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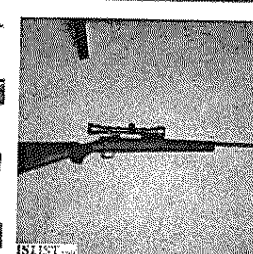
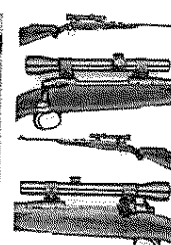
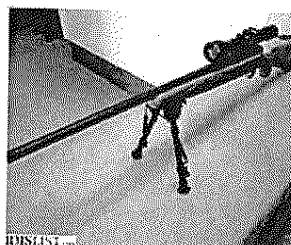
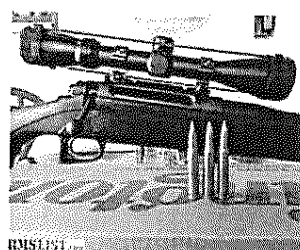
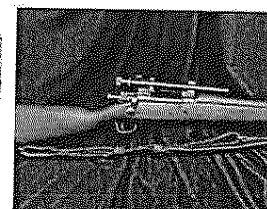
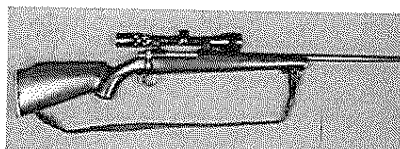
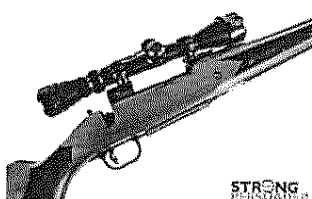
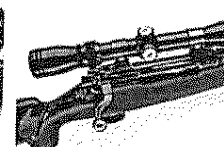
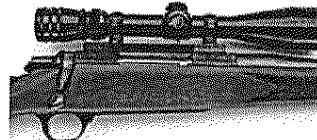
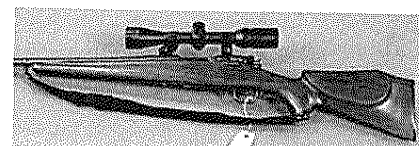
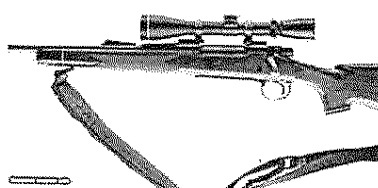
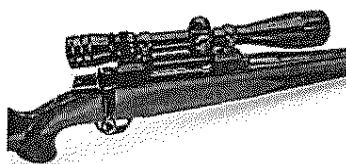
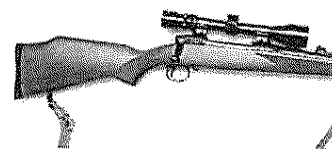
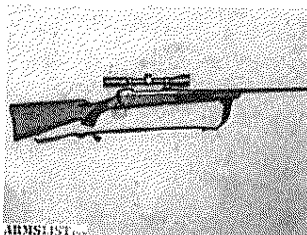
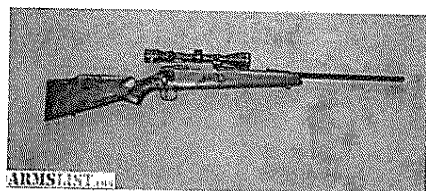
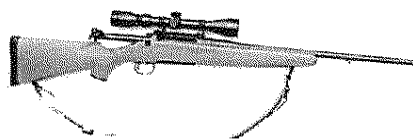
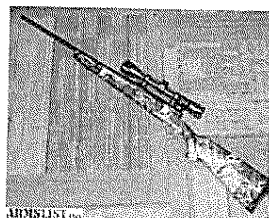
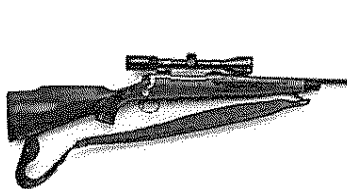
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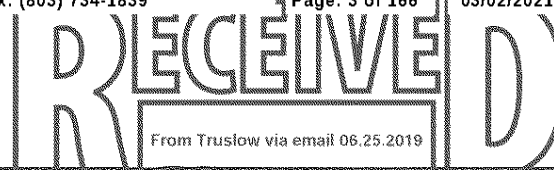
List of Assets

cash \$1.00

Chris Combis (SEAL)
CHRIS COMBIS, Settlor and Trustee



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**Desa Ballard**

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Sent: Sunday, June 23, 2019 6:11 PM
To: Desa Ballard
Subject: FW: Ballard v. Combis; Deposition Designations

From: Amanda Hilley <amandahilley@truslowlaw.com>
Sent: Wednesday, November 15, 2017 11:45 AM
To: Joe Pellington <jpellington@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Marisol Rivera <mriviera@reddingjones.com>
Subject: Ballard v. Combis; Deposition Designations

Dear Mr. Pellington and Mr. McTier:

Please see the below listed Deposition Designations for both Diane and George Combis for the Rule To Show Cause in the above referenced matter:

Deposition of Diane Combis

Deposition Designations

From September 18, 2015 in the Federal Case (separate and distinct case)

P. 50	Line 6	To	P. 51	Line 25
P. 54	Line 1	To	P. 55	Line 25
P. 56	Line 4	To	P. 57	Line 10
P. 58	Line 3	To	Line 16	
P. 61	Line 23	To	P. 63	Line 13
P. 79	Line 23	To	P. 80	Line 22

Deposition of George Combis

Deposition Designations

From September 13, 2017 Deposition

Ballard v. Combis matter

P. 7	Line 15	To	P. 8	Line 24
P. 16	Line 1	To	P. 16	Line 25
P. 20	Line 1	To	P. 21	Line 10
P. 23	Line 3	To	P. 28	Line 12
P. 73	Line 20	To	P. 78	Line 14
P. 96	Line 14	To	P. 107	Line 15
P. 110	Line 2	To	P. 111	Line 18
P. 120	Line 3	To	P. 122	Line 22
P. 129	Line 15	To	P. 132	Line 3
P. 140	Line 23	To	P. 141	Line 17
P. 163	Line 22	To	P. 165	Line 19

P. 175	Line 15	To	P. 176	Line 6
P. 199	Line 21	To	P. 200	Line 19
P. 223	Line 21	To	P. 225	Line 13
P. 230	Line 12	To	P. 231	Line 4

AND

Re: Deposition Designations of George Combis

From October 11, 2017 Deposition

Ballard v. Combis matter

P. 16	Line 1	To	P. 20	Line 22
P. 21	Line 9	To	P. 22	Line 19
P. 25	Line 1	To	P. 29	Line 7
P. 36	Line 5	To	P. 36	Line 14
P. 42	Line 9	To	P. 42	Line 23
P. 43	Line 10	To	P. 43	Line 22
P. 46	Line 5	To	P. 47	Line 5
P. 68	Line 20	To	P. 72	Line 15
P. 81	Line 1	To	P. 81	Line 17
P. 82	Line 20	To	P. 86	Line 4
P. 119	Line 4	To	P. 119	Line 17

Sincerely,

Amanda Douglas Hilley
Senior Paralegal

Truslow & Truslow
ph (803) 256-6276
fax (803) 256-7659

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

Physical Address:
914 Richland St., Suite B-102
Columbia, SC 29201

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION
Case Number: 0:14-cv-01839-MGL

DESA BALLARD, as Successor Trustee)
of the Trust of Chris Combis,)
u/a/d 10-15-2013,)
Plaintiff,)

v.)

DIANE COMBIS,)
Defendant.)

DEPOSITION
OF
DIANE COMBIS

DESA BALLARD, as Successor Trustee)
of the Trust of Chris Combis,)

Taken at:

Cross-claim/)
Third Party Plaintiff,)
v.)

Tison Redding, PLLC
201 S. Tryon Street
Charlotte, NC

GEORGE COMBIS; and DIANE COMBIS,)
as Former Trustee of the Trust of)
Chris Combis; SUPERIOR TILE,)
MARBLE and TERRAZZO CORP.; and)
SUPERIOR STONE OF THE SOUTHEAST,)
INC.,)

On Friday,
September 18, 2015

REPORTER:
Christine Taylor
Notary Public

Cross-claim/)
Third Party Defendants.)

In the Matter of the Estate of)
Chris Combis:)

DESA BALLARD, as Personal)
Representative of the Estate of)
Chris Combis,)
Petitioner,)

v.)

George Combis; Chris A. Combis;)
Diane Combis; and Superior Tile,)
Marble, and Tarrazzo Corporation,)
and Superior Stone.)
Respondents.)

Diane Combis (9/18/15)

Page 50

1 A. Repeat the number again.

2 Q. \$417,000.

3 A. I thought you said 407.

4 Q. 417.

5 A. Yes.

6 Q. And would you agree with me that you -- at George's
7 instruction you took out -- you gave him \$412,000 on
8 August 2, 2007; is that correct?

9 A. Yes.

10 Q. And you're saying that it went for a line of credit,
11 is that correct, an LOC?

12 A. That funded the company that went into the company.
13 They were tied together.

14 Q. But the line of credit was on -- secured with the home
15 which you and your husband owned?

16 A. Yes.

17 Q. Is that correct?

18 A. That is correct. But the company uses the money that
19 comes out of there when things need to be paid if the
20 company can't pay for them.

21 Q. I understand that. But the money went into an account
22 in George's name and I'm really not -- I'm not
23 interested right now where it went after that. I'm
24 trying to figure out where it went.

25 A. Okay.

Diane Combis (9/18/15)

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1 Q. It went into an account owned by you or you and
2 George?

3 A. The house is in George and I's name, so the LOC should
4 be --

5 Q. And the line of credit is for you individually and
6 George individually or the company?

7 A. It is based, yes, on that.

8 Q. Who told you to apply it to that account, to the
9 account for you and George? Who told you to do that?
10 I know you didn't do it on your own. Who told you to
11 do it? George?

12 A. I imagine. I'm not sure.

13 Q. You know that George did, don't you?

14 A. It makes logical sense.

15 Q. Now, at the time you provided George with that
16 \$412,000, did you record what you had -- where it had
17 gone, what had been done with the money?

18 A. Did I actually record it anywhere?

19 Q. Yes, ma'am. In your documents that you were keeping
20 as a trustee.

21 A. I'm not sure.

22 Q. By the way, did the trust ever do a trust tax return?
23 You're the trustee. Did you ever do a tax return?

24 A. Not to my knowledge. And I asked about that and
25 nothing ever became of it. I wasn't ever given an

Diane Combis (9/18/15)

Page 54

1 Q. The \$412,000 that you said that you gave to George
2 that went into a line of credit owned by you and
3 George --

4 MR. REDDING: Objection to form.

5 Q. Did you say that, that you took \$412,000?

6 A. Yes.

7 Q. Did you give it to George?

8 MR. REDDING: Objection to form. I'll
9 withdraw that objection.

10 Q. Did you give the \$412,000 to George?

11 A. Yes. It was put into that account.

12 Q. And that was an account owned by you and George
13 individually?

14 A. Yes.

15 Q. And did you ever record that \$412,000 as a loan to
16 George?

17 A. I did not record it as a loan.

18 Q. Did anyone record it as a loan to George?

19 A. Paul Hattenhauer at one time listed in the accounting
20 "loan" and then later on he had his -- there's a
21 letter that says "the draw" from George, the draw. It
22 was referred to as a draw.

23 Q. What is -- I'm not sure I've seen that letter. What
24 letter are you referring to?

25 A. I gave it to my lawyer that has some papers.

Diane Combis (9/18/15)

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1 Q. Mr. Redding or someone else?

2 A. I think it was Charlie Bridgmon at the time that

3 I gave it to him.

4 Q. Charlie Bridgmon?

5 A. Yeah, Bridgmon.

6 Q. Do you know what the date of that letter is?

7 A. No. It was during the time that I was working with

8 Mr. Hattenhauer on the accounting, going over

9 everything.

10 Q. So --

11 A. And it was a draw in referring to back to the monies

12 Pop -- to me, it was the monies that Pop had owed and

13 the monies that were going to be used -- continue to

14 be used for his health care, for whatever benefits he

15 may have.

16 Q. I'm trying to understand. Are you saying that you

17 provided some documentation to Mr. Hattenhauer and

18 Mr. Hattenhauer recorded the \$412,000 as a loan to

19 George? Is that what you're telling me?

20 A. At one time he referred to it as a loan. And another

21 time we talked about it as a draw that was going to be

22 used.

23 Q. And where is the document reflecting that it was a

24 draw?

25 A. I do not have the documents with me today.

Diane Combis (9/18/15)

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1 Q. Is there -- was it to be a draw to Chris or to George?

2 To Chris Combis or to George?

3 A. To George.

4 Q. And how would George have gotten a draw from the Chris

5 Combis estate, how would that happen?

6 MS. BALLARD: Trust.

7 MR. TRUSLOW: I'm sorry?

8 MS. BALLARD: Trust.

9 Q. From the trust.

10 A. How or why?

11 Q. How. Help me understand. The Chris Combis Trust is

12 not a business; you agree with that?

13 A. Yes.

14 Q. Chris Combis didn't work for the trust, did he?

15 A. No.

16 Q. George Combis didn't work for the trust, did he?

17 A. No.

18 Q. So how would George Combis get a draw from the -- from

19 the Chris Combis Trust?

20 A. Because based on conversations and decisions made, it

21 was removed from the bank account -- from the trust

22 account and put into the LOC to take care of those

23 needs.

24 Q. Can you show me one document that will reflect that

25 the \$412,000 went into Superior Tile or Stone or any

Diane Combis (9/18/15)

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1 corporation?

2 A. Do I have a document?

3 Q. Yes, ma'am.

4 A. That shows where it did?

5 Q. Yes.

6 A. Yes, I think it reflects.

7 Q. Show me. Please identify those documents for me, if
8 they exist. I don't think they do. But if they do,
9 please show them to me.

10 A. I don't have any records with me today.

11 Q. You've provided -- again, you have a good attorney and
12 he's provided me with some paperwork. Is it anywhere
13 in the paperwork that would support what you're
14 saying, that money -- that this \$412,000 --

15 A. I'm not sure.

16 Q. What happened to the \$412,000?

17 A. It was used to pay his bills and part of his benefit
18 and the money that he owed the company.

19 Q. Well, why if it was -- if the \$412,000 was being used
20 to pay for Mr. Chris Combis's care, why was there a
21 need to take it out of the trust to put it in yours
22 and George's names individually rather than just leave
23 it where it was?

24 A. My answer would probably be because there was so much
25 not knowing what the needs may be and there were so

Diane Combis (9/18/15)

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1 many needs on and off, that it was much easier to
2 write them from the company checking account.

3 Q. But can you offer any excuse for taking the money --
4 other than what you've said, can you offer any excuse
5 for taking the \$412,000 out of the trust, the Chris
6 Combis Trust, and putting it in the account for you
7 and George?

8 A. Other than what I've said?

9 Q. Yes.

10 A. No, sir.

11 Q. Who was the LOC with?

12 A. Park Sterling to my recollection.

13 Q. And it was in the Park Sterling account for you and
14 George or George alone?

15 A. Most everything I think is in George and I name
16 together. Joint account.

17 Q. All right. You understand, do you not, that there's a
18 distinction between you being a trustee and you being
19 a wife; do you understand that?

20 A. Yeah, there is a difference.

21 Q. Did you understand it at the time?

22 A. Yes.

23 Q. Okay.

24 A. Very close.

25 Q. To cut to the chase -- and we'll move on and see where

Diane Combis (9/18/15)

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1 Q. Do you know what the word "scrupulous" means?

2 A. The -- good judgment.

3 Q. I promise it's not a trick question. You can have
4 unscrupulous, you can have scrupulous. What does
5 scrupulous mean to you?

6 A. Good, moral.

7 Q. Follows the law?

8 A. Yes.

9 Q. Was there anyone after you became trustee on
10 August 21, 2006 that acted as a trustee until you
11 resigned or were you the sole trustee?

12 A. I was the sole trustee.

13 Q. Now, if Superior Stone or Superior Tile or George told
14 you that certain things should happen with the trust,
15 were you going to listen to what they told you to do
16 or were you going to make your own independent
17 decision?

18 A. I would listen to the information told me.

19 Q. And what would you do if there was -- if there had
20 been a conflict?

21 A. I would weigh out and prayerfully think about it and
22 make my decisions, what was right.

23 Q. Did you understand that as a trustee you couldn't
24 engage in self-dealing for either your husband or for
25 yourself --

Diane Combis (9/18/15)

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1 A. Yes.

2 Q. -- or for the benefit of your husband --

3 A. Yes.

4 Q. -- to the prejudice of the trust?

5 A. Yes.

6 Q. So would you agree that you had the duty of loyalty
7 and a fiduciary duty to the trust to do what was in
8 its best interest?

9 A. Yes.

10 Q. And that was regardless of what your husband may have
11 told you to do?

12 A. Yes.

13 Q. But he's the one that told you to take the \$412,000
14 out and give it to him?

15 MR. REDDING: Objection.

16 Q. Is that correct?

17 A. Yes.

18 Q. All right. You were not a beneficiary to the trust,
19 were you?

20 A. No.

21 Q. The three beneficiaries of the trust would have been,
22 if I understand, after the passing of Mr. Combis would
23 be your husband; Linda, his sister; and his other
24 sister, Mary?

25 A. Yes.

Diane Combis (9/18/15)

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1 Q. And would you agree with me that you were not legally
2 permitted to prefer your husband over Linda and Mary?

3 A. Yes.

4 Q. Do you have any document that would show that you told
5 Linda and Mary that you were going to pay \$412,000
6 over to an account in yours and George's name for the
7 line of credit?

8 A. No, I do not.

9 Q. Did you have that conversation with them? Did you
10 tell them that you were doing that?

11 A. George communicated that with them.

12 Q. Did you tell them that?

13 A. No, I did not.

14 Q. Why would you rely on George who was -- had a
15 financial interest that may be opposed to his
16 sisters'? Why would you rely on George rather than
17 you doing it yourself?

18 A. Because the three siblings always talked among
19 themselves. When there was any communication, no
20 matter what it was regarding, the sisters always came
21 to George for any help or any needs. And George
22 always communicated with them and told them that there
23 was -- when it got toward the end, that there was no
24 more money and that he had helped them and done all he
25 could.

Diane Combis (9/18/15)

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1 George, was it not?

2 A. Or a draw.

3 Q. Pardon me?

4 A. Or a draw.

5 Q. Okay. Well, I had asked you about this before, but
6 Exhibit 2 was from the Chris Combis Revocable Trust,
7 was it not?

8 A. Yes.

9 Q. And you agreed with me, I think, but I want to just
10 make sure, that the trust couldn't make a draw to
11 George; is that correct?

12 A. Yes.

13 Q. Now, this wasn't an advance on any inheritance or
14 anything, this was a loan; is that correct?

15 A. It was for taking future care of Pop. So when you
16 said -- or any future advancements.

17 Q. So if it was for that, I'm trying to get my mind
18 around this, what kind of documentation did you get
19 from George where he would -- contract, promissory
20 note, anything, that you would get as a trustee?

21 A. Verbal agreement.

22 Q. So let me just make sure. You said you were giving
23 George -- you were loaning George -- as trustee, you
24 were loaning George \$412,000; correct?

25 MR. REDDING: Objection to form.

Diane Combis (9/18/15)

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1 A. Yes.

2 Q. But you got no promissory note; is that correct?

3 A. No.

4 Q. You got no collateral; is that correct?

5 A. No -- yes.

6 Q. And all you had was George's word that he was going to
7 take care of things?

8 A. Yes.

9 Q. And was he going to take care of them through Superior
10 Stone or Superior Tile or was he going to personally
11 do them? Who was ultimate party responsible?

12 A. Both.

13 Q. Looking back on it, don't you think you should have
14 gotten something in writing?

15 A. Yes.

16 Q. Okay. When you resigned as the trustee of the Chris
17 Combis Trust, you certainly knew Ms. Ballard was going
18 to be the successor?

19 A. Yes.

20 Q. And you had agreed, had you not, to turn over whatever
21 money was in the -- was left in the bank account to
22 her at that point in time, did you not?

23 A. Yes.

24 Q. Okay. Would you agree with me that -- and you put
25 that in writing that you were going to do that, did

1

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

In re: Chris Combis, deceased

Desa Ballard,

Plaintiff,

VS .

George Combis,

Defendant/Third-Party Plaintiff,

vs.

Mary Combis and Linda Combis,

Third-Party Defendants.

DEPOSITION OF
GEORGE C. COMBIS
SEPTEMBER 13, 2017

Deposition on oral examination of George C. Combis,

reported by Laura S. DeCillis, Certified Court Reporter and

Notary Public in and for the State of South Carolina; said

deposition taken at the Offices of Nosal & Jeter Law, 852

Gold Hill Road, Unit 201, Fort Mill, South Carolina, on

Wednesday, the 13th day of September 2017, scheduled for

10:00 a.m. and commencing at the hour of 10:02 a.m.

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

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.

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 these
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

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. BALLARD: 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

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.

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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

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

3 A. Followed it.

4 MR. PELLINGTON: Objection.

5 BY MR. TRUSLOW:

6 Q. Okay. I guess I ought to make that clearer.

7 Regarding what caused you to incur the \$550,000 in debt, was
8 that as a result of following Mr. Plowler's advice or was it
9 some other reason?

10 A. Another reason.

11 Q. What was the other reason?

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

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

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

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

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

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1 wear a wedding band but he did.

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

4 MR. PELLINGTON: Objection.

5 BY MR. TRUSLOW:

6 A. Right.

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

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

9 Q. Sure.

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

14 Q. His what?

15 A. His work watch.

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

17 A. That was his work watch.

18 Q. And that was one that you gave to your son in
19 2010/2011?

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

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

2 Q. All right.

3 A. Took it back.

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

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

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

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

16 Q. But you said that was in 2010 --

17 A. I don't know exactly what year.

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

19 A. Yes.

20 Q. Okay.

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

24 Q. He gave it back to you?

25 A. Correct.

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

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

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

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

10 Q. Was it a Rolex watch?

11 A. To the best of my knowledge, yes.

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

14 A. Yes.

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

19 A. The box that I brought Mr. Pellington?

20 Q. Yes.

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

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

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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

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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.

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1 answer. How was --

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

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

7 A. Yes.

8 Q. Have you ever lied to him?

9 MR. PELLINGTON: Objection.

10 BY MR. TRUSLOW:

11 A. No.

12 Q. Have you ever misrepresented the truth to him?

13 A. I don't believe so.

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

17 A. Yes.

18 Q. These cases?

19 A. I do remember that.

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

23 MR. PELLINGTON: Objection.

24 BY MR. TRUSLOW:

25 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 those 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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1 THE WITNESS: Ten minutes more?

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

4 THE WITNESS: Oh.

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

6 BY MR. TRUSLOW:

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

8 A. Oh, yeah.

9 Q. Who were you texting?

10 A. Nobody. I was just reading something.

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

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

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

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

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

8 MR. TRUSLOW: Yeah. But let me --

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

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

17 MR. PELLINGTON: Okay.

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

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

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

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

4 BY MR. TRUSLOW:

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

7 A. Yes.

8 Q. Has he ever acted as your attorney?

9 A. No.

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

12 A. I believe so.

13 Q. Your sisters are adverse to you, correct?

14 A. Well, one of them is.

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

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

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

25 MR. TRUSLOW: Okay. So --

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1 MR. PELLINGTON: So is his --

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

4 BY MR. TRUSLOW:

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

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

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

11 MR. PELLINGTON: Objection.

12 BY MR. TRUSLOW:

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

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

18 A. I do not remember.

19 MR. TRUSLOW: Madam Court Reporter, where we are
20 is, I've been asking Mr. Combis about ongoing litigation.
21 He has refused to answer. Counsel has indicated that he
22 wanted to consult with Mr. Combis to see whether
23 consultation with judges about pending litigation may be
24 privileged. I don't, quite frankly. We will have to agree
25 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

107

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

110

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-e-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

120

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.

121

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

122

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 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

130

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

131

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.

132

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.

140

1 Q. Do you know what he has?

2 A. No.

3 Q. Do you know where he got them?

4 A. No.

5 Q. Do you know whether he's bought or sold any
6 guns?

7 A. Oh, no. I have no clue.

8 Q. Have you transferred any guns to him or --

9 A. No.

10 Q. -- has your wife?

11 A. No.

12 Q. I asked you before but I just wanted to clean up
13 something. I had asked you since -- I think I asked you for
14 three years but I'll just use January 1st of 2015. Have you
15 made any transfers of real estate to anyone? You said no,
16 but I just wanted to make sure.

17 MR. PELLINGTON: I'll object to asked and
18 answered then.

19 MR. TRUSLOW: Okay.

20 BY MR. TRUSLOW:

21 Q. Go ahead.

22 A. Not to my knowledge.

23 Q. Okay. Well, you would be the person that would
24 know, I think. While I'm looking for some things, who has
25 access to your safe?

141

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

163

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?

164

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?

165

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

175

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. Combis, 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.

176

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 her house. And I can only assume that Mary is doing good at
2 a rest home, so -- and somehow they are getting by.

3 Q. Are you communicating with them?

4 A. Not in the last six months or so.

5 Q. What have either one of them said that was
6 critical of the job that Ms. Ballard was doing?

7 A. Say that --

8 Q. What have either one of them said to you that
9 was critical of Ms. Ballard in how she was handling her
10 responsibilities?

11 A. Well, the only one that I've talked to is Linda
12 and Linda didn't want to comment either way. And I have yet
13 to talk to Mary.

14 Q. Okay. Do you have a personal banker? And, if
15 so, who is that?

16 A. I don't have one.

17 Q. Okay. How many hours do you contend that
18 Ms. Ballard as necessarily devoted to this case and how many
19 hours were unnecessary?

20 A. I have no clue.

21 Q. Okay. In a prior unsolicited email to me, we
22 were asking about certain items that were alleged that
23 belonged to the estate and you said -- I'm paraphrasing but
24 I can give you the exact language -- it was about a stupid
25 need to know. Do you recall writing that?

200

1 A. Probably so.

2 Q. And why was it a stupid need to know?

3 A. Because you were referring, I believe at the
4 time, to the gun and the watch and the coins.

5 Q. And why was that a stupid need to know?

6 A. That was already a done deal as far as my father
7 and my family were concerned, that it was the ones who he
8 gave it to.

9 Q. Okay. Well, wasn't Ms. Ballard at least
10 entitled to know what had happened and when it happened?

11 A. I'm sure we told her.

12 Q. Well, when you wrote this letter and said, "Stop
13 wasting my money on your stupid need-to-know stuff."

14 A. Right.

15 Q. And what is your basis for saying that?

16 A. It wasn't any of her business. It was already a
17 done deal. My father died in '09 and all the transaction
18 with all the stuff was, you know, ours when Paulette and I
19 read his will or testimony or --

20 Q. Why would you not just go through your attorney
21 rather than sending me an unsolicited email?

22 A. I have to pay them. I can write it on my own.

23 Q. Okay. And you go on to say, Chris is not
24 literally six foot, seven inches tall.

25 A. That was a error.

223

1 things worked out?

2 A. Yes.

3 Q. Would it be an understatement --

4 A. That's emphatic.

5 THE WITNESS: Yes, exclamation. (Directed at
6 the court reporter).

7 BY MR. TRUSLOW:

8 Q. Would it be under understatement to say that it
9 has gone on now for at least four years --

10 A. Only because of her.

11 Q. -- and very contentious?

12 A. Only because of her.

13 THE WITNESS: And you can put that in there
14 twice. (Directed at the court reporter).

15 BY MR. TRUSLOW:

16 Q. I couldn't hear you?

17 A. She can put that in there twice.

18 Q. Put what in there twice?

19 A. Only because of her has it gone on as long as it
20 has.

21 Q. Okay. Did Diane, as former trustee, did she
22 agree to deliver to Ms. Ballard all property of the trust?

23 A. You'll have to ask her that.

24 Q. Did you agree to that?

25 A. No.

224

1 Q. Look at number 8 on page three.

2 A. Does it say I did?

3 Q. Yes.

4 A. Okay.

5 Q. It says on --

6 A. Then I did. I did. Excuse me, I did.

7 Q. All right.

8 A. But I don't know about Diane.

9 Q. But what?

10 A. I don't know if Diane did or not, I'm just
11 telling you.

12 Q. Well, she did.

13 A. Put that in your notes, too, you asked me.

14 Q. She did.

15 A. Oh, okay. I don't know why you ask these
16 questions if you know the answer, or you think you know the
17 answer.

18 Q. It probably comes as a shock to you to realize
19 that lawyers usually know the answers to most questions
20 before they ask them.

21 A. Oh. They think they do, anyway.

22 Q. Now, Diane was obligated to deliver to Ballard
23 all of the property of the trust, correct? It says so in
24 paragraph eight, or number 8.

25 A. Okay.

225

1 Q. She did not do that, did she?

2 A. She told her attorney, Charlie Bridgmon, to do
3 it. And I think you're speaking of the 3500, \$3600. And
4 for some reason he just didn't do it. The money was in his
5 account.

6 Q. He didn't turn it over?

7 A. I don't think he did. Not in a proper time.

8 Q. How about the Rolex? How about the coins? How
9 about the guns?

10 A. That wasn't anything to do with it.

11 Q. Pardon me?

12 A. That wasn't -- it didn't have anything to do
13 with what my father left us.

14 Q. Okay. How about all of the bank records and
15 other documentation relating to the trust?

16 A. I assume she got it sooner or later. I don't
17 know exactly when.

18 Q. Okay. How about some \$50,000 that still has
19 never been accounted for? Why did she --

20 A. You know, it's funny. We just now found where
21 it went.

22 Q. You just now found out?

23 A. About a month -- let's see. September -- in
24 August she was looking and we can account for the \$50,000,
25 or 49 thousand and some odd dollars. And we can show you

230

1 addressed previously by a variety of courts, either the
2 Probate Court, the Circuit Court, the Federal District Court
3 or courts in North Carolina.

4 A. Okay.

5 Q. So what else did you do? Other than delivering
6 coins, a watch and one gun, what else did you do to
7 cooperate and locate and taking possession of the assets of
8 the trust?

9 A. Tried to get all the bank records that we could
10 and give them to the attorneys that they would disburse
11 to --

12 Q. And, Mr. Combis, this agreement was entered on
13 September 9, 2013, and when did you deliver the coins, the
14 gun --

15 A. Probably a month ago.

16 Q. -- one gun, coins and a watch?

17 A. August. Probably August.

18 Q. August of what year?

19 A. 2017.

20 Q. Do you think that 2013 to 2017 is a reasonable
21 period of time for you to --

22 A. For me, yes.

23 Q. For you, it is?

24 A. Yes.

25 Q. Why is that?

231

1 A. I didn't think it had to do with anything. It
2 was my stuff.

3 Q. It wasn't important to you?

4 A. Not a bit.

5 Q. Okay.

6 A. It was already decided long ago. Certainly long
7 before she ever entered the picture, let's put it that way.

8 Q. Did you agree to stay any action in North
9 Carolina pending a resolution in South Carolina?

10 A. I don't recall.

11 Q. Okay. In paragraph -- and you can look on page
12 four. It's paragraph 11 or number 11, whichever way you
13 want to call it.

14 A. Do you want me to read it out loud?

15 Q. No. You can read it to yourself.

16 A. (Views document). Yes.

17 Q. All right.

18 A. Now, may I also read something else?

19 Q. You may.

20 A. Okay. This is number 12 and you can have it
21 right after I get through. This was one thing that we
22 objected to very strongly and it's the way we, as novices,
23 non-attorneys, non-educated layman terms.

24 Linda and Mary acknowledge that this agreement
25 and the resignation of Diane as trustee reflects a

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

3
4
5 In re: Chris Combis, deceased)

6 Desa Ballard,)

7 Plaintiff,)

8 vs.)

9 George Combis,)

10 Defendant/Third-Party Plaintiff,)

11 vs.)

12 Mary Combis and Linda Combis,)

13 Third-Party Defendants.)
14

DEPOSITION OF
GEORGE C. COMBIS
October 11, 2017
Volume II

15
16
17 Continued Deposition on oral examination of George C.
18 Combis, reported by Laura S. DeCillis, Certified Court
19 Reporter and Notary Public in and for the State of South
20 Carolina; said deposition taken at the Offices of Nosal &
21 Jeter Law, 852 Gold Hill Road, Unit 201, Fort Mill, South
22 Carolina, on Wednesday, the 11th day of October 2017,
23 scheduled for 10:00 a.m. and commencing at the hour of
24 10:04 a.m.
25

GEORGE C. COMBIS

Page 16

1 A. I just didn't think it was any of your business.

2 Q. Now, I'm not going to ask you about any
3 conversation you had with your attorney, but was this a
4 decision you made on your own, not to bring the documents?

5 A. No.

6 Q. Who assisted you in making that decision?

7 A. Todd Plowler.

8 Q. And he's your accountant?

9 A. I believe you know that.

10 Q. Is he your accountant?

11 A. Yes.

12 Q. Anybody else --

13 A. No.

14 Q. -- that you sought -- okay. Now, when you made
15 this decision not to bring these documents, who did you
16 alert?

17 A. No one.

18 Q. You just didn't bring them?

19 A. Correct.

20 Q. All right.

21 MR. TRUSLOW: Well, Mr. Pellington, I'm afraid
22 that we're going to have to bring this up with the Court. I
23 thought, quite frankly, I would hope that you would be as
24 shocked as I am to learn that these weren't brought and
25 we're being ambushed, I think. I think you are, too. Or,

GEORGE C. COMBIS

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1 at least, I would hope that if you had known you would have
2 alerted us so we could bring it up with the Court.

3 You asked for a specific list of documents. We
4 gave those to you in good faith. I had every belief that
5 you, in turn, provided those to your client in good faith so
6 that he could produce them and he's indicated that it was
7 his choice not to bring them today. Do you have any
8 comment? How do we resolve this?

9 MR. PELLINGTON: Well, one way to resolve it is
10 you could submit a request for a production of documents
11 under Rule 34 and then failure to produce would, I would
12 assume, would follow up with a motion to compel. Other than
13 that, I mean, I'm not going to comment as to my feelings
14 that you're --

15 MR. TRUSLOW: You don't have to and I
16 understand.

17 MR. PELLINGTON: Yeah. No, right. But other
18 than that, I mean, if it's a matter, we can take it before
19 the Court. The only other thing I'll put for the record is
20 that three documents were produced today. I believe until
21 Rule 34, a request for production of documents, is served,
22 that my client is not required to produce anything further.
23 I think this was just a voluntary good-faith production.
24 And if it's a matter that we have to go before the Court,
25 then we will.

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1 MR. TRUSLOW: Well, we served a subpoena, there
2 was no objection to the subpoena. Mr. Combis indicated in
3 the last deposition he just wasn't going to bring them and
4 you would do this. We show up today in good faith and I'm
5 sure you showed up in good faith today, and we find out that
6 except for three pages on a very limited subject that he's
7 produced nothing else and he did it on his own, he's made a
8 decision to not do so.

9 I would say, quite frankly, it appears to me, no
10 reflection on you, Mr. Pellington, but your client is not
11 acting at all in good faith and is attempting to toy with us
12 and the Court and needlessly increasing legal fees. We do
13 intend to pursue this further. You, no doubt, have the
14 deposition in which there was no objection. You've, no
15 doubt, got the list, as do we. I think we may or may not at
16 a break make that a part of the record.

17 I'll go further, but I have to tell you, my
18 client and I are quite disappointed and do not think at all
19 that your client has acted in good faith. That isn't
20 intended to be a criticism of you, except to the extent, if
21 you knew about it I think you would have had an obligation
22 to tell us, which didn't happen.

23 So I'm assuming, unless you tell me something
24 different, that you were as shocked as I am and my client is
25 to find out that Mr. Combis isn't going to comply. If you

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1 tell me that he told you he wasn't going to bring them or
2 that you knew it and chose not to alert us, then that's
3 something else that can be dealt with. But I don't think
4 that's the case. You don't seem to roll that way, if I can
5 use a common vernacular.

6 MR. PELLINGTON: Well, again, I'm not going to
7 comment as to whatever my feelings may be. And I certainly
8 am, under the ethical rules, not going to disclose anything
9 that I may or may not have discussed. Don't take that for
10 anything more than that's just the rules of ethics in this
11 state.

12 I will make one clarification as to the initial
13 subpoena that you served and for the time that we were here
14 for a deposition. Going back through the transcript, I did
15 note objections when it came to document production and
16 since we're talking about it on the record, I'll get it on
17 the record to protect the record that the initial subpoena,
18 I believe the vernacular that was used was something to the
19 effect of, all documents you're going to rely upon, give or
20 take.

21 Aside from being vague and without some sort of
22 topic list served with a subpoena, it would be impossible to
23 know as to what documents you would rely upon because it
24 would be impossible to know what questions you would ask
25 during the deposition.

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1 So I think with respect to the subpoena, I think
2 it's vague or it's over-broad, I think it's impossible to
3 comply with. And that aside, though, I've gone through most
4 of the deposition transcript and I believe that I noted
5 objections when it came time to produce documents. We can
6 agree to disagree on that. But since you put it on the
7 record, I want to give you some sort of response.

8 MR. TRUSLOW: And you'll agree, of course, you
9 didn't alert us that Mr. Combis was going to bring no
10 documents today or limited to these three relatively useless
11 and limited documents? Do you agree with that?

12 MR. PELLINGTON: Our correspondence between us
13 speaks for itself.

14 MR. TRUSLOW: Okay. First of all, there's no
15 objection to the subpoena or whether it was over-broad. But
16 we were very specific during the deposition of what we
17 wanted. We understood you clearly to ask for it and to put
18 it writing. We did. We gave it to you and that would
19 supplement what was in the subpoena and, regardless, it
20 still hadn't been produced. So I think you're right. We
21 will have to agree to disagree and bring that up with the
22 Court.

23 BY MR. TRUSLOW:

24 Q. Let's go on to something else. As I recall, to
25 paraphrase, last time you said you were going to need some

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1 time to gather these documents that we wanted. Do you
2 recall saying that?

3 A. Yes, sir.

4 Q. And you also said that, as I recall, that you
5 would get those and give them to your attorney?

6 A. No, sir. I said I would ask Todd Plowler and
7 see if we could get those. And then after our thought, we
8 didn't think that it was any of your business to have them.

9 Q. So did Todd Plowler tell you not to comply with
10 the subpoena or the representations of your attorney that
11 you would produce?

12 MR. PELLINGTON: Objection.

13 BY MR. TRUSLOW:

14 A. I object.

15 Q. I'm sorry?

16 A. I said, objection.

17 MR. PELLINGTON: I also said objection.

18 BY MR. TRUSLOW:

19 Q. See, we've been over this before.

20 A. I know. Why do you keep asking me then?

21 Q. No. You keep saying that you're going to
22 object, but you don't get to object. Is Todd Plowler the
23 one that told you not to comply?

24 A. No. I ultimately decided not to.

25 Q. Did Todd Plowler tell you not to comply?

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1 A. No comment.

2 Q. What do you mean, no comment?

3 A. No comment. I don't know exactly what he told
4 me.

5 Q. Did he tell you or didn't he tell you? It calls
6 for a yes or no --

7 A. I'm just telling you no.

8 Q. Pardon me?

9 A. I don't know.

10 Q. What do you mean you don't know? If you were
11 talking to him, how could you not --

12 A. I can't recall.

13 Q. You just don't recall?

14 A. Right. That's what I said.

15 Q. Did Todd Plowler ever tell you that you didn't
16 have to produce these documents?

17 A. I don't recall that.

18 Q. Did Todd Plowler provide you with documents?

19 A. I don't recall exactly.

20 Q. Okay. Did you go over documents with Todd
21 Plower?

22 A. Some.

23 Q. Which ones did you go over with him?

24 A. The one about the \$50,000 that I gave you that
25 showed how it was used.

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1 I told you, I decided on my own that it wasn't any of your
2 business.

3 Q. When did you decide that?

4 A. I don't know.

5 Q. Can you give me a week?

6 A. No.

7 Q. Can you give me a month?

8 A. No. I guess in the month of September.

9 Q. When you made that decision you didn't alert
10 anybody --

11 A. Nope.

12 Q. -- is that correct?

13 A. That is true.

14 Q. So you just kept it to yourself?

15 A. You got it.

16 Q. All right. I might as well deal with this now.
17 The documents you've produced, we're going to make these an
18 exhibit.

19 MR. TRUSLOW: I guess it will be a collective
20 exhibit. Is that the way you want to do it? What would be
21 your preference?

22 MR. PELLINGTON: As a bulk exhibit?

23 MR. TRUSLOW: It was provided to me with a paper
24 clip on it. It's colored photographs --

25 MR. PELLINGTON: Yeah. But the paper clip is my

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1 doing. You can do whatever you want. If you want to make
2 them individual exhibits, have at it.

3 MR. TRUSLOW: All right.

4 MR. PELLINGTON: That was just organizational.

5 MR. TRUSLOW: Okay.

6 (Exhibit No. 11, Photograph, was marked for
7 identification.)

8 MR. TRUSLOW: Then I'll call the first one that
9 has Exhibit 11 on it that is produced, it has a Rolex watch,
10 as I've indicated. At the bottom it says Dwight D.
11 Eisenhower, 1890. It looks like a coin, a few other coins.
12 BY MR. TRUSLOW:

13 Q. What is this?

14 A. (Views photograph).

15 Q. What is the purpose of that document, number 11?

16 A. You asked for a picture of the watch and I
17 was -- it was packed in a box.

18 Q. When did you take that picture?

19 A. Right before I boxed it -- sealed it. I don't
20 know exactly when. Sometime in September.

21 Q. September of 2017?

22 A. Yes. Either August or September, I'm not sure.

23 Q. Okay. So in August or September of 2017 you
24 boxed up the Rolex watch and the silver coins, and before
25 delivering them to Mr. Redding to be delivered to

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1 Ms. Ballard, you took a photograph?

2 A. Yes.

3 Q. Did you take any other photographs?

4 A. Yes.

5 Q. Are those in the other two pages that I have
6 here?

7 A. No. That -- well, you can look at it. That's
8 the watch -- I wrapped it up after I thought it would be
9 rolling around with the coins, and so I wrapped it up and
10 put it in there. This is only unopened mail that my father
11 had that he gave me. This was what was in the safe. And if
12 you'll look at it and the box, it was unopened from the Mayo
13 Clinic. And just below it is a picture of his brother's
14 friend, Lash Larue, and this shows you the watch wrapped up.

15 MR. TRUSLOW: All right. This will be Exhibit
16 12 that he's referring to.

17 (Exhibit No. 12, Photograph, was marked for
18 identification.)

19 BY MR. TRUSLOW:

20 Q. Mr. Combis, I honestly couldn't tell from
21 looking at Exhibit 12 that it was a watch, but I understand
22 now what you're saying. The black item in the middle of
23 Exhibit 12 with the tape around it was the watch?

24 A. Yes.

25 Q. And did you take it out and then photograph it

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1 as reflected in Exhibit 11 or did you put it in --

2 A. I put it in there.

3 Q. So 12 would have come after 11?

4 A. Yes.

5 Q. Okay. And I see some coins in the back and
6 something that looks like North Brevard, Charlotte, on a
7 card?

8 A. That's a copy -- or one of my father's business
9 cards that was in there. There was quite a few of those, I
10 think.

11 Q. All right. And what is behind -- I don't
12 understand what the significance of the Mayo Clinic letter
13 is.

14 A. This is the information that he gave Diane and
15 told her to put it up. And we didn't tamper with it and if
16 you'll check the post date on this letter, it's never been
17 opened, but it was I think either '08 or '09, something like
18 that.

19 Q. All right. I'm looking for the post date and
20 I'm having a hard time seeing that.

21 A. You might not see it on the photograph but you
22 can see it in the little packet.

23 Q. Well, where is --

24 A. If it's still around.

25 Q. I don't see the package.

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1 A. You have the package.

2 Q. I don't have the package. But what package are
3 you referring to?

4 A. The box that this was in.

5 Q. Oh. That was delivered to Ms. Ballard?

6 A. I don't know. It was delivered to Dave Redding
7 and then from there I don't know what happened to it.

8 Q. Well, was the Mayo Clinic Health Letter, was
9 that what you said was unopened?

10 A. Right.

11 Q. And there was an envelope that was with it?

12 A. It was wrapped in a plastic bag sent to my dad
13 and my dad had not opened it but he wanted to keep it to
14 read in the future, and he didn't evidently.

15 Q. So this was all delivered to Mr. Redding's
16 office?

17 A. Yes.

18 Q. Or to Mr. Pellington's office?

19 A. Yes.

20 Q. And do you know where it is now?

21 A. I have no clue. I want it back.

22 Q. Okay. Just as an aside, a picture of Lash Larue
23 is pretty amazing.

24 A. Oh.

25 Q. We were talking about him last night.

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1 Q. What is it that upsets you so much?

2 A. My father told me that we could take the \$50,000
3 and use it however and that's what we did, and we paid
4 company bills with it.

5 Q. When Ms. Ballard's forensic accountant asked for
6 all of the accounting from the trust, why wasn't that
7 produced previously?

8 A. It was overlooked.

9 MR. PELLINGTON: Objection.

10 BY MR. TRUSLOW:

11 Q. Go ahead.

12 A. It was overlooked.

13 Q. Okay. Who overlooked it?

14 A. Diane, my wife.

15 Q. Okay. Did she ever say why she didn't have a
16 record of it or had overlooked it?

17 A. She knew that it was there somewhere, but she
18 just couldn't find it in all the stacks of paper.

19 Q. Okay. I'm going to make a statement and try to
20 put it into the form of a question. But as I look at this
21 document, Exhibit 13, it appears that it was generated for
22 the first time on October the 3rd, 2017. Would you agree
23 with that?

24 A. I have no clue.

25 Q. You can look at it and you ought to be able to

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1 BY MR. TRUSLOW:

2 Q. Is that correct?

3 A. I don't -- I assume it was.

4 Q. Okay. So it wasn't Mr. Plowler that had this
5 document --

6 A. No.

7 Q. -- it would have been your employee?

8 A. No.

9 Q. So when it wasn't produced before, it wasn't
10 because of Mr. Plowler?

11 A. No. It was an error.

12 Q. Okay. Would you agree with me that that error
13 would not be helpful to your contention that the \$50,000
14 approximately had been misappropriated? Do you agree with
15 tha? When I look at Exhibit 13 --

16 MR. PELLINGTON: Objection.

17 BY MR. TRUSLOW:

18 Q. -- it appears to show the trust money going into
19 yours and your wife's corporations.

20 MR. PELLINGTON: Objection.

21 BY MR. TRUSLOW:

22 Q. Go ahead.

23 A. Yes.

24 Q. Okay.

25 A. At my father's instructions, by the way.

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1 Q. Now, did he tell you to do that or did he tell
2 your wife? Who did he tell specifically?

3 A. He told Diane specifically.

4 Q. To put it into your account or into your
5 corporation account?

6 A. The company account.

7 Q. Which is owned a hundred percent by you,
8 according to what I understand.

9 A. At that time, I believe it was.

10 Q. Okay. And just to clean up a detail, you
11 understand that, relating to watch, coins and that sort of
12 thing, that there's a rule to show cause hearing? Do you
13 know that there's a rule to show cause hearing that's to be
14 scheduled -- I want to say it's in November -- in South
15 Carolina?

16 A. Vaguely.

17 Q. Okay. Tell me what you understand.

18 A. Other than something's coming up in South
19 Carolina, you're going to have to explain further.

20 Q. Okay. Did you get any documents regarding that
21 hearing that's coming up?

22 A. I don't recall.

23 Q. You don't recall whether you've been served with
24 anything?

25 A. Maybe that's what I was served with this

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1 A. There you go.

2 Q. All right. And I guess you've shown it to your
3 attorney?

4 A. Yes.

5 Q. Okay. When we last did your deposition, when we
6 started your deposition, Mr. Combis, and we were going to
7 stop so you could have time to gather records because you
8 said it would take some time -- do you agree with that?

9 A. Yes.

10 Q. And when did you start looking for the
11 documents?

12 A. The following Monday after we met.

13 Q. And when did you decide that you were not going
14 to produce anything other than the three pages that you
15 produced today?

16 MR. PELLINGTON: Objection.

17 BY MR. TRUSLOW:

18 Q. When did you make that decision?

19 A. I don't know exactly when.

20 Q. Was it in September?

21 A. No.

22 Q. Was it in October?

23 A. Yes. Mostly likely.

24 Q. Why is it that the only document you've produced
25 was Exhibits 13, 11 and 12 and nothing else? I think you

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1 said it was your choice and you thought we didn't need it?

2 A. I didn't say you didn't need it. I said it
3 wasn't any of your business.

4 Q. Okay. And you made that decision on your own?

5 A. Yes, sir.

6 Q. Since the time of your last deposition have you
7 taken any trips? Have you gone anywhere, vacations? I'm
8 trying to find out if you're depleting assets that may be
9 available to pay Ms. Ballard.

10 MR. PELLINGTON: Objection.

11 BY MR. TRUSLOW:

12 A. I'm doing the best I can.

13 Q. Sir? I couldn't hear you.

14 A. I didn't say anything. I went to Pineville to a
15 jobsite. And short of that, I haven't been out of town
16 except to here.

17 Q. Okay. When did you go to the Pineville jobsite?

18 A. Two weeks ago.

19 Q. And how long did you spend there?

20 A. Thirty minutes.

21 Q. Pineville is how far from Charlotte?

22 A. 25 miles.

23 Q. So it's about 25 miles from here as well?

24 A. 15, maybe.

25 Q. Okay. Have you ever had the use of an airplane?

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1 you do? If you don't use credit cards, do you use checks,
2 cash, what do you do?

3 A. Whatever it is at the time.

4 Q. Okay. For your son, does he use a company
5 credit card or does he have a personal credit card and get
6 reimbursed by the corporation?

7 A. I don't know. You need to ask him.

8 Q. Okay. Now, has your son sold any items of
9 significance within the last -- I'm not talking about in the
10 business, but any personal assets -- has he sold anything in
11 the last year? We've talked about a house. You said that
12 he traded in the Raptor and had gotten an F-150.

13 A. He didn't trade it in. He gave it back and he's
14 just driving one of our trucks that we had.

15 Q. Okay. So he hadn't gotten a replacement
16 vehicle?

17 A. I don't think he is. Well, not yet anyway.

18 Q. Has he sold any watches?

19 A. Not to my knowledge.

20 Q. Okay. Has he had Rolex watches?

21 A. I do not know.

22 Q. How often do you see your son?

23 A. I hadn't seen him in two weeks now.

24 Q. Does he wear a watch?

25 A. Sometimes.

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1 Q. What kind of watch?

2 A. I don't know.

3 Q. You've never noticed?

4 A. I don't pay any attention.

5 Q. Do you know whether he's had Rolex watches?

6 A. He formerly doesn't like Rolex watches.

7 Q. Has he ever bought and sold Rolex watches?

8 A. I do not know.

9 Q. Well, you've already told me you had. You've
10 had, if I recall, some 58 or more?

11 A. 40 or 50.

12 Q. And how many do you own now?

13 A. Three -- no. Two.

14 Q. Two?

15 A. Uh-huh.

16 Q. What have you done with the rest of them?

17 A. Gave them away.

18 Q. Who did you give them to?

19 A. Different clients.

20 Q. Okay. Do you have somebody in the Charlotte
21 area that you do business with for Rolexs? I think I asked
22 you that before --

23 A. You did.

24 Q. -- but I wanted to make sure. There's nobody in
25 the area that you do business with?

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1 A. No.

2 Q. And haven't done business with in the last, say,
3 10 or 15 years; is that correct?

4 A. Correct.

5 Q. I was confused during the last deposition where
6 we recessed for watches, you said that you gave your son,
7 Chris, your father's watch in approximately 2011 -- I think
8 2011/2012, in that period, because that's what your father
9 had wanted; is that correct?

10 A. That's what I wanted and my father agreed with
11 me that I should do that.

12 Q. And that was the watch your father had bought;
13 is that correct?

14 A. No.

15 Q. Okay. Which watch was that?

16 A. A watch that I had purchased.

17 Q. And had you given it to your father and then you
18 purchased another one as well?

19 A. Yeah. Did you read the deposition? It was all
20 in there.

21 Q. And I'm still confused and that's why I'm
22 asking, trying to get my mind around the --

23 A. Just refer back to the deposition. Whatever I
24 said back then holds true today.

25 Q. Well, this is the way I recall it, is that you

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1 had given your father a watch because he wanted to impress
2 people. Then he bought an even nicer one, had it engraved.
3 Then at some point in time, you had possession of that watch
4 and you gave it to your son, Chris, in approximately 2011
5 and you had your father's other watch back. Were there two
6 watches or -- and then there's the one that was delivered to
7 us which makes three.

8 A. No. The one that was delivered to you was my
9 father's everyday Rolex watch.

10 Q. And is that the one that you gave to him or was
11 that the one he purchased?

12 A. The one he purchased.

13 Q. And the reason he purchased it was because he
14 liked yours and wanted to have one that was -- it was nicer,
15 wasn't it?

16 A. The reason he purchased his was that it was
17 cheaper.

18 Q. And could you describe it? What color face did
19 it have?

20 MR. PELLINGTON: Objection.

21 BY MR. TRUSLOW:

22 A. Which watch?

23 Q. The one that you said he purchased that was
24 cheaper.

25 A. It was a gold Rolex with a black face, day/date.

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1 Q. And is that the one Ms. Ballard got?

2 A. I don't know who got it.

3 Q. Did you deliver the one with a black face to --

4 A. Yeah.

5 Q. The one with the black face was what was turned
6 over to Ms. Ballard?

7 A. The black face is the one that I gave
8 Mr. Redding and then whatever he did with it is beyond me.

9 Q. Okay. And is that the one that, when we asked
10 for it, your son, Chris, gave to you that you delivered to
11 Mr. Redding?

12 A. Yes.

13 Q. So there were two watches and not three; is that
14 your testimony?

15 A. That involved my father, yes.

16 Q. Okay. What does your wife Diane own?

17 MR. PELLINGTON: Objection.

18 BY MR. TRUSLOW:

19 A. What does she own?

20 Q. Yes.

21 A. In regards to specifics?

22 Q. Investments, more than \$10,000 in bank accounts,
23 real estate businesses --

24 MR. PELLINGTON: Objection.

25 BY MR. TRUSLOW:

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1 Q. I noticed you weren't wearing your watch today
2 and that you had it on other occasions. Have you sold it or
3 do you still have it?

4 A. I gave it away.

5 Q. You gave your watch away?

6 A. Uh-huh.

7 Q. Who did you give your watch to?

8 A. My grandson.

9 Q. When did you do that?

10 A. One day last -- a couple of weeks ago.

11 Q. Okay. So that asset isn't there to satisfy
12 Ms. Ballard's claim anymore?

13 MR. PELLINGTON: Objection.

14 BY MR. TRUSLOW:

15 Q. Is that correct?

16 A. Not there.

17 Q. Okay. You gave it to Jackson?

18 A. Nope.

19 Q. Who did you give it to?

20 A. One of my grandsons.

21 Q. Who did you give it to?

22 A. Carter.

23 Q. And how hold is Carter?

24 A. 17.

25 Q. That watch, did you have your personal property

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1 insured?

2 A. No.

3 Q. None of your personal property in your home is
4 insured?

5 A. Some of my furniture.

6 Q. Okay. And no jewelry?

7 A. No.

8 Q. You have no rider for jewelry and things like
9 that, if I understand what you're saying?

10 A. (Shakes head).

11 Q. Is that correct?

12 A. I don't think we do.

13 Q. Who do you have your insurance with on your
14 home?

15 A. I don't know.

16 Q. Who would know that?

17 A. My wife.

18 Q. Anybody else?

19 A. Ms. Winecoff.

20 Q. Who do you have your insurance with -- or you
21 don't know. Okay. The watch that your son had, when did he
22 give it back to you, the Rolex?

23 A. Which watch are you speaking of?

24 Q. The Rolex watch.

25 A. Which Rolex?

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1 Q. I didn't know that your son had more than one
2 Rolex watch. Your son, Chris.

3 A. My son -- I'm thinking of my grandson. When did
4 he give it back to me?

5 Q. Yes.

6 A. I'm not sure. A year ago, maybe.

7 Q. And how long did you keep it before you gave it
8 to Mr. Redding?

9 A. A year.

10 MR. PELLINGTON: I just want to make sure we're
11 talking about the right Rolex here.

12 MR. TRUSLOW: All right. I can go back and I'll
13 make it clearer for you if I didn't. Mr. Combis had a
14 point, that we've gone over a lot of this in some detail
15 before, but you're making my point as well is there's a
16 little confusion.

17 MR. PELLINGTON: And the confusion was with the
18 line of questioning that just started.

19 MR. TRUSLOW: I understand. Mr. Combis had
20 indicated for the approximately 2011 period of time he had
21 possession of his father's watch that was engraved. He gave
22 it to his son, Chris. And then I asked him, when did Chris
23 gave that watch back to you? And he said, I'm paraphrasing,
24 about a year ago. And then how long did he have it before
25 he gave it to Mr. Redding? And he said, about a year, which

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GEORGE C. COMBIS

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1 I'm okay with.

2 BY MR. TRUSLOW:

3 Q. Does that paraphrase what we've talked about --

4 A. Fair enough.

5 Q. Okay.

6 MR. PELLINGTON: Just to make sure, my confusion
7 wasn't with respect to the timeline. I was just making sure
8 we were just clearing up which Rolex watch we were
9 discussing. Are you talking about the one with the
10 engraving on the inside?

11 MR. TRUSLOW: That was the watch.

12 MR. PELLINGTON: Yeah.

13 MR. TRUSLOW: That's what he said and that's
14 what we've talked about and he said I was correct.

15 MR. PELLINGTON: Okay.

16 MR. TRUSLOW: But, thank you, and you made my
17 point.

18 BY MR. TRUSLOW:

19 Q. Even your lawyer was a little confused about
20 that.

21 MR. PELLINGTON: Well, no disrespect, Counselor,
22 but it was with your questions. But let's carry on.

23 BY MR. TRUSLOW:

24 Q. When your son brought that watch back to you
25 about a year before you gave it to Mr. Redding, where did

GEORGE C. COMBIS

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1 you keep it?

2 A. In a safe.

3 Q. Which safe?

4 A. I don't know.

5 Q. Why don't you know?

6 A. I don't know exactly which safe. I have two
7 small ones and I think it was in one of the small ones.

8 Q. You mentioned you had a, I call it a wall safe.

9 A. Uh-huh.

10 Q. Do you have the combination to that one?

11 A. Yeah. It's written on the safe.

12 Q. Okay. And the other safe was not a wall safe.
13 You said that was the one your wife had the combination to
14 and she was the only one.

15 A. Right.

16 Q. Was the watch put in there or was the watch put
17 in your safe?

18 A. I think we determined it was put in my wall
19 safe.

20 Q. How did you determine that?

21 A. Because it wasn't in her safe.

22 Q. So when you got the watch from your son you put
23 it in your wall safe?

24 A. I believe that's correct.

25 Q. When you got it did you take a picture of it or

GEORGE C. COMBIS

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1 did you wait to take a picture of it when you turned it over
2 to --

3 A. I took a picture when I gave it to you.

4 Q. -- Mr. Redding?

5 A. Mr. Redding.

6 Q. Okay. I'm just looking at some notes that I
7 have here and to clean up, because you're going to be -- I
8 hope you'll be pleased to know that we're going to be ready
9 to recess within the next hour and be done for the day.

10 A. Oh. I told you, I'm here -- I even brought a
11 pillow in the truck.

12 Q. You could what?

13 A. I brought a pillow in the truck.

14 Q. Oh, okay. But you didn't bring the documents
15 that we wanted?

16 A. Oh, well, I opted for the pillow.

17 Q. You brought a pillow instead?

18 A. Yeah.

19 Q. All right. Do you have any objection to us --
20 I'm trying to get to this a different way. I think you
21 objected and felt that it was none of our business to get
22 the documents that we had talked about last time and you
23 made this decision within the last couple of days, I guess.

24 Do you have any objection to us getting those
25 documents from Todd Plowler or Charlene -- is it Winecoff?

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GEORGE C. COMBIS

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1 Q. Did he tell you it was not in your best interest
2 for you to produce these documents?

3 A. No. He didn't say anything like that.

4 Q. Who told you it was in your best interest not to
5 do that or was it just your decision it was not in your best
6 interest to produce --

7 A. My decision, along with Mr. Plowler's, some of
8 his statements.

9 Q. What did he say?

10 A. I can't tell you.

11 Q. Well, you say --

12 A. That's CPA/client privilege, how's that?

13 Q. There is no such thing, Mr. Combis.

14 A. There is with me when I tell him I won't tell.

15 Q. So you're telling us that your CPA told you
16 things but you're not going to tell us what it was?

17 A. Yes. Yes.

18 Q. Okay.

19 MR. TRUSLOW: Counsel, we're entitled to this.
20 Are you telling him not to answer?

21 MR. PELLINGTON: I'm not instructing him not to
22 answer.

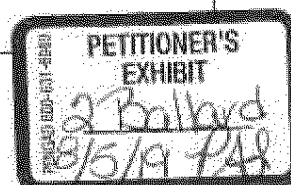
23 BY MR. TRUSLOW:

24 Q. Go ahead. What did he say?

25 A. He just told me that I wouldn't do it. So I

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

DATE	EVENT	COMMENT
March 2003	Trust Agreement upon death - - Rolex watch to Chris and coins, cash, and guns (contents of safe) to Diane.	See Article VII
April 2008	2nd Trust Amendment	Deletes specific bequests of watch to Chris and coins, cash and guns (contents of safe) to Diane among other bequests that were specifically deleted.
February 9, 2009	Pop Dies	
2012/2013	Trust beneficiaries Mary and Linda Combis seek Estate and information regarding Trust assets. George and Diane refuse to provide any information. Lawsuit and discovery. George and Diane do not answer. Motion to compel ensues. George and Diane remove to North Carolina Federal Court and then sanctioned.	Items of personalty discussed with George and Diane. No mention that items had been gifted.
Spring/Summer/Fall 2013	Ballard appointed PR and Successor Trustee. Ballard interviews George and Diane. Ballard is able to confirm Gold Rolex watch.	
2013	Linda and Mary met with Ballard to describe personalty, etc.	
October 11, 2013	Email to Combis' attorney Bridgmon regarding Rolex, guns and Carson City Silver dollars	
October 17, 2013	Email regarding pistols, make and model by Ballard	
October 17, 2013	Email regarding pistols, make and model by Mara (Ballard's forensic accountant).	
October 17, 2013	Attorney Bridgmon says watch was given to Chris. Says George has the pistols.	



**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

	Diane has silver as a "gift", (but items won't interfere with case resolution).	
October 18, 2013	PR Ballard files inventory	
November 4, 2013	Bridgmon agrees to give money in trust account held by former trustee Diane to Ballard but does not do so.	Does not do so.
November 6, 2013	Ballard writes to Diane's attorney Bridgmon regarding money in the trust account.	
November 6, 2013	Bridgmon says he <u>will not</u> turn over the money in the trust account per client's instruction.	Emailed after November 7 email from Ballard.
November 7, 2013	Ballard warns of conflict—simultaneous representation of George, Diane and companies.	
November 12, 2013	Email from Bridgmon. Will not authorize release of other trust funds (Springstead). Does not turn over documents; Claims Ballard is "biased". Confirms, all these issues were addressed before, during and after mediation.	Continues to be non-cooperative.
November 13, 2013	DNT's response to Bridgmon email – Ballard needs documentation regarding assets in question.	
November 15, 2013	Ballard email to Bridgmon regarding money due and make, model, serial number on guns, etc.	
November 15, 2013	Bridgmon emails back – says guns are in the safe and can hand deliver check from trust account next week. Will not identify guns; does not deliver money in trust account.	Remains non-cooperative.
November 25, 2013	DNT requests information regarding trust expense of \$59,000. Bridgmon does not produce.	

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

During this time period	Numerous telephone conversations seeking personal property, assets, etc.	Non-cooperative.
December 10, 2013	DNT email to Bridgmon regarding guns, etc. and follow up and telephone conferences.	
December 12, 2013	Bridgmon non asserts in an email that two of Pop's pistols were "gifted" to Diane by Pop. Will not identify or produce them. Says they will maintain them.	Non-cooperative.
** December 12, 2013	Email from DNT to Bridgmon. Notes still no photos, no serial numbers on guns and asks for details of gifting, timeline (to find if Pop bought).	Bridgmon refuses and/or fails to comply.
January 4, 2014	DNT email; asks for Quitclaim deed, etc. "duck and goose safari".	Non-cooperative.
January 6, 2014	Ballard email to Bridgmon regarding signing docs for her to perform Trustee function, title, Lochbridge, Horseshoe	Defendants will not cooperate with Ballard.
January 7, 2014	Bridgmon emails "any offers" to provide items and information are withdrawn.	Confirms Defendants are non-cooperative.
January 8, 2014	Ballard emails requesting bills of trust (not forwarded) and trust documents (since 10/25/2013 – a grocery bag of "stuff"); and trust account money.	
January 15, 2014	Emails from George – "stop wasting my money on your stupid need to know" regarding Ballard's inquiry about Rolex, etc.	George claims that Pop "did give the Rolex watch. ..." Does not say who got it.
January 15, 2014/various dates	Courts ordered no contact. George ignores.	George is writing insulting letters to DNT's wife and son and to Ballard. Won't cooperate.
January 23, 2014	Ballard email requesting Trust check.	Non-cooperative.

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

January 25, 2014	Ballard email requesting trust account check.	Non-cooperative.
February 26, 2014	DNT email requesting trust money wrongfully held (trust money not turned over).	Non-cooperative.
March 21, 2014	Bridgmon email – refuses to release trust check to Ballard (Trustee).	Confirms Diane as former Trustee refuses to cooperate.
September 18, 2015	Deposition of Diane Combis	Confirms she took \$412,000 on August 2, 2007 to pay off Diane and George's personal debts and was supposed to turn over an accounting. (Tr. 50-80)
2016/2017	Federal trial complete. Ballard is to conclude Trust and Estate.	Diane breach of fiduciary duties per Order.
July/August 2017	Items of personalty are to be turned over to Ballard per Court Order.	Defendants still will not cooperate.
August 2, 2017	Pellington email asking for more time than Court allowed – claiming items are not well defined but will do so; again seeks to <u>not</u> produce items to Diane's attorney.	
August 8, 2017	Ballard email in response to Diane's attorney's August 2, 2017 email. Items must be produced.	
August 8, 2017	Pellington email wants to delay delivery. He has various excuses, personal issues regarding delivery and wants to just photo and not comply with Court's Order regarding physical delivery.	
August 8, 2017	DNT email to simply have courier service deliver. Note: DNT again asks for description, photos, timeline, etc.. Pellington does not do so.	Note: Pellington is the attorney for George, Diane and Chris. Conflict remains.
August 9, 2017	RTSC issued (for November 13, 2017 at 9:30 a.m.)	Fake Rolex only, one gun and some coins. Contempt issue.

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

August 12, 2017	Pellington says he has items in office to be delivered next week.	
August 14, 2017	Pellington transmittal letter of coins, firearm and Rolex.	
August 18, 2017	Email from Pellington says Defendants complied with what was requested and ordered.	
August 24, 2017	DNT asserts fake watch and 1 gun were produced. Defendants will not explain; accept service? (No)	
August 28, 2017	Ballard seeks to depose George regarding location of assets.	George objects.
August 30, 2017	DNT email regarding fake Rolex, cheap gun and pennies; documents long history of years of misconduct; asks when Pellington learned watch was a fake Rolex (he does not answer) asks for explanation, sales, repair, etc. and ignored.	Again, non-cooperative contempt issue.
August 30, 2017	Rule to Show Cause issued (relative to August 9, 2017 Order)	
** August 30, 2017	DNT emails to Pellington requesting details and Ballard emails requesting details.	
August 30, 2017	Pellington email; says he is "interested in facilitating resolution". See DNT 8-24-2017 email for example and the RTSC. Avoided taking depositions for 6 months in the federal case.	No attempt to resolve.
September 7, 2017	Nosal emails to Pellington also requesting details and is ignored. Pellington dissembles --saying he doesn't have the file (his law partner Redding has it).	

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

September 8, 2017	Defendants trying to avoid depositions (Court denies relief sought by Pellington).	
September 8, 2017	Pellington letter – won't appear for depositions of Diane and Chris	
September 8, 2017	Request to admit Rolex is fake to avoid cost of jeweler. Pellington will not agree.	
	No show for depositions of Diane and George.	
September 11, 2017	Defendants' Motion for Protection Order to not take deposition is denied.	
September 13, 2017	Deposition of George Combis	Did not bring subpoenaed documents (Tr. 8). Refused to disclose what is in the safe (Tr. 20 and 22). Pop's Rolex was in the safe (Tr 23). Collection of watches. He has 40 or 50. Gave father a Rolex (Tr. 25). Since 2005, Father bought another watch. "Gave back" Rolex to George in 2008 (T 26). Pop refused to give Rolex watch to Chris. **Says he (George) gave Rolex to little Chris in 2010/2011 (Tr 27 and 28) **Pop kept the other Rolex (Tr 27). **Rolex still in George and Diane's possession (Tr 27). **Says he is wearing that Pop's Rolex (Tr. 28). **George says Pop gave him back the second Rolex to sell or give at death and George is wearing it in 2008/2009 and he is wearing it (Tr 74). **The Rolex he (Pop) wore (bought after 2005) was Pop's "work watch" (Tr. 74) Pop's Rolex was given by George to Chris in 2010/2011 and then to his wife Lauren.

BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE

EFFORTS TO GATHER INFORMATION

(Will/Probate and Pour Over Trust)

		**Then George got it back (Tr. 75) (to produce to Ballard). **The third Rolex watch was bought by Pop. George says he got Pop's gold Rolex watch back from Chris (Lauren's) and had delivered to Ms. Ballard (Tr. 77). Says he photographed the watch that was sent to Ms. Ballard (Tr. 80). Does not know where Pop's engraved watch is (Tr. 130). History of Rolexes 2010/2011. Says he does not know where (Lauren's) watch is now (Tr. 131). **Only Diane had access to safe (Tr. 14). Guns and watch in her safe (Tr. 141). Items in her safe 6 or 7 years (Tr. 165). From 2013 to 2017 they did not deliver gun and coin and watch (Tr. 230 and 231).
October 11, 2017	Deposition of George. Resumption of deposition. Again did not bring documents subpoenaed (Tr. 14-22). (Tr. 25) Says he decided it "wasn't any of our business". Diane overlooked accounting (Tr. 36). (Tr. 60) transfers out assets after North Carolina Order prohibiting transfer. (Tr. 81). Pop's Rolex watch. **He gave it (Rolex) to grandson a few weeks ago. **Tr 83-86 he gave the watch to his attorney approximately a year ago. He had it for a year prior. (Tr. 115-116).	Deposition was resumed from September 13 for George to bring documents that were subpoenaed.
November 13, 2017	Attendance at Court – had to be changed to November 14, 2017.	

BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE

EFFORTS TO GATHER INFORMATION

(Will/Probate and Pour Over Trust)

November 13, 2017	Email offer from Pellington: Release Chris and Ballard can keep the (fake) Rolex. <u>Note</u> : He did not disclose existence of another gold Rolex. He produced another one (gold) the next day.	This was not sent until late in the day. Truslow saw it November 14, 2017.
November 14, 2017	RTSC hearing	
November 14, 2017	Testimony at RTSC by Chris.	Pop had 2 Rolexes (Tr. 22). George did not give him either watch (Tr. 24). Says Pop gave him both watches (Tr. 126) in 2000. **Says he got 2 watches and gave one to Pellington and kept the other (Tr. 32). He turned over only 1 watch at first (Tr. 41). Pop did a trust for Chris to get watch (but after Chris says he had it) and then amended the trust to take it out and it was apparently for the fake (Tr. 59) ?? Got watches in year 2000 (Tr. 64). Agrees he altered watch (Tr. 65). Did not give watch to wife. (4 th Rolex watch ? and fake)
November 14, 2017	RTSC hearing	Pellington claims 1 watch and there are 2 (Tr. 71). Always 2 watches (Tr. 77). Looks like 4 Rolexes, in fact.
November 14, 2017	Testimony at RTSC by Diane	(Tr. 86) silver (?) items in George's possession. (Tr. 90) Guns in her possession. (Tr. 107) Combis men loved watches. (Tr. 111) Pop had more than 1 watch (Tr. 113) She claims in Wills, she gets all in safe. (but see 2 nd Amendment) (Tr. 120) See trust documents! She says Rolex was a gift from she and George to Chris. Not from

BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE

EFFORTS TO GATHER INFORMATION

(Will/Probate and Pour Over Trust)

		Pop. Says Carter's watch was a fake (we disagree). Carter's mother denies he has it.
November 17, 2017	Testimony at RTSC by Lauren	(Tr. 131) She and Chris given Pop's Rolex by George in 2011. Gave it back to Chris in August 2016 (Tr. 133). To be delivered to Ballard at mediation.
2003-2008	?	Trust in 2003 Diane gets items in her safe. Chris gets watch (1 st amendment in 2006). Chris gets watch <u>if</u> he survives. Safe content still goes to Diane. ****2 nd amendment in 2008 took out money for Chris, Julie, Diane, Linda, Mary, George and Helen and watches, etc. deleted from trust- and <u>Diane knew they</u> had been taken out.
2015/16	Deposition of Diane. She admits to breach of fiduciary duty \$412,000.	Redding agreed to give Diane's trust documents and didn't.
November 17, 2017	RTSC hearing	Resolution stayed by Court.
November 17, 2017	RTSC Hearing Testimony -	Pellington brings in (another) pistol (Tr. 4). Jeweler confirms "Rolex" is a fake (Tr. 15) Linda Combis confirms Pop and her mother had gold Rolex watch almost identical (Tr. 29) to his (Tr. 29). Watch delivered to Ballard was not her father's. Diane said she had Pop's Rolex (Tr. 33). Watch delivered to Ballard was not Pop's (Tr. 45).
November 17, 2017	Court inquires if .25 caliber pistol is part of estate. Combis' attorney says it is "undecided"; that "it was gifted a long time ago".	
January 11, 2018	Gold watch was appraised.	

**BALLARD/COMBIS timeline regarding RULE TO SHOW CAUSE
EFFORTS TO GATHER INFORMATION
(Will/Probate and Pour Over Trust)**

January 8, 2019	4 th Circuit Decision	Favorable to Ballard.
April 15, 2019	Stay of November 17, 2017 lifted	

From: [Dana Ballard](#)
To: zblaw@carsoncity.com
Cc: [Dana Ballard](#); [Tennie Staffen](#)
Subject: [Combs, Chris \(Estate of\)](#)
Date: Friday, October 11, 2013 2:08:46 PM

Checking on the whereabouts (or what happened to) Pop's Rolex watch, rifles, and Carson City silver dollars.

db

From: Desa Ballard
To: "Charlie Bridgmon"; Mara Ballard
Cc: Terrie Stafford
Subject: RE: Combis: CD Information
Date: Thursday, October 17, 2013 12:32:38 PM

Charlie, I need to list the pistols on the inventory. Please provide information about make, model, etc.

Desa Ballard

Ballard Watson Weissenstein

Telephone 803.796.9299

Facsimile 803.796.1066

E-mail: desab@desaballard.com, copy to terrie@desaballard.com

From: Charlie Bridgmon [<mailto:cjblaw@carolina.rr.com>]

Sent: Thursday, October 17, 2013 11:41 AM

To: Mara Ballard

Cc: Desa Ballard; Charlie Bridgmon

Subject: Re: Combis: CD Information

Yes, and thanks for reminding me.

The Rolex was given to Chris Jr. (George's son) during Pop's lifetime.

There are no rifles that George is aware of, only a couple of pistols. He has those.

Pop gave the Silver Dollars to Diane as a thank you before he passed. That said, she is not going to let them interfere with trying to get this case resolved.

Charles L. Bridgmon*

Law Office of Charles L. Bridgmon, PLLC

5270 Fairview Rd., Suite 700

Charlotte, NC 28210

Phone: (704) 552-5770 ext. 702

Cell: (803) 331-6013

Fax: (704) 552-5271

E-mail: cjblaw@desaballard.com

* Admitted in NC & SC

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From: Mara Ballard <Mara@desaballard.com>

Date: Thursday, October 17, 2013 11:32 AM

To: Charlie Bridgmon <cjblaw@carolina.rr.com>

Cc: Desa Ballard <desab@desaballard.com>, Mara Ballard <Mara@desaballard.com>

Subject: RE: Combis: CD Information

Sometime last week, Desa sent you an email about a Rolex rifle and maybe some silver coins (trying to recall off the top of my head). Do you have that email and have you asked George about those items?

Mara T. Ballard, CMA, CFE

Forensic Accountant (not a lawyer)

Ballard Watson Weissenstein

226 State Street (29169)

PLAINTIFF 178

From: Charlie Bridgmon [<mailto:cblaw@carolina.rr.com>]
Sent: Monday, November 04, 2013 10:44 AM
To: Mara Ballard
Cc: Desa Ballard; Mara Ballard; Charlie Bridgmon
Subject: Re: Combis: Money Transfer

Mara:

Diane called from the bank earlier. They initially said Desa had to be there but I talked to someone and got them to close the account and issue a check - they would not agree to wire it. Diane just brought it by, so I will get it out to you today. It is \$3,174.27.

Desa:

Are you available around 3:00 this afternoon to discuss Horseshoe?

Thanks,
Charlie

Sent from my iPhone

On Nov 4, 2013, at 10:29 AM, "Mara Ballard" <Mara@desaballard.com> wrote:

Just checking in to see if you got the wire transfer information I forwarded to you on Friday and to see if you have an ETA on the wire transfer so I can tell my office manager when to look for it.

Thank you.

Mara T. Ballard, CMA, CFE
Forensic Accountant (not a lawyer)
Ballard Watson Weissenstein
226 State Street (29169)
Post Office Box 6338
West Columbia, South Carolina 29171
803.796.9299
803.796.1066 Facsimile
www.desaballard.com
<image001.jpg>

PLAINTIFF 182

Desa Ballard

From: Desa Ballard
Sent: Wednesday, November 06, 2013 10:35 AM
To: Charles J. Bridgmon, Esquire (cjblaw@carolina.rr.com)
Cc: Douglas N. Truslow (douglastruslow@truslowlaw.com); Mara Ballard (Mara@desaballard.com) (Mara@desaballard.com); Terrie Stafford
Subject: Two topics

Just left you a voice mail. Still have not received the check for \$3,174.27 that you had on Monday – I asked you to overnight it and we have not received it.

In reviewing Diane's records of the trust, the 8-2-2007 disbursement of \$412,000.00 is shown as a "loan to George Combis." What are George's intentions regarding payback of this loan?

db

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com



PLAINTIFF 183

William P. Bray *

Jeffrey A. Long * †

Lee A. Pennell

Brendan G. Dillashaw

Charles J. Bridgmon *

* Also licensed in South Carolina
† NC Superior Court Mediator &
Certified SC Circuit Court Mediator

November 6, 2013

Via Email (douglastruslow@truslowlaw.com) and U.S. Mail

Douglas N. Truslow, Esquire
Truslow & Truslow
P.O. Box 1465
Columbia, SC 29202

Re: Irrevocable Trust Agreement of Chris Combis

Dear Doug:

I represent Diane Combis, former trustee of the Chris Combis Trust Agreement. It is my understanding from Desa Ballard that she has retained you to represent the Estate of Chris Combis and the Trust. In an abundance of caution so as not to violate Rule 4.2, I am sending this to you with a copy to Desa.

I am writing to update you on the status of trust property – specifically the funds received from closing the trust account at Park Sterling Bank. I have enclosed a copy of the certified check from the bank constituting the entire balance of the account. Pursuant to N.C.G.S. § 36C-7-707, my client has instructed me to protect the trust property pending an Order from the Court pursuant to a Petition for Removal of Successor Trustee filed November 5. I have enclosed for your review a copy of the filed Petition and would ask that you advise at your earliest convenience if you can accept service of the Petition on behalf of Desa.

Rather than holding the check for safekeeping, I would offer alternatively that the funds be deposited into the Court. That said, I believe there would be filing fees associated with this option, and my client would like to preserve the trust property to the fullest extent possible. Further, in the event there is an immediate need for these funds to preserve other trust property, access may be difficult or restricted if deposited into Court. I am open to other suggestions you may have as to how best to handle these funds pending resolution of the hearing.

Also, as the trust property located at 718 Lochridge in Charlotte has yet to be delivered to Desa, I am copying John Springsteed of Springsteed Realty with this letter and its enclosures with a request that he hold in trust any rental proceeds until the Court issues an Order on the Petition for Removal.

Along those same lines, my client requests that no efforts be undertaken to sell or list for sale the trust property located at 718 Lochridge in Charlotte while the property is

PLAINTIFF 183

Douglas N. Truslow, Esquire

November 6, 2013

Page Two

under lease with non-interested third parties. As you are aware, such action would subject the trust to likely litigation and damages for breach of contract and/or tortious interference. I request written confirmation by 12:00 p.m. on Friday, November 8, that no such efforts will be undertaken except as allowed by the rental agreement; otherwise, my client will be obligated to take any actions she deems necessary to protect the trust property.

I look forward to working with you on this matter, and please do not hesitate to call me should you have any questions.

Sincerely,



Charles J. Bridgmon

Enclosures

cc: Desa Ballard (via email w/ enclosures)
John Springsteed / Springsteed Realty Company (via facsimile and email w/ enclosures)

PLAINTIFF 183

P PARKSTERLING BANK1043 East Morehead Street
Suite 100
Charlotte, NC 28204

Date: 11/04/13

17862

REMITTER:

PARK STERLING BANK

Branch: 0205

PAY EXACTLY **3,174 AND 27/100 DOLLARS
TO THE
ORDER OF CHRIS COMBIS REVOCABLE TRUST

\$3,174.27



CLOSING DDA 1003356

⑈0000017862⑈ ⑆053012728⑆ 100000000006⑈

P PARKSTERLING BANK1043 East Morehead Street
Suite 100
Charlotte, NC 28204

17862

DATE: 11/04/13

REMITTER: PARK STERLING BANK

BRANCH:	0205
ORIGINATOR:	R15KLB
TIME:	9:54:12
CHK AMT:	\$3,174.27
FEE AMT:	\$.00
TOTAL:	\$3,174.27

TO: CHRIS COMBIS REVOCABLE TRUST

NON-NEGOTIABLE

PLAINTIFF 183

STATE OF NORTH CAROLINA MECKLENBURG COUNTY
 COUNTY OF MECKLENBURG
 IN THE GENERAL COURT OF JUSTICE
 SUPERIOR COURT DIVISION
 BEFORE THE CLERK
 NOV 05 2013
 13 E 3457

In the Matter of:

IRREVOCABLE TRUST
 AGREEMENT OF CHRIS COMBIS

PETITION FOR REMOVAL OF
 SUCCESSOR TRUSTEE

Petitioner, GEORGE C. COMBIS ("Petitioner"), by and through his undersigned counsel, as a beneficiary of the Revocable Trust Agreement of Chris Combis dated March 11, 2003, including any amendments thereto, hereby petitions the Court to remove Desa Ballard, Trustee, and in support thereof shows the Court as follows:

1. That Chris Combis executed on or about March 11, 2003, the Revocable Trust Agreement of Chris Combis, the terms of which are hereby incorporated by reference and made a part of this Petition as if the entire Trust Agreement were set forth herein.
2. That Chris Combis executed on or about April 21, 2006, the First Amendment and Restatement of Revocable Trust Agreement of Chris Combis, the terms of which are hereby incorporated by reference and made a part of this Petition as if the entire Trust Agreement were set forth herein.
3. That Chris Combis executed on or about April 24, 2008, the Second Amendment to Revocable Trust Agreement, the terms of which are hereby incorporated by reference and made a part of this Petition as if the entire Trust Agreement were set forth herein.

PLAINTIFF 183

4. That at the time each of the above Trust Agreements was executed, Chris Combis was a resident of Mecklenburg County, North Carolina.

5. That pursuant to the terms of the Trust Agreement, it and the separate trusts created therein "shall be construed, regulated and governed by and in accordance with the laws of the State of North Carolina."

6. That Chris Combis died testate on February 3, 2009, leaving the residue and remainder of his property to the trustee of the Trust Agreement.

7. That Desa Ballard ("Ballard") became the Personal Representative of the Estate of Chris Combis on or about May 2, 2013.

8. That Ballard became Successor Trustee on or about October 15, 2013.

9. That Petitioner is informed and believes Ballard should be removed as Successor Trustee under North Carolina General Statutes §§ 36C-1-101 to -11-1106, including, but not limited to, N.C.G.S. § 36C-7-706 because:

- a. Ballard intends to bill the Estate of Chris Combis in excess of \$50,000 in fees for her role as Personal Representative and Successor Trustee;
- b. Ballard intends to dispose of trust property, specifically a home located at 718 Lochridge Drive, Charlotte, to satisfy her fees in this matter;
- c. Ballard has shown favoritism and/or bias towards the beneficiaries of the Trust Agreement other than Petitioner, at the expense and to the detriment of Petitioner;
- d. Ballard has refused to pursue claims against one of the beneficiaries of the Trust for causing approximately \$60,000 in damage to trust property;
- e. Ballard has refused to reimburse Petitioner for approximately \$30,000 in repairs he paid to rehabilitate trust property so that it could become habitable and generate income for the trust;

PLAINTIFF 183

- f. In addition to her fees in excess of \$50,000, Ballard notified Petitioner on November 4, 2013, that she has retained counsel on behalf of the Trust, most likely at an additional expense of the Trust;
- g. Ballard has threatened litigation against Petitioner's spouse if a payment in excess of \$26,000 was not made to beneficiaries of the Trust other than Petitioner; and
- h. Ballard has usurped the role of the Courts of this State by determining issues pending litigation between the beneficiaries.

10. That Petitioner is informed and believes each of the above instances demonstrates a serious breach of trust by Ballard.

11. That Petitioner is informed and believes each of the above instances demonstrates an unfitness, unwillingness, or persistent failure of Ballard to administer the Trust effectively.

12. That Petitioner is informed and believes removal of Ballard best serves the interests of all the beneficiaries and is consistent with the material purpose of the Trust.

13. That Petitioner is informed and believes it is in the best interests of the Trust for the Court to exercise its discretion and (1) remove Ballard as the Successor Trustee of the Trust; and (2) appoint an independent trustee to administer the Trust.

14. That jurisdiction and venue are proper in this Court.

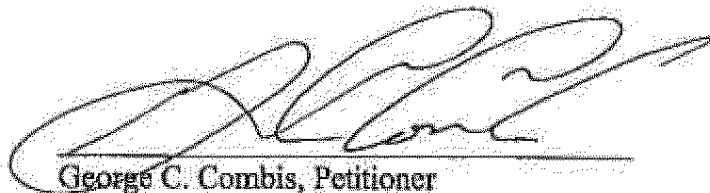
WHEREFORE, Petitioner prays as follows:

- 1. That the Court enter an Order directing Ballard to show cause, within the time set by law, why she should not be removed as Successor Trustee;
- 2. That the Court set a time and place for a hearing on the matters raised herein;
- 3. That the beneficiaries of the Trust be notified of the time and place of the hearing and summoned to the proceedings if they deem proper;

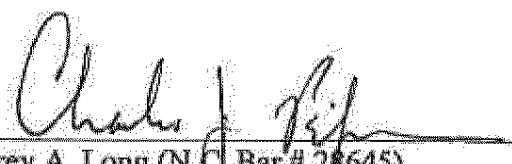
PLAINTIFF 183

4. That an independent trustee be appointed as determined by the Court to serve as successor trustee; and
5. That Petitioner be granted such other and further relief as the Court deems just, reasonable, and proper.

Respectfully submitted this 5th day of November, 2013.



George C. Combis, Petitioner



Jeffrey A. Long (N.C. Bar # 28645)
Charles J. Bridgmon (N.C. Bar # 37887)
BRAY & LONG, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, North Carolina 28209
Phone: (704) 523-7777
Fax: (704) 523-7780

Attorneys for Petitioner

PLAINTIFF 183

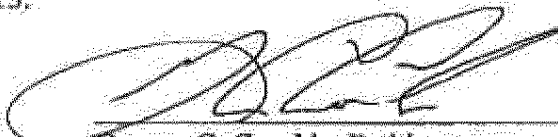
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

VERIFICATION

GEORGE C. COMBIS, Petitioner, being first duly sworn, deposes and states that he has read the Petition and knows its contents, and that the Petition is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, he believes them to be true.

This 5th day of November, 2013.

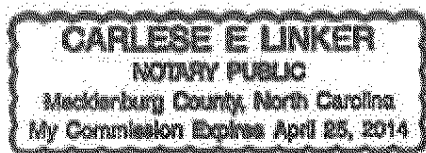

George C. Combis, Petitioner

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

Sworn to and subscribed before me this 5th day of November, 2013.


Notary Public

My Commission Expires: April 25, 2014



PLAINTIFF 185

Desa Ballard

From: Desa Ballard
Sent: Thursday, November 07, 2013 9:30 AM
To: 'Charles Bridgmon'; douglastruslow@truslowlaw.com
Cc: Mara Ballard (Mara@desaballard.com) (Mara@desaballard.com); Terrie Stafford
Subject: RE: Chris Combis Irrevocable Trust

Importance: High

Charlie:

Please forward the net trust proceeds to me immediately. If you do not do so, you will have converted trust funds which are due to the trust and it will be necessary to place your carrier on notice. You are already in a position of tremendous conflict by virtue of your joint representation of both George and Diane, who have competing interests. You will only make the matter worse if you inject yourself into the matter as a principle, rather than as an advocate.

Either overnight the check to me as previously instructed, or we will send you wire instructions. Advise by 1:00 pm today of your intentions.

Please also answer my earlier question as to whether you represent Superior Tile, and provide me with the response to my questions of yesterday.

db

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

-----Original Message-----

From: Charles Bridgmon [<mailto:C.Bridgmon@braylong.com>]
Sent: Wednesday, November 06, 2013 5:29 PM
To: douglastruslow@truslowlaw.com
Cc: Desa Ballard; jks2@bellsouth.net; Charles Bridgmon
Subject: Chris Combis Irrevocable Trust

Doug:

Please see the attached letter.

Thank you,
Charlie Bridgmon

Charles J. Bridgmon*
Bray & Long, PLLC

PLAINTIFF 185

2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridemon@braylong.com

* Admitted in NC & SC

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Please consider the environment before printing this email.

Douglas Truslow

From: Mara Ballard <Mara@desaballard.com>
Sent: Thursday, November 09, 2017 2:41 PM
To: Douglas Truslow
Cc: Mara Ballard
Subject: FW: Combis - pistols

-----Original Message-----

From: Desa Ballard
Sent: Friday, December 13, 2013 5:27 PM
To: Douglas N. Truslow (douglastruslow@truslowlaw.com) <douglastruslow@truslowlaw.com>; Mara Ballard <Mara@desaballard.com>
Cc: Terrie Stafford <Terrie@desaballard.com>
Subject: FW: Combis - pistols

I am 90% sure that his first email about the guns say they were given to George. I'll find it.

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

-----Original Message-----

From: Charlie Bridgmon [mailto:CBridgmon@braylong.com]
Sent: Thursday, December 12, 2013 12:57 PM
To: Desa Ballard
Cc: Douglas N. Truslow; Charlie Bridgmon
Subject: Combis - pistols

Desa:

Doug asked me earlier to provide you an update on the pistols. I have had an opportunity to fully discuss it with my clients and wanted to first clarify the number. Only 2 of the pistols for which you seek information were Pop's. The third is and has always been George's. That said, Pop apparently had another pistol - a chrome-plated .45 I believe - that was not specifically given away during his lifetime. It is my understanding that pistol was with Pop during his time at Horseshoe, and none of my clients has possession of it.

As you know, it has been and remains our position that the remaining 2 pistols were given to Diane during Pop's lifetime. Thus, it is our position they should not have been included on the initial inventory as their ownership is not in question. I believe this can be confirmed during any discovery you plan to conduct. Along those lines, however, my clients will maintain the pistols in their possession.

I think the best course of action at this time is to discuss the issue with Judge Miller during the status conference you have requested and let her guide us as to anything further. Please let me know if you disagree.

Douglas Truslow

From: Mara Ballard <Mara@desaballard.com>
Sent: Thursday, November 09, 2017 3:04 PM
To: Douglas Truslow
Cc: Mara Ballard
Subject: FW: Combis - pistols

Not for nothing but nearly 4 years ago, you said this case was a \$1M case...

-----Original Message-----

From: Terrie Stafford On Behalf Of Desa Ballard
Sent: Thursday, December 12, 2013 3:15 PM
To: Mara Ballard <Mara@desaballard.com>
Subject: FW: Combis - pistols

TS

-----Original Message-----

From: Douglas N. Truslow [mailto:douglastruslow@truslowlaw.com]
Sent: Thursday, December 12, 2013 2:42 PM
To: 'Charlie Bridgmon'; Desa Ballard
Subject: RE: Combis - pistols

Charlie:

While I appreciate your response, it is not at all what I expected.....not even photos or serial numbers, much less production.

Aside from that, can you explain how and why we are to believe the guns and coins, etc. were "gifts"? A timeline might also be helpful in getting to the bottom of all this. I've given you a preliminary one and asked you to fill in the blanks. I have not gotten a response. And, speaking of gifts, cannot Linda and Mary claim the same about other matters? I am not trying to argue.....I am simply trying to figure it all out in context properly and at the least cost to the trust and estate. We certainly do not want to be arguing about things of little consequence, nor do we want anyone to assert claims that cannot be sustained from an evidentiary point of view.

At the same time, Desa is intent on handling this not only properly, but cost efficiently. Please help us help the ultimate beneficiaries solve the conflict and apparent impasse. Finally, none of what your clients are now asserting seems to fit in with what I understand to be their theory that the \$412 k was given to George to "gift" or "loan" or take care of Pop.

Regrettably, it has the appearance that Diane has significantly erred.....I do not know how to say it more politely. I am counting up what appears to be close to \$1 million for which she seems to be responsible, aside from the more significant parts of the case. Given the information I have at this juncture, I am shocked that your clients did not resolve the issues with Linda and Mary.

Sincerely,

Douglas N. Truslow

Truslow & Truslow
ph (803) 256-6276

On a somewhat related note, I believe the above is true for the coins as well but have not addressed it as I have the pistols. Again, let's discuss it with Judge Miller.

Thank you,
Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

* Admitted in NC & SC

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Douglas Truslow

From: Mara Ballard <Mara@desaballard.com>
Sent: Thursday, November 09, 2017 2:47 PM
To: Douglas Truslow
Cc: Mara Ballard
Subject: FW: Trust funds

Note that they are "in a safe"

From: Charles Bridgmon [mailto:C.Bridgmon@braylong.com]
Sent: Friday, November 15, 2013 4:23 PM
To: Desa Ballard
Cc: Mara Ballard; douglastruslow@truslowlaw.com; Terrie Stafford <Terrie@desaballard.com>; Charles Bridgmon <CBridgmon@braylong.com>
Subject: Re: Trust funds

Thanks, Desa. I will see what I can do on the check. (It's locked up very securely on my end.) It will be Monday before I can talk to them, but it may be that I can hand-deliver it to you on Thursday.

Same for the guns. They are in a safe, but they are out of town until Monday.

On a somewhat aside, what is Lochridge on the market for? I may know someone interested in it as a rental property as well.

Have a good weekend.

Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

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Please consider the environment before printing this email.

From: Desa Ballard <desab@desaballard.com>
Date: Friday, November 15, 2013 4:20 PM
To: Charlie Bridgmon <cbridgmon@braylong.com>
Cc: "Mara@desaballard.com" <Mara@desaballard.com>; "douglastruslow@truslowlaw.com" <douglastruslow@truslowlaw.com>; Terrie Stafford <Terrie@desaballard.com>
Subject: Trust funds

Charlie, we have received the November rent from Mr. Springstead. Concerns about the security of funds in my hands is a non-issue. Any other lawyer in the state, maybe not. But me – I'm a sure thing.

I would again ask that you release the balance of the trust funds (the check you photocopied and sent to Doug).
By the way, I have obtained a copy of the insurance policy on Lochridge so you can stop looking for that.
I do still need the make, model and serial number on the firearms.
Have a good weekend. I'll look for that check in the Monday mail.

db

db

Desa Ballard

Ballard Watson Weissenstein

Telephone 803.796.9299

Facsimile 803.796.1066

E-mail: desab@desaballard.com, copy to terrie@desaballard.com

PLAINTIFF 194

Douglas Truslow

From: Douglas N. Truslow <douglastruslow@truslowlaw.com>
Sent: Saturday, January 04, 2014 12:24 PM
To: 'Charlie Bridgmon'
Cc: 'Desa Ballard'; 'pete@nosajeterlaw.com'
Subject: Combis

Charlie:

As you know, Ms. Ballard has been diligently trying to bring matters to a proper conclusion in the best interest of the trust and estate. In that vein, I understand that she is trying to sell the Lochridge property. An immediate problem seems to be that after all this time, one of your clients (former trustee Diane Combis) STILL won't sign over a quit claim deed or do the other things necessary to ensure that there can be a disposition of it – the the trust's benefit. May I ask once more: What is the problem? We would be more than willing to prepare the documents reflecting that Diane has no more interest in the property. The problem is that we have been delayed once again and then sent on a duck and goose safari – your clients were ducking service and simultaneously trying to send us on a wild goose chase – at least it has that appearance. And in conjunction, they are now, they are complaining about Ms. Ballard. Quite frankly, it has the appearance that they are dissatisfied because she has been both conscientious and most professional under trying circumstances.

It would be easiest if you prepared an affidavit and had Diane sign the quit claim deed. May I hear from you? Are you willing to do anything to move things along at a more appropriate pace? Do you have any reasonable proposals? The claim that Ms. Ballard has been unprofessional and dishonest and should be removed is a definite non-starter, so please try to leave that argument out of the equation for now.

Sincerely,

Douglas N. Truslow

Truslow & Truslow
ph (803) 256-6276
fax (803) 256-7659

Mailing Address:
P.O. Box 1465
Columbia, SC 29202

Physical Address:
914 Richland St., Suite B-102
Columbia, SC 29201

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PLAINTIFF 195

Terrie Stafford

From: Desa Ballard
Sent: Wednesday, January 08, 2014 9:53 AM
To: Charlie Bridgmon
Cc: Mara Ballard; Terrie Stafford; douglastruslow@truslowlaw.com; Lane Williamson; Terrie Stafford
Subject: RE: Property taxes on Lochridge and Horseshoe

Charlie:

I have never received any mailings for property taxes. Both county records reflect that Diane has been receiving the bills at her home address. There were not property tax bills in the trust records that you turned over to me on 10-25-2013 so I can only assume the bills, if sent at all, were sent to Diane. As you know, Diane has not forwarded any trust documents to me since she turned over the records (via you) at the mediation on 10-25-2013.

We found out about the bills by proactively looking online to check on these and we notified you as soon as we became aware there were bills due. Diane could have told you, and us, much sooner, but apparently did not.

I don't think Diane has any right to access the funds that were in the Park Sterling accounts. Those funds belong to the trust and therefore should be in my possession. As you know, you held that check (after promising to send it several times) when you petitioned to remove me as trustee. As to your question how she should pay the property taxes, that is for her and her lawyer to decide. My view is that she is mitigating the damages she has caused to the trust if she pays the taxes now, from her own funds, but you will have to advise her on that.

Let me make sure I understand your last paragraph: Are you taking the position that the consent order for successor trustee is no longer valid? Your last paragraph seems to suggest that, since you take the position that no agreement under which Diane is obligated to execute documents. The successor agreement clearly provides for that, so I wanted to be sure.

db

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

From: Charlie Bridgmon [<mailto:CBridgmon@braylong.com>]
Sent: Tuesday, January 07, 2014 11:02 AM
To: Desa Ballard
Cc: Mara Ballard; Terrie Stafford; douglastruslow@truslowlaw.com; Lane Williamson; Charlie Bridgmon
Subject: Re: Property taxes on Lochridge and Horseshoe

Good morning, Desa. I will certainly discuss the below with Diane. I have a couple of questions that need clarification beforehand. First, have you attempted to pay the property taxes and the respective counties have refused them because they were from you rather than Diane? Second, are you requesting that Diane pay these personally or from the same funds you also asked be released? Lastly, with respect to the taxes on Lochridge, why did you wait until the day they were due to email me regarding your request? Even if I could have responded yesterday, there would not have been sufficient time to pay them before interest began.

PLAINTIFF 195

accruing. Regardless of who ultimately pays the taxes, the trust has now incurred interest that certainly could have been avoided. If you would please forward me any funds you have in trust, we will ensure such unnecessary expenses are avoided in the future.

On an unrelated note, my response to your email is not as a matter of courtesy. I will always respond to anything that requires my or my client's attention or is substantive in nature. It is the emails that do not warrant a response for lack of anything substantive, misconstrue the facts, attempt to attack me personally, or accuse me of "whining" that certainly will be ignored. No agreement exists either with respect to you as trustee or that requires Diane sign anything with respect to real property, and any offers including these provisions have been withdrawn. I anticipate getting this issue before the court once Lane and I have wrapped up the consent order on this end.

Thanks,
Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

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From: Desa Ballard <desab@desaballard.com>
Date: Monday, January 6, 2014 10:14 AM
To: Charlie Bridgmon <cbridgmon@braylong.com>, "douglastruslow@truslowlaw.com" <douglastruslow@truslowlaw.com>
Cc: "Mara@desaballard.com" <Mara@desaballard.com>, Terrie Stafford <Terrie@desaballard.com>
Subject: Property taxes on Lochridge and Horseshoe

Charlie: We have been unsuccessful in having the tax assessor records in Mecklenburg (Lochridge) and Lancaster (Horseshoe) changed into my name as successor trustee. As you know, when I took over as successor trustee, it was anticipated that we could conclude the trust matters fairly quickly, so the agreement for successor trustee included a provision to allow the properties to stay in Dianas name (as TTE) until the trust was dissolved. The agreement also included her obligation to transfer title to me upon demand. We have demanded that the property in Lochridge be transferred to me, and our requests have been ignored. Now that the Horseshoe property is out of foreclosure, we make the same demand as to Horseshoe. Quit claim deeds, with owner's title insurance, will be sufficient.

On the assumption that these requests will be ignored, as have the prior requests, please be advised that Diane will need to pay the property taxes on both properties. The bills are still in her name.

The tax bills are attached. Please be courteous enough to respond to this email and advise what your client will do in response to the requests set forth here.

Lastly, please advise when you will release the funds that were in the trust account at Park Sterling (the check you promised to send several times, then refused to send since, as you stated, Diane had continuing obligations to the trust and had to protect the funds).

db

om:
Sent:
To:
Subject:

George Combis [gcombis@superiorstonese.com]
Wednesday, January 15, 2014 9:43 AM
douglastruslow@truslowlaw.com
What???

TS
266

If you need any information on my son--I want to know why!?
You keep him out of this and like I TOLD YOU BEFORE--STOP WASTING MY MONEY ON YOUR STUPID
NEED TO KNOW STUFF!!!
All you and our so called "ASSISTANT" Desa is doing is running up your fees!!
Chris (6'7") is not "little" however he has ZERO to do with anything. Yes my Father did give
his Rolex watch----- SO????
Again, tell Desa to fire yourself and do HER JOB!!

Best Regards,
George Combis=

Douglas Truslow

From: Desa Ballard <desab@desaballard.com>
Sent: Saturday, January 25, 2014 3:14 PM
To: cbridgmon@braylong.com
Cc: Douglas Truslow; Mara@desaballard.com; Terrie Stafford; Terrie Stafford
Subject: RE: Balance of trust funds in Park Sterling account

Are you bringing this check on Monday?

I would appreciate an answer.

Desa Ballard
Ballard Watson Weissenstein
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com, copy to terrie@desaballard.com

From: Desa Ballard
Sent: Thursday, January 23, 2014 10:13 AM
To: 'cbridgmon@braylong.com'
Cc: Douglas N. Truslow (douglastruslow@truslowlaw.com); Mara Ballard (Mara@desaballard.com)
(Mara@desaballard.com); Terrie Stafford
Subject: Balance of trust funds in Park Sterling account

Please overnight the check which closed the Park Sterling trustee account to my attention at 226 State Street, West Columbia, SC 29169.

In the alternative, please bring the check to the hearing in Lancaster on Monday and I can accept delivery of it then.

Thanks.

db



PLAINTIFF 199

From: [Desa Ballard](#)
To: [Mara Ballard](#)
Cc: [Mara Ballard](#)
Subject: FW: Combis Revocable Trust
Date: Friday, March 21, 2014 2:18:31 PM

From: Charlie Bridgmon [mailto:CBridgmon@braylong.com]
Sent: Friday, March 21, 2014 10:10 AM
To: Brad Rustin
Cc: [Desa Ballard](#); lwilliamson@tinfulton.com; Jeff Long
Subject: Re: Combis Revocable Trust

Brad:

My client does not consent to the release of the funds to Ms. Ballard.

Rather than incur the cost of depositing the funds into the court, is there any way the bank can simply hold the funds until such time as the court determines how and to whom the funds should be distributed? I am open to any alternative suggestions you or Ms. Ballard may have to preserve the assets of the trust to the fullest extent possible.

Also, please accept this email as a formal request for a copy of the Declaration of Loss Affidavit submitted by Ms. Ballard.

Thank you,
Charlie

Charles J. Bridgmon*
Bray & Long, PLLC
2820 Selwyn Avenue, Suite 400
Charlotte, NC 28209
Phone: (704) 523-7777, ext. 31
Cell: (803) 331-6013
Fax: (704) 523-7780
Email: cbridgmon@braylong.com

* Admitted in NC & SC

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Please consider the environment before printing this email.

From: Brad Rustin <Brad.Rustin@nelsonnallins.com>
Date: Wednesday, March 19, 2014 at 11:52 AM
To: "lwilliamson@tinfulton.com" <lwilliamson@tinfulton.com>, Charlie Bridgmon <cbridgmon@braylong.com>
Cc: "[Desa Ballard \(desab@desaballard.com\)](mailto:desab@desaballard.com)" <desab@desaballard.com>
Subject: Combis Revocable Trust

Dear Mr. Williamson and Mr. Bridgmon,

PLAINTIFF 199

Nelson Mullins acts as outside counsel to Park Sterling Bank. As you are aware, Park Sterling Bank was contacted by the current trustee of the Chris Combis Revocable Trust, Ms. Desa Ballard, regarding a bank official check drawn on the trust's account ending in ****356 in the amount of \$3,174.27. Park Sterling is in receipt of a Declaration of Loss Affidavit regarding that check from the current trustee. As the statutory 90 day period has passed and based on this Affidavit, a stop payment has been placed on this check.

Therefore, Park Sterling is currently in possession of the funds represented by that check. Park Sterling recognizes that it is not the owner of those funds and that they are owned by the trust. However, my understanding is that there is active and pending litigation regarding the trust and the respective trustees. Therefore, the Bank is left with very few options:

- (1) If all parties can agree and are willing to provide written authorization, the Bank will release the funds as directed jointly by the parties.
- (2) If the parties cannot agree, Park Sterling will be forced to deposit the funds with the Court that is handling the issues relating to the rights to disburse funds from the trust.

Mr. Williamson, please do not hesitate to let me know if you would like to discuss this matter in by telephone. Your contact information was provided to me today by Mr. Bridgmon. My understanding is that you represent Ms. Ballard with regards to the litigation involving the trust account.

Please let me know of your joint decision. I am happy to speak by phone if any party would like any additional information. In addition, please do not hesitate to let me know if any of the above-stated information proves inaccurate.

Best regards,
Brad Rustin

Nelson Mullins

Dowse Bradwell "Brad" Rustin, IV
Attorney at Law
brad.rustin@nelsonmullins.com

**Nelson Mullins Riley & Scarborough
LLP**

Poinsett Plaza, Suite 900
104 South Main Street, Greenville, SC 29601
Tel: 864.250.2320
Fax: 864.232.2925
www.nelsonmullins.com
(View Site)

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PLAINTIFF 199

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Amanda Hilley

From: Douglas Truslow
Sent: Wednesday, August 30, 2017 1:53 PM
To: Desa Ballard; Joe Pellington; Beth Cogan
Cc: Amanda Hilley; Marisol Rivera; Pete Nosal; David Redding; Beth Cogan; Mara Ballard
Subject: RE: Petition and Rule to Show Cause

Joe;

I agree completely with what Desa has stated. With all due respect, it appears and I echo that you need to read and take heed of the content of your clients' entire file and the circumstances in context. Parsing words as to which lawyer for George, Diane and Chris A. did or did not do what gets us nowhere. Likewise, not simply contacting your clients, but instead waiting yet another week to let us know if you can accept service is more of the same.

If you seriously think the list of documents I had recently requested (after the delivery of the fake Rolex, a cheap Saturday night special and the rolls of pennies and such) were the items required to be produced per the Court's order, you are once again avoiding the issue and/or sadly mistaken. That said, honoring my request would seemingly help you get to the truth of the matter instead of what appears to be further dissembling. For instance:

When and how did you become aware that it was a fake Rolex that was delivered to Desa? What was delivered was obviously a fake. I have a hard time imagining that you did not know it if you ever took the time to look at it. Did you? Your clients have been fighting for years and through many hearings contesting even producing the Rolex for inspection. They have acknowledged all along that it was indeed an expensive, Rolex watch. If it was indeed a cheap imitation all along, why not just produce it at some point before now and be done with it? If it was a gift, why not produce even one iota of documentary proof? And, it would seemingly afford you and your clients some protection if sales, purchases, and repairs of all your clients' watches were produced, along with applicable warranty and insurance information and such. You must know this information exists. For you to not even inquire is more than disappointing. Your clients may not have been ordered at this point to produce the documentation, but your inquiry and production nonetheless would shed light on the issue and perhaps absolve their counsel of criticism. If this is to be a search for the truth, you should welcome the opportunity to produce everything on point. In fact, I should not have to ask. You should do it as a matter of course.

The same holds true on the one gun produced. And, it would seemingly afford you some protection if you would produce all records regarding gun purchases and sales, insurance and such. Are you telling me there was never more than one gun and that has always been your clients' position? What is their explanation for each of the others that appear to be missing?

I could go on and on and say similar things regarding the pennies and such, but it too gets us nowhere. This case has been going on for more than 4 years! It is beyond the time for resolution. My client is doing everything she can to reasonably resolve the issues.

From: Desa Ballard [mailto:desab@desaballard.com]
Sent: Wednesday, August 30, 2017 12:30 PM
To: Joe Pellington <jpellington@reddingjones.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mrivera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: Petition and Rule to Show Cause

however since we have been working together on this case for a relatively short period of time, I want to make it clear that I am interested in facilitating resolutions to the extent we can find common ground.

I am in a deposition all day today, however I am available most of this week and next. I hope that we can discuss this matter further.

Sincerely,

Joe

 REDDING | JONES

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Thursday, August 24, 2017 at 10:57 AM

To: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <mriviera@reddingjones.com>, Pete Nosal <pete@nosajeterlaw.com>, David Redding <dredding@reddingjones.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

My client clearly does not agree. Opposing counsel have been over this so many times that further discussion gets us nowhere. For but one example, the watch produced is not Pop's. It is a fake. You and I both know there are other firearm(s), but only one "Saturday night special" was produced. Your clients has not explained the discrepancy. Counsel has been given ample opportunity to make appropriate inquiry and make this right or at least shed more light on the issue. More could be said, however it has proven futile. The most appropriate thing to do is for Ms. Ballard to file a RTSC and then let the court decide the issues after a hearing. I will now be representing Ms. Ballard for this issue. In that regard, can you accept service on behalf of your clients of a RTSC or is Ms. Ballard going to be forced to chase them down?

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Friday, August 18, 2017 2:21 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>, Marisol Rivera <mriviera@reddingjones.com>, Pete Nosal

<pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Doug,

We provided you with the items that were in the Combis' possession that were responsive to the subpoenas. Based on my reading of what was asked for in the subpoenas and what was ordered by the court, my clients have complied. If you disagree, please let me know why you think my clients have not complied.

It is my opinion that the information you are asking for now is beyond what was requested in the subpoenas and what was ordered by the court. I am willing to work with you to resolve the discrepancies you mention below; however I need more information.

Please feel free to call me next week. I think it will be easier to discuss the issues you raised over the phone.

Sincerely,

Joe

 REDDING | JONES

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Thursday, August 17, 2017 at 2:01 PM

To: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <mriviera@reddingjones.com>, Pete Nosal <pete@nosajeterlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

Joe:

Desa now has some coins (pennies and a few silver coins), what you purport to be Pop's Rolex and a .25 caliber handgun. Apparently, you are saying Pop had no other guns. If that is incorrect, please explain. I did not see any information relative to insurance that may have been on guns, rolex, etc. Also, we need to know details - if George and/or his son Chris bought or sold any guns since 2008, and bought, sold or had repaired any Rolex watches during the same time frame. There seem to be substantial discrepancies that STILL exist. May I hear from you asap?

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Saturday, August 12, 2017 9:09 AM
To: Desa Ballard <desab@desaballard.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mrivera@reddingjones.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Desa,

I have the items in my office. Marisol, copied here, will deliver them on Monday. She will call/email you before she leaves to coordinate the delivery.

We will have an inventory sheet w/ pictures that someone will need to sign.

Have a good weekend and Marisol will be in touch on Monday.

Sincerely,

Joe

 REDDING | JONES

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Desa Ballard <desab@desaballard.com>
Date: Tuesday, August 8, 2017 at 6:30 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Gentleman

Trying to take a few days off. I assume your clients will want pictures and perhaps an inventory of the items but I need the items delivered to my office for appraisal. We are open 8:30 to 5:30 Monday through Friday except this week we are closed on Friday for some renovation work.

It would be helpful if we knew when the items will be delivered. We keep the doors locked but there are cameras and buzzers to open both doors. Just ring the bell.

Offices don't get much smaller than mine or Mr Truslow's.

In one of the several suits he filed against me Mr. Bridgmon served the pleadings via FedEx at our street address with a signed receipt. That worked pretty well.

Sent via the Samsung Galaxy Note5, an AT&T 4G-LTE smartphone.

----- Original message -----

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: 8/8/17 4:13 PM (GMT-05:00)

To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

I assure you that I will not be a problem. That said, and just an observation in an attempt to perhaps be helpful – George could easily and relatively inexpensively have a courier service deliver the items and be done with it. There are certainly a number of such services in Charlotte.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Tuesday, August 08, 2017 3:54 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

I understand this is Desa's call, and if other arrangements can be made, I assure you that someone else will transport the items to Columbia. But as you know, we are a small firm, and I cannot promise we will have that option.

Since I just learned that I might be responsible for my mom's care, I figured I should let you know immediately.



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Tuesday, August 8, 2017 at 3:50 PM

To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

it is not my call in this instance. That said, I was under the impression that Desa has insisted that the items be delivered to her and the sooner the better. After all, it has been a problem now for at least FOUR years or so. It would seem that a paralegal could easily deliver the items well before the 15th and save everyone time and energy that could be better spent on other issues, but again that is not my call.

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Tuesday, August 08, 2017 3:40 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Doug/Desa,

With respect to Doug's request in bold, I will provide a response asap. I am not making any representations at this time.

It is going to be hard to comply with the order if Desa is out of town until August 15th (which is the day my clients are ordered to produce). Assuming we cannot come to an agreement on an alternate method of production, can the items be left at her office if she is not there?

Additionally, if pictures and descriptions are insufficient and I have to drive down to Columbia, there is another matter that has just arisen that I need to make you aware of. My mom is having knee replacement surgery next Monday. Originally, my dad was going to take her to and from the hospital, however it appears he will be out of town on business that day. If he is out of town, I may need your courtesy for a short informal extension so I can take care of my mom. I will keep you apprised of that situation.

Sincerely,

Joe



Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Tuesday, August 8, 2017 at 12:11 PM

To: Beth Cogan <Beth@desaballard.com>; Joe Pellington <jpellington@reddingjones.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

I have not talked to Desa about your email (I understand she is on vacation), but from the contentious history of this case, I would think she would NOT be inclined to agree to your proposal at this late stage. I will leave it to her to respond. That said and to try to move forward, I think she would want the following answered before even considering what you have proposed, so you might as well provide what is set forth below in bold immediately:

Are you now saying they have all the items? What items do they have, describing them in detail. Where the items are now specifically located/who has possession of them and why and for how long. If you or your clients have had the items appraised or insured, you need that documentation or indicate why it has not been done. And, send photos immediately.

Again, I do not imagine that Desa will accept your proposal, but that will ultimately be for her to say. I expect you will need to respond to her as indicated without any further delay. Otherwise, you have the court's order, so it would seem to me that you need to produce the items immediately unless you hear otherwise.

From: Beth Cogan [mailto:Beth@desaballard.com]

Sent: Tuesday, August 08, 2017 11:45 AM

To: Joe Pellington <jpellington@reddingjones.com>

Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

Mr. Pellington,

Desa is out of the office this week on vacation. Please look for a response upon her return to the office on Monday.

Kindest Regards,

-Beth

Beth Cogan, Paralegal

Ballard & Watson, Attorneys at Law

Post Office Box 6338

West Columbia, South Carolina 29169

803.796.9299

803.796.1066 Facsimile

beth@desaballard.com

www.desaballard.com

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Tuesday, August 8, 2017 9:31 AM

To: Desa Ballard <desab@desaballard.com>

Cc: Douglas Truslow <douglastruslow@truslowlaw.com>

Subject: FW: Proposed Order from Hearing 7-31-2017

Desa,

Please let me know if your appraiser will accept pictures and detailed descriptions in lieu of producing the actual items. In the alternative, so as not to put the burden on you, I am willing to contact the appraiser directly and report back to you what he/she says. If you are agreeable to that, please send me that person's contact information.

Sincerely,

Joe

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thought this was the easy part. Sorry. Lawyer usually work out the details themselves.

I specifically request a determination that our motion for sanctions be held in abeyance. Otherwise, I will have to re-file the motion.

Desa Ballard

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Wednesday, August 02, 2017 9:18 AM

To: hgibbons@sccourts.org; hgibbonslc@sccourts.org

Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosajeterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Desa Ballard <desab@desaballard.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

Attached is my competing order for your consideration. My objections to Ms. Ballard's proposed order are that she includes extraneous information that is unnecessary for this order and mischaracterizes my clients' position.

Further, in the interests of resolving this dispute efficiently and without unnecessary cost (including further judicial intervention), I think more time than Ms. Ballard calls for in her order is required. The reason is that the "Items" (as defined in my order) are vaguely described in the subpoenas. My plan is to work with Ms. Ballard to ensure that the items are properly identified, and to the extent possible, other identifying information can be sent to the appraiser so no one has to physically transport the items from Charlotte to Columbia.

If any changes are required by the Court, I am happy to incorporate them.

Sincerely,

Joe Pellington

 REDDING | JONES

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Desa Ballard <desab@desaballard.com>

Date: Tuesday, August 1, 2017 at 8:29 AM

To: "hgibbons@sccourts.org" <hgibbons@sccourts.org>, "hgibbonslc@sccourts.org" <hgibbonslc@sccourts.org>

Cc: Joe Pellington <jpellington@reddingjones.com>, Douglas Truslow <douglastruslow@truslowlaw.com>, Pete Nosal <pete@nosajeterlaw.com>, Mara Ballard <Mara@desaballard.com>, Beth Cogan <Beth@desaballard.com>, Mara Ballard <Mara@desaballard.com>

Subject: Proposed Order from Hearing 7-31-2017

Amanda Hilley

From: Desa Ballard <desab@desaballard.com>
Sent: Friday, September 08, 2017 3:44 PM
To: Ty McTier; Douglas Truslow; Ladd Ackerman
Cc: Marisol Rivera; Joe Pellington; Pete Nosal; Amanda Hilley; David Redding; Beth Cogan; Mara Ballard; Beth Cogan; Mara Ballard
Subject: RE: Combis/Ballard - North Carolina Order and Bond

Mr. McTier:

You and I have not met; I understand you were the one who came to the court-mandated 'meet & mark' prior to the SCDC trial and kept Mr. Truslow, my accountant, and Mr. Truslow's paralegal waiting for 3 hours, then claimed not to know anything about the case when you arrived, so the entire exercise was useless. Now I also know you do not have your 403 requirements met.

Absence of Rule 403 qualification is your problem, not ours. You had plenty of notice, more than was required by the rule. We gave up long ago trying to get agreements from your clients and your firm about anything, so in the absence of that, we noticed the deposition with more than enough knowledge. (If you want a list of the things that have been promised to us by your firm and/or your clients, but it will take weeks to compile). When were the other depositions (that Mr. Pellington has to attend) scheduled?

You must have an order from a Lancaster county circuit court judge before you can stop the deposition. And you know as well as we do that this is a new claim, and your argument to the contrary is disingenuous.

In the spirit of cooperation, however, Doug has authorized me to move the deposition to September 12, 2017, same time, same place.

So we will either see your client for deposition at 10 am on Tuesday September 12, 2017 or at 10 am on Wednesday September 13, 2017, as originally scheduled. Your choice.

If we do not hear from you (which is usually the case with your office, not necessarily you) or receive an order prohibiting the deposition from proceeding, we will be there on Wednesday as scheduled.

Desa Ballard

From: Ty McTier [mailto:tmctier@reddingjones.com]
Sent: Friday, September 08, 2017 3:13 PM
To: Desa Ballard <desab@desaballard.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Ladd Ackerman <lackerman@ackermanlawpa.com>
Cc: Marisol Rivera <mrivera@reddingjones.com>; Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosalljeterlaw.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: Re: Combis/Ballard - North Carolina Order and Bond

Doug/Desa,

Without waiving any substantive arguments Joe Pellington is the only Rule 403 compliant lawyer in our office and he has two depositions on September 13th in North Carolina. This conflict arose because dates were not run past our office. The 13th simply will not work.

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Ty K. McTier

2907 Providence Road, Suite 303
Charlotte, North Carolina 28211
Direct: (704) 269-4910

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From: Desa Ballard <desab@desaballard.com>

Sent: Friday, September 08, 2017 2:33 PM

To: Douglas Truslow; Ty McTier; Ladd Ackerman

Cc: Marisol Rivera; Joe Pellington; Pete Nosal; Amanda Hilley; David Redding; Beth Cogan; Mara Ballard

Subject: RE: Combis/Ballard--North Carolina Order and Bond

The order (requiring the bond) is dated August 14, 2017. No bond was posted when Doug requested a copy of the bond yesterday at 1:46 pm. The cash was paid to the court several hours later; I don't know whether it is a bond. It looks like a cash register receipt.

Under SC law, a motion for protective order does not stay a deposition, so unless an order is issued by the state court prohibiting the deposition before 9-13, we are proceeding as planned. If George does not show up for his deposition, we will move for sanctions.

Desa Ballard

From: Douglas Truslow [<mailto:douglastruslow@truslowlaw.com>]

Sent: Friday, September 08, 2017 1:55 PM

To: Ty McTier <tmctier@reddingjones.com>

Cc: Marisol Rivera <mriviera@reddingjones.com>; Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>

Subject: Re: Combis/Ballard--North Carolina Order and Bond

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Sent: Friday, September 08, 2017 10:15 AM
To: Marisol Rivera; Joe Pellington; Pete Nosal
Cc: Desa Ballard; Amanda Hilley; David Redding; Ty McTier
Subject: RE: Combis

Thank you, however, a mere "receipt" is not sufficient. I need a copy of the bond that was filed.

From: Marisol Rivera [<mailto:mriviera@reddingjones.com>]
Sent: Friday, September 08, 2017 10:10 AM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>
Subject: RE: Combis

All,

Attached please find a copy of the Bond receipt for your records.

Many thanks,

<image001.png>

Marisol Rivera | Paralegal
2907 Providence Road, Suite 303
Charlotte, North Carolina 28211
Phone & Fax | (704) 900-2215
Email | mriviera@reddingjones.com
www.rjlawfirm.com

From: Douglas Truslow [<mailto:douglastruslow@truslowlaw.com>]
Sent: Friday, September 8, 2017 10:03 AM
To: Joe Pellington <jpellington@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>; Marisol Rivera <mriviera@reddingjones.com>
Subject: RE: Combis

Parsing words, such as needing "clarification" is going nowhere. It has the appearance of dissembling. You certainly know what has been requested and why. You know what the true facts are now even if you did not know them before. Had you read the file, I would think you would know what the facts were/are, but that appears to be moot at this juncture. My client knows what the facts are. I agree with my client. The record supports my client's position. Now, on to something else:

Are you admitting/wnl you stipulate that the "Rolex" is fake? Are we going to have to bring someone into court to verify that the "Rolex" is an obvious fake? If you do not agree, please explain why not.

And, your offering to provide me with a mere "bond receipt" is obviously insufficient. Please stop playing games. Provide us with a copy of the filed bond that is in favor of my client that was required. You should send it today. In fact, you should have sent it promptly after the judge rendered his decision approximately three weeks or so ago.

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Thursday, September 07, 2017 5:16 PM

To: Pete Nosal <pete@nosaljeterlaw.com>; Douglas Truslow
<douglastruslow@truslowlaw.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley
<amandahilley@truslowlaw.com>; David Redding <dredding@reddingjones.com>; Ty
McTier <tmctier@reddingjones.com>; Marisol Rivera <mrivera@reddingjones.com>

Subject: Re: Combis

Pete,

I am not ignoring Doug.

Doug,

I am not ignoring you.

First off, with regard to your previous emails, by my reading you have accused me of perpetuating a fraud on the court. That is an incredible charge, and one that I unequivocally deny. If you think you have evidence that I have done so, produce it. If not, or if I misinterpreted your previous emails, then I suggest you make it clear that you are not making that accusation.

Second, with regard to the part of your email that asks why haven't I provided responses to your questions, I have repeatedly told you that I need clarification on some of the points you have raised before I can answer and that it would be more efficient to discuss this over the phone. For the record, generally I am willing to respond in writing, however I cannot do so when I have requested clarification but you have not provided any.

Third, with regard to service, any motion, pleading, notice or other document filed and/or served in 14-CP-29-306, whether directed to my client or not, should be sent to me. After reviewing the record, the issue with service arose when Ms. Ballard served subpoenas in the 2012-ES-29-415 matter, but I do not believe that is an issue now. I am not refusing to accept service.

Fourth, I will confer with my clients and provide potential hearing dates asap.

Fifth, by this email I am directing Ty McTier or Marisol Rivera to provide a copy of the bond receipt. They will do so asap.

If there are any issues I have not addressed, please let me know.

Sincerely,

Joe

<image002.png>

Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

From: Pete Nosal <pete@nosajeterlaw.com>
Date: Thursday, September 7, 2017 at 1:52 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>
Cc: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Combis

Joe,

Are you ignoring Mr. Truslow?

Pete

On Thu, Sep 7, 2017 at 1:35 PM, Douglas Truslow <douglastruslow@truslowlaw.com> wrote:

Joe:

While what follows is not a comprehensive list, a couple of things still need your immediate attention. They need to be addressed by you immediately; an inordinate amount of time has already passed:

You have not responded to my recent email(s). Another week has now passed. Why have you not responded? Have you addressed what I had inquired about most recently with your clients? What is their response and why? Time is of the essence.

The judge has signed the RTSC relative to the issues relative to the alleged fake Rolex, etc. (Order granting Ms. Ballard's motion to compel). My paralegal will send you a copy. You have the rest of the pertinent pleadings (and you were at the hearing), so I do not need to restate my client's position again herein. A date for a hearing needs to be set. Please provide us with potential, unavoidable conflicts that you have in the next 60 days so that a hearing may be set and held without further, unnecessary delay. I believe your clients have already submitted to the jurisdiction of the court. Thus, I believe we can serve pleadings on you, since you are their attorney. To avoid any further, unnecessary and undue delay and expense, however, I am asking again whether it is your contention that you will refuse to accept service. Ignoring this question, ducking service and/or delaying a response will not inure to your clients' benefit. I need a response without further delay.

Finally, have your clients posted the bond that was required in order to stay execution on the \$800,000+/- federal court verdict? I need proof that they have done what the NC court required of them in order to receive a stay of execution. If not, we need to start the process to have assets sold to satisfy the verdict/judgment. The failure to respond has a negative appearance. You should have provided us with the proof approximately three weeks ago by my client's calculation. I ask again: Have they posted a bond? If not, why

Amanda Hilley

From: Douglas Truslow
Sent: Friday, September 01, 2017 10:42 AM
To: Joe Pellington; Pete Nosal
Cc: Desa Ballard; Beth Cogan; Amanda Hilley; Marisol Rivera; David Redding; Mara Ballard
Subject: RE: Petition and Rule to Show Cause

Pete:

Thank you for your input.

As to Pellington's response to the effect that he disagrees "with everything you said", all I can think to say at this point is — wow, he even denies that he has a file and that his partner was retained. It is no wonder we cannot get to resolution. You are correct. This is getting weirder and weirder.

From: Joe Pellington [mailto:jpellington@reddingjones.com]
Sent: Thursday, August 31, 2017 5:38 PM
To: Pete Nosal <pete@nosajeterlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; David Redding <dredding@reddingjones.com>; Mara Ballard <Mara@desaballard.com>; Douglas Truslow <douglastruslow@truslowlaw.com>
Subject: Re: Petition and Rule to Show Cause

I respectfully disagree with everything you said.

 REDDING | JONES

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Pete Nosal <pete@nosajeterlaw.com>
Date: Wednesday, August 30, 2017 at 3:35 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>
Cc: Desa Ballard <desab@desaballard.com>; Joe Pellington <jpellington@reddingjones.com>; Beth Cogan

<marisol@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <amriversa@reddingjones.com>, David Redding <dredding@reddingjones.com>, Mara Ballard <Mara@desaballard.com>
Subject: Re: Petition and Rule to Show Cause

Doug,

Thank you for working to resolve this case. My clients are of the opinion that Mr. Pellington's responses to your inquiries are inappropriate, misguided, and an attempt to delay resolution of these matters. He has the file, has been involved since his law partner, David Redding, was retained, and is jerking you around.

Peter Nosal

Peter Nosal
Nosal & Jeter LLP
852 Gold Hill Road, Unit 201
Fort Mill, SC 29708
(803) 351-3597
www.nosaljeterlaw.com

On Aug 30, 2017, at 12:53 PM, Douglas Truslow <douglastruslow@truslowlaw.com> wrote:

Joe:

I agree completely with what Desa has stated. With all due respect, it appears and I echo that you need to read and take heed of the content of your clients' entire file and the circumstances in context. Parsing words as to which lawyer for George, Diane and Chris A. did or did not do what gets us nowhere. Likewise, not simply contacting your clients, but instead waiting yet another week to let us know if you can accept service is more of the same.

If you seriously think the list of documents I had recently requested (after the delivery of the fake Rolex, a cheap Saturday night special and the rolls of pennies and such) were the items required to be produced per the Court's order, you are once again avoiding the issue and/or sadly mistaken. That said, honoring my request would seemingly help you get to the truth of the matter instead of what appears to be further dissembling. For instance:

When and how did you become aware that it was a fake Rolex that was delivered to Desa? What was delivered was obviously a fake. I have a hard time imagining that you did not know it if you ever took the time to look at it. Did you? Your clients have been fighting for years and through many hearings contesting even producing the Rolex for inspection. They have acknowledged all along that it was indeed an expensive, Rolex watch. If it was indeed a cheap imitation all along, why not just produce it at some point before now and be done with it? If it was a gift, why not produce even one iota of documentary proof? And, it would seemingly afford you and your clients some protection if sales, purchases, and repairs of all your clients' watches were produced, along with applicable warranty and insurance information and such. You must know this information exists. For you to not even inquire is more than disappointing. Your clients may not have been ordered at this point to produce the documentation, but your inquiry and production nonetheless would shed light on the issue and perhaps absolve their counsel of criticism. If this is to be a search for the truth, you should welcome the opportunity to produce everything on point. In fact, I should not have to ask. You should do it as a matter of course.

The same holds true on the one gun produced. And, it would seemingly afford you some protection if you would produce all records regarding gun purchases and sales, insurance and such. Are you telling

me there was never more than one gun and that has always been your clients' position? What is their explanation for each of the others that appear to be missing?

I could go on and on and say similar things regarding the pennies and such, but it too gets us nowhere. This case has been going on for more than 4 years! It is beyond the time for resolution. My client is doing everything she can to reasonably resolve the issues.

From: Desa Ballard [mailto:desab@desaballard.com]
Sent: Wednesday, August 30, 2017 12:30 PM
To: Joe Pellington <jpellington@reddingjones.com>; Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: Petition and Rule to Show Cause

Mr. Pellington:

Doug is on the road in connection with a hearing (I believe he said in Charleston) so he asked me to respond on his behalf. Your file should reflect our repeated attempts to obtain truthful and accurate information from your clients, as far back as the earlier representation by Mr. Bridgmon, and the numerous times agreements to produce items for us which were later refused or simply ignored. Further efforts to obtain their voluntary cooperation has been fruitless for quite some time.

Mr. Truslow's Rule 11 consultation with you specifically pointed out that the items produced in response to the order to compel were fakes, which provided you with all the information you needed to allow them to remedy the situation. Mr. Truslow simply suggested some evidence you could review to verify that your clients were attempting a fraud on the court by producing the junk they produced to me. They might have fooled you, but they didn't fool us.

db

From: Joe Pellington [mailto:jpellington@reddingjones.com]
Sent: Wednesday, August 30, 2017 10:08 AM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Doug,

I am just now getting the chance to review and respond to your email. My clients take the general position that they deny any wrongdoing and contend that they have complied with the subpoena. If you do not mind, would you please clarify some of the points you raised:

"Opposing counsel have been over this so many times that further discussion gets us nowhere": As best as I can recall, this email thread is the first time you and I have discussed this matter. I assume by "opposing counsel" you are talking about my clients' previous counsel? If you would, please clarify.

"Your clients has not explained the discrepancy": I assume the discrepancies are those raised in your motion. Are there any other discrepancies than those raised in your motion?

"Counsel has been given ample opportunity to make appropriate inquiry and make this right or at least shed more light on the issue. More could be said, however it has proven futile." I do not understand what you mean here, or who you are referring to. If you would, please clarify.

Regarding any service related issues, I will respond asap after I consult with my clients.

Lastly, regarding your Rule 11 certification in your motion, my recollection is your only attempt to resolve this matter (after my clients produced the gun/coins/watch) is your email below on August 17th. In response, I offered to discuss this matter further, however you declined. Therefore, I contend that your Rule 11 certification is incorrect, and I again am extending the olive branch to try and resolve this matter.

I understand this case has a long history and that you have been involved for a lot longer than I have, and I ask you remember the same. I do not know what your previous dealings were like with my clients' previous counsel, however since we have been working together on this case for a relatively short period of time, I want to make it clear that I am interested in facilitating resolutions to the extent we can find common ground.

I am in a deposition all day today, however I am available most of this week and next. I hope that we can discuss this matter further.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Thursday, August 24, 2017 at 10:57 AM

To: Joe Pellington <jpellington@reddingjones.com>, Desa Ballard <desab@desaballard.com>, Beth Cogan <Beth@desaballard.com>

Cc: Amanda Hilley <amandahilley@truslowlaw.com>, Redding Jones <mriviera@reddingjones.com>, Pete Nosal <pete@nosajeterlaw.com>, David Redding <dredding@reddingjones.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

My client clearly does not agree. Opposing counsel have been over this so many times that further discussion gets us nowhere. For but one example, the watch produced is not Pop's. It is a fake. You and I both know there are other firearm(s), but only one "Saturday night special" was produced. Your clients has not explained the discrepancy. Counsel has been given ample opportunity to make appropriate inquiry and make this right or at least shed more light on the issue. More could be said, however it has proven futile. The most appropriate thing to do is for Ms. Ballard to file a RTSC and then let the court decide the issues after a hearing. I will now be representing Ms. Ballard for this issue. In that regard, can you accept service on behalf of your clients of a RTSC or is Ms. Ballard going to be forced to chase them down?

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Friday, August 18, 2017 2:21 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>; Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>; Marisol Rivera <mriviera@reddingjones.com>; Pete Nosal <pete@nosajeterlaw.com>; David Redding <dredding@reddingjones.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Doug,

We provided you with the items that were in the Combis' possession that were responsive to the subpoenas. Based on my reading of what was asked for in the subpoenas and what was ordered by the court, my clients have complied. If you disagree, please let me know why you think my clients have not complied.

It is my opinion that the information you are asking for now is beyond what was requested in the subpoenas and what was ordered by the court. I am willing to work with you to resolve the discrepancies you mention below, however I need more information.

Please feel free to call me next week. I think it will be easier to discuss the issues you raised over the phone.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

Email: jpellington@reddingjones.com

From: Desa Ballard <desab@desaballard.com>
Date: Tuesday, August 8, 2017 at 6:30 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>
Cc: Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Gentleman

Trying to take a few days off, I assume your clients will want pictures and perhaps an inventory of the items but I need the items delivered to my office for appraisal. We are open 8:30 to 5:30 Monday through Friday except this week we are closed on Friday for some renovation work.

It would be helpful if we knew when the items will be delivered. We keep the doors locked but there are cameras and buzzers to open both doors. Just ring the bell.

Offices don't get much smaller than mine or Mr Truslow's.

In one of the several suits he filed against me Mr. Bridgmon served the pleadings via FedEx at our street address with a signed receipt. That worked pretty well.

Sent via the Samsung Galaxy Note5, an AT&T 4G LTE smartphone

----- Original message -----

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Date: 8/8/17 4:13 PM (GMT-05:00)
To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>
Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

I assure you that I will not be a problem. That said, and just an observation in an attempt to perhaps be helpful – George could easily and relatively inexpensively have a courier service deliver the items and be done with it. There are certainly a number of such services in Charlotte.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Tuesday, August 08, 2017 3:54 PM
To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>
Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

I understand this is Desa's call, and if other arrangements can be made, I assure you that someone else will transport the items to Columbia. But as you know, we are a small firm, and I cannot promise we will have that option.

Since I just learned that I might be responsible for my mom's care, I figured I should let you know immediately.

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211

Direct & Fax | 704-200-2054

Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>

Date: Tuesday, August 8, 2017 at 3:50 PM

To: Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>

Subject: RE: Proposed Order from Hearing 7-31-2017

It is not my call in this instance. That said, I was under the impression that Desa has insisted that the items be delivered to her and the sooner the better. After all, it has been a problem now for at least FOUR years or so. It would seem that a paralegal could easily deliver the items well before the 15th and save everyone time and energy that could be better spent on other issues, but again that is not my call.

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]

Sent: Tuesday, August 08, 2017 3:40 PM

To: Douglas Truslow <douglastruslow@truslowlaw.com>; Beth Cogan <Beth@desaballard.com>

Cc: Desa Ballard <desab@desaballard.com>; Amanda Hilley <amandahilley@truslowlaw.com>

Subject: Re: Proposed Order from Hearing 7-31-2017

Doug/Desa,

With respect to Doug's request in bold, I will provide a response asap. I am not making any representations at this time.

It is going to be hard to comply with the order if Desa is out of town until August 15th (which is the day my clients are ordered to produce). Assuming we cannot come to an agreement on an alternate method of production, can the items be left at her office if she is not there?

Additionally, if pictures and descriptions are insufficient and I have to drive down to Columbia, there is another matter that has just arisen that I need to make you aware of. My mom is having knee replacement surgery next Monday. Originally, my dad was going to take her to and from the hospital, however it appears he will be out of town on business that day. If he is out of town, I may need your courtesy for a short informal extension so I can take care of my mom. I will keep you apprised of that situation.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington

2907 Providence Road, Suite A303

Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

From: Douglas Truslow <douglastruslow@truslowlaw.com>
Date: Tuesday, August 8, 2017 at 12:11 PM
To: Beth Cogan <Beth@desaballard.com>, Joe Pellington <jpellington@reddingjones.com>
Cc: Desa Ballard <desab@desaballard.com>, Amanda Hilley <amandahilley@truslowlaw.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

I have not talked to Desa about your email (I understand she is on vacation), but from the contentious history of this case, I would think she would NOT be inclined to agree to your proposal at this late stage. I will leave it to her to respond. That said and to try to move forward, I think she would want the following answered before even considering what you have proposed, so you might as well provide what is set forth below in bold immediately:

Are you now saying they have all the items? What items do they have, describing them in detail. Where the items are now specifically located/who has possession of them and why and for how long. If you or your clients have had the items appraised or insured, you need that documentation or indicate why it has not been done. And, send photos immediately.

Again, I do not imagine that Desa will accept your proposal, but that will ultimately be for her to say. I expect you will need to respond to her as indicated without any further delay. Otherwise, you have the court's order, so it would seem to me that you need to produce the items immediately unless you hear otherwise.

From: Beth Cogan (<mailto:Beth@desaballard.com>)
Sent: Tuesday, August 08, 2017 11:45 AM
To: Joe Pellington <jpellington@reddingjones.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Desa Ballard <desab@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

Mr. Pellington,

Desa is out of the office this week on vacation. Please look for a response upon her return to the office on Monday.

Kindest Regards,
-Beth

Beth Cogan, Paralegal
Ballard & Watson, Attorneys at Law
Post Office Box 6338
West Columbia, South Carolina 29169
803.796.9299
803.796.1066 Facsimile
beth@desaballard.com

www.desaballard.com

From: Joe Pellington [mailto:jpellington@reddingjones.com]
Sent: Tuesday, August 8, 2017 9:31 AM
To: Desa Ballard <desab@desaballard.com>
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>
Subject: FW: Proposed Order from Hearing 7-31-2017

Desa,

Please let me know if your appraiser will accept pictures and detailed descriptions in lieu of producing the actual items. In the alternative, so as not to put the burden on you, I am willing to contact the appraiser directly and report back to you what he/she says. If you are agreeable to that, please send me that person's contact information.

Sincerely,

Joe

<image001.png>

Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

From: "Gibbons, Brian Law Clerk (William C. Corbett)" <bgibbonslc@sccourts.org>
Date: Tuesday, August 8, 2017 at 8:22 AM
To: Douglas Truslow <douglastruslow@truslowlaw.com>, Desa Ballard <desab@desaballard.com>, "Gibbons, Brian M." <BGibbonsj@sccourts.org>
Cc: Pete Nosal <pete@nosajeterlaw.com>, Mara Ballard <Mara@desaballard.com>, Beth Cogan <Beth@desaballard.com>, Joe Pellington <jpellington@reddingjones.com>, Beth Cogan <Beth@desaballard.com>, Mara Ballard <Mara@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

All:

In regards to the Motion to compel, Judge Gibbons accepted Ms. Ballard's proposed order with amendments. I have attached an unfiled copy of the order. For any reason you need the order clocked before next Monday, our secretary is on vacation this week so you will need to come retrieve it. Otherwise, it will be filed when Mary returns. Please let me know if you have any questions.

Best,

Cyrus Corbett

From: Douglas Truslow [mailto:douglastruslow@truslowlaw.com]
Sent: Wednesday, August 2, 2017 9:54 AM
To: Desa Ballard <desab@desaballard.com>; bgibbons@sccourts.org; Gibbons, Brian Law Clerk (William

C. Corbett <cgibbonslc@sccourts.org>
Cc: Pete Nosal <pete@nosalieterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Joe Pellington <jpellington@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

In the matter I am involved in, Plaintiff is also seeking sanctions. That does not need to be addressed at this point. I agree with Ms. Ballard in all respects.

From: Desa Ballard [<mailto:desab@desaballard.com>]
Sent: Wednesday, August 02, 2017 9:26 AM
To: cgibbons@sccourts.org; cgibbonslc@sccourts.org
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosalieterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Joe Pellington <jpellington@reddingjones.com>; Beth Cogan <Beth@desaballard.com>; Mara Ballard <Mara@desaballard.com>
Subject: RE: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

I thought this was the easy part. Sorry. Lawyer usually work out the details themselves.

I specifically request a determination that our motion for sanctions be held in abeyance. Otherwise, I will have to re-file the motion.

Desa Ballard

From: Joe Pellington [<mailto:jpellington@reddingjones.com>]
Sent: Wednesday, August 02, 2017 9:18 AM
To: cgibbons@sccourts.org; cgibbonslc@sccourts.org
Cc: Douglas Truslow <douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosalieterlaw.com>; Mara Ballard <Mara@desaballard.com>; Beth Cogan <Beth@desaballard.com>; Desa Ballard <desab@desaballard.com>
Subject: Re: Proposed Order from Hearing 7-31-2017

Judge Gibbons:

Attached is my competing order for your consideration. My objections to Ms. Ballard's proposed order are that she includes extraneous information that is unnecessary for this order and mischaracterizes my clients' position.

Further, in the interests of resolving this dispute efficiently and without unnecessary cost (including further judicial intervention), I think more time than Ms. Ballard calls for in her order is required. The reason is that the "Items" (as defined in my order) are vaguely described in the subpoenas. My plan is to work with Ms. Ballard to ensure that the Items are properly identified, and to the extent possible, other identifying information can be sent to the appraiser so no one has to physically transport the items from Charlotte to Columbia.

If any changes are required by the Court, I am happy to incorporate them.

Amanda Hilley

From: Neal Truslow
Sent: Monday, September 11, 2017 2:08 PM
To: BGibbonsj@sccourts.org; bgibbonslc@sccourts.org; Pete Nosal; Mara Ballard; Beth Cogan; Desa Ballard; mrivera@reddingjones.com; tmctier@reddingjones.com
Cc: Douglas Truslow; Amanda Hilley; Mackenzie Woodward
Subject: RE: Combis/Ballard -- Motion for Protective Order

Judge Gibbons:

My father/law partner is stuck in Charleston dealing with the aftereffects of Irma and no longer has power/internet. He was apposed of Mr. Pellington's email below and has asked that I inform the Court that Mr. Pellington's assertions below are incorrect.

- The prior deposition of Mr. Combis was taken in the Federal case (0:14-cv-01839-JFA Ballard et al v. Combis et al). In this separate and distinct action that Ms. Ballard has filed for fees, Ms. Ballard has noticed Mr. Combis' deposition because both Mr. Combis and his counsel have a history of non-cooperation. Mr. Combis has even counterclaimed in this matter, so it is disingenuous to suggest that this is not a separate action.
- Ms. Ballard brought an action for fees in the probate Court and she also filed a Motion to Compel (which you granted) due to Mr. Combis' failure to honor this Court's orders. There is a Rule to Show Cause Order (which you have signed and is now filed).
- It is noteworthy that Mr. Combis avoided the taking of this deposition in the Federal case for over six months. Both Mr. Combis and his counsel have not met their obligations and have jerked Ms. Ballard around terribly. Counsel's current motion is yet another example of the illegitimate tactics that have been employed by Mr. Combis and his counsel.

In consideration of the facts of this case, he asks that you dispatch with Mr. Pellington's request appropriately.

Respectfully,

Neal

Neal D. Truslow
ATTORNEY AT LAW

Truslow & Truslow, P.A.
Phone: 803.256.6276
Fax: 803.256.7659
Website: <http://www.truslowlaw.com/>
Email: nealtruslow@truslowlaw.com

Physical Address:
914 Richland Street, Ste. B-102
Columbia, SC 29201

Mailing Address:
PO Box 1465
Columbia, SC 29202

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-----Original Message-----

From: Douglas Truslow

Sent: Monday, September 11, 2017 1:50 PM

To: Neal Truslow <nealtruslow@truslowlaw.com>

Subject: FW: Combis/Ballard -- Motion for Protective Order

-----Original Message-----

From: Joe Pellington [mailto:jpellington@reddingjones.com]

Sent: Monday, September 11, 2017 1:10 PM

To: Gibbons, Brian M. <BGibbons@sccourts.org>

Cc: Gibbons, Brian Law Clerk (William C. Corbett) <bgibbonslc@sccourts.org>; Douglas Truslow

<douglastruslow@truslowlaw.com>; Pete Nosal <pete@nosajeterlaw.com>; Mara Ballard <Mara@desaballard.com>;

Beth Cogan <Beth@desaballard.com>; Desa Ballard <desab@desaballard.com>; Marisol Rivera

<mrivera@reddingjones.com>; Ty McTier <tmctier@reddingjones.com>

Subject: Combis/Ballard -- Motion for Protective Order

Judge Gibbons,

Please find attached Mr. Combis' motion for protective order for your review and consideration. As set forth in the motion, Mr. Combis contends that Plaintiff is seeking to take his deposition, for the second time, in violation of Rules 26 and 30 of the SCRPC.

From a scheduling standpoint, Plaintiff did not consult with my office prior to noticing the deposition. If they had, I would have informed them that I am unavailable this week to defend Mr. Combis. On Wednesday, the day the deposition is noticed, I am taking two previously scheduled depositions in North Carolina. Despite notification of the substantive objection made to taking the deposition, and my unavailability to appear this week, it is my understanding that Plaintiff still intends to appear at Mr. Nosal's office on Wednesday.

Sincerely,

Joe Pellington

Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211
Direct & Fax | 704-200-2054
Email | jpellington@reddingjones.com

Amanda Hilley

From: Gibbons, Brian M. <BGibbonsj@sccourts.org>
Sent: Monday, September 11, 2017 3:41 PM
To: Pete Nosal
Cc: Joe Pellington; Gibbons, Brian Law Clerk (William C. Corbett); Douglas Truslow; Mara Ballard; Beth Cogan; Desa Ballard; Marisol Rivera; Ty McTier; Neal Truslow
Subject: Re: Combis/Ballard -- Motion for Protective Order

The Motion for Protective Order is denied. The deposition shall go forward. Please act and prepare accordingly.

Judge Gibbons

Sent from my iPhone

On Sep 11, 2017, at 3:18 PM, Pete Nosal <pete@nosajeterlaw.com<mailto:pete@nosajeterlaw.com>> wrote:

Judge Gibbons,

The record in this case speaks for itself. I believe Ms. Ballard is attempting to bring this case to a close.

My clients had to re-engage to me to respond to Mr. Combis's counterclaims, so it is their position that this case is a new matter. As such, they believe Mr. Combis's motion is another attempt to delay.

Peter Nosal

On Mon, Sep 11, 2017 at 1:10 PM, Joe Pellington
<jpellington@reddingjones.com<mailto:jpellington@reddingjones.com>> wrote:
Judge Gibbons,

Please find attached Mr. Combis's motion for protective order for your review and consideration. As set forth in the motion, Mr. Combis contends that Plaintiff is seeking to take his deposition, for the second time, in violation of Rules 26 and 30 of the SCRPC.

From a scheduling standpoint, Plaintiff did not consult with my office prior to noticing the deposition. If they had, I would have informed them that I am unavailable this week to defend Mr. Combis. On Wednesday, the day the deposition is noticed, I am taking two previously scheduled depositions in North Carolina. Despite notification of the substantive objection made to taking the deposition, and my unavailability to appear this week, it is my understanding that Plaintiff still intends to appear at Mr. Nosal's office on Wednesday.

Sincerely,

Joe Pellington

Joseph R. Pellington
2907 Providence Road, Suite A303
Charlotte, North Carolina 28211

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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.

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

**PETITIONER’S RESPONSE
TO RESPONDENTS’ MOTION
TO RECONSIDER**

In response to Respondents' Motion to Reconsider of October 31, 2019, Petitioner would show that overwhelming evidence was presented and was properly considered by this Court. The Court made the correct decision which is now part of the record. Respondents are unnecessarily running up legal fees. If a hearing is required, Petitioner intends to submit a supplemental brief.

Truslow & Truslow Law Firm

S/ Douglas N. Truslow

DOUGLAS N. TRUSLOW
Attorneys for Petitioner
P.O. Box 1465
Columbia, SC 29202
(803) 256-6276
Fax (803) 256-7659
douglastruslow@truslowlaw.com

Columbia, South Carolina
November 13, 2019

ELECTRONICALLY FILED - 2019 Nov 13 11:26 AM - LANCASTER - COMMON PLEAS - CASE#2014CP2900306

Certificate of Counsel

The undersigned counsel for Appellants certifies that, in accordance with Rule 210(c), SCACR, this **Record on Appeal** contains all material proposed to be included by any party that was presented to the lower court and not any other material. The undersigned also certifies that this **Record on Appeal** complies with the Supreme Court of South Carolina's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued April 15, 2014.

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SC Court of Appeals

Respectfully submitted,

REDDING JONES, PLLC

By: s/ Ty K. McTier
Ty K. McTier (S.C. Bar #102900)
Joseph R. Pellington (S.C. Bar
#100490)
2907 Providence Road, Suite 303
Charlotte, NC 28211
(770) 900-2215

McCOY LAW FIRM, LLC

Brian S. McCoy, Esq. (S.C. Bar
#2155)
378 E. Main Street
Rock Hill, SC 29730
(803) 366-2280 Phone

Attorneys for Appellants

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2020-000021

In the Matter of the Estate of Chris Combis,
Desa Ballard, as Personal Representative of the Estate of Chris Combis,
Respondent

v.

George Combis, Diane Combis, and Chris Combis,
Defendants,

Of Whom, George Combis and Chris Combis are the
Appellants,

PROOF OF SERVICE

I, Ty K. McTier, certify that a true and correct copy of the **Record on Appeal** was served on all parties of record listed below by e-mail listed on the Attorney Information System pursuant to South Carolina Court of Appeals Order No. 2020-000447(g)(3):

Douglas N. Truslow (douglastruslow@truslowlaw.com)
Neal D. Truslow (nealtruslow@truslowlaw.com)
Truslow & Truslow Law Firm
Attorneys for Respondent

THIS the 24th day of February, 2021.

REDDING JONES, PLLC

s/Ty K. MCTier
Ty K. McTier (S.C. Bar #102900)
2907 Providence Road, Suite 303
Charlotte, North Carolina 28211
Telephone/Fax: (704) 900-2215
tmctier@reddingjones.com
Attorney for Appellants

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SC Court of Appeals