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July 29, 2014

Via U.S. Mail

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Appeal of Tuten v. Joel*
Case No: 2012-211915

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JUL 30 2014

SC Court of Appeals

Dear Ms. Kitchings:

I am writing in response to the Court's letter dated July 24, 2014 in which certain transcript pages were requested to supplement materials previously included in the Record on Appeal in the above-referenced matter. Please find enclosed pages 271, 273, 274, 175, and 276 as requested in your correspondence.

With warmest personal regards, I am

Sincerely yours,

Harvey M. Watson III
harvey@desaballard.com

cc: Tom Woodruff, Esq. (via email)
David Joel, Esq. (via email)

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SC Court of Appeals

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1 Q And you swore in front of a notary that it was the
2 truth?

3 A Yes, yea.

4 Q And in this sworn document in August of 2008 you
5 stated that there was a fee sharing agreement, didn't you?

6 A Yep.

7 Q All right.

8 A I think that's what it says.

9 Q All right. Mr. Joel, attached to that complaint your
10 attorney on your behalf attached six checks; is that
11 correct?

12 A Yes.

13 Q And the first check which is for little bit over
14 \$14,000 is dated July 31, 2006; is that correct?

15 A Yea.

16 Q That was after the closing of the Columbia office?

17 A I assume your question was did I receive any fees
18 from Heather Glover. You didn't ask me if I received any
19 reimbursement from a bank from which Heather Glover
20 embezzled money. Your question was totally not clear.

21 Q All right. Let me ask you a question.

22 A The jury doesn't even know about all of this
23 embezzlement.

24 THE COURT: Whoa, whoa, whoa. He asks the questions,
25 not you.

1 was the litigator. He was sending checks to the Columbia
2 office because he wasn't informed that Heather was gone
3 and he should send them to the Atlanta office. That's
4 what happened. Then they went to -- they were forwarded
5 to Heather's house and she wrote Joel and Associates on
6 the back and deposited them into her own account.

7 At first she was being investigated by the Secret
8 Service over this. Your question was did I receive any
9 fees from Heather. No, I didn't.

10 Q All right. Let's talk about what you did get, okay?

11 A Sure.

12 Q The checks that are attached to that complaint,
13 they're dated July 31, 2006. That's the first check; is
14 that correct?

15 A Yes, sir.

16 Q July 31, 2006 is after the Columbia office closed;
17 isn't that correct?

18 A That's right.

19 Q And those are from fees generated in the Columbia
20 office; is that correct?

21 A Technically, I guess they're from cases from the
22 Columbia office. They're generated by McWhirter who is
23 the litigator that we referred to.

24 Q And then the second check is dated October 4, 2006;
25 is that correct?

1 A Yes.

2 Q And that's after the Columbia office closed is; is
3 that correct?

4 A Yes.

5 Q And that also is for fees generated out of the
6 Columbia office; is that correct?

7 A Yes, okay.

8 Q But the third check is dated February 12 of 2007; is
9 that correct?

10 A Yes.

11 Q That's after the Columbia office closed; is that
12 correct?

13 A Yes.

14 Q And is that for fees generated out of the Columbia
15 office?

16 A Yes.

17 Q The third -- I'm sorry. The next check -- the fourth
18 check is dated March 7, 2007; is that correct?

19 A That's correct.

20 Q And that's after the Columbia office closed; is that
21 correct?

22 A Yes.

23 Q And is that for fees generated in the Columbia
24 office?

25 A Yea.

1 Q The fifth check which is for \$145,850, that is for
2 fees generated by the Columbia office, isn't it?

3 A Yep.

4 Q And that is after the Columbia office closed; isn't
5 that correct?

6 A Yes.

7 Q And the last check is dated June 16 of 2006; is that
8 correct?

9 A Yes.

10 Q And that was for \$12,800 and that would have been,
11 what, maybe 16 days after the Columbia office closed?

12 A Yes.

13 Q And your statement on this lawsuit against Wachovia
14 is that you had a fee sharing agreement with Heather
15 Glover; is that correct?

16 A Yes. I think that's what I read.

17 Q All right. Now, Mr. Joel, just out of curiosity, for
18 some reason you have a lot of lawyers who you say steal
19 your money, don't you?

20 MRS. BALLARD: Objection, Your Honor.

21 THE COURT: What's the objection?

22 MRS. BALLARD: The objection is relevance.

23 THE COURT: Sustained.

24 MRS. BALLARD: Thank you, Your Honor.

25 Q Mr. Joel, who is Wayne Williams?

- 1 A He was the attorney who worked in the Atlanta office.
- 2 Q Where is Wayne Williams today as we speak?
- 3 A In jail.
- 4 Q Mr. -- What is he in jail for?
- 5 MRS. BALLARD: Objection, Your Honor.
- 6 MR. WOODRUFF: I'll withdraw the question.
- 7 MRS. BALLARD: Thank you, Your Honor.
- 8 Q Mr. Joel, who is Alex Simanovsky?
- 9 A He was an attorney that worked for me as well.
- 10 Q Is he still practicing law?
- 11 A I think so.
- 12 Q Did you blackmail him?
- 13 A What?
- 14 MRS. BALLARD: Objection, Your Honor.
- 15 THE COURT: Hold on. Mr. Woodruff, sustained.
- 16 Disregard that question, ladies and gentlemen.
- 17 MRS. BALLARD: Thank you, Your Honor.
- 18 Q Are you forcing -- How do you pronounce his last
19 name?
- 20 A Simanovsky.
- 21 Q Are you forcing Mr. Simanovsky to repay you money?
- 22 A No.
- 23 Q No?
- 24 A No.
- 25 Q Are you alleging that he stold [sic] money from you?