuff that they
23 had on there. And, you know, I haven't seen that before.
24 And then the negotiations about, you know, this is all
25 happened in probate and how are they going to drag that to

1 this? You know what I'm saying?

2 THE COURT: All right. Well, Ms. White, let me
3 -- let me bring -- that brings up an especially important
4 point; okay?

5 MS. WHITE: Okay.

6 THE COURT: Nothing about any negotiations
7 whatsoever, offers to settle this from either side,
8 anything that you've talked about to try to settle this,
9 negotiations whatsoever, can be mentioned during the trial.
10 Do you understand that?

11 MS. WHITE: Or even mediations?

12 THE COURT: No, ma'am. Do you understand that?

13 MS. WHITE: Yes, sir.

14 THE COURT: You know, again, I'm in -- I'm not in
15 a position to rule on whatever it is you're talking about.
16 I'm not sure if the other side knows what document it is
17 that you're talking about.

18 MS. WHITE: It's a document from probate.

19 THE COURT: Okay.

20 MS. WHITE: And when I got on the stand and spoke
21 with Judge Scott and he threatened to put me in jail if I
22 went on our property.

23 THE COURT: Yes, ma'am.

24 MS. WHITE: And I didn't even say I was going to
25 go on our property. He just pointed at me and said, If you

1 go on that property, I'll have you arrested. And from that
2 day forward we had to be escorted with Florence County
3 Police, me and Beth.

4 THE COURT: Got you.

5 MR. MCCULLOCH: Your Honor, that's the original
6 that we have of a -- I mean, God knows how many hearings we
7 had with Judge Scott before he was deposed. But -- and I
8 don't mean deposition. But that's I think what she's
9 talking about.

10 MS. WHITE: How many times did we go in front of
11 Judge Scott? I recall ---

12 MR. MCCULLOCH: I wish I could remember.

13 MS. WHITE: --- I recall one, if not two.

14 MR. MCCULLOCH: At the beginning of that
15 deposition there is the page numbers and the paperwork
16 numbers.

17 MR. MCLAUGHLIN: That's the transcript of the
18 hearing. That's the transcript of the September 10th,
19 2014, hearing.

20 MS. WHITE: So this is an original, sealed?

21 THE COURT: It's the original.

22 MR. MCCULLOCH: Obviously not sealed.

23 MR. MCLAUGHLIN: The seal went into the record, I
24 would imagine, at the Court of appeals or wherever.

25 MS. WHITE: That's what I was requesting. They

1 wanted a seal for theirs. I wanted a seal for mine. To
2 have it -- have this sealed and to know that this is really
3 what I said because this has been nine years ago and I was
4 in the middle of an upset with my father and what had
5 happened in our family. It was extremely traumatic for me.

6 THE COURT: All right, ma'am. Is that even what
7 you're talking about?

8 MS. WHITE: I was under duress. Yes, sir. This
9 is. I got something in the mail about it or on an email.
10 I have extreme ADHD. And when I'm stressed and when I'm
11 under this kind of stuff for the last nine years, it's just
12 compounded. I can read something five minutes and five
13 minutes from now I can't even remember what I read. And I
14 had COVID. I don't know if that had something to do with
15 it either. But, I mean, I can't even read my bank
16 statements hardly.

17 So I wasn't intending on representing myself. I
18 just was going along with everything. It was up for a
19 dismissal. This never happened. That never happened. We
20 didn't do this. We never did that. And it just drug out
21 for over -- since 2016. And when we went to the
22 negotiations -- and this isn't in front of a jury. This is
23 just between us. -- and she offered to take it off the
24 table if she would drop hers, I figured it would, you know,
25 that it was just, that's why she did it, was to try to get

1 us, to try to get Beth to try to drop her case. And I
2 never really felt like that this was going to really come
3 through because I certainly would get a lawyer even though
4 I know I've thrown away 7500 -- \$6500 for the first lawyer
5 who did absolutely nothing to -- he's a thirty year lawyer,
6 but yet my show cause -- their show cause threw all my
7 claims out and they weren't even -- they weren't even
8 solid. They were easily thrown out.

9 THE COURT: All right.

10 MS. WHITE: You know, and if I paid a lawyer to
11 do that, how much worse could I do for myself, I mean,
12 because he didn't represent me?

13 THE COURT: All right, ma'am. And again, ---

14 MS. WHITE: And Beth had seven that haven't
15 represented her.

16 THE COURT: --- I can't give you any advice.
17 What I need to know is about the document. But I think
18 you've told me. We'll cross -- the only thing I know to do
19 is cross the bridge when we get there.

20 MR. MCCULLOCH: Your Honor, if I could reclaim my
21 original?

22 THE COURT: Yes, sir.

23 (Indiscernible cross-talk at counsel table.)

24 THE COURT: All right. Where does that leave us?

25 MR. MCLAUGHLIN: Dave, we had discussed before

1 about the value, the minimum value from Porter. Do y'all
2 want to stipulate to that? Your client's shaking her head
3 no, so I'll assume the answer to that is no. We'll be
4 happy to call Mr. Stewart as a witness then. All right.

5 MR. MCCULLOCH: Your Honor, I think we're still
6 left a little bit in limbo on this side of the courtroom
7 about whether we have an agreement on authenticity from the
8 lawyer, Counsel, because you said we agree on most things.
9 That doesn't get me where I need to be and kind of leaves
10 me in limbo. So if we can get very specific about
11 transcripts, filings, and the documents we specifically
12 mentioned, the toxicology report from SLED.

13 MR. MCLAUGHLIN: Death certificate.

14 MR. MCCULLOCH: Death certificate, ---

15 MR. MCLAUGHLIN: Two wills.

16 MR. MCCULLOCH: --- and two wills which are part
17 of probate.

18 MR. RIGNEY: The authenticity, as you said, you
19 anticipate using these for impeachment, and if they're not
20 being introduced into evidence, then it seems like we could
21 expect to look at them and make sure that they're ---

22 MR. MCCULLOCH: We'll get -- you've -- you've got
23 them, Dave. You've had them for -- these ladies have had
24 them for nine years.

25 THE COURT: All right. Ms. White?

1 MS. WHITE: The authenticity of SLED, when that
2 blood sample went to SLED it was unlabeled.

3 THE COURT: We're not talking about the
4 authenticity of the blood sample. We're just talking about
5 simply the authenticity of the document.

6 MR. MCCULLOCH: Your Honor, we're going to bring
7 a coroner who presumably will be testifying about the
8 toxicology report. So we'll probably leapfrog over that so
9 far as Ms. White's concerned about unlabeled specimens.

10 THE COURT: I understand.

11 MR. RIGNEY: But just to go back to the prior
12 fact that if I left anything unclear, we're certainly
13 willing to go ahead and accept these as authentic documents
14 upon -- as long as we're using them for impeachment.

15 MR. MCCULLOCH: And the two wills. Do we need to
16 drag the probate clerks' office over here because they
17 probably have five boxes of things. But there are two
18 wills that have been the subject of litigation between
19 these parties.

20 THE COURT: Their records ---

21 MR. MCCULLOCH: These are wills that were made a
22 part of the record in the 2013 case that was summarily
23 dismissed by Judge Brown in 2015. It focused on those
24 wills and whether or not there was any evidence of undue
25 influence or incompetence. So, I mean, if there's ever

1 been an issue, issues, two wills, that have been decided by
2 more gray heads, fuzzy headed women, than sitting on our
3 courts, I mean, those are done deals as far as I'm
4 concerned, Your Honor. That's all we're trying to do.

5 THE COURT: All right. Ms. White, do you agree
6 that the two wills that are at issue in this case are
7 authentic. Those are the wills that we're dealing with?

8 MS. WHITE: No, sir. There was actually three
9 wills. Ms. Lynch made a will on a quick will, on a
10 computer, and then the Rick Hoefer will, and then the will
11 that Beth took out of my dad's safe when he asked her to go
12 get it. That's the will that we had with the scratched out
13 something. Something was scratched out and initialed by my
14 dad. He didn't understand the will. He didn't understand
15 what he had signed. But there was three different wills,
16 not just two. There was a quick will.

17 MR. MCCULLOCH: And, Your Honor, we're only --
18 we're only referring right now about two wills.

19 THE COURT: Right. Do you have them by chance
20 with you?

21 MR. MCCULLOCH: We have both of them. There are
22 two wills. They're exactly the same wills, both prepared
23 by Rick Hoefer, except one will, which was the first will
24 filed, I believe by Ms. Langley, had Item number VI of VII
25 struck through.

1 MR. MCLAUGHLIN: It's the exact same will with
2 one name struck through.

3 MR. MCCULLOCH: Right.

4 MR. MCLAUGHLIN: These are the two that were
5 filed with the probate court, Your Honor.

6 MR. MCCULLOCH: There is, to our knowledge, no
7 issue about a third will. Certainly no third will was ever
8 filed, only the same will filed twice, one of them with a
9 deletion that did not affect the course of the case at all
10 ---

11 THE COURT: All right.

12 MR. MCCULLOCH: --- because it was not a proper
13 amendment or addendum or ---

14 THE COURT: And, Ms. White, the only question we
15 have for you is are these the two wills that were filed.

16 MS. WHITE: I'm sure they've been filed. But the
17 quick will was ---

18 THE COURT: Well that's the only thing I'm asking
19 you is the authenticity -- authentication of these two
20 wills. Is that what was filed?

21 MS. WHITE: These two wills are on file at the
22 courthouse; yes, sir.

23 THE COURT: All right. And you agree that those
24 are them; right?

25 MS. WHITE: That those are the two wills?

1 THE COURT: Yes, ma'am.

2 MS. WHITE: I haven't looked at them. I mean...

3 THE COURT: Well take a look at them.

4 MR. MCLAUGHLIN: If that's in May, Your Honor.

5 Let me [indiscernible] scratched out.

6 And for the record, when Ms. White was talking
7 about three wills and she referred to the Rick Hoefer will,
8 I believe she was referring to the one that is not
9 scratched out as the Rick Hoefer will and the one that she
10 was referring to that Beth got of the safe that was filed,
11 I believe is the one with the scratched out. And I'll let
12 her clarify that if that's not ---

13 MR. RIGNEY: No, I think she's talking about the
14 third ---

15 MR. MCLAUGHLIN: Well, no, she's talk -- the
16 third one she's talking about is one that was never filed.
17 It was done on the computer.

18 MS. WHITE: Yeah, it was a quick will done by
19 Wendy and we had all discussed what was going to go in the
20 will and then, from my knowledge, the computer got stolen
21 out of her vehicle or, I don't remember what happened. It
22 disappeared or -- I'm not sure what happened to that. Or
23 ---

24 THE COURT: All right. But ---

25 MS. WHITE: --- once she printed it out, I don't

1 know. But there was -- there was a will that we all agreed
2 on. And -- and Wendy had called us and asked us what we
3 wanted and certain things were said and certain things were
4 put on the quick will and then it disappeared and this Rick
5 Hoefer thing came up without anybody knowing. And Beth was
6 dual power of attorney and he didn't even bother to tell
7 Beth.

8 THE COURT: Okay. But ---

9 MS. WHITE: Mr. -- Mr. Hoefer didn't ---

10 THE COURT: --- the only question, Ms. White is
11 are these the two wills that were filed?

12 MS. WHITE: If that's what's in the file, I have
13 to say yes. If that's stamped. It says it's filed.

14 MR. MCCULLOCH: Your Honor, I represent to you
15 those are exact duplicates of ---

16 MS. WHITE: Can I look at them?

17 MR. MCCULLOCH: --- the two documents that were
18 filed: one, the deleted version by Ms. Langley; the un-
19 nondeleted version -- actually filed by her lawyer at the
20 time, whose name escapes me -- the other will without the
21 deletion was filed some days later by --

22 MR. MCLAUGHLIN: Gary Crawford.

23 MR. MCCULLOCH: --- Gary Crawford. So I can
24 represent to you as an officer of the Court, Your Honor,
25 those are exact copies of the only two wills that are on

1 file wherever the probate office is.

2 THE COURT: All right. And let me ask you, are
3 you planning to introduce these two wills into evidence?

4 MR. MCCULLOCH: Your Honor, we don't know at this
5 point.

6 THE COURT: Okay.

7 MR. MCCULLOCH: They may be introduced as
8 exhibits. They may be just simply used for witness
9 refreshing, ID purposes.

10 THE COURT: All right.

11 MR. MCCULLOCH: In this case it's hard to say
12 about anything.

13 MR. MCLAUGHLIN: We're just trying to figure out
14 if we've got to bring somebody over here from the clerk's
15 office.

16 THE COURT: And that's what I'm trying to figure
17 out for you. I don't even know if they would even contest
18 it or stipulate to it. I don't know.

19 MS. WHITE: So are you asking if we want these
20 submitted into evidence?

21 THE COURT: No, ma'am. I'm just asking if you
22 agree that those are -- these are authentic, these are the
23 copies of the wills that were filed in the court?

24 MR. RIGNEY: Your Honor, I like some others here
25 are -- I am indeed late to this case. Ms. Langley is

1 telling me that there was a third will that was filed. I
2 haven't heard that -- in Charleston.

3 MR. MCLAUGHLIN: And like I said ---

4 MR. RIGNEY: I'm not aware.

5 MS. WHITE: It's in the file in Charleston. Our
6 case -- our probate case has been moved to Charleston
7 because our father was a Florence County magistrate and so
8 was Wendy. That's why we're confused as to why this is
9 still in Florence County. And we failed to ask the jury if
10 anybody knew Jimmy Lynch, who was our father. That was --
11 that was a big mess up.

12 THE COURT: Well you had your opportunity.

13 MS. WHITE: So did they.

14 THE COURT: All right.

15 MS. WHITE: Do you know what I mean?

16 THE COURT: Mr. McCulloch?

17 MR. MCCULLOCH: Your Honor, I will only say that
18 we've been involved in this for nine years. I know of the
19 assertion many years ago of a quick will, or whatever you
20 call it. To my knowledge and recollection -- Ms. Schillaci
21 has a much better memory than I -- I do not recall that
22 ever being produced. And I certainly, since this case has
23 been moved, now to the Charleston County probate, I won't
24 go into why that -- why this probate is now in Charleston,
25 won't go into it at this time -- I don't know of any such

1 third will, but if there is any such third will, they'll
2 have their chance to produce it, present it, and testify
3 about it, but I don't know about it.

4 And I don't know, Your Honor, but I'm reminded
5 about relevance. God help me. It's that late in the day.
6 A third will that's been filed in Charleston, after a will
7 contest that was decided in 2015 that the only valid will
8 was the unredacted or the undeleted, whatever you want to
9 call it, I would object to that on relevance across the
10 board. So...

11 MR. RIGNEY: So you're -- just to be clear and
12 make sure I understand, the will that is filed and is being
13 probated in Charleston now is the one that did not have the
14 marking out on it?

15 MR. MCCULLOCH: Two wills filed.

16 MR. RIGNEY: Right. But the one that's being
17 used did not have the marking?

18 MR. MCCLAUGHLIN: That has been adjudicated as the
19 final will. That is the will Mr. Stewart has done the
20 disbursement based off.

21 MR. RIGNEY: And this is the case number in the
22 court of appeals?

23 MR. MCCULLOCH: Your Honor, fundamentally the
24 only way to amend a validly executed will is by drawing
25 lines through things and then not only the testator

1 initialing, but the witnesses initialing. The second will,
2 what we're calling a second will, one of the two wills I'll
3 say, simply had lines striking through Item VI or VII,
4 initials that are purportedly that of the testator, but my
5 recollection is they don't look much like his signature,
6 initials, which were done at Mr. Hoefer's office, in Mr.
7 Hoefer's presence, and the first will properly witnessed by
8 Mr. Hoefer's staff. So there's only one valid will in this
9 case. That's the one that was properly, validly witnessed,
10 correct on its fact. And there's this other document that
11 is filed that has deletions or strike-throughs with a
12 single initial, but no witness initials. So it's not a
13 valid will. It cannot supplant and invalidate the previous
14 will.

15 THE COURT: All that's been adjudicated; right?

16 UNIDENTIFIED SPEAKER: Yes.

17 MS. WHITE: Sir, if -- if he scratched out
18 something and it's not initialed by other people, the date
19 is changed on here. It says the tenth and the eleventh.
20 Nobody initialed it. Nobody changed it. None of his
21 lawyers, Rick Hoefer. Nobody went back and fixed the tenth
22 to the eleventh to make sure which day my daddy was there
23 to sign this will. So ---

24 THE COURT: Ms. White, that's not why we're here.

25 MS. WHITE: But he just brought up the fact that

1 there was no -- no signature where my dad scratched through
2 this. I was with Beth when she got the will out of the
3 safe because he told her to. And when -- and when he
4 pulled it out, my daddy had scratched this out and said, I
5 would never have agreed to that. I would never agree. He
6 said, What did I sign, Beth? He said, Are you happy with
7 what I signed? How is the will?

8 And Beth said, Don't worry daddy. We'll take
9 care of it. You just worry about getting well.

10 And I'm testifying to the fact that this will has
11 the tenth and eleventh of May and nobody has initialed it
12 and nobody has beside it that my -- even my dad didn't
13 initial that he made that mistake. And there is a
14 discrepancy on which day my dad was there. Between these
15 two parties there is discrepancy of which day my daddy was
16 in Rick Hoefer's office. And Beth has receipts to prove
17 where she was on the day that my daddy was taken to Rick
18 Hoefer's office without her knowledge. Beth was called
19 over there to pick my daddy up and she picked my daddy up
20 and nobody said one word to Beth about my daddy signing a
21 will. Beth even asked Mr. Hoefer, I hope you didn't have
22 my daddy sign a will. He has no ability to do that. And
23 Rick Hoefer said, No, we did not. And that is a fact. And
24 I will testify to that.

25 MR. MCCULLOCH: And, Your Honor, I will tell the

1 Court, that we're now relitigating exactly the issues that
2 took us to the court of appeals and resulted in one of
3 these two ladies, I guess it would be Ms. Langley,
4 receiving a bill from the court of appeals for attorney's
5 fees, which has not been paid. That's a secondary issue.

6 What Ms. White's diatribe does raise is an aspect
7 of the dead man statute. But more importantly, these
8 ladies aren't going to be able to testify without my
9 objection, and hopefully the Court's agreement, in ruling
10 in favor, they can't testify about what James Lynch told
11 them ten years ago, eleven years ago, or fifteen minutes
12 ago. He's dead. He cannot be here to defend the truth.
13 He cannot be allowed -- they cannot be allowed to do that.
14 And I don't think that either of them understand that, Your
15 Honor. So we might ought to get that out of the way.

16 MS. WHITE: I would also like to say that my
17 father ---

18 THE COURT: Well first of all, Ms. White, do you
19 understand that?

20 MS. WHITE: Yes, sir. And what I was getting
21 ready to say is that he's not here either to say that he
22 did not do this or that he did or did not scratch through
23 that.

24 THE COURT: You're right. He's not here. That's
25 exactly right. But the problem is, is that according to

1 the state -- to the laws of this state, you can't tell us
2 what he told you; okay?

3 MS. WHITE: So would I say, When my dad asked me
4 to go in the safe we went in the safe? How about we were
5 asked to go in the safe to get the will? Can I say that?

6 THE COURT: You can say you went in the safe to
7 get the will. You can't tell us anything about who told
8 you if it's somebody that's no longer with us. Do you
9 understand that?

10 MS. WHITE: But I have a witness here that can
11 say that -- she can testify to the fact that we were --
12 Beth would never go into my daddy's safe without him
13 telling him to -- telling her to.

14 THE COURT: She can't testify to what your daddy
15 told her; okay? Cannot do that. Do you understand?

16 MS. WHITE: Yes, sir. But I can word it to when
17 we were asked. I don't say who, but when we were asked to
18 go in the safe to get the will. I won't say by who, just
19 say when we were asked.

20 THE COURT: I supposed that might be okay. It
21 will be up to opposing counsel to object to whatever your
22 question is if he deems that necessary.

23 MS. WHITE: Yes, sir.

24 THE COURT: I don't know how else to ---

25 MR. MCLAUGHLIN: If we could just go back to what

1 we're simply asking. Those that -- whether or not they
2 disagree that those are the two wills that were filed.
3 That's -- they are -- authentically those are copies of the
4 two wills that were filed. That's all we're asking them to
5 do. Not whether or not they agree with those wills, not
6 whether or not they agree with what those wills say inside
7 of them, not whether or not their daddy ever executed those
8 wills. We're just asking them to agree that those two
9 copies are authentically the exact same of the two
10 documents that were filed in the probate court. That's it.

11 THE COURT: Ms. White, do you agree with that?

12 MS. WHITE: I see that they've been filed, so I
13 would have to say, yes, they're -- they've been filed.

14 THE COURT: All right.

15 MR. MCCLAUGHLIN: Thank you, Ms. White.

16 MS. WHITE: You're welcome.

17 THE COURT: And, Mr. Rigney, you agree with that?

18 MR. RIGNEY: I agree with it.

19 THE COURT: All right. With regards to the two
20 wills. I find that they are the documents that were filed
21 and that part has been authenticated and stipulated to.

22 All right.

23 MS. WHITE: I would like to submit a list of
24 witnesses as well. So I'll get that together and have it.

25 THE COURT: Well your opportunity to submit a

1 list of witnesses is over with because we would have had to
2 ask the jury about certain questions that deal with those
3 witnesses.

4 MS. WHITE: It will be the same -- it will be all
5 the same.

6 THE COURT: I understand. Okay. And that's what
7 you told us earlier.

8 MS. WHITE: Yes, sir.

9 THE COURT: And if they're all the same
10 witnesses, I don't hopefully there won't be an issue with
11 that.

12 MS. WHITE: Okay. I'll just make a list of them
13 and submit it. Thank you, sir.

14 THE COURT: All right.

15 MR. MCLAUGHLIN: And, Mr. Rigney, if you'll just
16 keep in contact with us for scheduling purposes on Senator
17 Johnson when you hear something. We'll be glad to try to
18 work with you and the Court for that. I think we've plowed
19 all the ground we need to plow.

20 MR. RIGNEY: I will certainly be in contact with
21 everyone when I hear more from Senator Johnson.

22 MR. MCLAUGHLIN: Dave, you've got my mobile
23 number I believe. It was on my email. So if you need me,
24 just use that number.

25 THE COURT: And he'll be a defense witness?

1 MR. RIGNEY: Senator Johnson would be a defense
2 witness; yes.

3 THE COURT: And, Mr. McLaughlin or McCulloch,
4 y'all don't have an issue if we need to call him out of
5 order?

6 MR. MCLAUGHLIN: No, sir. We'll work with the
7 Court and with the defense if that's required.

8 THE COURT: All right. I'll be here in the
9 morning. I've asked the jury to be here at 9:15
10 anticipating that we'd begin this trial at 9:30. If
11 anything arises, I would like to keep my promise to the
12 jury that we're going to use their time as efficiently as
13 possible. And so if there is something that comes up,
14 let's certainly be here at 9:00 if you think there's
15 anymore pretrial matters we need to discuss; okay?

16 MR. MCLAUGHLIN: Thank you, Your Honor.

17 MS. WHITE: Thank you.

18 (Court was adjourned at 4:26 p.m. for the evening
19 recess.)

20 ***END OF VOLUME I***

21

22

23

24

25

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	2019-CP-21-01042
Wendy Lynch,	)	
	)	
Plaintiff,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	April 25-29, 2022
	)	
Elizabeth Langley and	)	Florence, South Carolina
Rebecca White,	)	
	)	
Defendants.	)	VOLUME II
	)	(April 26, 2022)
	)	
	)	

B E F O R E:

THE HONORABLE H. STEVEN DEBERRY, IV, Judge

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

JOSEPH MCCULLOCH, JR. Esquire
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REBECCA LYNCH WHITE,
Self-represented Litigant

Recorded by: DCRP

Transcribed by: MISSY BROWN
Court Reporter

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

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By Mr. Rigney

By Ms. White

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JURY'S VERDICT:

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
P-1	Will filed 3/13/13	135	142
P-2	Proposal for distribution	139	142
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P-4	Will filed 3/1/13	385	385
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C-3	Affidavit of Rae White Wilkerson	720	
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C-5	Affidavit of Casea David		
C-6	Copy of Text message		
C-7	Judicially designated facts		
C-8	Question from jury to Court		
C-9	Answer from Court to jury		

P R O C E E D I N G S

1
2 (WHEREUPON, Court was in session at 9:25 a.m. with all
3 parties present when the following matters were had outside
4 the presence of the jury:)

5 THE COURT: All right. Mr. Rigney, is there
6 something you needed to bring up?

7 MR. RIGNEY: It is. And I talked to the
8 plaintiff's attorneys about this, or at least Mr.
9 McCulloch. Senator Johnson's attorney has sent me a
10 message that said that he would be able to appear tomorrow
11 and he said 9:00 by some sort of remote technology if we
12 could do that. And that was his time, not mine.

13 THE COURT: I understand.

14 MR. MCCULLOCH: And, Your Honor, we have not had
15 time to consider that. That's not going to be an issue for
16 tomorrow I suspect. I don't think we'll get anywhere near
17 him. And if he's dictating a time, then it won't be until
18 tomorrow anyway. So if you don't mind, we'd like to
19 consider that over lunch.

20 THE COURT: That will be fine.

21 MR. MCLAUGHLIN: And also too, if they're wanting
22 to do it via remote and we're able to make that happen, if
23 they're somewhat flexible on the time so that possibly we
24 don't have to take him out of order. And we may be able to
25 know more about scheduling kind of once we get through

1 today too.

2 MR. RIGNEY: Just so that you know the scheduling
3 that they're involved in, I've been told that they are
4 working on the budget, the State's budget. And that's
5 their concern about the timing and trying to get him in
6 early and get him out so that he can go to his meetings.

7 THE COURT: All right. We'll deal with that at
8 the lunch hour, try to figure that out. Okay?

9 MR. RIGNEY: Thank you, Your Honor.

10 THE COURT: All right. With regard to the motion
11 yesterday about the term murder, I've thought about it and
12 I've tried to look it up. I think I'm going to stay with
13 my ruling. Certainly can refer to the statement as an
14 accusation that the plaintiff killed her father or along
15 those lines. I'm just thinking that when we get into the
16 term murder, you know, legal definitional term that might
17 confuse or be more prejudicial than probative. All right.

18 MR. RIGNEY: Okay.

19 THE COURT: All right. And so that's what my
20 ruling is. Does everybody understand that.

21 MR. MCCULLOCH: Yes, sir.

22 THE COURT: Okay.

23 MR. MCLAUGHLIN: Yes, sir.

24 MR. RIGNEY: Yes, Your Honor.

25 THE COURT: All right. Is there anything before

1 we get started?

2 MR. MCCULLOCH: Your Honor, only that we're ready
3 for the openings. Will you introduce the complaint? I
4 don't know. Some judges do; some do not. They give a
5 little short elocution about the nature of the case. I'm
6 just -- I just don't -- I'm not familiar with your custom,
7 Your Honor.

8 THE COURT: Well I haven't done that.

9 MR. MCCULLOCH: Well I'm not begging you to do
10 it. I'll do it. But I didn't know whether you did. I'm
11 just kind of ---

12 THE COURT: All right. I'll just leave that --
13 I'll leave that to you then.

14 MR. MCCULLOCH: I'll do my best.

15 THE COURT: All right. Just kind of a road map,
16 Ms. White, I'll have some preliminary charges for the jury.
17 And then I'll recognize the attorneys. The plaintiff will
18 go first, opening argument. And then I assume Mr. Rigney
19 will go second. And then you would have an opportunity for
20 an opening argument. Do you understand that?

21 MS. WHITE: Yes, sir.

22 THE COURT: May I have the jury please?

23 THE BAILIFF: Yes, sir.

24 (The jury entered the courtroom at 9:30 a.m. and the
25 following proceedings were had:)

1 THE COURT: Good morning, ladies and gentlemen.
2 I hope each of you had a good evening. Thank you for being
3 back here and ready to go this morning. We're about to
4 begin the trial of the case of Wendy Lynch versus Elizabeth
5 Langleigh and Rebecca White Lynch -- or Lynch White. Okay.

6 At this time I ask the clerk of court to swear
7 you in.

8 (The jury was duly sworn.)

9 THE COURT: All right. Ladies and gentlemen,
10 before we begin this trial I want to tell you that this
11 trial probably may be different than what you may expect.
12 Many people don't have a chance to attend actual court
13 sessions as we're doing now and they think from watching
14 television or movies or reading books trials are always
15 full of high drama, intense drama, and riveting
16 circumstances. And while all of those things might be true
17 at times, this trial is not for entertainment. It's a
18 fundamental part of our democracy and an effort to make
19 sure that justice is done between the parties and before
20 this Court.

21 Making sure that justice is done is often slow,
22 deliberate, and repetitive, and that sometimes the opposite
23 of what you may have seen on television, in movies, or read
24 in books.

25 This courtroom is a place of honor dedicated to

1 the protection and preservation of citizens' rights through
2 what many have called the greatest system of justice ever
3 created. The attorneys appearing before you are advocates
4 for the parties they represent, but first and foremost
5 they're officers of this Court. They're sworn to uphold
6 the integrity and fairness of our judicial system and you
7 should expect them to be professional, competent, and
8 ethical in the representation of their clients.

9 Remember that you have taken an oath to try this
10 case and to reach a fair and just verdict and that you're
11 also expected to be professional, reasonable, and ethical
12 throughout this process.

13 What I need to say is meant to serve as an
14 introduction to the trial of this case. These remarks are
15 not a charge on the law in this case. I will instruct you
16 on what the law is at the end of the trial before you
17 retire to decide this case. Before this trial begins I
18 want to explain the procedure that we will follow so that
19 you can better understand what's happening.

20 You have been selected as fair and impartial
21 jurors whose purpose is to find and determine the facts.
22 You are the sole judges of the facts in this case. If at
23 any time I make any comment regarding the facts, you must
24 disregard that. You are to determine the facts from the
25 testimony you hear and any other evidence that's presented.

1 You should not be influenced by any opinions or statements
2 you may have or you may have heard outside of this
3 courtroom. It's especially important that you perform your
4 duty and determine the facts diligently and conscientiously
5 because ordinarily there's no way to correct an erroneous
6 determination of the facts by a jury.

7 When you comply with your oath to impartially
8 determine what the facts of this case are, you will have
9 fulfilled your duty as jurors and no one will have the
10 right to criticize your verdict.

11 On the other hand, and with equal emphasis, the
12 same law that makes you the judges of the facts, makes me
13 the judge of the law. The law as given by the Court is the
14 only you can consider. You must accept it and follow it
15 even though you might disagree with it. I can't tell you
16 what the facts are. And, you, the jury, can't disagree
17 with me about what the law is or what the law should be.

18 Your job is to take the law as I give it to you
19 and apply it to the facts as you find them from the
20 testimony of the witnesses and any other evidence that is
21 presented during this trial. After doing that you will
22 render your verdict, a just verdict under the solemn oath
23 you just took as jurors.

24 During the trial don't read, listen to, or watch
25 any news reports about this case, including anything that

1 might be in the newspapers or on the Internet, radio, or
2 television. You must not consider anything you may have
3 read or heard about this case outside of this courtroom,
4 whether before or during this trial.

5 After this case is submitted to you, you must
6 discuss it only in the jury room with your fellow jurors.
7 The attorneys and parties in this case have been advised
8 that they're not to talk to you at all during this trial.
9 So if you see anyone involved in this case and they ignore
10 you, that's just because that's what they're supposed to
11 do, and not because they're being unfriendly.

12 It is important that you keep an open mind and
13 not decide any issue in this case until all the evidence
14 has been presented and the parties have made their closing
15 arguments and I have instructed you on what the law is in
16 this case.

17 Now in just a moment the attorney for the
18 plaintiff will make what's called an opening statement.
19 The attorney will explain to you the issues in this case,
20 or at least what he thinks the issues are in this case.
21 The attorney for the defendant will also make an opening
22 statement, and Ms. White will also have an opportunity to
23 make an opening statement. What they tell you during their
24 opening statements is not evidence in this case. It's only
25 their contention as to what the issue and evidence will be.

1 The evidence in this case will be presented to you by the
2 testimony of sworn witnesses from this witness stand and/or
3 by exhibits that might be introduced during this trial into
4 evidence from time to time.

5 From time to time during a trial you may hear one
6 of the lawyers say something like, Your Honor, I believe
7 that we have a question of law or a matter of law to
8 discuss with you, or, Your Honor, may we approach the
9 bench? Oftentimes we'll have to interrupt the trial.
10 We'll have to ask you to go to your jury room. And the
11 reason for that is because matters of law, I may have to
12 make some comment on the facts of the case, and any
13 comments that I have to make on the facts of the case are
14 not proper to be heard by the jury because it's your sole
15 job in this function as jurors to determine what the facts
16 are. So if that takes place, we'll excuse you to your jury
17 room. We'll bring you right back out when we resolve the
18 matter of law, and we'll continue the trial.

19 In determining what the facts are in this case
20 you must decide whether or not the testimony of the
21 witnesses is believable. It will be my responsibility to
22 rule as a matter of law to rule whether certain testimony
23 is admissible at all or not, but once the testimony is
24 admitted, whether or not you believe it is completely up to
25 you to determine.

1 In deciding whether to believe a witness, you
2 have the right to consider whether the witness has an
3 interest in the result of the trial, whether the witness is
4 prejudiced toward either the plaintiff or the defendant,
5 the opportunity for the witness to have seen the matters
6 and the things about what the witness is testifying about,
7 and the way that the witness acts on the witness stand.

8 You have a right to consider anything that's in
9 the record that will help you evaluate the testimony of the
10 witnesses. That means that it's your duty to pay close
11 attention to these witnesses, to observe the witnesses, to
12 listen to the witnesses, to pay close attention to the
13 attorneys, and to the Court. So, please, don't let your
14 thoughts wander, but pay attention to the testimony so that
15 at the end of this trial you will be able to determine what
16 the facts are to apply the law to those facts and to render
17 a just verdict in this case.

18 All right. So at this time I'm going to ask if
19 there's any objections to the preliminary charge from the
20 plaintiff?

21 MR. MCCULLOCH: None whatsoever, Your Honor.

22 THE COURT: From the defense?

23 MR. RIGNEY: No, Your Honor.

24 THE COURT: Ms. White?

25 MS. WHITE: No, sir.

1 THE COURT: All right.

2 At this time I'm going to recognize Mr. McCulloch
3 for the opening argument -- opening statement.

4 OPENING STATEMENT BY MR. MCCULLOCH:

5 Ladies and gentlemen, I apologize again, but your
6 pollen is wearing me down. I do not know. It's not quite
7 this bad in Columbia [indiscernible] whole year. So you
8 may have to stop me [indiscernible]. We have water. Bear
9 with me.

10 I'm going to tell you this right at the
11 beginning. This case is about Wendy. It's about greed.
12 And it's about wrath and anger. Greed is a sin, probably
13 one we have been talking about for centuries.

14 My name is Joe McCulloch, as you know from your
15 selections. Mr. McLaughlin is there, seated next to Wendy
16 Lynch. Now Wendy is our client. Wendy is what's called
17 the plaintiff in this civil lawsuit. And we are opposing
18 and have brought a civil lawsuit against Ms. Langley, and
19 of course, and Ms. White, sisters. Sisters. The envy, the
20 greed, the wrath, and the anger have been directed for nine
21 years, we're going to show, by these two women, against a
22 sister.

23 This is a case of -- and I should also introduce
24 -- the young man sitting back there is Jordy. And that is
25 Wendy's daughter -- {sic}. He is the grandson of Jim Lynch

1 who is the father of these three ladies, a fellow who died
2 in 2013. You'll hear his name, Jim Lynch. He was for
3 about 23 years, I think, a magistrate somewhere in the
4 county. Owned real estate, made some money, socked it
5 away.

6 But this is a case about Ms. Langley and Ms.
7 White's discovery while evidently -- this is what the
8 evidence we believe will show -- were rooting around in his
9 house after Mr. Lynch had become ill with a brain cancer.

10 So they found the will that he had made in 2012.
11 And we believe they found it around the time November of
12 2012. And that is when this nearly biblical nine-year war
13 began against Ms. Lynch and against Jordy, both of whom
14 received gifts, bequests, we call them.

15 And you all know what a will is. A will is what
16 a person who believes they are going to die, it may be
17 imminent, it may be just an abundance of caution, but a
18 will is what you or I decide that we want to do about our
19 children, and not anybody else, and about his beloved. A
20 will is a sacred piece of paper, you know.

21 We have laws. You may have done a will. If you
22 haven't, my wife is probate judge in Columbia, would tell
23 you, Go do your will today. You can't be too careful. I
24 always do what my wife says and she did my will. All
25 right. A will is a sacred instrument. It requires,

1 generally speaking, a lawyer's attention, as in this case.
2 The witness will show Mr. Lynch went to an old friend, Rick
3 Hoefer, a lovely lawyer. He decided how he wanted his
4 estate to be divided up because he knew effectively he was
5 a goner and he was winding up affairs in anticipation of
6 his death, which in fact occurred in February of 2013.

7 But Ms. Langley and Ms. White rooting around in
8 his belongings found his will, as I stated, around 2012.
9 They found it and they didn't like it. The evidence is
10 going to show that it began this nine-year war on Ms. Lynch
11 and on Jordy's interest because they didn't like what he
12 decided to do with his money, his estate.

13 And I submit to you, nobody has the right to
14 attack what I decide with my stuff. And they didn't like
15 it because, even though they have conceded in evidence
16 prior to testimony in other places, they conceded they were
17 getting two-thirds of the estate, they were not happy with
18 that. They wanted more. They wanted her to have less.
19 They wanted him to have nothing. They didn't want her, as
20 the Will directed, to receive the family farm where Mr.
21 Lynch lived and loved to live. They didn't want Wendy
22 Lynch and Jordy to have the lake house where Mr. Lynch and
23 Jordy spent time together.

24 But he knew something about the two of them. He
25 knew they would never sell the property because he knew

1 they loved that land. He knew how they felt obviously,
2 because he put in his will that they should have that.

3 This lawsuit we brought, about halfway through
4 this nine years, and it's taken us a while to get to court,
5 -- and we've got -- we've had COVID and we've had
6 interruptions and our system doesn't exactly click along
7 the tracks like a train. I hope we won't see much of that
8 derailing this week, but we'll see.

9 The lawsuit that was filed by Wendy was filed as
10 a last resort. I would suggest to you sometimes you have
11 to bring a lawsuit when nothing else works, a defense to
12 try and stop what I'm now going to describe to you.

13 The lawsuit that has been filed, as the judge
14 mentioned in his opening instructions, he will at a point
15 explain to you what this lawsuit, what the pieces and parts
16 of it are. We call it elements, offenses -- excuse me --
17 causes of action. And there are several causes of action
18 and I'm just going to touch on them.

19 The first thing we have sued these ladies behind
20 me for -- the first thing we have sued these ladies for is
21 what's called civil conspiracy. I know you've seen
22 conspiracy on television; you've seen -- heard about it in
23 the paper. Usually you see it in the context of criminal
24 things.

25 But really civil conspiracy is where two or more

1 people get together and you join together to do something.
2 They use legal means to achieve an illegal goal or they use
3 illegal means to achieve a legal goal. And I don't mean to
4 confuse you. Think of conspiracy simply in your -- you're
5 going to be called to determine if we have proven by a
6 preponderance of the evidence that it's more likely than
7 not that there was a conspiracy between these two ladies.
8 That's the first cause of action, joining together a common
9 goal. We want to do something, and they acted together.
10 And we'll prove that. In fact we can prove that with their
11 own testimony.

12 The next cause of action is defamation. Now it
13 goes by many terms: defamation, slander, libel. It's
14 spoken or written falsities: accusations against persons of
15 things that you say they have done or failed to do that are
16 false and you know they're false and you say them to
17 somebody to injure that person's reputation, to hurt their
18 feelings, to damage them financially, to take their job, to
19 do something bad to that person and you will, we believe,
20 ultimately determine that that was done maliciously,
21 intentionally, in this common plan and scheme.

22 The next cause of action is abuse of process.
23 What is that? Well when we say process, we're referring to
24 legal processes. We have the ability to bring lawsuits.
25 We have the -- and, in fact, in this case, as the evidence

1 will show, in 20 -- excuse me -- after Mr. Lynch's death,
2 Ms. Langley brought a lawsuit against Wendy Lynch, Jordy,
3 and the Will. Now Ms. White was a defendant in that case,
4 so she was suited along as if she was being really sued.
5 Except the sole thrust of that lawsuit was to invalidate
6 Jim Lynch's Will. And these ladies are -- this lady, and
7 we would submit to you this lady will obviously have joined
8 in that effort because of that we and they said that Jim
9 Lynch's Will, this Will, should be torn apart because he
10 was incompetent to make a will and that Ms. Lynch, and/or
11 others, used influence to force him to make a will.

12 And, ladies and gentlemen, what the evidence will
13 show and what they will have to grudgingly admit, if they
14 will, that after ten years of litigation, it should never
15 have been filed. A judge in, not this courthouse, but your
16 old courthouse, some of you have been over there.

17 This is an upgrade, Your Honor.

18 Two years, that lawsuit culminated in an
19 appearance in the courtroom by these same parties and a
20 judge said, Ladies, I'm dismissing this case. There is no
21 basis for it at all.

22 He summarily dismissed that case. And then Ms.
23 Langley appealed it to the court of appeals in Columbia.
24 And so we had to go spend more lawyer time. Well you know
25 what lawyer time is? That's money. Somebody's paying me.

1 As much as I'd love to -- as much as I love my job -- and I
2 do every now and then work for free. Sometimes I intend to
3 do that; sometimes I don't. But all of this litigation
4 cost this lady money to defend, not just her rightful
5 inheritance, but to defend her father's honor.

6 And these ladies have perpetually for nine years
7 dishonored his will, his Will, his decisions, his
8 directives. And they've done it in a callous, heartless
9 way. They've been disloyal to their own father and his
10 will.

11 There are other things that the evidence will
12 show when we present it to you. And again, a lot of it
13 these ladies are going to admit that they worked together
14 to do these things. You're going to hear about accusations
15 that they made against Wendy Lynch who was a registered,
16 licensed nurse, who took leave from her job when Mr. Lynch
17 became ill, was diagnosed with cancer in 2012. She took
18 leave from the job and moved in to care for him.

19 After November, after these ladies knew what was
20 in the Will, knew they weren't getting the favorite
21 property they wanted, that that envy, jealousy and greed
22 took hold of them, because very soon after that complaints
23 began, as the evidence will show, to doctors, to nurses --
24 because Jim Lynch was in and out of the hospital. Hospital
25 here, Duke, several hospitals. Trying to beat the brain

1 cancer that he would finally succumb to in February of
2 2013.

3 Complaints to DSS. Complaints to adult
4 protective services. Complaints to the board of nursing to
5 try to take her nursing license. There were all kinds of
6 things: over-sedating, dehydrating, but worst of all, as
7 you'll hear from the evidence, and from their own mouths,
8 that Wendy Lynch intended, was trying and ultimately did
9 kill Jim Lynch. That's what they have said under oath.
10 What they say in this courtroom, we'll see.

11 Now I think a couple of times they called it,
12 Wendy wanted to send daddy to heaven or Wendy sent daddy to
13 heaven. Well they didn't mean by that that they bought him
14 a ticket -- or that Wendy Lynch bought him a ticket to
15 heaven. No. They accused her of killing their father and
16 her father because they didn't like what she got in the
17 Will and they didn't like what Jordy got in the Will.
18 Despicable.

19 The -- the final offense -- cause of action --
20 excuse me -- is abuse of process, which is the using of
21 processes. And I want to mention one more. These legal
22 processes, when government agencies offer the opportunity
23 for people to make a complaint or allegation, that's a
24 legal process. And if you make a complaint to DSS, to the
25 nursing board, and you do it in bad faith, you do it with

1 malice, you do it with an evil, ulterior motive -- the
2 judge will explain all that law stuff later -- that's
3 exactly what occurred here we believe. And we'll ask you
4 at the end of the trial for a verdict on that as well as
5 defamation, those defamatory assertions of bad care and
6 killing their father, and civil conspiracy, the joining
7 together.

8 In fact, when Jim Lynch died, the evidence will
9 show, these ladies went to the coroner and said, This lady
10 killed him, sent him to heaven. And so the coroner, as you
11 will hear, he's going to testify, conducted an
12 investigation. And just like DSS, as these ladies know,
13 evidence will show, didn't find a thing that Wendy Lynch
14 had done wrong. Just like the board of nursing didn't find
15 that Wendy Lynch did anything wrong.

16 The coroner conducted a review and guess what he
17 found? Found that Jim Lynch died of natural causes in the
18 form of brain cancer, inoperable despite the desperate
19 treatments, could not be saved. And he certainly was not
20 killed by Wendy Lynch. God decided to take him. A thing
21 that these ladies knew from shortly after the time of his
22 death in February of 2013 and they continued their
23 allegation and they continued to spread in the community
24 this smut, this libelous, defamatory trash, continuing to
25 be disloyal to their father's will. When I say that I mean

1 it in two -- two forms. Not just the piece of paper.

2 This piece of paper is only a written embodiment
3 of what Mr. Jim Lynch wanted done with his property. And
4 these two sisters, daughters, decided it didn't suit them
5 so they went on this nearly biblical war against their
6 sister.

7 The last cause of action that you'll be asked to
8 consider is called intentional infliction of emotional
9 distress. Now that's a lot of fancy big words. You know
10 how lawyers get paid by the words. Intentional,
11 purposeful. Infliction, you do something, you say it, you
12 impose it somehow on someone else intentionally. You
13 inflict upon that person, in this case Wendy Lynch,
14 emotional distress that is so extreme that no decent person
15 should have to endure it is essentially, I think, the way
16 the judge will charge it, instruct you at the end of the
17 trial. And everybody has a little slightly different
18 charge. But not every offense will support intentional
19 infliction of emotional distress. I could yell at my 27
20 year old son, as I might be want to do every now and then,
21 but he doesn't get to sue me for intentional infliction of
22 emotional distress. Thank goodness. Because our law says
23 it must be extreme. It must be emotional distress that you
24 intentionally inflict that is very extreme, far beyond the
25 pale. We think you'll find that.

1 Telling the world, as these ladies did, Wendy
2 Lynch was trying to kill her -- their father, did kill
3 their father, making complaint after complaint, after
4 complaint, we believe that will ring the bell, if you want
5 to think of it in a sense, that they -- that you can find a
6 verdict in favor of that cause of action as well as the
7 other three.

8 Now this case is about emotions. It's about that
9 envy, jealousy, that greed, that wrath, that anger that is
10 old as the Bible. It's -- these are the most basic human
11 poisons. And you've been chosen to sit here in judgment.
12 You've been -- I'll call it enlisted. But you're here to
13 do justice.

14 Now there's an old expression -- I don't think
15 it's a South Carolina expression, but I sure use it a lot,
16 Seeing the sausage made ain't pretty. And sometimes seeing
17 justice made is not pretty. And it's hard to sit in
18 judgment. I have, as a lawyer, -- I've done this 45 years.
19 I've talked to hundreds, thousands, I don't know how many
20 juries. Asking you to take time away from your life to be
21 enlisted as our jury is an important duty. It's every bit
22 as important as fighting on a battlefield in defense of our
23 country because you're defending our rights. You're
24 defending right. I hate to say right, truth, and justice,
25 but the American way. I mean, you really, in a very real

1 sense, are here to do justice, and it may not be pretty.

2 It's going to require your attention, your patience.

3 You may hear lawyers object. We do that because
4 we have to. The rules say we have to be the guardians by
5 objecting and then the judge has to determine if that is
6 something that can be said, can't be said, or should be
7 offered to you to review or not. But this process will
8 take several days.

9 My wife would like for me to come home. And she
10 said, How long is it going to take?

11 And I said, Honey, like everything we do, and you
12 as a judge know best of all, it's going to take as long as
13 it takes.

14 Let me assure you, we're going to do everything
15 we can to expedite this process because we know that you're
16 away from your jobs, your activities, your family. Again,
17 it's a nice day. It would be better if it were raining all
18 week. But it looks like it's going to be pretty out there.
19 Look on the bright side, if you suffer from pollen, you're
20 at least in here.

21 Now I say on behalf of Wendy, Jordy, Patrick, we
22 so much appreciate your service. It's so important. I
23 apologize that you have to hear this. But I want to end
24 with what I began with, envy, greed, wrath. We believe
25 when you've heard all the evidence you will conclude that

1 those are the motivations of the activities and actions of
2 these two ladies, these two defendants for nine years. No
3 one should have endured -- had to endure that, not Wendy
4 Lynch, not Jordy, not anyone in our society. There are
5 boundaries. And we are going to ask you with your verdict,
6 at the conclusion of the trial and the evidence to find
7 that these ladies have committed these causes of actions,
8 what I'll call offenses, for the motivations I've
9 described. We think the evidence will prove that to you.

10 So thank you so much for your service and your
11 patience. Look forward to beginning the case after
12 concluding the opening arguments. Thank you so much.

13 THE COURT: Mr. Rigney?

14 MR. RIGNEY: Thank you. May it please the Court,
15 Your Honor?

16 OPENING STATEMENT BY MR. RIGNEY:

17 Counsel for the plaintiff, ladies and gentlemen,
18 thank you. And you have so far heard one side of what
19 you're going to hear. And I'm here to tell you, as is
20 often the case, that there are -- maybe even always the
21 case -- there are at least two sides to every story. And
22 we are going to do our best to make sure that you hear your
23 side, their side, our side, every side of the story that
24 needs to be told.

25 My name is David Rigney and I represent Ms.

1 Elizabeth Langley. She is a defendant in this case, as you
2 have been told. And what our contention is that the things
3 that she has been accused of are either incorrect or she
4 had good reason for doing some of the things that she did.
5 Lawsuits have been filed. She seemed to have had very good
6 reason for doing that. At the time her father made the
7 Will, he did in fact, the evidence will show this, he had
8 -- was diagnosed with five brain tumors. So she had reason
9 to wonder about things. And we are going to present
10 evidence and bring forth evidence, as will the plaintiff's
11 side, to try to support our theory of this case.

12 Now this case is pretty much about a family
13 dispute. Now the case is here, of course, because there is
14 still a dispute. If there were no dispute, we wouldn't be
15 here. So I request and I beg you to listen to evidence.
16 Listen to everything that's presented and figure out what
17 we're saying, what the witnesses are saying, any exhibits
18 that may be presented, so that you can get a very good
19 handle on what happened in this case and come up with a
20 good verdict for this case, which we essentially ask you to
21 return in our favor.

22 So the allegations in here include things such as
23 my client having filed lawsuits without reason. Now I
24 believe the evidence will show that she had a good reason
25 for filing those lawsuits. She had suspicions based on

1 things that she had learned and seen that led her to
2 believe that her father was not capable of making a will at
3 the time and that there was some influence that was
4 inappropriate at the time he made the Will.

5 There are some allegations that are -- I think
6 the evidence will show that they are not accurate about
7 certain filings having been made to certain places, to
8 certain agencies. I ask that you listen and require the
9 plaintiff to prove her case. They have the burden of
10 showing you that their story is accurate by a preponderance
11 of the evidence, as Mr. McCulloch told you.

12 So I want you to think this through while you're
13 listening to the evidence and make sure that what they're
14 saying in your mind is accurate and supportable by what
15 you're hearing.

16 I have a problem with eyeglasses because I can't
17 see when I don't have them in my hand. When I pick it up,
18 I can't see it. It's an unusual situation. And I
19 apologize for any delay that my situation may cause.

20 So the Will probate process is one of those
21 things that is very much in dispute. Now the Will itself
22 has by now been settled. But the thing about here is at
23 the time that these actions were filed by my client the
24 question is, did she have a reasonable basis for doing that
25 when she did it? You can't look at the end because she

1 didn't know how it was going to turn out in the end. She
2 knew what she was aware of at the time things happened and
3 she took action based on that. Her intentions were to
4 preserve what she believed were her father's intentions and
5 things that were best in the family.

6 Again, as I said at the beginning, there's two
7 sides to every story. This one is no different than any of
8 the others. Some of the language that has been used we
9 would certainly dispute, the language about killing the
10 father. I think that the evidence will show that those
11 words were not used and in this type of case the actual
12 words used are going to be important. I believe the judge
13 will instruct you on that and let you know the importance
14 of the words that were used by my client. So pay attention
15 very closely to the words that have been used by her as the
16 evidence is presented.

17 Now Mr. McCulloch accurately stated that there's
18 basically four things that are going on in this case, four
19 causes of action that they have brought. And one of those
20 is abuse of process, as he says. And as I said moments ago
21 we believe that everything that Mrs. Langley did had a
22 basis for her doing it. She was trying to respect the
23 advice of her family and she was trying to make sure that
24 her father's intentions were followed.

25 The defamation, again it's very important to

1 listen to the words used. And you will be the judge of
2 those words and therefore please listen very carefully for
3 the judge's instructions on those words. We believe that
4 you will find that that was not the case and there was no
5 defamatory action.

6 As to the civil conspiracy, the fact -- Mr.
7 McCulloch already said, Ms. White was in fact a defendant
8 in one of the cases, so it's unlikely that the evidence
9 will show she conspired against herself.

10 Then finally the question of intentional
11 infliction of emotional distress. I believe the evidence
12 will show there's no basis to support that.

13 At the end of this case I will come back and ask
14 you to return a verdict in favor of my client, Ms. Langley.

15 Thank you.

16 THE COURT: Ms. White?

17 OPENING STATEMENT BY MS. WHITE:

18 I think this case is about greed, not on the
19 parts of myself or my sister, Elizabeth. I think the
20 evidence will show that we acted in good faith to try and
21 go and save our father from what we witnessed. Everything
22 that we saw and that we felt was being done to our father,
23 we went for help. These places in town, in every city you
24 have places that you can go for help when you see people
25 are being harmed or things are not being done correctly.

1 That's simply what Elizabeth filed or Ms. Langley filed in
2 court to contest the Will, which is her legal right.

3 My dad did have five brain tumors. It is true
4 that Ms. Lynch and her son moved in immediately with our
5 father and Elizabeth also was there taking care of our
6 father. I live in Winston-Salem, North Carolina, so I'm
7 three hours away. I came here to help whenever I could. I
8 had a job and, you know, I had to -- I have kids there. It
9 was hard for me to stay for long periods of time. Towards
10 the end I did stay for 33 days straight in the hospital
11 with my father. So...

12 And I think that the evidence will show when I
13 came home on several occasions it was obvious the things
14 that were being done to our father, the steps that Ms.
15 Lynch and Mr. Jordan took to lock us out of the property,
16 many other things that they did that were not right. So
17 Elizabeth and I, we went for help. I went too. I went for
18 help. She went for help.

19 Wendy had defamed her character. We never stated
20 anything about her that was not true. We have a right to
21 freedom of speech. I can say what I believe is the truth.
22 And I know and I believe what I witnessed and what I saw
23 and that is -- there's police reports to back those up and
24 many other things to show that we went for help, not to
25 harm Mrs. Lynch and not to harm Mr. Jordan.

1 I hope that y'all will listen carefully. You
2 will understand that this case is about my father was a
3 very fair man. He was a judge. He would never -- our
4 entire lives he's never done for one and not the other. I
5 also have a son who was my dad's grandson. He's not even
6 mentioned in the Will. I also have a brother who was a
7 paraplegic. It stated in the Will that he gets nothing.
8 And my brother could have -- and Mrs. Lynch was a
9 magistrate. She knows what the laws are. And she knows
10 good and well that my brother could have had a special
11 needs' trust and that his part, one-fourth of my daddy's
12 estate, which my daddy always told us our entire lives
13 growing up, You will never have to work again when I die.
14 There's enough money for everyone.

15 MR. MCCULLOCH: Your Honor, I really hesitate to
16 interrupt, but we've talked about this.

17 THE COURT: Sustained.

18 Ms. White, you're going to have to remember what
19 the ruling of the Court was; okay?

20 MS. WHITE: Okay. I apologize, sir.

21 THE COURT: All right. Continue.

22 MS. WHITE: Okay. I also have a son that was a
23 grandson. He was not mentioned in the Will at all. I'm
24 not a fighter. I haven't come down here and fought for
25 anything. I've only been dragged down here for all these

1 courts, which my life has been upside down. It destroys me
2 to know that my family is torn apart like this. It's -- we
3 don't have birthdays. We don't have holidays. We don't do
4 anything like that anymore. And it's not because of Ms.
5 Langley's actions. It's because of the actions of Ms.
6 Lynch historically.

7 . She knew my dad had five brain tumors in his head
8 when she took him to sign a will. She knew she was durable
9 power of attorney for my father. She kept it a secret from
10 my sister for three days. And she kept it -- she kept my
11 dad's illness a secret for three days and had him go see
12 quite a few doctors before we ever knew our father was
13 sick.

14 And she had already been in the home. She had
15 been in his magistrate's office. Jordy had already come
16 down to Charleston. Went to the doctor. Moved to
17 Florence.

18 When I got here -- I don't have an attorney. I'm
19 sorry. I can't -- my father was a very caring man. He
20 loved his children. He took care of us. He paid for our
21 college. He loved all his people and with five brain
22 tumors in his head he did not have the faculty to make this
23 Will and understand what it was about. The Will itself has
24 on it, it has the date marked through. There's no mark on
25 it to where anybody signed it or notarized it or anything.

1 But there is a discrepancy on the Will. The date says on
2 the tenth. But it's marked through with lines to make it
3 look like the eleventh. Mrs. Langley was there on the
4 eleventh -- or the tenth and not -- it wasn't correct on
5 the Will. And we feel that that was the reason that we
6 don't believe that the Will was fair and our daddy knew
7 what he was doing when he signed that Will.

8 As far as conspiring with Elizabeth, I never
9 conspired with her. We witnessed things together. We saw
10 things together. We went to the police. We went to a
11 couple of our dad's closest friends to try to see what we
12 could do for our father. At one point ---

13 MR. MCCULLOCH: Your Honor, again, I really, ---

14 MS. WHITE: I'm sorry, sir.

15 MR. MCCULLOCH: I'm afraid that I find myself in
16 the position of pointing out to the Court and objecting.
17 And I recognize that we'll take up later the fact that this
18 lady does not have a lawyer and why that is, but this is
19 not a testimonial opportunity. When she's sworn as a
20 witness, she can say all of the things that she can say.
21 This is the point at which her lawyer, if she had one, if
22 she had chosen to have one, would be explaining the case
23 and what the evidence would prove. And I just -- I
24 hesitate, Your Honor, but this is a problem we anticipated.

25 MS. WHITE: I know that.

1 THE COURT: I sustain the objection.

2 Ms. White, you'll have an opportunity to testify
3 during this trial if that's what you choose to do or if
4 you're called to the witness stand; okay. These are
5 opening arguments. So please understand that; okay?

6 MS. WHITE: Keep going?

7 THE COURT: You're welcome to.

8 MS. WHITE: Okay. I didn't know.

9 The abuse of process, you have a right to go and
10 file things in court. My sister Elizabeth acted in good
11 faith. For defamation, we can prove that everything we
12 claimed we were witnesses. We didn't just make this stuff
13 up. I just hope that y'all listen and be fair and do
14 what's right in this case and hopefully our family will not
15 be in court. Thank you for your time.

16 THE COURT: All right. Mr. McCulloch?

17 MR. MCCULLOCH: Your Honor, I yield to Mr.
18 McLaughlin to call the next witness.

19 MR. MCLAUGHLIN: Your Honor, at this point in
20 time the plaintiff would call Porter Stewart to the stand.

21 THE COURT: All right.

22 (The witness was duly sworn.)

23 THE CLERK: Please be seated, and if you'll state
24 your name for the record.

25 THE WITNESS: My name is Porter Stewart.

1 PORTER STEWART,
2 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 DIRECT EXAMINATION BY MR. MCLAUGHLIN:

4 Q. Mr. Stewart, good morning. My name is Patrick
5 McLaughlin. And I'm one of the attorneys representing
6 Wendy Lynch in this action today that you've been called to
7 give some testimony on. Would you start out by letting the
8 jury know what you do for a living?

9 A. I'm an attorney here in Florence.

10 Q. And how long have you been practicing law, sir?

11 A. I've been here since 1979.

12 THE COURT: Mr. Stewart, is your microphone on?

13 THE WITNESS: Yes, sir.

14 THE COURT: Can everybody hear him okay?

15 Q. I'll try to get over here so you're projecting a
16 little bit more towards the jury. Maybe that'll help out a
17 little bit.

18 Do you practice law here in Florence?

19 A. Yes, sir.

20 Q. And that's -- do you have a firm, law practice?

21 A. It's the McGowan Rogers Law Firm.

22 Q. Okay. How are you involved in this matter between
23 these sisters?

24 A. I'm not involved in this action. I was appointed by
25 the Florence County Probate Court as special administrator

1 to administer the estate of the late James M. Lynch by
2 special appointment or court order through that court,
3 through the probate court.

4 Q. Okay. And so -- so the jury may not know -- some of
5 them may know a little bit about wills; some of them may
6 not. What does a special administrator do when they're
7 appointed by the probate court?

8 A. Again, as appointed by the Court, at the time, the
9 Court found there was a necessity that someone be appointed
10 to administer that estate, that is, to receive the
11 properties and administering trust, and then finally
12 account and distribute upon conclusion. That would be the
13 function.

14 Q. So would it be fair to describe your role, Mr. Porter,
15 as you kind of look at what the estate is comprised of, the
16 assets and liabilities the estate may have, you do kind of
17 an accounting of all of that? Is that one of the duties
18 that you do?

19 A. Yes, sir.

20 Q. And then do you have to report that type of stuff to
21 the probate court?

22 A. Yes, sir.

23 Q. And then ultimately after you do this accounting, do
24 you make recommendations about how the estate will be
25 disbursed?

1 A. Yes, sir.

2 Q. Okay. And would it be fair to say those are your
3 duties as a special administrator?

4 A. Yes, sir.

5 Q. Are those duties similar to what just a personal
6 representative would do in a regular estate that wasn't
7 contested?

8 A. Yes, sir.

9 Q. So in other words, and in case the jury doesn't
10 understand that, in a will, the person making a will names
11 someone or identifies someone to do those types of things
12 typically?

13 A. Yes, sir.

14 Q. And what is that person typically called in a will?

15 A. The person is called personal representative or
16 representatives.

17 Q. Yes, sir. And so would it be fair to say that in an
18 estate where there's not a big fight like there was in this
19 case, oftentimes, the personal representative will do what
20 you had to do?

21 A. Yes, sir.

22 Q. Okay.

23 MR. MCLAUGHLIN: Your Honor, may I approach?

24 THE COURT: Yes, sir.

25 MR. MCLAUGHLIN: Madam Court Reporter, if we

1 could mark this as Plaintiff's exhibit number 1, please?

2 (A will dated March 13, 2013, was marked as
3 plaintiff's exhibit number 1 for identification.)

4 MR. MCLAUGHLIN: Thank you, ma'am.

5 Q. Mr. Stewart, I'm going to hand you what has been
6 marked as Plaintiff's exhibit number 1. Since you were
7 named as the personal representative of the Estate of James
8 Lynch, would it be fair to say that you're familiar with
9 this document?

10 A. Yes, sir.

11 Q. And could you tell the jury what this document is?

12 A. This is a copy of the Last Will and Testament of the
13 late James M. Lynch. It was -- I filed in probate court.

14 Q. And so earlier when you explained to the jury that
15 part of your job is to -- as the special administrator of
16 the estate, is to make this accounting and then ultimately
17 recommend the way to disburse what's in the estate, how
18 does that document play in to your recommendations to the
19 Court?

20 A. Well, once affirmed, this would be the governing
21 document for that estate that would guide the distributions
22 to ultimately be made.

23 Q. Okay. Now did you solicit this role in this case, Mr.
24 Stewart?

25 A. No, sir.

1 Q. The Court picked you; would that be fair?

2 A. Yes, sir.

3 Q. Would it be fair to say that the Court picked you
4 because these ladies had conflict amongst themselves where
5 they weren't going to be able to do this on their own?

6 A. Well it's my understanding at that time that the named
7 -- excuse me just a second, please, sir. The Will had
8 named two of the parties here today, Wendy Lynch and
9 Elizabeth Lynch Langley as personal representatives. And
10 that appointment of those individuals did not occur. And
11 the Court sought me out to serve as special administrator
12 instead.

13 Q. So what you were just explaining to the jury is how we
14 talked earlier about when there is an estate and there
15 isn't a big dispute over it, and somebody has a will and
16 they name people in their will to do what you did, Mr.
17 Lynch actually named somebody in his will to do the job
18 that you wound up having to do by order of the Court?

19 A. That would be a fair statement.

20 Q. And he named Wendy Lynch and Beth Langley to serve as
21 the personal representatives?

22 A. In the Will itself, yes, sir.

23 Q. Okay. But because of the dispute amongst these
24 ladies, the Court decided that it would be in the best
25 interest of the estate to have an outside party come in and

1 perform these roles that typically a personal
2 representative would perform?

3 A. Yes, sir.

4 Q. And in your role as special administrator, you have
5 yourself sought assistance from other professionals to
6 carry out your duties. Would that be fair to say?

7 A. Yes, sir.

8 Q. Could you explain to the jury some of the other
9 professionals that you have had the benefit of their
10 assistance in performing your role as the special
11 administrator on the estate of Mr. Lynch?

12 A. Yes, sir. I have utilized the services of John S.
13 Turner, who is a certified public accountant, a CPA, to
14 help and assist with the liquid assets and the accounting
15 side. And then also I have also utilized the services of
16 an attorney, Mr. Gary Finklea, a local attorney here in
17 Florence, to assist in my capacity as special
18 administrator.

19 Q. Okay. Now over Mr. Jimmy Lynch's life or James
20 Lynch's, -- I believe he went by Jimmy -- that's how I knew
21 him when he was a magistrate's court judge, Mr. Jimmy --
22 would it be fair to say that he, over his lifetime, was
23 able to accumulate a fairly substantial estate?

24 A. Yes, sir. He -- when he passed away he had, I would
25 say, significant assets. Yes, sir.

1 Q. And I'm no accounting whiz and I'm not very good at
2 business either, but I know that often assets are referred
3 to in two types of classifications, some being passive
4 assets and then some being, I think referred to as working
5 assets. Could -- A, I would question, did Mr. Lynch have
6 both types of assets? And could you explain to the jury
7 the difference between those types of assets?

8 A. Well, he did. For instance, his home and personal
9 properties would be utilized for, I guess we would call it,
10 quality of life and personal lifestyle. It would not be
11 income producing. All of us alive have assets of that
12 nature that we need for our comfort and existence. Then
13 also he had income-producing assets as well. He had some
14 rental properties as well.

15 Q. And in your role as special administrator as you dove
16 into this role and started to get a grip on what Mr.
17 Jimmy's estate was, were you given any assistance by Wendy
18 in that regard?

19 A. Well I received input from the beneficiaries of the
20 estate. Yes, that would be fair.

21 Q. Now have you, just within last week, submitted to all
22 the parties here in this courtroom a final accounting and
23 proposed distribution from Mr. Jimmy's estate?

24 A. Yes, sir.

25 Q. Okay.

1 MR. MCLAUGHLIN: Your Honor, may I approach?

2 THE COURT: Yes, sir.

3 MR. MCLAUGHLIN: Madam Court Reporter, would you
4 mind marking this as Plaintiff's 2, please?

5 (A final accounting and proposed distribution document
6 was marked as plaintiff's exhibit number 2 for
7 identification.)

8 MR. MCLAUGHLIN: Thank you, ma'am.

9 Q. Mr. Stewart, I'm going to hand you what has been
10 marked as plaintiff's exhibit number 2. And I'm going to
11 ask you a couple of questions about that. Do you recognize
12 this document?

13 A. Yes, sir.

14 Q. And can you explain to the jury what this document is?

15 A. Yes, sir. This would be the filing that has been
16 described as the proposal for distribution in this estate.

17 Q. Okay. And if you turn, I believe it's about eight
18 pages in, Mr. Stewart, it would be the probate form that is
19 titled, The Accounting.

20 A. Yes, sir.

21 Q. Okay?

22 A. Yes, sir.

23 Q. Thank you. All right. On that page would it be --
24 this thing's titled, Accounting, right?

25 A. Yes, sir.

1 Q. All right. And on this page there is a breakdown that
2 has a beginning balance. It shows receipts. It shows a
3 subtotal. And then it shows less disbursements and
4 distributions to zero out the estate; is that right?

5 A. Yes, sir.

6 Q. Okay. And is this document your work product as the
7 special administrator for Mr. Lynch's estate?

8 A. Yes, sir.

9 Q. Okay.

10 MR. MCLAUGHLIN: Your Honor, at this point in
11 time the plaintiff would move exhibits 1 and 2 into
12 evidence.

13 THE COURT: Any objection?

14 MR. RIGNEY: Your Honor, I would like to clarify
15 the will. I have no objection to number 2, but to number
16 1, I just want to make sure that that's the same will that
17 was -- went through the court system, and the court of
18 appeals actually confirmed that that was, in fact ---

19 MR. MCLAUGHLIN: It is the non-stricken will. So
20 it is the one that ---

21 MS. WHITE: It's not the original will.

22 MR. MCLAUGHLIN: As he just testified it's the
23 Will -- it's Mr. Lynch's Will.

24 MR. RIGNEY: I have no objection, Your Honor.

25 THE COURT: Thank you. Ms. White?

1 MS. WHITE: And I'd like to -- is it the will
2 that has the one stricken out?

3 THE COURT: It's the will that was stipulated to
4 yesterday, I believe. Is that right?

5 MR. MCLAUGHLIN: That is the exact --

6 MS. WHITE: So what you're talking about,
7 scratched out, you didn't mean the tenth or the eleventh.
8 You're talking about ---

9 MR. MCLAUGHLIN: Ms. White, that's the document.
10 It's the one moving into evidence, right there. The one
11 you have in your hand, that's a copy of it.

12 MS. WHITE: Striking out, what are you referring
13 to?

14 MR. MCLAUGHLIN: There was another will that had
15 an item stricken out that is not the final ---

16 MS. WHITE: And that was the original.

17 MR. MCLAUGHLIN: --- will of your father. It's
18 not the one that was made final after all the court
19 hearings.

20 MS. WHITE: That was the original.

21 MR. MCLAUGHLIN: That's the one that was made
22 final through the court hearings.

23 MS. WHITE: Okay.

24 MR. MCLAUGHLIN: Okay. Does that make sense?

25 MS. WHITE: Yes, sir.

1 MR. MCLAUGHLIN: Okay.

2 THE COURT: All right. Plaintiff's 1 and 2 are
3 in evidence.

4 (Plaintiff's exhibits numbers 1 and 2, having been
5 previously marked, were admitted into evidence.)

6 MR. MCLAUGHLIN: Thank you, Your Honor.

7 Your Honor, permission to publish to the Jury as
8 I go through this, with them via the screen.

9 THE COURT: Okay. All right.

10 Q. Now, Mr. Porter, this accounting that is on that first
11 paper we just talked about, the one we showed you, the
12 beginning balance, the receipts, and you zero out the
13 estate. What is the total figure that you have under the
14 subtotal for Mr. Lynch's estate?

15 A. All right. So the total on the sub -- the total
16 subtotal line, excuse me is \$1,478,112.60.

17 Q. And then you show disbursements and distributions in
18 that same amount to zero out Mr. Lynch's estate; is that
19 right?

20 A. Yes, sir.

21 Q. And if accepted and approved by the Court, that
22 disbursement that you propose would close Mr. Lynch's
23 estate; would that be a fair way to describe it?

24 A. Yes, sir. The zeroing out and full distribution of
25 assets, would close the estate.

1 Q. Now I have some questions about that figure. I'm
2 going to refer to it as the 1.5 million dollar figure, just
3 because it's easier to say, right below 1.5 million. That
4 \$1.5 million figure, is that currently the value of Mr.
5 Lynch's estate including any prior disbursements that have
6 been made in this thing?

7 A. That figure would represent the economic activity of
8 the estate with regard to the liquid assets. And by liquid
9 assets I mean monies and/or stocks and bonds in addition to
10 economic activity in the liquid assets described as monies
11 and/or stocks and bonds. There are also in the estate real
12 properties and personal properties that are not reflected
13 by this number.

14 Q. Whew. That was a long answer. I don't know if I
15 understand that. Let me try to dribble down on that just a
16 little bit.

17 A. Okay. This is ---

18 Q. And let me ask a brief followup question that will
19 maybe help me understand this. At some point in time there
20 was a partial disbursement or distribution made to the
21 beneficiaries of Mr. Lynch's estate; right?

22 A. There was a partial distribution of a portion of the
23 monies, stocks, and bonds; correct.

24 Q. Yes, sir. That figure right there, that 1.5 figure --
25 and again I'm rounding up, just to make it easier to say --

1 does that include those previous partial disbursements that
2 have already been made? I think the answer is yes, but I
3 want to make sure I understand and the jury understands
4 too.

5 A. The answer is yes.

6 Q. Thank you. Thank you very much, sir.

7 Porter, if I was any good at math, I wouldn't be
8 a lawyer. So I appreciate you clearing that up for me.

9 All right. So would it be fair to say that in
10 your work as special administrator that you have determined
11 that Mr. Lynch's estate was worth approximately \$1.5
12 million in total?

13 A. Well, again, let me try to clarify. So the 1.5 would
14 represent the initial liquid assets plus receipts. On the
15 page that you're looking at, it has a line item called less
16 disbursements and distributions. And so for purposes of
17 this final accounting of course it has to come to zero. As
18 you have -- if I might expand the answer?

19 Q. Yes, sir. Please.

20 A. As you have noted a few minutes ago, there have been
21 some distributions that I had described that were made in
22 the course of administration of the estate. And, of
23 course, there have been expenses along and along. So
24 again, this is the liquid portion of the estate. And
25 again, by liquid I'm just talking about mixed money. In

1 addition, there also was real property, and there also are
2 personal properties that are not included as part of this
3 number you're referring to. So the estate actually would
4 have a value that is greater than the 1.5.

5 Q. Okay. And that's what I wanted to follow up with you.
6 Obviously, as part of the will that is already in evidence,
7 Mr. Jimmy made specific devises or bequests or gifts within
8 the will of specific real property, land and houses; right?

9 A. Correct.

10 Q. Of specific personal property?

11 A. Yes, sir.

12 Q. Specific vehicles, I believe?

13 A. Yes, sir, as set forth in the Last Will and Testament.

14 Q. And then specific instructions on how he wanted
15 certain accounts or stocks to be distributed amongst his --
16 the folks he was leaving things to?

17 A. Yes, sir.

18 Q. Okay. And so to the extent the Will -- to the extent
19 Mr. Jimmy said I want Wendy and Jordy to have the lake
20 house and I want Wendy and Jordy to have the 103 acres, and
21 I want maybe Rebecca to have the Ponderosa, to the extent
22 he made specific requests like that, those items are not
23 included in that 1.5 figure. Do I understand that
24 correctly?

25 A. Yes, sir.

1 Q. All right. So in other words, what you're doing on
2 this final accounting is you're saying, Okay, after you
3 look at the Will and you disburse the things, the specific
4 gifts, that Mr. Jimmy wanted to give to specific people,
5 after you move those off the table, what we have left is
6 worth about 1.5 million. Is that a fair way to explain it
7 to the jury?

8 A. What you have left, the 1.5 again, is the gross number
9 of the liquid assets, beginning balance and monies that
10 came in, less disbursements that have been made and
11 expenses paid. So 1.5 does represent the liquid portion.

12 Q. Well -- and because what happens is in wills, when
13 people make those specific gifts we just talked about, very
14 often people who are for doing a will, they know that they
15 want certain people to have certain things. And then they
16 kind of will have, for lack of a better phrase, maybe to
17 speak in layman's terms for the jury, they'll have catchall
18 gifts. And we lawyers call them rest and residue type
19 clauses. Is that fair to say?

20 A. Yes, sir. Or sometimes called residuary estate.

21 Q. And so basically a lot of times what someone may do in
22 a will is, I want Bobby to have this piece of property; I
23 want Suzy to have this gold necklace; I want Tommy to have
24 this piece of property, and they go down the line of
25 specific requests, but then at the end they may say,

1 Anything that I didn't address, the rest of my estate, I'm
2 going to leave to this person or this combination of
3 people. Would that be fair to say?

4 A. Yes, sir.

5 Q. All right. And in Mr. Lynch's case, he had a rest and
6 residue clause; did he not?

7 A. Yes, sir.

8 Q. And in his rest and residue clause, he left anything
9 that he didn't make a specific gift to, to all three of
10 these sisters; right?

11 A. Yes, sir.

12 Q. And so when he leaves that rest and residue to all
13 three of the sisters, what he's doing is leaving it to them
14 to share in equal portion that which I have not
15 specifically given out to specific people; is that right?

16 A. Yes, sir.

17 Q. Okay. Now, are you aware that Mr. Lynch actually had
18 four children at the time this will was done?

19 A. Yes, sir.

20 Q. He had a son, I believe; is that right?

21 A. Yes, sir.

22 Q. And that son had special needs?

23 A. Yes, sir. That's what I have been informed. I did
24 not know him. Actually I do not know the family at a
25 personal level. So I'm really not -- did not have a

1 personal association or relationship with the late Mr.
2 Lynch or his family prior to my appointment.

3 Q. Sure. Mr. Stewart, you've been practicing law a long
4 time. And us lawyers unfortunately wind up learning a lot
5 more stuff than we probably want to have to learn. Are you
6 familiar with the idea that if someone, say, for instance,
7 is disabled and is receiving disability payments, say
8 they're on Medicaid or Medicare, that if they receive a
9 large sum of money, that that can potentially endanger the
10 benefits that they get from the federal government? Are
11 you familiar with that concept?

12 A. Yes, sir.

13 Q. Okay. And so it's not necessarily a sign that someone
14 is unsound or not thinking for them to perhaps not leave a
15 large sum of money to someone who is disabled, because that
16 could endanger that person's Medicaid, Medicare, or their
17 disability payments; right?

18 A. Yes, sir.

19 Q. And, in fact, we often as lawyers run into that when
20 we have people in that situation that may receive money and
21 we have to go -- jump through a lot of hoops to set up
22 things called Medicare set-aside trust funds and things
23 like that; isn't that right?

24 A. Yes, sir.

25 Q. And ultimately what that means is that the federal

1 government may get their hands on that money instead of
2 that disabled person, right?

3 A. Yes, sir.

4 Q. Okay. So it's not exactly a sign of someone being
5 unsound that they may not want that to happen. That may be
6 somebody that's pretty savvy and that wants to try to make
7 sure their family keeps a hold of their estate. Would you
8 agree with that?

9 A. Yes, sir. It can be a matter of estate planning.

10 Q. Now, as things stand now -- and I apologize for -- I
11 often -- I'm not a very good documents' lawyer. So I can
12 sometimes have difficulty trying to get [inaudible] of
13 accounting filings. Somewhere in here you have what the
14 disbursement to each individual daughter would be; don't
15 you? Under your proposed disbursement, let's see. Here it
16 is, I think. If you look at the back, the last three
17 pages, I believe. Back -- it makes sense. This is your
18 proposal for distribution; right?

19 A. Yes, sir.

20 Q. All right. All right. So on this document right
21 here, which is -- it looks like it's page 29 of this packet
22 that you sent out to all the parties last week, through
23 your lawyer, Mr. Finklea. The first thing you deal with is
24 sending out or is distributing some specific devises that
25 were in Mr. Lynch's will; right?

1 A. Yes.

2 Q. Okay. For instance, Wendy Lynch and Donald Jordan,
3 III, Jordy, as joint tenants with rights of survivorship,
4 get the farm in Florence County, which includes the home,
5 and then they get the lot and house in Santee; is that
6 right?

7 A. Yes, sir.

8 Q. Okay. And when you say that that's a specific devise,
9 what you're saying is that's Jimmy Lynch? That is his last
10 will and testament explaining who he wants that to go to;
11 right?

12 A. Going by the document which is exhibit 1, yes, sir.

13 Q. Okay. And then you also do a specific bequest to
14 Wendy and Jordy of a 2008 Kubota tractor, and all the boats
15 at the Santee property; right?

16 A. Yes.

17 Q. Okay. And once again, that comes from Mr. Lynch's
18 last will and testament?

19 A. Yes, sir.

20 Q. Then to Ms. Langley you give the farm in Florence
21 County on Highway 76 and a 2008 Chevy Tahoe; is that right?

22 A. Yes. The Tahoe had previously been distributed.

23 Q. That was one of those things that we talked about
24 earlier where there had been a partial disbursement of Mr.
25 Lynch's estate. That's one of the items that Ms. Langley

1 had already gotten that her daddy wanted her to get; right?

2 A. Yes. That had previously been distributed.

3 Q. Out of curiosity, that partial disbursement, is that
4 what happened -- ordered after the hearing in front of
5 Judge Scott here in Florence in September of 2014 that you
6 had to go to and you had to testify to -- at?

7 A. If I might expand? It's my best recollection that
8 both the Tahoe that's been mentioned and also the following
9 item, the Silverado, the 2010 Silverado truck that was
10 distributed to Ms. White, were actually done initially in
11 2013 before Judge Scott ---

12 Q. Okay.

13 A. --- became the probate judge.

14 Q. All right. And so they got those vehicles because the
15 will that Mr. Jimmy had done said he wanted them to have
16 them?

17 A. Well the will -- of course the will says what it says.
18 But again, to my best recollection, at the time the parties
19 basically agreed and consented for those two items to go
20 ahead and be distributed at that early date.

21 Q. Yeah, that's right. The parties consented. Ms. Wendy
22 didn't fight them getting what their daddy said that he
23 wanted them to have in the will; did she?

24 A. I'm sorry. Can you repeat that?

25 Q. Sure. You just explained to the jury that to the best

1 of your recollection the parties consented. That means
2 that Ms. Wendy had no problem with them getting what their
3 daddy wanted them to get under the will?

4 A. Yes, sir. There was no dispute with reference to that
5 contemporaneously; no, sir.

6 Q. Okay. And then you have that both Ms. Langley and Ms.
7 White together get assigned a note and mortgage from Andrew
8 and Beretha [ph] McFadden as a specific bequest; right?

9 A. Yes, sir.

10 Q. And then you have \$25,000 going to Jimmy White?

11 A. Yes, sir.

12 Q. Do you know who Jimmy White is?

13 A. I do not know the gentleman.

14 Q. Okay. Then you say distribution of real property in
15 the residuary. That's that catch-all that we talked about;
16 right?

17 A. Yes, sir.

18 Q. Okay. So in other words everything you have in the
19 residuary -- residuary, excuse me -- I'm getting tongue-
20 tied -- that's the stuff that Mr. Jimmy didn't make a
21 specific bequest of, other than saying anything I didn't
22 address in my will, split it between my daughters. Would
23 that be a fair way to describe it?

24 A. Yes, sir.

25 Q. Okay. And so then you wind up giving them -- there's

1 real estate going to Wendy and a portion of another piece
2 of real property, which you said -- it looks like basically
3 what you do is you wind up splitting in your distribution,
4 each of them getting \$112,686; is that right?

5 A. Well, yes, sir. The document, as described, it is
6 intended to provide equal benefit to each of the three
7 individuals.

8 Q. So in this will, if your proposed disbursement is
9 accepted, after all the other bequests that have been done,
10 each one of these women would get 112 -- well, they would
11 get property worth \$112,686. Not any cash, but they're
12 getting property worth that much, each of them in equal
13 share; right?

14 A. Net benefit, yes. Uh-huh.

15 Q. Okay. Now, that does not include at least \$50,000
16 that Rebecca Lynch admitted under oath at a probate hearing
17 to going into her daddy's safe and winding up taking at
18 least \$50,000 in cash; right? And I'll direct you to the
19 first page of your packet you sent out to everybody.

20 A. Correct.

21 Q. And, in fact, there's a question about whether or not
22 it was 50- or 100,000. And this letter actually included,
23 to explain your decision, the testimony from that hearing
24 where -- from the September 10th, 2014, hearing; right?

25 A. Yes, sir. And included -- excuse me, sir?

1 Q. That's all right.

2 A. Included as part of exhibit 2 would be a portion of
3 the transcript from that hearing.

4 Q. And that portion of that transcript from that hearing
5 would actually be page 66 right there. The witness is Ms.
6 White. And that's why you included it with your packet, to
7 show why you were making this decision. And that's where
8 she eventually admitted under oath, I received \$50,000 of
9 that money after it was all said and done. And that was
10 her describing, in the other testimony you have in that
11 packet, how her and some other fellow had gone into a safe
12 at daddy's house and took money out, and ultimately, at the
13 end of the day, under oath, she was willing to cop to the
14 fact that she took 50 grand of it?

15 A. Yes, sir. As stated the transcript that's provided is
16 what -- what I went by.

17 Q. Now do you recall at that hearing there being
18 discussions -- there were essentially two motions at that
19 hearing. One was a motion about, for lack of a better way
20 to describe it, I would say it was kind of amending a
21 temporary order that had placed Ms. Wendy into Jimmy's
22 house, but had allowed both Elizabeth and Rebecca to visit
23 the house. And there had been a lot of conflict over those
24 visits. And so one of the motions that was considered was
25 amending that order to try to stop that conflict. Do you

1 recall that?

2 A. I do recall generally.

3 Q. And ultimately Judge Scott decided, Okay. We're going
4 to amend that order. We don't need these visitations
5 anymore. But there was a question raised by these two
6 ladies, who are defendants today, about there being missing
7 assets. Do you recall that?

8 A. Generally speaking, yes, sir.

9 Q. Well, how about this, because it's kind of unusual.
10 You may recall this. They claimed that there were gold
11 bars that were missing. Do you remember that?

12 A. Yes, sir.

13 Q. They claimed that there was \$5,000,000 in cash in a
14 duffle bag that was missing. Do you remember that?

15 A. Yes, sir.

16 Q. Bags of silver that were missing. Do you remember
17 that?

18 A. Yes.

19 Q. And ultimately, would it be fair to say that Judge
20 Scott felt that you had as good of a handle as could be
21 gotten at that time, about what the estate -- the assets of
22 the estate were, and that he was going to stop allowing the
23 visits of Ms. Langley and Ms. White to the home that Ms.
24 Wendy was living in, unless they came up with reasonable
25 evidence to support their claims that there was buried

1 treasure out there on the land. Would that be fair to say
2 what happened?

3 A. Yes, sir.

4 Q. And, in fact, do you remember at that hearing how Ms.
5 Lynch said, Listen, if they know where something's buried,
6 come look for it and find it. And the Court essentially
7 said, Y'all get good evidence of it, y'all can come look
8 for it. But if you tear up the concrete floor going
9 looking for buried treasure, it's going to be your
10 responsibility to pay to fix it. Do you remember that?

11 A. That's my general recollection.

12 Q. As the special administrator of the estate of Jimmy
13 Lynch, if somebody went out there to that property and
14 found buried treasure, they should have told you about it;
15 right?

16 A. Yes, sir.

17 Q. Did anybody ever tell you about finding buried
18 treasure?

19 A. No, sir.

20 Q. Were you present? Did they actually go out there with
21 ground-penetrating radar at some point in time and have it
22 looked for buried treasure?

23 A. There was an occasion where that was arranged under
24 the auspices of Judge Scott's order, and that did take
25 place.

1 Q. It didn't find any buried treasure; did it?

2 A. No, sir.

3 Q. Do you recall receiving a phone call from one of these
4 two ladies accusing Ms. Lynch of having people out there
5 unloading propane tanks to cut into cylinder safes that
6 were buried in the ground?

7 A. I don't know that I recall any specific telephone
8 conversations. There -- there were, you know, allegations
9 made from time to time, but this has been a long process.

10 Q. I understand. I know it's been a long time. Let me
11 see if I can refresh your memory. Do you remember having a
12 talk to a fellow from the City of Timmons ville because Ms.
13 Langley had called you complaining about somebody unloading
14 propane tanks and you actually called and talked to the
15 fellow. And he explained to you, I'm a City Councilman in
16 Timmons ville. I was over there meeting with Judge Lynch,
17 because Wendy was, at the time, a city court judge, and
18 they were talking about trying to get the city courts back
19 open. And his brother had been out -- had stopped by to
20 exchange an empty propane tank with a full one, because
21 this fellow, as a full time job, actually worked for
22 Suburban Gas, and got his brother a full tank.

23 Do you remember that being talked about at that
24 hearing that you were at as the special administrator?

25 A. Honestly, I don't remember it. I don't remember all

1 that, but I -- certainly there was -- never anything that
2 came to my attention that there was anything untoward or
3 illegal going on. It would have been, you know, she, under
4 court order, was the occupant of the premises. So
5 anything, to my knowledge, that took place, was just
6 incidental to keeping and maintaining the property at that
7 time.

8 MR. MCLAUGHLIN: Your Honor, may I approach?

9 THE COURT: Yes, sir.

10 Q. Mr. Stewart, I'm going to hand you -- you're familiar
11 with transcripts, I know. I'm going to hand you a copy of
12 the transcript of that September 10th, 2014, hearing.

13 A. (Reviews document.)

14 Q. And I'm going ask you, sir, if you will turn to page
15 150 of that transcript?

16 A. Okay.

17 Q. Are we there?

18 A. Yes, sir.

19 Q. Okay. And so down at line 22 of page 150, it should
20 -- the question should begin, When you were told in a phone
21 call. Do you see that?

22 A. I see that.

23 Q. Okay. All right. This is Mr. McCulloch asking you a
24 question.

25 Question: You were told in a phone call from

1 either Ms. Langley or Ms. White or both that there were
2 people out there using propane torches to dig up the floor.

3 And then we go to the next page.

4 And what was your answer?

5 A. Yes.

6 Q. Okay. So does that refresh your recollection that
7 these ladies told you that Wendy had people out there
8 cutting into cylinder safes, or cutting into something
9 looking for gold out there at the house?

10 A. Yes, sir. The transcript certainly speaks for itself.
11 That's been a number of years ago. I did not recall.
12 Thank you.

13 Q. Listen, I understand that, Mr. Stewart. By all means,
14 I'm not trying to [incomprehensible] action. I know it's
15 been a long time and this is one of the many cases you
16 have. I understand that. And then you go on. If you look
17 at the bottom of that, as page 150 goes on, you start
18 explaining your answer. Do you see that there?

19 A. Yes, sir.

20 Q. Your answer: I guess the sequence of events was I was
21 contacted the morning following the observation by Ms.
22 Langley or whoever made the observation that there had been
23 a truck there, propane-type truck, and concern expressed
24 of, as I've testified as to my investigation, following up
25 from that as when the visit took place and this

1 professional with the equipment from Charleston area as I
2 call {sic}, was there.

3 And Mr. McCulloch asked you: You spoke to
4 William James on the phone, I think, is one of the two
5 people?

6 And then Mr. James was there and you see him
7 piping up at the hearing saying, Yes, that was me.

8 Does that refresh your recollection?

9 A. Yes, sir.

10 Q. Okay. And then you ultimately summed it up by saying
11 what? What was your answer on line 10 to 11 of the next
12 page? It should be on the screen right beside you, Porter,
13 I believe.

14 A. Oh, okay. I get it.

15 So what I said was, Well I learned that their
16 visit was in relation to town business.

17 Q. Okay. So I understand it's been a long time, and Lord
18 knows, this thing has had a lot of moving parts. And I
19 also assume given the high degree of animosity between the
20 parties, I suspect that you got an earful from a lot of
21 them, over the -- how long have you been involved in this
22 thing now? Since 2013; right?

23 A. Yes, sir. It was -- in fact it was April of that
24 year.

25 Q. So you've been along for almost a nine-year ride. I

1 suspect that you have gotten phone calls, more than once,
2 complaining about assets being hidden, assets being stolen.
3 Would that be fair to say?

4 A. Well there have been statements and representations
5 made from time to time. My perspective from that is
6 there's a probate court proceeding and process involved.
7 So with all that said, I sought to make sure that these
8 assets were managed in a way that the Court would require
9 so that distributions could be made according to the estate
10 itself. That is simply to say that it has not been my
11 place to take sides.

12 Q. Sure. And I get that. You're like, Listen, Patrick,
13 Jury, I'm just here to count it, to say what's there, and
14 to try to say how we should distribute it pursuant to Mr.
15 Lynch's will.

16 A. Correct.

17 Q. That's what you're there for; right? But -- and I can
18 appreciate you not wanting to take sides, but it's not
19 taking sides for you to acknowledge the fact that these
20 ladies have accused a vast amount of wealth as going
21 missing from the estate. You would agree with that;
22 wouldn't you?

23 A. Well the allegations about the silver and gold and
24 cash that you described earlier; yes, sir.

25 Q. And on page 212 from that hearing, when Ms. Langley

1 was testifying -- I'm going to pull it up on the screen for
2 you so you can see it right there. You don't have to flip
3 to it. That's page 212, beginning on line 12. Ms. Langley
4 testified, And we were looking for my father's cash that
5 was not -- that has been missing since my father -- before
6 he passed away, \$5,000,000 in a duffle bag, and gold bars,
7 and three bags of silver that my father gave us before he
8 passed, before he even got sick and he gave it to us and
9 it's gone.

10 At the time those accusations were made, Mr.
11 Stewart, who was living in the house? Who had control of
12 the property from which they were claiming that \$5,000,000,
13 that gold, and that silver was gone from?

14 A. Well under the temporary order from the probate judge,
15 Ms. Wendy Lynch was in occupancy of the home place.

16 Q. Okay.

17 MS. WHITE: Excuse me, Judge. I don't see that
18 screen.

19 THE COURT: It's not on the screen. All right.
20 Thank you.

21 MR. MCCULLOCH: Thank you very much, Mr. Stewart.
22 I appreciate it. Answer any questions defense has.

23 THE COURT: Mr. Rigney.

24 MR. RIGNEY: Thank you, Mr. Stewart.

25 CROSS-EXAMINATION BY MR. RIGNEY:

1 Q. Just a very few follow-up questions.

2 A. Yes, sir.

3 Q. This accounting that you have been shown today, that
4 is a proposal; right? That's not been affirmed by the
5 Court or ---

6 A. That's the proposal that's been submitted. Correct,
7 sir.

8 Q. Okay. There's -- no final decision has been made from
9 the probate court in Charleston on that at this time; is
10 that correct?

11 A. That is correct.

12 Q. So we're not here today to deal with the final
13 decision on that particular document?

14 A. That is correct.

15 Q. Okay. With respect to the Will, you didn't write the
16 Will; did you?

17 A. No, sir.

18 Q. And you had no participation in the preparation of the
19 Will?

20 A. No, sir.

21 Q. Okay. You got involved in this when you were
22 appointed by the Court?

23 A. Yes, sir.

24 Q. Subsequent to the death of Mr. Lynch?

25 A. Correct.

1 Q. Okay. You also had nothing to do with determining the
2 validity of the Will; is that correct?

3 A. No, sir.

4 Q. Okay. You are not involved in any dispute about the
5 validity of the Will, nor were you ever involved in that
6 dispute; were you?

7 A. I was not involved in that process.

8 Q. Okay. And the court -- the case that went to the
9 court of appeals about the Will, you were not involved in
10 that?

11 A. No, sir.

12 MR. RIGNEY: And I have no further questions,
13 Your Honor.

14 THE COURT: All right. Thank you, sir. Ms.
15 White, do you have any questions?

16 MS. WHITE: I do.

17 MR. MCCULLOCH:: Your Honor, I wonder -- I'm just
18 saying at this table, I won't identify the suspect, someone
19 would like a moment down the hall to the restroom.

20 THE COURT: Okay.

21 MR. MCCULLOCH:: I'm wondering if maybe the jury
22 might not like to have a quick break. I mean it depends on
23 how long Ms. White would be. If she's going to be brief,
24 then we could ---

25 THE COURT: Do you know how long you'll be Ms.

1 White?

2 MS. WHITE: I have a few questions.

3 THE COURT: All right. We'll give her just a few
4 minutes and then we'll see if we need to take a break.

5 CROSS-EXAMINATION BY MS. WHITE:

6 Q. How are you, Porter?

7 A. Good morning.

8 Q. Good morning. Can you hear me?

9 MS. WHITE: Can y'all hear me?

10 THE COURT: Yes, ma'am.

11 Q. Okay. According to the accounting that you have right
12 here, as the special administrator have you ever sent a
13 monthly or a yearly statement to Elizabeth, Wendy, or
14 myself as to what's going on with our Dad's estate, with
15 all the rental properties, you know, like a plus or minus
16 accounting monthly to keep us apprised on what's going on
17 with our estate?

18 A. No, sir. I'm sorry. No, ma'am. I have not.

19 Q. Is that something ---

20 A. I have provided information on a regular basis to the
21 CPA.

22 Q. Okay. And as a special recommended {sic} have y'all
23 -- all of these things that are listed on here, all of
24 these properties, have there been any appraisals for these
25 properties?

1 A. You're speaking of the real properties?

2 Q. Yes, sir. The real estate, any of the camper that was
3 worth \$90,000?

4 A. Back when those original papers were constructed, I
5 did consult with a local realtor as to the real properties.
6 And to the best of my recollection on the vehicles, I
7 believe, reference to the Blue Book at that time.

8 Q. But no actual appraisals?

9 A. No formal appraisal.

10 Q. Okay. Was there a court order to sell certain
11 property?

12 A. There was an initial order, yes.

13 Q. And what were those properties?

14 A. To the best I recall there was an El Camino and an RV.
15 I think just those two.

16 Q. How about a dump truck? It was three different things
17 that ---

18 A. Okay. I don't remember that ---

19 Q. And do you agree they sold -- I'm sorry.

20 A. If you say so. I don't recall specifically, as I sit
21 here.

22 Q. Okay. And do you agree that the camper has still not
23 been sold?

24 A. The camper has not been sold.

25 Q. Is there a show cause hearing pending or has there

1 ever been a show cause hearing applied for that ask why
2 that the camper had not been sold?

3 A. I don't recall as I sit here.

4 Q. Yes, sir. So the dump truck and the camper have not
5 been sold, but the El Camino has?

6 A. I know the El Camino has, yes.

7 Q. And as a special administrator you're supposed to make
8 sure that these things are sold per the court order;
9 correct?

10 A. Yeah. As I recall there was a follow-up hearing with
11 Judge Scott. And my best recollection is that an order, as
12 a result of that second hearing, was never issued. But I'd
13 have to look back to make sure.

14 Q. Yes, sir. But the order that Judge Scott had
15 originally was to sell the camper, which was worth 90,000?

16 A. There was an initial order and then there was a second
17 hearing.

18 Q. And that was worth \$90,000 at the time, according to,
19 I guess Terry White, or whoever was attempting to sell it?

20 A. Well I think the value of that was always a matter of
21 contention. I don't think there was a universal agreement
22 as to value. And again, at the time of the second hearing,
23 pending that, without final written order, my best
24 recollection was it was just potentially to be sold, and
25 brings what it brings, sort of, comment. But that was not

1 crystallized in a written order.

2 Q. To sell the ---

3 A. You're asking me from a long time ago. That's my best
4 recollection.

5 Q. Yes, sir. So selling the camper, you're saying you
6 don't recall there was a court order for that?

7 A. I did not say that.

8 Q. I'm sorry.

9 A. I said there was an initial order. Then I said there
10 was a second hearing. And that as a result of that, my
11 best recollection is that a second order was not issued
12 following the second hearing.

13 Q. Okay.

14 A. Because the second order was to seek clarification
15 from the Court, about the process of the sale.

16 Q. Did Elizabeth and I express to you that we wanted to
17 sell the camper and that we had venues that were willing to
18 take the camper on consignment to sell it?

19 A. Yes, I had conversations with both of you. In fact,
20 all three of you over the years.

21 Q. Yes, sir. One was in Myrtle Beach and one was in
22 Winston-Salem where I live?

23 A. Yes.

24 Q. And can you explain why that never took place?

25 A. Yes, as I mentioned ---

1 Q. With there being a court order and two of the children
2 agreeing to get the camper sold, and only one agreeing not
3 sell the camper, if you're acting as a special
4 administrator, wouldn't it be in our best interest to sell
5 the camper, being that there was a court order to sell the
6 camper? And the \$90,000, \$30,000 each that we could -- I
7 could use possibly to represent -- to have a
8 representative?

9 A. So, again, as a matter of process, and seeking
10 clarification, as to the method of the sale, as you noted,
11 there was not total agreement among the beneficiaries, nor
12 a final clarification from the then-presiding probate judge
13 and to remove the property jurisdictionally from the
14 Florence County Probate Court, particularly to another
15 state, were matters that we did not have clarification on
16 at that time.

17 Q. Okay. I want to speak about the summary court -- not
18 the summary court -- the show cause hearing. I filed for a
19 show cause hearing for you and Wendy to show cause as to
20 why y'all have not sold the camper. Do you know what ever
21 came of that?

22 A. Do you recall having a hearing date scheduled?

23 Q. No, sir. It was in response to your show cause
24 hearing or Wendy's show cause hearing. Because I went to
25 check on the camper one day and she wanted to have me

1 arrested and take me to court for it, because the camper
2 was ---

3 MR. MCLAUGHLIN: Objection to testifying, Your
4 Honor.

5 MS. WHITE: I'm sorry.

6 THE COURT: Ma'am, you're going to have to ask
7 questions.

8 MS. WHITE: Yes, sir.

9 THE COURT: Relevant questions.

10 MS. WHITE: My bad. I'm sorry.

11 Q. I'm going to just change the subject. I can see that
12 I need to change the subject. Okay.

13 For the appraisals on the properties, for the
14 Warren Street for 102 acres, they have it valued at
15 \$159,000. And then if you look at the -- at the concrete
16 plant, the value of it exceeds 103 acres. I mean the
17 accounting, do you think that it is fair and that these
18 prices that y'all have put on these properties are fair in
19 today's market value?

20 A. Well ---

21 Q. Have there been any appraisals to -- or any comps to
22 show other properties similar that have sold for that
23 amount in that area?

24 A. As I testified a few minutes ago when the fee for real
25 properties was put together, I consulted with a local

1 realtor who confirmed the appropriateness of the numbers
2 that I used. Now, some of the property you're referring
3 to, I believe the concrete plant, is actually part of this
4 specific devise to Wendy Lynch and her son.

5 Q. They have it valued at \$197,000. And it's what, two
6 acres maybe? I'm not sure of how much the acres is.

7 MR. MCLAUGHLIN: Can we get some clarification?
8 Ms. White's referring to "they" have something you valued.
9 If she's looking at Mr. Stewart's evaluation, that's his
10 evaluation and she needs to make that clear.

11 Q. His -- your evaluation?

12 MS. WHITE: Saying they I meant whoever the
13 accountant and -- the accountants.

14 A. Can you tell me where you're referring, so I can ---

15 Q. Yes, sir. The Ready Mix, 93 Warren Street, is
16 \$197,361.

17 A. That's on which page, please, ma'am?

18 Q. And then the house on Warren Street ---

19 THE COURT: Which document are you referring to?

20 MS. WHITE: To the accounting document.

21 THE COURT: And which page?

22 MS. WHITE: Let's see. It's not numbered. Do
23 you want me to approach and show him?

24 THE COURT: You may, if you'd like.

25 MS. WHITE: I don't mind.

1 Q. Right here?

2 A. Okay. Thank you. Okay.

3 Q. The house, Warren Street house, Warren Street, 102
4 acres. Warren Street home place.

5 A. Uh-huh.

6 Q. 126,000?

7 A. Okay.

8 Q. Would you say ---

9 UNIDENTIFIED SPEAKER: Ms. White, would you mind
10 just showing which page you're referring to? Just walk
11 over here real quick and let us take a look at it, please?
12 Is it exhibit A?

13 Okay. Thank you.

14 MS. WHITE: I apologize.

15 Q. Do you agree that the house on Warren Street is valued
16 at \$126,000? I buy houses -- well, I can't -- I don't
17 think I can say that.

18 A. Let's see the exhibit, you know, shows the ---

19 Q. Number 6 on exhibit A.

20 A. Yes, sir. It does show 126,303.

21 Q. And do you recall the square footage of that home and
22 how many bedrooms and bathrooms there are there?

23 A. No. I do not.

24 Q. So do you agree that a four-bedroom, three-bath house
25 with -- I'm not sure of the acres how they divided things

1 up -- I mean, I think maybe three acres goes with this
2 property.

3 Is that correct, three acres with the home?

4 Can anybody answer that?

5 THE COURT: No, ma'am. You're going to have to
6 ask your question.

7 Q. Do you know how many acres go with it, Mr. Porter?

8 A. I do not specifically at this point. I'm sorry.

9 Q. But do you think that's a fair price for my father's
10 home? A four-bedroom, three-bath house with a -- I'd say a
11 three or four thousand square foot barn in the back. I'm
12 not sure. It's a huge barn and I might be exaggerating,
13 two thousand maybe.

14 A. Well, again, just to repeat ---

15 Q. And several acres.

16 A. Again just to repeat myself, when this was put
17 together a few years ago, I consulted with a local realtor
18 to simply confirm these numbers as being appropriate to
19 use. Now of course, the real estate markets all these
20 years later are different. But, you know, this document
21 was drawn when this estate was established.

22 Q. And the Ready Mix Concrete, there's no house on that
23 whatsoever. And someone else owns that business, to your
24 knowledge, right, sir? So the only thing in the estate
25 that we own is the land that they rent from us for the

1 Ready Mix Concrete. And they have it valued at \$197,000
2 for just a couple of acres, maybe one acre. I'm not sure.

3 THE COURT: All right. Ms. White, you're going
4 to ask him a question and give him an opportunity to
5 respond.

6 MS. WHITE: He's the special administrator. I
7 think he should know how many acres goes with each
8 property.

9 THE COURT: I understand, Ms. White. But what
10 I'm trying to help you understand is that you have to ask
11 him a question. You can't testify.

12 MS. WHITE: Thank you, sir. I apologize.

13 THE COURT: And then give him an opportunity to
14 answer the question. Okay? All right. Thank you.

15 Q. Do you know how many acres go with the Ready Mix
16 Concrete?

17 A. No, I do not.

18 Q. Do you know who owns that property or who owns the
19 Ready Mix Concrete?

20 A. Well, the Ready Mix lease is on the property there, at
21 the farm property where their plant is located, yes.

22 Q. And who pays the lease? Who are the people that pays
23 the lease? Do they pay it directly to you?

24 A. It's through the -- through the Ready Mix. It's
25 payable into the estate.

1 Q. And where do they pay it to?

2 A. To the estate

3 Q. So it comes to your office?

4 A. Correct.

5 Q. The check? How much is the rent at that location?

6 A. I'm thinking 1850, I think, per month.

7 Q. 1850 a month. Okay. Have you ever been out to the
8 property?

9 A. Yes.

10 Q. To the Ready Mix plant?

11 A. Not specifically to the plant, no.

12 Q. Okay. So you don't really know what it looks like?

13 A. No, I can't describe it to you today.

14 Q. Okay. In your opinion would a rented piece of
15 property that another company owns all the equipment and
16 everything on be worth \$197,000 versus a home place that's
17 got a house with four bedrooms, three baths and have it
18 valued at \$126,000 with -- I'm not sure if it's three, four
19 or six acres that goes with that land, some acreage. Would
20 you agree that that accounting is kind of wonky or doesn't
21 really make sense?

22 A. Well what I would state again is based on the overall
23 tax parcel numbers that this exhibit is based on that these
24 were figures that were, again, to repeat myself, affirmed
25 to me back a number of years ago when this was put

1 together. Now what is done with the property now or in the
2 future, of course, you know, time and circumstances change
3 for real property. And I think that's been very manifest
4 in the last couple of years in the real estate market.

5 Q. Okay. And on April the 19th of just a few weeks ago,
6 you filed this. So wouldn't this accounting be based on
7 what these properties are worth today versus what they were
8 worth nine years ago when you made up this document or
9 whenever y'all made this up, this accounting? It's
10 supposed to be a forensic accounting. And the only thing
11 we have ever received, do you agree, that is a statement
12 like this, with just numbers? There's no receipts.
13 There's absolutely no way of us seeing monies coming in or
14 going. No statements, no monthly or quarterly or yearly
15 statements sent out to either Elizabeth or I. I'm not sure
16 if you sent them to Wendy or not.

17 THE COURT: Ms. White, again, you're going to
18 have to ask him a question; okay? Ask him a question and
19 give him an opportunity to answer it.

20 Q. Do you agree that -- did you hire an attorney to help
21 you do this, to help you settle the estate?

22 A. Yeah, I testified earlier that attorney Gary Finklea
23 is assisting at this stage, yes.

24 Q. And what was the reason for hiring him?

25 A. In order to move toward closing out the estate with

1 final distribution and estate closure.

2 Q. Is that something you're unable to do on your own?

3 A. That's something that I felt that I needed assistance
4 with.

5 Q. Okay. And over the seven or eight years that we've
6 been involved in it, you've done it on your own until
7 recently?

8 A. Until the last couple of years; correct.

9 Q. Okay. And so when you got a final accounting,
10 wouldn't it be correct to get a current amount, say, for
11 example, I have a house I tried to sell a year ago -- this
12 is for example -- I tried to sell three years ago for
13 \$120,000. It's worth on the market today for 250 in just
14 three years difference. Wouldn't it be in our best
15 interests to have appraisals, which Beth and I -- I know
16 that I've asked you to have appraisals on all these
17 properties? Wouldn't it be in our best interests that all
18 this is done over with today's market and today's value of
19 what these properties are worth? I see that y'all devalued
20 the camper that was supposed to be sold according to the
21 court order. And it got devalued all the way down to
22 twenty ---

23 THE COURT: All right. Ms. White, I'm sorry to
24 interrupt you. Ladies and gentlemen, we're going to take a
25 short break. We're going to give you 15 minutes and we'll

1 have you right back out to continue this cross-examination.
2 Please don't discuss this case. Thank you very much.

3 (Jury excused for brief recess at 11:33 a.m.)

4 THE COURT: All right. We'll be in recess for
5 about 15 minutes. Mr. Stewart, go ahead and step down.

6 (Witness steps down and a short recess was taken until
7 11:50 a.m.)

8 (Witness takes stand.)

9 THE COURT: All right. Ms. White, I just wanted
10 to remind you, you've got to keep in mind that you have to
11 ask questions and give the witness an opportunity to answer
12 the questions; okay?

13 MS. WHITE: Yes, sir.

14 THE COURT: You cannot testify. You'll have an
15 opportunity to testify at some point.

16 MS. WHITE: Later, okay.

17 THE COURT: Do you understand that?

18 MS. WHITE: Yes, sir. Thank you.

19 THE COURT: All right. I also noticed that there
20 was one juror that was taking notes. I'm going to ask, if
21 there's no objection, that the bailiff let the jury know
22 that I'm not going to permit them to take notes.

23 MS. WHITE: Why not? I object to that. I was on
24 a jury before and everybody kept notes.

25 THE COURT: All right. Well, I think it's up to

1 the Court; okay? And that's going to be my decision. And
2 the reasons is because I want them all to be paying
3 attention to the testimony and the witnesses and the
4 witnesses' demeanor and their credibility. And I think
5 that sometimes notes can become confusing during
6 deliberations. And that's going to be my ruling; okay?

7 All right. So, ma'am, will you let the jury know
8 they're not to take notes?

9 THE BAILIFF: Yes, sir.

10 MR. MCLAUGHLIN: Your Honor, I would just ask,
11 Ms. White, if you refer to documents when you're asking
12 questions, would you mind letting us know what document
13 you're referring to so we can follow along and also the
14 witness will know what you're referring to, please?

15 MS. WHITE: Yes, sir.

16 MR. MCLAUGHLIN: All right. Thank you very much.

17 THE COURT: All right. Is there anything further
18 before we bring the jury?

19 MR. RIGNEY: Nothing, Your Honor.

20 THE COURT: All right. Can we have the jury,
21 please?

22 (Jury returns to courtroom at 11:53 a.m.)

23 THE COURT: All right. Ms. White?

24 CROSS-EXAMINATION BY MS. WHITE (CONT'D):

25 Q. Mr. Stewart, are you aware of funds that Elizabeth and

1 myself set aside for our brother out of our part that daddy
2 left us, to set aside for our brother, Jim, once the
3 special needs' trust was set up? And do you recall us
4 taking out money out of our part and putting it in Jim's
5 account?

6 A. I don't know from my personal knowledge. I know
7 that's been stated, but it would not be a part of my
8 administrative responsibility. So what you've said, I've
9 heard you say that, but I have not been involved in that.

10 Q. Have you ever spoken with Dan Bradley that represented
11 my brother, Jim?

12 A. Years ago when he was a participant in the probate
13 process I would have spoken with him, yes.

14 Q. Do you recall him setting up a special needs' trust
15 for my brother?

16 A. I do not. Again, I wasn't involved in your brother's
17 estate planning or how that was done. And I don't recall
18 that I was given any copies of that, any of that
19 documentation.

20 Q. Have there been any occasions where I called you and
21 asked you about distributing Jim's money to Beth and I
22 since it was the money that we had given freely from our
23 heart for our brother, on several occasions when I've
24 called you and asked you to release that money?

25 A. No. The only monies that were held were back when a

1 partial distribution was done under order of Judge Scott a
2 few years back -- because the Will contest was pending at
3 that time, he ordered that the properties essentially were
4 going to be subject to a partial distribution, that was
5 some of the monies and stocks and bonds be divided into
6 fourths, and that a one-fourth interest be held back in the
7 estate until determination on the will was made. And, you
8 know, without further order from the probate court, there
9 was no further distribution that I would have been
10 authorized to make.

11 And then the ultimate disposition of that which
12 was held back, of course, was dependent on what transpired
13 in the will contest and what takes place in probate court.

14 Q. Okay. So the money that was held in the account for
15 my brother, Jim, you don't have that money? You're not in
16 control of that money?

17 A. As I said a minute ago, there was money that was not
18 partially distributed in the event that it was held that
19 there was no will. And, therefore, one of the four
20 children would be entitled thereto, but the Court's made a
21 decision as to the Will itself. So that one-fourth in
22 monies simply is still part of the estate to be
23 distributed.

24 Q. To be distributed to?

25 A. Distributed according to the final decision of the

1 probate court. Of course, you know, there's a proposal for
2 distribution that includes those monies as part of the
3 document, which is exhibit 2.

4 Q. Okay. So are you saying the money that Beth and I
5 voluntarily gave up our part in front of Judge Scott to put
6 in a separate account for Jim is not available to us
7 without a court order or a motion to release those funds?

8 A. I'm not sure exactly how to answer your question. All
9 I can repeat is that there was a fourth, a fourth, a
10 fourth, and a fourth. And the three of you got a fourth
11 each, and one-fourth was held back pending a decision on
12 validity of the Will. And with the Will having been
13 decided, then those monies would be part of the general
14 distribution of the estate since they are a part of that.
15 And with the Will as upheld, any portion that would have
16 been set aside or held within the Estate for a fourth
17 beneficiary is no longer held for a fourth beneficiary.

18 Q. Do you know how much money is in that account?

19 A. It's just part of the estate assets. That would be
20 primarily what is shown in the stock accounts. And there's
21 one account with First Citizens. That's it.

22 Q. Did you say that's it? I couldn't hear you?

23 A. Yes. To my recollection.

24 Q. Okay. So it's not in a separate account?

25 A. No.

1 Q. It's mingled with the other monies?

2 A. Well it's part of the estate that ---

3 Q. Do you know where it is on this accounting? Can you
4 show me where it accounts for that money that was set aside
5 for my brother?

6 A. There wasn't -- again, there was money that was not
7 distributed. Where it shows up is cash money that's in a
8 safe deposit box, as well as what is in those investment
9 accounts that are shown on there, as well as what was in
10 the First Citizens' checking account. Those four items
11 together were the hold backs. And those hold backs were in
12 the event that the Will was not upheld.

13 Q. And then it would go to my brother?

14 A. Your brother's entitlement to that or his estate would
15 be dependent upon the decision as to the Will that was
16 litigated those few years back, as has been testified to
17 earlier, that I was not a participant in.

18 Q. Okay. Mr. McCulloch, or Patrick, he mentioned going
19 in the safes. When Elizabeth accessed the safes, she was
20 durable power of attorney of my daddy's estate at that
21 time; wasn't she?

22 A. Well as far as what happened and when prior to my
23 appointment by the probate court, you know, I cannot speak
24 to from personal knowledge. But whoever had power of
25 attorney would have had authority to act pursuant to --

1 authorization pursuant to a power of attorney during your
2 father's lifetime.

3 Q. Yes, sir. I'm a little confused. When the safe --
4 the contents of the safe, you have that in a lock box at
5 First Citizens Bank, correct?

6 A. Yes, there is a lock box there.

7 Q. And that, the contents of the safe that Beth
8 accessed, we called you and we got you to put that money
9 aside and to hold onto it; correct? Beth brought it
10 directly to you. So you were involved with the estate at
11 that point?

12 A. Once I was appointed ---

13 Q. Beth brought it to you the next day from what I -- I'm
14 asking what day did she bring it to you?

15 A. I have no recollection of what you're referring to.

16 Q. I'll ask her when she comes. She'll clear that up.
17 So whatever was in those safes is in the lock box at the
18 First Citizens Bank?

19 A. There was some coinage in a safe at your late father's
20 house that was carried to the bank. Then there also was a
21 lock box at First Citizens, the contents of which were
22 surveyed and listed out by Ms. Langley, Mr. Turner, and
23 myself, way back when, if that's what you're referring to.

24 Q. Okay. And in that safe there's a collection of coins,
25 silver coins?

1 A. Whatever was in that safe is still there.

2 Q. Cash money?

3 A. I have not been in that safe since.

4 Q. Guns? Do you agree there were guns?

5 A. Not in the bank. No, ma'am.

6 Q. Do you know where the guns were taken and where
7 they're being kept?

8 A. There were firearms in gun safes at the residence that
9 were listed out back when that was done.

10 Q. But when Elizabeth went in the safe and we -- and we
11 brought all of the stuff for you to take to First Citizens,
12 the guns were not put up for safety? They're still in the
13 residence?

14 A. The guns are, yeah, locked up in the residence. So
15 they would not have gone to the bank. No, ma'am.

16 Q. I wasn't aware of that. I didn't know if you had of
17 put it in a safe somewhere or separate. So they're still
18 in the possession of Ms. Lynch?

19 A. Well, they're in the possession of the safe and
20 they've been accounted for by way of specific listing.
21 Yeah.

22 Q. Yes, sir. Okay. Have you allowed Wendy to collect
23 any rent or handle any of the businesses of the estate?

24 A. No. The rentals came through a couple of real estate
25 companies when the Court allowed for that, starting several

1 years ago. And they're actually coming to me now.

2 Q. But she was collecting the rent early-on?

3 A. Yes.

4 Q. Okay. Have you distributed any money that wasn't
5 court ordered to either of us since you started being the
6 court -- or the special administrator?

7 A. The only monies that I've distributed was, again, to
8 my best recollection, two or three years ago, there was a
9 replacement done on an HVAC unit at the lake house
10 property. And, again, to my best recollection, I
11 distributed a sum of money equivalent to its value to you
12 and to Ms. Langley.

13 Q. Did you get a court order to do that?

14 A. That was not pursuant to a court order, yeah.

15 Q. Okay. And ---

16 A. That was done as a matter of -- as was presented to me
17 by you all at that time that since that was being added to
18 a property that potentially was going to go for the benefit
19 of Ms. Lynch and her son, that in fairness with the estate
20 pending that you should get an equivalent. And so that's
21 how that was handled and it's actually accounted for in the
22 final accounting.

23 Q. How much was that?

24 A. It's about 4,000, I recall.

25 Q. Did you at any time tell Elizabeth or myself not to

1 tell Wendy that you gave us the 4,000?

2 A. No.

3 Q. As it's stated on the will, it says the house, the
4 pond, 63 acres, are there separate tax plats for each one
5 of these?

6 A. Those are shown on the exhibit, within exhibit 2,
7 yeah.

8 Q. Uh-huh. And how many acres go with the home place?
9 Is it stated on here?

10 A. Well, let's see. It's called the home place, items 5
11 and 6. So it's the acreage plus the home place itself.
12 I'm not sure of the exact acreage. 102 acres plus the lot
13 upon which the home itself is situate.

14 Q. And do you agree that we should get an appraisal on
15 all of these properties in today's market? And do you
16 agree that Elizabeth and I have asked you on several
17 occasions to get appraisals on these properties?

18 A. I don't know that I agree with the necessity, but I do
19 agree that you have asked that, yes.

20 Q. Have you done other estates like this?

21 A. Not like this.

22 Q. Other estates where there was houses and properties
23 that needed to be appraised?

24 A. Yes.

25 Q. And have you gotten appraisals on those?

1 A. Not -- formal appraisals would be the exception to the
2 rule in my personal experience.

3 Q. When there's a conflict between family members, it's
4 not -- an appraisal ---

5 A. And depending -- depending on all the ---

6 Q. If two parties ask you for -- as the special executor
7 or special administrator, if two parties, and you're
8 supposed to act on the best interest of the parties, ask
9 for an appraisal of these properties, wouldn't it be a two-
10 thirds majority asking you to do this? Wouldn't it be in
11 the best interest of the estate to get appraisals so
12 there's no question? I mean, for example, look at the '72
13 Land Cruiser.

14 MR. MCLAUGHLIN: Your Honor, if she's going to
15 ask Mr. Stewart a question how about she give him a chance
16 to answer it?

17 THE COURT: All right. Ms. White, you're going
18 to have to ask the question and allow the witness to answer
19 the question.

20 MS. WHITE: Thank you.

21 Q. Go ahead.

22 A. Can you repeat that, please?

23 Q. Do you agree that it would be in our best interests to
24 get appraisals on these properties instead of depending on
25 whoever came up with these numbers?

1 A. Well, as I said a few minutes ago, it could be under
2 certain circumstances or not. And, you know, my judgment
3 to this point had been that the expense of that was not a
4 necessity.

5 Q. Yes, sir. So when Wendy contacted you about needing
6 the lake house, to replace the heat pump, you decided to
7 replace that for \$4,000. But you don't feel like this is
8 equally important to get it -- an appraisal on these
9 properties?

10 A. Well with reference to the lake house, with no HVAC
11 system in place, as you may recall, the temporary order in
12 place had allowed the parties to utilize the lake house.
13 So until the probate court makes final distributions, it's
14 maintained for the beneficial use of everyone.

15 Q. And have we been equally given opportunity to visit
16 the lake house?

17 A. The usage was handled through the, as you recall, the
18 realty companies.

19 Q. Until recently?

20 A. Until recently, yeah.

21 Q. How recent?

22 A. Well until the -- until the realty company chose to
23 resign from those responsibilities. It's been about a year
24 and a half ago now.

25 Q. Okay. And how many occasions have I called and asked

1 for the lake house and it was not available?

2 A. I don't know.

3 Q. Were there quite a few?

4 A. As far as prior to -- or during the time that the
5 realty companies were involved I would, you know, not know.
6 You know, that usage has been based on requests that were
7 made ahead of time.

8 Q. Are there any rules to how many weeks you can schedule
9 for the lake house or it's just whoever hurries up and
10 calls first?

11 A. Yeah. So there hasn't been anything that's prevented
12 requests from being made, as I understand, over the years.
13 But overall usage, no. I mean, I don't remember all of
14 that. I'm sorry.

15 Q. Yes, sir. So if I called and asked for the lake
16 house, I would have no way of knowing that my dates were
17 covered until you told me. You didn't send out any kind of
18 spread sheet or any kind of calendar that showed when, you
19 know, or say -- you didn't make a rule that you can only
20 get one week a month since there's three of us and you
21 can't just get three or four weeks a month, or three weeks
22 out of a month? There was no rules about that? Even ---

23 A. I didn't set up any rules personally.

24 Q. Okay. And did I call you and express to you how
25 unfair I thought that was, that I was never available to go

1 to the lake? I think I visited one time last year. I
2 finally squeezed in a week where it wasn't already
3 reserved, even though I expressed to you that I have gone
4 down there on the weeks that she's scheduled and there's
5 nobody there. Do you recall that conversation with you and
6 myself several times?

7 A. I know there's been -- there's certainly been conflict
8 over the years on the use there. And, as best I know, the
9 realty company that was seeking to manage that tried to do
10 so and chose not to continue to engage in that. And I have
11 not put out a schedule. But to my knowledge, don't have
12 any requests pending at this time either.

13 Q. Okay. Can I -- no, sir. I haven't requested because
14 it's been too difficult. Do you remember why the other
15 company quit?

16 A. (No response.)

17 Q. Let me ask you. Do you remember a conversation
18 between yourself and I when I called you to let you know
19 that I was at the lake for a week and Mrs. Lynch showed up
20 and called the police on me and made a false report that
21 ---

22 MR. MCLAUGHLIN: Your Honor, she's testifying.

23 MS. WHITE: I'm asking him does he remember the
24 conversation between you and I about this? He went into
25 details about stuff.

1 THE COURT: Ms. White, whenever somebody objects,
2 you're going to have to let the Court make a ruling; okay?

3 MS. WHITE: I'm sorry.

4 THE COURT: All right. Thank you very much.
5 Please rephrase your question; okay?

6 MS. WHITE: I'll make it shorter.

7 Q. Do you recall a conversation between you and myself
8 about Wendy showing up at the lake and letting her dog out
9 on me and calling the police and I let you know that I was
10 going to sue the real estate company because they were not
11 protecting me from harassment from Mrs. Lynch?

12 A. I know that I've heard from both of you. I don't
13 recall the details of the conversation, but I know there
14 has been conflict and misunderstanding, certainly, over the
15 years. Yes, ma'am.

16 Q. Yes, sir. You testified that the man that you spoke
17 to said they were doing town business at my dad's estate
18 when Elizabeth called you and said that they had propane
19 tanks out there that she saw them carrying in the house,
20 three propane tanks, carrying them inside the house?

21 A. Based on the transcript from the 2014 probate court
22 hearing. I did not recall that, and honestly still don't.
23 The transcript speaks for itself.

24 Q. Are you aware that the town hall of Timmonsville has
25 an office where they can conduct business instead of doing

1 it at a private residence that's in the middle of a, you
2 know, an estate battle or whatever you want to call it?

3 A. Yeah, I would assume that Timmons ville would have a
4 town -- a town hall.

5 Q. Okay. Do you think it would be a good idea to conduct
6 town business outside of the town hall in a house that is
7 in litigation?

8 MR. MCLAUGHLIN: Objection. Mr. Stewart is not a
9 local politician for Timmons ville, Your Honor. That calls
10 for speculation.

11 THE COURT: Sustained ---

12 MS. WHITE: Any town hall ---

13 THE COURT: Please ask another question.

14 Q. Do you think that any town business or county
15 business, being that Mrs. Lynch was appointed by Senator
16 Land to be a magistrate, do you think that it would be in
17 her best interest or our best interests for them to gather
18 together ---

19 MR. MCLAUGHLIN: Same objection, Your Honor.

20 THE COURT: Sustained. Please move on.

21 MS. WHITE: I'm sorry. I don't know how to ask
22 the question.

23 Q. Is there a dispute in the Will -- is there -- that
24 that the Court has in place right now to decide what the
25 Will says about who gets the house?

1 A. Well based on the proposal for distribution that I
2 have submitted, no.

3 Q. You've ask the Court to determine what the house
4 means? That if the house goes with the pond where it
5 states the house, the pond, 63 acres. There's a clause in
6 here that says that you want the Court to make a ruling on
7 what the house means?

8 MR. MCLAUGHLIN: My previous request that Ms.
9 White identify ---

10 MS. WHITE: And I'm not sure where it is ---

11 MR. MCLAUGHLIN: --- that Ms. White identify what
12 pages she's referring to for ---

13 MS. WHITE: And I'm sorry, Judge. I'm not sure
14 where that is, but I read it in here earlier. I just got
15 this a couple of days ago.

16 THE COURT: All right. Please restate you
17 question; okay?

18 MS. WHITE: Okay.

19 Q. Are you asking the Court to decide what the wording of
20 the Will means, according to the house, the pond, the 103
21 acres, the farm?

22 A. In what I have submitted as a proposal for the
23 distribution, based on the language here in what's put in
24 this action as now exhibit number 1, that is the Last Will
25 and Testament.

1 Q. I couldn't hear you, the very last sentence.

2 A. I said what's in this action as shown as plaintiff's
3 exhibit 1, which is the Last Will and Testament, so based
4 on that document is the proposal which is exhibit 2, if
5 that answers your question.

6 Q. Did you ask the Court specifically to decide if the
7 house means my daddy's home or the farm?

8 A. Well again, the proposal of distribution that has been
9 submitted has the house with the farm, and that's the
10 proposal which has been submitted.

11 Q. Okay. So you're asking to distribute this and say
12 that the house goes with the farm, even though the Will
13 says the house, the pond, and the acres? It names the
14 house, but you're wanting to including the house with the
15 part that says, the farm. It doesn't mention a house. It
16 just says, the farm.

17 A. That's the proposal for distribution that's been
18 submitted.

19 Q. Can you ask me -- I mean, can you tell the Court why
20 that you chose to have them decide what that means and to
21 include it with the farm, when it doesn't even mention the
22 house, knowing that it would go to Mrs. Lynch and not to
23 Elizabeth and I, which we interpret the Will to say that we
24 are one-third owners of this house.

25 A. Well I guess in answer to your question, that's my

1 proposal. In that context, I did not understand that to be
2 an issue to be decided in this action. But that's the
3 proposal that's in another court of jurisdiction that's
4 pending.

5 Q. Yes, sir, but y'all just ---

6 A. And I believe it to -- I believe it to comport with
7 the intent of the Will.

8 Q. So you ---

9 A. That's why it was submitted that way.

10 Q. So you think the will means the farm, includes the
11 house, even though separately it states the house?

12 A. (No audible response.)

13 Q. And you're aware that Wendy is living in the property
14 at this time and not paying any rent to either of us for
15 living there for nine years. That property has not
16 received any rent.

17 A. No, no rent has been paid. Her occupancy there has
18 been pursuant to a prior order of probate court allowing
19 that.

20 Q. A temporary order from Judge Scott?

21 A. An order issued -- yeah -- during the pendency of the
22 administration of this estate and that order is still in
23 place.

24 Q. So you stated earlier when you were speaking to Mr.
25 McCulloch or Mr. Patrick McLaughlin that it was a temporary

1 order from Judge Scott?

2 A. Right.

3 Q. And the temporary order has lasted for nine years?

4 A. Because the estate is still open.

5 Q. And there's been no rent charged to her?

6 A. Because the order did not provide for that.

7 Q. And Judge Scott has since retired, like maybe two or
8 three months after our ruling?

9 A. Judge Scott, in fact, did retire. But this case is --
10 has been assigned to the probate judge in, I believe,
11 Charleston County for a final process in relation to it.

12 Q. Do you know why it's been sent to Charleston?

13 A. No.

14 Q. Do you -- are you aware of Elizabeth's motions for a
15 change of venue?

16 A. I'm assuming it's been moved due to decisions been
17 made based on filings and decisions through court
18 administration that I have neither initiated nor had any
19 participation in.

20 Q. Okay. Has Elizabeth ever called you and stated that
21 she was not -- she felt that she wasn't getting a fair
22 trial in Florence County?

23 A. Yes, she has made that assertion.

24 Q. Do you recall a meeting between you, Elizabeth, and
25 myself speaking about my brother's assets? Speaking about

1 the unfairness of Eliz -- Ms. Lynch living in the property
2 that is one-third ours, according to the Will that states
3 the house. There is no other way to -- the house is the
4 house. My daddy only had one house that he lived in. The
5 farm -- are you -- do you recall the conversation with
6 Elizabeth breaking down in tears and begging you to do a
7 motion to help get this settled?

8 MR. MCLAUGHLIN: Your Honor, I'm sorry. Ms.
9 White is testifying again. I have to object.

10 THE COURT: Ms. White, you have to ask a
11 question.

12 Q. Do you recall that day that Elizabeth and I came in
13 there with a meeting with you?

14 A. I know you came to my office. I don't know that I
15 remember everything.

16 Q. Do you remember Elizabeth crying?

17 A. I remember there, you know, that there had been tears,
18 someone.

19 Q. Do you remember Elizabeth asking you to get protection
20 for her against Ms. Lynch because of the physical and
21 mental abuse that she has taken from Ms. Langley [sic] --
22 the threats that she's taken from Ms. Lynch?

23 A. And as I would answer in response to that, my role as
24 special administrator is not representation of individual
25 parties for filing those kinds of motions. That would be

1 up to the parties involved, not -- not the special
2 administrator.

3 Q. The properties that we have in Timmonsville, the
4 separate buildings, was it -- and you're the special
5 administrator so you say who rents, who doesn't rent, who
6 comes and goes, or you're involved in accepting the rent
7 and all of that; correct?

8 A. I am now.

9 Q. Were you aware at any time that Mrs. Lynch had the
10 building up in the front, and had it filled up with yard
11 sale stuff? Therefore, it could not be rented for months
12 and months and months. Do you recall us calling you and
13 asking you to make her get that stuff out and get that
14 building rented?

15 A. Yes. It is my understanding, as best I recall, she
16 had things there and they were eventually removed, yes.

17 Q. Okay. And I want to change about the We Rents. We
18 have some buildings and rental units that's called We
19 Rents. Did you at any time go with Wendy to meet with
20 Sammy Thompson and Ms. Joyce Thompson without Beth or I so
21 that she may acquire a part of that business?

22 A. No, I had no meeting in relation to that. Back in
23 2013 after I was appointed, since the Thompsons had an
24 interest in that real property and the estate had an
25 interest in it, I wanted to speak with them to find out how

1 that was set up just as part of me becoming oriented on the
2 properties that would be part of the estate, but had no, at
3 any time, any conversation about any buy/sell about any of
4 that.

5 Q. So you were unaware that Wendy was trying to buy that
6 part of the business of my dad's partner?

7 A. No, I would not have been involved in that.

8 Q. But you weren't aware of it all?

9 A. After the fact, yes.

10 Q. After the fact. Okay. And who did the closing on
11 that? Are you aware that it was Gary Finklea, his law firm
12 that did the closing on that property without Beth or I or
13 knowing? And we're all three parties in ---

14 A. No, I know that in correspondence since then, as best
15 I recall, it was Greg Hendrick, an attorney in Mr.
16 Finklea's office who handled the real estate closing, as
17 best I can recall.

18 Q. Yes, sir. And you were aware that Elizabeth was
19 extremely upset that she acquired that property against Ms.
20 Joyce ---

21 MR. MCLAUGHLIN: Again, Your Honor, she's
22 testifying about what another witness is stating.

23 MS. WHITE: I'm not going to say that. I'm going
24 to change it.

25 Q. Is this Finklea Law Firm, Finklea, Hendrick, and

1 Blake, the Hendrick that you're referring to that did the
2 closing on that property for Mrs. Lynch?

3 A. That's their current letterhead, yes.

4 Q. Okay. And you're aware that we are -- Beth and I have
5 asked that he be removed from our case, Mr. Finklea, for
6 the simple fact it's a conflict of interest because he
7 represented Wendy in acquiring this part of our business?
8 They're all connected. They're right there together. My
9 dad and Mr. Sammy were partners for years and years. And
10 Mr. Sammy sold his part to just one daughter?

11 A. I'm aware you've asserted that. And I'm also aware
12 that Mr. Finklea has addressed you about that himself.

13 Q. Yes, sir. And -- but Mr. Finklea is business partners
14 with Mr. Hendrick that did the closing for Mrs. Lynch.

15 A. Mr. Hendrick handled the real estate closing.

16 Q. And would it -- would you feel that's a conflict of
17 interest for you to hire Mr. Finklea to represent you as
18 the special administrator to protect you from, I'm not sure
19 what, and if you're a 40-year lawyer, why would you need
20 help closing an estate?

21 A. Well I deemed that to be appropriate in relation to
22 this estate. And, no, I don't interpret that as a conflict
23 of interest under all the circumstances.

24 Q. And you needed help because why?

25 A. It would help to wrap up this estate.

1 Q. Have you attempted to wrap it up before?

2 A. Over the course of these last several months we've
3 attempted to wrap it up, yes.

4 Q. With Mr. Finklea, but not prior to that?

5 A. No. It had not been because of a pending contest
6 about the Will and then the jurisdiction of the probate
7 courts that would see after it.

8 Q. Wasn't the Will in 2014 in the appeals court in
9 Charleston or Columbia, South Carolina? It wasn't --
10 didn't they throw it out that the Will was not going to be
11 contested and that the Will was valid?

12 A. I don't recall. I know that, by way of example, the
13 case started with the Florence County Probate Court and
14 reassigned, I believe, in Lee County for a period of time,
15 and then reassigned in Sumter County, and now been
16 reassigned to Charleston County.

17 Q. Do you recall what happened for it to be moved from
18 Sumter County?

19 A. No.

20 Q. Did Elizabeth call you and myself call and speak to
21 you on the phone about Ms. Lynch meeting with the judge and
22 the judge had to recuse himself because she had an ex-parte
23 meeting with the judge and she was a magistrate and she
24 knows the rules?

25 A. I had no personal knowledge. I simply was notified

1 that it had been moved

2 Q. I'm asking if there was a conversation between Beth
3 and you about that?

4 A. I think there probably was a conversation. But,
5 again, it wasn't my place to make that decision. I
6 received whatever was said to me for information, but it
7 wasn't my choice or decisions to make.

8 Q. I know it wasn't your choice. I'm not trying to say
9 it was your choice. I'm just asking if you were aware of
10 why it was changed. The venue has gone from Florence to
11 Lee County. It was changed from Lee County because of --
12 do you recall what that was for? And then it went to
13 Sumter County. And then once Ms. Lynch met with the judge
14 behind -- in secret, you know, it's a three-party deal.
15 She's not supposed to go talk to that judge. That judge
16 knows he's not supposed to talk to her. If it hadn't been
17 for a witness, we never would have known. So if she knew
18 and the judge knew and ---

19 MR. MCLAUGHLIN: Your Honor, Ms. White continues
20 ---

21 MS. WHITE: My bad.

22 MR. MCLAUGHLIN: --- to testify instead of asking
23 questions.

24 MS. WHITE: I'm so sorry.

25 MR. MCLAUGHLIN: And I'm sorry to keep

1 interrupting, but it's over and over again.

2 THE COURT: Ms. White, ---

3 MS. WHITE: I apologize.

4 THE COURT: --- you're going to have to ---

5 MS. WHITE: I won't do it again.

6 THE COURT: You've been warned. Okay? You're
7 going to have to ask questions.

8 MS. WHITE: Okay.

9 THE COURT: And you're going to have to give the
10 witness an opportunity to answer the questions.

11 MR. MCLAUGHLIN: And, Your Honor, I would like
12 for a curative instruction that what she's saying as
13 questions to Mr. Stewart is not testimony. It's not
14 evidence. She's not sworn under oath if she does that.

15 THE COURT: And I'll certainly take notice of
16 that ---

17 MS. WHITE: What does that mean?

18 THE COURT: --- at the end of the case.

19 MS. WHITE: I don't want to make it -- I don't
20 want to ---

21 THE COURT: Nothing that you were saying before
22 this jury -- and, jury, please understand, that anything
23 that's been deemed by this Court as testimonial in nature
24 and not a question to the witness is not to be considered
25 as testimony by you.

1 MS. WHITE: Okay. Okay.

2 THE COURT: You'll have an opportunity to testify
3 if that's what you choose to do.

4 MS. WHITE: Okay. Thank you, sir.

5 THE COURT: Please ask questions.

6 MR. MCCLAUGHLIN: Thank you, Your Honor.

7 MS. WHITE: I apologize. I really do. I'm so
8 sorry.

9 Q. So this right here will be heard in Charleston, South
10 Carolina, not Florence County, correct?

11 A. Yes. It will be heard by the probate judge in
12 Charleston County.

13 Q. Okay. And you're aware that my father was a Florence
14 County magistrate; correct?

15 A. As I understand it. I did not know him personally.

16 Q. And that Ms. Lynch was appointed in his sickness for a
17 year and a half to be his replacement?

18 A. That she was appointed as the magistrate following
19 him.

20 Q. And who appointed her?

21 A. I do not know, but it would be handled through the
22 State of South Carolina, but I don't know.

23 Q. Okay. If two parties ask you -- if you're the special
24 administrator and the two parties ask you, which is two-
25 thirds majority, to get appraisals on the property that we

1 have interests in, wouldn't it be your job to do that?

2 MR. MCLAUGHLIN: Asked and answered already, Your
3 Honor.

4 THE COURT: Sustained. Please ask a new
5 question.

6 Q. Is it your job to do what's in the best interests of
7 the estate and the three parties equally?

8 A. That's what I seek to do.

9 Q. And have Beth and I asked you to get appraisals on
10 these properties?

11 A. I believe I answered that.

12 Q. Yes or no?

13 A. I believe I had ---

14 MR. MCLAUGHLIN: Asked and answered already, Your
15 Honor.

16 THE COURT: Sustained. Please ask a new
17 question.

18 Q. Was there any parties that did not want an appraisal?

19 A. Not to my knowledge.

20 Q. During our conversation when I called to ask you to
21 get an appraisal, did you tell me that you would call
22 Elizabeth and you would call Wendy and you would get back
23 to me?

24 A. I don't recall. I'm sorry.

25 Q. Of all the conversations that we've ever had

1 concerning our estate, each and every time have you told
2 me, I will get back to you after I speak to Wendy and Beth?

3 A. No, I -- I don't recall that.

4 Q. Not ever? You never told me that ever?

5 A. I may have, but I don't know that I'm able to answer
6 every time I talked to you, no. I have no recollection of
7 that.

8 Q. Any time that I -- one time that I spoke to you, on
9 one occasion?

10 A. I'm not sure.

11 Q. Did you contact Ms. Lynch and demand that she remove
12 that stuff from the property, that she had in the front
13 business and she had it as a yard sale?

14 A. I don't recall the circumstances. I know that it was
15 removed. I don't remember off -- I don't remember the
16 process of that.

17 Q. And is that building rented now?

18 A. It is.

19 Q. Are there any buildings that are not rented right now?

20 A. The old magistrate office is not. Excuse me.

21 Q. Are there any others that aren't rented right now?

22 A. I'm trying to recall. I don't think that the two out
23 in the country, the Ponderosa and the Cartersville, I don't
24 think are.

25 Q. So there's at least three properties that you know

1 that aren't being rented?

2 A. Yes.

3 Q. And the Ponderosa and the Cartersville's Store, the
4 values of those, have you ridden out to the Cartersville
5 store?

6 A. Not for a long, long time.

7 Q. What did it look like the last time you went there?

8 A. It was run down.

9 Q. The ceilings have fallen in the building?

10 A. Right. It's run down.

11 Q. And the Ponderosa is like a little night club, little
12 block building?

13 A. Correct.

14 Q. On a little piece of land at the end of -- I can't
15 even think of the name of that road. I used to live on it.
16 But, yes. Do you -- do you -- is it run down?

17 A. Those are both not in great shape.

18 Q. Sir? But it's rentable?

19 A. Should be, yes.

20 Q. Jethro rented it for, what, 20 years maybe or -- as
21 long as you've been involved, it was rented to Jethro;
22 right? To Mr. Lowery [ph].

23 A. I'm not sure about the name.

24 Q. Okay. But you collected rent from him?

25 A. I don't know that it was that name or not, yeah.

1 Q. But you collected rent? How much rent were they
2 paying there?

3 A. I don't remember.

4 Q. But it's been vacant ever since Mr. Lowery died?

5 A. It's not occupied at the present time. Again I'm not
6 sure of that name.

7 Q. Is there a sign out there, For Rent? Or is there an
8 ad in the paper anywhere that says it's for rent?

9 A. Not to my knowledge.

10 Q. How about the magistrate's building?

11 A. No, not at the current time.

12 Q. So as special administrator, would that be your
13 responsibility to make sure those buildings stay rented?

14 A. Well when we had the property manager, that would have
15 been their responsibility to try to get them; correct.

16 Q. Do you recall I came home one summer, maybe three
17 years ago, I'm not sure of the exact date, and there was,
18 like, four buildings empty and the stuff was in the front
19 building of her yard sale stuff, and that I went out there?
20 Do you recall me calling you and letting you know that I
21 was going to put out signs to rent those -- get those
22 buildings rented?

23 A. (No audible response.)

24 Q. And I asked your permission?

25 A. I don't remember, but -- and I'm sorry. I don't.

1 Q. Do you recall that they were rented shortly after
2 that? Elizabeth got involved and we spoke to you
3 extensively about it. Do you remember that, Mr. Porter?

4 A. I know we had conversations, yeah. I mean, I'm not
5 denying it. I just don't remember ---

6 Q. Okay.

7 A. --- the specifics.

8 Q. Okay. I'm sorry to have to ask you all these
9 questions. So right now you would say there's -- how much
10 did that building rent for? You said 500 a month?

11 A. Which building?

12 Q. The Ponderosa?

13 A. No. I said I didn't recall.

14 Q. You didn't recall. Okay. And the building up front,
15 how much is it rented for?

16 A. Which building?

17 Q. The up front one that she had the yard sale stuff in?

18 A. I'm thinking maybe 650, I'm thinking, maybe.

19 Q. Okay. So did she pay rent the month that she had her
20 stuff in there?

21 A. Not to my recollection.

22 Q. And would it be okay if I brought my yard sale stuff
23 down from Winston-Salem and put them in that building and
24 not pay any rent? Would that be okay with you, Mr.
25 Stewart, if I called you and said, Mr. Stewart, the

1 magistrate's office is empty, can I bring my stuff and put
2 it in that building and you not charge me any rent? Would
3 you agree to that?

4 A. Probably as we're seeking to conclude this estate,
5 probably would not.

6 Q. So that shows favoritism towards Wendy to where she
7 has not had to pay rent in the home, that would possibly
8 rent for \$2,000 a month for nine years. That's not
9 included in this settlement; is it, even though Elizabeth
10 has asked for it in motions?

11 A. Well, as I said, it's pursuant to the probate court
12 order that is standing until the -- until the final order
13 is issued.

14 Q. Were you present the day Judge Scott gave her
15 permission to stay in the property?

16 A. I think I was in attendance at the hearing, yes.

17 Q. And as special administrator, should it have been your
18 job to speak up and say, Judge, this property, according to
19 the will that hasn't been settled yet, says, the house.
20 These girls believe it belongs to all three of them. Do
21 you think that Ms. Lynch should have to pay rent?

22 I remember you speaking in that -- that court
23 day, even though it was nine years ago. You know, I mean,
24 wouldn't it be your job to speak up and say, She should pay
25 some rent to these girls since Rebecca lives in North

1 Carolina and that's where she comes home to? So now when
2 she comes home from Winston-Salem, she has to pay for a
3 motel or sleep in her car?

4 You know, I mean...

5 A. No, ma'am. I thought that was a court decision. And
6 all parties were present when the Court made that ruling.

7 Q. And when Beth and I came to you about it. Did you
8 make a motion to the Court to ask for Wendy to pay rent?

9 A. I have not made such a motion. That could have been a
10 motion that the parties could have made to the Court
11 directly.

12 Q. But even though we requested it, you chose not to?

13 A. Again, I felt that would have been up to the parties
14 involved to make that motion to the Court.

15 Q. And even though Elizabeth and I came to you and asked
16 you to distribute the funds that were set aside for my
17 brother out of our funds that were already given to us, we
18 separated it. Say, I got 100,000. I'm not sure about the
19 numbers. I said, Give my brother 25. Beth said, Give my
20 brother 25. I'm not sure if Wendy gave him any or not.
21 But it all went into a separate account. On the occasions
22 that we came to your office or called you on the phone and
23 asked you to distribute that, to set in motion, or to put
24 in a motion to the Court to release the funds, did you
25 choose to do that?

1 A. Again, what took place was there was set assets the
2 probate court authorized to be distributed, dividing into
3 fourths. And each of you got the full one-fourth of what
4 was authorized, and the other one-fourth simply stayed as
5 part of the estate there. And so you and your sister got
6 your full one-fourth. What you chose to do with it, would
7 have been up to you. As far as the other one-fourth, that
8 was dependent on whether your brother was going to be part
9 of the estate. If he had been deemed to be, then he would
10 have gotten that fourth -- or would get that fourth, I
11 suppose, based on a further order of the probate court.

12 Q. Okay.

13 A. But those are simply assets that are part of the
14 estate at this time.

15 Q. Okay. So according to the Will and that day in court,
16 it was going to be split three ways; correct? Until Beth
17 and I spoke up and said we want to leave something for our
18 brother. And so then the judge decided after that to
19 divide it in fourths, whatever the cash amount of money
20 that we were given?

21 MR. MCLAUGHLIN: Your Honor, I believe Mr. Porter
22 has answered this question two or three times now and tried
23 to explain it as best as he could. And at this point in
24 time it's almost like badgering because Ms. White can't
25 understand what his answer is.

1 THE COURT: All right. I'm going to sustain the
2 objection. Again, move on; okay?

3 MS. WHITE: Okay.

4 Q. Are you aware that my father had a pension that was
5 signed over to Jordy Jordan, July the 12th, while my father
6 was in the hospital?

7 A. I had no personal knowledge of what would be outside
8 the administrative probate court.

9 Q. Has Elizabeth spoken to you and I spoken to you about
10 the \$100,000 pension that was in the bank for my father for
11 his retirement, that we discussed with you, and we wanted
12 you to look into how did that money go from my daddy's
13 account to Jordy Jordan and my daddy was in the hospital
14 and didn't sign anything, that somebody else signed for
15 that?

16 MR. MCLAUGHLIN: Your Honor, I believe Mr.
17 Stewart -- I'm objecting. I believe he's answered that if
18 something took place outside of the estate, it wouldn't be
19 his responsibility to deal with it. I believe he's
20 testified to that extensively.

21 THE COURT: All right.

22 MS. WHITE: Can I clarify?

23 THE COURT: You can ask another question. You
24 can ask another question.

25 MS. WHITE: About that?

1 THE COURT: Well...

2 MS. WHITE: My question is, is, when Beth and I
3 came to Porter about my dad's pension, it was part of my
4 dad's estate, it went missing prior to him coming along,
5 but since he was appointed as special administrator, it
6 would be in our best interest and the estate's best
7 interest for him to look into where that money went. It's
8 documented. It's -- it's taken out of my daddy's check
9 every week that he worked for this county. And I would
10 just like to know if we ask him to motion to the Court or
11 to try to help us find somebody to retract that \$100,000
12 and put it back in our estate to where it belonged.

13 THE COURT: All right. Mr. Porter, you can
14 answer if you had any involvement in that or not?

15 THE WITNESS: No, sir. The designation of
16 beneficiary would be outside of the probate estate itself.
17 That type of asset would go to a designated beneficiary.
18 It would not have become an estate asset.

19 THE COURT: All right. Ms. White, ask another
20 question.

21 MS. WHITE: Okay.

22 Q. Do you recall the name of the company that was
23 handling the lake house for us to be able to rent it? I
24 can't remember the name of it.

25 A. It was Tobin and Company.

1 Q. Tobin and Company. Do you recall me calling you --
2 this is when the hurricane was. I was at the lake. You
3 had given me a month in September or Tobin Company had
4 given me a month. This is before you took it over. I had
5 September. I was there for the week and I called you to
6 let you know that some of my belongings went missing. Do
7 you recall that conversation?

8 A. I do remember you having to ---

9 Q. Do you remember me -- do you remember me telling you
10 exactly what was missing and how much it meant to me?

11 A. I don't remember all the specifics of that. No,
12 ma'am.

13 Q. Do you remember me saying, Mr. Porter, she got me?
14 She got me this time? And I'm crying hysterically on the
15 phone with you that my -- all of my videotapes from my son
16 from since he was a child had went missing and all of my
17 clothes and stuff were removed from the house and put in
18 the front room on top of the kitchen table and it was my
19 month to be there and that me and my mom had to leave and
20 go to Florida, to escape the hurricane, to protect my
21 mother so I left some of my things there. Do you recall me
22 calling you and telling you how upset I was? And you said
23 you would handle it. Do you remember that?

24 A. I don't remember all the details. I do know that you
25 got in touch; yes.

1 Q. And do you recall that whatever action you took that
2 miraculously my things reappeared? I went to the Tobin
3 Company and picked up my tapes.

4 MR. MCLAUGHLIN: Your Honor, we're getting back
5 in the phase of her testifying here and not asking
6 questions. I'm sorry to object.

7 Q. Do you recall how I -- where I picked up my things?

8 A. Honestly, I don't recall all the details. I'm sorry.

9 Q. What do you recall?

10 A. I know that, what you had mentioned, that you were
11 upset at the time. And as far as getting those things
12 back, I don't -- I don't remember the details of that. I'm
13 sorry.

14 Q. Do you recall me asking you to call the Tobin Company
15 and maybe you spoke to -- oh, I cannot -- Megan [ph], is
16 that maybe her name was it Megan?

17 A. I think it was Meg. I don't know what it was.

18 Q. Meg? Okay. I remember a little bit. And when you
19 spoke to Meg, what did you say to her?

20 A. I don't remember. I'm sorry.

21 Q. You don't remember anything, like, vaguely?

22 A. If I called, I did, and then it was, you know,
23 resolved and you got those things back and all the better.
24 But I don't remember all the details or the specifics, no.

25 Q. But you did call Meg and you relayed to her that I was

1 upset that my things were missing and that my clothes and
2 everything had been moved, but my tapes of my child were
3 missing?

4 A. You know, it's sort of like this transcript. I'm
5 sorry. I just don't remember all those things.

6 Q. But you do remember that my tapes were returned and
7 that Wendy brought them to the Tobin Company and dropped
8 them off for me to pick up?

9 A. Again, honestly, I don't remember.

10 Q. Okay. Do you remember me calling you and thanking you
11 for helping me get my son's tapes back?

12 A. Honestly, as I sit here, I don't. But I don't doubt
13 that. I just don't remember. I'm sorry.

14 Q. Do you recall me saying I brought the tapes with me to
15 the lake because I was going to be out of town for a month?

16 MR. MCCLAUGHLIN: Your Honor, I'm sorry, but it's
17 obvious that Mr. Porter does not recall these
18 conversations. And by incessantly asking him in different
19 ways, she's attempting to testify that that is, in fact,
20 what happened in front of the jury. And I ---

21 MS. WHITE: I'm not attempting to do that, Your
22 Honor. I am sorry.

23 THE COURT: All right. Ms. White, if you would
24 ---

25 MS. WHITE: I just find it hard, you know, to be

1 able to express what I'm trying to get him to answer, the
2 details of ---

3 THE COURT: All right. I'm going to ask you to
4 move -- to move on, please. Okay?

5 MS. WHITE: Okay.

6 THE COURT: Thank you.

7 Q. Do you recall the time I called you about Wendy
8 siccing her dog on me and making a false police report
9 about me?

10 A. Can you -- no. I've heard you -- I've heard you ask
11 that question earlier. I don't remember the context about
12 that. You know, as far as the incidences or contacts over
13 the years, I just -- I don't specifically recall and I'm
14 sorry.

15 Q. Okay. Can you tell me how many times I've called to
16 reserve the lake house, more than five, more than ten, more
17 than twenty, that it wasn't available?

18 A. How many ---

19 Q. That we would go through the months and I would ask
20 you about a date and you would say it's not available?

21 A. Again, just until the last year and a half or so, I
22 was not charge of that prior to that.

23 Q. Yes, sir.

24 A. And I'm assuming maybe those conversations were with
25 Meg at Tobin. There haven't been a lot of occasions this

1 last year and a half. But I guess the object here is to
2 move towards resolution of the estate at this time.

3 Q. When someone calls to reserve the lake house, do you
4 allow them to do three weeks, four weeks in one month? Ten
5 weeks? Twenty weeks a year? Thirty weeks a year? Three
6 weeks out of every month of the year? Would that be fair
7 to three parties when there's only one week available in
8 each month and Ms. Lynch had all the other weeks available?

9 A. So, again, you know, the Tobin Company ---

10 Q. This is during your time. I'm not speaking about the
11 Tobin Company.

12 A. Yeah.

13 Q. We didn't have this problem with the Tobin Company. I
14 went to the beach -- I went to the lake with the Tobin
15 Company. I would call them.

16 THE COURT: Ms. White, ---

17 Q. I would ---

18 THE COURT: Ms. White, you're going to have to
19 ask a question.

20 MS. WHITE: Yes, sir.

21 THE COURT: And you're going to allow the witness
22 to answer the question; okay?

23 MS. WHITE: I'm sorry.

24 THE COURT: Thank you.

25 Q. Do you allow them to book unlimited amounts of weeks?

1 A. So when Tobin and Company chose to step aside a year
2 and a half or so ago, they actually, you know, had a
3 calendar as far as who had requested what. But, honestly,
4 at this time, I have no calendar. There are no requests
5 that have come to me. So until the Court concludes this
6 estate, then I certainly would look at everything and seek
7 to accommodate what I can. But I actually have no schedule
8 this morning, as I sit here.

9 Q. So the lake is wide open? It's not booked up for this
10 month, or next month? This month is over.

11 A. Unless I stand corrected, I think that's true. And I
12 could stand corrected, because I haven't looked into that,
13 but I haven't heard from you recently. So I'll just leave
14 it at that because I don't want to misstate myself.

15 Q. Okay.

16 A. But I'm not aware of any schedule.

17 Q. Okay. Have you ever been over to the pond across the
18 street from my dad's house?

19 A. I've never been to the pond itself.

20 Q. So you -- you decided that we should -- you should ask
21 the court to decide what the house is when this party is
22 saying the house means the little shed that's a metal
23 building that's been built around? You're agreeing that
24 the house, that's what he was referring to with the pond?
25 And so you're asking the Court to decide what the house

1 means, without ever even looking at what the pond looks
2 like, the pond shed? My dad referred to it as ---

3 A. I'm not sure -- can you repeat that? I'm sorry.

4 Q. You haven't been over to see what the pond shed looks
5 like?

6 A. I have not walked over to the pond.

7 Q. Okay. So you wouldn't know the condition of it or the
8 value of it or any of that?

9 A. Well I haven't been over there. I mean, I -- it's
10 been described to me, but I haven't personally gone into
11 it.

12 Q. And it would be okay if I went and slept in the pond
13 house, according to what's going on in our estate right
14 now; correct?

15 A. I don't know that I agree with that. Given the prior
16 orders, I mean, I'm reluctant to give a bad answer without
17 going by and checking. I think ---

18 Q. So it's your understanding that I wouldn't be allowed
19 to go stay over there, even though that part has been
20 designated as in the Will and there's no contesting about
21 it as far as what the wording meant?

22 A. Yeah, at this stage, pending the request for final
23 distribution, I would not agree to something of that nature
24 as we're at the finding or the conclusion stage of this
25 estate until the Court makes that.

1 Q. Okay. So you're not aware that there's a sep --
2 you're not aware that there's a separate outhouse?

3 A. At the lake house, pond house?

4 Q. Yes, sir. At the pond shed. There's a separate, a
5 separate section and there's a commode in there. I don't
6 even know if there's a sink in there. I'm not sure. I
7 haven't been there in nine years.

8 A. Yeah. No that question has never been raised to me
9 before.

10 Q. So a house in your mind would have a indoor restroom;
11 correct?

12 A. So the house is the former residence is my
13 understanding of the house.

14 Q. The house is a formal residence?

15 A. The former residence of your daddy, Mr. Lynch, would
16 be the house, yes.

17 Q. Okay. Well in here it states in the Will that the
18 house goes to Elizabeth, Wendy, and I equally. It says
19 exactly that, the house. The pond house is what Wendy's
20 saying that the house means. The pond house doesn't ---

21 THE COURT: Ms. White, I'm going to -- I'm sorry
22 to interrupt you.

23 Q. Do you ---

24 THE COURT: Ladies and gentlemen, it's 1:00 now.
25 We're going to break until 2:00 for lunch. Please do not

1 discuss this case with anybody. You're free to go out on
2 your own. Please be back in your jury room at 2:00. Thank
3 you so much for your attention.

4 We've got some business to take care of. Okay? Just
5 a minute.

6 (Jury exited courtroom at 1:01 p.m.)

7 THE COURT: Mr. Stewart, you're welcome to step
8 down for your lunch.

9 THE WITNESS: All right. Thank you.

10 (Witness is excused for lunch.)

11 THE COURT: All right. I'm just -- I mean,
12 there's been no objection to relevance. And I certainly am
13 not as familiar with this case as anybody else is that's
14 here in this courtroom. But I'm -- I can only assume that
15 all of this information and these questions are relevant.
16 Am I right or wrong? Can anybody ---

17 MS. WHITE: Yes, they're relevant.

18 THE COURT: I understand your position. I'll ask
19 you about it in just a moment.

20 MR. MCLAUGHLIN: Your Honor, in all honesty, no.
21 I mean, we don't really believe they are. But, you know,
22 we walk a fine line of engendering sympathy by continuing
23 to object. And to a certain extent, we're going to give
24 Ms. White as much as rope she wants to go off on these
25 rabbit holes because it gives this jury, to a certain

1 extent, the taste of what we've all been dealing with for
2 nine years.

3 But the relevancy of all of this stuff,
4 confronting Mr. Porter about what he has and has not done
5 about their access to the lake house and things like that,
6 I don't see how it's in any way relevant to the claims of
7 defamation, outrage, and intentional infliction of
8 emotional distress. But, you know, that's kind of the
9 problem we have with a pro se defendant.

10 MR. MCCULLOCH: Our strategy, if I may interject,
11 with regard to this witness, our strategy is to allow the
12 jury to see what we're dealing with. They've had about an
13 hour and a half of irrelevant dosage of what we're dealing
14 with. Now, you know, the Court can overrule our strategy
15 and cut her off. I don't have any objection either way,
16 but clearly we have gone beyond the pale of patience,
17 beyond the pale of relevance. I would ask the Court, in
18 fact, to be a little tougher about this because the problem
19 that I'm watching is a jury that has been down the rabbit
20 hole, through the looking glass into Wonderland with Alice
21 and Ms. White. They are confused. And that's the problem
22 when you have a pro se litigant who will not distinguish
23 between testimony and interrogation. And it's that
24 problem.

25 If we had transcripts, I guess we'd be yellow-

1 lining them and giving them to you and asking you to tell
2 the jury specifically this cannot be considered by you in
3 any fashion. And you admonished them properly, Your Honor,
4 and I applaud you for that. The concern is going forward.
5 It's just a lesson that has got to be learned, a learning
6 curve. And then there's a point at which the Court may
7 have to take a different tact.

8 THE COURT: Well, Mr. Rigney, I'll hear from you.

9 MR. RIGNEY: I have been reluctant to intervene
10 because the plaintiff brought this question into court.
11 And so I understand and I cannot disagree that we may have
12 reached the point where it's a little bit beyond what we
13 would have anticipated. And so, again, because it was
14 brought up, I really -- and the pro se litigant here was
15 trying to bring forth some evidence, at this point, there's
16 so much repetition, and the jury is indeed, I think,
17 exhausted with this.

18 THE COURT: And the Court's concern obviously is
19 that, you know, there's a lot of witnesses to be heard from
20 in this trial.

21 MS. WHITE: I'll wrap it up with Porter. I'll
22 wrap it up. I might only have five more questions. Five
23 more questions for him.

24 THE COURT: All right. Well, ---

25 MS. WHITE: And the relevance is that they

1 brought up the fact that the \$1.5 million dollars -- it's
2 not -- it is not an accurate amount of money. It is not
3 accurate at all. There's been no appraisals.

4 MR. MCCULLOCH: And, Your Honor, just to be clear
5 about this, I think you were party to the discussions or
6 maybe it was mentioned to you, that we requested, both
7 parties, defendants, agreed to a stipulation that would
8 have obviated this interrogation. And that stipulation was
9 simply that that gentleman evaluated the assets of this
10 estate at not less than ---

11 MR. MCLAUGHLIN: A floor.

12 MR. MCCULLOCH: --- 1.4 million dollars, but they
13 could argue it's ten million. They could argue five
14 million in cash in a bag somewhere, and 50,000 gold bars
15 and pirate doubloons. They can argue whatever they want to
16 say it's worth. I mean, that's not relevance, and we could
17 have avoided all of this with a simple stipulation.

18 MR. MCLAUGHLIN: We just wanted a floor for
19 ability to pay. That was it.

20 MS. WHITE: Judge, also, my questioning was to
21 show that we have not defamed Ms. Lynch's character. Her
22 actions of the things that I asked him about, the things
23 that she has done, has shown favoritism, and that she has
24 defamed her own character.

25 MR. MCCULLOCH: And, Your Honor, I would remind

1 there is no counterclaim by either party.

2 THE COURT: I understand.

3 MS. WHITE: There is no what?

4 MR. MCCULLOCH: Counterclaims. No
5 counterclaims.

6 MS. WHITE: I'm not asking for money.

7 MR. MCCULLOCH: Proving defamation would not be a
8 relevant consideration.

9 THE COURT: I understand. And listen ---

10 MS. WHITE: Slander, defamation, ---

11 THE COURT: Okay. Give me just a minute; okay?

12 Again, y'all have been dealing with this case for ten

13 years. I've been dealing with it for 24 hours; okay? I

14 don't know what's relevant and what's not, you know. I

15 have to rely on the parties to bring proper objections

16 before the Court. If you're not going to object, then I'm

17 not going to interject; okay? But, Ms. White, you have to

18 understand that you have to ask questions ---

19 MS. WHITE: Yes, sir.

20 THE COURT: --- and receive the answers.

21 MS. WHITE: Yes, sir.

22 THE COURT: And it's not going to get better if
23 you continue to violate that rule. Do you understand that?

24 MS. WHITE: Yes, sir. And I apologize greatly.

25 THE COURT: Well, you don't need to apologize.

1 MS. WHITE: I mean no disrespect.

2 THE COURT: I just want you to understand. Do
3 you understand?

4 MS. WHITE: I understand. Yes, sir.

5 THE COURT: Okay. All right. So we'll resume
6 and you'll be able to continue your questions so long as
7 they're not overruled or sustained by any objections. Do
8 you understand?

9 MS. WHITE: Okay. Yes, sir.

10 THE COURT: All right. We'll be back at 2:00.

11 MR. MCCULLOCH: Thank you, Your Honor.

12 MR. RIGNEY: Thank you, Your Honor.

13 MS. WHITE: Thank you.

14 (Court adjourned for the lunch recess at 1:08 p.m.)

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AFTERNOON SESSION

1
2 (Court was in session at 2:02 p.m. and the following
3 matters were had outside the presence of the jury:)

4 THE COURT: All right. Are we ready to go?

5 MR. MCLAUGHLIN: The plaintiff's ready, Your
6 Honor.

7 THE COURT: All right.

8 MR. RIGNEY: The defendant's ready, Your Honor.

9 THE COURT: All right. Mr. Porter, -- or, Mr.
10 Stewart, I'm sorry. I keep calling you Mr. Porter here.

11 (Witness takes stand.)

12 MS. WHITE: He's got two last names.

13 MR. RIGNEY: Your Honor, just quickly. We had
14 talked about Senator Johnson's testimony.

15 THE COURT: Yeah.

16 MR. RIGNEY: And we had talked during the break
17 and I think we were discussing trying to see where the
18 schedule is to see if we could figure it out.

19 MR. MCLAUGHLIN: Well, I mean, I -- what I
20 explained to Mr. Rigney is that we need to get through
21 today to see what things look like. And then he's going to
22 -- what I proposed is he reach back out to whoever he's
23 coordinating with with Senator Johnson because if it's
24 simply a matter of Senator Johnson can do it remotely
25 during the mornings, if he's able to do it Thursday morning

1 as opposed to tomorrow morning, i.e., we maybe won't have
2 to take him out of order. They could call him first in
3 their case. That would obviously make the most sense. If,
4 after today he reaches out and they say, No, he can only do
5 it Wednesday and we've got to take him out of order, then
6 we certainly will try to work that in.

7 But ideally, I think, it would be best if we
8 could reach out to him and find out if this is just an
9 issue where you need to do it in the mornings via Zoom?
10 And if so, will you be available Thursday or Friday when
11 the Defense is up? And do it like that.

12 MR. RIGNEY: I hate to spoil a senator, you know.
13 There are too many of them. I hate to spoil them.

14 THE COURT: Yes, sir. Well, if we wait, you
15 know, if we wait until Friday to hear from Senator Johnson,
16 we very well may be into next week with this.

17 MR. RIGNEY: Oh, please, God.

18 THE COURT: I mean, I don't -- I don't agree with
19 trying to wait until Friday.

20 MR. MCLAUGHLIN: What about Thursday then?

21 THE COURT: All right. Let's check his
22 availability. There's no problem with him testifying
23 remotely?

24 MR. RIGNEY: If that's the best we can do, Your
25 Honor.

1 MR. MCLAUGHLIN: Yeah, I mean, if we have to, we
2 have to.

3 THE COURT: All right. We need to start working
4 on figuring out the best way to do that. All right. We'll
5 check. If tomorrow morning's absolutely the only morning
6 he can do it, then we'll do that; okay? Is there any way
7 you can have somebody to try to check on that before we
8 leave here today? Because you also told me it could be
9 only at 9:00; is that right?

10 MR. RIGNEY: That was what they had indicated
11 that they wanted to do it at 9:00 before the session
12 starts.

13 THE COURT: Okay.

14 MR. RIGNEY: And I will check with him now, Your
15 Honor.

16 THE COURT: Okay.

17 MR. RIGNEY: And I don't know -- of course, I
18 don't know when I'll get an answer from him, but ---

19 THE COURT: Well, I understand.

20 MR. RIGNEY: --- I'll do that right now.

21 THE COURT: Okay.

22 MS. WHITE: Can I ask about another witness?

23 THE COURT: Yes, ma'am.

24 MS. WHITE: The witness that's here, she came
25 yesterday and she's here today. She has to return to

1 Wilmington to her job. Can she -- can she be heard
2 tomorrow?

3 THE COURT: That's your witness?

4 MS. WHITE: It's mine and Elizabeth's witness;
5 yes.

6 THE COURT: What's her name?

7 MS. WHITE: Tracy Frazier.

8 MR. MCCLAUGHLIN: Your Honor, it's not our fault
9 -- it's not our fault that they subpoenaed their witness to
10 be here yesterday. They need to coordinate the schedule.
11 We're willing to make accommodations because of Senator
12 Johnson and his role as a legislator, but we're not going
13 to start taking witnesses out of turn just because they
14 want us to because they got them here at the wrong time.

15 THE COURT: And -- and I agree. They have a
16 right to prosecute their case the way that they want to.
17 Senator Johnson's obviously in legislative session during
18 this time and he could tell us he's not coming; okay? And
19 so we're going to accommodate him to try to get this case
20 tried. Do you understand that?

21 MS. WHITE: Yes, sir, so ---

22 THE COURT: Okay.

23 MS. WHITE: -- they'll keep going until they're
24 done and then it'll be his turn. And then it'll be my
25 turn. So she ---

1 THE COURT: Yes, ma'am.

2 MS. WHITE: Okay. Well, they're supposed to call
3 her as well, so.

4 THE COURT: Okay. All right. Anything before we
5 bring the jury?

6 MR. MCCLAUGHLIN: Nothing from the plaintiff, Your
7 Honor.

8 THE COURT: I'm sorry. Anything else before we
9 bring the jury?

10 MR. RIGNEY: No, Your Honor.

11 THE COURT: All right. All right. Let us have
12 the jury.

13 (The jury returned to the courtroom at 2:08 p.m. and
14 the following matters were had in the presence of the
15 jury:)

16 THE COURT: All right. Ms. White, do you have
17 any further questions for Mr. Stewart?

18 MS. WHITE: I do have just a couple, Your Honor.

19 PORTER STEWART,

20 BEING PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

21 CROSS-EXAMINATION BY MS. WHITE (CONT'D):

22 Q. Hey, Porter.

23 A. Yes, ma'am.

24 Q. Do you have a copy of the -- or do you remember who
25 the realtor was that you used to give you the list of what

1 these properties were valued at?

2 A. Yes; I spoke with Mr. Ken Jackson.

3 Q. Ken Jackson. And do you have a copy of his
4 recommendations?

5 A. No.

6 Q. Do you have one available at your office?

7 A. I provided him the information about the property.

8 And his response to me was he felt that the information
9 provided through the tax records was reasonable to use.

10 Q. Okay. And on the day that you went out to the house
11 when they scanned the floors, did you agree to have the
12 floors scanned and pay for it out of the estate?

13 A. I don't remember how all of that -- I don't remember
14 the course of conversation back at that time.

15 Q. Okay. And do you remember the report that came that
16 showed -- what the report showed?

17 MR. MCCLAUGHLIN: Objection to hearsay.

18 THE COURT: Sustained. You have to -- you can't
19 refer to the report.

20 MS. WHITE: I'm sorry?

21 THE COURT: You have to ask him another question.

22 MS. WHITE: I can't ask about what the report
23 showed?

24 THE COURT: It'd be somebody else's report with
25 somebody else's findings in it and that would be improper

1 as hearsay testimony.

2 MS. WHITE: I thought I heard him ask him earlier
3 and he said it showed that the floors were scanned and it
4 showed what's possible safes in the floor.

5 Q. Mr. Porter, ---

6 THE COURT: I didn't hear that question. I'm
7 sorry. You're going to have to ask another question.

8 Q. Mr. Stewart, if Elizabeth and -- when Elizabeth and I
9 asked you about the appraisal of the properties, what was
10 your decision not to get an appraisal?

11 MR. MCLAUGHLIN: Your Honor, objection. Asked
12 and answered repeatedly before lunch.

13 THE COURT: Sustained.

14 Q. You stated earlier that two and a half acres goes with
15 the house. Do you agree that that is a separate plat
16 number -- plat number for -- than the 102 acres?

17 MR. MCLAUGHLIN: Objection, Your Honor,
18 relevance. We gave Ms. White a lot of rope before lunch on
19 questions that are not relevant to the causes of action or
20 any defenses of those causes of action and she's getting
21 back into it. And it's time -- we have to try to rein it
22 in.

23 THE COURT: Ms. White, what is the relevance of
24 your question?

25 MS. WHITE: I was trying to let -- to say the

1 relevance of the two and a half acres and the house go
2 together versus -- they brought this document in, sir, and
3 they're trying to say that this is the accounting of our
4 estate. They've got this will and he is asking for the
5 courts to determine what -- what goes with the house and
6 what goes with the acres.

7 THE COURT: All right. Look, Ms. White, ---

8 MS. WHITE: So I got ---

9 THE COURT: Ms. White, ---

10 MS. WHITE: --- conf -- I'm sorry.

11 THE COURT: --- would you, please, allow me to
12 respond; okay? That is not the issues that are in this
13 lawsuit that's pending before this jury here this week.
14 And so they're not relevant to the causes of action that
15 have been brought against you. Do you understand? So
16 you're going to have to stay to the relevance of this
17 matter.

18 MS. WHITE: Of the defamation, the ---

19 THE COURT: The causes of action that are
20 contained in this lawsuit. So if you have any more
21 questions for Mr. Stewart, please ask them.

22 MS. WHITE: I have no further questions because I
23 don't know what to ask.

24 THE COURT: Okay. Thank you, ma'am. All right.
25 Is there any redirect?

1 MR. MCLAUGHLIN: Very briefly, Your Honor.

2 REDIRECT EXAMINATION BY MR. MCLAUGHLIN:

3 Q. Mr. Porter, -- Mr. Stewart, I appreciate your patience
4 here today and I thank you for your testimony today. And
5 it's kind of exhibit A of no good deed goes unpunished.
6 And I want to ask you a few questions just to clear up some
7 issues that I think could have gotten confusing through Ms.
8 White's questioning of you.

9 First off, the idea that any money that was given
10 by these two ladies out of the goodness of their heart,
11 would it be fair to say what you were trying to explain is
12 that under the Will the money was basically, other than
13 specific gifts in the Will, the estate was going to be
14 split three ways between these three daughters; correct?

15 A. Under the Will; correct.

16 Q. And when those daughters, these two right here,
17 challenged that Will, ---

18 MS. WHITE: I object, Your Honor.

19 THE COURT: What's your objection?

20 MS. WHITE: I haven't challenged the Will.

21 THE COURT: All right. Rephrase your question,
22 Mr. McLaughlin.

23 Q. Well, when Ms. Langley challenged that Will, and there
24 was no valid will at the time, and the probate court had
25 these hearings where they issued temporary orders, the

1 probate court had to treat the estate as though there
2 wasn't a will at that time; right?

3 A. Yes, sir. There was a request for partial
4 distributions. The Court had to do it in such a way to
5 protect the potential interest of a fourth party pending a
6 final decision on the will itself.

7 Q. Because if that will had been found -- if it had been
8 ultimately that Mr. Jimmy died without a will, then when
9 someone dies without a will, there's laws in the state of
10 South Carolina that says how the estate gets distributed.
11 And under the facts of this case, where he had four kids,
12 there would have been twenty -- basically, each would have
13 taken one-fourth of the estate; right?

14 A. Right. So without a will, the estate, instead of a
15 testate estate, which is a Last will and Testament, that's
16 how the phrase arises, if there's no will, then it's an
17 intestate estate, an estate with no will. And under South
18 Carolina statute, you look to the heirs at law and he was
19 survived by four children. So that's why the Court took
20 that precaution until the decision was made as to the
21 testate nature of the estate, i.e., through the will.

22 Q. And what you were trying to explain to the jury is
23 ultimately, after a long battle the court system said there
24 was a will, this is it, this is how the estate gets
25 distributed, and, therefore, that one-quarter share for the

1 son that the Court had held back, actually gets distributed
2 to these three girls?

3 A. Yes.

4 Q. Okay. You didn't have anything to do with that?

5 A. No, sir.

6 Q. You couldn't have distributed that if you wanted to or
7 if they asked you to until the Court ruled on that?

8 A. Well, basically those funds remained within the estate
9 itself. So that's true.

10 Q. Repeatedly, during her questioning of you, Ms. White
11 referred to we; didn't she? Do you remember when we called
12 you? Do you remember when we asked you to do this? She
13 did that repeatedly during her questioning of you; didn't
14 she?

15 A. From the line of questioning, I do recall the
16 questions.

17 Q. And did you interpret the use of the we, to be her and
18 Ms. Langley?

19 A. Yes.

20 MR. RIGNEY: Your Honor, I object to this. I
21 don't think he should be interpreting her language. I
22 don't think he has the -- he shouldn't call upon him to
23 attempt to read into what her words were.

24 MR. MCCLAUGHLIN: My response would be he was
25 asked a question using the term; he answered it. I have a

1 right to ask him what he interpreted that to mean.

2 THE COURT: I agree.

3 Ms. White, did you need to add anything?

4 MS. WHITE: (No audible response.)

5 THE COURT: All right. Overruled.

6 Q. Would it be fair to say you've had a lot of
7 interaction with those two sisters over the last nine
8 years; haven't you?

9 A. A bit of interaction, yes, sir.

10 Q. Would it be fair to say that the majority of your
11 interactions with those two women, as it pertains to their
12 daddy's estate, that they have been singing from the same
13 sheet of music. They wanted the same things?

14 A. Well, I think fundamentally, it has gone to -- there's
15 a different approach taken as to whether, as I said a few
16 minutes ago, this was going to be a testate estate with a
17 will or an intestate estate without a will. That's been
18 the fundamental divide. The -- overall I think the
19 question would be correct; yes.

20 Q. Okay. You were asked why you hired an attorney in
21 this case. Based on nine years -- Ms. White in her
22 questioning for you talked about all of the different
23 probate courts in the State of South Carolina this case has
24 been in front of. Florence. It's been in front of the
25 Florence Probate Court; correct?

1 A. Correct.

2 Q. Lee County?

3 A. Correct.

4 Q. Sumter?

5 A. Correct.

6 Q. Charleston?

7 A. Correct.

8 Q. And has it been in front of all those courts, because
9 these ladies constantly blame the courts and the judges
10 when rulings don't go in their favor; don't they?

11 MS. WHITE: I object to him ---

12 THE COURT: What's your objection?

13 MS. WHITE: I haven't filed any motions. I
14 haven't filed anything against any of this. And he keeps
15 saying they, when he's referring to these ladies.
16 Elizabeth filed two ---

17 THE COURT: Okay. Mr. McLaughlin?

18 MR. MCLAUGHLIN: Ms. White's questioning of Mr.
19 Porter about the impropriety of Ms. Lynch a moment ago
20 speaks for itself, Your Honor. She asked questions
21 specifically about that.

22 THE COURT: All right. Overruled. Thank you,
23 ma'am.

24 Q. If Jimmy's will had been invalidated, all the property
25 would have went into one pot and split it -- then split it

1 four ways?

2 A. That is correct.

3 Q. There were a lot of questions asked of you, Mr.
4 Stewart, about the lake house. Ms. White seemed to be
5 quite upset about her ability to use this lake house over
6 the last nine years. Under Mr. Lynch's Will, his Last will
7 and Testament, would she have any right to use that lake
8 house?

9 A. The Will leaves the lake house to Wendy Lynch and her
10 son, Mr. Jordan.

11 Q. So the answer to that would be no?

12 A. Correct.

13 Q. It seemed to be, and maybe I misinterpreted it, that
14 some of the questioning was talking about how come you
15 haven't closed this estate for nine years. Mr. Stewart,
16 would you like this estate to be closed?

17 A. Well, yes, sir. I filed the documentation that I --
18 I would point out that once the final court decision was
19 made with reference to the Will itself, that having been
20 appealed, to my best recollection, it was only after that
21 that this probate case went through the series of the four
22 different courts, from Florence, to Lee, to Sumter, to
23 Charleston. That was in the aftermath of the Will having
24 been affirmed. So there's been a lot that's gone on.

25 Q. So after the South Carolina court system said this is

1 Jimmy's will, and this is how he wanted his property given
2 out, these ladies have challenged and made this probate
3 court case jump from county to county, arguing over the
4 estate; haven't they?

5 A. Well, as I said, there's been a great deal of
6 procedural history in this case since the Will was upheld.

7 MS. WHITE: I object, Your Honor.

8 THE COURT: What's your objection?

9 MS. WHITE: I haven't caused any of the cases to
10 be moved from county to county. The reasons for that ---

11 THE COURT: All right, ma'am. You'll have an
12 opportunity to testify.

13 MS. WHITE: He keeps saying they, these ladies.
14 He keeps including me in it. He needs to say Ms. Langley.

15 THE COURT: Mr. McLaughlin?

16 Q. Whose benefit has that entered to, Mr. Stewart? If
17 the property that keeps getting argued about is Mr. Jimmy's
18 home, the 103 acres and the lake house, two properties that
19 he specifically bequeathed in his Will to Ms. Wendy and her
20 son, his grandson, Jordy, who has benefited from contesting
21 this thing and dragging it from probate court to probate
22 court for the last nine years?

23 A. Well, I guess I might answer the question simply by
24 saying that ---

25 MS. WHITE: Excuse me, Judge, I have an

1 objection.

2 THE COURT: All right, ma'am. What's your
3 objection?

4 MS. WHITE: He's saying that the Will says that
5 Wendy and Jordy get the house, and the Will does not say
6 that. It does -- I want you to read it and look at it and
7 see that the Will does not -- it says to Becky bet [sic]
8 the house, to Becky, Beth, and Wendy.

9 THE COURT: All right, Ms. White.

10 MS. WHITE: So it doesn't go to Jordy and Wendy
11 until Porter has asked the judge to ---

12 THE COURT: All right, Ms. White.

13 Ladies and gentlemen, if you'll take just a
14 minute to step to your jury room. We're going to take up a
15 matter of law. I appreciate your patience. Thank you for
16 your attention. Please don't discuss this case.

17 (The jury exited the courtroom at 2:25 p.m. and the
18 following proceedings were had outside the jury's
19 presence:)

20 THE COURT: Mr. McLaughlin, what's your response?

21 MR. MCLAUGHLIN: My response, Your Honor, is the
22 Will speaks for itself, as does Mr. Stewart's final
23 accounting and proposed distribution, and his
24 interpretation of what the Will does in that.

25 THE COURT: All right. Ms. White, the Will is

1 into evidence; okay? And Mr. McLaughlin can ask questions
2 about the Will.

3 MS. WHITE: Mr. McLaughlin stated that the house
4 goes to Wendy and Jordy, and the Will does not say that.
5 The Will says -- do you want me to read it?

6 THE COURT: Are we talking about the lake house?

7 MS. WHITE: No, we're talking about ---

8 THE COURT: You're not talking -- I think he's
9 talking about the lake house.

10 MS. WHITE: He said the house, the lake, and the
11 103 acres he just said. And that they stand to lose that.
12 The judge gave her a temporary order to stay in the house
13 because she claimed it as her primary residence because
14 Beth lived in the house. Beth lived there. The judge gave
15 her temporary residence there because she claimed it was
16 her primary residence and threatened Beth to the point that
17 she left and she was afraid for her life. That is why the
18 judge gave her temporary order to stay in that house.

19 He didn't say, Well, the Will says that the house
20 is yours so we're going to let you stay there during all
21 this time until this is settled. It was a temporary order
22 locking Beth out of her residence. And that was Beth's
23 contesting. And she was upset about that because she had
24 to go out and find somewhere to live.

25 THE COURT: All right. Ms. White, ---

1 MS. WHITE: Wendy abandoned her house in Florence
2 and ---

3 THE COURT: Ms. White, I appreciate your
4 argument. All right. This is redirect examination and
5 he's asking questions in reference to questions that you
6 asked of this witness.

7 MS. WHITE: I just asked ---

8 THE COURT: And he's properly doing so; okay? So
9 I'm going to overrule your objection. I'm going to allow
10 Mr. McLaughlin to continue his questions and we're not
11 going to discuss the contents of the Will. If you want to
12 bring that out during testimony or during questioning of
13 witnesses, of proper witnesses where that might be
14 relevant, then that's certainly your chance to do that. Do
15 you understand?

16 MS. WHITE: I don't mean any disrespect, but he
17 keeps referring to the house as Wendy and Jordy's. And
18 Porter Stewart is asking the Court right now to determine
19 what the house means. So it ---

20 THE COURT: Ms. White, please understand what I'm
21 telling you ---

22 MS. WHITE: Okay.

23 THE COURT: It's not the time or the place.
24 You'll have your opportunity to defend this case. You can
25 ask witnesses questions and you can testify.

1 MS. WHITE: Okay.

2 THE COURT: And you can call witnesses on your
3 own behalf if you'd like to do that. Do you understand?

4 MS. WHITE: Okay. But it's okay with ---

5 THE COURT: But this form of objecting before the
6 jury and entering what's basically testimony during an
7 objection cannot continue to happen. Do you understand?

8 MS. WHITE: So when I object, what do I need to
9 say?

10 THE COURT: You need to give me a brief overview
11 of your objection and wait for me to rule and ask for the
12 other side to respond. Do you understand?

13 MS. WHITE: Yes, sir. But -- so it's okay to say
14 the house goes to Wendy and Jordy is what you're saying, in
15 the Will, when it's under ---

16 THE COURT: What I'm saying is this is not the
17 proper time to make that substantive objection; okay? And
18 if you want to bear that out through testimony and
19 evidence, that's certainly your right, but not right now,
20 not during the redirect examination of this witness. Do
21 you understand that?

22 MS. WHITE: Yes, sir, and I ---

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

24 Can I have the jury, please?

25 (The jury returned to the courtroom at 2:30 p.m. and

1 the following proceedings were had within their presence:)

2 THE COURT: All right. Mr. McLaughlin?

3 MR. MCLAUGHLIN: Thank you, Your Honor.

4 REDIRECT EXAMINATION BY MR. MCLAUGHLIN (CONT'D):

5 Q. Mr. Stewart, if you'll grab your accounting. I
6 believe it's plaintiff's exhibit number 2. Grab that and
7 turn to the actual proposal for distribution.

8 A. Okay.

9 Q. And I'm going to pop it up there on the screen for
10 you. You should be able to see it right there to your
11 right. Can you?

12 A. Yes, sir.

13 Q. Okay. This right here. As special administrator of
14 the Estate of Jimmy Lynch after nine years, on your review
15 of the Will, on your review of the estate, this is your
16 proposed distribution for the remainder of the estate; is
17 that correct?

18 A. This is the proposal.

19 Q. And that is your best interpretation of what Mr.
20 Lynch's wishes were based on plaintiff's exhibit number 1,
21 his Last will and Testament; is that correct?

22 A. I think that would be a fair statement.

23 Q. And, Mr. Stewart, if one of these ladies doesn't agree
24 with that and wants to continue to fight over that, then
25 this estate isn't going to get closed anytime soon; is it?

1 A. Well the resolution of the estate will be in probate
2 court. It's a Florence Court probate file, but it's been
3 assigned to the probate judge in Charleston County, as has
4 been testified to earlier. That's where final questions
5 are decided jurisdictionally, before that court, in that
6 action.

7 Q. When folks bring up legal challenges to this estate,
8 you don't have the authority to decide them. You've got to
9 wait until the Court does that for you, and then directs
10 you what to do; is that right?

11 A. That would be correct.

12 Q. Okay.

13 MR. MCLAUGHLIN: Thank you, Mr. Stewart. No
14 further questions. I greatly appreciate your patience in
15 being with us today.

16 MR. RIGNEY: I don't have any questions.

17 THE COURT: All right. Mr. Stewart, you're
18 welcome to step down. Thank you for being here.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: Yes, sir?

21 MR. MCCULLOCH: The plaintiff would call
22 Elizabeth Langley.

23 THE COURT: Yes, sir.

24 THE COURT: Ms. Langley, if you'll come around to
25 the witness stand, please?

1 (An off-the-record bench conference was held.)

2 THE COURT: Has the witness been sworn?

3 (Off-record bench conference resumes.)

4 (The witness was duly sworn.)

5 THE CLERK: Please be seated and state your name
6 for the record.

7 THE WITNESS: I am Elizabeth Langley, the
8 daughter of James Lynch. .

9 MR. MCCULLOCH: I'm sorry, Your Honor. One
10 second.

11 (Pause.)

12 ELIZABETH LANGLEY,

13 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION BY MR. MCCULLOCH:

15 Q. Ms. Langley, you are a defendant in this case; is that
16 correct?

17 A. Yes, sir.

18 Q. Your -- well, I guess I want to ask you this to begin
19 with. This matter has -- began in 2012 during the illness
20 of your father; is that correct?

21 A. My father got sick in 2012, April.

22 Q. All right. And he died from cancer in February 2013?

23 A. February 9th, 2013.

24 Q. All right. And so with that same exactitude, can you
25 confirm for the jury that you've had, I think, a dozen

1 lawyers representing you?

2 A. I haven't had a dozen lawyers. No, sir.

3 Q. You -- let's see. Can you confirm that you had Chris
4 Lane and Chauntel Bland representing you at a point in this
5 lawsuit?

6 A. Chris Lane represented me and he had to have Chauntel-
7 somebody from South Carolina, because he was an out-of-
8 state, North Carolina, attorney and he couldn't practice in
9 South Carolina, and so we had to have an attorney in South
10 Carolina.

11 Q. So the answer is, yes, you have.

12 A. He wasn't an -- he was just to get me Chris Lane in
13 South Carolina. But I didn't have -- that was just one
14 attorney.

15 Q. Chris Lane was your lawyer?

16 A. Yes.

17 Q. Chauntel Bland was your lawyer?

18 A. He wasn't my lawyer. He just allowed Chris Lane to
19 practice under him.

20 Q. His name's on all the pleadings?

21 A. I never even met him.

22 Q. His name's on all the pleadings?

23 A. But I never even met him. But he had nothing to do

24 ---

25 Q. How about Mr. Chase?

1 A. Excuse me?

2 Q. Mr. Chase, John?

3 A. He was the initial attorney, yes.

4 Q. John Chase. So that's either two or three by our
5 count, your count. And then you also had Mr. Jim Ervin?

6 A. Mr. Jim Ervin. He had help. He could not ---

7 Q. I'm not asking you ---

8 A. I had Mr. Jim Ervin.

9 Q. At this point in time I'm asking you yes or no
10 questions. If it has to be answered, as the Judge will
11 tell you, ---

12 A. Yes, sir. Yes, sir.

13 Q. --- you can make a more elaborate answer. Now Mr.
14 Ervin also had Shardé Crawford as an assistant lawyer; ---

15 A. That was his assistant.

16 Q. --- right? So now we're at four or five. How about
17 Rene Josey. He also represented you?

18 A. Yes, he did, but Mr. Jim Ervin didn't do appeals. So
19 I had to hire an appellate attorney, and Mr. Rene Josey was
20 an appellate attorney.

21 Q. You also had Greg Ammons for some of these proceedings
22 over these nine years?

23 A. Greg Ammons did not do anything for me. He didn't
24 even depose one person. Yes, I did. He got recused by
25 Judge Russo.

1 Q. And David Smith also ---

2 A. David Smith was on a ---

3 Q. --- worked with ---

4 A. family court issue, not any of these issues.

5 Q. He was Mr. Ammons' partner, I think, law partner?

6 A. Excuse me.

7 Q. He was Mr. Ammons' law partner?

8 A. Yeah, but it had nothing to do with this portion. He
9 handled a family court issue I had separately from the
10 probate and my daddy's family, period. It's nothing to do
11 with any of these issues that we're having.

12 Q. Were you represented by Mr. Conner during these nine
13 years?

14 A. Mr. Conner, yes, I was, briefly.

15 Q. All right. Now, you also were represented by Ducati
16 James -- Jones. I'm sorry. That's Mr. Jones. That's his
17 gangster rap name. He actually is named Eric Poston.

18 A. I briefly went and had a consult with him regarding
19 two cases and he never submitted, from what I understand,
20 that he was representing me in any of the cases. I went
21 and consulted him with both cases. I told him I couldn't
22 afford him for probate. And then he's trying to sabotage
23 me by threatening Ms. Lynch on a telephone call that I had
24 nothing to do with, and so I -- I fired him.

25 Q. Okay. So we can agree that -- I didn't ask you that,

1 but I appreciate you anticipating that I would, that Mr.
2 Poston, the lawyer you went to see that you say you did not
3 hire, telephoned this lady, Ms. Lynch, threatening her?
4 You've heard the tape; right? I can play it for you. He
5 threatened her.

6 A. I wasn't there when that happened.

7 Q. But he threatened her on the telephone.

8 A. He did.

9 Q. He told her not to call the police. He told her she
10 needed to settle this matter with you and your sister.

11 A. I had nothing to do with that.

12 Q. That's what he said.

13 A. But I had nothing to do with that attorney doing that.
14 He did that to sabotage me because he knows you. He knows
15 you and your aunt -- or his aunt knows you is what he told
16 me.

17 Q. Okay. I'm not sure what that means, but all right.

18 And now you have Mr. Rigney?

19 A. Sir, I'm not going to keep hiring somebody that's
20 going to sabotage me.

21 Q. Well, in fact, you had -- I think a dozen, but I may
22 have lost count.

23 A. That's not a dozen.

24 Q. Well, it's close. Maybe a baker's dozen. But
25 nonetheless, in nine years you've had all those lawyers;

1 correct?

2 A. I had those lawyers, but not that many. And some of
3 them had to do different tasks. Some of them couldn't do
4 certain tasks. And Mr. Eric was hired, but he never put
5 hisself, from what I understand, on any case. He was hired
6 only for the civil, because I couldn't afford him for the
7 probate. And then when he sabotaged me, I told him I
8 didn't need -- I didn't need you to get me in more
9 problems, so.

10 Q. He called and threatened her to advance your
11 interests, trying to terrorize her, ---

12 A. Well, I had nothing to do with that.

13 Q. --- telling her not to call the police. Telling her
14 he needed -- she needed to come to cur [ph] and settle
15 this.

16 A. Never had anything to do with that. He did that to
17 sabotage me, because I told him I was getting my records
18 and he did it that day. I was there to get my records.

19 Q. You didn't file a complaint against him; did you?

20 A. Not yet. I'm going to.

21 Q. But you have filed complaints against most of these
22 other lawyers; haven't you?

23 A. I have filed a complaint against Greg Ammons, John
24 Chase, a couple of them, yes, because they didn't do what
25 was in my best interest. They went -- John Chase went in

1 the judge's chambers and came out and wouldn't defend me in
2 any way.

3 Q. I'm looking at page 4 of the April -- of the May...

4 MR. MCCULLOCH: Your Honor, what I intend to do
5 is just make -- ask some questions about one of the
6 documents that we discussed yesterday that has been
7 authenticated. And this is a filing of Ms. Elizabeth
8 Langley. It's dated May 1, 2018.

9 Now, this is the original. I don't think I need
10 to mark it even for identification, but this is the
11 original document. I will submit to the Court -- well
12 about that, I have a Bates stamped copy. The original is
13 not Bates stamped. I'll try to get through this without
14 too much confusion for the witness. .

15 Q. Ms. Langley, if I represent this document -- present
16 this document to you, all right, you can identify that as
17 something you filed or had filed on your behalf; can you
18 not?

19 A. This was a complaint I sent and I did file it in the
20 court ---

21 Q. Got you.

22 A. --- to let you -- let y'all know what I went through
23 -- let the Court know what I'd been through.

24 Q. This is a document you filed with the -- is it with
25 the probate court?

1 A. This is -- the Supreme Court moved the Florence County
2 probate out of Florence because of conflict of interest.
3 The judge was disqualified. And then this was sent to
4 Sumter County it looks like. Well, Michael Davis, Judge
5 Michael Davis.

6 Q. I'm going to come back to that. Irrespective of what
7 court it was filed, the document you collaborated in filing
8 with the Court in this case in this nine years of ---

9 A. Collab -- what do you mean collaborated?

10 Q. Well, did you have a lawyer at that time?

11 A. This was -- yeah. This -- Richard Conner filed this.

12 Q. Who was that?

13 A. Richard Conner filed this.

14 Q. Conner, okay. We didn't include Conner, I think, in
15 your list. So you had a lawyer at that point. So this is
16 something -- when I say collaborated, I mean, you discussed
17 it. You knew what was being filed and you wanted it to be
18 filed; right?

19 A. Yeah. The lawyer filed it. He went over it and we
20 filed it.

21 Q. Now your sister made several references to we filed,
22 we did this, we did that. Did you collaborate with your
23 sister on this filing?

24 A. No, she didn't -- she's probably never read this.

25 Q. Didn't have any conversations with her?

1 A. No.

2 Q. Well, you would have had to serve her if she's part of
3 the transaction; wouldn't you?

4 A. She got service, but she doesn't read much. She
5 doesn't read papers much. She can't ---

6 Q. Okay. Well, how about turn -- starting -- I don't
7 think those pages are numbered; are they? They're numbered
8 in an odd, erratic way. So let's do this. Do you see at
9 the bottom right-hand corner? There are little, tiny
10 numbers. So this document, as it was originally filed,
11 some pages are numbered. They're like -- some pages are
12 numbered and then some pages are not numbered, because
13 there's several documents stuck together. So that little,
14 tiny number at the bottom, it's a number that I placed
15 there, from 1 to 65, ---

16 A. Yes, uh-huh.

17 Q. And it's very tiny and I apologize for that.

18 A. Yeah. Did you put these numbers on here?

19 Q. I did. I put it in my little computer at the office.
20 It's only so that you and I would not waste time and so
21 that I can ask you to look at page 4.

22 A. Go to page 4?

23 Q. That little, tiny number in the bottom right-hand
24 corner.

25 A. I've got it.

1 Q. Page 4. Do you have that?

2 A. Yes, sir.

3 Q. Now, at the very top of that would you read the first
4 three lines?

5 A. Below are my attorneys, hired and fired, due to not
6 representing me in the best interest, not presenting my
7 evidence, I believe to cover up and protect Wendy, a
8 Florence County magistrate.

9 Q. All right. Now this was filed in May of 2018 or
10 thereabouts? April/May 2018; correct?

11 A. I can't read it. Yes. That's what it says. Yes.

12 Q. All right. Well, in 2018 Wendy Lynch has not been a
13 magistrate since 2014.

14 A. Yes, but John Chase was my attorney back initially.

15 Q. All right. Well, how about turn to page 6?

16 A. Okay.

17 Q. If you would look at the middle of the page you'll see
18 the beginning of the second paragraph. You say I spent
19 dollars fighting my father's estate and fighting for what
20 is right. But then you say what if you read that next
21 sentence?

22 A. The one highlighted?

23 Q. Yeah?

24 A. Every attorney that I have hired has swept my evidence
25 under the rug, which they have.

1 Q. Now, would you look at page 9? Same little number in
2 the bottom right-hand corner.

3 A. I see it. Yes, sir.

4 Q. Referring you again to the second paragraph on that
5 page. And that's your signature down at the bottom of that
6 page; isn't it?

7 A. Yes, sir. I filed this paper.

8 Q. All right. And after that first sentence, first -- I
9 guess there's kind of two sentences. Would you read the
10 sentence beginning, I'm asking?

11 A. With the highlighted?

12 Q. Yes.

13 A. I'm asking for an investigation into my father's
14 estate, court rulings, the attorneys involved swept
15 evidence under the rug, also investigate the Florence
16 County judicial system, the good-old boy system. And
17 that's what I believe.

18 I'm also requesting all of my attorneys' fees to
19 be reversed by all attorneys requesting for the Will to be
20 overturned to Florence -- overturned due to Florence
21 County.

22 Q. So no lawyer, no judge, nobody has served your
23 interest in this matter for nine years. Is that what
24 you're -- certainly what you are telling a judge?

25 A. Well, I can -- I can sit here and explain why if you

1 want me to? Every last one of them I can tell you exactly
2 what happened.

3 Q. Well, I don't think I want you to unless the Court
4 wants to allow you to take the position that is a
5 responsive answer and I don't think it is. I'm asking you,
6 you were dissatisfied as expressed in your written
7 document, with every lawyer you hired, ---

8 A. When I see ---

9 Q. --- everyone of them swept your case under the rug?

10 A. When I see things being done underhanded, -- I'm not
11 an underhanded person -- I am not going along with it.

12 Q. And you certainly are not bashful about filing
13 grievances and complaints?

14 A. No, I'm not.

15 Q. Now, your sister, Rebecca, she did have a lawyer at
16 one time in the last nine years in these matters; is that
17 right?

18 A. She had -- I guess you'd have to ask her. Mr. Evans
19 is all I remember.

20 Q. All right. Well, if you don't remember, that's fine.

21 A. Pardon me?

22 Q. If you do not recall, that is fine.

23 A. I think his name's Evans. I'm not real sure. I'm not
24 sure.

25 Q. She fired him?

1 A. Pardon me?

2 Q. She fired him?

3 A. Because she had reason to.

4 Q. Just like you?

5 MS. WHITE: I object, Your Honor.

6 A. I had reason -- Judge Russo recused him.

7 THE COURT: Ms. Langley, can you hang on one
8 second. What's your objection?

9 MS. WHITE: I didn't fire him. He recused
10 himself.

11 THE COURT: All right. You're going to have an
12 opportunity to ask questions; okay? Thank you.

13 Q. Now, reference has been made to a 2013 lawsuit that
14 you filed as the plaintiff. And you did, indeed file a
15 lawsuit in 2013; correct?

16 A. I contested my father's Will. John Chase contested
17 it. He went to a hearing. From what I understand ---

18 Q. Chase was your lawyer; right?

19 A. Yes, Mr. John Chase. He filed the contesting of the
20 Will, which I have a right to do, as a daughter, that I
21 loved my daddy very much. And I felt like the Will was not
22 a proper will that my daddy would have done having five
23 brain tumors in his frontal lobe.

24 Q. All right. And in that will, that you filed in 2013,
25 you contended that your father was not competent to make

1 the will?

2 A. He wasn't. He had five brain tumors.

3 Q. Well your contention was -- and again, my question,
4 your contention was that he was not competent to make the
5 will?

6 A. He wasn't.

7 Q. The circuit judge like this one, not this particular
8 judge, but a circuit judge right across the street in the
9 old courthouse, found that you're wrong, and ruled that he
10 was indeed competent for the making of a will; is that
11 correct?

12 A. That -- that has been -- the Supreme Court has recused
13 the judges in Florence ---

14 Q. No, ma'am. That's not responsive ---

15 A. --- and it's in Charleston now.

16 Q. That is not responsive to my question. Ma'am, let me
17 ask you again. And I'll be happy to get the lawsuit for
18 you to refresh your ---

19 A. You don't have -- you -- ask the question. I'll be
20 glad to answer it.

21 Q. You filed a lawsuit through Mr. Chase, your temporary
22 lawyer; correct?

23 A. I filed the lawsuit. He ---

24 Q. And in that lawsuit you contended that your beloved
25 father was incompetent, and that Wendy and/or others had

1 used undue and improper influence to get him to make a
2 will. Is that what you alleged?

3 A. From what I understand he lacked the capacity is what
4 ---

5 Q. Is that not what you alleged?

6 A. I alleged he lacked the capacity and he was undue
7 influenced.

8 Q. And the case was dismissed in 2015, two years later,
9 after you filed it?

10 A. We appealed it.

11 Q. No, ma'am. That's not responsive to my question. You
12 went to a courtroom across the street two years after you
13 filed the lawsuit; correct?

14 A. Yes, sir.

15 Q. During that two years you've had every opportunity to
16 subpoena witnesses, to discover evidence, to bring in
17 documents, to present evidence of his incompetence when he
18 made the Will in 2012. Did you have that opportunity?

19 A. The opportunity was there, but my attorney didn't take
20 the opportunity to do it.

21 Q. So it's all his fault?

22 A. Yes, it is. I gave him the name -- I told him the
23 names that I wanted and what we needed and it wasn't done.

24 Q. And so when you walk into the courtroom before Judge
25 Brown, that was the Judge who heard the motion to dismiss

1 your lawsuit, ---

2 A. I know -- yes, sir.

3 Q. --- and he found that you had presented no evidence of
4 incompetence, that you had presented no evidence of
5 improper influence, and he dismissed the lawsuit; is that
6 correct?

7 A. That's what he said, but I contested it. And -- well,
8 let me -- can I just retract, go back one time -- one
9 thing? The probate judge sent it out of probate into the
10 civil court. I wasn't there at that meeting. John Chase
11 said, Oh, we've got to file it -- a lawsuit in civil court.

12 Q. All right. Ms. Langley, ---

13 A. I'm not an attorney. But I'm just telling you what
14 happened.

15 Q. --- I'm going to interrupt you. That's not responsive
16 to my question. My question is really simple.

17 A. I'm elaborating on the questions before.

18 Q. But it's not ---

19 MR. MCCULLOCH: Your Honor, I don't believe it's
20 responsive. And I hate to curtail her, but, of course, she
21 will have other opportunities for that.

22 THE COURT: Yes, sir.

23 THE WITNESS: Okay. I'm sorry, but I'm just
24 trying to -- get, you know, before we get too far ahead, to
25 explain why it went to civil court.

1 MR. MCCULLOCH: Well, the way that our system
2 works is I get to ask questions and you provide the
3 answers to the question I ask, not the question that you
4 want to answer.

5 THE WITNESS: I understand that.

6 Q. All right. So to go back a little bit -- and I don't
7 want to be mean about this, but I want to be firm about
8 this. When you, Ms. Lynch, Ms. White all were in the
9 courtroom across the street, I was there, Mr. Chase, I
10 guess was a lawyer there, ---

11 A. Mr. ---

12 Q. --- Porter Stewart ---

13 A. --- it was Mr. Ervin.

14 Q. Oh, Mr. Ervin was there. Porter Stewart was there
15 though. Judge Craig Brown, a circuit judge, said clearly,
16 I dismiss your lawsuit. Yes or no?

17 A. It was a summary judgment from what I understand.

18 Q. Right. And he summarily ruled that you had presented
19 no evidence, not even what we called a scienter. The judge
20 can instruct the jury on what a scienter is, but it's like
21 a feather of evidence. It's any evidence. You hadn't
22 presented anything and Judge Brown dismissed the suit;
23 correct?

24 A. We presented a lot of evidence and my attorney didn't
25 even submit my deposition or my subpoena. And there's a

1 lot of evidence he left out and I appealed it.

2 Q. But Judge Brown's ruling, you then took it upon
3 yourself to appeal it to the court of appeals?

4 A. I had a right to do that.

5 Q. Yes, ma'am. And they had a right to do what they did.
6 And what did the court of appeals do with your lawsuit and
7 Judge Brown's ruling?

8 A. They -- let's see. What did they do?

9 Q. Well they affirmed his dismissal. They found he was
10 correct.

11 A. They sent it back down to the civil court from what I
12 understand, the ruling back down.

13 Q. Well, ma'am. That case is dead as a hammer; isn't it?
14 They sent it -- the court of appeals affirmed Judge Brown's
15 dismissal of your case, the summary dismissal. And they
16 sent you a bill for the attorney's fees of Ms. Lynch;
17 didn't they?

18 A. No, they did not.

19 Q. You didn't get a bill to pay attorney's fees?

20 A. No. A thousand ---

21 Q. You sure -- you sure haven't paid it.

22 A. I got something for a \$1,000, but I called the court
23 administration and -- which is the supreme court ---

24 Q. Well, I'd rather you didn't testify to something that
25 somebody, some murky person you allege told you something

1 back in 2015.

2 A. I don't know what you're talking about.

3 Q. Well what I'm talking about is I would rather you just
4 answer the questions and I would just ask you not to
5 introduce hearsay or attempt to do that.

6 A. I don't know what hearsay. Where are you telling me I
7 said hearsay?

8 Q. So you agree with me that you got a \$1,000 bill from
9 the court of appeals; right?

10 A. Yes. And I had forgot to pay it. I thought my
11 attorneys would have paid it, and I would have paid them
12 back, or it was a new bill. I was just notified the other
13 day that it wasn't paid.

14 Q. That was 2015.

15 A. I'm sorry. I can't help that I didn't know that it
16 wasn't paid when I had paid my attorney's fees.

17 Q. Let me ask you to turn to page 64. That's going to be
18 the next to the last page in the document that we're
19 looking at together. That's the May 1st filing.

20 THE COURT: The next to the last page?

21 MR. MCCULLOCH: Next to the last page.

22 THE WITNESS: 64?

23 THE COURT: 64?

24 MR. MCCULLOCH: Yeah.

25 Q. Do you see it?

1 A. Which one -- page again?

2 Q. Page 64?

3 A. 64.

4 Q. All right. Ms. Langley, the page 64, the next to the
5 last page in the document, it's up there to your right on
6 the board, so -- but you can look at either the paper
7 document or the electronic version. Would you read that?

8 A. From the top or the bottom?

9 Q. Just the highlighted. There should be a highlighted
10 section.

11 A. There's nothing highlighted.

12 Q. I'm sorry. Let's ---

13 A. I'll read it. I'll start reading it.

14 Q. The second paragraph that begins with we and ending at
15 inheritance? Or you can read whatever you want to there,
16 ---

17 A. Yeah.

18 Q. --- but let's start with, We have been.

19 A. I'll just start at the beginning.

20 I called the hospice nurse and asked her again.
21 And she said, Just add a gram. Then I converted that to
22 ---

23 Q. No, that's not what I'm asking you, ma'am. That's not
24 what I asked you to read.

25 A. You said to start from the beginning.

1 Q. No. I asked you to start at the beginning of the
2 second paragraph.

3 A. Oh, I apologize.

4 Q. Which begins with, We have been.

5 A. We have been locked out of my father's home and our
6 rights have been violated by Florence County since December
7 of 2012 with no help from Florence County Sheriff's Office,
8 SLED, Judge Cooper, Judge White, Judge Eaton, Judge Scott,
9 or Judge Brown. An appeals court favored a Florence County
10 employee, which used her staff, her position, to gain
11 control and access to my father's estate; therefore,
12 interfering in our expected inheritance.

13 Q. Okay. So ---

14 A. Used Rick Hoefer to get a will that favors her and her
15 son, Rick Hoefer, a chief judge, -- the nephew of Chief --
16 Rick Hoefer, the Chief Judge's Jean Toal's nephew, Rick
17 Hoefer, her friend for 25 years, her attorney, her son's
18 soccer coach. Rick's son, Joseph, is a friend with Jordy
19 and lived with Jordy in Charleston. Rick Hoefer was not my
20 daddy's attorney. Considering the information about it was
21 a conflict interest for Rick Hoefer to do a will for my
22 daddy.

23 Q. So it appears that you don't like and believe that the
24 Florence -- FCSO is Florence County Sheriff's Office;
25 correct?

1 A. Yes, sir.

2 Q. That's who you're referring to in this page 64? So
3 you didn't get any help from them. So they're conspiring
4 against you?

5 A. I can tell you what happened. I told them when I got
6 locked out of the house and showed them my papers and stuff
7 and they told me I had all rights to be there.

8 Q. Well, a Judge told you you had no right to be there
9 without permission of Ms. Lynch; didn't he?

10 A. This was before that. We went in there before the
11 Judge said all that.

12 Q. If they were so helpful to you, why are you
13 complaining about the Florence County Sheriff's Office
14 here? Because you're complaining about them. You're
15 complaining about SLED. You're complaining about Judge
16 Cooper, Judge White, Judge Eaton, Judge Scott, Judge Brown,
17 the court of appeals. When you say appeals court you're
18 talking about the court of appeals; aren't you? You're
19 complaining everybody is against you.

20 A. Sir, you don't -- there's different reasons why I
21 complained about each person; okay? And if you want me to
22 go into that, I will.

23 Q. I really don't, because I want you to just submit
24 today that most of those people you have complained about
25 through a system called grievance. Judges you grieve,

1 lawyers you grieve. Isn't that correct?

2 A. Excuse me?

3 Q. You have filed complaints in the legal system to
4 complain about the lawyers, to complain about judges; isn't
5 that correct?

6 A. And I hope I get somewhere.

7 Q. Well, you haven't in nine years; have you?

8 A. Well, my daddy would have never have done this and I
9 know what my daddy would have done.

10 Q. That's not my question. The Court determined that he
11 knew what he was doing and that the Will that was
12 introduced this morning as an exhibit, the Will that gives
13 Wendy and Jordy property, is a valid will. The Court told
14 you that. Two courts told you that.

15 A. Well still I disagree with how it was done. It was
16 done underhandedly.

17 Q. Well, wouldn't you agree that when a Court tells you
18 that some fact is not proved, that you've got to live with
19 that fact because you don't have any other recourse?

20 A. Yes, I do. I had called court administration and they
21 moved it from Florence County. I asked for a new trial and
22 it's been moved out because of conflict of interest and the
23 contacts that Wendy has, and the contacts that she was a
24 judge. She trained in the civil process to be a
25 magistrate. And ---

1 Q. She ceased to be a judge -- we're going to come back
2 to this. She ceased to be a judge in 2014; didn't she?

3 A. Yeah.

4 Q. Right.

5 A. From what I understand. I'm not sure.

6 Q. And she was appointed to that position because your
7 father resigned his position because of his illness, and
8 asked that she be appointed to that job; right?

9 A. I'm not sure about that. I don't know that he asked
10 about it.

11 Q. Oh, you don't know whether he had any participation in
12 her being appointed?

13 A. I know they took him up there with five brain tumors
14 and the office staff to get her appointed.

15 Q. So he did go, but he went with brain tumors?

16 A. Yes. He was unable to take care of himself.

17 Q. So he wanted his daughter, not a lawyer, but a nurse,
18 he wanted her appointed as the magistrate to take -- to
19 serve out his unexpired term; right? He didn't ask you to
20 be the judge?

21 A. He asked me before he got sick. Yes, he did.

22 Q. Oh, he did? He didn't ask her to be the judge.

23 A. Yes, he did.

24 Q. So he wanted everybody to be a judge, ---

25 A. He's asked her before too.

1 Q. --- but the one that he eventually chose is Ms. Lynch?

2 A. He had five brain tumors.

3 Q. Well, not according to the judge across the street and
4 not according to the court of appeals and not according to
5 any doctor I know.

6 A. And I don't think that evidence got submitted.

7 Q. Because no matter what anybody tells you, no matter
8 the fact that you cannot find evidence, you believe it's
9 okay to say whatever you think no matter how hurtful and
10 harmful?

11 A. I'm not hurtful and I'm not harmful.

12 Q. Well, we'll get back to that. But the answer to my
13 question is no matter what uncontrovertible evidence,
14 absolute proof and evidence, or the lack of evidence that
15 you're presented with, you believe you have the right to
16 make claims that a court has discredited, two courts,
17 multiple judges, you think it's your right to do and say
18 whatever you want to; don't you?

19 A. No, I don't. I have a right to believe what I
20 believe. And I believe this was done underhanded. And I
21 believe things were cherry-picked in this -- intentionally
22 left out of the cases. I believe the attorneys worked
23 together to undermine us. And I believe that I had a right
24 to call court administration. And court administration
25 obviously thought I had a right, because they moved it out

1 of Florence County.

2 Q. Well, let's talk about that just a second. So you
3 admit in this same filing that you filed papers saying that
4 the Florence County probate judge who started with this
5 case in 2013 had a conflict?

6 A. Which judge are you talking about?

7 Q. I believe that would be Eaton. You said Eaton, the
8 probate judge in Florence, the first probate judge, you
9 said he had a conflict because he didn't rule with you on
10 something?

11 A. No, he went into his office. When I first went there,
12 because she locked me out of my daddy's house, I tried to
13 meet with him. He said he couldn't meet with me because it
14 would -- he would have to recuse himself, that he knows
15 this family very well. So if he knew our family very well,
16 he should have recused himself.

17 Q. Judge Eaton's not going to be called as a witness by
18 you; is he?

19 A. No, he's passed away.

20 Q. So you're just here telling us what you think he would
21 say?

22 A. That's exactly what he said.

23 MR. MCCULLOCH: I object. I'm going to object to
24 that.

25 THE WITNESS: Okay.

1 MR. MCCULLOCH: And ask that the jury disregard
2 that, Your Honor. It wasn't responsive.

3 THE COURT: Okay. Ms. Langley?

4 THE WITNESS: I'm sorry.

5 THE COURT: All right. Ms. Langley, please
6 understand that you have to respond only to the questions
7 that the attorney is asking you. You will have a chance to
8 explain your answer, but first you're ---

9 THE WITNESS: Just answer. And then explain it?

10 THE COURT: And also, the court reporter has to
11 take down everything that's said in this -- on this record.

12 MS. LANGLEY: Okay.

13 THE COURT: Do you understand?

14 THE WITNESS: Yes, sir.

15 THE COURT: What that means is that you cannot
16 begin talking before somebody else ends their sentence.

17 THE WITNESS: Okay.

18 THE COURT: You can't talk over each other. The
19 court reporter ---

20 THE WITNESS: Okay. I'm sorry. I apologize.

21 THE COURT: --- can't get it down. Please try to
22 wait to say anything until somebody else is ---

23 THE WITNESS: Okay. Okay.

24 THE COURT: --- finished talking.

25 THE WITNESS: Thank you.

1 MR. MCCULLOCH: Thank you very much, Your Honor.

2 Q. So, Ms. Langley, you complained about Judge Eaton and
3 he didn't admit to anybody that he was having true conflict
4 of interest, he just agreed to send it to another county;
5 didn't he?

6 A. He did agree. I wasn't at that hearing.

7 Q. All right. Well then I'd ask you not to talk about
8 someplace that you weren't.

9 A. Okay.

10 Q. But it got moved from Florence County. And where did
11 the probate matter go next, Lee or Sumter?

12 A. They sent it to Lee County.

13 Q. Okay. And you didn't like that Judge either. You
14 didn't like his rulings either and you ---

15 A. So we didn't go ---

16 Q. --- complained about him too?

17 A. Okay. We went for a conference hearing. We didn't
18 have any hearings there. It was a conference meeting and
19 that's all he did.

20 Q. Right. And you didn't like the results of that
21 conference so you complained about him, and it got moved to
22 Lee -- are we in Sumter or Lee or -- it was ---

23 A. It was Lee County and then Sumter.

24 Q. All right.

25 A. Yes, sir. Can I elaborate on it?

1 Q. Only if you know something that is admissible.

2 A. When we went to Lee County he -- we had just a
3 conference hearing, and he did not address any of the
4 issues in Florence County that we had. Because Judge Scott
5 was the -- after Eaton, Judge Scott came in. And Judge
6 Scott did some things that were -- violated our rights.

7 Q. What county was Judge Scott in?

8 A. He was here at Florence. And so it went to
9 Bishopville. The Supreme Court -- Court Administration
10 moved it out of Florence because of what I called them and
11 told them.

12 Q. Well, we don't know exactly why they moved it, but we
13 know and can agree only ---

14 A. They disqualified the judges in Florence.

15 Q. --- that it was moved.

16 THE COURT: Ms. Langley, you can not do that.

17 MS. LANGLEY: Okay. Okay.

18 THE COURT: We've got to have the record taken.
19 So, please, let him ask questions.

20 THE WITNESS: I'm sorry.

21 BY MR. MCCULLOCH:

22 Q. Your probate court, you caused a complaint to be made
23 that caused the probate matter to be moved from this county
24 to which county?

25 A. I didn't ask for it to be moved to Lee County. They

1 did. And he didn't handle any of the business -- the
2 issues that we had in Florence County.

3 Q. So you complained against who ---

4 A. I called court administration.

5 Q. --- then it got moved.

6 A. They moved it again.

7 Q. And then it went to Lee County?

8 A. To Sumter County.

9 Q. Sumter, all right. Now, how long did it stay in
10 Sumter County before you complained?

11 A. We never went to Sumter County.

12 Q. So you complained about the judge there; didn't you?

13 A. I complained because Ms. Lynch had an ex parte meeting
14 with the judge, and I called court administration and they
15 sent it to Charleston.

16 Q. So over -- since 2015 this thing has bounced and now
17 it resides in Charleston?

18 A. I have a right to do that. Yes, sir.

19 Q. Well, you say ---

20 A. It's in the best interest of the --- .

21 Q. --- you have a right.

22 A. It's in the best interest of the estate and all
23 parties involved.

24 Q. Well, you say you have a right?

25 A. Yes, sir. I do.

1 Q. You're not a lawyer. You don't know what rights you
2 have.

3 A. I have a right to do that.

4 Q. You do?

5 A. Yes, sir. Obviously, the supreme court thought I did
6 because they sent it.

7 Q. Well, ma'am, there are a lot of reasons things get
8 moved around, but you wouldn't know the true reason. Now,
9 do you have the documents involved in those movements?

10 A. They're over there.

11 Q. Well, maybe you can introduce those later?

12 A. I will.

13 Q. Now, the lawsuit you brought, the premise of this 2013
14 lawsuit dismissed and thrown out summarily in 2015, was to
15 invalidate the Will; is that correct, to do away with the
16 Will?

17 A. It was -- it was to -- it was undue influence and lack
18 of capacity.

19 Q. Well what you wanted the Court to do was throw out the
20 Will?

21 A. Yes, because my father had a will before.

22 Q. And -- well there was only one will that the Court
23 approved of in this lawsuit. But back to my question. The
24 relief you asked for in the 2013 lawsuit was to say that
25 that Will that has been introduced this morning that gives

1 the farm -- that's the 100-and-some-odd-acres and the house
2 on it and the lake house to Ms. Lynch and her son, if you
3 had been successful, this would have gone into what was
4 referred to earlier as intestacy; right?

5 A. Yes, sir.

6 Q. And your lawyers told you that then everything goes in
7 a big pot and you'll have a shot at getting the farm or
8 getting the lake house. Maybe you can get the farm, your
9 sister can get the lake house. Because you really wanted
10 those things. You didn't want her to have them?

11 A. I wanted those thing -- I wanted what my daddy
12 intended for me to have and I was living at my father's
13 house. And I was locked out ---

14 Q. And your daddy ---

15 A. --- illegally.

16 Q. -- your daddy signed his name to a will in the office
17 of Mr. Hoefer; did he not?

18 A. Not from what I understand.

19 Q. Well, you weren't there. Except you went there to
20 pick him up.

21 A. Not on the day the Will was scratched through. No,
22 sir. I went solely to pick up my daddy on the 10th.

23 Q. So you say you picked him up at Rick Hoefer's office
24 on the 10th, and the Will was signed on the 11th?

25 A. Well, it's scratched through with no initials, so who

1 knows which day it was done.

2 Q. That didn't seem to be of much consequence when the
3 Court ruled against you in 2013, because they validated the
4 Will as valid.

5 A. They didn't really -- they didn't validate a will they
6 just said daddy -- they didn't validate which will was --
7 or say which will was valid. And the will that was
8 submitted by my attorney was not the original will. The
9 original will is the one that has the raised stuff and the
10 scratched through. So the one that was submitted ---

11 Q. Well ---

12 A. --- was a copy of the will.

13 Q. --- you weren't present when any will was executed by
14 your father; ---

15 A. Never.

16 Q. --- were you?

17 A. Never. He told me he had a will.

18 MR. MCCULLOCH: Your Honor, I -- Your Honor,
19 again.

20 THE COURT: Again, we can't -- we can't testify
21 ---

22 THE WITNESS: I said never.

23 THE COURT: --- as to anything somebody else told
24 you.

25 THE WITNESS: Okay. I apologize.

1 Q. Unless you can produce your father, plus his ---

2 A. I would love to produce my father.

3 Q. As would I. If you could produce him, he could

4 testify. But since he is not able to defend the truth and

5 not able to defend the Will that the Court affirmed as his

6 signature, properly witnessed by, as the law requires,

7 that's the Will that Mr. Stewart is defending. That's the

8 Will that gives Ms. Lynch and Jordy, her son, the very

9 property that you so want to have, to take away from her.

10 A. Sir, I want things to be divided one-fourth each,

11 fairly, among my father's children, whether they're

12 biological or not. I would never do someone like this.

13 Never.

14 Q. You would never do someone like what?

15 A. Like make a will that was favored.

16 Q. Well, but your daddy did.

17 A. Them. No, he didn't.

18 Q. Your father did.

19 A. No, he didn't.

20 Q. Jimmy Lynch did in 2012 ---

21 A. He did not make that will.

22 Q. --- go to Mr. Hoefer's office and sign the Will in

23 front of witnesses and he said in the Will exactly what he

24 wanted.

25 A. He had five brain tumors. My father could not do

1 that. My father could not handle his own medicine.

2 Q. Ma'am, he did it. And you just cannot ---

3 A. You don't know he did it. You wasn't there. You
4 weren't there.

5 Q. Well, the Court reviewed all of the evidence,
6 including what you were unable to produce, and have never
7 produced, and found that to be the valid Will and you will
8 not let it go. Isn't that right?

9 A. Because -- I'm not going to let it go right now until
10 the Supreme Court rules in Charleston, because we have ---

11 Q. Well, you're never going to let it go; are you?

12 A. I've asked for a retrial, an investigation into my --
13 everything that's happened. And I've asked for it to --
14 all the wills to be looked at, and for us to ---

15 Q. You want the court of appeals to be investigated;
16 don't you?

17 A. I don't think I put that down there. I'd have to
18 look. I don't know.

19 Q. Well, I think you did. You say the 'appeals court.

20 A. Well, they cherry-picked things and there was plenty
21 of evidence in there.

22 Q. So they're against you too. They're part of this
23 right-wing conspiracy to do you in. And yet, you're really
24 the disloyal one; aren't you? You're the one that has
25 contested the wishes of your father?

1 A. My father asked me ---

2 Q. Ma'am, you cannot -- unless you can get Mr. Lynch to
3 come down and take that chair, you may not ---

4 MR. MCCULLOCH: Your Honor, I'm asking ---

5 THE WITNESS: I apologize. You know what? I'm
6 sorry. I love my daddy.

7 MR. MCCULLOCH: I'm not looking for an apology.
8 I'm looking for understanding of the rules.

9 THE WITNESS: I understand. It's just part of my
10 life. I'm sorry.

11 Q. Yes, ma'am. This has consumed you; hasn't it? For
12 nine years?

13 A. It has and it's hard. And I'm fighting for what is
14 right and for what my dad intended for us to have, not one
15 person.

16 MR. MCCULLOCH: Where's the will?

17 THE COURT: She's got a copy, I think.

18 MR. MCCULLOCH: This is an exhibit already.

19 Q. This is exhibit number 1. That is what your daddy
20 wanted you to have.

21 A. No, it's not.

22 Q. And irrespective of a court telling you, irrespective
23 of every witness in this thing for nine years, that's not
24 his will; right?

25 A. It's not his will.

1 Q. And it's okay for you to say it's not his will? It's
2 okay for you to continue to say, after the Court found ---

3 A. I will never say it's his will.

4 Q. Well, but it's okay for you to say she influenced him
5 to ---

6 A. Yes.

7 Q. --- to dummy it up ---

8 A. I believe it with all my heart.

9 Q. Even though the Court has concluded you're wrong.
10 Don't you think that's careless? Don't you think that's
11 reckless?

12 A. No, sir. I don't. I'm a nurse. I know what
13 happened. My daddy had five brain tumors. He can't make
14 decisions. Cognitive function's affected. He had left-
15 sided weakness, seizures. He was on medicine, Phenergan,
16 that alters your mind even thinking.

17 Q. Well the doctors disagreed with you.

18 A. That wasn't presented.

19 Q. The doctors disagreed with you. The -- Mr. Hoefer,
20 who prepared the Will, ---

21 A. Of course he's going to protect himself.

22 Q. Well, of course, because he wouldn't be telling the
23 truth. You grieved Mr. Hoefer; didn't you? Didn't you
24 file a grievance against him saying he's lying; he's making
25 this stuff up; I'm right?

1 A. He didn't say everything ---

2 Q. Didn't you file a grievance against Mr. Hoefer?

3 A. I don't know if I did. I'd have to look.

4 THE COURT: All right. I'll have to ask -- we're
5 going to have to ---

6 MR. MCCULLOCH: And I apologize. That's my
7 fault, Your Honor.

8 THE COURT: Please understand that only one
9 person can be talking at once; okay?

10 Q. You don't know whether you even filed a grievance
11 against a lawyer?

12 A. I'd have to ---

13 Q. Against Rick Hoefer?

14 A. I'd have to look at my paper. I don't know. You want
15 me to take a minute and pull it?

16 Q. Take a look.

17 (Witness looks through documents.)

18 A. I didn't file him as -- I didn't -- I did not file a
19 grievance on him as my attorney because he's never been my
20 attorney.

21 Q. You're certain you didn't file a grievance against
22 him, Mr. Hoefer?

23 A. I'm looking in here. Let me look at this. I can't
24 see it, if you want to show it to me.

25 Q. Well, if you don't recall filing a grievance, if you

1 don't recall, that's your answer.

2 A. In this paper that you're talking about?

3 Q. No, ma'am. I'm not talking about that paper. I'm
4 asking you to think back. Did you file a grievance against
5 the lawyer? It seems to me that's something that the
6 average person would recall.

7 A. If I did, I'm not sure.

8 Q. All right. Thank you. But I think we've agreed you
9 did file grievances or complaints against judges in this
10 case and other lawyers?

11 A. Sir, yes, sir, I did. My father was a judge and I
12 felt like things were done not proper and unfairly and I
13 felt like I had that right to do that.

14 Q. All right. Well, you filed the grievances because you
15 didn't agree with the result?

16 A. No, sir. I felt like it was underhanded and some
17 things were done improperly and the Supreme Court agreed
18 with me.

19 Q. Well, that's your version.

20 A. They obviously sent it to Judge Condon in Charleston.

21 Q. And the effect of all of that has been to delay the
22 finalization of your father's wishes in that Will for nine
23 years?

24 A. It's the -- no, sir. No, sir, it's not. Not at all.

25 Q. This Will could have been probated in a year?

1 A. It's to get justice for my daddy's estate and my
2 daddy.

3 Q. Justice for your daddy?

4 A. For my daddy ---

5 Q. So this is all ---

6 A. --- and his estate.

7 Q. --- this is all for your father. It's not for you?

8 A. It's for things to be done fairly like my father has
9 always trusted me and intended for his estate to be
10 settled. That's why.

11 Q. Except on the day that he signed that Will with the
12 witnesses in Mr. Hoefer's office?

13 A. That's -- I could sit here and tell you exactly what
14 happened.

15 Q. Well, since you weren't present, I'd rather not ask
16 it.

17 A. I'll tell you that I wasn't present.

18 Q. All right. Good. And you'll tell me that you know
19 that Wendy took him to Mr. Hoefer.

20 A. And I went solely to pick him up.

21 Q. And you met her there and you drove him ---

22 A. I did not leave her there.

23 MR. MCCULLOCH: Your Honor, ---

24 A. She sat in the waiting room with me.

25 THE COURT: Ms. Langley, please allow him to

1 finish the question.

2 THE WITNESS: I apologize.

3 Q. And you gave your father a ride home?

4 A. I took him to my home where I lived, at his home.

5 Q. Did you discuss the will he had just signed or he
6 didn't mention it; did he?

7 A. He didn't -- I asked him did they have him sign
8 anything. He said, No.

9 Q. And why do you reckon he wouldn't have mentioned that
10 he just signed a will?

11 A. I didn't ask him that. I said they didn't get you to
12 sign anything in there; did they, daddy? He said, No. I
13 said, Well, don't you let them get you to sign anything.

14 Q. Maybe he didn't want you to know that he signed a will
15 with his friend, Rick Hoefer, that wasn't going to suit you
16 and he knew that?

17 A. No. Why would he ask me to go see -- to look at the
18 Will to see if it's there?

19 Q. Well, he was so incompetent that day that he asked you
20 to go the liquor store to get Red Bird or Red Bull?

21 A. He didn't know the name of it. He said Red something.
22 And I had to ask the clerk.

23 Q. And he went in and walked around?

24 A. No, I had to guide him around.

25 Q. I see.

1 A. He couldn't do the transaction. I had to do the
2 transaction.

3 Q. Well, why didn't you leave the old, incompetent fellow
4 sitting in the car?

5 A. I would not leave my daddy in the car.

6 Q. Now, let's talk about something different.

7 You and your sister have told a number of people
8 that Wendy Lynch killed your father?

9 A. I never said that.

10 Q. You would agree with me that you have said frequently
11 that Wendy Lynch sent your father to heaven?

12 A. Never said that like that.

13 Q. You never said those exact words?

14 A. Not like that. Do you want me to tell you -- no.
15 Never said that like that.

16 Q. Do you mean to tell me you never said sent her -- sent
17 him to heaven?

18 A. Not -- you're cutting out words, stuff I said.

19 Q. Well, let me ask you about that then. Let's look at
20 your November 2014 deposition. Do you have that?

21 Q. Actually, I think I want to start with page 129.

22 THE COURT: All right. Ladies and gentlemen of
23 the jury, just want a point of clarification. A deposition
24 is a sworn statement that was taken before a court reporter
25 at some time prior to this trial. And it was a question

1 and answer situation just like we're having today; okay?

2 Q. And in order to help the witness, I have -- Ms.

3 Langley, this is a printed version of the document that

4 y'all -- you and ---

5 A. Yes, sir.

6 Q. --- your sister had authenticated as your deposition

7 taken in November of 2014. So I invite you to either refer

8 to that document. It has page numbers in the bottom --

9 excuse me, the top, right-hand corner. But I'm going to be
10 highlighting your attention the documents on these

11 televisions.

12 Your father died in February 2013; is that
13 correct?

14 A. Yes, sir. Could you speak up a little bit? I
15 couldn't hear you.

16 Q. Your father died in 2013?

17 A. February 9th, 2013.

18 Q. I'm sorry?

19 A. February 9th, 2013.

20 Q. And you then -- upon his death, you went to the
21 coroner and you told the coroner that Wendy Lynch had over-
22 sedated him, had treated him badly as a nurse, improperly.
23 Didn't you tell him all of that?

24 A. No, sir.

25 Q. You did not?

1 A. No, all that.

2 Q. Let's see. Let me look here. Let me ask you to look
3 at -- just to refresh you. On page 129, look at line 9.
4 So we can agree you made a complaint because you agreed
5 under oath in November of 2014 that you did make a
6 complaint; correct?

7 A. I will tell you that ---

8 Q. No, ma'am. My question is do you see your answer to
9 that question?

10 A. It was -- it wasn't like, Oh, I went to the coroner
11 and made a complaint. My father passed away. The nursing
12 supervisor called the coroner and put him on the phone with
13 me ---

14 Q. All right, ma'am.

15 A. --- because we wanted to do an autopsy on my father.

16 Q. Okay. Well, you requested the autopsy. But my
17 question to you is the same question I asked you in 2014.
18 Did you make a complaint to the coroner following your
19 father's death about the care and treatment that Wendy
20 Lynch provided to your father?

21 And your answer, line 12, was?

22 A. It was yes.

23 Q. All right. Now.

24 A. But I need to explain.

25 THE COURT: Very briefly.

1 THE WITNESS: Can I say ---

2 THE COURT: You have the right, but, please, you
3 know, there are parameters.

4 THE WITNESS: Okay.

5 THE COURT: Explain your answer.

6 A. My father passed away. The nursing supervisor came in
7 the room. Becky -- we mentioned something about getting an
8 autopsy. She goes out the room. She calls MUSC.

9 MR. MCCULLOCH: Well, Your Honor, again, the
10 problem here is ---

11 THE COURT: Ms. Langley.

12 MR. MCCULLOCH: --- that we don't have those
13 people here because I didn't need to send for them because
14 your answer was yes in 2014.

15 Q. Are you going to have them here tomorrow or today?

16 A. Well, the nursing supervisor passed away.

17 Q. So the answer to that question would be no?

18 A. Okay.

19 Q. You're not going to have witnesses to say the things
20 that you're trying ---

21 A. No, sir.

22 Q. --- to say that the Court has instructed ---

23 A. Unless ---

24 Q. --- you not to say?

25 A. Mr. -- what's his name? Keith. Mr. Keith von Lutcken

1 was on the phone and ---

2 Q. All right. Well, Mr. von Lutcken may be here
3 tomorrow.

4 A. Okay. Well I talked to him that evening.

5 Q. All right.

6 A. And I ---

7 Q. Again, we have your sworn testimony from 2014. But
8 even when you swear under oath and somebody types it up,
9 you're going to argue about it, because it's not true?

10 A. I'll tell you what I said.

11 Q. Well, I -- I'm looking at what you said.

12 A. You just said complaint.

13 Q. And you just agreed with me that's what you said. So
14 let's move on.

15 A. I could have said -- I mean, a complaint can be ---

16 THE COURT: Ms. Langley, ---

17 A. --- a wide variety of things.

18 THE COURT: --- please be responsive to his
19 questions.

20 THE WITNESS: Okay.

21 THE COURT: Listen for his next question. Thank
22 you. And also, please be mindful that hearsay testimony is
23 not admissible. You cannot testify to anything that
24 anybody else told you.

25 THE WITNESS: Okay.

1 THE COURT: Do you understand?

2 THE WITNESS: Yes, sir.

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

4 Q. Now, on line 13 I asked, What did you tell the
5 coroner? What was the nature of your complaint? And what
6 did you say in line 15?

7 A. I asked him for -- we were getting an autopsy on my
8 father.

9 Q. No. Line 15 on page 129, it's on the screen right
10 there to your right.

11 A. The fact she gave medication against my knowledge.

12 Q. All right.

13 A. And to my daddy.

14 Q. And let's go down to line 19. Read that one.

15 A. She over-sedated him and claimed he wouldn't eat or
16 drink or swallow.

17 Q. And then I asked you, line 21, Didn't you really
18 allege that she killed him?

19 A. And I said, I alleged that she tried to send him to
20 heaven early.

21 Q. Well, what in the world does trying to send somebody
22 to heaven early mean in the context of over-sedating and
23 mistreating them as a nurse? Doesn't that mean you're
24 trying to kill him?

25 A. Nope. He woke up.

1 Q. So what did you mean exactly, that she was inviting
2 him to go to heaven early?

3 A. She gave morphine without my knowledge. He was in a
4 coma.

5 Q. Ma'am, not responsive to my question. You're talking
6 to the coroner. This is what you said under oath in 2014.

7 A. I have a right to tell him what I experienced with my
8 father.

9 Q. Okay. And in response to that, and just to be clear
10 about it, your sister joined you for this meeting; didn't
11 she?

12 A. Sir, this was at the hospital.

13 Q. Not -- did your ---

14 A. She didn't talk to the coroner at the hospital.

15 Q. Well let's go to the next page, 130, line 6, question.
16 You with me? And she joined you -- she, referring to your
17 sister, joined you in that complaint; did she not?

18 Then you answered?

19 A. We met with the coroner.

20 Q. When we met with the coroner, yes, she did.

21 A. Yes, we did.

22 Q. We. She. We did. And just a moment ago you said she
23 wasn't with you when you were meeting with the coroner?

24 A. No, I didn't.

25 Q. You may want to read ahead of me a little bit.

1 A. No, let me explain. At the hospital, I talked to the
2 coroner because someone called him and put me on the phone;
3 okay? I told him that we wanted a autopsy. He talked us
4 out of it, to do a forensic analysis. Wendy is on the
5 report, not Becky. Wendy has had knowledge of all of it.

6 Q. Well, let me stop you there. You asked somebody for
7 an autopsy. They wouldn't do it?

8 A. He said a forensic would be just as well.

9 And I said, Well, we've already had a toxicology
10 and it showed morphine. And I just want to know what,
11 exactly, my father died of because I don't believe he died
12 of brain tumors.

13 Q. Well when your father died he was in the hospital;
14 wasn't he? So if he got morphine he got it from a doctor,
15 he didn't get it from her?

16 A. No. He got the morphine at home.

17 Q. All right. I see.

18 A. She picked it up.

19 Q. You didn't see it ---

20 A. I got the records where she picked it up.

21 Q. You didn't see her administer it?

22 A. She admitted to it when she came to the ER.

23 Q. So you're contending that she admitted giving him
24 morphine ---

25 A. Yes.

1 Q. --- that killed him in the hospital?

2 A. No, I didn't say that.

3 Q. Well, let's see now. You say that you and your sister
4 were or weren't together when you talked to the coroner ---

5 A. She was in the room. I was at the nurses station.

6 Q. You were there. She was there, joining you in the
7 conversation ---

8 A. No.

9 Q. --- and the accusations with the coroner?

10 A. No, she didn't.

11 Q. She ---

12 A. We asked for a blood ---

13 Q. Who is we?

14 A. We asked for a autopsy and he convinced us to have a
15 forensic exam.

16 Q. All right. And, in fact, when you were told about the
17 autopsy that you asked, what you, in fact, were told that
18 an autopsy is going to cost you several thousands of
19 dollars and you said, ain't going to afford that or can't
20 afford that.

21 A. Becky said she would pay for it.

22 Q. Oh.

23 A. At MUSC not -- not to him.

24 Q. Becky said she could afford it?

25 A. She told the nurse.

1 Q. She can't afford a lawyer?

2 A. That was back then.

3 Q. I see. Would that have been about the time -- let's
4 see. Before your father's death, you will agree that he
5 gave her \$50,000 in cash?

6 A. I wasn't there. I can't testify.

7 Q. But you know that. You've talked to her.

8 A. That's hearsay. You have to ask her.

9 Q. Well, you've talked with her. Hasn't she told you
10 that ---

11 A. Why do I have to tell her -- why don't you ask her?

12 Q. Why do you have to? Because I'm asking.

13 THE WITNESS: Judge, do I have to answer?

14 THE COURT: Yes, ma'am.

15 THE WITNESS: Is that hearsay?

16 THE COURT: That's not hearsay.

17 THE WITNESS: Okay.

18 THE COURT: She's a party to this lawsuit.

19 MR. MCCULLOCH: She's a party in this case.

20 Q. You've talked to her. She told you ---

21 A. She told me ---

22 Q. --- your father gave her \$50,000 in cash.

23 A. She asked me how much my daddy gave us, because daddy
24 had given me and Wendy money. And I told her he gave me
25 and Wendy \$10,000 apiece. And she said ---

1 Q. All right. The question is ---

2 A. --- he gave her 50.

3 Q. --- she told you that daddy gave her 50,000?

4 A. 50,000. He had set aside \$100,000 apiece for us.

5 Q. So ---

6 A. And he gave her 50,000.

7 Q. --- not responsive to my question, ma'am.

8 THE COURT: All right. Just get -- just -- I'm
9 sorry, but we're going to only be able to talk one at a
10 time. We have to protect the record. All right?

11 THE WITNESS: I apologize.

12 THE COURT: So please wait for the question to be
13 asked.

14 Q. She told you, she, Rebecca, your sister, told you she
15 had 50 grand in cash from your daddy?

16 A. Yeah. She did. He was giving it to all the girls.

17 Q. And you are saying today that the coroner convinced
18 you not to have an autopsy?

19 A. He said that the forensic would do the same thing.

20 Q. So it wasn't about money? It was about ---

21 A. No, he said -- he said it would be more than a
22 toxicology. It would be more in depth. He talked us out
23 of it. Becky ---

24 Q. Talked you out of it?

25 A. Yes. But we're wishing we had of had it done.

1 Q. Why do you suppose a coroner would talk you out of an
2 autopsy when you say you wanted it?

3 A. Well, I'm sorry. That's what happened.

4 Q. Now, in 2014 I'd asked you: And that was fully
5 investigated; was it not?

6 And I think I was referring to the cause of
7 death.

8 A. The coroner said it would be weeks for the forensics
9 to come back. And he would calls us -- and call me and let
10 me know. And he called us in for a meeting. That's when
11 Rebecca attended the meeting and I did too, when he went
12 over the results. And we had questions about the results.
13 And there was issues because the label -- the sample was
14 unlabeled and unsealed.

15 Q. Ma'am, that's unresponsive to my question. My
16 question is when I asked the question of you in November of
17 2014: Do you know, this matter was fully investigated; was
18 it not?

19 Your answer: I don't know exactly.

20 And I then asked, line 10: You don't know the
21 ultimate results?

22 I don't have anything on paper to tell me what it
23 said.

24 A. And I didn't have the coroner report at the time.

25 Q. All right. Can you identify this document?

1 A. It's a death certificate.

2 Q. Can you identify it? You've seen it before?

3 A. Yes, sir.

4 Q. All right.

5 MR. MCCULLOCH: Your Honor, I think this is a
6 document that we discussed yesterday. I would offer it as
7 a -- what are we up to, 3?

8 THE COURT: 3.

9 (A death certificate was marked as plaintiff's exhibit
10 number 3 for identification.)

11 THE COURT: All right. Any objection?

12 MR. RIGNEY: No objection from us, Your Honor.

13 MS. WHITE: No, sir.

14 THE COURT: Plaintiff's 3 is into evidence.

15 (Plaintiff's exhibit number 3, having been previously
16 marked, was entered into evidence.)

17 Q. So this is Plaintiff's 3. And that's a document that
18 you certainly saw back then; right?

19 A. Yes, sir.

20 Q. Now, if you can look at the bottom cluster of things,
21 do you see the date of issuance?

22 A. February the 11th, 2013.

23 Q. All right. February 11, 2013. Now, if you'll look
24 about midway up to the right column, you will see that the
25 death certificate for your father, Jim Lynch, says manner

1 of death, colon, and what does it say?

2 A. It says natural.

3 Q. It doesn't say murdered. It doesn't say killed. It
4 doesn't say Wendy sent to heaven. It says natural. What
5 does natural mean to a nurse? You're a nurse by the way;
6 aren't you?

7 A. I'm a nurse for 36 years.

8 Q. Well, using your 36 years, what does natural causes
9 mean?

10 A. Means he just died, maybe in his sleep, but that's not
11 -- it says cause of death over here, glioblastoma.

12 Q. Well, that's cancer; isn't it?

13 A. But he didn't ---

14 Q. He died of cancer?

15 A. He was never diagnosed with glioblastoma.

16 Q. I see.

17 A. He was diagnosed with astrocytoma.

18 MS. WHITE: Excuse me. I have an objection.

19 THE COURT: All right. And what is that?

20 MS. WHITE: The wording he used. We agreed
21 yesterday that he wouldn't use that word.

22 THE COURT: All right. Overruled.

23 MR. MCCULLOCH: Thank you, Your Honor.

24 Q. So the document that you saw sometime around its
25 issuance, February 9 -- excuse me -- February 11, 2013,

1 that says the corner after his investigation has concluded
2 your father died not from abuse, over sedation,
3 dehydration, willful lack of care by Ms. Lynch, he died of
4 cancer, natural causes? That's what the official
5 pronouncement is; correct?

6 A. Well sometimes that's ---

7 Q. Well, is that what it says?

8 A. That's what it says, but my daddy never was diagnosed
9 with glioblastoma, so it's wrong.

10 Q. It's wrong?

11 A. Yes, sir.

12 Q. And so we continue -- everybody was wrong but you?

13 A. Sir, I've been a nurse for 36 years. I know -- I know
14 my daddy's medical records and I know what my daddy's
15 biopsy had. And I know my daddy's tumor shrunk from 5 to
16 1. So he did not die of glioblastoma.

17 Q. And so let me get away from the cancer killed him, not
18 anybody else but cancer and God took him down. What you
19 said in November 2013 when I asked what was the ultimate
20 result of the investigation?

21 While you were under oath, sworn to tell the
22 truth you said, I don't know.

23 A. At the time I didn't know, because I didn't.

24 Q. Well, you just said you saw this in -- around February
25 ---

1 A. Well, the investigation wasn't finished by then.

2 Q. In February in my calendar book comes before November;
3 doesn't it?

4 A. Excuse me?

5 Q. February 2013 is when your father -- February 9 is
6 when your father died?

7 A. Yes.

8 Q. February '13 was when this death certificate was
9 issued saying that he died of natural causes?

10 A. But we didn't get the coroner report until later,
11 later, the forensics. It was later. Weeks, weeks, weeks
12 later.

13 Q. Weeks, weeks later. But in November of 2013, under
14 oath, you said under oath you didn't know what the official
15 version was.

16 A. Because I didn't have the documents in front of me.

17 Q. You had a meeting with the coroner and you reviewed
18 his report. You reviewed his investigation. And this
19 corner's report you're talking about concluded the same
20 thing reported on the death certificate; correct? Natural
21 causes?

22 A. I don't know. I'd have to look at ---

23 Q. You don't know?

24 A. No, I'd have to look at the report.

25 Q. There's not another death certificate that says he was

1 killed, murdered, sent to heaven by Wendy?

2 A. Well, that was done before the forensics was finished.

3 Q. But the officials of this county, people that we
4 elect, concluded he died a natural death, not by anyone
5 else's involvement.

6 A. My daddy died of dehydration and starvation.

7 Q. So you know more than the coroner and the doctors at
8 the hospital and everybody else.

9 A. I know what happened. I know what I lived through ---

10 Q. Okay.

11 A. --- and what my daddy lived through.

12 Q. And nothing will persuade you -- and so even though
13 the official pronouncement, right here, exhibit 3 ---

14 A. I can contest that. I have a right to do that.

15 Q. Well, you may not have a right to do what you've done
16 here, which is just continue to say that Wendy sent your
17 father to heaven.

18 A. I didn't say that.

19 Q. Well you said it to the coroner?

20 A. I did not. I said she tried when she gave morphine
21 without my consent we had him removed with the sheriff's
22 department. He was at home. He was in a coma. She's
23 saying he's going to die in 24 hours. I said, Well are you
24 God? He was sitting up in his chair the day before. He
25 was FaceTiming his sister on Saturday and sitting up in his

1 chair the day before. And on Sunday, he's in a coma.
2 They're going to die. They lied and said he was only
3 getting Ativan. And we had him removed with the sheriff's
4 department and he went to the hospital. And he was drug
5 tested and found to have morphine in his system and she
6 admitted to giving it.

7 Q. Even before -- and she's a licensed nurse just like
8 you; right?

9 A. I wouldn't say just like me, but she's got an RN.

10 Q. And she left her job to care for your father?

11 A. No, sir. She left her job to take the magistrate's
12 job. She had to go to school and work five days a week.

13 Q. So before your father died, you frequently, and your
14 sister, went around the community telling people that she
15 was busy over-sedating your father; didn't you?

16 A. No, I don't recall.

17 Q. You never did that?

18 A. I don't recall that. She was going around telling
19 people that I said she murdered my daddy and I told her
20 I've never said that. And I have never said that.

21 Q. You've never said that she -- that you complained
22 about her, her care of your father? We already know you
23 did ---

24 A. I don't -- I don't recall.

25 Q. -- to the corner?

1 A. To officials, yes, I have.

2 Q. Okay. You also complained to nurses and doctors in
3 every hospital you went through?

4 A. Under the care of my -- people that were caring for my
5 father, I had an obligation as a health care power of
6 attorney, a nurse, a daughter, to explain to them, social
7 workers, doctors, nurses, in meetings -- Wendy participated
8 in those meetings since they were happening ---

9 Q. You complained to everybody ---

10 A. --- to my daddy.

11 Q. Excuse me. I didn't mean to step on your answer. Are
12 you finished?

13 A. I excuse you.

14 Q. You complained to anybody who would listen. Doctors,
15 nurses, that Wendy was mistreating, over-sedating,
16 dehydrating, was doing all of this or not doing things and
17 causing him grave injury. That's correct; isn't it?

18 A. We had a meeting with a hospice nurse. She was
19 included. My daddy was sedated in the bedroom at
20 Thanksgiving. And we had an emergency meeting because he
21 was unresponsive. And she refused IV fluids, oxygen, and
22 suction on my father. And I asked her.

23 She said, The man's going to die anyway.

24 And I said, My daddy's not dying parched, dried
25 up like a prune, in the hospital bed ---

1 THE COURT: Ms. Langley ---

2 A. In his hospice -- in his room.

3 THE COURT: Ms. Langley, I'm going to ask you to
4 be responsive to his questions only.

5 THE WITNESS: Well, can I elaborate?

6 THE COURT: You can explain your answer, but
7 that's it; okay? Thank you.

8 Q. Now, I've asked to see if we can get up page 12 of
9 your November sworn deposition.

10 A. Which one is it?

11 Q. Page 12. It should be on the screen. Oops, may have
12 the wrong page.

13 MR. MCCULLOCH: I'm sorry, Your Honor. I'm not
14 Mr. Techno.

15 Q. So we're on page 27 here. And I'm asking you a series
16 of questions.

17 MR. MCLAUGHLIN: It's page 127 that you just
18 handed me.

19 Q. Do you have 127?

20 A. (No audible response.)

21 Q. If you'll look at line 8?

22 And I ask: And who did you make the complaint to?

23 And I'm asking you about who you made complaints
24 to about Wendy and Wendy's care of your father.

25 I want you read down those lines.

1 A. Where do you want me to start?

2 Q. Line 13 is a good starting point. What do you say
3 there in response to my question, Who did you make a
4 complaint to?

5 A. I made it at every hospital, whatever was going on
6 with my daddy at the time.

7 Q. You complained about Wendy to every -- at every
8 hospital; correct?

9 A. Whatever happened to my dad; yes.

10 Q. Now, just as a footnote, nurses or doctors take oaths
11 and have obligations to your patients, an obligation to
12 give good care; correct?

13 A. I have an obligation to do the best of my ability to
14 take care of my daddy.

15 Q. And so complaining that somebody is doing any less
16 than what they have sworn to do as a nurse is pretty
17 damaging to their reputation; isn't it?

18 A. Excuse me? Repeat that.

19 Q. Claiming that Wendy Lynch, a nurse, who has an
20 obligation to treat any patient, including her father, to
21 the best care she could possibly muster, when you're
22 telling people she is abusing him, and over-sedating and
23 dehydrating and not caring properly, that's very damaging
24 to her; isn't it? To her reputation?

25 A. I was telling you that I was talking about myself. I

1 wasn't talking about her.

2 Q. Well, that's what I'm asking you. So you're telling
3 them you're not given him good care?

4 A. No, I was talking about as an RN, that I did the best
5 of my ability to take care of my daddy.

6 Q. And maybe you misunderstand my question ---

7 A. Yes, I did.

8 Q. --- so I'll take it slow. We can agree that every
9 nurse has an obligation to do -- to give the best care they
10 can.

11 A. I'm going to say all nurses are different.

12 Q. Okay.

13 A. Not every nurse has the same rules and standards as
14 every nurse.

15 Q. All right. Can we even agree that it's damaging when
16 you say about somebody doing their job that they're doing
17 it poorly.

18 A. She was ---

19 Q. All right. Can you answer my question?

20 A. Repeat the question.

21 Q. All right. When you say that someone is not doing
22 their job as a nurse and they are, in fact, doing damage to
23 a patient, rather than doing the best they can with a
24 patient, you and I can agree that is damaging to that
25 person's reputation?

1 A. I didn't say that she was a nurse. I told her that --
2 I told them that whatever was going on with my daddy at the
3 time, and if you name specific instances, I will tell you
4 what happened.

5 Q. Well, you made complaints at every hospital?

6 A. Whatever was going on, she was in the meetings with
7 the doctors and the social workers at most every meeting.
8 And she was on a conference call on one of them. And she
9 also her name was on the coroner report and agreed for the
10 forensics.

11 Q. Before your father died you made complaints or
12 participated in complaints to DSS and Adult Protective
13 Services; didn't you?

14 A. No, sir.

15 Q. You didn't?

16 A. No. I didn't initiate a complaint.

17 Q. All right. But you were happy to talk to an
18 investigator who called you because somebody else had made
19 the complaint?

20 A. They asked me -- they were in an investigation and
21 they asked me -- I had to go meet one of them. Which one
22 are you talking about?

23 Q. Well there are so many complaints. I'm not sure which
24 one you're talking about.

25 A. Why -- what ---

1 Q. Let me ask you this.

2 A. Repeat the question.

3 Q. When you were contacted by DSS ---

4 A. I was on the -- in my car. A lady, Ms. Brown, I
5 believe, called me and asked me what was going on.

6 Q. I'm not asking you -- I'm asking you ---

7 MR. MCCULLOCH: Excuse me.

8 A. She said she had a report ---

9 THE COURT: Ms. Langley, ---

10 A. --- and they're calling.

11 THE COURT: You cannot testify to what somebody
12 else told you.

13 Q. I'm just asking you if you made a complaint to DSS
14 about Wendy Lynch's care?

15 A. I answered the questions the DSS lady called me and
16 asked me on the telephone.

17 Q. Did you make a complaint ---

18 A. If you call that a complaint, I guess you can say -- I
19 didn't initiate a complaint.

20 Q. Do you know that Rebecca did?

21 A. No.

22 Q. Do you know who did?

23 A. Wendy.

24 Q. Wendy complained against herself?

25 A. She sent me a text message saying -- she sent me --

1 she turned me in to adult protective services.

2 Q. All right. Well during your deposition we talked
3 about -- you also testified in the deposition that you
4 talked to social workers and adult protective services?

5 A. Because they called me. The social worker would come
6 into the room and talk to me and ask me questions. So I
7 told them what was going on.

8 Q. And you -- and it was all about what Wendy Lynch was
9 either ---

10 A. I don't recall.

11 Q. --- either doing to harm your father or not ---

12 A. You weren't there. I don't recall the conversation.
13 If you have some notes from the social worker, I'll be glad
14 to go over them.

15 Q. You don't know what you told people?

16 A. It's according to what situation we were in.

17 Q. All right. But anybody who would listen?

18 A. You weren't there. You don't know what I said.

19 THE COURT: Ms. Langley, that's not proper.

20 THE WITNESS: I know.

21 THE COURT: Please only answer the questions that
22 are asked of you. Okay? Thank you.

23 THE WITNESS: I'm sorry.

24 THE COURT: Thank you.

25 Q. Let me see if I can refresh you up here a little bit.

1 We're going to look at page 128.

2 MR. MCLAUGHLIN: What line?

3 MR. MCCULLOCH: Your Honor, I have another copy
4 of this if you'd like it.

5 THE COURT: That's okay.

6 MR. MCCULLOCH: Oh, you've got it on the screen.
7 That's right. I forgot.

8 Q. So we're talking about -- and I guess line 11 is a
9 good spot. This is the first instance of a complaint to
10 DSS protective services. And you said around Thanksgiving
11 2012.

12 You answered, line 19: McLeod Hospice or McLeod
13 Hospice, the nurse social worker.

14 And then my question, line 21, my question: Did
15 you ever make a complaint to DSS or social services at a
16 time when -- about Ms. Lynch or her treatment or her care
17 for him at a time when he was not hospitalized?

18 And you said?

19 A. At the home?

20 Q. Yes, you did make a complaint to DSS or social
21 services.

22 A. I didn't initiate a complaint.

23 Q. No, ma'am. You said you made a complaint in 2014
24 under oath.

25 A. But I didn't say I initiated a complaint.

1 Q. I asked you if you made a complaint. That's a pretty
2 clear question. And yet your answer today is different.
3 You want to call it ---

4 A. No, sir. I didn't initiate a complaint. I was called
5 and asked ---

6 Q. So this answer was incorrect?

7 A. No, sir. It's not -- it's not conclusive. It's not
8 -- it doesn't say, Did you initiate a complaint? It says,
9 Did you complain? I told them exactly what was going on.
10 I answered their questions honestly.

11 MR. MCCULLOCH: Look at 126, Patrick.

12 A. Ms. Brown called me.

13 Q. Now on page 126, line 1: I want to ask you about a
14 complaint made to DSS and adult protective services against
15 Wendy Lynch. What role did you play in the making of that
16 complaint?

17 What's your ---

18 A. Which ---

19 Q. --- page 126.

20 A. That's redundant; isn't it?

21 THE COURT: No, ma'am. You're going to have to
22 listen to the question he's asking.

23 THE WITNESS: Okay.

24 THE COURT: Answer it and be responsive to the
25 question.

1 A. What number is it?

2 Q. 126.

3 A. I'm on 126.

4 Q. Line 1. My question: Now I want to ask you about a
5 complaint made to DSS and adult protective services against
6 Wendy Lynch. What role did she play in the making of that
7 complaint? What role did you play -- I'm sorry -- did you
8 play in the making of that complaint?

9 And your answer was?

10 A. I made complaints to social service, which is not ---

11 Q. No, that's not what it says. It says, I made many
12 complaints to social services.

13 That would suggest you initiated it.

14 A. It's not DSS, though. It's social services that would
15 ---

16 Q. Social services.

17 A. --- come talk to you about the hospital.

18 Q. I made many complaints to social services. Do you
19 know what DSS stands for?

20 A. Social -- SS is social services worker at the
21 hospital.

22 Q. Do you know what DSS stands for?

23 A. But it doesn't -- it didn't ---

24 Q. Department of Social Services.

25 A. --- say DSS.

1 Q. Okay. So maybe ---

2 A. It didn't say DSS.

3 Q. Maybe you misunderstood who we were talking about.

4 A. We had social workers at the hospital.

5 MR. MCCULLOCH: Patrick, can you pull that down
6 and let me see? I'm looking for -- all right. That's not
7 the page I'm looking for. Let's try -- no, I think we've
8 already been there.

9 Q. Well, the result, every time you confronted the
10 doctors and nurses at every hospital, as you have said,
11 there was never a charge or accusation against her, was
12 there, against Wendy Lynch?

13 A. I don't know anything about that.

14 Q. Well you'd know; wouldn't you?

15 A. No, I wouldn't, because I was making -- taking care of
16 my father, getting him the best care. They would ask me
17 questions and I would tell them. And it was for the best
18 interest of my daddy and me, as a nurse and a daughter,
19 that loved my daddy very much, getting the best care for my
20 father.

21 Can I elaborate some more?

22 Q. No, ma'am. Not unless the Court wants to allow it.

23 THE COURT: No, ma'am. Thank you.

24 Q. Now, you invited me to show you a piece of paper from
25 social services. You've seen that piece of paper; haven't

1 you?

2 A. I'm not sure. I'll have to look.

3 Q. Just read the top part.

4 A. Well I need to look at the whole thing to see what's

5 ---

6 Q. Take your time.

7 MS. WHITE: Can we see it?

8 MR. MCCULLOCH: I don't know whether we have --
9 do we have that?

10 MR. MCLAUGHLIN:: What is it?

11 MR. MCCULLOCH: It's the page of the -- this DSS
12 sheet.

13 A. It doesn't say who made it. I have no idea. I didn't
14 see this complaint.

15 THE COURT: Ms. Langley, if you'll wait for him
16 to ask the question.

17 THE WITNESS: Oh, I'm sorry.

18 THE COURT: Thank you.

19 Q. Well let me ask it a different way. I don't want to
20 to introduce this anyway. Oh, we can't. You're right.

21 A. He already has ---

22 THE COURT: Go ahead, Mr. McCulloch.

23 Q. In December of 2012, the Department of Social
24 Services' official -- you were told by DSS that in their
25 investigation of your father they asked why someone would

1 make allegations about his care against, presumably, Wendy
2 Lynch if they're not true. He said, according to this
3 document, it's all about the money, lots of money. He said
4 those allegations came about after his Will was read to
5 family members. Mr. Lynch said that he trusts Wendy and
6 knows that she will look after him.

7 That must have been very hurtful to you; wasn't
8 it?

9 A. No, it didn't hurt me, because I know my daddy didn't
10 say all that. That's something Wendy said.

11 Q. So DSS is lying?

12 A. No, Wendy had DSS at the house. I had no clue about
13 that report.

14 Q. Well this doesn't even mention Wendy being present ---

15 A. Well, I ---

16 Q. --- it said your dad talked to DSS.

17 A. Well, I didn't make that report. The only time I ever
18 talked to DSS was when they called me on the phone for a
19 five-minute phone call.

20 Q. So DSS is lying and ---

21 A. I can tell ---

22 Q. --- they're faking the paperwork.

23 A. Well I'm sorry for interrupting you. But I can tell
24 you I never talked to anybody else with DSS, except the day
25 she called me when I had my daddy at Duke getting health

1 care.

2 Q. Did you learn from them that your complaint or the
3 complaint that you initiated it, didn't initiate it, that
4 this thing then, that it was investigated by DSS and not --
5 and found to be baseless, to be false?

6 A. I didn't know anything, never heard any other word
7 about the investigation or if there was an investigation,
8 never heard anything else.

9 Q. You know that DSS never did anything to Wendy?

10 A. I never asked them to. I told them the issues that
11 was going on with my daddy, and he was in the hospital.
12 And they said there was nothing that can be done and that
13 my daddy would go to a state-funded nursing home and that
14 if he was in the hospital, that he was fine ---

15 Q. Did you tell ---

16 A. -- in the hosp -- he was in the -- as far as the
17 situation, he couldn't -- they couldn't do anything
18 because he was in the hospital.

19 Q. Did you tell DSS that Wendy was trying to send him to
20 heaven?

21 A. Never.

22 Q. You didn't?

23 A. Never talked to them but that one time.

24 Q. Every complaint that you made to doctors, nurses, DSS
25 adult protective services, every time you complained, you

1 got the same answer; didn't you? Unfounded, false,
2 baseless?

3 A. No, sir.

4 Q. But you continued to make the complaints?

5 A. No, sir. My father was removed out of the hospital
6 [sic] on January the 6th for over sedation on morphine and
7 taken to the hospital.

8 Q. But you continued to make the same kinds of complaints
9 even after ---

10 A. Sir, when you see your daddy over-sedated and you know
11 his brain tumors had shrunk from five to one, and you know
12 in your heart and the doctor is telling you it's not the
13 brain tumors, it's the medication, then you're going to do
14 whatever you can do to get your daddy the best medical help
15 ever.

16 Q. And that certainly didn't enhance the care by
17 stressing your father with complaining to DSS, and causing
18 DSS to go to him on his sick bed to say, We're told that
19 Wendy Lynch is trying to send you to heaven. And what did
20 your daddy say again, according to DSS, that he trusted
21 her? He trusted her.

22 A. He trusted me. I was ---

23 Q. And it was all about the money.

24 A. No, it wasn't. It was about the health care of my
25 daddy.

1 Q. Well now, your daddy died again in February. But
2 prior to that time, I think we have agreed, that he was
3 instrumental in having Wendy appointed to be -- to take his
4 place in the magistrate's job?

5 A. Wendy and Wanda and Gerald Voss took my daddy to the
6 senator to appoint her to be the magistrate.

7 Q. And that would be senator?

8 A. John Land.

9 Q. All right. So he participated in getting her to fill
10 his ---

11 A. Well, this is what I was told ---

12 Q. --- unexpired term?

13 A. --- so I might not can testify to that.

14 Q. Well you already have.

15 A. Okay.

16 Q. And that probably did not suit you either, that she
17 was now taking over for him in a job that he loved and had
18 done for 23 years and that you weren't doing it, you
19 weren't being asked to do it.

20 A. I didn't want to do it.

21 Q. Ms. White ---

22 A. She didn't want ---

23 Q. --- was not asked to do it.

24 A. She didn't want to do it. Yes, she was. Years ago.

25 Q. So it was of no consequence that Wendy was invited by

- 1 your dad and helped by your dad to be appointed to his job?
- 2 A. My daddy was manipulated with five brain tumors.
- 3 Q. So it did or did not make a difference to you?
- 4 A. Excuse me?
- 5 Q. It did or did not make a difference to you? You
- 6 didn't care that she was appointed magistrate or you did
- 7 care?
- 8 A. It didn't matter to me, but I'm just telling you the
- 9 situation, that he had five brain tumors. And I wasn't
- 10 there, so I don't know what the conversation was, except
- 11 for what was told to me.
- 12 Q. Okay. Well it came to matter in April of 2014; didn't
- 13 it? This appointment, Wendy's appointment to your daddy's
- 14 magistrate position?
- 15 A. Well I don't -- you'll have to rephrase. I'm not sure
- 16 what you're asking me.
- 17 Q. Well who is Senator Kevin Johnson?
- 18 A. He's a senator.
- 19 Q. Okay. And he was in charge of the reappointment
- 20 process?
- 21 A. I'm not really a hundred percent sure about that, but
- 22 ---
- 23 Q. You're not sure about that?
- 24 A. If he's in charge of it. I don't know.
- 25 Q. Well you and your sister contacted members of the

1 Florence County Delegation in -- in this ---

2 A. No, me and my sister ---

3 Q. --- April, March and April period ---

4 A. Me and my sister ---

5 Q. You need to wait for me to ask the question.

6 March and April you knew that Wendy was coming up
7 to be reappointed if she wanted to be.

8 A. No, I didn't.

9 Q. You didn't know that?

10 A. She was only appointed to finish my daddy's term out.

11 Q. And she was coming up for reappointment.

12 A. No, sir. She was never up for reappointment.

13 Q. Okay. And you contacted members of the Florence
14 County Delegation?

15 A. Who is that?

16 Q. Well that would be your senators and house members.

17 A. Who?

18 Q. The senators and house members, House of
19 Representative members ---

20 A. I didn't ---

21 Q. --- from Florence.

22 A. I don't know -- I don't know who you're talking about.

23 Q. You don't know what a delegation is?

24 A. Yeah, but I don't know who you're talking about I
25 contacted.

1 Q. Uh-huh. Well I'm asking you about Kevin Johnson.

2 A. I simply called Kevin Johnson to inquire about,
3 because I heard four people were in the running.

4 MR. MCCULLOCH: What page is it?

5 MR. MCLAUGHLIN: It's 131, it starts.

6 MR. MCCULLOCH: All right. Let's see.

7 A. And I'm a tax-paying citizen. I have a right to
8 inquire and talk to my senator.

9 Q. All right. So here's page 1 ---

10 MR. MCCULLOCH: What page am I on?

11 MR. MCLAUGHLIN: 131.

12 Q. --- 131 from your November, under-oath, ---

13 A. Uh-huh.

14 Q. --- you swear-to-tell-the-truth deposition.

15 MR. MCLAUGHLIN: It's on the screen there, ma'am.

16 THE WITNESS: I know that. I can see it better
17 on paper. Sorry.

18 A. Okay. I see it now.

19 Q. Let me direct you to line 15

20 A. Line 15, yes, sir.

21 Q. Line 15. Question: Now, when Ms. Lynch came up for
22 reappointment to her magistrate position did you contact
23 any public official with regard to her reappointment?

24 And your line 18 answer was? Read it out.

25 A. I'm looking.

1 Q. No, I want you to read it out loud.

2 A. I will, but I'm looking so I can get it correctly.

3 I contacted a public official simply because I
4 felt like -- and that means I believe -- felt like she was
5 -- what she had done to our family, that she would not be
6 good at doing the job that she -- the job requires.

7 Q. So that was the truth in 2014, but it apparently is
8 not the truth today?

9 A. I reached out because I heard four people were in the
10 running.

11 Q. Okay.

12 A. And he ---

13 Q. And let's go to the next page.

14 A. And I reached out because my father had already told
15 me that James Beard was in the running, and I just wanted
16 to reach out and talk to the senator about what my father
17 had intended.

18 Q. All right. Now look at page 132, the very next page.
19 And let's look at ---

20 A. Which number is that?

21 Q. 132. Page 132.

22 A. I have it.

23 Q. Line 14: All right. So you went to an officer at his
24 home.

25 And line 15: He and I met for lunch.

1 Question: Okay. During that conversation did
2 you outline these other complaints about poor medical care?

3 And your answer?

4 A. No.

5 Can I ask -- can I ---

6 Q. No, you can read it ---

7 A. --- explain something?

8 Q. --- if you would. And then you can explain.

9 A. Okay. Where do you want me to start?

10 Q. Line 18: In response to the question, during that
11 conversation did you outline these other complaints about
12 poor medical care?

13 And your answer, line 18. Please read it.

14 A. I don't remember that being in here.

15 Q. Well let me read it for you, ma'am. You said under
16 oath in response to, Did you outline other complaints about
17 poor medical care?

18 I did a scenario of what she's done to our
19 family. She being Wendy Lynch.

20 A. Can I check ---

21 Q. That's what you said under oath.

22 A. Can I check another ---

23 Q. Is that correct, ma'am?

24 A. Can I check another deposition, because I'm not sure
25 -- I don't remember that being in here.

1 THE COURT: No, ma'am.

2 Q. It's in that deposition, ma'am. And ---

3 A. Well I don't remember it being worded like that.

4 Q. All right. Well now the court reporter who typed this
5 up is lying?

6 A. No. I just would like to see my copy over there.

7 Q. Well, you remember, following this deposition in
8 November of 2014, the court reporter prepares the
9 transcript and provides it to you to review to make sure
10 it's correct. Didn't that occur?

11 A. I have one over there. Yes, sir. I'd like to look at
12 it.

13 THE COURT: Ladies and gentlemen, at this time
14 we're going to take a 15-minute break. Please don't
15 discuss this case. I appreciate your attention and your
16 patience. We'll see you back in about 15 minutes.

17 (Jury out at 4:15 p.m.)

18 MR. MCCULLOCH: And, Your Honor, I don't have any
19 problem with the witness coming down. I would ask the
20 Court to caution her about not consulting with counsel.

21 THE COURT: Okay. One thing I want to clear up
22 is she's asking to look at her copy of the deposition. It
23 would be improper to look at some other deposition, but if
24 she has a copy of the deposition ---

25 MR. MCCULLOCH: No objection to her looking at

1 her copy of the same deposition.

2 THE COURT: Sure.

3 THE WITNESS: Well, I mean, I just want to make
4 sure.

5 THE COURT: Ms. Langley, you cannot discuss your
6 testimony whatsoever with your attorney. Do you understand
7 that?

8 THE WITNESS: I understand.

9 THE COURT: You can step down. You can go to the
10 restroom. You can do what you need to do. You can look at
11 your copy of this deposition.

12 MR. MCCULLOCH: All right. And, Your Honor, I
13 would ask that if she consults her copy of the deposition
14 that she bring it back to the witness stand.

15 THE COURT: Do you understand that, Ms. Langley?
16 You need to bring your copy of the deposition back to the
17 witness stand.

18 (The witness steps down and a brief recess was taken
19 from 4:16 p.m. until 4:32 p.m.)

20 MR. MCCULLOCH: We're ready, Judge.

21 THE COURT: All right. Can I have the jury?

22 MR. MCCULLOCH: Judge, I will strive to speed it
23 up.

24 THE COURT: Please don't take that as any
25 pressure on my behalf. I'm just trying to figure this out.

1 MR. MCCULLOCH: Well I'm a little bit wear out
2 easily, so.

3 MR. MCLAUGHLIN: Pressure makes diamonds, Judge.

4 MR. MCCULLOCH: What's that?

5 MR. MCLAUGHLIN: I said pressure makes diamonds.
6 Judge.

7 (Jury in at 4:36 p.m.)

8 THE COURT: All right. Ladies and gentlemen,
9 just so you know for scheduling purposes, I wanted to let
10 you know -- I recognize it's late in the day. We're going
11 to work for another 40, 45 minutes or so. And then we're
12 going to recess for the day. And then we'll come back in
13 the morning. But as soon as we come to a good stopping
14 point, sometime shortly after 5, we'll conclude for the
15 day; okay? Thank you for your patience.

16 Mr. McCulloch?

17 MR. MCCULLOCH: Thank you, Your Honor.

18 Q. Ms. Lynch, when we took a break it was really to allow
19 you -- I'm sorry. Ms. Langley, when we took a break it was
20 to allow you to look at your copy of the same transcript of
21 record we were looking at. Can we agree your copy says the
22 same thing that's on the screen here?

23 A. I just didn't remember saying that.

24 Q. Well I understand that. But we can agree that it's
25 accurate?

1 A. Yes.

2 Q. All right. And so line -- at line 20 on page 132,
3 which is on the screen next to you, you will see my
4 question: So you explained to him -- and we're now talking
5 about Senator Johnson of your Florence Delegation. You
6 explained to him about these complaints that you have made
7 to DSS or adult protective services.

8 I explained to him, yes, pretty -- I mean, I
9 don't know the details of it, but I explained to him some
10 of the allegations, some of the things I personally went
11 through with my father.

12 MR. MCCULLOCH: Patrick, can we go to page 133?
13 And take me through lines 2 to 12.

14 Q. So you're talking to Mr. -- to Senator Johnson.
15 You're at -- in Florence and somebody -- someplace
16 together. Is Rebecca there with you?

17 A. No, sir.

18 Q. Do you know whether she talked with Senator Johnson?

19 A. No, sir. Not that I know of.

20 THE COURT: All right. Ms. Langley, if you could
21 get closer to the microphone or is it turned off?

22 A. Yeah, I know. I can't hear you too, Mr. McCulloch.

23 Q. All right. You can't hear me?

24 A. If you would speak a little louder, yes, sir

25 Q. Let me see if I can -- I'm getting a little hoarse the

1 later in the day it gets. That may be good news to some of
2 the jury.

3 So at line 4, I ask you the question: Did you
4 tell Senator Johnson that she, meaning Wendy, had killed
5 your father?

6 And your answer?

7 A. Was no.

8 Q. And you said?

9 A. I clarified, because of what you were trying to say.
10 I said, that I've only -- I've said that she tried to send
11 him to heaven early.

12 I was just clarifying what you were trying to say
13 that I said the kill word and I never said that.

14 Q. Well I asked you if you said killed your father.

15 A. And I'm clarifying I didn't.

16 Q. And you said, I said she tried to send him to heaven
17 early. So does that make it ---

18 A. And I said no to your question.

19 Q. Well you said no. And then you said, I said that she
20 tried to send him to heaven early. So is that kind of like
21 ---

22 A. I was saying ---

23 Q. Ma'am, can I ask the question?

24 A. Yes, sir.

25 Q. Is that kind of like attempted killing?

1 A. (No audible response.)

2 Q. And you then go on to say that you made complaints to
3 Judge Cooper. Who is Judge Cooper?

4 A. (No audible response.)

5 Q. He was a county magistrate; wasn't he?

6 A. I went to Judge Cooper when I got locked out of my
7 daddy's house.

8 Q. That's not what I asked you. I asked what is -- who
9 is Judge Cooper?

10 A. Oh, he's a magistrate judge.

11 Q. Okay.

12 A. Friends of my dad's.

13 Q. Now this conversation that you had with Senator
14 Johnson was in April of 2014; correct? That's what we said
15 earlier.

16 A. I suppose so; yes, sir.

17 Q. All right. Well it's important because by April of
18 2014 you knew the the coroner had investigated and had
19 concluded natural causes of death. You knew that you had
20 complained to nurses and doctors in virtually -- well and
21 you said in your deposition, I think we read it, every
22 hospital you complained about the care that Wendy was
23 giving. Yet, you knew and you told Senator Johnson that
24 Wendy had tried to send your father to heaven that you were
25 saying that in the face of all of that lack of evidence to

1 support your opinion. Don't you think that was careless
2 and reckless?

3 A. No, sir. I didn't say I said that to him. I said no
4 to your answer.

5 Q. Well I don't know. It says, Did you tell Senator
6 Johnson that she killed your father? You said, No, you
7 didn't use that word kill. You said that she had tried to
8 send him to heaven.

9 A. Early.

10 Q. Early. And by that you say you're telling the jury
11 that you didn't mean it was kind of an attempted murder --
12 or attempted killing. Sorry.

13 A. No, sir.

14 Q. All right. So you didn't mean what you said?

15 A. Can I explain what I said? And I did not say I said
16 it to him. I said no to your answer. And I'm clarifying
17 what I've only said. Because people are going around
18 saying things I didn't say.

19 Q. Well, I mean, the jury's reading it. We've asked you
20 to explain it. They've heard your explanation. They may
21 infer from that, ma'am, whatever they wish to. You have
22 said that you complained at every hospital, nurses, and
23 doctors.

24 Let me ask you a simple question. The concept of
25 being a nurse is something you're proud of; right?

1 A. Very proud of it.

2 Q. And if someone were to tell someone else that you were
3 mistreating a patient, trying to send them to heaven, they
4 would be telling -- if they told that to some nurse or a
5 doctor, that's the same profession ---

6 A. I didn't say that -- say I said that to them. I said
7 what was going on with my daddy at the time.

8 Q. That she was over-sedating and she was dehydrating ---

9 A. I didn't say all of that. Only at the time when we
10 took him to the hospital, the -- when it happened.

11 Q. All right. Well we've established that you complained
12 to every -- at every hospital about Wendy's care?

13 A. He's only been to a few hospitals after that happened.
14 He's been to McLeod a few times, and then Duke. And I have
15 an obligation to answer the social worker's questions of
16 what's going on with my father so they would know how to
17 treat him.

18 Q. But you took special pleasure in talking bad about
19 Wendy; didn't you?

20 A. I didn't -- I just stated the information ---

21 Q. She's a nurse and she wasn't caring properly for him.
22 And she was over-sedating and she was ignoring his problems
23 and giving him bad care. Because you're telling other
24 people, if not these doctors and nurses, she's trying to
25 send him to heaven.

1 A. She wasn't a nurse to my father. She was a daughter.
2 So I did it as a daughter.

3 Q. I see. Well I doubt that you made that distinction to
4 the doctors and nurses that you complained to about her;
5 did you?

6 A. I didn't even say she was a nurse, period.

7 Q. Okay. But if they had known that she was a nurse?

8 A. Sir?

9 Q. If the doctor and the nurses that you had complained
10 about your sister's care, by name, if they knew, if they
11 knew she was a nurse, you can agree that would be damaging,
12 that would be a very bad thing for her reputation in the
13 medical community. It's harmful to her.

14 A. Sir, I gave the honest opinion of what I saw happen to
15 my daddy. And she was in the ER when I said it, and with
16 my daddy sedated in the ER with morphine. Okay. I said it
17 off-the-cuff to her.

18 Q. And you had no nurse, no doctor who said ---

19 A. Not in that room at the time.

20 Q. --- no nurse, no doctor you complained to ever called
21 the police, called DSS, ---

22 A. I have no idea.

23 Q. --- to your knowledge? And we can imagine you would
24 know.

25 A. I don't know. I wouldn't know because people don't

1 follow up on things.

2 Q. Now did you make a complaint to the South Carolina
3 Board of Nursing?

4 A. No.

5 Q. Pardon?

6 A. I did not initiate a complaint.

7 Q. You participated in that; didn't you?

8 A. I was called by Ervin Bond ---

9 Q. Do you know ---

10 A. --- who was doing an investigation ---

11 Q. Do you know ---

12 A. --- and he asked me specific questions.

13 Q. Do you know who made that complaint?

14 A. No, I don't. I did not know at the time. I suspect.

15 Q. Well you know now?

16 A. Now, I do.

17 Q. Who made the complaint?

18 A. Tracy Frazier, from what I understand.

19 Q. Is that the lady back there?

20 A. Yes.

21 Q. That's Ms. White's friend; isn't it?

22 A. She's my daddy's ---

23 ~~MS. WHITE: She's my daddy's ---~~

24 A. She's my daddy's niece from Texas.

25 MS. WHITE: She's Wendy's cousin too.

1 Q. So who talked her into making that complaint? Or I
2 guess we can ask her maybe.

3 A. Excuse me? She helped care for my daddy.

4 Q. Okay. And so you talked with the nursing board about
5 a complaint that she made. And do you recall -- do you now
6 today know the result of that investigation by the Board of
7 Nursing, of your complaints about Wendy's care?

8 A. I had a obligation to make the honest complaint to ---

9 Q. That's not my question. Do you know the result of
10 their investigation today? You do; don't you?

11 A. I'm not sure. I'd have to see the paper.

12 Q. The Board of Nursing found it was baseless, if not
13 false, that there was no reason to take action against Ms.
14 Lynch because they found bogus. You know that. You're not
15 going to deny that under oath.

16 A. Sir, I didn't initiate the complaint. I thought she
17 ---

18 Q. Do you know today how it ended?

19 A. Well, I'm sorry. If he investigated and that's his
20 opinion, that's ---

21 Q. He screwed up? Or he's a part of ---

22 A. No. I have an obligation ---

23 Q. --- this great conspiracy against you and your sister?

24 A. I have an obligation to report ---

25 Q. Yes, ma'am.

1 A. --- to the nursing board when they call me and ask me
2 specific questions in taking care of my father. He was
3 investigating. He didn't only call me, he called other
4 people. Okay? He didn't call me, he called other people.

5 Q. And he ultimately did not find anything and the
6 nursing board dismissed the complaint?

7 A. Well, I didn't have anything to do with that. I
8 didn't initiate it.

9 Q. You had a little bit to do with it. You gave them the
10 same information you had given every nurse and doctor,
11 maybe every person who ---

12 A. You weren't there and the report is con ---

13 Q. --- stood still long enough.

14 THE COURT: Ms. Langley, ---

15 THE WITNESS: I'm sorry.

16 THE COURT: --- you're going to have to wait for
17 him to ask you a question to respond.

18 Q. You repeated your complaints over and over and over to
19 anybody who would listen. And nobody, no authority, the
20 Board of Medicine, the Board of Nursing, did nothing. DSS
21 did nothing. Adult protective services did nothing. Not
22 one doctor or nurse found, filed a complaint, did anything
23 about it. And yet today it's still your contention that
24 she was trying to send him to heaven or that she did send
25 him to heaven?

1 A. I did ---

2 Q. Which is it?

3 A. --- I did not initiate any of those complaints. And I
4 have an obligation as a nurse to tell what I know about the
5 care of my father and what happened. And so the report is
6 confidential, so you don't know what was said.

7 Q. But you know; don't you, because ---

8 A. It's a confidential ---

9 Q. -- didn't she tell you?

10 A. It's a confidential report.

11 Q. No, ma'am.

12 A. Mr. Ervin Bond did not tell me.

13 Q. Did Ms. Frazier tell you when they said unfounded, no
14 basis, and you must have been very disappointed? She told
15 you.

16 A. I didn't initiate the complaint, sir.

17 Q. All right. I know you don't want to answer my
18 question, but I'll ask it again. You learned that the
19 Board of Nursing did nothing. And you learned that from
20 the complainant, didn't you? Or you learned it from your
21 sister.

22 A. I don't remember if I got something in the mail from
23 Mr. Bond.

24 Q. You don't remember?

25 A. I'll have to look back.

1 Q. All right.

2 A. I don't remember when or who or what ---

3 Q. So you may have gotten -- you may have gotten a letter

4 ---

5 A. I've gotten so much stuff in the mail, I don't know.

6 I don't remember.

7 Q. Well let me ask you this. When you get turned down,

8 when you make a complaint and somebody says, No, there's

9 nothing to it, like the coroner, did that chip away at your

10 resolve to continue telling people about their bad care,

11 about trying to send your father to heaven? Did that, the

12 coroner saying, There's nothing there, she didn't do

13 anything wrong, he died of natural causes, did that chip

14 away at your belief at all?

15 A. I know what I experienced and I know my daddy did not

16 die ---

17 Q. I take it the answer to that is no?

18 A. Well my daddy did not die of glioblastomas.

19 Q. And did the fact the nursing board, after their

20 investigation, you said that Mr. Bond talked with,

21 obviously, the complainant, talked to you, you know he

22 talked to Ms. White.

23 ~~A. He never talked to Ms. White from my understanding.~~

24 Q. He talked to -- you said he talked to other people.

25 And they concluded, the nursing board, nothing there,

1 unfounded, dismiss the complaint. Did that chip away at
2 your belief, your resolve at all?

3 A. I believe what I -- I know what I saw and I know what
4 I've lived through. I didn't make the complaint. I did
5 not make the complaint. I answered the man's questions.

6 Q. So if I tell you it's almost ten before 5:00 and you
7 think it's 4:30; that's okay?

8 A. Sir, I'm just telling you what happened.

9 Q. I understand. Well, the time is not the issue. A
10 person's reputation is the issue. A person's livelihood is
11 the issue. A person's quality of life and being free from
12 what she's been through with you and your sister, that's
13 the issue. Does that not matter to you?

14 A. Sir, I didn't -- I did not initiate the complaint. I
15 was called. The man asked me specific questions. I have
16 an obligation to my father, as a vulnerable adult, to tell
17 him what I knew and I did truthfully. It's a confidential
18 ---

19 Q. In the face of evidence, after piece of evidence,
20 after investigation, after investigation, after review,
21 after review, finding nothing, you think it's not reckless,
22 careless, malicious, to continue to say the things, the
23 horrible things, you said about Wendy Lynch? That's okay?

24 A. I didn't say horrible things. I've said the truth.

25 Q. Now, ---

1 MR. MCCULLOCH: Patrick, can you give me page
2 135?

3 Q. This is 135 from your deposition. You and your sister
4 -- you know, well, let me ask you. You've told people, you
5 told Porter Stewart, you've told other people, Wendy Lynch
6 has somehow stolen \$5 million in a duffle bag; right?
7 You've told people that?

8 A. I have an obligation to my daddy's estate to account
9 for what's missing.

10 Q. That's not my question. You told people she stole \$5
11 million in a duffle bag?

12 A. I told them the estate's missing and she said it
13 wasn't gone.

14 Q. All right.

15 A. If it were gone, I would be a suspect too.

16 Q. You told people, didn't you, that she stole 50 pounds
17 of gold bars?

18 A. Well they're missing and she didn't report it.

19 Q. Do you know what 50 pounds of gold bars is worth?

20 A. Over a million dollars.

21 Q. And you say that she stole a duffle bag with a half a
22 million dollars in it?

23 ~~A. My daddy was worth over \$10 million.~~

24 Q. And this duffle bag had thousand dollar bills and five
25 hundred dollar bills. I didn't even know we had that,

1 thousand dollar bills?

2 A. He collected it over the years since we were children.

3 It was old money. We smelled it.

4 Q. Now this is the same house that you had access to;

5 right?

6 A. Yes. I lived there many years and I was living there

7 when my father got sick.

8 Q. So we have no idea when this 50 pounds of gold bars

9 got -- got missing?

10 A. The last I saw it was in March of 2012.

11 Q. Okay. Did you take a picture of it?

12 A. Excuse me?

13 Q. Did you take a picture of it?

14 A. No, sir, I didn't. I wish I would have.

15 Q. You know that your sister has joined you in making

16 these same accusations about stealing. You know that to be

17 true. Y'all have talked about it. You've talked about it

18 with other people.

19 A. I don't recall.

20 Q. And you've told other people. You've told your

21 friends.

22 A. I don't recall.

23 Q. Pardon?

24 A. I don't recall.

25 Q. You don't recall. Well you certainly told Mr.

1 Stewart. I'm sorry he's gone. But you told Mr. Stewart
2 that, ---

3 A. That I believe ---

4 Q. --- that she's taken all this stuff.

5 A. --- that I believe it's missing and that it's -- I
6 believe it's within my father's safes. He had three safes
7 and had cylinder safes in the floor and in the garage.

8 Q. So your daddy was a magistrate for 22 -- '3 years?

9 A. Yes, sir.

10 Q. Was worth 10 million dollars. He had a bag of
11 thousand dollar bills. He had 50 pounds of gold bars. Oh
12 and I left out the doubloons. Were these pirate doubloons
13 or did they come off of a Spanish ship?

14 A. What are you talking about?

15 Q. Well I'm talking about on page 135 at line 19. I am
16 asking you a question and I'm saying: Put the real estate
17 aside. I'm talking about cash. We know about the bank
18 accounts. I'm talking about cash, gold bars, jewelry,
19 doubloons. I don't know if that's how you spell a
20 doubloon.

21 A. I don't know what that is.

22 Q. Doubloons. Pirate doubloons?

23 A. ~~I don't know what that is.~~

24 Q. Well they're -- well I guess we can all ---

25 A. That's a typo. I don't know what that is.

1 Q. --- consult our Funk and Wagnalls but at least my
2 knowledge is that doubloons were an old form of coin
3 currency from the old pirate days. Argh. But your father
4 had ---

5 A. I don't believe I ---

6 Q. But your father managed ---

7 A. I've never used that term.

8 Q. --- to collect doubloons. Well you agreed with me?

9 Well ---

10 A. Well I'm sorry. I misunderstood. I didn't even know
11 what that term meant.

12 Q. All right. So the doubloons are missing too?

13 A. I don't know what those are.

14 Q. You never saw them?

15 A. You asked that question and you talk pretty fast
16 sometimes and I just didn't hear that. I'm sorry.

17 Q. So I was talking too fast in the deposition?

18 A. Yes, you were.

19 Q. Let's talk a little bit about the Will. Defense
20 exhibit 1. It's right there in front of you. The Will
21 that despite two different courts, four probate judges, you
22 contend that's not a valid Will and that your daddy was not
23 competent to make it. And that Wendy used improper
24 influence; right? Not a valid Will, improper influence?

25 A. Could you speak up a little bit?

1 Q. Today it is your contention that Will in your hand is
2 not a valid Will?

3 A. I don't believe my father executed this Will properly
4 with five brain tumors and the cognitive function and the
5 decline that he had. I don't believe that this is my
6 daddy's intentions.

7 Q. And you're willing to just overlook the fact that two
8 courts, four probate judges, perhaps nearly a dozen lawyers
9 who disagreed with you apparently who got fired, all were
10 telling you that's a valid Will, you've got to just get
11 over it.

12 A. All the other lawyers didn't get fired. Some of them
13 couldn't handle the things I needed to be handled.

14 Q. And that's why you grieved them?

15 A. And we're waiting in probate. We have petitions in
16 probate and motions that the Supreme Court has sent it to
17 Charleston to have it reviewed and looked at. And I've
18 asked for a new trial and to review everything and to
19 submit my evidence that was left out. And I have new
20 evidence.

21 THE COURT: All right. Mr. McCulloch, this may
22 be a good time. We received a message that one of the
23 ~~jurors, or at least one of the jurors has a child care~~
24 ~~issue, can't stay here after five. It's almost 5:00 now.~~
25 So we're going to go ahead and break for the evening.

1 Ladies and gentlemen, please don't discuss this
2 case with anybody. Like I told you before, it's certainly
3 fine for you to go tell somebody where you are and what
4 you've been doing, but to discuss this case would be
5 improper until after this case is over with. At that point
6 in time, you can talk to anybody you want to about it or
7 nobody at all. That's your decision; okay? I hope you
8 have a great evening. I'm going to ask you to be back here
9 at 9:00 in the morning. Is there anybody that would have
10 any issues starting this trial at 9:00 in the morning on
11 the jury?

12 THE JURORS: (No response elicited.)

13 THE COURT: All right. We're going to see where
14 we can get; okay? I appreciate your time and patience and
15 your attention. Thank you very much.

16 (Jury excused at 5:00 p.m.)

17 THE WITNESS: Can I step down?

18 MR. MCCULLOCH: Now, Your Honor, this presents a
19 slight pickle. The same instruction that was given during
20 the brief break would apply and we ask that instruction be
21 given.

22 THE COURT: Sure. I plan to go over that.

23 MR. MCCULLOCH: Thank you.

24 THE COURT: If I can have everybody's attention
25 for a moment. First of all, Ms. White, what is your --

1 what's going on?

2 MS. WHITE: Oh, Kevin Johnson's supposed to be
3 here Thursday at 9:00.

4 THE COURT: Yes, ma'am.

5 MS. WHITE: Okay. And we're starting tomorrow at
6 9:00 too?

7 THE COURT: We sure are.

8 MS. WHITE: Both days? Okay. I was just asking.

9 THE COURT: Okay. All right.

10 Ms. Lynch, you understand that you're under oath.
11 You're still in the middle of your testimony. It would be
12 improper, illegal, for you to discuss your testimony with
13 anyone. Do you understand that?

14 THE WITNESS: Okay. When I leave here today?

15 THE COURT: Absolutely, when you leave here today
16 and until you finish testifying in this matter. Do you
17 understand that?

18 THE WITNESS: (No audible response.)

19 THE COURT: Okay. Does that -- anything further?

20 MR. MCCULLOCH: Thank you, Your Honor.

21 THE COURT: All right. The other thing -- issue
22 that I need to discuss is with Ms. Frazier.

23 Are you Ms. Frazier?

24 MS. FRAZIER: Yes, Your Honor, I am.

25 THE COURT: All right. And what is your full

1 name?

2 MS. FRAZIER: Tracy Renee Frazier.

3 THE COURT: All right. Ms. Frazier, I don't know
4 -- you caught my attention. I don't know if you were
5 trying to do sign language, if you were trying to
6 communicate with somebody in this courtroom, but you were
7 certainly visibly and physically reacting to the testimony,
8 and the questions of the witness. That's highly improper.
9 And I'm not going to have it. And I think that -- I'm not
10 sure what you were doing, but I'm going to ask that you
11 remain outside of this courtroom for the remainder of this
12 trial. Do you understand that?

13 MS. FRAZIER: Yes, Your Honor. I was so hoping
14 that I could testify because I could see things and witness
15 things that desperately need to be said. With all due
16 respect, Your Honor, I don't have a hidden agenda. I was
17 not giving any sign language. Yes, there are some things
18 that were said today that were absolutely horrific for me
19 to hear, but it is what it is, Your Honor.

20 THE COURT: All right. Are you under subpoena?

21 MS. FRAZIER: No, sir, I am not.

22 THE COURT: All right. Well, I understand that
23 you're slated to be a witness in this trial, and -- but
24 we're not going to have you in the courtroom during any
25 more testimony, okay. So you'll just have to remain in a

1 position where you can respond at the time that you're
2 called as a witness; okay?

3 MS. FRAZIER: Whatever you'd like for me to do.
4 I do live in North Carolina. So I came down if you needed
5 for me to testify. But I do have a full-time job. I'm a
6 teacher within the State of North Carolina. So I just need
7 to know what's coming.

8 THE COURT: All right. Ma'am, I'm not -- this is
9 not my case. I'm only presiding over this case. I don't
10 know who intends to call you as a witness and that would be
11 between you and that party; okay?

12 MS. FRAZIER: Absolutely, sir. Thank you.

13 THE COURT: Thank you. All right. Is there
14 anything further?

15 MR. MCCULLOCH: No, sir.

16 THE COURT: All right.

17 MR. MCCULLOCH: Thank you, for your patience,
18 Your Honor.

19 THE COURT: All right. I'm trying hard.

20 (Court adjourned for the evening recess at 5:01 p.m.)

21 ***END OF VOLUME II***

22

23

24

25

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF FLORENCE	)	2019-CP-21-01042
Wendy Lynch,	)	
	)	
Plaintiff,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	April 25-29, 2022
	)	
Elizabeth Langley and	)	Florence, South Carolina
Rebecca White,	)	
	)	
Defendants.	)	VOLUME III
	)	(April 27, 2022)
	)	
	)	

B E F O R E:

THE HONORABLE H. STEVEN DEBERRY, IV, Judge

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

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Self-represented Litigant

Recorded by: DCRP

Transcribed by: MISSY BROWN
Court Reporter

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WITNESS

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P R O C E E D I N G S

April 27, 2022

(Whereupon, Court was in session with all parties present when the following matters were had at 9:05 a.m.):

THE COURT: Good morning. One thing I wanted to place on the record if we're all ready. Madam Court reporter, are you good?

With regard to my pretrial ruling on the term murder, it was mentioned a few times. There was one time that it was mentioned that it was objected to in front of the jury, and I overruled that objection. I didn't place my reason for overruling that objection on the record simply because we were in the presence of the jury. But my ruling pertains to that term being used as an inference to the phrase of she sent our father to heaven early or whatever that exactly is. And the way that it was mentioned contemporaneous with the objection, was not in that sense; okay?

MS. WHITE: Okay.

THE COURT: It was in the sense of whether or not that was placed on the death certificate. So it wasn't in violation of that ruling.

MS. WHITE: Okay.

MR. MCCULLOCH: Your Honor, I've tried to preserve the ruling ---

1 THE COURT: Sure.

2 MR. MCCULLOCH: --- and I think I've been very
3 careful with it.

4 THE COURT: Yeah, I understand. And I just
5 wanted to place that on the record in case that was
6 confusion.

7 MS. WHITE: It was mentioned -- he said it twice
8 and I'm not -- I didn't want to object the second time,
9 because you said what you said.

10 THE COURT: Well I can't give you any legal
11 advice; okay? But ---

12 MS. WHITE: I'm just saying, but ---

13 THE COURT: --- you need to object.

14 MS. WHITE: --- when you overruled it the first
15 time, I didn't want to object the second time he used the
16 word.

17 MR. MCLAUGHLIN: I believe Joe may have slipped
18 up and said it a second time, but then immediately
19 corrected it to the proper phrase. I believe she's right.
20 But he immediately tried to correct it is my recollection
21 of what happened, Your Honor.

22 THE COURT: I understand. And there was no
23 objection to that at that point in time.

24 MS. WHITE: I was afraid to object because I
25 didn't want to get in trouble.

1 THE COURT: All right, ma'am. Is there something
2 we need to bring up before we bring the jury in?

3 MS. WHITE: There was one more thing I wanted to
4 say.

5 THE COURT: All right.

6 MS. WHITE: Could you reconsider about our cousin
7 being in the courtroom? I mean, could you not give her a
8 warning and just tell her not to do it anymore?

9 THE COURT: Well, I'm not ---

10 MS. WHITE: She said she was praying and that's
11 the only thing that she saw that she was doing. She was
12 praying and she just couldn't understand.

13 THE COURT: Um ---

14 MS. WHITE: Because she really doesn't know what
15 Beth was talking about at that time. That's not part of
16 her testimony at all.

17 MR. MCCULLOCH: Your Honor, we considered -- I
18 mean, we're quite satisfied with your ruling. We
19 considered sequestration. We didn't move for it. But I
20 think you're in a better position to observe the demeanor
21 of the people in the audience and I think the law fully
22 supports your rights, and I would urge you not to change
23 your ruling.

24 THE COURT: Mr. Rigney?

25 MR. RIGNEY: Your Honor, I would defer to your

1 judgment on this. It is your discretion. I could not see
2 what was going on. I would like for the -- anyone who
3 wants to be in this courtroom, to be able to be here. But
4 I understand your concerns.

5 THE COURT: Well certainly I understand that this
6 courtroom is a public place; okay, and that everybody has a
7 right to be in here. The problem is, I'm not sure what she
8 was doing. It was extremely -- it was extremely precise
9 the things that she was doing. I mean -- and maybe precise
10 isn't the right term, but they were overt. It looked to me
11 like she was trying to communicate with somebody. She
12 certainly had the attention of the jury. She was
13 responding to almost every word that was being testified
14 to. And that's improper for the jury to see. It's
15 improper for somebody in the courtroom to be doing. I'm
16 going to stand on my ruling; okay?

17 MS. WHITE: So when she was doing that, you
18 wouldn't just stop her and say, Ma'am, I don't need -- I
19 wish you wouldn't do that, you know? You need to stop.
20 I'm just wondering.

21 THE COURT: No, ma'am.

22 MS. WHITE: Thank you.

23 THE COURT: Thank you. All right. Is there
24 anything further?

25 MR. MCLAUGHLIN: Your Honor, I did have something

1 that I -- and I've let Mr. Rigney know about this. I have
2 not discussed it with Ms. White yet, but she will find out
3 now about it. The issue with Senator Johnson testifying
4 remotely. And, (a) the inconvenience that will place on
5 everybody to have to do -- we've got the jury coming in
6 early enough for us to get started at nine, trying to set
7 up the tech, the inconvenience on Senator Johnson as well.
8 And, quite frankly, I guess I would have a motion to -- in
9 limine, I guess, outside the presence of the jury at this
10 point in time, to exclude his testimony due to relevance
11 and on these grounds, Your Honor. We have not pled
12 tortuous interference with the right to contract. There is
13 no evidence that Senator -- any of the comments to Senator
14 Johnson cost her the position. We don't intend to argue
15 losing that judicial slot as a damage. What the testimony
16 of Senator Johnson would be relevant to in this case is
17 whether or not defamation per se occurred to him. And
18 we've already got that in through Ms. Langley's admissions
19 yesterday. The damages are presumed on that. It would be
20 redundant, inconvenient for everyone to have to potentially
21 take him out of order, and we don't see the need for it.

22 THE COURT: Mr. Rigney?

23 MR. RIGNEY: We would prefer that Senator Johnson
24 come in, Your Honor, because they -- we have had testimony
25 about my client contacting public officials and trying to

1 cause Wendy to lose her job. That was a big part of what
2 the testimony was yesterday. In this 2014 time frame, that
3 she contacted the Senator and tried to get her sister
4 disqualified. So I believe we need to clarify that for the
5 jury the actual testimony of the Senator. And, of course,
6 it's subject to cross-examination. We understand that.

7 THE COURT: All right. Ms. White?

8 MS. WHITE: Yes, sir. I think it would be
9 detrimental to Elizabeth's case if Mr. Johnson wasn't
10 allowed to testify. And yesterday they went into great
11 lengths and great details about what was said to Mr.
12 Johnson. And if it caused him to not reappoint her. And
13 he can testify -- I'm not sure, does he have an affidavit?

14 MR. MCCLAUGHLIN: We will stipulate that we are
15 not asserting as a damage that those -- that she lost that
16 job because of the comments. But the comments themselves
17 are defamation per se. They were made to Senator Johnson
18 by her own admission at the time of her reappointment to
19 try to deny her getting reappointed. Whether or not that
20 impacted Senator Johnson's decision goes to damages from
21 it. We don't need that. We're not going to assert it.
22 The damages are assumed when you question someone's fitness
23 ~~in their occupation. And those remarks were made~~
24 specifically to Senator Johnson in her occupation as a
25 judge. So I don't see how it's relevant whatsoever. We'll

1 stipulate that -- that the -- we're not asserting that that
2 cost her the position, but the evidence is clear that they
3 were made to attack her fitness in that profession and that
4 the damages are assumed from that.

5 THE COURT: Mr. Rigney?

6 MR. RIGNEY: I believe the testimony yesterday
7 was regarding trying to get her to not be reappointed to
8 that position. And I believe that was what the jury heard,
9 and I sincerely believe the Senator needs to tell us from
10 his own mouth for that.

11 THE COURT: And Ms. White asked about an
12 affidavit. There's no compromise in any sort of affidavit
13 that he ---

14 MR. MCLAUGHLIN: No, the affidavits are
15 inconsistent in and of themselves. So, unfortunately, no.

16 THE COURT: Okay. All right.

17 MS. WHITE: Excuse me, Judge. I didn't get to
18 speak.

19 THE COURT: Yes, ma'am.

20 MS. WHITE: Is it my understanding that yesterday
21 that you ruled that he would speak tomorrow morning at 9:00
22 and that the jury's going to come at 9:00 tomorrow?

23 THE COURT: Yes, ma'am.

24 MS. WHITE: That's not written in stone. It's
25 just ---

1 THE COURT: No. There's now a motion to try to
2 exclude his testimony on the basis of relevance.

3 MS. WHITE: Okay. I didn't know.

4 MR. MCCULLOCH: Because we have another issue,
5 you may want to just take that under advisement. We have
6 another issue for you this morning.

7 THE COURT: I'll be happy to do that.

8 MR. MCCULLOCH: I'd like to get the jury on out
9 here ---

10 THE COURT: Okay.

11 MR. MCCULLOCH: --- while I'll dispense with Mr.
12 Rigney's next motion.

13 THE COURT: All right.

14 MR. MCCULLOCH: With all due respect to the
15 Court.

16 THE COURT: Okay.

17 MR. RIGNEY: Your Honor, we discussed this
18 morning entering into evidence some things that had been
19 discussed yesterday. May I approach and hand up something?

20 THE COURT: Sure.

21 MR. RIGNEY: And I've already provided copies to
22 everyone. This is just the court order from the Court of
23 Appeals and the appropriate court rule that supports that
24 order. And what we are talking about here is -- this was
25 discussed yesterday, this amount of -- under Rule 222, at

1 the end of the Court of Appeals decision, they ordered
2 costs in the amount of \$1,069.50 against my client.
3 However, the Court declined to in order -- to order
4 sanctions. And I think that's an important distinction for
5 the jury to hear because the testimony -- or the reason and
6 the direction that the plaintiff is going is that the -- my
7 client didn't have the right to even file an appeal because
8 it's such a horrible case. And I don't think that's our
9 system. And I think Rule 222 states that if you lose, you
10 are going to pay court costs unless the court orders
11 otherwise. And then it explains that court costs are
12 attorneys fees. But in this same order the Court of
13 Appeals said no sanctions. And sanctions were requested.
14 And if there had been something improper going on from my
15 client, if this had been a frivolous proceeding, then I'm
16 confident the Court of Appeals would have ordered sanctions
17 as well. And I think the jury needs to see this.

18 THE COURT: All right. Mr. McCulloch?

19 MR. MCCULLOCH: Your Honor, we have tried to
20 avoid the introduction of burdensome documents. And that
21 is why you only have three so far and you're not going to
22 have a whole lot more. I would say this about Mr. Rigney's
23 concept here. The colloquy yesterday with Ms. Langley, she
24 admitted she lost the case in 2015 by summary judgment from
25 Judge Brown. She admitted that she had two years to

1 prepare her case, that it was dismissed by Judge Brown in
2 2015, and that she then admitted she appealed on to the
3 Court of Appeals and his judgment was affirmed there. She
4 admitted that she was sent a bill for \$1,000, which, for
5 the first time yesterday, she said, Didn't know I'd gotten
6 a bill and haven't paid it and I would agree with the fact
7 that I haven't paid it.

8 Now, Your Honor, if you consider this, it is a
9 situation that could handily be resolved by a Court
10 instruction rather than loading up the jury with technical
11 paper. And it's not as simple a matter as Mr. Rigney says.
12 And by the way, if the Court of Appeals -- I think Mr.
13 Rigney said if the Court of Appeals determined it to be
14 frivolous, they could have awarded damages. I'm not sure
15 that's the case. I think the sanctions -- it is clear that
16 the request for sanctions was denied, but I think, Your
17 Honor, the problem here is, if you introduce this document,
18 everything in this document -- do you have it?

19 THE COURT: Yes, sir.

20 MR. MCCULLOCH: Everything in this document has
21 already been established in -- in evidence, except the fact
22 the sanctions request was denied. The Court could simply
23 ~~explain the concept of remittitur -- Because I'm, you know,~~
24 not sure -- this document won't explain that. The Court
25 might have to give the jury an instruction on references

1 made to the Court of Appeals' decision to affirm the lower
2 court dismissal of the 2015 summary judgment motion, that a
3 remittitur was issued by the Court and a remittitur is,
4 blah, blah, reference back to the lower court for the
5 purpose of the collection or issuance -- consideration of
6 these fees, which we have not moved to sanction her down
7 there for not paying, which we can do. So that could be a
8 part of the explanation.

9 And that -- I mean, frankly if, Judge, you put
10 this in, it creates a complication and it's technical
11 information that you're going to have to explain anyway.
12 And, we would probably then ask you to put in the order
13 granting motion for summary judgment, which -- and I'll be
14 happy to pass a copy of that up to you. But it goes on to
15 say how pitiful the presentation of the case was. We
16 didn't -- we have it here, hadn't planned on introducing
17 it. But if you want -- if Mr. Rigney wants context, we can
18 give them context. I just don't think they're going to
19 like it. And so I would suggest as an alternative to the
20 introduction of this document, and going off -- down
21 another rabbit hole, that the Court could handily instruct
22 the jury on what a remittitur is and satisfy Mr. Rigney's
23 purposes, which is, I guess, that the case was remanded
24 back on a remittitur, which is XYZ and that there was a
25 \$1,000 bill, and that sanctions were denied for the filing,

1 the original filing of the lawsuit. I guess the sanctions
2 were denied for filing the appeal.

3 Now, the further problem, Your Honor, is that if
4 this goes in with the explanation, I don't believe I asked,
5 but will have to ask her -- and go off on another rabbit
6 hole -- now when you got this remittitur from the Court,
7 when your -- when the dismissal of your suit was affirmed
8 by the Court of Appeals, you then had a right to appeal it
9 to the Supreme Court. That has not been done. This was
10 2015. No effort to my knowledge and recollection has been
11 made to appeal.

12 So we are just creating rabbits, multiplying
13 issues. And it doesn't make sense to do that, in my
14 opinion.

15 THE COURT: All right. Mr. Rigney?

16 MS. WHITE: Can I speak? Do I get to say?

17 THE COURT: Yes, ma'am.

18 MS. WHITE: In layman's terms, the way it
19 appeared yesterday that it was terrible and they punished
20 Beth with \$1,069 for bringing this lawsuit, it was never
21 clear to them that the jury or that the Court could have
22 sanctioned her for the whole \$36,000 bill or whatever the
23 amount was that they were charging. And ---

24 THE COURT: All right. Certainly, they have a
25 right to cross-examine the witness. And they have a right

1 to certainly question the witness about anything that was
2 brought up during direct examination and also anything
3 else. As far as your decision to introduce this document
4 into evidence, Mr. Rigney, obviously, Mr. McCulloch's
5 brought up some points as to whether or not you might
6 choose to or choose not to introduce this document into
7 evidence. I certainly think you could refer to it without
8 introducing it into evidence. I'm not sure what your
9 strategy is and that's not for me to tell you.

10 MR. RIGNEY: I was hoping to make it clear to the
11 jury that just bringing a lawsuit doesn't necessarily mean
12 that someone has done something wrong. And the implication
13 that I got from the testimony yesterday was that the order
14 awarding \$1,069.50 in attorneys fees made her inherently a
15 bad person for having brought the lawsuit and she probably
16 was not even entitled to bring a lawsuit because the courts
17 ruled against her. And I think if the courts ruled -- if
18 the jury rules against the plaintiff in this case, I think
19 she has an absolute right to appeal.

20 THE COURT: Well, sir, I mean I don't agree -- I
21 don't disagree with anything you've said. I mean ---

22 MR. MCCULLOCH: Your Honor, if he determines to
23 offer the document, at that time we'll decide what position
24 we take. I will say this, Your Honor, if he does that,
25 we're going to ask the Court to allow, in fairness and

1 symmetry and context, we're going to ask the Court to allow
2 this order granting summary judgment in.

3 THE COURT: I understand.

4 MR. MCCULLOCH: Because it's absolutely
5 pertinent.

6 THE COURT: I understand.

7 MR. MCCULLOCH: To exactly the issue he's talking
8 about, that this was not a frivolous lawsuit.

9 THE COURT: Well, I understand. But at the same
10 time, I think you certainly have gone into that line of
11 questioning.

12 MR. MCCULLOCH: Yes, sir,

13 THE COURT: And they have a right to cross-
14 examination.

15 What is the plaintiff's position if he just
16 refers to this document, but doesn't introduce it into
17 evidence?

18 MR. MCCULLOCH: Your Honor, if he does not -- I
19 mean if he does that, my position is that I would probably
20 ask Ms. Langley about her right to appeal to the state
21 supreme court and I might digress, depending on how far he
22 goes, I might digress and ask her if it isn't true that in
23 ~~the order granting summary judgment XY -- a few short XY~~
24 and Zs.

25 THE COURT: All right.

1 MR. MCCULLOCH: But I don't know how I can't
2 respond in kind -- but I wouldn't then offer -- if he
3 doesn't offer that document, I won't be offering this
4 document, but the converse is true.

5 THE COURT: I understand.

6 MR. RIGNEY: Just so that I understand, would --
7 would we be okay reading the part where it says -- or
8 having Ms. Langley read the part that says the request for
9 sanctions is denied?

10 THE COURT: I mean, I think throughout this trial
11 documents have been referred to and even published to the
12 jury that have not been entered into evidence. So I'm
13 going to give you the leeway to do that. If that's what
14 you decide to do, and you don't want to introduce it into
15 evidence, then that's what you'll be allowed to do. All
16 right. Does that clear everything up?

17 MR. RIGNEY: One more thing and this may be what
18 Mr. McCulloch referred to as hyper-technical, but I would
19 intend to ask my client when I get to cross-examine her,
20 and we can save this for later if you desire, sir, but I
21 want to ask her questions that on their face appear to be
22 hearsay, but they're not being offered for the truth of the
23 matter asserted.

24 THE COURT: All right, sir. Well, the only way I
25 know to handle that is that is a game-time decision. And

1 if there's no objections, then there's no objections. And
2 if there are objections, then we'll have to -- I'll have to
3 rule on them. Unless both sides thinks we can make some
4 ground here and understand what these issues might be.

5 MR. MCLAUGHLIN: If you want to try to present us
6 with some stuff, we'll be happy ---

7 MR. RIGNEY: We can address that as we get to it,
8 Your Honor. I think we can take care of that promptly when
9 we get there.

10 THE COURT: All right.

11 MR. RIGNEY: Thank you, Your Honor.

12 THE COURT: Ms. White, what do you need to
13 approach with?

14 MS. WHITE: This is my list of -- my list of
15 witnesses. You said that I was doing the same list as
16 theirs. I was just wanting ---

17 THE COURT: I've got the list of witnesses.

18 MS. WHITE: Okay.

19 THE COURT: Okay. Thank you. All right.
20 Anything else before we bring the jury?

21 MR. RIGNEY: Nothing for us, Your Honor.

22 THE COURT: All right. Thank you.

23 ~~MR. MCCULLOCH: We're ready, Your Honor.~~

24 (The jury entered the courtroom at 9:27 a.m.)

25 THE COURT: All right. Good morning, ladies and

1 gentlemen. Thank you for being back here on time this
2 morning. I appreciate your patience and your attention.
3 I'm sorry for the short delay. There was a couple of
4 matters of law that we were taking outside of your
5 presence. We're ready to resume now and I would ask Ms.
6 Langley if she'll return to the witness stand.

7 (Pause.)

8 THE COURT: Ms. Langley, will you return to the
9 witness stand, please?

10 MS. LANGLEY: Yes, sir.

11 THE COURT: If you'll just come to the witness
12 chair, please?

13 THE COURT: Ms. Langley, I'll remind you that
14 you're still under oath from being sworn in yesterday. Do
15 you understand that?

16 THE WITNESS: Yes, sir.

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

18 Mr. McCulloch?

19 MR. MCCULLOCH: Your Honor, with your permission?

20 THE COURT: Yes, sir.

21 ELIZABETH LANGLEY,

22 HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION BY MR. MCCULLOCH (CONT'D):

24 Q. All right. Ms. Langley, let's try and pick up where
25 we left off yesterday. We talked yesterday about claims

1 that you made to various people about the care that Ms.
2 Lynch gave to your father during his illness. And we
3 talked about your telling many people -- yes?

4 A. Could you speak up? I can't hear you.

5 Q. Yes, ma'am. I'll be happy to. We talked yesterday
6 about claims and criticisms and allegations, I'll call
7 them, that you made to people about over sedation,
8 dehydration, poor care, giving improper medications, that
9 you made to many people saying Wendy Lynch had done those
10 things in an effort to harm your father. Can we agree on
11 that?

12 A. I made -- I made -- rephrase the question, please.

13 Q. All right. I'll break it down into pieces. We talked
14 a lot yesterday about your belief that Wendy Lynch over
15 sedated your father, dehydrated your father, gave him
16 medical care as a nurse in an effort to do him harm; that's
17 correct?

18 A. I told what happened to my father to pertinent people
19 that needed to know that was managing his health care and
20 that I was a power of attorney, a daughter, treat --
21 helping my daddy and I told them what needed ---

22 Q. Ma'am, power of attorney has nothing to do ---

23 A. ~~--- what needed to be done or what was --- what~~
24 happened to my daddy at the time it happened, whatever
25 happened. I can't group it all into one big whatever

1 you're saying. I can't do that.

2 Q. Well you said yesterday and you agreed in a deposition
3 in 2014, and yesterday I think you ultimately finally
4 agreed that you made those allegations of over sedation,
5 dehydration, poor medical care, dangerous care, intents to
6 harm, you've made all of those ---

7 A. I didn't say that.

8 Q. --- complaints to nurses; didn't you? You said that
9 yesterday. You said it in 2014.

10 A. The people that were caring for my father asked
11 certain particular questions and I had an obligation to
12 tell them.

13 Q. So that's a yes?

14 A. That's an obligation to tell them, yes, an obligation.

15 Q. That's a yes?

16 A. To tell them what happened and what was -- what my
17 daddy had and what the symptoms were.

18 MR. MCCULLOCH: Your Honor, if you'll help the
19 witness to understand the question requires a yes and a no
20 and then an explanation as the Court permits.

21 A. Not the way you're saying it I did it.

22 THE COURT: Ms. Langley

23 THE WITNESS: Yes, sir.

24 THE COURT: Please understand you have to respond
25 to the question. And then you'll have an opportunity to

1 explain your answer, only in the context of what the
2 question was. Okay?

3 THE WITNESS: Yes, sir. I'm sorry.

4 THE COURT: Please understand that. Thank you.

5 THE WITNESS: Okay. I'm sorry. I've had to get
6 children to school and had to come early. I'm just -- I
7 just need a minute to relax.

8 Q. You contended poor care from injury about a nurse, who
9 happened to be your sister, for your father, to nurses,
10 doctors, the coroner, judges, the nursing board, DSS, adult
11 protective services. All of that was established
12 yesterday, ma'am.

13 A. Not the way you're saying it; no, sir.

14 Q. And you also claimed other things. You claimed in
15 your lawsuit, and other times, that Ms. Lynch influenced
16 your father to write the Will improperly.

17 A. I know she ---

18 Q. Isn't that what you sued him for -- sued her for?

19 A. My daddy -- yes, I did. She was not -- he was not
20 capable of making a will. And she agreed with me.

21 Q. You talked and told these very same things to numerous
22 people, other than nurses and doctors and DSS and all of
23 ~~these other people we established yesterday that you told,~~
24 you told people in the community the same things; didn't
25 you?

1 A. I don't recall that.

2 Q. You don't recall?

3 A. No.

4 Q. Do you recall putting Facebook posts up, lots of them?

5 A. I post a lot of stuff, but I don't know.

6 Q. You don't recall?

7 A. I don't recall.

8 Q. Okay.

9 A. I don't recall anything about having to do with my
10 daddy.

11 Q. Well let me refresh you. If you don't mind reading
12 that and see if that helps you recall.

13 A. How -- I mean, this is a photocopy of a -- somebody
14 photo screened a copy of a text message or a Facebook post.

15 Q. Well the fellow that owns Facebook wouldn't give us
16 the original. But you would agree ---

17 A. This isn't an original ---

18 Q. Well you're right.

19 A. --- so I can't say that this is authentic.

20 Q. Well, ma'am, for the purpose of this examination,
21 that's your Facebook post, you posted that on Facebook; did
22 you not?

23 A. I can't say I did or didn't.

24 Q. You don't know?

25 A. I don't remember. I don't recall.

1 Q. Well, let's read it and see if you get refreshed on
2 it; all right? Read that Facebook post. It has your name
3 on it, I believe, at the top.

4 A. It says, How can a sister be so freaking mean? She
5 took all our sheets from the lake house. Really? How low
6 can you go? It's not enough that she manipulated my father
7 with five brain tumors in signing a will, but if it holds
8 up, the Court, she gets a large portion of my dad's
9 property. If not, that she stole a duffle bag full of cash
10 and three large bags of old silver -- silver coins that he
11 had divided up for us. Half of his gun collection is gone,
12 and gold bars are gone. So what kind of person does this?
13 Lord, please, bless this girl and give me strength.

14 Q. Do you have any idea how many people in the community
15 are on Facebook and probably saw this Facebook post?

16 A. I don't -- I mean, I don't know.

17 Q. How many followers, Facebook followers, do you have?

18 A. I don't know.

19 Q. And this is a public posting on your public side of
20 your Facebook page?

21 A. I don't post public. How do you know that? It
22 doesn't say that on here.

23 Q. --No, I---I asked you. And you say you don't post---
24 public. But the truth of the matter is anyone could have
25 seen this who is on Facebook and went to your Facebook

1 page?

2 A. No, because I have nobody -- I have my Facebook where
3 people can -- only my friends can see.

4 Q. Okay. And you don't know how many friends you've got.
5 But you would concede that ---

6 A. And I haven't moved it.

7 Q. --- that your Facebook, your Facebook friends could
8 have seen this, likely did see it; right?

9 A. I have no idea.

10 Q. All right. So in this you're still -- do you know
11 when you sent this?

12 A. I'm not saying I sent it.

13 Q. Okay. So you're denying you sent it ---

14 A. I'm not saying either way. I don't recall sending
15 that.

16 Q. Okay. You don't recall. So you're denying you sent
17 it. You're just saying, I don't recall?

18 A. I don't.

19 Q. And so accusing your [sic] daughter of influencing
20 your father to make a will that disadvantaged you, is not
21 something that's so important you'd remember that?

22 A. Well, it doesn't say a name on there. So I don't know
23 how it could be ---

24 Q. Well, you certainly wouldn't have accused Rebecca
25 White, your other sister, of stealing and let's see --

1 manipulating the Will, stealing a duffle bag of cash. Is
2 that the 5 million dollar duffle bag? You wouldn't have
3 accused ---

4 A. Sir, I keep telling you ---

5 Q. --- Rebecca of that?

6 A. --- I don't recall the post.

7 Q. But in the post, you, the poster, appear to accuse
8 Wendy Lynch of getting him to sign a will that will take
9 away from you a large portion of your dad's estate, though
10 you said yesterday you and your sister were going to get
11 two-thirds of the estate. You say that now she's being
12 accused of stealing in a public forum. I assume that to be
13 the \$5 million in the duffle bag full of cash, three large
14 bags of gold coins, gun collection, which we haven't talked
15 about, but you believe she stole gun collection, and the
16 gold bars you've mentioned. There's no mention of the
17 doubloons. We assume from yesterday's testimony that you
18 also believe and accused her of stealing the doubloons;
19 right?

20 A. I don't know what those are.

21 Q. Well we talked about that yesterday. I don't think
22 I'll beat that horse today.

23 ~~Do you think calling someone a thief affects~~
24 their reputation, damages their reputation when you put it
25 out there in a public forum?

1 A. Of course it does.

2 Q. Okay. So posting something that you thought we'd have
3 no proof of would be rather intentional. It would be
4 rather malicious. It would be rather reckless and
5 malicious; wouldn't it?

6 A. Sir, the post doesn't have anybody's name on it. And
7 I can't verify that it's mine and it's a -- an official
8 document. And that's all I can say.

9 Q. All right. Now the Will or a will -- I think you
10 conceded or admitted you found or you knew of that Will in
11 November of 2012; correct?

12 A. Yes, sir.

13 Q. And you knew of the Will because you rooted around the
14 house and found it; didn't you?

15 A. My father asked me to look for his will that he made.

16 Q. I would ask you not to testify to things that ---

17 A. Well, I was instructed ---

18 Q. --- dead people may or may not have told you.

19 A. --- I was instructed to go look for it.

20 Q. And you went into a safe and found, you say, a will?

21 A. I didn't hear that, sir.

22 Q. You went into a safe belonging to your father and you
23 found a will, you say?

24 A. At an instruction, yes.

25 Q. And the Will you found is exhibit 1 or not?

1 A. No, sir.

2 Q. So the Will that you say you found -- what did I do
3 with that? How was the Will that you found different,
4 while we look around for it, how was it different from that
5 Will. Oh, here it is.

6 A. There was a scratched out area on the original Will
7 and the original Will had a raised, embossed on the top.

8 Q. So let's look at this.

9 A. Yes, that's the difference.

10 Q. All right.

11 A. That was the original Will. This was a copy from Rick
12 Hoefer's office.

13 Q. You're familiar with both of those documents; are you
14 not?

15 A. Yes, sir.

16 Q. And the documents are -- well let's start with exhibit

17 A -- exhibit 1, I'm sorry.

18 A. Okay.

19 Q. Every ---

20 THE COURT: Would you like to mark the other will

21 ---

22 MR. MCCULLOCH: I haven't yet, Your Honor.

23 ~~THE COURT: --- for ID purposes.~~

24 MR. MCCULLOCH: I'll offer it for ID at this
25 point. I'll tell you what. She's identified it. Let's

1 just offer it in as an exhibit.

2 THE COURT: All right.

3 Plaintiff's 4, is there any objection?

4 MR. RIGNEY: No objection, Your Honor.

5 THE COURT: Plaintiff's 4 will be entered into
6 evidence.

7 (WHEREUPON, a will was marked and admitted into
8 evidence as plaintiff's exhibit number 4.)

9 Q. Now looking at those documents side-by-side, there are
10 ---

11 A. Can I get it side-by-side, please?

12 Q. Absolutely. Take your time. I'm sorry. I didn't
13 realize ---

14 MR. MCLAUGHLIN: You want it on the screen side-
15 by-side? Is that what you're asking?

16 MS. WHITE: Can you do that for her?

17 MR. MCCULLOCH: If you can do that, yeah.

18 MS WHITE: Can you move that for her?

19 THE COURT: You should have both exhibits right
20 there.

21 MR. MCCULLOCH: Well the reporter.

22 THE WITNESS: I just can't reach them.

23 Q. And we're going to try to get these two side-by-side.
24 So the exhibit 1 is on the left of your screen, now, if
25 you're looking.

1 MR. MCCULLOCH: I mean, if you don't mind putting
2 the exhibit 1 on the left and the document on the right is
3 going to be exhibit 4.

4 Q. And I'm going to refer to these as the Will, or maybe
5 it's better to call them exhibit 1 and exhibit 4. But
6 exhibit 1 and 4 have the same initialing in the column on
7 the left; correct? Same initials?

8 A. Yes, sir. Yes, sir.

9 Q. And everything on page 1 of the left side and
10 everything page 1 of the right side are exactly the same?

11 A. On page 1?

12 Q. Page 1. That's on the screen there. It's just a
13 picture, electronic picture of page 1.

14 A. It appears to -- it appears to look the same.

15 Q. All right.

16 MR. MCCULLOCH: Can we have page 2?

17 A. Oh, hold on. Except for the date they were filed.
18 Filed March the 1st. Exhibit 1 was filed March the 13th.

19 Q. That's -- I appreciate your bringing that to our
20 attention. Now, the explanation for that is that the
21 document on the right with this change in it, this deleted
22 bequest, was filed by you and your lawyer on March 1st;
23 correct?

24 A. Yes. This is the original.

25 Q. Well it's what you purport to be the original, but

1 it's the one you filed?

2 A. It's the one my attorney filed.

3 Q. For you?

4 A. Yes, sir. And it was the original.

5 Q. And correctly, as you've observed, the Will on the
6 right, I would submit the Will approved by the Court and
7 the Court of Appeals, is dated March 13th. And you know
8 that Will was filed by someone on behalf of Ms. Lynch or
9 Porter Stewart, I don't recall which. But it was filed
10 after you filed this other Will?

11 A. That was a copy from Rick Hoefer's office.

12 Q. Well, it was actually an original from Rick Hoefer's
13 office, but it was filed.

14 A. It was not an original.

15 Q. It was filed on the 13th, roughly two weeks after --
16 almost two weeks.

17 A. It was a copy.

18 Q. All right.

19 MR. MCCULLOCH: Now, can we go to page 2?

20 Q. All right. Looking at page 2, you see initialing on
21 both documents in the margin on the left, exactly the same
22 initialing?

23 A. There's an extra marking on this one over here ---

24 Q. That would be an extra marking ---

25 A. on page 2.

1 Q. --- on the right side Will, your Will. Let's call it
2 your Will.

3 A. It's not my Will.

4 Q. Well, your ---

5 MS. WHITE: I object. I object, Your Honor.

6 THE COURT: What's your objection, ma'am?

7 MS. WHITE: That he's calling it your Will
8 because she's already established that the original Will
9 has a raised seal on it.

10 THE COURT: All right. Ms. White, this is Mr.
11 McCulloch's opportunity to ask questions, and you'll have
12 your opportunity to ask questions; okay? I'm going to
13 overrule your objection.

14 MR. MCCULLOCH: Thank you, Your Honor.

15 THE COURT: All right.

16 Q. Well let's call it the March 1st Will, how about that?

17 A. The what Will?

18 Q. Exhibit 4. March 1st, exhibit 4, the will you filed
19 has a change on it down in Item X, Roman Numeral X. Is
20 that the only difference? Well, I guess there's another
21 change up -- Item VI. It looks like a -- I don't know what
22 it is. Some kind of marking. Is that what you're talking
23 about? You said there was a difference. Tell me what
24 differences ---

25 A. There was a number 2 or something over here. And it's

1 not on page -- on ---

2 Q. Well look carefully and let's be specific because ---

3 A. Well I don't ---

4 Q. Tell me what difference you see in these two pages?

5 A. There's a marking on the exhibit 4.

6 Q. Well Item V and Item V on both pages are exactly the
7 same?

8 A. Item V?

9 Q. The very first paragraph, Item V.

10 A. Yes. It's actually Item VI. There's a marking.

11 Q. The documents I'm looking at both have ---

12 A. Right here.

13 Q. All right. That's the marking that you're talking
14 about that doesn't exist on the exhibit 1?

15 A. It's the original.

16 Q. All right. Ma'am, let's you and I agree that we're
17 going to call March 1, which is the Will that you filed,
18 and March 13, which is the Will ---

19 A. Okay.

20 Q. --- that Porter Stewart filed. All right?

21 A. Okay. Exhibit 4.

22 Q. And so what ---

23 A. Yes. On exhibit 4 there's a marking there.

24 Q. What you're saying is the difference is a marking in
25 Item VI, that would be six, that black mark. It's a

1 vertical mark. That's what you're referring to?

2 A. VI. Yes, sir.

3 Q. And that does not appear on the March -- of the item
4 exhibit 1?

5 A. No.

6 Q. And then the other thing you're referring to, I
7 assume, is under Item X, another mark similar?

8 A. There's another mark, yes, sir.

9 Q. Have any idea what those marks are?

10 A. No.

11 Q. Have any idea how they got there?

12 A. No, sir.

13 Q. But you would agree that the initialing in the margin
14 of both documents is exactly the same?

15 A. No, sir.

16 Q. You wouldn't agree? Okay.

17 A. No, sir.

18 Q. Okay. Well we'll let maybe the jury conclude that,
19 but it appears that there is a difference. There is a two
20 and something in there.

21 A. There's a 2 and then there's -- this is not showing
22 properly on Number 1. So that proves that Number 1 is a
23 copy and the Number 4 is the original.

24 Q. Well that proves something in your mind. But,
25 nonetheless, the verbiage, the language of each and every

1 one of those paragraphs -- please take your time and look
2 at them.

3 MR. MCCULLOCH: Can you pull us back up to those
4 documents?

5 Q. Starting with Item V, the language is exactly the
6 same, Item VI, VII, VIII, IX, X, and XI, so far as XI goes
7 on these page 2s, the language is exactly the same.
8 Everything your father asked to be in the Will is exactly
9 the same in these two documents?

10 A. On that -- on that page.

11 Q. That page?

12 A. Yes, sir. Except for what we just talked about.

13 MR. MCCULLOCH: Now if we could have page 3.

14 Q. Let's look again now. In the margin, there is a
15 difference. That's exhibit 1. That's exhibit 2, [sic] the
16 will that you filed. And there is a difference up there;
17 isn't it?

18 A. There is a difference. Yes, sir.

19 Q. And it's just a number 3.

20 A. It's a number 3.

21 Q. Do you have any idea what that is?

22 A. I have no idea.

23 Q. And you do not know who put that there?

24 A. I have no idea.

25 Q. All right.

1 MR. MCCULLOCH: Now if we can pull those blowups
2 out?

3 Q. Would you review both of these pages for similarity of
4 language? And there's an obvious difference between the
5 two documents in Item XII, which is Roman Numeral for 12.
6 But let's skip over that and come back to that. Every
7 other provision of the Will is exactly the same.

8 A. No, sir.

9 Q. All right. What's different?

10 A. The scratch out.

11 Q. All right. Well, I said we were going to skip over
12 that.

13 A. And then there's a number 3 on this one.

14 Q. Right. We talked about that.

15 A. That's not on the other one.

16 Q. We talked about that. But the language of the last
17 part of -- that very first incomplete paragraph at the top
18 of both documents -- and that would be the tail end of Item
19 XI, which would be 11 -- same language; correct?

20 A. There's a scratch out there on number 4, which is
21 exhibit 4. And there's not a scratch out on exhibit 1.

22 Q. All right. We're having a little communication
23 ~~problem here. -- I want you to focus just on the very top --~~
24 paragraph, the incomplete paragraph. That language is
25 exactly the same as the incomplete paragraph at the top of

1 both pages, exactly the same language?

2 A. Well, it says page 3. And the page 3 is lower down
3 onto the document than it is on this document.

4 Q. All right. Well, it appears that these being copies
5 were copied in a slightly different ---

6 MR. MCLAUGHLIN: Joe, that's from this display.

7 MR. MCCULLOCH: Oh, the display.

8 MR. MCLAUGHLIN: That's not on the document.

9 MR. MCCULLOCH: Oh my apologies.

10 MR. MCLAUGHLIN: She can look at the hard copies.

11 That's not on the display.

12 MR. MCCULLOCH: I don't know how to zoom them to
13 exactly ---

14 Q. My point is basically this. But for what you're
15 calling attention to in Item XII, where lines are drawn,
16 you could take these two pages and lay them across each
17 other if you had the -- gosh, what do you call that? The
18 old transparencies that we used in high school, which you'd
19 put on the overhead. You could lay these two documents
20 across on top of each other, they'd be exactly the same,
21 except for Item XII; right?

22 A. No, sir.

23 Q. All right. Other than the 3 you've observed, those
24 two little marks that you observed on the previous page,
25 tell me where the language differs other than Item XII?

1 A. There's a line on -- down here at the bottom, under
2 the -- like the fourth line from the bottom.

3 Q. There's another mark. You're right.

4 A. Yes, sir.

5 Q. There's a little mark there. Do you know what the
6 significance of that little mark is?

7 A. Repeat that, sir.

8 Q. Do you know what the significance of that little
9 vertical mark?

10 A. It's there.

11 Q. Okay. But you don't know the significance of it?

12 A. You told me to tell you the difference ---

13 Q. Well, no, I ---

14 A. --- and I told you the difference.

15 Q. That's right. But my question now is a different one.
16 Do you know the significance of that mark?

17 A. It marked out for, the word for.

18 Q. All right. We're digressing, but let's go ahead and
19 get there. Item -- It marked out Item IV. I'm not sure
20 what that means.

21 A. The word for, f-o-r. It marked out part of that word.

22 Q. Well, since you don't know who did that, you don't
23 know what the purpose of that marking was; correct?

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

25 Q. And you don't know whether that's a mark that somebody

1 unintentionally put there?

2 A. I have no way to know.

3 Q. It could be ink. Sometimes when you ---

4 A. I had no involvement in it.

5 Q. --- when you write on a table, you get ink on your
6 sleeve. You don't do that intentionally; right? So we
7 don't know what that is, whether intentional or
8 unintentional?

9 A. I had no involvement in it, so I don't know.

10 Q. Okay. Now let's finally focus on Item XII. I believe
11 there's a question.

12 MS. WHITE: Could you ask him to clarify which
13 Will is which? Is this -- the one on the left the March
14 1st Will and is the one on the right the -- it's just hard
15 to tell which ---

16 MR. MCCULLOCH: The Will on the left is Item 1
17 filed March 13th by Porter Stewart.

18 MS. WHITE: Okay.

19 MR. MCCULLOCH: The Will on the right, with these
20 changes, is the -- is exhibit 4, filed by your sister on
21 March 1. Is that clear enough?

22 MS. WHITE: Okay. Thank you.

23 Q. So Item XII says that your father desired to give,
24 will, devise and bequeath to my son-in-law, Jimmy White,
25 the sum of \$25,000. That's what exhibit 1 says?

1 A. Yes, sir. I see it.

2 Q. That's the Will filed by Porter Stewart. Below that,
3 blown up, if you're looking at your monitor, there are --
4 someone has scribbled through that correctly, they have
5 drawn a line through -- they deleted to my son-in-law,
6 Jimmy White, the sum of \$25,000. That's been struck
7 through by somebody using some instrument; right? We can
8 all see that. You can agree with that?

9 A. It's been struck through; yes, sir.

10 Q. And then there's some initialing there?

11 A. There's some initials, scribbled initials.

12 Q. All right. In what, two places, maybe three?

13 A. Yes.

14 Q. Now tell the jury who Jimmy White is.

15 A. My sister's ex-husband.

16 Q. Rebecca White's ex-husband?

17 A. Yes.

18 Q. That sister?

19 A. Yes.

20 Q. And that was a pretty ugly, unpleasant divorce; wasn't
21 it?

22 A. For her it was.

23 Q. Okay. But Jimmy White was a fellow your father fished
24 with, I think, and really liked?

25 A. Not really, not that much. No, sir.

1 Q. Okay. So somebody struck out Jimmy White's name
2 because they didn't want him to have a \$25,000 gift from
3 your father. That's what this suggests?

4 A. I'm testifying right now that I have no clue who wrote
5 that. I had no part of it.

6 Q. Do you know whether your sister did it? This sister,
7 this one over here, the defendant?

8 A. No clue who did that. When I obtained the Will,
9 that's how it was.

10 Q. Now the only person -- well you didn't like Jimmy
11 White either because of what he'd done to your sister?

12 A. I thought a lot of Jimmy, but some things he did to my
13 sister, I didn't agree with.

14 Q. You didn't like?

15 A. No, sir.

16 Q. And you surely wouldn't have wanted him to get
17 \$25,000, because if he didn't get \$25,000, you'd get a
18 piece of the action; isn't that correct?

19 A. Sir, if I had of done that, I would have torn the
20 whole Will up or struck through the whole entire Will,
21 because I know my daddy didn't make that Will.

22 Q. And certainly Rebecca White would not have wanted her
23 ex-husband, who she had the ugly divorce with, to get
24 \$25,000. Because you know that because you talked to her
25 about it; correct?

1 A. I don't recall.

2 Q. You don't recall. So when you made this momentous
3 discovery in November of 2021 -- 2012, I'm sorry, you
4 immediately called her, unless she was with you when your
5 discovery was made?

6 A. She was not with me.

7 Q. You talked to her about, I found a Will. And the Will
8 that you testify under oath today you found is the one on
9 the right?

10 A. Yes, sir.

11 Q. The one with the changes. Now the changes seem to be
12 initialed?

13 A. They seem to be initialed.

14 Q. All right. Now --

15 MR. MCCULLOCH: Patrick, if you can -- well, if
16 you can raise these up just a little bit so that we can see
17 the initialing on the left? And compare it to the...

18 Q. So these initials on the left margin of these pages
19 that are duplicated, in essence, signed on each page, whose
20 initial is that at the top, on either document? One says
21 something and one has a 3 before it. Is that -- whose
22 initials are those?

23 A. -- I don't know.

24 Q. Well could you agree that it looks like JL?

25 A. Sir, my daddy -- it doesn't look like my daddy's

1 signature before he got sick at all.

2 Q. So you're saying that he didn't -- those -- do you see
3 his initials anywhere?

4 A. I wasn't there. So I don't know who initialed that.

5 Q. That's not my question, ma'am. Do you see what appear
6 to be his initials ---

7 A. I see initials on there, sir.

8 Q. All right. Any of those initials belong to your
9 father?

10 A. I can't testify to that.

11 Q. All right.

12 MR. MCCULLOCH: Now, Patrick, is there a way to
13 take away the margin initials on the right-sided document?

14 Q. So looking at all of those initials, one, two, three,
15 four initials, on the exhibit 1, the document filed by
16 Porter Stewart, the initials in the margin on both of these
17 documents that appear to be a JL, are very different from
18 the initials in these deletions, these lines drawn through.
19 Completely different initialing; correct?

20 A. Sir, ---

21 Q. Do they look similar to you, the same, or different?

22 A. They look like scribble to me. It looks like
23 scribble. And the others are -- you can't tell what they
24 are.

25 Q. All right. And you don't ---

1 A. I can tell it looks like a G. It looks like a C, and
2 it looks like a -- I mean, it doesn't ---

3 Q. Well, you don't know whose initialing that is?

4 A. I'm talking about these up here don't look -- I can't
5 tell whose they are.

6 Q. All right. But we can agree that there's only the
7 scribbled initial in Item XII, on this document, exhibit 4,
8 not all the other three initialings. There are four
9 initials on the margins of both of these documents, but
10 Item XII, there is only one initial, apparently initial,
11 maybe a scribble. We don't know. You say you don't know.

12 A. Well it looks like a scribble. I mean, I can't
13 determine who that is or what that is.

14 Q. Yet you filed this document; correct?

15 A. It was what I found and that was the original.

16 Q. Well it was the original to you?

17 A. That I don't believe my daddy made.

18 Q. And this document is not the document that Mr. Stewart
19 is working off and calling the original and has filed with
20 the probate court?

21 A. The probate court has not determined which Will is
22 going to be probated yet.

23 ~~Q. And exhibit 1 was the document that Judge Brown~~
24 granted the summary judgment based upon; isn't it?

25 A. Somebody filed the wrong one from what I understand.

1 Q. That's not the answer to my question.

2 A. I ---

3 Q. My question was very simple. Exhibit 1, the document
4 on the left, with no redaction whatsoever, is the document
5 that the Supreme Court validated as the Will in this case?

6 A. I'm not sure they validated it. They just said --
7 they ruled against me and didn't -- and didn't find
8 sanctions and ---

9 Q. So you didn't read the order to know that the Court
10 found not only was there -- that was he competent, there
11 was no evidence of undue influence, that it was a valid
12 Will. That's what the Court said. That's what Judge Brown
13 ---

14 A. It didn't determine which one.

15 Q. And the Court of Appeals then considered his judgment
16 that exhibit 1 was a valid document, and they affirmed
17 that; didn't they? We've established all of that, I
18 thought.

19 A. I'm not -- I don't know if they have determined that
20 it was a valid document or the one that's going to be
21 probated.

22 Q. The ---

23 MR. MCCULLOCH: Patrick, can we go back to page 1
24 on both documents?

25 MR. MCLAUGHLIN: Both?

1 MR. MCCULLOCH: Yeah.

2 Q. Let's look at Item II real quick. Same language both
3 documents; correct? Item II, I'm referring to?

4 A. The date it's different of course. And the lines.
5 There's lines on this one that's not on this one.

6 Q. The language.

7 A. The language itself? I can say the typed up language,
8 except for the mark on this one, looks like the language

9 ---

10 Q. So in both of ---

11 A. --- is the same.

12 Q. --- in both of these documents the farm, 103 acres or
13 whatever, lot and house at Santee, in both these documents,
14 the one you filed and the one that ultimately Porter
15 validated, Wendy Lynch and Jordy get the very property you
16 say your father never would have given them; correct?

17 A. He never would have given them -- I was living at my
18 daddy's house. He would have never given any of that.

19 Q. But, Ms. Langley, he did. Even the Will you filed
20 said that. And yet ---

21 A. I contested it.

22 Q. Well you filed it.

--- --- 23 A. ~~I had obligation to turn what I had in.~~ ---

24 Q. Okay. You filed it. Now you and your sister, after
25 you talked about this Will and saw it had this provision

1 about the house and about how this was going to be and that
2 your father had directed in his Will that you and your
3 sister would only get two-thirds, but you wouldn't get the
4 property you really wanted, things really escalated in your
5 life in terms of Wendy Lynch and your hate for her?

6 A. Wendy and I have not had a relationship since 2'08.
7 And we didn't never really had a good relationship all our
8 lives.

9 Q. Well it sure didn't get better after November of 2012
10 when you discovered this Will; did it? Your relationship,
11 I'm referring to.

12 A. Well her actions caused all of the ---

13 Q. So it had nothing to do

14 A. --- turmoil in my family.

15 Q. --- with the Will. It had nothing to do with the
16 Will?

17 A. Excuse me?

18 Q. Your depreciating relationship had nothing whatsoever
19 to do with this Will and your father's decision announcing
20 this Will to give them what you call the best property?

21 A. My father did not make this Will. Wendy had this Will
22 facilitated with her attorney, her friend, her son's soccer
23 coach for 25 years. His son was Jordy's best friend, lived
24 with him in Charleston and was Wendy's personal attorney.
25 And he was not my father's attorney.

1 Q. But he was a -- you say he wasn't your father's
2 attorney?

3 A. No, he wasn't.

4 Q. He was a friend of your father's for many years?

5 A. He was an acquaintance of my father.

6 Q. Acquaintance. All right.

7 A. Through the legal system.

8 Q. But you and your sister began to cooperate together in
9 earnest, in complaints, and in lawsuits, in everything that
10 you and she could do together to ruin her, to destroy her
11 reputation; didn't you?

12 A. No, sir; we did not.

13 Q. You didn't? The...

14 MR. MCCULLOCH: Patrick, can we have December 22,
15 2020 in just a moment? And I don't think -- do we get that
16 document?

17 Q. In your filings you frequently said, you used the word
18 we often yesterday. We, referring to you and Rebecca. You
19 did that also in many of your filings; did you not? We?

20 A. I would have to see, sir. I can't say that.

21 Q. All right. Well we'll try to find it.

22 We'll move on.

23 ~~Now, your father died in February --- on February~~
24 9th of 2012. I think we established yesterday; is that
25 right? That's the correct date?

1 A. February 9th, 2013.

2 Q. 2013. I apologize. And at the point he died, what
3 hospital was he in?

4 A. He was in McLeod Regional Medical Center.

5 Q. All right. And he'd been there for about a month?

6 A. Yes, sir; four and a half weeks.

7 Q. All right. So during that period of time, he was
8 under the treatment of doctors and nurses and medical ---

9 A. Yes, and us. Becky and I were there.

10 Q. And so knowing what the Will said, both of them, after
11 your father's death in February, you and your sister
12 decided to go to the farm home and to enter it using
13 locksmiths; didn't you?

14 A. No, sir.

15 Q. No? So you and your sister ---

16 A. Not the way you're saying it; no, sir.

17 Q. Well you you didn't have -- Wendy was living there at
18 that time; right?

19 A. She illegally locked me out.

20 Q. She was living there at the time that you hired first
21 one locksmith to get you into the house?

22 A. She illegally locked me out and ---

23 Q. That's not my question, ma'am.

24 MR. MCCULLOCH: Your Honor?

25 THE COURT: Ms. Langley, you're going to have to

1 answer the questions that Mr. McCulloch asks you; okay?

2 Thank you.

3 A. What was your question again?

4 Q. The question is, you and your sister, Rebecca, called
5 a locksmith --- you hired a locksmith to begin with named
6 Jason Young, you and Rebecca; right?

7 A. No. I don't ---

8 Q. You never hired Jason Young?

9 A. --- know who he is.

10 Q. You don't know?

11 A. I'll have to see. I don't know.

12 Q. Well he wouldn't get you into the house; would he?

13 A. I don't know. I don't know about that.

14 Q. So, in frustration, you or Rebecca hired a fellow
15 named Harry Snook; right?

16 A. Sir, we did not -- he did not break into the house.

17 Q. Ma'am, my question is ---

18 A. He ---

19 Q. --- did you hire a fellow named Harry Snook?

20 A. He was -- Harry Snook was hired to secure the house.

21 Q. No, ma'am. You hired Harry Snook, you say to secure
22 the house, you hired him in April of 2013, after your
23 father's death.

24 A. After my father's death, after I was illegally locked
25 out.

1 Q. And you waited until Wendy Lynch went out of town;
2 didn't you?

3 A. We went to see ---

4 Q. No, ma'am. My question is ---

5 A. She was out of town.

6 Q. --- you waited until Wendy Lynch went out of town?

7 A. Because she excluded me from the residence that I was
8 living in.

9 Q. You didn't ask her permission?

10 A. She didn't, ---

11 Q. Did you ask her permission?

12 A. No I didn't, but she ---

13 Q. Did you ask the Court's permission?

14 A. She illegally ---

15 Q. Did you ask the Court's permission?

16 A. I asked the sheriff's department and he told me I
17 could go.

18 Q. So the sheriff told you ---

19 A. I took all my papers to the sheriff's department.

20 Q. The sheriff told you it was okay to hire a ---

21 A. To the sheriff, yes.

22 Q. The sheriff's department told you it was okay to hire
23 a locksmith to enter a house where she's living without
24 Court permission and to have your locksmith drill safes
25 open? Is that the testimony ---

1 A. You want -- you want -- he told me exactly, I could go
2 kick the door down if I wanted to. And I told him I don't
3 do that kind of stuff.

4 Q. Okay. But what you do, with your sister in tow,
5 together, acting jointly, because you both went there and
6 met Harry Snook, he opened the front door using lock picks.

7 A. No, sir; he did not.

8 Q. Oh, did he kick the door in?

9 A. Sir, the garage was open and I went under the garage
10 and we unlocked the door.

11 Q. So you creepy crawled through the garage.

12 A. The garage was open enough for us to go under it.

13 Q. Okay.

14 A. So anybody could have gone in there.

15 Q. Anybody could have gone in?

16 A. Yes.

17 Q. Except that you and your sister went in there
18 together?

19 A. We went in there. We spent the night. We stayed two
20 nights. That was my home, had been my home. I was locked
21 out illegally. I had a right to be there.

22 Q. Well, that's your belief; correct?

23 A. I have rights.

24 Q. After this time the Court issued an order saying that
25 you had no right to be there, and gave you a trespass

1 notice and told you you'd be arrested if you did that again
2 or went back there again; right?

3 A. I didn't -- that wasn't before I went in. I had
4 executor, durable power of attorney, power of attorney,
5 proof of residence.

6 THE COURT: Ms. Langley.

7 Q. Let's ---

8 MR. MCCULLOCH: Excuse me, Your Honor.

9 THE COURT: I'm sorry.

10 THE WITNESS: I'm sorry.

11 THE COURT: You're going to have to be responsive
12 only to the questions that are asked.

13 THE WITNESS: I know. I'm sorry.

14 THE COURT: That's not ---

15 THE WITNESS: I'm sorry. This is emotional. I'm
16 sorry. I'm sorry.

17 THE COURT: Thank you, ma'am.

18 MR. MCCULLOCH: Just a second. Let me finish
19 with this.

20 Q. So let me hand you the bill from Mr. Snook. Now
21 that's a copy?

22 A. I can't -- I can't really make heads or tails of it.

23 Q. Well it's a document that I think was provided to
24 counsel in discussion about -- of these documents. You
25 can't -- you don't see at the top of that page it says a

1 bill from Harry Snook to you, ---

2 A. Yes, sir.

3 Q. --- Elizabeth Langley? You see that now; right?

4 A. Yeah, I see that part. Yes, sir.

5 Q. And so you paid Mr. Snook, how much there, two hundred
6 and something bucks?

7 A. Yes, sir.

8 Q. And that was to drill safes to see what was inside or
9 to take what was inside; correct?

10 A. Sir, it was to secure my father's -- and do an
11 accounting that she refused to do and locked me out. She
12 refused to do it. Wendy Lynch refused to do an accounting
13 on my father's estate.

14 Q. Ms. Langley, you agree that you had a locksmith drill
15 safes open in that house?

16 A. One safe.

17 Q. Oh, so it was just one safe?

18 A. And it was my father's safe that she excluded
19 illegally and excluded me out of.

20 MR. MCCULLOCH: Let's mark that as an exhibit.

21 THE COURT: All right. That'll be marked as
22 plaintiff's number 5.

23 ~~--- (A locksmith bill was marked as plaintiff's exhibit~~
24 ~~number 5 for identification.)~~

25 THE COURT: Is it being offered into evidence?

1 MR. MCCULLOCH: Yes, sir.

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

3 THE WITNESS: And my name is not on that
4 document.

5 THE COURT: Ms. Langley, please, don't interrupt
6 the Court; okay? Please wait for a question to be asked
7 before you respond.

8 THE WITNESS: I'm sorry.

9 THE COURT: Thank you, Is there any objection
10 to plaintiff's number 4 being introduced into evidence.

11 MR. MCCULLOCH: It's actually 5.

12 THE COURT: Or plaintiff's number 5.

13 MR. RIGNEY: If I could just see it. Make sure
14 I'm looking at the right thing here. No objection, Your
15 Honor.

16 MS. WHITE: I have no objection.

17 THE COURT: All right. Plaintiff's 5 is into
18 evidence. Thank you very much.

19 (WHEREUPON, plaintiff's exhibit number 5, having been
20 previously marked, was admitted into evidence.)

21 Q. Ms. Langley, exhibit 5 reads -- it has at the top of
22 this Harry Snook, CPL, CIL, CPS, CNJS, Helping you keep
23 what's yours yours. It says Estate of James Lynch in care
24 of Elizabeth Langley; doesn't it?

25 A. Estate of -- to -- let's see. Yes. I was the -- had

1 the -- my paperwork with me and my power of attorney,
2 durable power of attorney and the Will that said I was an
3 executor.

4 Q. This is April of 2013?

5 A. Yes, sir.

6 Q. All right. Were you aware that a power of attorney
7 ceases to be a valid legal document when a death occurs?

8 A. It was my legal residence, sir.

9 Q. No, ma'am. That's not the question I asked.

10 A. No, I wasn't aware of that.

11 Q. You are now?

12 A. We have to continue to protect my daddy's assets.

13 Q. Not under a POA; ma'am? You know the law now?

14 A. And I have a right to enter my father's estate because
15 I was living there.

16 Q. You knew the law then that you had no legal right to
17 do anything using a power of attorney of a dead person?

18 A. I showed them my documents, my driver's license, my
19 residence, mail that I had received there, and pictures of
20 clothes that were still in my closet. Well, excuse me, not
21 then.

22 Q. I'm going to guess that when you showed them the power
23 of attorney you didn't tell them this fellow, Jim Lynch, is
24 dead?

25 A. He knew. He knew. He knew he was passed away.

1 Q. Who is he, Harry?

2 A. The sheriff's department.

3 Q. Oh, I see. And they didn't know though that you
4 didn't have the Court's permission to do this?

5 A. I haven't -- from -- to my knowledge, I don't recall
6 being in court at that time, before then.

7 Q. Well, you filed a Will and probate was open. So there
8 was a judge in charge of business, because, by this time,
9 Mr. Stewart, Porter Stewart, had been appointed as a
10 special representative in charge of everything; right?

11 A. Not at that time, no, sir. Not to my knowledge. He
12 had not been appointed yet.

13 Q. Now when you got into the safe and rooted around in
14 the house, did you see the 50 pounds of gold bars?

15 A. No, sir. I haven't seen them.

16 Q. Did you see the -- was it \$5 million in \$1,000 bills
17 and \$500 bills?

18 A. No, sir. I didn't see -- I didn't see any cash.

19 Q. Did you see those doubloons?

20 MS. WHITE: Judge, I object.

21 THE COURT: Object to what, ma'am?

22 MS. WHITE: To 50,000 gold bars.

23 MR. MCCULLOCH: Fifty pounds of gold bars is what
24 I said, Your Honor.

25 MS. WHITE: I'm sorry. I just couldn't hear you.

1 It sounded like 50,000.

2 THE COURT: You'll have your opportunity to ask
3 questions; okay?

4 MS. WHITE: Thank you, sir.

5 THE COURT: Thank you.

6 Q. Now I earlier made reference to -- and I'm going to
7 come back to something because we finally found the
8 document. I made mention of the fact that you and your
9 sister were working together in things. Obviously you
10 entered with Mr. Snook. Did she help you pay for Mr.
11 Snook's bill?

12 A. I'm not sure who paid for this. Becky signed it.
13 It's my name on the top. I don't know. I don't know who
14 paid for it.

15 Q. Well you've admitted you took things on that occasion
16 from the house.

17 A. We didn't take anything. We secured some money that
18 had been moved around because Ms. Lynch had already been in
19 the safe, moved everything around. Things had disappeared.

20 Q. You don't ---

21 A. She said it wasn't gone. We know very well it wasn't
22 gone.

23 Q. ~~Ma'am, you weren't there when Ms. Lynch took anything;~~
24 were you?

25 A. Sir, when I went in the safe everything had been moved

1 around. So who did it? She was staying there. Who else
2 did it?

3 Q. Well apparently you and your sister had access since
4 you broke into the house?

5 A. I did not break in. I made that very clear. We
6 secured the house because I didn't have a key, with the
7 locksmith.

8 Q. All right. Well if somebody had wanted you to get
9 into the house, you'd have had a key. If somebody wanted
10 you into the safe, you would have had the combination.

11 A. It was not her place to lock me out.

12 Q. But let's get back to the -- this we business. You
13 said a moment ago that you don't recall ever saying that we
14 did this and we did that in reference to you and your
15 sister working together in filings and other actions in
16 this case.

17 A. Becky hasn't filed. Her name's not on the filings.

18 Q. All right.

19 MR. MCCULLOCH: Well let me see that document
20 again?

21 A. It's not on the petition.

22 Q. So let me ask you to look at this document. Does this
23 appear to be familiar to you?

24 This is your petition. Please take notice the
25 undersigned Elizabeth Langley as pro se.

1 A. Yes, sir.

2 Q. Number 1: ---

3 A. Wendy Lynch ---

4 Q. --- Due to biased and unfair decisions that have and
5 continue to violate our rights. Well you're not talking
6 about your daddy's rights. You're talking about you and
7 Rebecca's rights ---

8 A. And my brother.

9 Q. Our rights. Working together.

10 A. Heir rights.

11 MR. MCLAUGHLIN: Next page.

12 Q. Due to the fact in Number 3, that he was biased -- you
13 were talking now about a judge that ruled against you, you
14 say correct or incorrect -- he was biased during our status
15 conference. So you're complaining about the judge; right?

16 A. I did. And he got disqualified.

17 MR. MCCULLOCH: Next page.

18 Q. Number 4, I have a right to be heard according to the
19 laws as a rightful heir. And Rebecca and I have a right to
20 access the property, et cetera, et cetera. So you're
21 arguing for both of you?

22 A. I'm stating facts, sir. I filed.

23 Q. Working together?

24 A. Pardon me?

25 Q. Working together?

1 A. No, sir. I stated the fact that she has rights too.

2 MR. MCCULLOCH: Is there anything on that,

3 Patrick? I think that was it.

4 MR. MCLAUGHLIN: Joe, on the screen.

5 MR. MCCULLOCH: I apologize, Your Honor. I lost
6 my way.

7 MR. MCLAUGHLIN: Look at your screen.

8 Q. Paragraph 5.

9 MR. MCCULLOCH: I don't have a copy of this
10 entire document. I apologize, Your Honor. I don't know
11 where the paper copy is.

12 Q. But this is still from the 5th page of this filing
13 that you made. We have requested. We have a right.
14 You're talking about your sister, Rebecca, your co-
15 defendant in this case; aren't you?

16 A. Becky has requested a proper accounting with Porter
17 Stewart on separate occasions than me. And we, as heirs,
18 have rights to have a proper accounting of my father's
19 estate, which has been disregarded by Judge Davis and
20 Porter Stewart. Judge Scott has ordered for a proper
21 accounting, but it has not been done -- been submitted. I
22 requested a hearing regarding Porter Stewart and the
23 accountant to submit and provide proper accounting in the
24 ledger forms.

25 Q. All right. Ma'am, I'm not sure that's responsive and

1 it's certainly not the question I asked you. You and your
2 sister worked together beginning at the discovery of the
3 Will through today?

4 A. She worked by herself and I had an attorney at some
5 point and many points.

6 Q. Well you've had a lot of attorneys. We discussed
7 that.

8 A. My attorneys did not work with Becky. They wouldn't.
9 They couldn't because they didn't represent her.

10 Q. So you're saying that Rebecca White never came to a
11 meeting with your lawyer? Lawyers?

12 A. For ---

13 Q. Preparation?

14 A. For an affidavit or something like that, yes.

15 Q. She never provided any documents to your lawyers, your
16 many lawyers?

17 A. I'm not sure about that. You'll have to ask her.

18 MR. MCLAUGHLIN: Joe?

19 MR. MCCULLOCH: Yeah?

20 (Off-record discussion between counsel.)

21 Q. This document that we've been looking at in which you
22 say we, we, our rights, this is a document that you filed
23 in your 2013 lawsuit; isn't it?

24 A. Let's see. I don't see the date when it was filed.

25 Q. There's a date on the first page.

1 A. It was filed in 2018.

2 Q. This is apparently a matter in which your sister -- is
3 she listed here? Yes. She's a defendant.

4 A. She's a defendant. So she couldn't be in on this
5 complaint because she's a defendant.

6 Q. She's in on it because you're arguing her case; aren't
7 you? We, our?

8 A. We, is heirs. We all have rights.

9 Q. All right. Thank you, Ms. Langley.

10 MR. MCCULLOCH: I yield, Your Honor.

11 THE COURT: All right. Mr. Rigney?

12 MR. RIGNEY: Thank you, Your Honor.

13 CROSS-EXAMINATION BY MR. RIGNEY:

14 Q. Ms. Langley, I don't think you had a proper
15 introduction to the jury.

16 A. No, sir.

17 Q. Would you tell us your name?

18 A. My name's Elizabeth Langley.

19 Q. All right.

20 A. And I am a registered nurse for 36 years. I worked at
21 both hospitals. I'm a real estate agent. I have a legal
22 nurse consulting certificate that I took course. I'm a mom
23 to my niece and nephew for seven years. I've been raising
24 them. And I was a daughter to Judge Lynch, my father, who
25 loved me very much.

1 Q. Okay. Where do you live?

2 A. I live in Florence.

3 Q. Okay. Do you have children?

4 A. I have my niece and nephew that I raise.

5 Q. And ---

6 A. Mallie and Grayson.

7 Q. And are they your natural children or ---

8 A. No, sir.

9 Q. And you have those by -- by what reason do you have
10 those children?

11 A. DSS custody. DSS appointed me to be custodian.

12 Q. Okay. And how long ago was that?

13 A. Seven years ago.

14 Q. So you've had those children for seven years?

15 A. Yes, sir.

16 Q. And they are currently in your care?

17 A. Yes, sir.

18 MR. MCCULLOCH: Your Honor, I have no idea what
19 the relevancy is here. Of course, I hesitate to object,
20 but in an effort to try and move this along.

21 Q. How are you related to the plaintiff in this case?

22 A. She's my sister. And I'm not sure if she's my half
23 ~~sister or my full sister.~~

24 Q. Okay. Now at the time of your father's illness, you
25 observed certain things about him that caused you to be

1 concerned?

2 A. Yes, sir.

3 Q. What did you observe?

4 A. I observed her controlling, sneaking, going through my
5 daddy's papers. You want me to start from the beginning?

6 Q. What did you -- well let's go first with his mental
7 condition. What did you observe about that and ---

8 A. My dad ---

9 Q. --- when did you observe it?

10 A. --- my dad started having symptoms on the 10th. I was
11 living in his home because my house was leased out. And I
12 was ---

13 Q. Excuse me. When did he start having symptoms?

14 A. On April the 10th, from what I understand, of 2012.

15 Q. Okay. And then what happened after that?

16 A. I was notified by Wendy Lynch on April, Friday, the
17 13th. I was at the real estate office and she had texted
18 me saying I need -- we need to go to dinner or something
19 like that, or you need to come -- do something -- come go
20 to dinner. And I'm like, What are you talking -- what's
21 going on?

22 And so I picked up the phone and called her. I
23 said, What's going on? Because she and I's relationship,
24 we did not have a good relationship. And I'm like --
25 because I knew something was up for her to say that. So I

1 called her I said, you know, Just tell me exactly what's
2 going on, you know. And she says, Daddy has lesions on his
3 brain.

4 Q. All right.

5 A. So I broke down and cried in the real estate office.
6 And I had to get myself together and I rushed home.

7 Q. And after that, did you notice some changes ---

8 A. He was having ---

9 Q. --- in your father?

10 A. --- stroke symptoms. Left sided weakness, slurred
11 speech, seizures. He couldn't walk without assistance or a
12 cane. His demeanor, his whole personality had changed. He
13 could not -- he could not take care of himself [sic]. He
14 could not fix his meals. He could not drive. He could not
15 dial a telephone. He could not read.

16 Q. Okay.

17 A. He could not read.

18 Q. So ---

19 A. And he would have seizures, like he would stare
20 seizures like this. And we would have to hold him and put
21 him, you know, sit him down.

22 Q. So would you say that you became concerned about his
23 mental acuity? ---

24 A. Yes. We all agreed daddy was unable to do anything
25 for him -- like, business or anything, at the time, for

1 himself.

2 Q. Okay.

3 A. And even Wendy said, Yeah. That's when she took his
4 keys and his checkbooks and things.

5 Q. Okay.

6 A. And started controlling from that point.

7 Q. So what we want to do now is go back in time a little
8 bit to the time that you contested the Will?

9 A. Yes, sir.

10 Q. And we've had a lot of talk about how you went through
11 this process and you lost in the courts. But at the time
12 you did it, what reason did you contest the Will? What was
13 the ---

14 A. Because we had already -- I had already -- because my
15 -- I had knowledge of a Will that was already done prior to
16 him being sick.

17 Q. Okay.

18 A. That he had given everything to us together.

19 Q. And what about his change in his mental health? Did
20 that effect your -- was that ---

21 A. Yes. His change -- he had brain tumors in his frontal
22 lobe where your cognitive function is affected. He had
23 them all -- all of them were in his frontal lobe. And he
24 could not make decisions, like consequences -- he didn't
25 know the consequences of his decisions. If he made a

1 decision today, he wouldn't know the future result of that
2 cons -- the consequence of that decision.

3 Q. So did you see that ---

4 A. Yes.

5 Q. --- in the day-to-day ---

6 A. Yes.

7 Q. --- living?

8 A. Yes.

9 Q. And ---

10 A. From the very beginning.

11 Q. Where were you living at that time?

12 THE COURT: I'm sorry, Mr. Rigney.

13 MR. RIGNEY: Yes, sir.

14 THE COURT: Ms. Langley, you -- I mean, we're
15 going to have to understand that this lady is taking ---

16 THE WITNESS: I do.

17 THE COURT: --- down a record.

18 THE WITNESS: I am so sorry.

19 THE COURT: But you can't talk over people.

20 THE WITNESS: I apologize.

21 THE COURT: That's a problem. But that's what
22 you're doing now.

23 THE WITNESS: I know.

24 THE COURT: So, please just wait for somebody to
25 ask you a question, and then answer it because we have to

1 have a record in this case; okay?

2 THE WITNESS: I apologize.

3 THE COURT: Thank you, ma'am.

4 Q. Where were living at that time?

5 A. At my daddy's house.

6 Q. When he was diagnosed with his problems, you were ---

7 A. No, sir; ---

8 Q. --- living at his house?

9 A. --- I moved in in January of 2012.

10 Q. Okay. Why did you move in there?

11 A. Because he asked me to.

12 Q. Okay.

13 A. Because my house was ---

14 MR. MCCULLOCH: Your Honor, again, I'm going to
15 object to statements she is attributing to the decedent,
16 because he's not here to defend himself or his Will.

17 THE COURT: Again, Ms. Langley, you can't testify
18 to anything that your father told you; okay?

19 THE WITNESS: I apologize.

20 THE COURT: Can you also please keep in mind that
21 you have to wait to answer your question until the attorney
22 is finished asking you the questions. Thank you, ma'am.

23 THE WITNESS: Thank you. Yes, sir.

24 Q. Okay. On the day that your -- well let's go back just
25 a little bit more.

1 In addition to his problems with his mental
2 health that you had observed, you had thought something
3 else was going on around the time of this that was leading
4 to some undue influence?

5 A. Yes, sir.

6 Q. And what -- describe that for us.

7 A. Wendy -- right after my daddy -- well I saw her insert
8 a quick Will. I had a community computer at my daddy's
9 house because we were always doing a lot of research to
10 help get my dad health care. And so I had my laptop and it
11 didn't have a code on it. Wendy took my laptop and she
12 inserted a quick Will because hers got stolen. Her car got
13 broken into so she didn't have a laptop at the time. So I
14 saw her insert a quick Will. I didn't see her make
15 anything, but I asked her what she was doing.

16 And she said -- and I asked her what she did, did
17 she have daddy sign a Will.

18 She said, I don't know what you're talking about.

19 And she never would show me anything. And after
20 some point, I found the quick Will on my computer and
21 printed it out.

22 Q. Okay. So on the day that you went to pick up your
23 ~~father at the lawyer's office, what did she tell you he was~~
24 there for?

25 A. For me to solely pick up my daddy.

1 Q. And what was the reason for his visit ---

2 A. They were going to talk to Rick Hoefer. They were
3 just going up there to talk. She had an appointment and
4 she couldn't take him home. And I was just -- I said,
5 Wendy if you're going there to make a Will, you know daddy
6 is not competent to make a Will. She said, I know Beth.
7 I'm just going -- we're just going there to talk to Rick.
8 And I just need you solely to pick up daddy because I can't
9 take him home.

10 Q. So what did she say about his competence to make a
11 Will?

12 A. That she agreed that he wasn't competent. She wasn't
13 going up there to make a will.

14 Q. And that was the day ---

15 A. On May the 10th.

16 Q. May the 10th. Okay. Now after your father passed
17 away, you filed some action to contest the Will?

18 A. Yes, sir.

19 Q. What was your reason for filing the action?

20 A. Because I believed my dad wasn't -- with five brain
21 tumors, could not make that. The symptoms he had and the
22 medication he was on. He was on Phenergan, Decadron,
23 Keppra for seizures. He had stroke symptoms and left-sided
24 weakness that had affected his brain. His speech had been
25 impaired. His thinking had been impaired. He was unable

1 to care for himself. He could not be left alone. He could
2 not work. He could not drive. He could not read. He
3 could not dial his phone. He had to be reminded and I had
4 to fix up his medicines and tell him to take his medicines
5 every -- every day. He never once called the doctor about
6 his health care. He never once called his insurance
7 company about anything. I handled all that. And I handled
8 the research, trying to get my dad the best health care
9 possible. My dad relied on me. He trusted me. And he
10 loved me. He was very proud of me being a nurse.

11 Q. Okay. And part of your lawsuit to contest the Will
12 also included an allegation that there had been undue
13 influence?

14 A. Yes, sir.

15 Q. And you have explained that to us previously?

16 A. After the biopsy, the quick Will was done -- I think
17 she put it in before the biopsy. And she also had Rick
18 Hoefer come to the office and do a power of attorney,
19 health care power of attorney, which made she and I equal.
20 And used the Magistrate's office staff to witness it and
21 everything. And I had no knowledge of it until she handed
22 me the paper. And said here, you handle this. And at that
23 time, a durable power of attorney was made, but she didn't
24 give me that, which, you know, made me equally responsible
25 for my daddy's estate and collections and managing my

1 daddy's businesses and stuff.

2 MR. MCLAUGHLIN: Your Honor, again, I hate to
3 object. I have no idea what the relevance of all of this
4 is. I'm just not sure. I mean, I recognize it's cross-
5 examination, but I don't understand the relevance.

6 THE COURT: All right. Mr. Rigney?

7 MR. RIGNEY: The relevance is establishing the
8 reason that she contested the Will and the underlying
9 concerns she had.

10 THE COURT: All right. Please continue. Make
11 sure your questions are relevant.

12 Q. Once you filed this case contesting the Will, then
13 there was a decision made. Did you win that case?

14 A. No, sir.

15 Q. And the ruling was against you?

16 A. Yes, sir.

17 Q. And then what did you do then?

18 A. Well my attorneys didn't present proper evidence and

19 ---

20 Q. Well after the Court ruled against you, what was your
21 action, your next action? Did you file something else?

22 A. I called the court administration and discussed some
23 things that had happened and that I wanted it to be changed
24 out of Florence County due to the fact that she was a judge
25 and the biases that has -- between Porter Stewart and the

1 judge. And I explained everything to them. And they had
2 it moved out. The Supreme Court had it moved from Florence
3 to another jurisdiction.

4 Q. Okay. So let's go back just a little bit one more
5 time. When you filed this case originally contesting the
6 Will, were you the plaintiff in that case? You sued other
7 people?

8 A. Yes. My attorney filed it. Yes, sir.

9 Q. And you also sued your sister, Becky?

10 A. She was a defendant.

11 Q. She was a defendant. Okay. When you lost that in
12 court ---

13 A. Yes, sir.

14 Q. When you lost that case, your attorney filed an
15 appeal; is that ---

16 A. I had to hire another appellate attorney because the
17 attorney I had did not do appeals.

18 Q. An appeal was filed?

19 A. Yes, sir.

20 Q. Okay. And how did that turn out? Did you win or not?

21 A. No, sir.

22 Q. Okay. And there was some talk yesterday and some

23 ~~discussion about a Court of Appeals order which granted a~~
24 motion for costs ---

25 A. Yes, sir.

1 Q. --- against you?

2 A. Yes, sir. I just -- that's the -- I haven't seen
3 that. And I thought my attorney -- no, never mind.

4 Q. Okay. So you're aware now that the costs were ordered
5 against you, \$1,069.50 in attorneys fees?

6 A. Yes, sir.

7 Q. Have you reviewed that order and seen that it also had
8 other information written on it?

9 A. Would you repeat? I can't hear you, sir.

10 Q. Have you seen the order and do you know the other
11 things that may be ---

12 A. Well, I think Rene' Josey, who was my attorney at the
13 time, showed it to me. And I assumed when I paid him
14 \$35,000 that that was covered in that. And I've never seen
15 it since. No one's sent me another bill.

16 Q. Are you aware that the Court of Appeals said that
17 you're -- their request for sanctions in that case was
18 denied?

19 A. Yes.

20 Q. No sanctions were imposed against you?

21 A. No sanctions were imposed.

22 Q. All right. Okay. Now, once the Court of Appeals
23 decided that case, you didn't do anything else? You filed
24 no more appeals; is that correct?

25 A. I tried to file a reconsideration because Rene Josey

1 said he didn't -- his schedule didn't allow the time for
2 him to do it and I tried to do it pro se, but he didn't
3 recuse himself [sic] then, so they called it a ---

4 Q. But it was -- ultimately it was unsuccessful; is that
5 right?

6 A. Okay. Because of him still being on the documents as
7 my attorney. And it was called -- there was a word for it.
8 I can't remember.

9 Q. And that was the end of the case?

10 A. And they just -- yeah, they just denied my remittitur,
11 yes, sir.

12 Q. So that was the end of that case?

13 A. Yes, sir.

14 Q. And then?

15 A. For my -- excuse me -- my reconsideration.

16 Q. Okay. And you didn't pursue it any further at that
17 point?

18 A. No, sir.

19 Q. Okay. Now, with the Court of Appeals case, did you
20 consult with or conspire with your sister to go ahead and
21 do that case also?

22 A. No, sir.

23 Q. ~~You did that on your own?~~

24 A. Yes, sir.

25 Q. Decided that on your own?

1 A. Yes, sir.

2 Q. Okay. Let's talk a little bit about some of the money
3 and the gold and the silver. There's been a lot of talk
4 about that. Have you ever seen gold ---

5 A. Yes, sir.

6 Q. --- in your father's home?

7 A. Yes, sir.

8 Q. When was the last time you saw gold there?

9 A. March of 2012.

10 Q. And that was approximately a year before he passed
11 away?

12 A. No, a month. No, a year before he passed away, but
13 about a month before he was diagnosed.

14 Q. Okay. Silver? Have you seen silver there?

15 A. Yes, sir.

16 Q. At any time have you seen silver in your father's
17 house?

18 A. Yes, sir. Many times.

19 Q. Okay. What about cash?

20 A. Yes, sir.

21 Q. You've seen cash?

22 A. Yes, sir.

23 Q. And did you ever count the cash?

24 A. I've looked at it. Yes, sir. We've counted it over
25 the years. Becky and I used to sit on the floor and count

1 his cash as children, and go through his silver and roll
2 money and he owned a cash business at that time.

3 Q. Okay.

4 A. And, yes, even as an adult he would take me into his
5 safes two and three times a year and tell me if anything
6 ever happens to him to come and get this money and divide
7 it up equally. And I said, Well, daddy, you know I would
8 do that. And he said, That's why I'm showing it to you.

9 Q. All right.

10 MR. MCCULLOCH: And, Your Honor, again, I hate
11 to be the jack in the box ---

12 THE COURT: Sustained. Ms. Langley, you can't
13 testify to anything that your father told you.

14 THE WITNESS: I'm sorry. I was just trying to
15 ---

16 MR. MCCULLOCH: And I ask the jury to be
17 instructed and reminded anything that this witness
18 testifies to that is objectionable and sustainably
19 objectionable testimony about what someone who's not in the
20 courtroom said, other than Ms. Lynch, Ms. White, they must
21 -- should disregard and I'd ask for that instruction.

22 THE COURT: All right. Ladies and gentlemen,
23 ~~anything that's testified to that shouldn't be testified to~~
24 and is testified to, in violation of an objection and a
25 ruling of this Court, should not be considered by you in

1 any form or fashion. Thank you very much.

2 Mr. Rigney?

3 A. Can you repeat the question, sir?

4 Q. We talked about your having seen money ---

5 A. Yes, sir.

6 Q. --- in the house -- in the home?

7 A. Yes, sir.

8 Q. And you actually saw the money. You touched the
9 money. You counted the money?

10 A. I counted some of it, yes.

11 Q. Okay. Are you aware of safes being in the home? Have
12 you ever seen safes in your home?

13 A. Yes, sir.

14 Q. In your father's home?

15 A. Yes, sir.

16 Q. How many did you actually see?

17 A. Three stand up safes.

18 Q. Okay. And are they still in existence to your
19 knowledge?

20 A. Excuse me?

21 Q. Do you know? Do you know if they're still in
22 existence, those safes?

23 A. I haven't been in the house. I don't know. The last
24 time we were in there, they were in there.

25 Q. Okay. There was a lot of talk about things you said

1 during your deposition.

2 A. Yes, sir.

3 Q. And during that deposition, were you in any way
4 flustered, nervous, any of that?

5 A. Yes.

6 Q. Why?

7 A. Because he was -- it was my daddy, of course. And the
8 questions were supposedly about a Will. But then they came
9 up with all these other questions that weren't pertinent to
10 the Will. And it just, you know -- and then they accused
11 me, falsely accused me of things that I said, saying I said
12 things that I didn't say.

13 Q. And when you were in that -- I notice that sometimes
14 you have trouble hearing me.

15 A. Yes, sir.

16 Q. Was there any chance that you misunderstood ---

17 A. Yes, sir.

18 Q. --- or did not hear properly in that deposition?

19 A. Yes, sir.

20 Q. Okay.

21 A. I've had -- I've had hearing issues since I was a
22 child.

23 ~~Q. Okay. Let's go back to the locksmith. The Will was~~
24 filed for probate or the contesting of it was filed some
25 time after your father's death?

1 A. Yes, sir.

2 Q. Okay. Of course. And in the probate court there was
3 a temporary order issued?

4 A. At some point, I think in, like, June or somewhere.
5 It's June maybe. Is that the one you're talking about?

6 Q. It appears to me to be June 2019.

7 MR. MCCULLOCH: Whatever it says, counselor.

8 Q. So in June of 2019 there was a temporary order issued
9 and in this same order it says that the respondent, Wendy
10 Lynch, and her son, shall have the possession and occupancy
11 of the residential real estate. And I believe that was
12 intended to say the home, your father's home. And that was
13 in June of -- June the 19th of 2013?

14 A. Yes, sir.

15 Q. I may be having trouble reading the locksmith's bill,
16 but that says April -- to me -- it looks to me like it's
17 April 15th of 2013?

18 A. Yes, sir. April 15th.

19 Q. Which predates the court order, before the court made
20 the order ---

21 A. Yes, sir.

22 Q. --- excluding you from the home?

23 A. Yes, sir.

24 Q. That's my understanding of it.

25 There's been some discussion, a little bit, about

1 a gun collection of your father's?

2 A. Yes, sir. Yes, sir.

3 Q. And have you seen that gun collection?

4 A. Yes, sir.

5 Q. When was the last time you saw it?

6 A. In the safes. When we were in the safes. When I went
7 in there.

8 Q. Approximately what year was that?

9 A. 2012, 2012 and then '13 when, on this date.

10 Q. How many guns do you think were in that collection
11 based on your personal knowledge?

12 A. My daddy had over a hundred guns.

13 Q. Okay.

14 A. He -- over a hundred guns.

15 Q. Now had you actually counted them or anything?

16 A. Yes. He had them laid out all over his bed, on the
17 window seats, two window seats, down our hallway on
18 blankets, quilts and sheets and in the den all over the
19 floors.

20 Q. Okay. Now the money that you saw, is that included in
21 the estate as you understand it? The money that you had
22 seen in your father's home prior to the time of his death,
23 ~~is that included in the estate that's being probated?~~

24 A. Okay. Is it -- can you clarify that?

25 Q. Let's say of all the money that you've seen, and you

1 may not know exactly how much it was, but you've seen money
2 and the amounts that you know that are listed in the
3 probate documents, is the amount that's there consistent
4 with the amount of money that your father had in cash at
5 the time of his death?

6 A. No, sir.

7 Q. The gold bars, ---

8 A. No, sir.

9 Q. --- are the quantity of the gold or the gold coins or
10 gold bars or whatever type of gold there was, is the amount
11 that's being listed in the probate estate consistent with
12 what you know your father had at the time of his death?

13 A. No, sir.

14 Q. Same question for the silver. Is that ---

15 A. No, sir.

16 Q. --- consistent? Do you have any idea what happened to
17 the money?

18 A. When I asked Wendy about it, she said, you know it's
19 not gone. And if it were, you would be a suspect and so
20 would Becky and so would whoever. And so she admitted that
21 it wasn't gone.

22 Q. What about the gold? Do you have any idea what
23 happened to the gold that you think is missing?

24 A. I assume she has it hidden somewhere. I don't know.
25 I didn't see it after March.

1 Q. What about the silver?

2 A. I saw that in March, three bags of silver, 50 pounds a
3 piece. Daddy had put them in tall bank bags, tied. And he
4 said one was mine, one was Becky's, and one was Wendy's.
5 And he put ---

6 MR. MCCULLOCH: Your Honor, there again, we're
7 talking about what the decedent cannot say is untrue.

8 THE WITNESS: Okay. I apologize.

9 THE COURT: Please disregard any of that
10 statement that included anything that her father told her.
11 Thank you.

12 MR. MCCULLOCH: Your Honor, ---

13 Q. Based on what you saw ---

14 MR. MCCULLOCH: One second before we move. I
15 understand this is difficult for this witness. But, Your
16 Honor, there is a point after 20 or so reminders that this
17 may not be accidental. It may not be the product of
18 nerves. And I'm going to object and ask you to instruct
19 the witness that you may have to take measures if she
20 continues, because this may not be accidental.

21 THE WITNESS: Sir, I'm sorry. I'm just telling
22 the truth. And as hard as ---

23 THE COURT: Ms. Langley, you don't respond to the
24 attorney when he's not asking you a question; okay? Do you
25 understand that?

1 THE WITNESS: Yes, sir.

2 THE COURT: That's not the way this works.

3 Please understand and be mindful of the Court's order. You
4 are not to testify about anything that anybody told you
5 that's not able to appear here in this courtroom. Do you
6 understand?

7 THE WITNESS: Okay. Yes, sir.

8 THE COURT: Thank you, ma'am.

9 Q. So with respect to the silver, are you aware of
10 anything that -- where the silver went, that you had seen
11 with your own eyes, do you know where the silver that you
12 think is missing might be or what happened to it?

13 A. I think Wendy has it.

14 Q. What about the gun collection? Are all the guns that
15 you are aware of listed ---

16 A. No, sir.

17 Q. --- in the probate?

18 A. No, sir.

19 Q. Do you know where the guns that are missing are?

20 A. I have an affidavit from someone that says ---

21 Q. Do you know where the guns ---

22 A. Are?

23 Q. --- are? Do you personally know where they are now?

24 A. No.

25 Q. Okay. Let's go through the claims that have been made

1 against you. One of them is a civil conspiracy. Civil
2 conspiracy, that means that you worked with, conspired with
3 somebody to cause harm to your sister, Wendy. Now did you
4 do that?

5 A. No, sir.

6 Q. Do you and your sister, Becky, get together and talk
7 about these things prior to the time that you file things?

8 A. No, sir. Not that I recall.

9 Q. Do you consult with her before you take legal action?

10 A. No, sir.

11 Q. Did you consult with her before you filed to contest
12 the Will?

13 A. No, sir.

14 Q. Abuse of process. This is where you filed actions,
15 filed lawsuits, that you shouldn't have been filing because
16 there's no merit to them. When you filed to contest the
17 Will, in your mind, did you have legitimate reasons to do
18 that?

19 A. Yes, sir.

20 Q. And you alleged those reasons in the contest
21 documents; is that correct?

22 A. Yes, sir.

23 Q. Okay. Same thing, along the same lines, your reasons
24 for doing that were incompetence of the father, based on
25 his condition, and potential undue influence by the

1 defendant?

2 A. Yes, sir.

3 Q. By the plaintiff. I'm sorry.

4 A. Yes, sir.

5 Q. When you filed the lawsuits, did you feel that you had
6 good grounds and a chance of winning in the Will contest?

7 A. Yes, sir.

8 Q. When your case was decided against you, did you, when
9 you filed your appeal to the Court of Appeals, did you feel
10 that you had legitimate reasons to appeal the case?

11 A. Yes, sir.

12 Q. You felt like you had grounds that had been
13 misunderstood or the law had been misapplied ---

14 A. Yes, sir.

15 Q. --- with respect to the trial court?

16 A. Yes.

17 Q. Okay. There's a lot of talk about reports that you
18 made to agencies, individuals. I believe that you have
19 mostly said that you didn't do those. You ---

20 A. I did not initiate the reports.

21 Q. And when you were contacted you cooperated with the
22 people ---

23 A. I cooperated.

24 Q. --- from those agencies?

25 A. Yes, sir.

1 Q. Okay. There's a claim for defamation, per se, which
2 means that the actual words you used are so bad that you
3 should be held responsible for that. And that your words,
4 the words themselves, caused damage to the plaintiff. Now
5 there's been some dispute apparently about what words you
6 actually said, based on the testimony that you gave. So I
7 want you to clarify that for us. And do you remember the
8 words that you actually said?

9 A. I said I believe she tried to send my daddy to heaven
10 early after giving morphine and lying about it and claiming
11 he was going to die in 24 hours.

12 Q. Okay. So that's it? That's what you said exactly?

13 A. Yes, sir.

14 MR. MCCULLOCH: Your Honor, we'd asked for
15 clarification about exactly to whom she said that because
16 the testimony is far more expansive than that. I'm not
17 sure if counsel -- more clarification to the question.

18 MR. RIGNEY: I will continue, if you'll permit
19 me.

20 MR. MCCULLOCH: Okay. But I'm not sure to whom
21 she said what she was testifying to.

22 THE COURT: I understand. And you can ask that
23 ~~on redirect questioning as well if Mr. Rigney doesn't feel~~
24 like it.

25 Q. Okay. So there has -- as you know, there's been some

1 question as to who you said that to. So tell us. Who did
2 you say that to?

3 A. I recall saying it to the coroner because he was
4 saying that there were allegations of us claiming that she
5 murdered my daddy.

6 MR. MCCULLOCH: Your Honor, objection. The
7 coroner's not here.

8 THE COURT: Ms. Langley, you're in violation once
9 again, ma'am.

10 MR. MCCULLOCH: If she wants the coroner to be
11 here, she can call him, Your Honor.

12 THE COURT: Mr. Rigney.

13 Q. So just -- I just want you to say who did you say it
14 to?

15 THE COURT: That's exactly right.

16 A. The coroner. And I believe I said it to Ms. Lynch in
17 the room at the ER when she came in there.

18 Q. Okay. There's been a lot of discussion also about how
19 long this process has taken.

20 A. Yes, sir.

21 Q. When you filed your lawsuit originally contesting the
22 Will, how long did that take, if you recall, before a
23 decision was made by the Court here in Florence?

24 A. I think several years. I don't know, '15 maybe

25 Q. 2015?

1 A. I think.

2 Q. Okay. And from there you went to the Court of
3 Appeals?

4 A. Yes, sir.

5 Q. And do you recall approximately when that Court made
6 their decision?

7 A. I think it was '17.

8 Q. Okay. And, I think, as we all know we've been
9 stricken recently by a pandemic that kind of slowed the
10 judicial process?

11 A. Yes, sir.

12 Q. So did you intentionally take actions to retard and
13 slow the wheels of justice in deciding the outcome of your
14 case?

15 A. No, sir.

16 MR. RIGNEY: Thank you.

17 Your Honor, I do want to reserve the right to
18 recall this witness later.

19 THE COURT: All right, sir. Ladies and gentlemen
20 at this time, we're going to take about a 10, 15 minute
21 break. As soon as we're ready, we'll bring you back out.
22 Thank you for your patience and your attention. Please
23 ~~don't discuss this case.~~

24 (The jury was excused from the courtroom at 11:04
25 a.m.)

1 THE COURT: All right. Ms. Langley, you may step
2 down. You're still on the witness stand. You're still
3 under oath and it's improper and against the rules if you
4 talk to anybody about your testimony. Do you understand?

5 THE WITNESS: Can I talk to anybody about other
6 stuff or not?

7 THE COURT: Yes. I don't know of anything that
8 prevents you from talking to somebody about something else,
9 but you're prohibited from talking to anybody about your
10 testimony.

11 THE WITNESS: Okay.

12 THE COURT: Thank you.

13 (A short recess was taken at 11:05 a.m. and then
14 proceedings reconvened at 11:22 a.m.)

15 THE COURT: All right. Ms. Langley if you'll
16 take the stand?

17 (Witness resumes the witness stand.)

18 THE COURT: All right. Ms. White, this will be
19 your opportunity to cross-examine Ms. Langley. Just please
20 keep in mind to ask relevant questions. Do you understand?

21 MS. WHITE: Yes, sir.

22 THE COURT: Okay. Is there anything before we
23 bring the jury?

24 MR. MCLAUGHLIN: Nothing from the plaintiff.

25 THE COURT: All right, ma'am. Can we have the

1 jury?

2 (The jury entered the courtroom at 11:23 a.m.)

3 THE COURT: All right. Ms. White.

4 CROSS-EXAMINATION BY MS. WHITE:

5 Q. Ms. Langley, where were you living in January of 2012?

6 A. (No audible response.)

7 Q. Where were you living in January of 2012?

8 A. I can't hear you.

9 THE COURT: All right. Is that microphone on?

10 MS. WHITE: It hasn't worked all day.

11 THE COURT: Okay.

12 MS. WHITE: Is this one on?

13 (Proceedings were interrupted to troubleshoot the
14 sound system.)

15 BY MS. WHITE:

16 Q. Elizabeth, where were you living in January of 2012?

17 A. At my daddy's.

18 Q. And what was daddy's diagnosis at that time?

19 A. In January?

20 Q. When he got diagnosed in April?

21 A. He had brain tumors in his frontal lobe, diagnosed.
22 The biopsy was astrocytoma.

23 Q. ~~Astrocytoma. And what does the coroner's report say~~
24 ~~that he died from?~~

25 A. I'd have to look at it. I'm not sure.

1 Q. Yesterday you testified that -- about a glioblastoma
2 being on the coroner's report or the death report?

3 A. The death certificate said glioblastoma.

4 Q. And he was never diagnosed with that?

5 A. No.

6 Q. So it's your belief that it is incorrect?

7 A. Yes.

8 Q. What else do you think is incorrect about the
9 coroner's report and the death certificate?

10 A. He didn't state that he spoke with me on the night my
11 daddy died, and he did. I was put on the phone with him
12 and I spoke with him.

13 Q. Who called the coroner?

14 MR. MCCULLOCH: The coroner isn't here. Hearsay
15 again, Your Honor.

16 THE COURT: Yes, ma'am. Ms. Langley, again, you
17 can't testify to anything anybody told you; okay?

18 THE COURT: We'll continue. Ms. White?

19 A. I talked to the coroner that night that my daddy died.

20 Q. And who called the coroner?

21 A. The supervisor, nursing supervisor.

22 Q. And did she call the coroner before or after MUSC was
23 called for the autopsy that I was willing to pay for?

24 A. After.

25 Q. After -- after the ---

1 A. I was put on after the MUSC.

2 Q. So she called -- she called MUSC first to set up the
3 autopsy?

4 A. Yes.

5 Q. And then she called the coroner?

6 A. From what I understand, yes.

7 Q. And while she was talking to the coroner, the coroner
8 asked to speak to you?

9 THE COURT: Ms. White, you're asking questions
10 that are trying to -- that are eliciting hearsay answers.
11 So you're going to have to move on from this line of
12 questions; okay?

13 MS. WHITE: I have more questions about that, but
14 I'll do it in a better way.

15 THE COURT: Okay.

16 Q. When you spoke to the coroner, ---

17 MS. WHITE: Can we say what the coroner said
18 because he's in this case?

19 THE COURT: No, ma'am. When the coroner -- if
20 the coroner is called as a witness in this case, you can
21 ask him any questions you need to ask him. But until then,
22 he's not here.

23 ~~Q. Why did we decide to cancel the autopsy at MUSC?~~

24 A. Mr. von Lutcken talked me out of it. I'm sorry.

25 THE COURT: Okay.

1 MS. WHITE: I'm sorry. That's my fault.

2 THE COURT: Ladies and gentlemen, if you'll
3 please just disregard those questions and answers, we'll
4 move on.

5 MS. WHITE: Okay.

6 THE COURT: Ms. White and Ms. Langley, I admonish
7 you again, you cannot solicit answers and you cannot answer
8 as anything that anybody else said.

9 Q. How long did daddy have cancer before you knew about
10 it?

11 A. Three days.

12 Q. Three days? Did he go to any doctors' appointments
13 ---

14 A. Yes.

15 Q. --- before you were told about his illness?

16 A. Yes.

17 Q. What were the symptoms daddy was having that caused
18 him to need to go to the doctor?

19 A. Stroke symptoms.

20 Q. Was he having memory problems?

21 A. Yes. He had speech problems.

22 Q. Who made the health care power of attorney and what
23 did it say?

24 A. Wendy and Rick Hoefer.

25 Q. When was the durable power of attorney made?

1 A. The date says the same day, April the 18th, 2012.

2 Q. Okay. And when did you know about the health care
3 power of attorney?

4 A. Before my daddy's biopsy, the health care power of
5 attorney.

6 Q. And the durable power of attorney, which, from what I
7 understand, puts you in charge of his assets and his
8 business, when did you find out about that?

9 A. When I was at Duke with daddy. And he went to Duke
10 November the 28th, 2012. And at some point, she came to
11 Duke to try to -- she handed the power of attorney,
12 healthcare power of attorney to the social worker and the
13 durable power of attorney was attached. And Sherry
14 Ferguson sent -- called me and told me ---

15 MR. MCCULLOCH: Your Honor, ---

16 THE WITNESS: I was sent the power of attorney.

17 MR. MCCULLOCH: --- again, I think, Your Honor,
18 my objection is this. Repeatedly, repeatedly, these ladies
19 seem to put evidence in that is improper and the problem is
20 that it's hard to unring a bell.

21 THE COURT: All right. Ladies and gentlemen, if
22 you will step to your jury room for just a moment, we're
23 ~~going to take up a matter of law outside of your presence.~~
24 Please don't discuss this case. Thank you very much.

25 (The jury exited the courtroom at 11:32 a.m. and the

1 following matters were had outside the jury's presence:)

2 THE COURT: All right. Mr. McCulloch, I
3 understand your objections. They're certainly founded in
4 the law. The witness continues to disobey the orders of
5 the Court. I'm not sure if it's willful or if it's
6 unintentional. Certainly you could make a case for either
7 way. I don't know what relief it is that you want the
8 Court to consider at this time?

9 MR. MCCULLOCH: Well, Your Honor, I think after
10 20, now we're probably up to 25 times, while this is legal
11 stuff, if these ladies can't get it through their head the
12 Court can impose -- you know, if Justice Ness were judging
13 he'd probably make it a \$10 fine. Adjusted to 2022 values,
14 I don't know what that fine would be. But I don't know
15 what else to do, Your Honor. I am repeatedly called upon
16 to rise and object, which gives that jury the opinion that
17 I'm trying to suppress evidence. And that's the problem.
18 So I suppose, Your Honor, I can't ask you to be an activist
19 jurist, but I guess I am. Either I've got to rise, or you,
20 Your Honor, have got to call upon them. We've told you
21 again, and again and again. And I mean, I don't know what
22 the remedy is, but I know what my obligation is.

23 THE COURT: All right. Mr. Rigney?

24 MR. RIGNEY: Your Honor, I recognize we're in a
25 difficult situation. I hope that we'll be able to get

1 through this and let everyone present their testimony, and
2 their case in the manner that they want to do it without
3 violating the rules of the Court. And I have talked to
4 both ladies regarding this and -- about the need to follow
5 the court rules. And I think, in my opinion, they are
6 trying to follow the court rules, but the nervousness and
7 the situation, the atmosphere, this is not a spot where
8 people spend a lot of time. And I understand their
9 concerns.

10 Also, I understand that the Court must be
11 operated in a proper manner. So I would ask that you give
12 them some opportunity and, please, help them, if possible,
13 cure it. I mean, I ---

14 MR. MCCULLOCH: They've had days of
15 opportunities, Your Honor. And about twenty-some-odd
16 objections from me and twenty-some-odd admonitions by the
17 Court. And I don't know what it's going to take, but pro
18 se litigants are at their own risk. Witnesses are at their
19 own risk. One dramatic remedy the Court can say is just
20 not let them present testimony. I don't want to have to
21 brief and defend that on the record if there is an appeal.
22 I'm not certain what the remedy is, perhaps a penalty of
23 ~~some sort. But I think we're all very tired of the~~
24 repetition of this misconduct, whether unintentional or
25 intentional. But we are -- I think we've gone beyond a

1 mere suspicion of intention.

2 THE COURT: Ms. White?

3 MS. WHITE: I just made one mistake today so far.

4 THE COURT: You're going to have to speak up
5 where everybody can hear you. I'm sorry, but it seems like
6 ---

7 MS. WHITE: I don't know why these aren't working
8 like ---

9 THE COURT: I understand. But you're going to
10 have to speak up so everybody can hear you.

11 MS. WHITE: I don't -- I just got up here and
12 made one mistake. And I apologize immensely for it. It's
13 not intentional. It's just hard because, as you know, I am
14 not an attorney.

15 THE COURT: Ma'am, but I can't consider that as
16 any excuse. When you're in this court of law ---

17 MS. WHITE: I'm not using it as an excuse.

18 THE COURT: But -- I understand, Ms. White. And
19 when I'm talking, please ---

20 MS. WHITE: I'm sorry.

21 THE COURT: --- allow me to finish; okay? You
22 have to be treated by the same rules as everybody else
23 regardless of the situation if you're representing yourself
24 or if you have an attorney. Do you understand that?

25 MS. WHITE: Yes, sir.

1 THE COURT: I can't give you any legal advice.
2 Do you understand that?

3 MS. WHITE: Yes, sir.

4 THE COURT: All right. So ---

5 MS. WHITE: Do you have any ideas of how to ---

6 THE COURT: No, ma'am. That would be giving you
7 advice. I cannot do that; okay? And if you continue to
8 ask questions that are going to elicit an improper
9 response, then -- or interject any testimony in the fashion
10 of asking a question, which is highly improper, that we ran
11 into multiple times yesterday, then I'm going to have to
12 consider some remedy; okay? And I think that it's in my
13 power to strike your answer and to find you in default and
14 not allow you to participate in this action. I'm not --
15 I'm not to the point of doing that; okay?

16 MS. WHITE: Okay.

17 THE COURT: And Ms. Langley, the same goes for
18 you. If you continue to disobey the orders of this Court,
19 then you're going to leave me in no other position than to
20 take some measure, to take some actions to prevent you from
21 maybe even being able to testify or present any evidence in
22 this case. Do you understand that?

23 ~~THE WITNESS: I understand. I was just trying to~~
24 explain how I got the power of attorney.

25 THE COURT: All right.

1 MS. WHITE: Just remember that you can't say
2 somebody told you or he said or she said; okay? Okay, sir?
3 And I can't ask you anything, okay. I understand.

4 MR. MCCULLOCH: Your Honor, I think it's
5 important for our pro se lawyer and witness to understand
6 that she can't testify to things that she doesn't know of
7 her own personal knowledge, of course, but that also
8 applies to statements made to her about -- by other people
9 who are not in the courtroom, have not testified. I mean,
10 there's no way we can give them a crash course on the law.

11 THE COURT: No.

12 MS. WHITE: And I apologize about the coroner. I
13 thought because he was in the case -- I mean, should all
14 the witnesses be here today or ---

15 THE COURT: Ms. White, again you're asking me to
16 give you legal advice. And the Court is asking for no
17 apologies; okay?

18 MS. WHITE: Yes, sir.

19 THE COURT: I'm only asking for ---

20 MS. WHITE: Yes, sir.

21 THE COURT: --- you know, to stay within the
22 rules of this court and the orders of this court. And if
23 you can't do that and if Ms. Langley can't do that or if
24 anybody else can't do that, then I'm going to have to
25 consider what contempt powers I have, whether it's fining

1 you, incarcerating somebody, or striking your answer,
2 finding you in default, not allowing you to participate in
3 this process. I don't know what those are. I'm not
4 considering those at this time, but all of those may be
5 possibilities. Do you understand that?

6 MS. WHITE: Yes, sir.

7 THE COURT: Ms. Langley?

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. We're going to have to
10 try to get through this testimony, so if everybody could
11 try to do our very best to conform to the rules. You have
12 to testify to only what your knowledge is and not what
13 somebody else told you. Do you understand that?

14 THE WITNESS: Yes, sir.

15 THE COURT: And your questions must elicit the
16 same relevant information. Do you understand that Ms.
17 White?

18 MS. WHITE: Yes, sir.

19 THE COURT: All right. Let's have the jury.
20 Thank you.

21 (The jury returned to the courtroom at 11:40 a.m. and
22 the following proceedings were had in the jury's presence:)

23 ~~THE COURT: All right, Ms. White. And, please,~~
24 remember to speak up as loud as you can; okay?

25 MS. WHITE: Yes, sir.

1 THE COURT: Thank you.

2 CROSS-EXAMINATION BY MS. WHITE (CONT'D):

3 Q. Mrs. Langley, how long were you durable power of
4 attorney before you found out?

5 A. The date on the durable power of attorney is April the
6 18th, 2012, and I found out November or the first of -- it
7 may have been the first of December of 2012 that the
8 document existed.

9 Q. So that's eight months; correct, give or take a few
10 days?

11 A. Yes.

12 Q. And you were at Duke when you found out, with daddy?

13 A. Yes.

14 Q. Why was daddy at Duke at that time?

15 A. Repeat the question.

16 Q. Why was daddy at Duke Hospital at that time?

17 A. Because we had taken him to the hospital for his
18 follow-up appointment and he had low blood pressure and
19 weakness and a urinary tract infection and sepsis.

20 Q. And what do you believe the urinary tract infection
21 was a result of?

22 A. The Foley catheter that Wendy Lynch had inserted.

23 Q. Was that a doctor's order?

24 A. Not that I'm aware of.

25 Q. Did the doc -- while you were at Duke, did we have a

1 meeting about daddy's health care?

2 A. Yes.

3 Q. Did Mrs. Lynch call and -- was she on a conference
4 call?

5 A. Yes.

6 Q. What was her position with the doctors and what was
7 her demeanor with everybody that was in the room?

8 MR. MCCULLOCH: Your Honor, the question is
9 questioning her position. I think they're talking about
10 her physical position since she was on the other end of the
11 telephone. We're certainly now eliciting observation of
12 demeanor, but the other part of it is hearsay again.

13 THE COURT: Well ---

14 MR. MCCULLOCH: Depending on what she's trying to
15 get at. I'm not sure yet. And then ---

16 THE COURT: As long as she only testifies as to
17 Mrs. Lynch, who's a party in this lawsuit, I'm going to
18 allow it. Do you understand that?

19 MR. MCCULLOCH: I apologize, Your Honor, I was
20 thinking of the wife -- the wife of Mr. Lynch, but at the
21 point she was deceased. My -- my bad. That is absolutely
22 a proper question. My apologies.

23 ~~THE COURT: All right. Ms. Langley, you can~~
24 answer the question.

25 A. Can you rephrase?

1 Q. During the conference call, was I present?

2 A. Yes.

3 Q. What was -- what was Wendy requesting over the phone?

4 MR. MCCULLOCH: Your Honor, I have no objection
5 to her answering that question. That is not hearsay. Ms.
6 Lynch is who she is speaking about. She can be -- she can
7 tell her recollection of what she submits to the jury was
8 said by this plaintiff.

9 THE COURT: Yes, ma'am. You can testify to what
10 Ms. Wendy Lynch said.

11 A. She did not want daddy to go to rehab and she wanted
12 daddy to come home.

13 Q. What were the doctors recommending?

14 A. They recommended rehab.

15 MR. MCCULLOCH: And that one ---

16 THE COURT: No, ma'am. You can't answer that.
17 Ms. White, ask another question.

18 MS. WHITE: Yes, sir.

19 Q. What day did you go to Rick Hoefer's office?

20 A. May the 10th.

21 Q. What day was the Will signed?

22 A. It said May the 10th. It's actually May the 11th.

23 Q. What day did -- what day did -- the Will that you
24 recorded at the register of deeds office or in the probate
25 court, what date is on that Will?

1 A. The day that it was filed -- the day that it was filed
2 was -- the day it was filed is March the 1st, 2013.

3 Q. Okay. Where were you on May the 10th?

4 A. I'm assuming at Rick Hoefer's office to give my daddy
5 a ride home.

6 Q. And who asked you to do that?

7 A. Wendy.

8 Q. Where were you on May the 11th?

9 A. In Charlotte.

10 Q. In Charlotte?

11 A. North Carolina.

12 Q. What did you do while you were in Charlotte?

13 A. It was Blake's birthday. We were visiting some
14 friends on Lake Norman.

15 Q. How long did you stay?

16 A. We came back Sunday I believe.

17 Q. Two days? Three days?

18 A. Sunday, two days.

19 Q. So you weren't present on the day that Ms. Lynch is
20 claiming that the Will was signed?

21 A. No.

22 Q. So there's no possible way that the Will could have
23 ~~been signed on the 11th?~~

24 A. I don't know when it was signed. I wasn't present on
25 the 11th to pick my daddy up.

1 Q. But you were in Rick Hoefer's office on the 10th?

2 A. Yes.

3 Q. And on the Will it has the 10th on it, and there's a
4 line through it that shows it could be the 10th or the
5 11th?

6 A. Yes.

7 Q. And Mrs. Lynch is stating that the Will was on the day
8 that you were in Rick Hoefer's office, the day that you
9 were in Charlotte?

10 A. That's when I believe they're stating.

11 Q. After you went to the meeting or to Rick Hoefer's
12 office, after daddy and Mr. Hoefer had their meeting, did
13 you make a purchase for daddy at a liquor store?

14 A. Yes.

15 Q. And what did dad -- what did you buy?

16 A. Some Glenlivet and something called Red Wing Whiskey.
17 I think two Glenlivets and one for a birthday present.

18 Q. Okay. So again, you were not at Rick Hoefer's office
19 on the 11th, the day that they're stating that the Will was
20 signed?

21 A. No.

22 Q. Give me an example of what -- the durable power of
23 attorney, you didn't know about it until eight or nine
24 months after it was drawn up; correct?

25 A. Yes.

1 Q. Did Ms. Lynch know about the durable power of
2 attorney?

3 A. Yes.

4 Q. Did she act as durable power of attorney without you?

5 A. Yes.

6 Q. In what capacity?

7 A. She collected rents, took checkbooks, wouldn't
8 communicate with me about my father's assets, would not
9 secure my father's assets, told me it's a matter of public
10 record.

11 Q. So when you found out about the durable power of
12 attorney and you asked Mrs. Lynch why she did not let you
13 know, what was her response?

14 A. She received a copy; I should have received a copy.

15 Q. And who did she receive a copy from? Did she let --
16 did she say?

17 A. She said Rick Hoef -- no, I can't say that.

18 MS. WHITE: She's here.

19 A. She said Rick Hoefer came to the office and prepared
20 it and gave her her copy.

21 Q. On the 11th?

22 A. On April the 18th.

23 Q. --April the 18th. -- Okay. -- So you observed Mrs. Lynch
24 acting as durable power of attorney without you, making
25 decisions for our father's estate. Can you give an example

1 without saying who said or just state what she was -- you
2 -- you know that she was trying to do or she attempted to
3 do?

4 A. She signed a check and gave it to me for \$2500, paying
5 -- and she did one for herself. And then she collected
6 rent and had an itemized statement of the rents that she
7 collected and she wouldn't communicate with me about it.

8 Q. An itemized statement?

9 A. Just like a piece of notebook paper with rent
10 collection on it.

11 Q. Do you recall how much rent she collected?

12 A. I don't recall.

13 Q. Would you say it's over a thousand dollars?

14 MR. MCCULLOCH: Objection. The witness has said
15 she doesn't recall.

16 THE COURT: She can't recall. You have to ask
17 her another question.

18 MS. WHITE: Okay.

19 Q. Did Mrs. Lynch attempt to transfer funds without
20 saying -- do you have knowledge that Mrs. Lynch tried to
21 transfer funds at First Reliance Bank, or whatever the name
22 of the bank is in Timmons ville?

23 A. (No audible response.)

24 THE COURT: Answer the question.

25 MR. MCCULLOCH: Well, Your Honor, excuse me. My

1 objection would be she can answer the question only if she
2 has personal knowledge of it.

3 THE COURT: Sure.

4 MR. MCCULLOCH: Not based on what someone else
5 told her. That's the problem.

6 THE COURT: Okay. Well ---

7 Q. Do you have personal knowledge of that?

8 A. I have an affidavit.

9 MS. WHITE: You can't.

10 THE COURT: Next question.

11 Q. Yes or no, personal knowledge?

12 A. I spoke to the person that she took ---

13 THE COURT: No, ma'am.

14 MS. WHITE: Okay. I'll change it.

15 THE COURT: Ms. White, ask another question. You
16 can continue.

17 MS. WHITE: Yes, sir.

18 MR. MCCULLOCH: Your Honor, I apologize. And I
19 am not trying to hamstring this. I am as much as seeker of
20 the truth as anyone in this courtroom.

21 THE COURT: I understand.

22 MR. MCCULLOCH: Thank you.

23 THE COURT: All right. Ms. White?

24 Q. When you were locked out by Wendy, you were both
25 durable powers of attorney?

1 A. Yes.

2 Q. You believe that she locked you out for what reason?

3 A. To hide and conceal my daddy's assets.

4 Q. Did you and Porter Stewart pay -- did you witness
5 scanning of the floors?

6 A. Yes.

7 Q. And what did the report show?

8 A. Possible safes under the floor.

9 MR. MCCULLOCH: Your Honor, objection.

10 THE COURT: Calls for hearsay. Sustained. Asked
11 another question.

12 THE WITNESS: I saw it.

13 THE COURT: Ma'am, you're going to have to obey
14 the ruling of the Court. Do you understand that?

15 THE WITNESS: (No audible response.)

16 THE COURT: Do you understand?

17 THE WITNESS: Yes, sir.

18 THE COURT: Ms. White, ask another question.

19 Q. Do you have knowledge of Mrs. Lynch traveling to
20 Florida during our father's illness?

21 A. Yes.

22 Q. And how do you know that?

23 A. She was ---

24 Q. Did Ms. Lynch have a party on Thanksgiving weekend,
25 the week of -- let me start over. Let's just talk about

1 Thanksgiving. Were you out of town for Thanksgiving?

2 A. Briefly.

3 Q. Okay. And did you receive a call from me when I got
4 in from Winston-Salem about the condition of our father?

5 A. Yes.

6 Q. Were you -- were you shocked?

7 A. Yes.

8 Q. What was daddy's condition when you left two days
9 prior?

10 A. Sitting up eating a banana, talking.

11 Q. And when you arrived, in an emergency fashion, from
12 Georgia, what was our daddy's condition?

13 A. He was weak, sedated, had a catheter in. Wendy
14 cathetered. Dehydrated.

15 Q. Did you give consent for the catheter?

16 A. No.

17 Q. So she acted without your consent to put in the
18 catheter?

19 A. Yes.

20 Q. Did she let you know that he had a catheter?

21 A. (No audible response.)

22 THE COURT: Ma'am, ---

23 Q. Yes or no?

24 THE COURT: --- you can answer the question, if
25 you know.

1 A. She text me.

2 Q. While you were in Georgia?

3 A. I don't recall where.

4 Q. Give me a -- tell me about what happened Thanksgiving
5 weekend. Give me -- give the jury an idea of when you came
6 home from Georgia what was going on at the house.

7 A. Well Friday after Thanksgiving we had an emergency
8 meeting. We had Hospice there, just the respite care to --
9 because my dad could not have -- my dad stayed for ten days
10 and he was on high dose steroids. And the doctor, we
11 thought -- he was on high dose steroids causing agitation.
12 So we were giving him a chance to be weaned down so he
13 could have another dose of his Avastin.

14 We had an emergency meeting because I wanted my
15 daddy to get IV fluids. He was sedated and dehydrated and
16 drawn up like a prune. And we had a meeting with Wendy,
17 Becky, myself. And I told whoever -- I was there, the
18 social worker, James Beard, Dennis Hill, and Jordy, and
19 maybe one other hospital personnel. And I had to beg to
20 get IV fluids, oxygen, treatment for my daddy.

21 Q. Did Mrs. Lynch want our father to have IV fluids?

22 A. No.

23 Q. Did she state why?

24 A. I wanted -- I wanted my daddy to go to the hospital
25 and get IV fluids. She stated the man was going to die