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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

Doyet A. Early, III, Circuit Court Judge

FEB 02 2017

SC Court of Appeals

Case No. 2014-CP-40-004666
Appellate Case No. 2016-001198

Kim Murphy, Appellant,

v.

Richland Lexington School District 5 Board of Trustees, Bobby Merle Bowers, and Robert Gantt,
Defendants,

Of whom Bobby Merle Bowers and Robert Gantt are the Respondents.

RECORD ON APPEAL

Cromer Babb Porter & Hicks, LLC
J. Lewis Cromer, Esquire (#1470)
1418 Laurel Street
Post Office Box 11675
Columbia, South Carolina 29211
Phone 803-799-9530
Fax 803-799-9533
Attorney for Appellant

VOLUME II

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J. Lewis Cromer, Esquire (#1470)
1418 Laurel Street
Post Office Box 11675
Columbia, South Carolina 29211
Phone 803-799-9530
Fax 803-799-9533
Attorney for Appellant

Patrick J. Frawley
DAVIS, FRAWLEY, LLC
140 East Main Street;
Post Office Box 489
Lexington, South Carolina 29071
Telephone: 803-359-2512
S. C. Bar No. 2118
pat@oldcourthouse.com
ATTORNEYS FOR RESPONDENT BOWERS

Michael H. Montgomery, Esquire (#4034)
Montgomery Willard, LLC
1002 Calhoun Street
Post Office Box 11886
Columbia, South Carolina 29211-1886
Phone 803-779-3500
Fax 803-799-2755
e-mail: mhm@montgomerywillard.com
Attorneys for Respondent Robert Gantt

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1 to as to this specific case?

2 A He can testify to the procedure in locating a
3 county boundary or political boundary.

4 Q And you've talked to him?

5 A I have talked with him.

6 Q When did you last talk to him?

7 A I can't remember exactly when.

8 Q Within the last six months?

9 A I would say within the last year.

10 Q Okay. Talked to him more than once?

11 A No. I have not.

12 Q Have you exchanged e-mails or correspondence with
13 him?

14 A No. I have not.

15 Q Okay. All right. Who else? We've got Ford. We
16 have Mr. Thompson from North Carolina. Who else is
17 going to prove that -- that this was improperly
18 done?

19 A John Terry.

20 Q Who --

21 A Surveyor.

22 Q Okay. Mr. Terry on your list?

23 A Yes.

24 Q Let's find out where he is.

25 A Number 93.

1 Q Thank you.

2 A Ninety-two, Lucius Cobb, will as well.

3 Q Okay. So Lucius Cobb and John Terry are both
4 surveyors. Lucius Cobb, you say, has "performed
5 surveys on the subject property." That would be
6 your property, correct?

7 A Yes.

8 Q "And placed the county line as directed by
9 Lexington County." When did he do that survey? I
10 don't need a specific day. Just give me your --

11 A '96/'97.

12 Q Okay. Was that when you bought your property?

13 A Yes.

14 Q Okay. So Mr. Cobb, surveyor, was a survey -- the
15 work he did out there and the plat that he would've
16 done of the survey was done when y'all bought your
17 property. Was it incident to your purchase of your
18 property? Most lenders require a plat or a survey
19 of the property.

20 A We had the survey done. I'm not sure what -- what
21 came first. I --

22 Q Was it at the time when you bought your property?

23 A In that general time frame.

24 Q Okay. Has Mr. Cobb been out there since then to
25 survey?

1 A He came out afterwards and surveyed the location of
2 the foundation of our home, which is in Richland
3 County.

4 Q Surveyed the foundation of -- or location of the --

5 A Of the --

6 Q -- foundation of your home while your home was
7 being built?

8 A Yes.

9 Q Okay. Was it for purposes of what they call a -- a
10 "plot plan" for the -- the lender so they know that
11 it complies with your setback lines and whatever
12 they've got in there?

13 A I can't remember what the purpose --

14 Q Okay.

15 A -- of it was.

16 Q But it was incident to the building of your home,
17 correct?

18 A Correct.

19 Q All right. Has Mr. Cobb been out there since then?

20 A I can't remember, but I think he may -- I may have
21 met with him out at the property after it was
22 alleged that I didn't live in Richland County.

23 Q Okay. So when this issue came up, you may have
24 contacted Mr. Cobb because he had formerly surveyed
25 your property, and you may have met him out at your

1 property, but you can't remember?

2 A I can't remember if he came to my home.

3 Q Okay.

4 A I met him at my attorney's office.

5 Q This attorney or the attorney for the prior suit?

6 A Todd Kincannon.

7 Q Okay. And what year would that have been?

8 A 2013.

9 Q Okay. Have you met with Mr. Cobb since 2013?

10 A I don't believe so.

11 Q Have you spoken with him on the telephone about
12 this case, if you recall? Talking about the case
13 we're here today on.

14 A Yes.

15 Q Okay. When?

16 A Just to clarify, are we talking about the action
17 that was filed in July of 2014 or my appeal that
18 was filed in March of 2013?

19 Q The case where you've sued Bobby Bowers, which is
20 the only one I'm working on right now.

21 A It was after July of 2014.

22 Q Okay. And what was that phone call about?

23 A I can't remember the specifics.

24 Q Okay. John Terry, surveyor, when have you spoken
25 with Mr. Terry?

1 A Periodically for the last year and a half or so.

2 Q Okay. And what was your -- what was the context of
3 your contacting Mr. Terry or him contacting you?

4 A There was a challenge -- a boundary dispute between
5 Cherokee and Spartanburg.

6 Q Okay.

7 A And he was hired by the property owner to survey
8 the county line to locate the corners.

9 Q Page Lee, is that the property owner?

10 A Yes.

11 Q Who is Page Lee?

12 A The property owner who was involved in the boundary
13 dispute.

14 Q Okay.

15 A And --

16 Q Is that a male or a female?

17 A Female.

18 Q Is she on the school board?

19 A No.

20 Q Okay. Did she have any kind of elective office
21 where residency made a difference -- county of
22 residency made a difference?

23 A County of residency made a difference as far as her
24 tax bill.

25 Q Have you spoken with --

1 A And who was charging --

2 Q -- Page --

3 A -- her tax -- residential taxes.

4 Q Okay. You say for Mr. Terry's entry here on Number
5 93, "It is believed that Witness is communicating
6 with Defendant Bowers and other witness to help
7 solve a boundary dispute between Page Lee, Cherokee
8 County, and Spartanburg County." What basis do you
9 have for that belief?

10 A Talking with John, talking with Page, and talking
11 with Page's attorney and talking with one of her
12 county council representatives.

13 Q Okay. Then Number 94 is Page Lee. This is the
14 same lady, correct?

15 A Yes.

16 Q All right. "It is believed that Defendant Bowers
17 and other witnesses listed are involved with
18 settling a boundary dispute between the property
19 owner and Cherokee and Spartanburg Counties. Hired
20 witness, John Terry, to perform survey and identify
21 county boundary." Are you -- are you taking the
22 position or are you inferring here that Mr. Bowers'
23 agency is improperly operating with that dispute --
24 within that dispute?

25 A Yes. Based on what they have said.

1 Q Who's the "they"?

2 A Based on what Page and John Terry have said, that
3 the process of locating the county line is to first
4 identify where the corners are. And that's what
5 they have with Bobby Bowers right now.

6 Q Okay. Did Mr. Terry indicate to you whether the
7 methodology that was being used in Ms. Lee's
8 dispute was done properly or improperly by
9 Mr. Bowers' office?

10 A They're saying that the method that was used by
11 Spartanburg County was improper. I don't know the
12 outcome of her -- of Page's situation right now
13 with Bobby Bowers.

14 Q All right. Do you know -- do you know who did the
15 methodology for Spartanburg? Was that Mr. Bowers'
16 office?

17 A I don't -- I don't know, but they used GIS like
18 they did in my case.

19 Q "They"?

20 A Spartanburg used GIS like they did in my case.

21 Q Okay. And Terry is telling you that the wrong --
22 that's the wrong means of doing it?

23 A Correct.

24 Q Okay. And then you -- you've got Mr. -- Mr. Terry
25 listed here as a surveyor. Does he have any

1 specific experience in the area of GIS other than
2 apparently not agreeing with the way it was used?

3 A I believe he does his surveys with GIS equipment is
4 what --

5 Q Okay. All right. Mr. Ford, Mr. Thompson from
6 North Carolina, John Terry. Who else, if anybody
7 else?

8 A And what was the question again that --

9 Q What proof do you have that the means and methods
10 that Mr. Bowers' office used were done improperly?

11 A I'm sorry. Can you please repeat that?

12 Q What proof do you have -- what evidence do you
13 have, testimonial or documentary, that the means
14 and methods used by Mr. Bowers' office to determine
15 your residency were done improperly?

16 A E-mails from Will Roberts to Lexington County.

17 Q Okay. What are they going to show?

18 A That there was no survey done to locate the -- the
19 corners that determine the county boundary, that
20 there's a process to handling boundary disputes
21 that had not been initiated.

22 Q Is that a judicial process?

23 A According to the e-mail, a commission would be set
24 up like how the North Carolina/South Carolina
25 boundary issue was -- is being resolved.

1 Q Okay. There was a judicial process for the
2 resolution of this boundary dispute, wasn't there?

3 The school board had a hearing, didn't they?

4 A But it's the obligation of the so-called expert to
5 provide honest information --

6 Q Okay.

7 A -- to the entity that's requesting it and --

8 Q Okay. I'll take that answer as a "yes, but" and
9 then what you just said, right?

10 A Well, I can't -- I can't -- I'm not sure the answer
11 to -- to the -- your -- your first question.

12 Q Well, are you not sure that there was a hearing
13 regarding this boundary dispute where you had the
14 opportunity to present your case?

15 A There -- there was a -- a hearing, but I don't know
16 that as far as that process goes that that was
17 legal, so I can't answer your question.

18 Q Well, you didn't participate in that process, did
19 you? You are now because there was an appeal, but
20 you didn't participate for the hearing process, did
21 you?

22 A Not on that day.

23 Q Okay. We've been going about an hour and a half.
24 You want to take a break?

25 MS. STORY: Sure.

1 MR. FRAWLEY: All right. Let's take a short
2 break.

3 (Off the record from 11:32 a.m.
4 until 11:42 a.m.)

5 THE EXAMINATION BY MR. FRAWLEY CONTINUES.

6 Q Okay. We're back on the record after a short
7 break. Ms. Murphy, when -- when do you maintain
8 that these conversations between Mr. Gantt and
9 Mr. Bowers, arranging what you think took place as
10 far as a conspiracy -- when do you maintain those
11 conversations took place?

12 A I believe before October of 2012.

13 Q And on what do you base that belief?

14 A Just actions of Robert Gantt and a newspaper
15 article where someone was quoted as saying that
16 they brought it to Gantt's attention in 2010, after
17 I had filed to run.

18 Q It's a guy named Scott Murray?

19 A Yes.

20 Q Did you know Scott Murray before?

21 A I know -- yes.

22 Q Okay. What else besides that? I mean, if Scott
23 Murray made that remark in 2010, why were there not
24 conversations between 2010 and October of 2012?

25 A I believe there were conversations.

1 Q Okay. And whether there were or were not
2 conversations, it took them two years to do the --
3 to do the verification of your residency?

4 A I think they had discussion about how I could be
5 removed from the board.

6 Q Okay. So someone besides Mr. Gantt had an inkling
7 that maybe you didn't really live in Richland
8 County prior to this matter coming up? Do you
9 agree with that statement?

10 A Yes. But I -- I -- they thought I didn't live in
11 Richland County.

12 Q Okay. Had you spoken with Mr. Murray about his
13 belief that you had not lived in Richland County?

14 A No.

15 Q I mean did Mr. Murray ever provide any basis for
16 his belief that you didn't live in Richland County,
17 other than his remark in the newspaper?

18 A No.

19 Q Okay. Other than the fact that Mr. Bowers' agency
20 conducted the investigation into your residency and
21 concluded that you didn't live in Richland County,
22 what evidence do you have that Mr. Bowers had that
23 conversation with Mr. Gantt, other than the fact --
24 and you've talked about it already -- that -- that
25 they had maybe been on school boards together

1 before and had prior affiliations, whether close or
2 otherwise?

3 A Ask your question again, please. I --

4 Q All right. What evidence do you have that
5 Mr. Bowers, other than the fact that Mr. Bowers'
6 agency investigated your residency and concluded
7 that you did not live in Richland County -- other
8 than that, what evidence do you have that
9 Mr. Bowers even spoke with Mr. Gantt about the
10 boundary line issue?

11 A I mean, they -- they have had to have talked. They
12 were just aggressively trying to -- to harm me in
13 whichever way they could, and Bowers coming up with
14 false information to use to have me removed and --

15 Q So -- so it's a conclusion on -- on your part,
16 based on what you just said and that Bowers' agency
17 found that you did not live in Richland County?
18 That's your basis for concluding that Bowers and
19 Gantt conspired; is that correct?

20 A Say that one more time, please.

21 Q All right. I just asked you what evidence, other
22 than the fact that Bowers' agency found that you
23 did not live in Richland County, what evidence did
24 you have that Bowers and Gantt conspired? And you
25 said, "They were aggressively trying to hurt me.

1 They did whatever they could do, and they -- they
2 must have talked." That was your factual premise?

3 A I think that -- that, you know, e-mails -- e-mails
4 will show that, and -- and, you know, that if
5 there's any more related to the -- the conspiracy
6 that those e-mails -- there'll be e-mails, phone
7 conversations --

8 Q There will be, or there are? I mean, do you
9 have --

10 A There --

11 Q -- e-mails --

12 A I think --

13 Q -- that you've submitted?

14 A I have documents that show that they knew the
15 facts, they knew this was wrong --

16 Q Who's "they"? The school board?

17 A The school board and Bobby Bowers --

18 Q Okay.

19 A -- knew this was wrong.

20 Q Knew the facts? What facts are we talking about?

21 A They knew what was right. They knew the right
22 thing to do, and they didn't do it.

23 Q What -- what -- what are you talking about? "It
24 was right"? What is "it"? What -- what are the
25 facts? You're using pronouns without attribution.

1 I'm trying to find out what you're talking about.

2 What facts are you talking about? What is the "it"
3 that you maintain was right?

4 A They -- Bowers and Gantt knew that the process that
5 they used to remove me that was in Bowers' letter
6 is not how -- they knew the facts. They knew that
7 I've -- I lived in Richland County. And they
8 could --

9 Q Okay. When you said "the process that they used,"
10 are you talking about the GIS process to determine
11 your residency? Is that the process you're talking
12 about?

13 A Yeah. That -- that's not how you determine
14 someone's county of residency.

15 Q And I understand. You've said that several times,
16 but is that what you mean when you say "the
17 process"?

18 A That's -- that's part of -- I don't even want to
19 call it "process." It's a scheme.

20 Q I just want to find out -- I want to define the
21 terms and not use a lot of pronouns without
22 attribution. You said "they knew the process," and
23 I'm trying to find out, is it the process of the
24 school board saying, "Let's hire a GIS hit man, get
25 her -- get her moved out, and we'll get rid of her

1 that way"? That's a school board issue, if that
2 even happened. Or are you talking about the
3 process of Bobby Bowers' agency going out and the
4 methodology that they used in determining that you
5 were not a Richland County resident? What process
6 are you talking about?

7 A Because of the school board's constant attack on me
8 and the way Bowers has -- Bobby Bowers has
9 responded to that, the -- the e-mails that I have,
10 the taped conversations that I have, the false --

11 MS. STORY: (To the deponent) You need to
12 make sure you're answering his question --

13 THE DEPONENT: Okay.

14 A The --

15 MS. STORY: -- okay?

16 A The false -- the false information that was in the
17 transcript from Bobby Bowers' office.

18 Q The transcript? The transcript of the hearing
19 where he testified?

20 A Yes. The evidence that was -- the evidence that
21 was in the transcript had --

22 Q Of the hearing that you didn't attend?

23 A -- had been -- was false and had been manipulated.

24 Q Okay. The -- the testimony in the transcript at
25 the hearing that you didn't attend, is that the one

1 you're talking about?

2 A The --

3 Q Which transcript are you talking about?

4 A -- February 15, 2013 hearing.

5 Q That you did attend or did not attend?

6 A I did not attend.

7 Q You didn't have an attorney there to crossexamine
8 them, right?

9 A The phone calls --

10 Q Okay.

11 A -- that I recorded --

12 Q Okay. Ma'am, you need to listen to my question --
13 answer my question. If you need to explain your
14 answer, that's fine. But I'm asking questions, and
15 I'm not getting anywhere near answers responsive to
16 my questions.

17 A I -- I -- I -- I think I'm --

18 Q The -- the question I have right now, which is --
19 is a -- a permutation of three or four other
20 questions I've asked that you've given different
21 answers to. You referred to a transcript, and you
22 said -- I asked you what the transcript was, and
23 you said it's from a February 2013 hearing. And I
24 said, "Is that the hearing at which you were not
25 present?" And is that -- is that a yes? Yes,

1 that --

2 A Yes. I answered that.

3 Q Okay. And you did not have an attorney there to
4 crossexamine the witnesses who testified that day;
5 is that correct?

6 A Correct.

7 Q Okay. All right. Now, did you want to explain
8 that any further?

9 A There was evidence that is -- that was put into
10 evidence by Bobby Bowers.

11 Q As a witness or by a party that was asking Bobby
12 Bowers questions with Mr. Bowers as a witness?
13 What I mean by that is, Mr. Bowers was not a party
14 to that hearing. You understand that?

15 A He testified at that hearing.

16 Q He was a witness that was called.

17 A Right. The evidence that was put together to -- in
18 alleging that I didn't live in the county where I
19 reside --

20 Q In other words, his agency's -- the results of his
21 agency's investigation determining that you did not
22 live in Richland County -- that evidence?

23 A Correct. It was --

24 Q Okay.

25 A -- false information.

1 Q Okay. And -- but you had nobody at the hearing
2 that was able to crossexamine to determine it was
3 false, did you?

4 A That's correct, but I have found out afterwards
5 that it -- it's false.

6 Q But you weren't at the hearing when you could've
7 contested it?

8 A Because it was so contrived and so -- they schemed
9 so much to put this together and then hide the
10 mistakes that they made, I may not even have known
11 it that -- that day at the hearing even if I
12 attended.

13 Q But you'd have had an attorney who could've
14 crossexamined and inquired into the mistakes they
15 made and -- and if something didn't appear right at
16 that -- that would've been the appropriate time to
17 do it, wasn't it?

18 A I don't know the answer to that question.

19 Q Okay.

20 A All I can say is the information that was part of
21 the evidence was false information and it was
22 manipulated.

23 Q It was manipulated by whom?

24 A Bobby Bowers and his crew. And that, along with
25 the insistence from Bobby Bowers to have me removed

1 from the voter rolls.

2 Q If you don't live in -- in -- in Richland County --
3 well, let -- let me put it this way: Before
4 there's a conclusion based on your residency, you
5 would've been a registered voter in some voting
6 district in Richland County, correct?

7 A I was and am --

8 Q Okay. And if --

9 A -- in Richland County.

10 Q -- if there's a determination that you're not --
11 that you don't reside in that district or -- or in
12 -- in that -- that county, there's an election
13 commission that -- that oversees who's supposed to
14 vote in what district, correct?

15 A Yes.

16 Q Okay. And if it's determined that a person
17 registered to vote in that district doesn't live in
18 that district, somebody is supposed to let that
19 election commission know that you have a voter that
20 doesn't live in your district, correct? Whether
21 you agree with that conclusion or not, that's
22 supposed to be passed on. That information is
23 supposed to be passed on to the election
24 commission, isn't it?

25 A Passing it on is one thing, but going to the -- the

1 -- almost hounding the commission to -- to remove
2 me is -- is -- shows the abuse that he -- he didn't
3 want to get caught.

4 Q Okay. "Almost hounding"? What -- to what extent
5 did he go that -- that you deem it to be "almost
6 hounding" the election commission to remove you
7 from their voter rolls? What did he do?

8 A Bobby Bowers was upset that the election commission
9 did not remove me because that -- removing me would
10 help him and Mr. Gantt clench the deal.

11 Q How do you know he was upset?

12 A Because of the conversations that I've had with
13 Richland County and --

14 Q With -- with who?

15 A -- the e-mails from --

16 Q Richland County is a political entity. Who in
17 Richland County have you had conversations with
18 that have told you that Bobby Bowers was upset?

19 A And also the e-mails that I have from Will Roberts
20 to Lexington County.

21 Q To Lexington County?

22 A Yes.

23 Q Well, that's not hounding Richland County. What --
24 what does he have?

25 A I also have that -- the -- the -- my conversation

1 with the county -- Richland County attorney.

2 Q Who? Larry Smith?

3 A Yes.

4 Q When did you talk to Mr. Smith?

5 A I've talked to him several times since this has
6 happened.

7 Q Bunches of times. He -- he's the Richland County
8 attorney, isn't he? Did you talk to any other
9 attorneys with his office? He has several.

10 A I don't believe so.

11 Q Okay. All right. What evidence do you have that
12 Mr. Gantt, if they did in fact speak, that
13 Mr. Gantt and Mr. Bowers spoke about any issues
14 other than the boundary dispute?

15 A Ask your question again, please.

16 Q What evidence do you have that if Mr. Gantt and
17 Mr. Bowers spoke, they spoke about any issues other
18 than setting the boundary or investigating your
19 residency?

20 A Can you rephrase that, please?

21 Q What evidence do you have that if Mr. Gantt and
22 Mr. Bowers spoke, they spoke about any topics other
23 than Mr. Bowers' office investigating your
24 residency and whether the boundary line was
25 correct?

1 A Are you asking me if they had conversation about
2 other subjects than the boundary line issue?

3 Q No, ma'am. I'm asking you if you have any evidence
4 that they had any conversations about any topics
5 other than the boundary line issue. Not what you
6 believe, not what somebody told you, but what
7 evidence you have that they --

8 A Spoke about the boundary line issue?

9 Q -- that they spoke about something other than the
10 boundary line issue?

11 A If I understand the question correctly, I don't
12 know if they talked about other subjects.

13 Q You understand that -- that establishing or
14 investigating boundary line issues is what Bobby
15 Bowers' office did at that time? That's -- that's
16 what -- that's what they did, correct?

17 A They know how they're supposed to do it.

18 Q I appreciate that, but what they did do was
19 investigate boundary line issues and probably
20 several other things. But -- but investigating
21 boundary line issues was one of the things within
22 the scope of that agency's job, correct?

23 A But the -- the -- the counties didn't have a
24 dispute with the line.

25 Q I don't care. Is it your understanding that

1 investigating boundary line issues and determining
2 the correct boundary line was within the scope of
3 the duties of Bobby Bowers' office?

4 A At that time, I believe he was to assist counties
5 when there was a boundary line dispute.

6 Q Okay. So boundary line issues would've been within
7 the scope of his official duties within his office,
8 correct?

9 A To a point, yes. He could not --

10 Q Where does --

11 A He could not -- he could not say, conclusively,
12 where a boundary line was without physically doing
13 a survey, and if it's different than what the
14 counties show, he has no authority to establish the
15 boundary where he said it was.

16 Q You keep saying "he." I mean --

17 A Bobby Bowers.

18 Q He's -- he's working as the director of an agency.
19 It's the agency that does it, right? Not -- not
20 Bobby Bowers --

21 A He doesn't have --

22 Q -- individually?

23 A That agency doesn't have the authority to establish
24 where a county boundary is.

25 Q Okay. Do you have a law that you can cite me to

1 saying what the authority is for setting that?

2 Isn't that what that agency is -- is assigned to

3 do, is establish boundaries?

4 A They cannot -- according to the law, they cannot --

5 they cannot basically say that a line is any

6 different than what the counties recognize. They

7 can say it, but it doesn't mean anything.

8 Q Okay.

9 A The -- the -- the counties resolve their own

10 boundary issues.

11 Q Okay. If you have two counties that are -- are

12 opposed to what the boundary is, who -- who has the

13 -- who has the -- who makes the determination?

14 A The counties, not Bobby Bowers.

15 Q Okay. If you have two counties that say the line

16 is in a different place, and -- and they're adverse

17 -- they're not going to reach a consensus, who

18 breaks the tie?

19 A Bobby Bowers does not have the authority to do

20 that.

21 Q I don't -- and I'm not asking you who doesn't have

22 the authority. I'm asking you -- you just quoted

23 the law to me. Who -- who does have the authority?

24 A A commission would need to be set up. Surveyors

25 would be hired to find the corners which establish

1 the line.

2 Q Would you agree that there was an overlap that was
3 shown between Lexington County and Richland County
4 in the area in which you reside?

5 A Can you explain that, please?

6 Q An overlap. Some of the line -- one line says it's
7 in a certain place. The other county says it's in
8 a different place, and they overlapped.

9 A Which line?

10 Q The county -- the county line between Richland and
11 Lexington, that there was an overlap on some of the
12 GIS information?

13 A The GIS information is not conclusive.

14 Q That's what I just asked. Would you agree that
15 there's an overlap, that -- that there's not a -- a
16 -- a defined line between Lexington County and
17 Richland County?

18 A What's -- what's shown on the GIS maps, in the maps
19 that Mr. Bowers had in evidence, cannot be used to
20 show where the lines are.

21 Q Why not? They could be -- they could be shown as
22 evidence, can't they?

23 A What it shows is that Lexington County GIS doesn't
24 jive with Richland County GIS.

25 Q There's an overlap?

1 A They don't -- I don't even know if it overlaps.

2 They don't -- they don't jive at all.

3 Q Okay.

4 A So if -- if they don't -- and that's not even what
5 you would use to determine where a boundary is.

6 Q And had you been at that hearing with an attorney
7 and your own evidence, you could've shown them the
8 right way, correct?

9 A Part of the process --

10 Q That's a yes or no answer, then you can explain it.

11 A Yes.

12 Q If you'd been at that hearing, you could've shown
13 them the right way to do it, correct?

14 A That would've been one opportunity.

15 Q Okay. That was your best opportunity, wasn't it?

16 A There's another opportunity in front of the circuit
17 court judge.

18 Q Well, to -- to -- to revisit the issue. The
19 circuit court judge has already ruled. You're
20 asking her to reconsider now, aren't you? I mean,
21 aren't you swimming seriously upstream on that
22 issue?

23 A I don't -- I -- I don't believe so, when all the
24 evidence is laid out that -- that this was
25 contrived and -- and not how you go about -- even

1 how you go about establishing a political boundary.
2 You know, all the -- the e-mails that will show how
3 they tried to cover up their mistakes. They didn't
4 even have the authority to do what they did.

5 Q Okay. But going back to my original question, you
6 have no evidence that -- that Mr. Bowers or anybody
7 from his office had any communication with
8 Mr. Gantt for any purpose other than this boundary
9 dispute, correct?

10 A At this time, I have no evidence that Bowers talked
11 with Gantt on subjects other than this boundary
12 issue, but I think right now that there -- I -- I
13 don't know if I have anything.

14 Q Okay. And -- and if -- if you happen to dig up any
15 evidence, you'll produce it to your attorney so she
16 can produce it to me?

17 A Yes.

18 Q Okay. Who is Meka Childs? You -- you've mentioned
19 her having two political consultants, Mr. McMullin
20 and then R.J. May. Who is Meka Childs?

21 A Meka Childs was running for superintendent of --
22 state superintendent of education --

23 Q Okay.

24 A -- and worked with R.J. May and Ed McMullin.

25 Q Okay. Now, we talked about Mr. McMullin a couple

1 hours ago as being your first witness there. R.J.
2 May, you -- you kind of put him in the -- the same
3 category as -- as Mr. McMullin. What would Mr. May
4 testify to? You say, "It's believed that witness
5 has knowledge that the actions by defendants to
6 remove plaintiff was political in nature and an
7 abuse of power." Mr. May is going to say that
8 about Bobby Bowers?

9 A Because he has --

10 Q Is that a yes or no?

11 A Yes.

12 Q Okay. And then because?

13 A He has -- R.J. May has a relationship with somebody
14 in Bobby Bowers' office?

15 Q Who?

16 A Who? I -- I don't know right now.

17 Q Did you -- did you know --

18 A We will find that out.

19 Q Well, we'll find that out? How will we find that
20 out? Let -- let -- I'll withdraw that question.

21 Mr. May has told you that he has a
22 relationship with somebody in Bobby Bowers' office?

23 A Ed McMullin said that R.J. does --

24 Q Okay.

25 A -- and that he would likely not divulge that

1 information to me without being deposed.

2 Q And -- and did Mr. McMullin define what kind of
3 relationship there was? Were they good friends?
4 Were they lovers? Were they coworkers? What was
5 their relationship?

6 A He didn't define it.

7 Q He didn't define it, but there was some
8 relationship that Mr. Mullin (as spoken) tells you
9 he thinks Mr. May has that Mr. May is not going to
10 give up unless he's deposed? And he told you that,
11 based on that relationship, Mr. May knows that
12 Mr. Bowers abused his power?

13 A Yes.

14 Q Okay.

15 A I spoke with Mr. McMullin. He was well aware of my
16 case without me even going into the details about
17 it.

18 Q Well, he's a political consultant. They're
19 supposed to be well aware of stuff like that,
20 aren't they?

21 A I don't know. He -- if that area he would become
22 aware of, except that he works very closely with
23 R.J. May.

24 Q Okay. If he just gave up a relationship that
25 Mr. May has with somebody in Mr. Bowers' office,

1 are they going to stay close?

2 A I don't know that I would have an answer to that
3 question.

4 Q Okay. You list Thomas Cooper. He's the judge that
5 presided over the hearing?

6 A Yes.

7 Q Okay. Anything other than his having presided over
8 the hearing that -- that you think he knows? Do
9 you think he was involved in the conspiracy?

10 A No.

11 Q You list Bobby Bowers, Will Roberts, Alan-Jon Zupan
12 -- that's Z -- Z-u-p-a-n. Those are all in Bobby
13 Bowers' office, correct?

14 A Yes.

15 Q Sid Miller? That's on Page 2. What is Sid Miller
16 -- why -- why is he on your list?

17 A He was -- testified at the February 2013 meeting.

18 Q Okay.

19 A And he --

20 Q Have you read the transcript about his testimony?

21 A Yes.

22 Q Okay.

23 A And he is involved with the North Carolina/South
24 Carolina boundary issue, and he knows how you are
25 to establish a political boundary. And he sought

1 guidance from the attorney general's office on how
2 to do that, and the attorney general spelled out
3 and -- how you are to do it, and that's the process
4 they followed for the North Carolina/South Carolina
5 boundary issue.

6 Q Okay. Who offered Sid Miller as a witness at that
7 hearing? Do you know? Have you read the
8 transcript?

9 A Yes.

10 Q And you read Mr. Miller's testimony?

11 A Yes.

12 Q Okay. Whose witness was he?

13 A District 5. It's --

14 Q Okay. Did --

15 A I'm assuming.

16 Q Did you agree with his testimony? Disagree with
17 his testimony?

18 A There were parts of it that showed that what they
19 did was not how they -- you establish a political
20 boundary. They -- he said that the lines that were
21 drawn on the map fit geographically but not
22 accurately. He testified to the time line that he
23 visited the site.

24 Q You -- you have a transcript of that hearing,
25 correct?

1 A Yes.

2 Q Have you provided that to your attorney and
3 produced it?

4 A I believe.

5 Q Okay. And I -- I can read -- I can read his
6 testimony. Is there anything in his testimony that
7 you -- you disagree with?

8 A There's -- there are probably some things. I found
9 several inconsistencies, and the documents that
10 were put into evidence were, you know, contrived.

11 Q When you use the word "contrived," what do you mean
12 by that? You've used it several times today.

13 A Well, they were contrived in several --

14 Q Okay. You can't use the word "contrived" to define
15 the word "contrived." What do you mean --

16 A Well --

17 Q -- by "contrived"?

18 A Several ways. GIS lines mean nothing on the aerial
19 photograph that was provided that showed GIS lines.

20 Q When you say they mean nothing, is that --

21 A They're --

22 Q -- is that an absolute axiom, or is that --

23 A It's a --

24 Q -- your saying they should mean nothing?

25 A It's a -- an approximate location of where the

1 counties think the line is --

2 Q Okay.

3 A -- based on coordinates and the positions and the
4 planes and -- but until you actually go out and
5 survey the boundary -- the -- to look for those
6 corners, you don't know where the boundary is. The
7 overlay of the parcels on -- in our subdivision are
8 not accurately overlaid. They actually would show
9 -- it's an -- it's an old aerial. It doesn't even
10 pick up our neighbor's house. If there were any
11 due diligence involved, they would notify our
12 neighbors.

13 Q I'm trying to find out where you're going to define
14 the word "contrived," which was my question.

15 A The --

16 Q What do you mean by "contrived"?

17 A They were fudged. The lines on the -- the aerial
18 are -- are fudged. They're not accurate lines, and
19 Bobby Bowers' two lines --

20 Q Intentionally, they did that, or -- or -- or just
21 -- just the -- the methodology is not accurate? Do
22 you understand --

23 A There's --

24 Q -- the distinction I'm making?

25 A There's -- there's -- probably both of that.

1 Q Okay. And --

2 A Careless is -- is one thing.

3 Q That's a negligence standard. You're -- you're
4 talking about fudged, or contrived to me, infers an
5 intentional manipulation of something. What
6 evidence do you have that anything was
7 intentionally manipulated --

8 A I think --

9 Q -- or, to use your word, "fudged" intentionally?

10 A The two lines that Bobby Bowers has drawn to show
11 that it's conclusive that I don't reside in
12 Richland County are not accurate lines, and he
13 knows that. And they've also been --

14 Q How do you know he knows that? Tell me -- tell me
15 what evidence you have that he knows that.

16 A Because he has the -- because he knows how to do it
17 right because he's a member of the South
18 Carolina/North Carolina Boundary Commission. They
19 know that you can't determine a -- a -- a boundary
20 unless you physically go out and you look for the
21 corners.

22 Q So you're inferring knowledge? You don't -- you
23 don't know that he knows, do you?

24 A He testified that he was an expert, so I have to
25 believe that he knows how to do it correctly.

1 Q Well, y'all could've appeared at the hearing and
2 hired your own expert, couldn't you, who could've
3 countered Bobby Bowers' testimony? And you chose
4 not to.

5 A And, as I mentioned, at the advice of my attorney,
6 I did not attend that meeting.

7 Q Because your attorney didn't think, at that time,
8 that you guys had a chance to counter the testimony
9 and the evidence that was being put up, correct?

10 A I totally disagree with that.

11 Q You totally disagree, but you totally didn't show
12 up for the hearing, right?

13 A I --

14 Q On the advice of your attorney. I get that part.
15 All right. Let's go back to some witnesses.

16 A All right. You were talking about the line being
17 contrived?

18 Q Right. I think you've answered that enough, unless
19 you have something --

20 A I do.

21 Q -- substantive you want to add.

22 A I do because that was not the line that was used by
23 Bowers originally when Bowers' office discovered
24 that there were corners at the end of these lines,
25 which was after they had already said it was

1 conclusive that I didn't reside in Richland County,
2 based on the lines they drew. They changed the
3 location of the lines. They relocated them. If
4 their lines were so definite, there was no reason
5 to relocate them. They relocated them as if the
6 lines meant nothing. They did mean nothing.

7 Q That's your conclusion?

8 A Well, it's part of how they contrived the lines.

9 Q Okay. Anything else?

10 A They withheld important information.

11 Q When, and from whom?

12 A At that hearing in the documents that were used to
13 make their case.

14 Q How do you know they -- again, with "they" and
15 "their case." Bobby Bowers and his office were not
16 parties to that hearing. Do you understand that?
17 They were witnesses. Do you understand that? They
18 had no case that day.

19 A That -- Bobby Bowers was directly involved with
20 making the determination -- alleged determination
21 that I didn't live in the county, and he, being as
22 involved as he was, should have known that the
23 evidence was contrived and manipulated, and
24 important evidence was withheld.

25 Q He was called as a witness for his agency by the

1 school board. Do you understand that? I know you
2 weren't at the hearing, but you've read the
3 transcript. Do you understand that Mr. Bowers was
4 called as a witness, was put under oath, and
5 testified on behalf of his agency? Do you
6 understand that?

7 A Then are you suggesting that District 5 and their
8 attorneys contrived the evidence?

9 Q No. I'm -- I'm asking: Do you understand that
10 Bobby Bowers was at that hearing as a witness, not
11 as a party? He had no case that day. Do you
12 understand that?

13 A He said --

14 Q Ma'am, that's a yes or no. Either you understand
15 it or you don't understand it.

16 A Well, I think I understand it.

17 Q All right. You -- you understand he -- he was not
18 a party at that lawsuit or at that -- that hearing..
19 He was not seeking relief. Do you understand that?

20 A He was seeking to have me removed, is what he did.

21 Q He was a witness who was asked questions. Did --
22 did you get that in reading the transcript?

23 A And he was -- his office provided the
24 documentation. He was directly involved with it.

25 Q Because he was the -- the head of the agency that

1 did the investigation and that was put up as a
2 witness in that hearing, at which you and your
3 attorney chose not to attend.

4 A So he -- he knows how --

5 Q Correct?

6 A He knows how to --

7 Q Is that correct? What I just said, is that
8 correct?

9 A Say it again, please.

10 Q He was a witness in the case in the hearing that
11 you and your attorney chose not to attend?

12 A He was a witness, yes.

13 Q Okay. He was not a party. You understand that?

14 A I think I understand that.

15 Q Okay. You -- you know what a party is? You're a
16 party in this lawsuit. You're a plaintiff. Bobby
17 Bowers is a party in this lawsuit. He's a -- he's
18 a defendant. Lew Lapine, if he ever gets called as
19 a witness, is not a party. He -- he is -- he may
20 be a witness. Do you understand the distinction --

21 A Okay.

22 Q -- between a party and a witness?

23 A Okay.

24 Q Okay. If we called your husband, your husband is
25 not a party. He might be a witness. You

1 understand that?

2 A Yes.

3 Q Okay. There's a distinction.

4 A Yes. I understand that.

5 Q I may not agree with your husband's testimony.

6 Mr. Bowers may not. But we'll be there, and I'll

7 get to crossexamine him. So if there's holes in

8 his testimony, I'm going to wear those holes out

9 because he's a witness and that's my job, as your

10 attorney's job would've been, had you and your

11 attorney chosen to attend that hearing. Do you

12 understand that?

13 A Can you please repeat the question again or -- yes.

14 Please repeat it.

15 Q Going back to the beginning, you understand, now,

16 the difference between a -- a witness and a party?

17 A Yes.

18 Q Okay. The rest of it was explanation. You

19 understand the difference. We're good. Let's move

20 on.

21 Lew Lapine, former chief, SC Geodetic. Have

22 you spoken with Mr. Lapine?

23 A I have not.

24 Q You say -- he's Number 11 on Page 2 of your list of

25 witnesses. "It is believed that witness has

1 knowledge as to the process used by defendants and
2 others in the determination of the alleged county
3 line and is a resident of Chapin, South Carolina."
4 You have not spoken with Mr. Lapine?

5 A I have not.

6 Q Okay. And you list him because why?

7 A Because he's involved directly with Bobby Bowers
8 and the geodetic survey and --

9 Q Okay.

10 A -- they all work together, and he's a Chapin
11 resident.

12 Q Okay. John Cloyd, C-l-o-y-d, Richland County
13 assessor, retired. That's Number 12. "It is
14 believed that witness has knowledge as to the
15 process used by defendants and others to the
16 determination of alleged county line visited areas
17 on Wateree Creek in 1995, searching for the Rocky
18 Ford corner." Have you spoken with Mr. Cloyd?

19 A I have not.

20 Q Okay. How do you know about Mr. Cloyd and whether
21 he has any information with regard to this case
22 that would prompt you to list him as one of your
23 143 witnesses?

24 A He has been with the county for many years and
25 wrote a letter to -- he -- he's got a -- he's got a

1 lot of history because he's been with the county
2 for so long. He wrote a letter to our -- the
3 previous property owners --

4 Q Uh-huh.

5 A -- along with the assessor for Lexington County,
6 and said due to home rule -- this letter is going
7 back to 1978 -- that they had to reconcile -- the
8 counties had to reconcile their boundaries.

9 Q Okay.

10 A Which was done in 1978. Mr. -- Mr. Cloyd,
11 according to the transcript of the February 2013
12 meeting, visited the site -- the purported corner,
13 Rocky Ford Corner in 1995, along with Sid Miller,
14 the district's expert witness, and Alan-Jon Zupan.

15 Q Okay.

16 A And said all they did at that time was position --
17 Alan said they positioned two points, but he was
18 out there when they positioned the points.

19 Q Was Mr. Cloyd a witness in that February 2013
20 hearing?

21 A No.

22 Q Okay. Do -- do you know if Mr. Cloyd has any
23 specific knowledge of this particular case?

24 A He has been copied on correspondence from Bowers'
25 -- Mr. Bowers' office.

1 Q Let me ask you this: Do you have any evidence that
2 Bobby Bowers did anything outside the scope of his
3 duties as director of his agency?

4 A I believe the documents that I have produced and
5 the e-mails that I have produced will show that.

6 Q Will show that he ever acted outside the area of
7 mapping and determining boundary lines?

8 A Showing how he abused the power -- abused his
9 position.

10 Q How did he abuse the power or his position by doing
11 anything other than arriving at a boundary line --
12 or his agency did -- that you disagree with?

13 A I'm just trying to scan through, in my mind, the
14 documents that we have. He knew the facts. He --
15 he knew what was right and what was wrong.

16 Q Okay. And that's a -- that's a good --

17 A And that's --

18 Q -- political --

19 A -- what the --

20 Q -- statement --

21 A -- documents --

22 Q -- but it has absolutely nothing to do with what
23 you're going to have to prove in court. What
24 evidence do you have that he knew anything, outside
25 the scope of what he normally did in his official

1 duties? You -- you disagree with his methodology;
2 you disagree with the conclusions of his agency in
3 determining where the line was. You disagree with
4 that. I -- I get all that. But what evidence do
5 you have that, at any time, Mr. Bowers acted
6 outside the scope of what he should've been doing
7 with his agency?

8 A It goes beyond disagreeing. It goes beyond -- what
9 they did was scheme to give information that would
10 make it look like what they were doing was
11 legitimate.

12 Q And what evidence do you have that they schemed,
13 that they did anything --

14 A Because they --

15 Q -- other than him just finding a property line, and
16 Richland school district using that as evidence at
17 the hearing at which you didn't appear?

18 A Because they know how to do it right.

19 Q How do you know that, and how are you going to
20 establish that in court? What evidence are you
21 going to show a jury that, "Well, they know this
22 and they know how to do it right and it didn't come
23 out right." It didn't come out the way you wanted;
24 isn't that correct? And that's why we have this
25 whole thing going on right now. Your supposition,

1 allegation, but you've got no evidence to support
2 that. And going back to my original question:
3 What did he do outside the scope of his official
4 duties as director of his -- his agency, other than
5 testify and, you know, "here's where we say the
6 line is"?

7 A He -- he manufactured information --

8 Q Where do you have that evidence that he did
9 anything other than what his agency should've been
10 doing? Maybe they did it negligently; maybe they
11 did it wrong, but that they did it in good faith,
12 trying to do their job. What evidence do you have
13 contrary to that?

14 A I think that --

15 Q I don't care what you think.

16 A -- e-mails --

17 Q I want to know what evidence --

18 A -- will --

19 Q -- you've got.

20 A -- show that.

21 Q Tell me what e-mails. You've given me 9,000 pages
22 of documents, and -- and let me tell you today:
23 I'm going to go through all 9,000 of those
24 documents. I'm going to listen to however many
25 hours of audio tapes and -- and -- and videos of

1 school board meetings, that I have absolutely no
2 interest in, other than being an attorney here.
3 And if it turns out that I spend all that time on
4 that, and there's nothing in there that establishes
5 your claim against Mr. Bowers, I'm going to look
6 real hard at asking the court to award attorney
7 fees for the time I have to do that. Because I
8 think a bunch of what you've given me is not stuff
9 that -- that pertains to your claim against my
10 client, and that's what I'm trying to find out
11 here. That's what I tried to find out for four
12 hours on June 22nd: What evidence do you have?
13 And all I hear is "belief" or "they did this" or
14 "they manufactured," "they contrived." What did
15 Bobby Bowers do outside the scope of his official
16 duties? What evidence do you have that he schemed?
17 That's what I want to find out. What do you have
18 supporting your conspiracy claim against him, other
19 than your not liking the results for the hearing
20 you didn't even show up for?

21 A It's my understanding that in my complaint I
22 alleged defamation against the school district and
23 civil conspiracy against Mr. Gantt and Mr. Bowers.

24 Q That's right.

25 A So it somewhat covers a broad area.

1 Q For which you still have to have evidence to
2 support it?

3 A Correct. So some of the -- some of what I have
4 produced may relate to the defamation and may not
5 specifically tie Mr. Bowers to the defamation.

6 Q Okay. What you're saying is: Some of the stuff
7 you've produced may apply to your claims against
8 the school district and may not apply to
9 Mr. Bowers, right? I get that.

10 A And some --

11 Q Okay.

12 A -- absolutely does.

13 Q Okay.

14 A And I even --

15 Q How --

16 A -- have --

17 Q -- do I tell the difference?

18 A -- more -- I have more that you don't have. I
19 mean, this is an ongoing thing. I have more
20 documents that show --

21 Q Well, the school board meetings that we've got a
22 DVD of, does any of that apply to Bobby Bowers,
23 that you can recall, sitting here today?

24 A It's -- it's possible.

25 Q Much of the material that was sent to us deals with

1 your -- you had a former lawsuit against Chapin
2 High School. Do you remember that? Or not against
3 Chapin High School -- involving Chapin High School
4 that went up on appeal?

5 A I was appealing DHEC's decision.

6 Q Right. What does that have to do with any claims
7 against Bobby Bowers, if -- if anything? That --
8 that may be what's -- what you've got against the
9 school board. I -- I frankly don't see that
10 either, but I'm trying to find out what you've
11 produced that applies to Bobby Bowers.

12 A That's related to the motivation for District 5 to
13 oust me from the board. And with the help of
14 Mr. Bowers and the information that he --
15 "contrived" is the only word I can think of --
16 contrive -- contrived to try to make his case look
17 legal --

18 Q I -- I've got no problem with you using the word
19 "contrived." I just wanted to make sure I
20 understood how you were using it, and I think
21 you've explained that to me.

22 So -- so with regard to that, that may go
23 toward the school district's motivation in
24 conspiring with Mr. Bowers, if -- if, there was, in
25 fact, a conspiracy. Does -- other than that, does

1 that have anything to do with Bowers?

2 A Not specifically about the DHEC --

3 Q Okay. What kind of relationship --

4 A -- deal.

5 Q -- did you and Bobby Bowers have before Mr. Bowers'
6 agency determined your property line?

7 A What type of relationship did I --

8 Q Yes.

9 A -- personally have with --

10 Q Yeah. Why -- why would he be out to conspire
11 against you? What motivation would he have had
12 before that? Didn't like you? You somehow crossed
13 his path, and things didn't go well? Or isn't it a
14 fact that you and he had no relationship before
15 this?

16 A I think that Mr. Bowers was aware of my activities
17 on the school board, and --

18 Q How would he be aware of them? Does he have kids
19 in the -- in the school district? He's a little
20 old to be having kids now, I think.

21 A Because he travels in the same circles as Gantt,
22 and --

23 Q Do you travel in those circles, where you'd see him
24 there in those circles? How do you know he travels
25 in the same circles? What do you mean by that?

1 A They are involved in the same educational
2 organization. And not only Mr. Gantt, but Dr. Karl
3 Fulmer, who is a chief financial officer, retired,
4 who worked for the district --

5 Q Okay. So --

6 A -- had a relationship with Mr. Bowers, out -- they
7 may've even been neighbors.

8 Q Other than the fact that Mr. Bowers knew those
9 people before and traveled in the same circles, he
10 would've had no reason to -- to intend harm to you?
11 Do you agree with that statement?

12 A I think that Gantt contacted Bobby Bowers, and
13 Bobby Bowers said, "I'll -- you do, you know --
14 you're my buddy."

15 Q But you --

16 A "We'll -- we'll -- we'll take care of this for
17 you."

18 Q But you have absolutely no proof of that, do you,
19 other than your own conclusion -- other than your
20 own surmise as to what took place? And that's
21 based on the fact that they traveled in the same
22 circles, and he may have even have lived next to
23 Karl Fulmer?

24 A Again, based on the documents that I have produced
25 and the e-mails and the, you know, moving the

1 county lines from one spot to another, the audio of
2 my phone call with Zupan.

3 Q Did Zupan know you were recording him?

4 A No.

5 Q The recorded conversations we have, where you've
6 called people, do you initiate those calls, and
7 then you record those people?

8 A Not always.

9 Q How about Zupan? Did you initiate that call?

10 A I did.

11 Q You initiated that call for the expressed purpose
12 of recording the call, didn't you?

13 A I initiated that call to get information at the
14 recommendation of Will Roberts.

15 Q Okay. Did Will Roberts tell you to record it?

16 A I didn't -- no.

17 Q You did that on your own?

18 A I did that on my own.

19 Q Okay. Why? I mean, I noticed at the beginning of
20 the -- or June 22nd deposition, there was a
21 request, "Could you record the deposition," which
22 it's already being recorded by a -- by a court
23 reporter. Why did you feel the need to record this
24 deposition? Did you --

25 A To --

1 Q -- think we were conspiring against you?

2 A It makes it easier to hear what's occurred, and you
3 can get it faster than you can get the transcripts,
4 and I can just push a button and fast-forward, go
5 backward, and I document a lot of information on my
6 tape recorder. It's how I take notes.

7 Q So you can't read faster than you can listen to a
8 -- to a recorder? Withdraw that question.

9 All right. Let's go back to your -- your list
10 here. Chris Harmon, Lexington County Auditor,
11 that's Number 25, and you -- you put "documents" in
12 parentheses after that. What does it mean when you
13 -- see, you have several places where you've done
14 that. When you put the word "documents" as a
15 parenthetical following the name of the witness,
16 what does that mean?

17 A That was a reminder that I have documents.

18 Q Okay. And some indication to us that there's
19 documentation where that witness would show up,
20 correct?

21 A Yes.

22 Q All right. With regard to Mr. Harmon, witness
23 provided documentation to plaintiff that's showing
24 taxing history for the past 40 years on subject
25 property. "It's believed witness has knowledge as

1 to the process used by defendants and others in
2 determination of the alleged county line." Have
3 you spoken to Mr. Harmon about this case?

4 A Yes.

5 Q Okay. When?

6 A I -- I can't recall. I've talked to him several
7 times.

8 Q Okay. About this case or about other issues?

9 A About the issue.

10 Q I mean, have you spoken with Mr. Harmon with regard
11 to -- to Richland-Lexington School District issues,
12 with regard to Chapin High School?

13 A No.

14 Q Okay. So what you've spoken with Mr. Harmon about
15 has been about the issues involved in the case --

16 A Yes.

17 Q -- that we're here for today, correct?

18 A Yes.

19 Q All right. Do you remember when you last spoke
20 with him? I don't need an exact date. Just give
21 me a month or a year or a season.

22 A Maybe four months ago.

23 Q Okay. All right. Rick Dolan, Number 26, D-o-l-a-
24 n, Lexington County Assessor. You've got a
25 "document" for him. "Witness provided

1 documentation to plaintiff that had been sent to
2 the subject property's owner in 1978, advising the
3 owner that Act 208 1975 had caused the
4 Richland/Lexington County line to be reconciled,
5 resulting in a change that affected where the
6 property was carried on the tax rolls." When have
7 you last spoken with Mr. Dolan?

8 A Approximately a year ago, maybe.

9 Q Okay. About this case?

10 A Yes. I'm trying --

11 Q Okay.

12 A -- to get information on the --

13 Q Number 27, Robert Gantt. When did you last speak
14 with Mr. Gantt? Been a while?

15 A About this case or in general?

16 Q In general. We know who Mr. Gantt is. We'll go on
17 to the next one. Number 28, Ed White, defendant,
18 District 5 school board member. Do you still speak
19 with Mr. Gantt -- or Mr. White rather?

20 A Oh, we've not --

21 Q Ma'am?

22 A -- we've not --

23 Q Okay.

24 A -- had any conversation in a long time.

25 Q Beth Hutchinson Burn Watson, District 5 school

1 board member. Do you still communicate with Ms. --
2 what's she go by? -- Ms. Watson?
3 A I think it might be Hutchinson now.
4 Q Okay.
5 A I don't know if that's spelled right or not, but --
6 Q I mean, is that, like, the -- are -- are one of
7 those her maiden name and other subsequent married
8 names or --
9 A I think she goes by her maiden name now..
10 Q Maiden name, which is "Hutchinson"?
11 A Yes.
12 Q Okay. Have you spoken with her recently?
13 A I have not.
14 Q Okay. Ellen Baumgardner, District 5 school board
15 member. Spoken with -- with her recently?
16 A No. I have not.
17 Q Jondy -- that's J-o-n-d-y -- Lovelace, District 5
18 school board member and current secretary, have you
19 spoken with her recently?
20 A Well, in -- in general or about the case?
21 Q About this case.
22 A I spoke with her last in June --
23 Q Okay.
24 A -- and I can't remember if conversation came up
25 about the case.

1 Q Okay. In the parenthetical, you have "audios,
2 videos, e-mails, documents." You've -- you've
3 produced that to your attorney?

4 A Yes.

5 Q And how did you get that material from her? Did
6 you get it through FOIA, or was it before this
7 lawsuit was filed? Or did you get it while you
8 were still a board member?

9 A I think I was still a board member when --

10 Q Okay.

11 A -- I got some of it.

12 Q Number 32, Jim Turner, former school board member.
13 Let's see, "Witnessed by voting on motions offered
14 by defendant. White supported plaintiff in the
15 civil lawsuit," and then, "Can testify to
16 defamation of plaintiff by defendant Board, Gantt,
17 Bowers, and others." What would Mr. Turner have to
18 say about Mr. Bowers? Mr. Bowers is not accused of
19 defaming you, is he, in your complaint?

20 A That the information in the -- in Mr. Bowers'
21 letter that he sent to Gantt was used, that it --
22 it -- it hurt my reputation and he --

23 Q Could it have said you were a Lexington County
24 resident instead of a Richland County resident?

25 A He said it was a -- a -- yeah. In a way, he went

1 about saying it in his letter.

2 Q Okay. So what defamation Mr. Bowers may have
3 perpetrated against you was in his office making a
4 finding upon being requested to make a finding,
5 that you were a Lexington County resident and not a
6 Richland County resident, and that was the
7 defamation?

8 A Bowers -- the information in Bowers' letter was --
9 was used for Gantt and others to defame me.

10 Q The information in Bowers' letter was information
11 relating to your residency -- your -- your county
12 of residence, correct?

13 A Which was, again, contrived information.

14 Q That's your conclusion. The -- the -- the
15 information in the letter was -- and in Bowers'
16 letter, dealt with your county of residency, as his
17 office determined it to be, correct?

18 A I disagree.

19 Q What information was in Bowers' letter that you're
20 talking about? Did he say you were dishonest? Did
21 he say that you lacked integrity? Did he -- did he
22 make any kind of defamatory remark that way, or did
23 he simply say, "Here's what my office determined
24 her residency to be"?

25 A Mr. Bowers used -- put out false information and

1 represented that it was conclusive.

2 Q Okay. Do you have any information -- any evidence
3 indicating that even if the information he put out
4 was wrong, that he knew it was wrong, or he had --
5 he had intent to harm you by saying that?

6 A He knows -- he knows the facts.

7 Q I want to know what evidence you have that he knew
8 that the information in his letter was wrong and
9 that he had intent to hurt you.

10 A I have information that would show that he knows
11 the process, and --

12 Q Okay.

13 A -- he didn't come close to following that process.
14 And he represented -- his representation of that
15 led people to believe that it was accurate
16 information.

17 Q Okay. And you have experts who are going to say it
18 was not accurate information, those people we've
19 talked about already?

20 A Yes.

21 Q Okay. So when I depose them, they're going to say
22 that his information was inaccurate and was wrong?

23 A And I may have another expert --

24 Q Well, that's what --

25 A -- is what --

1 Q -- I want to find out today, Ms. Murphy. I want to
2 know who you got, because when we get back to my
3 office, I'm -- I'm going to notice their
4 depositions. That's -- that's my next step. I
5 want to see what experts you've got that are going
6 to tell me something more concrete than they
7 believe something, okay? So who else you got?
8 We've got Mr. -- a Mr. Ford, the fellow from North
9 Carolina, and John Terry. Who else?

10 A I'll have to let you know, because this has sort of
11 been ongoing.

12 Q Well, we've got 140-some odd witnesses here. Are
13 they not included in here?

14 A The -- they may already be included, but they're --
15 may be --

16 Q All right. Well, maybe we'll --

17 A -- another one on that --

18 Q -- maybe we'll trip --

19 A -- issue, as I --

20 Q -- upon them when --

21 A -- think we --

22 Q -- we get there.

23 A -- indicated.

24 Q Jan Hammond, former school board member. Is that a
25 male or a female?

1 A Female.

2 Q Okay. When have you last spoken with Ms. Hammond
3 about this case?

4 (Sotto voce conversation between
5 Mr. Bowers and Mr. Frawley.)

6 Q Go ahead. I'm listening. And it may not have been
7 for a while. I mean, some of these school board
8 members, you -- since you've been off, maybe you
9 don't talk to them. I just want to find out. And
10 she's -- she's an ex-school board member,
11 apparently, or is she current?

12 A She -- she was re-elected.

13 Q All right. Have you spoken with -- with
14 Ms. Hammond in the last six months about this case?

15 A Yes.

16 Q All right. When?

17 A It may've been a couple of weeks ago.

18 Q Okay.

19 A It was -- it was after the June 22nd --

20 Q Okay.

21 A -- deposition.

22 Q Was it by telephone?

23 A Yes.

24 Q Did you call her?

25 A I don't recall.

1 Q Okay. Did you record the conversation?

2 A I did not.

3 Q Okay. Next one is Scott Andersen, former
4 superintendent, Number 34. "Can attest to
5 threatening, bullying, and underhanded tactics used
6 by some members of the defendant Board, Gantt, and
7 others toward him." Now, this guy's the former
8 superintendent. He's not the current
9 superintendent, right?

10 A Correct.

11 Q Did he leave voluntarily, or was he fired, if you
12 know?

13 A I don't know if he was --

14 Q Okay.

15 A -- fired.

16 Q So being a former superintendent, he may not be on
17 good terms with the board, or do you know?

18 A I would say there's some members he would not be --

19 Q All right.

20 MS. STORY: (To the deponent) Make sure you
21 speak up --

22 THE DEPONENT: Oh.

23 MS. STORY: -- okay?

24 MR. FRAWLEY: (To the deponent) Yeah.

25 Sometimes towards the end, you drop your voice

1 a little bit.

2 THE DEPONENT: I'm sorry.

3 MR. FRAWLEY: We need --

4 MS. STORY: That's okay.

5 MR. FRAWLEY: -- to make sure she gets
6 everything.

7 Q Number 35, Dennis McMahan, former superintendent.
8 He'll attest to his -- his -- "being involved in
9 writing and publishing and local papers throughout
10 the community. An "Open Letter to the Community"
11 in 2003, defamatory of plaintiff." This is a
12 letter that was written in 2003?

13 A Yes.

14 Q Okay.

15 A Yeah.

16 Q When did you last talk to McMan -- or McMahan?

17 A McMahan.

18 Q Man.

19 A It's been years.

20 Q Okay. Herb Berg -- B-e-r-g -- former District 5
21 superintendent. When'd you last talk to Mr. Berg
22 about this case?

23 A I have not talked to him about this case.

24 Q Okay. And why is he on here? You anticipate
25 calling him as a witness? Or that's your

1 attorney's call, not yours but . . .

2 A I think that he was likely kept abreast of the
3 situation, may have some information regarding it.
4 He, I believe, with the knowledge of the -- some of
5 the school board members and Mr. Gantt, lied at a
6 public meeting, claiming that there were no
7 wetlands at Chapin High School.

8 Q That has nothing to do with this case, though, does
9 it?

10 A Only that they -- the school board has been out to
11 get me for some --

12 Q Because --

13 A -- time.

14 Q -- you -- you're the only one on the school board
15 that didn't lie? I mean, what -- why would they --
16 the whole school board be out to get you?

17 A Some members of the school board have been
18 harassing me and attacking me and trying to ruin my
19 reputation, harm my credibility --

20 Q Okay.

21 A -- and the superintendent wrote a \$600,000 check
22 for wetlands mitigation and then lied at a public
23 board meeting and then said that there were no
24 protected wetlands. And I'm -- I'm listing him.

25 The -- there seems to be a habit of -- of

1 misrepresenting of the school board and
2 superintendent, misrepresenting information to the
3 public.

4 Q Okay. A statement like that will play in a school
5 board member public meeting, but it's not going to
6 work in a trial. Do you have evidence supporting
7 that, and what does that have to do, relevance-
8 wise, with this case?

9 A It's related to the defamation claim.

10 Q Okay. That's Mr. Berg. How about Stephen Hefner,
11 H-e-f-n-e-r, District 5 superintendent January 2011
12 to present? What does he know about this case?

13 A He's the superintendent, and I believe he's kept a
14 -- abreast.

15 Q Okay. So somebody else tells him something,
16 correct? Does he have any firsthand knowledge that
17 you're aware of? Have you spoken with him about
18 this case?

19 A No. I have not.

20 Q All right. Number 38, Sybil Stowers, S-t-o-w-e-r-
21 s, District 5 secretary to board and
22 superintendent. Have you spoken with Ms. Stowers
23 about this case?

24 A No. I have --

25 Q Okay.

1 A -- not.

2 Q And as far as what she knows or may know, you've --
3 you've set that out in -- in your description for
4 Number 38 for Ms. Stowers?

5 A Yes.

6 Q Okay. How about Number 39, Karl Fulmer. We've
7 talked to him -- or talked about him a little bit.
8 District 5 chief financial officer, retired, and in
9 parentheses, you've got "audio, video, and
10 documents." These would be items where Mr. Fulmer
11 appears, either speaking or -- correct?

12 A Yes. And documents that he produced and were
13 endorsed by --

14 Q Okay.

15 A -- some members of the school board that were false
16 information and which defamed me.

17 Q And in the fifth line down, though, you have
18 "defamation of plaintiff by defendant board, Gantt,
19 Bowers, himself, and others." Where Bowers has
20 allegedly defamed you, what would Mr. Fulmer have
21 to say about that, as far as you know? How has
22 Bowers defamed you, according to -- to Karl Fulmer?

23 A Alleging falsely that I don't reside in Richland
24 County.

25 Q The residence issue? Okay. Have you talked to --

1 to Mr. Fulmer about this case?

2 A No. I have not.

3 Q When have you last spoken with Mr. Fulmer?

4 A I don't recall.

5 Q Okay. Number 40, Brock Heron, H-e-r-o-n, former
6 District 5 chief financial officer. Have you
7 spoken with Mr. Heron about this case?

8 A I have not.

9 Q Okay. And the description of what Mr. Heron may or
10 may not have knowledge of, that's -- that's
11 accurate as far as you're concerned?

12 A I think so.

13 Q Okay. Forty-one, Len Richardson, District 5 chief
14 financial officer, January 2013 to present. Have
15 you spoken with Mr. Richardson about this case?

16 A I -- I can't -- I believe we may've had a brief
17 conversation.

18 Q Okay. You mention in here that, "He may have
19 knowledge of the defamation of plaintiff by the
20 Defendant Board, Gantt, Bowers, and others." With
21 regard to Bowers, are you talking about the
22 residency issue again when you talk about --

23 A Yes.

24 Q -- defamation?

25 A Yes.

1 Q All right. Number 42, Trisha Larkin, L-a-r-k-i-n,
2 administrative secretary to District 5 CFO, Len
3 Richardson, and retired CFO, Karl Fulmer. Have you
4 spoken with Ms. Larkin about this case?

5 A I have not.

6 Q Well, you mention in there that, "She may have
7 knowledge of defamation of the plaintiff by
8 defendant Board, Gantt, Bowers, and others." With
9 regard to Bowers, you're talking about the
10 residence issue again, or are there other areas
11 where he's defamed you?

12 A It's related to this case.

13 Q Related to this case --

14 A With --

15 Q -- with regard to --

16 A -- Lexington --

17 Q -- to residence, correct?

18 A Yes.

19 Q All right. Number 43, Buddy Price, former District
20 5 communications director. Have you spoken with
21 Mr. Price about this case?

22 A No. I haven't.

23 Q Okay. Again -- okay. Number 44, Mark Bounds,
24 District 5 communications director. Have you
25 spoken with Mr. Bounds, B-o-u-n-d-s, about this

1 case?

2 A I have not.

3 Q You mention defamation by defendant Board, Gantt,
4 Bowers, and himself. With regard to Mr. Bowers,
5 the defamation you talk about is the residency
6 issue that we've been talking about --

7 A Yes.

8 Q -- today and -- okay. Number 45, Michelle Foster,
9 assistant to District 5 communications director,
10 Buddy Price. Have you spoken with Ms. Foster about
11 this case?

12 A I have not.

13 Q Number 46, Anee -- that's A-m-e-e -- White,
14 administrative assistant to communication director
15 Mark Bounds and former director of communications,
16 Buddy Price. That's Number 46. Have you spoken
17 with Ms. White about this case?

18 A I have not.

19 Q You mention defamation by the plaintiff by
20 defendant Board, Gantt, Bowers, and others. With
21 regard to Mr. Bowers, you're talking about the
22 residency issue again?

23 A Yes.

24 Q Okay. Number 47, Allen, "Keith" McAllister.
25 That's capital "M," small "C," capital "A," small

1 "l-l-i-s-t-e-r," director of new design and
2 construction. Have you spoken with
3 Mr. McAllister about this case?

4 A I have not.

5 Q You mention defamation by the board, Gantt, Bowers,
6 and others. With regard to Mr. Bowers, you're
7 talking about the defamation -- or the residency
8 issue again, correct? It's at the bottom of
9 Page 12.

10 A I guess, correct.

11 Q Okay. Let me ask you this: Are -- are there -- is
12 there any area of defamation -- when you raise
13 defamation in these witnesses, with regard to
14 Mr. Bowers, that is in any area other than his
15 office finding that you were a Lexington County
16 resident and not a -- a Richland County resident?

17 A It's related to Mr. Bowers intentional findings --
18 false findings that I'm not residing in the county
19 where I was elected. And with the help of his
20 office, that I believe was to help cover up their
21 deficiencies, and it's Mr. Bowers as -- as the boss
22 and abusing his power.

23 Q Okay. When he signed this letter you talked about,
24 did he sign as Bobby Bowers, individually, or did
25 he sign as Bobby Bowers, director of that office?

1 A I'd have to see the letter. I can't --

2 Q Okay. Well --

3 A -- tell.

4 Q -- well, for the letter, if the letter says that he
5 signed as Bobby Bowers, director of that office,
6 would you agree with me that he sent that letter as
7 director of that office?

8 A Yes.

9 Q Number 50, Akil, A-k-i-l, Ross, Chapin High School
10 principal. And then it says in parentheses,
11 "automated call." What does that mean?

12 A The district used automated phone calls and e-mails
13 to parents and newspaper articles to misrepresent
14 the facts related to the wetlands issue and to harm
15 my reputation and to get people to attend school
16 board meetings and to hear more false information
17 from the school board and get them riled up against
18 me.

19 Q Okay. What year was that done?

20 A Just before I got on the board in --

21 Q Which was what --

22 A -- during until --

23 Q -- year?

24 A -- I was removed. 2010. I'm not sure if it --

25 Q 2010 was when you were removed?

1 A This was -- this was -- no. 2010 was when I got on
2 the board. This happened in 2010.

3 Q Okay. Ross, is that a man or a -- a-- a woman?

4 A A male.

5 Q Okay. I missed a couple here. Mike Satterfield,
6 Number 49, District 5 phys-ed teacher and former
7 Chapin High principal. Have you talked with
8 Mr. Satterfield about this case?

9 A I have not.

10 Q Okay. And -- and the description there as to what
11 he may or may not testify to, is that accurate?

12 A Yes.

13 Q All right. Number 48, Tracie, T-r-a-c-i-e, Covey,
14 C-o-v-e-y, accountant for director of new design
15 and construction. Is that a man or a woman?

16 A Female.

17 Q Have you spoken with Ms. Covey about this case?

18 A I have not.

19 Q Okay. That description is accurate as to what she
20 may or may not testify to?

21 A Yes.

22 Q Mr. Ross, have you spoken with him about this case?

23 A No.

24 MS. STORY: (To Mr. Fulmer) When you get to a
25 point, can we take a -- a quick break?

1 MR. FRAWLEY: Yeah. Let's take a break now.

2 (Off the record from 1:15 p.m. until
3 1:29 p.m.)

4 THE EXAMINATION BY MR. FRAWLEY CONTINUES.

5 Q Okay. All right. Ms. Murphy, we're back on the
6 record after a brief break. Just for housekeeping
7 and so you kind of know where we're going on it:
8 I'm going to -- I'm going to continue to go through
9 the witness list, just identifying them, whether
10 you've met with them recently or not, kind of get a
11 brief description of what you think they'll say,
12 and I may defer to you -- your description in here
13 as to whether that's accurate or not. And if it
14 is, tell me it is; if it isn't, tell me it isn't.
15 And then, when I get through that, I will punt to
16 the other attorneys and we'll let -- we'll let them
17 ask you some questions for a period of time, all
18 right?

19 A Okay.

20 Q All right. And I think we left off -- I've got a
21 check, but I'm not sure if I asked you about Ashlon
22 Langley, A-s-h-l-o-n L-a-n-g-l-e-y, media
23 technology teacher and school board meeting
24 videographer. Have you spoken with -- is that
25 Ms. Langley?

1 A Mister.

2 Q Mister. Have you spoken with Mr. Langley about
3 this case?

4 A I have not.

5 Q Okay. And the description is -- is accurate?

6 A Yes.

7 Q All right. And with regard to the defamation of
8 Bowers, that would again be to what you described
9 earlier as far as what was in his letter and that
10 he -- with regard to your -- your residency,
11 correct?

12 In other words, what I want to avoid doing is
13 every time I ask you about Bowers we go over the
14 same thing again. Bowers' role in defamation in
15 any of these witnesses, is it -- is it the same
16 role or is -- is it different in any one of these,
17 or is it always the same?

18 A I can't say if it's always the same till we get to
19 them.

20 Q All right.

21 A If --

22 Q All right.

23 A If it -- use --

24 Q With Mr. Langley --

25 A -- the same language --

1 Q -- he's talk -- talking about -- talking about
2 defamation of Bowers. What -- how did Bowers
3 defame you that Mr. Langley may or may not be able
4 to testify about?

5 A Well, it -- it's -- it -- it's related to the civil
6 conspiracy; however, I'm not alleging defamation on
7 Bowers.

8 Q Okay. Well, it says, "Defamation of plaintiff by
9 defendant Board, Gantt, Bowers, and others." So
10 because it says that, I've got to ask you the
11 question.

12 A By Mr. Bowers using -- making the -- the -- the
13 claims that he did, it defamed me.

14 Q Okay. But you -- you've not raised that in your
15 complaint? And -- and you're not -- you're not
16 planning that --

17 A It's my understanding we haven't done that.

18 Q Okay. You -- you haven't. And -- and you're not
19 -- you're not raising a defamation claim against
20 Bowers, but you are raising the -- the civil
21 conspiracy claim, which you've got in your
22 complaint, correct?

23 A Yes.

24 Q All right. Number 52, Helen Anderson, former
25 District 5 chief instructional officer. Have you

1 spoken with Ms. Anderson about this case?

2 A No. I have not.

3 Q Okay. The description in there about Ms. -- what
4 Ms. Anderson may or may not testify to, is -- is
5 that accurate?

6 A Yes.

7 Q Number 53, Jeff Patterson, former District 5
8 director of purchasing. "It is believed that
9 witness can testify to procurement violations."
10 Tell me what that means and what it has to do with
11 this case.

12 A Part of the reason for -- I believe for
13 District 5's board -- some of the board members to
14 oust me and harm my reputation, ruin my credibility
15 is because I was exposing -- they were caught
16 violating the state procurement code, and
17 Mr. Patterson was the -- the director at the time.

18 Q Okay. Have you spoken with Mr. Patterson about
19 this case?

20 A I have not.

21 Q Okay. Number 54, Paula Hite, H-i-t-e, former board
22 chairman. Have you spoken with Ms. Hite about this
23 case?

24 A I have not.

25 Q The description of what she may or may not testify

1 to, is that accurate?

2 A Yes.

3 Q And with regard to defamation by the defendant
4 Board, Gantt, Bowers, and others, with regard to
5 Bowers, would that defamation be any different than
6 what you testified to earlier?

7 A That's -- that's correct. It's the same.

8 Q Okay. Number 55, Carol Sloop, S-l-o-o-p, former
9 school board member. Have you spoken with
10 Ms. Sloop about this case?

11 A I have not.

12 Q The description of Ms. Sloop's anticipated
13 testimony, is that accurate?

14 A Yes.

15 Q And with regard to Bowers and any supposed
16 defamation, is that consistent with what you
17 testified to already?

18 A Yes.

19 Q The answer to that was yes?

20 A Yes.

21 Q Okay. Number 56, Laura Gantt, G-a-n-t-t, wife of
22 defendant Robert Gantt. Have you spoken with
23 Ms. Gantt about this case?

24 A I have not.

25 Q Okay. Number 57, Elizabeth Gantt Perla, P-e-r-l-a,

1 District 5 teacher and daughter of Defendant Robert

2 Gantt, and in parentheses you have "Facebook."

3 What does that mean?

4 A Just her postings.

5 PHONE: Sorry, Miss. I didn't get that.

6 Q That's okay. I didn't either. Go ahead.

7 A Her postings on Facebook --

8 Q Okay.

9 A -- related to me.

10 Q Okay. Are you a friend with Ms. Perla?

11 A I am not.

12 Q Okay. How -- I -- I don't have Facebook. I'm not

13 sure how to do it. Is there a way you can access

14 her Facebook postings without being a friend?

15 A Other friends have -- friends of hers have --

16 Q Okay.

17 A -- done that.

18 Q So other friends of hers have checked out that

19 there are postings relating to you and they've

20 passed that information on to you?

21 A Yes.

22 Q Okay. Do you know who those friends are?

23 A Jeff Herring.

24 Q Is Mr. Herring listed as a witness for you?

25 A I cannot remember.

1 Q Okay. Anybody else?

2 A I think one person may have received information
3 from friends of Elizabeth's.

4 Q And who is that person?

5 A Melissa Cole.

6 Q Melissa Cole?

7 A Melissa Cole.

8 Q Okay. And -- and you know Ms. Cole?

9 A Yes. I do.

10 Q Okay. How do you know Ms. Cole?

11 A She ran for school board several years ago.

12 Q Okay. How about Jeff Herring? How do you know
13 him?

14 A He ran for school board several years ago.

15 Q Okay. Did either one of them get elected?

16 A No. They did not.

17 Q Okay. Number 58, Bea White, wife of Defendant Ed
18 White. "E-mails." What does that mean?

19 A It's e-mails that she has said either derogatory
20 things or that have tied her with other people.

21 Q Have you spoken with Ms. White about this case?

22 A I have not.

23 Q Okay. Where you mention Bowers with regard to
24 defamation, is -- is that issue with Mr. Bowers and
25 defamation the same as what we've already

1 discussed?

2 A Yes.

3 Q Number 59, Steve Baumgardner, B-a-u-m-g-a-r-d-n-e-
4 r, husband of defendant Ellen Baumgardner. Have
5 you spoken with Mr. Baumgardner?

6 A I have not.

7 Q Is this the Mr. Baumgardner with Lexington County
8 Sheriff's Department?

9 A I believe he's --

10 Q He's a law enforcement officer?

11 A -- still with Lexington County, yes.

12 Q Okay. "It is believed that witness has knowledge
13 as to the process used by defendants and others in
14 the determination of the alleged county line and
15 efforts to remove the plaintiff." How do you know
16 that Detective Baumgardner would know about the
17 process used by the defendants in determining the
18 alleged county line?

19 A His wife is a school board member.

20 Q Okay.

21 A And -- okay.

22 Q So any knowledge that he has, you'd impute to him
23 through his wife.

24 A A board officer.

25 Q Okay. With regard to the defamation with

1 Mr. Bowers, is that the same as what we've already
2 testified to?

3 A Yes.

4 Q All right. Number 60, Ken Lovelace, L-o-v-e-l-a-c-
5 e, husband of Jondy Lovelace. Who's Jondy
6 Lovelace?

7 A She's an -- a school board member.

8 Q Okay. And a defendant in this lawsuit?

9 A Yes.

10 Q Have you spoken with Mr. Lovelace about this case?

11 A I have not.

12 Q Okay. "It is believed that the witness was one of
13 the original plaintiffs in the civil lawsuit 'Kim
14 Murphy v. Margaret Stroud and District 5.'" So Ken
15 Lovelace was -- was a party -- plaintiff?

16 A Jondy Lovelace was one of the original plaintiffs.

17 Q But her husband wasn't?

18 A I don't know if he was.

19 Q Well, you were named -- well -- well, you were
20 actually the plaintiff in that case, weren't you?
21 Okay. Never mind.

22 You -- you haven't spoke with Mr. Lovelace --

23 A No.

24 Q -- about this case here today, correct?

25 A Correct.

1 Q Number 61, Stan Shealy, former Town of Chapin
2 mayor. Have you spoken with Former-Mayor Shealy
3 about this case?

4 A Yes.

5 Q Okay. When?

6 A Maybe most recently a couple of months ago.

7 Q Okay. And what was the context of that
8 conversation? What'd y'all discuss?

9 A I -- I can't -- I can't recall.

10 Q Okay. What knowledge would Mayor Shealy have about
11 the defamation claim with regard to how it applies
12 to Mr. Bowers?

13 A The same as what we've discussed before.

14 Q Okay. And what basis would -- would Former-Mayor
15 Shealy have of -- of having that knowledge? I
16 mean, he's not in the school board. He's obviously
17 been the mayor for 32 years. But how does --

18 A Yeah. He's somewhat, you know, connected and --

19 Q All right.

20 A -- would have --

21 Q Number 62, Alan Grimsley, G-r-i-m-s-l-e-y,
22 contracted auditor for District 5. Have you spoken
23 with Mr. Grimsley about this lawsuit?

24 A I have not.

25 Q And with regard to what he can attest to with

1 regard to the defamation and -- you haven't spoken
2 with him?

3 A I have not.

4 Q Okay. All right. Number 63, Brice McCoy, M-c-C-o-
5 y, regulatory branch chief, Columbia US Corps of
6 Engineers. Have you spoken with Mr. McCoy about
7 this lawsuit?

8 A I have not.

9 Q Okay. McCoy may have something to add with regard
10 to the wetlands issue and the -- the proposed
11 construction of Chapin High School, right?

12 A Yes.

13 Q But as far as this lawsuit, what does he have to
14 contribute?

15 A That would be related to --

16 Q Motivation?

17 A -- motivation. Uh-huh.

18 Q All right. Number 64, Chris Whitley, W-h-i-t-l-e-
19 y, project manager at Cumming, C-u-m-m-i-n-g, Corp.
20 Have you spoken with Mr. Whitley about this case?

21 A I have not.

22 Q With regard to defamation and how it involves
23 Bowers, is this any different than what we
24 testified to earlier?

25 A No.

1 Q Number 65, Jeff Holstein, H-o-l-s-t-e-i-n,
2 executive vice president, Cumming Corp. Have you
3 spoken with Mr. Holstein about this case?

4 A I have not.

5 Q And with regard to the defamation issue and how it
6 applies to Bowers, is that the same as what you've
7 already testified to?

8 A Yes. It is.

9 Q Do you know if Mr. Holstein's ever met Mr. Bowers?

10 A I don't know.

11 Q Do you know if Mr. Holstein knows anything about
12 the methodology for determining county lines or --
13 or -- or GIS work?

14 A I'm not sure.

15 Q Okay. Number sixty -- 66, Paul Moscati, M-o-s-c-a-
16 t-i, executive vice president, Cumming Corp. Have
17 you spoken with Mr. Moscati about this case?

18 A I have not.

19 Q With regard to defamation and Bowers, same basis
20 we've already testified to?

21 A Yes.

22 Q Sixty-seven, Adam Whitley, W-h-i-t-l-e-y, senior
23 project manager McCorry Construction. Have you
24 spoken with Mr. Whitley about this case?

25 A I have not.

1 Q Okay. Whitley's involved in the Chapin High School
2 construction, isn't he?

3 A It's my understanding that he was involved with
4 that.

5 Q I mean, why is he listed as a witness in this case?

6 A Related to the district's accusation that I cost
7 them millions of dollars, and he's aware of the
8 construction issues at the site and some of the
9 history behind it and motivation for the district
10 trying to --

11 Q Is he also a witness in the other lawsuit you have
12 where there's a \$10 million counterclaim against
13 you?

14 A I can't remember.

15 Q And as far as any defamation claims again Bowers,
16 these would be the same as -- as you've testified
17 to earlier?

18 A Yes.

19 Q Sixty-eight, John Miller, project manager, China
20 Construction. Have you met with Mr. Miller or
21 spoken with Mr. Miller about this case?

22 A I have not.

23 Q Okay. With regard to any knowledge he may have
24 about defamation and Bowers, that would be the same
25 as you've already testified to, correct?

1 A Yes.

2 Q Sixty-nine, Forrest King, project manager at
3 Cumming Corp. Have you spoken with Mr. King about
4 this case?

5 A I have not.

6 Q With regard to defamation claims against
7 Mr. Bowers, would these be the same as we've
8 already testified to?

9 A Yes.

10 Q You've already testified to.

11 Number 70, Ed Strack, S-t-r-a-c-k, project
12 manager, Cumming Corp. Have you spoken with
13 Mr. Strack?

14 A No. I have not.

15 Q And the defamation claim against Bowers is the same
16 as you've already testified to?

17 A Yes. It is.

18 Q Seventy-one, Howard Coogler, C-o-o-g-l-e-r,
19 engineer, office of school facilities South
20 Carolina Department of Education. Have you spoken
21 with Mr. Coogler about this case?

22 A Yes. I have.

23 Q When?

24 A I can't recall.

25 Q Within the last six months?

1 A It's possible.

2 Q Oh, possible? Or probable? I mean, have you
3 spoken with this guy who is listed among your
4 witnesses within the last six months?

5 A Yes.

6 Q Okay. And what was the occasion of that speaking
7 with him? What did you speak about?

8 A I would've updated him.

9 Q Did he call you to ask about what was going on?

10 A I think I called him, and he returned my phone
11 call.

12 Q Okay. Did you record his phone call?

13 A I did not.

14 Q What did Mr. Coogler tell you that he knows about
15 the defamation against the plaintiff, against you
16 by the Board, Gantt, and Bowers and others?

17 A Say that again, please.

18 Q What did Mr. Coogler tell you that he may have
19 knowledge of and therefore can be a witness to with
20 regard to the defamation against you by the
21 defendant Board, Gantt, Bowers, and others? Which
22 is what you've listed in here.

23 A He's been involved with the Chapin High School
24 project.

25 Q Okay. Have you ever discussed with Mr. Coogler a

1 defamation claim by you?

2 A I don't know if I mentioned that I filed something.

3 Q Okay. Have you ever --

4 A I can't recall.

5 Q Have you ever discussed with Mr. Coogler his
6 possible testimony in support of a defamation claim
7 by you?

8 A I have not.

9 Q Okay. So you're surmising based on what you think
10 he may know that he could testify to that?

11 A Yes.

12 Q Okay. Number 72, Ashby Gresette, G-r-e-s-e-t-t-e,
13 president, Stevens -- that's with a "v" -- and
14 Wilkinson Architecture. Have you spoken with -- is
15 that Mr. or Ms. Gresette?

16 A Mister.

17 Q Okay. Have you spoken with Mr. Gresette about this
18 case?

19 A I have not.

20 Q Okay. And with regard to the claim of defamation
21 with Mr. Bowers, is this the same that we've
22 already testified to?

23 A Yes.

24 Q All right. Number 73, Bill Flemming, with two M's,
25 architect Stevens and Wilkinson Architecture. Have

1 you spoken with Mr. Flemming about this case?

2 A I have not.

3 Q With regard to the defamation, is it the same that
4 you've already testified to as it applies to
5 Mr. Bowers?

6 A Yes.

7 Q Number 74, Luke McCary, M-c-C-a-r-y, architect,
8 Lambert Architect and Construction Services. Have
9 you spoken with Mr. McCary about this case?

10 A I have not.

11 Q Okay. And with regard to the mention of defamation
12 and Bowers, is this the same that you've already
13 testified to?

14 A Yes. Yes.

15 Q Answer to that is yes?

16 Page 20, Number 75, Keith "Kevin" Eubanks,
17 engineer, Stevens and Wilkinson. Is it Keith or is
18 it Kevin? Or is he Keith that -- also known as
19 Kevin?

20 A I don't know if his middle name is Kevin, but he's
21 called "Kevin."

22 Q Goes by Kevin.

23 All right. Have you spoken with Mr. Eubanks
24 about this case?

25 A I have not.

1 Q Has someone else on your behalf?

2 A I'm not aware of anybody.

3 Q Okay. With regard to the claim of defamation where
4 Bowers is mentioned, is it -- it's the same that
5 you've already testified to?

6 A Yes.

7 Q Number 76, Holly Lathrup, L-a-t-h-r-u-p, director
8 of marketing, Stevens and Wilkinson Architecture?
9 Have you spoken with Ms. Lathrup about this case?

10 A I have not.

11 Q With regard to the mention of defamation and
12 Bowers, is this the same you've already testified
13 to?

14 A Yes. It is.

15 Q Have you -- have you ever gotten any word from
16 Ms. Lathrup that she has knowledge of a defamation
17 claim supporting your claim for any of these
18 individuals? Has Ms. Lathrup ever told you she --
19 she's got knowledge of defamatory --

20 A No.

21 Q -- remarks made by you?

22 A No.

23 Q No? Number 77, P. "Josh" Boltinhouse, B-o-l-t-i-n-
24 h-o-u-s-e, architect, Lambert Architect and
25 Construction. Have you spoken with Mr. Boltinhouse

1 about this case?

2 A I have not.

3 Q With regard to the defamation and Bowers, this is
4 the same you've already testified to?

5 A Yes.

6 Q Number 78, John Collum, C-o-l-l-u-m, Tidewater
7 Environmental Services. Have you spoken with
8 Mr. Collum about this case?

9 A No. I have not.

10 Q With regard to the defamation and Bowers, is this
11 the same as you've already testified to?

12 A Yes.

13 Q Number 79, Michael Gallagher, G-a-l-l-a-g-h-e-r,
14 director, Compass Municipal Advisors, LLC. You --
15 have you spoken with Mr. Gallagher about this case?

16 A I have not.

17 Q Number 80, Ray Hunt, insurance, Dixon Wells. Have
18 you spoken with Mr. Hunt?

19 A I have not.

20 Q Dixon Wells, is that the name of his agency?

21 A Yeah. The company he works for --

22 Q All right.

23 A -- with.

24 Q Where defamation and Bowers is mentioned toward the
25 bottom of that entry, is this the same as you've

1 already testified to?

2 A Yes. It is.

3 Q Eighty-one, Maggie Stroud, S-t-r-o-u-d, former
4 Chapin High School student. Have you spoken with
5 Ms. Stroud about this case?

6 A I have not.

7 Q Has somebody else on your behalf spoken with
8 Ms. Stroud about this case?

9 A I'm not aware of anyone.

10 Q How old is Ms. Stroud?

11 A A couple years out of college.

12 Q Twenty-three?

13 A Like, somewhere in that neighborhood.

14 Q I mean, do you know her?

15 A I don't know her.

16 Q Okay. Do you know --

17 A I don't know her personally.

18 Q -- if she has any knowledge about this particular
19 lawsuit?

20 A I don't know that.

21 Q Then why is she listed as a witness?

22 A Related to Gantt and the school board's aversion
23 towards me and their --

24 Q Okay.

25 A -- motive.

1 Q Eighty-two, Logan Shumpert, former Chapin High
2 School student. Have you spoken with Mr. Shumpert
3 about this case?

4 A It's --

5 Q No?

6 A -- Ms. Shumpert, but no.

7 Q Oh, okay. Ms. Shumpert.

8 How old is Ms. Shumpert?

9 A Same age as -- approximate age as Maggie.

10 Q Year or two out of college?

11 A Yeah. Somewhere in that neighborhood.

12 Q All right.

13 A I think they're out of college.

14 Q Number 83, Albert Bueno, B-u-e-n-o, Chapin
15 resident. Have you spoken with Mr. Bueno about
16 this case?

17 A I have not.

18 Q "Witness has threatened plaintiff with a lawsuit to
19 cause her to spend money and was allowed by
20 defendant Board and Gantt to speak at public
21 participation about plaintiff in a very threatening
22 manner." What does that have to do with any claim
23 against Bobby Bowers?

24 A Same as the -- that we've discussed so far.

25 Q Okay. And he threatened a lawsuit against you?

1 A Yes.

2 Q Okay. What was the basis for the lawsuit?

3 A He said if I filed an appeal to DHEC that he would
4 sue me and cause me to spend money.

5 Q Okay. And you mentioned he was allowed to speak at
6 a public participation. That would be a -- a
7 school board member -- I mean a school board
8 meeting?

9 A Yes.

10 Q All right. And it was a part of the school board
11 meeting where the public gets to -- to speak?

12 A Yes.

13 Q All right. And is he a member of the public?

14 A Yes.

15 Q Why would he not have been allowed to speak?

16 A The school board has rules on what's acceptable as
17 far as not attacking anyone personally and --

18 Q Having some courtesy or decorum when they speak?

19 A And he -- correct. And he was allowed to --

20 Q -- exceed the rules?

21 A Thank you. Yes.

22 Q All right. Number 84, Scott Murray, computer
23 programmer, Chapin resident. Have you spoken with
24 Mr. Murray about this case?

25 A I have not.

1 Q This is the fellow who was quoted in the newspaper,
2 isn't he?

3 A Yes.

4 Q Okay. Okay. Later on here where you talk about
5 defamation and include Bowers in there, is this the
6 same defamation you talked about earlier with
7 Bowers?

8 A Correct.

9 Q Number 85, Julie Murray, Chapin resident. Is she
10 married to Mr. Murray?

11 A Yes.

12 Q Okay.

13 A Well, I think they may be divorced now.

14 Q Okay. Well, at one point were happily married and
15 now they're no longer happily married. But have
16 you spoke with Ms. Murray about this case?

17 A I have not.

18 Q Was she ever quoted in the newspaper?

19 A I don't recall.

20 Q Other than the fact that she was formerly married
21 to -- to a fellow who spoke against you in the
22 newspaper, is there any reason why she's included
23 in here?

24 A Yes.

25 Q And what is that reason?

1 A Because of her involvement with an effort that I
2 think was encouraged by the school board to harm
3 me.

4 Q Okay. Have you sued her --

5 A I --

6 Q -- for harming you?

7 A No. I have not.

8 Q Where Bowers is mentioned with regard to
9 defamation, is this the same as you've already
10 testified to?

11 A Yes. It is.

12 Q Number 86, Susan Baker, apparently she was -- have
13 you spoken with Susan Baker about this case?

14 A I can't remember.

15 Q Okay. Who is Susan Baker?

16 A That's a -- a member of the community involved with
17 the school district.

18 Q Okay. And she was also allowed to speak at a
19 public participation of a meeting and she demeaned
20 you by mocking her -- or demeaned you by mocking
21 you?

22 A Yes.

23 Q Okay. What'd you mean by "mocking"?

24 A Oh, she, again, exceeded the policy that the board
25 has and --

1 Q I mean, you've seen --

2 A -- was allowed to --

3 Q Okay. Public officials get mocked by people who
4 are opposing them, don't they?

5 A Well, there's a point where it gets -- goes
6 beyond --

7 Q Okay.

8 A -- acceptable.

9 Q And -- and what you're saying is she passed that
10 point in this public participation of the meeting,
11 correct?

12 A Yes.

13 Q All right. You mentioned defamation and Bowers
14 again in the same sentence. Same thing we've been
15 talking about?

16 A Correct.

17 Q All right. Number 87, Matteo -- that's M-a-t-t-e-o
18 -- Macaloso, M-a-c-a-l-o-s-o, former Chapin High
19 School student. Have you spoken with Señor
20 Macaloso before?

21 A I have not.

22 Q Okay. He, again, spoke at a public participation
23 in a threatening manner toward you?

24 A Yes.

25 Q Okay. You mentioned Bowers and defamation in the

1 same sentence again. Is this what we've already
2 testified to?

3 A Yes. It is.

4 Q Eighty-eight, Terry Macaloso, engineer. Now, let's
5 go back to Matteo Macaloso. Is he, again -- how
6 old is he? -- one or two years out of college age?

7 A I think he's still in college.

8 Q Still in college. Okay. And Terry Macaloso, is he
9 his dad?

10 A Yes.

11 Q Okay. Have you spoken with Terry Macaloso about
12 this case?

13 A I have not.

14 Q Okay. Where you mentioned defamation and Bowers,
15 same thing we've testified to?

16 A Yes.

17 Q Eighty-nine, Bill Wolfe, W-o-l-f-e, Chapin
18 resident. Have you spoken with Mr. Wolfe about
19 this case?

20 A I have not.

21 Q Defamation and Bowers, same thing we've testified
22 about?

23 A Yes. It is.

24 Q Okay. Number 90, Jack Wolfe, Chapin resident.

25 Have you spoken with Jack Wolfe about this case?

1 A I have not.

2 Q Is Jack Wolfe and Bill Wolfe -- are they related?

3 A Jack is Bill's father.

4 Q Okay. Where you mention defamation and Bowers,
5 same thing we've testified about?

6 A Yes.

7 Q David Knight, former Town of Chapin attorney. Have
8 you spoken with David about this case?

9 A I have not.

10 Q Okay. Has David ever told you that he has
11 knowledge of Mr. Bowers and defamatory remarks or
12 -- or publications made about you?

13 A Not from Bowers.

14 Q But you've not spoken with David Knight at all
15 about this case, have you?

16 A I have not talked to him about this case.

17 Q Okay. And you're -- you're anticipating that he
18 will testify to defamation by anybody because of
19 what? David's a former town attorney, correct?

20 A Yes.

21 Q Yeah.

22 A Because he was involved with the group -- nonprofit
23 group that sued me --

24 Q Okay.

25 A -- alleging the same --

1 Q Okay.

2 A -- causes of action that District 5 is alleging in
3 their \$10 million lawsuit against me.

4 Q All right. The next three, Lucius Cobb, John
5 Terry, and Page Lee, which are Numbers 92 through
6 94, we've already discussed so we'll skip over
7 those.

8 Number 95, Moffatt, M-o-f-f-a-t-t, Burriss, B-
9 u-r-r-i-s-s, Richland County resident, co-
10 developer. "With plaintiff's husband" -- that
11 would be your husband -- "of subject property and
12 original 60-acre tract." Have you spoken with
13 Mr. Burriss about this case?

14 A Yes. I have.

15 Q Okay. When did you most recently speak to him?

16 A Two or three weeks ago.

17 Q Okay. And what was that discussion about?

18 A I wanted to -- I guess -- I'm trying to recall. I
19 was wondering if he had received any kind of notice
20 that the county line -- alleged county line puts
21 him somewhere else. I mentioned that the next-door
22 neighbors weren't included at all because the
23 aerial photograph that was used by Mr. Bowers'
24 office was an old one and it didn't show their
25 home; therefore, they weren't included.

1 Q Okay. Mr. Burriss is a -- is a neighbor of yours,
2 correct?

3 A Yes.

4 Q And -- and he did not get noticed that he was no
5 longer a Richland County resident but was, in fact,
6 a Lexington County resident. Is that what you're
7 saying?

8 A Correct.

9 Q Okay. When you mentioned defamation and Bowers,
10 that's the same that you've already testified to?

11 A Yes.

12 Q All right. Number 96, Suzanne -- that's S-u-z-a-n-
13 n-e -- Burriss. And Ms. Burriss is married to
14 Mr. Burriss?

15 A Yes.

16 Q Have you spoken with her about this case?

17 A I have.

18 Q When did you most recently speak with her?

19 A Oh, maybe a couple months ago.

20 Q Okay. With regard to the defamation and Bowers,
21 this is the same you've already testified to?

22 A Yes.

23 Q Number 97, Richard Lindler, L-i-n-d-l-e-r,
24 neighbor. "Witness assisted plaintiff in
25 attempting to locate county boundary." What did

1 Mr. Lindler do to help you do that?

2 A We walked the area using a -- an app on our phone
3 to try to locate where we were on a -- an aerial.
4 We -- we used the corner that Mr. -- Mr. Bowers
5 ignored in his evaluation.

6 Q How do you know Mr. Bowers ignored it -- that
7 corner?

8 A Because it's not -- it's not shown on his map,
9 aerial photograph of the line that he drew, or in
10 any of the documents and -- some of which were
11 withheld from evidence, and the telephone
12 conversation that I had with Alan-Jon Zupan.

13 Q That you recorded?

14 A Yes.

15 Q "Ignored" infers that he knew it was there and
16 chose not to divulge it or -- or not to observe it
17 or acknowledge it. Do you agree with that
18 definition? As opposed to just simply missed it or
19 didn't put it down?

20 A It -- it was -- it was ignored.

21 Q How do you know it was ignored? How do you -- how
22 do you jump from the fact that it's not in there to
23 being an intentional act as opposed to just
24 inadvertence?

25 A I guess this goes back to Mr. Bowers knowing what's

1 required to establish a county boundary.

2 Q Okay. So you're -- you're imposing a certain
3 standard on him and -- and you're saying he should
4 know everything about it, therefore, if something's
5 not in there, he must have not put it in there
6 intentionally; isn't that correct?

7 A Yes. And I believe that one of the reasons it
8 wasn't put in there was that it would more
9 obviously show that the location of the county line
10 is not where Mr. Bowers shows it.

11 Q Okay. And you used the term "withheld from
12 evidence." You're talking about the February 2013
13 hearing?

14 A Yes.

15 Q That you were not present at?

16 A Yes.

17 Q And as far as withholding it from evidence, whom do
18 you say withheld it from evidence? Mr. Bowers?

19 A Whomever put the evidence together. It was also
20 not shown on the documents that were sent from Will
21 Roberts -- that were sent to me from Will
22 Roberts --

23 Q So --

24 A -- that were also part of evidence.

25 Q So you're mentioning -- you're -- you're taking the

1 position that whatever was not included there or
2 whatever did not get into the evidence at the
3 hearing was intentionally withheld from getting in?

4 A Yes.

5 Q Who are you saying intentionally withheld it?

6 A Whomever put the evidence package together.

7 Q Do you know how evidence gets into a hearing? Do

8 -- do you think a witness shows up and says,

9 "Here's my evidence" and puts it in? Or do

10 attorneys representing parties have to get the

11 evidence in? Or do you know?

12 A I don't know who put the evidence package together,

13 but it would seem clear to me that, if the -- if

14 Mr. Bowers is trying to defend the line he's drawn,

15 that he would have involvement in how that line --

16 how -- what evidence is submitted.

17 Q But that's an assumption you're making, though,

18 right?

19 A It's an assumption, but because I received

20 information that did not include the county -- the

21 corner's referenced in statute and on the county

22 plat.

23 Q Okay.

24 A And that -- the phone conversation with Zupan.

25 Q Is that recording included in the material you've

1 -- you produced?

2 A I believe it is.

3 Q Okay. Ann Spotts, Number 98, S-p-o-t-t-s,
4 neighbor. Have you spoken with Ms. Spotts about
5 this case?

6 A Briefly.

7 Q When did you last speak with her?

8 A Maybe six months ago.

9 Q All right.

10 A Maybe a little longer.

11 Q Number 99, Harriett Nichols. That's Ann Spotts's
12 mother?

13 A Yes.

14 Q Nichols is N-i-c-h-o-l-s. How old is Ms. Nichols?

15 A I'm not -- not sure. I'm going to guess. I could
16 say maybe --

17 Q I mean Ms. Spotts. How old is Ms. Spotts, roughly?
18 Forties? fifties? thirties?

19 A Forties, possibly.

20 Q Okay. So Ms. Nichols may be in her 60s?

21 A She may be a little older.

22 Q Okay. Lives with Ann Spotts?

23 A Yeah.

24 Q Okay. Have you spoken with Ms. Nichols about this
25 case?

- 1 A Yes. I have.
- 2 Q Okay. What have you spoken with her about?
- 3 A What have I spoken to her about?
- 4 Q Yes, ma'am.
- 5 A That the --
- 6 Q That the iron stake on her family's property is the
- 7 same stake --
- 8 A Yeah. And --
- 9 Q -- noted in the statute?
- 10 A Yeah. I'm -- I -- I -- I can't recall now if I
- 11 talked to her, but I believe I have talked with her
- 12 about it and -- and Ann as well.
- 13 Q All right. And Ms. Spotts and Ms. Nichols, what
- 14 they would testify to is accurately depicted in
- 15 your descriptions here for 98 and 99?
- 16 A Yes.
- 17 Q All right. Number 100, Betty Monts, M-o-n-t-s,
- 18 next-door neighbor. "It's believed that witness
- 19 will testify and produce deeds showing the location
- 20 of the county line crossing her property."
- 21 A Yes.
- 22 Q You've spoken with Ms. Monts about this case?
- 23 A I have.
- 24 Q Number 101, Thurston Chavis, C-h-a-v-i-s, another
- 25 neighbor. Spoken with Mr. Chavis about this case?

1 A I've talked to his wife Judy who's down -- witness
2 down below.

3 Q Okay. 102 is Judy Chavis. And you believe that
4 Mr. Chavis and Mrs. Chavis will testify that they
5 are Richland County voters and taxpayers and would
6 be impacted by the alleged county line established
7 by Mr. Bowers' office?

8 A And -- yes. And they have not received any
9 notification from Bowers.

10 Q Okay. Number 103, Lynn Koon, neighbor.

11 A Yes.

12 Q Talked to Ms. -- is that Mr. Koon or Ms. Koon?

13 A Miss.

14 Q This is the same as what the Chavises would testify
15 to?

16 A Yes. The -- the precinct line, which is supposed
17 to be the line between the two counties that
18 Mr. Bowers testified to as submitting to the
19 department of justice as the county line is not the
20 same line that Mr. Bowers drew on the aerial
21 photograph and represented as the county line.

22 Q Ms. Koon's going to testify to that?

23 A She's going to -- she can -- she can testify to
24 what -- where she votes and pays taxes.

25 Q Number 104, Senator Wes Hayes, H-a-y-e-s, York

1 County Representative. What is Wes going to
2 testify to? I went to law school with Wes.

3 A The process of -- of how you would reestablish a
4 political boundary and determine where somebody
5 resides.

6 Q All right. Number 105, Rick Quinn. What does
7 Representative Quinn know about this case?

8 A That -- what he can testify to is that this
9 would've been political in nature and that Bowers
10 didn't have the authority to -- to do what he did.
11 And --

12 Q Mr. Quinn a lawyer in addition to being a
13 representative?

14 A No. But he spoke with an attorney who --

15 Q So he got a legal --

16 A -- represented me.

17 Q -- opinion from that attorney, and he's going to
18 pass that legal opinion on to us as a
19 representative -- or pass that on to you?

20 A I don't know if he got a legal opinion from the
21 attorney. I know that he talked to the attorney,
22 and he -- he -- he set me up with the attorney.

23 Q What does Mr. Quinn know about this case, other
24 than what you've told him?

25 A He would know about this case from the attorney who

1 was representing me.

2 Q Who was that?

3 A John Moylan. And may've -- may or may not have
4 gotten the information from Matthew Richardson.

5 He's also -- was involved with a bill that
6 Mr. Bowers asked Ronnie Cromer to sponsor.

7 Q Okay. Number 106, Kevin Dietrich, D-i-e-t-r-i-c-h.
8 Have you spoke with Mr. Dietrich about this case?
9 An investigative news reporter.

10 A Yes. I have.

11 Q Okay. And he can testify to the school board
12 meetings that he witnessed where you were being
13 "berated, defamed, and bullied by the defendant
14 Board"?

15 A Yes.

16 Q Who is Mr. Dietrich with? What's his publication?

17 A He was with the South Carolina Policy Council, and
18 I'm not exactly sure where he is now.

19 Q South Carolina Policy Council has investigative
20 news reporters that work for them?

21 A Yes.

22 Q You're not exactly sure --

23 A They have --

24 Q -- where he --

25 A They do.

1 Q -- works now?

2 A Yeah. They have an online news service called "The
3 Nerve."

4 Q Okay.

5 A I'm not sure --

6 Q I know which one you're talking about.

7 A I think he's -- maybe with the -- the Banker's
8 Association or something like that. I'm not
9 exactly sure.

10 Q All right. Number 107, Al Dozier, D-o-z-i-e-r. I
11 guess that means "news reporter"?

12 A Yes.

13 Q Have you spoke with Mr. Dozier about this case?

14 A Yes. I have.

15 Q Okay. Have you spoken to Mr. Dozier specifically
16 about him testifying to defamatory remarks or
17 publications made about you?

18 A Can you ask that one more time, please?

19 Q Yeah. Have you --

20 A Okay.

21 Q -- talking to -- talked to him about him serving as
22 a witness to support your defamation claim?

23 A I have not.

24 Q Number 108, Shireese -- that's S-h-i-r-e-e-s-e --
25 Bell, news reporter. Who's Ms. Bell?

1 A She was present the night that Mr. Gantt made his
2 statement that I don't reside in the county where I
3 was elected and witnessed that, when Mr. Gantt --
4 witnessed that Mr. Gantt wouldn't allow me to
5 comment on the statement that he had just made --

6 Q Okay.

7 A -- that was -- that made me look like I was --

8 Q A Lexington County resident?

9 A -- a -- a criminal and knew in advance.

10 Q Because you were a Lexington County resident, that
11 made you look like a criminal? I live in Lexington
12 County.

13 A The statement read like I was just found guilty of
14 sneaking, that -- that I knew I was a Lexington
15 County resident, and I was cheating the system.
16 And I had just found out.

17 Q Okay.

18 A He would not allow me to comment in front of the
19 mass of people and press in the audience.

20 Q Who does Mr. Dozier write for?

21 A Several publications: the "Freetimes," "The Irmo
22 News."

23 Q How about Ms. Bell?

24 A She was with "The Patch." I'm not sure if she
25 still is.

1 Q "The Patch"?

2 A Yeah. She was with "The Irmo Patch." I think
3 she's relocated.

4 Q Number 109, Ron -- I'm sorry -- Rod Shealy, S-h-e-
5 a-l-y, news reporter and political consultant. Who
6 does Mr. Shealy write for?

7 A I'm not sure who he's writing for now, but he was
8 -- he used to write for the -- "The Irmo News."

9 Q Okay. Have you spoken with Mr. Shealy about this
10 case?

11 A Yes.

12 Q When?

13 A Maybe within the year.

14 Q Okay. How about Ron Kelderman, K-e-l-d-e-r-m-a-n?
15 Have you spoken with him about this case?

16 A I can't recall.

17 Q Okay. Number 111, Colonel Tom Fincher, F-i-n-c-h-
18 e-r, Chapin resident. Is Colonel Fincher retired
19 military?

20 A Yes.

21 Q Yes, he is?

22 A Yes.

23 Q Okay. What branch? Do you know?

24 A I don't know.

25 Q All right. Have you spoken with him about this

1 case?

2 A Briefly.

3 Q Do you --

4 A I may have --

5 Q Do you remember --

6 A -- talked to him --

7 Q -- when?

8 A -- one other time. On January 14th.

9 Q Okay. So he -- he attended that board meeting, and
10 you would've talked to him shortly following the
11 board meeting?

12 A I talked to him between the time -- between
13 executive session and when the board meeting began.

14 Q Okay. Number 112, Pat Donlon, D-o -- D-o-n-l-o-n.
15 Have you spoke with -- is that Mr. or Ms. Donlon?

16 A Mister.

17 Q Spoken with Mr. Donlon about this case?

18 A Yes. I have.

19 Q Okay. When, most recently?

20 A Six months to a year, maybe.

21 Q All right.

22 A Maybe six months.

23 Q Number 113, George Burbach, B-u-r-b-a-c-h, Chapin
24 resident. Have you spoken with Mr. Burbach about
25 this case?

- 1 A Yes. I have.
- 2 Q When, most recently?
- 3 A Four to six months, possibly.
- 4 Q Okay. Number 14 (as spoken) is Sue Burbach. She's
- 5 married to Mr. Burbach?
- 6 A Yes.
- 7 Q Okay. Spoken with her about this case?
- 8 A Yes. I have.
- 9 Q Okay. When, most recently?
- 10 A Probably four to six months.
- 11 Q Okay. More recently than Mr. Burbach?
- 12 A Could've been the same day.
- 13 Q Okay. 115, Al Billings, B-i-l-l-i-n-g-s, Chapin
- 14 resident. Have you spoken with Mr. Billings about
- 15 this case?
- 16 A Yes. I have.
- 17 Q When, most recently?
- 18 A Four or five months ago maybe.
- 19 Q Number 116, Jean -- that' J-e-a-n -- Threatt, T-h-
- 20 r-e-a-t-t. Have you spoken with Ms. Threatt about
- 21 this case?
- 22 A Yes. I have.
- 23 Q When, most recently?
- 24 A Nine months ago, possibly.
- 25 Q Okay. And Ms. Threatt used to be married to a

1 fellow named Charlie Threatt?

2 A You know, I don't know.

3 Q Okay. Number 117, Wayne Duncan, Chapin resident.

4 Have you spoken with Wayne Duncan about this case?

5 A Yes. I have.

6 Q When, most recently?

7 A Maybe two or three months ago, maybe.

8 Q Okay. Looks like Wayne Duncan is going to testify

9 a lot like Mr. Burbach's going to testify to about

10 "years of mismanagement and misrepresentations by

11 the defendant Board, Gantt, and others." Did these

12 guys go to the same meetings?

13 A Yes.

14 Q These guys support you while you were on the board?

15 A Yes. They did.

16 Q Number 118, Ed Yates, Y-a-t-e-s. Have you spoken

17 with Mr. Yates about this case?

18 A Yes. I have.

19 Q He must have been sitting next to Mr. Burbach and

20 Mr. Duncan at the meetings, right? Looks like he's

21 going to testify to about the same thing.

22 A Yes.

23 Q Have you spoken to him about testifying in this

24 case?

25 A I have not.

1 Q Number 119, Sam Delaney, D-e-l-a-n-e-y. Have you
2 spoken with Mr. Delaney about this case?

3 A Yes. I have.

4 Q Okay. When, most recently?

5 A I can't recall.

6 Q Okay. 120, Don Byers, B-y-e-r-s, Chapin resident.
7 Have you spoken with Mr. Byers about this case?

8 A Excuse me. I want to go back to Wayne Duncan, if I
9 can. I think you may have asked if I --

10 Q Yeah. 117?

11 A -- asked if he would testify.

12 Q I don't think I asked him that.

13 A Okay.

14 Q Have you talked to Mr. Duncan about whether he'll
15 testify?

16 A I think he may have volunteered that information.

17 Q Okay. That's a yes, you think he may have
18 volunteered that information?

19 A Yes. Yes.

20 Q Okay. So Mr. Duncan said just give him a call and
21 he'll be glad to testify?

22 A Something like that.

23 Q Okay. Did Mr. Duncan -- does Mr. Duncan have any
24 knowledge about Bobby Bowers, based on your
25 conversations with him?

1 A I don't know.

2 Q Has he indicated anything to you that he has any
3 knowledge of Bobby Bowers?

4 A I don't think so.

5 Q Okay. Anything else you want to add about
6 Mr. Duncan?

7 A No.

8 Q All right. Let's go to 121, Stuart Stout, S-t-o-u-
9 t. Have you spoken with Mr. Stout about this case?

10 A Not sure you finished with -- where we left off
11 after I went back to Duncan. If I --

12 Q Don Byers?

13 A -- answered your questions or not.

14 Q Okay. Don Byers. Let's talk about him. 120. We
15 went past Sam Delaney already.

16 Don Byers. Have you spoken with him about the
17 case?

18 A Yes. I have.

19 Q Okay. When did you most recently speak with him?

20 A A year or so ago.

21 Q Okay.

22 A Or maybe less.

23 Q Now Stuart Stout. Have you spoke with Mr. Stout?

24 A Yes. I have.

25 Q When, most recently?

1 A Approximately four months ago.

2 Q Okay. What'd you talk about?

3 A I think this case and --

4 Q Did you ask him to be a witness?

5 A I did not.

6 Q Did he offer?

7 A I can't remember.

8 Q All right. Number 122, Don Carlson, Chapin

9 resident. Have you spoke with Mr. Carlson about

10 this case?

11 A Yes. I have.

12 Q When did you speak with him?

13 A Week and a half ago/two weeks ago.

14 Q Okay. What'd you talk about?

15 A This case.

16 Q Specifically about this case, what did you talk
17 about?

18 A The inconsistencies on -- in the determination and
19 the phone call with Zupan.

20 Q Did you tell Mr. Carlson that you had recorded the
21 Zupan phone call?

22 A I believe so.

23 Q Okay. Were you talking to Mr. Carlson in person or
24 by telephone?

25 A In person.

1 Q So he didn't have to worry about being recorded,
2 right?

3 Withdraw that question.

4 What else did you and Mr. Carlson talk about?

5 A The school board's mismanagement.

6 Q Okay. Was Mr. Carlson one of your supporters when
7 you held office?

8 A Yes.

9 Q Okay.

10 A We also talked about his involvement with the --
11 with the students -- positive impact he's having
12 with a program with District 5.

13 Q Okay. Is -- is he a teacher or volunteer? What
14 does he do?

15 A Volunteer.

16 Q Volunteer? Okay.

17 Number 123, Lilyan Carlson. It's L-i-l-y-a-n.

18 A Yes.

19 Q Is she related to Mr. Carlson?

20 A His wife.

21 Q Okay. Have you spoken with her about the case?

22 A Yes. In passing.

23 Q Okay. 124, Preston Baines, B-a-i-n-e-s, Chapin
24 resident. Have you spoken with Mr. Baines about
25 the case?

- 1 A Yes. I have.
- 2 Q Okay. When, most recently?
- 3 A Last Wednesday.
- 4 Q Okay. What about?
- 5 A The status.
- 6 Q Okay. Did he inquire or did you offer?
- 7 A I can't recall.
- 8 Q Okay. Lil Mood, Number 125, L-i-l M-o-o-d, Chapin
- 9 resident. Is that Ms. -- Ms. Mood?
- 10 A Yes.
- 11 Q Okay. Have you spoken with Ms. Mood about this
- 12 case?
- 13 A Yes. I have.
- 14 Q When?
- 15 A A week and a half ago/two weeks ago.
- 16 Q Okay. What'd you talk to her about?
- 17 A The -- the status of it and the --
- 18 Q Is she a personal friend of yours?
- 19 A No.
- 20 Q Okay.
- 21 A She's -- used to work for DHEC as a liaison --
- 22 Q Okay.
- 23 A -- and was involved with -- was aware of my
- 24 wetlands appeal and attended school board
- 25 meetings --

1 Q Okay.

2 A -- witnessed some things.

3 Q 126, Kyle Matheny, M-a-t-h-e-n-y, former high --
4 Chapin High School student. Have you spoken with
5 Mr. Matheny about this case?

6 A I can't remember.

7 Q Okay. About how old is he? In college? Out of
8 college? Still in high school?

9 A Twenty-three.

10 Q Okay. Number 127, Justin Snowden, former Chapin
11 High School student. Have you spoke with
12 Mr. Snowden about this case?

13 A I can't remember.

14 Q Okay. He would've been present at meetings along
15 with -- maybe not at the same meetings but with
16 Matheny? Both of them would've observed meetings?

17 A Yes.

18 Q Is that -- have you spoken with either one of them
19 about being witnesses?

20 A I have not.

21 Q Number 128, Marissa -- that's M-a-r-i-s-s-a --
22 Hutton, former high school student and mascot.
23 Have you spoken with Ms. Hutton about this case?

24 A Briefly.

25 Q When?

1 A About a month ago.

2 Q Okay. What were the contexts of that conversation?

3 A Probably a brief update and wondering if she
4 recalled the district -- when was it? --

5 Q The thing with the shovels that you mention in
6 here?

7 A Beth Burn exhibited some very childish --

8 Q Okay.

9 A -- behavior in a very public manner, and --

10 Q Is that the shovels thing you have described in
11 here briefly?

12 A Yeah. And it -- it shows the -- the aversion.

13 Q All right. What is a mascot? I mean, was she
14 dressed up like in a sports mascot or something for
15 a meeting or something?

16 A Yeah. She was the mascot for the high school.

17 Q Number one -- let me ask you this: All these
18 witnesses, do you have addresses and contact
19 information for all these witnesses --

20 A I can --

21 Q -- that if we request it you can get it --

22 A Yes.

23 Q -- to your attorney? All right. She just sighed
24 deeply over there, so she's obviously not looking
25 forward to providing 148 addresses.

1 Bill Chao, C-h-a-o, is Number 129. Have you
2 spoken with Mr. Chao about this case?

3 A Yes.

4 Q Okay. When, most recently?

5 A I can't -- can't recall.

6 Q Okay. 130, Roger Upchurch, U-p-c-h-u-r-c-h. Have
7 you spoke with Mr. Upchurch about this case?

8 A I can't -- I can't recall.

9 Q Okay. This thing about threatening condemnation of
10 Mr. Upchurch's parents' property, what does that
11 have to do with this case that we have here, if
12 anything?

13 A It's just related to the -- the school board and
14 the -- their way of doing business behind the
15 scenes without approval from . . .

16 Q Does the school board have the right to
17 condemnation under eminent domain? Do you know
18 that, having been a school board member?

19 A They need to discuss giving permission to staff to
20 go out and threaten condemnation, and that was
21 never brought to the board.

22 Q So there's a right way and a wrong way to go out
23 and threaten to condemn someone's property?

24 A Well, to acquire someone's property or --

25 Q Okay.

1 A You shouldn't threaten. I mean, it -- it's just
2 typical of their bullying tactics. It's just --

3 Q Okay. Number 131, Toby Ward, attorney. What do
4 you -- have you talked to Toby about this case?

5 A I have.

6 Q And what role, if any, did Toby have with regard to
7 this case or any of the prior actions you're
8 complaining about? Was he an attorney for any of
9 them?

10 A Only the one that's mentioned that -- the --
11 District 5 built a school on top of an easement
12 that belonged to the developer.

13 Q Who did --

14 A And that developer's now suing the school district.

15 Q Who did Toby represent in that case?

16 A The developer.

17 Q Okay. Number 132, Roger Hall. Roger's the DHEC
18 attorney?

19 A No.

20 Q Different Roger Hall? What -- who is --

21 A Yes.

22 Q -- this guy?

23 A He sued District 5 because of misrepresentations
24 that were made to him and that the school -- the
25 school district gave him information that wasn't

1 accurate. They also came onto his property and
2 took down trees --

3 Q Okay.

4 A -- without his permission.

5 Q Have you spoke with him about this case?

6 A I don't believe so.

7 Q Okay. 133, Jimmy Aycock, A-y-c-o-c-k, procurement
8 services, South Carolina Budget and Control Board.
9 What -- have you spoke with Mr. Aycock about this
10 case?

11 A No. I have not.

12 Q But you believe he will testify to "a multitude of
13 procurement violations," correct?

14 A Yes.

15 Q What do you think those have to do with this case?

16 A It goes to the motivation that the school district
17 had to oust me.

18 Q On those procurements, were there -- were those
19 procurements voted at school board meetings?

20 A They . . .

21 Q Is that a difficult --

22 A Some were.

23 Q -- question? I mean, you --

24 A Some --

25 Q -- were at a meeting and they discussed it, didn't

1 they?

2 A Some were -- some procurement -- some procurements
3 weren't voted on by the board. The -- also, there
4 were multimillion project -- multimillion-dollar
5 projects that weren't advertised according to state
6 procurement.

7 Q Were you on the board then?

8 A I was.

9 Q Were you able to raise that issue at board meetings
10 or in executive session?

11 A I -- I was.

12 Q And you did?

13 A And I did.

14 Q Okay. Then, I mean, you did what you were supposed
15 to do as a board member if you dissent from other
16 board action; isn't that right?

17 A Yes. But our violations are a habit, and they --

18 Q So you didn't like the way they -- they -- they
19 acted over your -- your dissent, and you didn't
20 like the way they acted, and you -- you deemed
21 those to be procurement violations that are
22 relevant to this lawsuit?

23 A They had -- they had not advertised in -- while I
24 was on the board, they did not properly advertise
25 projects that were awarded.

1 Q And did you mention that --

2 A I was able to --

3 Q -- at board meetings?

4 A -- stop two projects from being illegally -- having
5 bids open and the jobs -- jobs awarded.

6 Q All right. Number 134 -- have you spoken to Jimmy
7 Aycock about being a witness for you?

8 A I have not.

9 Q 134, Stewart, S-t-e-w-a-r-t, Mungo. Have you spoke
10 with Mr. Mungo about this case?

11 A I have not.

12 Q Number 135, Michael Bishop. Have you spoke with
13 Mr. Bishop about this case?

14 A I have not.

15 Q Number 136, Jay Murphy. Have you spoke with
16 Mr. Murphy about this case repeatedly?

17 A Only a little bit.

18 Q Number 137, Kathleen Wood -- that's Kathleen with a
19 "K." Have you spoke with Ms. Wood about this case?

20 A Yes.

21 Q Okay. When, most recently?

22 A It's about a year ago.

23 Q Okay.

24 A She --

25 Q 138, Bill Morgan. Have you spoken with Mr. Morgan

1 about this case?

2 A Yes. I have.

3 Q Okay. You use the terms "crucified plaintiff's
4 children." What -- what does that mean, or what
5 does Mr. Morgan have to testify about that?

6 A Goes to the -- the defamation and the motivation to
7 oust me. They were heartless in some of -- the
8 school board was heartless in some of their actions
9 when my children were in the school system.

10 Q Okay. The term "crucified," is that -- you put it
11 in quotes. Is that your term, or is that a term
12 that Mr. Morgan used?

13 A That was a term he used.

14 Q Okay. Have you talked to him about being a witness
15 in this case?

16 A I have not.

17 Q Number 139, Jeff Herring, H-e-r-r-i-n-g. Have you
18 spoke with Mr. Herring about this case?

19 A Yes. I have.

20 Q When, most recently?

21 A Maybe four -- four months ago or so.

22 Q And what did you talk about?

23 A I was giving him an update on what was going on.

24 Q Okay. Number 140, Melissa -- that's M-e-l-i-s-s-a
25 -- Cole, C-o-l-e. Have spoken with Ms. Cole about

1 this case?

2 A Yes.

3 Q When, most recently?

4 A I can't recall.

5 Q Okay. 141, Bob Kuenzli. Is that the
6 pronunciation?

7 A Yes.

8 Q That's K-u-e-n-z-l-i. District 5 resource officer.

9 A Yes.

10 Q "Witness escorted plaintiff out of a school board
11 candidate orientation." Mr. Kuenzli have any other
12 connection to this case other than his having done
13 that?

14 A This was an example of the school board's bullying.

15 Q I see with Mr. Herring they had you -- had you
16 escorted out of a meeting. Why did they have you
17 escorted out of the meeting? Were you being
18 disruptive?

19 A Absolutely not. I did not know it wasn't a public
20 meeting. The superintendent had -- had invited
21 school board members to --

22 Q Were you a school board member then at that --

23 A No.

24 Q -- at the time of that meeting?

25 A No. He -- yes. No. I was -- I can't remember.

1 Let's see. Check the timing of that.

2 Q If you weren't a member and it --

3 A I -- no. I wasn't.

4 Q -- wasn't a public meeting, you shouldn't have --

5 A I wasn't --

6 Q -- been there, right?

7 A -- a member. This was -- this was a meeting called
8 by the superintendent to inform the school board
9 candidates of the -- the campaign policies. And
10 because I was going to be helping one of the -- the
11 candidates, I wanted to sit in on it. And I was a
12 few minutes late getting to the meeting.

13 The front desk person showed me into the
14 meeting, and I sat down off to the side. And Mark
15 Bounds came over and said this wasn't a public
16 meeting and I had to go. And I said I -- I didn't
17 realize that but I was going to be helping one of
18 the candidates. And he said it's not a -- a
19 meeting -- it's not a public meeting; it's a
20 meeting with the superintendent. And I reached
21 down to pick up my bag, and they went and got the
22 resource officer to escort me out.

23 Q Okay. So you didn't refuse to leave?

24 A Absolutely not.

25 Q Okay. And what does that have to do with this

1 case?

2 A Their -- it goes to their -- just their -- their
3 never-ending bullying tactics, their --

4 Q Okay.

5 A -- ongoing --

6 Q Number 142, Eddie Wilder. Have you spoken with
7 Mr. Wilder about this case?

8 A No. I have not.

9 MS. STORY: (To the deponent) Do you need a
10 minute?

11 THE DEPONENT: I'm okay. Thank you.

12 MR. FRAWLEY: I'm almost done with the list,
13 and then we'll take a little bit of a break.

14 Q Number 143, Dan Neal, N-e-a-l. Have you spoken
15 with Mr. Neal about this case?

16 A I have not.

17 Q Okay. Anybody on your behalf that you're aware of?

18 A No.

19 Q Okay. There's mention in here of defamation by
20 Bowers. Is this the same defamation we were
21 talking about earlier?

22 A Yes.

23 Q Okay. Number 144, Lexington-Richland district
24 employees responsible uploading documents to
25 District 5 Web site and/or broadcasting them to the

1 media, schools, parents, community members,
2 students, and other parties. I guess what you're
3 saying here is whatever information or documents
4 were uploaded, whoever the individuals were who did
5 that you're listing also as witnesses?

6 A Yes.

7 Q And you don't know who those are, though?

8 A Not at this time.

9 Q Okay. So obviously, if you don't know who they
10 are, you haven't met with them as far as you know?

11 A As far as I know.

12 Q Number 145, District 5 employees or employee who
13 compiles, edits, broadcasts, and/or uploads board
14 meeting audiotapes and/or videos to the District 5
15 Web site. "It is believed witnesses can attest to
16 audio/videotapes of board meetings being altered to
17 delete comments, questions, or other remarks made
18 by plaintiff and defendant Board and Gantt." So
19 what you're saying there is these employees
20 would've edited whatever was uploaded to the
21 district Web site, deleting your comments?

22 A Yes. They manipulated the --

23 Q Okay.

24 A -- audios and --

25 Q Then 146, Lexington-Richland District 5 custodians

1 of records. So those would be anybody that has the
2 records for them, correct?

3 A Yes.

4 Q All right.

5 MR. FRAWLEY: Thank you for your patience.

6 That's all I've got.

7 MS. STORY: Do you mind if we take a brief
8 break?

9 MR. FRAWLEY: Sure.

10 (Off the record from 2:57 p.m. until
11 3:20 p.m.)

12 MR. MORRISON: During the break, the lawyers
13 have had a discussion about how to shorten
14 this deposition. We have over 9,000 documents
15 and, by my estimation, 250 hours of audio and
16 video that has been recently produced. We
17 could spend a long time going through all of
18 that. We have agreed that, rather than trying
19 to do that here today and continuing through
20 that process, that we will send a letter with
21 -- with certain questions and that we'll try
22 to narrow it down and see if we can't get the
23 -- get a -- get it a little more focused than
24 it is now so we can narrow the scope of it
25 somewhat.

1 MS. STORY: And I agree. I think that's
2 exactly what we talked about, and I have no
3 objection to that.

4 MR. MORRISON: Okay.

5 EXAMINATION

6 BY MR. MORRISON:

7 Q Ms. Murphy, my name is David Morrison. I'm here
8 today on behalf of the school district, for the --
9 for the board, actually, and I'll be asking you
10 questions on behalf of the board. Mr. Montgomery,
11 if we ever get to that point today, would be asking
12 you questions on behalf of Mr. Gantt.

13 My purpose is not to trick you or confuse you
14 or mislead you in any way. My purpose is simply to
15 ask you questions to find out what you know that
16 may be relevant to the trial of this case. If for
17 any reason you don't understand me or you don't
18 understand my question, tell me that, and I'll try
19 to rephrase it. At the same time, a lot of my
20 questions may be simple yes/no questions, and I'd
21 like an answer to -- to the question, and then you
22 can explain, if necessary. If you have more
23 explanation to give and I cut you off, tell me
24 that; it's not my intention. I want you to be able
25 to explain your answers fully, so, if I cut you off

1 at any time, you say, "I wasn't finished," and I'll
2 stop and let you finish, okay?

3 A (Nods head up and down.)

4 Q And the only rule for the court reporter is that we
5 don't talk on top of each other because she has a
6 hard time typing that if we're both talking, and it
7 looks really bad in a transcript. Fair enough?

8 A Yes.

9 Q All right. We're, also, not here for any endurance
10 contest. If you want to take a break at any time,
11 you say the word, and we'll take a break, okay?

12 A Thank you.

13 Q Ms. Murphy, how many lawsuits have you been
14 involved with where you were adverse to the
15 district or its employees?

16 A Can you state that again?

17 Q How many lawsuits have you been involved with, with
18 the school district, not where you're a defendant
19 along with the district, but where you're a party
20 with interests adverse to the district or to the
21 district's employees?

22 A I appealed a decision DHEC made to allow the school
23 district to fill a creek to build an athletic-field
24 complex.

25 Q Okay. Any others?

1 A In 2002 -- I don't know what action was filed
2 first, if an -- that District 5 filed an action
3 against me, or I filed an action against them.

4 Q Okay. Either one would count.

5 A The -- the district filed an injunction to prevent
6 me from tape recording a school board meeting.

7 Q Okay.

8 A I mean a -- excuse me, a -- a public meeting.

9 Q Okay. Any others?

10 A Is this where you're asking if the school district
11 is a named party?

12 Q Or where your interests and theirs are adverse to
13 each other?

14 A An action was filed against me from a group called
15 "Maggie Stroud Ensure -- and D5 Ensuring the
16 Implementation of Referendum."

17 Q Okay. And you were the defendant in that case?

18 A Yes.

19 Q Okay.

20 A And the action related to this residency issue.

21 Q Okay. And that's the one that's still pending
22 before the circuit court in Richland County, now,
23 on a motion for rehearing -- or reconsideration?

24 A Yes.

25 Q That's the one where Judge Benjamin determined that

1 you were a resident of Richland County and affirmed
2 the board's decision to remove you, and you have
3 since moved to reconsider?

4 A Yes.

5 Q Okay. And there's a counterclaim in that case?

6 A Yes.

7 Q It's a counterclaim against you for delayed damages
8 at Chapin?

9 A Alleging, yes.

10 Q Okay. And the counterclaim hasn't been heard yet?

11 A No.

12 Q And then there's this action where you're suing the
13 board and Robert Gantt and Bobby Bowers?

14 A Yes.

15 Q Any others? I'm up to five.

16 A I can't recall --

17 Q Might there be others?

18 A -- others.

19 Q Might there be others?

20 A There's the DHEC appeal, resident --

21 Q Got that.

22 A -- residency --

23 Q The taping of board meetings --

24 A -- the taping of board meetings --

25 Q -- the Maggie Stroud, and this action.

1 A I think that's it.

2 Q Now, the DHEC appeal, was that filed before you
3 were on the board or after you were on the board?

4 A Just before.

5 Q The Maggie Stroud action, before you were on the
6 board or after you were on the board?

7 A When I was on the board.

8 Q The residency, obviously, while you were on the
9 board?

10 A Yes.

11 Q And this action after you were off the board?

12 A Yes.

13 Q You served part of one term on the board?

14 A Correct.

15 Q You were elected in 2010?

16 A Yes.

17 Q And served until 2013; is that right?

18 A Yes.

19 Q Was that March of 2013?

20 A I was elected 2010. The school board voted to
21 remove me March 2013.

22 Q What do you believe your duties are as a board
23 member?

24 A To represent the constituents who elected me:

25 Q And how do you do that?

1 A By thoroughly evaluating the issues put in front of
2 us before we vote, by communicating actions of the
3 school board and -- and school district.

4 Q Communicating those actions to whom?

5 A The -- the public.

6 Q Is your role as a school board member to represent
7 the constituents who elected you and do what they
8 want or to do what's in the best interest of the
9 school district as a whole?

10 A The -- representing the school district.

11 Q As a whole?

12 A As a whole.

13 Q And if the school board takes a vote on any
14 particular matter -- let's assume you take a vote
15 and you're in the majority, and there are other
16 school board members who were outvoted, who were in
17 the minority, after that vote is taken, is that
18 matter resolved?

19 A It depends.

20 Q If you are in the majority on a vote that is taken,
21 do you anticipate and expect that the school board
22 members who are in the minority will now support
23 the action of the district or will try to take
24 action to undo the majority vote?

25 A I think that if there are -- if there's information

1 or cause of concern that the vote was based on
2 wrong information or something was done illegally
3 -- I mean, there may be occasions where a -- a
4 school board member would try to correct the
5 situation.

6 Q And is that what you believe you were doing with
7 the DHEC appeal at Chapin High School?

8 A That was an issue that began before I was elected
9 to the school board.

10 Q And continued for several years after you were
11 elected to the school board, correct?

12 A And -- yes.

13 Q And it was a matter that had been voted on by the
14 school board, as to how to proceed with the use of
15 the referendum money and the funding of the
16 renovations of Chapin High School, correct?

17 A Say that, again, please.

18 Q It's a matter that had been put to the vote -- put
19 to the board, and the board had voted on how to
20 proceed with the renovations at Chapin High School,
21 correct?

22 A Yeah. Generally.

23 Q Okay. And you appealed DHEC's determination, and,
24 as -- as I understand it, generally, DHEC's
25 determination was that they could proceed with

1 construction in spite of what you alleged or -- or
2 believed were wetlands issues. Generally correct?

3 A DHEC approved the school district.

4 Q And you appealed that approval?

5 A Correct.

6 Q And, ultimately, the construction went forward, and
7 DHEC's permit was upheld?

8 A With modifications.

9 Q The creek or stream or gully -- whatever it was --
10 is no longer there?

11 A The original headwaters of the creek have been
12 destroyed.

13 Q And, in this lawsuit -- the reason I'm asking these
14 questions -- in this lawsuit -- we went over a
15 witness list earlier today, from when Mr. Frawley
16 was asking you the questions, that has some 145
17 witnesses, and many of those witnesses have
18 knowledge about the Chapin High School situation,
19 and many of those witnesses had knowledge about the
20 Maggie Stroud situation?

21 A (Nods head up and down.)

22 Q Chapin High School's a different litigation, isn't
23 it?

24 A I guess there's two answers to that question.

25 Q Okay.

1 A It's related to the counterclaim, the -- the \$10
2 million counterclaim the district has against me --

3 Q Okay.

4 A -- which is a different action.

5 Q Okay.

6 A And it's also -- I, also, produced that information
7 or named those witnesses who can testify -- who I
8 believe will testify to the district's wrongdoings
9 and the motivation behind or -- or to -- to show
10 the district's way of -- of doing business, that
11 the business they were trying to hide from the
12 public related to why I'm being ousted and defamed.

13 Q All right. So your belief is that the 145
14 witnesses we've named for one -- out of those, the
15 ones that have information regarding Chapin High
16 School could testify as to the district's way of
17 doing business, as it existed in that situation,
18 and that that's somehow relevant to this defamation
19 lawsuit?

20 A Even though the action began before I was elected,
21 the school -- the school -- or some members of the
22 school board weren't happy with my election and
23 wanted to undo the election. And this -- these
24 examples show -- show the -- the -- the -- the way
25 they do business, which is that -- the side that is

1 not good, that is not appropriate, that's not
2 legal, and that they were, you know, willing to say
3 and do anything to harm me.

4 Q All right. You've used the term -- throughout this
5 deposition, I've heard you say it several times
6 that they would do things that are "not legal."
7 You have accused fellow board members of illegal
8 activity?

9 A Violating our state procurement code is --

10 Q It's illegal activity.

11 A It sounds like that's illegal activity. Violating
12 our own board policies -- potential illegal.

13 Q Okay. So you have accused fellow board members of
14 illegal activity?

15 A Yes.

16 Q And you brought a defamation suit?

17 A Yes.

18 Q And, with regard to you saying you were elected and
19 some board members weren't happy with that, you
20 yourself, both before you got on the board and
21 since you've been on the board, have supported
22 certain candidates for election, have you not?

23 A Yes.

24 Q And they weren't always elected, were they?

25 A Not --

1 Q And --

2 A -- always.

3 Q And -- and you weren't happy with that, were you?

4 A Probably.

5 Q So there's nothing wrong with somebody not being
6 happy with the outcome of an election, is there?

7 A No.

8 Q So whether somebody was happy with the outcome of
9 your running for the board and being elected or not
10 happy with it really isn't here nor there, is it?

11 A They -- some board members were so unhappy that I
12 was elected and making their business, the part of
13 it that is illegal or not right, public, they
14 didn't want to have -- they didn't want to have me
15 on the board.

16 Q You -- we were talking about the witnesses earlier,
17 and there were several newspaper reporters that
18 were mentioned in there for the -- for "Fence
19 News," "The Nerve," "The Irmo News," publications
20 like that. Those were newspaper reporters or
21 investigative -- so-called "investigative
22 reporters" that you had dealings with, correct?

23 A Yes. And the school district.

24 Q Okay. And, on many occasions, you wrote letters to
25 those newspapers in hopes that your letters would

1 be published, and, in many of those letters, you
2 were criticizing the district or board action,
3 correct?

4 A When -- when are you --

5 Q Both before --

6 A -- speaking --

7 Q -- and after you were on the board. You've
8 produced several of them.

9 A And -- and there -- there weren't -- there were
10 some letters that I wrote and --

11 Q Well, it in --

12 A -- hoped to be but --

13 Q In fact, didn't you, at one point in time, get
14 concerned that maybe you'd done it too many times,
15 so you started asking -- so you starting writing
16 the letters in your words and asking for some of
17 your friends to find other people to sign the
18 letter and send it to the paper?

19 A No.

20 Q You've produced documents to that effect, e-mails
21 to that effect.

22 A There are several citizens in our school district
23 that want the public to know the -- the business of
24 the school district, the part that they do that's
25 not right and --

1 Q Okay. But that wasn't my question.

2 A -- they've asked me to put the words in writing as
3 a -- as a ghostwriter for them.

4 Q Were there not occasions where you put the words on
5 paper and then asked other people to find somebody
6 that would be willing to sign it and send it in?

7 A That has happened. That has happened before.

8 Q Now, is that -- in your mind is that transparent?
9 For you to write something and ask somebody else to
10 sign it, is that transparent?

11 A If -- if other people feel the same way and it's a
12 way of having the public -- of -- of giving it
13 credibility, I don't have any -- I don't have any
14 problem with it.

15 Q One of the things you've criticized the district
16 about, over and over, is what you believe is a lack
17 of transparency; isn't that right?

18 A Yes.

19 Q And do you believe it's showing transparency, on
20 your end, for you to write letters criticizing the
21 district and ask for your friends to find somebody
22 else to sign it and send it in so nobody knows it
23 came from you?

24 A If people believe -- are concerned enough to get it
25 out to the public, what -- what the truth is,

1 what's really going on, that is trying to create
2 the transparency.

3 Q Yeah. But, at the same time, if you've going to
4 criticize them for what you believe is not being
5 transparent, don't you need to be transparent
6 yourself, and, you write -- when you write a letter
7 critical of them, sign your name so people know it
8 came from you?

9 A If the other people support and believe it -- I'm
10 not forcing anybody.

11 Q And nobody's forcing you not to sign your name
12 either, are they?

13 A I think it's important that the public know what's
14 going on in the school district. And, you know,
15 some -- some people will encourage the, you know,
16 newspaper to do an editorial. I -- I don't have
17 any problem with getting the -- the information out
18 to the public. It's a -- a vehicle of trying to
19 keep the public informed.

20 Q And you could keep the public just informed if you
21 signed your own name to the things you wrote,
22 couldn't you?

23 A When the district began to -- to hurt my
24 reputation, my words didn't mean as much.

25 Q Might it have been that you'd written so many that

1 your words didn't mean as much?

2 A I haven't written that many.

3 Q Is that not the sentiment that you expressed in
4 some of your e-mails, that you thought you'd
5 written too many and you'd like to find somebody
6 else to sign for you now?

7 A I don't recall that.

8 Q In hindsight, would it have been better to sign
9 your own name?

10 A I thinks what's important is that the public know
11 the -- the truth of what's happening in our
12 district.

13 Q But many of these letters that you were writing
14 were making accusations of things that were being
15 done wrong. Isn't it important for somebody that's
16 making accusations to stand up and say, "I'm the
17 one making the accusation," rather than try to hide
18 behind some -- having someone else sign it?

19 A If the other person understands and believes that,
20 there's no problem with them --

21 Q What is --

22 A -- publishing it.

23 Q What is the reason you didn't want your name on it?

24 A I'm trying to recall an instance where that even
25 happened, so I -- not saying it didn't happen, but

1 I don't have -- I think the public needs to know
2 what's going on. They need to be informed. And if
3 the school district is not putting out correct
4 information, or misleading information,
5 people . . .

6 Q Did you also try to arrange to have people come to
7 talk at public participation on certain topics?

8 A I encourage people to come and speak their -- speak
9 their concerns.

10 Q Did you send emails to people saying, "We need to
11 talk about this; maybe it'd be good to do it at
12 public participation, but who should we get to talk
13 about it?"

14 A I don't recall.

15 Q If -- if a board member were putting people up to
16 raising certain subjects in public participation,
17 subjects that the board members themselves wanted
18 raised, that's not very transparent either, is it?

19 A I don't know that I would have a problem with
20 Mr. Gantt or another board member encouraging
21 someone to come and speak at public participation
22 about an issue that might concern the public, as
23 long as they did it in a respectful manner.

24 Q In your lawsuit, you have alleged that you were an
25 exceptional board member. That's a matter of

1 opinion; I presume that's your opinion?

2 A I believe it's mine as well as others'.

3 Q Okay. And you recognize that there might be other
4 people who have a different opinion?

5 A Yes.

6 Q Okay. You alleged that Gantt's aversion to your
7 presence on the board was well known prior to the
8 contention concerning your residency and was shared
9 by several other board members. What other board
10 members?

11 A Ed White, Beth Hutchinson, Ellen Baumgardner.
12 That's the -- those board members outwardly.

13 Q Well your -- your allegation doesn't say
14 "outwardly." So you said his -- Gantt's aversion
15 to your presence on the board was well known prior
16 to the contention concerning her residency and was
17 shared by several other board members. I want to
18 know who they are, whether it was outward or not.

19 Who --

20 A That --

21 Q -- are those other board members?

22 A Those four that I listed.

23 Q So those would be --

24 MS. STORY: (To the deponent) Could you speak
25 up?

1 THE DEPONENT: Okay.

2 MS. STORY: That's okay.

3 A Those that I listed.

4 Q Okay. So those would be Mr. Gantt, Mr. White,
5 Ms. Watson -- or Hutchinson, and Ms. Baumgardner?

6 A Yes.

7 Q That's the four?

8 A Yes.

9 Q Any others?

10 A Can you ask your -- your question one more time,
11 please?

12 Q You alleged in your complaint that Gantt's aversion
13 to your presence on the board was well known prior
14 to the contention concerning your residency and was
15 shared by several other board members. Who are
16 those other board members?

17 A Jondy Lovelace was a newly elected board member.

18 Q Okay.

19 A I don't recall if she expressed that aversion.

20 Q Okay. Do you believe --

21 A But she --

22 Q -- she had it?

23 A -- she was part of the group, the nonprofit group,
24 that was formed to sue me for alleged damages at --
25 or delay from damages -- the delay from -- the

1 delay at Chapin High School.

2 Q Okay.

3 A The other board members were aware of the aversion,
4 but Gantt, White, Baumgardner, and Burn Watson --
5 Hutchinson were -- they expressed the same
6 aversion. They repeatedly kind of acted like a
7 pack of wolves.

8 Q You say "they"; are you referring to the same
9 four --

10 A Those four.

11 Q -- or referring to others now?

12 A Those four.

13 Q You have alleged in your lawsuit that during the
14 public comment period that you were, on occasion,
15 attacked at a level exceeding the threshold of
16 typical or acceptable criticism of public figures.
17 What is typical and acceptable criticism of public
18 figures?

19 A I could probably tell you what isn't acceptable.

20 Q Okay. Tell me what isn't acceptable.

21 A The public harassing over and over and over again;
22 continued interruption when I tried to speak;
23 allowing other board members to berate me;
24 encouraging people to speak at public participation
25 in a manner that exceeded what was acceptable, and

1 while they're speaking, not only allow it, but show
2 by facial expressions, by -- by smiling, that they
3 approve of it; alleging false claims against me
4 over and over again --

5 Q So people from the public were coming and speaking
6 and alleging false claims against you?

7 A The school board members themselves were alleging
8 false claims against me in a public school board
9 meeting.

10 Q All right. Well, I'm getting confused now because
11 my question was about people talking at the public
12 comment section of the board meeting.

13 Let's go back to what my question was about.
14 You have told me that people would harass you over
15 and over again; that's public comment?

16 A I was speaking about -- I may have misunderstood
17 your question, but I was speaking about the board
18 members.

19 Q Let's go back then, and let me ask the question
20 again because my question started with you -- you
21 alleged that speakers spoke during the public
22 comment period and attacked -- attacked you in
23 attacks that far exceeded the threshold of typical
24 or acceptable criticism of public figures. Tell me
25 about that, not board members. This is members of

1 the public during public comments.

2 A As I mentioned before, the -- there is a threshold
3 that the board sets, and I'm expected to follow it
4 as well as speakers who may support me, but these
5 speakers were permitted to -- to threaten
6 personally . . .

7 Q What did anybody say --

8 A And --

9 Q I'm sorry. Go ahead.

10 A -- and accuse me of false information. Mr. Gantt
11 would allow other board members to correct any
12 information they deemed to be false or negative
13 towards them, but Gantt would not allow me to -- to
14 -- to do the same.

15 Q All right. Well, so far you have told me that
16 people during public comment would be permitted to
17 threaten you personally and accuse you of providing
18 false information. Anything else?

19 A They would -- they would accuse me of false
20 information, not providing false information.

21 Q Accuse you of giving false information?

22 A They would accuse me of something false.

23 Q Oh. They would accuse you of something false. All
24 right. Give me an example of someone being
25 permitted to threaten you personally. Tell me what

1 they said.

2 A I have an audio of that meeting.

3 Q How many times did that happen?

4 A There were several times, one in particular was --

5 Q What meeting was that one in particular?

6 A November of 2011.

7 Q And what happened at that meeting in November of
8 2011 that's on that audio?

9 A Members of the public allowed to speak at public
10 participation and exceed the threshold that is set
11 by the board.

12 Q What was said? You said that they were allowed to
13 "personally threaten you." What was said that was
14 personally threatening at the board meeting in
15 November of 2011 during the public comment period?

16 A I can't even remember the exact words.

17 Q Well, then tell me the gist of it.

18 A If I interfered with the renovation project that,
19 you know, they would come after me in a personal
20 way. It was very threatening. I -- I can't
21 remember the words but . . .

22 Q What gave you the idea they would come after you in
23 a very personal way? What do you mean, "personal
24 way"?

25 A I don't know what they meant, but it was -- it was

1 threatening, and the tone of voice, and . . .

2 Q All right. Was it the words they used or was it
3 the tone of voice that was --

4 A It was --

5 Q -- threatening?

6 A It was both. It was -- I mean --

7 Q What were the words they used that were
8 threatening?

9 A I cannot -- I cannot recall the words, and I -- the
10 experience I can recall.

11 Q Well, what was your impression of what they were
12 threatening to do?

13 A Harm me in some way. I did not know how, but harm
14 me.

15 Q Okay. So you believed, based on the tone of voice
16 and the words used that this person in public
17 participation was threatening to harm you in some
18 way if you interfered with the renovations at
19 Chapin High School; is that right?

20 A Yes.

21 Q Okay. You appealed the DHEC permit at Chapin High
22 School?

23 A Yes.

24 Q And that certainly affected, in some manner, the
25 renovations at Chapin High School, correct?

1 A In some manner.

2 Q Okay. Did anybody ever come after you? Anybody
3 harm you personally as a result of that?

4 A They -- they threatened and -- I felt threatened --

5 Q Did anybody --

6 A -- personally.

7 Q Did anybody carry out any of those threats?

8 A No.

9 Q Do you know who the person was in public
10 participation that you felt threatened by on -- in
11 November of 2011?

12 A There were two --

13 Q Who were they?

14 A One is a student who was egged on by adults and was
15 provided with false information.

16 Q Who was that?

17 A A student who has the potential of being a very
18 successful young man.

19 Q This was in public session at a public board
20 meeting, correct?

21 A Yes.

22 Q So there were plenty of people from the public who
23 were there who saw and heard and knew who the
24 student was, correct?

25 A Yes.

1 Q What was the student's name?

2 A Matteo Macaoloso.

3 Q Okay. Who was the other person? And we'll come
4 back to that in just a minute. Do you need to take
5 a break?

6 A I'll -- I'll try not to.

7 Q Okay. If you need to take a break, say the word.
8 I'm not here to put you through any endurance
9 contest or anything. So, if you need to take a
10 break, you say the word, and we will.

11 Who was the -- you said there were two people
12 at that board meeting. Who was the other person?

13 A Scott Murray.

14 Q All right. What did Scott Murray say?

15 A He -- he yelled out, "I'm with you, kid,"
16 encouraging him and encouraging the crowd to -- you
17 know, like a shark feeding frenzy.

18 Q Okay. So Scott Murray, then, as I understand it --
19 correct me if I'm wrong -- Scott Murray didn't
20 actually get up and speak at public participation,
21 he just yelled out while the student was speaking?

22 A Yes.

23 Q Okay. What was personally threatening to you about
24 what Scott Murray said?

25 A I felt threatened that he would -- he's very

1 aggressive.

2 Q Scott Murray is?

3 A Yes. And -- and antagonistic, and I did not know

4 -- I -- I feared for my safety.

5 Q Okay. What was it that Matteo -- is that his name?

6 A Yes.

7 Q What was it that Matteo said that was personally
8 threatening to you?

9 A Oh, he basically said, "If -- if this happens,
10 we're going to come after you."

11 Q Come after you how?

12 A I felt threatened. I felt like --

13 Q There was a lawsuit filed against you by concerned
14 citizens, correct?

15 A Yes.

16 Q Was Matteo a part of that group?

17 A I think, in some manner, he was.

18 Q All right. Do you consider having a lawsuit filed
19 against you as a -- to be a method of coming after
20 you?

21 A It could be.

22 Q Okay. Other than saying, "I'm with you, kid," did
23 Scott Murray say anything else that was personally
24 threatening to you at that board meeting?

25 A Not at that board meeting.

1 Q Well, at what point did Scott Murray yell out, "I'm
2 with you, kid"?

3 A It was in the middle of Matteo's talk.

4 Q Do you recall what Matteo had just said that caused
5 Scott Murray to yell out, "I'm with you, kid"?
6 Nothing stands out?

7 A I can't remember, specifically.

8 Q Okay. So you don't -- so you don't know what it
9 was Scott Murray was saying, "I'm with you, kid" --
10 what it was about, correct?

11 A It was about their actions. It was about the
12 threatening -- the threatening he was doing.

13 Q Did he do any -- any threatening other than what
14 you've already told me? Matteo that is, did he do
15 any threatening other than what you already told
16 me?

17 A I don't think I've done a good job of explaining to
18 you how threatening it was and I felt.

19 Q Well, you've told me the tone of voice was not
20 good, and you've told me the words used, or were --
21 were there any other threatening words used?

22 A The bulk of his presentation -- his talk was --
23 well, I can't say the bulk of it, but there was --
24 a significant part of it was about challenging
25 -- challenging me, and the crowd erupted in cheers

1 and claps and --

2 Q Challenging your actions and your deeds or
3 challenging you physically?

4 A I felt threatened and that they would attempt to
5 harm me in some manner.

6 Q Did you report that to law enforcement?

7 A Um.

8 Q Is that a difficult question?

9 A I'm -- I'm trying to recall because this group has
10 been threatening and so aggressive that, at
11 graduation, at the coliseum -- actually, before
12 graduation, I contacted the sheriff's department
13 and asked what I needed to do because I did not
14 feel safe.

15 Q After the November 2011, meeting, which is some six
16 or seven months before graduation, did you report
17 Matteo's threats to you to law enforcement?

18 A Not -- I don't believe I did. There was -- law
19 enforcement was there.

20 Q Do you know whether threatening a school official
21 is a crime or not?

22 A I don't know if it's a crime.

23 Q Well, I take it -- if you don't know if it's a
24 crime, then I take it you've never made any such
25 report of a threat against you because I presume,

1 if you've made a report, you would know whether or
2 not it's a crime; would that be right? You've
3 never made any such report against anyone?

4 A Can you repeat your question, please?

5 Q Have you ever made a report to law enforcement of a
6 threat against you -- school related? I'm not
7 talking about when you were a teenager or something
8 like that. I'm talking about school related.

9 A Yes.

10 Q When?

11 A At least one time, and this was before graduation.

12 Q Okay. Before graduation in 2012?

13 A No. Let's see. I believe it was -- I believe it
14 was 2011.

15 Q Okay. Before graduation, in 2011, did you make a
16 report of a threat against you, or were you simply
17 telling them you didn't feel safe, generally?

18 A Correct. And --

19 Q Which was correct? That's two --

20 A Oh.

21 Q -- different scenarios.

22 A I'm sorry. I didn't feel -- I felt -- I had felt
23 threatened.

24 Q In general --

25 A By these --

1 Q -- or by a specific individual?

2 A By some members of -- of this group.

3 Q Okay. When you made that report, were you
4 reporting a specific threat made against you, or
5 were you simply saying, "There's a group of people
6 out there that I'm having a disagreement with, and
7 I don't feel safe. What should I do?"

8 A I'm -- I can't recall. I'd have to check with the
9 sheriff's department.

10 Q Was there a specific threat made against you by
11 anyone that was going to be at the graduation?

12 A If I recall, it was -- there -- it was -- I was
13 concerned about some of the people in this group.

14 Q Were you concerned, generally, because y'all had
15 differences, or were you concerned because there
16 had been a specific threat made by a specific
17 person against you?

18 A Because of -- the school board did a number on the
19 kids and members of the public. There were some
20 people that were overly aggressive, and I felt
21 afraid, and I can't recall if it was one particular
22 person that there was a -- that caused me to call
23 them or if it was just everything leading up to
24 that point, where I felt threatened enough to ask
25 for extra protection.

1 Q All right. So, as we sit here today, you can tell
2 me that you felt threatened, but you can't tell me
3 why you felt threatened? You don't remember that
4 part; is that right?

5 A I've been through a lot of abuse by this group.
6 I'm doing the best I can to recall.

7 Q And that's why I asked my question the way I did:
8 Because I understand you are -- you are telling me
9 that you can't recall, and I want to make sure I
10 understand what you're saying.

11 A I -- I -- I -- I can't recall the specifics, but,
12 at that time, there was this group of people that
13 was just overly aggressive and I -- it -- it even
14 -- it -- it's very possible that it could've even
15 been the 2012 graduation.

16 Q If there had been a specific threat made against
17 you, do you think that's something you would
18 remember?

19 A Something happened just before that time, and I
20 don't recall what it was.

21 Q Okay. But -- but we're -- we're getting a little
22 far afield, now. None of this was things that
23 would -- had occurred in a board meeting. We
24 started out talking about board meetings, correct?

25 A Yes.

1 Q And the public participation at board meeting,
2 where we were talking about Matteo?

3 A (Nods head up and down.)

4 Q And then we advanced from Matteo to this other
5 situation where you felt threatened going to a
6 graduation. Well, that's outside of a board
7 meeting, correct?

8 A (Nods head up and down.)

9 Q That's a yes?

10 A Yes.

11 Q Okay.

12 MS. STORY: Kim, can you speak up a little?

13 THE DEPONENT: Yes.

14 MS. STORY: She's got to get through it.

15 THE DEPONENT: Thank you.

16 Q All right. You -- you said that Matteo had been
17 egged on by adults. How do you know that? Or is
18 that your presumption?

19 A District 5 has a incredible PR team that put out
20 false information to the public, and, as I
21 mentioned earlier, they used the automated phone
22 calls, the intercom system, flyers, newspaper
23 articles to incite the students in the community.

24 Q Do you know, prior to that board meeting and that
25 public comment session, what Matteo had heard and

1 where he had heard it?

2 A The board members were involved with sharing that
3 information. And Ed White --

4 Q Well, my question was: Prior to that board meeting
5 and that public comment session, do you know what
6 Matteo had heard and where he had heard it?

7 A From -- from the school district.

8 Q Are you presuming that, or were you there when
9 Matteo heard it, so you know what he heard?

10 A A -- a lot of what he heard was coming out of the
11 school board members' mouths at the public school
12 board meeting, which was false information so --
13 and I'm not allowed to correct them. I wasn't
14 permitted to correct a board member when they said
15 something that was -- that was false information.

16 Q So is it your testimony, then, that the egging on
17 of Matteo, done by adults, was things that board
18 members said at a board -- board meeting?

19 A That -- that was some of it.

20 Q And how does something that a board member says in
21 a board meeting egg on a particular student to get
22 up and make threats against you? Here's the --
23 here's my -- here's the distinction I'm drawing:
24 When you say someone was egged on to do something,
25 I'm thinking somebody was taking him aside and

1 saying, "Come to the board meeting and do this, and
2 get up and say this." And now you're telling me
3 that he's repeating things that he heard board
4 members say in open session. That doesn't sound
5 like egging on in my mind. That sounds like,
6 maybe, repeating what he's heard, but not egging
7 on. Can we agree on that?

8 A In this case, it's a combination of both and --

9 Q Okay. Well, tell me what the egging on was.

10 A The -- part of that egging on is the -- what was
11 being presented to the -- to the public, the
12 conversation, the statements that the board members
13 were making that was said, intentionally, to
14 encourage people to be upset, and it was false
15 information, and I was not allowed to correct it.
16 And that happened on numerous occasions. I also
17 believe that there was direct communication between
18 board members and this group that was false
19 information, and they were encouraged to -- to
20 speak in a -- they -- throughout the community, the
21 -- it -- it was about, "Attack Kim Murphy" and --

22 Q All right. Well, I understand what you believe,
23 and I'm not criticizing what you believe, but what
24 I'm looking for is what's admissible at a trial on
25 certain allegations, and you've told me that Matteo

1 was egged on by adults, and I'm not hearing that in
2 your explanation, that there was any particular
3 egging on of Matteo by any particular adult; is
4 that correct?

5 A I thought I explained --

6 Q Did anybody --

7 A -- the ways they were egged on.

8 Q Did anybody egg on Matteo?

9 A Yes.

10 Q Who?

11 A The school board, the -- the school district, those
12 who were --

13 Q Did they meet with him privately to do that?

14 A I believe it's possible.

15 Q Do you have any evidence that that happened?

16 A I think it -- e-mails will show that. I may have
17 some that I've already produced.

18 Q Do you believe, in the e-mails that you have
19 produced, there will be e-mails that demonstrate
20 that school board members met with Matteo,
21 individually, to egg him on into harassing you?
22 That's what you just told me; is that correct?

23 A I believe I may have produced some that will say
24 that.

25 Q And those would be e-mails between whom?

1 A The parties involved in this group.

2 Q And Matteo would be on those e-mails? He would
3 have to be if it's egging him on, wouldn't he?

4 A It was a -- it was a -- a group -- group e-mail --
5 mass, you know -- a mass e-mail that went out to
6 this group and --

7 Q It was information submitted to people who were in
8 the group that was bringing the lawsuit to --
9 against you?

10 A Yes. And --

11 Q And that was the --

12 A -- others.

13 Q -- egging on of Matteo?

14 A This particular group, some of whom brought the
15 action against me, was egged on in these -- in
16 these e-mails.

17 Q Okay. Okay. We're dancing around this. Let me
18 make sure I understand: You're no -- you're not
19 alleging that Matteo was individually egged on,
20 apart from everybody else, by any particular
21 person. You're alleging that there may have been
22 some group e-mails that Matteo got that gave him
23 false information that egged him on; is that what
24 you're saying?

25 A And there could've been some personal meetings with

- 1 him, as well, or -- or a closer-knit --
- 2 Q I'm not interested in --
- 3 A -- group of them personally.
- 4 Q I'm not interested in what there could've been.
- 5 I'm interested in what you have evidence of. Do
- 6 you have any evidence of any personal meetings
- 7 between any board member and Matteo to egg him on
- 8 to harass you?
- 9 A At this moment, I -- I don't --
- 10 Q Okay.
- 11 A I don't believe so.
- 12 Q Okay.
- 13 A I don't know for sure.
- 14 Q Okay. You have alleged in your complaint that
- 15 Gantt and other board members conspired together to
- 16 allow such personal attacks of you in public
- 17 participation sessions of board meetings to
- 18 continue and to -- and encouraged that. Tell me
- 19 when they conspired, where they conspired, where
- 20 they met, how they did it. Tell me how that
- 21 happened.
- 22 A We've been through --
- 23 Q This is -- you alleged they conspired to --
- 24 A Yeah.
- 25 Q -- encourage people in public --

1 A Yeah.

2 Q -- participation to attack you.

3 A Yeah.

4 Q Tell me, first off, when they met to come up with
5 that agenda. Or do you have evidence of that? I
6 understand you believe it. I'm trying to find out,
7 now, what you have proof of. As we sit here today,
8 do you have proof that they met to have that kind
9 of a discussion or that they communicated to have
10 that -- that discussion?

11 A At this time, I don't --

12 Q Okay.

13 A -- I don't know --

14 Q Okay.

15 A -- that I do.

16 Q Do you have evidence, as we sit here today, that
17 any board member went to any particular person to
18 encourage them to come to public session to harass
19 you -- public comment at a board meeting to harass
20 you?

21 A Can you say that one more time, please?

22 Q As we sit here today, do you have evidence -- not a
23 -- not your belief, but evidence, that any
24 particular board member went to any particular
25 citizen to encourage them to come to a board member

1 to harass you in public comment?

2 A Their -- the school board's actions and, you know,
3 false and malicious things they've said are -- are
4 well documented.

5 Q All right. But that wasn't my question. We'll get
6 to that, but I'm not there yet. My question was:
7 Do you have evidence that any particular school
8 board member went to any particular citizen and
9 encouraged them to come to a board meeting to
10 harass you in public comment?

11 A I can't recall if I do. I --

12 Q Well, now is your time.

13 A I don't know at this time.

14 Q Now's your time. We're here in a lawsuit that
15 you've brought, where you're making these
16 allegations, and I'm entitled to ask you what proof
17 you have, and when we leave here, after the
18 deposition's over, I intend to file a motion to
19 have this case dismissed, in part or in whole. So,
20 if you have any evidence to prove your case, now's
21 your time.

22 A I have -- I have e-mails that show how they --
23 e-mail correspondence, videos, audios, newspaper
24 articles of -- of the school district just setting
25 -- setting up this -- this -- this storm, this --

1 Q All right. And we're going to get to that kind of
2 stuff, but I'm not there yet. I'm getting there
3 piecemeal and the piece I'm on now is: Do you have
4 evidence of any particular school board member
5 going to any particular citizen to encourage them
6 to come to a board meeting and harass you during
7 public comment? That's a yes or a no.

8 A I'm not sure if I have it.

9 Q So, as we sit here today, you cannot point any such
10 evidence out to me, correct?

11 A I can't recall.

12 Q I -- well, that's not my question. As we sit here
13 today, you cannot point any such evidence out to
14 me, correct?

15 A I can't recall. I can't recall if I do or not.

16 Q Well, can you point it out to me here today?

17 A No.

18 Q Okay. You have alleged in your lawsuit that the
19 board and Gantt have published, orally, in public
20 board meetings, and through the minutes of public
21 board meetings, in writing, that your residency
22 status is questionable. True? That was raised at
23 a board meeting, correct?

24 A It was my -- yes. They --

25 Q Okay.

1 A -- said it was conclusive and they didn't --

2 Q And in -- in January of 2013, that was raised at a
3 board meeting, correct?

4 A My residency issue was raised at the board --

5 Q Okay.

6 A -- two board --

7 Q All right.

8 A -- meetings in January.

9 Q Okay. "And because her residency" -- and I'm
10 reading your allegation now, okay? "And because
11 her residency is questionable, she is rendered
12 incompetent to perform to her duties." Where was
13 it raised that you were incompetent to perform your
14 duties?

15 A There were public statements that were made by
16 Mr. Gantt at the -- at the board meetings.

17 Q Did he use the words that you were "incompetent to
18 perform your duties because you -- your residency
19 was questionable"?

20 A Just the statements that he made and read at the
21 public meeting.

22 Q Did he use the word "incompetent" to perform your
23 duties?

24 A He may have questioned whether or not I was
25 qualified and competent to --

1 Q Legally --

2 A -- to --

3 Q -- qualified to sit, because of your residence.

4 That was the issue, correct?

5 A I can't recall.

6 Q All right. Can you tell me any time that he ever
7 said that you were incompetent?

8 A He's basically saying I'm incompetent --

9 Q I'm --

10 A -- with --

11 Q I didn't ask you what he's basically saying. I
12 don't want you to put words in his mouth and then
13 sue him for those words.

14 A He said --

15 Q Did he use the word "incompetent"?

16 A In the language that he's using, he's implying that
17 I'm not competent to do the job.

18 Q He's implying it, so he didn't use it. He implied
19 it. Is that what you're saying?

20 A He used the word "incompetent."

21 Q Okay. He was questioning your residency, wasn't
22 he? Wasn't that the issue?

23 A Yes.

24 Q Nobody said whether you lived in Richland County or
25 Lexington County made any difference to your mental

1 competence, did they? That would be an absurd

2 allegation, wouldn't it?

3 A I think we're talking about the same thing --

4 Q Okay.

5 A -- that --

6 Q Nobody ever said whether you lived in Richland or
7 Lexington County affected your mental competence to
8 hold office, did they?

9 A Again, I think we're talking about the same -- the
10 same thing.

11 Q Well, then answer my question: Nobody ever said
12 whether you lived in Richland or Lexington County
13 affected your mental competence to hold office, did
14 they?

15 A I'd have to go back and read the statements.

16 Q Do -- can you point me to any statement where
17 anyone ever said that whether -- whether you lived
18 in Richland County or Lexington County affected
19 your mental competence to hold office?

20 A I'd have to go back and read the statements.

21 Q Can you point me to any statement as we sit here
22 today?

23 A The -- the statements that -- that Gantt read made
24 it sound like I had deceived the public, and it was
25 even -- one of the board members even questioned

1 whether or not I knew all along that I wasn't in
2 Richland County, allegedly.

3 Q This was about your county of residence, not about
4 you mental competence or your mental fitness for
5 the job, correct?

6 A Competence has to do with the -- whether or not
7 you're qualified.

8 Q That's legal competence. There's a difference
9 between legal competence and mental competence.
10 This is not about metal competence, correct?

11 A No.

12 Q Okay.

13 A I'm not sure about that. I don't know. I'd like
14 to read what he had to say.

15 Q Wasn't it your impression that they were
16 questioning your county of residence and never
17 questioning your mental competence?

18 A As they were questioning whether I was trying to
19 deceive the public --

20 Q Did anybody use the word --

21 A -- it was related to my residency.

22 Q Did anybody use the word "deceive"?

23 A They said -- they asked -- they made a statement by
24 asking a question, like, "You didn't know about
25 this? You didn't know you were in Lexington

1 County?"

2 Q Well -- well, don't you agree, most people know
3 what county they live in? Wouldn't that be a fair
4 question to --

5 A They were --

6 Q -- ask somebody?

7 A They were implying that I was deceiving them, that
8 I knew all along that I wasn't supposedly in
9 Richland County.

10 Q They asked you a question: If you knew what county
11 you lived in.

12 A No. They -- they asked me in a way that was
13 implying that I was deceiving them and that I knew
14 about this all along.

15 Q Well, whether you knew what county you lived in
16 would be a fair question, wouldn't it?

17 A It wasn't asking in that -- in that -- that manner.

18 Q But wouldn't that be a fair question?

19 A What question?

20 Q If you knew what county you lived in. Wouldn't
21 that be a fair question?

22 A Asked that way, it might be a fair question, but it
23 wasn't -- it wasn't asked that way.

24 Q Okay. Who asked the question?

25 A Ellen Baumgardner.

1 Q Now, it turns out that a state agency has
2 determined that you do not live in Lexington
3 County. You live in Richland -- I mean, I'm sorry
4 -- do not live in Richland County. You live in
5 Lexington County, correct? Budgeting control
6 board.

7 A No. They didn't.

8 Q They made that finding, correct?

9 A They said that I don't, based on --

10 Q Okay. So there's been a -- been a determination,
11 whether it's right or wrong -- but there's been a
12 determination by a state agency that your residence
13 is not Richland County; it is Lexington County,
14 correct?

15 A Bobby Bowers wrote a letter to make it look like I
16 don't live in the county or I pay taxes, and I've
17 resided since 2000.

18 Q And he supplied that letter to the school board --

19 A Yes.

20 Q -- correct?

21 And, if the school board -- if there's a
22 question raised about where you live, who's the
23 appropriate place -- where's the appropriate place
24 for them to go to have that question answered?

25 A Can you ask that again, please?

1 Q If there's a question raised about where a school
2 board member lives, what county they live in,
3 whether they live in the proper county for the
4 county where they ran for office, isn't the proper
5 thing for the board to do to go to the state to ask
6 the question?

7 A They should go to the counties.

8 Q All right. So you --

9 A Or the -- or the --

10 Q -- disagree with where they went?

11 A -- or the election commission.

12 Q Well, we've had a circuit judge, in this case --
13 after a finding by a retired circuit judge at an
14 evidentiary hearing, we've had a circuit judge
15 rule, as a matter of law, that what the election
16 commission and what the county says, aren't
17 evidence of where you actually live, haven't we?

18 A If my residency is challenged, it should go to the
19 counties to make the determination of where I
20 reside.

21 Q So you disagree with the Court?

22 A I disagree with the Court's --

23 Q Okay.

24 A -- ruling on this.

25 Q You disagree with Judge Cooper, the hearing officer

1 who had -- who held an evidentiary hearing and
2 issued his conclusions, correct? Because he's
3 determined that you lived in Lexington County, not
4 Richland County, so you disagree with him, correct?

5 A His findings were based on false and manipulated
6 evidence from that hearing.

7 Q Whether the conclusion was correct or not, he made
8 that conclusion, didn't he?

9 A It was Bobby Bowers and -- that presented that
10 information and --

11 Q And it was Judge Cooper that made that conclusion,
12 correct?

13 A Yes.

14 Q And the board held a hearing, based on Judge
15 Cooper's conclusions, to consider -- to receive
16 that report and consider that and to receive
17 anything you might offer, correct?

18 A Say that one more time, please.

19 Q And the board held a hearing to receive Judge
20 Cooper's conclusions and recommendations and other
21 information, including any information you might
22 supply, in order for them to make a decision on
23 what to do, correct?

24 A Yes. And, again, it was based on false
25 information. Gantt knew it was false. He knows

1 the facts. They didn't -- didn't do anything to --
2 they totally ignored the facts.

3 Q So --

4 A They knew it was wrong.

5 Q So now you're alleging that Robert Gantt knew that
6 Judge Cooper was wrong?

7 A He knew the information that Bobby Bowers gave him
8 was wrong.

9 Q And how did he know that?

10 A Just because they conspired to do this. They --

11 Q Well, at -- at this point, no court had said it was
12 wrong. In fact, the courts have said the
13 information was right, haven't they?

14 A That doesn't mean it was right.

15 Q But isn't that the status of it, right now, in
16 court? The courts have said the information was
17 correct?

18 A And -- and we're appealing it.

19 Q Okay.

20 A Or we're asking for a motion for --

21 Q I understand that you disagree with that, but the
22 status of it is the courts have said the
23 information was correct; isn't that the status of
24 it?

25 A Yes.

1 Q Okay. So, if a state agency believed, based on
2 their investigation, you lived in Lexington County,
3 and a retired circuit judge who held an evidentiary
4 hearing believed you lived in Lexington County,
5 rather than Richland County, and if a state circuit
6 court judge who heard the appeal, on all of that
7 believed that you lived -- and believed and ruled,
8 as a matter of law, that you lived in Lexington
9 County, rather than Richland County, wouldn't it be
10 reasonable for a school board member hearing all
11 that to believe that you might live in Lexington
12 County, rather than Richland County?

13 A Bobby Bowers and Robert Gantt and others conspired
14 to put this together, and there's one discrepancy
15 after another.

16 Q And you've had the opportunity to litigate all of
17 that and point it all out to the courts, correct?

18 A And, actually, some of this is newly discovered
19 information.

20 Q Well, if it's newly discovered information, then
21 there's no way that a board member would've been
22 able to consider it in January or March of 2013,
23 then, is there?

24 A It's newly discovered information that goes to show
25 that there was a conspiracy.

1 Q You have alleged that the allegation that your
2 residency was questionable is untrue and dishonest.
3 That's in your complaint.

4 A The way they conspired, the information that they
5 had and ignored, the communications with the county
6 to have them attempt to immediately remove them
7 from their vote -- voter rolls to try to knock the
8 legs out from underneath me so I wouldn't know what
9 hit me and wouldn't have a leg to stand on had that
10 Richland County concurred. Richland County hasn't
11 concurred.

12 Q Do you believe that the status of your residence,
13 as to Richland or Lexington, is still questionable?
14 Is it questionable now?

15 A Until a survey is done to locate the corners on the
16 ground referenced in statute and on the official
17 annexation plat, we're not going to know exactly
18 where that county line is. However, the counties,
19 both of them, recognize me in Richland County and
20 have since 2000, and the previous owner has
21 documents going back to 1978. The counties aren't
22 disputing the county line. Bobby Bowers created a
23 line that is a fictitious line, and he, himself,
24 knows the facts.

25 Q If I believed, looking at this record -- because

1 this has been to court, it's been to a hearing
2 officer, it's been to a school board, it's been to
3 circuit court, and we got an order from the circuit
4 court judge -- a state court judge. If I believe,
5 looking at that record, that it's clear: You're a
6 resident of Lexington County because the court has
7 said so. Would that be a reasonable assumption for
8 me to make?

9 A That doesn't mean they didn't conspire.

10 Q Would it be a reasonable assumption for me to make?

11 A Ask your question again, please.

12 Q If I believed, from looking at this record, where a
13 circuit court judge has ruled that it is clear --
14 that the evidence is clear and convincing, that you
15 are a resident of Lexington County, would it be a
16 reasonable assumption for me to make, to assume you
17 live in Lexington County?

18 A Possibly, until you looked into it.

19 Q Certainly wouldn't be something I could look at and
20 say it is untrue and dishonest, is it?

21 A It -- it is untrue and dishonest.

22 Q But that's not --

23 A If --

24 Q -- what the courts have said?

25 A -- you have any knowledge of how the process is to

1 work.

2 Q If I'm looking at this, from the outside, having
3 not been a part of all this, because I haven't been
4 a part of all of this. I'm coming in to it now
5 into this lawsuit. If I'm looking at it from the
6 standpoint of where we are today -- and there's a
7 court who -- that has said you -- the evidence is
8 clear and convincing that you live in Lexington
9 County, that I certainly can't look at that and say
10 it's untrue and dishonest that you live in
11 Lexington County, can I?

12 A If you're knowledgeable of how the process is to be
13 done, then you would not feel that way.

14 Q Even if the process were to be done differently,
15 that doesn't mean they got it wrong. That doesn't
16 mean it's untrue and dishonest at this point, does
17 it?

18 A It's untrue and dishonest.

19 Q That's not what the court has said, though, is it?
20 The court has said it's clear and convincing that
21 you live in Lexington, correct? Would you like me
22 to get the order?

23 A Again, based on information that was not factual
24 and was contrived for the purpose of ousting me.

25 Q All right. But you have litigated, and are still

1 litigating, the issue of where you live, in court
2 in another case --

3 A Yes.

4 Q -- correct? The status of that case is that the
5 court has said it's clear and convincing that you
6 live in Lexington County, and you have asked them
7 to reconsider that?

8 A Yes.

9 Q So certainly, based upon that record, there's no
10 proof that an allegation that you live in Richland
11 County is -- that you don't live in Richland County
12 is untrue and dishonest, because it'll appear from
13 that record that it would be true: That you live
14 in Lexington County, correct?

15 A Say that again.

16 Q Based on that record, it would certainly appear
17 that it would be true -- the allegation that you
18 live in Lexington County would be true, because
19 that's what the court has found?

20 A I don't -- I don't necessarily agree with that.

21 Q You don't agree that it would appear that way to
22 somebody in my position looking at the record as it
23 stands right now?

24 A Guess once you see the evidence that says
25 otherwise.

1 Q And you've had the opportunity to present that
2 evidence to the court, correct?

3 A It -- it was clear in -- in transcript that no
4 survey was done.

5 Q That wasn't my question. My question was: You've
6 had the -- you said until you see the evidence that
7 indicates otherwise, and my response to you was
8 that you've had the opportunity to present that
9 evidence to the court, correct?

10 A That's -- I don't quite understand.

11 Q Has anybody said to anyone else that you are unfit
12 in your profession? Any board member? And if so,
13 I want date, place, time, and who they said it to.

14 A Of the -- the -- the way the statements were read,
15 particularly the first one, and Mr. Gantt's refusal
16 to let me respond in any way in front of hundreds
17 of people who were there, thinking they were going
18 to be there for another matter, which, I believe,
19 was -- they schemed in order to have this take
20 place at a -- a public meeting that was very well
21 attended, made me look like a -- a criminal.

22 Q That wasn't my question. I appreciate that
23 response, but that wasn't my question. Let me go
24 back and ask my question again, because I want an
25 answer to this question. Like I said, I'm doing

1 this piece by piece, going through what you've
2 alleged and what this lawsuit's -- what I think
3 this lawsuit's about. My question to you was: Has
4 any board member ever accused you of being unfit in
5 your profession, in conjunction with this -- this
6 residency issue?

7 A I can't recall at this time.

8 Q Okay. So at this point, you cannot point me to any
9 person that has said that or any time that it has
10 been said, as we sit here today, correct?

11 A Yeah. I can't recall right now.

12 Q All right. That wasn't my question either. I
13 didn't ask you if you could recall. I just asked
14 you, as we sit here today, you're unable to point
15 me to anybody saying that, correct?

16 A I'm trying. I'm trying, but at the moment, I
17 can't.

18 Q Okay. Has any board member ever said that you were
19 guilty of deceiving and harming those that voted
20 you onto the board? And if so, I want time, place,
21 and names. And we'll get to insinuations later. I
22 want to know now whether those words were used..

23 A The -- the conversation we had in executive
24 session.

25 Q All right. I'm not interested in what happened at

1 executive session. I'm only interested in things
2 that occurred in public, whether written or spoken.

3 A Again, the statements that were read made it sound
4 like I was deceiving the public and said that I
5 would be doing the wrong thing if I didn't resign.

6 Q Okay. That --

7 A In other words, I -- I was told they had hoped I
8 would do the right thing.

9 Q Okay. I understand that you allege that the
10 statement that was read made it sound like certain
11 things.

12 A Well, they said that.

13 Q And not interested, right now, in what it made it
14 sound like. We'll get to that. Right now, I'm
15 interested in the words that were used. Did any
16 board member at any time say that you were guilty
17 of deceiving and harming those that voted you into
18 office?

19 A Robert Gantt said that I needed to do the right
20 thing --

21 Q I --

22 A -- and by not doing the right thing, it's harming
23 the public.

24 Q Did he accuse you of deceiving anyone?

25 A That's basically the same thing.

1 Q I didn't ask you if it's basically the same thing,
2 because it's not the same thing. "Deceiving" is a
3 different word. Did he ever accuse you or any
4 board member ever accuse you of deceiving anyone in
5 conjunction with your residence?

6 A I don't -- I can't put my finger on it right now.

7 Q So you can't tell me or point me to any such
8 statement, as we sit here today, correct?

9 A Executive session --

10 Q I'm not interested in --

11 A -- I can't talk about.

12 Q -- executive session.

13 A Well, I can't -- I can't recall --

14 Q So you can't --

15 A -- specifics --

16 Q -- point me to any specific statement like that,
17 correct?

18 A Not at the moment.

19 Q Okay. It's 5:16. Let me ask one more question.

20 Maybe I can get this going a little more quickly,
21 but I -- I'll be close to finishing with this line,
22 I think. Did anybody on the board ever accuse you
23 of committing a fraudulent crime to seat yourself
24 on the board? And, again, I'm interested in the
25 words, not what you think the inference is or the

1 insinuation is. Did anybody ever accuse you of
2 that?

3 A They -- they clearly made it look like I was
4 deceiving the public.

5 Q All right. And I understand your allegation, but
6 that wasn't my question. My question was: Did
7 anybody say that you had committed a fraudulent
8 crime to seat yourself on the board, orally or in
9 writing?

10 A I can't recall right now.

11 Q So you can't point me to any such statement made by
12 any board member at this point in time, correct?

13 A Not at the moment.

14 Q Okay. All right.

15 MR. MORRISON: We're obviously not finished
16 with this deposition. We've got a good ways
17 to go. We're going to try to work out some
18 things to shorten it. (To Ms. Story) In the
19 meantime, I don't have a problem -- I presume
20 that it'll be all right with the other lawyers
21 in the room, if we close the deposition with
22 the right to reopen so that you're allowed to
23 talk to your client. What I don't want to do
24 is have you going back and coaching her about
25 things she's already been asked about.

1 MS. STORY: Right. I think that's fine. And
2 that's a fair understanding. And based on
3 the, you know, what we already talked about
4 putting on the record, as far as how we'll
5 proceed with moving forward. That's fine with
6 me.

7 MR. MONTGOMERY: Okay.

8 MS. STORY: We can do that.

9 MR. MORRISON: That all right?

10 MR. FRAWLEY: That's fine with Bobby Bowers.

11 MS. STORY: Okay, y'all.

12 FURTHER DEPONENT SAITH NOT.

13 (Whereupon, there being no further
14 questions, the deposition was
15 adjourned at 5:19 p.m.)

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18 by the speaker.)

19 (**Certificate accompanies sealed original
20 only.)

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State of South Carolina)
)
County of Richland)
)
Kim Murphy,) 2014-CP-40-4666
)
)
Plaintiff,)
)
vs.) Second Reconvening
)
) Deposition
Richland-Lexington School)
District 5 Board of) of
Trustees, Robert Gantt,)
and Bobby Merle Bowers, in) Kim Murphy
their individual)
capacities,)
)
Defendants.)
)

Date: August 10, 2015
Time: 10:01 a.m. - 3:37 p.m.
Location: J. Lewis Cromer & Associates, LLC
1418 Laurel Street, Suite A
Columbia, South Carolina

Reported by
Vickie M. Hester, CVR

APPEARANCES

For the Plaintiff: Ashley C. Story, Esq.
J. Lewis Cromer & Associates, LLC
Post Office Box 11675
Columbia, South Carolina 29211

For Richland-Lexington School District 5: David L. Morrison, Esq.
Morrison Law Firm, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212

For Robert Gantt: Michael H. Montgomery, Esq.
Montgomery Willard, LLC
Post Office Box 11886
Columbia, South Carolina 29211

For Bobby Merle Bowers: W. Joseph Maye, Esq.
Davis Frawley, LLC
Post Office Box 489
Lexington, South Carolina 29071

Also present: Robert Gantt
Bobby Bowers
Barry Rice
Kim Anderson

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EXHIBITS

No exhibits were marked during this deposition.

1 STIPULATIONS

2 It is stipulated by and between counsel for
3 the respective parties that all objections are
4 reserved until the time of trial, except as to
5 the form of the questions.

6 This deposition is being taken pursuant to the
7 South Carolina Rules of Civil Procedure.

8 - - - -

9 The reading and signing of this deposition is
10 not waived by the deponent and counsel for the
11 respective parties.

12 Whereupon,

13 Kim Murphy, being duly sworn and cautioned to
14 speak the truth, the whole truth, and nothing
15 but the truth, testified as follows:

16 EXAMINATION

17 BY MR. MORRISON:

18 Q. Good morning, Ms. Murphy. How are you?

19 A. Doing well. Thank you.

20 Q. Ms. Murphy, when we were together last -- at the
21 last round of your deposition we had talked about
22 trying to find a way to narrow the scope of this
23 deposition and narrow the scope of our inquiry with
24 you. And one of the things we talked about doing
25 was having you go through your exhibits. I believe

1 you've produced some 9,000 plus pages of documents.
2 And to go through -- the audio and videos at least
3 by my estimation is about 250 hours worth of videos
4 and audios, primarily audios. To go through that
5 to answer some questions for us about those things
6 so that we could narrow it down and not have to go
7 through all of that. Have you been able to make
8 any progress on that?

9 A. I have started working on it. I was out of town
10 when I got the assignment.

11 Q. Okay. When do you believe that you can complete
12 that?

13 A. That's hard to tell right now. I've been trying to
14 pick out what -- what stands out the most rather
15 than going -- going through everything.

16 Q. Do you intend to do that?

17 A. To do what?

18 Q. To go through -- to answer the questions we've
19 submitted so we can try to narrow this down?

20 A. Absolutely.

21 Q. Okay. Because I was going to tell you the
22 alternative is I've got all the discs here today
23 and we can start going through them page by page.
24 And I don't want to do that on the record because
25 we'll be here for a month. I would prefer not to

1 do it that way. But I brought my laptop and I
2 brought all the discs and I brought printouts from
3 all the discs so we'd even go through the printouts
4 if we had to do that here today. But your intent
5 is to do that so we can narrow it down so we can
6 shorten this process?

7 A. Yes.

8 Q. Okay. Then I won't go there today.

9 A. Okay.

10 Q. And I'll be much shorter because of that. I just
11 reserve the right to come back when you've
12 completed that process so we can go into those
13 things.

14 A. Okay.

15 Q. All right. When we were together last we were
16 talking about some of the allegations you've made
17 in your complaint. So I want to go back and
18 generally touch on a couple of those things. One
19 of your causes of action in this lawsuit is for
20 defamation. Can you tell me what defamatory
21 statement you are suing over?

22 A. It's not necessarily one specific defamatory
23 statement. It's several -- several, and also
24 actions as well.

25 Q. All right. Well, let's talk about the statements

1 for a minute. Tell me the most defamatory
2 statement in your mind that you are suing over.

3 A. I'm not sure if I can rank one --

4 Q. Tell me the first one that comes --

5 A. -- over others.

6 Q. Tell -- tell me all the defamatory statements that
7 you remember.

8 A. Doing the work that I've been asked to do, I've --
9 I've come across -- I've come across things. But I
10 can't recall a specific statement.

11 Q. All right. Let me focus you a little bit by your
12 allegations in your complaint which is what this
13 lawsuit is about. Okay? You said in your
14 complaint that, "The Defendant, Board and Gantt,
15 have published orally and in public board meetings
16 to attendees and through said meeting minutes in
17 writing to viewers of such minutes together and
18 separately that plaintiff's residency status is
19 questionable, and because her residency is
20 questionable, she is rendered incompetent to
21 perform her duties as an elected board member and
22 has further harmed the board and her constituents
23 by occupying her occupation -- by occupying her
24 position unlawfully, all of which is untrue and
25 dishonest." All right. So let's break that down.

1 The Defendant, Board and Gantt, have published
2 orally, that's at the board meeting?

3 A. Board meetings.

4 Q. Okay. And that begins at the board meeting --

5 A. Maybe other newspapers, media.

6 Q. That begins at the board meeting in January of
7 2013?

8 A. Related to the residency portion of it, yes.

9 Q. Okay. And any subsequent board meeting where your
10 residency status was discussed, correct?

11 A. Yes.

12 Q. And it's those statements made at the board meeting
13 concerning your residency status that you contend
14 are defamatory?

15 A. As well as at board meetings leading up to --
16 leading up to it.

17 Q. Well, prior to January 2013 you didn't know your
18 residency status was in question, did you?

19 A. That's correct.

20 Q. It hadn't been discussed at board meetings prior to
21 January of 2013, had it?

22 A. That's correct.

23 Q. So we're talking about board meetings concerning
24 any defamation about your residency starting in
25 January of 2013 and moving forward?

1 A. Just the residency portion of it. But the
2 defamation began earlier than that and culminated
3 with ---

4 Q. Certainly --

5 A. -- their action to remove me.

6 Q. Certainly there was no defamation regarding your --
7 surrounding your residency status prior to January
8 of 2013, correct?

9 A. As far as I know there was not.

10 Q. And the oral publications that you're talking about
11 were, as you alleged in your complaint, the Board
12 and Gantt have published orally in public board
13 meetings to attendees. So the oral defamation that
14 you're talking about with regard to your residency
15 is statements made in open session of board
16 meetings, correct?

17 A. Yes. There may have been other locations that I
18 can't recall at the moment.

19 Q. Well, there's certainly no other locations that you
20 alleged in your lawsuit, are there?

21 A. Does it say at board meetings?

22 Q. Your lawsuit. I'll read it again. "The Defendant,
23 Board and Gantt, have published orally in public
24 board meetings to attendees, and through such
25 meetings -- meeting minutes in writing that

1 plaintiff's residency status is questionable, and
2 because her residency is questionable, she is
3 rendered incompetent to perform her duties as an
4 elected board meeting and has further harmed the
5 board and her constituents by occupying her
6 position unlawfully, all of which is untrue and
7 dishonest." So you've alleged the oral statements
8 were made in public board meetings?

9 A. Yes.

10 Q. Okay.

11 A. And after board meetings.

12 Q. Your complaint doesn't say after board meetings
13 anywhere in it, does it? Would you like to look at
14 your complaint?

15 A. In the board meeting room. I think it's the same
16 thing.

17 Q. Tell me about any statement made in the board
18 meeting room after the board meeting, any
19 defamatory statement.

20 A. The chairman of the board was being interviewed by
21 one of the TV stations. I do have an audio of it.

22 Q. Do you know what he said?

23 A. I can't recall specifically what he said. But it
24 was related to the --

25 Q. Are you suing him for what he said in that

1 interview?

2 A. The defamation is also the picture that was painted
3 of me that I was a criminal and somehow was trying
4 to beat the system to get elected by claiming I was
5 in Richland County. Which as far as I know, I am
6 there.

7 Q. I appreciate that. But my question was are you
8 suing Mr. Gantt for statements made in that
9 interview you were just talking about? And if so,
10 what statement was it?

11 A. I can't recall.

12 Q. Okay.

13 A. I have the tape though.

14 Q. You also alleged in your defamation cause of action
15 against the Board and Mr. Gantt that the Board and
16 Gantt have defamed you by publishing in writing
17 through the meeting minutes to viewers of those
18 minutes questions about your residency that have
19 defamed you. That would be the January 2013
20 meeting minutes, correct?

21 A. Can you repeat the question, please?

22 Q. I'm breaking your paragraph where you made your
23 allegation on defamation into two parts. You said
24 oral defamation, which is statements made at the
25 meeting. And you said in writing through the

1 meeting minutes. The meeting minutes we are
2 talking about then would be January 2013 forward,
3 correct?

4 A. Correct. Related to the residency.

5 Q. Okay.

6 A. And are we finished with the first question as far
7 as recalling any other oral --

8 Q. Are you finished with your answer? I'd asked my
9 question. Are you finished with your answer?

10 A. Well, as I recall, I'd love to be able to share.
11 Implying that I'd planned to do this, like I
12 schemed.

13 Q. What words were used either at the board meeting
14 orally or in the minutes of the board meeting
15 afterwards that implied that you schemed to beat
16 the system, that you had committed a criminal -- or
17 had committed a criminal act? Tell me what words
18 you draw that implication from.

19 A. And this may have been part of the interview with
20 the television station that -- or actually I think
21 it was when Mr. Gantt was wrapping up his statement
22 at the March 2013 meeting. Actions would be on
23 January 14th of 2013 Mr. Gantt read a statement at
24 the beginning of the meeting. He first read one
25 related to the teacher that stomped on the American

1 flag, the reason the bulk of the attendees were
2 present, that there was not going to be any
3 discussion about the teacher's action at the
4 meeting. And then he read the statement about me,
5 although the tape of the meeting doesn't -- it
6 starts with me. It doesn't pick up the original --
7 the first statement. And the way he read it was
8 as if I was scheming. And when he would not allow
9 me to comment after his remark, it further looked
10 like I was guilty of hiding something.

11 Q. Tell me what he said in his statement and the way
12 he read it that made it look like you were
13 scheming.

14 A. Without adequate details, the vagueness of what he
15 was saying. And we -- we have that statement.

16 Q. Do you recall anything he said that made it sound
17 like you were scheming as you have asserted here
18 today?

19 A. When he read it in his tone of voice. And then not
20 allowing me to respond in any way to offer any kind
21 of explanation that this was -- had just been
22 popped on me, that I had no advance notice that I
23 was -- the -- the county line that crosses our
24 property someplace was being investigated.

25 Q. I've listened to that recording many times. As I

1 recall it, he gave factual information about having
2 been provided information that you may not reside
3 in Richland County. He then told the audience that
4 he forwarded that factual information to Bobby
5 Bowers and asked Bobby Bowers and his agency to
6 look into it. And they had responded with their
7 determination that you did not live in Richland
8 County, and that that information would be provided
9 to you, and they would await your response. And if
10 you wanted to contest it, they would have a hearing
11 and they would hire an impartial former judge to
12 hear evidence and make recommendations to the
13 board. Is there anything in that kind of
14 recitation of facts that is not true?

15 A. I'd have to hear the statement again or read the
16 statement again to see if there's anything that was
17 not factually accurate. I don't know in that that
18 he asserts that I do not live in the county at that
19 point. I think he saves that until the next
20 meeting.

21 Q. So is the untrue allegation that has been made
22 against you by the board and by Mr. Gantt the
23 allegation that you do not live in Richland County?

24 A. All right, say that again.

25 Q. Is the untrue allegation that has been asserted

1 against you by the board and by Mr. Gantt, is that
2 the allegation that you do not live in Richland
3 County?

4 A. I understand you correctly in response to what I
5 just said. He was questioning my county of
6 residence.

7 Q. Is there anything that Mr. Gantt or any board
8 member said in the January 2000 board meeting that
9 was untrue?

10 A. I can't -- I can't recall.

11 Q. So as we sit here today you can't tell me anything
12 they said in that board meeting -- that's very
13 important to you because that's what started this
14 ball rolling to you being removed from the board.
15 And you can't recall anything that was said in that
16 board meeting that was untrue?

17 A. I can recall things that were said that weren't
18 true. But they were different than the residency
19 issue. I'm being accused of costing the district
20 millions of dollars. And that happens almost every
21 board meeting.

22 Q. And that's the subject of another lawsuit, isn't
23 it?

24 A. It's untrue.

25 Q. That's the subject of another lawsuit, isn't it?

1 A. Yes.

2 Q. Was there anything in Mr. Gantt's statement that he
3 read at the beginning of the January 2000 board
4 meeting about you and your residency that was
5 untrue?

6 A. I can't recall. If you have a copy I can read.

7 Q. You have filed a lawsuit against Mr. Gantt and the
8 board where you have alleged that they have defamed
9 you, that they have published orally at a public
10 board meeting to attendees at that board meeting
11 issues about your residency status and your
12 competency to perform your job because of your
13 residency status, correct?

14 A. Yes.

15 Q. And as we sit here today you can't tell me whether
16 anything they said in that board meeting was
17 untrue?

18 A. If they said I did not live in Richland County,
19 that was untrue.

20 Q. Anything else?

21 A. Related to the residency?

22 Q. Related to what your lawsuit says in Paragraph 20
23 about your defamation claim that the Defendant,
24 Board and Gantt have published orally in public
25 board meetings to attendees and in writing through

1 said meeting minutes to viewers of the minutes that
2 your residency status is questionable, and because
3 it's questionable you're rendered incompetent to
4 perform your duties as an elected board member, and
5 has further harmed the board and her constituents
6 by occupying that position unlawfully, all of which
7 is untrue and dishonest.

8 A. It is -- it is untrue. It is untrue.

9 Q. What statement was it that Mr. Gantt said -- in his
10 statement at the beginning of that board meeting
11 what statement did he make that was untrue?

12 A. I -- he is representing that I don't live in the
13 county where I have been paying taxes and voting
14 and in a manner that was intentionally underhanded.

15 Q. Anything else other than he was representing that
16 you do not live in Richland County? Any other
17 untrue statements made by Mr. Gantt or the board in
18 that statement?

19 A. I'd have to see the statement to answer that.

20 Q. So as we sit here today you can't tell me any other
21 untrue statements that were defamatory to you made
22 in that statement at that board meeting that you
23 are suing over?

24 A. Again, I mentioned the defamation is more than just
25 what was said at that moment.

1 Q. We'll come -- we'll come to that. Because we've
2 talked anything being from that moment forward. So
3 we're starting at that moment. We'll come to more
4 if there's more. I want to know about that moment
5 now.

6 A. Well, specifically related to the residency portion
7 of it, I can't recall if there was anything that
8 was specifically said that was untrue. I cannot
9 recall. But it was alleged that I don't live in
10 the county. It was portrayed that I don't, and
11 that I was deceiving the people who voted for me.

12 Q. Did anybody use the word "deceive" or "deceit?"
13 Anybody ever use that word other than you?

14 A. When I was asked a question in -- in the form of a
15 statement that was implying that I knew all along
16 that I didn't reside in Richland County and that I
17 was deceiving.

18 Q. Did anybody use that word, "deceit, deceiving,
19 deceive?" Did anybody use that word other than
20 you?

21 A. I think the words "illegal" may have been used.

22 Q. Anything else?

23 A. I can't recall anything else related to the
24 residency.

25 Q. You think the word "illegal" was used?

1 A. I've listened to several of the audio tapes, and it
2 was used. And I can't remember if it was
3 specifically at that meeting or future meetings
4 where my residency was discussed.

5 Q. Who used the word "illegal?"

6 A. Beth Burn and Mr. Gantt. Mr. White may have.

7 Q. And in what context was that word used?

8 A. If I recall, it was related to doing what was
9 lawful. They used the word "illegal."

10 Q. Did anyone use the word that you were incompetent
11 to perform your professional duties?

12 A. I can't recall if that word was used specifically.
13 But one that means the same word.

14 Q. Did anyone at any time say that you were unfit in
15 your profession other than you?

16 A. How do you mean unfit?

17 Q. You alleged in your lawsuit, "The vote to remove
18 the plaintiff was just months after this initial
19 survey insinuated that plaintiff was --" I'm in the
20 wrong paragraph. I apologize. Let me get to the
21 right spot. "The defamation alleged here is per se
22 in that the plaintiff has been accused of unfitness
23 in her profession as a board member with the
24 defendant board." Has anyone ever accused you of
25 being unfit in your profession as a board member in

1 conjunction with this?

2 A. How -- define unfit.

3 Q. I'm using your terms. Not mine. That's what you
4 alleged in your lawsuit. What did you mean by
5 that?

6 A. It means that I was not qualified.

7 Q. Why didn't you say "I was not qualified" in your
8 lawsuit rather than "I was unfit in my profession?"

9 A. I think it -- and that kind of goes back to
10 cheating and scheming and being --

11 Q. What -- the issue was whether you were qualified to
12 sit on the board if you weren't a resident of
13 Richland County. Isn't that correct? That's what
14 the issue was.

15 A. Yes. But it came across as I had no business being
16 on that board, that I was tricking the --

17 Q. Whether you were --

18 A. -- electors.

19 Q. I'm sorry. Whether you were qualified to hold the
20 seat by virtue of whether you were elected in the
21 right county or not is a different question from
22 whether you are unfit in your profession, isn't it?

23 A. It is. But the way it came across, the words they
24 chose to use, the tone of their voice was that I
25 didn't meet their level of fitness to --

1 Q. Tell me what words they used that suggested that
2 you were unfit in your profession.

3 A. By implying that I'm a -- a cheat, that I schemed,
4 that I'm not worthy of having an elected position.

5 Q. Those are the words they used?

6 A. The picture that was painted by the school board
7 painted me as someone who was unfit to serve as an
8 elected official.

9 Q. What words did they use to paint that picture?

10 A. In the letter that Mr. Gantt wrote to Bobby Bowers
11 which was intended to be very public, it was very
12 obvious. Mr. Gantt said that, "As you may be
13 aware, such rumors have been around for years, or
14 for some time," again implying that I'm dishonest.

15 Q. So this defamation lawsuit is in part over your
16 interpretation of the letter that Mr. Gantt wrote
17 to Bobby Bowers where he said there have been
18 rumors about her residency around for years, and
19 you have interpreted that to imply that you were
20 dishonest?

21 A. It's very easy to interpret it that way.

22 Q. Has anyone else ever interpreted it that way that
23 you know of?

24 A. I haven't asked.

25 Q. Has anyone told you they have?

1 A. When I have repeated what Mr. Gantt has said, they
2 said that's not something that should be in there -
3 - in that letter if he were actually doing some
4 kind of thoughtful due diligence.

5 Q. That doesn't have anything to do with dishonesty,
6 with alleging that you are dishonest. Has anyone
7 else ever told you that they interpreted Mr.
8 Gantt's remarks as implying that you were
9 dishonest?

10 A. That was what was portrayed.

11 Q. Has anyone else ever told you that they believed
12 that was what was portrayed?

13 A. Yes.

14 Q. Who?

15 A. I can't remember who.

16 Q. So you have no witness in this case to come to
17 court to say that that's the way they interpreted
18 that other than yourself?

19 A. I may.

20 Q. Do you?

21 A. I may.

22 Q. We're entitled to know if you do.

23 A. I believe that if you ask people, my witnesses,
24 that they would likely -- they would say that they
25 were trying to paint me that way.

1 Q. That's not the question I asked you. I didn't ask
2 you how anybody was trying to paint you. I asked
3 you if anybody has told you they heard those words
4 and they believed you were being accused of being
5 dishonest. I'm not interested in political cronies
6 who will say they think they were trying to paint
7 you in a certain way. I'm interested in what
8 people heard and thought.

9 A. The comments that I received from the people that I
10 talked with were said in such a way and in such a
11 tone of voice that that's how it was meant to be
12 interpreted.

13 Q. Again, that's not my question. My question is not
14 anybody's intent. My question is not how it was
15 intended to be interpreted. My question is not how
16 your political cronies believe they were attempting
17 to portray you. My question to you was, has
18 anybody that heard those words told -- from any
19 source other than you told you that those words
20 implied that you were dishonest?

21 A. I can't recall right now. But if I think of
22 someone, I will --

23 Q. Has anybody that heard those words from any source
24 other than you told you that they believe those
25 words implied that you were unfit in your

1 profession as a board member?

2 A. I'm trying to recall. The newspaper reporter came
3 up to me during a break of that January meeting.
4 And he's one who's usually very biased towards the
5 school district. And I almost don't like to speak
6 with him because my words are taken out of context.
7 And for the first time the tone of his articles
8 began to change. And he actually had his computer
9 with him so he could look up to see what Mr. Gantt
10 was inferring. He said, "You live in Richland
11 County." The next article that came out in the
12 newspaper, Mr. White made a derogatory statement
13 towards the reporter and his article.

14 Q. Has any person -- I'm going to ask the question
15 again because I haven't gotten an answer yet. Has
16 any person that heard those words from a source
17 other than you told you that those words implied
18 that you were unfit in your profession as a board
19 member?

20 A. Yes.

21 Q. Who?

22 A. They are people who know me, so they know that it's
23 not true. But people who don't know me don't know
24 that it's --

25 Q. Has any person -- I'll try again. Has any person

1 who heard those words from any source other than
2 you ever told you that those words implied that you
3 were unfit in your profession as a board member?

4 And I would like an answer to that question.

5 A. Yes. But I can't recall right now.

6 Q. So you can't name anybody as we sit here today?

7 A. Not at the moment.

8 Q. And you've put a lot of thought into this lawsuit,
9 haven't you?

10 A. I've had to live with what they've done to me.

11 Q. That wasn't my question. You've put a lot of
12 thought into this lawsuit, haven't you?

13 A. I believe it's worthy.

14 Q. Again, that wasn't my question. You've put a lot
15 of thought into this lawsuit, haven't you?

16 A. Yes.

17 Q. Okay. You've produced thousands of pages of
18 documents that you came up with and gave to your
19 lawyer, correct?

20 A. Yes.

21 Q. You've produced hundreds of hours of audio and
22 video tapes that you came up with and gave to your
23 lawyer, correct?

24 A. Yes.

25 Q. And despite that, when I ask you a lot of my

1 questions here today, you tell me you don't know.

2 You said earlier that the way it was presented
3 portrayed you as having cheated, schemed or not
4 worthy. And I wrote those phrases down because
5 they came out of your mouth ten minutes ago. Did
6 anyone ever use the word "cheat" in regard to you
7 and this residency situation in referring to your
8 actions?

9 A. At the -- at the hearing on the March 19th, 2013
10 meeting again it's portrayed that I'm the bad guy,
11 that I don't deserve to have an elected position.
12 And at the January 28th meeting Mr. Gantt said
13 several times he hoped Ms. Murphy would do the
14 right thing. Ms. Burn and Mr. White and even Mr.
15 Reigle, the attorney for the district, said that --
16 or made the comment that this has happened in the
17 state before and that those that it happened to
18 bowed out gracefully. Although they gave specific
19 situations, they -- they didn't accurately portray
20 what happened with those situations. One lady was
21 told just before she filed to run for the Jasper
22 County School Board that the precinct line was
23 somewhere different, and they put her in a
24 different precinct. But she wasn't required to
25 resign as a school board member.

1 Q. Ms. Murphy, listen to my question because it's not
2 a difficult question. I didn't hear the word
3 "cheat" anywhere in that response. My question to
4 you was since you used the word "cheat, schemed and
5 not worthy," in one of your answers a while ago, my
6 question to you was, is that your word, or did Mr.
7 Gantt or somebody else with the board use that word
8 in referring to you?

9 A. They inferred it if they didn't specifically say
10 it.

11 Q. Do you know whether they specifically said it?

12 A. I can't recall.

13 Q. What words did they use that inferred that you
14 cheated?

15 A. Well, obviously saying that they hoped I'd do the
16 right thing. In other words, I wasn't doing the
17 right thing.

18 Q. And that somehow infers that you cheated?

19 A. That I'm a -- not worthy of the position and I'm --

20 Q. Anything else? Did they say anything else that
21 inferred that you cheated other than they hoped you
22 would do the right thing?

23 A. Can you ask that again, please?

24 Q. Did they say anything else that inferred that you
25 cheated other than they hoped you would do the

1 right thing?

2 A. Well, there may be documents that --

3 Q. I'm not interested in maybes. I'm interested in
4 concrete. We're here at a deposition almost a year
5 into this lawsuit where you've produced 9,000 plus
6 pages of documents and 250 hours of videotapes.
7 And now I'm here asking you what evidence you have,
8 and I don't want to hear maybe. I want to hear
9 what evidence you have. I want to hear what you
10 know. I don't want to hear that, "Well, I might
11 find something somewhere sometime." We're here.
12 Now's the time. Did they say anything else that
13 inferred that you cheated other than we hope you
14 will do the right thing?

15 A. I guess my recall is not very good. I've just gone
16 through a lot of documents and -- and videos, and
17 feel they apply to what you've asked for. But I
18 can't recall the specifics that you're asking me to
19 recall.

20 Q. So as we sit here today you can't tell me any other
21 words that they used that inferred that you cheated
22 other than your belief that we hope you do the
23 right thing infers that; is that right?

24 A. I'm going to think some more, if that's okay.
25 There was some comment made that the -- my house

1 was so far away from the line that it was obvious
2 that -- the alleged line that it was obvious that I
3 wasn't in the -- in Richland County. And again
4 that came across as I was trying to deceive people.
5 That if people didn't act -- didn't go out and
6 question this, then I wouldn't have been caught.

7 Q. It doesn't matter whether you knew ahead of time
8 that you were in the wrong county or not, does it?
9 If you were -- if you indeed -- assume for the
10 moment that you indeed live in Lexington County.
11 Assume the evidence shows you live in Lexington
12 County. Then the issue for your removal from the
13 board isn't whether you knew that at the time you
14 ran. The issue before the board is whether that's
15 the case now. Isn't that right?

16 A. The way I just interpreted your question was it
17 does matter because it's being represented that I
18 knew all along that I didn't live in Lexington
19 County and I was deceiving people.

20 Q. Tell me who said you knew all along that you didn't
21 live in the right county and that you were
22 deceiving people. Who said that? You said it was
23 presented that, "I was -- that I knew all along and
24 I was deceiving people." Who presented that?

25 A. It was the way it was presented. It was the

1 statements that were made, the comments that were
2 made, you know, the newspaper articles that came
3 out.

4 Q. Tell me what statement Mr. Gantt made that
5 insinuated that you knew all along and you were
6 deceiving people.

7 A. Again, it was the manner in which he presented it.

8 Q. So he did all this by tone of voice?

9 A. And by preventing me from -- not allowing me to
10 comment, and the tone of voice he used.

11 Q. So he defamed you by his tone of voice and by not
12 allowing you to comment? Is that what you're
13 telling me?

14 A. That was one aspect of it.

15 Q. Okay. Tell me the rest of it. That's what we're
16 here for. Well, let's move on from the word
17 "cheat." You can't tell me any specific person
18 that used the word "cheat" other than you at any
19 time, correct?

20 A. Maybe a word similar to cheat.

21 Q. What word would be similar to cheat that someone
22 else other than you used in referring to you?

23 A. Specifically at the meetings. It's the way it's --
24 way it's presented.

25 Q. So it's not the words, it's the way?

1 A. And it is -- it has to do with the words. But I
2 don't recall the specific words.

3 Q. Well, you've brought a defamation action where you
4 say -- where you have accused people of defaming
5 you in writing. So we're entitled to know what
6 words you're referring to that have defamed you in
7 writing.

8 A. I thought you were asking about speaking. I'm
9 sorry.

10 Q. Well, we're entitled to know both. And what I have
11 asked you is has anyone used the word "cheat" or
12 any similar word to the word "cheat" that you threw
13 out a little while ago claiming that's what they
14 had accused you of. Anyone other than you use that
15 word?

16 A. Well, I mean, one of the board members said that,
17 "Oh, yeah, like you didn't know," or --

18 Q. All right. Have you told me all you can remember
19 about the word "cheat?"

20 A. For the moment.

21 Q. Okay. You also said -- when you threw out the word
22 "cheat," you threw out the word "schemed." Did
23 anyone use the word "schemed" in referring to you
24 and your residency and your election other than
25 you?

1 A. Mr. Gantt said "planned."

2 Q. Tell me when he said "planned."

3 A. At the March 19th meeting.

4 Q. What did he say?

5 A. It's in the transcript.

6 Q. You don't recall?

7 A. Well, I can't remember the whole sentence. I
8 remember --

9 Q. In what context did he use the word "planned?"

10 A. It was -- it was, "I don't know if Ms. Murphy
11 planned this," like planned to run in Richland
12 County when I actually resided in Lexington County.

13 Q. He said, "I don't know if Ms. Murphy planned it?"

14 A. Yes.

15 Q. And that's somehow defamatory toward you?

16 A. In the manner in which he said it, he was implying
17 that I schemed.

18 Q. Okay. Anything else?

19 A. It's a lot easier when you have your documents in
20 front of you.

21 Q. That's why we sent you the list of our questions
22 ahead of time in hopes that we would have that done
23 by today.

24 A. They -- you know, they did this without talking to
25 me, without even letting me know they were checking

1 on the line. Gantt said that he had known --
2 people had brought it to his attention for -- for
3 some time and -- I'm sorry, I said Gantt. Mr.
4 Gantt. I mean, they -- they just set it up
5 perfectly to make me look like a bad guy. And I
6 believe they -- I mean, they did it intentionally.
7 They wanted to harm me as much as they possibly
8 could. And you can see that in some of the -- the
9 audio that I'm going to give to you -- you already
10 have. But I'll, I guess, identify further.

11 Q. So part of your defamation claim is over the fact
12 you believe the manner in which it was done was
13 intended to make you look bad?

14 A. It was -- it was done to harm me in whatever way
15 they could harm me.

16 Q. Well, you said they intended to make you look bad.

17 A. That's right.

18 Q. And that's part of your defamation claim. Because
19 your defamation claim, what you've been telling me
20 is all about the way it was done, not the words
21 that were said. So part of your defamation claim
22 is that they intended to make you look bad. Is
23 that -- is that it?

24 A. They -- they did make me look bad.

25 Q. Is that part of your defamation claim, --

1 A. That's part of it.

2 Q. -- they intended to make you look bad?

3 A. Yes, that is definitely part of it.

4 Q. Okay. So you believe through innuendo they made
5 you look bad, and that's part of your defamation
6 claim?

7 A. This has been going on since I got elected.

8 Q. Well, that wasn't my question. You haven't been
9 suing them in this case at least since you got
10 elected. My question was in this case, in your
11 defamation action, part of that defamation action
12 is the innuendo you believed was intended to make
13 you look bad; is that correct?

14 A. Yes. Part of the defamation is related to what
15 they had done leading up to that point.

16 Q. Prior to filing this lawsuit did you understand the
17 legal standard that you have to prove as a public
18 official in order to prove a defamation claim?

19 A. I have to prove it.

20 Q. Is that what you believe the standard is, you have
21 to prove it?

22 A. Yes.

23 Q. You have to prove what?

24 A. That they exceeded the -- the threshold of the --
25 the level that -- and I guess the level is greater

1 when you're a public official. That they have to -

2 -

3 Q. Do you know any more than that about what you have
4 to prove in order to state a defamation claim?

5 A. I'm not sure.

6 Q. Isn't there mudslinging in politics? Isn't that
7 what American politics is all about? There's an
8 awful lot of mudslinging in politics, isn't there?

9 A. Mudslinging is one thing.

10 Q. There's an awful lot of attempting to make people
11 look bad in politics, isn't there?

12 A. They wanted to harm my reputation.

13 Q. My question was there's an --

14 A. And they did.

15 Q. -- there's an awful lot of attempts by people to
16 make each other look bad in politics, isn't there?

17 A. And there is a point where it's -- it's too much.

18 Q. I'll ask my question again. There's an awful lot
19 of people attempting to make each other look bad in
20 politics, isn't there?

21 A. Yes.

22 Q. It comes with the territory in politics, doesn't
23 it?

24 A. Yes.

25 Q. And you knew that before you got into politics,

1 didn't you?

2 A. (Nods head up and down.)

3 Q. And you've participated --

4 MS. STORY: Make sure you respond verbally.

5 WITNESS: Okay.

6 THE EXAMINATION BY MR. MORRISON CONTINUES:

7 Q. And you've participated in that yourself, haven't
8 you?

9 A. I'm an honest person.

10 MS. STORY: Do you all mind if we take a quick
11 restroom break?

12 MR. MORRISON: Sure. Were you finished with
13 that answer?

14 MS. STORY: Yeah, make sure you finish before
15 we take a break.

16 WITNESS: Ask me again. I'm sorry:

17 MR. MORRISON: Did you have any more to say?

18 WITNESS: Do you remember what the question
19 was?

20 THE EXAMINATION BY MR. MORRISON CONTINUES:

21 Q. You said, "I'm an honest person." Did you have any
22 more to say? I said you've participated in that
23 yourself, haven't you?

24 A. I guess I have to admit to some degree I have. But
25 nowhere even near what -- what they have done to

1 me.

2 Q. Okay.

3 (Off the record from 11:16 a.m.
4 until 11:26 a.m.)

5 THE EXAMINATION BY MR. MORRISON CONTINUES:

6 Q. Ms. Murphy, again I'm going to refer to your
7 complaint because I'm trying to figure out what
8 your evidence is to support some of your
9 allegations. In Paragraph 24 we've talked about
10 the allegation of unfitness in your profession.
11 But let me read this paragraph to you. This is
12 your allegation in this lawsuit. "The defamation
13 alleged here is per se in that the plaintiff has
14 been accused of unfitness in her profession as a
15 board member with the defendant board." We've
16 talked about that to some extent. The second half
17 of this paragraph is what I want to talk to you
18 about now. "And further accuses the plaintiff of
19 possibly committing a fraudulent crime to seat
20 herself on the board when she was elected as a
21 Richland County representative." Did Mr. Gantt or
22 any member of the school board accuse you of
23 committing a fraudulent crime in order to get
24 yourself elected in Richland County?

25 A. Again, the manner in which they did all this, the

1 way they said it, the statements they made.

2 Q. All right. You said the manner they said it, the
3 manner they did it, the way they said it and the
4 statements made. I want to start in reverse order.
5 I want you to tell me what statements they made
6 that committed you of committing a fraudulent crime
7 in order to seat yourself on the board by running
8 in Richland County. What statements did they make?

9 A. In my answers on most of them I provided where I
10 could find what I'm alleging. The answers to --

11 Q. Are you talking about the blue sticky notes that
12 you had on the -- on some of the documents?

13 A. No. I guess my answers to the interrogatories.

14 Q. Okay. Well, I don't recall you saying anything
15 about any statement accusing you of committing a
16 fraudulent crime. So I'm asking you the question
17 now. Can you tell me any statement anybody made
18 that accused you of committing a fraudulent crime?

19 A. No. They inferred it with everything they did.

20 Q. All right. So we strike out statements made from
21 your answer that you just gave me. It's the manner
22 and the way. It's not the statements made,
23 correct?

24 A. Well, it's the words they chose to use.

25 Q. Tell me the words. Tell me the words they chose to

1 use that accused you of committing a fraudulent
2 crime to seat yourself on the board by running in
3 Richland County.

4 A. Again, by the statement that Gantt made -- Mr.
5 Gantt made without more detail.

6 Q. So he should have said more, not less?

7 A. And he should have allowed me to speak.

8 Q. All right. So there were actually no words in his
9 statement that accused you of committing a
10 fraudulent crime; is that true?

11 A. Not specific words. But again, it's the way the
12 words are -- came together and they're presented.
13 The whole situation. It was --

14 Q. All right. Well, you --

15 A. -- framed around making me look bad.

16 Q. You've told me the manner and the way. And I'm
17 going to come back to that right now. You told me
18 the manner, the way and the statements made. Right
19 now I'm concentrating on the statements made. And
20 from what I'm hearing from you, there were no words
21 in that statement that said you had committed a
22 fraudulent crime; is that correct?

23 A. I don't believe there were except for using the
24 words "illegal."

25 Q. All right. Well, something can be illegal without

1 being fraudulent, can't it?

2 A. Yes. But depending on how it's presented.

3 Q. Okay. So the word "fraudulent" was not used?

4 A. I don't -- I can't recall if it was or not. Not in
5 the --

6 Q. And you believe the word --

7 A. Not in the statements -- the public statements that
8 were made, the official public statements.

9 Q. Okay. And you believe the word "illegal" was used?

10 A. Yes.

11 Q. And was the word "illegal" used in the context that
12 it would be illegal for you to hold office as an
13 elected Richland County representative if you did
14 not live in Richland County?

15 A. It would be -- I'm trying to remember the words
16 leading up to -- I still may have some better
17 recall if I could see the -- my notes that I had on
18 the interrogatories.

19 Q. Ms. Murphy, wasn't that the whole issue, that it
20 would be illegal for you to sit as a board member -
21 - as a representative of Richland County if you did
22 not live in Richland County? Wasn't that the
23 issue?

24 A. It wasn't used in that context.

25 Q. Wasn't that the issue? Isn't that the --

1 A. That is --

2 Q. Isn't that the issue that led to your removal from
3 the board?

4 A. The allegation that I don't.

5 Q. That's the issue -- the allegations are made
6 surrounding that issue, right?

7 A. That's -- can you ask your question one more time?

8 Q. The allegations are made surrounding that issue,
9 that it would be illegal for you to sit as an
10 elected representative of Richland County --

11 A. Yes.

12 Q. -- if you didn't live in Richland County?

13 A. That was one aspect of it, yes.

14 Q. Okay. And that's the context in which the word
15 "illegal" is used in this conversation, isn't it?

16 A. No.

17 Q. What context is the word "illegal" used in this
18 conversation?

19 A. That I would be doing something illegal, that I'd
20 done something illegal.

21 Q. Who said you had done something illegal?

22 A. Burn and Gantt.

23 Q. And what did they say?

24 A. I can't recall the -- it was at the March -- March
25 meeting.

1 Q. So that'll be on the tape recording for the March
2 meeting?

3 A. Yes.

4 Q. And that's a part of your slander claim?

5 A. Everything that's related to the harm they've done
6 to me.

7 Q. Everything related to the residency issue -- any
8 statement that was made related to the residency
9 issue is defamation?

10 A. The manner in which they did it as well as the
11 other issues unrelated to the residency.

12 Q. Well, I'm going from your complaint where you set
13 forth your allegations and your facts that support
14 your causes of action. Your cause of action that
15 we're discussing here today so far is defamation.
16 And the allegations that you set forth in your
17 complaint to support your causes of action for
18 defamation are centered around the residency issue.
19 So that's what I'm interested in talking about here
20 today. All right. So you haven't told me any
21 specific statement where anyone made a statement
22 that was defamatory. You talked about the manner
23 and the way in which the things were said. And
24 this is dealing with your possibly committing a
25 fraudulent act or a fraudulent crime.

1 A. Yes.

2 Q. And that context you told me initially that the
3 defamation was the manner, the way and the
4 statements made. We have now discussed the
5 statements made. And you have not been able to
6 tell me any specific statement where you were
7 accused of committing a fraudulent crime, correct?

8 A. I don't recall that those specific words were used.

9 Q. Okay. Do you agree that you used those specific
10 words in your lawsuit?

11 A. That was the result of everything that they did.

12 Q. Okay. Well, let's go back to the manner and the
13 way, because we don't have the statements. So
14 let's talk about the manner and the way. I presume
15 the manner and the way are two ways of you
16 expressing the same thing.

17 A. Right. Tone of voice, yeah.

18 Q. Okay. Manner and the way includes tone of voice.
19 Anything else?

20 A. You know, the -- the way they set it up.

21 Q. The way they set it up?

22 A. The way they set up making the announcement.

23 Q. And by that you're referring to the specific
24 meeting at which the announcement was made being a
25 publicized meeting?

1 A. When they -- they knew about this in advance, had
2 every opportunity to communicate with me
3 beforehand. And I believe schemed to have a huge
4 crowd present at -- at the board meeting.

5 Q. All right. And I understand you believe that. But
6 if there's another explanation for that that they
7 have, do you have evidence to support your belief
8 that they schemed to do it at a highly publicized
9 board meeting where there would be more people in
10 attendance other than your belief?

11 A. Well, it's clear Mr. Gantt knew about this before
12 Mr. Bowers' letter came out. He had every
13 opportunity to communicate to me about it and chose
14 not to. And then popped it on me in executive
15 session. And Mr. -- Mr. Bowers planned, I feel
16 certain, to have his letter come out when it did.

17 Q. Well, what I'm asking you is not what you believe
18 about Mr. Gantt or Mr. Bowers, and not what Mr.
19 Bowers you believe planned with regard to the
20 timing of his letter. What I'm asking you about is
21 if you have any tangible evidence of any of that,
22 of any scheming to present it at a particular board
23 meeting so as to harm you. Do you have any
24 tangible evidence of that?

25 A. Not at the moment. But except for -- I do have an

1 email that I believe was part of setting up the --
2 the -- they knew in advance.

3 Q. Tell me about the email.

4 A. Amy White, who works for the PR Department, sent an
5 email out scheduling a group photograph of board
6 members and individual photographs of board
7 members. An election had just happened. And it
8 was scheduled to be that day.

9 Q. What day?

10 A. January 14th. And obviously if I'm being removed
11 from the board, they don't want to take my picture.

12 Q. And how does that provide tangible evidence?

13 A. Well, I think it's just, you know, the little
14 pieces are fitting together. And --

15 Q. Were photos taken that day?

16 A. No. I got an email that canceled it.

17 Q. That was canceled. Do you know why it was
18 canceled?

19 A. They first said they had a scheduling conflict.
20 And I asked who with. And then they came back with
21 another answer.

22 Q. If it was canceled because the issue of your
23 residency had arisen and there was a question about
24 whether you would properly be a member of the board
25 and should be included in the photo, wouldn't that

1 be a legitimate reason to cancel it until you could
2 get that issue resolved?

3 A. All right, say that again, please.

4 Q. If the photo shoot was canceled because the issue
5 concerning your residency had come up and there was
6 a question about whether you would continue to be a
7 member of the board because of that issue of your
8 residency, wouldn't that be a legitimate reason to
9 cancel the photo shoot?

10 A. Yeah, I think it probably would be. But they
11 didn't share it with me. And according to Mr.
12 Gantt, only the board officers knew about it and
13 counsel for the board. But I believe others knew
14 about it.

15 Q. So the fact that they may have canceled a photo
16 shoot for a legitimate reason is somehow evidence
17 of -- tangible evidence to you that they schemed
18 and planned to harm you?

19 A. I think that's part of it. And they knew they --
20 what they were doing was wrong, and they needed to
21 get it over with as quickly as possible.

22 Q. Knew that raising the issue of your residency was
23 wrong?

24 A. There's nothing wrong with looking into some -- to
25 the -- if there was a question with my residency,

1 there's nothing wrong with looking into it. But
2 part of that process would involve communicating
3 with me. And the method that they used was they
4 cut corners basically. They knew the process.
5 They didn't want to use it.

6 Q. Was there some legal process that you believe you
7 were entitled to that you didn't get other than the
8 hearing that you chose not to attend?

9 A. I -- I didn't attend that meeting because my
10 attorney said that it would -- the proceedings
11 would violate the Voters Rights Act. We did go
12 there initially. And when they met with the judge
13 and the attorneys, at the beginning of the meeting
14 he said that --

15 MS. STORY: I'm going to instruct you not to
16 tell what your attorney has told you
17 specifically. You just tell them what you
18 did. Because you're going to waive your
19 privilege if you tell them what your attorney
20 has told you.

21 WITNESS: Okay. That was --

22 MS. STORY: Does that make -- is that fair?

23 Okay.

24 WITNESS: That was in the transcript. So --

25 MS. STORY: Okay. Whatever's in the transcript

1 I think is fine. But just be careful about
2 that.

3 WITNESS: Okay. Thank you.

4 THE EXAMINATION BY MR. MORRISON CONTINUES:

5 Q. Is there some legal process that you believe you
6 were entitled to that you did not get?

7 A. If there's an issue with where my home is compared
8 to where they think the boundary is, they would
9 have to do a physical boundary survey to determine
10 exactly where the line is.

11 Q. So you believe the evidence was insufficient to
12 find that you did not live in Richland County,
13 correct?

14 A. And I believe that was intentional, that they --
15 they wanted to again get this over with as quickly
16 as possible. And they hoped that Jasper Salmond
17 would remove me from the voter rolls with Richland
18 County, and it'd be over and done with.

19 Q. All right, ma'am. I understand you contend the
20 evidence was insufficient. But that's been ruled
21 on by a judge in Richland County. My question to
22 you wasn't about the sufficiency of the evidence,
23 because that's already been determined by the
24 court. My question to you was, was there some
25 legal process that you think you were entitled to

1 that you didn't get?

2 A. Absolutely.

3 Q. What legal process were you entitled to that you
4 didn't get?

5 A. The -- the -- the process of determining the -- the
6 boundary, the county line.

7 Q. I understand the evidence issue. And I'm not
8 asking you about the evidence issue. I'm talking
9 about the process issue. Was there some hearing,
10 some opportunity for you to present something? Was
11 there -- you said the manner in which it was done.
12 So I'm asking you was there some process that you
13 were entitled to that you didn't get?

14 A. Yes. They should have done the boots on the ground
15 boundary survey.

16 Q. Okay. So you dispute the evidence. Anything else?

17 A. And -- and Mr. Bowers knows that. Mr. Gantt knows
18 that. They know how to --

19 Q. Anything else?

20 A. In what regard?

21 Q. Is there any other legal process that you believe
22 you were entitled to that you didn't get other than
23 the sufficiency of that evidence? Anything else?

24 A. Part of that due diligence is communicating with
25 the property owner.

1 Q. Anything else?

2 A. The counties should have been involved before any
3 determination was made.

4 Q. Anything else?

5 A. I'm sure there's some other things too.

6 Q. When we were together last, at one point during
7 your testimony you told me that there was newly
8 discovered evidence to show that there was a
9 conspiracy. What is that newly discovered
10 evidence? Do you need me to remind you of the
11 context in which you said that?

12 A. I don't think so. The lines that were initially
13 drawn to make a so-called conclusive decision that
14 I don't reside in the county were changed to
15 another location. I have both sets of documents
16 that show that.

17 Q. And you've had the opportunity to litigate that,
18 correct?

19 A. I think we're still litigating it. I've just
20 received documents that show that the evidence --
21 the exhibits, not only the maps with the line, but
22 the description of the line on the sheet with the
23 description of the -- the line and comments that
24 were made on there related to the code referencing
25 the description is -- is false in the exhibits.

1 The original documentation that went out was
2 different, and it was based on a rudimentary
3 positioning of one point that may have been a point
4 on the county line back in 1995.

5 Q. Ms. Murphy, the fact is you -- you disagree with
6 the outcome that you have achieved in court so far,
7 correct?

8 A. I do disagree with it. But this is a bigger issue.

9 Q. Okay. And you had the opportunity to present your
10 evidence if you -- had you chosen to attend the
11 hearing before Judge Cooper, --

12 A. This is related to the conspiracy.

13 Q. -- the hearing before the school board and the
14 hearing before Judge Benjamin in the Court of
15 Common Pleas in Richland County. You had the
16 opportunity to present all of your evidence
17 regarding your residency issue in all of those
18 proceedings, correct?

19 A. And there is still a process that we're going
20 through.

21 Q. Okay. So you had the opportunity to present your
22 evidence. At this point you've lost that issue,
23 although I realize you've got a motion to
24 reconsider pending, correct?

25 A. Yes.

- 1 Q. Okay. Now, you say you have just received
2 documents. Who did you receive the documents from?
- 3 A. Lexington County.
- 4 Q. When did you receive them?
- 5 A. A week and a half ago.
- 6 Q. Have you produced them?
- 7 A. Yes.
- 8 Q. To whom?
- 9 A. Well, they're -- I have -- I have my hard drive
10 with me. I brought it. So --
- 11 Q. So you haven't produced them to the defendants in
12 this lawsuit yet?
- 13 A. Some of it I have.
- 14 Q. Some of it you have. Okay. But not all of it?
- 15 A. The audio of my phone call with Alan John Zupan is
16 when it was discovered that the process they used
17 was flawed, and they were --
- 18 Q. All right, Ms. Murphy, I have enough questions of
19 different issues with this lawsuit at this point
20 that I could go on for days. We've attempted to
21 narrow it down before we came here today, but you
22 haven't had time to complete that process. Today
23 you have made reference to it would be easier if
24 you had the documents on more than one occasion.
25 So I want to be fair to you and I want you to be

1 fair to me. I'm entitled to know what evidence you
2 have, and that's why I'm asking these questions.
3 But I'm having difficulty getting answers. So
4 here's what I want to do, and I want an agreement
5 from you before we do this, or I'll just keep going
6 and we'll put all the discs in and we'll go through
7 all the documents together. I would like for us to
8 reconvene this deposition at a time when you have
9 had an opportunity to go through the documents and
10 the videos and audios and narrow down the list in
11 accordance with the list we sent to you through
12 your lawyer to answer those questions about which
13 documents are relevant to what claims. That way,
14 we can have a more focused deposition. We can come
15 in, we can address those documents, rather than
16 addressing everything. And I recognize that will
17 take you some time. I recognize you have other
18 things to do. So what I would like to do is to get
19 an agreement from you that we can reconvene the
20 deposition in 30 days. And in 30 days that'll give
21 you time to go through the stuff and you can get
22 the information to us, and then we can reconvene.
23 Is that acceptable to you?

24 A. Can I talk to my attorney?

25 Q. About those documents?

1 A. No. About the schedule?

2 Q. About the schedule, certainly. Absolutely. That
3 doesn't mean we're through today. That just means
4 we're going to narrow it down today.

5 A. That's fine.

6 (Off the record from 11:57 a.m.
7 until 11:59 a.m.)

8 WITNESS: That's fine. And I will let you know
9 if it looks like I'm going to be done any
10 sooner than that.

11 MR. MORRISON: Okay. And what I would like to
12 do is to get your response in sufficient time
13 for us to have a chance to review it before we
14 reconvene your deposition. So -- so my offer
15 to you is to give you 30 days to do that, and
16 we will reconvene your deposition 30, 35 days,
17 40 days, somewhere in there. We'll reconvene
18 it fairly soon. All right. Let's take a
19 break and see where I am now. Because that
20 may -- I may stop and do all of it after we
21 get the documents. That may narrow a lot of
22 what I've got to ask about. Let's take a
23 break and let me see where I am.

24 (Off the record from 12:00 p.m.
25 until 12:07 p.m.)

1 MR. MORRISON: Subject to my right to reopen
2 the deposition and examine Ms. Murphy on
3 further issues, I'm going to pass at this
4 point in light of our agreement that may
5 narrow the scope of things.

EXAMINATION

7 BY MR. MONTGOMERY:

8 Q. And I'm next. I'm Mike Montgomery. Ms. Murphy,
9 you and I are acquainted. And I represent Robert
10 Gantt in this lawsuit. I'm going to try to ask
11 questions today that will not invoke the documents
12 that you're going to identify to both expedite
13 things and to deal with that. Okay?

14 A. Okay.

15 Q. Is there any reason today that you know of that you
16 can't give truthful testimony in this matter?

17 A. I will always give truthful testimony.

18 Q. Now, just before we begin I want to understand how
19 the Lexington 5 School Board operates internally,
20 your knowledge. There have been a couple of times
21 where you have indicated the board officers knew
22 something or the board officers did something. And
23 as that board operates, do the board officers
24 handle things between meetings for the district?
25 Is that how it operates?

1 A. Yes.

2 Q. Okay. And tell me, if you would, just your
3 understanding of what the power and authority of an
4 individual school board member is.

5 A. As an individual school board member I don't have
6 power to make decisions on my own.

7 Q. And it'd be fair to say that as a school board
8 member you're tasked with your input into the
9 group, right?

10 A. Yes.

11 Q. And the group as the board is the only entity that
12 can take any kind of official action. Would that
13 be fair to say?

14 A. Yes.

15 Q. And so in Lexington 5 you had a seven-member board.
16 It basically takes four members to do anything?

17 A. Correct.

18 Q. Okay. Now, what is the role of the chairman of the
19 school board as you understand?

20 A. He has some more leadership responsibilities.

21 Q. Does the chairman sometimes serve as a spokesperson
22 for the board?

23 A. Yes.

24 Q. And does the chairman also conduct the meetings?

25 A. Yes.

1 Q. Okay. And when you were on the board, if you would
2 -- were there times that you knew you were acting
3 as a board member in things you did, and other
4 times when you were acting as Kim Murphy as an
5 individual private citizen?

6 A. Are you speaking about at the board meetings or --

7 Q. No, ma'am. I'm talking about in your life in
8 general.

9 A. Well, there are some times when I have the role as
10 a school board member, and other times when I have
11 my personal life.

12 Q. Okay. And when you were in a school board meeting
13 you were acting as a school board member. Would
14 that be fair to say?

15 A. Yes.

16 Q. And there would be other times, for example, if you
17 were at an event representing the school board or
18 if you toured a school representing the school
19 board or as a board member you'd be acting as a
20 school board member at those times, right?

21 A. There are some -- yeah.

22 Q. Okay. And there are also times like in a political
23 campaign when you'd be acting as an individual, not
24 a school board member. Would that be fair to say?

25 A. I think so.

1 Q. Okay. Now, you have alleged that Mr. Gantt
2 conspired with Mr. Bobby Bowers in some way to
3 injure you. Okay?

4 A. Yes.

5 Q. And that's what the complaint in this lawsuit
6 against Mr. Gantt is, correct?

7 A. That's part of it.

8 Q. Now, I want to first understand and have you tell
9 me for the record how you believe you were injured
10 by what you describe as the conspiracy between Mr.
11 Gantt and Mr. Bowers.

12 A. If I understand your question, because the process
13 that they used which they knew was not the process
14 of determining --

15 Q. Okay. Now -- and I don't want to interrupt you,
16 and I'll let you finish. But maybe we can go
17 quicker if we deal with just the question. Okay?
18 I understand that you may have some explanation,
19 and that's fine. But what I -- my question was how
20 were you injured? I don't want to know about the
21 process. I want to know -- when I say how were you
22 injured, what I'm asking is what damages, what harm
23 has Kim Murphy suffered. So if that's clearer,
24 then we can go there. But I understand you have a
25 problem with the process. But that's not the

1 question I asked you. The question I asked you is
2 how were you injured or how were you damaged?

3 A. How they harmed my reputation?

4 Q. If you believe injury to your reputation is part of
5 your damages, that can be an answer, yes, ma'am.

6 A. Oh. They have harmed my reputation. I have, you
7 know, physical issues now. I am unable to run for
8 a seat on a school board for several reasons. One,
9 until a survey is done and the county line is
10 known, my county of residence is going to be
11 questioned.

12 Q. Anything else?

13 A. Because I've been made to look like someone who is
14 not trustworthy and someone who has harmed the
15 district -- and I know it's your job, but it makes
16 me feel like I'm a criminal in this situation.

17 Q. Well, Ms. Murphy, understand I'm not trying to make
18 you feel any way.

19 A. I know you're doing your job.

20 Q. I'm only trying to ask you questions to induce
21 evidence so that I understand about your case. And
22 if you need to take a break, just let me know.

23 Because this is supposed to be as collegial kind of
24 conversation as we can have. Okay? Now, have you
25 incurred any measurable dollar amounts of loss as a

1 result of what you allege to be this conspiracy
2 that Mr. Gantt is involved in?

3 A. What do you mean by measurable?

4 Q. Well, a couple of examples of that would be have
5 you incurred any medical expenses?

6 A. Yes.

7 Q. And what medical expenses might you have incurred?

8 A. Physical therapy, you know, medical doctors.

9 Q. Okay. Now, what -- and I want to make sure I
10 understand. You said you've incurred physical
11 therapy expenses from medical doctors. What
12 medical doctors have you seen for any condition
13 that you attribute to this conspiracy?

14 A. Just the -- the stress and the anguish and the
15 muscle spasms and -- I'm not sure if I got your
16 question.

17 Q. Okay. So you've seen a medical doctor for stress
18 and anguish and what you describe as muscle spasms.
19 What's the name of that medical doctor?

20 A. I haven't seen the psychiatrist yet. We've
21 communicated. And I -- I don't want to have to.
22 Tab Thompson is one of the doctors. Dr. Phillips,
23 Chapin Family Practice, Ellis Physical Therapy and
24 another physical therapist. Kelly McCook is her
25 name. I can't think of the company's name. An

1 acupuncture specialist. Massage Envy for deep
2 tissue work.

3 Q. Is that all of them?

4 A. I think so.

5 Q. Do you know how much money you have expended in
6 treatment from any of those practices?

7 A. Oh, a few thousand dollars maybe.

8 Q. Can you put that in a range of numbers?

9 A. My husband's paid some and I've paid some, so it's
10 difficult for me to -- to do that. It's \$130 when
11 I go to that acupuncture doctor. It's about \$70 a
12 visit to the Massage Envy. Physical therapy, I
13 think that's now \$50 a visit. And I don't know Tab
14 Thompson's -- I don't know that fee. There's --
15 and then Dr. Phillips. I think Tab may have been
16 \$50. Dr. Phillips is \$25. I think it's just the
17 copay. And then some prescription medicine.

18 Q. What prescriptions are you taking?

19 A. Flexeril, Methocarbamol. Those two are muscle
20 relaxers.

21 Q. Any others?

22 A. And then to help with my concentration, Vyvanse and
23 something that's like Adderall.

24 Q. Do you recall when you were first prescribed the
25 Flexeril?

- 1 A. Maybe close to a year ago.
- 2 Q. How about the Methocarbamol?
- 3 A. About the same time.
- 4 Q. The Vyvanase?
- 5 A. Vyvanse?
- 6 Q. Vyvanse. I'm sorry.
- 7 A. Yeah.
- 8 Q. I can't read my own handwriting.
- 9 A. Shortly afterwards I think.
- 10 Q. So within the last year?
- 11 A. Yes.
- 12 Q. And the something like Adderall?
- 13 A. Yeah, same.
- 14 Q. What physician prescribed that medication to you?
- 15 A. Dr. Phillips and one of his partners. I don't know
- 16 his name.
- 17 Q. When you say Dr. Phillips, you're saying that
- 18 Chapin Family Practice --
- 19 A. Yes.
- 20 Q. -- would have prescribed that?
- 21 A. Yes.
- 22 Q. Okay.
- 23 A. I also take Hydrocodone that I have left over from
- 24 surgeries or anytime I was given it. I try not to
- 25 take it. So I kept it.

1 Q. Any other medications?

2 A. I don't think so.

3 Q. Okay. Now, --

4 A. Over the counter. But that's --

5 Q. And you indicated that you have stress and anguish
6 and muscle spasms. Where is the source of the
7 location of the muscle spasms that you contend you
8 have?

9 A. And also an issue with my attention span. Neck and
10 left shoulder.

11 Q. Okay. Ever had any injuries to your neck or left
12 shoulder before?

13 A. In the eighties I had a car accident and I hurt my
14 neck.

15 Q. Do you have any kind of diagnosis related to your
16 shoulder and your neck from one of your physicians
17 as to what they contend is wrong with you?

18 A. Well, only, you know, stress, trying to get these
19 knots out. I do the dry needling to -- goes into
20 the trigger points. My -- my nephew is a physical
21 therapist. And I was just out in Colorado, and
22 he's given me some different exercises to do. But
23 I need to go get a piece of equipment to use.

24 Q. Now, has any physician given you any kind of
25 written medical opinion that ties these conditions

1 to what you allege to be the conspiracy by Mr.

2 Gantt and Mr. Bowers?

3 A. I don't think I've asked for that.

4 Q. Has any physician told you that this is a direct
5 result of that issue?

6 A. No. It's been coming on since it happened, and it
7 just got unbearable.

8 Q. So your tying this is your belief that that was the
9 onset of this?

10 A. Oh, yeah. My dad's a family practice doctor. So -
11 - I'm not a doctor, but --

12 Q. Did your dad -- did you consult your dad about this
13 diagnosis, --

14 A. No.

15 Q. -- or are you just saying your experience --

16 A. Yes.

17 Q. -- growing up is what led you to this opinion?

18 A. Yes. Yeah.

19 Q. Okay. Now, any other medical conditions or medical
20 issues that you attribute to Mr. Gantt and Mr.
21 Bowers's conspiracy?

22 A. When I had to work with a mouse for a good bit of
23 time for the discovery for the ten million dollar
24 counterclaim, I have sort of like computer elbow
25 that comes and goes.

1 Q. And that you're not saying though arises from
2 anything that Mr. Gantt or Mr. Bowers did in this
3 alleged conspiracy, because you're saying that
4 relates to your doing work in another case you're
5 involved in, correct?

6 A. Yeah.

7 Q. Okay.

8 A. It's aggravated by.

9 Q. All right. Now, you indicated that you're having a
10 problem of focus or attention. Have you seen any
11 specialist with regard to that condition?

12 A. Only the family doctor.

13 Q. Okay. Has the family doctor given you any
14 diagnosis -- any medical diagnosis of that
15 condition?

16 A. Not really. Just that I have a deficiency.

17 Q. All right. Does he attribute any of that to age or
18 any other factor that might be an explanatory case
19 for it?

20 A. I have not heard him say.

21 Q. Has he indicated to you in any kind of formal
22 medical belief that he believes that relates from
23 stress that directly proceeds from this complaint?

24 A. Only that I've told him that it's --

25 Q. Now, are there any other physical issues that

1 you've had that you attribute to the actions of Mr.
2 Gantt and Mr. Bowers in conspiring against you that
3 we haven't talked about?

4 A. I don't -- I think that's it.

5 Q. Okay. Now, you also indicated that you had harm to
6 your reputation. Okay. And what I want you to
7 describe for me is any event or occurrence -- and I
8 want to make sure you understand. Not how you
9 feel, but anything a third party has said or done,
10 or an action that they have taken that indicates to
11 you that your reputation has been harmed.

12 A. As it relates to my ability to run for school
13 board, Dean Crepes is actually the first one to
14 raise it. I kind of have this mental block.

15 Q. Well, let me see if I can help you. Have you
16 applied for any job or position that you have been
17 denied that your reputation has been identified as
18 the reason that you didn't get that job or
19 position?

20 A. Related to the defamation that occurred -- had been
21 occurring before this incident, I had applied for -
22 - at Apple One, and felt like that I wasn't able to
23 get some jobs that I would have liked to have had.

24 Q. And when did you apply to Apple One?

25 A. This was a couple of years ago. The last interview

1 I had was with -- is it H.R. Mann, affiliated with
2 insurance.

3 Q. When you say a couple of years ago, can you give me
4 something more specific than sometime during the
5 year 2013?

6 A. I'd have to look at my emails to see.

7 Q. And Apple One is an employment service; is that
8 correct?

9 A. Yes. Yeah, temp.

10 Q. Who is the person you dealt with at Apple One?

11 A. I can't remember. I have to look at the emails.

12 Q. Do you remember the first time you communicated
13 with Apple One seeking employment?

14 A. I don't -- I don't recall.

15 Q. Was it before you were on the school board or after
16 you were on the school board?

17 A. After I was on the school board.

18 Q. Was it before January 1st, 2013?

19 A. I can't recall.

20 Q. Do you have records that you have furnished your
21 lawyer from which that information could be
22 determined?

23 A. When I first went there or when --

24 Q. Well, starting with your history with applying for
25 positions with Apple One.

1 A. I could probably check my emails and -- I was set
2 up to -- you know, they give you -- send out a
3 reminder to check in every so often.

4 Q. What type positions were you applying for through
5 Apple One?

6 A. I was fairly flexible as long as it didn't involve
7 the need to type fast or computer programs.

8 Q. Did you interview for any positions with them aside
9 from this H.R. Mann one that we're talking about?
10 And I say with. I could say through.

11 A. Yeah. I can't remember. That was the last one.

12 Q. What was the type of position that you had with
13 H.R. Mann that you were applying for?

14 A. They sell insurance to school district employees.
15 And I was going to kind of be his right-hand person
16 and then be trained to be a salesperson.

17 Q. What reason were you given that you were not hired?

18 A. The reputation I have with the school district.

19 Q. And what do you think that reputation is?

20 A. I wasn't given that reason. That's my -- I mean,
21 that's my assumption.

22 Q. What reason were you given?

23 A. I can't remember if it was that I didn't want to
24 take it or -- I know he -- he wanted me to give him
25 all of my contact information, and they would

1 become his clients. And I thought if I'm going to
2 be working my way up to sales, those are the people
3 I'd like to have as mine. So I can't remember. I
4 remember having that concern. I don't know what
5 the outcome was.

6 Q. But you'd agree with me if you -- if you chose not
7 to take it, that your perceived reputation would
8 have had nothing to do with you not getting the
9 job, right?

10 A. Yeah.

11 Q. Okay. So as we sit here today is it your
12 recollection that you chose not to take the job
13 because of this contact issue, or that the job was
14 not given to you for some other reason?

15 A. I'll have to check. But I think it was that the
16 person who I dealt with there was having difficulty
17 finding jobs for me because of my perceived
18 reputation.

19 Q. Okay. And when you talk about there in this case,
20 you're not talking about H.R. Mann, you're talking
21 about Apple One?

22 A. Yes.

23 Q. And who was the person that you dealt with at Apple
24 One?

25 A. I can't remember her name. Pretty blonde.

1 Q. Female?

2 A. Female.

3 Q. Okay. When's the last time that you spoke to
4 someone at Apple One?

5 A. It's been a couple of years.

6 Q. Okay. I just want to --

7 A. She -- she may have contacted me. I don't know.
8 I'll have to check my email.

9 Q. I just want to make sure -- and just from a time
10 standpoint you indicated you started talking with
11 them a couple of years ago, and the last time you
12 talked with them was a couple of years ago. About
13 how much time do you think you worked with them?

14 A. I don't -- I don't recall when I first started.
15 But it was after I was a school board member, after
16 2010. And they would send out, you know, regular
17 emails to let them know that you are available.

18 Q. Other than the H.R. Mann, did you have any other
19 interviews or conversations with potential
20 employers through Apple One?

21 A. I can't remember.

22 Q. At what point do you contend that Mr. Gantt and his
23 conspiracy with Mr. Bowers or his activities as a
24 member of the school board in defaming you in this
25 lawsuit had an effect or impact on your reputation?

1 A. Can you ask the question again, please?

2 Q. Yes, ma'am. At what point -- and when I say point,
3 a date or a month -- do you contend for purposes of
4 this lawsuit that Mr. Gantt and Mr. Bowers'
5 conspiracy, any harm it did to your reputation or
6 any harm that the slander you've alleged against
7 the school board did to your reputation? When did
8 that happen? At what point was your reputation
9 harmed by those actions?

10 A. Related just to the residency portion?

11 Q. Well, I mean, that's what your lawsuit here is
12 about. So about this lawsuit.

13 A. Well, I think the lawsuit is also about the
14 defamation that -- leading up to this.

15 Q. Okay. All right. Well, then let's talk about --
16 if you think the lawsuit is about defamation
17 leading up to this, at what point do you believe
18 your reputation was harmed?

19 A. And just to clarify, leading up to this and this.

20 Q. Okay.

21 A. They began right after I got elected.

22 Q. Okay. And what I'm trying to understand, Ms.
23 Murphy, is not what you allege was done, but the
24 date or the time or the period when you suffered an
25 injury, that injury being the harm to your

1 reputation that you -- you've described. So what
2 I'm trying to determine is when did you first feel
3 or believe or have some evidence that your
4 reputation had been harmed by their actions?

5 A. Right after I got -- 2010, November 2010 it sort of
6 began. And it began to get more intense as time
7 went on.

8 Q. Okay. At what point did you begin to experience
9 the physical issues that you described earlier in
10 your testimony today?

11 A. Well, it's been -- beginning a couple of years ago.
12 But just -- it got to a point where I needed to --
13 I don't like to go to doctors. I don't like to
14 take medicine.

15 Q. So you went to the doctor a couple of years ago.
16 At what point did you begin experiencing the
17 symptoms?

18 A. A couple of years ago is when I began experiencing
19 the -- the symptoms. And then I didn't go to the
20 doctor until I guess it was about a year ago.

21 Q. Okay. Now, what's the first evidence that you can
22 offer me as far as some person saying something to
23 you or some adverse occurrence to you that you
24 believe was effected by your harmed reputation?

25 A. Just letters -- you know, there were some letters

1 to the editor. The way I was treated at school
2 board meetings.

3 Q. Keep going.

4 A. The reaction from the audience.

5 Q. And, Ms. Murphy, those are all things that occurred
6 to you essentially in your official capacity as a
7 school board member, right?

8 A. Yes, I guess.

9 Q. Because people weren't writing letters to the
10 editor saying Kim Murphy is a bad person because
11 she beats her children, were they? They were --
12 and I say that -- that may be a very poor example,
13 and I apologize for that. But my point being they
14 were not talking about you as a person or your
15 personal conduct. They were referring to your
16 actions in your official capacity; is that correct?

17 A. It was both probably. Related to the wetlands
18 issue, which was personal. And also as a school
19 board member.

20 Q. Okay. Now, would you agree with me that in the
21 wetlands issue you put yourself in the public eye
22 there, didn't you?

23 A. Yes.

24 Q. Because you, as an individual, filed a lawsuit
25 against the government, right?

1 A. I appealed DHEC's decision.

2 Q. Okay. And in appealing DHEC's decision you were
3 trying to stop the government from taking an
4 action, right?

5 A. Yes.

6 Q. And presumably the government was taking that
7 action because a lot of members of the public
8 wanted that action taken, correct?

9 A. Can you ask that question again?

10 Q. Sure. I said presumably the reason the government
11 was taking the action that you wanted stopped was
12 because a lot of members of the public wanted that
13 action taken?

14 A. So we're talking about DHEC?

15 Q. Well, DHEC -- let's just lay some foundation here.
16 The action you filed in 2010 -- which is what
17 you're referring to, correct?

18 A. Right.

19 Q. Which was an appeal of DHEC issuing School District
20 5 a permit --

21 A. Right.

22 Q. -- to allow it to proceed with construction at
23 Chapin High School. That's correct, right?

24 A. Or the -- the ball fields in the back, yes.

25 Q. Okay. And actually all the construction was

1 required because DHEC wouldn't issue the permit on
2 the site without covering the whole site, right?

3 A. I don't know that they -- I don't -- they may have
4 been able to proceed without it.

5 Q. But the -- so presumably because a bond referendum
6 among other things had passed, the public in the
7 area wanted Chapin High School expanded, didn't
8 they?

9 A. They wanted the improvements at Chapin High School.

10 Q. And your action was perceived as stopping or
11 delaying those improvements, wasn't it?

12 A. It was portrayed that I was trying to stop the
13 renovations of the school building itself. And
14 that was not what I was doing.

15 Q. Okay. But in fact, while that may not have been
16 your intent, that was the effect of the appeal,
17 wasn't it?

18 A. There were other alternatives that could have been
19 used to move forward.

20 Q. And I understand that was your position in that
21 lawsuit. But my question is really pretty simple.
22 DHEC issued a permit. You personally appealed the
23 issuance of that permit. And I believe that in
24 appealing that, one of the reasons you felt that
25 the proposed work in that wetlands area would have

1 an adverse effect on your property; is that
2 correct?

3 A. The way the -- you establish standing.

4 Q. But that's what you allege, right?

5 A. Yes. And our use -- our right to enjoy it.

6 Q. Now, it is certainly conceivable that folks who
7 read about that in the newspaper or heard about
8 that in the community might not be happy with that
9 action, isn't it?

10 A. Well, they represented that I was delaying the
11 project when it was their own doing because they
12 weren't ready to go. They had all kinds of issues.

13 Q. Okay. But I'm not -- I want to understand what
14 happened. You'd agree with me that that permit was
15 required in order to proceed?

16 A. Yes. Except they had other -- or they had other
17 alternatives.

18 Q. Okay. And I understand that's your contention.
19 But you had to have that permit from DHEC to
20 proceed with the construction?

21 A. Yes.

22 Q. And you filed a lawsuit appealing DHEC's issuance
23 of that permit, correct?

24 A. Yes.

25 Q. And you pursued that lawsuit vigorously, didn't

1 you?

2 A. I think so.

3 Q. And in fact you or folks on your behalf issued
4 press releases about your filing that lawsuit,
5 didn't you?

6 A. I don't know about press releases.

7 Q. And you talked to the media?

8 A. Yes.

9 Q. And you went out and tried to make your case as to
10 why you were right and the school district was
11 wrong in pursuing the action that they were
12 pursuing?

13 A. I was trying to protect the wetlands and keep
14 people informed.

15 Q. But you'd agree with me that some people in the
16 public probably weren't in agreement with what you
17 were doing?

18 A. I think they probably weren't in agreement because
19 of what the district put out and advertised. And
20 they had a huge campaign to -- I mean, they had
21 their high-powered attorneys out there doing their
22 PR work for them and began painting a picture that
23 it was all my doing and it was --

24 Q. So at what -- as you talk about all that before
25 2013, what effect do you think that had had upon

1 your reputation?

2 A. I mean, it was -- it was beginning to -- I think
3 people were beginning to look at me in a negative
4 light.

5 Q. Now, did you take any action to try to remedy that
6 if you perceived people looking at you in a
7 negative light?

8 A. I don't think that -- that it was -- I don't know --
9 -- significant enough. But the way they treated me
10 at board meetings was horrendous. I just kept on
11 doing my job.

12 Q. Now, you say you didn't think it got that bad. At
13 what point do you think your reputation got so bad
14 that it had an effect upon you in the way that
15 you've described as your damages here?

16 A. January 14th when -- I don't know. It's not just a
17 nail in the coffin. It's a whole bunch of nails in
18 the coffin.

19 Q. Okay. And how did January 14th -- and I presume
20 you're referring to 2013, the board meeting.

21 A. Yes. Yes.

22 Q. How did the actions that evening damage your
23 reputation as you have alleged?

24 A. Just continuing to -- to paint the picture that
25 I've done something -- continuing to paint the

1 picture that I'm trying to harm the district and
2 that I'm a no-good cheat.

3 Q. Okay. Let's talk about what happened that evening.

4 Okay? I think earlier when Mr. Morrison was
5 talking with you, you used an expression that,
6 "They didn't tell me about it beforehand." And I
7 think I've got your exact words. "They just popped
8 it on me in executive session." What are you
9 referring to there?

10 A. We received our board packet on Thursday before
11 Monday night's meeting. And on the agenda in
12 executive session it said, "Receipt of legal
13 advice." And because we had the issue with the
14 Chapin High School teacher and we were led to
15 believe that it was going to be discussed, that
16 that's the item on the agenda that was going to be
17 used to go into executive session. And if it was,
18 I didn't feel it was sufficient, and I -- I
19 frequently asked the officers to be more specific
20 when we go into executive session for FOIA. And
21 they -- I'm not very good at exaggerating. I don't
22 think they've ever changed an agenda to better
23 spell out the method -- or why we're going into
24 executive session, a specific reason. But on
25 Friday after hours we received an amended agenda

1 that said, "Receipt of legal advice, Act 326 of
2 2002 of Richland County" I think is what it was.
3 And that was it. Had no idea what it was about.
4 And I talked to a couple of school board members.
5 They didn't have any idea. There was nothing in
6 the board packet. I talked to Rick Quinn who was
7 involved with getting us the extra seat in Richland
8 County. Because that was one of the amendments to
9 that statute. There were three or four others. So
10 I thought maybe it was related to the census that
11 had just taken place and that we were due another
12 seat, or possibly -- there was a provision for a
13 referendum for a sales tax to go back to the school
14 district. Maybe it was that. Nobody knew what it
15 was. So I didn't find out about it until we were
16 in executive session.

17 Q. Okay. So between Friday when this amendment to the
18 agenda came out and the meeting on Monday you
19 talked to other board members?

20 A. Yes.

21 Q. Do you know the board members you talked with?

22 A. Jim Turner is one. I may have talked to -- I may
23 have talked -- I don't know who was -- if Jan was
24 on the board then or not. I know for sure I talked
25 to Jim. I talked to Chip Huggins too.

1 Q. Now, that's Representative Huggins?

2 A. Yes.

3 Q. He's not on the board, but he's in the legislature?

4 A. That's right.

5 Q. Any other board members? Did you talk to Ms.

6 Baumgartner?

7 A. I don't think so.

8 Q. Mr. Gantt?

9 A. No.

10 Q. And Mr. Gantt was chairman at that time, correct?

11 A. Yes.

12 Q. Is there any reason you didn't call the chairman
13 and say, "I don't understand this, can you explain
14 it to me?"

15 A. I had sent an email on Friday to Mr. Gantt and --
16 and the superintendent to try to clarify some of
17 the -- some -- either -- other items on the agenda
18 that weren't clear. I think that was it. And
19 didn't hear -- didn't hear back. And that was the
20 same time that I was encouraging them to be more
21 specific with the executive session item. Didn't
22 hear anything back. We just got an updated agenda,
23 and that was it.

24 Q. Do you recall making a request or asking anyone
25 specifically what is this agenda under South

1 Carolina Act 326 of 2002?

2 A. No. But I asked -- I said, "If we are going to
3 discuss the -- the teacher issue, we need to be
4 more specific." You know, there was an opportunity
5 to be more specific and provide more information.
6 And the only information we got was the adding a
7 few extra words on the agenda. I eventually heard
8 back from the superintendent on -- on Monday
9 morning. But nothing -- nothing from Mr. Gantt.

10 Q. Okay. So I want to make sure. You hadn't made a
11 specific inquiry about what this was about. You
12 had talked to Mr. Turner, probably no other board
13 members. And Mr. Turner, like you, was not aware
14 of what this was about?

15 A. Huh-uh. No.

16 Q. Okay. Now, you got into the executive session
17 which I believe in your board meetings is actually
18 at the beginning of the meeting --

19 A. Yes.

20 Q. -- before the -- before the public session?

21 A. Correct.

22 Q. Okay. So tell me what happened in the executive
23 session that you felt like was just popped on you.

24 A. That I didn't live in the county where I had been
25 paying taxes and voting, where we had received -- I

1 was involved with developing our subdivision. So I
2 had some idea of the county line. And it didn't
3 make any -- it didn't make any sense why there
4 hadn't been any discussion on this.

5 Q. Now, during this executive session did you have any
6 comment to make about this?

7 A. I think I made the comment -- after -- I'm not
8 supposed to talk about what happened in executive
9 session, right?

10 Q. Well, I think it's relevant for this conversation.

11 A. Thank you. I'd love to. You know, one of the
12 board members asked -- or implied with a question
13 that I must have known that I wasn't in the right -
14 - that I wasn't in Richland County.

15 Q. And which board member was that?

16 A. It was Ellen Baumgartner.

17 Q. Okay.

18 A. And I -- you know, I was dumbfounded. You know, I
19 -- you know, I -- this is where I live. I don't
20 remember my exact words, but I know I was
21 dumbfounded. And then we walked out the door
22 headed to the gym. And Mr. Gantt said he was going
23 to read a statement about the teacher and then read
24 a statement about me. And I had no idea what he
25 was going to read. I was just in total shock.

- 1 Q. Did you ask him for a copy of the statement?
- 2 A. We didn't even have that much time between going
3 from the executive session room to the gym. That
4 was -- Colonel Tom Fincher was present at that
5 meeting. And I had suggested that maybe we could
6 turn the issue with the flag and the teacher into
7 something positive and have an appropriate flag
8 burning ceremony. And he made the suggestion that
9 while he's involved with the American Legion, why
10 not have the American Legion hand the flag over to
11 Chapin's ROTC and do that. And that was perfect.
12 And I said, "Well, please come to, you know, public
13 participation and -- and offer that." He says, "I
14 don't think I can come." And I said, "Well, you
15 know, it's the perfect time." And he says, "Well,
16 you do it." I said, "I don't know because I can't
17 get a word in edgewise. So -- but I'll try if
18 you're not there." And I came out of executive
19 session and he was on the front row. And I went
20 over to him and said, "There's -- I just got hit
21 with a bombshell. I'm not going to be able to do
22 it." And sat down and listened to the first
23 statement about the teacher in front of a filled
24 gym. And then about me.
- 25 Q. Okay. Do you know who prepared the statement that

1 Mr. Gantt read about you?

2 A. I can only assume.

3 Q. And who do you assume?

4 A. The district's attorney.

5 Q. Okay. And from a standpoint -- the time Mr. Gantt
6 read that statement, was he acting in his capacity
7 as chairman of the school board?

8 A. Yes.

9 Q. Now, going back before that, you mentioned the
10 letter that Mr. Gantt wrote to Mr. Bowers asking
11 that they ascertain your residence.

12 A. Yes.

13 Q. When he wrote that letter, was he writing that in
14 his position as chairman of the school board?

15 A. Yes.

16 Q. Okay. And do you know or do you have any evidence
17 that Mr. Gantt and Mr. Bowers had any telephone
18 conversations or meetings after he wrote that
19 letter before he received a response from Mr. Gantt
20 -- excuse me, from Mr. Bowers?

21 A. The agenda is prepared -- Mr. Gantt said the agenda
22 was prepared Tuesday before the -- Monday night's
23 meeting. And on the agenda was the line item --
24 agenda item, "Receipt of legal advice." And then
25 when I made the request -- so, I mean, it was clear

1 that they had had some conversation, and Mr. Gantt
2 knew it was coming in because he put it on the
3 agenda. And then on Friday, which is the same date
4 as Mr. Bowers' letter to Mr. Gantt, the 11th, was
5 the day I requested that they be more specific with
6 that agenda item, "Receipt of legal advice." Mr.
7 Gantt said he didn't get the letter until the 12th,
8 Saturday. But it was clear that he knew it was
9 coming in.

10 Q. Now, would this have been something, although Mr.
11 Gantt wrote the letter, that the district's
12 attorneys would have been involved in on behalf of
13 the district in ascertaining something like this --
14 an issue like this, the residency of a board
15 member?

16 A. It's possible. But it's very unprofessional. And
17 unless they were trying to give me a jab to -- you
18 know, it's possible.

19 Q. Let me ask you -- you made the comment it's
20 unprofessional. Would you not think it's in the
21 district's interest that all of its board members
22 are legally and properly serving in districts that
23 they're elected from?

24 A. Yes. But that's not the unprofessional part about
25 the letter.

1 Q. Well, what is your opinion is the unprofessional
2 part about the letter?

3 A. The comment that was made that, "As you may be
4 aware, such rumors have been around for some time."

5 Q. Well, you knew that to be true, didn't you?

6 A. No.

7 Q. Isn't it true that you testified during your first
8 day of testimony that Stuart Mongo had mentioned to
9 you in 2004 that you didn't live in Richland
10 County?

11 A. The statement that such rumors have been around for
12 some time to me is one that means people have heard
13 it, there's been a scuttlebutt that's going around
14 for a while. And I wouldn't have heard it.
15 Hearing it one time back in 2004, to me that
16 doesn't qualify as a rumor. Mr. Gantt did say at
17 the TV interview that he had been hearing about
18 this from many people for -- for a good time --
19 good bit of time. And also that he heard about it
20 in 2004. And then we saw that newspaper article in
21 The State when Scott Murray was quoted as saying
22 that he had been jumping up and down trying to get
23 the board to do something about it since 2010. And
24 we determined that it was 2010 because he made the
25 comment that he wanted to see if he could get me

1 off the ballot.

2 Q. And who is Scott Murray?

3 A. He's a very aggressive resident in Chapin. Mean-
4 spirited, antagonistic.

5 Q. Now, I just want to understand, and if you'd
6 explain to me, you know, what you have alleged is
7 that Mr. Gantt and Mr. Bowers somehow conspired to
8 do this to you. But if somebody named Scott Murray
9 has been jumping up and down saying that you don't
10 live in this area and that you shouldn't properly
11 be on the ballot in 2010 and Stuart Mongo has told
12 you in 2004 that you don't live in Richland County,
13 what are you alleging that they -- that they did to
14 conspire to make that happen?

15 A. They know the process of determining where a county
16 boundary is, or political boundary. And they knew
17 the facts and they failed to -- utterly failed --

18 Q. Does Robert Gantt have any authority -- any legal
19 authority whatsoever to set a county boundary in
20 the State of South Carolina?

21 A. No.

22 Q. And does Bobby Bowers as an individual have any
23 authority to set a legal county boundary in South
24 Carolina?

25 A. No, he doesn't.

1 Q. And, in fact, the State Budget and Control Board
2 can set under certain circumstances a county
3 boundary in South Carolina; is that correct?

4 A. It's my understanding that only the legislature can
5 set a county boundary. But the counties are to
6 resolve their -- before the new law, resolve their
7 boundary issue and handle annexations that are --
8 if the voters approve it, would be ultimately
9 approved by the legislature.

10 Q. Did you ever apply to be annexed into Richland
11 County?

12 A. I did.

13 Q. And what was the outcome of that?

14 A. Because at that point the county line was unclear,
15 we couldn't just do a survey to the county line
16 because we didn't know where the county line was.

17 Q. But you could have in fact used the line that had
18 been set by the board -- Budget and Control Board
19 and annex from there, couldn't you?

20 A. That hasn't been put on the ground either. So the
21 answer is no.

22 Q. How far along in the process did you go to get
23 annexed into Richland County?

24 A. I submitted an application.

25 Q. And what action was taken on that application?

1 A. I don't know what the next step was. My previous
2 attorney was involved in that. But, I mean, it's
3 pretty logical that a surveyor who is going to have
4 to survey on your property as part of the
5 annexation where the county line is. And what we
6 wanted them to do is just go around our whole
7 property and then there'd be no question. But we
8 couldn't run the lines to join a county line
9 because we didn't know where the county line was.

10 Q. Did you employ any surveyor to ever try to identify
11 the county line for you?

12 A. It would be too costly to do that.

13 Q. Do you have an estimate or did anybody give you an
14 estimate of what it would cost to do that?

15 A. I know a six-mile stretch was \$16,000.

16 Q. Okay. And what was the six-mile stretch that
17 you're referring to?

18 A. Up in Cherokee County, a woman there. And I talked
19 with her surveyor.

20 Q. Now, you had a -- you had a hearing with Judge
21 Benjamin in this case; is that correct?

22 A. Yes.

23 Q. And that was what's called a de novo hearing, isn't
24 it?

25 A. I don't know.

1 Q. Do you know what a de novo hearing is?

2 A. No.

3 Q. Okay. When you had a hearing with Judge Benjamin,
4 did she take testimony and hear evidence?

5 A. Yes.

6 Q. Okay. And that means she considered freshly the
7 issues that had been determined by the board,
8 right?

9 A. I don't know if she took testimony. But attorneys
10 presented the cases.

11 Q. Now, did you have the opportunity to present
12 evidence to Judge Benjamin on where you lived?

13 A. Yes.

14 Q. Okay. And what evidence do you recall presenting
15 to her?

16 A. A brief with some attachments and -- in advance of
17 the hearing. And at the hearing some case law.

18 Q. Okay. I'm just looking at the order, and I want to
19 ask you if this is correct. In the order the judge
20 says, and I'll quote, "Appellant submitted the
21 following exhibits to demonstrate that she is in
22 fact a resident of Richland County. One, her
23 vehicle taxes which are paid in Richland County;
24 two, a subdivision layout corresponding to the
25 residence in question where Lexington County

1 officials approved the proposed layout using
2 approximate county lines suggesting the residence
3 to be in Richland County; three, a certified plat."
4 Were there any other documentary evidence that you
5 produced at that hearing to support your contention
6 that you lived in Richland County rather than
7 Lexington County?

8 A. I can't -- I can't recall. I know I went over to
9 Kinkos and I had to get something scanned -- a plat
10 or something scanned. I don't know if that's the -
11 - they're referring to the same one there or not.

12 Q. As we sit here today is there any other documentary
13 evidence in your possession other than what was
14 presented to Judge Benjamin that shows that you
15 live in Lexington County or Richland County?

16 A. Can you ask that again, please?

17 Q. Yes, ma'am. That wasn't a good question. Let me
18 see if I can do better. As we sit here today do
19 you have any evidence that wasn't presented to
20 Judge Benjamin that demonstrates -- or that you
21 believe demonstrates that your residence is located
22 in Richland County?

23 A. Residency has several meanings.

24 Q. Okay. And when I refer to your residence, I'm
25 referring to your dwelling place, your home. Okay?

1 A. I don't have any -- nobody knows where the county
2 line is on the ground because it hasn't been
3 surveyed. So there's nothing conclusive that we
4 have. We have documents that show the counties
5 agreed where the line was. The subdivision
6 approval, the plat approval from Lexington County
7 when we developed the subdivision. Went over to
8 Richland County. They approved it. We had done a
9 survey, I guess it was a topo, to show where the
10 foundation of our home was while it was under
11 construction. And it was on the Richland County
12 side. We have a history of -- of paying taxes and
13 voting on the Richland County side, although we pay
14 the land taxes on three acres in Lexington County.
15 We have documents from both the Richland County
16 assessor and the Lexington County assessor stating
17 that due to home rule, the counties had to
18 reconcile their boundaries, and had done so, and
19 therefore the split of acreage lined up with what
20 we have. I have a picture of the Lexington County
21 map of our area that was taken by Jack McGuire who
22 used to work with Bobby Bowers and GIS that he took
23 with his phone and emailed to me to show me where
24 they understood the county boundary to be. Let's
25 see. I mean, we've been recognized by the counties

1 as Richland County residents.

2 Q. Now, all those documents you just named, were all
3 of those available at the time that you had the
4 hearing before Judge Benjamin in 2014?

5 A. The subdivision approval I think is one thing we
6 gave. The photograph was. I don't know what the
7 plat was that's referred to in there, if that's the
8 one showing the foundation in Richland County. And
9 the subdivision plat approval. The -- I don't -- I
10 don't know if the letters from the assessor's
11 office from 1978 were available.

12 Q. Okay. Now, you obviously believed you lived in
13 Richland County?

14 A. Yes.

15 Q. And you've been paying taxes in Richland County?

16 A. Yes.

17 Q. Why did you object to being in Lexington County if
18 you were in fact -- if the line was -- in fact
19 placed you in Lexington County?

20 A. For a couple of reasons. Number one, I am a
21 Richland County resident who was elected to the
22 school board on the Richland County side of the
23 district. And -- are you asking why I didn't just
24 resign?

25 Q. No, ma'am.

1 A. Okay.

2 Q. I asked a very specific question. Why did you --
3 if the line in fact, as the court held, had you
4 living in Lexington County, why did you object to
5 that?

6 A. Well, first it's related to the -- being an elected
7 official. And then the other one is it was clear
8 that the -- that they contrived the line, and it's
9 wrong.

10 Q. Okay. And I don't want to go through some of the
11 colloquy you had with Mr. Frawley again. But what
12 I want to ask you is very specifically. Do you
13 have any evidence in the form of a document or in
14 the form of testimony that a person is prepared to
15 come and sit and swear under oath to give that
16 there was any dishonesty in the manner in which the
17 Budget and Control Board, the office headed by Mr.
18 Bowers, investigated and drew the line?

19 A. I believe the documents that I've received that
20 show that they contrived it. And what has been
21 testified to at the February 2013 hearing, and my
22 conversation with Alan John Zupan and Will Roberts.
23 And the documents that Will sent to me.

24 Q. Okay. And if you have more to say, I don't mean to
25 interrupt you.

1 A. I think that -- I may. But I can't think right
2 now.

3 Q. Okay. Is it your allegation as we sit here that
4 Mr. Bowers or the other surveyor who testified
5 about the line at the February 2013 hearing
6 perjured themselves?

7 A. Yes.

8 Q. Okay. So it's your allegation that which one of
9 those committed perjury and lied under oath?

10 A. I think they knew -- that they knew how to
11 establish a boundary -- re-establish a boundary.
12 They both serve on the North Carolina, South
13 Carolina Boundary Commission. They know what's
14 required. They know the due diligence that they're
15 supposed to do. That you can't just take the
16 coordinate and call it the line. They know that.

17 Q. Okay. That really is what you think. But that's
18 not -- not an answer to my question.

19 A. When they say that it's conclusive that I don't
20 live in Richland County, it's not conclusive
21 because they haven't done a physical boundary
22 search -- a boundary survey to identify the corners
23 on the ground and establish a line.

24 Q. Okay. And had you appeared at that hearing, you'd
25 have had the opportunity to ask them about that,

1 wouldn't you, or your counsel?

2 A. Well, it's a -- a violation of the Voters Rights
3 Act to have proceeded with that hearing. That
4 hearing was an illegal hearing.

5 Q. And you base your authority for that on what, Ms.
6 Murphy?

7 A. We're alleging that in our complaint as one of the
8 causes of action or arguments.

9 Q. So that's an allegation. That's not a fact?

10 A. No.

11 Q. Okay.

12 A. It might be. It might be.

13 Q. And understand that when we're talking about things
14 to establish your claim here, allegations are
15 accusations if you will. Facts are things that we
16 know and that can be proven. Okay? And it's also
17 a fact, isn't it, that you raised that voters
18 rights question with Judge Benjamin, isn't it?

19 A. Yes.

20 Q. And, in fact, Judge Benjamin did not find merit in
21 that claim, did she?

22 A. That's correct.

23 Q. Because I think -- I'm looking at her order again.
24 And I think you'd agree with me that this was the
25 final order that she issued in your claim. She

1 said, "Based on the foregoing findings of fact,
2 analysis and conclusions of law, the court finds by
3 clear and convincing evidence that one, appellant
4 is a resident of Lexington County, not Richland
5 County; and two, appellant does not meet the
6 requirements and lacks the legal capacity to hold
7 the office of board trustee under South Carolina
8 Act 326 of 2002 Section 9. The court therefore
9 affirms the board's decision to remove appellant
10 from office under South Carolina Code Annotated
11 Section 59-19-60. It is so ordered." That's what
12 the court found, right?

13 A. And judges are known to be wrong. Have been known
14 to be wrong.

15 Q. Believe me, you don't have to tell lawyers that
16 might feel that way. But the answer is whether
17 they're wrong or they're right, that's what the law
18 is, correct? And the standing law right now is
19 that you're a resident of Lexington County?

20 A. (Nods head up and down.)

21 MS. PORTER: You need to respond verbally.

22 WITNESS CONTINUES:

23 A. Yes.

24 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

25 Q. So and my question is again -- now, you make a

1 serious allegation when you say that someone
2 commits perjury. It means they lie under oath. I
3 want to know specifically -- and you've got a copy
4 of the transcript. And if you can't do it today,
5 we'll ask you to do it in that 30-day period. But
6 I want you to be able to tell me specifically what
7 lie or what false statement that you contend either
8 Mr. Bowers or the other surveyor made in that
9 hearing in February 2013.

10 A. They said it was conclusive that I don't reside in
11 Richland County.

12 Q. I mean, you'd agree with me that conclusive is a
13 word that in itself is a determination of opinion,
14 wouldn't you?

15 A. Well, yes. And based on an expert's opinion they
16 said conclusively I didn't reside in Richland
17 County.

18 Q. Okay. If that is my opinion, how can that not be
19 true?

20 A. Because they know that they have not done what is
21 required to identify a county boundary. They knew
22 going into this.

23 Q. Let me ask this another way, Ms. Murphy. Ms.
24 Murphy, if you were asked right now today, I
25 suspect you would say that it is conclusive in your

1 mind that you live in Richland County. Is that
2 correct?

3 A. That my opinion is that?

4 Q. Yes, ma'am.

5 A. I'm -- I would base that only on what the counties
6 have told me.

7 Q. Okay. Other than using the word conclusive that
8 you lived in Lexington County, can you point to any
9 other misstatement of fact that you allege either
10 Mr. Bowers or the other surveyor made during that
11 hearing?

12 A. The exhibits were false. Statements in the
13 exhibits were false. And I believe that the
14 exhibits were not only manipulated, but they
15 withheld exhibits.

16 Q. What evidence do you have that supports your belief
17 that there were false statements in the exhibits
18 entered into the hearing?

19 A. The statutes spell out the county boundaries. And
20 it was represented that the description of one
21 boundary -- or section of the boundary that was
22 shown in the Code of Laws for Richland County was
23 also shown in the Code of Laws for Lexington
24 County.

25 Q. You said it was represented. How was that

1 represented?

2 A. They stated that the same language that was in the
3 Richland County boundary description was also in
4 the statute for the Lexington County boundary
5 description.

6 Q. Now, if you're referring to this, are you referring
7 to referencing of a point in Slice Creek known as
8 Rocky Ford?

9 A. I think it's Exhibit 8 in the Code of Laws.

10 Q. Okay. That wasn't my question.

11 A. I don't know if you have it up there.

12 Q. I'm asking you is the description -- what is the
13 description you're referring to that you believe is
14 not in both counties' boundary description that you
15 think was erroneously put?

16 A. It's the section that establishes the line that
17 goes from south to east.

18 Q. Okay. Have you personally compared the statutes?

19 A. Yes.

20 Q. Okay. Have you provided your comparison and where
21 you believe that error in the exhibit was to your
22 attorney?

23 A. Yes.

24 Q. Was that provided --

25 A. She hasn't seen it yet though.

1 Q. Okay. So you haven't provided it to her then?

2 A. No. Well, --

3 Q. All right. Now, additionally you said that there
4 were exhibits manipulated or withheld. Who would
5 have manipulated or withheld these exhibits that
6 you're referring to?

7 A. Well, the parties that would have their hands on
8 them would be Bobby Bowers' office, District 5's
9 attorneys and school board members.

10 Q. And on what basis do you have that the school board
11 members had access to the hearing exhibits other
12 than when they were presented to the board during
13 the hearing?

14 A. Well, the board officers, Mr. Gantt could have been
15 involved with putting it together as a --

16 Q. Do you have any knowledge at all that Mr. Gantt was
17 in any way involved with the preparation of
18 exhibits for the hearing?

19 A. No, I don't know.

20 Q. And in fact the board was acting as the -- as the
21 board. And when you're talking about the hearing,
22 you're talking about the hearing with Judge Cooper,
23 right?

24 A. Yes.

25 Q. And in fact the board was not participating in that

1 hearing as individual board members because they
2 were the folks that were ultimately going to have
3 to make a decision, weren't they?

4 A. Yes. But they're the ones who were trying to oust
5 me. So I have no reason to doubt that they weren't
6 involved with the process.

7 Q. Now, Ms. Murphy, you make lots of broad statements.
8 "They're the ones that were trying to oust me."
9 What evidence do you have that any board member on
10 the Lexington/Richland 5 School Board tried to oust
11 you?

12 A. Again, they know that -- they know the facts and
13 they ignored them. And the process that was used
14 was done to have me removed as quickly as possible.
15 And they weren't happy when I didn't resign.

16 Q. Okay. And let's talk about that a second. If they
17 didn't think you really lived in Richland County,
18 why do you -- what animus do you have that you
19 think these folks had that would make them want to
20 get you off the board as you allege here?

21 A. Based on my years on the board after being elected,
22 and the way that they prevented me from effectively
23 representing the people that I -- that elected me,
24 prohibiting me from speaking, cutting me off, not
25 putting documents on the record that I request go

1 in the record, editing my statements out of the
2 audio tapes, the comments that they would make --
3 disparaging comments that they would make at me,
4 the motion after motion after motion or resolution
5 after resolution after resolution that was -- that
6 they had prepared to harm my reputation and
7 discredit me, the fact that they allowed those
8 speaking at public participation to, you know,
9 personally verbally attack me. Just one thing
10 after another.

11 Q. Now, Ms. Murphy, though isn't it true as you talk
12 about all this that in fact throughout this time
13 you were an adverse party in litigation against the
14 district?

15 A. We have policies that we're supposed to follow as
16 far as decorum goes. And whether I'm an adverse
17 party or not doesn't mean they should not be
18 respectful. And I'm being too kind there. They
19 were far from it.

20 Q. Okay. And again, just my question was that you
21 were involved throughout this time as an adverse
22 party in litigation. The answer to that is yes; is
23 it not?

24 A. I'm always afraid I'm going to get a trick
25 question, and I don't understand the --

1 Q. Well, if you don't understand my question, as
2 you've found out throughout this, I'll be happy to
3 rephrase it. But my question really isn't whether
4 they hurt your feelings or whether you were unhappy
5 with the way they behaved towards you. My question
6 was really very simple. From the time you were
7 installed on the board in December of 2010 until
8 you left the board you were involved in some form
9 of litigation against Richland/Lexington 5 as a
10 party adverse; is that correct?

11 A. When you say adverse, you mean that my name is on a
12 legal document?

13 Q. Your name is associated with a cause or a complaint
14 that is opposed to the position of the district,
15 yes.

16 A. I don't know that it's opposed to the position of
17 the district. Maybe opposed to certain parties
18 within the district..

19 Q. And isn't it true, Ms. Murphy, that on multiple
20 occasions you've made allegations against Mr. Gantt
21 and you've accused him of breaking the law?

22 A. I think what he did to me in this case is breaking
23 the law. I don't recall specifically saying that
24 he broke the law.

25 Q. You sent emails to people that have said things

1 like that Mr. Gantt avoided using the procurement
2 process to sole source contracts with people for
3 the district?

4 A. Yes. He's violated our procurement code. He's
5 involved with violating our procurement code. I
6 believe he's involved with that and, you know, our
7 board policies which are -- our laws were violated
8 numerous times. So --

9 Q. And you published those to a number of people,
10 didn't you?

11 A. Possible.

12 Q. And you were involved, in fact, in creating flyers
13 that went out in the community that made those
14 allegations as part of political campaigns, weren't
15 you?

16 A. I don't recall that.

17 Q. And you don't recall any emails that you sent that
18 you produced, emails where you have encouraged
19 others to write letters to the editor complaining
20 about Mr. Gantt and other board members?

21 A. You asked me a question similar to that at our --
22 the last time -- or --

23 Q. It wouldn't have been me. This is the first --

24 A. This guy did. Sorry.

25 Q. Well, he doesn't want you to confuse him with me,

1 because that would hurt his feelings.

2 A. Sorry. I -- I -- I can't remember that I did that.

3 Q. But you've been actively involved in politics in
4 District 5 for more than ten years, haven't you?

5 A. Yes.

6 Q. And in that time you've always cast yourself out as
7 someone who was looking for the truth and going to
8 bring down the old boy system as you characterized
9 it?

10 A. I don't know that it's to bring down the system.
11 It's just to improve the system.

12 Q. Well, you want to throw the bums out who've been
13 mismanaging the school district. That's been one
14 of your mantras, hasn't it?

15 A. I suppose I -- well, I wouldn't have supported them
16 at a school board election.

17 Q. Sure. And in fact you helped people run against
18 virtually all of them, didn't you?

19 A. Some of them.

20 Q. Okay. And in those campaigns you made statements
21 about those officials and your views of their
22 performance in office, didn't you?

23 A. It's possible.

24 Q. And even when you were on the board in 2012 you
25 supported candidates who ran against incumbents in

1 the election 5 board?

2 A. Yes.

3 Q. And you publicly supported those people?

4 A. I did.

5 Q. And in fact, when you did that, you lent your name
6 and your reputation, if you will, to them as being
7 credible, didn't you?

8 A. Repeat the question, please.

9 Q. When you supported publicly these other candidates,
10 you lent them your name and your reputation, didn't
11 you?

12 A. I suppose that's one way of looking at it.

13 Q. Okay. And at the time that you're trying to help
14 these people you certainly wouldn't have lent them
15 your name and reputation if you felt that it had
16 been damaged, would you?

17 A. I don't know if my association with them would have
18 damaged -- harmed their campaign.

19 Q. And you certainly were supporting them, so you
20 certainly didn't want to do anything to harm their
21 campaign, did you? I take it that's a yes, right?

22 A. That's correct.

23 Q. Okay. So let's move on just a little bit here.

24 MS. PORTER: Do you mind if we take a break?

25 MR. MONTGOMERY: Not at all.

1 (Off the record from 1:52 p.m. until
2 2:03 p.m.)

3 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

4 Q. Now, we were talking most recently about harm to
5 your reputation. And one thing I want to circle
6 back to and just make sure I understand, can you
7 articulate or identify any monetary losses that
8 you've suffered as a result of the harm you contend
9 was done to your reputation aside from the H.R.
10 Mann job issue that you talked about and the other
11 jobs with Apple One?

12 A. Monetary related to my reputation?

13 Q. Related to the injury to your reputation that you
14 contend that you suffered as a result of Mr.
15 Gantt's actions.

16 A. I don't know that that's been determined yet.

17 Q. Okay. From -- and let's just use that January
18 14th, 2013 date of the meeting that you referred to
19 as when you contend this occurred to the present.
20 Do you know of any additional money damages that
21 you may have suffered from that day to the present
22 as a result of what you believe is damage to your
23 reputation?

24 A. I can't identify anything else right now.

25 Q. Okay. You also said that you were unable to run

1 for a seat on the school board. I think we've
2 talked a little bit about that as we were
3 discussing the reputation issue. But is there any
4 reason that you know of that you're unable to run
5 for a seat on the school board for Lexington
6 County?

7 A. Well, I -- I believe that my county of residence
8 would be challenged, number one. And number two, I
9 think I would have a hard time getting elected now.

10 Q. Is the political environment different in Lexington
11 County than Richland County from your perspective?

12 A. I think from -- because my reputation has been
13 harmed, that it would be more difficult for me to
14 get elected.

15 Q. Okay. And in fact, I think you'd agree with me
16 that it would be impossible for somebody at the
17 district to question your residency in Lexington
18 County, wouldn't it?

19 A. From School District 5?

20 Q. Yes.

21 A. Not other residents? I think they -- I think
22 they'd have a difficult time doing that.

23 Q. And in fact, if anybody questioned it at this
24 juncture, you have a court order that says you're a
25 resident of Lexington County, don't you?

1 A. I don't know that that would stop someone from
2 challenging it.

3 Q. Okay. What aspects -- and we talked about your
4 reputation and you say your reputation has been
5 damaged. What aspects do you believe of the damage
6 that you think has been done to your reputation
7 would have an effect on Lexington County voters and
8 why they wouldn't want to vote for you if they
9 agreed with you politically?

10 A. I'm afraid that they would think that I'm not
11 trustworthy to be elected, number one. Number two,
12 I think people would still question my county of
13 residence, my residency.

14 Q. Okay. Why would somebody think you're not
15 trustworthy, Ms. Murphy?

16 A. Because of the process that was used to remove me,
17 and the way they -- the way they did it came across
18 as that I was, you know, some kind of low life, a
19 criminal.

20 Q. Why do you say that? Why do you say it came across
21 that way? What specifically -- what specific facts
22 or statements can you point to that would make a
23 third party view you as, to use your words, as a
24 low life or a criminal?

25 A. It all, again, started with Mr. Gantt's statement

1 and not allowing me to respond. It's the picture
2 that they painted.

3 Q. Okay. Let's talk about Mr. Gantt's statement. And
4 I don't think -- I think you may have covered this
5 with Mr. Morrison, but I just want to be sure. Are
6 there any specific words that you can point to in
7 Mr. Gantt's statement -- and by statement I think
8 you're referring to the prepared statement he read
9 on January the 14th, 2013.

10 A. Yes.

11 Q. Are there any particular words in that statement
12 that you believe cast you in an unfair or
13 unfavorable light that would make someone think
14 you're a low life or a criminal?

15 A. I think it was the -- you know, the absence of
16 words and that he didn't let me respond.

17 Q. Did you ask to respond?

18 A. Yes.

19 Q. Do you think that an objective person in the
20 audience, if they think you should have had an
21 opportunity to respond, that reflected more poorly
22 on you or more poorly on Mr. Gantt?

23 A. I think it looked like an authoritative figure was
24 putting me in my place as someone who had done
25 something wrong.

1 Q. Can you identify anybody that you believe is
2 prepared to come and testify in this trial or come
3 and give a statement under oath that that was the
4 impression they had at the time that that meeting
5 occurred?

6 A. Not at this time.

7 Q. Okay. Is there anybody whose name is on that
8 witness list of 160 some odd people that would
9 offer that testimony?

10 A. I'm not sure.

11 Q. Okay. Is there any other thing that Mr. Gantt has
12 done as part of the alleged conspiracy you have in
13 this lawsuit or the alleged defamation in this
14 lawsuit that you believe has made you appear to be
15 someone who is a criminal or who is a low life, to
16 use your words?

17 A. There were other statements that he's made at
18 future board meetings.

19 Q. Were all those statements that you refer to made at
20 board meetings?

21 A. Or to the media.

22 Q. Okay. And were all those statements made at board
23 meetings with Mr. Gantt acting in his official
24 capacity as a member of the board or as the
25 chairman of the board, depending on the appropriate

1 position he held?

2 A. I don't know if he said anything personally. I
3 don't know if he's --

4 Q. Nobody has reported to you any statement or
5 anything that you allege has harmed you that Mr.
6 Gantt has said outside of the -- outside of the
7 events where you are talking about, the board
8 meetings?

9 A. Related to the residency issue?

10 Q. Related to any issue that -- let's do it two ways.
11 Related first to the residency issue which is the -
12 - this lawsuit. But second, related to anything
13 that you think is defamatory of you that he's --
14 that he's said outside.

15 A. I'm sure.

16 Q. So I guess my question is as we sit here today you
17 can't identify any statement he's made outside of
18 his role as a member of the school board; is that
19 correct?

20 A. Not at this time.

21 Q. And can you identify any specific words that have
22 been uttered by Mr. Gantt to the effect that you
23 are someone who is not trustworthy, that you are
24 someone who is a low life or a criminal?

25 A. Well, when he used the word "planned" in that

1 sentence in March of 2013. And I think it was at
2 the very end of the meeting -- I mean, end of that
3 -- yeah, meeting or to the newspaper reporter
4 immediately following.

5 Q. And when you say he used the word "planned," what
6 did he say to your recollection exactly?

7 A. He questioned whether I had planned this, whether I
8 had planned to be elected to -- he didn't say
9 planned to be elected to Richland County. But
10 that's what he was inferring when he said that.

11 Q. And again, you -- you would agree with me that
12 different people can -- can have different
13 interpretations of words, right?

14 A. (Nods head up and down.)

15 Q. And so what I want to know is not what you inferred
16 from his words or even what you think he was trying
17 to infer from his words, because you'd agree with
18 me you don't know what he was thinking, do you?

19 A. Only that it was in the context with other -- with
20 -- in that sentence it made it clear what he was --
21 what he was referring to.

22 Q. And what were the exact words to your recollection
23 that he used that you find objectionable in this
24 circumstance?

25 A. It was -- gosh, I wish we could open up the

1 transcript.

2 Q. Well, let me just ask you -- I think I can help you
3 because I think you and Mr. Morrison talked about
4 this a little bit. And I believe, as I recall, the
5 words that you're referring to is, "I don't know if
6 she planned this." Is that correct?

7 A. Yes.

8 Q. Okay. And if that statement is given its effect,
9 it says he doesn't know, right?

10 A. Because it was in -- suggestion -- suggesting why
11 I'm in the situation -- it was clear that it meant
12 that that may be one of the reasons, is that I
13 planned it.

14 Q. Do you have any person that you are -- can identify
15 today other than yourself who will testify that
16 that statement, "I don't know if she planned this,"
17 harmed your reputation or harmed you in any way?

18 A. Again, it's part of that picture that's -- that's
19 being painted. I mean, even the attorney at the
20 hearing in February in his opening statement talked
21 about the attorney who I had initially helped me,
22 John Moylan, who's a high-powered attorney and from
23 a good law firm and their attorneys go to -- went
24 to Yale and Harvard, and now I have another
25 attorney. And the way that came across was that I

1 wasn't -- I didn't have a good case and that's why
2 I didn't have those high-powered attorneys. That
3 they wouldn't take my case anymore is how that came
4 across.

5 Q. Okay. And that's -- again, and you're inferring
6 that you don't know what Mr. Reigle, if he was who
7 was speaking, said at that time, right?

8 A. That was Ken Childs.

9 Q. Okay. And what was Mr. Childs' role? His role was
10 to prosecute the case, right?

11 A. Yeah. Yeah, I guess so.

12 Q. Okay. And you had counsel who could have attended
13 and -- and countered those statements, didn't you?

14 A. Yeah. Well, my --

15 Q. And I understand the reasons, but the answer is
16 that -- the answer to that question is that you
17 weren't at that hearing, so you didn't object or
18 defend any of those statements, right?

19 A. That's -- that's right.

20 Q. Okay. Other than what we've talked about in the
21 last few minutes and what you've talked about
22 previously in a deposition, is there any other
23 statements that Robert Gantt has made that you
24 believe were part of the conspiracy or the
25 defamation alleged in this complaint that have made

1 you look like someone who is not trustworthy or who
2 is a low life or a criminal?

3 A. Well, Mr. Gantt added to his statement on January
4 28th that I am no longer using John Moylan. And
5 that -- he said something like, "It's been brought
6 to my attention," or something like that.

7 Q. Was that correct at that time?

8 A. It was correct. But it -- it's not -- it's not
9 relevant in a civil -- a civil -- what should be
10 civil school board.

11 Q. I mean, what do you think people interpreted by the
12 fact that you were not using John Moylan as your
13 lawyer that was -- made you fall into one of those
14 categories we discussed?

15 A. That the attorney wouldn't take the case or --
16 that's what it --

17 Q. But the words "not using" doesn't say that, does
18 it?

19 A. I don't know the exact words that he used. But
20 it's on the statement.

21 Q. You could have decided you didn't want the same
22 lawyer that represented John Edwards, right?

23 A. But there was no reason for him to say that. It's
24 just like the -- the statement that he made that
25 it's been rumored for years, that such rumors have

1 been around for some time, whatever the statement
2 was. It was unnecessary for a civil --

3 Q. Because it's unnecessary in your view, can you
4 explain to me how that makes it something that's
5 wrong or legally actionable?

6 A. Because it's -- it's again painting the picture
7 that I've done something wrong.

8 Q. Well, politically isn't that what you have done for
9 a number of years to the board of trustees in
10 Lexington 5, tried to paint a picture that they
11 were doing wrong things, that they weren't serving
12 the taxpayers well, that they were wasting money,
13 that they were inefficient, that they were not
14 transparent? Haven't you tried all those things on
15 the board?

16 A. I think, you know, due to the seriousness of this
17 that you'd be -- you'd be more professional. But
18 he was intentionally trying to paint the picture
19 that I've done something wrong.

20 Q. Nobody -- you have no indication or no evidence
21 that supports the idea that anyone -- and let me
22 just say that Robert Gantt ever told anyone that
23 you had done anything wrong in this circumstance,
24 do you?

25 A. Well, he painted the picture with the words he

1 chose to use. The district painted the picture.

2 Q. All right. You also testified that you'd been
3 harmed by undergoing stress and anguish. Okay?
4 Can you explain to me how you believe that Mr.
5 Gantt acted or what he did to cause you stress or
6 anguish?

7 A. This is part of what he's done to me.

8 MS. STORY: Do you need a minute?

9 WITNESS CONTINUES:

10 A. Can you please ask your question again?

11 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

12 Q. Yes, ma'am. Ms. Murphy, and let me just remind you
13 of something. If you need a break, I'm happy to
14 give you one. But understand that the reason we're
15 here today and the reason we're going through this
16 process is because you filed a lawsuit. You
17 invited everyone to this party. So no one's trying
18 to do anything to you but at this point ascertain
19 what the facts are and learn about your claim.
20 Okay? And my question was is there anything that
21 you can identify that Robert Gantt has done that
22 has caused you stress and anguish?

23 A. Mr. Gantt schemed to have me removed from the
24 board.

25 Q. How did he scheme?

1 A. He and Mr. Bowers knew that -- the proper way of
2 getting to the bottom of when someone's residency
3 is questioned, how to do that. And they -- they
4 didn't do it.

5 Q. Okay. Now, Ms. Murphy, let's talk about what acts
6 or actions you're aware of that Mr. Gantt engaged
7 in in this circumstance. He wrote a letter -- or
8 he signed a letter to Mr. Bowers; is that correct?

9 A. Yes.

10 Q. Do you know if he wrote that letter?

11 A. I don't know.

12 Q. Do you think that the chairman of the board -- the
13 school board upon being presented that evidence
14 would have properly sought counsel from the
15 district's attorneys before sending a letter like
16 that?

17 A. It's possible.

18 Q. Okay. Do you think Mr. Gantt -- do you think Mr.
19 Gantt said anything wrong or did anything wrong in
20 writing that letter?

21 A. I -- I think the -- the words he chose to use in it
22 were meant to lead people to believe that I had
23 been deceiving them.

24 Q. Well, who did he write -- who -- who got the
25 letter?

1 A. It was in our board minutes. I mean, it was a
2 public document. I mean, he said he was going to
3 make it available the next day. And he wouldn't --
4 the next day -- never mind.

5 Q. I'm confused. You say he was going to make the
6 letter he wrote in November available the next day?

7 A. The letter he wrote in December to Bowers, he was
8 going to make that letter and Mr. Bowers' response
9 to it available the day after he announced that I
10 wasn't a resident of Richland County.

11 Q. And in fact though do you think that letter would
12 have ever seen the light of day had Mr. Bowers'
13 agency determined that in fact you did live in
14 Richland County?

15 A. Ask that again, please.

16 Q. Yes, ma'am. Do you think that letter was written
17 to be shown in the event that Mr. Bowers' agency
18 determined that you in fact lived in Richland
19 County?

20 A. I still don't get the question. I'm sorry.

21 Q. Okay. Well, let's go back and we'll try to
22 foundation a little bit for it. When you say the
23 letter was going to be shown the next day, you're
24 not referring to the day after it was written,
25 you're referring to the day after the January 14th,

1 2013 board meeting?

2 A. Correct.

3 Q. Okay. And at that point the public had been
4 informed that there was an issue regarding your
5 residency, correct?

6 A. Yes.

7 Q. And prior to that time Mr. Gantt had made no
8 allegations publicly, either personally or as
9 chairman of the school board, regarding your
10 residency, had he?

11 A. I don't know that.

12 Q. Okay. You're not aware of any?

13 A. Right now I'm not.

14 Q. Okay. And in fact, the letter asks someone to make
15 a determination as to where you live, doesn't it?

16 A. Yes.

17 Q. Okay. And so Mr. Gantt asked a question and got an
18 answer back from the Budget and Control Board that
19 says, "We have located the line and this residence
20 is in Richland County," correct?

21 A. Yes.

22 Q. Now, if you were chairman of the school board and
23 you had that information, would you not think that
24 it's incumbent upon you as a school board member to
25 bring that information to the public?

1 A. Again, Mr. Gantt's letter was the cover letter for
2 it that's saying Kim Murphy's been deceiving and
3 here's the proof. That's what it looks like.

4 Q. But there's nowhere in that letter that Mr. Gantt
5 ever uses words to the effect you've done anything
6 wrong, is there?

7 A. It absolutely would lead someone to believe that by
8 saying it's been rumored for years. There's no
9 reason to put that in there unless you're trying to
10 hurt someone. And that's what he was trying to do.
11 There's no reason for that. It also said that, you
12 know, "As you may be aware." Well, how was Mr.
13 Bowers aware of that? Why would Mr. Gantt assume
14 Mr. Bowers was aware of that?

15 Q. Well, you indicated that there was at least one
16 person in the community who had been driving that
17 point home for -- in 2010, right?

18 A. Well, it may be that they've had some previous
19 conversation about it.

20 Q. But you don't have any evidence that that occurred,
21 do you?

22 A. Not yet.

23 Q. Well, Ms. Murphy, when you keep saying not yet
24 about evidence, when do you think you're going to
25 have evidence to prove the case that you filed a

1 year ago?

2 A. I hope soon.

3 Q. Don't you think it's a pretty good idea to have
4 that evidence before you file the case?

5 A. Well, I have adequate evidence.

6 Q. Okay. Do you have any evidence that -- other than
7 the letter between the date of that letter and
8 December of 2012 and Mr. Bowers' response in 2013
9 that he and Mr. Gantt had any communications?

10 A. From what Ed McMullen has said to me that R.J. May
11 will testify to.

12 Q. Okay. And I believe you mentioned those names
13 about two months ago when you spoke with Mr.
14 Frawley.

15 A. Yes.

16 Q. And Ed McMullen is a political consultant, right?

17 A. Yes.

18 Q. And in that two months you have not had any
19 communications with Mr. McMullen or Mr. May?

20 A. I have not.

21 Q. Okay. And so your belief is that Mr. McMullen is
22 going to testify that he knows that Mr. Bowers and
23 Mr. Gantt had a communication during that period of
24 time?

25 A. I think he's going to testify that it's a

1 conspiracy.

2 Q. And you understand conspiracy is a legal
3 conclusion. Okay? What are the facts that you
4 believe that Mr. May or Mr. McMullen is going to
5 testify to regarding the actions of Bobby Bowers
6 and Robert Gantt?

7 A. What do I think he's going to testify to?

8 Q. Yes, ma'am. What do you believe that -- at this
9 time you can tell me what you believe.

10 A. I believe that -- that he will testify that Mr.
11 Gantt and Mr. Bowers conspired to do this and that
12 when I didn't resign and discovered the letter Mr.
13 Bowers had written to Jasper Salmond to have me
14 removed from the voter rolls and that it was
15 discovered by their lead research person who drew
16 the line that there were some deficiencies in it,
17 they had to scurry to try to make it look legal and
18 right.

19 Q. And when you say they, who are you referring to?

20 A. Mr. Bowers and Mr. Gantt and Mr. Bowers' team.

21 Q. What is your belief that Mr. Gantt had anything to
22 do with where that line was placed?

23 A. Because it was so arbitrary, he could, with his
24 knowledge of plats and boundaries, just encourage -
25 - continue to encourage it, go for it.

1 Q. Well, Ms. Murphy, what interest did Mr. Bowers have
2 in acting such that he would have his agency
3 misplace a line?

4 A. They're buddies.

5 Q. And what evidence do you have that Mr. Bowers and
6 Mr. Gantt are, as you refer to, buddies?

7 A. They are involved with the education -- in
8 education circles and political circles.

9 Q. You say they're involved. What evidence do you
10 have that they're involved?

11 A. Well, Mr. Gantt is president of the South Carolina
12 School Board Association. Mr. Bowers was
13 president. He served on -- as chairman of the
14 school board. Mr. Gantt had a similar position.
15 Still on the board.

16 Q. So are you suggesting that everyone who has ever
17 been the chairman of a school board in South
18 Carolina is a member of some cartel that acts
19 together as buddies?

20 A. When they have someone that they'd like to get --
21 get rid of who doesn't think the same way they do
22 when it comes to some things.

23 Q. Where did you differ that you'd make somebody think
24 they'd like to get rid of you?

25 A. Where do I differ?

1 Q. Yes. I mean, you said people think differently.
2 What do you -- where do you differ to the point
3 that you think makes someone take this intensely
4 personal interest in, quote, getting rid of you, to
5 use your words?

6 A. It seems that people who are involved -- some
7 people who are involved with our education system
8 will do whatever they can do to protect their
9 positions and their personal interests. And I am
10 of the belief that business of the school district
11 -- public school district should be public. And
12 the public ought to know how their money is being
13 spent and about the education of their children. I
14 guess there's, you know, a good old boys in every
15 circle. And I think --

16 Q. Do you have any evidence that Robert Gantt ever
17 went to the offices at the Budget and Control Board
18 and discussed this matter with any person?

19 A. I don't yet. But based on how simple -- I'm trying
20 to get the right word. There was no need to make
21 the effort to go down there. It could be done with
22 a phone call.

23 Q. Do you have any evidence that Robert Gantt spoke by
24 telephone about this issue with Bobby Bowers or
25 anybody else at the Budget and Control Board?

1 A. No, not right now.

2 Q. Do you have any evidence that Mr. Bowers acted
3 outside the scope of his job at the Budget and
4 Control Board in making his determination of where
5 the line was and where your residence was located?

6 A. Because he knows how a county line is to be
7 reestablished and he's been doing this for years,
8 he knows what he did to me was inadequate.

9 Q. Okay. And I understand, and you've repeatedly
10 stressed through the time we've talked about this
11 that you don't agree with the process that was used
12 to determine where the line was. Okay? So I
13 understand that. But that's not the question I
14 asked. You're saying because I don't -- I mean, as
15 I understand your testimony, and correct me if I'm
16 wrong, you're saying because I don't think they
17 used the right process, I think that they were
18 acting to hurt me?

19 A. Bobby Bowers knows the facts. He knows the truth.
20 And he simply chose to avoid doing the right thing.
21 He did the fastest thing to get me off. And it
22 looked good to, you know, the average person. It
23 looked legitimate to the average person. But just
24 a little investigation, and it's not. It's clearly
25 not.

1 Q. Okay. Why do you believe that Mr. Gantt was the
2 person involved in this as opposed to someone else?

3 A. Mr. Gantt would be involved clearly because he put
4 his name on that letter. And I believe there are
5 others involved as well.

6 Q. And who other than the chair of the board would
7 sign a letter on behalf of the board making an
8 official inquiry?

9 A. Well, Mr. Gantt knows -- I mean, he's been one of
10 the ring leaders for years.

11 Q. Now, and I'm going to ask you, Ms. Murphy, because
12 I don't want to do this every time -- you keep
13 saying Mr. Gantt knows. How do you have any
14 knowledge of what Mr. Gantt knows or does not know,
15 what he is thinking?

16 A. I feel confident in saying that Mr. Gantt, because
17 of his work he does as a real estate appraiser,
18 knows how you establish a boundary and the value of
19 the corners that actually determine the line.

20 Q. And are you aware -- is there any particular
21 training on surveying that real estate -- that real
22 estate appraisers undertake?

23 A. Almost as a homeowner you understand the value of
24 the corners on your property. He's been doing this
25 for years. So there's no doubt in my mind that he

1 knows the value of the corners and the ground.

2 Q. So when you're telling me Mr. Gantt knows
3 something, basically you're saying he knows it
4 because I believe he knows it, not because you have
5 any evidence that he knows something?

6 A. It's his profession to know it.

7 Q. And again -- and you maybe didn't answer my
8 question before. But what evidence do you have
9 that a real estate appraiser, in order to be a
10 licensed real estate appraiser or an MAI real
11 estate appraiser in the State of South Carolina,
12 has to know about surveying?

13 A. Mr. Gantt knows. And he was involved in this.

14 Q. Okay. Now, you've indicated that you have a lot of
15 issues that you've complained about because of
16 stress and anxiety. Okay? Have there been any
17 other things going on in your life in the last two
18 years that have caused you stress and anxiety?

19 A. My husband and I have had some challenges, but it's
20 related to this. But I -- I can't think of any
21 that are very stressful anymore than in the past.

22 Q. Okay. Who is James Owens, Jr.?

23 A. He's a friend of mine.

24 Q. And have there been any issues with regard to your
25 friend and his wife that may have involved you?

1 A. Say that again.

2 Q. Have there been issues regarding your friend, James
3 Owens, Jr., and his wife, Karen Owens, that may
4 have involved you?

5 A. He's been a friend for a couple of years, maybe
6 two. And they've recently split up. It seems to
7 be an amicable divorce.

8 Q. Do you know whether or not you might have been
9 named in any of the pleadings related to that
10 divorce?

11 A. There's no reason that I would be named.

12 Q. Have you had any issues regarding your family or
13 any of your children other than difficulties with
14 your husband that may have caused stress?

15 A. Nothing out of the ordinary.

16 Q. But you'd agree me there are ordinary things that
17 happen in everyone's life that cause stress and
18 anxiety?

19 A. I think some things do more than others.

20 Q. And certainly having high school and college aged
21 children can be one of those things?

22 A. Oh, it's gotten a lot easier.

23 Q. Have you had any financial issues or difficulties
24 that have caused stress and anxiety?

25 A. Paying for attorneys is not comfortable. Paying

1 for doctors, paying for physical therapy. I don't

2 -- it --

3 Q. Let's talk about --

4 A. -- bothers me.

5 Q. Let's talk about paying for attorneys for a second.

6 Is there any circumstance here where someone has

7 compelled you to hire an attorney that has required

8 you to pay for an attorney?

9 A. Say that again, please.

10 Q. Well, I'll -- I'll break it down. Has anyone filed

11 a lawsuit against you between 2010 and the present?

12 A. Yes.

13 Q. And who do you think has filed a lawsuit against

14 you?

15 A. A non-profit group, D-5 -- Margaret Stroud and D-5

16 Citizens Insuring the Implementation of the

17 Referendum.

18 Q. And what was that lawsuit about?

19 A. They alleged the same cause of action, cause of --

20 I don't know what the terminology is. Alleged the

21 same thing that the school district is alleging in

22 their ten million dollar counterclaim against me.

23 Q. Okay. And what was the outcome of that lawsuit?

24 A. We won.

25 Q. Did you seek costs and fees against the

1 unsuccessful party?

2 A. Some of them.

3 Q. Did you recover any?

4 A. Uh-huh.

5 Q. Okay.

6 A. Yes.

7 Q. Any other lawsuits been brought against you?

8 A. Just the ten million dollar counterclaim. I don't
9 know if that counts.

10 Q. And that counterclaim is part of the lawsuit that
11 you brought against the district, right?

12 A. It's related to the school board's vote to remove
13 me.

14 Q. But it's a counterclaim that was brought in the
15 case where you appealed that decision, right?

16 A. Yes.

17 Q. And the lawsuit we're in today is a lawsuit that
18 you initiated?

19 A. Yes.

20 Q. And in fact, you chose to engage lawyers to bring
21 this lawsuit against the school district?

22 A. Yes.

23 Q. Okay. And against Mr. Gantt and against Mr.
24 Bowers?

25 A. Yes.

1 Q. And when you bring a lawsuit, you choose to hire
2 lawyers and initiate that lawsuit, don't you?

3 A. Yes.

4 Q. And in the example of the counterclaim lawsuit you
5 chose to pursue that matter that resulted in the
6 counterclaim, didn't you?

7 A. Can you repeat that, please?

8 Q. Yes, ma'am. The lawsuit where you're appealing
9 presently Judge Benjamin's order, the case before
10 Judge Benjamin with the counterclaim, you chose to
11 bring that lawsuit?

12 A. I chose to appeal -- I chose to appeal the school
13 board's vote to remove me.

14 Q. Right.

15 A. Yes.

16 Q. And you chose to go to the court and try to reverse
17 a decision that was made at a hearing that you
18 chose not to attend?

19 A. Can you ask that again, please?

20 Q. Sure. I'll break it into parts. You chose to file
21 the lawsuit regarding your removal, the appeal as
22 you refer to it, because you were unhappy with the
23 decision that was made; is that correct?

24 A. Unhappy is not the right word.

25 Q. You disagreed with the decision that was made?

1 A. That's not the right word either.

2 Q. Well, tell me what the right word is, Ms. Murphy.

3 A. It was clear that Mr. Bowers and Mr. Gantt schemed
4 to put it together to have me removed. And that's
5 --

6 Q. Well, Ms. Murphy, you keep saying that, and I
7 understand that that's what you believe. But
8 unless you can correct me otherwise, I've asked you
9 repeatedly and I've been unable to induce anything
10 from you that says what Bobby Bowers and Robert
11 Gantt did. So do you want to try again? What did
12 Bobby Bowers and Robert Gantt do? What affirmative
13 acts can you prove that they took to, quote, have
14 you removed from the board?

15 A. Well, with -- I mean, it was obvious they had --
16 they had communication to do this.

17 Q. Well, we know that Mr. Gantt wrote a letter and
18 that Mr. Bowers responded to that letter. What
19 other communication do you have any evidence that
20 they had?

21 A. They -- it's just -- it's clear that they -- they
22 had to have done this. Then there was how they
23 just popped it on me and told me on the way to the
24 board meeting that he was going to read a
25 statement, and didn't even notify me that I -- the

1 county line was going to be investigated. He
2 didn't even give me a copy of the statement and
3 then wouldn't let me respond. I mean, it's just
4 one thing after the other.

5 Q. Well, and, Ms. Murphy, I understand you've made it
6 abundantly clear that in your view Mr. Gantt wasn't
7 nice to you. Okay? But my question to you is not
8 was Mr. Gantt nice to you or did he extend to you
9 all of the courtesies that you feel that you should
10 have. My question to you is what evidence do you
11 have to support the statement that you just made
12 that it is, quote, clear that they engaged in this
13 misconduct?

14 A. Well, and then it goes farther that Mr. Bowers
15 didn't -- didn't do the job he should have done in
16 establishing the boundary, that he immediately
17 contacted Jasper Salmond and asked that he take me
18 off the voter rolls. They contacted people and
19 wanted -- wanted them to help out, like Larry
20 Smith, the Richland County attorney. Will Roberts
21 got involved with Lexington County asserting that
22 this was a judge's order and they needed to remove
23 me from the Richland County rolls. The documents
24 that show they moved the line to a different
25 location. And it looks like Lexington County was

1 trying to protect -- protect them when it was
2 discovered that they were discovered.

3 Q. So who at Lexington County do you think is part of
4 the conspiracy?

5 A. They're -- they're good guys over there. I think
6 they're just trying to -- I was -- I FOIA'd emails
7 and I received them. I went to pick some up, and
8 some were emailed to me. The ones I went to pick
9 up had the emails on top of the stack and the
10 attachments down below. The attachments weren't
11 attached to the emails that they came with. And
12 these emails were dated January, the same time I
13 was requesting the documentation from Will Roberts
14 at Bobby Bowers' office. When I discovered that
15 the line had been relocated from where it was
16 originally placed, I wanted to find out what
17 information Lexington County had, to see if the
18 information was the same as what I had. When I
19 FOIA'd that information, the attachments that were
20 given weren't part of those emails. They were made
21 to look like they were part of those emails. There
22 were photographs of the area that's called Rocky
23 Creek that were there as attachments. But at the
24 hearing Sid Miller, the surveyor, was asked about
25 those photographs. That was on February 15th. And

1 he said that their office had taken them the day
2 before. That means March -- excuse me, that means
3 February 14th. But they were in Lexington County
4 emails as if they were from emails from January.
5 And the maps with the county line on it were the
6 same as the maps that were presented at the
7 February hearing. And when I discovered that the
8 pictures, the photographs should not have been in
9 there, I continued to inquire about the attachments
10 to those emails. And I got them, and they showed
11 the line moved. And they also showed the
12 description of the county line that's being --
13 they're describing the county line in a document
14 that's shown on the photograph that is different
15 than what was placed in evidence as an exhibit at
16 the hearing. The description that I have just
17 received is correct in that it says that Lexington
18 County did not include the first two annexations in
19 the Code of Laws. The documents that were in the
20 exhibits say Lexington County did include them in
21 the Code of Laws. So those were altered.

22 Q. Who do you believe altered them?

23 A. I put Bobby Bowers in charge of that. When I
24 contacted Alan John Zupan, he explained how you
25 reestablish a political boundary, that the corners

1 take precedent. And I asked him if I found a stake
2 at the end of one of these lines or nearby, what
3 would happen. And he said, "I'm talking just off
4 the top of my head, but that stake would be the
5 line. That would take precedent." We had some
6 more conversation and I asked again if I find a
7 stake at the end of this line. And he said, "There
8 is no stake." And he said, "Wait a minute. Let me
9 check. Let me look in the statute." He says,
10 "Yes, there is a stake. But that was a hundred
11 years ago. I doubt you'd find anything." He had
12 just finished telling me that he had to look for
13 corners in establishing the political boundary
14 between North and South Carolina. That's a part of
15 the process. And they had discovered some that
16 were two hundred or so years old in the process.
17 So he was trying to discourage me from looking for
18 a stake that was mentioned in statute that was only
19 a hundred years old. And I believe I know where
20 one of the corner stakes is. Lee Harrell and John
21 Cloyd supposedly found Rocky Ford in 1995 with Sid
22 Miller. John Cloyd is a Richland County assessor
23 who's retired. And Lee Harrell is the Richland
24 County map -- head of mapping. Lee Harrell was
25 with our neighbors ten or 15 years ago when I

1 happened to drive by when they were out with a
2 metal detector and were looking for the -- for the
3 corner of that line. They have an old house and an
4 old plat and an old deed that show the county line
5 running through the middle of it. Since the house
6 was built around the same time as the line, there's
7 a pretty good chance that that's the real line and
8 that the stake that they found with the metal
9 detector is the corner. And it's nowhere close to
10 where Mr. Bowers says the line is.

11 Q. I hate to interrupt you here. But my question was
12 what did Mr. Gantt have to do with this. And
13 you're talking about a bunch of people. And again,
14 just to circle back to -- I mean, do you have any
15 evidence that Mr. Gantt had any input into where
16 Mr. Bowers' office identified the location of the
17 county line?

18 A. Discovery is ongoing, but I believe that because of
19 the Exhibit Number 10 that Mr. Bowers used to show
20 -- try to give some factual basis for his line,
21 that that was -- Mr. Gantt was aware of that. And
22 the lines that are shown on that map are GIS lines
23 from the different -- from both counties. They
24 don't represent the real line. They're
25 approximately --

1 MS. PORTER: I don't mean to interrupt you, but
2 he asked you a question specifically about Mr.
3 Gantt, and you're kind of starting to go back
4 into what you were talking about before. And
5 so you just need to really tailor your
6 response to his question so that we can move
7 forward with the testimony. Okay?

8 WITNESS: Okay.

9 WITNESS CONTINUES:

10 A. So discovery is ongoing, and hope to get that --

11 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

12 Q. But as we sit here today you have no evidence that
13 you can produce or no witness that you can tell me
14 who is going to testify that Mr. Gantt had any role
15 in the location of the county line which placed
16 your house in Lexington County; is that correct?

17 A. I think -- I -- at the moment -- not at the moment,
18 we don't.

19 Q. Okay. And in fact, you knew all along that there
20 was a question of where the county line is on your
21 property, didn't you?

22 A. When you say all along, what do you mean?

23 Q. You've known since you moved there, didn't you?

24 A. I've -- the county line is where the county's told
25 us it was.

1 Q. But on the plat to your residence the county line
2 is marked as approximate, isn't it?

3 A. When we did our initial survey or at some point the
4 surveyor used the USGS line to show the county
5 line. And the county said, "No, that's not it.
6 This is where it is. It needs to follow our tax
7 map." And that jived with Richland County. So
8 they know what the right line is. Or I assumed
9 they did until just recently in January.

10 Q. But you'd acknowledge that the GIS for both
11 counties there's an overlap where your property is,
12 isn't there?

13 A. The GIS is just an estimate. That means nothing.

14 Q. That wasn't my question.

15 A. And any --

16 Q. My question was you'd acknowledge that the GIS for
17 both counties overlaps where your property is?

18 A. I don't know if it overlaps where our property --
19 it overlaps someplace.

20 Q. All right. In fact, in October of 2010 you gave a
21 deposition in the DHEC matter, didn't you?

22 A. Related to the appeal?

23 Q. Yes, ma'am.

24 A. Yes.

25 Q. And in that deposition you indicated that it was

1 difficult for you to find the creek information
2 because of the fact that you were on the county
3 line and that you had to look at both Richland and
4 Lexington County maps to try to figure the answer
5 out to the questions.

6 A. I don't recall that.

7 Q. Okay. Well, if I represented to you that you were
8 asked about the distance, for example -- there are
9 a number of occasions, but just one, the distance
10 to the high school property, and you said, Answer,
11 "Probably. Well, I don't know. I don't know the
12 exact distance. I've tried to measure it on the
13 GIS -- Lexington County GIS, and it's difficult to
14 do that -- do because the county line is there, and
15 I have to look at both."

16 A. Yeah. When you go to the GIS screen on their
17 website, they're -- they don't -- they don't mesh.
18 You -- you don't see one county -- I mean, you only
19 see one county at a time. So I think what I was
20 trying to do was use the tool in measuring. And
21 you can't -- you can't do it that way because you
22 can't see that whole area on one screen. It wasn't
23 -- my comment wasn't necessarily related to the
24 county line per se. It's just that they don't
25 mesh. And --

1 Q. And the reason that they don't mesh on GIS is
2 because Richland County and Lexington County have
3 different versions of the county line in that area,
4 don't they?

5 A. The GIS line is different. But that GIS line is
6 still an estimate. All right. The -- the USGS
7 line is an estimate because that's supposed to be
8 the county line. Well, that doesn't even jive with
9 Mr. Bowers' line. And neither does the precinct
10 line which he says is the county line. So none of
11 the lines jive.

12 Q. Okay. And you'd agree with me that in none of
13 those cases did Robert Gantt have input as to where
14 those lines were placed?

15 A. I would think that if someone brought this to Mr.
16 Gantt, they would say, "Look at these lines. If
17 you use these lines, she's in Lexington County. If
18 you use these lines, she's in Richland County."
19 And Mr. -- Mr. Bowers used the exact coordinates as
20 the line. And you cannot use the exact coordinates
21 to create a line because a hundred years ago you
22 pulled a chain that was 66 foot long up and down
23 hills, around trees and through creeks. The chain
24 most likely is not exactly 66 feet because it's
25 lost a ring. The way Mr. Bowers -- the method he

1 used is he just went in a straight line straight
2 across to the exact distance that the surveyor a
3 hundred years ago placed on the plat as just a note
4 to help find the corner.

5 Q. Okay. Now, Ms. Murphy, I'm going to try to give
6 you a hypothetical here and see if I can -- if we
7 can do that. So for purposes of this hypothetical,
8 I want to suggest this set of facts. That Mr.
9 Gantt gets a report that indicates that someone
10 believes you don't live in Richland County. That
11 Mr. Gantt then contacts counsel on behalf of the
12 district and asks what to do.

13 A. Contacts who?

14 Q. Counsel.

15 A. County Council?

16 Q. The district's lawyers.

17 A. Oh, okay.

18 Q. S-e-l. Not c-i-l.

19 A. Okay.

20 Q. That he's advised that the Budget and Control Board
21 sets the lines through the division that Mr. Bowers
22 works. He writes Mr. Bowers a letter with the
23 assistance of counsel asking Mr. Bowers to
24 investigate. Mr. Bowers does, has in fact the
25 surveyor who is -- who handled the North

1 Carolina/South Carolina survey dispute. Analyzed
2 the situation. They come back and provide Mr.
3 Gantt a letter which says that we've made a
4 determination and that Ms. Murphy's residence is
5 not in Richland County. Okay? Now, I want you to
6 explain to me any evidence you have that would
7 disprove the set of facts I just gave you.

8 A. Because Mr. Bowers knows the facts --

9 Q. Now, let's just for the purposes of our
10 conversation and your answer, I want you to presume
11 that you don't know what Mr. Bowers knows, and that
12 what you believe Mr. Bowers knows is not evidence.
13 I want any evidence you have that that's not
14 exactly what happened.

15 A. I don't know that I can work with a hypothetical
16 like that. Because Mr. Bowers put his name on the
17 letter and he knows that he -- what he attested to
18 on that letter is not how you determine a county
19 boundary.

20 Q. Okay. Other than that, is there any evidence that
21 you have that Mr. Gantt did anything other than get
22 a comment, consult counsel, write a letter and get
23 an answer back which he acted upon?

24 A. Because of the steps that took place after that, it
25 -- it's clear it was being done to railroad me out.

1 Q. Okay. That's what you presume. And I understand
2 that that's the way you feel. And you've said that
3 repeatedly over the time we've deposed you. But
4 understand that how you feel or how Mr. Gantt feels
5 or how any of these people feel is not evidence.
6 Evidence is based on fact. Okay? The facts are,
7 if you will, who, what, where, when, how. Okay?
8 And my question to you is do you have any evidence
9 that Mr. Gantt acted in any manner differently --
10 and we'll say -- you said something afterwards.

11 Okay? Between let's say November 2012 and January
12 13th, 2013 when the letter came back, do you have
13 any evidence that Mr. Gantt acted any differently
14 than the set of facts I just outlined for you?

15 A. I think you're going to have to ask that again.

16 Q. Sure. Would you like me to lay the facts out, or
17 just ask the question?

18 A. Only try asking the question.

19 Q. Okay. Between November of 2012 and January 13th,
20 2013 do you have any evidence that Mr. Gantt took
21 any action to affect the location of the -- of the
22 county line that was determined by the Budget and
23 Control Board?

24 A. Well, besides the statement that he made that he
25 didn't want it to interfere with the school board

1 election that was in November. It was October when
2 he found out -- supposedly found out. But -- but
3 he said in the board meeting in March that he's
4 been -- he's heard about this for a long time. Any
5 number of people have been -- he's heard it from.
6 So I -- you know, based on that statement, I think
7 he's -- he's been involved.

8 Q. Okay. But you have no specific knowledge of
9 anything that happened where Mr. Gantt took any
10 action to affect where the boundary line was
11 placed?

12 A. I'd say at this time I don't think I do.

13 Q. Okay. Now, you mentioned what happened afterwards
14 in answer to your earlier -- in answer to my
15 earlier question. What did Mr. Gantt do after
16 January 13th, 2013 that leads you to believe that
17 he acted in concert with anyone to affect where the
18 boundary line was?

19 A. Well, he knew about it when he developed the
20 agenda. January 8th when he said he developed the
21 agenda. And he had -- I know that I didn't receive
22 any information from him ahead of time. And he had
23 plenty of opportunity to discuss it. They were
24 intentionally vague on the agenda until I pointed
25 it out. And I think from a legal standpoint they

1 wanted to cross their T's and dot their I's, so
2 they figured they'd better correctly -- more
3 correctly list it on the agenda. He had the
4 opportunity to provide documentation. We didn't
5 even have the act in our board packet. We had
6 nothing. He discussed on the way out of the door
7 reading a statement about the matter, and then he
8 read it and wouldn't allow me to offer any input.
9 And there were more statements made. In January he
10 said the correct information -- that once he knew
11 the correct information. Well, it wasn't correct,
12 and he knew it.

13 Q. How did he know it?

14 A. Well, I feel certain he understands that you have
15 to do a boundary survey. And no boundary survey
16 was done. They took shortcuts. They cut corners.

17 Q. And again, it's your testimony that as a real
18 estate appraiser, you're of the opinion that Mr.
19 Gantt knows how to survey county lines?

20 A. It's my opinion that he knows the line is between
21 the two corners on the ground.

22 Q. Okay. Now, you talk about the meeting on the 14th.
23 And you certainly had an opportunity to speak with
24 the press at the time about this, didn't you, and
25 state your side of the story publicly?

1 A. Yes.

2 Q. And you, in fact, did, didn't you?

3 A. Yes.

4 Q. And in fact, there were some articles written that
5 you believe were favorable to you, weren't they?

6 A. At least one. Or more favorable in the past.

7 Q. Okay. And was that the reporter, Tim Flack, that
8 you were referring to --

9 A. Yes.

10 Q. -- earlier that you didn't identify?

11 A. Yes.

12 Q. And did you go to Mr. Flack's office and discuss
13 this with him?

14 A. I did not.

15 Q. Did you talk to him on the telephone?

16 A. I don't recall. I think he got it right from the
17 board meeting.

18 Q. Okay. And in fact, you immediately at that point
19 circulated a group email from your email address,
20 moving mountains, transmitting that article and
21 talking about what was being done to you by the
22 board, didn't you?

23 A. Yes, I did.

24 Q. And you said things in there about the board
25 members not liking people looking over their

1 shoulder or trying to do the right thing, didn't
2 you?

3 A. I'm not exactly sure what I said.

4 Q. But if -- if the -- if the email said that, you'd
5 agree you wrote that, didn't you?

6 A. If it has my name on it and I wrote it.

7 Q. And that would be similar to other things you'd
8 said about the board members over the time you'd
9 been on the school board and before, wouldn't it?

10 A. It's very truthful.

11 Q. Okay. And again, how do you know what other people
12 think or know?

13 A. When it's somebody's expertise. They can't make a
14 living unless they have that knowledge.

15 Q. I think you would have captioned your email at that
16 time, "Urgent District 5 Update Tax Dollar
17 Protection," exclamation point.

18 A. I can't recall.

19 Q. Okay. And you would have said -- you don't recall
20 if you would have said something like, "I've been
21 stopping it here for some time, and now I need your
22 help to fight off an effort to stop me from
23 protecting you."

24 A. That sounds familiar.

25 Q. And, Ms. Murphy, no one ever stopped you from

1 talking to the press or sending emails or doing
2 anything to express your opinions on these issues,
3 did they?

4 A. I don't recall.

5 Q. And in fact, when you didn't feel you were being
6 recognized enough by the chair, you went and spoke
7 at public participation in the school board
8 meetings, didn't you?

9 A. I did that once when I first got on the board
10 because I wasn't able to speak during the meeting.
11 I was not recognized. And when I did speak, I was
12 interrupted, cut off.

13 Q. Okay. Now, one of the things you mentioned in
14 earlier examination is that you had taken a title
15 loan out on your car in order to pay attorneys
16 fees. Why did you decide to do that?

17 A. Get a loan?

18 Q. Yes, ma'am.

19 A. It's a way to pay the attorney.

20 Q. Okay. And did you have other resources available
21 other than taking a title loan on your car?

22 A. My husband.

23 Q. Is your house titled in your name or your husband's
24 name?

25 A. My husband's.

1 Q. And do you have any other vehicles in the family?

2 A. Four.

3 Q. And whose name are they titled in?

4 A. I don't know if it's just my husband or my husband
5 and me.

6 Q. And your vehicle, is it titled in your name or your
7 husband's name or you and your husband's name?

8 A. My name.

9 Q. And did you have other expenses that you incurred
10 that you didn't use the money to pay for your
11 attorneys fees?

12 A. Ask that again, please.

13 Q. Well, let me strike that. Who did you get the
14 title loan from?

15 A. Robby Denton.

16 Q. And who is that?

17 A. Denton.

18 Q. Is that an individual?

19 A. Yeah, it's a friend of a friend. He's in
20 construction.

21 Q. And what terms did you borrow the money for on the
22 title loan?

23 A. One year at ten percent maybe.

24 Q. So you didn't use a -- when you say a title loan,
25 you didn't go to a title loan place to borrow that

1 money?

2 A. No. I gave him my title.

3 Q. So you provided your title as security to a friend
4 with -- for a personal loan?

5 A. Yeah. The old van.

6 Q. Okay. And what's your -- how do you know Mr.
7 Denton?

8 A. From a friend of mine.

9 Q. Do you have any kind of personal political dealings
10 with Mr. Denton?

11 A. No.

12 Q. Has Mr. Denton ever contributed money to any of
13 your campaigns?

14 A. No, he hasn't.

15 Q. Okay. Is there any statement that you can point to
16 that Robert Gantt has made at any time since
17 November of 2012 where he referred to you where the
18 statement was not true?

19 A. Where he said something about me that was not true?

20 Q. Yes, ma'am.

21 A. Well, first of all, it's not true that it was
22 conclusive that I live in -- didn't live in
23 Richland County.

24 Q. Did Mr. Gantt ever say that?

25 A. He said, "Now that we have the correct

1 information."

2 Q. And the correct information wasn't something Mr.

3 Gantt created, was it?

4 A. I think he was involved in it.

5 Q. Okay. Do you understand what clear and convincing

6 evidence is, Ms. Murphy?

7 A. I think so.

8 Q. Do you understand that's more than just a

9 preponderance of the evidence in a legal term?

10 A. I think I understand that.

11 Q. And would you say that if a judge finds something

12 by clear and convincing evidence, it would be fair

13 for someone to say that that was conclusive?

14 A. Yes. The comment I'm making -- that I'm -- that

15 Mr. Gantt said was in January. And he knew that it

16 was not.

17 Q. It was not what?

18 A. Correct.

19 Q. And how did he know that?

20 A. Because of his expertise as an appraiser.

21 Q. So your -- your position is that Mr. Gantt does not

22 have a right to rely on the state agency charged

23 with determining where a county line is when they

24 give him information and say that's where the

25 county line is?

1 A. The state agency doesn't have the authority to tell
2 someone where they vote. He's got the precinct
3 lines. But that's -- I don't think that's the
4 authority to go to.

5 Q. Ms. Murphy, if you appeal this case -- this other
6 case all the way to the Supreme Court and the South
7 Carolina Supreme Court says that you live in
8 Lexington County, are you going to still contend
9 that you don't live in Lexington County?

10 A. I can't answer what I'm going to do in the future.

11 Q. Okay. Has any authority -- and by authority I mean
12 any governmental entity that has been inquired upon
13 to provide the location of your residence as far as
14 demographically in what county. Have you gotten
15 any written confirmation from any entity other than
16 the -- that -- the Budget and Control Board that
17 has said, "We have examined where you live and you
18 don't live in Lexington County, or you live in
19 Richland County?"

20 A. Has any other government body --

21 Q. Any official body that has given you that -- a
22 document that says, "We've examined this
23 controversy and this is the answer, you live in
24 Richland County?"

25 A. No. And it won't be known until a physical survey

1 is done that establishes where the corners are that
2 Mr. Bowers totally disregarded.

3 MS. STORY: Can we take a restroom break?

4 MR. MONTGOMERY: I'll tell you what. This is
5 as good a point as any to stop. We can stop
6 for the day. I'll just reserve my rights to
7 finish when we reconvene.

8 MS. STORY: I mean, I'm happy to let you go as
9 long as you need to today.

10 MR. MONTGOMERY: That's fine. We'll
11 accommodate you. I think Ms. Murphy's getting
12 tired to. So we'll --

13 WITNESS: Yeah. Thank you.

14 MR. MAYE: I have no questions today, but we
15 reserve our right to ask questions when we
16 reconvene.

17 FURTHER DEPONENT SAITH NOT.

18 Signing not waived.

19 (Whereupon, there being no further
20 questions, the deposition was
21 adjourned at 3:37 p.m.)

22 (*This transcript may contain quoted material.
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24 by the speaker.)

25 (**Certificate accompanies sealed original only.)

State of South Carolina	)	
	)	
County of Richland	)	
	)	2014-CP-40-4666
Kim Murphy,	)	
	)	
Plaintiff,	)	
	)	Third Reconvening
vs.	)	
	)	Deposition
Richland-Lexington School	)	
District 5 Board of	)	of
Trustees, Robert Gantt,	)	
and Bobby Merle Bowers, in	)	Kim Murphy
their individual	)	
capacities,	)	
	)	
Defendants.	)	
	)	

Date: November 5, 2015

Time: 10:04 a.m. - 5:01 p.m.

Location: J. Lewis Cromer & Associates
1418 Laurel Street, Suite A
Columbia, South Carolina

Reported by
Vickie M. Hester, CVR

APPEARANCES

For the Plaintiff: Ashley C. Story, Esq.
J. Lewis Cromer & Associates, LLC
Post Office Box 11675
Columbia, South Carolina 29211

For Richland-Lexington School District 5: David L. Morrison, Esq.
Morrison Law Firm, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212

For Robert Gantt: Michael H. Montgomery, Esq.
Montgomery Willard, LLC
Post Office Box 11886
Columbia, South Carolina 29211

For Bobby Merle Bowers: W. Joseph Maye, Esq.
Davis Frawley, LLC
Post Office Box 489
Lexington, South Carolina 29071

Also present: Robert Gantt
Bobby Bowers
Barry Rice

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EXHIBITS

No exhibits were marked during this deposition.

STIPULATIONS

It is stipulated by and between counsel for the respective parties that all objections are reserved until the time of trial, except as to the form of the questions.

This deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

- - - -

The reading and signing of this deposition is not waived by the deponent and counsel for the respective parties.

Whereupon,

Kim Murphy, being duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. MONTGOMERY:

Q. Ms. Murphy, good morning.

A. Good morning.

Q. I hope you're well this morning and able to move through this.

A. I'll do the best I can.

Q. Okay. We're going to try to finish up today. So I want to try to move as quickly as we can. You remember the rules. I don't need to go back over

1 those, right?

2 A. Yes, sir.

3 Q. Okay. And I would ask you to speak up a little bit
4 because I know the court reporter's going to have
5 some difficulty hearing you if you speak too
6 softly. Okay? Now, since our last deposition your
7 attorney has produced some documents. And it's my
8 understanding that the documents that you produced
9 are intended to be focused upon the allegations in
10 this lawsuit being your claim of defamation against
11 the school board and your claim of conspiracy as it
12 relates to my client, Robert Gantt, and Bobby
13 Bowers. Is that correct?

14 A. Yes. There's more in the file. But those we've
15 pulled out to help.

16 Q. Okay. Now, I'm going to hand you this notebook.
17 It has the documents that I was provided. And I'll
18 be talking with you about those. And I'm going to
19 refer to them as we go through them by Bates stamp
20 number and just try to run through these. Okay?

21 A. Yeah. If you don't mind, I left my reading glasses
22 in my purse. I'll go get those.

23 Q. Okay. We'll take a short break and let you do
24 that.

25 A. I apologize.

1 Q. Sure.

2 (Off the record from 10:05 a.m.
3 until 10:07 a.m.)

4 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

5 Q. If I would, I'd ask you to look at the first
6 document in the notebook here which is I believe
7 two pages.. And it's Bates numbered 9974 and 9975.

8 A. Okay.

9 Q. And I believe that's an email from Cindy Kroske to
10 the entire school board; is that correct?

11 A. Yes.

12 Q. And who is Ms. Kroske?

13 A. She's someone who resides in the school district
14 and has been involved in the school district
15 through her family.

16 Q. Are you acquainted with Ms. Kroske?

17 A. Yes.

18 Q. Okay. Now, let me ask you, in looking at this
19 email is there anything in this email that you
20 believe reflects a -- any action by Mr. Gantt that
21 relates to your complaint against him for civil
22 conspiracy?

23 A. It -- it relates to -- to both. The -- the civil
24 conspiracy has caused the defamation. And she's
25 addressing, you know, this was not a -- an act that

1 should have taken place. And this is how she
2 interpreted it.

3 Q. Okay. And Ms. Kroske is, to my knowledge, not
4 listed as a witness in this case, is she? She's
5 not one of your 160 --

6 A. I don't think so.

7 Q. Okay. So do you intend to -- to make her a
8 witness?

9 A. I'm not sure.

10 Q. Does she have any expertise in the area of
11 defamation or civil conspiracy that she could
12 testify about?

13 A. Only from what she's witnessed.

14 Q. And she didn't witness anything here. She read a
15 newspaper article, correct?

16 A. That's my understanding.

17 Q. Okay. Next, 9976 is a statement on the record of
18 the school board 9/28/2011, apparently placed by
19 Beth Watson. Is that correct?

20 A. Yes.

21 Q. Okay. And this is dated I believe 3/28/2011?

22 A. Yes.

23 Q. When Ms. Watson places a statement on the record at
24 the school board, is she doing so in her official
25 capacity as a member of the Lexington 5 School

1 Board?

2 A. Yes.

3 Q. Okay. And did each school board member have the
4 ability to place items in the record like this?

5 A. No.

6 Q. Okay. And why do you say no?

7 A. This particular statement was not something that
8 she -- this was not the statement that she made.
9 After the fact she typed this in -- typed this up,
10 turned it in and submitted it as if this were the
11 statement she made at the board meeting. Numerous
12 times I was prohibited from putting statements on
13 the record, and documents.

14 Q. And explain to me how you believe that that
15 reflects any basis for a claim of civil conspiracy
16 against Robert Gant and Bobby Bowers.

17 A. This relates to a couple of issues. Ever since I
18 have been -- I was elected in 2010, an election
19 that the board members -- current board members
20 wanted to undo, --

21 Q. Now, I hate to interrupt you, Ms. Murphy. But you
22 made a statement about someone else's state of
23 mind. Do you have any basis to know what someone
24 else wanted that was a member of the board?

25 A. I can see from their continuous behavior and

1 constant attacks on me that they did not accept
2 that I was a part of this board, or want me to be a
3 part of this board. And this is an example of the
4 chairman allowing a statement to go on the record
5 that was not actually said in the meeting, Mr.
6 Gantt, Chairman, by the vice chair. It's also
7 false information, and it's -- it's the usual
8 attack on me that happened at almost every board
9 meeting to attempt to discredit me and prohibit me
10 from doing the job I was elected to do.

11 Q. Okay. And you were one of seven board members,
12 correct?

13 A. Yes.

14 Q. And I think we've covered this before, but I just
15 want to make sure that we confirm that you
16 understand that the only way the school board acts
17 is if four members vote for a proposition, majority
18 rules, correct?

19 A. Can you repeat that, please?

20 Q. Yes, ma'am. You -- you were one of seven board
21 members on the board; is that correct?

22 A. Yes.

23 Q. And I think you had agreed with me before, but I
24 just want to make sure I understand, that you agree
25 that the only way a school board acts is through a

1 majority vote on an item.

2 A. I don't necessarily agree with that. I think
3 that's how it's supposed to work. I don't believe
4 it works that way in District 5.

5 Q. Now, how does the board act other than on a
6 majority vote, Ms. Murphy?

7 A. They work behind the scenes. Many times,
8 particularly with construction projects, decisions
9 are made without the full board's notice or
10 knowledge. And some significant issues are
11 discussed outside of the public.

12 Q. Okay. Assuming that is true, how does that support
13 your claim that you were defamed by the district or
14 that -- or your other claim that Mr. Bowers and Mr.
15 Gantt conspired to somehow have you removed from
16 the board?

17 A. This goes to, as other documents and other events
18 and audios, the -- the conspiracy, the motivation
19 and their character in an attempt to silence me so
20 that the public does not know what's really going
21 on with important issues in District 5.

22 Q. Okay. So have you -- how would Mr. Bowers be
23 involved in a conspiracy among board members, as
24 you allege, to silence you?

25 A. Can you ask your question again, please?

1 Q. Yes, ma'am. You've indicated this somehow in your
2 view is evidence of a conspiracy to silence you.

3 Okay, maybe I'll ask this question first. Who were
4 the parties that you believe conspired to silence
5 you?

6 A. On the front line, the school board, Mr. Gantt, Ms.
7 Watson, Ms. Baumgartner and Ms. Lovelace.

8 Q. And do you have any evidence that they took any
9 action outside the scope of their role as school
10 board members?

11 A. Excuse me. And Ed White, add that to that list.
12 Apparently one particular issue, a contract was
13 entered into without a vote from the full board, or
14 knowledge that a contract had been entered into.

15 Q. And what kind of contract was that, Ms. Murphy?

16 A. To purchase land.

17 Q. Okay. And when was that alleged -- when did that
18 allegedly occur?

19 A. Between 2010 and 2011.

20 Q. Was this before or after you were on the school
21 board?

22 A. I became aware of it after I was on the school
23 board.

24 Q. Okay. But the actual alleged purchase of property
25 without board approval or without official

1 approval, when did that -- when do you believe that
2 occurred?

3 A. In 2010 and 2011 in that time frame Mr. White
4 indicated at a school board meeting that they had a
5 contract with the seller.

6 Q. And who was the seller?

7 A. The last name is -- their last name is Derrick.

8 Q. And which property or what facility was this?

9 A. It was a elementary school on Mount Vernon Church
10 Road.

11 Q. Okay. And what led you to believe that there was a
12 contract entered without board approval?

13 A. There was never a public vote to enter into a
14 contract.

15 Q. Okay. Now, does there have to be a public vote to
16 enter into every contract?

17 A. It's my knowledge that there -- that the board --
18 that it come before the full board.

19 Q. Assuming that's true, that that, in fact, occurred,
20 could you explain to me how that has any
21 relationship to your claim of defamation against
22 the school board or conspiracy against Mr. Gantt
23 and Mr. Bowers?

24 A. It's related to the motivation to silence me and to
25 remove me from the board, and to discredit my name,

1 and to continue to do business without the public's
2 knowledge.

3 Q. What evidence do you have that the -- that the
4 board of trustees of School District 5 of
5 Lexington-Richland County does business without the
6 public's knowledge, or would even want to?

7 A. That's one incident. There have been multiple
8 incidents related to construction procurement.

9 Q. Ms. Murphy, isn't it true that you made this
10 allegation that this property was purchased without
11 approval of the board at a public meeting, that you
12 yourself made that allegation?

13 A. Mr. White stated that at a board meeting.

14 Q. Okay. And did you ask that it be investigated?

15 A. I am constantly cut off when I attempt to speak, to
16 ask questions, to get information, to provide
17 information. And that particular meeting which I
18 do have on tape is an example.

19 Q. Well, Ms. Murphy, I've listened to a lot of
20 meetings. And just from my peanut gallery comment,
21 you had a lot to say at most of the meetings that
22 I've listened to. So explain to me -- or is your
23 complaint that you were not allowed to speak as
24 much as you wanted to? I mean, explain to me how
25 you contend that you were mistreated in the

1 meetings in such a way that you were not allowed to
2 express your thoughts and views.

3 A. I was constantly cut short when I attempted to, I
4 hate to say this, disclose to the public what's
5 going on in the district. The board members did
6 not want the public to know what is happening
7 behind the scenes. As I mentioned, I would attempt
8 to put documents on the record to at least document
9 it since I was unable to speak about it.

10 Q. Okay. And again, if that's true, how does that
11 relate to a conspiracy by Mr. Gantt and Mr. Bowers?

12 A. They -- the school board, Mr. Gantt thought that
13 they had a way to silence me completely by removing
14 me from the board.

15 Q. How do you know what Mr. Gantt thought?

16 A. By his actions and his words.

17 Q. So you don't know what he thought; you simply
18 infer, based on your own beliefs, what you think he
19 thought, correct?

20 A. On certain matters I have documentation, audiotapes
21 or videotapes.

22 Q. Do you have any audiotape or videotape where Mr.
23 Gantt says prior to the meeting in January of 2013
24 that you don't live in Richland County?

25 A. No. But I should have.

1 Q. Okay. And why should you have?

2 A. That matter should have been presented to me that
3 it was being investigated, and presented to the
4 board that it was being investigated. They had the
5 opportunity to do that in advance, and did not.

6 Q. Okay. But you knew that there was mumbling in the
7 community about that issue, didn't you?

8 A. No, sir.

9 Q. So your testimony -- and I can't remember the
10 gentleman's name. Your prior testimony was that in
11 2010 there was a gentleman who you described less
12 than kindly in Chapin who had said that you didn't
13 live in Richland County, and made that an issue in
14 your campaign apparently.

15 A. No, that is not a correct statement.

16 Q. Okay.

17 A. After Mr. Gantt made his statement that I was not a
18 resident of Richland County, this gentleman, Scott
19 Murray, was quoted in the newspaper as saying that,
20 that he attempted to have me removed from the board
21 by presenting it to the school board, having me --
22 excuse me, having me removed from the ballot before
23 I was elected after I had filed.

24 Q. Okay. And I just want to quote you and make sure
25 that you recall saying this. You said, "And then

1 we saw that newspaper article in The State when
2 Scott Murray was quoted as saying that he had been
3 jumping up and down trying to get the board to do
4 something -- to do something about it since 2010."

5 A. That's what he said in the newspaper article that
6 came out in March after the board voted to remove
7 me. I believe it was right after or right before
8 the board voted to remove me.

9 Q. And you also had testified that Stuart Mungo had
10 indicated that you didn't live in Richland County
11 in 2004, and told you that?

12 A. There -- no, that's not correct. There was a
13 question that came from Carol Sloop. I did not
14 hear it from him. She said, "Stuart Mungo says you
15 don't live in Richland County." I addressed it by
16 saying, "Of course I do. I've been paying taxes
17 here. Lexington County approved our subdivision
18 plan and told us where the county line was, and
19 Richland County concurred, and we've been voting
20 and paying taxes that way ever since." Never heard
21 anything after that. I had no reason to believe
22 that was an issue.

23 Q. Okay. And we went through before that you had
24 testified about it was difficult for you to do some
25 things in your lawsuit regarding Chapin because you

1 lived on or near the county line, and you knew
2 that, correct?

3 A. Say that one more time, please.

4 Q. I said I believe we had discussed in your prior --
5 one of the prior times of this deposition that you
6 had also testified in your case involving Chapin
7 High School your appeal of the permit decision,
8 that you had tried to measure some things and it
9 was difficult to do that using the GIS because you
10 were on or near the county line.

11 A. It didn't necessarily have to do with where my home
12 was. It had to do with their maps not displaying
13 parcel information. They -- they won't -- they
14 don't display it when parcels are near the county
15 line. They --

16 Q. Going back to Document 9976, what do you contend is
17 false in that statement?

18 A. I'm going -- I'm reading this, and I'm going to
19 make a statement as I read this.

20 Q. Okay. And I'd asked you -- and I hope your
21 statement is in answer to my question as to what
22 you believe is false in here.

23 A. Ms. Watson is claiming that the statement I made
24 was incorrect. My statement was true. She -- Ms.
25 Watson alleges that I am -- my legal appeals are

1 why construction was delayed at Chapin High School.

2 Q. Okay.

3 A. I'm continuing to read if that's okay.

4 Q. Sure.

5 A. She states again, "The delay in construction is a
6 direct result of Ms. Murphy's legal appeal."

7 That's false. She states again, "The delay in the
8 construction at Chapin High School rests firmly on
9 the shoulders of Ms. Kim Murphy." That's false.

10 She's making claims that I've cost the district
11 millions of dollars. That's false. She intimates
12 that this was an abusive process. That's false.

13 Q. Okay. What evidence do you have that everything
14 you said was false is in fact false aside from your
15 opinion?

16 A. I have documents that pertain to issues that
17 occurred at Chapin High School unrelated to the
18 wetlands and my appeal.

19 Q. Would you agree that the property can't be built
20 upon until permits are issued regarding
21 environmental and other issues?

22 A. If there weren't other issues holding up the
23 construction.

24 Q. So really your argument is that this isn't the
25 whole truth because you're agreeing that the

1 inability to obtain permits is holding the
2 construction up; your contention is that there are
3 other reasons as well; is that correct?

4 A. It's my understanding that there was no stay on the
5 project, and that they could have begun.

6 Q. Now, let's look at 1977.

7 A. And Ms. Watson's actual statement is in the record.
8 And she states that I am lying. Which is false.

9 Q. Okay. But that's not on the exhibit we're talking
10 about here?

11 A. Not this -- what's in here.

12 Q. Okay. Now, the next document, 1977, is apparently
13 a statement from Ed White. How does this relate to
14 any allegations of conspiracy between Bobby Bowers
15 and Robert Gantt?

16 MR. MORRISON: Include in the question
17 defamation as well so I don't have to re-ask
18 the same questions.

19 MR. MONTGOMERY: Sure. Let me rephrase that.

20 Q. How is this related to either the defamation by the
21 school board or alleged conspiracy between Robert
22 Gantt and Bobby Bowers?

23 A. Well, the previous page also is related to the
24 defamation, and painting a picture -- a false
25 picture of me.

1 Q. Okay. And you'd agree with me that these
2 statements were filed in the record more than three
3 years prior to your institution of this lawsuit,
4 weren't they?

5 A. As I mentioned, ever since I was elected they have
6 been attempting to discredit me, defame me,
7 disparage me and prevent the public from knowing
8 the actual business of the school district.

9 Q. You have a political disagreement with a number of
10 these folks, don't you?

11 A. In this case with the school board they have
12 violated the law and they violated our own district
13 policies.

14 Q. Now, Ms. Murphy, let me ask you, how is your saying
15 that about them any different than the things that
16 you contend they said about you that you complain
17 about here?

18 A. Can you rephrase that, please?

19 Q. Yes, ma'am. You just -- and -- and -- and I'll --
20 I'll tell you two things. One, you've accused the
21 school board of committing a crime. Okay? And you
22 have said they have violated state law and you --
23 they have violated district policy. Is that what
24 you were just -- your statement right now?

25 A. Yes.

1 Q. And my question to you is, is that a political
2 statement that's critical of an elected body?

3 A. It's a factual statement. It's not political.

4 Q. Okay. If it's a factual statement, have you turned
5 it over to law enforcement to argue that they
6 violated the law in some way?

7 A. I have done my best to make it public in an attempt
8 to -- at board meetings and documents that I placed
9 on the record. It's my understanding that a
10 lawsuit would have to be initiated in order to --
11 you know the terminology. A lawsuit -- I would
12 have to initiate a lawsuit in order to challenge
13 them with -- with procurement issues.

14 Unfortunately, the -- the burden is on the little
15 guy to prove. It's -- it's expensive.

16 Q. And going back to my question, how is your -- how
17 are your statements about other board members any
18 different than the statements you attribute to them
19 at board meetings that you believe are damaging to
20 you?

21 A. I base my comments on facts.

22 Q. As you understand the facts?

23 A. If they have violated board policy by not bringing
24 contracts to the board, yes, that's not -- that's
25 clear.

1 Q. Okay. Are you the ultimate judge of the facts and
2 the law as to whether they've complied with the
3 law?

4 A. No. But as a board member I need to do my best to
5 make sure that I follow the policies and that the -
6 - the school board follow the policies. And if I
7 see that if they're wandering from it, it -- it's
8 important that -- that we do it the right way.

9 Q. As a board member did you ever raise these issues
10 with the district's counsel or attorneys who were
11 representing the district on these issues that you
12 had concerns about whether procurement rules or
13 purchaser rules were being followed?

14 A. Yes.

15 Q. And who did you raise those with?

16 A. Childs and Halligan.

17 Q. Any particular attorneys there?

18 A. Their construction attorney.

19 Q. And that would be whom?

20 A. I can't think of his name right now.

21 Q. And what response did you get from counsel with
22 regard to your raising that issue?

23 A. This was related to the procurement of several
24 multi million dollar projects that were not
25 advertised properly or at all in South Carolina

1 Business Opportunities Newsletter. The project was
2 going to be bid the next day, going to have bid
3 opening the next day. And I had just found out
4 that we had not properly advertised that property -
5 - that project along with others that had already
6 been awarded.

7 Q. Okay. And you raised this issue with counsel. And
8 my question to you again is what did you get from
9 counsel?

10 A. They postponed the bid on that particular project.
11 The others are -- were passed. And the district
12 re-advertised it on the following Monday to have
13 bid opening on Wednesday, giving contractors two
14 days to put together a bid on a 16 million dollar
15 project.

16 Q. Okay. But you'd agree with me that in that
17 circumstance the board was operating with advice of
18 counsel; were they not?

19 A. This was not an emergency situation except that
20 it's my belief that Mr. Gantt wanted this project
21 awarded before the school board election which was
22 just a couple of weeks away, and his re-election.

23 Q. What was the name of the project, Ms. Murphy?

24 A. Dutch Fork High Field House.

25 Q. Okay. And my question was is it your view that the

1 board relied upon its legal counsel in determining
2 how to address your -- the issue you raised?

3 A. I don't know if they did. If they did, giving two
4 days to put together a bid, the reason why we have
5 SCBO to try to encourage competitive bids, was
6 certainly not adequate. And again, this was no
7 emergency.

8 Q. Okay. And I understand your opinion there. But my
9 question to you is do you have any evidence that
10 the board didn't take the advice of its counsel in
11 handling this and other situations that you raised?

12 A. I don't know that counsel was involved with their
13 decision.

14 Q. Okay. But what you do know factually is that you
15 spoke to counsel, and after you spoke to counsel
16 the bid opening was delayed?

17 A. That's correct.

18 Q. Okay. Let's move to the next one, 9978.

19 A. And on this particular project, as well as the 27
20 million dollar project that -- Ms. Burn was from
21 the Irmo area. The Irmo Fine Arts Center which she
22 was pushing before -- simultaneously before her re-
23 election was another project that had not been
24 properly advertised. And in addition, the projects
25 never came before the board for proper -- proper

1 approval before they were advertised. The board
2 never authorized the construction documents or
3 putting the project out for bid.

4 Q. Okay. Wasn't -- weren't both of those projects you
5 refer to part of the bond referendum I believe from
6 2008?

7 A. They were never part of the advertising that was
8 done before the bond referendum. These were two
9 major projects. After the bond referendum passed,
10 decision was made by some of the board members to
11 reallocate monies that were to go to build schools
12 and provide more classrooms to building these more
13 non-educational facilities, athletic -- a 30,000
14 square foot field house that weren't part of the
15 bond referendum.

16 Q. Okay. And were those projects voted on by the
17 board?

18 A. Yes, they were after the bond referendum passed.

19 Q. And those projects were part of the construction
20 that was done on the bond referendum; were they
21 not?

22 A. They -- bond referendum money was used to construct
23 them.

24 Q. And they were part of the contracts with Southern
25 Management/Cumming to administer the construction

1 program, correct?

2 A. The contract was altered to include them.

3 Q. Okay. And did the board approve that contract?

4 A. No, until after the fact.

5 Q. All right. Let's go back to 19978 because I want to
6 get through this stuff today. This is a letter
7 that you included in your production I believe as
8 evidence of some claim that the board defamed you
9 or Mr. and -- Mr. Gantt and Mr. Bowers engaged in a
10 conspiracy against you. And so the first question
11 I ask you is none of them are identified in this
12 letter, are they?

13 A. This is an example of the powers that be at the
14 district office and the board related to their
15 motivation to have me removed and the character.

16 Q. Okay. Now, it says at the top -- and I presume
17 this is something that you prepared that says,
18 "Irmo News and Chapin Times June 26, 2003." That
19 date isn't correct, is it?

20 A. I believe that date is correct. There is -- and I
21 don't know if it made it in these documents. I do
22 have the -- a clipping of the original article
23 which was a little bit more difficult to read.

24 Q. Okay. All right. So you think it was 2003. How
25 did that relate to this claim you've made in 2014?

1 A. Because I care about this district, I began
2 attending school board meetings and was shocked at
3 the way business was conducted with our tax dollars
4 that were collected from us to educate our
5 children. And I, as well as others, began to write
6 letters to inform the community of some of the
7 important decisions that were being made by the
8 board that didn't appear to be in the best
9 interests of the community or the education of our
10 children. And this letter -- open letter to the
11 community was signed by all 19 of the schools'
12 principals on this letter specifically targeting
13 me. My children's own principal signed it. He had
14 no choice.

15 Q. And how do you know that?

16 A. Because he -- we had a very good relationship. He
17 was doing his job taking great care of our kids.
18 Another principal attested to the fact that they
19 basically had no choice but to sign this.

20 Q. Okay. Now, let's just look at the people that did
21 sign this. Dennis McMahan was the superintendent,
22 but he had long left the employ of the district by
23 the time that the events we're talking about here
24 occurred, correct?

25 A. Yes.

1 Q. Anybody that you can identify on this list still
2 employed with Lexington 5 in 2011?

3 A. Yes.

4 Q. Who?

5 A. Buddy Price, Barbara Brockhart, I believe Jim
6 Lominack, Mr. Howell. I'm not sure about Pam
7 Thompson. And Jim Shirley I believe was. Claire
8 Thompson, Harriett Wilson, Mary Kennerly. I'm not
9 sure about Jim Stephens. Murray Waldrop.

10 Q. So you named about 20 to 25 percent of those people
11 were still employed in 2011?

12 A. I didn't do the math, but --

13 Q. Okay. And what does this have to do with the board
14 as it sat in 2013 or Mr. Gantt or Mr. Bowers?

15 A. It shows what they're willing to stoop to to
16 silence someone.

17 Q. Okay. And did in fact, Ms. Murphy, you ever ask if
18 you could remain in an adjoining room and attempt
19 to listen to a meeting through a wall?

20 A. I asked if I could sit in -- in the board room, not
21 to listen, but to wait until the meeting was over.

22 Q. Okay. Have you ever made allegations that the
23 district and Stuart Mungo had made secret deals for
24 property on which school are to be built?

25 A. I never used the word "secret."

1 Q. What kind of deals would they make that were
2 improper if they were not secret?

3 A. They communicated about business. I didn't say
4 anything about it being secret.

5 Q. Okay. Is there something wrong with people in the
6 community communicating about business or the
7 district communicating about its business with the
8 people in the community?

9 A. It depends what actions are taken, and if they're
10 not proper, not following board policy.

11 Q. Okay. To whom have you complained that members of
12 the board of School District 5 of Lexington-
13 Richland County breached either the law or board
14 policy?

15 A. State Procurement.

16 Q. Who at State Procurement?

17 A. Jimmy Aycock.

18 Q. Has Mr. Aycock done an examination of procurement
19 at the district?

20 A. He investigated the projects that should have been
21 advertised in SCBO and were not.

22 Q. Did he issue a report?

23 A. His -- his boss indicated in an email that they had
24 no record that these were advertised in SCBO.

25 Q. Okay. And his boss, would that be Boyd Shealey

1 that you're referring to who was chief procurement
2 officer during this period of time, or is it
3 somebody else you're referring to?

4 A. No, it's a female.

5 Q. And who are you referring to there?

6 A. I can't recall her name. But the document may be
7 part of --

8 Q. Okay. And how would you know this person was Mr.
9 Aycock's boss?

10 A. Well, I -- it's my thinking that she was, or that
11 she was over the department that handled that.

12 Q. Now, one thing I want us to be careful of is if you
13 think or believe something, tell me that you think
14 or believe it. Don't state it to me as that's a
15 fact. Okay? Because that's part of what your
16 complaint about the board here is as I understand
17 it, is you think they have stated things as facts
18 that may be their beliefs or their thoughts. So I
19 want to make sure that we -- we do that. Now,
20 let's move on to 9980 here which is something that
21 was entered into the record apparently by Ms.
22 Watson and Ms. Baumgartner in February 27th, 2012.

23 A. Again, it's -- it's an attempt to defame me,
24 calling this a lawsuit when it's an appeal, and
25 claiming I've spent -- I've caused the district to

1 spend 12 million dollars to defend again what they
2 call lawsuits when it's an appeal of the DHEC
3 decision.

4 Q. Okay. This is something that again took place as
5 part of people's official duties on the school
6 board, correct?

7 A. Can you repeat the question, please?

8 Q. Yes, ma'am. This entry into the record is part of
9 Ms. Baumgartner's and Ms. Watson's job as members
10 of the school board or position as members of the
11 school board? They're carrying that out in their -
12 - as part of their office, their official duties,
13 correct?

14 A. She put this on the record during a school board
15 meeting. However, this was not what she actually
16 said. And I have it typed up what she actually
17 said.

18 Q. Okay. But in either case, whether it's this or
19 what you believe she actually said, it occurred
20 during a school board meeting and was part of the
21 function of the school board, correct?

22 A. It was during a school board meeting.

23 Q. And do you have any belief that she did this as a
24 private citizen as opposed to a member of the
25 school board?

1 A. I think this relates to the personal agenda that
2 they had to try to silence me and prevent me from
3 doing the job that I was elected to do and --

4 Q. Now, Ms. Murphy, I'm going to just read this for
5 the record. I want to make sure I understand this
6 because here's what it says here. "I want to go on
7 the record to say that Dr. Karl Fulmer's report on
8 the updated estimated cost of Kim Murphy's lawsuit
9 delaying renovations at Chapin High School is
10 factual and correct. It is shameful and
11 disrespectful, not to mention without proof of
12 evidence, for Ms. Murphy to accuse Dr. Fulmer of
13 putting forth false information. In fact, Mr. --
14 Ms. Murphy is the one who continues to make false
15 claims about the 12.4 million the taxpayers are
16 paying to defend the frivolous lawsuits brought by
17 Ms. Murphy." Isn't it true in this statement that
18 she's actually defending Dr. Fulmer from what she
19 perceives is an attack you made on Dr. Fulmer?

20 A. My comment was the information contained in Dr.
21 Fulmer's report was incorrect. And she is doing
22 this in a way to disparage me. Now, again this is
23 not what she actually said. This is what the
24 chairman allowed for her to put in the record as
25 part of the official minutes. And that's -- that's

1 wrong. It's like an attorney changing his

2 statement after the fact. You can't do that.

3 Q. Okay. So you believe a legalistic standard applies

4 to what -- what happens with the school board?

5 A. If this were a legal entity, you need to follow

6 rules and --

7 Q. Were these statements made --

8 A. -- we have board policies.

9 Q. Were these statements made under oath?

10 A. No.

11 Q. Okay. We have 9981, Ms. Baumgartner's March 26th,

12 2012 statement. Can you explain to me how Ms.

13 Baumgartner's March 26th statement is evidence of

14 any defamation against you by the school board or

15 any conspiracy between Mr. Gantt and Mr. Bowers?

16 A. This goes to the motivation which led to them

17 removing me, and their -- their character. Chapin

18 High School -- Mr. Gantt, Mr. White, Ms.

19 Baumgartner, Ms. Watson represented that the school

20 was going to be able to accommodate 1700 students,

21 which was false. It was done in an effort to sell

22 the bond referendum. I was trying to get my

23 documents on the record that indicated -- that

24 proved the floor plans -- that the school was not

25 being expanded as was represented. She was clearly

1 speaking to me when she says that this is an agenda
2 by an under-educated non-professional board member
3 trying to give this public misinformation. Again
4 this was accurate information. This was not the
5 statement that she actually made. But it was
6 allowed to go in the record. When it's in the
7 record, it's in the minutes, it's -- you know, it's
8 monumented there.

9 Q. Okay. And again, this was part of her acting at a
10 board meeting as a board member, correct?

11 A. Yes.

12 Q. Okay. Next one, 9982 appears to be a reprint off
13 of the District 5 web page.

14 A. Yes.

15 Q. Okay. And how is this reflective of defamation of
16 you by the school board or a conspiracy by --
17 between Mr. Gantt and Mr. Bowers?

18 A. This goes to the character of attacking
19 constituents, and was done in a manner to tie them
20 to me to discredit them as if I'm -- as if I'm
21 trying to do harm to the district. It was
22 reprehensible that they would put something like
23 this on their website. It goes to their character.

24 Q. Whose character?

25 A. The school board.

1 Q. And your contention is the school board authored
2 this?

3 A. This is the type of stuff that's condoned all the
4 time by the school district, by the school board.

5 Q. Okay. Do you know who wrote this?

6 A. I do not know. Mr. Gantt's the board chairman. I
7 don't think anything goes under his nose without
8 his knowledge.

9 Q. Okay. And what do you believe is not factually
10 accurate in this writing?

11 A. They're -- they're misrepresenting what the group
12 was doing.

13 Q. And how do you know what the group was doing?

14 A. Because they asked me to sign their petition.

15 Q. So you were involved with the group?

16 A. I don't believe I signed the petition.

17 Q. Okay. And is the petition mischaracterized here?

18 A. Yes.

19 Q. And how so?

20 A. They're representing that the group was doing this
21 in an effort to prevent projects from being
22 initiated before the bond referendum money ran out.
23 That's false.

24 Q. And where does it say that?

25 A. The second paragraph.

1 Q. Okay.

2 A. They state that they're spreading false
3 information. I didn't see anything false in what
4 they were representing. I think they did it in a
5 very professional manner.

6 Q. And that's your opinion again, correct?

7 A. Yes.

8 Q. Okay. Now, this next one is an email that was sent
9 to you from Kim Bridges Stroman. How are you
10 related to Kim Bridges Stroman?

11 A. On this document they also reference calling my
12 appeals lawsuits. Ms. Stroman was --

13 Q. Ms. Murphy, you keep referring to that. Can you
14 explain to me what you think is different between
15 an appeal and a lawsuit?

16 A. I wasn't suing the school district. I was asking
17 DHEC to reconsider their decision.

18 Q. You were asking them to deny a permit that they had
19 granted, correct?

20 A. Or reconfigure things so they could have everything
21 -- the school district could have everything they
22 wanted there.

23 Q. Was your position not adverse to the school
24 district's?

25 A. Yes.

1 Q. Okay. So you took an adverse position in a legal
2 matter -- you'd agree with me it was a legal
3 matter, right? It went through the Administrative
4 Law Court, right?

5 A. Yes.

6 Q. So explain to me how that is not a lawsuit versus
7 an appeal and why you think there's a difference.

8 A. They're representing that I'm suing District 5. I
9 was not suing District 5.

10 Q. This says, "This project is being held up by
11 numerous appeals and lawsuits by Kim Murphy."
12 Okay. Are you saying that's not correct, that you
13 didn't have appeals and lawsuits with the district?

14 A. They're representing that I'm suing the district.
15 I'm not -- I wasn't suing the district.

16 Q. Okay. As opposed to now you are?

17 A. I filed a legal action against the district.

18 Q. But you -- but do you think that's a distinction
19 without a difference, whether I'm indirectly
20 affecting you because I'm in a lawsuit or whether
21 I'm directly affecting you because I'm in a
22 lawsuit? It has the same effect. I'm stopping you
23 from moving forward because I've appealed your
24 permit, right?

25 A. Again, my -- it's my opinion that I wasn't suing

1 the school district.

2 Q. Let me ask you this. Did your action have an
3 effect on the school district?

4 A. Yes.

5 Q. Now, let's go back now to 1993. This is an email
6 that looks like it was sent by someone named Pat to
7 the members of the school board. Is that correct?

8 A. Yes.

9 Q. Can you tell me how that reflects either a
10 defamation of you by the school board or a
11 conspiracy by Mr. Bowers -- between Mr. Bowers and
12 Mr. Gantt?

13 A. He's recounting what he witnessed at the school
14 board meeting and Mr. Gantt's behavior preventing
15 me from speaking or asking questions.

16 Q. Okay. It looks like this was a six to one vote
17 that you were overturned on, right?

18 A. The vote has nothing to do with Mr. Gantt's
19 behavior.

20 Q. Okay. He didn't like the way Mr. Gantt behaved.
21 Does he indicate in any way that Mr. Gantt said
22 anything about you or published anything about you
23 that wasn't protected speech that would constitute
24 defamation, libel or slander?

25 A. This goes to the character and willingness to go

1 beyond what is normal and respectful and -- and do
2 it in a very public manner and not think anything
3 of it.

4 Q. Well, and it's obvious from this that this person
5 shares your viewpoint about education too, doesn't
6 he?

7 A. I did not know he was in -- I had just met him, and
8 I did not know he was even at the meeting.

9 Q. But he made comments like on the second page, "But
10 he welcomed lengthy discussion from teachers of the
11 tired old shibboleth that more money results in
12 better education." That would give a pretty good
13 idea of what that person's viewpoint is, wouldn't
14 it?

15 A. Well, unfortunately sometimes our teachers are made
16 to get up and have to do that.

17 Q. Okay. All right.

18 A. And I don't agree with him in that standpoint
19 because I do believe our teachers are put in the
20 position where they have to do that.

21 Q. Where they have to do what?

22 A. Where they have to parade in front of the board
23 because the board threatens to cut teachers
24 whenever they want to raise taxes.

25 Q. Now, Ms. Murphy, as you make that statement are you

1 familiar with the Teacher Retention and Dismissal
2 Act as a member of a school board?

3 A. Not specifically. But the school district in
4 almost every budget period I've witnessed threatens
5 to increase class size. And what that means is
6 that when a teacher retires or transfers or leaves
7 for whatever reason, a new teacher will not be
8 hired in their place.

9 Q. But that's different than cutting or firing a
10 teacher if they don't do something for the board,
11 isn't it?

12 A. Cut the number of teachers. Which implies that
13 there will be fewer teachers for the same number of
14 students, and the teachers will be overburdened
15 with more students --

16 Q. Okay. Now, I understand that. But I --

17 A. -- in the classroom.

18 Q. I understand that. But I want to understand what
19 you said. Okay? You said -- and I can get the
20 court reporter to read it back if we have to. But
21 my understanding of what you said was that teachers
22 are made to appear before and sing the song of the
23 administrations under threat that they'll be cut.

24 A. Well, they could be cut if they're -- depending on
25 the type of agreement they have with the school

1 district. However, they're -- teachers are getting
2 up there because they don't want to have more kids
3 in the classroom. Because District 5 always
4 threatens to cut teachers, always threatens to cut
5 teachers in order to balance the budget, or to try
6 to make -- make a tax increase right -- or sound
7 right.

8 Q. But you would agree with me that the board can't
9 fire a teacher?

10 A. Well, I think there are occasions when they can
11 fire a teacher or agree with the superintendent's
12 recommendation to remove a teacher.

13 Q. They can agree with the superintendent's
14 recommendation, but the board cannot fire a
15 teacher?

16 A. I agree with you there.

17 Q. Okay. Now, let's move on to the next one. This is
18 an email that you sent out May 29th, 2011.

19 MR. MORRISON: So we don't have to come back on
20 these, can I interject a question here?

21 MR. MONTGOMERY: Certainly.

22 EXAMINATION

23 BY MR. MORRISON:

24 Q. Back on 9983 and 84 can you explain why the type
25 appears different and the date is different from

1 Page 1 to Page 2? For instance, Page 1 is dated
2 Friday, June 17th. Page 2 is dated July 20th. And
3 Page 1 is in black type. Page 2 is in a reddish
4 type. Can you explain that?

5 A. All right. So you're saying the type is different?

6 Q. Different color. And the date is different. Can
7 you -- do you have any explanation for that?

8 A. I'm looking for the date. Where do you see the
9 date?

10 Q. At the top on -- I'm sorry. I see the other date
11 up there. Just explain the type.

12 A. I can't explain why it's different.

13 Q. Okay. Thank you.

14 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

15 Q. Now, moving to your May 29th, 2011. And I would
16 note one thing on this page at 9985. It looks like
17 that you actually pulled this page down after your
18 -- a couple of your depositions had already
19 started.

20 A. It's possible. But it doesn't mean that it wasn't
21 already in all the documents that were submitted
22 before.

23 Q. Sure. I understand that.

24 A. I don't know -- August 9th, I don't -- I can't
25 explain the date.

1 Q. Okay. And that's fine. This is an email you sent
2 Saturday, May 28th, 2011. Okay?

3 A. Yes.

4 Q. I want to ask you something here. One of the
5 things you have said is that somehow you didn't
6 have a lawsuit with District 5, yet in your email
7 here you say, "As you may know, the judge ruled in
8 favor of District 5 and DHEC in my wetlands
9 appeal." So you understood you were involved in
10 litigation with District 5?

11 A. Yes, it was an appeal.

12 Q. Okay. Now, then you wrote an email -- you got an
13 email from someone named looks like Jim Forth. Who
14 is Jim Forth?

15 A. He's someone who emails me now and then with
16 information and has sometimes some inside scoop on
17 what's going on in the district.

18 Q. Okay. And he says, "I saw this info in an email to
19 all teachers by Buddy's assistant. I'm sorry for
20 the loss resulting. You will see much more
21 interest in all things Murphy in my humble
22 opinion." What's that supposed to mean from your
23 standpoint?

24 A. He didn't see this particular email. He saw what
25 District 5 broadcasted on the internet and in their

1 email to teachers and -- that who had an email
2 address. And I don't know what he means by that
3 last sentence.

4 Q. Okay. And then you wrote him back and told him
5 something that you observed after the principal
6 announced, "Chapin High has won the lawsuit. We
7 can begin building our school." Okay?

8 A. That was posted on the marquee at the school where
9 my daughter attended.

10 Q. "Chapin wins lawsuit?"

11 A. Yes.

12 Q. Was that true?

13 A. Again, it was an appeal. And that's not the --

14 MS. STORY: Do you need a break?

15 WITNESS: I'm okay. Thank you.

16 A. They should be ashamed at how they conduct
17 themselves in front of children. And it was not
18 appropriate in any manner to post such a statement
19 on a school marquee, particularly a school that --
20 where my daughter attends.

21 Q. But the school -- the marquee didn't say anything
22 about you or your daughter, did it? It says,
23 "Chapin wins lawsuit," correct?

24 A. That's correct. But they made sure that everybody
25 knew who was involved.

1 Q. Well, Ms. Murphy, that was a matter of public
2 knowledge, wasn't it?

3 A. Again, this should not have been posted on the
4 school's marquee.

5 Q. And explain to me why you don't think it should
6 have.

7 A. District 5 is supposed to be in the business of
8 educating children. And this is a political
9 statement that has no place on a school's marquee.
10 And it was done to inflame the kids there and --
11 and disparage me.

12 Q. Okay. How would you assert that this document that
13 you've presented here provides evidence to support
14 a claim that you were defamed by District 5 or that
15 Robert Gantt and Bobby Bowers engaged in a
16 conspiracy to have you removed from the board of
17 trustees for District 5?

18 A. Well, again it goes to the motivation and the
19 character and that they will stop at no lengths to
20 try to keep their business out of the public's eye.

21 Q. Didn't they do the opposite? Isn't putting this on
22 the marquee putting their business in the public's
23 eye?

24 A. Except they didn't represent the truth in the
25 matter.

1 Q. And what was the truth, Ms. Murphy?

2 A. Well, there are a number of things. They didn't
3 win the lawsuit. The judge required them to make
4 alterations to their plan.

5 Q. Okay. And that's your definition of what was a
6 win, right, is that your definition of winning was
7 that our permit was approved, you won the lawsuit,
8 didn't you?

9 A. We asked them to make alterations to their plan,
10 and they made alterations to their plan, and the
11 judge put it in her order.

12 Q. Were you awarded attorneys' fees as successful
13 party in that lawsuit?

14 A. We didn't ask for them.

15 Q. Okay. Move to the next one, 9987. This is an
16 article in "The Nerve." Can you tell me what this
17 -- what evidence this posed that there was a
18 conspiracy between Bobby Bowers and Robert Gantt to
19 have you removed from the board or that you were
20 defamed by the board?

21 A. This is I guess more evidence related to the
22 character of Mr. Gantt and other board members in
23 allowing students to speak in this manner and
24 allowing conversation by board members to incite
25 them.

1 Q. Okay. So this student came in public participation
2 to the board meeting?

3 A. Yes.

4 Q. And the board does not pre-require somebody to
5 provide a written statement prior to them talking,
6 do they?

7 A. No.

8 Q. Okay. And you encourage people to give opinions
9 and to be open and transparent about what's going
10 on at the district, right?

11 A. Yes.

12 Q. Okay. In this case you don't like what this young
13 man said?

14 A. There are others who were at the meeting and
15 indicate that the school board allowed this type of
16 attack on me and had an opportunity because of the
17 board policy that's read at every meeting to not
18 attack any member of the community or school board
19 or staff. And --

20 Q. Would it be fair to say, Ms. Murphy, that a lot of
21 this is that you don't believe that the majority of
22 the school board treated you fairly?

23 MS. STORY: Object to the form. You can
24 answer.

25 A. All right, ask me again, please.

1 Q. Do all of these exhibits -- and I'll rephrase the
2 question hopefully and make Ms. Story happy with
3 the form of it. These exhibits you present, and
4 you call them a lot of different things, but isn't
5 it true that you are attempting with these exhibits
6 to somehow demonstrate that you don't believe you
7 were treated fairly by the majority of the school
8 board?

9 A. It's one very small aspect of this.

10 Q. Okay. Well, what are --

11 A. This is not the purpose of these.

12 Q. Well, then what is the purpose of them?

13 A. The purpose of these is to show that District 5
14 board members are willing to step out of what is
15 respectful and in a -- in a way to control the
16 situation, to -- it shows the vendetta against me.
17 This is not normal decorum board meeting after
18 board meeting. This is not normal. And it was --
19 they targeted me specifically and continued to do
20 so up until Mr. Gantt popped it on me that I didn't
21 allegedly live in the county where I was elected
22 and paying taxes.

23 Q. Okay. Now, I want you to explain to me -- because
24 your lawsuit isn't about them not having respect
25 for you or treating you poorly or not acting with

1 proper decorum. Okay? You've brought an action
2 against the school board alleging that they defamed
3 you. And there are very specific legal
4 requirements to meet for a statement to be
5 defamatory. Okay? And I want, if you can -- and I
6 have reproduced the documents you produced here and
7 we'll keep going through them. But is there any
8 document you can point to where someone actually
9 made or published an unprotected defamatory
10 statement about you?

11 A. There's several examples of defamatory statements
12 in -- in this booklet here if this is all that we
13 provided you with the supplemental answers as well
14 as other information that's been provided through
15 discovery.

16 Q. Well, tell me what you contend is a defamatory
17 statement.

18 A. And it's also my understanding that actions are
19 defamatory.

20 Q. Okay. Well, let's start with statements. Tell me
21 what statements that you contend have been made by
22 the school board of School District 5 that you
23 believe are defamatory and that were either made or
24 published about you.

25 A. Mr. Gantt accused -- accuses me of not residing in

1 the district where I have lived and --

2 Q. I -- I don't want to interrupt you. But explain to
3 me how where you live or don't live is defamatory.

4 A. -- and accused me of not doing the right thing by
5 that I should have stepped aside.

6 Q. Anything else?

7 A. I, you know, would like to continue going through
8 the documents if we can.

9 Q. Well, we'll keep going through the documents. But
10 I want to focus on this because I want to try to
11 shorten this process. Okay? And so I want to
12 understand. You've contended that Mr. Gantt has
13 defamed you by saying one, that you lived in
14 Lexington rather than Richland County, and two,
15 that you didn't do the right thing because you
16 should have resigned when you found out you were in
17 Lexington rather than Richland County.

18 A. They represent when -- in all of their actions that
19 I have done something wrong, that I have done
20 something illegal and unlawful and in a series of
21 documents -- in one -- even the hearing memorandum.
22 When you start reading that hearing memorandum,
23 it's made to look like I've done something wrong,
24 that there's some kind of misconduct.

25 Q. Okay. Mr. Gantt didn't write the hearing

1 memorandum, did he?

2 A. Mr. Gantt has signed statements. Mr. Gantt has
3 made statements to the newspapers, --

4 Q. Has he made any --

5 A. -- to television.

6 Q. Has he made any statements, signed, to the
7 newspaper or television that were not in his
8 capacity at that time as chairman of the school
9 board or as a member of the school board?

10 A. I can't answer in what capacity he was making those
11 statements.

12 Q. Well, did he sign any statements that weren't
13 signed as part of school board business?

14 A. I'm not sure.

15 Q. Did he make any -- let me ask you this. Is there
16 any reason a newspaper or a television station
17 would interview Robert Gantt as an individual about
18 anything that you're aware of?

19 A. I don't -- I don't think so.

20 Q. Okay. And so it will be fair to say then that if
21 he was interviewed by a newspaper or any other
22 media, television, radio, that he was interviewed
23 in his capacity as a member or chairman of the
24 school board, depending upon the time?

25 A. It's possible that --

1 Q. Okay. Now, when he ran for chair did you vote for
2 him?

3 A. I don't -- I don't believe so. I can't be sure. I
4 believe there was another candidate.

5 Q. Okay. So any other statements other than the two
6 you've identified that you believe are defamatory
7 that have been made by the school board and/or
8 Robert Gantt?

9 A. We've talked about some before in our previous
10 depositions. And by refusing to -- he would allow
11 other board members to make defamatory statements
12 at public board meetings and not allow me to rebut
13 them or correct them in any way.

14 Q. I want to make sure I understand. Tell me what
15 other board members said at a meeting that you
16 believe was a defamatory statement.

17 A. Accusing me of lying, accusing me of tortious
18 interference. You know, representing in a way that
19 I committed some type of deception.

20 Q. But you accused them of all those same things,
21 didn't you?

22 A. If I had factual information, I would have.

23 Q. When you say, "I would have," I would have done
24 what?

25 A. If I had accused them of deception, I wouldn't have

1 done so unless I had factual information.

2 Q. Or information you believed to be factual?

3 A. Breaking a board policy is obvious. Entering into
4 contracts without board approval is -- is obviously
5 wrong.

6 Q. And I want to go back to this. Is it your
7 contention that the board has to approve every
8 contract the district enters?

9 A. Our procurement -- part of our procurement policy,
10 there are steps for approving projects. The end
11 result is the board approving the project.

12 Q. Okay. So you're referring to construction project
13 contracts then?

14 A. Yeah, I -- everything has been related to
15 construction.

16 Q. I just want to make sure. Because I want to make
17 sure that you're not asserting that the board has
18 to approve every purchase of toilet paper or soap
19 or school supplies or any of that kind of stuff.

20 A. No.

21 Q. So there are -- you'd agree with me there are
22 contracts that the district entered into that do
23 not require board approval?

24 A. Yes.

25 Q. Okay. So I want to make sure you're talking about

1 your belief is that there were either contracts for
2 purchase of land or for construction that you
3 believe were entered into without proper
4 procurement procedures?

5 A. Related to facilities or facility improvements or -
6 -

7 Q. All right. Any of the statements that you're
8 referring to by other board members that you
9 contend took place outside of the confines of a
10 board meeting?

11 A. I can't -- I can't recall.

12 Q. Okay. Now, I want to make sure I understand your
13 complaints about Mr. Gantt as chair. As I
14 understand it, and correct me if I'm wrong, but
15 your primary complaint is you believe that he
16 allowed others to make comments about or directed
17 to you that you believe were inappropriate under
18 district policy; is that correct?

19 A. That's one.

20 Q. Okay. And you also believe that he did not afford
21 you fair opportunity to speak at board meetings on
22 some issues?

23 A. That's correct. But that goes towards the -- the
24 character in the overall picture of the defamation.

25 Q. Explain to me what you mean by the overall picture

1 of the defamation, Ms. Murphy.

2 A. When there was an opportunity to remove me from the
3 board, Mr. Gantt made statements publicly for the
4 record to -- in an effort to finally keep from --
5 keep me from -- or keep the public from knowing
6 what's -- what's really going on in this district.
7 And that action, because he conspired and they know
8 that it was wrong, and the method that they used,
9 was done in a way to bring the most harm to me,
10 unlike the past instances where they attempted to
11 defame me.

12 Q. What did they do to bring the most harm to you?

13 A. By representing that I committed some type of
14 criminal act, misconduct, that I deceived the
15 voters, that -- that I violated the law somehow.

16 Q. Who made that representation?

17 A. Mr. Gantt, Ms. Watson, Mr. White.

18 Q. Where did they make that representation?

19 A. During this -- during this process.

20 Q. Was it always within a school board meeting?

21 A. No. The -- the letter that Mr. Gantt sent to Mr.
22 Bowers, just the -- the method that they did this
23 was -- was done to bring as much harm to me as --
24 as possible.

25 Q. And you say they. Who are you referring to?

1 A. The school board.

2 Q. And when you refer to the school board, you're
3 referring to the school board at that time which
4 was Mr. Turner, Mr. White, Ms. Baumgartner, Ms.
5 Watson, Mr. Gantt and -- I'm leaving someone out.
6 Who am I leaving out?

7 A. Baumgartner.

8 Q. No, I said Baumgartner.

9 MS. STORY: Lovelace?

10 MR. MONTGOMERY: No, Lovelace wasn't on the
11 board then. Ms. Hammond. I'm sorry.

12 Q. Is that who you're referring to?

13 A. I think Ms. Lovelace was elected in 2012. So she
14 was on the board.

15 Q. All right.

16 A. Most specifically I'm talking about Mr. Gantt, Ms.
17 Watson and Mr. White. And --

18 Q. Who conducted the process that you're referring to
19 here?

20 A. What process?

21 Q. Well, I mean, the process that you're referring to
22 that was designed, according to you, to have the
23 maximum negative impact on Kim Murphy.

24 A. There was just clearly scheming going on with Mr.
25 Gantt.

1 Q. And who was scheming with Mr. Gantt, Ms. Murphy?

2 A. Mr. Bowers.

3 Q. And when we talked about this last in August you
4 didn't have any evidence of any communications
5 between Mr. Gantt and Mr. Bowers other than the
6 letter Mr. Gantt wrote to Mr. Bowers and the letter
7 Mr. Bowers wrote back to Mr. Gantt. Since that
8 time have you discovered or uncovered any evidence
9 of any communications between Mr. Gantt and Mr.
10 Bowers with regard to this?

11 A. Well, we're still in the discovery phase right now.

12 Q. Okay. So am I to understand that answer to be that
13 as of 11:50 p.m. -- or 11:50 a.m. on November 5th,
14 2015 you have not discovered any evidence of any
15 other communications between Mr. Gantt and Mr.
16 Bowers about this matter?

17 A. I believe that there are -- the actions that took
18 place show -- show the communication, what happened
19 beforehand and then what happened afterwards.

20 Q. Okay. But that really wasn't an answer to my
21 question, was it? Because that's what you believe.
22 My question is do you have a document or a witness
23 that you have identified since we last spoke in
24 August of 2015 that gives any evidence or testimony
25 that would support your belief that Mr. Gantt and

1 Mr. Bowers communicated in some way so as to try to
2 do harm to you in this circumstance?

3 A. At the moment I don't believe I do.

4 Q. Okay. Do you have any evidence that either Mr.
5 Gantt or Mr. Bowers in the solicitation and the
6 determination of the location of your residence --
7 let me -- let me divide that up. I'll ask a better
8 question. Do you have any evidence that Mr. Bowers
9 and his staff in determining where your residence
10 was located ever acted outside the scope -- that
11 Mr. Bowers ever acted outside the scope of his job
12 with the South Carolina Budget and Control Board?

13 A. Yes.

14 Q. And what is that evidence?

15 A. Mr. Bowers did not have the authority to take me
16 off the voter rolls and attempted to with a letter
17 to Jasper Salmond.

18 Q. Okay. The letter you refer to was written on
19 stationery of the South Carolina Budget and Control
20 Board, wasn't it?

21 A. Yes.

22 Q. And Mr. Bowers did not take you off the rolls, did
23 he?

24 A. He attempted to have me removed from the voter
25 rolls and did it in a way to make -- make it look

1 like this was a general review by the board
2 chairman of the county line that splits the
3 district. If that were the case, there would have
4 been others.

5 Q. In fact, didn't he mention another homeowner on
6 your street in that letter?

7 A. There would have been others along the line. Why
8 did they only target just those two lines? And Mr.
9 Bowers knows that you can't determine a line
10 without doing the boundary survey and without
11 starting at a -- starting and ending at a defined
12 spot.

13 Q. But in fact, the letter that Mr. Bowers sent
14 described how the -- how they had made that
15 determination, didn't it?

16 A. Mr. Bowers wrote that letter without giving any
17 indication that this was an elected official. He
18 misrepresented what was actually going on. They
19 had no authority to move someone unless they had
20 more documentation of where the person actually
21 resided. The South Carolina Election Commission
22 said I reside in Richland County. When that didn't
23 work, he attempted to have me removed from the --
24 or be placed on the tax rolls in Lexington County,
25 which would have had the same effect as removing me

1 from voter rolls in Richland County. They targeted
2 me and -- and Mr. Bowers knows that you can't
3 determine someone's residency with what -- with
4 what he did. I mean, that was a smokescreen. It
5 was --

6 Q. Okay. Let me ask you a couple of questions in
7 regard to that. Is it your contention that an
8 elected official should be treated differently than
9 any other citizen with regard to a determination of
10 where their residency is?

11 A. I think there's a requirement to do due diligence
12 when you're determining somebody's county of
13 residence, and especially an elected official who's
14 been elected in a specific county or a specific
15 location. Because the appropriate authorities
16 placed them there. And to determine -- and to
17 attempt to, in a back door way, have me removed was
18 more evidence that -- you know, here there's a
19 process to remove a board member for cause. I was
20 still a board member up until they voted to remove
21 me. And I'm obviously still challenging that. So
22 Bobby Bowers, through what -- he made it sound like
23 the information he had was good, conclusive
24 evidence and that they'd done everything they can
25 to determine my county of residency.

1 Q. Isn't it true, Ms. Murphy, that in that letter he
2 identified that they had located your residence
3 using three different methods and told what those
4 methods were?

5 A. That's not how you determine someone's residency --

6 Q. Okay. But my question is --

7 A. -- when they're already a resident of a county.

8 Q. But my question is, is it true or is it not true
9 that in the letter that you refer to Mr. Bowers
10 identified to the officials in the county the
11 methods used to locate your residence?

12 A. He indicated three different methodologies which
13 were not conclusive in any which way or form. And
14 then after the fact changed the location of the
15 line at the hearing, which changed the azimuth that
16 he used to -- to make the claim that I don't live
17 in the county.

18 Q. Okay. But you'd agree that based on all the
19 evidence that was presented to the court, that the
20 court found conclusively that you're a resident of
21 Lexington County?

22 A. Whether the court rules that way or not has nothing
23 to do with the conspiracy.

24 Q. Well, I'm not going to debate the law with you.
25 But I understand that's your opinion.. Okay? In

1 all those things that you just described that you
2 attributed to Mr. Bowers what evidence do you have
3 that Mr. Gantt had any involvement in any of them?

4 A. Well, we have his initial letter to Bowers, his
5 statement that he was aware of this, supposedly it
6 had been brought to his attention in October. We
7 have his statement and -- at the school board
8 meeting which he wouldn't let me respond to. We
9 have in the transcript of the March hearing Mr.
10 Gantt says that I needed to -- I should have -- he
11 anticipated I would have resigned back in January,
12 that I would do the right thing.

13 Q. How was his anticipation that you would resign and,
14 quote, unquote, do the right thing evidence of
15 participation in a conspiracy?

16 A. They fully -- Mr. Bowers and Mr. Gantt I believe
17 fully anticipated me to resign when I received the
18 letter from Mr. Bowers on state stationery. And
19 after the Richland County Election Commission
20 removed me from the voter rolls, then I wouldn't
21 have -- I would have no leg to stand on. That
22 didn't happen. And then when I began to ask
23 questions because no map was provided to me to show
24 me where this line was and Bobby Bowers' office
25 provided aerial maps to indicate where the line

1 was, it didn't jive with what's written in statute,
2 which is clear. When Lexington County got wind
3 that they were targeting just me, they refused to
4 take any action. They refused to put me on the tax
5 rolls. And then at the hearing Mr. Bowers and his
6 staff relocated the line on aerial so it better --
7 would look better lined up to statute. But by
8 changing it, it changed the location that he had
9 spelled out in his letter.

10 Q. Let me ask you Ms. Murphy, why would Mr. Bowers,
11 who's been involved at the Budget and Control Board
12 for more than 30 years in various capacities and a
13 respected long-time state employee, why would he
14 intentionally misrepresent facts with the desire to
15 hurt you?

16 A. It's my understanding that he's respected by some
17 people, but not everybody. And your answer to your
18 question, Mr. Bowers has -- he and Mr. Gantt have
19 an alliance because Mr. Bowers was a long-time
20 chairman of the Lexington 1 School Board and
21 president of the South Carolina School Board
22 Association. Mr. Gantt is now president of the
23 South Carolina School Board Association.

24 Q. Okay. So -- but Mr. Gantt wasn't president of the
25 South Carolina School Board Association in 2012,

1 was he?

2 A. He was an officer and had -- had been for several
3 years.

4 Q. Okay. And what evidence do you have that that
5 relationship gave Mr. Bowers incentive to breach
6 his obligations as an employee of the Budget and
7 Control Board?

8 A. I can't say why someone would do something like
9 that. He knows how to do his job and the
10 seriousness of this matter.

11 Q. Do you have any evidence that he did anything of
12 the sort?

13 A. What do you mean?

14 Q. That he did anything other than what his official
15 job duties and responsibilities were in locating
16 your residence on the map.

17 A. He skipped some -- a very important process before
18 he could even think of having me removed from the -
19 - from the voter rolls.

20 Q. He didn't have you removed from anything, did he?

21 A. He attempted to have me removed.

22 Q. Okay. And that's your --

23 A. And he did it in a -- it's very clear he did it in
24 -- in a deceptive manner.

25 Q. And how was he deceptive?

1 A. He represented that this was a general review of
2 the county line by the board chairman. It wasn't
3 that they were targeting just me.

4 Q. Okay. Is it not his responsibility to review
5 county lines when requests are made for location of
6 a county line?

7 A. Reviewing is one thing. But not taking someone off
8 the voter rolls.

9 Q. Okay. But again, he didn't take anyone off the
10 voter rolls?

11 A. Not attempting to take me off the voter rolls. He
12 attempted to take me off the voter rolls -- in his
13 official capacity attempted to take me off the
14 voter rolls.

15 Q. Okay. And you say that he did that in his official
16 capacity?

17 A. He did it on his state letterhead.

18 Q. Now, did Mr. Gantt have anything to do with that,
19 or do you have any evidence that Mr. Gantt had
20 anything to do with him, quote, attempting to take
21 you off the voter rolls?

22 A. Well, we are still on the discovery process, and
23 I'm waiting to get discovery back from Mr. Gantt
24 and Mr. Bowers. And we have witnesses to depose.
25 And I think we will gain enough to --

1 Q. Okay. What do you base your belief that you're
2 going to gain information that's going to support
3 this case on, Ms. Murphy?

4 A. I think under oath the witnesses will share the
5 story.

6 Q. Do you have any evidence that Mr. Gantt took any
7 action involving your residency and the location of
8 your residency when he was not acting as a school
9 board member or the chairman of the school board?

10 A. I'm not sure.

11 Q. Do you have any knowledge or do you have an
12 allegation that at any time any of Mr. Gantt's
13 actions relating to soliciting a determination as
14 to the location of your residence was outside the
15 scope of his duties and responsibilities as
16 chairman of the school board?

17 A. I have reason to believe that witnesses will
18 testify to this as being a scheme to have me
19 removed.

20 Q. And what witnesses do you think are going to
21 testify to that scheme?

22 A. People in Mr. Bowers' office, people in Richland
23 County's government office.

24 Q. Okay. And do those folks have names?

25 A. Will Roberts, Alan-Jon Zupan, Lee Harrell, Drew

1 Bagnet.

2 Q. Anyone else?

3 A. And if they're honest under oath, Mr. Bowers and
4 Mr. Gantt.

5 Q. Okay. Now, is Mr. Zupan going to testify to
6 anything differently than the transcript of the
7 recorded conversation that you produced?

8 A. And Mr. Miller -- Sid Miller as well. Yes, I
9 believe he will.

10 Q. What do you think Mr. Zupan is going to testify to
11 that's not part of the transcript of the phone
12 conversation that you produced at 9942 through
13 9969?

14 A. I believe that he will provide background
15 information.

16 Q. Okay. And, Ms. Murphy, I want to -- I want to
17 understand something. I want to understand what
18 you believe Mr. Zupan will testify to that advances
19 a scheme or plan or conspiracy between Robert Gantt
20 and Bobby Bowers.

21 A. That he again knows the -- some of the background
22 information, the background -- why this was
23 initiated and who was involved.

24 Q. Okay. And what -- why do you believe that he knows
25 that and will testify toward -- about that?

1 A. Based on my conversation with him.

2 Q. Is there another conversation you've had with him
3 that you've recorded that you haven't produced?

4 A. No.

5 Q. Is there a conversation you had with him that you
6 didn't record?

7 A. No.

8 Q. Okay. So I'm trying -- if there's no conversation
9 you've had that you didn't record and you've
10 produced all the conversations you had with him, if
11 you could direct me where in the production there's
12 a conversation you've had with Mr. Zupan that
13 identifies or supports or alleges that Mr. Gantt
14 and Mr. Bowers conspired to do anything.

15 A. When it was discovered that the corners of -- that
16 are indicated in state statute were ignored.

17 Q. When was that discovered?

18 A. The day I called him.

19 Q. Is that part of his transcript we're talking about?

20 A. Yes.

21 Q. Well, let's turn to it. You point to me where you
22 believe that occurred.

23 MS. STORY: While she's doing that, can we take
24 a brief restroom break?

25 MR. MONTGOMERY: Sure.

1 (Off the record from 12:15 p.m.

2 until 12:36 p.m.)

3 THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

4 Q. Ms. Murphy, when we left you were going to identify
5 in your transcript of your phone conversation with
6 Mr. Zupan where he states things that you believe
7 give evidence that there was conspiracy between Mr.
8 Bowers and Mr. Gantt. And if you would, just -- if
9 you would, just tell me the page and the line
10 number of that testimony.

11 A. Uh-huh. Well, I'll have to -- I'll have to look
12 for it. But he first talks about finding two fords
13 versus one ford.

14 MS. STORY: Just to make this go a little bit
15 easier, I think he starts talking about two
16 fords on 9949.

17 WITNESS: Thank you. I was going to say Mr.
18 Montgomery's probably got it in his computer.
19 9949?

20 MS. STORY: 49, at the bottom.

21 WITNESS: Okay. Thank you.

22 A. Well, he -- Mr. Zupan talks about who went out in
23 1995 to Wateree Creek, and between what Sid Miller,
24 Mr. Bowers and Zupan said. Sid Miller was there,
25 Alan-Jon Zupan was there, Lee Harrell was there and

1 John Cloyd was there.

2 Q. And where does he say that?

3 A. Seven -- line 21. And also --

4 Q. Okay. And I want to understand. He says, "Sid
5 Miller and I and a couple of guys from Richland
6 County." How do you know who the guys from
7 Richland County were?

8 A. Well, between the testimony from Sid Miller and Mr.
9 Bowers and also Will Roberts' emails.

10 Q. Okay. But again, what I've asked you to do here is
11 tell me what Mr. Zupan said. Okay?

12 A. Okay. All right. So what he said is that they
13 went out in 1995 and they located two fords and
14 positioned them with GPS. And they didn't have --
15 again, between what he says, Mr. Miller says, Mr.
16 Bowers says and Will Roberts says, they did not do
17 any kind of survey, that all they did was position
18 it -- position the points. And that no one went
19 back out to the site until after Mr. Bowers wrote
20 his letter to Mr. Gantt January 11th, 2013. So no
21 one had determined whether -- which point was Rocky
22 Ford or whether they were the Rocky Ford -- either
23 one was the Rocky Ford point. But in Mr. Bowers'
24 letter he states that they found the Rocky Ford
25 point, they verified that it's conclusive that

1 that's the Rocky Ford point. Well, no one has gone
2 back out there to do any kind of -- to determine
3 whether that point is Rocky Ford.

4 Q. Okay. Now, isn't it true that in Line 8 -- at Page
5 8, Line 9 Mr. Zupan identifies which one they
6 called Rocky Ford?

7 A. Yes. But then he said later on that -- that they
8 positioned another point that was a good ford.

9 Q. And I believe he says that at Line 8 -- or at Page
10 8, starting at Line 24. "Down the creek a little
11 bit that was -- you know, it could have been a
12 ford." But that's not the one they called Rocky
13 Ford, correct?

14 A. But they never did confirm it. And he said if that
15 other point was Rocky Ford, it would still put me
16 in the same position, which based on what little
17 they did, put me in -- in Lexington County. But
18 neither point was verified as being the point
19 referenced in statute.

20 Q. Okay. So explain to me how that gives indication
21 that Mr. Bowers and Mr. Gantt conspired.

22 A. Mr. Bowers in his capacity knows -- knows what's
23 required to definitively call something a corner.
24 And he -- he didn't do it. And he represents in
25 the testimony that it's conclusive.

1 Q. And he's not the only one that does that either, is
2 he?

3 A. You can't call a point conclusive -- I mean, first
4 of all, there's two -- there's two points. They
5 don't even know which one is it. They never
6 verified it. They never found any other stakes or
7 corners to verify what was done. They already
8 testified that a survey had not been done.

9 Q. Ms. Murphy, if you would, just explain to me how
10 your belief that Mr. Bowers did not properly locate
11 a point on a map supports your allegation that Mr.
12 Bowers and Mr. Gantt conspired to harm you.

13 A. Again, Mr. Bowers knows what's required to
14 definitively call something a corner. And he used
15 that information to write a letter to Jasper
16 Salmond in order to attempt to have me removed from
17 the voter rolls when he knows that that's not the
18 way you establish any kind of point or boundary.

19 Q. How do you know what Mr. Bowers knows or doesn't
20 know?

21 A. He's been doing this for 30 years. He served as a
22 member of the North Carolina, South Carolina
23 Boundary Commission.

24 Q. So it would be more proper for you to say you think
25 that he knows something different than he did than

1 he does, correct?

2 A. I firmly believe that, yes.

3 Q. So that's your belief or your opinion, not what Mr.

4 Bowers knows or doesn't know. We can agree on

5 that, can't we?

6 A. Yes.

7 Q. Because if you've figured out a way to know what

8 somebody knows, you -- you need to be doing

9 something other than being involved in this

10 litigation.

11 A. Then at one point -- I'm sorry, do you want to ask

12 your --

13 Q. Go ahead.

14 A. After this phone conversation -- and it was when I

15 asked if Mr. Zupan who had been out to the site in

16 1995 and hadn't been out until after my

17 conversation with him I asked if they found any

18 stakes. I was aware of the stake in the ground and

19 in state statute. And he says there are no stakes.

20 Q. And where do you say he said that?

21 MS. STORY: He starts talking about stakes on

22 9947.

23 A. Yes. I asked if there is a stake, "Have you seen

24 the stake where I could find it?" And he says,

25 "There is -- there is not a stake mentioned in the

1 statute."

2 Q. Then he went back and corrected that, didn't he?

3 A. Well, he has -- Mr. Bowers has just given a --
4 stated that the line that they supposedly found in
5 1995 is the line, the county line. But if -- if
6 the maps that Mr. Zupan created and was the basis
7 for Mr. Bowers' letter, it's clear that they didn't
8 use the stakes, they didn't consider the stakes
9 which --

10 Q. How is that clear?

11 A. If you don't know that there's a stake, if you say
12 there is no stake mentioned in statute, then how
13 could it have been used to develop the line? One
14 corner doesn't define the line, even if that Rocky
15 Ford point was the corner. But two points were
16 found, and none of those were even verified as
17 being the Rocky Ford point.

18 Q. Now, is it your belief that when you called him on
19 the phone Mr. Zupan should know the marks that
20 reflect the border of Lexington and Richland County
21 at this -- at every location in the -- in the
22 county or even at this location when he gets a cold
23 phone call about what -- about this?

24 A. Will Roberts, who initially provided me with the
25 maps, said that Zupan created the maps. And Mr.

1 Zupan also sent the maps to Lexington County. This
2 wasn't supposed to be the line. This was supposed
3 to go away after I resigned. But when Lexington
4 County got wind that supposedly Mr. Bowers' office
5 had established the line, Lexington County wanted
6 to know where this line was so they could begin
7 working on it. So Zupan sent Lexington County the
8 same maps that Will Roberts sent me that Will
9 Roberts said Zupan created. Those maps have -- in
10 Mr. Bowers' letter he represents that the line --
11 he represents the line in azimuth. And the map
12 that Zupan created and initially sent to Lexington
13 County as the line jives with those azimuths. And
14 after my conversation with Zupan, they altered the
15 maps and used them as evidence in the hearing. But
16 they didn't tell anybody that they relocated the
17 line.

18 Q. Now, you would have had an opportunity to cross
19 examine them on that at the hearing, correct?

20 A. Yes. But again, that has nothing to do with the
21 conspiracy leading up to this.

22 Q. Well, any evidence that -- from Mr. Zupan or any of
23 the other folks you named, Roberts, Harrell, Bagnel
24 or Miller, that they had any communications with
25 Mr. Gantt with regard to this issue?

1 A. Can you ask your question again, please?

2 Q. Yes, ma'am. Do you have any testimony or evidence
3 from Mr. Roberts, Mr. Zupan, Mr. Harrell, Bagnel or
4 Miller that they had any communications with Robert
5 Gantt with regard to the location of this line?

6 A. Again, we're still in the discovery phase of this.
7 I have enough circumstantial.

8 Q. Okay. And that's not my question. My question
9 isn't that we're still in the discovery stage.
10 Again, as of 12:53 p.m. on November 5th, 2015 do
11 you have any evidence from any of the gentlemen I
12 just named that they had any communications with
13 Robert Gantt regarding the placement of the county
14 line that puts your house in Lexington County?

15 A. Not at the moment.

16 Q. So the answer is no?

17 A. Well, circumstantial I guess.

18 Q. No. Now, the -- again the question is do you have
19 any evidence that any of these people will testify
20 that they had any communication with Mr. Gantt?

21 A. It's my belief they will.

22 Q. Okay. Do you have any evidence other than your
23 belief that they will testify?

24 A. I don't think so.

25 Q. Okay. And you've communicated with these folks

1 either by telephone, in person or by email, right?

2 A. Some of them.

3 Q. Yes. And have any of those that you've
4 communicated ever indicated in any way that Robert
5 Gantt talked to them or was involved in any way
6 with the location of the line?

7 A. I have had people say that the school board is
8 behind it.

9 Q. And who said that?

10 A. Jack Maguire.

11 Q. And who is Jack Maguire?

12 A. He was the Planning and GIS manager for Lexington
13 County.

14 Q. And did Mr. Maguire give you any basis for his
15 belief or his statement that, quote, the school
16 board was behind it?

17 A. He used to work with Mr. Bowers. And knows --

18 Q. And when did he work with Mr. Bowers?

19 A. For some time before he went to Lexington County.

20 Q. And how would that give him any insight as to what
21 the school board was doing?

22 A. Because Mr. Bowers knows how to locate a line, and
23 you can't just locate two line segments without
24 doing more research. And --

25 Q. Okay. Now, I want you to explain to me how what

1 Mr. Bowers knows or doesn't know weighs on any
2 involvement by Mr. Gantt in the line being set.

3 A. The effort was to have me removed. Bobby Bowers
4 did not do his job properly and misled Jasper
5 Salmond in his request to have me removed from the
6 voter rolls.

7 Q. And what did Robert Gantt have to do with that?

8 A. Mr. Gantt was attempting to have me removed from
9 the school board.

10 Q. How was he doing that?

11 A. Well, he -- he -- in the way that this took place.

12 Q. Well, let's talk about the way it took place, Ms.
13 Murphy. I think we've done that to some degree.
14 And I understand that you are unhappy. Just
15 correct me if this litany is not correct. You're
16 unhappy because you believe that at the time the
17 original complaint came in you should have been
18 notified prior to Mr. Gantt writing Mr. Bowers and
19 asking for confirmation; is that correct?

20 A. That's correct. That -- that would have been
21 proper.

22 Q. And you're unhappy because you believe that Mr.
23 Gantt should have notified you outside of the
24 regular agenda process that this issue was going to
25 be raised in the January 13th, 2013 meeting; is

1 that correct?

2 A. It's not that I'm unhappy about that. That's what
3 -- that's what should have taken place.

4 Q. Okay. You believe that should have taken place?

5 A. Absolutely.

6 Q. All right. Now, while you believe that should have
7 taken place, is it not taking place a violation of
8 any rule, statute, policy?

9 A. No. But conspiring to do so is.

10 Q. Okay. Tell me what your definition of a conspiracy
11 is, Ms. Murphy.

12 A. I'm the -- the prime example. Conspiring to have
13 me removed with information that was not sufficient
14 that was provided by experts and -- and someone Mr.
15 Gantt has an alliance with that was insufficient,
16 and they knew it was insufficient. And during the
17 process they took steps to make me look like a
18 criminal in the process.

19 Q. Okay. Let me ask my question again. What is your
20 definition of a conspiracy? What is a conspiracy?
21 Not what happened to you that you believe is a
22 conspiracy. What -- if you're looking at this and
23 you're trying to tell someone these people are
24 engaged in a conspiracy, what do you tell them?
25 What have they done?

1 A. Behind the scenes they're conspiring, they're
2 scheming, they're planning to abuse the process to
3 have me removed from the school board.

4 Q. Now, Ms. Murphy, you'd agree with me that someone
5 who does not live in Richland County is not
6 eligible to serve as a representative of Richland
7 County on the Lexington 5 School Board; would you
8 not?

9 A. I don't agree with you.

10 Q. So you believe that me who now lives in Lexington
11 District 1, I could run for school board in
12 Richland School District 5 -- Richland-Lexington 5?

13 A. I believe that if both counties told you where you
14 resided and you've been paying taxes where you've
15 been told to pay taxes and where you voted and
16 where you were elected and where the election
17 commission shows you as being a resident, that if
18 you have been elected, without proof then you --
19 you shouldn't be unelected. And -- and only unless
20 there was proof could you -- would there be any
21 legal question. And you could very easily serve as
22 a defacto board member because no misconduct took
23 place.

24 Q. And there was no allegation that you engaged in any
25 misconduct, was there?

1 A. Yes. There was -- throughout the process they
2 represent that what I'm doing could be unlawful,
3 that I wasn't doing the right thing.

4 Q. Was there any representation other than the Budget
5 and Control Board had determined that you did not
6 reside in Richland County and that as a non-
7 resident of Richland County you could not legally
8 serve as a member of the board, and that there was
9 concern, which I presume was articulated by
10 counsel, that any action you voted on if you were
11 not legally qualified to serve could be subject to
12 question? Is there any representation made other
13 than those facts?

14 A. Can you ask your question again, please?

15 Q. Yes, ma'am. Was there any representation made
16 other than the fact that your residence was not
17 located in Richland County that as a non-resident
18 of Richland County you could not legally serve on
19 the board and that there was a question whether --
20 if you could not legally serve on the board,
21 whether actions you participated in as a person who
22 was not legally able to serve on the board could be
23 subject to question?

24 A. Would you mind asking one question at a time?

25 Q. Sure. Is it true that the hearing that was

1 conducted when you -- that the board initiated
2 before Judge Cooper was only for the purpose of
3 determining two things; one, whether you were a
4 resident of Richland or Lexington County and two,
5 whether you could legally serve on the board if you
6 were a resident of Lexington County?

7 A. Yes..

8 Q. Okay. And you raised an issue there and afterwards
9 that making that change required pre-clearance from
10 the Justice Department and the board didn't have
11 jurisdiction to make that claim; is that correct?

12 A. The process was not pre-cleared.

13 Q. Okay. And in fact, the -- the independent hearing
14 officer made a determination. There was a
15 subsequent hearing by the board on those identical
16 issues, and the board, pursuant to state law, made
17 a determination and you appealed that decision to
18 the Circuit Court, and the Circuit Court judge made
19 a determination each that you were a resident of
20 Richland -- of Lexington County and could not
21 legally serve in the seat set aside by code for a
22 resident of Richland County; is that correct?

23 A. And that was based on basically false information.

24 Q. Okay. So information you believe false. But you
25 had an opportunity throughout that process to

1 participate and present the evidence that you
2 believed was legally correct?

3 A. The evidence that there was a conspiracy didn't --
4 didn't come all at once. Initially it didn't look
5 right or smell right, and from a legal standpoint
6 the Voting Rights Act was violated. And as pieces
7 of information were discovered that basically laid
8 out the conspiracy, we filed the conspiracy action.

9 Q. Okay. Let me first ask has any court in any
10 jurisdiction held that there was a violation of the
11 Voting Rights Act?

12 A. We haven't challenged that yet.

13 Q. Didn't you not raise that before Judge Benjamin?

14 A. No.

15 Q. Okay. Wouldn't the time to have raised it been at
16 that point?

17 A. I believe it's a federal issue.

18 Q. Okay. And what evidence are you referring to that,
19 quote, trickled in of a conspiracy?

20 A. The fact that the line had been relocated from one
21 position to another position without the parties
22 being alerted to it.

23 Q. Did any evidence of that fact involve Robert Gantt
24 in any way, shape or form?

25 A. I think that was part of the coverup afterwards so

1 that the conspiracy -- so the scheme wouldn't be
2 uncovered.

3 Q. And what coverup are you referring to, Ms. Murphy?

4 A. The fact that the line that Mr. Bowers represented
5 as the line and used to submit to the head of the
6 Election Commission -- or director of the Election
7 Commission was the line. And it wasn't the line
8 and wasn't even close to being a line that could be
9 represented as the line.

10 Q. How does Mr. Gantt play in that?

11 A. I believe Mr. Gantt and his daughter and others
12 were involved with the scheme of using lines that
13 weren't official lines to have me removed and to
14 clinch the deal. Mr. Bowers sent the letter to
15 Jasper Salmond to have me removed from the voter
16 rolls. And that would have done it. And that
17 didn't work, so they tried a round about way to get
18 -- have Lee Harrell take me off the tax rolls in
19 Lexington County. And I said, "You can't do it
20 like that. You haven't -- you haven't completed
21 the line. You haven't even -- you haven't even
22 done the process. You haven't -- you haven't
23 located the points that indicate this is any sort
24 of a line."

25 Q. Do you have any evidence that Mr. Gantt was

1 involved in the drafting of any of these letters
2 that you're referring to?

3 A. It's my belief that it was known up front before
4 Mr. Gantt received his letter from Mr. Bowers that
5 Mr. Bowers was going to communicate with the
6 Election Commission and that everything would be
7 over with had I been removed from the voter rolls.

8 Q. But you weren't, correct?

9 A. Correct.

10 Q. So all this machination that you're describing had
11 no effect upon you, did it?

12 A. Well, that's when the coverup started.

13 Q. Okay. Tell me every act that you believe --
14 because you don't have evidence, that you believe
15 Mr. Gantt engaged in to further this alleged
16 conspiracy.

17 A. By his actions and statements that he's made.

18 Q. Okay. What actions and what statements?

19 A. Making the comment that I should have resigned in
20 January. By notifying me in advance of the largest
21 attended meeting in -- executive session just
22 before the largest attended meeting that supposedly
23 I don't live in -- in the county. And then making
24 a statement without giving me any advance knowledge
25 of what the statement has to say and then not

1 letting me respond to that statement to -- to
2 correct or to elaborate on what had just happened,
3 what he had just announced to the -- the community
4 and the public and the media. And -- and then what
5 he represented to, you know, the TV station and in
6 the article and -- you know, they -- they enclosed
7 newspaper articles of other elected or appointed
8 officials who they claim -- District 5, Mr. Gantt,
9 Ms. Watson, Mr. White claim left without a fight,
10 that it was wrong for me to -- again trying to
11 paint the picture that I'm -- I'm bad, I've done
12 something wrong. And -- and those cases had
13 nothing to do with -- weren't even similar to what
14 they were proposing. You know, I -- I was duly
15 elected in the county where the county told me I
16 resided and have been paying taxes and voting. And
17 you've got to come up with a lot more than that to
18 -- to claim that I'm not a resident of that county.
19 They also said that they were going to open the
20 seat, have another election, which they never did.
21 And they never voted on whether to do that or not
22 to do that.

23 Q. Now, Ms. Murphy, you'd agree that it would have
24 been improper for them to open the seat and have an
25 election while you were still contending that it

1 was your seat and you were engaged in litigation to
2 overturn the decision of the board and return to
3 the board, wouldn't you?

4 A. But they never did.

5 Q. Well, I understand that. And your litigation
6 involving that seat goes on today, correct?

7 A. Yes, I guess we're waiting to hear back from Judge
8 Benjamin. Had they felt this was accurate, had it
9 been accurate -- I mean, they just --

10 Q. In all those items you just delineated is there
11 anything that you would assert that Mr. Gantt did
12 outside the scope of his responsibilities as either
13 a board member or the chairman of the board of
14 School District 5 of Lexington-Richland County?

15 A. Yes.

16 Q. What?

17 A. Mr. Gantt withheld my attorney at the time, Todd
18 Kincannon's, motion to dismiss from the record and
19 from the minutes.

20 Q. When you say from the record and from the minutes
21 of what?

22 A. From the minutes of the hearing where they voted to
23 remove me.

24 Q. Okay. And why do you assert that that was withheld
25 from anyone?

1 A. Because it wasn't in the minutes, just like so many
2 other documents I've attempted to get in the -- in
3 the record.

4 Q. Did Mr. Kincannon argue the motion?

5 A. He asked for it to go in the record, and Mr. Gantt
6 accepted. And I think the points that Mr.
7 Kincannon made were -- were spot on. And there are
8 other issues beyond that. And they very clearly I
9 think laid out the shortcomings of -- of the school
10 district, the school board.

11 Q. Now, when you appealed the school board's decision,
12 did you include that material in the record?

13 A. I did not know it wasn't in the record. I didn't
14 know that Judge Benjamin hadn't seen it as part of
15 that -- our argument. Which it wasn't in the
16 record. It should have been.

17 Q. And managing the record of a school board meeting
18 is certainly a responsibility of the school board;
19 is it not?

20 A. It's the responsibility of the chairman.

21 Q. Okay. And the secretary, correct?

22 A. Mr. Gantt has control over what goes in the minutes
23 and what doesn't.

24 Q. And he has --

25 MS. STORY: Make sure you answer his question.

1 And then if you want to add something, you can
2 add something. But to keep the record clear
3 you need to answer his question first, and
4 then you can say something if you need to
5 clarify. Okay?

6 WITNESS: Okay.

7 Q. The secretary also has responsibility for the
8 contents of the records and the minutes?

9 A. She had some responsibility, yes.

10 Q. Okay. And anything Mr. Gantt did in that -- in
11 that regard as far as what went in the minutes and
12 what didn't go in the minutes was part of his
13 responsibility as chair, correct?

14 A. It was part of his responsibility. I think it was
15 a big part of his responsibility.

16 Q. Okay. Let's next if I can, I want to look at some
17 other materials you provided here. If I could get
18 you to go to the documents in the notebook that
19 start with the maps. I think it starts with 10025.
20 And I think that's the first -- 10025 and 10026
21 appear to be part of a map. Can you tell me what
22 the purpose of these items is?

23 A. Yeah. I'm afraid that when I passed this on to my
24 attorney the -- something was wrong with the -- it
25 didn't capture the -- the whole document. And they

1 should be -- they were introduced I think with the
2 last batch you received. And I'm looking at --
3 10002 maybe may have -- no, that's not it. Yeah,
4 that's where they start, 10003. And then if you
5 flip through, you'll see through 10009.

6 Q. 1000 --

7 A. 10003.

8 Q. Okay. And my question again still is what are the
9 -- what's the purpose of these? How do they prove
10 either a conspiracy or defamation?

11 A. A couple of things.

12 Q. And I'll just say that this packet goes all the way
13 to 31 it looks like.

14 A. Okay. A couple of things. The -- the statute for
15 the counties was developed based on three separate
16 annexations. And these are -- these two plats
17 represent the three annexations.

18 Q. Okay.

19 A. The first -- the first plat shows the 1921 plat for
20 the 1922 annexation.

21 MS. STORY: Make sure you refer to the number
22 at the bottom of the page.

23 A. Okay. 00003. The lower southwest line, this long
24 straight line is one portion -- one line segment
25 that may affect our property. And you'll note

1 Rocky Ford down at the bottom. This was the third
2 and later annexation. This was the only plat
3 submitted with -- to Judge Cooper and -- as -- as
4 evidence. The other plats that show the other line
5 that is referenced weren't included. And I think
6 that was intentional because those other plats show
7 the stake that was overlooked. So if you go to --

8 Q. Now, let me ask you as you talk at that, explain to
9 me what role you believe, and more importantly you
10 have evidence, that Mr. Gantt played in the
11 determination of what plats were submitted at any
12 time.

13 A. I think Mr. Gantt took it to Bobby Bowers and it
14 was supposed to be over and done with. It wasn't
15 supposed to get to a hearing. And when Jasper
16 Salmond didn't take me off the voter rolls, they
17 began further scheming to try to protect the
18 original scheme from being uncovered.

19 Q. Okay. And how did Mr. Gantt's involvement as you
20 allege have anything to do with the production of
21 this plat?

22 A. District 5 attorneys were involved with this and I
23 think should have known better. But information
24 was I believe intentionally withheld from the
25 hearing for the same reason a new aerial with a

1 line in a different location was put into evidence
2 at that hearing with no -- not telling anybody that
3 they had relocated the line. And that line now
4 doesn't line up with the azimuth that Bobby Bowers
5 says is the line.

6 Q. Okay. Now you'd agree that Mr. Gantt had nothing
7 to do with the preparation and the admission of
8 evidence at the hearing that you refer to?

9 A. I wouldn't agree to that.

10 Q. Okay. And why would you not agree with that?

11 A. This is a hearing to have me removed from the
12 board. I feel that he would have been directly
13 involved with the case to remove me from the board.

14 Q. But in fact his role was to serve as someone -- one
15 of the members that was voting, including you, who
16 had an opportunity to vote on the evidence after it
17 was presented, correct?

18 A. He was directly involved with the conspiracy. So I

19 --

20 Q. Ms. Murphy, understand that conspiracy is a very
21 loaded word and it's a conclusory word. Okay? The
22 idea of whether someone's involved in a conspiracy
23 or not is a legal conclusion. The purpose of your
24 -- of our deposition here is to try to learn what
25 facts you know. Okay? So every time you say it's

1 a conspiracy, that's not a fact. A conspiracy has
2 got a legal definition, and there's certain acts
3 that have to be proven in order to establish a
4 conspiracy. Okay? What I'm trying to ask you
5 about is what acts did Mr. Gantt engage in.
6 Because your saying he was part of a conspiracy
7 does not eliminate the issue at all. So what acts,
8 and particularly what evidence do you have that Mr.
9 Gantt engaged in any acts involving the submission
10 of evidence at the hearing where the board made a
11 determination on this issue?

12 A. Again, I have to say everything that Mr. Gantt has
13 done before this happened and afterwards is enough
14 to -- that we're -- we're on the right track that
15 he was involved with this. And our upcoming
16 depositions and discovery I think will more
17 conclusively show that.

18 Q. Okay. As we sit here today at 1:27 p.m. on
19 November 5th, 2015 what evidence do you have that
20 Mr. Gantt did anything to have input into what was
21 presented to the board at the hearing?

22 A. They had statements prepared ahead of time for both
23 hearings, the one in February and the one in March.
24 And they -- Mr. Gantt each time takes an
25 opportunity to disparage me.

1 Q. Anything else?

2 A. Well, I mean, the actions leading up to this. The
3 actions that took place afterwards.

4 Q. Okay. Now, do you know if Mr. Gantt prepared the
5 statements that he read, or was it the custom of
6 the district to have statements prepared for most
7 contingencies where something was occurring?

8 A. He signed them.

9 Q. Okay. And do you know who prepared them?

10 A. He signed them. It doesn't say that anything else
11 but him signed -- prepared them.

12 Q. From your experience as a school board member did
13 school board members prepare statements that the
14 district issued on circumstances relating to the
15 board?

16 A. Well, some of them are pretty sloppily put
17 together, so if it was an attorney, I'd be
18 surprised.

19 Q. Okay. All right. Let's move to the next map
20 starting at 10007. What is the purpose of that as
21 it relates to your case here alleging that the
22 board defamed you and that Mr. Gantt and Mr. Bowers
23 engaged in a conspiracy to remove you from the
24 board?

25 A. This map plat was not included in with the hearing

1 documents. And I believe it wasn't included in the
2 hearing documents because it references the other
3 line in statute and shows the stake that was
4 overlooked that Zupan said in the phone call never
5 -- wasn't there. When --

6 Q. This plat was done in 1912, right?

7 A. Yes. Or in 1911.

8 Q. Okay. And it's certainly feasible that a stake
9 that was in place in 1912 was not in place in 2012,
10 isn't it?

11 A. Well, the stake is there, and I have a picture of
12 it.

13 Q. And you -- you know for a fact that it's the right
14 stake?

15 A. Well, I'm -- I'm fairly confident because Lee
16 Harrell who's head of mapping for Richland County
17 confirmed it.

18 Q. Okay. And is there a document reflecting Lee
19 Harrell confirming that that's the stake that
20 you're referencing there?

21 A. I was there when the owners found it. And Lee
22 Harrell was one of our witnesses.

23 Q. Okay. That wasn't my question. My question was is
24 there a document where Lee Harrell has confirmed
25 that that is conclusively the stake?

1 A. No.

2 Q. Okay. And next starting at 10 you have provided, I
3 guess these are to your expert documents relating
4 to the survey; is that correct?

5 A. Yes. And --

6 Q. Now, let me ask you, from the standpoint -- and it
7 looks like you started talking with this expert in
8 August of this year. Did you talk to him before
9 then?

10 A. Can I -- you just reminded me of something. I
11 realize when I was reviewing the transcripts before
12 that I was talking I think at the same time as the
13 attorney was asking me questions. And I responded
14 a yes and it was the question before, not meant to
15 answer the current question. So if that current
16 question -- the answer would be a no. And I meant
17 to bring those notes with me to address that
18 because I want to be sure that I'm -- I'm accurate.

19 Q. Well, if you'll provide that information to Ms.
20 Story, I'm sure she can get it to the court
21 reporter.

22 A. I'm sorry. Because I over -- I talked the same
23 time you were just then, and it reminded me.

24 Q. Okay. Did you -- is August the 12th the first time
25 you had communicated with Mr. McGee?

1 A. I -- I called him, and I'm not sure what date it
2 was. But it was this approximate date.

3 Q. And how did you come about communicating or
4 contacting Mr. McGee?

5 A. He's a surveyor who's done a lot of work in the --
6 in the Chapin area, and actually surveyed the
7 property next to us. And he's -- he's done a lot
8 of surveying, and respected.

9 Q. Has Mr. McGee provided you any report --

10 A. Oh, wait a second. McGee or Gee?

11 Q. Gee. I'm sorry. It's Gee.

12 A. Okay, G-e-e.

13 Q. Yes.

14 A. I'm sorry too.

15 Q. Has he provided you a report in this case?

16 A. The documents are somewhat out of order. But what
17 he did was take the two --

18 Q. Well, let me just ask -- and we may get there. But
19 let me ask you to answer the question that I just -
20 -

21 A. Yes, he gave me a report.

22 Q. Okay. And where is that report?

23 A. It's in -- I believe it's in here.

24 Q. It hasn't been produced separately as a report that
25 he provided?

1 A. No. It's --

2 MS. STORY: He's not identified as an expert
3 witness in this case. He's not been
4 identified as an expert witness.

5 MR. MONTGOMERY: He's not the surveyor you
6 identified as an expert?

7 MS. STORY: No. No. That's somebody else.

8 MR. MONTGOMERY: Okay, that's right. I'm just
9 --

10 MS. STORY: It's okay. It's a lot of folks
11 that have been involved in all of this. I
12 think you have Ronnie Tyler.

13 MR. MONTGOMERY: Yes, I am.

14 Q. Okay. Now, the next document here in this order
15 appears to be the letter that Mr. Gantt wrote to
16 Bobby Bowers. That's 10012. Okay. I just want to
17 clarify one thing. The letter itself says, "I'm
18 writing you as chairman of the board of trustees of
19 School District 5 of Lexington and Richland
20 Counties," correct?

21 A. Yes.

22 Q. And the letter is written on District 5 letterhead,
23 correct?

24 A. Yes.

25 Q. And it says, "The purpose of my letter is to

1 request the South Carolina State Budget and Control
2 Board Office of Research and Statistics make a
3 determination as to whether or not Ms. Murphy
4 resides in Richland County as required by law, and
5 whether she is in fact a resident of Richland
6 County legally qualified to represent Richland
7 County on the School District 5 Board." Is that
8 correct?

9 A. Yes.

10 Q. Okay. Is there anything improper about that
11 letter?

12 A. Well, making the comment that, "As you may be
13 aware, such rumors have been around for some time"
14 is -- is not necessary and, you know, would lead
15 one to think that -- that this was to lead people
16 to believe again that I've deceived them, that I
17 was aware that I didn't reside in Richland County.

18 Q. Ms. Murphy, has anyone anywhere involved with
19 Lexington 5 or the School Board of Lexington 5 ever
20 written or said that you knew you weren't a
21 resident of Richland County?

22 A. Ask your question one more time.

23 Q. Has anyone involved with or a member of board of
24 School District 5 ever written or said that you
25 knew before this occurred that you were not a

1 resident of Richland County?

2 A. There were comments that came out in the news that
3 their interpretation of what went down was that I
4 knew it.

5 Q. And who made that comment?

6 A. I believe the document's in here. Roger Leeks.

7 Q. And he is not a member of the school board of
8 District 5, is he?

9 A. No.

10 Q. Okay. And my question was very specifically. Has
11 any member -- and I'll name an employee as well.
12 Employee or member of the board of School District
13 5 of Lexington and Richland County ever made a
14 statement or written anywhere that prior to January
15 13th, 2013 you knew you were not a resident of
16 Richland County?

17 A. Ms. Baumgartner --

18 Q. And where did she write that?

19 A. -- implied -- was written --

20 Q. Okay, I didn't say implied. Written or said.

21 A. No, she wrote it. I mean, no, excuse me, she said
22 it.

23 Q. What did she say?

24 A. She -- she said, "Oh, and you didn't know that you
25 were a -- you weren't in the county or --"

- 1 Q. So she asked you a question?
- 2 A. In a statement way. It wasn't -- she wasn't -- it
- 3 was accusing me.
- 4 Q. Okay. Starting at 13, this is the letter from Mr.
- 5 Bowers to Mr. Gantt; is that correct?
- 6 A. Yes.
- 7 Q. Okay. Would you agree with me that Mr. Bowers says
- 8 specifically the methods he used to determine where
- 9 your residence was located in this letter?
- 10 A. Yes.
- 11 Q. And he concludes, "All three sources show that Ms.
- 12 Murphy is a resident of Lexington County," correct?
- 13 A. Well, he also says that I'm in the State Election
- 14 Commission registration database for Richland
- 15 County.
- 16 Q. Okay. And that was a fact, wasn't it?
- 17 A. Yes.
- 18 Q. So prior to the hearing you had a copy of this
- 19 letter, didn't you?
- 20 A. Yes.
- 21 Q. And you had the opportunity to challenge the
- 22 methods that Mr. Bowers used to locate your
- 23 residence, correct?
- 24 A. Yes.
- 25 Q. Okay. Now, let's look at Number 15 and 16 and 17

1 and ask if you can tell me what those maps show.

2 And when I say 15, 16 and 17, for the record I'm
3 referring to 010015, 16 and 17.

4 A. It's this letter where he references the azimuths
5 in the line has changed from what was represented
6 initially to what was put in evidence at the
7 hearing. 00015, 16 were given to me by Will
8 Roberts. And indicates the -- the black line in
9 the first and second represent the county line.

10 Q. As they located?

11 A. Without looking for the stake, yes, or verifying
12 the Rocky Ford corner.

13 Q. All right. But the black line on both of those is
14 the line that they located that found your
15 residence to be located in Richland County,
16 correct?

17 A. Yes. That's what they sent to me. I don't know --
18 I mean, that's what they used.

19 Q. Where there are overlaps of purple and blue lines,
20 that reflects where the Richland and Lexington
21 County GIS is different as to where the boundary is
22 too, doesn't it?

23 A. The parcel maps -- the parcels that are represented
24 on aerials and on here aren't necessarily the GIS
25 lines. There are several different lines. None of

1 them are conclusive.

2 Q. Okay. All right. What is 17? Is that just a --

3 A. They are common points. All right, 17 is a map --

4 an aerial that shows the district's exhibit from

5 the February 15th hearing. And that red line is

6 different than the black line shown on the previous

7 two maps.

8 Q. And what do you base that testimony on?

9 A. Looking at it.

10 Q. Have you done an overlay or a comparison of the

11 points on that line?

12 A. Yes. And this is what Mr. Gee analyzed. And the

13 first maps represent the azimuths indicated in

14 Bobby Bowers' letter. And the exhibit doesn't line

15 up with what's in Bobby Bowers' letter.

16 Q. Does it make a difference as to where your house is

17 located?

18 A. It just goes to the -- the fact that they had no

19 kind of conclusive evidence whatsoever.

20 Q. But it doesn't make a difference as to where your

21 house is located, does it?

22 A. It doesn't have any -- any bearing on that

23 whatsoever. They've never verified that Rocky Ford

24 was Rocky Ford.

25 Q. Okay. Now, what is 18?

1 A. This was something else they had in evidence. And
2 it's the same line as the previous map.

3 Q. Okay. And 19 through I guess 24 are some statutory
4 information?

5 A. This last page shows the law that was in place at
6 the time the board brought this to my attention and
7 the public's attention. And it shows that the --
8 Bobby Bowers' office can advise counties on
9 boundary disputes but they don't have the authority
10 to make -- make the change.

11 MS. STORY: And for the record she's talking
12 about 10024.

13 Q. Okay. Is there a particular reason that you've
14 included an act that was passed after this hearing
15 occurred?

16 A. Yes. After this new bill came out, after the
17 counties didn't acquiesce to Mr. Bowers' demands to
18 take me off of the voter list in Richland County
19 and put me on the tax rolls in Lexington County.

20 Q. Ms. Murphy, did Mr. Bowers demand that they do
21 anything?

22 A. Based on conversation that I have had with the
23 attorney for Richland County, it was demanded. And
24 previous -- or subsequent emails from Bobby Bowers'
25 office and Lexington County Election Commission are

1 trying to get Lexington County to believe that a
2 judge's ruling, not a report from Judge Cooper who
3 was the hearing officer, that that was a judge's
4 order and therefore I was in Lexington County, and
5 they were attempting --

6 Q. Are you sure they're referring to -- excuse me, go
7 ahead.

8 A. That was it.

9 Q. Are you sure they're referring to Judge Cooper's
10 ruling as opposed to Judge Benjamin's ruling?

11 A. No, they were referring to Judge Cooper's report,
12 but making it come across as if it were a judge's
13 order.

14 Q. And who was doing that?

15 A. Will Roberts from Mr. Bowers' office.

16 Q. Okay. Now, go back to this bill. And this bill
17 changed the law to give Mr. Bowers' office the
18 ability to set those lines, doesn't it?

19 A. Yes.

20 Q. Okay. And it affords someone who disagrees with
21 that boundary certification a remedy in the
22 Administrative Law Court?

23 A. Yes. But they don't receive any advance notice,
24 just like me, that the line's even being looked at.
25 There's no public notice to the counties that's

1 required, or to the affected homeowner or property
2 owner or stakeholder until they get a letter from
3 the state on the state letterhead that says they're
4 in another county. If they want to appeal it, they
5 can.

6 Q. Okay. Now, it looks like that 10025 through 10033
7 are simply duplicates of documents we've already
8 looked at; is that correct?

9 A. Jasper Salmond's letter, 1034? Is that where you
10 are?

11 Q. I'm up to 33. I'm asking if the documents 25 to 33
12 --

13 A. Yes.

14 Q. -- are duplicates.

15 A. Yes.

16 Q. Okay. Now we get to 34. That's a letter you
17 referred to as to Mr. Salmond, correct?

18 A. Yes.

19 Q. And that one's dated the same date as the letter to
20 Mr. Gantt, --

21 A. Yes.

22 Q. -- January 11th? And in that letter he -- he
23 basically states the same thing, sets forth the
24 field work that they did to make the determination
25 and asks that he notify the voters that they're

1 registered to vote in the incorrect county and need
2 to register to vote in Lexington County, correct?

3 A. Yeah. It says more than that too.

4 Q. Okay. Is there anything else that you believe
5 supports the conspiracy or the idea -- your
6 allegations of conspiracy or the idea that any
7 board member or the school board defamed you in
8 this letter?

9 A. Yes. The first paragraph says, "In a recent
10 request from Robert Gantt, Chairman of the
11 Lexington and Richland 5 Board of Trustees we were
12 reviewing a residential addresses along the
13 Lexington and Richland County boundary. In our
14 review we discovered multiple addresses of voters
15 that are currently registered to vote in Richland
16 County that actually reside in Lexington County."
17 There's been no proof whatsoever that I reside in
18 Lexington County, and they give no indication that
19 this is an elected official that they're trying to
20 unelect. "The voters are currently voting in the
21 incorrect precinct and election districts." Well,
22 you know, Mr. Bowers drafted -- Mr. Bowers
23 submitted the precinct lines to Department of
24 Justice, and he's representing in those lines --
25 precinct lines between the two counties that that's

1 the county line. Well, the line in the precinct
2 maps that he submitted to the Department of Justice
3 don't jive with the line the counties use to
4 determine where someone resides. And that line
5 does not -- that Bowers submitted does not jive
6 with the line he says is now the county line.

7 Q. However, isn't it true that if you look at the
8 fourth paragraph of this letter, Mr. Bowers points
9 out that the precinct lines place your residence in
10 Lexington County?

11 A. If the precinct line that he drew is the county
12 line, which it's supposed to be, it doesn't jive
13 with the line that he says is the county line. And
14 -- but the -- I think the -- what's more important
15 is that both Richland and Lexington County
16 recognize me as a Richland County elector, taxpayer
17 and resident. The next paragraph, again no maps
18 were provided to indicate where this county line
19 is. But the azimuths here are not even azimuths in
20 the document that was submitted as evidence in the
21 February hearing because the line was rotated once
22 they discovered there were corners that should have
23 been considered.

24 Q. Okay. Did any of that change their opinion of the
25 location of your residence?

1 A. They're arbitrary lines. So as -- as far as
2 arbitrary lines go, my -- it didn't change.

3 Q. Well, Ms. Murphy, aren't all boundary lines
4 arbitrary as you use that word?

5 A. No, absolutely not. The -- the county line between
6 the two counties was set in stone. It was
7 monumented on the ground. That's not arbitrary.

8 Q. Okay. All right.

9 A. Mr. Bowers never surveyed the line to know where
10 the line is.

11 Q. And you have not done so either, have you?

12 A. It shouldn't be my responsibility to survey a
13 political boundary. I should trust the -- the
14 counties who are in charge of maintaining their
15 boundaries. And they say I'm in Richland County.

16 Q. But in fact the Circuit Court sitting in Richland
17 County says you're not?

18 A. Again, that was based on inaccurate information
19 that was submitted at the February hearing that was
20 twisted and -- and it's a ruling where we've asked
21 for her to reconsider.

22 Q. Okay. Explain to me, Ms. Murphy, why re-litigating
23 the issue of your boundary here has an effect on
24 your claims for defamation and conspiracy in this
25 lawsuit.

1 A. Can you ask that again, please?

2 Q. Yes, ma'am. I want you to explain to me why you're
3 attempting to re-litigate the location of the
4 boundary here in this case.

5 A. Well, I'm obviously not an attorney. But we're
6 asking Judge Benjamin to reconsider. And she never
7 had that motion to dismiss. I think that was
8 important. And plus the information that she had
9 to base her decision was skewed. And that was
10 intentional and I believe part of the conspiracy.

11 Q. Okay. Now, Ms. Murphy, you had counsel and the
12 opportunity to be represented, heard in every one
13 of these instances where a decision was made with
14 regard to this case, didn't you?

15 A. Yes.

16 Q. Okay. And my question again -- several times
17 during our discussion this afternoon and this
18 morning you've said, "Well, what the ultimate
19 location of the line is has nothing to do with the
20 conspiracy or the defamation." And so what I'm
21 asking you now is that being the --

22 A. That's taken out of context. Excuse me.

23 Q. That being the case -- well, you'll have an ample
24 opportunity to clarify. That being the case, why
25 is the location of the line relevant in this case

1 as to whether you were defamed or there was a
2 conspiracy to oust you from the board?

3 A. I'm sorry, can you repeat that?

4 Q. Yes, ma'am. Why is the location of the
5 Lexington/Richland County line relevant as to
6 whether you were defamed by the school board or
7 whether Mr. Gantt and Mr. Bowers engaged in a
8 conspiracy to have you removed from the school
9 board?

10 A. Why is the location of the line --

11 Q. Relevant, yes, ma'am.

12 A. -- relevant?

13 Q. You spent a lot of time testifying about where the
14 line is. You've hired surveyors, you've presented
15 maps. I'm trying to understand why that's
16 relevant.

17 A. Because the -- the parties involved I believe
18 conspired to create these lines and know that
19 they're not the real boundaries. No one's ever
20 done a survey. And they are representing that this
21 line is conclusive.

22 Q. They're not just representing that. A court's held
23 that.

24 A. And we're -- we don't agree with that. And as Mr.
25 Reagle said, you -- I mean, you can't just stand on

1 a corner and do mathematical calculations and make
2 it a line.

3 Q. Okay. So again, how does the location of the line
4 have any effect on whether there was a conspiracy
5 or not?

6 A. It's the -- they conspired to create a false line
7 and to set it up to make it look like I was in
8 another county and in a way to make it look like
9 I've done something -- had some -- I've -- I've
10 violated the public's trust.

11 Q. Okay. And what did they do to make it look like
12 you violated the public's trust?

13 A. Beginning with Mr. Gantt's statement in his
14 December 2012 letter that says, "As you may be
15 aware, it's been rumored for years." And Mr.
16 Bowers' overreaching letter saying that if I want
17 to run for school board in Lexington County, I can
18 the next go around and, you know, it's conclusive.
19 And it's not conclusive where my county of
20 residence is. Mr. Gantt's statements at board
21 meetings when it was first announced, and the next
22 meeting after that his refusal to allow me to
23 comment and to respond. You know, the statements
24 made at hearings that you know, any -- any
25 respectable (as spoken) -- I can't talk -- I can't

1 say that word. That I should have resigned back in
2 January. You know, statements made to the media.

3 Q. Any of those things again done outside his role as
4 chairperson of the school board at the time?

5 A. I can't answer that.

6 Q. Okay. Next document, 10036, board meeting
7 cancelled, what is that evidence of?

8 A. Mr. Gantt was reelected and sworn in the board
9 meeting prior to this. At this meeting -- at that
10 meeting when he was sworn in there was an about
11 face on a decision to build a school. The
12 superintendent said since Robert Gantt was
13 reelected that they were going to build a new
14 middle school that wasn't even in the picture. And
15 Mr. Gantt wouldn't allow any discussion on it. And
16 this email came out basically saying that -- well,
17 obviously as -- you know, as a school board member
18 usually you'll begin to discuss something, and then
19 the next meeting you'll have more follow-up
20 information and more discussion. Well, this is
21 pretty important when you're talking about adding a
22 25 million dollar facility out of the blue and the
23 meeting was postponed. Because -- Mr. Gantt had an
24 opportunity to use this meeting to discuss my
25 residency. Since he said he became aware of it in

1 October, he had every opportunity at that meeting
2 which is important, but chose not to. And it was
3 the following meeting after the holidays that this
4 was popped on me.

5 Q. Okay. But the meeting didn't occur?

6 A. The meeting did not occur. It should have occurred
7 for -- not only to talk about this major
8 construction project, but to inform me of what he
9 thought he -- what he had so-called heard.

10 Q. And in Lexington 5 the board officers which are
11 three members of the board and the superintendent
12 meet to set the agenda, correct?

13 A. Yes.

14 Q. So this wouldn't have been something Mr. Gantt
15 could have unilaterally done, would it?

16 A. Well, he said he informed the board officers of my
17 situation. So, yeah, that's -- that's one of the
18 reasons I'm -- the board is involved in this
19 action.

20 Q. Starting at 37 is the statement that you've
21 complained about that Mr. Gantt gave, the public
22 statement, right?

23 A. Yes.

24 Q. And where his name is written you're saying that's
25 where he signed it; is that correct?

1 A. Yes.

2 Q. And that's written again on District 5 stationery,
3 correct?

4 A. Yes.

5 Q. And so it would be something that he prepared and
6 delivered in his capacity as chair of the board,
7 right?

8 A. Yes.

9 Q. Okay. Thirty-eight is an email from Mr. Gee to
10 you?

11 A. Yes. And basically what this shows is the maps
12 that were provided to me and provided to Lexington
13 County as the line, though they could not make it
14 work, were -- those original maps have the same
15 azimuths as what Mr. Bowers states in his letter as
16 the determination letter to have me removed from
17 the board. And the -- the other aerial he
18 addresses here is the aerial with the line that
19 changed and was used as evidence at the February
20 hearing, and it has a different azimuth that does
21 not match Mr. Bowers' letter.

22 Q. Does Mr. Gee say anywhere in here that you live in
23 Richland County?

24 A. He does not address that.

25 Q. And I take it that this drawing that's at 41, is

1 that his markings on the map?

2 A. No. This was mine. These are other residences
3 that if this were a real review of the line as it
4 seems to be represented to -- in Mr. Bowers' letter
5 to Jasper Salmond, then other residences would have
6 been involved.

7 Q. Has Mr. Gee given you any opinion as to the
8 location of your residence?

9 A. No.

10 Q. Do you expect to get an opinion from him as to the
11 location of your residence?

12 A. No.

13 Q. Have you discussed whether he believes your
14 residence is in Lexington or Richland County with
15 him?

16 A. No.

17 Q. Why not?

18 A. I asked him to determine the azimuths of the
19 aerials that were sent. And that was -- that was
20 it.

21 Q. Does he have any criticism of Mr. Bowers' maps that
22 he shared with you?

23 A. I think we were just -- I was just interested in
24 some factual information.

25 Q. Okay. You've got a request with regard to an

1 attorney general's opinion given in 2008. How does
2 that relate to your claim of defamation or your
3 claim of conspiracy?

4 A. At the time this was written Sid Miller was the
5 chairman of the South Carolina Boundary Commission.
6 He works with Bobby Bowers and was the expert
7 witness in the February 2013 hearing.

8 Q. Right.

9 A. And basically the opinion spells out the process of
10 identifying the corners on the ground.

11 Q. That opinion relates to a state boundary; does it
12 not?

13 A. It's the same for surveying. It's not just -- I
14 mean, the -- the -- the lawsuits -- I mean, excuse
15 me, the legal citations aren't just related to
16 state. It's about how a surveyor, the -- that the
17 physical evidence on the ground takes precedent.

18 Q. Okay. And I believe even in your telephone
19 conversation with Mr. Bowers' office they said the
20 same thing, right, that the physical evidence on
21 the ground takes precedence?

22 A. I -- I wanted to confirm that, yes.

23 Q. Okay. And you have no reason to believe that Mr.
24 Bowers has a different view than -- than that, do
25 you?

1 A. In my case he -- he does.

2 Q. Well, in fact, they located Rocky Ford, didn't
3 they?

4 A. They never did locate Rocky Ford. They located two
5 points that could -- one could be, or the other one
6 could be, or could be somewhere down the line.

7 Q. All right. Let's go to 1046 which is something
8 that apparently you placed in the record of the
9 school board meeting on 10/24/2011.

10 A. Yes. And it's related to the motion that Ed White
11 made on 40048, and another way of trying to
12 disparage me, to kind of take my right away as a --
13 as a citizen related to the wetlands appeal that I
14 filed before I was a school board member. And this
15 is Mr. Courson's -- I sought an opinion from his
16 head legal person there that it was -- probably
17 would be unconstitutional to --

18 Q. Okay. But Mr. -- Mr. White's motion that you're
19 referring to is at 048; is it not?

20 A. Yes.

21 Q. And Mr. White's motion asks the chairman to write
22 the South Carolina School Board Association and the
23 legislative delegation asking that they look at
24 these resolutions and take action. He didn't ask
25 them to do anything other than that, did he?

1 A. Ask your question again, please.

2 Q. This motion doesn't ask that your -- any rights be
3 taken away from you. It asks that these people
4 consider looking at the temporary restraining order
5 that Judge Manning had issued and take action
6 accordingly based on their concern that you were a
7 member of the board engaged in litigation against
8 the district, right?

9 A. They're asking the School Board Association to
10 sponsor legislation, yeah. And doing it in a way
11 to discredit me.

12 Q. Well, Ms. Murphy, when you bring a lawsuit against
13 people and accuse them of wrongdoing, do you not
14 expect them to respond and defend that lawsuit?

15 A. There's a -- this is -- the things the District 5
16 board does is above and beyond what -- what's --
17 what's normal. I mean, this is -- the effort that
18 they took to, you know, attempt to make me look bad
19 in the eyes of the community --

20 Q. Well, there were a lot of people in the community
21 that were angry that this was happening, weren't
22 they?

23 A. They were angry because the news that District 5 --
24 the information that District 5 put out there, and
25 they have the ability to do that, was not

1 representative of the -- the truth. And so they
2 were -- he -- they inflamed them intentionally.

3 Q. Well, in this case Mr. Gantt certainly let you
4 respond to Mr. White by letting you post this
5 opinion in the -- in the minutes, didn't he?

6 A. At this time, yes.

7 Q. Is there anything in this opinion or in this motion
8 that you believe provides evidence that Mr. Gantt
9 and Mr. Bowers were engaged in a conspiracy?

10 A. No. But it just goes to the motivation and the
11 character.

12 Q. Okay. Next you have the maps and you have an email
13 from Mr. Zupan dated January 17th, 2013. And this
14 is the maps that were actually used in the hearing;
15 is it not?

16 A. No. These are the maps that were initially sent to
17 Lexington County when they got wind that they were
18 using some lines to make the claim I didn't live in
19 Richland County.

20 MR. MORRISON: What number are we on?

21 MR. MONTGOMERY: This starts at 10049. I'm
22 sorry, I should have identified it.

23 MR. MORRISON: I've got it.

24 A. Now, a way to determine which map it is, which
25 aerial you're looking at, if you look in the

1 southwest corner, the end of the red line is at the
2 northeast side of that field.

3 MS. STORY: Which number are you looking at?

4 WITNESS: 10050.

5 Q. Okay.

6 A. In the maps -- aerial maps that were submitted as
7 evidence, that corner is now further south.
8 They've -- they've cocked it, they've changed it,
9 they've relocated it.

10 Q. But in both cases your residence is shown as being
11 on the Lexington County side of the line?

12 A. Again, my point is it's an arbitrary line that they
13 created in the field, you know, did without having
14 any kind of research on the corners that are listed
15 in statute.

16 Q. Okay. And it looks like that these are somewhat
17 duplicates of the other maps we've gone over. Are
18 there new ones here? Because this is where you
19 apparently asked for them from Mr. Zupan who
20 provided them to you.

21 A. No. This actually came from a FOIA from Lexington
22 County.

23 Q. Is there a particular reason it's attached to the
24 back of an email from Mr. Zupan saying, "These are
25 the maps provided to Bobby Bowers and Will

1 Roberts?"

2 A. Yes. That's what they sent to Lexington County.

3 Q. Jack Maguire.

4 A. Yes.

5 Q. Okay.

6 A. And I'm not sure if this is in the correct order or
7 not. Let me make sure it's in here and we can get
8 to it. But the -- the typed document where it
9 says, "On orthophotography" is also part of that
10 attachment. There were four attachments. And in
11 it they list the azimuths which is what Mr. Bowers
12 used in his letter. However, this document was
13 altered when it was submitted as evidence at the
14 hearing.

15 Q. And how was it altered?

16 A. A couple of things. First, the azimuths were
17 removed because at that point they realized that
18 their -- the corners were overlooked, and the
19 azimuths had changed by -- by moving the line. And
20 it discusses the -- the county line statute. It
21 says that the -- "This description was incorporated
22 into State Statute 42 of The Code of Laws 1922, p.
23 286 and subsequent Code of Laws defining Richland
24 County boundary. It was not included in the
25 boundary description for Lexington County in the

1 1922 Code of Laws and subsequent Code of Laws which
2 read only that Lexington County is bounded on the
3 northeast and east side of Richland County." And
4 they're talking about one line there. They also
5 make the same statement about the next line, the
6 second line segment that -- that the -- it was not
7 included in the boundary description for Lexington
8 County. They -- they removed that and now say that
9 it was included in it. And it -- it really wasn't
10 included in it. It makes it look like -- it's
11 somewhat confusing and they -- they confused a lot
12 of people.

13 Q. Okay.

14 A. And this last one is part of that attachment from
15 that email. All right, 10055 has a date. These
16 are emails that I received from Will Roberts from
17 Bobby Bowers' office, when I initially requested
18 aerial maps. And they are the same maps that were
19 sent to Lexington County.

20 Q. Okay. And these maps also show your residence in
21 Lexington County, correct?

22 A. Which again it's an arbitrary map, arbitrary line.

23 Q. But they do show your residence in Lexington
24 County, yes or no?

25 A. Yes, they do.

1 Q. Okay. And it would be fair to say that not a
2 single one of these maps don't show your residence
3 in Lexington County, correct?

4 A. Richland County shows me in Richland County. The
5 Richland County line shows me in Richland County.
6 So I guess I'm mistaken when I say these maps show
7 me -- don't show me in Richland County. They do.

8 Q. Okay.

9 A. 10062, I have asked --

10 Q. Let me ask you this, Ms. Murphy. Obviously Mr.
11 Bowers' office communicated with you and gave you
12 any documents you asked for. If they were
13 conspiring, why would they do that?

14 A. Well, number one, Jasper Salmond they thought was
15 going to remove me right away from the voter rolls,
16 so this would all go away. Number two, to the
17 average person it's very difficult to understand
18 what you're looking at, and it would be very easy
19 for someone to think that the maps are good maps
20 coming out of that state office and are truly
21 representative of my county of residence, and
22 they're not.

23 Q. Okay. So but that's all your surmise as to why
24 someone might have done that. But the simple fact
25 is they cooperated fully with every request you

1 had, correct?

2 A. No. They could not provide me with the county line
3 beyond the points they represent as the corners
4 which further goes to show how arbitrary the line
5 is.

6 Q. Okay. And was -- why did you need that
7 information, or why did you want that information?

8 A. If you'll flip back to 10060, the statute for this
9 county line says that the end of that line goes to
10 the creek.

11 Q. Right.

12 A. And it does not go to the creek. The -- the line -
13 - the shorter line does not go to the stake that's
14 referenced in statute. One common point that these
15 two maps have is that -- the location of the stake.
16 If you look at where the blue and the gray lines
17 come together next to the short line -- I can point
18 with my finger if that would help.

19 Q. No, I see.

20 A. Okay. The blue line actually goes on up to meet
21 the gray line. That's where the stake is. All
22 right. So when the line was rotated so that it
23 lined up with the creek because now they recognized
24 there's a corner that they -- corners they
25 overlooked after my phone call with Zupan, they

1 twisted it so the short line is farther away from
2 the stake. But in my opinion the reason they
3 twisted it to the creek is because the creek is
4 still there, and you could very easily say the
5 stake is gone, the stake is demolished. However,
6 they didn't know that I knew where the stake was
7 and had talked with the property owner and saw them
8 there and, you know, Lee Harrell confirmed.

9 Q. What involvement do you allege that Mr. Gantt had
10 in any of this?

11 A. Well, this is part of the coverup afterwards.

12 Q. And who was doing the coverup?

13 A. Well, I think they -- they all were. I think they
14 were all kind of scared that it was going to be
15 exposed.

16 Q. And what do you believe was going to be exposed,
17 Ms. Murphy?

18 A. That they conspired to remove me from the board.

19 Q. Do you have any evidence that after January 13th,
20 2013 Mr. Gantt had any communication with anyone at
21 Mr. Bowers' office about the location of the line
22 or changing the location of the line?

23 A. I don't recall.

24 Q. Okay. Do you have any evidence that anyone may
25 testify that Mr. Gantt had any communications after

1 January 13th, 2013 with anyone in Mr. Bowers'
2 office about the location of the line as shown on
3 these maps that you produced?

4 A. I don't -- I don't recall if I do or not. There's
5 been no indication that the line has changed. No
6 one has indicated publicly that the line has
7 changed.

8 Q. And when you discussed in your communications with
9 Will Roberts and others in Mr. Bowers' office did
10 you ever discuss the fact that you thought the
11 location of the line had changed?

12 A. I did not realize that it had changed until after
13 the March 2013 hearing when I compared the two
14 documents.

15 Q. Now, in looking at 10063, on January 24th, 2013
16 isn't it true that Mr. Roberts told you, and I
17 quote, "I did not create the original lines or the
18 point on Rocky Ford. This was done by our Geodetic
19 Survey section. The group conducted the field work
20 in 1995 and I do not know if they were able to
21 locate any other markers at that time. That is a
22 question they would have to answer?"

23 A. Correct.

24 Q. And so the location of Rocky Ford that you contest
25 was certainly established long before there was

1 ever an issue with the Lexington 5 School Board or
2 Richland and Lexington County as to the location of
3 your residence, wasn't it?

4 A. No. The point is that point was never established.
5 And -- and Zupan, Sid Miller, Lee Harrell and Cloyd
6 -- John Cloyd went out to the site in 1995. And
7 they -- in the hearing transcript of February 15th,
8 2013 they say they never did a survey.

9 Q. Okay. And doing a survey is different from
10 establishing the location of Rocky Ford, isn't it?

11 A. Well, in order to establish the location of one
12 corner, you've got to find other corners. You
13 can't just say a point's the point. And Zupan said
14 they actually found two points. So no
15 determination was made to verify -- no verification
16 was made to -- for that Rocky Ford point.

17 Q. Well, if the map was created, it's fair to say that
18 the Geodetic Survey section did establish a point
19 for Rocky Ford, didn't they?

20 A. For the purpose of conspiring to remove me.

21 Q. And they were conspiring to remove you in 1995?

22 A. No. All they did was position those two points.
23 That's it. They -- they walked out, they walked
24 along the river, they got their equipment out and
25 they positioned those two points. That's all they

1 did.

2 Q. And that's what they did in 1995?

3 A. Yes. They never re-established it. They never
4 went back out to the site until after Bobby Bowers
5 wrote his letter.

6 Q. Okay. But my point, Ms. Murphy, is, and the
7 question I'm asking you is isn't it true that that
8 point at Rocky Ford under which all these
9 boundaries are based was established in 1995?

10 A. It was never established in 1995. It was
11 established in 1912 and 1922 when the voters voted
12 to hire a surveyor to place the corners on the
13 ground and mark the line.

14 Q. Okay. Let me see if I can rephrase that. The map
15 that was used to make a determination as to your
16 residence was based upon the point at Rocky Ford
17 that was established in 1995, yes or no?

18 A. The maps that were created were based on two points
19 that were never established as being either point
20 being established as Rocky Ford. They never
21 established them. All they did was position them.

22 Q. And they were positioned in 1995?

23 A. They were -- both points were positioned. That's
24 all they did. They never went back out to verify
25 whether this was it, this was it or it was

1 somewhere else.

2 Q. Okay. And my question to you is the maps were
3 based upon those points, correct?

4 A. The maps that were created were only based on one
5 point. They had never gone back out again until
6 after Bowers wrote his letter to verify whether the
7 point that they were using on the map was the Rocky
8 Ford that is listed in statute or if it's in
9 another location.

10 Q. Certainly you would agree that in 1995 when the
11 Geodetic Survey went out and established that point
12 or located that point or identified that point,
13 whatever verbiage you want to use, that they
14 believed that to be the correct point as reflected
15 in statute?

16 A. No. They did not know which it was. That's why
17 they positioned two points.

18 Q. And you'd agree that either point places your home
19 in Lexington County?

20 A. Those two points that they happened to discover
21 walking along the creek, they didn't have time to
22 do -- to walk the whole creek and look for any
23 more, the maps they created put me -- I'm still in
24 Richland County according to those maps. But
25 according to the line that they created based on a

1 point that was never verified does put me in
2 Lexington County.

3 Q. And that point that they created was created in
4 1995?

5 A. They positioned it, and right now it is -- it is
6 created. It's not -- it's not a re-established
7 point.

8 Q. And my question to you is how do you contend that
9 Mr. Bowers misplaced the line as part of a
10 conspiracy to move your residence from Richland to
11 Lexington County relying on points that were
12 identified and mapped before there could have
13 possibly been a conspiracy?

14 A. Say that one more time, please.

15 Q. How do you contend that Mr. Bowers relocated your
16 house on a map using points and lines that were
17 established before -- in 1995 before there could
18 have possibly been a conspiracy to take you off the
19 school board?

20 A. They used points that were never established or re-
21 established as being a point on the county line
22 that's referenced in statute. They -- the line is
23 totally arbitrary if they choose either one of
24 those points because they never verified it.

25 Q. But my question is they drew those lines in 1995,

1 correct?

2 A. No, they didn't draw those lines in 1995. They
3 didn't draw those lines until I asked for them to
4 be drawn in 2013.

5 Q. Well, I'm looking at Mr. Roberts' email. It says,
6 "I did not create the original lines or the point
7 on Rocky Ford. This was done by our Geodetic
8 Survey section. The group conducted the field work
9 in 1995 and I do not know if they were able to
10 locate any other markers at that time."

11 A. All right. Well, go down below that to my request
12 to him. I'm asking if they've -- if they knew
13 where any other lines were beyond that.

14 Q. Okay.

15 A. He is -- he is not saying that -- all they did, and
16 Sid Miller testified to this, was to go out and
17 position those two points. They never created
18 lines.

19 Q. Okay. But you create lines by -- from the position
20 of the points, right?

21 A. Yes. But you have another point you're supposed to
22 go to. And they never did that. But you've got to
23 verify that one point first.

24 Q. My point being, Ms. Murphy, the only way that
25 someone could manipulate a map to place you in a

1 wrong county as part of a conspiracy is to go out
2 and change a point, isn't it?

3 A. Things fell into place for them to make this look
4 like I didn't reside in Richland County. Without
5 doing a survey, it is not conclusive where I live
6 except Richland County. And Lexington County says
7 I'm in Richland County.

8 Q. Okay. I understand your viewpoint with regard to -
9 - apparently now it was serendipity that the points
10 had been established by the Geodetic Survey in
11 1995. And I understand your point that the only
12 way you can establish a line in your opinion is by
13 doing complete on-the-ground survey. But my
14 question to you is what are you alleging that was
15 done wrongfully or improperly or with intent to
16 harm you in establishing that line that was
17 established before --

18 A. The line --

19 Q. -- you ever thought about running for the school
20 board?

21 A. The line wasn't established. All they did was
22 locate two points that looked like good fords that
23 could be the Rocky Ford listed in statute. They
24 can't -- they can't do anything off of that except
25 suppose if this is the corner, then it looks like

1 she might be. But they actually moved the line
2 after the fact. So it just goes to show how
3 arbitrary this is.

4 Q. All right, let's move on. And I guess when we go
5 through 66 and 67, those are additional copies of
6 the same maps we've already talked about at length.
7 Sixty-eight is an email you wrote December 31st --
8 or a letter you wrote December 31st, 2010 to Mr.
9 Gantt. And you're asking him for a whole bunch of
10 information. It actually goes from 68 to 76, so
11 it's a nine-page letter, correct?

12 A. Yes.

13 Q. Okay. What does that provide evidence of that
14 relates to a conspiracy between Mr. Bowers and Mr.
15 Gantt or between -- or defamation by members of the
16 school board or the school board of you?

17 A. It relates to the motivation, character, what
18 they're willing to do to manipulate and their, you
19 know, basic discontent that I was elected to the
20 board.

21 Q. Okay. And you had been sworn into the board what,
22 the meeting -- two meetings before this?

23 A. I think it was two. First meeting in November.

24 Q. Okay. And this is where you make a number of
25 accusations about Mr. Gantt and others with regard

1 to what you perceive as improper in the way they've
2 handled some procurements and the way architects
3 designed a 2.7 acre parcel, et cetera, et cetera,
4 correct?

5 A. And not being forthcoming with information, cutting
6 me off as I'm trying to speak, conversation just
7 happens to be missing from the audiotape of the
8 meeting where some of these important matters were
9 discussed.

10 Q. Now, Mr. Gantt didn't retain -- keep the audiotape
11 did he?

12 A. No. There are others that are on the same page as
13 Mr. Gantt as far as their dislike for me being on
14 the board.

15 Q. But their dislike for you being on the board
16 doesn't have anything to do with your allegation of
17 conspiracy between Mr. Gantt and Mr. Bowers, does
18 it?

19 A. It -- I mean, absolutely. It just -- it goes to
20 show how they conduct business. And -- and they
21 have no respect for following, you know, board
22 policy or, you know, the violation of the
23 procurement code. These are the type of people
24 that do things to conspire.

25 Q. Okay. And again, we've talked about it, but I've

1 never gotten an answer from you. Tell me what a
2 conspiracy is, Ms. Murphy.

3 A. They planned behind the scenes to do something
4 wrong to me.

5 Q. And what did they do wrong to you?

6 A. They schemed to make it look like I wasn't in the
7 county where I was elected and disenfranchised the
8 6,000 people that voted for me.

9 Q. And your contention is they made it look like you
10 didn't live in the county which you lived. But a
11 court in that county has actually found you don't
12 live in that county?

13 A. And we're, you know, contesting that. Because the
14 information the judge had to make their opinion was
15 -- was skewed.

16 Q. What do you think your chances of prevailing on
17 that reconsideration that you filed with the
18 Circuit Court are?

19 A. I don't know.

20 Q. Okay. Do you intend to appeal beyond that if you -
21 - if Judge Benjamin rules against you?

22 A. I'll have to see when that time comes. But right
23 now I believe I will.

24 Q. Okay. Now, going to 77, 78 and 79, that appears to
25 be an email string regarding postponement of

1 pictures. And I guess that was because the board
2 meeting was postponed that day, right?

3 A. No. This -- the email had been sent out that our
4 pictures were going to be taken on January 14th.
5 And they were cancelled I believe because they
6 didn't want to take a picture of me as part of that
7 group. I believe they were aware of Mr. Gantt's
8 plan to announce that day on the 14th that I was
9 not eligible to be on the board allegedly. And
10 both Mr. Bounds' letter that came out canceling --
11 or Mr. Gantt's letter that came out canceling the
12 December meeting and this occurred before Gantt
13 wrote his letter to Bowers. And Gantt's letter was
14 dated December 20th. And then there were holidays.

15 Q. But in fact Ms. White wrote, as I go through the
16 steam, we've postponed this, we'll let you know
17 when another date is scheduled. You said, "Why was
18 it postponed?" You emailed her back. She emailed
19 you back, "We had a scheduling conflict." You
20 wrote back, "With board members or with
21 photographer?" She said, "Mark Bounds postponed
22 the photography session. He is seeking a time that
23 is most -- more convenient to take both new
24 administrators and new board member pictures. He
25 is looking at the most cost effective option,"

1 correct?

2 A. I don't believe that's correct.

3 Q. So you don't have any evidence that that's not
4 correct, you just don't believe it's not correct?

5 A. That's correct. It's part of the conspiracy.

6 Q. Why didn't you name Mr. Bounds then as a defendant
7 if you think he was part of the conspiracy?

8 A. Well, I've listed him as a witness.

9 Q. Okay. Next is -- I believe this is a plat of your
10 property and your house, right?

11 A. No. This is -- where the red circle is is where
12 the stake is that's listed in statute and that I
13 also have a picture of that was ignored during the
14 process.

15 Q. And you believe that's a stake listed at statute as
16 opposed to just a corner established on that lot?

17 A. That's correct.

18 Q. And what makes you believe it's the stake listed in
19 statute as opposed to a corner that a surveyor
20 placed as they broke that lot up?

21 A. Well, two reasons. Number one, Lee Harrell, who is
22 head of mapping at Richland County, confirmed with
23 the property owner when they found it that that was
24 the stake on the -- on the county line, number one.
25 Number two, the house was built about the same time

1 as the -- as the county line -- this new at the
2 time county line was established. So there
3 basically are -- what a surveyor would do is look
4 at historical information to find the, you know,
5 best evidence they can to reconstruct where --
6 where the corners are.

7 Q. Okay. But this surveyor wasn't trying to locate
8 the county line when they surveyed this lot, were
9 they?

10 A. No. But he indicates on here where the county line
11 is. That line that goes across to a northeast
12 direction is the county line. It splits the
13 property. And the deed is not included here, but
14 the deed lists the -- the acreage in Lexington
15 County and the acreage in Richland County, you
16 know, based on the -- the parcel.

17 Q. Okay. All right.

18 A. The county line actually splits the house, the old
19 house.

20 Q. And so you believe the surveyor at this time was
21 putting pins to locate the county line. Have you
22 talked to the surveyor that performed this survey?

23 A. Yes.

24 Q. And who was the surveyor that performed this
25 survey?

1 A. I can't remember his name. It's on here. I
2 believe it is. Or if it's in the -- if it's not on
3 here, it's on the --

4 Q. Okay. This survey was done in 1983.

5 A. Yeah. Derrick. No, that's not it.

6 Q. Derrick is the person at the Planning Commission
7 who approved the plat.

8 A. Yeah.

9 Q. I don't believe -- it says the surveyor is
10 something and T Land Enterprises, Inc.

11 A. Yeah.

12 Q. Have you talked to somebody there?

13 A. Yes.

14 Q. And who did you talk with?

15 A. The wife. And they don't have --

16 Q. The wife of the surveyor?

17 A. Yes. They don't have the records at this point
18 going back that far. But they have not -- they've
19 got records stored in their garage that they may go
20 look at if we need to --

21 Q. If they don't have the records, how can you testify
22 here today that he located the county line when he
23 was doing the survey?

24 A. He -- he wasn't the -- Lee Harrell did in 1995 or
25 approximate date of 1995.

1 Q. And your testimony is Mr. Harrell told you that?

2 A. No. The property owners told me that.

3 Q. Okay. So your testimony is that the property owner
4 told you that Mr. Harrell located the county line
5 and stake on that property in 1995?

6 A. He was there when they were looking for the line.

7 Q. Okay. Next, I think this is an email you got from
8 Jimmy Aycock that you were referring to earlier.

9 A. Yes.

10 Q. And in fact, earlier you said that -- that he said
11 that they hadn't been advertised. But in fact,
12 that's not really what he said, is it?

13 A. No. I -- I said that they did not have it -- they
14 did not see where they were advertised. If you
15 read the paragraph down below.

16 Q. He said, "I have done a search and cannot find
17 evidence of any of these five properties appearing
18 in SCBO." But that doesn't say they didn't. He
19 said he couldn't find evidence that they did,
20 correct?

21 A. Yes, that's correct. But there was no evidence.

22 Q. Okay. The next is looks like the county line
23 communication from Mr. Maguire and Mr. Roberts,
24 correct?

25 A. Yes. And the beginning of the email -- bottom of

1 the email in the thread is from Will. And he
2 basically states that no survey was done, they
3 don't have the authority to relocate the -- the
4 county line, that no legislation has been passed to
5 form commissions to deal with any disputes yet.
6 And the project is going to take some time because
7 there's a lot of -- lot of property along the way
8 and they've got to do some money swapping.

9 Q. Okay. So he accurately stated what the law was,
10 didn't he at that time?

11 A. And this was five days after the hearing before the
12 board voted to remove me.

13 Q. And he said, "We had a similar situation in
14 Dorchester and Berkeley County and neither county
15 acted on the information," right?

16 A. That's correct.

17 Q. And, you know, the counties can act or not on the
18 information, but that doesn't change where the
19 Geodetic Survey establishes a line, does it?

20 A. The counties are to be involved with the boundary
21 disputes. And a survey is to be done, and it never
22 was done.

23 Q. Now, in the hearing did you raise the issue that a
24 survey had never been done?

25 A. In the hearing in front of Judge Benjamin?

1 Q. Yes.

2 A. Yes.

3 Q. So she heard that evidence?

4 A. Yes.

5 Q. And still found that you lived in Lexington County?

6 A. And I believe that was incorrect.

7 Q. Okay. We've got copies of the Rocky Ford map that
8 you had previously talked about at 1088 through
9 1093.

10 A. This one is -- you've missed this one, 10085. This
11 is from the head of mapping at Richland County, Lee
12 Harrell, shortly after the board voted to remove
13 me, trying to get Lexington County to put me on
14 their tax rolls.

15 Q. Okay.

16 A. And they don't because there's a process that needs
17 to be followed.

18 Q. Well, and that's not what this email says though,
19 is it?

20 A. Well, he said he wanted to wait until they transfer
21 all the properties at one time. So there's a
22 process. And they didn't -- hadn't even
23 established a line yet.

24 Q. Well, that's what you're saying. But that's not
25 what the email says, is it, Ms. Murphy?

1 A. There was no line that was established. I also
2 have the records from mapping and GIS in Lexington
3 County. And nothing has been done to this date to
4 change the boundary from what is recognized by
5 Richland County and Lexington County.

6 Q. But you're making inferences in your testimony
7 there because what Mr. Johnson and Mr. Dolan said
8 is that the county administrator wants to wait
9 until we transfer all the properties at one time,
10 right?

11 A. Yes, I am making inferences there. Until the line
12 is surveyed they can't move anybody.

13 Q. But that's not what they said.

14 A. And here they indicate only two people along the
15 line, me and my neighbor. Not the others. So you
16 can't just move two people.

17 Q. Why not?

18 A. You have to conduct the survey and verify that
19 that's the line and two counties agree on where it
20 is. Now they actually don't. Now it's right in
21 Bobby Bowers' office. But at the time they would -
22 - you know, Will Roberts spelled out the -- the
23 process.

24 Q. Okay. Let's go to 10110.

25 A. 10087 is where Jack Maguire is asking for

1 information related to this new boundary that has
2 been created by Bobby Bowers. And Will has Zupan
3 send him the aerials, the same aerials that we've
4 discussed before that I received. And they try to
5 make it work on 10094. And 10106 they -- Lexington
6 County responds that they'll get back to them. And
7 then 10107, January 23rd, 2013 after they've
8 received the aerial maps from Zupan, the same ones
9 that I received but have since been -- the line's
10 been changed, they said that that's not enough
11 information in order to make it fit. And nothing's
12 been done since then.

13 Q. Let me call you back to 10088. And this is --
14 we've gone over this a couple of times. I've
15 already asked you about this. You always talk
16 about Mr. Bowers setting the map. But doesn't it
17 appear that Mr. Zupan is the actual person that
18 drew the maps?

19 A. Mr. Bowers is his boss.

20 Q. I understand that. But he writes, and I quote,
21 "Jack, these are the maps provided to Bobby Bowers
22 and Will Roberts. I've included an explanation of
23 the sources I used to create the maps. If you have
24 any questions, please contact me. Alan-Jon." So
25 wouldn't it appear that Mr. Bowers didn't create

1 these maps that you allege that he created?

2 A. Well, Mr. Bowers did write the letter to Mr. Gantt
3 and to Jasper Salmond, and he uses the azimuths as
4 the location of the line.

5 Q. Okay. Now, let's go to 10110. This is the stuff
6 you were referring to I think with regard to Judge
7 Cooper's ruling; is that correct?

8 A. Yes, this is one of the emails.

9 Q. Explain to me how this email provides evidence that
10 there was a conspiracy to remove you from the board
11 or that you were defamed.

12 A. Dean Crepes is wanting to know how to handle this
13 as head of the Election Commission -- or director
14 of the Election Commission. "Being filing for
15 school board will be in August, has the county
16 lines been settled? Do not want this to be a
17 lawsuit." That's kind of derogatory towards me.
18 And had this conspiracy not happened, people
19 wouldn't have that perception. Will responds that
20 as far as he's concerned, Judge Cooper's ruling
21 determined that I was a resident of Lexington
22 County. Well, his ruling was based on manipulated
23 information that was submitted in the February 2013
24 hearing.

25 Q. Wouldn't it be reasonable that the court -- their

1 legal counsel is waiting until the court affirmed
2 Judge Cooper's decision, the board's decision
3 before taking action? Based on what's said there,
4 "They're disregarding the judge's ruling at the
5 advice of their legal counsel," wouldn't it make
6 sense he was waiting until October 30th, 2014 when
7 the judge issued the order affirming your removal
8 from the board?

9 A. Say that one more time, please.

10 Q. Wouldn't it make sense that -- Mr. Roberts' email
11 dated April 7th reflects that they, being Richland
12 County Voter Registration, is disregarding the
13 judge's ruling at the advice of their legal
14 counsel. Wouldn't it make sense that legal counsel
15 would wait until the court made an order and that
16 the matter was final before they did something on
17 that regard?

18 A. They're -- Will is not happy that the transfer has
19 not taken place. And their disregarding the
20 ruling, his words, the judge's ruling is almost
21 like they're being defiant. But, you know, they --
22 both counties still recognize me as Richland
23 County.

24 Q. But you actually went by Lexington County and asked
25 about where you needed to register, right?

1 A. If --

2 MS. STORY: Make sure you answer his question.

3 And then you can explain if you have to.

4 WITNESS: Oh, okay.

5 A. No.

6 Q. Well, then why would Mr. Crepes write an email to
7 Ms. McBride dated May 5th, 2014 that says, "Here
8 you are. She came by last week and was asked --
9 and asked -- and was asked us about where she needs
10 to register, and she was going to double check, but
11 was fully aware of the voter registration deadline
12 this weekend?"

13 A. All right. I'm saying no to your question because
14 the way you asked was not correct. I went to the
15 voter registration office to find out if a judge in
16 a court of law ruled that I had to -- that I was
17 indeed a Lexington County resident and I had to
18 vote in Lexington County, I wanted to -- if it
19 happened before the primary, I wanted to be sure
20 that I would have an opportunity to vote. And I
21 wanted to find out if I could file a provisional
22 registration. And they did allow me to file a
23 provisional registration, and I voted in Richland
24 County were Richland County still shows me as a --

25 Q. Okay. But you're just saying that you answered no

1 to my question because you're -- you don't think
2 that Mr. Crepes' characterization of the meeting is
3 accurate then?

4 A. Probably so. But your question was probably
5 related to what he has there. So I didn't -- I
6 didn't go in there asking where I should register.

7 Q. Okay. And then I think at 112 you have another
8 statement that apparently was transcribed from the
9 record in the minutes at Lexington-Richland 5 board
10 meeting?

11 A. This was the actual statement that Beth Burn Watson
12 made based on the audio of the board meeting. But
13 it is not what she put in the record as her
14 statement. And Mr. Gantt allowed that to --

15 Q. Okay. Who transcribed this tape here?

16 A. I did.

17 Q. And what's different in substance about what is
18 said in this transcript than what Ms. Watson wrote
19 on her statement that was submitted with the record
20 which I think we talked about earlier?

21 A. Well, both statements are, you know, defaming me or
22 being critical of me. This one's calling -- you
23 know, directly calling -- you know, saying I'm the
24 one telling the lies. And either one, the other
25 one that goes in the record or the one that's on

1 the district's audiotape.

2 Q. And in both cases she's defending the chief
3 financial officer who you said was lying and says,
4 no, it's not him lying, it's her lying?

5 A. I did not say he was lying. I said the information
6 contained in his document was false.

7 Q. Isn't that sort of counting how many angels will
8 sit on the head of a pin, Ms. Murphy? If I tell
9 you the information you're providing me is false,
10 I'm telling you you're telling me an untruth which
11 is the same as a lie, right? Just prettier
12 language.

13 A. Yes. There's a point where it goes beyond.

14 Q. Okay. Now, is there a particular reason that the
15 March 2013 minutes you've included as evidence --

16 A. In this particular -- 10112 I was actually
17 documenting the -- if I'm not mistaken, the
18 receipts that show that the numbers they were
19 coming up with were manufactured.

20 Q. Okay. And I understand it's clear that you, Ms.
21 Watson and Ms. Baumgartner had a difference of
22 opinion as to that, and they sided with the chief
23 financial officer of the district and you sided
24 with yourself. I understand that. But I'd
25 actually moved on to 10113 which are the minutes of

1 the March 19th, 2013 meeting.

2 A. This is more than that. Every board meeting they
3 presented from the chief financial officer a report
4 that had false information in it. And they
5 advertised that district-wide. And it was wrong.

6 Q. And how is that defamatory of you?

7 A. Because the information was false. It was false
8 information.

9 Q. And you pointed it out I'm sure every time, right?

10 A. Well, I don't have the ability to get it out to the
11 public they way they do. I didn't -- I couldn't
12 email it out en masse to the community or to the
13 parents. All I could do is make the statement for
14 the record and try to put documents in the record.

15 Q. And they disagreed with you and you found that
16 offensive?

17 A. Well, time and time again they continued to present
18 false information and represent false information -

19 -

20 Q. Ms. Murphy, how did you determine that the chief
21 financial officer of the school district was
22 presenting false information to the board?

23 A. The receipts show what the expenses are related to
24 for and the time frame of the expenses. And they
25 were unrelated to me. District 5 was involved with