

RECEIVED**Mar 02 2021****SC Court of Appeals****FAX****Date:** 03/02/2021

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NOTE:

Case No. 2020-000021 Record on Appeal - Part 2 of 9. Correction the ROA will be sent in 9 separate parts.

litigation. George Combis' position was found to be without material merit. Further, George Combis was previously held in default in an action filed by his sisters.

FOR A SECOND DEFENSE TO ALL COUNTERCLAIMS

3. Reserving all jurisdictional defenses and other defenses herein, Plaintiff reiterates the allegations of the Complaint and denies all allegations inconsistent with the Complaint.
4. Defendant has failed to state any cause of action upon which relief may be granted. Accordingly, Defendant's counterclaims should be dismissed, pursuant to Rules 12(b)(6), 12(b)(8), 12(c) and 12(f), SCRPC.

FOR A THIRD DEFENSE TO ALL COUNTERCLAIMS

5. Reserving all jurisdictional defenses and other defenses herein, Plaintiff reiterates the allegations of the Complaint and denies all allegations inconsistent with the Complaint.
6. George Combis has asserted claims against a licensed professional that would have required the timely submission of contemporaneous affidavits from expert(s) pursuant to, *inter alia*, SC Code § 15-36-100 . Having not done so, the counterclaim and material defenses should be dismissed.

FOR A FOURTH DEFENSE TO ALL COUNTERCLAIMS

7. Reserving all jurisdictional defenses and other defenses herein, Plaintiff reiterates the allegations of the Complaint and denies all allegations inconsistent with the Complaint.
8. Claims raised by Defendant have been previously addressed and/or required to be raised by Defendant George Combis by virtue of various Orders of the Court, including Order of the Probate Court, the Circuit Court, and by the Federal Court (Order attached hereto). Accordingly, Defendant's material defenses and counterclaims should be dismissed. Further, in related litigation between

Defendant George Combis and his sisters involving a common nucleus of operative facts, Defendant George Combis defaulted and did not seek relief from default. Thus, he is precluded and estopped from raising the same issues herein. Accordingly, George Combis' defenses and counterclaims and proposed Third Party Complaint [sic] should be stricken and/or dismissed.

FOR A FIFTH DEFENSE TO ALL COUNTERCLAIMS

9. Reserving all jurisdictional defenses and other defenses herein, Plaintiff reiterates the allegations of the Complaint and denies all allegations inconsistent with the Complaint.
10. To the extent Defendant had any cognizable claims, they were required to be raised in other venues and/or in other cases and Plaintiff pleads in addition and/or alternatively *res judicata* as a complete bar to Defendant's counterclaims. Defendant is precluded and collaterally estopped from attempting to relitigate the issues once again.

FOR A SIXTH DEFENSE TO ALL COUNTERCLAIMS

11. Reserving all jurisdictional defenses and other defenses herein, Plaintiff reiterates the allegations of the Complaint and denies all allegations inconsistent with the Complaint.
12. To the extent Defendant had any cognizable claim (whether or not precluded by prior litigation), Plaintiff pleads the statute of limitations as a complete bar to Defendant's counterclaims.

FOR A SEVENTH DEFENSE TO ALL COUNTERCLAIMS

13. Reserving all jurisdictional defenses and other defenses herein, Plaintiff reiterates the allegations of the Complaint and denies all allegations inconsistent with the Complaint.
14. Plaintiff pleads equity, laches, and estoppel as defenses to all Defendant George Combis' defenses and counterclaims.

FOR AN EIGHTH DEFENSE TO ALL COUNTERCLAIMS

15. Reserving all rights under Plaintiff's motions filed contemporaneously, Plaintiff reiterates the allegations of the Complaint, reserving all jurisdictional defenses herein, and denies all allegations inconsistent with the Complaint. Additionally, each and every allegation of George Combis' Motion, Answer, Counterclaim and Third Party Complaint [sic] is denied unless specifically admitted.
16. Paragraphs forty-two (42) through forty-four (44) and paragraph forty-six (46) are admitted.
17. Paragraph forty-seven (47) is denied as it relates to jurisdiction over defenses, counterclaims and third party issues raised by George Combis.
18. Paragraph forty-eight (48) is denied as alleged, provided George Combis and his sisters are named beneficiaries of their father's trust as amended, which trust became irrevocable.
19. Paragraph forty-nine (49) is admitted.
20. Paragraph fifty (50) is admitted.
21. Paragraph fifty-one (51) is admitted.
22. Paragraph fifty-two (52) is admitted.
23. Paragraph fifty-three (53) is denied as alleged, provided the time to file an inventory was extended by the Court, without objection by Defendant George Combis. Further, the inventory was then timely and properly filed.
24. Paragraph fifty-four (54) is denied as alleged. Plaintiff would show by explanation that she communicated with both counsel. Further, both George Combis and Diane Combis had by that point engaged in serious misconduct, including breach of fiduciary duties and Diane Combis was specifically found to have also engaged in constructive fraud for the benefit of herself and George Combis.
25. Paragraph fifty-five (55) is denied as alleged. In that regard, any communication speaks for itself as to content and inferences to be drawn. Further, the Federal District Court found and concluded that Plaintiff acted properly in listing the business (see paragraphs 68 and 69 of the Court's Order dated September 1, 2016).

26. Paragraph fifty-six (56) is admitted, excepting the timing of execution and delivery to Plaintiff by George and Diane Combis and that the Combis sisters had executed the document at an earlier date.
27. Paragraph fifty-seven (57) is denied as alleged in that no agreement has been submitted by Defendant George Combis. Plaintiff acknowledges that there was an agreement, which Plaintiff submits is relevant and dispositive of many of the issues now raised and/or re-raised by Defendant George Combis.
28. Paragraph fifty-eight (58) is denied as it relates to George Combis' defenses and counterclaims. Again, there is an agreement and reference is made to relevant portions.
29. Paragraph fifty-nine (59) is admitted.
30. Paragraph sixty (60) is admitted.
31. Paragraph sixty-one (61) is denied as alleged, except that the agreement and its terms in context speaks for themselves. Plaintiff craves reference to the agreement.
32. Paragraph sixty-two (62) is denied as alleged. By way of explanation, Plaintiff would show that in separate and distinct litigation (in which George and Diane Combis would not comply with pertinent rules of court-related discovery), the Combis sisters moved to compel discovery. Thereafter, George and Diane Combis removed [sic] the case to Federal District Court in North Carolina. In doing so, they violated a most fundamental and basic tenant of law – that the home state defendant cannot remove to Federal Court based on diversity. Thereafter, they were in essence sanctioned by the Court for misconduct. The agreement to waive sanctions was, on information and belief, predicated upon Defendant Combis' agreement to litigate all issues in South Carolina; which agreement George Combis violated repeatedly.
33. Paragraphs sixty-three (63) and sixty-four (64) are admitted as they relate to the estate.
34. Paragraph sixty-five (65) is admitted.
35. Paragraph sixty-six (66) is denied as alleged, except there was a mediation, but it was clearly subsequent to October 18, 2013.
36. Paragraph sixty-seven (67) is admitted.

37. Paragraph sixty-eight (68) is admitted.
38. Paragraph sixty-nine (69) is admitted.
39. Paragraph seventy (70) is admitted.
40. Paragraph seventy-one (71) is denied as alleged. No Court was involved in the process and, to the degree it is not relevant, the document speaks for itself.
41. Paragraphs seventy-two (72) through seventy-four (74) are admitted, provided that Plaintiff in her representative capacity raised the issue of jurisdiction.
42. Paragraph seventy-five (75) is denied as alleged, and Plaintiff craves reference to various Orders of the Court.
43. Paragraph seventy-six (76) is admitted.
44. Paragraph seventy-seven (77) is denied as alleged.
45. Paragraph seventy-eight (78) is denied as alleged. Plaintiff craves reference to the transcript and Court's Order as to context and import.
46. Paragraph seventy-nine (79) is admitted.
47. Paragraph eighty (80) is denied as alleged. There was a dismissal. The dismissal was based on a conclusion that there was a failure to refile after a single dismissal. The claim was not dismissed on the underlying factual merits. The issue is under appeal.
48. Paragraph eighty-one (81) is admitted, provided Plaintiff craves reference to the Order as to import in context.
49. Paragraph eighty-two (82) is denied as alleged. Plaintiff craves reference to the Order as to import in context.
50. Plaintiff admits the Combis sisters did not appeal. Otherwise, paragraph eighty-three (83) is denied as alleged.
51. Paragraph eighty-four (84) is denied as alleged. Plaintiff in a representative capacity appealed only the portion of the Order that related to the Court's conclusion that a single voluntary dismissal without prejudice precludes further litigation.
52. Paragraph eighty-five (85) is denied as alleged and is otherwise incomplete and out of context. By way of explanation, George Combis filed a notice of appeal in both

the estate and trust cases. However, it appears he is only appealing the Federal District Court's Order in the trust matter.

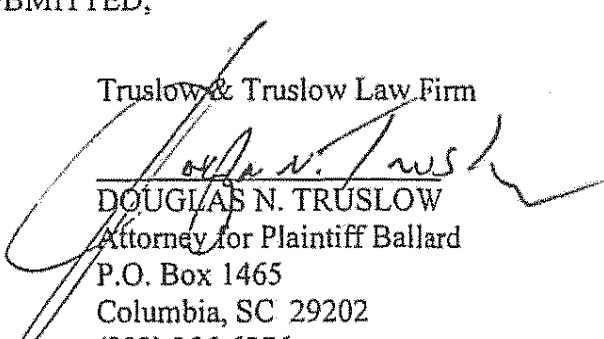
53. Paragraph eighty-six (86) is denied as alleged. By way of explanation, there are appeals. However, Plaintiff is only appealing in the estate matter and in only a representative capacity. The appeals are pending.
54. Paragraph eighty-seven (87) is denied as alleged.
55. Paragraph eighty-eight (88) is denied as alleged. However, there is believed to be a binding contract and/or legal obligations for George Combis to pay legal fees and costs.
56. Paragraph eighty-nine (89) is denied as alleged. Plaintiff admits there was an agreement and craves reference as to the document itself as to terms in context and import.
57. Paragraph ninety (90) is denied.
58. Paragraph ninety-one (91) is admitted.
59. Paragraph ninety-two (92) is denied.
60. Paragraph ninety-three (93) is denied.
61. Paragraph ninety-four (94) is admitted.
62. Paragraph ninety-five (95) is denied as alleged and is out of context. Plaintiff craves reference to the document itself.
63. Paragraph ninety-six (96) is denied as alleged and is out of context. Plaintiff craves reference to the document itself in context and as to import.
64. Paragraph ninety-seven (97) is admitted.
65. Paragraph ninety-eight (98) is denied as alleged. By way of further explanation, Plaintiff would show that George Combis has appealed and contends that there is inadequate money to pay Ballard.
66. Paragraph ninety-nine (99) is denied.
67. Paragraph one hundred (100) is denied.
68. Paragraph one hundred and one (101) is denied as alleged and does not relate to Plaintiff. Plaintiff craves reference to the document, in context and as to import which Defendant George Combis has not attached.
69. Paragraph one hundred and two (102) is denied as alleged.

70. Paragraph one hundred and three (103) is denied as alleged and in context.
71. Paragraph one hundred and four (104) is denied as alleged, is not an in-context allegation against Plaintiff and is therefore, *inter alia*, denied as alleged.
72. Paragraph one hundred and five (105) is denied.
73. Paragraph one hundred and six (106) is denied.
74. Paragraph one hundred and seven (107) is denied as alleged.
75. Paragraph one hundred and eight (108) is denied as alleged. By way of explanation, Ballard was a successor Trustee and the agreement speaks for itself.
76. Paragraph one hundred and nine (109) is denied as alleged.
77. Paragraphs one hundred and ten (110), one hundred and eleven (111), and one hundred and twelve (112) are denied as alleged.
78. Paragraph one hundred and thirteen (113) is denied as alleged.
79. Paragraphs one hundred and fourteen (114) through one hundred and seventeen (117) do not constitute a valid claim against Plaintiff and are otherwise denied as alleged.

WHEREFORE, having fully replied to the Motion, Answer, Counterclaim and Third Party Complaint [sic] of George Combis herein, Plaintiff prays that same be dismissed, with prejudice and that Plaintiff be granted the relief sought in the Complaint herein.

RESPECTFULLY SUBMITTED,

Truslow & Truslow Law Firm


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April 4, 2017

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

) IN THE COURT OF COMMON PLEAS
) Case No. 2014-CP-29-00306
)

IN THE MATTER OF ESTATE
OF CHRIS COMBIS,

Desa Ballard, as Personal Representative
of the Estate of Chris Combis,

Petitioner,

vs.

George Combis, Chris A. Combis,
Diane Combis,

Respondents.

VERIFIED PETITION AND
REQUEST FOR RULE TO
SHOW CAUSE

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LANCASTER, SC

Petitioner Desa Ballard (hereafter "Ballard"), in her capacity as personal representative of the Estate of Chris Combis (hereafter "Estate"), seeks an order of this Court requiring Respondents George Combis (hereafter "George"), Chris A. Combis (hereafter "Chris A¹"), and Diane Combis (hereafter "Diane"), appear before this Court, to show cause, if any they can, why they should not be held in contempt of court for violating this Court's order, and sanctioned appropriately as set forth herein.

In her capacity as Personal Representative, Ballard served subpoenas on George, Chris A. and Diane to produce specific items of personal property she has identified as assets of the estate, but which are acknowledged to be in the possession of the

¹ The designation "Chris A." is used to distinguish Respondent from his late grandfather, Chris Combis, whose estate is being probated and for which Ballard serves as Personal Representative.

Respondents. After Respondents refused to respond to the subpoenas, Ballard filed a Motion to Compel.

This Court issued an Order dated August 9, 2017 in which it required Respondents to deliver the subpoenaed items to Ballard for purposes of appraisal and valuation for the estate proceedings.

As set forth in more detail in the attached affidavit, Respondents' counsel delivered certain items to Ballard's office on Monday, August 14, 2017. The items, however, are not the items that were the subject of the subpoenas. Instead, the items produced are (1) a fake Rolex; (2) a low-quality hand gun and case; and (3) several rolls of pennies and other coins.

On information and belief, Respondents have intentionally and knowingly violated this Court's order by producing items that they are attempting to pass off to Ballard and to this Court as the items that were subpoenaed. Instead they are intentionally withholding and secreting the items that this Court ordered be produced. Respondents are attempting to commit a fraud on this Court and to further frustrate the continuing proceedings, which are now in their 5th year.

Respondents have willfully failed and refused to comply with this Court's order and should be held in contempt of court, both civil and criminal, for their total disregard for the authority of this Court. Ballard seeks a finding of civil and criminal contempt as set forth below, and an award of monetary sanctions (both in connection with the original motion to compel and this motion, due to the intentional and wrongful conduct of these Respondents that is in flagrant disobedience to this Court's order, and an outrage to the

authority of the Court. It is respectfully submitted that this Court must stop Respondents' games, using its inherent contempt authority and to sanction Respondents appropriately for this insulting and brazen behavior and attempted fraud.

A VERY BRIEF HISTORY OF THE LITIGATION

Chris Combis (also known as "Pop") died in 2009, survived by his three (3) adult children. At the time Pop died, George's wife Diane was serving as the Trustee for the trust of Chris Combis, which owned the houses in which Mary and Linda lived. In 2012, George and Diane told George's sisters, Linda and Mary, that the trust had no money and could no longer pay its debts². Surprised at that revelation, Mary requested an accounting from Diane. When no accounting was received, Mary and Linda filed suit against George and Diane in state court in North Carolina. Mary and Linda also filed to open an estate for Pop in Lancaster County, South Carolina where Pop lived at the time of his death (with Linda). George and Diane objected to the estate being opened in South Carolina.

After Mary and Linda filed suit, George and Diane sought to evict them from their homes (succeeding as to Mary), took their vehicles (as well as the contents of Mary's house³), and began taking other punitive action of various kinds against Mary and Linda. Discovery was served on George and Diane, and they refused to produce financial records regarding the trust. On the eve of a hearing in state court addressing their failure to produce

² Mary lived in a home in Charlotte that was owned by the trust, and she had lived there since the 1980s. Mary's house was paid for. Linda lived in a house in Lancaster that was purchased for Linda and Pop to live in. The Lancaster house had a mortgage on it, signed by Chris and George. George stopped paying the mortgage in 2013 (after discovering that he had not signed the note and was therefore not personally liable for the mortgage debt).

³ Mary and some of her family were able to get some of Mary's personal items out of the house before the garbage dumpsters arrived to begin renovations on the house.

documents, George and Diane removed the action to District Court in North Carolina on the purported basis of diversity. The District Court found that George and Diane had acted wrongfully, remanded the case to North Carolina state court, and assessed sanctions against them (Federal Court Order dated July 26, 2013). By that time, however, George and Diane had been able to delay producing financial records for a significant period of time⁴.

At a hearing in Lancaster County Probate Court on February 11, 2013, George and Diane withdrew their objection to Chris's estate being probated in South Carolina and each agreed to nominate a South Carolina lawyer to serve as Personal Representative of the Estate. (Transcript of February 11, 2013; Probate Order dated May 5, 2013). A Consent Order was entered in the North Carolina litigation; Mary and Linda waived their right to recover sanctions that had been awarded against George and Diane by the District Court in North Carolina and in exchange, George and Diane agreed that all matters would be litigated in South Carolina; the North Carolina matter was then stayed. (North Carolina Order dated September 4, 2013).

Shortly thereafter, George, Diane, Linda and Mary unanimously nominated South Carolina attorney Desa Ballard to serve as Personal Representative of the Estate, Ballard agreed to serve⁵. Within months, the parties agreed that Diane would step down as Trustee

⁴ The first financial records released by George and Diane included an "accounting" of the trust, which Ballard received in late October, 2013. It was then that George and Diane's theft, slightly less than \$500,000 from the trust, was discovered. Ballard inquired of George and Diane's then-counsel, Charles Bridgmon, as to when the funds would be repaid. Instead of responding, George filed suit against Ballard in North Carolina seeking to remove her as Successor Trustee. He was not successful.

⁵ Ballard's naivete was such at the time, that she thought it would be unfair to the parties to charge for her services as a percentage of the value of the estate, and instead proposed an hourly fee arrangement, which the parties accepted. Each side sent Ballard \$2,500.00 (although it was later discovered that George and Diane paid their share from funds from Pop's trust). Ballard has not received any more payment for her services, now in their fourth (4th) year.

of the trust of Chris Combis, and in exchange for Mary and Linda's agreement not to collect the sanctions awarded to them by the North Carolina District Court, Ballard would also serve as Successor Trustee of the trust⁶.

Ballard filed an inventory of the estate in the Lancaster County Probate Court in October, 2013, which led to the filing of the first two (2) of the three lawsuits that George filed against her in North Carolina. Since November, 2013, George (and Diane) have repeatedly filed motions in South Carolina and North Carolina seeking to remove Ballard as Personal Representative and Successor Trustee on the basis of various claims of breach of fiduciary duty, fraud and other misconduct on her part. Each Court that has considered the matter has denied the request, finding no fault on Ballard's part.

In her capacities as Personal Representative and Successor Trustee, Ballard filed suits against George, Diane and the company Pop had started in the 1960s, Superior Tile and Stone, to recover assets owned by the estate and by the trust. The suit(s) were removed to Circuit Court. In March, 2014, the Lancaster Circuit Court issued an Order consolidating all of those claims and designating the consolidated cases as complex. This Court also found that Ballard had engaged in no misconduct as had been alleged by George and Diane.

Immediately following the Consolidation and Complex designation Order, Diane removed the proceedings to District Court. That bought George and Diane a two-year delay in having the claims against them adjudicated.

⁶ The Resignation of Trustee and Agreement to Appoint Successor Trustee was recorded with the Lancaster County Register of Deeds on November 12, 2013. The trust was created by the decedent, Pop, during his lifetime and was for the benefit of his three (3) adult children, George and his sisters, Linda and Mary. Diane is George's wife and was the prior Trustee of the Combis trust.

In the 2016 Order, District Judge Joseph F. Anderson made detailed findings of fact and conclusions of law. The District Court awarded the trust judgment against George and Diane for in excess of \$800,000.00 on Ballard's claims. This represented, *inter alia*, a repayment of money that George and Diane had misappropriated⁷ from the trust, plus interest. Certain limited and specific legal fees were also awarded Ballard. The result of the theft from the trust by George and Diane was to extinguish all liquidity of the trust and caused it to be unable to meet its financial obligations. That was the financial distress related by George and Diane to Linda and Mary in 2012, which led to the first of the lawsuits among these parties (long before Ballard was involved).

In awarding judgment against George and Diane in favor of the trust, Judge Anderson specifically excluded from his consideration certain items of personal property Ballard (as Personal Representative) had identified as owned by Pop at the time of his death. (Order of Judge Anderson, pp. 6-7). That circumstance led to Ballard serving subpoenas upon George, Diane, and Chris A. (which they ignored). That in turn led to a Motion to Compel (which was likewise ignored), a hearing that was heard on July 31, 2017 and this Court's Order of August 9, 2017 directing George, Diane, and Chris A. to comply with Ballard's Motion to Compel. Ballard would show that George, Diane and Chris A. have not complied with the Court's Order, such as to be in contempt.

Throughout this lengthy litigation, George, Diane, and Chris A. have acknowledged having possession of the items identified by Ballard as assets of the estate. Those included,

⁷ In his typical restrained fashion, Judge Anderson did not use the word "steal" or "stolen" in his Order, rather, the misconduct was characterized as Breach of Fiduciary Duty. The gist of his finding, however, is that in 2008, before Pop died, George and Diane stole almost \$500,000 from the trust, rendering it unable to meet its financial obligations.

inter alia, an 18k gold Rolex watch owned by Pop at the time of his death, and a collection of guns including at least 2 pistols admitted to be in the possession of Diane. Missing, is a .45 caliber Model 1911, that was ornately engraved (possibly a gun Chris obtained from an enemy soldier during Chris' military service in the European theater during WW II), a 30:06 rifle, and a valuable coin collection (and cash).

Judge Anderson made specific findings of fact that both George and Diane were not credible witnesses during the non-jury trial. There are multiple other examples of their dishonesty during these lengthy proceedings (and before). Those findings are especially relevant to the issue now before the Court; that is, George, Diane and Chris A. Combis disingenuously producing false items to Ballard and attempting to perpetrate a fraud on the estate and this Court⁸.

Following entry of the District Court Judgment and the ruling that the personal property issues (e.g. Rolex, guns, coins, etc.) were back before the Probate Court, on March 17, 2017 Ballard served subpoenas upon Respondents to deliver the specific items in their possession to be turned over to the estate (Ballard as Personal Representative) for purposes of appraisal. (Subpoenas dated March 16, 2017). Through counsel, Respondents objected to the subpoenas. Ballard filed a Motion Compel, seeking an order compelling production and awarding sanctions. The motion clearly stated that the subpoenas were requesting

⁸ In a recent Order in Family Court in North Carolina in divorce proceedings between Chris A. and his estranged wife, the Judge found both George and Chris A. to lack credibility as witnesses as a result of their testimony that Chris A. had relatively little income. Chris A. had presented that he made about \$10,000 per month in income. The Family Court found that Chris A.'s income was more than \$27,000 per month. (North Carolina Family Court Order dated July 10, 2017). Thus, Court Orders exist as to all three Respondents which conclude that Respondents do not tell the truth and/or have little regard for the law.

items for the purpose of appraisal only, as the items of personal property are alleged to have been owned by decedent Pop at the time of his death. (Motion ¶ 9).

HOW IS IT KNOWN THAT ITEMS PRODUCED ARE FAKES?

Ballard's affidavit, filed herewith, establishes her findings that:

1. Pop owned an 18k Rolex watch, with a Presidential, solid gold bracelet-band. The watch was of such high value, when Pop had a link added to the bracelet-band, the single link cost more than \$1,000. The watch had a brown walnut face. Internet sites reflect the current value of such watches range from \$7,500 to \$15,000, plus the bracelet-band having a value believed to be in excess of \$4,000. Respondents have admitted Pop owned a Rolex watch.
2. The watch was removed from Pop's possession shortly before his death, while he was residing briefly in a hospital facility. Diane took possession of the watch.
3. Shortly after Pop died, Lauren Combis, who was then married to Pop's grandson Chris A., was "gifted" the watch by George and/or Diane. Chris A. had the watch restyled before he gave it to Lauren, adding a lighter color face, and installing diamonds on each of the numbers on the watch face. The watch was also reduced in size, to be more suitable as a gender-neutral watch that could be worn by either a woman or a smaller man, such as Chris A.
4. Pop's Rolex had his initials engraved on the back. When Chris A. had the Rolex restyled after Pop's death, the engraving was changed to "CAC", which happened to be Chris A.'s initials. He then gave it Lauren.

5. Lauren kept the restyled watch in her jewelry box from 2009 until Chris A. insisted that she give it back to him to bring to a mediation in Greenville. That mediation occurred on or about November, 2015⁹.
6. The "Rolex" ultimately produced to Ballard pursuant to this Court's Order dated August 9, 2017 is a cheap, poor imitation, with no engraving and is certainly not the watch that belonged to Pop. It is obviously a fake. The watch has been submitted to a reputable jeweler, who has confirmed it is a fake.
7. The only gun produced to Ballard is a cheap Bauer .25 caliber "Frazier" model with cheap plastic grips. It has been valued by a gun expert at less than \$100. The late Chris Combis did not own this gun and it is only one of two guns Respondents' counsel admits Pop owned. Respondents claim two guns were "gifted to Diane"^{10 11}.
8. Pop carried a heavily-engraved, .22 caliber pistol with real pearl grips. Pop took very good care of the gun and at one time had one of the grips replaced by a now defunct gun shop in Charlotte. Two people who saw this gun before Pop's death have viewed a photo of the gun produced by Respondents and verify this is not the gun Pop owned. In addition, Pop owned several other guns at the time of his death, including a Colt .45 1911 and a 30:06 bolt-action rifle with a scope, possibly a Remington. Pop had those guns since the 1960s and he

⁹ The parties mediated the case several times before Judge Anderson tried it. The mediation in question occurred on November 5, 2015 with mediator David Massey in Greenville.

¹⁰ It is unconscionable that Respondents have been fighting over producing this gun for years, through various court proceedings if Pop had indeed possessed only a single cheap "Saturday Night Special".

¹¹ The one cheap pistol produced was delivered to Ballard in a grossly unsafe condition. Ballard's counsel made it safe by using a zip-tie.

used to keep them at home, but in the years before his death, he took them to Superior for "safe keeping" and they "disappeared".

9. The coins that were owned by Pop included between 75 and 100 silver dollars in a ziplock bag, not in protective covers. One was a "Carson City" silver dollar in a box that was believed to be worth approximately \$1,800. He also had "mint" sets of coins for several years and a box full of blue collector coin books. The blue collector coin books were enough to fill a shoe box. Shortly before Pop's health began to deteriorate, Linda gave the entire coin collection to Diane for safekeeping, at her and George's request.

10. The coins produced by Diane pursuant to the order to compel are four (4) rolls of pennies, five (5) blue encased coins and ten (10) sealed packages of coins. None of them were among the coins that Linda asked Diane to safekeep prior to Chris's health deteriorating.

RULE 11 CONSULTATION

11. After the fake items were produced by Defense Counsel Pellington, the undersigned consulted with Pellington via email in an attempt to resolve the issues raised herein. As has historically occurred, the consultation was not productive.

Relief Requested

Respondents are attempting to defraud the Court. Their production of the items they purport to be the items demanded by the Order to Compel is an outrage.

Ballard seeks an order requiring Respondents to appear before the Court to show cause, if any they can, why they should not be held in contempt of court for their blatant

violation of this Court's order and their affirmative attempts to mislead the Court. She also seeks an order finding Respondents to be in criminal contempt of court and sentenced accordingly. Because Ballard seeks an order of criminal contempt, it is requested that the order requiring their appearance advise the Respondents of their right to remain silent and their right to counsel at their appearance before this Court.

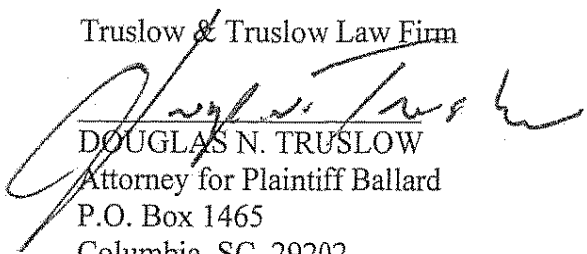
Ballard also seeks a finding of civil contempt, together with an order requiring the Respondents to be incarcerated in the Lancaster County Jail until they comply with the Order to Compel.

Lastly, Ballard seeks an order of compensatory contempt and/or sanctions, requiring Respondents to immediately pay the costs incurred by the Estate in bringing this proceeding to the Court's attention and in gathering providing evidence of the Respondent's wrongdoing.

Ballard respectfully requests a hearing of at least one-half of a day, because she will have numerous witnesses who will testify to the facts set forth above, as well a related testimony regarding the assets of the late Chris Combis that are being withheld by Respondents. In addition, should the Respondents elect to testify after being advised of their right to remain silent, Ballard will examine and question the Respondents.

RESPECTFULLY SUBMITTED,

Truslow & Truslow Law Firm



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August 24, 2017

1

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF LANCASTER) SIXTH JUDICIAL CIRCUIT
C.A. NO. 2014-CF-29-00306

3
4
5 In re: Chris Combis, deceased)
6 Desa Ballard,)
7 Plaintiff,)
8 vs.) DEPOSITION OF
9 George Combis,) GEORGE C. COMBIS
10 Defendant/Third-Party Plaintiff,) SEPTEMBER 13, 2017
11 vs.)
12 Mary Combis and Linda Combis,)
13 Third-Party Defendants.)
14
15
16
17 Deposition on oral examination of George C. Combis,
18 reported by Laura S. DeCillis, Certified Court Reporter and
19 Notary Public in and for the State of South Carolina; said
20 deposition taken at the Offices of Nosal & Jeter Law, 852
21 Gold Hill Road, Unit 201, Fort Mill, South Carolina, on
22 Wednesday, the 13th day of September 2017, scheduled for
23 10:00 a.m. and commencing at the hour of 10:02 a.m.
24
25

2

APPEARANCES

1 Representing the Plaintiff:
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23
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25

3

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1 This deposition is taken in accordance with the
2 South Carolina Rules of Civil Procedure.
3
4 It is agreed and stipulated by the deponent and
5 respective counsel that the reading and signing of the
6 deposition by the deponent is expressly not waived.
7
8 Whereupon:
9 George C. Combis, having been duly sworn and
10 cautioned to speak the truth, the whole truth and
11 nothing but the truth, testified as follows:
12
13 EXAMINATION BY MR. TRUSLOW:
14
15 Q. Mr. Combis, we've now met before because we've
16 been in court and I've examined you in a separate matter. I
17 want to warn you before we start the deposition that once we
18 start the deposition, even though you are here with your
19 attorney, you can't consult with him anymore. If you have a
20 question you can ask me. I guess that's qualified, if we
21 gave you our expressed permission to consult with him you
22 could. But unless I say that, you don't. You must answer
23 my questions; do you understand that?
24
25 A. Yes, sir.
Q. Are you going to abide by that?
A. Yes, sir.
Q. Do you know what --
MR. PELLINGTON: Let me interject real quick,
unless there's issues of privilege, right, Counselor?

5

1 MR. TRUSLOW: Yes.

2 MR. PELLINGTON: Okay.

3 BY MR. TRUSLOW:

4 Q. He can object, but he can only object to the

5 form of the question. There aren't any speaking objections.

6 Now, do you know why you are here?

7 A. To be deposed. Not for any other reason, but

8 just to be deposed.

9 Q. Regarding what case?

10 A. Linda, Mary, you, Desa, against me, I guess.

11 Q. In what case?

12 A. I'm not real sure.

13 Q. Okay. Why are you not sure?

14 A. I don't pay a whole lot of attention to the

15 emails.

16 Q. Are you on any drugs or any mind-altering

17 substances?

18 A. Not that I know of.

19 Q. Well, I'm not trying to argue with you, but how

20 would you not know? For example, have you been prescribed

21 any medications --

22 A. Oh, yes, sir.

23 Q. -- that are mind-altering?

24 A. I don't believe they'd be mind-altering.

25 Q. What medications? I'm not talking about heart

6

1 and blood pressure medications or anything like that.

2 A. Depression medication, Clonazepam and Zoloft. I

3 believe that should be the only ones.

4 Q. Okay. Who is your physician?

5 A. Signature Health Care. Jordan Lipton,

6 L-i-p-t-o-n.

7 Q. When's the last time you took any medication for

8 depression?

9 A. This morning.

10 Q. And what did you take?

11 A. Clonazepam.

12 Q. What dosage?

13 A. Whatever my wife gives me.

14 Q. All right. Are you treated by a psychologist or

15 a psychiatrist?

16 A. No, sir.

17 Q. Is it just your GP or internist that has

18 prescribed this medication for you?

19 A. Correct.

20 Q. But you haven't seen fit to see a psychologist

21 or a psychiatrist?

22 A. No, sir.

23 Q. And not in any counseling; is that correct?

24 A. No, sir.

25 Q. Okay. Do you realize you are under oath?

7

1 A. Yes, sir.

2 Q. Do you realize you have an obligation to tell

3 the truth, the whole truth and nothing but the truth?

4 A. Yes, sir.

5 Q. Are you going to do that?

6 A. Yes, sir.

7 Q. When did you first learn that you were noticed

8 for your deposition for today?

9 A. Today is Wednesday? Monday.

10 Q. You did not know before Monday that a deposition

11 had been set for today?

12 A. I think I knew but I thought I would be able to

13 avoid it, and didn't know for certain until Monday that I

14 needed to be here.

15 Q. So when did you first learn that you were

16 noticed for a deposition?

17 A. Probably a week ago.

18 Q. Okay. What did you do at that point in time?

19 A. Just made a mental note of it.

20 Q. All right. And did you learn approximately a

21 week or so ago that you had had a subpoena that had been

22 issued for you to provide certain documents?

23 A. Yes, sir.

24 Q. And what documents have you brought with you

25 today?

8

1 A. None.

2 Q. Okay. Why not?

3 A. It was kind of vague and I just didn't know what

4 to bring so I felt like I didn't need to bring anything.

5 Q. What attempt did you make to look for any

6 documents that might relate to this case?

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 A. None.

10 Q. Did you make any attempt?

11 A. Yes.

12 Q. And tell me fully what that attempt was.

13 A. Thinking in my mind if I needed to bring

14 anything.

15 Q. And how long did you spend thinking if you

16 needed to bring anything?

17 A. Thirty seconds.

18 Q. Okay. So that was your entire mental process

19 and you decided you just weren't going to bring anything?

20 A. Correct.

21 Q. And I know I'm correct, but you didn't make any

22 objection to produce any documents. Your objection was to

23 the taking of a deposition.

24 A. Correct.

25 Q. Okay. So you spent thirty seconds. When you

9

learned of the subpoena you spent thirty seconds thinking about it, and what was going through your mind? You said you thought it was vague so you just decided you weren't going to produce anything?

A. Well, I decided that I had already submitted to my attorneys the items in question, a gun, coins and a watch. And so once he had those, then I didn't think there was anything else necessary for this particular deposition.

Q. All right. Specifically, I'm not asking you what you've talked with your attorney about, but who did you consult with about your compliance with the subpoena, if anyone?

MR. PELLINGTON: I'm going to object to that, Counselor. It seems like you -- are you asking if he consulted with anybody outside of his counsel? Is that correct?

MR. TRUSLOW: I'm not asking for his confidential, privileged communications with his attorney. I'm asking him who he consulted with.

MR. PELLINGTON: George, just moving forward just so you understand, I'm instructing you, moving forward throughout this deposition, anything that we've discussed or you've discussed with any other attorneys in my firm or any other staff or any other attorneys you have, do not testify to that. But saying that, go ahead and answer the man's

10

questions as best you can.

BY MR. TRUSLOW:

Q. I'm not asking you what you discussed. You spent thirty seconds deciding on whether you were going to comply with the subpoena and was that the end of it?

A. Well, I had to get the merchandise, put it in a box, take it to the attorney. And I consulted my wife just to make sure that she was aware of what I was doing.

Q. And she was a former trustee?

A. Correct.

Q. And as a former trustee, would she have had possession of any of these items?

A. Not in her possession, per se. But they were at our house.

Q. All right. I'm not asking you about the gun. I'm not asking you about coins in this context. I'm not asking you about a Rolex watch. For the purpose of this lawsuit that you're here for today that relates to Ms. Ballard's fees, what did you do other than think about whether you were going to comply with the subpoena or not? What did you do? You spent thirty seconds. What else did you do?

A. That was it.

Q. Did you request anybody to look for documents or was the thirty seconds the sum and substance of what you

11

did?

A. That was the substance of what I did.

Q. Was there anything else that you did?

A. Not that I recall.

Q. Okay.

MR. PELLINGTON: Counselor, I have a feeling there may be confusion as to the subpoena that we're talking about. Do you have a copy to show the witness?

MR. TRUSLOW: Yes.

BY MR. TRUSLOW:

Q. I'm showing you a subpoena that's dated August 28th, 2017. Did you get a copy of this subpoena?

A. (Views document). I believe I did.

Q. All right.

MR. TRUSLOW: We're going to mark that as Plaintiff's Exhibit 1.

(Plaintiff's Exhibit No. 1, Subpoena, was marked for identification.)

MR. TRUSLOW: This is the subpoena in question.

MR. PELLINGTON: Do you have additional copies?

MS. BALLARD: No. We're going to make the copies here of whatever we produce.

MR. TRUSLOW: We're going to make copies here for whatever we produce.

MS. BALLARD: Do you want us to break to make

12

the copy now?

MR. PELLINGTON: No, not right now. We'll kind of take it as we go, if that's okay. Because there might be some exhibits I might need to look at at the same time.

MR. TRUSLOW: Fair enough.

MR. PELLINGTON: Okay. But this one we do not need to, though.

BY MR. TRUSLOW:

Q. So I'm going to represent to you that the purpose of this lawsuit is relating to Ms. Ballard's fees where she has sued you. In that context, when you got this subpoena -- and, of course, you've presented defenses and counterclaims. Don't you think she is entitled to know what your defenses are and what your counterclaims were --

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

Q. -- the basis for it?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

Q. Go ahead.

MR. PELLINGTON: You can answer if you know.

BY MR. TRUSLOW:

A. Repeat.

Q. In this lawsuit Ms. Ballard is suing you regarding fees. That's what I'm representing to you. In

13

1 that context, is she entitled to know what your defenses are
2 and what facts you rely on?

3 MR. PELLINGTON: Objection.

4 BY MR. TRUSLOW:

5 A. I suppose she's making her own claims so she
6 should know what she's trying to achieve.

7 Q. And is she entitled to know what you claim as
8 your defenses?

9 MR. PELLINGTON: Objection.

10 BY MR. TRUSLOW:

11 A. I think that would come through my attorneys.

12 Q. Well, I'm asking you, do you think she is
13 entitled to know what facts you rely on?

14 MR. PELLINGTON: Objection.

15 BY MR. TRUSLOW:

16 A. I don't know.

17 Q. Why don't you know?

18 A. I just don't know.

19 Q. Well, don't you consider it, or do you consider
20 it a serious matter to raise defenses and present
21 counterclaims?

22 A. I suppose.

23 Q. And isn't Ms. Ballard entitled to know what
24 facts you rely on for your defenses?

25 MR. PELLINGTON: Objection.

14

1 BY MR. TRUSLOW:

2 A. I don't know.

3 Q. Why not?

4 A. I think what she's asking for is preposterous,
5 totally unethical.

6 Q. Okay. Given that you say what she's asking for
7 in this lawsuit is preposterous and unethical, isn't she
8 entitled to know what facts you rely on?

9 MR. PELLINGTON: Objection.

10 BY MR. TRUSLOW:

11 A. I don't think so.

12 Q. Why not?

13 A. I just don't think so.

14 Q. Well, what facts do you rely on?

15 MR. PELLINGTON: Objection.

16 BY MR. TRUSLOW:

17 A. My own.

18 Q. Say that again?

19 A. My own.

20 Q. My own what?

21 A. My own facts.

22 Q. What are the facts?

23 MR. PELLINGTON: Objection.

24 BY MR. TRUSLOW:

25 A. I object, too.

15

1 Q. Well, you've tried that before and it hadn't
2 worked out. What facts do you rely on?

3 A. The fact that she didn't build up those fees
4 based on anything that she questioned me about at all. She
5 just assumed everything. Not one time did we ever, ever
6 meet, other than the day that we regrettably hired her.

7 Q. Okay.

8 A. She took it upon herself to fathom all these
9 things.

10 Q. Is that all?

11 A. Yep.

12 Q. Given the fact that you've said she's unethical,
13 what facts are you relying on?

14 A. Well, you would think that a trustee would do
15 her fiduciary duty and talk to the trustees of the estate
16 and try to learn something about their dealings with the
17 other trustees in the case. But she took it upon herself to
18 assume that I was not forthright in the way I acquired the
19 company. She lost that. So I just feel like that she was
20 very, very unethical.

21 Q. Anything other than what you've just said? What
22 other facts, if any, do you rely on --

23 A. No.

24 Q. -- other than what you've just said?

25 A. None.

16

1 Q. Okay. By the way, I notice that you're wearing
2 a watch today on your left hand.

3 A. Yes.

4 Q. What kind of watch is that?

5 A. I think it's a Rolex.

6 Q. You're looking at it, I see.

7 A. I think it's a Rolex.

8 Q. You think it's a Rolex?

9 A. Yes, sir.

10 Q. And what kind of Rolex?

11 A. Presidential.

12 Q. A Presidential band or a Presidential Rolex?

13 A. Band.

14 Q. Okay. What is the Rolex watch?

15 A. I don't know the name of it.

16 Q. Does it have a serial number on it?

17 A. I do not know.

18 Q. Okay. Who did you buy the watch from?

19 A. I do not remember.

20 Q. Have you bought any other Rolex watches?

21 A. Maybe 40 or 50 of them.

22 Q. 40 or 50?

23 A. (Nods head).

24 Q. And who have you bought those from?

25 A. Different dealers throughout the country.

17

1 Q. All right. How about in the Charlotte area?

2 A. None.

3 MR. PELLINGTON: I'm going to object.

4 Counselor, this deposition is noticed in the fees case,

5 right?

6 MR. TRUSLOW: That's correct.

7 MR. PELLINGTON: Okay.

8 MR. TRUSLOW: But, of course, you can object.

9 MR. PELLINGTON: Right.

10 BY MR. TRUSLOW:

11 Q. But go ahead and answer.

12 A. None.

13 Q. You can't think of one single dealer in the

14 Charlotte area you ever bought a Rolex from?

15 A. No. I know I haven't, no.

16 Q. Where have you bought Rolex watches from?

17 MR. PELLINGTON: Objection.

18 BY MR. TRUSLOW:

19 A. All over the world.

20 Q. Okay. And you can't remember the name of one

21 single dealer: is that correct?

22 MR. PELLINGTON: Objection.

23 BY MR. TRUSLOW:

24 A. I think it was Beron, B-e-r-o-n, in Reykjavik,

25 Iceland.

18

1 Q. And out of the 40 or 50 Rolex watches you've

2 bought, that's the only one you can recall the name of?

3 A. From a dealer. Most of them -- all the rest are

4 individuals.

5 Q. What individual have you bought a Rolex watch

6 from in the Charlotte area?

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 A. No one.

10 Q. Not one single one?

11 A. Not in Charlotte, no.

12 Q. Well, within 50 miles of Charlotte?

13 A. No.

14 MR. PELLINGTON: Objection.

15 BY MR. TRUSLOW:

16 A. North Carolina, no.

17 Q. Okay. That was going to be my next question.

18 Thank you. Has your wife bought any Rolex watches?

19 MR. PELLINGTON: Objection.

20 BY MR. TRUSLOW:

21 A. Never.

22 Q. Have you bought any Rolex watches for your

23 wife?

24 MR. PELLINGTON: Objection.

25 BY MR. TRUSLOW:

19

1 A. No.

2 Q. And when I say you, you or any companies that

3 you are affiliated. Have they bought any Rolex watches for

4 your wife?

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 A. No.

8 Q. Does she possess a Rolex watch?

9 MR. PELLINGTON: Objection.

10 BY MR. TRUSLOW:

11 A. I really do not know.

12 Q. Has your son bought any Rolex watch for you?

13 MR. PELLINGTON: Objection.

14 BY MR. TRUSLOW:

15 A. Yes.

16 Q. Who did he buy it from?

17 MR. PELLINGTON: Objection.

18 BY MR. TRUSLOW:

19 A. I do not know.

20 Q. Do you still have it?

21 MR. PELLINGTON: Objection.

22 BY MR. TRUSLOW:

23 A. Yes.

24 Q. Where is it?

25 MR. PELLINGTON: Objection.

20

1 BY MR. TRUSLOW:

2 A. In my safe.

3 Q. Okay. And what are the contents of the safe

4 that you have?

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 A. I object to that, too.

8 MR. PELLINGTON: I've already objected. If you

9 know what the contents of the safe are then answer the man.

10 BY MR. TRUSLOW:

11 A. Well, I'm not going to tell you the contents of

12 my safe.

13 Q. Are you refusing to answer?

14 A. That question.

15 Q. Okay. One of things I'm trying to find out is

16 what your worth is and what your ability is to pay those

17 legal fees --

18 A. Uh-huh.

19 Q. -- so, regrettably, I have to ask these

20 questions. I hope you understand.

21 A. Well, no, I don't. But, regrettably, I'm not

22 going to divulge what's in my safe.

23 THE WITNESS: And you can capitalize that if you

24 want to. (Directed to the court reporter).

25 BY MR. TRUSLOW:

21

1 Q. I could hear part of it. You turned to the
2 court reporter and said, you can capitalize that?

3 A. Yeah.

4 Q. Does that mean you are emphatic that you're not
5 going to --

6 A. Right.

7 Q. You're winking and putting the thumbs up,
8 meaning you refuse to tell us what assets you may have in
9 your safe?

10 A. Correct.

11 Q. All right. Well, we'll come back to that later.
12 I'm trying to find out what you may have to be able to
13 respond to the verdict that we expect or to respond to this
14 lawsuit. Let me --

15 A. Well, that's speculation.

16 Q. I'm sorry?

17 A. That's speculation.

18 Q. What is?

19 A. The verdict.

20 Q. That's not my question. My question was, I'm
21 trying to find out --

22 A. That was a comment.

23 Q. We're trying to find out what you may have to be
24 able to respond to a verdict that we expect. I understand
25 you say that's speculation and I understand your point. But

22

1 I'm trying to find out what you have. And I'm not asking
2 about communications with your attorneys, but I'm trying to
3 find out what assets you may have in your safe.

4 Do you have cash in your safe?

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 Q. Go ahead.

8 A. I may have.

9 Q. How much --

10 MR. PELLINGTON: Objection.

11 BY MR. TRUSLOW:

12 Q. -- approximately?

13 A. I have no idea.

14 Q. Can you tell me within a hundred thousand
15 dollars how much you may have?

16 MR. PELLINGTON: Objection.

17 BY MR. TRUSLOW:

18 A. Two hundred dollars.

19 Q. You say there's two hundred dollars in your
20 safe?

21 A. Maybe, give or take fifty.

22 Q. Okay. Are there guns in your safe?

23 MR. PELLINGTON: Objection.

24 BY MR. TRUSLOW:

25 A. No.

23

1 Q. Not a single one?

2 A. No.

3 Q. Are there watches in your safe?

4 MR. PELLINGTON: Objection.

5 BY MR. TRUSLOW:

6 A. Maybe one. The watch that my son gave me is in
7 the safe, yes.

8 Q. All right. If you can --

9 MR. PELLINGTON: Counselor, before you move
10 forward, I just want to make sure that you understand that
11 there are collection efforts going on in North Carolina and
12 a bond has been posted and so collection efforts have been
13 stayed.

14 MS. GALLARD: In that action, not this one.

15 MR. PELLINGTON: In that action, not this. I'm
16 just not sure -- I mean, just to put you on notice because
17 I'm not sure if what you're doing right now is proper. I
18 don't think it's within the scope of the lawsuit filed here
19 and I want to make sure that you know and it's on the record
20 that you know that collection efforts have been stayed in
21 North Carolina in the North Carolina action.

22 MR. TRUSLOW: I'm deposing this witness
23 regarding this case. There are substantial sums we allege
24 due and we're trying to find out about his ability to
25 respond. He's already indicated he's not going to tell us

24

1 what he has in his safe. He said he objected and refuses to
2 answer. I'm not going to get in an argument with you. I
3 think under the rules all you can do is state an objection
4 as to relevance, or perhaps privilege, and that's it.

5 MR. PELLINGTON: And that's all I plan to do.
6 I'm not going to try to impede your ability to take the
7 deposition today. I just want to make sure that you're
8 aware that --

9 MR. TRUSLOW: And please comply with the rules
10 and I intend to comply with the rules; is that clear?

11 MR. PELLINGTON: Fair enough.

12 MR. TRUSLOW: Thank you.

13 BY MR. TRUSLOW:

14 Q. Go ahead.

15 A. Nothing more.

16 Q. Nothing more? Nothing more, meaning what?

17 A. I don't know what we were referring to.

18 Q. All right. Let's talk about watches. You've
19 been a collector of Rolex watches, I suppose --

20 A. All kinds --

21 Q. -- if you have 40 or 50?

22 A. All kinds of watches.

23 Q. What do you do with them?

24 A. Enjoy them for a little while and then sell
25 them, give them away.

25

1 Q. Who have you given watches away to?

2 A. I couldn't begin to tell you the people.

3 Q. Well, try to start someplace. Who have you

4 given Rolex watches to --

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 Q. -- in the last four years? Make that since

8 2008.

9 A. No one since 2008.

10 Q. How about since 2005?

11 MR. PELLINGTON: Objection.

12 BY MR. TRUSLOW:

13 A. I just can't recall.

14 Q. Let me try it a different way. Have you

15 delivered any watches to anyone since 2005?

16 MR. PELLINGTON: Objection.

17 BY MR. TRUSLOW:

18 A. Yes.

19 Q. Who is that?

20 MR. PELLINGTON: Objection.

21 BY MR. TRUSLOW:

22 A. I'm trying to think when I gave my father -- I

23 just do not remember the year that I gave my father a Rolex.

24 Q. Okay. And what kind of Rolex was that?

25 A. Jubilee -- that's about all I remember. A

26

1 Jubilee Rolex.

2 Q. What did he do with it, if you know?

3 A. No. He -- the reason I'm smiling is, is he wore

4 it on a temporary basis to impress a friend and then he

5 bought his own and gave me that one back.

6 Q. When did he give you that one back?

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 A. I think a year before he died. I'd say '08. I

10 think that's right.

11 Q. All right. And what did you do with that watch?

12 A. Well, I had tried to tell him to give it to my

13 son, Chris. And he didn't think that Chris could understand

14 the value of it and so he said, you keep it and whenever you

15 see fit, you give it to him or keep it for one of your

16 grandchildren.

17 Q. All right. And what did you do with it?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 A. I gave it to my son, Chris, with the stipulation

21 that it was my watch and if you -- I didn't want him to go

22 out and sell it or trade it because there was a little bit

23 of sentimental value in my giving it to my dad. So my dad

24 got him a -- got his self another one and then I gave this

25 watch to Chris and, again, with the stipulation that don't

27

1 sell it or, you know -- for another one or whatever.

2 Q. When did you give it to him?

3 MR. PELLINGTON: Objection.

4 BY MR. TRUSLOW:

5 Q. What year?

6 A. Maybe '10 or '11.

7 Q. 2010 or 2011?

8 A. Right.

9 Q. All right.

10 A. I'm not real sure.

11 Q. Then the other watch, what happened to it? The

12 other Rolex watch that your father had?

13 A. He kept --

14 MR. PELLINGTON: Objection.

15 BY MR. TRUSLOW:

16 A. My father kept it.

17 Q. Do you know where it went, what happened to it?

18 A. Yeah. He told Diane to take it and sell it or

19 do whatever and -- but we kept it and that's what we turned

20 in a month to (pauses) --

21 Q. So from the time your father gave it to you,

22 it's been in yours and Diane's possession?

23 MR. PELLINGTON: Objection.

24 BY MR. TRUSLOW:

25 A. Yes.

28

1 Q. And what did your son do with the watch that you

2 said your father gave to you and you gave to Chris in

3 2010/2011? Where is that watch?

4 MR. PELLINGTON: Objection.

5 BY MR. TRUSLOW:

6 A. I have it.

7 Q. You still have it?

8 A. Yes.

9 Q. All right. And is it in your safe, or where it

10 is?

11 A. (Indicates).

12 Q. That's what you're wearing today?

13 A. Yes.

14 Q. All right.

15 A. Let me ask you, is there any specific watch that

16 you're looking for?

17 Q. I may come back to that. But the reason that I

18 kind of got off track is, it appeared to me that you pulled

19 up your sleeve and had your arm out and when you did, it

20 brought this up. The way I was going to go, I was going to

21 go from another direction and I wanted to get back on where

22 I want to be.

23 A. Okay.

24 Q. And, quite frankly, I don't know whether you're

25 trying to poke me with a stick, figuratively speaking, or it

29

1 was just you put out your arm. But let's try to get back to
2 where I would like to be if we can.

3 A. If you didn't have a watch on, it would be
4 showing now most likely. Or it hides -- mine doesn't hide
5 under my cuff because my -- but, you know, I don't mean for
6 it to show it off or whatever.

7 Q. All right. Going back to the background for
8 this lawsuit, would it be fair to say that you and your
9 sisters, Mary and Linda, had a dispute about how to resolve
10 your father's estate and trust that goes back from 2009 to
11 2013? Would that be a fair statement? If so, why not?

12 MR. PELLINGTON: Object to the form.

13 BY MR. TRUSLOW:

14 A. No. We didn't have any problems after he died.

15 Q. None at all?

16 A. Not that they objected to.

17 Q. All right. Did you not understand my question?
18 Was there anything about it that you didn't understand?

19 A. No. I just -- it was a long time ago and I just
20 wanted to make sure I answered correct.

21 Q. Well, you said that you had no problems with
22 your sisters after your father died, there was nothing that
23 they objected to. Did I paraphrase you correctly?

24 A. Correct.

25 Q. Well, I'm not trying to argue with you, but

30

1 would you agree they brought a lawsuit against you? Would
2 you agree with that?

3 A. Yeah. I believe it was in 2012 or '13.

4 Q. Isn't that the very essence of a dispute, that
5 they brought a lawsuit against you?

6 A. Well, you said since 2009 to 2013.

7 Q. And 2013 is after 2009.

8 A. Okay.

9 Q. Are you saying that they had a dispute with you
10 or they didn't have a dispute with you?

11 A. After several years.

12 Q. Okay. In 2012 they had a dispute with you --

13 A. Okay.

14 Q. -- is that correct?

15 A. I don't know if that's the exact year, but it
16 was around that time, '12 or '13.

17 Q. Would you agree that they brought a lawsuit
18 against you relating to your father's estate --

19 A. Yes,

20 Q. -- and trust?

21 A. Correct.

22 Q. Would you agree with me that in 2013 you agreed
23 to have an estate opened and for Ms. Ballard to be the
24 personal representative? Did you agree to that?

25 A. I personally was totally against it. But

31

1 because my wife wanted to be dis-involved, I went along with
2 her.

3 Q. Okay. That wasn't my question. Listen
4 carefully, please. My question was, in 2013 did you agree
5 for an estate to be opened?

6 A. I guess I did.

7 Q. You know you did, don't you?

8 MR. PELLINGTON: Objection.

9 BY MR. TRUSLOW:

10 A. I'm trying to remember. That's four years ago.

11 Q. Okay. Regardless of the year, did you agree for
12 an estate to be opened?

13 A. Yes.

14 Q. Did you agree for Ms. Ballard to be the personal
15 representative?

16 A. Reluctantly.

17 Q. At that point in time, your wife was not a party
18 to the estate, was she?

19 A. (Pauses).

20 Q. That was between you and your two sisters; isn't
21 that correct?

22 A. I thought she was the trustee.

23 Q. All right. I'm not asking about the trustee,
24 I'm asking about the estate. There's a difference between
25 an estate and a trust, is there not? And you understand the

32

1 difference, do you not?

2 A. Yes.

3 Q. Did you agree for Ms. Ballard to be the personal
4 representative of the estate?

5 A. Yes.

6 Q. And she was to be independent because you
7 wouldn't agree for Linda or Mary to be the personal
8 representative and they wouldn't agree for you to be the
9 personal representative.

10 A. Correct.

11 Q. Would you agree that it wasn't until later that
12 Ms. Ballard became the successor trustee for your wife,
13 Diane?

14 A. Yes.

15 Q. And that was much later, wasn't it? That was
16 months later; is that correct?

17 MR. PELLINGTON: Did you say months or much?

18 MR. TRUSLOW: Pardon me?

19 MR. PELLINGTON: Did you say months or much?

20 MR. TRUSLOW: Months, m-o-n-t-h-s.

21 MR. PELLINGTON: Months? Okay.

22 MR. TRUSLOW: I apologize.

23 BY MR. TRUSLOW:

24 A. I believe so.

25 Q. So didn't you agree on the record before the

33

1 Probate Court and then in writing for Ms. Ballard to be the
2 personal representative of the estate?

3 A. Reluctantly, yes.

4 Q. You never told the Court that you were
5 reluctant, did you? You never expressed any reservation
6 whatsoever, did you?

7 A. Well, at the time, no, because I did not know
8 her. I was going off the advice of others.

9 Q. All right. You had an attorney at that time?

10 A. Uh-huh.

11 Q. Is the answer yes?

12 A. Yes.

13 Q. And at the time Ms. Ballard was appointed as the
14 personal representative, or before she was appointed you
15 went into Probate Court, did you not, with your attorney,
16 Mr. Bridgmon?

17 A. I don't remember.

18 Q. You don't remember what?

19 A. Going into Probate Court with Mr. Bridgmon.

20 Q. Do you remember going into Probate Court with
21 anyone?

22 A. No, sir.

23 Q. You don't remember going to any Probate Court
24 proceeding; is that your testimony?

25 A. I just don't recall.

34

1 Q. You don't recall what?

2 A. Going into any Probate Court with anyone.

3 Q. For any purpose?

4 A. For any purpose.

5 Q. Do you recall signing any document allowing
6 Ms. Ballard to become the personal representative of the
7 estate?

8 A. Yes, I do.

9 Q. And I'm not going to ask you what you discussed,
10 but was this after discussing the matter with your attorney?

11 A. Yes.

12 Q. And did you expect your attorney to check into
13 Ms. Ballard's qualifications to become a personal
14 representative?

15 MR. PELLINGTON: Hold on --

16 BY MR. TRUSLOW:

17 Q. I'm not asking what you talked to your attorney
18 about. I'm asking what your expectation was.

19 A. To a certain extent, yes.

20 Q. Would you agree that your attorney at the time
21 that the estate was opened and Ms. Ballard was appointed
22 personal representative, did you have an expectation --
23 well, whoever your attorney was and I think it was
24 Mr. Bridgmon -- would you agree with me that he was acting
25 as your agent?

35

1 MR. PELLINGTON: Objection.

2 BY MR. TRUSLOW:

3 A. Yes.

4 Q. All right. And do you recall him -- and I'm not
5 talking about in your private conversations with him, but do
6 you recall him entering into an agreement that Ms. Ballard
7 would become the personal representative?

8 A. Yes.

9 Q. Now I'm going to switch over slightly to the
10 trust. And I can give you the exact dates but they're not
11 important to me right now. If you tell me they're important
12 to you, I'll get the dates. But some months after
13 Ms. Ballard became the personal representative, she
14 subsequently became the successor trustee; is that correct?

15 A. I believe so, yes.

16 Q. And who had been the trustee -- well, I don't
17 mean to parse words with you, but you believe she did? You
18 know she did, don't you?

19 A. Yes.

20 Q. All right. And the prior trustee had been your
21 wife; is that correct?

22 A. Yes.

23 Q. And the two of you, both your wife and you,
24 agreed for Ms. Ballard, months after she had been agreed
25 upon and appointed by the Court to be the personal

36

1 representative, you agreed for her to be the successor
2 trustee, correct?

3 A. Correct.

4 Q. And in both of those instances you agreed that
5 she would be compensated for her services; isn't that a
6 fact?

7 A. Yes.

8 Q. And you expected to be responsible for the fees
9 that she incurred at her specified rate; isn't that correct?

10 MR. PELLINGTON: Objection.

11 BY MR. TRUSLOW:

12 A. Yes.

13 Q. Okay. There was an objection so I'm going to
14 clean it up a little bit. State whether or not you agreed
15 for her to be compensated for her time as both personal
16 representative and successor trustee.

17 A. Yes.

18 Q. All right. And that was your obligation, was it
19 not?

20 MR. PELLINGTON: Objection.

21 BY MR. TRUSLOW:

22 Q. Go ahead.

23 A. To an extent, yes.

24 Q. All right. And you qualified that by saying, to
25 an extent. What does that mean and why?

37

1 A. My appropriate share.

2 Q. And that is still your obligation, is it not?

3 A. Yes.

4 Q. At the point in time Ms. Ballard became personal
5 representative and successor trustee, you knew she was an
6 attorney, did you not?

7 A. They had listed that she was an attorney.

8 Q. All right. And you were aware that she had
9 considerable experience in the area involved, did you not?

10 A. I didn't know about her experience.

11 Q. Is it correct you were just relying on -- and
12 I'm not going to ask what he said to you, but you would rely
13 on your agent-attorney to make those determinations --

14 MR. PELLINGTON: Objection.

15 BY MR. TRUSLOW:

16 Q. -- is that correct?

17 A. Mostly, yes.

18 Q. All right. And you became aware, or you were
19 aware that she had a forensic accountant on her staff?

20 A. I saw that in some papers.

21 Q. So where we can go now I think is, you've
22 entered into an agreement for Ms. Ballard to be the personal
23 representative and successor trustee, she was an attorney,
24 had a certain level of experience but you relied on your
25 attorney to tell you how much, and had a forensic accountant

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1 on staff and you agreed to be responsible for a portion of
2 her fees; is that correct?

3 A. Yes.

4 Q. All right. Thank you. And you have an
5 obligation, do you not, to pay fees to Ms. Ballard?

6 MR. PELLINGTON: Objection.

7 BY MR. TRUSLOW:

8 A. I'd say it would depend.

9 Q. Do you have an obligation to pay Ms. Ballard for
10 her fees?

11 MR. PELLINGTON: Objection.

12 BY MR. TRUSLOW:

13 A. It depends.

14 Q. It depends on what?

15 A. How valid they are.

16 Q. Tell me what facts you rely on in claiming that
17 her fees are not valid.

18 A. I think she has presumed too much without any
19 questions to me, to my attorney, and went on witch hunts
20 that didn't turn out to be anything.

21 Q. Okay. What other facts?

22 A. That's it.

23 Q. Okay. To, she presumed too much, what facts do
24 you rely on?

25 A. Well, it would be my -- in my layman's terms to

39

1 think that when we met with Ms. Ballard on the initial
2 contact at Charlie Bridgmon's offices, I believe, that if
3 Ms. Ballard, as she got into the questions of whether I
4 owned the company, whether I did things at Lockridge,
5 Horseshoe, that she would have asked me without having an
6 attorney present and just as a congenial, George, how about
7 you telling me what went on and how did you get to do this
8 and this, and she never -- and whatever date she was hired,
9 that's the only conversation I've ever had with her outside
10 of a courtroom or hearing like this.

11 Q. Okay. Any other facts you rely on?

12 A. No. But those were enough.

13 Q. Okay. Well, the issues regarding Lockridge, I'm
14 using a vernacular, hadn't that ship sailed? Haven't you
15 all already addressed that issue? Hadn't that been
16 addressed already?

17 A. Not to my satisfaction, no.

18 Q. Okay. How about --

19 A. She shorted me \$30,000 in monies. She still
20 claims that I kicked Mary out of the house. That's totally
21 false.

22 Q. Okay. Have you already litigated ownership of
23 the stock in the company to a conclusion?

24 A. Yes.

25 Q. All right.

40

1 A. At my expense. It was not necessary.

2 Q. Is it your contention that it was not
3 appropriate for her to inquire?

4 A. Sure. She could have called me and asked me and
5 I could have told her exactly what she found out.

6 Q. And would you have an obligation to provide her
7 with all of the corporate documents?

8 A. If she called me and asked me and said, show me
9 how all of this transpired.

10 Q. Is it your contention that she was not
11 authorized or it was inappropriate to go through your
12 attorney since you had one at the time?

13 A. At the time I didn't have an attorney that she
14 could have -- when she was appointed she could have easily
15 said, George, would you mind talking with me. You can have
16 your attorney present, I can have Linda and Mary present,
17 And we could have ironed it all out.

18 Q. Right.

19 A. But she blew it up into something that didn't
20 have to be.

21 Q. You realize you're under oath?

22 A. I sure do.

23 Q. And you're saying that you did not have an
24 attorney when Ms. Ballard was appointed --

25 A. I did. Mr. Bridgmon was my attorney.

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Q. Well, was he your attorney or not? You said you had no attorney.

A. Okay.

Q. Did you have one or did you not have one?

A. I misspoke. I did an have an attorney.

Q. All right. So we go back to my question. Wasn't it appropriate for Ms. Ballard to go through your attorney since you had one so he would be in the loop, among other things?

A. Okay.

Q. Wasn't that appropriate?

A. (Pauses). I'll ask you. Did you go through an attorney to talk to Mary and Linda all the time?

Q. Wasn't it appropriate for Ms. Ballard to -- so here's the deal. I'm here to ask you questions.

A. You tell me --

Q. I'm here to ask you questions. I don't think I'm allowed to testify, nor am I going to. I got to be in charge of asking you questions; do you understand that?

A. I do.

Q. All right. Now, don't you think it was appropriate for Ms. Ballard to go through your attorney? Which calls for a yes or no --

A. Yes.

Q. Thank you. And didn't she do that?

42

A. Yes. I guess she did.

Q. Okay. Wasn't it appropriate for her to ask for documents?

A. Yes.

Q. And didn't she do that?

A. I believe she did.

Q. And wasn't it appropriate for you to give the documents to your attorney to give to Ms. Ballard?

A. And I did.

Q. And you did that?

A. Yes, sir.

Q. All right. And wasn't it appropriate for her -- her, meaning Ms. Ballard -- to rely on the veracity of what was produced?

A. I believe so.

Q. And didn't she do that?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. No.

Q. You said Ms. Ballard went on a witch hunt. What was that?

A. (Pauses).

Q. What facts do you rely on?

A. Well, the fact that my father and I did not always feel the necessity to hire a lawyer when we did

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things. And that was the reason of the transfer of the stock in '02. I didn't need an attorney to notarize and document that it was a done deal. My father's word was good at the time and my word was good to him.

Q. You understand that Ms. Ballard was an independent personal representative and successor trustee, don't you?

A. No, sir.

Q. You don't understand that?

A. No, sir.

Q. Did you understand it?

A. I thought she was independent.

Q. Okay. Since you didn't hire an attorney and your father didn't hire an attorney, to paraphrase what you say -- Ms. Ballard didn't know your father, did she? She didn't know your father, did she?

A. I don't believe so.

Q. She didn't know you before this litigation, did she?

A. No.

Q. And you said you and your father did things more or less -- and I'm paraphrasing it, but you did things on a handshake rather than having it fully documented; is that what you said, words to that effect?

A. Words to that effect.

44

Q. Okay. Given the fact that that happened and Ms. Ballard didn't know you previously, nor did she know your father, wasn't it more important for her to make an appropriate inquiry?

A. I would imagine.

Q. Okay. And she wasn't obligated to just take your word for things, was she? She had to be independent; isn't that correct?

A. I assume.

Q. And that's what she did, didn't she?

A. I don't think so.

Q. Okay. I'm going on to something else.

(Phone rings)

MS. BALLARD: Oh, my gosh. I thought I turned it off.

THE WITNESS: Oh, my goodness.

BY MR. TRUSLOW:

Q. In this lawsuit, would you agree that this is a serious matter?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. Yes.

Q. All right. Do you consider that you've made serious allegations?

A. That --

45

1 Q. That you have made serious allegations?
 2 A. Towards --
 3 Q. Ms. Ballard.
 4 A. I haven't threatened her.
 5 Q. Do you contend that the allegations you've made
 6 regarding Ms. Ballard in this lawsuit are serious or not?
 7 A. Yes.
 8 Q. All right. Now, I want to talk about your
 9 ability to pay this judgment. And we got kind of
 10 sidetracked on ability to pay, but not completely because of
 11 how many watches you may have and may not have relates to
 12 ability to pay.
 13 MR. PELLINGTON: I'm going to object to any line
 14 of questioning with respect to collection. That way, I
 15 don't have to note an objection after every question.
 16 MR. TRUSLOW: That's fine. I appreciate it.
 17 Thank you.
 18 MR. PELLINGTON: Okay.
 19 BY MR. TRUSLOW:
 20 Q. All right. I'm going to be asking about your
 21 ability to pay the judgment in this lawsuit. I'm focused
 22 right now on this, this case, for legal fees due Ms. Ballard
 23 and your ability to pay.
 24 A. Which is in what amount?
 25 Q. I get to ask the questions, if you recall.

46

1 A. Okay.
 2 Q. I want to talk about your ability to pay. Do
 3 you have any debts?
 4 A. Yes.
 5 Q. Do you have any bank? Do you use a bank?
 6 A. Yes.
 7 Q. Do you have a line of credit?
 8 A. Yes.
 9 Q. Who is your line of credit with?
 10 A. Paragon Bank.
 11 Q. With any business that you're associated with,
 12 does it have a line of credit?
 13 A. No.
 14 Q. And I'm specifically talking about, I guess,
 15 Southeastern, generically, a business owned by you and your
 16 wife. Do you all have a line of credit?
 17 MR. PELLINGTON: I have a separate objection to
 18 the form of that question in addition to the line of
 19 questioning.
 20 BY MR. TRUSLOW:
 21 A. Southeastern --
 22 Q. Well, what's the name of your company?
 23 A. Superior.
 24 Q. Superior. I'm sorry. What's your wife's
 25 company?

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1 A. Superior Stone.
 2 Q. Okay. Do you have any other business interest,
 3 either LLC's, individual ownership -- I'm trying to find out
 4 what you have --
 5 A. I don't think so.
 6 Q. -- to satisfy this judgment.
 7 A. Right.
 8 Q. Okay. You've got Superior Stone of the
 9 Southeast; is that correct?
 10 A. Yes.
 11 Q. Do you have any other business interest?
 12 A. Superior Tile and Marble Company.
 13 Q. All right. And that's three companies, or two?
 14 A. Two.
 15 Q. Okay. What are the worth of these companies?
 16 A. I have no idea.
 17 Q. None at all?
 18 A. No.
 19 Q. I think it's common knowledge and it's certainly
 20 been my experience that when you have loans outstanding,
 21 banks periodically make you provide financial statements,
 22 net worth statements, that sort of thing. Has that been
 23 your experience?
 24 A. Yes.
 25 Q. And have you done any bank financial statements

48

1 in the last three years?
 2 A. No.
 3 Q. Not one single one?
 4 A. No, sir.
 5 Q. No bank has required you to give a financial
 6 statement or indication of net worth or ability to pay; is
 7 that correct?
 8 A. Correct.
 9 Q. And what banks or creditors, if you will, have
 10 you done business with in the last three years besides
 11 Paragon?
 12 A. Parks Sterling.
 13 Q. All right.
 14 A. And I believe that's all.
 15 Q. And you're saying neither one of those lending
 16 institutions required you to give a financial statement?
 17 A. No.
 18 Q. Or any indication of ability to pay?
 19 A. No.
 20 Q. Do you know why not?
 21 A. They know me.
 22 Q. Okay. Do you own a home?
 23 A. Yes.
 24 Q. Is that in your individual name with your wife?
 25 A. Yes.

49

1 Q. Has that house ever been listed for sale?

2 A. When I bought it, it was.

3 Q. Has it been listed for sale by you and/or your

4 wife?

5 A. No.

6 Q. Okay. Is that in Lake Challis?

7 A. Yep.

8 Q. Do you still live there?

9 A. Yes.

10 Q. What is the approximate value of the house?

11 A. The tax value I believe is one-six.

12 Q. Okay. My experience has been that tax values

13 are substantially less than actual value. But if some

14 impartial person wanted to buy it, you're saying you would

15 sell it for one-six?

16 A. I don't know.

17 Q. Okay. What would you sell it for, what price?

18 A. Right now, no price. I don't want to sell it.

19 Q. What do you owe on it?

20 A. Nothing.

21 Q. So that's owned free and clear?

22 A. There's no mortgage.

23 Q. Okay. How big is the house?

24 A. 5500 square feet.

25 Q. Are there any liens against it?

50

1 A. Yes.

2 Q. What are those?

3 A. The Internal Revenue and it's like \$50 -- five

4 hundred and fifty.

5 Q. Okay. Is there any line of credit in which your

6 house is used as security?

7 A. Yes.

8 Q. And what is that?

9 A. Well, the line of credit is 1,300,000.

10 Q. And who is that owed to?

11 A. That's with Parks Sterling.

12 Q. And that is still existing; is that correct?

13 That 1.3 million dollars is still owed to Parks Sterling?

14 A. Well, it's owed -- a portion of it is owed if

15 it's -- that's what's available, let's put it that way.

16 Q. Okay. What do you have the house insured for?

17 A. The minimum, probably, or whatever. I'm not

18 sure.

19 Q. Do you have an insurance policy?

20 A. Yes.

21 Q. Can you produce it?

22 A. Yes.

23 Q. All right. The lien or security with Parks

24 Sterling, do you have a document reflecting on that and can

25 you produce it?

51

1 A. I can.

2 Q. How long would it take you produce it?

3 A. Two weeks.

4 Q. Have you inquired about producing it?

5 A. No.

6 Q. Okay. The IRS debt, you say you owe \$550,000?

7 A. Roughly.

8 Q. Is that personally or is that through your

9 company?

10 A. Well, my company is a S Corp so it's personally.

11 Q. Okay. Is that you and your wife?

12 A. Correct.

13 Q. Anybody else obligated on that?

14 A. No.

15 Q. What was the \$550,000 owed to the IRS for?

16 A. I'm not exactly sure how they determined that.

17 Q. Did you have an accountant?

18 A. Yes, sir.

19 Q. Who was the accountant?

20 A. Todd Plowler.

21 Q. And did you have an attorney?

22 A. No.

23 Q. So Mr. Plowler, he was acting as your agent

24 regarding the dispute with the IRS?

25 A. He and I together, yes.

52

1 Q. And you agreed that you owed \$550,000?

2 A. No, I didn't agree with him. But I went ahead

3 and settled.

4 Q. You settled an IRS claim for approximately

5 \$550,000?

6 A. I settled on the amount, yes.

7 Q. And when did you do that?

8 A. About a year-and-a-half ago.

9 Q. And what documents do you have that would

10 reflect on your settlement of that issue?

11 A. My CPA has all of that.

12 Q. Okay. How long would it take you to get those

13 documents and produce them?

14 A. I would have to ask him.

15 Q. All right. Have you asked him so far?

16 A. No.

17 Q. Okay. What payments have you made on that IRS

18 debt?

19 A. I do not know.

20 Q. You don't have any idea? I'm not asking to the

21 penny.

22 A. Maybe they've paid a hundred thousand.

23 Q. All right. Do you have a workout plan with the

24 IRS?

25 A. I think that's what he did.

53

1 Q. And what are terms of it?

2 A. I do not know.

3 Q. In general terms so I can just understand it.

4 Rather than perhaps insist that you go get the documents,

5 I'm trying to move along as quickly as we can.

6 A. Well, he just worked it out with the local IRS

7 people and so they implemented it, and it's been going on

8 now for the better part of a year-and-a-half.

9 Q. And have they placed any liens on any of your

10 property?

11 A. No. Not to my knowledge, no.

12 Q. And so there's no lien on your house for the IRS

13 debt; is that correct?

14 A. Not that I've been informed.

15 Q. Okay. Is there any lien on any of the assets of

16 yours and your wife's businesses?

17 A. No.

18 Q. All right. Again, this is on line of your

19 ability to pay. What kind of vehicle do you drive?

20 A. A Ford truck.

21 Q. Okay. What year?

22 A. '14, maybe.

23 Q. Okay. Was it --

24 MR. PELLINGTON: And, Counselor, just to be

25 clear, we agree to still a blanket objection to this line of

54

1 questioning?

2 MR. TRUSLOW: Yes.

3 MR. PELLINGTON: All right.

4 MR. TRUSLOW: I'm talking about ability to pay.

5 MR. PELLINGTON: Right.

6 MR. TRUSLOW: And I'm talking about

7 Ms. Ballard's fees in this lawsuit.

8 MR. PELLINGTON: Right. And just so it's clear,

9 the basis of the objection is that you're delving into

10 collection efforts. But just so we understand that there's

11 a blanket objection with respect to this line of questioning

12 and you agree with that; is that correct?

13 MR. TRUSLOW: I don't know that I agree with

14 that, but I'm just going to ask my questions and get some

15 answers. I don't think it's quite that simple.

16 BY MR. TRUSLOW:

17 Q. You have what, an F-150?

18 A. Correct.

19 Q. And it's maybe a 2013/2014 vehicle?

20 A. Correct.

21 Q. Do you own it personally or is it owned through

22 the business?

23 A. The business.

24 Q. Is that the only vehicle that you use?

25 A. Yes, sir.

55

1 Q. Your wife, what does she drive?

2 A. She drives a Cadillac that my son gave her in

3 his divorce. That was settled that that was his so he gave

4 it to my wife.

5 Q. What year Cadillac?

6 A. I believe '15.

7 Q. When?

8 A. '15. I believe it's a 2015.

9 Q. When did he give this to your wife?

10 A. A year-and-a-half ago.

11 Q. All right. Does it have any debt on it?

12 A. I do not know.

13 Q. Does your truck have any debt on it?

14 A. It's leased.

15 Q. Oh. It's leased?

16 A. Yes, sir.

17 Q. All right. If someone were to observe your

18 house, would they see any other vehicles at your house other

19 than your F-150 truck and the Cadillac?

20 A. It depends on who's visiting, but normally no.

21 Q. Not visitors. That might be used by you and

22 your wife.

23 A. No.

24 Q. What vehicles does your two corporations, the

25 Superior corporations, own?

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1 A. Trucks, forklifts, all types of equipment.

2 Q. I'm talking about vehicles right now. Do they

3 own vehicles, do they lease all the vehicles --

4 A. They do both.

5 Q. Okay. What do they own, what vehicles do they

6 own?

7 A. I don't know.

8 Q. Are there too many that you wouldn't know?

9 A. There's maybe 25, 30.

10 Q. Okay. Any Mercedes in there?

11 A. No.

12 Q. Are there any vehicles worth more than \$10,000

13 that are leased or owned?

14 A. Yes.

15 Q. What are they?

16 A. A F-550 Ford truck, dump trucks.

17 Q. Okay. And how about your son? What does he

18 drive?

19 MR. PELLINGTON: Objection.

20 BY MR. TRUSLOW:

21 Q. That's owned by the company, or companies.

22 MR. PELLINGTON: Still objection.

23 BY MR. TRUSLOW:

24 A. A Ford pickup. And he's close to -- they're

25 going to take that back because it's a lemon. So he'll be

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1 without a vehicle for the time being.

2 Q. Is that a black truck?

3 A. Yes.

4 Q. A Raptor?

5 A. Yes.

6 Q. All right. What else has he historically driven
7 that might be owned by --

8 A. His truck is his pride and joy.

9 Q. All right. What else?

10 A. That's all.

11 Q. That's the only vehicle he's driven?

12 A. He loves it.

13 Q. And he doesn't have any other car or use any
14 other vehicle that's owned by the business or leased by the
15 business?

16 A. No.

17 Q. All right. Was a vehicle provided to his wife?

18 A. No. That was his Escalade and my wife didn't
19 want to drive an Escalade so he traded it for the car that
20 she assumed.

21 Q. What car is that, what kind?

22 A. The '15 -- or '14 Cadillac.

23 Q. All right. So what is she driving now, your
24 wife?

25 A. The Cadillac.

58

1 Q. Not your wife, his wife.

2 A. Oh. I don't know.

3 Q. Okay.

4 A. They're separated.

5 Q. All right. I'm sorry.

6 A. Oh, I'm not.

7 Q. So your son has a Ford Raptor that he drives
8 which you've said was his pride and joy?

9 A. It was, yes.

10 Q. And it's owned by Superior?

11 A. I believe it is, yes.

12 Q. Okay. And there are twenty -- I can't remember
13 what you said. 25, 35 vehicles in your business --

14 A. Plus or minus.

15 Q. -- that are leased or owned?

16 A. Sir?

17 Q. That are leased or owned?

18 A. Yes.

19 Q. And then you've got equipment in your business
20 that include forklifts and I guess --

21 A. Machines.

22 Q. -- plasma cutters, machines or whatever?

23 A. Right.

24 Q. What is the value of the machines?

25 A. (Pauses).

59

1 Q. Approximately. You don't have to tell me down
2 to the penny, the dollar. The thousands or the ten
3 thousands of dollars.

4 MR. PELLINGTON: Objection.

5 BY MR. TRUSLOW:

6 A. \$30,000.

7 Q. Okay. Do you own any real estate other than
8 your home?

9 A. Yes.

10 Q. What do you own?

11 A. A mountain house.

12 Q. All right. Anything other than a mountain
13 house?

14 A. No.

15 Q. Have you transferred any property out within the
16 last three years?

17 MR. PELLINGTON: Objection.

18 BY MR. TRUSLOW:

19 Q. That you and/or any of your companies may have
20 owned?

21 A. I do not believe so.

22 Q. All right. You said you had a mountain house
23 and I asked you is that all, and I'm paraphrasing, a
24 mountain house and your house where you live with your wife
25 and is that all of the real estate you own?

60

1 A. I own the property where my tile company and
2 stone company are.

3 Q. And that's on Brevard Street?

4 A. Yeah.

5 Q. What properties do you own and how many acres,
6 approximately?

7 A. Six acres.

8 Q. Have you ever listed any of it for sale?

9 A. The mountain house, yes.

10 Q. No. Any of the Brevard Street property. I'm
11 sorry.

12 A. Yes.

13 Q. What did you list for sale?

14 A. The property as a whole.

15 Q. The entire property?

16 A. Yes.

17 Q. When did you list it?

18 A. Maybe two years ago.

19 Q. Is it still listed?

20 A. No.

21 Q. You took it off the market?

22 A. (Nods head).

23 Q. Is that --

24 A. Yes.

25 Q. What did you have it listed for, what price?

61

1 Approximately. Again, I'm not down to the penny or the
2 dollar.

3 A. A million -- a little over a million dollars.

4 Q. What is your business worth in your opinion?

5 MR. FELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 A. I really have no idea.

8 Q. Your business, I'm including whether it's
9 Superior Stone or Southeast, would your answer be the same,
10 you have no idea what they're worth?

11 A. Correct.

12 Q. Do you get a salary?

13 A. Yes.

14 Q. Does your wife get a salary?

15 A. No.

16 Q. Does your son get a salary?

17 A. I think he does, yes.

18 Q. Who is in charge of the day-to-day operations?

19 A. My son.

20 Q. Okay. So he's not a mere employee, he holds a
21 valuable position; is that correct?

22 MR. FELLINGTON: Objection.

23 MR. TRUSLOW: That may be well-founded. Let me
24 try to rephrase it a different way.

25 BY MR. TRUSLOW:

62

1 Q. In your opinion -- well, first of all, what is
2 your position?

3 A. On what?

4 Q. In the corporation or corporations.

5 A. I have a desk and an office.

6 Q. I meant, are you president, CEO, CFO. Where do
7 you fit in?

8 A. I'm a advisor.

9 Q. Do you still work?

10 A. Not on a day-to-day basis.

11 Q. Okay. So your son -- I know this is a general
12 term and the objection may have been well-founded when it's
13 unartfully stated as I might have stated it, but I was
14 trying to cut to the chase. Is your son in charge of the
15 operations?

16 A. To a large extent, yes.

17 Q. And you just oversee him to a limited extent?

18 A. A limited extent.

19 Q. Okay. So using a vernacular, he runs things?

20 A. He thinks he does, yes.

21 Q. All right. What percentage of the stock does he
22 own?

23 A. Zero.

24 Q. Who owns the stock?

25 A. Diane.

63

1 Q. Diane owns all of the stock?

2 A. Yes.

3 Q. Do you own any of the stock in any of the
4 Superior companies?

5 A. I don't think so now.

6 Q. When did Diane become the owner of all of the
7 stock?

8 A. Five years, probably, ago.

9 Q. How did she become owner of all of the stock?
10 Did you give her your interest, divest your interest? What
11 did you do?

12 A. I think when we formed the company Superior
13 Stone, she was just the -- since she was the minority she
14 became a hundred percent stockholder.

15 Q. When you say, she's the minority, what does that
16 mean?

17 A. Well, being a woman and a lot of our contractors
18 wanted a minority and so it opened up a lot of avenues to
19 get more work.

20 Q. Okay. Was she actively involved handling the
21 finances, overseeing the employees, cutting tile, bidding on
22 jobs? What was she doing?

23 A. She was actively involved when it came to
24 meeting and greeting and doing the wining and dining to get
25 new customers.

64

1 Q. Okay. But she wasn't doing the actual work?

2 A. No.

3 Q. How many employees do you have?

4 A. I honestly cannot tell you.

5 Q. Okay. The last thing I looked at indicated
6 about 35. Does that sound right?

7 A. We gear up accordingly and gear down
8 accordingly. But, yeah, 35 might be a good average.

9 Q. Is business good or bad now? I know that's a
10 broad question.

11 MR. FELLINGTON: Yeah. I'll object.

12 MR. TRUSLOW: Okay. I'll withdraw that and ask
13 it a different way.

14 BY MR. TRUSLOW:

15 Q. What was your gross income last year?

16 A. I have no clue.

17 Q. Can you tell me within a hundred thousand
18 dollars?

19 A. No, sir.

20 Q. Can you tell me within a million dollars?

21 A. It would be certainly less than a million
22 dollars.

23 Q. Okay. Of gross income or net profit, or gross
24 profit?

25 A. Gross income.

65

1 Q. Do you mean gross from sales?
2 A. I believe. Like I say, I don't get into the
3 day-to-day operation of it.
4 Q. What were the gross sales within a million
5 dollars?
6 A. I really do not know.
7 Q. And who would have that information?
8 A. My accountant, Todd.
9 Q. Mr. Plowler?
10 A. (Nods head).
11 Q. How about your son?
12 A. He would know much better than I.
13 Q. Do you get paid on any basis now?
14 A. On a weekly basis.
15 Q. Is it salary or how is it treated, the money you
16 get?
17 A. How does the company -- they just write -- I
18 just get a paycheck.
19 Q. How much do you get?
20 A. \$500.
21 Q. Is that it?
22 A. That's it.
23 Q. Do you get any dividends, any other income at
24 all?
25 A. Not to my knowledge, no.

66

1 Q. Other than \$500 a week do you receive any other
2 benefit from any of these corporations?
3 A. I'm sure I do, but I don't know exactly the
4 amounts, nor do I know close.
5 Q. Can you tell me --
6 A. They take care of my bills.
7 Q. Can you tell me within \$10,000?
8 A. \$10,000.
9 Q. It's less than \$10,000?
10 A. Yes.
11 Q. And you say the company takes care of your
12 bills?
13 A. Yes. My utility payments, things like that.
14 Q. Your personal expenses and such?
15 A. I'm allotted so much money and they take that
16 out of that allotment, I believe is the way it works.
17 Q. Are you a member of a country club?
18 A. No, sir.
19 Q. All right. Have you been a member of a country
20 club?
21 A. Years ago.
22 Q. Okay. What do you and your wife pay for
23 personally as compared to the corporations paying your
24 expenses?
25 MR. PELLINGTON: Objection.

67

1 BY MR. TRUSLOW:
2 A. I don't know.
3 Q. Okay. Do you pay for anything or is it all paid
4 for through the corporations?
5 A. No. My wife uses the monies that are allocated
6 to pay our personal bills.
7 Q. Okay. Do you have a wallet?
8 A. Yes.
9 Q. Do you have it with you?
10 A. Yes.
11 Q. Do you have credit cards in it?
12 A. Yes.
13 Q. Are those the ones you use on a regular basis?
14 A. I like to use cash more than I do credit cards.
15 But, yes, if I need a credit card I have a gas credit card.
16 Q. Okay. I'm not going to ask you for the
17 identification, but can you look in your wallet and tell me
18 which credit cards you have that are personal and which ones
19 are business?
20 A. I have a MasterCard.
21 Q. All right. Is that business or is that
22 personal?
23 A. Personal.
24 Q. And what bank is that through?
25 A. Maybe Chase.

68

1 Q. Okay. And what else do you have?
2 A. A gas credit card.
3 Q. A what?
4 A. A gas credit card.
5 Q. Is that personal?
6 A. No.
7 Q. If you would look --
8 A. I can't even tell you the name of it.
9 Q. Sir?
10 A. I can't even tell you the name of it.
11 Q. Well, could you look in your wallet if you have
12 it with you and just tell me?
13 A. Fleet -- Citco Fleet and it's Superior Tile.
14 Q. All right. So that's Superior Tile --
15 A. Uh-huh.
16 Q. -- for your gas credit card. Your MasterCard
17 you indicated you have?
18 A. And the MasterCard doesn't say whose bank --
19 Q. Whose name is on there?
20 A. Mine.
21 Q. George Combis?
22 A. Yes, sir.
23 Q. And what other credit cards?
24 A. That's it, two.
25 Q. That's it?

69

1 A. That's it.

2 Q. No debit cards, no credit cards?

3 A. That's it.

4 Q. Do you use debit cards?

5 A. No.

6 Q. Okay. You said you prefer to use cash; is that

7 correct?

8 A. Yeah. If it's a small purchase and not

9 business-related, yes.

10 Q. And where does the cash come from?

11 A. My \$500.

12 Q. Okay. What do you do? You cash your \$500? You

13 don't deposit it, you just cash it and --

14 A. No. It's directly deposited into my account and

15 then I'll usually get a hundred dollars that I can use

16 during the week.

17 Q. Okay. I understand what you're saying. How

18 about your wife? Is she paid a salary?

19 A. No.

20 Q. Does she get any benefits from the companies?

21 By that, meaning it could be dividends, it could be income,

22 it could be rent --

23 A. She has a gasoline card just like mine and if

24 she uses her vehicle for company-related trips, then she

25 gases up accordingly. But other than that, she just pays it

70

1 on her own.

2 Q. So what did you all do to get a 550,000 dollar

3 debt to the IRS?

4 A. Well, it's a long story. But the way our taxes

5 are computed, in the IRS system we roll over jobs into the

6 next year and they didn't allow our rollover for '13 or '14

7 and so we had to pay income. We had to pay the taxes on the

8 income we got and then we will get it off when we show our

9 losses in the future.

10 Q. Do you have any loss carrier forwards?

11 A. Yes.

12 Q. How much?

13 A. I don't know. We lost \$800,000 on a job in

14 Charlotte, and that was part of it and that's what they

15 wouldn't allow us to roll over.

16 Q. What job did you lose money on?

17 A. The Duke Endowment on Morehead Street.

18 Q. And what is that business and what happened?

19 A. The contractor just flat lied to us and

20 authorized all kind of expenses and then backed out of it.

21 Q. Did you bring a lawsuit?

22 A. No. I thought about it and they persuaded us

23 that they would make it up to us and so we went along with

24 that.

25 Q. You didn't file a mechanic's lien?

71

1 A. Nope. We intend on doing business a long time

2 in Charlotte so we didn't want to add insult to injury, I

3 guess.

4 Q. We mentioned the two vehicles that you and your

5 wife have. We mentioned your son's Raptor. Which is an

6 impressive truck, by the way. I can understand why he would

7 have it.

8 A. He's taking it back. It's a lemon.

9 Q. How long has he had it?

10 A. Six months, maybe.

11 Q. Do you have any boats?

12 A. I have a jon boat.

13 Q. Any other boats?

14 A. A paddle boat.

15 Q. Anything else?

16 A. Nope.

17 Q. And when I say you, the company, your wife --

18 A. No.

19 Q. -- son?

20 A. No.

21 Q. Okay.

22 MR. PELLINGTON: We've been going about an

23 hour-and-a-half. Now about a first break today?

24 MR. TRUSLOW: Sure. This isn't an endurance

25 contest. If you need a break, we'll take a break.

72

1 (Recess from 11:27 a.m. to 11:31 a.m.)

2 BY MR. TRUSLOW:

3 Q. All right. We're back on the record. You

4 realize you are still under oath?

5 A. Yes, sir.

6 Q. Okay. I think where we stopped, I think I had

7 been asking you about your 550,000 dollar debt to the IRS

8 and you got some workout plan, as I understand it. Are you

9 paying interest on the debt?

10 A. No.

11 Q. How long do you have to pay it off?

12 A. I don't know.

13 Q. Mr. Plover would have that information?

14 A. Yes, sir.

15 Q. And I'm trying to figure out how you incurred a

16 550,000 dollar debt obligation to the IRS. Was this from

17 things that the way your accountant advised you or were you

18 all doing it on your own despite what the accountant had --

19 A. No. We're doing it on his advice.

20 Q. So the source of you having to pay the \$550,000

21 in debt to the IRS was as a result of Mr. Plover's advice

22 to you on how to handle things?

23 A. I believe so, yes.

24 Q. But you're still using him as your CPA?

25 A. I believe so, yes.

73

Q. Okay. Did you follow his advice or did you not follow his advice?

A. Followed it.

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

Q. Okay. I guess I ought to make that clearer. Regarding what caused you to incur the \$550,000 in debt, was that as a result of following Mr. Fowler's advice or was it some other reason?

A. Another reason.

Q. What was the other reason?

A. The IRS didn't allow us to take the loss in the year that we thought we should be able to.

Q. And did you not take the loss in that year because of what Mr. Fowler had advised or for any other reason?

A. I think Mr. Fowler implied that we should try and take it and see if they would allow it, and then they just didn't.

Q. Okay. I want to talk to you about debts. But before I do, I just want to make sure in my own mind, the watch you're wearing is the one you had given your father and he gave back to you?

A. Yes. It was always mine and he just -- my father never was one for jewelry, or he didn't even like to

74

wear a wedding band but he did.

Q. So you gave him the watch and then he gave it back to you?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. Right.

Q. And that was in 2008, if I understand?

A. Or '09. I'm not exactly sure the '08 or '09.

Q. Sure.

A. But it was my watch and I knew that for him wanting to impress his friend, who's very, very wealthy, he wore it for that and then the rest of the time he wore his work watch.

Q. His what?

A. His work watch.

Q. Well, how about the Rolex watch he bought?

A. That was his work watch.

Q. And that was one that you gave to your son in 2010/2011?

A. No. The watch that I gave to my father was this watch and -- but I told my father that I always wanted to keep possession of it and that I suggested that he pass it along to my son, Chris. And at the time, the Rolex watches weren't the thing, so Chris let his wife, Lauren, borrow it, wear it for a little while and then I told him, well, I'd

75

just as soon keep it. So I kept (sic) it back.

Q. All right.

A. Took it back.

Q. I apologize. I must be confused now. But as I understand it, you bought the watch that you're wearing, gave it to your father and then he gave it back to you?

A. I told him, I said, you know, if you quit wearing it or don't -- I don't want you to go sell it, give it back. Because I know he didn't -- if he paid \$200 for a watch in those years, that was too much money.

Q. And then the watch that you said Lauren ended up with, what was that? Tell me about that.

A. I told my father if he didn't want to wear the watch, I said, let's give it to Chris. So I gave it to Chris and --

Q. But you said that was in 2010 --

A. I don't know exactly what year.

Q. -- or 2011. Okay. You gave it to Chris?

A. Yes.

Q. Okay.

A. And then he let his wife wear it for a period of time, then she lost interest in it and so Chris said, here, Dad, you just keep it.

Q. He gave it back to you?

A. Correct.

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Q. Okay. And that's the one that was produced to Ms. Ballard?

A. No. The one that was produced to Ms. Ballard --

Q. All right. So that's got to be three. There's got to be a third one then.

A. No. The one that was produced that I packed up with the coins and the gun was the watch that my father used on a day-to-day basis that he got from one of his buddies somewhere. I have no clue where.

Q. Was it a Rolex watch?

A. To the best of my knowledge, yes.

Q. Okay. And that's the one you packed up and provided to Mr. Pellington?

A. Yes.

Q. Okay. I'm not going to ask you about any conversations that you had with him, but was it already packaged when you delivered it or was it available for him to inspect?

A. The box that I brought Mr. Pellington?

Q. Yes.

A. He could have -- I taped it and closed it up nicely and put padding around it. But, yes, he could have opened it. I thought he would have opened it.

Q. So in defense of Mr. Pellington, he wouldn't have looked at it. He would have just sent it on to

77

1 Ms. Ballard?

2 A. I don't know.

3 Q. Okay. Would the same be true for the coins and
4 for the gun?

5 A. I assume so.

6 Q. So they were in a sealed package when you
7 provided them to Mr. Pellington?

8 A. The coins, the gun and the watch were all in one
9 box, yes.

10 Q. And sealed?

11 A. Yes.

12 Q. Okay. Where had you kept that watch?

13 A. In the safe.

14 Q. Why did you keep it in the safe?

15 A. It was safe there.

16 Q. Okay. Was it a valuable -- I mean, you've had
17 some 50 Rolex watches so I would presume you know what one
18 looks like. Did it appear to be a Rolex?

19 A. Yes.

20 Q. Did it have any marks, scratches, anything like
21 that on it?

22 A. Not that I was aware. But I'm sure it had
23 scratches because he wore it -- he welded, he did all kind
24 of manual labor so I'm sure it was scratched up quite a bit.

25 Q. Okay. Did you take any photographs of it before

78

1 you produced it to your attorney?

2 A. No -- well, yes. As it was packed in the box.
3 But I had already wrapped it up in a felt piece of material.

4 Q. Had you photographed it?

5 A. No, not -- yes. Yes, I did. Yes, I did.
6 Before I wrapped it up and I put it in the box and then I
7 got to thinking that the watch would be rolling around so I
8 wrapped it up in some felt and put it in the box.

9 Q. So you photographed it?

10 A. Yes, sir.

11 Q. And where is that photograph?

12 A. On my camera.

13 Q. So you still have it, the photograph?

14 A. I hope I do.

15 Q. How long would it take you to produce it?

16 A. (Pauses).

17 Q. A matter of days?

18 A. I think so.

19 Q. The same thing, I'm going to ask you about the
20 gun. Do you know what kind of gun it was?

21 A. I'm not familiar with guns but I think it was a
22 .25, I think. I did take the bullets out. I kept the
23 bullets.

24 Q. You kept the bullets?

25 A. Yes, sir.

79

1 Q. So did you produce a magazine?

2 A. I left the magazine in there.

3 Q. Did you leave the magazine in the gun or out of
4 the gun?

5 A. In the gun.

6 Q. Did you leave it in a safe position or did you
7 leave it with the bolt forward?

8 A. No clue.

9 Q. Okay. But you took the bullets out of it; is
10 that correct?

11 A. I had one of my men at the shop show me how to.

12 Q. So when you delivered the gun to Mr. Pellington
13 it had no bullets in it?

14 A. Right. I didn't want anyone to get shot
15 accidentally.

16 Q. Okay. If, when that gun was opened up and
17 delivered to Ms. Ballard's office and opened up, it had a
18 .25 automatic with a magazine in it, fully loaded with a
19 bullet in the action and the safety off, can you account for
20 how that would happen?

21 A. I have no idea.

22 MR. PELLINGTON: Objection.

23 BY MR. TRUSLOW:

24 A. Is that a hypothetical?

25 Q. Yes.

80

1 A. Okay.

2 Q. It's actually going to be a fact because we're
3 trying to figure out, if you took all of the bullets out how
4 did the gun get loaded with .25 automatic ammunition in the
5 magazine with a bullet in the chamber? How did that happen?

6 MR. PELLINGTON: Objection.

7 BY MR. TRUSLOW:

8 A. I watched my guy empty the gun on my desk.

9 Q. Well, what did you do with the bullets?

10 A. I've got them in my desk drawer.

11 Q. Did you put a zip tie in the action?

12 A. What's that?

13 Q. A zip tie?

14 A. Uh-huh.

15 Q. You don't know what zip ties are?

16 A. Those plastic --

17 Q. Yes.

18 A. Okay. And where do you use it with a gun?

19 Q. Well, you put it between the action when you
20 pull it back and put it between the trigger, zip tie it so
21 it can't go forward and shoot. It's safe.

22 A. No.

23 Q. Have you ever been to a gun show?

24 A. Have I ever been to a gun show? No.

25 Q. Okay. Do you carry a pistol?

81

1 A. No.
2 Q. Have you ever owned a pistol?
3 A. Yes, sir.
4 Q. What kind?
5 A. A Ruger.
6 Q. Okay.
7 A. But I don't know what --
8 Q. We don't know what caliber?
9 A. No.
10 Q. Did your father have guns?
11 A. Yes.
12 Q. What did he have?
13 A. Well, the most valuable gun to him and me was a
14 .45 that he brought from the war in tubes of toothpaste,
15 because he wasn't allowed to keep his gun. So he brought it
16 to the United States in 1947, I believe was when he told me,
17 and he had it chromed. And he had a large city directory
18 book, about six inches thick, and he had it cut out and he
19 had the gun inside of it and it was behind his desk, and he
20 told me if we ever needed it. And he said, let me show you
21 how to shoot it and I didn't even want to know. I never was
22 raised around guns so I had no interest. And that most
23 valuable gun Linda has, my sister.
24 Q. Well, you just said or the last I've heard of it
25 so far, it was in the office at Superior.

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1 A. Yes. And then my father, when he went to live
2 with Linda, he took it with him at her house.
3 Q. Do you have any other guns?
4 A. Not to my knowledge.
5 Q. Okay. No rifles, no pistols, no revolvers? Is
6 that your testimony?
7 A. Other than the .45.
8 Q. Did he carry a pistol ever?
9 A. Oh, no.
10 Q. You're sure?
11 A. Positive.
12 Q. Okay. Why are you positive?
13 A. He just didn't believe in carrying a pistol.
14 Q. Okay.
15 A. He had been in prison and I think he was
16 probably -- they told him not to.
17 Q. What?
18 A. They probably had told him not to carry a
19 pistol.
20 Q. I'm sorry. I didn't understand you. You said
21 something about prison and I couldn't hear you.
22 A. He had been in prison many, many years earlier
23 and they probably had told him it wouldn't be good for him
24 to --
25 Q. I'm sorry to have to ask you about that. This

83

1 is the first I've heard about this. Your father was in
2 prison? There's got to be a story.
3 A. Well, he was with a group of guys that were
4 filing the serial numbers off of motors and then I guess
5 either reselling them or putting them in cars and reselling
6 them. So he got caught and -- I don't even know where he
7 went to prison but he was telling me this.
8 Q. Was this after World War II?
9 A. Yes, sir.
10 Q. Okay. Approximately what year was he in prison,
11 or years?
12 A. I would guess the '50s, but I wouldn't --
13 Q. Was it State or Federal or do you know?
14 A. I don't know.
15 Q. Okay.
16 A. He laughed about it, but he was embarrassed by
17 it as well.
18 Q. Okay. So was he a felon?
19 A. I don't even know how long he was in jail. I
20 want to say six months but I'm not sure.
21 Q. All right. Did your father ever give any guns
22 to your wife?
23 A. No.
24 Q. Did she ever keep any guns in your safe that
25 were your father's?

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1 A. Yes. Two. Two pistols.
2 Q. And what were those two pistols?
3 A. The one that I sent and the other one, I have no
4 clue what happened to it.
5 Q. But it was your father's, two pistols that were
6 your father's, they went into your safe?
7 A. Uh-huh.
8 Q. And they were your father's; is that correct?
9 A. Right. That he told me that he wanted me to
10 have to keep at the office.
11 Q. Okay. And according to your testimony, you've
12 provided one of them and the other one, what is the
13 explanation of where it went?
14 A. It just got lost.
15 Q. All right. I'm trying to get my mind around
16 this. How do you lose a gun that's in a safe? You said you
17 don't carry a gun, you don't like guns. Does your wife like
18 guns?
19 A. No.
20 Q. Does she carry a gun?
21 A. No.
22 Q. So how did it get out of the safe and why wasn't
23 it delivered to Ms. Ballard?
24 A. Because it just wasn't there. I don't know what
25 happened to it. I have no clue.

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1 Q. That's your testimony?

2 A. That's my testimony.

3 Q. Is there anything that might change? Could you
4 be mistaken?

5 A. Oh, I could be. But I just can't find the gun.

6 Q. Okay. When you were ordered by Judge Gibbons to
7 turn over whatever guns you had to Ms. Ballard, you turned
8 over one gun, or turned it over to your attorney to turn
9 over to Ms. Ballard?

10 A. Yes.

11 Q. And is it fair to say you didn't tell anybody
12 about the other gun, the missing gun?

13 A. No. I wasn't even sure if there was two and the
14 more I thought about it, I said, yeah, I thought he had a
15 little, small silver .22, but we just couldn't find it.

16 Q. Okay. But the last you know it was in your
17 safe?

18 A. That's what we thought, yes.

19 Q. And what year was that?

20 A. Let's see. 2012, maybe.

21 Q. Okay. So in 2012, you believe that there were
22 two pistols in your safe that were owned by your father?

23 A. I thought so, yes.

24 Q. And one of them is now missing?

25 A. Yeah. We can't find it. I'll put it that way.

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1 Q. All right. Going back --

2 MR. TRUSLOW: If you need to take a break, we
3 can.

4 MR. PELLINGTON: No. Don't put this on the
5 record.

6 (Discussion off the record)

7 BY MR. TRUSLOW:

8 Q. Okay. We're talking about ability to pay in
9 this case. I'm still on this. I haven't gotten off item
10 number one.

11 A. Okay.

12 Q. The mountain house --

13 MR. PELLINGTON: I would still note that I'm
14 objecting to the line of the questioning.

15 MR. TRUSLOW: I'm not talking about any other
16 case or anything that's stayed. I'm talking about this
17 case.

18 MR. PELLINGTON: Well, also, too, I mean,
19 previously you were talking about -- I mean, I guess it's
20 all lumped into 306 now. But with respect to the items
21 produced by Mr. Combs, I'm not sure how that is germane to
22 the fee lawsuit.

23 MR. TRUSLOW: I think I can explain it in court.
24 But, thanks.

25 MR. PELLINGTON: That's fine.

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1 MR. TRUSLOW: All right.

2 BY MR. TRUSLOW:

3 Q. Now, Mr. Combs, you've mentioned a mountain
4 house. Is that in Brevard County?

5 A. No. Avery.

6 Q. Avery County?

7 A. Avery.

8 Q. All right. And have you ever attempted to sell
9 that house?

10 A. Yes.

11 Q. What have you listed it for?

12 A. I think the last listing is, I think, \$45. I
13 think that's the --

14 Q. Is it listed for sale now?

15 A. Yes.

16 Q. What do you owe on it?

17 A. Close to eight. There's a debt in there of
18 about 30 or 40 thousand dollars, so I'll lose money.

19 Q. Yeah. I was going to say that's not good.

20 A. No.

21 Q. Are you --

22 A. Too many homes for sale up there.

23 Q. Are you current on the taxes?

24 A. Yes.

25 Q. Current on the homeowner's regime fees?

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1 A. Yeah.

2 Q. Any liens against that property other than a
3 first mortgage?

4 A. Not to my knowledge, no.

5 Q. Who is the property listed with?

6 A. Linville Real Estate Company.

7 Q. Who is that?

8 A. Linville Real Estate Company.

9 Q. Okay. And who is the agent?

10 A. I'd have to get you his name.

11 Q. Is it a man or a woman?

12 A. A man.

13 Q. Have you changed listing agents recently?

14 A. Yes. A year ago I had it listed with the lady
15 at Linville Realty and then she became ill and had to quit
16 and my listing expired so I re-listed it with this gentleman
17 with the same firm.

18 Q. Okay. Have you had any offers?

19 A. Not a one.

20 Q. Not a single one?

21 A. Not a single one.

22 Q. That's a shame.

23 A. I'm telling you.

24 Q. Why haven't you just decided it back in lieu of
25 foreclosure?

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1 A. I don't want to do that. I owe the money and
2 I'll honor it and pay it and wait till it sells if I have
3 to.

4 Q. Okay. When's the last time you went to Avery
5 County, your and/or your wife?

6 A. Today is the 13th? The 3rd of September.

7 Q. Okay. Did you use it this summer, you and your
8 wife? Did you use the house?

9 A. We were there periodically and had quite a few
10 guests there, yes.

11 Q. Okay. Does your son use it as well?

12 A. I don't think he's been there this year at all.

13 Q. Who pays the mortgage? Do you pay it personally
14 or is it paid for by your businesses?

15 A. Personally.

16 Q. Okay. I'm still on assets and ability to pay.
17 Do you have a retirement account, like a 401(k), a SEP
18 plan --

19 A. No, sir.

20 Q. None at all?

21 A. None at all.

22 Q. Does your wife? The same question.

23 A. None at all.

24 Q. Okay. Do you owe any money on credit cards or
25 do you pay them off on a monthly basis?

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1 A. I think she pays them on a monthly basis.

2 Q. You told me you had a house mortgage.

3 A. The mountain house mortgage, yes.

4 Q. But on your personal home there's none, but you
5 have a line of credit. Your personal home is used to secure
6 that and I think you said it was about four or five hundred
7 thousand dollars, something like that?

8 A. A million-three.

9 Q. A million-three? I take it back. It's a
10 million-three with Parks Sterling?

11 A. Correct.

12 Q. So if I understand what you're saying, your
13 equity in your home is pretty worthless? I mean, you don't
14 have any equity to speak of?

15 A. Correct.

16 Q. Okay. Do you own any other home?

17 A. No.

18 Q. Do you have any interest in any other home?

19 A. No.

20 Q. All right. We've talked about your house is not
21 for sale and we've talked about the mortgages, we've talked
22 about your cars. Have you taken any trips lately besides to
23 the mountains in the last two years? Any trips more than
24 300 miles?

25 A. Yes.

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1 Q. Where have you gone?

2 A. Florida.

3 Q. Okay. Where did you go in Florida?

4 A. A Marriott Hotel.

5 Q. Where?

6 A. A Marriott Hotel in Fort Lauderdale, maybe.

7 Q. Who did you go there with?

8 A. My wife.

9 Q. Anybody else?

10 A. My two grandsons.

11 Q. All right. Have you flown anywhere in the last
12 two years out of the country?

13 A. No. No, not me.

14 Q. Pardon me?

15 A. No, not me.

16 Q. Has your wife?

17 A. No.

18 Q. Has your son?

19 A. My son.

20 Q. Okay. Those were business-related trips, I
21 assume?

22 A. Correct.

23 Q. Where did he go to, Italy or Croatia? Where did
24 he go?

25 A. Spain and Italy and Canada, Toronto or Montreal,

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1 one of the two.

2 Q. Okay. Ostensibly, those are business trips, I'm
3 guessing, or --

4 A. A hundred percent.

5 Q. Okay. Have you had any judgments against you
6 besides the one that's on appeal now?

7 A. Not to my knowledge.

8 Q. Have you ever had any judgments against you?
9 And I'm talking about any business or personal.

10 A. No.

11 Q. Is your business current in paying its debts?
12 Does it pay its debts in a timely manner?

13 A. Certainly.

14 Q. Has that always been so?

15 A. We've had a few rough times like anyone, but
16 we've always managed.

17 Q. Okay. We've mentioned the two banks, Parks
18 Sterling and Paragon. Anybody else that you've done
19 business with in the last three, four years?

20 A. No.

21 Q. Okay. And I understand the credit cards. I'm
22 going to ask you not what you've discussed, but have you
23 sought any legal advice regarding filing bankruptcy? And,
24 if so, I'm not going to ask you what was said, but who was
25 the attorney?

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MR. PELLINGTON: Objection. I think you're intruding onto attorney/client privilege. Unless you want to parse that out, separate that question out a little more, I'm going to instruct him not to answer.

MR. TRUSLOW: Okay. I'll attempt to do that. I understand what you're saying.

BY MR. TRUSLOW:

Q. Have you considered bankruptcy?

A. Yes.

Q. Okay. Why? Tell me all the facts that you rely on.

MR. PELLINGTON: And I will instruct you not to disclose anything you've discussed with myself, my office, any other attorneys you might have consulted with. All of that is privileged.

BY MR. TRUSLOW:

Q. And I'm not asking you that.

MR. TRUSLOW: And thank you, I appreciate it.

MR. PELLINGTON: Okay.

BY MR. TRUSLOW:

Q. Tell me what facts -- and I used the word facts I think on purpose. In fact, I know I did. What facts. Not what attorneys have told you, but what facts have you relied on?

MR. PELLINGTON: Object to the form.

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BY MR. TRUSLOW:

A. Just hearsay.

Q. Okay.

A. No particular facts.

Q. And what hearsay?

A. Just in talking with some of my friends.

Q. Okay. Who have you talked to about bankruptcy beside attorneys?

A. Nobody in specific.

Q. Okay. Do you have any close friends or confidants that are judges in North Carolina?

A. No.

Q. Have you consulted with any judges in North Carolina regarding any ongoing litigation?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

Q. Go ahead.

MR. PELLINGTON: Is the question, has he consulted with any judges?

MR. TRUSLOW: Yes.

MR. PELLINGTON: Okay.

MR. TRUSLOW: North Carolina judges.

MR. PELLINGTON: Okay.

MR. TRUSLOW: And I'll make it more specific if I need to.

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BY MR. TRUSLOW:

Q. But go ahead.

MR. PELLINGTON: If you're seeking -- I mean, if you were seeking legal advice, don't answer the question, from a lawyer, but --

MR. TRUSLOW: A judge --

MR. PELLINGTON: I'm not even sure what we're -- a practicing judge?

MR. TRUSLOW: Yes.

MR. PELLINGTON: Hold on a second.

BY MR. TRUSLOW:

A. I'll make it easy for you. I haven't chosen to answer the question.

Q. You what?

A. I do not choose to answer the question.

Q. Well, you really don't --

THE WITNESS: Is that funny? (Directed to Ms. Ballard).

BY MR. TRUSLOW:

Q. You don't have a choice.

A. No, I haven't, that I can remember. I don't recall.

Q. But you said you choose not to answer.

A. I said I don't recall.

Q. But you said before that you choose not to

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answer. How was --

A. Well, I was mistaken. I shouldn't have said that.

Q. All right. Have you had any communications with Mr. Nosal? Not about representing, but about any of these cases?

A. Yes.

Q. Have you ever lied to him?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. No.

Q. Have you ever misrepresented the truth to him?

A. I don't believe so.

Q. Did you ever represent to him that you had consulted with two North Carolina Superior Court judges about the status of cases?

A. Yes.

Q. These cases?

A. I do remember that.

Q. And was it true that you had consulted with two Superior Court judges in North Carolina regarding the status or did you misrepresent the truth to Mr. Nosal?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. I didn't misrepresent. I just choose not to

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1 answer the question.

2 Q. Well --

3 A. Just keep on going.

4 Q. I'm going to follow up on that. Did you or did
5 you not --

6 A. And I'm going to tell you the same answer.

7 Q. You're not going to disclose whether you did or
8 you didn't?

9 A. Right.

10 MR. PELLINGTON: I'm also going to object to the
11 form of the question. If you want the basis, I'll give it
12 to you.

13 BY MR. TRUSLOW:

14 Q. Have you ever represented to Mr. Nosal that you
15 consulted with two Superior Court judges regarding --

16 A. Yes.

17 Q. -- this? And was it true that you had?

18 A. Yes.

19 Q. And who were the judges?

20 A. Again, I'm not telling you.

21 Q. Were they practicing judges?

22 A. I refuse to answer.

23 Q. Okay.

24 A. You know all this. You go find out.

25 Q. Have you ever represented before that, it was

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1 regarding assets of your father, that it was stupid for
2 Ms. Ballard to seek this information? Did you ever use
3 words to that effect?

4 A. I'm sure I did.

5 Q. Okay. Do you think it's stupid for us to
6 inquire as to the names of the judges you consulted with in
7 North Carolina?

8 MR. PELLINGTON: Objection.

9 BY MR. TRUSLOW:

10 A. No. You can inquire.

11 Q. And it's reasonable for us to inquire, isn't it?

12 MR. PELLINGTON: Objection.

13 BY MR. TRUSLOW:

14 A. If you'd like.

15 Q. But you're just refusing to answer?

16 A. Correct.

17 Q. Why are you refusing to answer?

18 A. None of your business.

19 Q. Why is it none of my business?

20 A. It's just my business only.

21 Q. Okay. Was anybody with you when you had these
22 consultations with these judges in North Carolina?

23 A. One time, yes. The other time, no.

24 Q. And who was with you and in what context?

25 A. A friend of mine.

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1 Q. Okay. Who was the friend?

2 A. I'm not telling.

3 Q. Was it a lawyer?

4 A. No.

5 Q. Okay. Where did you meet with these two
6 Superior Court judges whose names you won't disclose?

7 A. How do you keep saying, I'm not going to answer?
8 I'm not going to answer.

9 Q. You understand there have been North Carolina
10 litigation going on on multiple fronts, there's a case on
11 appeal to the Fourth Circuit Court of Appeals in Richmond
12 and there's this case and then there's also the motion to
13 compel. Which of these cases did you consult with the North
14 Carolina Superior Court judges about?

15 MR. PELLINGTON: Objection.

16 BY MR. TRUSLOW:

17 Q. Go ahead.

18 A. Objection. No answer.

19 Q. You refuse to answer?

20 A. Yes, sir.

21 Q. Did you consult with any Superior Court judges
22 in North Carolina about the Federal litigation and/or the
23 appeal?

24 MR. PELLINGTON: Objection.

25 BY MR. TRUSLOW:

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1 A. No, sir.

2 Q. So which cases did you consult with them and
3 when did you consult with --

4 MR. PELLINGTON: Objection.

5 BY MR. TRUSLOW:

6 Q. -- the North Carolina judges?

7 A. I'm not going to answer.

8 Q. So if I ask you if it was while the litigation
9 in North Carolina was going on, you're going to refuse to
10 answer?

11 A. Correct.

12 MR. PELLINGTON: Objection.

13 BY MR. TRUSLOW:

14 Q. Okay.

15 MR. TRUSLOW: I think this might be a good time
16 to take a break and --

17 MR. PELLINGTON: Do you want to do a lunch break
18 now or are you -- I mean, I never like to box an attorney in
19 as to length of a deposition --

20 MR. TRUSLOW: I appreciate it.

21 MR. PELLINGTON: If you've got a little bit
22 left, I would say we --

23 MR. TRUSLOW: For this purpose I only probably
24 need ten minutes.

25 MR. PELLINGTON: Okay.

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THE WITNESS: Ten minutes more?

MR. TRUSLOW: No. Ten minutes to discuss an issue that just came up.

THE WITNESS: Oh.

(Recess from 12:06 p.m. to 12:11 p.m.)

BY MR. TRUSLOW:

Q. All right. Are you ready, Mr. Combis?

A. Oh, yeah.

Q. Who were you texting?

A. Nobody. I was just reading something.

Q. Okay. I've been asking you questions about what Superior Court judges you've talked to and when and what context and where and you've said you refuse to answer. And this is more directed at your attorney or to your attorney.

MR. TRUSLOW: But I'm confident the rules require you to direct him to answer the questions and if he doesn't, he does so -- there are consequences. And I don't know how to say this. I'm not trying to put you on the horns of a dilemma, but I think you and I both know what the rules require and it is to your advantage, maybe not his, for you to comply with what the rule requires.

MR. PELLINGTON: Well, I understand what you're saying and so I was thinking a little bit about it during the break. And the rules do allow for a consult with my client that isn't subject to your inquiry if it's with

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regard to privilege. And I'm not saying that a conversation with a sitting judge is privileged but I'm not really sure what the facts are.

So what I am requesting is a five-minute reprieve with my client to discuss whether a privilege applies so that I can get a handle on the situation factually. Are you okay with a five-minute break to --

MR. TRUSLOW: Yeah. But let me --

MR. PELLINGTON: Because I think until I have that conversation with my client, and I didn't want to do it during the break without getting this on the record because I don't want to talk to my client in violation of the rule. But until I can have that conversation with him, I'm going to have to instruct him not to answer.

MR. TRUSLOW: Okay. I understand what you're saying.

MR. PELLINGTON: Okay.

MR. TRUSLOW: And I think you may be in error, but let me go at it a different way.

MR. PELLINGTON: Well, just give a hypothetical because my client may think, well, I was talking to a judge. What if it's a former judge and he's now a practicing attorney? I think at some point didn't Williamson come in this case to represent you as a former judge and he could have had a consult for legal services, no longer a judge and

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my client might think he's a judge. But I have no idea.

MR. TRUSLOW: Before we go there let me try to lay the groundwork.

BY MR. TRUSLOW:

Q. You know Mr. Nosal is sitting here. Do you know him?

A. Yes..

Q. Has he ever acted as your attorney?

A. No.

Q. In fact, he represents your sisters; isn't that correct?

A. I believe so.

Q. Your sisters are adverse to you, correct?

A. Well, one of them is.

Q. And have you ever advised Mr. Nosal that you had consulted with two Superior Court judges regarding litigation --

MR. TRUSLOW: Well, the point is, if there was a privilege, he's waived it.

MR. PELLINGTON: Well, I think I'm going to object to that question because it's asked and answered. If I recall correctly, Mr. Combis already said that he talked to Mr. Nosal but the scope of what was discussed is more what I'm concerned about.

MR. TRUSLOW: Okay. So --

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MR. PELLINGTON: So is his --

MR. TRUSLOW: Okay. Let me just lay this groundwork.

BY MR. TRUSLOW:

Q. All right. Did you tell Mr. Nosal that or are you going to refuse to answer whether you told Mr. Nosal that?

A. I don't exactly remember what I told Mr. Nosal.

Q. Do you deny that you told him that you had consulted with two Superior Court judges?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. I deny that I told Mr. Nosal as to who these people actually -- what their positions actually were.

Q. Did you ever advise Mr. Nosal in writing or verbally that you had consulted with two Superior Court judges?

A. I do not remember.

MR. TRUSLOW: Madam Court Reporter, where we are is, I've been asking Mr. Combis about ongoing litigation. He has refused to answer. Counsel has indicated that he wanted to consult with Mr. Combis to see whether consultation with judges about pending litigation may be privileged. I don't, quite frankly. We will have to agree to disagree about that. But if he wishes to talk with his

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1 client to confirm -- and I'm not asking for this purpose
2 what the conversations consisted of. I want to know the
3 identity of them.

4 I think to that degree, I'm entitled to an
5 answer and then if we get into the issue of whether
6 communications with a judge may be privileged, then I'll
7 consider that. But I first need to know what the names are
8 because the names would not be privileged. I'm not talking
9 about the communications. I'm talking about the names, what
10 are the names of those judges.

11 MR. PELLINGTON: Well, real quick --

12 MR. TRUSLOW: And that's what the rule requires
13 you to advise him to answer.

14 MR. PELLINGTON: I take issue with my objection
15 specifically. I don't think you've framed the issue with
16 respect to the concerns I have for my client's testimony,
17 but I just want to note that for record.

18 MR. TRUSLOW: Okay. I don't want you to get in
19 trouble when I'm saying this. We may have our differences
20 but I'm trying to give you the legal out to instruct him to
21 answer that question. It is to your benefit and I think the
22 rules require you to direct him to answer the question of
23 what were the names of -- and I'll just ask it in these
24 terms. What are the names of the Superior Court judges that
25 Mr. Combis consulted with?

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1 MR. PELLINGTON: Hold on for a second.

2 MR. TRUSLOW: I'm sorry?

3 MR. PELLINGTON: I'm just saying to hold on for
4 a second and let me think about it. (Pauses). I'm going to
5 object to the form of the question and you can answer it if
6 you know.

7 BY MR. TRUSLOW:

8 Q. Go ahead. Who are they?

9 A. I do not know.

10 Q. What do you mean, you don't know?

11 A. I don't know their names.

12 Q. If you consulted with them how could you not
13 know that?

14 A. I didn't directly consult with them.

15 Q. Or were they your friends?

16 A. No.

17 Q. Have you ever said that they were your friends?

18 A. They were acquaintances.

19 Q. Have you ever said that they were your friends?

20 A. Not to my knowledge, no.

21 Q. Have you ever written that they were your
22 friends?

23 A. Not to my knowledge.

24 Q. Have you ever written to Mr. Nosal that you had
25 two friends that were Superior Court judges who had

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1 thoroughly reviewed your case?

2 A. If you have the letter, maybe it says so. But I
3 don't recall doing that.

4 Q. All right. Do you deny that you did or you're
5 saying you don't recall?

6 A. I don't recall.

7 Q. Who are your friends that are Superior Court
8 judges?

9 A. I don't recall their names.

10 Q. Are you friends of any Superior Court judges
11 outside of Mecklenburg County?

12 A. I may be.

13 Q. Okay. What judges are you acquainted with that
14 are Superior Court judges in Mecklenburg County?

15 A. I don't recall today.

16 Q. Okay. Mr. Combis, I'm not trying to lecture
17 you, but I will tell you, you need to be told this is a
18 serious matter. I would suggest that you're required to
19 answer the question.

20 MR. PELLINGTON: I believe he has answered the
21 question. He does not know or does not recall.

22 BY MR. TRUSLOW:

23 Q. Well, you can take your time but you need to
24 answer the question.

25 A. You can take as much time as you want. I'm

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1 telling you, I don't recall.

2 Q. Is there anything that you can think of that
3 would jog your memory?

4 A. No.

5 Q. I don't know the answer to this but I'm going to
6 try it from a different angle. How are judges elected or
7 appointed in North Carolina; do you know?

8 A. Maybe through the Governor.

9 Q. Sir?

10 A. Maybe through the Governor. I don't know.

11 Q. Have you ever contributed any money to anyone
12 who became a Superior Court judge in North Carolina?

13 A. No.

14 Q. Has your corporations?

15 A. No.

16 Q. I'm going to show you a list of four pages that
17 has North Carolina Superior Court judges.

18 MR. PELLINGTON: I would like to have a copy of
19 that, if possible.

20 MR. TRUSLOW: All right.

21 MS. BALLARD: We'll make a copy.

22 MR. PELLINGTON: Okay.

23 BY MR. TRUSLOW:

24 Q. Please look at that and tell me which of the
25 judges that you know.

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1 A. (Views document). I do not know any that I can
2 see here.

3 Q. Okay.

4 MR. PELLINGTON: Are you marking that?

5 MR. TRUSLOW: Yes. That will be Plaintiff's
6 Exhibit 2.

7 (Plaintiff's Exhibit No. 2, Judicial Directory,
8 was marked for identification.)

9 BY MR. TRUSLOW:

10 Q. I know the answer to this, but do you use text?

11 A. Do I use text?

12 Q. T-e-x-t.

13 A. Yes.

14 Q. All right. Do you use email?

15 A. Yes.

16 Q. What number do you use for text?

17 A. I have no clue.

18 Q. Your telephone number?

19 A. Telephone number?

20 Q. You've got it in your pocket because you had it
21 out a few minutes ago.

22 A. Uh-huh. 704-507-1976 is my cell number.

23 Q. And email?

24 A. gcombis1700@gmail.com.

25 Q. Okay. Have you ever texted Mr. Nosal?

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1 A. Yes.

2 Q. Have you ever written in a text, "I am friends
3 with two Superior Court judges and after there -- t-h-c-r-e
4 -- thorough review of the case, I am extremely confident."
5 Did you write that?

6 A. I believe I did.

7 Q. Okay. Who were those two Superior Court judges?

8 A. Nobody. No one.

9 Q. Who were they?

10 A. No one. Just two made-up judges. I just wanted
11 to see how far that would go.

12 Q. Once before you told us you couldn't remember.
13 Is your testimony now changing to say you not only can't
14 remember but they were just made up?

15 A. In that letter they were.

16 Q. I asked you if you had ever lied to Mr. Nosal.
17 Are you now telling me that you deliberately lied to him?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 A. No.

21 Q. Pardon me?

22 A. I didn't --

23 Q. Did you lie to him?

24 MR. PELLINGTON: Objection.

25 BY MR. TRUSLOW:

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1 A. In the context of that letter, yes.

2 Q. Was it --

3 A. I was testing to see if he was telling me the
4 truth.

5 Q. Was it deliberate on your part?

6 A. Yes.

7 Q. So are you friends with any judges or are you
8 not?

9 A. I've already told you no.

10 Q. Okay.

11 A. And I've already told you I don't contribute to
12 them.

13 Q. And you've told me that you couldn't remember
14 who you talked to and now your testimony is that you just
15 made it up, it didn't happen?

16 MR. PELLINGTON: Objection.

17 BY MR. TRUSLOW:

18 A. Not in that letter as formed, no.

19 Q. Aren't you telling me different things depending
20 on what question I ask? And how am I to know which is the
21 truth?

22 A. I'm telling you the same thing. I'm just
23 telling you, if you ask different questions I'll give you
24 different answers.

25 Q. Okay. I was reading from a quote and you said

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1 that you had said this: "I am friends with two Superior
2 Court judges and after their thorough review of the case,
3 I'm extremely confident." You've confirmed that you said
4 that. Did I quote directly from your text sent to
5 Mr. Nosal?

6 A. I assume you did.

7 MR. PELLINGTON: Please take the time to read
8 it.

9 MR. TRUSLOW: And we're going to offer that as
10 Exhibit 3.

11 (Plaintiff's Exhibit No. 3, Text, was marked for
12 identification.)

13 BY MR. TRUSLOW:

14 A. (Views document). I think this was it and it
15 was sent to Mr. Nosal in confidence.

16 Q. Okay. In Exhibit 3 you refer to, my proposal is
17 a win-win for everyone, you included. What was your
18 proposal to Mr. Nosal?

19 A. He knows.

20 Q. I'm asking you, sir. What was your proposal?
21 Are you going to say you don't remember or --

22 A. I don't remember at the time. I've had many,
23 many different proposals.

24 Q. Well, what was this proposal?

25 A. I don't remember.

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MR. PELLINGTON: Well, I'll also object to the fact that if the proposal was in fact the settlement offer, I'm going to object to him testifying with respect to that.

MR. TRUSLOW: That's not an objection. You can argue about the form of the question but that would be for a Court to determine. Plus, Mr. Nosal is not in this context apparently an attorney. The issue was with Ms. Ballard, so I don't think your objection is well-noted.

BY MR. TRUSLOW:

Q. But tell me what proposals you've made.

A. I told him I could work out something with him that Linda and Mary would be well taken care of and he could as well.

Q. And all that they would need to do is make sure that Ms. Ballard wasn't going to get paid?

A. I didn't say a thing about Mr. Ballard getting paid or not getting paid.

Q. How was she going to get paid under your proposal?

A. I didn't state how. I didn't care about that at the time. I was just interested in my two sisters, which she should be.

Q. So what was your proposal that was a win-win for everybody, Mr. Nosal included?

A. Let's see here. (Views document). To pay --

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make the mortgage payments on Linda's house on Horseshoe and in some way try to help Mary. And once the house in Horseshoe was paid for and Linda and Mary both died, I would give it to Pete for his sake.

Q. Well, if you are indeed bankrupt, which has been at least suggested, this would be a terrible deal for your sisters and for Mr. Nosal, wouldn't it?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. I don't think so.

Q. Well, how could they be assured that you would ever pay, that you would meet your obligations?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. I hadn't let them down yet.

Q. Well, you've got an \$800,000 dollar verdict against you, so I beg to differ. Weren't you --

A. I don't have a \$800,000 dollar verdict against me, do I?

Q. It's approximately \$800,000.

A. Okay. But it's not a verdict against me, is it?

Q. Yes.

A. Oh, okay. If that's what you want to call it, that's fine.

THE WITNESS: How long do we have to stay here

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to do this?

MR. PELLINGTON: Longer than this.

BY MR. TRUSLOW:

Q. I didn't hear what you said.

A. I was wondering how much longer. I've got things to do and people to meet.

Q. Okay.

A. So let's spend it up.

Q. We're going to go along and I've got to tell you, you're the one that said you've talked to judges and wouldn't tell their names, refused to, and then you say you can't remember the names. Then you say you just made it up and it didn't exist. So I'm going to suggest that you might think about what you've said.

A. Well, you're asking me all these questions that you already know the answers to, so just assume what you want to and let's move on.

MR. PELLINGTON: Plus, you've got my objection.

BY MR. TRUSLOW:

Q. If you have no ability to pay, why would this be a good deal for Linda and Mary?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. Who says I have no ability to pay?

Q. Well, I've been asking you. Tell me what your

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ability to pay is.

A. I don't know till the time comes.

Q. What ability do you have to pay now?

A. I don't have any.

Q. Okay. Thank you. You mention in here in Exhibit J that, I have another house, and I was asking you about that. What other house?

A. Oh. That was also make believe.

Q. Was it a lie?

A. Yeah.

Q. Okay. How many lies did you tell?

A. In this letter?

Q. Yes.

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. Three, maybe.

Q. Okay.

A. Two judges and one house.

Q. Did you make them with the expectation that it might be relied upon by Mr. Nosal?

A. Yes.

Q. Okay.

A. And that he might just turn right around and present this today.

Q. But it was lie.

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1 MR. PELLINGTON: Objection.
 2 BY MR. TRUSLOW:
 3 A. It worked.
 4 Q. It didn't work, did it? Because he didn't bite,
 5 did he?
 6 A. No.
 7 MR. PELLINGTON: Objection.
 8 BY MR. TRUSLOW:
 9 A. But he lied to me saying it was in confidence.
 10 What does that mean to you that --
 11 Q. Where does it say that?
 12 A. Well, he didn't write it down.
 13 Q. Okay.
 14 A. But we'd had an eyewitness there that said that
 15 he said it was in confidence.
 16 Q. And who was that?
 17 A. John Springstein.
 18 Q. Okay. And when was that and where was that?
 19 THE WITNESS: A year ago? Longer than that?
 20 (Directed at Mr. Nosal).
 21 BY MR. TRUSLOW:
 22 A. I don't know.
 23 MR. NOSAL: Less than that.
 24 BY MR. TRUSLOW:
 25 Q. Okay.

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1 A. If I tell you something in confidence are you
 2 going to share it?
 3 Q. I'm here to ask questions and not answer them.
 4 But if I lie to people I wouldn't expect it to remain
 5 confidential. So let's move on.
 6 A. That doesn't make sense.
 7 Q. When you said you wanted to do what was best for
 8 Linda and Mary, that was a lie, too, wasn't it?
 9 A. No. I always have. And if you can prove
 10 otherwise, prove it.
 11 Q. Well, I think I would suggest that you might
 12 want to read Judge Anderson's order. Have you?
 13 A. Yes.
 14 Q. Have you read it?
 15 A. Yes.
 16 Q. Okay. Do you know what a fiduciary is? You
 17 mentioned that word before.
 18 A. Yes, I do.
 19 Q. Do you know what a breach of a fiduciary duty
 20 is?
 21 A. Yes.
 22 Q. The judge found that you and your wife had
 23 breached a fiduciary duty, didn't he?
 24 A. He was wrong.
 25 Q. And breach of a fiduciary duty, that's another

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1 word for stealing, isn't it?
 2 MR. PELLINGTON: Objection.
 3 BY MR. TRUSLOW:
 4 A. I don't know.
 5 Q. Do you agree that you were found to have stolen
 6 money from your sisters?
 7 MR. PELLINGTON: Objection.
 8 BY MR. TRUSLOW:
 9 A. No. I didn't steal any money from my sisters.
 10 Q. Did you agree that you were found to have
 11 misappropriated money?
 12 MR. PELLINGTON: Objection.
 13 BY MR. TRUSLOW:
 14 A. Objection.
 15 Q. Go ahead. Did you agree --
 16 A. I don't know.
 17 Q. Do you agree --
 18 A. I don't know.
 19 Q. Well, you said you read Judge Anderson's order.
 20 A. Right.
 21 Q. Do you agree that you have an obligation for
 22 some \$800,000?
 23 A. No.
 24 Q. Do you agree that that's what the judge said?
 25 A. Yes.

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1 Q. But you're appealing that; is that correct?
 2 A. Yes.
 3 Q. But when you said that you had consulted with
 4 two Superior Court judges, that was a lie?
 5 A. Yes.
 6 Q. Okay. So why did you tell me first when I was
 7 asking the questions and you were under oath that you
 8 refused to disclose the names of those Superior Court
 9 judges? Why did you say that when you were under oath?
 10 MR. PELLINGTON: Objection.
 11 BY MR. TRUSLOW:
 12 A. I didn't have the names to disclose.
 13 Q. Well, why did you tell me --
 14 A. I didn't know who they were.
 15 Q. Why did you tell me that you couldn't remember
 16 their names if they didn't exist? Why did you say that
 17 under oath?
 18 MR. PELLINGTON: Objection.
 19 BY MR. TRUSLOW:
 20 A. I don't recall.
 21 Q. You don't recall what?
 22 A. Telling you that.
 23 Q. You don't recall in this deposition telling me
 24 that you could not recall what their names were?
 25 A. No.

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1 Q. Do you recall saying that you objected to
2 disclosing who those judges were?

3 A. Yes.

4 Q. And you're telling me now that those
5 representations that you made under oath here in this
6 deposition were false?

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 Q. Is that correct? And they were deliberate on
10 your part, weren't they?

11 MR. PELLINGTON: Objection.

12 BY MR. TRUSLOW:

13 A. No. They weren't deliberate. You misunderstood
14 and I may have misstated that there were certain judges and
15 there weren't. They were just hearsay.

16 Q. Okay. Did you say it or did you not say it?

17 A. I don't know. You can ask her. (Indicating to
18 court reporter).

19 Q. You're saying now you don't recall whether you
20 said under oath today that you would refuse to disclose what
21 Superior Court judges you talked to?

22 A. I don't recall.

23 Q. You don't recall saying that?

24 A. No.

25 Q. Do you recall saying that you didn't recall who

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1 the judges were? Do you recall saying that today under
2 oath?

3 MR. PELLINGTON: Objection.

4 BY MR. TRUSLOW:

5 A. Probably so.

6 Q. And was that false?

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 A. No. I didn't recall.

10 Q. Did you ever talk to any Superior Court judges?

11 A. No.

12 Q. So if you represented that you had, that was
13 deliberately untrue, wasn't it?

14 MR. PELLINGTON: Objection.

15 BY MR. TRUSLOW:

16 A. It wasn't deliberate.

17 Q. Well, what was it?

18 A. It was untrue.

19 Q. Was it intentional on your part?

20 A. Maybe.

21 Q. Well, why did you do it?

22 A. I don't know.

23 Q. Okay. Have you transferred any property within
24 the last three years?

25 MR. PELLINGTON: Objection.

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1 BY MR. TRUSLOW:

2 A. Not to my knowledge.

3 Q. Okay. I'm not going to ask you what you might
4 have communicated with lawyers, but what lawyers have you
5 consulted with in the last three years?

6 MR. PELLINGTON: Objection.

7 BY MR. TRUSLOW:

8 Q. Go ahead.

9 MR. TRUSLOW: And I'm not going to ask him the
10 content. I'm not going to ask him for privileged
11 information. I'm asking him who he consulted with.

12 MR. PELLINGTON: I think the fact that if there
13 was a consultation, I think that's privileged.

14 MR. TRUSLOW: I don't think it is either. But
15 you're instructing him not to answer?

16 MR. PELLINGTON: Can you repeat the question one
17 more time?

18 BY MR. TRUSLOW:

19 Q. What attorneys have you consulted with in the
20 last three years?

21 MR. PELLINGTON: For the purposes of --

22 MR. TRUSLOW: And I'm not asking for any
23 purpose. I'm not asking for privileged information. I'm
24 asking the names.

25 MR. PELLINGTON: You can answer.

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1 BY MR. TRUSLOW:

2 A. The names of the attorneys that I have consulted
3 with in the last three years?

4 Q. Yes.

5 A. In regards to --

6 Q. I'm not asking about any privileged information.
7 My question speaks for itself.

8 A. Okay. Will Hall, Dave Edwards -- I think that's
9 all.

10 Q. Well, you've got Mr. Pellington.

11 A. I thought you meant outside of him and Dave
12 Redding.

13 Q. Okay. Is that all?

14 A. Yes.

15 Q. All right. Well, since the decision by Judge
16 Anderson, which would have been about July 31st of 2016,
17 what attorneys have you consulted with besides
18 Mr. Pellington and Mr. Redding?

19 A. None.

20 Q. Okay.

21 A. To my knowledge.

22 Q. Okay. Have you transferred any property since
23 Ms. Ballard brought this lawsuit?

24 MR. PELLINGTON: Objection.

25 BY MR. TRUSLOW:

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1 A. I don't recall.

2 Q. Okay. Part of what we're doing relates to your
3 ability to pay. At what rate do your attorneys charge you
4 and what have you paid?

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 Q. Go ahead.

8 MR. PELLINGTON: Well, I'm going to instruct you
9 not to answer that.

10 BY MR. TRUSLOW:

11 A. I don't know.

12 MR. PELLINGTON: I'm instructing him not to
13 answer that question. To tell you what he's paying me?

14 MR. TRUSLOW: At what rate, yes.

15 BY MR. TRUSLOW:

16 A. I have no idea.

17 Q. And you don't know how much you've paid or you
18 don't know what your rate is?

19 A. Both.

20 Q. I'm not going to ask you for the content, but do
21 you have a legal fee agreement?

22 A. Not to my knowledge.

23 Q. Do you pay your legal fees through your
24 corporation or do you pay them individually?

25 A. Individually.

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1 Q. The corporation pays none of your legal fees?

2 A. No.

3 MR. PELLINGTON: Objection.

4 BY MR. TRUSLOW:

5 Q. Is that correct?

6 A. I don't believe they do.

7 Q. Do you pay by check or in cash?

8 MR. PELLINGTON: Objection. I'm going to
9 instruct you not to answer. I don't think this is relevant.
10 I think it's privileged information, payments to current
11 counsel.

12 MR. TRUSLOW: I don't think that -- well, we can
13 agree to disagree. I don't think the fact that he's paid
14 legal fees is privileged. It happens every day even in
15 domestic cases and each side is entitled to know what the
16 other's fees are which relates to reasonableness.

17 MR. PELLINGTON: Well, sure, if we were making a
18 claim for fees, I mean, I understand that. But we're not.
19 BY MR. TRUSLOW:

20 Q. You understand that Ms. Ballard is seeking legal
21 fees from you pursuant to a contract?

22 A. I believe so.

23 Q. And if you claim that her rate is unreasonable,
24 I want to know why and I just want to compare it to what
25 you're paying.

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1 MR. PELLINGTON: Well, I object. He's already
2 testified to rate.

3 MR. TRUSLOW: Pardon me?

4 MR. PELLINGTON: Asked and answered with respect
5 to rate.

6 BY MR. TRUSLOW:

7 Q. Go ahead. This has been a difficult deposition,
8 to say the least.

9 A. I don't know.

10 Q. There was a lawsuit between Mr. Bridgman and
11 you, or Mr. Bridgman's law firm and you; do you recall
12 that?

13 A. Yes, sir.

14 Q. What happened to that lawsuit? How did it get
15 resolved?

16 A. We settled it.

17 Q. What were the terms of settlement?

18 A. I don't know.

19 Q. Do you recall any terms of the settlement?

20 A. No, sir.

21 Q. Not a one?

22 A. No. There was discussion between them and my
23 wife and my son, and my son ended up agreeing and Jeff Long
24 ended up agreeing and they mutually settled on an amount and
25 I never asked and never was told what the amount was.

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1 Q. You were sued but you don't know what the amount
2 of the settlement was?

3 A. No.

4 Q. Did you write a check?

5 A. No.

6 Q. Did your wife write a check?

7 A. No.

8 Q. Did any of the Superior companies write a check?

9 A. My son wrote a check and I don't know where --
10 off of what account or whatever.

11 Q. And you don't know what it is?

12 A. No.

13 Q. Okay.

14 MR. TRUSLOW: I'm getting ready to go on to a
15 new subject so this might be a good time to take a break
16 rather than to start and then break.

17 MR. PELLINGTON: Do you mean a lunch break?

18 MR. TRUSLOW: Yeah. That's a good suggestion.

19 MR. PELLINGTON: Okay. We can go off the record
20 unless you have something else.

21 MR. TRUSLOW: No.

22 MR. PELLINGTON: Okay.

23 (Recess from 12:45 p.m. to 2:45 p.m.)

24 BY MR. TRUSLOW:

25 Q. Mr. Combis, you realize you're still under oath?

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1 A. Correct.

2 Q. Okay. I'm going to clean up some areas of
3 perhaps confusion and then go on to a new subject. Is there
4 any of your testimony that you've given so far that you wish
5 to correct? Have you said anything that's not true?

6 A. No.

7 Q. It's all true? We can count on this being the
8 truth, the whole truth and nothing but the truth?

9 A. Correct.

10 Q. And there's nothing you want to change?

11 A. No.

12 Q. Okay. Did you talk to anybody about this case
13 during lunch?

14 A. Nope.

15 Q. Okay. I see you've got your Rolex watch out.
16 Can you take it off and let's look at the back of it?

17 A. Why?

18 Q. Please take it off and let's look at the back of
19 it.

20 A. (Complies).

21 Q. All right. It's got no engraving on this one.

22 MS. BALLARD: Let me see it.

23 BY MR. TRUSLOW:

24 Q. Thank you. You can put it back on if you would
25 like. Your father's watch, the other watch we were talking

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1 about that your son ended up getting in 2010/2011, do you
2 recall your father having it engraved?

3 A. No.

4 Q. Was it engraved or you don't recall one way or
5 the other?

6 A. It was engraved.

7 Q. So it did have engraving on it?

8 A. I believe so.

9 Q. What was the engraving?

10 A. His name.

11 Q. Initials or name?

12 A. Name.

13 Q. All right. And you don't know where that watch
14 is, or do you?

15 A. No. Not right offhand I do not know.

16 Q. Okay. I'm more confused than ever now. But the
17 watch that you have now, you had given it to your father and
18 then he gave it back to you in 2008/2009, correct?

19 A. I believe that's correct.

20 Q. And then your father had bought a watch at some
21 point around then and had that one engraved?

22 A. I don't know for sure. I think he did.

23 Q. All right. And then in 2010/2011, you gave that
24 to your son who in turn gave it to his wife?

25 A. Yes. And who in turn -- like I said, it was

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1 always my watch. And so I told Chris if his wife didn't
2 want it and he didn't want it, I didn't want him to sell it,
3 so I got it back.

4 Q. And where is it now?

5 A. I do not know.

6 Q. Okay. And where did you last see it?

7 A. I don't remember.

8 Q. I was confused for good reason because that
9 means a third one was given to Ms. Ballard.

10 MR. PELLINGTON: Objection.

11 BY MR. TRUSLOW:

12 Q. Go ahead. What's your explanation --

13 A. I don't know exactly what number it was. It was
14 the watch that he wore.

15 Q. All right. So we've got the one that we've
16 talked about, 2008/2009 when you got it back. You've got
17 the one that your son got in 2010/2011 that he gave to his
18 wife that you got back and you don't know where that one is
19 now. And then the one that was delivered to Ms. Ballard,
20 correct?

21 A. The one that --

22 Q. That makes three.

23 A. Okay. The one that was delivered to Ms. Ballard
24 was my father's Rolex watch that he used when he worked,
25 yes.

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1 Q. Okay. But would you agree that one is not
2 engraved?

3 A. I don't know.

4 Q. All right. Let's go back to Exhibit 3. You
5 have it front of you. You can look at this.

6 A. Oh, okay. All right.

7 Q. It says here, Desa is going to take care of
8 Desa! You wrote that. What did you mean?

9 A. Desa is going to make sure she gets her fees.

10 Q. And she was entitled to, wasn't she?

11 A. I don't think so.

12 Q. Okay. Next up is selling Horseshoe. What did
13 you mean?

14 A. Let's see here. (Views document). Oh. I just
15 think she'll sell Horseshoe and liquidate that so she can
16 get her fees.

17 Q. Okay. And are you saying that she's not
18 entitled to be paid anything --

19 A. No. I'm not saying --

20 Q. -- pursuant to our contract?

21 A. I'm not saying that.

22 Q. How much is she entitled to?

23 A. I don't know.

24 Q. You don't know?

25 A. No.

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1 Q. Why don't you know?
 2 A. Because I don't know what her bills are.
 3 Q. All right. You said, I already have another
 4 house and to liquidate mine I've got to get the lien off.
 5 What does that mean, get the lien off?
 6 A. If there's a lien, judgment, whatever, I need to
 7 remove it so I can sell it.
 8 Q. Off of which house?
 9 A. I would think I was referring my child's
 10 farmhouse in that one.
 11 Q. All right. Is there a lien on that house?
 12 A. I think so. I don't know for sure.
 13 Q. You said, "I can fulfill my promise to fund both
 14 of them -- I'm going to start ahead of that. "I already
 15 have another house and to liquidate mine I've got to get the
 16 lien off. Once I sell it I can fulfill my promise to fund
 17 both of them until death" -- does that mean your sisters?
 18 A. Yes.
 19 Q. -- "and deed house to you." Which house?
 20 Challis?
 21 A. I'm assuming the Horseshoe house. There's only
 22 one house.
 23 Q. Okay. Well, I count three. But you've got
 24 Horseshoe, you've got the one in the mountains and you've
 25 got Lake Challis. That makes three, doesn't it?

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1 A. I'm not talking about that.
 2 Q. Okay.
 3 A. You have four with the one she sold, Lockridge.
 4 Q. Okay. And then, "I am friends with two Superior
 5 Court judges and after their thorough review I'm extremely
 6 confident." And correct me if I'm wrong, but you then said
 7 first you refused to disclose who they were, then said you
 8 couldn't remember and now you say you just made it up.
 9 A. Right.
 10 Q. Okay. Well, if you get the lien off of your
 11 house, Lake Challis, and the house is worth 1.6 as you've
 12 said, and you've got a \$50,000 dollar lien and the house is
 13 worth less than that, that's going to be a negative as well.
 14 So with that in mind, how can you fulfill your promise to,
 15 "fund both of them until death and deed you the house"?
 16 Because it appears that's mathematically impossible. So how
 17 would you do it?
 18 A. I don't know.
 19 Q. All right. You've indicated that you settled
 20 with Long & Bridgmon regarding some legal fees that they
 21 alleged that they were due. You said you didn't know any of
 22 the details, hadn't signed off on anything; is that correct?
 23 A. I don't know if I signed anything or not.
 24 Q. Okay. But you would have access to these
 25 documents, would you not?

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1 A. My son and wife would.
 2 Q. And what law firm was representing you in that
 3 case?
 4 A. Nobody.
 5 Q. You had no law firm?
 6 A. Nope.
 7 Q. Okay. Within the next ten days can you get
 8 those documents and provide them to your attorney?
 9 A. By the end of the month.
 10 Q. Why would it take you by the end of the month?
 11 A. Because I'm not going to be here next week, or
 12 ten days.
 13 Q. All right. Where are you going to be?
 14 A. Out of town.
 15 Q. Where are you going?
 16 A. My business.
 17 Q. I understand that. But I'm talking about
 18 ability to pay. Are you taking an airplane?
 19 A. No.
 20 Q. Okay. Are you going to be out of state?
 21 A. Yes. Maybe.
 22 Q. All right. But you can do this by the end of
 23 the month?
 24 A. Let's say by October 15th. That would give me
 25 ample time.

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1 MR. PELLINGTON: And which documents are you
 2 asking him to produce?
 3 MR. TRUSLOW: The settlement with Long &
 4 Bridgmon.
 5 BY MR. TRUSLOW:
 6 Q. Your son has the documents. Your son --
 7 A. I think he does.
 8 Q. And you could just easily pick up the phone and
 9 call your son and have him deliver them to Mr. Pellington,
 10 couldn't you?
 11 A. I might.
 12 Q. Okay.
 13 MR. PELLINGTON: It'll let me know if there's
 14 any confidentiality provisions in it that would frustrate
 15 that purpose.
 16 MR. TRUSLOW: All right. Well, if --
 17 MR. PELLINGTON: But if there's not, then --
 18 MR. TRUSLOW: Thank you.
 19 MR. PELLINGTON: Yes.
 20 THE WITNESS: And there was confidentiality.
 21 There was.
 22 MR. PELLINGTON: Okay. Well, in that case,
 23 we'll deal with that as it comes up. I'll represent to you
 24 that I've not seen the agreement.
 25 MR. TRUSLOW: Okay.

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MR. PELLINGTON: So if there's a confidentiality provision I'll let you know and then you act accordingly.

MR. TRUSLOW: Okay.

MR. PELLINGTON: Thank you.

MR. TRUSLOW: All right. Thank you.

BY MR. TRUSLOW:

Q. Do you have any investments? You've got your business, you've got your house, you've got the mountain house, whatever personal property you've got in your home. Do you have any other assets?

A. Clothes.

Q. I'm sorry?

A. Clothes.

Q. Anything beside that?

A. No.

Q. No investments, no retirement account?

A. No.

Q. All right. Just let me make sure. You don't have any retirement account?

A. I said no.

Q. Okay. Bank accounts. Do you have any bank accounts with more than \$5,000 in it?

A. No.

Q. Does your wife have accounts with more than \$5,000 in it?

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A. Not to my knowledge.

Q. The source of funds you used to stay the collection in another matter, the money was posted in North Carolina, it appears that the bond was posted, or a cash bond was posted by your wife: is that correct?

A. I don't know.

Q. Do you know where she got the money?

MR. PELLINGTON: Objection.

BY MR. TRUSLOW:

A. I have no clue.

Q. Your attorney is saying something. I --

MR. PELLINGTON: I just said objection. But he can answer if he knows.

MR. TRUSLOW: Okay.

BY MR. TRUSLOW:

Q. Did you not discuss that with her?

A. She may have.

Q. Do you recall it?

A. No.

Q. Do you know whether you're covered under that bond or just her?

A. I do not know.

Q. Okay. Do you have any assets or debts that I have not asked you about at this point in time?

A. Not to my knowledge.

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Q. In your business do you have accounts receivable?

A. I don't -- yes, they do.

Q. Do you know how much they are?

A. I have zero clue.

Q. So you wouldn't be able to tell me within a hundred thousand dollars what they are?

A. No, sir.

Q. Okay. We would need to ask your son about that?

A. Or the bookkeeper.

Q. And who is the bookkeeper?

A. Todd Fowlter.

Q. Okay. He's your CPA?

A. Yeah.

Q. All right. What is Hanifer?

A. Huh?

Q. H-a-n-i-f-e-r.

A. I've never heard it of.

Q. Okay. I saw somewhere where it looked like a transfer by you of a hundred thousand dollars at a time to something called Hanifer. Do you recall what that was?

A. I've never heard of that name.

Q. Okay. Do you know whether your son has any guns?

A. Yes.

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Q. Do you know what he has?

A. No.

Q. Do you know where he got them?

A. No.

Q. Do you know whether he's bought or sold any guns?

A. Oh, no. I have no clue.

Q. Have you transferred any guns to him or --

A. No.

Q. -- has your wife?

A. No.

Q. I asked you before but I just wanted to clean up something. I had asked you since -- I think I asked you for three years but I'll just use January 1st of 2015. Have you made any transfers of real estate to anyone? You said no, but I just wanted to make sure.

MR. PELLINGTON: I'll object to asked and answered then.

MR. TRUSLOW: Okay.

BY MR. TRUSLOW:

Q. Go ahead.

A. Not to my knowledge.

Q. Okay. Well, you would be the person that would know, I think. While I'm looking for some things, who has access to your safe?

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1 A. My wife.
 2 Q. Anybody else?
 3 A. No.
 4 Q. So you don't have access to it; is that correct?
 5 A. Correct.
 6 Q. The only person that would have had access to
 7 the safe would be your wife?
 8 A. I believe so.
 9 Q. You don't know what the combination is?
 10 A. No.
 11 Q. Okay. So if a watch got missing or guns got
 12 missing, you've indicated two guns, she was the only one
 13 that had access to the safe; is that correct?
 14 A. Come to think of it, I have a wall safe that I
 15 can get in. It's about as big as that sheet of paper.
 16 Q. Okay.
 17 A. But, no. That's the only one I can get into.
 18 Q. Okay. But was the watch or any guns put in your
 19 wall safe or were those --
 20 A. No.
 21 Q. -- given to your wife and she's the only one
 22 with access to the safe?
 23 A. Yeah. The safe that they were put in, she had
 24 access.
 25 Q. Okay. Anybody else have access to it to your

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1 knowledge?
 2 A. No.
 3 Q. And I asked you if anywhere you have any sums of
 4 cash -- I'm not talking about a thousand dollars, small sums
 5 of money. Any larger sums of money that you have in cash
 6 anywhere?
 7 A. Well, I would consider a thousand dollars a
 8 large sum. But, no, I don't have any large sums.
 9 Q. Okay. In another case, you had indicated that
 10 you and/or your father would have \$20,000 and it's gone
 11 missing, and then you said you gave your father \$200,000
 12 that you had in cash and --
 13 A. Many years ago.
 14 Q. That just seemed to me -- a thousand dollars
 15 doesn't seem, in the grand scheme of things, isn't that
 16 significant. A hundred thousand dollars in cash seems like
 17 a lot of money to me. Maybe it is or maybe it isn't to you.
 18 What was the source of that \$200,000 that you had?
 19 A. We had -- at the time, we sold swimming pool
 20 supplies and we had a vendor who always paid in cash.
 21 Q. Okay.
 22 A. Always paid in cash.
 23 Q. Okay.
 24 A. So we built up the profits.
 25 Q. All right. And the \$20,000, you don't know

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1 where that went?
 2 A. I don't know which 20,000 you're referring to.
 3 Q. In a prior case, you had said your father had
 4 \$20,000 in his desk and that you found it and I thought you
 5 secured it somewhere.
 6 A. I just don't remember.
 7 Q. What happened to it?
 8 A. I don't know.
 9 Q. Okay. I want to show you -- and I may mark it
 10 in a minute -- but I'm showing you a document dated
 11 September 22nd, 2015 that says George C. Combis and it has a
 12 seal and it says Diane Combis. Is that your signature?
 13 MR. PELLINGTON: Doug, do you have an extra copy
 14 for me?
 15 MS. BALLARD: Yes.
 16 MR. PELLINGTON: Thank you.
 17 BY MR. TRUSLOW:
 18 Q. Is that your signature, sir?
 19 A. Let me look and see where I signed. (Views
 20 document). Yes.
 21 Q. Okay. Is that your wife's signature or did you
 22 sign her signature?
 23 A. No. That would be hers.
 24 Q. All right. And was I correct when I showed you
 25 this document, that it was executed on September 22nd, 2015?

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1 A. Yes.
 2 Q. And was the attorney Tison Redding Law Firm?
 3 A. Yes.
 4 Q. Okay.
 5 MR. TRUSLOW: We're going to mark this as
 6 Exhibit 4.
 7 (Plaintiff's Exhibit No. 4, Non-Warranty Deed,
 8 was marked for identification.)
 9 BY MR. TRUSLOW:
 10 Q. I'm going to ask you a question about this. I'm
 11 going to show you another document and it's dated May 19th,
 12 2016, shortly before the actual trial. I think it was
 13 postponed, but the trial in Federal Court. Again, May 19th,
 14 2016. I want to have you first look and see if this is your
 15 signature on the page I've referred to. Is that your
 16 signature, sir?
 17 A. (Views document). I think that's my signature
 18 and my wife's signature.
 19 Q. Okay. And will you agree that this is dated May
 20 19th, 2016?
 21 A. Okay. Yes.
 22 Q. All right.
 23 MR. TRUSLOW: This is Exhibit number 5.
 24 (Plaintiff's Exhibit No. 5, Quitclaim Deed, was
 25 marked for identification.)

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1 BY MR. TRUSLOW:

2 Q. All right. You can look at that one. Look on
3 the front page about the sixth line down. Who was the
4 attorney who handled that real estate transaction for you?

5 A. Simon O'Brien -- John O'Brien.

6 Q. I'm looking at the first page. It says, Mail
7 after recording to --

8 A. Okay. Rodding Tison. Excuse me.

9 Q. Okay. So your attorneys would have had that
10 document?

11 A. Evidently so.

12 Q. And they would have had it clearly --

13 MR. TRUSLOW: Today is September the 13th?

14 MS. BALLARD: Uh-huh.

15 BY MR. TRUSLOW:

16 Q. So they would have had this document well in
17 advance of this deposition?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 Q. Now, I'm going to ask you again. Is there any
21 testimony that you want to change at this point in time?

22 A. No. These just slipped my mind. I didn't
23 remember these.

24 Q. It just slipped your mind?

25 A. Yes, sir.

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1 Q. And you've had an attorney here the entire time
2 your deposition has been taken?

3 A. I can't talk to him.

4 Q. And he didn't try to correct you when you said
5 that you hadn't transferred any property, did he?

6 MR. PELLINGTON: Objection.

7 BY MR. TRUSLOW:

8 A. He can't talk to me.

9 Q. Yes, sir. I'm talking to you.

10 A. I'm saying he can't talk to me. So, no, he
11 didn't try to correct me. I just forgot about them.

12 Q. All right. This property, referring to Exhibit
13 5, that's the same property that you had listed for sale for
14 2.8 million dollars.

15 A. Oh. Was it that much?

16 Q. I'm sorry?

17 MR. PELLINGTON: Objection.

18 BY MR. TRUSLOW:

19 A. No. This is not the same -- let's see. (Views
20 document). Yes. Yes. Yes.

21 Q. All right. And I can confirm that by looking at
22 this document that I'm going to show you, can I not?

23 MR. TRUSLOW: And this is going to be Exhibit 6.

24 BY MR. TRUSLOW:

25 A. Yes.

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1 Q. All right.

2 (Plaintiff's Exhibit No. 6, Land Overview, was
3 marked for identification.)

4 BY MR. TRUSLOW:

5 Q. So just to make sure the record is abundantly
6 clear, I had previously asked you before the lunch break if
7 you had transferred any property out in the last three years
8 and you said no. Then I asked you since January 1st of 2015
9 if you had transferred out any property and you said no.
10 Then I've shown you these two deeds that your attorney
11 presumably had a copy of and now your testimony has changed
12 and you said it just slipped your mind; is that correct?

13 A. That's correct.

14 Q. All right.

15 A. If you knew all this you shouldn't have asked
16 me. You're wasting time.

17 Q. Well, sometimes we want to see if people tell
18 the truth.

19 A. I got you.

20 Q. Sometimes their answers aren't what we would
21 hope for.

22 A. Isn't that the truth.

23 Q. Have you transferred any property to your son in
24 the last three years?

25 A. (Pauses).

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1 Q. Let me see if I can refresh your memory and see
2 if this also slipped your mind. Did you transfer any
3 property -- Mount Carmel, does that address mean anything to
4 you?

5 A. No.

6 MR. PELLINGTON: Mount what?

7 MR. TRUSLOW: Mount Carmel.

8 MR. KOSAL: Carmel.

9 MR. TRUSLOW: Carmel?

10 MS. BALLARD: Carmel Park.

11 MR. TRUSLOW: Okay.

12 BY MR. TRUSLOW:

13 A. That was this one, Carmel Club.

14 Q. So that would be Exhibit number 4?

15 A. Yes.

16 Q. So this was at 4735 Carmel Club Drive?

17 A. Right.

18 Q. And that was transferred to your son?

19 A. Yes.

20 Q. At that point in time, you had already been sued
21 by Ms. Ballard, had you not? You and your wife?

22 A. I don't recall.

23 Q. Okay.

24 A. I might have been sued by her but there wasn't
25 any reason I couldn't transfer property.

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1 Q. Okay. Have you transferred any property of any
2 kind to anyone other than what we've talked about?

3 A. Not to my knowledge.

4 Q. The order of Judge Anderson, I just wanted to
5 make sure that you got a copy of it. Is that correct?

6 A. I assume.

7 Q. Well, you said you read it so I assume you got
8 it. But where did you get it from?

9 A. I don't know.

10 Q. Okay. But you read it?

11 A. Glanced at it, yes.

12 Q. Pardon me?

13 A. Glanced.

14 Q. You glanced at it?

15 A. Yes.

16 Q. You glanced at it and then just appealed without
17 reading it?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 Q. Is that what you're saying?

21 A. I'm saying I glanced at it.

22 Q. And that's all?

23 A. That's all.

24 Q. And after you "glanced", using your words,
25 glanced at it, you filed a notice of intention to appeal?

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1 MR. PELLINGTON: Objection.

2 BY MR. TRUSLOW:

3 Q. Is that correct?

4 A. I assume so.

5 Q. All right. In this case where you have been
6 sued by Ms. Ballard regarding fees, Ms. Ballard had alleged
7 that had she was a licensed lawyer in the state of South
8 Carolina, and you claimed in response that you lacked
9 sufficient information and knowledge to form a belief that
10 that was true. Why did you say that?

11 A. I don't recall.

12 Q. Do you have any basis for claiming that, that
13 you recall?

14 A. I do not recall.

15 Q. Okay. Now, Ms. Ballard alleged in paragraph 2
16 of her complaint that she continues to serve as personal
17 representative of the estate of Chris Combs, that she has
18 served and continues to serve in that capacity. You denied
19 this. Why did you deny it?

20 A. She's not serving in my dad's capacity.

21 Q. She's serving as the personal representative of
22 the estate --

23 A. That's because of my two sisters.

24 Q. -- and continues to serve in that capacity. Why
25 do you contend that she is not currently serving as personal

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1 representative of the estate?

2 A. She ain't never done anything for me personally.

3 Q. Is that your only reason for denying that?

4 A. I have several.

5 Q. What are the others?

6 A. I don't care to --

7 Q. I want to know all of them.

8 A. I don't know what they are. Just a group.

9 Q. What are they?

10 A. I don't know. I'm just telling you that she's
11 not a personal representative. She hasn't done her job.
12 Her job was to investigate all the parties.

13 THE WITNESS: And you didn't question a one of
14 them. You just took it on your own. (Directed to
15 Ms. Ballard).

16 BY MR. TRUSLOW:

17 Q. A personal representative is someone appointed
18 by the Court. You agree that she was appointed by the Court
19 to act as personal representative?

20 A. Even the Court screws up.

21 Q. Why do you deny that she is currently the
22 personal representative of the estate?

23 A. Oh, I don't deny it. But she's not doing a good
24 job, is what I'm telling you.

25 Q. Well, that wasn't my question.

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1 A. Okay, then. She is --

2 Q. Why do you deny that she is currently the
3 personal representative?

4 A. She is.

5 Q. What facts do you rely on?

6 A. I don't have any facts. I'm just saying that
7 she's my personal representative, big deal.

8 Q. Well, it is a big deal.

9 A. I don't think it's a big deal.

10 Q. Don't you think it's important to tell the truth
11 when you file pleadings?

12 A. Don't you think it's important for her, if she's
13 a personal representative, to be personal and to ask
14 questions before she goes and does what she does?

15 Q. Do you think it's important --

16 A. Neither one of you knew the whole facts of the
17 thing.

18 Q. Do you think it's important when you are the --
19 I'm sorry. What did you say?

20 A. Nothing. Go ahead.

21 Q. No. I think I spoke over you. What did you
22 say?

23 A. I didn't say anything. I just mumbled.

24 Q. Do you think it's important when you file
25 pleadings to tell the truth, the whole truth and nothing but

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1 the truth?

2 A. I certainly do.

3 Q. And when you denied that Ms. Ballard is serving
4 as personal representative of the estate of Chris Combis,
5 that's not true, is it?

6 A. She's not doing her job as personal
7 representative.

8 Q. Well, that's different --

9 A. Okay. You take it for what you want to, I'll
10 take it for what I want to.

11 Q. All right. Ms. Ballard alleged in paragraph 3
12 of her complaint that, as successor trustee her services
13 included litigating in the State of South Carolina Circuit
14 Court and the Columbia Division of the Federal Court.

15 Would you agree that you went to a trial in the
16 Federal District Court in Columbia?

17 A. Yes.

18 Q. Okay. So why did you deny that she litigated in
19 South Carolina?

20 MR. PELLINGTON: Objection.

21 BY MR. TRUSLOW:

22 A. Why did I deny -- I just say she's not doing a
23 very job of litigating. Let's put it that way.

24 Q. Really? Is that your whole basis?

25 A. Yes.

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1 Q. And is that just your personal opinion?

2 A. Yes.

3 Q. Do you have anything else to back that up
4 besides just your personal opinion?

5 A. That's enough.

6 Q. Do you have any facts, documents, opinions of
7 others, that you rely on is or is that just your personal
8 opinion?

9 MR. PELLINGTON: Objection.

10 BY MR. TRUSLOW:

11 Q. Go ahead.

12 A. Personal.

13 Q. Okay. In consideration of Ms. Ballard agreeing
14 to assume the duties as successor trustee, Mr. Combis, you
15 entered into an agreement dated on or about October 14th,
16 2013 to the effect, "If the estate and/or trust do not
17 contain sufficient funds to compensate Ballard and her staff
18 for services as successor trustee --", that you would agree
19 that she would be paid.

20 A. The key word in that is valid.

21 Q. Is that just something that you're putting in
22 there? You're saying she --

23 A. Well, that's what you just read, valid.

24 Q. Well, that's not what I said. "If the estate
25 and trust --"

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1 A. I beg --

2 THE WITNESS: What did he just say? (Directed
3 at court reporter).

4 BY MR. TRUSLOW:

5 Q. "-- do not contain sufficient funds to fully
6 compensate Ballard and her staff for services --"

7 A. Oh. I thought you said valid instead of
8 Ballard.

9 Q. Ballard. Excuse me. All right. That's what it
10 says, doesn't it?

11 MR. PELLINGTON: Objection.

12 BY MR. TRUSLOW:

13 A. I don't know. That's what you're reading.

14 Q. Okay. Well, it was attached to the complaint
15 and you got a copy of it because you admitted that it said
16 it.

17 A. But you're --

18 Q. The agreement is in writing, October 14th, 2013.

19 A. It was four years ago. I don't remember.

20 Q. I couldn't hear what you just said.

21 A. It's been four years ago and I do not remember.

22 Q. Do you remember signing an agreement to
23 compensate Ms. Ballard?

24 A. I don't remember, but I'm not denying I didn't
25 do it.

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1 Q. Okay. Assuming for a moment that you did
2 because you've acknowledged that you did sign the agreement,
3 when did you decide that you weren't going to -- did you
4 intend to pay Ms. Ballard at the time?

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 A. Certainly.

8 Q. Okay. When did you decide you weren't going to
9 pay Ms. Ballard?

10 A. I never said I wasn't going to pay her. I was
11 just going to pay her what a fair fee should be.

12 Q. And what are --

13 A. And her fees are just totally off the chart.

14 Q. And what do you think is fair?

15 A. Oh, I don't know.

16 Q. Okay. Did you agree to the jurisdiction of
17 South Carolina to resolve this issue?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 A. No.

21 Q. Well, why do you say that?

22 A. My father was never a resident of South
23 Carolina.

24 Q. No. I was asking about you. Did you agree to
25 litigate this issue in South Carolina?

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1 A. I guess. Only because I was forced to.
 2 Q. And who forced you to do this?
 3 A. I guess the attorney at the time.
 4 Q. And that was Mr. Bridgmon?
 5 A. I don't know.
 6 Q. Well, sir, you have to know who your attorney
 7 was.
 8 A. I've had a half a dozen attorneys. I've got
 9 three more other places. I don't know.
 10 Q. All right. Let's go through the attorneys
 11 you've had then.
 12 MR. PELLINGTON: I'm going to instruct him not
 13 to answer. It seems like you're asking him for the advice
 14 his lawyer gave as to where to fight or defend a lawsuit.
 15 MR. TRUSLOW: That's not what I asked. He said
 16 he was forced to enter this agreement. And then I said, was
 17 your attorney Mr. Bridgmon. And he said, I don't know --
 18 I'm paraphrasing -- I don't know, I've had so many lawyers.
 19 And I said, well, who have the lawyers been that have
 20 represented you, and then you objected and said --
 21 presumably, you're saying that's privileged, I'm not asking
 22 him for what they said. I'm asking him who represented him
 23 relating to this dispute.
 24 THE WITNESS: My argument is --
 25 MR. TRUSLOW: If you're instructing him not to

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1 answer, then we can --
 2 MR. PELLINGTON: Well, he can answer it then.
 3 BY MR. TRUSLOW:
 4 A. The whole thing is predicated, it never would
 5 have been in South Carolina because my father was not a
 6 resident of South Carolina. It's no different than someone
 7 staying with someone and dying there, but their home is in
 8 Charlotte, they were on vacation or spending a summer with
 9 them, a grandparent or a father or whatever. And he hated
 10 South Carolinians. He absolutely detested that. And if you
 11 want to write it down, I'll give you a ton of names that can
 12 back that up.
 13 Q. Using a vernacular, hadn't that ship sailed?
 14 Didn't you agree to litigate the matter --
 15 A. Oh, I was forced to.
 16 Q. -- in South Carolina?
 17 A. I was forced to.
 18 Q. Well, you had an attorney, correct?
 19 A. I guess.
 20 Q. And you entered into an agreement to litigate it
 21 in South Carolina --
 22 A. Like you say, the ship sailed and we are where
 23 we are, so let's just move on.
 24 Q. Okay. So we ought to be here in South Carolina
 25 litigating this case, shouldn't we?

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1 A. I don't think so, no.
 2 Q. Pursuant to your agreement?
 3 A. I'll never agree to it.
 4 Q. You'll never agree to it?
 5 A. Not that I should be in South Carolina, no. And
 6 especially her representing my father. He'd turn over in
 7 his grave.
 8 Q. Has Ms. Ballard incurred significant legal fees?
 9 A. I have no clue.
 10 Q. Okay.
 11 A. She doesn't ever tell me. I've never heard from
 12 her.
 13 Q. Sir, do you recall being in Federal District
 14 Court?
 15 A. Yes.
 16 Q. Do you recall litigating issues regarding the
 17 legal fees and getting a detailed description?
 18 A. Some of which, yes.
 19 Q. Okay. Weren't those fees significant?
 20 MR. PELLINGTON: Objection.
 21 BY MR. TRUSLOW:
 22 A. I don't know. I don't recall.
 23 Q. You don't recall any amounts whatsoever?
 24 A. I recall one where he cut her \$10,000 on the
 25 stock liquidation where she claimed that I didn't own the

160

1 company.
 2 Q. And that issue was litigated, wasn't it?
 3 A. Yes.
 4 Q. Okay.
 5 A. Only because she didn't do her prior work. If
 6 she's supposed to be the best fiduciary in South Carolina --
 7 Q. I'm sorry. You said what?
 8 A. If she's supposed to be a good fiduciary in
 9 South Carolina, she hadn't proved it by me.
 10 Q. Okay.
 11 THE WITNESS: I have a soccer game that I have
 12 to go to at four o'clock. (Directed to Mr. Pellington).
 13 MR. PELLINGTON: Go off the record for a second.
 14 (Discussion off the record)
 15 BY MR. TRUSLOW:
 16 Q. Have you indicated that you're not going to pay
 17 the judgment rendered by the Federal Court?
 18 A. No.
 19 MR. PELLINGTON: Objection.
 20 BY MR. TRUSLOW:
 21 Q. Are you going to pay it?
 22 A. I don't know.
 23 Q. Why don't you know?
 24 A. That's predicated on something coming and we
 25 don't know about it. We're speculating and I don't want to

161

1 speculate.

2 Q. Okay. What are you talking about?

3 A. I'm just saying I'm not speculating.

4 Q. About what?

5 A. You're asking me the question if I want to pay
6 it or not.

7 Q. Okay.

8 A. And I'm telling you, you know, when it comes,
9 then I'll worry about it.

10 Q. Are you going to pay it at this point in time?

11 A. No. Why should I?

12 Q. How much have you paid Ms. Ballard so far?

13 A. I don't know.

14 Q. Do you know whether you've paid her anything?

15 A. I hope not. She still owes me money.

16 Q. And what does she owe you money for?

17 A. Repairs that I did to the house that she sold.

18 Q. And do you have a lawsuit going on regarding
19 that?

20 A. No. I just consider the source and she --

21 Q. And what happened?

22 A. Oh, she denied it, you know. I gave her every
23 information she needed and then her and her building
24 expertise and seeing the house the way it was, she decided
25 that it wasn't worth the 50, 60, whatever it was. And every

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1 ticket was itemized, every ticket was marked Lockridge and
2 she took it upon herself to unload it and --

3 Q. So is there a case going on or not?

4 A. No. I told you I didn't, you know -- I
5 considered the source. I'm not going to waste my money to
6 sue her when she's, you know, acting like that.

7 Q. So that ship has sailed as well?

8 A. There you go. This whole damned ship has sailed
9 in here, folks.

10 Q. Okay.

11 A. So come on, let's go. I'm leaving.

12 Q. With all due respect, Mr. Combis, you're not
13 going to tell me what to do in this case.

14 A. Well, I'm --

15 Q. I'm going to ask you questions --

16 A. Well, let me tell you, I'm telling you right
17 now, move on with the questions.

18 Q. We're going to ask questions.

19 A. Well, you ask them.

20 Q. And --

21 A. Quit talking about the other stuff. Ask them.

22 Q. -- I'm going to go ahead and I'm going item by
23 item under your answer.

24 A. You can put on there I don't recall on all of
25 them if you want to.

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1 Q. If that's going to be your answer --

2 A. Well, ask your question.

3 THE WITNESS: I don't see how you do it.

4 (Directed at the court reporter).

5 BY MR. TRUSLOW:

6 Q. Was there a judgment against you that as of the
7 time Ms. Ballard filed this suit, \$850,000 -- it's a bit
8 more.

9 A. Ask the question.

10 Q. Did you have a judgment rendered against you
11 for, in excess of \$800,000?

12 A. Yes.

13 Q. Okay. Why didn't you seek an appeal bond at the
14 time?

15 MR. PELLINGTON: Objection.

16 BY MR. TRUSLOW:

17 Q. Did you seek an appeal bond at the time?

18 A. I don't recall.

19 Q. What does the estate and trust consist of at
20 this point in time?

21 A. I don't know.

22 Q. All right. Who delivered the "Rolex" watch to
23 Mr. Pellington?

24 A. Me.

25 Q. How did you get it?

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1 A. I looked for it.

2 Q. Where did you look for it?

3 A. In the safe.

4 Q. How did you get access to the safe if you didn't
5 have the combination and didn't know it?

6 A. Guess what? I asked my wife to open it for me.

7 Q. Okay. And she opened it?

8 A. Yes.

9 Q. And you got a watch out of there?

10 A. Yes.

11 Q. All right. And you delivered that watch to
12 Mr. Pellington?

13 A. Yes.

14 Q. Did you look at it ahead of time?

15 A. I didn't -- I looked at it.

16 Q. Did you photograph it at that time?

17 A. Yes. You asked me this earlier, remember?

18 Q. Well, you photographed the watch?

19 A. Uh-huh.

20 Q. At your home?

21 A. No.

22 Q. Where?

23 A. My office.

24 Q. So you took the watch from the house to your
25 office?

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1 A. The watch, the coins and the gun to my office
2 and unloaded the gun and packed it in a box and wrapped the
3 Rolex in felt paper.

4 Q. And then delivered it to Mr. Pellington?

5 A. Yes. Actually, Mr. Redding.

6 Q. Or Mr. Redding.

7 A. Yes.

8 Q. And the coins, did you go in the safe and get
9 them or did your wife hand them to you? What happened?

10 A. They were just in a bag/box kind of like and she
11 just handed them to me.

12 Q. So she went in the actual safe, or unlocked the
13 safe, went in --

14 A. Yeah. She was there when -- she opened the safe
15 and I go in and -- she had it on the third shelf and that's
16 where it stayed for six or seven years.

17 Q. How do you know that if you didn't have access
18 to the safe?

19 A. She said she never went in there.

20 Q. She told you for six or seven years she hadn't
21 gone into the safe?

22 A. No. She didn't say that. She just doesn't
23 bother with what was down there.

24 Q. Okay. Isn't it correct Ms. Ballard has demanded
25 that you address and pay her fees? She's told you and

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1 directed you to pay?

2 A. She's told the attorneys, I guess.

3 Q. Okay. And you have refused to pay?

4 A. I don't know if I have or not.

5 Q. Well --

6 A. If she's gotten a check then I haven't. If she
7 hasn't gotten a check, I guess I have.

8 Q. Well, there's no one that would know better than
9 you whether you paid her or not.

10 A. No. My bookkeeper would.

11 Q. Okay. Are you saying that you paid her or
12 didn't pay her?

13 A. I don't know.

14 Q. You don't know whether you've paid her anything?

15 A. No.

16 Q. Okay. Why did you contend that Mary and Linda
17 were parties to Ms. Ballard's lawsuit to sue you for fees?

18 A. Say it again? Why --

19 Q. Why have you contended that they were necessary
20 parties?

21 A. Because none of this would have ever happened
22 had it not been for them. I never sued them. They're the
23 ones that brought the initial suit two to three years after
24 the fact.

25 Q. Well --

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1 THE WITNESS: Be sure and put that down.

2 (Directed at court reporter).

3 BY MR. TRUSLOW:

4 Q. -- sir, you tried to have them joined into this
5 lawsuit; do you recall that?

6 A. Yeah.

7 Q. Do you recall you were unsuccessful?

8 A. I don't recall. Evidently, we were.

9 Q. Okay. Do you know why?

10 A. They must be brainwashed by Pete down there.

11 Q. Because of what?

12 A. They must be brainwashed by Pete thinking that
13 she's going to come through and take care of them till the
14 end, which we all know is a lie.

15 Q. Your sisters must be brainwashed by Pete, you're
16 talking about Mr. Nosal, their attorney?

17 A. Yes.

18 Q. And so why did you contend that they had to be
19 parties to this lawsuit?

20 MR. PELLINGTON: Objection.

21 BY MR. TRUSLOW:

22 A. Because they're the ones that started
23 everything..

24 Q. And do you have any other reason --

25 A. No.

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1 Q. -- any other facts you rely on?

2 A. Nope.

3 Q. That's your sole reason?

4 A. That's the whole reason.

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 Q. Ms. Ballard alleged in paragraph 17 of her
8 complaint, as of December 31st, 2016 pursuant to your
9 successor trustee agreement, that you owed at least
10 \$123,267.21. What facts do you rely on in contending that
11 you're not obligated for that sum?

12 A. Is that my share?

13 Q. Yes.

14 A. So her fees then are over 300,000?

15 Q. What facts do you rely on in claiming that she's
16 not entitled to be paid that sum?

17 A. I've never seen a breakdown.

18 Q. Okay.

19 THE WITNESS: I thought we were supposed to be
20 prepared. (Directed to Mr. Pellington).

21 BY MR. TRUSLOW:

22 Q. Do you recall in the Federal trial you getting a
23 copy of billing to-date?

24 A. No. I don't recall it.

25 Q. Are you denying it or just saying you don't.

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1 recall?

2 A. I just said, I don't recall. I didn't say I
3 denied it. You're putting words in my mouth.

4 Q. Okay. Would you agree that you're obligated to
5 pay one-third of the fees due Ms. Ballard for her services
6 as successor trustee?

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 A. Yes. I would say one-third, depending on what
10 the fees are.

11 Q. And would you agree that you have not agreed to
12 pay her one dime of --

13 A. I don't know.

14 Q. -- whatever her fees are?

15 A. I do not know.

16 Q. You don't know what?

17 A. If I've agreed to not pay her anything.

18 Q. Do you agree to pay her?

19 A. I just said I do.

20 Q. How much?

21 A. A third of what's correct.

22 Q. Okay. What is correct?

23 A. I don't know. She hadn't given me a figure.

24 Q. Okay.

25 A. She can bill all she wants to, but what she

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1 actually did is two different things.

2 Q. Okay. And you know I represent Ms. Ballard?

3 A. Unfortunately.

4 Q. Okay. Why do you say that?

5 A. I just wouldn't represent somebody that, you
6 know, is just not an ethical person.

7 Q. Okay. Why do you say that? What facts do you
8 rely on?

9 A. Just opinion.

10 Q. So it's just opinion? You don't have any facts
11 you rely on?

12 A. Just my overall opinion.

13 Q. Okay. And do you have any facts that you rely
14 on?

15 A. I think there's been a lot of collusion going
16 on.

17 Q. Any other facts other than just --

18 A. Collusion is a big fact, I think.

19 Q. Okay. Well, didn't you address all of this in
20 Federal Court or are you going to say you don't recall?

21 MR. PELLINGTON: Objection.

22 BY MR. TRUSLOW:

23 A. I don't recall.

24 Q. Is there anything that's going to refresh your
25 memory or you just don't recall?

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1 A. Not now.

2 Q. Okay. So to kind of cut to the chase on this, I
3 don't want to be surprised later on by you suddenly
4 "remembering things" or coming up with something different.
5 Is there anything else or can I count on this being the
6 truth, the whole truth and nothing but the truth --

7 MR. PELLINGTON: Objection.

8 BY MR. TRUSLOW:

9 Q. -- on your part?

10 A. Objection.

11 Q. What? You said objection?

12 A. I was just echoing my attorney. You can count
13 on everything that I said as been my opinion.

14 Q. And you're not going to add anything to it? No
15 facts --

16 MR. PELLINGTON: Objection.

17 BY MR. TRUSLOW:

18 A. Maybe.

19 Q. Well, I know need to know what they are now
20 because --

21 A. I don't know.

22 Q. -- this is your time for your deposition and
23 you've brought a claim --

24 A. Okay. For right now I'm not prepared to --

25 Q. Well --

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1 A. Because I didn't know exactly what the questions
2 may be, so I have to do some homework, too.

3 Q. You allege that Ms. Ballard failed to state a
4 claim upon which relief can be granted. What facts do you
5 rely on in making that claim?

6 A. I do not know.

7 Q. Okay. You've alleged that the matter was not
8 ripe until the estate was closed. What facts do you rely
9 on?

10 A. I do not know.

11 MR. PELLINGTON: Objection.

12 BY MR. TRUSLOW:

13 Q. You do not know?

14 A. Not at this time.

15 Q. Okay. Failure to mitigate. You said to the
16 extent that Ms. Ballard has claims that she's failed to
17 mitigate, what facts do you rely on?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 A. I do not know.

21 Q. Why don't you know?

22 A. I can't recall.

23 Q. Okay. You've alleged that Ms. Ballard breached
24 her agreement under her successor trustee agreement. What
25 facts do you rely on?

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1 MR. PELLINGTON: Objection.
 2 BY MR. TRUSLOW:
 3 A. I don't recall right now what facts.
 4 Q. Okay. See, this is way the system works. I'm
 5 allowed to find out what you know and why. We noticed your
 6 deposition, we did so in a timely manner and now is your
 7 chance. I don't want to be surprised. I don't think you're
 8 allowed to surprise me later on so I need to know now all of
 9 the facts you rely on.
 10 A. Well, if I surprise you later on then I'll learn
 11 better next time.
 12 Q. Okay. Do you have any facts that --
 13 A. No.
 14 Q. Okay. When you claim that Ms. Ballard breached
 15 her fiduciary duty, what facts do you rely on, if you know
 16 of any?
 17 MR. PELLINGTON: Objection.
 18 BY MR. TRUSLOW:
 19 A. Just my opinion.
 20 Q. Okay. Nothing else, just your opinion?
 21 A. I mean, certain emails that I have.
 22 Q. Okay. What emails?
 23 A. Just personal emails.
 24 Q. What are they?
 25 A. Emails that are my business.

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1 Q. Well, sir, what emails are you referring to?
 2 A. (Pauses).
 3 Q. I'm not asking for emails between you and your
 4 attorney. I'm asking about anything else, any facts.
 5 A. Emails between Pete and her.
 6 Q. Her, meaning Ms. Ballard?
 7 A. Ms. Ballard.
 8 Q. And why have you --
 9 A. Dese. Excuse me.
 10 Q. Why have you not produced these pursuant to the
 11 subpoena?
 12 MR. PELLINGTON: Objection.
 13 BY MR. TRUSLOW:
 14 A. I don't -- I can't recall.
 15 Q. Have you produced any documents today pursuant
 16 to the subpoena?
 17 A. No.
 18 Q. Do you know of any documents? And, if so, if
 19 you can identify what they are.
 20 MR. PELLINGTON: Objection.
 21 BY MR. TRUSLOW:
 22 A. No.
 23 Q. You said you cannot?
 24 A. No.
 25 Q. All right. You've said Ms. Ballard has breached

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1 a duty of good faith and fair dealing. Do you have any
 2 facts you rely on or is that just your personal opinion --
 3 MR. PELLINGTON: Objection.
 4 BY MR. TRUSLOW:
 5 Q. -- with nothing to back it up?
 6 A. I have facts that I would disclose, but I didn't
 7 come prepared to disclose them.
 8 Q. Well, today is my chance to ask you what they
 9 are. You've brought --
 10 A. Emails, various emails.
 11 Q. All right. Identify what they are.
 12 A. I'll send them to you.
 13 Q. When will you send them to me?
 14 A. The first of -- the week after next.
 15 Q. Okay. Do you realize that by not producing --
 16 you know, you're writing on an exhibit, Mr. Combs, and
 17 that's not allowed.
 18 A. Excuse me.
 19 Q. Now you're tearing off a part of the exhibit.
 20 Why would you do that?
 21 A. I was just scribbling, looking for something to
 22 jot on. To make you mad.
 23 Q. Well, that's not going to work. You did it to
 24 make me mad and it's not going to work. I'm trying to just
 25 do a deposition and be done with it.

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1 A. And I'm trying to answer.
 2 Q. And trying to --
 3 A. So let's move on.
 4 Q. And trying to make me mad and it's not going to
 5 work.
 6 A. All right.
 7 Q. So why have you not produced these emails today?
 8 MR. PELLINGTON: Objection.
 9 BY MR. TRUSLOW:
 10 A. I didn't know I would need to.
 11 Q. Okay. You didn't think you needed to honor the
 12 subpoena?
 13 MR. PELLINGTON: Objection.
 14 BY MR. TRUSLOW:
 15 A. I did. I'm here, aren't I?
 16 Q. The subpoena to bring documents, the documents
 17 that you relied on. Did you think you didn't have a duty
 18 to --
 19 A. I could not find them.
 20 Q. And you just considered it for thirty seconds
 21 and then chose not to do anything else; is that correct?
 22 A. Maybe a little longer than thirty seconds.
 23 Maybe about five minutes.
 24 Q. Okay. And after five minutes decided not to do
 25 anything else?

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1 A. Correct.

2 Q. All right. The same questions: You claim that

3 Ms. Ballard is acting with unclean hands. What facts do you

4 rely on, if any, or is this just your opinion?

5 MR. PELLINGTON: Objection.

6 BY MR. TRUSLOW:

7 A. Emails.

8 Q. Pardon me?

9 A. Emails.

10 Q. All right. And which specific emails?

11 A. The same ones I was speaking of earlier.

12 Q. Those ones you haven't produced, even though you

13 got a subpoena?

14 MR. PELLINGTON: Objection.

15 BY MR. TRUSLOW:

16 A. Yes.

17 Q. Okay. You've alleged a defense of in pari

18 delicto. What does that mean?

19 A. I have no clue.

20 Q. What facts do you -- okay. And you tried to

21 bring a counterclaim and that counterclaim has been tossed

22 out of court, hasn't it?

23 A. I don't know.

24 Q. Did you not get a copy of the Court's order

25 relating to our motion to dismiss your counterclaim?

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1 MR. PELLINGTON: Objection. I'm going to

2 instruct him not to answer. We're covered, Counsel, it's

3 privileged.

4 MR. TRUSLOW: I'm asking him whether he got a

5 copy of the order.

6 BY MR. TRUSLOW:

7 A. No answer.

8 Q. You're saying you're not going to answer?

9 A. Right.

10 Q. You refuse to answer?

11 A. I refuse.

12 Q. All right.

13 THE WITNESS: Exclamation. (Directed at the

14 court reporter.)

15 BY MR. TRUSLOW:

16 Q. I've asked you this and I don't know whether I

17 got an answer.

18 MR. TRUSLOW: And contracts of employment and

19 billing rates are not privileged in my opinion.

20 BY MR. TRUSLOW:

21 Q. But at what rate are you paying legal fees?

22 A. I do not know.

23 MR. PELLINGTON: I'll clarify our position on

24 that. Based on what we discussed prior to lunch, I'm not

25 sure if it was on the record or not, but he can answer to

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1 the extent he knows about the rate and amount. To substance

2 as to what --

3 MR. TRUSLOW: No. I'm not going to ask him

4 about substance.

5 MR. PELLINGTON: Okay.

6 BY MR. TRUSLOW:

7 Q. Are you current on your billing?

8 A. On my billing?

9 Q. Yes. From your attorneys.

10 MR. PELLINGTON: Object.

11 BY MR. TRUSLOW:

12 A. I don't know.

13 Q. Okay.

14 A. He's here, so I hope I am.

15 Q. I've asked this another way but I just want to

16 make sure. Do you agree that you're obligated to pay a

17 portion of Ms. Ballard's fees whatever may be due?

18 MR. PELLINGTON: Objection.

19 BY MR. TRUSLOW:

20 A. Asked and answered.

21 Q. Go ahead and answer again.

22 A. I answered, once we agree on whatever a third

23 should be.

24 Q. Okay. Talk about Ms. Ballard and things that

25 she had done. Do you agree that she filed an inventory in a

180

1 timely manner --

2 A. No.

3 Q. -- with the Probate Court?

4 A. No.

5 Q. Why not?

6 A. I just don't think it should have taken her that

7 long.

8 Q. How long should it have taken and why? What

9 facts do you rely on?

10 MR. PELLINGTON: Objection.

11 BY MR. TRUSLOW:

12 A. I don't know. I just think it was too long.

13 Q. Well, on what facts do you rely on in claiming

14 that she should have done something quicker regarding

15 inventory?

16 A. Whatever the amount is that she's saying I owe

17 would probably be a third of that amount, because she spent

18 too much time and all she had to do was, you know, talk to

19 me.

20 Q. Would you agree that you and your wife filed

21 creditor claims against Ms. Ballard as personal

22 representative for something like, I guess, \$400,000,

23 collectively?

24 A. I don't know.

25 Q. Do you recall filing creditor claims --