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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

JUN 26 2018

SC Court of Appeals

G. THOMAS COOPER, JR., Circuit Court Judge

Case No. 2016-CP-40-05001

Appellate Case No.: 2017-002181

Tina Bessinger.....Appellant,

v.

Longcreek Plantation Property Owners Association, Inc., LongCreek Development, LC,
Fairways Development, LLC, Advantage Services, Inc., and Halcyon Real Estate
Services, LLC..... Respondents

SUPPLEMENTAL RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Tina Bessinger,)
)
 Plaintiff,)
)
 v.)
)
 LongCreek Plantation Property Owners)
 Association, Inc., LongCreek)
 Development, LLC, Fairways)
 Development, LLC, Advantage Services,)
 Inc., and Halcyon Real Estate Services,)
 LLC,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 Civil Action No.: 2016-CP-40-05001

**DEFENDANTS LONGCREEK
 PLANTATION PROPERTY OWNERS
 ASSOCIATION, INC. AND HALCYON
 REAL ESTATE SERVICES, LLC'S
 AMENDED MOTION FOR SUMMARY
 JUDGMENT**

FILED
 JUL 28 AM 11:10
 ANNETTE W. MCBRIDE
 C.C.P. & G.S.

YOU WILL PLEASE TAKE NOTICE, Defendants, LongCreek Plantation Property Owners Association, Inc. and Halcyon Real Estate Services, LLC, will move before the presiding judge of the Richland County Court of Common Pleas at the Richland County Courthouse at 10:00 a.m. on the tenth day after service hereof or as soon thereafter as counsel may be heard, for an Order Granting Summary Judgment as to Plaintiff's Complaint. The basis for this motion is there is no genuine issue of material fact that would allow Plaintiff to proceed against Defendants LongCreek Plantation Property Owners Association, Inc. and Halcyon Real Estate Services, LLC. There were only two witnesses at the scene of the accident and neither witness can testify as to why Amber Edwards disregarded a stop sign and pulled directly into the path of Plaintiff and there is no evidence that any condition at the scene caused, or in any way contributed, to the loss in question. Therefore, Plaintiff cannot recover from these Defendants in any sum whatsoever because any claims against these Defendants are based solely on

speculation and/or conjecture and for this reason, Plaintiff cannot collect against these Defendants in any sum whatsoever.

BROWN & BREHMER

By: Karl S. Brehmer

Karl S. Brehmer

Post Office Box 7966

Columbia, South Carolina 29202

Telephone: (803) 771-6600

Email: ksb@brownandbrehmer.com

*Defendants Halcyon Real Estate Services, LLC and
LongCreek Plantation Property Owners Association,
Inc.*

Columbia, South Carolina
July 27, 2017

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS)
FOR THE FIFTH JUDICIAL CIRCUIT)
Civil Action No.: 2016-CP-40-05001)

Tina Bessinger,)

Plaintiff,)

v.)

CERTIFICATE OF SERVICE

LongCreek Plantation Property Owners)
Association, Inc., LongCreek)
Development, LLC, Fairways)
Development, LLC, Advantage Services,)
Inc., and Halcyon Real Estate Services,)
LLC,)

Defendants.)

2017 JUL 28 AM 11:10
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
FILED

I, the undersigned employee of Brown and Brehmer, do hereby certify that I have caused the below referenced to be served via U.S. mail, postage prepaid, *or by other delivery as indicated*, to all parties of record at the address(es) shown below.

DOCUMENT(S) SERVED:

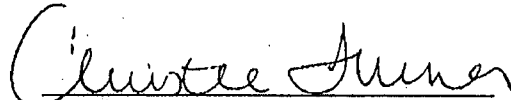
1. Defendants LongCreek Plantation Property Owners Association, Inc. and Halcyon Real Estate Services, LLC's Amended Motion for Summary Judgment

PARTIES SERVED:

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William R. Padget, Esq.
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Christie Turner

July 27, 2017

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-40-05001

Tina Bessinger)

Plaintiff,)

vs.)

LongCreek Plantation Property Owners)
Association, Inc., et al.)

Defendants.)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: Carl D. Hiller Address: PO Box 1799, Columbia, SC 29202 Phone: 803-165-2935	Defendants LongCreek Plantation POA, Inc. & Halcyon Real Estate Services, LLC's Attorney: Karl S. Brehmer, Bar No. 12849 Address: PO Box 7966, Columbia, SC 29202 Phone: 803-771-6600 Fax: 803-252-1620 E-mail: ksb@brownandbrehmer.com
---	---

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
Nature of Motion: Amended Motion for Summary Judgment
Estimated Time Needed: 30 minutes Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type
 Written motion attached.
 Form Motion/Order
I hereby move for relief or action by the court as set forth in the attached proposed order.

Karl S. Brehmer
Signature of Attorney for Plaintiff / Defendant Date submitted

SECTION III: Motion Fee
 PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason) Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter:
 Other:

JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	JUDGE CODE Date:
--	-------------------------

CLERK'S VERIFICATION
Collected by: *JM* Date Filed: *7.28.17*
 MOTION FEE COLLECTED: \$
 CONTESTED - AMOUNT DUE: \$

RECEIVED
FILED
2017 JUL 28 AM 11:10
JEANETTE W. MORRIS
C.C.P. & G.S.

Direct examination of Amber Michelle Edwards by William R. Padget

1 Q Amber, she's handing you now what's been
2 collectively marked as Exhibit 1. And have you had
3 a chance to just take a look at those photographs?

4 A Yes.

5 Q Is that your red Camaro that you were
6 driving that day?

7 A Yes, sir.

8 Q And does that photograph show it after the
9 collision with the school bus driven by
10 Ms. Bessinger?

11 A Yes.

12 Q No one else was with you in the car?

13 A No, sir.

14 Q You were by yourself?

15 A From what I was told, but -- yeah, I -- if
16 anybody else were in the car, that would have
17 been -- they wouldn't be here.

18 Q Would you describe it as a severe
19 collision?

20 A Definitely.

21 Q And you suffered some serious injuries
22 afterwards yourself?

23 A I did.

24 Q You have, as I understand it, no
25 recollection of actually seeing the stop sign at the

1 A Right.

2 Q It's my understanding you just don't have
3 any recollection of the accident at all?

4 A I don't. I don't.

5 Q So it's possible you did see the stop sign
6 and just drove through it?

7 A I mean, I wouldn't have. Anybody who
8 knows me knows that I wouldn't have, so...

9 Q But you don't remember if you saw it or
10 didn't see it?

11 A I don't remember.

12 Q One way or the other, you have no
13 recollection of it?

14 A I have no idea.

15 Q Were you intending to turn left or right
16 onto Longtown Road? Do you know?

17 A I would assume left, but I would assume
18 that because that's the way I came. But like I
19 said, I don't know. I don't remember.

20 Q You just don't have any recollection of
21 the intersection or anything?

22 A I have no recollection of anything of that
23 day.

24 MR. LIVOTI: That's all.

25 THE WITNESS: Thank you.

1 Q Is that a yes?
2 A Yes, sir.
3 Q Second husband?
4 A Thomas Bessinger Jr.
5 Q And when were you and Mr. Bessinger
6 married?
7 A October of '93.
8 Q To when?
9 A June of 2013.
10 Q And did that end in divorce?
11 A Yes, sir.
12 Q Where does Mr. Bessinger live these days?
13 A Blythewood.
14 Q Okay. And all the boys are Thomas' son?
15 A Yes, sir.
16 Q Sons. Not married now?
17 A Who's that?
18 Q You.
19 A No, sir.
20 Q Is your former husband, Thomas Bessinger
21 Jr. any relationship to the Bessinger barbecue
22 family?
23 A Not that I know of.
24 Q Okay. How are you employed,
25 Ms. Bessinger?

Direct Examination of Tina Bessinger by Karl S. Brehmer

1 A By Richland School District Two as a bus
2 driver.

3 Q How long have you been so employed?

4 A Since 2008.

5 Q So the last nine years?

6 A Yes, sir.

7 Q Have any other jobs in the last nine
8 years, other than the bus driving?

9 A Yes, sir.

10 Q What other job?

11 A I worked for Baldwin Driver Training.

12 Q Baldwin?

13 A Baldwin Driver Training. And I did leave
14 in 2011. And then I started back in August of 2012
15 at Richland School District Two. I went and drove
16 for Lexington School District Four.

17 Q Okay. When did you work with Baldwin
18 Driver's Training?

19 A From 2003 until I had the accident.

20 Q To '13?

21 A Uh-huh.

22 Q What did you do? Teach kids how to drive?

23 A Yes, sir.

24 Q All right. What did you do before you
25 went to work at Baldwin and Richland Two?

Direct Examination of Tina Bessinger by Kaul S. Brehmer

1 A Huh-uh.

2 Q Did you have that neck surgery in the
3 hospital? Were you an overnight patient or did you
4 just have in and out?

5 A In and out.

6 Q Alrighty. What's your date of birth?

7 A 1/11/66.

8 Q That makes you 51?

9 A 29. Yes, sir, 51.

10 Q I'm older than you are. Social Security
11 number?

12 A 249-43-0494.

13 Q Last four?

14 A 0494.

15 Q Okay. All right. Tell me about this
16 accident. The date of the accident was October --
17 November 1, 2013?

18 A Yes, sir.

19 Q Time of day was about 2:00, 2:30 in the
20 afternoon?

21 A 2:30.

22 Q Okay. And you were driving a South
23 Carolina school bus?

24 A Yes, sir.

25 Q How long had you been on the bus that

Direct Examination of Tina Bessinger by Karl S. Brehmer

1 afternoon?

2 A We had just left our lot.

3 Q That don't tell me nothing. How long had
4 that been?

5 A I'd say probably 10 minutes, 15 minutes.

6 Q Where were you going?

7 A To Blythewood Middle School.

8 Q Anybody on the bus with you?

9 A No, sir.

10 Q The day of the week was Friday?

11 A Yes, sir.

12 Q Tell me what happened.

13 A I was going down Longtown East towards
14 Blythewood Middle School. Once I got to Fox Meadows
15 entrance, I felt a hit.

16 Q Okay. So you felt a hit.

17 A Uh-huh.

18 Q And the bus -- was that the impact with
19 Ms. Edwards' car?

20 A Yes, sir.

21 Q The red Camaro?

22 A Yes, sir.

23 Q Did you ever see her before you felt the
24 impact?

25 A No, sir.

Direct Examination of Tina Bessinger by Karl S. Brehmer

1 Q So you have no idea as to how fast or how
2 slow she was traveling?

3 A No, sir.

4 Q So is the first time you saw her after the
5 vehicle came to rest?

6 A Yes, sir.

7 Q Now, you are on what -- were driving one
8 of those buses that doesn't have a nose on it,
9 right? It's just straight off?

10 A Transit.

11 Q Transit-type bus?

12 A Yes, sir.

13 Q So you were sitting right on the
14 windshield?

15 A Yes, sir.

16 Q And you didn't see her?

17 A No, sir.

18 Q What was your -- as you were going down
19 Longtown Road that day, what was your approximate
20 speed?

21 A I just came out of a 35 into a 40,
22 probably. Right there between 35 and 40.

23 Q So 35 or 40 miles per hour?

24 A Yes, sir.

25 Q In that range?

Cross Examination of Tina Bessinger by Anthony Livoti

1 Q Correct? So the net result is you don't
2 know whether the limbs did or did not have anything
3 to do with this accident?

4 A Correct.

5 MR. BREHMER: Okay.

6 - - -

7 EXAMINATION

8 - - -

9 BY MR. LIVOTI:

10 Q Anything else?

11 A No, sir.

12 Q Okay. Ms. Bessinger, my name is Anthony
13 Livoti, I represent Advantage Services in this
14 lawsuit that you brought. And I've just got a
15 couple follow-ups.

16 You were asked some questions and you
17 testified that you thought you recall seeing some --
18 some people who may work for a landscape company
19 trimming trees. Was that trimming trees in
20 Longcreek or was it trimming trees in Fox Meadow?
21 Where did you think you saw the trimming trees?

22 A Right there at Fox Meadow intersection,
23 when I used to drive that route.

24 Q The one at Hunting Path and Longtown Road
25 East?

Cross Examination of Tina Bessinger by Brandon Gottschall

1 know exactly what all was taken. I don't recall.

2 You know, it's been a while since I've seen them.

3 Q Do you know who took those photos?

4 A Dennis Jones, I think, had taken some.

5 And I don't know who else.

6 Q Did Dennis Jones go to the accident scene
7 that day?

8 A He was there.

9 Q Did Robert White go to the accident scene
10 that day?

11 A He was the first one out there.

12 Q Do you know if he took any photos?

13 A I don't recall.

14 Q Do you know if Mr. Jones or Mr. White ever
15 trimmed the trees at that intersection?

16 A It seems like he did, but me and him
17 talked about it and he said, "I never went out there
18 and did it."

19 I said, "Well, you told us you were going
20 to go do it."

21 So I don't know if he actually did it or
22 not.

23 Q Based on your testimony, I understood --
24 and correct me if I'm wrong. I think you said you
25 asked the landscapers to trim the trees. Sometimes

Cross Examination of Tina Bessinger by Brandon Gottschall

1 they would, sometimes they wouldn't. And so those
2 trees were trimmed a couple of times. Is that your
3 recollection?

4 A Between -- yes. Well, I would ask them to
5 do it because I'd see them cutting the grass or
6 whatever. But did they actually ever cut them? I
7 don't think so.

8 Q Your testimony was sometimes they would.
9 And it sounded like maybe they did trim it a few
10 times.

11 A They might have did it once or twice. I
12 don't know. It's been so long ago.

13 Q Do you recall the timing of that?

14 A It was before 2013, because I wasn't
15 driving that route.

16 Q Okay. Any reason in particular you didn't
17 go back to Baldwin Driver Training?

18 A I didn't feel it was safe to do so.

19 Q Why is that?

20 A Because driving with teenagers, they're
21 slamming on brakes and you're having to constantly
22 twist your head, turn, look backwards and everything
23 else with them.

24 Q Do you feel safe driving a school bus, but
25 not with driving --

1 believe you said you saw them a couple times and
2 asked them if they could trim the trees back; is
3 that correct?

4 A Yes, sir.

5 Q When you asked them, were you speaking
6 about the tree that had coverage over the stop sign?

7 A Yes, sir.

8 Q And were they working in the area near
9 that tree?

10 A Yes, sir.

11 Q Were they working in the grass and in the
12 flowerbeds immediately next to it?

13 A Yes, sir.

14 Q Did it appear that they were working up to
15 the base of that tree and around and behind that
16 tree?

17 A In the vicinity of it, yes, sir.

18 Q Do you have any idea -- well, you saw them
19 on multiple occasions; is that correct?

20 A Several times, yes, sir.

21 Q Do you know what they were wearing, as far
22 as colors of shirts or graphic or anything that
23 stands out?

24 A No, sir. I can't recall.

25 Q And you never actually witnessed them

1 trimming the tree; is that correct?

2 A No, sir.

3 Q Did you ever witness Mr. White or anyone
4 else from Richland school district trimming the
5 tree?

6 A No, sir.

7 MR. HILLER: That's all the questions I
8 have.

9 - - -
10 EXAMINATION
11 - - -

12 BY MR. LIVOTI:

13 Q Are there any limitations that you have,
14 anything you used to do before the accident that you
15 can't do now, physical activities, things you do
16 around the house, stuff like that?

17 A Yeah. I mean, especially with looking up,
18 down. When you look down, it cuts my airway -- or
19 that's the way it feels to me. I've had to
20 readjust, learning to just look -- instead of
21 looking directly down.

22 Looking up, like I said, to paint and that
23 kind of thing, I don't do that anymore. I really
24 have limited myself because it -- like, when I lift
25 things, it feels like there's something pulling in

1 accident occurred, you go through four times every
2 day?

3 A Yes.

4 Q And you have done so for the past five
5 years?

6 A Yes.

7 Q What year did you begin going through --
8 doing this route?

9 A What's five years ago from now? I'm not
10 good with math.

11 Q So approximately 2012?

12 A Yes, that sounds about right.

13 Q So from 2012 -- let me ask you this: When
14 you began this route in 2012 until November 1st,
15 2013, which I will contend is the date that the
16 accident occurred, what were the conditions
17 surrounding the stop sign at the intersection of
18 Hunting Path road and Longtown Road?

19 A There were two river birch trees that were
20 hanging into the road on both sides on the Hunting
21 Path side, not the Cartgate side. The Hunting Path
22 side, on both corners, those trees were covering the
23 road extensively.

24 And the reason why I know this is because
25 we would write a report and give it to our

1 association."

2 So then I started asking my children on
3 the school bus, "Do you all have a homeowners'
4 association for your neighborhood?"

5 And this little kid named Ethan said,
6 "Yes, ma'am. I'll ask my dad."

7 And so he came back and said, "They said
8 they would ask for you."

9 But the trees are still sitting just as
10 bad as they were.

11 MR. LIVOTI: Talking about at Ashley
12 Place?

13 THE WITNESS: Ashley Place subdivision.

14 BY MR. BREHMER:

15 Q All right.

16 A You may not be aware, but when you're in a
17 school bus, we sit higher than a car.

18 Q Yes, ma'am.

19 A And sometimes the trees obstruct the view
20 because we're sitting about 5 feet higher than a
21 car.

22 Q Okay.

23 A Maybe not 5 feet. 3 feet.

24 Q Okay. Did you ever drive through that
25 intersection in a car prior to November 1 of 2013?

1 MR. HILLER: Object to the form.

2 THE WITNESS: That's correct.

3 BY MR. BREHMER:

4 Q And you don't know how it came to be that
5 the accident happened on Friday, and the tree got
6 cut on Monday. You just don't know how those two
7 were linked together, correct, other than
8 coincidence?

9 A No, I don't think it was a coincidence at
10 all. I think because the accident happened, they
11 cut the trees down so nobody else would have an
12 accident.

13 Q I understand that's a logical link of
14 facts.

15 A Yes. That's logical.

16 Q But my point is: You don't know how those
17 two events got linked?

18 A No, I do not.

19 Q Okay. Now, you said initially in your
20 deposition that you saw the whole thing, but you
21 didn't see the accident. What you saw was the
22 aftermath of the accident, correct?

23 A That is correct.

24 Q Because you were at the school when
25 Ms. Bessinger called back in and reported that there

Cross Examination of Jeannie Sharpe by Karl S. Brehmer

1 had been an accident?

2 A That is correct.

3 Q And it's your understanding that she, her
4 bus, was void of any passenger other than herself?

5 A She was the only person on the bus.

6 Q On the bus. And you took her children to
7 wherever they needed to go that day --

8 A That's correct.

9 Q -- as a substitute, correct?

10 A That is correct.

11 Q And what you meant that you saw is you saw
12 the aftermath of the accident when you were in the
13 process of delivering those children to the location
14 they needed to be?

15 A That is correct.

16 Q And you did not stop at the accident,
17 correct? Or you didn't --

18 A Yes, we had to stop at the accident
19 because it was at the intersection. And the police
20 officer directed us on across, onto Cartgate Way.

21 Q Let me refine my question. You did not
22 stop, get out, and have any conversations with Tina
23 Bessinger?

24 A No, sir, I did not.

25 Q You just saw her as you were driving by,

Cross Examination of Jeannie Sharpe by Brandon Gottschall

1 correct?

2 A Yes, sir. I can remember even what she
3 was wearing.

4 Q And you never left the driver's seat of
5 your bus, correct?

6 A No, sir, I did not.

7 Q And Ms. Bessinger never got on your bus at
8 that time?

9 A No, sir, she did not.

10 Q You had no conversations with her,
11 correct?

12 A No, sir, I did not.

13 MR. BREHMER: All right. That's all the
14 questions I have, ma'am. Thank you.

15 THE WITNESS: Thank you.

16 - - -

17 EXAMINATION

18 - - -

19 BY MR. GOTTSCHALL:

20 Q Ms. Sharpe, my name is Brandon Gottschall.
21 I represent the Fairways Development in this case.

22 A You represent who?

23 Q Fairways Development.

24 A Fairways?

25 Q Fairways Development. We're just a

Cross examination of Jeannie Sharpe by Brandon Gottschall

1 the school district at all to any DOT or any other
2 entities?

3 A I don't know.

4 Q Did you take any photographs of the
5 intersection or the accident scene on the day of the
6 accident?

7 A No, sir, I did not.

8 Q Do you have any photographs of that
9 intersection at any point in time?

10 A Actually, yes, but now I don't. Tina
11 asked me to take a photograph of that intersection
12 while I was on my school bus, and I forwarded it to
13 her, and then I deleted it.

14 Q Okay. And you took that on your cell
15 phone?

16 A Yes, sir.

17 Q And when did you take that photograph?

18 A Just recently, about six months ago.

19 Q Any other photos earlier or later?

20 A No, sir. Not at the time of the accident,
21 no, sir.

22 Q I believe you also had testified, and
23 correct me if I'm wrong on this, but that Mr. Jones
24 and the supervisor, who I believe is Mr. White, you
25 believe they trimmed the tree branches on the river

1 birches at this intersection sometime in 2012?

2 A That is correct.

3 Q Okay. And you testified also that they do
4 not trim branches that are on private property. Is
5 that correct?

6 A That's what Mr. Jones told me about six
7 months ago.

8 Q So based on that information, would you
9 conclude that the river birches were not on private
10 property?

11 MR. BREHMER: Object to the form of the
12 question.

13 THE WITNESS: My belief is that the trees
14 were on private property because, as passing
15 down that road, as I go down that road all the
16 time, that those trees have grown over time and
17 it looks like they were -- they were planted
18 when the subdivision was put up. That's just
19 my belief.

20 BY MR. GOTTSCHALL:

21 Q My question is just a little bit
22 different, though.

23 A Okay. I'm sorry.

24 Q That's all right. If they -- if they did
25 not trim trees that were on private property --

1 Richland County. Do you have any relatives that do
2 not have the last name of Peterson that are over the
3 age of 18 that live -- reside in Richland County?

4 A. No, sir.

5 Q. How many neighborhoods does Halcyon
6 manage?

7 A. Neighborhoods and condominium properties
8 all total are 30.

9 Q. Okay. Approximately how many of those are
10 in Richland County?

11 A. May I guess?

12 Q. Sure. Approximately. I'm not going to
13 hold you to it.

14 A. Nineteen.

15 Q. And one of those is the Longcreek
16 Development?

17 A. Yes, sir. Longcreek Plantation Property
18 Owners Association.

19 Q. Okay. And that includes all the little,
20 smaller neighborhoods that are a part of the
21 Longcreek subdivision?

22 A. Yes, sir.

23 Q. One of those is Fox Meadow?

24 A. Yes, sir.

25 Q. They are all a part of the Longcreek

1 A. I'm not sure.

2 Q. Okay. Do you recall who that conversation
3 was with?

4 A. I don't know the specific dates, but I
5 approached the Board of Directors about renovation
6 work to all of the various entrances located
7 throughout Longcreek. That our plant material had
8 become aged and tired. And it was time for a fresh
9 look at some of our locations.

10 The Board then asked me to -- they
11 actually appointed two other directors to work with
12 me as a beautification committee. And go to the
13 various entrances throughout Longcreek and look at
14 some changes that maybe we would like to make at
15 those locations. It did include some tree removal.

16 And we went back to the Board with our
17 recommendations. They asked us to then go out for
18 bid for the recommendations that the beautification
19 committee made, which we did do that. I'm sure
20 Advantage was part of the bidding process.

21 We used a tree service by the name of Sox
22 and Freeman. And they were awarded the contract for
23 some tree removal at various locations and some tree
24 trimming at other locations, not isolated to the Fox
25 Meadow entrance that you are speaking of.

1 Q. Do you know who the title owner -- let me
2 take a step back. As we've been discussing, this
3 lawsuit surrounds or stems from an accident that
4 occurred on November 1st, 2013, at the intersection
5 of Hunting Path Road and Longtown Road.

6 And specifically the allegations are that
7 there was some tree coverage that obscured a stop
8 sign and obscured the ability to see down the roads.
9 Do you know who the titled owner of the property
10 where the Fox Meadow entrance currently is? Do you
11 know who the title owner of that property is?

12 A. I believe it's Fairways Development.

13 Q. Okay. And who is Fairways Development?

14 A. The developer for Longcreek Plantation.

15 Q. Okay. Are you aware of -- well, does
16 Halcyon have any contract with Fairways Development?

17 A. No, sir.

18 Q. All right. Are you aware of any contract
19 that exists between Longcreek Property Owners
20 Association and Fairways Development?

21 A. No, sir.

22 Q. But Longcreek Property Owners Association
23 is the one who directs you to manage and maintain
24 the entrance; is that correct?

25 A. That's correct.

1 Association?

2 A. I don't know.

3 Q. Okay. But you don't believe Halcyon has
4 any affirmative responsibility to maintain these
5 trees?

6 A. No, sir.

7 Q. But you do admit that they are part of the
8 common area, the entrance of Fox Meadow?

9 A. Yes, sir.

10 Q. Do you believe that at the time of this
11 accident in November of 2013 Advantage Services had
12 a responsibility to maintain these trees?

13 MR. LIVOTTI: Object to the form.

14 THE WITNESS: No, sir.

15 BY MR. HILLER:

16 Q. And I want to, again, focus specifically
17 on these trees at Fox Meadow, the Fox Meadow
18 entrance of Hunting Path Road and Longtown Road.
19 Prior to November of 2013, do you recall any
20 trimming or pruning of these trees?

21 A. No, sir.

22 Q. Okay. At no time did Richland County
23 School District Two or their employees actually come
24 on to -- that you know of, came on to the entrance
25 and trimmed these trees?

1 shrubs and flowers there of any substance now are
2 the Crepe Myrtles that are at the intersection
3 presently; is that correct?

4 A. That's correct.

5 MR. HILLER: I don't have any other
6 questions. Thank you, Mr. Peterson.

7 THE WITNESS: You are welcome.

8 MR. LANG: These other gentlemen
9 might though.

10 MR. CRANE: I don't have anything.

11 (Discussion off the record.)

12 EXAMINATION

13 BY MR. LIVOTI:

14 Q. Mr. Peterson, I represent -- my name is
15 Anthony Livoti. I represent Advantage Services.
16 The contract that the -- Halcyon or the Property
17 Owners Association entered into with Advantage
18 Services as part of their scope of work did not
19 include the trimming and maintenance of trees at
20 this Fox Meadow location; is that correct? That is
21 what you testified about?

22 A. Yes.

23 MR. LIVOTI: Okay. Those are all the
24 question I have. Thank you.

25 MR. LANG: I don't have any.

1 location; is that right?

2 A. May I clarify this?

3 Q. Yes.

4 A. Generally they would not cut or prune
5 trees without first coming to me in advance and
6 discussing a particular location or a particular
7 entrance.

8 Q. Okay.

9 A. The only time we ever discussed trees
10 might be where we had some dead limbs on a
11 particular tree or where we had Crepe Myrtles that
12 were too close to the road scraping cars. Those
13 would get cleaned up.

14 But generally I worked very closely with
15 Advantage Services. I would contact either Terry
16 Calder or Trent Calder, give them the detail of what
17 I wanted done, and they would take care of it.

18 Q. Okay.

19 A. Okay? But there was never any indication
20 of we need to go into Fox Meadow to take care of X.

21 MR. LIVOTI: Got it. Very good.

22 Thank you.

23 (Whereupon, the taking of the
24 deposition was concluded at 1:00 p.m.)

25

1 A. All right.

2 Q. I don't believe we are going to be here
3 too terribly long, but if at any time you want to
4 take a break, get something to drink, go to the
5 restroom, just stand up and walk around, whatever
6 you need just let me know. Okay?

7 A. Sure.

8 Q. Okay. Do you have any questions for me
9 before we proceed?

10 A. Not right now, no.

11 Q. What is your current address?

12 A. It's 18 East Wessex Way, and that is
13 Blythewood.

14 Q. And how long have you been at that
15 address?

16 A. We moved in in May of 2003.

17 Q. And what neighborhood is that in?

18 A. That is in Fox Meadow in Longcreek.

19 Q. And who is "we"? You said we moved in?

20 A. My family and I. My husband and my kids.

21 Q. And what is your husband's name?

22 A. His name Gerald Franklin Crook.

23 Q. And how old are your children?

24 A. My oldest is 20. I have a 17-year-old, a
25 14-year-old, and a 10-year-old.

1 because, obviously, Richland County the bus
2 transportation would not let her speak with the
3 family. And she just wanted a way to relay, you
4 know, how the girl was doing, if I knew anything
5 about her well-being.

6 Q. Girl being the other driver?

7 A. The driver that hit the bus, yes.

8 Q. And did you know the other driver?

9 A. No.

10 Q. Do you know why she thought that you might
11 know the other driver?

12 A. I think she knew because I lived in the
13 neighborhood that I might have connections because
14 we have like a Facebook page. So I think she
15 thought that I might have seen some information on
16 that, you know, regarding how she was doing and that
17 kind of thing. I think that, you know, she was just
18 hoping that word of mouth would get out that she was
19 okay. And she was very concerned about the girl's
20 well-being.

21 Q. And was that the first time that you heard
22 about the accident, when she called you the next
23 day?

24 A. No. Actually I was at work when it
25 occurred. And it was kind of bad because I guess we

1 got messages that, you know, my older son's bus was
2 not going to get to our house. And then my
3 daughter, who was in elementary school, was going to
4 be home by herself. So my husband had to leave work
5 to go get my daughter because my middle schoolers
6 did not get home in time because of that accident.

7 Q. Now, you said you were at work. Is this a
8 different job than --

9 A. No. That was -- I was still -- I was
10 working at the antique shop that day. And so I
11 couldn't leave because I was the only one there. So
12 my husband left his job at Trane on Killian Road to
13 come and get my daughter.

14 Q. And what is the name of the antique shop?

15 A. At that time it was the Ivy House that I
16 was working at.

17 Q. Where is that located?

18 A. It's in Pontiac.

19 Q. And is it no longer called the Ivy House
20 or you don't work there anymore?

21 A. I don't work at that one. There is
22 another one next to it, and that is the one that I
23 am associated with now.

24 Q. And what is the name of that?

25 A. ReFind.

1 Q. Okay. So it's a four-way stop right
2 there?

3 A. It's a two-way stop at the top of the
4 road.

5 Q. Okay.

6 A. Yeah.

7 Q. So Hunting Path does not have a stop sign?

8 A. No. The stop sign is on East Wessex and
9 West Wessex.

10 Q. Got you. But if someone was traveling on
11 Hunting Path and they passed Wessex, they don't have
12 to stop?

13 A. Correct.

14 Q. Okay. And you said you moved into your
15 house -- that house in 2003; is that correct?

16 A. Correct.

17 Q. Okay. And have you lived there
18 continuously?

19 A. Yes.

20 Q. Okay. So from 2003 until this accident
21 had the landscaping at the intersection of Longtown
22 and Hunting Path always been the same?

23 A. Other than for them to redo the flowerbeds
24 occasionally, yes, it had always been the same.

25 Q. Okay. So the trees -- you didn't see any

1 new trees planted in that time?

2 A. No.

3 Q. Did you ever see any trees either fall
4 down or that were removed?

5 A. Not specifically that I remember, but with
6 a lot of underbrush like that typically a tree will
7 fall, it stays. There was never anything cleaned
8 out if that is what you are asking.

9 Q. So you never noticed any -- there were no
10 trees you noticed that had their branches or limbs
11 trimmed?

12 A. No.

13 Q. In the 10-year period that you lived there
14 before this accident?

15 A. I mean, I don't recall them doing that,
16 no. I don't recall them ever really doing much to
17 the trees at that intersection at all.

18 Q. When you say "them" who are you referring
19 to?

20 A. The landscaping company.

21 Q. The landscaping company?

22 A. Yes.

23 Q. And that is your understanding that if any
24 work needed to be done to those trees, the
25 homeowners association would retain a landscaping

1 Q. The family that lives on the corner of
2 Wessex Way West you said were the Borers?

3 A. The Borers, correct.

4 Q. Is that Athena?

5 A. Yes.

6 Q. Do they still live there?

7 A. Yes.

8 Q. And what is the husband's name?

9 A. I don't know what his name is. I know
10 Athena.

11 Q. Okay. You said that you don't know
12 anything about the accident itself or how it
13 happened; is that right?

14 A. Well, I mean, I do know how it happened.
15 I do know that the car traveling from Hunting Path
16 hit the bus on the front portion of the bus.

17 Q. Okay. Do you know anything about why the
18 driver of the vehicle that got into the accident
19 with Ms. Bessinger pulled out from the intersection?
20 Do you know anything about --

21 A. I have no idea. No. I don't know why she
22 did.

23 Q. Okay. And you don't know anything about
24 whether she could or could not see any approaching
25 vehicles?

1 A. Not to my knowledge. I don't know.

2 Q. Okay. So you couldn't give any testimony
3 as to what may have caused her to make the decision
4 she made to --

5 A. Right.

6 Q. -- pull out in front of Ms. Bessinger's
7 path?

8 A. I mean, I don't -- I honestly just -- I
9 don't know. Originally when the accident occurred I
10 thought, you know, possibly she just was distracted
11 and didn't see the bus coming. I really don't know.

12 Q. That still could be the case?

13 A. I don't know.

14 Q. Okay. Before this accident how much
15 interaction would you have with Ms. Bessinger?

16 A. Not very much. I mean, I guess at a time
17 when her son -- she drives the bus, but she lives in
18 Swansea.

19 Q. Right.

20 A. So for a time her son Tanner, that is my
21 oldest son Andrew's age, would come to our house
22 while she was driving her route, and then she would
23 pick him and take him home. But we didn't really
24 interact too much, you know.

25 We are friends, but I don't think we have

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. THOMAS COOPER, JR., Circuit Court Judge

RECEIVED

JUN 26 2018

SC Court of Appeals

Case No. 2016-CP-40-05001

Appellate Case No.: 2017-002181

Tina Bessinger.....Appellant,

v.

Longcreek Plantation Property Owners Association, Inc., LongCreek Development, LLC
Fairways Development, LLC, and Advantage Services, Inc., and Halcyon Real Estate Services,
LLC.....Respondents

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material. I also certify that the Record on Appeal is in compliance with the Order of May 1, 2008 Amendments to the South Carolina Appellant Court Rules.

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June 26, 2018