

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY COURT OF COMMON PLEAS
Charles B. Simmons, Jr., Special Referee

Case No. 2008-CP-39-56
Appellate Case No. 2013-002154

Palmetto State Enterprises,
LLC,

Respondent,

v.

Clegg Lamar Greene a/k/a
Lamar Greene, Juleene
Greene, a/k/a Julie Greene, J
& P Enterprises of the
Carolinas, Inc., and Gaston
Engineering, Inc.,

Defendants,

Of Which

J & P Enterprises of the
Carolinas, Inc. is the

Appellant.

SUPPLEMENTAL

RECORD ON APPEAL

Dated: June 3, 2014

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SC Court of Appeals

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STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

IN THE COURT OF COMMON PLEAS

Palmetto State Enterprises, LLC,)
Plaintiff,)

COPY

-vs-

) 2008-CP-39-56
)

Lamar Greene, J&P Enterprises, Of)
The Carolinas, Inc., Gaston)
Engineering, Inc., and Morgan and)
Bartos Builders, LLC,)

Defendants.)

VIDEOTAPED DE BENE ESSE DEPOSITION OF RONALD EUGENE WEST
Pursuant to notice and/or agreement of the parties, the
videotaped de bene esse deposition of RONALD EUGENE WEST
was taken commencing at the hour of 10:16 a.m. on the
19th day of March, 2012, at the offices of the Smith,
Jordan, Lavery & Lee, 1810 East Main Street, Easley,
South Carolina.

REPORTED BY: CATHY L. YOUNG, CVR

CANNON COURT REPORTING
Post Office Box 2727
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000612

DEPOSITION OF JULEEN GRAHAM GREENE

APPEARANCES:

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.... On Behalf of the Plaintiff

Scott F. Talley, Esquire
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.... On Behalf of the Defendants

ALSO PRESENT: Michael Brown

STIPULATIONS:

This deposition is being taken pursuant to South Carolina Rules of Civil Procedure. The deponent waives the right to read and sign the transcript of the deposition.

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DEPOSITION OF JULEEN GRAHAM GREENE

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Plaintiff's Exhibit Number 1, First Citizens Checking Account Statement for Palmetto States Enterprises, LLC, attached hereto	04/01
Plaintiff's Exhibit Number 2, Regions Bank Account Statements, attached hereto	04/04
Plaintiff's Exhibit Number 3, MBSC Bank Statement, attached hereto	04/06
Plaintiff's Exhibit Number 4, First Citizens Bank Account Statement, attached hereto	04/08
Plaintiff's Exhibit Number 5, Lamar Greene Salary History, attached hereto	04/10
Plaintiff's Exhibit Number 6, First Citizens Cash Withdrawals Statement, attached hereto	04/12

1 (Court Reporter marks Plaintiff's Exhibit Number 1, First
2 Citizens Checking Account Statement for Palmetto States
3 Enterprises, LLC, attached hereto.)

4 (Court Reporter marks Plaintiff's Exhibit Number 2,
5 Regions Bank Account Statements, attached hereto.)

6 (Court Reporter marks Plaintiff's Exhibit Number 3, MBSC
7 Bank Statement, attached hereto.)

8 (Court Reporter marks Plaintiff's Exhibit Number 4, First
9 Citizens Bank Account Statement, attached hereto.)

10 (Court Reporter marks Plaintiff's Exhibit Number 5, Lamar
11 Greene Salary History, attached hereto.)

12 (Court Reporter marks Plaintiff's Exhibit Number 6, First
13 Citizens Cash Withdrawals Statement, attached hereto.)

14 RONALD EUGENE WEST, having been first duly sworn,
15 was examined and deposed as follows:

16 EXAMINATION BY MR. PRICE:

17 Q. Coach West, David Price, we've met before. If you
18 don't mind, Coach, tell the Jury a little bit about
19 yourself. What do you do for a living?

20 A. I'm a college football coach at Arizona State in
21 Tempe, Arizona.

22 Q. What position do you coach?

23 A. Linebackers.

24 Q. Do you have a connection to Pickens County?

25 A. Yes, I still own a house here. My daughter is at

1 Tri-County Tech in nursing school, and, yes, so I
2 do.

3 Q. Okay, do you have a connection to Clemson
4 University?

5 A. Oh, yeah. I played at Clemson there for Coach Pell
6 and Coach Ford. Coach Ford was my line coach, Coach
7 Pell was my head coach.

8 Q. Did you ever coach at Clemson?

9 A. Coached at Clemson ten years.

10 Q. All right, from when to when?

11 A. 1999 to 2008 Gator Bowl.

12 Q. So, basically, you coached when Tommy Bowden was
13 there?

14 A. And Dabo Swinney the last -- when he was named the
15 interim, yes.

16 Q. Did you know Lamar Greene?

17 A. Yes, met him.

18 Q. How did you meet Lamar Greene?

19 A. When we moved here in '99, I rented a house probably
20 about five miles from there or four miles from
21 there. And Rich Rodriguez rented a -- a piece of
22 property next door to Lamar, and I was over at
23 Rich's Riverpoint -- Riverpoint, or wherever that --
24 those condos are, those -- and Lamar -- met Lamar in
25 the yard there.

1 Q. Prior to -- do you remember -- let me back up. When
2 was it, do you believe, that you met Lamar Greene?

3 A. 1999.

4 Q. Okay. Prior to forming Palmetto States Enterprises,
5 what was your nature -- what was the nature of your
6 relationship with Lamar Greene?

7 A. Friendship, just friends.

8 Q. And how did it come to be that Palmetto States
9 Enterprises, LLC, was formed?

10 A. Lamar had a vision. You know, we had all -- me,
11 Rich, and Lamar, and Julie, and Becky, we, you know,
12 we would go to dinner. We all got to know each
13 other pretty well through the years. And then Lamar
14 had built the Clemson Towers, and -- which is -- is
15 that 123 it's off of right there? On the right-hand
16 side going out of Clemson. And it was really a nice
17 project. So Lamar had an idea, a vision to form a
18 company that would build condos -- luxury condos,
19 like the one at Clemson Towers, by stadiums. And so
20 he asked me and Rich if we wanted to -- to go in
21 with him on it.

22 Q. And when was that?

23 A. I want to say 2004, is that --

24 Q. Okay. Did you have any business ventures with Mr.
25 Greene other than Palmetto States?

1 A. Yeah, well, I had bought a unit at the -- at the
2 Towers, and -- bought a unit at the Towers, Clemson
3 Towers, and actually had sold it prior -- I may --
4 may not have sold it prior to this, we went in, but
5 I had sold it; but I bought a unit there when he
6 built it, preconstruction.

7 Q. You mentioned that Palmetto States was formed to
8 build condos next to football stadiums.

9 A. Yeah, that's what we were trying to do.

10 Q. Did you actually build any condos?

11 A. Yes, we did.

12 Q. All right, where -- where were those condos?

13 A. We -- we built The Spur in Columbia, South Carolina.
14 And we built The Legends of Tuscaloosa, in
15 Tuscaloosa, Alabama.

16 Q. Okay. Were there any others?

17 A. There was going to be a third project, but we never
18 got it kicked off the ground. It was The Legends of
19 Blacksburg in Blacksburg, West Virginia -- I mean
20 Blacksburg, Virginia, where Virginia Tech was.

21 Q. Okay. So did -- did you complete The Spur?

22 A. Yes, The Spur was completed.

23 Q. All right. Was that project considered successful?

24 A. Yes, you know, in -- somewhat. We had to -- we had
25 to auction off the units at the end to get out of

1 there. We got -- it was Lamar's vision. He had a
2 pretty good vision on it. He thought Columbia was
3 kind of getting kind of overpopulated with condos.
4 They had built Carolina Walk across the street from
5 the stadium. And there was another project going on
6 down the road, and he felt like it would be better
7 just to go ahead and get it auctioned off, and get
8 the bank out. So we auctioned them off, and I'm
9 trying to remember the date, the summer that we
10 auctioned those off. I want to say it might have
11 been 2007. I'm -- I'm trying to remember that. I'm
12 thinking that it -- it might have been 2006, I can't
13 remember. 2007 kind of rings a bell. I have to get
14 my notes. But we auctioned them off there in June,
15 and got out -- got them out of, you know, got the
16 bank out, and then we pretty much stopped.

17 Q. And what happened with the condos in Tuscaloosa?

18 A. Well, those units, you know, we built them. There
19 were 60 units. And a lot of those units went back
20 to paying investors, because, you know, when that --
21 everything went south, we decided that it best --
22 and best business was to try to pay everybody back
23 with the units.

24 Q. And we'll come back and explore these investors and
25 things going south, but before we get there, tell me

1 what happened with the condos in Blacksburg.

2 A. Well, we never got off the ground in Blacksburg. We
3 -- we closed on the land, and then we had a bunch of
4 -- I don't know what the dollar amount in the escrow
5 account for the units in Blacksburg, but, basically,
6 we let that project go because of the -- when we
7 discovered this back in 2007, I believe it was 2007,
8 is that it? Is that what you wanted to know or --

9 Q. That's fine. Who were the members of Palmetto
10 States?

11 A. The original members?

12 Q. Uh-huh.

13 A. Original members was Rich Rodriguez, myself, Jeff
14 Greene and Lamar Greene.

15 Q. Okay. And did y'all make cash contributions to get
16 it started?

17 A. Yeah, we did. It -- it wasn't much money, \$10,000 a
18 piece.

19 Q. Everybody contributed to that?

20 A. I do not know that. I know I did, and Rich did, and
21 I -- I assume Lamar did, I don't know.

22 Q. All right. When Palmetto States was formed, what
23 was your role in the company?

24 A. I really didn't, you know, what we did was, you
25 know, we just -- he had a vision of being able to

1 sell pre-sale units, which was his brilliant idea.
2 I mean it was going to work. You sell pre -- pre-
3 sale units, and then by construction time when they
4 were built, then those units he would be able to
5 give a good return to an investor. So guys like
6 Larry Fedora, people that I knew in coaching that
7 were real interested in buying units, 'cause they
8 were, you know, Larry had just gotten fired at
9 Florida, so he had a -- a lump sum of money that he
10 wanted to do something with so he bought a unit at
11 The Spur. And he basically was able to do well on
12 it. Brad Scott got involved in it. Billy D'Andrea
13 got involved in it. At one time, Terry -- Terry Don
14 Phillips was involved in it. Dabo Swinney was
15 involved in it. Just guys were interested in buying
16 units, and making an investment, and then trying to
17 make some money in real estate.

18 Q. Okay. And Larry Fedora is the head coach at the
19 University of North Carolina?

20 A. Uh-huh.

21 Q. Okay. And so your role, as I understand your
22 testimony, your role in the company was to find some
23 of these investors?

24 A. Yeah, just -- yeah, that -- and that was part of my
25 role, and just really that was major -- that was --

1 that was probably it. I didn't -- I didn't do
2 anything much more than that. Oh, we would go check
3 the projects out, and go look at them, but I didn't
4 know what I was looking at, you know. I'd go look
5 at them, but, you know, I didn't know what was right
6 in the -- on -- Lamar -- Lamar made all the
7 decisions in building, because he has experience in
8 it, and he was intelligent, he knew what he was
9 doing, so he made the decisions.

10 Q. What payments did you receive from Palmetto States,
11 for the work you did?

12 A. We got our original \$10,000 back, and then me and
13 Rich were both given a bonus of \$50,000 one time.

14 Q. Do you remember when that was?

15 A. Don't remember the date of it.

16 Q. Did you receive any other payments from Palmetto
17 States?

18 A. No, not that I remember -- not that I remember, no.

19 Q. Was anything paid on your behalf? Did you receive
20 any loans from Palmetto States?

21 A. Not that I remember, not now.

22 Q. What was -- and you touched on it, but let's --
23 let's go into a little more detail about what Lamar
24 Greene's role was with Palmetto States was.

25 A. Well, he was the head of the -- the company. He

1 pretty much ran the company. We paid him a fee of
2 10,000 a month, and -- and, basically, let him run
3 the company, because he was -- he was -- he was good
4 at it, he knew what he was doing, and that's what he
5 did.

6 Q. Well, who picked the sites for the condos?

7 A. Well, Lamar and Jeff would -- they would go look
8 around at properties, and I think Mike Brown was
9 involved in some of them. And they'd go look at
10 properties, and then they would come back to me and
11 Rich, and they'd say, "Look, we need to go look at
12 this, this and this," and we would go look at it.

13 Q. All right. Did -- who picked the building plans, or
14 the design the condos?

15 A. Lamar Greene.

16 Q. And who handled obtaining financing for the condos?

17 A. Lamar. Lamar and Jeff were involved in it, but
18 Lamar was probably was the number one guy.

19 Q. Who managed the finances for Palmetto States?

20 A. Lamar Greene.

21 Q. Is it fair to say that Lamar ran the company?

22 A. Yeah, he ran the company.

23 Q. And were you okay with that?

24 A. Yeah, I trusted him 100 percent.

25 Q. Did you and Mr. Greene and Coach Rodriguez have

1 business meetings or anything to discuss company
2 business?

3 A. Well, we did. Occasionally, it would be -- if we
4 did, we would have Rich on the phone, and I would be
5 sitting there, or we would -- we would -- we would
6 have a trip, and we would go sit down and talk about
7 everything over a couple days. When we'd go look
8 for these projects, you know, like one time we went
9 to look at land in -- in the summer on our vacations
10 we'd go look at land in Athens; Auburn, Alabama;
11 Tuscaloosa, Alabama. We just would go look at these
12 -- and that's when we would discuss things. So --
13 so when we had the meetings, that's how we did it.

14 Q. Okay. And you mentioned that Coach Rodriguez would
15 participate on the telephone. Where was he living
16 during this time?

17 A. He was at West Virginia.

18 Q. And you were in Clemson?

19 A. Yeah.

20 Q. Were there certain decisions or actions made by the
21 company that had to be approved by all the members?

22 A. Yes.

23 Q. Like what?

24 A. Well, there was this one deal that -- that I can
25 remember that me and Rich -- I was actually -- I was

1 either on my way to Myrtle Beach or North Myrtle
2 Beach, and Rich was up in West Virginia, and we got
3 on three-way, and I think it was -- it was about a
4 certain gentleman, I think Al Bell, or Lamar was
5 trying to pay the guy some money, or something; and
6 we didn't even understand why, it was a lump sum.
7 Davis Arnett, who was the guy that gave -- gave the
8 company the construction loan for The Spur. Davis
9 Arnett was the head of the bank at Seneca National
10 Bank prior to this, and I think he was at Regions
11 when we got the construction loan. He called me and
12 Rich, because he --

13 MR. TALLEY:

14 Objection, it's going to be hearsay testimony.

15 WITNESS CONTINUES:

16 A. Okay.

17 Q. I mean you can't testify to what somebody else said,
18 you can only testify in the --

19 A. Okay.

20 Q. -- in the conversations that -- what you said or
21 what Mr. Greene said in the conversations, okay?

22 A. All right, so what do you want me to do?

23 Q. Well --

24 A. Ask the question another way, I guess.

25 Q. Well, you were explaining to us about the meeting --

1 A. Well, we got on -- we got on a conversation three-
2 way, and it was about paying Al Bell; and we
3 disagreed with Lamar about paying Al Bell, because
4 we didn't understand what role he had with the
5 company.

6 Q. So your testimony is that you told Al -- you told
7 Lamar Greene he couldn't pay Al Bell?

8 A. Uh-huh.

9 Q. Okay.

10 A. Yeah.

11 Q. Was there an agree -- an agreement amongst the
12 members as to Lamar Greene's compensation for the
13 work he did for the company?

14 A. Oh, yeah, he -- we wanted Lamar to get 10,000 a
15 month every month.

16 Q. Okay.

17 A. Yes. And we started that -- we signed that
18 agreement with Davis Arnett at Regions Bank, me and
19 Rich Rodriguez did.

20 Q. What if -- let me ask you this, did you ever have a
21 situation, where you had two projects going on at
22 once?

23 A. Yeah.

24 Q. All right. Was Mr. Greene -- was the agreement
25 still that he would receive \$10,000 per month, or

1 10,000 per project per month?

2 A. 10,000 per month.

3 Q. No matter how many projects were going on?

4 A. Right.

5 Q. In addition to the agreed upon salary, was Lamar
6 Greene authorized to pay personal expenses out of
7 Palmetto States accounts?

8 MR. TALLEY:

9 Object to the form of the question.

10 MR. PRICE:

11 What's --

12 MR. TALLEY:

13 Leading.

14 MR. PRICE:

15 Oh. Well, it's a yes or no question.

16 WITNESS CONTINUES:

17 A. Well --

18 MR. TALLEY:

19 It's a leading question.

20 WITNESS CONTINUES:

21 A. Right.

22 MR. TALLEY:

23 You're -- you're on direct examination.

24 EXAMINATION CONTINUES BY MR. PRICE:

25 Q. Was Lamar authorized to take any other payments out

1 of the account other than his agreed upon salary?

2 A. Yes, if they were business expenses.

3 Q. What about personal expenses?

4 A. No.

5 Q. Was he authorized to draw additional salary or
6 bonuses?

7 A. That one time that we did the bonus, we all received
8 a \$50,000 bonus.

9 Q. Okay. Mr. West, I'm going to hand you an exhibit
10 marked Plaintiff's Exhibit Number 1. Have you ever
11 seen this exhibit?

12 A. (Reviews document.) Not actually this -- this form
13 right here. Let's see if I can -- can I open it up?

14 Q. You can.

15 A. Yeah, I've seen this (indicating). This is a --

16 Q. You're referring to the statements and cancelled
17 checks --

18 A. Yes, this --

19 Q. -- attached to the spreadsheet?

20 A. Yeah, 'cause that was what I saw back when I took
21 this to Chris Olson.

22 Q. Do you know what that exhibit is?

23 A. This is the First Citizens account with Palmetto

24 State -- Palmetto Properties, LLC. And this was the

25 -- I guess this is going to be the checking

1 statement.

2 Q. Okay, and what exactly does that exhibit show?

3 A. On this right here (indicating), sir?

4 Q. Yes, sir. Well, there's a -- there's a -- a
5 spreadsheet, and then there's copies of statements
6 and checks attached.

7 A. Well, it shows that there was --

8 MR. TALLEY:

9 I'm going to object to that spreadsheet. You have
10 not laid any foundation for it, who drafted it,
11 where the information came from.

12 MR. PRICE:

13 Okay. Well --

14 WITNESS CONTINUES:

15 A. Do you want me to just look at this, sir?

16 Q. And -- well --

17 MR. TALLEY:

18 He's testified he'd seen that before. I don't have
19 an objection to the bank statements, but there's no
20 foundation for the spreadsheet.

21 MR. PRICE:

22 Okay, and let's -- let's go off the record, for a
23 second.

24 (OFF RECORD)

25 EXAMINATION CONTINUES BY MR. PRICE:

1 Q. Okay, Coach West, I was asking you about Plaintiff's
2 Exhibit 1, and you were telling us what exactly that
3 exhibit is.

4 A. It's a First Citizens account, it's a checking
5 account. This -- this is considered --

6 Q. Uh-huh.

7 A. -- Exhibit 1, right?

8 Q. Uh-huh.

9 A. It's the checking account for the company.

10 Q. Okay. In the absence of Lamar Greene himself, what
11 person, in your opinion, is in the best position to
12 testify as to whether the charges reflected on
13 Plaintiff's Exhibit 1 were the legitimate businesses
14 of Palmetto States?

15 A. Probably would be Mike Brown.

16 Q. Okay. Who is Mike Brown?

17 A. Mike is a -- the -- we brought him in the company.
18 He actually was hired to help do The -- The Legends
19 of Tuscaloosa. He had some contacts there with the
20 -- with the University of Alabama.

21 Q. All right.

22 A. And he actually was a trainer at Clemson when I
23 played at Clemson. And he is actually -- was
24 actually -- I -- I assume he still is, he actually
25 was Rich Rodriguez -- Rodriguez's agent, and also

1 represented Dabo Swinney and different guys, so he's
2 -- he's an engineer by trade.

3 Q. Well, why is he in the best position to testify --

4 A. Well, he was involved in -- in -- at least he was
5 working with Lamar and Jeff doing these projects.
6 And then he actually took over the company when all
7 this kind of went crazy in 2007. He actually became
8 the manager of the company.

9 Q. All right, tell me about when things went crazy in
10 2007.

11 A. I think it's 2007. Yeah, 2007, I think it was after
12 the Florida State game on Labor Day, we beat them
13 home. Lamar called me, wanted me to come out to his
14 place at Riverpoint, and went by and saw him. And
15 then that's when he told me that he wanted me to --
16 he was going to basically let me out of the company,
17 and wanted me to sign this, and sign this, and I
18 would be removed from the company. And that my
19 credit line wasn't high enough, and that he needed
20 -- that we were -- needed more powerful investors to
21 come in, and that kind of deal. And I said -- well,
22 you know, and I -- that's basically what he said.
23 And I called Rich, and I was -- we were a little
24 confused, because we had already closed The Spur
25 out, and we were told we were going to make money

1 off The Spur, and we never received anything. And
2 so this was in August -- and this is past August,
3 this is in, you know, Labor Day, this is that week.
4 And so then I called Rich, and then Rich said we'd
5 talk about it, and that's kind of how it went. And
6 so I left there thinking that, you know, pretty much
7 was going to be removed from the company, and that
8 he was bumping me out or wanting me out of it, you
9 know, and so I didn't understand where the money was
10 from The Spur to keep me in the -- the loop, and to
11 keep doing it. And so I asked him that. And he
12 couldn't -- he couldn't answer. He said things came
13 up, or something like that, we didn't get any money
14 out of it. It's pretty much what he told me.

15 Q. How far along was Tuscaloosa at that point?

16 A. They were selling units. I don't know if it was --
17 if it was built, but they were selling units. It
18 was -- it was all pre-sales probably. They were
19 starting to close units there. Probably the -- the
20 thing was close to being completed, because they
21 were starting to sell units.

22 Q. Were you able to figure out exactly why you didn't
23 get any money out of The Spur?

24 A. Well, I think probably because there was -- there
25 wasn't any money there, everything was -- had been

1 kind of, you know, if you look at this, there's a
2 lot of stuff in here that's not dealing with the
3 company. I mean checks to J&P Enterprises, checks
4 to the The Clemson Towers, you know, I don't know,
5 just checks that are not dealing with this company.

6 Q. But what exactly are you telling the jury that you
7 think Lamar Greene did?

8 A. Well, I think he -- he -- he took funds, and put
9 them somewhere else; and I don't know if it was on
10 -- because he was bad tensions. You can see like
11 he's loaning J&P Enterprises, because I guess J&P
12 Enterprises is hurting at the time. So he's taking
13 funds out of this company, and loaning it to that
14 company without us knowing it, which, you know, it's
15 improperly he's distributing funds. So I think it
16 -- I think that -- I don't think he intentionally
17 formed to do it. I think it was unintentionally, I
18 think he was a good man, I just think that he was
19 something, he was caught, and he felt like he had to
20 do something to keep the other company going or
21 something.

22 Q. All right. In the event that some or all of the
23 charges -- well, first of all, let me clarify now,
24 you -- you did testify that Mike Brown is in the
25 best position to testify whether --

1 A. Yes.

2 Q. -- the charges shown on Plaintiff's Exhibit 1 were
3 legitimate business expenses, correct?

4 A. Yes.

5 Q. In the event that some or all of the charges were
6 not legitimate business expenses, were instead made
7 to pay personal expenses of Lamar Greene, were those
8 expenditures authorized by other members?

9 A. No.

10 Q. All right. Now, I know that you said you're not in
11 the best position to determine what charges were
12 business, and what were personal, but I do want to
13 ask you about a few of the charges on that exhibit.

14 On the spreadsheet there are several payments
15 highlighted in green, which were made to J&P
16 Enterprises. Were those legitimate business
17 expenses of Palmetto States?

18 A. I would think not.

19 Q. Do you --

20 A. I mean it -- but it, you know, it all says loans.
21 You know, the spreadsheet I have right in front of
22 me says a loan, a loan, a loan, a loan, a loan,
23 there's one, two, three, four, five, six, seven,
24 eight, nine, ten loans on the first sheet.

25 Q. Okay, do you know whether were those loans were paid

1 back?

2 A. I don't know.

3 Q. All right. Do you know what J&P Enterprises is?

4 A. I know that's Lamar's company that he has in
5 Gastonia, that he and -- him and Jeff have in
6 Gastonia.

7 Q. What did that company do?

8 A. Textile parts is kind of what I remembered.

9 Q. All right. What would J&P Enterprises have done for
10 Palmetto States?

11 A. I can't think what they could have done, you know,
12 'cause we wasn't in the textile business, we were
13 building condos.

14 Q. Okay. Item number 154 on that spreadsheet.

15 A. 154?

16 Q. Yes, sir.

17 A. Okay.

18 Q. I see \$2,571 payment to a builder named Clyde
19 Turney; do you see that?

20 A. (Reviews document.) I don't know Clyde Turney.

21 Q. Okay, and then there's a copy of the check on page
22 94 of the attachments. Do you know whether that
23 payment was a legitimate business expense of
24 Palmetto States?

25 A. (Reviews document.) I don't know, sir.

1 Q. What if I told you that Julie Greene testified the
2 payment was done for remodeling work on -- on their
3 house in Gaffney?

4 A. That wouldn't be a business expense.

5 Q. That would not be a business expense?

6 A. It would not.

7 Q. All right, what about item 47?

8 A. (Reviews document.) Riverpoint dock association
9 fees, no, that wouldn't -- I wouldn't assume that
10 would be a business expense.

11 Q. How much was that payment for?

12 A. \$500.

13 Q. All right, and what is Riverpoint?

14 A. That's where Lamar -- I think he built Riverpoint.
15 That's where he lived. What's the address? 144
16 Riverpoint.

17 Q. All right, is there any reason why that would be a
18 legitimate business expense for Palmetto States?

19 A. I wouldn't think so, it's the -- it's the
20 association fees.

21 Q. If you don't mind, turn to page 20 of that exhibit.

22 A. Page 20?

23 Q. Yes, sir.

24 A. Okay.

25 Q. And there's item number 38, do you see that labeled

1 on there?

2 A. (Reviews document.) Tom James, check 1159,
3 \$2,139.37.

4 Q. Okay, so that's a \$2,139 --

5 A. It says engineering fees.

6 Q. And that's a check to Tom James?

7 A. I think it says engineering fees. Can anybody read
8 that for me off the record or --

9 Q. No, just tell us what you see.

10 A. I can't see what that says there.

11 Q. What do you think it says?

12 A. (Reviews document.) My eyes -- the strength -- the
13 strength of my eyes aren't good enough. I can't
14 read it.

15 Q. All right. Can you tell what it starts with?

16 A. (Reviews document.) I cannot read it.

17 Q. All right, well, turn to page 27.

18 A. 27?

19 Q. Yes, sir. Item 54.

20 A. All right. (Reviews document.) Okay, it says, "Tom
21 James, engineer design."

22 Q. How much is that check for?

23 A. For check 1 -- 199, \$2,000.

24 Q. Okay. Turn to page 34, item number 65.

25 A. (Reviews document.) Tom James, I think it says

1 engineering.

2 Q. In -- in the memo line on the check?

3 A. Yeah, that's what it looks like it's saying.

4 Q. It says what?

5 A. Engineering.

6 Q. How much is that check for?

7 A. 2,679, check number 1078.

8 Q. Okay. What if I told you that Tom James isn't an
9 engineer, he's a clothing store, would that be an
10 authorized expense for Palmetto States funds?

11 A. Would not be.

12 Q. Okay. Let's put that exhibit back together, if you
13 don't mind, Coach, and clip it, so we don't lose any
14 pages. I'm going to show you Plaintiff's Exhibit 2.
15 Have you ever seen that exhibit?

16 A. (Reviews document.) I've seen -- let me look at
17 this. This Regions account statement, I did see
18 that.

19 Q. So you've seen the Regions account statements
20 attached to the spreadsheet?

21 A. No, I haven't seen the spreadsheet, I've seen this
22 (indicating).

23 Q. Okay. What person's in the best position to testify
24 whether the charges reflected on that exhibit were
25 legitimate business expenses of Palmetto States?

1 A. Mike Brown would be.

2 Q. All right. In the event that some or all of those
3 charges were not legitimate business expenses of
4 Palmetto States, but instead were made to pay
5 personal expenses of Lamar Green, were those
6 expenditures authorized by the other members?

7 A. No, sir.

8 Q. All right. Look at item 54, if you don't mind, and
9 it's on statement page 16. What is that charge?

10 A. Which one is it, 54?

11 Q. Yes, sir, 54.

12 A. (Reviews document.) Visa check card transaction to
13 the Pink Pony on 2/13 148.

14 Q. Do you know what the Pink Pony is?

15 A. No, sir.

16 Q. Okay. I'll show you another -- what if I told you
17 the Pink Pony is a strip club in Atlanta, is that a
18 legitimate business expense?

19 A. No, sir.

20 Q. Okay. I'll hand you another exhibit marked
21 Plaintiff's Exhibit 3. Have you ever seen that
22 exhibit before?

23 A. (Reviews document.) I don't think I've seen this at
24 all.

25 Q. All right, do you have any idea what that exhibit

1 is?

2 A. No, I don't.

3 Q. All right. I'll submit that that shows additional
4 charges out of an MBSC Palmetto States account.
5 What person's in the best position to testify
6 whether those charges reflected on Exhibit --
7 Plaintiff's Exhibit 3 were legitimate business
8 expenses of Palmetto States?

9 A. Mike Brown.

10 Q. In the event that some or all of those charges were
11 not legitimate business expenses of Palmetto States,
12 but were instead made to pay personal expenses of
13 Lamar Greene, were those expenditures authorized by
14 the other members?

15 A. No, it wasn't. What is -- it's got a payment to Lou
16 Jordan, \$6,000.

17 Q. Do you know who Lou Jordan is?

18 A. I know he's a real estate agent. He --

19 Q. Where?

20 A. In Clemson. Didn't have anything to do with any of
21 the projects.

22 Q. Okay. I'm going to hand you another exhibit marked
23 Plaintiff's Exhibit 4. Have you ever seen that
24 exhibit?

25 A. (Reviews document.) Is this not the checking

1 account (indicating)?

2 Q. Are you pointing to the --

3 A. First Citizens.

4 Q. Okay, so you're pointing to the bank statements
5 attached to the spreadsheet?

6 A. Yes, sir.

7 Q. All right, do you know what that exhibit is?

8 A. I assume it's the checking account, but it may not
9 be.

10 Q. Okay. Do you know what specific category of charges
11 those statements reflect?

12 A. No, is this the -- what is this? I don't know.

13 Q. You don't know? All right. Assuming that those
14 reflect additional debits out of First Citizens
15 account --

16 A. Okay, this came out of the account? This is a --
17 this is a First Citizen checking account -- business
18 checking account. It says that.

19 Q. Okay. Do you want to take a minute, and see if you
20 can refresh your memory as to what those charges
21 are?

22 A. (Reviews document.) This is just so -- saying a
23 commercial loan payment. I don't know. It says
24 641.67 is being drafted out of the account.

25 Q. Okay.

1 A. I don't know what it's for. They're basically
2 taking it out of there.

3 Q. Does it appear to be a monthly debit?

4 A. A monthly debit, yes, every month.

5 Q. What -- what person's in the best position to
6 testify as to whether that monthly debit was a
7 legitimate business expense of Palmetto States?

8 A. I would say Mike Brown.

9 Q. Well, let me ask you this, was Lamar Greene
10 authorized to pay personal loans back using Palmetto
11 States' funds?

12 A. No.

13 Q. I'm going to show you another exhibit. This exhibit
14 is marked Plaintiff's Exhibit 5.

15 A. (Reviews document.) It says -- it just says Lamar
16 Greene's salary history.

17 Q. Okay.

18 A. I've never seen this, but --

19 Q. All right, well, what person would be in the best
20 position to testify regarding the charges on that
21 exhibit?

22 A. Mike Brown would be.

23 Q. All right, well, remind me what the members agreed
24 to compensate Lamar Greene for his services.

25 A. \$10,000 a month.

1 Q. And that's 10,000 a month no matter how many
2 projects are going on, correct?

3 A. Right.

4 Q. Do you recall how long Mr. Greene was employed by
5 Palmetto States?

6 A. It would be -- we -- we signed that agreement when
7 we had the construction loan at the Regions Bank
8 with Davis Arnett. So what year would that be?
9 2005, or something like that.

10 Q. Uh-huh. Till when?

11 A. Well, till we removed him after the -- that Labor
12 Day weekend, that Labor Day. It would be sometime
13 in September of that year of 2007 --

14 Q. Okay.

15 A. -- we removed him.

16 Q. Do you remember when -- when he started drawing a
17 salary, approximately what time of year that was in
18 2000 -- in what year?

19 A. It was at the -- we had the construction loan at --
20 at The Spur. We agreed to do it then, so I'm just
21 -- I just -- I can't recall the exact date, I'm
22 sorry, I just don't.

23 Q. Okay.

24 A. I mean we should have that letter from Davis Arnett
25 that would give us --

1 Q. Does June 2005 to August 2007 sound right?

2 A. Yeah, I mean it would be in the summer.

3 Q. Okay.

4 A. I just didn't know exactly when.

5 Q. Assuming that's the correct timespan, that's 27
6 months, correct?

7 A. I don't know. Is -- from -- are you talking about
8 from June 2005 till --

9 Q. Through August 2007?

10 A. I hadn't counted it up, but if you tell me it's --

11 Q. All right.

12 A. -- 27 months, I'll --

13 Q. All right, what's 27 times 10,000.

14 A. 270,000.

15 Q. Okay. To the extent that Mr. Greene paid himself
16 salary in excess of \$10,000 a month --

17 A. He should have --

18 Q. -- for 27 months,

19 A. He should have received a \$50,000 bonus too.

20 Q. Okay.

21 A. And a \$10,000 check.

22 Q. Uh-huh.

23 A. Because he -- we all paid each other back the
24 10,000, and then he should have received that and
25 the \$50,000 bonus.

1 Q. All right. Well, look through that exhibit, and
2 tell me whether the \$50,000 check and the \$10,000
3 check are on there.

4 A. Okay, it'll take me a little while, yeah.

5 Q. Take your time.

6 A. (Reviews document.) Oh, yeah, I see a check for
7 \$30,000 for a bonus, you know.

8 Q. Coach West?

9 A. Yeah.

10 Q. Leaving the \$60,000 bonus aside for the time, to the
11 extent that Lamar Greene paid himself salary in ex
12 -- in excess of \$270,000, was that -- was he
13 authorized to pay him that -- that excess salary?

14 A. The \$270,000 he was authorized to do, and he was
15 authorized to receive the \$50,000 bonus, and a
16 \$10,000 check back to -- for his -- what he put up.

17 Q. Okay.

18 A. Is that -- do I need to keep looking through there?

19 Q. No, I'm going to ask you about this next exhibit,
20 Plaintiff's Exhibit 6. Have you ever seen that
21 exhibit?

22 A. (Reviews document.) No, I've not seen this.

23 Q. Okay, and do you know what that exhibit is?

24 A. It says First Citizens cash withdrawals.

25 Q. All right, was Lamar Greene authorized to make

1 undocumented cash with -- withdrawals?

2 A. Yeah, he can make anything to do with the company.

3 He could -- he could do whatever he needed to do.

4 Q. All right. Do you know whether those withdrawals
5 were -- had anything to do with the company?

6 A. I do not know.

7 Q. Okay. There's also a wire reflected in that
8 exhibit; do you see that wire?

9 A. Where would it be at?

10 Q. Look at the front page, and it would be on page 11,
11 letter L.

12 A. (Reviews document.) Okay, I see a wire transfer
13 reference number on 2/28, and I assume this is 2006.

14 Q. Okay, how much is that wire?

15 A. \$16,039 even.

16 Q. All right. In the event that that wire was to a law
17 firm in Charlotte and was made to pay a retainer for
18 J.P. Enterprises, was that an authorized expenditure
19 of Palmetto States funds?

20 A. No, it would not be.

21 Q. All right. Coach West, if you don't mind, just
22 explain to the Jury how Lamar Greene was able to
23 misappropriate these funds.

24 MR. TALLEY:

25 Objection.

1 MR. PRICE:

2 Basis?

3 MR. TALLEY:

4 Speculation.

5 EXAMINATION CONTINUES BY MR. PRICE:

6 Q. Coach West, have you not already testified that you
7 believe that Lamar Greene misappropriated funds?

8 A. Yes, I do.

9 Q. Okay. In the event that he did misappropriate
10 funds, explain to the Jury how he was able to do
11 that, without you and Coach Rodriguez noticing
12 before September of 2007?

13 A. The biggest mistake that me and Rich made is we
14 trusted, and didn't allow the bank statements to
15 come to us back in -- when we formed the company.
16 If we would have done that and had the statements
17 come to us, then we would have known about the loans
18 to -- to the J.P. Enterprises, and we would have
19 probably got all that worked out and handled, and
20 then it would have stopped.

21 Q. Well, why didn't you keep a better watch on the
22 finances?

23 A. Stupid. Just -- we were both very stupid and
24 trusted, probably the biggest mistake of our lives,
25 trusting.

1 MR. PRICE:

2 Thank you, Coach West, I have no further questions.

3 Mr. Talley may have some for you.

4 MR. TALLEY:

5 Thank you.

6 EXAMINATION BY MR. TALLEY:

7 Q. Mr. West, we've met before, my name is Scott Talley.

8 I would like to ask you a couple things. When

9 Palmetto States was formed, did -- do you remember

10 signing an operating agreement?

11 A. Yes, we did, I think so, yes, sir.

12 Q. And do you recall that that operating agreement gave

13 all members equal access to the records and books of

14 the company?

15 A. Yes, sir.

16 Q. All right. At any point during the company's

17 existence, did you ask to see the books?

18 A. No.

19 Q. Did you ever call the bank and look through the bank

20 statements?

21 A. No, and that's -- that's what I'm saying, we -- we

22 didn't. We -- we trusted.

23 Q. Was there ever an agreement in place for the company

24 to pay Mike Brown for any of his personal expenses?

25 A. Yes. We -- we -- we hired him.

1 Q. Okay. What was that arrangement?

2 A. Lamar paid him -- Lamar arranged the whole deal. I
3 don't know what -- what he -- they worked out, but
4 Lamar wanted to use him to help him, and so he hired
5 him. He actually worked with Lamar.

6 Q. If I understood your earlier testimony, your -- your
7 objection is to non-company related expenses,
8 correct?

9 A. Yeah, that's all.

10 Q. Okay. If the company was paying a loan on a condo
11 at The Spur for Mr. Brown's wife, do you think
12 that's a legitimate company expense?

13 A. You know, I don't think that would be legitimate.

14 Q. Should it be paid back?

15 A. I would think so.

16 Q. Okay.

17 A. I mean unless it was a salary deal. I mean I don't
18 know.

19 Q. Do you know what the Mac Club is? M-A-C Club. It's
20 listed on Exhibit 1 which you testified from
21 earlier.

22 A. Okay, could -- if I could look at it.

23 Q. Take your time, yes, sir. Where's the marked
24 exhibit? This line item's 35 and 36 on the first
25 page.

1 A. (Reviews document.) I have no idea, sir.

2 Q. If I told you that was a athletic booster club at
3 West Virginia University, does that refresh your
4 recollection at all?

5 A. No, it doesn't, but I wouldn't -- I would be shocked
6 that we were involved in that.

7 Q. I mean would that be paid back?

8 A. I would think so. It's the Mac Club, I mean --

9 Q. Do you know if that's something Coach Rodriguez
10 would have asked for while he was at West Virginia?

11 A. I do not know that for a fact. It's -- now, they --
12 they had a club called The Eleven Hundred Club, that
13 I know they, you know, it was kind of -- you'd have
14 to do the research on it, I don't know all the
15 details on it.

16 Q. If you look at the second page of that document,
17 sir, at the top, item 62 and 63, payments to a
18 gentleman, Antonio Clay and Dwayne Coleman, do you
19 know either of those individuals?

20 A. (Reviews document.) Yes, I know both of those young
21 men.

22 Q. Who are they?

23 A. They are guys that played at Clemson, and they may
24 of -- I know one time they did go -- had kids go
25 down there and do some work down in Columbia at the

1 down there and do some work down in Columbia at the
2 -- at the projects, you know, around the project,
3 cleaning up grounds, and doing that sort of thing,
4 so maybe they were hired to do, you know, work.

5 Q. Okay. Item 68 is a gentleman named Anthony Waters,
6 do you know him?

7 A. (Reviews document.) Yeah, he was -- him -- they
8 were all -- so they may have done it then. I don't
9 know. I don't know, you know, I really don't know.

10 Q. Was this about the time that these athletes may have
11 been trying to go into the NFL represented by Mr.
12 Brown?

13 A. I wouldn't know that.

14 Q. If you'll look at the last exhibit, Number 6, and on
15 page three of that exhibit, sir.

16 A. Yes, sir.

17 Q. There is a check at the bottom left-hand corner of
18 page three, check 1168 for \$2,400 to Rocky McIntosh,
19 dated February 10, 2006. Do you know that
20 gentleman?

21 A. (Reviews document.) We recruited him, and he went
22 to Miami, so I -- I don't know his involvement in
23 it. I do not know anything about that.

24 Q. If I told you at the time this check was written, he
25 was a client of Mr. Brown, and that was travel

1 expenses to get him to an NFL combine, do you think
2 that's a legitimate business expense?

3 MR. PRICE:

4 Objection, that fact's not in evidence.

5 EXAMINATION CONTINUES BY MR. TALLEY:

6 Q. You can answer.

7 A. What me to answer it or not answer it?

8 MR. PRICE:

9 You need to answer it.

10 EXAMINATION CONTINUES BY MR. TALLEY:

11 Q. You can answer it over his objection, yes, sir.

12 A. Oh, I wouldn't think it would be.

13 Q. So it's not a business expense?

14 A. I wouldn't think it would be, no.

15 Q. If you'll look at this first exhibit again. I'm
16 sorry to be skipping around on you. On page 27 of
17 that exhibit, at the very top, the left-hand check
18 is 1061, a check in the amount of \$602 to Rocky
19 McIntosh, March of 2006 for travel expenses. Is
20 that a legitimate billing -- business expense?

21 A. I wouldn't think it would be.

22 Q. Okay, is there any action the members have taken to
23 recoup any of these other monies paid to people?

24 A. Sir, you want to know my involvement in trying to do
25 this, I've kind of just left the scene, and I'm just

1 trying to make a living coaching.

2 Q. Okay.

3 A. I've not been involved in it at all. We turned this
4 thing over to Mike Brown in September of 2007, and
5 my -- my whole thought process is, is that I just
6 want to just make it right, and get everybody, you
7 know, get -- get everything done whatever we can do
8 with. I've not been involved, and not been involved
9 in recouping anything, or doing anything. I have --
10 all I've done is, I've been working, coaching
11 college football.

12 Q. I under -- I understand.

13 A. So I don't understand what you're asking me. I've
14 not --

15 Q. Do you --

16 A. I don't know. You'd -- you would have to talk to
17 Mike Brown, because he's been run -- running the
18 company.

19 Q. Okay.

20 A. And he would be able to tell you what has been done
21 as far as recouping money from these other
22 individuals, I would not know.

23 Q. But as a member of the company --

24 A. I don't get statements per month. I don't get facts
25 every month that tells me exactly what's going on.

1 I don't get all that, so I don't know.

2 Q. But as -- but as a member of the company, if there
3 are expenses listed --

4 A. Uh-huh.

5 Q. -- that are not business related, my understanding
6 of your testimony is those are not legitimate
7 expenses and should be paid back?

8 A. Yeah, I would think so.

9 Q. Okay. You mentioned that business meetings amongst
10 the members took place from time-to-time. Could you
11 tell me the location of those trips that y'all would
12 take?

13 A. We went to Sullivan's Island one time. Stayed there
14 like two nights, three nights, and -- and,
15 basically, met, talked, played golf.

16 Q. Okay, if you'll look at this first exhibit here
17 again, item 72 on the second page, lists travel to
18 Charleston, and --

19 A. I don't know if that's the date, but if that's the
20 date, then it probably would be a legit business
21 expense.

22 Q. Okay, so that -- that would not be -- if that -- if
23 that's the trip that the members took, that's a
24 legitimate business expense, right?

25 A. Yeah. The date -- I can't, you know, I just can't

1 remember the date.

2 Q. And there was a trip to Myrtle Beach at some point,
3 as well, correct?

4 A. Yeah, I didn't get to make that trip.

5 Q. Okay.

6 A. Rich and Lamar went on that trip. I didn't make
7 that trip. I was somewhere -- had to be somewhere.

8 Q. So item -- that's item 143 on the spreadsheet on the
9 first exhibit. It looks like that took place around
10 May of 2007.

11 MR. PRICE:

12 Objection, there's no -- there's no evidence that
13 that's the trip you're referring to.

14 MR. TALLEY:

15 This is your exhibit.

16 MR. PRICE:

17 Right, but there's no evidence -- there's no
18 evidence that that charge refers to the business
19 trip that you're referring to.

20 MR. TALLEY:

21 Well, I'm -- that's what -- that's what I'm asking
22 him.

23 MR. PRICE:

24 Okay.

25 MR. TALLEY:

1 All right? He's already testified that there was a
2 trip to Myrtle Beach, at some point, he just wasn't
3 sure --

4 WITNESS CONTINUES:

5 A. Yes, sir. I wasn't on the trip.

6 Q. So if this was the Myrtle Beach trip in May of 2007,
7 that \$5,500, considering it's company business, is a
8 legitimate business expense?

9 A. If it was the trip? Yes, it would be.

10 Q. Who is Darren Bruce?

11 A. Darren was a team Chaplin of -- at Tulane with me
12 and Rich -- Tulane, and came to Clemson. And bless
13 his heart, he -- he's dead now.

14 Q. Oh, I'm sorry.

15 A. He died a young life -- but -- had a young life, but
16 he -- he worked here with Coach Bowden and us. And
17 then he got into a ministry in Easley and Greenville
18 developing a camp for -- for underprivileged kids.

19 And we agreed to pay -- I remember one time we
20 agreed to pay some money, like 1,500 for his camp.

21 Q. Okay.

22 A. To help him -- to help him out. We all three agreed
23 to do that.

24 Q. And I assure you, I'm not trying to belabor this
25 point, but there's several entries in this Exhibit

1 1, to Darren Bruce Ministries, it's for --

2 A. I don't -- hadn't even...

3 Q. -- \$1,000, one's for \$500, one's for 1,250. Do you
4 know what those were for?

5 A. I know that we agreed to pay for those kids to go to
6 camp. And I, you know, if it was -- if it was
7 \$2,500, let it go. Because I know that we wanted
8 those underprivileged kids to go to camp, and me and
9 Rich agreed to it. Now, you know, past that much,
10 \$2,500, I would -- I don't think we ever agreed for
11 anything past that. I know it was a one-time deal
12 that we wanted those kids to go to camp, and it was
13 a way to sponsor them.

14 Q. Who is Tony Gibson?

15 A. Tony Gibson? Tony Gibson actually coaches for Rich
16 at Arizona now. He was, at that time, he would have
17 been with Rich at -- at West -- West Virginia.

18 Q. Okay. Did he have any involvement in Palmetto
19 States at all?

20 A. Well, actually, he did. I mean he actually had
21 involved, you know, I think he had bought a unit.

22 Q. Okay.

23 A. Either at The Spur or -- or Alabama.

24 Q. Were you aware that he'd been loaned money by the
25 company?

1 A. No, I didn't know that.

2 Q. Do you know if any actions have been taken to recoup
3 the loan paid to him?

4 A. No, I don't. I didn't know. What is -- I'm just
5 curious, why would we need plastic surgery? On
6 Exhibit 1 it says Carolina Plastic Surgery. Does
7 anybody know what that is?

8 Q. If you'll look at --

9 A. I'm just curious, I mean --

10 Q. -- I believe it was Exhibit 5.

11 A. Five? (Reviews document.)

12 Q. And I think your earlier testimony was that the --
13 the salary during the timeframe in which Mr. Greene
14 was involved --

15 A. Was 10,000 a month.

16 Q. -- would be 270,000 total.

17 A. You know, I'm going to be honest with you, I need to
18 know exactly when the letter was given to Davis
19 Arnett. I don't know exactly the date. I know it
20 was in the summer. It might have been in May.

21 Q. Okay.

22 A. I mean I'm not exactly sure. I know it's when we
23 got the construction loan, and we agreed to -- to
24 pay Lamar 10,000 a month.

25 Q. The first entry on this exhibit looks like it was

1 July of 2005 from a construction loan at Regions
2 Bank.

3 A. Yeah.

4 Q. Okay. So if we take what Counsel asked you as
5 accurate as 27 months, that'd be \$270,000 in salary,
6 correct?

7 A. Yeah, if that's -- if that's exactly right.

8 Q. Right. Plus --

9 A. Plus 50,000.

10 Q. Right.

11 A. Plus ten.

12 Q. All right, so math is not my strong suit, but --

13 A. Mine neither.

14 Q. -- if my math is correct, that's --

15 A. That's 330.

16 Q. 330, I agree with you. All right, so, hopefully,
17 we're both right in that regard. This document
18 alleges that the salary overpayment was \$76,881.

19 A. Then that would mean that it -- it -- we're --
20 there's 60,000 there that I never found.

21 Q. But that was allowed?

22 A. That was allowed, and I never found it, 'cause I --
23 I looked for the checks, but I said we took a
24 \$50,000 bonus or whatever it was, it was agreed by
25 three members. And then there was a 10,000 payback

1 on initial deal. So I agree with you on what you're
2 saying. Is that what you're asking me?

3 Q. Yes, sir.

4 A. Yes.

5 Q. I just want to make sure you and I agree on those
6 numbers.

7 A. Yeah, I want to -- I want to do exactly what's
8 right.

9 Q. What was Mr. Brown's involvement with the Alabama
10 project?

11 A. He knew the administration there, the AD, and
12 assistant ADs, and so he kind of helped get us in
13 the door with the administration there. See, what
14 we did is, we -- I don't know if you're aware of
15 this, that project is when we started it, we gave
16 one percent of sales to the University of Alabama.
17 In turn, they put us on their mail-outs. They --
18 they helped us sell the project; see what I'm
19 saying?

20 Q. Yes, sir.

21 A. So I think Mike kind of helped bridge those gaps
22 between the administration and -- and the
23 company.

24 Q. Was Mike, to your knowledge, involved from the
25 outset of the Alabama project?

1 A. From the what, sir?

2 Q. From the outset of the Alabama project.

3 A. Restate that.

4 Q. Okay. To your knowledge, was Mike involved from the
5 very beginning of the Alabama project?

6 A. Just can't remember.

7 Q. Okay.

8 A. I mean I -- I don't remember when Mike went
9 onboard. I just can't remember all that now. I mean
10 -- I just can't remember, sir.

11 MR. TALLEY:

12 No further questions. Thank you for your time.

13 WITNESS:

14 Okay, thank you.

15 REEXAMINATION BY MR. PRICE:

16 Q. I have just a few, Coach West.

17 A. You do? Okay.

18 Q. Just a few.

19 A. I would like to go to vacation.

20 Q. I understand. Mr. Talley asked you about items 72
21 on Exhibit 1.

22 A. 72 on Exhibit 1?

23 Q. Yes, sir.

24 A. Okay, it'd be under here.

25 Q. Yeah. If you could just look. It says, "Travel to

1 Charleston."

2 A. (Reviews document.) Yes, I -- like I said, I don't
3 -- that one I know we took a trip to --

4 Q. Do you know whether that's the trip to Sullivan's
5 Island?

6 A. I do not know. You'd --

7 Q. Okay.

8 A. -- have to -- I mean Rich would probably have the
9 date down. You know, we took a trip to Sullivan's
10 Island.

11 Q. Okay.

12 A. I can't tell you.

13 Q. What about item 142 and 143?

14 A. 142.

15 Q. Do you know whether that's the trip -- the business
16 trip to Myrtle Beach?

17 A. (Reviews document.) I don't know. It does -- it
18 says -- 143 says, "Lamar Greene Myrtle Beach Outing,
19 \$5,500." I mean I would -- I, you know, I assume it
20 is. I don't know.

21 Q. Okay.

22 A. I would have to check the dates.

23 Q. Did Mr. Green's counsel provide any evidence that
24 that was the trip to Myrtle Beach -- the business
25 trip to Myrtle Beach?

1 A. No, he didn't -- he didn't provide it, but I -- I
2 did -- all I want to do is go on record as stating
3 that the company took a trip to Charleston or to
4 Sullivan's Island and to Myrtle Beach. I wasn't
5 involved in the Myrtle Beach trip, but I know that
6 Rich and Lamar were in Myrtle Beach at one time.

7 Q. All right.

8 A. I think it was actually North Myrtle Beach
9 actually.

10 Q. I'm going -- I'm going to ask you about Darren
11 Bruce. And if you look, items 69, --

12 A. 69.

13 Q. -- that -- that's a payment to Darren Bruce,
14 correct?

15 A. (Reviews document.) Uh-huh.

16 Q. Item 115.

17 A. Is that the first payment to Darren Bruce?

18 Q. I mean I don't -- you'd have to tell us, but --

19 A. I mean is -- is this in order chrono -- this
20 spreadsheet or --

21 Q. Could be.

22 A. All I'm -- all I'm telling you is that me and Rich
23 allowed Lamar to pay Darren Bruce. It might have
24 been 2,500, it might have been 2,000. I don't know
25 exactly the figure, but we allowed him to do it,

1 because we wanted to help those underprivileged
2 kids. And -- and he --

3 Q. Did you allow him to pay \$9,250?

4 A. To Darren Bruce? No, not that much.

5 Q. All right. And if we could go back and look one
6 more time, you got a \$10,000 return of your money,
7 correct?

8 A. Correct.

9 Q. Okay, so let's look item --

10 A. We all got -- we all got the same thing.

11 Q. Okay.

12 A. \$10,000, and then the \$50,000.

13 Q. All right, Exhibit 5. Now, when you got your
14 \$10,000 check, you got a \$10,000 check, correct?

15 A. I would have thought it was a check.

16 Q. Okay.

17 A. Okay, I kind of remember a check. I reported it on
18 my income tax as a check.

19 Q. When you got a bonus, a \$50,000 bonus, you got a
20 \$50,000 bonus, correct?

21 A. Yeah.

22 Q. All right. Did -- did Mr. Greene's counsel provide
23 you a copy of -- of \$60,000 in bonus checks made to
24 Lamar Greene?

25 MR. TALLEY:

1 Objection.. Off the record.

2 (OFF RECORD)

3 REEXAMINATION CONTINUES BY MR. PRICE:

4 Q. Coach West, do you know whether the \$60,000 in
5 bonuses that was paid to Lamar Greene is reflected
6 on that exhibit or not?

7 A. I never saw it on here. I just don't know.

8 Q. All right, so if somebody were to show you evidence
9 of an additional \$60,000 in payments to Lamar Greene
10 so that Lamar Green, actually when you count his
11 bonuses received \$406,881 in payments, would you
12 believe that he'd be entitled to the -- would you
13 believe that Lamar Greene was overpaid as shown on
14 Plaintiff's Exhibit 5?

15 A. Yes, if -- if -- all I'm -- all I'm saying, to make
16 sure everybody understands this right, that he was
17 entitled to 27 months of salary of 270,000, and
18 \$60,000, a 10,000 payback, then a \$50,000 bonus,
19 that's all I'm saying.

20 Q. Okay.

21 A. So whatever -- however that comes out, that's what
22 I'm saying.

23 Q. So anything he was paid in excess of that --

24 A. Would have been an overpay.

25 Q. Was -- was it authorized?

DEPOSITION OF RONALD EUGENE WEST

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1 A. It wasn't authorized.

2 MR. PRICE:

3 Okay, no further questions, Coach West, thank you.

4 (There being no further questions, the deposition was
5 concluded at 11:19 a.m.)

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CERTIFICATE

I, the undersigned, Cathy L. Young, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing deposition was taken on the 19th day of March, 2012;

That the within deponent was sworn to tell the truth and that the foregoing is an accurate transcription of the testimony taken under oath;

I further certify that I am neither Counsel nor Solicitor to any of the parties in said suit, nor interested in the event of the cause.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of April, 2012.

COPY

CATHY L. YOUNG, CVR

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES FEBRUARY 19, 2019.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Special Referee

Case No. 2008-CP-39-56
Appellate Case No. 2013-002154

Palmetto State Enterprises,
LLC,

Respondent,

v.

Clegg Lamar Greene a/k/a
Lamar Greene, Juleene
Greene, a/k/a Julie Greene, J
& P Enterprises of the
Carolinas, Inc., and Gaston
Engineering, Inc.,

Defendants,

Of Whom

J & P Enterprises of the
Carolinas, Inc. is the

Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material
proposed to be included by any of the parties and not any other material.

Dated: June 3, 2014

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Scott F. Talley

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the Carolinas, Inc.