

RECEIVED

Feb 09 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Martha M. Rivers, Circuit Court Judge

Appellate Case No. 2025-000150
Case No. 2022-CP-02-2323
Case No. 2022-CP-02-2324

Heather Crespo.....Respondent/Appellant,

v.

Rhett Riviere, Josee Riviere, Chase Enterprises, LLC
and R.C. Riviere Properties, LLC Defendants,

AND

Gabriel Crespo Respondent/Appellant,

v.

Rhett Riviere, Josee Riviere, Chase Enterprises, LLC
and R.C. Riviere Properties, LLC, ... Defendants,

Of which

Rhett Riviere, Chase Enterprises, LLC and
R.C. Riviere Properties, LLC, are the Appellants/Respondents,

and

Josee Riviere is the Respondent/Appellant.

**RECORD ON APPEAL
VOLUME FIVE**

COUNSEL OF RECORD

GRIFFIN HUMPHRIES LLC

James M. Griffin, S.C. Bar No.: 9995
Margaret N. Fox, SC. Bar No.: 76228
8906 Two Notch Road, Suite 200
P.O. Box 999 (29202)
Columbia, South Carolina 29223
Telephone: 803-744-0800
jgriffin@griffinhumphries.com
mfox@griffinhumphries.com

MCCULLOCH & SCHILLACI, ATTORNEYS AT LAW

Joseph M. McCulloch, S.C. Bar No.: 3760
Kathy R. Schillaci, S.C. Bar No.: 17248
1116 Blanding Street
P.O. Box 11623 (29211)
Columbia, South Carolina 29201
Telephone: 803-779-0005
joe@mccullochlaw.com
kathy@mccullochlaw.com

***Attorneys for Appellants/Respondents
Rhett Riviere Chase Enterprises, LLC
and R.C. Riviere Properties, LLC***

JOHN HARTE LAW

John Harte, S.C. Bar No.: 2773
Dalton P. Cooper, S.C. Bar No.: 105959
P.O. Box 7215
Aiken, South Carolina 29804
Telephone: 803-226-0755
john@jwhartelaw.com
dalton@jwhartelaw.com

THE MOSTELLER LAW FIRM, LLC

James D. Mosteller, III, S.C. Bar No.: 12008
P.O. Box 1832
Barnwell, South Carolina 29812
Telephone: 803-259-4964
jdmosteller@gmail.com

***Attorney for Respondent/Appellant Josee
Riviere***

DEBORAH B. BARBIER, LLC

Deborah B. Barbier, S.C. Bar No.: 6920
1811 Pickens Street
Columbia, South Carolina 29201
Telephone: 803-445-1032
dbb@deborahbarbier.com

WESLEY D. FEW, LLC

Wesley D. Few, S.C. Bar No.: 15565
P.O. Box 9398
Greenville, South Carolina 29605
Telephone: 864-527-5906
wes@wesleyfew.com

RYAN L. BEASLEY, ATTORNEY AT LAW, P.A.

Ryan L. Beasley, S.C. Bar No.: 68307
416 East North Street
Greenville, South Carolina 29601
Telephone: 864-679-7777
rlb@ryanbeasleylaw.com

***Attorneys for Respondents/Appellant
Heather Crespo and Gabriel Crespo***

RECORD ON APPEAL INDEX

VOLUME ONE

ORDERS

Order granting Plaintiffs' Motion for Continuance and Date Certain Trial, filed August 15, 2024.....	1
Order granting Plaintiffs' Motions to Consolidate, filed September 12, 2024.....	7
Form 4 Orders/Verdict Forms, filed September 24, 2024	13
Form 4 Orders/ Actual and Punitive Damages Verdict Forms, filed September 25, 2024.....	23
Order as to Post-trial Motions of Rhett Riviere, filed January 3, 2025	49
Order as to Post-trial Motions of Josee Riviere, filed January 3, 2025	62
Order granting Attorneys' Fees and Litigation Costs to Heather Crespo Pursuant to the SCUTPA, filed March 14, 2025 (Case No. 2022-CP-02-02323)	70
Order granting Attorneys' Fees and Litigation Costs to Gabriel Crespo Pursuant to the SCUTPA, filed March 14, 2025 (Case No. 2022-CP-02-02324)	82

PLEADINGS

Complaint of Heather Crespo, filed October 10, 2022	94
Complaint of Gabriel Crespo, filed October 10, 2022.....	109
Answer of Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC, in the Heather Crespo matter, filed November 14, 2022	124
Answer of Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC, in the Gabriel Crespo matter, filed November 14, 2022	131
Answer of Josee Riviere to Heather Crespo, filed November 22, 2022	138
Answer of Josee Riviere to Gabriel Crespo, filed November 22, 2022.....	147

MOTIONS, SUPPORTING MEMORANDA, and OTHER FILINGS

Plaintiffs’ Motion to Consolidate, filed August 12, 2024.....	156
Plaintiff’s Motion for Continuance and Date Certain trial, filed August 12, 2024	163
Defendant Josee Riviere’s Motion In Limine to Exclude Witnesses and Inadmissible Hearsay, filed September 6, 2024	165
Defendant Josee Riviere’s Motion In Limine to Exclude Irrelevant Evidence pursuant to the Rules of Civil Procedure and the Rules of Evidence, filed September 9, 2024	322
Defendant Josee Riviere’s Motion for Severance, filed September 11, 2024	337
Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Motion in Limine, filed September 11, 2024	341
Defendant Josee Riviere’s Brief in Support of Separate Trial, filed September 13, 2024	352
Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Motion for Directed Verdict, filed September 23, 2024	358
Plaintiffs’ Motion for Attorneys’ Fees and Costs, filed October 4, 2024.....	368
Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Motion for JNOV, filed October 4, 2024	398
Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Motion to Reduce Punitive Damages, filed October 4, 2024.....	408
Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Motion for New Trial or in the Alternative for New Trial Nisi Remittitur, filed October 4, 2024	411
Defendant Josee Riviere’s Motion for JNOV, filed October 4, 2024.....	418
Affidavit of Deborah B. Barbier, filed October 7, 2024.....	444
Affidavit of Ryan Beasley, filed October 8, 2024	450
Defendant Josee Riviere’s Supp. Motion for JNOV, or in the Alternative for a New Trial, or in the Alternative for a New Trial Nisi Remittitur, filed October 8, 2024	464
Declaration of Wesley D. Few, filed October 10, 2024.....	466
Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Supp. Motion for New Trial, filed October 10, 2024.....	471

Defendants Rhett Riviere, Chase Enterprises, LLC of South Carolina and R.C. Riviere Properties, LLC’s Supp. Motion for Election of Remedies, New Trial, New Trial Nisi Remittitur, or to Set Aside Verdicts, filed October 10, 2024	479

VOLUME TWO

Plaintiffs’ Response Opposing Defendant Josee Riviere’s Motion for JNOV, filed Oct. 21, 2024	486
Plaintiffs’ Response Opposing Rhett Riviere Defendants’ Motion for JNOV, filed October 21, 2024	501
Plaintiffs’ Response Opposing Rhett Riviere Defendants’ Supp. Motion for Election of Remedies, filed October 21, 2024.....	516
Plaintiffs’ Response Opposing Rhett Riviere Defendants’ Motion for New Trial, filed October 21, 2024	531
Plaintiffs’ Response Opposing Rhett Riviere Defendants’ Motion to Reduce Punitive Damages, filed October 21, 2024	546
Defendant Josee Riviere’s Amended Memorandum of Law in Supp. of Motion for JNOV, filed November 12, 2024	555
Brief on Behalf of Josee Riviere as to Plaintiffs’ Request for Fees, filed January 20, 2025.....	601
Plaintiffs’ Supplemental Memorandum in Support of Attorneys’ Fees and Costs, filed January 28, 2025	607
Amended Affidavit of Deborah B. Barbier, filed January 28, 2025	622
Rhett Riviere Defendants’ Memorandum in Opposition to Petition for Attorneys’ Fees and Costs, filed January 28, 2025	645

OTHER

Notice of Appeal, filed January 27, 2025	653
Notice of Appeal by Respondents/Appellants, filed February 5, 2025	683
Notice of Appeal by Respondents/Appellants, filed April 4, 2025	719

TRANSCRIPTS

Trial Transcript, September 16-25, 2024.....	731

VOLUME THREE

Trial Transcript, September 16-25, 2024, continued	951

VOLUME FOUR

Trial Transcript, September 16-25, 2024, continued	1441

VOLUME FIVE

Trial Transcript, September 16-25, 2024, continued	1932

VOLUME SIX

Trial Transcript, September 16-25, 2024, continued	2423
All Trial Exhibits, September 16-25, 2024	2476
Riviere Defendants Proposed Verdict Form	2499
Transcript of Hearing on Post-trial Motions, November 13, 2024	2503
Transcript of Hearing on Attorneys Fee and Costs, January 21, 2025	2614

MISCELLANEOUS

Docket from Criminal Case No. 2021-A-02-10700228	2658
Docket from Criminal Case Nos. 2022-A-02-10700181 and -182	2660
Docket from Case No. 2020-CP-02-01616 (Plaintiff Simmons for Minor Child)	2664
Docket from Case No. 2021-CP-02-00333 (Plaintiff Michele Jain)	2666
Docket from Civil Case No. 2021-CP-02-00889 (Plaintiff Julianne Foster).....	2668
September 15, 2024 Letter from Jim Griffin to Judge Rivers re: Bifurcation of Trial.....	2699
January 21, 2025 Email from Jim Griffin to Judge Rivers	2700
Notice of Appeal by Respondents/Appellants, filed February 5, 2025	2719
Notice of Appeal, filed April 3, 2025	2809

JURY TRIAL, VOL. 6

1 agents, and had been there agents over the years. And
2 there was also testimony that each one of those people
3 were friends with Josee and -- and were close friends
4 with Josee and spent lot of time out there on the
5 property. And Heather testified that Josee was there
6 every single day. They were renting the front house,
7 they were renting the cottage that my clients were in.
8 We later developed testimony that they, in 2019, from
9 Christine Thieme that they were opening up a groom's
10 cottage that she decorated for them that was -- the --
11 the kiddie pool party was part of the grand opening of
12 that. So -- and, Your Honor, that would have been
13 during the time period that it was owned by RC Riviere
14 Properties.

15 THE COURT: Well, and Mr. Few, I don't need to
16 -- are you speaking as to the corporation still, or
17 are you speaking as to the other class of action?

18 MR. FEW: Well, Your Honor, on their seventh
19 point --

20 THE COURT: Which is that there was no evidence
21 as to Chase Enterprises or RC Properties owned,
22 controlled or rented the cottage to the plaintiffs.

23 MR. FEW: -- well, there simply there is,
24 because Suzy Haslup testified that she had the
25 listing agreement. She knew that it was a rental.

JURY TRIAL, VOL. 6

1 Everybody knew that the cottage was being rented
2 throughout all those years. Christina Thieme rented
3 it during the time period that Suzy Haslup had it
4 under exclusive listing agreement. I asked Deirdre
5 Vaillancourt, did you put the Christina Thieme in
6 that rental in 2019, and she said I don't recall. So
7 that's an abundance of evidence that RC Riviere
8 Properties, which was the owner of record of that
9 property -- I do believe that's right -- from -- but
10 even if it weren't the owner of record, that could
11 have been a management company that -- for which they
12 were running it through. Certainly, they had to be
13 the owner of record because it was on the listing
14 agreement that Suzy Haslup had for 10 years.

15 THE COURT: And it's your recollection that she
16 said -- she testified as to that point, because we
17 don't have any of the deed records in evidence;
18 correct?

19 MR. FEW: That's correct, Your Honor. But we do
20 -- I definitely asked her about that, and she knew
21 about it, and she knew that it was RC Riviere
22 Properties. And then Josee was also asked about
23 Chase, and Chase was the owner of record of the
24 3rd Avenue property, and Suzy Haslup sold them the
25 3rd Avenue property, so she was knowledgeable that

JURY TRIAL, VOL. 6

1 they bought it in the name of Chase and that she then
2 sold it where Chase would have been her client in
3 2020. And we know that that was used for rentals.

4 THE COURT: Okay. Anything else on that point?

5 MR. FEW: Oh, yeah. I forgot that Josee was
6 asked questions about her receiving money from each
7 one of those entities over the years.

8 THE COURT: Okay. All right. Mr. Griffin, if
9 you don't mind, I'm going to let -- just like I did
10 with you, you argued in full and I let them argue in
11 full as well. Okay? And then we'll -- so take your
12 notes, is what I'm warning you.

13 MR. GRIFFIN: Yeah, and I am. Thank you.

14 THE COURT: All right. Mr. Few, I did want you
15 to specifically address that issue. You can go back
16 to however you wish and I'll follow you.

17 MR. FEW: Are we up to the UTPA now, Your Honor?
18 Are we going backwards still?

19 THE COURT: If you want to continue go
20 backwards, we will. If you want to present it some
21 other way, I'll leave that to your discretion.

22 MR. FEW: Well, let me go back and go in order,
23 if it's all right with the Court.

24 THE COURT: Perfectly fine.

25 MR. FEW: So with respect to the first argument,

JURY TRIAL, VOL. 6

1 Your Honor's charges have adopted the more
2 appropriate case of Boan v. Blackwell. which states
3 that "Separate damages are given for mental anguish
4 where the evidence shows, for example, that the
5 injured person suffered shock, fright, emotional
6 upset and/or humiliation as a result of the
7 defendant's negligence." And that cites a 1968
8 Turner case. Your Honor, the Babb v. Landfill case
9 that opposing counsel relies upon was basically an
10 environmental contamination trespass nuisance case.
11 And really, all the Court was saying there is you
12 can't recover a negligence because you had a bad
13 smell. And -- and so, that's what that case is
14 saying.

15 And further, Your Honor, our clients did testify
16 to numerous physical manifestations of symptoms.
17 Gabriel testified about his stomach being tied up in
18 knots. On several occasions, he testified about not
19 being able to sleep. Heather testified about
20 vomiting, lost sleep and the panic attack. And I -- I
21 understand Mr. Griffin is saying that the -- the panic
22 attack where she went to the hospital was during the
23 course of this litigation, but I think that's -- that
24 just goes to the nature of the ongoing emotional
25 distress that she was suffering. And she actually

JURY TRIAL, VOL. 6

1 talked about how the -- she said a PCV, or something
2 like that. It was over my head. But she was
3 referring to a specific thing that was happening
4 within her body, not just her mind, that was causing
5 her to have those panic attacks, Your Honor.

6 So we just don't think that that's the -- the
7 accurate law. And even if it is the accurate law, as
8 limited by Babb versus Lee County Landfill, our
9 evidence meets that standard as well, because we have
10 evidence of the physical manifestations of those
11 injuries. And that evidence was also put up by the
12 counselors that testified about the -- the -- the
13 symptoms that -- that both Gabriel and Heather were
14 suffering and that they were reported when they
15 presented to them for counseling, Your Honor. So I
16 think that what that law is, is that -- that
17 gatekeeping function is more applicable to the
18 situation of Lee County Landfill where the court is
19 just saying you can't recover in negligence because
20 you didn't like the way something smelled. And that's
21 what that case says, Your Honor.

22 THE COURT: Okay.

23 MR. GRIFFIN: Your Honor, I -- I -- I forgot to
24 argue that for Mr. Riviere, there's -- I -- I put it
25 in the brief that the only evidence against him is

JURY TRIAL, VOL. 6

1 intentional conduct, so I think he may want to
2 address that instead of having to go back and forth.
3 That there was a distinction for negligence that's
4 inadvertence, and we cited a case for that
5 proposition, and the only evidence against Mr.
6 Riviere is intentional.

7 THE COURT: So, Mr. Few, the way that I
8 understand your argument -- and please correct me,
9 Mr. Griffin -- is that you could do the intentional
10 infliction of emotional distress against Mr. Riviere,
11 but not negligence and intentional infliction of
12 emotional distress because of the nature of the
13 causes of action.

14 MR. GRIFFIN: That's correct.

15 THE COURT: Do you have anything to address
16 that?

17 MR. FEW: Oh, certainly, Your Honor. Let me go
18 to No. 2, because I think this is one of the easier
19 ones. They say that we haven't established that our
20 clients were within the class of people that was to
21 be protected by the real estate code. Sue Hook
22 testified that everything they do in the real estate
23 code is out of the public interest. And, Your Honor,
24 40-57-10 repeats exactly what Sue Hook said, that the
25 purpose of the real estate code is to protect the

JURY TRIAL, VOL. 6

1 public interest. Obviously, our clients were members
2 of the public. They were part-time residents of
3 South Carolina for three months. And -- and then,
4 Mr. Griffin cited some stuff about short-term
5 rentals. I don't know exactly how the various states
6 define short-term rentals, Your Honor, but there is
7 no such distinction in the real estate code. The
8 real estate code is abundantly clear: If you do
9 anything -- anything -- with the expectation or
10 anticipation of earning a fee or getting anything of
11 value related to the sale, rental, or leasing of real
12 property, then thou shalt be licensed. And they were
13 not licensed. So --

14 THE COURT: But not an owner; correct? Like, if
15 I'm an owner and am renting my property, I don't have
16 to go get a real estate license.

17 MR. FEW: They weren't the owners, Your Honor.
18 Sue Hook testified that -- that the mother owned the
19 properties.

20 THE COURT: Okay.

21 MR. FEW: They have not established that they
22 are the owners, Your Honor. They were asked that
23 question. Mr. Riviere was asked that question and he
24 wouldn't answer it.

25 THE COURT: Well, and the reason I'm puzzled,

JURY TRIAL, VOL. 6

1 Mr. Few is because his mother, who I understand is
2 deceased, is -- is not in this action. So just help
3 me out. Help me figure out what we're arguing,
4 because I'm -- I'm getting a little bit twisted up.

5 MR. FEW: Josee said she did not own it, Your
6 Honor. And in addition, the -- you know, the -- the
7 -- the -- the entire rental was made to us through
8 Rhett Riviere. If -- and so that's why he's the
9 appropriate party to name. They held themselves out
10 to be in control of the property. I mean, my clients
11 weren't obligated to come in and do some kind of a
12 title search before they did a short-term rental that
13 was arranged through people that they had then known
14 for several years with respect to the Rivières, and
15 probably decades with respect to the Salatins, that
16 told them and represented to them that this is a safe
17 place for you to stay and this is a good place for
18 you to stay and this is where you should stay, and
19 that's why they rented it -- that's why they did it
20 sight unseen.

21 THE COURT: Okay. I found what I was looking to
22 -- looking for, Mr. Few. I think the statute says
23 "does not apply to the sale, lease, or rental of real
24 estate by an unlicensed owner or real estate who owns
25 any interest in the real estate if the interest being

JURY TRIAL, VOL. 6

1 sold, leased, or rented is identical to the interest
2 of the owner."

3 MR. FEW: Mr. Riviere didn't answer the question
4 about what kind of interest he might have had in the
5 property, and Josee said she didn't know who owned
6 the property, Your Honor. She said she did not own
7 the property.

8 Your Honor, with respect to the -- the argument
9 that I noted they skipped over that. The jury can
10 infer whatever they want. No one has -- there's been
11 lots of tacit admissions to conduct by counsel and by
12 witnesses in this trial, but you know, Mr. Riviere's
13 testimony -- if he chose to waive his Fifth Amendment
14 privilege -- could be, oh, well somebody else put
15 those cameras in there, it might have been one of my
16 maintenance men, or something like that. And so,
17 again, the jury has wide discretion to determine if
18 those were grossly negligent acts or negligent acts on
19 his behalf or intentional acts. And I just don't
20 think that -- that, as a defendant, you have the
21 option without admitting the conduct, which they've
22 not done, that you can only pursue intentional torts
23 and, therefore, you can't pursue unintentional
24 torts.

25 We have our beliefs about, you know, who did it.

JURY TRIAL, VOL. 6

1 But since he hasn't answered the questions, the jury
2 has latitude again to infer that he did it, to infer
3 that he negligently allowed someone else to do it.
4 And certainly, with respect to Josee, that she was on
5 the property every single day. She married to the man
6 who was controlling the rental of the property, and
7 that was Mr. Riviere. And so, you know, again --
8 and -- and she's denied having any knowledge of it,
9 and we -- we allege, of course, that that's not
10 plausible.

11 But certainly, there's testimony that she had
12 the key, so she would have been able to have the key
13 to the -- the other side of the building as well. And
14 so, Your Honor, I just don't think that -- and I'm not
15 a criminal lawyer. I believe that that to my -- all
16 of these folks in the room. But it -- it kind of
17 analogizes to a lesser included, and I know there's
18 rules about when it could be a lesser included. But
19 simply because there is evidence of both doesn't mean
20 that a plaintiff is prevented from pursuing both and,
21 particularly in this instance, where the Fifth
22 Amendment has been asserted. And -- and I've already
23 laid out a few scenarios by which the jury could
24 conclude that what he did was negligent in some ways
25 and intentional and other ways. It could have been

JURY TRIAL, VOL. 6

1 negligence that it got there and intentional that it
2 was spliced and put together on -- on the tapes. We
3 -- we don't know because he wouldn't answer the
4 questions.

5 Okay. Your Honor, I think that gets me to their
6 fourth argument. Well, Mr. Griffin also said with
7 respect to, I think, the third argument that it was
8 not somebody's job to inspect, and that's not really
9 what we're saying, that a realtor or anybody had a job
10 to inspect. The -- the problem is, is there was, at
11 some point, whether it was the day they signed the
12 lease or sometime thereafter, these cameras were put
13 in place, and that made the -- the rental not a safe
14 place to live because of the invasion of privacy that
15 was allowed by that. So I don't really know what a
16 duty to inspect by anyone has to do with anything.
17 They had a duty that -- and in your -- Your Honor's
18 charges, I think you've indicated that the duty
19 question is one for the Court.

20 THE COURT: Mr. Few, hold your thought, please.
21 I'm sorry. We have a juror who has had a sick
22 relative who, apparently, is doing very poorly right
23 this minute, and she would like to leave for the
24 hospital to go see them. I'm inclined to let her go
25 and have the alternate step in, the first alternate.

JURY TRIAL, VOL. 6

1 MR. GRIFFIN: Did -- did we lose juror for -- to
2 a flight over the weekend?

3 THE COURT: We did not lose anyone else --

4 MR. GRIFFIN: Okay.

5 THE COURT: -- not at this time. We thankfully
6 are holding onto that one.

7 MR. GRIFFIN: Right.

8 THE COURT: But this -- we have been monitoring
9 this situation because it is -- it's a -- it's her
10 parent, I believe. A parent has been in hospice and
11 is very ill, and she's been told to get to the
12 hospital.

13 MR. GRIFFIN: Yeah, we -- have no objection,
14 Your Honor.

15 THE COURT: Yeah. Okay.

16 MR. HARTE: None, Your Honor.

17 THE COURT: All right. Do you all mind if I go
18 tell her this?

19 MR. HARTE: No problem, Your Honor.

20 THE COURT: Thank you. I want to do this
21 immediately, Mr. Few.

22 MR. FEW: Yes, Your Honor. That's fine. We
23 would concur.

24 (Off the record.)

25 (Pause.)

JURY TRIAL, VOL. 6

1 (On the record.)

2 THE COURT: Please be seated. I did not address
3 anything with the alternate. We'll take care of that
4 later. Okay. All right. I'm sorry, Mr. Few, that
5 could be not to be avoided.

6 MR. FEW: That's quite all right, Your Honor.
7 Your Honor, on page 5 of opposing counsel's brief,
8 they make the argument here "The only evidence
9 presented against Rhett Riviere is that he engaged in
10 willful misconduct by invading the plaintiffs'
11 privacy." And I think I've already addressed that,
12 that because he has left the door so wide open with
13 his Fifth Amendment privilege that the jury could
14 infer negligence, and the plaintiffs don't -- a
15 plaintiff would not lose the ability to bring an
16 intentional tort along with a negligent --
17 negligence -- negligence allegation simply because
18 the defendants now want to pick which of those two,
19 they allege the evidence fits into, particularly in
20 the circumstance, Your Honor, where the client has
21 chosen not to testify and has invoked his Fifth
22 Amendment privilege.

23 Your Honor, next they make the argument that --
24 that the emotional distress at issue in this case does
25 not rise to the level of being extreme or severe. We

JURY TRIAL, VOL. 6

1 simply disagree with that. The -- the case law talks
2 about shock. Both of our clients testified that they
3 were shocked, they were in disbelief, they didn't know
4 what to think. That was upon the initial discovery.
5 And then, the emotional distress that they suffered
6 continues on, Your Honor. And if videotaping somebody
7 in the invasion of their most private moments on
8 multiple occasions does not rise to the level of being
9 so extreme and severe as a matter of law, then perhaps
10 we don't get there, but I do believe that we do,
11 because the nature of the conduct is so reprehensible,
12 it meets all of the elements of the claim, Your Honor.
13 It's utterly intolerable in a civilized society.

14 And the fact that Heather and Gabriel each
15 responded to it in different ways does not in any way
16 diminish what it was that they went through. Heather
17 said she tried to be tough. She was tough. I mean,
18 there's no requirement that she become
19 institutionalized in order to maintain an intentional
20 infliction of emotional distress claim, Your Honor.
21 So -- and their testimony again shows that they had
22 the physical manifestations that I've mentioned
23 already. And that also that the, you know, the
24 conduct is what it is, Your Honor. And we believe
25 it -- it absolutely needs meets whatever the threshold

JURY TRIAL, VOL. 6

1 is of an intentional infliction of emotional distress
2 claim.

3 Your Honor, on their Roman V, which is on page 6
4 of their brief, the Fifth Amendment comes into play
5 again. Mr. Griffin is referring to that claim as a
6 negligent misrepresentation claim, but it's not a
7 negligent misrepresentation claim for several reasons.
8 Those are different and distinct claims they make.
9 They have some overlap, but they are different. The
10 -- the trick is here is were not -- they're not
11 required to -- for -- for our clients, they didn't
12 intend for our clients to rely. And the reason for
13 that is, Your Honor is because it's a latent defect in
14 the property, so to speak, that has been withheld from
15 disclosure. So they don't have to say come rent this
16 property and, by the way, we don't record you, so make
17 sure you rely on the fact that we don't record you.
18 If they had said that, then it would be a straight-up
19 fraud claim. So the constructive fraud claim fits
20 into the totality of the circumstances. The
21 Salatinos, who they trusted, said come rent this
22 property. The Rivières, who they had gotten to know
23 for at least 2 years prior, they had dinner with.
24 They said they trusted all four of those people --
25 Gina and Lito, Josee and Rhett -- come stay here.

JURY TRIAL, VOL. 6

1 They rented it sight unseen. And it was represented
2 as safe, it was represented as a place where your
3 privacy would be respected, and -- and the -- the
4 totality of that representation was false. And that's
5 the basis of the claim, Your Honor, that the
6 representation is in the presentation that this is a
7 safe place and you can stay there.

8 And had there been realtors -- because
9 Mr. Griffin said we haven't had any evidence -- but
10 realtors do inspect properties because they have to
11 know what the property looks like so that when they're
12 on the phone with their clients they can tell them
13 about it before they show to them. And so, there is
14 evidence that a realtor -- if a realtor had been used,
15 as we allege was required under these circumstances,
16 because they were not the owners of the property -- a
17 realtor could have discovered these latent effects, or
18 a realtor for whatever reason could have put Gabriel
19 and Heather in a different location. So the property
20 was represented as safe, and it just simply was not
21 safe, Your Honor.

22 THE COURT: What about the damages portion of
23 that argument, Mr. Few?

24 MR. FEW: The damages portion on the UTPA?

25 Well, the special damages in the case that have been

JURY TRIAL, VOL. 6

1 put into evidence, Your Honor --

2 THE COURT: Well, Mr. Few, I think they also
3 argued that on the constructive fraud due to lack of
4 financial harm resulting from the alleged fraud, and
5 the measure of damages being the difference between
6 what you paid and what the value would have been but
7 for the fraud.

8 MR. FEW: -- well, Your Honor, it's -- it's
9 clear that Gabriel would not have rented if he had
10 known that he was going to be recorded, and so, his
11 \$2,400 was paid for something that was worth nothing
12 and, in fact, has caused him all of these other
13 different types of damages, not necessarily the
14 straight-up compensatory damages. And we don't have
15 evidence that he lost money on his business during
16 that time period, but -- so the damage, the measure
17 of damage is there as to the rent that he paid. And
18 -- and don't have, you know, any evidence of -- of
19 what he would have paid to stay somewhere else
20 because it just wasn't part of the case. He -- he
21 trusted them to stay there. They paid \$2,400 for
22 something that they never would have paid anything to
23 stay in if they'd had any idea that there was
24 recording devices in the bedroom or in the bathroom.
25 So, Your Honor, that's the measure of damages at that

JURY TRIAL, VOL. 6

1 -- on -- on both of those matters, and --

2 THE COURT: You're saying on the unfair trade
3 practices act as well?

4 MR. FEW: -- yes, Your Honor. The 2,400 is --
5 that's the amount that they paid as a part of the --
6 the transaction, the -- the commerce, the -- the
7 public -- the rental that was available to all of
8 these other people too. And you know, Your Honor,
9 under that -- that code provision, we only have to
10 prove that it's capable of repetition. And I think
11 by its very nature, rentals like this are capable of
12 repetition, but we have proven even more, that it was
13 repeated. And we established that, by the time you
14 got around to 2019 and 2020, that he had
15 115-3rd Avenue that he was renting through Airbnb.
16 He had the Sea Horse Cottage on the Grace property
17 that he was renting also through Airbnb. He had the
18 main house on the Grace property that was more of a
19 long-term rental, but it was being rented. We have
20 the honeymoon or groom's cottage that was added to
21 the Grace property in 2019, per Christina Thieme's
22 testimony that was being rented. And then, you have
23 the Lamplight Cottage was the one they talked about
24 that had that peephole in it. That's the property
25 out off of Pine Log Road that was being rented. So

JURY TRIAL, VOL. 6

1 it was an -- that's -- that's -- we've shown that all
2 of those things were being rented, not just that it
3 was capable of repetition.

4 THE COURT: And I believe you're already
5 argued -- you've already argued about the -- or
6 addressed the issue of the corporations. Is there
7 anything else?

8 MR. FEW: No, Your Honor. That's -- that's the
9 extent of our argument on the corporations as well.

10 THE COURT: All right. Mr. Griffin, do you want
11 to replay to any of that?

12 MR. GRIFFIN: Yes, Your Honor. So going in the
13 order that -- that -- that he just argued that --
14 that the corporate defendants, what we've heard is
15 there's evidence in the record which I don't remember
16 coming in like that, but I -- I defer to Mr. Few.
17 And I don't have a note of that, but I think he said
18 Suzy Haslup said that it was listed in 2010 and it
19 was RC Properties, but that doesn't say anything
20 about 2001. This happened in 2001, April through
21 June of 2001. There's nothing in the record. And --
22 and I will tell you if you search the probate records
23 here, you'll find out that the property was- was in
24 Ms. Riviere's estate during that period of time.
25 It -- but that's, I mean, neither here nor there.

JURY TRIAL, VOL. 6

1 But there's no evidence that RC Properties owned the
2 property in 2001. There's nothing about RC
3 Properties or -- and -- and even under his
4 recitation, there's zero evidence about Chase
5 Enterprises anywhere, except I think he said
6 3rd Avenue. And this -- the Riviere's -- excuse me
7 -- the Crespos did not even -- I don't think they
8 owned 3rd Avenue at the time. I mean, 3rd Avenue has
9 got nothing to do with this case as to the Crespos'
10 claim. And -- and so -- so, Your Honor, what -- what
11 they've come forward with is maybe it was listed as
12 RC Properties in 2010. It's sold sometime later by
13 Ms. Vaillancourt. It was owned by Cam-Ash at the
14 time, and not -- not any of these defendants. So
15 there's -- there's zero evidence of involvement by
16 these entities in this case, period, end of story.

17 Your -- Your Honor, we just -- I think with
18 regard to the negligence and negligence per se and
19 whether it requires physical injury, I mean, I think
20 the law is pretty clear on that. And that's why you
21 have the tort of intentional infliction of emotional
22 distress. That's why the courts have developed the
23 negligent infliction of emotional distress and
24 requiring you to be in this zone of impact. Why would
25 you need that requirement if you could just get it

JURY TRIAL, VOL. 6

1 under a straight negligence case? You wouldn't. But
2 the law is crystal clear that in order to get purely
3 emotional distress damages in negligence, you have to
4 be in the zone of impact and see someone die or
5 someone be physically injured and you're there and --
6 and you witness it. Why do you have to have that hook
7 if law is what he says it is?

8 And this law is not what he says it is. It is,
9 you have no physical injury in order to get emotional
10 damages, damages for mental pain and suffering,
11 emotional distress. I mean, that -- that is the law,
12 Your Honor, and so we just disagree on the law. On
13 the negligence per se, again, Your Honor, I mean, what
14 we -- we're hearing an argument based upon no evidence
15 but inference upon inference.

16 And -- and it was interesting to hear him say,
17 well, you know, someone said he didn't own the
18 property. Well, that doesn't mean who owned the
19 property. And -- and but -- and so, that's just a big
20 doughnut hole in this case, who owned the property in
21 2001 when -- when the Crespos rent it. Was it owned
22 by an entity that he had an interest in? Was it owned
23 by his mom's estate? We don't know. But here's what
24 we do know, is Mr. Crespo said he wrote a check to a
25 corporate entity. We don't know what corporate entity

JURY TRIAL, VOL. 6

1 he wrote it to. That's all we know. Do we know who
2 go money from the check? No evidence of that. No
3 evidence that money went into Josee Riviere's pocket,
4 no evidence that money went into Rhett Riviere's
5 pocket, no evidence that money went into the mother's
6 probate estate. There's just no evidence. There's no
7 evidence.

8 And so, they're saying Rhett Riviere should have
9 been a licensed real estate broker. I don't think
10 that's the case because there's no evidence that --
11 that he got money from it. They -- they do have
12 evidence that on the books of one of the entities,
13 there's a loan payable from Josee Riviere back to the
14 entity. I can't remember what -- what it was, but if
15 it's a loan, it's not compensation. So how does that
16 trigger the statute? That's all there they're --
17 that's all the evidence in the record. And again,
18 they -- they get to explain what difference it would
19 have make if Rhett Riviere had a real estate license,
20 if Josee Riviere had a real estate license. How would
21 the outcome have been different?

22 THE COURT: Are they required to do so under
23 negligence per se?

24 MR. GRIFFIN: Well, they have to prove proximate
25 cause that they were negligent, and that negligence

JURY TRIAL, VOL. 6

1 proximately injured them.

2 THE COURT: But they only get to the first --
3 they get the first leg of that automatically if
4 there's a statute related; correct.

5 MR. GRIFFIN: Well, they do, but it doesn't get
6 you proximate cause. It's -- it's like the car
7 speeding going down the road.

8 THE COURT: I understand that. But you're not
9 saying the fact that he wasn't a broker has to be
10 proven to cause -- that doesn't have to be proven in
11 order to say -- I guess I'm making a circle here,
12 Mr. Griffin. I want to make sure that I understand.
13 You still want the proximate cause element f the
14 negligence, even if the first prong is related to
15 negligence per se. And what I'm asking is, you're
16 not requiring evidence of the lack of being a broker
17 to -- in order to establish the first prong of
18 negligence per se, I guess.

19 MR. GRIFFIN: Well, that doesn't establish the
20 negligence. But it doesn't establish that that
21 negligent act injured the plaintiffs.

22 THE COURT: Understood. Thank you.

23 MR. GRIFFIN: And -- and -- and the example --
24 there's a ton of cases of the car speeding down the
25 road and a car pulls out in front. And -- and the

JURY TRIAL, VOL. 6

1 claim is, you were speeding. You were speeding so,
2 therefore, you were negligent per se. And the answer
3 that the courts have said, just because you got to
4 the point of collision sooner than you would have,
5 that doesn't make you liable on the proximate cause,
6 that that's not -- that's not the causation of --

7 THE COURT: You still have to prove the rest of
8 the elements, is what you're saying.

9 MR. GRIFFIN: Yes. Yes.

10 THE COURT: Yes.

11 MR. GRIFFIN: And so -- so here, there's simply
12 nothing to say if they were licensed it would have
13 made a difference. Your Honor, on the intentional
14 infliction of emotional distress case, I would -- I
15 would just point to the Hanson case that we cited in
16 our brief. There, the -- the -- the emotional
17 distress was loss of sleep, grinding teeth, not too
18 far afield from what we have here. And so, it
19 doesn't rise to the level of --

20 THE COURT: Didn't the court in that case term
21 it his "wounded feelings"?

22 MR. GRIFFIN: -- I don't have the code in front
23 of me, but I do know it involved --

24 THE COURT: I did read the case. And the quote
25 I picked out was that it was a "widespread reluctance

JURY TRIAL, VOL. 6

1 of courts to prevent the tort of outrage to become a
2 panacea for wounded feelings rather than
3 reprehensible conduct." And there, the court in
4 Hansen was quoting Todd versus S.C. Farm Bureau, it
5 looks like. There you go, my handwriting.

6 MR. GRIFFIN: Well, that but -- but -- but the
7 case also stands for the proposition that conduct has
8 to be reprehensible, and the injury has to be so
9 severe that a reasonable person would not be expected
10 to endure it. So it's two-pronged test, in other
11 words. And -- and grinding teeth and loss of sleep
12 was not sufficient in Hanson.

13 And -- and -- and -- and here, Your Honor, with
14 regard to the constructive fraud claim, the argument
15 here is there's a latent defect in the property and
16 withheld disclosure. Your Honor, that's statutory. I
17 mean, in the real estate world, owners have a
18 statutory obligation to give a disclosure statement,
19 to give a disclosure statement. And when they don't,
20 you can sue them, you know, for failing to provide the
21 disclosure statement or lying on the disclosure
22 statement. They're trying to take that statutory do
23 your disclosure, which no witness testified about a
24 duty of disclosure. And Your Honor wouldn't let them
25 because they didn't have an expert. But they want to

JURY TRIAL, VOL. 6

1 come in here and argue to you there's a duty to
2 disclose, and there's no -- I mean, here's the
3 question: What evidence is properly before the jury
4 to make that determination? And there's -- there's no
5 duty to disclose. They didn't bring an expert. They
6 may want to talk about real estate law, but they
7 haven't cited any.

8 And then -- and there is no damages. Now, you
9 know, as -- as predicted, Mr. Few says well, everybody
10 knows he would have not stayed there. Well, it's
11 equally as plausible to say if you tell me there's a
12 camera there, I'll tell you to get -- get that damn
13 camera out here. I'll pay you \$2,400, but get the
14 camera out of here. I mean, there are other
15 alternatives. But his alternative is the only --
16 but -- but there's no evidence of any of this. It's
17 just arguments of counsel. And I can argue all day
18 long that there are other -- other available means to
19 cure the situation. Get the camera out. I mean, so
20 there's no evidence of damages. That's all I have,
21 Your Honor. Thank you.

22 THE COURT: Thank you, Mr. Griffin. All right.
23 Mr. Harte, let's move to your motion. I have your
24 brief pulled up here.

25 MR. HARTE: Thank you, Your Honor. May it

JURY TRIAL, VOL. 6

1 please the Court, I would ask you, Your Honor, to
2 consider the brief. I do not intend to go through
3 that at length. I would invite the Court's attention
4 in particular to the recitation of facts as I have
5 set them out in the brief. I believe I have
6 correctly stated them. I made a special effort to
7 place those facts on that -- in that document in the
8 light most favorable to the plaintiff.

9 I do want to point out a couple of things that
10 have come to our attention today. One of the comments
11 that was made by Mr. Few I think encapsulates what is
12 really going on. His comment was "The entire rental
13 was made to us by Rhett Riviere." That was his
14 representation to the Court this morning. That's a
15 critical factor. Your Honor, a lot of what is being
16 said by the plaintiffs is that Josee Riviere could
17 have done something. But that's different from Josee
18 Riviere did something. they say that Josee Riviere
19 could have known something. That is different from
20 saying Josee Riviere has been proven by the greater
21 weight of the evidence to have actually known it.

22 This is not a time for speculation. It's not a
23 time for conjecture. We're past the motion for
24 summary judgment. We are not here looking for a
25 genuine issue of fact. The rule of law in this state

JURY TRIAL, VOL. 6

1 is very clear. The plaintiff cannot go forward if
2 there is not a legally sufficient evidentiary basis
3 for a reasonable jury to find for the plaintiff.

4 If you examine carefully, as we are required to
5 do and as Your Honor is doing, you will observe that
6 so many of the things that Mr. Few and the plaintiffs
7 say are pure speculation. He was married to her,
8 therefore, what? She might have known, she could have
9 known? That's not proof of actual knowledge. They
10 must actually present a witness who says something to
11 the effect that Josee actually knew it, not that she
12 could have known it. They say she had a key to the
13 cottage. Actually, there was a key back at the house
14 where they lived that she went and got, that doesn't
15 really matter. The fact that she had a key and could
16 have gone in to the residence, to the cottage, does
17 not prove that she actually did go into the residence.
18 To prove that she actually knew something more than
19 what the plaintiffs knew -- and keep in mind, Your
20 Honor, that Heather Crespo testified that she never
21 saw anything suspicious. Well, if she never saw
22 anything suspicious and she's there for 90 days, where
23 is the evidence that Josee Riviere had seen it or
24 could see it?

25 We talked about -- Mr. -- Mr. Few talked about a

JURY TRIAL, VOL. 6

1 representation made by somebody. There is no
2 representation. There's no evidence of any
3 representation. Nobody -- nobody testified that Josee
4 said anything when the negotiations were going on. It
5 was exactly what Mr. Few said in his argument, the
6 entire rental was made to us by Rhett Riviere.

7 But what's even more significant, Your Honor, is
8 what Gabriel Crespo said when I asked him do you have
9 anything to tell us that would lead us to believe or
10 what -- that would show that Josee Riviere knew
11 anything about these videos? And his answer was a one
12 word, truthful answer: No. Your Honor, that should
13 be sufficient. You can't take an adverse inference
14 and twist it so that someone who did not exercise the
15 Fifth Amendment is affected by it. If -- if -- if
16 Josee Riviere had not taken the stand, okay, maybe. I
17 don't think then even. But let's say that -- but that
18 didn't happen. She endured and sat through an
19 extended deposition, did not object to -- did not
20 refuse to answer a single question on the Fifth
21 Amendment. She sat here in this Court and she
22 testified in full, did not refuse to answer a single
23 question on the Fifth Amendment. There is no
24 inference against her. And she's not in -- not -- not
25 -- she's not -- they're not entitled to make that

JURY TRIAL, VOL. 6

1 argument against her.

2 Again, Your Honor, I just -- I just have to just
3 emphasize this because it just keeps coming up and
4 it's just -- it's just so important that this is kept
5 in mind. The proof has to be by evidence. It has to
6 be by the greater weight of the evidence. The
7 evidence has to be sufficient to allow a reasonable
8 jury to find for the plaintiff, and you have to view
9 the evidence most favorable to the plaintiff. But,
10 Your Honor, you don't get to take your imagination and
11 say she's married to him, therefore, she knows
12 everything that goes on in his life.

13 First of all, there's no witness to testify to
14 that. There's no expert that came in here and said a
15 wife knows everything that a husband does. Why?
16 Because there ain't no such expert. Nobody is going
17 to say that. They have to prove by the greater weight
18 of the evidence that she knew he was doing something
19 at the time these events occurred. Now, some of what
20 they say simply could not possibly be accurate. Mr.
21 Few says that the plaintiffs knew Josee Riviere for
22 years before they rented the cottage. Judge, that's
23 an impossibility. Josee Riviere was in Canada until
24 1999. Josee Riviere didn't meet these people until
25 after she became involved with Rhett Riviere, and that

JURY TRIAL, VOL. 6

1 didn't happen until -- until -- in any dating capacity
2 until January of 2000. She wasn't married to Rhett
3 Riviere until August of 2000. There are no years
4 involved when she could have had any contact as
5 Mrs. Riviere with Gabriel Crespo or Heather Crespo.

6 And, Your Honor, there is no evidence, no
7 testimony from Gabriel or Heather, well, we knew -- we
8 knew Josee for years, we know Josee before she was
9 married to -- to -- to Rhett. No, that didn't happen.
10 They didn't -- because it wouldn't have been true. So
11 a lot of what -- and it's just -- I just have to
12 implore you to listen carefully to what they say.
13 Judge, you have sat and been as a testament to any
14 presiding judge I have ever seen. You have heard and
15 taken notes. You know what the testimony was. You
16 know what the evidence was. And, Your Honor, you know
17 whether there is a legally sufficient evidentiary
18 basis for a reasonable jury to find for the plaintiff.
19 And if there is not, then it is mandatory that a
20 directed verdict or involuntary on suite, as I used to
21 call it, be granted. I just really don't know what
22 else to say. Thank you, Your Honor.

23 THE COURT: Thank you, Mr. Harte. Mr. Few would
24 you like to address Mr. Harte's arguments?

25 MR. FEW: Sure, Your Honor. As has come up

JURY TRIAL, VOL. 6

1 before, statements of counsel are not evidence. And
2 so, I've said the entire -- and I'm -- I'm just
3 making argument, obviously. I just don't think that
4 he's right on the facts or the law, Your Honor. A
5 negligence claim can be proven by an act or an
6 omission. The actual standard is what they knew or
7 should have known. We didn't have to prove that she
8 actually knew it -- prove that she should have known
9 it. There is an abundance of evidence in the record.
10 The fact that they are married is not speculation, it
11 is a legal fact, and it shows the closeness of the
12 relationship, and it also shows the greater
13 likelihood for the jury to reasonably infer that she
14 had been in his office. She was married to him
15 during that time period. The point I was making
16 could be parsed about how they've known each other.
17 Suffice it to say, the point I was making was that
18 everyone has testified -- well, my clients have
19 testified that they knew all four people before they
20 moved in, whether it was 2 years or not, I don't
21 know.

22 Your Honor, as far as the constructive fraud
23 goes, it's -- it's another standard of what she knew
24 and what she should have known. And then, also, I
25 want to say I don't think -- and maybe this is

JURY TRIAL, VOL. 6

1 something we need to take upon the verdict form, Your
2 Honor -- I don't think we get two bring two causes of
3 action for negligence. I think Your Honor is right,
4 it's a negligence claim. And if the negligence per se
5 is proven, then that establishes the breach of the
6 duty. Does that make sense, Your Honor?

7 THE COURT: No.

8 MR. FEW: It's still a negligence.

9 THE COURT: Tell me what you're saying. I
10 understand what you are -- I mean, I understand we're
11 saying negligence or negligence per se as to those
12 defenses, but what I've got written down is that
13 you've brought negligence and negligence per se and
14 gross negligence as to all parties, including the two
15 corporations, which assumes if the corporations stay
16 in that your negligence action would be as to the
17 corporations and your negligence per se action would
18 be as to the two defendants, two personal defendants.
19 But if the jury found that one or both of them was
20 not acting as a broker or real estate agent, then
21 you'd be stuck with negligence as to one or both of
22 those personal defendants; correct.

23 MR. FEW: I agree, Your Honor. I was not
24 thinking about the parsing out of the corporations,
25 but --

JURY TRIAL, VOL. 6

1 THE COURT: If you want to drop a cause of
2 action, you can let me know.

3 MR. FEW: I don't want to drop it. I think -- I
4 don't.

5 THE COURT: Okay.

6 MR. FEW: I think was just agreeing with Your
7 Honor that we don't have to prove that the negligence
8 per se, as Mr. Griffin has argued, was the ultimate
9 cause. That just establishes the breach of the duty
10 on -- on the negligence per se claim.

11 THE COURT: Okay.

12 MR. FEW: That's what I understood Your Honor to
13 be saying.

14 THE COURT: Yeah, I think I was getting that
15 twisted up with Mr. Griffin. I think I understood
16 what he was saying, but I want to make sure that --
17 that -- nevermind about that.

18 MR. FEW: And, Your Honor, in terms of the --

19 THE COURT: As to Ms. Josee Riviere, that's what
20 we're talking about.

21 MR. FEW: -- that's right, Your Honor. And
22 then, there's all the evidence in the record that she
23 was there when the rental was made, she was a part of
24 making the rental with Mr. Riviere, she was there
25 every day, she helped manage the property in terms of

JURY TRIAL, VOL. 6

1 opening the door and getting them a lightbulb, or
2 something to that effect. So there's evidence in the
3 record for the jury to conclude that she was involved
4 in the rental enterprise and should be held
5 accountable for the unfair and deceptive rental
6 enterprise that was going on that involved secretly
7 undisclosed hidden cameras. And, Your Honor, the --
8 the -- the bulk of the case against Josee Riviere is
9 a circumstantial case because she didn't remember
10 anything and couldn't answer. And then, her spouse
11 at the time has invoked his Fifth Amendment
12 privilege. And -- and so -- but she also didn't --
13 she admits she's not a licensed realtor, so that --
14 that part is established.

15 So, Your Honor, you know, a lot of the arguments
16 that we're making are -- for Josee are similar to the
17 ones that I've already argued with respect to
18 Mr. Griffin, except that the evidence is
19 circumstantial. And that -- I'm not -- I'm not
20 getting into the -- the inference being imposed on
21 her, although our position is that it can be imposed
22 on her, particularly under the circumstances when they
23 were married and when the evidence otherwise shows
24 that they were doing this together at the time of our
25 rental. We think under those circumstances it is

JURY TRIAL, VOL. 6

1 appropriate for the Fifth Amendment invocation by Mr.
2 Riviere to justify an adverse inference toward her as
3 well.

4 THE COURT: Okay. Thank you, Mr. Few. As I
5 stated, I did read both --

6 MR. HARTE: Excuse me, Your Honor.

7 THE COURT: Mr. Harte?

8 MR. HARTE: May I -- may I just briefly?

9 THE COURT: Briefly.

10 MR. HARTE: Your Honor, first of all, we're
11 beyond the -- where the test is, is there any
12 evidence. We're to the point now where you are
13 required to weigh the evidence and determine whether
14 there is sufficient evidence by the greater weight to
15 sustain their positions. There was no testimony
16 about a light bulb. I don't know -- I don't know
17 what he's talking about. That did not -- there was
18 no testimony about that. Your Honor, again and
19 again, what happens is they make statements -- Mr.
20 Few make statements which are extreme reaches from
21 the facts. And when the occasion comes that the
22 Court has the opportunity to address that and ask him
23 about it he says oh, well, what I am testifying --
24 what I am doing is not testifying. But what he's
25 doing, Your Honor, is whether he -- I don't want to

JURY TRIAL, VOL. 6

1 say he does it intentionally. I just think it's the
2 way they operate. But he is leading you down a road
3 that has a very dead bad, because --

4 THE COURT: Mr. Harte isn't that the purpose of
5 arguing to a judge?

6 MR. HARTE: -- it is, Your Honor, but when it --
7 when a person says that something about a lightbulb
8 but it isn't there, that's -- that's misleading.

9 THE COURT: I don't recall, but we've talked
10 about the lightbulb before. I'll let the jury
11 determine whether the lightbulb was said to them.

12 MR. HARTE: That's fine, Your Honor. But -- but
13 I just -- again, I'm going to go back to the fact
14 that what he says is not evidence, true enough, but
15 the evidence has got to be there. You heard it. You
16 know whether it's there or not.

17 THE COURT: Thank you, sir. I'm going to --
18 I -- I agree with Mr. Griffin's brief on the -- the
19 standard for a directed verdict; when evidence yields
20 only one inference, a directed verdict in favor the
21 moving party is proper. On the other hand, the trial
22 court must deny a motion for a directed verdict when
23 the evidence yields more than one inference or its
24 inference is in doubt. And he later goes on to say
25 that creates a jury issue. The issue must be

JURY TRIAL, VOL. 6

1 submitted to the jury. Whenever there is material
2 evidence tending to establish the issue in the mind
3 of a reasonable juror in deciding whether to grant or
4 to deny a directed verdict motion, the trial Court is
5 concerned only with the existence or nonexistence of
6 evidence. I think that's the proper standard, and it
7 is to be looked at in the favor of the nonmoving
8 party.

9 I did have questions regarding this, and I
10 appreciate counsel's arguments to me here today. They
11 have been helpful in making my ruling. And I will
12 deny the directed verdict motions. I find that there
13 is evidence a reasonable juror can make. And
14 Mr. Harte, I have not specifically ruled on as to the
15 issue of adverse inference on the Fifth Amendment as
16 to your client. We have talked about it several
17 times. You did make the statement that I can't make
18 another defendant's Fifth Amendment privilege effect a
19 codefendant or someone else in the case. I think the
20 term "effect" is -- is improper or is -- I don't way
21 to say improper. It's not like it's improper
22 argument, but I don't think that's correct. I think
23 once someone invokes the Fifth Amendment, there will
24 be effect and affect to it to all concerned and the
25 Court can't remove that effect. Whether we allow, as

JURY TRIAL, VOL. 6

1 the plaintiff has requested, a charge for an inference
2 as to your client is a different story, and we'll take
3 that up as we go along. Let's take a 10-minute break
4 and let everyone go to the restroom, and then we can
5 start with the defendant's case. Thank you.

6 (Off the record.)

7 (Recess.)

8 (On the record.)

9 THE COURT: Coming back. We are ordering lunch
10 for the jury. I don't know what we expect on our
11 timeline fully yet. I know at one time, Mr. Harte
12 wanted to make sure he could leave and go get lunch
13 and come back, which is an issue, but if you can
14 order ahead of time, that might be prudent. Joseph,
15 you okay?

16 THE DIGITAL REPORTER: Yeah, I'm okay.

17 THE COURT: Okay. All right. Per counsels'
18 knowledge, 92 -- Juror No. 92 is the first alternate.
19 Yes, ma'am, you have something?

20 MS. BARBIER: Well, the next witness, I believe,
21 is Gina Salatino. There are two areas that I --

22 MR. GRIFFIN: She's in the courtroom. Do you
23 want her to step out?

24 MS. BARBIER: -- yeah.

25 MR. GRIFFIN: Yeah, Ms. Salatino, if you'll go

JURY TRIAL, VOL. 6

1 out.

2 THE COURT: Oh, yeah, Ms. Salatino --

3 (Ms. Salatino exited the
4 courtroom).

5 MS. BARBIER: I anticipate that there will be
6 objections to these lines of questioning, and that's
7 why I wanted to preview them with the Court.

8 THE COURT: Sure.

9 MS. BARBIER: First of all, I intend to ask Ms.
10 Salatino about her -- her and her husband's
11 relationship with Rhett and Josee Riviere, a
12 long-standing relationship, that part of that was
13 foxhunting in the polo club. At one point in time,
14 her husband was asked to not return to the Aiken Polo
15 Club or the foxhunting club, and I'm going to ask her
16 about that. The allegations were that he
17 inappropriately touched a young girl. Secondly, Your
18 Honor, she has a -- I asked her about this in her
19 deposition. She has a reputation for drinking a -- a
20 lot, even alcoholic. She testified that she went to
21 the liquor store once a week, maybe more. And I
22 think that goes to her ability to recall, her ability
23 to have a reasonable recollection of these events.
24 And I intend to ask her about that.

25 THE COURT: Counsel, as to husband's allegations

JURY TRIAL, VOL. 6

1 regarding his misdeeds.

2 MR. GRIFFIN: Yes, Your Honor. I mean, that's
3 -- we object. It's not relevant. I don't see how it
4 -- it affects her credibility, whether she has, you
5 know, friends to reward and enemies to punish. I
6 don't see how that comes into play whatsoever.

7 THE COURT: Ms. Barbier, I am having a stretch
8 from this witness's potential bias against the hunt
9 club or the polo club and their testimony,
10 supposedly, to benefit Mr. Riviere.

11 MS. BARBIER: She's got a long-standing -- he --
12 she and her husband have a long-standing
13 relationship. Mr. Riviere has paid her husband for
14 polo lessons.

15 THE COURT: That -- that that all seems fine. I
16 don't -- I don't see how anybody could object to that
17 line of argument. I guess the question is, whether
18 or not he touched a young woman or a young girl,
19 what -- what business does that have to do in this
20 courtroom?

21 MS. BARBIER: Well, Your Honor, you know, birds
22 of a feather. Obviously, Mr. Riviere and him are
23 close friends, and that would be my argument.

24 THE COURT: Well, that sounds a like a
25 guilt-by-association argument.

JURY TRIAL, VOL. 6

1 MS. BARBIER: Well, that's why I was previewing
2 it with the Court.

3 THE COURT: I don't -- absent some other purpose
4 for that, I would find that that -- the specific, not
5 the relationship between her husband and him or
6 Ms. Josee Riviere or her relationship and friendship
7 between the two parties, but that specific allegation
8 I don't think is an appropriate line of questioning.
9 As to her drinking, counsel, I think if she asks it
10 in that manner, do you drink a lot or -- and does
11 that affect your memory, which is what she's saying
12 -- or could that affect your memory, but --

13 MR. GRIFFIN: I understand that, Your Honor. I
14 mean --

15 THE COURT: -- do you go to the liquor store
16 once a week, or whatever the question could be. Yes,
17 sir?

18 MR. HARTE: Just --

19 THE COURT: And you could -- and likewise, you
20 could bring in anything in reply to try to cure that.

21 MR. HARTE: I would only mention this, Your
22 Honor. I believe Mr. Gabriel Crespo testified of his
23 long-standing and continual relationship with Lito
24 Salatino. And when Ms. Barbier makes the comment
25 "birds of a feather," it includes more than just one

JURY TRIAL, VOL. 6

1 bird of a flock. So what's sauce for the goose is
2 sauce for the gander.

3 THE COURT: Except we have two geese.

4 MR. HARTE: Yes.

5 THE COURT: Thank you.

6 MS. BARBIER: I'm not going to go into it, Your
7 Honor.

8 THE COURT: Okay.

9 MS. BARBIER: So -- but with respect to the
10 alcohol, I'm going to.

11 THE COURT: Yes, ma'am.

12 MS. BARBIER: I understand that's your ruling.

13 THE COURT: And again, I don't know what else
14 you may need to get into but, hopefully, that's all
15 that -- that we may hear objections about; is that
16 correct? Yes, sir, Mr. McCulloch?

17 MR. MCCULLOCH: Your Honor, I'm a little foggy
18 on this procedural rule, but just in an abundance of
19 caution, I'm going to renew our motions in limine
20 before and after the swearing of the jury and
21 beginning of testimony, as well as our motions for
22 mistrial. But I do that for the record only because
23 I can't remember specifically what the rule requires.

24 THE COURT: All right. Both defendants'
25 previous motions are so renewed and denied, as

JURY TRIAL, VOL. 6

1 previously stated.

2 MR. MCCULLOCH: Thank you, Your Honor.

3 THE COURT: Thank you.

4 MR. MCCULLOCH: Sorry -- sorry for that
5 intrusion.

6 THE COURT: No, that's absolutely fine. And
7 that runs throughout, I'll say it again. But I
8 understand Mr. McCulloch's concern and Mr. Harte's
9 concern because you never know when that rule is
10 going to change and what case it's going to change
11 on. So, fair enough, Mr. McCulloch?

12 MR. MCCULLOCH: Yes.

13 THE COURT: All right. Thank you. Let's bring
14 in the jury, please.

15 (The jury entered the courtroom.)

16 THE COURT: Please be seated. Ladies and
17 gentlemen of the jury, Juror No. 133 has been
18 excused. That means that Juror No. 92 is now no
19 longer an alternate, you are a member of the jury
20 panel, and that will be explained at a later time.
21 Okay? Therefore, you don't have to leave your seat
22 open. I know sometimes people get wedded to those
23 seats. We talked about that in the beginning. you
24 can stay in your current arrangement but, typically,
25 these last two seats are reserved for my alternates

JURY TRIAL, VOL. 6

1 so that we can quickly determine who is an alternate
2 and what happens, and you're on the end for the
3 purposes. But you can move down to the front or you
4 can stay right there. It's of no consequence to me.
5 Thank you. All right. The plaintiff has rested.
6 We're now going to proceed to the defense.

7 Mr. Griffin, Mr. McCulloch?

8 MR. GRIFFIN: Yes, Your Honor. We would call
9 Gina Salatino to the stand.

10 THE BAILIFF: Ms. Salatino, if you would come
11 forward.

12 THE CLERK: If you'll place your left hand on
13 the Bible and raise your right hand.

14 (The witness was sworn in.)

15 THE CLERK: Please take a seat in the witness
16 stand. State your full name for the Court and spell
17 your last name, please.

18 THE WITNESS: Gina Salatino, S-A-L-A-T-I-N-O.

19 GINA SALATINO

20 was called as a witness, and having been first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. GRIFFIN:

24 Q Good morning, Ms. Salatino?

25 A Good morning.

JURY TRIAL, VOL. 6

1 Q Will you please tell the jury where you live?

2 A I live on South Boundary in Aiken.

3 Q And what do you do here in Aiken?

4 A I train horses.

5 Q How long have you lived here in Aiken?

6 A I moved to Aiken in '86.

7 Q So now, have you been training horses since '86 here
8 in Aiken?

9 A Yes.

10 Q Have you had any other jobs?

11 A Yes. I was a court reporter, family court here in
12 Aiken.

13 Q What's a court reporter?

14 A Was a court reporter.

15 Q What -- what is a court reporter?

16 A Oh, what is a court reporter? Like this guy right
17 here. I'd take down the testimony of what's being said.

18 Q And how long were you a court reporter here in Aiken?

19 A I worked for the state as a family court reporter for
20 about 12 years, and then I opened a freelance business.
21 That was about 6 years.

22 Q Are you still doing any court reporting work?

23 A No. The horses kind of overtook me. More fun.

24 Q And are you married?

25 A Yes.

JURY TRIAL, VOL. 6

1 Q What is your husband's name?
2 A Lito Salatino.
3 Q And where is Mr. Salatino originally from?
4 A Argentina.
5 Q And when did you marry Mr. Salatino?
6 A In 1981.
7 Q And you've been married ever since?
8 A Yes.
9 Q Do you know Gabriel Crespo?
10 A I'm sorry. It was '91.
11 Q '91. We won't tell him.
12 A I'm sorry.
13 Q Do you know Mr. Gabriel Crespo?
14 A Yes.
15 Q How do you know Mr. Crespo?
16 A He and my husband were friends and knew each other in
17 Argentina. And when they moved here, I met him and his
18 wife, Heather.
19 Q And did -- did there come a time when you were asked
20 to be witness in this case?
21 A Yes. Heather --
22 Q Who asked you to be a witness?
23 A -- heather. We were riding down the road on horses
24 and she asked me did I remember going to the cottage where
25 they lived and what we saw and would I be a witness for

JURY TRIAL, VOL. 6

1 her, and I said yes.

2 Q Do you remember about when that was?

3 A It was in the summer, because they are usually gone in
4 the winter to Florida, so it was in the summertime.

5 Q Well, will would you please tell the jury what you
6 remember seeing at the cottage and what -- what happened?

7 A Heather asked me -- I think she came to the barn and
8 asked me to come over to the cottage where they were
9 staying, that she had something to show me unusual. And I
10 went over there, and we walked through the door. I think
11 we went through the bedroom into the bathroom, and there
12 was a hole in the wall. She pointed to a hole in the wall
13 between the shower and the door. There's another door
14 going into another room. And we opened the door to the
15 other room -- it wasn't locked -- and went in there. And
16 as she turned left going in there, there was a table with
17 a lot of equipment on it, a lot of maybe computers and
18 video things that looked like a video recording. It was
19 -- I don't -- like, there was a lot of equipment.

20 Q And -- and did you discuss with her with that hole was
21 about?

22 A Yeah. It was like, well, what the hell is that? And
23 she was like, you know, I don't know. And then when we
24 went into the other room, you know, it was -- there were
25 some wires coming down the wall and it looked like it

JURY TRIAL, VOL. 6

1 could have, you know, been a place to video or I don't
2 know. It was just -- it was -- we were both I think in
3 shock and a little like, okay. We went back in the
4 bathroom and kind of looked at each other. And I remember
5 looking at the hole in the wall and was like, you know,
6 this is wrong, this is isn't cool, or you know, whatever
7 this is, if you're -- if you're recording me.

8 Q Is that something you said to the hole in the wall?

9 A Yes.

10 Q Now, what did you say to the hole in the wall?

11 A I said this isn't cool, or something to that effect,
12 this is wrong, this isn't good.

13 Q And did Ms. Crespo do anything about the hole in the
14 wall?

15 A She -- I think she took a tissue or she covered it up
16 with something, I don't remember what, but I think maybe a
17 tissue.

18 Q And did you have any further discussions with her
19 about what she was going to do about finding the hole in
20 the wall?

21 A Yeah. We kind of walked out of the bathroom and --
22 and she was going to tell her husband. She said, I've got
23 to tell Gabriel. And I said, yeah, you need to tell
24 Gabriel. And then she was -- we left. I think she was
25 maybe going to a horse show or I'm not sure what. But we

JURY TRIAL, VOL. 6

1 -- we both left the room.

2 Q Was -- were they living at the cottage at the time you
3 were asked to come in and check the bathroom?

4 A Yes.

5 Q And did you have any further discussions with Mr.
6 or Ms. Crespo about that incident until you were asked to
7 be witness?

8 A No.

9 Q Just -- just briefly, Ms. Salatino, do you know Rhett
10 Riviere?

11 A Yes.

12 Q How -- how do you know Mr. Riviere?

13 A Through horses, and his barn is not too very far from
14 my barn. Just through horses.

15 Q Have you talked to Mr. Riviere about your testimony?

16 A No.

17 Q Are you telling the truth today?

18 A Yes.

19 MR. GRIFFIN: That's all the questions I have,
20 Your Honor.

21 THE COURT: Thank you, sir. Mr. Harte?

22 MR. HARTE: No questions, Your Honor.

23 THE COURT: Ms. Barbier?

24 MS. BARBIER: Thank you, Judge.

25 //

JURY TRIAL, VOL. 6

1 CROSS-EXAMINATION

2 BY MS. BARBIER:

3 Q Good morning, Ms. Salatino.

4 A Good morning.

5 Q You provided an affidavit in this case; isn't that
6 right?

7 A Yes.

8 Q Okay. And I'm going to show you what I've marked as
9 Plaintiff's Exhibit 23.

10 MS. BARBIER: May I approach, Your Honor?

11 THE COURT: Yes, ma'am.

12 BY MS. BARBIER:

13 Q Do you recognize that, Ms. Salatino?

14 A Yes.

15 MS. BARBIER: I move Exhibit 23 into evidence.

16 (Plaintiffs' Exhibit 23 was moved
17 for admission into evidence.)

18 THE COURT: Mr. Griffin?

19 MR. GRIFFIN: I'm not sure on what evidentiary
20 basis she moves it into evidence. I'm not sure I
21 care, but I object on moving it into evidence. She
22 can question her about it.

23 MS. BARBIER: Your Honor, it's a prior and
24 consistent statement.

25 THE COURT: I think you can show that. We can

JURY TRIAL, VOL. 6

1 definitely get it into evidence, Barbier.

2 MS. BARBIER: Okay.

3 THE COURT: Is that your point, Mr. Griffin?

4 MR. GRIFFIN: Yes, Your Honor.

5 THE COURT: All right. Thank you. Yeah. So
6 question her about it first, and then --

7 MS. BARBIER: Sure.

8 THE COURT: -- thank you, ma'am.

9 MS. BARBIER: Thank you, Your Honor.

10 BY MS. BARBIER:

11 Q Ms. Salatino, before you signed this affidavit,
12 Mr. Harte, the man sitting over there, called you one day
13 in 2022; isn't that right?

14 A Yes.

15 Q Okay. And you actually signed this affidavit on
16 October 4th of 2022; right?

17 A Yes.

18 Q Okay. And Mr. Harte has a relationship with Rhett
19 Riviere. You know that; right?

20 A I'm not sure what you mean.

21 Q Do you know Mr. Harte and Mr. Riviere are friends?

22 A Okay.

23 Q Are you -- are you aware of that?

24 A I --

25 MR. HARTE: Objection; relevance, Your Honor.

JURY TRIAL, VOL. 6

1 THE WITNESS: -- yeah, I don't know their
2 relationship.

3 THE COURT: I think she's answered it
4 appropriately, Mr. Harte.

5 MR. HARTE: Thank you, Your Honor.

6 BY MS. BARBIER:

7 Q Do you know who Mr. Harte represents in this case?

8 A I believe he represents Josee.

9 Q Okay. And Mr. Harte is actually your attorney too;
10 right?

11 A Yes.

12 Q Okay. He represents you because you're suing the City
13 of Aiken; right?

14 A For water runoff into my property, yes.

15 Q But he's your lawyer; right?

16 A Yes.

17 Q Okay. And you and your husband have actually been
18 personal friends with Mr. Harte for almost 40 years;
19 right?

20 A Right.

21 MR. HARTE: Object to relevance, Your Honor.

22 THE COURT: I'll give her some leeway in this,
23 Mr. Harte.

24 BY MS. BARBIER:

25 Q You and your husband have actually been friends with

JURY TRIAL, VOL. 6

1 Mr. Harte for more than 40 years; right?

2 A Right.

3 Q And when you were a court reporter, you used to do
4 some work with Mr. Harte, didn't you?

5 A A little, yes.

6 Q Okay. And your husband has actually given Mr. Riviere
7 riding lessons; is that right?

8 A Mr. Riviere?

9 Q Yes.

10 A No.

11 Q Has he given Mr. Harte riding lessons?

12 A I played polo with him, and yes.

13 Q Okay. But your husband is actually friends with
14 Mr. Riviere as well; right?

15 A Yes.

16 Q And that friendship goes back 40 years; right?

17 A Somewhere around there, yeah, I guess, when we moved
18 to Aiken or when he moved to Aiken.

19 Q And you've also been friends with Josee Riviere for
20 more than 20 years, haven't you?

21 A I've known her, yes.

22 Q And you've ridden horses with Josee Riviere?

23 A I've seen her ride. She has not ridden any of mine.
24 I've seen her on horses when I was riding mine, yes.

25 Q And Heather Crespo asked you to be witness in this

JURY TRIAL, VOL. 6

1 case because you were -- you and your husband were the
2 ones that referred them to the Riviere's; isn't that
3 right?

4 A I don't think so.

5 Q You deny that, don't you?

6 A I have no recollection of saying go to the Riviere's
7 and stay there, no. Maybe we were all together at a horse
8 thing and it came up but, no, I don't believe I
9 specifically said go stay there.

10 Q Okay. So you deny having any connection between
11 putting the Crespos in the Riviere's cottage, don't you?

12 A It could have come up when we were all in the general
13 talking area on horses. Maybe -- you know, Gabriel plays
14 polo too, so maybe when they were, you know, at a polo
15 game. I have no specific recollection.

16 Q Okay. And Mr. Harte is the one who asked you to give
17 this affidavit; right?

18 A Yes.

19 Q Okay. And, in fact, someone from his office actually
20 typed the affidavit; right?

21 A Yes.

22 Q Okay. And then they actually brought it to you to
23 have you sign it; right?

24 A Yes.

25 Q And one of his employees named Stephanie Carty [ph]

JURY TRIAL, VOL. 6

1 actually notarized the affidavit; right?

2 A Yes.

3 Q Okay. Now, let me direct your attention to the
4 affidavit. Now, this affidavit doesn't say so, but when
5 you -- when you gave it, were you under the impression
6 that you were under oath?

7 A Yes.

8 Q Okay. Now, it -- but it doesn't say that you're
9 giving it subject to penalties of perjury, does it?

10 A No.

11 Q But you understood because you used to be a court
12 reporter. So you understood that when you give an
13 affidavit, those types of statements are used in court
14 proceedings; right?

15 A Yes. I know what an affidavit is.

16 Q Okay. So let's -- let's look at -- and then you
17 understand too, we took your deposition in this case;
18 right?

19 A Yes.

20 Q Okay. And you were under oath at that time; right?

21 A Of course.

22 Q Okay. And you testified that you don't even know what
23 year the Crespos rented this cottage, do you?

24 A Not specific year, no.

25 Q Okay. In fact, you said it was in the early 2000s,

JURY TRIAL, VOL. 6

1 sometime before 2010?

2 A That's what I -- yeah.

3 Q And that's a 10-year range of time, isn't it?

4 A Yes, it is.

5 Q Okay. So you don't know whether it was 2000 or 2010
6 as to when they were renting this cottage; is that right?

7 A I believe I said that in my deposition that I knew it
8 was before they had their daughter, and she's, like, 19 or
9 20 now, so it would have been 20 years ago. And I'm not
10 sure before that.

11 Q Well I'm going to direct your attention to paragraph 2
12 of your affidavit. You said the second sentence "That
13 would have been in the early 2000s, certainly prior to
14 2010;" isn't that right?

15 A Right.

16 Q Okay. So that's the range you gave in this affidavit;
17 correct?

18 A Correct.

19 Q Okay. And then, you went on to testify in your
20 deposition that you didn't refer the Crespos to the
21 Rivieres isn't that right?

22 A I don't remember specifically referring, no. That is
23 correct.

24 Q Okay. And, in fact, you testified that you didn't
25 even know Mr. Riviere was renting his properties, didn't

JURY TRIAL, VOL. 6

1 you?

2 A His properties? I don't know what he has and what he
3 rents, no.

4 Q And you didn't know -- you've never in the 40 years
5 you've known him, you've never known him to rent
6 properties in this town?

7 A I know the Crespos rented that cottage from him. And
8 I don't if the house in front of that. It seems like
9 maybe that was rented some. But I don't know any of his
10 other properties or what he does with them.

11 Q You have no idea, even though you've all been friends
12 for 40 years?

13 A Right.

14 Q Right. Okay.

15 A Right.

16 Q And, in fact, you have rental properties yourself,
17 don't you?

18 A Yes.

19 Q So you know about renting properties in Aiken, don't
20 you?

21 A Yes.

22 Q And is it -- are you testifying that you and
23 Mr. Riviere have never discussed renting properties in
24 Aiken?

25 A Yes, exactly. We have not.

JURY TRIAL, VOL. 6

1 Q You've never discussed that?

2 A Mm-mm.

3 Q Okay. Now, one thing that you have been very
4 consistent about, both in your affidavit and in your
5 deposition, is the location of this hole that you claim
6 you saw in the bathroom; isn't that right?

7 A Yes.

8 Q And according to you, you saw a hole in the wall next
9 to the shower; isn't that right?

10 A Yes.

11 Q So it was on the wall where the shower was; right?

12 A The shower was here. There -- there was a wall and
13 there was a door.

14 Q Right.

15 A It was on that wall, yes.

16 Q On that wall, right. And you testified to that on
17 multiple occasions; right?

18 A Right.

19 Q Okay. And in paragraph 3 of your affidavit, you said
20 that Heather pointed to a hole in the wall that is between
21 the shower and the door; right?

22 A Right.

23 Q Okay. And then, in your deposition, you said that "I
24 walked into the bathroom. I pointed to approximately
25 where I saw a hole in the wall and the door next to it,

JURY TRIAL, VOL. 6

1 right next to the shower." Do you remember that?

2 A Was that when I was showing it to Mr. Harte or --

3 Q Well, let's talk about that. Mr. Harte actually asked
4 you to come down to that cottage, didn't he?

5 A Yes.

6 Q And he told you that he was with the lawyers for the
7 Crespos; is that right?

8 A No. I -- and I don't -- he said he was bringing a
9 lawyer from Columbia and would I show them what I saw in
10 that cottage.

11 Q Okay. Well, let's look at what you said in your
12 deposition.

13 A I said I assumed, and assuming will make not good
14 things sometimes.

15 Q I'm going to hand you the original copy of your
16 deposition, Ms. Salatino. Maybe this will help refresh
17 your memory. You indicated in your deposition --

18 A What page?

19 Q -- one moment, please. Okay. Let's look at page 18,
20 line 20. It says:

21 "QUESTION: Okay. So before we get to
22 that, let me ask you this. How is it that you
23 came to submit an affidavit in this case for
24 the statement that you gave?"

25 And what was your answer?

JURY TRIAL, VOL. 6

1 "ANSWER: Mr. Harte asked me if I would
2 meet with him and, I believe -- I thought it
3 was Gabriel and Heather's attorney to show them
4 what I knew about the cottage, because Heather
5 had asked me would I be a witness as to did I
6 remember going there, would I be a witness to
7 what I saw. And I said, I certainly can say
8 when I saw."

9 Q And you go on to say a number of other times that you
10 -- that Mr. Harte was with the attorneys for the Crespos;
11 isn't that right?

12 A I -- I thought that too they were. I'm sorry, but
13 that's -- I thought he -- I thought both sides wanted to
14 know what I had to say, so.

15 Q But in fact, myself, Mr. Few and Mr. Beasley are the
16 lawyers for the Crespos, and you've never met any of us
17 until your deposition; right?

18 A No. You never asked me what I would say or never
19 called me beforehand to be a witness as to what I would
20 say as a witness.

21 Q Well, that's what a deposition is for, isn't it,
22 Mrs. Salatino --

23 A Yeah.

24 Q -- to figure what you're going to say on any given
25 day; right?

JURY TRIAL, VOL. 6

1 A Right.

2 Q Right. So you didn't -- you weren't meeting with the
3 attorneys for the Crespos, were you?

4 A No.

5 Q Even though that's what you said under oath?

6 A I just assumed wrong.

7 Q And then, again, you also indicated when you were
8 describing this visit, you described that this hole that
9 you say that you saw was about eye level and it was
10 between the door and the shower; isn't that right?

11 A Right.

12 Q That's what you said under oath; right?

13 A Right.

14 Q Now, so you testified under oath, both in your
15 affidavit, in your deposition, and here in court today
16 that this hole was on the wall right next to the shower;
17 right?

18 A Right.

19 Q And let me ask you this. Are you aware, Ms. Salatino,
20 that there were a lot of people that were videotaped in
21 that bathroom?

22 A I've learned that later.

23 Q And have you ever seen any of these videos?

24 A No.

25 Q Okay. So are you aware that the camera filming these

JURY TRIAL, VOL. 6

1 people was on the opposite side of the room next to the
2 toilet and it wasn't eye level?

3 A No.

4 Q You're not aware of that, are you?

5 A No.

6 Q Okay. And so, what -- the hole that you saw doesn't
7 even match the evidence in this case, does it?

8 A If you say so.

9 MR. GRIFFIN: Objection, Your Honor.

10 THE COURT: Sustained.

11 BY MS. BARBIER:

12 Q Now, you also say in your affidavit on paragraphs 4
13 and 5, that after you saw this hole you concluded that the
14 device you saw was recording whatever was being captured
15 by the camera. Is that what you said?

16 A Yes.

17 Q Okay. And then, you were deposed when I took your
18 deposition and you completely backed up on that and you
19 said you didn't really know if there was a camera or not,
20 didn't you?

21 A I said I thought there was a camera and that's why I
22 looked into the hole in the wall and said this is wrong
23 and words to that effect, this isn't cool.

24 Q Okay. Now, I'm going to direct your attention to
25 page 58 of your deposition. And I want you to look at

JURY TRIAL, VOL. 6

1 line 29 -- I'm sorry -- line 25.

2 A I'm sorry. I'm on page -- what line?

3 Q Page 58, line 25.

4 A Okay.

5 Q Okay? And my question to you was, "Do you know
6 whether you saw any cameras?" And your answer was, "I
7 don't remember." And then I said, "Okay. Did you ever
8 scream into a camera?" And you answered, "I screamed into
9 the hole in the wall." Do you see that?

10 A Yes.

11 Q Okay. And then let's go down to line 15 of that same
12 page. And I say, "Well, you had just been in that other
13 room; right?" And you say, "I'd know if there was a
14 camera somewhere. I wasn't sure." And then I say "You
15 didn't know?" And you said, "No." Okay? And then you say
16 on -- on line 24, I say, "So at what point in time -- at
17 that point in time, you didn't know what was going on."
18 And you say, "Right." "That's why you didn't call the
19 police?" And you say, "Right." Is that what that says?

20 A That's what that says.

21 Q Okay. And you would agree with me you were under oath
22 when you said that; right?

23 A Right.

24 Q Okay. Now, I want you to look at page 63, line seven
25 through 9 of your deposition. And on line 7, I say to

JURY TRIAL, VOL. 6

1 you, "You have no knowledge he'd been videotaping people?"

2 And your answer was, "Right." Isn't that right?

3 A Yes, until --

4 Q So you would agree with me --

5 A -- until he was -- until he was arrested, is what I
6 said.

7 Q -- you would agree with me, Ms. Salatino, that it is
8 wrong for a person to video someone else in a bathroom;
9 right?

10 A Yes.

11 Q Okay. And you would agree with me that it is wrong
12 for a person to videotape somebody in their bedroom;
13 right?

14 A Right.

15 Q And if you had concluded that Mr. Riviere was
16 videotaping innocent people like the Crespos in their
17 bathroom, you would have called the police; right?

18 A Right.

19 Q And you would not have let Mr. Riviere continue with
20 this behavior, would you have?

21 A No.

22 Q Okay. And according to you, you never even asked your
23 40-year friend, Rhett Riviere, one question about having a
24 hidden camera in his bathroom, did you?

25 A No, because I thought the Crespos were going to handle

JURY TRIAL, VOL. 6

1 it.

2 Q But when these videos were discovered, you never went
3 to law enforcement, did you, and you never said I need to
4 tell you this story about this hole in the wall I saw in
5 2001, did you? You didn't do that?

6 A No, because the Crespos were going to handle that
7 part, and I didn't know whatever happened with that. So I
8 didn't even think about it, no.

9 Q Ms. Salatino, you just read your testimony where you
10 said under oath you didn't know they were being
11 videotaped, didn't you?

12 A Not for sure, no.

13 Q No, you didn't. And you understand that this was
14 information that, if you had had it, that law enforcement
15 would want to know something about that; right?

16 A I suppose.

17 Q Okay. Now, Ms. Salatino, you're a frequent customer
18 at the Wilcox Inn bar, aren't you?

19 A No. I go to dinner at the Wilcox sometimes. There's
20 a bar there but, no, we go to dinner.

21 Q So you don't hang out at the Wilcox bar?

22 A No.

23 Q Okay. How about the -- the liquor store called
24 Harvard's? Do you go there at least once a week?

25 A No.

JURY TRIAL, VOL. 6

1 Q How often do you go?

2 A I'm sure once or twice a month, maybe.

3 Q Would you recall in your deposition on page 43 where
4 you said you went about once a week?

5 A You know, I think in my deposition, I was a little
6 taken aback by it all, as I thought I was going in there
7 as a witness for Heather, and I think I was, like, very
8 shocked at why you're asking me how often I go to
9 Harvard's.

10 Q Well, let me ask you this. You thought that you were
11 coming to your deposition to testify as a witness for
12 Heather, but Mr. Harte is the one who called you and asked
13 you to give an affidavit; isn't that right?

14 A Yes, but Heather asked me would I be a witness.

15 Q She asked you to be a witness because you were the one
16 that referred them to the Rivières; isn't that right?

17 A No. She asked me did I remember what we saw in that
18 bathroom that day.

19 Q And she saw a door that had always been locked that
20 was unlocked suddenly, and she thought that was odd,
21 didn't she?

22 A No. We went in there for the hole in the wall, is
23 what she said to me, and then we opened the door. We --
24 it was not locked. You're right, it wasn't locked. We
25 went in the other room.

JURY TRIAL, VOL. 6

1 Q And she was concerned that it wasn't locked, wasn't
2 she, because the whole -- that was the last day of her day
3 in Aiken at that cottage, and every day since then, that
4 door had been locked, wasn't it?

5 A I have no idea.

6 MS. BARBIER: I beg the Court's indulgence. I
7 don't have any other questions.

8 THE COURT: Thank you. Mr. Griffin, redirect?

9 MR. GRIFFIN: Yes, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. GRIFFIN:

12 Q Ms. -- Ms. Crespo, in questioning from Ms. Barbier,
13 she made some comments about where she was representing a
14 hole in the wall a video might be, but I want to go to
15 what you told her in the deposition just to clarify. If
16 you'll go to page 21 of your deposition.

17 A Okay.

18 Q And if you'll see it in line 18, and I'm going to read
19 the question. Line 18, it begins "Okay. And what did you
20 do when you went to the cottage?" And this is referring
21 to showing the lawyers. So -- and -- and your answer at
22 line 20 was what?

23 A "They asked me to show them what I saw, and we walked
24 in the cottage. I walked into the bathroom, pointed to
25 approximately where I saw the hole in the wall and the

JURY TRIAL, VOL. 6

1 door next to it and the shower there."

2 Q "Mm-hmm."

3 A "And that was it."

4 Q Okay. So the location of the hole that -- that were
5 asked about, you refer in your deposition hole in the wall
6 and the door next to it?

7 A Yes.

8 Q Is the door next to the hole in the wall the door that
9 you went through and saw the equipment?

10 A Yes.

11 Q And then, there's a shower off to your left if you're
12 facing the door?

13 A Yes.

14 Q And the toilet is to the right?

15 A The toilet was coming behind me and to the right.

16 Q Okay. And did you expect that Mr. and Mrs. Crespo
17 would investigate what was that -- what was that hole for
18 and what that equipment was doing there?

19 A Yes.

20 MS. BARBIER: Objection; leading, Your Honor.

21 MR. GRIFFIN: I'll rephrase it.

22 BY MR. GRIFFIN:

23 Q What -- what was your expectation that the Crespos
24 were going to do after you left?

25 A Heather was going to talk to Gabriel about it and they

JURY TRIAL, VOL. 6

1 were going to handle it.

2 Q That's all the questions I have.

3 THE COURT: Thank you, sir. Ladies --

4 MR. HARTE: May it please the Court? One
5 question.

6 REDIRECT EXAMINATION

7 BY MR. HARTE:

8 Q Ms. Salatino, am I correct that what I told you was
9 that a lawyer from Columbia was coming to be -- be with
10 us?

11 A I'm sorry. Say that again.

12 Q Am I correct that what I told you was a lawyer from
13 Columbia was coming to be with us?

14 A Yes.

15 MR. HARTE: That's all, Judge.

16 THE COURT: Thank you, sir. Mr. Griffin, may
17 this witness be excused?

18 MR. GRIFFIN: Yes, please, Your Honor.

19 MS. BARBIER: Your Honor, I'd like to move the
20 affidavit into evidence.

21 THE COURT: Is there any objection?

22 MR. GRIFFIN: No objection. No objection. No
23 objection.

24 THE COURT: Mr. Harte, any objection?

25 MR. HARTE: No objection.

JURY TRIAL, VOL. 6

1 THE COURT: All right. We'll move it into
2 evidence.

3 (Plaintiff's Exhibit 23 was
4 admitted into evidence.)

5 THE COURT: Ms. Salatino, thank you. You are
6 excused from the trial.

7 MR. GRIFFIN: Your Honor, on behalf of the
8 Defendants Rhett Riviere, RC Riviere Properties and
9 Chase Enterprises, LLC of South Carolina, we rest.

10 THE COURT: Thank you, sir. Mr. Harte?

11 MR. HARTE: Your Honor, I just need to see if my
12 witness is here.

13 THE COURT: Okay.

14 THE BAILIFF: What's his name's.

15 MR. HARTE: Dacre Stoker.

16 THE COURT: Who is your witness, Mr. Harte?

17 MR. HARTE: Dacre Stoker, Your Honor.

18 THE COURT: Thank you, sir.

19 THE CLERK: Place your left hand on the Bible
20 and raise your right hand.

21 (The witness was sworn in.)

22 THE CLERK: Please take a seat in the witness
23 stand. State your full name for the Court and spell
24 your last name, please.

25 THE WITNESS: My name is Dacre Stoker, last

JURY TRIAL, VOL. 6

1 Stoker, S-T-O-K-E-R.

2 DACRE STOKER

3 was called as a witness, and having been first duly sworn,
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. HARTE:

7 Q And perhaps you should spell your first name as well,
8 Dacre.

9 A Dacre, D-A-C-R-E.

10 Q And, Mr. Stoker, you and I have known each other for a
11 while, have we not?

12 A Yes, we have.

13 MS. BARBIER: Objection; leading, Your Honor.

14 THE BAILIFF: I will allow some leading to
15 establish the witness. Thank you, Mr. Harte.

16 MR. HARTE: Thank you, Your Honor.

17 BY MR. HARTE:

18 Q What, if any, occasions have we had to play tennis
19 together?

20 A You and I?

21 MS. BARBIER: Objection; relevance.

22 THE COURT: Mr. Harte, would you move on from
23 that point?

24 MR. HARTE: Sure, Your Honor.

25 THE COURT: Thank you.

JURY TRIAL, VOL. 6

1 BY MR. HARTE:

2 Q What is your occupation, Mr. Stoker?

3 A I'm an author.

4 Q And what sort of books do you write?

5 A I write in the world of Dracula.

6 Q And why did you choose to write in the world of
7 Dracula?

8 A I'm the descendent of Bram Stoker, and I've been able
9 to research his life, and that's where I'm writing right
10 now.

11 Q And Bram Stoker was the original writer of the book
12 "Dracula"?

13 A That's correct.

14 Q All right. And in addition to that, you -- what, if
15 any, experience do you have in coaching?

16 A I have coached at the Olympic level for Canada in
17 modern pentathlon, and I also have coached in court tennis
18 as well.

19 Q And do you have any -- any --

20 THE COURT: Mr. Harte, let me ask -- I'm sorry,
21 what did you say first name was? You coached in
22 modern what?

23 THE WITNESS: Modern pentathlon.

24 THE COURT: Pentathlon. Okay. Thank you. I'm
25 sorry. I didn't hear that. Go ahead.

JURY TRIAL, VOL. 6

1 BY MR. HARTE:

2 Q Have you been successful?

3 A I coached a world champion in women's, and we are
4 finished 10th in the Olympics in Korea.

5 Q Now, have you coached any court tennis players?

6 A Yes. I currently coach and have coached for the past
7 15 years Camden Riviere, who is currently the world
8 champion in court tennis.

9 Q And Camden Riviere is related to Rhett Riviere?

10 A He's his son.

11 Q All right. Now, Mr. Riviere [sic], do you know Josee
12 Riviere?

13 A I know Josee Riviere, yes.

14 Q How do you know Josee Riviere?

15 A I grew up in Montréal, Canada, and we had a farm
16 outside of Montréal in Hudson, and that's where he knew
17 her since a little boy. We rode ponies together, we took
18 lessons together, we foxhunted together. My father
19 actually hired her father as a racehorse trainer. So
20 probably from the age of 7 or 8 'til 12 or 13 we were very
21 close as kids.

22 Q What sort of a person is Josee Riviere?

23 MS. BARBIER: Objection, Your Honor. He may ask
24 if the question is related to -- allow the ones under
25 character evidence, but nothing else.

JURY TRIAL, VOL. 6

1 THE COURT: I believe Ms. Barbier is correct.

2 MR. HARTE: Certainly, Your Honor.

3 Q Do you know Josee's reputation, generally, in the
4 community?

5 A Absolutely.

6 Q What is her -- do you know her reputation for peace
7 and good order?

8 A I've never seen anything to indicate anything other
9 than piece and good order.

10 Q Do you know her reputation for truth and veracity?

11 A Absolutely. Again, no -- no reason to believe she's
12 not a truthful person.

13 Q Would you believe her under oath?

14 A Absolutely.

15 Q What, if anything, do you know about her lifestyle?

16 A Not too much.

17 MS. BARBIER: Objection, Your Honor.

18 THE COURT: What is the nature of your
19 objection?

20 MS. BARBIER: It's -- it's not allowable by a
21 character witness.

22 MR. HARTE: May it please the Court, may we --
23 may -- may we be -- may we approach briefly?

24 THE COURT: Yes, I think that would be
25 appropriate. We'll try to do this on the side so you

JURY TRIAL, VOL. 6

1 all don't have to leave. Okay? And, Mr. Stoker, if
2 you'd just remain in your seat, I would appreciate
3 it.

4 (Bench conference.)

5 MR. HARTE: Thank you very much, Mr. Stoker. If
6 you would answer any questions that counsel -- other
7 counsel may have for you.

8 THE WITNESS: Yup.

9 THE COURT: Thank you, Mr. Harte. Ms. Barbier?

10 CROSS-EXAMINATION

11 BY MS. BARBIER:

12 Q Good morning, Mr. Stoker. My name is Debbie Barbier,
13 and I represent Heather and Gabriel Crespo. We've never
14 met, have we?

15 A No.

16 Q Okay. You -- you indicated on your direct examination
17 that you are -- you work in the area of court tennis?

18 A Not professionally, amateur right now.

19 Q Okay. And there's a big picture of you and Camden
20 Riviere on the website of the Court Tennis Association
21 here in Aiken; right?

22 A Yes.

23 Q Okay. And you are very good friends with him;
24 correct?

25 A Yes.

JURY TRIAL, VOL. 6

1 Q And you're friends with his dad; right?

2 A Yes.

3 Q And you're friends with Josee?

4 A Yes.

5 Q Okay. You guys -- in fact, you've said you've known
6 Josee your whole life?

7 A Yes.

8 Q Okay. You all grew up on a farm outside of Montréal;
9 is that right?

10 A We spent our summers at the farm and holidays, yeah.

11 Q Okay. Where did you spend the winters?

12 A Well, we had home in the city, and the farm was sort
13 of a weekend house or a summerhouse.

14 Q Okay. And how many houses did you have?

15 MR. HARTE: Objection.

16 THE WITNESS: Well, my parents -- my parents had
17 one house and then this farmhouse.

18 BY MS. BARBIER:

19 Q Okay. And Ms. Josee Riviere, was she there for the
20 summer, or did she stay there in the winters?

21 A No. I believe she lived there year-round.

22 Q Okay. And you all rode ponies?

23 A Yes.

24 Q And you did some foxhunting?

25 A Yes.

JURY TRIAL, VOL. 6

1 Q Do you know anything about the facts of this case?

2 A A little, not specifics.

3 Q Okay. Do you know anything about the evidence in this
4 case?

5 THE COURT: Mr. Stoker, when you're answering
6 these type of questions, it has to be of your own
7 direct knowledge.

8 THE WITNESS: Correct. Only what I've read in
9 the newspaper.

10 BY MS. BARBIER:

11 Q Okay. You have no direct personal knowledge about any
12 of the facts in this case, do you?

13 A No.

14 Q Okay. I don't have any other questions.

15 THE COURT: Thank you. Mr. Griffin or Mr.
16 McCulloch?

17 MR. MCCULLOCH: No questions, Judge.

18 THE COURT: Thank you, sir. Mr. Harte, any
19 redirect?

20 MR. HARTE: No, Your Honor. Thank you.

21 THE COURT: May this witness be excused --

22 MR. HARTE: Yes, please.

23 THE COURT: -- or would you like to have him
24 subject to recall?

25 MR. HARTE: No, Your Honor. He -- he may be

JURY TRIAL, VOL. 6

1 excused.

2 THE COURT: Okay. Mr. Stoker, thank you for
3 coming. You are excused.

4 THE WITNESS: Thank you.

5 THE COURT: Mr. Harte, any other witnesses?

6 MR. HARTE: No, Your Honor. On behalf of Josee
7 Riviere, we rest.

8 THE COURT: Ladies and gentlemen, that concludes
9 the evidentiary part of the trial, but as you know,
10 that's not the only part of the trial. I'm not sure
11 what time your lunch is coming.

12 THE LAW CLERK: 12:00-ish.

13 THE COURT: We're kind of close. I'm going to
14 ask you to step to your room. We may keep you back
15 there to wait until lunch, let you eat, and then
16 bring you out all at one time. I hate to bring you
17 out and then send you right back out to eat, and that
18 sort of thing. Okay? Continue to not discuss the
19 case. I don't believe you have your cell phones
20 available to you, but you're not allowed to look up
21 anything about this case. You will not have access
22 to any media in the back room. But you're not to
23 begin any deliberations regarding the evidence and
24 testimony that's been presented thus far. I will
25 tell you when you can. Okay? Thank you very much.

JURY TRIAL, VOL. 6

1 (The jury exited the courtroom.)

2 THE COURT: Any motions at this time?

3 MR. HARTE: Well, Your Honor, Defendant Josee
4 Riviere would renew the motion for a directed
5 verdict. And I do not believe that any evidence that
6 has been presented by -- on the defense side in any
7 way enhances the case against Josee Riviere. And, in
8 fact, Your Honor, the evidence is actually weaker now
9 than it was before I made the motion earlier. I -- I
10 do want to say this. Oftentimes, these motions are
11 made simply because the rule says you're supposed to
12 make them. This particular case is not like that. I
13 want to be clear that I am not just making this
14 motion so that it will be on the record. I am making
15 this motion because it is very dangerous to put in
16 the hands of the jury evidence like we have seen and
17 allow them to speculate as the plaintiffs are saying
18 they want them to do. And this is very important.
19 And I understand they're just are going. But they're
20 going to argue to the jury too.

21 The concept that you can be found responsible
22 because you could have done something or you might
23 have done something when you have no duty to do that
24 is just contrary to the law. In the -- in the brief
25 that I provided to you, I addressed the issue of a

JURY TRIAL, VOL. 6

1 duty to warn. They have not proven any element that
2 would support a finding that Josee Riviere had a duty
3 to warn Heather and Gabriel Crespo. They've also not
4 presented any evidence to show that she was in any way
5 connected to the videos nor have the -- nor have they
6 proven that she had any knowledge to impart to them
7 that would cause her to have a duty to warn them.
8 There is no duty for a real estate agent to inspect.
9 That's -- that's the law in South Carolina, and that's
10 in the brief that I gave you, I believe.

11 I very seriously say to you, Your Honor, this
12 jury has been led to believe things by inference that
13 are not reasonable inferences. And the law says in
14 viewing a motion for a directed verdict, the Court may
15 consider the evidence and all reasonable -- reasonable
16 -- inferences that arise therefrom. The rule does not
17 permit the kind of conjecture that they want to --
18 want not only you but the jury to exercise. And, Your
19 Honor, you are the gatekeeper. And it is a motion
20 that is made in deadly serious earnestness.

21 I respect you. I respect your opinion. I
22 respect how you have handled this case. I implore
23 you, Your Honor, to have -- to take a moment and
24 consider what has been presented, and if there is, in
25 fact, insufficient evidence to take this case to a

JURY TRIAL, VOL. 6

1 jury, then I implore you to take the range of this and
2 bring it to a stop. Thank you, Your Honor.

3 THE COURT: Thank you, sir. Anything --

4 MR. GRIFFIN: Yes. Your Honor, we, on behalf of
5 Rhett Riviere and Chase Enterprises and RC Riviere
6 Properties will renew our motion for a directed
7 verdict on the grounds previously argued and
8 submitted, and in our written motion. I would just
9 point out with regard to duty, as Mr. Harte was
10 arguing. And we all -- I mean, caveat emptor, buyer
11 beware, I mean, that is the common law, and it is
12 changed by statute on disclosure issues on property.
13 But that's where we find ourselves.

14 THE COURT: Thank you, sir. I appreciate that.
15 I did not find anything in the defendants'
16 presentation of the case for any of the defendants to
17 change my ruling. I appreciate the arguments made by
18 counsel. As to closing arguments, I find it
19 necessary to take a moment to remind our esteemed
20 counsel here, we need to be very careful on our
21 closing arguments. No improper closing arguments,
22 please. Those would be expressions of personal
23 opinion, vouching for a witness's credibility, trying
24 to incite passions of the jury with religious
25 references or other notions that would make the jury

JURY TRIAL, VOL. 6

1 think outside of the evidence that has been
2 presented. I have attempted to be extremely diligent
3 in noting to the jury on more than one occasion that
4 they are the finders of fact based upon the evidence
5 and testimony presented to them. We have had lots of
6 arguments in this case that referred to evidence that
7 we all discussed but was not presented to the jury.
8 So please, restrict your arguments to the evidence
9 that was actually presented to the jury. Do not try
10 to vouch for credibility improperly. Do not try to
11 impassion on a religious basis that may not be
12 involved in the -- in this case, or to appeal to
13 their personal biases or inflame their prejudices in
14 any way.

15 And this is where we get to the Golden Rule in
16 which we had a discussion earlier in this trial, and I
17 will not go back into that. But as we discussed,
18 finding no evidence for a Golden Rule applicability to
19 a witness, there certainly is lots of evidence as to
20 that rule as to counsel. Has everyone had the chance
21 to review the PowerPoint that plaintiff intends to
22 present?

23 MR. GRIFFIN: Yes, Your Honor.

24 THE COURT: Are there any objections to that.

25 MR. GRIFFIN: There -- there is objection to the

JURY TRIAL, VOL. 6

1 plaintiffs' per diem calculation of damages, and I
2 would just cite to the Court a case at 237 South
3 Carolina 167. It's a 1960 case. But basically,
4 you're not permitted to do per diem calculations of
5 damages for pain and suffering, unless there's
6 factual basis to support it. And -- and this case
7 says "Calculations made or diagrams drawn thereof, of
8 course, are not evidence. Like statements of counsel
9 and oral argument, they should have the reasonable
10 foundation in the evidence or inferences fairly
11 arguable from the evidence. Just as oral argument
12 may be abused, so may such visual argument, and this
13 abuse may be so flagrant as to require a mistrial."
14 And -- and here, they just -- they picked \$1,000 a
15 day and they spread it out the -- the life expectancy
16 --

17 THE COURT: Expectancy.

18 MR. GRIFFIN: -- and they go back to -- to the
19 day of -- of filming. So \$1,000 a day is absolutely
20 arbitrary. And there's been no evidence in this case
21 of any permanent damage or permanent loss or
22 permanency. The only evidence of permanency is
23 Mr. Trezza, who says, you know, you can recover from
24 this and, for all we know, he has recovered. And --
25 and Mr. Crespo testified that once this trial is

JURY TRIAL, VOL. 6

1 over, I'm going to back. You know, but there's no
2 evidence of permanent loss, permanent injury, and
3 their per diem calculation is not based upon evidence
4 in the record or any reasonable inference from the
5 record that you can pull a \$1,000 out of -- out of
6 the air. Thank you.

7 THE COURT: Mr. Harte?

8 MR. HARTE: Your Honor, I would join in that --
9 those comments and motions by Mr. Griffin. Your
10 Honor, I would also advise the Court that, should the
11 jury return a verdict against Josee Riviere, we will
12 be asking for -- we will be moving for a relief under
13 the South Carolina Contribution Tortfeasors Act. And
14 it's my understanding that that is to occur after the
15 entry of the verdict.

16 THE COURT: Yes, sir. Thank you for alerting me
17 to that fact. Ms. Barbier?

18 MS. BARBIER: Your Honor, first of all, with
19 respect to the categories of things that Your Honor
20 just stated; personal opinions no vouching for the
21 credibility of a witness.

22 THE COURT: That's just a general categorization
23 too. It was not intended to be an exhaustive list.

24 MS. BARBIER: I mean, I do I intend to attack
25 the credibility of certain witnesses. But no

JURY TRIAL, VOL. 6

1 religion, appealing to -- to the bias or prejudice in
2 the Golden Rule. I don't intend to do any of that.
3 So I understand Your Honor ruling on those issues and
4 will respect it. The --

5 THE COURT: Reminder, Ms. Barbier, not a ruling,
6 a reminder.

7 MS. BARBIER: -- yes, ma'am. Thank you. With
8 respect to the motion in limine that has been filed,
9 I've never seen anything like it. I've been giving
10 closing arguments for a long time now. I'm not sure
11 how to do a closing argument without making
12 disparaging remarks about the opposing sides. The
13 terms that he's listed "trust fund baby, peeper,
14 criminal" --

15 THE COURT: When was this filed? I don't think
16 I had a chance to review it fully.

17 MR. MCCULLOCH: Your Honor, since you left
18 yesterday, I sent it about 4:30.

19 THE COURT: That's the e-mail I didn't get,
20 Mr. McCulloch, that's the one. For some reason, that
21 didn't come through my e-mail yesterday, but I have
22 it now.

23 MR. MCCULLOCH: All right, Your Honor. And I'll
24 address that after Ms. Barbier.

25 THE COURT: Certainly.

JURY TRIAL, VOL. 6

1 MS. BARBIER: There's certain categories that
2 they have listed, Your Honor. I think there's nine
3 categories.

4 THE COURT: All right. Well, Ms. Barbier, let's
5 look at this. You certainly don't have any problem
6 -- and I think I just stated we've had a lot of
7 evidence that we've talked about that wasn't actually
8 in the case. So do you have any objection to
9 refraining from referring to excluded evidence or
10 evidence not introduced?

11 MS. BARBIER: Absolutely not.

12 THE COURT: All right. And then, we have the
13 question of the punitive evidence, which we're going
14 to get with.

15 MS. BARBIER: I'm not going to talk about
16 punitive damages or punishment.

17 THE COURT: We're not talking about that at this
18 phase. I think everybody understands that. The
19 accused or indicted or her criminal activity, I think
20 that goes into the fact that we've -- we've limited
21 references to his criminal liability already. And --
22 and there was evidence of a search warrant, and other
23 witnesses, including one of the witnesses brought by
24 the defense, referred to an arrest. But other than
25 that, there's nothing stated in the evidence about

JURY TRIAL, VOL. 6

1 his criminal conduct.

2 MS. BARBIER: But, Your Honor, the -- the fourth
3 category, disparaging remarks, I -- I don't -- I
4 don't even understand it, honestly.

5 MR. MCCULLOCH: I can help her with that, Your
6 Honor, if you'd like.

7 MS. BARBIER: I think the case law --

8 THE COURT: Thank you, Mr. McCulloch. Your turn
9 will come.

10 MS. BARBIER: -- the case law in South Carolina,
11 Your Honor, is that I can comment and summarize the
12 evidence that's in the record. And much of this
13 evidence has gone into the record without any
14 objection. I would cite, Your Honor, to two cases.
15 And I -- I misput them right now, but I -- I can get
16 them. But that's the law in South Carolina, and says
17 just that. It says that -- that I can comment on the
18 evidence in the record and that I can make any real
19 reasonable inference to draw from there.

20 So the fact that Ms. Riviere and Mr. Riviere
21 have put in testimony -- or had -- there has been
22 testimony about the fact that they have ponies, and
23 they go foxhunting, and they have a yacht, and they
24 have properties -- and -- and multiple properties in
25 Aiken, and his mother lived in that pink mansion on

JURY TRIAL, VOL. 6

1 Easy Street, that's all in the record. That's not
2 even objected to, and there's no reason that I can't
3 summarize that for the jury. I'm not going to talk
4 about his net worth. I don't know his net worth. I'm
5 not going to talk about punitive damages. But that's
6 a very different thing that I'm able to describe what
7 they have heard about the defendant, Rhett Riviere.
8 And -- and also, Judge, that --

9 MR. HARTE: Excuse me, Your Honor.

10 THE COURT: And you can't talk about a trust
11 fund because we haven't talked about a trust fund;
12 correct?

13 MS. BARBIER: I don't intend to talk about a
14 trust fund.

15 THE COURT: Yeah. Mr. Harte?

16 MR. HARTE: Your Honor, Ms. Barbier uses the
17 phrase "they owned properties," and then she proceeds
18 to go on. There is no evidence that Josee Riviere
19 owned any of these properties, except for I think a
20 Marion Street property. So an argument that --
21 that -- that includes the reference to "they owned
22 properties" --

23 THE COURT: Mr. Harte, I'm not going to restrict
24 her in that regard. They have sued both defendants.
25 It's -- it's together. I'm not going to say she has

JURY TRIAL, VOL. 6

1 to say one or the other. I have to say that,
2 obviously. I don't think that she, in making her
3 argument, is restricted from saying "they." That is
4 part of her whole argument of the case.

5 MR. HARTE: Your Honor, she can say "they" when
6 she talks about things, but she cannot say "they
7 owned properties" when, in fact, she knows they did
8 not. That is not proper because it's contrary to the
9 evidence.

10 THE COURT: I'm not going to issue that
11 restriction. I appreciate your argument on that.

12 MR. HARTE: Thank, Your Honor.

13 THE COURT: You can take it up outside of this
14 trial at a later date if you feel necessary.

15 MR. HARTE: And, Your Honor, that objection,
16 please, will run throughout her --

17 THE COURT: Certainly.

18 MR. HARTE: -- and also, Your Honor, if -- I
19 believe that's all, but I do -- that's fine. That's
20 all.

21 THE COURT: I think the trust fund baby comment
22 could get into an issue of punitive damages and,
23 potentially, prejudice. However, she's correct,
24 there's been a lot of evidence that Mr. Riviere has
25 had a very nice life and continues to do so. I don't

JURY TRIAL, VOL. 6

1 think you can limit the fact that he owns several
2 houses or companies that he deals with, owns several
3 -- several houses. Let me go back to that. I think
4 we're talking about No. 4. We already talked about
5 the Golden Rule, in No. 5. She's not going to refer
6 to him as a criminal because he hasn't been convicted
7 of anything. But yes, she certainly -- I'm not going
8 to restrict her such that she can't make an actual
9 argument and leave her -- her -- if she is asking.
10 Ms. Barbier, you are the counsel making closing
11 argument in this case. We've already talked about
12 personal beliefs, opinions, or testimonies of the
13 plaintiffs' attorney. And as you can see, gentlemen,
14 my comments were not related to this motion, as I
15 have not had the chance to review it prior to
16 talking.

17 No. 7 is misstating the record or witness
18 testimony. I think we are all very familiar with the
19 fact that the jury gets to determine the facts in the
20 case and remembers the testimony as they see fit. You
21 may have noted that the jury -- the jurors in this
22 case have had notes, and many of them have been taking
23 notes. So I'm sure that all of you, as is a general
24 trial tactic, will say whatever you remember is
25 tantamount to what I remember, but that doesn't mean

JURY TRIAL, VOL. 6

1 that an attorney can't say this is what I recall the
2 testimony being.

3 MS. BARBIER: Your Honor, I don't know what
4 trial theatrics means.

5 THE COURT: And Mr. McCulloch, I was about to
6 ask you. Can you explain trial theatrics? There was
7 an old movie where the -- the -- it was a criminal
8 case, and I don't know if it was Keanu Reeves or
9 somebody like that or -- and they put a bunny under
10 the seat of the witness stand. Do you -- have you
11 ever seen that? And in --

12 MR. MCCULLOCH: That one, I don't know, Your
13 Honor.

14 THE COURT: -- and in -- I can't remember the
15 name of the movie, but in the -- it was a great
16 trick. In the movie, the -- he questions this whole
17 witness about everything they knew and what was
18 going. And at the end, he said and did you realize
19 there's a bunny under your chair, please look under
20 your chair. Now, that's what I would think would be
21 a trial theatric.

22 MR. MCCULLOCH: Your Honor, there are lots of
23 trial theatrics. (Unintelligible) would bring in a
24 -- a leg in a railroad case where a fellow lost his
25 leg, and he would put a leg wrapped in butcher block

JURY TRIAL, VOL. 6

1 paper on the table. The jury was transfixed for the
2 entire trial. At the end of the trial, after he got
3 a verdict, he unwrapped it, and it was the poor, his
4 client's wooden leg. But trial theatrics, as
5 referred to here, Your Honor, is simply that which
6 would be calculated to inflame the passions of the
7 jury, to appeal to the sympathy. I have no idea
8 whether, you know, Ms. Barbier is going to pull out a
9 big old hankie about this big and put it up there and
10 say you'll remember the -- our weeping clients. I
11 have no idea what theatrics she may have in mind.

12 And if you'll allow me, I'll tell you,
13 Ms. Barbier says she's never seen something like this.
14 Well, I've used this frequently, not so much in civil
15 cases. But I can recall the first time I used it was
16 in a death penalty case with Donnie Myers, who had
17 been reversed probably ten times for a variety in
18 death penalty cases. Jorge (unintelligible) then
19 proffered arguments. So I prepared and filed in that
20 case and have done so thereafter. Knowing -- based
21 upon history of reversals, I knew what Mr. Myers was
22 going to do, and he did. It took him about 5 minutes,
23 notwithstanding the fact that his -- he had three
24 cases, I think, reversed for name-calling: pervert,
25 this in that. It's no more appropriate in a criminal

JURY TRIAL, VOL. 6

1 case than it is in a civil case. And I filed that
2 motion and ask the judge if it occurred, it would be
3 an intentional act disregarding the Court's
4 instructions, and should result in a mistrial. We've
5 not had much luck with mistrials in this case. I'd
6 rather not have to make still another during the
7 closing arguments with counsel. So that is why you
8 have this, Your Honor. I apologize. I don't have an
9 explanation why you didn't receive it. It was
10 received, to my knowledge --

11 THE COURT: It's no fault of yours.

12 MR. MCCULLOCH: -- by everyone else.

13 THE COURT: It's no fault of yours that I did
14 not receive it. It's an issue with my e-mail, and
15 I'll continue to address that.

16 MR. MCCULLOCH: But, Your Honor, I would also
17 say, the Court has witnessed -- I have no idea. I
18 wish I had counted the objections I had to make for
19 fundamental acts that violate the rules in the sense
20 of not just leading, but trying to introduce
21 evidence. I'm not sure. We just saw an attempt to
22 impeach this lady because of her alcohol purchasing
23 habits. I just don't -- I -- I don't know what the
24 closing argument will bring to us. This was filed
25 simply to ask the Court to remind, as you have, that

JURY TRIAL, VOL. 6

1 there are things that are proper and there are things
2 that are improper. And to once again place me in the
3 continuing position of having to stand up, object,
4 maybe be a bad guy, it's just not a trial tactic that
5 should be permitted in this courtroom or any other.

6 THE COURT: Thank you, sir. As to damages of
7 nonparties, I know that you're saying they can't
8 argue on behalf of their daughter that she sustained
9 any damages. I would imagine the response is going
10 to be that it's not arguing damages on behalf of the
11 daughter, it's damages to the father.

12 MR. MCCULLOCH: Well, what -- what the witness
13 testified to is that it had an effect on his
14 daughter, and that's exactly what is improper, Your
15 Honor. He didn't testify about the effect. Maybe he
16 did, to some extent, the effect on him. But it's not
17 proper to be arguing third-party damages, and that's
18 essentially what that slippery slope gets you to.

19 THE COURT: Well, and this brings us to the part
20 of -- of what each of us hears when we hear the
21 testimony, and that's ultimately for the jury to
22 decide. So, Ms. Barbier, I would caution you not to
23 argue on behalf of -- of -- of --

24 MS. BARBIER: I don't plan to, Your Honor.

25 THE COURT: -- plaintiff who is not here, but as

JURY TRIAL, VOL. 6

1 to the effect as to your clients. And I think one of
2 the purposes -- you know, of course, one of the
3 purposes in making a peremptory motion is to say,
4 hey, this is what I'm listening for as well as remind
5 everyone that this is to make sure that we don't have
6 any problems that come because we -- no one likes to
7 -- to object during a closing argument or during an
8 opening statement. And thank you, Mr. McCulloch.
9 And as you see, the Court had already gone there
10 without you, but I do appreciate the assistance.

11 MR. MCCULLOCH: Your Honor, if we could go back
12 briefly to No. 4, disparaging remarks. There are
13 several items there, and this says "including but not
14 limited to." But "trust fund baby never held a job"
15 -- it should be held a job, "family wealth." None of
16 that would be proper at this stage of the
17 proceedings. We're in Phase 1 of a two -- of a
18 potentially two-phase trial. No references that
19 suggest to this jury his wealth is proper in this
20 phase.

21 THE COURT: It's not -- it's not proper as to
22 what his money source was, which I believe was the
23 rental properties would be proper, wouldn't it?

24 MR. MCCULLOCH: Well, it would be if they had
25 tied it up, if they had evidence in the record that

JURY TRIAL, VOL. 6

1 that he derived money from these rental properties.

2 THE COURT: Isn't the closing argument one of
3 the ways you can tie that up, because he did -- we
4 did have testimony. He did not testify, but we did
5 have testimony he had no other job and that these
6 properties were rented.

7 MR. MCCULLOCH: Well, Your Honor, I think my
8 argument -- or my objection would be less valid to
9 rental properties, but "trust fund baby, unlimited
10 wealth," that his mother built the Main Street, if
11 indeed she did, "never held a job." Those are all
12 not proper during this phase.

13 THE COURT: Yes, sir. And I think the -- his --
14 -- his mother building the Main Street was -- or is
15 the alley, particularly, was something brought in by
16 Mr. Harte. So, Mr. Harte, if you would refrain from
17 any references as to the character of his mother or
18 what she has or has not done for the City of Aiken,
19 that would be appreciated.

20 MR. HARTE: No problem, Your Honor.

21 THE COURT: Thank you.

22 MR. MCCULLOCH: Thank you, Your Honor.

23 THE COURT: Ms. Barbier, what else would you
24 like to --

25 MS. BARBIER: Your Honor, I do -- I -- I -- I

JURY TRIAL, VOL. 6

1 want to make sure I'm clear on the ruling, because
2 the evidence that this jury has heard and the man
3 that this -- has been described for this jury that
4 felt entitled to videotape his renters, is that he
5 was a man of means, that he had multiple rental
6 properties, that the only job they -- that Ms. Hook
7 knew him to have was renting these properties, that
8 he had a yacht, that he had horses, he had a
9 Corvette, he grew up in a big pink --

10 THE COURT: Mr. McCulloch, those are facts.

11 MS. BARBIER: -- big pink mansion on Easy
12 Street. I mean, those are the -- that's in the
13 record and it wasn't even objected to.

14 MR. MCCULLOCH: Your Honor, those are facts that
15 are not proper in this phase. This is the liability
16 phase, is what I understand from the bifurcation
17 statute. It's the liability phase. It does not bear
18 -- and the introduction of that evidence is nothing
19 more than an encouragement to give \$19 million and
20 \$17 million in damages because he has unlimited
21 wealth. That's for the second phase, if we get
22 there. That's my objection.

23 MS. BARBIER: Those are the facts in this
24 record, Your Honor. Those are the facts. And
25 there's -- there's --

JURY TRIAL, VOL. 6

1 THE COURT: I think, though, what's the purpose
2 of the argument, Ms. Barbier? I think Mr. McCulloch
3 has to acknowledge that those facts did come into
4 this record about his Corvette and his yacht because
5 we showed a video from his yacht, and another witness
6 testified as to his yacht and where it came from and
7 all of that. So what -- and the purpose in this
8 closing argument, we cannot show wealth for the
9 purpose of determining damages.

10 MS. BARBIER: Your Honor --

11 THE COURT: So what is the purpose of arguing --
12 or making any reference at all at this phase?

13 MS. BARBIER: -- because, Your Honor, that is
14 what gave him the manner and the means. These
15 properties and this wealth gave him the manner and
16 the means to -- to perpetrate what he did. He didn't
17 believe that the rules applied to him. He didn't
18 have to follow the rules because this is the
19 lifestyle he leads -- he led. And that's the --
20 that's the -- that is the accurate picture that has
21 been painted here, and I -- I don't know why I
22 wouldn't be able to summarize that in my closing.

23 THE COURT: Mr. McCulloch, she's found another
24 purpose.

25 MR. MCCULLOCH: She makes the very point that

JURY TRIAL, VOL. 6

1 had -- she certainly can say that he owns rental
2 property, several of the rental properties.

3 THE COURT: Including a yacht.

4 MR. MCCULLOCH: And including a boat. I don't
5 know whether it's a yacht.

6 THE COURT: Okay.

7 MR. MCCULLOCH: I've never seen anything but the
8 inside of it.

9 THE COURT: The witness called it a yacht.

10 MR. MCCULLOCH: Okay. Well, Your Honor, I
11 guess, you know, I would concede that's evidence that
12 is in the record. But there's a good deal more
13 evidence in the record about his family wealth and
14 the other things that are not proper for this -- and
15 -- and you're not -- by a ruling with me, you're not
16 depriving her of the ability to prove damages.
17 You're allowing her to -- to essentially begin
18 working this -- the net worth, the fantastic net
19 worth that they allege, and that is only proper in
20 the -- in the second phase. And the cases talk about
21 net worth and, I would suggest, analogous references
22 to all that comes with great wealth is -- is just
23 prejudicial in this phase.

24 THE COURT: Yes, sir. Well, I'll think about it
25 some more. But, Ms. Barbier, I will caution you that

JURY TRIAL, VOL. 6

1 we are running a tenuous line in the -- in the
2 arguments as to his wealth. I'll see if I can
3 fashion something more specific to assist you. I
4 know we're going to have -- or to assist all
5 attorneys, not just to assist you, but as to this
6 ruling, because you are not the only one to have
7 brought up the points. There have been times that
8 the defense witnesses have brought these things out
9 as well, or their cross-examination has brought these
10 things out, I should say, more appropriately.

11 So let me think on how we can limit that. I
12 will caution everyone, this is the liability phase,
13 that is, actual and compensatory damages, not shooting
14 for the moon for any punitive damages. We have to get
15 through this phase first before you determine how far
16 you can go on there, and that's when the barn doors
17 could be let open.

18 MS. BARBIER: Yes, Your Honor. If -- if -- if
19 it would help, I could cite to the person who
20 testified to whatever facts that relate to --

21 THE COURT: That's always allowable. Of course,
22 the jury determines whether the person said what you
23 think they said, but -- and I will remind them of
24 that.

25 MS. BARBIER: -- and then, Your Honor, with

JURY TRIAL, VOL. 6

1 respect to the per diem calculations --

2 THE COURT: Hold on a second. Mr. McCulloch has
3 something to say. You don't think it's appropriate
4 for her to say that she thinks she recalls this
5 witness saying blah, blah, blah?

6 MR. MCCULLOCH: Only citing authority for that
7 which is not proper for this phase, which would my
8 point. Again, she needs to prove in this phase her
9 seven causes of action. I forget how many. And --

10 THE COURT: I believe it is seven.

11 MR. MCCULLOCH: -- and -- and that is
12 accomplishable without getting into the very net
13 worth and analogous allusions or references to the
14 great wealth, great privilege, and all that other
15 stuff. It's perfect for the punitive stage, which I
16 suspect we'll get to, but we ain't there.

17 THE COURT: I understand. Mr. Harte, were you
18 standing?

19 MR. MCCULLOCH: And some -- some constraint,
20 Your Honor, even if information was admitted, even
21 if, it furthers -- it -- it applies prejudice --

22 THE COURT: We're not retrying the case twice if
23 we get to the punitive stage. All of those things
24 could be brought up at the next phase, if we get
25 there.

JURY TRIAL, VOL. 6

1 MR. MCCULLOCH: All right. (Unintelligible.)

2 THE COURT: Yes, sir, Mr. Harte?

3 MR. HARTE: Your Honor, may I inquire as to
4 what, if any, charges you intend to do or how you
5 need to -- you intend to handle the issue of whether
6 the adverse inference from the Fifth Amendment may be
7 applied to a codefendant in a civil case such as
8 this?

9 THE COURT: At this time, I'm not inclined to
10 charge on an inference as to your client. SBA.

11 MR. HARTE: Thank you, Your Honor.

12 THE COURT: We do need to still go over charges,
13 and we can do that before closing arguments if you
14 all like. I hate to have the jury sitting for so
15 long in the room. And they should be getting their
16 lunch shortly, so we will break for lunch. I'll
17 review Ms. Barbier's PowerPoint during that time as
18 well. And I intend -- I mean, I'm not leaving the
19 courthouse either, so I would hope to be able to do
20 that between 12:00 and 12:30. And I will be around
21 and available at 12:30 if you are all around and we
22 can come back and confer. I'm not going to shorten
23 your lunch to a 30-minute lunch. I am going to say,
24 I think I did caution that if anyone could order
25 ahead of time, I would appreciate it. Yes, sir, Mr.

JURY TRIAL, VOL. 6

1 Harte?

2 MR. HARTE: Your Honor, in light of your
3 decision with respect to the adverse inference, may I
4 assume that it would be inappropriate for counsel to
5 argue that an adverse inference could be applied to
6 my client?

7 THE COURT: As I said, it's at this time. And I
8 will -- that will be another -- we'll talk about it
9 some more to make sure I feel that way still.

10 MR. HARTE: Thank you, Your Honor.

11 MR. MCCULLOCH: Your Honor, one quick thing.
12 Ms. Barbier was kind enough to provide me with her
13 PowerPoint, which I didn't get because we -- it was
14 sent out about -- early this morning. We've looked
15 at it. Mr. Griffin raised one point that we'll ask a
16 ruling on, which is that daily calculation for the --

17 THE COURT: Yes, sir.

18 MR. MCCULLOCH: -- I noticed on the -- there was
19 one slide -- and I don't recall the title of it --
20 but -- but it has the \$125 medical bill for
21 Ms. Crespo for the counseling bill, the \$1,900
22 counseling bill for Mrs. Crespo. And then, there is
23 a rental of \$2,400, I think. And there is another --
24 well, it says \$2,200. Exhibit 20, I think, is the
25 reference. And that was based on the document we --

JURY TRIAL, VOL. 6

1 that was introduced, 1700. So it's a
2 (unintelligible) dollar mistake that she's made.

3 MS. BARBIER: Sorry about that.

4 THE COURT: You know, I'm not --

5 MS. BARBIER: And that's why --

6 MR. MCCULLOCH: -- all wrapped around the grille
7 about that, Your Honor, but --

8 UNIDENTIFIED SPEAKER: I think there were two --

9 THE COURT: That's why we're going to take a
10 break, to make sure everybody's on the same page.
11 You all can have a chance to confer about that, and
12 I'll have the chance to review it as well. All
13 right. Is there anything else that we should do
14 before lunch? Again, I'm not telling you to be back
15 at 12:30, but the faster we can come back here to
16 discuss matters, the better. No later than 1:00.

17 MR. GRIFFIN: Yeah. And, Your Honor, I think we
18 need to spend time on the verdict form and just on
19 things on our to-do list.

20 THE COURT: There are several things on the
21 to-to do list, there are. And I sent you all
22 potential draft charges, just based on what everyone
23 had been sending to me. Please review those as well.
24 I hope you were able to review them some yesterday.
25 Those were sent you in the e-mail, Mr. McCulloch,

JURY TRIAL, VOL. 6

1 prior to you sending me yours.

2 MR. MCCULLOCH: We got yours.

3 MR. GRIFFIN: And I guess just another thing
4 that -- how to handle at this stage the issue of
5 whether we go to the second stage, is the jury going
6 to make a finding of, you know, clear and convincing
7 evidence during their current deliberations or --

8 THE COURT: I think there is one cause of action
9 that may require some sort of clear and convincing
10 evidence standard. It's the constructive fraud; is
11 that correct? I'm not sure. I'm going to look back
12 on that.

13 MR. GRIFFIN: Well, I think to get punitive
14 damages, I think --

15 THE COURT: To get punitives, but there's, like,
16 an element that requires -- I thought I saw that, and
17 that's one of the things I want to look back at lunch
18 to see if there is an element of one of the causes of
19 action requiring clear and convincing to require a
20 charge at this phase. If there is, we'll throw that
21 in there. If not, no, not until we get to the second
22 phase. I intend -- if they find liability on any of
23 causes of action, I intend to roll -- depending on
24 what's going on at the point of that day, we need to
25 roll directly into the punitive phase, whether that

JURY TRIAL, VOL. 6

1 be in the morning or sometime later and tomorrow.

2 Yes, sir?

3 MR. FEW: I was just going to concur, Your
4 Honor.

5 THE COURT: In which case, I would ask that
6 witnesses be available. Yes, sir?

7 MR. FEW: I think the only appropriate clear and
8 convincing is the constructive fraud. And the
9 statute 15-32-520, I believe, is clear on that, at
10 Section B. That's when it says you must prove by
11 clear and convincing evidence to get punitive
12 damages. So we -- we don't have to establish
13 clear and -- now that they've chosen bifurcation,
14 they can also draft clear and convincing under the
15 preponderance for all the other claims.

16 THE COURT: Okay. I'll review that again. But
17 I knew it was mentioned in the statute. I couldn't
18 recall where, and that was on my notes to -- to go
19 back and look at that and make sure. Anything else,
20 counsel, that you know of at this moment?

21 MR. FEW: I have some brief comments on the
22 charges you sent out. If you want to, I could --

23 THE COURT: No, no, no, not yet.

24 MR. FEW: Okay.

25 MS. BARBIER: Just -- just in response, Your

JURY TRIAL, VOL. 6

1 Honor, Mr. Griffin said that we had -- we can't do
2 per diem calculations because we have no factual
3 basis to support a permanent set of damages. And I
4 think we've already really addressed that in the DV
5 motions. But there's plenty of evidence of the
6 long-lasting effects of the severe emotional distress
7 the Crespos have suffered, so.

8 THE COURT: I think the issue is whether your
9 per diem -- the basis of your per diem amount was
10 speculative or not.

11 MS. BARBIER: Well, I think it always is, Your
12 Honor. And I think that the jury -- what I'm going
13 to tell the jury is, they don't have to choose the
14 multiplier that I chose. They can choose --
15 that's -- that's what their job is. Their job is to
16 figure out what multiplier to use.

17 THE COURT: All right. Thank you. We'll take
18 that up again too.

19 MS. BARBIER: Thank you.

20 THE COURT: Thank you. Everyone have a good
21 lunch.

22 (Off the record.)

23 (Recess.)

24 (On the record.)

25 THE COURT: Okay, counsel, I'm sure we have a

JURY TRIAL, VOL. 6

1 lot more to discuss; true, not true?

2 MR. GRIFFIN: True.

3 THE COURT: As to the closing arguments, we went
4 over -- Ms. Barbier proposes -- I reviewed her
5 PowerPoint. She proposes \$1,000 a day, I believe.
6 Is that what you still intend to propose?

7 MS. BARBIER: I do, Your Honor. And the only
8 other change I made to the PowerPoint since
9 submitting it this morning is I added that corporate
10 entities into the accounts that they are -- that we
11 brought against them. But, yes, I -- I intend to
12 suggest that, but also to tell the jury that that is
13 their job, to determine the appropriate multiplier.

14 THE COURT: All right. Looking at the claim,
15 you know, everybody would argue a case differently,
16 and I may find indifferent amount to use than what
17 she's using. But, Mr. Griffin, I'm not sure it's
18 pure speculation when there are amounts in evidence
19 that are above and below the \$1,000 a day from which
20 she could state that such as the accounts in the
21 record, or something like that. And I think you're
22 fully able to counter that argument appropriately as
23 well. Okay?

24 MR. GRIFFIN: Sure.

25 THE COURT: I understand your argument. I'm

JURY TRIAL, VOL. 6

1 going to allow her to make her argument. I've done a
2 proposed verdict form that's different from both of
3 the ones that you all proposed. I'd like to keep
4 this as simple as possible, but I understand by its
5 very nature it's a complex issue. So I'm going to
6 ask Athan to -- to pass that around. Whoever is not
7 involved in argument could review it or potentially
8 after your argument, whatever you all feel is
9 appropriate in preparations so that we can go
10 through.

11 As to the jury charges, does anybody have --
12 well, we'll take a break after closing arguments to
13 determine where our time is and what's going on. But
14 is there anything for the proposed jury charges that I
15 sent out yesterday that we want or need to discuss?

16 MR. FEW: Your Honor, I'll take the lead on
17 behalf of plaintiff, some comments on the jury
18 charges. On page 21 at the top, the second line, it
19 refers to the natural and probable consequence of the
20 defendants' negligence. And I think that should
21 probably be changed to conduct because it's within
22 the discussion of intentional infliction of emotional
23 distress. That's Comment No. 1. And then, I went
24 through marked the areas, Your Honor, where there was
25 reference to punitive damages.

JURY TRIAL, VOL. 6

1 THE COURT: Those need to be removed.

2 MR. FEW: Yeah. And that's on page 22, 23, and
3 38. Also on 22, Your Honor, you had in square
4 brackets what I believe to be the other two types of
5 invasion of privacy, which don't apply here, so I
6 think those first two could just come out; the
7 unwarranted appropriation and the publicizing of
8 private affairs. And then, Your Honor, on page 32,
9 in covering the statute of limitations, you have the
10 date in there. The first mention of it kind of just
11 past the midway point I think should be October
12 19th of 2019. Oh. It should be actually October 10.
13 That's the date that we filed, I believe.

14 THE COURT: I have the plaintiffs filed this
15 action on October 10th, 2022. If you find that one
16 or both of the plaintiffs knew or should have known,
17 or that a person of common knowledge and experience
18 should have known through the exercise of reasonable
19 diligence that the claim may have existed before.
20 Right. That should be October 10th of 2019; is that
21 right?

22 MR. FEW: Yes, Your Honor. And I think you --

23 THE COURT: I see what you're talking about.

24 MR. FEW: -- you have the date below. And then,
25 on -- on that same issue, Your Honor, we would

JURY TRIAL, VOL. 6

1 request incorporation of our Charge No. 25 for at
2 least some portion of it. And in that specifically,
3 the final sentence of our Request to Charge No. 25
4 says "Therefore, the statutory period of limitations
5 begins to run not when the plaintiffs knew or should
6 have known of their legal rights, but when they
7 possessed sufficient facts about the harm done to
8 them that reasonable inquiry would reveal the cause
9 of action." I think the law focuses on you had to
10 know about the harm or the injury, not just some
11 peripheral, fleeting notion that you could have or
12 should have known about something else, and so that's
13 why I requested that part be put in, Your Honor,
14 because I think that's important. I'm afraid the
15 jury could get confused as to what they're supposed
16 to be looking into. But they have to prove that she
17 had enough facts to know that she had been harmed,
18 not that -- so that's --

19 THE COURT: I'll take a look at that before I
20 charge.

21 MR. FEW: -- okay. And then, Your Honor, we
22 also submitted charges on special and general
23 damages, and those are our Charges 20 and 21. And 22
24 is actually a little bit -- it's -- it's -- it's very
25 similar. But we request that those charges be made

JURY TRIAL, VOL. 6

1 because, particularly here, the special damages are
2 these monetary amounts that we put into evidence,
3 which are \$125, \$1,920, \$1,900 and then the \$2,400
4 rental. And so that the jury can understand that the
5 general damages are the humiliation, the shame, the
6 emotional distress. And it's even in Your Honor's
7 charge that if you find they've proven this, then you
8 must find the damages, so --

9 THE COURT: Mr. Few, I'm a little -- I know
10 there is some reference to special damages when we
11 discussed damages in the case law. But I'm a little
12 leery of using the term "special" and somehow
13 implying in that something punitive at this stage.

14 MR. FEW: Yeah, I don't think -- I mean, that's
15 what it's been called all of these years. I know
16 there was a bunch of confusion in the bar because of
17 the preparatus when we all thought "special" had
18 something to do that was involved in civil
19 conspiracy, but it's been cleared up since then. And
20 we can call it something else. We can call it
21 ascertained.

22 THE COURT: And particularly on the verdict
23 form, I'm a little concerned about that. So let me
24 take a look at that. I'll look at those. That's why
25 I'm asking you now so I have a chance to look at

JURY TRIAL, VOL. 6

1 those before we get into that phase.

2 MR. FEW: I think, Your Honor, it could be
3 called out-of-pocket, it could be called any
4 different thing. It was on the verdict form and in
5 the case I tried before Judge Morgan back in April on
6 claims of malicious prosecution, false imprisonment,
7 and defamation, which are similar claims.

8 THE COURT: Well, that's good for Judge Morgan.

9 MR. FEW: Well, I just -- I understand. I'm just
10 saying that -- and -- and the case law does --

11 THE COURT: I haven't had the opportunity to
12 meet Judge Morgan. I'll have to talk to --

13 MR. FEW: -- and the case law does speak -- you
14 know, it uses the term "special." And I don't --
15 I've never heard that before. I could see where
16 someone might think that.

17 THE COURT: That's why I prefaced it, saying I
18 know the case law does refer to is as "special," but
19 I don't know want to do anything that would indicate
20 -- since this is bifurcated -- indicate any problem
21 there. I'll look -- I'll take a special -- anything
22 else you want me to look at?

23 MR. FEW: I believe that was it. That case was
24 bifurcated as well, Your Honor. I actually said --

25 THE COURT: Right.

JURY TRIAL, VOL. 6

1 MR. FEW: -- I believe I had a No. 7.

2 MS. BARBIER: Your Honor, I just want to say
3 that, depending upon how that issue comes out, I
4 might change the heading of my slide. It currently
5 says "general damages," and that's not really a term
6 used in your charge, and I don't want to confuse the
7 jury about that. So I may change it to whatever
8 charges it went with.

9 THE COURT: But I'm sure, Ms. Barbier, you're
10 going to tell them to listen to me on the law and not
11 your --

12 MS. BARBIER: Absolutely.

13 THE COURT: -- PowerPoint, so --

14 MS. BARBIER: Absolutely.

15 THE COURT: -- I'm not concerned about that.

16 MR. FEW: That's it, Your Honor. I had those
17 seven points and -- and -- and requested our charge
18 25 and 20 and 21 be incorporated.

19 THE COURT: Okay. Who's rising first,
20 Mr. Griffin?

21 MR. GRIFFIN: Yeah, Your Honor. With regard to
22 their last request about their Charge 20 and 21,
23 special and general damages.

24 THE COURT: That's 20 and 21; is that right,
25 Mr. Few? I think Mr. Griffin just said that. So

JURY TRIAL, VOL. 6

1 we'll look at that.

2 MR. FEW: 20 and 21. And 22 is very similar to
3 21, but we would request that -- I think 21 is the
4 more straightforward.

5 MR. GRIFFIN: So I mean, Your Honor, we would
6 oppose those. But frankly, just reading this, it's
7 like coming out of a law book, and the jury would not
8 understand what they're talk about: "Special damages
9 are not implied by law, but they are the natural but
10 not the necessary or usual consequence of the
11 defendant's conduct." That's got nothing to do with
12 out-of-pocket expenses. And then, "General damages
13 are inferred by the law itself, as they are immediate
14 and direct and the proximate result of that
15 complained of." I mean, that -- that's just not
16 standard jury instruction on damages, so -- so we
17 would object to their proposal.

18 We do believe -- so -- and we object to their
19 inclusion of this you've got to know of the harm in
20 order to -- to -- for the statute of limitations to
21 run, or you should discover the harm in order for the
22 statute of limitations to have run simply because it's
23 -- it's the invasion that triggers the statute of
24 limitations. People can know they're harmed all day
25 long, but they don't -- they -- until they find the

JURY TRIAL, VOL. 6

1 source of that harm, then the statute of limitations
2 does not begin to run. And particularly here, it's an
3 invasion of privacy. And frankly, Your Honor, damages
4 are presumed if they prove invasion of privacy. So I
5 mean, they could not be harmed at all and still have a
6 claim. So it's when not have -- not suffer actual
7 harm. So it's when they knew or should have known
8 up -- you know, that their rights were invaded.

9 And, Your Honor, on the statute of limitations,
10 we would request that you charge the paragraph of our
11 No. 19, which addresses that it's an objective
12 standard. It's an objective -- so and our charge, I
13 think it came from Andersen charge book.

14 THE COURT: Oh, I have the book as well.

15 MR. GRIFFIN: "Determination of the discovery
16 date for purposes of the statute of limitations is an
17 objective, not subjective inquiry. Thus, you must
18 determine on what day a person of common knowledge
19 and experience could or should have, through the
20 exercise of reasonable diligence, discovered some --
21 should have known through the exercise of reasonable
22 diligence some claim against another party might
23 exist." So it's not whether -- you know, you -- you
24 don't look to see what's going on in her life. It is
25 -- it's what's an objective reasonable standard is,

JURY TRIAL, VOL. 6

1 and -- and that is not included here. And so, we --
2 we ask that that be included in -- in the jury
3 instructions. Your Honor, I don't page numbers on --
4 on mine.

5 THE COURT: I don't -- I don't either, but I'm
6 going through and finding it. I don't page -- I
7 didn't number them because I pull them in and out as
8 we go through.

9 MR. GRIFFIN: So I'm not sure, you know, what --
10 but I -- I understand what -- the ones he was
11 pointing to. I -- I would -- I want to go to the
12 unfair trade practices charge now.

13 THE COURT: Yes, sir.

14 MR. GRIFFIN: And the only issue that we would
15 raise with regard -- two issues. It says in the
16 second paragraph "Plaintiff must prove that the
17 plaintiff suffered actual damages." Your Honor, we
18 -- we would request, since there's a general charge
19 on actual damages and -- which, you know, you've got,
20 you know, other types of damages besides monetary
21 loss. But we -- we -- since it's unfair trade
22 practice, we would ask that you insert plaintiffs'
23 suffered a loss of money or property, which you have
24 the very end of this charge. But we -- we do not
25 think it's appropriate to instruct the jury that they

JURY TRIAL, VOL. 6

1 may award the plaintiff three times the amount. It
2 is the jury awards the amount. The Court -- and --
3 and I've seen it with a special finding of
4 willfulness. But the unfair trade practices act
5 specifically states, Your Honor, that "If the Court
6 finds that the use or employment of the unfair or
7 accepted method, act, or practice was willful or a
8 knowing violation of 39-520, the Court shall award
9 three times the actual damages." So it -- so the
10 jury needs a --

11 THE COURT: You want to remove that from the
12 jury?

13 MR. GRIFFIN: -- yeah, three times. I mean, the
14 jury needs to -- if they -- if they award damages,
15 they don't need to be multiplying it right there.
16 They just need to award the damages. And you know,
17 Your Honor, I've always seen the jury [ph] to make a
18 willful misfinding, but if Your Honor wants that --

19 THE COURT: As the other option, yeah. Do the
20 plaintiffs have anything on that? Do you all care if
21 we do a willful finding or a three times on this?

22 MR. FEW: I think from what Mr. Griffin is
23 saying, that the willfulness could be -- Your Honor
24 could choose to let the jury -- if that is, in fact,
25 what the law is, Your Honor could let the jury give

JURY TRIAL, VOL. 6

1 you an advisory opinion to the Court or you could
2 take it into your own hands, Your Honor. But I do
3 agree with him that the -- the three times probably
4 doesn't need to be in there at this stage.

5 And, Your Honor, while I'm up, Mr. Griffin
6 Mr. Griffin's argument that if we prove our claim the
7 damages are presumed, that's right. The general
8 damages are presumed, but the special are not, and
9 that's the distinction. You could have someone in
10 this situation that never had any counseling or
11 anything and they might have zero special damages, but
12 then the general damages are the things that every
13 person that suffers intentional infliction of
14 emotional distress suffers. Every person that suffers
15 an invasion of privacy suffers. And the special
16 damages, what makes them special is they're unique to
17 that person because they may or may not have hired a
18 lawyer and they might have a -- a fee for that. They
19 may have gone to a lot more counseling than somebody
20 else. And so, the special damages are going to be
21 different by way of category and by way of amount.
22 But the general is -- is what's presumed. It's those
23 -- that category of damages, the shame, the -- the one
24 that's difficult to quantify, and that's one of the
25 things the jury has the responsibility to do for us.

JURY TRIAL, VOL. 6

1 THE COURT: Yes, sir. And, Mr. Griffin, I do
2 have a damages section in these charges -- I kind of
3 clustered them all together -- that specifies actual
4 damages: pain and suffering, loss of enjoyment of
5 life, personal injuries and prospective damages,
6 future damages, mental suffering, and then into the
7 duty to mitigate damages. So if you want to do
8 something else with that, look at that while you can,
9 please, and we'll get back to that.

10 MR. GRIFFIN: All right. So here's the problem
11 in the case for damages is they have a fraud cause of
12 action, an unfair trade cause of action where they
13 can't get --

14 THE COURT: Different damages.

15 MR. GRIFFIN: -- pain and suffering, mental
16 anguish, or anything like that. The only thing they
17 can get are out-of-pocket specials. And -- and so --
18 and that --

19 THE COURT: I think you came up with a new
20 phrase. That might help us; out-of-pocket specials.

21 MR. GRIFFIN: Out-of-pocket, out-of-pocket
22 expenses.

23 THE COURT: I haven't heard that one before, and
24 that may enter -- I don't know, Mr. Few. We can talk
25 about it.

JURY TRIAL, VOL. 6

1 MR. FEW: Absolutely, Your Honor. I think I
2 used that phrase in (unintelligible) and he's just
3 copying me.

4 THE COURT: Did you use that? Oh, I'm sorry.
5 Did I not give you credit?

6 MR. GRIFFIN: He did not do it. He didn't do it
7 as eloquently as me, and that's why I
8 (unintelligible). The --

9 THE COURT: And please, we all know this is a
10 very serious matter, but I know that we've all been
11 here for a long period of time, so I am not making
12 light of this at all. This is -- this is one of the
13 most important parts of -- of -- of the case, and so
14 we want to make sure that we get this correct.

15 MR. GRIFFIN: And, Your Honor, the intentional
16 infliction of emotional distress charge, this is word
17 placement. And I'm looking at the third page of the
18 charge, and it says "Plaintiff must prove that the
19 emotional distress was severe so that no reasonable
20 person could be expected to endure it." Actually,
21 the quote is "that emotional distress was so severe
22 that no reasonable person could be expected to endure
23 it." And I mean, I know they submitted the language
24 was severe and that no reasonable -- so that no
25 reasonable person could be expected to endure it. I

JURY TRIAL, VOL. 6

1 just -- I just think that waters it down, and I think
2 that the appropriate language is "so severe."

3 The -- and, Your Honor, you do have, you know,
4 the charge on punitive damages here which they want
5 removed. And I guess I'll -- I'll take this moment to
6 address how we're going to handle the punitive
7 damages. The question is -- and -- and so --

8 THE COURT: Mr. Griffin, we're going to handle
9 it the way you requested to handle it, which is
10 there's no mention of punitive damages in this phase
11 as the action. And upon the rendering of a verdict
12 by the jury, if they find -- make a finding for which
13 any of the causes of action that allow punitive
14 damages, we will call the jury back in and move
15 straight into punitive damages. And then, we will
16 charge on punitive damages at that time.

17 MR. GRIFFIN: So my -- my -- so my -- I just
18 raise this question. To do that will require them
19 to, in my view, re-deliberate it on the merits of
20 every cause of action, because in order to get
21 punitive damages, that "punitive damages may be
22 awarded only if the plaintiff proves by clear
23 convincing evidence that his harm was a result of the
24 defendant's willful, wanton or reckless conduct." So
25 that's a across-the-board. And so, if -- and -- and

JURY TRIAL, VOL. 6

1 the way I've see it is, you just put a special
2 interrogatory and asking them, did you find, you
3 know, any of the -- did you meet that standard on any
4 of the causes of action, and then, we go into
5 punitive damages. Otherwise, we're going to be back
6 here arguing whether the weight of the evidence
7 satisfies that level of proof. And that's -- that's
8 why I think, at this stage, we should --

9 THE COURT: How do you do that when you haven't
10 been allowed to discuss anything regarding that up
11 until this point?

12 MR. GRIFFIN: Well, you know, we submitted a
13 charge on that, Your Honor --

14 THE COURT: You did.

15 MR. GRIFFIN: -- and it essentially tells them
16 if you find the plaintiff is entitled to punitive
17 damages, then you'll be presented with additional
18 evidence that you they may consider.

19 THE COURT: And I'm not charging them on
20 punitive damages? I'm not talking about punitive
21 damages?

22 MR. GRIFFIN: Okay.

23 THE COURT: How would they have a basis to find
24 whether they're entitled to punitive damages?

25 MR. GRIFFIN: Okay. So --

JURY TRIAL, VOL. 6

1 THE COURT: No, I'm asking. I mean, this is a
2 discussion here we're having.

3 MR. GRIFFIN: So the way I see it, you have a
4 special interrogatory. You have -- have you -- have
5 the plaintiffs proved by clear and convincing
6 evidence that -- and you may don't even have to talk
7 about punitive damages. But you have a special
8 interrogatory that they answer while there
9 deliberating so we have that when we come back here
10 to know whether to go into stage two or not.
11 Otherwise, if you just find -- let's say for
12 negligence --

13 THE COURT: Mm-hmm.

14 MR. GRIFFIN: -- I mean, negligence includes
15 gross negligence, et cetera. But it's not broken
16 out, I don't think, unless you have it in the verdict
17 form that I haven't seen. But unless there's a
18 special interrogatory there, we don't know whether --
19 what type of negligence that they found. And -- and
20 so, what I think there should be at -- at -- at the
21 -- and you don't even have to refer to punitive
22 damages, but they need to answer that question in
23 order to get to stage two. Otherwise, we're going to
24 be up here arguing everything all over again.

25 THE COURT: Mr. Few?

JURY TRIAL, VOL. 6

1 MR. FEW: Your Honor, 15-32-520(B) is pretty
2 clear about how this goes forward. We've been
3 precluded from putting up any evidence on punitive
4 damages. And it says "In the first stage of a
5 bifurcated trial, the jury shall determine liability
6 for compensatory damages in the amount of
7 compensatory or nominal damages, period. Evidence
8 relevant only to the issues of punitive damages not
9 admissible at this stage," which means it is --
10 it's -- it's a second trial. We can put more
11 evidence if we want to. It's not a special verdict
12 form, as Mr. Griffin is asking for. They want to
13 both have punitive taken out of the trial, and now
14 they're trying to slip it back in there, and that's
15 just not what the code provides for.

16 MR. GRIFFIN: I'm not talking about net worth or
17 anything like that. So it says "Punitive damages may
18 be awarded only if the plaintiff proves by clear and
19 convincing evidence that his harm was a result of the
20 defendant's willful, wanton, or reckless conduct."

21 THE COURT: Okay. Why don't you look at the
22 verdict form and we'll go over these jury charges
23 again after closing. Let's move -- I'm sorry,
24 Mr. Griffin, I'm not trying to cut you off. You've
25 got something else?

JURY TRIAL, VOL. 6

1 MR. GRIFFIN: Your Honor, the charge on pain and
2 suffering --

3 THE COURT: Mm-hmm?

4 MR. GRIFFIN: -- we don't think the evidence
5 supports the charges of pain and suffering
6 compensates the plaintiff for physical discomfort and
7 emotional response to the sensation of pain caused by
8 the injury itself. So there -- what that's referring
9 to is an underlying, personal injury, and there's no
10 evidence of a personal injury in this case. And
11 then, under loss of enjoyment of life, we object to
12 that one. Loss of enjoyment of life compensates the
13 plaintiff for limitations on the plaintiff's ability
14 to participate in, derive pleasure from the normal
15 activities of daily life. There there's no evidence
16 to support that. Personal -- personal injuries says
17 "Actual damages for a plaintiff who has been
18 physically injured includes pain and suffering."
19 Again, we've got no evidence of physical injury. All
20 we have his mental suffering in this case, Your
21 Honor, so there shouldn't be -- there shouldn't be a
22 charge on personal injury, pain and suffering related
23 to personal injury, loss of enjoyment of life.

24 And then, Your Honor, under prospective damages,
25 there's been no evidence of future damages whatsoever.

JURY TRIAL, VOL. 6

1 And -- and your charge says, Your Honor, you have to
2 -- future damages have to be reduced to their present
3 cash value, which goes to show you, there is no
4 evidence of future damages here. I mean, you know,
5 you have lost wages and future lost wages, and you
6 have economists come and bring down to present-day
7 value. I mean, there's nothing in the record to
8 support a prospective damages award, future damages
9 award. There is mental suffering. We object to the
10 life expectancy table, Your Honor. And -- and for
11 that, I would -- I would cite the Fishburne v. Short
12 case, 268 S.C. 546. And it says "We have held that,
13 absent evidence from a reasonable inference of a
14 permanent disability can be drawn, it is error for the
15 trial court to charge the' -- it says mortuary table
16 -- 'in a personal injury action. However, we think it
17 proper for the judge to charge the mortuary table if
18 there is evidence that would make a jury issue out of
19 the question of the permanency of the disability. In
20 that case, the judge should accompany the charge with
21 an instruction to disregard the table if the jury
22 finds the disability is not permanent." That's
23 Fishburne v. Short 268 S.C 546.

24 Again, there's no evidence of permanent
25 disability whatsoever. And so, we don't think that --

JURY TRIAL, VOL. 6

1 and the -- the life expectancy table should be
2 entered. It wasn't entered into evidence. It wasn't
3 judicial noticed, and it's not in the case, and we
4 don't think that the charge is appropriate for those
5 reasons. But there's just no evidence of it here.
6 And I think that's it, Your Honor.

7 THE COURT: Mr. Harte?

8 MR. HARTE: Thank you, Your Honor. I noticed on
9 the verdict form, Your Honor, that you have Josee
10 Riviere listed on the invasion of privacy claim, and
11 she is not sued under that cause of action. It

12 says --

13 THE COURT: You're correct, Mr. Harte. I'm
14 sorry about that.

15 MR. HARTE: -- no, that's all right. I just
16 wanted to be sure we get it. And then --

17 THE COURT: I tried to do them in order of --

18 MR. HARTE: -- sure, sure.

19 THE COURT: -- the defendants.

20 MR. HARTE: And the same is true on the
21 intentional infliction of emotional distress. Let me
22 just be sure. I'm not sure she was. Was she listed
23 on there? Yeah, on the -- on No. 5, the intentional
24 infliction of emotional distress claim, you have the
25 opportunity for them to find against Josee Riviere.

JURY TRIAL, VOL. 6

1 I don't think you included it as -- you did not
2 include her name as to the -- as to the amount of
3 damages. So I think that's just a, you know, error.

4 THE COURT: It is.

5 MR. HARTE: A computer error. Yeah. Okay.
6 Your Honor, the other question is twofold: One, I've
7 just e-mailed -- I -- I had asked the Court to issue
8 a cautionary charge at the conclusion of Mr.
9 Riviere's testimony when he took the Fifth Amendment.
10 I just e-mailed it again in a different format. But
11 I -- as -- as I -- I am asking the Court to instruct
12 the jury that they -- that while they may have --
13 may -- may infer an adverse inference against Mr.
14 Riviere, as to the questions about Josee Riviere,
15 they may not infer an adverse inference as to her
16 because, otherwise, it -- it -- it -- it's broad
17 enough that the -- the permission to infer an adverse
18 inference, as set out in the charge, is so broad that
19 it would allow them to infer an inference against
20 Josee Riviere, and I think they need to be instructed
21 that that is not permitted under South Carolina law.
22 I think --

23 THE COURT: Well, as to the charge, it says,
24 "Specifically, Defendant Rhett' -- and I misspelled
25 his name, I believe -- 'Riviere has invoked his Fifth

JURY TRIAL, VOL. 6

1 Amendment right to not answer questions in this civil
2 case, and you, the jury will determine the effect, if
3 any."

4 MR. HARTE: And there you are. You see, the --
5 the "you, the jury will determine the effect, if
6 any." You know, it does not say as to Rhett Riviere
7 only, or anything of that nature. The -- the -- the
8 language -- and I know Your Honor is doing --

9 THE COURT: Well, but as you specifically say,
10 "Any answer he gave may be unfavorable to him. This
11 is called an adverse inference." So I've made it
12 specific as to him.

13 MR. HARTE: Thank you, Your Honor. As I say, if
14 Your Honor declines to charge, that's fine, but I do
15 request it.

16 THE COURT: Yes, sir.

17 MR. HARTE: And -- and that's fine. That's
18 fine. Let me just say one other thing, Your Honor.
19 Now, with respect to that, I need to know what you
20 will permit insofar as argument to the jury. I
21 believe I am entitled to say to them that the adverse
22 inference applies to Rhett Riviere only.

23 THE COURT: Well, the brief that you submitted I
24 believe said there is no law on this in South
25 Carolina, and you found one case somewhere else;

JURY TRIAL, VOL. 6

1 correct?

2 MR. HARTE: I found the case with -- and I don't
3 recall the specific name of it, but they said it
4 would be highly questionable. And I also --

5 THE COURT: I'll -- I'll say this, Mr. Harte.
6 I've -- I've chosen not to instruct the jury that
7 there is an adverse inference as to your client.
8 I've also crafted a charge that says the inference is
9 as to Mr. Rhett Riviere because he is the one who is
10 has invoked the Fifth Amendment. What effect that
11 has, as I said earlier, on your client, cannot -- I
12 -- I will not charge anything that says it has no
13 effect on you or anyone else in this courtroom,
14 because, of course, it affects the conduct of this
15 trial.

16 I don't -- the jury will listen to your
17 arguments about what the law is, just as they will Ms.
18 Barbier's, but what I charge is what I'm going to tell
19 them to listen to. You are not allowed to make a
20 statement that is incorrect as to the law. And as I
21 understand it at this point, that's kind of an open
22 question in the law.

23 MR. HARTE: Well, Your Honor, I think I'm -- I
24 think I am entitled to the -- well, Your Honor, I
25 respectfully disagree because the -- the inference,

JURY TRIAL, VOL. 6

1 if it were applied to Mrs. Riviere, would effectively
2 create an environment in which she would be deemed to
3 have waived her right against self-incrimination, and
4 she has not done so.

5 THE COURT: I think you can point that out to
6 the jury a thousand times if you want to, and I'm
7 sure you will.

8 MR. HARTE: Well, as long as I'm able to point
9 that out, that's fine, Your Honor.

10 THE COURT: She has testified in this courtroom
11 that she has not invoked the Fifth Amendment. There
12 is no prohibition against that.

13 MR. HARTE: All right. May I say that the --
14 that what Mr. Rhett Riviere does applies to him only?

15 THE COURT: Isn't that the crux of the case?

16 MR. HARTE: The Fifth Amendment.

17 THE COURT: Oh, well, you're talking about as to
18 the Fifth Amendment. I've told you my charge, and
19 you can instruct the jury as to the charge that I am
20 seeing the Fifth Amendment as it applied to him.

21 MR. HARTE: All right. Well, I -- I advise the
22 Court that I intend to to say to the jury that as to
23 the -- his invocation of the Fifth Amendment, that
24 applies to him only.

25 THE COURT: Well, Mr. Harte, again, you told me

JURY TRIAL, VOL. 6

1 there is no case saying that it applies to him only.
2 You made the argument that there was no inference to
3 your client. I am allowing that I will not make a
4 reference to your client, and s the law is unclear as
5 to that. You cannot charge incorrect law. You
6 cannot argue incorrect law. So I don't -- I don't
7 think your statement "only" is correct. I think --

8 MR. HARTE: All right. All right. So just --

9 THE COURT: I think you're crossing the bar when
10 you say "only."

11 MR. HARTE: -- thank you, Your Honor. I -- I
12 will -- I will, of course, adhere to your
13 instructions. I just want to be clear that I
14 consider the fact that I cannot use the word "only"
15 is highly prejudicial to my client, and just so --
16 just for the record.

17 THE COURT: I understand, Mr. Harte.

18 MR. HARTE: Thank you, Your Honor.

19 THE COURT: I'm sure we can have appropriate,
20 proper argument to make all points for your clients.
21 All right. I'm happy to -- after your closing -- I
22 think it's almost 2:00 now, so I don't imagine -- I
23 don't know if we'll get beyond that today, because it
24 looks like we have some stuff to look at on the
25 charges, and we're happy to take that all up again

JURY TRIAL, VOL. 6

1 with more specificity. Okay? Are we ready?

2 MR. FEW: I need a quick bathroom break.

3 THE COURT: I'm sorry?

4 MR. FEW: Can I run to the restroom while the
5 jury comes in?

6 THE COURT: Mr. Few, yes, please. Go to the
7 restroom now before we do closings. Thank you.

8 (Off the record.)

9 (Recess.)

10 (On the record.)

11 (Sidebar.)

12 MR. MCCULLOCH: Your Honor, I'm not going to
13 creep up on Ms. Barbier, but I may -- I may not be
14 able to see the entire jury with that -- that
15 monolith you've got there.

16 THE COURT: It's not mine, Mr. McCulloch.

17 MR. MCCULLOCH: It's an interesting apparatus.
18 I'm just trying to figure out where I could go that
19 I'm not looming.

20 THE COURT: Well, I think it was purchased, but
21 prior to the screens that come out of the ceiling,
22 and that sort of thing, so it's been what they used.
23 But I'm sure you're not going to...

24 MR. MCCULLOCH: Of course, when I sit back there
25 I can see the jury. I can't see what's on the

JURY TRIAL, VOL. 6

1 screen.

2 THE COURT: And I can't let you sit up here.

3 MR. MCCULLOCH: You know, if you'd let me sit in
4 your lap, I'm sure it would send a bad message to the
5 jury. No prejudice.

6 THE COURT: That's a poor choice.

7 MR. MCCULLOCH: I don't know where we'll go. I
8 know where people want to tell me to go.

9 THE COURT: I don't know where you can go
10 either.

11 MR. MCCULLOCH: Nobody's ever had that problem
12 over here? I'll work around it.

13 (Sidebar.)

14 THE COURT: Okay. Are we about ready?

15 (Sidebar.)

16 THE COURT: Are we about ready?

17 MS. BARBIER: Yes, Your Honor.

18 THE COURT: Go ahead and bring them in. All
19 right. The jury is coming in.

20 (The jury entered the courtroom.)

21 THE COURT: Ladies and gentlemen, thank you for
22 your patience again. The parties have presented
23 their evidence in this case, and now it's time for
24 the attorneys to make what's called closing
25 arguments. These arguments, like the opening

JURY TRIAL, VOL. 6

1 statements, are not evidence in the case. You have
2 heard all of the evidence and testimony that's going
3 to be presented in this case at this time. Their
4 statements and arguments are meant to help you
5 understand the evidence and apply the law to the
6 evidence. You should disregard any remark,
7 statement, or argument which is not supported by the
8 evidence presented during the trial or the law that I
9 will explain to you after the arguments.

10 Ms. Barbier, you may proceed?

11 MS. BARBIER: May it please the Court. Good
12 afternoon. Such a beautiful time in this young
13 couple's life as husband and wife starting off
14 starting in their new life together, unaware of the
15 dark secret lurking just out of sight that came into
16 through the (unintelligible), eager for their bright
17 future in Aiken. But little did they know, someone
18 else had plans for them; someone who, from the
19 shadows, watched their most private moments.

20 What we have here, ladies and gentlemen, is a
21 story of two very different men and two very different
22 women, isn't it? Rhett Riviere, a man of means. The
23 testimony by Sue Hook was that she has never rented --
24 other than renting properties, she's never known him
25 to have a job. There was testimony about his yacht,

JURY TRIAL, VOL. 6

1 his horses, his properties. There was testimony about
2 the Corvette he drove in the parade. There was
3 testimony that he's from a winter colony family that
4 they used to live in a big, pink mansion on Easy
5 Street. A man, but not a gentleman and, it seems, a
6 man with no shame. A man who, with the push of the
7 record button, turned private moments into his own
8 twisted form of entertainment.

9 He had it all, or so it seemed. But that wasn't
10 enough for him. Oh, no. He wanted more. He wanted
11 to take something that wasn't his to take; the private
12 moments of others, moments never intended for him to
13 see, the dignity of two people who trusted him, a man
14 behind the hidden cameras. A man who showed no signs
15 of remorse, no tears, no signs of embarrassment, no
16 humiliation. A man who seemed to be the only one in
17 this courtroom who intensely watched every one those
18 videos.

19 And then, we have Gabriel, who didn't grow up in
20 privilege or on Easy Street. No. Gabriel came to
21 this country with nothing and slept in his car on his
22 first night in the United States, determined to build
23 a life through hard work, who boasts international
24 stardom in the polo world. And the hours of practice,
25 the blood and the sweat and the tears that it takes to

JURY TRIAL, VOL. 6

1 rise to that level is staggering. He built a career
2 for himself being talented at polo and training
3 horses. He is proud of who he is and who he stands
4 for, and he told you he will not hide behind the name
5 John Doe.

6 Two very different men, and two very different
7 women. Josee Riviere, well she played her role, she
8 had her part in this. She was married to Rhett
9 Riviere for 12 years. Now she says she doesn't
10 remember renting out the property. Convenient, isn't
11 it? A woman with no memory of any plans. She claimed
12 that she had nothing to do with the business of the
13 rentals, keeping herself at arms length from the ugly
14 truth. She tells you she doesn't recall what
15 happened, but is that really true, or is it just
16 easier to pretend not to remember?

17 Heather Crespo doesn't have the luxury of
18 forgetting, does she? No. She has had to face this
19 head-on. She is a fighter. She has chosen to sit
20 here in front of you 12 strangers and relive it all.
21 Heather came to Aiken with a dream of living on a
22 farm, raising her child in that environment. She
23 trained horses, which is a seven-day-a-week job. She
24 trained a national champion horse. She's won awards.
25 That comes with a lot of hard work. And then, when

JURY TRIAL, VOL. 6

1 her marriage didn't work out, she went back to nursing
2 school, and nursing school is hard. She graduated at
3 the top of her class. She got the award for the most
4 caring nurse. And as you heard her friend tell you,
5 she's a dedicated professional. And when she was
6 having bad days and she was stressed out and anxious
7 and depressed about this case because of these videos,
8 even though she had to go into the bathroom and cry at
9 work, she went back to her patients in the ICU. What
10 does that tell you about her resolve, her commitment,
11 and her goodness? You heard from her friend, Laura
12 Phillips, talk about Heather and what -- worrying
13 about what people at would say if they found out about
14 these videos. She has to worry about what people at
15 work think because of those two people.

16 On July 15th, 2022, Heather and Gabriel found
17 out about the existence of these videos, and they
18 committed to a resolve. That is what you have seen in
19 this courtroom over the last week, and that is what
20 they have done over the last 2 years in bringing this
21 lawsuit. The defendants have tried to put them on
22 trial, but Rhett and Josee Riviere didn't bank on the
23 strength and the courage that the Crespos would
24 display. They didn't count on that. They never
25 thought they would have to sit in front of 12 jurors,

JURY TRIAL, VOL. 6

1 just like they've had to in this last week. And
2 they've had to endure a lot over the last 2 years of
3 this litigation, but this past week has been brutal
4 for them. They bravely chose to let you see the
5 footage that tore away their privacy, their sense of
6 security. And that took courage, real courage, to do
7 what they did, all the while knowing that when they
8 did this the two people who were at the heart of it
9 would try to make them feel powerless again. They
10 were willing to get up on that witness stand and
11 reveal the pain and the severe emotional distress that
12 this causes them every day. That's how important
13 these issues are to them. What could be more honest
14 than for them to be willing to let you all see those
15 raw emotions?

16 When this trial is over, we're all going to go
17 home, we're going to go back to work, and we're going
18 to do the things that we do. And unfortunately, their
19 victimization doesn't end this week. They will spend
20 the rest of their lives not knowing how many videos
21 there are or where are these videos, who's seen these
22 videos, how many times they were watched. Tom
23 Courtney, the therapist, said it best. He said it on
24 cross-examination. He said you know what, sometimes
25 it's really difficult to take a stand. Yes, it is.

JURY TRIAL, VOL. 6

1 This was not easy for them, but they did it to hold
2 Rhett and Josee Riviere accountable for the damages
3 they have caused them. And in the end, what we have
4 is a story that's as old as time; the powerful taking
5 from the less powerful. All these years, Rhett Revere
6 has had the power.

7 You heard our witness, Edgar Fritz, testify that
8 from the digitized version of Heather and Gabriel's
9 video, there was a play button on -- on the screen.
10 And what he could tell from that was this was taken by
11 an old camcorder. There was a play button, he could
12 tell. And do you know who had the power to push play?
13 Rhett Riviere. He had the power to hit record, the
14 power to transfer it to his external hard drive, the
15 power to digitize it, the power to edit it, the power
16 to splice it, and the power to name it Heather and
17 Gabriel, the power to share it with anybody he wanted.
18 Do you know you did with his power? He took the power
19 away from Heather and Gabriel, the power to know how
20 many people have seen that video over the last 23
21 years, the power to know where that video resides, the
22 power to know how many copies there are, the power to
23 know whether it's been uploaded or streamed, the power
24 to know whether they've been laughed at behind their
25 back in this town, the power to know who has seen

JURY TRIAL, VOL. 6

1 what.

2 But you know what? This case is more than about
3 that, right? This case is about right and wrong.
4 It's about decency, about the difference between
5 people who know what it means to live an honest life
6 and those who think they're above the rules. Heather
7 and Gabriel did not ask for this. They are decent and
8 they are hard-working people and they are trying to
9 build a future. And the defendants, well, they didn't
10 just take something intangible. They took peace of
11 mind, a sense of safety, the dignity that they
12 carried, the essence of what makes life bearable. And
13 once that's taken, that can't be given back.

14 Now, I want to briefly talk about some of the
15 evidence and the things that you've heard in this
16 trial and explain to you why what we have shown you
17 proves the claims that we've alleged. First, let me
18 mention Rhett Riviere. I've been doing this for 30
19 years. I've never had to think so hard about what to
20 say about someone in closing argument. Part of me is
21 speechless, it's so deplorable. I watched those
22 videos, and I'm angry and I'm overwhelmed with
23 sadness, sadness for Heather and Gabriel.

24 MR. MCCULLOCH: Your Honor, I hesitate to
25 object, but it's not proper argument for counsel to

JURY TRIAL, VOL. 6

1 tell the jury how she feels about anything. I object
2 on that basis. That's exactly what we talked about.

3 MS. BARBIER: Your Honor, I'll move on.

4 THE COURT: Yes. I don't think that's exactly
5 what we talked about, but she has offered to move on
6 so we'll go forward.

7 MR. MCCULLOCH: Thank you.

8 MS. BARBIER: The videos, ladies and gentlemen,
9 they speak for themselves. Rhett Riviere asserted
10 the Fifth Amendment to every single question that I
11 asked him. And the judge is going to instruct you,
12 and the judge is the ultimate instructor on the law
13 in this case. And anything that I say that conflicts
14 with that, you take what the judge says. She is the
15 person to instruct you on the law. But the judge is
16 the one to instruct you that you may infer that any
17 answer he gave may be unfavorable to him. This is
18 called an adverse inference. And, ladies and
19 gentlemen, you can infer that the answers that he
20 gave may be unfavorable.

21 Let's talk about Josee Riviere for a minute,
22 because it's easy to just blame him, right? You see
23 him on camera adjusting the camera. But rather than
24 Josee Riviere coming clean and accepting
25 responsibility for her role in this, she claims

JURY TRIAL, VOL. 6

1 complete ignorance -- complete ignorance -- as to a
2 man she's known since 1999, a man she was married to
3 for 12 years, a man that she has (unintelligible
4 continues to (unintelligible) with, continues to get
5 dirty jokes on her text messages from, and that she
6 has a close, personal relationship to this day.

7 And, ladies and gentlemen, if she weren't
8 sitting here, you'd better believe that Rhett Riviere
9 would blame everything on her. But the fact of the
10 matter is, she absolutely deserves to be sitting here.
11 She's not sued for the intentional claims of invasion
12 of privacy or intentional infliction of emotional
13 distress. She's -- she's sued for negligence,
14 negligence per se, constructive fraud, and the unfair
15 trade practices act, and we're going to talk about
16 each of those in a few minutes. But we don't have to
17 show for those claims that she was in there adjusting
18 the cameras or that she put the cameras in the
19 properties. But what you have to ask yourselves is,
20 did she fulfill her duties to the Crespos in renting
21 this property to them? You heard testimony, she
22 handed Gabriel the lease, she took his rent check, she
23 gave him the keys to this property, she showed them
24 the cottage. She had a duty and responsibility to
25 them to provide them with a safe rental. Instead, she

JURY TRIAL, VOL. 6

1 put them smack in the middle of harm's way.

2 In Mr. Harte's opening statement, for the very
3 first time, I heard that Josee realized her trust in
4 Rhett Riviere had been misplaced. When did that
5 happen? She said on the witness stand that she
6 realized it last week. The videos were seized in
7 August of 2019, and she was the first person he texted
8 5 years ago, and we've been in litigation for 2 years.
9 And she realized this last week? Why is that, because
10 she had to testify? We called her as a witness. She
11 didn't have a choice. She had to testify. One of
12 your jobs as jurors is to -- is to observe the
13 demeanor of witnesses. The judge is going to tell
14 you, you are the ultimate -- you have to determine the
15 credibility of the witnesses. And I want you to ask
16 yourself, is she credible? Did she seem really upset
17 to be here? She actually laughed several times on
18 that witness stand. She laughed and she smiled and
19 she told you about her pet pig and her horses.

20 Now, let's talk about what she actually says.
21 She comes in here and tells you, among other things,
22 that she didn't know these houses were rented? She
23 had nothing to do with it? Seriously? Susan Hook
24 testified -- you remember, the first realtor that took
25 the stand -- that it was common knowledge in Aiken

JURY TRIAL, VOL. 6

1 that his properties were rented. Their lifetime
2 friends, Suzy Haslup and Deirdre Vaillancourt, the
3 other realtors, had been referring them renters for
4 years. And she was married to him for 12 years. And
5 she wants you to believe that he didn't know -- that
6 she didn't know that he was renting properties?

7 She tells you in one breath she had nothing to
8 do with the real estate business and then, in the
9 other breath, that her friend, Suzy Haslup got her a
10 property, you know, to invest in. And she never
11 remembered seeing the Crespos at that cottage? Come
12 on. She was there two to three times a day tending to
13 her horses, feeding the horse, training the horse,
14 multiple times a day. That's here testimony. Now ask
15 yourself, why would she lie about those things?
16 There's no reason to lie. If you have no knowledge of
17 anything inappropriate going on on those rental
18 properties, you have no reason to -- to lie about
19 that. But according to her, they never even discussed
20 what he has done. Never discussed it?

21 You must ask yourselves, how could something
22 like this occur and the two people who are at the very
23 center of it in geography and in opportunity and in
24 denial never discuss it? They never discuss it? He's
25 the first person -- she is the first person he texts

JURY TRIAL, VOL. 6

1 when the search warrants were being executed. And she
2 said she never asked him about it? Her testimony was,
3 they just didn't talk about it. Okay. These are
4 houses where her family members have stayed, her
5 friends have stayed. She didn't demand an explanation
6 from him? The guy she talks to all the time, she
7 didn't ask him if he had any videos of her, of her
8 family, of her friends? She just kept going out to
9 dinner with for 5 years? Texting him all day long,
10 getting dirty jokes from him on texts, celebrating her
11 birthday with him?

12 You brought your common sense with you into this
13 courthouse. And when you go back to deliberate, you
14 have to use your common sense. You have to ask
15 yourself, does her version of these events include a
16 normal reaction? There are plenty of innocent spouses
17 out there. I -- I -- I think what Mr. Harte is going
18 to tell you is that she's an innocent spouse. People
19 don't always know what their spouses are up to. She's
20 not one of them. The most telling part of her
21 testimony was that she waited to get up on the witness
22 stand to finally kind of halfheartedly say that the
23 Crespos had been through something terrible, or
24 something like that. She called Deirdre Vaillancourt
25 2 years ago to apologize about being inconvenienced

JURY TRIAL, VOL. 6

1 for a deposition. But for 10 years, she's never
2 uttered an apology to the Crespos, who were videotaped
3 in their bed, in their bathroom, not once.

4 And, in fact, in her deposition in March
5 of 2023, you'll recall when she was on the witness
6 stand, she was shown still shots of people who were
7 videotaped, and do you know what her interaction was?
8 She said this was a "witch hunt." It was a "witch
9 hunt". I want you to ask yourself, how could a person
10 in that position have no curiosity, ask no questions,
11 have no remorse? Rather than her stepping up to the
12 plate and saying I'm sorry, I owed it to you as
13 someone who rented you this property to make sure that
14 you were safe and that you privacy. And instead, I
15 put you in harm's way. Instead, she claims I don't
16 even remember the Crespos renting that. I just
17 what -- a convenient and selective memory she has. Is
18 this testimony consistent with your common sense?

19 Remember Susan Hook's testimony? Gabriel, when
20 they moved here, this was a big deal. He was a famous
21 polo player. He -- he came with his beautiful, young
22 wife. They were a big deal in town. And she doesn't
23 remember them? She went out to dinner with them. She
24 thinks that if she tells you she doesn't remember,
25 that gets her out of it. She thinks that you will let

JURY TRIAL, VOL. 6

1 her go if she simply says, hmm, I don't recall.

2 She -- you also remember when she took the
3 witnesses stand, she testified that she was willing to
4 testify for Mr. Riviere that the Bluetooth speaker was
5 pointing down the hallway. Now, do any of you
6 honestly think Rhett Riviere wants a video of a
7 hallway? Ask yourself, why is she willing to cover up
8 for him? Why? I'll tell you why. The timing of
9 these videos is not a coincidence. They started
10 dating in 1999. She moved to Aiken in January
11 of 2000. The videos start -- the first one you saw,
12 February of 2000. Is that a coincidence?

13 MR. HARTE: Objection. May we approach, Your
14 Honor?

15 THE COURT: Yes, sir.

16 (Bench conference.)

17 THE COURT: Thank you, Ms. Barbier. Please
18 continue.

19 MS. BARBIER: Yes. Your Honor, the court
20 reporter has asked me to move this mic.

21 THE COURT: I'm sorry?

22 MS. BARBIER: The court reporter asked me to
23 move the mic.

24 THE COURT: Oh, that one?

25 MS. BARBIER: Yeah. The testimony was that

JURY TRIAL, VOL. 6

1 Josee and Rhett Riviere were out to dinner in July
2 of 2022 the night that Gabriel Crespo found out he'd
3 been videotaped. She didn't have any problem with
4 these videotapes in July of 2022, and she didn't have
5 any problem with these videotapes in 2001. She
6 didn't have any problem with these videotapes until
7 she had to come in this courtroom and face you. At
8 the very least, Josee Riviere was negligent, and you
9 need to hold her accountable for negligence. She's
10 not a real estate agent with a real estate license.
11 She didn't own this property. She had no business
12 being in this rental business, and particularly not
13 with Rhett Riviere, a man that she knows, a man that
14 she lives, a man that she was married to.

15 Now, let's talk about Gina Salatino. She came
16 here today to say Heather Crespo knew she was being
17 videotaped in 2001 because Ms. Salatino claims she saw
18 a hole next to the shower. So the defense is going to
19 tell you that Heather should have investigated Rhett
20 Riviere. Really? Talk about adding insult to injury.
21 She claims the hole in the wall was next to the
22 shower. And if you look at the videos in that
23 bathroom and the picture of the bathroom door in
24 Exhibit 15, what she says is impossible. I'm going to
25 show you. There was testimony from Mr. Crespo, this

JURY TRIAL, VOL. 6

1 was the room that was Mr. Riviere's office. This is
2 the door that was always locked. She -- the shower is
3 right here. She testified that the camera -- the hole
4 was right here. If you watch the videos, particularly
5 the video called Teresa that's in evidence, it's --
6 there's a woman in a colored bathing suit who sits
7 down and goes to the bathroom. It is very clear from
8 that video that the camera is behind the toilet next
9 to the toilet.

10 So what Ms. Salatino tells you saw makes no
11 sense with respect to the evidence in this case. And
12 in the very beginning of this case, in 2022, she gave
13 an affidavit, and she was very clear. She said that
14 hole was next to the shower. I asked her very
15 specifically on a number of occasions in her
16 deposition that we talked about today, and that she
17 was sure it was right next to the shower. And she was
18 sure. But oops, the layout of the bathroom in the
19 videos taken make that impossible. Her story doesn't
20 fit the evidence. All you have to do is look at
21 that -- look at those videos, because you can clearly
22 see the angle of the camera. It's pointing towards
23 the shower so that the people getting in and out of
24 the shower can be seen. And again, when the woman
25 sits on the toilet, you can see the camera is right

JURY TRIAL, VOL. 6

1 next to her.

2 Ms. Salatino tried to do her friends, Rhett and
3 Josee, a favor, but -- but she messed that part up.
4 She changes her story not only today, but she changes
5 it from the affidavit to the deposition. In the
6 affidavit, she said she saw a camera. And then, when
7 she was asked about that in detail in her deposition,
8 she -- I didn't see a camera, I really don't know what
9 I saw, I'm not sure. You heard that today. And then,
10 today, she testified she saw a camera, but that when I
11 reminded her about her deposition, she said she didn't
12 know what she saw, she didn't see a camera. She did
13 say that if she knew that he was videotaping anyone,
14 she would have gone to the police, and we know she
15 didn't do that.

16 So what you're going to hear from the defense
17 about all of this is that Heather and Gabriel should
18 have investigated him. It was their responsibility to
19 figure out that on the last day they were in that
20 cottage that they were videotaped. It is so
21 insulting, so insulting. Does Heather Crespo look
22 like somebody who would have found out she was
23 videotaped and said -- for the last 3 months in her
24 bathroom -- and would have said, oh, okay, well, no
25 big deal, nevermind, moving on? Of course not. It's

JURY TRIAL, VOL. 6

1 just outrageous that they would present this defense.
2 Talk about re-victimizing a victim. It's desperate
3 and, frankly, it's offensive. And what we should do
4 with that -- you know -- you know why this was done?
5 Because they can't handle the evidence in this case.
6 They can't handle the truth. And so, they're going to
7 argue to you that the statute of limitations has run.

8 You know what Rhett and Josee Riviere think?
9 They think this courtroom is just another place for
10 them to get away with whatever they want. The rules
11 don't apply to them. Go get Gina to do a one-page
12 affidavit, and these people will go away. They won't
13 pursue it. We'll embarrass them, we'll shame them.
14 We'll make it such a painful process, they'll go away.
15 You should take the testimony of Gina Salatino, go to
16 the nearest trashcan and throw it in there, because
17 it's garbage.

18 Now, I want to go briefly through the law in
19 this case. The judge is going to, again, instruct you
20 on what the law is. But this is a very basic concept
21 in the law. It's called the burden of proof. And
22 she's going to instruct you that in a civil case, the
23 burden of proof is preponderance of the evidence.
24 What does that mean? It means more likely than not.
25 Okay? And so, what we've got to do is go through the

JURY TRIAL, VOL. 6

1 claims that have been alleged against the defendants.
2 Rhett Riviere is the only defendant charged with
3 invasion of privacy. And we talked about that in my
4 opening statement about, you know, what does this case
5 really boil down to. It boils down to was there an
6 intrusion, an intrusion into their private affairs? I
7 think we've proven that. The intrusions were
8 substantial and unreasonable -- that is the second
9 element -- and intentional. And if you -- if we have
10 proven these elements of invasion of privacy, the
11 damages for humiliation, shame, and embarrassment are
12 presumed. It's just a matter of you all putting a
13 dollar figure on that.

14 The second claim is intentional infliction of
15 emotional distress, and this is against Rhett Riviere.
16 And these are the elements, and the judge is going to
17 charge you on this. So I know some of you are taking
18 notes and you'll -- you will have the judge's charge
19 as well. But basically, intentional infliction of
20 emotional distress is intentionally inflicting severe
21 emotional distress that -- that you are certain or
22 substantially certain that such distress would result
23 from the conduct. The second element, the conduct was
24 so extreme and outrageous as to exceed all possible
25 bounds of decency, and it must be regarded as

JURY TRIAL, VOL. 6

1 atrocious and utterly intolerable in a civilized
2 community. And then, you have to decide whether, in
3 the third element, of whether or not those actions
4 caused the plaintiffs' emotional distress. And the
5 fourth, was the emotional distress suffered by the
6 plaintiff was severe such that no reasonable man could
7 be expected to endure it? And again, if we have
8 proven that, the damages are presumed, and you just
9 have to put a dollar figure on that.

10 And I want to talk -- when we talk about
11 emotional distress, I want to just talk about and list
12 some of the emotions that you heard about Heather and
13 Gabriel suffering from as a result of this video.
14 First, you have their initial shock: embarrassment,
15 humiliation, mental distress, having to tell your
16 family members. How do you tell people at work?
17 Isolation from the community. Being embarrassed or
18 afraid to go out. Not wanting to go to that party or
19 that dinner. Destruction of good memories. And we're
20 going to talk about that. But -- but what I believe
21 Dr. -- or Mr. Courtney testified about that was, you
22 look back on that time period now and you think was
23 that real, who knew -- who knew this video was out
24 there, who was looking at me strange? Was that person
25 my friend? Were they laughing behind my back?

JURY TRIAL, VOL. 6

1 Everything that you knew to be true during that time
2 period, was that real? The feeling of that. Loss of
3 control. Shame, displacement. Do I belong here?
4 Paranoia. Would I -- you know, do I need to look
5 behind my back when I go into a public restroom, when
6 I go to a hotel? You know, am I -- am I being
7 videotaped?

8 Sleepless nights. You heard about Heather, when
9 she left SLED after being interviewed, she went and
10 she vomited in the bushes. Stress, heart
11 palpitations. After her deposition, she was so upset
12 about having to relive this and answer these
13 questions, she had a panic attack and went to the ER.
14 And dignity. Dignity. We're going to talk about
15 dignity bit more.

16 And again, I'm going to stress, the judge is
17 going to be the ultimate instructor for you on the
18 law, but these are just bullet points of what these
19 causes of action mean. The negligence and gross
20 negligence was brought against Rhett and Josee Riviere
21 and the two corporate entities. And you heard
22 testimony. When Mr. Riviere was testifying, I asked
23 him about the formation of these two corporate
24 entities in 2000 and the purpose of them being to
25 manage and operate these rental properties, and he

JURY TRIAL, VOL. 6

1 took the Fifth Amendment to that. But as the judge is
2 going to tell you, you can -- you can put an adverse
3 inference as to those questions.

4 Negligence means there's a duty. There's a duty
5 because they were landlords and these were their
6 tenants, and they have a duty by virtue of that
7 relationship. Was there a breach of that duty? Did
8 they provide a safe place? Did they provide privacy,
9 all the things that we expect when we rent a property
10 from somebody? And then, is the -- was the breach of
11 that -- was the creation of this video and the tapes
12 that were made, is that the cause of their damages?
13 Those are the questions you have to ask yourself and
14 that you all have to deliberate on.

15 Negligence per se is what it involves in the
16 statute. And there's a statute in South Carolina that
17 deals with real estate agents and real estate brokers.
18 You're supposed to be licensed in the state, as
19 Ms. Hook told you, for a reason. It's to protect the
20 public interest. The testimony is that Josee was not
21 a licensed real estate agent. She didn't own this
22 property. And pursuant to this statute, she's not
23 supposed to be running it. And Mr. Riviere wouldn't
24 answer those questions. But then again, you ask the
25 causation and the damages. Did -- you know, did we

JURY TRIAL, VOL. 6

1 prove that these were the cause of their damages?
2 Constructive fraud simply means, was there a legal and
3 an equitable duty to the Crespos? And I would submit
4 to you again, by virtue of the fact that they're the
5 landlord and they were the tenants, there's a legal
6 and an equitable duty there. Breach -- did they
7 breach that duty by surreptitiously videotaping them?
8 And third, did this violate public and private
9 confidence and injure the public interest? You've got
10 to deliberate on that, those elements.

11 And then, we have the South Carolina Unfair
12 Trade Practices Act statute. And these are the four
13 things under that statute that we have to show. Were
14 they engaged in unfair or deceptive acts in the
15 conduct of trade or commerce? Well, we know that
16 renting a property is in the conduct of trade or
17 commerce. Is it unfair and deceptive to videotape
18 somebody in their bedroom and in their bathroom? You
19 decide that. Did those deceptive acts affect the
20 public interest? And thirdly, did they suffer
21 ascertainable monetary or property loss as a result of
22 the unfair and deceptive acts? And fourth, did the
23 unfair and deceptive acts have an impact on the public
24 interest? I want to talk about that third element,
25 monetary or property loss. These are the -- these are

JURY TRIAL, VOL. 6

1 the monetary losses, and they're not large amounts of
2 losses, right? But they -- they satisfy this element.
3 There's a \$1,920 invoice from Tom Courtney. That's
4 Heather Chris was therapist. There is a \$125 invoice
5 from Bill Trezza. There's a \$2,400 rent payment that
6 was made. Gabriel testified about that, \$800 for 3
7 months. And then, there's a \$1,900 ER bill for
8 Heather's panic attack. Those are monetary losses.

9 So I've gone through just the basics of the law.
10 And as I've said, the judge is going to tell you what
11 the law is. But this is -- this was to remind you
12 about why we have proved each claim. And you're going
13 to recall from Mr. Griffin's opening statement, he
14 said voyeurism is bad. He acknowledged that. But he
15 said that we don't have any damages, we couldn't prove
16 any damages. Now, they don't deny there's a
17 videotape. They can't, right? They -- they can't
18 deny that. They can't deny that the Crespos had no
19 clothes on and they had no idea they were being
20 recorded in their most private moments. They can't
21 deny that. They can't say that -- you know, they say
22 we can't prove who's seen it. We can't prove that it
23 was, you know, uploaded or on the Internet or where it
24 is. And you know what? They're right. We can't
25 prove that because he won't tell us.

JURY TRIAL, VOL. 6

1 You remember he took the Fifth Amendment to all
2 those questions. And they Crespos are going to live
3 with those unanswered questions their whole life, the
4 rest of their lives. And do you know the worst thing
5 about unanswered questions are? The very worst thing
6 about unanswered questions, you assume the worst. You
7 think about the world that we live in and that there
8 is evil and darkness out there, and you assume the
9 worst. But according to them, that doesn't result in
10 any damages. I have to tell you, ever since that --
11 that defense has been brought up -- it's the so what
12 defense. Do you remember I talked about that in my
13 opening statement? It's really bothered me. It's so
14 offensive.

15 MR. MCCULLOCH: Objection. Again, Your Honor,
16 counsel knows better than to inject her personal
17 opinion to the jury. It's the second time. I have a
18 matter.

19 THE COURT: Yes, sir. Ms. Barbier, continue
20 with your argument appropriately, please. Thank you.

21 MS. BARBIER: Thank you, Your Honor.

22 THE COURT: So noted, Mr. McCulloch.

23 MR. MCCULLOCH: Thank you, Your Honor.

24 MS. BARBIER: Sure, I secretly recorded you in
25 your most intimate moments, but where are your

JURY TRIAL, VOL. 6

1 damages, what's the harm? Why -- why should
2 something that brought him pleasure be so
3 objectionable? But then I realized, you know what?
4 Mr. Riviere does need it explained to him. He needs
5 it explained to him, because he has -- who has been
6 handed it -- had it all handed to him, he now needs a
7 lesson in the value of what he has taken from Heather
8 and Gabriel Crespo. And what did my clients tell you
9 that has been taken from them? Their dignity.
10 Dignity is this -- is this fragile treasure that we
11 carry with us. It's that invisible armor woven of
12 respect, self-worth, and privacy. It isn't just a
13 word, it's -- it's our very essence. It allows us to
14 walk through this world with our head held high,
15 knowing that we're valued and respected. When
16 someone invades that space in the manner that
17 Mr. Riviere did, it is a profound intrusion. You
18 heard Heather and Gabriel testify. There is no doubt
19 that loss of dignity leaves a wound that cannot truly
20 be healed. In our society, dignity is priceless.

21 And then, there's the mental anguish and
22 emotional distress from the intrusion. Trust has been
23 shattered, and the weight of the humiliation you feel,
24 despite the fact that you did nothing wrong, it's like
25 this dark cloud casting shadows over everything. The

JURY TRIAL, VOL. 6

1 weight of it seeps into every corner of our lives. We
2 will never know how many times Mr. Riviere hit play,
3 hit rewind, hit record, clicked his mouse, how many
4 nights he watched these videos. We do know that with
5 Heather Gabriel, they're mental anguish will linger
6 long after the cameras have stopped rolling. It's now
7 on constant replay in their head. And it is the
8 needless replay of these stolen moments, the questions
9 that haunt them; who else has seen this, how can I
10 ever be safe again?

11 The loss of peace of mind. Peace of mind for
12 Heather and Gabriel. No longer can they move through
13 their lives without this nagging whispering of doubt,
14 the anxiety that creeps into their thoughts. What --
15 what is their peace of mind worth? I didn't hear that
16 Rhett or Josee Riviere have ever lost a night's sleep
17 over this. No anxiety for them. If you believe the
18 testimony of Heather and Gabriel, if you found their
19 stories credible, then you'll have no difficulty
20 concluding that they have damages.

21 Don't allow the difficulty of quantifying their
22 suffering to overshadow the reality of what they've
23 endured. These damages are real and they must be
24 acknowledged. Does the intrusion and the harm inflict
25 an impact in their daily lives? You better believe it

JURY TRIAL, VOL. 6

1 does: Ducking in a bathroom because you -- at work --
2 because you feel like crying because of these videos,
3 because of this case; calls at work from your
4 daughter, who is upset about her mom having a panic
5 attack because of this case. You will decide the
6 value of the Crespos' loss of dignity, the shame, the
7 embarrassment, the humiliation, the degradation they
8 feel. You will decide the value of the havoc the
9 defendants have wreaked on their lives.

10 The defendants, do you know what they're going
11 to tell you? They're going to tell you this case is
12 just about money. And you know what? They're right.
13 They're right. The only thing you can do if you
14 believe they are damaged is award them money, that's
15 it. Let's talk about damages. One thing to keep in
16 mind when we talk about damages is that everybody
17 handles trauma differently. No two people handle it
18 the same. Opposing counsel wants you to think that
19 this did not affect them at all because they're strong
20 enough people to continue at work and show up for work
21 and do their jobs, and even when they didn't want to
22 do it, they did that. And even if they couldn't stop
23 thinking about this, you heard their testimony, they
24 did that.

25 And you'll recall from the cross-examination

JURY TRIAL, VOL. 6

1 that Mr. McCulloch did, he's just certain that Gabriel
2 is fine now. And Mr. Griffin is sure that the source
3 of Heather's stress is from something else, you know,
4 it's her divorce and the fact -- the fact that she's
5 had other struggles in life. The defense is going to
6 say, oh, well, they went back to work, they must be
7 fine. I mean, they must be fine. This is just mild,
8 you know, short-term trauma. No, no, no. This is a
9 posttraumatic stress case with no post. No post.
10 There's no closure. No closure. It's every day,
11 every day for the rest of their lives. And they will
12 live with the knowledge of the Heather and the Gabriel
13 video. They will live not knowing exactly who has
14 seen it, knowing where it lives, whose got it, how
15 many copies there are, where it's been. It might even
16 be easier for them if they had the answers to all
17 these questions. Maybe it would be. But it's the
18 unknown, ladies and gentlemen. It's the unknown where
19 your mind goes to the darkest places.

20 And in many ways, when the invasion is like
21 this, I don't think there's anything that me or any
22 other advocate could say to help you understand what
23 these general damages are. You heard testimony from
24 two therapists, from Tom Courtney and Bill Trezza
25 about the types of issues that Heather and Gabriel are

JURY TRIAL, VOL. 6

1 experiencing and have experienced and will continue to
2 experience. And all of those unanswered questions are
3 very difficult for both Heather and Gabriel to
4 process.

5 How do you put a dollar amount on Heather and
6 Gabriel's dignity, on their peace of mind, on their
7 sense of security? I'm going to give you some
8 examples about how you might do that. And -- and I'm
9 going to tell you from the get-go, this isn't an easy
10 calculation, it isn't an easy process. But just
11 because it isn't easy doesn't mean it can't be done.
12 This is your job as jurors. Let's look at the time
13 period at issue here. We've got the time period since
14 the discovery. They found out July 15th, 2022, and
15 today is September 23rd. That's 801 days, 801 days
16 that they've lived with this knowledge that this
17 videotape is out there.

18 And then you've got what I call the time period
19 of stolen memories, the stolen memories we talked
20 about. You know, their stay in the cottage was April
21 to June of 2001. There's no date on the video, so we
22 don't know what date it was taken. We don't know how
23 many videos were taken. But if you look at it
24 conservatively, let's just say it was created on the
25 very last night they were there. That's a

JURY TRIAL, VOL. 6

1 conservative date of June 30th, 2001. And if you look
2 at it conservatively from July 1 to 2001 -- I mean,
3 July 1 of 2001 to July 15th of 2022, that's 7,684
4 days; 7684 days that they look back on and go wait, I
5 was living in this town with this video out there, and
6 did people I know know? Was I sitting across from a
7 party of somebody that had seen it? Was I, you know,
8 standing next to somebody at church? I mean, their
9 whole -- this whole time period now is a look back of
10 what -- what even was that. Okay? So that's the time
11 period of what I call stolen memories.

12 And then we've got future damages. And the
13 judge is going to instruct you on life expectancy,
14 it's a statute in South Carolina that says how long,
15 based on our age, we still have -- you know, how long
16 we still have to live. And obviously, that's an
17 estimate. None of us are guaranteed tomorrow. But
18 that's an estimate. So Heather is age 51. Her life
19 expectancy is 31.7 years. Gabriel is 53. His life
20 expectancy is 26.52. So those are the number of days
21 that their future is supposed to, God willing, and
22 include 11,315 days for Heather, and for Gabriel,
23 9,490.

24 And then, you look at how do you quantify that?
25 You know, how -- how do you figure out what to do

JURY TRIAL, VOL. 6

1 that? And this is one idea, one way of people having
2 to look at it. You have -- you add these days, all
3 the days that they've had, you know, to deal with the
4 issues related to these video, and that's 19,800 days,
5 and you can assign a dollar value to each one of those
6 days. This calculation has a dollar value of each day
7 being \$1,000. That's a -- that's a number that I just
8 put there. Your job is to figure out what that number
9 is. That number may be too high, it may be too low.
10 But that's -- that's one way to look at that. And
11 then, if you look at Gabriel's, the same; 17,975 days.
12 Again, an estimate.

13 You know, first of all, none of us are
14 guaranteed how long we're going to live. But we do
15 know this. Based on Heather and Gabriel's testimony,
16 this is something that lives with them every hour of
17 every day, and there is no closure. So if you took
18 those days and you multiplied it by 24 hours, you even
19 have a bigger number. But your job as the ladies and
20 gentlemen of the jury is to figure out what number to
21 put on those days, because long after you render your
22 verdict, this is going to live in the minds of Heather
23 and Gabriel, and your verdict has to account for that.
24 It has to be complete justice. It can't be partial
25 justice. It has to be complete justice. And I

JURY TRIAL, VOL. 6

1 recognize that those numbers, that's a lot of money.
2 That's a lot of money anybody in this courtroom. But
3 I want you to know right up front that, you know, your
4 job is to come up with a number that properly
5 compensates each one of them. And you have to
6 consider them separately. They're not married
7 anymore. You have to consider them separately.

8 And your verdict just going to tell us the value
9 of Heather Gabriel's sense of security, their ability
10 to feel protected and safe. And I don't know what the
11 exact right number for each one of them is. I don't
12 know that. That is your job. But I do know this
13 number needs to be significant. And the fact that
14 these are hard-working professionals who still go to
15 work shouldn't be held against them. Your verdict
16 needs to fully compensate each of them for what has
17 been done to them and how this has affected their
18 lives.

19 Think about what you do know. This was not a
20 slight indignation that they suffered. It's not a
21 slight indignation. As Laura Phillips -- she said it
22 best -- Heather's friend who took the stand, this is
23 the stuff horror movies are made out of. Well, the
24 more outrageous the intrusion, the more significant
25 the humiliation, the higher the damages. Did it last

JURY TRIAL, VOL. 6

1 a day and then it was over? No, sadly no. Not a day
2 will pass that I suspect that each one of them will
3 not think about it. Long lasting emotional distress
4 means the damage figure is higher. Don't let the
5 defense confuse you into thinking that just because
6 it's a hard thing to do, just because it's a hard
7 thing to put a number on, that there aren't any
8 damages.

9 As you deliberate, it is crucial to understand a
10 fundamental truth. The complexities of emotional
11 pain, mental anguish, the loss of peace of mind, it's
12 not easily translatable into a dollar figure, right?
13 But it doesn't diminish the existence of the pain and
14 the impact on this person's life. The emotional
15 distress, the mental anguish endured by Heather and
16 Gabriel is real, a tangible experience that resonates
17 deep within them.

18 The defendants may suggest the inability to
19 assign a clear figure diminishes the pain inflicted.
20 Don't be fooled by that. Don't be fooled by that.
21 Emotional harm leaves scars that may not be visible,
22 but they're just as significant as any physical injury.
23 And that's why we have juries and we have the lawsuits
24 and we have the greatest system in the world. And
25 it's not perfect, not perfect by any means, but it

JURY TRIAL, VOL. 6

1 gives you, ladies and gentlemen of the jury, the power
2 to hold them both accountable for the damages that
3 they caused the Crespos. So don't allow the
4 difficulty of quantifying their suffering to
5 overshadow the reality of what they have endured.
6 Damages exist, and they must be acknowledged.

7 Ladies and gentlemen, the video -- the video
8 called Heather and Gabriel, this was Rhett Riviere's
9 trophy: Look, I've got a video of a guy on the cover
10 of the polo magazine and is beautiful, blonde wife,
11 Heather. Rhett Riviere's trophy video. This isn't a
12 one-time event. This isn't something they go to
13 therapy for and it's over with. This is a lifetime of
14 having to think about it, of having to wonder about
15 all of those unanswered questions, the stress of
16 having somebody -- maybe somebody at work has seen it.
17 Long after your verdict, long after this verdict, this
18 is still going to be going on, and your verdict has to
19 account for that. It has to be a complete verdict for
20 complete justice, and it can't be simply for a portion
21 of time. It has to address what they've been through
22 and that they will continue to go through for the rest
23 of their lives.

24 And you know, and at times with this case, my
25 clients and -- and our legal team, we've felt on trial

JURY TRIAL, VOL. 6

1 for daring to bring a case against these people. I
2 will not apologize. I will not apologize. I will not
3 apologize --

4 MR. MCCULLOCH: Your Honor, once again, I object
5 to personal opinion be injected into this. Now,
6 apologizing, I think for having the courage to bring
7 this lawsuit. The lawyer is apologizing?

8 THE COURT: Yes, sir. I -- well, she says she's
9 not apologizing, technically.

10 MR. MCCULLOCH: Oh, well, that -- that
11 doesn't -- it's not -- it's a difference related to
12 station, Your Honor, but I would object to it and ask
13 that she move on.

14 THE COURT: Let's keep the comments about the
15 case at hand.

16 MR. MCCULLOCH: Or sit down.

17 THE COURT: Thank you, sir.

18 MS. BARBIER: -- I will not apologize for
19 Heather and Gabriel's bravery in bringing this case.
20 I will not apologize for the outstanding work of SLED
21 in gathering this evidence, even though it was very
22 difficult to look at. I will not apologize for a
23 legal team that fought tirelessly to bring you, the
24 jury --

25 MR. MCCULLOCH: Objection, Your Honor.

JURY TRIAL, VOL. 6

1 THE COURT: Ms. Barbier, let's -- let's couch it
2 in a different way, please. Thank you.

3 MS. BARBIER: -- when you invade people's
4 privacy in the most outrageous of ways, you must be
5 held accountable. When you encourage people to stay
6 in your property and never reveal that you're
7 watching them and videotaping them in their most
8 intimate moments, you must be held accountable. When
9 you perceive that your husband is a risk to others,
10 you must be held accountable. When you are welcoming
11 innocent members of the public to sign a lease and
12 you accepted their rent money and you fail to warn
13 them of the worst potential dangers, you must be held
14 accountable. When you refuse to stand up and do the
15 right thing, but choose instead to say Gabriel who,
16 Heather who, I don't remember that, you must be held
17 accountable. When you wine and dine them to get
18 their rent, but then claim you've never seen them at
19 the cottage, you must be held accountable. When you
20 humiliate people and you rob them of their dignity
21 for your own perverse pleasure, you must be held
22 accountable. When you finally face the music,
23 subjecting my clients to what everyone's worst
24 nightmare is, and your response is "so what," you
25 must be held accountable. The defendants did those

JURY TRIAL, VOL. 6

1 things, and they must be held accountable for the
2 damages that they caused to Heather and Gabriel.

3 Ladies and gentlemen, in the weeks and the
4 months that come, you're not going to remember my
5 name. You're not going to remember anybody at my
6 table's name. But you are going to remember that you
7 served on a jury and you did the right thing. In the
8 years to come, Heather and Gabriel are never going to
9 forget that they stood up for themselves in the Aiken
10 County Courthouse. Heather and Gabriel are never
11 going to forget the example they set for their
12 daughter, and they will never forget your verdict. I
13 will not -- I'm asking you to hold Rhett and Josee
14 Riviere accountable. Go back to your jury room when
15 you deliberate and write down a number that fully and
16 fairly compensates them and gives them complete
17 justice for what they have lost, for what they've had
18 to endure, for what they have to deal with in the
19 years to come. And when you write that number down,
20 write it down boldly. Write it down with peace of
21 mind, and write it down without apology.

22 MR. MCCULLOCH: Your Honor, could we take a
23 short break, please?

24 THE COURT: Yes, sir. I think that would be
25 appropriate. It's a post-lunch break. Ladies and

JURY TRIAL, VOL. 6

1 gentlemen, would you return to the jury room? The
2 hope would it will be quick, but it takes us all a
3 little while to get to the bathroom.

4 (The jury exited the courtroom.)

5 THE COURT: Yes, sir, Mr. McCulloch. You are
6 moving around.

7 MR. MCCULLOCH: Well, Your Honor, I'm trying to
8 -- I think it's a line from a movie where the serial
9 murderer says stop me before I kill again. I filed a
10 -- what astonished Ms. Barbier -- and a motion in the
11 form of a pre-closing motion in limine. There were
12 seven or eight different categories. And of course,
13 now we have her injecting personal opinion multiple
14 times about this and that. She's not -- not going
15 apologize for the courageous legal team. That's
16 quite improper. Most importantly, Your Honor, the
17 last thing and then the second most -- or it may be
18 the most important thing, "with the video out there,
19 ladies and gentlemen, they will think every day." We
20 started this trial at pretrial with a motion in
21 limine that there was no evidence of dissemination at
22 all, at all. Notwithstanding the courageous legal
23 team and their very complete investigation and that
24 of SLED and two other law enforcement agencies, no
25 evidence of dissemination at all. And yet, in the

JURY TRIAL, VOL. 6

1 last 5 minutes of this closing argument, she tells
2 the jury essentially what she knows not to be true.

3 You can fashion a curative charge, whether it be
4 a charge on the facts, to tell the jury that ladies
5 and gentlemen of the jury, I instruct you there is
6 absolutely no evidence and -- from any law enforcement
7 agency or otherwise of this video ever being out
8 there. In fact, I think she gilded that lily by
9 holding up her hand as if it were -- and -- and
10 mimicking Mr. Riviere saying I've got a trophy.
11 Obviously, he's not dancing around the house. That's
12 not how she characterized it. She was suggesting to
13 them he was doing that to other people; I have a
14 trophy. What could be more prejudicial than
15 dissemination, Your Honor? I've asked for it at
16 pretrial. I've asked for it after the evidence began
17 in this case. I've asked for it repeatedly. I ask
18 again for a mistrial, Your Honor.

19 THE COURT: Mr. McCulloch, do you have any other
20 objections to her closing argument? I think you said
21 she -- the fact she said she's not going to apologize
22 for the legal team.

23 MR. MCCULLOCH: Well, Your Honor, I did -- I
24 think that she said something towards the end that
25 the Crespos will never forget your verdict. She went

JURY TRIAL, VOL. 6

1 through a series of never forgets. But -- but that's
2 nothing but the Golden Rule in reverse. That is
3 placing a burden on this jury not to disappoint the
4 plaintiffs or the legal team, for that matter. So
5 that would be a further ground for mistrial.

6 THE COURT: All right. Mr. Harte, you're
7 standing.

8 MR. HARTE: I am, Your Honor. I'm standing
9 because I'm frankly just -- I'm just in the state of
10 shock. I have never heard a closing that was so
11 replete with personal opinion and misstatement of the
12 facts. I mean, the lawyers are perfectly free to
13 argue what the facts mean, but I don't know of any
14 case that says you can willfully misstate facts. The
15 -- the inference that --

16 THE COURT: I was going to say, can you point me
17 to what you're saying was the problem?

18 MR. HARTE: -- sure, Your Honor. One is that
19 she said that the videos were made during the --
20 during the time when -- 2000. And -- and, in fact,
21 Your Honor, the SLED agent didn't testify that the
22 videos were made in 2000. They testified that they
23 were put on the computer in 2008. And some of these
24 properties that she's talking about were not even
25 owned by Mr. Riviere or these corporations during the

JURY TRIAL, VOL. 6

1 time when Mr. Riviere and Josee and Rhett were
2 married. Your Honor, you heard the evidence. I --
3 I -- you know, I just think it's wrong I think a
4 mistrial should be declared. I -- I -- I don't -- I
5 don't think I have to tell you what the evidence was.
6 You heard it.

7 THE COURT: Yes, sir. I -- I will put on the
8 record for you, we did the initial objection in Ms.
9 Barbier's closing was Mr. Harte objected to -- and I
10 believe the -- you all will correct me -- that she
11 made a statement about when Josee Riviere started
12 dating Mr. Rhett Riviere, and then the video started
13 and something along of is that a coincidence. Mr.
14 Harte then objected, claiming that that inferred that
15 Ms. Riviere was the cause of the videos; is that
16 correct? I made notes after we got back because we
17 did not stop in the middle of the --

18 MR. HARTE: It -- it most certainly put in the
19 minds of the jury that she was the triggering factor
20 that started these videos. And, Your Honor, there's
21 just no evidence whatsoever in this record to support
22 such a thing. And it is so highly prejudicial.
23 Look, this is the point. And it can't -- it cannot
24 be taken in isolation, Your Honor. I -- and I know
25 it's hard, it's difficult. I know that judges are

JURY TRIAL, VOL. 6

1 advised to avoid directed verdicts. I know they're
2 told to avoid mistrials. I know all of that
3 because --

4 THE COURT: And sir, it's not that judges are
5 advised to do it, it's the recitation of the law.

6 MR. HARTE: -- well, Your Honor, what is -- what
7 the law abhors is an unfair trial. And what is
8 happening here is that again and again and again
9 you've got nothing but conjecture and speculation
10 being used to confuse and mislead the jury. This --
11 this whole thing about she's married to him and,
12 therefore, she must or should know. There is no law
13 that says that. That is not the law. And yet, the
14 jury has been told that over and over again. No.
15 The question that -- you know, the burden now becomes
16 that I have to prove or I have to -- I don't know how
17 we could have done it -- that somehow a wife is
18 required to -- to -- to know everything that her
19 husband is doing. If -- if you're -- yeah, I've been
20 practicing divorce law for a very long time.

21 And I've been -- and it's not my first civil
22 case, Your Honor. I've been around for a while, and
23 I've presided over them too, by the way. So I want to
24 make clear, when you start this business of she being
25 married to him must know, you have stepped way beyond

JURY TRIAL, VOL. 6

1 what the law is, and it misleads and confuses the
2 jury, and it profoundly pollutes the trial. My client
3 cannot get a fair trial because of what has been done
4 in this case and in their closing. There is no way,
5 Your Honor, just no way, and I move for a mistrial.

6 THE COURT: Thank you, sir. Due to the plethora
7 of objections that defense counsel appeared to have,
8 I started some research on some of these subjects,
9 some of these issues before. Specifically, I'm
10 looking at State versus Busse or State versus Busse,
11 B-U-S-S-E, 439 S.C. 104. You fellows may be more
12 familiar with that than I am. The criminal case
13 where this was -- there were made some arguments and
14 made statements like "too, me, and I." You know, we
15 often say don't use the first person if you can help
16 it, but it's not that the first person is always
17 wrong. I will find that Ms. Barbier went a little
18 far with the don't apologize -- not going to
19 apologize for her legal team.

20 As I've stated before, the -- the issues of the
21 case are the Crespos and the Crespo's video, but I'm
22 not going to grant a mistrial for that. I find that
23 there's -- that didn't infect it so much that we have
24 to go for a mistrial. Mr. Harte, wait 'til I'm
25 finished, please. I don't -- with the video out

JURY TRIAL, VOL. 6

1 there, they will think about it every day.
2 Mr. McCulloch, the -- the evidence I heard from that
3 the witnesses was that the videos were placed on a
4 Dropbox link. There was testimony that they cannot
5 say whether they were shared or not. There's no
6 direct evidence of dissemination, and there's no
7 knowledge that they were not disseminated.

8 MR. MCCULLOCH: Well, Your Honor, counsel for
9 the plaintiff just solved that problem for the jury.

10 THE COURT: The Crespos will never forget your
11 verdict, I think is probably a true statement. And
12 the fact, Mr. Harte, that the videos were made in
13 2000, we'll leave that up to the jury to determine
14 whether there's any evidence the videos were made in
15 -- in the Year 2000.

16 MR. MCCULLOCH: Your Honor --

17 THE COURT: Yes, sir?

18 MR. MCCULLOCH: -- I would also say that in the
19 testimony of Mr. Britt somebody, but he never
20 testified, Your Honor, that -- that these videos or
21 any improperly obtained videos were ever put in that
22 Dropbox. So you've got a Dropbox, sure --

23 THE COURT: You have a Dropbox and you have
24 argument as to the reasonable inference as to the
25 evidence that was put in before, so I'm not going to

JURY TRIAL, VOL. 6

1 grant a mistrial on that.

2 MR. MCCULLOCH: -- all right.

3 THE COURT: Are we ready to go forward?

4 MR. MCCULLOCH: Yes.

5 MR. HARTE: May it please the Court, I would ask
6 the Court, based on all of what we've heard today, I
7 believe the Court -- I would request the Court to
8 recharge the jury on who is the -- who are the true
9 finders of the fact, and that they are to take --
10 they are to derive their conclusions of fact from the
11 record, not from the attorneys. I think it's very
12 important, because that closing was so replete with
13 misstatements of fact, that -- that it is just --
14 it's just -- just brutally wrong.

15 THE COURT: Thank you, Mr. Harte. All right.
16 We have not had a break, I've just been reminded, so
17 we will take a quick 5-to-10-minute bathroom break.
18 Thank you, sir.

19 (Off the record.)

20 (Recess.)

21 (On the record.)

22 THE COURT: -- but 4:00 is not very far away, so
23 it looks like we'll charge in the morning. Okay?

24 MR. HARTE: I'm sorry, Your Honor. Did you say
25 we were breaking at 4:00?

JURY TRIAL, VOL. 6

1 THE COURT: No. I said if we got everything to
2 the jury by 4:00, I -- we were going to stay here.

3 MR. HARTE: Okay. Okay. I understand. I just
4 didn't -- you know, I'm getting older, Your Honor.
5 Things don't -- don't rattle around like they used
6 to.

7 THE COURT: I didn't say that, Mr. Harte.

8 MR. HARTE: Well, I can't hide the truth.

9 THE COURT: Let's not say that in closing
10 arguments.

11 MR. HARTE: Oh, no. I just -- you know, I just
12 don't have the ability to look as young as
13 Ms. Barbier does. I'm still dealing with that thing
14 about 25-year-old children.

15 THE COURT: Well, see, and I'm just hurt that
16 you all keep talking about her and not me.

17 MR. HARTE: Well, you know, Judge -- you know,
18 Judge, I get in so much trouble --

19 MS. BARBIER: Your Honor, it's false praise, so
20 don't -- don't be offended.

21 MR. HARTE: -- you know, Judge, I get in so much
22 trouble because I -- I've got this old-school way of
23 using phrases like "schoolgirls" and this and that
24 and the other thing.

25 THE COURT: I was thinking about that one, Mr.

JURY TRIAL, VOL. 6

1 Harte. We'll talk about another day.

2 MR. HARTE: I thought you might have. And that
3 was kind of -- you know, it's just -- just, well, I
4 don't know. I'm trying to work on it.

5 THE COURT: I one time got -- I got -- when I
6 was an associate judge, very young, looked very
7 differently than I do today, I got promoted from a
8 paralegal to a partner in a matter of two sentences
9 by my boss in front of a judge. So I'll have to tell
10 you all that story at another time, neither one of
11 which was true or warranted and was false. So all
12 right. Are we ready?

13 MR. HARTE: Yes, Your Honor.

14 THE COURT: Oh, here's Mr. Riviere. There we
15 go. Now we're ready. You can bring the jury in.

16 (The jury entered the courtroom.)

17 THE COURT: Thank you, ladies and gentlemen. We
18 were able to keep that one relatively short for once.
19 We're going to continue with the arguments of
20 counsel. Okay?

21 MR. MCCULLOCH: Thank you, Your Honor. Ladies
22 and gentlemen, my father used to refer to the light
23 at the end of the tunnel, and I think I can almost
24 see it. There's another old saying about the cows
25 coming home. I, like you, I don't want you to be

JURY TRIAL, VOL. 6

1 here until the cows come home. So I can promise you
2 that my presentation to you on behalf of Mr. Rhett
3 Riviere and the two LLCs that are the defendants in
4 this case will be shorter than Ms. Barbier and
5 perhaps not as eloquent as Mr. Harte over there, but
6 we'll see. I think it's been -- it seems like weeks,
7 but more than a week ago, I introduced myself to you
8 during your selection, and I wanted to reintroduce
9 myself. My name is Joe McCulloch. And I like Ms.
10 Barbier, I like Mr. Griffin. I was also a
11 prosecutor, though I suspect a lot longer ago than
12 they were. And prosecution or being a prosecutor is
13 kind of like getting your training wheels, but this
14 is not a criminal case, this is a civil case, and
15 it's about a demand for money made by Ms. Barbier on
16 behalf of Mr. and Mrs. Crespo, and on behalf of her
17 team, the lawyers.

18 I want to applaud you for your attention. It's
19 hard, and those comfy seats aren't so comfy after a
20 while. I thank you for your patience with us and with
21 this process. But it is such an important process
22 because the vindication of rights of the careful,
23 calm, cool consideration of the evidence is what we've
24 asked you to do, and it certainly appears that you
25 have done that. So we all thank you for that.

JURY TRIAL, VOL. 6

1 Now, I think early on, I may have gotten the --
2 somebody in your room back there may have labeled me
3 Mr. Objection. Well, I think Ms. Barbier has almost
4 caught up to me in that regard, but the judge may
5 charge you on objections. And if she does, she would
6 tell you that -- that there are guardrails. I think
7 maybe somebody referred to it as the -- if you go
8 bowling, you know, there are edges to the lane.
9 There's a reason for that, because we -- the law
10 requires that you hear only what you're supposed to;
11 admissible evidence, acceptable evidence to the Court
12 to ensure fairness throughout the process. And that's
13 why those things happen, and so apologies to you
14 for -- for that when it had to occur.

15 To these multiple causes of action, and I can
16 tell you, I came ill equipped. I'm not a PowerPoint
17 guy. I finally figured how to use an iPhone. But --
18 so I don't have a PowerPoint, so I'm going to talk
19 with you about what's happened over the last week or
20 so and what you've heard this afternoon. All right?
21 Now, Ms. Barbier has gone through the causes of
22 action. They begin with invasion of privacy and
23 several others. But before we get to the causes of
24 action, the claims, the complaints of the Crespos
25 against Mr. Riviere, against the two LLCs, and against

JURY TRIAL, VOL. 6

1 Ms. Josee Riviere -- and she is not within my
2 responsibility -- but Mr. Riviere, as is permitted by
3 our process has entered a general denial. And -- and
4 I think I've mentioned it, but if I didn't, the judge
5 will -- after the lawyers finish and, typically, the
6 plaintiff, because the plaintiffs go at the end. They
7 go first, then the defense and defendants' lawyers
8 come next, and then Ms. Barbier will have an
9 opportunity to make a reply. She doesn't have to, but
10 she certainly has that right. And that's the way the
11 rule works. And, God knows, who doesn't like the last
12 word, right?

13 But the judge will charge you that the
14 defendants -- that would be Mr. Riviere and the two
15 LLCs. I'm going to refer to them as the LLCs, if you
16 don't mind. Very little has been said about them
17 throughout this whole 7 days, not much of anything.
18 The judge will tell you that the defendants have
19 answered the plaintiffs' complaint with a general
20 denial, which means that each defendant denied each
21 and every claim they would make -- that would make the
22 defendant responsible for the plaintiffs' injuries.
23 And that implaces the burden fairly and firmly on the
24 plaintiffs to meet the challenge of proving beyond a
25 preponderance their claims. Okay?

JURY TRIAL, VOL. 6

1 Now, secondly, Mr. Riviere and those LLCs have
2 also pled what's called an affirmative defense and it
3 is the affirmative defense of the statute of
4 limitations. Now, Ms. Barbier I think said that we're
5 blaming and shaming the Crespos, blaming them somehow.
6 But the fact of the matter is, the rules that we
7 operate by, the rules that prop up this country, the
8 rules that you depend upon for law and order and
9 justice in your courtroom here every day with 12 other
10 people -- or actually, we started out 14 -- those
11 rules permit, in fact, they require that if such a
12 claim exists by Mr. Riviere and -- and the LLCs, that
13 it be made in that claim and defense of -- the defense
14 of statute of limitations was made in this case.

15 The judge will tell you that for all of the
16 causes of action in this matter, that statute of
17 limitations period is 3 years. And -- and the statute
18 of limitations simply means -- I guess the judge won't
19 get mad at me, but whatever I say that is not exactly
20 like what she says, I'm not going to get myself in
21 trouble. She's the judge on the law. So maybe I'd
22 better read to you what she might say: If you find
23 that one or both of the plaintiffs knew or should have
24 known, or that a person of common knowledge and
25 experience should have known through the exercise of

JURY TRIAL, VOL. 6

1 reasonable diligence that the claim -- their claim --
2 may have existed -- these claims in this case may have
3 existed before that October 1920 -- excuse me -- it
4 would be the -- the date that this video was
5 discovered or this video apparently occurred, which
6 has been offered to you by the plaintiff in their case
7 as sometime in 2001, more than 20 years ago. So if
8 the claim should have been -- either was or should
9 have been discovered by Mr. and Mrs. Crespo at that
10 time and they did not investigate, they did not look
11 into it, they did not call the police, they did not
12 take the actions that a reasonable person suspicious
13 of what they had seen, they failed to do that, their
14 claims are barred absolutely.

15 Now, if you'll bear with me one second. You may
16 have noticed, I've been coughing all the way through
17 this thing, and I promise I don't have COVID. I've
18 got a whole different medical problem. But the Court
19 will tell you that -- that these claims would be
20 barred if you conclude that they should have done
21 something. "They," meaning Crespos. And that burden
22 is upon the defense. When they ask you to consider
23 that claim, the burden is on us to prove by a
24 preponderance that these people knew of this potential
25 problem, this possible injury, this potential call to

JURY TRIAL, VOL. 6

1 the police, this potential lawsuit. And the law says
2 that reasonable people -- you know, we all -- lawyers
3 are big the reasonable man, if you've heard that
4 phrase, you may have heard that lawyers argue about it
5 often. Nobody knows what the reasonable man is, but
6 you're the reasonable people that have to make this
7 decision. You've got to look at the facts that you've
8 heard, the testimony you've heard, which includes,
9 really, the testimony of Ms. Crespo, Mr. Crespo and
10 Gina Salatino.

11 And of course, they plaintiffs will tell you
12 that assessing people's credibility, absolutely you
13 should do that. Part of that examination of people
14 and whether you believe them also includes something
15 very fundamental that you know from common sense: Who
16 has a reason not to tell the truth? Why would
17 somebody misstate something? Now, you heard Ms.
18 Salatino vigorously challenged by the team over here
19 because she had said that -- though she didn't recall
20 the day because, of course, this didn't become an
21 issue until 20-plus years later. But she did recall
22 that the Crespos had been staying under some
23 circumstance at this place where this video ultimately
24 was discovered, and that -- that Heather Crespo had
25 come to her after she filed this lawsuit and said I

JURY TRIAL, VOL. 6

1 want you to be a witness. Well, why do ask somebody
2 to be a witness? Because you think they're going to
3 tell the truth and because they were there.

4 Now, the problem is that when Ms. Salatino was
5 ultimately questioned after she was listed as a
6 witness and approached, apparently, by Mr. Harte at
7 some point, she gave an affidavit which his office
8 prepared, but she also was deposed fully. And a
9 consistency in those documents, her deposition and her
10 affidavit -- which is Exhibit 23, which I didn't bring
11 up here -- but in one paragraph, three, she told you
12 on the witness stand, and she says in the affidavit
13 and, I believe, perhaps said in her deposition and,
14 God knows, if she didn't say it in the deposition, you
15 would have heard about it, right -- that Heather came
16 to me while I was at the barn and wanted to show me
17 something weird or odd or some phrase that she used,
18 something in the bedroom and bathroom. She pointed to
19 a hole in the wall.

20 In the deposition -- and you heard a lot about,
21 oh, it's in the wrong wall and it's the wrong place.
22 But there was a hole, there was a holed that -- that
23 Ms. Crespo asked her to come see, thought it was weird
24 and odd enough to bring it to somebody else's
25 attention, her friend, to make an issue out of it, and

JURY TRIAL, VOL. 6

1 then enough of an issue for, as Ms. Salatino said,
2 they opened the door to further investigate and they
3 saw lots of equipment.

4 Now, there's no testimony in the record about
5 how many times Ms. Salatino has been in this house
6 where the video was made. So we only know that she's
7 consistent that Ms. Crespo sought her out, asked her
8 to come over and look at something weird, not that a
9 door was open, not that there were just machines in
10 this closet or whatever it was. There was a hole in
11 the wall. That's what Ms. Salatino has been
12 absolutely consistent about. And she testified
13 today -- I think -- pardon me if I'm misquoting -- but
14 she opened the door, there was a lot of equipment what
15 the hell is that, I don't know, wires running down the
16 wall, we were both in shock.

17 I don't know, maybe seen a VCR or a TV or a
18 computer would shock you. Perhaps not. But something
19 shocked both ladies that day, according to
20 Ms. Salatino. And she looked at the hole in the
21 wall -- and I believe she testified -- somebody put
22 something over the hole in the wall, but not before
23 Ms. Salatino testified as she looked at it thinking
24 what it might be, but not really knowing what it was,
25 this is wrong, not cool she said -- I said to the hole

JURY TRIAL, VOL. 6

1 in the wall. Someone covered it with something. I
2 don't recall who. You are the -- you guys have got
3 notepads. See, that's unusual for me because in most
4 of my trials, people -- yeah, we don't let you all
5 have notepads, which is incredibly unfair to you guys,
6 especially in a case this long. So you can go back
7 and check that.

8 Ms. Salatino also said she didn't call anybody
9 because she assumed that Heather, as Heather told her,
10 was going to tell Gabriel and they would do something.
11 So now, you have this problem. You have the problem
12 to decide who's telling the truth. Now, when
13 Ms. Crespo testified and Mr. Griffin cross-examined
14 her, I believe she -- and you're the -- you're the
15 historic memory here, not me. So what I tell you, you
16 know, go to your notes. You'll have a chance back
17 there, all 12 of you, to -- to hash the -- the
18 recollections out and figure out what happened.

19 When Ms. Crespo testified, she recalled going
20 and getting Ms. Salatino and expressing concerns, but
21 was really kind of forgetful about why that was,
22 something about a door being opened. Does that
23 ring -- does that ring true with you? Ms. Crespo did
24 concede that she was concerned about what she and Ms.
25 Salatino saw to take it to Gabriel. Gabriel, when he

JURY TRIAL, VOL. 6

1 testified, said no, I don't really remember that
2 happening that anybody talked to me about that.
3 Knowledge that a reasonable person under odd and weird
4 circumstances seeing something, you have to decide if
5 that should have stimulated action. Because if it
6 didn't stimulate action, but should have in your
7 judgment, then your verdict is that the plaintiffs
8 failed to do something that the law requires them to
9 do -- to have done.

10 But you need to be careful because, of course,
11 the plaintiffs are going to get the last word here.
12 I'm not blaming the Crespos, because they would have
13 their own motivations for not doing what the normal
14 person, what reasonable people would do. Only they
15 could answer why they didn't do it, but they've denied
16 the whole thing. Ms. Salatino has no reason to come
17 in here and lie. She's friends with everybody. She's
18 Heather Crespo's -- I don't know whether she said best
19 friend, dear friend, enough of a friend to say Gina,
20 would you be a witness for me in this case. So that's
21 the first thing you may have to decide back there.

22 Now, there was a -- we talked about shame a lot
23 in this thing. But there was a -- you may have
24 regarded it as a little shameful for the plaintiffs'
25 team to ask Ms. Salatino whether she went to the

JURY TRIAL, VOL. 6

1 liquor store twice a week, or was it twice a day, or
2 whether -- you know, what was that about? Was that to
3 show that she's a drinker and that affects her memory
4 when she was consistent on all the big points?

5 Now, Ms. Crespo conceded to you -- and I
6 hesitate to bring this up, but since the plaintiffs
7 brought it up and tried to impeach -- that's what
8 we -- a fancy legal term for picking at a witness so
9 that you won't believe them. When the -- when the
10 plaintiff went after this witness, Ms. Salatino,
11 suggesting that maybe alcohol affected her memory,
12 what you did learn, and it's a gold star for
13 Ms. Crespo, that she did have an alcohol problem,
14 perhaps during this period, and that she has conquered
15 it. Did that affect her memory in 2001? Did it
16 affect her judgment in 2001? You'll have to decide,
17 because it's about what you heard, the comparison of
18 the testimony, and in determining what you think fits
19 into the common sense mold. We're going to talk a lot
20 about common sense.

21 Now, much has been made of Mr. Riviere's
22 assertion of the Fifth Amendment of our United States
23 Constitution. Let me think. "I declined to answer on
24 the advice of counsel." That is a Fifth Amendment
25 right, a privilege. Now, there are a lot of reasons

JURY TRIAL, VOL. 6

1 to do that, and why he did that is not necessarily a
2 consideration for you. If this were a criminal court,
3 you wouldn't even have heard that and it would not be
4 allowed for you to consider. It wouldn't be a matter
5 of consideration at all in a criminal courtroom, and
6 this is not a criminal prosecution. So the Court is
7 going to tell you what you can do with that, and you
8 can choose to do something with that information. But
9 I would suggest to you, there are a lot of reasons why
10 people would do that in this courtroom faced with --
11 with lawsuits.

12 You heard about a SLED investigation. You heard
13 about a SLED investigation. People between the devil
14 and the deep blue sea have to make difficult decisions
15 to protect their rights. But generally speaking --
16 well, not all of my clients take my advice but,
17 hopefully, they would. But the judge will explain to
18 you that any person can refuse to answer a question
19 that might operate against them. In the civil
20 context, it's might operate as an admission against
21 interest or against some interest they wish protect.
22 It could be anything. You, the jury, will determine,
23 as the judge will tell you, will determine the effect,
24 if any, of this invocation of the Fifth Amendment. In
25 this civil trial, you may infer that any answer he

JURY TRIAL, VOL. 6

1 gave might have been unfavorable to him, and this is
2 called an adverse inference, and it is allowed in
3 civil cases just like this, an adverse inference.
4 God, you all can be lawyers as soon as you get
5 finished with this thing, though I doubt any of you
6 will want to be a lawyer.

7 So the adverse inference is a -- what's called a
8 permissive inference. It's a -- meaning that you can
9 attach significance to it, you can say I understand
10 that there's an investigation ongoing and I know why
11 he would do it. I would suggest to you folks, you
12 heard -- you saw Mr. Riviere take the witness stand.
13 You saw him -- I think he read it off of a piece of
14 paper. And you heard a series of questions asked by
15 Ms. Barbier. And she would ask you to infer, to reach
16 that choice that you have to ignore or to attach
17 significance to it as she would like for you to do and
18 find that he would have answered against his interest.

19 But the problem with that is that how many
20 questions did Ms. Barbier ask, 40? I would suggest to
21 you if she had asked -- and she got to ask leading
22 questions. I don't -- you didn't hear me,
23 Mr. Objection, object much because the -- the process
24 that we use here allows that leading question in that
25 unique circumstance, or a couple of other

JURY TRIAL, VOL. 6

1 circumstances. I fully expected Ms. Barbier to ask
2 Mr. Riviere if he -- if he was one of the conspirators
3 in the Trump attempted assassination, or if he was one
4 of the conspirators in -- in the Kennedy
5 assassination, or if he was one of the conspirators in
6 the hiding Jimmy Hoffa's body, wherever poor old Jimmy
7 is. And -- and she'd be asking you, I guess, the for
8 an adverse inference in that regard. So you have to
9 decide because it's a permitted inference, but not
10 one -- this judge won't tell you you have to derive
11 that inference against Mr. Riviere. It's up to you to
12 decide if that was fair.

13 Now, I'd like to talk just a couple of minutes
14 about the various causes of action. I think, by my
15 count, one, two, three, four, five -- wait -- one,
16 two, three, four, five, six -- well, earlier, I got to
17 seven. I don't know that I'm going to get to seven.
18 Invasion of privacy. I believe Ms. Barbier said it
19 boils down to an intrusion into their privacy. The
20 Court will charge you that this right of privacy --
21 no, this right now to have people invade your private
22 moments is something that has been around since 1889.
23 One of our chief justices wrote a paper about the
24 right to be left alone. Actually, he said let alone.
25 But that is an important right, and I -- it is one

JURY TRIAL, VOL. 6

1 that we all respect. You must decide if it was
2 violated, if the Crespos' privacy was invaded.

3 You're -- you're -- you heard from us Barbier,
4 and you will hear from Her Honor -- I almost said His
5 Honor, sorry about that, Her Honor -- instructions.
6 Hopefully, not today because it's been a very long
7 day, and I'm trying not to stretch it any longer
8 than -- than need be. But this wrongful intrusion
9 must cause mental shame, suffering, or humiliation to
10 a person of ordinary sensibilities, the Court will
11 give you all of that information about invasion of
12 privacy. And you may can put it all boils down to
13 that. The Court will also charge you on -- and -- and
14 I think the judge's instructions to you, the judge's
15 charge to you will tell you that an invasion of
16 privacy must be intentional.

17 Now, you also heard that the plaintiffs have
18 another two causes of action that are negligence and
19 negligence, per se, meaning, essentially what the
20 judge tells you about these breaches by negligent acts
21 or omissions. But I'm not going to belabor that
22 point, because I think it will be fully covered and
23 will touched upon in the law, and certainly fully
24 covered by the judge today or tomorrow. All of these
25 things in the other -- the other causes of action,

JURY TRIAL, VOL. 6

1 I'll mention briefly, must be proven -- you must be
2 persuaded by a preponderance of the evidence to the
3 exception of one. But to prove -- to prove the
4 defendant's negligence proximately caused the
5 plaintiff's injury, the plaintiff must prove
6 causation. In fact, this is proven showing the injury
7 would not have occurred but for the negligence of one
8 or more of the defendants.

9 The other end about negligent from the LLCs, and
10 you heard some evidence from which you can decide
11 negligence or intentional act, the judge will explain
12 how to unscramble those eggs to you at some point.
13 Negligence per se is the -- is negligence that
14 involves the violation of a statute. Now, this is a
15 tricky one. That's why I'm not going to talk about it
16 much today. I'm going to defer to the judge, who is
17 the expert on the law, and she will have the best and
18 simplest most straightforward explanation of that.
19 But it's essentially when there is proof that a
20 statute has been violated, that you may take that into
21 account as part of the proof of negligence per se.

22 And the statute here is about a real estate
23 broker's duty. You didn't hear a lot of expert --
24 well, you heard no expert testimony. You heard a
25 little bit of testimony about that. I would suggest

JURY TRIAL, VOL. 6

1 to you that you should find that, like the other --
2 the other negligence cause of action, has not been
3 proved. There's just not evidence to allow you to
4 conclude some real estate broker's duty since nobody
5 in the courtroom presently is a real estate broker.

6 You're going to hear an instruction on a cause
7 of action called intentional infliction of emotional
8 distress. And this requires that the defendant
9 intentionally or recklessly inflicts severe emotional
10 distress. And there's some other elements the Court
11 is going to apply to that or explain to you. Not in
12 the Court instruction is going to include doesn't --
13 the law does not allow for damages for each and every
14 occasion which causes someone mental distress. If
15 this were so, the courts would be flooded with
16 lawsuits. This is an incomplete explanation. So
17 tomorrow -- or today or tomorrow, you're going to get
18 the full and complete explanation. I'm really kind of
19 flying the treetops because it is worthwhile.

20 Intentional infliction can occur by shock, by
21 causing shock, illness, other bodily harms. You may
22 remember when Mr. Busbee what was on the witness stand
23 and he was asked what the reactions were of one of
24 the -- either Mr. or Mrs. Crespo, and he must have
25 undersold it because the next question was, well,

JURY TRIAL, VOL. 6

1 didn't they say that they were shocked, or something
2 to that effect. I mean, come on. This is about
3 letting people testify. Emotional distress will be
4 determined for you, but under this cause of action,
5 the judge will tell you it must be severe emotional
6 distress, substantial emotional distress. The judge
7 is going to explain all that to you.

8 And we also have the kind of bizarre unfair
9 trade practice act violation. The judge will charge
10 you on that. The plaintiff claims that one or more of
11 the defendants was in the tree. Residential leases:
12 Someone engaged in a trade or commerce may violate the
13 unfair trade practices, but you'll have an opportunity
14 to figure out whether that applies here. And you also
15 have another cause of action called constructive
16 fraud/misrepresentation. In a -- in a sense, a fraud.
17 You will hear the judge tell you what the elements
18 are. The first element is a representation that is
19 false that induces the person to do something. Well,
20 you heard not one word about any representation by
21 Mr. Riviere, by the LLC's, because they don't talk
22 much. But I don't think you heard anything from Ms.
23 Josee Riviere, but I'll leave that to Mr. Harte.

24 But you're going to decide and have to decide,
25 and have the difficult task to replay your memory

JURY TRIAL, VOL. 6

1 tapes on this and go through your notes to go through
2 all of this information and evidence. And I
3 apologize, but we got you a lot of exercise this week,
4 so all is not lost. You've done your duty in doing
5 your duty, and you got some exercise in the balance.
6 So the first of your duties was to come into this
7 courtroom as truly a blank slate. You'll remember 7
8 days ago, we asked if you knew anything about this
9 thing and, you know -- the idea is that you come into
10 this like going to high school math class and there's
11 nothing on that blackboard. God, that was the only
12 part of math class that I liked, because so many
13 people started putting math up there and cluttered the
14 thing up, and that was not -- that's why I went to law
15 school. I can't add two and two.

16 But the -- this first duty is to listen, to
17 listen as blank slates and it's -- you simply appear
18 to have done that fairly and reasonably. Your second
19 duty is to receive this information, which we
20 sometimes call evidence -- sometimes it's malarkey --
21 but to receive what occurs in this courtroom and to
22 take it back, ultimately, to the jury room. But
23 first, when you sat in that chair and you leave that
24 chair to return to that jury room to begin your
25 deliberations, you must leave as a person who was a

JURY TRIAL, VOL. 6

1 blank slate that now has information written down for
2 you. But it is your obligation, your civic duty for
3 which we pay you that king's ransom of what, 10 bucks
4 a day? Maybe they've up it to 12 now. But you have
5 to consider the evidence and set aside your feelings,
6 your sympathies, your passions. That's what the judge
7 will charge about.

8 Some of you may be indignant about some of this.
9 You may -- may feel anger. Those, you have to put in
10 a box and put it down the hall, not in the jury room.
11 The judge will tell you that. This has to be a calm,
12 reasoned consideration of all of the evidence like,
13 who's telling the truth about what was discovered in
14 2001 and what waited until 2022. You have to be
15 objective because you now, very soon, will have to
16 decide accountability, responsibility, not guilt.
17 This is not a criminal courtroom. It's about
18 responsibility. It's about accountability. It's not
19 about blaming anybody for anything -- well, certainly,
20 not about blaming the Crespos. The plaintiffs have
21 blamed Mr. Riviere, they've blamed the LLCs. But you
22 have to be resistant to that.

23 In other words, I hope nobody on this jury is an
24 accountant. The most bloodless, passionless people I
25 know are accountants, because they take refuge and

JURY TRIAL, VOL. 6

1 comfort in numbers, and they just worked their way
2 through that stuff. And you know, in a sense, you
3 have to be accountants in this matter of
4 accountability first. Should Mr. Riviere be held to
5 account? Should he be held to account for the
6 invasion of privacy? Should he be held to account and
7 should the LLCs likewise for any of these causes of
8 action? And -- and you cannot succeed in giving true
9 justice, because the justice is not only deserved to
10 the Crespos. It's deserved by the defendants. Your
11 community deserves your calm, reasoned, passionless
12 and dispassionate consideration of these issues.

13 The third duty. As accountants and
14 accountability, you have to be accountants about this
15 first responsibility. And, second, if you find
16 responsibility, if you find responsibility, if you
17 find Mr. Riviere, Rhett Riviere was responsible, then
18 you must become accountants of what a fair and
19 reasonable compensation. You may hear it called
20 tomorrow actual damages, compensatory damages.
21 Damages to -- to make you whole is another way to say
22 that. And the judge will tell you all about what you
23 can consider in that category.

24 There's something that I must talk to you about,
25 and let me figure out where I want to do that. It's

JURY TRIAL, VOL. 6

1 -- it's called a duty to mitigate, ladies and
2 gentlemen. And the judge will explain to you tomorrow
3 or another day that when a person is injured by the
4 wrongful act of another, the law imposes a duty on
5 them to do everything a reasonable person would do not
6 to make their injury worse. Now, I hasten to say this
7 again, I'm not blaming anybody. I'm not blaming the
8 Crespos. You have the information and the evidence
9 about what they did once they learned that these --
10 that this video existed. So it is a legal fact, and
11 this judge is required to advise you of this duty to
12 mitigate. And this duty to mitigate is the simple
13 legal theory that you are permitted to evaluate the
14 facts, the evidence, and to determine if they failed
15 to mitigate as a reasonable person.

16 So let's talk about what you heard in the
17 evidence. Mr. Crespo, in his testimony, told you that
18 he was upset, he was embarrassed to the extent that,
19 two weeks after learning of this, he went to see a
20 counselor he had seen before during the ugly divorce,
21 I think was a testimony one time for \$125. You might
22 consider that in the context of -- of what else is
23 required to be shown to be found by you to make awards
24 on some of these causes of action. But Mr. Crespo
25 testified that at the point that he walked out of the

JURY TRIAL, VOL. 6

1 SLED meeting, I don't know whether he testified that
2 he had no information that anybody had ever seen this
3 video or would ever see it in the previous 20 years.
4 But he has testified about how embarrassed he is in
5 this community. He's testified about how he feels
6 that people are looking at him. He's testified
7 about -- I think he used the phrase "humiliation."
8 Certainly, the plaintiffs' team has used
9 "humiliation."

10 But he also testified that he wanted everybody
11 to know about this video. He wanted everybody to
12 know. He refused the opportunity to bring what's
13 called a Jane or John Doe lawsuit. John Doe versus
14 Rhett Riviere, LLCs, Josee Riviere, identity secret.
15 He had that opportunity. He didn't want that
16 opportunity. He testified that he spoke to at least
17 one press person about this matter.

18 So Mrs. Crespo, I think quite differently,
19 testified she really didn't want anybody to know
20 because I guess being unmarried exes went by the
21 wayside. So under this duty to mitigate, what will
22 you make of that, because you have a duty to consider
23 whether Mr. Crespo injured himself in a way that he
24 wasn't likely necessarily going to suffer had he filed
25 a John Doe lawsuit, had he urged the lawyers to have

JURY TRIAL, VOL. 6

1 Ms. Crespo file a Jane Doe lawsuit, had he not talked
2 to the press, had he respected her privacy. It may
3 have come to light one day in a courtroom. But you
4 have to evaluate how you apply this duty to mitigate,
5 because it's your duty.

6 I think Ms. Crespo and Mr. Crespo, I suppose,
7 both testified that they, during this SLED interview,
8 that they were forced to watch the video. I think
9 Ms. Crespo may have said that she was very embarrassed
10 about that. But her team could have asked for a
11 female investigator. The team could have asked these
12 male -- why in the world police haven't wised up on
13 the indignities that are sometimes visited on women
14 and they end up being interviewed about personal
15 things by police, by male police officers. There's a
16 way to reduce, to mitigate that embarrassment.
17 Plaintiffs had this team over here. You will have to
18 evaluate that.

19 Now, you heard a good deal about damages: actual
20 damages, compensatory damages that may include
21 pecuniary loss, loss of wages, loss of time, pain,
22 suffering, physical injury, illness, loss of business,
23 loss of employment, general expenses, humiliation,
24 embarrassment, mental stress, mental anguish,
25 inconvenience and discomfort. I say it real quick

JURY TRIAL, VOL. 6

1 because I know you want to go home. And I know that
2 Her Honor is going to give you a very slow but sure
3 explanation of the same thing, so I don't need to beat
4 on that hoss, as they say around here, since everybody
5 seems to have a horse in this town.

6 You've heard that there are some out-of-pocket
7 expenses: \$125 to Mr. Crespo, who never testified to
8 any physical injury whatsoever, no physical thing or
9 aspect that I recall. But you're the judges of that.
10 You are the historical memories. He testified that
11 this bothered him, but he testified he only went to
12 his counselor, his continuing counselor, formal
13 counselor, whatever you want to name him. He went to
14 him one time. And what was the advice you heard
15 Mr. -- Dr. -- he wasn't a doctor because he's not a
16 medical doctor -- Mr. Trezza, I think his name was.
17 He said more than likely this will all go way in terms
18 of the humiliation, the distress, and the so forth.
19 And I think I asked him if he could infer -- there's
20 that word again -- can you get to a conclusion or an
21 inference of likelihood that if you -- if this fellow,
22 Mr. Crespo, never came back to see you, never -- never
23 needed to see anybody else, never asked for medicine
24 for his nerves, never went to anybody or requested
25 anything, you may conclude he is a tough guy. But

JURY TRIAL, VOL. 6

1 that brings you back to the duty to mitigate. You may
2 conclude whatever you conclude, but you must consider
3 it and must determine what you make of that.

4 Ms. Crespo has presented to you a bill for
5 counseling of \$1,900, and I believe Mr. Griffin asked
6 her about that. There was some discussion about that.
7 And then, there was also, in Exhibit 20 -- well, we'll
8 have it back there -- but they are two bills. I don't
9 remember whether it was a Visa or a Capital One or
10 who, but one bill for \$1,700, another bill for \$1,200.
11 The odd thing about the bills is the -- the \$1,900
12 bill -- I believe that's Exhibit 20 -- Ms. Crespo
13 testified she had a panic attack, not when she watched
14 the video in -- in -- in 2022, but sometime thereafter
15 when she was asked to attend or subpoenaed to attend a
16 deposition. She testified she had a panic attack. We
17 don't know no any more than that.

18 We don't know what else was going on. We do
19 have her best friend's testimony, Ms. Phillips. And
20 what did Ms. Phillips tell you? And am telling you
21 this, ladies and gentlemen, not to make Ms. Crespo
22 feel bad. I'm telling you this because it has to go
23 in your computers, your accountant brain as you
24 consider damages, because what Ms. Crespo's best
25 friend said is that she never saw her lose a day of

JURY TRIAL, VOL. 6

1 work, she never saw any upset. She didn't testify
2 that she had to go off to the bathroom and cry about a
3 thing, but she may have. Ms. Crespo testified to
4 that. But she never saw it interfere with her social,
5 her work life, never interfered with her -- the
6 quality of her very important work at the hospital
7 here. What do you make of that? You have to consider
8 it.

9 The -- another thing about that bill for the
10 panic attack was it was the deposition I think
11 testimony was, was in October -- I could have the date
12 wrong -- October of 2022. But as of -- according to
13 that bill, as of some date in this year, 2024, 1,700
14 bucks is still owed. I don't know what to make of
15 that. I don't know that I should even mention that.
16 It just doesn't make any sense. But we don't have the
17 medical records for that and so, here we are.

18 Assessing damages for humiliation, emotional
19 distress, anxiety, upset. There's been no testimony
20 about physical problems that continue that I recall,
21 but you're the historians here. You're the memories.
22 There is only the fact that is left to you that if the
23 plaintiff -- plaintiffs, rather -- have made their
24 case beyond a preponderance against Mr. Riviere on the
25 basis of invasion of privacy or any of these other

JURY TRIAL, VOL. 6

1 causes of action, against the LLCs. And I would
2 submit to you, check your notepads, but I don't think
3 you'll see the LLCs mentioned, not once. But I would
4 suggest to you or submit to you, there's not evidence
5 sufficient against the LLCs, and there is an
6 insufficiency of evidence as to Mr. Riviere.

7 The determining what an appropriate measure of
8 damage is, that's the hard part. That's where the
9 accountant brain comes out, I guess, in a sense.
10 There is no magic formula. The plaintiffs didn't
11 disappoint. They asked you to pick not a number
12 between zero and a million. They want 19 million for
13 Mr. -- Ms. Crespo, I think, and 17 million for
14 Mr. Crespo. They did that using what's called a
15 mortality table or a mortuary table. But it's -- it's
16 kind of like -- believe it or not, there's a book in
17 our code of laws that tells us how long we're going to
18 live. So if you have any curiosity after the trial is
19 over, you could check that book out and it will tell
20 you what the average lifespan for women and men is.
21 It's kind of a bizarre thing. But the plaintiffs
22 would suggest to you, even though there's no evidence
23 whatsoever about permanent injury and about sufferance
24 and all of that, that -- that you should calculate
25 damages for their lifespan. I would ask you not to do

JURY TRIAL, VOL. 6

1 that.

2 I will tell you there is no magic formula for --
3 you -- you've got some numbers. You've got \$125 and
4 \$1,900 and \$1,700, and a \$200 bill. And I forgot the
5 \$2,400 for the rent that Mr. Crespo paid, says he
6 paid, to somebody for the whatever, 2 months and a
7 half that they stayed at this place where this video
8 was made. You could believe that to be a damage. You
9 don't even have to give a discount because you may
10 find their privacy was invaded and they should have
11 gotten all that money back. You could, ladies and
12 gentlemen, add that number together and do -- and
13 adopt the formula some juries do, which is a
14 multiplier, because those dollar damages, their own
15 bills, those are out-of-pocket hard cash, so they're
16 easily determinable.

17 But the humiliation, the upset, the anxiety, the
18 other things that we've talked about, those are what
19 are called -- I call -- intangibles, and -- and you
20 have a right to value them and a right to award money.
21 I would suggest again after you consider mitigation
22 and that duty to mitigate. And it may be hard to do,
23 but it is the law. It is the law. So the rent cases,
24 other kinds of cases, jury sometimes with these
25 intangibles they'll say, I'm going to give them two

JURY TRIAL, VOL. 6

1 times, I'm going to give them five times, I'm going to
2 give them ten times. The plaintiffs, the team, asked
3 you for millions, 19 million, 17 million. If you
4 think that the evidence you heard, they even want you
5 to give them millions for the 20 years that the
6 Crespos were unaware of the existence of this video.
7 Blissfully ignorant, I guess you could call it.

8 It is a terrible shame that this ever happened,
9 and it is a terrible shame that they have to be here.
10 But you have to ask yourself some questions. You
11 heard in Ms. Barbier's closing argument that an
12 assertion or a reference to the fact that -- that her
13 clients were worried, and part of their shame and
14 humiliation came from everybody in town knowing about
15 this, or something like that. Except that there is
16 not one shred of evidence that's been presented that
17 anybody knew about this situation, knew about this
18 video. Nobody knew about this evidence or this video
19 until it was discovered in a SLED investigation, a
20 complete SLED investigation. A complete
21 investigation. You -- you heard that they hired
22 experts who plundered the landscape looking for
23 evidence that anybody beyond SLED and outside of this
24 courtroom has seen that video. And they came up with,
25 to use an old legal term, "bupkis," none. Maybe

JURY TRIAL, VOL. 6

1 they're entitled to be concerned. There is no
2 evidence, so don't take that bait.

3 You heard a reference that Mr. Riviere intended
4 to harm them. Why? If he intended to harm them, he
5 would have put it on Tumblr or one of those other damn
6 websites that I don't know what they mean, and I can
7 honestly say I've never been to any of them. I don't
8 know what they're all about. But there's no evidence
9 of that because there wasn't -- it didn't happen.

10 I think that, in sum, that Mr. Crespo wanted
11 everyone to know. Mrs. Crespo wanted peace. The team
12 tells you they want money. And I ask you, ladies and
13 gentlemen, you may hear a reply. I am sure I'll be
14 chastised severely for what I've said here. Once
15 again, let me say, we all have a job to do. The
16 plaintiffs have a job. That is to prove their case
17 and ask you for lots of money with lots of zeros. The
18 defense has its job to do, and the judge has her job
19 to do. And you, ladies and gentlemen, have yours, and
20 it has to be bloodless, passionless. It has to be
21 based upon the evidence. And in your judgment, your
22 verdict, you choose to make an award, make the award.
23 Be reasonable. Be calm, be composed. You're not
24 permitted to be swept away by sympathy, by passion.
25 Your verdict, your decisions from this point forward

JURY TRIAL, VOL. 6

1 have to be based on what you've heard and they have to
2 be based on that accountant's sense of proportion and
3 fairness. Thank you very much. I'm sorry I went a
4 little bit longer than I thought.

5 THE COURT: Thank you, Mr. McCulloch.

6 Mr. Harte?

7 MR. HARTE: Your Honor, do you wish to take a
8 short break? Could we take a short break, please?

9 THE COURT: Certainly.

10 MR. HARTE: Thank you.

11 THE COURT: You may return to the jury room.

12 (The jury exited the courtroom.)

13 THE COURT: It's good to stretch you legs.

14 Okay. This is everyone's potty break too, okay?

15 Mr. Harte, that's what you needed, right?

16 MR. HARTE: Oh, yes.

17 THE COURT: Thank you, sir.

18 MR. HARTE: Thank you very much.

19 THE COURT: All right. Just making sure I don't
20 need to stay in here.

21 MR. HARTE: You did exactly right, Judge. Thank
22 you so much.

23 THE COURT: Thank you.

24 (Off the record.)

25 (Recess.)

JURY TRIAL, VOL. 6

1 (On the record.)

2 THE COURT: Could you bring in the jury, please?

3 (The jury entered the courtroom.)

4 (Sidebar.)

5 THE COURT: Ladies and gentlemen, we continue to
6 hear the arguments of counsel. We have Mr. Harte.
7 Mr. Harte?

8 MR. HARTE: Thank you, Your Honor. May it
9 please the Court, and our forelady and ladies and
10 gentlemen of the jury, we come now to, of course you
11 have been told is the most important part of this
12 entire case. I want to start by thanking you very
13 sincerely for what you are doing. Lawyers watch
14 juries, and I've watched you, and you have -- you
15 have watched the witnesses and you've had to see some
16 shocking images. What you have been called upon to
17 do is unlike anything most of us have ever had to do
18 in our lives, and you've done it well, and I trust
19 you Josee trusts you. Keep in mind that the judge
20 will charge you as to the law. If I should mention
21 something about the law and you hear something from
22 the judge that is different than that, you would
23 adhere to what the judge tells you because she is the
24 judge of the law.

25 Now, I always like to remind juries of this, or

JURY TRIAL, VOL. 6

1 mentioned to juries, during the trial of a case,
2 particularly one like this, I have to object to
3 occasionally. And I am not a wilting plant. I am a
4 rather passionate person when it comes to defending my
5 clients. If my method of handling objections or
6 anything else has offended you, hold that against me,
7 not against Josee. I'm really not trying to keep you
8 from hearing something that you should hear. I just
9 want to be sure that what you hear is within the
10 bounds of what is permitted by the law. Sometimes I'm
11 right, sometimes I'm wrong. But don't take the fact
12 that I object to mean anything other than that I am
13 just trying to keep a clean record so that when this
14 case is over we will have a record that is -- is good.

15 Now, during the course of the trial, it's been
16 interesting for me because I've heard a number of
17 times people questioned, the witnesses questioned as
18 to, oh, do you know John Harte, did John Harte do
19 this? Let me tell you, I've been in Aiken -- my
20 family came here when I was 4 years old. I'm 78 years
21 old now. Actually, a little more, 78-and-a-half. So
22 I've been here for 74-and-a-half years. Back in the
23 1970s, I was very active in politics. I got three
24 sets of election returns to prove I can't remember a
25 name. So but the reality is that people know me. You

JURY TRIAL, VOL. 6

1 may not know me, but there are people who do. It used
2 to be before there was a great influx of people, I
3 could go anywhere and, no matter where I went,
4 somebody would know me. So it's not surprising or
5 shouldn't be a surprise that these people whom I know
6 have used me as a lawyer or talk to me or things of
7 that nature. That's how Aiken is. That's what it's a
8 -- it's a small town. I am a small-town lawyer. I am
9 not a lawyer from Columbia. I am not a lawyer from a
10 big law firm. I practice law here. I like it here.
11 I agree with Gabriel, this is a wonderful place. But
12 I don't think it's -- I don't think it's of any
13 importance that I have represented people or, for that
14 matter, that anybody else has.

15 Now, lets -- let me mention this to you also.
16 When lawyers talk about the facts, what they're
17 supposed to do is to explain what they think the facts
18 are and how they fit into the case. But here again,
19 just as the judge is the sole judge of the law, you
20 are the sole judge of the facts. So if a lawyer says
21 something and you remember that that is not what the
22 testimony showed, you are the one who decides that,
23 not the lawyer. When someone says to you they were
24 landlords, and you heard testimony, solid testimony,
25 that Josee Riviere never owned any properties, you

JURY TRIAL, VOL. 6

1 know that the word "they" is improperly used, then you
2 would take what you remember and apply it. And you
3 would say, well, that's just wrong because it is
4 wrong.

5 One of the things I want to say to you is, I
6 don't know of a better trial lawyer in South Carolina
7 than the lawyer who spoke on behalf of the plaintiff.
8 There just isn't one. That doesn't mean she's right
9 about things. And I have to tell you, frankly, there
10 was a lot of things that she said that don't coincide
11 with what I remember the testimony to be. But I'm
12 going to tell you again, it's up to you. But I just
13 want you to -- when -- when I'm talking, Joe McCulloch
14 is talking, any of the plaintiffs' lawyers are
15 talking, steel yourself against being fooled, not
16 because they intend to fool you, but because lawyers
17 are like anybody else. Everybody hears things the way
18 they want it to be. And sometimes when we talk to
19 juries, that causes us to say things that are not
20 quite right. And with all due respect to a very fine
21 trial lawyer, a great deal of what she told you, in my
22 recollection, is inaccurate.

23 I want to say this to you as well. There are no
24 words in the English language that are more important
25 than the words "duty" and the words "honor." Duty is

JURY TRIAL, VOL. 6

1 what causes a young soldier to throw himself on a
2 grenade for his comrades. Honor is what causes a
3 senator to cast a vote that many of his colleagues do
4 not want him to cast. There are heroes throughout
5 history who are known for devotion to duty and honor.
6 There are many men and women in the history books who
7 are famous for what they have done: Audie Murphy,
8 lots of them, people who have risked their lives, the
9 great soldiers from the tank battalion. I think it
10 was the 738th. They -- they were called the Black
11 Panthers. Those men laid down their lives for us to
12 be here, for justice to be done here like it is.

13 A lot of those people in the Black Panthers
14 weren't honored, but they got their citation when
15 Jimmy Carter was president. There are a lot of people
16 who are famous and they're in the history books and we
17 read about them. But there are a lot of other people
18 who are heroes to me, and they are heroes: Men and
19 women who have sat where you sit or in other places
20 like this; private citizens who are called on to
21 perform a very difficult task. Time and again, those
22 unknown men and women have answered the call of duty
23 and have discharged it, no matter how hard it was.
24 This is what leads me to believe and have faith, not
25 only just in America, not only just in our system of

JURY TRIAL, VOL. 6

1 justice, not only in our way of life, but in this jury
2 today.

3 The law is going to be given to you by the
4 judge, as I've said, and I may say that a couple of
5 more times. But here's the thing. Fifty years, with
6 a little break, have I been doing this. I was a judge
7 for a while. I presided over cases. I cannot recall
8 a case in which there was more shocking, more
9 outrageous, more horrendous evidence than what was
10 presented here. It's understandable that that is
11 going to create an emotional response. You can't help
12 it. But as hard as it may be, you cannot allow
13 emotion to control or influence your decision.

14 There's another -- there's another element to
15 what we're hearing, particularly from the plaintiffs'
16 lawyers, and that's -- that's conjecture, speculation,
17 guesswork. That's a very dangerous area to get into,
18 because when the road of evidence stops, you come to
19 the end of that road, you don't go beyond that. Now,
20 you can make inferences from it, but inferences aren't
21 speculation. Evidence is your very best friend. Let
22 the facts as you find them to be lead your
23 deliberations and you will reach a just verdict. You
24 can use reasonable inferences. If I go through the
25 woods and I find a turtle on top of a stump, I can

JURY TRIAL, VOL. 6

1 infer that somebody put him there. But I cannot
2 infer, without additional information, who put him
3 there. That's the difference between a reasonable
4 inference and an unreasonable inference. We can make
5 reasonable inferences, but we cannot make guesses,
6 conjecture, speculation. Those things are not what we
7 ought to do.

8 Now, what a person might do is not evidence.
9 What a person might know is not proof of
10 responsibility. Pure conjecture. The plaintiff is
11 not entitled to a verdict based on what the lawyer
12 says somebody might do or what somebody could do.
13 They have to prove what the person actually did. It's
14 not enough to say, for example, that Josee was his
15 wife and, therefore, she must know everything that her
16 husband did. There has to be proof of that.
17 Otherwise, it's just pure speculation. I mentioned
18 when we started that it is -- this case has actually
19 got some serious risks involved. Cases -- cases are
20 important. They set precedent.

21 I'm married to somebody. I'm going about my
22 daily affairs, I've got my activities that I do. I
23 try to play sports. I'm getting a little bit older
24 now, so I don't fall as good as I used to, so I don't
25 ride. I don't bounce anymore. But I'm not thinking

JURY TRIAL, VOL. 6

1 every minute of every day about what my spouse is
2 doing.

3 THE COURT: Mr. Harte, let's move the argument
4 along from what you --

5 MR. HARTE: I am. Thank you, Your Honor.

6 THE COURT: -- from your personal perspective.

7 MR. HARTE: Thank you, Your Honor. So the fact
8 that Josee Riviere was riding in the area in front of
9 the barn and cottage, you can't turn that and twist
10 it to mean that she knows what's going on in the
11 cottage. The fact that she could have gone into the
12 cottage does not mean that she did go into the
13 cottage. And, in fact, there's no evidence that she
14 went into the cottage at all while Heather and
15 Gabriel was there. Again and again, because the
16 evidence does not prove that Josee did anything, we
17 have heard that she could have done this, or it is
18 possible or plausible that something happened or
19 something was known. We are allowed to hold a person
20 responsible for his misconduct. He must be held to
21 account, not his wife just because she's his wife.
22 Not his friends just because they're his friends.
23 Justice means that the wrongdoer is punished,
24 innocent people are not.

25 Now, the question you're going to have to ask

JURY TRIAL, VOL. 6

1 yourself is, what does the evidence you heard and saw
2 prove? Does it prove by the greater weight of the
3 evidence that Josee Riviere knew something about the
4 secret camera? My recollection is that Heather Crespo
5 says that she never saw the camera. What evidence is
6 there that Josee saw one? What evidence is there that
7 Josee knew anything about the videos until Catherine
8 Thomas, 18 years later, after they had rented the
9 cottage and the SLED investigation began? I suggest
10 to you that there's no evidence of that nature against
11 Josee. But it's not important what I think. It's
12 important what you think, that's what counts.

13 The attorneys for the plaintiff are put -- put
14 forward numerous allegations. The previous two
15 lawyers have gone through that. I'm not going to --
16 I'm not going to do that because it's repetitious.
17 Each of those causes of action has a different
18 element, a different set of requirements. But none of
19 those work against Josee unless you conclude by the
20 greater weight of the evidence that at the time when
21 Heather and Gabriel were renting the cottage she
22 actually knew that a secret camera was in that
23 cottage. If you are convinced by the greater weight
24 of the evidence that she knew that, that's one thing.
25 But if you're not convinced by the greater weight of

JURY TRIAL, VOL. 6

1 the evidence or you're not sure, then the verdict must
2 be for Josee.

3 Now, your verdict must be unanimous. That means
4 that you will reason together, talk about it, and come
5 to a decision. It is important for you -- anyone in a
6 jury to be conscious of the requirement that, while it
7 is a unanimous decision, it is not a situation where a
8 juror who has a firmly held opinion should abandon
9 that opinion simply to go along with the group.
10 Remember, I mentioned the senator who votes a certain
11 way while everybody else is going in a different
12 direction? Now, was the impeachment of President
13 Johnson after the Civil War, by the way. One vote
14 permitted him from being removed from office.

15 What does this evidence prove? What do we
16 really know from everything that we've heard? We know
17 that Josee was the daughter of a racehorse trainer in
18 Canada. She attended public school, not a fancy
19 private school.

20 MS. BARBIER: Objection, Your Honor. Those
21 aren't facts in evidence.

22 MR. HARTE: But my client testified to it.

23 THE COURT: We'll let the jury determine the
24 facts, Mr. Harte.

25 MR. HARTE: Thank you. Well, you know, I sat

JURY TRIAL, VOL. 6

1 through quite a litany of facts a moment ago.

2 THE COURT: Mr. Harte --

3 MR. HARTE: But my questions are not allowed to
4 continue?

5 THE COURT: -- continue.

6 MR. HARTE: Thank you. The testimony -- let me
7 say it this way so maybe this will be a little
8 better. My recollection of the testimony -- that's
9 probably a better way to say it. I apologize. She's
10 probably right. I should have said it that way. My
11 recollection of the testimony is that Josee was the
12 daughter of a racehorse trainer in Canada. My
13 recollection is that she testified she attended
14 public school and she worked, and her father was
15 hired by other people to train horses. Not a wealthy
16 family, as I recall the testimony. My recollection
17 of the testimony is that Josee did not come to Aiken
18 until 1999. She started dating Rhett in 2000. He --
19 he literally swept her off her feet and they got
20 married before a year was over. They got married in
21 August of 2000, as I recall. And again, you will --
22 you decide what the facts are. But I've got to tell
23 you -- I've got to be able to talk a little bit about
24 stuff so that you can understand why I'm asking you
25 to find for Josee.

JURY TRIAL, VOL. 6

1 In April of 2021 [sic], when Gabriel and Hearth
2 rented that cottage, Josee was just getting used to
3 her new marriage. She had a new hometown. She had --
4 she was getting her horses adjusted to the climate, to
5 everything that was going on. That cottage wasn't
6 part of her life. Sure, she was nice to Gabriel and
7 she made him feel welcome. But that doesn't mean
8 anything except that she's a kind person. Nobody
9 testified, that I recall, that she negotiated the
10 terms of the lease. We know that she didn't have any
11 ownership interest in the cottage or anything else on
12 the property, other than her horses and her personal
13 equipment; saddles, bridles, things like that.

14 It's -- it's really no wonder that a young bride
15 getting to meet people, knowing her -- getting to know
16 the town, getting herself settled in, getting
17 accustomed to her husband -- I'm not -- it's not -- it
18 should not -- I don't think -- you know, nevermind
19 what I think. But it does not ring true that she
20 would be expected to remember, 23 years later, what
21 happened in a cottage that she didn't own and she
22 didn't have anything to do with.

23 Now, you watched her on the witness stand. She
24 answered every question. She did not -- she did not
25 attempt to take the Fifth Amendment, or anything like

JURY TRIAL, VOL. 6

1 that. Rhett Riviere took the Fifth Amendment. It's
2 his constitutional right to do that. The Judge will
3 tell you, I believe, that that applies to him, to him.
4 Now, you will -- you watched her on the stand. Did
5 she appear devious, did she appear to lying, did she
6 try to evade the questions? And I heard -- I heard
7 the lawyer -- in fact, the first time I've ever heard
8 that done. When you are going to accuse a witness,
9 when you're going to stand before a jury and say this
10 witness lied --

11 THE COURT: Mr. Harte, I don't -- I don't think
12 the jury needs a lesson in that part.

13 MR. HARTE: -- fine. Well, I'm just going to
14 say this. Where's the evidence that she lied?
15 Where's the evidence that she lied? Again, the law
16 comes from her, the facts come from your
17 recollection, not mine. My recollection is that she
18 told us that she did not go into the cottage while
19 Gabriel and Heather were there. My recollection is
20 that she allowed her mother to stay in that same
21 cottage.

22 Now, let's talk about justified inferences. You
23 have to say whether it is justified to infer that she
24 would not have done that if she had known there was a
25 hidden camera there. I recall the evidence being that

JURY TRIAL, VOL. 6

1 Josee had nothing to do with any of the other rental
2 properties. In fact, a lot of -- or most of those
3 rental properties weren't even owned in the year she
4 was married to him. We know that to be true because
5 Josee testified to it and because there was no
6 contradictory evidence. How can you infer that she
7 knew something about properties that she had nothing
8 to do with and that weren't even owned during the
9 period? That is conjecture and guesswork without any
10 evidentiary foundation.

11 I think it's important that, as I recall it,
12 Josee came up working. As I recall her testimony, she
13 testified the hard work. It's all day work. Clothing
14 [ph] -- you've got to clean horse stalls, horse
15 manure, riding young horses. I can't -- I can't speak
16 to -- speak to how many of you know much about horses,
17 but I think we can all realize that breaking a horse,
18 a young horse, is tough, it's tough work. The people
19 who were doing the kind of work that she does were
20 hand-walking horses, doing all the things that rich
21 people pay others to do. She was doing them. Those
22 were the things that Josee grew up doing, and she
23 continued to do those things even after she married
24 Rhett Riviere. It was her and is her way of life.

25 I believe the testimony from the witnesses, the

JURY TRIAL, VOL. 6

1 plaintiffs' own witnesses, support the conclusion that
2 she is a private person. She lives quietly. She is a
3 trusting person, and she has a wonderful reputation.
4 I believe the word, as I recall it, was "impeccable,"
5 and you heard Mr. Stoker today. The plaintiffs' own
6 witnesses, Deidre Vaillancourt and Suzy Haslup, told
7 you under oath that she had a wonderful reputation,
8 and that she could be believed under oath. Now, you
9 can use that evidence from the plaintiffs' own
10 witnesses as you deliberate on the question of the
11 credibility of Josee Riviere.

12 My recollection also is that those real estate
13 agents did not testify that Josee was the contact for
14 the rentals which Rhett owned. In fact, my
15 recollection is to the contrary. You can use that
16 testimony to decide whether Josee was Rhett's agent.
17 She told you she was not, and the plaintiffs' own
18 witnesses confirmed it. We know Josee and Rhett were
19 married in August of 2000. They divorced and have
20 been since 2011. They separated -- 2012 -- they
21 separated in 2011. Josee didn't own any interest in
22 the Two Notch Road property, where this cottage was
23 located. The property was owned by an LLC. There's
24 no evidence that she had any interest in the LLC.

25 And they're going to tell you, maybe, I don't

JURY TRIAL, VOL. 6

1 know, maybe they're going to say, well, we couldn't
2 get that information from Rhett because he's going to
3 take the Fifth or whatever, the full Fifth Amendment.
4 Okay. Where's the corporate accountant? Where's the
5 corporate record book? Does the word "subpoena" come
6 to mind? Does the word "deposition" come to mind? It
7 does for me, perhaps for you, I don't know. Josee,
8 incidentally, said something, as I recall, that I
9 think is really important. She told us, as I recall,
10 that she purchased the Marion Street property because
11 she didn't have anything in her name. She didn't have
12 anything in her name.

13 Now, at the time these videos were
14 (unintelligible) justifiably complaining about them
15 were made, Josee and Rhett had been married less than
16 a year. There is no evidence that she had the ability
17 to monitor, supervise, or control Rhett Riviere.
18 That's this very important, because when we get to the
19 question of what is the duty that Josee held to the
20 Heath and Gabriel, there is, in South Carolina, no
21 general duty to warn. If an individual is under your
22 control under your supervision --

23 MS. BARBIER: Objection, Your Honor. This --

24 THE COURT: Mr. Harte, I think the jury
25 understands that I will instruct them on the law --

JURY TRIAL, VOL. 6

1 MR. HARTE: -- thank you, Your Honor.

2 THE COURT: -- in the case.

3 MR. HARTE: Well, let me just be clear. Josee
4 testified, I guess -- I specifically asked her, as I
5 recall, and she testified that she didn't monitor
6 him, she didn't control him, and she didn't have the
7 ability to supervise him. Your Honor will tell you
8 what that means in terms of whether there is a duty
9 to warn. And she testified that she had no reason to
10 believe that there was a specific threat against
11 Heather and Gabriel. And your -- Her Honor will
12 charge you as to what that means and as to whether or
13 not that gives rise to any duty. I suggest that the
14 facts of the case -- the facts of the case -- show
15 that she had no duty to warn because there's no
16 evidence that she knew anything to warn them about,
17 and she didn't have any ability to control, monitor,
18 or supervise Rhett Riviere.

19 We know Heather and Gabriel, by their
20 testimonies, as I recall, had been married less than a
21 year when they came to Aiken. My recollection of the
22 testimony was that Gabriel was making his way to
23 becoming a famous polo player. I -- I -- I -- I grant
24 you, he is one heck of a player. I'll tell you that
25 right now. He is one heck of a player. And I'll tell

JURY TRIAL, VOL. 6

1 you something else, that's hard. It's doggone hard,
2 and I admire him for it.

3 But let me say something. It was said to you
4 that in this trial, Heather and Gabriel have been
5 re-victimized. Well, let's see. As I recall, I did
6 not ask Heather Crespo a single question, not one. As
7 I recall, I only asked Gabriel two questions, and when
8 I walked away, Gabriel said to me very graciously,
9 Mr. Harte, it's good to see you. And I said, yes,
10 Gabriel, I wish it were under other circumstances.
11 Re-victimized? She accused me of doing that? When
12 people start doing that, when they try to focus on
13 something that the lawyers are doing and they want to
14 draw your attention to that, and particularly if it
15 isn't true, then you've got to start thinking about
16 everything else they're telling you.

17 THE COURT: Mr. Harte, let's move away from
18 talking about other lawyers.

19 MR. HARTE: That's fine.

20 THE COURT: Thank you, sir.

21 MR. HARTE: But I do want to point out that the
22 plaintiff talked about lawyers victimizing the
23 Crespos. That's what I'm talking about. They
24 brought it up. I don't think the evidence supports
25 it.

JURY TRIAL, VOL. 6

1 We know that the building they rented had one
2 large side which served as the kitchen-dining area,
3 living room and bedroom. We know that. We know it
4 separated -- a separate room was -- was -- was there
5 and it was separated by a door that was normally
6 locked. We know from the videos that they were
7 videoed in intimate settings while they were staying
8 at the cottage. I just -- it's just -- just awful.
9 It's just awful. It's un-Christian. It's just wrong.
10 And I am, on behalf of Josee, it's -- it's -- it's
11 just awful. The fact, however, is that there's no
12 evidence that those videos have been seen by anybody
13 before Catherine Thomas show them to Christine Neuhaus
14 23 years after they left the cottage. There is no
15 evidence that videos were ever posted on the Internet
16 that would have -- in a manner that would allow access
17 to the users of the Internet. Now, you heard the
18 testimony. You heard the mention of the Dropbox. If
19 you heard that that Dropbox contained videos, that
20 will be your finding. That's not my recollection.

21 We know Heather Crespo testified that she never
22 saw a camera recording device. She's testified that
23 she saw computer equipment in the room that was
24 described as an office. She did not testify that any
25 of the electronic devices or computers were connected

JURY TRIAL, VOL. 6

1 to a camera or a recording device. Why is that
2 important? Because even if Josee Riviere had gone
3 into that room, she's going to see what Heather Crespo
4 saw, and Heather Crespo did not say anything, as I
5 recall, about a camera or about anything that could be
6 a recording device. That's what Heather Crespo told
7 us. And, God knows, I'm so sorry for her. See, I'm
8 just really so sad.

9 Now, and also, I -- I would like you to bear in
10 mind that one of the things that the plaintiffs'
11 lawyers said right from the start was that this camera
12 was lurking in the dark. Well, if it's lurking in the
13 dark and not visible, how would you expect Josee
14 Riviere, who is not even going in the cottage, to know
15 it's there? However, we have to face this very simple
16 fact. If the evidence convinces you that the camera
17 was visible when Heather and Gabriel lived in the
18 cottage, then, under the law, the statute of
19 limitations bars the claim. Mr. McCulloch spoke to
20 that at length, so I won't -- I won't bear on that any
21 further.

22 But you can't have it both ways. You can't say
23 Josee Riviere should have known the camera was there
24 and still say, oh, well, we didn't know. We're living
25 there every day, we don't see a camera, we don't know

JURY TRIAL, VOL. 6

1 a camera is there lurking in the dark and then say but
2 Josee Riviere should know it. She's out there riding
3 the horse in the open field. By some telepathic
4 means. I feel like I'm talking about Gene Autry in
5 the X-ray Riders. I don't know whether you all
6 remember that, but I'm probably too -- I'm probably
7 too old for you all. How do you get from that to
8 that? You -- you just -- it's just -- if it seems to
9 to be a stretch, a stretch beyond reason, then it is a
10 stretch beyond reason.

11 We know that Josee was there when Gabriel
12 visited the cottage and agreed to the terms laid out
13 by Rhett. There's no evidence that she was involved
14 in the negotiations. As I recall it, Rhett explained
15 what they would be able to do on the property, and
16 then he left. My recollection is that Josee stayed
17 and socialized with Gabriel, who then signed the lease
18 and gave her a check for 3 months rent.

19 Now, let's get back into the real word world.
20 Let's get back into the real world. Does that sound
21 to you like something that she should be held liable
22 for because she's acting as a real estate agent? Her
23 husband has a cottage that he rents, and she picks up
24 a lease and a check, and now she's a real estate
25 agent? I mean, I love a good -- I love a good yarn.

JURY TRIAL, VOL. 6

1 In fact, I wrote a book, you know, fiction. I know a
2 little bit about fiction. But even when you write a
3 book, you've got to ask yourself the question, will
4 that actually work in the real world, is that really
5 what happens? And if it doesn't sound like what you
6 know to be the way the world works, as the plaintiffs'
7 lawyer said, use your common sense. Use your common
8 sense.

9 I say to you, Josee Riviere is a sweet girl.
10 She's just like what they said she was, their
11 witnesses. They put them on the stand. They vouched
12 for her. That's the rule. They didn't cross-examine
13 her. As a matter fact, when Josee Riviere testified,
14 it is my recollection, after I finished, I had gone
15 through quite a number of things with her. As a
16 matter fact, I did so much with her, I didn't have to
17 put her on the stand on our side of the case. They
18 didn't cross-examine her. They didn't challenge her.

19 You're entitled to infer when things happen or
20 don't happen. You're entitled to infer from that.
21 But you're also entitled to take that evidence if, in
22 fact, I am right, and if they did not challenge her,
23 if they did not cross-examine her, then you are
24 entitled to take that evidence more seriously, because
25 that's what you do in the real world. Somebody --

JURY TRIAL, VOL. 6

1 even in a group, somebody makes a statement. If you
2 think it's not right, you're going to say wait a
3 minute, hold on, that didn't happen here. Why? Could
4 it be that Deidre Vaillancourt is right, that Suzy
5 Haslup is right, that Dacre Stoker is right, that
6 she's is an honest person? Smart lawyers don't cross
7 truthful people. No. And they did not cross-examine
8 Josee Riviere.

9 I don't really know why they put her on the
10 stand. I really don't. There was not one thing Josee
11 Riviere said that helped their case. Not one thing.
12 But they put her on the stand. Oh, and by the way,
13 what -- I'm just amazed. Gina Salatino was -- was --
14 was -- was -- was contacted because they named her on
15 the witness list. And now, they say they're surprised
16 at what she's going to say. What the heck? Who puts
17 a name on a witness list that you haven't talked to?

18 THE COURT: Mr. Harte, let's refrain from
19 talking about other --

20 MR. HARTE: Thank you, Your Honor.

21 THE COURT: -- attorneys' cases.

22 MR. HARTE: No, it's just important, Your Honor,
23 but I'll move on.

24 THE COURT: Thank you.

25 MR. HARTE: Thank you, Your Honor. There's no

JURY TRIAL, VOL. 6

1 evidence that Josee was part of any business
2 enterprise; nothing to do the property, nothing do
3 with the cottage. She didn't say -- where -- where
4 are the people that came and testified that said she
5 sought us out to try to rent the properties to us?
6 Where are the tenants that say I rented this other
7 property because Josee Riviere brought us in here?
8 Where are the people, the real estate agents, we were
9 told to deal with Josee Riviere? They aren't here
10 because they don't exist. But they would have you to
11 believe that she's in a business enterprise. Is it
12 reasonable? Use what you and I know, growing up,
13 right here, is common sense.

14 We know what a real estate agent is. We don't
15 have to be told by some expert. And I can tell you, a
16 wife picking up a check and handing a lease, hmm. No
17 evidence that she sought tenants, no evidence she
18 worked on the property, no evidence that she had any
19 connection with the other rental properties. Now,
20 watch this one. There are no tax returns showing that
21 she received income from those properties, and no tax
22 returns showing that she received any benefits. You
23 know you own a property, you know you're involved in a
24 business enterprise, you know what you get to do? You
25 get to take depreciation. It reduces your taxes. No

JURY TRIAL, VOL. 6

1 evidence of any of that. This is important stuff,
2 because you can look at what was --

3 MS. BARBIER: Objection, Your Honor.

4 MR. HARTE: -- I'll move on, Your Honor.

5 THE COURT: Thank you, sir.

6 MR. HARTE: I don't want you to be afraid to
7 make your judgment on the facts. The fact that the
8 lawyers who are asking you to give \$36 million --

9 THE COURT: Mr. Harte, let's refrain from
10 referring to lawyers. This is a case brought by the
11 Crespos against your client.

12 MR. HARTE: Your Honor, I thank you, Your Honor.

13 THE COURT: That's what you need to concentrate
14 on.

15 MR. HARTE: I will move on. SLED conducted an
16 investigation. They didn't issue a search warrant
17 for Josee Riviere. I suggest to you that you can
18 infer from that that there was no reason to do that.
19 I don't know of any evidence that I heard that
20 actually connected Josee to these videos. I don't
21 know anybody who said I saw her handling the Sim
22 cards or the SD cards. I don't know of anybody that
23 said I saw her with a computer that had those videos
24 on them. That's -- you know, that's really very
25 important. The videos that they seized were not on

JURY TRIAL, VOL. 6

1 any computers used by Josee Riviere. If there were
2 -- if that had happened, you would have heard it from
3 that stand by those experts. They had some really
4 powerful experts. Look at this. Find all these
5 videos. If there had been any evidence that Josee
6 Riviere had those videos on her computer, you would
7 have heard it. What did you hear when it came to
8 Josee Riviere? This is what you heard. You don't
9 get a verdict from silence, not in the United States,
10 not in the State of South Carolina, and not in Aiken
11 County, I hope.

12 If you believe the witnesses who told you that
13 Josee is a truthful person and you, yourself, believe
14 her to be truthful, and the evidence weighs in her
15 favor, then the plaintiff will have failed to prove
16 their case against Josee and she's to a verdict in her
17 favor. I just want to look at one thing.

18 Be careful of lawyers who use the word "they"
19 when, in fact, the facts do not place "they" in the
20 picture. They said that we wanted to ignore the
21 facts. No, not at all. I want you to look at the
22 facts, the facts, like Jack Webb in Dragnet used to
23 say. Just the facts, ma'am. I'm not afraid of the
24 facts. Josee is not afraid of the facts. Josee is
25 not afraid of the truth. I am afraid of

JURY TRIAL, VOL. 6

1 mischaracterizations of the truth. They said that the
2 defendants said Gabriel and Heather should have
3 investigated something. I didn't say that. I didn't
4 say that. I will say this. If you find something
5 that's suspicious, okay, maybe you might --
6 Mr. McCulloch covered all that. An attorney is
7 allowed a lot of freedom in making an argument to the
8 jury, but juries don't have that freedom. Lawyers can
9 speculate, juries can't. One other thing about that.
10 What the plaintiffs' attorneys are trying to do is to
11 get you to shift the burden to Josee. That's not the
12 way it works.

13 THE COURT: Mr. Harte --

14 MR. HARTE: The burden remains on the plaintiffs
15 throughout.

16 THE COURT: -- thank you.

17 MR. HARTE: Once a case is filed, litigants
18 don't talk to each other, so this -- you can't do
19 that. You just can't do it. When -- when they --
20 when they say she should have -- she should have
21 apologized over the last 2 years, I don't know -- I
22 don't know whether any of you watch the Beverly Hills
23 Housewives and Erica Jane and how she was forced to
24 refuse to answer questions that they wanted her --
25 they wanted her to say, well, I'm sorry for what my

JURY TRIAL, VOL. 6

1 husband did. Now, how about that one? Same thing.
2 Same thing. The first time Josee Riviere could say I
3 wish this hadn't happened to you was here. Once this
4 case was filed, that's the way it is and always will
5 be. I -- I -- I really find it very difficult,
6 because the way Josee was characterized is not
7 supported by the evidence I heard, and you need to
8 decide for yourself whether I'm right or not. And
9 when you see something like that happen, you've got
10 to say why.

11 I'll tell you. Here's -- here's what happens.
12 In closing, you hear a statement that is not
13 consistent with the facts. The Judge tells you you've
14 got to apply the law as she gives it to you and you've
15 got to find the facts as you believe them to be. But
16 there's that statement that was made before you. It
17 doesn't -- doesn't comply with the facts. It's like a
18 pink polar bear. I'll bet you a lot of you have never
19 taught -- never thought about a pink polar bear. But
20 I'll guarantee you some of you are thinking about him
21 now. Maybe there are two or three of them, they'll be
22 on an iceberg. I can tell you, listen, you can't --
23 you must not, from this moment forward, you must not
24 think about that pink polar bear. Well, that's what
25 you get, a room full of pink polar bears.

JURY TRIAL, VOL. 6

1 Look, don't hold Josee responsible for what I
2 did. And I don't hold Gabriel responsible for what
3 I've seen done to Josee. Gabriel Crespo is a brave,
4 honest man. He is a good man and a good father, and I
5 said that when I started with this case, and I say it
6 again. Here's what stands out for me about Gabriel, a
7 couple of things. First of all, I -- I -- I
8 understand, I do understand why he chose not to be
9 John Doe. It really struck me straightaway. It's the
10 answer a gentleman would give: I'm not John Doe. I
11 don't criticize him one bit for standing up as he did.
12 I wish he hadn't had to do it. I'd give anything.
13 Josee would give anything. Here's the other thing I
14 really admire about him. One of the two questions I
15 asked him was --

16 THE COURT: Mr. Harte, let's move on from your
17 personal opinion on the case, please.

18 MR. HARTE: -- I'm not going ask a personal
19 opinion.

20 THE COURT: Well, when you say --

21 MR. HARTE: Thank you, Your Honor.

22 THE COURT: -- that "I admire," I think that
23 does inject your personal opinion.

24 MR. HARTE: I apologize, Your Honor. I won't
25 retract it --

JURY TRIAL, VOL. 6

1 THE COURT: Thank you. Let's --

2 MR. HARTE: -- but I will apologize for it.

3 THE COURT: -- I understand. Let's restrict it
4 to the evidence and your argument on the evidence --

5 MR. HARTE: Thank you, Your Honor. And I
6 appreciate --

7 THE COURT: -- as the jury finds it.

8 MR. HARTE: -- you calling my attention to that.
9 I will try.

10 THE COURT: Thank you, sir.

11 MR. HARTE: It is -- I'm not -- you know, I am
12 who I am. Incidentally, I wore my Alabama tie today
13 just -- just because. They didn't play yesterday, so
14 we're safe. I don't know about that new coach.
15 We're going to find out. They're not going let me
16 tell you about the fact I went to school with Joe
17 Namath and all that stuff, but you know, it doesn't
18 have anything to do this case.

19 Let me tell you what I admire the absolute most
20 about -- well, let me say it differently.

21 THE COURT: Thank you, sir.

22 MR. HARTE: I will -- I would add -- I would --
23 I would suggest to you that it is admirable when a
24 man does this: "Mr. Crespo, do you have any reason
25 to believe that Josee was involved with those

JURY TRIAL, VOL. 6

1 videos?" "No." No. That pretty much says it all.
2 A good man who's been badly hurt, but I say to you,
3 not by Josee Riviere.

4 Before I leave, I want to -- I want to tell you
5 a very short story. It's sort of about what happens
6 when the responsibility of a case transferred to the
7 jury. This is a story of a wise old man and a
8 smart-aleck young boy who wanted to show up the wise
9 man as a fool. So one day, the boy caught a small
10 bird in the forest. The boy had a plan. He brought
11 the bird, cupped between his hands, and said to the
12 old man "What do I have in my hands?" The wise old
13 man said, "You have a bird." And he says, "Is the
14 bird alive or dead?" And his plan is that if the old
15 man says the bird is dead, he's going to open his
16 hands and the bird will fly away and the old man will
17 be wrong. If the old man says the bird is alive, he's
18 going to crush the bird, crush the life out of the
19 bird. The old man says "The bird, the fate of the
20 bird, is in your hands."

21 Josee Riviere's fate is in your hands. I thank
22 you so much for what you are doing, and I am so sorry
23 about what you had to see. People who stand in the
24 dock always require them to say how do you plead, and
25 they plead and they say what -- what do you seek?

JURY TRIAL, VOL. 6

1 Just -- a just deliverance, a just deliverance. Thank
2 you. Thank you, Your Honor.

3 THE COURT: Thank you, Mr. Harte. Ms. Barbier,
4 I just want to make you aware it's 5:35.

5 MS. BARBIER: I'm going to be very, very brief,
6 Your Honor.

7 THE COURT: Thank you, ma'am.

8 MS. BARBIER: Ladies and gentlemen, they are
9 called hidden cameras because they are hidden. Ms.
10 Salatino was listed as a witness by the plaintiffs
11 because she and her husband referred the Crespos to
12 the Rivières to rent this property. We're here to
13 bring you the facts and the truth. There's no
14 testimony -- in fact, Heather Crespo, she's not --
15 she's not Heather Crespo's BFF, as Mr. McCulloch
16 said. In fact, Heather testified they're not
17 friends, and Heather's testimony is very clear. She
18 didn't see any hole in the wall, she didn't see a
19 hidden camera, she didn't discuss a hole in the wall
20 with Gina Salatino and, therefore, she didn't discuss
21 a hidden camera or a hole in the wall with Gabriel.
22 The reason they are called hidden cameras is because
23 they are not disclosed.

24 Gina Salatino gives an affidavit in this case.
25 But I -- I put that affidavit in evidence. You'll

JURY TRIAL, VOL. 6

1 remember that, because I want you to read it. She
2 says in that affidavit that she saw a camera behind
3 the wall. And then, she takes her deposition and I
4 pointed out to her four separate instances in her
5 deposition when she was under oath when she said --
6 she -- she said she didn't see a camera. She didn't
7 see a camera, she didn't know anybody was being
8 videotaped. If she had known somebody was being
9 videotaped, she would have gone to the police. Her
10 story regarding this hole in the wall doesn't even
11 match the evidence. Look at the evidence. It doesn't
12 make any sense. It doesn't make any sense. The
13 camera is on the opposite side of the law that she
14 describes this hole being in. So what she says
15 doesn't even match the evidence, it doesn't match the
16 videos.

17 And Mr. McCulloch talked about what a reasonable
18 person would do. No reasonable person in the year
19 2001 is assuming that there is a hidden camera in
20 their bathroom, let alone 2022. No one is looking for
21 a camera in their bathroom. Heather was -- she told
22 you, she was upset because the door that had been
23 locked every day was open, and she wondered if someone
24 had been in her apartment. The first person she saw
25 after that was Gina Salatino, who she went down to the

JURY TRIAL, VOL. 6

1 stalls to -- to tend to her horse and she said this is
2 weird, do you want to come -- come look at this, come
3 look at this door that was open. And then, they see
4 this computer equipment. She doesn't see hidden
5 camera. She doesn't know she's been videotaped.

6 And ask yourself, do the other people in those
7 videos in that bathroom, do they look like they know
8 that they're being recorded? Are they to blame too?
9 Should they have investigated Mr. Riviere? This is
10 what I call Mr. Riviere's you-should-have-caught-me
11 defense. You should have caught me. I was
12 videotaping you, you should have figured it out. But
13 you know what? No one figured it out until the year
14 2019, when those videos were found by SLED, and no one
15 figured out that Heather and Gabriel had been
16 videotaped until July 15th of 2022. And that's when
17 those videos were discovered, and that's when their
18 lives were shattered.

19 And he says he's not blaming the Crespos? Sure
20 they are. Sure they are. That's exactly what they're
21 doing; blame the victim. They should have found the
22 camera. Mr. McCulloch says there's no physical
23 manifestations of any, you know, physical problems.
24 Gabriel testified his stomach was in knots. Heather
25 testified about a panic attack, about vomiting. They

JURY TRIAL, VOL. 6

1 both sobbed on that witness stand. Those are physical
2 manifestations of stress, severe emotional distress.
3 They -- they testified they lost sleep. You heard the
4 therapists. You heard what they said.

5 This man was humiliated in his community.
6 Heather Crespo was humiliated in her community.
7 Mr. McCulloch says if you don't continue therapy, then
8 -- then you don't have -- must -- nothing must be
9 wrong with you. Use your common sense and your life
10 experiences. Use what your common sense to know
11 that's not always the case. That's just not always
12 the case. You heard that from the therapists.
13 Mr. McCulloch says it's a terrible shame they have to
14 be here, it's a terrible shame. Guess what? They
15 didn't have to be here. They're here because of them.
16 That's why they're here. This didn't have to happen.
17 This is based on the actions of those two people. He
18 stands up and tells you in his closing statement that
19 there's no evidence these videos are on Tumblr. How
20 do we know that? How do we know that? His client
21 didn't testify to that. His client took the Fifth
22 Amendment.

23 You've got to go back in the jury room and
24 you've got to use your common sense and you've got to
25 use your life experiences, and then -- and you need to

JURY TRIAL, VOL. 6

1 determine whether the thoughts and the unanswered
2 questions that Heather and Gabriel have are realistic.

3 Mr. Harte tells you -- he talked -- it was
4 interesting. He talks about duty and honor. Have you
5 seen any display of duty and honor by Rhett Riviere
6 and Josee Riviere? Have you seen that in this
7 courtroom over the last week? And these are
8 Mr. Harte's words. He says that the evidence in this
9 case is shocking, outrageous, and horrendous. And
10 that's -- that's really -- other than the fact that he
11 complements Mr. Crespo, that -- that's really the -- I
12 -- I can think of the most -- I think the most
13 agreeable I am with him. The evidence is shocking, it
14 is outrageous, and it is horrendous. And you know
15 what? If you are the subject of that evidence, if you
16 are the subject of that video, Heather and Gabriel, it
17 is even more shocking and more outrageous and more
18 horrendous. And I can tell you what, there is nobody
19 who is more shocked and more outraged and who feels
20 more horrendous than Heather and Gabriel.

21 THE COURT: Ladies and gentlemen of the jury,
22 there is another part. I have to give you the law on
23 this, and that will be quite lengthy, and we will not
24 stay this evening in order to to do that. Okay? I
25 ask that you be back here at 9:30 in the morning and

JURY TRIAL, VOL. 6

1 we will proceed at that time. Thank you. Please do
2 not discuss this with anyone, do not read anything
3 about it online or in a newspaper. If you hear it on
4 the radio, cut off the radio. Do not talk to your
5 friends, family, or anyone else. Do not post
6 anything yourself about this on any sort of forum.
7 Do not go looking for additional evidence. All
8 evidence and testimony has been presented in this
9 case. Thank you very much.

10 (The jury exited the courtroom.)

11 THE COURT: Anything you all want to take up
12 now? We can come back at 9:00 in the morning.

13 MR. GRIFFIN: 9:00 in the morning sounds great
14 to me.

15 THE COURT: Thank you.

16 MR. FEW: That's the first consensus we've had
17 in 6 days, Your Honor.

18 THE COURT: No, I think we've had another one.
19 I can't recall it.

20 (The proceedings were adjourned
21 until 9:00 a.m. September 24,
22 2024.)
23
24
25

1 CERTIFICATE OF TRANSCRIBER

2
3 I, Sandra J. Early, a court-approved
4 transcriber, do hereby certify that I transcribed the
5 electronic recording of the foregoing proceedings in
6 Docket Nos. 2022-CP-02-2323 and 2022-CP-02-2324 held
7 on September 23, 2024, before the Honorable Martha
8 Rivers, and that said transcript is true and correct,
9 all to the best of my knowledge and ability.

10 I further certify that I am not related to nor
11 the employee of any of the parties hereto, nor
12 related to or employed by any attorney or counsel
13 employed by the parties hereto, nor interested in the
14 outcome of this action.

15
16
17 January 10, 2025

18 *Sandra J. Early*
19

20 Sandra J. Early

21 Transcriber
22
23
24
25

BY MR. GRIFFIN: [3] 65/23 88/11 89/22 BY MR. HARTE: [5] 90/7 92/6 92/17 93/1 94/1 BY MS. BARBIER: [6] 71/12 72/10 73/6 73/24 83/11 96/11 MR. FEW: [56] 15/8 15/12 15/14 15/18 17/19 19/15 20/3 21/18 21/23 22/19 23/5 23/17 23/22 23/25 26/17 27/17 27/21 28/5 29/3 32/22 33/6 36/24 37/8 38/4 39/8 51/25 53/8 53/23 54/3 54/6 54/12 54/18 54/21 127/3 127/7 127/21 127/24 130/16 131/2 131/22 131/24 132/21 133/14 134/2 134/9 134/13 134/23 135/1 135/16 136/2 139/22 142/1 146/1 155/2 155/4 273/16 MR. GRIFFIN: [67] 5/4 5/6 5/18 7/4 11/3 11/5 23/13 25/23 26/14 32/1 32/4 32/7 32/13 39/12 42/24 43/5 43/19 43/23 44/9 44/11 44/22 45/6 59/22 59/25 61/2 62/13 65/8 70/19 71/19 72/4 83/9 88/9 89/21 90/18 90/22 91/7 102/4 103/23 103/25 104/18 125/17 126/3 126/13 129/2 129/24 135/21 136/5 137/15 138/9 138/14 139/13 141/10 141/15 141/21 142/6 142/15 143/17 144/12 144/15 144/22 144/25 145/3 145/14 146/16 147/1 147/4 273/13 MR. HARTE: [109] 32/16 32/19 46/25 56/6 56/8 56/10 57/6 57/12 62/18 62/21 63/4 70/22 72/25 73/5 73/21 90/4 90/15 90/25 91/11 91/15 91/17 92/16 92/24 95/2 95/22 96/5 97/15 98/20 98/22 98/25 99/6 100/3 105/8 109/9 109/16 110/5 110/12 110/15 110/18 117/20 123/3 123/11 124/2 124/10 149/8 149/15 149/18 149/20 150/5 151/4 151/13 151/17 152/2 152/23 153/8 153/13 153/16 153/21 154/8 154/11 154/18 170/13 197/8 197/18 198/18 199/6 202/5 202/24 203/3 203/8 203/11 203/17 203/21 204/2 204/13 236/7 236/10 236/16 236/18 236/21 237/8 244/5 244/7 246/22 246/25 247/3 247/6 249/13 253/1 253/3 254/19 254/21 259/20 259/22 259/25 261/4 261/6 261/12 261/15 263/14 263/17 265/18 265/21 265/24 266/2 266/5 266/8 266/11 266/22 MR. MCCULLOCH: [53] 63/17 64/2 64/4 64/12 98/17 106/17 106/23 108/5 112/12 112/22 114/12 114/16 115/12 116/11 116/24 117/7 117/22 118/14 119/25 120/4 120/7 120/10 122/6 122/11 122/19 123/1 124/11 124/18 125/6 126/2 155/12 155/17 155/24 156/3 156/7 156/11 163/24 164/7 181/15 181/23 192/4 192/10 192/16 192/25 194/22 195/7 196/23 201/8 201/16 201/18 202/2 202/4 204/21 MS. BARBIER: [70] 59/20 59/24 60/5 60/9 61/11 61/21 62/1 63/6 63/9 63/12 70/24 71/10 71/15 71/23 72/2 72/7 72/9 88/6 89/20 90/19 92/13 92/21 94/23 95/17 95/20 105/18 105/24 106/7 107/1 107/11 107/15 108/2 108/7 108/10 109/13 112/3 115/24 117/25 118/11 118/23 119/10 119/13 121/18 121/25 125/3 125/5 127/25 128/11 128/19 129/7 135/2 135/12 135/14 156/17 157/11 164/3 164/8 170/19 170/22 170/25	181/21 181/24 192/18 193/3 203/19 246/20 252/23 261/3 268/5 268/8 THE BAILIFF: [3] 65/10 91/14 92/14 THE CLERK: [4] 65/12 65/15 91/19 91/22 THE COURT: [331] THE DIGITAL REPORTER: [1] 59/16 THE LAW CLERK: [1] 99/12 THE WITNESS: [8] 65/18 73/1 91/25 93/23 96/8 97/16 98/8 99/4 UNIDENTIFIED SPEAKER: [1] 125/8 \$ \$1,000 [6] 104/14 104/19 105/5 129/5 129/19 188/7 \$1,200 [2] 12/1 230/10 \$1,700 [2] 230/10 233/4 \$1,900 [6] 124/21 133/3 180/7 230/5 230/11 233/4 \$1,920 [2] 133/3 180/3 \$125 [6] 124/20 133/3 180/4 226/21 229/7 233/3 \$17 [1] 118/20 \$19 [1] 118/19 \$2,200 [1] 124/24 \$2,400 [9] 11/24 12/14 37/11 37/21 46/13 124/23 133/3 180/5 233/5 \$200 [1] 233/4 \$36 [1] 261/8 \$36 million [1] 261/8 \$800 [1] 180/6 ' '11 [1] 20/20 '12 [1] 20/20 '86 [2] 66/6 66/7 '91 [2] 67/10 67/11 'in [1] 148/16 'Riviere [1] 150/25 'til [2] 94/20 200/24 - --you [1] 12/8 0 0005 [2] 2/23 3/5 0755 [1] 3/10 0800 [1] 2/19 1 1 to [1] 187/2 1,700 [1] 231/13 10 [6] 22/14 26/24 131/12 169/1 224/3 274/17 10-minute [1] 59/3 10-year [1] 77/3 1032 [1] 2/5 104 [1] 200/11 10th [2] 94/4 131/15 10th of [1] 131/20 11,315 [1] 187/22 115 [1] 15/20 115-3rd Avenue [1] 38/15 11623 [2] 2/22 3/4 12 [10] 66/20 94/20 159/9 159/20 160/25 165/3 167/4 208/9 213/17 224/4 129 [1] 6/2 12:00 [1] 123/20 12:00-ish [1] 99/12 12:30 [3] 123/20 123/21 125/15	13 [1] 94/20 133 [1] 64/17 1373 [1] 1/24 14 [1] 208/10 15 [3] 84/11 94/7 171/24 15-32-520 [2] 127/9 146/1 15th [2] 160/16 186/14 15th of [2] 187/3 270/16 167 [1] 104/3 17 [1] 234/3 17 million [1] 232/13 17,975 [1] 188/11 1700 [1] 125/1 18 [4] 80/19 88/18 88/19 245/8 1811 [1] 2/4 1889 [1] 218/22 19 [4] 77/8 137/11 232/12 234/3 19,800 [1] 188/4 1920 [1] 209/3 1960 [1] 104/3 1968 [1] 24/7 1970s [1] 238/23 1981 [1] 67/6 1999 [4] 50/24 165/2 170/10 247/18 19th of [1] 131/12 1:00 [1] 125/16 2 2,400 [1] 38/4 20 [16] 74/20 77/9 77/9 80/20 88/22 124/24 132/23 135/18 135/22 135/24 136/2 209/7 227/3 230/7 230/12 234/5 20-plus [1] 210/21 2000 [14] 16/23 51/2 51/3 77/5 170/11 170/12 177/24 197/20 197/22 201/13 201/15 247/18 247/21 251/19 2000s [2] 76/25 77/13 2001 [21] 13/5 13/6 14/17 14/18 39/20 39/20 39/21 40/2 41/21 86/5 171/5 171/17 186/21 187/1 187/2 187/3 209/7 215/15 215/16 224/14 269/19 2008 [1] 197/23 2010 [8] 20/5 20/15 20/20 39/18 40/12 77/1 77/5 77/14 2011 [2] 251/20 251/21 2012 [1] 251/20 2019 [9] 19/19 21/8 22/6 38/14 38/21 131/12 131/20 166/7 270/14 2020 [3] 20/5 23/3 38/14 2021 [1] 248/1 2022 [15] 16/16 72/13 72/16 131/15 160/16 171/2 171/4 172/12 186/14 187/3 224/14 230/14 231/12 269/20 270/16 2022-CP-02-2323 [2] 1/2 274/6 2022-CP-02-2324 [2] 1/2 274/6 2023 [1] 169/5 2024 [4] 1/17 231/13 273/22 274/7 2025 [1] 274/17 21 [9] 88/16 130/18 132/23 135/18 135/22 135/24 136/2 136/3 136/3 22 [4] 131/2 131/3 132/23 136/2 226-0755 [1] 3/10 23 [12] 1/17 4/11 71/9 71/15 71/16 91/3 131/2 162/20 211/10 248/20 255/14 274/7 2323 [2] 1/2 274/6 2324 [2] 1/2 274/6 237 [1] 104/2 23rd [1] 186/15 24 [3] 84/16 188/18 273/21

2	78 [1] 238/20	acknowledge [1] 119/3
25 [5] 84/1 84/3 132/1 132/3 135/18	8	acknowledged [3] 180/14 183/24 191/6
25-year-old [1] 203/14	801 [2] 186/15 186/15	across [2] 143/25 187/6
26.52 [1] 187/20	803 [5] 2/5 2/19 2/23 3/5 3/10	act [12] 38/3 43/21 52/5 105/13 114/3
268 [2] 148/12 148/23	864 [2] 2/9 2/13	139/4 139/7 165/15 179/12 220/11 222/9
29 [1] 84/1	864-467-1373 [1] 1/24	226/4
29201 [1] 2/4	88/90 [1] 4/6	acting [2] 53/20 257/22
29202 [1] 2/18	9	action [42] 5/11 6/3 21/17 26/13 28/2
29211 [2] 2/22 3/5	9,490 [1] 187/23	53/3 53/16 53/17 54/2 122/9 126/8
29601 [1] 2/8	90 [2] 4/6 48/22	126/19 126/23 131/15 132/9 141/12
29604 [1] 2/12	91 [1] 4/11	141/12 143/11 143/13 143/20 144/4
29606 [1] 1/23	92 [4] 4/7 59/18 59/18 64/18	148/16 149/11 177/19 206/15 206/22
29804 [1] 3/9	9398 [1] 2/12	206/24 208/16 214/5 214/6 218/14
2:00 [1] 154/22	96 [1] 4/7	219/18 219/25 221/2 221/7 222/4 222/15
3	999 [1] 2/18	225/8 226/24 232/1 245/17 274/14
30 [1] 163/18	9:00 [3] 273/12 273/13 273/21	actions [3] 176/3 209/12 271/17
30-minute [1] 123/23	9:09 [1] 1/17	active [1] 238/23
302 [1] 11/14	9:30 [1] 272/25	activities [2] 147/15 243/22
30th [1] 187/1	A	activity [1] 107/19
31.7 [1] 187/19	a.m [2] 1/17 273/21	acts [9] 29/18 29/18 29/19 114/19
32 [1] 131/8	aback [1] 87/6	179/14 179/19 179/22 179/23 219/20
38 [1] 131/3	abandon [1] 246/8	actual [14] 12/22 16/5 48/9 52/6 111/8
39-5140 [1] 12/11	abhors [1] 199/7	121/13 137/6 138/17 138/19 139/9 141/3
39-520 [1] 139/8	ability [11] 33/15 60/22 60/22 120/16	147/17 225/20 228/19
3rd Avenue [6] 15/20 22/24 22/25 40/6	147/13 189/9 203/12 252/16 253/7	actually [39] 5/18 11/19 20/17 24/25
40/8 40/8	253/17 274/9	47/21 48/10 48/11 48/13 48/17 48/18
4	able [14] 10/5 24/19 30/12 93/8 109/6	52/8 72/15 73/9 73/17 73/25 74/6 74/13
40 [6] 73/18 74/1 74/16 78/4 78/12	119/22 123/19 125/24 129/22 153/8	75/19 75/22 76/1 80/3 94/19 100/8 103/9
217/20	155/14 204/18 247/23 257/15	107/7 131/12 132/24 134/24 142/20
40-57-10 [1] 26/24	about [318]	166/17 166/20 208/10 218/24 238/21
40-year [1] 85/23	above [2] 129/19 163/6	243/13 243/18 245/22 258/4 261/20
405 [1] 6/2	absent [2] 62/3 148/13	add [4] 188/2 223/15 233/12 266/22
416 [1] 2/8	absolute [1] 266/19	added [2] 38/20 129/9
418 [1] 11/14	absolutely [15] 34/25 64/6 95/5 95/11	adding [1] 171/20
43 [1] 87/3	95/14 104/19 107/11 135/12 135/14	addition [2] 28/6 93/14
439 [1] 200/11	142/1 165/10 196/6 209/14 210/12	additional [3] 144/17 243/2 273/7
445-1032 [1] 2/5	212/12	address [12] 8/5 17/18 23/15 26/2 26/15
4:00 [3] 202/22 202/25 203/2	abundance [4] 20/14 22/7 52/9 63/18	33/2 51/24 56/22 106/24 114/15 143/6
4:30 [1] 106/18	abundantly [1] 27/8	191/21
4th of [1] 72/16	abuse [1] 104/13	addressed [4] 33/11 39/6 100/25 128/4
5	abused [1] 104/12	addresses [1] 137/11
51 [1] 187/18	acceptable [1] 206/11	adhere [2] 154/12 237/23
5140 [1] 12/11	accepted [2] 139/7 193/12	adjourned [1] 273/20
520 [3] 127/9 139/8 146/1	accepting [1] 164/24	adjusted [1] 248/4
527-5906 [1] 2/13	access [2] 99/21 255/16	adjusting [2] 164/23 165/17
53 [1] 187/19	accident [1] 6/17	admirable [1] 266/23
546 [2] 148/12 148/23	accompany [1] 148/20	admire [4] 254/2 265/14 265/22 266/19
5682 [1] 1/22	accomplishable [1] 122/12	admissible [2] 146/9 206/11
58 [2] 83/25 84/3	according [6] 79/8 85/22 167/19 181/9	admission [2] 71/17 216/20
5906 [1] 2/13	212/19 231/12	admissions [1] 29/11
5:35 [1] 268/4	account [7] 188/23 191/19 220/21 225/5	admits [1] 55/13
5:46 [1] 1/17	225/5 225/6 244/21	admitted [3] 4/10 91/4 122/20
6	accountability [4] 224/16 224/18 225/4	admitting [1] 29/21
63 [1] 84/24	225/14	adopt [1] 233/13
65 [1] 4/6	accountable [14] 55/5 162/2 171/9 191/2	adopted [1] 24/1
679-7777 [1] 2/9	193/5 193/8 193/10 193/14 193/17	adverse [19] 13/23 49/13 56/2 58/15
7	193/19 193/22 193/25 194/1 194/14	123/6 124/3 124/5 150/13 150/15 150/17
7,684 [1] 187/3	accountant [4] 224/24 230/23 232/9	151/11 151/21 152/7 164/18 178/2 217/2
71 [2] 4/6 4/11	252/4	217/3 217/7 218/8
7215 [1] 3/9	accountant's [1] 236/2	advice [3] 215/24 216/16 229/14
738th [1] 241/10	accountants [5] 224/25 225/3 225/13	advise [3] 105/10 153/21 226/11
744-0800 [1] 2/19	225/14 225/18	advised [2] 199/1 199/5
7684 [1] 187/4	accounts [3] 16/4 129/10 129/20	advisory [1] 140/1
7777 [1] 2/9	accurate [4] 25/7 25/7 50/20 119/20	advocate [1] 185/22
779-0005 [2] 2/23 3/5	accuse [1] 249/8	affairs [3] 131/8 175/6 243/22
	accused [2] 107/19 254/11	affect [7] 58/24 62/11 62/12 179/19
	accustomed [1] 248/17	184/19 215/15 215/16
		affected [3] 49/15 189/17 215/11
		affects [3] 61/4 152/14 215/3
		affidavit [30] 4/11 71/5 72/11 72/15

A		
affidavit... [26] 75/17 75/20 76/1 76/4 76/4 76/13 76/15 77/12 77/16 79/4 79/19 80/23 82/15 83/12 87/13 90/20 172/13 173/5 173/6 174/12 211/7 211/10 211/12 268/24 268/25 269/2	all [193] 5/5 5/11 8/19 11/10 11/12 14/24 15/10 16/4 16/7 16/22 19/5 19/20 22/2 23/8 23/14 23/23 24/11 30/15 32/17 32/17 33/4 33/6 34/12 35/24 37/12 38/7 39/1 39/10 42/1 42/16 42/17 46/17 46/20 46/22 50/13 52/19 53/14 54/22 56/10 58/24 59/17 60/9 61/15 63/14 63/24 64/13 65/5 70/19 72/5 75/7 75/12 78/11 87/6 90/2 90/15 91/1 93/14 94/11 96/1 97/8 97/22 99/16 101/15 102/10 103/7 104/24 105/18 106/23 107/4 107/12 109/1 110/19 110/20 111/18 111/23 117/11 119/7 119/12 120/22 121/4 122/14 122/23 123/1 123/14 123/21 125/6 125/11 125/12 125/21 127/15 128/17 129/14 130/3 130/8 133/15 133/17 136/24 137/5 139/20 141/3 141/10 142/9 142/10 142/12 145/24 147/19 149/15 153/13 153/21 154/8 154/8 154/20 154/21 154/25 156/18 157/2 158/9 159/20 161/7 161/14 161/16 162/5 168/6 168/9 172/20 173/17 175/12 175/24 178/9 178/14 181/1 182/6 184/19 185/16 186/2 188/2 188/13 191/15 195/2 195/22 195/22 195/25 197/6 198/10 199/2 202/2 202/6 202/15 203/16 204/10 204/11 205/25 206/20 208/15 209/16 210/2 213/4 213/17 215/4 216/5 216/16 217/4 219/1 219/11 219/12 219/24 222/7 223/2 223/4 224/12 225/22 229/17 232/24 233/11 235/8 235/15 236/19 240/20 244/14 250/13 250/17 250/20 257/5 257/7 262/4 262/21 263/6 265/7 266/17 267/1 273/7 273/11 274/9	alternatives [1] 46/15 although [1] 55/21 always [12] 87/19 121/21 128/11 139/17 168/19 172/2 200/16 237/25 264/4 267/24 271/11 271/11 am [37] 23/13 27/15 56/23 56/24 61/7 90/8 90/12 100/13 100/14 123/23 142/11 150/11 151/21 152/24 153/19 154/3 177/6 177/6 197/8 200/12 230/20 235/13 238/3 238/3 238/12 239/8 239/8 239/9 244/5 255/10 258/22 262/25 266/11 266/12 267/22 272/13 274/10 amateur [1] 96/18 amazed [1] 259/13 Amendment [44] 13/14 13/19 13/21 15/22 17/6 17/11 17/13 18/7 18/13 18/24 19/4 19/8 29/13 30/22 33/13 33/22 35/4 49/15 49/21 49/23 55/11 56/1 58/15 58/18 58/23 123/6 150/9 151/1 152/10 153/11 153/16 153/18 153/20 153/23 164/10 178/1 181/1 215/22 215/24 216/24 248/25 249/1 252/3 271/22 America [2] 16/9 241/25 among [1] 166/21 amount [9] 38/5 128/9 129/16 139/1 139/2 140/21 146/6 150/2 186/5 amounts [3] 129/18 133/2 180/1 analogizes [1] 30/17 analogous [2] 120/21 122/13 Andersen [1] 137/13 anger [1] 224/9 angle [1] 172/22 angry [1] 163/22 anguish [7] 24/3 141/16 182/21 183/5 190/11 190/15 228/24 another [28] 8/22 14/8 52/23 58/18 68/13 68/14 114/6 119/5 119/23 124/8 124/23 126/3 137/22 174/9 204/1 204/10 204/24 219/18 222/15 225/21 226/3 226/4 230/10 231/9 242/14 242/14 272/22 273/18 answer [33] 15/25 17/2 17/7 18/3 18/15 18/16 27/24 29/3 31/3 44/2 49/11 49/12 49/20 49/22 55/10 80/25 84/6 85/2 88/21 96/6 145/8 145/22 151/1 151/10 164/17 177/12 178/24 214/15 215/23 216/18 216/25 263/24 265/10 answered [7] 30/1 73/3 84/8 207/19 217/18 241/22 248/24 answering [1] 98/5 answers [2] 164/19 185/16 anticipate [1] 60/5 anticipation [1] 27/10 anxiety [4] 183/14 183/17 231/19 233/17 anxious [1] 160/6 any [158] 5/25 6/21 6/21 8/1 8/16 9/13 10/12 10/13 12/11 12/11 12/22 14/8 17/8 17/22 18/19 18/19 18/25 22/17 28/25 30/8 34/15 36/9 37/18 37/23 39/11 40/14 46/7 46/16 49/2 51/1 51/4 51/13 56/11 66/10 66/22 69/18 70/5 74/23 75/10 78/9 81/16 81/24 82/23 84/6 88/7 90/21 90/24 92/18 93/15 93/19 93/19 94/5 96/6 98/11 98/14 98/18 99/5 99/22 99/23 100/2 100/5 100/6 101/1 101/4 101/4 101/6 102/16 103/14 103/24 104/21 105/4 106/2 107/5 107/8 108/13 108/18 109/19 115/5 115/9 116/6 117/17 119/12 121/14 123/4 126/22 134/3 134/20 140/10 143/13 144/3 144/3 146/3 151/3 151/6
affiliated [1] 7/16 affirmative [2] 208/2 208/3 afield [1] 44/18 afraid [7] 132/14 176/18 261/6 262/23 262/24 262/25 262/25 after [36] 9/7 9/11 50/25 63/20 83/13 89/24 105/14 106/24 113/2 130/8 130/12 146/23 154/21 157/9 177/9 177/11 183/6 188/21 191/17 191/17 196/16 198/16 205/19 207/5 210/25 211/5 215/10 226/19 232/18 233/21 245/8 246/13 250/23 255/14 258/14 269/25 afternoon [2] 157/12 206/20 again [63] 10/7 11/22 12/7 12/13 14/10 29/17 30/2 30/7 34/21 35/5 41/13 42/17 50/2 56/18 56/19 57/13 63/13 64/7 82/7 90/11 95/11 115/2 122/8 125/14 127/16 128/18 145/24 146/23 147/19 148/24 150/10 153/25 154/25 156/22 161/9 172/24 174/19 176/7 177/16 178/24 179/4 181/15 183/10 188/12 192/4 195/9 196/18 199/8 199/8 199/8 199/14 226/7 229/20 233/21 235/15 239/18 240/12 241/21 244/15 244/15 247/21 249/15 265/6 against [43] 7/6 13/24 25/25 26/5 26/10 33/9 49/24 50/1 55/8 61/8 100/7 105/11 129/11 137/22 149/25 150/13 150/19 153/3 153/12 175/1 175/15 177/20 189/15 192/1 206/25 206/25 206/25 216/19 216/20 216/21 217/18 218/11 231/24 232/1 232/5 238/6 238/7 240/15 245/10 245/19 253/10 261/11 262/16 age [3] 94/20 187/15 187/18 agencies [1] 195/24 agency [1] 196/7 agent [9] 53/20 101/8 171/10 178/21 197/21 251/16 257/22 257/25 260/14 agents [7] 7/11 7/24 21/1 21/1 178/17 251/13 260/8 ago [9] 20/23 77/9 166/8 168/25 205/7 205/11 209/7 223/8 247/1 agree [8] 53/23 57/18 84/21 85/4 85/7 85/11 140/3 239/11 agreeable [1] 272/13 agreed [1] 257/12 agreeing [1] 54/6 agreement [5] 20/5 20/8 21/25 22/4 22/14 ahead [4] 59/14 93/25 123/25 156/18 AIKEN [29] 1/2 3/9 60/14 66/2 66/3 66/5 66/6 66/8 66/12 66/18 73/13 74/18 74/18 78/19 78/24 88/3 96/21 108/25 117/18 157/17 159/21 166/25 170/10 194/9 238/19 239/7 247/17 253/21 262/10 ain't [2] 50/16 122/16 air [1] 105/6 Airbnb [2] 38/15 38/17 Alabama [1] 266/12 alcohol [4] 63/10 114/22 215/11 215/13 alcoholic [1] 60/20 aleck [1] 267/8 alerting [1] 105/16 alive [2] 267/14 267/17	allegation [2] 33/17 62/7 allegations [3] 60/16 60/25 245/14 allege [4] 30/9 33/19 36/15 120/19 alleged [4] 12/23 37/4 163/17 175/1 alley [1] 117/15 allow [15] 50/7 58/25 92/14 94/24 100/17 113/12 130/1 143/13 150/19 183/21 191/3 221/3 221/13 242/12 255/16 allowable [2] 95/20 121/21 allowed [12] 6/1 30/3 31/15 99/20 144/10 152/19 216/4 217/2 244/19 247/3 249/20 263/7 allowing [2] 120/17 154/3 allows [2] 182/13 217/24 allusions [1] 122/13 almost [5] 73/18 154/22 204/23 206/3 219/4 alone [3] 218/24 218/24 269/20 along [8] 14/14 14/15 19/20 33/16 59/3 198/13 244/4 246/9 already [11] 30/22 33/11 34/23 39/4 39/5 55/17 107/21 111/4 111/11 116/9 128/4 also [46] 7/5 8/14 20/16 21/2 22/22 25/11 31/6 34/23 37/2 38/17 45/7 52/12 52/24 55/12 74/19 82/7 83/12 93/17 101/3 105/10 109/8 110/18 114/16 127/14 129/12 131/3 132/22 152/4 152/8 170/2 201/18 205/10 208/2 210/14 211/8 213/8 219/13 219/17 222/8 222/14 227/10 230/7 239/15 251/12 256/9 258/21 alternate [6] 31/25 31/25 33/3 59/18 64/19 65/1 alternates [1] 64/25 alternative [1] 46/15	

A		
any... [64] 151/10 157/6 159/11 164/16 168/7 170/5 171/3 171/5 171/6 180/15 180/16 181/10 185/21 190/7 190/22 190/25 196/6 196/19 197/13 201/14 201/21 216/18 216/24 216/25 217/5 219/7 222/20 225/7 229/8 230/17 231/1 231/16 231/25 232/18 235/7 239/12 239/25 240/14 248/10 250/1 250/9 251/21 251/24 253/13 253/17 255/24 256/20 260/1 260/18 260/22 261/1 261/19 262/1 262/5 263/22 266/24 268/18 269/12 269/12 270/23 272/5 273/6 274/11 274/12 anybody [23] 15/23 31/9 61/16 130/11 162/17 189/2 194/5 213/8 214/2 224/19 226/7 227/2 227/19 229/23 229/24 234/17 234/23 239/14 240/17 255/12 261/21 261/22 269/7 anymore [2] 189/7 243/25 anyone [8] 31/16 32/3 123/24 152/13 173/13 246/5 273/2 273/5 anything [77] 9/25 10/13 11/9 12/15 12/18 17/18 23/4 26/15 27/9 27/10 31/16 33/3 37/22 39/7 39/19 48/21 48/22 49/4 49/9 49/11 55/10 62/20 69/13 95/8 95/8 95/15 98/1 98/3 99/21 102/3 102/15 106/9 111/7 120/7 125/13 127/19 130/14 134/19 134/21 139/20 140/11 141/16 144/10 146/17 151/7 152/12 164/1 164/13 167/17 185/21 207/17 216/22 222/22 223/8 224/19 229/25 237/17 238/6 238/12 244/16 245/7 248/8 248/11 248/22 248/25 252/11 252/12 253/16 256/4 256/5 265/12 265/13 266/18 273/2 273/6 273/11 anywhere [2] 40/5 239/3 apartment [1] 269/24 apologies [1] 206/13 apologize [16] 114/8 168/25 192/2 192/2 192/3 192/18 192/20 192/22 195/15 196/21 200/18 200/19 223/3 247/9 265/24 266/2 apologized [1] 263/21 apologizing [3] 192/6 192/7 192/9 apology [2] 169/2 194/21 apparatus [1] 155/17 apparently [3] 31/22 209/5 211/6 appeal [2] 103/12 113/7 appealing [1] 106/1 appear [3] 223/17 249/5 249/5 appeared [1] 200/7 appears [1] 205/24 applaud [1] 205/18 applicability [1] 103/18 applicable [1] 25/17 applied [6] 7/15 119/17 123/7 124/5 153/1 153/20 applies [7] 122/21 151/22 153/14 153/24 154/1 222/14 249/3 apply [8] 28/23 131/5 157/5 174/11 221/11 228/4 240/2 264/14 applying [1] 7/19 appreciate [8] 58/10 96/2 102/14 102/17 110/11 116/10 123/25 266/6 appreciated [1] 117/19 approach [3] 71/10 95/23 170/13 approached [1] 211/6 appropriate [16] 24/2 28/9 56/1 62/8 95/25 113/25 122/3 127/7 129/13 130/9	138/25 143/2 149/4 154/19 194/25 232/7 appropriately [4] 73/4 121/10 129/22 181/20 appropriation [1] 131/7 approved [1] 274/3 approximately [2] 79/24 88/25 April [5] 14/23 39/20 134/5 186/20 248/1 April-June [1] 14/23 arbitrary [1] 104/20 are [238] 5/22 6/6 6/19 6/23 6/24 7/24 10/3 12/3 19/11 21/16 21/17 23/17 23/18 24/3 27/22 32/6 35/8 35/9 38/11 42/22 46/14 46/18 47/24 48/4 48/7 51/3 52/1 52/10 53/10 55/16 55/16 56/12 56/20 59/9 59/21 61/22 63/25 64/19 64/25 66/22 66/24 68/3 70/17 72/21 72/23 72/23 76/13 78/22 81/15 82/19 82/25 83/4 91/5 94/3 96/17 96/23 99/3 100/10 100/17 100/19 101/13 101/19 103/4 103/24 104/8 111/10 111/18 112/22 115/1 115/1 115/1 115/2 116/12 117/11 118/10 118/12 118/14 118/15 118/23 118/24 120/14 121/1 121/6 123/21 125/20 125/21 129/10 129/18 129/19 132/23 133/1 133/3 133/5 134/7 136/9 136/9 136/13 136/13 137/4 140/7 140/8 140/8 140/12 140/20 141/17 151/4 152/19 155/1 156/14 156/16 157/1 157/4 161/13 161/21 161/21 162/22 163/7 163/8 163/8 166/14 167/22 168/3 168/16 168/19 175/11 175/16 175/17 175/21 176/8 177/18 178/13 179/12 179/25 179/25 180/8 181/2 181/5 181/25 183/23 184/14 185/15 185/23 185/25 186/2 187/17 187/20 188/13 189/14 189/23 193/10 194/6 194/8 194/10 195/5 197/12 198/25 199/4 200/21 202/3 202/8 202/9 202/10 204/12 205/3 206/6 206/8 209/14 210/3 213/2 214/11 215/25 216/9 219/18 222/18 224/25 226/13 227/6 228/13 229/6 229/10 230/8 231/17 233/15 233/18 233/19 237/13 239/1 239/18 239/20 239/22 240/14 240/17 240/19 240/23 240/24 241/4 241/5 241/6 241/7 241/15 241/16 241/17 241/18 241/18 241/20 243/6 243/19 244/19 244/24 245/13 245/23 247/3 247/22 249/8 254/13 258/23 260/4 260/6 260/8 260/20 261/8 263/10 264/20 264/21 267/22 268/8 268/9 268/22 268/23 270/8 270/20 270/20 271/1 271/19 272/2 272/7 272/15 272/16 area [5] 75/13 96/17 242/17 244/8 255/2 areas [2] 59/21 130/24 aren't [6] 86/18 190/7 205/19 242/20 246/21 260/9 Argentina [2] 67/4 67/17 arguable [1] 104/11 argue [16] 5/2 7/5 13/18 23/10 25/24 46/1 46/17 100/20 115/8 115/23 124/5 129/15 154/6 174/7 197/13 210/4 argued [8] 23/10 37/3 39/5 39/5 39/13 54/8 55/17 102/7 arguing [9] 15/6 28/3 57/5 102/10 115/10 115/17 119/11 144/6 145/24 argument [55] 14/11 23/25 26/8 29/8 31/6 31/7 33/8 33/23 36/23 39/9 41/14 45/14 49/5 50/1 52/3 58/22 61/17 61/23 61/25 104/9 104/11 104/12 106/11 109/20 110/3 110/4 110/11 111/9 111/11	114/24 116/7 117/2 117/8 119/2 119/8 129/22 129/25 130/1 130/7 130/8 140/6 151/20 154/2 154/20 157/7 163/20 163/25 181/20 196/1 196/20 201/24 234/11 244/3 263/7 266/4 arguments [28] 5/22 14/24 46/17 51/24 55/15 58/10 102/17 102/18 102/21 102/21 103/6 103/8 106/10 113/19 114/7 121/2 123/13 129/3 130/12 152/17 156/25 156/25 157/4 157/9 200/13 203/10 204/19 237/6 arise [1] 101/16 armor [1] 182/11 arms [1] 159/13 around [13] 38/14 74/17 123/20 123/21 125/6 130/6 156/12 195/6 196/11 199/22 203/5 218/22 229/4 arranged [1] 28/13 arrangement [1] 64/24 arrest [1] 107/24 arrested [1] 85/5 as [275] ascertainable [2] 12/12 179/21 ascertained [1] 133/21 Ash [2] 20/11 40/13 aside [1] 224/5 ask [51] 47/1 56/22 60/9 60/15 60/24 80/22 82/19 87/10 93/20 94/23 99/14 112/6 114/2 114/25 124/15 127/5 130/6 138/2 138/22 163/7 165/19 166/15 167/14 167/21 168/7 168/14 169/9 169/10 170/7 178/13 178/24 192/12 196/17 202/5 209/22 211/1 214/25 217/15 217/20 217/21 218/1 232/25 234/10 235/12 235/17 244/25 254/6 258/3 265/18 270/6 272/25 asked [67] 13/13 13/15 14/12 18/2 18/14 20/1 20/6 20/16 20/17 22/4 22/20 22/22 23/6 27/22 27/23 49/8 60/14 60/18 67/19 67/22 67/24 68/7 68/8 70/3 70/6 74/25 75/16 80/3 81/1 81/5 81/18 85/22 87/12 87/14 87/15 87/17 88/23 89/5 150/7 164/11 168/2 170/20 170/22 172/14 173/7 177/22 196/15 196/16 196/17 205/24 211/23 212/7 217/14 217/21 221/23 223/8 228/10 228/11 229/19 229/23 230/5 230/15 232/11 234/2 253/4 254/7 265/15 asking [14] 19/2 43/15 87/8 105/12 111/9 133/25 144/2 145/1 146/12 150/11 194/13 218/7 247/24 261/8 asks [1] 62/9 aspect [1] 229/9 assassination [2] 218/3 218/5 assert [2] 13/22 13/25 asserted [4] 13/14 18/13 30/22 164/9 assertion [2] 215/22 234/12 assessing [2] 210/12 231/18 assign [2] 188/5 190/19 assist [3] 121/3 121/4 121/5 assistance [1] 116/10 associate [1] 204/6 association [2] 61/25 96/20 assume [3] 124/4 181/6 181/8 assumed [3] 80/13 82/6 213/9 assumes [1] 53/15 assuming [2] 80/13 269/19 astonished [1] 195/10 at [177] 2/7 3/8 5/7 10/23 14/18 16/23 19/18 20/15 31/10 32/5 33/24 35/23

A	at... [165] 37/25 40/8 40/13 47/3 48/13 50/19 55/11 55/24 58/7 59/11 60/13 64/20 68/6 69/4 69/5 70/2 70/2 75/7 75/14 76/16 76/20 80/11 80/19 83/25 84/16 84/16 84/24 86/18 86/19 86/21 86/24 87/8 88/3 88/21 93/16 97/10 99/16 100/2 104/2 107/5 107/17 110/14 112/18 113/2 116/16 119/12 119/12 122/24 123/9 123/21 124/7 124/15 125/15 126/4 126/17 126/20 126/24 127/9 127/19 127/20 129/14 130/18 132/1 132/19 133/13 133/24 133/24 133/25 134/22 136/1 137/5 140/4 141/8 142/12 142/17 143/16 144/8 145/20 145/20 145/20 146/9 146/21 150/8 152/21 154/24 157/3 159/2 159/13 160/2 160/8 160/13 160/14 161/8 162/24 167/11 167/22 171/7 171/22 172/20 172/21 176/16 176/24 184/1 184/3 184/19 184/20 186/12 186/13 186/23 187/2 187/8 187/24 188/2 188/10 188/11 191/16 191/24 192/15 192/22 193/18 194/5 195/20 195/21 195/22 195/25 196/15 200/10 202/25 204/10 204/23 207/6 208/19 209/9 210/7 210/23 211/6 211/16 212/8 212/20 212/23 215/8 216/5 220/12 226/25 227/6 227/16 231/6 233/7 244/14 245/20 252/13 255/8 256/20 259/16 261/2 262/4 262/17 262/21 262/21 269/11 270/2 270/3 272/25 273/1 273/12 Athan [1] 130/6 atrocious [1] 176/1 attach [2] 217/9 217/16 attached [1] 6/10 attack [13] 9/6 9/6 9/11 24/20 24/22 105/24 177/13 180/8 184/5 230/13 230/16 231/10 270/25 attacks [1] 25/5 attempt [2] 114/21 248/25 attempted [3] 20/13 103/2 218/3 attend [2] 230/15 230/15 attended [2] 246/18 247/13 attention [9] 47/3 47/10 76/3 77/11 83/24 205/18 211/25 254/14 266/8 attorney [8] 2/7 3/8 73/9 81/3 111/13 112/1 263/6 274/12 attorneys [7] 81/10 82/3 121/5 156/24 202/11 245/13 263/10 attorneys' [1] 259/21 Audie [1] 241/7 August [4] 51/3 166/7 247/21 251/19 author [1] 93/3 authority [1] 122/6 automatically [1] 43/3 automobile [1] 6/17 Autry [1] 257/4 available [6] 16/10 38/7 46/18 99/20 123/21 127/6 Avenue [7] 15/20 22/24 22/25 38/15 40/6 40/8 40/8 avenues [2] 6/6 6/19 average [1] 232/20 avoid [2] 199/1 199/2 avoided [1] 33/5 award [11] 139/1 139/8 139/14 139/16 148/8 148/9 160/3 184/14 233/20 235/22 235/22 awarded [2] 143/22 146/18 awards [3] 139/2 159/24 226/23	aware [6] 5/21 72/23 82/19 82/25 83/4 268/4 awareness [1] 8/19 away [10] 161/5 162/19 174/10 174/12 174/14 202/22 235/24 254/8 254/17 267/16 awful [3] 255/8 255/9 255/11 B B-U-S-S-E [1] 200/11 Babb [3] 6/1 24/8 25/8 baby [4] 106/13 110/21 116/14 117/9 back [63] 9/23 19/23 20/20 23/15 23/22 26/2 42/13 48/13 57/13 59/9 59/13 69/3 74/16 99/14 99/17 99/22 103/17 104/18 105/1 111/3 116/11 123/22 125/14 125/15 126/11 126/17 127/19 134/5 141/9 143/14 144/5 145/9 146/14 155/24 160/1 160/9 161/17 162/25 163/13 168/13 176/22 176/25 177/5 185/6 187/4 187/9 194/14 198/16 206/2 213/6 213/16 214/21 223/22 229/22 230/1 230/8 233/11 238/22 257/19 257/20 271/23 272/25 273/12 backed [1] 83/18 backwards [4] 15/12 17/4 23/18 23/20 bad [7] 24/12 57/3 115/4 156/4 160/6 180/14 230/22 badly [1] 267/2 bait [1] 235/2 balance [1] 223/5 bank [1] 160/22 bar [5] 86/18 86/20 86/21 133/16 154/9 BARBIER [49] 2/3 2/3 61/7 62/24 70/23 71/2 72/1 88/12 95/1 96/9 96/12 97/18 98/10 105/17 106/5 106/24 107/4 109/16 111/10 113/8 113/13 115/22 117/23 119/2 120/25 124/12 129/4 135/9 155/13 157/10 170/17 181/19 193/1 195/10 200/17 203/13 205/4 205/10 205/15 206/3 206/21 207/8 208/4 217/15 217/20 218/1 218/18 219/3 268/3 Barbier's [4] 123/17 152/18 198/9 234/11 barn [6] 68/7 70/13 70/14 121/16 211/16 244/9 barred [2] 209/14 209/20 bars [1] 256/19 based [14] 41/14 103/4 105/3 113/20 124/25 125/22 187/15 188/15 202/6 235/21 236/1 236/2 243/11 271/17 basic [1] 174/20 basically [3] 24/9 104/3 175/19 basics [1] 180/9 basis [11] 36/5 48/2 51/18 71/20 103/11 104/6 128/3 128/9 144/23 164/2 231/25 bathing [1] 172/6 bathroom [30] 37/24 68/11 69/4 69/21 70/3 79/6 79/24 82/21 85/8 85/17 85/24 87/18 88/24 155/2 160/8 169/3 171/23 171/23 172/7 172/18 173/24 179/18 184/1 195/3 202/17 211/18 231/2 269/20 269/21 270/7 battalion [1] 241/9 be [309] bear [7] 118/17 209/15 256/9 256/20 264/18 264/19 264/24 bearable [1] 163/12 bears [1] 264/25 BEASLEY [3] 2/7 2/7 81/15 beat [1] 229/3	beautiful [3] 157/12 169/21 191/10 became [1] 50/25 because [174] 5/24 8/16 11/10 13/2 14/6 16/7 16/14 18/6 18/9 19/3 20/4 21/24 22/13 22/16 24/12 25/9 25/19 26/12 26/18 28/1 28/4 30/19 31/3 31/14 32/9 33/12 33/17 34/11 35/13 36/8 36/10 36/16 37/20 42/10 44/3 45/25 50/3 50/16 51/10 55/9 57/3 63/22 64/9 68/3 73/12 75/1 76/11 81/4 85/25 86/6 87/15 88/2 100/11 100/15 100/22 109/11 110/8 111/6 114/22 116/6 117/3 118/1 118/20 119/4 119/13 119/18 121/6 124/13 128/2 130/21 132/14 133/1 133/16 136/22 138/7 140/17 143/20 150/16 152/9 152/14 152/25 154/23 160/7 160/15 164/22 166/9 171/17 172/21 174/5 174/16 178/5 180/25 182/5 184/1 184/2 184/2 184/3 184/5 184/19 186/11 188/21 190/5 190/6 197/9 198/16 199/3 200/3 202/12 203/22 205/22 206/9 207/6 210/19 210/20 211/2 211/3 213/3 213/9 214/5 214/10 214/12 215/17 217/23 218/9 219/6 219/22 221/19 221/25 222/21 223/12 224/15 224/25 225/9 227/20 227/22 228/5 229/1 229/15 230/22 230/24 233/9 233/14 235/9 237/23 238/16 240/3 240/16 240/16 242/18 244/15 244/21 244/22 245/16 250/4 250/5 252/2 252/10 252/18 253/15 256/2 257/22 258/24 259/14 260/7 260/10 261/2 264/6 266/13 268/9 268/11 268/22 269/1 269/22 271/15 become [4] 34/18 45/1 210/20 225/18 becomes [1] 199/15 becoming [1] 253/23 bed [1] 169/3 bedroom [6] 37/24 68/11 85/12 179/18 211/18 255/3 been [134] 9/23 18/10 18/23 19/10 19/19 20/24 21/1 21/12 22/11 23/2 29/10 29/15 30/12 30/22 30/25 32/8 32/10 32/11 35/14 36/8 36/14 36/25 37/6 42/9 42/21 47/20 51/10 51/13 52/14 58/11 64/17 65/20 66/7 67/7 69/1 73/17 73/25 74/19 77/9 77/13 78/11 79/3 84/12 85/1 87/19 88/4 92/3 93/8 94/2 99/24 100/6 101/12 101/24 103/1 104/20 106/8 106/9 108/21 110/24 111/6 111/22 113/17 118/3 119/21 121/7 125/23 132/17 133/15 133/19 142/10 144/10 146/2 147/17 147/25 155/22 161/3 162/23 162/24 163/18 166/4 166/8 167/3 168/23 171/3 175/1 181/11 182/5 182/9 182/22 185/15 189/17 191/21 199/14 199/19 199/21 199/22 200/3 202/16 205/6 207/16 209/6 209/8 209/9 209/16 210/22 212/5 212/11 215/21 217/1 218/22 219/6 220/20 221/2 231/19 234/16 235/7 237/11 237/16 238/15 238/19 238/22 242/6 251/20 252/15 253/20 254/4 255/12 262/5 267/2 269/22 269/24 270/5 270/15 273/8 before [42] 5/17 12/16 28/12 36/13 46/3 50/22 51/8 52/1 52/19 57/10 63/20 72/11 77/1 77/8 77/10 80/21 100/9 121/15 123/13 125/14 131/19 132/19 134/1 134/5 134/15 141/23 155/7 195/9 200/9 200/20 201/25 206/23 209/3 212/22 226/20 239/2 247/20 249/9 255/13 264/16 267/4 274/7

B beforehand [1] 81/19 beg [1] 88/6 began [2] 196/16 245/9 begin [5] 99/23 120/17 137/2 206/22 223/24 beginning [4] 10/23 63/21 64/23 172/12 begins [2] 88/19 132/5 behalf [13] 29/19 91/7 99/6 102/4 115/8 115/10 115/23 130/17 205/2 205/16 205/16 240/7 255/10 behavior [1] 85/20 behind [8] 89/15 158/14 159/4 162/24 172/8 176/25 177/5 269/2 being [43] 22/1 24/17 24/19 28/25 33/25 34/8 37/5 38/19 38/22 38/25 39/2 43/16 47/15 55/20 66/17 83/14 86/10 112/2 159/2 168/1 168/25 171/12 171/16 176/17 177/6 177/9 177/24 180/19 188/7 196/7 199/10 199/24 205/12 213/22 227/20 228/14 240/15 246/14 249/25 269/7 269/8 269/14 270/8 belabor [1] 219/21 beliefs [2] 29/25 111/12 believe [65] 20/21 22/9 30/15 32/10 34/10 34/24 39/4 47/5 49/9 59/20 62/22 73/8 75/8 77/7 81/2 95/1 95/11 95/13 97/21 99/19 100/5 101/10 101/12 110/19 116/22 119/17 122/10 127/9 129/5 131/4 131/13 134/23 135/1 136/18 150/25 151/21 151/24 165/8 167/5 176/20 183/17 183/25 184/14 198/10 202/7 210/14 211/13 212/21 213/14 215/9 218/18 230/5 230/12 232/16 233/8 241/24 249/3 250/25 251/4 253/10 260/11 262/12 262/13 264/15 266/25 believed [1] 251/8 belong [1] 177/3 below [2] 129/19 131/24 Bench [2] 96/4 170/16 benefit [1] 61/10 benefits [1] 260/22 besides [1] 138/20 best [8] 161/23 189/22 214/18 220/17 230/19 230/24 242/21 274/9 bet [1] 264/18 better [8] 125/16 165/8 181/16 183/25 208/22 240/6 247/8 247/9 between [13] 37/5 62/5 62/7 68/13 75/10 79/20 82/10 123/20 163/4 216/13 232/12 243/3 267/11 Beverly [1] 263/22 beware [1] 102/11 beyond [10] 11/9 56/11 154/23 199/25 207/24 231/24 234/23 242/19 257/9 257/10 BFF [1] 268/15 bias [2] 61/8 106/1 biases [1] 103/13 Bible [2] 65/13 91/19 bifurcated [3] 134/20 134/24 146/5 bifurcation [2] 118/16 127/13 big [14] 20/19 41/19 96/19 113/9 113/9 118/9 118/11 158/4 169/20 169/22 173/25 210/3 215/4 239/10 bigger [1] 188/19 bill [13] 124/20 124/21 124/22 180/5 180/7 185/24 230/4 230/10 230/10 230/12 231/9 231/13 233/4 bills [3] 230/8 230/11 233/15	bird [12] 63/1 267/10 267/11 267/13 267/14 267/15 267/16 267/17 267/18 267/19 267/19 267/20 birds [2] 61/21 62/25 birthday [1] 168/11 bit [9] 28/4 132/24 177/15 220/25 236/4 243/23 247/23 258/2 265/11 bizarre [2] 222/8 232/21 Black [2] 241/10 241/13 blackboard [1] 223/11 Blackwell [1] 24/2 blah [3] 122/5 122/5 122/5 blame [4] 164/22 165/9 270/8 270/21 blamed [2] 224/21 224/21 blaming [8] 208/5 208/5 214/12 224/19 224/20 226/7 226/7 270/19 blank [3] 223/7 223/17 224/1 Blissfully [1] 234/7 block [1] 112/25 blonde [1] 191/10 blood [1] 158/25 bloodless [2] 224/24 235/20 blue [1] 216/14 Bluetooth [1] 170/4 Boan [1] 24/2 board [1] 143/25 boasts [1] 158/23 boat [1] 120/4 bodily [1] 221/21 body [2] 25/4 218/6 boil [1] 175/5 boils [3] 175/5 218/19 219/12 boldly [1] 194/20 book [9] 93/11 136/7 137/13 137/14 232/16 232/19 252/5 258/1 258/3 books [4] 42/12 93/4 241/6 241/16 boss [1] 204/9 both [29] 16/10 17/20 20/18 25/13 30/19 30/20 34/2 38/1 53/19 53/21 56/5 63/24 69/2 70/1 79/4 81/13 82/14 109/24 130/2 131/16 146/13 186/3 191/2 208/23 212/16 212/19 228/7 256/22 271/1 bothered [2] 181/13 229/11 bought [1] 23/1 bounce [1] 243/25 Boundary [1] 66/2 bounds [2] 175/25 238/10 bowling [1] 206/8 box [7] 1/22 2/12 2/18 2/22 3/4 3/9 224/10 boy [4] 94/17 267/8 267/9 267/10 brackets [1] 131/4 brain [2] 230/23 232/9 Bram [2] 93/8 93/11 brave [1] 265/3 bravely [1] 161/4 bravery [1] 192/19 Brazil [1] 14/2 breach [6] 53/5 54/9 178/7 178/10 179/6 179/7 breaches [1] 219/20 breadth [1] 18/12 break [13] 59/3 123/16 125/10 130/12 155/2 194/23 194/25 202/16 202/17 236/8 236/8 236/14 242/6 breaking [2] 202/25 250/17 breath [2] 167/7 167/9 bride [1] 248/14 bridles [1] 248/13 brief [13] 25/25 33/7 35/4 44/16 46/24	47/2 47/5 57/18 100/24 101/10 127/21 151/23 268/5 briefly [8] 56/8 56/9 70/9 95/23 116/12 163/14 174/18 220/1 bright [1] 157/16 bring [23] 6/3 33/15 46/5 53/2 62/20 64/13 99/16 99/16 102/2 112/23 114/24 148/6 156/18 192/1 192/6 192/23 204/15 211/10 211/24 215/6 227/12 237/2 268/13 bringing [3] 80/8 160/20 192/19 brings [2] 115/19 230/1 Britt [1] 201/19 broad [2] 150/16 150/18 broken [1] 145/15 broker [6] 8/2 42/9 43/9 43/16 53/20 221/5 broker's [2] 220/23 221/4 brokers [2] 7/12 178/17 brought [20] 9/6 19/6 53/13 75/22 107/23 117/15 121/7 121/8 121/9 122/24 129/11 168/12 177/20 181/11 182/2 215/7 254/24 260/7 261/10 267/10 brutal [1] 161/3 brutally [1] 202/14 bucks [2] 224/3 231/14 build [2] 158/22 163/9 building [3] 30/13 117/14 255/1 built [2] 117/10 159/1 bulb [1] 56/16 bulk [1] 55/8 bullet [1] 177/18 bunch [1] 133/16 bunny [2] 112/9 112/19 bupkis [1] 234/25 burden [10] 19/6 174/21 174/23 197/3 199/15 207/23 209/21 209/23 263/11 263/14 Bureau [1] 45/4 Busbee [1] 221/22 bushes [1] 177/10 business [14] 9/24 16/5 37/15 61/19 66/20 159/12 167/8 171/11 171/12 199/24 228/22 260/1 260/11 260/24 Busse [2] 200/10 200/10 but [382] butcher [1] 112/25 button [3] 158/7 162/9 162/11 buyer [1] 102/10 C calculate [1] 232/24 calculated [1] 113/6 calculation [5] 104/1 105/3 124/16 186/10 188/6 calculations [4] 104/4 104/7 122/1 128/2 call [16] 51/21 65/8 84/18 133/20 133/20 143/14 186/18 187/11 209/11 209/25 213/8 223/20 233/19 234/7 241/22 270/10 called [34] 65/20 72/12 81/19 85/17 86/23 87/12 92/3 120/9 133/15 134/3 134/3 151/11 156/24 164/18 166/10 168/24 172/5 174/21 191/8 208/2 217/2 217/7 221/7 222/15 225/19 226/1 227/13 232/14 233/19 237/16 241/10 241/20 268/9 268/22 calling [2] 113/24 266/8 calls [1] 184/3 calm [4] 205/23 224/11 225/11 235/23

C	2/12 2/18 2/22 3/5 3/9 5/9 6/5 7/13 7/17 27/3 91/9 101/9 104/3 105/13 108/10 108/16 150/21 151/25 178/16 179/11 187/14 240/6 252/20 262/10 carried [1] 163/12 carry [1] 182/11 Carter [1] 241/15 Carty [1] 75/25 case [155] 5/7 6/1 7/17 7/18 8/10 11/10 11/18 14/1 15/17 24/2 24/8 24/8 24/10 24/13 25/21 26/4 33/24 34/1 36/25 37/20 40/9 40/16 41/1 41/20 42/10 44/14 44/15 44/20 44/24 45/7 55/8 55/9 58/19 59/5 64/10 67/20 71/5 73/7 75/1 76/17 80/23 83/7 98/1 98/4 98/12 99/19 99/21 100/7 100/12 101/22 101/25 102/16 103/6 103/12 104/2 104/3 104/6 104/20 107/8 108/7 108/10 110/4 111/11 111/20 111/22 112/8 112/24 113/16 113/20 114/1 114/1 114/5 122/22 123/7 127/5 129/15 133/11 134/5 134/10 134/13 134/18 134/23 141/11 142/13 147/10 147/20 148/12 148/20 149/3 151/2 151/25 152/2 153/15 154/1 156/23 157/1 157/3 160/7 163/2 163/3 164/13 172/11 172/12 174/5 174/19 174/22 175/4 184/3 184/5 184/11 185/9 191/24 192/1 192/15 192/19 196/17 197/14 199/22 200/4 200/12 200/21 205/4 205/14 205/14 208/14 209/2 209/6 213/6 214/20 231/24 235/16 237/12 238/1 238/14 239/18 242/8 243/18 253/2 253/14 253/14 258/17 259/11 261/10 262/16 263/17 264/4 265/5 265/17 266/18 267/6 268/24 271/11 271/12 272/9 273/9 cases [13] 43/24 108/14 113/15 113/18 113/24 120/20 217/3 233/23 233/24 242/7 243/19 243/19 259/21 cash [2] 148/3 233/15 cast [2] 241/3 241/4 casting [1] 182/25 categories [4] 105/19 107/1 107/3 195/12 categorization [1] 105/22 category [4] 108/3 140/21 140/23 225/23 Catherine [2] 245/7 255/13 caught [4] 206/4 267/9 270/10 270/11 causation [3] 44/6 178/25 220/6 cause [23] 8/8 42/25 43/6 43/10 43/13 44/5 54/1 54/9 101/7 126/8 132/8 141/11 141/12 143/20 149/11 178/12 179/1 198/15 219/9 221/2 221/6 222/4 222/15 caused [7] 37/12 147/7 162/3 176/4 191/3 194/2 220/4 causes [25] 5/11 26/13 53/2 122/9 126/18 126/23 143/13 144/4 161/12 177/19 206/15 206/21 206/23 208/16 218/14 219/18 219/25 221/14 225/7 226/24 232/1 240/19 241/1 241/2 245/17 causing [2] 25/4 221/21 caution [5] 63/19 115/22 120/25 121/12 123/24 cautionary [1] 150/8 caveat [1] 102/10 ceiling [1] 155/21 celebrating [1] 168/10 cell [1] 99/19 center [1] 167/23 certain [6] 105/25 107/1 175/21 175/22 185/1 246/10	certainly [21] 20/9 22/12 26/17 30/4 30/11 77/13 81/7 95/2 103/19 106/25 107/5 110/17 111/7 120/1 198/18 205/24 207/10 219/23 224/19 227/8 236/9 Certificate [2] 4/3 273/24 certify [2] 274/4 274/10 cetera [1] 145/15 chair [4] 112/19 112/20 223/23 223/24 challenge [3] 207/24 258/18 258/22 challenged [1] 210/18 champion [3] 94/3 94/8 159/24 chance [8] 5/17 103/20 106/16 111/15 125/11 125/12 133/25 213/16 change [6] 64/10 64/10 102/17 129/8 135/4 135/7 changed [3] 8/10 102/12 130/21 changes [2] 173/4 173/4 character [3] 94/25 95/21 117/17 characterized [2] 196/12 264/6 charge [52] 59/1 123/10 126/20 132/1 132/3 132/20 133/7 135/6 135/17 135/22 137/10 137/12 137/13 138/12 138/18 138/24 142/16 142/18 143/4 143/16 144/13 147/1 147/22 148/1 148/15 148/17 148/20 149/4 150/8 150/18 150/23 151/14 152/8 152/12 152/18 153/18 153/19 154/5 175/17 175/18 196/3 196/4 202/23 206/5 207/13 218/20 219/13 219/15 222/9 224/7 237/20 253/12 charged [1] 175/2 charges [17] 24/1 31/18 123/4 123/12 125/22 127/22 130/11 130/14 130/18 132/22 132/23 132/25 135/8 141/2 146/22 147/5 154/25 charging [1] 144/19 CHASE [20] 1/10 2/15 3/2 5/8 13/1 13/3 13/4 13/9 14/17 15/15 15/20 16/22 21/21 22/23 22/23 23/1 23/2 40/4 91/9 102/5 chastised [1] 235/14 check [15] 11/23 12/1 13/11 16/2 16/3 41/24 42/2 70/3 165/22 213/7 232/2 232/19 257/18 257/24 260/16 chief [1] 218/23 child [1] 159/22 children [1] 203/14 children's [1] 20/13 choice [3] 156/6 166/11 217/16 choose [8] 18/19 93/6 128/13 128/14 139/24 193/15 216/8 235/22 chose [5] 18/6 29/13 128/14 161/4 265/8 chosen [4] 33/21 127/13 152/6 159/19 Chris [1] 180/4 Christian [1] 255/9 Christina [3] 22/2 22/5 38/21 Christine [2] 21/9 255/13 church [1] 187/8 circle [1] 43/11 CIRCUIT [2] 1/1 1/18 circumstance [3] 33/20 210/23 217/25 circumstances [7] 35/20 36/15 55/22 55/25 214/4 218/1 254/10 circumstantial [2] 55/9 55/19 citation [1] 241/14 cite [6] 11/13 14/1 104/2 108/14 121/19 148/11 cited [5] 7/17 26/4 27/4 44/15 46/7 cites [1] 24/7 citing [1] 122/6 citizens [1] 241/20

C		
city [3] 73/12 97/12 117/18 civic [1] 224/2 civil [12] 113/14 114/1 123/7 133/18 151/1 174/22 199/21 205/14 216/19 216/25 217/3 246/13 civilized [2] 34/13 176/1 claim [41] 6/7 7/7 7/8 8/12 10/6 12/7 12/9 34/12 34/20 35/2 35/5 35/6 35/7 35/19 35/19 36/5 40/10 44/1 45/14 52/5 53/4 54/10 79/5 129/14 131/19 137/6 137/22 140/6 149/10 149/24 175/14 180/12 193/18 207/21 208/12 208/13 209/1 209/1 209/8 209/23 256/19 claimed [1] 159/11 claiming [1] 198/14 claims [19] 5/23 35/8 127/15 134/6 134/7 163/17 164/25 165/11 165/17 169/15 171/17 171/21 175/1 206/24 207/25 209/2 209/14 209/19 222/10 clarify [1] 88/15 class [5] 21/17 26/20 160/3 223/10 223/12 clean [3] 164/24 238/13 250/14 clear [28] 13/20 19/3 27/8 37/9 40/20 41/2 48/1 100/13 118/1 126/6 126/9 126/19 127/7 127/9 127/11 127/13 127/14 143/22 145/5 146/2 146/18 154/13 172/7 172/13 190/19 199/24 253/3 268/17 clear and [1] 127/13 cleared [1] 133/19 clearly [2] 15/6 172/21 clicked [1] 183/3 client [17] 16/7 23/2 33/20 58/16 59/2 123/10 124/6 152/7 152/11 154/3 154/4 154/15 200/2 246/22 261/11 271/20 271/21 client's [2] 16/8 113/4 clients [19] 21/7 24/15 26/20 27/1 28/10 34/2 35/11 35/12 36/12 52/18 113/10 116/1 154/20 182/8 191/25 193/23 216/16 234/13 238/5 climate [1] 248/4 close [5] 21/3 61/23 94/21 99/13 165/6 closeness [1] 52/11 closet [1] 212/10 closing [30] 102/18 102/21 102/21 106/10 106/11 111/10 114/7 114/24 116/7 117/2 119/8 119/22 123/13 129/3 130/12 146/23 154/21 156/24 163/20 195/11 196/1 196/20 197/10 198/9 200/4 202/12 203/9 234/11 264/12 271/18 closings [1] 155/7 closure [3] 185/10 185/10 188/17 clothes [1] 180/19 Clothing [1] 250/13 cloud [1] 182/25 club [5] 60/13 60/15 60/15 61/9 61/9 clustered [1] 141/3 cluttered [1] 223/13 coach [2] 94/6 266/14 coached [6] 93/16 93/17 93/21 94/3 94/5 94/6 coaching [1] 93/15 cocounsel [1] 19/2 code [9] 26/21 26/23 26/25 27/7 27/8 38/9 44/22 146/15 232/17 codefendant [2] 58/19 123/7 cognizable [1] 12/3	coincide [1] 240/10 coincidence [3] 170/9 170/12 198/13 colleagues [1] 241/3 collision [1] 44/4 colony [1] 158/3 colored [1] 172/6 Columbia [8] 2/4 2/18 2/22 3/5 80/9 90/9 90/13 239/9 combined [1] 9/9 come [57] 9/11 10/14 12/16 17/16 17/23 28/11 35/15 35/21 35/25 40/11 46/1 47/10 51/25 59/13 65/10 67/19 68/8 70/3 75/12 80/4 106/21 108/9 116/6 119/3 123/22 125/15 131/6 145/9 148/6 155/21 167/11 171/7 189/4 194/4 194/8 194/19 205/1 207/8 210/25 211/23 212/8 214/16 222/2 223/6 223/9 228/3 237/10 242/18 246/4 247/17 249/16 252/5 252/6 270/2 270/2 270/2 273/12 comes [11] 35/4 56/21 61/6 120/22 135/3 155/5 159/25 166/21 232/9 238/4 249/16 comfort [1] 225/1 comfy [2] 205/19 205/19 coming [14] 39/16 50/3 59/9 68/25 87/11 89/15 90/9 90/13 99/3 99/11 136/7 156/19 164/24 204/25 comment [6] 47/12 62/24 108/11 108/17 110/21 130/23 comments [7] 47/10 88/13 105/9 111/14 127/21 130/17 192/14 commerce [4] 38/6 179/15 179/17 222/12 commitment [1] 160/10 committed [1] 160/18 common [17] 102/11 131/17 137/18 166/25 168/12 168/14 169/18 208/24 210/15 215/19 215/20 258/7 258/7 260/13 271/9 271/10 271/24 community [8] 10/1 95/4 176/2 176/17 225/11 227/5 271/5 271/6 companies [9] 13/20 16/22 17/20 18/17 19/10 19/10 19/11 20/24 111/2 company [9] 13/1 13/12 13/12 14/3 16/2 16/13 17/25 20/12 22/11 comparison [1] 215/17 compensate [1] 189/16 compensates [4] 147/6 147/12 189/5 194/16 compensation [3] 12/8 42/15 225/19 compensatory [6] 37/14 121/13 146/6 146/7 225/20 228/20 complained [1] 136/15 complaining [1] 252/14 complaint [1] 207/19 complaints [1] 206/24 complements [1] 272/11 complete [11] 165/1 165/1 188/24 188/25 191/19 191/20 194/16 195/23 221/18 234/20 234/20 completely [1] 83/18 complex [1] 130/5 complexities [1] 190/10 comply [1] 264/17 composed [1] 235/23 computer [7] 150/5 197/23 212/18 255/23 261/23 262/6 270/4 computers [4] 68/17 230/23 255/25 262/1 comrades [1] 241/2	concede [2] 120/11 213/24 conceded [1] 215/5 concentrate [1] 261/13 concept [2] 100/21 174/20 concern [2] 64/8 64/9 concerned [7] 58/5 58/24 88/1 133/23 135/15 213/24 235/1 concerns [1] 213/20 conclude [8] 30/24 55/3 209/20 221/4 229/25 230/2 230/2 245/19 concluded [2] 83/13 85/15 concludes [1] 99/8 concluding [1] 183/20 conclusion [4] 5/7 150/8 229/20 251/1 conclusions [1] 202/10 concur [2] 32/23 127/3 conduct [17] 26/1 29/11 29/21 34/11 34/24 45/3 45/7 108/1 130/21 136/11 143/24 146/20 152/14 175/23 175/23 179/15 179/16 conducted [1] 261/15 confer [2] 123/22 125/11 conference [2] 96/4 170/16 confidence [1] 179/9 confident [1] 18/23 confirmed [1] 251/18 conflicts [1] 164/13 confuse [3] 135/6 190/5 199/10 confused [1] 132/15 confuses [1] 200/1 confusion [1] 133/16 conjecture [7] 47/23 101/17 199/9 242/16 243/6 243/10 250/9 connected [3] 101/5 255/25 261/20 connection [2] 75/10 260/19 conquered [1] 215/14 conscious [1] 246/6 consensus [1] 273/16 consequence [3] 65/4 130/19 136/10 conservative [1] 187/1 conservatively [2] 186/24 187/2 consider [17] 47/2 101/15 101/24 144/18 154/14 189/6 189/7 209/22 216/4 224/5 225/23 226/22 227/22 230/2 230/24 231/7 233/21 consideration [5] 205/23 216/2 216/5 224/12 225/12 consistency [1] 211/9 consistent [7] 71/24 79/4 169/18 212/7 212/12 215/4 264/13 conspiracy [1] 133/19 conspirators [3] 218/2 218/4 218/5 constant [1] 183/7 Constitution [1] 215/23 constitutional [1] 249/2 constraint [1] 122/19 constructive [10] 5/13 35/19 37/3 45/14 52/22 126/10 127/8 165/14 179/2 222/15 Cont'd [1] 3/1 contact [2] 51/4 251/13 contacted [1] 259/14 CONTAIN [1] 4/23 contained [1] 255/19 contamination [1] 24/10 context [2] 216/20 226/22 continual [1] 62/23 continuation [1] 9/3 continue [15] 23/19 85/19 99/18 114/15 170/18 181/19 184/20 186/1 191/22 204/19 231/20 237/5 247/4 247/5 271/7

C continued [1] 250/23 continues [4] 34/6 110/25 165/4 165/4 continuing [3] 15/21 115/3 229/12 contradictory [1] 250/6 contrary [3] 100/24 110/8 251/15 Contribution [1] 105/13 control [7] 28/10 177/3 242/13 252/17 252/22 253/6 253/17 controlled [1] 21/22 controlling [1] 30/6 convenient [2] 159/10 169/17 convicted [1] 111/6 convinced [2] 245/23 245/25 convinces [1] 256/16 convincing [9] 126/6 126/9 126/19 127/8 127/11 127/14 143/23 145/5 146/19 cool [5] 69/6 69/11 83/23 205/23 212/25 copies [2] 162/22 185/15 copy [1] 80/15 copying [1] 142/3 corner [1] 183/1 corporate [12] 11/24 13/21 18/22 20/3 39/14 41/25 41/25 129/9 177/21 177/23 252/4 252/5 corporation [5] 14/7 17/15 17/17 20/1 21/16 corporations [7] 39/6 39/9 53/15 53/15 53/17 53/24 197/25 correct [29] 5/3 22/18 22/19 26/8 26/14 27/14 43/4 53/22 58/22 63/16 77/17 77/18 77/23 90/8 90/12 93/13 95/1 96/24 98/8 109/12 110/23 126/11 142/14 149/13 152/1 154/7 198/10 198/16 274/8 correctly [1] 47/6 corroborated [1] 9/25 Corvette [3] 118/9 119/4 158/2 cottage [52] 13/16 21/7 21/10 21/22 22/1 38/16 38/20 38/23 48/13 48/16 50/22 67/24 68/6 68/8 70/2 75/11 76/23 77/6 78/7 80/4 80/10 81/4 88/3 88/20 88/24 165/24 167/11 173/20 186/20 193/19 244/9 244/11 244/12 244/13 244/14 245/9 245/21 245/23 248/2 248/5 248/11 248/21 249/18 249/21 251/22 255/8 255/14 256/14 256/18 257/12 257/23 260/3 couch [1] 193/1 coughing [1] 209/16 could [102] 14/1 14/3 16/2 16/4 16/18 16/20 17/2 17/15 17/23 18/3 18/17 18/18 18/18 19/5 19/9 20/23 22/10 26/9 29/14 30/18 30/23 30/25 33/5 33/13 36/17 36/18 40/25 47/16 47/19 48/8 48/12 48/15 48/24 50/20 51/4 52/16 59/12 61/16 62/12 62/16 62/19 62/20 69/1 75/12 100/22 110/22 116/11 121/17 121/19 122/24 123/24 124/5 127/22 129/20 130/7 131/6 132/11 132/15 134/2 134/3 134/15 137/5 137/19 139/23 139/24 139/25 140/1 140/9 142/20 142/22 142/25 155/18 161/13 162/10 162/11 167/21 169/9 176/6 185/22 194/22 196/14 199/17 214/15 216/22 228/10 228/11 229/19 231/11 232/19 233/8 233/11 234/7 236/8 237/2 239/3 243/12 244/11 244/17 251/8 256/5 259/3 264/2 couldn't [6] 8/22 55/10 127/17 180/15 184/22 252/1	counsel [29] 4/15 14/11 17/24 24/9 29/11 46/17 52/1 60/25 62/9 96/6 96/7 102/18 102/20 103/20 104/8 111/10 114/7 124/4 127/20 128/25 163/25 181/16 184/18 200/7 201/8 204/20 215/24 237/6 274/12 counsel's [2] 33/7 58/10 counseling [8] 9/2 9/4 25/15 124/21 124/22 140/10 140/19 230/5 counselor [4] 226/20 229/12 229/12 229/13 counselors [1] 25/12 counsels' [1] 59/17 count [2] 160/24 218/15 counted [1] 114/18 counter [1] 129/22 country [2] 158/21 208/7 counts [1] 245/12 COUNTY [6] 1/2 6/2 25/8 25/18 194/10 262/11 couple [5] 47/9 217/25 218/13 242/4 265/7 couple's [1] 157/13 courage [4] 160/23 161/6 161/6 192/6 courageous [2] 195/15 195/22 course [18] 12/18 17/5 24/23 30/9 76/21 104/8 116/2 121/21 152/14 154/12 155/24 173/25 195/12 210/11 210/20 214/10 237/10 238/15 court [72] 1/1 1/18 7/18 23/23 24/11 25/18 31/19 44/20 45/3 47/1 47/14 49/21 56/22 57/22 58/4 58/25 60/7 62/2 65/16 66/11 66/11 66/13 66/14 66/15 66/16 66/18 66/19 66/22 74/3 76/11 76/13 82/15 90/4 91/23 93/17 94/5 94/8 95/22 96/17 96/20 101/14 104/2 105/10 114/17 114/25 116/9 139/2 139/5 139/8 140/1 148/15 150/7 150/11 153/22 157/11 170/19 170/22 202/5 202/6 202/7 202/7 206/11 209/18 216/2 216/6 218/20 219/10 219/13 221/10 221/12 237/9 274/3 Court's [3] 47/3 88/6 114/3 court-approved [1] 274/3 courthouse [3] 123/19 168/13 194/10 Courtney [4] 161/23 176/21 180/3 185/24 courtroom [30] 15/24 59/22 60/4 61/20 64/15 100/1 115/5 152/13 153/10 156/20 158/17 160/19 171/7 174/9 189/2 195/4 204/16 208/9 216/5 216/10 221/5 223/7 223/21 224/17 228/3 234/24 236/12 237/3 272/7 273/10 courts [4] 40/22 44/3 45/1 221/15 cover [2] 170/7 191/9 covered [5] 69/15 213/1 219/22 219/24 263/6 covering [1] 131/9 COVID [1] 209/17 cows [2] 204/24 205/1 CP [4] 1/2 1/2 274/6 274/6 crafted [1] 152/8 create [2] 153/2 242/11 created [2] 18/1 186/24 creates [1] 57/25 creation [1] 178/11 credibility [8] 61/4 102/23 103/10 105/21 105/25 166/15 210/12 251/11 credible [2] 166/16 183/19 credit [1] 142/5	creep [1] 155/13 creeps [1] 183/14 CRESPO [81] 1/5 1/5 2/2 2/2 9/1 9/5 9/17 9/21 10/1 10/10 10/10 11/23 13/11 41/24 48/20 49/8 51/5 51/5 62/22 67/9 67/13 67/15 69/13 70/6 74/25 88/12 89/16 96/13 101/3 104/25 124/21 124/22 159/17 171/2 171/16 171/25 173/21 182/8 205/16 209/9 210/9 210/9 210/24 211/23 212/7 213/13 213/19 213/23 215/5 215/13 221/24 226/17 226/24 227/18 227/23 228/1 228/6 228/6 228/9 229/7 229/22 230/4 230/12 230/21 231/3 232/13 232/14 233/5 235/10 235/11 245/4 254/6 255/21 256/3 256/4 256/6 265/3 266/24 268/14 271/6 272/11 Crespo's [4] 200/21 214/18 230/24 268/15 Crespos [41] 40/7 41/21 75/11 76/23 77/20 78/7 80/7 81/10 81/16 82/3 85/16 85/25 86/6 89/23 128/7 160/23 165/20 167/11 168/23 169/2 169/16 179/3 180/18 181/2 191/3 196/25 200/21 201/10 206/24 208/5 209/21 210/22 214/12 224/20 225/10 226/8 234/6 254/23 261/11 268/11 270/19 Crespos' [3] 40/9 184/6 219/2 criminal [14] 30/15 106/14 107/19 107/21 108/1 111/6 112/7 113/25 200/12 205/14 216/2 216/5 216/6 224/17 critical [1] 47/15 criticize [1] 265/11 cross [11] 71/1 96/10 121/9 161/24 184/25 213/13 258/12 258/18 258/23 259/6 259/7 cross-examination [5] 71/1 96/10 121/9 161/24 184/25 cross-examine [4] 258/12 258/18 258/23 259/7 cross-examined [1] 213/13 crossing [1] 154/9 crucial [1] 190/9 crush [2] 267/18 267/18 crux [1] 153/15 cry [2] 160/8 231/2 crying [1] 184/2 crystal [2] 13/20 41/2 cupped [1] 267/11 curative [1] 196/3 cure [2] 46/19 62/20 curiosity [2] 169/10 232/18 current [2] 64/24 126/7 currently [3] 94/6 94/7 135/4 custodian [1] 14/4 customer [1] 86/17 cut [2] 146/24 273/4 CX [1] 4/5 D D-A-C-R-E [1] 92/9 Dacre [8] 4/7 91/15 91/17 91/25 92/2 92/8 92/9 259/5 dad [1] 97/1 daily [4] 124/16 147/15 183/25 243/22 damage [10] 6/9 6/11 6/22 12/22 37/16 37/17 104/21 190/4 232/8 233/8 damaged [1] 184/14 damages [134] 6/4 6/7 6/23 9/24 11/8 11/12 11/17 11/19 12/2 12/3 24/3 36/22 36/24 36/25 37/5 37/13 37/14 37/25 41/3

D		
damages... [115] 41/10 41/10 46/8 46/20 104/1 104/5 107/16 109/5 110/22 115/6 115/9 115/10 115/11 115/17 118/20 119/9 120/16 121/13 121/14 126/14 127/12 128/3 130/25 132/23 133/1 133/5 133/8 133/10 133/11 135/5 135/23 136/8 136/12 136/16 137/3 138/17 138/19 138/20 139/9 139/14 139/16 140/7 140/8 140/11 140/12 140/16 140/20 140/23 141/2 141/4 141/5 141/6 141/7 141/11 141/14 143/4 143/7 143/10 143/14 143/15 143/16 143/21 143/21 144/5 144/17 144/20 144/21 144/24 145/7 145/22 146/4 146/6 146/7 146/8 146/17 147/17 147/24 147/25 148/2 148/4 148/8 148/8 150/3 162/2 175/11 176/8 178/12 178/25 179/1 180/15 180/16 181/10 182/1 183/20 183/23 184/15 184/16 185/23 187/12 189/25 190/8 191/2 191/6 194/2 221/13 225/20 225/20 225/21 228/19 228/20 228/20 230/24 231/18 232/25 233/14 damn [2] 46/12 235/5 dancing [1] 196/11 dangerous [2] 100/15 242/17 dangers [1] 193/13 daring [1] 192/1 dark [5] 157/15 182/25 256/12 256/13 257/1 darkest [1] 185/19 darkness [1] 181/8 date [12] 1/17 110/14 131/10 131/13 131/24 137/16 186/21 186/22 187/1 209/4 231/11 231/13 dating [4] 51/1 170/10 198/12 247/18 daughter [8] 77/8 115/8 115/11 115/14 184/4 194/12 246/17 247/12 day [52] 9/17 9/18 21/6 30/5 31/11 46/17 54/25 72/12 81/25 87/18 88/2 88/2 88/3 104/15 104/19 104/19 126/24 129/5 129/19 136/24 137/18 148/6 159/23 161/12 165/6 167/12 167/14 168/9 173/19 185/10 185/11 188/6 188/17 190/1 190/1 195/19 201/1 204/1 208/9 210/20 212/19 215/1 219/7 224/4 226/3 228/3 230/25 244/1 250/13 256/25 267/9 269/23 days [17] 48/22 160/6 186/15 186/15 187/4 187/4 187/22 188/2 188/3 188/4 188/6 188/11 188/18 188/21 207/17 223/8 273/17 daze [1] 187/20 dbb [1] 2/5 dead [3] 57/3 267/14 267/15 deadly [1] 101/20 deal [9] 120/12 169/20 169/22 173/25 188/3 194/18 228/19 240/21 260/9 dealing [1] 203/13 deals [2] 111/2 178/17 dealt [1] 16/7 dear [1] 214/19 death [2] 113/16 113/18 Debbie [1] 96/12 DEBORAH [2] 2/3 2/3 deborahbarbier.com [1] 2/5 decades [1] 28/15 deceased [1] 28/2 decency [2] 163/4 175/25 decent [1] 163/7	deceptive [6] 55/5 179/14 179/17 179/19 179/22 179/23 decide [19] 115/22 176/2 179/19 184/5 184/8 213/12 214/4 214/21 215/16 218/9 218/12 219/1 220/10 222/24 222/24 224/16 247/22 251/16 264/8 decides [1] 239/22 deciding [1] 58/3 decision [5] 124/3 210/7 242/13 246/5 246/7 decisions [2] 216/14 235/25 declared [1] 198/4 declined [1] 215/23 declines [1] 151/14 decorated [1] 21/10 dedicated [1] 160/5 deed [1] 22/17 deemed [1] 153/2 deep [2] 190/17 216/14 defamation [1] 134/7 defect [2] 35/13 45/15 defendant [9] 3/7 29/20 100/3 109/7 150/24 175/2 207/20 207/22 221/8 defendant's [7] 24/7 58/18 59/5 136/11 143/24 146/20 220/4 defendants [31] 1/12 2/15 3/2 5/8 5/22 13/1 18/19 33/18 39/14 40/14 53/18 53/18 53/22 91/8 102/16 109/24 149/19 160/21 163/9 175/1 184/9 184/10 190/18 193/25 205/3 207/14 207/18 220/8 222/11 225/10 263/2 defendants' [4] 63/24 102/15 130/20 207/7 defending [1] 238/4 defense [23] 17/13 18/10 18/11 65/6 100/6 107/24 121/8 171/18 173/16 174/1 181/11 181/12 185/5 190/5 200/7 207/7 208/2 208/3 208/13 208/13 209/22 235/18 270/11 defenses [1] 53/12 defer [2] 39/16 220/16 define [1] 27/6 definitely [2] 22/20 72/1 degradation [1] 184/7 Deidre [2] 251/6 259/4 Deirdre [5] 19/15 20/5 22/4 167/2 168/24 deliberate [7] 143/19 168/13 178/14 179/10 190/9 194/15 251/10 deliberating [1] 145/9 deliberations [4] 99/23 126/7 223/25 242/23 deliverance [2] 268/1 268/1 demand [2] 168/5 205/15 demeanor [1] 166/13 denial [4] 18/12 167/24 207/3 207/20 denied [4] 30/8 63/25 207/20 214/15 deny [9] 57/22 58/4 58/12 75/5 75/10 180/16 180/18 180/18 180/21 depend [1] 208/8 depending [2] 126/23 135/3 deplorable [1] 163/21 depos [1] 1/25 deposed [2] 83/17 211/8 deposition [41] 9/8 9/10 9/12 49/19 60/19 76/17 77/7 77/20 79/5 79/23 80/12 80/16 80/17 81/17 81/21 82/15 83/18 83/25 84/25 87/3 87/5 87/11 88/15 88/16 89/5 169/1 169/4 172/16 173/5 173/7 173/11 177/11 211/9 211/13 211/14 211/20 230/16 231/10 252/6 269/3 269/5	depreciation [1] 260/25 depressed [1] 160/7 depriving [1] 120/16 derive [3] 147/14 202/10 218/10 derived [1] 117/1 descendent [1] 93/8 describe [1] 109/6 described [3] 82/8 118/3 255/24 describes [1] 269/14 describing [1] 82/8 deserved [2] 225/9 225/10 deserves [2] 165/10 225/11 desperate [1] 174/2 despite [1] 182/24 Destruction [1] 176/19 detail [1] 173/7 determinable [1] 233/16 determination [2] 46/4 137/15 determine [20] 29/17 56/13 57/11 65/1 111/19 121/15 129/13 130/13 137/18 146/5 151/2 151/5 166/14 201/13 216/22 216/23 226/14 230/3 246/23 272/1 determined [2] 158/22 222/4 determines [1] 121/22 determining [3] 119/9 215/18 232/7 developed [2] 21/8 40/22 device [4] 83/14 255/22 256/1 256/6 devices [2] 37/24 255/25 devil [1] 216/13 devious [1] 249/5 devoid [2] 10/25 12/22 devotion [1] 241/5 diagrams [1] 104/7 did [164] 5/14 5/16 7/19 8/5 9/5 9/17 10/23 12/16 12/16 13/4 13/5 13/5 13/6 13/12 14/17 14/17 14/17 14/24 15/4 22/5 23/9 23/14 24/15 28/5 28/12 28/19 29/6 29/25 30/2 30/24 32/1 32/1 32/3 33/2 40/7 44/24 47/18 48/17 49/14 49/19 49/19 49/22 56/5 56/17 58/9 58/17 67/5 67/19 67/19 67/24 68/20 69/10 69/13 69/18 70/5 81/5 84/7 85/24 86/3 86/5 87/17 88/19 89/16 93/6 93/21 97/11 97/14 97/20 97/24 102/15 110/7 112/18 113/22 114/13 115/16 117/3 117/4 117/4 117/4 117/11 119/3 119/16 123/24 142/4 142/5 142/6 144/2 144/3 144/14 150/1 157/17 161/7 161/8 162/1 162/18 163/7 165/20 166/4 166/16 173/12 178/7 178/8 178/25 178/25 179/6 179/8 179/19 179/20 179/22 182/8 182/17 182/24 184/19 184/22 184/24 185/1 187/6 189/25 193/25 194/7 196/23 198/8 198/17 202/24 209/10 209/10 209/11 209/11 210/21 213/23 215/12 215/13 215/15 215/15 216/1 217/20 226/9 230/20 232/14 236/21 238/18 243/13 243/16 244/12 244/16 247/17 248/24 248/24 249/4 249/5 249/5 249/18 251/13 254/5 255/24 256/4 258/16 258/22 258/23 259/7 262/7 264/1 265/2 265/11 didn't [125] 9/11 14/8 14/13 14/20 18/5 25/20 29/3 29/5 34/3 35/11 41/17 44/20 45/25 46/5 49/18 50/24 51/1 51/9 51/10 52/7 55/9 55/12 74/4 77/20 77/24 77/25 78/4 80/4 82/2 83/19 83/20 84/15 84/17 84/18 86/5 86/7 86/8 86/10 86/11 86/13 87/21 93/25 106/19 106/21 114/9 115/15 119/16 119/17 124/13 138/7 142/6 158/19 160/1 160/22 160/24 163/9

D		
didn't... [69] 166/11 166/22 167/5 167/6 168/3 168/5 168/7 171/3 171/4 171/6 171/11 173/8 173/11 173/12 173/15 178/21 183/15 184/21 197/21 200/23 203/4 203/7 207/4 210/19 210/20 211/10 211/14 213/8 214/6 214/15 217/22 220/23 222/1 227/15 227/19 231/1 232/10 235/9 248/10 248/21 248/22 251/21 252/11 252/11 253/5 253/6 253/6 253/17 256/24 258/12 258/16 258/18 258/18 259/3 260/3 261/16 263/3 263/3 266/13 268/18 268/18 268/19 268/20 269/6 269/6 269/7 271/15 271/16 271/21 die [1] 41/4 diem [7] 104/1 104/4 105/3 122/1 128/2 128/9 128/9 difference [7] 11/20 37/5 42/18 44/13 163/4 192/11 243/3 different [26] 34/15 35/8 35/9 36/19 37/13 42/21 47/17 47/19 59/2 109/6 130/2 134/4 140/21 141/14 150/10 157/21 157/21 159/6 159/6 193/2 195/12 209/18 237/22 245/17 245/18 246/11 differently [5] 129/15 184/17 204/7 227/18 266/20 difficult [9] 140/24 161/25 186/3 192/22 198/25 216/14 222/25 241/21 264/5 difficulty [3] 183/19 183/21 191/4 digitize [1] 162/15 digitized [1] 162/8 dignity [12] 158/13 163/11 177/14 177/14 177/15 182/9 182/10 182/19 182/20 184/6 186/6 193/20 diligence [4] 131/19 137/20 137/22 209/1 diligent [1] 103/2 diminish [2] 34/16 190/13 diminishes [1] 190/19 dine [1] 193/17 dining [1] 255/2 dinner [7] 35/23 86/19 86/20 168/9 169/23 171/1 176/19 direct [10] 65/22 76/3 77/11 83/24 92/5 96/16 98/7 98/11 136/14 201/6 directed [21] 5/3 5/10 5/22 8/14 11/2 11/4 11/5 11/7 12/5 12/25 15/2 51/20 57/19 57/20 57/22 58/4 58/12 100/4 101/14 102/6 199/1 direction [1] 246/12 directly [1] 126/25 dirty [2] 165/5 168/10 disability [4] 148/14 148/19 148/22 148/25 disagree [3] 34/1 41/12 152/25 disappoint [2] 197/3 232/11 disbelief [1] 34/3 discharged [1] 241/23 disclose [2] 46/2 46/5 disclosed [1] 268/23 disclosing [1] 10/15 disclosure [10] 10/18 35/15 45/16 45/18 45/19 45/21 45/21 45/23 45/24 102/12 discomfort [2] 147/6 228/25 discount [1] 233/9 discover [1] 136/21 discovered [11] 16/15 16/15 36/17 86/2 137/20 209/5 209/9 210/24 224/13 234/19 270/17 discovery [3] 34/4 137/15 186/14 discretion [2] 23/21 29/17	discuss [12] 17/16 68/20 99/18 125/16 129/1 130/15 144/10 167/24 167/24 268/19 268/20 273/2 discussed [7] 78/23 79/1 103/7 103/17 133/11 167/19 167/20 discussion [4] 103/16 130/22 145/2 230/6 discussions [2] 69/18 70/5 dismissed [1] 7/9 disparaging [3] 106/12 108/3 116/12 dispassionate [1] 225/12 displacement [1] 177/3 display [2] 160/24 272/5 disregard [2] 148/21 157/6 disregarding [1] 114/3 disseminated [1] 201/7 dissemination [4] 195/21 195/25 196/15 201/6 distinct [1] 35/8 distinction [3] 26/3 27/7 140/9 distress [58] 5/13 6/4 6/10 6/12 6/13 6/15 6/20 6/24 8/15 8/18 8/21 9/13 10/4 11/12 24/25 26/10 26/12 33/24 34/5 34/20 35/1 40/22 40/23 41/3 41/11 44/14 44/17 128/6 130/23 133/6 140/14 142/16 142/19 142/21 149/21 149/24 161/11 165/13 175/15 175/20 175/21 175/22 176/4 176/5 176/11 176/15 182/22 190/3 190/15 221/8 221/10 221/14 222/3 222/6 222/6 229/18 231/19 271/2 divorce [6] 9/5 9/9 9/19 185/4 199/20 226/20 divorced [1] 251/19 do [244] 8/6 8/6 13/21 14/8 15/1 17/14 17/17 18/5 22/9 22/19 26/9 26/15 26/22 27/8 28/11 30/3 31/16 32/17 32/20 34/10 34/10 36/10 39/10 40/9 41/6 41/24 42/1 42/11 42/22 43/5 44/23 45/22 47/2 47/9 48/5 49/8 59/22 61/19 62/10 62/15 63/22 66/3 66/3 67/9 67/13 67/15 68/2 69/13 69/19 70/9 70/12 71/13 72/21 73/7 74/3 76/23 80/1 84/5 84/9 86/5 86/24 87/1 88/20 89/24 93/4 93/15 93/19 94/11 94/14 95/3 95/6 95/10 95/15 95/25 98/1 98/3 98/12 100/5 100/10 100/18 100/23 103/9 103/10 104/4 105/24 106/2 106/11 107/8 110/19 110/25 112/10 113/22 116/10 117/25 123/4 123/12 123/13 123/19 125/13 125/19 125/21 128/1 129/7 133/18 134/19 136/11 136/18 138/24 139/19 139/20 139/21 140/2 140/25 141/1 141/7 142/6 142/6 143/3 143/18 144/9 144/9 149/17 151/14 155/7 159/12 161/6 161/18 161/18 162/12 162/18 166/23 167/8 169/7 170/5 172/20 173/2 173/15 174/3 174/11 174/25 176/16 177/3 177/4 181/4 181/12 183/4 184/10 184/13 184/21 184/22 186/5 186/8 187/24 187/25 187/25 188/14 189/12 189/19 190/6 193/14 196/19 199/5 204/7 205/24 209/13 210/13 211/1 213/10 214/8 214/9 214/14 214/15 216/1 216/7 216/8 216/10 217/11 217/17 222/19 225/25 226/5 226/5 230/18 231/7 232/25 233/12 233/13 233/22 235/15 235/18 235/19 236/7 237/17 237/17 238/18 238/18 239/1 239/17 241/3 243/7 243/8 243/12 243/12 243/22 245/16 246/15 248/22 249/2 250/1 250/8 250/21 250/23 254/21 257/7 257/15 258/25	260/2 260/2 260/24 261/18 262/19 263/10 263/18 263/19 265/8 265/12 266/18 266/24 267/12 267/24 267/25 269/18 270/2 270/6 270/7 271/20 271/20 272/24 273/1 273/2 273/4 273/5 273/7 274/4 dock [1] 267/24 DOCKET [2] 1/2 274/6 doctor [2] 229/15 229/16 document [2] 47/7 124/25 documents [1] 211/9 Doe [7] 159/5 227/13 227/13 227/25 228/1 265/9 265/10 does [50] 28/23 33/24 34/8 34/15 42/15 48/16 50/15 53/6 57/1 61/19 62/10 76/9 78/10 83/7 101/16 118/17 130/11 134/10 134/13 134/18 137/2 151/6 153/14 159/18 160/10 168/15 173/21 174/24 175/4 182/4 183/24 184/1 203/13 206/5 213/22 213/23 221/13 244/12 244/16 245/1 245/2 246/15 248/19 250/19 252/5 252/6 252/7 257/20 265/23 266/24 doesn't [47] 13/7 13/24 14/16 16/13 30/19 39/19 41/18 43/5 43/10 43/19 43/20 44/5 44/19 48/14 76/4 76/8 83/6 111/25 140/4 159/9 159/14 159/17 161/19 169/22 169/24 172/19 181/9 186/11 190/13 192/11 207/9 207/11 221/12 231/16 240/8 248/7 258/5 264/17 264/17 266/17 269/10 269/11 269/12 269/15 269/15 270/4 270/5 doggone [1] 254/1 doing [26] 31/22 48/5 50/18 55/24 56/24 56/25 66/22 89/18 151/8 163/18 196/13 199/19 214/13 223/4 237/13 242/6 244/2 250/19 250/20 250/21 250/22 254/11 254/12 254/13 267/22 270/21 dollar [8] 125/2 175/13 176/9 186/5 188/5 188/6 190/12 233/14 don't [236] 6/25 7/3 8/6 9/2 13/6 13/7 14/16 17/16 21/15 22/6 22/17 23/9 25/6 27/5 27/15 29/19 30/14 31/3 31/15 33/14 34/10 35/15 35/16 35/17 37/14 37/18 39/15 39/17 40/7 41/23 41/25 42/9 44/22 45/19 49/17 50/10 51/21 52/3 52/20 52/25 53/2 54/3 54/4 54/7 56/16 56/16 56/25 57/9 58/20 58/22 59/10 61/3 61/6 61/16 61/16 62/3 62/8 63/13 64/21 68/19 68/23 69/1 69/16 73/1 75/4 75/5 75/8 75/11 76/22 77/5 77/22 78/2 78/8 78/9 78/17 78/19 80/8 84/7 86/21 88/7 96/1 98/14 99/19 106/2 106/15 107/5 108/3 108/4 109/4 109/13 110/2 110/25 112/3 112/8 112/12 114/8 114/23 114/23 115/24 116/5 119/21 120/4 122/3 124/19 127/12 128/13 131/5 133/14 134/14 134/19 135/6 136/25 137/24 138/3 138/5 138/5 138/6 139/15 141/24 145/6 145/16 145/18 145/21 146/21 147/4 148/25 149/4 150/1 152/2 152/16 154/6 154/6 154/22 154/23 156/7 156/9 164/4 165/16 168/19 169/15 170/1 173/8 174/11 180/15 180/16 183/21 185/21 186/22 186/22 189/10 189/11 190/4 190/20 190/20 191/3 193/16 197/13 198/4 198/5 199/16 200/15 200/18 200/25 203/5 203/5 203/12 203/20 203/20 204/4 204/25 206/18 207/16 209/17 212/15 212/17 213/2 213/4 214/1 214/18 217/22 218/17 222/21 222/22 227/1 229/3 230/8

D	106/19 106/21 114/14 125/25 e-mailed [2] 150/7 150/10 each [21] 21/2 23/6 34/14 52/16 67/16 69/4 92/10 115/20 165/16 180/12 188/5 188/6 189/5 189/11 189/16 190/2 207/20 207/20 221/13 245/17 263/18 eager [1] 157/16 EAGLE [1] 1/21 earlier [5] 20/20 100/9 103/16 152/11 218/16 early [8] 1/19 20/15 76/25 77/13 124/14 206/1 274/3 274/20 earnestness [1] 101/20 earning [1] 27/10 easier [3] 26/18 159/16 185/16 easily [3] 19/6 190/12 233/16 East [1] 2/8 easy [9] 109/1 118/11 158/4 158/20 162/1 164/22 186/9 186/10 186/11 eat [2] 99/15 99/17 economists [1] 148/6 Edgar [1] 162/7 edges [1] 206/8 edit [1] 162/15 effect [18] 48/11 55/2 58/18 58/20 58/24 58/25 69/11 83/23 115/13 115/15 115/16 116/1 151/2 151/5 152/10 152/13 216/23 222/2 effectively [1] 153/1 effects [2] 36/17 128/6 effort [1] 47/6 eggs [1] 220/12 eight [1] 195/12 either [5] 123/19 138/5 156/10 209/8 221/24 election [1] 238/24 electronic [2] 255/25 274/5 element [12] 43/13 101/1 126/16 126/18 175/9 175/23 176/3 179/24 180/2 222/18 242/14 245/18 elements [7] 34/12 44/8 175/10 175/16 179/10 221/10 222/17 elicit [1] 7/23 eloquent [1] 205/5 eloquently [1] 142/7 else [37] 23/4 29/14 30/3 32/3 37/19 39/7 51/22 58/19 63/13 85/8 94/25 114/12 117/23 125/13 127/19 132/12 133/20 134/22 140/20 141/8 146/25 151/25 152/13 157/18 183/9 185/3 226/22 229/23 230/18 238/6 239/14 240/17 246/11 248/11 254/1 254/16 273/5 else's [1] 211/24 embarrass [1] 174/13 embarrassed [4] 176/17 226/18 227/4 228/9 embarrassment [6] 158/15 175/11 176/14 184/7 228/16 228/24 emotion [1] 242/13 emotional [61] 5/13 6/4 6/10 6/12 6/13 6/15 6/20 6/24 8/15 8/17 8/21 9/13 10/4 11/8 11/12 24/5 24/24 26/10 26/12 33/24 34/5 34/20 35/1 40/21 40/23 41/3 41/9 41/11 44/14 44/16 128/6 130/22 133/6 140/14 142/16 142/19 142/21 147/7 149/21 149/24 161/11 165/12 175/15 175/20 175/21 176/4 176/5 176/11 182/22 190/3 190/10 190/14 190/21 221/7 221/9 222/3 222/5 222/6 231/18	242/11 271/2 emotions [2] 161/15 176/12 emphasize [1] 50/3 employed [2] 274/12 274/13 employee [1] 274/11 employees [1] 75/25 employment [2] 139/6 228/23 emtor [1] 102/10 encapsulates [1] 47/11 encourage [1] 193/5 encouragement [1] 118/19 end [14] 13/22 40/16 65/2 112/18 113/2 138/24 161/19 162/3 196/24 204/23 207/6 220/9 228/14 242/19 ended [1] 15/11 endure [9] 8/23 10/5 45/10 142/20 142/22 142/25 161/2 176/7 194/18 endured [4] 49/18 183/23 190/15 191/5 enemies [1] 61/5 enforcement [4] 86/3 86/14 195/24 196/6 engaged [3] 33/9 179/14 222/12 English [1] 240/24 enhances [1] 100/7 enjoyment [4] 141/4 147/11 147/12 147/23 enough [11] 57/14 64/11 124/12 132/17 150/17 158/10 184/20 211/24 212/1 214/19 243/14 ensure [1] 206/12 enter [2] 12/16 141/24 entered [8] 10/10 64/15 149/2 149/2 156/20 204/16 207/3 237/3 enterprise [10] 13/4 16/19 16/21 16/22 18/20 55/4 55/6 260/2 260/11 260/24 ENTERPRISES [13] 1/10 2/15 3/2 5/9 13/1 13/3 13/9 14/18 15/16 21/21 40/5 91/9 102/5 entertainment [1] 158/8 entire [7] 28/7 47/12 49/6 52/2 113/2 155/14 237/12 entities [12] 13/21 14/13 14/20 18/1 18/9 20/4 23/7 40/16 42/12 129/10 177/21 177/24 entitled [13] 5/22 49/25 118/4 144/16 144/24 151/21 152/24 235/1 243/11 258/19 258/20 258/21 258/24 entity [6] 11/24 13/24 41/22 41/25 41/25 42/14 entry [1] 105/15 environment [2] 153/2 159/22 environmental [1] 24/10 episodes [1] 9/9 equally [1] 46/11 equipment [10] 10/22 68/17 68/19 89/9 89/18 212/3 212/14 248/13 255/23 270/4 equipped [1] 206/16 equitable [2] 179/3 179/6 ER [2] 177/13 180/7 Erica [1] 263/23 error [3] 148/14 150/3 150/5 especially [1] 213/6 ESQUIRE [7] 2/3 2/7 2/11 2/17 2/21 3/3 3/8 essence [2] 163/12 182/13 essentially [9] 7/9 8/25 9/24 115/18 120/17 144/15 196/2 219/19 220/19 establish [7] 13/15 43/17 43/19 43/20 58/2 92/15 127/12 established [5] 17/20 26/19 27/21 38/13 55/14
E		
e-mail [10] 2/5 2/9 2/13 2/19 2/23 3/10		

E		
establishes [2] 53/5 54/9	120/11 120/13 126/7 126/10 127/11	149/1 187/13 187/19 187/20
establishing [1] 10/19	128/5 129/18 133/2 143/23 144/6 144/18	expectation [2] 27/9 89/23
estate [36] 7/11 7/24 8/2 26/21 26/22	145/6 146/3 146/7 146/11 146/19 147/4	expected [8] 8/22 45/9 142/20 142/22
26/25 27/7 27/8 27/16 28/24 28/24 28/25	147/10 147/15 147/19 147/25 148/4	142/25 176/7 218/1 248/20
39/24 41/23 42/6 42/9 42/19 42/20 45/17	148/13 148/18 148/24 149/2 149/5	expenses [7] 11/9 11/11 11/13 136/12
46/6 53/20 101/8 167/8 171/10 171/10	156/23 157/1 157/2 157/5 157/6 157/8	141/22 228/23 229/7
178/17 178/17 178/21 220/22 221/4	163/15 172/5 172/11 172/20 174/5	experience [6] 93/15 131/17 137/19
221/5 251/12 257/22 257/24 260/8	174/23 192/21 195/21 195/25 196/6	186/2 190/16 208/25
260/14	196/16 198/2 198/5 198/21 201/2 201/6	experienced [1] 186/1
esteemed [1] 102/19	201/14 201/25 205/23 206/11 206/11	experiences [2] 271/10 271/25
estimate [3] 187/17 187/18 188/12	220/2 220/10 221/3 223/2 223/20 224/5	experiencing [1] 186/1
et [1] 145/15	224/12 226/8 226/14 226/17 232/4 232/6	expert [9] 7/25 45/25 46/5 50/14 50/16
evade [1] 249/6	232/22 234/4 234/16 234/18 234/23	220/17 220/23 220/24 260/15
evaluate [3] 226/13 228/4 228/18	235/2 235/8 235/21 242/9 242/18 242/21	experts [3] 234/22 262/3 262/4
even [52] 8/4 9/24 16/1 22/10 25/7 38/12	243/8 244/13 244/16 245/1 245/3 245/5	explain [11] 15/15 42/18 112/6 157/9
40/3 40/7 43/14 49/7 49/17 60/20 76/22	245/6 245/10 245/20 245/24 246/1	163/16 216/17 220/11 221/11 222/7
77/25 78/11 82/5 83/7 85/22 86/8 108/4	246/15 246/21 249/14 249/15 249/25	226/2 239/17
109/2 118/13 122/20 122/20 133/6 145/6	250/6 251/9 251/24 252/16 253/16	explained [4] 64/20 182/4 182/5 257/14
145/21 160/8 167/19 169/16 184/21	254/24 255/12 255/15 256/16 257/13	explanation [6] 114/9 168/5 220/18
184/22 185/15 187/10 188/18 192/21	258/21 258/24 260/1 260/17 260/17	221/16 221/18 229/3
197/24 216/3 231/15 232/22 233/9 234/4	260/18 261/1 261/19 262/5 262/14 264/7	expressing [1] 213/20
250/3 250/8 250/23 256/2 256/14 258/2	266/4 266/4 268/25 269/11 269/11	expressions [1] 102/22
259/1 269/10 269/15 272/17	269/15 271/19 272/8 272/13 272/15	extended [1] 49/19
evening [1] 272/24	273/7 273/8	extent [6] 11/6 11/8 13/18 39/9 115/16
event [1] 191/12	evidentiary [5] 48/2 51/17 71/19 99/9	226/18
events [3] 50/19 60/23 168/15	250/10	external [1] 162/14
ever [18] 7/15 51/14 67/7 82/23 84/7	evil [1] 181/8	extreme [5] 8/17 33/25 34/9 56/20
112/11 156/11 181/10 183/10 183/16	exact [1] 189/11	175/24
196/7 201/21 227/2 227/3 234/8 237/17	exactly [11] 26/24 27/5 49/5 78/25	extremely [1] 103/2
249/7 255/15	115/14 164/2 164/4 185/13 208/19	eye [2] 82/9 83/2
every [29] 9/17 9/18 18/7 18/13 21/6	236/21 270/20	
30/5 54/25 88/3 140/12 140/14 143/20	examination [11] 65/22 71/1 88/10 90/6	F
158/17 161/12 164/10 183/1 185/10	92/5 96/10 96/16 121/9 161/24 184/25	face [4] 159/18 171/7 193/22 256/15
185/11 188/16 188/17 195/19 201/1	210/13	faced [1] 216/10
207/21 208/9 221/13 244/1 244/1 248/24	examine [5] 48/4 258/12 258/18 258/23	facing [1] 89/12
256/25 269/23	259/7	fact [69] 13/25 20/7 34/14 35/17 37/12
everybody [13] 20/10 22/1 46/9 107/18	examined [1] 213/13	43/9 47/25 48/15 52/10 52/11 57/13
129/15 184/16 214/17 227/10 227/11	example [4] 24/4 43/23 194/11 243/14	75/19 76/25 77/24 78/16 81/15 97/5
229/4 234/14 240/17 246/11	examples [1] 186/8	100/8 101/25 103/4 105/17 107/20
everybody's [1] 125/10	exceed [1] 175/24	108/20 108/22 110/7 111/1 111/19
everyone [9] 52/18 59/4 103/20 114/12	except [7] 17/23 40/5 55/18 63/3 109/19	113/23 139/24 154/14 165/9 169/4 179/4
116/5 121/12 125/22 128/20 235/11	234/15 248/8	182/24 185/4 185/4 189/13 196/8 196/21
everyone's [2] 193/23 236/14	exception [1] 220/3	197/20 201/12 202/9 202/10 202/13
everything [16] 17/7 26/22 50/12 50/15	excluded [1] 107/9	208/6 208/11 220/6 226/10 231/22
112/17 145/24 165/9 177/1 182/25	exclusive [1] 22/4	234/12 238/11 244/7 244/11 244/13
199/18 203/1 226/5 243/15 246/16 248/5	excuse [7] 11/3 11/5 11/17 40/6 56/6	249/7 250/2 251/14 255/11 256/16 258/1
254/16	109/9 209/3	258/13 258/16 258/22 261/7 262/19
evidence [264] 5/25 6/22 7/23 8/8 8/11	excused [6] 64/18 90/17 91/6 98/21 99/1	266/16 268/14 268/16 272/10
8/11 8/16 8/23 9/13 9/15 10/9 10/19	99/3	factor [2] 47/15 198/19
10/21 10/25 11/16 11/17 11/23 11/25	executed [1] 168/1	facts [45] 17/19 47/4 47/7 52/4 56/21
12/3 12/13 12/14 12/20 13/2 16/1 16/17	exercise [8] 49/14 101/18 131/18 137/20	98/1 98/12 111/19 118/10 118/14 118/23
16/19 19/7 19/12 20/14 20/23 21/20 22/7	137/21 208/25 223/3 223/5	118/24 119/3 121/20 132/7 132/17 196/4
22/17 24/4 25/9 25/10 25/11 25/25 26/5	exes [1] 227/20	197/12 197/13 197/14 210/7 226/14
30/19 33/8 33/19 36/9 36/14 37/1 37/15	exhaustive [1] 105/23	239/16 239/17 239/20 242/22 246/21
37/18 39/15 40/1 40/4 40/15 41/14 42/2	Exhibit [9] 71/9 71/15 71/16 91/3 124/24	246/24 247/1 247/22 249/16 253/14
42/3 42/4 42/5 42/6 42/7 42/10 42/12	171/24 211/10 230/7 230/12	253/14 261/7 262/19 262/21 262/22
42/17 43/16 46/3 46/16 46/20 47/21	Exhibit 15 [1] 171/24	262/22 262/23 262/24 262/24 264/13
48/23 49/2 50/5 50/6 50/7 50/9 50/18	Exhibit 20 [3] 124/24 230/7 230/12	264/15 264/17 268/13
51/6 51/16 52/1 52/9 54/22 55/2 55/18	Exhibit 23 [3] 71/9 71/15 211/10	factual [2] 104/6 128/2
55/23 56/12 56/13 56/14 57/14 57/15	Exhibits [1] 4/15	fail [1] 193/12
57/19 57/23 58/2 58/6 58/13 71/15 71/17	exist [3] 137/23 191/6 260/10	failed [6] 5/24 6/21 209/13 214/8 226/14
71/20 71/21 72/1 83/7 90/20 91/2 91/4	existed [4] 131/19 209/2 209/3 226/10	262/15
94/25 98/3 99/23 100/5 100/8 100/16	existence [6] 10/16 19/11 58/5 160/17	failing [1] 45/20
101/4 101/15 101/25 103/1 103/4 103/6	190/13 234/6	fair [5] 11/20 64/11 200/3 218/12 225/18
103/8 103/18 103/19 104/8 104/10	existing [2] 16/23 20/24	fairly [4] 104/10 194/16 207/23 223/18
104/11 104/20 104/22 105/2 105/3 107/7	exists [1] 208/12	fairness [2] 206/12 236/3
107/9 107/10 107/13 107/22 107/25	exited [5] 60/3 100/1 195/4 236/12	faith [1] 241/24
108/12 108/13 108/18 109/18 110/9	273/10	fall [1] 243/24
110/24 114/21 116/25 118/2 118/18	expect [4] 59/10 89/16 178/9 256/13	false [5] 36/4 134/6 203/19 204/11
	expectancy [7] 104/15 104/17 148/10	222/19

F		
familiar [4] 20/3 20/9 111/18 200/12	62/4 102/13 102/15 102/18 126/22	forum [1] 273/6
family [11] 66/11 66/19 116/15 120/13	129/16 131/15 133/7 133/8 136/25	forward [10] 10/14 40/11 48/1 65/11
158/3 168/4 168/8 176/16 238/20 247/16	143/12 144/2 144/16 144/23 145/11	146/2 164/6 202/3 235/25 245/14 264/23
273/5	149/25 200/17 200/22 208/22 217/18	fought [1] 192/23
famous [4] 169/20 241/7 241/16 253/23	221/1 225/15 225/16 225/17 233/10	found [16] 28/21 53/19 100/21 119/23
fancy [2] 215/8 246/18	242/22 242/25 247/25 262/4 263/4 264/5	145/19 151/25 152/2 160/13 160/16
fantastic [1] 120/18	264/15 266/15	171/2 173/22 183/18 186/14 226/23
far [7] 44/18 52/22 70/13 99/24 121/15	finders [2] 103/4 202/9	270/14 270/21
200/18 202/22	finding [9] 69/19 101/2 103/18 126/6	foundation [2] 104/10 250/10
farm [6] 45/4 94/15 97/8 97/10 97/12	138/6 139/3 139/21 143/12 255/20	four [6] 35/24 52/19 179/12 218/15
159/22	finds [3] 139/6 148/22 266/7	218/16 269/4
farmhouse [1] 97/17	fine [16] 23/24 32/22 57/12 61/15 64/6	fourth [4] 31/6 108/2 176/5 179/22
fashion [2] 121/3 196/3	110/19 151/14 151/17 151/18 153/9	foxhunted [1] 94/18
faster [1] 125/15	185/2 185/7 185/7 240/20 249/13 254/19	foxhunting [4] 60/13 60/15 97/24 108/23
fate [2] 267/19 267/21	finish [1] 207/5	fragile [1] 182/10
father [6] 94/18 94/19 115/11 204/22	finished [4] 94/4 200/25 217/5 258/14	frankly [6] 10/21 136/6 137/3 174/3
247/14 265/4	firm [1] 239/10	197/9 240/9
fault [2] 114/11 114/13	firmly [2] 207/23 246/8	fraud [18] 5/13 11/10 11/11 11/18 35/19
favor [5] 57/20 58/7 173/3 262/15 262/17	first [48] 23/25 31/25 43/2 43/3 43/14	35/19 37/3 37/4 37/7 45/14 52/22 126/10
favorable [2] 47/8 50/9	43/17 50/13 56/10 59/18 60/9 65/20 72/6	127/8 141/11 165/14 179/2 222/16
feather [2] 61/22 62/25	92/3 92/7 93/21 105/18 113/15 121/15	222/16
February [1] 170/12	131/6 131/10 135/19 146/4 158/22	fraud/misrepresentation [1] 222/16
fee [2] 27/10 140/18	163/17 166/3 166/7 166/24 167/25	free [1] 197/12
feeding [1] 167/13	167/25 170/11 176/14 188/13 199/21	freedom [2] 263/7 263/8
feel [12] 110/14 124/9 130/8 161/9	200/15 200/16 207/7 214/21 222/18	freelance [1] 66/20
182/23 184/2 184/8 189/10 224/9 230/22	223/6 223/16 223/23 225/4 225/15 249/7	frequent [1] 86/17
248/7 257/4	264/2 265/7 269/24 273/16	frequently [1] 113/14
feeling [1] 177/2	Fishburne [2] 148/11 148/23	friend [13] 9/15 85/23 160/4 160/11
feelings [3] 44/21 45/2 224/5	fit [3] 111/20 172/20 239/18	167/9 176/25 189/22 211/25 214/19
feels [3] 164/1 227/5 272/19	fits [3] 33/19 35/19 215/18	214/19 214/19 230/25 242/21
feet [1] 247/19	five [3] 218/15 218/16 234/1	friend's [1] 230/19
fellow [2] 112/24 229/21	flagrant [1] 104/13	friends [23] 21/3 21/3 61/5 61/23 67/16
fellows [1] 200/11	fleeting [1] 132/11	72/21 73/18 73/25 74/13 74/19 78/11
felt [2] 118/4 191/25	flight [1] 32/2	96/23 97/1 97/3 167/2 168/5 168/8 173/2
female [1] 228/11	flock [1] 63/1	214/17 244/22 244/22 268/17 273/5
few [33] 2/11 2/11 14/14 15/10 17/12	flooded [1] 221/15	friendship [2] 62/6 74/16
21/15 23/14 26/7 28/1 28/22 30/23 31/20	Florence [1] 11/14	fright [1] 24/5
32/21 33/4 36/23 37/2 39/16 46/9 47/11	Florida [1] 68/4	Fritz [1] 162/7
48/6 48/25 49/5 50/21 51/23 56/4 56/20	fly [1] 267/16	front [11] 15/5 21/6 43/25 44/22 65/3
81/15 133/9 135/25 141/24 145/25 155/6	flying [1] 221/19	78/8 159/20 160/25 189/3 204/9 244/8
165/16	focus [1] 254/12	fulfill [1] 165/20
fiancé [1] 19/21	focuses [1] 132/9	full [8] 23/10 23/11 49/22 65/16 91/23
fiction [2] 258/1 258/2	foggy [1] 63/17	221/18 252/3 264/25
fiduciary [2] 10/18 10/19	folks [2] 30/16 217/11	fully [9] 59/11 106/16 129/22 189/16
field [1] 257/3	follow [2] 23/16 119/18	194/15 211/8 218/1 219/22 219/23
Fifth [48] 13/14 13/19 13/21 13/23 13/25	followed [1] 15/5	fun [1] 66/23
14/15 15/22 17/6 17/11 17/13 18/6 18/12	follows [2] 65/21 92/4	function [1] 25/17
18/24 19/4 19/8 29/13 30/21 33/13 33/21	fool [2] 240/16 267/9	fund [7] 106/13 109/11 109/11 109/14
35/4 49/15 49/20 49/23 55/11 56/1 58/15	fooled [3] 190/20 190/20 240/15	110/21 116/14 117/9
58/18 58/23 123/6 150/9 150/25 152/10	footage [1] 161/5	fundamental [3] 114/19 190/10 210/15
153/11 153/16 153/18 153/20 153/23	force [1] 18/21	further [9] 14/13 14/21 24/15 69/18 70/5
164/10 178/1 181/1 215/22 215/24	forced [2] 228/8 263/23	197/5 212/2 256/21 274/10
216/24 248/25 249/1 252/3 252/3 271/21	foregoing [1] 274/5	further [1] 122/21
Fifty [1] 242/5	forelady [1] 237/9	future [10] 141/6 147/25 148/2 148/4
fighter [1] 159/19	forest [1] 267/10	148/5 148/8 157/17 163/9 187/12 187/21
figure [16] 28/3 81/24 128/16 155/18	forget [6] 122/9 194/9 194/11 194/12	G
173/19 175/13 176/9 187/25 188/8	196/25 201/10	GABRIEL [84] 1/5 2/2 13/11 16/2 19/24
188/20 190/4 190/12 190/19 213/18	forgetful [1] 213/21	24/17 25/13 34/14 36/18 37/9 49/8 51/5
222/14 225/25	forgets [1] 197/1	51/7 62/22 67/9 67/13 69/23 69/24 75/13
figured [4] 206/17 270/12 270/13 270/15	forgetting [1] 159/18	81/3 89/25 96/13 101/3 158/19 158/20
file [1] 228/1	forgot [3] 23/5 25/23 233/4	160/16 162/17 162/19 163/7 163/23
filed [15] 5/18 9/12 14/25 106/8 106/15	form [11] 53/1 125/18 130/2 133/23	165/22 169/19 171/2 173/17 176/13
113/19 114/1 114/24 131/13 131/14	134/4 145/17 146/12 146/22 149/9 158/8	180/6 182/8 182/18 183/5 183/12 183/18
195/9 210/25 227/24 263/17 264/4	195/11	185/1 185/12 185/25 186/3 187/19
filming [2] 82/25 104/19	formal [1] 229/12	187/22 188/23 190/16 191/8 193/15
final [1] 132/3	format [1] 150/10	194/2 194/8 194/10 213/10 213/25
finally [3] 168/22 193/22 206/17	formation [1] 177/23	213/25 239/11 244/15 245/21 248/1
financial [1] 37/4	formed [1] 16/23	248/6 249/19 252/20 253/11 253/19
find [38] 39/23 48/3 50/8 51/18 58/12	formula [3] 232/10 233/2 233/13	253/22 254/4 254/7 254/8 254/10 256/17
	forth [2] 26/2 229/18	

G GABRIEL... [12] 257/11 257/17 263/2 265/2 265/3 265/6 268/21 270/15 270/24 272/2 272/16 272/20 Gabriel's [7] 16/12 162/8 186/6 188/11 188/15 189/9 192/19 game [1] 75/15 gander [1] 63/2 garbage [1] 174/17 gatekeeper [1] 101/19 gatekeeping [1] 25/17 gathering [1] 192/21 gave [14] 76/5 77/16 80/24 101/10 119/14 119/15 151/10 164/17 164/20 165/23 172/12 211/7 217/1 257/18 Gene [1] 257/4 general [19] 14/20 18/11 75/12 105/22 111/23 132/22 133/5 135/5 135/23 136/12 138/18 140/7 140/12 140/22 185/23 207/3 207/19 228/23 252/21 generally [2] 95/3 216/15 gentleman [2] 158/5 265/10 gentlemen [27] 64/17 99/8 111/13 156/21 157/20 164/8 164/19 165/7 185/18 188/20 191/1 191/7 194/3 195/1 195/19 196/5 204/17 204/22 226/2 230/21 233/12 235/13 235/19 237/5 237/10 268/8 272/21 genuine [1] 47/25 geography [1] 167/23 get [85] 6/4 6/10 6/11 10/23 11/11 11/13 12/8 12/10 17/16 27/16 32/11 34/10 40/25 41/2 41/9 42/18 43/2 43/3 43/5 46/12 46/12 46/13 46/19 50/10 53/2 59/12 63/14 64/22 72/1 80/21 103/15 106/19 107/14 108/15 110/22 118/21 121/14 122/16 122/23 122/24 124/13 126/13 126/15 126/21 127/11 132/15 134/1 141/9 141/13 141/17 142/14 143/20 145/23 149/16 154/23 161/10 165/4 168/21 174/10 174/11 186/9 193/17 195/3 200/3 203/18 203/21 206/23 208/19 208/20 214/11 217/4 218/17 221/17 229/20 242/17 252/2 252/18 257/7 257/19 257/20 260/24 260/25 262/9 263/11 264/25 get-go [1] 186/9 gets [4] 31/5 111/19 115/18 169/25 getting [20] 5/21 27/10 28/4 54/14 55/1 55/20 122/12 123/15 168/10 172/23 203/4 205/13 213/20 243/23 248/2 248/4 248/15 248/15 248/16 248/16 gilded [1] 196/8 Gina [15] 4/6 35/25 59/21 65/9 65/18 65/19 171/15 174/11 174/15 210/10 214/19 259/13 268/20 268/24 269/25 girl [4] 19/17 60/17 61/18 258/9 give [22] 45/18 45/19 73/22 75/16 76/12 87/13 118/19 139/25 142/5 186/7 219/11 229/2 233/9 233/25 234/1 234/2 234/5 261/8 265/10 265/12 265/13 272/22 given [7] 20/22 24/3 74/6 74/11 81/24 163/13 242/3 gives [5] 191/1 194/16 253/13 264/14 268/24 giving [3] 76/9 106/9 225/8 go [102] 10/1 15/12 23/15 23/19 23/22 23/22 26/2 26/17 27/16 31/24 31/24 32/17 42/2 45/5 47/2 48/1 48/17 57/13 59/3 59/4 59/12 59/25 62/15 63/6 75/6	75/9 81/9 84/11 86/19 86/20 86/24 87/1 87/8 88/14 88/16 93/25 103/17 104/18 108/23 109/18 111/3 116/11 121/16 123/12 126/5 127/18 130/9 138/8 138/11 144/4 145/10 146/22 155/6 155/18 156/7 156/8 156/9 156/18 160/8 161/16 161/17 164/6 168/13 170/1 174/11 174/12 174/14 174/15 174/18 174/25 176/18 176/18 177/5 177/6 186/9 187/4 189/14 191/12 191/22 194/14 200/24 202/3 204/15 206/7 207/6 207/7 213/6 213/16 223/1 223/1 229/1 229/17 230/22 231/2 239/3 242/19 242/24 244/12 246/9 249/18 271/23 273/7 God [6] 187/21 207/11 211/14 217/4 223/11 256/7 goes [12] 20/15 24/24 50/12 52/23 57/24 60/22 74/16 107/20 146/2 148/3 172/7 185/19 going [188] 5/2 7/3 15/8 16/25 17/4 18/15 18/15 19/4 23/9 23/18 37/10 39/12 43/7 47/12 49/4 50/16 55/6 57/13 57/17 60/15 63/6 63/10 63/19 64/10 64/10 65/6 67/24 68/14 68/16 69/19 69/22 69/25 71/8 77/11 80/15 81/6 81/24 83/24 84/17 85/25 86/6 87/6 88/18 89/24 89/25 90/1 99/13 100/19 100/20 105/1 107/13 107/15 109/3 109/5 109/23 109/25 110/10 111/5 111/7 112/18 113/8 113/22 115/9 121/4 123/22 123/23 125/9 126/5 126/11 126/24 127/3 128/12 130/1 130/5 130/13 135/10 137/24 138/6 140/20 143/6 143/8 144/5 145/23 152/18 155/12 155/23 157/2 161/16 161/17 161/17 164/11 165/15 166/13 167/17 168/8 168/17 171/18 171/24 173/16 174/6 174/19 174/22 175/16 176/20 177/14 177/16 177/17 178/2 180/10 180/12 181/2 184/10 184/11 185/5 186/7 186/9 187/13 188/14 188/22 189/8 191/18 191/18 194/4 194/5 194/6 194/8 194/11 195/14 196/21 197/16 200/18 200/22 201/25 203/2 204/19 206/18 207/15 208/20 211/2 213/10 213/19 214/11 215/19 216/7 218/17 219/21 220/15 220/16 221/6 221/11 221/12 221/17 222/7 222/24 223/10 227/24 229/2 230/18 232/17 233/25 234/1 234/1 240/12 242/3 242/11 243/21 244/10 244/25 245/15 245/16 246/11 248/5 249/8 249/9 249/13 251/25 252/1 252/2 256/3 256/14 259/2 259/16 265/18 266/15 266/15 267/15 267/18 268/5 gold [1] 215/12 Golden [5] 103/15 103/18 106/2 111/5 197/2 gone [13] 48/16 68/3 108/13 116/9 140/19 173/14 180/9 206/21 244/11 245/15 256/2 258/14 269/9 good [26] 28/17 65/24 65/25 69/12 71/3 71/4 80/13 95/7 95/9 96/12 96/23 120/12 128/20 134/8 157/11 176/19 228/19 236/13 238/14 243/24 254/9 257/25 257/25 265/4 265/4 267/2 goodness [1] 160/11 goose [1] 63/1 gooses [1] 63/3 got [64] 12/20 19/12 31/1 38/14 40/9 42/11 44/3 48/14 53/12 57/15 61/11 69/22 113/2 126/2 136/11 136/19 138/19	146/25 147/19 155/15 160/3 167/9 174/25 179/9 185/14 186/13 186/18 187/12 191/9 196/10 198/16 199/9 201/22 203/1 203/22 204/5 204/5 204/7 209/18 210/7 213/2 217/21 218/16 223/3 223/5 233/3 233/3 238/23 241/14 243/19 243/22 247/19 247/20 247/22 247/23 250/14 254/15 258/3 264/9 264/14 264/15 271/23 271/24 271/24 gotten [3] 35/22 206/1 233/11 Grace [3] 38/16 38/18 38/21 graciously [1] 254/8 graduated [1] 160/2 grand [1] 21/11 grant [4] 58/3 200/22 202/1 253/23 granted [1] 51/21 great [8] 112/15 120/22 122/14 122/14 239/2 240/21 241/9 273/13 greater [9] 47/20 50/6 50/17 52/12 56/14 245/2 245/20 245/23 245/25 greatest [1] 190/24 Greenville [3] 1/23 2/8 2/12 grenade [1] 241/2 grew [4] 94/15 97/8 118/9 250/22 GRIFFIN [40] 2/17 2/17 5/2 5/3 15/3 23/8 24/21 26/9 27/4 31/6 35/5 36/9 39/10 43/12 46/22 54/8 54/15 55/18 65/7 71/18 72/3 88/8 90/16 98/15 105/9 124/15 128/1 129/17 135/20 135/25 139/22 140/5 141/1 143/8 146/12 146/24 185/2 205/10 213/13 230/5 Griffin's [3] 57/18 140/6 180/13 griffinhumphries.com [1] 2/19 grille [1] 125/6 grinding [2] 44/17 45/11 groom [1] 19/20 groom's [2] 21/9 38/20 gross [3] 53/14 145/15 177/19 grossly [1] 29/18 ground [2] 11/6 197/5 grounds [2] 12/5 102/7 group [2] 246/9 259/1 grow [1] 158/19 growing [1] 260/12 guarantee [1] 264/20 guaranteed [2] 187/17 188/14 guardrails [1] 206/6 guess [14] 43/11 43/18 61/17 74/17 120/11 126/3 143/5 208/18 218/7 227/20 232/9 234/7 253/4 271/14 guesses [1] 243/5 guesswork [2] 242/17 250/9 guilt [2] 61/25 224/16 guy [6] 66/16 115/4 168/6 191/9 206/17 229/25 guys [3] 97/5 213/2 213/5 H habits [1] 114/23 had [188] 5/16 7/25 8/9 9/4 9/8 9/12 11/22 16/12 17/6 17/15 18/9 18/21 19/19 20/4 20/8 20/19 21/1 21/24 22/3 22/12 22/14 24/12 28/13 29/4 30/11 31/9 31/17 31/21 34/21 35/18 35/22 35/23 36/8 36/9 36/14 37/9 37/23 38/14 38/16 38/17 38/24 41/22 42/19 42/20 48/12 48/15 48/23 49/16 51/4 52/14 66/10 68/9 77/8 81/5 81/14 84/12 85/15 86/14 86/14 87/19 88/4 92/18 94/15 97/12 97/16 101/2 101/6 103/5 103/16 103/20 106/16

H		
had... [117] 107/6 108/21 110/25 111/15 111/22 113/16 113/23 114/5 114/18 114/18 115/13 116/9 116/24 116/25 117/5 118/5 118/8 118/8 118/8 120/1 125/23 128/1 131/3 132/9 132/17 132/17 133/17 134/11 135/1 135/16 140/10 150/7 156/11 157/18 158/9 159/8 159/12 159/18 160/8 161/1 161/2 162/6 162/12 162/13 163/19 165/24 166/4 166/10 166/11 166/23 167/3 167/7 168/7 168/23 171/7 171/11 177/13 180/18 180/19 182/6 185/5 185/16 187/7 188/3 194/17 202/16 206/14 209/13 210/19 210/22 210/24 217/21 226/20 227/2 227/2 227/15 227/24 227/25 228/1 228/2 228/17 230/13 230/16 231/2 237/15 237/17 245/8 248/3 248/3 249/24 250/1 250/7 251/7 251/24 252/15 252/16 253/9 253/15 253/20 255/1 256/2 258/14 260/18 261/23 262/2 262/3 262/5 262/6 265/12 267/10 267/23 269/8 269/22 269/24 270/15 273/16 273/18 hadn't [2] 264/3 265/12 half [3] 233/7 238/21 238/22 halfheartedly [1] 168/22 hall [1] 224/10 hallway [2] 170/5 170/7 hand [9] 57/21 65/12 65/13 80/15 91/19 91/20 192/15 196/9 250/20 hand-walking [1] 250/20 handed [3] 165/22 182/6 182/6 handing [1] 260/16 handle [11] 85/25 86/6 90/1 123/5 126/4 143/6 143/8 143/9 174/5 174/6 184/17 handled [1] 101/22 handles [1] 184/17 handling [2] 238/5 261/21 hands [7] 100/16 140/2 267/11 267/12 267/16 267/20 267/21 handwriting [1] 45/5 hang [1] 86/21 hankie [1] 113/9 Hansen [1] 45/4 Hanson [2] 44/15 45/12 happen [11] 49/18 51/1 51/9 166/5 206/13 235/9 258/19 258/20 259/3 264/9 271/16 happened [11] 39/20 68/6 86/7 159/15 206/19 213/18 234/8 244/18 248/21 262/2 264/3 happening [3] 25/3 199/8 214/2 happens [5] 56/19 65/2 258/5 264/11 267/5 happy [2] 154/21 154/25 hard [19] 158/23 159/25 160/2 162/14 163/8 163/19 189/14 190/6 190/6 198/25 205/19 232/8 233/15 233/22 241/23 242/12 250/13 254/1 254/1 hard-working [2] 163/8 189/14 harm [16] 7/6 11/9 37/4 132/7 132/10 136/19 136/21 137/1 137/7 143/23 146/19 182/1 183/24 190/21 235/4 235/4 harm's [2] 166/1 169/15 harmed [3] 132/17 136/24 137/5 harms [1] 221/21 HARTE [81] 3/8 3/8 17/24 46/23 51/23 56/7 57/4 58/14 59/11 70/21 72/12 72/18 72/21 73/4 73/7 73/9 73/18 73/23 74/1 74/4 74/11 75/16 80/2 80/3 81/1 81/10	87/12 90/24 91/10 91/16 92/15 92/22 93/20 96/9 98/18 99/5 102/9 105/7 109/15 109/23 117/16 117/16 122/17 123/2 124/1 149/7 149/13 152/5 153/25 154/17 168/17 197/6 198/9 198/14 200/24 201/12 202/15 203/7 204/1 205/5 211/6 222/23 236/6 236/15 237/6 237/7 238/18 238/18 244/3 246/24 247/2 249/11 252/24 254/9 254/17 259/18 261/9 263/13 265/16 268/3 272/3 Harte's [4] 51/24 64/8 166/2 272/8 Harvard's [2] 86/24 87/9 has [145] 7/14 9/21 9/22 9/23 17/8 29/10 29/17 30/2 30/22 31/16 31/21 32/10 33/12 33/20 33/21 35/14 37/12 40/8 43/9 45/7 45/8 47/20 50/5 50/5 50/7 51/25 52/18 54/8 55/11 56/22 57/3 57/15 59/1 60/18 60/19 61/4 61/13 64/17 65/5 72/18 74/6 74/11 74/23 78/2 98/6 100/6 101/12 101/24 103/1 103/20 104/24 106/8 108/13 108/21 109/25 110/24 114/17 117/18 117/18 118/2 118/3 118/20 119/3 119/20 121/9 122/2 124/20 140/25 147/17 150/25 152/10 152/11 152/12 153/4 153/10 153/11 157/23 159/18 159/19 160/14 161/3 162/6 162/25 164/5 165/3 165/6 167/20 169/17 170/20 174/7 181/11 182/5 182/5 182/7 182/9 182/22 183/9 185/13 188/6 188/23 188/24 188/25 189/16 189/17 191/16 191/18 191/19 191/21 199/14 200/3 206/3 206/21 207/3 207/10 207/16 209/6 210/16 212/5 212/11 214/16 215/14 215/21 218/22 220/20 221/2 224/1 224/11 227/4 227/8 230/4 230/22 234/24 235/18 235/18 235/20 235/20 238/6 239/14 243/16 243/18 245/17 246/8 251/3 257/23 273/8 hash [1] 213/17 Haslup [10] 20/4 21/24 22/3 22/14 22/24 39/18 167/2 167/9 251/6 259/5 Haslup's [1] 19/20 hasn't [2] 30/1 111/6 hasten [1] 226/6 hate [2] 99/16 123/14 haunt [1] 183/9 have [544] haven't [12] 5/16 26/19 36/9 46/7 74/20 109/11 134/11 141/23 144/9 145/17 228/12 259/17 having [19] 9/10 26/2 30/8 61/7 65/20 75/10 85/23 92/3 115/3 145/2 160/6 176/15 177/12 184/4 188/1 191/14 191/14 191/16 192/6 havoc [1] 184/8 he [250] 9/22 9/23 10/2 10/2 11/24 11/25 12/14 12/15 12/18 12/19 13/11 13/12 13/14 14/15 15/25 16/9 16/12 16/13 16/13 17/2 17/2 17/7 17/7 17/10 17/12 17/14 17/25 18/1 18/3 18/3 18/5 18/6 18/14 19/3 24/18 26/1 27/23 29/4 29/13 30/1 30/2 30/3 30/24 31/3 33/9 33/12 37/9 37/10 37/15 37/17 37/19 37/20 37/20 38/14 38/15 38/16 38/17 38/17 39/13 39/17 40/5 41/7 41/8 41/17 41/22 41/24 42/1 42/11 43/9 46/10 48/7 50/18 54/16 56/23 56/25 57/1 57/2 57/14 57/24 59/12 60/16 61/11 61/18 67/16 73/8 73/12 74/11 74/18 78/2 78/2 78/10 80/4 80/6 80/6 80/8 80/8 81/13 85/5 85/5	94/16 94/23 98/25 98/25 104/24 111/1 111/2 111/6 112/16 112/18 112/25 113/2 113/3 113/22 113/23 115/15 115/15 117/1 117/3 117/4 117/5 118/4 118/5 118/8 118/8 118/8 118/9 118/20 119/16 119/16 119/17 119/19 119/19 120/1 138/10 142/6 142/6 150/9 151/10 152/9 158/2 158/9 158/10 158/10 159/1 159/3 159/3 159/3 159/4 159/4 161/23 161/24 162/10 162/11 162/13 162/17 162/18 164/17 164/19 166/7 167/5 167/6 167/20 167/25 168/7 169/20 169/21 169/21 173/13 177/25 180/13 180/14 180/14 180/25 181/1 182/4 182/5 182/6 182/7 183/4 196/13 201/19 213/25 216/1 216/25 217/11 217/13 217/18 218/2 218/2 218/3 218/5 218/24 221/23 221/24 225/5 225/6 226/18 226/18 226/19 226/20 226/25 227/1 227/2 227/4 227/4 227/5 227/7 227/10 227/10 227/11 227/12 227/15 227/15 227/16 227/16 227/23 227/24 227/25 228/1 228/2 229/10 229/11 229/11 229/13 229/15 229/17 229/19 229/25 233/5 235/4 235/4 244/20 247/18 247/19 253/24 253/25 257/16 257/23 265/4 265/8 265/11 265/12 267/10 267/13 270/19 271/17 272/3 272/4 272/8 272/10 he'd [2] 85/1 171/2 he's [19] 28/8 52/4 56/17 56/24 73/15 94/10 106/13 142/2 158/3 167/24 185/1 196/11 227/5 227/6 229/15 252/2 267/15 267/17 270/19 head [4] 25/2 159/19 182/14 183/7 head-on [1] 159/19 heading [1] 135/4 healed [1] 182/20 hear [21] 41/16 63/15 93/25 115/20 173/16 183/15 206/10 217/22 219/4 220/23 221/6 222/17 225/19 235/13 237/6 237/21 238/8 238/9 262/7 264/12 273/3 heard [76] 39/14 51/14 57/15 109/7 118/2 134/15 141/23 157/2 160/4 160/11 162/7 163/15 165/21 166/3 173/9 176/12 177/8 177/21 182/18 184/23 185/23 197/10 198/2 198/6 201/2 202/6 206/20 210/3 210/4 210/8 210/8 210/17 211/15 211/20 215/17 216/3 216/12 216/12 217/12 217/14 219/3 219/17 220/10 220/24 220/24 222/20 222/22 226/16 228/19 229/6 229/14 234/4 234/11 234/21 235/3 236/1 238/16 239/24 244/17 245/1 246/16 249/6 249/6 249/7 251/5 255/17 255/18 255/19 261/19 262/2 262/7 262/8 264/7 271/3 271/4 271/12 hearing [3] 41/14 238/8 242/15 hears [2] 115/20 240/17 heart [2] 161/8 177/10 Hearth [1] 248/1 Heath [1] 252/20 heather [92] 1/5 2/2 19/24 21/5 24/19 25/13 34/14 34/16 36/19 48/20 51/5 51/7 67/18 67/21 67/23 68/7 74/25 79/20 81/4 87/7 87/12 87/14 89/25 96/13 101/3 159/17 159/21 160/12 160/16 162/8 162/16 162/19 163/6 163/23 171/16 171/19 173/17 173/21 176/12 177/8 180/4 182/7 182/18 183/5 183/12 183/18

H	113/5 115/25 119/21 125/15 131/5 133/1 137/2 138/1 142/11 143/4 144/6 145/2 145/9 145/24 148/4 149/5 156/2 156/12 157/20 159/20 165/8 165/10 166/17 166/21 167/14 169/20 171/16 172/3 172/4 177/3 186/13 199/8 203/2 205/1 208/9 210/18 211/11 213/15 214/11 214/17 217/24 220/22 222/14 228/17 229/4 231/7 231/17 231/21 234/9 235/14 236/20 238/20 238/22 239/10 239/10 239/18 241/12 241/12 242/10 259/3 260/7 260/9 260/13 264/3 268/12 271/14 271/15 271/15 271/16 272/25 here's [9] 41/23 46/2 141/10 204/14 242/5 264/11 264/11 265/6 265/13 hereby [2] 5/10 274/4 hereto [2] 274/11 274/13 heroes [3] 241/4 241/18 241/18 herself [2] 159/13 248/16 hesitate [2] 163/24 215/6 hey [1] 116/4 hidden [11] 55/7 85/24 158/14 249/25 268/9 268/9 268/19 268/21 268/22 269/19 270/4 hide [2] 159/4 203/8 hiding [1] 218/6 high [3] 182/14 188/9 223/10 higher [2] 189/25 190/4 highly [3] 152/4 154/15 198/22 Hills [1] 263/22 him [91] 14/13 16/9 16/11 17/21 17/21 17/21 18/2 18/18 18/21 19/12 25/25 37/12 41/16 49/8 50/11 52/14 56/22 61/22 62/5 67/11 67/17 74/12 78/5 78/5 78/7 81/2 96/23 98/23 111/6 113/22 115/16 118/7 119/14 119/15 119/17 140/3 151/10 151/12 153/14 153/20 153/24 154/1 157/24 158/10 158/12 158/13 164/11 164/17 164/22 164/23 165/23 167/4 168/2 168/6 168/7 168/9 168/10 168/11 170/8 173/18 177/23 182/2 182/4 182/5 182/6 199/11 199/25 217/1 217/13 227/6 229/11 229/13 229/14 229/19 241/4 243/1 243/2 246/14 248/7 249/3 249/3 250/4 253/6 253/6 253/7 254/2 264/20 265/11 265/14 265/15 272/13 himself [4] 18/2 159/2 227/23 241/1 hired [4] 94/19 140/17 234/21 247/15 his [110] 9/23 9/24 9/24 13/18 17/5 17/10 17/12 17/24 20/13 24/17 28/1 29/13 29/19 33/13 33/21 37/10 37/15 40/3 41/23 44/21 46/15 47/12 47/13 49/5 49/11 50/12 52/14 55/11 61/1 62/22 67/17 70/13 75/19 75/25 77/25 78/2 78/9 85/24 91/14 93/9 94/10 97/1 107/21 108/1 108/25 109/4 109/4 112/24 113/3 113/23 115/13 116/19 116/22 117/10 117/13 117/14 117/17 118/4 119/4 119/4 119/5 119/6 120/13 121/2 143/23 146/19 147/20 150/25 150/25 153/23 157/25 158/1 158/1 158/7 158/11 158/21 158/21 162/14 162/18 165/22 167/1 169/21 183/3 187/19 211/7 217/18 219/4 226/17 229/12 229/12 229/16 229/24 241/2 241/3 243/14 244/20 244/21 244/21 244/22 244/22 249/2 253/22 267/11 267/14 267/15 270/24 271/5 271/18 271/20 271/21 historians [1] 231/21	historic [1] 213/15 historical [1] 229/10 history [4] 113/21 241/5 241/6 241/16 hit [4] 162/13 183/2 183/3 183/3 hmm [5] 89/2 145/13 147/3 170/1 260/16 Hoffa's [1] 218/6 hold [11] 31/20 122/2 162/1 171/9 191/2 194/13 238/6 244/19 259/3 265/1 265/2 holding [2] 32/6 196/9 Holdings [1] 20/11 hole [42] 41/20 68/12 68/12 68/20 69/5 69/8 69/10 69/13 69/19 79/5 79/8 79/20 79/25 82/8 82/16 83/6 83/13 83/22 84/9 86/4 87/22 88/14 88/25 89/4 89/5 89/8 89/17 171/18 171/21 172/3 172/14 211/19 211/22 212/10 212/20 212/22 212/25 268/18 268/19 268/21 269/10 269/14 holed [1] 211/22 holidays [1] 97/10 home [5] 97/12 161/17 204/25 205/1 229/1 hometown [1] 248/3 honest [4] 161/13 163/5 259/6 265/4 honestly [3] 108/4 170/6 235/7 honeymoon [1] 38/20 honor [325] Honor's [3] 24/1 31/17 133/6 Honorable [1] 274/7 honored [1] 241/14 hook [9] 17/4 26/21 26/24 27/18 41/6 118/6 157/23 166/23 178/19 Hook's [1] 169/19 hope [5] 123/19 125/24 195/2 224/23 262/11 hopefully [3] 63/14 216/17 219/6 horrendous [5] 242/9 272/9 272/14 272/18 272/20 horrible [1] 9/8 horror [1] 98/23 horse [13] 38/16 69/25 75/7 159/24 167/13 167/13 229/5 250/14 250/14 250/17 250/18 257/3 270/1 horses [21] 66/4 66/7 66/23 67/23 70/13 70/14 74/22 74/24 75/13 118/8 158/1 159/3 159/23 166/19 167/13 247/15 248/4 248/12 250/15 250/16 250/20 hospice [1] 32/10 hospital [4] 24/22 31/24 32/12 231/6 hoss [1] 229/4 hotel [1] 177/6 hour [1] 188/16 hours [2] 158/24 188/18 house [9] 20/20 21/6 38/18 48/13 78/8 97/13 97/17 196/11 212/5 houses [5] 97/14 111/2 111/3 166/22 168/4 Housewives [1] 263/23 how [80] 8/9 14/3 15/15 16/24 25/1 27/5 42/15 42/20 52/16 61/3 61/6 61/16 66/5 66/18 67/15 70/12 70/12 80/22 86/23 87/1 87/8 94/14 97/14 101/22 106/11 121/11 121/15 122/9 123/4 126/4 135/3 143/6 144/9 144/23 146/2 161/12 161/20 161/22 162/19 162/22 164/1 167/21 169/9 176/16 183/2 183/3 183/9 185/14 186/5 186/8 186/22 187/14 187/15 187/24 187/25 187/25 188/14 189/17 196/12 199/16 206/17 212/5 217/19 220/12 227/4 227/5 228/4 232/17 239/7

H		
how... [11] 239/18 241/23 250/6 250/16 256/13 257/7 263/23 264/1 267/24 271/19 271/20	150/6 151/11 152/6 152/6 152/8 153/18 163/18 163/19 180/9 180/10 191/9 196/10 196/15 196/16 196/17 199/19 199/21 199/22 199/23 200/20 202/16 203/22 207/4 209/16 209/17 235/7 235/14 237/14 238/16 238/19 238/22 242/4 243/22 247/22 247/23 249/7 265/3	implaces [1] 207/23 implied [1] 136/9 implore [3] 51/12 101/22 102/1 implying [1] 133/13 importance [1] 239/13 important [23] 50/4 100/18 132/14 142/13 161/12 195/18 202/12 205/21 218/25 231/6 237/11 240/24 243/20 245/11 245/12 246/5 250/11 252/9 252/18 256/2 259/22 261/1 261/25 importantly [1] 195/16 impose [1] 13/23 imposed [2] 55/20 55/21 imposes [1] 226/4 impossibility [1] 50/23 impossible [2] 171/24 172/19 impression [1] 76/5 imprisonment [1] 134/6 improper [7] 58/20 58/21 58/21 102/21 115/2 115/14 195/16 improperly [3] 103/10 201/21 240/1 imputed [1] 13/19 in [822] inability [1] 190/18 inaccurate [1] 240/22 inadvertence [1] 26/4 inappropriate [2] 124/4 167/17 inappropriately [1] 60/17 incident [1] 70/6 incidentally [2] 252/8 266/12 incite [1] 102/24 inclined [2] 31/24 123/9 include [5] 150/2 168/15 187/22 221/12 228/20 included [5] 30/17 30/18 138/1 138/2 150/1 includes [6] 62/25 109/21 145/14 147/18 210/8 210/14 including [6] 17/1 53/14 107/23 116/13 120/3 120/4 inclusion [1] 136/19 income [1] 260/21 incomplete [1] 221/16 inconvenience [1] 228/25 inconvenienced [1] 168/25 incorporated [2] 14/25 135/18 incorporation [1] 132/1 incorrect [3] 152/20 154/5 154/6 incredibly [1] 213/5 incrimination [1] 153/3 incumbent [1] 14/7 indeed [1] 117/11 indicate [3] 95/8 134/19 134/20 indicated [4] 31/18 80/17 82/7 96/16 indicted [1] 107/19 indifferent [1] 129/16 indignant [1] 224/8 indignation [2] 189/20 189/21 indignities [1] 228/13 individual [2] 20/2 252/21 individuals [1] 16/6 induces [1] 222/19 indulgence [1] 88/6 infect [1] 200/23 infer [26] 16/18 16/20 17/9 18/17 19/9 29/10 30/2 30/2 33/14 52/13 150/13 150/15 150/17 150/19 164/16 164/19 216/25 217/15 229/19 243/1 243/2 249/23 250/6 258/19 258/20 261/18 inference [45] 13/23 17/17 41/15 41/15
however [5] 23/16 110/23 148/16 255/11 256/15	iceberg [1] 264/22 ICU [1] 160/9 idea [9] 37/23 78/11 88/5 113/7 113/11 114/17 180/19 188/1 223/9 identical [1] 29/1 identify [1] 13/12 identity [1] 227/14 if [224] 6/25 7/1 8/9 9/25 14/24 15/23 16/1 18/21 22/10 23/8 23/19 23/20 23/23 25/7 27/8 27/14 28/8 28/25 29/13 29/17 32/17 34/6 35/18 36/14 37/9 37/23 39/22 40/25 41/7 42/14 42/19 42/20 43/3 43/14 44/12 46/11 48/1 48/4 48/21 49/15 49/15 49/15 51/19 53/4 53/15 53/19 54/1 59/13 59/25 62/9 65/10 65/12 69/7 69/7 78/8 81/1 83/8 83/19 84/13 85/15 86/14 88/15 88/18 89/11 91/11 92/18 93/14 94/24 95/15 96/1 96/5 101/24 108/6 110/14 110/18 111/9 112/8 113/12 114/2 116/11 116/24 116/25 117/10 117/16 118/21 121/2 121/18 121/18 121/18 122/20 122/21 122/22 122/24 123/4 123/13 123/21 123/24 126/18 126/20 126/21 126/22 127/22 131/15 133/7 137/4 139/5 139/14 139/14 139/18 139/20 139/24 140/6 141/7 143/12 143/22 143/25 144/16 145/11 146/11 146/18 148/17 148/21 151/2 151/5 151/13 153/1 153/6 154/23 156/3 160/13 165/7 167/16 168/7 169/24 170/1 171/22 172/4 173/13 175/9 175/9 176/7 183/17 183/18 184/13 184/22 185/16 186/23 187/1 188/11 188/17 196/9 199/19 199/19 200/15 203/1 206/5 206/7 207/4 207/15 208/11 208/22 209/7 209/15 209/20 210/3 211/14 212/13 214/4 214/5 216/2 216/24 217/21 218/2 218/2 218/3 218/5 218/12 219/1 219/2 221/14 223/8 225/15 225/16 225/16 226/14 229/19 229/21 229/21 231/22 232/18 234/3 235/4 237/20 238/5 239/20 242/24 245/23 245/25 249/24 252/21 254/14 255/18 256/2 256/12 256/16 257/8 258/5 258/21 258/22 258/23 259/1 262/1 262/2 262/5 262/12 263/4 267/14 267/17 269/8 269/23 271/7 272/15 272/15 273/3	
Hudson [1] 94/16	idea [9] 37/23 78/11 88/5 113/7 113/11 114/17 180/19 188/1 223/9	
humiliate [1] 193/20	identical [1] 29/1	
humiliated [2] 271/5 271/6	identify [1] 13/12	
humiliation [16] 24/6 133/5 158/16 175/11 176/15 182/23 184/7 189/25 219/9 227/7 227/9 228/23 229/18 231/18 233/17 234/14	identity [1] 227/14	
Humphries [1] 2/17	if [224] 6/25 7/1 8/9 9/25 14/24 15/23 16/1 18/21 22/10 23/8 23/19 23/20 23/23 25/7 27/8 27/14 28/8 28/25 29/13 29/17 32/17 34/6 35/18 36/14 37/9 37/23 39/22 40/25 41/7 42/14 42/19 42/20 43/3 43/14 44/12 46/11 48/1 48/4 48/21 49/15 49/15 49/15 51/19 53/4 53/15 53/19 54/1 59/13 59/25 62/9 65/10 65/12 69/7 69/7 78/8 81/1 83/8 83/19 84/13 85/15 86/14 88/15 88/18 89/11 91/11 92/18 93/14 94/24 95/15 96/1 96/5 101/24 108/6 110/14 110/18 111/9 112/8 113/12 114/2 116/11 116/24 116/25 117/10 117/16 118/21 121/2 121/18 121/18 121/18 122/20 122/21 122/22 122/24 123/4 123/13 123/21 123/24 126/18 126/20 126/21 126/22 127/22 131/15 133/7 137/4 139/5 139/14 139/14 139/18 139/20 139/24 140/6 141/7 143/12 143/22 143/25 144/16 145/11 146/11 146/18 148/17 148/21 151/2 151/5 151/13 153/1 153/6 154/23 156/3 160/13 165/7 167/16 168/7 169/24 170/1 171/22 172/4 173/13 175/9 175/9 176/7 183/17 183/18 184/13 184/22 185/16 186/23 187/1 188/11 188/17 196/9 199/19 199/19 200/15 203/1 206/5 206/7 207/4 207/15 208/11 208/22 209/7 209/15 209/20 210/3 211/14 212/13 214/4 214/5 216/2 216/24 217/21 218/2 218/2 218/3 218/5 218/12 219/1 219/2 221/14 223/8 225/15 225/16 225/16 226/14 229/19 229/21 229/21 231/22 232/18 234/3 235/4 237/20 238/5 239/20 242/24 245/23 245/25 249/24 252/21 254/14 255/18 256/2 256/12 256/16 257/8 258/5 258/21 258/22 258/23 259/1 262/1 262/2 262/5 262/12 263/4 267/14 267/17 269/8 269/23 271/7 272/15 272/15 273/3	
hunt [3] 61/8 169/8 169/9	idea [9] 37/23 78/11 88/5 113/7 113/11 114/17 180/19 188/1 223/9	
hurt [2] 203/15 267/2	identical [1] 29/1	
husband [20] 50/15 60/14 61/12 61/13 62/5 67/16 69/22 73/17 73/25 74/6 74/13 75/1 157/13 193/9 199/19 243/16 248/17 257/23 264/1 268/11	identify [1] 13/12	
husband's [3] 60/10 60/25 67/1	identity [1] 227/14	
I	if [224] 6/25 7/1 8/9 9/25 14/24 15/23 16/1 18/21 22/10 23/8 23/19 23/20 23/23 25/7 27/8 27/14 28/8 28/25 29/13 29/17 32/17 34/6 35/18 36/14 37/9 37/23 39/22 40/25 41/7 42/14 42/19 42/20 43/3 43/14 44/12 46/11 48/1 48/4 48/21 49/15 49/15 49/15 51/19 53/4 53/15 53/19 54/1 59/13 59/25 62/9 65/10 65/12 69/7 69/7 78/8 81/1 83/8 83/19 84/13 85/15 86/14 88/15 88/18 89/11 91/11 92/18 93/14 94/24 95/15 96/1 96/5 101/24 108/6 110/14 110/18 111/9 112/8 113/12 114/2 116/11 116/24 116/25 117/10 117/16 118/21 121/2 121/18 121/18 121/18 122/20 122/21 122/22 122/24 123/4 123/13 123/21 123/24 126/18 126/20 126/21 126/22 127/22 131/15 133/7 137/4 139/5 139/14 139/14 139/18 139/20 139/24 140/6 141/7 143/12 143/22 143/25 144/16 145/11 146/11 146/18 148/17 148/21 151/2 151/5 151/13 153/1 153/6 154/23 156/3 160/13 165/7 167/16 168/7 169/24 170/1 171/22 172/4 173/13 175/9 175/9 176/7 183/17 183/18 184/13 184/22 185/16 186/23 187/1 188/11 188/17 196/9 199/19 199/19 200/15 203/1 206/5 206/7 207/4 207/15 208/11 208/22 209/7 209/15 209/20 210/3 211/14 212/13 214/4 214/5 216/2 216/24 217/21 218/2 218/2 218/3 218/5 218/12 219/1 219/2 221/14 223/8 225/15 225/16 225/16 226/14 229/19 229/21 229/21 231/22 232/18 234/3 235/4 237/20 238/5 239/20 242/24 245/23 245/25 249/24 252/21 254/14 255/18 256/2 256/12 256/16 257/8 258/5 258/21 258/22 258/23 259/1 262/1 262/2 262/5 262/12 263/4 267/14 267/17 269/8 269/23 271/7 272/15 272/15 273/3	
I'd [8] 66/17 84/13 90/19 114/5 130/3 208/21 218/13 265/12	ignominy [2] 165/1 165/1	
I'll [41] 5/19 23/16 23/21 46/12 46/13 57/10 64/7 73/22 89/21 106/23 113/12 114/15 120/24 121/2 123/16 125/12 127/16 130/16 132/19 133/24 134/12 134/21 134/21 143/5 143/5 152/5 152/5 156/12 164/3 170/8 204/9 220/1 222/23 235/13 253/24 253/25 259/23 261/4 264/11 264/18 264/20	ignorant [1] 234/7	
I'm [185] 5/20 15/8 17/22 18/14 18/15 18/22 23/9 23/12 27/15 27/25 28/4 28/4 30/14 31/21 31/24 33/4 43/11 43/15 52/2 52/2 55/19 55/19 57/13 57/17 59/16 60/15 63/6 63/10 63/17 63/19 67/10 67/12 69/25 71/8 71/19 71/20 72/20 77/9 77/11 80/15 81/12 83/24 84/1 84/2 84/2 87/2 88/18 90/11 93/3 93/8 93/9 93/20 93/24 99/10 99/13 105/1 106/10 107/15 109/3 109/4 109/6 109/23 109/25 110/10 111/7 111/23 114/21 116/4 118/1 123/9 123/18 123/22 125/4 125/14 126/11 126/11 128/12 128/25 129/17 129/25 130/5 132/14 133/9 133/11 133/23 133/25 134/9 135/9 135/15 138/5 138/9 140/5 142/4 142/17 144/19 144/20 145/1 146/16 146/23 146/24 149/13 149/22 152/18 152/23 153/6 153/8 154/19 154/21 155/3 155/12 155/18 155/19 155/23 156/4 163/22 163/22 169/12 170/21 171/24 173/9 177/16 186/7 186/8 194/13 195/7 197/8 197/9 197/9 200/9 200/21 200/24 201/25 202/24 203/4 203/13 203/15 204/4 206/16 206/18 207/15 208/20 212/13 214/12 218/17 219/7 219/21 220/15 220/16 221/18 226/7 226/7 230/22 233/25 234/1 234/1 236/3 238/7 238/10 238/11 238/20 240/11 240/13 243/21 243/21 243/23 243/25 245/15 245/16 247/24 248/17 249/13 254/23 256/7 256/7 257/4 257/6 257/6 259/13 262/23 263/25 264/8 265/10 265/18 266/11 268/5	ignore [2] 217/16 262/20	
I've [61] 30/22 33/11 34/22 52/2 53/12 55/17 69/22 71/8 74/21 74/23 74/24 82/22 93/8 95/8 98/8 106/9 106/9 113/14 120/7 130/1 134/15 139/3 139/17 144/1	ill [2] 32/11 206/16	

I	intangible [1] 163/10	invite [1] 47/3
inference... [41] 49/13 49/24 55/20 56/2	intangibles [2] 233/19 233/25	invocation [5] 13/19 18/24 56/1 153/23
57/20 57/23 57/24 58/15 59/1 101/12	intend [16] 35/12 47/2 60/9 60/24 105/24	216/24
105/4 108/19 123/6 123/10 124/3 124/5	106/2 109/13 123/4 123/5 123/18 126/22	invoice [2] 180/3 180/4
148/13 150/13 150/15 150/18 150/19	126/23 129/6 129/11 153/22 240/16	invoke [2] 18/6 19/4
151/11 151/22 152/7 152/8 152/25 154/2	intended [5] 7/6 105/23 158/12 235/3	invoked [8] 17/7 17/10 17/12 33/21
164/18 178/3 197/15 201/24 217/2 217/3	235/4	55/11 150/25 152/10 153/11
217/7 217/8 218/8 218/9 218/11 229/21	intends [1] 103/21	invokes [1] 58/23
243/4 243/4	intensely [1] 158/17	involuntary [1] 51/20
inferences [9] 16/25 101/13 101/16	intentional [31] 5/12 6/13 8/15 26/1 26/6	involved [12] 44/23 50/25 51/4 55/3 55/6
104/10 242/20 242/20 242/24 243/5	26/9 26/11 29/19 29/22 30/25 31/1 33/16	103/12 130/7 133/18 243/19 257/13
249/22	34/19 35/1 40/21 44/13 114/3 130/22	260/23 266/25
inferred [2] 136/13 198/14	140/13 142/15 149/21 149/23 165/11	involvement [1] 40/15
inflamm [2] 103/13 113/6	165/12 175/9 175/14 175/19 219/16	involves [2] 178/15 220/14
inflict [1] 183/24	220/11 221/7 221/20	iPhone [1] 206/17
inflicted [1] 190/19	intentionally [3] 57/1 175/20 221/9	is [729]
inflicting [1] 175/20	interaction [1] 169/7	ish [1] 99/12
infliction [21] 5/12 6/13 6/15 8/15 26/10	interest [17] 26/23 27/1 28/25 28/25 29/1	isn't [32] 57/4 57/8 69/6 69/11 69/12
26/11 34/20 35/1 40/21 40/23 44/14	29/4 41/22 178/20 179/9 179/20 179/24	71/5 72/13 75/2 77/3 77/14 77/21 79/6
130/22 140/13 142/16 149/21 149/24	216/21 216/21 217/18 248/11 251/21	79/9 81/11 81/21 82/10 83/23 85/2 87/13
165/12 175/14 175/19 221/7 221/20	251/24	87/16 117/2 153/15 157/22 159/10
inflicts [1] 221/9	interested [1] 274/13	182/12 186/9 186/10 186/11 191/11
influence [1] 242/13	interesting [4] 41/16 155/17 238/16	191/12 240/8 254/15
influx [1] 239/2	272/4	isolation [2] 176/17 198/24
information [11] 86/14 122/20 216/8	interfere [1] 231/4	issue [27] 23/15 33/24 39/6 47/25 57/25
219/11 223/2 223/19 224/1 226/8 227/2	interfered [1] 231/5	57/25 58/2 58/15 59/13 100/25 110/10
243/2 252/2	international [1] 158/23	110/22 114/14 123/5 126/4 128/8 130/5
initial [3] 34/4 176/14 198/8	Internet [3] 180/23 255/15 255/17	131/25 135/3 138/14 148/18 150/7
inject [2] 181/16 265/23	interrogatory [4] 144/2 145/4 145/8	186/13 210/21 211/25 212/1 261/16
injected [1] 192/5	145/18	issues [10] 102/12 106/3 138/15 146/8
injecting [1] 195/13	interview [1] 228/7	161/13 185/25 188/4 200/9 200/20
injure [1] 179/9	interviewed [2] 177/9 228/14	225/12
injured [7] 24/5 41/5 43/1 43/21 147/18	intimate [3] 181/25 193/8 255/7	it [657]
226/3 227/23	into [76] 5/19 12/21 19/12 20/13 33/19	it's [213] 6/9 8/5 11/6 12/2 20/22 22/15
injuries [4] 25/11 141/5 147/16 207/22	35/4 35/20 37/1 42/3 42/4 42/5 48/17	23/23 32/9 32/9 34/13 35/6 35/13 37/8
injury [27] 5/25 6/8 6/11 6/22 11/12 12/8	55/20 61/6 63/6 63/14 68/11 68/14 68/24	37/8 38/10 40/12 42/15 42/15 43/6 43/6
40/19 41/9 45/8 105/2 132/10 147/8	71/15 71/17 71/20 71/21 72/1 73/14	45/10 46/10 46/16 47/22 50/4 50/4 51/11
147/9 147/10 147/19 147/22 147/23	79/24 83/22 84/8 84/8 88/24 90/20 91/1	52/23 52/23 53/4 53/8 57/1 57/16 58/21
148/16 171/20 190/22 209/25 220/5	91/4 103/17 107/20 108/13 110/22 119/3	58/21 61/3 64/10 65/4 71/23 95/20 95/20
220/6 226/6 228/22 229/8 232/23	122/12 126/25 129/10 132/16 133/2	104/3 105/14 109/25 109/25 110/8
Inn [1] 86/18	134/1 140/2 141/6 143/15 144/4 145/10	113/25 114/11 114/13 114/14 115/4
innocent [5] 85/16 168/16 168/18 193/11	149/2 157/15 158/7 160/8 168/12 175/6	115/10 115/11 115/16 116/21 116/21
244/24	177/5 183/1 183/14 190/5 190/12 192/5	118/17 120/5 122/3 122/15 124/7 125/1
inquire [1] 123/3	209/11 215/19 218/19 220/20 223/6	126/10 129/17 130/5 130/21 132/24
inquiry [2] 132/8 137/17	223/9 239/18 242/17 244/11 244/12	132/24 132/24 133/6 133/15 133/19
insert [1] 138/22	244/14 249/18 256/3 257/19 257/20	136/6 136/22 136/23 137/2 137/6 137/7
inside [1] 120/8	intolerable [2] 34/13 176/1	137/11 137/12 137/23 137/25 138/21
insofar [1] 151/20	introduce [1] 114/20	138/25 140/22 145/15 146/10 146/10
inspect [6] 7/24 31/8 31/10 31/16 36/10	introduced [3] 107/10 125/1 205/7	146/11 149/3 150/16 154/22 155/16
101/8	introduction [1] 118/18	155/17 155/22 156/23 161/25 162/23
inspection [1] 8/6	intrusion [9] 64/5 175/6 175/6 182/17	163/4 163/21 163/25 164/22 172/5
inspections [1] 8/7	182/22 183/24 189/24 218/19 219/8	172/22 173/25 174/2 174/3 174/17
instance [1] 30/21	intrusions [1] 175/7	174/21 175/12 178/19 181/11 181/13
instances [1] 269/4	invade [2] 193/3 218/21	181/13 181/17 182/11 182/13 182/13
instead [6] 18/11 26/2 165/25 169/14	invaded [3] 137/8 219/2 233/10	182/24 183/6 185/4 185/10 185/15
169/15 193/15	invades [1] 182/16	185/17 185/18 187/14 189/20 190/6
institutionalized [1] 34/19	invading [1] 33/10	190/6 190/11 190/25 191/13 192/11
instruct [12] 138/25 150/11 152/6 153/19	invasion [20] 5/12 6/14 31/14 34/7 131/5	192/11 194/25 195/8 198/3 198/25
164/11 164/15 164/16 174/19 174/22	136/23 137/3 137/4 140/15 149/10	198/25 199/4 199/5 199/21 200/16
187/13 196/5 252/25	165/11 175/3 175/10 185/20 206/22	202/11 202/14 203/19 204/3 205/6
instructed [1] 150/20	218/18 219/11 219/15 225/6 231/25	205/15 205/18 211/21 211/21 215/12
instruction [4] 136/16 148/21 221/6	invest [1] 167/10	215/17 216/20 217/8 218/9 218/11 219/6
221/12	investigate [3] 89/17 209/10 212/2	220/19 223/17 223/20 224/17 224/18
instructions [5] 114/4 138/3 154/13	investigated [4] 171/19 173/18 263/3	224/18 225/10 225/25 226/1 228/5
219/5 219/14	270/9	232/15 232/15 232/21 236/13 238/15
instructor [2] 164/12 177/17	investigation [9] 195/23 216/12 216/13	239/4 239/7 239/8 239/12 239/12 240/12
insufficiency [1] 232/6	217/10 234/19 234/20 234/21 245/9	242/10 243/13 243/17 245/11 245/11
insufficient [1] 101/25	261/16	245/16 248/14 248/14 248/17 249/1
insult [1] 171/20	investigator [1] 228/11	250/11 250/13 250/18 254/1 254/9 255/8
insulting [2] 173/21 173/21	invisible [1] 182/11	255/9 255/9 255/9 255/10 255/10 255/10

I	judgment [6] 11/1 47/24 214/7 215/16 235/21 261/7 judicial [1] 149/3 July [9] 16/16 160/16 171/1 171/4 186/14 187/2 187/3 187/3 270/16 June [4] 14/23 39/21 186/21 187/1 juries [8] 190/23 233/13 237/14 237/25 238/1 240/19 263/8 263/9 juror [8] 31/21 32/1 58/3 58/13 59/18 64/17 64/18 246/8 jurors [4] 111/21 160/25 166/12 186/12 jury [143] 12/16 13/7 16/18 16/24 17/8 18/8 18/16 19/9 29/9 29/17 30/1 30/23 33/13 46/3 48/3 50/8 51/18 52/13 53/19 55/3 57/10 57/25 58/1 59/10 63/20 64/14 64/15 64/17 64/19 66/1 68/5 100/1 100/16 100/20 101/12 101/18 102/1 102/24 102/25 103/3 103/7 103/9 105/11 109/3 111/19 111/21 113/1 113/7 115/21 116/19 118/2 118/3 121/22 123/14 126/5 128/12 128/13 129/12 130/11 130/14 130/17 132/15 133/4 135/7 136/7 136/16 138/2 138/25 139/2 139/10 139/12 139/14 139/17 139/24 139/25 140/25 143/12 143/14 146/5 146/22 148/18 148/21 150/12 151/2 151/5 151/20 152/6 152/16 153/6 153/19 153/22 155/5 155/14 155/25 156/5 156/19 156/20 164/1 181/17 188/20 191/1 192/24 194/7 194/14 195/1 195/4 196/2 196/4 196/5 197/3 198/19 199/10 199/14 200/2 201/9 201/13 202/8 203/2 204/15 204/16 216/22 223/22 223/24 224/10 224/23 233/24 236/11 236/12 237/2 237/3 237/10 242/1 246/6 246/23 249/9 249/12 252/24 263/8 266/7 267/7 271/23 272/21 273/10 just [191] 8/8 18/1 18/15 23/9 24/24 25/4 25/6 25/19 28/2 29/19 30/14 36/20 37/20 39/2 39/13 40/17 40/25 41/12 41/19 42/6 44/3 44/15 46/17 50/2 50/2 50/2 50/3 50/4 50/4 51/11 51/11 51/21 52/2 52/3 54/6 54/9 56/8 57/1 57/13 62/18 62/25 63/18 69/2 70/9 70/9 70/14 82/6 84/12 86/9 88/15 91/11 96/2 100/13 100/19 100/24 102/8 104/2 104/11 104/14 105/20 105/22 107/6 108/17 114/20 114/21 114/23 115/4 120/22 121/5 125/18 125/22 126/3 127/3 127/25 127/25 131/6 131/10 132/10 134/9 134/9 135/2 135/25 136/6 136/15 139/16 142/2 143/1 143/1 143/17 144/1 145/11 146/15 149/5 149/15 149/22 150/3 150/7 150/10 151/18 152/17 154/8 154/13 154/15 154/16 155/18 157/15 159/15 161/1 163/10 164/22 168/3 168/8 169/16 174/1 174/9 175/12 176/8 176/11 177/18 180/9 182/12 184/12 185/1 185/7 186/10 186/24 188/7 189/8 190/5 190/6 190/22 197/9 197/9 198/3 198/21 200/5 201/9 202/13 202/14 202/14 202/16 203/3 203/11 203/11 203/15 204/3 204/3 212/9 217/3 218/13 221/3 225/1 231/16 236/19 238/8 238/13 239/19 240/3 240/8 240/12 241/25 241/25 242/23 243/17 244/21 244/22 248/2 249/13 253/3 255/8 255/8 255/8 255/9 255/9 255/11 256/8 257/8 257/8 258/10 259/13 259/22 262/17 262/23 263/19 266/13 266/13 268/1 268/1 268/1 268/4 271/11
it's... [11] 256/12 256/15 257/8 259/2 259/22 264/17 265/9 267/5 268/4 271/13 271/14 items [1] 116/13 its [4] 38/11 57/23 130/4 235/18 itself [2] 136/13 147/8	justice [11] 188/24 188/25 188/25 191/20 194/17 208/9 225/9 225/9 241/12 242/1 244/23 justices [1] 218/23 justifiably [1] 252/14 justified [2] 249/22 249/23 justify [1] 56/2 jwhartelaw.com [1] 3/10
J	K
Jack [1] 262/22 JAMES [1] 2/17 Jane [3] 227/13 228/1 263/23 January [3] 51/2 170/10 274/17 jgriffin [1] 2/19 Jimmy [3] 218/6 218/6 241/15 job [23] 8/6 9/18 31/8 31/9 116/14 116/15 117/5 117/11 118/6 128/15 128/15 129/13 157/25 159/23 186/12 188/8 188/19 189/4 189/12 235/15 235/16 235/18 235/18 jobs [3] 66/10 166/12 184/21 joe [4] 2/23 205/9 240/13 266/16 john [11] 3/8 3/8 3/10 159/5 227/13 227/13 227/25 238/18 238/18 265/9 265/10 Johnson [1] 246/13 join [1] 105/8 jokes [2] 165/5 168/10 Jorge [1] 113/18 JOSEE [136] 1/10 3/7 16/18 21/3 21/4 21/5 22/22 23/5 28/5 29/5 30/4 35/25 42/3 42/13 42/20 47/16 47/17 47/18 47/20 48/11 48/23 49/3 49/10 49/16 50/21 50/23 50/24 51/8 51/8 54/19 55/8 55/16 60/11 62/6 73/8 74/19 74/22 94/11 94/13 94/14 94/22 97/3 97/6 97/19 99/6 100/3 100/7 101/2 105/11 109/18 149/9 149/25 150/14 150/20 159/7 160/22 162/2 164/21 164/24 166/3 171/1 171/8 173/3 174/8 177/20 178/20 183/16 194/13 198/1 198/11 207/1 222/23 227/14 237/19 238/7 239/25 243/14 244/8 244/16 245/3 245/6 245/7 245/11 245/19 246/2 246/17 247/11 247/17 247/25 248/2 250/1 250/5 250/12 250/22 251/11 251/13 251/16 251/18 251/21 252/7 252/15 252/19 253/3 255/10 256/2 256/13 256/23 257/2 257/11 257/16 258/9 258/13 259/8 259/10 260/1 260/7 260/9 261/17 261/20 262/1 262/5 262/8 262/13 262/16 262/24 262/24 263/11 264/2 264/6 265/1 265/3 265/13 266/25 267/3 267/21 272/6 Josee's [1] 95/3 JOSEPH [2] 2/21 59/14 judge [67] 1/18 50/22 51/13 51/14 57/5 70/24 90/15 98/17 109/8 114/2 134/5 134/8 134/12 148/17 148/20 164/11 164/12 164/14 164/15 166/13 174/19 175/16 177/16 178/1 180/10 187/13 203/17 203/18 203/21 204/6 204/9 206/4 207/4 207/13 207/18 208/15 208/18 208/21 216/17 216/23 218/10 219/20 219/24 220/11 220/16 222/5 222/6 222/9 222/17 224/6 224/11 225/22 226/2 226/11 235/18 236/21 237/19 237/22 237/23 237/24 239/19 239/19 239/20 242/4 242/6 249/2 264/13 judge's [3] 175/18 219/14 219/14 judges [3] 198/25 199/4 229/9	KATHY [1] 3/3 Keanu [1] 112/8 keep [13] 7/1 7/3 15/15 48/19 99/14 130/3 184/15 192/14 203/16 204/18 237/19 238/7 238/13 keeping [1] 159/13 keeps [1] 50/3 Kennedy [1] 218/4 kept [2] 50/4 168/8 key [5] 30/12 30/12 48/12 48/13 48/15 keys [1] 165/23 kiddie [1] 21/11 kids [1] 94/21 kill [1] 195/9 killed [1] 6/17 kind [22] 28/11 29/4 30/16 66/23 69/4 69/21 99/13 101/17 124/12 131/10 141/2 152/21 168/22 204/3 205/13 213/21 221/18 222/8 232/16 232/21 248/8 250/19 kinds [1] 233/24 king's [1] 224/3 kitchen [1] 255/2 kitchen-dining [1] 255/2 knew [49] 15/24 16/9 19/16 19/19 20/18 21/25 22/1 22/20 22/21 48/11 48/18 48/19 49/10 50/18 50/21 51/7 51/8 52/6 52/8 52/19 52/23 67/16 77/7 81/4 94/16 112/17 113/21 118/7 127/17 131/16 132/5 137/7 171/16 173/13 176/23 176/23 177/1 208/23 209/24 223/8 234/17 234/17 234/18 245/3 245/7 245/22 245/24 250/7 253/16 knots [2] 24/18 270/24 know [327] knowing [10] 113/20 139/8 161/7 161/20 182/15 185/13 185/14 212/24 234/14 248/15 knowledge [18] 30/8 48/9 59/18 85/1 98/7 98/11 101/6 114/10 131/17 137/18 166/25 167/16 185/12 186/16 201/7 208/24 214/3 274/9 knowledgeable [1] 22/25 known [32] 11/22 28/13 37/10 47/19 47/21 48/8 48/9 48/12 52/7 52/8 52/16 52/24 74/21 78/5 78/5 92/10 97/5 131/16 131/18 132/6 132/12 137/7 137/21 157/24 165/2 208/24 208/25 241/5 244/19 249/24 256/23 269/8 knows [12] 46/10 50/11 50/15 110/7 171/13 181/16 196/2 207/11 210/5 211/14 244/10 256/7 Korea [1] 94/4
	L
	labeled [1] 206/2 lack [2] 37/3 43/16 ladies [28] 64/16 90/3 99/8 156/21 157/20 164/8 164/18 165/7 185/18 188/19 191/1 191/7 194/3 194/25 195/19

L		
ladies... [13] 196/4 204/17 204/21 212/19 226/1 230/21 233/11 235/12 235/19 237/5 237/9 268/8 272/21	260/16	lifetime [2] 167/1 191/13
lady [1] 114/22	leased [1] 29/1	light [6] 47/8 56/16 124/2 142/12 204/22 228/3
laid [3] 30/23 241/11 257/12	leases [1] 222/11	lightbulb [4] 55/1 57/7 57/10 57/11
Lamplight [1] 38/23	leasing [1] 27/11	like [90] 6/18 20/18 23/9 25/2 25/20 27/14 29/16 31/23 36/11 38/11 39/16 43/6 45/5 51/24 58/21 61/24 66/16 68/18 68/19 68/22 68/23 68/25 69/3 69/5 77/8 78/8 85/16 87/7 90/19 98/23 100/12 100/16 104/8 106/9 108/6 112/9 113/13 117/24 123/14 126/15 129/21 130/3 136/7 141/16 146/17 154/24 156/25 161/1 167/22 168/24 173/22 182/24 184/2 185/20 200/14 202/23 203/5 203/23 204/25 205/6 205/9 205/10 205/13 207/11 208/20 217/3 217/17 218/13 221/1 223/10 224/12 232/16 234/15 237/25 238/2 239/10 240/17 241/12 241/20 248/13 248/25 256/9 257/4 257/21 258/5 258/10 262/22 264/9 264/17 270/7
Landfill [4] 6/2 24/8 25/8 25/18	least [6] 20/15 35/23 86/24 132/2 171/8 227/16	liked [1] 223/12
landlord [1] 179/5	leave [11] 23/21 31/23 59/12 64/21 96/1 111/9 201/13 222/23 223/23 223/25 267/4	likelihood [2] 52/13 229/21
landlords [2] 178/5 239/24	leaves [3] 19/8 182/19 190/21	likely [3] 174/24 227/24 229/17
landscape [1] 234/22	leaving [1] 123/18	likes [1] 116/6
lane [1] 206/8	led [2] 101/12 119/19	likewise [3] 12/5 62/19 225/7
language [4] 142/23 143/2 151/8 240/24	Lee [3] 6/1 25/8 25/18	lily [1] 196/8
lap [1] 156/4	leery [1] 133/12	limine [4] 63/19 106/8 195/11 195/21
large [2] 180/1 255/2	leeway [1] 73/22	limit [2] 111/1 121/11
last [24] 64/25 65/17 88/2 91/24 91/25 135/22 160/19 160/20 161/1 161/2 162/20 166/6 166/9 173/19 173/23 186/25 189/25 195/17 196/1 206/19 207/11 214/11 263/21 272/7	left [17] 14/10 14/11 19/1 33/12 65/12 68/16 69/24 70/1 89/11 89/24 91/19 106/17 177/9 218/24 231/22 255/14 257/16	limitations [15] 131/9 132/4 136/20 136/22 136/24 137/1 137/9 137/16 147/13 174/7 208/4 208/14 208/17 208/18 256/19
lasting [2] 128/6 190/3	leg [5] 43/3 112/24 112/25 112/25 113/4	limited [5] 6/5 6/23 25/8 107/20 116/14
lastly [1] 13/17	legal [17] 1/21 7/13 52/11 132/6 179/2 179/5 191/25 192/23 195/15 195/22 196/22 197/4 200/19 215/8 226/10 226/13 234/25	line [17] 61/17 62/8 80/20 84/1 84/1 84/2 84/3 84/11 84/16 84/24 84/25 88/18 88/19 88/22 121/1 130/18 195/8
latent [3] 35/13 36/17 45/15	legaleagleinc.com [1] 1/25	lines [2] 14/15 60/6
later [12] 21/8 33/4 40/12 57/24 64/20 82/22 110/14 125/16 127/1 210/21 245/8 248/20	legally [2] 48/2 51/17	linger [1] 183/5
latitude [2] 17/9 30/2	legs [1] 236/13	link [1] 201/4
laughed [3] 162/24 166/17 166/18	length [3] 47/3 159/13 256/20	liquor [4] 60/21 62/15 86/23 215/1
laughing [1] 176/25	lengthy [1] 272/23	list [6] 105/23 125/19 125/21 176/11 259/15 259/17
Laura [3] 9/15 160/11 189/21	less [4] 117/8 162/5 252/15 253/20	listed [8] 39/18 40/11 106/13 107/2 149/10 149/22 211/5 268/10
law [89] 2/7 3/8 7/17 13/20 25/7 25/7 25/16 34/1 34/9 40/20 41/2 41/7 41/8 41/11 41/12 46/6 47/25 52/4 86/3 86/14 100/24 101/9 101/13 102/11 108/7 108/10 108/16 132/9 133/11 134/10 134/13 134/18 135/10 136/7 136/9 136/13 139/25 150/21 151/24 152/17 152/20 152/22 154/4 154/5 154/6 157/5 157/8 164/12 164/15 174/18 174/20 174/21 177/18 180/9 180/11 195/24 196/6 199/5 199/7 199/12 199/13 199/20 200/1 206/9 208/8 208/21 210/1 214/8 219/23 220/17 221/13 223/14 226/4 233/23 233/23 237/20 237/21 237/24 238/10 239/10 239/10 239/19 242/3 249/15 252/25 256/18 264/14 269/13 272/22	lessons [4] 61/14 74/7 74/11 94/18	listen [7] 51/12 135/10 152/16 152/19 223/16 223/17 264/22
laws [1] 232/17	let [48] 20/10 23/9 23/10 23/22 26/17 31/24 45/24 54/2 57/10 59/4 76/3 80/22 82/19 85/19 87/10 93/20 99/15 111/3 121/11 121/17 133/23 139/24 139/25 149/21 151/18 156/2 156/3 161/4 161/14 163/17 169/25 190/4 213/4 215/23 218/24 225/25 235/15 238/19 239/15 242/21 246/23 247/6 253/3 254/3 266/15 266/19 266/20 269/20	listening [1] 116/4
lawsuit [8] 9/12 160/21 192/7 210/1 210/25 227/13 227/25 228/1	let's [36] 15/10 46/23 49/17 59/3 64/13 76/16 76/16 80/3 80/11 80/19 84/11 107/4 145/11 146/23 164/21 166/20 171/15 184/15 186/12 186/24 192/14 193/1 193/1 203/9 226/16 244/3 249/22 254/5 254/17 257/19 257/20 259/18 261/9 265/16 266/1 266/3	listing [6] 8/3 20/5 20/7 21/25 22/4 22/13
lawsuits [3] 190/23 216/11 221/16	lets [1] 239/15	litany [3] 17/6 19/2 247/1
lawyer [20] 30/15 73/15 80/9 90/9 90/12 140/18 192/7 217/6 239/6 239/8 239/9 239/9 239/20 239/23 240/6 240/7 240/21 243/11 249/7 258/7	letting [1] 222/3	literally [1] 247/19
lawyers [26] 80/6 81/16 88/21 197/12 205/17 207/5 207/7 210/2 210/4 217/4 227/25 237/13 239/16 240/14 240/16 242/16 245/15 254/13 254/18 254/22 256/11 259/6 261/8 261/10 262/18 263/8	level [8] 33/25 34/8 44/19 82/9 83/2 93/16 144/7 159/1	litigants [1] 263/17
layout [1] 172/18	liability [6] 107/21 118/15 118/17 121/12 126/22 146/5	litigation [4] 9/7 24/23 161/3 166/8
lead [3] 49/9 130/16 242/22	liable [2] 44/5 257/21	Lito [3] 35/25 62/23 67/2
leading [7] 57/2 89/20 92/13 92/14 114/20 217/21 217/24	license [5] 8/9 27/16 42/19 42/20 171/10	little [24] 28/4 63/17 69/3 74/5 87/5 94/17 98/2 132/24 133/9 133/11 133/23 157/17 195/3 200/17 207/16 214/24 220/25 236/4 238/21 242/6 243/23 247/7 247/23 258/2
leads [2] 119/19 241/24	licensed [10] 7/11 7/12 8/2 27/12 27/13 42/9 44/12 55/13 178/18 178/21	live [13] 31/14 66/1 66/2 158/4 163/5 181/2 181/7 185/12 185/13 187/16 188/14 188/22 232/18
learn [1] 215/12	licensing [2] 7/10 7/14	lived [7] 48/14 66/5 67/25 97/21 108/25 186/16 256/17
learned [2] 82/22 226/9	lie [4] 167/15 167/16 167/18 214/17	lives [17] 161/20 171/14 181/4 183/1 183/13 183/25 184/9 185/11 185/14 188/16 189/18 191/23 237/18 241/8 241/11 251/2 270/18
learning [3] 8/19 9/14 226/19	lied [3] 249/10 249/14 249/15	living [5] 70/2 159/21 187/5 255/3 256/24
lease [10] 10/23 10/24 28/23 31/12 165/22 193/11 248/10 257/17 257/24	life [31] 50/12 93/9 97/6 104/15 110/25 137/24 141/5 147/11 147/12 147/15 147/23 148/10 149/1 157/13 157/14 158/23 163/5 163/12 181/3 185/5 187/13 187/18 187/19 190/14 231/5 242/1 248/6 250/24 267/18 271/9 271/25	
	lifespan [2] 232/20 232/25	
	lifestyle [2] 95/15 119/19	

L	lying [2] 45/21 249/5	marriage [2] 160/1 248/3
LLC [15] 1/10 1/11 2/3 2/11 2/15 2/16 2/17 3/2 3/2 3/8 5/9 5/10 91/9 251/23 251/24	M	married [26] 30/5 48/7 50/11 51/2 51/9 52/10 52/14 55/23 66/24 67/7 159/8 165/2 167/4 171/14 189/6 198/2 199/11 199/25 243/21 247/20 247/20 250/4 250/23 251/19 252/15 253/20
LLC's [1] 222/21	ma'am [7] 59/19 63/11 71/11 72/8 106/7 262/23 268/7	marry [1] 67/5
LLCs [13] 205/3 206/25 207/15 207/15 208/1 208/12 220/9 224/21 225/7 227/14 232/1 232/3 232/5	machines [1] 212/9	Martha [2] 1/18 274/7
loan [2] 42/13 42/15	mad [1] 208/19	match [4] 83/7 269/11 269/15 269/15
located [1] 251/23	made [42] 13/11 28/7 31/13 44/13 47/6 47/11 47/13 49/1 49/6 54/23 88/13 100/9 100/11 101/20 102/17 104/7 125/2 129/8 132/25 151/11 154/2 178/12 180/6 189/23 197/19 197/22 198/11 198/16 200/13 200/14 201/12 201/14 205/15 208/13 208/14 212/6 215/21 231/23 233/8 248/7 252/15 264/16	material [3] 4/23 4/24 58/1
location [4] 1/18 36/19 79/5 89/4	magazine [1] 191/10	math [3] 223/10 223/12 223/13
locked [9] 68/15 87/19 87/24 87/24 88/1 88/4 172/2 255/6 269/23	magic [2] 232/10 233/2	matter [20] 7/22 14/3 34/9 48/15 142/10 165/10 175/12 181/18 197/4 204/8 208/6 208/16 216/4 225/3 227/17 239/3 239/14 241/23 258/13 258/16
Log [1] 38/25	mail [10] 2/5 2/9 2/13 2/19 2/23 3/10 106/19 106/21 114/14 125/25	matters [2] 38/1 125/16
long [28] 20/23 38/19 46/18 60/12 61/11 61/12 62/23 66/5 66/18 106/10 123/15 128/6 136/25 142/11 153/8 168/9 183/6 187/14 187/15 188/14 188/21 190/3 191/17 191/17 199/20 213/6 219/6 232/17	mailed [2] 150/7 150/10	may [100] 4/23 5/5 10/14 12/13 26/1 46/6 46/25 56/8 56/8 63/14 63/15 71/10 90/4 90/16 94/23 95/22 95/22 95/23 95/23 95/23 96/7 98/21 98/25 99/14 101/14 103/11 104/12 104/12 104/13 111/21 113/11 123/3 123/6 124/3 126/9 129/16 131/19 135/7 139/1 140/17 140/17 140/19 141/24 143/21 144/18 145/6 146/17 150/12 150/13 150/13 150/15 151/10 153/13 155/13 155/13 157/10 157/11 164/16 164/17 164/20 170/13 188/9 188/9 190/18 190/21 195/17 200/11 202/5 206/1 206/2 206/4 209/2 209/2 209/15 210/4 214/21 214/23 216/25 219/12 220/20 221/21 222/12 224/8 224/9 224/9 225/19 228/2 228/9 228/20 229/25 230/1 231/3 233/9 233/22 235/13 236/11 237/8 239/1 242/4 242/12
long-lasting [1] 128/6	main [3] 38/18 117/10 117/14	maybe [29] 17/23 40/11 49/16 52/25 60/21 68/17 69/16 69/25 75/7 75/13 75/14 78/9 80/16 87/2 115/4 115/15 185/17 191/16 206/7 208/21 212/17 215/11 224/4 234/25 247/7 251/25 252/1 263/5 264/21
long-standing [4] 60/12 61/11 61/12 62/23	maintain [1] 34/19	MCCULLOCH [32] 2/21 2/21 3/4 63/16 64/11 65/7 98/16 106/20 108/8 112/5 116/8 118/10 119/2 119/23 122/2 125/25 155/16 181/22 185/1 195/5 196/19 201/2 205/9 236/5 240/13 256/19 263/6 268/15 269/17 270/22 271/7 271/13
long-term [1] 38/19	maintenance [1] 29/16	McCulloch's [1] 64/8
longer [5] 64/19 183/12 205/11 219/7 236/4	make [71] 6/7 12/20 16/25 33/8 33/23 35/8 35/16 42/19 43/12 44/5 46/4 49/25 53/6 54/16 56/19 56/20 58/13 58/17 58/17 59/12 80/13 100/12 102/25 108/18 111/8 114/6 114/18 116/5 118/1 124/9 125/10 126/6 127/19 130/1 139/17 142/14 143/12 148/18 152/19 154/3 154/20 156/24 161/9 169/13 172/19 174/14 199/24 207/9 207/21 207/21 210/6 211/25 216/14 225/21 226/6 226/23 227/22 230/3 230/21 231/7 231/14 231/16 235/22 235/22 242/20 243/4 243/5 261/7 268/4 269/12 269/12	mccullochlaw.com [1] 2/23
look [53] 76/16 80/11 80/19 83/25 84/24 99/20 107/5 112/19 126/11 126/17 127/19 132/19 133/24 133/24 133/25 134/21 134/22 136/1 137/24 141/8 146/21 154/24 171/22 172/20 172/21 173/21 176/22 177/4 186/12 186/23 187/1 187/4 187/9 187/24 188/2 188/10 188/11 191/9 192/22 198/23 203/12 209/10 210/7 212/8 261/2 262/4 262/17 262/21 265/1 269/11 270/2 270/3 270/7	makes [6] 62/24 119/25 140/16 163/12 172/10 259/1	me [120] 7/1 11/3 11/5 11/17 15/5 15/15 19/14 19/25 23/22 26/8 26/17 28/3 28/3 31/5 40/6 44/23 46/11 53/9 54/2 56/6 58/10 65/4 66/23 67/24 68/7 68/8 68/9 69/7 76/3 80/22 81/1 81/5 81/18 81/19 82/19 84/21 85/4 85/7 85/11 87/8 87/10 87/14 87/17 87/23 88/23 89/15 93/20 105/16 109/9 111/3 113/12 115/2 120/15 121/11 124/12 125/23 126/1 133/23 134/22 135/10 142/3 142/7 149/21 151/18 153/25 156/3 156/8 163/17 163/20 170/20 170/22 176/24 181/13 185/21 195/9 197/16 198/10 200/14 203/16 206/2 206/4 208/19 209/3 209/15 211/16 211/16 212/13 213/3 213/15 214/2 214/20 215/23 217/22 225/25 235/15 238/6 238/16 238/19 238/25 239/1 239/4 239/6 239/6 239/15 241/18 241/24 247/6 252/7 253/3 254/3 254/8 254/11 265/6 265/9 266/15 266/19 266/20 270/10 270/11 273/14
looked [9] 58/7 68/18 68/25 69/4 83/22 124/14 204/6 212/20 212/23	making [18] 43/11 52/3 52/15 52/17 54/24 55/16 58/11 100/13 100/14 106/11 110/2 111/10 116/3 119/12 142/11 236/19 253/22 263/7	mean [58] 10/3 10/9 11/17 12/2 12/15
looking [13] 28/21 28/22 47/24 69/5 129/14 132/16 142/17 176/24 200/10 227/6 234/22 269/20 273/7	malarkey [1] 223/20	
looks [4] 36/11 45/5 154/24 202/23	male [2] 228/12 228/15	
looming [1] 155/19	malicious [1] 134/6	
lose [4] 32/1 32/3 33/15 230/25	man [33] 30/5 72/12 118/2 118/5 157/22 158/5 158/6 158/6 158/13 158/14 158/16 165/2 165/2 165/3 171/13 171/13 171/14 176/6 210/3 210/5 265/4 265/4 266/24 267/2 267/7 267/9 267/12 267/13 267/15 267/16 267/17 267/19 271/5	
loss [25] 12/10 12/12 12/22 44/17 45/11 104/21 105/2 138/21 138/23 141/4 147/11 147/12 147/23 177/2 179/21 179/25 182/19 183/11 184/6 190/11 228/21 228/21 228/21 228/22 228/23	manage [2] 54/25 177/25	
losses [3] 180/1 180/2 180/8	managed [1] 17/21	
lost [9] 24/20 37/15 112/24 148/5 148/5 183/16 194/17 223/4 271/3	management [1] 22/11	
lot [34] 21/4 47/15 51/11 55/15 60/20 62/10 68/17 68/17 68/19 82/20 107/6 110/24 129/1 140/19 159/25 161/2 189/1 189/2 205/11 211/20 212/14 214/22 215/19 215/25 216/9 220/23 223/3 240/10 241/13 241/15 241/17 250/2 263/7 264/18	manager [1] 18/5	
lots [8] 29/11 103/5 103/19 112/22 212/3 235/17 235/17 241/8	mandatory [1] 51/19	
love [2] 257/25 257/25	manifestations [5] 24/16 25/10 34/22 270/23 271/2	
loved [1] 6/16	manner [5] 62/10 119/14 119/15 182/16 255/16	
low [1] 188/9	mansion [3] 108/25 118/11 158/4	
luck [1] 114/5	manure [1] 250/15	
lunch [12] 59/9 59/12 99/11 99/15 123/16 123/16 123/23 123/23 125/14 126/17 128/21 194/25	many [19] 48/6 97/14 111/22 122/9 161/20 161/22 162/20 162/22 183/2 183/3 185/15 185/20 186/23 212/5 217/19 223/12 241/3 241/6 250/16	
lurking [4] 157/15 256/12 256/12 257/1	March [1] 169/4	
luxury [1] 159/17	Marion [2] 109/20 252/10	
	marked [2] 71/8 130/24	
	market [1] 11/20	

M		
mean... [53] 12/17 12/19 13/25 17/25 28/10 30/19 34/17 39/25 40/8 40/19 41/11 41/13 41/18 45/17 46/2 46/14 46/19 53/10 61/2 62/14 72/20 102/10 102/11 105/24 111/25 118/12 123/18 133/14 136/5 136/15 137/5 139/13 142/23 145/1 145/14 148/4 148/7 174/24 177/19 185/7 186/11 187/2 187/8 197/12 197/13 222/2 235/6 238/12 240/8 244/10 244/12 248/7 257/25	mine [5] 74/23 74/24 138/4 155/16 249/17	71/3 71/4 96/12 124/14 127/1 129/9 202/23 272/25 273/12 273/13
meaning [3] 209/21 217/8 219/19	minute [7] 31/23 59/3 123/23 164/21 202/17 244/1 259/3	mortality [1] 232/15
means [21] 46/18 64/18 112/4 118/5 119/14 119/16 146/9 157/22 163/5 174/24 178/4 179/2 190/4 190/25 207/20 208/18 244/23 246/3 253/8 253/12 257/4	minutes [4] 113/22 165/16 196/1 218/13	mortuary [3] 148/15 148/17 232/15
meant [1] 157/4	mischaracterizations [1] 263/1	most [25] 12/10 34/7 47/8 50/9 142/13 157/19 160/3 168/20 180/20 181/25 193/4 193/7 195/16 195/17 195/18 198/18 213/3 220/18 224/24 237/11 237/17 250/2 266/19 272/12 272/12
measure [6] 11/19 11/19 37/5 37/16 37/25 232/7	misconduct [2] 33/10 244/20	mother [8] 17/5 27/18 28/1 108/25 117/10 117/14 117/17 249/20
media [1] 99/22	misdeeds [1] 61/1	mother's [1] 42/5
medical [4] 124/20 209/18 229/16 231/17	misfinding [1] 139/18	motion [22] 5/15 14/25 15/4 46/23 47/23 57/22 58/4 100/4 100/9 100/14 100/15 101/14 101/19 102/6 102/8 106/8 111/14 114/2 116/3 195/10 195/11 195/20
medicine [1] 229/23	mislead [1] 199/10	motions [8] 58/12 63/19 63/21 63/25 100/2 100/10 105/9 128/5
meet [6] 50/24 81/2 134/12 144/3 207/24 248/15	misleading [1] 57/8	motivations [1] 214/13
meeting [2] 82/2 227/1	misleads [1] 200/1	mouse [1] 183/3
meets [3] 25/9 34/12 34/25	misplaced [1] 166/4	move [28] 5/10 8/14 11/1 11/7 12/5 12/25 15/2 46/23 65/3 71/15 90/19 91/1 92/22 143/14 146/23 164/3 164/5 170/20 170/23 183/12 192/13 200/5 244/3 254/17 259/23 261/4 261/15 265/16
member [1] 64/19	misput [1] 108/15	moved [10] 4/10 19/3 52/20 66/6 67/17 71/16 74/17 74/18 169/20 170/10
members [4] 27/1 168/4 176/16 193/11	misquoting [1] 212/13	moves [1] 71/20
memo [1] 14/25	misrepresentation [6] 10/7 11/18 12/4 35/6 35/7 222/16	movie [4] 112/7 112/15 112/16 195/8
memories [6] 176/19 186/19 186/19 187/11 229/10 231/21	missing [1] 10/8	movies [1] 189/23
memory [10] 62/11 62/12 80/17 159/11 169/17 213/15 215/3 215/11 215/15 222/25	misspelled [1] 150/24	moving [5] 57/21 71/21 105/12 173/25 195/6
men [8] 29/16 157/21 159/6 232/20 241/6 241/11 241/18 241/22	misstate [2] 197/14 210/17	Mr [89] 9/2 9/25 25/24 26/5 26/10 27/23 29/3 29/12 30/7 33/4 35/5 48/6 48/25 48/25 49/5 50/20 51/23 54/24 56/1 56/4 56/7 56/19 61/10 61/22 64/11 65/7 67/3 70/5 70/12 70/15 74/8 75/16 77/25 80/2 80/3 81/1 81/10 85/15 87/12 89/16 91/10 91/16 92/15 92/22 93/20 94/11 98/15 98/18 99/5 102/9 105/7 108/20 109/15 109/23 110/24 116/8 117/16 117/16 118/10 119/2 119/23 122/2 122/17 123/2 123/25 125/25 150/8 150/13 152/5 153/25 154/17 155/16 166/2 168/17 195/5 197/6 198/9 198/13 200/24 201/12 202/15 203/7 203/25 205/5 211/6 221/24 229/15 232/13 270/10
mental [15] 24/3 41/10 141/6 141/15 147/20 148/9 176/15 182/21 183/5 190/11 190/15 219/9 221/14 228/24 228/24	misstatement [1] 197/11	Mr. [208] 5/2 5/3 9/1 9/3 9/5 9/21 9/22 10/1 10/10 11/23 13/13 15/3 15/10 15/25 17/1 17/12 17/24 20/12 21/15 23/8 23/14 24/21 26/7 26/9 27/4 28/1 28/22 31/6 31/20 32/21 36/9 36/23 37/2 39/10 39/16 41/24 43/12 46/9 46/22 46/23 47/11 51/23 51/24 54/8 54/15 55/18 57/4 57/18 58/14 59/11 61/13 62/22 63/16 64/8 64/8 65/7 67/5 67/13 67/15 70/21 71/18 72/3 72/12 72/18 72/21 72/21 73/4 73/7 73/9 73/18 73/23 74/1 74/4 74/6 74/11 74/14 78/23 81/15 81/15 85/19 88/8 90/16 90/24 92/10 93/2 96/1 96/5 96/9 96/12 98/5 98/15 99/2 104/23 104/25 105/9 106/20 108/8 112/5 113/21 124/15 128/1 129/17 133/9 135/20 135/25 135/25 139/22 140/5 140/6 141/1 141/24 143/8 145/25 146/12 146/24 149/7 149/13 152/9 153/14 155/6 170/4 171/25 172/1 176/21 177/22 178/23 180/13 181/22 182/4 182/17 183/2 185/1 185/2 196/10 196/19 197/25 198/1 198/12 201/2 201/19 204/14 205/2 205/10 205/16
mention [9] 62/21 131/10 143/10 163/18 220/1 231/15 237/20 239/15 255/18	mistake [1] 125/2	
mentioned [7] 34/22 127/17 207/4 232/3 238/1 243/17 246/10	mistrial [10] 63/22 104/13 114/4 196/18 197/5 198/4 200/5 200/22 200/24 202/1	
merits [1] 143/19	mistrials [2] 114/5 199/2	
message [1] 156/4	mitigate [10] 141/7 226/1 226/12 226/12 226/15 227/21 228/4 228/16 230/1 233/22	
messages [1] 165/5	mitigation [1] 233/21	
messed [1] 173/3	mm [5] 79/2 79/2 89/2 145/13 147/3	
met [3] 67/17 81/16 96/14	Mm-hmm [3] 89/2 145/13 147/3	
method [2] 139/7 238/5	Mm-mm [1] 79/2	
mic [2] 170/20 170/23	modern [3] 93/17 93/22 93/23	
middle [3] 10/24 166/1 198/17	mold [1] 215/19	
midway [1] 131/11	mom [1] 184/4	
might [25] 29/4 29/15 48/8 59/14 88/14 100/22 134/16 135/4 137/22 140/11 140/18 141/20 185/15 186/8 204/2 208/22 212/24 216/19 216/20 217/1 226/21 243/8 243/9 243/12 263/5	mom's [1] 41/23	
mild [1] 185/7	moment [7] 80/19 101/23 102/19 127/20 143/5 247/1 264/23	
million [8] 118/19 118/20 232/12 232/12 232/13 234/3 234/3 261/8	moments [10] 34/7 157/19 158/7 158/12 158/12 180/20 181/25 183/8 193/8 218/22	
millions [2] 234/3 234/5	monetary [7] 12/22 133/2 138/20 179/21 179/25 180/1 180/8	
mimicking [1] 196/10	money [22] 12/10 12/12 23/6 37/15 42/2 42/3 42/4 42/5 42/11 116/22 117/1 138/23 184/12 184/14 189/1 189/2 193/12 205/15 233/11 233/20 235/12 235/17	
mind [22] 14/22 23/9 25/4 32/17 48/19 50/5 58/2 113/11 163/11 183/11 183/11 183/15 184/16 185/19 186/6 190/11 194/21 207/16 237/19 252/6 252/6 256/10	monitor [3] 252/17 253/5 253/17	
minds [2] 188/22 198/19	monitoring [1] 32/8	
	monolith [1] 155/15	
	month [1] 87/2	
	months [6] 27/3 173/23 180/7 194/4 233/6 257/18	
	Montréal [3] 94/15 94/16 97/8	
	moon [1] 121/14	
	more [55] 10/2 20/23 24/1 25/17 38/12 38/18 48/18 49/7 57/23 60/21 62/25 66/23 74/1 74/20 103/3 113/25 118/19 120/12 120/25 121/3 121/10 124/9 129/1 136/4 140/19 146/10 155/1 158/10 161/13 163/2 174/24 177/15 189/24 189/24 196/14 200/11 205/7 209/7 220/8 222/10 229/17 230/17 238/21 240/24 242/5 242/8 242/8 242/9 258/24 272/17 272/17 272/17 272/19 272/19 272/20	
	Morgan [3] 134/5 134/8 134/12	
	morning [14] 5/19 47/14 65/24 65/25	

M		
Mr.... [64] 206/3 206/25 207/2 207/14 208/1 208/12 209/9 210/9 213/13 215/21 217/12 217/23 218/2 218/11 221/22 222/21 222/23 224/21 225/4 225/17 226/17 226/24 227/23 228/6 229/7 229/16 229/22 230/5 231/24 232/6 232/14 233/5 235/3 235/10 236/5 236/6 236/15 237/6 237/7 244/3 246/24 247/2 249/11 251/5 252/24 254/9 254/17 256/19 259/18 261/9 263/6 263/13 265/16 266/24 268/3 268/15 269/17 270/9 270/22 271/7 271/13 272/3 272/8 272/11	Mrs. Crespo [5] 124/22 205/16 209/9 227/18 235/11 Mrs. Riviere [2] 51/5 153/1 Mrs. Salatino [1] 81/22 Mrs. Vaillancourt [1] 20/16 Ms [54] 9/16 10/10 39/24 40/13 54/19 59/25 60/3 60/9 61/7 65/10 65/24 70/9 71/2 71/3 71/13 86/17 88/12 88/12 88/12 97/18 98/10 105/17 108/20 117/23 118/6 119/2 120/25 123/17 124/12 129/4 135/9 152/17 155/13 172/10 173/2 198/8 205/4 205/9 205/15 206/21 207/1 207/8 210/17 212/23 213/8 213/20 213/24 214/16 215/5 215/10 217/15 222/22 228/6 268/9 Ms. [65] 60/2 62/6 62/24 69/13 70/6 70/23 72/11 80/16 82/19 85/7 86/9 90/8 91/5 95/1 96/9 97/19 106/5 106/24 107/4 109/16 111/10 113/8 113/13 115/22 124/21 157/10 170/17 171/17 178/19 181/19 193/1 195/10 198/15 200/17 203/13 206/3 208/4 210/9 211/4 211/23 212/1 212/5 212/7 212/11 212/20 213/13 213/19 213/23 214/25 215/13 217/20 218/1 218/18 228/1 228/9 230/4 230/12 230/19 230/20 230/21 230/24 231/3 232/13 234/11 268/3 Ms. Barbier [25] 62/24 70/23 95/1 96/9 106/5 106/24 107/4 109/16 111/10 113/8 113/13 115/22 157/10 170/17 181/19 193/1 195/10 200/17 203/13 206/3 208/4 217/20 218/1 218/18 268/3 Ms. Barbier's [1] 234/11 Ms. Crespo [16] 69/13 124/21 210/9 211/23 212/7 213/13 213/19 213/23 215/13 228/1 228/9 230/4 230/12 230/21 231/3 232/13 Ms. Crespo's [1] 230/24 Ms. Hook [1] 178/19 Ms. Josee [2] 62/6 97/19 Ms. Phillips [2] 230/19 230/20 Ms. Riviere [1] 198/15 Ms. Salatino [15] 60/2 72/11 80/16 82/19 85/7 86/9 90/8 91/5 171/17 211/4 212/1 212/5 212/11 212/20 214/25 much [23] 19/12 95/16 96/5 99/25 108/12 113/14 114/5 200/23 203/18 203/21 207/17 215/21 217/23 220/16 222/22 236/3 236/18 236/22 250/16 258/16 267/1 267/22 273/9 multiple [7] 34/8 79/17 108/24 118/5 167/14 195/13 206/15 multiplied [1] 188/18 multiplier [4] 128/14 128/16 129/13 233/14 multiplying [1] 139/15 multitude [1] 9/19 murderer [1] 195/9 Murphy [1] 241/7 music [1] 193/22 must [47] 8/21 48/10 57/22 57/25 127/10 133/8 137/17 138/16 142/18 167/21 175/25 183/23 185/6 185/7 191/6 193/4 193/8 193/10 193/13 193/16 193/19 193/21 193/25 194/1 199/12 199/25 219/1 219/9 219/16 220/1 220/1 220/5 221/24 222/5 223/25 225/18 225/24 230/2 230/3 243/15 244/20 246/1 246/3 264/23 264/23 271/8 271/8 my [97] 8/6 14/22 16/7 16/7 18/5 19/1 21/7 25/2 27/15 28/10 29/15 30/15 45/5	52/18 58/11 61/23 64/25 67/16 70/14 73/14 77/7 84/5 87/5 91/11 91/25 94/18 96/12 97/16 97/16 102/17 105/14 106/21 111/14 114/10 114/14 117/7 117/8 118/22 119/22 122/7 124/6 127/18 135/4 143/17 143/17 143/17 143/19 153/18 154/15 175/3 176/25 176/25 177/5 181/12 182/8 191/24 193/23 194/4 194/5 199/21 200/2 204/9 204/22 205/2 205/9 207/1 213/4 216/16 216/16 218/14 238/4 238/5 238/19 240/21 243/21 243/22 244/1 245/4 246/22 247/3 247/8 247/10 247/12 247/16 249/17 249/19 251/12 251/14 253/21 255/20 257/16 258/14 263/25 266/8 266/12 267/12 274/9 Myers [2] 113/16 113/21 myself [4] 81/15 205/7 205/9 208/20
Mr. and [2] 205/16 209/9 Mr. Beasley [1] 81/15 Mr. Britt [1] 201/19 Mr. Busbee [1] 221/22 Mr. Courtney [1] 176/21 Mr. Crespo [22] 9/1 9/5 9/21 10/1 10/10 11/23 41/24 67/15 104/25 171/25 210/9 226/17 226/24 227/23 228/6 229/7 229/22 232/14 233/5 235/10 266/24 272/11 Mr. Few [20] 15/10 17/12 21/15 23/14 26/7 28/1 28/22 31/20 32/21 36/23 37/2 39/16 46/9 47/11 81/15 133/9 135/25 141/24 145/25 155/6 Mr. Gabriel [2] 62/22 67/13 Mr. Griffin [37] 5/2 5/3 15/3 23/8 24/21 26/9 27/4 31/6 36/9 39/10 43/12 46/22 54/8 54/15 55/18 65/7 71/18 72/3 88/8 90/16 98/15 105/9 124/15 128/1 129/17 135/20 135/25 139/22 140/5 141/1 143/8 146/12 146/24 185/2 205/10 213/13 230/5 Mr. Griffin's [3] 57/18 140/6 180/13 Mr. Harte [40] 17/24 46/23 51/23 57/4 58/14 59/11 70/21 72/12 72/18 72/21 73/4 73/7 73/9 73/18 73/23 74/1 74/4 74/11 90/24 96/9 149/7 149/13 222/23 236/6 236/15 237/6 237/7 244/3 246/24 247/2 249/11 252/24 254/9 254/17 259/18 261/9 263/13 265/16 268/3 272/3 Mr. Harte's [3] 51/24 64/8 272/8 Mr. McCulloch [16] 63/16 106/20 108/8 112/5 181/22 185/1 196/19 201/2 236/5 256/19 263/6 268/15 269/17 270/22 271/7 271/13 Mr. McCulloch's [1] 64/8 Mr. Myers [1] 113/21 Mr. Objection [2] 206/3 217/23 Mr. Portnoy [1] 9/3 Mr. Rhett [5] 13/13 152/9 153/14 198/12 205/2 Mr. Riviere [34] 15/25 20/12 61/13 72/21 74/6 74/14 78/23 85/19 170/4 177/22 178/23 182/4 182/17 183/2 196/10 197/25 198/1 204/14 206/25 207/2 207/14 208/1 208/12 217/12 218/2 218/11 222/21 224/21 225/4 225/17 231/24 232/6 235/3 270/9 Mr. Riviere's [3] 17/1 172/1 215/21 Mr. Salatino [1] 67/5 Mr. Stoker [8] 92/10 93/2 96/1 96/5 96/12 98/5 99/2 251/5 Mr. Trezza [3] 9/22 104/23 229/16 Mrs. [11] 20/16 51/5 81/22 89/16 124/22 153/1 205/16 209/9 221/24 227/18 235/11	N nagging [1] 183/13 Namath [1] 266/17 name [31] 13/13 20/11 20/13 20/17 23/1 28/9 65/16 65/17 67/1 91/23 91/24 91/25 92/7 93/21 96/12 112/15 113/24 150/2 150/25 152/3 159/4 162/16 194/5 194/6 205/9 229/13 229/16 238/25 252/11 252/12 259/17 name's [1] 91/14 name-calling [1] 113/24 named [2] 75/25 259/14 Nandina [1] 19/18 national [1] 159/24 natural [2] 130/19 136/9 nature [10] 16/14 24/24 26/12 34/11 38/11 95/18 130/5 151/7 239/7 245/10 nearest [1] 174/16 necessarily [3] 37/13 216/1 227/24 necessary [3] 102/19 110/14 136/10 need [32] 18/4 21/15 40/25 53/1 63/14 69/23 86/3 91/11 102/20 123/5 123/12 125/18 126/24 130/15 131/1 139/15 139/16 140/4 145/22 150/20 151/19 155/2 171/9 177/4 182/4 214/10 219/8 229/3 236/20 261/13 264/7 271/25 needed [2] 229/23 236/15 needless [1] 183/8 needs [9] 34/25 122/8 139/10 139/14 182/4 182/6 189/13 189/16 249/12 negative [1] 6/14 negligence [70] 5/11 5/11 5/23 5/24 6/3 6/5 6/5 6/7 6/8 6/25 6/25 7/5 7/8 8/12 24/7 24/12 25/19 26/3 26/11 31/1 33/14 33/17 33/17 40/18 40/18 41/1 41/3 41/13 42/23 42/25 43/14 43/15 43/18 43/20 52/5 53/3 53/4 53/4 53/8 53/11 53/11 53/13 53/13 53/14 53/16 53/17 53/21 54/7 54/10 130/20 145/12 145/14 145/15 145/19 165/13 165/14 171/9 177/19 177/20 178/4 178/15 219/18 219/19 220/4 220/7 220/11 220/13 220/13 220/21 221/2 negligent [16] 10/6 11/18 12/4 29/18 29/18 30/24 33/16 35/6 35/7 40/23 42/25 43/21 44/2 171/8 219/20 220/9 negligently [1] 30/3 negotiated [1] 248/9 negotiations [2] 49/4 257/14 neither [3] 8/16 39/25 204/10 nerves [1] 229/24 net [7] 109/4 109/4 120/18 120/18	

N		
net... [3] 120/21 122/12 146/16 Neuhaus [1] 255/13 never [66] 9/22 12/19 14/22 14/22 37/22 48/20 48/21 64/9 78/4 78/5 78/23 79/1 81/16 81/18 81/18 85/22 86/2 86/3 95/8 96/13 106/9 113/13 116/14 117/11 120/7 134/15 140/10 157/23 157/24 158/12 160/24 163/19 167/10 167/19 167/20 167/24 167/24 168/2 169/1 183/2 193/6 193/18 194/8 194/10 194/12 196/25 197/1 197/10 201/10 201/19 229/7 229/22 229/22 229/22 229/23 229/24 230/25 231/1 231/4 231/5 235/7 239/25 245/5 255/21 264/18 264/19 nevermind [3] 54/17 173/25 248/18 new [5] 141/19 157/14 248/3 248/3 266/14 newspaper [2] 98/9 273/3 next [21] 10/6 33/23 59/20 79/8 79/25 80/1 82/16 83/1 89/1 89/6 89/8 122/24 171/18 171/21 172/8 172/14 172/17 173/1 187/8 207/8 221/25 nice [2] 110/25 248/6 night [3] 158/22 171/2 186/25 night's [1] 183/16 nightmare [1] 193/24 nights [2] 177/8 183/4 nine [1] 107/2 no [254] 1/1 1/15 1/18 7/17 7/25 8/8 9/13 9/15 10/4 10/11 10/19 10/21 11/16 11/25 12/3 12/14 14/3 21/20 27/7 29/10 32/13 32/19 34/18 39/8 40/1 41/9 41/14 42/2 42/2 42/4 42/5 42/6 42/6 42/10 45/23 46/2 46/4 46/8 46/16 46/20 49/1 49/2 49/12 49/23 50/13 50/14 50/16 51/3 51/6 51/6 51/9 53/7 56/15 56/18 59/18 64/6 64/18 65/4 66/23 70/8 70/16 70/22 74/10 75/6 75/7 75/8 75/15 76/10 76/24 77/22 78/3 78/11 80/8 81/18 82/4 82/24 83/3 83/5 84/15 85/1 85/21 85/25 86/6 86/8 86/12 86/13 86/19 86/20 86/22 86/25 87/17 87/22 88/5 90/22 90/22 90/22 90/25 95/11 95/11 96/15 97/21 98/11 98/13 98/17 98/20 98/25 99/6 100/23 101/8 102/21 103/18 104/20 105/1 105/20 105/25 109/2 109/18 111/4 113/7 113/11 113/25 114/11 114/13 114/17 116/6 116/18 117/5 117/20 125/16 126/21 127/23 127/23 127/23 128/2 142/19 142/22 142/24 142/24 143/10 145/1 147/9 147/15 147/19 147/25 148/3 148/24 149/5 149/15 151/24 152/12 153/12 154/1 154/2 156/5 158/6 158/10 158/14 158/15 158/15 158/15 158/20 159/11 159/18 167/16 167/16 167/18 169/10 169/10 169/11 171/11 172/10 173/24 176/6 180/18 180/19 182/18 183/12 183/17 183/19 184/17 185/8 185/8 185/8 185/9 185/9 185/10 185/10 186/21 188/17 190/1 190/1 195/21 195/24 196/6 198/21 199/12 199/14 200/4 200/5 201/5 201/6 203/1 203/11 212/4 214/1 214/16 218/21 220/24 227/2 229/8 230/17 231/19 232/10 232/22 233/2 235/1 235/8 239/3 240/23 241/23 244/13 245/10 248/14 250/5 251/24 252/16 252/20 253/9 253/15 253/15 255/11 255/14 257/13 259/7 259/22 259/25 260/16 260/17 260/18 260/20	260/21 260/25 261/18 262/21 267/1 267/1 268/13 269/18 269/20 270/13 270/14 270/22 271/19 273/18 No. [12] 26/18 64/17 64/18 111/5 111/17 116/12 130/23 132/1 132/3 135/1 137/11 149/23 No. 1 [1] 130/23 No. 133 [1] 64/17 No. 19 [1] 137/11 No. 2 [1] 26/18 No. 25 [2] 132/1 132/3 No. 4 [1] 116/12 No. 5 [2] 111/5 149/23 No. 7 [2] 111/17 135/1 No. 92 [1] 64/18 nobody [9] 49/3 49/3 50/16 210/5 221/4 224/23 234/18 248/8 272/18 Nobody's [1] 156/11 nominal [1] 146/7 none [7] 13/10 32/16 116/15 187/17 188/13 234/25 245/18 nonexistence [1] 58/5 nonmoving [1] 58/7 nonparties [1] 115/7 nor [6] 39/25 101/5 101/5 274/10 274/11 274/13 normal [3] 147/14 168/16 214/13 normally [1] 255/5 North [1] 2/8 NOS [2] 1/2 274/6 not [483] notarized [1] 76/1 Notch [1] 251/22 note [1] 39/17 noted [3] 29/9 111/21 181/22 notepads [3] 213/3 213/5 232/2 notes [9] 23/12 51/15 111/22 111/23 127/18 175/18 198/16 213/16 223/1 nothing [26] 10/15 13/8 14/10 37/11 39/21 40/2 40/9 44/12 94/25 107/25 118/18 136/11 148/7 158/21 159/12 166/23 167/7 182/24 197/2 199/9 223/11 250/1 250/7 260/2 260/2 271/8 noticed [4] 124/18 149/3 149/8 209/16 noting [1] 103/3 notion [1] 132/11 notions [1] 102/25 notwithstanding [2] 113/23 195/22 now [107] 10/13 13/25 14/6 15/1 19/7 23/17 33/18 46/8 50/19 56/12 64/18 65/6 66/7 69/10 76/3 76/4 76/8 77/9 79/3 82/14 83/12 83/24 84/24 86/17 93/10 94/5 94/11 96/18 100/8 106/10 106/22 108/15 112/20 127/13 133/25 138/12 146/13 151/19 154/22 155/7 156/23 159/9 163/14 166/20 167/14 170/5 171/15 174/18 176/22 180/16 182/6 183/6 185/2 187/9 192/5 195/13 199/15 204/15 206/1 206/21 208/1 208/4 209/15 210/17 211/4 212/4 213/11 213/12 214/22 215/5 215/21 215/25 218/13 218/21 219/17 220/14 224/1 224/4 224/15 226/6 228/19 237/10 237/25 238/15 238/21 239/15 242/19 243/8 243/24 244/25 246/3 246/12 248/23 249/4 249/22 251/8 252/13 253/25 255/17 256/9 257/19 257/24 259/15 260/19 264/1 264/21 273/12 nuisance [1] 24/10 number [19] 81/9 138/7 172/15 187/20	188/7 188/8 188/9 188/19 188/20 189/4 189/11 189/13 190/7 194/15 194/19 232/11 233/12 238/16 258/15 numbers [4] 138/3 189/1 225/1 233/3 numerous [3] 15/19 24/16 245/14 nurse [1] 160/4 nursing [2] 160/1 160/2 O oath [11] 76/6 76/20 82/5 82/12 82/14 84/21 86/10 95/13 251/7 251/8 269/5 object [18] 49/19 61/3 61/16 71/21 73/21 115/3 116/7 136/17 136/18 147/11 148/9 163/25 164/1 192/4 192/12 217/23 238/2 238/12 objected [4] 109/2 118/13 198/9 198/14 objection [31] 32/13 72/25 83/9 89/20 90/21 90/22 90/22 90/23 90/24 90/25 92/13 92/21 94/23 95/17 95/19 97/15 103/25 107/8 108/14 110/15 117/8 118/22 170/13 181/15 192/25 198/8 206/3 217/23 246/20 252/23 261/3 objectionable [1] 182/3 objections [8] 60/6 63/15 103/24 114/18 196/20 200/7 206/5 238/5 objective [5] 137/11 137/12 137/17 137/25 224/15 obligated [1] 28/11 obligation [2] 45/18 224/2 observe [2] 48/5 166/12 obtained [1] 201/21 obviously [6] 27/1 52/3 61/22 110/2 187/16 196/11 occasion [3] 56/21 103/3 221/14 occasionally [1] 238/3 occasions [5] 24/18 34/8 79/17 92/18 172/15 occupation [1] 93/2 occur [4] 105/14 167/22 206/14 221/20 occurred [5] 14/19 50/19 114/2 209/5 220/7 occurs [1] 223/21 October [8] 72/16 131/11 131/12 131/15 131/20 209/3 231/11 231/12 odd [5] 87/20 211/17 211/24 214/3 230/11 off [14] 32/24 38/25 59/6 89/11 128/22 146/24 155/8 157/13 202/19 217/13 231/2 236/24 247/19 273/4 offended [2] 203/20 238/6 offensive [2] 174/3 181/14 offered [2] 164/5 209/6 office [7] 1/22 52/14 75/19 172/1 211/7 246/14 255/24 officers [1] 228/15 often [4] 87/1 87/8 200/15 210/5 Oftentimes [1] 100/10 oh [22] 23/5 26/17 29/14 56/23 60/2 66/16 131/12 137/14 142/4 153/17 158/10 170/24 173/24 185/6 192/10 203/11 204/14 211/21 236/16 238/18 256/24 259/12 okay [118] 7/4 15/13 23/4 23/8 23/11 25/22 27/20 28/21 31/5 32/4 32/15 33/4 49/16 54/5 54/11 56/4 59/15 59/16 59/17 63/8 64/21 69/3 71/8 72/2 72/15 72/18 72/22 73/9 73/12 73/17 74/6 74/13 75/10 75/16 75/19 75/22 76/3 76/8 76/16 76/20 76/22 76/25 77/5 77/16 77/19 77/24 78/14 79/3 79/19 79/23 80/11 80/19

O okay... [66] 80/21 82/25 83/6 83/17 83/24 84/4 84/5 84/7 84/11 84/15 84/21 84/24 85/11 85/22 86/17 86/23 88/17 88/19 89/4 89/16 91/13 93/24 96/1 96/16 96/19 96/23 97/5 97/8 97/11 97/14 97/19 97/22 98/3 98/11 98/14 99/2 99/18 99/25 120/6 120/10 127/16 127/24 128/25 129/23 132/21 135/19 144/22 144/25 146/21 150/5 155/1 156/14 168/3 173/24 174/25 187/10 202/23 203/3 203/3 204/20 207/25 236/14 236/14 252/4 263/5 272/24 old [19] 112/7 113/9 162/4 162/11 203/14 203/22 204/24 218/6 234/25 238/20 238/21 257/7 267/7 267/12 267/12 267/14 267/16 267/17 267/19 old-school [1] 203/22 older [2] 203/4 243/23 Olympic [1] 93/16 Olympics [1] 94/4 omission [1] 52/6 omissions [1] 219/21 on [348] once [17] 58/23 60/21 62/16 86/24 87/2 87/4 104/25 115/2 163/13 169/3 192/4 204/18 226/9 232/3 235/14 263/17 264/3 one [136] 6/6 6/17 7/1 8/5 15/8 18/9 18/17 19/10 21/2 23/7 26/18 29/10 29/15 31/19 32/6 38/23 42/12 47/10 49/11 53/19 53/21 57/20 57/23 59/11 60/13 62/25 72/12 75/16 75/25 79/3 80/19 85/23 87/12 87/15 90/4 97/17 99/16 103/3 106/20 107/23 110/1 112/12 116/1 116/2 116/6 117/2 121/6 124/11 124/15 124/19 126/8 126/17 126/18 131/15 140/23 140/24 141/23 142/12 147/12 150/6 151/18 151/25 152/9 158/16 158/17 164/16 166/11 167/7 168/20 170/11 170/24 174/11 184/15 188/1 188/1 188/5 188/10 189/5 189/11 190/2 191/12 197/18 203/25 204/5 204/10 204/18 208/23 209/15 211/11 218/2 218/3 218/5 218/10 218/15 218/15 218/23 218/25 220/3 220/7 220/15 221/23 222/10 222/20 226/21 227/17 228/3 229/14 230/9 230/10 234/16 235/5 238/2 239/22 240/5 240/8 245/6 245/24 246/13 253/24 253/25 254/6 255/1 256/10 259/10 259/11 260/20 262/17 263/9 264/1 265/11 265/14 267/9 269/20 270/13 270/14 273/18 one-page [1] 174/11 one-time [1] 191/12 ones [6] 26/19 55/17 75/2 94/24 130/3 138/10 ongoing [2] 24/24 217/10 online [1] 273/3 only [54] 6/3 6/12 6/19 6/19 12/1 25/25 26/5 29/22 33/8 38/9 43/2 46/15 57/20 58/5 62/21 63/22 98/8 99/10 101/18 104/22 118/6 120/19 121/6 122/6 127/7 129/7 138/14 141/16 143/22 146/8 146/18 151/7 151/22 153/14 153/24 154/1 154/7 154/10 154/14 158/16 173/4 175/2 184/13 206/10 212/6 214/14 223/11 225/9 229/11 231/22 241/25 241/25 242/1 254/7 onto [1] 32/6 oops [1] 172/18	open [10] 19/9 33/12 64/22 121/17 152/21 212/9 257/3 267/15 269/23 270/3 opened [6] 66/20 68/14 87/23 212/2 212/14 213/22 opening [9] 21/9 21/11 55/1 116/8 156/25 166/2 175/4 180/13 181/13 operate [5] 57/2 177/25 208/7 216/19 216/20 opinion [12] 101/21 102/23 140/1 181/17 192/5 195/13 197/11 246/8 246/9 265/17 265/19 265/23 opinions [2] 105/20 111/12 opportunity [9] 56/22 134/11 149/25 167/23 207/9 222/13 227/12 227/15 227/16 oppose [1] 136/6 opposing [4] 24/9 33/7 106/12 184/18 opposite [2] 83/1 269/13 opposition [1] 18/23 option [2] 29/21 139/19 or [291] or Mrs. Crespo [1] 221/24 or Ms. Crespo [1] 70/6 oral [2] 104/9 104/11 order [20] 6/6 10/17 23/22 34/19 39/13 41/2 41/9 43/11 43/17 59/14 95/7 95/9 123/24 136/20 136/21 143/20 145/23 149/17 208/8 272/24 ordering [1] 59/9 ordinary [4] 8/25 9/20 10/3 219/10 original [2] 80/15 93/11 originally [1] 67/3 other [86] 17/15 17/22 19/13 21/17 23/21 30/13 30/25 37/12 38/8 45/10 46/14 46/18 46/18 52/16 57/21 62/3 66/10 67/16 68/15 68/24 69/4 78/10 81/9 84/12 87/25 88/7 92/10 95/8 96/6 98/14 99/5 102/25 107/22 107/24 110/1 115/5 117/5 120/14 122/14 127/15 129/8 131/4 138/20 139/19 150/6 151/18 157/24 166/21 167/3 167/9 185/5 185/22 195/24 196/13 196/19 203/24 208/9 217/25 219/25 219/25 220/9 221/1 221/2 221/10 221/21 224/23 231/25 233/18 233/24 235/5 238/12 241/17 241/19 247/15 248/12 250/1 254/10 254/18 259/19 260/6 260/19 263/9 263/18 265/13 270/6 272/10 others [4] 158/12 193/9 206/23 250/21 otherwise [7] 55/23 144/5 145/11 145/23 150/16 196/7 243/17 ought [1] 243/7 our [50] 5/22 14/25 14/25 24/15 25/8 26/19 27/1 29/25 34/2 35/11 35/12 39/9 44/16 47/10 55/21 55/24 59/10 63/19 63/21 97/10 102/6 102/8 102/19 102/20 113/10 125/19 130/13 132/1 132/3 132/23 135/17 137/10 137/12 140/6 162/7 182/13 182/14 182/20 183/1 187/15 191/25 207/3 215/22 218/23 232/17 237/9 237/18 241/25 242/1 258/17 ourselves [1] 102/13 out [110] 8/12 10/1 11/9 11/11 11/13 16/2 18/8 21/4 26/23 28/3 28/3 28/9 30/23 38/25 39/23 43/25 44/25 46/13 46/14 46/19 47/5 47/9 53/24 59/23 60/1 69/21 86/21 99/16 99/17 99/17 102/9 104/15 105/5 105/5 113/8 121/8 121/10 124/14 127/22 128/16 130/15 131/6	134/3 135/3 136/7 136/12 138/7 141/17 141/20 141/21 141/21 145/16 146/13 148/18 150/18 153/5 153/9 155/18 155/21 157/15 159/10 160/1 160/6 160/13 160/17 168/8 168/17 169/23 169/25 171/1 171/2 172/23 173/19 173/22 176/18 176/23 181/8 186/14 186/17 187/5 187/25 188/8 188/20 189/23 195/18 196/7 200/25 208/10 211/25 212/7 213/18 213/18 222/14 225/25 226/25 229/6 232/9 232/19 233/15 254/21 257/2 257/12 260/5 265/6 266/15 267/18 269/4 270/12 270/13 270/15 outcome [3] 8/10 42/21 274/14 outrage [1] 45/1 outraged [1] 272/19 outrageous [8] 174/1 175/24 189/24 193/4 242/9 272/9 272/14 272/17 outside [5] 94/16 97/8 103/1 110/13 234/23 outstanding [1] 192/20 over [39] 17/24 21/1 23/7 25/2 29/9 32/2 68/8 68/10 72/12 105/1 123/12 129/4 145/24 146/22 156/12 160/19 160/20 161/2 161/16 162/20 182/25 183/17 190/1 191/13 199/14 199/14 199/23 205/5 206/19 210/18 212/8 212/22 228/17 232/19 238/14 242/7 247/20 263/21 272/7 overlap [1] 35/9 overshadow [2] 183/22 191/5 overtook [1] 66/23 overwhelmed [1] 163/22 owed [2] 169/12 231/14 own [24] 13/4 13/5 13/5 13/6 14/17 14/18 28/5 29/6 41/17 98/6 140/2 158/7 171/11 178/21 193/21 214/13 233/14 248/21 251/1 251/5 251/9 251/17 251/21 260/23 owned [25] 14/18 15/20 17/5 17/21 21/13 21/21 27/18 29/5 40/1 40/8 40/13 41/18 41/20 41/21 41/22 109/17 109/19 109/21 110/7 197/25 239/25 250/3 250/8 251/14 251/23 owner [9] 14/5 22/8 22/10 22/13 22/23 27/14 27/15 28/24 29/2 owners [5] 7/15 27/17 27/22 36/16 45/17 ownership [3] 13/8 13/15 248/11 owns [5] 15/24 28/24 111/1 111/2 120/1 P p.m [1] 1/17 P.O [5] 2/12 2/18 2/22 3/4 3/9 PA [1] 2/7 page [19] 33/7 35/3 80/18 80/19 83/25 84/2 84/3 84/12 84/24 87/3 88/16 125/10 130/18 131/2 131/8 138/3 138/6 142/17 174/11 page 18 [1] 80/19 page 21 [2] 88/16 130/18 page 22 [1] 131/2 page 32 [1] 131/8 page 43 [1] 87/3 page 5 [1] 33/7 page 58 [2] 83/25 84/3 page 63 [1] 84/24 paid [17] 11/21 11/22 12/14 12/15 12/15 12/18 16/13 37/6 37/11 37/17 37/19 37/21 37/22 38/5 61/13 233/5 233/6

P		
paid \$2,400 [1] 12/14	82/20 83/1 85/1 85/16 136/24 156/8	117/12 118/15 118/16 118/17 118/21
pain [14] 41/10 104/5 141/4 141/15	158/13 160/13 160/14 160/15 161/8	119/12 120/20 120/23 121/12 121/15
147/1 147/5 147/7 147/18 147/22 161/11	162/20 163/5 163/8 167/22 168/18 169/6	122/7 122/8 122/24 126/20 126/22
190/11 190/13 190/19 228/21	172/23 174/12 176/16 184/17 184/20	126/25 134/1 143/10
painful [1] 174/14	187/6 188/1 192/1 193/5 193/20 196/13	Phillips [5] 9/16 160/12 189/21 230/19
painted [1] 119/21	208/10 209/24 210/2 210/6 210/13 213/4	230/20
palpitations [1] 177/11	214/14 216/10 216/13 218/21 222/3	phone [8] 2/5 2/9 2/13 2/19 2/23 3/5 3/10
panacea [1] 45/2	223/13 224/24 227/6 238/17 238/25	36/12
panel [1] 64/20	239/1 239/2 239/5 239/13 241/8 241/13	phones [1] 99/19
panic [13] 9/6 9/6 9/11 24/20 24/21 25/5	241/15 241/17 244/24 247/15 248/15	phrase [6] 109/17 141/20 142/2 210/4
177/13 180/8 184/4 230/13 230/16	250/18 250/21 254/12 259/7 260/4 260/8	211/17 227/7
231/10 270/25	267/23 270/6 271/17	phrases [1] 203/23
Panthers [2] 241/11 241/13	people's [2] 193/3 210/12	physical [20] 5/25 6/8 6/11 6/21 6/22
paper [4] 15/4 113/1 217/14 218/23	per [34] 5/11 5/24 6/6 6/8 6/25 7/5 7/8	24/16 25/10 34/22 40/19 41/9 147/6
parade [1] 158/2	8/12 38/21 40/18 41/13 42/23 43/15	147/19 190/22 228/22 229/8 229/8
paragraph [5] 77/11 79/19 137/10	43/18 44/2 53/4 53/11 53/13 53/17 54/8	231/20 270/22 270/23 271/1
138/16 211/11	54/10 59/17 104/1 104/4 105/3 122/1	physically [2] 41/5 147/18
paragraphs [1] 83/12	128/2 128/9 128/9 165/14 178/15 219/19	pick [2] 33/18 232/11
paralegal [1] 204/8	220/13 220/21	picked [2] 44/25 104/14
Paranoia [1] 177/4	perceive [1] 193/9	Pickens [1] 2/4
pardon [1] 212/13	peremptory [1] 116/3	picking [2] 215/8 260/16
parent [2] 32/10 32/10	perfect [3] 122/15 190/25 190/25	picks [1] 257/23
parents [2] 97/16 97/16	perfectly [2] 23/24 197/12	picture [4] 96/19 119/20 171/23 262/20
parsed [1] 52/16	perform [1] 241/21	piece [2] 95/9 217/13
parsing [1] 53/24	perhaps [7] 34/9 92/7 205/5 211/13	pig [1] 166/19
part [29] 15/1 18/19 21/11 27/2 37/20	212/18 215/14 252/7	Pine [1] 38/25
38/5 54/23 55/14 60/12 86/7 99/9 99/10	period [24] 13/22 16/23 19/22 19/23	pink [8] 108/25 118/9 118/11 158/4
110/4 115/19 132/13 159/8 163/20	20/21 21/13 22/3 37/16 39/24 40/16	264/18 264/19 264/24 264/25
168/20 173/3 210/13 220/21 223/12	52/15 132/4 142/11 146/7 176/22 177/2	pivoted [1] 20/10
232/8 234/13 237/11 248/6 249/12 260/1	186/13 186/13 186/18 187/9 187/11	place [19] 16/10 28/17 28/17 31/13
272/22	208/17 215/14 250/9	31/14 36/2 36/7 47/7 65/12 69/1 91/19
part-time [1] 27/2	peripheral [1] 132/11	115/2 174/9 178/8 210/23 211/21 233/7
partial [1] 188/24	perjury [1] 76/9	239/11 262/19
participate [1] 147/14	permanency [3] 104/22 104/22 148/19	placed [1] 201/3
particular [2] 47/4 100/12	permanent [9] 104/21 104/21 105/2	placement [1] 142/17
particularly [12] 30/21 33/19 55/22	105/2 128/3 148/14 148/22 148/24	places [2] 185/19 241/19
117/15 133/1 133/22 137/2 171/12 172/4	232/23	placing [1] 197/3
238/2 242/15 254/14	permission [1] 150/17	plaintiff [41] 12/20 13/10 15/6 15/7 19/1
parties [5] 53/14 62/7 156/22 274/11	permissive [1] 217/8	30/20 33/15 47/8 48/1 48/3 50/8 50/9
274/13	permit [3] 101/17 151/20 208/11	51/18 59/1 65/5 103/21 115/25 130/17
partner [1] 204/8	permitted [9] 104/4 115/5 150/21 207/2	138/16 138/17 139/1 142/18 143/22
parts [1] 142/13	218/9 226/13 235/24 238/10 246/14	144/16 146/18 147/6 147/13 147/17
party [8] 21/11 28/9 57/21 58/8 115/17	perpetrate [1] 119/16	176/6 201/9 207/6 209/6 215/10 220/5
137/22 176/18 187/7	person [56] 8/22 10/4 12/11 14/8 17/23	222/10 231/23 240/7 243/10 245/13
pass [3] 18/1 130/6 190/2	19/23 24/5 45/9 57/7 85/8 85/12 94/22	254/22 262/15
pass-through [1] 18/1	95/12 121/19 121/22 131/17 137/18	plaintiffs [4] 71/9 91/3 147/13 220/5
passion [1] 235/24	140/13 140/14 140/17 142/20 142/22	plaintiffs [38] 1/6 2/2 5/24 6/21 8/16 8/24
passionate [1] 238/4	142/25 164/15 166/7 167/25 167/25	13/18 21/22 33/14 43/21 47/16 48/6
passionless [3] 224/24 225/11 235/20	169/9 176/24 200/15 200/16 208/24	48/19 50/21 100/17 131/14 131/16 132/5
passions [3] 102/24 113/6 224/6	209/12 214/3 214/14 216/18 219/10	139/20 145/5 197/4 207/6 207/24 208/23
past [4] 47/23 94/6 131/11 161/3	222/19 223/25 226/3 226/5 226/15	210/11 214/7 214/11 215/6 219/17
patience [2] 156/22 205/20	227/17 238/4 243/8 243/9 243/13 244/19	224/20 228/17 231/23 232/10 232/21
patients [1] 160/9	248/8 251/2 251/3 259/6 262/13 269/18	234/2 235/16 263/14 268/10
Pause [1] 32/25	269/18 269/24	plaintiffs' [22] 4/10 5/7 5/23 33/10 71/16
pay [4] 12/1 46/13 224/3 250/21	person's [1] 190/14	104/1 111/13 138/22 176/4 207/19
payable [2] 13/11 42/13	personal [32] 11/12 12/8 12/13 16/3	207/22 214/24 227/8 240/14 242/15
payment [1] 180/5	17/12 53/18 53/22 73/18 98/11 102/22	251/1 251/5 251/9 251/17 256/10 258/6
PCV [1] 25/1	103/13 105/20 111/12 141/5 147/9	263/10
peace [9] 95/6 163/10 183/11 183/11	147/10 147/16 147/16 147/22 147/23	plan [3] 115/24 267/10 267/14
183/15 186/6 190/11 194/20 235/11	148/16 165/6 181/16 192/5 195/13	plans [2] 157/18 159/11
pecuniary [1] 228/21	197/11 228/14 244/6 248/12 265/17	plant [1] 238/3
peeper [1] 106/13	265/18 265/23	plate [1] 169/12
peephole [1] 38/24	persons [1] 7/16	plausible [3] 30/10 46/11 244/18
penalties [1] 76/9	perspective [1] 244/6	play [9] 35/4 61/6 92/18 162/9 162/11
penalty [2] 113/16 113/18	persuaded [1] 220/2	162/12 183/2 243/23 266/13
Pennsylvania [2] 7/18 7/21	perverse [1] 193/21	played [2] 74/12 159/7
pentathlon [3] 93/17 93/23 93/24	pervert [1] 113/24	player [4] 169/21 253/23 253/24 253/25
people [74] 19/13 20/19 21/2 26/20	pet [1] 166/19	players [1] 94/5
28/13 35/24 38/8 50/24 52/19 64/22	ph [4] 20/18 75/25 139/17 250/14	plays [1] 75/13
	phase [22] 107/18 116/17 116/18 116/20	plead [3] 7/10 267/24 267/25

P		
please [37] 26/8 31/20 33/2 47/1 64/14 64/16 65/15 65/17 66/1 68/5 80/19 90/4 90/18 91/22 91/24 95/22 98/22 102/22 103/8 110/16 112/19 125/23 141/9 142/9 155/6 157/11 170/17 181/20 193/2 194/23 200/25 202/5 236/8 237/2 237/9 265/17 273/1 pleasure [3] 147/14 182/2 193/21 pled [3] 7/6 14/15 208/2 plenty [2] 128/5 168/16 plethora [1] 200/6 plundered [1] 234/22 plus [1] 210/21 pocket [13] 11/9 11/11 11/13 42/3 42/5 134/3 136/12 141/17 141/20 141/21 141/21 229/6 233/15 point [35] 7/22 12/6 21/19 22/16 23/4 31/11 44/4 44/15 47/9 52/15 52/17 56/12 60/13 72/3 84/16 84/17 92/23 102/9 119/25 122/8 124/15 126/24 131/11 144/11 152/21 153/5 153/8 197/16 198/23 211/7 219/22 220/12 226/25 235/25 254/21 pointed [6] 68/12 79/20 79/24 88/24 211/18 269/4 pointing [3] 138/11 170/5 172/22 points [5] 121/7 135/17 154/20 177/18 215/4 polar [4] 264/18 264/19 264/24 264/25 police [9] 84/19 85/17 173/14 209/11 210/1 228/12 228/15 228/15 269/9 politics [1] 238/23 pollutes [1] 200/2 polo [12] 60/13 60/14 61/9 61/14 74/12 75/14 75/14 158/24 159/2 169/21 191/10 253/23 ponies [3] 94/17 97/22 108/22 pool [1] 21/11 poor [3] 113/3 156/6 218/6 poorly [1] 31/22 portion [4] 36/22 36/24 132/2 191/20 Portnoy [1] 9/3 position [3] 55/21 115/3 169/10 positions [1] 56/15 possessed [1] 132/7 possible [4] 130/4 175/24 209/25 244/18 possibly [1] 50/20 post [5] 1/22 185/9 185/9 194/25 273/5 post-lunch [1] 194/25 posted [1] 255/15 posttraumatic [1] 185/9 potential [6] 61/8 125/22 193/13 209/24 209/25 210/1 potentially [3] 110/23 116/18 130/7 potty [1] 236/14 power [18] 162/6 162/12 162/13 162/14 162/15 162/15 162/15 162/16 162/17 162/18 162/18 162/19 162/21 162/22 162/22 162/23 162/25 191/1 powerful [3] 162/4 162/5 262/4 powerless [1] 161/9 PowerPoint [8] 103/21 123/17 124/13 129/5 129/8 135/13 206/16 206/18 practice [7] 12/7 12/24 138/22 139/7 158/24 222/9 239/10 practices [8] 5/14 12/9 38/3 138/12 139/4 165/15 179/12 222/13 practicing [1] 199/20 praise [1] 203/19	pre [1] 195/11 pre-closing [1] 195/11 precent [1] 243/20 precluded [2] 8/1 146/3 predicted [1] 46/9 prefaced [1] 134/17 prejudice [4] 106/1 110/23 122/21 156/5 prejudices [1] 103/13 prejudicial [4] 120/23 154/15 196/14 198/22 preparations [1] 130/9 preparatus [1] 133/17 prepared [2] 113/19 211/8 preponderance [6] 127/15 174/23 207/25 209/24 220/2 231/24 present [9] 5/25 6/21 14/7 23/20 48/10 103/22 148/2 148/6 174/1 present-day [1] 148/6 presentation [3] 36/6 102/16 205/2 presented [18] 25/15 33/9 99/24 100/6 101/4 101/24 103/2 103/5 103/7 103/9 144/17 156/22 157/3 157/8 230/4 234/16 242/10 273/8 presently [1] 221/5 presided [2] 199/23 242/7 president [2] 241/15 246/12 presiding [1] 51/14 press [2] 227/17 228/2 presumed [6] 137/4 140/7 140/8 140/22 175/12 176/8 pretend [1] 159/16 pretrial [2] 195/20 196/16 pretty [4] 15/5 40/20 146/1 267/1 prevent [1] 45/1 prevented [1] 30/20 preview [1] 60/7 previewing [1] 62/1 previous [3] 63/25 227/3 245/14 previously [2] 64/1 102/7 priceless [1] 182/20 prior [6] 35/23 71/23 77/13 111/15 126/1 155/21 privacy [29] 5/12 6/14 31/14 33/11 36/3 131/5 137/3 137/4 140/15 149/10 161/5 165/12 169/14 175/3 175/10 178/8 182/12 193/4 206/22 218/18 218/19 218/20 219/2 219/12 219/16 225/6 228/2 231/25 233/10 private [12] 34/7 131/8 157/19 158/7 158/11 175/6 179/8 180/20 218/21 241/20 246/19 251/2 privilege [15] 17/11 17/13 18/7 18/13 18/25 19/4 19/8 29/14 33/13 33/22 55/12 58/18 122/14 158/20 215/25 probable [1] 130/19 probably [10] 28/15 94/20 113/17 130/21 140/3 201/11 247/9 247/10 257/6 257/6 probate [2] 39/22 42/6 problem [19] 31/10 32/19 107/5 117/20 134/20 141/10 156/11 171/3 171/5 171/6 197/17 201/9 209/18 209/25 211/4 213/11 213/11 215/13 217/19 problems [3] 116/6 231/20 270/23 procedural [1] 63/18 proceed [4] 5/5 65/6 157/10 273/1 proceedings [4] 76/14 116/17 273/20 274/5 Proceedings.....5 [1] 4/2 proceeds [1] 109/17	process [8] 174/14 186/4 186/10 205/21 205/21 206/12 207/3 217/23 professional [1] 160/5 professionally [1] 96/18 professionals [1] 189/14 proffered [1] 113/19 profound [1] 182/17 profoundly [1] 200/2 prohibition [1] 153/12 promise [2] 205/1 209/17 promoted [1] 204/7 prong [2] 43/14 43/17 pronged [1] 45/10 proof [9] 48/9 50/5 144/7 174/21 174/23 220/19 220/21 243/9 243/16 prop [1] 208/7 proper [17] 57/21 58/6 110/8 115/1 115/17 116/16 116/19 116/21 116/23 117/12 118/15 120/14 120/19 122/7 148/17 154/20 163/25 properly [2] 46/3 189/4 properties [60] 1/11 2/16 3/2 5/10 13/2 13/4 13/5 13/10 14/17 15/16 16/21 20/7 21/14 21/21 22/8 22/22 27/19 36/10 39/19 40/1 40/3 40/12 77/25 78/2 78/6 78/10 78/16 78/19 78/23 91/8 102/6 108/24 108/24 109/17 109/19 109/22 110/7 116/23 117/1 117/6 117/9 118/6 118/7 119/15 120/2 157/24 158/1 165/19 167/1 167/6 167/18 177/25 197/24 239/25 250/2 250/3 250/7 260/5 260/19 260/21 Properties' [1] 13/9 property [81] 6/9 6/10 6/22 7/16 7/16 7/25 8/3 8/3 8/4 8/7 10/10 10/11 10/13 12/11 12/12 12/22 13/4 13/6 13/8 14/5 14/18 15/21 15/24 17/5 18/5 21/5 22/9 22/24 22/25 27/12 27/15 28/10 29/5 29/6 29/7 30/5 30/6 35/14 35/16 35/22 36/11 36/16 36/19 38/16 38/18 38/21 38/24 39/23 40/2 41/18 41/19 41/20 45/15 54/25 73/14 102/12 109/20 120/2 138/23 159/10 165/21 165/23 167/10 169/13 171/11 178/9 178/22 179/16 179/21 179/25 193/6 248/12 251/22 251/23 252/10 257/15 260/2 260/7 260/18 260/23 268/12 proportion [1] 236/2 proposal [1] 136/17 propose [1] 129/6 proposed [3] 130/2 130/3 130/14 proposes [2] 129/4 129/5 proposition [3] 14/2 26/5 45/7 prosecution [3] 134/6 205/12 216/6 prosecutor [2] 205/11 205/12 prospective [3] 141/5 147/24 148/8 protect [5] 7/6 26/25 178/19 216/15 216/21 protected [2] 26/21 189/10 proud [1] 159/3 prove [35] 38/10 42/24 44/7 48/17 48/18 50/17 52/7 52/8 54/7 120/16 122/8 127/10 132/16 137/4 138/16 140/6 142/18 179/1 180/15 180/22 180/22 180/25 199/16 209/23 220/3 220/3 220/5 235/16 238/24 243/13 244/16 245/2 245/2 246/15 262/15 proved [3] 145/5 180/12 221/3 proven [14] 38/12 43/10 43/10 47/20 52/5 53/5 101/1 101/6 133/7 175/7

P proven... [4] 175/10 176/8 220/1 220/6 proves [3] 143/22 146/18 163/17 provide [5] 45/20 124/12 165/25 178/8 178/8 provided [2] 71/5 100/25 provides [1] 146/15 proving [1] 207/24 provision [1] 38/9 proximate [6] 8/8 42/24 43/6 43/13 44/5 136/14 proximately [2] 43/1 220/4 prudent [1] 59/14 public [13] 26/23 27/1 27/2 38/7 177/5 178/20 179/8 179/9 179/20 179/23 193/11 246/18 247/14 publicizing [1] 131/7 pull [3] 105/5 113/8 138/7 pulled [1] 46/24 pulls [1] 43/25 punish [1] 61/5 punished [1] 244/23 punishment [1] 107/16 punitive [31] 107/13 107/16 109/5 110/22 121/14 122/15 122/23 126/13 126/25 127/11 130/25 133/13 143/4 143/6 143/10 143/13 143/15 143/16 143/21 143/21 144/5 144/16 144/20 144/20 144/24 145/7 145/21 146/3 146/8 146/13 146/17 punitives [1] 126/15 purchased [3] 11/21 155/20 252/10 purchasing [1] 114/22 pure [6] 6/4 6/12 48/7 129/18 243/10 243/17 purely [1] 41/2 purpose [9] 26/25 57/4 62/3 119/1 119/7 119/9 119/11 119/24 177/24 purposes [4] 65/3 116/2 116/3 137/16 pursuant [1] 178/22 pursue [3] 29/22 29/23 174/13 pursuing [1] 30/20 push [2] 158/6 162/12 put [50] 8/16 10/23 12/21 19/17 22/5 25/11 25/24 29/14 31/2 31/12 36/18 37/1 100/15 108/21 112/9 112/25 113/9 132/13 133/2 144/1 146/10 160/21 165/18 166/1 169/15 176/9 178/2 186/5 188/8 188/21 190/7 197/23 198/7 198/18 201/21 201/25 212/21 219/12 224/9 224/10 235/5 243/1 243/2 245/13 245/13 258/11 258/17 259/9 259/12 268/25 puts [1] 259/16 putting [4] 75/11 146/3 175/12 223/13 puzzled [1] 27/25	questioning [3] 60/6 62/8 88/12 questions [48] 13/13 13/14 14/15 15/25 17/6 17/8 17/10 18/3 18/25 19/2 23/6 30/1 31/4 58/9 70/19 70/22 88/7 90/2 96/6 98/6 98/14 98/17 112/16 150/14 151/1 169/10 177/13 178/3 178/13 178/24 181/2 181/3 181/5 181/6 183/8 185/17 186/2 191/15 217/14 217/20 217/22 234/10 247/3 249/6 254/7 263/24 265/14 272/2 quick [5] 124/11 155/2 195/2 202/17 228/25 quickly [1] 65/1 quietly [1] 251/2 quite [8] 18/22 33/6 195/16 227/18 240/20 247/1 258/15 272/23 quote [2] 44/24 142/21 QUOTED [2] 4/23 4/24 quoting [1] 45/4	262/3 264/5 265/9 265/14 272/10 272/11 realtor [7] 31/9 36/14 36/14 36/17 36/18 55/13 166/24 realtors [3] 36/8 36/10 167/3 reason [19] 27/25 35/12 36/18 95/11 106/20 109/2 167/16 167/18 178/19 206/9 210/16 214/16 246/4 253/9 257/9 257/10 261/18 266/24 268/22 reasonable [44] 8/22 45/9 48/3 50/7 51/18 58/3 58/13 60/23 101/13 101/15 101/15 104/9 105/4 108/19 131/18 132/8 137/20 137/21 137/25 142/19 142/22 142/24 142/25 148/13 176/6 201/24 209/1 209/12 210/2 210/3 210/5 210/6 214/3 214/14 225/19 226/5 226/15 235/23 242/24 243/3 243/5 260/12 269/17 269/18 reasonably [2] 52/13 223/18 reasoned [2] 224/12 225/11 reasons [5] 15/2 35/7 149/5 215/25 216/9 recall [40] 8/5 14/16 19/1 22/6 57/9 60/22 87/3 98/24 112/1 113/15 124/19 127/18 152/3 159/14 169/5 170/1 180/13 184/25 210/19 210/21 213/2 229/9 231/20 242/7 247/16 247/21 248/9 249/25 250/11 250/12 251/4 252/8 252/9 253/5 253/20 254/5 254/7 256/5 257/14 273/19 recalled [1] 213/19 recalls [1] 122/4 receive [4] 114/9 114/14 223/19 223/21 received [3] 114/10 260/21 260/22 receiving [1] 23/6 Recess [5] 59/7 128/23 155/9 202/20 236/25 recharge [1] 202/8 recitation [3] 40/4 47/4 199/5 reckless [2] 143/24 146/20 recklessly [1] 221/9 recognize [2] 71/13 189/1 recollection [19] 22/15 60/23 75/6 75/15 240/22 245/4 247/8 247/11 247/13 247/16 249/17 249/17 249/19 251/12 251/15 253/21 255/20 257/16 258/14 recollections [1] 213/18 record [70] 5/19 8/13 8/24 10/8 10/20 10/25 12/17 12/21 12/21 13/3 13/8 14/11 15/1 16/1 16/17 16/20 17/1 19/7 22/8 22/10 22/13 22/23 32/24 33/1 35/16 35/17 39/15 39/21 42/17 52/9 54/22 55/3 59/6 59/8 63/22 100/14 105/4 105/5 108/12 108/13 108/18 109/1 111/17 116/25 118/13 118/24 119/4 120/12 120/13 128/22 128/24 129/21 148/7 154/16 155/8 155/10 158/7 162/13 183/3 198/8 198/21 202/11 202/19 202/21 212/4 236/24 237/1 238/13 238/14 252/5 recorded [4] 37/10 180/20 181/24 270/8 recording [9] 10/22 37/24 68/18 69/7 83/14 255/22 256/1 256/6 274/5 records [5] 14/4 16/14 22/17 39/22 231/17 recover [4] 11/10 24/12 25/19 104/23 recoverable [1] 6/24 recovered [1] 104/24 recovery [1] 6/20 redirect [4] 88/8 88/10 90/6 98/19 reduce [1] 228/16 reduced [1] 148/2
Q quality [1] 231/6 quantify [2] 140/24 187/24 quantifying [2] 183/21 191/4 question [40] 7/14 14/16 14/20 18/14 18/15 18/16 27/23 27/23 29/3 31/19 46/3 49/20 49/23 61/17 62/16 71/22 72/6 84/5 85/23 88/19 90/5 94/24 107/13 143/7 143/18 145/22 148/19 150/6 152/22 164/10 199/15 216/18 217/24 221/25 244/25 248/24 251/10 252/19 254/6 258/3 questionable [2] 6/9 152/4 questioned [3] 211/5 238/17 238/17	R racehorse [3] 94/19 246/17 247/12 radio [2] 273/4 273/4 railroad [1] 112/24 raise [4] 65/13 91/20 138/15 143/18 raised [1] 124/15 raising [1] 159/22 range [3] 77/3 77/16 102/1 ransom [1] 224/3 rather [6] 45/2 114/6 164/23 169/11 231/23 238/4 rattle [1] 203/5 raw [1] 161/15 ray [1] 257/5 RC [24] 1/11 2/16 3/2 5/9 13/2 13/3 13/5 13/9 14/17 15/16 15/16 16/20 18/4 20/7 21/13 21/21 22/7 22/21 39/19 40/1 40/2 40/12 91/8 102/5 RDX [1] 4/5 re [4] 143/19 174/2 254/5 254/11 re-deliberate [1] 143/19 re-victimized [2] 254/5 254/11 re-victimizing [1] 174/2 reach [2] 217/15 242/23 reaches [1] 56/20 reaction [1] 168/16 reactions [1] 221/23 read [11] 4/24 44/24 56/5 86/9 88/18 98/8 208/22 217/13 241/17 269/1 273/2 reading [1] 136/6 ready [6] 155/1 156/14 156/16 202/3 204/12 204/15 real [46] 7/11 7/23 8/2 12/12 26/21 26/22 26/25 27/7 27/8 27/11 27/16 28/23 28/24 28/25 42/9 42/19 42/20 45/17 46/6 53/20 101/8 108/18 161/6 167/8 171/10 171/10 176/23 177/2 178/17 178/17 178/21 183/23 190/16 220/22 221/4 221/5 228/25 251/12 257/19 257/20 257/22 257/24 258/4 258/25 260/8 260/14 realistic [1] 272/2 reality [3] 183/22 191/5 238/25 realize [2] 112/18 250/17 realized [4] 166/3 166/6 166/9 182/3 really [39] 7/13 9/15 24/11 31/8 31/15 47/12 48/15 51/21 83/19 128/4 135/5 159/15 161/25 166/16 171/20 173/8 175/5 181/13 210/9 212/24 213/21 214/1 221/18 227/19 238/7 246/16 248/14 252/9 256/8 258/4 259/9 259/10 261/24	

R		
reduces [1] 260/25	renew [3] 63/19 100/4 102/6	resides [1] 162/21
Reeves [1] 112/8	renewed [1] 63/25	resistant [1] 224/22
refer [7] 77/20 89/5 111/5 134/18 145/21 204/22 207/15	rent [16] 13/11 35/15 35/21 37/17 41/21 78/5 165/22 178/9 180/5 193/12 193/18 233/5 233/23 257/18 260/5 268/12	resolve [2] 160/10 160/18
reference [8] 109/21 119/12 124/25 130/25 133/10 154/4 234/12 235/3	rental [40] 8/4 15/22 16/19 16/21 18/20 20/1 20/2 21/25 22/6 27/11 28/7 28/12 28/23 30/6 31/13 38/7 38/19 47/12 49/6 54/23 54/24 55/4 55/5 55/25 78/16 116/23 117/1 117/9 118/5 120/1 120/2 124/23 133/4 165/25 167/17 171/12 177/25 250/1 250/3 260/19	resonates [1] 190/16
references [6] 102/25 107/21 116/18 117/17 120/21 122/13	rentals [9] 7/15 7/20 20/16 23/3 27/5 27/6 38/11 159/13 251/14	respect [22] 18/4 23/25 28/14 28/15 29/8 30/4 31/7 55/17 63/9 101/21 101/21 101/22 105/19 106/4 106/8 122/1 124/3 151/19 172/11 182/12 219/1 240/20
referred [7] 75/2 87/16 103/6 107/24 113/5 206/7 268/11	rented [29] 16/11 19/16 19/20 19/23 20/19 21/22 22/1 22/2 28/19 29/1 36/1 37/9 38/19 38/22 38/25 39/2 50/22 76/23 78/7 78/9 117/6 157/23 166/22 167/1 169/13 245/8 248/2 255/1 260/6	respected [3] 36/3 182/15 228/2
referring [8] 25/3 35/5 77/22 88/20 107/9 147/8 167/3 261/10	renters [2] 118/4 167/3	respectfully [1] 152/25
refers [1] 130/19	renting [18] 19/24 21/6 21/7 27/15 38/15 38/17 77/6 77/25 78/19 78/23 118/7 157/24 159/10 165/20 167/6 169/16 179/16 245/21	responded [1] 34/15
refrain [3] 117/16 259/18 261/9	rents [2] 78/3 257/23	response [5] 115/9 127/25 147/7 193/24 242/11
refraining [1] 107/9	repeated [1] 38/13	responsibility [12] 140/25 164/25 165/24 173/18 207/2 224/16 224/18 225/15 225/16 225/16 243/10 267/6
refresh [1] 80/16	repeatedly [1] 196/17	responsible [6] 100/21 207/22 225/17 244/20 265/1 265/2
refuge [1] 224/25	repeats [1] 26/24	rest [7] 44/7 91/9 99/7 161/20 181/4 185/11 191/22
refusal [1] 17/1	repetition [4] 15/21 38/10 38/12 39/3	rested [1] 65/5
refuse [5] 49/20 49/22 193/14 216/18 263/24	repetitious [1] 245/16	restrict [4] 103/8 109/23 111/8 266/3
refused [1] 227/12	rephrase [1] 89/21	restricted [1] 110/3
regard [9] 8/3 40/18 45/14 102/9 109/24 135/21 138/15 206/4 218/8	replay [4] 39/11 183/7 183/8 222/25	restriction [1] 110/11
regarded [2] 175/25 214/24	replete [2] 197/11 202/12	restroom [4] 59/4 155/4 155/7 177/5
regarding [5] 58/9 61/1 99/23 144/10 269/10	reply [3] 62/20 207/9 235/13	result [11] 8/18 12/23 24/6 114/4 136/14 143/23 146/19 175/22 176/13 179/21 181/9
reintroduce [1] 205/8	reported [1] 25/14	resulting [1] 37/4
relate [1] 121/20	reporter [11] 66/11 66/13 66/14 66/15 66/16 66/18 66/19 74/3 76/12 170/20 170/22	retained [1] 4/15
related [11] 27/11 43/4 43/14 94/9 94/24 111/14 147/22 188/4 192/11 274/10 274/12	reporting [1] 66/22	retract [1] 265/25
relationship [15] 10/18 10/20 13/9 14/6 52/12 60/11 60/12 61/13 62/5 62/6 62/23 72/18 73/2 165/6 178/7	reprehensible [3] 34/11 45/3 45/8	retrying [1] 122/22
relative [1] 31/22	represent [2] 5/8 96/13	return [5] 60/14 105/11 195/1 223/24 236/11
relatively [1] 204/18	representation [11] 10/9 10/12 10/13 36/4 36/6 47/14 49/1 49/2 49/3 222/18 222/20	returns [3] 238/24 260/20 260/22
relevance [3] 72/25 73/21 92/21	representative [1] 18/22	reveal [3] 132/8 161/11 193/6
relevant [3] 19/21 61/3 146/8	represented [5] 28/16 36/1 36/2 36/20 239/13	Revere [1] 162/5
relief [1] 105/12	representing [1] 88/13	reversals [1] 113/21
relies [1] 24/9	represents [3] 73/7 73/8 73/12	reverse [1] 197/2
religion [1] 106/1	REPRODUCED [1] 4/24	reversed [2] 113/17 113/24
religious [2] 102/24 103/11	reputation [6] 60/19 95/3 95/6 95/10 251/3 251/7	review [10] 5/20 103/21 106/16 111/15 123/17 125/12 125/23 125/24 127/16 130/7
relive [3] 9/8 159/20 177/12	request [9] 132/1 132/3 132/25 135/22 136/3 137/10 138/18 151/15 202/7	reviewed [1] 129/4
reluctance [1] 44/25	requested [5] 59/1 132/13 135/17 143/9 229/24	reward [1] 61/5
reluctant [1] 10/1	require [6] 104/13 126/9 126/19 143/18 208/11 267/24	rewind [1] 183/3
rely [2] 35/12 35/17	required [9] 11/7 35/11 36/15 42/22 48/4 56/13 199/18 226/11 226/23	RHETT [69] 1/10 2/15 3/2 5/8 13/13 16/18 28/8 33/9 35/25 42/4 42/8 42/19 47/13 49/6 50/25 51/2 51/9 60/11 70/9 72/18 85/23 91/8 94/9 102/5 109/7 151/6 151/22 152/9 153/14 157/22 159/8 160/22 162/2 162/5 162/13 163/18 164/9 165/8 166/4 170/6 171/1 171/13 171/19 173/2 174/8 175/2 175/15 177/20 183/16 191/8 191/11 194/13 198/1 198/12 205/2 225/17 227/14 247/18 249/1 250/24 251/14 251/18 252/2 252/15 252/17 253/18 257/13 257/14 272/5
remain [1] 96/2	requirement [4] 10/17 34/18 40/25 246/6	Rhett' [1] 150/24
remains [1] 263/14	requirements [1] 245/18	Rhett's [1] 251/16
remark [1] 157/6	requires [8] 6/2 6/15 40/19 63/23 126/16 206/10 214/8 221/8	rich [1] 250/20
remarks [3] 106/12 108/3 116/12	requiring [4] 14/4 40/24 43/16 126/19	ridden [2] 74/22 74/23
remember [45] 19/25 39/15 42/14 55/9 63/23 67/24 68/2 68/6 69/4 69/16 77/22 80/1 81/6 84/7 87/17 111/24 111/25 112/14 113/10 159/10 159/16 166/24 169/16 169/19 169/23 169/24 170/2 181/1 181/12 193/16 194/4 194/5 194/6 214/1 221/22 223/7 230/9 238/24 239/21 240/2 240/11 246/10 248/20 257/6 269/1	research [2] 93/9 200/8	ride [2] 74/23 243/25
remembered [1] 167/11	reserved [1] 64/25	Riders [1] 257/5
remembers [1] 111/20	residence [2] 48/16 48/17	riding [7] 67/23 74/7 74/11 74/24 244/8 250/15 257/2
remind [6] 102/19 114/25 116/4 121/23 180/11 237/25	Residential [1] 222/11	right [179] 5/5 13/22 13/25 15/10 22/9 23/8 23/14 23/23 31/22 32/7 32/17 33/4 33/6 39/10 46/22 52/4 53/3 54/21 59/17 63/24 64/13 65/4 65/5 65/13 66/16 71/6
reminded [2] 173/11 202/16	residents [1] 27/2	
reminder [2] 106/5 106/6		
remorse [2] 158/15 169/11		
remove [2] 58/25 139/11		
removed [3] 131/1 143/5 246/14		
render [1] 188/21		
rendering [1] 143/11		

R right... [153] 72/5 72/13 72/16 72/19 73/10 73/13 73/15 73/19 73/20 74/1 74/2 74/7 74/14 74/16 75/3 75/17 75/20 75/23 76/1 76/14 76/18 76/20 77/6 77/14 77/15 77/21 78/13 78/14 78/15 79/6 79/9 79/11 79/14 79/16 79/17 79/18 79/21 79/22 80/1 80/7 81/11 81/17 81/25 82/1 82/2 82/10 82/11 82/12 82/13 82/16 82/17 82/18 84/13 84/18 84/19 84/22 84/23 85/2 85/2 85/9 85/13 85/14 85/17 85/18 86/15 87/13 87/16 87/24 89/14 89/15 91/1 91/20 93/9 93/14 94/11 96/18 96/21 97/1 97/9 99/17 106/23 107/4 107/12 108/15 123/1 125/13 128/17 129/14 131/20 131/21 134/25 135/24 139/15 140/7 141/10 149/15 151/1 153/3 153/13 153/21 154/8 154/8 154/21 156/19 163/3 163/3 164/22 172/3 172/4 172/17 172/25 180/2 180/17 180/24 184/12 184/13 189/3 189/11 190/12 193/15 194/7 197/6 202/2 202/15 204/12 206/20 207/10 207/12 211/15 215/25 218/20 218/21 218/24 218/25 233/20 233/20 236/15 236/19 236/21 238/11 240/8 240/20 247/10 249/2 253/25 256/11 258/22 259/2 259/4 259/5 259/5 260/13 264/8 rights [4] 132/6 137/8 205/22 216/15 ring [3] 213/23 213/23 248/19 rise [5] 33/25 34/8 44/19 159/1 253/13 rising [1] 135/19 risk [1] 193/9 risked [1] 241/8 risks [1] 243/19 Rivers [2] 1/18 274/8 RIVIERE [187] 1/10 1/10 2/15 3/2 3/7 5/8 5/9 13/13 15/25 16/18 16/18 16/20 18/4 20/7 20/12 21/13 22/7 22/21 25/24 26/6 26/10 27/23 28/8 29/3 30/7 33/9 42/8 42/13 42/19 42/20 47/13 47/16 47/18 47/18 47/20 48/23 49/6 49/10 49/16 50/21 50/23 50/24 50/25 51/3 51/5 54/19 54/24 55/8 56/2 60/11 61/10 61/13 61/22 62/6 70/10 70/12 70/15 72/19 72/21 74/6 74/8 74/14 74/19 74/22 77/25 78/23 85/15 85/19 85/23 91/8 91/8 94/7 94/9 94/9 94/11 94/12 94/13 94/14 94/22 96/20 97/19 99/7 100/4 100/7 101/2 102/5 102/5 105/11 108/20 108/20 109/7 109/18 110/24 149/10 149/25 150/14 150/14 150/20 151/6 151/22 152/9 153/1 153/14 157/22 159/7 159/9 160/22 162/2 162/13 163/18 164/9 164/21 164/24 165/8 166/4 170/4 170/6 171/1 171/8 171/13 171/20 174/8 175/2 175/15 177/20 177/22 178/23 182/4 182/17 183/2 183/16 194/14 196/10 197/25 198/1 198/11 198/12 198/15 204/14 205/3 206/25 207/1 207/2 207/14 208/1 208/12 217/12 218/2 218/11 222/21 222/23 224/21 225/4 225/17 225/17 227/14 227/14 231/24 232/6 235/3 239/25 244/8 245/3 249/1 250/24 251/11 252/17 253/18 256/2 256/14 256/23 257/2 258/9 258/13 259/8 259/11 260/7 260/9 261/17 262/1 262/6 262/8 264/2 267/3 270/9 272/5 272/6 Riviere's [16] 17/1 29/12 39/24 40/6 42/3 42/4 75/2 75/6 75/11 150/9 172/1 191/8 191/11 215/21 267/21 270/10	Rivieres [5] 28/14 35/22 77/21 87/16 268/12 rlb [1] 2/9 road [8] 38/25 43/7 43/25 57/2 67/23 242/18 242/19 251/22 rob [1] 193/20 rode [2] 94/17 97/22 role [2] 159/7 164/25 roll [2] 126/23 126/25 rolling [2] 7/2 183/6 Roman [1] 35/3 room [25] 30/16 68/14 68/15 68/24 70/1 83/1 84/13 87/25 99/14 99/22 123/15 172/1 194/14 195/1 206/2 223/22 223/24 224/10 236/11 255/3 255/4 255/23 256/3 264/25 271/23 round [1] 97/21 rule [14] 47/25 63/18 63/23 64/9 100/11 101/16 103/15 103/18 103/20 106/2 111/5 197/2 207/11 258/12 ruled [2] 7/19 58/14 rules [10] 30/18 114/19 119/17 119/18 163/6 174/10 208/6 208/7 208/8 208/11 ruling [9] 58/11 63/12 102/17 106/3 106/5 118/1 120/15 121/6 124/16 run [12] 16/3 17/21 18/2 18/17 18/18 110/16 132/5 136/21 136/22 137/2 155/4 174/7 running [7] 16/6 16/19 16/21 22/12 121/1 178/23 212/15 runoff [1] 73/14 runs [1] 64/7 RYAN [2] 2/7 2/7 ryanbeasleylaw.com [1] 2/9	270/1 271/4 274/8 Salatino [53] 4/6 4/11 16/8 59/21 59/25 60/2 60/3 60/10 62/24 65/9 65/10 65/18 65/19 65/24 67/2 67/3 67/5 70/9 71/3 71/13 72/11 80/16 81/22 82/19 85/7 86/9 86/17 90/8 91/5 171/15 171/17 172/10 173/2 174/15 210/10 210/18 211/4 212/1 212/5 212/11 212/20 212/23 213/8 213/20 213/25 214/16 214/25 215/10 259/13 268/10 268/20 268/24 269/25 Salatinos [2] 28/15 35/21 sale [3] 8/4 27/11 28/23 same [11] 12/6 84/11 125/10 131/25 149/20 184/18 188/11 229/3 249/20 264/1 264/2 Sandra [3] 1/19 274/3 274/20 sat [6] 49/18 49/21 51/13 223/23 241/19 246/25 satisfies [1] 144/7 satisfy [1] 180/2 sauce [2] 63/1 63/2 saw [46] 48/21 48/21 67/25 79/6 79/8 79/25 80/9 81/7 81/8 82/9 83/6 83/13 83/14 84/6 86/4 87/17 87/19 88/23 88/25 89/9 114/21 126/16 170/11 171/17 172/10 173/6 173/9 173/10 173/12 212/3 213/25 217/12 217/13 230/25 231/1 231/4 245/1 245/5 245/6 255/22 255/23 256/4 261/21 261/23 269/2 269/24 say [144] 10/14 12/18 14/12 26/19 35/15 39/19 41/16 43/11 44/12 46/11 47/18 48/7 48/12 49/17 50/11 50/17 50/20 51/12 51/22 52/17 52/25 57/1 57/24 58/21 64/7 69/10 76/4 76/8 81/7 81/9 81/14 81/18 81/20 81/24 82/9 83/8 83/12 84/12 84/13 84/14 84/15 84/16 84/18 84/19 84/25 90/11 93/21 100/10 101/11 109/25 110/1 110/1 110/5 110/6 111/24 112/1 113/10 114/17 116/3 120/1 121/10 122/3 122/4 123/23 135/2 145/11 151/6 151/9 151/13 151/18 151/21 152/5 153/13 153/22 154/10 160/13 163/20 164/13 168/22 171/16 173/13 180/21 180/21 185/6 185/22 186/24 193/15 197/16 200/15 201/5 201/18 202/24 203/7 203/9 208/19 208/22 211/14 214/19 217/9 222/1 225/21 226/6 228/25 229/4 233/25 235/7 235/15 240/3 240/5 240/19 240/23 242/4 243/14 247/7 247/9 249/9 249/14 249/23 252/1 254/3 256/4 256/22 256/24 257/1 258/9 259/2 259/15 259/16 260/3 260/6 262/23 263/3 263/4 263/4 263/20 263/25 264/2 264/10 265/5 265/20 266/20 267/2 267/24 267/25 saying [29] 17/14 24/11 24/14 24/21 25/19 31/9 38/2 42/8 43/9 44/8 47/20 53/9 53/11 54/13 54/16 62/11 75/6 100/17 110/3 115/7 122/5 134/10 134/17 139/23 154/1 169/12 196/10 197/17 204/24 says [70] 8/5 11/25 12/11 25/21 28/22 41/7 41/8 46/9 48/10 50/21 56/23 57/7 57/14 80/20 84/19 84/20 100/11 101/13 104/7 104/23 108/16 108/17 113/13 116/13 124/24 127/10 132/4 135/5 138/15 142/18 146/4 146/17 147/16 148/1 148/12 148/15 149/12 150/23 152/8 152/12 159/9 164/14 166/20 170/1 171/24 187/14 192/8 195/9 197/14 199/13 208/20 210/1 211/12 233/5

S		
says... [16] 239/20 239/23 243/12 245/5 267/1 267/13 267/15 267/17 267/19 269/2 269/14 270/19 270/22 271/7 271/13 272/8 SBA [1] 123/10 scars [1] 190/21 scenarios [1] 30/23 Schillaci [3] 2/21 3/3 3/4 school [9] 160/2 160/2 203/22 223/10 223/15 246/18 246/19 247/14 266/16 schoolgirls [1] 203/23 Scolattli [1] 20/17 scope [1] 17/9 scream [1] 84/8 screamed [1] 84/8 screen [2] 156/1 162/9 screens [1] 155/21 SD [1] 261/22 se [25] 5/12 5/24 6/6 6/8 6/25 7/5 7/8 8/12 40/18 41/13 42/23 43/15 43/18 44/2 53/4 53/11 53/13 53/17 54/8 54/10 165/14 178/15 219/19 220/13 220/21 sea [2] 38/16 216/14 search [5] 28/12 39/22 107/22 168/1 261/16 seat [5] 64/21 65/15 91/22 96/2 112/10 seated [2] 33/2 64/16 seats [3] 64/23 64/25 205/19 second [17] 77/12 118/21 120/20 122/2 126/5 126/21 130/18 138/16 146/10 175/8 175/14 175/23 181/17 195/17 209/15 223/18 225/15 secondly [2] 60/17 208/1 secret [4] 157/15 227/14 245/4 245/22 secretly [3] 9/14 55/6 181/24 section [2] 127/10 141/2 security [3] 161/6 186/7 189/9 see [55] 31/24 41/4 48/24 61/3 61/6 61/16 84/9 88/18 91/11 111/13 111/20 116/9 121/2 126/18 131/23 134/15 137/24 144/1 145/3 151/4 155/14 155/25 155/25 158/13 161/4 161/14 164/22 172/22 172/25 173/8 173/12 203/15 204/24 205/6 211/23 213/3 226/19 227/3 229/22 229/23 232/3 237/15 254/5 254/9 256/3 256/7 256/25 264/9 267/23 268/18 268/18 269/6 269/7 270/3 270/4 seeing [4] 68/6 153/20 167/11 214/4 seek [3] 6/20 11/8 267/25 seem [1] 166/16 seemed [2] 158/9 158/16 seems [6] 61/15 78/8 158/5 205/6 229/5 257/8 seen [34] 48/23 51/14 74/23 74/24 82/23 95/8 100/16 106/9 112/11 113/13 120/7 139/3 139/17 145/17 160/18 161/21 162/20 162/25 172/24 180/22 183/9 185/14 187/7 191/16 193/18 209/13 212/17 226/20 227/2 234/24 255/12 265/3 272/5 272/6 seeps [1] 183/1 seized [2] 166/6 261/25 selection [1] 205/8 selective [1] 169/17 self [2] 153/3 182/12 self-incrimination [1] 153/3 self-worth [1] 182/12 senator [2] 241/3 246/10 send [2] 99/17 156/4	sending [2] 125/23 126/1 sensation [1] 147/7 sense [26] 53/6 114/19 161/5 163/11 168/12 168/14 169/18 172/11 186/7 189/9 210/15 215/19 215/20 222/16 225/2 231/16 232/9 236/2 258/7 258/8 260/13 269/12 269/12 271/9 271/10 271/24 sensibilities [1] 219/10 sent [6] 106/18 124/14 125/21 125/25 127/22 130/15 sentence [2] 77/12 132/3 sentences [1] 204/8 separate [3] 24/3 255/4 269/4 separated [4] 251/20 251/21 255/4 255/5 separately [2] 189/6 189/7 September [4] 1/17 186/15 273/21 274/7 serial [1] 195/8 series [2] 197/1 217/14 serious [3] 101/20 142/10 243/19 seriously [3] 101/11 166/23 258/24 serve [1] 14/3 served [3] 17/24 194/7 255/2 set [7] 47/5 128/3 150/18 194/11 224/5 243/20 245/18 sets [1] 238/24 settings [1] 255/7 settled [1] 248/16 seven [8] 84/24 122/9 122/10 135/17 159/23 195/12 218/17 218/17 seventh [1] 21/18 several [12] 24/18 28/14 35/7 58/16 111/1 111/2 111/3 116/13 120/2 125/20 166/17 206/23 severe [18] 8/17 8/21 9/13 10/4 33/25 34/9 45/9 128/6 142/19 142/21 142/24 143/2 161/11 175/20 176/6 221/9 222/5 271/2 severely [1] 235/14 shadows [2] 157/19 182/25 shall [2] 139/8 146/5 shalt [1] 27/12 shame [14] 133/5 140/23 158/6 174/13 175/11 177/3 184/6 214/22 219/9 234/8 234/9 234/13 271/13 271/14 shameful [1] 214/24 shaming [1] 208/5 share [1] 162/17 shared [1] 201/5 shattered [2] 182/23 270/18 she [475] she'd [1] 218/7 she's [61] 9/4 30/8 32/11 48/22 49/24 49/25 50/11 55/13 59/22 61/11 62/11 73/3 77/8 95/11 110/23 111/5 113/13 119/23 125/2 129/17 157/24 159/24 160/5 165/2 165/11 165/13 165/13 168/18 168/19 169/1 171/9 174/22 178/22 185/4 192/8 195/14 196/21 197/24 199/11 208/21 212/6 214/17 214/17 215/3 240/8 244/21 247/9 248/8 255/22 256/3 257/2 257/22 257/24 258/10 259/6 259/16 260/11 262/16 268/14 268/15 270/5 shift [1] 263/11 shock [9] 24/5 34/2 69/3 176/14 197/10 212/16 212/18 221/20 221/21 shocked [5] 34/3 87/8 212/19 222/1 272/19 shocking [5] 237/16 242/8 272/9 272/13	272/17 shooting [1] 121/13 short [13] 7/15 7/20 27/4 27/6 28/12 148/11 148/23 185/8 194/23 204/18 236/8 236/8 267/5 short-term [6] 7/15 7/20 27/4 27/6 28/12 185/8 shorten [1] 123/22 shorter [1] 205/4 shortly [1] 123/16 shots [1] 169/6 should [77] 7/8 8/9 8/12 10/4 10/5 28/18 42/8 49/12 52/7 52/8 52/24 55/4 92/7 104/9 105/10 114/4 115/5 116/15 121/10 123/15 125/13 130/20 131/11 131/12 131/16 131/18 131/20 132/5 132/12 136/21 137/7 137/19 137/21 144/8 145/20 148/20 149/1 157/6 171/19 173/17 174/3 174/15 182/1 198/4 199/12 208/23 208/25 209/8 209/8 209/20 210/13 214/5 214/6 221/1 225/4 225/5 225/6 225/7 231/15 232/24 233/10 237/20 238/8 246/8 247/10 248/18 256/23 257/2 257/21 263/2 263/20 263/20 270/9 270/10 270/11 270/12 270/21 shouldn't [4] 147/21 147/21 189/15 239/5 show [22] 16/5 36/13 49/10 68/9 69/25 71/8 71/25 80/9 81/3 88/23 101/4 119/8 148/3 165/17 171/25 179/13 184/20 211/16 215/3 253/14 255/13 267/8 showed [5] 9/17 119/5 158/14 165/23 239/22 shower [17] 68/13 79/9 79/11 79/12 79/21 80/1 82/10 82/16 89/1 89/11 171/18 171/22 172/2 172/14 172/17 172/23 172/24 showing [5] 80/2 88/21 220/6 260/20 260/22 shown [5] 10/11 39/1 163/16 169/6 226/23 shows [6] 15/21 24/4 34/21 52/11 52/12 55/23 shred [1] 234/16 sic [2] 94/11 248/1 sick [1] 31/21 side [7] 30/13 83/1 95/25 100/6 255/2 258/17 269/13 Sidebar [4] 155/11 156/13 156/15 237/4 sides [2] 81/13 106/12 sight [4] 16/11 28/20 36/1 157/15 sign [2] 75/23 193/11 signed [5] 4/11 31/11 72/11 72/15 257/17 significance [2] 217/9 217/17 significant [4] 49/7 189/13 189/24 190/22 signs [2] 158/14 158/15 silence [1] 262/9 Sim [1] 261/21 similar [4] 55/16 132/25 134/7 136/2 simple [3] 130/4 226/12 256/15 simplest [1] 220/18 simply [19] 8/8 10/25 21/23 30/19 33/17 34/1 36/20 44/11 50/20 100/11 113/5 114/25 136/22 170/1 179/2 191/20 208/18 223/17 246/9 since [20] 9/4 30/1 66/7 67/7 88/3 94/17 106/17 129/8 133/19 134/20 138/18 138/21 165/2 181/10 186/13 215/6

S	264/20	63/23 75/9 77/22 132/2 139/5 150/24
since... [4] 218/22 221/4 229/4 251/20	somebody [30] 17/24 29/14 34/6 49/1	151/9 172/15 200/9 253/4
sincerely [1] 237/13	85/12 112/9 140/19 173/22 178/10	specificity [1] 155/1
single [9] 14/16 18/7 18/14 21/6 30/5	179/18 187/7 187/8 191/16 191/16	specifics [1] 98/2
49/20 49/22 164/10 254/6	201/19 206/2 206/7 210/17 211/1 211/24	specifies [1] 141/3
singular [1] 9/21	212/21 233/6 239/4 243/1 243/12 243/12	speculate [2] 100/17 263/9
sir [41] 15/3 15/13 57/17 62/17 63/16	243/21 258/25 259/1 269/8	speculation [10] 12/2 47/22 48/7 52/10
70/21 90/3 90/16 91/10 91/18 98/18	somebody's [1] 31/8	129/18 199/9 242/16 242/21 243/6
102/3 102/14 105/16 115/6 117/13	somehow [3] 133/12 199/17 208/5	243/17
120/24 123/2 123/25 124/17 127/2 127/6	someone [24] 13/24 16/8 19/6 30/3 41/4	speculative [1] 128/10
138/13 141/1 151/16 170/15 181/19	41/5 41/17 49/14 58/19 58/23 75/19 85/8	speechless [1] 163/21
192/8 192/17 194/24 195/5 198/7 199/4	134/16 140/9 157/17 157/18 163/20	speeding [4] 43/7 43/24 44/1 44/1
200/6 201/17 202/18 236/17 254/20	169/13 182/16 213/1 221/14 222/12	spell [3] 65/16 91/23 92/7
261/5 266/10 266/21	239/23 269/23	spend [3] 97/11 125/18 161/19
sit [10] 9/10 9/12 12/17 155/24 156/2	something [81] 6/17 20/18 25/1 25/20	spent [2] 21/4 97/10
156/3 159/19 160/25 192/16 241/19	29/16 37/11 37/22 47/17 47/18 47/19	splice [1] 162/16
sits [2] 172/6 172/25	48/10 48/18 50/18 53/1 55/2 57/7 59/19	spliced [1] 31/2
sitting [6] 15/4 72/12 123/14 165/8	68/9 69/8 69/11 69/16 86/15 100/22	spoke [3] 227/16 240/7 256/19
165/10 187/6	100/23 113/13 117/15 121/3 122/3	sports [1] 243/23
situation [6] 25/18 32/9 46/19 140/10	129/21 132/12 133/13 133/18 133/20	spouse [3] 55/10 168/18 244/1
234/17 246/7	141/8 146/25 158/11 163/10 167/21	spouses [2] 168/16 168/19
six [1] 218/16	168/23 168/24 182/2 185/3 188/16	spread [1] 104/15
skip [1] 5/19	191/12 196/24 198/13 209/21 210/14	square [1] 131/3
skipped [1] 29/9	210/17 211/17 211/18 212/8 212/18	stage [12] 116/16 122/15 122/23 126/4
slate [2] 223/7 224/1	212/22 213/1 213/10 213/22 214/4 214/8	126/5 133/13 140/4 144/8 145/10 145/23
slates [1] 223/17	216/8 218/22 222/1 222/19 225/24	146/4 146/9
SLED [14] 177/9 192/20 195/24 197/21	234/15 237/21 237/21 238/8 239/21	staggering [1] 159/1
216/12 216/13 227/1 228/7 234/19	244/18 244/19 245/3 250/7 252/8 254/1	stalls [2] 250/14 270/1
234/20 234/23 245/9 261/15 270/14	254/3 254/13 257/21 263/3 263/4 264/9	stand [29] 49/16 65/9 65/16 91/23
sleep [6] 24/19 24/20 44/17 45/11	sometime [6] 31/12 40/12 77/1 127/1	112/10 115/3 161/10 161/25 166/5
183/16 271/3	209/7 230/14	166/18 166/25 168/22 169/6 170/3
Sleepless [1] 177/8	sometimes [11] 64/22 80/14 86/19	189/22 193/14 211/12 217/12 221/22
slept [1] 158/21	161/24 223/20 223/20 228/13 233/24	248/23 249/4 249/9 258/11 258/17
slide [2] 124/19 135/4	238/10 238/11 240/18	259/10 259/12 262/3 267/23 271/1
slight [2] 189/20 189/21	somewhere [4] 37/19 74/17 84/14	standard [12] 5/20 11/15 25/9 52/6 52/23
slip [1] 146/14	151/25	57/19 58/6 126/10 136/16 137/12 137/25
slippery [1] 115/18	son [1] 94/10	144/3
slope [1] 115/18	soon [2] 217/4 224/15	standing [9] 60/12 61/11 61/12 62/23
slow [1] 229/2	sooner [1] 44/4	122/18 187/8 197/7 197/8 265/11
smack [1] 166/1	sorry [25] 31/21 33/4 64/4 64/4 67/10	stands [5] 14/2 45/7 159/3 265/6 271/18
small [4] 14/3 239/8 239/8 267/9	67/12 81/12 84/1 84/2 90/11 93/20 93/25	star [1] 215/12
small-town [1] 239/8	125/3 142/4 146/23 149/14 155/3 169/12	stardom [1] 158/24
smart [2] 259/6 267/8	170/21 202/24 219/5 236/3 256/7 263/25	start [8] 15/10 59/5 170/11 199/24
smart-aleck [1] 267/8	267/22	237/12 254/12 254/15 256/11
smell [1] 24/13	sort [9] 14/19 93/4 94/22 97/12 99/18	started [11] 170/9 195/20 198/11 198/12
smelled [1] 25/20	126/9 155/22 267/5 273/6	198/20 200/8 208/10 223/13 243/18
smiled [1] 166/18	sought [3] 212/7 260/5 260/17	247/18 265/5
so [302]	sound [2] 257/20 258/5	starting [2] 157/13 157/14
sobbed [1] 271/1	sounds [2] 61/24 273/13	state [13] 1/1 7/12 14/24 47/25 65/16
social [1] 231/4	source [3] 116/22 137/1 185/2	66/19 91/23 129/20 178/18 197/9 200/10
socialized [1] 257/17	SOUTH [31] 1/1 1/18 1/23 2/4 2/8 2/12	200/10 262/10
society [2] 34/13 182/20	2/18 2/22 3/5 3/9 5/9 6/5 7/12 7/17 16/9	stated [7] 47/6 56/5 64/1 105/20 107/6
sold [5] 20/11 22/24 23/2 29/1 40/12	27/3 66/2 91/9 101/9 104/2 105/13	107/25 200/20
soldier [1] 241/1	108/10 108/16 150/21 151/24 178/16	statement [21] 45/18 45/19 45/21 45/22
soldiers [1] 241/9	179/11 187/14 240/6 252/20 262/10	58/17 71/24 80/24 116/8 152/20 154/7
sole [2] 239/19 239/20	space [1] 182/16	157/7 166/2 175/4 180/13 181/13 198/11
solid [1] 239/24	Sparrow [1] 11/14	201/11 259/1 264/12 264/16 271/18
solved [1] 201/9	speak [5] 35/14 134/13 164/9 250/15	statements [9] 17/2 52/1 56/19 56/20
some [66] 11/23 13/24 23/20 27/4 28/11	250/16	76/13 104/8 157/1 157/4 200/14
30/24 31/11 35/9 50/19 62/3 68/25 73/22	speaker [2] 4/25 170/4	states [7] 14/2 24/2 27/5 139/5 158/22
74/4 78/9 88/13 92/14 97/24 106/20	speaking [3] 21/16 21/17 216/15	215/22 262/9
115/16 120/25 122/19 122/19 124/9	special [23] 36/25 47/6 132/22 133/1	station [1] 192/12
125/24 126/9 127/21 130/17 132/2	133/10 133/12 133/17 134/14 134/18	statute [32] 7/5 7/10 7/14 28/22 42/16
132/10 133/10 137/20 137/22 154/24	134/21 135/23 136/8 139/3 140/8 140/11	43/4 102/12 118/17 127/9 127/17 131/9
163/14 175/17 176/12 186/7 197/23	140/15 140/16 140/20 144/1 145/4 145/7	136/20 136/22 136/23 137/1 137/9
200/8 200/8 200/9 200/13 210/22 211/7	145/18 146/11	137/16 174/7 178/16 178/16 178/22
211/17 216/21 220/10 220/12 221/4	specials [2] 141/17 141/20	179/12 179/13 187/14 208/3 208/14
221/10 223/5 224/8 224/8 226/24 229/6	specific [10] 15/19 25/3 62/4 62/7 75/15	208/16 208/17 220/14 220/20 220/22
230/6 231/13 233/3 233/13 234/10	76/24 121/3 151/12 152/3 253/10	256/18
237/15 243/19 257/3 260/15 262/3	specifically [14] 17/1 20/6 23/15 58/14	statutory [4] 45/16 45/18 45/22 132/4

S		
stay [20] 28/17 28/18 28/18 35/25 36/7 37/19 37/21 37/23 53/15 64/24 65/4 75/7 75/9 97/20 186/20 193/5 203/2 236/20 249/20 272/24	substantially [1] 175/22 succeed [1] 225/8 successful [2] 9/23 94/2 such [14] 4/24 27/7 50/16 104/12 111/8 123/7 129/20 157/12 174/14 175/22 176/6 198/22 205/21 208/11 suddenly [1] 87/20 sue [8] 6/12 12/13 17/4 26/21 26/24 27/18 45/20 157/23 sued [5] 18/9 109/24 149/11 165/11 165/13 suffer [3] 137/6 179/20 227/24 sufferance [1] 232/23 suffered [9] 7/7 8/17 24/5 34/5 128/7 138/17 138/23 176/5 189/20 suffering [18] 24/25 25/14 41/10 104/5 141/4 141/6 141/15 147/2 147/5 147/18 147/20 147/22 148/9 176/13 183/22 191/4 219/9 228/22 suffers [5] 12/11 140/13 140/14 140/14 140/15 Suffice [1] 52/17 sufficient [8] 45/12 48/2 49/13 50/7 51/17 56/14 132/7 232/5 suggest [15] 116/19 120/21 129/12 190/18 216/9 217/11 217/20 220/25 232/4 232/22 233/21 245/9 253/13 261/17 266/23 suggesting [2] 196/12 215/11 suing [1] 73/12 suit [1] 172/6 suite [1] 51/20 sum [1] 235/10 summarize [3] 108/11 109/3 119/22 summary [2] 11/1 47/24 summer [3] 19/18 68/3 97/20 summerhouse [1] 97/13 summers [1] 97/10 summertime [1] 68/4 supervise [3] 252/17 253/7 253/18 supervision [1] 252/22 support [7] 101/2 104/6 128/3 147/16 148/8 198/21 251/1 supported [2] 157/7 264/7 supports [2] 147/5 254/24 suppose [2] 86/16 228/6 supposed [7] 100/11 132/15 178/18 178/23 187/21 206/10 239/17 supposedly [1] 61/10 sure [60] 5/20 15/14 17/22 35/17 43/12 51/25 54/16 59/12 60/8 69/25 71/19 71/20 72/7 72/20 77/10 84/14 86/12 87/2 92/24 99/10 106/10 111/23 114/21 116/5 118/1 124/9 125/10 126/11 127/19 128/25 129/17 129/24 135/9 138/9 142/14 149/16 149/18 149/18 149/22 149/22 153/7 154/19 155/23 156/4 169/13 172/17 172/18 173/9 181/24 185/2 197/18 201/22 229/2 235/13 236/19 238/9 246/1 248/6 270/19 270/20 surprise [1] 239/5 surprised [1] 259/15 surprising [1] 239/4 surreptitiously [1] 179/7 Susan [2] 166/23 169/19 suspect [3] 122/16 190/2 205/11 suspicious [4] 48/21 48/22 209/12 263/5 sustain [1] 56/15 sustained [2] 83/10 115/8 Suzy [11] 19/20 20/4 21/24 22/3 22/14	22/24 39/18 167/2 167/9 251/6 259/4 swearing [1] 63/20 sweat [1] 158/25 sweet [1] 258/9 swept [2] 235/24 247/19 sworn [4] 65/14 65/20 91/21 92/3 sympathies [1] 224/6 sympathy [2] 113/7 235/24 symptoms [5] 8/25 9/20 10/3 24/16 25/13 system [2] 190/24 241/25
Stephanie [1] 75/25 stepped [1] 199/25 stepping [1] 169/11 still [19] 21/16 23/18 43/13 44/7 53/8 66/22 114/6 123/12 124/9 129/6 137/5 169/6 187/15 187/16 189/14 191/18 203/13 231/14 256/24 stimulate [1] 214/6 stimulated [1] 214/5 Stoker [18] 4/7 19/15 91/15 91/17 91/25 92/1 92/2 92/10 93/2 93/8 93/11 96/1 96/5 96/12 98/5 99/2 251/5 259/5 stolen [4] 183/8 186/19 186/19 187/11 stomach [2] 24/17 270/24 stood [1] 194/9 stop [4] 102/2 184/22 195/9 198/17 stopped [1] 183/6 stops [1] 242/18 store [4] 60/21 62/15 86/23 215/1 stories [1] 183/19 story [12] 13/22 40/16 59/2 86/4 157/21 162/4 172/19 173/4 204/10 267/5 267/7 269/10 straight [4] 35/18 37/14 41/1 143/15 straight-up [2] 35/18 37/14 straightaway [1] 265/9 straightforward [2] 136/4 220/18 strange [1] 176/24 strangers [1] 159/20 strategically [1] 18/6 streamed [1] 162/23 Street [10] 2/4 2/8 109/1 109/20 117/10 117/14 118/12 158/5 158/20 252/10 strength [1] 160/23 stress [7] 177/10 177/16 185/3 185/9 191/15 228/24 271/2 stressed [1] 160/6 stretch [6] 61/7 219/7 236/13 257/9 257/9 257/10 strictly [1] 6/23 strong [1] 184/19 struck [1] 265/9 struggles [1] 185/5 stuck [1] 53/21 stuff [8] 27/4 122/15 154/24 189/23 225/2 247/24 261/1 266/17 stump [1] 242/25 subject [4] 76/9 98/24 272/15 272/16 subjecting [1] 193/23 subjective [1] 137/17 subjects [1] 200/8 submit [4] 80/23 179/3 232/2 232/4 submitted [7] 5/15 58/1 102/8 132/22 142/23 144/12 151/23 submitting [1] 129/9 subpoena [2] 14/4 252/5 subpoenaed [1] 230/15 substance [2] 5/21 17/10 substantial [2] 175/8 222/6	T table [9] 68/16 113/1 148/10 148/15 148/17 148/21 149/1 232/15 232/15 table's [1] 194/6 tacit [1] 29/11 tactic [2] 111/24 115/4 take [55] 7/1 15/8 23/11 33/3 45/22 49/13 50/10 53/1 59/2 59/3 65/15 66/17 91/22 101/23 101/25 102/1 102/19 110/13 125/9 128/17 130/12 130/16 132/19 133/24 134/21 140/2 143/5 154/25 158/11 158/11 161/25 163/10 164/14 174/15 194/22 202/9 202/17 209/12 213/25 216/16 217/12 220/20 223/22 224/25 235/2 236/7 236/8 238/11 240/2 248/25 252/3 258/21 258/24 260/25 273/11 taken [13] 16/3 49/16 51/15 87/6 146/13 162/10 163/13 172/19 182/7 182/9 186/22 186/23 198/24 takes [3] 158/25 195/2 269/3 taking [3] 111/22 162/4 175/17 talented [1] 159/2 talk [48] 18/4 46/6 80/3 89/25 107/15 109/3 109/5 109/10 109/13 120/20 124/8 134/12 136/8 141/24 145/6 160/12 163/14 164/21 165/15 166/20 168/3 171/15 171/20 174/2 176/10 176/10 176/11 176/20 177/14 179/24 184/15 184/16 204/1 206/18 215/19 218/13 220/15 222/21 225/24 226/16 239/6 239/16 240/18 246/4 247/23 249/22 263/18 273/4 talked [29] 9/18 9/19 9/19 25/1 38/23 48/25 48/25 57/9 58/16 64/23 70/15 107/7 109/11 111/4 111/11 164/2 164/5 172/16 175/3 181/12 186/19 214/2 214/22 228/1 233/18 254/22 259/17 269/17 272/3 talking [19] 54/20 56/17 75/13 107/17 111/4 111/16 131/23 144/20 146/16 153/17 197/24 203/16 240/13 240/14 240/15 254/18 254/23 257/4 259/19 talks [4] 34/1 110/6 168/6 272/4 tangible [1] 190/16 tank [1] 241/9 tantamount [1] 111/25 tapes [3] 31/2 178/11 223/1 taping [2] 8/18 8/19 task [2] 222/25 241/21 taught [1] 264/19 tax [2] 260/20 260/21 taxes [1] 260/25 team [16] 191/25 192/23 195/15 195/23 196/22 197/4 200/19 205/17 210/18 214/25 227/8 228/10 228/11 228/17 234/2 235/11 tears [2] 158/15 158/25	

T		
technically [1] 192/9	108/21 108/22 111/18 111/20 112/2	140/9 140/24 140/24 142/7 143/25 144/7
teeth [2] 44/17 45/11	115/21 117/4 117/5 150/9 157/2 157/23	144/7 146/14 147/8 148/22 149/6 149/15
telemedicine [1] 9/21	157/25 158/1 158/3 165/21 167/14 168/2	150/3 151/14 151/17 151/17 152/21
telepathic [1] 257/3	168/21 169/18 169/19 170/25 171/25	153/9 156/6 157/2 161/12 162/4 163/13
tell [82] 19/14 32/18 36/12 39/22 46/11	174/15 177/22 178/20 183/18 184/23	164/2 164/4 167/14 172/5 180/3 184/14
46/12 49/9 53/9 66/1 67/11 68/5 69/22	185/23 188/15 201/4 201/19 210/8 210/9	186/15 186/25 187/3 187/10 187/16
69/23 69/23 86/4 99/25 113/12 128/13	212/4 215/18 220/24 220/25 226/17	187/18 188/4 188/7 188/7 188/10 188/10
129/12 135/10 152/18 156/8 160/4	226/21 230/19 231/11 231/19 239/22	189/1 189/2 190/23 195/15 196/11 197/1
160/10 162/10 162/12 164/1 166/13	239/24 239/24 240/11 247/6 247/8	206/12 207/10 212/11 213/3 214/20
168/18 170/8 171/19 176/15 176/16	247/11 247/16 247/17 250/12 250/25	215/7 220/15 223/14 224/6 230/12 232/8
178/2 180/10 180/25 181/10 182/8	251/16 253/22 255/18 268/14 268/17	232/8 234/16 236/15 239/7 239/7 240/3
184/11 184/11 186/9 189/8 196/4 198/5	273/8	242/16 242/16 242/17 243/3 245/12
204/9 206/6 206/16 207/18 208/15	text [1] 165/5	245/24 247/8 252/18 254/1 254/19
209/19 210/11 210/16 211/3 213/10	texted [1] 166/7	254/23 255/20 256/6 258/12 258/25
213/15 216/7 216/23 218/10 219/15	Texting [1] 168/9	261/13 261/24 261/24 263/5 263/11
222/5 222/17 224/11 225/22 230/20	texts [2] 167/25 168/10	264/4 264/24 270/16 270/17 270/20
232/19 233/2 238/19 240/9 240/12	than [45] 10/2 44/4 48/18 57/23 62/25	271/11 271/11 271/16 272/10 272/10
247/22 249/3 251/25 253/7 253/24	74/1 74/20 95/9 100/9 103/3 107/24	272/11 273/16
253/25 260/15 264/11 264/22 266/16	114/1 118/19 125/16 129/16 140/19	the' [1] 148/15
266/19 267/4 272/18	157/24 161/14 163/2 164/23 169/11	theatric [1] 112/21
telling [8] 70/17 125/14 168/20 213/12	174/24 181/16 196/14 200/12 204/7	theatrics [5] 112/4 112/6 112/23 113/4
224/13 230/20 230/22 254/16	205/4 205/7 205/11 209/7 219/8 219/8	113/11
tells [14] 144/15 159/14 166/21 167/7	229/17 230/17 236/4 237/22 238/12	their [117] 6/23 8/18 16/25 18/10 18/11
169/24 172/10 196/1 219/20 232/17	240/7 240/25 242/9 248/12 252/15	18/11 19/6 20/25 21/18 31/5 34/7 34/21
235/12 237/23 264/13 271/18 272/3	253/20 272/10 272/20	35/3 35/4 36/12 56/15 61/9 73/1 77/8
ten [2] 113/17 234/2	thank [112] 5/6 15/3 23/13 32/20 43/22	85/12 85/16 103/13 103/13 105/3 115/8
tenants [4] 178/6 179/5 260/6 260/17	46/21 46/22 46/25 51/22 51/23 56/4	121/9 123/15 126/7 128/15 128/15
tend [1] 270/1	57/17 59/5 63/5 64/2 64/3 64/13 65/5	129/13 132/6 135/22 135/22 136/17
tending [2] 58/2 167/12	70/21 70/24 72/5 72/8 72/9 73/5 88/8	136/18 137/8 148/2 156/23 157/3 157/14
tennis [6] 92/18 93/17 94/5 94/8 96/17	90/3 90/16 91/5 91/10 91/18 92/15 92/16	157/16 157/19 161/5 161/5 161/18
96/20	92/25 93/24 96/5 96/9 98/15 98/18 98/20	161/20 162/24 167/1 168/19 169/3 169/3
tenuous [1] 121/1	99/2 99/4 99/25 102/2 102/3 102/14	173/18 175/6 176/14 178/5 178/12 179/1
Teresa [1] 172/5	105/6 105/16 106/7 108/8 110/12 115/6	179/18 179/18 180/20 181/3 181/4 182/9
term [14] 7/15 7/20 27/4 27/6 28/12	116/8 117/21 117/22 123/11 124/10	183/7 183/13 183/14 183/15 183/18
38/19 44/20 58/20 133/12 134/14 135/5	128/17 128/19 128/20 149/8 151/13	183/21 183/25 184/9 184/21 184/23
185/8 215/8 234/25	154/11 154/18 155/7 156/21 164/7	185/11 186/6 186/6 186/20 187/8 187/21
terms [7] 54/18 54/25 106/13 229/17	170/17 181/20 181/21 181/23 192/17	189/9 189/17 191/4 191/23 193/7 193/12
248/10 253/8 257/12	193/2 200/6 202/15 202/18 204/17	193/18 193/20 194/11 195/23 200/4
terrible [5] 168/23 234/8 234/9 271/13	204/21 205/20 205/25 236/3 236/5	202/10 207/25 209/1 209/6 209/13
271/14	236/10 236/17 236/18 236/21 236/23	214/13 216/15 218/19 225/1 226/6
test [3] 8/20 45/10 56/11	237/8 244/5 244/7 246/25 247/6 253/1	231/23 232/25 233/10 233/14 234/13
testament [1] 51/13	254/20 259/20 259/24 259/25 261/5	235/16 241/8 241/11 241/14 253/19
testified [84] 9/1 9/7 9/16 12/19 13/11	261/12 263/16 265/21 266/1 266/5	258/10 259/11 262/16 269/20 269/21
16/10 17/4 19/16 19/17 19/19 21/5 21/24	266/10 266/21 267/21 268/1 268/2 268/3	270/17
22/16 24/17 24/18 24/19 25/12 26/22	268/7 273/1 273/9 273/15	them [141] 7/1 16/10 18/3 18/10 19/16
27/18 34/2 45/23 48/20 49/3 49/22 52/18	thankfully [1] 32/5	20/19 21/10 22/24 23/10 25/15 28/16
52/19 60/20 62/22 65/21 76/22 77/24	thanking [1] 237/12	28/16 31/24 36/12 36/13 37/21 43/1
79/16 82/14 92/4 104/25 115/13 119/6	that [1808]	45/20 45/24 47/5 47/6 53/19 55/1 57/11
121/20 153/10 166/24 170/3 172/3	that's [227] 7/20 10/3 11/10 16/7 16/24	60/7 75/2 78/10 80/9 81/3 87/16 88/23
173/10 176/21 180/6 197/22 201/20	18/8 18/16 19/6 19/7 19/7 22/7 22/9	100/12 100/17 100/18 101/6 101/7 103/5
212/12 212/21 212/23 213/13 213/19	22/19 24/13 24/23 25/6 25/20 26/3 26/14	108/15 108/16 111/22 121/23 125/24
214/1 226/25 227/1 227/4 227/5 227/6	28/8 28/19 28/19 30/9 31/8 32/22 33/6	129/11 132/8 135/10 138/7 138/7 140/16
227/10 227/16 227/19 228/7 229/7	36/4 37/25 38/5 38/24 39/1 39/1 39/8	141/3 143/18 144/2 144/15 144/19
229/10 229/11 230/13 230/16 231/3	39/8 39/25 40/20 40/22 41/19 42/1 42/10	149/17 149/25 150/19 151/21 152/19
246/22 247/13 248/9 250/5 250/13 253/4	42/16 42/17 44/6 44/6 45/16 46/20 47/14	156/18 157/18 160/21 161/4 161/9
253/5 253/9 255/21 255/22 258/13 260/4	47/17 48/9 50/22 54/12 54/19 54/21 57/8	161/12 161/13 161/14 162/1 162/3
268/16 270/24 270/25 271/3	57/8 57/12 58/6 58/22 60/6 61/2 62/1	165/21 165/23 165/25 165/25 166/1
testify [22] 9/5 14/5 17/23 18/22 24/15	63/12 63/14 64/6 70/19 77/2 77/3 77/16	167/3 168/20 169/23 169/23 174/10
33/21 50/13 77/19 87/11 115/15 117/4	81/13 81/21 82/5 82/12 83/21 84/18	174/11 174/13 174/13 177/24 179/7
162/7 166/10 166/11 170/4 182/18	84/20 90/2 90/15 93/9 93/13 94/16 99/10	181/9 182/9 183/9 183/17 184/14 184/19
197/21 222/3 231/1 251/13 255/24	99/24 101/9 101/9 101/9 102/13 105/22	185/16 188/16 189/5 189/6 189/7 189/11
271/21	106/19 106/20 108/12 108/16 109/1	189/15 189/16 189/17 190/2 190/17
testifying [5] 8/1 56/23 56/24 78/22	109/1 109/5 110/19 110/19 110/19	191/2 193/7 193/7 193/13 193/17 193/18
177/22	112/20 115/14 115/17 115/21 118/12	193/20 194/16 194/16 196/13 199/23
testimonies [2] 111/12 253/20	118/21 118/22 119/19 119/20 120/11	207/15 207/16 208/5 210/14 214/8 215/9
testimony [83] 10/12 15/18 15/20 16/8	121/16 121/21 125/5 125/9 126/17	216/19 226/5 233/20 233/25 234/1 234/2
16/12 19/22 20/25 21/2 21/8 29/13 30/11	127/10 128/15 128/15 130/2 130/23	234/5 235/4 235/4 235/7 241/8 241/17
34/21 38/22 51/7 51/15 56/15 56/18 61/9	131/2 131/13 132/12 132/14 132/18	242/22 250/21 252/14 252/25 253/16
63/21 66/17 70/15 86/9 99/24 103/5	133/14 133/24 134/8 134/17 135/5	255/13 258/11 261/24 264/15 264/21
	135/16 135/24 136/11 136/15 140/7	267/24 271/15

T		
themselves [3]	28/9 164/9 194/9	197/23 197/25 198/20 200/8 200/9
then [113]	6/9 6/14 9/21 12/25 18/9 20/9	201/20 206/15 209/2 209/19 209/24
20/15 22/22 23/1 23/11 27/3 27/12 28/13	34/5 34/9 35/18 38/22 45/2 46/8 49/17	219/20 219/24 225/7 225/12 226/9
51/19 52/24 53/5 53/20 54/22 55/10 59/4	66/20 68/23 69/24 72/6 75/22 76/16	226/24 228/11 231/25 233/24 239/5
77/19 79/23 82/7 83/17 84/7 84/11 84/14	84/15 87/23 88/3 89/11 97/17 99/15	252/13 261/20 262/4 271/19 272/7
99/17 102/1 107/12 109/17 113/18	121/25 124/22 130/23 131/8 131/24	they [448]
132/21 133/3 133/7 133/19 136/12 137/1	140/12 141/6 143/15 144/4 144/17	they'd [1] 37/23
147/11 147/24 149/16 158/19 159/25	167/8 173/6 173/9 176/2 178/10 178/24	they'll [3] 174/14 233/25 264/21
179/11 180/7 182/3 182/21 183/19	186/18 187/12 187/24 188/11 190/1	they're [46] 16/25 35/10 36/11 42/8
193/18 195/17 198/12 198/14 207/7	207/8 212/1 214/7 225/17 230/7 240/1	42/16 45/22 49/25 100/19 100/19 132/15
246/1 254/15 256/18 257/1 257/9 257/16	257/17 258/23 262/15 269/3 270/3 271/7	136/8 136/24 140/16 144/24 146/14
271/8 271/25	theory [1] 226/13	163/6 174/6 179/4 180/1 180/24 183/5
therapist [2] 161/23 180/4	therapists [3] 185/24 271/4 271/12	184/10 184/11 184/12 184/13 184/19
therapy [2] 191/13 271/7	there [283]	189/6 190/22 199/1 211/2 233/15 235/1
there's [133] 7/13 7/13 7/17 8/7 8/11	8/20 9/13 10/9 10/19 10/21 10/24 11/16	235/8 239/16 241/16 244/22 251/25
11/22 11/22 11/25 12/7 12/13 12/14 13/2	13/7 13/10 15/19 15/23 16/1 16/17 17/22	252/1 254/16 259/15 266/15 268/16
20/14 25/24 29/10 30/11 30/17 34/18	39/15 39/21 40/1 40/2 40/4 40/15 40/15	270/8 270/20 271/15 271/16
42/6 42/6 42/10 42/13 43/4 43/24 44/11	45/15 46/1 46/2 46/4 46/4 46/11 46/16	they've [18] 12/20 29/21 40/11 52/16
46/20 49/2 50/13 50/14 54/22 55/2 68/13	86/19 89/11 96/19 104/5 104/20 105/1	101/3 127/13 133/7 161/1 161/2 162/24
107/1 107/2 107/25 109/2 110/24 112/19	118/25 118/25 120/12 126/15 128/5	183/22 186/16 188/3 191/21 194/17
138/18 143/10 145/17 147/9 147/15	147/25 148/7 148/24 149/5 167/16 172/6	214/15 224/4 224/21
178/4 178/4 178/16 179/5 180/3 180/5	180/7 180/16 182/21 185/10 185/21	Thieme [3] 21/9 22/2 22/5
186/21 198/20 200/23 201/5 201/6	201/14 204/24 206/9 212/4 217/10 221/3	Thieme's [1] 38/21
221/10 223/10 225/24 228/15 229/19	231/19 232/4 232/16 232/22 235/8	thing [49] 15/23 18/7 25/3 75/8 79/3
242/14 242/14 244/13 245/10 251/23	253/15 255/11 257/13 259/25 264/16	99/18 109/6 124/11 126/3 134/4 141/16
268/13 270/22 271/19	thereafter [3] 31/12 113/20 230/14	151/18 155/22 181/4 181/5 184/13
therefore [13] 6/23 7/8 12/4 17/16 29/23	44/2 48/8 50/11 64/21 132/4 199/12	184/15 190/6 190/7 193/15 194/7 195/17
243/15 268/20	therefrom [1] 101/16	195/18 198/22 199/11 203/13 203/24
thereof [1] 104/7	these [104] 9/20 10/16 13/14 13/19	209/17 214/16 214/21 214/23 217/5
14/13 14/20 18/9 19/5 19/10 19/10 19/11	30/16 31/12 36/15 36/17 37/12 38/8	223/9 223/14 229/3 229/8 230/11 231/3
40/14 40/16 49/11 50/19 50/24 60/6	60/23 64/25 82/23 82/25 86/2 98/6	231/9 232/21 242/5 245/24 259/10
100/10 109/19 117/1 117/5 118/7 119/14	121/8 121/9 133/2 133/15 141/2 146/22	259/11 262/17 263/9 264/1 264/2 265/13
156/25 160/7 160/14 160/17 161/13	161/21 161/21 162/5 166/22 168/3	things [49] 9/20 16/4 19/5 39/2 47/9 48/6
168/15 170/9 171/4 171/5 171/6 174/12	175/10 175/16 177/12 177/18 177/18	68/18 80/14 101/12 105/19 110/6 115/1
177/23 177/25 178/5 179/1 179/12	179/25 179/25 183/4 183/8 183/23 184/2	115/1 120/14 121/8 121/10 122/23
185/17 185/23 188/2 188/4 189/14 192/1		125/19 125/20 126/17 140/12 140/25
		161/18 163/15 166/21 167/15 178/9
		179/13 194/1 203/5 206/13 219/25
		228/15 233/18 239/6 240/5 240/9 240/10
		240/17 240/19 243/6 248/13 250/20
		250/22 250/23 256/10 258/15 258/19
		265/7
		think [212] 8/9 11/24 15/4 15/5 17/19
		19/3 24/23 25/6 25/16 26/1 26/18 28/22
		29/20 30/14 31/5 31/7 31/18 33/11 34/4
		37/2 38/10 39/17 40/5 40/7 40/17 40/19
		42/9 47/11 49/17 52/3 52/25 53/2 53/3
		54/3 54/6 54/14 54/15 55/25 57/1 58/6
		58/19 58/22 58/22 60/22 62/8 62/9 68/7
		68/10 69/2 69/15 69/16 69/24 71/25 73/3
		75/4 86/8 87/5 87/7 95/24 103/1 106/15
		107/2 107/6 107/18 107/19 108/7 109/19
		110/2 110/21 111/1 111/3 111/18 112/20
		113/24 116/1 117/7 117/13 119/1 119/2
		120/24 121/11 121/23 122/3 123/24
		124/23 124/24 125/8 125/17 126/8
		126/13 126/14 127/7 128/4 128/8 128/11
		128/12 129/21 130/20 131/6 131/11
		131/22 132/9 132/14 133/14 134/2
		134/16 135/25 136/3 137/13 138/25
		139/22 141/19 142/1 143/1 143/1 144/8
		145/16 145/20 147/4 148/16 148/25
		149/4 149/6 150/1 150/3 150/20 150/22
		152/23 152/24 153/5 154/7 154/7 154/9
		154/22 155/20 160/15 163/6 163/19
		164/4 168/17 170/6 174/8 174/9 175/7
		176/22 181/7 184/18 185/21 189/19
		190/3 191/14 192/6 194/24 195/8 195/19
		196/8 196/20 196/24 198/3 198/3 198/5
		201/1 201/11 202/11 204/23 205/6 206/1
		206/3 206/6 207/4 208/4 211/2 212/13
		215/18 215/23 217/13 218/14 219/14
		219/22 222/22 226/21 227/7 227/18
		228/6 228/8 229/16 229/19 231/10 232/2
		232/13 234/4 235/10 239/12 239/12
		239/17 241/9 245/11 245/12 248/18
		248/19 249/11 250/11 250/17 252/9
		252/24 254/24 259/2 264/24 265/22
		272/12 272/12 273/18
		thinking [8] 53/24 184/23 190/5 203/25
		212/23 243/25 254/15 264/20
		thinks [4] 16/13 122/4 169/24 169/25
		third [7] 31/7 115/17 142/17 176/3 179/8
		179/24 225/13
		third-party [1] 115/17
		thirdly [1] 179/20
		this [502]
		Thomas [2] 245/8 255/13
		those [116] 6/6 6/19 10/3 12/5 14/15
		15/2 16/6 16/22 17/20 18/2 18/25 19/25
		20/19 20/24 20/25 21/2 22/2 23/7 25/5
		25/10 29/15 29/18 33/18 35/8 35/24 38/1
		39/2 47/7 53/11 53/22 55/25 64/22 76/13
		102/22 105/9 106/3 117/11 118/10
		118/12 118/14 118/23 118/24 119/3
		122/23 125/23 125/25 131/1 131/6
		132/23 132/25 133/24 134/1 135/16
		136/6 140/22 149/4 158/17 160/15
		161/14 163/6 163/21 165/16 165/17
		167/15 167/17 172/21 176/3 178/3
		178/13 178/24 179/10 179/19 180/8
		181/2 181/3 186/2 187/20 188/5 188/18
		188/21 189/1 191/15 193/25 205/19
		206/13 208/1 208/10 211/9 220/12 224/9
		233/14 233/15 233/18 235/5 241/11
		241/13 241/21 243/6 245/17 245/19
		246/20 250/2 250/21 250/23 251/12
		255/12 260/21 261/23 262/3 262/6
		266/25 270/6 270/14 270/17 271/1
		271/17
		thou [1] 27/12
		though [9] 78/11 82/5 119/1 160/8
		192/21 205/11 210/19 217/5 232/22
		thought [17] 31/20 81/2 81/12 81/13
		81/13 83/21 85/25 87/6 87/10 87/20
		126/16 133/17 160/25 204/2 211/23
		236/4 264/19
		thoughts [2] 183/14 272/1
		thousand [1] 153/6
		threat [1] 253/10
		three [15] 6/19 6/19 27/3 113/23 139/1
		139/9 139/13 139/21 140/3 167/12
		211/11 218/15 218/16 238/23 264/21
		threshold [1] 34/25
		through [51] 9/4 9/10 16/3 18/1 19/13
		19/14 22/12 28/7 28/13 34/16 38/15
		38/17 39/20 47/2 49/18 68/10 68/11
		70/13 70/14 84/25 89/9 106/21 121/15
		130/10 130/24 131/18 137/19 137/21
		138/6 138/8 157/16 158/23 168/23
		174/18 174/25 180/9 182/14 183/12
		191/21 191/22 197/1 206/21 208/25
		209/16 223/1 223/1 225/2 242/24 245/15
		247/1 258/15
		throughout [7] 22/2 64/7 110/16 206/12
		207/17 241/4 263/15
		throw [3] 126/20 174/16 241/1
		thus [2] 99/24 137/17
		tie [2] 117/3 266/12
		tied [4] 14/22 14/22 24/17 116/25

T	Toyota [1] 11/14 trade [16] 5/14 12/7 12/9 12/23 38/2 138/12 138/21 139/4 141/12 165/15 179/12 179/15 179/16 222/9 222/12 222/13 train [2] 66/4 247/15 trained [2] 159/23 159/24 trainer [3] 94/19 246/17 247/12 training [4] 66/7 159/2 167/13 205/13 transaction [1] 38/6 transcribed [2] 1/19 274/4 transcriber [3] 274/1 274/4 274/21 Transcriber.....274 [1] 4/3 transcript [2] 4/23 274/8 transfer [2] 20/13 162/14 transferred [1] 267/6 transfixed [1] 113/1 translatable [1] 190/12 trashcan [1] 174/16 trauma [2] 184/17 185/8 treasure [1] 182/10 tree [1] 222/11 treetops [1] 221/19 trespass [1] 24/10 Trezza [5] 9/22 104/23 180/5 185/24 229/16 trial [40] 29/12 57/21 58/4 91/6 99/9 99/10 103/16 104/25 110/14 111/24 112/4 112/6 112/21 112/23 113/2 113/2 113/4 115/4 116/18 146/5 146/10 146/13 148/15 152/15 157/8 160/22 161/16 163/16 191/25 195/20 199/7 200/2 200/3 216/25 232/18 238/1 238/15 240/6 240/21 254/4 trials [1] 213/4 trick [2] 35/10 112/16 tricky [1] 220/15 tried [8] 7/23 18/21 34/17 134/5 149/17 160/21 173/2 215/7 trigger [1] 42/16 triggering [1] 198/19 triggers [1] 136/23 trophy [4] 191/9 191/11 196/10 196/14 trouble [3] 203/18 203/22 208/21 true [18] 51/10 57/14 129/1 129/1 129/2 149/20 159/15 177/1 196/2 201/11 202/8 204/11 213/23 225/8 248/19 250/4 254/15 274/8 truly [2] 182/19 223/7 Trump [1] 218/3 trust [10] 106/13 109/10 109/11 109/14 110/21 116/14 117/9 166/3 182/22 237/18 trusted [6] 16/9 16/11 35/21 35/24 37/21 158/13 trusting [1] 251/3 trusts [1] 237/19 truth [13] 70/17 95/10 159/14 174/6 190/10 203/8 210/16 211/3 213/12 224/13 262/25 263/1 268/13 truthful [5] 49/12 95/12 259/7 262/13 262/14 try [10] 62/20 95/25 103/9 103/10 161/9 243/23 249/6 254/12 260/5 266/9 trying [14] 19/17 45/22 102/23 114/20 146/14 146/24 155/18 163/8 195/7 204/4 219/7 238/7 238/13 263/10 Tumblr [2] 235/5 271/19 tunnel [1] 204/23 turn [2] 108/8 244/9	turned [2] 68/16 158/7 Turner [1] 24/8 turtle [1] 242/25 TV [1] 212/17 twice [4] 87/2 122/22 215/1 215/1 twist [2] 49/14 244/9 twisted [3] 28/4 54/15 158/8 two [54] 16/6 17/20 33/18 45/10 53/2 53/2 53/14 53/18 53/18 59/21 62/7 63/3 64/25 108/14 116/17 116/18 125/8 131/4 131/6 138/15 145/10 145/23 157/21 157/21 158/13 159/6 159/6 160/15 161/8 167/12 167/22 177/21 177/23 184/17 185/24 195/24 204/8 205/3 206/25 207/14 218/15 218/16 219/18 223/15 223/15 226/19 230/8 233/25 245/14 251/22 254/7 264/21 265/14 271/17 two-phase [1] 116/18 two-pronged [1] 45/10 twofold [1] 150/6 type [3] 16/14 98/6 145/19 typed [1] 75/20 types [6] 16/4 37/13 76/13 131/4 138/20 185/25 typically [2] 64/24 207/5
	U ugly [2] 159/13 226/20 ultimate [4] 54/8 164/12 166/14 177/17 ultimately [4] 115/21 210/23 211/5 223/22 un [1] 255/9 un-Christian [1] 255/9 unanimous [2] 246/3 246/7 unanswered [6] 181/3 181/5 181/6 186/2 191/15 272/1 unaware [2] 157/14 234/6 unclear [1] 154/4 unconstitutional [1] 7/20 under [43] 6/7 6/24 7/5 7/24 22/4 36/15 38/9 40/3 41/1 42/22 55/22 55/25 76/5 76/6 76/20 82/5 82/12 82/14 84/21 86/10 94/24 95/13 105/12 112/9 112/19 112/19 127/14 147/11 147/24 149/11 150/21 179/13 210/22 214/3 222/4 227/21 251/7 251/8 252/21 252/22 254/10 256/18 269/5 underlying [1] 147/9 undersold [1] 221/25 understand [34] 24/21 26/8 28/1 43/8 43/12 53/10 53/10 62/13 63/12 64/8 76/17 86/13 100/19 106/3 108/4 118/16 122/17 129/25 130/4 133/4 134/9 136/8 138/10 152/21 154/17 157/5 185/22 190/9 203/3 217/9 247/24 265/8 265/8 266/3 understandable [1] 242/10 understanding [1] 105/14 understands [2] 107/18 252/25 understood [6] 19/22 43/22 54/12 54/15 76/11 76/12 undisclosed [1] 55/7 unfair [21] 5/13 12/6 12/9 12/23 38/2 55/5 138/12 138/21 139/4 139/6 141/12 165/14 179/11 179/14 179/17 179/22 179/23 199/7 213/5 222/8 222/13 unfavorable [4] 151/10 164/17 164/20 217/1 unfortunately [1] 161/18 unintelligible [10] 112/23 113/18 123/1	

U	utterly [2] 34/13 176/1	269/8 269/9 270/5 270/16
unintelligible... [7] 125/2 142/2 142/8 157/16 165/3 165/4 252/14	V	videotapes [3] 171/4 171/5 171/6
unintentional [1] 29/23	Vaillancourt [9] 19/15 20/6 20/16 22/5 40/13 167/2 168/24 251/6 259/4	videotaping [8] 14/21 34/6 85/1 85/16 173/13 179/7 193/7 270/12
unique [2] 140/16 217/25	valid [1] 117/8	view [2] 50/8 143/19
United [4] 14/2 158/22 215/22 262/9	value [12] 11/20 27/11 37/6 148/3 148/7 182/7 184/6 184/8 188/5 188/6 189/8 233/20	viewing [1] 101/14
unknown [3] 185/18 185/18 241/22	valued [1] 182/15	vigorously [1] 210/18
unless [4] 104/5 145/16 145/17 245/19	VanderVliet [1] 20/17	vindication [1] 205/22
unlicensed [1] 28/24	variety [1] 113/17	violate [3] 114/19 179/8 222/12
unlike [1] 237/17	various [2] 27/5 218/14	violated [2] 219/2 220/20
unlimited [2] 117/9 118/20	VCR [1] 212/17	violation [4] 12/9 139/8 220/14 222/9
unlocked [1] 87/20	veracity [1] 95/10	virtue [2] 178/6 179/4
unmarried [1] 227/20	verdict [53] 5/3 5/10 5/23 8/14 11/2 11/4 11/5 11/7 12/5 13/1 15/2 51/20 53/1 57/19 57/20 57/22 58/4 58/12 100/5 101/14 102/7 105/11 105/15 113/3 125/18 130/2 133/22 134/4 143/11 145/16 146/11 146/22 149/9 188/22 188/23 189/8 189/15 191/17 191/17 191/18 191/19 194/12 196/25 201/11 214/7 235/22 235/25 242/23 243/11 246/1 246/3 262/9 262/16	Visa [1] 230/9
unreasonable [2] 175/8 243/4	verdicts [1] 199/1	visible [3] 190/21 256/13 256/17
unscramble [1] 220/12	version [2] 162/8 168/15	visit [2] 9/22 82/8
unseen [3] 16/11 28/20 36/1	versus [7] 1/8 11/21 25/8 45/4 200/10 200/10 227/13	visited [2] 228/13 257/12
until [27] 9/11 16/15 50/23 50/24 51/1 51/1 51/2 51/3 70/6 81/17 85/3 85/5 85/5 99/15 126/21 136/25 144/11 171/6 205/1 210/21 224/14 234/19 245/7 247/18 270/13 270/16 273/21	very [75] 9/23 31/22 32/11 38/11 48/1 57/3 70/13 79/3 87/7 94/20 96/5 96/23 99/25 100/15 100/18 101/11 102/20 109/6 110/25 111/18 119/25 122/12 130/5 132/24 136/2 138/24 142/10 157/21 157/21 159/6 159/6 166/2 167/22 171/8 172/7 172/12 172/13 172/14 174/20 181/5 182/13 186/3 186/25 192/21 195/23 199/20 202/11 202/22 204/6 204/6 207/16 210/15 219/6 224/15 228/9 229/2 231/6 236/3 236/18 237/12 238/23 240/20 241/21 242/17 242/21 252/18 254/8 256/15 261/24 264/5 267/5 268/5 268/5 268/17 273/9	vomit [1] 177/10
unusual [2] 68/9 213/3	victim [2] 174/2 270/21	vomiting [2] 24/20 270/25
unwarranted [1] 131/7	victimization [1] 161/19	vote [2] 241/3 246/13
unwrapped [1] 113/3	victimimized [2] 254/5 254/11	votes [1] 246/10
up [79] 8/16 9/17 16/24 21/9 23/17 24/17 25/11 28/4 35/18 37/14 46/24 50/3 51/25 54/15 59/3 69/15 75/8 75/12 83/18 94/15 97/8 99/20 110/13 113/9 115/3 116/25 117/3 118/9 121/7 122/24 128/18 133/19 137/8 140/5 141/19 144/10 145/24 146/3 154/25 155/13 156/2 158/19 161/10 168/19 168/21 169/11 170/7 173/3 181/11 184/20 189/3 189/4 193/14 194/9 196/9 201/13 206/4 208/7 211/11 215/6 215/7 218/11 223/13 223/14 224/4 228/12 228/14 234/24 240/12 250/12 250/22 254/24 257/23 260/12 260/16 265/11 267/8 271/18 273/11	victimizing [2] 174/2 254/22	vouch [1] 103/10
uploaded [2] 162/23 180/23	video [44] 10/16 68/18 68/18 69/1 85/8 88/14 119/5 162/9 162/20 162/21 170/6 172/5 172/8 176/13 176/23 178/11 185/13 186/21 187/5 188/4 191/7 191/7 191/9 191/11 195/18 196/7 198/12 200/21 200/25 209/4 209/5 210/23 212/6 226/10 227/3 227/11 228/8 230/14 233/7 234/6 234/18 234/18 234/24 272/16	vouched [1] 258/11
upon [18] 6/1 9/14 14/7 24/9 34/4 41/14 41/15 53/1 103/4 105/3 113/21 135/3 143/11 208/8 209/22 219/23 235/21 237/16	videoed [1] 255/7	vouching [2] 102/23 105/20
upset [9] 24/6 166/16 177/11 184/4 226/18 231/1 231/19 233/17 269/22	videos [50] 49/11 82/23 86/2 101/5 158/18 160/7 160/14 160/17 161/20 161/21 161/22 163/22 164/8 166/6 168/7 170/9 170/11 171/22 172/4 172/19 172/21 183/4 184/2 186/23 197/19 197/22 198/15 198/20 201/3 201/12 201/14 201/20 201/21 245/7 252/13 255/6 255/12 255/15 255/19 261/20 261/23 261/25 262/5 262/6 267/1 269/16 270/7 270/14 270/17 271/19	voyeurism [2] 14/14 180/14
urged [1] 227/25	videotape [5] 85/12 118/4 179/17 180/17 186/17	voyeuristic [1] 14/21
us [33] 28/7 47/13 49/6 49/9 49/9 81/16 90/10 90/13 114/24 115/19 115/20 140/25 141/20 180/25 182/11 182/13 187/17 188/13 189/8 195/2 205/20 209/23 219/3 232/17 237/17 240/19 241/11 249/18 252/9 256/7 260/5 260/5 260/7	videotaped [14] 9/14 82/20 86/11 169/2 169/7 171/3 171/17 173/20 173/23 177/7	
use [23] 14/13 14/20 128/16 129/16 139/6 142/4 154/14 168/14 200/15 206/17 217/24 234/25 242/24 251/9 251/15 258/7 258/7 260/12 262/18 271/9 271/10 271/24 271/25		W
used [27] 10/3 19/12 23/3 36/14 51/20 74/3 76/11 76/13 113/14 113/15 135/6 142/2 155/22 158/4 199/10 203/5 204/22 211/17 227/7 227/8 239/1 239/6 240/1 243/24 248/2 262/1 262/22		wages [3] 148/5 148/5 228/21
users [1] 255/17		wait [5] 99/15 187/4 200/24 218/15 259/2
uses [2] 109/16 134/14		waited [2] 168/21 224/14
using [4] 129/17 133/12 203/23 232/14		waive [1] 29/13
usual [1] 136/10		waived [1] 153/3
usually [1] 68/3		walk [1] 182/14
UTPA [2] 23/17 36/24		walked [7] 68/10 69/21 79/24 88/23 88/24 226/25 254/8
uttered [1] 169/2		walking [1] 250/20
		wall [37] 68/12 68/12 68/25 69/5 69/8 69/10 69/14 69/20 79/8 79/11 79/12 79/15 79/16 79/20 79/25 82/16 83/22 84/9 86/4 87/22 88/14 88/25 89/5 89/8 171/21 211/19 211/21 212/11 212/16 212/21 212/22 213/1 268/18 268/19 268/21 269/3 269/10
		want [89] 7/1 7/1 23/14 23/19 23/20 26/1 29/10 32/20 33/18 39/10 43/12 43/13 45/25 46/6 47/9 52/25 54/1 54/3 54/16 56/25 59/23 83/25 84/24 86/15 88/14 100/10 100/13 100/18 101/17 101/18 118/1 126/17 127/22 130/15 134/19 134/22 135/2 135/6 138/11 139/11 141/7 142/14 143/4 146/11 146/12 153/6 154/13 156/8 163/14 166/15 169/9 174/10 174/18 176/10 176/11 179/24 184/21 189/3 199/23 204/25 205/18 211/1 217/6 225/25 227/15 227/19 229/1 229/13 232/12 234/4 235/12 237/12 238/9 240/5 240/13 240/18 240/23 241/4 254/13 254/21 261/6 262/17 262/21 267/4 267/4 268/4 269/1 270/2 273/11
		wanted [17] 59/12 60/7 81/13 149/16 158/10 158/10 162/17 205/8 211/16 227/10 227/11 235/10 235/11 262/20 263/24 263/25 267/8
		wanting [2] 14/11 176/18
		wanton [2] 143/24 146/20
		wants [4] 139/18 167/5 170/6 184/18
		War [1] 246/13

W	weight [11] 47/21 50/6 50/17 56/14 144/6 182/23 183/1 245/2 245/20 245/23 245/25 weird [5] 211/17 211/23 212/8 214/3 270/2 welcome [1] 248/7 welcoming [1] 193/10 well [134] 5/20 7/25 10/14 11/6 12/18 13/18 14/12 15/18 15/23 17/19 18/10 18/25 19/6 20/12 21/15 21/18 21/23 23/11 23/22 25/9 27/25 29/14 30/13 31/6 36/25 37/2 37/8 38/3 39/9 41/17 41/18 42/24 43/5 43/19 45/6 46/9 46/10 48/21 51/7 52/18 56/3 56/23 59/20 61/21 61/24 62/1 63/21 68/5 68/22 74/14 77/11 80/3 80/11 81/21 84/12 87/10 92/7 93/18 97/12 97/16 100/3 107/4 113/14 115/12 115/19 116/4 116/24 117/7 120/10 120/24 121/9 123/18 124/24 125/12 125/23 126/13 128/11 129/23 130/12 134/8 134/9 134/24 137/14 144/12 150/23 151/9 151/23 152/23 152/24 153/8 153/17 153/21 153/25 155/20 159/7 163/9 173/24 175/19 179/15 185/6 189/23 192/8 192/10 195/7 196/23 199/6 201/8 203/8 203/15 203/17 204/3 206/3 211/1 216/16 218/16 220/24 221/25 222/19 224/19 230/7 237/18 240/3 240/23 246/25 249/13 252/1 253/3 254/5 256/12 256/24 263/25 264/24 265/20 266/20 went [46] 9/2 9/4 9/23 24/22 34/16 42/3 42/4 42/5 48/14 60/20 68/10 68/11 68/15 68/24 69/3 77/19 86/2 87/4 87/22 87/25 88/20 89/9 129/3 130/23 135/8 160/1 160/9 169/23 177/9 177/13 185/6 196/25 200/17 214/25 215/10 223/14 226/19 227/20 229/11 229/13 229/24 236/3 239/3 244/14 266/16 269/25 were [167] 8/2 9/20 10/11 13/15 16/6 16/19 16/22 16/23 17/20 17/20 18/1 19/11 19/24 19/25 20/3 20/19 20/25 21/3 21/3 21/6 21/7 21/7 21/9 22/12 25/13 25/14 26/20 27/1 27/2 27/12 27/22 29/18 31/12 34/3 34/3 35/10 36/16 39/2 42/25 44/1 44/1 44/2 44/12 49/4 55/23 55/24 60/16 66/18 67/16 67/19 67/23 68/8 68/24 69/2 70/2 70/3 70/6 74/3 75/1 75/1 75/7 75/12 75/14 76/5 76/6 76/20 77/6 81/12 82/3 82/7 82/20 82/20 83/17 84/21 85/25 86/2 86/6 86/10 87/10 87/15 89/4 89/24 90/1 94/20 111/14 117/6 122/17 125/8 125/24 125/25 137/8 153/1 161/8 161/10 161/22 166/6 166/22 167/1 168/1 169/2 169/6 169/14 169/22 171/1 173/19 173/20 175/7 176/25 178/5 178/5 178/12 179/1 179/5 179/13 180/19 186/23 186/25 195/11 196/9 197/19 197/22 197/23 197/24 198/1 200/13 201/3 201/5 201/7 201/12 201/14 201/21 202/25 203/2 204/18 205/12 211/3 212/9 212/16 216/2 221/15 221/23 222/1 228/8 234/6 234/13 239/23 241/10 245/21 249/19 250/19 250/19 250/22 251/18 252/13 252/15 254/10 255/6 255/7 255/15 255/25 260/8 261/25 262/1 270/14 270/17 270/18 273/20 weren't [8] 22/10 27/17 28/11 82/2 165/7 241/14 250/3 250/8 wes [1] 2/13	WESLEY [2] 2/11 2/11 wesleyfew.com [1] 2/13 what [423] what's [22] 10/8 10/22 49/7 63/1 66/13 66/17 91/14 119/1 126/24 130/13 137/24 137/25 140/22 155/25 156/24 182/1 206/19 208/2 217/7 227/12 232/14 244/10 whatever [19] 11/20 29/10 34/25 36/18 62/16 69/6 83/14 86/7 111/24 121/20 130/8 135/7 174/10 208/19 212/10 229/13 230/2 233/6 252/3 whatsoever [7] 13/10 61/6 147/25 148/25 198/21 229/8 232/23 wheels [1] 205/13 when [161] 6/9 9/8 10/21 14/19 16/15 20/10 25/14 30/18 36/11 41/21 41/21 45/19 49/4 49/8 51/4 54/23 55/22 55/23 56/21 57/6 57/7 57/19 57/22 62/24 64/9 67/5 67/17 67/19 68/2 68/23 74/3 74/17 74/18 74/24 75/12 75/14 76/4 76/5 76/12 77/6 80/2 81/8 82/7 83/17 84/22 86/2 88/20 98/5 99/25 100/23 106/15 110/5 110/7 115/20 121/16 127/10 129/18 132/5 132/6 133/10 133/17 137/6 137/7 144/9 145/9 150/9 154/9 155/24 159/25 160/5 161/7 161/16 166/4 168/1 168/13 169/5 169/19 170/2 172/24 173/6 173/10 176/10 177/5 177/5 177/8 177/22 178/9 182/15 184/16 184/21 185/20 193/3 193/5 193/8 193/10 193/14 193/17 193/19 193/22 194/14 194/19 197/20 198/1 198/11 199/24 204/5 206/14 209/22 211/4 213/12 213/19 213/25 215/4 215/9 215/9 220/19 221/22 223/23 226/3 230/13 230/15 238/4 238/13 238/20 239/16 239/23 240/13 240/13 240/18 241/14 242/18 243/18 245/20 248/1 249/8 249/9 252/18 253/21 254/7 254/11 254/12 256/17 257/11 258/2 258/13 258/19 262/7 262/19 263/19 263/19 263/20 264/9 265/5 265/20 266/23 267/6 269/5 269/5 270/14 270/16 270/17 Whenever [1] 58/1 where [66] 6/16 7/18 7/18 15/11 23/2 24/4 24/22 25/18 28/18 30/21 33/20 36/2 48/14 48/22 56/11 56/12 66/1 67/3 67/24 68/8 79/11 79/25 86/9 87/3 88/13 88/25 93/9 94/16 97/11 102/13 103/15 112/7 112/24 119/6 127/18 130/13 130/24 134/15 141/12 155/18 156/7 156/8 156/9 161/21 162/21 168/4 180/23 181/25 185/14 185/15 185/18 195/8 200/13 210/23 212/6 225/25 232/8 233/7 239/3 241/19 246/7 251/22 260/3 260/3 260/6 260/8 Where's [4] 249/14 249/15 252/4 252/4 wherever [1] 218/6 whether [50] 7/14 31/11 40/19 51/17 52/20 56/13 56/25 57/11 57/16 58/3 58/25 61/4 61/17 77/5 84/6 113/8 120/5 121/22 123/5 126/5 126/25 128/8 137/23 144/6 144/24 145/10 145/18 162/23 162/24 176/2 176/3 196/3 201/5 201/14 210/14 214/18 214/25 215/2 222/14 227/1 227/23 230/9 249/23 251/16 253/8 253/12 257/5 263/22 264/8 272/1 which [62] 6/24 7/17 13/13 17/10 18/11 18/13 20/12 21/20 22/8 22/11 24/2 29/21

W	192/22 194/12 194/13 195/2 195/19 196/25 198/7 198/10 200/17 201/1 201/10 202/17 205/4 207/5 207/8 207/13 207/18 208/15 209/19 210/11 216/17 216/22 216/23 216/23 217/6 218/20 219/4 219/10 219/13 219/15 219/22 219/23 220/11 220/17 222/3 222/5 222/9 222/17 224/7 224/11 224/15 225/22 226/2 227/21 228/17 229/17 232/19 233/2 237/20 238/14 242/23 246/4 247/7 247/21 249/2 249/4 252/25 253/7 253/11 255/20 258/3 261/15 262/15 263/4 264/4 266/2 266/9 266/22 267/16 267/16 272/23 272/23 273/1 willful [6] 33/10 139/7 139/18 139/21 143/24 146/20 willfully [1] 197/14 willfulness [2] 139/4 139/23 willing [5] 161/10 161/14 170/3 170/7 187/21 wilting [1] 238/3 wine [1] 193/17 winter [2] 68/4 158/3 winters [2] 97/11 97/20 wires [2] 68/25 212/15 wise [3] 267/7 267/8 267/12 wised [1] 228/12 wish [8] 17/9 23/16 114/18 216/21 236/7 254/10 264/3 265/12 witch [2] 169/8 169/8 withheld [2] 35/14 45/16 within [6] 25/4 26/20 130/21 190/17 207/1 238/9 without [9] 29/21 106/11 108/13 116/10 122/12 183/13 194/21 243/2 250/9 witness [66] 6/16 8/1 8/5 9/24 41/6 45/23 48/10 50/13 59/20 65/14 65/15 65/20 67/20 67/22 67/25 70/7 74/25 81/5 81/6 81/19 81/20 87/7 87/11 87/14 87/15 90/17 91/12 91/16 91/21 91/22 92/3 92/15 95/21 98/21 103/19 105/21 111/17 112/10 112/17 115/12 119/5 120/9 122/5 161/10 162/7 166/5 166/10 166/18 168/21 169/5 211/1 211/2 211/6 211/12 214/20 215/8 215/10 217/12 221/22 248/23 249/8 249/10 259/15 259/17 268/10 271/1 witness's [2] 61/8 102/23 witnessed [1] 114/17 witnesses [24] 4/5 17/15 20/1 20/25 29/12 99/5 105/25 107/23 107/23 121/8 127/6 166/13 166/15 170/3 201/3 237/15 238/17 250/25 251/1 251/6 251/10 251/18 258/11 262/12 wold [1] 65/10 woman [4] 61/18 159/11 172/6 172/24 women [7] 157/22 159/7 228/13 232/20 241/6 241/19 241/22 women's [1] 94/3 won [1] 159/24 won't [9] 67/11 174/12 180/25 208/18 215/9 218/10 256/20 256/20 265/24 wonder [2] 191/14 248/14 wondered [1] 269/23 wonderful [3] 239/11 251/3 251/7 wooden [1] 113/4 woods [1] 242/25 word [14] 49/12 142/16 154/14 182/13 207/12 214/11 222/20 229/20 240/1 251/4 252/5 252/6 257/19 262/18	words [7] 45/11 83/23 224/23 240/24 240/25 240/25 272/8 wore [1] 266/12 work [30] 9/17 66/22 74/4 96/17 156/12 158/23 159/25 160/1 160/9 160/15 161/17 176/16 184/1 184/3 184/20 184/20 185/6 189/15 191/16 192/20 204/4 231/1 231/5 231/6 245/19 250/13 250/13 250/18 250/19 258/4 worked [4] 66/19 225/1 247/14 260/18 working [5] 19/18 120/18 163/8 189/14 250/12 works [3] 207/11 258/6 263/12 world [15] 45/17 93/5 93/6 94/3 94/7 158/24 181/7 182/14 190/24 228/12 257/19 257/20 258/4 258/6 258/25 worried [1] 234/13 worry [1] 160/14 worrying [1] 160/12 worse [1] 226/6 worst [6] 181/4 181/5 181/6 181/9 193/13 193/23 worth [10] 37/11 109/4 109/4 120/18 120/19 120/21 122/13 146/16 182/12 183/15 worthwhile [1] 221/19 would [204] 8/10 11/7 11/21 12/1 12/14 12/15 13/18 14/7 17/22 18/10 18/23 18/24 21/12 23/2 30/12 31/23 32/23 33/15 35/18 36/3 37/6 37/9 37/19 37/22 40/24 42/18 42/20 44/4 44/12 44/14 44/15 45/9 46/10 47/1 47/3 49/9 49/10 51/23 53/16 53/17 61/23 62/4 62/21 65/8 67/25 68/5 77/9 77/13 80/9 81/1 81/5 81/6 81/18 81/19 84/21 85/4 85/7 85/11 85/17 85/19 85/20 86/15 87/3 87/14 89/17 92/22 95/13 95/24 96/2 96/6 98/23 100/4 101/2 101/7 102/8 102/22 102/25 104/2 105/8 105/10 108/14 112/20 112/20 112/23 112/25 113/6 114/2 114/16 115/9 115/22 116/16 116/23 116/24 117/8 117/16 117/19 117/23 120/11 120/21 121/19 122/7 123/19 123/25 124/4 127/5 129/15 131/25 132/8 134/19 136/3 136/5 136/7 136/17 137/10 138/11 138/14 138/18 138/22 144/23 148/11 148/11 148/18 150/19 152/4 153/1 153/2 156/4 160/13 160/23 160/25 161/9 165/9 167/15 173/14 173/22 173/24 174/1 175/22 177/4 179/3 185/17 192/12 194/24 195/1 195/2 197/5 201/18 202/5 202/7 206/5 207/14 207/21 207/21 209/4 209/19 210/16 211/15 212/18 213/10 214/12 214/14 214/20 216/3 216/9 216/10 216/17 217/11 217/11 217/15 217/17 217/18 217/20 220/7 220/25 221/15 226/5 227/3 232/1 232/3 232/22 232/25 233/21 235/5 237/22 239/4 240/2 240/3 248/20 249/24 255/16 255/16 256/9 256/13 257/15 260/10 262/2 262/6 265/10 265/13 266/22 266/22 266/23 269/9 269/18 wouldn't [15] 11/25 12/18 15/25 17/7 18/3 27/24 31/3 41/1 45/24 51/10 116/23 119/22 178/23 216/3 216/4 wound [1] 182/19 wounded [2] 44/21 45/2 woven [1] 182/11 wrapped [2] 112/25 125/6 wreaked [1] 184/9

W write [9] 93/4 93/5 93/6 194/15 194/19 194/20 194/20 194/21 258/2 writer [1] 93/11 writing [1] 93/9 written [5] 5/15 12/1 53/12 102/8 224/1 wrong [21] 69/6 69/12 82/6 83/22 85/8 85/11 163/3 182/24 198/3 200/17 202/14 211/21 211/21 212/25 231/12 238/11 240/3 240/4 255/9 267/17 271/9 wrongdoer [1] 244/23 wrongful [2] 219/8 226/4 wrote [6] 11/23 16/2 41/24 42/1 218/23 258/1	222/13 223/7 232/3 268/25 you're [68] 19/1 38/2 39/4 41/5 43/8 43/15 44/8 53/9 65/2 69/7 69/7 73/12 76/8 81/24 83/4 86/17 87/8 87/24 89/11 97/1 97/3 98/5 99/20 99/22 100/11 104/4 115/7 120/15 120/15 120/17 129/21 131/23 135/9 149/13 153/17 154/9 155/23 173/16 178/18 180/12 193/6 194/4 194/5 197/6 197/17 199/19 206/10 210/6 213/14 213/14 219/3 219/3 221/6 221/17 222/24 229/9 231/21 231/21 235/23 244/25 245/25 246/1 249/9 258/19 258/20 258/21 259/2 260/23 you've [45] 31/18 39/5 53/13 67/7 74/19 74/22 78/4 78/5 78/5 78/11 79/1 81/16 97/5 97/5 136/19 138/19 146/24 155/15 163/15 179/9 186/18 193/18 199/9 201/22 206/20 210/3 210/7 210/7 210/8 223/4 229/6 233/3 233/3 236/1 237/15 237/18 250/14 254/15 258/3 264/9 264/13 264/14 271/23 271/24 271/24 you-should-have-caught-me [1] 270/10 young [13] 19/17 60/17 61/18 61/18 157/12 169/21 203/12 204/6 241/1 248/14 250/15 250/18 267/8 your [521] yours [5] 114/11 114/13 126/1 126/2 235/19 yourself [15] 78/16 166/16 167/15 168/15 169/9 170/7 178/13 234/10 240/15 245/1 258/3 262/13 264/8 270/6 273/6 yourselves [2] 165/19 167/21 Yup [1] 96/8	
X X-ray [1] 257/5		
Y yacht [9] 108/23 118/8 119/4 119/5 119/6 120/3 120/5 120/9 157/25 yarn [1] 257/25 yeah [32] 14/8 17/3 23/5 23/13 32/13 32/15 54/14 59/16 59/24 59/25 60/2 68/22 69/21 69/23 72/5 73/1 74/17 77/2 81/23 97/10 109/15 125/17 131/2 133/14 135/21 139/13 139/19 149/23 150/5 170/25 199/19 213/4 year [14] 76/23 76/24 77/3 85/23 97/21 201/15 203/14 231/13 247/20 250/3 252/16 253/21 269/18 270/13 year-round [1] 97/21 years [53] 17/25 20/20 21/1 22/2 22/14 23/7 28/14 35/23 50/22 51/3 51/8 52/20 66/20 66/21 73/18 74/1 74/16 74/20 77/9 78/4 78/12 94/7 133/15 159/9 160/20 161/2 162/5 162/21 163/19 165/3 166/8 166/8 167/4 167/4 168/9 168/25 169/1 187/19 194/8 194/19 208/17 209/7 210/21 227/3 234/5 238/20 238/20 238/22 242/5 245/8 248/20 255/14 263/21 yes [115] 5/4 15/13 32/22 38/4 39/12 44/9 44/9 44/10 59/19 61/2 62/16 63/4 63/11 63/16 64/12 65/8 66/9 66/11 66/25 67/8 67/14 67/21 68/1 69/9 70/4 70/11 70/18 71/7 71/11 71/14 72/4 72/14 72/17 73/11 73/14 73/16 74/5 74/9 74/12 74/15 74/21 74/24 75/18 75/21 75/24 76/2 76/7 76/15 76/19 77/4 78/18 78/21 78/25 79/7 79/10 79/15 80/5 83/16 84/10 85/3 85/10 87/14 88/9 89/7 89/10 89/13 89/19 90/14 90/18 92/12 94/6 94/13 95/24 96/22 96/25 97/2 97/4 97/7 97/23 97/25 98/22 102/4 103/23 105/16 106/7 111/7 117/13 120/24 121/18 123/2 123/25 124/17 127/2 127/6 129/11 131/22 138/13 141/1 151/16 155/6 156/17 161/25 164/4 170/15 170/19 181/19 192/8 194/24 195/5 198/7 201/17 202/4 204/13 236/16 254/9 yesterday [5] 106/18 106/21 125/24 130/15 266/13 yet [4] 59/11 127/23 195/25 199/13 yields [2] 57/19 57/23 you [1389] you'd [5] 53/21 96/2 108/6 156/3 165/8 you'll [19] 39/23 59/25 65/12 88/16 88/18 113/10 113/12 144/17 169/5 175/18 183/19 184/25 209/15 213/16 215/16	Z zero [8] 8/11 8/11 13/2 14/9 40/4 40/15 140/11 232/12 zeros [1] 235/17 zone [3] 6/16 40/24 41/4	

1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 2
2 COUNTY OF AIKEN) DOCKET NOS: 2022-CP-02-2323
3 2022-CP-02-2324

4 -----
5 GABRIEL CRESPO and)
6 HEATHER CRESPO,)
7 Plaintiffs,)
8 versus)
9)
10 RHETT RIVIERE; JOSEE RIVIERE;)
11 CHASE ENTERPRISES, LLC; and)
12 RC PROPERTIES, LLC,)
13 Defendants.)
14 -----

14 J U R Y T R I A L
15 VOLUME NO. 7

16
17 DATE: September 24, 2024
18 TIME: 9:09 a.m. to 4:12 p.m.
19 LOCATION: South Carolina Circuit Court No. 2
20 JUDGE: Martha Rivers
21 TRANSCRIBED BY: Sandra J. Early

22 LEGAL EAGLE
23 Post Office Box 5682
24 Greenville, South Carolina 29606
25 864-467-1373
depos@legaleagleinc.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE PLAINTIFFS, GABRIEL CRESPO AND HEATHER CRESPO:

DEBORAH BARBIER, ESQUIRE
Deborah B. Barbier, LLC
1811 Pickens Street
Columbia, South Carolina 29201
Phone: (803)445-1032
E-mail: dbb@deborahbarbier.com

RYAN L. BEASLEY, ESQUIRE
Ryan L. Beasley, Attorney at Law, PA
416 East North Street
Greenville, South Carolina 29601
Phone: (864)679-7777
E-mail: rlb@ryanbeasleylaw.com

WESLEY FEW, ESQUIRE
Wesley D. Few, LLC
P.O. Box 9398
Greenville, South Carolina 29604
Phone: (864)527-5906
E-mail: wes@wesleyfew.com

FOR THE DEFENDANTS, RHETT RIVIERE; CHASE ENTERPRISES, LLC
AND RC PROPERTIES, LLC:

JAMES GRIFFIN, ESQUIRE
Griffin Humphries, LLC
P.O. Box 999
Columbia, South Carolina 29202
Phone: (803)744-0800
E-mail: jgriffin@griffinhumphries.com

JOSEPH MCCULLOCH, ESQUIRE
McCulloch and Schillaci
P.O. Box 11623
Columbia, South Carolina 29211
Phone: (803)779-0005
E-mail: joe@mccullochlaw.com

1 A P P E A R A N C E S (Cont'd.)

2 FOR THE DEFENDANTS, RHETT RIVIERE; CHASE ENTERPRISES, LLC
3 AND RC PROPERTIES, LLC:

4 KATHY SCHILLACI, ESQUIRE
5 McCulloch and Schillaci
6 P.O. Box 11623
7 Columbia, South Carolina 29211
8 Phone: (803)779-0005

9 FOR THE DEFENDANT, JOSEE RIVIERE:

10 JOHN HARTE, ESQUIRE
11 John W. Harte, Attorney at Law, LLC
12 P.O. Box 7215
13 Aiken, South Carolina 29804
14 Phone: (803)226-0755
15 E-mail: john@jwhartelaw.com

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

Proceedings.....	5
Certificate of Transcriber.....	104

E X H I B I T S

(None offered or admitted.)

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL.
SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY
THE SPEAKER.)

JURY TRIAL - VOL. 7

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

2 THE COURT: Okay. I don't know if you've had
3 the opportunity to look at the e-mails I sent out
4 this morning. We're trying to clean up everything
5 that was sent out yesterday as to the charges and
6 verdict form. I have reviewed the cases that various
7 persons asked me to do so. Anything else you all
8 want to put on the record?

9 MR. GRIFFIN: Your Honor, I do have some
10 comments about the jury charge.

11 THE COURT: Okay.

12 MR. GRIFFIN: Are you ready for those?

13 THE COURT: Sure.

14 MR. GRIFFIN: And then I have some comments --

15 THE COURT: I was waiting for somebody to stand
16 up so we could talk.

17 MR. GRIFFIN: -- and then I have some comments
18 about the verdict form. With the jury charges, Your
19 Honor, I have gone through these. I want to make
20 sure the -- I don't know if I can read my handwriting
21 very well. So the unfair trade practice charge, Your
22 Honor --

23 THE COURT: Yes, sir. Hold on one second. Let
24 me get to that when. Mm-hmm?

25 MR. GRIFFIN: -- and so, the -- and we discussed

JURY TRIAL - VOL. 7

1 this yesterday. The second paragraph says
2 "Plaintiffs must prove that plaintiffs suffered
3 actual damages." And then, it doesn't -- and we
4 talked about where to put in what the actual damages
5 that can be awarded under unfair trade practice.
6 And, Your Honor, what -- what I would request is a
7 very similar charge that you have on the constructive
8 fraud, which you have measure of damages for fraud.
9 We would request that -- that below the unfair trade
10 practice, you say measure of damages for unfair trade
11 practice and that the measure of damages under unfair
12 trade practice is the loss of money or property as
13 defined in the statute. You know, you don't have to
14 cite the statute. But I'm just really concerned that
15 they're not -- they're going to be confused as to
16 what the measure of damages is for a violation of
17 unfair trade practice if it's not clarified
18 somewhere.

19 And I also have a suggestion to -- on the
20 verdict form to have the same language -- money or
21 property -- under the -- under the damages award.

22 THE COURT: Mr. Griffin, I did review some of
23 the unfair trade practices in those recent cases, and
24 I didn't see the same limitation and measure of
25 damages that you do for fraud action, which is why I

JURY TRIAL - VOL. 7

1 did not copy that same language. We also have a
2 specific charge as to actual damages and what that
3 actually means. So that's why did not include any
4 anything further in the unfair practices act, because
5 it seemed to me that the unfair trade practices act
6 actual damages are the same as all other actual
7 damages. They are the actual damages sustained and
8 anything logically related thereto.

9 MR. GRIFFIN: So we -- we -- respectfully take
10 exception to that.

11 THE COURT: Mm-hmm.

12 MR. GRIFFIN: The law is clear that all you can
13 get is money or property. There are a couple of
14 federal cases I'll be happy to send to Your Honor and
15 -- where it's in the pleading stage. And the --

16 THE COURT: You all are at a great advantage in
17 all of your federal research to me because I have
18 only ever practiced in South Carolina State Court.

19 MR. GRIFFIN: Right. Right. But so anyway, we
20 do take exception to that. I don't want to argue
21 against Your Honor's ruling, but -- but we do take
22 exception to that. And then -- and the statute
23 itself says money or property. Anyone due -- owed --
24 who is ascertained or loss of money or property. And
25 then, it does go on to say actual damages, but there

JURY TRIAL - VOL. 7

1 it's distinguishing between actual and punitive
2 damages, and so that -- that's how the statute has
3 been determined.

4 THE COURT: Well, and I think what I added this
5 morning is straight out of a case that I looked at.
6 And I apologize, I can't find the case. But under
7 the unfair trade practices act, "The plaintiff will
8 or plaintiffs are entitled to actual damages that may
9 include special or consequential damages that are the
10 natural and proximate result of the deceptive act."
11 I don't know if that was out of *Wright versus Craft*
12 or another case that I looked at this morning. It
13 could be. I don't think it was this one. As to the
14 special damages of plaintiff requested a separate
15 cause -- a separate instruction on special damages,
16 but I found nothing that other -- even the citation
17 of *Benedict College versus National Credit Systems*.
18 It just says special damages or special -- are
19 special damages. So I didn't see a need to
20 specifically --

21 MR. GRIFFIN: Yes, Your Honor.

22 THE COURT: -- elucidate that any more. Yes,
23 sir, Mr. Griffin, what else?

24 MR. GRIFFIN: We do -- now, just for the record,
25 we -- we -- we -- we object to the instruction on

JURY TRIAL - VOL. 7

1 negligence per se on the same grounds that -- that
2 we've already put in our motion for a directed
3 verdict.

4 THE COURT: Yes, sir.

5 MR. GRIFFIN: We don't have any specific
6 language there. I think when we get over to the
7 damages charge, Your Honor, and on the second page of
8 the damages charge, there's a discussion of actual
9 damages for a plaintiff who has physically injured,
10 including pain and suffering. We addressed this
11 yesterday. We -- we do object. There's no evidence
12 of physical injury.

13 THE COURT: Your objection is noted.
14 Mr. Griffin.

15 MR. GRIFFIN: And then, also, there is a
16 sentence in here "The plaintiff may also claim lost
17 wages due to absence of work and his earning ability
18 for the future." There is zero evidence in the case
19 about lost wages or future reduced earning capacity,
20 so we object to that. And then, the next page,
21 there's still a -- and -- and we object to any -- any
22 discussion on personal injury, meaning a physical
23 injury. There's no evidence of that. And then, on
24 -- on the -- and then there's a charge on "If you
25 find that the plaintiff was permanently injured as a

JURY TRIAL - VOL. 7

1 result of the defendants' actions," there's no
2 evidence in the case of permanent injury whatsoever,
3 so we object to that. And then, on the last page of
4 your damages charge after you instruct on the
5 mortality table, I -- I would just ask that that last
6 paragraph it says "If you find there is no permanent
7 disability for one or both plaintiffs, you disregard
8 the life expectancy table." We would just recommend
9 or suggest or request that you say you must disregard
10 the life expectancy table.

11 THE COURT: Yeah.

12 MR. GRIFFIN: And, Your Honor, we -- we renew
13 our request that the Court incorporate under the
14 statute of limitations charge the objective standard,
15 and that is the third paragraph of Defendants'
16 Request to Charge No. 19, which states "A
17 determination of the discovery date for purposes of
18 the statute of limitations is an objective, not
19 subjective inquiry, thus, you must determine on what
20 day a person of common knowledge and experience could
21 or should have known through the exercise of
22 reasonable diligence some claim against another party
23 might exist." Again, that is the objective standard
24 that applies, not subjective as to these claims, and
25 we would --

JURY TRIAL - VOL. 7

1 THE COURT: Mr. Griffin, I think I've
2 incorporated much of that language into this, if you
3 look at the last one that I sent out. At the last
4 sentence of that --

5 MR. GRIFFIN: I haven't looked at that. I
6 apologize.

7 THE COURT: -- paragraph, it says this is an
8 objective inquiry.

9 MR. GRIFFIN: Okay. Well, I apologize, Your
10 Honor.

11 THE COURT: No, that's fine. I mean, I
12 understand. I sent some out early this morning and
13 then found some more grammatical things.

14 MR. GRIFFIN: So you say it is in here?

15 THE COURT: The last sentence of the statute of
16 limitations charges this -- of the first paragraph --
17 is "This is an objective inquiry." That's what I
18 added. We also have in there already "If you find
19 one or both of the plaintiffs knew or should have
20 known, or that a person of common knowledge and
21 experience should have known through the exercise of
22 reasonable diligence that the claim or claims for
23 harm or injury may have existed before October 10,
24 2019, that claim or claims are barred."

25 MR. GRIFFIN: Yes, Your Honor. And -- and --

JURY TRIAL - VOL. 7

1 and -- just one more charge request. We had
2 submitted -- and when I sent the e-mail Sunday, and I
3 just want the record to reflect that --

4 THE COURT: Yes, sir.

5 MR. GRIFFIN: -- we have submitted Defendants'
6 Request No. 18, which had a typo in it, and I would
7 request that -- and I understand the Court's ruling
8 already. But No. 18 should have read, and we do
9 request the Court charge, "Mental suffering,
10 emotional shock, inconvenience or embarrassment are
11 not recoverable as damages for constructive fraud or
12 violations of an unfair trade practices act." So we
13 would request that charge.

14 THE COURT: I think the -- the way -- I put a
15 specific damages portion into the constructive fraud
16 to limit the damages on that. And as to the other,
17 we've talked about general damages.

18 MR. GRIFFIN: Your Honor, with regard to the
19 verdict form, there's -- there's one, I guess, a big
20 overarching concern.

21 THE COURT: Yes, sir.

22 MR. FEW: Your Honor, could we be heard on the
23 jury charges before we move into the verdict form?

24 THE COURT: Is that okay, Mr. Griffin?

25 MR. GRIFFIN: Oh, sure.

JURY TRIAL - VOL. 7

1 THE COURT: All right. What about the lost
2 wages? I'm not sure you all did put anything as to
3 lost wages. It's just in the general damages packet.

4 MR. FEW: Yeah, we didn't put anything in about
5 lost wages, Your Honor. There was some discussion
6 about time away from work, but we didn't quantify any
7 of it, so.

8 THE COURT: So do you have any objection to
9 removing that specifically?

10 MR. FEW: No, Your Honor.

11 THE COURT: Okay. Then what else?

12 MR. FEW: Your Honor, my biggest question is the
13 inclusion of a separate claim for gross negligence
14 and if somehow that's something that we created by
15 something that we submitted that perhaps that's a *mea*
16 *culpa* on our part. But as I understand it, gross
17 negligence is one of the triggers for obtaining
18 punitive damages and, therefore, that question should
19 not be in front of the jury on the negligence claim
20 at this point in time.

21 THE COURT: All right. Are you talking about
22 the charge of gross negligence or are you talk about
23 the verdict form or both?

24 MR. FEW: Excuse me, Your Honor.

25 THE COURT: I'm sorry. You all -- do you need

JURY TRIAL - VOL. 7

1 to talk?

2 MR. FEW: Well, the --

3 THE COURT: I think I took it from your
4 pleadings, Mr. Few, that you all elected -- you said
5 negligence then alleged gross negligence, and then in
6 a separate cause of action of negligence per se.
7 Gross negligence is kind of a subset of negligence,
8 but --

9 MR. FEW: I believe that gross negligence is in
10 the first claim that's pled as one claim --
11 negligence, gross negligence -- and I think it should
12 remain as one claim. I think the jury may be
13 confused. They may get into the gross negligence
14 question, which I think is a question that should be
15 dealt with at the second stage, given that the
16 defendants have requested a bifurcated trial.

17 THE COURT: Mr. Griffin, do you have an
18 objection to removing any reference to gross
19 negligence from the verdict form or the charges?

20 MR. GRIFFIN: No, Your Honor. No, Your Honor.

21 THE COURT: Okay.

22 MR. HARTE: I have no objection either, Your
23 Honor.

24 THE COURT: Thank you, Mr. Harte. Sorry. I
25 don't need to neglect you in the corner.

JURY TRIAL - VOL. 7

1 MR. HARTE: I haven't been popping up and down
2 so you probably forgot I was here.

3 THE COURT: I did. Well, I never forget you.

4 MR. HARTE: I don't know whether that's good or
5 not, but okay.

6 THE COURT: I think there's some discussion that
7 needs to be had.

8 MR. HARTE: Well, Your Honor, while they're --
9 while they're discussing, if I could just say that
10 I -- I would like to be -- upon the education by
11 Mr. Griffin, I enjoin with him in his request and --
12 and request for -- objection and request for
13 additional charges.

14 THE COURT: Thank you, sir.

15 MR. FEW: Your Honor, we also had a question
16 about the revision that was made to the statute of
17 limitations in that final sentence right above the
18 one about "This is an objective injury." One or both
19 of the plaintiffs had noticed that a right had been
20 invaded or an injury occurred. Our position is that
21 it should have been that they were on notice of the
22 existence of an injury -- a claim. And, Your Honor,
23 the -- some of the cases, like the Russ v. Alan case
24 that we had cited, they talk about -- and then,
25 that's not directly on point, but this is just what

JURY TRIAL - VOL. 7

1 those cases talk about. Those cases talk about there
2 being a crack in the wall, and the crack in the wall
3 put somebody on notice that they had a structural
4 defect on the house, and that those people then, in
5 most cases, then went and had engineers and RAMJACK
6 and Terratec all those kind of people come out there
7 and looked at the wall, and it was later found that,
8 you know, when you did that investigation, that
9 showed you that you had a claim that was running.
10 And in this case, go we have in crack in the door,
11 and then both witnesses have testified that there was
12 no camera, that they didn't see a camera. And so I'm
13 just afraid that the jury is going to think that
14 because the door was open that someone peeked in your
15 bathroom, I don't think that gives rise to the injury
16 that is in existence here, which is recording.

17 THE COURT: Okay. Anything else, Mr. Few?

18 MR. FEW: That's it, Your Honor. Thank you.

19 THE COURT: All right. Do you want to take up
20 the verdict form?

21 MR. FEW: Oh, I did have -- I will take up the
22 verdict form. Our -- our -- our primary concern with
23 the verdict form, Your Honor -- and I think it could
24 be handled by some instructions from Your Honor,
25 whether or not that's going to be on the verdict form

JURY TRIAL - VOL. 7

1 itself or to the jury when they're sent out to
2 deliberate -- is in the way that -- that we had
3 submitted our verdict form, you would -- if you -- if
4 you held for the defendant, then you wouldn't go to
5 the next stage. I'm just a little concerned that the
6 jury might find, say, for Plaintiff Gabriel Crespo
7 against one of the defendants and then come down
8 below and would say, "We, the jury, unanimously find
9 for," in that they may be confused and check both
10 boxes on any one particular defendant, in which case
11 they'd have to be sent back out for an instruction.
12 Does that make sense?

13 THE COURT: It's not an easy verdict form. No
14 matter -- neither one of you all's was easy. Mine is
15 not perfect. Mr. Few is incredulous that I suggested
16 that his was not perfect probably, by the way. But I
17 don't find it to be an easy verdict form. But I do
18 -- I mean, we could --

19 MR. FEW: Your Honor, could you just add
20 something to your charge to remind them that if you
21 -- if you find against Rhett Riviere, for example, or
22 if you find against the defendant in the plaintiff
23 portion, that you can't find for that defendant in
24 the defendant version. So basically, they have to
25 check the box -- they have to check the box either --

JURY TRIAL - VOL. 7

1 for each defendant, they either have to check the box
2 in the top or the bottom, but not both.

3 THE COURT: Okay. Let me hear from Mr. Griffin.
4 I mean, I'll get to you, Mr. Harte. Thank you.

5 MR. HARTE: Thank you, Your Honor.

6 THE COURT: But he already told me he didn't
7 like the verdict form and he wanted to address some
8 issues with it.

9 MR. HARTE: I have a question about the form
10 too.

11 THE COURT: Okay.

12 MR. GRIFFIN: Your Honor, I mean, I think it's
13 pretty clear that you can't do both. I mean, so I
14 don't think anything further needs to be done there
15 for that --

16 THE COURT: All right. Then, what is your
17 objection?

18 MR. GRIFFIN: So -- and again, I -- I -- well,
19 my overarching concern is are the damages allocation
20 here. Is that cumulative or are the damages being
21 allocated per cause of action? I mean, there's
22 really no discussion about that.

23 THE COURT: That -- that is a concern of mine as
24 while. And I -- I --

25 MR. GRIFFIN: And I guess if we agree that it's

JURY TRIAL - VOL. 7

1 cumulative, meaning if you find Rhett Riviere is
2 \$200,000 then that's -- because there's no separate
3 damages for each cause of action here except --

4 THE COURT: Except your constructive fraud.

5 MR. GRIFFIN: -- except for constructive fraud.

6 THE COURT: -- issue has a different set of
7 damages than anything else does. And I know -- and
8 you argued unfair trade practices act as well, but I
9 didn't -- I didn't find whatever you found. I didn't
10 see that. But at any rate, that -- that is my
11 concern with it. But I -- I -- I didn't see a way,
12 unless we just stick damages at the very bottom as to
13 -- for all the claims, but then you open up another
14 thing because we have so many defendants parsed out
15 between different claims.

16 MR. GRIFFIN: So that's handled at the
17 allocation stage. If they return a verdict against
18 multiple defendants for one amount, then under the
19 contribution in the joint tortfeasor statute --

20 THE COURT: Mm-hmm.

21 MR. GRIFFIN: -- they go back and they allocate
22 fault.

23 THE COURT: How many times are we going to send
24 these people back?

25 MR. GRIFFIN: Well, I mean, they're the ones

JURY TRIAL - VOL. 7

1 that have --

2 MR. MCCULLOCH: They've --

3 MR. GRIFFIN: -- made this case so complicated.

4 MR. MCCULLOCH: -- because that's what the law
5 requires. They've been out a lot. They've gotten
6 lots of exercise.

7 THE COURT: I know, but I mean, that's my --
8 that's -- that's one of the concerns I have more than
9 -- than with this position than you all do from your
10 positions.

11 MR. GRIFFIN: So that's -- so that's what that's
12 designed to do.

13 THE COURT: It is.

14 MR. GRIFFIN: And when we submitted a charge, we
15 submitted, like, our verdict form -- I know it's
16 complicated -- was one damage --

17 THE COURT: It was complicated, Mr. Griffin, and
18 that was concerning to me.

19 MR. GRIFFIN: -- one damage amount for the
20 claims of negligence, negligence per se. One damage
21 mall for all the claims except for under fair trade
22 practice and constructive fraud, which we think are
23 different.

24 THE COURT: Mm-hmm.

25 MR. GRIFFIN: So that's -- that -- that --

JURY TRIAL - VOL. 7

1 that's the big concern that we have, is how to deal
2 with that. Your Honor, we would ask -- you've taken
3 out the gross negligence out of the verdict form,
4 which we would normally request that.

5 THE COURT: So we can take that -- cross that
6 out.

7 MR. GRIFFIN: And then we just renew our request
8 that the unfair trade practice --

9 THE COURT: I did add the sentence you asked for
10 about the willful and knowing rather than treble
11 damages allocation.

12 MR. GRIFFIN: Yes, Your Honor.

13 THE COURT: Is there any objection to that? And
14 I think in one version, it did say willful or wanton
15 just because that's the language that we're all
16 familiar with for the other cause of action. But I
17 changed it to willful or knowing.

18 MR. GRIFFIN: We do not have an objection to
19 that. I'm not sure if you charged willfulness in the
20 new charge, though. I didn't check for that.

21 THE COURT: We can go back and check that. So
22 Mr. Harte, tell me your concern.

23 MR. HARTE: Well, there are a couple of them,
24 Your Honor, one of which is I don't see anything on
25 the charge sheet -- or, I'm sorry -- on the verdict

JURY TRIAL - VOL. 7

1 form that addresses the issue of statute of
2 limitations. And I suggest that that should be the
3 first issue that they -- that they would respond to
4 because if they find that the statute of limitation
5 applies, then they're finished. But they -- they
6 need to have somewhere that they can identify it or
7 that they can respond to the question of "Do you find
8 that the action is barred by the statute of
9 limitations," and that's not in the verdict form.

10 Secondly, Your Honor, if we're going to have it
11 listed like it is, then at the very bottom it should
12 say "The total damages that we find against Rhett
13 Riviere are the total damages we fine against Josee
14 Riviere or," and then -- and then, you know, we -- and
15 I think there needs to be a place there to say "We
16 find zero damages or we find for the defendant, Rhett
17 Riviere, or we find for the defendant Josee Riviere."
18 Otherwise, when we look at what they return, the way
19 this is set up, they could -- they could be thinking
20 that they are only awarding one monetary value, but in
21 fact, it's going to appear as though they have awarded
22 multiple verdicts which have to be added together. We
23 need to give them an opportunity to tell us what do
24 they intend by what they have written above.

25 THE COURT: Okay. So here's my -- my one issue.

JURY TRIAL - VOL. 7

1 Not everything on this form gets us to punitive
2 damages, which is the next phase. Will there be any
3 argument as to what the finding is as the damages
4 allotted to the -- the causes of action that relate
5 to punitive damages? In other words, we'll have them
6 say "We find against Chase Enterprises." I'll pick
7 that one because that's -- nobody is -- I mean,
8 Mr. Riviere is here, but that's not a person. So "We
9 find against Chase Enterprises on negligence. We
10 find against Chase Enterprises on unfair trade
11 practices," and the damages are \$5.

12 MR. HARTE: See what I'm trying to say, Your
13 Honor, is --

14 THE COURT: The total damages against Chase
15 Enterprises are \$5, so then, we have to go to the
16 punitive damages. Are we then going to send them
17 back and say was the \$5 for unfair trade or was the
18 \$5 for negligence?

19 MR. HARTE: And, Your Honor, you may be saying
20 the same thing I am. I think that the -- I think
21 that the answer -- I think what you're -- and I --
22 what I'm trying to say is that the -- the verdict
23 form should be on the -- "On the question of
24 negligence, we the jury unanimously find for Josee
25 Riviere, for Rhett Riviere against Josee" -- I just

JURY TRIAL - VOL. 7

1 -- just yes or no, do they find that against or for
2 the defendants.

3 THE COURT: You want separate forms?

4 MR. HARTE: Well -- well, sort of, but I guess
5 -- let me just say it this way. The first thing the
6 jury has to determine is whether or not the plaintiff
7 has established these causes of action.

8 THE COURT: Mm-hmm.

9 MR. HARTE: So you ask them that question: "Do
10 you find for the plaintiff? Do you find for the
11 defendant?" on each cause of action. The money is at
12 the end. And then they say -- and of course, you've
13 got to have one form for Rhett Riviere and you've got
14 -- you've got -- it's not that complicated. We just
15 need to separate it out. But at the very end, they
16 say these are the damages, because you can't -- you
17 can't take all that and -- and add it up to. It
18 doesn't make sense.

19 MR. GRIFFIN: So, Your Honor, the question that
20 you had been unfair trade practice if Chase
21 Enterprises is only found liable for unfair trade
22 practices and nothing else --

23 THE COURT: The question is gone.

24 MR. GRIFFIN: -- then there's no punitives.

25 THE COURT: Right.

JURY TRIAL - VOL. 7

1 MR. GRIFFIN: And that's how --

2 THE COURT: Right. My question is if he was
3 found for both, then -- and we can --

4 MR. GRIFFIN: Well, then, I mean, you go to
5 punitives.

6 THE COURT: -- yeah. Regardless, there's no
7 further argument therein.

8 MR. HARTE: You could almost just set it up as a
9 yes or no question: "Do you find that the defendants
10 -- do you find any of the defendants negligent?
11 Yes-no, Rhett Riviere; yes-no Josee Riviere; yes-no
12 Chase Enterprises; yes-no RC Enterprises," and on
13 down.

14 THE COURT: Okay. Let me ask something of the
15 plaintiffs.

16 MR. HARTE: And then -- and then, at the very
17 end, you put the money in.

18 THE COURT: Okay.

19 MR. GRIFFIN: I find myself agreeing with Mr.
20 Harte.

21 THE COURT: Yeah, great. We might have a total
22 agreement. Let's see.

23 MR. HARTE: Well, I have done it a couple of
24 times.

25 MR. FEW: What -- what was -- what agreement

JURY TRIAL - VOL. 7

1 have we reached, Your Honor?

2 THE COURT: You haven't reached it yet, Mr. Few.
3 The question is to remove the individual findings of
4 damages as to each cause of action and remove that to
5 the bottom, basically, or a separate form as to each
6 defendant, with the understanding that if there is a
7 verdict in favor of the plaintiffs as to any cause of
8 action that goes into punitives, we then move into
9 punitives without further discussion of the
10 allocation of those damages between the causes of
11 action. Does that make -- do you understand what I'm
12 saying? That's what their -- Mr. Griffin, I want to
13 make sure you listen too. This is what I understand
14 is being proposed for the verdict form: That we have
15 a finding as to each cause of action as to liability
16 -- 1, 2, 3, 4, 5, 6, I guess is what it is. And
17 then, at the bottom, a finding as to damages as to
18 each defendant. If there are damages presented as to
19 defendants and if there is a finding against a
20 defendant as to a cause of action that would be
21 appropriate for a punitive damages determination, you
22 then go to punitive damages without further
23 allocation.

24 MR. FEW: Your Honor, we absolutely do not agree
25 with that --

JURY TRIAL - VOL. 7

1 THE COURT: Okay.

2 MR. FEW: -- and there's multiple reasons for
3 it. Okay? So the invasion of privacy, the jury
4 could consider Mr. Riviere's viewing of it once as --
5 as -- as a claim. They could consider his recording
6 of them in the bathroom separately. They could
7 consider the intentional infliction of emotional
8 distress being driven more so by the making of the
9 tape and putting their name on it and making it
10 available later. That occurred later in 2007.

11 THE COURT: You -- you are arguing for a
12 separate damages determination as to each cause of
13 action?

14 MR. FEW: Yes, Your Honor. And -- and -- and
15 Your Honor stated a minute ago too with Mr. Griffin.
16 You know, I don't want to accuse my friend of trying
17 to have it both ways, but he was just arguing that
18 the damages that would be awarded under constructive
19 fraud and under the unfair trade practices act are
20 different than from the other ones. And Your Honor
21 has advised that you believe that -- that the Court
22 believes that the UTPA does provide for more damages
23 than the constructive fraud claim.

24 Your Honor, they asked for a bifurcation. We're
25 having a trial on liability on these claims only. And

JURY TRIAL - VOL. 7

1 at that point in time, the claims that we get a
2 verdict on, if those claims provide for punitive
3 damages -- which every single one of them does, with
4 the exception of UTPA -- then we go to the punitive
5 stage. And -- and to that end, Your Honor, I just
6 want some clarification on the discussion we had
7 yesterday about the willful or wanton being on the
8 jury form -- the verdict form, because the -- the
9 argument was made by opposing counsel that the Court
10 can decide if it was willful or wanton and so, is that
11 an advisory matter, because that does kind of get into
12 more of a punitive stage, even though -- because
13 obviously, that trebling of the damages is the
14 statutory equivalent of -- of a punitive claim -- of a
15 punitive award, but the jury just doesn't get the
16 discretion on how much to award under that claim.
17 It's set by the statute. So I think that there is --
18 we were unclear about whether or not Your Honor was
19 going to make the decision or if it was going to be
20 left to the jury. I think that we have an argument
21 that that portion, "Do you unanimously find a
22 violation, if any, is willful, wanton -- willful or
23 wanton," that that should be left for the second stage
24 of the UTPA claim or left in the Court's discretion,
25 per the statute.

JURY TRIAL - VOL. 7

1 THE COURT: All right. Let me hear your
2 argument. You said you had an argument.

3 MR. FEW: Oh, well that is my argument. That is
4 my argument. Well, it's also -- I want some -- I
5 think we all need some clarity. Is that an advisory
6 opinion that the Court is seeking, or does the
7 Court -- you know, and I don't think you have to
8 decide that now. But -- but I think -- our argument
9 is that because that is punitive in nature, it should
10 be a part of the second stage in the trial.

11 MR. HARTE: Your Honor, I -- I can't print this
12 out. But let me just tell you -- and I'm not trying
13 to -- I'm not trying to say, you know, based on my
14 experience. But I will tell you that have multiple
15 cause-of-action cases, the verdict form that I have
16 seen is you have, number one, the negligence claim,
17 and then it says "We, the jury, unanimously find," --
18 new paragraph, blank, yes, blank, no, 'Gabriel Crespo
19 has proved by the greater weight the evidence that
20 Rhett Riviere was negligent." And then you come to
21 the next paragraph: Yes-no, "Gabriel Crespo,
22 plaintiff, has proved by the greater weight of the
23 evidence that Josee Riviere was negligent." And then
24 they move to the next cause of action, and so forth
25 and so on. Now you know what they have found as to

JURY TRIAL - VOL. 7

1 each cause of action. Then, at the end, you have "We
2 find damages against Rhett Riviere in the amount of"
3 blank. Now, you would have to have a second -- a
4 second one of those because he has some that are not
5 ours.

6 THE COURT: Correct.

7 MR. HARTE: So you would have "We find for the
8 defendant," other side -- you know. When you got
9 down to that of the yes-nos, then, you know, we find
10 -- so you would -- if -- if they check yes on any of
11 the causes of action against Josee Riviere, then they
12 would be entitled to a verdict against Josee Riviere,
13 and then they would tell us how much that is. But
14 you can't -- if you do it the way everybody is
15 talking about doing it where you have this cause of
16 action by cause of action, there's no way to avoid a
17 confusion. We're not going to know what they meant,
18 unless you're going to then ask them what did you
19 mean, and that's not -- that's not a proper verdict
20 form.

21 But I -- I've seen that before. I've seen that
22 -- I've seen that numerous times where it says, you
23 know, multiple causes of action, "We, the jury,
24 unanimously find, yes-no, the plaintiff proved by the
25 greater weight of the evidence that Rhett Riviere was

JURY TRIAL - VOL. 7

1 negligent." Was what? Was this, was that. Then you
2 get to the bottom and they figure out how much they're
3 going to give them.

4 THE COURT: Thank you, sir.

5 MR. GRIFFIN: And I agree with Mr. Harte, I do.
6 And I agree with what Mr. Few as to -- I'm not trying
7 to get it both ways. I do think there has to be
8 separate damages award for constructive fraud because
9 they're measured differently and we think the measure
10 it different for unfair trade practice.

11 THE COURT: And if we're going to do a separate
12 one for one, I'd rather do a separate one for all of
13 them.

14 MR. GRIFFIN: Well, I understand, but you don't
15 get -- you don't get a set of damages for negligence,
16 set of damages for negligence per se, a set of
17 damages for intentional infliction of emotional
18 distress, a set of damages for invasion of privacy.
19 It's all --

20 THE COURT: Couldn't I get -- couldn't I say
21 that he was -- he or she was negligent or these
22 corporations was negligent in this amount, and then
23 the intentional infliction of emotional distress was
24 this amount? Couldn't I say that as a juror?
25 Couldn't I -- couldn't I --

JURY TRIAL - VOL. 7

1 MR. GRIFFIN: Not under --

2 THE COURT: -- attribute the -- couldn't I --

3 MR. HARTE: I don't think so.

4 THE COURT: -- you don't think So?

5 MR. HARTE: I really don't think So.

6 MR. GRIFFIN: -- not under this charge.

7 THE COURT: There are two causes of action and
8 two different damages. I don't -- I don't --

9 MR. GRIFFIN: Not under this charge and not
10 under the law.

11 THE COURT: -- you don't think so? Okay. Well,
12 we'll think about that. Anything else on the
13 charges?

14 MR. GRIFFIN: I -- I don't disagree -- well, on
15 the verdict form, I don't disagree with the request
16 to remove willful violation, and we could handle it
17 at stage two if we get there.

18 THE COURT: Okay. Well, yeah, I'm taking that
19 out.

20 MR. HARTE: So gross negligence is out, Your
21 Honor?

22 THE COURT: Yeah. Yes, sir. I don't mean to
23 say yeah.

24 MR. HARTE: Your Honor, I'm going to put
25 together what I -- it will take me about five

JURY TRIAL - VOL. 7

1 minutes, and then I've got to send it somewhere to
2 print it, but I'll forward it to you.

3 THE COURT: Mr. Harte, I'm going to tell you, I
4 don't like the yes-no stuff. I understand it's done
5 a lot, but I just don't like it.

6 MR. HARTE: That's fine.

7 THE COURT: That's just my preference. I don't
8 like it yes-nos.

9 MR. HARTE: However you like it, Your Honor.

10 THE COURT: Yeah.

11 MR. HARTE: Your Honor, may I make the -- may I
12 make this comment? I would like to put into evidence
13 what I think the verdict form should be, and I'll
14 send you an e-mail.

15 THE COURT: That's -- that's perfectly fine.
16 Thank you, sir.

17 MR. HARTE: Thank you, Your Honor.

18 MR. FEW: Just for the record, it's certainly
19 within the providence of the jury to find that the
20 intentional infliction of emotional distress has
21 different components in it than they might award
22 under these other claims.

23 THE COURT: And therefore, different damages.

24 MR. FEW: That's why the jury, it should be up
25 to them.

JURY TRIAL - VOL. 7

1 THE COURT: That's what I'm thinking of --

2 MR. FEW: Yes.

3 THE COURT: -- is that they might find -- I
4 don't -- I don't know. I don't want to assume what
5 the jury will or will not find. We also don't want
6 to confuse the jury, so I do appreciate all that.
7 Mr. McCulloch is shaking his head. He's disagrees.
8 Mr. Griffin, do you want to say anything else?

9 MR. GRIFFIN: It's -- you've charged on one
10 measure of damages. You haven't charged -- you're
11 not charging them on the measure for intentional
12 infliction of emotional distress. You're not
13 charging them separately --

14 THE COURT: That's true.

15 MR. GRIFFIN: -- for any of the others.

16 THE COURT: That's true.

17 MR. GRIFFIN: So they're -- they're going to
18 have one measure of damages, actual damages, and --
19 and all these elements. They're not broken out in
20 their charge and so it shouldn't be broken out on the
21 verdict form. If it is broken out on the verdict
22 form, then the only way to read the verdict form is
23 whatever the dollar amount is cumulative and -- and
24 you go the largest amount. That would be our -- our
25 position when the verdict comes back, if it does.

JURY TRIAL - VOL. 7

1 THE COURT: Well, you know, we're going to
2 charge and we're going to send them back, and we're
3 going to tell them not to deliberate. So we'll talk
4 about this a little bit more, then, not too much of
5 an extension of time. But we'll look at that. All
6 right. Anything else?

7 MR. GRIFFIN: No, Your Honor.

8 THE COURT: Yes, sir?

9 (Bench conference.)

10 THE COURT: Just -- can announce that, just in
11 case.

12 THE CLERK: Oh, sure.

13 THE COURT: It's nothing secret. They are
14 having criminal court in the other courtroom, but
15 this is the courtroom with the holding cell. So, Mr.
16 Harte -- Mr. Bob Harte -- is trying to keep everybody
17 quiet and in and out of this courtroom in order to
18 let us it do this work. Okay?

19 THE CLERK: They -- they won't be coming through
20 here, but they might make noise in the holding cell.

21 MR. MCCULLOCH: Your Honor, that's all we're
22 lacking, is people coming through in chains.

23 MS. BARBIER: Your Honor, I might ask --

24 MR. MCCULLOCH: A little levity.

25 MS. BARBIER: -- for a break. I'm going to run

JURY TRIAL - VOL. 7

1 to the restroom real quick. I'll be right back. You
2 can proceed without me.

3 THE COURT: Okay. Go ahead and bring the jury.
4 Why? There's nothing else, is there? Did I miss a
5 point?

6 MR. FEW: That's what we've been waiting on.

7 THE COURT: Okay. You're all all ready for the
8 charge, right? I mean, I haven't -- we haven't
9 skipped over anything, done anything? Okay.
10 Somebody would stand up and tell me, right?

11 MR. HARTE: Only that I want to see -- I want to
12 be able to e-mail this verdict form to you. But --
13 but you --

14 THE COURT: Please do. Make sure Mr. Platanis
15 is on there.

16 MR. HARTE: I just want to be sure that you --
17 that it's timely, Your Honor. I don't want to be --
18 I don't want to lose the opportunity.

19 THE COURT: I'm going to charge and then we're
20 going to take a break, Mr. Harte.

21 MR. HARTE: Thank you, Your Honor.

22 THE COURT: So you -- you get that in, and I
23 will be happy to look at it.

24 MR. HARTE: Thank you very much, Your Honor.

25 MR. GRIFFIN: Do you --

JURY TRIAL - VOL. 7

1 THE COURT: Mr. Griffin, do you need to say
2 something?

3 MR. GRIFFIN: -- do you give them the charge?

4 THE COURT: Unless you all want me to for some
5 reason, I'm not.

6 (The jury entered the courtroom.)

7 THE COURT: Good morning. As has been said many
8 times during the trial, everybody has a different
9 role here, and you've been told over and over that
10 you are the finders of fact. You are to make the
11 determinations based on the evidence of witnesses, of
12 the testimonies that you heard what the facts of the
13 case are. I've also allowed you all to take notes.
14 I -- I want to tell you, do not rely your notes
15 overly. You know, you listened as well. You were
16 very attentive jurors, and so, you know your notes
17 are not going to overbear any other juror in this
18 situation. They are to help you in your
19 recollections, but they're not to be a record of the
20 case. We have someone here taking a record of the
21 case. They're to assist you, but not rule you. Does
22 that make sense?

23 It's now time for me to charge you on the law in
24 the case. You know, one of my jobs is looking at what
25 evidence comes into a trial. That is not intended to

JURY TRIAL - VOL. 7

1 prevent you from seeing anything that you should see.
2 It's -- it's just part of the process, an adversarial
3 process that we've had, and you've heard the attorneys
4 refer to it as a great process in this country, and it
5 is one that we laud to other countries. You are to
6 only consider the evidence that is before you.
7 Anything that was stricken is to be disregarded. You
8 are to consider only the testimony which has been
9 presented from the witness stand and the exhibits that
10 have been made a part of the record and any
11 stipulations of counsel that they may have said.

12 In charging you, it is your duty as jurors to
13 accept and apply the law as I now state it to you. If
14 you think you have any idea as to what the law is or
15 what the law ought to be, or if you don't agree with
16 it, I tell you what the law is. You must forget that
17 -- any ideas that you think you don't agree with it
18 because you were sworn to accept the law as I tell it
19 to you.

20 In every case tried in this court before a jury,
21 the jury becomes the sole and exclusive judge of the
22 facts. A trial judge cannot comment on or make
23 statement about the facts in case. Since you are the
24 sole judges of the facts, as I have tried to remind
25 you throughout, do not think that anything I've said,

JURY TRIAL - VOL. 7

1 any comments, any expressions I may have made are in
2 any way to take away your role or to comment on the
3 facts in this case.

4 The burden of proof in this case is
5 preponderance of the evidence. A preponderance of the
6 evidence simply means the greater weight of the
7 evidence. It is the evidence which, as a whole, shows
8 that the facts sought to be proved is more likely true
9 than not. This can be illustrated by imagining a set
10 of scales. When the case begins, the scales are even.
11 After all the evidence has been presented, if the
12 scales remain even, or if they tip even slightly in
13 favor of a defendant, then the plaintiff has failed to
14 meet the burden of proof and would not be entitled to
15 recover in this case. If, on the other hand, the
16 scales tip slightly in favor of the plaintiff, the
17 plaintiff has met the burden of proof and you should
18 return a verdict in favor of the plaintiff.

19 The preponderance of the evidence is not
20 determined by the number of witnesses. Instead, it
21 must be determined by the greater weight of the
22 evidence. A party's obligations may be proved by any
23 evidence, regardless of who brought out or introduced
24 the evidence. It is not limited solely to the
25 testimony given by that party's own witness, but may

JURY TRIAL - VOL. 7

1 rely upon any evidence presented and introduced by the
2 opposing party and upon any testimony elicited from
3 the opposing party's witnesses on direct or
4 cross-examination.

5 There are two types of evidence generally
6 presented during a trial; direct evidence and
7 circumstantial evidence. Direct evidence is the
8 testimony of a person who claims to have actual
9 knowledge of a fact, such as an eyewitness. It is
10 evidence which immediately establishes the main fact
11 to be proved. Circumstantial evidence is proof of a
12 chain of facts and circumstances indicating the
13 existence of a fact. It is evidence which immediately
14 establishes collateral facts from which the main fact
15 may be inferred. Circumstantial evidence is based off
16 inference and not on personal knowledge or
17 observation. It is proof that does not actually
18 establish the fact in question, but that asserts or
19 describes something else from which you may either
20 reasonably infer the truth of the fact or at least
21 reasonably infer an increase in the probability that
22 the fact is true. For circumstantial evidence to be
23 sufficient to warrant the finding of a fact, the
24 circumstances must lead to that fact with reasonable
25 certainty.

JURY TRIAL - VOL. 7

1 The facts and circumstances should be considered
2 in light of ordinary experience and common sense. The
3 existence of a fact cannot be based on speculation,
4 surmise, or conjecture. The law makes absolutely no
5 distinction between the weight or the value given to
6 direct or circumstantial evidence, nor is a greater
7 degree of certainty required of circumstantial
8 evidence than of direct evidence. Proof of
9 circumstances warranting a given inference is
10 sufficient because proof of a certainty is not
11 required in a civil suit. In civil actions, every
12 other reasonable conclusion need not be excluded. The
13 circumstances, if established, must have sufficient
14 probative force to produce a reasonable and probable
15 conclusion, and not mere conjecture. If there are
16 several reasonable inferences that may be drawn from
17 all the circumstance in evidence, it is for you, the
18 jury, to say which is established by the greater
19 weight or preponderance of the evidence.

20 Necessarily, you must determine the credibility
21 of witnesses who have testified. Credibility simply
22 means believability. It becomes your duty as jurors
23 to evaluate the evidence and determine which evidence
24 convinces you. In determining the believability of
25 witnesses who have testified in this case, you may

JURY TRIAL - VOL. 7

1 believe one witness over several witnesses, several
2 witnesses over one witness, and reject the remaining
3 part of the testimony of that same witness. that
4 you've only -- you may believe only part of the
5 testimony and reject everything else. You may believe
6 the testimony of a witness in its entirety, or reject
7 the testimony of a witness in its entirety. You may
8 consider whether the witness has an interest in the
9 result of the trial, whether the witness is prejudiced
10 toward either the plaintiffs -- either of the
11 plaintiffs or either of the defendants, the
12 opportunity for the witness to have seen the matters
13 and things about which the witness may testify, and
14 the way the witness acts on the witness stand.

15 In our court, no distinction is made between
16 corporations and individuals. A corporation is a
17 person in the eyes of the law. A corporation is
18 entitled to the same fair and impartial consideration
19 and to justice by the same legal standards as an
20 individual. An agency is a consensual relationship
21 while one person or entity, the agent, acts on behalf
22 of another, the principal, and is subject to the
23 control of the principal. An agent is a person who
24 represents and acts for another under a contract or a
25 relationship with the agency. An agent acts by the

JURY TRIAL - VOL. 7

1 authority and on account of the principal. A
2 principal is the person or entity represented by the
3 agent and is the source of the agent's authority. An
4 agent may only act within the scope of the authority
5 given by the principal. What the principal does
6 through an agent the law considers the act of the
7 principal. Therefore, while the agents are acting
8 within the scope of their employment, a principal is
9 liable for any negligent acts or omissions of its
10 agent that proximately caused injury to another
11 person.

12 In order to hold a principal responsible for the
13 negligent acts or omissions of another, the plaintiff
14 must first prove by a preponderance, or greater
15 weight, of the evidence that there was an agency
16 relationship. The plaintiff must also prove that the
17 agent was acting within the scope of authority when
18 the agent caused the injury. Whether the agent was
19 acting within the scope of authority should be
20 determined in the light of all the surrounding
21 circumstances, including written or spoken words or
22 conduct by the principal which would cause the
23 plaintiff to believe that the principal consented to
24 the agent acting for the principal. An agent's
25 authority is determined by the scope of the business,

JURY TRIAL - VOL. 7

1 and the agent has the authority to do what is
2 customary in furthering the principal's business and
3 anything that is reasonably related to further that
4 business. Unless the plaintiff knew of restrictions
5 on the agent's authority, the plaintiff had the right
6 to presume that the agent's authority was what it
7 appeared to be. However, the plaintiff has the duty
8 to use due care and to determine the scope of the
9 agent's authority.

10 A corporation can only act through its agents or
11 employees. Therefore, a corporation is responsible
12 for any negligent acts or omissions of its agents or
13 employees while acting within the scope of their
14 employment which proximately caused the injury of
15 another person.

16 The plaintiffs' claim that the defendant and/or
17 defendants were negligent and should compensate the
18 plaintiff or plaintiffs for the injuries suffered as a
19 result of the defendants' negligence. In order to
20 prove that a defendant was negligent, the plaintiffs
21 must prove by a preponderance, or greater weight, of
22 the evidence the following things: First, the
23 plaintiffs must prove by a preponderance, or greater
24 weight, of the evidence that the defendant owed the
25 plaintiff a duty of care. This is a question of law

JURY TRIAL - VOL. 7

1 which I will decide. If I find there was a duty of
2 care, you must then decide the remaining questions.
3 The first of these is whether the plaintiff has proven
4 by a preponderance, or greater weight, of the evidence
5 that the defendant breached the duty of care by
6 negligent act or omission.

7 Negligence means that a person has done
8 something that a reasonable person would not have
9 done, or has failed to do something that a reasonable
10 person would have done in the same situation. The
11 plaintiff must also prove by a preponderance, or
12 greater weight, of the evidence that he and/or she
13 suffered damages as a result of the defendants' breach
14 of duty. Finally, the plaintiff must prove by a
15 preponderance, or greater weight, of the evidence that
16 the damages were proximately caused by the defendants'
17 breach of duty. Proximate cause is something that
18 produces a natural chain of events which, in the end,
19 brings about the injury. It is the direct cause of
20 the injury. To prove that the defendants' negligence
21 proximately caused the plaintiffs' injury, the
22 plaintiffs must first prove causation in fact. This
23 is proven by showing that the injury would not have
24 occurred but for the negligence of one or more of the
25 defendants.

JURY TRIAL - VOL. 7

1 The plaintiffs must also prove legal cause.
2 Legal cause is proven by showing that the injury is
3 foreseeable. This means that the injury occurred as a
4 natural and probable consequence of the defendants'
5 negligence. The plaintiff must prove that some injury
6 from the defendants' negligence was foreseeable, but
7 does not have to prove that that particular injury
8 that occurred was foreseeable. However, the defendant
9 cannot be held responsible for things which could not
10 be expected to happen.

11 Proximate cause does not mean the only cause.
12 The defendants' act can be a proximate cause of the
13 plaintiffs' injury if it was at least one of the
14 direct concurring causes of the injury. Their may be
15 more than one cause of an injury and more than one
16 person may be responsible for the injury. If the
17 negligence of two or more persons combines to cause an
18 injury, each person involved may be held responsible
19 as if that person alone caused the injury. Causes are
20 concurrent if the individual acts of negligence
21 combined to cause the injury. If an injury occurs
22 through the concurrent negligence of two or more
23 persons and would not have happened without the
24 negligence of either person, the negligence is the
25 proximate cause of it of the injury and both people

JURY TRIAL - VOL. 7

1 are responsible. If the acts happen one after the
2 other but were not related to each other, they would
3 not be concurring causes. In that case, only one
4 person, or the person whose negligence caused the
5 injury, would be responsible.

6 Each plaintiff claims that the defendant and/or
7 defendants committed a violation of the unfair trade
8 practices act. A trade practice or act is an unfair
9 trade practice or act if a defense [ph] established
10 public policy or is immoral, unethical or oppressive.
11 This does not include acts, practices or
12 representations that are nothing more than dealer
13 talk, or what is called puffing. The plaintiffs must
14 prove that the plaintiffs suffered actual damages as a
15 result of the defendants' unfair trade practice or
16 act. In this litigation, the plaintiff claims that
17 one or more of the defendants was in the trade of
18 residential leases. Someone engaged in a trade or
19 commerce violates the unfair trade practice act when
20 he or she knew or should have known that his or her
21 conduct offended public policy, or was immoral,
22 ethical or oppressive.

23 In addition, the plaintiffs must prove that the
24 unfair trade practice or act affected persons other
25 than the parties to the transaction. The plaintiffs

JURY TRIAL - VOL. 7

1 must prove that the unfair trade practice or act has
2 an impact on the public's interest. This may be shown
3 by proof that the unfair trade practice or act is
4 capable of repetition. Under the unfair trade
5 practices act, the plaintiff or plaintiffs are
6 entitled to actual damages that may include special or
7 consequential damages that are the natural and
8 proximate result of the deceptive act.

9 Plaintiffs have also alleged the cause of action
10 of constructive fraud against Defendant Rhett Riviere
11 and/or Defendant Josee Riviere. Constructive fraud is
12 a breach of a legal or equitable duty which the law
13 declares fraudulent, regardless of the moral guilt of
14 the person committing the fraud. The law declares the
15 act or omission fraudulent because it has a tendency
16 to deceive others and violate public and private
17 confidence. To establish constructive fraud, each
18 plaintiff must prove a presentation, the falsity of
19 the representation, the materiality of the
20 representation, the speaker's knowledge of its falsity
21 or a reckless disregard for its truth or falsity, the
22 hearer's ignorance of its falsity, the hearer's
23 reliance on its truth, the hearer's right to rely upon
24 its truth, and the consequent or approximate injury to
25 the hearer.

JURY TRIAL - VOL. 7

1 Each element must be proven by clear, cogent and
2 convincing evidence for the plaintiff to recover from
3 one or both of the defendants. Plaintiffs do not have
4 to prove that either defendant had the intent to
5 deceive them individually or collectively. It is
6 sufficient that the defendant ought to have known the
7 falsity of the misrepresentation. The measure of
8 actual damages in an action for fraud is the
9 difference between the value the plaintiff would have
10 received if the facts had been represented and the
11 value he or she actually received, together with any
12 special or consequential loss. The recovery is
13 restricted to damages that are the natural and
14 proximate consequence or result of the fraud.

15 If you find no definite ascertainable actual
16 damages, but find there has been fault, plaintiff or
17 plaintiffs are entitled to nominal damages. Nominal
18 damages are a slight amount given to vindicate the
19 invasion of a private right.

20 The South Carolina code provides that it is
21 unlawful for an individual to act as a real estate
22 broker, real estate sales person, or real estate
23 property manager, or to advertise or provide services
24 as such without an active, valid license issued by the
25 real estate commission. This requirement does not

JURY TRIAL - VOL. 7

1 apply to the sale, lease, or rental of real estate by
2 an unlicensed owner of real estate who owns any
3 interest in the real estate if the interest being
4 sold, leased, or rented is identical to the interest
5 of the owner. South Carolina law defines a broker as
6 an associated licensed realtor who has met the
7 experience and education requirements and has passed
8 examination for a broker's license and who, for a fee,
9 salary, commission, referral fee, or other valuable
10 consideration or who, with intent or expectation of
11 receiving compensation, negotiates or attempts to
12 negotiate a listing, sale, purchase, exchange, lease,
13 or other disposition of real estate or improvements to
14 the real estate for a fee or a valuable consideration,
15 solicits a referral, offers services as a real estate
16 consultant, counselor, or transaction manager, or
17 advertises or otherwise represents to the public as
18 being engaged in the activities as mentioned.

19 Based upon these statutes, plaintiff alleges
20 against Defendant Rhett Riviere and Defendant Josee
21 Riviere negligence per se. This simply means the jury
22 decides whether one or both defendants breached this
23 statute. If you find one or both defendants breached
24 this statute, you then determine if that breach is the
25 proximate cause of plaintiffs' damages. Proof of a

JURY TRIAL - VOL. 7

1 violation of a statute is proof of negligence, so you
2 need only determine proximate cause of the injury and
3 damage. Violation of the statute may be evidence that
4 one or more of the defendants -- oh. Violation of the
5 statute is proof of negligence, so you need only
6 determine proximate cause of the injury or damage.

7 As to Defendant Rhett Riviere, plaintiff claims
8 that the defendant intentionally inflicted emotional
9 distress on each plaintiff. In order to recover for
10 the intentional infliction of emotional distress, each
11 plaintiff must prove by a preponderance, or greater
12 weight, of the evidence the following: The defendant
13 intentionally or recklessly inflicted severe emotional
14 distress and was sure or substantially sure that
15 severe emotional distress would result from his
16 conduct. This may be shown by evidence that the
17 defendant desired to inflict severe emotional distress
18 on the plaintiff. This may also be shown by evidence
19 that the defendant knew or was substantially certain
20 that the distress would result from his conduct.
21 Finally, this element may be shown by evidence that
22 the defendant's conduct was the result of his
23 conscious indifference to or reckless disregard for
24 plaintiffs' rights. Next, the plaintiff must prove
25 that the defendant's conduct was so extreme and

JURY TRIAL - VOL. 7

1 outrageous as to exceed all possible bounds of
2 decency, and must be regarded as atrocious and utterly
3 intolerable in a civilized community.

4 The law does not allow for damages for each and
5 every occasion which causes someone mental distress.
6 If so, the courts would be flooded with lawsuits every
7 time someone's feelings were hurt. Instead, the
8 plaintiff must show extreme and outrageous conduct.
9 Extreme and outrageous conduct is not mere insults,
10 indignities, threats, annoyances, petty oppressions or
11 other trivialities. Everyone must necessarily be
12 expected and required to be hardened to a certain
13 amount of rough language and acts that are definitely
14 inconsiderate and uncommon. Extreme and outrageous
15 conduct is conduct which would cause an average member
16 of the community to react immediately in outrage. The
17 plaintiff must also prove that the actions of the
18 defendant proximately caused the plaintiff's emotional
19 distress.

20 Proximate cause is something that produces a
21 natural chain of events which, in the end, brings
22 about the injury. It is the direct cause of the
23 injury. To prove that the defendant's conduct
24 proximately caused the plaintiffs' injury, the
25 plaintiffs must first prove causation in fact. This

JURY TRIAL - VOL. 7

1 is proven by showing that the injury would not have
2 occurred but for the defendant's conduct. The
3 plaintiff must also prove legal cause. Legal cause is
4 proven by showing that the injury was foreseeable.
5 This means that the injury occurred as a natural and
6 probable consequence of the defendant's conduct. The
7 plaintiff must prove that some injury from the
8 defendant's acts or omissions was foreseeable, but
9 does not have to prove that the particular injury that
10 occurred was foreseeable. However, the defendant
11 cannot be held responsible for things which cannot be
12 expected to happen. Proximate cause does not mean the
13 only cause. The defendant's act can be a proximate
14 cause of the plaintiff's injury if it was at least one
15 of the direct concurring causes of the injury.

16 The plaintiffs must that their emotional
17 distress was severe so that no reasonable person could
18 be expected to endure it. Emotional distress means
19 mental distress, mental suffering, or mental anguish.
20 It includes all highly unpleasant mental reactions,
21 such as fright, nervousness, grief, anxiety, worry,
22 mortification, shock, humiliation, indignity, and
23 physical pain. Although severe emotional distress is
24 usually shown by shock, illness, or other bodily harm,
25 these types of symptoms are not an absolute

JURY TRIAL - VOL. 7

1 requirement for recovery of damages for intentional
2 infliction of emotional distress. Severe means
3 substantial or lasting, as opposed to trivial or
4 brief. In determining the severity of the emotional
5 distress, you should consider its intensity and
6 duration.

7 The plaintiff also claims that Defendant Rhett
8 Riviere committed an invasion of privacy. The right
9 of privacy is the right of a person to be left alone
10 or the right of a person to be free from unwarranted
11 publicity. An invasion of privacy is the intrusion on
12 the plaintiff's physical and mental solitude or
13 seclusion. It requires an invasion of something
14 secret, secluded, or private about the plaintiff. An
15 invasion of privacy is committed by the wrongful
16 intrusion into a person's private activities in a
17 manner which would outrage or cause mental shame,
18 suffering, or humiliation to a person of ordinary
19 sensibilities. The plaintiff does not have to prove
20 actual damages from invasion of privacy. An
21 unjustified invasion of privacy entitles the plaintiff
22 to at least nominal damages. Neither purpose nor
23 motive must be proven to show intent for an invasion
24 of privacy claim. Special monetary loss may also be
25 awarded to the plaintiff if you find these damages are

JURY TRIAL - VOL. 7

1 warranted.

2 If you find that a plaintiff is entitled to a
3 verdict -- if you find that a plaintiff is entitled to
4 a verdict -- then you must determine the damages
5 suffered by that plaintiff as a natural and proximate
6 result of the acts and/or omissions of one or more of
7 the defendants. Actual damages are sometimes called
8 compensatory damages, meaning to compensate the
9 plaintiff for an injury or to put the plaintiff in the
10 same position he or she was prior to the injury
11 insofar as monetary compensation can do that. Actual
12 damages include pecuniary loss, loss of wages or loss
13 of time, pain and suffering, physical injury, illness,
14 loss of business or loss of employment, general
15 expenses, humiliation, embarrassment, mental stress,
16 mental anguish, inconvenience, and discomfort.

17 If you decide the plaintiff is entitled to a
18 verdict, your next step would be to decide how much
19 money the defendant should be required to pay. Actual
20 damages are to compensate the plaintiff for the
21 plaintiff's injuries or loss and to put the plaintiff
22 as near as possible in the same position that the
23 plaintiff was in before the incident occurred. In
24 other words, actual damages would be actual losses and
25 expenses that the plaintiff has suffered because of

JURY TRIAL - VOL. 7

1 the defendant's conduct. Because actual damages meant
2 to compensate an injured party for the harm suffered,
3 they are also referred to as compensatory damages.
4 Actual damages are warranted for actual injuries
5 suffered and losses sustained to restore the injured
6 party as nearly as possible through the payment of
7 money to the same position she or he was in before the
8 injury occurred.

9 Actual damages include compensation for all
10 injuries which are naturally the proximate result of
11 the alleged wrongful conduct of the defendant or
12 defendants. The amount of actual damages cannot be
13 left to conjecture or speculation, but likewise,
14 mathematical certainty is not required. You, the
15 jury -- you, the jury, determine the fair, just, and
16 reasonable amount based upon the evidence presented in
17 this trial. Each plaintiff bears the burden of
18 proving by a preponderance of the evidence that she or
19 he is entitled to compensatory damages. The plaintiff
20 must prove that expenses caused by any injury were
21 necessary and reasonable. Actual damages for a
22 plaintiff who has been physically injured include pain
23 and suffering for the past and future, as well as
24 mental anguish, impairment of health, physical
25 condition, and disfigurement. The plaintiff may also

JURY TRIAL - VOL. 7

1 claim physical discomfort and emotional response to
2 the sensation of pain caused by the injury itself.

3 There is no definite standard by which to
4 compensate the plaintiff for pain and suffering. You
5 have the authority to determine the amount, if any, to
6 be allowed for pain and suffering using calm and
7 reasonable judgment to ensure that the damages are
8 just and reasonable in light of the testimony and
9 evidence presented in this case.

10 Loss of enjoyment of life compensates the
11 plaintiff for limitations on the plaintiff's ability
12 to participate in and derive pleasure from the normal
13 activities of daily life. In determining the amount
14 of compensation for personal injuries, it is proper to
15 consider past and present aspects. This would include
16 physical and mental pain and suffering expenses
17 incurred for necessary medical treatment, loss of time
18 and income which resulted from the impairment, the
19 loss of enjoyment of life suffered as a result of the
20 injury, and any other losses which are reflected by
21 the character of the injury. Loss of enjoyment of
22 life compensates the plaintiff for limitations on the
23 plaintiff's ability to participate in and derive
24 pleasure from the normal activities of daily life.

25 The injured party may recover for those future

JURY TRIAL - VOL. 7

1 damages that are reasonably sure to result from the
2 injuries. The principle underlying compensation for
3 future damages is that only one action can be brought
4 and, therefore, only one recovery had. It is proper
5 to include in the estimate of future damages
6 compensation for loss of capacity for work or
7 attention to the plaintiff's ordinary business, future
8 medical expenses and pain and suffering, which will
9 with reasonable certainty result.

10 A plaintiff is never entitled to recover
11 conjectural or speculative damages. But if you find a
12 plaintiff is entitled to a verdict for actual damages,
13 your verdict should include an amount to cover any
14 past, present, and future damages which were
15 proximately caused by the defendant. Any future
16 damages must reasonably be -- must be reasonably
17 certain to occur in the future as a result of the
18 defendant's acts. Actual damages need not be proven
19 to a mathematical certainty or be based on evidence of
20 the precise amount of damages the plaintiff has
21 suffered. Instead, the evidence must allow you to
22 determine what amount of damages is fair, just, and
23 reasonable. Any future damages must be reasonably
24 calculated to have resulted from the alleged injury or
25 damage sustained in this case. Future damages must be

JURY TRIAL - VOL. 7

1 reduced to their present cash value.

2 Mental suffering, apprehension, shock, fright,
3 emotional upset, humiliation and anxiety, either
4 present or expected in the future, can be properly
5 considered as an element of damages. The amount of
6 damages for mental suffering cannot be exactly
7 measured.

8 If you find that the plaintiff was permanently
9 injured as a result of the defendant's actions, you
10 must then decide how, if at all, the injury will
11 affect the rest of that plaintiff's life. A person's
12 life expectancy is determined by a life expectancy
13 table, which is part of the laws of this state. The
14 life expectancy table is only an estimate of the
15 probable average remaining length of the life of all
16 persons in our state. The plaintiff, Heather Crespo,
17 is 51 years old, a female, with a life expectancy,
18 according to the life expectancy table, of 31.79
19 years. Plaintiff Gabriel Crispo is 53 years old,
20 male, with a life expectancy, according to the life
21 expectancy table, of 36.52 years. This fact to be
22 considered by you, along with the other facts and
23 circumstances in evidence, bearing on either
24 plaintiff's life expectancy, including occupation,
25 habits, and health at the time of the injury in

JURY TRIAL - VOL. 7

1 deciding the amount of damages to be awarded to the
2 plaintiff. If you find there is no permanent
3 disability for one or both plaintiffs, you must
4 disregard the life to expectancy table as to that
5 plaintiff or both plaintiffs.

6 When the plaintiff is injured or damaged by the
7 wrongful act of another person, it is the duty of the
8 plaintiff to reasonably try to avoid and lessen the
9 damages. Those damages which may be avoided by the
10 use of reasonable efforts, care, and prudence by the
11 plaintiff cannot be the proximate result of the
12 defendant's wrongful act. Therefore, the plaintiff
13 cannot recover for damages which reasonably might have
14 been avoided. The efforts required by the plaintiff
15 must be determined by the rules of common sense and
16 fair dealing and what a person of ordinary reason and
17 prudence would do under the same circumstances. The
18 plaintiff is not required to use unreasonable efforts
19 or great expense to avoid and lessen the damages. The
20 defendant has the burden of proving a failure to
21 lessen damages on the part of the plaintiff by the
22 preponderance, or greater weight, of the evidence.

23 The plaintiff is required to use reasonable care
24 and diligence to reduce the seriousness of the
25 injuries caused by the defendant or defendants. A

JURY TRIAL - VOL. 7

1 plaintiff's failure to mitigate damages allows the
2 defendant to avoid the damages that could have been
3 avoided by a plaintiff. An injured party is required
4 to do that which an ordinary prudent person would do
5 under similar circumstance to mitigate his damages.
6 An injured party is not required to unreasonable -- to
7 unreasonably exert himself or incur substantial
8 expenses in an effort to mitigate damages. The party
9 who claims damages would have been minimized or who
10 claims the injured person did not mitigate the harm or
11 injury has the burden of proving the harm could have
12 been avoided or reduced. If you find that the
13 plaintiff failed to do this, the plaintiff may recover
14 damages for the injuries themselves, but not damages
15 for the aggravation of the injuries.

16 The defendants have asserted each plaintiff --
17 have answered each plaintiff's complaint with a
18 general denial. This means that each defendant denied
19 each and every claim that would make the defendant
20 responsible for the plaintiffs' injuries. Because of
21 this general denial, the plaintiff has the burden of
22 proving each and every element of each cause of
23 action. Defendants Rhett Riviere, Chase Enterprises,
24 LLC of South Carolina, and RC Riviere Properties, LLC
25 have also asserted the defense that plaintiffs' claims

JURY TRIAL - VOL. 7

1 are barred by the statute of limitations. In this
2 case, there is a three-year statute of limitations.
3 The plaintiffs' filed this action on October 10th of
4 2022. If you find that one or both of the plaintiffs
5 knew or should have known, or that a person of common
6 knowledge and experience should have known through the
7 exercise of reasonable diligence that the claim or
8 claims for harm or injury may have existed before
9 October 10th, 2019, that claim or claims are barred by
10 the statute of limitations for civil actions. In
11 other words, if you find that one or both of the
12 plaintiffs had notice that a right had been invaded or
13 an injury occurred before October 10, 2019.

14 This is an objective inquiry. In this defense,
15 the Defendants Rhett Riviere, Chase Enterprises, LLC
16 of South Carolina, and RC Riviere Properties, LLC bear
17 the burden of proving that one or both of the
18 plaintiffs knew or should have known of the potential
19 claims against each defendant before October 10 of
20 2019. These defendants must prove this defense by a
21 preponderance of evidence, or the greater weight.

22 In this case, Rhett Riviere has invoked his
23 Fifth Amendment privilege. Pursuant to the Fifth
24 Amendment of the U.S. Constitution, a person has the
25 right against self-incrimination. This means that any

JURY TRIAL - VOL. 7

1 person can refuse to answer a questions if the
2 question might incriminate him. This is a privilege
3 personal to each person. Defendant Rhett Riviere has
4 invoked his Fifth Amendment right to not answer
5 questions in this civil case. You, the jury, will
6 determine the effect, if any, of his invocation of the
7 Fifth Amendment. In this civil trial, you may infer
8 that any answer he gave may be unfavorable to him.
9 This is called an adverse inference, and it is allowed
10 in civil proceedings.

11 There are several possible verdicts which you
12 may find in this case. I am sending you a verdict
13 form as to each defendant and the causes of action
14 alleged against each defendant. There are four
15 defendants in this case. For the Defendant Rhett
16 Riviere, you must determine if the plaintiff has
17 proven by a preponderance of the evidence the causes
18 of action of negligence, negligence per se, invasion
19 of privacy, intentional infliction of emotional
20 distress, constructive fraud and/or unfair trade
21 practices act. For the Defendant Josee Riviere, you
22 must determine if the plaintiff has proven by a
23 preponderance of the evidence the causes of actions of
24 negligence, negligence per se, constructive fraud
25 and/or unfair trade practices act.

JURY TRIAL - VOL. 7

1 For the Defendant Chase Enterprises, LLC of
2 South Carolina, you must determine if the defendant
3 has proven by a preponderance of the evidence the
4 causes of action of negligence and/or unfair trade
5 practices act. For the Defendant RC Riviere
6 Properties, LLC you must determine if the defendant
7 has proven by a preponderance of the evidence the
8 causes of action of negligence and/or unfair trade
9 practices act.

10 There is no significance whatsoever in the order
11 in which I state the possible verdicts. It is simply
12 that one must be stated first. All 12 of you must
13 agree on your verdict. Your verdict cannot be based
14 on sympathy, passion, prejudice, emotion, or any other
15 consideration not in evidence in this case. Your
16 verdict must be unanimous.

17 Ms. Foreperson, when the jury agrees on the
18 verdict, you will fill out the verdict form, you will
19 sign underneath the verdict, and you will knock on the
20 jury room door and inform the bailiff that you have
21 reached a verdict. At that time, we'll bring you back
22 into the courtroom. I'm going to ask that you return
23 to the jury room. I'm going to ask that you not
24 deliberate yet. You may take a bathroom break, you
25 may stretch your legs, but don't start your

JURY TRIAL - VOL. 7

1 deliberations. I need to ask the lawyers. We want to
2 make sure I've charged you on everything. I may bring
3 you back and tell you something else. I may not bring
4 you back and tell you something else. When it's time
5 for you to deliberate, you will know. But until that
6 time, you are still under instructions to not discuss
7 this case, the witnesses or the evidence that's been
8 presented. Okay? Thank you.

9 (The jury exited the courtroom.)

10 THE COURT: Anything from counsel?

11 MR. FEW: Your Honor, the charge said that you
12 would instruct them on the duty, and I don't know
13 that we did that.

14 THE COURT: We may not have.

15 MR. FEW: Well, I think under the negligence,
16 you had said "This is the question of law for which I
17 will decide."

18 THE COURT: Is that what I said?

19 MR. FEW: Yes, Your Honor.

20 THE COURT: Did I read that beforehand?

21 MR. FEW: Yeah. I was -- I was thinking that --
22 that Your Honor had that because the -- the facts had
23 already established the existence of a duty for the
24 landlord-tenant type relationship and the undertaking
25 of --

JURY TRIAL - VOL. 7

1 THE COURT: Well, Mr. Griffin, do you agree to
2 that?

3 MR. GRIFFIN: Well, I don't believe the
4 landlord-tenant -- I mean, there's no charge on
5 landlord-tenant. I mean, you did charge the duty to
6 the extent it is the exercise of reasonable care, I
7 believe. There was -- now, on your charge on the
8 negligence it says --

9 THE COURT: I'm looking at it. And now, it does
10 say that --

11 MR. GRIFFIN: -- yeah. "The defendant owed the
12 plaintiff a duty of care. This is a question of law
13 which I will decide. If I find there was a duty of
14 care, you must decide whether" -- the remaining
15 questions. Now, I think it's included in that you
16 did find there was a duty of care, and you didn't say
17 I find there's a duty of care.

18 THE COURT: I did not. I don't think I said
19 that. I don't think I said there is specifically a
20 duty of care. Are you requesting an additional
21 charge?

22 MR. FEW: No, Your Honor. I -- I -- I don't
23 think one is necessary.

24 THE COURT: Are you requesting anything as to
25 the charge, Mr. Griffin?

JURY TRIAL - VOL. 7

1 MR. GRIFFIN: No, Your Honor.

2 THE COURT: Mr. Harte?

3 MR. HARTE: No additional requests, other than
4 those made previously.

5 THE COURT: Okay. So anything else about the
6 charge?

7 MR. FEW: That's all for the plaintiff, Your
8 Honor.

9 THE COURT: Defense?

10 MR. GRIFFIN: Yes, Your Honor. We would just
11 renew our objections and incorporate our prior
12 arguments just to hit the high notes. And we object
13 to the unfair trade practice charge on damages. We
14 don't think -- we think it should be much more
15 limited just to out-of-pocket money or property. We
16 object to the charge on physical injuries and pain
17 and suffering, the language thereto. We object to
18 the charge on permanent injuries. We object to
19 charging the jury on the life expectancy table, and
20 the other grounds we previously argued.

21 THE COURT: Thank you. Counsel, I do have to
22 apologize to all of you, because we've been
23 discussing this verdict form and then, in my charge,
24 I had put I would give them an individual verdict
25 form as to each defendant. So I don't want to --

JURY TRIAL - VOL. 7

1 MR. HARTE: That was my understanding, Your
2 Honor.

3 THE COURT: Yeah, so we'll give them an
4 individual --

5 MR. HARTE: Whatever -- whatever we decide --

6 THE COURT: -- verdict form --

7 MR. HARTE: -- on how it should be structured.

8 THE COURT: -- as to each defendant.

9 MR. FEW: You mean each plaintiff?

10 THE COURT: Well, yeah. How we going to do
11 this?

12 MR. FEW: Your Honor, I think --

13 THE COURT: I think we'll be okay --

14 MR. FEW: -- I think the jury is going to be --

15 THE COURT: -- whichever we do. Mr. Harte, have
16 you sent your verdict form?

17 MR. HARTE: I'm just about to.

18 MR. FEW: If they have eight sets of verdict
19 forms --

20 THE COURT: Yeah. That's going to get way too
21 confusing --

22 MR. FEW: -- they're going to be very confused.

23 THE COURT: -- you're right. I'm sorry.

24 MR. HARTE: I'm just about to complete it, Your
25 Honor.

JURY TRIAL - VOL. 7

1 THE COURT: Okay. Let's take a bathroom break,
2 and we'll look at that verdict form. They're not to
3 discuss anything. And then will go forward. Okay?
4 Thank you. Sorry. I'm sorry if I'm muddling
5 anything unnecessarily as well.

6 (Off the record.)

7 (Recess.)

8 (On the record.)

9 THE COURT: Remain seated. Mr. McCulloch, you
10 have an issue?

11 MR. MCCULLOCH: Your Honor, I have an
12 observation, I guess, and I guess it could
13 conceivably support a request for a --

14 THE COURT: Yes, sir, what is it?

15 MR. MCCULLOCH: -- so on page 13, Your Honor, of
16 your charge --

17 THE COURT: I don't have mine numbered. What
18 are we talking about.

19 MR. MCCULLOCH: -- well, this is under the --
20 the instruction as to constructive fraud/
21 misrepresentation.

22 THE COURT: Yes, sir.

23 MR. MCCULLOCH: You advised the jury, you tell
24 them and stated it must be proven by clear and cogent
25 -- cogent and convincing evidence for the plaintiff

JURY TRIAL - VOL. 7

1 to recover. That is an accurate statement of the --

2 THE COURT: Well, we didn't have clearly and
3 evidence in the standards, is that what you're
4 getting at?

5 MR. MCCULLOCH: No. A different issue.

6 THE COURT: Okay.

7 MR. MCCULLOCH: On page 30, Your Honor, which is
8 kind of your concluding commentary about the jury
9 verdict, you say "For the Defendant Rhett Riviere,
10 you must determine if the plaintiff has proven by a
11 preponderance of the evidence the causes of action,"
12 and you include constructive fraud/
13 misrepresentation. So I know under that theory that
14 we heard about in law school of recency, they could
15 be confused if there's any chance they remember
16 page 13. By the time you get to page 30, my concern
17 is the recency issue, that that's the last thing they
18 heard, which is not the proper standard for the
19 evaluation of the -- so I mean, Your Honor, the
20 curative instruction, if you chose to give it, would
21 I guess say that just to ensure your understanding of
22 the standards here that for negligence, gross
23 negligence, invasion of privacy, and the intentional
24 infliction of negligence per se and under attorney
25 practice, you must find that the plaintiff has proven

JURY TRIAL - VOL. 7

1 their case by a preponderance for constructive fraud/
2 misrepresentation, still another cause of action, the
3 proper standard is clear convincing and blah, blah,
4 blah. So there you go.

5 THE COURT: Mr. Few?

6 MR. MCCULLOCH: Page 13 and page 30, Your Honor.

7 MR. FEW: Your Honor, the plaintiff would not
8 object to just putting the clear and convincing
9 standard on the verdict form for that one particular
10 claim.

11 MR. MCCULLOCH: That's fine, Your Honor. That
12 would, I guess, obviate the problem.

13 THE COURT: Okay.

14 MR. MCCULLOCH: I'm sorry to bring that up, Your
15 Honor, but --

16 THE COURT: No, no. I appreciate you bringing
17 it. You must bring up everything now.

18 MR. MCCULLOCH: Apparently, I must, according to
19 our appellate court.

20 THE COURT: I was going to say, I was wondering
21 if you were accusing me.

22 MR. MCCULLOCH: I'm sorry?

23 THE COURT: I didn't know if that was
24 accusations towards me for a second.

25 MR. MCCULLOCH: Good Lord, no.

JURY TRIAL - VOL. 7

1 MR. HARTE: Your Honor, while we're off the
2 record, if I could just inquire --

3 THE COURT: Are we off the record, Joseph?

4 MR. HARTE: -- are we or are we not?

5 THE DIGITAL REPORTER: We're on the record.

6 THE COURT: We're still on the record, Mr.
7 Harte, yes.

8 MR. HARTE: No, that's fine. That's fine.

9 THE COURT: You need to assume at all times in
10 the courthouse when you have a digital and monitored
11 courthouse that you are always on the record.

12 MR. HARTE: Well, I assume it's being recorded,
13 but I don't always assume that it's on the record. I
14 -- I don't have anything to put on the record, Your
15 Honor.

16 THE COURT: I mean, but please speak. What --
17 what --

18 MR. HARTE: Oh, I would if I needed to.

19 THE COURT: Okay. Yes, sir?

20 MR. GRIFFIN: Your Honor, I took the liberty to
21 mark up my -- cut out a lot of stuff of my verdict
22 form, and I resent it to to your chambers. I don't
23 know if you saw it.

24 THE COURT: Well, I haven't looked. Let me tell
25 you all what I did while you all were coming with all

JURY TRIAL - VOL. 7

1 your verdict forms. All I did was add to the
2 bottom -- and this is why I'm looking at
3 Mr. McCulloch's request and the -- the suggestion by
4 the plaintiff -- is to add at the very bottom "If you
5 found damages for any defendant as to any cause of
6 action, please indicate the total amount of damages
7 for every cause of action as to each defendant," and
8 then listed each one with each defendant, because you
9 were asking for a total and you were not. So this
10 gives you the each cause and then a total.

11 MR. GRIFFIN: Except constructive fraud should
12 be broken out.

13 THE COURT: Well, I'm asking total. You think
14 constructive should be broken out as to all,
15 everything, not even a total?

16 MR. GRIFFIN: Constructive fraud needs to be
17 separate from the damages --

18 THE COURT: For the other causes of action.

19 MR. GRIFFIN: -- for the others.

20 THE COURT: Mr. Few?

21 MR. GRIFFIN: And it's our position that unfair
22 trade practice should be separate too.

23 THE COURT: Yes.

24 MR. FEW: Well, Your Honor. If we could, I'd
25 like to see a printed version of that, because I

JURY TRIAL - VOL. 7

1 don't know that I can conceptualize it.

2 THE COURT: I'm happy to bring that down. I
3 only print -- I've got one for Gabriel and one for
4 Heather. So it's not to leave you out, Mr. Harte.
5 So you all can share. And I don't mean to use your
6 first names for any other reason than you have the
7 same last name. Why don't we give you all five
8 minutes? You all mark that up. Mr. Harte, I did
9 review your extensive verdict form. You put a lot of
10 work into it, and I do appreciate it. I'm trying to
11 keep it very, very simple, though. I don't think
12 this needs to get extremely complicated. So I'll
13 give you all five minutes.

14 (Off the record.)

15 (Pause.)

16 (On the record.)

17 MR. GRIFFIN: Your Honor, I -- I withdraw what I
18 stated earlier after reviewing this because
19 constructive fraud will be broken out in their
20 verdict form, so it really doesn't need to be done
21 again, so I withdraw that.

22 THE COURT: Mr. Harte?

23 MR. HARTE: Your Honor, the only comment I would
24 make about it -- and -- and, first of all, I regret
25 to say that I find it too confusing for the jury and

JURY TRIAL - VOL. 7

1 again request that my form be used, and I will have
2 that printed and put into the record. Secondly, Your
3 Honor, I really believe that there has to be
4 somewhere, I think at the very beginning of this
5 verdict form, an opportunity for them to say that
6 they find by the greater weight of the evidence or a
7 preponderance of the evidence, if you prefer, that
8 the statute of limitations does or does not apply. I
9 think that's -- I think it's a critical factor
10 because nowhere in that verdict form does it -- does
11 it provide that opportunity, and that's a fundamental
12 and basic issue in this case.

13 THE COURT: You want a finding as to the statute
14 of limitations on the form?

15 MR. HARTE: Yes, I do.

16 THE COURT: I think that's included in a finding
17 for your defendant.

18 MR. HARTE: Thank you.

19 THE COURT: Yes, sir?

20 MR. FEW: Your Honor, if -- if all that was done
21 is you added a portion at the end where the jury
22 would go back and total what they've done, then we
23 don't have any objection.

24 THE COURT: Okay. Mr. Griffin, to be clear,
25 when you say you're withdrawing what you said

JURY TRIAL - VOL. 7

1 earlier, is that as to the charge or -- because --

2 MR. GRIFFIN: No, no, no, Your Honor.

3 THE COURT: -- we -- well, we discussed
4 something about the charge, and then there was a
5 discussion that the verdict form would suffice for
6 the charge issue, and so I want to make sure what --
7 what are you withdrawing?

8 MR. GRIFFIN: Yeah, I apologize. I'm not
9 withdrawing any of our objections to the charge. The
10 -- right before the break, I -- I indicated that I
11 thought some of the total amount of damages should be
12 a separate entry for the damages for constructive
13 fraud since the measure is different. But having
14 looked at it, the -- the verdict form continued with
15 the --

16 THE COURT: States each cause --

17 MR. GRIFFIN: -- specific amounts --

18 THE COURT: -- of action.

19 MR. GRIFFIN: -- and so, it will be broken out
20 under that --

21 THE COURT: Portion.

22 MR. GRIFFIN: -- of that portion, so we will
23 know at the end how much of the total is for
24 constructive fraud --

25 THE COURT: Okay. So --

JURY TRIAL - VOL. 7

1 MR. GRIFFIN: -- and so that satisfies my
2 concern.

3 THE COURT: -- thank you, sir. And I don't mean
4 to talk over you in any way. But as to your prior
5 issue about the charge, because the charge says on
6 constructive fraud clear -- I don't -- I'm not going
7 back and reading the whole thing -- but clear
8 evidence, clear something.

9 MR. GRIFFIN: Yeah. Yeah, that -- that was
10 Mr. McCulloch's --

11 THE COURT: Okay.

12 MR. GRIFFIN: -- point. And --

13 THE COURT: And then, there was a discussion.
14 And I think -- and as I read, I found more typos and
15 more typos. You know, we've looked at it all morning
16 trying to get out the typos, but they still --

17 MR. MCCULLOCH: Well, you didn't commit a verbal
18 typo whatsoever. I would -- now, Mr. Few, perhaps
19 the only time --

20 THE COURT: I'm not sure what that is.

21 MR. MCCULLOCH: -- the only time we'll agree
22 this week and whatever, he had a suggestion to -- to
23 clarify or to -- to solve the problem with page 13
24 and page 30, and I would endorse that suggestion.

25 THE COURT: And that suggestion was? That's

JURY TRIAL - VOL. 7

1 what I'm asking for.

2 MR. MCCULLOCH: Oh, yeah, well it's to -- to
3 simply --

4 MR. FEW: Well, Your Honor, I understood there
5 the issue that we're raising is the charge --

6 THE COURT: Preponderance of the evidence
7 applying.

8 MR. FEW: -- to the clear and convincing at one
9 point, but then later it said "preponderance," and --
10 and -- and my suggested solution was just to put it
11 on the verdict form or put a note or a reminder that
12 this -- the plaintiffs have to prove constructive
13 fraud, and that's only by clear and convincing
14 evidence.

15 MR. MCCULLOCH: Yeah. It would only appear --
16 that editorial comment would only appear in the
17 constructive fraud misrepresentation portion of --

18 THE COURT: Okay. To add a note onto --

19 MR. MCCULLOCH: -- the verdict form.

20 THE COURT: -- that portion of the verdict form;
21 is that correct?

22 MR. FEW: That's one way to do it, rather than
23 bringing the jury back in here and recharging them.
24 And, Your Honor, if we do that, I think we should
25 also take the constructive fraud and put it at --

JURY TRIAL - VOL. 7

1 THE COURT: Put it somewhere else.

2 MR. FEW: -- the bottom.

3 THE COURT: Mm-hmm. Anything else as to the
4 form?

5 MR. FEW: The revised verdict form with the
6 totals added on the back is fine. We've already
7 given our indication on that.

8 THE COURT: Okay. I just want to make sure that
9 I'm following everybody. All right. Give us --
10 wait.

11 MR. FEW: You know, Your Honor, we -- we do have
12 to -- I mean, it has to be -- maybe we should see a
13 copy of it if we're going to do that --

14 THE COURT: Yes.

15 MR. FEW: -- or maybe we just recharge them.

16 THE COURT: What we'll do is take two minutes to
17 -- to make a revision. My law clerk is not up here.
18 He did the last revision. I'll go --

19 MR. FEW: Or maybe we just bring them back out
20 and give them a reminder on that one claim.

21 MR. GRIFFIN: I think that's probably the --

22 THE COURT: We can do that.

23 MR. GRIFFIN: -- cleanest way to address it,
24 Your Honor.

25 THE COURT: That's fine with me. I think

JURY TRIAL - VOL. 7

1 they're --

2 MR. FEW: Sometimes I'm just trying to be
3 helpful and I out-think myself, Your Honor.

4 THE COURT: -- I think -- I think that's fine.
5 I don't -- I think we have a very attentive jury. I
6 don't think they would mind coming back in and doing
7 that. In that case, I'm going to tell -- I'm going
8 to give -- instruct the clerk to print the last
9 verdict form. And I think Mr. Harte has my last
10 copy. And so, we'll get a new printed thing with the
11 totals at the bottom. Okay?

12 MR. FEW: We'll get --

13 MR. GRIFFIN: And -- and Your Honor --

14 MR. FEW: -- we can all take a look at that;
15 right?

16 THE COURT: We'll move constructive fraud right
17 before the total.

18 MR. HARTE: Judge, would you like this returned?

19 THE COURT: No, sir. That's okay.

20 MR. HARTE: Your Honor?

21 THE COURT: No, you keep that copy. That's
22 fine.

23 MR. HARTE: Thank you.

24 THE COURT: All right. So what I'm going to do
25 is bring them in, charge them only on constructive

JURY TRIAL - VOL. 7

1 fraud/misrepresentation to make sure we're crystal
2 clear. We'll get the finalized version of the
3 verdict form to them after this -- after they go back
4 and charge and after we bring out the alternate
5 juror. Correct?

6 MR. FEW: Yes.

7 MR. GRIFFIN: Yes.

8 THE COURT: Thank you. All right. Can we have
9 the jury, please?

10 (The jury entered the courtroom.)

11 THE COURT: Ladies and gentlemen, I thank you
12 for your continued patience as we go through this
13 process. To make sure there is absolute clarity for
14 you as to the law, I'm going to remind you that, as
15 to Defendant Rhett Riviere and/or Defendant Josee
16 Riviere, the plaintiffs have alleged the cause of
17 action of constructive fraud against them
18 individually. Constructive fraud is a breach of a
19 legal or equitable duty which the law declares
20 fraudulent, regardless of the moral guilt of the
21 person committing the fraud. The law declares the
22 act or omission fraudulent because it has a tendency
23 to deceive others and violate public and private
24 confidence. To establish constructive fraud, each
25 plaintiff must prove a representation, the falsity of

JURY TRIAL - VOL. 7

1 the representation, the materiality of the
2 representation, the speaker's knowledge of its
3 falsity or a reckless disregard of its truth or
4 falsity, the hearer's ignorance of its falsity, the
5 hearer's reliance on its truth, the hearer's right to
6 rely upon its truth, and the consequent and proximate
7 injury to the hearer.

8 Each element as stated must be proven by clear,
9 cogent and convincing evidence for the plaintiff to
10 recover from one or both of the defendants.

11 Plaintiffs do not have to prove that either defendant
12 had the intent to deceive them individually or
13 collectively. It is sufficient that defendant ought
14 to have known the falsity of the misrepresentation.
15 The measure of actual damages in an action for fraud
16 is the difference between the value the plaintiff
17 would have received if the facts had been represented
18 and the value he or she actually received, together
19 with any special or consequential loss. The recovery
20 is restricted to damages that are the natural and
21 proximate consequence or result of the fraud.

22 If you find no definite ascertainable actual
23 damages, but find there has been fraud, plaintiff or
24 plaintiffs are entitled to nominal damages. Nominal
25 damages are a slight amount given to vindicate the

JURY TRIAL - VOL. 7

1 invasion of a private right. This cause of action is
2 against Defendant Rhett Riviere and/or Defendant Josee
3 Riviere. Thank you. Please return to the jury room.
4 Do not begin deliberation yet. Soon. Soon. Your
5 lunch should arrive within the next minute, couple
6 minutes and -- so I think you'll be okay, is what I'm
7 saying. We'll -- we'll continue to take care of you.
8 Okay? Thank you.

9 (The jury exited the courtroom.)

10 THE COURT: Anything else from counsel?

11 MR. FEW: Nothing from the plaintiff.

12 MR. GRIFFIN: Nothing much, Your Honor.

13 THE COURT: Mr. Harte.

14 MR. HARTE: Nothing further, Your Honor.

15 THE COURT: All right. Let me go grab that
16 form.

17 (The judge left the bench.)

18 (Pause.)

19 (On the record.)

20 THE COURT: The juror who was dismissed, I did
21 not give her any instructions about her role or
22 dismissal or discussions. So I'm going to reach out
23 to her to make sure she understands that she can talk
24 to you all, but she's not required to talk to you all
25 in any way as a dismissed juror. Okay? She had a

JURY TRIAL - VOL. 7

1 death, and we did not -- I did not want to belabor
2 any issues with her. She needed to get to her family
3 to take care of matters. So if there's any objection
4 to that, you must let me know now.

5 MR. HARTE: No objection, Your Honor.

6 MR. GRIFFIN: No objection.

7 MS. BARBIER: No objection.

8 THE COURT: Thank you. All right. We're
9 getting that form printed out, and then we'll send
10 everything to the jury.

11 MS. BARBIER: Judge, are you going to want
12 everybody to vacate the courtroom when these -- when
13 the deliberations are going on?

14 THE COURT: I'm not going to require you to, but
15 I will say that, you know, you need to gather up your
16 stuff.

17 MS. BARBIER: Yes.

18 THE COURT: You may desire to vacate the
19 courtroom because we've all been here for a while.

20 MS. BARBIER: As lovely as Aiken is, yes.

21 THE COURT: The court is open to the public.

22 (Sidebar.)

23 THE COURT: Does counsel want to review this one
24 before we send it back, just to make sure?

25 MR. FEW: Sure, Your Honor.

JURY TRIAL - VOL. 7

1 THE COURT: Mr. Few, do you want to come up
2 here?

3 (Sidebar.)

4 MR. FEW: We could do each claim on an
5 individual page.

6 MR. HARTE: That's a good idea. I like that
7 idea, and I agree. You and I -- you and I agree on
8 something.

9 (Sidebar.)

10 (Off the record.)

11 THE COURT: Okay. Joseph, are you ready?

12 THE DIGITAL REPORTER: Yes, ma'am.

13 THE COURT: All right. We've got the verdict
14 form and all the exhibits together. Let's bring out
15 the alternate juror. Mr. Charlie, if you want to --
16 yeah, take that in and tell them to -- however,
17 logistically, you want to handle it. Thank you, sir.
18 Just make sure the alternate has left the room before
19 you leave anything in there.

20 THE BAILIFF: These two right here?

21 THE COURT: Yes, sir.

22 MR. HARTE: Your Honor, is he going to tell them
23 that they can start deliberations?

24 THE COURT: That's what the bailiff is going to
25 do.

JURY TRIAL - VOL. 7

1 MR. HARTE: I just wanted to be sure he tells
2 him so they're not just sitting there.

3 THE COURT: Mm-hmm. Right. No, we do not want
4 them just sitting there.

5 MR. FEW: So -- so pretty much as of this
6 moment, they're being told that they can start
7 deliberating?

8 THE COURT: Yes, sir. I'm going to bring the
9 alternate out to discharge her.

10 MR. FEW: Thank you, Your Honor.

11 THE COURT: He is not leaving any documents or
12 anything with them until the alternate has left the
13 room. I feel like Mr. Few and Mr. Griffin are the
14 designated survivors at their tables.

15 MR. GRIFFIN: You know, there are only so many
16 dedicated lawyers in this courtroom.

17 THE COURT: We'll give you the opportunity to
18 say that again.

19 MR. GRIFFIN: Yeah.

20 MR. FEW: I could probably survive longer than
21 Jim on an island.

22 MR. HARTE: Mr. Few, you better be glad that
23 Mary Green is no longer alive. I would have had her
24 put a hex on him. Mary Green is a white which. I'm
25 just kidding. It's not on the record.

JURY TRIAL - VOL. 7

1 (Sidebar.)

2 THE COURT: You can be seated, if you want. As
3 an alternate, you were required to hear all the
4 evidence or testimony, but as the other 12 have
5 remained in position, they can now begin
6 deliberations and you are discharged from your
7 duties. We certainly do appreciate you serving. And
8 you get paid that exorbitant amount for your -- for
9 the days you've been here. You will not be called
10 for jury service for another three years, at least,
11 in this Court. There are different levels of court
12 that you could be called for jury service, but not
13 here. You are not required to discuss your service,
14 the testimony or the evidence with anyone. You may,
15 if you desire, but no one is to harass you or bother
16 you. If they do, if you feel like that way, you
17 contact the Aiken Clerk of Court, they will let the
18 appropriate people know, including possibly myself,
19 and we will handle it as needed. Okay?

20 ALTERNATE JUROR: Yes, ma'am.

21 THE COURT: The jury is currently deliberating.
22 You have not been part of that process, have you?

23 ALTERNATE JUROR: No, ma'am.

24 THE COURT: All right. Thank you, ma'am. I
25 will also just let you know that, due to the nature

JURY TRIAL - VOL. 7

1 of the evidence that all items entered are not
2 public, and I just want you to understand that.
3 That's all I have to say.

4 ALTERNATE JUROR: Thank you, ma'am.

5 THE COURT: Thank you.

6 (The alternate juror exited the
7 courtroom.)

8 THE COURT: Okay. We are at recess.

9 (Off the record.)

10 (Recess.)

11 (On the record.)

12 (Note received from jury.)

13 THE COURT: They even put a number to it, No. 1.

14 "The jury requests a copy of applicable laws
15 pertaining to this case." I can call them back in
16 and say you have the applicable laws, or we can just
17 have the bailiff tell them we're not giving them
18 copies of the laws.

19 MR. GRIFFIN: Your Honor, I would propose to
20 give them a copy of your charge. They've asked for
21 it. We have to clean it up.

22 THE COURT: I'm not inclined to give them a copy
23 of my charge. I appreciate that. Bring them back in
24 here.

25 MR. HARTE: If I may, Your Honor -- if I may, I

JURY TRIAL - VOL. 7

1 think the proper procedure is for you to convey to
2 them that they must take the charge as you gave it to
3 them.

4 THE COURT: I'm going to bring them back in for
5 that, Mr. Harte.

6 MR. HARTE: Yeah. Thank you. Thank you.

7 THE COURT: Thank you.

8 MR. FEW: Just -- just the one question?

9 THE COURT: That's all.

10 MR. FEW: Okay. You said No. 1, so I thought
11 they --

12 THE COURT: Well, they numbered it --

13 MR. FEW: Okay.

14 THE COURT: -- so I don't know if there's 2, 3
15 and 4 to come, but --

16 MR. HARTE: And they may -- they may ask you to
17 read the charge again. I've seen that.

18 THE COURT: They might. We'll see.

19 (The jury entered the courtroom.)

20 (Sidebar.)

21 THE COURT: Ladies and gentlemen of the jury, I
22 received your question that states that you request a
23 copy of applicable laws pertaining to this case.
24 That's what the charge was I gave you. The law is
25 not simply in one book or one sentence, it comes from

JURY TRIAL - VOL. 7

1 many different sources. So the purpose of the
2 judge's charge is to give you the law. I'm -- I'm
3 not inclined to do anything other than remind you of
4 the charge that I read out to you. Okay? Thank you.

5 (The jury exited the courtroom.)

6 THE COURT: Okay?

7 MR. HARTE: Well, done, Your Honor.

8 THE COURT: Thank you.

9 (Off the record.)

10 (Recess.)

11 (On the record.)

12 THE COURT: Please be seated.

13 MR. MCCULLOCH: Your Honor, we spoke with
14 Mr. Riviere, who is two miles away, about three or
15 four minutes. He should be streaming in any moment.

16 THE COURT: Okay. Seems to be the norm. We do
17 have a verdict. We'll wait a minute to bring them
18 in. I have no idea, of course, what this verdict is.
19 I'm just looking procedurally if we have to proceed
20 to a phase two. It is now ten 'til 4:00. What is
21 the situation?

22 MR. FEW: Well, Your Honor, we would be ready to
23 go as soon as possible, but probably I think the best
24 thing to do would be to wait until tomorrow and
25 everybody get their ducks in a row, assuming that

JURY TRIAL - VOL. 7

1 there is a phase two.

2 THE COURT: You do all realize how popular we'll
3 be?

4 MR. FEW: Well, I was going to tell you, when I
5 had the trial in front of Judge Morgan back in April,
6 and he said the next day when he told the jury they
7 got to come back, he said he got some dirty looks.
8 So that may be coming.

9 MR. MCCULLOCH: Oh, that's just another
10 (unintelligible).

11 THE COURT: It's not the job of -- none of these
12 jobs are popular.

13 MR. MCCULLOCH: I know, Judge. I -- I think
14 it's probably been an exhausting experience for the
15 jury.

16 THE COURT: I'm sure it has been. Ms. Barbier,
17 I did -- yesterday when we talked, we said have the
18 witness on standby. But really, my question was more
19 about what is the situation with any potential
20 witnesses.

21 MS. BARBIER: Well, depending on what the
22 verdict is, Your Honor, we may have a few, but not
23 many.

24 THE COURT: I think at one time you'd indicated
25 two, maybe where --

JURY TRIAL - VOL. 7

1 MS. BARBIER: Right that would be about --

2 THE COURT: Okay.

3 MS. BARBIER: -- it. I mean, we may recall one
4 of the -- one or both of the defendants for a few --
5 few purposes. Your Honor, I think you're allowed to
6 tell the jury that this was a procedure the defendant
7 wanted bifurcated. That -- that was their --

8 THE COURT: I'm not going to lay blame on any
9 party for this, but I will just tell the jury that we
10 do have a second phase. Mr. Griffin, Mr. McCulloch,
11 do you have any witnesses?

12 MR. GRIFFIN: No, Your Honor. We -- but we
13 would introduce certified copies of the arrest
14 warrant for both plaintiffs against him Mr. Riviere,
15 as well as the public index for both cases showing
16 it's still pending.

17 THE COURT: All right. That's if we go to a
18 phase two, that's all you intend to try to introduce?

19 MR. GRIFFIN: That's right.

20 THE COURT: Mr. Harte, if you have to go to a
21 phase two, do you have -- what type of --

22 MR. HARTE: I would not -- I would probably have
23 my client as a witness, depending on what happens,
24 what evidence is put up by the plaintiff. I just --
25 until I see what that evidence is, I can't say.

JURY TRIAL - VOL. 7

1 THE COURT: I understand. And the only reason
2 we're having this discussion in advance is to allow
3 time for Mr. Riviere to get here.

4 MR. HARTE: Well, I'm hoping that I will be at
5 home tomorrow and won't be here. But bottom line --
6 or at the office -- but the bottom line is that I do
7 have -- I don't have anybody that I have in mind to
8 call except my client, if necessary.

9 THE COURT: Okay.

10 MR. FEW: Your Honor, I think that -- I mean,
11 we -- we're anticipating that if we wanted to that
12 everyone could make another opening statement in the
13 phase two of the trial. We may waive that, but I'm
14 not certain that we would do that just yet. And
15 since it was a statutory right that the defendants
16 exercised, we have --

17 THE COURT: I understand.

18 MR. FEW: -- every right to tell the jury that
19 this is why we're here for a phase two and how we
20 were precluded from putting up some of this evidence
21 in the earlier phase of the trial.

22 THE COURT: Well, and what I mean, Mr. Few, is I
23 don't have any problem with someone saying by statute
24 the defendants can do this. I don't -- I would --

25 MR. FEW: That's all -- that's all we want to

JURY TRIAL - VOL. 7

1 say.

2 THE COURT: -- I would be -- I would request,
3 let's say, that -- that again, any sort of
4 statements, be it opening, closing, or any
5 presentation, not center around the attorneys
6 involved in the case as much as they center around
7 the claims and the parties to the case. That is the
8 issue that I have.

9 MR. FEW: Yes, Your Honor. Thank you.

10 THE COURT: Okay. I think we're ready. You can
11 bring the jury in.

12 (The jury entered the courtroom.)

13 (Sidebar.)

14 THE COURT: Madam Foreperson, I understand you
15 have the verdict.

16 JURY FOREPERSON: Yes, Your Honor.

17 THE COURT: Okay. May I ask you to give that to
18 the bailiff?

19 (Sidebar.)

20 THE CLERK: Your Honor, with regards to Case
21 2022-CP-02-2323, Heather Crespo, plaintiff, versus
22 Rhett Riviere, Josee Riviere, Chase Enterprises, LLC
23 of South Carolina, and RC Riviere Properties, LLC:
24 As to the negligence claim, we, the jury, unanimously
25 find for Heather Crespo, plaintiff, versus Rhett

JURY TRIAL - VOL. 7

1 Riviere, Chase Enterprises, LLC, RC Riviere
2 Properties, LLC. We, the jury, unanimously find for
3 Josee Riviere, defendant.

4 With regards to damages as to Rhett Riviere,
5 \$500,000; as to Chase Enterprises, LLC, \$500,000; as
6 to RC Riviere Properties, LLC; \$500,000. With regards
7 to unfair trade practices act claim, we, the jury,
8 unanimously find for Heather Crespo, plaintiff,
9 against Rhett Riviere, against Josee Riviere, against
10 Chase Enterprises LLC, against RC Riviere Properties,
11 LLC. As to damages as to Rhett Riviere, \$500,000; as
12 to Josee Riviere, \$500,000; as to Chase Enterprises,
13 LLC; \$500,000; as to RC Riviere Properties, LLC,
14 \$500,000.

15 With regards to the negligence per se claim, we,
16 the jury, unanimously find for Heather Crespo against
17 Rhett Riviere. We, the jury, unanimously find for
18 Josee Riviere, defendant, on that claim. As to
19 damages, to Rhett Riviere, \$1,500,000.

20 Intentional infliction of emotional distress
21 claim, we, the jury unanimously find for Heather
22 Crespo against Rhett Riviere. As to damages,
23 \$3 million.

24 We, the jury -- as to the invasion of privacy
25 claim, we, the jury, unanimously find for Heather

JURY TRIAL - VOL. 7

1 Crespo versus Rhett Riviere. As to damages,
2 \$5 million.

3 Constructive fraud/misrepresentation claim, we,
4 the jury, unanimously find for Heather Crespo versus
5 Rhett Riviere. We, the jury, unanimously find for
6 Josee Riviere. As to Rhett Riviere, damages of
7 \$500,000.

8 Total damages as to Rhett Riviere, \$11 million;
9 as to Josee Riviere, \$500,000; as to Chase
10 Enterprises, LLC, \$1 million; as to RC Riviere
11 Properties LLC, \$1 million. Signed by the foreperson
12 of the jury.

13 In regards to Civil Case 2022-CP-02-2324,
14 Gabriel Crespo, plaintiff versus Rhett Riviere, Josee
15 Riviere, Chase Enterprises, LLC of South Carolina,
16 and RC Riviere Properties, LLC defendants: As to the
17 negligence claim, we, the jury, unanimously find for
18 Gabriel Crespo against Rhett Riviere, against Chase
19 Enterprises, LLC, against RC Riviere Properties, LLC.
20 We, the jury, unanimously find for Josee Riviere,
21 defendant. Damages as to Rhett Riviere, \$500,000; as
22 to Chase Enterprises, LLC, \$500,000; as to RC Riviere
23 Properties, LLC \$500,000.

24 With regards to the unfair trade practices act
25 claim, we, the jury, unanimously find for Gabriel

JURY TRIAL - VOL. 7

1 Crespo against Rhett Riviere, against Josee Riviere,
2 against Chase Enterprises, LLC, against RC Riviere
3 Properties, LLC. With regards to damages as to Rhett
4 Riviere, \$500,000; as to Josee Riviere, \$500,000; as
5 to Chase Enterprises, LLC, \$500,000; as to RC Riviere
6 Properties, LLC, \$500,000.

7 With regards to the negligence per se claim, we,
8 the jury, unanimously find for Gabriel Crespo,
9 plaintiff, against Rhett Riviere. We, the jury,
10 unanimously find for Josee Riviere, defendant.
11 Damages as to Rhett Riviere, \$1,500,000.

12 Intentional infliction of emotional distress
13 claim, we, the jury, unanimously find for Gabriel
14 Crespo against Rhett Riviere. Damages, \$3 million.

15 With regards to the invasion of privacy claim,
16 we, the jury, unanimously find for Gabriel Crespo
17 against Rhett Riviere. Damages, \$5 million.

18 As to the constructive fraud/misrepresentation,
19 we, the jury, unanimously find for Gabriel Crespo
20 against Rhett Riviere. We, the jury, unanimously find
21 for Josee Riviere, defendant. As to damages for Rhett
22 Riviere, \$500,000.

23 Total damages as to Rhett Riviere, \$11 million.
24 Total damages as to Josee Riviere, \$500,000; as to
25 Chase Enterprises, LLC, \$1 million; and as to RC

JURY TRIAL - VOL. 7

1 Riviere Properties, LLC, \$1 million.

2 Ladies and gentlemen of the jury, if this is
3 your verdict as to each claimant and as to each claim,
4 please signify by raising your right hand. All hands
5 are raised, Your Honor.

6 THE COURT: Thank you, sir. Anything from
7 counsel at this time?

8 MR. FEW: Nothing from plaintiff, Your Honor.

9 MR. GRIFFIN: Nothing from the defendant at this
10 point.

11 THE COURT: Mr. Harte?

12 MR. HARTE: Well, I will -- I will have motions
13 to make outside the presence of the jury, Your Honor.

14 THE COURT: Yes, sir, I understand that. I'm
15 not asking --

16 MR. HARTE: But nothing further from the jury at
17 this time.

18 THE COURT: -- ladies and gentlemen of the jury,
19 thank you for your purposeful deliberation and the
20 time you've taken in this matter. This was the
21 liability phase of this case. We will now move in to
22 a second phase of the case regarding another aspect
23 of damages. The plaintiffs have asked for punitive
24 damages so, unfortunately, we cannot excuse you
25 permanently yet. The defendants have the right to

JURY TRIAL - VOL. 7

1 ask for this to be in two phases, and that's what
2 we're doing. Okay?

3 Therefore, we're going to ask you to come back
4 tomorrow. The presentations will not be as extensive
5 as you have already heard, but we will continue to
6 operate under the same rules that we have until now.
7 You are not to discuss the case with anyone, you are
8 not to listen to any outside media, you're not to read
9 anything about the case, and you're not to look up
10 anything. We may have objections as we go along. You
11 may have to come in and out of that door some more.
12 But we certainly hope to finish this in the near
13 future. I thank you for your patience, for your
14 deliberation, for your consideration of all of the
15 evidence and testimony that's been presented.

16 Thank you, and have a good evening. I will not
17 ask you to be back until 10:00 tomorrow. Okay?

18 (The jury exited the courtroom.)

19 THE COURT: Thank you. Mr. Harte, you made
20 reference to posttrial motions.

21 MR. HARTE: Yes, Your Honor.

22 THE COURT: I'm certainly fine with the fact
23 that we have not completed this trial in total at
24 this time. If anyone wants to state a general motion
25 on the record, that's fine, but I will not require a

JURY TRIAL - VOL. 7

1 full brief memorandum or exploration into any
2 posttrial motions at this time.

3 MR. HARTE: Well, Your Honor, I think it's
4 appropriate because this is a phase in which the
5 issue of liability was tried. Two things -- and --
6 and actual damages were set. Your Honor, first of
7 all, I would move for a verdict -- for a judgment *non*
8 *obstante veredicto* on the grounds, first of all, that
9 the verdict is inconsistent in that the findings of
10 -- the findings for Josee Riviere as to the various
11 causes of action for which she was exonerated are
12 totally inconsistent with the unfair trade practices
13 act findings, which is what they came to at the point
14 in time when the verdict was read. That's No. 1.

15 No. 2, Your Honor, the record as a whole does
16 not contain any evidence of any representation by
17 Josee Riviere. The references were -- the testimony
18 was -- and I'm not going to go through the whole
19 thing, but Your Honor knows -- there was a testimony
20 about her handing somebody a lease, taking a rent
21 payment and, I think, opening a door. There's no
22 evidence of any representation. It cannot be an
23 unfair trade practice unless there's a representation.
24 And therefore, Your Honor, I move on the record as a
25 whole and particularly with that point, I therefore

JURY TRIAL - VOL. 7

1 move for a judgment *non obstante veredicto*.

2 Next, Your Honor, I move for -- if the Court
3 does not grant the judgment *non obstante veredicto*,
4 then I ask the Court to -- for an order of *remittitur*
5 because the level of injury which the plaintiffs
6 sustained, if there were an unfair trade practice,
7 does not reach the level of that verdict. The most
8 they lost in connection with this case, as far as a
9 unfair trade practice, would be the difference between
10 the value of what they thought they bought and the
11 value of what they got, and that's \$2,400. There's no
12 indication that the fact that they didn't get what
13 they had bought justifies anything further than a -- a
14 compensatory verdict, Your Honor. Thank you.

15 THE COURT: Thank you, Mr. Harte. I will take
16 your motions under advisement and continue with the
17 trial as for now.

18 MR. HARTE: Thank you, Your Honor.

19 THE COURT: Yes, sir?

20 MR. HARTE: May I -- may I supply a brief in
21 support of that, Your Honor?

22 THE COURT: Certainly.

23 MR. HARTE: Thank you, Your Honor.

24 THE COURT: Yes, sir, Mr. Griffin?

25 MR. GRIFFIN: Believe it or not, I've been on

JURY TRIAL - VOL. 7

1 the court of appeals on this issue. Rule 50(E) says
2 a motion for a judgment NOV shall be made properly
3 after the jury is discharged or in the discretion of
4 the Court not later than ten days thereafter. I
5 would just say it's premature to make the motion. I
6 was requested make the motion before in the case I
7 had with Judge Newman. He wanted the jury to see the
8 grounds for the motion. We go up on appeal, and they
9 said I made it too soon and, therefore, it was
10 untimely. And so, I'm just stating for Mr. Harte's
11 benefit that the rule says you have to do it after
12 the jury is discharged and, with your permission
13 within, ten days. And so, at appropriate time, we
14 would be asking for ten days to file the motion.

15 THE COURT: Thank you, sir. Yeah, I'm allowing
16 you time, and I'm not holding Mr. Harte just to those
17 grounds on that.

18 MR. HARTE: Well -- well, Your Honor, I just
19 want -- I want to be very clear. I want to point --
20 I want to it pinpointed clearly where -- where --
21 where I am with that.

22 THE COURT: Thank you, sir. And that's why I
23 said you could put it on the record if you like, but
24 I'm certainly not entertaining them --

25 MR. HARTE: Thank you, Your Honor.

JURY TRIAL - VOL. 7

1 THE COURT: -- in full. I didn't realize -- I
2 had not looked at that rule, Mr. Griffin. Thank you
3 for pointing it to my attention. But it seemed
4 appropriate to wait until the jury is discharged.
5 Anything from the plaintiffs at this time?

6 MR. FEW: Nothing from us, Your Honor.

7 THE COURT: You do -- you do not have to argue
8 those motions at this time.

9 MR. FEW: Thank you, Your Honor.

10 THE COURT: All right. All right. We will
11 recess until -- can you all have everybody here and
12 ready by 9:30 in the morning?

13 MR. FEW: Yes, ma'am.

14 THE COURT: Okay. Which would mean I suggest
15 you arrive before 9:00, and that I can take the bench
16 at 9:30 in order to proceed. Okay?

17 MS. BARBIER: Okay.

18 THE COURT: Thank you all. Have a good night.

19 (The proceedings were adjourned
20 until 9:30 a.m. September 25,
21 2024.)
22
23
24
25

1 CERTIFICATE OF TRANSCRIBER

2
3 I, Sandra J. Early, a court-approved
4 transcriber, do hereby certify that I transcribed the
5 electronic recording of the foregoing proceedings in
6 Docket Nos. 2022-CP-02-2323 and 2022-CP-02-2324, held
7 on September 25, 2024, before the Honorable Martha
8 Rivers, and that said transcript is true and correct,
9 all to the best of my knowledge and ability.

10 I further certify that I am not related to nor
11 the employee of any of the parties hereto, nor
12 related to or employed by any attorney or counsel
13 employed by the parties hereto, nor interested in the
14 outcome of this action.

15
16
17
18 January 17, 2025

19 *Sandra J. Early*

20
21 Sandra J. Early

22 Transcriber
23
24
25

	'	7
ALTERNATE JUROR: [3] 87/20 87/23 88/4	'Gabriel [1] 29/18	7215 [1] 3/9
JURY FOREPERSON: [1] 94/16	'til [1] 90/20	744-0800 [1] 2/19
MR. FEW: [65] 12/22 13/4 13/10 13/12 13/24 14/2 14/9 15/15 16/18 16/21 17/19 25/25 26/24 27/2 27/14 29/3 33/18 33/24 34/2 36/6 65/11 65/15 65/19 65/21 66/22 67/7 68/9 68/12 68/14 68/18 68/22 71/7 73/24 75/20 78/4 78/8 78/22 79/2 79/5 79/11 79/15 79/19 80/2 80/12 80/14 81/6 83/11 84/25 85/4 86/5 86/10 86/20 89/8 89/10 89/13 90/22 91/4 93/10 93/18 93/25 94/9 98/8 103/6 103/9 103/13	0	7777 [1] 2/9
MR. GRIFFIN: [84] 5/9 5/12 5/14 5/17 5/25 7/9 7/12 7/19 8/21 8/24 9/5 9/15 10/12 11/5 11/9 11/14 11/25 12/5 12/18 12/25 14/20 18/12 18/18 18/25 19/5 19/16 19/21 19/25 20/3 20/11 20/14 20/19 20/25 21/7 21/12 21/18 24/19 24/24 25/1 25/4 25/19 31/5 31/14 32/1 32/6 32/9 32/14 34/9 34/15 34/17 35/7 36/25 37/3 66/3 66/11 67/1 67/10 72/20 73/11 73/16 73/19 73/21 74/17 76/2 76/8 76/17 76/19 76/22 77/1 77/9 77/12 79/21 79/23 80/13 81/7 83/12 84/6 86/15 86/19 88/19 92/12 92/19 98/9 101/25	0005 [2] 2/23 3/5	779-0005 [2] 2/23 3/5
MR. HARTE: [66] 14/22 15/1 15/4 15/8 18/5 18/9 21/23 23/12 23/19 24/4 24/9 25/8 25/16 25/23 29/11 30/7 32/3 32/5 32/20 32/24 33/6 33/9 33/11 33/17 36/11 36/16 36/21 36/24 67/3 68/1 68/5 68/7 68/17 68/24 72/1 72/4 72/8 72/12 72/18 74/23 75/15 75/18 80/18 80/20 80/23 83/14 84/5 85/6 85/22 86/1 86/22 88/25 89/6 89/16 90/7 92/22 93/4 98/12 98/16 99/21 100/3 101/18 101/20 101/23 102/18 102/25	0755 [1] 3/10	8
MR. MCCULLOCH: [24] 20/2 20/4 35/21 35/24 69/11 69/15 69/19 69/23 70/5 70/7 71/6 71/11 71/14 71/18 71/22 71/25 77/17 77/21 78/2 78/15 78/19 90/13 91/9 91/13	0800 [1] 2/19	803 [5] 2/5 2/19 2/23 3/5 3/10
MS. BARBIER: [10] 35/23 35/25 84/7 84/11 84/17 84/20 91/21 92/1 92/3 103/17	1	864 [2] 2/9 2/13
THE BAILIFF: [1] 85/20	10 [2] 11/23 62/13	864-467-1373 [1] 1/24
THE CLERK: [3] 35/12 35/19 94/20	10 of [1] 62/19	9
THE COURT: [243]	1032 [1] 2/5	9398 [1] 2/12
THE DIGITAL REPORTER: [2] 72/5 85/12	104 [1] 4/3	999 [1] 2/18
	10:00 [1] 99/17	9:00 [1] 103/15
\$	10th [1] 62/9	9:09 [1] 1/17
\$1 [4] 96/10 96/11 97/25 98/1	10th of [1] 62/3	9:30 [3] 103/12 103/16 103/20
\$1 million [4] 96/10 96/11 97/25 98/1	11623 [2] 2/22 3/4	A
\$1,500,000 [2] 95/19 97/11	12 [2] 64/12 87/4	a.m [2] 1/17 103/20
\$11 [2] 96/8 97/23	13 [4] 69/15 70/16 71/6 77/23	ability [4] 9/17 57/11 57/23 104/9
\$11 million [2] 96/8 97/23	1373 [1] 1/24	able [1] 36/12
\$2,400 [1] 101/11	17 [1] 104/18	about [44] 5/10 5/18 6/4 9/19 12/17 13/1 13/4 13/6 13/21 13/22 15/16 15/18 15/24 16/1 16/1 18/9 18/22 21/10 28/7 28/18 30/15 32/12 32/25 35/4 38/23 42/13 45/19 52/22 54/14 67/5 68/17 68/24 69/18 70/8 70/14 74/24 76/4 77/5 83/21 90/14 91/19 92/1 99/9 100/20
\$200,000 [1] 19/2	18 [2] 12/6 12/8	above [2] 15/17 22/24
\$3 [2] 95/23 97/14	1811 [1] 2/4	absence [1] 9/17
\$3 million [2] 95/23 97/14	19 [1] 10/16	absolute [2] 53/25 81/13
\$5 [6] 23/11 23/15 23/17 23/18 96/2 97/17	2	absolutely [2] 26/24 41/4
\$5 million [2] 96/2 97/17	2007 [1] 27/10	accept [2] 38/13 38/18
\$500,000 [18] 95/5 95/5 95/6 95/11 95/12 95/13 95/14 96/7 96/9 96/21 96/22 96/23 97/4 97/4 97/5 97/6 97/22 97/24	2019 [4] 11/24 62/9 62/13 62/20	according [3] 59/18 59/20 71/18
	2022 [1] 62/4	account [1] 43/1
	2022-CP-02-2323 [3] 1/2 94/21 104/6	accurate [1] 70/1
	2022-CP-02-2324 [3] 1/2 96/13 104/6	accusations [1] 71/24
	2024 [3] 1/17 103/21 104/7	accuse [1] 27/16
	2025 [1] 104/18	accusing [1] 71/21
	226-0755 [1] 3/10	act [35] 7/4 7/5 8/7 8/10 12/12 19/8 27/19 43/4 43/6 44/10 45/6 46/12 47/8 47/8 47/9 47/16 47/19 47/24 48/1 48/3 48/5 48/8 48/15 49/21 53/13 60/7 60/12 63/21 63/25 64/5 64/9 81/22 95/7 96/24 100/13
	2323 [3] 1/2 94/21 104/6	acting [5] 43/7 43/17 43/19 43/24 44/13
	2324 [3] 1/2 96/13 104/6	action [43] 6/25 14/6 18/21 19/3 21/16 22/8 23/4 24/7 24/11 26/4 26/8 26/11 26/15 26/20 27/13 29/15 29/24 30/1 30/11 30/16 30/16 30/23 32/7 48/9 49/8 58/3 61/23 62/3 63/13 63/18 64/4 64/8 70/11 71/2 73/6 73/7 73/18 76/18 81/17 82/15 83/1 100/11 104/14
	24 [1] 1/17	actions [6] 10/1 41/11 52/17 59/9 62/10 63/23
	25 [2] 103/20 104/7	active [1] 49/24
	29201 [1] 2/4	activities [4] 50/18 54/16 57/13 57/24
	29202 [1] 2/18	acts [14] 42/14 42/21 42/24 42/25 43/9 43/13 44/12 46/20 47/1 47/11 52/13 53/8 55/6 58/18
	29211 [2] 2/22 3/5	actual [33] 6/3 6/4 7/2 7/6 7/6 7/7 7/25 8/1 8/8 9/8 34/18 40/8 47/14 48/6 49/8 49/15 54/20 55/7 55/11 55/19 55/24 55/24 56/1 56/4 56/4 56/9 56/12 56/21 58/12 58/18 82/15 82/22 100/6
	29601 [1] 2/8	actually [4] 7/3 40/17 49/11 82/18
	29604 [1] 2/12	add [6] 17/19 21/9 24/17 73/1 73/4 78/18
	29606 [1] 1/23	added [5] 8/4 11/18 22/22 75/21 79/6
	29804 [1] 3/9	addition [1] 47/23
	3	
	30 [4] 70/7 70/16 71/6 77/24	
	31.79 [1] 59/18	
	36.52 [1] 59/21	
	4	
	416 [1] 2/8	
	445-1032 [1] 2/5	
	4:00 [1] 90/20	
	4:12 [1] 1/17	
	5	
	50 [1] 102/1	
	51 [1] 59/17	
	527-5906 [1] 2/13	
	53 [1] 59/19	
	5682 [1] 1/22	
	5906 [1] 2/13	
	6	
	679-7777 [1] 2/9	

A	allowing [1] 102/15 allows [1] 61/1 almost [1] 25/8 alone [2] 46/19 54/9 along [2] 59/22 99/10 already [7] 9/2 11/18 12/8 18/6 65/23 79/6 99/5 also [23] 6/19 7/1 9/15 9/16 11/18 15/15 29/4 34/5 37/13 43/16 45/11 46/1 48/9 51/18 52/17 53/3 54/7 54/24 56/3 56/25 61/25 78/25 87/25 alternate [7] 81/4 85/15 85/18 86/9 86/12 87/3 88/6 Although [1] 53/23 always [2] 72/11 72/13 am [4] 23/20 63/12 102/21 104/10 Amendment [4] 62/23 62/24 63/4 63/7 amount [22] 19/18 20/19 30/2 31/22 31/24 34/23 34/24 49/18 52/13 56/12 56/16 57/5 57/13 58/13 58/20 58/22 59/5 60/1 73/6 76/11 82/25 87/8 amounts [1] 76/17 anguish [3] 53/19 55/16 56/24 announce [1] 35/10 annoyances [1] 52/10 another [14] 8/12 10/22 19/13 42/22 42/24 43/10 43/13 44/15 60/7 71/2 87/10 91/9 93/12 98/22 answer [4] 23/21 63/1 63/4 63/8 answered [1] 61/17 anticipating [1] 93/11 anxiety [2] 53/21 59/3 any [68] 7/3 8/22 9/5 9/21 9/21 13/6 13/8 14/18 17/10 19/10 21/13 23/2 25/10 26/7 28/22 30/10 34/15 37/17 38/10 38/14 38/17 39/1 39/1 39/2 39/22 40/1 40/2 43/9 44/12 49/11 50/2 56/20 57/5 57/20 58/13 58/15 58/23 62/25 63/6 63/8 64/14 70/15 73/5 73/5 74/6 75/23 76/9 77/4 82/19 83/21 83/25 84/2 84/3 86/11 90/15 91/19 92/8 92/11 93/23 94/3 94/4 99/8 100/1 100/16 100/16 100/22 104/11 104/12 anybody [1] 93/7 anyone [4] 7/23 87/14 99/7 99/24 anything [34] 5/7 7/4 7/8 13/2 13/4 16/17 18/14 19/7 21/24 32/12 34/8 35/6 36/9 36/9 38/1 38/7 38/25 44/3 65/10 66/24 67/5 69/3 69/5 72/14 79/3 83/10 85/19 86/12 90/3 98/6 99/9 99/10 101/13 103/5 anyway [1] 7/19 apologize [5] 8/6 11/6 11/9 67/22 76/8 Apparently [1] 71/18 appeal [1] 102/8 appeals [1] 102/1 appear [3] 22/21 78/15 78/16 appeared [1] 44/7 appellate [1] 71/19 applicable [3] 88/14 88/16 89/23 applies [2] 10/24 22/5 apply [3] 38/13 50/1 75/8 applying [1] 78/7 appreciate [5] 34/6 71/16 74/10 87/7 88/23 apprehension [1] 59/2 appropriate [5] 26/21 87/18 100/4 102/13 103/4 approved [1] 104/3 approximate [1] 48/24 April [1] 91/5	are [92] 5/12 7/6 7/7 7/13 7/16 8/8 8/9 8/18 11/24 12/10 13/21 13/22 18/19 18/20 19/23 20/22 21/23 22/13 22/20 23/11 23/15 23/16 24/16 26/18 27/11 27/19 30/4 32/7 35/13 37/10 37/10 37/13 37/17 37/18 38/5 38/8 38/23 39/1 39/10 40/5 41/15 43/7 46/19 47/1 47/12 48/5 48/7 49/13 49/17 49/18 52/13 53/25 54/25 55/7 55/20 56/3 56/4 56/10 57/7 57/20 58/1 62/1 62/9 63/11 63/14 65/6 66/20 66/24 69/18 72/3 72/4 72/4 72/11 76/7 82/20 82/24 82/25 84/11 84/13 85/11 86/13 86/15 87/6 87/11 87/13 88/1 88/8 91/12 98/5 99/7 99/7 100/11 argue [2] 7/20 103/7 argued [2] 19/8 67/20 arguing [2] 27/11 27/17 argument [9] 23/3 25/7 28/9 28/20 29/2 29/2 29/3 29/4 29/8 arguments [1] 67/12 around [2] 94/5 94/6 arrest [1] 92/13 arrive [2] 83/5 103/15 as [158] ascertainable [2] 49/15 82/22 ascertained [1] 7/24 ask [15] 10/5 21/2 24/9 25/14 30/18 35/23 64/22 64/23 65/1 89/16 94/17 99/1 99/3 99/17 101/4 asked [5] 5/7 21/9 27/24 88/20 98/23 asking [5] 73/9 73/13 78/1 98/15 102/14 aspect [1] 98/22 aspects [1] 57/15 asserted [2] 61/16 61/25 asserts [1] 40/18 assist [1] 37/21 associated [1] 50/6 assume [4] 34/4 72/9 72/12 72/13 assuming [1] 90/25 at [66] 2/7 3/8 5/3 7/16 8/5 8/12 11/3 11/3 11/5 13/20 14/15 16/7 19/10 19/12 19/16 22/11 22/18 24/11 24/15 25/16 26/17 28/1 30/1 32/17 35/5 36/23 37/24 40/20 46/13 53/14 54/22 59/10 59/25 64/21 66/9 69/2 70/4 72/9 73/2 73/4 75/4 75/21 76/14 76/23 77/15 78/8 78/25 80/11 80/14 86/14 87/10 88/8 91/24 93/4 93/6 98/7 98/9 98/16 99/23 100/2 100/13 102/13 103/2 103/5 103/8 103/16 atrocious [1] 52/2 attempts [1] 50/11 attention [2] 58/7 103/3 attentive [2] 37/16 80/5 attorney [4] 2/7 3/8 70/24 104/12 attorneys [2] 38/3 94/5 attribute [1] 32/2 authority [11] 43/1 43/3 43/4 43/17 43/19 43/25 44/1 44/5 44/6 44/9 57/5 available [1] 27/10 average [2] 52/15 59/15 avoid [4] 30/16 60/8 60/19 61/2 avoided [4] 60/9 60/14 61/3 61/12 award [5] 6/21 28/15 28/16 31/8 33/21 awarded [5] 6/5 22/21 27/18 54/25 60/1 awarding [1] 22/20 away [3] 13/6 39/2 90/14
B	back [26] 17/11 19/21 19/24 21/21 23/17 34/25 35/2 36/1 64/21 65/3 65/4 75/22	

B	bought [2] 101/10 101/13 bounds [1] 52/1 box [9] 1/22 2/12 2/18 2/22 3/4 3/9 17/25 17/25 18/1 boxes [1] 17/10 breach [5] 45/13 45/17 48/12 50/24 81/18 breached [3] 45/5 50/22 50/23 break [5] 35/25 36/20 64/24 69/1 76/10 brief [3] 54/4 100/1 101/20 bring [16] 36/3 64/21 65/2 65/3 71/14 71/17 74/2 79/19 80/25 81/4 85/14 86/8 88/23 89/4 90/17 94/11 bringing [2] 71/16 78/23 brings [2] 45/19 52/21 broken [7] 34/19 34/20 34/21 73/12 73/14 74/19 76/19 broker [2] 49/22 50/5 broker's [1] 50/8 brought [2] 39/23 58/3 burden [8] 39/4 39/14 39/17 56/17 60/20 61/11 61/21 62/17 business [5] 43/25 44/2 44/4 55/14 58/7 but [89] 6/14 7/19 7/21 7/21 7/25 8/6 8/16 12/8 13/6 13/16 14/8 15/5 15/25 17/16 17/17 18/2 18/6 19/8 19/10 19/11 19/13 20/7 21/16 22/5 22/20 23/8 24/4 24/15 27/17 28/15 29/8 29/8 29/12 29/14 30/13 30/21 31/14 33/2 33/5 35/5 35/14 35/20 36/12 36/13 37/19 37/21 39/25 40/18 45/24 46/6 47/2 49/16 53/2 53/8 56/13 58/11 61/14 64/25 65/5 71/15 72/13 72/16 76/13 77/4 77/7 77/16 78/9 82/23 83/24 84/14 87/4 87/12 87/15 89/15 90/23 91/18 91/22 92/9 92/12 93/5 93/6 93/13 98/16 99/5 99/12 99/25 100/19 102/23 103/3	98/21 98/22 99/7 99/9 101/8 102/6 cases [9] 5/6 6/23 7/14 15/23 16/1 16/1 16/5 29/15 92/15 cash [1] 59/1 causation [2] 45/22 52/25 cause [49] 8/15 14/6 18/21 19/3 21/16 24/11 26/4 26/7 26/15 26/20 27/12 29/15 29/24 30/1 30/15 30/16 43/22 45/17 45/19 46/1 46/2 46/11 46/11 46/12 46/15 46/17 46/21 46/25 48/9 50/25 51/2 51/6 52/15 52/20 52/22 53/3 53/3 53/12 53/13 53/14 54/17 61/22 71/2 73/5 73/7 73/10 76/16 81/16 83/1 caused [13] 43/10 43/18 44/14 45/16 45/21 46/19 47/4 52/18 52/24 56/20 57/2 58/15 60/25 causes [19] 23/4 24/7 26/10 30/11 30/23 32/7 46/14 46/19 47/3 52/5 53/15 63/13 63/17 63/23 64/4 64/8 70/11 73/18 100/11 cell [2] 35/15 35/20 center [2] 94/5 94/6 certain [4] 51/19 52/12 58/17 93/14 certainly [6] 33/18 87/7 99/12 99/22 101/22 102/24 certainty [6] 40/25 41/7 41/10 56/14 58/9 58/19 Certificate [2] 4/3 103/22 certified [1] 92/13 certify [2] 104/4 104/10 chain [3] 40/12 45/18 52/21 chains [1] 35/22 chambers [1] 72/22 chance [1] 70/15 changed [1] 21/17 character [1] 57/21 charge [54] 5/10 5/21 6/7 7/2 9/7 9/8 9/24 10/4 10/14 10/16 12/1 12/9 12/13 13/22 17/20 20/14 21/20 21/25 32/6 32/9 34/20 35/2 36/8 36/19 37/3 37/23 65/11 66/4 66/5 66/7 66/21 66/25 67/6 67/13 67/16 67/18 67/23 69/16 76/1 76/4 76/6 76/9 77/5 77/5 78/5 80/25 81/4 88/20 88/23 89/2 89/17 89/24 90/2 90/4 charged [4] 21/19 34/9 34/10 65/2 charges [7] 5/5 5/18 11/16 12/23 14/19 15/13 32/13 charging [4] 34/11 34/13 38/12 67/19 Charlie [1] 85/15 CHASE [24] 1/10 2/15 3/2 23/6 23/9 23/10 23/14 24/20 25/12 61/23 62/15 64/1 94/22 95/1 95/5 95/10 95/12 96/9 96/15 96/18 96/22 97/2 97/5 97/25 check [7] 17/9 17/25 17/25 18/1 21/20 21/21 30/10 chose [1] 70/20 CIRCUIT [2] 1/1 1/18 circumstance [2] 41/17 61/5 circumstances [8] 40/12 40/24 41/1 41/9 41/13 43/21 59/23 60/17 circumstantial [6] 40/7 40/11 40/15 40/22 41/6 41/7 citation [1] 8/16 cite [1] 6/14 cited [1] 15/24 civil [7] 41/11 41/11 62/10 63/5 63/7 63/10 96/13 civilized [1] 52/3 claim [39] 9/16 10/22 11/22 11/24 13/13 13/19 14/10 14/10 14/12 15/22 16/9 27/5
	C	
back... [14] 77/7 78/23 79/6 79/19 80/6 81/3 84/24 88/15 88/23 89/4 91/5 91/7 99/3 99/17 bailiff [4] 64/20 85/24 88/17 94/18 BARBIER [3] 2/3 2/3 91/16 barred [4] 11/24 22/8 62/1 62/9 based [8] 29/13 37/11 40/15 41/3 50/19 56/16 58/19 64/13 basic [1] 75/12 basically [2] 17/24 26/5 bathroom [4] 16/15 27/6 64/24 69/1 be [153] bear [1] 62/16 bearing [1] 59/23 bears [1] 56/17 BEASLEY [2] 2/7 2/7 because [34] 7/4 7/17 16/14 19/2 19/14 20/4 21/15 22/4 23/7 24/16 28/8 28/11 28/12 29/9 30/4 31/8 38/18 41/10 48/15 55/25 56/1 61/20 65/22 67/22 73/8 73/25 74/18 75/10 76/1 77/5 81/22 84/19 100/4 101/5 becomes [2] 38/21 41/22 been [31] 8/3 15/1 15/19 15/21 20/5 24/20 36/6 37/7 37/9 38/8 38/10 39/11 49/10 49/16 56/22 60/14 61/2 61/9 61/12 62/12 65/7 67/22 82/17 82/23 84/19 87/9 87/22 91/14 91/16 99/15 101/25 before [17] 11/23 12/23 30/21 38/6 38/20 55/23 56/7 62/8 62/13 62/19 76/10 80/17 84/24 85/18 102/6 103/15 104/7 beforehand [1] 65/20 begin [2] 83/4 87/5 beginning [1] 75/4 begins [1] 39/10 behalf [1] 42/21 being [9] 16/2 18/20 26/14 27/8 28/7 50/3 50/18 72/12 86/6 belabor [1] 84/1 believability [2] 41/22 41/24 believe [10] 14/9 27/21 42/1 42/4 42/5 43/23 66/3 66/7 75/3 101/25 believes [1] 27/22 below [2] 6/9 17/8 bench [3] 35/9 83/17 103/15 Benedict [1] 8/17 benefit [1] 102/11 best [2] 90/23 104/9 better [1] 86/22 between [8] 8/1 19/15 26/10 41/5 42/15 49/9 82/16 101/9 bifurcated [2] 14/16 92/7 bifurcation [1] 27/24 big [2] 12/19 21/1 biggest [1] 13/12 bit [1] 35/4 blah [3] 71/3 71/3 71/4 blame [1] 92/8 blank [3] 29/18 29/18 30/3 Bob [1] 35/16 bodily [1] 53/24 book [1] 89/25 both [24] 10/7 11/19 13/23 15/18 16/11 17/9 18/2 18/13 25/3 27/17 31/7 46/25 49/3 50/22 50/23 60/3 60/5 62/4 62/11 62/17 82/10 92/4 92/14 92/15 bother [1] 87/15 bottom [12] 18/2 19/12 22/11 26/5 26/17 31/2 73/2 73/4 79/2 80/11 93/5 93/6	calculated [1] 58/24 call [2] 88/15 93/8 called [5] 47/13 55/7 63/9 87/9 87/12 calm [1] 57/6 came [1] 100/13 camera [2] 16/12 16/12 can [35] 5/20 6/5 7/12 21/5 21/21 22/6 22/7 25/3 28/10 35/10 36/2 39/9 44/10 46/12 53/13 55/11 58/3 59/4 63/1 74/1 74/5 79/22 80/14 81/8 83/23 85/23 86/6 87/2 87/5 88/15 88/16 93/24 94/10 103/11 103/15 can't [8] 8/6 17/23 18/13 24/16 24/17 29/11 30/14 92/25 cannot [12] 38/22 41/3 46/9 53/11 53/11 56/12 59/6 60/11 60/13 64/13 98/24 100/22 capable [1] 48/4 capacity [2] 9/19 58/6 care [14] 44/8 44/25 45/2 45/5 60/10 60/23 66/6 66/12 66/14 66/16 66/17 66/20 83/7 84/3 CAROLINA [18] 1/1 1/18 1/23 2/4 2/8 2/12 2/18 2/22 3/5 3/9 7/18 49/20 50/5 61/24 62/16 64/2 94/23 96/15 case [46] 8/5 8/6 8/12 9/18 10/2 15/23 16/10 17/10 20/3 35/11 37/13 37/20 37/21 37/24 38/20 38/23 39/3 39/4 39/10 39/15 41/25 47/3 57/9 58/25 62/2 62/22 63/5 63/12 63/15 64/15 65/7 71/1 75/12 80/7 88/15 89/23 94/6 94/7 94/20 96/13	

C		
claim... [27] 27/23 28/14 28/16 28/24 29/16 44/16 54/24 57/1 61/19 62/7 62/9 71/10 79/20 85/4 94/24 95/7 95/15 95/18 95/21 95/25 96/3 96/17 96/25 97/7 97/13 97/15 98/3	concurring [3] 46/14 47/3 53/15	28/9 29/6 29/7 35/14 38/20 42/15 71/19 84/21 87/11 87/11 87/17 101/2 101/4 102/1 102/4 104/3
claimant [1] 98/3	condition [1] 56/25	Court's [2] 12/7 28/24
claims [23] 10/24 11/22 11/24 19/13 19/15 20/20 20/21 27/25 28/1 28/2 33/22 40/8 47/6 47/16 51/7 54/7 61/9 61/10 61/25 62/8 62/9 62/19 94/7	conduct [15] 43/22 47/21 51/16 51/20 51/22 51/25 52/8 52/9 52/15 52/15 52/23 53/2 53/6 56/1 56/11	court-approved [1] 104/3
clarification [1] 28/6	conference [1] 35/9	courthouse [2] 72/10 72/11
clarified [1] 6/17	confidence [2] 48/17 81/24	courtroom [16] 35/14 35/15 35/17 37/6 64/22 65/9 81/10 83/9 84/12 84/19 86/16 88/7 89/19 90/5 94/12 99/18
clarify [1] 77/23	confuse [1] 34/6	courts [1] 52/6
clarity [2] 29/5 81/13	confused [5] 6/15 14/13 17/9 68/22 70/15	cover [1] 58/13
clean [2] 5/4 88/21	confusing [2] 68/21 74/25	CP [6] 1/2 1/2 94/21 96/13 104/6 104/6
cleanest [1] 79/23	confusion [1] 30/17	crack [3] 16/2 16/2 16/10
clear [15] 7/12 18/13 49/1 69/24 71/3 71/8 75/24 77/6 77/7 77/8 78/8 78/13 81/2 82/8 102/19	conjectural [1] 58/11	Craft [1] 8/11
clearly [2] 70/2 102/20	conjecture [3] 41/4 41/15 56/13	created [1] 13/14
clerk [3] 79/17 80/8 87/17	connection [1] 101/8	credibility [2] 41/20 41/21
client [2] 92/23 93/8	conscious [1] 51/23	Credit [1] 8/17
closing [1] 94/4	consensual [1] 42/20	CRESPO [22] 1/5 1/5 2/2 2/2 17/6 29/18 29/21 59/16 94/21 94/25 95/8 95/16 95/22 96/1 96/4 96/14 96/18 97/1 97/8 97/14 97/16 97/19
code [1] 49/20	consented [1] 43/23	criminal [1] 35/14
cogent [4] 49/1 69/24 69/25 82/9	consequence [4] 46/4 49/14 53/6 82/21	Crispo [1] 59/19
collateral [1] 40/14	consequent [2] 48/24 82/6	critical [1] 75/9
collectively [2] 49/5 82/13	consequential [4] 8/9 48/7 49/12 82/19	cross [2] 21/5 40/4
College [1] 8/17	consider [8] 27/4 27/5 27/7 38/6 38/8 42/8 54/5 57/15	cross-examination [1] 40/4
Columbia [4] 2/4 2/18 2/22 3/5	consideration [5] 42/18 50/10 50/14 64/15 99/14	crystal [1] 81/1
combined [1] 46/21	considered [3] 41/1 59/5 59/22	culpa [1] 13/16
combines [1] 46/17	considers [1] 43/6	cumulative [3] 18/20 19/1 34/23
come [8] 16/6 17/7 29/20 85/1 89/15 91/7 99/3 99/11	Constitution [1] 62/24	curative [1] 70/20
comes [3] 34/25 37/25 89/25	constructive [34] 6/7 12/11 12/15 19/4 19/5 20/22 27/18 27/23 31/8 48/10 48/11 48/17 63/20 63/24 69/20 70/12 71/1 73/11 73/14 73/16 74/19 76/12 76/24 77/6 78/12 78/17 78/25 80/16 80/25 81/17 81/18 81/24 96/3 97/18	currently [1] 87/21
coming [5] 35/19 35/22 72/25 80/6 91/8	consultant [1] 50/16	customary [1] 44/2
comment [5] 33/12 38/22 39/2 74/23 78/16	Cont'd [1] 3/1	cut [1] 72/21
commentary [1] 70/8	contact [1] 87/17	
comments [4] 5/10 5/14 5/17 39/1	contain [2] 4/23 100/16	D
commerce [1] 47/19	continue [3] 83/7 99/5 101/16	daily [2] 57/13 57/24
commission [2] 49/25 50/9	continued [2] 76/14 81/12	damage [6] 20/16 20/19 20/20 51/3 51/6 58/25
commit [1] 77/17	contract [1] 42/24	damaged [1] 60/6
committed [3] 47/7 54/8 54/15	contribution [1] 19/19	damages [154]
committing [2] 48/14 81/21	control [1] 42/23	date [2] 1/17 10/17
common [5] 10/20 11/20 41/2 60/15 62/5	convey [1] 89/1	day [2] 10/20 91/6
community [2] 52/3 52/16	convince [1] 41/24	days [4] 87/9 102/4 102/13 102/14
compensate [5] 44/17 55/8 55/20 56/2 57/4	convincing [7] 49/2 69/25 71/3 71/8 78/8 78/13 82/9	dbb [1] 2/5
compensates [2] 57/10 57/22	copies [2] 88/18 92/13	deal [1] 21/1
compensation [6] 50/11 55/11 56/9 57/14 58/2 58/6	copy [8] 7/1 79/13 80/10 80/21 88/14 88/20 88/22 89/23	dealer [1] 47/12
compensatory [4] 55/8 56/3 56/19 101/14	corner [1] 14/25	dealing [1] 60/16
complaint [1] 61/17	corporation [4] 42/16 42/17 44/10 44/11	dealt [1] 14/15
complete [1] 68/24	corporations [2] 31/22 42/16	death [1] 84/1
completed [1] 99/23	correct [4] 30/6 78/21 81/5 104/8	DEBORAH [2] 2/3 2/3
complicated [5] 20/3 20/16 20/17 24/14 74/12	could [28] 5/16 8/13 10/20 12/22 15/9 16/23 17/18 17/19 22/19 22/19 25/8 27/4 27/5 27/6 32/16 46/9 53/17 61/2 61/11 69/12 70/14 72/2 73/24 85/4 86/20 87/12 93/12 102/23	deborahbarbier.com [1] 2/5
components [1] 33/21	couldn't [6] 31/20 31/20 31/24 31/25 31/25 32/2	deceive [4] 48/16 49/5 81/23 82/12
conceivably [1] 69/13	counsel [8] 28/9 38/11 65/10 67/21 83/10 84/23 98/7 104/12	decency [1] 52/2
conceptualize [1] 74/1	counselor [1] 50/16	deceptive [2] 8/10 48/8
concern [9] 12/20 16/22 18/19 18/23 19/11 21/1 21/22 70/16 77/2	countries [1] 38/5	decide [11] 28/10 29/8 45/1 45/2 55/17 55/18 59/10 65/17 66/13 66/14 68/5
concerned [2] 6/14 17/5	country [1] 38/4	decides [1] 50/22
concerning [1] 20/18	COUNTY [1] 1/2	deciding [1] 60/1
concerns [1] 20/8	couple [4] 7/13 21/23 25/23 83/5	decision [1] 28/19
concluding [1] 70/8	course [2] 24/12 90/18	declares [4] 48/13 48/14 81/19 81/21
conclusion [2] 41/12 41/15	court [22] 1/1 1/18 7/18 10/13 12/9 27/21	dedicated [1] 86/16
concurrent [2] 46/20 46/22		defect [1] 16/4
		defendant [74] 3/7 17/4 17/10 17/22 17/23 17/24 18/1 22/16 22/17 24/11 26/6 26/18 26/20 30/8 39/13 44/16 44/20 44/24 45/5 46/8 47/6 48/10 48/11 49/4 49/6 50/20 50/20 51/7 51/8 51/12 51/17 51/19 52/18 53/10 54/7 55/19 56/11 58/15 60/20 60/25 61/2 61/18 61/19 62/19 63/3 63/13 63/14 63/15 63/21 64/1

D		
defendant... [24] 64/2 64/5 64/6 66/11 67/25 68/8 70/9 73/5 73/7 73/8 75/17 81/15 81/15 82/11 82/13 83/2 83/2 92/6 95/3 95/18 96/21 97/10 97/21 98/9 defendant's [11] 51/22 51/25 52/23 53/2 53/6 53/8 53/13 56/1 58/18 59/9 60/12 defendants [34] 1/12 2/15 3/2 14/16 17/7 19/14 19/18 24/2 25/9 25/10 26/19 42/11 44/17 45/25 47/7 47/17 49/3 50/22 50/23 51/4 55/7 56/12 60/25 61/16 61/23 62/15 62/20 63/15 82/10 92/4 93/15 93/24 96/16 98/25 defendants' [11] 10/1 10/15 12/5 44/19 45/13 45/16 45/20 46/4 46/6 46/12 47/15 defense [5] 47/9 61/25 62/14 62/20 67/9 defined [1] 6/13 defines [1] 50/5 definite [3] 49/15 57/3 82/22 definitely [1] 52/13 degree [1] 41/7 deliberate [4] 17/2 35/3 64/24 65/5 deliberating [2] 86/7 87/21 deliberation [3] 83/4 98/19 99/14 deliberations [4] 65/1 84/13 85/23 87/6 denial [2] 61/18 61/21 denied [1] 61/18 depending [2] 91/21 92/23 depos [1] 1/25 derive [2] 57/12 57/23 describes [1] 40/19 designated [1] 86/14 designed [1] 20/12 desire [2] 84/18 87/15 desired [1] 51/17 determination [3] 10/17 26/21 27/12 determinations [1] 37/11 determine [18] 10/19 24/6 41/20 41/23 44/8 50/24 51/2 51/6 55/4 56/15 57/5 58/22 63/6 63/16 63/22 64/2 64/6 70/10 determined [7] 8/3 39/20 39/21 43/20 43/25 59/12 60/15 determining [3] 41/24 54/4 57/13 did [25] 6/22 7/1 7/3 13/2 15/3 16/8 16/21 21/9 21/14 30/18 36/4 61/10 65/13 65/20 66/5 66/16 66/18 72/25 73/1 74/8 79/18 83/20 84/1 84/1 91/17 didn't [17] 6/24 8/19 13/4 13/6 16/12 18/6 19/9 19/9 19/9 19/11 21/20 66/16 70/2 71/23 77/17 101/12 103/1 difference [3] 49/9 82/16 101/9 different [13] 19/6 19/15 20/23 27/20 31/10 32/8 33/21 33/23 37/8 70/5 76/13 87/11 90/1 differently [1] 31/9 digital [1] 72/10 diligence [4] 10/22 11/22 60/24 62/7 direct [9] 40/3 40/6 40/7 41/6 41/8 45/19 46/14 52/22 53/15 directed [1] 9/2 directly [1] 15/25 dirty [1] 91/7 disability [2] 10/7 60/3 disagree [2] 32/14 32/15 disagrees [1] 34/7 discharge [1] 86/9 discharged [4] 87/6 102/3 102/12 103/4 discomfort [2] 55/16 57/1 discovery [1] 10/17 discretion [3] 28/16 28/24 102/3	discuss [4] 65/6 69/3 87/13 99/7 discussed [2] 5/25 76/3 discussing [2] 15/9 67/23 discussion [10] 9/8 9/22 13/5 15/6 18/22 26/9 28/6 76/5 77/13 93/2 discussions [1] 83/22 disfigurement [1] 56/25 dismissal [1] 83/22 dismissed [2] 83/20 83/25 disposition [1] 50/13 disregard [6] 10/7 10/9 48/21 51/23 60/4 82/3 disregarded [1] 38/7 distinction [2] 41/5 42/15 distinguishing [1] 8/1 distress [22] 27/8 31/18 31/23 33/20 34/12 51/9 51/10 51/14 51/15 51/17 51/20 52/5 52/19 53/17 53/18 53/19 53/23 54/2 54/5 63/20 95/20 97/12 do [84] 5/7 5/9 6/25 7/20 7/21 8/24 9/11 12/8 13/8 13/25 14/17 16/19 17/17 18/13 20/9 20/12 21/18 22/7 22/23 24/1 24/9 24/10 25/9 25/10 26/11 26/24 28/21 30/14 31/5 31/7 31/11 31/12 34/6 34/8 35/18 36/14 36/25 37/1 37/3 37/14 38/25 44/1 45/9 49/3 55/11 60/17 61/4 61/4 61/13 66/1 67/21 68/10 68/15 74/10 75/15 78/22 78/24 79/11 79/13 79/16 79/22 80/24 82/11 83/4 85/1 85/4 85/25 86/3 87/7 87/16 90/3 90/16 90/24 91/2 92/10 92/11 92/21 93/6 93/14 93/24 102/11 103/7 103/7 104/4 DOCKET [2] 1/2 104/6 documents [1] 86/11 does [29] 7/25 17/12 19/7 26/11 27/22 28/3 28/11 29/6 34/25 37/21 40/17 43/5 46/7 46/11 47/11 49/25 52/4 53/9 53/12 54/19 66/9 75/8 75/8 75/10 75/10 84/23 100/15 101/3 101/7 doesn't [4] 6/3 24/18 28/15 74/20 doing [3] 30/15 80/6 99/2 dollar [1] 34/23 don't [62] 5/2 5/20 6/13 7/20 8/11 8/13 9/5 14/25 15/4 16/15 17/17 18/14 21/24 27/16 29/7 31/14 31/15 32/3 32/4 32/5 32/8 32/8 32/11 32/14 32/15 32/22 33/4 33/5 33/7 34/4 34/4 34/4 34/5 36/17 36/18 38/15 38/17 64/25 65/12 66/3 66/18 66/19 66/22 67/14 67/25 69/17 72/13 72/14 72/22 74/1 74/5 74/7 74/11 75/23 77/3 77/6 80/5 80/6 89/14 93/7 93/23 93/24 done [11] 18/14 25/23 33/4 36/9 45/7 45/9 45/10 74/20 75/20 75/22 90/7 door [5] 16/10 16/14 64/20 99/11 100/21 down [5] 15/1 17/7 25/13 30/9 74/2 drawn [1] 41/16 driven [1] 27/8 ducks [1] 90/25 due [4] 7/23 9/17 44/8 87/25 duration [1] 54/6 during [2] 37/8 40/6 duties [1] 87/7 duty [19] 38/12 41/22 44/7 44/25 45/1 45/5 45/14 45/17 48/12 60/7 65/12 65/23 66/5 66/12 66/13 66/16 66/17 66/20 81/19	12/2 33/14 36/12 e-mails [1] 5/3 each [41] 18/1 19/3 24/11 26/4 26/5 26/15 26/18 27/12 30/1 46/18 47/2 47/6 48/17 49/1 51/9 51/10 52/4 56/17 61/16 61/17 61/18 61/19 61/22 61/22 62/19 63/3 63/13 63/14 67/25 68/8 68/9 73/7 73/8 73/8 73/10 76/16 81/24 82/8 85/4 98/3 98/3 EAGLE [1] 1/21 earlier [3] 74/18 76/1 93/21 early [4] 1/19 11/12 104/3 104/21 earning [2] 9/17 9/19 East [1] 2/8 easy [3] 17/13 17/14 17/17 editorial [1] 78/16 education [2] 15/10 50/7 effect [1] 63/6 effort [1] 61/8 efforts [3] 60/10 60/14 60/18 eight [1] 68/18 either [12] 14/22 17/25 18/1 40/19 42/10 42/10 42/11 46/24 49/4 59/3 59/23 82/11 elected [1] 14/4 electronic [1] 104/5 element [5] 49/1 51/21 59/5 61/22 82/8 elements [1] 34/19 elicited [1] 40/2 else [18] 5/7 8/23 13/11 16/17 19/7 24/22 32/12 34/8 35/6 36/4 40/19 42/5 65/3 65/4 67/5 79/1 79/3 83/10 elucidate [1] 8/22 embarrassment [2] 12/10 55/15 emotion [1] 64/14 emotional [22] 12/10 27/7 31/17 31/23 33/20 34/12 51/8 51/10 51/13 51/15 51/17 52/18 53/16 53/18 53/23 54/2 54/4 57/1 59/3 63/19 95/20 97/12 employed [2] 104/12 104/13 employee [1] 104/11 employees [2] 44/11 44/13 employment [3] 43/8 44/14 55/14 end [9] 24/12 24/15 25/17 28/5 30/1 45/18 52/21 75/21 76/23 endorse [1] 77/24 endure [1] 53/18 engaged [2] 47/18 50/18 engineers [1] 16/5 enjoin [1] 15/11 enjoyment [3] 57/10 57/19 57/21 ensure [2] 57/7 70/21 entered [5] 37/6 81/10 88/1 89/19 94/12 ENTERPRISES [25] 1/10 2/15 3/2 23/6 23/9 23/10 23/15 24/21 25/12 25/12 61/23 62/15 64/1 94/22 95/1 95/5 95/10 95/12 96/10 96/15 96/19 96/22 97/2 97/5 97/25 entertaining [1] 102/24 entirety [2] 42/6 42/7 entitled [13] 8/8 30/12 39/14 42/18 48/6 49/17 55/2 55/3 55/17 56/19 58/10 58/12 82/24 entitles [1] 54/21 entity [2] 42/21 43/2 entry [1] 76/12 equitable [2] 48/12 81/19 equivalent [1] 28/14 ESQUIRE [7] 2/3 2/7 2/11 2/17 2/21 3/3 3/8 establish [3] 40/18 48/17 81/24
E		
e-mail [9] 2/5 2/9 2/13 2/19 2/23 3/10		

E	expressions [1] 39/1 extension [1] 35/5 extensive [2] 74/9 99/4 extent [1] 66/6 extreme [4] 51/25 52/8 52/9 52/14 extremely [1] 74/12 eyes [1] 42/17 eyewitness [1] 40/9	following [3] 44/22 51/12 79/9 force [1] 41/14 foregoing [1] 104/5 foreperson [3] 64/17 94/14 96/11 foreseeable [6] 46/3 46/6 46/8 53/4 53/8 53/10 forget [2] 15/3 38/16 forgot [1] 15/2 form [62] 5/6 5/18 6/20 12/19 12/23 13/23 14/19 16/20 16/22 16/23 16/25 17/3 17/13 17/17 18/7 18/9 20/15 21/3 22/1 22/9 23/1 23/23 24/13 26/5 26/14 28/8 28/8 29/15 30/20 32/15 33/13 34/21 34/22 34/22 36/12 63/13 64/18 67/23 67/25 68/6 68/16 69/2 71/9 72/22 74/9 74/20 75/1 75/5 75/10 75/14 76/5 76/14 78/11 78/19 78/20 79/4 79/5 80/9 81/3 83/16 84/9 85/14 forms [3] 24/3 68/19 73/1 forth [1] 29/24 forward [2] 33/2 69/3 found [9] 8/16 11/13 16/7 19/9 24/21 25/3 29/25 73/5 77/14 four [2] 63/14 90/15 fraud [42] 6/8 6/8 6/25 12/11 12/15 19/4 19/5 20/22 27/19 27/23 31/8 48/10 48/11 48/14 48/17 49/8 49/14 63/20 63/24 69/20 70/12 71/1 73/11 73/16 74/19 76/13 76/24 77/6 78/13 78/17 78/25 80/16 81/1 81/17 81/18 81/21 81/24 82/15 82/21 82/23 96/3 97/18 fraud/misrepresentation [3] 81/1 96/3 97/18 fraudulent [4] 48/13 48/15 81/20 81/22 free [1] 54/10 friend [1] 27/16 fright [2] 53/21 59/2 front [2] 13/19 91/5 full [2] 100/1 103/1 fundamental [1] 75/11 further [10] 7/4 18/14 25/7 26/9 26/22 44/3 83/14 98/16 101/13 104/10 furthering [1] 44/2 future [14] 9/18 9/19 56/23 57/25 58/3 58/5 58/7 58/14 58/15 58/17 58/23 58/25 59/4 99/13
F	fact [17] 22/21 37/10 40/9 40/10 40/13 40/14 40/18 40/20 40/22 40/23 40/24 41/3 45/22 52/25 59/21 99/22 101/12 factor [1] 75/9 facts [13] 37/12 38/22 38/23 38/24 39/3 39/8 40/12 40/14 41/1 49/10 59/22 65/22 82/17 failed [3] 39/13 45/9 61/13 failure [2] 60/20 61/1 fair [5] 20/21 42/18 56/15 58/22 60/16 falsity [10] 48/18 48/20 48/21 48/22 49/7 81/25 82/3 82/4 82/4 82/14 familiar [1] 21/16 family [1] 84/2 far [1] 101/8 fault [2] 19/22 49/16 favor [4] 26/7 39/13 39/16 39/18 federal [2] 7/14 7/17 fee [3] 50/8 50/9 50/14 feel [2] 86/13 87/16 feelings [1] 52/7 female [1] 59/17 few [17] 2/11 2/11 14/4 16/17 17/15 26/2 31/6 71/5 73/20 77/18 85/1 86/13 86/22 91/22 92/4 92/5 93/22 Fifth [4] 62/23 62/23 63/4 63/7 figure [1] 31/2 file [1] 102/14 filed [1] 62/3 fill [1] 64/18 final [1] 15/17 finalized [1] 81/2 Finally [2] 45/14 51/21 find [76] 8/6 9/25 10/6 11/18 17/6 17/8 17/17 17/21 17/22 17/23 19/1 19/9 22/4 22/7 22/12 22/16 22/16 22/17 23/6 23/9 23/10 23/24 24/1 24/10 24/10 25/9 25/10 25/19 28/21 30/2 30/7 30/9 30/24 33/19 34/3 34/5 45/1 49/15 49/16 50/23 54/25 55/2 55/3 58/11 59/8 60/2 61/12 62/4 62/11 63/12 66/13 66/16 66/17 70/25 74/25 75/6 82/22 82/23 94/25 95/2 95/8 95/16 95/17 95/21 95/25 96/4 96/5 96/17 96/20 96/25 97/8 97/10 97/13 97/16 97/19 97/20 find,' [1] 29/17 finders [1] 37/10 finding [7] 23/3 26/15 26/17 26/19 40/23 75/13 75/16 findings [4] 26/3 100/9 100/10 100/13 fine [13] 11/11 22/13 33/6 33/15 71/11 72/8 72/8 79/6 79/25 80/4 80/22 99/22 99/25 finish [1] 99/12 finished [1] 22/5 first [14] 11/16 14/10 22/3 24/5 43/14 44/22 45/3 45/22 52/25 64/12 74/6 74/24 100/6 100/8 five [3] 32/25 74/7 74/13 flooded [1] 52/6	G GABRIEL [13] 1/5 2/2 17/6 29/21 59/19 74/3 96/14 96/18 96/25 97/8 97/13 97/16 97/19 gather [1] 84/15 gave [3] 63/8 89/2 89/24 general [6] 12/17 13/3 55/14 61/18 61/21 99/24 generally [1] 40/5 gentlemen [4] 81/11 89/21 98/2 98/18 get [27] 5/24 7/13 9/6 14/13 18/4 28/1 28/11 28/15 31/2 31/7 31/15 31/15 31/20 32/17 36/22 68/20 70/16 74/12 77/16 80/10 80/12 81/2 84/2 87/8 90/25 93/3 101/12 gets [1] 23/1 getting [2] 70/4 84/9 give [17] 22/23 31/3 37/3 67/24 68/3 70/20 74/7 74/13 79/9 79/20 80/8 83/21 86/17 88/20 88/22 90/2 94/17 given [8] 14/15 39/25 41/5 41/9 43/5 49/18 79/7 82/25 gives [2] 16/15 73/10

G	89/5 92/20 98/11 99/19 101/15 102/16 Harte's [1] 102/10 has [51] 8/2 9/9 19/6 24/6 24/7 27/21 29/19 29/22 30/4 31/7 33/20 37/7 37/8 38/8 39/11 39/13 39/17 42/8 44/1 44/7 45/3 45/7 45/9 48/1 48/15 49/16 50/6 50/7 55/25 56/22 58/20 60/20 61/11 61/21 62/22 62/24 63/3 63/16 63/22 64/3 64/7 70/10 70/25 75/3 79/12 80/9 81/22 82/23 85/18 86/12 91/16 have [160] haven't [7] 11/5 15/1 26/2 34/10 36/8 36/8 72/24 having [4] 27/25 35/14 76/13 93/2 he [27] 18/6 18/6 18/7 25/2 27/17 30/4 31/21 31/21 45/12 47/20 49/11 55/10 56/7 56/19 63/8 77/22 79/18 82/18 85/22 86/1 86/11 90/15 91/6 91/6 91/7 91/7 102/7 He's [1] 34/7 head [1] 34/7 health [2] 56/24 59/25 hear [3] 18/3 29/1 87/3 heard [6] 12/22 37/12 38/3 70/14 70/18 99/5 hearer [2] 48/25 82/7 hearer's [6] 48/22 48/22 48/23 82/4 82/5 82/5 HEATHER [11] 1/5 2/2 59/16 74/4 94/21 94/25 95/8 95/16 95/21 95/25 96/4 held [5] 17/4 46/9 46/18 53/11 104/6 help [1] 37/18 helpful [1] 80/3 her [9] 47/20 83/21 83/21 83/23 84/2 84/2 86/9 86/23 100/20 here [23] 9/16 11/14 15/2 16/16 18/20 19/3 23/8 35/20 37/9 37/20 70/22 78/23 79/17 84/19 85/2 85/20 87/9 87/13 88/24 93/3 93/5 93/19 103/11 here's [1] 22/25 hereby [1] 104/4 hereto [2] 104/11 104/13 hex [1] 86/24 high [1] 67/12 highly [1] 53/20 him [6] 15/11 63/2 63/8 86/2 86/24 92/14 himself [1] 61/7 his [13] 9/17 15/11 17/16 27/5 34/7 47/20 51/15 51/20 51/22 61/5 62/22 63/4 63/6 hit [1] 67/12 hmm [7] 5/24 7/11 19/20 20/24 24/8 79/3 86/3 hold [2] 5/23 43/12 holding [3] 35/15 35/20 102/16 home [1] 93/5 Honor [125] Honor's [1] 7/21 Honorable [1] 104/7 hope [1] 99/12 hoping [1] 93/4 house [1] 16/4 how [14] 8/2 19/23 21/1 25/1 28/16 30/13 31/2 55/18 59/10 68/7 68/10 76/23 91/2 93/19 however [5] 33/9 44/7 46/8 53/10 85/16 humiliation [4] 53/22 54/18 55/15 59/3 Humphries [1] 2/17 hurt [1] 52/7	I I'd [2] 31/12 73/24 I'll [8] 7/14 18/4 23/6 33/2 33/13 36/1 74/12 79/18 I'm [65] 6/14 13/2 13/25 16/12 17/5 21/19 21/25 23/12 23/22 26/11 29/12 29/13 31/6 32/18 32/24 33/3 34/1 35/25 36/19 37/5 64/22 64/23 66/9 68/17 68/23 68/24 69/4 69/4 71/14 71/22 73/2 73/13 74/2 74/10 76/8 77/6 77/20 78/1 79/9 80/2 80/7 80/7 80/24 81/14 83/6 83/22 84/14 86/8 86/24 88/22 89/4 90/2 90/2 90/19 91/16 92/8 93/4 93/13 98/14 99/22 100/18 102/10 102/15 102/16 102/24 I've [11] 11/1 30/21 30/21 30/22 33/1 37/13 38/25 65/2 74/3 89/17 101/25 idea [4] 38/14 85/6 85/7 90/18 ideas [1] 38/17 identical [1] 50/4 identify [1] 22/6 if [116] ignorance [2] 48/22 82/4 illness [2] 53/24 55/13 illustrated [1] 39/9 imagining [1] 39/9 immediately [3] 40/10 40/13 52/16 immoral [2] 47/10 47/21 impact [1] 48/2 impairment [2] 56/24 57/18 impartial [1] 42/18 improvements [1] 50/13 in [201] incident [1] 55/23 inclined [2] 88/22 90/3 include [11] 7/3 8/9 47/11 48/6 55/12 56/9 56/22 57/15 58/5 58/13 70/12 included [2] 66/15 75/16 includes [1] 53/20 including [4] 9/10 43/21 59/24 87/18 inclusion [1] 13/13 income [1] 57/18 inconsiderate [1] 52/14 inconsistent [2] 100/9 100/12 inconvenience [2] 12/10 55/16 incorporate [2] 10/13 67/11 incorporated [1] 11/2 increase [1] 40/21 incredulous [1] 17/15 incriminate [1] 63/2 incrimination [1] 62/25 incur [1] 61/7 incurred [1] 57/17 index [1] 92/15 indicate [1] 73/6 indicated [2] 76/10 91/24 indicating [1] 40/12 indication [2] 79/7 101/12 indifference [1] 51/23 indignities [1] 52/10 indignity [1] 53/22 individual [7] 26/3 42/20 46/20 49/21 67/24 68/4 85/5 individually [3] 49/5 81/18 82/12 individuals [1] 42/16 infer [3] 40/20 40/21 63/7 inference [3] 40/16 41/9 63/9 inferences [1] 41/16 inferred [1] 40/15 inflict [1] 51/17 inflicted [2] 51/8 51/13
H		

I	82/4 82/5 82/6 itself [3] 7/23 17/1 57/2	84/15 86/15 87/18 87/25 89/14 91/13 knowing [2] 21/10 21/17 knowledge [8] 10/20 11/20 40/9 40/16 48/20 62/6 82/2 104/9 known [9] 10/21 11/20 11/21 47/20 49/6 62/5 62/6 62/18 82/14 knows [1] 100/19
infliction [11] 27/7 31/17 31/23 33/20 34/12 51/10 54/2 63/19 70/24 95/20 97/12 inform [1] 64/20 injured [11] 9/9 9/25 56/2 56/5 56/22 57/25 59/9 60/6 61/3 61/6 61/10 injuries [12] 44/18 55/21 56/4 56/10 57/14 58/2 60/25 61/14 61/15 61/20 67/16 67/18 injury [59] 9/12 9/22 9/23 10/2 11/23 15/18 15/20 15/22 16/15 43/10 43/18 44/14 45/19 45/20 45/21 45/23 46/2 46/3 46/5 46/7 46/13 46/14 46/15 46/16 46/18 46/19 46/21 46/21 46/25 47/5 48/24 51/2 51/6 52/22 52/23 52/24 53/1 53/4 53/5 53/7 53/9 53/14 53/15 55/9 55/10 55/13 56/8 56/20 57/2 57/20 57/21 58/24 59/10 59/25 61/11 62/8 62/13 82/7 101/5 inquire [1] 72/2 inquiry [4] 10/19 11/8 11/17 62/14 insofar [1] 55/11 Instead [3] 39/20 52/7 58/21 instruct [3] 10/4 65/12 80/8 instruction [5] 8/15 8/25 17/11 69/20 70/20 instructions [3] 16/24 65/6 83/21 insults [1] 52/9 intend [2] 22/24 92/18 intended [1] 37/25 intensity [1] 54/5 intent [4] 49/4 50/10 54/23 82/12 intentional [11] 27/7 31/17 31/23 33/20 34/11 51/10 54/1 63/19 70/23 95/20 97/12 intentionally [2] 51/8 51/13 interest [5] 42/8 48/2 50/3 50/3 50/4 interested [1] 104/13 into [14] 11/2 12/15 12/23 14/13 26/8 26/8 28/11 33/12 37/25 54/16 64/22 74/10 75/2 100/1 intolerable [1] 52/3 introduce [2] 92/13 92/18 introduced [2] 39/23 40/1 intrusion [2] 54/11 54/16 invaded [2] 15/20 62/12 invasion [15] 27/3 31/18 49/19 54/8 54/11 54/13 54/15 54/20 54/21 54/23 63/18 70/23 83/1 95/24 97/15 investigation [1] 16/8 invocation [1] 63/6 invoked [2] 62/22 63/4 involved [2] 46/18 94/6 is [260] island [1] 86/21 issue [14] 19/6 22/1 22/3 22/25 69/10 70/5 70/17 75/12 76/6 77/5 78/5 94/8 100/5 102/1 issued [1] 49/24 issues [2] 18/8 84/2 it [158] it's [35] 6/17 7/15 8/1 13/3 17/13 18/12 18/25 20/15 22/21 24/14 28/17 29/4 31/19 33/4 33/18 34/9 35/13 36/17 37/23 38/2 38/2 65/4 66/15 72/12 72/13 73/21 74/4 75/9 78/2 86/25 91/11 91/14 92/16 100/3 102/5 items [1] 88/1 its [16] 42/6 42/7 43/9 44/10 44/12 48/20 48/21 48/22 48/23 48/24 54/5 82/2 82/3	J JAMES [1] 2/17 January [1] 104/18 jgriffin [1] 2/19 Jim [1] 86/21 job [1] 91/11 jobs [2] 37/24 91/12 joe [1] 2/23 john [3] 3/8 3/8 3/10 joint [1] 19/19 JOSEE [31] 1/10 3/7 22/13 22/17 23/24 23/25 25/11 29/23 30/11 30/12 48/11 50/20 63/21 81/15 83/2 94/22 95/3 95/9 95/12 95/18 96/6 96/9 96/14 96/20 97/1 97/4 97/10 97/21 97/24 100/10 100/17 JOSEPH [3] 2/21 72/3 85/11 judge [9] 1/18 38/21 38/22 80/18 83/17 84/11 91/5 91/13 102/7 judge's [1] 90/2 judges [1] 38/24 judgment [5] 57/7 100/7 101/1 101/3 102/2 juror [7] 31/24 37/17 81/5 83/20 83/25 85/15 88/6 jurors [3] 37/16 38/12 41/22 jury [91] 5/10 5/18 12/23 13/19 14/12 16/13 17/1 17/6 17/8 23/24 24/6 27/3 28/8 28/15 28/20 29/17 30/23 33/19 33/24 34/5 34/6 36/3 37/6 38/20 38/21 41/18 50/21 56/15 56/15 63/5 64/17 64/20 64/23 65/9 67/19 68/14 69/23 70/8 74/25 75/21 78/23 80/5 81/9 81/10 83/3 83/9 84/10 87/10 87/12 87/21 88/12 88/14 89/19 89/21 90/5 91/6 91/15 92/6 92/9 93/18 94/11 94/12 94/24 95/2 95/7 95/16 95/17 95/21 95/24 95/25 96/4 96/5 96/12 96/17 96/20 96/25 97/8 97/9 97/13 97/16 97/19 97/20 98/2 98/13 98/16 98/18 99/18 102/3 102/7 102/12 103/4 just [68] 6/14 8/18 8/24 10/5 10/8 12/1 12/3 13/3 15/9 15/25 16/13 17/5 17/19 19/12 21/7 21/15 23/25 24/1 24/5 24/14 25/8 27/17 28/5 28/15 29/12 33/5 33/7 33/18 35/10 35/10 36/16 38/2 56/15 57/8 58/22 67/10 67/12 67/15 68/17 68/24 70/21 71/8 72/2 78/10 79/8 79/15 79/19 80/2 84/24 85/18 86/1 86/2 86/4 86/25 87/25 88/2 88/16 89/8 89/8 90/19 91/9 92/9 92/24 93/14 102/5 102/10 102/16 102/18 justice [1] 42/19 justifies [1] 101/13 jwhartelaw.com [1] 3/10	L lacking [1] 35/22 ladies [4] 81/11 89/21 98/2 98/18 landlord [3] 65/24 66/4 66/5 landlord-tenant [3] 65/24 66/4 66/5 language [7] 6/20 7/1 9/6 11/2 21/15 52/13 67/17 largest [1] 34/24 last [10] 10/3 10/5 11/3 11/3 11/15 70/17 74/7 79/18 80/8 80/9 lasting [1] 54/3 later [5] 16/7 27/10 27/10 78/9 102/4 laud [1] 38/5 law [28] 2/7 3/8 7/12 20/4 32/10 37/23 38/13 38/14 38/15 38/16 38/18 41/4 42/17 43/6 44/25 48/12 48/14 50/5 52/4 65/16 66/12 70/14 79/17 81/14 81/19 81/21 89/24 90/2 laws [5] 59/13 88/14 88/16 88/18 89/23 lawsuits [1] 52/6 lawyers [2] 65/1 86/16 lay [1] 92/8 lead [1] 40/24 lease [3] 50/1 50/12 100/20 leased [1] 50/4 leases [1] 47/18 least [5] 40/20 46/13 53/14 54/22 87/10 leave [2] 74/4 85/19 leaving [1] 86/11 left [8] 28/20 28/23 28/24 54/9 56/13 83/17 85/18 86/12 legal [8] 1/21 42/19 46/1 46/2 48/12 53/3 53/3 81/19 legaleagleinc.com [1] 1/25 legs [1] 64/25 length [1] 59/15 lessen [3] 60/8 60/19 60/21 let [12] 5/23 18/3 24/5 25/14 29/1 29/12 35/18 72/24 83/15 84/4 87/17 87/25 let's [4] 25/22 69/1 85/14 94/3 level [2] 101/5 101/7 levels [1] 87/11 levity [1] 35/24 liability [4] 26/15 27/25 98/21 100/5 liable [2] 24/21 43/9 liberty [1] 72/20 license [2] 49/24 50/8 licensed [1] 50/6 life [19] 10/8 10/10 57/10 57/13 57/19 57/22 57/24 59/11 59/12 59/12 59/14 59/15 59/17 59/18 59/20 59/20 59/24 60/4 67/19 light [3] 41/2 43/20 57/8 like [16] 15/10 15/23 18/7 20/15 22/11 33/4 33/5 33/8 33/9 33/12 73/25 80/18 85/6 86/13 87/16 102/23 likely [1] 39/8 likewise [1] 56/13 limit [1] 12/16 limitation [2] 6/24 22/4 limitations [13] 10/14 10/18 11/16 15/17 22/2 22/9 57/11 57/22 62/1 62/2 62/10

L	limitations... [2] 75/8 75/14 limited [2] 39/24 67/15 line [2] 93/5 93/6 listed [2] 22/11 73/8 listen [2] 26/13 99/8 listened [1] 37/15 listing [1] 50/12 litigation [1] 47/16 little [3] 17/5 35/4 35/24 LLC [40] 1/10 1/11 2/3 2/11 2/15 2/16 2/17 3/2 3/2 3/8 61/24 61/24 62/15 62/16 64/1 64/6 94/22 94/23 95/1 95/2 95/5 95/6 95/10 95/11 95/13 95/13 96/10 96/11 96/15 96/16 96/19 96/19 96/22 96/23 97/2 97/3 97/5 97/6 97/25 98/1 LOCATION [1] 1/18 logically [1] 7/8 logistically [1] 85/17 longer [2] 86/20 86/23 look [8] 5/3 11/3 22/18 35/5 36/23 69/2 80/14 99/9 looked [8] 8/5 8/12 11/5 16/7 72/24 76/14 77/15 103/2 looking [4] 37/24 66/9 73/2 90/19 looks [1] 91/7 Lord [1] 71/25 lose [1] 36/18 loss [16] 6/12 7/24 49/12 54/24 55/12 55/12 55/12 55/14 55/14 55/21 57/10 57/17 57/19 57/21 58/6 82/19 losses [3] 55/24 56/5 57/20 lost [6] 9/16 9/19 13/1 13/3 13/5 101/8 lot [4] 20/5 33/5 72/21 74/9 lots [1] 20/6 lovely [1] 84/20 lunch [1] 83/5	14/13 17/9 23/19 33/11 33/11 38/11 39/1 39/22 39/25 40/15 40/19 41/16 41/25 42/4 42/5 42/7 42/13 43/4 46/14 46/16 46/18 48/2 48/6 51/3 51/16 51/18 51/21 54/24 56/25 57/25 60/9 61/13 62/8 63/7 63/8 63/12 64/24 64/25 65/2 65/3 65/14 84/18 87/14 88/25 88/25 89/16 89/16 91/8 91/22 92/3 93/13 94/17 99/10 99/11 101/20 101/20 maybe [4] 79/12 79/15 79/19 91/25 MCCULLOCH [6] 2/21 2/21 3/4 34/7 69/9 92/10 McCulloch's [2] 73/3 77/10 mccullochlaw.com [1] 2/23 me [24] 5/7 5/24 7/5 7/17 13/24 18/3 18/6 20/18 21/22 24/5 25/14 29/1 29/12 32/25 36/2 36/10 37/4 37/23 71/21 71/24 72/24 79/25 83/15 84/4 mea [1] 13/15 mean [27] 11/11 17/18 18/4 18/12 18/13 18/21 19/25 20/7 23/7 25/4 30/19 32/22 36/8 46/11 53/12 66/4 66/5 68/9 70/19 72/16 74/5 77/3 79/12 92/3 93/10 93/22 103/14 meaning [3] 9/22 19/1 55/8 means [11] 7/3 39/6 41/22 45/7 46/3 50/21 53/5 53/18 54/2 61/18 62/25 meant [2] 30/17 56/1 measure [12] 6/8 6/10 6/11 6/16 6/24 31/9 34/10 34/11 34/18 49/7 76/13 82/15 measured [2] 31/9 59/7 media [1] 99/8 medical [2] 57/17 58/8 meet [1] 39/14 member [1] 52/15 memorandum [1] 100/1 mental [14] 12/9 52/5 53/19 53/19 53/19 53/20 54/12 54/17 55/15 55/16 56/24 57/16 59/2 59/6 mentioned [1] 50/18 mere [2] 41/15 52/9 met [2] 39/17 50/6 might [10] 10/23 17/6 25/21 33/21 34/3 35/20 35/23 60/13 63/2 89/18 miles [1] 90/14 million [10] 95/23 96/2 96/8 96/10 96/11 97/14 97/17 97/23 97/25 98/1 mind [2] 80/6 93/7 mine [3] 17/14 18/23 69/17 minimized [1] 61/9 minute [3] 27/15 83/5 90/17 minutes [6] 33/1 74/8 74/13 79/16 83/6 90/15 misrepresentation [9] 49/7 69/21 70/13 71/2 78/17 81/1 82/14 96/3 97/18 miss [1] 36/4 mitigate [4] 61/1 61/5 61/8 61/10 Mm [7] 5/24 7/11 19/20 20/24 24/8 79/3 86/3 Mm-hmm [7] 5/24 7/11 19/20 20/24 24/8 79/3 86/3 moment [2] 86/6 90/15 monetary [3] 22/20 54/24 55/11 money [10] 6/12 6/20 7/13 7/23 7/24 24/11 25/17 55/19 56/7 67/15 monitored [1] 72/10 moral [2] 48/13 81/20 more [23] 8/22 11/13 12/1 20/8 27/8 27/22 28/12 35/4 39/8 45/24 46/15 46/15 46/17 46/22 47/12 47/17 51/4 55/6 67/14	77/14 77/15 91/18 99/11 Morgan [1] 91/5 morning [7] 5/4 8/5 8/12 11/12 37/7 77/15 103/12 mortality [1] 10/5 mortification [1] 53/22 most [2] 16/5 101/7 motion [7] 9/2 99/24 102/2 102/5 102/6 102/8 102/14 motions [5] 98/12 99/20 100/2 101/16 103/8 motive [1] 54/23 move [9] 12/23 26/8 29/24 80/16 98/21 100/7 100/24 101/1 101/2 Mr [23] 17/15 18/4 21/22 25/19 35/15 36/20 67/2 68/15 71/5 72/6 73/20 74/22 77/18 80/9 83/13 86/13 89/5 92/20 93/22 98/11 99/19 101/15 102/16 Mr. [45] 6/22 8/23 9/14 11/1 12/24 14/4 14/17 14/24 15/11 16/17 18/3 20/17 23/8 26/2 26/12 27/4 27/15 31/5 31/6 33/3 34/7 34/8 35/16 36/14 37/1 66/1 66/25 69/9 73/3 74/4 74/8 75/24 77/10 85/1 85/15 86/13 86/22 90/14 92/10 92/10 92/14 93/3 101/24 102/10 103/2 Mr. Bob [1] 35/16 Mr. Charlie [1] 85/15 Mr. Few [6] 14/4 16/17 26/2 31/6 85/1 86/22 Mr. Griffin [20] 6/22 8/23 9/14 11/1 12/24 14/17 15/11 18/3 20/17 26/12 27/15 34/8 37/1 66/1 66/25 75/24 86/13 92/10 101/24 103/2 Mr. Harte [5] 14/24 31/5 33/3 74/4 74/8 Mr. Harte's [1] 102/10 Mr. McCulloch [3] 34/7 69/9 92/10 Mr. McCulloch's [2] 73/3 77/10 Mr. Platanis [1] 36/14 Mr. Riviere [4] 23/8 90/14 92/14 93/3 Mr. Riviere's [1] 27/4 Ms [1] 91/16 Ms. [1] 64/17 Ms. Foreperson [1] 64/17 much [12] 11/2 28/16 30/13 31/2 35/4 36/24 55/18 67/14 76/23 83/12 86/5 94/6 muddling [1] 69/4 multiple [5] 19/18 22/22 27/2 29/14 30/23 must [62] 6/2 10/9 10/19 38/16 39/21 40/24 41/13 41/20 43/14 43/16 44/21 44/23 45/2 45/11 45/14 45/22 46/1 46/5 47/13 47/23 48/1 48/18 49/1 51/11 51/24 52/2 52/8 52/11 52/17 52/25 53/3 53/7 53/16 54/23 55/4 56/20 58/16 58/16 58/21 58/23 58/25 59/10 60/3 60/15 62/20 63/16 63/22 64/2 64/6 64/12 64/12 64/16 66/14 69/24 70/10 70/25 71/17 71/18 81/25 82/8 84/4 89/2 my [30] 5/20 13/12 18/19 19/10 20/7 22/25 22/25 25/2 27/16 29/3 29/4 29/13 33/7 37/24 67/23 68/1 70/16 72/21 72/21 75/1 77/1 78/10 79/17 80/9 88/23 91/18 92/23 93/8 103/3 104/9 myself [3] 25/19 80/3 87/18
M	ma'am [6] 85/12 87/20 87/23 87/24 88/4 103/13 Madam [1] 94/14 made [10] 15/16 20/3 28/9 38/10 39/1 42/15 67/4 99/19 102/2 102/9 mail [9] 2/5 2/9 2/13 2/19 2/23 3/10 12/2 33/14 36/12 mails [1] 5/3 main [2] 40/10 40/14 make [28] 5/19 17/12 24/18 26/11 26/13 28/19 33/11 33/12 35/20 36/14 37/10 37/22 38/22 61/19 65/2 74/24 76/6 79/8 79/17 81/1 81/13 83/23 84/24 85/18 93/12 98/13 102/5 102/6 makes [1] 41/4 making [2] 27/8 27/9 male [1] 59/20 mall [1] 20/21 manager [2] 49/23 50/16 manner [1] 54/17 many [6] 19/14 19/23 37/7 86/15 90/1 91/23 mark [2] 72/21 74/8 Martha [2] 1/18 104/7 Mary [2] 86/23 86/24 MATERIAL [2] 4/23 4/24 materiality [2] 48/19 82/1 mathematical [2] 56/14 58/19 matter [3] 17/14 28/11 98/20 matters [2] 42/12 84/3 may [61] 4/23 8/8 9/16 11/23 14/12	57/16 59/2 59/6 mentioned [1] 50/18 mere [2] 41/15 52/9 met [2] 39/17 50/6 might [10] 10/23 17/6 25/21 33/21 34/3 35/20 35/23 60/13 63/2 89/18 miles [1] 90/14 million [10] 95/23 96/2 96/8 96/10 96/11 97/14 97/17 97/23 97/25 98/1 mind [2] 80/6 93/7 mine [3] 17/14 18/23 69/17 minimized [1] 61/9 minute [3] 27/15 83/5 90/17 minutes [6] 33/1 74/8 74/13 79/16 83/6 90/15 misrepresentation [9] 49/7 69/21 70/13 71/2 78/17 81/1 82/14 96/3 97/18 miss [1] 36/4 mitigate [4] 61/1 61/5 61/8 61/10 Mm [7] 5/24 7/11 19/20 20/24 24/8 79/3 86/3 Mm-hmm [7] 5/24 7/11 19/20 20/24 24/8 79/3 86/3 moment [2] 86/6 90/15 monetary [3] 22/20 54/24 55/11 money [10] 6/12 6/20 7/13 7/23 7/24 24/11 25/17 55/19 56/7 67/15 monitored [1] 72/10 moral [2] 48/13 81/20 more [23] 8/22 11/13 12/1 20/8 27/8 27/22 28/12 35/4 39/8 45/24 46/15 46/15 46/17 46/22 47/12 47/17 51/4 55/6 67/14	N name [2] 27/9 74/7 names [1] 74/6 National [1] 8/17 natural [9] 8/10 45/18 46/4 48/7 49/13

N natural... [4] 52/21 53/5 55/5 82/20 naturally [1] 56/10 nature [2] 29/9 87/25 near [2] 55/22 99/12 nearly [1] 56/6 necessarily [2] 41/20 52/11 necessary [4] 56/21 57/17 66/23 93/8 need [16] 8/19 13/25 14/25 22/6 22/23 24/15 29/5 37/1 41/12 51/2 51/5 58/18 65/1 72/9 74/20 84/15 needed [3] 72/18 84/2 87/19 needs [5] 15/7 18/14 22/15 73/16 74/12 neglect [1] 14/25 negligence [55] 9/1 13/13 13/17 13/19 13/22 14/5 14/5 14/6 14/7 14/7 14/9 14/11 14/11 14/13 14/19 20/20 20/20 21/3 23/9 23/18 23/24 29/16 31/15 31/16 32/20 44/19 45/7 45/20 45/24 46/5 46/6 46/17 46/20 46/22 46/24 46/24 47/4 50/21 51/1 51/5 63/18 63/18 63/24 63/24 64/4 64/8 65/15 66/8 70/22 70/23 70/24 94/24 95/15 96/17 97/7 negligent [12] 25/10 29/20 29/23 31/1 31/21 31/22 43/9 43/13 44/12 44/17 44/20 45/6 negotiate [1] 50/12 negotiates [1] 50/11 neither [2] 17/14 54/22 nervousness [1] 53/21 never [2] 15/3 58/10 new [3] 21/20 29/18 80/10 Newman [1] 102/7 next [10] 9/20 17/5 23/2 29/21 29/24 51/24 55/18 83/5 91/6 101/2 night [1] 103/18 no [65] 1/1 1/15 1/18 9/11 9/23 10/1 10/6 11/11 13/10 14/20 14/20 14/22 16/12 17/13 18/22 19/2 24/1 24/24 25/6 25/9 25/11 25/11 25/11 25/12 29/18 29/21 30/16 30/24 33/4 35/7 41/4 42/15 49/15 53/17 57/3 60/2 64/10 66/4 66/22 67/1 67/3 70/5 71/16 71/16 71/25 72/8 76/2 76/2 76/2 80/19 80/21 82/22 84/5 84/6 84/7 86/3 86/23 87/15 87/23 90/18 92/12 100/14 100/15 100/21 101/11 No. [5] 10/16 12/6 12/8 88/13 89/10 No. 1 [2] 88/13 89/10 No. 18 [2] 12/6 12/8 No. 19 [1] 10/16 nobody [1] 23/7 noise [1] 35/20 nominal [5] 49/17 49/17 54/22 82/24 82/24 non [3] 100/7 101/1 101/3 none [2] 4/10 91/11 nor [5] 41/6 54/22 104/10 104/11 104/13 norm [1] 90/16 normal [2] 57/12 57/24 normally [1] 21/4 North [1] 2/8 nos [4] 1/2 30/9 33/8 104/6 not [147] note [3] 78/11 78/18 88/12 noted [1] 9/13 notes [4] 37/13 37/14 37/16 67/12 nothing [12] 8/16 24/22 35/13 36/4 47/12 83/11 83/12 83/14 98/8 98/9 98/16 103/6 notice [3] 15/21 16/3 62/12 noticed [1] 15/19	NOV [1] 102/2 now [17] 8/24 29/8 29/25 30/3 37/23 38/13 66/7 66/9 66/15 71/17 77/18 84/4 87/5 90/20 98/21 99/6 101/17 nowhere [1] 75/10 number [3] 29/16 39/20 88/13 number one [1] 29/16 numbered [2] 69/17 89/12 numerous [1] 30/22 O object [10] 8/25 9/11 9/20 9/21 10/3 67/12 67/16 67/17 67/18 71/8 objection [13] 9/13 13/8 14/18 14/22 15/12 18/17 21/13 21/18 75/23 84/3 84/5 84/6 84/7 objections [3] 67/11 76/9 99/10 objective [7] 10/14 10/18 10/23 11/8 11/17 15/18 62/14 obligations [1] 39/22 observation [2] 40/17 69/12 obstante [3] 100/8 101/1 101/3 obtaining [1] 13/17 obviate [1] 71/12 obviously [1] 28/13 occasion [1] 52/5 occupation [1] 59/24 occur [1] 58/17 occurred [11] 15/20 27/10 45/24 46/3 46/8 53/2 53/5 53/10 55/23 56/8 62/13 occurs [1] 46/21 October [5] 11/23 62/3 62/9 62/13 62/19 off [8] 40/15 69/6 72/1 72/3 74/14 85/10 88/9 90/9 offended [1] 47/21 offered [1] 4/10 offers [1] 50/15 office [2] 1/22 93/6 oh [8] 12/25 16/21 29/3 35/12 51/4 72/18 78/2 91/9 okay [56] 5/2 5/11 11/9 12/24 13/11 14/21 15/5 16/17 18/3 18/11 22/25 25/14 25/18 27/1 27/3 32/11 32/18 35/18 36/3 36/7 36/9 65/8 67/5 68/13 69/1 69/3 70/6 71/13 72/19 75/24 76/25 77/11 78/18 79/8 80/11 80/19 83/6 83/8 83/25 85/11 87/19 88/8 89/10 89/13 90/4 90/6 90/16 92/2 93/9 94/10 94/17 99/2 99/17 103/14 103/16 103/17 old [2] 59/17 59/19 omission [3] 45/6 48/15 81/22 omissions [5] 43/9 43/13 44/12 53/8 55/6 on [131] once [1] 27/4 one [76] 5/23 8/13 10/7 11/3 11/19 12/1 12/19 13/17 14/10 14/12 15/18 15/18 17/7 17/10 17/14 19/18 20/8 20/16 20/19 20/20 21/14 21/24 22/20 22/25 23/7 24/13 28/3 29/16 30/4 31/12 31/12 31/12 34/9 34/18 37/24 38/5 42/1 42/2 42/21 45/24 46/13 46/15 46/15 47/1 47/3 47/17 49/3 50/22 50/23 51/4 53/14 55/6 58/3 58/4 60/3 62/4 62/11 62/17 64/12 66/23 71/9 73/8 74/3 74/3 78/8 78/22 79/20 82/10 84/23 87/15 89/8 89/25 89/25 91/24 92/3 92/4 one for [1] 31/12 ones [2] 19/25 27/20 only [30] 7/18 22/20 24/21 27/25 34/22 36/11 38/6 38/8 42/4 42/4 43/4 44/10	46/11 47/3 51/2 51/5 53/13 58/3 58/4 59/14 74/3 74/23 77/19 77/21 78/13 78/15 78/16 80/25 86/15 93/1 onto [1] 78/18 open [3] 16/14 19/13 84/21 opening [3] 93/12 94/4 100/21 operate [1] 99/6 opinion [1] 29/6 opportunity [7] 5/3 22/23 36/18 42/12 75/5 75/11 86/17 opposed [1] 54/3 opposing [3] 28/9 40/2 40/3 oppressions [1] 52/10 oppressive [2] 47/10 47/22 or [249] order [7] 35/17 43/12 44/19 51/9 64/10 101/4 103/16 ordinary [5] 41/2 54/18 58/7 60/16 61/4 other [31] 7/6 8/16 12/16 21/16 23/5 27/20 30/8 33/22 35/14 37/17 38/5 39/15 41/12 47/2 47/2 47/24 50/9 50/13 52/11 53/24 55/24 57/20 59/22 62/11 64/14 67/3 67/20 73/18 74/6 87/4 90/3 others [4] 34/15 48/16 73/19 81/23 otherwise [2] 22/18 50/17 ought [3] 38/15 49/6 82/13 our [21] 9/2 10/13 13/16 15/20 16/22 16/22 16/22 17/3 20/15 21/7 29/8 34/24 34/24 42/15 59/16 67/11 67/11 71/19 73/21 76/9 79/7 ours [1] 30/5 out [42] 5/3 5/5 8/5 8/11 11/3 11/12 16/6 17/1 17/11 19/14 20/5 21/3 21/3 21/6 24/15 29/12 31/2 32/19 32/20 34/19 34/20 34/21 35/17 39/23 64/18 67/15 72/21 73/12 73/14 74/4 74/19 76/19 77/16 79/19 80/3 81/4 83/22 84/9 85/14 86/9 90/4 99/11 out-think [1] 80/3 outcome [1] 104/14 outrage [2] 52/16 54/17 outrageous [4] 52/1 52/8 52/9 52/14 outside [2] 98/13 99/8 over [7] 9/6 36/9 37/9 37/9 42/1 42/2 77/4 overarching [2] 12/20 18/19 overbear [1] 37/17 overly [1] 37/15 owed [3] 7/23 44/24 66/11 own [1] 39/25 owner [2] 50/2 50/5 owns [1] 50/2 P p.m [1] 1/17 P.O [5] 2/12 2/18 2/22 3/4 3/9 PA [1] 2/7 packet [1] 13/3 page [12] 9/7 9/20 10/3 69/15 70/7 70/16 70/16 71/6 71/6 77/23 77/24 85/5 page 13 [4] 69/15 70/16 71/6 77/23 page 30 [4] 70/7 70/16 71/6 77/24 paid [1] 87/8 pain [10] 9/10 53/23 55/13 56/22 57/2 57/4 57/6 57/16 58/8 67/16 paragraph [7] 6/1 10/6 10/15 11/7 11/16 29/18 29/21 parsed [1] 19/14 part [9] 13/16 29/10 38/2 38/10 42/3 42/4 59/13 60/21 87/22

P		participate [2] 57/12 57/23 particular [4] 17/10 46/7 53/9 71/9 particularly [1] 100/25 parties [4] 47/25 94/7 104/11 104/13 party [9] 10/22 40/2 56/2 56/6 57/25 61/3 61/6 61/8 92/9 party's [3] 39/22 39/25 40/3 passed [1] 50/7 passion [1] 64/14 past [3] 56/23 57/15 58/14 patience [2] 81/12 99/13 Pause [2] 74/15 83/18 pay [1] 55/19 payment [2] 56/6 100/21 pecuniary [1] 55/12 peeked [1] 16/14 pending [1] 92/16 people [6] 16/4 16/6 19/24 35/22 46/25 87/18 per [12] 9/1 14/6 18/21 20/20 28/25 31/16 50/21 63/18 63/24 70/24 95/15 97/7 perfect [2] 17/15 17/16 perfectly [1] 33/15 perhaps [2] 13/15 77/18 permanent [4] 10/2 10/6 60/2 67/18 permanently [3] 9/25 59/8 98/25 permission [1] 102/12 person [34] 10/20 11/20 23/8 40/8 42/17 42/21 42/23 43/2 43/11 44/15 45/7 45/8 45/10 46/16 46/18 46/19 46/24 47/4 47/4 48/14 49/22 53/17 54/9 54/10 54/18 60/7 60/16 61/4 61/10 62/5 62/24 63/1 63/3 81/21 person's [2] 54/16 59/11 personal [4] 9/22 40/16 57/14 63/3 persons [5] 5/7 46/17 46/23 47/24 59/16 pertaining [2] 88/15 89/23 petty [1] 52/10 ph [1] 47/9 phase [12] 23/2 90/20 91/1 92/10 92/18 92/21 93/13 93/19 93/21 98/21 98/22 100/4 phases [1] 99/1 Phone [7] 2/5 2/9 2/13 2/19 2/23 3/5 3/10 physical [9] 9/12 9/22 53/23 54/12 55/13 56/24 57/1 57/16 67/16 physically [2] 9/9 56/22 pick [1] 23/6 Pickens [1] 2/4 pinpointed [1] 102/20 place [1] 22/15 plaintiff [109] plaintiff's [11] 52/18 53/14 54/12 55/21 57/11 57/23 58/7 59/11 59/24 61/1 61/17 plaintiffs [40] 1/6 2/2 6/2 6/2 8/8 10/7 11/19 15/19 25/15 26/7 42/10 42/11 44/18 44/20 44/23 45/22 46/1 47/13 47/14 47/23 47/25 48/5 48/9 49/3 49/17 52/25 53/16 60/3 60/5 62/4 62/12 62/18 78/12 81/16 82/11 82/24 92/14 98/23 101/5 103/5 plaintiffs' [9] 44/16 45/21 46/13 50/25 51/24 52/24 61/20 61/25 62/3 Platanis [1] 36/14 pleading [1] 7/15 pleadings [1] 14/4 please [7] 36/14 72/16 73/6 81/9 83/3
		90/12 98/4 pleasure [2] 57/12 57/24 pled [1] 14/10 pocket [1] 67/15 point [10] 13/20 15/25 28/1 36/5 77/12 78/9 98/10 100/13 100/25 102/19 pointing [1] 103/3 policy [2] 47/10 47/21 popping [1] 15/1 popular [2] 91/2 91/12 portion [8] 12/15 17/23 28/21 75/21 76/21 76/22 78/17 78/20 position [8] 15/20 20/9 34/25 55/10 55/22 56/7 73/21 87/5 positions [1] 20/10 possible [6] 52/1 55/22 56/6 63/11 64/11 90/23 possibly [1] 87/18 Post [1] 1/22 posttrial [2] 99/20 100/2 potential [2] 62/18 91/19 practice [23] 5/21 6/5 6/10 6/11 6/12 6/17 20/22 21/8 24/20 31/10 47/8 47/9 47/15 47/19 47/24 48/1 48/3 67/13 70/25 73/22 100/23 101/6 101/9 practiced [1] 7/18 practices [19] 6/23 7/4 7/5 8/7 12/12 19/8 23/11 24/22 27/19 47/8 47/11 48/5 63/21 63/25 64/5 64/9 95/7 96/24 100/12 precise [1] 58/20 precluded [1] 93/20 prefer [1] 75/7 preference [1] 33/7 prejudice [1] 64/14 prejudiced [1] 42/9 premature [1] 102/5 preponderance [23] 39/5 39/5 39/19 41/19 43/14 44/21 44/23 45/4 45/11 45/15 51/11 56/18 60/22 62/21 63/17 63/23 64/3 64/7 70/11 71/1 75/7 78/6 78/9 presence [1] 98/13 present [4] 57/15 58/14 59/1 59/4 presentation [2] 48/18 94/5 presentations [1] 99/4 presented [9] 26/18 38/9 39/11 40/1 40/6 56/16 57/9 65/8 99/15 presume [1] 44/6 pretty [2] 18/13 86/5 prevent [1] 38/1 previously [2] 67/4 67/20 primary [1] 16/22 principal [12] 42/22 42/23 43/1 43/2 43/5 43/5 43/7 43/8 43/12 43/22 43/23 43/24 principal's [1] 44/2 principle [1] 58/2 print [4] 29/11 33/2 74/3 80/8 printed [4] 73/25 75/2 80/10 84/9 prior [3] 55/10 67/11 77/4 privacy [13] 27/3 31/18 54/8 54/9 54/11 54/15 54/20 54/21 54/24 63/19 70/23 95/24 97/15 private [6] 48/16 49/19 54/14 54/16 81/23 83/1 privilege [2] 62/23 63/2 probability [1] 40/21 probable [4] 41/14 46/4 53/6 59/15 probably [7] 15/2 17/16 79/21 86/20 90/23 91/14 92/22 probative [1] 41/14
		problem [3] 71/12 77/23 93/23 procedurally [1] 90/19 procedure [2] 89/1 92/6 proceed [3] 36/2 90/19 103/16 proceedings [3] 63/10 103/19 104/5 Proceedings.....5 [1] 4/2 process [5] 38/2 38/3 38/4 81/13 87/22 produce [1] 41/14 produces [2] 45/18 52/20 proof [11] 39/4 39/14 39/17 40/11 40/17 41/8 41/10 48/3 50/25 51/1 51/5 proper [6] 30/19 57/14 58/4 70/18 71/3 89/1 properly [2] 59/4 102/2 PROPERTIES [18] 1/11 2/16 3/2 61/24 62/16 64/6 94/23 95/2 95/6 95/10 95/13 96/11 96/16 96/19 96/23 97/3 97/6 98/1 property [7] 6/12 6/21 7/13 7/23 7/24 49/23 67/15 propose [1] 88/19 proposed [1] 26/14 prove [32] 6/2 43/14 43/16 44/20 44/21 44/23 45/11 45/14 45/20 45/22 46/1 46/5 46/7 47/14 47/23 48/1 48/18 49/4 51/11 51/24 52/17 52/23 52/25 53/3 53/7 53/9 54/19 56/20 62/20 78/12 81/25 82/11 proved [6] 29/19 29/22 30/24 39/8 39/22 40/11 proven [16] 45/3 45/23 46/2 49/1 53/1 53/4 54/23 58/18 63/17 63/22 64/3 64/7 69/24 70/10 70/25 82/8 provide [4] 27/22 28/2 49/23 75/11 providence [1] 33/19 provides [1] 49/20 proving [5] 56/18 60/20 61/11 61/22 62/17 proximate [18] 8/10 45/17 46/11 46/12 46/25 48/8 49/14 50/25 51/2 51/6 52/20 53/12 53/13 55/5 56/10 60/11 82/6 82/21 proximately [7] 43/10 44/14 45/16 45/21 52/18 52/24 58/15 prudence [2] 60/10 60/17 prudent [1] 61/4 public [8] 47/10 47/21 48/16 50/17 81/23 84/21 88/2 92/15 public's [1] 48/2 publicity [1] 54/11 puffing [1] 47/13 punitive [14] 8/1 13/18 23/1 23/5 23/16 26/21 26/22 28/2 28/4 28/12 28/14 28/15 29/9 98/23 punitives [4] 24/24 25/5 26/8 26/9 purchase [1] 50/12 purpose [2] 54/22 90/1 purposeful [1] 98/19 purposes [2] 10/17 92/5 Pursuant [1] 62/23 put [24] 5/8 6/4 9/2 12/14 13/2 13/4 16/3 25/17 32/24 33/12 55/9 55/21 67/24 72/14 74/9 75/2 78/10 78/11 78/25 79/1 86/24 88/13 92/24 102/23 putting [3] 27/9 71/8 93/20
		Q quantify [1] 13/6 question [22] 13/12 13/18 14/14 14/14 15/15 18/9 22/7 23/23 24/9 24/19 24/23 25/2 25/9 26/3 40/18 44/25 63/2 65/16 66/12 89/8 89/22 91/18

Q questions [4] 45/2 63/1 63/5 66/15 quick [1] 36/1 quiet [1] 35/17 QUOTED [2] 4/23 4/24 R raised [1] 98/5 raising [2] 78/5 98/4 RAMJACK [1] 16/5 rate [1] 19/10 rather [3] 21/10 31/12 78/22 RC [19] 1/11 2/16 3/2 25/12 61/24 62/16 64/5 94/23 95/1 95/6 95/10 95/13 96/10 96/16 96/19 96/22 97/2 97/5 97/25 reach [2] 83/22 101/7 reached [3] 26/1 26/2 64/21 react [1] 52/16 reactions [1] 53/20 read [10] 4/24 5/20 12/8 34/22 65/20 77/14 89/17 90/4 99/8 100/14 reading [1] 77/7 ready [6] 5/12 36/7 85/11 90/22 94/10 103/12 real [11] 36/1 49/21 49/22 49/22 49/25 50/1 50/2 50/3 50/13 50/14 50/15 realize [2] 91/2 103/1 really [6] 6/14 18/22 32/5 74/20 75/3 91/18 realtor [1] 50/6 reason [4] 37/5 60/16 74/6 93/1 reasonable [19] 10/22 11/22 40/24 41/12 41/14 41/16 45/8 45/9 53/17 56/16 56/21 57/7 57/8 58/9 58/23 60/10 60/23 62/7 66/6 reasonably [9] 40/20 40/21 44/3 58/1 58/16 58/16 58/23 60/8 60/13 reasons [1] 27/2 recall [1] 92/3 received [6] 49/10 49/11 82/17 82/18 88/12 89/22 receiving [1] 50/11 recency [2] 70/14 70/17 recent [1] 6/23 recess [5] 69/7 88/8 88/10 90/10 103/11 recharge [1] 79/15 recharging [1] 78/23 reckless [3] 48/21 51/23 82/3 recklessly [1] 51/13 recollections [1] 37/19 recommend [1] 10/8 record [30] 5/8 8/24 12/3 33/18 37/19 37/20 38/10 69/6 69/8 72/2 72/3 72/5 72/6 72/11 72/13 72/14 74/14 74/16 75/2 83/19 85/10 86/25 88/9 88/11 90/9 90/11 99/25 100/15 100/24 102/23 recorded [1] 72/12 recording [3] 16/16 27/5 104/5 recover [9] 39/15 49/2 51/9 57/25 58/10 60/13 61/13 70/1 82/10 recoverable [1] 12/11 recovery [4] 49/12 54/1 58/4 82/19 reduce [1] 60/24 reduced [3] 9/19 59/1 61/12 refer [1] 38/4 reference [2] 14/18 99/20 references [1] 100/17 referral [2] 50/9 50/15 referred [1] 56/3 reflect [1] 12/3	reflected [1] 57/20 refuse [1] 63/1 regard [1] 12/18 regarded [1] 52/2 regarding [1] 98/22 regardless [4] 25/6 39/23 48/13 81/20 regards [9] 94/20 95/4 95/6 95/15 96/13 96/24 97/3 97/7 97/15 regret [1] 74/24 reject [3] 42/2 42/5 42/6 relate [1] 23/4 related [5] 7/8 44/3 47/2 104/10 104/12 relationship [4] 42/20 42/25 43/16 65/24 reliance [2] 48/23 82/5 rely [4] 37/14 40/1 48/23 82/6 remain [3] 14/12 39/12 69/9 remained [1] 87/5 remaining [4] 42/2 45/2 59/15 66/14 remember [1] 70/15 remind [4] 17/20 38/24 81/14 90/3 reminder [2] 78/11 79/20 remittitur [1] 101/4 remove [3] 26/3 26/4 32/16 removing [2] 13/9 14/18 renew [3] 10/12 21/7 67/11 rent [1] 100/20 rental [1] 50/1 rented [1] 50/4 repetition [1] 48/4 representation [8] 48/19 48/20 81/25 82/1 82/2 100/16 100/22 100/23 representations [1] 47/12 represented [3] 43/2 49/10 82/17 represents [2] 42/24 50/17 REPRODUCED [1] 4/24 request [21] 6/6 6/9 10/9 10/13 10/16 12/1 12/6 12/7 12/9 12/13 15/11 15/12 15/12 21/4 21/7 32/15 69/13 73/3 75/1 89/22 94/2 requested [3] 8/14 14/16 102/6 requesting [2] 66/20 66/24 requests [2] 67/3 88/14 require [2] 84/14 99/25 required [13] 41/7 41/11 52/12 55/19 56/14 60/14 60/18 60/23 61/3 61/6 83/24 87/3 87/13 requirement [2] 49/25 54/1 requirements [1] 50/7 requires [2] 20/5 54/13 research [1] 7/17 resent [1] 72/22 residential [1] 47/18 respectfully [1] 7/9 respond [2] 22/3 22/7 response [1] 57/1 responsible [9] 43/12 44/11 46/9 46/16 46/18 47/1 47/5 53/11 61/20 rest [1] 59/11 restore [1] 56/5 restricted [2] 49/13 82/20 restrictions [1] 44/4 restroom [1] 36/1 result [20] 8/10 10/1 42/9 44/19 45/13 47/15 48/8 49/14 51/15 51/20 51/22 55/6 56/10 57/19 58/1 58/9 58/17 59/9 60/11 82/21 resulted [2] 57/18 58/24 return [5] 19/17 22/18 39/18 64/22 83/3 returned [1] 80/18 review [3] 6/22 74/9 84/23	reviewed [1] 5/6 reviewing [1] 74/18 revised [1] 79/5 revision [3] 15/16 79/17 79/18 RHETT [49] 1/10 2/15 3/2 17/21 19/1 22/12 22/16 23/25 24/13 25/11 29/20 30/2 30/25 48/10 50/20 51/7 54/7 61/23 62/15 62/22 63/3 63/15 70/9 81/15 83/2 94/22 94/25 95/4 95/9 95/11 95/17 95/19 95/22 96/1 96/5 96/6 96/8 96/14 96/18 96/21 97/1 97/3 97/9 97/11 97/14 97/17 97/20 97/21 97/23 right [48] 7/19 7/19 13/1 13/21 15/17 15/19 16/19 18/16 24/25 25/2 29/1 35/6 36/1 36/8 36/10 44/5 48/23 49/19 54/8 54/9 54/10 62/12 62/25 63/4 68/23 76/10 79/9 80/15 80/16 80/24 81/8 82/5 83/1 83/15 84/8 85/13 85/20 86/3 87/24 92/1 92/17 92/19 93/15 93/18 98/4 98/25 103/10 103/10 rights [1] 51/24 rise [1] 16/15 Rivers [2] 1/18 104/8 RIVIERE [98] 1/10 1/10 2/15 3/2 3/7 17/21 19/1 22/13 22/14 22/17 22/17 23/8 23/25 23/25 24/13 25/11 25/11 29/20 29/23 30/2 30/11 30/12 30/25 48/10 48/11 50/20 50/21 51/7 54/8 61/23 61/24 62/15 62/16 62/22 63/3 63/16 63/21 64/5 70/9 81/15 81/16 83/2 83/3 90/14 92/14 93/3 94/22 94/22 94/23 95/1 95/1 95/3 95/4 95/6 95/9 95/9 95/10 95/11 95/12 95/13 95/17 95/18 95/19 95/22 96/1 96/5 96/6 96/6 96/8 96/9 96/10 96/14 96/15 96/16 96/18 96/19 96/20 96/21 96/22 97/1 97/1 97/2 97/4 97/4 97/5 97/9 97/10 97/11 97/14 97/17 97/20 97/21 97/22 97/23 97/24 98/1 100/10 100/17 Riviere's [1] 27/4 rlb [1] 2/9 role [3] 37/9 39/2 83/21 room [5] 64/20 64/23 83/3 85/18 86/13 rough [1] 52/13 row [1] 90/25 rule [4] 37/21 102/1 102/11 103/2 rules [2] 60/15 99/6 ruling [2] 7/21 12/7 run [1] 35/25 running [1] 16/9 Russ [1] 15/23 RYAN [2] 2/7 2/7 ryanbeasleylaw.com [1] 2/9 S said [19] 14/4 29/2 37/7 38/11 38/25 65/11 65/16 65/18 66/18 66/19 75/25 78/9 89/10 91/6 91/7 91/17 102/9 102/23 104/8 salary [1] 50/9 sale [2] 50/1 50/12 sales [1] 49/22 same [16] 6/20 6/24 7/1 7/6 9/1 23/20 42/3 42/18 42/19 45/10 55/10 55/22 56/7 60/17 74/7 99/6 Sandra [3] 1/19 104/3 104/21 satisfies [1] 77/1 saw [1] 72/23 say [40] 6/10 7/25 10/9 11/14 15/9 17/6 17/8 21/14 22/12 22/15 23/6 23/12 23/17 23/22 24/5 24/12 24/16 29/13 31/20

S	13/18 14/11 14/14 15/21 22/2 22/11 23/23 28/23 29/9 33/13 33/24 38/1 39/17 41/1 43/19 44/17 47/20 54/5 55/19 58/13 62/5 62/6 62/18 67/14 68/7 73/11 73/14 73/22 76/11 78/24 79/12 83/5 90/15 shouldn't [1] 34/20 show [2] 52/8 54/23 showed [1] 16/9 showing [5] 45/23 46/2 53/1 53/4 92/15 shown [5] 48/2 51/16 51/18 51/21 53/24 shows [1] 39/7 side [1] 30/8 Sidebar [7] 84/22 85/3 85/9 87/1 89/20 94/13 94/19 sign [1] 64/19 Signed [1] 96/11 significance [1] 64/10 signify [1] 98/4 similar [2] 6/7 61/5 simple [1] 74/11 simply [6] 39/6 41/21 50/21 64/11 78/3 89/25 since [3] 38/23 76/13 93/15 single [1] 28/3 sir [25] 5/23 8/23 9/4 12/4 12/21 15/14 31/4 32/22 33/16 35/8 69/14 69/22 72/19 75/19 77/3 80/19 85/17 85/21 86/8 98/6 98/14 101/19 101/24 102/15 102/22 sitting [2] 86/2 86/4 situation [4] 37/18 45/10 90/21 91/19 skipped [1] 36/9 slight [2] 49/18 82/25 slightly [2] 39/12 39/16 so [92] 5/7 5/16 5/21 5/25 7/3 7/9 7/19 8/2 8/19 9/20 10/3 11/14 12/12 13/7 13/8 15/2 16/12 17/24 18/13 18/18 19/14 19/16 20/3 20/11 20/11 20/25 21/5 21/21 22/25 23/8 23/15 24/9 24/19 27/3 27/8 28/10 28/17 29/24 29/25 30/7 30/10 32/3 32/4 32/5 32/11 32/20 34/6 34/17 34/20 35/3 35/15 36/22 37/16 51/1 51/5 51/25 52/6 53/17 67/5 67/25 68/3 69/15 70/13 70/19 71/4 73/9 74/4 74/5 74/12 74/20 74/21 76/6 76/19 76/22 76/25 77/1 80/10 80/24 83/6 83/22 84/3 86/2 86/5 86/5 86/15 89/10 89/14 90/1 91/8 98/24 102/10 102/13 sold [1] 50/4 sole [2] 38/21 38/24 solely [1] 39/24 solicits [1] 50/15 solitude [1] 54/12 solution [1] 78/10 solve [1] 77/23 some [23] 5/9 5/14 5/17 6/22 10/22 11/12 11/13 13/5 15/6 15/23 16/24 18/7 28/6 29/4 29/5 30/4 37/4 46/5 53/7 76/11 91/7 93/20 99/11 somebody [4] 5/15 16/3 36/10 100/20 somehow [1] 13/14 someone [5] 16/14 37/20 47/18 52/5 93/23 someone's [1] 52/7 something [16] 13/14 13/15 17/20 25/14 37/2 40/19 45/8 45/9 45/17 52/20 54/13 65/3 65/4 76/4 77/8 85/8 sometimes [2] 55/7 80/2 somewhere [5] 6/18 22/6 33/1 75/4 79/1 soon [4] 83/4 83/4 90/23 102/9 sorry [8] 13/25 14/24 21/25 68/23 69/4	69/4 71/14 71/22 sort [2] 24/4 94/3 sought [1] 39/8 source [1] 43/3 sources [1] 90/1 SOUTH [18] 1/1 1/18 1/23 2/4 2/8 2/12 2/18 2/22 3/5 3/9 7/18 49/20 50/5 61/24 62/16 64/2 94/23 96/15 speak [1] 72/16 SPEAKER [1] 4/25 speaker's [2] 48/20 82/2 special [10] 8/9 8/14 8/15 8/18 8/18 8/19 48/6 49/12 54/24 82/19 specific [4] 7/2 9/5 12/15 76/17 specifically [3] 8/20 13/9 66/19 speculation [2] 41/3 56/13 speculative [1] 58/11 spoke [1] 90/13 spoken [1] 43/21 stage [9] 7/15 14/15 17/5 19/17 28/5 28/12 28/23 29/10 32/17 stand [4] 5/15 36/10 38/9 42/14 standard [6] 10/14 10/23 57/3 70/18 71/3 71/9 standards [3] 42/19 70/3 70/22 standby [1] 91/18 start [3] 64/25 85/23 86/6 state [7] 1/1 7/18 38/13 59/13 59/16 64/11 99/24 stated [5] 27/15 64/12 69/24 74/18 82/8 statement [3] 38/23 70/1 93/12 statements [1] 94/4 states [3] 10/16 76/16 89/22 stating [1] 102/10 statute [25] 6/13 6/14 7/22 8/2 10/14 10/18 11/15 15/16 19/19 22/1 22/4 22/8 28/17 28/25 50/23 50/24 51/1 51/3 51/5 62/1 62/2 62/10 75/8 75/13 93/23 statutes [1] 50/19 statutory [2] 28/14 93/15 step [1] 55/18 stick [1] 19/12 still [6] 9/21 65/6 71/2 72/6 77/16 92/16 stipulations [1] 38/11 straight [1] 8/5 streaming [1] 90/15 Street [2] 2/4 2/8 stress [1] 55/15 stretch [1] 64/25 stricken [1] 38/7 structural [1] 16/3 structured [1] 68/7 stuff [3] 33/4 72/21 84/16 subject [1] 42/22 subjective [2] 10/19 10/24 submitted [6] 12/2 12/5 13/15 17/3 20/14 20/15 subset [1] 14/7 substantial [2] 54/3 61/7 substantially [2] 51/14 51/19 such [4] 4/24 40/9 49/24 53/21 suffered [10] 6/2 44/18 45/13 47/14 55/5 55/25 56/2 56/5 57/19 58/21 suffering [13] 9/10 12/9 53/19 54/18 55/13 56/23 57/4 57/6 57/16 58/8 59/2 59/6 67/17 suffice [1] 76/5 sufficient [5] 40/23 41/10 41/13 49/6 82/13 suggest [3] 10/9 22/2 103/14

S	33/15 33/24 34/1 34/14 34/16 35/21 36/6 65/7 67/7 68/20 70/17 71/11 72/8 72/8 75/9 75/11 75/16 77/25 78/13 78/22 79/21 79/25 80/4 80/19 80/21 85/6 85/24 88/3 89/9 89/24 91/9 92/17 92/18 92/19 93/25 93/25 99/1 99/15 99/25 100/14 101/11 102/22 their [13] 26/12 27/9 34/20 43/8 44/13 46/14 53/16 59/1 71/1 74/19 86/14 90/25 92/7 them [47] 17/20 21/23 22/23 23/5 23/16 24/9 27/6 28/3 30/18 31/3 31/13 33/25 34/11 34/13 35/2 35/3 37/3 49/5 65/12 67/24 68/3 69/24 75/5 78/23 79/15 79/19 79/20 80/25 80/25 81/3 81/17 82/12 85/16 85/22 86/4 86/12 88/15 88/17 88/17 88/20 88/22 88/23 89/2 89/3 89/4 90/17 102/24 themselves [1] 61/14 then [70] 5/14 5/17 6/3 7/22 7/25 9/15 9/20 9/23 9/24 10/3 11/13 13/11 14/5 14/5 15/24 16/4 16/5 16/11 17/4 17/7 18/16 19/2 19/13 19/18 21/7 22/5 22/11 22/14 22/14 23/15 23/16 24/12 24/24 25/3 25/4 25/16 25/16 26/8 26/17 26/22 28/4 29/17 29/20 29/23 30/1 30/9 30/11 30/13 30/18 31/1 31/22 33/1 34/22 35/4 36/19 39/13 45/2 50/24 55/4 59/10 67/23 69/3 73/8 73/10 75/22 76/4 77/13 78/9 84/9 101/4 theory [1] 70/13 there [56] 7/13 7/25 9/6 9/15 9/18 10/6 11/18 13/5 16/1 16/6 16/11 18/14 21/13 21/23 22/15 22/15 23/2 26/6 26/18 26/19 28/17 31/7 32/7 32/17 36/4 36/15 40/5 41/15 43/15 45/1 49/16 57/3 60/2 62/2 63/11 63/14 64/10 66/7 66/13 66/16 66/19 71/4 75/3 76/4 77/13 78/4 81/13 82/23 85/19 86/2 86/4 86/15 87/11 91/1 100/19 101/6 there's [24] 9/8 9/11 9/21 9/23 9/24 10/1 12/19 12/19 15/6 18/21 19/2 24/24 25/6 27/2 30/16 36/4 66/4 66/17 70/15 84/3 89/14 100/21 100/23 101/11 thereafter [1] 102/4 therefore [10] 13/18 33/23 43/7 44/11 58/4 60/12 99/3 100/24 100/25 102/9 therein [1] 25/7 thereto [2] 7/8 67/17 these [17] 5/19 10/24 19/24 24/7 24/16 27/25 31/21 33/22 34/19 45/3 50/19 53/25 54/25 62/20 84/12 85/20 91/11 they [81] 7/7 14/13 15/21 15/24 16/3 16/12 17/9 17/24 17/25 18/1 19/17 19/21 19/21 22/3 22/3 22/4 22/5 22/5 22/6 22/7 22/18 22/19 22/19 22/20 22/21 22/24 22/24 24/1 24/12 24/15 27/5 27/6 27/24 29/24 29/25 30/10 30/11 30/13 30/17 31/2 33/21 34/3 35/13 35/19 35/19 35/20 37/18 38/11 39/12 47/2 56/3 68/18 70/14 70/15 70/17 75/6 77/16 80/6 81/3 85/23 86/6 87/5 87/16 87/17 88/13 89/2 89/11 89/12 89/16 89/16 89/18 91/6 94/6 100/13 101/8 101/10 101/10 101/11 101/12 101/13 102/8 they'd [1] 17/11 they're [19] 6/15 6/15 15/8 15/9 17/1 19/25 22/5 31/2 31/9 34/17 34/17 34/19 37/19 37/21 68/22 69/2 80/1 86/2 86/6 they've [5] 20/2 20/5 20/5 75/22 88/20	thing [8] 19/14 23/20 24/5 70/17 77/7 80/10 90/24 100/19 things [6] 11/13 42/13 44/22 46/9 53/11 100/5 think [73] 8/4 8/13 9/6 11/1 12/14 14/3 14/11 14/12 14/14 15/6 16/13 16/15 16/23 18/12 18/14 20/22 21/14 22/15 23/20 23/20 23/21 28/17 28/20 29/5 29/7 29/8 31/7 31/9 32/3 32/4 32/5 32/11 32/12 33/13 38/14 38/17 38/25 65/15 66/15 66/18 66/19 66/23 67/14 67/14 68/12 68/13 68/14 73/13 74/11 75/4 75/9 75/9 75/16 77/14 78/24 79/21 79/25 80/3 80/4 80/4 80/5 80/6 80/9 83/6 89/1 90/23 91/13 91/24 92/5 93/10 94/10 100/3 100/21 thinking [3] 22/19 34/1 65/21 third [1] 10/15 this [130] those [14] 5/12 6/23 16/1 16/1 16/4 16/6 26/10 28/2 30/4 57/25 60/9 67/4 102/16 103/8 though [4] 21/20 22/21 28/12 74/11 thought [3] 76/11 89/10 101/10 threats [1] 52/10 three [3] 62/2 87/10 90/14 three-year [1] 62/2 through [12] 5/19 10/21 11/21 35/19 35/22 43/6 44/10 46/22 56/6 62/6 81/12 100/18 throughout [1] 38/25 thus [1] 10/19 time [28] 1/17 13/6 13/20 28/1 35/5 37/23 52/7 55/13 57/17 59/25 64/21 65/4 65/6 70/16 77/19 77/21 91/24 93/3 98/7 98/17 98/20 99/24 100/2 100/14 102/13 102/16 103/5 103/8 timely [1] 36/17 times [5] 19/23 25/24 30/22 37/8 72/9 tip [2] 39/12 39/16 together [5] 22/22 32/25 49/11 82/18 85/14 told [4] 18/6 37/9 86/6 91/6 tomorrow [4] 90/24 93/5 99/4 99/17 too [7] 18/10 26/13 27/15 35/4 68/20 73/22 74/25 took [2] 14/3 72/20 top [1] 18/2 tortfeasor [1] 19/19 total [17] 22/12 22/13 23/14 25/21 73/6 73/9 73/10 73/13 73/15 75/22 76/11 76/23 80/17 96/8 97/23 97/24 99/23 totally [1] 100/12 totals [2] 79/6 80/11 toward [1] 42/10 towards [1] 71/24 trade [42] 5/21 6/5 6/9 6/10 6/12 6/17 6/23 7/5 8/7 12/12 19/8 20/21 21/8 23/10 23/17 24/20 24/21 27/19 31/10 47/7 47/8 47/9 47/15 47/17 47/18 47/19 47/24 48/1 48/3 48/4 63/20 63/25 64/4 64/8 67/13 73/22 95/7 96/24 100/12 100/23 101/6 101/9 transaction [2] 47/25 50/16 transcribed [2] 1/19 104/4 transcriber [4] 4/3 104/1 104/4 104/22 transcript [2] 4/23 104/8 treatment [1] 57/17 treble [1] 21/10 trebling [1] 28/13
T		
table [9] 10/5 10/8 10/10 59/13 59/14 59/18 59/21 60/4 67/19 tables [1] 86/14 take [22] 7/9 7/20 7/21 16/19 16/21 21/5 24/17 32/25 36/20 37/13 39/2 64/24 69/1 78/25 79/16 80/14 83/7 84/3 85/16 89/2 101/15 103/15 taken [2] 21/2 98/20 taking [3] 32/18 37/20 100/20 talk [11] 5/16 13/22 14/1 15/24 16/1 16/1 35/3 47/13 77/4 83/23 83/24 talked [3] 6/4 12/17 91/17 talking [3] 13/21 30/15 69/18 tape [1] 27/9 tell [23] 21/22 22/23 29/12 29/14 30/13 33/3 35/3 36/10 37/14 38/16 38/18 65/3 65/4 69/23 72/24 80/7 85/16 85/22 88/17 91/4 92/6 92/9 93/18 tells [1] 86/1 ten [4] 90/20 102/4 102/13 102/14 tenant [3] 65/24 66/4 66/5 tendency [2] 48/15 81/22 Terratec [1] 16/6 testified [3] 16/11 41/21 41/25 testify [1] 42/13 testimonies [1] 37/12 testimony [14] 38/8 39/25 40/2 40/8 42/3 42/5 42/6 42/7 57/8 87/4 87/14 99/15 100/17 100/19 than [21] 19/7 20/8 20/9 20/9 21/10 27/20 27/23 33/21 39/9 41/8 46/15 46/15 47/12 47/25 67/3 74/6 78/22 86/20 90/3 101/13 102/4 thank [47] 14/24 15/14 16/18 18/4 18/5 31/4 33/16 33/17 36/21 36/24 65/8 67/21 69/4 75/18 77/3 80/23 81/8 81/11 83/3 83/8 84/8 85/17 86/10 87/24 88/4 88/5 89/6 89/6 89/7 90/4 90/8 94/9 98/6 98/19 99/13 99/16 99/19 101/14 101/15 101/18 101/23 102/15 102/22 102/25 103/2 103/9 103/18 that [463] that's [75] 7/3 8/2 11/11 11/17 13/14 13/15 14/10 15/4 15/25 16/18 16/25 19/2 19/16 20/4 20/7 20/8 20/8 20/11 20/11 20/11 20/25 21/1 21/15 22/9 23/7 23/8 25/1 26/12 30/19 30/19 33/6 33/7 33/15		

T	trial [15] 14/16 27/25 29/10 37/8 37/25 38/22 40/6 42/9 56/17 63/7 91/5 93/13 93/21 99/23 101/17 tried [3] 38/20 38/24 100/5 triggers [1] 13/17 trivial [1] 54/3 trivialities [1] 52/11 true [5] 34/14 34/16 39/8 40/22 104/8 truth [7] 40/20 48/21 48/23 48/24 82/3 82/5 82/6 try [2] 60/8 92/18 trying [11] 5/4 23/12 23/22 27/16 29/12 29/13 31/6 35/16 74/10 77/16 80/2 two [18] 32/7 32/8 32/17 40/5 46/17 46/22 79/16 85/20 90/14 90/20 91/1 91/25 92/18 92/21 93/13 93/19 99/1 100/5 two miles [1] 90/14 type [2] 65/24 92/21 types [2] 40/5 53/25 typo [2] 12/6 77/18 typos [3] 77/14 77/15 77/16	22/19 24/17 25/8 33/24 36/10 71/14 71/17 72/21 74/8 79/17 84/15 85/1 88/21 92/24 93/20 99/9 102/8 upon [7] 15/10 40/1 40/2 48/23 50/19 56/16 82/6 upset [1] 59/3 us [6] 22/23 23/1 30/13 35/18 79/9 103/6 use [5] 44/8 60/10 60/18 60/23 74/5 used [1] 75/1 using [1] 57/6 usually [1] 53/24 UTPA [3] 27/22 28/4 28/24 utterly [1] 52/2	warranting [1] 41/9 was [92] 5/5 5/15 8/11 8/13 9/25 13/5 15/2 15/16 16/7 16/9 16/11 16/14 17/14 17/16 20/16 20/17 20/18 23/17 23/17 25/2 25/25 27/17 28/9 28/10 28/18 28/19 29/20 29/23 30/25 31/1 31/1 31/1 31/21 31/21 31/22 31/23 38/7 43/15 43/17 43/18 44/6 44/20 45/1 46/6 46/8 46/13 47/17 47/21 51/14 51/19 51/22 51/25 53/4 53/8 53/10 53/14 53/17 55/10 55/23 56/7 59/8 65/21 65/21 66/7 66/13 66/16 68/1 71/20 71/20 71/23 73/1 75/20 76/4 77/9 77/13 77/25 78/10 83/20 89/24 91/4 91/18 92/6 92/7 93/15 98/20 100/5 100/11 100/14 100/18 100/19 102/6 102/9 way [17] 12/14 17/2 17/16 19/11 22/18 24/5 30/14 30/16 34/22 39/2 42/14 68/20 77/4 78/22 79/23 83/25 87/16 ways [2] 27/17 31/7 we [193] we'll [21] 23/5 32/12 35/3 35/5 64/21 68/3 68/13 69/2 77/21 79/16 80/10 80/12 80/16 81/2 83/7 83/7 84/9 86/17 89/18 90/17 91/2 we're [25] 5/4 21/15 22/10 27/24 30/17 31/11 35/1 35/2 35/2 35/21 36/19 72/1 72/5 72/6 78/5 79/13 81/1 84/8 88/17 93/2 93/11 93/19 94/10 99/2 99/3 we've [9] 9/2 12/17 36/6 38/3 67/22 77/15 79/6 84/19 85/13 week [1] 77/22 weight [17] 29/19 29/22 30/25 39/6 39/21 41/5 41/19 43/15 44/21 44/24 45/4 45/12 45/15 51/12 60/22 62/21 75/6 well [50] 5/21 8/4 11/9 14/2 15/3 15/8 18/18 19/8 19/25 21/23 24/4 24/4 25/4 25/23 29/3 29/4 31/14 32/11 32/14 32/18 35/1 37/15 56/23 65/15 66/1 66/3 68/10 69/5 69/19 70/2 72/12 72/24 73/13 73/24 76/3 77/17 78/2 78/4 89/12 90/7 90/22 91/4 91/21 92/15 93/4 93/22 98/12 100/3 102/18 102/18 went [1] 16/5 were [20] 15/21 28/18 37/15 38/18 44/17 45/16 47/2 52/7 56/20 58/14 71/21 72/25 73/9 73/9 87/3 93/20 100/6 100/17 101/6 103/19 wes [1] 2/13 WESLEY [2] 2/11 2/11 wesleyfew.com [1] 2/13 what [83] 6/4 6/6 6/6 6/16 7/2 8/4 8/23 10/19 11/17 13/1 13/11 15/25 18/16 20/4 20/11 22/18 22/23 22/24 23/3 23/12 23/21 23/22 25/25 25/25 25/25 26/11 26/12 26/13 26/16 29/25 30/17 30/18 31/1 31/6 32/25 33/13 34/1 34/4 36/6 37/12 37/24 38/14 38/15 38/16 43/5 44/1 44/6 47/13 58/22 60/16 65/18 69/14 69/17 70/3 72/16 72/17 72/25 74/17 75/22 75/25 76/6 76/7 77/20 78/1 79/16 80/24 83/6 85/24 89/24 90/18 90/20 91/19 91/21 92/21 92/23 92/24 92/25 93/22 99/1 100/13 101/10 101/11 101/12 whatever [5] 19/9 34/23 68/5 68/5 77/22 whatsoever [3] 10/2 64/10 77/18 when [23] 5/24 9/6 12/2 16/8 17/1 20/14 22/18 30/8 34/25 39/10 43/17 47/19 60/6 64/17 65/4 72/10 75/25 84/12 84/12 91/4 91/6 91/17 100/14
U	U.S [1] 62/24 unanimous [1] 64/16 unanimously [23] 17/8 23/24 28/21 29/17 30/24 94/24 95/2 95/8 95/16 95/17 95/21 95/25 96/4 96/5 96/17 96/20 96/25 97/8 97/10 97/13 97/16 97/19 97/20 unclear [1] 28/18 uncommon [1] 52/14 under [28] 6/5 6/11 6/21 6/21 8/6 10/13 19/18 20/21 27/18 27/19 28/16 32/1 32/6 32/9 32/10 33/22 42/24 48/4 60/17 61/5 65/6 65/15 69/19 70/13 70/24 76/20 99/6 101/16 underlying [1] 58/2 underneath [1] 64/19 understand [12] 11/12 12/7 13/16 26/11 26/13 31/14 33/4 88/2 93/1 93/17 94/14 98/14 understanding [3] 26/6 68/1 70/21 understands [1] 83/23 understood [1] 78/4 undertaking [1] 65/24 unethical [1] 47/10 unfair [39] 5/21 6/5 6/9 6/10 6/11 6/17 6/23 7/4 7/5 8/7 12/12 19/8 21/8 23/10 23/17 24/20 24/21 27/19 31/10 47/7 47/8 47/15 47/19 47/24 48/1 48/3 48/4 63/20 63/25 64/4 64/8 67/13 73/21 95/7 96/24 100/12 100/23 101/6 101/9 unfavorable [1] 63/8 unfortunately [1] 98/24 unintelligible [1] 91/10 unjustified [1] 54/21 unlawful [1] 49/21 unless [5] 19/12 30/18 37/4 44/4 100/23 unlicensed [1] 50/2 unnecessarily [1] 69/5 unpleasant [1] 53/20 unreasonable [2] 60/18 61/6 unreasonably [1] 61/7 until [9] 65/5 86/12 90/24 92/25 99/6 99/17 103/4 103/11 103/20 untimely [1] 102/10 unwarranted [1] 54/10 up [23] 5/4 5/16 15/1 16/19 16/21 19/13	valid [1] 49/24 valuable [2] 50/9 50/14 value [9] 22/20 41/5 49/9 49/11 59/1 82/16 82/18 101/10 101/11 various [2] 5/6 100/10 verbal [1] 77/17 verdict [83] 5/6 5/18 6/20 9/3 12/19 12/23 13/23 14/19 16/20 16/22 16/23 16/25 17/3 17/13 17/17 18/7 19/17 20/15 21/3 21/25 22/9 23/22 26/7 26/14 28/2 28/8 29/15 30/12 30/19 32/15 33/13 34/21 34/21 34/22 34/25 36/12 39/18 55/3 55/4 55/18 58/12 58/13 63/12 64/13 64/13 64/16 64/18 64/18 64/19 64/21 67/23 67/24 68/6 68/16 68/18 69/2 70/9 71/9 72/21 73/1 74/9 74/20 75/5 75/10 76/5 76/14 78/11 78/19 78/20 79/5 80/9 81/3 85/13 90/17 90/18 91/22 94/15 98/3 100/7 100/9 100/14 101/7 101/14 verdicts [3] 22/22 63/11 64/11 veredicto [3] 100/8 101/1 101/3 version [4] 17/24 21/14 73/25 81/2 versus [8] 1/8 8/11 8/17 94/21 94/25 96/1 96/4 96/14 very [15] 5/21 6/7 19/12 22/11 24/15 25/16 36/24 37/16 68/22 73/4 74/11 74/11 75/4 80/5 102/19 viewing [1] 27/4 vindicate [2] 49/18 82/25 violate [2] 48/16 81/23 violates [1] 47/19 violation [7] 6/16 28/22 32/16 47/7 51/1 51/3 51/4 violations [1] 12/12 VOLUME [1] 1/15	
W	wages [6] 9/17 9/19 13/2 13/3 13/5 55/12 wait [4] 79/10 90/17 90/24 103/4 waiting [2] 5/15 36/6 waive [1] 93/13 wall [3] 16/2 16/2 16/7 want [39] 5/8 5/19 7/20 12/3 16/19 24/3 26/12 27/16 28/6 29/4 34/4 34/5 34/8 36/11 36/11 36/16 36/17 36/18 37/4 37/14 65/1 67/25 75/13 76/6 79/8 84/1 84/11 84/23 85/1 85/15 85/17 86/3 87/2 88/2 93/25 102/19 102/19 102/19 102/20 wanted [5] 18/7 86/1 92/7 93/11 102/7 wanton [5] 21/14 28/7 28/10 28/22 28/23 wants [1] 99/24 warrant [2] 40/23 92/14 warranted [2] 55/1 56/4		

W where [9] 6/4 7/15 30/15 30/22 75/21 91/25 102/20 102/20 102/21 whether [10] 15/4 16/25 24/6 28/18 42/8 42/9 43/18 45/3 50/22 66/14 which [56] 6/8 6/25 10/16 12/6 14/14 16/16 17/10 20/22 21/4 21/24 22/22 23/2 28/3 38/8 39/7 40/10 40/13 40/14 40/19 41/18 41/23 42/13 43/22 44/14 45/1 45/18 46/9 48/12 52/5 52/15 52/21 53/11 54/17 56/10 57/3 57/18 57/20 58/8 58/14 59/13 60/9 60/13 61/4 63/11 64/11 65/16 66/13 70/7 70/18 81/19 86/24 100/4 100/11 100/13 101/5 103/14 whichever [1] 68/15 while [9] 15/8 15/9 18/24 42/21 43/7 44/13 72/1 72/25 84/19 white [1] 86/24 who [16] 7/24 9/9 39/23 40/8 41/21 41/25 42/23 50/2 50/6 50/8 50/10 56/22 61/9 61/9 83/20 90/14 whole [5] 39/7 77/7 100/15 100/18 100/25 whose [1] 47/4 why [8] 6/25 7/3 33/24 36/4 73/2 74/7 93/19 102/22 will [39] 8/7 16/21 23/2 29/14 32/25 34/5 34/5 36/23 45/1 58/8 59/10 63/5 64/18 64/18 64/19 65/5 65/17 66/13 69/3 74/19 75/1 76/19 76/22 84/15 87/9 87/17 87/19 87/25 92/9 93/4 98/12 98/12 98/21 99/4 99/5 99/16 99/25 101/15 103/10 willful [8] 21/10 21/14 21/17 28/7 28/10 28/22 28/22 32/16 willfulness [1] 21/19 withdraw [2] 74/17 74/21 withdrawing [3] 75/25 76/7 76/9 within [8] 33/19 43/4 43/8 43/17 43/19 44/13 83/5 102/13 without [5] 26/9 26/22 36/2 46/23 49/24 witness [15] 38/9 39/25 42/1 42/2 42/3 42/6 42/7 42/8 42/9 42/12 42/13 42/14 42/14 91/18 92/23 witnesses [11] 16/11 37/11 39/20 40/3 41/21 41/25 42/1 42/2 65/7 91/20 92/11 won't [2] 35/19 93/5 wondering [1] 71/20 words [4] 23/5 43/21 55/24 62/11 work [5] 9/17 13/6 35/18 58/6 74/10 worry [1] 53/21 would [79] 6/6 6/9 10/5 10/8 10/25 12/6 12/13 15/10 17/3 17/8 21/2 21/4 22/3 26/20 27/18 30/3 30/7 30/10 30/12 30/13 33/12 34/24 36/10 39/14 43/22 45/8 45/10 45/23 46/23 47/2 47/5 49/9 51/15 51/20 52/6 52/15 53/1 54/17 55/18 55/24 57/15 60/17 61/4 61/9 61/19 65/12 67/10 67/24 70/20 71/7 71/12 72/18 74/23 75/22 76/5 77/18 77/24 78/15 78/16 80/6 80/18 82/17 86/23 88/19 90/22 90/24 92/1 92/13 92/22 92/22 93/14 93/24 94/2 94/2 100/7 101/9 102/5 102/14 103/14 wouldn't [1] 17/4 Wright [1] 8/11 written [2] 22/24 43/21 wrongful [4] 54/15 56/11 60/7 60/12	68/10 68/20 76/8 77/9 77/9 78/2 78/15 85/16 86/19 89/6 102/15 year [1] 62/2 years [5] 59/17 59/19 59/19 59/21 87/10 yes [50] 5/23 8/21 8/22 9/4 11/25 12/4 12/21 21/12 24/1 25/9 25/11 25/11 25/11 25/12 27/14 29/18 29/21 30/9 30/10 30/24 32/22 33/4 33/8 34/2 35/8 65/19 67/10 69/14 69/22 72/7 72/19 73/23 75/15 75/19 79/14 81/6 81/7 84/17 84/20 85/12 85/21 86/8 87/20 94/9 94/16 98/14 99/21 101/19 101/24 103/13 yes-no [7] 25/11 25/11 25/11 25/12 29/21 30/24 33/4 yes-nos [2] 30/9 33/8 yesterday [5] 5/5 6/1 9/11 28/7 91/17 yet [5] 26/2 64/24 83/4 93/14 98/25 you [395] you'd [1] 91/24 you'll [1] 83/6 you're [11] 23/21 30/18 34/10 34/12 36/7 68/23 70/3 75/25 92/5 99/8 99/9 you've [11] 5/2 21/2 24/12 24/13 24/14 34/9 37/9 38/3 42/4 87/9 98/20 your [177]	
Y yeah [22] 10/11 13/4 25/6 25/21 32/18 32/22 32/23 33/10 65/21 66/11 68/3	Z zero [2] 9/18 22/16	

1 STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 2
2 COUNTY OF AIKEN) DOCKET NOS: 2022-CP-02-2323
3 2022-CP-02-2324

4 -----
5 GABRIEL CRESPO and)
6 HEATHER CRESPO,)
7 Plaintiffs,)
8 versus)
9)
10 RHETT RIVIERE; JOSEE RIVIERE;)
11 CHASE ENTERPRISES, LLC; and)
12 RC PROPERTIES, LLC,)
13 Defendants.)
14 -----

14 J U R Y T R I A L
15 VOLUME NO. 8

16
17 DATE: September 25, 2024
18 TIME: 9:31 a.m. to 2:26 p.m.
19 LOCATION: South Carolina Circuit Court No. 2
20 JUDGE: Martha Rivers
21 TRANSCRIBED BY: Sandra J. Early

22 LEGAL EAGLE
23 Post Office Box 5682
24 Greenville, South Carolina 29606
25 864-467-1373
depos@legaleagleinc.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE PLAINTIFFS, GABRIEL CRESPO AND HEATHER CRESPO:

DEBORAH BARBIER, ESQUIRE
Deborah B. Barbier, LLC
1811 Pickens Street
Columbia, South Carolina 29201
Phone: (803)445-1032
E-mail: dbb@deborahbarbier.com

RYAN L. BEASLEY, ESQUIRE
Ryan L. Beasley, Attorney at Law, PA
416 East North Street
Greenville, South Carolina 29601
Phone: (864)679-7777
E-mail: rlb@ryanbeasleylaw.com

WESLEY FEW, ESQUIRE
Wesley D. Few, LLC
P.O. Box 9398
Greenville, South Carolina 29604
Phone: (864)527-5906
E-mail: wes@wesleyfew.com

FOR THE DEFENDANTS, RHETT RIVIERE; CHASE ENTERPRISES, LLC
AND RC PROPERTIES, LLC:

JAMES GRIFFIN, ESQUIRE
Griffin Humphries, LLC
P.O. Box 999
Columbia, South Carolina 29202
Phone: (803)744-0800
E-mail: jgriffin@griffinhumphries.com

JOSEPH MCCULLOCH, ESQUIRE
McCulloch and Schillaci
P.O. Box 11623
Columbia, South Carolina 29211
Phone: (803)779-0005
E-mail: joe@mccullochlaw.com

1 A P P E A R A N C E S (Cont'd.)

2 FOR THE DEFENDANTS, RHETT RIVIERE; CHASE ENTERPRISES, LLC AND
3 RC PROPERTIES, LLC:

4 KATHY SCHILLACI, ESQUIRE
5 McCulloch and Schillaci
6 P.O. Box 11623
7 Columbia, South Carolina 29211
8 Phone: (803)779-0005

9 FOR THE DEFENDANT, JOSEE RIVIERE:

10 JOHN HARTE, ESQUIRE
11 John W. Harte, Attorney at Law, LLC
12 P.O. Box 7215
13 Aiken, South Carolina 29804
14 Phone: (803)226-0755
15 E-mail: john@jwhartelaw.com

16
17
18
19
20
21
22
23
24
25

1 I N D E X

2	Proceedings.....	5
3	Certificate of Transcriber.....	111

4	<u>WITNESS</u>	<u>Direct</u>
5	Rhett Riviere	65
6		
7		

8 E X H I B I T S

9

10

11

12 (None offered or admitted.)

13

14

15

16

17

18

19

20

21

22

23 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL.
24 SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY
25 THE SPEAKER.)

JURY TRIAL - VOL. 8

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

2 THE COURT: All right. Joseph, are we ready?

3 THE DIGITAL REPORTER: Yes, ma'am.

4 THE COURT: Okay. Well, we'll wait on
5 Mr. Griffin to come in. Wait, Mr. Harte. I'll hear
6 from you first.

7 MR. HARTE: Thank you, Your Honor.

8 THE COURT: No, no, no. Sorry. I said wait.
9 We need to get Mr. Griffin in here.

10 MR. HARTE: Oh, I thought you were calling on
11 me.

12 THE COURT: No, I know. It gets confusing.
13 Sorry.

14 (Off the record.)

15 THE COURT: So we are fine. I asked you all to
16 be ready at 9:30.

17 MR. GRIFFIN: I ran out the door and I had an
18 anxious client.

19 THE COURT: That's how it always happens. Okay.
20 Good morning, everyone. Mr. Harte, you filed a
21 motion regarding the unfair trade practices act not
22 to be subject to punitive damages as to that act.
23 I'm looking at the verdict form as to each plaintiff,
24 and it appears that your client was only found liable
25 as to unfair trade practices act. I'm inclined to

JURY TRIAL - VOL. 8

1 agree with you that the punitive damages are not
2 available pursuant to that act. Is there any
3 argument from any of the counsel on that issue?

4 MR. FEW: We agree with that, Your Honor. I'm
5 not aware of any provision for punitive damages under
6 the UTPA. We do still have the remaining issue that
7 we took off the verdict form yesterday of the
8 willful-wanton nature, which we had the debate about
9 whether or not Your Honor gets an advisory opinion
10 from the jury or does Your Honor decide that pursuant
11 to the version of UTPA.

12 THE COURT: As to the trebling of the damages.
13 I thought you all wanted me to make the decision. Do
14 now want to put it up to the jury?

15 MR. FEW: We're fine with you making the
16 decision. It seems like it's within your discretion,
17 Your Honor, given the way the --

18 THE COURT: Well, as that goes against each
19 defendant, do you have any comment on that,
20 Mr. Griffin?

21 MR. GRIFFIN: No. It says the Court, so.

22 THE COURT: It does, and that can be confusing,
23 I think, because they can mean the judge or that can
24 mean the whole proceeding that that the Court
25 found --

JURY TRIAL - VOL. 8

1 MR. GRIFFIN: And I don't know of any cases that
2 address it. I have seen they go to the jury for a
3 special interrogatory, but that's where we are now.
4 It's sort of meaningless, in our view.

5 THE COURT: And I will say that if we had put
6 every -- if the case had not been bifurcated, I would
7 have been more inclined to allow a special
8 interrogatory. But with the bifurcation of the case,
9 I didn't want to muddy the waters as to what was
10 going on with each claim. So, Mr. Harte, I -- I
11 agree with you on that, that you are not subject to
12 the punitive damages element of this. Do you have
13 any disagreement with allowing me to make the finding
14 of willfulness or wantonness?

15 MR. HARTE: No, Your Honor. I'm pleased to
16 allow you to do that. You know, that's how I read
17 the statute, so yeah, I'm fine with that.

18 THE COURT: Okay. Okay. All right. I'm going
19 to reserve any finding of that just because I want to
20 do everything in one blob.

21 MR. HARTE: Sure, Your Honor. And also -- also,
22 Your Honor, as I -- I -- just out of an abundance of
23 caution and just so we -- I can actually explain this
24 to you. And Mr. Griffin was very kind to -- to help
25 me yesterday. I do to want make this point because

JURY TRIAL - VOL. 8

1 the -- there are no punitive damages against the UT
2 -- or whatever that thing is -- you know, I can't
3 ever remember -- unfair trade practices act -- I -- I
4 made the motion -- I made a tentative motion about
5 NOV, et cetera. I have filed a little notice that I
6 would like the ten days that you've talked about
7 yesterday to be able to research that and make a
8 proper motion.

9 THE COURT: Yes, sir. And as your client is not
10 subject to the punitive damages, I think you are
11 complete in your trial and the ten days would begin
12 to run.

13 MR. HARTE: Thank you, Your Honor.

14 THE COURT: And you are definitely granted your
15 ten days to make all motions regarding the verdict as
16 to your client. I think you're free to go as well.
17 I don't think you have to --

18 MR. HARTE: All right. Thank you, Your Honor.

19 THE COURT: -- remain for the --

20 MR. HARTE: Ms. Riviere and I thank you.

21 THE COURT: -- thank you.

22 MR. HARTE: Your Honor, may I say, it's been a
23 pleasure. You run a very fine court. Thank you.

24 THE COURT: Thank you, sir.

25 (Mr. Harte and Defendant

JURY TRIAL - VOL. 8

1 Josee Riviere exited the
2 courtroom.)

3 THE COURT: The jury is not coming 'til 10:00,
4 but we'll allow them -- if you all have anything else
5 you want to take up right now.

6 MS. BARBIER: I do, Your Honor. There's only
7 one witness we're going to call. We're going to call
8 Mr. Riviere to ask some additional questions related
9 to some of the factors that the jury should consider
10 with respect to punitive damages. First of all, net
11 worth and the -- some of the topics that I was
12 precluded about asking him about in the main
13 liability phase of the trial, in particular the
14 duration of his conduct. He was arrested in Martin
15 County, Florida in 1979 for prowling. The incident
16 report indicates that he was looking through a
17 window, watching 13-to-16-year-old girls change
18 clothes and take showers. And he lied to the police
19 about his name, he lied about what he was doing there
20 or where he had come from. And so, I want to ask him
21 about that. I think it's applicable to the duration
22 of the conduct as voyeurism.

23 THE COURT: Ms. Barbier, there was a pretrial
24 discussion about this and, at that time, I think
25 there was an objection to the introduction of any

JURY TRIAL - VOL. 8

1 physical evidence about that due to the lack of a
2 certified copy of the arrest record or the
3 conviction. Do we have any of those documents?

4 MS. BARBIER: I don't plan to introduce a copy
5 of anything. I just want to ask him questions about
6 it. The charge was *nolle prosequi*, and so it's not a
7 conviction. It's just a course of -- it demonstrates
8 a course of conduct.

9 The other, Your Honor, is Peggy Penland, who was
10 not going to testify in the liability phase because
11 what she would testify about is that in the late
12 1980s, she -- Mr. Riviere was found on her property
13 at 2:30 a.m. He was -- she called the police. He was
14 hiding underneath her house in a tuxedo, intoxicated,
15 and then pretended to act like he was invited over.
16 She took a deposition about this. I think, again, it
17 demonstrates the duration of the course of conduct.
18 Susan Hook was not allowed to fully testify. I'm not
19 -- I'm not planning to call any of these people. I
20 just want to ask him questions about it.

21 The other thing is, Your Honor -- so -- so
22 there's that issue, is the duration of the conduct,
23 I'll call it, like, older incidents. Then, we've got
24 the issue of the fact that they -- they plan to
25 introduce these -- the charges of voyeurism that he's

JURY TRIAL - VOL. 8

1 facing right now.

2 THE COURT: The arrest warrants.

3 MS. BARBIER: Right. And I would not have any
4 problem with that, but I would ask that that be done
5 before he takes the stand so that I can ask him about
6 his bond, about his, you know, just the current
7 charges, about things that happened after, you know,
8 his lawyers met with SLED and reviewed evidence,
9 about the fact that he has not pled guilty, the
10 timeline about of that, et cetera, that he wanted to
11 plead no contest, that he doesn't want -- he wants
12 probation, that he has not been charged for a lot of
13 the videos that are out there.

14 And then the other thing, Your Honor, the other
15 topic, is the fraudulent transfer of assets. And
16 then, finally, the Dollar Tree incident that I was not
17 allowed to ask him about. That happened in February
18 of 2024. He's not been charged with anything criminal
19 there. But a young lady, who was in high school,
20 called the police because she was standing in line
21 with him at the dollar store and she said that he had
22 his cell phone underneath, like, staring up her shorts
23 and was taking pictures. They got the video from the
24 Dollar Tree store. The video shows that he's
25 following her around the Dollar Tree store.

JURY TRIAL - VOL. 8

1 THE COURT: Who is "they"? You said "they" got
2 the video. Who is "they"?

3 MS. BARBIER: The Prosperity Police --

4 THE COURT: Thank you.

5 MS. BARBIER: -- when she called them. And
6 then, they -- it shows that he's standing in line
7 behind her and then walks out and doesn't buy
8 anything after she realizes what's going on. Now,
9 again, I'm not -- you know, he wasn't charged with
10 that, but we believe that goes to the course of
11 conduct here and the factors under the punitive
12 damage statute, the duration of the conduct, the
13 awareness. I mean, he's been -- this -- this search
14 happened at his house in 2019 and he's doing this in
15 2024. And the -- you knew, the deterrent effect that
16 needs to occur here to continue to -- to make him
17 stop.

18 So I wanted to front those issues with Your
19 Honor because, certainly, we don't want to waste
20 anybody's time and we don't like objections that would
21 slow things down.

22 THE COURT: Mr. McCulloch? This is your -- your
23 wheelhouse.

24 MR. MCCULLOCH: Well, Your Honor, once again, I
25 feel like we're in a criminal prosecution. And even

JURY TRIAL - VOL. 8

1 in a criminal case, none of what she has just
2 mentioned would be admissible, Your Honor, because
3 it's only offered -- only attempted be offered to
4 show propensity and a proclivity.

5 THE COURT: I agree with you, but we're not in a
6 criminal case, as you said, so how does it --

7 MR. MCCULLOCH: We are not, Your Honor, indeed.
8 But the same rules apply to a degree under the rules
9 of evidence -- 404, 2, 3, 4 -- all of the rules,
10 everything we have recited in our motion in limine at
11 pretrial, the motions in limine, objections
12 throughout, the -- this not -- number one, much of
13 what she seeks to ask and receive an adverse
14 inference about is not similar conduct. There's no
15 similar conduct to this gentleman coming out of a
16 tree in 1979, or whatever year it was. One -- one
17 incident was 37 years ago, another incident was in
18 around the mid-80s, and those are the incidents she
19 seeks to go into, and they don't involve videoing.
20 And, Your Honor, the statute, 15 that we are
21 proceeding under in the bifurcation arena, 15-32-520,
22 allows to the point of if it is relevant and
23 nonprejudicial, the existence over evidence of
24 similar past conduct. Well, we're talking about
25 conduct that is so attenuated unrelated by time and

JURY TRIAL - VOL. 8

1 circumstance as to be not probative on the issues in
2 this trial, the accusations in this trial, and only
3 prejudicial. There is in subpart -- that's Subpart
4 5.

5 In Subpart 4, it mentions that the jury may
6 consider the duration of the conduct, the defendant's
7 awareness of any concealment by the defendant. Well,
8 Your Honor, I think that it might be fair game on some
9 level to say that Mr. Riviere did not come forward and
10 report the existence of these things for 20 years
11 until their discovery. I think I'd have a hard time
12 arguing that's not admissible. And then a question
13 posed to receive an adverse inference to that extent I
14 think would be -- I wouldn't like it, but I can't
15 think of an objection to it, in terms of the duration
16 of the conduct, Your Honor.

17 That -- that's the critical 404 issue, that
18 there is a point, Your Honor, and you have allowed
19 through evidentiary rulings for certain references to
20 be made to instances of videoing at different
21 locations 20 years removed -- more than 20 years
22 removed. You allowed them to see videos of that.
23 That evidence, the argument of counsel over our
24 objections, all of that is already in and it satisfies
25 the right to offer evidence of the duration of the

JURY TRIAL - VOL. 8

1 conduct. And to do more now, to allow adverse
2 inferences on areas that you didn't allow previously
3 really just -- I mean, the -- the relevance rule says
4 that relevant evidence -- and on some level, perhaps
5 that's relevant, but I would submit to you that you've
6 allowed sufficient information in evidence, or they've
7 gotten it kn over our objections, some of which were
8 sustained, but it's there, whether it's -- whether
9 your striking it has been effective or not. They've
10 got their case made under the -- the abilities of this
11 statute and the parameters of this statute.

12 To allow more piling on now in areas that
13 violate 404 simply -- we -- we talk all the time about
14 measuring the probative value of evidence -- and I
15 would submit, in this case, it's additional
16 nail-pounding -- versus prejudicial. You're shifting
17 -- by allowing more emphasis, more evidence, more
18 hammering away, you're shifting it clearly into the
19 arena of prejudice. And for those reasons, we object.
20 Now, yesterday, Mr. Griffin --

21 THE COURT: So, Mr. McCulloch, just to -- I
22 mean, that's a never eloquent statement, but just to
23 be clear, your -- your objection is relevance?

24 MR. MCCULLOCH: -- well, my objection is
25 relevance under 404(B), it's prejudicial. It's

JURY TRIAL - VOL. 8

1 relevance by time and circumstance as to incidents
2 occurring in '79 and sometime in the mid-80s --
3 which hasn't even been nailed down -- by one lady
4 testifying or attempting to testify out of the
5 presence of the jury when she was proffered that she
6 was talking about something that occurred in 19 -- 37
7 years ago. Those in no way are similar, number one,
8 so they lack relevance. They are offered only for
9 prejudice in this prosecution of the criminal case,
10 which we all understand there is -- there are
11 criminal charges, there will be some type of
12 prosecution, ultimately.

13 And so, no, my objection is not only to
14 relevance. It is to relevance and it is to prejudice,
15 abject, unbelievable prejudice and the shifting of
16 what you have deemed was admissible to a degree. But
17 to allow new and additional evidence, I mean, I mean,
18 I'm surprised they aren't asking to show more videos
19 that haven't been allowed thus far.

20 THE COURT: What would prevent them from doing
21 that?

22 MR. MCCULLOCH: I think the very reason that it
23 is prejudicial. It is not probative. It is they
24 have all the evidence they need to meet the elements
25 of what they're allowed to present here. Your Honor,

JURY TRIAL - VOL. 8

1 I --

2 THE COURT: Then what would be the point of
3 bifurcating the action? If you're only going allow
4 the evidence that was allowed in the liability phase,
5 why would we even have a bifurcated procedure?

6 MR. MCCULLOCH: -- well, Your Honor, the purpose
7 of that is, primarily, net worth and some other
8 aspects. But --

9 THE COURT: But that's not all the statute says.

10 MR. MCCULLOCH: -- what is not admissible in the
11 criminal case -- excuse me -- I mean, in the first
12 days of this that is so highly prejudicial as to not
13 be relevant or not be admissible --

14 THE COURT: As to liability.

15 MR. MCCULLOCH: -- is equally objectionable in
16 this phase. The fact that we're in a punitive phase,
17 and they've got the evidence in they need to meet
18 their challenge under this punitive phase, that
19 doesn't validate or justify the allowance and the
20 admission of evidence that is so highly prejudicial.
21 That I -- I -- would liken it, with all due respect
22 to my cocounsel over here, my -- my concern in the
23 Murdaugh case, who I was busy suing Mr. Murdaugh at
24 the time, I thought the judge was probably within the
25 proper providence to allow some evidence of financial

JURY TRIAL - VOL. 8

1 misconduct, but not two weeks of it. And I think
2 that -- that there is a valid issue on the appeal
3 there.

4 But the judge, you, uniquely have the power to
5 limit the amount of evidence that has that terrible
6 danger of propensity and prejudice if -- if the
7 plaintiffs have it and have already gotten it into
8 their case to allow more -- more cumulative piling on.
9 That is the prejudice. That's where the prejudice
10 lies.

11 THE COURT: Unfortunately -- or, fortunately, I
12 do not watch the Murdaugh case, so I can't refer to
13 it.

14 MR. MCCULLOCH: But, Your Honor, if I could
15 finish. Mr. Griffin indicated yesterday we might
16 offer arrest warrants and these public index things.
17 I think our determination has been not to make any
18 offering today, just so that you can include that in
19 your considerations.

20 THE COURT: Do you -- Ms. Barbier had said she
21 intended to ask him about the circumstances of the
22 arrest warrants contingent upon your offering, so are
23 you making an argument that none of that can be
24 entered in or discussed in a punitive phase because
25 you are not going to offer them? There was a lot of

JURY TRIAL - VOL. 8

1 question she referred to --

2 MR. MCCULLOCH: Are you asking me, Your Honor?

3 THE COURT: -- yes, sir, I am asking you.

4 MR. MCCULLOCH: I assume that her announcing to
5 you and advising you she intended to pursue that was
6 predicated on the concept that we would be offering
7 that and -- and, essentially, opening the door. We
8 stand by our objections that the jury has heard all
9 that should be admitted here and all they need to
10 hear to -- to effectuate their burden, which is that
11 there is a SLED investigation. The inference of that
12 hangs in the air. And to go beyond that is not
13 probative, or as the probative value of it is far
14 outweighed by the prejudice. This is not a criminal
15 prosecution.

16 THE COURT: Okay. Ms. Barbier?

17 MS. BARBIER: Yes. Well, first of all, Your
18 Honor, the defense is trying to have it both ways.
19 They're the ones that bifurcated this trial. They're
20 the ones that said all of this evidence that we
21 wanted to get in in the liability phase wasn't
22 relevant 'til -- you know, because it went to factors
23 really more related to punitive damages, and punitive
24 damages was taken out of the first phase. So here we
25 are in the punitive phase, and now they're saying

JURY TRIAL - VOL. 8

1 that it's not admissible here either. It's clearly
2 under the statute that it falls within some of the
3 categories of criteria that the jury is supposed to
4 look at in evaluating whether punitive damages are
5 appropriate. For example, any criminal penalties
6 imposed on the defendant as a result of the same act
7 or course of conduct complained of by the plaintiff.
8 I mean, there has been no criminal penalty imposed.

9 And that -- they wanted to introduce that
10 yesterday. I don't know why they changed their mind.
11 But I still believe that I'm entitled to ask him about
12 the fact that this has been going on since 2019. He
13 hasn't pled guilty to anything. He hasn't -- he
14 hasn't had any penalty from a criminal case.

15 THE COURT: What is the difference between
16 asking somebody if they pled guilty and asking
17 someone have they not pled guilty?

18 MS. BARBIER: Nothing. I don't know, but --

19 THE COURT: And I guess what I'm getting at is
20 if we can't put in a conviction -- that we don't have
21 a conviction, how can we put in that we don't have a
22 conviction? I mean, that -- that is --

23 MS. BARBIER: Well --

24 THE COURT: -- there is a little concern with
25 bleeding criminal into civil. Not as much concern as

JURY TRIAL - VOL. 8

1 Mr. McCulloch has, but I do have a little concern in
2 that.

3 MS. BARBIER: -- well, let me -- let me mention
4 the other things that he addressed, Your Honor. He
5 keeps talking about that this is prejudicial. Well,
6 of course, it's prejudicial. That's not the
7 standard. The standard is whether or not it is
8 unfairly prejudicial and whether it significantly
9 outweighs the probative value. And when you're
10 talking about the duration of the conduct, and we're
11 talking about -- the conduct we're talking about is
12 voyeuristic activities. And he has been engaged in
13 voyeuristic activities in some form or fashion from
14 -- based on this Martin County incident report, since
15 1979.

16 And he doesn't have to take the Fifth Amendment.
17 He could -- he could testify about what he was doing
18 there that night, and he could deny that he was
19 watching 13-to-16-year-old girls take showers and take
20 their clothes off. He could do that. This is a civil
21 trial. And that's what he took on when he agreed --
22 when he wanted to go forward and -- and have this
23 trial.

24 THE COURT: I'm going to ask Mr. McCulloch a
25 question real quick. And I have no idea what the law

JURY TRIAL - VOL. 8

1 is in Florida. But if you do a *non pros* --

2 MR. MCCULLOCH: In -- in Florida?

3 THE COURT: -- in the 1979 Florida prowling
4 incident.

5 MR. MCCULLOCH: All right.

6 THE COURT: If you have a *non pros*, that's not
7 an offer. That's not used as a conviction in other
8 court areas; correct?

9 MR. MCCULLOCH: Well, Your Honor, what I believe
10 the record that we were provided -- which is the only
11 record -- is that he was charged with disorderly
12 conduct. There is card -- and I'm sorry, Your Honor,
13 I could forage around and find my file of those
14 records.

15 THE COURT: But we understand the disorderly
16 conduct to be something --

17 MR. MCCULLOCH: Well, was a disorderly conduct
18 was the charge. There is not a document that we have
19 been provided. In fact, my recollection is there was
20 an e-mail from our solicitor's office here asking for
21 a disposition of one, to my knowledge, was never
22 received. But most importantly, it was not a charge
23 of prowling, it was the charge of disorderly conduct.
24 Somewhere in that piece of paper that has not been
25 authenticated by any means -- Your Honor, who sent

JURY TRIAL - VOL. 8

1 it? And, God knows, I certainly don't know who
2 filled it out in 1979 in some little podunk county in
3 Florida. It described it as prowling. The
4 disorderly conduct, 1979, and no clear disposition
5 whatsoever. But if it was dismissed, it was
6 dismissed. That -- none of that makes it admissible.
7 It is only offered to you for prejudice. That's why
8 you ruled it out at the beginning, and that's why
9 it's not relevant now. It's not --

10 THE COURT: Well, I ruled it out -- let's be
11 clear. I ruled it out in the beginning under the
12 prior bad acts issues to deal with the relevancy and
13 the prejudice effect as to his liability. But we
14 were consistent throughout the hearing that once you
15 all asked for a bifurcated proceeding, some of these
16 matters may come in, in the punitive phase. There
17 was nothing to the ruling to say this went throughout
18 the entire case. And I think multiple times I said
19 at this phase of the trial that's not admitted. So
20 we do need to make some of these determinations
21 again. And the fact that they had a prejudicial
22 effect as to his finding of liability is now removed
23 because he has been found liable, and we're dealing
24 with the punitive damages section.

25 MR. MCCULLOCH: Your Honor, I don't think it's

JURY TRIAL - VOL. 8

1 removed by any means. I think that it is equally
2 prejudicial, if not --

3 THE COURT: Except you're now going forward with
4 a jury that says yes, he is responsible for these
5 acts and here is his compensatory damages amount, and
6 now, we're looking solely for punitives based upon
7 your request to bifurcate the proceeding.

8 MR. MCCULLOCH: So, Your Honor, under that
9 theory, I guess anything and everything they'd like
10 to ask him about that is in any way -- running red
11 lights, being a suspect of shoplifting, none of which
12 exists, of course --

13 THE COURT: And none of which I have said would
14 be allowed in. But there are -- there was evidence
15 that would have been allowed in for punitive damages
16 that were -- was not in the liability phase because
17 of the bifurcation.

18 MR. MCCULLOCH: Well, I don't know what would
19 have been allowed in because I don't recall you ever
20 ruling, other than saying that these rulings are, at
21 this time, pertinent only to the first phase. What
22 we're now arguing is whether they should be admitted
23 in the second phase --

24 THE COURT: Exactly.

25 MR. MCCULLOCH: -- and I've just stated my

JURY TRIAL - VOL. 8

1 argument. I think they are no more admissible in
2 this phase. They are equally prejudicial, most of
3 them are equally irrelevant, not relevant as to
4 similar conduct. And I just -- Your Honor, I can
5 only renew all of the objections we had during the --
6 the first phase and -- and say that the rules don't
7 just change because we're in a punitive phase.

8 THE COURT: No, but one of the --

9 MR. MCCULLOCH: The rules of evidence apply.

10 THE COURT: -- one of the things we ruled on was
11 the limitation to discussion of how much video
12 evidence existed in order to not prejudice your
13 client as to the fact of the extreme repetition of
14 videoing persons. I don't know what those videos are
15 of. I haven't looked at 21 or 20 or 10,000 videos.
16 Let's cut it in half. But in this phase, don't you
17 think would it be appropriate to -- to be -- have
18 more clarity as to the amount of video evidence there
19 is?

20 MR. MCCULLOCH: No, I don't. I do not, Your
21 Honor, for a variety of reasons, not the least of
22 which is the jury has found him responsible for the
23 videos they saw. We are presenting numbers, and I
24 don't 10,000 is accurate. That's what the count --

25 THE COURT: Well, I knew you said 21,000 wasn't

JURY TRIAL - VOL. 8

1 accurate, so I cut it in half just to -- out of --

2 MR. MCCULLOCH: -- well, that -- that's generous
3 of you, but I don't think that's any more accurate
4 than 21,000. But however many it is, Your Honor, to
5 the extent there are videos, there is no evidence and
6 cannot be any evidence that -- about those videos,
7 when they occurred, whether before or after. Some
8 have date stamping on it that is not dispositive of
9 that question. Most, if not all, occurred at
10 different locations. Some perhaps owned by him, but
11 since some cannot be identified as to location,
12 there's that problem.

13 They all include unidentified people, people who
14 have not been asked if they were consensual videos or
15 nonconsensual. I -- I don't think the Court --
16 certainly, the plaintiffs should not be able to derive
17 an inference. And I just think that such a thin ice
18 area that to now allow: Isn't it true, Mr. Riviere,
19 that there are hundreds or thousands or millions of 3,
20 4 terabytes of other instances that occurred some time
21 in history at one of your locations?

22 I just think, Your Honor, that they haven't on
23 any level, establish a foundation for their admission.
24 They are irrelevant in time, circumstance. And the
25 404 says they have to be connectable in all of those

JURY TRIAL - VOL. 8

1 ways, because there's an "and," not an "or" about time
2 and circumstance, and so forth, that they are more
3 prejudicial than probative. And to allow that at this
4 stage -- the same rule to the extent of relevance and
5 prejudice apply in this stage. And they have -- as
6 I've already said, Your Honor, you've allowed evidence
7 that allows them the same arguments or allows them
8 sustenance for the arguments that have to be made
9 about repetitious conduct and everything that they
10 require under this bifurcated stage.

11 And -- and the -- it's a -- it's a legal right
12 of the plaintiff -- of the defendant, excuse me -- to
13 request a bifurcation, but that doesn't just mean that
14 it swings wide the gates of evidence, that the rules
15 of evidence are to be ignored, and that everything can
16 come in that didn't come in.

17 THE COURT: In the -- I'm looking through the --
18 a charge on punitive damages, as well as this statute
19 regarding punitive damages. And -- and you're also
20 looking at whether the defendant's conduct was
21 willful, wanton, or reckless, whether there is
22 something more than mere negligence, establish the
23 defendant's acts were reckless, willful, and wanton,
24 meaning there was a conscious failure to exercise due
25 care or a conscious indifference to the right and

JURY TRIAL - VOL. 8

1 safety of others, to punish the defendant for
2 extraordinary and outrageous misconduct, and to
3 prevent others from committing similar acts.

4 MR. MCCULLOCH: Well, Your Honor, the plaintiffs
5 offer this, or ask for this opportunity to sustain --
6 or in supportive all of these causes of action, most
7 of which require a rental relationship. I would say
8 again, because of almost none of these videos they
9 wish to show --

10 THE COURT: They haven't asked to show them. I
11 posed this question.

12 MR. MCCULLOCH: Well --

13 MS. BARBIER: Your Honor.

14 MR. MCCULLOCH: -- all these videos they wish to
15 refer to, Your Honor, let's put it that way.

16 THE COURT: I don't think they asked to do that
17 either. I was --

18 MS. BARBIER: -- Your Honor, I do intend in my
19 closing to say to the jury you heard Lieutenant Dove
20 testify. He testified there are thousands of videos.
21 You saw a small sampling of those videos, and we
22 could have put more videos in for you to show, but we
23 chose not to do that. I do intend to say that.

24 MR. MCCULLOCH: Well, I don't think they chose
25 not to do that, Your Honor. I think they were

JURY TRIAL - VOL. 8

1 ordered not to do that.

2 THE COURT: It was pursuant to a ruling, yes.

3 MR. MCCULLOCH: But, Your Honor, more
4 importantly --

5 MS. BARBIER: Well, I mean, and the punitives --

6 MR. MCCULLOCH: -- more importantly --

7 THE COURT: I understand, Ms. Barbier.

8 MR. MCCULLOCH: -- they have no ability to show
9 that -- that those videos they like to talk about,
10 the hundreds that -- that were not shown them were
11 the subject of rental agreements, were, you know,
12 relevant to the multitude of causes of action, the
13 shotgun blast that they have fired in Mr. Riviere's
14 direction. So for a variety of reasons, all of which
15 I say again today, but reiterate to a degree of the
16 things we've argued in the past. I just don't think
17 it's admissible. I think it's more prejudicial. And
18 their -- the evidence is in the record that will
19 sustain their ability to effectively argue for
20 punitive damages.

21 THE COURT: All right. Mr. McCulloch, do you
22 have any argument about questioning him on the
23 potential fraudulent transfer benefit assets that
24 would go into his ability to pay?

25 MR. GRIFFIN: Your Honor, he can testify as to

JURY TRIAL - VOL. 8

1 net worth.

2 THE COURT: Well, is he going to testify to as
3 to his net worth?

4 MR. GRIFFIN: Yeah. He's not going to plead the
5 Fifth to his net worth. But with regard to the
6 fraudulent transfer of assets, I hadn't thought about
7 that in this regard. I don't know that how goes to
8 his net worth.

9 THE COURT: You don't know how a transfer of
10 assets would go to his net worth?

11 MR. GRIFFIN: I don't. I mean, that's a --

12 THE COURT: If I gave away all my -- I mean, I
13 don't know he did a Statute of Elizabeth's thing, but
14 if I gave away all my property, that wouldn't be
15 applicable to what is net worth could be imputed to
16 him?

17 MR. GRIFFIN: Sure. But the transfer they want
18 to talk about occurred well before this lawsuit was
19 ever filed, well before the Crespos ever were
20 identified as victims. That's what they want to
21 reach back to that.

22 MS. BARBIER: Oh, that's not all I want to ask
23 about in terms of fraudulent transfers, Your Honor.
24 I think Mr. Griffin is optimistic there.

25 THE COURT: Okay. Well, that may be something

JURY TRIAL - VOL. 8

1 that we have to do a contemporaneous objection. All
2 right. In reviewing the statute, The defendant's
3 degree of culpability, the severity of harm caused to
4 the defendant, and the extent to which the
5 plaintiffs' own conduct contributed to the harm, the
6 duration of the conduct, the defendant's awareness
7 and any concealment, the existence of similar past
8 conduct, the profitability of the conduct to the
9 defendant, the defendant's ability to pay, the
10 likelihood the award will deter others, the award of
11 punitive damages against the defendant alleging harm
12 for the same act or course of conduct, any criminal
13 penalties imposed on the defendant as a result of the
14 same conduct," which we have none. He has not any
15 criminal penalties; is that correct?

16 MR. GRIFFIN: That's --

17 MR. MCCULLOCH: No, Your Honor.

18 MR. GRIFFIN: -- other than being arrested,
19 that's it.

20 THE COURT: Right. But that's not a penalty,
21 that's a procedure. "The amount of any civil fines
22 assessed against him as a result of the same course
23 of conduct." There have been none of those; is that
24 correct?

25 MR. MCCULLOCH: Not -- not -- not applicable,

JURY TRIAL - VOL. 8

1 Your Honor; 9, 10, and 11 not applicable, in our
2 view.

3 THE COURT: Yes, sir. I think the statute says
4 "the existence of similar past conduct." I
5 understand you want to limit it to rental conduct,
6 but I do think the conduct that is being alleged
7 during the rental period was, you know, voyeuristic,
8 whatever you want to say, the -- the potential for
9 improper looking at others, particularly women, and I
10 think they can get into that.

11 The charge, Ms. Barbier, was *non prosed*, you
12 say, so then that means it has absolutely no effect.
13 I think you can ask as to the disorderly conduct or
14 was he -- did he somehow have an accusation in 1979.
15 I don't think we can get -- do you have something
16 about the charge?

17 MS. BARBIER: Your Honor, the -- the charge that
18 was *nolle prosed* was loitering or prowling. The
19 charge in the information which was what he was
20 charged with is loitering or prowling under Florida
21 statute. I provided them this. This -- this has
22 been in the discovery that they got too in the
23 criminal case.

24 THE COURT: Well -- and -- and explain to me
25 what your thought of *non prosed* is.

JURY TRIAL - VOL. 8

1 MS. BARBIER: *Nolle prosed* means the -- the
2 charge was dismissed. It means he got --

3 THE COURT: Which has no lasting effect on to
4 him; right? He's not a --

5 MS. BARBIER: Yeah. He got no -- he got no
6 penalty, he got no conviction, he got no consequence
7 for that.

8 THE COURT: But it's as if it didn't happen
9 because it's dismissed.

10 MS. BARBIER: Well, it did happen, but it was
11 dismissed. And so, one of the factors that this jury
12 is supposed to look at is the criminal penalties
13 imposed as a result of the same course of conduct.

14 THE COURT: But there's no penalty. I mean,
15 that doesn't qualify as a criminal penalty. It was
16 *non prosed*.

17 MS. BARBIER: I would -- I would argue that it
18 is also the lack of criminal penalties that have been
19 imposed.

20 THE COURT: Tell you what we'll do. We'll
21 strike out the Florida action because that was a *non*
22 *prosed* charge, and I don't think you'll have any
23 other evidence regarding that. I'll allow the
24 references to Peggy Penland and Susan Hook. Those
25 were not videotaped. I don't know if that's an issue

JURY TRIAL - VOL. 8

1 of technology or what, but I'll say that that does go
2 into prior other conduct.

3 MR. MCCULLOCH: Your Honor, Ms. Penland, I don't
4 believe, testified. Ms. Hook did testify. And we,
5 of course, object but we respect your ruling. I
6 would ask that if the Court is going to allow a
7 reference to Ms. Hook's incident about which she
8 testified (unintelligible) objection --

9 THE COURT: Is she entered it in deposition?
10 How do you intend to get that in, Ms. Barbier?

11 MS. BARBIER: Your Honor, I have a good faith
12 basis to ask him about the incident, and that's all I
13 intend to do is ask it to him on cross-examination.

14 MR. MCCULLOCH: And -- and I ask that she
15 include in her question, over my objection, the year.
16 It was sometime in the '80s. That's the best there
17 is.

18 THE COURT: Okay. Well -- and you'll have the
19 chance.

20 MS. BARBIER: I'll be glad to do that.

21 THE COURT: Yeah.

22 MR. MCCULLOCH: But, Your Honor, as to Penland,
23 I just -- I believe Ms. Penland's testimony was
24 offered in designations that were ultimately ruled
25 inadmissible by you.

JURY TRIAL - VOL. 8

1 MS. BARBIER: No, they weren't. They were never
2 offered.

3 MR. MCCULLOCH: Did she testify?

4 MS. BARBIER: No.

5 MR. MCCULLOCH: Okay. And the designations were
6 not offered, so there's nothing thing in the record
7 about that. And that is one of the objections we
8 made originally, Your Honor, that -- that the -- I
9 mean, if Ms. Barbier --

10 THE COURT: I understand. And in the liability
11 phase, I did not allow her to go into that prior
12 misconduct due to the -- the years and -- and
13 potential differences in the conduct from what
14 happened to the Crespos so that we could have a clear
15 record as to liability on the videos with the
16 Crespos. At this phase, I'm allowing it as -- as
17 prior conduct, as similar past conduct, pursuant to
18 the statute, Subsection 5, as you said.

19 MR. MCCULLOCH: And -- and, Your Honor, we'd ask
20 that that include the fact that it was 37 years ago.

21 THE COURT: Sure. Yeah. I think we -- Ms.
22 Barbier, you are instructed to make sure you -- you
23 make reference to the time of each of these incidents
24 so that it's clear for the jury.

25 MS. BARBIER: Sure. Your Honor, with respect to

JURY TRIAL - VOL. 8

1 the pending criminal charges.

2 THE COURT: Well, wait a minute. I want to go
3 to one thing. I think you said Dollar Tree but,
4 previously, it was referred to as a Dollar General
5 incident, and I am well aware those are two different
6 stores. So --

7 MS. BARBIER: Well --

8 THE COURT: -- the Dollar General incident, what
9 is the argument as to the Dollar General incident?

10 MS. BARBIER: -- I apologize for that, Your
11 Honor. I have Dollar Tree jotted down or Dollar
12 Store three different ways in my notes. I beg the
13 Court's indulgence one moment.

14 THE COURT: That is not similar past conduct.

15 MS. BARBIER: No. It is proof that deterrence
16 is needed here.

17 MR. MCCULLOCH: Well, Your Honor, it's not proof
18 of anything because the solicitor evaluated that.
19 And as an officer of the court, I can tell you, found
20 no basis to go forward. I've seen the video. It is
21 of Mr. Riviere standing ten feet or so away. The
22 young lady's accusation is she's standing at a cash
23 register, for whatever reason. She reported to her
24 mother who then reported to the police there was a
25 situation. The police department did nothing. The

JURY TRIAL - VOL. 8

1 solicitor reviewed it and did nothing. It is a
2 nothing burger, except a prejudicial adventure to
3 further prejudice this defendant with conduct that
4 didn't result in anything, that was rather innocuous
5 in the sense of viewing it. There's this assertion
6 he had a camera. I watched the video multiple times.
7 I can't see what he had in his hand, but I can see
8 that he's standing about as close to this young lady
9 as I am to you now. It just is irrelevant, and the
10 probative value is so outweighed by prejudice, it
11 should not be allowed. And it is certainly not prior
12 conduct.

13 THE COURT: Ms. Barbier, as to Section 8, which
14 is what you've argued, "It's the likelihood the award
15 will deter the defendant or others from like
16 conduct," I don't find that the Dollar General
17 incident is related to having an award to deter the
18 conduct. I will not allow the Dollar General
19 incident to come in.

20 MS. BARBIER: You will not allow it?

21 THE COURT: No.

22 MS. BARBIER: Okay. I also -- just for the
23 record, Your Honor, I believe it goes to the duration
24 of the conduct.

25 THE COURT: Thank you, ma'am. I will say, I

JURY TRIAL - VOL. 8

1 think you've got other evidence as to that that
2 you've already stated, so that would be cumulative in
3 that regard, and the potential prejudicial effect
4 would outweigh that based on its cumulative effect.

5 I will say, Mr. McCulloch, there are numerous
6 crimes against women that go swept under the rug as
7 being innocuous every day, so tread lightly in those
8 arguments, please.

9 MR. MCCULLOCH: Happily, Your Honor. I am
10 devolving [ph] to Mr. Griffin, so he -- he is
11 admonished.

12 THE COURT: Thank you, sir. Not an
13 admonishment, just a comment. All right. Anything
14 else we need to discuss?

15 MS. BARBIER: Your Honor, I just want to make
16 sure I'm clear about the pending criminal charges and
17 the bond hearing.

18 THE COURT: Yeah, that was my question too.

19 MS. BARBIER: Is -- am I allowed to ask him
20 about that? I'm not sure that I want to if he's not
21 going to admit his convictions, but I just want to
22 know what the landscape is here.

23 THE COURT: I know. It's my personal view that
24 it would be to his benefit for the jury to know that
25 he has pending criminal charges, but that's a

JURY TRIAL - VOL. 8

1 tactical issue.

2 MR. MCCULLOCH: Well, they do know that, Your
3 Honor, because one witness testified to that.

4 THE COURT: Yeah, and it's a tactical issue for
5 him. So if he's not bringing that in, I think you
6 need to stay away from it.

7 MS. BARBIER: So you don't think I should go
8 into it -- in fact, I should not go into it?

9 THE COURT: I would not go into the criminal,
10 no.

11 MS. BARBIER: Okay.

12 THE COURT: Continue to stay away from that.
13 Mr. Griffin?

14 MR. GRIFFIN: Your Honor, before we bring the
15 jury in, could we consult with our client about the
16 scope of his testimony and some things that, you
17 know, that he's going to need to plead the Fifth to,
18 like net worth and stuff?

19 THE COURT: Let's take a ten-minute break.

20 MS. BARBIER: Well, Your Honor -- Your Honor, on
21 that -- along those lines, my position is going to be
22 if he --

23 THE COURT: If he talks --

24 MS. BARBIER: -- answers one question, he waives
25 his Fifth Amendment right and I can ask him anything

JURY TRIAL - VOL. 8

1 I want.

2 MR. GRIFFIN: Well, then, we need to address
3 that. If he can't testify as to what his net worth
4 is without waiving his Fifth Amendment privilege as
5 to underlying allegations, then -- then we need the
6 Court's rulings saying that and then he'll plead the
7 Fifth. But I don't think that's the law.

8 THE COURT: Mr. McCulloch, you're flipping
9 through some papers. Have you got something?

10 MR. GRIFFIN: I don't think you can assert the
11 Fifth Amendment on something that doesn't --

12 THE COURT: Incriminate you?

13 MR. GRIFFIN: -- isn't a chain in the step of
14 evidence that would lead to incriminating or a
15 conviction. I mean, so his net worth is nothing --

16 THE COURT: Somebody give me a particular cite.
17 I understand the argument.

18 MR. MCCULLOCH: I was shuffling to try to find
19 that case, Your Honor, but I believe Mr. Griffin is
20 correct, that -- that our courts have not recognized
21 a partial waiver in the sense that -- that if you
22 assert the Fifth Amendment as to valid material
23 matters that would tend to incriminate you, you can't
24 answer one and then choose to answer not another.
25 But our courts have said that -- that you can only

JURY TRIAL - VOL. 8

1 exercise or invoke the Fifth Amendment to those
2 things and questions that would tend to incriminate
3 you. That's the essence of the law and the essence
4 of the rule, and I think the essence of our case.
5 And we'll try to find you one in the next ten
6 minutes.

7 THE COURT: I was going to say, during the
8 break, look for that. I'll look for it as well. And
9 then, I'll come back and tell you, you can advise
10 your client as to the difference in the different
11 rulings beforehand before we bring the jury in.

12 MR. MCCULLOCH: Well, I don't know how we're
13 going to give him a -- we'll look at the case and
14 we'll try to get him educated on it. But I don't
15 think we get to jump up and do this. But I do think
16 that is the law.

17 THE COURT: Thank you, sir. Ms. Barbier, do you
18 have anything?

19 MS. BARBIER: Your Honor, I mean, the law is
20 very clear. You cannot get up and make one
21 self-serving statement about what your net worth is
22 and then refuse to answer any underlying questions
23 that would go to what constitutes your net worth.

24 THE COURT: If you'll all just give me a cite so
25 I can read it. I would appreciate it.

JURY TRIAL - VOL. 8

1 MS. BARBIER: Okay.

2 THE COURT: Thank you.

3 MS. BARBIER: Thank you.

4 (Off the record.)

5 (Recess.)

6 (On the record.)

7 THE COURT: Well, we're missing some folks. You
8 all can be seated. I'm sorry. I'm not used to
9 people listening to me yet.

10 MR. FEW: That's because you've still got
11 children at home.

12 THE COURT: Right, very true. That does keep
13 you humble.

14 (Defense counsel entered the
15 courtroom.)

16 THE COURT: Thank you, gentlemen. Do you all
17 have any great authority for me?

18 MR. GRIFFIN: Yes, Your Honor. I e-mailed to
19 you and your law clerk first an AOR which addresses
20 this issue, 72 AOR 2d 830. And the general rule,
21 Your Honor, with regard to testifying in a civil case
22 is "That a witness who testifies to a fact or
23 transaction without invoking his privilege thereby
24 waives that privilege with respect to details and the
25 particulars of such facts or transactions, and that a

JURY TRIAL - VOL. 8

1 party in a civil proceeding who takes the stand and
2 testifies on his own behalf therefore forgoes the
3 right to invoke on cross-examination the privilege
4 against self-incrimination regarding matters made
5 relevant by his direct examination. But on the other
6 hand, the privilege is not lost to matters wholly
7 unrelated to and not connected with the subject of
8 the direct examination." That's basically the
9 general rule, and we haven't found anything
10 differently in South Carolina.

11 There's a U.S. Supreme Court decision, McCarthy
12 B. Arndstein -- A-R-N-D-S-T-E-I-N -- 266 US 34, and
13 this was a bankruptcy case, Your Honor, and the issue
14 was whether the defendant, by showing up in bankruptcy
15 court asking questions -- I mean, compelled, attended
16 -- answering questions regarding certain assets,
17 waived his -- his right to invoke the privilege as to
18 other questions. And the court held that the
19 privilege was not waived by the -- by the party's
20 filing of the bankruptcy schedule or answering certain
21 oral questions, and that -- so that's the U.S. Supreme
22 Court.

23 In the criminal arena in South Carolina and
24 elsewhere, if a -- if a criminal defendant voluntarily
25 gets on the stand and testifies in his own defense,

JURY TRIAL - VOL. 8

1 then he fully waives the privilege, without a doubt,
2 but that's not what we have here. We have, first,
3 he's not voluntarily getting on the stand. They're
4 going to compel him on the stand. He's still under
5 subpoena. And that the civil rule is -- and -- and --
6 and the test for when you can invoke the privilege, it
7 is does the evidence provide a link or would the
8 testimony provide a link in the chain of evidence that
9 could be used against him. And that -- that is the
10 test, Your Honor. And if Your Honor hasn't found it,
11 I've got another case that says exactly that. I'm
12 pretty sure it's State v. Gilbert, 273 S.C. 690. But
13 -- but the bottom line is, here, Mr. Riviere, frankly,
14 I don't believe has a Fifth Amendment privilege not to
15 testify about his assets, his net worth. He's not
16 accused of any criminal conduct with regard to his --
17 what he owns, whether he reconveyed stuff and what his
18 net worth is. And so, we -- unless Your Honor -- and
19 I would request a ruling -- unless Your Honor's ruling
20 is if he is compelled to testify and he answers
21 questions about his net worth then he waives
22 everything else, then he's going to invoke his
23 privilege, because the waiver is -- is too drastic for
24 him at this stage.

25 THE COURT: Okay.

JURY TRIAL - VOL. 8

1 MR. MCCULLOCH: And, Your Honor, I would also
2 note that -- and the discovery process in this case,
3 I think, produced all of the information, and so the
4 defense is quite well aware that there are -- that
5 the information about his net worth. And to now be
6 allowed then to ask questions in the pursuit of
7 trying to, you know, to then claim a waiver, as I've
8 earlier said, I think the waiver of the Fifth
9 Amendment is only allowed -- in all the old Al Capone
10 movies, you know, Al Capone always asserted the Fifth
11 Amendment to his name and his address, and no lawyer
12 ever said, well, Your Honor, that ain't what the
13 Fifth Amendment is about. It's about material
14 evidence that would tend to incriminate. Your Honor,
15 he don't have a right to assert that the Fifth
16 Amendment. And the goal here is to disingenuously
17 ignore the information they have and not ask him
18 about the information, is this accurate. That's the
19 way it could properly be done. It is to try and
20 create a trap and a trick to have him waive his Fifth
21 Amendment. So beyond net worth, we don't believe
22 they -- he'll take the Fifth.

23 MR. GRIFFIN: He will take the Fifth.

24 THE COURT: All right. Ms. Barbier?

25 MS. BARBIER: Your Honor, under the unfair trade

JURY TRIAL - VOL. 8

1 practices act that he was found liable under, he was
2 found liable for running an enterprise. He collected
3 rent from people, which is part of his -- was -- of
4 his income over the years and, in part, constitutes
5 some of his assets. So I don't think that the
6 defense's theory about how to parse these subjects
7 out is valid.

8 THE COURT: Well, let me ask he this, and this
9 is a tangent on this -- what I believe may be the
10 same issue. We had a discussion yesterday that --
11 because you bring up the unfair trade practices and
12 the rulings of the jury -- we had a question
13 yesterday about whether he could testify as a
14 corporate officer without waiving his Fifth Amendment
15 right. Is that going to come into play again today?

16 MS. BARBIER: Well, Your Honor, I mean, I could
17 call him in all three capacities, for sure, and maybe
18 I'll do that.

19 THE COURT: And the corporation does not have
20 the Fifth Amendment right. We all --

21 MS. BARBIER: No, they don't.

22 THE COURT: -- conceded that. So he would have
23 to answer as to the corporations.

24 MR. GRIFFIN: Your Honor, I disagree. I
25 disagree.

JURY TRIAL - VOL. 8

1 THE COURT: I thought that's what you said
2 yesterday.

3 MR. GRIFFIN: That the corporation can be
4 required to produce documents and then to provide a
5 witness under Rule 30(B)6, but they can't pick this
6 person to get on the stand and testify and --

7 THE COURT: So he would --

8 MR. GRIFFIN: -- it's against his Fifth
9 Amendment privilege.

10 THE COURT: -- he would assert his Fifth
11 Amendment privilege to the corporate assets, but not
12 to his personal assets.

13 MR. GRIFFIN: Well, there are no corporate
14 assets. I -- I -- I -- I'm not sure --

15 THE COURT: Or what happened with the corporate
16 assets. That might incriminate him is what you're
17 saying?

18 MR. GRIFFIN: -- no. No, I'm not saying that.
19 I mean, he can -- he can testify on financials and
20 assets.

21 THE COURT: I understand the corporation could
22 designate a witness, but if he happened -- he's here
23 to testify already. If they happen to call him, are
24 you saying they're precluded from asking him about
25 the corporations?

JURY TRIAL - VOL. 8

1 MR. GRIFFIN: No, I'm not saying that at all.
2 He's testifying about assets. He can testify about
3 the corporations' assets.

4 THE COURT: Yeah. I understand there could have
5 been a 30(B)6 designation, but that was before, now
6 we're just here. If he gets up here and she asks him
7 about corporate assets, what's going to be the
8 answer?

9 MR. GRIFFIN: No. He'll answer them.

10 THE COURT: Okay.

11 MR. GRIFFIN: That's the same subject matter --

12 THE COURT: Yes, sir --

13 MR. GRIFFIN: -- and -- and financials.

14 THE COURT: -- because the corporation does not
15 have a Fifth Amendment privilege; right? But that
16 was a side issue. I didn't mean to --

17 MR. GRIFFIN: But -- but they can't call him as
18 a corporate representative and ask him -- say he
19 doesn't have a Fifth Amendment privilege of what he
20 personally did. That's --

21 THE COURT: You would like a -- if -- if that
22 we're going to occur. I don't know if that's going
23 to occur, but if that were to occur, you'd like a
24 clear designation in what capacity he's testifying.

25 MR. GRIFFIN: Well, I think what -- I'm getting

JURY TRIAL - VOL. 8

1 confused here, and it's my fault, but --

2 THE COURT: No. It may be my fault.

3 MR. GRIFFIN: -- what our position is, he
4 doesn't have a Fifth Amendment privilege to this
5 financial net worth. He intends to testify about
6 that. If asked questions about these corporations,
7 he will testify about that. And you can say he's
8 testifying as a corporate representative. We're fine
9 with that. But by saying because he testified as a
10 corporate representative, he's waiving his Fifth
11 Amendment privilege to everything else --

12 THE COURT: No, that's not what I intended to
13 do.

14 MR. GRIFFIN: -- we object to that.

15 THE COURT: Yes. I gotcha. All right. And --
16 and here's another point, Mr. Griffin, you bring up
17 that I had not thought about. He, as a corporate
18 officer, could be incriminated. I don't know what's
19 happened to the corporations. I don't know anything
20 about the corporations. So answering questions about
21 the corporation could incriminate him personally in
22 certain scenarios; correct.

23 MR. GRIFFIN: I don't know of anything that
24 would incriminate --

25 THE COURT: I don't know. I don't know either.

JURY TRIAL - VOL. 8

1 MR. MCCULLOCH: Your Honor, I know of one. It's
2 another rabbit that we may have to chase, and we may
3 as well chase it now.

4 THE COURT: Mm-hmm.

5 MR. MCCULLOCH: I hadn't anticipated the
6 possibility and probably these folks hadn't
7 anticipated it until you mentioned it, but the fact
8 that there are LLCs that are party defendants, would
9 he assert the Fifth as to the worth of these LLCs.
10 There's one LLC that I think was essentially
11 moribund, had no assets but one piece of property
12 that, by reason of a civil case, was required to be
13 sold. I don't think it would be proper go into what
14 the civil case was. I think that it's a rabbit that
15 we will chase for no reason and no value.

16 THE COURT: Okay. Well, let's chase this rabbit
17 right now.

18 MR. MCCULLOCH: Well, I'm bringing up the fact
19 that I think, with respect to the two LLCs, they are
20 valueless today. There is nothing in --

21 THE COURT: But they had assets at one time and
22 were -- some assets were sold of some value.

23 MR. MCCULLOCH: -- that's correct, Your Honor,
24 but I don't --

25 THE COURT: And that would all be a valid

JURY TRIAL - VOL. 8

1 inquiry, I believe.

2 MS. BARBIER: Your Honor, I'm shocked to hear
3 them say that he doesn't have a Fifth Amendment right
4 as to his net worth. He asserted his Fifth Amendment
5 right in his deposition --

6 THE COURT: And that was one of your pretrial
7 things because he had asserted it prior.

8 MS. BARBIER: -- to every single question.

9 THE COURT: He could not now at trial change.

10 MS. BARBIER: He did not --

11 THE COURT: I recall that.

12 MS. BARBIER: -- provide tax returns, he did not
13 provide audited financials, he did not provide the
14 information that we asked for in discovery, none of
15 it. So I don't know what Mr. McCulloch is talking
16 about. I know that in -- in mediation, which we
17 don't speak of in these --

18 THE COURT: Mm-hmm, mm-hmm -- we don't speak of.

19 MS. BARBIER: -- there was discussion --

20 THE COURT: It has no relevance whatsoever.

21 MS. BARBIER: -- right. But --

22 THE COURT: All right. So let's not speak of
23 it. The case I found, gentlemen -- because this is
24 the area that I've dealt with this, is in the family
25 court arena, oddly enough, because the Fifth

JURY TRIAL - VOL. 8

1 Amendment privilege comes up often in DSS cases and,
2 occasionally, in a divorce case. And the only South
3 Carolina case I found was Griffith versus Griffith,
4 which is a Court of Appeals case from 1998, 332 S.C.
5 630, 506 S.E. 2d 526, which says -- it's really
6 talking about seeking affirmative relief while
7 denying the opportunity to cross-examine on the
8 subject of the adultery, which was the issue at hand
9 in that. In that -- at that time, the court said
10 they found no specific cases on that point, that each
11 seek some kind of affirmative relief. But it does
12 delineate the idea that once you invoke the
13 privilege, you have denied the adversarial process
14 from going forward as intended.

15 MR. MCCULLOCH: Your Honor, amazingly, I don't
16 know many cases, but I know of Griffith.

17 THE COURT: Well, tell me about it. I mean,
18 that's what I'm getting out at this.

19 MR. MCCULLOCH: The Griffith case was a family
20 court case, as you said, which involved a husband and
21 wife each asserting that they were -- well, the wife
22 asserting that she had an entitlement to alimony
23 because of the husband's adultery, the husband
24 asserting back against the wife she had no
25 entitlement to alimony because she was an adulterous.

JURY TRIAL - VOL. 8

1 THE COURT: And adultery being technically a
2 crime.

3 MR. MCCULLOCH: She -- she asserted the Fifth
4 Amendment, though she had the affirmative request for
5 alimony. What the court said is -- and they took
6 first -- most importantly, and they underlined it a
7 couple of times -- that the parties each stipulated
8 that their -- they both had been granted immunity
9 from prosecution for adultery. Now, that's amazing
10 to me, but that's what the court said that some
11 solicitor said, hell, I haven't prosecuted anybody
12 for adultery in 50 years and I'm not likely to do it
13 again. So the court's opinion is based upon a grant
14 of immunity.

15 But what the court said is that -- and they go
16 through a shield and sword analysis of the Fifth
17 Amendment -- that then speak to the very fact that a
18 litigant who is seeking the affirmative relief of
19 alimony should not be able to refuse and invoke the
20 Fifth and decline to answer to subvert the other
21 party's ability to pursue their remedy. And that's
22 what -- to me, that's the case limitation. But
23 importantly, the court says -- and I don't recall the
24 page, but I vaguely recall the language -- that in
25 this case -- and they were cited to some other cases

JURY TRIAL - VOL. 8

1 in North Carolina -- but in this case we find,
2 essentially, because of the stipulation of the parties
3 there was a grant of immunity that there was no good
4 faith reason for the assertion of the Fifth Amendment.

5 THE COURT: And that's later in the opinion than
6 what I'm referring to.

7 MR. MCCULLOCH: Well, but it's the opinion --

8 THE COURT: Well, it is.

9 MR. MCCULLOCH: -- that there was no good-faith
10 reason for the party to assert the Fifth, subvert the
11 other party's efforts, because they had the immunity
12 which, to me, suggests that the court believed
13 because they used that phrase "there is no good-faith
14 reason here" that they're in a case with a good
15 reason like this one where criminal charges are
16 pending. I haven't heard anybody offer immunity in
17 this case, and so I think he has an absolute right to
18 assert the Fifth Amendment. And, once again, to
19 digress to the underlying argument, he had the right,
20 and the right to invoke the Fifth is only as to those
21 matters that might tend to incriminate.

22 THE COURT: Mr. McCulloch, what I find
23 compelling in this case is some of the argument of
24 the case regarding the shield and the sword that as
25 refers to the Cantwell versus Cantwell case in North

JURY TRIAL - VOL. 8

1 Carolina. And if you read the opinion -- and I
2 understand you haven't read it in a while -- the
3 portion that really talks about what I'm talking
4 about is the fact of an affirmative relief, not the
5 Fifth Amendment not actually being involved in the
6 case due to the good faith portion.

7 I'm going to find that if he takes the Fifth
8 Amendment, he has to take it as to everything. We can
9 take -- you all can keep on going with it, but if he
10 takes the Fifth, we take it -- we take the Fifth,
11 particularly in light of the fact that he took the
12 Fifth in the pretrial discovery, and it would place
13 the parties at a different position to now change that
14 at the trial level. I want to go back to the Dollar
15 General. I want to --

16 MR. MCCULLOCH: Your Honor, may I say on that
17 point before you get beyond that, that the -- I
18 believe there is a case that I'm too old to remember,
19 but I believe there is a case that indicates that a
20 party can assert the Fifth Amendment in discovery and
21 later change and withdraw the Fifth Amendment as to
22 that matter.

23 THE COURT: And that was a pretrial discussion,
24 but if I recall correctly in our conference, you all
25 indicated he would take the Fifth Amendment to

JURY TRIAL - VOL. 8

1 everything and we didn't need to go there.

2 MR. MCCULLOCH: Well, but in our pretrial
3 conference, we hadn't been told that they were going
4 to place him on the stand and get at worth. They
5 have net worth information that they just don't want
6 to reveal to the jury that they have it.

7 THE COURT: That was prior to the bifurcation
8 motion as well. And I think you have the same
9 discovery, so --

10 MR. MCCULLOCH: Your Honor, I respect your
11 rulings.

12 THE COURT: -- whatever would come out of
13 discovery that you could elicit from another witness
14 in your presentation of your case is certainly
15 something we can look for.

16 MS. BARBIER: I was just going to say that, Your
17 Honor. They can put in net worth information from
18 other witnesses.

19 MR. GRIFFIN: Your Honor, just before you move
20 to the other point.

21 THE COURT: Yes, sir.

22 MR. GRIFFIN: I just want to be crystal clear.
23 The ruling is if he answers any questions about net
24 worth, he waives the Fifth Amendment privilege as to
25 other topics?

JURY TRIAL - VOL. 8

1 THE COURT: The ruling is, he is taking the
2 Fifth Amendment. If he continues to take the Fifth
3 for the questions, that's fine. If he decides to
4 waive his Fifth Amendment privilege by answering any
5 of the questions, then it is waived permanently.

6 MR. MCCULLOCH: As to everything?

7 THE COURT: Yes. Yes. It's all or nothing.

8 MR. GRIFFIN: And -- and I think --

9 THE COURT: I think that's a clear ruling.

10 MR. GRIFFIN: -- I just wanted that to be clear.
11 Thank he for that. And I'm looking at my -- my file.
12 I mean, they can correct me, but that I'm not sure
13 that Mr. Riviere was ever deposed in any of the
14 Crespo cases. I mean, I could be wrong, but I think
15 he was deposed in the other case, but I'm not sure.

16 MS. BARBIER: Yes.

17 MR. GRIFFIN: Oh, you've you got it? Okay. I
18 just wanted a copy.

19 MS. BARBIER: I have his original in my car. I
20 could go get it. But I believe it was in Heather
21 Crespo's case, because we did both plaintiffs and
22 Josee and Rhett Riviere all in this case.

23 MR. FEW: It was July the 12th of 2023, Your
24 Honor. And just to be clear, in the deposition, they
25 cited the Grosshuesch case from South Carolina, and

JURY TRIAL - VOL. 8

1 Mr. McCulloch specifically said that any question
2 that could be of -- that could be a link in the chain
3 to lead to other evidence was the scope of the Fifth
4 Amendment privilege. When Debbie asked him, what is
5 your net worth, Mr. McCulloch objected on privilege
6 and Mr. Riviere asserted the Fifth to that specific
7 question.

8 THE COURT: Okay. I think Mr. McCulloch wants
9 to look at his deposition.

10 MR. MCCULLOCH: I am trying, Your Honor.

11 MR. FEW: July 12th of 2023. The other case was
12 settled at that time.

13 MR. GRIFFIN: I just don't have a copy, that's
14 all.

15 MR. FEW: Do you want me to e-mail it to you?

16 MR. GRIFFIN: I trust you.

17 MR. MCCULLOCH: Your Honor, I don't think I have
18 a copy of Mr. Riviere's deposition.

19 THE COURT: I'm sure you all have an electronic
20 copy somewhere, don't you?

21 MR. MCCULLOCH: I don't know what I --

22 MS. BARBIER: I -- I do. I can pull it up.

23 MR. FEW: I've got it up on my screen.

24 THE COURT: Yeah. I think there's an electronic
25 copy. Just share it before we go further. Thank

JURY TRIAL - VOL. 8

1 you.

2 (sidebar.)

3 MR. GRIFFIN: He did invoke the Fifth, Your
4 Honor.

5 MS. BARBIER: I'm sorry?

6 MR. GRIFFIN: He did invoke the Fifth.

7 MR. MCCULLOCH: Your Honor, I see that I am
8 (unintelligible). My client invoked the Fifth to the
9 question of your net worth.

10 THE COURT: Okay. All right. Well, we're going
11 to be consistent and go throughout. Thank you for
12 checking on that. Give me one second, please. All
13 right. No, we're going to let that ruling stand as
14 to the Dollar General. I was considering another
15 aspect of that, but I'll let that stand. All right.
16 Anything else?

17 MS. BARBIER: I believe that covers it, Your
18 Honor.

19 MR. GRIFFIN: That's all from us.

20 THE COURT: Oh, Mr. Few, yes?

21 MR. FEW: The verdict form. So we have the
22 punitive damages verdict form. I'm assuming we're
23 going to take mostly the exact same format that we
24 had yesterday and make whatever minor modifications
25 to that.

JURY TRIAL - VOL. 8

1 THE COURT: That sounds like a good suggestion
2 to me.

3 MR. FEW: Okay.

4 THE COURT: Any objections can be put on the
5 record.

6 MR. GRIFFIN: And -- and, Your Honor, we haven't
7 seen any jury charges.

8 THE COURT: No, you haven't. I just had -- I
9 had them print out the standard ones on punitive
10 damages, just general punitive damages. And -- but
11 we're going to take a lunch break and that's when I
12 intend go over that.

13 MR. FEW: Your Honor, I think -- I think, given
14 that the statute came out in 2011 that we've been
15 referring to, that the charge just comes right off
16 those factors.

17 THE COURT: Yeah. Yes, sir?

18 MR. MCCULLOCH: Your Honor, I guess I need to
19 alert you to the fact that I'm on my third
20 continuance of a rather important medical appointment
21 with a cardiologist, and that appointment is at 3:00.
22 This will be the third one that I have continued.
23 You're going to operate at this Court's pace. I
24 understand. There may be a point when I have to
25 excuse myself.

JURY TRIAL - VOL. 8

1 THE COURT: And, Mr. McCulloch, I only smiled
2 because I can't imagine that you got three
3 rescheduled so quickly in the medical field.

4 MR. MCCULLOCH: Well, he's a -- he's a friend,
5 and he has expressed some degree of --

6 THE COURT: Consternation?

7 MR. MCCULLOCH: -- anxiety, and I have similar
8 anxiety. So Mr. Griffin and I discussed that, and
9 he's prepared to make the argument and that I will
10 serve no useful purpose to my client by sitting out
11 there waiting for the verdict to come in. All
12 motions in the light of that verdict would be within
13 the ten-day rule. So I wanted to add Mr. Riviere be
14 made aware of that problem and ask him if he had any
15 objection to my -- I'm going to be here as long as I
16 can physically be here.

17 THE COURT: Yes, sir.

18 DEFENDANT R. RIVIERE: And I'm not going to add
19 to your anxiety. It's fine.

20 THE COURT: All right. Mr. Riviere has noted
21 he's aware of the issue and does not have any
22 objection.

23 MR. MCCULLOCH: If I have his permission to
24 evacuate, I may do that, but I wanted all parties to
25 understand that. Your Honor, the last thing, just

JURY TRIAL - VOL. 8

1 for the record, I concede that my client took the
2 Fifth as to the very question that will be posed to
3 him from which this Court may well certainly charge
4 the -- that the jury may draw an adverse inference.
5 I would submit to you, though, that I have not found,
6 but I will try to find it in the next few minutes,
7 there is a case that says that the invocation at one
8 stage of discovery proceedings may be changed at a
9 point without opening the door to everything. But I
10 don't have that case in front of me, Your Honor, so
11 we respect your ruling and we're prepared to go
12 forward.

13 THE COURT: I recall that you all did make
14 submissions on that issue prior to the start of this
15 trial. I think I reviewed several of those
16 submissions. As I said, I think that issue went to
17 the wayside after awhile. I'm happy to review them
18 again, but I don't anticipate a change in any way.

19 MR. MCCULLOCH: In the good old days, I could
20 remember cases right off the top of my head.

21 THE COURT: I was never good at remembering
22 cases. Facts, not cases. All right. Thank you,
23 sir. Let's bring in the jury.

24 (The jury entered the courtroom.)

25 THE COURT: I'm going to give a quick statement

JURY TRIAL - VOL. 8

1 about the statute.

2 (The jury entered the courtroom.)

3 THE COURT: Ladies and gentlemen, thank you so
4 much for your continued patience. I just wanted to
5 make a quick remark. You may not have picked up on
6 this, but this is a two-phase trial, and the reason
7 for that is in their causes of actions, the
8 plaintiffs asked for actual damages and punitive
9 damages. Yesterday, I charged you on actual damages
10 and you -- you spent a great deal of time determining
11 liability and the amount of actual damages pursuant
12 to the charge.

13 Now, we have a punitive damages stage. By the
14 statute, that can be separated out, and that is what
15 is been done. Okay? This will only -- this is not a
16 retrial of everything. This has very clear issues,
17 pursuant to the statute, and I will charge you on that
18 later as to what you are allowed to consider for
19 punitive damages -- different purpose, different
20 statute -- related to the liability of the defendant.
21 You see only one defendant here today because it only
22 applies to one defendant, and that's Mr. Rhett Riviere
23 and the corporations, chase Enterprises, LLC of South
24 Carolina RC Riviere Properties, LLC.

25 The parties will make a brief opening. So the

JURY TRIAL - VOL. 8

1 attorneys will make a brief opening statement. They
2 have promised me they will be brief. You know, we --
3 we are all attorneys and we can all talk a lot, I will
4 tell you that. But they are going to make what they
5 deem to be an appropriate brief opening statement
6 regarding this phase of the trial. We will have some
7 testimony again. You are to keep an open mind, just
8 like you did before. Listen to all testimony, and do
9 not deliberate until I tell you to deliberate. The
10 same rules that happened in the last phase apply in
11 this phase. Okay? Thank you very much. Ms. Barbier?

12 MS. BARBIER: May it please the Court, Your
13 Honor, we waive an opening statement.

14 THE COURT: Oh, okay. Mr. Griffin,
15 Mr. McCulloch?

16 MR. GRIFFIN: We waive as well.

17 THE COURT: All right. Then call your first
18 witness.

19 MS. BARBIER: Thank you, Your Honor. The
20 plaintiff calls Rhett Riviere.

21 THE CLERK: Just for consistency --

22 THE COURT: Yes, sir. Counsel, we're going
23 re-swear Mr. Riviere, just so there's no issues.

24 THE CLERK: Please place your left hand on the
25 Bible and raise your right hand.

JURY TRIAL - VOL. 8

1 (The witness was sworn in.)

2 THE CLERK: Please take the witness stand.

3 State your full name for the Court and spell your
4 last name, please.

5 THE WITNESS: Rhett Riviere. It's

6 R-I-V-I-E-R-E.

7 RHETT RIVIERE

8 was called as a witness, and having been first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MS. BARBIER:

12 Q Good morning, Mr. Riviere. Please tell the ladies and
13 gentlemen of the jury your net worth, please.

14 A I refuse to answer the question, pursuant to the Fifth
15 Amendment and upon advice of counsel.

16 Q Mr. Riviere, is it correct that throughout this
17 litigation you have refused to give the plaintiffs
18 accurate and complete financial information as to your net
19 worth?

20 A I refuse to answer the question, pursuant to the Fifth
21 Amendment and upon the advice of counsel.

22 Q You have not provided all of the financial statements,
23 you have not provided tax returns, and you have not
24 provided any underlying details as to your net worth;
25 isn't that right?

JURY TRIAL - VOL. 8

1 A I refuse to answer the question, pursuant to the Fifth
2 Amendment and upon advice of counsel.

3 Q Mr. Riviere, are you the son of Marilyn Riviere?

4 A I refuse to answer the question, pursuant to the Fifth
5 Amendment and upon advice of counsel.

6 Q Was Marilyn Riviere a property developer in Maryland
7 and here in Aiken?

8 A I refuse to answer the question, pursuant to the Fifth
9 Amendment and upon advice of counsel.

10 Q Did she, in fact, sponsor several champion racehorses
11 and, at one point, you had an Olympic horse?

12 MR. GRIFFIN: Objection, Your Honor; relevance.

13 THE COURT: Ms. Barbier, let's concentrate on
14 his worth, so sustained. Please go on.

15 MS. BARBIER: Your Honor, may we do a sidebar?

16 THE COURT: Yes, I will do a sidebar.

17 (Sidebar.)

18 THE COURT: Please proceed.

19 MS. BARBIER: Thank you, Your Honor.

20 BY MS. BARBIER:

21 Q Mr. Riviere, did you inherit the -- from the estate of
22 Marilyn Riviere?

23 A I refuse to answer the question, pursuant to the Fifth
24 Amendment and upon advice of counsel.

25 Q Isn't it a fact, Mr. Riviere, that your family donated

JURY TRIAL - VOL. 8

1 horses to the town of Aiken to start a mounted police
2 department?

3 MR. GRIFFIN: Objection; relevance.

4 THE COURT: Sustained on what we discussed in
5 the sidebar.

6 BY MS. BARBIER:

7 Q Mr. Riviere, Marilyn Riviere passed away in September
8 of 1998, and you and your brother were the heirs to her
9 estate; is that correct?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon advice of counsel.

12 Q What exactly did you inherit from your mother, Marilyn
13 Riviere?

14 A I refuse to answer question, pursuant to the Fifth
15 Amendment and upon advice of counsel.

16 Q Mr. Riviere, do you recall in your text messages with
17 Josee Riviere saying the following: "More trying to
18 determine what came to me as found in my files and its
19 distribution 25 years later. All ridiculous, but some
20 people seem to think I have \$200 million stashed
21 somewhere." Do you recall that?

22 A I refuse to answer the question, pursuant to the Fifth
23 Amendment and upon advice of counsel.

24 Q And do you recall in the same text chain, Ms. Riviere
25 -- Josee Riviere -- talking about the fact that she was

JURY TRIAL - VOL. 8

1 holding things for you at her house; art, furniture. Do
2 you recall that?

3 A I refuse to answer the question, pursuant to the Fifth
4 Amendment and upon advice of counsel.

5 Q Do you have a trust fund, Mr. Riviere?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon advice of counsel.

8 Q What is your income every year?

9 A I refuse to answer the question, pursuant to the Fifth
10 Amendment and upon advice of counsel.

11 Q We heard some testimony in this trial about your
12 yacht. How much is your yacht worth?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon advice of counsel.

15 Q How many yachts and/or boats do you have?

16 A I refuse to answer the question, pursuant to the Fifth
17 Amendment and upon advice of counsel.

18 Q How many houses do you own?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon advice of counsel.

21 Q How many cars do you own?

22 A I refuse to answer the question, pursuant to the Fifth
23 Amendment and upon advice of counsel.

24 Q How much money do you have in bank accounts?

25 A I refuse to answer the question, pursuant to the Fifth

JURY TRIAL - VOL. 8

1 Amendment and upon advice of counsel.

2 Q At one point in the last few years, you had about
3 \$6.9 million in your Merrill Lynch account. Do you recall
4 that?

5 A I refuse to answer the question, pursuant to the Fifth
6 Amendment and upon advice of counsel.

7 Q How many barns do you own that you rent for horse
8 stalls from?

9 A I refuse to answer the question, pursuant to the Fifth
10 Amendment and upon advice of counsel.

11 Q How much profit have you made on the rent that you've
12 collected over the last 20 years?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon advice of counsel.

15 Q Mr. Riviere, is it correct that you do not want people
16 to know your accurate net worth?

17 A I refuse to answer the question, pursuant to the Fifth
18 Amendment and upon advice of counsel.

19 Q Mr. Riviere, in the year 2000, you formed RC Riviere
20 Properties. Do you recall that?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and upon advice of counsel.

23 Q You also formed Chase Enterprises, LLC at the same
24 time. Do you recall that?

25 A I refuse to answer the question, pursuant to the Fifth

JURY TRIAL - VOL. 8

1 Amendment and upon advice of counsel.

2 Q You are the registered agent and the corporate
3 representative of these corporations; isn't that correct?

4 A Refused answer the question, pursuant to the Fifth
5 Amendment and upon advice of counsel.

6 Q I'm going to ask you some questions now as to being
7 the corporate officer of RC Riviere Properties. What
8 assets does RC Riviere Properties own?

9 A I refuse to answer the question, pursuant to the Fifth
10 Amendment and upon advice of counsel.

11 Q What happened to the assets of RC Riviere Properties?

12 A I refuse to answer the question, pursuant to the Fifth
13 Amendment and upon advice of counsel.

14 Q Tell us about over the years what was -- what assets
15 they owned from the year 2000 forward.

16 A I refuse to answer the question, pursuant to the Fifth
17 Amendment and upon advice of counsel.

18 Q Mr. Riviere, isn't it a fact that you've not provided
19 tax returns, audited financial statements, or any
20 financial information relative to the net worth of RC
21 Riviere Properties?

22 A I refuse to answer the question, pursuant to the Fifth
23 Amendment and upon advice of counsel.

24 Q Now, I want to ask you questions, Mr. Riviere, as to
25 the -- in your capacity as the corporate officer of Chase

JURY TRIAL - VOL. 8

1 Enterprises, LLC. What assets does Chase Enterprises, LLC
2 have?

3 A I refuse to answer the question, pursuant to the Fifth
4 Amendment and upon advice of counsel.

5 Q What happened to the assets of the Chase Enterprises,
6 LLC?

7 A I refuse to answer the question, pursuant to the Fifth
8 Amendment and upon advice of counsel.

9 Q Tell us over the years what assets Chase Enterprises,
10 LLC has owned and/or transferred?

11 A I refuse to answer the question, pursuant to the Fifth
12 Amendment and upon advice of counsel.

13 Q Isn't it a fact, Mr. Riviere, that you have not
14 provided tax returns, audited financial statements, or any
15 verified financial information about Chase Enterprises,
16 LLC and their assets or net worth?

17 A I refuse to answer the question, pursuant to the Fifth
18 Amendment and upon advice of counsel.

19 Q Mr. Riviere, how many -- how many videos did you make
20 of people in your properties?

21 A I refuse to answer the question, pursuant to the Fifth
22 Amendment and upon advice of counsel.

23 Q Mr. Riviere, do you recall a woman named Peggy
24 Penland?

25 A I refuse to answer the question, pursuant to the Fifth

JURY TRIAL - VOL. 8

1 Amendment and upon advice of counsel.

2 Q Isn't it true that in sometime in the '80s you were
3 found lurking around her house at 2:30 in the morning?

4 A I refuse --

5 MR. GRIFFIN: Objection, Your Honor.

6 THE COURT: What's the nature of your objection?

7 MR. MCCULLOCH: Your Honor, we object.

8 MR. GRIFFIN: We -- we previously raised this
9 objection is as 403, 404, 608.

10 THE COURT: All right. Mr. Griffin, are you
11 preserving your objection or do you have something
12 new to say?

13 MR. GRIFFIN: No. I'm preserving my objection.

14 THE COURT: Thank you, sir. So noted. Please
15 proceed, Ms. Barbier.

16 BY MS. BARBIER:

17 Q Mr. Riviere, you were watching Ms. Penland from
18 from -- her windows that night, weren't you?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon advice of counsel.

21 Q And when the police came, you hid underneath her
22 house, didn't you?

23 A I refuse to answer the question, pursuant to the Fifth
24 Amendment and upon advice of counsel.

25 Q You were actually wearing a tuxedo; is that right?

JURY TRIAL - VOL. 8

1 A I refuse to answer the question, pursuant to the Fifth
2 Amendment and upon advice of counsel.

3 Q And when the Aiken Police brought you to her door, you
4 pretended like you'd been invited over; isn't that right?

5 A I refuse to answer the question, pursuant to the Fifth
6 Amendment and upon advice of counsel.

7 Q But, in fact, she is the one that called the police.

8 A I refuse to answer the question, pursuant to the Fifth
9 Amendment and upon advice of counsel.

10 Q And at that time, Ms. Penland didn't press any charges
11 against you, did she?

12 A I refuse to answer the question, pursuant to the Fifth
13 Amendment and upon advice of counsel.

14 Q Then, Mr. Riviere, I will direct your attention to the
15 1990s. You were found -- there's been some testimony by
16 Ms. Hook that you were found coming -- climbing out of the
17 tree of -- on her property. Do you remember that?

18 A I refuse to answer the question, pursuant to the Fifth
19 Amendment and upon advice of counsel.

20 Q Isn't it a fact that you were in her tree watching her
21 undress in her bedroom and her bathroom on multiple
22 occasions?

23 MR. GRIFFIN: Objection, Your Honor; 403, 404,
24 608. Same grounds as previously argued.

25 THE COURT: I'll overrule your objection. The

JURY TRIAL - VOL. 8

1 jury will remember the facts as they heard them.

2 THE WITNESS: I refuse to answer the question,
3 pursuant to the Fifth Amendment and upon advice of
4 counsel.

5 BY MS. BARBIER:

6 Q Is it correct, Mr. Riviere, that Ms. Hook had to hire
7 Pinkerton Security to keep you off her property?

8 A I refuse to answer the question, pursuant to the Fifth
9 Amendment and upon advice of counsel.

10 Q Mr. Riviere, did you create Cam-Ash Holdings on
11 February 10th of 2021 and make your son, Camden Riviere,
12 the registered agent?

13 A I refuse to answer the question, pursuant to the Fifth
14 Amendment and upon advice of counsel.

15 Q And you then transferred your house at 785 Grace
16 Avenue to Cam-Ash Holdings for \$5 on March 29th of 2021,
17 and you did that in order to avoid people --

18 THE COURT: Ms. Barbier, let's -- let's stick to
19 single questions and not compounded questions,
20 please.

21 MS. BARBIER: -- okay. I'll -- I'll go back to
22 the original, shorter question.

23 BY MS. BARBIER:

24 Q You -- you transferred that house at 785 Grace Avenue
25 to Cam-Ash Holdings for \$5 on March 29th of 2021; correct?

JURY TRIAL - VOL. 8

1 A I refuse to answer the question, pursuant to the Fifth
2 Amendment and upon advice of counsel.

3 Q And -- and you did that for the purposes of evading
4 any -- any creditors; correct?

5 A I refuse to answer question, pursuant to the Fifth
6 Amendment and upon advice of counsel.

7 Q You did it for the purpose of fraudulently
8 transferring assets to prevent people that you had
9 victimized from getting a recovery; right?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon advice of counsel.

12 Q You're actually trying to hide assets from people like
13 the Crespos, who you victimized; correct?

14 A I refuse to answer the question, pursuant to the Fifth
15 Amendment and upon advice of counsel.

16 Q You and Josee Riviere were texting about things that
17 she had been holding at her house for you. Is -- is Josee
18 Riviere hiding any other assets for you?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon advice of counsel.

21 Q You've also been selling some of your assets; isn't
22 that right?

23 A I refuse to answer the question, pursuant to the Fifth
24 Amendment and upon of counsel.

25 Q In fact, you recently sold a diamond ring for \$119,700

JURY TRIAL - VOL. 8

1 on Sotheby's Auction House; right?

2 A I refuse to answer the question, pursuant to the Fifth
3 Amendment and upon advice of counsel.

4 Q And you've been taking out loans from your Merrill
5 Lynch account, haven't you?

6 A I refuse to answer the question, pursuant to the Fifth
7 Amendment and upon advice of counsel.

8 Q What are you doing with the money that you're taking
9 out and borrowing against your Merrill Lynch account?

10 A I refuse to answer the question, pursuant to the Fifth
11 Amendment and upon advice of counsel.

12 Q Are you hiding that from people that you victimized,
13 like the Crespos?

14 A I refuse to answer the question, pursuant to the Fifth
15 Amendment and upon advice of counsel.

16 Q Mr. Riviere, do you have -- do you have a financial
17 planner in Charlotte, Charleston South Carolina who is
18 helping you hide assets?

19 A I refuse to answer the question, pursuant to the Fifth
20 Amendment and upon advice of counsel.

21 MS. BARBIER: I beg the Court's indulgence.

22 THE COURT: Yes, ma'am.

23 MS. BARBIER: Based on Your Honor's rulings, I
24 don't have any other questions, Your Honor.

25 THE COURT: Yes, sir, Mr. Griffin or