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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian Gibbons, Special Circuit Court Judge

Case No. 2020-000021
Appellate Case Number 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..... Appellants,

RECORD ON APPEAL

VOLUME II

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FIRM**

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MR. PELLINGTON: Well, we're going to have to agree to disagree on that for right now.

MR. TRUSLOW: I think so. That's a good way for a lawyer to answer. I'd like to go ahead.

MR. PELLINGTON: Okay.

BY MR. TRUSLOW:

Q. It says that each beneficiary -- and that would include you, would it not?

A. I assume.

Q. -- agrees to cooperate with Ballard in locating and taking possession of the assets of the trust.

A. Correct.

Q. And you did not do that, did you?

A. Sure I did.

Q. Tell me what facts you rely on.

A. I brought you the gun and the coins and the what --

Q. And is that all?

A. That's it. What else do you want?

Q. Okay.

A. Can you name anything else that you want that I hadn't complied with?

Q. I can. But that goes back to the Federal case and your argument from your attorney that all of these issues that you've raised in your counterclaim were already

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

A. Okay.

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

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

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

A. Probably a month ago.

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

A. August. Probably August.

Q. August of what year?

A. 2017.

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

A. For me, yes.

Q. For you, it is?

A. Yes.

Q. Why is that?

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

Q. It wasn't important to you?

A. Not a bit.

Q. Okay.

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

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

A. I don't recall.

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

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

Q. No. You can read it to yourself.

A. (Views document). Yes.

Q. All right.

A. Now, may I also read something else?

Q. You may.

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

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

compromise of one or more disputed claims and/or allegations. Further, Linda and Mary Combis acknowledge that the promises, covenants and consideration set forth in this agreement shall not be construed as an admission of liability by George and/or Diane, and that each continues to deny any liability whatsoever to Linda and Mary.

Q. Right.

A. To this end, the terms of this agreement including, but not limited to, the resignation as trustee by Diane shall not be referred to in testimony or attempted to be entered into evidence in any pending, stayed or future litigation.

Q. Okay.

A. So we signed it over and we figured that was the end of everything.

Q. All right.

A. And you can read it yourself.

Q. And that's what it says.

A. That's exactly what it says.

Q. And who was the one that breached that agreement by calling Linda as a witness in the Federal litigation?

A. I don't know.

Q. Whose lawyer called Linda as a witness?

A. I don't know.

Q. Yours, wasn't it?

1 A. I don't know.
 2 Q. You were there in the Federal Court. Are you
 3 telling me you don't remember --
 4 A. I don't remember that.
 5 Q. -- your lawyers calling Linda as a witness?
 6 A. Is that the one where Mary got up and walked out
 7 and didn't show back up and they sat there and babysat? I
 8 don't know.
 9 Q. This is very confusing. Did your attorney call
 10 Linda as a witness in the Federal case? You were there.
 11 You know whether --
 12 A. I guess she did. I guess he did.
 13 Q. You guess? You know it, don't you?
 14 MR. PELLINGTON: Objection.
 15 BY MR. TRUSLOW:
 16 A. I don't know for sure. I guess. I tried to
 17 remember, yes.
 18 Q. Did it happen or not?
 19 A. I don't know.
 20 Q. All right. Let's set the stage and try to -- I
 21 can tell you're very upset but let's get back on track.
 22 MR. PELLINGTON: Objection. He's not very
 23 upset. That's not accurate.
 24 BY MR. TRUSLOW:
 25 A. I'm not upset. I'm just saying I don't think

1 you hear me well.
 2 Q. You were in the Federal trial for the entire
 3 trial, were you not, before Judge Anderson?
 4 A. No.
 5 Q. You were not there?
 6 A. Not the entire time, no.
 7 Q. What period of time were you not there?
 8 A. I think it was about 2:10 in the afternoon, I
 9 went to the bathroom and got a phone call and came back in
 10 about 2:30.
 11 Q. In which case?
 12 A. I don't know. It was just in Columbia.
 13 Q. Excuse me. Which day, I meant.
 14 A. I don't know.
 15 Q. Well, did --
 16 A. Tuesday, I think.
 17 Q. Do you recall your attorneys calling Linda as a
 18 witness?
 19 A. No. But I'm sure she was -- I remember her
 20 being up there and I assume Mr. Redding called her to go up
 21 there.
 22 Q. Okay. You assume it? You know it, don't you?
 23 MR. PELLINGTON: Objection.
 24 BY MR. TRUSLOW:
 25 A. Oh, yeah.

1 Q. Okay. And he asked her a series of questions,
 2 correct?
 3 A. Correct.
 4 Q. About the trust?
 5 A. I don't remember what they were about.
 6 Q. So to the extent that anyone breached this
 7 agreement, it would have been you through your attorneys --
 8 MR. PELLINGTON: Objection.
 9 BY MR. TRUSLOW:
 10 Q. -- isn't that correct?
 11 A. No.
 12 Q. Why not?
 13 A. We had to go to trial to defend ourselves.
 14 Q. Okay. So you called Linda.
 15 A. I didn't call Linda.
 16 MR. PELLINGTON: Objection.
 17 BY MR. TRUSLOW:
 18 Q. Your attorney did.
 19 A. I guess.
 20 Q. You guess or you know?
 21 A. If you say he did, I guess he did.
 22 Q. Well, you were there. You know whether he did
 23 or didn't.
 24 MR. PELLINGTON: Objection.
 25 BY MR. TRUSLOW:

1 A. I might have been out to pee at that time.
 2 Q. Okay. This agreement I've been referring to,
 3 and we're going to have it as Exhibit 8, but it has that it
 4 was signed by Diane Combis on October the 8th, by Desa
 5 Ballard on October the 15th. It has September 2013 signed
 6 by George Combis, but it doesn't have a specific date. And
 7 I'm showing you the signature page. Did you sign it in
 8 September or --
 9 A. I suppose I did.
 10 Q. Okay. And then it was sent to Ms. Ballard on or
 11 about October the 14th --
 12 A. I assume that's right.
 13 Q. -- of 2013; is that correct?
 14 A. I assume.
 15 Q. All right.
 16 MR. TRUSLOW: Just a second. We can go off the
 17 record. Just pause for a second.
 18 (Discussion off the record)
 19 (Plaintiff's Exhibit No. 8, Resignation of
 20 Trustec, was marked for identification.)
 21 MR. TRUSLOW: I'm mindful that Mr. Combis has
 22 said that he's got a granddaughter's soccer game and he very
 23 much wants to go to it. We've still got some areas to cover
 24 but we've got some documents that we have to have and I
 25 think that he's obligated to provide.

1 I'm trying to work this out. And I've got
2 grandchildren, I understand wanting to go to a soccer game.
3 So I think what --

4 THE WITNESS: Do you like soccer?

5 MR. TRUSLOW: I think --

6 MR. PELLINGTON: I want the record to reflect he
7 answered that question.

8 THE WITNESS: Yeah.

9 MR. TRUSLOW: Well, you know, give me football,
10 basketball or bascball.

11 MR. PELLINGTON: Correct. So what you're saying
12 is, we need to reconvene on another day?

13 MR. TRUSLOW: I'm trying to get a time now that
14 works for you.

15 MR. PELLINGTON: I appreciate that.

16 MR. TRUSLOW: We'll try to accommodate

17 Mr. Combis and --

18 MR. PELLINGTON: George, do you have access to
19 your calendar?

20 THE WITNESS: (Shakes head).

21 MR. PELLINGTON: No?

22 THE WITNESS: No.

23 MR. PELLINGTON: So will you be able to know --

24 THE WITNESS: In the morning.

25 MR. PELLINGTON: In the morning?

1 THE WITNESS: Yes.

2 MR. PELLINGTON: Can we get dates to you
3 tomorrow?

4 MR. TRUSLOW: That's fine.

5 MR. PELLINGTON: Okay.

6 MS. BALLARD: Yeah. But let's try to do it the
7 week of October 16th, one of those days.

8 MR. PELLINGTON: So as a heads up, I'm in trial
9 that week in North Carolina.

10 MS. BALLARD: Okay. Well, I'm speaking at
11 seminars on the 20th, on that Friday.

12 MR. TRUSLOW: How about the week before?

13 MS. BALLARD: The week before is the week of the
14 9th, that's fine.

15 MR. PELLINGTON: The week of the 9th is pretty
16 good for me, so --

17 MS. BALLARD: Okay.

18 MR. PELLINGTON: -- George and I, we'll figure
19 out dates and then we'll get back to you.

20 MS. BALLARD: That's fine.

21 MR. PELLINGTON: Okay. And you're going to send
22 me a list of documents?

23 MS. BALLARD: Yes.

24 MR. PELLINGTON: Okay. Is there anything else
25 we need to address? Oh, one more thing on the record. So

1 Mr. Combis testified earlier that the gun that he produced
2 pursuant to the subpoena was unloaded. There was some
3 suggestion that maybe it wasn't unloaded. It's now been
4 confirmed that it was unloaded, right?

5 MR. TRUSLOW: What I had indicated to Counsel --
6 because I went back and checked, I wasn't there when it was
7 delivered -- it was reported to me it was delivered in a
8 grossly unsafe manner. But on taking the magazine out, it's
9 a semi auto, it was opened, my son put a zip tie in it to
10 disable it so it couldn't -- we didn't know whether it was
11 loaded or not. Any gun that's in that position is deemed
12 loaded until you can confirm that it's unloaded.

13 So he took the magazine out, opened it up,
14 racked it open, put a zip tie in it and took a photograph of
15 it. But it didn't have bullets in it.

16 THE WITNESS: It didn't have -- right.

17 MR. PELLINGTON: It did have bullets?

18 MR. TRUSLOW: Did not have bullets.

19 MR. PELLINGTON: It did not?

20 THE WITNESS: Did not.

21 MR. TRUSLOW: Did not. But every gun is loaded
22 until you prove it's not.

23 MR. PELLINGTON: Fair enough. But just to
24 clarify that.

25 MR. TRUSLOW: Thank you. I wish I had brought

1 that up.

2 THE WITNESS: If you take the bullets out of the
3 magazine, does that not mean that it's empty?

4 MR. TRUSLOW: It does not. Guess why?

5 THE WITNESS: Why?

6 MR. TRUSLOW: Because it can have a bullet in
7 the chamber. That's how a lot of people get shot. Every
8 gun is loaded until you prove it's unloaded.

9 THE WITNESS: So you have to pull the top of the
10 gun to unload it?

11 MR. TRUSLOW: You take the magazine out, you
12 slide back the action and -- you can slide it back in open
13 position, but you put a zip tie through it and that's the
14 only way it's deemed safe. I thought everybody knew that
15 but apparently not.

16 THE WITNESS: I thought the magazine had the
17 bullets and that was it. That's why I don't carry a gun.
18 BY MR. TRUSLOW:

19 Q. Now, to finish up, one question and then we'll
20 be done --

21 A. Okay.

22 Q. -- is there anything in your deposition you want
23 to change at all?

24 A. I can't recall.

25 Q. All right.

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1 MR. PELLINGTON: And just so we're clear, your
2 areas of inquiry are not over yet so I am still reserving my
3 right to ask any other questions until your inquiry is
4 completed.

5 MR. TRUSLOW: I understand.
6 MR. PELLINGTON: Okay.
7 THE WITNESS: Okie doke.
8 MR. PELLINGTON: All right. Thank you.
9 MS. BALLARD: Thank you.

10 (The taking of the deposition adjourned at
11 4:25 p.m.)
12
13
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1 CERTIFICATE OF REPORTER

2
3 I, Laura S. DeCillis, Certified Court Reporter and
4 Notary Public in and for the State of South Carolina at
5 Large, do hereby certify:

6 That the foregoing deposition was taken before me
7 on the date and at the time and location stated on Page 1 of
8 this transcript; that the deponent was duly sworn to testify
9 to the truth, the whole truth and nothing but the truth;
10 that the testimony of the deponent and all objections made
11 at the time of the examination were recorded
12 stenographically by me and were thereafter transcribed; that
13 the foregoing deposition as typed is a true, accurate and
14 complete record of the testimony of the deponent and of all
15 objections made at the time of the examination to the best
16 of my ability.

17 I further certify that I am neither related to nor
18 counsel for any party to the cause pending or interested in
19 the events thereof.

20 I further certify that the original of said
21 transcript shall be hereafter sealed and delivered to
22 DOUGLAS N. TRUSLOW, ESQUIRE, Truslow & Truslow Law Firm, 914
23 Richland Street, Suite B-102, Columbia, South Carolina,
24 29201, and that this original transcript shall be retained
25 by the above party, who shall be responsible for filing same
with the court prior to trial or any hearing which might
result in a final order on any issue.

Witness my hand, I have hereto affixed my
official seal this 22nd day of September 2017, at Columbia,
Richland County, South Carolina.

Laura S. DeCillis,
Certified Court Reporter
State of South Carolina at Large
My Commission expires
August 4, 2026

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1 VERIFICATION

2
3 I, GEORGE C. COMBIS, have read the foregoing
4 transcript, which was reported by Laura S. DeCillis,
5 Certified Court Reporter in and for the State of South
6 Carolina and Notary Public, on Wednesday, the 13th day of
7 September 2017.

8
9 I find this transcript to be a true and accurate
10 transcript according to my testimony on that date, with the
11 exception of _____ changes and/or corrections listed
12 on the attached errata sheet which was filled in by me.
13
14
15
16
17 _____
18 George C. Combis
19
20 _____, 2017.
21
22
23
24
25

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1 ERRATA SHEET

PAGE#	LINE#	CHANGE/CORRECTION	(EXPLANATION)
3	---	---	---
4	---	---	---
5	---	---	---
6	---	---	---
7	---	---	---
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12	---	---	---
13	---	---	---
14	---	---	---
15	---	---	---
16	---	---	---

17 The above changes were noted by me on this errata
18 sheet before signing the attached verification of witness.
19 I have retained a copy of this errata sheet for my records,
20 and the court reporter is to attach this page and my
21 verification to the original transcript.
22 Dated: _____
23 _____
24 George C. Combis
25

GEORGE C. COMBIS

1 (Pages 1 to 4)

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS COUNTY OF LANCASTER) SIXTH JUDICIAL CIRCUIT C.A. NO. 2014-CP-29-00306 In re: Chris Combis, deceased) Desa Ballard,) Plaintiff,) DEPOSITION OF vs.) GEORGE C. COMBIS George Combis,) October 11, 2017 Defendant/Third-Party Plaintiff,) Volume II vs.) Mary Combis and Linda Combis,) Third-Party Defendants.) Continued 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 11th day of October 2017, scheduled for 10:00 a.m. and commencing at the hour of 10:04 a.m.	Contents 2 Stipulations 4 3 Examination by Mr. Truslow 4 4 Examination by Mr. Pellington 120 5 Reexamination by Mr. Truslow 123 6 Certificate of Reporter 127 7 Verification 128 8 Errata Sheet 129 9 Word Index EXHIBITS 11 Plaintiff's 12 9 Quitclaim Deed 50 13 10 NonWarranty Deed 50 14 11 Photograph 26 15 12 Photograph 27 16 13 Deposit Record 30 17 14 Email - 9/14/17 113 18 15 Dr. Lipton Statement 121 19 20 21 22 23 24 25
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1 APPEARANCES 2 Representing the Plaintiff: 3 DOUGLAS N. TRUSLOW, ESQUIRE Truslow & Truslow Law Firm 4 914 Richland Street, Suite B-102 Columbia, South Carolina 29201 5 6 Representing George C. Combis: 7 JOSEPH PELLINGTON, ESQUIRE Redding Jones 2907 Providence Road, Suite A303 8 Charlotte, North Carolina 28211 9 Representing Mary Combis and Linda Combis: 10 PETER J. NOSAL, ESQUIRE Nosal & Jeter Law 11 852 Gold Hill Road, Unit 201 Fort Mill, South Carolina 29708 12 13 Also present: 14 Desa Ballard, Esquire 15 16 17 18 19 20 21 22 23 24 25	1 This deposition is taken in accordance with the 2 South Carolina Rules of Civil Procedure. 3 It is agreed and stipulated by the deponent and 4 respective counsel that the reading and signing of the 5 deposition by the deponent is expressly not waived. 6 Whereupon: 7 George C. Combis, having been duly sworn and 8 cautioned to speak the truth, the whole truth and 9 nothing but the truth, testified as follows: 10 EXAMINATION BY MR. TRUSLOW: 11 Q. Mr. Combis, you realize that we had to recess 12 your deposition and that you're still under oath; do you 13 understand that? 14 A. Yes. 15 Q. Have you had a chance to review your deposition? 16 A. A little bit. 17 Q. Explain to me what you did in reviewing it. 18 A. Read over it. 19 Q. Did you have sufficient time to read over it? 20 A. Yes. I believe I did. 21 Q. Okay. And in reading it, was there anything in 22 there at any point where you said things that were lies? 23 A. I don't recall. 24 Q. You don't recall whether they were lies or you 25 don't recall whether you read them?

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1 A. I don't recall, period. 2 Q. You don't recall the deposition? 3 A. I don't recall everything in it. 4 Q. Do you recall anything in it? 5 A. Some. 6 Q. Do you recall saying anything in the deposition 7 that was untrue? 8 A. No. 9 Q. You don't recall or you say you didn't? 10 A. I don't recall. 11 Q. Okay. Since the time of your deposition 12 regarding this case, have you talked to your wife? 13 A. Sure. 14 Q. Your son? 15 A. No. 16 Q. Your attorney? 17 A. Yes. 18 Q. Okay. What did you talk to your wife about? 19 A. What we were going to have for dinner. 20 Q. No. I said about this case. 21 A. About this case? Just some slight overviews of 22 some of the questions. 23 Q. What did you say to her and what did she say to 24 you about your deposition? 25 A. It was long and very repetitive and that was	1 A. I suppose. 2 Q. Okay. And then you read it? 3 A. Most of it. 4 Q. Okay. I'm not going to talk to you about the 5 details of your conversation, but did you talk to your 6 attorney about it? 7 MR. PELLINGTON: Objection. 8 BY MR. TRUSLOW: 9 A. Very little. 10 Q. Okay. Did you talk to him about any of the 11 details of the deposition? 12 A. I can't recall talking to him about the 13 deposition, no. 14 Q. Did you talk to him about your testimony? 15 A. No. 16 Q. Did you talk to him to get prepared for today's 17 deposition? 18 A. No. 19 Q. Did you talk to any of your attorneys about the 20 substance of this deposition or you taking it today? 21 A. No. 22 Q. What attorneys have you consulted regarding this 23 lawsuit by Ms. Ballard? 24 A. This gentleman, Dave Redding and that's it. 25 Q. When you said, this gentleman, who are you
Page 6	Page 8
1 about it. 2 Q. Did you talk to her about any of the details of 3 what you said? 4 A. Not much, no. 5 Q. Well, or the not much, can you tell me what you 6 talked to her about, about what details? 7 A. Just very preliminary. 8 Q. Well, explain that to me as fully as you can. 9 A. Well, that you had implied that the gun was 10 loaded, which was not true, and that -- that was about it, 11 really, about the gun. 12 Q. I think that's partially accurate. I think the 13 gun ultimately was unloaded. But in my world, when you 14 leave a gun off safe with a magazine in, it's deemed loaded 15 until it's disabled, but we can move beyond that. I 16 understand your point. 17 MR. PELLINGTON: Objection. 18 BY MR. TRUSLOW: 19 Q. What else did you talk to her about? 20 A. Really, that was it. Mostly about the gun. 21 Q. Mostly about the gun and nothing else? 22 A. (Nods head). 23 Q. Okay. How did you get the deposition? 24 A. Email. 25 Q. From your attorney?	1 referring to? 2 A. Joe Pellington. 3 Q. All right. So those are the only two that 4 you've talked to? 5 A. To my knowledge, yes. 6 Q. Okay. Well, you would be the one that would 7 know, wouldn't you? 8 A. Yes, sir. 9 Q. All right. So your testimony is that those are 10 the only ones that you've talked to? 11 A. Yes. 12 Q. But you didn't talk to them about the deposition 13 or to prepare for this deposition today; is that correct? 14 MR. PELLINGTON: Objection. 15 BY MR. TRUSLOW: 16 A. Very little, if any. 17 Q. Okay. Well, the reason I'm asking is because 18 when we take a deposition and there is a recess or a break, 19 I get to inquire specifically about any communications that 20 you've had after that. So I'm trying to find out what you 21 talked to and if you say, little, that could mean different 22 things to anybody or to different people, so what did you 23 talk about? What did he say, what did you say? 24 A. I inquired about the gun and I told him that I 25 unloaded it, and I made a point to say that I kept the

Page 9 1 bullets. And other than that -- and I think he said that 2 that was -- that you had been mistaken and that was about 3 another case. 4 Q. I thought we had fleshed that out. I'm talking 5 about since the deposition when we recessed it last time. 6 A. Well, since the deposition I talked to him about 7 the gun. And other than that, nothing. 8 Q. Is that all? 9 A. Yes. 10 MR. PELLINGTON: He just said it was all. 11 Objection. He just said it was all. 12 THE WITNESS: I know. 13 BY MR. TRUSLOW: 14 A. About the gun. 15 Q. And no other conversation at all? 16 A. Nope. 17 Q. Okay. So since the time of your deposition 18 then, am I correct you haven't talked to Mr. Pellington 19 except about you mentioned the gun and that's it? 20 A. That's it. 21 Q. So if that's it, is that the truth, the whole 22 truth and nothing but the truth? 23 MR. PELLINGTON: Objection. 24 BY MR. TRUSLOW: 25 Q. It is?	Page 11 1 Anything else outside of that, I'm going to instruct him not 2 to answer your questions. 3 MR. TRUSLOW: All right. 4 BY MR. TRUSLOW: 5 Q. Relative to the deposition, in that context, 6 have you discussed what you said in an attempt to try to 7 resolve the case? 8 MR. PELLINGTON: Objection. You're not allowed 9 to dive into conversations that we had about any efforts to 10 resolve this case. I'm instructing you not to answer. 11 THE WITNESS: Okay. 12 MR. TRUSLOW: Well, just so the record will be 13 clear, I wanted to inquire if he had talked with Counsel 14 about the substance of the deposition to prepare or anything 15 that related to consequences. If you've represented you've 16 not had any of those conversations then I think we'll go on 17 to something else. If, on the other hand -- 18 MR. PELLINGTON: Well, I'm not -- 19 MR. TRUSLOW: Let me finish, please, sir. If, 20 on the other hand, you're instructing him not to answer, I 21 think, with all due respect, you're mistaken. 22 MR. PELLINGTON: Okay. 23 MR. TRUSLOW: Are you representing that you 24 haven't had any conversations with him? 25 MR. PELLINGTON: It is not my place to make any
Page 10 1 A. Yes. 2 Q. Okay. So -- 3 A. To the best of my knowledge that's the whole 4 truth. 5 Q. So you wouldn't have talked to him since the 6 time of the deposition about resolving or settling this 7 case? 8 MR. PELLINGTON: Objection. 9 BY MR. TRUSLOW: 10 Q. Go ahead. If you hadn't talked to him -- 11 MR. PELLINGTON: No. I'm going to -- first of 12 all, Counselor, you need to be more precise with your 13 questions. You've asked him about the scope of the 14 deposition. I'm going to allow that to go under Rule 30, or 15 whatever it is, subpart. But anything outside of the 16 deposition, settlement talks or anything else, is 17 attorney/client privilege and I'm not going to let him 18 answer that. 19 MR. TRUSLOW: I think he's already answered, but 20 I just want to make sure -- 21 MR. PELLINGTON: No. Because what you asked 22 was, what did you talk about in the earlier deposition and 23 he said the gun, correct, about that. That's in reference 24 of the deposition, he said the gun and nothing else. And 25 that's the entire scope that you're allowed to dive into.	Page 12 1 representations. I've not put my hand on the Bible, I am 2 not being deposed, I am not under oath. I am here to defend 3 my client and you have asked questions as to what was 4 discussed with respect to the deposition. Anything outside 5 of that, including settlement talks, any efforts to resolve 6 this case or anything else is outside that scope. 7 I'm allowed to advise my client on ancillary 8 matters in the interim. I am instructing my client to not 9 answer anything other than what we've discussed about the 10 deposition and he's already testified to that. 11 MR. TRUSLOW: I understand your position. I 12 think as an Officer of the Court -- and I'm not trying to 13 lecture you, but if you know that you have had discussions 14 regarding this case, the deposition, you have an obligation 15 to tell us if your client says something that's incorrect. 16 And that's the purpose of my inquiry to you. And you're 17 saying you're not going to -- 18 MR. PELLINGTON: Well, what I'm saying is, you 19 have no right to -- 20 MR. TRUSLOW: You're not going to disclose? 21 MR. PELLINGTON: I'm not going to disclose 22 anything. 23 MR. TRUSLOW: All right. Not that I agree, but 24 I understand your position. 25 BY MR. TRUSLOW:

Page 13 1 Q. All right. We had some dialogue going between 2 myself and your attorney, Mr. Combis, and I know it might be 3 some what repetitive to you, but for me, I need to know if 4 you had any conversations with Mr. Pellington or Mr. Redding 5 or any other attorney about your deposition. 6 MR. PELLINGTON: Objection, asked and answered. 7 BY MR. TRUSLOW: 8 Q. Go ahead? 9 A. I answered it already. 10 Q. And the answer is no; is that correct? 11 MR. PELLINGTON: Objection, mischaracterizing 12 the testimony. 13 MS. BALLARD: Can you get me the rule book? 14 MR. NOSAL: Yes. 15 MS. BALLARD: You can't give speaking 16 objections. 17 BY MR. TRUSLOW: 18 Q. You're required to answer, Mr. Combis. It's a 19 simple question and then I think we can move on. Can you 20 answer it? Is the answer that you had no conversations 21 regarding the substance of your deposition or preparation 22 for today? 23 A. Let's see the rule book. You seem to be wanting 24 to go by the rules. 25 MR. PELLINGTON: I will not give speaking	Page 15 1 pieces of paper and that could be considered production from 2 my client. 3 BY MR. TRUSLOW: 4 Q. The documents that you -- we'll make this an 5 exhibit -- but the documents you produced, it has a picture 6 of some coins and what appears to be a Rolex watch on the 7 top. At the bottom it says Dwight D. Eisenhower. The 8 second page it says Mayo Clinic at the top and it has an 9 indication in the middle that time is critical in a heart 10 attack. And the third thing is a document that looks like 11 it got generated October the 3rd and says Superior Tile & 12 Terrazzo Corporation. Are these the documents that you have 13 produced? 14 A. Yes. 15 Q. All right. What about the rest of the documents 16 that we had requested? And, quite frankly, I understood you 17 were going to bring them today. Where are they? You said 18 you chose not to bring them? 19 A. Right. I got to thinking about it with my CPA 20 and I didn't think it was of our need to produce them. 21 Q. I don't understand. It was not our what? 22 A. Our need to produce them. 23 Q. It was not our need? Is that -- 24 A. My need. 25 Q. Why is that?
Page 14 1 objections. I will say object to form or just objection. 2 And if I'm going to instruct my client not to answer, I will 3 tell him that; otherwise, he can answer the question, okay? 4 BY MR. TRUSLOW: 5 Q. Go ahead and answer the question, please. 6 A. Ask it again. 7 Q. Have you talked to any attorney regarding your 8 deposition or for preparation for today? 9 MR. PELLINGTON: Objection. 10 BY MR. TRUSLOW: 11 A. And I told you previously, yes, we talked about 12 the gun issue. 13 Q. Anything else besides that? 14 A. No. 15 Q. Okay. Now, you were to bring some documents 16 today. Can you tell me what you have brought? 17 A. I didn't bring anything with me. 18 Q. We recessed your deposition and your attorney 19 asked us to make a, not only a verbal, but a written list, 20 which we did and -- 21 A. And I chose not to bring those. 22 Q. You chose not to? 23 A. Uh-huh. 24 MR. PELLINGTON: I would like the record to 25 reflect that prior to the deposition I did hand you three	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,

Page 17 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.	Page 19 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.
Page 18 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	Page 20 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

Page 21 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?	Page 23 1 Q. I don't know that you did. But the document 2 that said -- 3 A. I showed it to you. Why don't you know I did? 4 Q. That you went over something with Todd Plower 5 about \$50,000? 6 A. (Nods head). 7 Q. Is that the \$50,000 that the Court said that you 8 and your wife had misappropriated? 9 A. No. 10 Q. There's a different \$50,000? 11 A. No. 12 Q. Which \$50,000 is it? 13 A. You said that my wife had misappropriated it. 14 Q. Okay. 15 A. I didn't have anything to do with it. 16 Q. Well, I said and/or. 17 A. You didn't say and/or. 18 Q. Okay. 19 THE WITNESS: Did he say and/or? No, I don't 20 think he did. (Directed at the court reporter). 21 BY MR. TRUSLOW: 22 Q. All right. Let's try it this way, that the 23 Court found you and/or your wife misappropriated it? 24 MR. PELLINGTON: Objection. 25 BY MR. TRUSLOW:
Page 22 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.	Page 24 1 A. Objection. I don't know what the Court found. 2 That's up to you to see. 3 Q. I couldn't hear the last thing you said. 4 A. That's up to you to see. I don't know what the 5 Court found. I'm just saying I complied with that part of 6 it and gave it to you and you have it in front of you. 7 Q. So did Todd Plowler tell you that you didn't 8 have to produce documents regarding the \$50,000? 9 A. No comment. 10 Q. You're just refusing to answer? 11 A. No. I gave it to you. You have it in front of 12 you. 13 Q. Did Todd Plowler -- 14 A. Todd Plowler didn't talk to me about that any 15 more than that he'd found it for me and showed me where the 16 entry was made and he had overlooked it back when we were 17 trying to produce it. 18 Q. What other documents did you go over with Todd 19 Plowler? 20 A. None. 21 Q. None at all? 22 A. None. 23 Q. So if you didn't go over any documents with him, 24 how was he able to tell you not to produce anything? 25 A. We went over those documents and the rest of it,

Page 25 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	Page 27 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
Page 26 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	Page 28 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.

Page 29 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.	Page 31 1 Q. I'm sorry. 2007. Is that correct? 2 A. Yes. 3 Q. And that was your father's money, correct? 4 A. I am assuming it was a CD. That was the missing 5 CD that she found. 6 Q. And -- 7 A. And he wanted it deposited into the Tile 8 account. 9 Q. Whose account did it go into? 10 A. Superior Tile. 11 Q. And who owned the company? 12 A. I think I did. 13 Q. Okay. Your wife is trustee for your father. 14 A. Uh-huh. 15 Q. She takes money that was his money and puts it 16 into your account; is that what you're telling me? 17 A. She put it into the company account, not my 18 personal account. 19 Q. Okay. Well, into Superior Tile and Marble 20 Corporation of which you were the owner; is that what you're 21 telling me? 22 A. That's what I'm telling you. 23 Q. Okay. 24 A. At my father's request, by the way. 25 Q. Well, it's obvious that he's passed and we can't
Page 30 1 A. Humm. 2 Q. That's a picture of Lash Larue. He's with the 3 black hat. 4 A. I had lunch with him many times. 5 Q. The third item, and I'm going to identify this 6 as Exhibit 13, what is this? 7 (Exhibit No. 13, Deposit Record, was marked for 8 identification.) 9 BY MR. TRUSLOW: 10 A. This is the record of the deposit of that 11 \$49,564 that my wife had put into the account and this shows 12 you how it was depleted. 13 Q. All right. So -- 14 MR. PELLINGTON: I'm going to hand my client an 15 extra copy so if you want to ask him questions about it you 16 can talk about the same document. 17 MR. TRUSLOW: Sure. Thank you. 18 MR. PELLINGTON: Okay. 19 BY MR. TRUSLOW: 20 Q. Referring to Exhibit 13 as indicated here, that 21 \$49,564 was deposited on December 6th, 2017; is that 22 correct? 23 MR. PELLINGTON: Objection. 24 BY MR. TRUSLOW: 25 A. '07.	Page 32 1 ask and you have no document to substantiate that he said 2 it, do you? 3 A. Sure I do. There it is. 4 Q. What document that he said it that he told you 5 to do it, what document do you have that he told you to do 6 it? 7 A. He told me to do it. That's document enough. 8 Q. Okay. 9 A. It might not be for you but I take his word. 10 Q. Well, maybe we could and maybe we couldn't. But 11 with all due respect, it's still a question of whether we 12 can accept what you've said, if you understand. 13 Who is Structure Services? 14 A. I have no clue. 15 Q. And Superior Stone, who is that? 16 A. That is work that, or a company that did work 17 for Superior Tile. 18 Q. And why would your father's trust funds be used 19 to pay Superior Stone? 20 MR. PELLINGTON: Objection. 21 BY MR. TRUSLOW: 22 A. That's what he wanted to do. He wanted to put 23 it into the company. 24 Q. So why would your father's trust money be used 25 for Superior Tile and Marble, which is the company that you

Page 33 1 own, why would it be used for payroll and taxes? 2 A. Because he said to put it in there and pay your 3 expenses. 4 Q. Who is Jason Young? 5 A. I do not know. 6 Q. Who is Benton Express? 7 A. I do not know. These are all various vendors 8 that we paid. Come to think of it, Structure Services is a 9 general contractor. 10 Q. Ford Credit, what was that payment? 11 A. I have no clue in 2007. 12 Q. Okay. 13 A. I imagine for some truck. 14 Q. I can see that Superior Stone, there was a fund 15 transfer of \$172,631; is that correct? 16 A. It looks like it. 17 Q. And why is it that you say, if we're trying to 18 trace this \$50,000, why was the money then transferred -- 19 your father's trust funds, why did it go to Superior Tile 20 and Marble, then paid out monies for payroll for Superior 21 Tile and then, ultimately, if there's anything left over, 22 that it goes to Superior Stone? Why did that happen? 23 MR. PELLINGTON: Objection. 24 BY MR. TRUSLOW: 25 A. That's just his wishes.	Page 35 1 door. Presumably, he'll come back. 2 MR. PELLINGTON: I don't think he cursed. I 3 don't think he slammed the door -- 4 MR. TRUSLOW: I heard him curse. 5 MR. PELLINGTON: -- and I think he was getting 6 up to leave to go to the bathroom before you asked your 7 question. 8 MR. TRUSLOW: I heard him curse. I think the 9 record will reflect what he said, that he cursed. 10 MR. PELLINGTON: Well, I didn't hear him curse. 11 MR. TRUSLOW: Well, you need to listen. I 12 wouldn't want to listen either if I had been you. But 13 that's nothing new for him. All right. I guess we'll 14 recess for a minute. 15 (Recess from 10:43 a.m. to 10:46 a.m.) 16 BY MR. TRUSLOW: 17 Q. All right. Mr. Combis, I know we've had some 18 difficulty and sometimes you get upset during these 19 depositions and I'm sorry. I'm just trying to get to the 20 bottom of this and I'd like to keep this on a professional 21 level. 22 Why did you get so upset? Because it seems to 23 happen a lot, but -- 24 MR. PELLINGTON: Objection. 25 BY MR. TRUSLOW:
Page 34 1 Q. Okay. Isn't it pretty obvious why this document 2 wasn't produced? Because it would prove devastating in your 3 case in Federal Court if you had introduced this document, 4 Exhibit 13? 5 A. How was it devastating? 6 Q. Well, it shows that you misappropriated -- you 7 and/or your wife misappropriated close to \$50,000 and used 8 it for yourself, that's how. 9 MR. PELLINGTON: Objection. 10 BY MR. TRUSLOW: 11 A. How do you say yourself when it's all for the 12 company? 13 Q. You're the owner of the corporation, that's how. 14 THE WITNESS: What are you laughing at? 15 (Directed to Ms. Ballard). Damn it. 16 BY MR. TRUSLOW: 17 Q. Tell me why this money wasn't misappropriated -- 18 A. I'm going to the bathroom. (Exits conference 19 room). 20 MR. TRUSLOW: Okay. 21 MR. PELLINGTON: Take five minutes for a 22 bathroom break? 23 MR. TRUSLOW: Let the record show Mr. Combis, 24 when I was asking these questions, he started to curse. He 25 stood up and said he was going to the bathroom, slammed the	Page 36 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

Page 37 1 tell me. You've got one right in front of you that's 2 highlighted. Look in the upper right-hand corner and tell 3 me when it was generated. 4 A. At 9:54 a.m. it was generated, but -- 5 Q. At 9:54 on October the 3rd, 2017? 6 A. Correct. And that was just a copy of the 7 transaction that appeared in December of '07. 8 Q. Who generated this document? 9 A. My bookkeeper. 10 Q. So she had access to this? 11 A. Yes. 12 Q. And she had access to it while Ms. Ballard's 13 forensic accountant was trying to do her job and it was just 14 overlooked; is that what you're saying? 15 MR. PELLINGTON: Objection. 16 BY MR. TRUSLOW: 17 A. Yes. It was overlooked. We just couldn't find 18 it. We gave her everything else and we would have easily 19 given her this because this is where this missing \$50,000 20 went. 21 Q. All right. Well, it appears clear that it did 22 not remain in the trust, it went for Superior Stone and 23 Superior Tile. 24 MR. PELLINGTON: Objection. 25 BY MR. TRUSLOW:	Page 39 1 any psychotropic medications, that sort of thing. So with 2 that in mind, are you having problems of a mental -- 3 A. My memory is not the best in the world because 4 it's been so long ago and there were so many things going 5 over. So when I make mistakes it's certainly not 6 intentional. I just can't recall all the facts and the 7 details surrounding this case. It's been what, eight years? 8 Q. Well, I was focused more on you getting upset 9 like from the last deposition to this one about producing 10 documents and then just not producing them. Are you seeing 11 a physician? 12 A. Oh, yeah. I just told you that. 13 Q. All right. For what? Unrelated to 14 heart-related things or a sore throat. 15 A. Depression, memory loss, anxiety. 16 Q. Okay. Well, I'm sorry. Who are you seeing? 17 A. Jordan Lipton. 18 Q. Is this a physician or a psychologist or a 19 psychiatrist? 20 A. A physician. 21 Q. And what kind of physician is he? 22 A. A general practitioner, I assume. 23 Q. An internist or a GP? They're very similar. 24 A. I don't know. 25 Q. Okay.
Page 38 1 Q. Would you agree with that, looking at Exhibit 2 13? 3 A. I don't know if it was ever in the trust to 4 start with. 5 Q. Well, there was a deposit. Do you know where 6 the deposit came from? 7 A. No. 8 Q. All right. 9 A. If I had to guess, it was a personal check that 10 my father had written, but I'm not positive. 11 Q. Would you be surprised if we told you it had 12 come from your father's trust funds? 13 A. It wouldn't have. I wouldn't be surprised at 14 all. He was in and out of that trust like no big deal. 15 Q. I asked you this before but I wanted to give you 16 a chance to calm down some. Are you seeing a physician for 17 any mental health problems? 18 A. No. Not to my knowledge. I'm seeing a 19 physician and he says I have certain problems, so -- 20 Q. And I don't mean to inquire and I'm really not, 21 and you don't have to tell me, I don't want to know, if it's 22 heart related, prostate related, if you have an upset 23 stomach. But I want to focus on mental-type things, if 24 you've got any trouble with your memory. Do you have any 25 like start of dementia, Alzheimer's, depression, were you on	Page 40 1 MR. PELLINGTON: Okay. I'll tell you what. 2 Mr. Truslow, do you mind if I have a minute with my client 3 to discuss about something that -- could we go off the 4 record for a second? 5 MR. TRUSLOW: I think I know where you're going 6 and that's fine. And if you, as an officer, tell me it's 7 something that I would understand and don't need to ask 8 about that, then that's okay. 9 MR. PELLINGTON: Okay. If I could just have a 10 minute with him? 11 MR. TRUSLOW: All right. 12 (Recess from 10:53 a.m. to 10:55 a.m.) 13 MR. PELLINGTON: Okay. We can go back on the 14 record. Mr. Truslow, I'm going to hand you a document that 15 I was going to introduce in this deposition anyway. But 16 since you've already gone down this line of questioning, I 17 figured it might be quicker if I just give it to you now. 18 And then if you want, take a minute to take a look at that, 19 and I'll represent to you that this is what we discussed off 20 the record. 21 MR. TRUSLOW: Okay. (Views document). Okay. 22 BY MR. TRUSLOW: 23 Q. Other than seeing Dr. Lipton, are you seeing any 24 other physicians or medical providers for any mental 25 condition?

Page 41 1 A. Not that I know of. 2 Q. Are you getting any -- well, I don't want to try 3 to argue, but you would be the person that would know, 4 wouldn't you, whether you're seeing somebody? 5 A. Yes. I haven't run into anybody that I might 6 have -- 7 Q. Are you on any medications for depression, 8 anxiety, memory loss or anything like that? 9 A. Yes. 10 Q. What medications? 11 A. You'll have to ask my wife. 12 Q. Are you saying you don't know? 13 A. I don't know. I don't keep up with it. 14 Q. Do you take them every day? 15 A. Twice daily. 16 Q. Is it for sleep or is it for anger issues or 17 what? 18 A. All of the above. 19 Q. Okay. Talking about Exhibit 13 that you did 20 produce, who is the person that ran this document? Who 21 generated it? 22 A. Charlene Winecoff, my bookkeeper. 23 Q. So this document was always in the possession of 24 your company? 25 MR. PELLINGTON: Objection.	Page 43 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
Page 42 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. Flowler 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. Flowler? 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.	Page 44 1 morning. (Views document). November 13th? Yes. But I 2 haven't had a chance to look at it. Do you want me to take 3 time to read it? 4 Q. Yes, sir. If you would. 5 A. Well, ya'll might want to take about an hour 6 break. 7 Q. I don't think it'll take up that much time. You 8 can look at the front page and you should be able to see 9 what it is. 10 A. (Views document). 11 Q. Mr. Combis, on the front page, if you would look 12 at the front page in the upper right-hand corner, does it 13 say rule to show cause? 14 A. (Views document). Rule to show cause, yes. 15 Q. And it's directed to you, is it not? 16 A. One of me -- yeah. One of us. 17 Q. And is it signed by a judge? 18 A. Uh-huh. 19 Q. I couldn't hear you. 20 A. Yes. 21 Q. And you -- 22 A. I assume that's right. 23 Q. And you are to appear on what day? 24 THE WITNESS: Why does he ask these questions 25 that he knows the answers to?

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1 BY MR. TRUSLOW:
2 A. I don't know what day.
3 Q. May I see the document, please, sir? (Views
4 document). Do you see November the 13th?
5 A. Yes.
6 Q. Is that the day you are to appear?
7 A. That's the date, yes.
8 Q. Yes.
9 A. I don't know what day it is.
10 Q. Date.
11 A. Excuse me.
12 Q. All right. Is there any reason why you can't be
13 there?
14 A. I'd have to go back and check my schedule.
15 Q. All right. So you've been --
16 A. So why don't you tell me what this --
17 Q. You've been served with this document, have you
18 not? Hadn't it been handed to you?
19 A. Five minutes ago, yes.
20 Q. Five minutes ago?
21 A. Twenty minutes ago.
22 Q. Or twenty minutes ago?
23 A. Whatever when I walked in the door, you know,
24 golly.
25 Q. You got served with it today?

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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 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 MR. PELLINGTON: Objection.
2 BY MR. TRUSLOW:
3 A. Yes.
4 Q. Do you or any of your corporations or your
5 wife's corporations have any use of an airplane at this
6 point in time?
7 A. No.
8 Q. Whatever use you had you've turned in or
9 relinquished?
10 A. Yes.
11 Q. How long did you have the use of an airplane?
12 A. A couple of hours.
13 Q. A couple hours total or a couple hours a week,
14 or what?
15 A. A couple of hours to go to Alabama for a job.
16 Q. And you only used the airplane one time for a
17 couple of hours in Alabama?
18 A. I can't recall, it's been so long ago. But I
19 do, you know -- we had a significant need for it at the
20 University of Alabama.
21 Q. When did you relinquish whatever interest you
22 might have had in the plane?
23 A. Five years ago or more.
24 Q. Okay. Going on to something else -- and I sure
25 wish you had brought some documents -- but when we were

Page 49 1 doing your deposition last time and had to recess it, I had 2 asked you if you had transferred out, sold, gotten rid of, 3 put in anybody's name any real estate, among other 4 questions, and you said no. That wasn't true, was it? 5 MR. PELLINGTON: Objection. 6 BY MR. TRUSLOW: 7 A. I had made a mistake in there was that lot that 8 was behind my son's house. 9 Q. Okay. And that was what, a 600,000 dollar 10 mistake/oversight on your part? 11 MR. PELLINGTON: Objection. 12 BY MR. TRUSLOW: 13 A. I don't know the exact dollar amount. 14 Q. Okay. And the same thing I asked you, I think 15 it was Brevard Street. That's about a two million dollar 16 oversight, was it not, on your part? 17 MR. PELLINGTON: Objection. 18 BY MR. TRUSLOW: 19 A. I hadn't done anything with Brevard Street. 20 Q. Have you transferred any property -- I'm going 21 to ask now because I'm trying to get my mind around it -- 22 have you transferred any property out of your name since 23 2015? 24 MR. PELLINGTON: Objection. 25 BY MR. TRUSLOW:	Page 51 1 deposition we didn't bring -- 2 MR. PELLINGTON: Are these the same as 4 and 5 3 that were entered previously? 4 MR. TRUSLOW: I'm not sure what 4 and -- 5 MR. PELLINGTON: A non-warranty deed and 6 quitclaim deed? 7 MR. TRUSLOW: This is a non-warranty deed and a 8 quitclaim deed. One is dated the 19th day of May of 2016 9 and the other one looks like September 22nd, 2015. 10 MR. PELLINGTON: Do you mind if I get a copy so 11 I can follow along? 12 MR. TRUSLOW: Sure. I'll show you these. We 13 delivered a copy to you before. 14 MR. PELLINGTON: Number 10 appears to be the 15 same as number 4. 16 MR. TRUSLOW: Okay. 17 MR. PELLINGTON: I'm just curious why we're 18 entering it again. I just want to make sure that I 19 understand what you're talking about following along. I'm 20 not trying to interrupt. 21 MR. TRUSLOW: No. Take your time. We want to 22 have a clear record. 23 MR. PELLINGTON: And number 5 appears to be the 24 same as number 9. 25 MR. TRUSLOW: All right.
Page 50 1 A. I'd have to do some deep looking. 2 Q. What would you need to look at? 3 A. Some of my past transactions. 4 Q. Well, that's one of the reasons why we recessed 5 your deposition, so you could get it for today, but you've 6 said it's none of our business. 7 MR. PELLINGTON: Objection. 8 BY MR. TRUSLOW: 9 A. Well, you probably know so you tell me then and 10 I can agree or disagree, how's that? 11 Q. Well, that's not okay. I'm here to ask you 12 questions. I asked you before whether you transferred out 13 any property, then we found out that there was and you 14 finally admitted it and said that was an oversight. And I 15 don't think it happened on just one occasion. 16 MR. TRUSLOW: We have some documents -- 17 (Exhibit No. 9, Quitclaim Deed, previously 18 having been marked for identification.) 19 (Exhibit No. 10, Non-Warranty Deed, previously 20 having been marked for identification.) 21 MR. PELLINGTON: These are new exhibits entered 22 today? 23 MR. TRUSLOW: They are, but they're already in 24 the record from the last deposition. Today they are 9 and 25 10. And what these are is, this is a -- from the past	Page 52 1 MR. PELLINGTON: Okay. 2 MR. TRUSLOW: I think we're on the same page and 3 we agree. 4 MR. PELLINGTON: All right. 5 BY MR. TRUSLOW: 6 Q. Now, looking today at what's Exhibit 9, which is 7 also 5 from when we started previously, you agree that you 8 deeded over whatever interest you had in the parcel 9 identified to your wife, did you not? I'm showing you 10 number 9. 11 A. (Views document). 12 Q. Mr. Combis, do you agree that you did that? 13 A. I must have. 14 Q. Well, you acknowledge that you did. Not must 15 have, you did. 16 A. I did. 17 Q. Why did you do it? 18 A. I don't know. I don't recall. 19 Q. And I see here on Exhibit 9 that it says that 20 after it was recorded, and it was recorded on May 19th, 21 2016, it was to be sent to Redding Tison & Jones? That's 22 what it says, doesn't it? 23 A. I believe you can read, yeah. 24 Q. Well, does it say it or not? I can read it. 25 A. I don't know. I can't read it when it's in your

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1 hands. (Views document). Yes. 2 Q. Okay. What law firm helped you prepare this? 3 A. I assume Mr. Redding's firm. 4 Q. Why were they assisting you in disposing of this 5 property? 6 MR. PELLINGTON: Objection. 7 BY MR. TRUSLOW: 8 A. Just were. 9 Q. Who selected them? 10 A. My son or my wife. 11 Q. And why would you transfer your interest in 12 these two parcels that's identified in Exhibit 9 to your 13 wife? 14 A. I don't know. 15 Q. Why don't you know? 16 A. I don't remember at the time what the necessity 17 was. 18 Q. Wasn't this right before your Federal case went 19 to trial? 20 A. You tell me. I don't know. 21 Q. You don't know when the Federal case went to 22 trial? 23 A. I have no clue. 24 Q. Okay. Who is Simon John O'Brien? 25 A. I have no clue.	1 something and you keep asking. 2 Q. Can you think of any reason -- 3 A. No. 4 Q. -- other than to avoid creditors? 5 MR. PELLINGTON: Objection. 6 BY MR. TRUSLOW: 7 Q. Go ahead. 8 A. I can't think of any reason. 9 Q. What is the status of 2310 North Brevard Street, 10 that property in tract 1 and tract 2 now? 11 A. What do you mean? 12 Q. Who is it owned by? 13 A. I don't know. I guess whatever that deed shows. 14 Q. Is it your belief or understanding that your 15 wife owns the property? 16 A. Whatever that paper says, if that's the last 17 transaction, then I guess she does own it. 18 Q. Okay. Do you know if she has transferred it 19 out? 20 A. I have no clue. 21 Q. What's on that property, or those tracts? 22 A. Different buildings. 23 Q. All right. Different buildings. And what's in 24 those different buildings? 25 A. I do not know.
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1 Q. Is he an attorney at Redding Tison & Jones? 2 A. I already said I don't know. 3 Q. And I'm trying to find out why this was -- this 4 property, as it indicates here, at 2300 and 2310 North 5 Brevard Street in Charlotte -- that's what it says, doesn't 6 it? 7 A. Uh-huh. 8 Q. On Exhibit 9. Why were you transferring this to 9 your wife? 10 MR. PELLINGTON: Objection. 11 BY MR. TRUSLOW: 12 A. I don't know. 13 Q. Is there anything you can think of that might 14 assist you in recalling why you did it? 15 A. I'm sure you can think of something. 16 Q. Can you think of any reason -- 17 A. No. 18 Q. The only reason I can think of is it's trying to 19 avoid your creditors. 20 MR. PELLINGTON: Objection. 21 BY MR. TRUSLOW: 22 Q. Because what other reason can you think of, if 23 any? 24 A. I already told you and I am not, you know -- 25 that's a repetitive question. I keep telling you no to	1 Q. You do not know? 2 A. Some office furniture. 3 Q. Is there any kind of business run at those 4 locations? 5 A. I think so. 6 Q. What do you think is there? 7 A. A tile business. A stone business. 8 Q. A tile business and a stone business? 9 A. Uh-huh. 10 Q. And who do you think owns that tile business and 11 stone business? 12 A. Wife -- 13 Q. Your wife? 14 A. I would think. 15 Q. Okay. Why do you think that? 16 A. Just from some of the past things you've showed 17 me. 18 Q. And where do you work, the location? 19 A. (Pauses). 20 Q. The address. 21 A. 2310 North Brevard. 22 Q. So when I'm asking you questions along this line 23 of what businesses are there, you first tell me that there's 24 some furniture there and then you said you think there's 25 some businesses there. You know full well that this is

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1 where you and your wife do business, don't you?
2 A. I don't know full well, but --
3 Q. Okay. Are there any employees of your wife's or
4 yours at that address as reflected in Exhibit 9?
5 A. I suppose so.
6 Q. With all due respect, Mr. Combis, I'm trying to
7 go through this as efficiently as we can and when you
8 suggest that I've got to drag out whether you even know
9 what's there, we're going to be here for a long time.
10 A. I don't have any soccer games for the next three
11 days, so --
12 Q. So why can't you just be up front and tell me
13 that this is where you and your wife --
14 A. But you already know the answers. All you're
15 wanting to do is just prod me into telling you what you
16 already know.
17 Q. So that's the reason you won't be up front?
18 MR. PELLINGTON: Objection.
19 BY MR. TRUSLOW:
20 A. I'm being very up front.
21 Q. Okay. So we can put a cap on this, as reflected
22 in Exhibit 9 where you did a quitclaim deed over to your
23 wife of the two parcels at 2310 Brevard Street, that is
24 where you and your wife do business --
25 MR. PELLINGTON: Objection.

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1 A. Yes.
2 Q. Where is it?
3 A. Brevard Street.
4 Q. The same place as reflected in Exhibit 9?
5 A. I would assume.
6 Q. Okay. Now, Exhibit 10, who is -- I'm looking at
7 it -- Kent Jones? Do you know who Kent Jones is?
8 A. No.
9 Q. Exhibit 10 is a non-warranty deed and it appears
10 that it was prepared by Kent D. Jones, Esquire, attorney.
11 Who is Kent Jones?
12 A. I --
13 Q. You don't know?
14 A. I told you earlier I do not know Kent Jones.
15 Q. Okay. It indicates right under that Tison
16 Redding law firm. Does that refresh your memory? Did he
17 work for --
18 A. It doesn't refresh my memory.
19 Q. Mr. Redding was your lawyer, or is your lawyer?
20 A. He is my lawyer.
21 Q. All right. Was he your lawyer in 2015?
22 A. I don't know for sure.
23 Q. Okay. There's an indication that this is for
24 5025 Carmel Club Drive. That property was being transferred
25 by you and your wife. Why did you all transfer that

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1 BY MR. TRUSLOW:
2 Q. -- is that correct?
3 A. Objection.
4 Q. Is it correct?
5 A. I don't know.
6 Q. You don't know where you do business?
7 A. I don't do all my business there.
8 Q. Do you do business at this address, at 2310
9 North Brevard Street?
10 A. Very little, yeah.
11 Q. Where is your principal place of business?
12 A. My truck.
13 Q. What address do you advertise as being your
14 principal place of business?
15 A. My business card shows Brevard Street.
16 Q. Does it show 2310 Brevard Street?
17 A. Yeah, it does.
18 Q. So you know full well that's where your business
19 operation is located, where your office is located, where
20 your employees are located and that's where your inventory
21 is located; isn't that correct?
22 A. Some of it.
23 Q. Where does your wife work? Where is her desk?
24 A. She doesn't have a desk.
25 Q. Do you have a desk?

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1 property?
2 A. It was being sold and the gentleman that was
3 buying my son's house just wanted it all under one deed so
4 he could buy it all and not have to get a separate one.
5 Q. Did your son and his wife live at 4735 Carmel
6 Drive at the time?
7 A. I'm not sure of the street number but they lived
8 on Carmel Drive.
9 Q. It indicates on Exhibit 10 that they were
10 residents of Mecklenburg County and their address is 4735
11 Carmel Drive.
12 A. So you answered your own question.
13 Q. Would you agree with that's where they live?
14 A. I agree.
15 Q. And how far away was the 5025 Carmel Club Drive
16 property?
17 A. Directly behind it.
18 Q. Would it face on another street?
19 A. Yes.
20 Q. Okay. In essence, you and your wife transferred
21 this to your son and they then sold their property and the
22 property at 5025 Carmel Drive to a third-party?
23 MR. PELLINGTON: Objection.
24 BY MR. TRUSLOW:
25 A. Correct.

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1 Q. Okay. Who did they sell it to? 2 A. I don't know. 3 Q. Did you know the gentleman or the lady? 4 A. I have no clue. 5 Q. Okay. What did your son pay you for the 5025 Carmel Club Drive property? 6 A. I do not know. 7 Q. Did he pay you anything? 8 A. I do not know. 9 Q. Why don't you know? 10 A. I just didn't keep up with it. 11 Q. Did your son and his wife sell their home at 4735 Carmel Drive? 12 A. You know that. You've seen the transaction. 13 Q. Sir, go -- 14 A. Yes. I assume they sold it. 15 Q. Okay. Do you know they sold it or do you assume they sold it? 16 A. Both. 17 Q. Okay. And who lives at that 4735 Carmel Club Drive address now? 18 A. I have no idea. 19 Q. And who lives at the 5025 Carmel Club Drive, if anyone? 20 A. No one.	1 Q. So who runs the business, Superior? 2 A. A group of people down there. 3 Q. Who is that? 4 A. I don't know. 5 Q. You're not involved in the operations of the businesses; is that correct? 6 A. Some things, yes. 7 Q. What are you involved in? 8 A. Some of the jobs that I want to show interest in. 9 Q. Does that mean that you're bidding on them or you're laying tile and stone? What are you doing? 10 A. Just socializing with owners. 11 Q. And what, if any, responsibility does your son have for the financial parts of the business, keeping the bookkeeping, keeping them straight, accounts receivables, collections -- 12 A. All of the above. 13 Q. He does all of that? 14 A. All of it. 15 Q. That is your testimony and are you saying that's the truth, the whole truth and nothing but the truth? 16 A. Everything I'm telling you today, to the best of my knowledge, is the whole truth. So don't ask me again if I'm telling the truth, will you?
Page 62	Page 64
1 Q. You don't know? When the property at 4735 Carmel Drive, occupied by your son and his wife, was sold, what happened to the proceeds? 2 A. I don't know. 3 Q. Did you or your wife get any of those sales proceeds? 4 A. I don't know. 5 Q. Why don't you know? 6 A. It wasn't my business to check into. 7 Q. Were any of those proceeds paid to either of the companies that you and your wife may own? 8 A. Not that I know of. I told you, I don't know anything about what happened to the proceeds, period. 9 Q. Did your son at that time have any debts that were owed to your corporation or your wife's corporation? 10 A. I don't know. 11 Q. Why don't you know? 12 A. I don't keep up with that. 13 Q. Who does keep up with that sort of thing? 14 A. He does, my bookkeeper, Todd Plowler. 15 Q. And your bookkeeper is the same one you mentioned before? 16 A. Yeah. 17 Q. Her name is -- 18 A. Charlene Winecoff.	1 Q. Well, sometimes I want to put some emphasis on this. I have a recollection of your son representing under oath that he was really in outside sales, that was his job and not keeping track of the records. And that's the reason I'm asking. Is your testimony something different? 2 A. No. Sometimes he does that. We all assume different roles at different times. Whatever it takes to -- 3 Q. Does he handle any of the bookkeeping, financials, the overseeing of that? 4 A. Not to my knowledge. 5 Q. So what he really does is sales? 6 A. I don't know what he really does. 7 Q. Okay. 8 A. Yes. I would say sales is the most -- 9 Q. Okay. Your son has a Raptor truck; is that correct? 10 A. No, sir. 11 Q. He does not own one? 12 A. No, sir. 13 Q. When's the last time he owned a Raptor truck? 14 I've seen him driving it so I'm kind of surprised at the answer. I thought maybe he was turning it in and getting another one? 15 A. The factory bought it back. 16 Q. And what does he drive now?

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1 A. A F-150 pickup truck, Ford. 2 Q. It's a four-door? 3 A. Ford. 4 Q. A four-door Ford? 5 A. No. A two-door. 6 Q. Okay. And does he also drive a BMW? 7 A. Sometimes. 8 Q. Okay. Do you drive the BMW? 9 A. Sometimes. 10 Q. And you drive your truck sometimes? 11 A. Yes. 12 Q. And your wife drives what? 13 A. A Cadillac. 14 Q. When did she get a Cadillac? 15 A. During his divorce he had an Escalade -- and I 16 told you this the last time -- and she didn't like the 17 Escalade so we swapped it and got her a car. 18 Q. Okay. How many vehicles does -- 19 A. I have no clue. 20 Q. Too many for you to know right now? 21 A. Not too many. I just don't keep up with them. 22 Q. More than three, no more than four? 23 A. Maybe. 24 Q. How about your -- I know you've got a grandson 25 that's 16 years old, or I think he's 16; is that right?	1 Q. Okay. For your grandchildren's living expenses, 2 schooling, are you paying for that out of your pocket? 3 A. Some of it. 4 Q. Why is that? 5 A. Just when -- 6 Q. I know you love your grandchildren and I'm not 7 questioning that. I'm trying to figure out why you're 8 paying it. 9 A. I have one in private school and I try to help 10 fund that, my wife and I do. 11 Q. Okay. I'm trying to find out what you may have 12 available to satisfy this debt and those are some of the 13 reasons I'm asking. 14 MR. PELLINGTON: And I'm going to object to that 15 and renew the same objections that I had in the first part 16 of George's deposition. 17 MR. TRUSLOW: Okay. 18 BY MR. TRUSLOW: 19 Q. What credit cards do you and your wife use that 20 are personal and not corporate? 21 A. I told you before, I use a MasterCard and after 22 that day I stopped using it. And I do not know what credit 23 cards my wife has. I have a company gas credit card that's 24 company, and other than that I don't use credit cards. 25 Q. For your son, do you just pay cash, is that what
Page 66	Page 68
1 A. Correct. 2 Q. What does he drive? 3 A. Now, which one are you speaking of? 4 Q. Let's say Jackson. 5 A. Jackson? There you go. Jackson drives a used 6 Ford. And I think it's a Raptor, I think. 7 Q. Okay. Would you agree with me that a Raptor is 8 a high-end expensive truck? 9 A. Overrated, yes. 10 Q. Okay. Well, it may be. But it's about a 70,000 11 dollar truck, isn't it? 12 MR. PELLINGTON: Objection. 13 BY MR. TRUSLOW: 14 A. I don't know what the original price was. 15 Q. Okay. Who pays for Jackson's truck? 16 A. I don't know how that -- 17 Q. All right. Would you agree with me that it's 18 paid for by Superior? 19 MR. PELLINGTON: Objection. 20 BY MR. TRUSLOW: 21 A. No, sir. 22 Q. Why? 23 A. Somehow or another I think I pay for it for him. 24 Q. You pay out of your own pocket? 25 A. Uh-huh.	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 Rolexes? 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?	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 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	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 A. I don't know. You'd have to ask her.
2 Q. Have you ever done a bank financial statement?
3 A. Yes.
4 Q. When's the last time?
5 A. You asked me that before. Read the deposition.
6 Why are we going over all these things you've already asked
7 last month or so?
8 Q. Please answer the question, sir.
9 A. Repeat it.
10 Q. Have you ever done a bank financial statement
11 and, if so, when is the most recent?
12 A. I do not know. I have done them and I do not
13 know when the most recent was. It was three, four or five
14 years ago.
15 Q. How about corporate financial statements?
16 A. I don't know.
17 Q. Do you know whether you've ever done one?
18 A. I'm sure I have.
19 Q. Okay. Have you done one within the last three
20 years?
21 A. I don't know.
22 Q. Okay. Has your wife done one within the last
23 three years?
24 A. I don't know.
25 Q. Has anyone done a bank financial statement on

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1 A. A month ago.
2 Q. Months ago?
3 A. A month ago, probably.
4 Q. A month ago? Did you stay there?
5 A. No.
6 Q. Did your wife stay there?
7 A. No.
8 Q. When's the last time your wife visited the house
9 in the mountains?
10 A. With me that day. I wanted to make sure that
11 the water was okay and turned around and left.
12 Q. And when's the last time your son, Chris,
13 visited that house?
14 A. Months ago.
15 Q. Did he stay there?
16 A. No.
17 Q. Your marital home, you said you have a mortgage
18 on it. I don't recall there being a mortgage on it
19 previously. When did you put a mortgage on it?
20 A. Well, there's not a mortgage, per se. There is
21 a line of credit on it.
22 Q. Who has the line of credit?
23 A. You know that.
24 Q. Who has the line of credit, sir?
25 A. Parks Sterling Bank.

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1 your behalf, your wife's behalf or any of your corporations
2 in the last three years?
3 A. I don't know.
4 Q. Who would know?
5 A. Ms. Winecoff.
6 Q. Do you have any mortgages at this time?
7 A. Yes, sir.
8 Q. All right. What are the mortgages on?
9 A. My primary house and a house in the mountains.
10 Q. Okay. What is the status of the house in the
11 mountains?
12 A. It is for sale.
13 Q. What is it listed for?
14 A. You asked me that the last time.
15 Q. Well, things change.
16 A. Yeah.
17 Q. So what is it listed for?
18 A. I don't know. 850, ballpark.
19 Q. Okay. And I asked this before, that your
20 mortgage is approximately \$850,000, is it not?
21 A. That's right.
22 Q. Is that correct?
23 A. I think so.
24 Q. When's the last time you visited the house in
25 the mountains?

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1 Q. And does your residence secure the line of
2 credit?
3 A. Yes.
4 Q. And what amount -- I don't want to know what the
5 total line of credit is, but how much is owed on the line of
6 credit at this point in time?
7 A. I do not know.
8 Q. Who would know?
9 A. Charlene Winecoff.
10 Q. How much money has been borrowed against your
11 line of credit, approximately?
12 A. If I knew that I would be able to tell you how
13 much money is owed.
14 Q. I would hope. But I would hope that somebody
15 would know approximately what they owe, but apparently you
16 don't.
17 A. I don't care.
18 Q. You don't care?
19 A. No.
20 Q. Why don't you care?
21 A. It's there and whatever it is I'm not going to
22 argue with it.
23 Q. Okay. Mr. Combis, I'm here trying to ask you
24 questions. I see you seem to be distracted scribbling on a
25 piece of paper.

Page 77 1 A. No. 2 Q. What are you doing? 3 A. Scribbling. 4 Q. Let me see, please, what you're putting on 5 there. 6 A. (Pauses). 7 Q. What are you putting on -- 8 A. Just different little pictures. 9 Q. You seem so distracted and I'm trying to -- 10 A. I'm answering your questions. 11 Q. Please let me see what you have there. 12 A. I don't see why it's any of your concern. 13 Q. Well, this is our deposition and your answers 14 aren't what I would expect -- 15 A. And I'm here to answer questions, so -- 16 Q. So you're going to -- 17 A. You ask me the questions that pertain to this 18 case, not what I'm doing. 19 Q. Are you going to refuse to show -- 20 A. Yes. I refuse to show you. 21 Q. And your attorney, is that going to be on 22 your -- I'm not asking about your communications, but I want 23 to make sure -- is your attorney telling you not to respond? 24 A. I don't know. 25 MR. PELLINGTON: Have I said anything?	Page 79 1 Q. Yes. And some of your answers haven't been 2 accurate and -- 3 MR. PELLINGTON: Objection. 4 BY MR. TRUSLOW: 5 A. Well, you keep asking the same question over and 6 over. 7 Q. Have you made any loans to your son? 8 A. In what time period? 9 Q. In the last three years. 10 A. I believe I have. 11 Q. What have you made? 12 A. I do not know. 13 Q. You don't have any figure? 14 A. I had loaned him some money and I think he paid 15 it -- Ms. Winecoff would know exactly, I do not. 16 Q. Does she keep your personal records as well as 17 your corporate records? 18 A. Yes, sir. 19 Q. Well, I asked about you, and I'm talking about 20 George Combis, and you said you didn't know, I'd have to ask 21 Ms. Winecoff. I'm asking the same question regarding 22 Superior and your wife. Have they loaned him any money in 23 the last three years? 24 A. I do know not. 25 Q. Okay. Do you know whether Superior owes your
Page 78 1 THE WITNESS: I was going to say -- 2 MR. TRUSLOW: You haven't and that's precisely 3 my point. I think at this point I think you have to make a 4 decision either tell him to do it or not, or what's your -- 5 MR. PELLINGTON: I have to make a decision on 6 what? 7 MR. TRUSLOW: He says he's not going to turn 8 over what he's writing on a piece of paper and he's been 9 very distracted and -- 10 THE WITNESS: I haven't missed a question -- 11 MR. PELLINGTON: That's a mischaracterization. 12 He's been answering your questions in a timely fashion. 13 What would you suggest I do? 14 MR. TRUSLOW: Tell him that we've got his 15 deposition. If he's got something -- if it's written to 16 you, that's one thing, it may be nothing. I'm just seeing a 17 very distracted person. 18 MR. PELLINGTON: Just show it to him. 19 THE WITNESS: (Complies). 20 MR. TRUSLOW: (Views document). 21 BY MR. TRUSLOW: 22 Q. Thank you. And there's nothing there. I was 23 wondering why you seemed so distracted and -- 24 A. I'm not distracted. Have I missed a question 25 that you've asked me? Have I hesitated very long?	Page 80 1 son any money other than salary? 2 A. I do not know outside of salary. 3 Q. I asked you about whether Diane has made any 4 loans or transferred property and I'll paraphrase, I think 5 you said, I don't know. Does she seem to understand how 6 much trouble she's potentially in? 7 MR. PELLINGTON: Objection. 8 BY MR. TRUSLOW: 9 Q. Go ahead. 10 A. Yes. 11 Q. What has she said? 12 A. Nothing. Just her actions. 13 Q. I couldn't hear you. 14 A. Her actions. She's irritable a lot of times and 15 it's over this stuff. 16 Q. All right. We've been going for about an hour 17 or so. And I'm respectful of our court reporter. This 18 might be a good time to take a break. Does that work for 19 you and for you, Mr. Pellington? 20 MR. PELLINGTON: For how long? 21 MR. TRUSLOW: Ten or fifteen minutes? 22 MR. PELLINGTON: Sure. 23 MR. TRUSLOW: Okay. 24 (Recess from 11:47 a.m. to 11:55 a.m.) 25 BY MR. TRUSLOW:

Page 81 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	Page 83 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
Page 82 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?	Page 84 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

Page 85	Page 87
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	1 A. Right. 2 MR. PELLINGTON: I'm going to object. 3 BY MR. TRUSLOW: 4 A. Todd Plowler, by his own choosing, is on his way 5 out as our CPA and it was another reason it's all been a 6 big, confusing turning over this, going over this, getting 7 these books straight, and so he's been extremely busy. So 8 this was not number one on the list of things to do. But 9 you can ask Ms. Winecoff, but Ms. Winecoff is also very 10 short of help, secretarial help, and she has been bombarded 11 lately because of the business aspect. 12 Q. So do you have any objection or not to us trying 13 to talk to Mr. Plowler or get documents from them, from 14 Plowler or Winecoff? 15 A. Well, I'll tell you what. You go through me and 16 I'll do the best I can to see if I can't comply and get you 17 what you need. 18 Q. Well, that's what I did and we had some ten 19 things and you said -- 20 A. I said I would ask Mr. Plowler. 21 Q. Oh. 22 A. And then the more I thought about it, the more I 23 didn't want to do it. 24 Q. Okay. So you don't want us to talk to Plowler 25 or Winecoff, to go through you, but you're not going to
Page 86	Page 88
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?	1 produce the documents? 2 A. I didn't say that. I said, you go through me 3 and I'll do the very, very best I can if you'll give me 4 three weeks to get you the proper papers that you want. 5 Q. Well, we've already -- 6 A. And I'll give you a good reason if I don't get 7 them to you. 8 Q. We've already been that road and we gave you an 9 extra what, four weeks. And you also said you were going 10 out of the state, you had pre-planned trips, that we now 11 find that isn't correct. 12 A. I didn't have the -- they didn't come to pass. 13 Q. The IRS lien -- 14 A. Uh-huh. 15 Q. -- do you have a lien now? 16 A. I think they still do. 17 Q. Why do you think the IRS has a lien? 18 A. I think we're still in the process of settling 19 it. 20 Q. How much do you owe the IRS? 21 A. Six -- it may be 500 to the IRS and then North 22 Carolina 160. 23 Q. Okay. About 650, give or take? 24 A. Yeah. 25 Q. How were you able to get rid of the Carmel Club

Page 89 1 property without satisfying the IRS lien? 2 A. There was no money made. 3 Q. Well, that's because it looks like you gave it 4 away. 5 MR. PELLINGTON: Objection. 6 BY MR. TRUSLOW: 7 A. I don't know how you -- 8 Q. You gave it to your son and then he ended up 9 selling it for, I don't know, 1.9 million dollars? 10 A. I don't know exactly what it was. 11 Q. Okay. Has any money been paid to the IRS? 12 A. Yes. 13 Q. How much? 14 A. I don't know. 15 Q. When was the IRS paid? 16 A. Over the course of 2017. 17 Q. Who would have that information about how much 18 the IRS has been paid? Ms. Winecoff? 19 A. Yes. 20 Q. You don't have that information? 21 A. No. 22 Q. Can you get it? 23 A. Yes. 24 Q. Will you get it and turn it over to your 25 attorney?	Page 91 1 Q. Okay. What attorneys have you consulted with -- 2 I'm not going to ask about what you talked about -- but what 3 attorneys besides Mr. Pellington and Mr. Redding have you 4 talked to about the subject matters that we're dealing with 5 since the time of the Federal Court order? 6 A. None. 7 Q. Okay. Had you talked with your son's attorney, 8 domestic attorney? 9 A. In regards to what? 10 Q. Did you talk to him regarding anything? 11 A. My son's divorce attorney? 12 Q. Yes, sir. 13 A. Yes. 14 Q. He was not your lawyer, was he? 15 A. No. 16 Q. What did you talk to him about? 17 A. Chris' ex-wife -- let's see here. It was kind 18 of stupid, but she got a irrigation flag off of my yard when 19 she was dropping off her children and she called the 20 irrigation company and demanded a bill, to see the bill for 21 what had been paid for the irrigation that had been 22 installed. And he told her that he didn't know what the 23 flags were, he -- he's a friend of mine. I'd asked him for 24 some flags two or three years ago and I was having my yard 25 aerated and so they flagged the yard with his flags. And
Page 90 1 A. Yes. 2 Q. Okay. 3 A. Write that down. I will get you that formation 4 on the IRS. 5 Q. Okay. Will you get a copy of your homeowner's 6 insurance and turn it over to your attorney? 7 MR. PELLINGTON: I don't remember that. Is that 8 the court one? 9 THE WITNESS: No. 10 MR. PELLINGTON: Okay. You can write that down. 11 I'm sorry. I thought it was a marked exhibit. 12 MR. TRUSLOW: Yeah. Thank you. 13 BY MR. TRUSLOW: 14 A. Okay. And one more time, the insurance on the 15 house? 16 Q. Yes. With endorsements. 17 A. They were in the process of being changed as 18 well, my homeowner's insurance, to a different company and I 19 don't know if that's gone through yet or not on both houses. 20 Q. Okay. Will you get that? 21 A. Yes, sir. 22 Q. Okay. Do you have a will? Have you done estate 23 planning? 24 A. Years ago. And I have no clue where it is. My 25 wife would know.	Page 92 1 she thought that a sprinkler system that had been installed 2 twenty years ago was being installed and so she called him 3 up saying that she owned the house and she demanded a copy 4 of the contract, that money was paid to get an irrigation -- 5 Q. This is talking about your home with you and 6 your wife? 7 A. Yes. 8 Q. Wow, okay. I'm sorry. 9 A. Yeah, well -- so my irrigation man called me up 10 and I just told him to drop it and -- 11 Q. Okay. 12 A. So Chris' attorney asked me about it. 13 Q. Okay. Going back to one thing on the IRS, if 14 money had been paid, do you know the source of the money? 15 Did it come from your corporations, did it come out of your 16 pocket, your wife's pocket, bank accounts? What was the 17 source? 18 A. I don't know the source. The company, I'm sure. 19 Q. Okay. Do you owe any of that personally to the 20 IRS or is it only corporate assets -- 21 A. It's a S corp and so it's personal and 22 corporation. 23 Q. Okay. Has your son's deposition been taken in 24 his domestic case? 25 A. I don't know.

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1 Q. Okay.

2 A. I'm sure you'd have a copy of it.

3 Q. Were there any -- I'm still trying to get my

4 mind around this. You had the Carmel Club property. There

5 was a lien against yours and your wife's assets. You

6 transferred the property into your wife's name, who then

7 transferred it into your son's, who then sold it to

8 somebody, I think, for about a million-nine. I'm trying to

9 figure out how that was done without having to satisfy the

10 IRS lien. Can you help --

11 A. I don't guess there was any money left over to

12 satisfy.

13 Q. Well, I think there was about \$650,000 of

14 profit. So I'm trying to figure out what --

15 A. Well, then if it was, it was for my son, I

16 assume. I don't know.

17 Q. Okay. Did any of that money go into Superior?

18 A. I don't know.

19 Q. On Exhibit 11 over here, who put the tag on the

20 watch? Who put that tag on there?

21 A. I did.

22 Q. Okay.

23 A. Yeah.

24 Q. Why did you do that? I'm just curious.

25 A. I don't know.

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1 still owe you money?

2 A. No. It's all settled.

3 Q. What did you do with the money that he paid to

4 you?

5 A. I don't know.

6 Q. Did you have an attorney?

7 A. No.

8 Q. I don't mean this at all in an uncomplimentary

9 way, but it's sort of unusual, and maybe it's a tribute to

10 you, that you're able to on your own without an attorney, he

11 sues you for money and he ends up paying you --

12 A. The truth came out.

13 Q. -- that's a pretty good deal.

14 A. He was honorable enough to realize it.

15 Q. But you said you had a settlement agreement by

16 the terms of which everything is confidential?

17 A. Yes. I told him I wouldn't divulge anything and

18 he wouldn't either.

19 Q. Is that in the documents or is that just a

20 handshake?

21 A. A handshake.

22 Q. Okay.

23 A. That used to mean things with some people.

24 Q. Well, can you turn that information over to your

25 attorney?

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1 Q. Okay. Charlie Bridgmon. Charlie Bridgmon had a

2 lawsuit against you.

3 A. Uh-huh.

4 Q. Is that still going on or has that been

5 resolved?

6 A. Yeah.

7 Q. I couldn't hear you.

8 A. Yes. It has been resolved.

9 Q. Did he pay you any money?

10 A. Yes.

11 Q. Okay.

12 MR. PELLINGTON: I'm going to renew the same

13 objection. I still haven't seen the settlement agreement so

14 I don't know if there's any confidentiality in there or not.

15 But until that issue is resolved I can't let him testify

16 about that.

17 MR. TRUSLOW: Okay. Since the last time, we

18 hadn't gotten that resolved?

19 MR. PELLINGTON: I haven't seen the document

20 yet.

21 BY MR. TRUSLOW:

22 A. Everything with Mr. Bridgmon and I is fine.

23 Q. You said fine?

24 A. Yes.

25 Q. So you've gotten money from him that -- does he

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1 A. Sure. I'll be glad to.

2 Q. Okay.

3 MR. TRUSLOW: If you'll put that on your list

4 and we'll put it on there for him as well. I may already

5 have it on here. (Views document). Yes, that's already on

6 there. It's already on there.

7 BY MR. TRUSLOW:

8 Q. Earlier in your deposition, you said that you

9 needed to check your schedule. Who keeps your schedule?

10 A. Me.

11 Q. How do you keep it?

12 A. (Indicating).

13 Q. I mean, in your head? You're pointing to your

14 head?

15 A. Yes.

16 Q. So there's no document we could look at to see

17 what your schedule is, it's all in your head?

18 A. I do stuff like this, scribble.

19 Q. All right. I had asked you and I thought it was

20 in pretty specific terms, but I'll ask it in more specific

21 terms. I'll represent to you it's been previously

22 represented to me that you were, in essence, bankrupt. Have

23 you consulted a bankruptcy attorney?

24 MR. PELLINGTON: Objection.

25 BY MR. TRUSLOW:

Page 97 1 Q. Go ahead. 2 MR. TRUSLOW: Well, I will say, Mr. Pellington, 3 your law firm has indicated that so I don't know what the 4 objection is. 5 MR. PELLINGTON: The objection -- do you want me 6 to say what the objection is? 7 MR. TRUSLOW: Sure. 8 MR. PELLINGTON: Okay. The objection is you're 9 mischaracterizing what was discussed, from what I 10 understand, between you and Mr. Redding. 11 MR. TRUSLOW: Okay. We'll try it a different 12 way. 13 BY MR. TRUSLOW: 14 Q. Do you think you're bankrupt? 15 A. Do I think I'm bankrupt? 16 Q. Yes. 17 A. Yes. 18 Q. Why? 19 A. I owe more than I own. 20 Q. What do you owe aside from your line of credit 21 and your Federal and State tax liens? 22 A. My mortgage on my mountain house. 23 Q. Your mortgage on your mountain house? 24 A. Uh-huh. The mortgage on my North Brevard Street 25 property.	Page 99 1 any lending institution in the last two years? 2 A. Not that I can recall. 3 Q. So you haven't been refused in the last two 4 years? And when I say you in this question, I'm including 5 you, your wife and your businesses. 6 A. I don't recall. 7 Q. Okay. One way or the other? 8 A. One way or the other. 9 Q. You don't know whether you've attempted to 10 borrow any money or not? 11 A. I don't know. 12 Q. All right. If I can go through this, I'm just 13 trying to, in my mind, go through what assets you be might 14 be able to access to pay Ms. Ballard's debt. Well, we can 15 start with the mountain house but the problem is, is the 16 debt is about the same as the value. You would sell it for 17 what is owed; is that correct? 18 A. Yes. 19 Q. Sir? 20 A. Furnished. 21 Q. You would sell it furnished for what it's worth? 22 A. Certainly. 23 Q. All right. And then you've got your residence. 24 What do you think it's worth? A million-five, two? What do 25 you think it's worth? Three?
Page 98 1 Q. What mortgage is on North Brevard? 2 A. I don't know exactly the amount. 3 Q. When did it go on there? 4 A. Four or five years ago. 5 Q. Okay. Who is it with, the mortgage? 6 A. Parks Sterling. 7 Q. Okay. I just want to make sure on this. When 8 you sold the Carmel Club property -- or, excuse me. You 9 deeded it over to your wife, who deeded it over to your son, 10 who then sold it to some third-party, I just want to make 11 absolutely sure that Mr. Redding's law firm handled that 12 transaction on behalf of you, your wife and then your son -- 13 MR. PELLINGTON: Objection. 14 BY MR. TRUSLOW: 15 Q. -- is that correct? 16 A. I think he did. 17 Q. All right. What year did your father buy his 18 Rolex watch, do you know? 19 A. He didn't tell me. 20 Q. Okay. Do you know? 21 A. No, I don't. 22 Q. I know he did not tell you, but I was asking, do 23 you know? 24 A. No. 25 Q. Okay. Have you tried to borrow any money from	Page 100 1 A. (Pauses). 2 Q. It's a nice house. 3 MR. PELLINGTON: I'm going to object to this 4 line of questioning. 5 MR. TRUSLOW: I'm trying to see what he has 6 available. 7 BY MR. TRUSLOW: 8 A. I would say my present home might be a million, 9 five-fifty. 10 Q. Okay. And you've got a line of credit that your 11 home is used to secure, but you don't know what's owed on 12 the line of credit, correct? 13 A. No. It fluctuates. 14 Q. Sir? 15 A. It fluctuates. 16 Q. How much from high to low within the last year? 17 A. \$100,000 maybe. I don't know exactly. 18 Q. So that would leave us about 1.4 to satisfy 19 Ms. Ballard, plus whatever you might have inside. Now, I've 20 asked you before but you don't have any special coin 21 collections or jewelry or anything like that, do you? 22 A. No, sir. 23 Q. How about your wife? I know she's got nice 24 jewelry and she's nicely dressed. 25 A. No, sir.

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1 Q. Okay. Your cars are all leased; is that 2 correct? 3 A. Correct. 4 Q. You don't have the Bentleys any more, do you? 5 A. No, sir. 6 Q. Okay. And the BMW is on a lease? 7 A. I think so. 8 Q. Is the Mercedes on a lease? 9 A. I don't have a Mercedes. 10 Q. Did you ever have a Mercedes? 11 A. Yes. 12 Q. Okay. It's gone? 13 A. Oh, yes. 14 Q. Okay. The IRAs, retirement accounts, anything 15 like that? 16 A. Nothing. 17 Q. You do have Brevard Street and you said there 18 might be some mortgages but you don't know how much? 19 A. Right. There is some mortgages. I'm not sure 20 exactly what they -- how they've been treated lately. 21 Q. Okay. We're getting close to focusing on in, 22 but you had some counterclaims and they're gone now, as 23 related to this lawsuit. Do you intend to pay Ms. Ballard? 24 A. I've always said I would be glad to pay 25 Ms. Ballard what it is that she deserves to be paid.	1 MR. TRUSLOW: Okay. Well, I look forward -- 2 THE WITNESS: It makes it hard to sit down and 3 make up all that crap, I'm sure. 4 MR. TRUSLOW: I couldn't hear you. You said 5 what? It's something about crap I heard, but I didn't hear 6 the rest of it. 7 MS. BALLARD: He said it makes it hard to sit 8 down and make it all up. 9 MR. TRUSLOW: Okay. 10 THE WITNESS: Oh, so you're quoting me now? 11 BY MR. TRUSLOW: 12 Q. All right. We've talked about -- I'm asking 13 this from the context of a grandfather who has got eight 14 grandchildren, and I hope all of your grandchildren -- do 15 you need some time? I see you're counting money now. 16 A. No. 17 Q. You tell me when you're ready. 18 A. I'm ready -- you don't need to stop. 19 Q. All right. I told you I was asking this 20 question from the context of a grandfather, and I hope your 21 grandchildren are all well, but I'm thinking about what 22 expenses you might have or need. Your children are healthy, 23 are they not? They're very healthy and they don't depend on 24 you, do they? 25 A. My children, my two children?
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1 Q. Okay. And what do you agree that sum is at this 2 point? 3 A. I do not know. I haven't seen a bill from her. 4 Q. You have not seen a bill? 5 A. No. 6 MR. TRUSLOW: I thought you sent one a couple of 7 weeks ago. (Directed to Ms. Ballard) 8 MS. BALLARD: Uh-uh. 9 THE WITNESS: Oh, Lord, no. I haven't seen one 10 in a couple of years. 11 BY MR. TRUSLOW: 12 Q. Have you seen any bill? 13 THE WITNESS: Tell him you hadn't sent one in a 14 couple years. 15 BY MR. TRUSLOW: 16 Q. Have you seen any bill? 17 A. No. 18 Q. Okay. Have you asked for any bills? 19 A. No. But I figured that's -- if she's supposedly 20 one of the best fiduciaries in South Carolina, I would think 21 she knows that she needs to send them. 22 MR. PELLINGTON: Well, I will tell you we were 23 served discovery, it was either late last week or early this 24 week, asking for everything. So if it hasn't come already 25 it should be arriving today.	1 Q. Yes. 2 A. No. 3 Q. And your grandchildren are all, I hope, all 4 healthy -- 5 A. Pretty much. 6 Q. -- so they don't have any special needs where 7 they depend on you, do they? 8 A. Yes. One of them does. 9 Q. A special needs child? 10 A. Uh-huh. 11 Q. Well, I'm sorry. I'm not going to go -- is that 12 the one that you're helping pay for private school for? 13 A. No, sir. 14 Q. Okay. Who is that child? Does that child live 15 with Lauren or -- 16 A. No. My daughter's son. 17 Q. Okay. Well, I am sorry. Are you into any court 18 order or any obligation to pay or you're doing it because 19 you're a loving grandfather; is that -- 20 A. Correct. 21 Q. Okay. We had previously documented ten items. 22 The third on the list is the balance on any personal line of 23 credit. Do you have that and can you provide that to your 24 attorney? 25 A. I'll have to give that a little bit more

Page 105 1 thought. 2 Q. Okay. You've had about a month. How much more 3 time do you think you'll need? 4 A. Well, once my bookkeeper hires the new lady, 5 which she's supposed to be in Monday, and then I believe 6 we're supposed to be on board with our new CPA firm either 7 the first of the week -- once they're on board then I can 8 get it. I'll do the best I can to get it. 9 Q. All right. Documents that Todd Plowler -- Todd 10 Plowler, I understand, had terminated his relationship with 11 you? 12 A. Oh, no. We have a very good relationship, but 13 with the company. 14 Q. I mean, professional. Does he still do your 15 personal work? 16 A. Some of it. 17 Q. Okay. And can you provide your attorney with 18 all documents he may have regarding your settlement with the 19 IRS? 20 A. Yes. 21 Q. Okay. And are you able to identify for your 22 attorney what bank has your personal MasterCard and your 23 wife's? 24 A. Maybe he can. 25 Q. You can't?	Page 107 1 Q. Okay. When you got sued by Ms. Ballard in this 2 case, what did you do? And I'm not asking, because I know 3 you didn't contact an attorney, but what did you do? 4 A. I don't recall. 5 Q. What's the first thing you recall you did? 6 A. I really don't know. 7 Q. Do you recall anything you did? 8 A. No. It's what I just said, I don't recall. 9 Q. All right. Let's see if this will help. You, 10 at some point in time, asked the Court to give you some 11 extra time to respond? 12 A. If you know that, then that's fine. 13 Q. I'm asking -- 14 A. I don't know. I don't remember. Maybe I did, 15 maybe I didn't. 16 Q. Okay. You don't have any recollection? 17 A. I vaguely recall asking for a little bit of time 18 to do something but I don't remember specific. 19 Q. And what did you do after that, if anything? 20 A. (Pauses). 21 Q. When did you consult an attorney? 22 A. I don't recall. 23 Q. You don't recall? 24 A. Uh-uh. 25 Q. As it relates to the substance of Ms. Ballard's
Page 106 1 A. I don't know what bank is -- 2 Q. I see you flashing some money out here. Do you 3 have a wallet with you? 4 A. No. 5 Q. You don't carry a wallet? 6 A. No. Sometimes I do and sometimes I don't. 7 Q. Well, I noticed you have a nice -- I mean, it in 8 a complimentary way -- you have a very nice truck outside. 9 I saw it was an F-150. It looked like a four-door -- 10 A. Yes. 11 Q. Is that where your wallet is or you just didn't 12 bring one down here today? 13 A. I just didn't bring one down here. 14 Q. Okay. Why didn't you bring a wallet? 15 A. I had plenty of gas. I was fine. 16 Q. You didn't bring your license? 17 A. Nah. 18 Q. The answer is nah? No? 19 A. I have a copy of my license in my glove box. 20 Q. Okay. I think the rest is self-explanatory and 21 we're getting close to the end and then we'll see if I've 22 got other things. I want to go to something else. 23 A. Okay. 24 Q. You can take your time writing -- 25 A. No. Just go right ahead.	Page 108 1 lawsuit, what investigation did you undertake? 2 A. I don't recall. 3 Q. Okay. What, if any, research did you do? 4 A. I don't remember. 5 Q. Okay. The subject matter of your counterclaims 6 and defenses, your counterclaims have been struck, what was 7 in those counterclaims that hadn't been previously litigated 8 in Probate Court or in the Federal Court, if anything? 9 MR. PELLINGTON: Objection. 10 BY MR. TRUSLOW: 11 A. I have no clue. 12 Q. Okay. So why did you make these claims if you 13 have no clue? 14 MR. PELLINGTON: Objection. 15 BY MR. TRUSLOW: 16 A. I can't recall at the time. 17 Q. Okay. I'm not going to ask you about specific 18 communications with your attorney, but was it your choice to 19 bring these counterclaims -- 20 MR. PELLINGTON: Objection. 21 BY MR. TRUSLOW: 22 Q. -- or were you relying on counsel? 23 MR. PELLINGTON: Objection. Don't answer that 24 question. That's clearly within the scope of an 25 attorney/client relationship.

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1 BY MR. TRUSLOW:
2 Q. Why did you think -- I'm not asking about any
3 communications with attorneys, I'm leaving that out -- why
4 did you think you had any valid claims against Ms. Ballard?
5 MR. PELLINGTON: Objection. I disagree. I
6 mean, you're diving into things that were discussed with
7 counsel. Don't answer that.
8 BY MR. TRUSLOW:
9 Q. Why did you think your counterclaims were not
10 frivolous?
11 MR. PELLINGTON: Objection. The same thing,
12 don't answer that.
13 BY MR. TRUSLOW:
14 Q. Do you agree that your counterclaims have been
15 dismissed?
16 A. I assume they have.
17 Q. Okay. And you didn't file for reconsideration
18 and nor did you appeal, did you?
19 MR. PELLINGTON: Objection.
20 BY MR. TRUSLOW:
21 Q. Go ahead.
22 A. I don't recall.
23 Q. I'm not going to ask you about the substance of
24 any communications with any attorney, but aside from
25 Mr. Pellington or Mr. Redding, did you talk to anybody, any

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1 we would have discussed.
2 BY MR. TRUSLOW:
3 A. I don't recall it.
4 Q. So you don't recall any reason or whether you
5 even had good faith --
6 MR. PELLINGTON: Objection.
7 BY MR. TRUSLOW:
8 Q. -- is that correct?
9 A. I have good faith in everything I do.
10 Q. What was it?
11 A. I don't remember.
12 Q. Okay. Regarding -- and I'm not going to ask you
13 about confidential communications, but are you paying
14 attorneys fees?
15 A. I don't know.
16 Q. Why don't you know?
17 A. I don't pay them.
18 Q. Are they paid on your behalf?
19 A. I'm assuming.
20 Q. Do you review them before they're paid?
21 A. No.
22 Q. Who handles those payments?
23 A. You can look back and see.
24 Q. Who is it?
25 A. I told you the last time, Winecoff.

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1 lawyer, about Ms. Ballard's lawsuit?
2 MR. PELLINGTON: Objection.
3 BY MR. TRUSLOW:
4 Q. Go ahead. I think your answer is you didn't,
5 but --
6 A. I don't recall.
7 Q. Your answer is --
8 A. I don't recall.
9 Q. You don't recall?
10 A. Right.
11 MR. PELLINGTON: You're right, Counselor.
12 BY MR. TRUSLOW:
13 Q. I'll try it a different way. Do you contend
14 that you acted in good faith in bringing the counterclaims?
15 MR. PELLINGTON: Objection.
16 MR. TRUSLOW: Are you instructing him not to
17 answer or -- if you do, we'll deal with it.
18 MR. PELLINGTON: Let me see. Could you state
19 the question again?
20 MR. TRUSLOW: Do you contend you were acting in
21 good faith in bringing the counterclaims. And then my next
22 question is going to be, if so, what facts do you rely on.
23 MR. PELLINGTON: Hold on for a second.
24 (Pauses). I'm just going to make an objection not with the
25 instruction not to answer, but don't disclose anything that

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1 Q. All right. Do you have a contract of employment
2 for your attorney?
3 A. I assume I do.
4 Q. What's the hourly rate?
5 A. I don't know. Too high.
6 MR. TRUSLOW: Off the record.
7 MR. PELLINGTON: Yeah.
8 (Discussion off the record)
9 BY MR. TRUSLOW:
10 Q. Did you ever hire an investigator for purposes
11 of Ms. Ballard's case?
12 MR. PELLINGTON: Objection. Can you clarify
13 what you mean by that?
14 BY MR. TRUSLOW:
15 Q. A private investigator?
16 A. No. I probably should have.
17 Q. Did you hire any forensic accountant or anybody
18 of that nature as it relates to this lawsuit?
19 A. No.
20 Q. Okay.
21 MR. TRUSLOW: I think I'm just about done. Are
22 you going to tell me if we --
23 MS. BALLARD: No. I'm going to find the next
24 date to reconvene after we get these documents.
25 MR. TRUSLOW: Well, I'm not going to -- and

Page 113 1 we're on the record right now -- I want to go ahead and do 2 it, but I'm not agreeing to postpone any action we might 3 file on the basis of -- 4 MS. BALLARD: No. 5 THE WITNESS: No, I wouldn't do that. 6 MR. TRUSLOW: -- that we're going to overlook 7 what has been done to us, which I think is egregious, but 8 that's for the Court to determine. I think that's -- 9 MS. BALLARD: Yeah. Other than recessing at the 10 end of the day, I -- 11 MR. TRUSLOW: Okay. Here's where we are, 12 Counsel and Mr. Combis. I know that during the last 13 deposition, because I'm looking at it, on September 14th we 14 indicated what documents you agreed to produce. I'm reading 15 from the letter. This is to me, to Pete Nosal and to Joe 16 Pellington. It's dated September 14th. 17 MS. BALLARD: Why don't you make it an exhibit 18 to the deposition? 19 MR. TRUSLOW: This is an extra copy? Or rather 20 than just burden the record, this has a list of the 21 communications and what items had been agreed to be 22 produced. 23 THE WITNESS: It hadn't agreed to be produced. 24 They agreed -- I agreed I would go back and check into them, 25 if you'd read that --	Page 115 1 weren't talking. 2 MR. TRUSLOW: And he's still talking over me, 3 but -- 4 THE WITNESS: You were not talking at the time. 5 Excuse me. Go right ahead. 6 MR. TRUSLOW: All right. Madam Court Reporter, 7 these items weren't produced. We're having to recess the 8 deposition and have to bring this up with the Court. We're 9 going to go ahead and try to see if we can set a time that 10 meets with Mr. Pellington's schedule to resume. 11 There was no indication that Mr. Combis had not 12 agreed to produce items until today. We need to bring this 13 case to a conclusion. What does your schedule look like? 14 What works for you, Mr. Pellington? 15 MR. PELLINGTON: I am not consenting to the 16 resumption of this deposition at this point in time. My 17 schedule is -- I'm having issues with -- candidly, I 18 couldn't even check dates anyway right now with my phone. 19 MR. TRUSLOW: Okay. 20 MR. PELLINGTON: But I'm not consenting to the 21 resumption of this deposition. 22 MR. TRUSLOW: And your reason is why? 23 MR. PELLINGTON: The reason is, is that you've 24 spent a day-and-a-half at this point of basically covering 25 the exact same ground over and over and over again.
Page 114 1 (Exhibit No. 14, Email - 9/14/17, was marked for 2 identification.) 3 BY MR. TRUSLOW: 4 Q. It says, you, George, agree to produce. 5 A. That's your writing -- 6 Q. So it says what it says. 7 A. That's your writing, not mine. 8 MR. TRUSLOW: Madam Court Reporter, these were 9 items that were agreed to be produced. I tried to follow 10 up. There was never an indication from Mr. Pellington that 11 they weren't going to be produced. We had hoped to get them 12 before the deposition so we could look at them but they 13 weren't forthcoming. 14 Mr. Pellington and I talked yesterday about 15 something that was unrelated. There was no indication -- 16 well, related to resolution, but it was settlement-related 17 and not relating to these items. And we came here today and 18 Mr. Combis said he had decided that he was not going to 19 produce them, so that's where we are. We're going to recess 20 the deposition -- 21 THE WITNESS: He decided -- he chose not to 22 produce them. 23 MR. TRUSLOW: Mr. Combis just talked over me, 24 but I'll -- 25 THE WITNESS: I didn't talk over you. You	Page 116 1 MR. TRUSLOW: And I still don't have the 2 documents that he agreed to produce. 3 MR. PELLINGTON: But as I said earlier, then 4 serve a Rule 34, request for production. 5 MR. TRUSLOW: You see you agreed to produce 6 them. You don't deny that, do you? 7 MR. PELLINGTON: You're putting words in my 8 mouth there. 9 THE WITNESS: He's good at that. 10 MR. PELLINGTON: My client's testimony was, as 11 best I can recall -- and, of course, the transcript will 12 speak for itself -- as best I can recall, was that he would 13 contact his CPA and do what he could to get them here. And 14 he testified as to reasons as to why Mr. Plowler could not 15 do that, and that's where we sit, here today. But we just 16 sat here for three hours and I think you've asked the exact 17 same set of questions that you did a month ago. 18 MR. TRUSLOW: Well, we are going to have to 19 agree to disagree. We're not agreeing that the deposition 20 is concluded. You, Mr. Pellington, think that it is. 21 We'll -- 22 MR. PELLINGTON: If we change our position on 23 that, we'll let you know. But as I sit here right now, 24 we're not consenting to that. That's all I'm telling you. 25 And I have a couple of questions to ask Mr. Combis while

Page 117 1 he's here. 2 MR. TRUSLOW: Then go ahead. 3 MR. PELLINGTON: But I don't know if you're 4 resting your line of questions or how you want to handle 5 this. 6 MR. TRUSLOW: Well, I'll ask him one more that 7 you just brought up and then I'll turn it over to you. 8 MR. PELLINGTON: Okay. 9 BY MR. TRUSLOW: 10 Q. After the last deposition, how long was it 11 before you talked to Mr. Flowler? 12 A. Two or three days. 13 Q. Okay. When did you learn that he was not going 14 to be doing any more of your corporate work? 15 A. A couple of weeks ago. 16 Q. Okay. I think your deposition was on September 17 13th. You talked to him within about three days and then a 18 couple of weeks ago you learned that he was going to no 19 longer be doing your corporate work, correct? 20 A. Correct. 21 Q. However, your bookkeeper had your records that 22 would be necessary to comply with our list of items, didn't 23 she? 24 A. No. Mr. Flowler did. 25 Q. And Mr. Flowler is an organized person, isn't	Page 119 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. Flowler'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
Page 118 1 he? He's a CPA? 2 A. Fair. 3 Q. He had files for you, correct? 4 A. I guess, yes. 5 Q. He had a computer? 6 A. I don't know. 7 Q. You don't know if he has a computer? 8 A. If he does, I don't know how to use it. 9 Q. No. If you've seen that he has a computer then 10 he's fully capable of using it? 11 A. I've never seen his computer, to be honest. 12 Q. Okay. When you found out that Mr. Flowler was 13 leaving, why didn't you tell us that you weren't going to 14 bring any documents today other than these three sheets of 15 paper? 16 A. I never told you I was going to bring them. I 17 told you I was going to consult with Mr. Flowler and see 18 what was in the best interest of what I needed to do. 19 Q. Okay. 20 A. So I felt that these were in the best interest 21 and the rest weren't, so there was no reason for me to tell 22 you because I had no idea whether you thought I was going to 23 bring them or not. 24 Q. Did Mr. Flowler tell you not to produce them? 25 A. Some of them.	Page 120 1 said, fine, I'm not going to do it. 2 Q. He said he would not do it? 3 A. Right. 4 Q. So he encouraged you not to do it? 5 MR. PELLINGTON: Objection. 6 BY MR. TRUSLOW: 7 A. He didn't encourage me. He just was giving out 8 thoughts. It's really no big deal. I just decided that 9 they weren't necessary for information that you needed. 10 Q. Because it wouldn't be helpful to you? 11 A. It wouldn't be helpful to you. 12 Q. Well, how can you decide what's going to be 13 helpful to me? 14 A. I don't know. I just made that decision. 15 Q. Okay. 16 MR. TRUSLOW: Go ahead, Counsel. That's all for 17 right now. 18 EXAMINATION 19 BY MR. PELLINGTON: 20 Q. Mr. Combis, do you recall a couple of questions 21 earlier in your deposition about your treatment with 22 Dr. Lipton? 23 A. Yeah. 24 Q. Okay. I've passed out the document to everybody 25 at the table, but I'd like to enter it into the record as

Page 121 1 Exhibit 15. 2 (Exhibit No. 15, Signature Healthcare Letter, 3 was marked for identification.) 4 BY MR. PELLINGTON: 5 Q. And I believe you testified earlier that 6 Dr. Lipton is your medical doctor; is that correct? 7 A. Yes. 8 Q. And is this a letter that he wrote to you on 9 July 11th, 2016? 10 A. Evidently. 11 Q. At the top it says, regarding George Combis, 12 date of birth July 17th, 1946. Did I read that correctly? 13 A. Correct. 14 Q. And is that your date of birth? 15 A. Correct. 16 Q. Okay. If you'll jump down to where it says, To 17 Whom it May Concern, it reads, Mr. Combis is a patient of 18 mine with multiple medical problems, including 19 insulin-dependent Type 2 diabetes, mellitus, coronary artery 20 disease, hypertension, depression, anxiety, sleep apnea and 21 neuropathy. Did I read that correctly? 22 A. Correct. 23 Q. Do you understand that to be the diagnosis that 24 Dr. Lipton made with respect to you? 25 A. Yes, sir.	Page 123 1 A. Yes. 2 Q. Okay. And you believe that to be true and 3 accurate? 4 A. A hundred percent. 5 Q. Okay. 6 MR. PELLINGTON: No further questions. 7 REEXAMINATION 8 BY MR. TRUSLOW: 9 Q. Referring to Exhibit 15, why did you have your 10 doctor write this letter to you? 11 A. I didn't. 12 Q. Well, it's addressed to you. 13 A. Uh-huh. 14 Q. Why did he write it? 15 A. I don't know. I guess it's at the request of my 16 wife. 17 Q. Well, why would he write a letter to you at the 18 request of your wife without your authorization? 19 A. I don't know. 20 Q. It seems to me that would be prohibited. But 21 you can't tell me why he wrote this letter? 22 A. No. 23 Q. Okay. Now, today, you were able to get here on 24 time, were you not? 25 A. I hope so.
Page 122 1 Q. And do you believe that, sitting here today, 2 that is still true and accurate? 3 A. Yes, sir. 4 Q. Do you take any medications for those issues? 5 A. Every one of them. 6 Q. Every one, including depression and anxiety and 7 sleep apnea and neuropathy? 8 A. Correct. 9 MR. TRUSLOW: Neuropathy. 10 MR. PELLINGTON: Neuropathy. Sorry. Off the 11 record real quick. 12 (Discussion off the record) 13 BY MR. PELLINGTON: 14 Q. Do these conditions and the medication you take 15 for them affect your ability to answer questions? 16 A. Some days, yes. 17 Q. How so? 18 A. You know, just like he said about mood swings, 19 you know, some days are better than others. 20 Q. And I believe the next sentence of this 21 correspondence reads, these conditions, and in some cases 22 their treatments, can result in periodic mood swings, blood 23 sugar fluctuations, difficulty concentrating and mild 24 confusion, especially when under emotional stress. Did I 25 read that correctly?	Page 124 1 Q. You were able to drive all the way from 2 Charlotte to here through all the traffic? 3 A. Yes, sir. 4 Q. You were able to -- for the most part -- you're 5 able to sit here and answer questions except when you got 6 upset? 7 MR. PELLINGTON: Objection. 8 BY MR. TRUSLOW: 9 A. For the most part. 10 Q. Sir? 11 A. For the most part. 12 Q. Do you think you're suffering a nervous 13 breakdown at this time? 14 A. No. 15 Q. Do you think you're incompetent, mentally 16 incompetent, at this point in time? 17 A. It's hard to say. I can't recall a lot of 18 things. 19 Q. Have you understood my questions? 20 A. To a certain extent. 21 Q. Were there ones that you didn't understand? 22 A. Yes. 23 Q. Which ones? 24 A. I can't tell you. If you'll list all your 25 questions then I'll tell you which ones I had trouble with.

Page 125 1 Q. This is to pretty much conclude your deposition. 2 You drove here and drove here by yourself? 3 A. Yes. 4 Q. You weren't concerned, your wife wasn't 5 concerned enough that you were so incompetent that you 6 couldn't drive? 7 A. She was extremely concerned and she was in the 8 car ready to take me and I insisted that I thought I could 9 do it by myself and so she said, fine. If I had any 10 problems, call her and she would be glad to come pick me up 11 or take me to lunch, depending on how long today lasted. 12 Q. You drove here by yourself? 13 A. Yes, sir. 14 Q. Okay. 15 A. And that's the third time you've asked me that. 16 Q. Have you been able to answer all of my 17 questions? 18 A. Maybe you need to be checked. 19 Q. I'm sorry? You -- 20 A. Maybe you need to be checked in the order in 21 which you ask questions, you repeat yourself so much. 22 Q. Are there any answers that you want to change, 23 any of the questions I've asked and your answers in 24 specific? Is there anything at all you want to change? 25 A. They were all given to the best of my knowledge	Page 127 1 CERTIFICATE OF REPORTER 2 3 I, Laura S. DeCillis, Certified Court Reporter and 4 Notary Public in and for the State of South Carolina at 5 Large, do hereby certify: 6 That the foregoing deposition was taken before me 7 on the date and at the time and location stated on Page 1 of 8 this transcript; that the deponent was duly sworn to testify 9 to the truth, the whole truth and nothing but the truth; 10 that the testimony of the deponent and all objections made 11 at the time of the examination were recorded 12 stenographically by me and were thereafter transcribed; that 13 the foregoing deposition as typed is a true, accurate and 14 complete record of the testimony of the deponent and of all 15 objections made at the time of the examination to the best 16 of my ability. 17 I further certify that I am neither related to nor 18 counsel for any party to the cause pending or interested in 19 the events thereof. 20 21 I further certify that the original of said 22 transcript shall be hereafter sealed and delivered to 23 DOUGLAS N. TRUSLOW, ESQUIRE, Truslow & Truslow Law Firm, 914 24 Richland Street, Suite B-102, Columbia, South Carolina, 25 29201, and that this original transcript shall be retained by the above party, who shall be responsible for filing same with the court prior to trial or any hearing which might result in a final order on any issue. Witness my hand, I have hereunto affixed my official seal this 26th day of October 2017, at Columbia, Richland County, South Carolina. _____ Laura S. DeCillis, Certified Court Reporter State of South Carolina at Large My Commission expires August 4, 2026
Page 126 1 at the time. It's all been a very, very long time ago and 2 if it was a week ago that's a long time for me. And when it 3 gets further than that, it all gets kind of hard to 4 recollect, so -- but I did at the time gave you the answers 5 to the best of my knowledge and as truthful as I thought 6 they could be. 7 Q. Do you have plans to see anybody other than your 8 GP for dementia, Alzheimer's, anything like that? 9 A. I don't know. 10 Q. Have you ever been diagnosed for any of those 11 conditions? 12 A. I don't recall. 13 Q. Do you have anyone acting as a guardian ad litem 14 for you to protect you from yourself? 15 A. My wife. 16 Q. I mean, is she designated as a guardian ad litem 17 or a commentee? 18 A. No. Just -- 19 Q. Just your wife? 20 A. Just my wife. 21 Q. Okay. That's all. Thank you. 22 A. Uh-huh. 23 (The taking of the deposition adjourned at 24 1:05 p.m.) 25	Page 128 1 VERIFICATION 2 3 I, GEORGE C. COMBIS, have read the foregoing 4 transcript, which was reported by Laura S. DeCillis, 5 Certified Court Reporter in and for the State of South 6 Carolina and Notary Public, on Wednesday, the 11th day of 7 October 2017. 8 9 I find this transcript to be a true and accurate 10 transcript according to my testimony on that date, with the 11 exception of _____ changes and/or corrections listed 12 on the attached errata sheet which was filled in by me. 13 14 15 16 17 _____ 18 George C. Combis 19 20 _____, 2017. 21 22 23 24 25

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ERRATA SHEET			
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The above changes were noted by me on this errata sheet before signing the attached verification of witness. I have retained a copy of this errata sheet for my records, and the court reporter is to attach this page and my verification to the original transcript. Dated: _____ George C. Combis			

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All Exhibits were retained by the Lancaster County Clerk of Court's Office.

1 THE COURT: All right, y'all ready to proceed?

2 MR. TRUSLOW: Doug Truslow for the Plaintiff,
3 we're ready. Petitioner, yes, sir.

4 THE COURT: Okay.

5 And yes, sir.

6 MR. PELLINGTON: Joe Pellington on behalf of the
7 Combis', the Respondent, and here with me is my
8 associate, Ty McTier.

9 THE COURT: Good to see y'all here. Now, is
10 Mr. Nosal participating in this?

11 MR. TRUSLOW: He was here a minute ago, I didn't
12 see him leave but he doesn't need to participate.

13 THE COURT: I didn't know if he was
14 participating in it or not. He can walk in and out,
15 I guess, as he needs to so that's fine. Y'all ready
16 to proceed?

17 MR. TRUSLOW: Yes, sir.

18 THE COURT: Okay. There's several motions
19 before the court, y'all want to be heard on the
20 motions first or how do y'all want to handle that
21 procedural aspect of it?

22 MR. TRUSLOW: Your Honor, I think the rule would
23 be the -- the Rule to Show Cause would be the first.
24 That would fit in. They're interrelated. And then
25 we have a motion to compel relating to George Combis

1 in the separate and distinct case brought by
2 Ms. Ballard. And then, the third thing is we have a
3 motion to compel depositions of Chris and Diane
4 Combis.

5 THE COURT: All right, so a Rule to Show Cause
6 and then the motion to compel for what?

7 MR. TRUSLOW: George Combis in a case separate
8 and distinct case where Ms. Ballard has brought an
9 action against him. I can give you a little history
10 if you'd like.

11 THE COURT: No, I'm familiar with it. Then we
12 have a motion for the redo of a deposition. Okay,
13 got it. Y'all ready to proceed?

14 MR. TRUSLOW: Yes, sir.

15 THE COURT: Y'all ready to proceed?

16 MR. PELLINGTON: Yes, Your Honor.

17 THE COURT: Y'all fine going in that order?

18 MR. PELLINGTON: Yeah, that's fine, Your Honor.

19 MR. TRUSLOW: Yes, sir.

20 THE COURT: All right, that sounds good. Go
21 ahead.

22 MR. TRUSLOW: Your Honor, to give you an
23 overview and I know you have reviewed everything but
24 this started out as a simple but contentious family
25 dispute over an estate of someone we'll call -- his

1 name is Chris Combis but we'll call him Pop to
2 distinguish him from his grandson, also named Chris.
3 We have Pop, we have George, his son, his wife,
4 Diane.

5 THE COURT: All right.

6 MR. TRUSLOW: We have two of Pop's sisters aside
7 from George. They're two sisters, Mary and Linda.

8 THE COURT: Okay.

9 MR. TRUSLOW: Pop had -- did estate planning.
10 He had been, I think it's undisputed, he had been the
11 largest tile and stone merchant in the Charlotte
12 area, if not the Southeast --

13 THE COURT: Where does Chris Combis fit into it?

14 MR. TRUSLOW: He is the grandson.

15 THE COURT: He's the child of George and Diane?

16 MR. TRUSLOW: Yes, sir.

17 THE COURT: Okay. I'm making a little chart.

18 MR. TRUSLOW: Yes, sir.

19 THE COURT: Go ahead.

20 MR. TRUSLOW: Yes, sir.

21 THE COURT: So, we got. . .

22 MR. TRUSLOW: They had the -- if not the
23 largest, they say the largest in the Southeast
24 business of that type. He had done Erickson stadium,
25 Panther's stadium, Bank of America and the testimony

1 reflected that it was easier to describe jobs that
2 they hadn't done than the ones that they've done.
3 They had a very, very successful business. Pop had
4 done estate planning. He had a Will with pour over
5 trust. Pop died about the first week of
6 February 2009. By 2012 there was a contentious
7 dispute between the sisters, Linda and Mary, George
8 and Diane. I can go into those details but I don't
9 think it's necessary for the purpose of this hearing
10 unless The Court wants to hear.

11 THE COURT: Well--

12 MR. TRUSLOW: The short version is there was a
13 very contentious dispute. There's been litigation
14 going on in Federal Court. George and Diane was
15 sanctioned by a federal judge for some delaying
16 tactics and such. They continued to have disputes in
17 the family. And they made what we -- we would have
18 thought was a wise decision, let's get somebody
19 different. Let's get an outside, independent person
20 that has a forensic accountant on staff to become the
21 personal representative for the estate and successor
22 trustee. Diane was a trustee, an estate had never
23 been opened.

24 THE COURT: Why are you here in Lancaster
25 County?

1 MR. TRUSLOW: Your Honor, the reason we're here
2 is the -- we found out that the -- way we got here is
3 we found out that George and Diane had
4 misappropriated, they breached a fiduciary duty in
5 taking some \$850,000 from the trust and they refused
6 to turn over documentation to Ms. Ballard. We
7 litigated the case in federal court regarding the
8 \$850,000. The federal court ruled on that, favorably
9 to us, as we expected. The Court said, I think it
10 was properly matters that were for the probate court,
11 such a personal property and such, were for state
12 court not for -- he wouldn't become a super probate
13 court. So, upon The Court ruling, the federal court
14 ruling, upon the misappropriation -- and I got the
15 documentation--

16 THE COURT: That was with Judge Anderson last
17 year.

18 MR. TRUSLOW: Yes, sir.

19 THE COURT: And I remember that coming up the
20 last time y'all were in front of me. That's
21 currently on appeal with the U.S. Court of Appeals.
22 So, that's on appeal with the U.S. Court of Appeals.
23 Okay. Yes, sir.

24 MR. TRUSLOW: And that's just background but--

25 THE COURT: So, the estate then, I guess, he was

1 a resident of Lancaster County?

2 MR. TRUSLOW: Yes, sir.

3 THE COURT: That's what I needed.

4 MR. TRUSLOW: Yes, sir.

5 THE COURT: So, it's in Lancaster County probate
6 judge's jurisdiction?

7 MR. TRUSLOW: Yes, sir.

8 THE COURT: Too hot for her to handle, she sends
9 it up here?

10 MR. TRUSLOW: Yes, sir.

11 THE COURT: Gotcha.

12 MR. TRUSLOW: What happened as part of that, you
13 have consolidate a probate -- you have consolidated a
14 trust. Some issues were before the federal judge but
15 he said properly -- he ruled and it was appealed that
16 that would be estate matter for a probate judge and
17 that everyone, the two sisters, Mary and Linda and
18 George, had consented to the jurisdiction of the
19 Probate Court of South Carolina to determine the
20 remaining issue.

21 THE COURT: So, the estate issue then, not
22 the -- whether or not the legitimacy of the \$850,000
23 or whatever that is, I'm not dealing with that, I'm
24 only dealing with the remaining probate case issue.

25 MR. TRUSLOW: Yes, sir.

1 THE COURT: Okay. And the parties have
2 consented to the appointment of Ms. Ballard as the
3 personal representative to do all this?

4 MR. TRUSLOW: Yes.

5 THE COURT: Okay.

6 MR. TRUSLOW: And there's been a substitution of
7 attorneys, or a number of them, on behalf of
8 Mr. and Mrs. Combis. But that really isn't at issue.

9 Your Honor, in conjunction with this, when
10 Ms. Ballard became the successor trustee and the
11 personal representative, when everyone agreed, they
12 agreed to compensate her and that was a personal
13 matter. Since -- by Ms. Ballard. Since the action
14 was brought back and the federal court ruled, the
15 issues that were the resolution of the estate to then
16 be poured over into the trust, along with whatever
17 happened with federal court and Ms. Ballard's legal
18 fees that would be decided by the state court,
19 clearly is indicated by Judge Anderson. He did award
20 some fees to Ms. Ballard, fairly substantial fees,
21 but that's separate and apart from what you have.

22 When George Combis indicated that he,
23 apparently, did not intend to pay Ms. Ballard, she
24 brought this -- a lawsuit in state court for her
25 collection of fees. She also was attempting to

1 gather the remaining personal property for the estate
2 in her duties or obligations as personal
3 representative. There remained, we believe and we're
4 still finding out things as it relates to this, but
5 some personal property such as gun, coin collection,
6 some Rolex watches and such.

7 So, Ms. Ballard subpoenaed the information or
8 subpoenaed the documents -- not documents, the guns,
9 what had been acknowledged by Defendants counsel to
10 be guns, coin collection and watches. That was back
11 in April. The federal court had ruled in September.
12 But in April, when that was done and the appeal began
13 and we started on the estate matters, Ms. Ballard
14 subpoenaed these items. They refused to produce
15 anything. As they had since 2013. They fought
16 vigorously in a variety of courts in North Carolina,
17 South Carolina, they made claims that Ms. Ballard was
18 unethical. They tried to have her removed in North
19 Carolina State Court, they were unsuccessful. They
20 tried in the probate court, they were unsuccessful.
21 They tried before Your Honor and was uniformly
22 unsuccessful. And Ms. Ballard has continued to
23 pursue this matter and tried to bring the matter to a
24 close.

25 So, she subpoenaed these items, they refused to

1 acknowledge them as they had for the last -- now,
2 we're into the fifth year, vigorously fought it, we
3 appeared before Your Honor. Your Honor indicated
4 that they needed to produce these items. I think
5 that was August the 9th of 2017. I could be wrong
6 but I think that's the date. Directed that they
7 should turn these items over. They had a window of
8 opportunity to do this. They acknowledged, as you'll
9 see, that they had these items. And after Your Honor
10 ruled the first proposal was, well, let's just
11 photograph these things and Ms. Ballard you don't
12 need to see them?

13 She said properly, No, The Court ordered them,
14 you are to produce them.

15 Then it became -- and I don't doubt the attorney
16 but said his mother was sick or had to have an
17 operation and he might need to attend to her, his
18 father was out on business. So, we said, well,
19 customarily, things ought to be turned over by a
20 courier. An attorney certainly wouldn't need to come
21 from Charlotte where he lives to bring these items.

22 And we said, No, just produce the items, it's
23 been four years. Come on, let's get this thing
24 wrapped up.

25 So, they produced items. What they produced,

1 Your Honor, was one gun where their previous attorney
2 had already, and you'll have it before you, their
3 previous attorney had said there were guns. There
4 had been a safe that had been delivered to Linda
5 Combis that it had been drilled out, nothing was in
6 it. The watch, what they gave -- they'd been
7 fighting for four years to produce a Rolex watch.
8 What they ended up giving, you'll hear clear, was a
9 fake Rolex, it wasn't Pop's watch. So, they produced
10 a fake Rolex, one Saturday night special .25
11 automatic with plastic grips, Your Honor has it or
12 the clerk's office has it, Ms. April has it. And
13 it's a Saturday night -- cheap Saturday night
14 special. We put zip ties in it because when it was
15 delivered it was not in safe condition. Your Honor,
16 they brought -- they gave us some pennies, some
17 dimes, a few silver dollars. Again, they've been
18 fighting for over four years against producing these
19 items. And it became clear why.

20 So, Your Honor, we tried to -- we tried to
21 resolve that. You'll have the documentation before
22 you where we sought from counsel. Didn't know
23 whether he had seen this. We asked him to please go
24 back and look at what the agent for the Combis' had
25 previously said that they were Rolex, not fake, but

1 Rolex had been defined and had been identified.
2 Guns, not just one cheap, Saturday night special but
3 there were guns. We expected to get a lot more. We
4 asked them to identify it and what they did was,
5 again, give us a fake Rolex watch. They showed utter
6 disdain and disregard for Your Honor and Your Honor's
7 ruling. And we felt like we were continued to be
8 toyed with at expense to the estate and the Trust.
9 Thanks a lot. And this is the short version. It had
10 been a pattern of not providing documents. I've got
11 depositions where they did--

12 THE COURT: All right, so that's what the rule
13 is about.

14 MR. TRUSLOW: Yes, sir.

15 THE COURT: All right. As far as the motions,
16 that goes to what?

17 MR. TRUSLOW: That goes to -- Ms. Ballard has a
18 lawsuit for her legal fees.

19 THE COURT: Okay.

20 MR. TRUSLOW: We sought to take depositions. We
21 noticed George Combis for a deposition. We had a
22 subpoena. Your Honor, the subpoena was -- was broad
23 but it was to get the ball rolling. But they haven't
24 produced documents in the past. Their attorneys have
25 said they would produce things and didn't. I mean,

1 just didn't. I've got transcripts. They didn't but
2 we issued a subpoena, they objected and said they
3 shouldn't have to take a deposition. And they -- we
4 said, well, you can't just object. They filed a
5 motion, Your Honor ruled. They had to submit to a
6 deposition. They didn't object to the subpoena.
7 They didn't say anything about it. They, at that
8 time, that objected to the taking of the deposition.

9 So, we went for the deposition, George Combis
10 didn't bring anything. I've got depositions that I'm
11 going to pass up to you, excerpts, so I'm not -- I'm
12 not overstating my position when he said that this
13 was -- I'm not going to use -- he said -- they also
14 said he said that this was excrement, it's none of
15 your business, these guns, these Rolex watch -- the
16 Rolex watch or watches, the coins, it's none of your
17 business. And we've got documentation where he said
18 this. Even sent me an email that said it's none of
19 your business and went on and on.

20 And I think you see in the probate court that
21 the probate court finally, in the past, had to issue
22 an Order telling Mr. George Combis, stop contacting
23 Mr. Truslow. You know, go through your attorneys,
24 don't be sending him insulting things. Which
25 coincidentally also sent to my wife at my home, my

1 son was on military duty, sends things to him telling
2 him what a jerk I am. And, I mean, Your Honor, I've
3 got thick skin but it just gives you a background.

4 So, we take his deposition, he says that he's
5 not going to bring anything. He thought about it for
6 30 seconds, he said again it was excrement. As I had
7 some documents I started to drill down. So, what did
8 he do? And Your Honor will see the transcript, he
9 said -- he started scribbling on one and started to
10 rip it apart.

11 And I said, Why did you do this, Mr. Combis?

12 And he said, To make you mad.

13 I said, Well, you know --

14 Judge, I'm 67 years old--

15 THE COURT: I don't want to deal with all that.

16 All right, y'all ready to proceed?

17 MR. TRUSLOW: That's all. So, he opposed, yes,
18 sir. Thanks.

19 THE COURT: All right.

20 MR. TRUSLOW: That's one thing we want to say.
21 Diane and Chris' deposition, because we wanted to
22 figure out what -- we're not trying to collect on the
23 North Carolina judgment, we want to see what's here,
24 what the defense is and why it is. So, that's where
25 we are.

1 THE COURT: Okay. All right. Y'all agree with
2 the procedural? I know you don't agree with all the
3 merits and everything he says, I understand that.

4 MR. PELLINGTON: Right.

5 THE COURT: And certainly, this is everybody's
6 day in court on the rule issue. But as far as the
7 procedural aspect of it, do y'all agree that's where
8 we are?

9 MR. PELLINGTON: I mean, technically the
10 procedure that he's laid out is correct. Although,
11 he's used mischaracterization of how we're here today
12 and our clients willingness to comply. So, I
13 disagree with that. And I would like to frame the
14 issue from the Combis' point of view.

15 THE COURT: Sure.

16 MR. PELLINGTON: Before we begin.

17 THE COURT: Yeah, go ahead.

18 MR. PELLINGTON: So, if you go back to the
19 federal court trial with Judge Anderson at that point
20 in time carved out the issue with respect to personal
21 property. There's no disagreement there. The issue
22 right before the court today with respect to the Rule
23 to Show Cause is actually pretty narrow. And what it
24 surrounds are the issues of these coins, guns and
25 watch, potentially watches. And whether my clients

1 complied with the subpoena in this case and then your
2 Order from the bench.

3 If you recall, Your Honor, we were before you
4 this summer on a couple of motions to dismiss, and in
5 conjunction with that, heard Ms. Ballard's motion to
6 compel. Based on not our unwillingness to comply
7 with the subpoenas that were issued but our valid
8 objections to it. And during that hearing what we
9 said there was a group of serial defects, there were
10 some substantive defects but we're willing to waive
11 it to move this case forward and resolve this
12 personal property issue. Which we tried to have
13 heard at the federal court trial but Judge Anderson
14 declined to hear it. Wanted to move this issue with
15 respect to the personal property. And so we said we
16 waive those arguments as long as, you know, after we
17 submitted them, that we would get them back after an
18 appraiser had a chance to take a look at them. And
19 that's what Your Honor entered.

20 And I'm not really sure [indiscernible] has to
21 do with this other than I was trying to work out
22 deadline scheduling with them, but we timely complied
23 with The Court's Order. And so there's a picture on
24 non compliance by my clients up until this point and
25 I vehemently disagree with that. My clients want to

1 move this forward and resolve this.

2 So, what you're going to hear are issues over
3 guns. There's going to be talk about a 45, that my
4 clients have not seen. And the last time that they
5 saw it was at Linda Combis' house, not at their
6 house. Some riffle, a 36 riffle with a scope. And
7 nobody has any idea what anybody is talking about.
8 There are coins that apparently Pop owned, at some
9 point in time, 10, 15 years ago, that was disbursed
10 and are no longer in Diane and George's possession.
11 So, what they turned over and what they're going to
12 testify to is everything that could possibly be a
13 coin that Pop once owned. And then there's going to
14 be this issue of this watch. And this watch has gone
15 back and forth in this case long before I entered the
16 case and my firm entered the case.

17 And what my clients are going to testify to is
18 that the Rolex watch that was turned over is the
19 Rolex that Pop wore on a day-to-day basis. On a
20 secondary note, I have another Rolex here that my
21 clients are going to testify that if there is another
22 watch that possibly might be responsive to what they
23 have requested, this watch is it. Now, I showed it
24 to -- I represent that I showed it to Ms. Ballard
25 before the hearing today and I think she acknowledged

1 that it is a real Rolex but she said that it is not
2 Pop's Rolex. So, the sum here, Your Honor, is that
3 nobody knows what Rolex they're talking about. What
4 anybody is talking about.

5 We're going to show the Trust documents, that do
6 not specifically define the Rolex. The subpoena's
7 here. It says, The original Rolex allegedly gifted
8 to you by the deceased for appraisal.

9 They're going to testify that the watch or
10 watches fit that bill and there's nothing else that
11 they have in the possession, custody or control that
12 can fit that bill. And the same thing with the guns
13 and the same thing with the coins. So, the issue
14 with respect to the Rule to Show Cause is whether my
15 clients complied with the subpoena and The Court's
16 Order. And what we're going to show is that to the
17 best of their ability, to everything that they had in
18 their possession, they did.

19 THE COURT: Gotcha, I'm with you.

20 Call your first witness.

21 MR. TRUSLOW: Chris Combis.

22 THE COURT: Who?

23 MR. TRUSLOW: He's the grandson, Chris Combis.

24 THE COURT: Chris Combis, okay, thank you.

25 Mr. Combis, come up, please.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 THE CLERK: Place your left hand on the Bible,
2 raise your right hand.

3 CHRIS COMBIS, after being duly sworn,
4 testified as follows:

5 THE CLERK: Please be seated in the witness
6 stand.

7 DIRECT EXAMINATION

8 BY MR. TRUSLOW:

9 Q Your name is Chris Combis; is that correct?

10 A Correct.

11 Q Your grandfather was who we've been calling Pop,
12 correct?

13 A Correct.

14 Q Your father is George and your mother is Diane;
15 is that correct?

16 A Correct.

17 Q They're in the courtroom here today?

18 A Correct.

19 Q Is that correct?

20 A Correct.

21 Q All right. You realize this is a serious matter
22 do you not?

23 A Yes.

24 Q Do you realize this is a serious matter?

25 A Yes.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q All right. Now--

2 THE COURT: All right, let's stop right here.

3 I'm going to go ahead and warn everybody that I take
4 civility in my courtroom very strongly. And if I
5 sense anybody trying to mock these proceedings, I'm
6 not saying you are, but if I sense any of that going
7 on, you'll be going out that door in custody and not
8 that door. Do you understand?

9 THE WITNESS: Yes, sir.

10 THE COURT: Do you understand?

11 MR. TRUSLOW: Yes, sir.

12 THE COURT: Ms. Ballard, do you?

13 MS. BALLARD: I do, sir.

14 THE COURT: The lawyers?

15 MR. PELLINGTON: Yes, sir.

16 THE COURT: Everybody that's going to be here,
17 do y'all understand?

18 (WHEREUPON, everyone nods.)

19 THE COURT: Everybody nods their head.

20 MS. BALLARD: Thank you, Your Honor.

21 THE COURT: Proceed.

22 MR. TRUSLOW: Thank you.

23 BY MR. TRUSLOW:

24 Q Did your grandfather own a Rolex watch?

25 A Yes.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q Can you describe it?

2 A Yes, he had two.

3 Q I couldn't hear you.

4 A He had two.

5 THE COURT: Sir, you need to back up, you're
6 real -- she's is taken down every word you're saying
7 and that microphone is very sensitive sometimes.
8 Just talk normal like I'm talking, please, that will
9 be fine.

10 THE WITNESS: Okay.

11 BY MR. TRUSLOW:

12 Q And please forgive me, they have a colloquial
13 expression that I've been on a lot of dove hunts so I'm a
14 little deaf. So, if I'm too loud or not loud enough,
15 please let me know.

16 A Okay.

17 Q Your grandfather owned a Rolex watch; is that
18 correct?

19 A He owned two.

20 Q He owned two. All right. And can you describe
21 the two Rolex watches that he had?

22 A One was a gold Rolex, one was a stainless steel
23 and gold Rolex.

24 Q A gold and then a silver Rolex watch, is that
25 correct?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 A One was a gold.

2 Q Yes.

3 A And one was a silver and gold.

4 Q Silver and gold, I'm sorry. I appreciate you
5 correcting me. Sometimes I don't hear everything. Would
6 you agree with me that one of those Rolex's was engraved
7 on the back and had the name Chris Combis on it?

8 A Yes.

9 Q All right. You're certain about that?

10 A Yes.

11 Q What was the -- can you describe the face on
12 those two Rolex watches?

13 A I believe one had a black face and one had a,
14 like a wooden looking face.

15 Q A brown face.

16 A Yeah, it looked like wood, yes.

17 Q Okay. And would you agree with me that your
18 grandfather died in 2009?

19 A Yes.

20 Q Would you agree -- have you read your father's
21 deposition by any chance?

22 A No, sir.

23 Q Okay. Would you agree with me that your father
24 gave you your grandfather's watch in 2011?

25 A Which watch are you talking about?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q Either one of them.

2 A Would I agree that my father gave me one? No.

3 Q Your father, your father. I first asked you if
4 your -- if you had read your father's deposition?

5 You said, No.

6 Then I said -- or I think I said, Did your
7 father give you your grandfather's watch in 2011?

8 And you said, Which one?

9 I said, either one of them?

10 A No, he did not.

11 Q He did not?

12 A Correct.

13 Q Okay. So, your father gave you neither one of
14 the watches, is that correct?

15 A Correct.

16 Q Okay.

17 MR. TRUSLOW: Your Honor, we're going to have a
18 matter for the purpose of this hearing we will need
19 to reserve the deadman statute rule. But for all
20 civil litigation. But for this I would ask that he
21 be allowed to have -- we want to reserve any
22 objection for other cases. But for this, if he needs
23 to go beyond the deadman statute and say what his
24 grandfather may have done or said, I don't think it's
25 consequential. It's not for the truth of the matter.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 THE COURT: Any objection to that? I mean, this
2 is going to be a matter of credibility, it appears,
3 for The Court to determine. I mean, I'm the finder
4 of fact and the ruler of law on both since I'm trying
5 this without a jury. What's your position?

6 MR. PELLINGTON: And I think that's fine. I
7 don't see any other way to do it. The only thing
8 that I would say to preserve objections if somebody
9 is trying to testify to something outside of his
10 personal knowledge.

11 THE COURT: Right.

12 MR. PELLINGTON: But other than that, if
13 somebody said, my grandfather did this or my father
14 did this, I don't see any problem with that.

15 THE COURT: Right. And I don't have a problem
16 either way. When you question any witness or when
17 you question a witness, Mr. Truslow, if y'all want to
18 ask what, you know, I'll take it in stride after I
19 hear everything. I want everything that y'all want
20 to come out in this hearing to come out, okay.

21 Go ahead.

22 BY MR. TRUSLOW:

23 Q If your father had testified in a deposition
24 that he had your grandfather's watch and it was only one
25 and he gave it to you in 2011, would that be true or

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 false?

2 A Repeat the question.

3 Q If your father had testified in the deposition
4 that he gave you your grandfather's watch and it was only
5 one and it was in 2011, would that be true or would that
6 be false if he testified to that, would it be true or
7 false?

8 A I guess it would be false.

9 Q Okay. Did -- it is your testimony that your
10 grandfather gave you the watch?

11 A Watches, yes.

12 Q Watches?

13 A Yes.

14 Q Did he give you two of them, is that your
15 testimony?

16 A Yes.

17 Q What year was that?

18 A It was in two different years and I can't
19 remember what year.

20 Q Well, can you give me -- can you give me a
21 century? Excuse me, I mean, a decade?

22 A It was in, I would say early 2000 when Pop was
23 still working and sitting at his desk. He was of sound
24 mind.

25 Q And what year would that have been,

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 approximately?

2 A I -- I don't know. Like, 2000 something, early
3 2000.

4 Q Okay. And this was -- what did you do with the
5 two watches?

6 A Kept them.

7 Q Okay. You kept them?

8 A (The witness nods.)

9 Q How long did you keep them?

10 A From the time he gave them to me until now.

11 Q Okay. So, to kind of cut to the chase and I'm
12 going to back and fill, you had two watches that your
13 grandfather had given to you. And you got a copy of The
14 Court's Order, did you not, to turn over the items to
15 Ms. Ballard?

16 A No, I didn't see anything. I mean, Joe had sent
17 me an email.

18 Q I'm sorry?

19 A Joe had sent me an email but I haven't seen
20 anything except for an email and just a list of things.

21 Q Okay. So, you had -- when you said, Joe, you're
22 talking about Mr. Pellington?

23 A Yes.

24 Q And he was your -- he is and was your attorney;
25 is that correct?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 A Correct.

2 Q Okay. And he directed you to turn over the
3 watches?

4 A The watch, the original watch. Pop's original
5 watch.

6 Q You said there were two?

7 A That's correct. Pop had two watches.

8 Q So, how many watches did you turn over to
9 Ms. Ballard?

10 A I turned over the original Rolex watch. Pop's
11 original Rolex watch was a stainless steel and gold Rolex
12 watch.

13 Q But there were two? You said there were two?

14 A I was directed -- you're right, I did say there
15 were two. I was directed to turn over Pop's original
16 Rolex watch.

17 Q Well, what did you do with the other Rolex
18 watch?

19 A I have it.

20 Q Where is it?

21 A Joe has it.

22 MR. TRUSLOW: All right and may I see it,
23 please?

24 THE COURT: All right, for the record,
25 Mr. Pellington is handing Mr. Truslow a watch.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 BY MR. TRUSLOW:

2 Q So, the -- would -- you've already testified
3 that your grandfather had a Rolex watch, it was -- that it
4 was -- it had -- it was engraved with his name on the back
5 of it; is that correct?

6 A Correct.

7 Q And do you still -- was that the one you turned
8 over to Mr. Pellington or his law firm?

9 A At which time?

10 MR. PELLINGTON: Objection. I'm waiting a
11 little bit, Your Honor, to potentially
12 attorney/client privilege information as far as our
13 interaction back and forth. He talked about what was
14 turned over to Ms. Ballard but anything beyond I
15 think is going too far.

16 MR. TRUSLOW: Your Honor, I'm not asking for
17 confidential communications, I'm asking him if he
18 turned it over.

19 THE COURT: All right, objection overruled.

20 BY MR. TRUSLOW:

21 Q Did you turn it over?

22 A Yes.

23 Q Did it have the engraving on the back of it?

24 A Yes.

25 Q Okay. You're certain about that? Had his name

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 engraved on the back?

2 A Let me say it a different way. Pop's original
3 Rolex watch was a stainless steel and gold watch. That's
4 his original watch. I was asked to provide the original
5 watch. That's exactly what I gave to Joe.

6 Q And was that original watch the one that had the
7 engraving on the back?

8 A No.

9 Q What did you do with the other one?

10 A I guess you guys have it.

11 Q You said that was this one today?

12 A No, that's not what I said.

13 Q Well, we've got two watches. One of them had
14 engraving on it. And I understood Mr. Pellington to say
15 this is one of the two watches that I'm holding in my hand
16 with a gold band on it. Is that correct?

17 A Yes.

18 Q All right. Now, the other one was the one that
19 you delivered to Mr. Pellington's office; is that correct?

20 A Correct.

21 Q So, this one that I'm holding in my hand that's
22 got a gold band and is gold with a brown face on it, would
23 you agree with me that it does not have any engraved name
24 on the back of it?

25 A No, I would not agree with you.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q Okay.

2 A You have to open the watch. You have to open
3 it.

4 Q All right. Well, you're going to have to help
5 me.

6 A Okay.

7 Q All right. So, this is the one that you brought
8 today that has -- it's rough but it has Chris Combis on
9 the inside of the band, correct?

10 A Correct.

11 Q And this is the one that you kept; is that
12 correct?

13 A That is correct.

14 Q This watch, this gold watch?

15 A Uh-huh.

16 MR. TRUSLOW: If I can have just a minute, Your
17 Honor?

18 THE COURT: Sure.

19 MR. TRUSLOW: Your Honor, I don't know if we
20 ought to take a photograph of this or how we're going
21 to be able to kept this straight. I want them to be
22 able to keep it if they can.

23 THE COURT: Hand it up to me. And I'll take
24 judicial notice -- what do you want me to take
25 judicial notice of?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 MR. TRUSLOW: I want you to look on the back
2 right here.

3 THE COURT: Okay.

4 MR. TRUSLOW: Because the testimony is going to
5 be is this is where the original was and this one has
6 some rough, I don't use the word engraving, but you
7 can say that, that it's got some writing on the back
8 of it.

9 THE COURT: All right, Mr. Pellington, do you
10 agree that on the back of the face of the watch
11 there's nothing on there?

12 MR. PELLINGTON: It appears to be so, Your
13 Honor.

14 THE COURT: Okay, I'll take judicial notice of
15 that. And on the inside of the band -- on the inside
16 of the band clasp.

17 MR. TRUSLOW: Yes, sir.

18 THE COURT: What do you want me to say?

19 MR. TRUSLOW: It has some -- it looks like it's
20 a crude -- the name Chris Combis is on there.

21 THE COURT: Right, okay.

22 MR. PELLINGTON: I agree with that, Your Honor.
23 On the other clasp, I spent some time looking at it,
24 it looks like it says, NC on one side. And then on
25 the bottom it says, Char, C-H-A-R. Although, I will

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 admit my eyes are not what they use to be but that's
2 what it says.

3 THE COURT: I tend to agree with you, that's
4 what it says.

5 All right, I take judicial notice of that as
6 well. Okay.

7 MR. TRUSLOW: Thank you.

8 THE COURT: All right, I'll hand it back to you.

9 BY MR. TRUSLOW:

10 Q And would you agree with me that it does not
11 have a date on the clasp? It does not have any kind of
12 date? And would you agree with me that it's also very
13 crude?

14 MR. PELLINGTON: Objection.

15 THE WITNESS: It doesn't have a date.

16 MR. TRUSLOW: Okay.

17 THE COURT: Objection overruled.

18 Reask the second question.

19 BY MR. TRUSLOW:

20 Q Go ahead, would you agree with me that it's
21 crude scratching on the inside of this clasp?

22 A Yes.

23 Q Okay. And would you agree with me that the
24 band--

25 A Messed up writing?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q I'm sorry?

2 A Is that what you're asking me--

3 Q Yeah.

4 A -- that's messed up writing?

5 Q I asked if it was crude.

6 THE COURT: Would you agree that it was a crude
7 etching on the other side of the clasp of the band?

8 THE WITNESS: Yes, sir.

9 BY MR. TRUSLOW:

10 Q And would agree with me that the band is gold?

11 A Yes.

12 Q Does it -- it really doesn't make sense to take
13 a gold band on a Rolex and scratch -- well, it looks like
14 crude scratching, that doesn't make sense; does it?

15 A Not a whole lot of sense.

16 THE COURT: Let the record reflect that the
17 watch has been returned to Mr. Pellington.

18 BY MR. TRUSLOW:

19 Q The watch that you delivered was the one I'm
20 holding in my hand that has now -- it's gold and silver
21 band, this is what you produced; is that correct?

22 THE COURT: Show it to him.

23 THE WITNESS: Yes.

24 BY MR. TRUSLOW:

25 Q And is there any -- looking on the band, do you

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 see any -- do you see any etching on it?

2 A No.

3 Q And if I -- the watch that Mr. Pellington has in
4 his hand --

5 If I can have it back, please.

6 You can hold these and tell one's gold,
7 just from the heft, one's gold and one's not; can't you?

8 A Yes, gold weighs.

9 MR. TRUSLOW: Your Honor, if I may approach the
10 bench just so you can feel and you can. . .

11 THE COURT: I take judicial notice that the gold
12 one -- the gold colored one, I don't know if it's
13 actually gold or not, weighs more than the silver and
14 gold colored one. I take judicial notice of that.

15 MR. TRUSLOW: Thank you.

16 BY MR. TRUSLOW:

17 Q So, the watch that you provided to
18 Mr. Pellington's firm to give to us is the one that's the
19 one that's in my right hand that has a black, what looks
20 like a black face; would you agree with that?

21 A Yes.

22 Q And you knew it was a fake?

23 A No, of course, not. I know this, it's Pop's
24 watch that he wore every single day.

25 THE COURT: Hold on a second.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Objection noted, overruled.

2 Go ahead.

3 BY MR. TRUSLOW:

4 Q So, if I understand, you produced one watch to
5 Mr. Pellington's law firm and that's the one that I'm
6 holding now that I'm going to -- I'm going to set it aside
7 right here for a moment. That was the sole watch that you
8 provided to Mr. Pellington?

9 MR. PELLINGTON: Objection.

10 THE COURT: What's the grounds of the objection?

11 MR. PELLINGTON: It's mischaracterization of his
12 testimony.

13 THE COURT: Okay. All right. Sustained.

14 Reask the question.

15 BY MR. TRUSLOW:

16 Q What watch did you present to Mr. Pellington's
17 law firm?

18 A That watch there.

19 Q All right. The one that's on the table by the
20 clerk?

21 A Correct.

22 Q And would you agree with me that that's a fake
23 Rolex watch?

24 MR. PELLINGTON: Objection, asked and answered,
25 Your Honor.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 THE COURT: Sustained.

2 BY MR. TRUSLOW:

3 Q It is a fake?

4 A I wouldn't know.

5 Q Have you ever done business with a company named
6 Sumter's Jewelers in Charlotte?

7 A Yes.

8 Q Okay. Sumter's Jewelers deals frequently with
9 Rolex watches, correct?

10 A I know that they sell them.

11 Q Have you bought or sold or had repaired a Rolex
12 watch with Sumter's?

13 A Pop asked me to get his Rolex cleaned for him
14 and they cleaned his watch for him.

15 Q And did you do that?

16 A They did?

17 Q All right. You delivered it to them?

18 A Correct.

19 Q Did you ever buy or sell or do any other trade
20 with Sumter's?

21 A Not as it relates to watches, no, sir.

22 Q How about did you sell a, I think, it's a Perini
23 watch?

24 And I can spell it for Your Honor.

25 But that you sold for some \$3,500, did you

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 sell that?

2 A No, I don't know what a Perini watch is.

3 Q Did you sell a watch for \$3,500?

4 A Not that I can remember, no.

5 Q Okay.

6 If I can have his deposition.

7 I'm going to ask you if this refreshes your
8 memory. Do you recall having your deposition taken on
9 September 6th, 2017 in a domestic case?

10 A Yes.

11 Q And did you testify at that time that -- have
12 you turned over the --

13 Question, And did the Judge down there
14 order you to turn over certain items to a woman named Desa
15 Ballard?

16 You answered, A watch.

17 And he said, That was a Rolex watch?

18 And you said, Yes.

19 Did you say that?

20 A Who's asking me these questions? I'm confused
21 as to what you're talking about?

22 Q In your domestic case in Charlotte, North
23 Carolina, was your deposition taken on September 6th,
24 2017?

25 A Okay.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q Do you agree that that happened? That your
2 deposition was taken?

3 A I've only had my deposition taken once, so, yes,
4 okay.

5 Q You said what?

6 A Yes.

7 Q And did you say that you had turned over the
8 Rolex watch to Ms. Ballard? Did you say that?

9 A If that's what the deposition says then I guess
10 did. I can't remember, sir.

11 Q All right. Well, I'm going to read this and ask
12 you if you agree that that's what you said.

13 A Okay.

14 Q You were asked -- this was in North Carolina but
15 an attorney for your estranged wife was asking you
16 questions.

17 And the question was, Did the Judge down
18 there order you to turn over certain items to a woman
19 named Ms. Ballard?

20 Your Honor answer was, A watch.

21 The question was, Was that a Rolex watch?

22 Answer, Yes.

23 Okay. And have you turned over the watch
24 to Ms. Ballard?

25 Yes.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Well, that isn't true. You gave a
2 different watch, not the watch you were ordered to turn
3 over?

4 You said, No.

5 And the question was, So, the watch that
6 you gave to Ms. Ballard, was it one that you had received
7 from your --

8 It's the one my grandfather gave me.

9 Okay, that's the one you turned over to
10 Ms. Ballard?

11 Answer, I didn't turn over anything to
12 Ms. Ballard, I handed it to my dad and my dad gave it to
13 David Reeding and David Reeding turned it over -- turned
14 it in.

15 Question, The watch that David Reeding gave
16 to Ms. Ballard is the watch that your grandfather gave
17 you, correct?

18 And you said, Yes.

19 Isn't that what you said?

20 A Yes.

21 Q And what you did was turn over one watch to
22 Ms. Ballard and kept the other one and you didn't tell
23 anybody that you had another one; is that correct?

24 A I was asked to produce Pop's original Rolex and
25 that's what I did.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q So, don't you think you should have -- you
2 should have alerted somebody that you had two of Pop's
3 watches?

4 A I was asked to produce Pop's original Rolex and
5 that's what I did.

6 Q Weren't you aware that since 2013, Ms. Ballard
7 had been asking for whatever watches Pop had to be turned
8 over to her so she can have them valued?

9 A No. Again, I was asked to produce Pop's
10 original watch?

11 Q Okay. So, your testimony is you -- haven't you
12 had an attorney since 2013, including Charley Bridgmon,
13 Mr. Pellington and Mr. Reeding and others?

14 A Sure, uh-huh.

15 Q All right. And did you not think it was
16 important from 2013 until now to whatever watches that you
17 may have had, that were Pop's, to at least turn them over
18 so they can be identified and appraised? You didn't think
19 that was important?

20 A I didn't say that it wasn't important. I just
21 said they asked me to turn over Pop's original Rolex
22 watch.

23 Q So, you turned over just one?

24 A His original, correct.

25 Q Okay. Did you have any guns?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 A No.

2 Q Have you bought any guns or sold any guns?

3 A No.

4 Q Okay. You don't own guns?

5 A I do have a gun, yes.

6 Q What type?

7 A It's a 9 millimeter.

8 Q Your father, does he have guns?

9 A I don't know.

10 Q Have you ever seen him with a gun?

11 A No.

12 Q Same with the question for your mother?

13 A No.

14 Q Okay. Are you aware that in 2008 your
15 grandfather amended his Trust so that he previously
16 indicated that it was going to be -- at his death was
17 going to be given to you but he amended his Trust to
18 revoke it; are you aware of that?

19 A No. Pop would change his mind on a daily basis,
20 so.

21 Q Okay. Well, he wouldn't have needed to have
22 amended his Trust and his Will if he had given it away,
23 would he? Wouldn't need to go to that expense if he
24 didn't have it?

25 A Wouldn't need to do what?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q Amend his Trust and his Will?

2 THE COURT: Hang on.

3 MR. PELLINGTON: Objection, Your Honor.

4 THE COURT: Stand up when you address The Court.

5 MR. PELLINGTON: Objection, there's no question.

6 You didn't ask a question.

7 MR. TRUSLOW: I thought I did but I'll be happy
8 to rephrase it.

9 THE COURT: Yeah, just rephrase it.

10 BY MR. TRUSLOW:

11 Q It wouldn't have made sense, would it, for your
12 grandfather to amend a Trust and a Will if the item was
13 already disposed of, would it?

14 A What item are you talking about?

15 Q The watch. The watch or watches?

16 A I'm confused with your question.

17 Q All right. Are you aware that your grandfather
18 had a safe?

19 A No.

20 Q Going on to one other thing, are you aware of a
21 property, I'm going to call it generically Caramel Park
22 property?

23 A I think -- well, no.

24 Q I can't hear you.

25 A Caramel Park property?

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q Was it -- maybe it has the name Caramel in it?

2 A That's where my grandfather lived, yes.

3 Q What's the address?

4 A I can't remember his--

5 Q I'm not talking about specific address, but the
6 street name.

7 A I have no idea.

8 Q Did you ever own any property on Caramel?

9 A No.

10 Q Did you ever own any property that was
11 contiguous to Caramel?

12 A Caramel what? There's a lot of them. There's
13 Caramel Road, Caramel Park, there's neighborhoods named
14 Caramel, so I don't know what you're talking about.

15 Q Let me cut to the chase and ask it this way. Do
16 you recall you and your wife selling the property with the
17 name Caramel on it for \$1.9 million dollars?

18 A My house--

19 MR. PELLINGTON: Objection, Your Honor--

20 THE COURT: Stop.

21 Go ahead.

22 MR. PELLINGTON: Relevance. I'm not sure --
23 this gets -- dives into what he's trying to find out
24 by taking Mr. Combis deposition. What we contend are
25 improper questions that relate to ability to pay or

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 lack of ability to pay in Ms. Ballard's fee case. I
2 don't see how this is inside the scope of this
3 hearing. I object on relevance grounds.

4 MR. TRUSLOW: Your Honor, if I may, I can
5 explain. First of all, it goes to credibility. But
6 what happened, George Combis, when we attempted to
7 take his deposition, I'm trying to be efficient, when
8 he took his deposition he denied that he disposed of
9 any property. When he said that, we did some
10 homework over the lunch break and we got a document
11 that showed that he had deeded over to his wife a
12 property on Caramel -- Caramel Park, a piece of the
13 property over at Caramel Park that was contiguous to
14 the property that Chris Combis and his wife owned.
15 Then they sold it for some 9. million -- 1.9 million
16 dollars to somebody else. And then George said after
17 he denied that he had done it, he said, well -- and
18 I'm not even paraphrasing, he said he forgot about
19 that. That he forgotten about that, he forgot about
20 listing a piece of property on--

21 THE COURT: That's what he said?

22 MR. TRUSLOW: That's what George Combis said but
23 he deeded it over to this witness. He deeded over to
24 his wife who then deeded it over to this witness who
25 then sold it--

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 THE COURT: Well, how did the 18 carat Rolex
2 watch, the brown wound up face and all the personal
3 property stuff?

4 MR. TRUSLOW: Only goes to credibility, Your
5 Honor.

6 THE COURT: All right, well I sustain the
7 objection.

8 Move on.

9 BY MR. TRUSLOW:

10 Q Okay. The watch -- you have known since 2013
11 that this Rolex watch, at least one, if not two or three,
12 has been a contentious issue since 2013; would you agree
13 with that?

14 A Yes.

15 Q You agree that Ms. Ballard has been asking for
16 whatever personal property, including Rolex watches that
17 Pop had so that she could, at least, inventory them and
18 have them appraised and appropriately disposed of. You
19 knew that; didn't you?

20 A I knew that Ms. Ballard asked for Pop's original
21 Rolex watch.

22 Q Well, you knew that she was asking for what
23 property Pop had?

24 A I was told to produce Pop's original Rolex
25 watch.

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 Q I'm sorry, I can't hear you.

2 THE COURT: He was told to produce Pop's
3 original Rolex watch.

4 BY MR. TRUSLOW:

5 Q Okay. But you knew Ms. Ballard needed to know
6 what Pop actually had or may have disposed of before his
7 death, shortly before his death; didn't you know that?

8 A I have no earthly idea what Ms. Ballard knows.

9 Q All right. Would you agree with me that
10 Ms. Ballard was asking that all the property, personal
11 property be identified and she's been asking for it since
12 2013?

13 A Again, I was asked to produce Pop's original
14 Rolex watch, that's what I did.

15 Q Okay. Now, did you -- when you delivered it,
16 did you take a photograph of anything before you delivered
17 it to Mr. Pellington? Either watch?

18 A Did I? No, I didn't take photographs of it.

19 Q Did you deliver the watch to Mr. Pellington?

20 A No, my dad was going over so I gave the watch to
21 my dad and said, Drop it off.

22 Q So, you gave the watch to your father?

23 A Yes, I did.

24 Q Now, in context, your father had already been
25 found by a federal court to have misappropriated some

CHRIS COMBIS-DIRECT BY MR. TRUSLOW

1 \$850,000. Why would you, in that context, what reason
2 would you give this to George Combis rather than giving it
3 to the attorney?

4 A Are you asking me if I trust my dad?

5 Q Under circumstances where he had a \$850,000
6 verdict rendered against him for misappropriating money,
7 why did you not give the item to the attorney rather than
8 giving it to your father?

9 A My dad was going over there and I gave him the
10 watch.

11 Q What? I'm sorry, I couldn't--

12 A My dad--

13 THE COURT: My dad was going over there and I
14 gave him the watch.

15 MR. TRUSLOW: All right. If I can have just a
16 minute?

17 THE COURT: Sure.

18 MR. TRUSLOW: All right, one last question or
19 series of questions, then I'll be done.

20 BY MR. TRUSLOW:

21 Q Would you agree with me that the attorney
22 representing you, your father, your mother, was Charles
23 Bridgmon in 2013, would you agree with that?

24 A I know that he was one of their attorneys, yes.

25 Q And would you agree with me that as your

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 attorney and their attorney, he was authorized to speak on
2 your behalf; wasn't he?

3 A I guess.

4 Q Did you review any emails or communications that
5 he may have sent to Ms. Ballard or me regarding a Rolex
6 watch or watches?

7 A No, I try to stay as far out of this as I
8 possibly can.

9 Q But you would agree with me that he was
10 authorized to speak on your behalf regarding the location
11 of items that were to be given to Ms. Ballard, would you
12 agree with that? Your attorney -- I'll ask it another
13 way. Would you agree that your attorney was your agent
14 and authorized to speak on your behalf?

15 A Okay, sure.

16 Q You said what?

17 A Sure, yes.

18 MR. TRUSLOW: Thank you.

19 CROSS-EXAMINATION

20 BY MR. PELLINGTON:

21 Q Good afternoon, Mr. Combis.

22 A Good afternoon.

23 MR. PELLINGTON: Your Honor, if I may approach
24 the witness and hand up the subpoenas and the Order
25 to Compel in this case?

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 THE COURT: Yes, sir.

2 MR. PELLINGTON: Would the Court like a copy as
3 well?

4 THE COURT: My Order?

5 MR. PELLINGTON: Your Order is in the file.

6 THE COURT: Sure, hand me a copy.

7 MR. PELLINGTON: Okay.

8 BY MR. PELLINGTON:

9 Q Now, Mr. Combis, I first direct your attention
10 to the document that has the Valid and Watson cover letter
11 on the front.

12 A Okay.

13 Q Enclosed with that cover letter are the
14 subpoenas in this case. If you turn to the first page of
15 the subpoena, second page of the document, do you see up
16 top where it's directed to you, Chris A. Combis?

17 A Yes.

18 Q Do see in the middle of the page where it says,
19 You are commanded with an X next to it?

20 A Where?

21 Q It's in the middle of the page.

22 A Page one?

23 Q That same page where it says, To Chris Combis.
24 It's four boxes down.

25 THE COURT: Turn the page.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 THE WITNESS: Yes, sir.

2 BY MR. PELLINGTON:

3 Q Okay. It says, You are commanded to produce and
4 permit inspection copying of the following document or
5 objects, etcetera, etcetera.

6 Now, below that, do you see where it says,
7 Original Rolex watch allegedly gifted to you by the
8 deceased for appraisal?

9 A Yes.

10 Q Did I read that correctly?

11 A Yes.

12 Q Do you understand that that was what you were
13 commanded to produce in this lawsuit?

14 A Yes.

15 Q And you had seen this subpoena before; is that
16 correct?

17 A Yes.

18 Q Now, if you set that document aside and look at
19 the Order granting a Motion to Compel.

20 A Okay.

21 Q I'm going to ask you to flip to the third page,
22 the last page.

23 A Okay.

24 Q And it reads, It is ordered that the items
25 sought for production in the subpoenas from Ballard to

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Respondents, dated March 16th, 2017, shall be delivered to
2 her at her office by Respondents or their counsel no later
3 than close of business August 15th, 2017? Did I read that
4 correctly?

5 A You did.

6 Q And is that what you understood you were
7 commanded to do by this Court?

8 A Yes.

9 Q And I believe that you testified to this
10 previously but let's make it clear, is that what you
11 contend that you did?

12 A Correct.

13 Q Now, what it says in the subpoena, Original
14 Rolex watch allegedly gifted to you by the disease for
15 appraisal.

16 Would you, please, explain to The Court
17 what you took that to mean?

18 A Pop's original Rolex watch that he wore
19 everyday.

20 Q And would that be the watch --

21 If I may approach the bench?

22 THE COURT: Sure.

23 BY MR. PELLINGTON:

24 Q Would that be this watch with the black -- the
25 black face and the silver and gold?

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 A Correct.

2 Q And how did you describe this watch earlier?

3 A Stainless steel watch.

4 Q The stainless steel watch?

5 A Uh-huh.

6 Q And you delivered that watch to your father, who
7 then delivered it to my office, who then delivered it to
8 Ms. Ballard; is that correct?

9 A Correct.

10 Q Okay. Now, does the original Rolex watch
11 language in this subpoena have any other details
12 describing the watch?

13 A No.

14 Q Is there any specificity contained within that
15 document that you are aware of that describes the watch
16 that you were commanded to produce?

17 A No.

18 Q Okay.

19 If I may approach, Your Honor?

20 THE COURT: Yes, sir.

21 BY MR. PELLINGTON:

22 Q What I'm handing to you --

23 If I may mark it as an exhibit?

24 THE COURT: Yes, go ahead and mark that as an
25 exhibit.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 MR. PELLINGTON: Okay.

2 THE COURT: I'm taking judicial notice of the
3 subpoenas because they're issued out of this -- yeah,
4 out of this court so I can take judicial notice of
5 the pleadings. But the exhibit you just handed him,
6 this is the Revocable Trust Agreement for Chris
7 Combis?

8 MR. PELLINGTON: That's correct.

9 THE COURT: Any objection?

10 MR. TRUSLOW: No, Your Honor.

11 THE COURT: I mean, that's what we're -- so
12 that's going to be Respondent's No. 1.

13 BY MR. PELLINGTON:

14 Q Have you seen that document before?

15 THE COURT REPORTER: Judge, I haven't had a
16 chance to mark that.

17 THE COURT: Hand that up to April, have her mark
18 it.

19 (WHEREUPON, Respondent's Exhibit No. 1 was
20 marked for identification and received into
21 evidence.)

22 MS. BALLARD: I was just curious, is that the
23 entire trust or just the first one?

24 MR. PELLINGTON: The good thing is we're only
25 looking at one provision in here.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 THE COURT: Okay.

2 BY MR. PELLINGTON:

3 Q So sir, if you would -- first, have you seen
4 this document before?

5 A I think so.

6 Q Okay. Are you aware that your father had a
7 Revocable Trust Agreement -- or your grandfather had a
8 Revocable Trust Agreement?

9 A Yes.

10 Q Okay. If will you do me a favor and turn to
11 Page 5.

12 A (The witness complies.)

13 Q In the middle I want to direct your attention to
14 Paragraph 5 where it says, Specific distribution of
15 tangible, personal property; you see that?

16 A Yes.

17 Q And it reads, The silver Rolex watch shall be
18 conveyed to Chris A. Combis if he shall survive the
19 settlor. And you are Chris A. Combis; is that correct?

20 A Yes.

21 Q And what was your understanding of what was
22 going to come into your position based on this specific
23 distribution?

24 A That watch right there.

25 Q That Rolex watch right there?

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 A Yes.

2 Q And right there I mean the stainless steel watch
3 that you previously referred to?

4 A Correct.

5 Q The one that you turned over to Ms. Ballard?

6 A Correct.

7 Q Now, is there any other identifying information
8 within this documents that specifies which Rolex watch he
9 is referring to? And you can take a second to flip
10 through it if you would like.

11 A Not that I can see, no.

12 Q Okay.

13 Your Honor, if I may approach and hand
14 up -- I'll do these together, speed this along. Two
15 documents. One entitled, First Amendment and Statement of
16 Revocable Trust Agreement of Chris Combis. And a Second
17 Amendment to Revocable Trust Agreement.

18 THE COURT: All right.

19 MR. PELLINGTON: I move to admit these as --

20 THE COURT: Any objection?

21 MR. TRUSLOW: No, Your Honor.

22 THE COURT: Without objection those will come in
23 then as Respondent's 2. Hand them to April. And
24 Respondent's 3. We'll make the first amendment
25 Respondent's 2 and the second amendment as

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Respondent's 3.

2 (WHEREUPON, Respondent's Exhibits Nos. 2 & 3
3 were marked for identification and received into
4 evidence.)

5 THE COURT: All right.

6 BY MR. PELLINGTON:

7 Q Okay. I direct your attention first to the
8 first amendment statement, have you ever seen this
9 document before?

10 A No, I've seen a binder of stuff.

11 Q Are you aware that -- generally aware that your
12 grandfather had a first amendment or statement of
13 revocable trust?

14 A Yes.

15 Q Okay. If you'll turn to page, the actual Page 5
16 document, it's Bates labeled with Page 6. But if you turn
17 to the actual Page 5 of the document, I want to draw your
18 attention to one provision.

19 THE COURT: This is the first amendment?

20 MR. PELLINGTON: That's correct, Your Honor.

21 THE COURT: Page 5?

22 MR. PELLINGTON: That's right. Under Article 7.

23 BY MR. PELLINGTON:

24 Q Under Paragraph 7, at the bottom, near the
25 bottom--

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 THE COURT: I think it's Bates stamped Page 6.

2 MR. PELLINGTON: That's correct, it's Bates Page

3 6.

4 THE COURT: Yeah, down at the very bottom, flip
5 the page once, you'll see it.

6 THE WITNESS: Okay, yeah. Okay.

7 BY MR. PELLINGTON:

8 Q Do you see Paragraph 7?

9 A Yes.

10 Q Okay. It reads, The specific distribution of
11 tangible, personal property. The settlor's Rolex watch
12 shall be conveyed to Chris A. Combis if he shall survive
13 the settlor.

14 Do you understand that Chris A. Combis to
15 refer to you?

16 A Yes.

17 Q And what did you take to mean -- what do you
18 take to mean the Rolex watch that's referred to in that
19 paragraph?

20 A That again, the same stainless steel and gold
21 Rolex watch.

22 Q Is there any other specifying information within
23 that document as to which Rolex is being referred to?

24 A No, sir.

25 Q But you believe it to be the stainless steel?

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 A Yes.

2 Q Now, if you'll flip to the second amendment but
3 keep the first amendment handy.

4 A Okay.

5 Q So, if you go to the middle of the page where it
6 says, First.

7 A Okay.

8 Q And it reads, I amend Article 7, that appears on
9 Page 5 of the trust agreement by deleting Paragraphs 1, 2,
10 3, 4, 5, 6, 7, 8, 9, 10 in there entirety.

11 Did I read that correctly?

12 A Yes.

13 Q Now, if you look back to the first amendment of
14 the trust agreement, you'll note that Article 7 is on Page
15 5. And that Paragraph 7 is the specific distribution
16 paragraph that we just read; is that correct?

17 A Yes.

18 Q Do you understand -- what was your understanding
19 as to the effect of the second amendment to Revocable
20 Trust Agreement?

21 A Took it out of his Trust.

22 Q And do you know why your grandfather took it out
23 of his Trust?

24 A Because he gave it to me before he died.

25 Q Okay. Is there any identifying information in

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 the second amendment as to which Rolex was being referred
2 to?

3 A No.

4 Q Now, what I'd like to do is --

5 If I may approach, Your Honor?

6 THE COURT: Yes.

7 BY MR. PELLINGTON:

8 Q I'm going to hand you the verified petition and
9 request for a rule to show cause in this case.

10 Here's a copy for Your Honor. This is
11 filed, just like The Court to take judicial notice of it.

12 THE COURT: I'll take judicial notice for this
13 petition of request for rule to show cause.

14 BY MR. PELLINGTON:

15 Q Now, sir, do you understand why you're here
16 today?

17 A Yes.

18 Q What is your understanding?

19 A Talk about the watch.

20 Q And it's because of this document right here, is
21 it not?

22 A Yes.

23 Q Okay. And you understand that the --
24 Ms. Ballard is trying to seek sanctions against you under
25 the allegation that the incorrect watch was produced?

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 A Correct.

2 Q Okay. If you'll flip to Page 8 for me of that
3 document.

4 A (The witness complies.) Okay.

5 Q And I want to go through the 10 points under how
6 it is known that items produced are faced. How do you
7 respond to each one before The Court?

8 A Okay.

9 Q It reads at first, Ballard's affidavit filed
10 herewith establishes findings that number one, Pop owned
11 an 18K Rolex watch with a presidential gold, solid
12 bracelet band. The watch was of such high value, when Pop
13 had a link added to the bracelet band, the single link
14 cost more than \$1,000. The watch had a brown walnut face.
15 Internet cites reflect the current value of such watches
16 ranging from \$7,500 to \$15,000, plus the bracelet band
17 having a value believed to in excess of \$4,000.
18 Respondent's have admitted that Pop's owned a Rolex watch.

19 Q Now, you don't deny that Pop's owned a Rolex
20 watch, correct?

21 A Correct.

22 Q I believe you already testified that to your
23 knowledge, he owned two Rolex watches?

24 A Correct.

25 Q Now, with respect to the description in

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Paragraph 1, do you know which watch is being referred to
2 here?

3 A Yes.

4 Q Okay, which watch do you think is being referred
5 to?

6 A The 18 carat gold Rolex.

7 Q Let me rephrase the question. Are the two
8 watches that you believe that your grandfather owned, do
9 you know which watch this one would be referring to of the
10 two, if any?

11 A Yes.

12 Q Which one?

13 A The one over there. That one.

14 Q Okay. This would be the heavier gold watch with
15 the brown face?

16 A Correct.

17 Q Okay. Prior to seeing this document, had you
18 seen anything filed in this case that referred to a watch
19 like this with such specificity?

20 A No.

21 Q Neither the subpoena nor the Order to Compel,
22 referred to the watch with this specificity; is that
23 correct?

24 A Correct.

25 Q Now, if you go down to Paragraph 2 -- actually,

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 let's take a step back. This watch that I'm holding here,
2 the gold watch with the brown face, how did you come in
3 possession of it?

4 A Pop's was sitting at his desk one day and called
5 me into his office and told me that he wanted to give me
6 that watch and told me to hang on to it and pass along to
7 my son, Jackson.

8 Q Okay. Do you recall when that was?

9 A Again, some early 2000 when he was still at the
10 office.

11 Q Okay. Paragraph 2 reads, The watch was removed
12 from Pop's possession shortly before his death while he
13 was residing briefly in a hospital facility. Diane took
14 possession of the watch.

15 Do you understand Diane to be your mother?

16 A Yes.

17 Q What is your response to Paragraph 2, the
18 allegations in Paragraph 2?

19 A That they're incorrect.

20 Q Do you have any knowledge as to what's being
21 talked about here?

22 A None.

23 Q Okay. Why do you believe that they're
24 incorrect?

25 A Because Pop's handed me the watch.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Q Okay. Paragraph 3, Shortly after Pop died,
2 Lauren Combis, who was then married to Pop's grandson,
3 Chris A., was gifted the watch by George and/or Diane.
4 Chris A. had the watch restyled before he gave it to
5 Lauren, adding a lighter color face and installing
6 diamonds on each of the numbers watch face. The watch was
7 also reduced in size to be more suitable as a
8 gender/neutral watch that could be worn either by a woman
9 or a smaller man such as Chris A.

10 Ignoring the language at the end there,
11 calling you a smaller man, did you restyle -- or first of
12 all, do you know what watch is being referred to in this
13 Paragraph 3?

14 A No, I don't.

15 Q And, I believe, in Paragraph 1 you said you
16 thought it was referring to this gold watch with the brown
17 face. Do you still believe that it's referring to that
18 watch in Paragraph 3?

19 A I suppose that's what they're talking about.
20 But Lauren was never gifted a watch by my parents, so.

21 Q Did you restyle a watch?

22 A I had a face changed, yes.

23 Q Is that the face changed on the watch, the gold
24 watch that I'm holding right now?

25 A Yes.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Q Okay. Did you install diamonds on each of the
2 numbers of the face?

3 A No.

4 MR. PELLINGTON: If I may approach, Your Honor?

5 THE COURT: Yes.

6 MR. PELLINGTON: May I show The Court the face
7 of the watch, that the fact that there are not
8 diamonds on this watch.

9 THE COURT: All right, I take judicial notice of
10 that.

11 MR. PELLINGTON: Okay.

12 BY MR. PELLINGTON:

13 Q You still believe that this is referring to the
14 watch that I'm holding in my hand? Given that it does not
15 have diamonds?

16 A I know that Paragraph 1 is referring to that one
17 called the 18 carat gold watch.

18 Q Okay. Paragraph 4, Pop's Rolex had his initials
19 engraved on the back. When Chris A. had the Rolex
20 restyled after Pop's death, the engraving was changed to
21 CAC, which happens to be Chris A's initials. He then gave
22 it to Lauren.

23 First of all, did you ever give your wife
24 this watch?

25 A No.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Q Okay. Now, we've already established that
2 there's engraving of CAC on the back; is that correct?

3 A That's correct?

4 Q Do you have any knowledge of a watch with CAC
5 engraved on the back?

6 A No.

7 Q Okay. Do you have any watch in your possession
8 that has the engraving CAC on the back?

9 A No.

10 Q Is there any other watch in your possession that
11 Pop gifted to you at some point during his life or was
12 given to you after his death?

13 A No.

14 Q The only two possible watches that Pop gifted to
15 you are the one that you turned over to Desa Ballard, the
16 gold watch that I'm holding in my hand?

17 A Correct.

18 Q Okay. Paragraph 5, on the next page. Lauren
19 kept the restyled watch in her jewelry box from 2009 until
20 Chris A. insisted that she give it back to him and bring
21 it to a mediation in Greenville. That mediation occurred
22 on or about November 2015. Do you recall attending a
23 mediation in November of 2015 in this case?

24 A Yes.

25 Q Okay. Do you recall bringing a watch with you?

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 A No.

2 Q Okay. Do you recall bringing either of the
3 watches that you've identified as Pop's watches with you?

4 A No.

5 Q Okay. So, you would deny that?

6 A Yes.

7 Q Paragraph 6, The Rolex ultimately produced to
8 Ballard pursuant to this Court's Order dated August 19th,
9 2017, is a cheap, poor imitation, with no engraving and
10 it's certainly not the watch that belonged to Pop.

11 Let's stop there. First of all, the watch
12 that you produced, did it belong to Pop?

13 A Yes.

14 Q Okay. And do you have any knowledge as to
15 whether it is a cheap, poor imitation?

16 A I have no knowledge of that but I would highly
17 doubt it.

18 Q Okay. The next line says, It is obviously a
19 fake.

20 I believe you already testified that you
21 have no knowledge as to whether it's fake or real; is that
22 correct?

23 A Correct.

24 Q The next line says, The watch has been submitted
25 to a reparable jeweler who has confirmed it's a fake.

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Do you have any knowledge of that?

2 A No.

3 Q Now, I represent to you Paragraph 7, 8, 9 and 10
4 refer to the coins and guns that are at issue in this
5 hearing. If you would do me a favor and refer back to the
6 subpoenas.

7 A This?

8 Q No, that's the Order. This one.

9 A Oh, okay.

10 Q Now, if you flip to the middle of the document
11 there's a subpoena directed to George Combis.

12 A Okay.

13 Q Do you see that?

14 A Yes.

15 Q Now, in the middle of the page, in the same
16 place where I read to you about the original Rolex.

17 A Uh-huh.

18 Q It reads, Any and all firearms allegedly
19 received or gifted to you by the deceased for appraisal as
20 well as contents of the safe in which the deceased stored
21 cash and documents.

22 Did I read that correctly?

23 A Yes.

24 Q Do you have any knowledge as to any firearms
25 gifted from your grandfather to your father, George

CHRIS COMBIS-CROSS BY MR. PELLINGTON

1 Combis?

2 A No.

3 Q Have you read the verified motion that we were
4 just going through paragraph by paragraph? The 10
5 paragraphs?

6 A Yes.

7 Q And the Paragraphs 7 through 10 that deal with
8 the guns, do you have any knowledge as to what is being
9 referred to in those paragraphs?

10 A No.

11 Q Okay. I'll let you turn back to the subpoena.
12 And if you will flip to the third -- to the last page.
13 It's a subpoena directed to your mom, Diane Combis.

14 A Okay.

15 Q In the middle of the page it reads, Coins
16 allegedly received from the deceased.

17 Do you have any idea what coins are being
18 referred to in his subpoena?

19 A No.

20 Q Do you have any knowledge as to any coins that
21 your grandfather gave to your mother or father prior to
22 his death?

23 A No.

24 Q Do you have any knowledge as to the coins that
25 are referred to in the verified motion that Ms. Ballard

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 claims either an incomplete set or a fake set was turned
2 over in this lawsuit?

3 A No.

4 Q Do you disclaim any knowledge whatsoever as it
5 relates to guns and coins? Would that be an accurate
6 summation of your testimony?

7 A Yes.

8 Q Okay.

9 If I may just have a minute, Your Honor?

10 THE COURT: Yes.

11 MR. PELLINGTON: Nothing further at this time.

12 THE COURT: All right, any redirect,

13 Mr. Truslow?

14 MR. TRUSLOW: Yes, sir.

15 REDIRECT EXAMINATION

16 BY MR. TRUSLOW:

17 Q All right. In the context you said there are
18 two watches but you turned over one. Are you aware that
19 throughout these proceedings until your father's
20 deposition was taken, it's been represented by your
21 attorneys that there was only one Rolex watch, not two as
22 you're now saying? Are you aware of that?

23 A No.

24 Q Okay. Did you read the emails that Ms. Ballard
25 sent confirming what your attorney said that there was

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 only one watch? Only one watch?

2 A No.

3 Q Would you be surprised to hear then that your
4 attorney -- Charles Bridgmon was your attorney, that on
5 October 17th, 2013 he said, The Rolex watch, not watches,
6 the watch, using that -- that there was only one watch,
7 did you not get a copy of that email?

8 A I don't know, I've never seen it.

9 Q You've never seen it?

10 A If you ask about Pop's Rolex watch--

11 Q I was asking about whether or not you were aware
12 that Ms. Ballard was asking to identify items and your
13 attorney represented on your behalf that there was only
14 one watch. And now you're telling us today that they're
15 two. Are you aware that that's what your attorney was
16 representing?

17 A Again, no.

18 THE COURT: He said, No.

19 MR. TRUSLOW: He said, No.

20 BY MR. TRUSLOW:

21 Q Now, talking about, I think it was Respondent's
22 Exhibit 3, this was the second amendment to Revocable
23 Trust, the shorter document?

24 THE COURT: Yeah, I got it.

25

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 BY MR. TRUSLOW:

2 Q If we set the scene in the other two documents
3 that was from 2006 until this date, there was a mention of
4 some specific requests including a Rolex watch; would you
5 agree with that?

6 A I haven't seen anything.

7 Q Sir?

8 A I haven't seen anything.

9 Q Okay. Well, are you aware, just to set the
10 tone, looking at the second amendment to The Revocable
11 Trust, that on April 24th, 2008, your father took out a
12 series of specific requests; are you aware of that?

13 A I have no clue what you're talking about right
14 now. You can show me --

15 MR. TRUSLOW: May I approach --

16 THE WITNESS: -- something, then I can answer
17 it.

18 MR. TRUSLOW: -- the witness, Your Honor?

19 THE COURT: Yes, sir.

20 BY MR. TRUSLOW:

21 Q Okay, I'm going to show you, this has already --
22 it has Plaintiff's Exhibits from the federal case but the
23 Second Amendment to the Revocable Trust, do you see that?

24 A Do I see this? Yes, I see it's called, Second
25 Amendment.

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 Q Do you see the date of that?

2 A No.

3 Q See right here, at the top, first sentence?

4 A Uh-huh.

5 Q And that was of 2008?

6 A Okay.

7 Q And so, in 2008 your father, by that point in
8 time, had sued your father [verbatim] and had taken out
9 specific bequests; would you agree with that--

10 A What's a bequest?

11 Q -- including the watch. The watch. Among other
12 items. Your father had taken that out of these trust
13 agreement and was no longer going to give that to you as
14 long as -- as well as a number of other items, were you
15 aware of that?

16 A Are referring to my grandfather?

17 Q Yes.

18 A You said my father, so.

19 Q I apologize, if I did. Were you aware that your
20 grandfather had sued your father?

21 A Yes.

22 Q All right. Were you aware that they were having
23 substantial disputes?

24 A Every other day, yes.

25 Q And would you agree that your grandfather took

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 out of his, as reflected in Respondent's Exhibit 3, had
2 taken out specific bequest including a watch?

3 A No.

4 Q Okay. Today's the first time you've heard that?

5 A I didn't pay any attention to what Pop did after
6 his death because he handed me his watches when he was
7 alive, so.

8 Q All right. Are you aware that Ms. Ballard was
9 consistently asking since 2013 for you -- what items do
10 you have? You, your mother, your father, what do you have
11 and can you describe those in detail and your attorney
12 indicated, He chose not to respond.

13 Are you aware of that?

14 A No.

15 Q Are you aware that your attorney said there was
16 only one watch?

17 A No.

18 Q Okay. Now, are you aware that your father --
19 that the first time Ms. Ballard learned, specifically,
20 that there were two watches is on September 11th, 2017
21 when she took your father's deposition?

22 A Am I aware that she learned that?

23 Q Pardon me?

24 A Am I aware that Ms. Ballard learned that --

25 Q Are you aware --

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 A -- learned that my father--

2 THE COURT: Whoa, whoa, one at a time.

3 MR. TRUSLOW: I'm sorry, I apologize.

4 THE COURT: Go ahead.

5 BY MR. TRUSLOW:

6 Q Are you aware that your father's deposition was
7 taken on September the 11th, 2017?

8 A I don't know the exact date but okay.

9 Q I can show you. But are you aware his
10 deposition was taken?

11 A If you say so, yes.

12 Q Are you aware that prior to that time, I think
13 it was August 11th, your attorney had had delivered the --
14 a gun, the fake Rolex watch and some coins to Ms. Ballard,
15 are you aware of that?

16 A I turned over the original watch to my dad and
17 brought it over to Joe's office.

18 Q In August?

19 A Okay.

20 Q Okay. And it wasn't until September that your
21 father disclosed that there were, in fact, two watches.
22 Previously to that it had been always one watch. Are you
23 aware of that?

24 A No.

25 Q Are you aware that your father testified that he

CHRIS COMBIS-REDIRECT BY MR. TRUSLOW

1 didn't -- that he -- that your grandfather didn't give you
2 the watch, he gave you your grandfather's watch. And he
3 gave it to you after his death in 2010, 2011, in that
4 period?

5 A No.

6 Q You're not aware of that?

7 A No, I didn't read his deposition.

8 Q Okay. And today is the first time, the first
9 time, you've presented this watch that Mr. Pellington has?

10 A Yes.

11 Q This is the first time it's ever been disclosed
12 by you that it even existed; would you agree with that?

13 A They knew about the watch.

14 Q Who knew about it?

15 A I don't know a week ago.

16 Q Who knew about it?

17 A Joe did.

18 Q Who did?

19 A Joe.

20 Q All right, Joe Pellington, your attorney, knew
21 about it; is that correct?

22 A Correct.

23 Q But you knew all along that there were two Rolex
24 watches? Or one's a fake and one's the one.

25 A I've seen that from the beginning, that's

CHRIS COMBIS-RE CROSS BY MR. PELLINGTON

1 exactly right. There's always been two.

2 Q All right.

3 THE COURT: Objection noted, overruled. It has
4 not been established it's a fake. It doesn't weigh
5 the same as the other heavier one does but --

6 Y'all got somebody to testify it's fake?

7 MR. TRUSLOW: Ms. Ballard is going to be able to
8 testify. She submitted this to two jewelers, a
9 private investigator who deals with this. And, Your
10 Honor, I think given the totality of the
11 circumstances, where we've been asking for this since
12 2013 and now they say for the first time that they're
13 two watches. I think you can glean what exists.

14 THE COURT: I know where you're going.

15 MR. PELLINGTON: Your Honor, may I have a brief
16 recross?

17 THE COURT: Sure, yeah. If he's through.

18 Are you through on redirect? Mr. Truslow, you
19 through on your redirect?

20 All right, Mr. Pellington.

21 RE CROSS-EXAMINATION

22 BY MR. PELLINGTON:

23 Q Mr. Combis, if you will reopen the verified
24 petition, again. And turn to Page 10, please.

25 A The what? Which one?

CHRIS COMBIS-RECROSS BY MR. PELLINGTON

1 THE COURT: This one. Go to Page 10.

2 THE WITNESS: Okay.

3 BY MR. PELLINGTON:

4 Q And you see near the bottom where it says,
5 Relief requested.

6 A Yes.

7 Q That first line where it says, Respondent's are
8 attempting to defraud The Court.

9 Are you attempting to defraud The Court?

10 A Absolutely not.

11 Q Have you done everything to comply with the
12 subpoena in this case --

13 A Yes.

14 Q -- and the Court Order?

15 A Yes.

16 Q Did you believe that the watch that is with the
17 black face is the watch that was compelled by the
18 subpoena?

19 A Yes.

20 Q Did you believe that the watch that I'm holding
21 with the brown face, the gold watch, was the watch -- the
22 original Rolex compelled by the subpoena in the Order?

23 A No.

24 MR. TRUSLOW: Your Honor, I don't know that this
25 is going into anything that we did on

CHRIS COMBIS-RECROSS BY MR. PELLINGTON

1 cross-examination now. This is just. . .

2 THE COURT: Overruled.

3 BY MR. PELLINGTON:

4 Q With that said, if The Court orders you to turn
5 over the gold watch that I'm holding with the brown face,
6 will you do so?

7 A Sure, of course.

8 Q Will you comply with any court orders that The
9 Court issues?

10 A Yes.

11 MR. PELLINGTON: No further questions, Your
12 Honor.

13 THE COURT: All right, thank you, sir, you can
14 step down.

15 All right, we're going to take --

16 Just leave everything there.

17 Let's take about a 10 minute recess.

18 (WHEREUPON, a short break was taken.)

19 THE COURT: Mr. Truslow, call your next witness.

20 MR. TRUSLOW: Diane Combis.

21 THE COURT: All right, Ms. Combis.

22 THE BAILIFF: Place your left hand on the Bible,
23 raise your right hand.

24 DIANE COMBIS, after being duly sworn,
25 testified as follows:

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 THE BAILIFF: Please be seated in the witness
2 stand.

3 THE COURT: Thank you, ma'am. You can just talk
4 normal like I'm talking, you don't have to get that
5 close to the microphone, okay.

6 DIRECT EXAMINATION

7 BY MR. TRUSLOW:

8 Q Your name is Diane Combis and you were the
9 former trustee of the Trust to Pop; is that correct?

10 A That is correct.

11 Q And where do you live?

12 A 8707 Lake Charles Lane, Charlotte, North
13 Carolina?

14 Q Do you have a safe in your home?

15 A Yes, I do.

16 Q How many do you have?

17 A Two.

18 Q You have one, your husband has one; is that
19 correct?

20 A Basically. It's two divided.

21 Q Your husband has testified that he didn't have
22 access to your safe, that you were the only one that had
23 access; is that correct or incorrect?

24 A That's correct.

25 Q All right. In your safe was there ever put any

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 silver, coin collection, pennies, dimes?

2 A Not in that particular safe, I don't think. I'm
3 not sure.

4 Q Where -- did you ever receive coins, silver and
5 dimes, pennies, what might be referred to as a coin
6 collection. Did you ever receive that?

7 A Yes but when Pop -- when Pop moved in with us, I
8 have to explain. When he was moved in with us when he was
9 moving from 5020 Carmel Park Drive.

10 Q From Carmel Park Drive?

11 A Yes, from Carmel Park Drive, after his wife died
12 in '98, he moved his things with us until he could find a
13 residence of where he was going to be staying. So, those
14 things were moved there in about 2000.

15 Q Were they ever returned to Pop?

16 A No, he never asked for them back.

17 Q Okay. So, you had maintained those in your
18 safe?

19 A Yes.

20 Q Did you maintain guns there in your safe?

21 A There was one that was there and the other one I
22 think was at the shop.

23 Q If your former attorney was -- your former
24 attorney was Charles Bridgmon?

25 A Yes.

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 Q If Mr. Bridgmon had responded that there are
2 pistols and George has pistols, pistols, plural, would
3 that be correct or incorrect?

4 A Yes.

5 Q Would it be correct or incorrect if Charles
6 Bridgmon had represented that Pop had given you one or
7 both of the pistols?

8 A That would be incorrect, he did not give them to
9 me. Charles or Pop didn't give them to me.

10 Q If that was -- do you know -- you, of course,
11 got a copy of what Mr. Bridgmon wrote, did you not? His
12 emails to Ms. Ballard?

13 A Yes, it's been so many years ago. But yes, I
14 did.

15 Q And he was representing that there was only one
16 watch that Pop had ever had and that there was more than
17 one pistol, correct?

18 A Whatever he wrote that day.

19 Q All right. In fact, there was -- your husband
20 had said there were two pistols in your safe, didn't he?

21 A First of all, like I say --

22 MR. PELLINGTON: Objection, Your Honor --

23 THE WITNESS: Those--

24 THE COURT: Hang on, hang on a minute.

25 MR. PELLINGTON: If there's some sort of prior

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 testimony that counsel would like to show her, I
2 think that would be appropriate so she can answer the
3 question.

4 THE COURT: Okay.

5 MR. PELLINGTON: He needs to set some kind of
6 foundation for the question.

7 MR. TRUSLOW: I'll try it a different way.

8 THE COURT: Okay, thank you.

9 THE WITNESS: Thank you.

10 BY MR. TRUSLOW:

11 Q Aren't you aware that your attorney had
12 represented that there were two pistols?

13 A Yes.

14 Q In your safe?

15 A Yes.

16 Q Okay. And that you would maintain the two
17 pistols in your safe in your possession?

18 A At times, Pop and George had discussed they
19 would take a gun down to the shop--

20 Q No, ma'am. I don't mean to interrupt you but I
21 was asking you a specific question. Whether your attorney
22 indicated that you would maintain the pistols in your
23 possession?

24 A Yes.

25 Q And did George have a pistol?

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 A That Pop gave him.

2 Q So, that's a third pistol?

3 A No.

4 Q All right. There were two pistols that you were
5 going to maintain and then Pop gave George one?

6 A Yes.

7 Q Did Pop have a safe? Or do you recall?

8 A Pop did not have a safe.

9 Q Are you sure?

10 A To my knowledge, he may have at 5020 Carmel
11 Park.

12 Q All right.

13 A But when he moved in with us he did not bring a
14 safe, nor did he say he had a safe. That's --

15 Q Do you recall your attorney -- I interrupted you
16 and I apologize. Did you finish?

17 A I said that's the reason he brought the items to
18 us.

19 Q Do you recall your attorney saying on November
20 the 15th that the guns were in your safe?

21 A No, I would have to read that. It's been so
22 many years ago. I'm trying to remember.

23 MR. PELLINGTON: I would say November 15th, what
24 are we even talking about, Judge? I'd ask for more
25 foundation.

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 THE COURT: All right, sustained.

2 BY MR. TRUSLOW:

3 Q All right. Now, do you recall -- do you recall
4 your husband writing a letter or sending an email to
5 Ms. Ballard's attorney, meaning me, to --

6 I told you before stop wasting my money on
7 your stupid like to know. Need to know.

8 Do you recall that?

9 A I remember at the last court meeting you said he
10 said that. I had no part of that.

11 Q Okay.

12 May I approach the witness?

13 THE COURT: Yes, sir.

14 BY MR. TRUSLOW:

15 Q I'm going to just show you, I've just folded
16 over a page. I'm showing you this it says, From George
17 Combis. And it's written to me. January 15th, 2014. Did
18 I say it correctly?

19 Stop wasting my money on your stupid need
20 to know.

21 A That is what that says.

22 Q And he only mentions one Rolex, does he not?
23 One Rolex. Rolex?

24 A It says did give the Rolex.

25 Q All right. His Rolex?

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 A His Rolex.

2 Q Doesn't say two Rolex's, does it?

3 A No.

4 Q Charlie Bridgmon said there was only one Rolex,
5 isn't that correct?

6 A I'm not sure what Charlie said, you'll have
7 to -- there were a lot of correspondence.

8 Q Okay. All right. I can move forward. So,
9 2008, 2009 would you have whatever Pop had as far as
10 silver was concerned, coins and dimes?

11 A It is in my husband's possession.

12 Q And did you turn it over to him or was it in
13 your safe?

14 A It was in the safe the whole time, in his
15 possession.

16 Q Did you turn it over to your husband?

17 A When it was given to me in 2000. Because in the
18 year 2000, when he moved from Carmel Park in with us, all
19 of that was his. He and Lynn and whoever was helping Pop
20 move into our house, and we've been there for 25 years, it
21 was moved then. And I gave it to him and he put it up.
22 And yes, he did put some of the stuff in the safe but.

23 Q I'm sorry, you answered part of my question on
24 that and it shortens things but going on what -- the point
25 I was trying to make was -- did you give whatever coins

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 you had to Mr. Redding, Mr. Pellington?

2 A I had George do that--

3 Q You gave them to George--

4 A --he was in charge of--

5 MR. PELLINGTON: Your Honor, I would ask that
6 counsel give my client lead to finish her answer.

7 MR. TRUSLOW: Sure.

8 THE COURT: I agree.

9 Just let her answer before you talk,
10 Mr. Truslow.

11 MR. TRUSLOW: I apologize.

12 BY MR. TRUSLOW:

13 Q Did you give the coins -- coin collection to
14 your attorney or did you give them to George to deliver?

15 A I did not give the coins to George. George got
16 the coins. Like I said, they were in the possession of
17 that when I gave him when he moved in. And he was in
18 charge of taking the guns and what all was asked for to
19 the lawyer to be turned in.

20 Q How did George get those if they were in your
21 safe then?

22 A I unlocked the safe when he needed the safe
23 unlocked. But that's all I did was unlock the safe.

24 Q So, George got whatever guns there were in
25 there?

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 A He got whatever was asked for out.

2 Q All right.

3 A Because we did not go in and out of that safe a
4 lot.

5 Q Okay. Now, going back -- if you know, you may
6 not know.

7 A Okay.

8 Q But you're aware that since 2013, Ms. Ballard's
9 been asking to see the coins, guns, whatever, watches,
10 whatever Pop might have left, even if he had given it,
11 you're aware that she's been asking for this?

12 A Yes.

13 Q And you're aware that Mr. Bridgmon refused to
14 even let her have a photograph or serial numbers of
15 whatever guns were. You're aware of that, aren't you?

16 A I'm not really aware that George refused to give
17 her photographs.

18 Q You're not aware?

19 A No.

20 Q Are you aware that she was asking what happened
21 to these items?

22 A Yes, she wrote emails asking about them.

23 Q And are you aware that both she and I were
24 asking for serial numbers, photographs and a timeline of
25 what happened and when?

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 A Not those specific questions.

2 Q I'm not going to ask about attorney/client
3 privilege but do you know why Mr. Bridgmon was refusing to
4 provide us with information such as even a photograph or
5 serial numbers?

6 A No, I do not.

7 Q But he was your attorney?

8 A Yes.

9 Q And he was authorized to speak on your behalf?

10 A Yes.

11 Q And would you agree that this would be an
12 understatement to say that this has been a very
13 acrimonious time between 2013 until now?

14 A It's been very worrisome.

15 THE COURT: Court takes judicial notice of that.
16 BY MR. TRUSLOW:

17 Q What did you do with all the coins after Pop
18 died?

19 A I did not do anything with them. They stayed in
20 the same position when everything was brought to our
21 house. I gave them to George, George put them up and on
22 one has messed with them. That were not moved around.

23 Q Did you take a paragraph of what was there or an
24 inventory of what was there that you gave to George?

25 A No, I did not.

DIANE COMBIS-DIRECT BY MR. TRUSLOW

1 Q When's the last time you saw the items that were
2 given to George or George got from your safe?

3 A He showed me what he got out of the safe when he
4 took them to his -- the lawyer.

5 Q Okay. So, that's what George showed you?

6 A He showed me after he had sent them in.

7 Q And when did he show you the Rolex or Rolexes?

8 A Rephrase that.

9 Q Rolex watches -- I'm talking about Rolex
10 watches, did he show you any Rolex watches?

11 A At what time?

12 Q When he got the items from your safe, did he --
13 and was going to deliver them to Mr. Pellington, did he
14 show you any Rolex watches?

15 A No, he didn't show me anything until after he
16 said he had already sent the things back. I didn't
17 question what he sent because --

18 Q What did he tell you about Rolex watches?

19 A Nothing.

20 Q Did you ask?

21 A No, I didn't ask.

22 Q So, you know, really, nothing about the Rolex
23 watches; is that correct?

24 A No. Because the watches -- it was a -- men --
25 the Combis men loved the watches. Whatever they did. And

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 I wasn't involved. It -- I can honestly say I wasn't
2 present when they gave or traded or did anything with
3 their watches.

4 Q Are you aware that your husband had between
5 40 -- between 40 and 50 Rolex watches? At least that's
6 what he testified to.

7 A At different times in his lifetime -- of course,
8 you do know that they're not real?

9 Q What?

10 A They're not real. The ones the he had, they are
11 Rolexes but they were not real ones.

12 Q But Pop's was a real one, wasn't it?

13 A Yes.

14 MR. TRUSLOW: All right, that's all I have.

15 THE COURT: All right, any cross?

16 MR. PELLINGTON: Yes, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. PELLINGTON:

19 Q Good afternoon.

20 THE COURT: Go ahead, I'm sorry. I'm listening.

21 BY MR. PELLINGTON:

22 Q Good afternoon. If you would do me a favor, and
23 it should be on your table there. But if you can turn to
24 the document that contains the subpoenas. Do you have it?
25 Great. If you would flip to the middle of the document --

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 I'm sorry, to the end of the document, third page from the
2 last one. It's the subpoena that's directed to you in
3 this case. Do you see it?

4 A Yes, sir.

5 Q Okay. Here at the top left corner it says, To
6 Diane Combis.

7 A Yes.

8 Q Then in the middle of the document it says, You
9 are commanded to produce and permit inspection of the
10 coins allegedly received from the deceased.

11 Is that correct?

12 A Yes.

13 Q Do you see that?

14 A Yes.

15 Q Okay. And after The Court entered its Order in
16 this case ordering you to comply with that subpoena, is
17 that what you did?

18 A There again, I left it up to George.

19 Q Okay. Let me ask you this, in your house and in
20 the safe, as you previously testified to, what did you do
21 to inspect and gather the coins that might be responsive
22 to this subpoena that were in your home?

23 A As far as collecting them or going over them
24 and -- what was date of this subpoena again?

25 Q This was in spring of this year. And the Order

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 was entered by this Court, I believe in July or early
2 August of this year.

3 A March -- March. I just knew that they were in
4 the safe and everything.

5 Q Okay. Let's take a step back. I believe you
6 testified that at some point in time Pop moved into your
7 home, is that correct?

8 A Yes.

9 Q When was that?

10 A Around 2000 when he sold his house, sometime
11 around that time. And after his wife died in '98. And he
12 moved out of 5020 Carmel Park.

13 Q I was going to ask, what were the circumstances
14 that led him moving into your home around that time?

15 A Well, in 2000 he started developing -- he had
16 prostate cancer. And then from that point from 2000 to
17 2003, he would have cancers. In fact, as late as 2004 he
18 had cancer of the jaw. I was his caretaker, I took him
19 everywhere that he gave me the name, Doc. So, I was
20 taking care of him. He moved in with us. And he wanted to
21 be independent. So, he purchased a couple of houses. He
22 purchased one he didn't like, he moved out the next day.
23 Then he started to develop his cancer, he had two knee
24 replacements, a shoulder replacement and cancer in his jaw
25 but that was in '04. He would come and stay with us. And

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 we would take care of him. And take him to his doctors
2 appointments and just maintain.

3 In fact, in 2002, when he signed over the
4 company to my husband, that's when later on in 2000 he
5 started getting dementia. In 2000 -- around 2006, he
6 was -- we noticed the slight things and he went to a
7 neurologist. But however, in 2007, he went into a rest
8 home, assisted living nursing home, because it got so bad.
9 And he stayed there until like September of 2008. And
10 then Linda wanted to take care of him. She thought she
11 could take better care of him at home. So, for the last
12 four months of his life, he lived back at Black Horse Run
13 until that morning when he fell down the steps and she
14 sent him on to the nursing home, senior care center. And
15 that's when he was rushed to the hospital and he died a
16 couple days later.

17 But during those times -- I say that
18 because it was brought up about 2006 when he started to
19 have a little dementia. And yes, he did sue George and I.
20 And then when we asked him about it, I didn't do that, no
21 I didn't. And he withdraw it. And even Linda wrote a
22 letter to back up that my father suffered from dementia,
23 you know, please don't do this. So, he withdrew it. He
24 withdraw it.

25 So, then in 2000 -- then in 2008 when he

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 got his cancer, his jaw cancer, again, it may have been an
2 unusual relationship with his father but it was close.
3 They were -- the Greeks, as I have learned, are very
4 strong. And the male is very dominant. The caretaker I
5 should say over the females in the family. And they
6 really take care of everything at their behest. And so,
7 Pop and George always had that relationship, you know,
8 you're the next head. That's the reason I give you the
9 company--

10 MR. TRUSLOW: Your Honor, I don't mean to object
11 but this is not responsive to the question.

12 THE COURT: Objection overruled.

13 BY MR. PELLINGTON:

14 Q You can finish what you were saying.

15 A So, that relationship, like I say, was -- it
16 might have been continuous at times. In fact, they even
17 had a picture -- a statute of two bulls fighting heads
18 because that's how they were teased, fighting heads all
19 the time. But Pop called him the wheel. And whenever
20 they asked about his children he would say, I have two
21 troubles and one son. Well, that was just a cast off, I'm
22 sure, funny things that he did. Because he just meant
23 that the men were the head of the girls, I guess. But
24 that was that relationship. And that's how things --
25 that's why he gave those things.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Pop and I, in 2006 when the Trust was made,
2 and then for the First Amendment to the Trust, and I was
3 named the successor of the Trust. And all those things
4 were in there. That was in 2006. All the things that
5 took place during those years, the dementia, the lawsuit
6 that he had and didn't remember doing and withdrew. Then
7 in 2007, August, September 2007 he had to be admitted to
8 the rest home. And it was one block, exactly one block.
9 I went there everyday. The record show it, everyday. I
10 took care of him. We would ride and goes places. We
11 would go to the funeral home every week, we would go to
12 the bank every week. I let him do whatever he wanted to
13 do because I knew it was contained. He wasn't going to
14 hurt himself. So, everyone disagreed but he was happy. I
15 let him live where he was in his mind.

16 And so, in 2008 we he started talking about
17 his Will, which he did a lot. And I was explaining to
18 him -- he was wanting everything taken care of.

19 I said, Yes. I said, Now, you know, you
20 made a covenant or promise or whatever with George -- it's
21 what he'd done -- you've already given him the business,
22 you gave him everything that was in the safe.

23 He said, This is yours because you've taken
24 care of us and I will be gone, you know, I lived with
25 y'all.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Anyway that's it, it was done that way.

2 Then I said, That was a covenant. The
3 other one was the Testament, which is your Will. And that
4 doesn't take place and not active -- and I explained it,
5 he wanted to know. I said, It doesn't take place, a
6 Testament is something that is active after you die.

7 And so, as we were going over it, that
8 whole Section 7, which I knew nothing about, but that
9 whole Section 7, he had already done all those things. He
10 had already given everything. It's like for Christmas
11 every year, he would give all the girls a 100 bill for
12 Christmas. And we'd all go spend it the next day after
13 Christmas sales. Well, you're not -- it was cash in
14 there. I just can't understand -- I wish I understand
15 more about the legal system of like he gave us all the
16 stuff that was in the safe, everything that was there. Do
17 you want to take back the 100 bills that he gave us for
18 Christmas? Because that was a present just like the other
19 are a gift. But it was cash, so does that remain in the
20 estate? It was a specific item. I just don't quite
21 understand that after something is gone and done -- and
22 then we went to [indiscernible] I thought how in world--

23 Q I'm sorry, for the record, could you say the
24 attorney's --

25 A -- how in the world or why --

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q -- name --

2 A -- Paul had --

3 Q -- okay --

4 A -- why in the world would he take me, just he
5 and I, go to the attorneys office in a calm, wonderful
6 atmosphere [indiscernible] way, go to Paul Hattenhauer's
7 office, which can be called in to see, and sit there and
8 go over his Will and him take out that section. If he had
9 any animosity or anything towards me or towards George or
10 anything, Paul Hattenhauer surely would have seen -- and
11 yes I said he did have some dementia and everything, but
12 they have their lucid moments and they don't, I don't know
13 if you've known anyone that suffered with this terrible
14 disease, they have their lucid times, then they don't.
15 It's back and forth.

16 Q To make sure it's clear, Mr. Hattenhauer is an
17 attorney in Charlotte, North Carolina?

18 A Yes, it is. He is an estate lawyer and planner?

19 Q And he is the one who handled Pop's estate
20 documents?

21 A He is.

22 Q I would like to, if you're done, I would like to
23 back you up just a couple of years.

24 A Yes.

25 Q When Pop first moved into your home.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 A Yes.

2 Q Did you ever notice -- or when he first moved
3 in, did he have with him a coin collection?

4 A No. Well, I take that back. Because we moved
5 all of his things. Linda -- Mary didn't but Linda,
6 several other people, his workers and everything, took his
7 things from 5020 Carmel Park and moved some of those
8 things that he wanted to our house. At that time he
9 hadn't moved into Regency.

10 Q So, did you -- did he have -- I know a
11 collection could probably be defined a couple different
12 ways, but did he have a series or set of coins that you
13 saw?

14 A Not that I remember. I cannot remember a series
15 of coins.

16 Q Okay. Let's handle it this way. If you could
17 open up the document that's in front of you called
18 verified petition.

19 THE COURT: It's that one.

20 THE WITNESS: Yes, sir.

21 BY MR. PELLINGTON:

22 Q And if you would turn to page -- since we're
23 talking about the coins, we'll jump forward a little bit.
24 If you'll turn to Page 9. I'm sorry, Page 10.

25 A Okay.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q Paragraph 9 on Page 10. Do you see that?

2 A Yes.

3 Q Okay. Reading Paragraph 9, and these are the
4 allegations against you, your husband and your son. This
5 one pertains specifically to the coins which are the
6 subject of the subpoena that was served on you.

7 The coins that were owned by Pop included
8 between 75 and 100 silver dollars in a ziplock bag, not in
9 protective covers.

10 So, let's stop there. Do you have any idea
11 what is being referred to in this Paragraph 9?

12 A No, I did not have a ziplock bag.

13 Q Okay. What about did you ever see 75 to 100
14 silver dollars that you believed were Pop's?

15 A No, that I remember, I did not see a ziplock
16 bag. And I didn't go through any of the coins to see what
17 dates or anything. Like I said, in 2000, when they moved
18 his things in with us, some things were in boxes or bags
19 or however they moved them in, I really wasn't paying
20 attention. Then, when I knew that there were coins and
21 everything, I gave them to George. That was his -- you
22 know, that's between their family. I'm a wife, yes. But
23 I wasn't involved in the trust estate or being anything.

24 Q Did you see 75 to 100 silver dollars that, you
25 know, maybe you didn't know if they were Pop's or not but

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 did you happen to see that amount of silver dollars in
2 your home at any point in time in the past 15 or so years?

3 A No.

4 Q Okay. The next sentence reads, Was one was a
5 Carson City silver dollar in a box that was believed to be
6 worth approximately \$1,800.

7 Do you have any idea what is referred to in
8 that paragraph?

9 A No, I do not.

10 Q Or in that sentence?

11 A No, I do not.

12 Q Have you ever seen -- do you know what a Carson
13 City silver dollar is?

14 A No, I know what a silver dollar is.

15 Q Okay. To your knowledge has there been a coin
16 in your home that would carry approximately value of
17 \$1,800?

18 A Not that I know of.

19 Q Okay. The next sentence says, He also had mint
20 series of coins for several years and a box full of blue
21 collector coin books.

22 Do you recall -- do you know what is being
23 referred to in that sentence?

24 A No, I do not.

25 Q The next sentence says, The blue collector coin

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 books were enough to fill a shoe box.

2 Have you ever seen anything in your home or
3 in your safe or anywhere else that you would have access
4 to that would fit the description in that sentence?

5 A No.

6 Q Okay. The next sentence, Shortly before Pop's
7 health began to deteriorate, Linda gave the entire coin
8 collection to Diane for safekeeping at her and George's
9 request.

10 What is your response to that sentence?

11 A I'm sorry, that's totally false.

12 Q You deny that?

13 A I do deny that.

14 Q Do you recall if--

15 A Especially at our request.

16 Q Okay. But do you recall a coin collection being
17 delivered to you for safekeeping?

18 A Not to me.

19 Q Okay. Do you recall a coin collection being
20 delivered to George for safekeeping?

21 A To our house.

22 Q Okay. And where did that coin collection go?

23 A The coin collection went to where -- I gave them
24 to George and George put them up. And the coins went
25 in -- I opened the safe -- or George opened the safe but

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 he put the coins in the safe.

2 Q Okay. After they went into the safe, did you
3 see them again prior to -- or let me ask again. Did you
4 see them after they went into the safe?

5 A No, we did not handle them, move them around.
6 No, we didn't do anything with them.

7 Q Okay. Let me show you --

8 May I approach, Your Honor?

9 THE COURT: Yes.

10 MR. PELLINGTON: I represent to The Court this
11 is a series of pictures of the items that were turned
12 over in August.

13 THE COURT: Any objection to these coming into
14 evidence?

15 MR. TRUSLOW: No, Your Honor.

16 THE COURT: Without objection, these documents,
17 these photos, collectively will be admitted as
18 Respondent's 4.

19 Let her mark them before we talk again.

20 (WHEREUPON, Respondent's Exhibit No. 4 was
21 marked for identification and received into
22 evidence.)

23 THE COURT: Yes, sir, go ahead.

24 MR. PELLINGTON: Thank you, Your Honor.

25

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 BY MR. PELLINGTON:

2 Q If you would, can you please turn to the last
3 page?

4 A (The witness complies.)

5 Q I represent to you that these were the coins
6 that were turned over to Ms. Ballard in response to the
7 subpoena. Do you recognize these coins?

8 A Yes.

9 Q When's the last time you saw these coins?

10 A When George pulled them out of the safe and
11 turned them in.

12 Q Okay. Are there any other coins in your safe
13 right now? Regardless of whether there yours or Pop's,
14 that you're aware of?

15 A There may be some coins with United States doing
16 the states that I started collecting for my grandson that
17 have the states name on the back but they have nothing to
18 do with Pop.

19 Q Did Pop give those to you?

20 A Oh, no. No, I started this on my own.

21 Q Okay. Are there any other coins in your home,
22 in your safe, a storage facility, anywhere that you have
23 access to that are coins that Pop either -- well, let's
24 start with this. That brought with him when he first
25 moved into your home?

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 A Not that I know of.

2 Q Are there any other coins that you're aware of
3 in any location that you have access to that are coins
4 that Pop gifted to you?

5 A Not that I know of.

6 Q About coins to either your husband or your son?

7 A That Pop gifted to us?

8 Q Yes.

9 A Yes because Pop had, at one time -- well
10 probably for a couple of years, he would -- and Chris and
11 Julie, I think, have their's, where he would give them
12 coins, they would be in a little cardboard square, with a
13 dime or nickel or something that was stapled together.
14 [indiscernible] but he would give those to them.

15 Q Do you recall when that was?

16 A When they were growing up.

17 Q Okay.

18 A Like I say, okay, 10 years ago he -- my son's 44
19 now, my daughter's 40.

20 Q Uh-huh.

21 A Ten years ago, they were in their 30's, but he
22 hadn't done it since they were older, he did it when they
23 were young children.

24 Q Okay. So --

25 A Maybe when they were a teenager.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q How old do you say is Chris is?

2 A He's 44.

3 Q All right. So, we're talking 20 years ago?

4 A (The witness nods.)

5 Q Okay. Let's go from the point that he moved
6 into your home until the day that he passed away. Were
7 there any other coins that you're aware of that we have
8 not already talked about that were in your possession or
9 gifted to you, your husband, your son?

10 A No.

11 Q Okay. If you would, within this verified
12 petition, back up one page, two pages. I'm going to
13 switch gears and talk about the watch that your son
14 already testified to at length. And I'm also going to
15 talk about the guns that are at issue in this hearing.
16 With respect to the watch, if you would look at Paragraph
17 2.

18 It reads, The watch was removed from Pop's
19 possession shortly before his death while he was residing
20 briefly in a hospital facility. Diane took possession of
21 the watch.

22 What's your response to that allegation?

23 A Well, that really can't be true because when
24 someone enters the hospital -- and when Pop entered the
25 hospital, they remove all of your jewelry.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q Well, let me phrase it this way. Did you take
2 possession?

3 A Absolutely not. I have never taken anything
4 from my father-in-law.

5 Q So, you deny that you took possession of the
6 watch.

7 A Absolutely.

8 Q Regardless if we're talking about --

9 A Regardless.

10 Q -- this watch that I'm holding, the gold one
11 with the brown face?

12 A Regardless.

13 Q Or the other watch that was turned over to
14 Ms. Ballard in August.

15 A Anything that was on him.

16 Q Any other watch --

17 A Absolutely not.

18 Q -- that has not been referred to in today's
19 hearing?

20 A Absolutely.

21 Q Okay. If you look at Paragraph 3, the first
22 sentence, Shortly after Pop died, Lauren Combis--

23 A Excuse me, what page are you on?

24 Q I'm sorry, I'm still on Page 8, Paragraph 3.

25 A Yes, yes.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q Are you with me?

2 A On Page 8?

3 Q That's right, Paragraph 3.

4 A Okay.

5 Q Shortly after Pop died, Lauren Combis, who was
6 then married to Pop's grandson, Chris A., was gifted the
7 watch by George and/or Diane.

8 A I must not be on the right one.

9 Q Okay.

10 If I may approach, Your Honor, just to show
11 her where we are.

12 THE COURT: Yeah, to show her where we are.

13 MR. PELLINGTON: Okay.

14 THE WITNESS: This says Page 8.

15 MR. PELLINGTON: It does say Page 8 but that's
16 Page 8 of the affidavit.

17 THE WITNESS: I'm so sorry.

18 MR. PELLINGTON: No, that's okay.

19 BY MR. PELLINGTON:

20 Q Okay, great.

21 Shortly after Pop died, Lauren Combis, who
22 was then married to Pop's grandson, Chris A., was gifted
23 the watch by George and Diane.

24 Did you gift a watch shortly after Pop died
25 to your son?

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 A How could we, we didn't even have the watch.

2 Q Okay. So, you deny that?

3 A I deny, yes.

4 Q Okay. Have you ever seen a watch that fits the
5 description in Paragraph 4, which says, Pop's Rolex had
6 his initials engraved on the back. When Chris A. had the
7 Rolex restyled after Pop's death, the engraving was
8 changed to quote, unquote, CAC, which happened to be Chris
9 A's. initials. He then gave it to Lauren.

10 Have you ever seen a watch fitting that
11 description?

12 A No, I have not. I mean, you're talking about
13 engraving -- Pop's engraved. He took a little red
14 individual pen and engraved it in his office. I saw him
15 engraved. I did. Engrave his name. And it was rough
16 because it was his, what difference does it make? He was
17 just a unique man.

18 Q Was it the watch that I'm holding here with the
19 brown face?

20 A Yes.

21 Q And so the rough etching of Chris Combis in this
22 you witnessed him doing that?

23 A Yes.

24 Q Okay.

25 A It was like a little electric pin. It was red.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q You never seen the watch that had the engraving
2 CAC on it?

3 A No, I have not.

4 Q Okay. Do you recall going to mediation in
5 November of 2015?

6 A Yes.

7 Q Okay. Were you aware of any watch that was
8 brought to that mediation?

9 A No.

10 Q Did you see a watch --

11 A No --

12 Q -- that was Pop's watch that was gifted to
13 anybody brought to that mediation?

14 A No.

15 Q So, Paragraph 5 deals with that allegation, so
16 that allegation you would claim no knowledge; is that
17 correct?

18 A No evidence like watches or anything was ever
19 presented.

20 Q Okay. The watch that was produced in this case
21 with the black face, do you have any knowledge as to that
22 one that's right there.

23 Would the record reflect that the witness
24 is holding up the first page of Respondent's 4?

25 THE COURT: Yeah.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 BY MR. PELLINGTON:

2 Q It's been alleged that that watch is a fake, do
3 you have any knowledge as whether it's fake or real?

4 A I do not. But I know he wore it when he went to
5 work. When he went out and other things, he would wear,
6 you know, other ones. But this was the watch that he wore
7 all the time at work.

8 Q Okay. So, it's your testimony that this was
9 Pop's watch?

10 A Oh, yes.

11 Q Okay. And you saw him wear it?

12 A Yes.

13 Q On many occasions?

14 A Yes.

15 Q Do you believe, Ms. Combis, that the watch that
16 was produced, the one that you're looking at, the first
17 page of Respondent's 4, was the watch that was requested
18 by Ms. Ballard in this case?

19 A This was the original watch that Pop had before
20 he was gifted the other watch by George, so.

21 Q Okay. I'm going to ask you the same question
22 that I asked your son, that if, ultimately, if The Court
23 rules that this watch is turned over to Ms. Ballard, the
24 gold watch with the brown face, you'll comply with that
25 Court Order; will you not?

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 A Of course.

2 Q Okay. We're not trying to perpetuate a fraud on
3 this Court, are you Ms. Ballard? I mean, Ms. Combis?

4 A Of course, not.

5 Q Okay.

6 A Of course, not. No.

7 Q If you would move to Paragraph 7.

8 A Okay.

9 Q I'm transitioning now to the guns that are at
10 issue for this hearing. Paragraph 7 reads, The only gun
11 produced to Ballard is a cheap Bauer 25 caliber, quote,
12 unquote, Fraser model with cheap plastic grips. Has been
13 valued by a gun expert at less than \$100. The late Chris
14 Combis did not own this gun and it is only of one two guns
15 Respondent's Counsel admits Pop's own. Respondent's claim
16 two guns were gifted to Diane.

17 First off, what knowledge do you have of
18 the firearm that was that turned over, which is the third
19 page of Respondent's 4?

20 A Okay, first of all, my knowledge of the gun is
21 very limited. But this is a gun, this is a riffle.
22 That's all I know about that. And the only reason I think
23 that it says, Gifted to Diane, is because in the list of
24 things, Pop had said everything in the safe was Diane's.
25 So, that's the reason I think it says gifted to me.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q Could you repeat that for me one more time?

2 A When it's in response to this, like I say,
3 because sometimes I'm like, it wasn't mine. In response
4 to, The gun was gifted to Diane. In pop's Wills he said
5 everything in the safe belonged to me.

6 Q Uh-huh.

7 A Because he wanted to give to me. So, that's
8 what that responded to.

9 Q Okay. So, is that in response to that last
10 sentence that says, Respondent's claim to guns were gifted
11 to Diane?

12 A If they're saying that everything in the safe
13 was mine, yes, then it was gifted to me.

14 Q Okay. And Respondent's, you understand, are you
15 and your husband and your son?

16 A Yes.

17 Q So, basically what it's saying is that the --
18 gave you the guns. So, other than saying that they were
19 in the safe, do you have any idea what that means? Could
20 it mean anything else?

21 A No.

22 Q Okay.

23 A The guns were the guns, I don't know cheap,
24 expensive or whatever.

25 Q You're not a gun person, is that safe to say?

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 A That's true.

2 Q Okay. On Paragraph 8, Pop carried a heavily
3 engraved 22 caliber pistol with real pearl grips. Pop's
4 took very good care of the gun. At one time had one of
5 the grip's replaced by a now defunct guns shop in
6 Charlotte. Two people who saw those guns before Pop's
7 death viewed a photo of the gun produced by Respondent's
8 and verified that this is not the gun that Pop's owned.
9 In addition, Pop owned several other guns at the time of
10 his death, including a Colt 45 1911 and a thirty-aught-six
11 Bolt-action riffle with a scope. Possibly a Remington.
12 Pop had those guns since the 1960's and he use to keep
13 them at home. But in the years before his death he took
14 them think to Superior for safekeeping and they quote,
15 unquote, disappeared.

16 Do you have any knowledge as to the
17 allegations in Paragraph 8?

18 A I do. Because as I said, from 2000 when Pop
19 first started having medical problems, like his prostate
20 cancer that progressed and all these things up until he
21 moved away. And even when I would take him to
22 appointments in 2004 with his cancer with his jaw, he
23 never carried any gun. I never saw him carry a gun on his
24 person. As far as a riffle, I never -- Pop had a gun or
25 guns, yes, and he and George may have had one that they

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 kept in the office for just break ins or something. But
2 never have I ever seen a riffle. And I do know a riffle
3 is long. But never have I seen a riffle. And it says
4 that it was at the shop. So, I never investigated the
5 shop to see what was there. But to my knowledge, there
6 was never a weapon.

7 Q And in this hearing, that's when George
8 testifies as to what he knows about the guns but I just
9 want to focus what you know about the guns. Do you know
10 what this 22 caliber pistol with real pearl grips is being
11 referred to?

12 A No, not unless it's the gun that -- that he made
13 the picture of that he turned over.

14 Q Okay, you're referring to the gun that's
15 pictured in Respondent's 4?

16 A Yes.

17 Q Is there another gun that you're aware of that's
18 in your house right now?

19 A I think it was at the shop. George has it.

20 Q Okay. Did you know what the gun looks like?

21 A I think it's like this one.

22 Q Okay.

23 If I may approach, Your Honor?

24 THE COURT: Yes.

25 (WHEREUPON, Respondent's Exhibit No. 5 was

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 marked for identification only.)

2 THE COURT: Any objection to the photo coming
3 in?

4 MR. TRUSLOW: No, Your Honor, but I see it's
5 redundant of one that's already there but that's all
6 right.

7 THE COURT: The evidence looks better.

8 All right, it's going to come in as Respondent's
9 5.

10 (WHEREUPON, Respondent's Exhibit No. 5 was
11 admitted into evidence.)

12 BY MR. PELLINGTON:

13 Q Is that the second gun?

14 A This is the second gun.

15 Q Okay. Now, if you look closely at the gun, if
16 you look at the barrel there, looks to me like it says 25
17 caliber automatic, can you read that?

18 A Yes.

19 Q Okay. And you agree with me that a 25 caliber
20 is not a 22 caliber, the numbers are not the same; is that
21 correct?

22 A Yes.

23 Q Okay. So, just to make sure the record is
24 clear, do you have any knowledge of what they're talking
25 about with this 22 caliber pistol with real pearl grips?

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 A Other than the pictures that I see, a gun is a
2 gun.

3 Q Okay. And we'll let George testify as to this
4 gun.

5 A Okay.

6 Q Unless you have any other knowledge about it?

7 A No.

8 Q Okay.

9 If I may approach, Your Honor, with two
10 pictures.

11 THE COURT: Okay.

12 All right, objection to these photographs coming
13 in as Respondent's No. 6, I think.

14 MR. TRUSLOW: No, Your Honor.

15 (WHEREUPON, Respondent's Exhibit No. 6 was
16 marked for identification and received into
17 evidence.)

18 BY MR. PELLINGTON:

19 Q Now, Ms. Combis, I represent to you that this is
20 a goggle image search, dealing with the pistol one first.
21 A Colt 45 pistol 911. And the one of the riffle is a
22 thirty-aught-six Bolt-action riffle with scope.

23 Paragraph 8 in the verified motion refers
24 to guns of these titles. Have you ever seen a gun in your
25 home that resembles anything you see on the page with a

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Colt 45 pistol 911?

2 A No.

3 Q Okay. What about the thirty-aught-six

4 Bolt-action riffle with scope.

5 A Absolutely not.

6 Q Do you have any knowledge as to what is being
7 referred to in this paragraph?

8 A No, I do not.

9 Q Have you ever seen a gun like these in your
10 home?

11 A No.

12 Q Okay. Did you hear me examine your son earlier
13 when I read to him from the motion that the Respondent's
14 are intending to defraud The Court?

15 A Yes.

16 Q Are you trying to defraud this Court, ma'am?

17 A Absolutely not.

18 Q Are you trying to comply with The Court orders?

19 A Am I trying to what?

20 Q Comply with The Court's orders?

21 A Of course.

22 Q Okay. Do you believe that with the items that
23 were produced that -- well let me put it this way, did you
24 do everything you could to produce the items that were
25 responsive to The Court's Order that are at issue in this

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 case?

2 A Yes.

3 Q Okay.

4 Give me a second, Your Honor.

5 THE COURT: Okay.

6 MR. PELLINGTON: Nothing further at this time,
7 Your Honor.

8 THE COURT: All right, redirect?

9 MR. TRUSLOW: Your Honor, I have some very
10 limited redirect and then a short witness who is a
11 non-party who has come from Charlotte.

12 THE COURT: Okay.

13 MR. TRUSLOW: It won't take long.

14 REDIRECT EXAMINATION

15 BY MR. TRUSLOW:

16 Q Ms. Combis, I have this watch here and I don't
17 have particularly big hands but do remember -- do you
18 remember OJ Simpson and his trial and a glove, if it dun't
19 [verbatim] fit you must acquit. Do you remember that bet?

20 A Yes.

21 Q All right. I'm looking at this watch and
22 Mr. Pellington was holding it up and he only had it over
23 four fingers. And I was trying to get it on and I can't
24 get it over -- and I don't have -- I'm not a big-boned
25 person, I can't get it over my wrist. But wasn't your

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 father-in-law -- I mean, he was a large man; wasn't he? I
2 mean, he -- I got a photograph of him, he's a big man with
3 big wrists?

4 A Yes.

5 Q Okay.

6 A I understand when Lauren started wearing it she
7 had the links removed.

8 Q All right.

9 A So that she could wear it.

10 Q All right. So, she did get this watch is what
11 you're telling me?

12 A But it wasn't a gift from us.

13 Q But --

14 A My son and they were married.

15 Q All right. This watch that Mr. Pellington has
16 been showing, it was given to Lauren, Chris' wife?

17 A It was given to our son Chris.

18 Q I'm sorry, to your son, Chris, Pop's grandson?

19 A Yes.

20 Q And so, just to be clear, the watch that I'm
21 holding that Mr. Pellington's been having up here, is --
22 was given to Chris?

23 A Yes.

24 Q Okay. Just a few more questions. Are you aware
25 that on as early as December the 12th, 2013, Mr. -- your

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 attorney was being asked to provide a timeline photograph
2 serial numbers for the items in question and y'all refused
3 to do it? Aren't you aware that you refused to do that?

4 A I am not aware.

5 Q Your attorney --

6 A Of that --

7 Q -- refused, didn't he?

8 A If you say he did. Like I said, right now with
9 all the things that have gone on, unless you showed me
10 something, I cannot say I'm aware of it.

11 Q All right, I'll do with Ms. Ballard. Wouldn't
12 it be reasonable for Ms. Ballard to ask for simply to give
13 her photographed things, give her serial numbers of the
14 items, wouldn't that be reasonable?

15 MR. PELLINGTON: Objection.

16 THE COURT: Sustained.

17 MR. TRUSLOW: Okay.

18 BY MR. TRUSLOW:

19 Q Did you provide serial numbers and paragraphs in
20 2013 or 2014, 2015, 2016? Did you ever provide any even
21 paragraphs, timeline or serial numbers for any of the guns
22 or watches?

23 A Not to my knowledge. These are the pictures
24 when these things were provided.

25 Q Those are -- those are since August of 2017.

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 I'm asking 2013, '14, '15, or '16?

2 A I do not -- I'm not aware of any.

3 Q Do you know why not?

4 A No, I do not know why.

5 Q Do you have any excuse?

6 MR. PELLINGTON: Objection.

7 THE COURT: Sustained.

8 BY MR. TRUSLOW:

9 Q All right. Now, there was a third watch, was
10 there -- didn't your husband, George, have a third watch
11 that he got from Pop? I'll see if I can refresh your
12 memory. You have a grandson named Carter?

13 A Yes.

14 Q Is he 17 years old?

15 A Yes.

16 Q All right. From the time George's deposition
17 was commenced on September 11th, 2017 until October, are
18 you aware that he gave that watch to Carter? A Rolex
19 watch? And that calls for a yes or no?

20 A Yes.

21 Q All right.

22 A It was one of those that was a fake. It wasn't
23 anything to do with Pop, it was George's that he
24 collected.

25 Q Are you sure it was a fake?

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 A Yes.

2 Q Okay. All right, I'll come back to that. Now,
3 you said -- finally, I have one last thing. You said you
4 never took anything from -- anything that was Pop's. You
5 recall saying that? I wrote it --

6 A I didn't --

7 Q -- do you know when you said it--

8 A I didn't--

9 Q -- in response to a question--

10 THE COURT: Hold on, one at a time.

11 BY MR. TRUSLOW:

12 Q In Response --

13 THE COURT: Hang on. Let her answer.

14 Go ahead.

15 THE WITNESS: Your question again, I'm sorry.

16 THE COURT: Thank you.

17 BY MR. TRUSLOW:

18 Q All right. I thought I wrote this down
19 correctly but in a response to a question by
20 Mr. Pellington you said you had never taken anything that
21 was Pop's; is that correct?

22 A Well, he was--

23 MR. PELLINGTON: Asked--

24 THE COURT: Hang on --

25 MR. PELLINGTON: -- and answered --

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 THE COURT: -- let me hear your objection.

2 MR. PELLINGTON: I think we're -- she can
3 answer -- put it this way, I think she was in the --
4 the scope of the question was within one specific
5 items, I can't specifically recall.

6 THE COURT: All right, just rephrase your
7 question.

8 MR. TRUSLOW: Okay.

9 BY MR. TRUSLOW:

10 Q Ma'am, if you had said you never had taken
11 anything that was Pop's, that would be untrue; wouldn't
12 it?

13 A That would be, yes.

14 Q Okay. Because, in fact, when you had your
15 deposition taken in 2015 you admitted you'd taken \$412,000
16 and another \$50,000 that was in his Trust and applied it
17 to your line of credit secured to your personal home; did
18 you not say that?

19 MR. PELLINGTON: Objection.

20 THE COURT: Overruled.

21 BY MR. TRUSLOW:

22 Q Did you not say that?

23 A We did. As a loan.

24 Q Okay. And you had no document, no collateral,
25 just--

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 A Just Pop's word.

2 Q You just took his money and applied it to your
3 personal mortgage--

4 A With his permission, the next day.

5 Q And you agreed --

6 A Put it in, took it out the next day.

7 Q And I asked you, looking back, do you agree you
8 did not handle your duties properly?

9 And you said, Yes, sir.

10 Do you recall saying that?

11 A Read the question again.

12 Q I'm asking you, Looking back, would you agree
13 that you did not handle your duties as a trustee properly?

14 And you said, Yes.

15 A Because I am not a bookkeeper, I never professed
16 to be a bookkeeper or keeping any of those things.

17 Q So, what you did is you took \$450,000 and
18 another 50,000 --

19 A I --

20 Q Excuse me, if I can finish. Out of the trust
21 and applied it to your husband's and your personal debt,
22 secured with your personal home; didn't you?

23 A This was a loan that was a -- well whatever was
24 the S corporation --

25 Q Ma'am, please answer the question--

LAUREN COMBIS-REDIRECT BY MR. TRUSLOW

1 A -- applied it.

2 (WHEREUPON, Mr. Truslow and the witness were
3 talking at the same time.)

4 THE COURT: Hang on, let her answer the
5 question.

6 Go ahead. Go ahead, ma'am, just repeat your
7 answer.

8 THE WITNESS: That LLC, if you followed it, that
9 money is what the business uses, also. So, it was
10 through there but tracing it, as Paul Hattenhauer's
11 bookkeeper did the trace on all of that, went through
12 to help the company. And that's what Pop would have
13 wanted. That's what Pop did with the accounting.

14 MR. TRUSLOW: Your Honor, I'm going to --
15 there's no objection -- her deposition -- speed
16 things up, her deposition was taken on September the
17 18th of 2015. I've got the pertinent portions. I
18 think, Your Honor can consider this for impeachment
19 purposes.

20 MR. PELLINGTON: Well, I think he's right about
21 that but if he's going to hand up copies of
22 documents, I would like to be provided the same.

23 MR. TRUSLOW: He's got them because he was the
24 attorney. They were his law firm.

25 THE COURT: All right, when we reconvene on

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Friday morning, do that before Friday when we
2 reconvene.

3 MR. TRUSLOW: Yes, sir.

4 THE COURT: And then I'll be glad to look at
5 whatever deposition testimony you believe impeaches
6 her credibility today.

7 MR. TRUSLOW: Yes, sir. So, I'll produce a copy
8 to him and then give one to you then?

9 THE COURT: How many more witnesses you got
10 because we're --

11 MR. TRUSLOW: One that will be very short.

12 THE COURT: What's that mean?

13 MR. TRUSLOW: It means 10 minutes.

14 THE COURT: Okay, you got 10 minutes.

15 Any recross on this witness?

16 MR. PELLINGTON: Let me ask her about one page
17 and one page only.

18 THE COURT: Okay, go ahead.

19 MR. PELLINGTON: Okay.

20 CROSS-EXAMINATION

21 BY MR. PELLINGTON:

22 Q Ms. Combis, what I have here is the Finding of
23 Facts and Conclusions in the federal court case. That was
24 the judgment that was entered in the federal court case.

25 A Okay.

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 Q Now, do you recall if punitive damages were
2 awarded in that case?

3 A No. Punitive damages?

4 Q Punitive damages. If you wouldn't mind --

5 MR. TRUSLOW: Your Honor, that's a -- I want to
6 to object to relevance now.

7 THE COURT: Okay, overruled.

8 BY MR. PELLINGTON:

9 Q If you would read to The Court the highlighted
10 portion, I believe it's three sentences.

11 THE COURT: What page?

12 MR. PELLINGTON: What page?

13 THE WITNESS: 29.

14 THE COURT: Page 29 of Judge Anderson's Order.

15 Go ahead.

16 BY MR. PELLINGTON:

17 Q Starting --

18 A Here?

19 Q Yeah.

20 A There is no evidence that Diane acted with the
21 requisite, aggravating factors such as actual fraud,
22 malice or willful, wanton conduct to justify the award.
23 Aggravating factors surrounded the commission of the torts
24 such as fraud, malice or willful or wanton conduct. While
25 Diane's actions were wrong in the context of this case and

DIANE COMBIS-CROSS BY MR. PELLINGTON

1 this family, they do not rise to the level of aggravating
2 factors sufficient to justify punitive damages. First,
3 The Court finds Diane did not commit actual fraud. She
4 did not act with any intent to deceive.

5 Q Keep going.

6 A Any of the beneficiaries or the settlor.

7 Q Great.

8 That's it, Your Honor.

9 THE COURT: All right, thank you, ma'am, you may
10 step down.

11 And if y'all want to give me submissions from
12 depositions going to her credibility, y'all can just
13 agree on that and just submit them Friday, okay?

14 MR. TRUSLOW: Yes, sir.

15 THE COURT: All right.

16 MR. TRUSLOW: I think the other thing is counsel
17 already has the depositions from October--

18 THE COURT: Yeah, just let him know what you're
19 referring to.

20 MR. TRUSLOW: He has those.

21 MR. PELLINGTON: I don't want to go through 125
22 pages or whatever of the depositions.

23 THE COURT: Just let him know, I don't either.
24 Just give him -- let him know what the excerpts are,
25 okay?

LAUREN COMBIS-DIRECT BY MR. TRUSLOW

1 MR. TRUSLOW: Yes, sir.

2 THE COURT: Call your next 10 minute witness.

3 MR. TRUSLOW: And we ask you to take judicial
4 notice, Judge, of the entirety of Judge Anderson's
5 Order, which is --

6 THE COURT: I'm going to do that. In fact, I
7 read that last time from the August --

8 MR. TRUSLOW: Yes, sir --

9 THE COURT: -- hearing we had. I have the Order
10 up here.

11 MR. TRUSLOW: We call Lauren Combis.

12 THE COURT: Thank you so much.

13 Lauren Combis. Ma'am, come on up here, I'll
14 swear you in.

15 THE BAILIFF: Place your left hand on the Bible,
16 raise your right.

17 LAUREN COMBIS, after being duly sworn,
18 testified as follows:

19 THE BAILIFF: Please be seated in the witness
20 stand.

21 THE COURT: Yes, sir, Mr. Truslow.

22 DIRECT EXAMINATION

23 BY MR. TRUSLOW:

24 Q All right, your name is Lauren Combis?

25 A Yes, sir.

LAUREN COMBIS-DIRECT BY MR. TRUSLOW

1 Q I can tell you're nervous, is that an
2 understatement?

3 A I'm okay.

4 Q Chris Combis, who is one of the Respondent's, is
5 your estranged husband; is that correct?

6 A Yes.

7 Q And in 2011 were you -- were you and Chris given
8 a watch by George Combis?

9 A Yes.

10 Q I want to show you this watch, does this appear
11 to be the watch that was provided to you, the one that
12 Mr. Pellington has been showing?

13 A Yes.

14 Q All right. Tell The Court what the history is.
15 But before we do -- well, go ahead, then I'm going to ask
16 you about it, what happened to the band and how it is now.
17 Go ahead.

18 A What I know is the watch was Pop's, it was given
19 to Chris to have. And Chris showed it to me. It was
20 Pop's. And then he had it redone to be cleaned up and
21 changed. The face was changed to mother of pearl. And
22 there was little diamonds for the 9, the 3, the 12, the 6
23 were. And links were taken out to fit me to wear it.

24 Q All right. This watch that Mr. Pellington has
25 been showing, when you first got it, did it have this face

LAUREN COMBIS-DIRECT BY MR. TRUSLOW

1 on it that's brown? That's now that's brown.

2 A When I first -- when it was Pop's it was like
3 that. But then Chris had it changed.

4 Q And so, he had it changed and had the gray with
5 the diamonds?

6 A Mother of pearl, yes.

7 Q Mother of pearl, I'm sorry.

8 A Yes.

9 Q And is it now -- is this watch now got the brown
10 face back on it?

11 A Yes.

12 Q Okay. Can you account for why or how that
13 happened?

14 A No.

15 Q All right. The watch -- I notice -- I can't put
16 it on but you said he took a link out of it?

17 A Yes.

18 Q All right. Does it fit you now?

19 A Yes.

20 MR. TRUSLOW: Your Honor, I don't know whether
21 you can tell but it looks quite snug.

22 BY MR. TRUSLOW:

23 Q Is it quite snug?

24 A Well, yeah, it fits me.

25 Q All right. Am I correct that -- excuse me,

LAUREN COMBIS-DIRECT BY MR. TRUSLOW

1 the -- when did you last see this watch that
2 Mr. Pellington has been showing?

3 A Late August, early September of 2016.

4 Q Okay. And did it have the pearl face at the
5 time or the mother of pearl face with the diamonds?

6 A Yes.

7 Q Okay. And the watch that had been delivered by
8 George to Chris and/or you in approximately 2007, did it
9 have Chris engraved on the back? Not on the link but on
10 the back, did it have the name, Chris Combis?

11 A I can't remember. I can't remember that. I
12 know the watch was wanting to stay in the family. I do
13 know that. But I do believe, I think, that Chris Combis
14 was scratched in there.

15 Q Okay. All right. Do you know what your husband
16 did with the watch?

17 A After I gave it back to him?

18 Q Yes.

19 A No. We separated.

20 Q I'm sorry?

21 A We had separated.

22 Q You had separated at that point in time?

23 A He took it to -- well, he took it and he went to
24 Columbia. And had it there. But the Judge, I guess,
25 there said that they don't deal with that kind of stuff.

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 Q Okay. All right. You weren't involved in that?

2 A No, no. That was just -- he told me that.

3 MR. TRUSLOW: All right. If I can have just a
4 minute I think I'm within my 10 minutes and I'll be
5 done. That's all I have, Your Honor.

6 THE COURT: All right.

7 Questions?

8 CROSS-EXAMINATION

9 BY MR. PELLINGTON:

10 Q Good afternoon.

11 A Hi.

12 Q We've been talking a little bit about this
13 verified petition, there's an affidavit attached to it
14 from Ms. Ballard. Do you know the source of any
15 information contained in this document?

16 A I'm sorry, I don't understand your question.

17 Q Okay. Would you mind finding that on the table
18 in front of you?

19 THE COURT: I'll show you what it looks like,
20 it's right here, this page right here, it looks like
21 this. You got it?

22 THE WITNESS: Yes.

23 MR. PELLINGTON: Tell you what, let's backtrack
24 a little bit.

25 THE COURT: No, that's not it. It says,

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 Verified Petition. No. No. Where did it go? There
2 you go. She's got it.

3 MR. PELLINGTON: Good deal.

4 BY MR. PELLINGTON:

5 Q This document was filed -- say it was signed on
6 August 24, 2017. Did you have any conversations with
7 either Ms. Ballard or Mr. Truslow prior to August 24th,
8 2017?

9 A I had -- not conversation, email with -- what
10 was the date?

11 Q August 24th, 2017.

12 A Yes, emailed questions.

13 Q Was that from Mr. Truslow or Ms. Ballard?

14 A Ms. Ballard, she just knew.

15 Q Okay. Do you recall what Ms. Ballard asked you?

16 A Just questions about the watch.

17 Q Okay. And what did you tell her in response?

18 A Just what I had told The Court. Just that --
19 the only part that I think got mixed up was that George
20 and Diane gifted me the watch. Which I think that was
21 just a mistake. Because that not's --

22 Q Okay. So, where it says in here that George or
23 Diane gifted you the watch, that's not true?

24 A No.

25 Q Okay. Did George give you any watches?

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 A No.

2 Q Did Diane give you any watches?

3 A No.

4 Q Did anyone give you this gold watch that you
5 tried on?

6 A Yes, Chris.

7 Q Gave it to you?

8 A Yes.

9 Q As in for ownership moving forward or for just a
10 one time use?

11 A No, gave it to me. I wore it on a daily basis.
12 I mean, it was made for a woman.

13 Q I mean, was this subject to the divorce
14 proceeding that you recently went through with Chris?

15 A No, I gave it back to him because he needed it
16 for this whole mess.

17 Q Okay. Are you claiming ownership over this
18 watch?

19 A No.

20 Q Now, if you would flip to Page 8 for me since we
21 have had some confusion on this, the first Page 8.

22 A Yes.

23 Q I'm a little confused on your direct testimony
24 as to whether you're testifying that this watch is the
25 same watch that's referred to on Page 8 or if you're

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 testifying that it's not the same watch. Would you mind
2 taking a second and reading the first four allegations,
3 the first four paragraphs and let me know whether you're
4 contending that, first of all, whether you're the basis of
5 knowledge for the information in those paragraphs.

6 A Yes. That's the watch that after Pop died,
7 Chris gave it to me. He had it fixed up, links taken out,
8 presented it to me. It was beautiful, I wore it. And
9 that was that.

10 Q Okay. And so --

11 A And now it looks different. Sounds the same,
12 fits the same but the face looks different.

13 Q How do you know it's not a different watch?

14 A Well, sounds the same, fits the same.

15 Q Well, I'm pretty sure the Rolex company makes a
16 couple similar sounding and similar looking watches?

17 A Well and it has this Chris Combis etched in the
18 back of it just exactly like it was when I had it.

19 Q Okay. So, counsel didn't -- come all the way to
20 you --

21 If I may approach?

22 THE COURT: Sure.

23 BY MR. PELLINGTON:

24 Q Is that etching there the same etching that
25 you're talking about?

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 A Uh-huh.

2 Q So, you're testifying that the claps is the same
3 as the watch that's referred to in these first four
4 paragraphs?

5 A Uh-huh.

6 Q Okay. But there are a couple of differences
7 between the watch I have in my possession and the watch
8 that's referred to in this document; isn't that correct?

9 A Yes, the face.

10 Q The face. Well, I believe in here -- let's see.
11 Okay. So, when you had it it had a lighter color face,
12 correct?

13 A Yes.

14 Q Okay. And it also had diamonds on the 12, 3, 6
15 and 9?

16 A Yes.

17 Q And engraving on the back was CAC.

18 A No, I don't think it was. I think that was my
19 mistake. I think it was the -- now that I'm remembering,
20 it's that, Chris Combis.

21 Q So, there is no watch with a CAC --

22 A Now, it wasn't the CAC-

23 Q -- engraving --

24 A -- it was that, yeah.

25 Q Okay. So, we can remove that item from the list

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 as well?

2 A Yes.

3 Q Is there anything else in these first four
4 paragraphs that you were mistaken about when you reported
5 to Ms. Ballard, and then Ms. Ballard swore that this was
6 true and accurate and was the basis for this contempt
7 hearing, where she is seeking to throw my clients in jail?
8 Is there anything else that you can take a look at right
9 here and now and say whether it is false?

10 A I knew there was something on that watch, I
11 thought it was CAC or some kind of marking. Because I
12 know that Pop always put his name or etched his name with
13 some kind of hard device in his watch. So, I knew that
14 there was some kind of initialing on the watch.
15 Originally, I thought it was CAC because it became Chris'.
16 But then when I saw it here today, I remembered because I
17 haven't seen it in a while, that that's what it was.

18 Q How long had it been since you had seen it when
19 you responded to Ms. Ballard's email?

20 A A long time. Months.

21 Q Years?

22 A No.

23 Q Okay. Months?

24 A And before that I hadn't worn it, really. I
25 hadn't worn it in a while.

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 Q Did you have your bets in your email to
2 Ms. Ballard? Meaning, did you say, I think it might say
3 this or it might say that, but it says something. Did you
4 specifically direct her and say, It says CAC on the back,
5 engraved CAC on the back?

6 A I don't recall.

7 Q Okay. Don't you agree that it would be prudent,
8 if somebody is trying to seek contempt against somebody
9 else, that you would, at least, give the accurate
10 information to the person who is seeking the contempt?

11 A Absolutely. But this is about initials.

12 Q But you understand that this is the basis for
13 why we're here to today? And why that there's an Order to
14 Show Cause for my clients to be here?

15 A Yes.

16 Q And that relied on your information?

17 A Yes.

18 Q Okay. When you say a watch was reduced in size,
19 what did you mean?

20 A I think Chris had links taken out.

21 Q So, the watch face wasn't reduced in size?

22 A No.

23 Q Okay. So, this, to the best of your knowledge,
24 this section here was the same part of the watch that you
25 had before in your possession?

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 A Uh-huh.

2 Q Okay. Now, did Chris -- did you ever -- strike
3 that. I want to make this clear, I think you might have
4 said already, but what is the basis exactly for this watch
5 being the same watch that's referred to in this Page 8 of
6 this motion by a changed watch and not a different watch?

7 A I'm sorry, I don't understand your question.

8 Q Okay, that's fine, it was a sloppy question.
9 What is the basis, the entire basis that forms your
10 opinion that this is the same watch that's referred to in
11 these first four paragraphs despite the glaring
12 differences?

13 A It fits the same, it sounds the same. I just
14 put it on. It looks the same, the writing on the back is
15 the same, the face is different.

16 Q Okay, I understand the clasp. What does it
17 sound like?

18 THE COURT: Let me ask this, let me interject.

19 MR. PELLINGTON: Okay.

20 THE COURT: What is the original Rolex watch
21 that was given by Pop to your former husband? That
22 one or the one he's holding in his hand?

23 THE WITNESS: The one he's holding in his hand.

24 THE COURT: Okay.

25

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 BY MR. PELLINGTON:

2 Q What's your basis for that opinion?

3 A Because that's the one that Chris had
4 originally.

5 Q What do you mean by originally?

6 A Originally when Pop died, that's the one he had
7 in his hand. That one that you're holding.

8 Q That is a true man that you've just gone through
9 a contentious divorce with Chris Combis, just recently
10 concluded?

11 A We're going through a divorce.

12 Q Has it finished?

13 A Yes.

14 Q Are you in the mist of a contentious divorce
15 hearing right now with Mr. Combis?

16 A Yes.

17 Q Okay. And are you divorced yet?

18 A I'm not sure if it's gone through totally but
19 yes.

20 Q If it's close, the ink hasn't quite dried yet,
21 has it?

22 A I'm not sure exactly the date but.

23 Q Okay.

24 A We've signed the papers.

25 THE COURT: Family Court Judge, South Carolina?

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 THE WITNESS: No.

2 THE COURT: Okay, just wondering. I was a
3 Family Court Judge for 8 years, so just wondering.

4 THE WITNESS: No, North Carolina.

5 THE COURT: That's why I asked. No worries.

6 BY MR. PELLINGTON:

7 Q Other than court dating for your appearance
8 here, I'm not interested in any conversations you had with
9 Ms. Ballard or Mr. Truslow regarding scheduling, did they
10 tell you -- did you have any conversations with them in
11 the weeks leading up to this hearing regarding this
12 hearing?

13 A No.

14 Q Did you have any email correspondence with them
15 before this hearing other than what you've already
16 testified to?

17 A No.

18 Q Okay. Did you -- did they prepare you in the
19 hallway outside before you -- yesterday or today?

20 A Not really. Briefly just talked to me and
21 introduced me, I've never met them, like, face-to-face.
22 But no, they didn't brief me or tell me what to say or
23 anything like that.

24 Q Did you tell Ms. Ballard at that point in time
25 that you had made a few mistakes with respect to the

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 information that you told her?

2 A No.

3 Q Or discuss anything about the hearing today?

4 A Yes, about the. . .

5 MR. PELLINGTON: If I may have a second, Your
6 Honor?

7 THE COURT: Yeah.

8 BY MR. PELLINGTON:

9 Q Do you have any children from your marriage with
10 Chris Combis?

11 A Yes.

12 Q How many?

13 A Three.

14 Q What are their names?

15 A Jackson, Spa and Lily.

16 Q It is also your understanding that one day that
17 this watch is going to be Jackson's?

18 A That was Chris' intent, yes.

19 Q Okay. Did you have any knowledge as to that?

20 A Yes.

21 Q Okay. And that was what you understood what was
22 going to happen with this watch?

23 A Yes.

24 Q Okay.

25 No further questions, Your Honor.

LAUREN COMBIS-CROSS BY MR. PELLINGTON

1 THE COURT: Any redirect?

2 MR. TRUSLOW: Very briefly.

3 THE COURT: Yep.

4 MR. TRUSLOW: And, Your Honor, I'm referring to
5 Respondent's Exhibit No. 4.

6 THE COURT: Okay.

7 MR. TRUSLOW: The --

8 THE COURT: The watch picture.

9 BY MR. TRUSLOW:

10 Q The watch picture and I'm holding the watch as
11 well. Had you ever seen this, what's been called the fake
12 Rolex?

13 A (The witness shakes her head.)

14 Q Is the answer yes or no?

15 A No.

16 Q Thank you.

17 THE COURT: Is that it?

18 MR. TRUSLOW: Yes, sir.

19 THE COURT: All right.

20 Thank you, ma'am, you can step down.

21 All right--

22 MR. TRUSLOW: Your Honor, I have one request.

23 Ms. Combis is under a subpoena.

24 THE COURT: Right.

25 MR. TRUSLOW: She's from North Carolina. She's

1 not a party, we'd ask that she be released from her
2 subpoena.

3 THE COURT: Any objection?

4 MR. PELLINGTON: I didn't know she was under
5 subpoena, so no.

6 THE COURT: Okay, without objection, Ms. Combis,
7 you're free to leave, Ms. Lauren. And we are now
8 recessed for the trial of this case. Will we
9 reconvene 9:30: a.m. Friday morning right here in
10 this very courtroom. Do we have anything in this
11 courtroom between now and then?

12 THE BAILIFF: Your Honor, we do.

13 THE COURT: What?

14 THE BAILIFF: We have grand jury meets --
15 He said between now and then.

16 We got prelims tomorrow and grand jury Thursday,
17 first and second appearances Friday.

18 THE COURT: Do we have 18 seats over there for
19 the grand jury?

20 THE BAILIFF: The grand jury will go to the back
21 but they won't be until -- they will be here
22 Thursday.

23 THE COURT: I don't want anybody using this
24 courtroom.

25 THE BAILIFF: We use it for prelims.

1 THE COURT: Can you use it over there?

2 THE BAILIFF: We can.

3 THE COURT: Let's go off the record.

4 (WHEREUPON, a conversation was held off the
5 record.)

6 THE COURT: Well, they're going to have to use
7 that one because I'm going to reserve this one. I
8 got all my stuff, the court reporter's going to have
9 to leave stuff for the next court reporter coming in.
10 We got a lot of stuff that I don't want to get
11 jumbled up. Okay.

12 MR. TRUSLOW: And, Your Honor, I would like to
13 leave this package here, if I can. It has a gun
14 and--

15 THE COURT: Yeah, just tell Jeff that's what I'm
16 doing, he'll understand. Yeah, I'll tell him.

17 MR. PELLINGTON: Chris Combis' testimony, I
18 believe, is concluded. I would ask that he be
19 released from the Order to Show Cause for Friday.

20 MR. TRUSLOW: Well, Your Honor, part of the
21 problem is he's from North Carolina. And depending
22 on what you may do that may create a problem.

23 THE COURT: Well, if I do hold him in contempt
24 of court, I'll order him to appear before the court.
25 I mean, you know, he's here today. I mean, you know

1 his testimony is concluded. Y'all didn't reserve the
2 right to recall him at all.

3 You're not going to recall him, are you?

4 MR. PELLINGTON: At this point in time, no. It
5 kind of depends on how things develop.

6 MR. TRUSLOW: I'm sorry, I didn't make myself
7 clear, it's my fault. I would ask that he be --
8 indicate his obligation to come back, should The
9 Court find him in contempt of court, he will agree to
10 come back voluntarily.

11 (WHEREUPON, Mr. Pellington and Mr. Truslow were
12 talking over one another.)

13 THE COURT: Hold on, one at time.

14 MR. PELLINGTON: He will comply with any order.
15 He's got work, he's got family.

16 MR. TRUSLOW: I understand that.

17 THE COURT: Well, if they don't then
18 Mr. Pellington is in a heap of trouble because his
19 licenses is disbarred, right?

20 MR. PELLINGTON: Is it?

21 THE COURT: Yeah. You're an officer of this
22 court --

23 MR. PELLINGTON: Oh, yeah --

24 THE COURT: -- just like he's an officer of this
25 court --

1 MR. PELLINGTON: -- no, I absolutely understand
2 what you're saying, I'm not misrepresenting anything,
3 Judge.

4 THE COURT: If I tell him to be here, he's going
5 to be here.

6 MR. PELLINGTON: Yeah.

7 THE COURT: Just like if tell them to be here,
8 they're going to be here. I'm okay with that.

9 MR. PELLINGTON: Okay.

10 THE COURT: All right.

11 MR. TRUSLOW: I see nodding.

12 THE COURT: Yeah, everybody's nodding, everybody
13 understands. We'll see y'all Friday morning, those
14 that wish to be here.

15 MR. TRUSLOW: Thank you, Your Honor.

16 MS. BALLARD: Thank you, Your Honor.

17 THE COURT: If Mr. Chris Combis does not wish to
18 be here Friday morning, that's up to him, okay. All
19 right.

20 MR. PELLINGTON: Thank you.

21 THE COURT: Thank you.

22 MR. TRUSLOW: And, Your Honor, we're just going
23 to leave -- a lot of our stuff, we're just going to
24 leave it here.

25 THE COURT: That's why I'm ordering that this

1 courtroom --

2 MS. BALLARD: Thank you, Your Honor --

3 THE COURT: -- be dedicated for the trial of
4 this case. All right.

5 MR. TRUSLOW: Thank you, Your Honor.

6 MS. BALLARD: Thank you, Your Honor.

7 MR. PELLINGTON: Thank you, Your Honor.

8 THE COURT: All right, thank y'all. See y'all
9 Friday at 9:30.

10 (WHEREUPON, the proceedings were concluded.)

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for
the Thirteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
Common Pleas for Lancaster County, South Carolina, on the
14th day of November, 2017.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

April 1, 2018

APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) SIXTH JUDICIAL CIRCUIT
COUNTY OF LANCASTER) 2014-CP-29-0306

DESA BALLARD PER REP:)
ESTATE OF CHRIS COMBIS)

vs.) TRANSCRIPT OF RECORD
)

GEORGE COMBIS, DIANE) (DAY 2)
COMBIS, BLACK HORSE RUN)
PROPERTY OWNERS ASSOCIA-)
TION, SUPERIOR TILE,)
MARBLE & TERRAZZO CORP.)

NOVEMBER 17, 2017
LANCASTER, SOUTH CAROLINA

BEFORE THE HONORABLE BRIAN GIBBONS

APPEARANCES:

DOUGLAS TRUSLOW, ESQUIRE
COLUMBIA, SOUTH CAROLINA

ATTORNEY FOR THE PLAINTIFF

JOSEPH PELLINGTON, ESQUIRE
CHARLOTTE, NORTH CAROLINA

T. KIMMELL MCTIER, ESQUIRE
CHARLOTTE, NORTH CAROLINA

ATTORNEYS FOR THE DEFENDANTS

SHIRLEY BROOM
16TH Circuit Court Reporter

I-N-D-E-X

DIRECT CROSS RE-DIRECT RE-CROSS

WITNESSES:

Larry Garris

By Mr. Truslow 13

By Mr. Pellington 18

By Mr. Truslow 21

Linda Combis

By Mr. Truslow 24

By Mr. Pellington 48

By Mr. Truslow 71

Desa Ballard

By Mr. Truslow 75

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
R-7	10/18/13 Letter with inventory & appraisalment		50

1 THE COURT - All right, good morning. We're
2 reconvening the hearing in the matter of The Estate of
3 Chris Combis. This matter was the first part of the rule
4 to show cause hearing that was conducted on November 14th,
5 I believe, and now we're finishing up the remainder of the
6 hearing on a rule to show cause contempt complaint. All
7 right, and the attorneys are present along with relevant
8 parties.

9 Yes, sir, Mr. Pellington, I believe you said you
10 have some matters to bring up to the Court?

11 MR. Pellington - Yes. Good morning, Your Honor.

12 The first one is a -- just to make the Court
13 aware that the picture of the second firearm that was
14 introduced in Tuesday's hearing -- my client George Combis
15 dropped it off with the sheriff with whoever it to be. I'm
16 in possession of it. I'll keep it here at my desk or we
17 can put it with the other items in the box. I just want to
18 make the Court aware, and depending what counsel has to
19 say, where to keep it during the remainder of the hearing.

20 THE COURT - Okay. Any objection to that?

21 MR. TRUSLOW - I don't know what -- this is the
22 first I've heard about this, Your Honor, so I'm -- I don't
23 want to say the word shocked, because I've been doing this
24 long enough not to be shocked, but I'd like to see what
25 there is and if they have an accounting why -- why it

1 hadn't been produced before, now I'm sure we'll hear that
2 at some point.

3 THE COURT - Okay. All right, well, just go ahead
4 and bring it up here then and place it beside the evidence
5 box.

6 MR. TRUSLOW - Don't put it in the --

7 THE COURT - Yes, just do it beside -- there we
8 go.

9 MR. TRUSLOW - If I can, Your Honor. Well, you
10 know, ---

11 MR. PELLINGTON - It's the same firearm as the
12 picture -- okay.

13 MR. TRUSLOW - Somebody put a zip tie -- excuse me
14 -- somebody put a zip tie through -- through the trigger,
15 but they didn't open up the action ---

16 DEPUTY - Your Honor, it's been cleared. It's
17 unloaded.

18 MR. TRUSLOW - Okay.

19 THE COURT - That was the deputy Lancaster County
20 courthouse speaking for the record that it's been cleared.

21 MR. TRUSLOW - All right.

22 THE COURT - It's unloaded.

23 All right, the next matter.

24 MR. PELLINGTON - Your Honor, this other matter is
25 a little more substantive. It deals with the issue that

1 was raised at the conclusion of Tuesday's hearing with
2 respect to Lauren Combis's subpoena. If you recall, when
3 you asked if I had any position as to whether she could be
4 released from the subpoena, I informed the Court that I had
5 no idea that there was a subpoena, had not received a copy
6 of it. After the hearing concluded, I went back to the
7 office, confirmed with my paralegal that we did not, in
8 fact, receive a subpoena. I e-mailed counsel yesterday
9 asking for a copy; no copy was provided to me. As I
10 started thinking about it, given that Lauren Combis is a
11 North Carolina resident -- citizen and a resident, I
12 started thinking about the implications as to whether she
13 was subpoenaed and the impact that it has on this case and
14 my clients, and there are, basically, three potential
15 scenarios here. A South Carolina state subpoena was
16 domesticated in North Carolina, served on her. A South
17 Carolina state subpoena was served on her but not
18 domesticated or in the alternative, no subpoena was,
19 actually, issued whatsoever. All three are problematic for
20 a couple of different reasons, and I would like to briefly
21 go through each and inform the Court of the concerns. So
22 first off, the proper way to do this if you're going to
23 subpoena an out-of-state witness, is to file the subpoena
24 in the state court in the county in which he or she
25 resides, have it domesticated and then that court issues

1 the subpoena to the individual. It clears you of
2 unauthorized practice of law in other states. There's a
3 uniform act between states that handles the governance of
4 subpoenas out-of-state citizens, and that's what should've
5 happened here. There's a couple of problems though if that
6 did happen, and, again, I have not seen the subpoena, so
7 I'm speaking as -- to the range of the entire set of
8 alternatives here. Under North Carolina law, under Rule
9 45, all subpoenas have to be provided to opposing counsel.
10 That provides notice; it lets the party know that
11 somebody's being subpoenaed and for the purposes thereof,
12 whether it's to produce documents or whether it's to be
13 testified at deposition or whether it's to testify to here
14 in a trial. It's prejudicial to my clients to not have
15 that notice, because prior to Lauren Combis showing up, I
16 had no idea that she was going to be a witness in this case
17 or at least to the scope of the things that she was going
18 to testify to. In the verified motion it does mention
19 Chris Combis's wife in few places, but it appears at this
20 point at this stage of the proceeding that she is the
21 person with personal knowledge with all issues surrounding
22 the watch subject to what they -- the case that they put on
23 from here on after. There was no notice provided to me
24 prior to that. Second of all, there is no authority to
25 compel an out-of-state person into a different state to

1 testify at a hearing. What you can do is to get that
2 person's deposition in the forum state, in the court's
3 jurisdiction. That would've allowed me to appear at the
4 deposition, be able to examine all areas of inquiry but not
5 in front of this -- or this Court, and I could've -- I
6 could've asked a number of questions as opposed to being
7 subjected to a surprise witness in a cold cross and being
8 unsure as to what questions I can ask because I'd be -- I
9 was unsure of what the response might be. So that would --
10 that would be -- if the proper procedure had been followed,
11 a deposition would've been taken at a place in North
12 Carolina and if she did not want to willingly come here to
13 testify, then the deposition transcript could've been used
14 in lieu of her live testimony since she was an unavailable
15 witness. The key point there being that the state -- the
16 subpoena power of the state ends at the border unless you
17 domesticate it. Furtherance of the surprise witness, there
18 is no affidavit submitted by Lauren Combis in this case,
19 and the basis for the order to show cause was as a result
20 of Desa Ballard's affidavit where it appeared that a lot of
21 this information has come out so far with respect to the
22 watch was her personal knowledge, and it does not appear
23 that's the case; it was Lauren Combis's personal knowledge,
24 but yet, no affidavit was provided as the basis for the
25 show cause in this hearing.

1 Now, it's also important because if there is a
2 misrepresentation as to this state's power to compel an
3 out-of-state individual to come here and testify, then,
4 essentially, someone feels that they have to do something
5 that they wouldn't otherwise do, and the argument lies
6 there that, essentially, any testimony that comes out of
7 there is about -- it's not a direct comparison to criminal
8 law but fruit of the poisonous tree so-to-speak. You've
9 represented that the State of South Carolina had the power
10 to bring you here when it, in fact, did not. Now, if the
11 subpoena was not domesticated, not only do you have those
12 issues, but you also have the issue of potential
13 unauthorized practice of law and misrepresentations as to
14 this power -- to this Court's power as well to compel an
15 out-of-state witness to come here and testify. In further
16 issue to -- because, again, I have not seen the subpoena,
17 although if I recall correctly, my client, Chris Combis,
18 was -- his deposition in his divorce case was used during
19 his testimony so it's possible that the subpoena, if it was
20 issued, was a subpoena duces tecum. Directly under the
21 rules in South Carolina under Rule 45, it's required that
22 subpoenas duces tecum in advance of a hearing must be
23 served ten days and a copy provided to counsel pursuant to
24 Rule 5. Now, this is no light matter, because I have a
25 case here, In the matter of Margaret Thackery (phonetic)

1 where a lawyer did not serve a subpoena duces tecum prior
2 to a hearing, was sanctioned by the State, a public censure
3 and that was upheld by the State Supreme Court of South
4 Carolina. So this is -- this is a serious matter. The
5 notice provision, it goes to the heart of fairness, due
6 process and making sure that everybody has the opportunity
7 to properly prepare and then, if timely, I could've deposed
8 Lauren Combis prior to her coming here to testify. Now,
9 the alternative here is that if no subpoena was issued,
10 which is, obviously, problematic and was represented to the
11 Court that it was. Now, this is important substantively,
12 because from the outset of the testimony when Mr. Combis
13 asked Ms. Combis -- when Mr. Truslow asked Ms. Combis,
14 looks like you're nervous here today, and then it's under
15 the guise of her being compelled by a subpoena. It makes
16 her look like an unwilling participant in this proceeding,
17 as opposed to if there was no subpoena, a voluntary witness
18 who had no problem taking the day off and driving 40, 50
19 miles or whatever it is from her part of Charlotte down
20 here in order to testify. And so for the first part of
21 this, depending on the response, Your Honor, I'm going to
22 request some sanctions for this conduct, but it's -- until
23 I know whether a subpoena was issued and if the subpoena
24 was issued, whether it was domesticated, whether it's
25 subpoena duces tecum, it's preliminary to say, you know,

1 the relief that I would ask for, but I would ask that the
2 Court to inquire further into what counsel did in this
3 regard. Thank you.

4 THE COURT - Okay. Thank you. Mr. Truslow?

5 MR. TRUSLOW - Your Honor, first of all, Your
6 Honor, this irrelevant and much to do about nothing. They
7 could've objected yesterday; they chose not to. Secondly,
8 I will represent to you that Lauren Combis came
9 voluntarily. We had -- however, we had a South Carolina
10 subpoena waiting for her if she needed one. Her attorney
11 was fine with this. Ms. Ballard had communicated with him
12 before. We handled it correctly. We didn't handle
13 anything inappropriately. Counsel, with all due respect,
14 is incorrect about a subpoena duces tecum. There's no
15 duces tecum. There was a -- there was a South Carolina
16 subpoena here if she -- if -- if there -- if it was needed.
17 It wasn't needed, because she came here voluntarily. The
18 fifth point -- I mean I can go on and on, but I think this
19 is all dispositive and again nothing -- it's nothing about
20 nothing, but this rule was in August. They could've
21 certainly subpoenaed -- they could've done discovery; they
22 could've subpoenaed her. They knew that she and Chris
23 Combis were going through a divorce. I saw him -- and he
24 was here with his girlfriend, had his arm around her. Ms.
25 Combis was on the -- on the other side. His deposition had

1 been taken in the domestic case. They certainly knew --
2 you saw I think from when we appeared the other day that --
3 North Carolina counsel had been asking about a watch and
4 saying things, so, again, it's something about nothing.
5 He's mistaken. The testimony is what it is. We've done
6 nothing wrong. We've done nothing that isn't allowed by
7 the rules, so if you have any questions for me, I'll be
8 glad to answer them, but I think that's dispositive, Your
9 Honor.

10 THE COURT - All right, I don't have any
11 questions. I'm going to rule on it, Mr. Pellington.
12 Certainly you're protected in the record. I'm going to
13 give, you know, her testimony the credibility I believe it
14 deserves, and I consider everything. I find that there was
15 no malfeasance on behalf of Mr. Truslow based upon his
16 representations to the Court. In addition, you didn't
17 object to her testimony. You're objecting after-the-fact,
18 you know. I mean -- and I heard what I heard. I'm going
19 to give it the credibility it deserves. Okay? Let's move
20 on. Who's your next witness?

21 MR. TRUSLOW - Larry Garris.

22 THE COURT - Okay. Larry Garris.

23 MR. TRUSLOW - Your Honor, while they're getting
24 Mr. Garris, I had requested of the respondent's attorney if
25 they would stipulate that the watch that they had delivered

1 was, in fact, a fake; they said they wouldn't. We've got a
2 jeweler.

3 LARRY GARRIS, AFTER BEING FIRST DULY SWORN,
4 TESTIFIES AS FOLLOWS -

5 BAILIFF - Have a seat in the witness stand.

6 THE COURT - All right.

7 DIRECT EXAMINATION

8 BY MR. TRUSLOW:

9 Q Mr. Garris, as you know, I'm Doug Truslow, and I was
10 relating that y'all would -- y'all always beat Winnsboro in
11 football and basketball and how much that -- I still have
12 those memories and bruises. You're from Lancaster. Is
13 that correct?

14 A I am.

15 Q And you are a jeweler.

16 A I am.

17 Q What's the name of your store?

18 A Garris Jewelers.

19 Q Your father before you was a jeweler. Is that
20 correct?

21 A That's correct. That's correct.

22 Q Here -- here in Lancaster?

23 A Yes, sir.

24 Q On Main Street.

25 A Yes, sir.

1 Q Are you familiar with watches in general ---

2 A Yes.

3 Q --- as part of what you do?

4 A Yes, sir.

5 Q Are you familiar with Rolex watches?

6 A Yes, sir.

7 Q Is a Rolex watch an expensive watch?

8 A Very much so.

9 Q Does -- does a Rolex watch generally sell in the range
10 of -- I guess from five thousand to fifty thousand dollars?

11 A Yes, sir.

12 Q Is that correct?

13 A (No response)

14 Q I'm going to show you a watch in just a second ---

15 MR. TRUSLOW - And I've just taken it out, and,
16 Your Honor, for the record I've taken it out of the box.
17 It was delivered by -- by respondent's counsel to our
18 office.

19 THE COURT - Okay.

20 Q I'm going to ask you if you have seen the watch that I
21 have taken out of this box? Have you seen this?

22 A Earlier today, yes.

23 Q Yes.

24 A Yes.

1 Q All right, now to me -- I think there's only -- there
2 may be only one watch that Rolex makes that ever had a
3 battery, but are all of them operated off gears? -- and if
4 you can explain that to the Court, please.

5 A From Rolexes that I'm familiar with you have a
6 counterweight in the back which actually winds the watch, -
7 --

8 Q Yes, sir.

9 A --- so you don't have to manually wind it. It doesn't
10 run off battery or solar or anything of that nature.

11 Q As soon as you pick -- as soon as you see that watch,
12 pick it up, is it obvious it's a fake?

13 A To me it is.

14 Q I don't have -- you've forgotten more than I ever know
15 about -- about watches, but tell the Court some of the -- I
16 use the word, a poker term, tell -- what are some of the
17 tells or the landmarks that that's a fake Rolex?

18 A Well, number one was, when you handed it to me, the
19 weight of the watch; number two, if -- if it were a genuine
20 Rolex, it would have that counterweight in the back, and
21 when you moved it, you would feel it swinging around in the
22 back winding itself. It's got a lot of scratches on this
23 crystal. Rolex is probably going to use either a mineral
24 crystal or a sapphire crystal, which this is, obviously,
25 not one, feels like plastic. Um, the band itself -- Rolex

1 would use in the neighborhood of five to seven microns gold
2 filled. On this band -- this is not a genuine Rolex band,
3 because the gold fill has been worn off. I'm wearing a
4 watch now that has five to seven microns on the gold filled
5 and been wearing it for 17 years, so it's, you know --
6 several things, but those are the ones that really stand
7 out.

8 Q How about the -- you can see the stem, and then I'm
9 going to come to the thing that stood out for me.

10 A Yeah, well, the stem doesn't have a -- I don't know
11 what that is there, but it's -- it's not a crown on -- on
12 the stem, so ---

13 Q All right. And I'm going to call it the sound. Does
14 a Rolex watch, typically, have gears to operate versus a
15 battery?

16 A True.

17 Q Okay. So the first thing that this -- this just Doug
18 Truslow picking up the watch and aside from the hip, I'm
19 looking at it and I see that the second hand is not moving
20 and it's fixed on one date.

21 A Correct.

22 Q What date is it fixed on?

23 A Appears to be the 29th, Monday, the 29th.

24 Q Okay. Monday the 29th and is the second hand moving
25 on that watch?

1 A Not at all.

2 Q Would you agree that's pretty obvious that this is a
3 fake from ---

4 MR. PELLINGTON - Objection.

5 Q Not pretty, but is it obvious that it's a fake?

6 A It is very obvious.

7 THE COURT - Objection?

8 MR. PELLINGTON - Well, a couple -- first question
9 is leading.

10 THE COURT - Okay. Overruled. I'm letting
11 everybody lead to move on with this thing. Okay? You can
12 lead your witnesses when you call; you can lead your
13 witnesses, and that's fundamental fairness.

14 MR. TRUSLOW - Yes, sir.

15 THE COURT - We've got to move through this thing.
16 Okay?

17 MR. TRUSLOW - Okay.

18 Q So we have -- we have a fake Rolex.

19 A True.

20 Q What is it?

21 A (No response)

22 Q What's the -- what's the value of that watch? Is it
23 more than five dollars?

24 A You know, I have them coming in my place of business
25 bought from New York or some city corner or even I've had

1 some shipped back home to dad because the son or somebody
2 was in the military, and most of the time we looking in the
3 neighborhood of about twenty-five.

4 Q Twenty-five dollars. I'm sorry.

5 A Yes, sir.

6 Q Okay, twenty-five dollars.

7 MR. TRUSLOW - All right. Just one second.

8 (Pause) Thank you very much. I appreciate it. This
9 gentleman may have some questions for you. We'll see.

10 THE COURT - Thank you. Mr. Pellington, any
11 questions?

12 CROSS EXAMINATION

13 BY MR. PELLINGTON:

14 Q Good morning, sir.

15 A How are you?

16 Q I'm doing well. How are you doing today?

17 A Everything's good.

18 Q I'm sorry, I didn't catch your name.

19 A Larry Garris.

20 Q Larry -- and how do you spell your last name?

21 A G-a-r-r-i-s.

22 Q Mr. Garris, pleasure to meet you. I believe you
23 testified that you come from a family that deals with
24 jewelry and watches. Is that correct?

25 A Very much so.

1 Q Is that something your father's done your whole life?

2 A My father's done all my life?

3 Q No, his whole life.

4 A No.

5 Q Okay. How long has your father been in the watch
6 business?

7 A Well, in the jewelry business he's been since 1973.

8 Q Okay. Is it fair to say that you grew up around
9 jewelry?

10 A Yes, sir.

11 Q And when did you get in the jewelry business?

12 A Approximately, 1980. I was, you know, 16 years old
13 after school coming up and making boxes and bows and
14 sweeping and polishing rings and such for my father.

15 Q Between 1980 and today, have you held any other jobs
16 outside the jewelry business?

17 A Yes.

18 Q What have you done?

19 A Electrical contractor.

20 Q How long did you do that?

21 A About five years.

22 Q What time period roughly?

23 A As -- as a contractor around '84. I was only a
24 contractor for about two years, so '84 to '86.

1 Q So is it fair to say between 1980 and the present day
2 you've overwhelmingly been in the jewelry business?

3 A Very much so.

4 Q If you could estimate -- if you can -- how many
5 watches in your career do you think you've evaluated?

6 A Oh my God, I couldn't tell you.

7 Q Over ten thousand?

8 A I -- yeah, I wouldn't go quite that far, but a lot

9 Q Right. Certainly in the thousands.

10 A Yeah.

11 Q Would it be fair to say, basically, in your experience
12 it's pretty easy for you to spot a fake versus a real
13 watch? (sic)

14 A I think so.

15 Q And would it be fair to say that you wouldn't expect
16 the same thing from a lay person who is not in the jewelry
17 business?

18 A Well, you know, a lot -- well, with the internet, I
19 think people kind of pick up on some stuff like that.
20 Maybe so.

21 Q Kind of like the way people diagnosis themselves on
22 WEB-MD before they go to the doctor?

23 A Very -- yeah, I think you nailed it.

24 Q Okay. But you would -- in your professional opinion
25 of doing this for ---

1 A Thirty-one years.

2 Q Thirty -- thirty-one years.

3 A Yeah. Yes, sir.

4 Q Trying to do the math in my head.

5 A No, you -- you good.

6 Q Thirty-one years ---

7 A Yes, sir.

8 Q --- you would not expect a lay person to have the same
9 amount of expert knowledge as you do.

10 A No. No.

11 Q And so if somebody was not aware as to whether a Rolex
12 was fake or not that would -- and they're a lay person --
13 that not begin to surprise you.

14 A Correct.

15 MR. PELLINGTON - No further questions, Your
16 Honor.

17 THE COURT - All right, thank you ---

18 MR. TRUSLOW - One follow-up on a question that
19 was just asked.

20 RE-DIRECT EXAMINATION

21 BY MR. TRUSLOW:

22 Q Of course, you knew the reason that you're here is
23 because they would not stipulate that the watch was fake,
24 and whether somebody knew it was fake or not is aside from
25 the issue of whether it's a fake.

1 A That's right, yeah.

2 MR. TRUSLOW - Your Honor, we're going to offer
3 this fake Rolex into evidence at this time.

4 THE COURT - Well, I mean, if you do that, then
5 nobody gets it, and there's already testimony -- I mean
6 that becomes a part of the Court. You know, we have to
7 hold the evidence, and part of your client's job -- or the
8 main part of her job is to appraise assets of the estate.
9 Now, whether or not this is a significant asset, obviously,
10 based upon the testimony can be -- I think it's clear it's
11 a fake, but he valued at twenty-five dollars and it's part
12 of the estate, so I don't want to take something that's
13 part of the estate, and Chris Combis testified that that
14 was the watch Pop wore and that's the watch he gave him.
15 So if that's Pop's watch, it's part of Pop's estate. So I
16 don't want to take it and then y'all not have it back.

17 MR. TRUSLOW - Your Honor, what I ---

18 MR. PELLINGTON - I don't think it inerts to
19 anybody's benefit in this courtroom for the Court to take
20 it.

21 THE COURT - I mean I don't want any of that as
22 far -- I mean I've got pictures that we're substituting as
23 evidence, but I think that's part of the estate.

24 MR. TRUSLOW - Your Honor, what -- I think your
25 point's well taken. I don't think my client wants to hold

1 on to it. We would be satisfied in lieu of doing this for
2 -- for respondent's counsel to hold on to this watch.

3 THE COURT - Okay.

4 MR. PELLINGTON - Well, the original Order, if you
5 recall, Your Honor, to compel was after it was appraised
6 and valued that it be returned to my client.

7 THE COURT - That's right. Okay.

8 MR. TRUSLOW - So I would think that's where ---

9 THE COURT - Okay, we can deal with all that at
10 the end. All right, that's fine. So you can have it back
11 and -- you know, but we'll -- for right now just leave it
12 there, because I may want to look at it. Okay?

13 MR. PELLINGTON - All right.

14 THE COURT - All right, thank you, sir. You can
15 step down. You're free to leave.

16 MR. GARRIS - Thank you.

17 MR. TRUSLOW - Thank you, sir.

18 THE COURT - Okay. Call your next witness.

19 MR. TRUSLOW - Your Honor, we call Linda Combis.

20 THE COURT - Linda Combis.

21 LINDA COMBIS, AFTER BEING FIRST DULY SWORN,
22 TESTIFIES AS FOLLOWS -

23 THE COURT - All right, Mr. Truslow.

24 DIRECT EXAMINATION

25 BY MR. TRUSLOW:

1 Q All right, I'm going to lead you and then -- for a
2 little while -- and then we'll get to where we want to be.
3 Pop was your father?

4 A Yes, sir.

5 Q And George is your brother, and his wife is Diane and
6 Chris is your nephew?

7 A Yes, sir.

8 Q Okay. You live in South Carolina?

9 A Yes, sir.

10 Q Do you live in Lancaster County?

11 A Yes, sir.

12 Q Did your father live in Lancaster since 2003?

13 A Yes, sir, he did.

14 Q He had a homestead exemption, listed this as his
15 residence.

16 A Yes, sir.

17 Q You lived with your father. Is that correct?

18 A Yes, sir, we lived together.

19 Q I want to go -- I want to go back to -- your mother's
20 name was ---

21 A Jessie. Jessie.

22 Q --- was Jessie. All right, your father -- your
23 father, Pop, and your mother, Jessie, had a long-term
24 marriage.

25 A Fifty-six years.

1 Q Is that correct?

2 A Yes, sir.

3 Q And your mother passed in 1999.

4 A Yes, sir.

5 Q Is that correct?

6 A Yes, sir.

7 Q When your father -- when your mother passed, did your
8 father then live in North Carolina?

9 A For -- for a short time, yes, sir.

10 Q Okay.

11 A They had lived in their house for 42 years.

12 THE COURT - I'm listening. I can do -- I been
13 doing it a long time. I'm showing my law clerk -- I'm
14 trying to teach him stuff. As he's learning, I'm showing
15 him Rule 611 of the evidence rules, which says the Court is
16 in charge of the mode in order of interrogation and
17 presentation which allows leading questions in the Court's
18 discretion. Okay, so that's -- I'm using this as a
19 teaching moment.

20 MR. TRUSLOW - I apologize. I didn't want to be
21 rude to Your Honor.

22 THE COURT - That's fine. Go ahead.

23 Q In -- so your father lived in Charlotte and was it
24 Carmel Park?

25 A Carmel Park, 5020.

1 Q And then after your mother died, did he stay there
2 until 2000 -- til about 2002?

3 A Yes, sir.

4 Q Then did he sell his -- did he sell his home in Carmel
5 Park in North Carolina?

6 A Yes, sir, he did.

7 Q Did he then live with Diane and George for about two
8 and a half months?

9 A A short period of time he stayed with them.

10 Q If they -- if they suggested that he was leaving with
11 them for years, would that be correct or incorrect?

12 A No, sir, he did not live ---

13 Q In 2003, did he buy a house in -- on -- I'm going to
14 call it the horseshoe property where you and he lived?

15 A Yes, sir.

16 Q And that's in Lancaster County?

17 A Yes, sir, Indian Land.

18 Q So he lived with you since 2003, and I'm going to go
19 forward, but in 2003?

20 A Yes, sir, six years.

21 Q Before that did he live with you at another residence
22 except for about two, two and a half months in 2002,
23 approximately? He lived with you ---

24 A He lived in a ---

25 Q --- until you bought the house ---

1 A Yes, sir.

2 Q --- on Horseshoe.

3 A I lived in Rock Hill previously, and he lived in
4 Charlotte, and as he aged, it was kind of hard to keep up
5 with him as how he was, so you would call and wouldn't get
6 an answer, and -- so anyway he sold -- he lived on Coronada
7 in Charlotte, and I lived in Rock Hill.

8 Q And then in 2000 -- again, in 2003 that's when you
9 moved -- you -- he bought a house where the two of you
10 lived ---

11 A Yes, sir.

12 Q --- in Lancaster County.

13 A November of 2003.

14 Q And that's -- is that where he lived and was his
15 residence until he passed?

16 A Yes, sir.

17 Q In 2000 -- I'm going to say in 2008 towards -- your
18 father died in February -- or your father passed in
19 February of 2009. Is that correct?

20 A Yes, sir.

21 Q Okay. In, approximately, some time in 2008, 2009, did
22 your -- did your father's health start to decline?

23 A Yes, sir.

24 Q Where -- where do you work?

25 A I work for United States Postal Service.

1 Q Okay. While you were -- while you were working -- and
2 you told me this, but you were making eighteen dollars an
3 hour -- you -- and your father's health was declining, did
4 he go to Sunrise -- did you have him -- an assisted ---

5 A He would go to an adult daycare in Fort Mill ---

6 Q All right.

7 A --- while I was at work, and I would have -- there was
8 a lady that was kind of a friend and she would -- I had to
9 be at work early in the mornings, so she would come over
10 and sit with him to make sure that he got on the transport
11 bus while I, you know, until the bus got there, and then if
12 I was going to be late getting home from work, she would
13 come and sit with him until I got back from work.

14 Q So you're making eighteen dollars an hour and you're
15 paying her ten dollars an hour?

16 A Yes, sir.

17 Q And was your father living with you and were you
18 taking care of his needs?

19 A Yes, sir. We lived together.

20 Q Did he have a watch?

21 A Yes, sir.

22 Q Was he proud of it?

23 A Yes, sir, I guess. It -- to Pop it was a watch.

24 Q Describe -- describe the watch. I'm talking about
25 2000 -- 2007 to '08 was ---

1 A It was a -- it was a gold Rolex with a presidential
2 band, and the reason I know that is my mother had the same
3 watch only with a different color face that she had left me
4 when she died, so the watches were pretty much identical
5 except for one was the men's and one was the women's, and
6 so that's how I know it. It was 18 karat gold.

7 Q In 1993 were you -- were you married at that time?
8 In 1993 ---

9 A Yes, sir.

10 Q -- going back.

11 A Yes, sir.

12 Q Had your father had a Rolex then?

13 A He had a stainless -- he had the stainless and gold
14 Rolex with the black face that he sold to my ex-husband.

15 Q Now ex-husband.

16 A Now ex-husband of 20 plus years, yes, sir.

17 Q All right. And that was in 1993.

18 A It was in the early 90's, '92, '93.

19 Q All right. The watch that your father had, was there
20 -- did it have a gold band?

21 A Yes, sir, the ---

22 Q What was -- on the back of it ---

23 A --- presidential band.

24 Q I'm sorry?

25 A A presidential band. They're different Rolex bands.

1 Q And on the back of the watch face, what was there?

2 A His name was on there, Chris Combis.

3 Q Was ---

4 A It was professionally ---

5 Q Was it engraved ---

6 A --- done; it was not scribbled.

7 Q I can't hear you.

8 A It was professionally done; it was not scribbled.

9 THE COURT - Let me intervene here. I've got a
10 court reporter that uses the mask to say everything; of
11 course, she has a back-up recording. With a stenograph
12 machine I kind of let it, you know, talking over and stuff
13 kind of go on a little bit. Cannot happen today. I know
14 you're a little hard of hearing, Mr. Truslow, so -- and,
15 ma'am, I'm going to ask you to speak up just a little bit.
16 I can hear you okay. I want to make sure everybody else
17 can hear you. You're doing fine.

18 MS. COMBIS - Am I close enough? Do I need to ---

19 THE COURT - Yeah, don't get into the mic though,
20 because it'll mess up, but having said that, I'm trying to
21 make sure we have a good accurate record, so, please let
22 her finish whatever she's saying before you move on to your
23 next point. You're like me, ---

24 MR. TRUSLOW - Yes, sir.

1 THE COURT - --- you're jumping at the bit, you
2 want to ask a question, and I understand, and again, I
3 appreciate everybody doing that. Okay? Thank you.

4 MR. TRUSLOW - Thank you.

5 THE COURT - All right.

6 Q You said on your father's watch it was professionally
7 engraved on the back of the watch itself.

8 A Right, correct, yes.

9 Q I'm going to show you what we've been talking about as
10 the fake Rolex, the one that was delivered to Ms. Ballard.
11 Was this watch ever your fathers?

12 A No, sir, not that I recall. No. I mean it's clear to
13 see it's a fake.

14 Q Now, there's some reasons that you would -- you said
15 you saw your father's watch from 2003 until -- until
16 shortly before he passed.

17 A Right.

18 Q Did you see the watch itself, take it off so that you
19 could see on the back, on the back of the watch ---

20 A Well, sometimes ---

21 Q --- and professionally engraved? And tell the Court
22 how you could.

23 A Well, sometimes I would wash it. Pop was not -- you
24 know, how when you wear watches everything all the time
25 they get crime and stuff, and just -- I mean I'm not saying

1 I'd do it every day or every week, but maybe once every
2 couple of months I would just take it off and, you know, --
3 I do mine the same way, just wash the band and take the
4 toothbrush and get the grime off of it.

5 Q On the clasp of the presidential band, did -- had your
6 -- had your ---

7 A I don't re -- I don't remember seeing anything on the
8 clasp.

9 Q If there had been some crude etching -- not etching
10 but scratching into it, is that something you would've
11 noticed when you cleaned it?

12 A Yes. Well, you know, it's been around. He wore that
13 watch forever. You know, I've known that watch. Everyone
14 knows that watch.

15 Q So this watch that was delivered to Ms. Ballard that's
16 been -- been confirmed to be a fake Rolex watch, this was
17 not your father's watch?

18 A No, sir.

19 Q Do you know what happened to your father's watch?

20 A Yes, sir, I do. My ---

21 Q I want to go back to the -- to Sunrise 2000 -- about
22 2008-2009 the end of the year when your father's health was
23 declining, did he misplace his watch?

24 A He did. He would -- he -- the only -- I think he did
25 it twice, but he would -- he had stayed in Sunrise which

1 was like a -- it was not the adult daycare; it was an
2 assisted living, and he was staying in Sunrise, and Diane
3 Combis and I had the conversation that -- and he had told
4 her he had misplaced his watch, and, you know, you kind of
5 get panicky, because the watch does have value, so, um --
6 but then he found it, and I think he lost it again, and
7 Diane and I had a conversation about it on the phone -- I
8 remember it -- and she had found the watch, and what we
9 ended up doing -- and she did this -- she got him a like
10 twenty-dollar Timex, and we had the conversation on the
11 phone and she took the Rolex, because we were scared it
12 would get lost or someone would take it.

13 Q And what did she say she did with it?

14 A Well, she was going to take it home.

15 Q And put it where?

16 A Oh, I don't know where she was going to put it, but
17 she had possession of it and she -- I think she even called
18 me on the phone and said I've got the watch, and I had no
19 reason to lie about that, you know; it's a watch.

20 Q Had you attempted -- I'm going to go back between 2009
21 and 2012 -- had you attempted to probate your father's
22 estate?

23 A Not until 2012. He died in 2009.

24 Q And at that point in time did you have -- would it be
25 a fair statement to say that by 2012 you and Diane and

1 George were at odds about the estate and you had an
2 attorney and they had ---

3 A Yes, sir.

4 Q --- an attorney or attorneys?

5 A Yes, sir. Diane and I used to -- I think of a couple
6 of times when my father would meet with the -- Paul
7 Ritenour who was the estate planner, Diane and I had gone
8 with him, and there was only one time, the last time
9 evidently, that she took Pop and went alone, and I was not
10 aware of.

11 Q Your father, had he been successful in the tile and
12 stone and marble business?

13 A Yes, sir. He worked all his life, 87 years. He died
14 when he was 90, but he worked all his life.

15 Q I represented to the Court in the -- at the beginning
16 of proceedings that your father had done all the stone and
17 tile work for Bank of America in Charlotte, Panthers
18 Stadium, and that the company was reported to be the
19 biggest of its type in the southeast.

20 A Yes, sir.

21 Q Can you confirm that?

22 A He was very successful.

23 Q And for George and Diane, did they have two Bentleys,
24 a Mercedes, live in a house that was worth at least a
25 million and a half and had a helicopter pad?

1 A Well, yes, sir.

2 MR. PELLINGTON - Objection.

3 A He still has that.

4 THE COURT - Overruled.

5 Q Go ahead.

6 A Yes, sir. Yes, sir.

7 Q And a mountain house?

8 A Yes, sir.

9 Q Did you -- so by 2012 you were concerned about where
10 the money was from your father's estate.

11 A Well, yes, sir.

12 Q And then did there become a dispute between you,
13 George -- your sister -- you and your sister on one side
14 represented Mr. Nosal and I can't remember the attorneys --
15 -

16 A Yes, sir.

17 Q --- that George and Diane may have had, but there was
18 a dispute.

19 A Yes, sir. My father had been -- that's the reason he
20 paid, I'm sure, thousands to have a trust drawn up. He had
21 three children, not just one, and he made it to where we
22 would all be treated equally, and he did that to look after
23 us. You know, the man deserved better children than what
24 he had. You know, he was a good man. I appreciate that
25 now. (Witness crying)

1 Q All right, I'm going to move forward ---

2 A He was a character, too.

3 Q He was a character. But I don't want you to be upset.

4 In 2013 after George and Diane had been sanctioned by a
5 federal court in North Carolina ---

6 MR. PELLINGTON - Objection.

7 MR. TRUSLOW - I think it's in the record, so I
8 don't know what the objection is.

9 THE COURT - Overruled for what it's worth. I
10 mean I'll look through the record to see what that -- I'll
11 let you clean that up on cross. Go ahead.

12 Q In 2013, did yourself, George, Diane agree that you
13 would have Ms. Ballard to be the trustee ---

14 A Yes, sir.

15 Q --- and open an estate in Lancaster County, ---

16 A Yes, sir.

17 Q --- and she then later -- I think it's in September --
18 became the successor trustee. That's 2013. Is that
19 correct?

20 A Yes, sir. In fact, I think it was their attorney that
21 suggested Ms. Ballard.

22 Q And you were aware that she had a forensic accountant
23 on her staff ---

24 A Yes, sir.

1 Q -- at some point. All right. And did you meet with
2 -- did you meet with Ms. Ballard?

3 A Yes, sir.

4 Q And did you expect George and Diane to meet with Ms.
5 Ballard?

6 A Yes, sir.

7 Q Did you expect her to gather the -- to -- with your
8 help and with George and Diane's help identify what the
9 assets were of the trust ---

10 A Yes, sir.

11 Q --- and the estate, collect them and then put them on
12 an inventory and make an appropriate disposition?

13 A Yes, sir.

14 Q And did you tell her -- try to describe what assets
15 Pop had had that you couldn't account for where they were?

16 A Yes, sir.

17 Q Did that include at least one Rolex watch?

18 A Yes, sir.

19 Q And do you know where that watch is now?

20 A Well, supposably that's the one that's sitting in this
21 courtroom, ---

22 Q Okay.

23 A --- but I haven't gotten a chance to look at it.

24 Q But this -- but this watch that was delivered ---

25 A Oh, that's not it.

1 Q --- you've already said that's not Pops.

2 A No, sir.

3 Q Did Pop have guns?

4 A Yes, sir, but he was not like a big gun collector. He

5 just ---

6 Q And you're not either.

7 A No, sir, I have no clue about guns.

8 Q But I'm going to ask you about what you knew Pop had

9 and -- did you know he had a .45 that was engraved, .45

10 caliber 1911? I've shown you the pictures of what one

11 looks like. Did he have a .45 caliber ---

12 A Is that this -- like -- yes, sir. Yeah.

13 Q And did he have -- did he have a .38, a .38 caliber

14 pistol?

15 A Yes, sir.

16 Q All right, did he have a very nicely engraved chrome

17 or silver .22 that he carried?

18 A He had a little gun he carried just about all the time

19 on his hip.

20 Q Did he have a 30 ought 6 with a scope on it?

21 A Yes, sir, I remember that since I was 50 years, more

22 than 50 years.

23 Q Do you remember a .22 rifle?

24 A Just vaguely, not a whole lot. I remember the 30

25 ought 6.

1 Q Okay. Now, do you know where those are?

2 A No, sir.

3 Q The pistol that has been brought to Court -- and I

4 just took it out of the box -- it was delivered -- was this

5 Pop -- you've talked about an intricately engraved pistol -

6 - and I'm going to show you what's a Bauer .25 caliber with

7 a zip tie through the action -- was this Pop's -- and it's

8 got plastic handles -- was this Pop's gun?

9 A Not the one that he carried all the time, no, sir.

10 Q Do you know what happened to the .45?

11 A No, sir.

12 Q Was the last time you saw it when it was in George's

13 offices on Brevard Street, the .45?

14 A I don't even remember hardly the .45. I know there

15 was one, and I know George had asked me about one at one

16 point.

17 Q When Pop sold his house and he lived with Diane and

18 George for a couple of months, did he take the guns there?

19 A We always had his guns at his house, and ---

20 Q So they were George ---

21 A --- then I think after that I guess he moved them to

22 Superior Tile.

23 Q All right. And who ran -- who was running Superior

24 Tile?

25 A They both were kind of. Pop was but George was, too.

1 Q And do you know where those guns are now?

2 A No, sir.

3 Q Was the -- did Diane and/or George indicate that they
4 had any of the guns at any point?

5 A No, sir.

6 Q The last you knew they were at Sup -- the company.

7 A Right.

8 Q A coin collection. From the time you were a child, do
9 you remember your father having a coin collection?

10 A Well, it wasn't really a coin collection. What it was
11 was my grandfather would give us silver dollars when we'd
12 go to visit or, you know, and we just had like -- they
13 necessarily weren't Pop's. Pop always had them, but there
14 was just a collection of silver dollars, and he had some of
15 those bluebooks with little pennies and nickels and buffalo
16 head things in them. You know, it wasn't a huge coin
17 collection. He didn't pull it out and pour over it and --
18 you know, it's just things he had.

19 Q Do you remember a Carson City silver dollar?

20 A The Carson City silver dollar was mine that my ex-
21 husband had given me.

22 Q Okay. Do you remember -- can you ---

23 A And that's the only one I can be specific about. The
24 others were just coins in a baggy, you know. Some of them
25 had the little cardboard around them. They were just --

1 you know, most of them were loose, didn't have any kind of
2 -- they were just silver dollars that our grandfather, you
3 know, over the years had given us. He -- they -- he'd
4 given them -- some to George; he'd given some to Mary and
5 given some to me.

6 Q You -- have you seen the coins that were ultimately
7 delivered to Ms. Ballard that are here in the box?

8 A I saw a picture.

9 Q Okay. Does -- if you could come down, please. Is
10 this -- is the number quantity of silver dollars and coins
11 that your father had or were there more?

12 A No, there were more and they weren't -- some of them
13 were kind of like this. The ones that I had, that we had,
14 were in like a big plastic baggy, the silver dollars. I
15 mean those might've been some of them, but those were a
16 little bit too neat -- too well-organized.

17 Q Are there as many here that were delivered to Ms.
18 Ballard as there were and it ---

19 A No, sir.

20 Q Is this 20 percent, 50 percent, how many?

21 A No, sir. We -- it was just a -- I was going to say
22 they're between 50, 70 silver dollars just in a bag, and
23 the reason I know that is, because when he moved from his
24 house, Pop would always hide money, and when he moved from
25 his house -- and they'll remember; they should remember