

ORIGINAL

1 STATE OF SOUTH CAROLINA)
)
 2 COUNTY OF BEAUFORT)
)
 3 ALBERT R. LaFLEUR and)
 EILEEN LaFLEUR,)
 4)
)
 5 PLAINTIFFS,)
)
 6 VS.)
)
 7 CORAL RESORTS, LLC.,)
)
 8 DEFENDANT.)
)
 9 _____)

IN THE COURT OF
 COMMON PLEAS
 CASE NO.: 2012CP0703746

TRANSCRIPT OF RECORD

June 26, 2013
 Beaufort, South Carolina

11 B E F O R E:

12 THE HONORABLE CARMEN T. MULLEN, JUDGE

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

14 Joseph DuBois, Esquire
 Zachary S. Naert, Esquire
 15 Attorneys for the Plaintiffs

16 Nekki Shutt, Esquire
 Brian Lysell, Esquire
 17 Attorneys for the Defendant

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 SC Court of Appeals

22 Deborah A. Anderson
 23 Circuit Court Reporter
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No Testimony Taken
Certificate of Reporter page 56

EXHIBITS

None

1 THE COURT: Okay. And you said he just gave you the transcript back. He
2 didn't . . .

3 MS. SHUTT: I mean, what I recall him saying was he didn't have to rule on that.
4 He wasn't considering that. You know, and - - and I want to be clear, Mr. DuBois has said
5 that I had misrepresented something. What I said that day was, you know, most lawyers
6 when they are looking - - when Plaintiffs are looking for someone to sue they're looking for
7 someone who can pay a judgment and so what I represented to him is the party that he has
8 sued is not going to say someone else is responsible. He can, you know, he can try to bring
9 in lots of other people. You know, and who - - who will have, probably, lots of other
10 lawyers, if that's what he wants to do. Um, and maybe they had something to do with the
11 transaction or maybe they didn't. But, you know, the party that he has sued is standing up
12 and saying, this was our transaction and we're here to account for it and we're gonna defend
13 it vigorously. So that is what I have said and - - and maintained the entire time. There, you
14 know, that's all I've maintained.

15 THE COURT: Is there coverage for this? There couldn't be.

16 MS. SHUTT: No, your Honor.

17 THE COURT: I mean, it's a fraudulent - - if it's alleged a fraudulent transaction
18 there can't be coverage.

19 MS. SHUTT: No. No.

20 THE COURT: Okay. Okay. Well, I'm gonna go talk to Marvin Dukes. But if he
21 handed you back that transcript, he won't want to read it and he wasn't gonna consider it, so
22 he doesn't need it. I can assure you of that. Um, let's let everyone file their necessary
23 motions. You file your necessary FOIA requests. Let everyone have time to respond, to
24 file appropriate motions. Um, I'm gonna lift the TRO. How long do you think it's gonna
25 take to do all this? And I don't know what Ms. Beeson's schedule is at all, but what kind of

1 timeframe are we talking about y'all?

2 MR. DUBOIS: I think they probably can respond in under a month for the
3 information I'm requesting.

4 THE COURT: You think so.

5 MR. DUBOIS: They've had, now, a couple of weeks to at least start looking for it, if
6 they have. I don't know if they have.

7 THE COURT: She might be on maternity leave.

8 MS. SHUTT: They filed motions to quash as to both of the subpoenas, your Honor.

9 THE COURT: Okay.

10 MS. SHUTT: And, um, I think until they get a court order as to the hearing
11 involving the May 16th hearing with LLR returning, they're not gonna produce anything
12 related to that hearing.

13 THE COURT: Until they get an order?

14 MS. SHUTT: Right, until they get an order, you know, in which we can work on.

15 THE COURT: Okay.

16 MS. SHUTT: Um, the, you know, but - - but I think the point person at LLR for this
17 is Holly Beeson who's the attorney and the director of communications.

18 THE COURT: Okay.

19 MS. SHUTT: And so she'd be the, really, the only one who can really respond, I
20 would think, for that. And, so, I mean, we can try to find out. I mean, I can maybe go out in
21 the hall and make some calls over there and find out - - -

22 THE COURT: I just want to know scheduling wise.

23 MS. SHUTT: Okay.

24 THE COURT: What we're talking about.

25 MS. SHUTT: When I get back - - -

1 THE COURT: I just want to make sure everyone does what they need to do. I need
2 you to, you know, make your FOIA request as is appropriate and, you know, and let them
3 file their appropriate motions and, um . . .

4 MS. SHUTT: And I will tell you, your Honor, I will be on vacation next week, in
5 Texas, at a family reunion and then I have, actually, another vacation, that's very definite,
6 two, two week long ones in July and that's the rest for the year, your Honor.

7 THE COURT: I just - - it's gonna take them some time.

8 MS. SHUTT: I realize - - -

9 MR. DUBOIS: Your Honor, this case - - this case was filed on October 30th, 2012. I
10 want a jury trial as soon as that one year is up. So all this is just taking too long. I - - I
11 really want to get to the bottom of all of this, your Honor. But all these delay, delay - - I
12 haven't even gotten an answer yet. All these delay, delay, delay, delay, only help the
13 Defendant and that's not proper.

14 MS. SHUTT: Well, your Honor, May 16th is when the Plaintiffs wanted to add an
15 additional number of five parties or something and five causes of action. So we're certainly
16 not delaying things when they've - - this is the third they've amended their complaint and
17 the Court has not allowed them the ability to amend yet. So, you know, we are going as the
18 process allows us. As the rules of civil procedure all allow us.

19 THE COURT: Obviously, and all these new people, they get six months, okay.
20 Okay. I will have a discussion with, um, Marvin Dukes. Allison will be in touch with you
21 all about scheduling pending motions and we will schedule a very long amount of time to
22 hear these. Put them in front of Judge Buckner.

23 MS. SHUTT: Your Honor, I do hope you will retain jurisdiction because - - -

24 THE COURT: Oh, no.

25 MS. SHUTT: If we have to go through this again with somebody else it - - it, you

1 know, they'll put their eyes out.

2 THE COURT: I could die tomorrow. You never know.

3 MR. NAERT: Your Honor, may I ask for some - - -

4 THE COURT: Sure.

5 MR. NAERT: - - - may I ask for some specific instructions as to the transcript?

6 Because I - - I'm not sure if this is very clear, but we received the FOIA - - the registration
7 by FOIA and the transcript I received by an anonymous package.

8 MR. DUBOIS: Right.

9 MR. NAERT: That transcript was public - - public comments in that, you know,
10 there's made in the public forum that was ruled in the transcript to be a public forum just
11 like anybody was sitting there taking notes. I don't know that that's in any way, uh, a trade
12 secret.

13 MS. SHUTT: Your Honor, I - - I think that you need to hear from LLR is that it was
14 an unsanctioned release. Uh, you know, that, as I mentioned before, you know, my client
15 went before that regulator on a private order, came out with a private order. They have the
16 transcript that tells them it came out with a private order and that transaction, the nature of it,
17 is still in play, your Honor, and so . . .

18 THE COURT: What does that mean, it's still in play?

19 MS. SHUTT: It means that the - - the nature of the process of it is still in play.
20 We're still waiting for - - for things to come out of that process, your Honor.

21 THE COURT: Okay. Does anyone have an objection to me actually reading it?
22 Because I can tell you, I don't think I - - I have been to a real estate commission meeting,
23 but certainly nothing where it's alleged a complaint. So I - - I'm not even sure what
24 this contains.

25 MR. NAERT: Well, your Honor - - -

1 THE COURT: And you're saying it's a - - you're saying it's a public meeting.

2 MR. NAERT: Yes, your Honor. On page 17 they - - they have a discussion on page
3 17 and the commission specifically says, this is public. Anybody can attend this hearing.
4 It's a public hearing. We're not gonna keep it private. Ms. Shutt does - - does specifically
5 ask that it be private and that no court reporter be present. They specifically declined to do
6 that. At the end of the transcript they do say that the order will be private, but nothing about
7 what was talked about in this hearing is private and this hearing is about two things. One,
8 the failure of Coral Resorts to pay their annual timeshare dues for registration. Two,
9 significant changes to the registration, specifically, the contracts. Adding clauses like an
10 arbitration provision. That is my understanding of what this transcript contains, nothing
11 about customer complaints.

12 MS. SHUTT: And, your Honor, there was nothing about arbitration clause,
13 whatsoever, in - - in that transcript.

14 THE COURT: Well, let me go ahead and read it. Let me just take a look at it.
15 Okay, let me just take a look at it. Um, you can take that out of there, correct. I don't have
16 a copy of that in here, do I, Ms. Shutt? Um, this is just the documents?

17 MS. SHUTT: It is in the sealed record, your Honor.

18 THE COURT: Okay.

19 MS. SHUTT: Actually, I think it -- it should be here.

20 THE COURT: Okay.

21 MS. SHUTT: It's behind tab "V", your Honor.

22 THE COURT: Okay.

23 MS. SHUTT: So it starts at page 756, I believe, your Honor.

24 THE COURT: Okay. Well, let me go ahead and I will peruse that very quickly.

25 MR. NAERT: Thank you, your Honor.

1 THE COURT: It will be more interesting, definitely, than going through and looking
2 at documents and mortgages.

3 MS. SHUTT: Well, your Honor, can the temporary restraining order and/or
4 injunction stay in place as to the transcript until the Court rules on that?

5 THE COURT: I have a hard time with - - if he - - if what he's saying is true, it - - it
6 doesn't matter if it talks about the weather. If it's a public open forum then it is. I have a
7 problem with how the transcript was got, clearly, but if it was a public open forum, I - - I
8 can't imagine how I could put that . . .

9 MS. SHUTT: Well, under Title 27, your Honor, a private investigatory hearing can
10 be held private and - - -

11 THE COURT: But they said, no, is what I'm hearing from Mr. Naert.

12 MS. SHUTT: That is true, your Honor, but then they went through the entire thing
13 and came out with private orders and so - - -

14 THE COURT: But that's a difference. There's a difference between a private orders
15 and a private hearing.

16 MS. SHUTT: Well, your Honor, I know but the nature of that hearing is likely to be
17 taken up.

18 THE COURT: So you're appealing it.

19 MS. SHUTT: Have not yet, your Honor.

20 THE COURT: When was it? It had to have been a long time ago.

21 MR. DUBOIS: January 23rd.

22 MS. SHUTT: January 23rd, your Honor.

23 THE COURT: When does your appeal run for that?

24 MS. SHUTT: Well, there have been subsequent dealings on the same situation.

25 THE COURT: So you think - - -

1 MS. SHUTT: Since the unsanctioned release this, you know, this was - - this was - -
2 no one was present at that hearing, so it was not a great deal of concern. But when - - when
3 someone sent this and then it was filed by the Plaintiffs into the public record it became a
4 different situation.

5 MR. NAERT: Your Honor, that doesn't get it. Others were present for this hearing,
6 specifically, the Mayor of Hilton Head, in his capacity as Mayor, was present.

7 MS. SHUTT: Again, your Honor, those are witnesses. There were no spectators
8 present.

9 THE COURT: Okay. Okay, what we're gonna do is this. Just let me take a look at
10 it. But I am gonna take everything out of the public record for right now for the file.
11 They're gonna have it. Just give me an opportunity to take a look at it. Um, because of
12 right now it will be part of the discovery and I will email y'all, um, by tomorrow morning
13 and let you know, um, again, so you won't have to fight over it. Okay. I am sure that if you
14 invite Willie Foiles to come he'd be happy to. No question.

15 MS. SHUTT: Especially if I call him Willie.

16 THE COURT: Yes, especially if you call him Willie. Um, let's just find out Ms.
17 Beeson's schedule. I don't want to be dragging her away from her brand new baby, but I'm
18 hopefully looking about a month from now or so once everything kind of gets filed,
19 responded to. Y'all have a little bit of time and, um, we'll go ahead and get it set. As
20 Allison pointed out, I'll have a new law clerk by then.

21 MS. SHUTT: Oh.

22 THE COURT: She's happy about that, I'm sure, and, uh, we'll go from there, okay.
23 Alright, y'all, thank you.

24 MS. SHUTT: Thank you.

25 MR. DUBOIS: Thank you, your Honor.

END OF TRANSCRIPT OF RECORD ---

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1 I, the undersigned, Deborah A. Anderson, Official Court Reporter for the Fourteenth
2 Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true,
3 accurate and complete transcript of record of all the proceedings had and evidence
4 introduced in the trial of the captioned case, relative to appeal, in the Court of Common
5 Pleas for Beaufort County, South Carolina, on June 26th, 2013.

6 I do further certify that I am neither of kin, counsel nor interest to any party hereto.
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11 September 4, 2013
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15 Deborah A. Anderson
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STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) FOR THE FOURTEENTH JUDICIAL
) CIRCUIT

Albert R. LaFleur and Eileen M. LaFleur,) Docket No. 2012-CP-07-3746
)

Plaintiffs,)

vs.)

Coral Resorts, LLC,)

Defendant.)
_____)

**ORDER GRANTING TEMPORARY
RESTRAINING ORDER**

This matter initially came before the Court on the Defendant's Motion for *ex parte* Temporary Restraining Order and Expedited Hearing on June 10, 2013. Having reviewed said Motion, the Affidavit of Kathleen McDaniel, the Affidavit of B. Dean Pierce, and the Affidavit of Holly Palmer Beeson, the Court finds that it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss or damage will result to the Defendant before notice can be served and a hearing had thereon. Therefore, the Court considered this matter on an expedited, *ex parte* basis. Representing the Defendant at the hearing were Nekki Shutt, Esq. and Kathleen M. McDaniel, Esq.

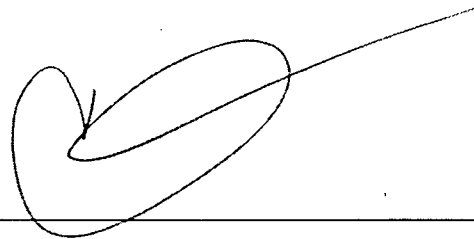
Both parties appeared before the Court on Monday, July 17 at 3:30 p.m. for a hearing on Defendant's application for a temporary injunction and such other and further relief as is sought. Due to Court's schedule and the large amount of documents submitted for review, pursuant to Rule 65(b) SCRPC the temporary restraining order shall be extended for good cause shown until the Court is able to rule on the Notice of

13 JUN 20 PM 4:31
CLERK OF COURT
SOUTH CAROLINA
BEAUFORT COUNTY

Motion and Motion for Injunction, Protective Order, Confidentiality Order, and Expedited Hearing on June 17, 2013.

IT IS ALSO ORDERED that the parties appear before the undersigned on Wednesday, July 26 at 3:00 p.m. for a continuation of the hearing on Defendant's application for a temporary injunction and such other and further relief as is sought.

AND IT IS SO ORDERED.



The Honorable Carmen T. Mullen
Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina

Date and hour of issuance: 4:30 p.m.

June 20, 2013

13 JUN 20 PM 4:31
JEREMY R. ROSENBAUM
BEAUFORT COUNTY, S.C.
CLERK OF COURT

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SC Court of Appeals

STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF COMMON PLEAS
CASE NO. 2012-CP-07-03746

ALBERT R. LAFLEUR ET UX

PLAINTIFFS

VERSUS

JUNE 17, 2013

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

CORAL RESORTS, LLC

DEFENDANT

B E F O R E:

HON. CARMEN T. MULLEN, JUDGE.

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

ON BEHALF OF PLAINTIFFS:

HON. JOSEPH DUBOIS
AND HON. ZACHARY S. NAERT

ON BEHALF OF DEFENDANT:

HON. KATHLEEN MCDANIEL
HON. NEKKI SHUTT
PRESENT: HON. DEAN PIERCE

COPY

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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EXHIBITS

No exhibits were presented, either for marking for purposes of identification or entering as evidence.

1 THE COURT: No. I also want to make sure I'm not
2 stepping on Marvin Dukes' feet either, as far as, you
3 know, I don't want us to be having issues there. So,
4 unless you all have another suggestion. Someone? You
5 all know your cases. I'm inviting you to --

6 MS. SHUTT: Your Honor, will you extend for good
7 cause the TRO until we get this resolved?

8 THE COURT: I will tell you that -- let me just look
9 through the documents. And at that point, -- it doesn't
10 expire until Thursday. At what time? Do you know?
11 Okay. Anyway, let me go overnight. If I can get through
12 this, I'm going to. And if I can actually fairly, and
13 think I can, make a ruling. I just want to be
14 comfortable before I extend it.

15 MR. NAERT: Your Honor, if I --

16 THE COURT: Yes.

17 MR. NAERT: I apologize so much. If I can just make
18 a couple of comments before we conclude today.

19 THE COURT: Sure.

20 MR. NAERT: You know, one issue that is particularly
21 important to my clients, and to Joe and me personally, is
22 Joe and I are restrained by this TRO from discussing this
23 information in these, arguably, public documents. We are
24 restrained personally and in our professional and
25 personal capacities from discussing it from each other;

1 from discussing it with these clients; from discussing it
2 with our countless other clients, which I don't want to
3 number, for many reasons. And anybody who consults with
4 us, obviously, I have to turn them away, because I can't
5 represent them if I can't -- I can't even discuss the
6 bases of their lawsuits with them. It's very -- it's
7 very, very damaging to our reputation and our credibility
8 when we have to tell people that we believe we have
9 absolute, direct evidence that would support their causes
10 of action against Coral Resorts, but we can't talk with
11 them about it.

12 THE COURT: Do you have so many people knocking on
13 your door between now and Thursday that you need to
14 discuss it? I understand you wanting to discuss it with
15 the LaFleurs. That, I understand. But, again -- and
16 each other. But again, until I've looked at these
17 documents, --

18 I will tell you, I have real concern that there are
19 transcripts out there floating, and if there, in fact, is
20 an order out there, it sounds like it wasn't put out.
21 But I have a problem that we've got LLR and someone there
22 or someone, you know, sitting even on those documents. I
23 mean, something's wrong. I'm not imputing it to you, but
24 they knew you needed them and didn't know if they would
25 help you in some way. It might just be that they knew

1 there are issues and they thought it might help you and
2 someone had an interest. But you have to understand, it
3 sounds suspicious. And again, not to you, but they're
4 out there and shouldn't be is a problem.

5 MR. NAERT: Your Honor, I agree. And I would just
6 simply note that, again, this affects me and Joe
7 personally since we are not allowed to discuss this
8 matter. Yes and yes, people are knocking down our door.
9 That is correct. I don't know how much latitude I have
10 to say as to how many people are knocking down our door
11 on a daily basis, but I can tell you it is a lot. I can
12 also tell you that their attorney, Dean Pierce,
13 recognizes and states in his lawsuit that we sort of had
14 a cottage industry, is what he says. And that means, --
15 essentially, what I take that to mean is we represent a
16 lot of people against Coral Resorts; we derive
17 substantial income from our business from Coral Resorts.

18 This restraining order, that prevents us from
19 basically obtaining new clients and talking with new
20 clients, talking about existing -- with existing clients
21 that have the same claim; talking about another client we
22 have in another active, ongoing lawsuit Pile v. Coral
23 Resorts, where we have sort of the same basis in the
24 lawsuit, and nothing's been done in that case. This is
25 directly impacting our business, and this has already

1 caused us irreparable harm. Irreparable harm. This is
2 extremely important to us. I don't know how else to say
3 that. I would ask, at a minimum, that the bond of a
4 hundred dollars be increased significantly.

5 THE COURT: Okay. Well, I'm going to take it up.
6 Let me read overnight, and we will re-group. We will
7 re-set it. I'll decide whether or not I'm going to
8 extend it. I'm leaving the bond as it is right now.

9 And I will, obviously, tell you that you are able to
10 talk about the documents, certainly, with your law
11 partner, Mr. DuBois. Obviously, it's already been
12 released, it's a public record, to the LaFleurs, and
13 they're sitting here, have been here during the entire
14 time. So you can speak with the LaFleurs. But at this
15 point, other than that, you don't need to share them.

16 MR. NAERT: No other current clients, including the
17 active lawsuit in which I've already discussed with this
18 client this basis and asserted in the second amended
19 complaint?

20 THE COURT: And you've given it over in discovery?

21 MS. SHUTT: No, your Honor.

22 MR. NAERT: No, I have to provide discovery to Ms.
23 Shutt. I believe we have a motion to compel outstanding.

24 MS. SHUTT: The plaintiffs' counsel told me he wasn't
25 going to provide it until I filed a motion to compel,

1 grant a hearing, so.

2 THE COURT: All right. Yes, we're just going --
3 we're going to have to take it up. Let me go through the
4 documents. Let me read it.

5 MS. SHUTT: Your Honor, one more issue. Since you've
6 just said that plaintiffs' counsel can discuss it with
7 their client, can we instruct plaintiffs not to
8 disseminate this information until we have a ruling from
9 this Court?

10 And your Honor, the other troubling point is Mr.
11 LaFleur is still under his oath from his deposition. His
12 deposition was terminated today by Mr. DuBois at about
13 1:00 o'clock. And so, we weren't able to finish it. So
14 he is on the witness stand and cannot receive new
15 information, basically, before he concludes his
16 testimony. So, I mean, I see no prejudice to the
17 plaintiffs to wait a couple days until the Court rules.
18 I'm just concerned by that part of the ruling.

19 THE COURT: Okay. And then, again, eventually, it's
20 deemed relevant, we're just going to have to admit his
21 deposition again, if that's what's necessary. So, if
22 there's a question about it.

23 MR. NAERT: Your Honor, if I may also make one very
24 quick, short last note. And this is the last thing that
25 I will have to say today. I'd be happy if Ms. Shutt

1 could respond to this today. But as far as I know, it
2 does appear from the dates on these affidavits that
3 opposing counsel began working on this ex parte motion no
4 fewer than five days before they filed it with you. In
5 that five days, Ms. Shutt was in actual communication
6 with me and Joe, and it was never mentioned to us.

7 MS. SHUTT: Your Honor, I'm entitled, under the *Rules*
8 to seek an ex parte motion when plaintiffs won't consent
9 to something. So I followed the rule to the letter, your
10 Honor.

11 MR. NAERT: Your Honor, Ms. Shutt never consulted
12 with us.

13 THE COURT: She's not required to do that by the
14 rules, though. She's not. And you can argue it all day
15 long. As a professional courtesy, I can tell you that I
16 have a personal preference, and if there's already
17 counsel on the other side, that they let it be known and
18 try to work it out before I grant or even hear a TRO.
19 But in this case, we went ahead and set it. I heard it.
20 We went for it. She's not required to. She can do it on
21 a TRO basis.

22 Can I ask you one other question that I'm not quite
23 understanding, just so you guys can be clear with me. I
24 saw in your second amended complaint or proposed second
25 amended complaint, that you have a list of a number of

1 cases that you've filed that sounds like it's just the
2 same. And I'm assuming you're using that to be able to
3 show repetition that the *Unfair Trade Practices Act* -- I
4 need a copy of that list.

5 MR. NAERT: Correct, your Honor.

6 THE COURT: Give me one second.

7 MS. SHUTT: And just for point of clarification, your
8 Honor, the second amended complaint has not been filed
9 yet.

10 THE COURT: Okay.

11 MS. SHUTT: And we would object to that, you know,
12 before it is filed, because those are not plaintiffs'
13 counsels' cases.

14 THE COURT: That's what I was going to ask.

15 MS. SHUTT: They filed two, your Honor.

16 THE COURT: That's what I was going to ask. Are they
17 your clients or someone else?

18 MR. DUBOIS: Maybe two, maybe three, maybe, your
19 Honor. A lot of them are previous to my actually working
20 in this area of law.

21 THE COURT: Okay. I mean, I see only one. I see
22 two. I see one from 2012, and one from 2013. Is that
23 correct?

24 MR. DUBOIS: Those seem to be the two most recent or
25 active, ongoing lawsuits, yes, your Honor.

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1 THE COURT: Okay. That was my question.

2 MS. SHUTT: Your Honor, I hate to be a pest, but can
3 we address the LaFleurs having this information? I mean,
4 I would prefer --

5 THE COURT: I don't want them to disseminate it until
6 I've made some kind of decision, we've all reconvened, in
7 all fairness, and we'll just go from there. They seem
8 like lovely people. I'm not concerned about it.

9 MS. SHUTT: And your Honor, I think Mr. LaFleur,
10 since he's under oath, cannot be considering it right
11 now, anyway, until he's re-deposed.

12 THE COURT: Well, they can't discuss it with him.
13 He's already sat through the entire hearing, so, which
14 he's entitled to. Again, this is a public forum. You
15 are reconvening his deposition tomorrow. Is that
16 correct?

17 MS. SHUTT: Your Honor, we asked to either finish it
18 tonight or tomorrow, but plaintiffs' counsel said that
19 they are unavailable.

20 MR. DUBOIS: We're going to move to -- we're going to
21 move to terminate, your Honor.

22 THE COURT: Okay. And where are the LaFleurs from?

23 MR. DUBOIS: Boston area.

24 MS. SHUTT: Your Honor, it's not our choice. We, you
25 know, we started today, and --

1 MR. DUBOIS: Yeah, your Honor. I mean, this is the
2 second time they've had to come back for the deposition.
3 But if the Court instructs them to come back down a third
4 time, after two days of many hours, we'll take that
5 chance, your Honor.

6 MS. SHUTT: Again, your Honor, just to round this
7 out, Mr. DuBois terminated it, the deposition, after a
8 couple hours the first time, and three hours, I don't
9 know what it was, the first time. And Judge Dukes
10 ordered Mr. LaFleur to come back, because, he found, I
11 guess, basically, it wasn't for cause in order for them
12 to come back. And then, it was terminated today, after
13 less than two hours. So, your Honor, we are certainly
14 not trying to be abusive here. We have reasonable
15 questions. They've amended their complaint now, and
16 sought to amend it twice. We've got a lot of questions,
17 your Honor.

18 THE COURT: Okay. Well, certainly, the LaFleurs
19 understand that if they do, in fact, get ordered to come
20 back, they may have to come back again, or they may just
21 want to consider finishing up. My experience with
22 depositions that reconvene at 5:15, people get a lot
23 quicker, shorter, and more meaningful, because they're
24 all tired and want to go home. It's the quickest way to
25 get a deposition over, I assure you. People get hungry

1 and people get tired. And that includes the lawyers.
2 So, of course, that's up to you and your counsel.

3 The one thing that I'm sure Mr. DuBois and Mr. Naert
4 have explained to their clients is that they're the ones
5 that brought this lawsuit; they are the plaintiffs in
6 this case; again, they need to make themselves available.

7 But I will tell you that I will do my best. My
8 concern is, I mean, I also have to rule on other motions
9 before tomorrow morning at 9:30, as well. I have a lot
10 of documents to read and videos to watch, as well. So,
11 in truth, you know, I probably won't get to this until
12 tomorrow afternoon. So, that's just to let you all know.
13 And Allison will be in touch with you. And so, are there
14 three total lawsuits that you all have against Coral
15 Resorts? Is that correct?

16 MR. DUBOIS: We have two current pending lawsuits,
17 your Honor. We have had others in the past.

18 THE COURT: Okay. Okay.

19 MS. SHUTT: I think there's only two. I'm not aware
20 of any that the plaintiffs' counsel has beyond the two.

21 MR. DUBOIS: I filed two in 2010. Three, I think a
22 third in 2011. And those are all resolved. Those were
23 unrelated to this one in any way.

24 MS. SHUTT: They were not customer complaints, no.

25 MR. DUBOIS: No. Same defendant, otherwise

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1 unrelated. I don't think those are listed in the list on
2 your Honor -- your Honor, those are cases from the public
3 index that had a common defendant and that the causes of
4 action, according to the index, were similar. That's
5 what those are.

6 THE COURT: All right. Okay. Okay. Were they all
7 brought by one lawyer or --

8 MR. DUBOIS: It varies, your Honor. It varies.

9 THE COURT: Okay. All right. Well, I'll let you all
10 know something as soon as I can. I appreciate you all
11 being here. It's a pleasure, Mr. and Mrs. LaFleur, Mr.
12 Pierce, and I'll let you all know as soon as I can.
13 Okay.

14 MS. SHUTT: Thank you, your Honor, for your time. I
15 really appreciate it.

END PROCEEDING 5:22 P.M.

CERTIFICATE OF REPORTER

JUNE 17, 2013 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

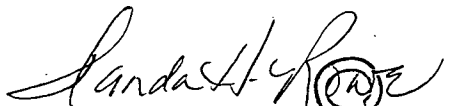
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing June 17, 2013 Transcript of Hearing is a true, accurate, and complete record of the proceedings had and evidence introduced and/or admitted at said proceeding in the case of Albert R. LaFleur, et ux v Coral Resorts, LLC, Beaufort County, Court of Common Pleas, Case Number 2012-CP-07-03746.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

The original of this transcript, nor any copy of same, is not certified, nor authorized for use by me, to be true, accurate, and complete without my original signature and stamp affixed hereto.

Witness my signature July 14, 2013.



Wanda H. Rowe, CVR-M
Official Court Reporter

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