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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 III

**TRUSLOW & TRUSLOW LAW
FIRM**

Douglas N. Truslow (S.C. Bar #5642)
Neal D. Truslow (S.C. Bar #77806)
Post Office Box 1465
Columbia, SC 29202
(803) 256-6276
Attorneys for Respondent

McCOY LAW FIRM, LLC

Brian S. McCoy, Esq. (SC Bar
#2155)
378 E. Main Street
Rock Hill, SC 29730
(803) 366-2280

REDDING JONES, PLLC

Ty K. McTier (S.C. Bar #102900)
2907 Providence Road, Suite 303
Charlotte, NC 28211
(770) 900-2215

Attorneys for Appellants

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1 this -- that um, he would hide money -- and I knew some of
2 his hiding places, not all of them, so we have no idea what
3 else was left there, but he had hidden the coins behind the
4 fake -- in the bathroom, the fake front on the sink -- that
5 he had duck-taped the coins to the back of that, and at
6 that house, the last day that we were there, I had found
7 them, and I had showed George and Diane, I said, we almost
8 left this. And Di -- I handed them to them, and I told
9 them, y'all take them home with you. What am I going to do
10 with them? And they did. I gave them to them.

11 Q Is there -- can you quanti -- I know you didn't
12 photograph them or anything at that time, ---

13 A No.

14 Q --- but what -- what has been produced, does that --
15 what percentage of the total was there, if you can say?
16 You said 70 silver dollars. I mean ---

17 A Well, even if there were 50 silver dollars, that
18 doesn't represent it well, and I'm just going to say there
19 were probably about, you know, over the course of 50, 40 or
20 50 years, there were probably 50 or 60 silver dollars, and
21 I don't think I saw any silver dollars; I saw Eisenhower
22 dollars, but ---

23 Q I want to go to something else for a second in
24 addition to this. In other litigation have you seen that
25 George said he -- he, George, was carrying around cash cash

1 (sic) totaling two hundred thousand dollars and another
2 place another seventy thousand dollars?

3 A Yes, sir.

4 Q And he claimed that he gave it to your father. Did
5 you ever see where that money went?

6 A No, sir.

7 Q Okay. Now, when you met with Ms. Ballard, did you try
8 to describe to her the items of personally (sic) that you
9 were aware of and the timeline that you related to the
10 Court?

11 A Yes, sir.

12 Q And then did you expect her to begin to try to collect
13 these items, identify them and decide what to do with them?

14 A Yes, sir. I mean everybody was cooperating with her
15 except with them.

16 Q Once -- originally they were?

17 A Yes, sir, originally they did.

18 Q When Ms. Ballard asked a question of George and Diane,
19 where did -- specifically, where did four hundred and
20 twelve thousand dollars that was in the trust go, and they
21 indicated that they had taken it and used it to pay off
22 their line of credit secured with their home, is that when
23 things went south so-to-speak?

24 A Well, it kind of went south -- I had no -- and I know
25 my father did not have any clue that -- I didn't learn

1 until after he had passed away what had happened with that
2 money. I always thought it was in his account and then
3 went into the trust. I had no clue.

4 Q When Ms. Ballard found that the money had gone out of
5 the trust to pay off George and Diane's personal debts, is
6 that when she began to get at odds with George and Di --
7 George and Diane?

8 A I believe they became at odds with her.

9 Q Do you know whether George has a safe in his home?

10 A Yes, sir, I believe he has a couple.

11 Q Two of them?

12 A I've never seen them, but I believe he does.

13 Q Had -- had he -- did they tell you they had two safes?

14 A Um, -- no, I just ---

15 Q Mr. Pellington brought -- the other day he brought a
16 watch to court.

17 A Yes, sir.

18 Q Did you get a chance to see it?

19 A I looked at it briefly. I didn't get to see it well -
20 - very well.

21 Q I'm going to give you more of a chance now.

22 MR. TRUSLOW - Your Honor, just for the record,
23 Mr. Pellington is handing me the watch that appears to be a
24 Rolex. It's got more heft. It is -- the second hand's
25 moving ---

1 THE COURT - Okay.

2 Q --- and I'm going to ask ---

3 THE COURT - The gold-looking one.

4 MR. TRUSLOW - The gold -- the gold-looking ---

5 MR. PELLINGTON - I would suggest, Your Honor, why
6 don't we just refer to that as the gold watch we ---

7 THE COURT - Oh, yeah, the gold watch. That's
8 fine. We'll call that the gold watch.

9 MR. TRUSLOW - The gold watch.

10 Q Is the gold watch that Mr. Pellington has provided
11 you, was this Pop's watch, and can you tell by looking on
12 the back to see whether there's professional etching on it?

13 A There is not professional etching on it.

14 Q Okay. Let me -- I'm going to -- I'm going to move
15 ahead. The -- it's got -- if I can, please, in the -- in
16 the clasp, there appears to be some crude scratching in the
17 clasp. On the watch that you had when your father lived
18 with you, you saw professional engraving that this doesn't
19 have; you cleaned his watch. Did you ever see any
20 scratching like this where the -- crudely scratched in as
21 the name of Chris Combis? Did you ever see that on the
22 watch that your father had that you cleaned, that you'd
23 seen from 2003 until 2008?

24 A I don't remember this, no, sir, but ---

1 Q Wouldn't that be something that you would remember if
2 it had been there on the watch that your father had?

3 A Yes, I don't -- I don't remember it. I'm not going to
4 say it's not his, but I don't -- I don't remember it. His
5 was engraved professionally like just with his name, Chris
6 Combis. It seemed like it -- the back of his watch was a
7 little bit more detailed than this, but that was it.

8 MR. TRUSLOW - All right, and just for the record,
9 what -- Your Honor, what Ms. Combis was doing is pointing
10 to the back of the watch where she said on Pop's watch it
11 had his name professionally engraved on the back rather
12 than on the clasp.

13 THE COURT - All right. Let me take this
14 opportunity at the -- going back to the question about five
15 minutes ago about the number of safes. I don't know Mr.
16 Combis. I assume the person behind you, Mr. Pellington, is
17 Mr. George Combis. He's sitting beside the witness that's
18 been identified as Diane Combis. I'm going to take
19 judicial notice of the fact that when his sister's up here
20 testifying and she said I don't know the number, he said --
21 he mouthed the word six and held up six fingers, and he's
22 nodding his agreement that there is -- there must be six
23 safes in his house. Okay? All right. All right. So you
24 may want to talk to your clients about trying to

1 communicate with the witnesses while they're on the witness
2 stand. Okay?

3 MR. PELLINGTON - During the break I will do that,
4 Your Honor.

5 THE COURT - Sure.

6 Q When Mr. George Combis was mouthing or holding up ---

7 A I didn't see that.

8 Q --- the number six, do you -- has he ever told you he
9 had six watch (sic) -- six safes before?

10 A No. I -- I couldn't -- I wasn't paying attention to
11 him.

12 Q And I'm going to lead you a little bit, but you --
13 you're aware that on Ms. Ballard's behalf, we've taken
14 George -- in different contexts and different cases --
15 we've taken George Combis's deposition. You're aware of
16 that, aren't you?

17 A Yes, sir.

18 Q Were you aware that in his deposition he said he only
19 had one safe and his wife had a safe, but he didn't have
20 the combination? You're aware of that, aren't you?

21 A Yes, sir.

22 MR. TRUSLOW - That's all I have. Thank you.

23 THE COURT - All right, Mr. Pellington.

24 CROSS EXAMINATION

25 BY MR. PELLINGTON:

1 Q Good morning, ma'am.

2 A Good morning.

3 Q Did you have the opportunity around the time that
4 dispute arose between you and your brother to talk to Ms.
5 Ballard about the guns, the coins and the watch?

6 A What do you mean talk to her about it? Just when we
7 had our interview?

8 Q Correct.

9 A Yes.

10 Q Did you describe those items to her?

11 A Yes.

12 Q And what did you tell her about the guns that you can
13 recall?

14 A I do remember the 30 ought 6. The little guns I --
15 like I don't remember as much detail, because I don't know
16 a lot about guns, and I just remember they were smaller.
17 He did not -- I remember the one he used to carry all the
18 time was engraved all -- like fancy with the pearl handles,
19 and because I had taken him to a shop in Pineville one time
20 because one of the handles had cracked and he wanted to get
21 it fixed.

22 Q Was the engraving a design or were they words?

23 A Oh, it was a design.

1 Q Okay. Do you recall anything else that you described
2 to Ms. Ballard about the guns that are at issue in this
3 case?

4 A Gosh, that's been five years ago. Not all of it, no,
5 sir, I don't. Five years.

6 MR. PELLINGTON - If I may approach, Your Honor?

7 THE COURT - Yes.

8 Q I believe we're on Respondent's 7 if I'm not mistaken.

9 THE COURT - All right, you're introducing this
10 then. Are you wanting to introduce this as Respondent's 7?

11 MR. PELLINGTON - That's correct, Your Honor.

12 THE COURT - Any objection? It appears to be an
13 inventory or the ---

14 MR. TRUSLOW - No, Your Honor, but it's already --
15 it's already part of the record, so I ---

16 THE COURT - Yeah, I agree it is part of the
17 record, however, for this particular proceeding, let's go
18 ahead and make it an exhibit, so it'll be Respondent 7 or
19 7. Have you marked it yet, Shirley?

20 COURT REPORTER - No, sir.

21 THE COURT - Mark that copy and I've got a copy.

22 COURT REPORTER - I'll make it defendant; I don't
23 have any respondents.

24 THE COURT - Okay, or you can just put R -- how
25 did April mark it?

1 COURT REPORTER - She marked them all Respondents.

2 THE COURT - Okay. Defendant's fine. Defendant
3 equals Respondent for the purpose of this hearing on the
4 record.

5 (WHEREUPON, DOCUMENT MARKED AS RESPONDENT'S
6 EXHIBIT NUMBER 7.)

7 MR. PELLINGTON - She has a copy of those.

8 THE COURT - Okay. She has a copy.

9 Q All right, ma'am, if you would, if you'd look at the
10 first page, the letter is dated October 18th, 2013. Is
11 that correct?

12 A October 18th, yes, sir.

13 Q Okay. And have you ever seen this document before?

14 A Yes, sir, it's been a long time.

15 Q Right. If you'll look at the last page, there's a
16 stamp on it.

17 A Yes, sir.

18 Q --- for the -- I'm sorry, it's a notice of creditors -
19 - strike that. That date's not important. So do you -- is
20 it your recollection that you spoke to Ms. Ballard about
21 the guns prior to October 18th, 2013?

22 A Yes, sir.

23 Q Okay. If you would turn to page 406, I'm going to ask
24 you a couple of questions about the personal property items
25 that are listed.

1 A (Witness complies) Okay.

2 Q Do you see that, the first item, it says personal
3 items and then a parenthetical, it says clothes and 101st
4 Airborne jewelry?

5 A Yes, sir.

6 Q Okay. So we're on the same page?

7 A Yes, sir.

8 Q Do you see any mention of a .45 handgun with a --
9 well, let me back up. Is the .45 along with the engraving
10 or is it a different firearm with the engraving?

11 A I don't know. I don't know a .45 from a .22 or a .38
12 or ---

13 Q I understand. But you see -- do you see any mention
14 of a pistol of any sort with an engraving?

15 A No, sir.

16 Q Okay. Do you see any mention of a 30 ought 6 rifle
17 with a scope?

18 A No, sir.

19 Q Do you know why that the inventory would not include
20 those specific items if they're parts of the estate?

21 A Well, it says a pistols (sic) awaiting details.

22 Q Right. But you'd already provided the details at this
23 point in time. Correct?

24 A What, at this point in time?

25 Q (Indicating yes)

1 A I don't know if we had done it for all the guns. Just
2 the ones that I was aware of.

3 Q But that would be the gun that was engraved and the 30
4 ought 6 rifle with the scope. Right?

5 A Yes, but I don't know if George -- I don't know where
6 -- if he had provided his information. I do know there was
7 an inventory of -- it seems like there was another
8 inventory list also ---

9 Q Okay.

10 A --- that was more specific, but I could be wrong.

11 Q We could agree on this inventory list that there's no
12 rifle. Correct?

13 A No, but there was a rifle.

14 Q Okay. Let's -- let's talk a little bit about the last
15 time that you saw the guns. If I got your testimony
16 correctly, I think you said the last time that you knew of
17 their whereabouts, they were at the company? Is that
18 accurate?

19 A They might -- no. Well, for the pistols they were
20 probably with Pop and he had probably taken them to the
21 company. I don't think he would have -- I don't know if he
22 would've taken them to George and Diane's house or not.

23 Q So Pop -- Pop would've brought them to the company.

24 A Right. Well, they were Pop's guns.

25 Q Right.

1 A You know, and like you said, the 30 ought 6, the
2 reason I know what it was, it had been around for 50 years.

3 Q Now, prior to Pop getting sick in the last days of his
4 life, he was living with you prior to that. Right?

5 A Yes, sir.

6 Q And it was here in this county. Right?

7 A Lancaster County.

8 Q Lancaster County. And you -- do you recall seeing a
9 pistol in your home, one of Pop's pistols in your home?

10 A Yes, sir.

11 Q And do you recall which pistol that was?

12 A That was the one that I was surprised about, the .38
13 that was in a black case, and he had given -- well, there
14 were two. There was one little tiny gun, which I think
15 they call that the .22, and then there was one that he had
16 given me, it was a .38 in a little black case. Now, if you
17 put -- lined them up in front of me, I couldn't tell you --
18 I could probably tell you what a .38 was, but -- anyway,
19 and I put it away, and then I couldn't find it, and then I
20 had no idea where it was, and there may be more of that,
21 but I could not find the .38, and I know what happened to
22 it, and that's why I say I thought there was another
23 inventory list, because I saw from them that they had a
24 .38.

25 Q Who had a .38?

1 A George and Diane listed a .38, and then I thought
2 that's where that gun is, and I'd been looking -- I mean I
3 didn't look all over for it every day. I just thought, I
4 wonder what happened to it.

5 Q When you say listed, are you talking about a separate
6 inventory?

7 A It seems like I saw it on another list, yes, sir.

8 Q Okay. Well, have you seen the motion in Ms. Ballard's
9 affidavit filed with the motion why we're here today? Have
10 you seen that ---

11 A I'm sure I have, yes.

12 Q I mean I'll represent to you that I don't see anything
13 in here that references a .38, although if I'm incorrect
14 I'm sure counsel will point it out, but the last -- if I
15 understand correctly, your last recollection of the .38 is
16 you just don't know what happened to it.

17 A Right.

18 Q Okay. And was there another handgun that you saw in
19 your home that you believe to be Pop's prior to him
20 passing?

21 A Yes.

22 Q Okay.

23 A Yeah, the little one.

24 Q The little one.

25 A (Indicating yes)

1 Q Is that the one with the engraving or no?

2 A No, not the one with the engraving.

3 Q Is it possible that the little one is one of the guns
4 that are here in the courtroom today?

5 A No.

6 Q No. How do you know that?

7 A Because I have it from Ms. Ballard, the little one.

8 Q You have it.

9 A Yes.

10 Q Okay. Any other firearms in your home that you
11 believe to be Pop's prior to his passing?

12 A No.

13 Q Okay. The rifle was never in your home.

14 A No.

15 Q The .45 -- I know that -- I know you've testified that
16 you're not exactly sure what a .45 is, but to the best of
17 your knowledge the .45 was not in your home.

18 A No.

19 Q Okay. And if I understand your testimony correctly,
20 the basis of your knowledge that Pop brought his guns --
21 his handguns to his company was because that's just the
22 what -- did Pop tell you that?

23 A Well, that was -- no, that was like his other home,
24 his -- you know, his office, and so, you know, -- I mean
25 who talks about who takes what to their office? We don't

1 have a conversation about taking guns to the office.

2 Nowadays you do, but, you know ---

3 Q And I believe you testified that your father had a
4 unique personality. Would that be fair to say?

5 A He was -- he was awfully colorful.

6 Q Quirky?

7 A Yeah, he was colorful.

8 Q All right. So for -- it's entirely possible for all
9 you know that Pop may have hidden those firearms in his
10 company and they could still be hidden to this day. Isn't
11 that possible?

12 A Yes, it is possible.

13 Q Now, I want to talk about the coins. I want to switch
14 gears to the coins. I believe you testified the Carson
15 City silver dollar was your coin. Is that correct?

16 A Yes, sir.

17 Q Okay. And ---

18 A And that's the only one I can describe; the rest were
19 just ---

20 Q If you ask me, a coin's a coin, I can't tell the
21 difference here, but ---

22 A Okay, I feel that about guns.

23 Q You did -- were you -- in the affidavit it describes
24 50 to 75 silver dollars, and I -- I assume that you are the

1 source of that knowledge in the affidavit. Is that
2 correct?

3 A I guess so, yes, sir.

4 Q Okay. Did Ms. Ballard contact you at some point
5 within the last three to four months and tell you that she
6 was going to file an affidavit in this matter?

7 A No, sir. I mean Peter Nosal, my attorney, might have,
8 but ---

9 Q Okay. I'm not going to ask you anything that you
10 discussed with your counsel, but ---

11 A Okay.

12 Q --- what I'm asking you is whether Mr. Truslow or Ms.
13 Ballard worked with you in order to create this affidavit
14 that is -- that has been filed in this matter?

15 A No.

16 Q Okay, so this is based on, perhaps, information that
17 you gave prior to even as back as four or five years ago.

18 A Five or six, close to six years ago, yes, sir.

19 Q And so, the information contained in this affidavit --
20 at least it pertains to you -- has been known for quite
21 some time. Isn't that fair to say?

22 A I would say.

23 Q Now, with the 50 to 75 silver dollar coins, when's the
24 last time you saw those?

1 A In 2000 -- I guess he moved from that house in 2001 or
2 2002.

3 Q Were you present in the courtroom when Diane Combis
4 testified?

5 A Yes, sir, I was.

6 Q And did you hear her say that Pop's kind of had a
7 habit of handing out a coin here, handing out a coin there
8 to family members and kin of sort?

9 A Didn't hand one to me.

10 Q Okay. Well, but did you hear her testify to that?

11 A Yes, sir, I did.

12 Q Okay. And did you testify to something similar, if I
13 recall correctly, that Pop would occasionally give out a
14 coin or two to maybe a grandchild?

15 A No, I'm talking about my grandfather, his father.

16 Q Oh, okay. I'm sorry. I'm sorry.

17 A Yeah. No, ---

18 Q Okay, well, ---

19 A --- his name was Pop, also.

20 Q Okay. Everybody's named Pop ---

21 A Pop, yep.

22 Q Okay. What I want to focus on is Pop, your father.

23 A My father.

24 Q Your father. Did you ever know him to hand out coins
25 to family members that are referred to ---

1 A Not really so much. Pop was big on new one dollar
2 bills, stacks of new one dollar bills.

3 Q Okay. But would you agree with me that based on your
4 father's personality that it wouldn't be out of -- out of
5 character for him to just on a whim give a silver dollar to
6 a grandchild?

7 A No, I don't ever remember him doing that.

8 Q Well, I understand stand, but you would agree that it
9 wouldn't be out of character for him to do that. Right?

10 A Well, a lot of things were not out of character for
11 Pop, but ---

12 Q I believe that in the affidavit it talks about at some
13 point in time twenty thousand dollars was hidden in some --
14 some place in the office? Does that sound correct?

15 A No, sir, it was not in the office; it was at the
16 house.

17 Q Oh, okay. And were you the -- did you tell Ms.
18 Ballard that story?

19 A Yes, sir, I did, and that story's true.

20 Q Right. And one -- says one time he lost twenty
21 thousand dollars in cash and Linda and Diane helped him
22 search his room until it was found taped to the other side
23 of a drawer.

24 A No, it wasn't found underside of the drawer; what it
25 was was he had -- Pop always had cash, usually -- sometimes

1 large amounts, sometimes not, but he always had cash, and
2 he thought someone had stolen the twenty thousand dollars,
3 and I'm sure Diane will remember this, and we looked and
4 searched and he had looked, and Pop and I lived together,
5 so when he's missing twenty thousand dollars, that makes it
6 look like me; well, I didn't take it. So Diane and I -- we
7 knew he used to like to hide things in envelopes and -- so
8 we went back and in his bedroom he had a two-drawer file
9 cabinet and -- with all these files in it -- and we looked,
10 and she and I together -- we were both there -- and in the
11 very back file, it was in an envelope -- like an envelope
12 like Publisher's Clearinghouse that something had come in,
13 and in the back of that file we found it. She and I were
14 together when that happened.

15 Q I'm not -- I'm not disputing the validity of the
16 story. The affidavit says it was underside of the drawer,
17 so that's incorrect -- right? -- that it was taped to
18 underside of ---

19 A No, it wasn't. The coins were taped to the back of
20 the drawer, ---

21 Q Okay.

22 A --- not the cash.

23 Q So it wouldn't be unfair to say, though, if your
24 father was willing to hide twenty thousand dollars in cash

1 in an envelope, that he would dispose of silver dollars in
2 a way that you had not heard about.

3 A I handed her the silver dollars.

4 Q Okay, but you're just saying you have no knowledge one
5 way or the other. Is that a fair representation of your
6 testimony?

7 A No, I do have knowledge. I handed -- personally
8 handed her the collection of coins.

9 Q And when was that again?

10 A In 2000 -- when we moved from Pop's house -- when he
11 moved from his house in Carmel Park, ---

12 Q Right.

13 A --- it was like the last walkthrough. Diane was there
14 and George was there, and I was there, and I can't remember
15 who else was there. I know the three of us were there.

16 And I had -- we had kind of walked through the house and
17 memories and talking about stuff that that happened, and I
18 knew of two places he used to hide things, and I checked
19 there, and he used to hide things behind the vent in his
20 bathroom. He used to put cash back there, and then I
21 checked under the bathroom drawers, and we went around to -
22 - in his closet and everywhere and behind the sink, in
23 front of the sink behind the fake panel -- you know what I
24 mean, and -- just -- and that's where the coins were.

25 Q What year was that, approximately?

1 A 2001 or 2002, ---

2 Q When did ---

3 A --- when he moved from his house in Carmel Park.

4 Q I'm sorry. I didn't mean to cut you off. The -- and
5 at that point in time your father had lived with George and
6 Diane for a short period. Correct?

7 A It was after that.

8 Q Okay. I guess -- and my question is since the last
9 time you those coins in 2001 or '02, isn't it possible that
10 Pop disposed of them in a manner that you're not aware of?

11 A I don't think he would.

12 Q Even though he's willing to hide twenty thousand
13 dollars in cash in ---

14 A He hold -- he hid cash all the time.

15 Q Okay. Let me ask you this, ma'am. Did you count the
16 coins at that point in time?

17 A No, sir.

18 Q That's just a rough estimate based on 50 years of
19 upbringing?

20 A Yes, sir.

21 Q So it can be 25 coins for all you know?

22 A It could be, but I don't think so. It would -- there
23 were three grandkids. My grandfather would give all of us
24 coins.

1 Q To your knowledge, other than the coins that were
2 produced that you saw a picture of, the silver dollars that
3 you testified to and the Carson City, are there any other
4 coins that comprise this coin collection?

5 A Some of those might -- in that box -- might have been
6 his.

7 Q Okay, but I'm saying is there anything else that
8 sticks out in your mind, like there should be this coin,
9 there should be this set of coins that I do not see? Is
10 there anything else -- I'm trying to get the entire scope
11 of what the coin collection might be.

12 A He had a couple of those bluebooks, you know, the --
13 and -- and like I say, it was not a formal collector's coin
14 collection.

15 Q Okay. If you'll look back on page 4 of that inventory
16 sheet for me.

17 A (Witness complies)

18 Q It says silver dollars disputed, ---

19 A Yes, sir.

20 Q --- and I don't see anything on there about a Carson
21 City silver dollar.

22 A No, sir, but it was a silver dollar.

23 Q It was a silver dollar. Right. Yeah. Do you recall
24 telling Ms. Ballard about -- the specifics about that
25 Carson City coin at that time?

1 A No, that's the only one probably I could identify.

2 Q Because it was yours.

3 A Yes.

4 Q Okay. Just give me a second.

5 A Okay.

6 Q All right, I want to move -- transition to the watch

7 that's at issue in this case. Now, if I understand your

8 testimony, the watch has been testified to being a fake is

9 not Pop's watch. Is that correct?

10 A No, sir.

11 Q You never saw Pop watch (sic) -- wear this watch?

12 A He had a watch like that, but it was a real one.

13 Q Okay, but -- so the watch that you described as the

14 18K presidential, um, did it -- did it look like this?

15 A You've -- I'm confused.

16 Q Would you like -- okay. So, if I understand your

17 testimony correctly, you described an 18K presidential

18 watch as Pop's watch.

19 A Right.

20 Q Okay. And if I understand your testimony correctly,

21 this watch that's been produced in Court as what we're

22 calling the gold watch is not the watch you're talking

23 about.

24 A That's what Pop -- the watch that my dad usually

25 always wore is -- what he always wore was like that. He

1 had had one, the stainless previously before he got the
2 gold one, ---

3 Q Okay, so the watch ---

4 A --- but it wasn't a fake one; it was a real one.

5 Q Okay, but the watch that I'm holding in my right hand,
6 the one that's been identified as a fake, your father owned
7 a watch that at least looked like this.

8 A Yes, sir.

9 Q Okay. And the watch that I'm holding in my left hand
10 that we call the gold watch, your father owned a watch like
11 this one, as well.

12 A Yes, sir, he wore it every day.

13 Q But I -- from what I understand from your testimony --
14 -

15 A Not that clean ---

16 Q I'm sorry.

17 A Not that clean.

18 Q Not that clean?

19 A (No response)

20 Q And from my understanding of your testimony, it's --
21 there's no professional engraving on this watch ---

22 A Just the back of the watch.

23 Q So was the engraving then on this portion of the watch
24 right here?

25 A Right, just said Chris Combis.

1 Q Okay. Said Chris Combis.

2 A And his stainless one did, too.

3 Q Okay. So it's your testimony then that this isn't the
4 watch that you used to clean.

5 A No. That looks like the watch; I'm just saying the
6 back is different.

7 Q Okay. And if you'd look at the watch, the back of the
8 watch for me, does that look scratched to you?

9 A Well, it's -- what do you mean scratched?

10 Q I mean do you see scratches?

11 A From wear?

12 Q Yeah, from wear.

13 A It doesn't look as worn as Pop's watch was, and this,
14 the band looks a little bit different, because there's not
15 as much sag in it, because when you wear a watch for, what,
16 15 -- 12, 15 years, it -- they stretch out.

17 Q Okay. But as far as you know, this -- this very well
18 may not be Pop's watch. It could just be one that kind of
19 looks like Pop's watch. Isn't that correct?

20 A Well, I don't know how to answer that; that looks like
21 Pop's watch.

22 Q But it may not be.

23 A But they're a little bit different.

24 Q Okay.

1 A How about this, Pop had a watch just like that. If it
2 wasn't that one, it was just like it. The face was a
3 little bit darker in my opinion, but it was -- my father
4 had a gold Rolex that he wore every day.

5 Q No engraving on that watch. Right?

6 A On Pop's watch?

7 Q On Pop's watch there was an engraving. There's no
8 engraving ---

9 A Right.

10 Q --- on this watch that's in court. And you were here
11 when Lauren Combis testified. Right?

12 A Yes, sir.

13 Q And you heard her testify that she was originally the
14 source of the engraving C-A-C on the back, but that, in
15 fact, she was mistaking, (sic) and that is, actually, a
16 hand scratched Chris Combis.

17 A Right. Right.

18 Q But that doesn't square with your testimony either,
19 does it? Because she testified that this was the watch.

20 A Right. She said that was the watch that Chris gave
21 her.

22 Q Right, and that was also Pop's watch. She testified
23 that it was Pop's watch.

1 A Well, -- right. Another thing, too, that watch is
2 very small. Pop was a big man. He couldn't have gotten
3 that over his hand.

4 Q Okay. That point aside, you heard Lauren testify. Is
5 that correct?

6 A Yes, sir.

7 Q Let me read you one of the allegations in the motion.
8 Paragraph 3 it says, shortly after Pop died, Lauren Combis
9 who was then married to Pop's grandson, Chris A, was gifted
10 the watch by George and Diane, George and/or Diane. Now
11 you heard her testify that that wasn't, in fact, true.

12 A Right.

13 Q Okay. Says Chris A had the watch restyled before he
14 gave it to Lauren adding a lighter color face and
15 installing diamonds on each of the numbers of the watch
16 face.

17 A Right.

18 Q Do you have any knowledge as to that?

19 A Yes. Well, just what I heard about it.

20 Q Okay, but that -- but personal involved, meaning
21 things that you saw, things that you experienced.

22 A No, I'd never seen it that way.

23 Q Okay, so that's all relying on what Lauren's testified
24 to.

25 A Right.

1 Q The watch was also reduced in size to be more suitable
2 to gender neutral watch that could be worn by either a
3 woman or a smaller man such as Chris A.

4 A Right.

5 Q And do you have any personal knowledge as to that
6 fact?

7 A No.

8 Q Okay. I want to make sure I'm understanding -- I'm
9 clear on this fact. When is the last time that you saw
10 Pop's gold Rolex watch with the 18K presidential band?

11 A Probably right before he went into Sunrise for the
12 last time, the assisted living.

13 Q That'd be 2009. Correct?

14 A No, I think it was 2008. He died in 2009.

15 Q Okay. And what's your recollection of the last time
16 you saw that watch?

17 A It was just an every-day thing. We don't -- you know,
18 why -- he just wore his watch.

19 Q So from 2008 to the present, you have not seen it. Is
20 that correct?

21 A No. (Indicating no) It's -- you know, this -- it's
22 not about the watch. I don't -- you know --- you know, Pop
23 had a gold Rolex that's -- that he wore every day.

24 Q Do you happen to have any pictures of that watch?

25 A I did find some pictures of the watch, yes, sir.

1 Q Do you happen to have them with you?

2 A No, sir, I had given them to Ms. Ballard to show that
3 he had the watch.

4 Q Okay. Do you have any pictures of the guns that
5 you've testified about today?

6 A No. No, sir, I don't.

7 Q And the coins, any pictures ---

8 A No, sir. No, sir, I don't.

9 MR. PELLINGTON - All right. Your Honor, if I
10 could have a chance to consult with my co-counsel and my
11 client?

12 THE COURT - Sure.

13 (WHEREUPON, DISCUSSION IS HELD BETWEEN MR.
14 PELLINGTON AND OTHERS OUT OF THE HEARING OF THE COURT AND
15 NOT ON RECORD.)

16 MR. PELLINGTON - Nothing further at this time,
17 Your Honor.

18 THE COURT - All right, anything -- hang on just a
19 second. Any re-direct?

20 MR. TRUSLOW - Yes, sir.

21 THE COURT - Not quite done. We'll take a break
22 after this witness.

23 RE-DIRECT EXAMINATION

24 BY MR. TRUSLOW:

1 Q I'm going to follow-up on questions that were asked
2 you and not try to go into new areas. There is
3 Respondent's Exhibit 7, which was the original inventory
4 from, I believe, October the 18th, 2013. Mr. Pellington
5 was asking you about the -- the fact that the guns, watch
6 or watches and silver were not identified. Okay?

7 A Right.

8 Q Were you aware that Ms. Ballard had prior to that time
9 asked George and Diane and Chris's attorney for the
10 details, what happened to the Rolex watch, rifles, silver,
11 pistols -- she asked repeatedly -- including even til Sept
12 -- until September 11th, 2017, for them to describe these
13 items? You're aware that their responses they refused to
14 produce them, photograph them or identify them or even tell
15 serial numbers. Isn't that correct?

16 A Yes, sir.

17 Q So how could Ms. Ballard do her job if they wouldn't
18 even let her see the items, they wouldn't photograph them,
19 they wouldn't detail them, wouldn't give a time-line?

20 MR. PELLINGTON - Objection, Your Honor.

21 THE COURT - Sustained.

22 MR. TRUSLOW - All right.

23 Q Are you aware when Ms. Ballard was asking for the
24 details regarding these items so that she could properly
25 put them on an inventory that among other things George

1 Combis said it was none of her business and it was a stupid
2 need to know? Were you aware that he said that?

3 A Yes, sir.

4 Q The twenty thousand dollars that counsel's asking
5 about, where did that go? Who got it?

6 A Diane took it with her. I mean it was agreed upon by
7 her and I.

8 Q Okay.

9 A Like, we were both there together.

10 Q She was going to safeguard that?

11 A Yes, sir.

12 Q Do you know what happened ---

13 A Otherwise, we'd have been looking for it again
14 probably.

15 Q I'm sorry. Where did it go?

16 A With Diane.

17 Q Did she say what she did with it?

18 A No, sir, we didn't have the conversation about it.

19 Q Then the -- in an attempt to show that your father,
20 indeed, wore a watch with a presidential band, a Rolex
21 similar to the one that Mr. Pellington had on him with the
22 professional engraving on the back, you said you had
23 pictures of your father in social settings with the watch?

24 A Yes, sir. Well, you know, when you photograph people,
25 you don't photograph their -- you're not looking for the

1 watch. I had just gone back and looked for it to prove
2 that he -- that's the watch he wore all the time.

3 Q But Ms. -- Ms. Ballard would have the -- some pictures
4 that would show the watch ---

5 A Yes, sir.

6 Q --- watch band?

7 A And plenty of people knew.

8 Q Okay. I think -- I see your cousin, Demetri ---

9 A Demetri, yes, my friend, Alda knows, you know, family
10 knows, Pop's attorney knew; he always wore it.

11 Q One last thing and I'll be done on this. The
12 questions were being asked to you about Lauren, little
13 Chris's wife -- they're now estranged from one another ---

14 A Right.

15 Q --- and they were asking you about the watch. She --
16 she did not -- George said he gave it to Chris in 2011.
17 Your father was deceased by that point in time.

18 A Right.

19 Q So Lauren wouldn't have been discussing this watch
20 with Pop.

21 A No.

22 Q She would only know what Chris told her.

23 A Right.

1 Q And she'd indicated that the face of the watch that
2 Chris had given her was changed and the links were taken
3 out so it would fit her.

4 A Right.

5 Q And you said in that context that your father's
6 watchband was much -- was much bigger.

7 A Right.

8 Q And this one that they -- that Mr. Pellington brought
9 wouldn't fit your father.

10 A No, sir, it wouldn't.

11 MR. TRUSLOW - That's all. Thank you, Your Honor.

12 THE COURT - Any re-cross based upon re-direct?

13 MR. PELLINGTON - No, Your Honor.

14 THE COURT - Thank you, ma'am. You may step-down.
15 Let's take about a ten minute recess.

16 (WHEREUPON, RECESS TAKEN.)

17 THE COURT - All right, thank you. Y'all can be
18 seated. We'll come back to order.

19 All right, you may call your next witness.

20 MR. TRUSLOW - We'd call Desa Ballard.

21 THE COURT - All right, Ms. Ballard.

22 DESA BALLARD, AFTER BEING FIRST DULY SWORN,

23 TESTIFIES AS FOLLOWS -

24 BAILIFF - Have a seat in the witness stand.

25 MS. BALLARD - Thank you.

1 THE COURT - All right.

2 DIRECT EXAMINATION

3 BY MR. TRUSLOW:

4 Q I'm going to lead you as long as I can, but then I'm
5 going to start asking open-ended questions and just let you
6 ---

7 A No problem.

8 Q -- run with it, so-to-speak.

9 A Okay.

10 Q Your name is Desa Ballard?

11 A Correct.

12 Q And you are an attorney practicing law in South
13 Carolina?

14 A Correct.

15 Q How long have you been an attorney?

16 A Thirty-four years.

17 Q If I can go into some of your background, but I don't
18 think I need it right now; we will later, but were you
19 appointed as personal representative of the Estate of Chris
20 Combis, deceased?

21 A Yes, I was, in the spring of 2013.

22 Q And did you become the successor trustee?

23 A Yes, that was in October of 2013.

24 Q Pursuant to the -- was that pursuant to an agreement
25 of George Combis, Diane Combis, their attorneys, the

1 attorney for Chris Combis, the attorneys for Mary and Linda
2 Combis, Mr. -- Mr. Nosal?

3 A Yes, and the parties themselves signed, as well as the
4 attorneys.

5 Q Did they agree with you -- did they agree with you
6 that they would provide you with all the necessary
7 documents so you could do your job?

8 A From the beginning they've all agreed to do that, but
9 it hasn't always happened.

10 Q All right. I'm going to let you go from there. Tell
11 the Court what you did starting in 2013 and then we'll --
12 we can back up and -- with some documents, but just tell
13 the Court what you did, what you tried to do and why we're
14 here.

15 A Okay. I, um -- I told the lawyers early on that I
16 would receive whatever documents they wanted to provide to
17 me, and I would create a joint database, so I shared with
18 each side everything that I got so there no questions about
19 what -- what I had. Early on, in June, after I received
20 the documents from the lawyers on both sides, I traveled to
21 Lancaster and met with Linda and her sister, Mary, at
22 Linda's house. The next morning I met with George and
23 Diane and their then lawyer, Charles Bridgeman, at Mr.
24 Bridgeman's office to go over some of the documents I had
25 received and ask questions to try to figure out -- at that

1 point I was still just the PR, so I was trying to figure
2 out what the assets of the estate were.

3 Q And what did -- so did you -- did you -- you're trying
4 to identify what the assets of the estate were.

5 A Correct.

6 Q And just -- again, maybe this a (sic) technical
7 question, but there was an estate, and then under Mr.
8 Combis's, Pop's -- they call him Pop -- there was to be an
9 estate -- what was in the estate was to pour over into a
10 separate trust and then be distributed.

11 A Yes, all the estate planning documents were initially
12 done in 2003. It was a pour-over Will into an inter vivos
13 trust that was funded with a dollar.

14 Q Did Linda and Mary always cooperate with you from the
15 beginning through their attorney and individually when you
16 requested or allowed to talk to them?

17 A Yes. I -- I only asked to meet with them once, and
18 after that I primarily communicated with their counsel.

19 Q And then he would relate their information to you.

20 A Yes.

21 Q All right. Same question for -- for -- this was Mr.
22 Bridgeman was the original -- not the original; I think he
23 was seventh, but he was one of the attorneys for George and
24 Diane Combis?

1 A He was the attorney for them when I was first made
2 personal representative, and I did the same thing with
3 them, I had my two-hour meeting with George and Diane and
4 then after that I primarily communicated with Charlie.

5 Q So for purpose of this case we had Mr. Bridgeman, who
6 was representing Diane and George and Chris ---

7 A Correct.

8 Q --- and then they went -- for about six months or so
9 George purported to represent everybody alone. Is that
10 correct?

11 A Mr. Bridgeman either resigned or was terminated and
12 they were pro se for a while until Mr. Redding's firm
13 appeared.

14 Q And then we got Mr. Pellington and his firm, Mr. --
15 and Mr. Redding from North Carolina.

16 A It was Mr. Redding up until just recently Mr.
17 Pellington got involved.

18 Q When you first met with George and Diane, did they --
19 were they -- did they appear to cooperative?

20 A They were lovely.

21 Q Did they identify that they had -- acknowledged that
22 they had assets in their possession ---

23 A Yes.

24 Q --- including a watch, guns -- not gun -- guns and
25 silver and coins?

1 A Things that had belonged to Pop, but the majority of
2 our face-to-face meeting was talking about the stock of
3 Superior Tile, because there was a dispute about the
4 ownership of that stock.

5 Q All right. I want to move ahead to, I guess, October
6 of 2013. In 2000 -- in October of 2013, did you start --
7 and you have a forensic accountant on your staff, don't
8 you?

9 A I do.

10 Q In 2000, (sic) as you were doing your job, did you
11 become concerned that there was a missing four hundred and
12 twelve thousand dollars that had gone out of the estate and
13 you were trying to trace it, an additional fifty thousand
14 dollars of money that had gone out of the estate, and were
15 you attempting to trace it?

16 MR. PELLINGTON - Objection, Your Honor.

17 THE COURT - Overruled.

18 A Once I became successor trustee, I then began
19 gathering and trying to identify the assets of the trust,
20 as well, and that's when I learned that there was four
21 hundred and twelve thousand dollars missing. The records
22 of the trust that Diane gave me indicated that the four
23 hundred and twelve thousand was a loan to George, and then
24 we subsequently learned that that -- those funds, the four

1 hundred and twelve thousand were deposited into George and
2 Diane's personal line of credit on their home.

3 Q All right. So they took the money out of the trust
4 and applied it to a personal debt where their home -- their
5 personal home was secured.

6 A Correct.

7 Q When you started asking them to explain why and how
8 they did that, did the situation then become more
9 contentious or just say contentious?

10 A Let me give you two minutes of background if you would
11 -- if I could.

12 Q Sure.

13 A When I first began reviewing all of this and the
14 suggestion was made that I would become the successor
15 trustee, it became apparent to me that there was a lot of
16 this case that needed to be resolved, and I asked the
17 parties if we could mediate the case, and I worked real
18 hard -- they agreed -- I worked real hard to set up a
19 mediation in Greenville with Tom Traxler the end of
20 October, 2013. I felt like with a good mediator like Tom,
21 these parties could come to a resolution, because they
22 clearly needed to. At that mediation -- by the time that
23 mediation occurred, I had already become the successor
24 trustee, and Mr. Bridgeman gave me the trustee records that
25 Diane had turned over to him. When I reviewed those the

1 next week or so, that's when I saw the loan to George, and
2 it was some time in November, I guess, November, 2013, I
3 asked Mr. Bridgeman when -- or what George's intentions
4 were about the four hundred and twelve thousand. In
5 response to that, a lawsuit ---

6 MR. PELLINGTON - Objection.

7 THE COURT - Well, it depends on what her answer
8 is, but objection is noted at this point in time. Just
9 make sure you don't give me any hearsay.

10 MS. BALLARD - Yes, sir.

11 A I got no response. Instead I was sued. A lawsuit was
12 filed against me in North Carolina trying to remove me as
13 successor trustee.

14 THE COURT - Objection overruled.

15 A And then it did become contentious at that point, yes,
16 and it has been ever since, at least on that side of the
17 table.

18 Q All right. So they attempted to have you removed in
19 North Carolina and sued you twice there?

20 A Three times.

21 Q Three times. And then they did the same thing in
22 South Carolina in probate court?

23 A They accused me of being unethical in probate court,
24 because I had attempted to serve Mr. Bridgeman with some
25 pleadings that he had not been willing to accept, and I

1 gave him the pleadings and said, well, we'll talk about
2 whether that's good service later, and so I was unethical
3 for having done that.

4 Q Okay. Now, when -- at the point in time when you were
5 asking the questions about where did this -- there are
6 other dollars, but just the four hundred and twelve
7 thousand and the fifty thousand dollars that had been taken
8 out of the trust and used to pay George and Diane's
9 personal debts, that's when it became contentious?

10 A It became very contentious when I started attempting
11 to collect the money that was due the trust, yes.

12 Q All right. Now, going back -- with that background I
13 want to go back to just -- to what we're dealing with on
14 the rule to show cause. In -- as you're trying to do your
15 job on behalf -- as a personal representative of the estate
16 -- oh, by the way, under the -- under the Will, under Pop's
17 Will, was George named the personal representative
18 originally, and did he open an estate between 2009 and
19 2012?

20 A He was named the personal representative in the Will.

21 Q Yes.

22 A I believe Diane was the alternate. I can't recall
23 exactly.

24 Q Did either one of them open an estate?

25 A No, I asked about that when we met in June.

1 Q Did the reasons become apparent to you soon after
2 this?

3 A They told me -- George and Diane told me that the
4 reason they had not opened an estate is that -- it was a --
5 Diane was the trustee of the trust, and it was all one big
6 pot of money, so it wasn't necessary to open an estate for
7 Pop.

8 Q And that's what they told you?

9 A That's what they told me.

10 Q And then you found that they -- that the money was
11 missing.

12 A Then I found out the money was missing and things got
13 really nasty.

14 Q As you attempted to do your job -- and I'm going to
15 talk about -- right now about a watch, or watches, guns,
16 silver, coins, coin collection -- did you attempt to gather
17 information regarding those?

18 A Well, first of all I gathered information that they
19 existed, not just talking to the family members, but I
20 talked to some of Pop's friends and the gentleman he used
21 to have breakfast with -- I can't remember if it was Friday
22 or Saturday morning -- but they would meet that morning for
23 breakfast just to talk about things, and they told me about
24 the watch, and they told me about -- I talked -- I spoke to
25 two of them ---

1 MR. PELLINGTON - Objection, Your Honor.

2 A As a result of speaking with those people ---

3 THE COURT - Hang on. Hang on. What's the
4 grounds for your objection?

5 MR. PELLINGTON - It's -- talking ---

6 THE COURT - Stand up.

7 MR. PELLINGTON - --- talking about the people
8 that Pop spoke with, what they told Pop about the guns or
9 coins or whatnot.

10 THE COURT - All right, overruled. Again, I'll
11 give it the credibility it deserves, because I am the trier
12 of fact.

13 MR. PELLINGTON - Thank you, Your Honor.

14 Q All right, to move ahead if I can, you had learned
15 from George and Diane and Linda and Mary, they identified -
16 - I'm going talking about -- right now, watches -- watches
17 or watches (sic) -- at least one watch, guns, silver, coin
18 collection -- you learned from them it exist and then you
19 also, to follow-up to make sure you talked to other people
20 to corroborate that.

21 A Well, it was kind of the other way around. I had
22 talked to the other people first, and then I asked Charlie
23 Bridgeman on the one side and Pete Nosal on the other side,
24 do you all know anything about these assets of Pop's,
25 meaning the Rolex, the guns and the coin collection. I

1 was, obviously, doing this before I filed the inventory,
2 because I wanted to have the inventory filed before we did
3 the mediation with Mr. Traxler. I thought it would helpful
4 for everybody to know what my preliminary conclusions were,
5 so I talked to Mr. Bridgeman quite a bit. He became
6 reluctant to talk with me, and he would talk more with my
7 accountant in my office. But he and I e-mailed a good
8 number of times, and I e-mailed him several times in
9 October when I was trying to finalize the inventory and
10 asked him, where is the Rolex, where is the coin
11 collection, where are the guns, and he responded to me by
12 e-mail that ---

13 MR. PELLINGTON - Objection.

14 MR. TRUSLOW - Your Honor, this is their agent.

15 THE COURT - Overruled.

16 A He responded to me by e-mail that the Rolex was given
17 to Chris, Jr., ---

18 Q I want to back up before we get there.

19 A Okay.

20 Q All right. When -- and we have I think it's
21 Respondent's Exhibit 7, which is the original inventory you
22 did on October the 8th -- excuse me -- October the 18th,
23 2013.

24 A That's when I filed it, yes.

25 Q When -- I think that's when you filed it.

1 A Yes.

2 Q You said -- I'm paraphrasing -- but you needed to --
3 you needed to get the specific identification and
4 documentation, for example, for pistols.

5 A Correct.

6 Q And who had the pistols, according to Mr. Bridgeman?

7 A Mr. Bridgeman said that ---

8 Q You don't have to go -- I'm going to go through that,
9 because I've got the documen ---

10 A Okay.

11 Q Who did he say had the ---

12 A George had the pistols. He said he had no knowledge
13 of rifles, but George had Pop's pistols.

14 Q Okay. Did you ask him to identify them?

15 A I did.

16 Q Did he refuse?

17 A I -- yes. I asked for photographs, serial numbers,
18 names of the guns, what type of guns they were. You and I
19 have known each other for many years and you used to own a
20 gun range, so I was going to ask you to help me find
21 someone to value them, but I could not get any information
22 about the guns.

23 Q We're going to go through the details of this, but did
24 you repeatedly, repeatedly, through myself and yourself,
25 ask Mr. Bridgeman to identify the items, to give you

1 photographs, serial numbers, produce the items, and was he
2 willing to do so?

3 A He -- I asked repeatedly; you asked repeatedly; he
4 refused and to a large degree just stopped responding at
5 all.

6 Q I'm going to go -- I'm going to move ahead now that we
7 -- when we have Mr. Pellington involved, did you repeat
8 those, ask for photographs, asked to identify serial
9 numbers and was he willing to do that? Of course, he's --
10 if his client doesn't give it to him, he can't do anything,
11 but did you -- did you ask for them and did you get a
12 response or no response?

13 A You and I both asked for them. I kind of knew at that
14 point -- this was after Judge Anderson had issued his
15 judgment -- I kind of knew I was going to not get much
16 voluntarily, so I issued subpoenas to George and Diane and
17 Chris to turn over these items to me based on what limited
18 description I had, so that I could have them appraised.

19 Q That was in April of 2017.

20 A That sounds about right.

21 Q And at that point in time Mr. Pellington's law firm
22 was representing George, Diane and Chris. Is that correct?

23 A Correct. It was Mr. Pellington.

24 Q And were they willing to produce the items then even
25 when you got a subpoena?

1 A No. They told me no.

2 Q Okay. Let me go back just so we have a timeline.
3 2016 we've tried the case -- we tried a case in federal
4 court before Judge Joe Anderson.

5 A Correct.

6 Q And that involved -- in essence it involved the trust
7 and among a few other items, the four hundred and twelve
8 thousand dollars that was missing, the fifty thousand
9 dollar-ish that was missing. Is that correct?

10 A Yes. It involved assets of both the estate and the
11 trust.

12 Q And did it address their failure to turn over -- the
13 refusal to turn over a bank account?

14 A Yes, I'd forgotten about that. The -- the trust
15 account -- the account that had been opened for the trust
16 of Chris Combis had thirty-six hundred dollars in it when I
17 took over as successor trustee. Mr. Bridgeman agreed to
18 provide me those funds, actually had a check written from
19 the bank, because he sent me a copy of it, but he refused
20 to turn it over, and I could not -- I did not get those
21 funds until just before trial when Mr. Redding, I guess Mr.
22 Pellington's partner, gave it to me in 2016.

23 Q While you were going through this process, would
24 George and Diane -- would they -- you're trying to handle
25 an estate and a trust -- would they provide you with real

1 estate documents, tax notices so you could -- so you could
2 do your job?

3 A No, it was like pulling teeth. I couldn't get any
4 information from them. And, again, once they had sued me,
5 I had to retain counsel in North Carolina to defend me, and
6 you were kind enough to agree to defend me in this action,
7 so I had hoped that I could be the personal representative
8 and trustee and just do my job, but it didn't work out that
9 way.

10 Q All right. I'm not trying to make a joke, but I hope
11 it's not all kindness. I hope I'm going to be paid for
12 this for the -- for the court.

13 A Well, I prevailed upon a retired judge in North
14 Carolina to feel sorry for me, and he defended me in North
15 Carolina.

16 Q All right. We're in September -- September 1st, 2016
17 ---

18 A Yes.

19 Q -- Judge Joe Anderson issues his order, ---

20 A He did.

21 Q -- he indicated -- focusing in on what we're here for
22 on the rule to show cause that watch (sic) -- or watches --
23 pistols, some other items were for -- for the State of
24 South Carolina Probate Court or Circuit Court.

25 A Right. He said that verbally and in his order.

1 Q Okay. And I'm trying to put this in context. These -
2 - these items, we're talking about watch, guns and such, is
3 that kind of -- I don't want to use the word tip of an
4 iceberg, but I will use that phrase -- there are other
5 things that are -- that we need to address, as well. Is
6 that correct?

7 A They're a lot of things that remain unresolved, but
8 once Judge Anderson said I had to deal with the items of
9 personal property in probate court, that's when I issued
10 the subpoenas to have the documents turned over so I could
11 have them appraised and do an updated inventory.

12 Q And did Mr. -- did George Combis or Diane Combis ever
13 -- or Chris Combis ever indicate why they would refuse --
14 at that point in time when you issued the subpoena -- why
15 they would -- why they refused to acknowledge your
16 subpoena?

17 A Well, I was dealing with Mr. Pellington ---

18 Q Pellington.

19 A --- not with them directly, but my recollection is he
20 just said no.

21 Q Just -- you were just stonewalled?

22 A Yeah.

23 Q And when they didn't respond to the subpoena, did they
24 file an objection at that time after you filed the
25 subpoena, served the subpoena?

1 A No objections were filed to the subpoena; no motion to
2 quash was filed. I ended up filing a motion to compel.

3 Q So, -- and by then the probate court had removed the
4 case to Judge Gibbons.

5 A Correct.

6 Q And you appeared with me before Judge Gibbons and
7 asked these items to be produced.

8 A Correct.

9 Q Talking about watch, guns and silver, coin collection.

10 A Correct.

11 Q Mr. Pellington was representing George and Diane and
12 Chris at that point in time and they opposed.

13 A That is correct.

14 Q And Judge Gibbons issued his order -- I think it was
15 on August 9th, 2017?

16 A Yes.

17 Q Okay. And then you expected to have those items.

18 A I believe they were given until August 15th ---

19 Q 15th.

20 A --- to turn the items over. We exchanged some
21 communication. Mr. Pellington wanted to just turn over
22 photos. He didn't want to turn over the actual items. I
23 told him, no, I had to have the actual items to have them
24 appraised, so this box that's sitting in front of the court
25 reporter was delivered to my office on October 14th, I

1 believe. The letter's dated October 14th. It might've
2 actually come on the 15th.

3 Q So if you'd expected Mr. Pellington's offer and just
4 had a photograph of this watch that I've pulled out of the
5 box, the fake Rolex, you wouldn't have been able to tell
6 much, would you?

7 A Well, I could -- I could tell a lot about the
8 photograph, but once I saw the watch in person, I knew it
9 wasn't a real Rolex.

10 Q All right. So you got it.

11 A Yes.

12 Q Ultimately, you ---

13 A Well, I got those items in the box.

14 Q Those items that were produced.

15 A Yes. I don't know whether they belonged to Pop or
16 not.

17 Q Okay. All right, let's focus on the watch for just a
18 second.

19 A Okay.

20 Q I'm going -- if we need to -- I don't want to burden
21 the record -- we can go back where you've been asking for
22 these items since 2013 ---

23 A I've been asking for these things for more than four
24 years.

1 Q When -- when you -- when you got this box that had the
2 fake Rolex watch -- and I'm taking it out -- what struck
3 you -- why did you -- why did you know it was a fake?

4 A Well, several reasons. I'd had a Rolex for five
5 years. I knew what they looked like and what they felt
6 like, and I knew about the self-winding thing that makes
7 them a real irritating watch to wear, so I mean I knew what
8 Rolexes were, but I mean going all the way back to high
9 school I've worked in jewelry stores and things like that.
10 I kind of have an eye for jewelry.

11 Q So there's another noticeable thing on here. Rolex
12 has gears, so you don't have -- no battery.

13 A I could tell from the photograph that was a fake
14 Rolex, but once I had it in my hand, I knew for sure that
15 was not a real Rolex.

16 Q Okay.

17 A And there had never been a suggestion that there was
18 more than one Rolex. This was news to me, because all I
19 had been told by anybody is there was one gold Rolex owned
20 by Pop; I had obtained photographs from Linda showing Pop
21 wearing the Rolex as far back as 1989. I blew the pictures
22 up on my computer to 400 percent so I could see the detail
23 of the watch, the Rolex, the gold Rolex that Pop owned and
24 I could see the color of the face. I mean I could see
25 enough in the photographs to tell it was a real Rolex.

1 Q The band's not gold either ---

2 A Nothing on that watch is real.

3 Q It was obvious fake.

4 A Obvious fake.

5 Q Just -- even though you knew that, did you have a --
6 what did you do next?

7 A Oh, I had jewelers in Columbia -- two different
8 jewelers in Columbia look at it. I had a SLED -- retired
9 SLED agent look at it and he had some ---

10 Q Who dealt in -- excuse me. I talked over you but ---

11 A He had some expertise from his law enforcement
12 background in watches, and I had him look at it, as well,
13 because I -- I mean I knew it was a fake, but I needed
14 somebody smarter to me to say so.

15 Q Did you then inquire as to Mr. Pellington why you've
16 been looking for this -- an item that -- I think our
17 jeweler today said it was maybe worth twenty-five dollars.
18 Would you have been fighting over a twenty-five dollar
19 watch from 2013 until now?

20 A Nobody ever suggested it was a fake Rolex. If it had
21 been a fake Rolex, I mean I may have listed it on the
22 inventory, but it was always represented to be -- and in
23 the photographs I could see it was a real gold Rolex.

24 THE COURT - I'm listening.

1 Q Did you inquire of Mr. Pellington why he provided you
2 with a fake Rolex, and can you tell the Court what his
3 response was?

4 A I don't remember if it was you or I, but one of us --
5 I think you're the one who -- who communicated with him
6 about, are you sure this is Pop's Rolex, and we never
7 really got any specific response, other than I'm not going
8 to say anything.

9 Q And he wouldn't respond?

10 A He wouldn't respond with any information. He would
11 respond, but he would not take any position on the watch
12 that had been turned over or the gun that had been turned
13 over or the coins that had been turned over, because,
14 obviously, I was hoping to avoid a rule to show cause, but
15 I -- I had to do a Rule 11 consultation, so we were trying
16 to get the real story before we filed this.

17 Q Was he -- would he give you any details, specific
18 information, about why he delivered a fake Rolex to you?

19 A No, none at all.

20 Q When -- just before Chris testified, was this the
21 first time you had heard that he was talking about, oh,
22 this is the original Rolex or words to that effect, rather
23 than the real one?

24 A Let me ---

25 Q Is that the first time you ever heard that?

1 A Let me tell you when I first heard there were multi --
2 or they may have been multiple Rolex watches. I filed this
3 or I prepared this rule to show cause and filed it in late
4 August, I believe. We noticed George's deposition in a
5 different case, and that deposition was taken in mid-
6 September, and it was at George's deposition that we
7 suddenly heard about all sorts of different Rolexes that
8 might've been Pop's.

9 Q Okay.

10 A So the first time I knew that there may be multiple
11 Rolexes is after I had filed the rule to show cause.

12 Q Okay. All right. In that context, Chris said that he
13 got the Rolex from Pop.

14 A I had not talked to Chris, ---

15 Q When he testified ---

16 A --- but when he testified, yes.

17 Q Was that the first time you'd ever heard anything like
18 that?

19 A Yes.

20 Q Okay. The -- and that was back in the mid- -- I think
21 you said mid-2000s.

22 A He said some time in the 2000s Pop had given him the
23 watch that we all know now is a fake.

1 Q But you were -- you were aware that Pop had even gone
2 so far as to amend his trust agreement to delete specific -
3 - a specific bequest to that to Chris.

4 A Yes. Pop's trust was created in '03; it was amended
5 in '08. Excuse me, it was amended in '06 and then in '08
6 he amended it to take out all the specific gifts, one of
7 which was his Rolex to his grandson, Chris.

8 Q And by then he'd sued -- Pop had sued George.

9 A He had.

10 Q All right. Now, going back to Chris's saying that he
11 got it, did George say that he didn't give it to him until
12 2011? And we've got his transcript that we're going to
13 give to the Court.

14 A In his deposition George said that he gave Chris his
15 father's Rolex after his father died, after George's father
16 died. I believe it was 2011.

17 Q All right. And -- so that would've been 2011.

18 A Two years, I guess, after he died.

19 Q I'm going to back up. Did George at his deposition
20 indicate that he -- a second Rolex watch from Pop -- that
21 he'd gotten Pop's -- a Rolex watch from Pop, not a fake, a
22 real one -- at the end of 2008 to beginning of 2009 before
23 Pop died?

1 A Yes. He wasn't clear about whether he got it or Diane
2 got it, but they kind of have always jumbled everything
3 into one, but he -- he said that he had Pop's Rolex.

4 Q In addition, did you find that George at his
5 deposition was wearing what appeared to be a real Rolex
6 watch consistent with Pop -- what Pop had?

7 A It looked very similar to Pop's. I asked to see it so
8 that I could see if it had the engraving on the back of it,
9 but it did not.

10 Q Okay. Now, that was on September the 11th or the 13th
11 ---

12 A Mid-September. I don't remember the date.

13 Q I can tell exactly when it was. It was -- I want to
14 say the 13th, but -- it was the 13th, September the 13th.

15 A It was similar; it had a different color face. I
16 believe the one George was wearing had a lighter color
17 face.

18 Q It's going to be subject to a motion to compel that
19 we're going to deal with afterwards, but did we recess a
20 deposition and come back on October the 11th?

21 A We did. George did not bring any documents that we
22 had requested, ---

23 Q And ---

1 A --- so during his deposition he agreed to produce the
2 documents, but then when we re-convened he didn't bring the
3 documents.

4 Q I'm going to come back to that, but ---

5 A Okay.

6 Q --- when we resumed his deposition on October the
7 11th, had George by then -- was he wearing the watch that
8 day that he said that he'd gotten -- did he say he'd gotten
9 it from Pop?

10 A Yes.

11 Q And was he wearing it then?

12 A No. He was not wearing any watch that day.

13 Q Did he say that he had, in fact, gifted that watch to
14 his 17 year-old grandson between the two depositions, a
15 month apart?

16 A Yes.

17 Q Okay. Are you aware that George was under an order of
18 the North Carolina Court not to dispose of anything over
19 five thousand dollars?

20 A Yes, there's an order in North Carolina. We enrolled
21 our judgment from federal court in North Carolina, because
22 that's where his assets are, George and Diane's assets are,
23 but they filed a motion for a stay; they posted a bond to
24 get the stay during the appeal, and one of the conditions

1 of the bond was that they not dispose of any asset in
2 excess -- with a value in excess of five thousand dollars.

3 Q Okay. Now, you're not trying to -- you've got a
4 judgment against George and Diane from the federal district
5 court in South Carolina, you're not trying in this action
6 to collect on that that was stayed.

7 A No, this is the -- this is the estate. I'm trying to
8 gather the items of personal property that Judge Anderson
9 told me I had to deal with here.

10 Q But regardless, George has already, by disposing of an
11 asset -- was the watch in your -- based on your experience,
12 worth more than five thousand dollars?

13 MR. PELLINGTON - Objection.

14 A It absolutely was worth more than five thousand
15 dollars.

16 THE COURT - I'm sorry?

17 MR. PELLINGTON - Objection.

18 THE COURT - Overruled.

19 A Yes, it was. It was a nice Rolex.

20 Q And George has said that he disposed of that one, and
21 was that Pop's watch, as well? So that's now two watches.

22 A George's story was very circuitous in his deposition
23 on the first day. It finally started to make sense to me
24 after the second day, but it -- it sounds as if Pop had two
25 gold Rolexes the way George tells it.

1 Q All right.

2 A And then I got the box and didn't know where that
3 Rolex had come from. I did learn through Pete, Linda's
4 attorney, that Pop had earlier had a watch back in the '90s
5 or late '80s that was colored like that but was a real
6 Rolex.

7 Q And that was sold to Linda's husband, then husband in
8 -- she said 1993.

9 A That's what I was told, yes.

10 Q All right. That doesn't have anything to do with
11 this.

12 A No, that was not an asset of the estate.

13 Q So if we -- if we consider what George had to say,
14 there were two watch -- there were two Rolex watches, real
15 Rolex watches, and if we take what Chris said, there's an
16 additional one more watch, that makes three, if we take the
17 testimony in the depositions.

18 A Yes. It's very confusing. And, again, there was no
19 suggestion of more than one Rolex until I filed this rule
20 to show cause suggesting that was not Pop's Rolex.

21 Q In order to pursue this matter, have you had to incur
22 a lot of -- a lot of time dealing with this issue?

23 A Yes, a lot of time. Once the box was delivered, it
24 took me about a week, not eight hours every day, but it
25 took me about a week to put together the facts and the rule

1 to show cause and re-interview some witnesses. That was
2 the first time I made contact with Lauren to ask her what
3 she might've known about Pop's watch, and that's when I
4 found out that Chris had Pop's watch and had had it re-
5 styled.

6 Q I'm going to come back to that in just a second.

7 A Okay.

8 Q I want to finish on this thought. You've had to take
9 a lot of time to follow everything; you've had to incur
10 attorney's fees.

11 A I have.

12 Q All right, now, we're going to go to the watch. When
13 -- when these items that were delivered -- these items were
14 delivered to you by Mr. Pellington and you got an -- what
15 was an obvious fake Rolex, did you attempt to follow-up and
16 did you interview witnesses in order to find out what
17 happened to Pop's real Rolex watch?

18 A I did. Some of them I had already spoken to
19 previously, but I had not previously spoken to Lauren, so I
20 learned who her domestic attorney was and contacted him to
21 see if I could have permission to speak with her.

22 Q Okay. Now, if we accept what Chris says was -- that
23 he -- that he got Pop's watch, did you -- and you talked to
24 a number of witnesses, but -- since Lauren and Chris are

1 going through a divorce, you first talked -- you went
2 through her attorney in North Carolina.

3 A Of course. I wouldn't contact her directly.

4 Q Okay. And, I'm not asking -- offering it for the
5 truth of the matter asserted; I'm offering it to show what
6 you did. What did you do when you talked to Lauren? What
7 information did you gather about that watch, ---

8 A It was the ---

9 Q --- Pop's original watch that was similar to the one
10 Mr. Pellington's got over here on his desk? What did you
11 do?

12 A As a result of talking with Lauren, I -- I concluded
13 that Pop's watch that George had must've been given to
14 Chris, and that's the one that got remodeled.

15 Q And George said he gave it to him in 2011.

16 A Yes.

17 Q All right. Go ahead.

18 A And um, I asked Lauren what happened to the watch, and
19 as a result of my conversation with her, the watch that was
20 remodeled that she wore for a number of years, ---

21 MR. PELLINGTON - Objection.

22 A --- she returned it to Chris.

23 THE COURT - Overruled.

24 A She returned it to Chris. And at that time I still
25 thought it was all one watch.

1 Q Let me back up. So when -- based on your
2 communications with trying to trace where Pop's watch had
3 gone, if you accepted what George had said, that he gave it
4 in 2011, then based on Chris reducing the -- taking links
5 out so it'd fit Lauren?

6 A Right.

7 Q Do you still know whether that was Pop's watch or not?

8 A Lauren seems to think that was the watch -- well, it's
9 the watch Chris gave her.

10 Q Had Chris changed the face and ---

11 A Yes.

12 Q --- put diamonds on it?

13 A Yes, he changed the face. According to Lauren, he
14 changed the face to mother of pearl, ---

15 Q All right.

16 A --- and had diamonds put where some of the numbers
17 were and had the band cut down to fit her.

18 Q All right.

19 A And, of course, Chris testified when we were here on
20 Tuesday that he had, in fact, changed the face on the
21 watch, and you can kind of tell, it's a little lighter
22 brown than the one in these original photographs I have of
23 Pop wearing the watch.

24 Q Okay. I'm going to come back to that in second. So,
25 to just clear up any confusion that there might've been, if

1 Chris got the watch, he's admitted that he changed the
2 face, put diamonds on it, but then what is delivered and
3 what Mr. Pellington has certainly doesn't have a mother of
4 pearl face on it, and it doesn't have diamonds on it, does
5 it?

6 A No, that -- that's clearly the watch that Lauren had.
7 Where it came from initially, I don't know.

8 Q Do you know -- well, that was my question. You don't
9 know where it came from.

10 A I don't know where it came from. There was always
11 just one gold Rolex watch that belonged to Pop that had the
12 professional engraving on the back of it. I have yet to
13 see that watch.

14 Q All right. Okay. Did you repeatedly ask Mr.
15 Pellington to describe what the source of that was and how
16 he can account and did you ever get a response?

17 A I don't ---

18 MR. PELLINGTON - Objection.

19 A I don't remember ---

20 THE COURT - Overruled.

21 A I don't remember, specifically, asking him where the
22 fake Rolex came from. You may have asked him that, but I
23 don't remember it.

24 Q As of last night, was Mr. Pellington willing to even
25 admit that this was a fake watch?

1 A We asked; you asked Mr. Pellington to stipulate
2 yesterday that that was a fake Rolex, and he said, no. It
3 was just a one word e-mail response, no, so I arranged for
4 Mr. Garris to come this morning.

5 Q So from the time that Mr. Pellington saw this
6 delivered -- this fake Rolex was to you, even until last
7 night, he wasn't willing to admit that it was fake.

8 A No. He wasn't. Fortunately, I was able to get Mr. --
9 I mean I knew it was a fake, but I was able to get Mr.
10 Garris to run down here. His office is -- I mean his store
11 is just down the street.

12 Q Okay. Rolex --

13 MR. TRUSLOW - I'm sorry -- tell me if I'm going
14 too fast.

15 COURT REPORTER - Oh, you're fine. You're fine.

16 MR. TRUSLOW - I apologize.

17 Q In your investigation, in your experience, the type of
18 watch, Rolex, real Rolex watch that Pop had, would it be --
19 would it have a minimum value of twelve thousand five
20 hundred dollars in your ---

21 A I've ---

22 Q --- in your ---

23 MR. PELLINGTON - Objection.

24 Q --- experience?

25 A I've looked ---

1 THE COURT - Repeat your question.

2 Q Based on your investigation and based on your
3 experience as an attorney who handles estates, financial
4 affairs dealing with watches, what is your opinion as to
5 the value of a real watch of the type Pop had?

6 MR. PELLINGTON - Same objection, Your Honor.

7 THE COURT - Sustained.

8 Q Did you consider it that the -- a real Rolex watch has
9 considerable value and would you have been fighting for
10 over four years to try to get possession of the Rolex watch
11 had you been informed that there was only a fake?

12 A No. I would not have wasted anybody's time with that.
13 I estimated the value of the watch on the inventory as five
14 thousand dollars, but that was just based on looking at
15 similar watches on the internet, used watch sites. I also
16 have a client who is a watch aficionado and I ---

17 MR. PELLINGTON - Objection.

18 A --- asked -- I spoke with him about it, as well.

19 THE COURT - Sustained as to that last comment.

20 Q All right. Let me talk to you about the -- the pistol
21 that was delivered.

22 A Okay.

23 Q It's a Bauer Fraser model.

24 A It says it is. It turned out not to be.

1 Q But did you learn that Bauer went out of business back
2 as -- been out of business a long this? This was, in fact,
3 -- that it had plastic grips and is a -- what we call a
4 Saturday Night Special worth less than a hundred dollars,
5 gross?

6 A I, um had to consult experts about that, but, yes, I
7 had the former president of the South Carolina Arms
8 Collector's Association look at the gun to tell me what ---

9 MR. PELLINGTON - Objection.

10 A -- to tell ---

11 MR. TRUSLOW - I'm not offering that for the truth
12 of the matter, sir, but I'm trying to show what she did as
13 a result for right now.

14 THE COURT - Okay. Overruled.

15 A I consulted with him ---

16 Q All right, this is Phil Watkins, president of the
17 South Carolina Arms Collector, you had him take a look at
18 him. Is that correct?

19 A Former president, yes.

20 Q Former president and he's a retired SLED agent.

21 A Yes.

22 Q Independent of that and looking at Bauer -- Fraser
23 Bauers on line and based on what you observed, did you come
24 to the conclusion that this was worth less than a hundred
25 dollars?

1 A With the assistance of others I did, yes.

2 Q Would you have been fighting over one gun for less
3 than a hundred dollars ---

4 A Mr. Bridgeman ---

5 Q --- for these four years?

6 A Mr. Brigdeman told me that Pop had ---

7 MR. PELLINGTON - Objection.

8 A --- excuse me. Mr. Bridgeman ---

9 THE COURT - That's overruled. The lawyer is the
10 client.

11 A Mr. Bridgeman told that me that George had two of
12 Pop's pistol, and one of them had been described by
13 multiple people during my investigation as heavily engraved
14 silver of considerable value.

15 Q Okay. I have it in writing, but did Mr. Bridgeman, as
16 agent for George and Diane, indicate that they had at least
17 three guns, one of which was George and two of them Diane
18 had in her safe?

19 MR. PELLINGTON - I'm going to object on the
20 foundation grounds, Your Honor. I don't think that's in
21 that correspondence. I'll also for the record, make a
22 hearsay objection, as well.

23 THE COURT - Okay. All right, let's take a recess
24 at this point in time. I want to see the lawyers back in

1 chambers, please. That's Mr. Truslow and Mr. Pellington.
2 Mr. Gregory?

3 MR. GREGORY - Yes, sir.

4 (WHEREUPON, THE JUDGE MEETS WITH COUNSEL IN
5 CHAMBERS WHICH IS NOT ON RECORD.)

6 THE COURT - All right, Ms. Ballard, I'm going to
7 have you step down, please.

8 MS. BALLARD - Okay. Thank you, Your Honor.

9 THE COURT - All right, madam court reporter, I'm
10 going to -- well, you don't have to mark it separable to
11 what I'm fixing to say, but this is going to be what people
12 are going to need, but -- all right, just let me go ahead
13 and explain what's going to happen. I took your lawyers
14 into the back so as not to blindside them with what I'm
15 fixing to say, and I'm going to say it right now. Okay?
16 You know, one of the -- the most important thing that the
17 Judge has to do is to make sure that people's
18 constitutional rights are protected. Okay? Having said
19 that, having sit -- having sat through almost a full day's
20 worth of testimony in this case, it's this Court's opinion,
21 at least at this point, that this has gone beyond a civil
22 or criminal contempt complaint into possible criminal
23 malfeasance. And let me say why I say that. Okay? As
24 your lawyers' know, the burden of proof in a civil case for
25 contempt, for civil contempt, is clear and convincing

1 evidence per the Miller vs. Miller case. The burden of
2 proof for criminal contempt, of course, is beyond a
3 reasonable doubt, just like in any criminal court. The
4 burden of proof, however, for a criminal charge or a
5 criminal investigation is probable cause, which is a very
6 small burden, and that's probable cause just from one side.
7 I know I've only heard one side of the story. I -- I know
8 -- and like I told Mr. Pellington back in chambers, you
9 know, he hadn't called any witnesses yet; he's cross-
10 examined witnesses. Well, I understand that. You know,
11 the grand jury in South Carolina only hears from one side;
12 that's the prosecution's side. But in an abundance of
13 caution and to protect, Mr. Pellington, your client's
14 constitutional rights, I'm recessing this hearing and
15 staying this proceedings -- and staying these proceedings
16 until further notice. As the officer of this Court, as the
17 representative of justice, I have a duty to report what
18 I've heard as possible criminal violations of both South
19 Carolina law and North Carolina law. What I've heard can
20 possibly arise to breach of trust in South Carolina, which
21 is punishable by up to ten years in prison, a felony. What
22 I've heard could possibly arise to criminal conspiracy,
23 which in South Carolina is up to ten years in prison.
24 Also, what I've possibly -- what I've heard could possibly
25 arise to perjury. Now, I'm not making any findings on

1 that. I'm just saying, again, it's a probable cause
2 standard, and I want to make sure everybody's rights are
3 protected. Mr. George Combis, Mr. Chris Combis and Ms.
4 Diane Combis, I want to make sure that your rights are
5 protected. That's why I'm stopping these proceedings at
6 this point in time. Okay? However, this Court has a duty
7 to report any alleged violations of the law to the proper
8 authorities for investigation. Okay? Mr. Gregory is a
9 retired SLED agent, South Carolina Law Enforcement
10 Division. Mr. Gregory, I'm ordering that you contact the
11 South Carolina Law Enforcement Division and have them
12 contact the North Carolina counterpart, SDI, I believe, is
13 what it's called, and have them open up an investigation on
14 these alleged activities by the Combises to see if any
15 violations arise to the level of criminal prosecution.
16 Okay?

17 MR. GREGORY - Yes, sir.

18 THE COURT - Having said that, this Court is going
19 to stay these proceedings until further notice. That's the
20 order of the Court. Okay? Court's adjourned.

21 MR. TRUSLOW - Your Honor, I have one --

22 THE COURT - Yes, sir.

23 MR. TRUSLOW - -- one request, technical request
24 in this regard, that we have -- I think Mr. Pellington will
25 agree -- we've had this discussion before with Mr. George

1 Combis, Diane Combis, Chris Combis will agree to the
2 continued jurisdiction of the Court and will appear as
3 directed.

4 THE COURT - Well, I mean that goes without
5 saying. I -- I mean I -- the civil matter's still on-
6 going. I mean this doesn't do anything with the probate
7 case in Lancaster County. I'm just -- I'm making this
8 decision -- I -- I don't want to make this -- you know, I
9 don't want to have it to go this way. Okay? But, I mean
10 I'm sitting here, something's chewing at my gut to say this
11 -- I have to do this -- as the officer of this Court is
12 when I hear -- it's just like if somebody were to do
13 something right in front of me that appears to violate the
14 criminal laws, I have the duty to take care of that. I
15 can't ignore it. Okay? And so that's -- it's upon that
16 reason why I've halted these proceedings to protect their
17 constitutional rights, their fifth amendment rights, their
18 rights of confrontation, etcetera, etcetera, and, of
19 course, the lawyers understand that. Okay? So, of course,
20 the civil action will continue; of course, the Combises
21 will continue to be under the jurisdiction of this Court,
22 and, you know, this civil action, this particular hearing
23 at least is -- is -- this criminal contempt action along
24 with the accompanying motions and civil contempt action is
25 stayed until further notice until the criminal

1 investigation concludes. Okay? That's the order of the
2 Court. Mr. Pellington, you advise your clients
3 accordingly, and, of course, Mr. Truslow, I'm sure you'll
4 do the same. Okay?

5 MR. TRUSLOW - I have -- I have one other
6 question.

7 THE COURT - Yes, sir.

8 MR. TRUSLOW - I appreciate your patience. On the
9 items that were delivered to Ms. Ballard, I would hope that
10 they can be with the clerk of court, but if you advise us
11 to take possession of them ---

12 THE COURT - All right, Ms. Ballard has been
13 appointed by this Court, well by the probate court, of
14 course, is now in front of me, to be the personal
15 representative of the estate of Pop Combis. Okay, I'm
16 calling him Pop. Okay? In her capacity and as such, she -
17 - I know what my previous order is in regards to the items
18 in that box. Okay? Now, I'm not going to disturb my
19 previous order as far as the items in that box, so that
20 stuff will go back to Mr. Pellington to hold in trust until
21 further order. The gold watch that we refer to -- okay? -
22 - that's -- there's testimony that that along with the new
23 gun that's in that ziploc bag, there's testimony or
24 presentations that that's part of the Combis estate as
25 well. I'm going to order that Ms. Ballard take possession

1 of those items and have them appraised. Okay? And then,
2 of course, upon -- once that's over with, then Ms. Ballard,
3 you will hold those in trust until further order. Okay?

4 MS. BALLARD - Yes, sir, Your Honor.

5 THE COURT - So, do you have the gold Rolex with
6 you?

7 MR. PELLINGTON - I do.

8 THE COURT - All right, hand that to Ms. Ballard.
9 Let the record reflect that's been handed to Ms. Ballard
10 for her -- the appraisal; she'll hold it in trust until
11 further order. Mr. Bailiff, hand that ziploc gun to Ms.
12 Ballard. She will hold that in trust until appraised as
13 well, and, of course, she'll let everybody know what the --
14 what's going on with that. Okay?

15 MR. TRUSLOW - Your Honor, I had one question
16 about this. It's a Bauer -- B-a -- like Bauer -- that has
17 been presented by Mr. Pellington today. Are they saying
18 that this is part of the estate? We don't -- or -- or ---

19 THE COURT - It's been represented that that was a
20 gun owned by Pop Combis. Correct?

21 MR. PELLINGTON - I think that the fair thing to
22 say would be it's undecided. It was gifted a long time
23 ago. It was presented out of abundance of caution.

24 THE COURT - Right. And, again, out of an
25 abundance of caution, have it appraised. Okay?

1 MS. BALLARD - Thank you.

2 THE COURT - And we'll see what happens, but that
3 way you're holding trust of those items in the box; you're
4 holding in trust those two items. We're staying these
5 proceedings. Y'all, you know, cooperate with the criminal
6 investigation, and then, you know, we'll see you here soon,
7 I guess, whenever that's resolved.

8 MS. BALLARD - Thank you.

9 MR. TRUSLOW - Your Honor, on the -- on the gun
10 that was just delivered to Ms. Ballard, if we can reach an
11 agreement as to the value, I assume we wouldn't have to go
12 get another appraisal? I'm confident it's going to have a
13 value of sixty dollars at maximum.

14 THE COURT - I'll let y'all work all that out.
15 I'm not keeping y'all from talking, at least lawyers from
16 talking and stuff. I'm going to advise the Combises, now,
17 I find it's incumbent that, you know, they need to be aware
18 of their -- Mr. Pellington, you advise them of their fifth
19 amendment rights under the constitution. Okay?

20 MR. PELLINGTON - Yes, sir.

21 THE COURT - All right, thank you.

22 MR. GREGORY - Your Honor, could I ask for a
23 business card from the two ---

1 THE COURT - Yes, please. Y'all cooperate with
2 Mr. Gregory. All right, that concludes this hearing. I
3 wish the very best of luck to all of you.

4 MS. BALLARD - Thank you, Your Honor.

5 THE COURT - All right.

6 (END OF TRANSCRIPT)

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State of South Carolina	)	
	)	In the Court of Common Pleas
County of Lancaster	)	
	)	
Desa Ballard, as Personal	)	
Representative of the	)	
Estate of Chris Combis,	)	2017-CP-29-00306
Plaintiff,	)	
	)	August 5, 2019
versus	)	
	)	Lancaster, South Carolina
George Combis,	)	
Chris A. Combis,	)	
Diane Combis,	)	
	)	
Defendants.	)	
_____	)	

TRANSCRIPT OF RECORD

B E F O R E:

The Honorable Brian M. Gibbons

A P P E A R A N C E S:

Douglas N. Truslow, Esquire
Attorney for the Plaintiff

David G. Redding, Esquire
Joseph R. Pellington, Esquire
Attorneys for the Defendant(s)

Peter J. Nosal, Esquire
Attorney for Linda Combis

PROVIDED FOR: David Redding, Esquire
Joseph Pellington, Esquire

FOR COPIES CONTACT: Patricia A. Szoke, CVR
Official Court Reporter
Fifth Judicial Circuit, At-Large
pszoke@sccourts.org

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I N D E X

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(WHEREUPON, no exhibits were introduced during
this proceeding.)

P R O C E E D I N G S

(START TIME: 9:49 A.M.)

THE COURT: All right. Good morning, everyone. Y'all can be seated.

EVERYONE: (Complies.)

THE COURT: Thank you. All right. Do the lawyers wish to tell me anything before we resume testimony, or where are we? Where do you think we are? I'll be glad to hear from you. I'm familiar with the procedural status of the case. And -- yes, sir?

MR. REDDING: Your Honor, my name is David Redding. I've appeared before you before, but not in this hearing. I made a -- what I call a temporary -- or a motion for a transfer of *pro hac vice*. I'm not licensed in South Carolina. And the reason why I did it that way is because I am admitted into the federal case, which is where -- from this case was remanded. I don't think an order is necessary, *pro hac vice*, but out of an abundance of caution I just filed -- put something in the file.

I've argued before you without objection from opposing counsel. We've allowed opposing counsel to appear in North Carolina on related matters, so I would expect the same accomdy (as stated). And I do have --

THE COURT: And what's your last name again?

MR. REDDING: Redding, R-e-d-d-i-n-g.

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1 THE COURT: Yeah. Okay. I --

2 MR. REDDING: It's probably been about a year and a
3 half since you've seen me, and only a single time. So I
4 wouldn't be surprised --

5 THE COURT: Any objection to that, Mr. Truslow?

6 MR. TRUSLOW: Yes, sir. We have serious objections,
7 both ethically and legally. I can refer you, to start
8 with, to Rule 404 about what is required to be done before
9 he can appear. There are strict rules set by the South
10 Carolina Bar on what you must do to be admitted. This was
11 not followed in this case.

12 Ultimately, the resolution can be under Rule 404. I
13 can put up Ms. Ballard as an *adversus* to explain why, if
14 you need. I can -- I can refer you to Rule 404 on
15 what's required to be done.

16 THE COURT: Well, just tell me about Rule -- what Rule
17 404 says.

18 MR. TRUSLOW: Your Honor, Rule 404 sets forth a number
19 of things that must be done for somebody to be admitted.
20 The state rule is much more restrictive than the federal
21 rule. Our state rule is designed to protect the integrity
22 of the legal system, the functions of the Court, the
23 integrity of the entire process. It requires, among other
24 things, that they get -- they -- they have the South
25 Carolina Bar -- certified to you that this has not been

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1 done. The -- a description of all the cases where they've
2 appeared before with the detail, that's not been done. Who
3 he's representing, public records. They -- Your Honor, it
4 -- the law governing the process, an attorney may not
5 appear *pro hac vice* under a number of circumstances.

6 I can tell you, Your Honor -- again, this is very,
7 very serious because what happened is he's trying to
8 transfer a *pro hac vice* from Federal Court where he had
9 applied to represent one person, Diane. And I can show you
10 the document that he applied to represent Diane Combis. We
11 -- we felt -- and he didn't apply to represent the
12 remaining defendants, but he did. That created ethical
13 problems.

14 Your Honor, I would refer you -- for example, you can
15 look at the Federal Court of Appeals decision in this --
16 involving this matter, footnote number three (3), calling
17 into question the ethics of representing all people that
18 have conflicting interests. And, quite frankly, they threw
19 Diane under the bus --

20 MR. REDDING: Objection.

21 MR. TRUSLOW: -- for the benefit of --

22 MR. REDDING: Judge, what --

23 THE COURT: Hang on.

24 MR. REDDING: Judge, what does that have to do with
25 anything?

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1 THE COURT: Hang on. I'm -- I'm hearing the reason --
2 reason for why you should -- should or should not be
3 admitted *pro hac vice* right now. I'll come back to you.

4 MR. REDDING: Your Honor, could I just say one more
5 thing?

6 THE COURT: No, sir.

7 MR. REDDING: I understand --

8 THE COURT: No, sir.

9 MR. REDDING: For him to say that I'm throwing Diane
10 under the bus --

11 THE COURT: I said no. Please, be seated.

12 MR. REDDING: Thank you.

13 THE COURT: Go ahead, Mr. Truslow.

14 MR. TRUSLOW: Your Honor, the federal and state rule
15 are different. The federal -- the state rule is much
16 more restrictive, it describes what has to be done, it
17 requires a two hundred and fifty dollar (\$250) fee to
18 submit, which was not done in this case. They waited until
19 the last minute. They had a lot of time to get this
20 thing done right.

21 If -- if there was a way -- there is a way to do it,
22 but it's got to be done the correct way. They have not
23 paid the two hundred and fifty dollar (\$250) fee. Number
24 three (3), the application does not list the prior *pro hac*
25 *vice* cases. Again, this is designed to protect Your Honor,

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1 this court system, the integrity of our legal system in
2 South Carolina, and to ensure that state -- that lawyers
3 from out of state are not taking advantage of the court
4 process.

5 Your Honor, this was done at the -- they had at least
6 two (2) years to get this thing done right, if they were
7 going to do it. But to file this on Friday without the --
8 again, I'm being redundant, without following the legal
9 process, without regard -- without regard for what the --
10 our -- our South Carolina Bar requires, without detailing
11 cases. They've -- and I can -- I can go on and on, but --

12 THE COURT: Just filed on Friday?

13 MR. TRUSLOW: Yes, sir.

14 THE COURT: August 2nd? Okay. And you believe that
15 the procedural requirements under the Rule 404 have not
16 been met. That's the basis of your --

17 MR. TRUSLOW: I --

18 THE COURT: -- procedural argument?

19 MR. TRUSLOW: Yes, sir. I can go further, but I have
20 the rule here if you'd like to see it.

21 THE COURT: I -- I got the rule. I'm sitting here
22 looking at it. (Views document.) All right. Let me hear
23 from Mr. Redding.

24 MR. REDDING: Yes, sir. I thank you.

25 THE COURT: Yes, sir.

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1 MR. REDDING: Number one, counsel acts like I'm not in
2 this case -- in the case where it came from, but of -- I
3 am. I -- I disagree that these restrictions are more in
4 State Court than in Federal Court. Clearly, I'm a part of
5 this case. And I have a reason why this was filed when it
6 was filed.

7 And if I could approach and hand some -- something up,
8 Your Honor?

9 THE COURT: Do they have it?

10 MR. REDDING: I'm going to give it to them right now.

11 THE COURT: Okay.

12 MR. REDDING: And we just received it. I -- it was
13 not my intention, Your Honor, to appear in this case at
14 all. I didn't think it was necessary. Obviously, I didn't
15 want to bill the client for multiple partners. I'm the
16 senior partner on the case.

17 Last time we were here, the Court gave us the
18 opportunity to find out the status of the SLED
19 investigation, which we had no idea of. So we made a FOIA
20 request and finally received this case report from the FOIA
21 request, which is -- which we'd never seen before. Several
22 aspects of this after I read it were very disquieting, very
23 disturbing. I thought, (as stated), "There is no way that
24 I can allow the case to go on without at least trying to
25 come in here and argue it as a senior partner in the case."

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1 I'd like to point out just a couple of the things in this
2 document, Your Honor.

3 First of all, if you -- to go to about the fourth page
4 where it starts with the case management history. This is
5 where the SLED investigator, who's name is Kevin Blake,
6 indicates the things that he's doing on a day by day basis.
7 Indicates on November 20, 2017 -- that's the second entry
8 on that page -- that at eleven (11) o'clock he met with you
9 and your clerk. And I would expect that to happen for him
10 to -- to do his investigation. However, on the next page -
11 - this is page two (2) -- on December 15, 2017, Agent Blake
12 met with Ms. Ballard and Mr. Truslow and discussed the
13 case, which I never knew. And I can tell the Court that
14 those agents never contacted us, or met with me, or asked
15 my clients any questions about it.

16 What's more disturbing is on the next page -- this is
17 page three (3) -- on January 22, 2018, Agent Blake
18 apparently went all the way to Charlotte and interviewed a
19 jeweler, but he never called me. He's, I guess, a mile
20 away from my office, never called me to find out our side
21 of the story. Now, I don't know if that's a proper
22 investigation or not, but what is clearly problematic is on
23 the last page.

24 And this is the entry for Jun 18, 2018. So this was
25 over a year ago. And again, we had no idea in my office

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1 the status of investigation, despite the fact that we
2 called SLED and they would not provide us with any
3 information at all. They certainly didn't tell us that
4 they had spoken to opposing counsel and Ms. Ballard. So at
5 ten (10) o'clock in the morning Blake meets with you, he's
6 got counsel with him, and tells you a couple things that
7 are very disturbing for my side of the case. He says that
8 they've studied all the transcripts, but there's not enough
9 information to proceed with a perjury case. Where that
10 came from, I mean, I have no idea. This -- what this is
11 about is a contempt motion arising out of discovery issues,
12 it has nothing to do with perjury.

13 And then -- but the next line of that is the real
14 kicker. It says, (as read), "Due to the lack of
15 cooperation on behalf of the Combis family members." Now,
16 I know -- because I've read the transcripts -- that both
17 Chris Combis and Diane Combis have testified, George Combis
18 has not. They never contacted me to seek any -- any
19 cooperation. They never said a word to me. So to make
20 that statement to you -- I'm sure you've got an open mind,
21 but I would -- if I heard that from a SLED investigator I'd
22 take that verbatim.

23 Now, the next part of that, also -- I'm assuming that
24 this isn't correct, but it says that you advised that you
25 were going to recuse yourself and assign the case to

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1 another judge. Haven't done so, so I'm assuming that that
2 entry in there is incorrect, or whatever it is that was
3 disquieting you has disappeared and you feel like you could
4 still hear the case. Doesn't matter to me, and I'm not
5 moving that you recuse yourself, and don't have a problem
6 at all with you continuing. But you can see how for me, as
7 the senior partner in my firm, I read this report on a
8 Thursday, the hearing is to recommence on Monday, I've
9 never seen any of this before. And I know my clients are
10 coming down here for a second go-around on this and I've
11 got to be down here. This is -- these -- my client's
12 liberty is at stake. This isn't just a civil contempt
13 motion, a criminal contempt motion.

14 So I think that there's plenty of grounds for the
15 Court to allow me, the lawyer of my client's choice, to
16 represent him in this hearing, particularly because I'm
17 already admitted in South Carolina on the very matters that
18 are before you. If the Court says, (as stated), "I just
19 don't think you've jump through these hoops closely
20 enough," at least give us time to go back and pay the
21 hundred (100) -- two hundred fifty (250) bucks, whatever it
22 is that Mr. Truslow is so concerned about. Otherwise, I
23 can't understand why he'd want to deny my clients, with
24 their liberty at risk, the lawyer of their choice.

25 I thank you, Your Honor.

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1 THE COURT: All right. Thank you. Mr. Truslow, any
2 further, briefly, before I address these matters?

3 MR. TRUSLOW: Yes, sir. I thought we were dealing
4 with Rule 404 rather than merits of something that we're
5 being provided. Your Honor, they didn't pay the two
6 hundred and fifty dollars (\$250.00), they didn't list the
7 cases he was involved. They said -- ironically, they said
8 when they applied for this *pro hac vice* that his other
9 counsel would be ready -- this is Friday -- that they would
10 be ready without him. They had a duty to update the *pro*
11 *hac vice*. And I could go on and on along with the serious
12 problems of how they can circumvent Rule 404. They had to
13 have known about it. Thank you.

14 THE COURT: Thank you. All right. Well, just for the
15 record, I will tell you this is the first time I've seen
16 this document (indicating). And I'm going to make this a
17 Court's Exhibit.

18 Madam Court Reporter, if you'll please put this into
19 the record of this case. Have her mark that.

20 THE BAILIFF: (Complies.)

21 (WHEREUPON, Case Statute Report was introduced
22 and received into evidence as Court'S Exhibit Number 1.)

23 THE COURT: Thank you. Hand it back to me.

24 THE BAILIFF: (Complies.)

25 THE COURT: And, of course, I -- I want to make sure

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1 the parties know. I'm sure the attorneys for the parties
2 let them know what we discussed back in chambers.

3 At -- at the time we recessed the hearing way back
4 when -- and I did that out of an abundance of caution
5 because I wanted to make sure, obviously, as y'all have
6 explained to your clients -- Mr. Truslow, you've done --
7 you used to do public defense work down in Richland County,
8 you know what I'm talking about. I want to safeguard
9 everybody's Constitutional Rights and that's why I did it.
10 Okay. And that's why I stopped the proceeding because the
11 testimony I heard, you know, referenced possible -- what's
12 called breech of trust with fraudulent intent, possible.
13 I'm not saying definite, but -- you know, I'm hearing this
14 as a -- both the judge of the law, and the fact finder, and
15 I -- in the event there's going to be any criminal
16 prosecution, your clients have the right to exercise their
17 Fifth Amendment right not to testify. And that's why I
18 wanted to pause.

19 Then there was -- I heard testimony about alleged
20 safecracking. Again, that's a felony in South Carolina
21 that carries, I believe, up to thirty (30) years. You
22 know, whether there was any prosecutable offense or not,
23 certainly not my deal, not my jurisdiction. But again, in
24 an effort to protect people's rights, that's why I paused
25 the proceeding. I did, as I do -- have -- I've done

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1 before, I had other people -- because it's not my job to
2 investigate possible criminal matters, I referred it to the
3 appropriate parties to do that, which is SLED. Then they
4 did -- they asked for a written email from me describing
5 what happened. Y'all have that in my email of November
6 17th that set forth, you know, the testimony I was
7 concerned about, what I had heard, the sworn testimony. Of
8 course, no findings were made at that time, nor have I made
9 any findings.

10 I -- I don't recall telling the -- the agent back on
11 June 18, 2018 that -- that there wasn't, however, enough
12 for me to find the Combis family members in criminal
13 contempt and possibly admit obstruction of justice. I
14 don't recall saying that. You know, you never can recall
15 what you say in a telephone conversation. I do recall
16 having a telephone conversation with these individuals.
17 And I told them, I said, (as stated), "Look. Y'all" -- and
18 I -- and I want to make sure y'all understand. I had no
19 part of the investigation of this matter, other than making
20 the referral. And if SLED wanted to do anything with it,
21 that's up to them to do something with it. I am not the
22 prosecuting person. I did not advise, as I can recall,
23 that I was going to recuse myself because that's something
24 I wouldn't have told other parties. That's something I
25 would tell y'all.

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1 I have brought that issue up, as I recall, to y'all
2 before since I was involved in the initial aspect of it and
3 referred it to an outside agency to investigate. Okay. As
4 I understand, there's never been a motion made to recuse
5 myself. I -- you know, in -- in full candor and disclosure
6 I will tell you I -- you know, I -- this document says what
7 it says. I mean, I -- is anybody wanting me to recuse
8 myself?

9 MR. REDDING: No, Your Honor. I -- I hope I wasn't --
10 I was not --

11 THE COURT: No. I'm glad you showed me this, that's
12 why I made it a Court Exhibit --

13 MR. REDDING: Right.

14 THE COURT: -- because I've never seen it before.

15 MR. REDDING: Sure. And I -- I didn't -- I actually
16 read it differently than you. I don't think you stated --
17 if you read, it's poorly -- it's poorly written. I don't
18 think you stated that there was enough for you to find a
19 criminal, whatever obstruction administrative justice is,
20 and it's in quotes. I think that's what the agent wrote.

21 THE COURT: Okay.

22 MR. REDDING: In other words, he told you that. That
23 -- to me, that's the most logical reading of it. So that's
24 -- that's -- we've made no motion for you --

25 THE COURT: All right.

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1 THE COURT: And I'm -- y'all can chuckle at that, but
2 I'm serious. And you know, I've never been one to sidestep
3 a case that's assigned to me. Okay. I've got a duty to --
4 you know, to address cases that are assigned to me and I'm
5 going to do that. You know, if I -- if there's ever a
6 situation where I think I can't be fair, neutral, unbiased
7 -- all right -- I'll tell you and I'm out of it. Okay. I
8 don't think that's the situation in this case. Okay. And
9 I'm not going to hamstring another judge with finishing
10 this matter out. I'm just not going to do it. Okay. I
11 can -- I can hear it. I can be fair. And plus nobody's
12 asked me to recuse, so there we go. Everybody's in
13 consent, I'm going to continue it. That's what, initially,
14 alarmed me when I -- when I first saw this report, and I
15 wanted to go ahead, and get that out. So I'm going to hear
16 the case.

17 All right. Let me -- let me finish looking at Rule
18 404 before I issue a decision on that. I've heard your
19 objection to that, Mr. Truslow. Just give me a moment.
20 (Views document.) And are -- Mr. Redding, are you in Mr.
21 Pellington's firm?

22 MR. REDDING: Yeah. We're -- we're partners.

23 THE COURT: Okay.

24 MR. REDDING: Well, as you can tell by my hair, I'm a
25 lot older than he is.

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(Views document.) And so Mr. Pellington, you're the member in good standing with the South Carolina Bar, correct?

THE COURT: All right. Hang on. (Views document.)

Madam Clerk, you got the -- I don't happen to have my laptop with me today. Do you have the -- did y'all have a written motion?

MR. REDDING: We do.

MR. REDDING: Yes, sir.

MR. REDDING: (Complies.)

(OFF THE RECORD DISCUSSION)

MR. REDDING: Yes, sir.

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1 been admitted to practice?

2 MR. REDDING: Admit -- currently admitted in North
3 Carolina State Court, Eastern District, Middle District,
4 Federal District, Federal Court as well as Fourth Circuit
5 Court of Appeals, and -- and then *pro hac* in South
6 Carolina, Federal Court standpoint.

7 THE COURT: And how long have you practiced law?

8 MR. REDDING: Twenty two (22) years.

9 THE COURT: Are you a member in good standing with
10 those courts?

11 MR. REDDING: Yes, sir.

12 THE COURT: You're not currently suspended or have
13 been disbarred?

14 MR. REDDING: No, sir.

15 THE COURT: You got any pending complaints against you
16 before any disciplinary agency?

17 MR. REDDING: No, sir.

18 THE COURT: And what's the name of the law firm you're
19 with?

20 MR. REDDING: Redding Jones, PLLC.

21 THE COURT: And how long you been with that law firm?

22 MR. REDDING: Twelve (12) years.

23 THE COURT: And the only other South Carolina case
24 you've ever appeared in is this same case in Federal Court?

25 MR. REDDING: No, sir. I've been admitted, perhaps,

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1 two (2) or three (3) times over the past fifteen (15) or so
2 years, but not very often.

3 THE COURT: Okay. All right. Now, Rule(e) says, (as
4 read), "Prior to making a motion to be admitted *pro hac*
5 *vice* a copy of the application shall be submitted to the
6 South Carolina Supreme Court Office of the Bar Admissions
7 along with an admission fee of two hundred and fifty
8 dollars (\$250.00). The fee shall not be required for *pro*
9 *hac vice* admissions sought under Rule 244. Upon receipt of
10 the application, the clerk of the Supreme Court shall
11 certify to the tribunal in which a *pro hac vice* appearance
12 has been requested that the application form and fee, if
13 applicable, has been received."

14 So it is a requirement to do it ahead of time, but
15 then again -- you know, since this is a unique procedural
16 situation and I understand the reason why you want to be
17 involved I'm going to overrule the objection by Mr.
18 Truslow, allow you to be admitted *pro hac vice* and practice
19 before this Court on behalf of your client. Having said
20 that, though, y'all need to go ahead and -- go ahead, and
21 call your paralegal, and have her type up a two hundred and
22 fifty dollar (\$250.00) check, and admit it to the Supreme
23 Court. Okay.

24 And we'll -- I -- you know, I don't see anything
25 specifically -- I understand the rule says what it says,

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1 Mr. Truslow, you're protected in the record -- okay -- for
2 any appellate issue.

3 MR. TRUSLOW: Yes, sir.

4 THE COURT: But, I mean -- you know, I -- if I'm
5 wrong, I'm wrong. I don't -- I don't see anything where it
6 says I can't do it if I'm satisfied this -- I'm the
7 tribunal here. Okay. And, of course, if I'm wrong they'll
8 correct me.

9 MR. TRUSLOW: I'm reminded of the word *nunc pro tunc*,
10 Your Honor.

11 THE COURT: That's it. That's it. Understood.

12 MR. TRUSLOW: Your Honor, one other thing that --

13 THE COURT: Yes, sir.

14 MR. TRUSLOW: -- and this is not a technical argument,
15 I think it goes to the core of this. They applied in
16 Federal Court to represent Diane alone, but they
17 represented the other -- they, ultimately, represented the
18 remaining defendants, which we allege throughout, and --
19 and there was testimony offered that that was a conflict to
20 represent these people, pointing the fingers at each other
21 -- pointing fingers at each other all at the same time.

22 In this case they've applied to represent Diane.
23 They've got the same issues. Your Honor, when we look --
24 I'm looking right here at -- and it's filed on 10/14/2015,
25 they -- they applied to represent Diane alone, but the

1 record is clear.

2 And again, I go back to -- I don't want to sound like
3 a broken record -- to what the Fourth Circuit said about
4 what they're doing representing everybody at the same time.
5 And I'm not arguing, I just want the Court to know that we
6 think that there's a right way to do things and there's an
7 ethically -- absolutely bad way to do things. And for them
8 to come in, and represent all, and point -- potentially
9 point the finger at one another is very problematic. With
10 that said, I'll sit down. We're ready to go.

11 THE COURT: And I -- and I understand that. And, of
12 course, y'all are aware of that as well, Mr. Redding, Mr.
13 Pellington?

14 MR. REDDING: Particularly since Mr. Truslow raises it
15 at every single hearing we've -- I've ever been at, yeah,
16 I've heard it before. And that would be between my clients
17 and -- and me, and -- and the bar.

18 THE COURT: I'm -- I'm not going to -- you know,
19 here's the thing. I -- you know, I'm not ODC. I'm not on
20 the Ethics Commission. If there's an issue, that's the
21 proper tribunal within which to take it up. I mean, I
22 think the -- the issue -- the issues in this underlying
23 contempt proceeding are fairly straightforward. And so I --
24 -- I don't see, necessarily, the -- a problem with allowing
25 it as long as y'all understand the possible implications it

1 could have for y'all in some other proceeding. Do you
2 understand?

3 MR. REDDING: We do, Your Honor. And my clients have
4 heard that, again, from you. And that's good.

5 THE COURT: Okay.

6 MR. REDDING: Appreciate it.

7 THE COURT: All right. So we're ready to resume
8 testimony?

9 MR. TRUSLOW: Yes, sir. And just inquiring of Your
10 Honor, I know that we were here in 2017 -- I think when
11 this thing -- case started George Busch might have been
12 president when -- but --

13 THE COURT: I think he said that (indicating). You
14 can't take that from him.

15 MR. TRUSLOW: I'm sorry?

16 THE COURT: Mr. Pellington gave that --

17 MR. TRUSLOW: Oh.

18 THE COURT: -- alliteration, didn't you?

19 MR. PELLINGTON: I believe, actually, I had said
20 President Clinton, but --

21 THE COURT: President Clinton. Right. Anyway, I'm
22 familiar -- look. My -- my law clerk -- I'm without a law
23 clerk for the next few days, but I have a two (2) page
24 cheat sheet. My law clerk went through everything y'all
25 have submitted and I have read through everything as well.

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1 I recall the testimony. I recall where we dropped off.
2 I'm ready to proceed.

3 MR. TRUSLOW: Yes, sir. We have Ms. Ballard.

4 THE COURT: All right. Ms. Ballard. Swear her in.

5 THE BAILIFF: Place your left hand on the Bible, raise
6 your right.

7 WITNESS DESA BALLARD: (Complies.)

8 THE BAILIFF: Do you solemnly swear or affirm that the
9 testimony you're about to give will be the truth, the whole
10 truth, and nothing but the truth so help you God?

11 WITNESS DESA BALLARD: I do.

12 THE BAILIFF: You may be seated.

13 WITNESS DESA BALLARD: (Complies.)

14 THE COURT: All right. Mr. Truslow?

15 MR. TRUSLOW: Your Honor, I think where we -- we had
16 left things, we provided -- after the last hearing, we
17 provided you with the transcript about -- of where Ms.
18 Ballard was. Do we need to plow that ground or just move
19 forward?

20 THE COURT: No, sir. Just move forward.

21
22 DESA BALLARD, after being duly sworn, testified as
23 follows:
24

25 (WITNESS DESA BALLARD-DIRECT BY MR. TRUSLOW)

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DIRECT EXAMINATION

Q All right. Ms. Ballard, you remember where we were when the testimony stopped?

A I do.

Q Okay. And I -- I think at that point in time I was asking you what you had done --

A In my capacity as personal representative.

Q -- as personal -- as personal representative. The trust is not the issue here; is that correct?

A That's correct.

Q Contention, as we'll point out in a minute. All right. What did you do?

A I attempted to obtain all the personal property that Pop owned at the time of his death. I attempted to determine whether he owned any real property at the time of his death. I did all the things that you're required to do as a personal representative. I sent for records to third parties. I talked to people who knew Pop, people who had breakfast with him every Friday or Saturday morning up until the time of his death.

I determined that he owned some items of personal property that were not in my possession and I attempted to obtain them. Initially, I communicated with Mr. Bridgman who then represented George, Diane,

1 and Superior. And he told me that --

2

3 MR. REDDING: Objection, Your Honor. I don't mind her
4 talking about talking to Bridgman, but if she's going to
5 say what Bridgman said, he's not coming to testify. That's
6 rank hearsay.

7 THE COURT: All right. Just -- we don't -- the South
8 Carolina member objections aren't argued --

9 MR. REDDING: Okay.

10 THE COURT: -- unless I want them to be. So just say
11 --

12 MR. REDDING: All right.

13 THE COURT: -- objection.

14 MR. REDDING: Objection.

15 THE COURT: I -- objection. Any response to that?

16 MR. TRUSLOW: Your Honor already ruled on this at the
17 previous hearing. He was their agent. He was their
18 attorney. He was entitled to make representations on --

19 THE COURT: Objection overruled.

20 MR. TRUSLOW: Thank you.

21

22 MR. TRUSLOW (resuming):

23 Q Go ahead.

24 A Mr. Bridgman told me that there were two (2) guns that
25 were owned by Pop. He was not aware of a rifle. I

1 had asked about a rifle. He said that the silver
2 dollar -- there were silver dollars, I forget what
3 kind, that Pop had gifted to Diane. And in terms of a
4 Rolex watch, he said that there -- he had a watch. I
5 don't remember specifically, but it allegedly had been
6 gifted to one of them, I think George. So I asked to
7 have those things so I could have them appraised. And
8 I was told, (as stated), "No." I couldn't have them.
9 I asked for serial numbers, pictures, make and model.
10 I asked for all the details so I could try to get them
11 appraised without having them. I was told, (as
12 stated), "No."

13 Finally, when we got back to Court -- to the
14 State Court, I issued a *subpoena* to George. Well, I
15 issued a *subpoena*, one to George, one to Diane, and
16 one to Chris for them to turn over their respective
17 items of personal property that Mr. Bridgman had
18 confirmed were in their possession. They ignored it.
19 When we came before Judge Gibbons, Judge Gibbons
20 ordered them to compel -- he granted my motion to
21 compel, requiring them to turn over the matters by a
22 certain date. That was August of 2017, I believe.
23 And Mr. Pellington contacted me and said that he just
24 wanted to send me pictures of the things. And I told
25 him that was not in compliance with the judge's order.

1 Q Let me stop you there. The Court had -- had ordered
2 him to provide these items and then he was proposing
3 instead to do what?

4 A To give me pictures of them rather than give me the
5 items themselves. And I said, (as stated), "No." And
6 then he told me that his mother was in the hospital,
7 or having surgery, or something so he couldn't bring
8 them. And I said, (as stated), "Put a courier on the
9 road." And a box showed up in my office that had a
10 number of things in it.

11 Of primary interest was a fake Rolex, a gun that
12 was -- I mean, I don't much about guns, but this was a
13 pretty ratty looking gun -- and coin collections,
14 pieces that were not of the type that the coin
15 collection had been described to me as. The coin
16 collection had been described to me as the blue velvet
17 folders with the coins pressed into them. They were
18 in a shoebox. I don't know what these coins were.
19 They looked like something from a pawn shop.

20 So I asked them to acknowledge that they had
21 turned over a fake Rolex and they, of course, wouldn't
22 do that. So we filed this rule to show cause.

23 Q You did what?

24 A We filed this rule to show cause.

25 Q All right.

1 A To show cause why they should be held in contempt for
2 violating Judge Gibbons' order so that they produce
3 the items that had been *subpoenaed*.

4 Q Before you -- before you filed the rule had you --
5 well, I think -- I think it's in the record, but
6 you've had experience with Rolex watches having worked
7 for a jeweler and owned Rolex?

8 A I've owned Rolex, yes.

9 Q When you first saw this watch, it was supposed to be
10 Pop's Rolex, was it obvious to you that it was not --
11 it was a fake?

12 A It was obvious --

13 Q Did you --

14 A -- it was fake.

15 Q But in addition, did you get a jeweler to take a look
16 at it in Columbia?

17 A I did. I had Sylvan's look at it.

18 Q And we've already had -- when they wouldn't -- when --
19 when the other side wouldn't concede that it was a
20 fake Rolex, did -- you brought a jeweler here from --
21 from Lancaster to testify?

22 A I brought Larry Garris from Garris Jewelers in
23 Lancaster who, I think, agreed with me that it was a
24 bad fake.

25 Q Okay. All right. Let me back up. When -- you said

1 one gun was produced?

2 A Correct.

3 Q And that was the twenty five (25) Bauer, it's -- I
4 call -- I call it a Saturday night special, a cheap
5 gun?

6 A It was a cheap looking gun. I don't know what it was.

7 Q Okay. You had --

8 A I've had it looked by a couple of different people and
9 I have a report as to what it is, but it's not what --
10 I mean, they told me they had Pop's two (2) guns, Mr.
11 Bridgman did.

12 Q Okay.

13 A And there's been no explanation as to where the other
14 one is. The other one has been described to me as
15 heavily engraved. I've talked to numerous people that
16 talked about the silver handle being prominent and
17 heavily engraved professionally. And apparent -- a
18 beautiful piece of art is the way it's been described
19 to me. Of course, what was turned over in the box was
20 a piece of trash.

21 Q Okay. Let me go back, for a second, just on the guns.
22 You said that Mr. Bridgman had represented to you that
23 there were two (2) guns?

24 A Yes. And that -- he said the third gun was George's,
25 so he only had two (2) of Pop's guns.

1 Q Okay. And not only in what he told you, he put it in
2 writing that there were two (2) guns?

3 A Yes.

4 Q Would he -- was he -- did you ask to see them and did
5 he decline to let you see them?

6 A I asked to see them. I asked to see photographs. I
7 asked to get specifics, serial numbers, make, model.
8 He denied all of that.

9 Q Were they willing to do that?

10 A No.

11 Q Did they say that they kept them in Diane's safe, the
12 two (2) guns?

13 A (No response.)

14 Q I can refer you to an email.

15 A Yes. Charlie Bridgman said that Pop's two (2) guns
16 were in Diane's safe.

17 Q And were -- they weren't willing to photograph them,
18 give you serial numbers, any documentation?

19 A Nothing.

20 Q But there were two (2) guns that they had?

21 A There were -- there were two (2).

22 Q Okay. How many guns did you actually get?

23 A One (1).

24 Q Okay. And you mentioned that they said something
25 about gifting of this to -- to Diane. Was that --

1 A Not the guns.

2 Q Okay. Well, was -- did -- for the purpose of this,
3 did it -- was -- did it really matter whether they --
4 whose they were? The Court had ordered them to
5 produce these things.

6 A Well, there's two (2) things. The Court had ordered
7 them to be produced, but secondly Pop had a fairly
8 elaborate estate planning process. He had a will pour
9 over into the trust and it contained, of course, the
10 standard language that he could leave a written
11 document specifying if he wanted to make gifts of any
12 personal property, items before his death. And there
13 was no such written designation.

14 In fact, when Pop drafted his trust in 2003 he
15 had included a provision in the trust that his Rolex
16 watch -- and Pop -- I have pictures of him wearing it
17 back in 1989 -- that his Rolex watch was to go to
18 Chris, his grandson Chris, which is George and Diane's
19 son. But he amended that trust in 2008 and he took
20 out that gift.

21 Q So he deleted it?

22 A He deleted that gift, yes.

23 Q Along with other specific requests?

24 A All of the specific requests were taken from the trust
25 agreement in 2008. And the -- the will remained

1 operative as to the written memorandum that he
2 reserved unto himself the right to distribute items of
3 his personal property, but no such written memorandum
4 was ever produced.

5 Q So the -- so the bequest of guns, coins, contents of
6 Diane's safe, they're out? He's not --

7 A I -- I don't have any of it.

8 Q In 2008.

9 A Oh, he took all those requests out, yes.

10 Q Yeah.

11 A He amended the trust.

12 Q All right. Now, you got a fake Rolex. Would -- if --
13 and you've been fighting over trying to get these
14 since 2013?

15 A 2013, yes. I started asking for them around April of
16 2013.

17 Q If this had been, I think -- I think the jeweler
18 indicated it was -- it was --

19 A I may be wrong. April of 2014, maybe. I was
20 appointed in March of 2013. So --

21 Q Yes.

22 A -- it was probably February of 2014 that I started
23 trying -- once I figured out what assets there were,
24 then I started asking for them.

25 Q Okay. Would you have been fighting over a twenty five

1 dollar (\$25.00) Rolex and a Saturday night special --
2 one (1) Saturday night special for all these years?

3 A No. I -- I was looking for assets of value for the
4 estate. That was what I was charged to do and that's
5 what I was trying to do.

6 Q All right.

7 A I -- I know what Rolex's cost. I thought that we
8 would have a valuable Rolex that could be resold, or
9 payment in some other way to generate some funds for
10 the estate, but I was not given that opportunity.

11 Q Okay. All right. You've heard Chris and Diane
12 testify, correct?

13 A In this proceeding.

14 Q In this proceeding?

15 A Yes.

16 Q And in another proceeding you took George's
17 deposition?

18 A Correct.

19 Q I think you heard Chris say that --

20

21 MR. REDDING: Your Honor, I'm sorry. I have an
22 objection. I'd like -- wish to be heard on it
23 specifically.

24 THE COURT: Okay. Yes, sir. Go ahead.

25 MR. REDDING: I think I understood Mr. Truslow to be

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1 referring to a deposition of George just now. And if he's
2 going to ask what George might have said, George has the
3 right not to testify, so that'd be improper to come in now.
4 He may -- he may or may not avail himself of the Fifth
5 Amendment rights.

6 THE COURT: All right. Mr. Truslow, what's your point
7 in that?

8 MR. TRUSLOW: Your Honor, in September 2017 George
9 testified. He didn't -- he didn't make --

10 MR. REDDING: Objection.

11 MR. TRUSLOW: -- any reserve --

12 MR. REDDING: Objection.

13 THE COURT: Hang on. Hang on. Let me hear from Mr.
14 Truslow.

15 MR. REDDING: Yes, sir.

16 MR. TRUSLOW: He didn't reserve any objection. He
17 testified in October. George indicatd that he -- he gave
18 his son his watch in -- he gave the Rolex watch to the son
19 in 2011. His son used it for his wife for a while, got it
20 back. He turned it over to the attorneys, they then
21 provided the fake Rolex rather than the original. Mr.
22 Pellington then came in on -- on -- I think it was
23 September 14th and brought in the watch and said, (as
24 stated), "Oh, I -- we -- maybe you weren't looking for a
25 fake Rolex. Here's -- here's one," but it wasn't the one

1 we -- we were looking for.

2 Furthermore, Your Honor, I have designated -- and this
3 might be a good time to pass them up. I designated,
4 without objection, specifics from the testimony of George,
5 Diane, and I'm going -- I think they call him Chris, that
6 I'll pass up at this time. Counsel already has a copy. I
7 did these on November the 15th. I took seriously this
8 case. And I will pass them up at this time.

9 THE COURT: All right. Yes, sir?

10 MR. REDDING: I would object to that, what he just
11 did. I'd also object to putting any testimony --

12 THE COURT: Hang on.

13 MR. REDDING: -- from George Combis in in any way
14 until George Combis waives his right under the Fifth
15 Amendment in this case. The deposition he's talking about,
16 his earlier testimony, was in a civil case where he does
17 not have Fifth Amendment rights. There was nothing for him
18 to invoke. Here he does because it's the only criminal
19 proceeding he's ever been involved in and he may well do
20 so.

21 Now, if I put George Combis on the stand and I ask him
22 questions those objections are waived. I don't know if I'm
23 going to do that. So at this point in time, Mr. Truslow
24 cannot -- he cannot talk about it, he cannot hand up
25 deposition transcripts, or anything of sworn testimony, or

1 testimony that Mr. Combis made before. That's our
2 position.

3 THE COURT: All right. Mr. Truslow, what's your
4 position on that as a criminal lawyer?

5 MR. TRUSLOW: I stand by what we said, Your Honor. He
6 had -- he had every right to -- to object at an appropriate
7 time, he didn't.

8 What he -- what he said -- by way of background, we
9 issued a *subpoena*. And George said he took thirty (30)
10 seconds and decided he wasn't going to give us anything, it
11 was none of our business, that -- tell Ms. Ballard to go
12 fire herself, there -- and it goes on, and on, and on
13 regarding the things. But sitting as a judge alone, I
14 think Your Honor can evaluate this and make -- and use it
15 as you see fit. But I think we're entitled to -- to use
16 this, this is what he said. If somebody made a statement
17 before they ever got arrested -- I'm using a criminal case
18 -- if they said they were dealing in drugs --

19 THE COURT: It's an admission against interest.

20 MR. TRUSLOW: -- and then someone --

21 THE COURT: I -- I got that.

22 MR. TRUSLOW: All right.

23 THE COURT: All right. Let me address it this way and
24 I -- and -- all right. First of all, this is still a civil
25 proceeding. Okay. It's -- it's a quasi criminal

1 proceeding in the event I find that the petitioners have
2 made a showing of beyond a reasonable doubt to sustain a
3 finding of criminal contempt. Okay.

4 However, since it is mainly a civil contempt
5 proceeding I am going to allow it into evidence. I'm going
6 to overrule your objection. I'm also going to allow those
7 -- the designation of deposition excerpts to come in. Is
8 that what you're wishing to offer?

9 MR. TRUSLOW: Yes, sir.

10 THE COURT: Overrule your objection. I'll give it the
11 weight and credibility I believe it deserves as the finder
12 of fact in this matter. You're protected in the record.

13 MR. REDDING: And last -- last point, Your Honor?

14 THE COURT: Yes, sir.

15 MR. REDDING: In your order, your show cause order
16 itself it says that they have -- that they have the right
17 not to testify at the hearing.

18 THE COURT: Yes, sir.

19 MR. REDDING: So that would be inconsistent with your
20 own order.

21 THE COURT: Yes, sir.

22 MR. REDDING: And I'd just ask my objection be noted
23 for the record.

24 THE COURT: Your objection is noted. Thank you, sir.
25 All right?

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1 MR. TRUSLOW: All right.

2 THE COURT: Hang on. You want to have those marked --

3 MR. TRUSLOW: Yes, sir.

4 THE COURT: -- and introduced? Yes. Let's have her
5 do that first before we proceed any further.

6 THE COURT REPORTER: Your Honor, do you want to have
7 the continuation of the previous number?

8 THE COURT: Do know which one is next in order?

9 THE COURT REPORTER: No, sir.

10 THE COURT: Let's do --

11 THE LAW CLERK: I think we've used numbers before.

12 THE COURT: Yeah. What do y'all call it here,
13 petitioner? What are y'all --

14 THE LAW CLERK: I think they're petitioner.

15 THE COURT: -- plaintiff? Let's do Petitioner's 1 and
16 then date it. And then the appellate record can figure it
17 out. Do you remember what it was Mr. --

18 MR. PELLINGTON: Yeah. So far, Your Honor, it's been
19 -- it's been petitioner's exhibit and respondent's exhibits
20 --

21 THE COURT: Okay.

22 MR. PELLINGTON: -- is how they've put --

23 THE COURT: So let's just do Pet 1 and then when --
24 when you put the date on the sticker, the -- if there's a
25 record on appeal they can -- y'all can make that clear.

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1 (WHEREUPON, Summary of Documents was introduced
2 and received into evidence as Petitioner's Exhibit Number
3 1.)

4 THE COURT: All right. Thank you. Yes, sir?

5
6 MR. TRUSLOW (resuming):

7 Q All right. Ms. Ballard, we -- we have Judge -- you
8 had difficulty getting these items, couldn't get
9 photographs, no descriptions, they -- they wouldn't
10 respond to a *subpoena* for the -- for the information?

11 A Correct.

12 Q So you filed a motion to compel. Judge Gibbons
13 listened to everything and ordered them to produce
14 these items?

15 A Correct.

16 Q Then you said Mr. Pellington still didn't want to
17 produce them --

18 A Right.

19 Q -- and you told him, (as stated), "There's a court
20 order for you to produce them?"

21 A Correct.

22 Q And now, if -- if you had just seen a photograph, like
23 he proposed, despite what the judge ordered, could you
24 -- could you -- did you need to see the item to know
25 that it was fake?

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1 A No. Actually, I looked at a photograph of it. It's
2 pretty clear in the photograph that it's fake as well.

3 Q But you wanted to actually see it and that's when you
4 were able to confirm?

5 A I needed to have it appraised. I needed to have the
6 guns --

7 Q Okay.

8 A -- appraised. I needed to have the coins appraised.
9 It was represented to me that they were items of
10 value.

11 Q Now, going -- going back for a second, and we're
12 dealing with this -- with the contempt. Is -- is this
13 the sole time you've had problems with them producing
14 documents?

15

16 MR. REDDING: Objection.

17 WITNESS DESA BALLARD: No.

18 MR. REDDING: Objection.

19 THE COURT: Objection sustained. Move on. You want
20 to have argument on that, Mr. Truslow?

21 MR. TRUSLOW: I'm thinking -- no, sir. No, sir.

22 THE COURT: Okay. Thank you.

23 MR. TRUSLOW: I think -- I --

24 THE COURT: I'm concerned about the guns, or gun, the
25 coin collection, and the --

1 MR. REDDING: Watch.

2 WITNESS DESA BALLARD: Rolex.

3 THE COURT: -- and the Rolex.

4 MR. TRUSLOW: Yes, sir. What we wanted to show you --
5 what we -- our offer of proof, we wanted to show you how
6 bad this has been from them being --

7 THE COURT: Oh, there's a pattern. I --

8 MR. TRUSLOW: -- sanctioned in Federal Court and --

9 THE COURT: -- y'all -- that's in Court Exhibit Number
10 1. I -- I picked up on that. Y'all have seen my email to
11 SLED --

12 MR. TRUSLOW: Yes, sir.

13 THE COURT: -- just to have them make sure there's
14 been no criminal violations. And, of course, there was an
15 inconclusive finding, but -- you know, I've let them know
16 what my concerns were there. So I -- I'm fully aware of
17 the acrimony involved in this matter. You don't have to --

18 MR. TRUSLOW: Okay.

19 THE COURT: -- show me the lawyers are doing their
20 jobs. Go ahead.

21

22 MR. TRUSLOW (resuming):

23 Q As a person, you've -- you've done this kind of work,
24 I'm going to say forensic work, on a number of
25 occasions before?

1 A I served in a fiduciary capacity in many
2 circumstances.

3 Q Have you ever -- have you ever had this much trouble
4 getting somebody to comply?

5
6 MR. REDDING: Objection.

7 THE COURT: Overruled.

8 WITNESS DESA BALLARD: Never. I've never had this
9 much trouble. I've never been given this much runaround.
10 It -- it's abominable. And when -- when the fake watched
11 showed up in my office that was kind of the final straw for
12 me.

13
14 MR. TRUSLOW (resuming):

15 Q Did the attorneys ever represent why or tell you why
16 they simply wouldn't let you see the items?

17 A No.

18 Q I -- I think it's in the record that we passed up to
19 the Court, the exhibit that's dated today. But would
20 Diane or George ever let you see the contents of the
21 safe?

22
23 MR. REDDING: Objection.

24 THE COURT: Overruled.

25 WITNESS DESA BALLARD: The only --

1 THE COURT: Overruled.

2 WITNESS DESA BALLARD: When I met with George and
3 Diane in June of 2013, I was only the personal
4 representative at that point in time. I had not studied
5 with any specificity the trust agreements, so I didn't ask
6 about the contents of the safe. But when I talked to Mr.
7 Bridgman -- after I got the trust documents and I talked to
8 Mr. Bridgman, he would not respond to me. He got to where
9 he just wouldn't answer me. He would avoid me and I -- I
10 would try calling him from different phone numbers and all
11 sorts of things. He just didn't respond.

12

13 MR. TRUSLOW (resuming):

14 Q I'm not going to burden -- I don't think I'm going to
15 burden the record with this, but did -- and you may
16 have it -- you may have it before you. Did you write
17 numerous emails seeking this information?

18 A I did. In the beginning he was very cooperative, but
19 once I asked about repayment of the trust money he
20 shut down on me.

21 Q All right. We had a list of the -- of the times you
22 asked and the -- and the dates. Where are -- where is
23 that document? Do you have it here, or?

24 A There is an assembly of things that you put together,
25 a date chart that's on my side.

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1 Q I've got it. I've got it.

2 A On top of the manilla envelope.

3 Q All right.

4

5 MR. REDDING: May I see that?

6

7 (OFF THE RECORD DISCUSSION)

8

9 MR. TRUSLOW: Your Honor, we were just having a
10 discussion with -- I don't think I need to burden the
11 record with these, but if I do I'll make a copy of this for
12 Mr. Bridgman.

13 MR. REDDING: Redding.

14 THE COURT: What is it?

15 MR. TRUSLOW: What this is, Your Honor, is a timeline
16 consisting of about six (6) pages of -- well, one (1), two
17 (2), three (3), four (4), five (5), six (6), seven (7),
18 eight (8), nine (9), ten (10) -- ten (10) pages of
19 summaries of what Ms. Ballard requested. And here are the
20 backup documentation --

21 THE COURT: For what?

22 MR. TRUSLOW: Where when she's asking about -- for
23 example, (as read), "Where are the watch, rifles, or the
24 silver dollars?"

25 THE COURT: All right. For the watch, rifle, and the

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1 -- and the money --

2 MR. TRUSLOW: Yeah.

3 THE COURT: -- and the coins?

4 MR. TRUSLOW: And there are -- and here they are. And
5 this is probably fifty (50), sixty (60) times that Ms. --

6 THE COURT: And that's a timeline being offered as a
7 summary under the rules of evidence.

8 MR. REDDING: Your Honor, may I be heard?

9 THE COURT: Yes, sir.

10 MR. REDDING: Number one, I've never seen it before.
11 Number two, it's not in our identification documents that
12 they want to use it as an exhibit. Number three, it goes
13 back in time to before the *subpoena*. So I mean, it's --
14 it's relevance to this matter is just barely hanging on.
15 But if you wanted to use it as an exhibit you need to
16 provide it to me so that I would have it. It'd be good to
17 analyze it and figure out how to cross-examination --
18 cross-examine Ms. Ballard about it. He hadn't even given
19 it to -- a copy of -- of it to me now. So I would say for
20 all those reasons it shouldn't come into evidence or even -
21 - he could ask Ms. Ballard, (as stated), "Does it exist?"
22 But other than that, it shouldn't be used as evidence
23 substantively.

24 MR. TRUSLOW: If he wants to do it that way, I was
25 trying to shortcut this, but --

1 THE COURT: Well, hang on.

2 MR. TRUSLOW: -- I'm going to --

3 THE COURT: Hang on. Let me -- I'm looking at Rule
4 1006. (Views document.) Rule 1006 South Carolina Rules of
5 Evidence, (as read), "The contents of voluminous writings,
6 recordings, or photographs" -- so writing, it would fall
7 under writings -- "which cannot conveniently be examined in
8 court may be presented in the form of a chart, summary, or
9 calculation, provided that the underlying data are
10 admissible into evidence."

11 And the data would be the communications between the
12 lawyers concerning the very issues that's involved in this
13 case, correct, Mr. Truslow?

14 MR. TRUSLOW: Yes, sir.

15 THE COURT: All right.

16 MR. TRUSLOW: And these are their -- their emails back
17 and forth.

18 THE COURT: (As read), "The originals, or duplicates,
19 shall be made available for examination or copying, or
20 both, by other parties at reasonable time and place. The
21 court may order that they be produced at court."

22 All right. So considering that rule, I'm respectfully
23 overrule -- overrule the -- overrule your objection, allow
24 the summary to come in to move this along. I'm going to
25 order Mr. Truslow then, of course, under -- pursuant to

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1 Rule 1006 to make a copy of the data, which is then
2 compiled (as stated) into the summary, which you intend
3 to offer through this witness.

4 WITNESS DESA BALLARD: Your Honor, I have an extra
5 copy. If I could get off the --

6 THE COURT: You can step down, and go grab it, and
7 hand it to Mr. Redding and Mr. Pellington.

8 WITNESS DESA BALLARD: (Complies.)
9

10 (OFF THE RECORD DISCUSSION)
11

12 MR. REDDING: Your Honor, I still don't have a copy of
13 the summary itself. Pretty hard for me to deal with it --
14 a document going into evidence that I don't -- I don't have
15 in front of me.

16 THE COURT: Yes, sir. Understood. I'm going by the
17 rules. I've made my decision. You're protected in the
18 record.

19 MR. TRUSLOW: Thank you, Your Honor.

20 THE COURT: Thank you.

21 MR. REDDING: May I stand next to Mr. Truslow as he --
22 I'm not -- I don't have the document itself, so I don't
23 know what he's looking at or no way to know.

24 THE COURT: All right. Well, Mr. -- Mr. Truslow, when
25 you ask a question refer to -- all right. You're not going

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1 to have --

2 MR. REDDING: I'll withdraw --

3 THE COURT: You're not going to go down each --

4 MR. TRUSLOW: I can't hear both of you.

5 MR. REDDING: -- my objection. He -- I withdraw my
6 objection. He put it on the back of the document. I
7 didn't know that.

8 THE COURT: Okay. You got it. Okay. He's got it.
9 All right. Nevermind. Go ahead.

10 MR. TRUSLOW: I can -- okay. Your Honor, I would just
11 for housekeeping purposes, I -- I've got some highlights on
12 -- on this that I thought would help, but I can redact that
13 if -- if needed.

14 THE COURT: Well, just -- what are you -- you're just
15 offering the --

16 MR. TRUSLOW: We're offering this in.

17 THE COURT: -- summaries, correct? And I've already
18 ruled on that, so hand it to my court reporter.

19 MR. TRUSLOW: All right. (Complies.)

20 THE COURT: And have her mark it. It's admitted as
21 Pet 2, Petitioner's 2, dated 8/5/19, which I don't know
22 what it is next in order, but the record will be clear.

23 (WHEREUPON, Timeline Regarding Rule to Show Cause
24 was introduced and received into evidence as Petitioner's
25 Exhibit Number 2.)

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1 THE COURT: All right. Hand that to me, please.

2 MR. TRUSLOW: (Complies.)

3 THE COURT: All right. That's in evidence. Now, that
4 it's in evidence do we need to go over all this? I can
5 read.

6 MR. TRUSLOW: Your Honor, would this be a good time to
7 take a break now?

8 THE COURT: Yeah. We can take a break.

9 MR. TRUSLOW: All right. Thank you.

10 THE COURT: All right. Let's take a break. All
11 right. Thank you. You can step down.

12 WITNESS DESA BALLARD: (Complies.)

13

14 (OFF THE RECORD FROM 10:41 A.M. TO 10:56 A.M.)

15

16 THE COURT: Okay.

17 MR. TRUSLOW: Thank you for accommodating me --

18 THE COURT: Yes, sir.

19 MR. TRUSLOW: -- it's partly because I'm a little
20 older.

21

22 MR. TRUSLOW (resuming):

23 Q Ms. Ballard, we -- before I start talking to you about
24 the Rolex's and -- when you started you were looking
25 for one (1) Rolex watch?

1 A That's what I understood is that Pop had a Rolex in
2 his trust agreement from 2003, it talked about his
3 gold Rolex.

4 Q And based -- based on Exhibit 1 from today, you now
5 know that there are three (3) Rolex's and a fake?

6 A I do.

7 Q And you base that on the testimony the Court has right
8 there (indicating) --

9 A Based on --

10 Q -- Exhibit --

11 A -- George's testimony about multiple Rolex watches,
12 yes.

13 Q Okay. All right. When you were looking for --
14 originally for Pop's original Rolex watch, tell the
15 Court what you did as far as your investigation was
16 concerned, what you -- and what photographs you looked
17 at, for example.

18 A Initially, I just asked Mr. Bridgman for it. And I
19 didn't know anything other than it was a gold
20 presidential Rolex. I didn't know -- I think the band
21 was what was presidential. I'm not -- I don't know,
22 but I -- I never saw it. I could never get it. I
23 went back and forth, and back and forth with him until
24 he stopped talking to me.

25 Q All right. And you filed a motion to compel in

1 Probate Court and then the case got removed to State
2 Court and then to Federal Court, correct?

3 A Judge Gibbons consolidated all the civil cases with
4 the Probate Court case and then Mr. Bridgman removed -
5 - on Diane's behalf, removed to Federal Court. And we
6 tried part of the case in Federal Court.

7 Q So your original motion to compel discovery didn't get
8 heard because it got moved to Federal Court; is that
9 correct?

10 A I believe my motion to compel with *subpoena* was after
11 we came back from Federal Court.

12 Q I'm talking about the first one in 2014.

13 A Oh, no. That would have been before we went to
14 Federal Court.

15 Q All right. And the -- just so the record will be
16 clear, the Federal Court didn't deal with the -- with
17 the watch, or watches, coins, money, or guns?

18 A Correct. The only part of the estate that the Federal
19 Court dealt with was the promissory note that was due
20 to the estate.

21 Q So after -- and the Court of Appeals has ruled now and
22 then you came back to get resolved that -- items of
23 personalty?

24 A Yes -- or to try to.

25 Q And were they willing to produce the items then?

1 A No. No.

2 Q I think --

3 A The first time we saw the Rolex was when Mr.
4 Pellington pulled it out of his pocket at the second
5 hearing we had November 2017.

6 Q I think the -- it'll be -- it's in the record all --
7 already before the Court, but would George respond to
8 his *subpoena*?

9 A No.

10 Q It's -- there's already been ample testimony about
11 George writing, saying, (as stated), "This is your
12 stupid need to know about Rolex's," and -- and such.
13 Did you consider it to be a stupid need to know? And
14 why not?

15 A It was my job. I -- I agreed -- for two (2) young
16 lawyers who were having trouble with a difficult case,
17 they called a more senior lawyer and asked for her
18 help. And she, foolishly, said, (as stated), "Yes."

19 Q That's you?

20 A That's me. And the Probate Court appointed me
21 personal representative of the estate. And I had
22 statutory duties and I was trying to carry them out.
23 I still am.

24 Q And I think it'll be for a later time, but did you
25 incur expenses and legal fees pursuing this?

1 A Yes. I have a separate file on my computer that keeps
2 all my time for all the various Combis cases. And
3 it's --

4 Q And are you going to ask at the conclusion of this
5 that the Court award your legal fees?

6 A I am.

7 Q And your costs?

8 A Yes. Pursuant to the statute that allows --

9 Q Okay.

10 A -- it at Probate Court.

11 Q In the record there is -- that the Court has there's
12 reference to seventy thousand dollars (\$70,000.00) in
13 cash, that George and his father had two hundred
14 thousand (200,000), twenty thousand (20,000). Do you
15 know where that money is?

16

17 MR. REDDING: Objection.

18 THE COURT: Was that an objection?

19 MR. REDDING: Yes, sir.

20 THE COURT: Okay. How is that relevant, Mr. Truslow?

21 MR. TRUSLOW: Your Honor, one of the things that we're
22 trying to do is wrap up this -- this case and find out what
23 -- what money, coins, that sort of thing there -- there is.
24 They said that they had -- the testimony is that they had
25 the -- had left these things in Diane's safe, but they

1 wouldn't produce the contents of the safe. Ultimately,
2 they gave us some pennies and a couple silver dollars, but
3 there -- there's ample evidence that there was seventy
4 thousand dollars (\$70,000.00), two hundred thousand
5 (200,000), twenty thousand dollars (\$20,000.00) that we
6 don't know where it -- where it went.

7 And -- and I think maybe -- maybe your -- your concern
8 is -- it resonates with me that maybe we ought to just deal
9 with this and I ought to move on, is that --

10 THE COURT: Yes, sir.

11 MR. TRUSLOW: -- what I'm hearing?

12 THE COURT: Thank you.

13 MR. TRUSLOW: All right.

14 THE COURT: Objection sustained.

15 MR. TRUSLOW: All right.

16
17 MR. TRUSLOW (resuming):

18 Q Are you trying to finish this case going back from
19 2009, 2012, and then from your involvement beginning
20 in 2013? You want to get this thing over with?

21 A I would love to get this thing over with.

22 Q You don't want to burden the courts with this?

23 A I did what the Court told me to do. I had this Rolex
24 appraised after we recessed in 2017.

25 Q All right. You -- you mentioned -- and I'm just

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1 trying to set this -- the tone before I show you
2 photographs. Mr. -- you -- you got a fake Rolex. Had
3 you already had --

4 A In that box (indicating), yes.

5 Q I couldn't hear you.

6 A In -- that's the box that was delivered to my office
7 (indicating), the one that's sitting --

8 Q From Mr. Pellington's office --

9 A Yes.

10 Q -- after not wanting to -- wanting to photograph the
11 things is what he wanted to do?

12 A Correct.

13 Q They -- they were produced, but when you got that did
14 you already have or did you get photographs that
15 showed Pop with an actual -- what appeared to be an
16 actual Rolex watch?

17 A I have many pictures of Pop wearing Rolex watches.
18 The earliest --

19 Q You have some of them --

20 A -- that I have is some photographs where he -- he
21 dated it June 3, 1987 -- this is his handwriting --
22 where it was a -- it looks it was a reunion of his
23 infantry division, airborne division -- infantry
24 airborne division from World War II. And he's -- it's
25 prominent in the photographs that he's wearing a gold

1 Rolex.

2 Q Is that consistent with the watch that, ultimately,
3 Mr. Pellington produced to you?

4 A No. Mr. Pellington gave me a fake Rolex.

5 Q All right.

6 A And then he gave me a real one.

7 Q All right. That's what I'm going to ask you about
8 next. On -- in -- on November the 14th did Mr.
9 Pellington produce a watch that you have in your hand
10 (indicating)?

11 A It was the second day of the hearing, so it was
12 November --

13 Q We had to start on the 13th, but we had to put it off
14 until the 14th.

15 A It's probably the 16th then is when --

16 Q And then --

17 A -- Mr. Pellington --

18 Q -- the 17th.

19 A -- pulled this (indicating) out of his jacket pocket
20 and held it up. And that's the first time I'd ever
21 seen it.

22 Q Well, did he tell you where he got it?

23 A He would not.

24 Q Did he tell you the circumstances under which he got
25 it?

1 A He would not and has not.

2 Q Has it been conceded that is a Rolex watch?

3 A Yes. This is a Rolex watch.

4 Q But is that consistent with Pop's original Rolex, the
5 one that's shown in the photographs?

6 A No. This is a different Rolex than the one in the
7 photographs, but -- but now I know from George's
8 testimony that Pop had multiple gold Rolex's. And,
9 according to George's testimony, Pop bought more
10 Rolex's later in life. This 1987 Rolex, I don't know
11 where this one is. This one (indicating) I had
12 appraised after the judge asked me to have it
13 appraised. I had it appraised and -- and it was
14 appraised by Sylvan's at five thousand two hundred
15 dollars (\$5,200.00).

16 Q That's in its condition where it's been scratched on
17 with --

18 A Right.

19 Q -- it looks like -- I'm not going to use the word
20 engrave. It looks like somebody got a nail and
21 scratched into the -- to the band?

22 A And I sent it back over there because they didn't give
23 me everything I wanted. My question was, (as stated),
24 "How many times has this Rolex watch been opened? How
25 many times has this Rolex watch been worked on?"

1 Because I mean, the band is so small it wouldn't even
2 fit me. And -- and so I got a second report from
3 Sylvan's from a -- let's see. I wonder who served --
4 he is a CW21 certified watchmaker Rolex level 30
5 watchmaker who went into the watch and gave me the
6 history of the watch because I wanted to know how many
7 times it had been worked on --

8
9 MR. REDDING: Your Honor, I --

10 WITNESS DESA BALLARD: -- and all of that.

11 MR. REDDING: -- I got to object to that. That's
12 hearsay expert testimony.

13 THE COURT: That -- you are correct. That is hearsay.
14 Objection sustained.

15 MR. TRUSLOW: Your Honor, I was using this to -- not
16 for the truth of the matter asserted, but to show what she
17 did as a result.

18 THE COURT: All right. But she's already testified
19 that the value of the watch is fifty two hundred dollars
20 (\$5200.00).

21 MR. TRUSLOW: All right.

22 WITNESS DESA BALLARD: Correct.

23 THE COURT: All right. Move on.

24
25 MR. TRUSLOW (resuming):

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1 Q All right. What did you do next and why? And I'm
2 going to focus on values.

3 A Well, I sent it back because I -- I didn't get
4 everything I wanted in the first appraisal and that --
5 so then I got everything I wanted in the appraisal.
6 And I've had it in my possession ever since.

7 Q Okay. And now, that's in the -- the appraisal that
8 you got is with it being -- being scratched, the name
9 in there?

10 A Yes.

11 Q Do you know who scratched that name in or when it was
12 scratched in there?

13 A Only thing I know is from Diane's testimony. She
14 testified that she saw Pop scratching it in.

15 Q Do you -- do you know why any of the -- did Mr.
16 Pellington ever explain to you how he had provided you
17 a fake Rolex, but he had had -- and according to
18 George -- had had this original for at least a year?

19

20 MR. REDDING: Objection.

21 THE COURT: Sustained.

22

23 MR. TRUSLOW (resuming):

24 Q Okay. What did Mr. Pellington tell you about the
25 Rolex watch that you have in your hand?

1 A Nothing.

2 Q Were you able to determine where he had gotten it?

3 A Yes.

4 Q And what was that?

5 A George testified that he gave it to Mr. Pellington in
6 2016.

7 Q All right.

8 A That was in one of George's depositions.

9 Q Did Mr. Pellington never explain to you why he had not
10 disclosed that he had the Rolex, the real -- a real
11 Rolex?

12 A No.

13 Q How about the other two (2) real Rolex's?

14 A One of the other two (2) real Rolex's that was Pop's,
15 we now know, George wore to his deposition in
16 September 2017. And we asked if I could see it, and I
17 looked at it, and it was a real Rolex. He later
18 testified that -- well, he put it back on, but in his
19 testimony he said this was a watch that he had given
20 to Pop and Pop gave it back to him.

21 Q For what purpose?

22 A He said that Pop wanted to wear the -- the watch that
23 George was then wearing in September, he wanted to
24 wear it to impress somebody.

25 Q All right.

1 A So he wore it and gave it back to George and --

2 Q For what --

3 A -- George was now wearing it.

4 Q For -- to give to little -- I mean, I call him -- to
5 little Chris -- or Chris?

6 A Chris. For safekeeping, and he hoped it would,
7 eventually -- Pop hoped it would, eventually, be given
8 to little Chris.

9 Q And it's in the record, but he gave it to -- to Chris
10 in 2011 and he died --

11

12 MR. REDDING: Objection. Your Honor, may I be heard?

13 MR. TRUSLOW: It's in the record, Your Honor.

14 THE COURT: All right. Objection overruled.

15 WITNESS DESA BALLARD: Pop died in 2009. The
16 testimony in the record is that George gave this watch to
17 Chris in 2011.

18 MR. TRUSLOW: All right.

19 WITNESS DESA BALLARD: The other testimony that's in
20 the record is that Chris had -- Chris the son had all this
21 work done on it to make it a tiny, little, mini watch.

22

23 MR. TRUSLOW (resuming):

24 Q And gave it back to George?

25 A And gave it back to George --

1 Q And then --

2 A -- who gave it to Mr. Pellington.

3 Q And then after the first deposition on September -- I
4 think it was the 13th of '17, and then we resumed in
5 October because he hadn't brought documents -- did he
6 have the watch then? And what did he say he'd done
7 with it?

8 A He did not wear the watch when we reconvened the
9 deposition. And he testified that he had made a gift
10 of the watch to his grandson -- I don't remember his
11 name -- a seventeen (17) year old grandson.

12 Q Carter?

13 A Carter. And -- and the reason that concerned me is,
14 of course, there was a stay in effect that he couldn't
15 dispose of any assets.

16 Q So there was a federal stay preventing him from
17 transferring assets, but he took this watch that he'd
18 acknowledged was Pop's given to Chris, Chris gave it
19 back to him, he was wearing it, and then gave it to
20 his grandson, and there was a stay in place?

21 A It was not a federal stay, it was a State Court stay
22 issued by the Superior Court of North Carolina.

23 Q Okay.

24 A Anything over five thousand dollars (\$5,000.00) he was
25 not allowed to dispose of and -- when he gave the

1 grandson the watch that used to belong to Pop.

2 Q Based on your investigation, did that watch have a
3 value greater than five thousand dollars (\$5,000.00)?

4 A Approximately twenty five (25) to thirty thousand
5 dollars (\$30,000.00), yes. I -- I looked at it pretty
6 closely.

7 Q But it's now -- they haven't produced it now?

8 A Well, they claim they don't have it anymore.

9 Q Because he gave it to his grandson?

10 A Correct.

11 Q A thirty thousand dollar (\$30,000) watch?

12 A Correct.

13 Q All right.

14

15 MR. REDDING: Your Honor, I'm going to object and move
16 to strike all her expert testimony about the values of the
17 watches.

18 THE COURT: Yes, sir. Noted.

19

20 MR. TRUSLOW (resuming):

21 Q All right. The --

22

23 THE COURT: Well, let -- let me follow up on it. How
24 -- how did you come up with the value of twenty five (25)
25 to thirty thousand dollars (\$30,000.00), Ms. Ballard?

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1 WITNESS DESA BALLARD: From the documentation I
2 obtained from Sylvan's. I have a --

3 THE COURT: Okay.

4 WITNESS DESA BALLARD: -- a purchase order. They
5 offered to replace it for me for thirty one thousand three
6 hundred and fifty dollars (\$31,350.00).

7 THE COURT: Okay.

8
9 MR. TRUSLOW (resuming):

10 Q All right. We've talked about --

11
12 MR. REDDING: Are you overruling my objection, Your
13 Honor?

14 THE COURT: Huh?

15 MR. REDDING: Is that over -- overruled?

16 THE COURT: No, sir. I sustained your objection --

17 MR. REDDING: Okay. I'm sorry. I --

18 THE COURT: -- earlier about the --

19 MR. REDDING: -- didn't hear say it.

20 THE COURT: -- about the hearsay concerning what
21 Sylvan had done to the -- the smaller watch that was in her
22 possession. This is a different watch, as I understood the
23 testimony.

24 Why don't you clean that up for me, Mr. Truslow?

25
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1 MR. TRUSLOW (resuming):

2 Q All right. We need to clean that up, if you can.
3 What did you do? We talked about -- we talked about
4 one (1) watch that Pop had had from years ago and you
5 had the photographs. And then we talked about the
6 watch that George had given to Pop and then he asked
7 him after he died to give it to his -- to his
8 grandson, which he gave in 2011.

9 A Yes.

10 Q And then did -- and it's in the record, but did George
11 say that his father had bought another watch, a third
12 watch, in approximately 2005?

13 A George testified to that, yes.

14 Q Yes. Okay. What did you do at that point in time to
15 -- to try to determine values?

16 A Well, after I -- I got the value of fifty two hundred
17 dollars (\$5200.00) I asked Sylvan's, you know, what
18 would it cost me to replace this watch new. And that
19 --

20
21 MR. REDDING: And that's my objection, Your Honor.

22 THE COURT: Okay. Understood.

23
24 MR. TRUSLOW (resuming):

25 Q What --

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1 THE COURT: And then I'm -- I'm -- let me rule on the
2 objection after I hear her testimony.

3 WITNESS DESA BALLARD: And that's when I got the
4 purchase order that they could get me a reasonably similar
5 watch, in better condition obviously, for thirty one
6 thousand three hundred and fifty dollars (\$31,350.00).

7 THE COURT: All right. So that's where the value --
8 let me interject. So that's where the value came, which
9 supports your testimony of twenty five (25) to thirty
10 thousand dollars (\$30,000.00)?

11 WITNESS DESA BALLARD: Twenty five (25) to thirty
12 (30). Yes, sir.

13 THE COURT: All right. Objection sustained.

14 MR. TRUSLOW: I was going to move on in -- in that
15 regard.

16
17 MR. TRUSLOW (resuming):

18 Q Did you -- in addition, did you try to look on --
19 online and -- and marketing materials to try to find
20 out what comparable watches sold for?

21 A Yes.

22 Q And was that consistent with thirty (30) -- the thirty
23 thousand dollar (\$30,000) figure?

24
25 MR. REDDING: All right. Objection.

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1 THE COURT: Sustained.

2

3 MR. TRUSLOW (resuming):

4 Q All right. The -- regarding the -- okay.

5

6 THE COURT: I sustained the objection.

7 MR. TRUSLOW: I understand.

8 THE COURT: Move on.

9 MR. TRUSLOW: I understand.

10

11 MR. TRUSLOW (resuming):

12 Q On the gun, we've already talked about what value the
13 one (1) gun had, but was that consistent with -- was a
14 twenty five (25) automatic consistent with the
15 descriptions you had been given?

16

17 THE COURT: Remind me, please, Mr. Truslow. We --
18 have we moved on from the watch now?

19 MR. TRUSLOW: Yes, sir.

20 THE COURT: All right. And remind me about the value
21 of the gun that --

22 MR. TRUSLOW: The --

23 THE COURT: -- came out in previous testimony?

24 MR. TRUSLOW: We -- it was a -- I call it a Saturday
25 night special, worth less than a hundred dollars (\$100.00).

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1 It was --

2 THE COURT: Yes, sir.

3 MR. TRUSLOW: -- it was a -- it was a Bauer twenty
4 five (25) automatic.

5 THE COURT: Correct. I remember that now.

6 MR. TRUSLOW: We had --

7 WITNESS DESA BALLARD: It's in the box.

8 MR. TRUSLOW: -- Phil Watkins -- Phil Watkins who's
9 president of the --

10 THE COURT: Yes, sir.

11 MR. TRUSLOW: -- Arms Collectors, retired SLED agent,
12 and -- and Carl, you know, in -- active in the gun
13 business.

14 THE COURT: I remember that now. Yes, sir.

15

16 MR. TRUSLOW (resuming):

17 Q So was this -- was this -- would you have been
18 fighting over a gun worth -- one (1) gun worth less
19 than a hundred dollars (\$100.00)?

20 A I have better things to do with my time. No, I would
21 not have been fighting over this.

22 Q And was this gun that is produced, is it consistent
23 with the descriptions you had been given regarding
24 guns that were acknowledged to get -- be in existence?

25 A No. The -- the gun that was produced to me did not

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1 match the description of the one (1) gun that had been
2 described to me by numerous people with the silver
3 handle.

4 Q It's in the record, but Mr. Pellington, agent for
5 George and Diane, said there were two (2) guns and
6 they were in Diane's safe. They've only produced one
7 (1).

8 A Mr. Bridgman said that, not Mr. Pellington.

9 Q Yes. George said in the transcript that the gun was
10 in -- the guns were in Diane's safe and nobody had
11 been in there. Was anybody able to explain to you,
12 since Diane was the one with exclusive possession of
13 the safe, how the other gun got missing?

14 A I have no idea how it got missing. Nobody offered to
15 explain that to me.

16 Q Without seeing it, are you able to put a value on it?

17 A Of course not.

18 Q Okay. Was it described that there had been a -- I'm
19 going to call it a -- in my lingo, a forty five (45)
20 nineteen eleven (1911) from World War II that Pop had
21 had and had had it intricately engraved?

22 A I don't know where it originated, but Pop had a gun
23 that had silver handles on it that had been heavily
24 engraved. And it was very shiny and very pretty, it
25 was like a piece of jewelry. I've never seen that --

1 that gun.

2 Q Without seeing it, are you able to even put a value on
3 it?

4 A No.

5 Q Okay. The twenty two (22) that was engraved. Where
6 is it?

7 A Don't know.

8 Q Coins -- and I -- I think we've -- I know it's in the
9 record about -- it was a lot of money that Pop and
10 George were dealing in cash, as much as two hundred
11 thousand dollars (\$200,000.00) at a time, twenty
12 thousand dollars (\$20,000.00) in his desk. How --
13 about much did you actually get in coins and silver?
14 Whatever is in the -- in here (indicating)?

15 A Whatever is in the box.

16 Q So --

17 A I wouldn't give you twenty five dollars (\$25.00) for
18 it.

19 Q Some pennies?

20 A Some -- I think there's some pennies. There's some
21 commemorative -- I don't know.

22 Q All right.

23 A I'd have to look in the box, but --

24 Q Let me go with this. There was a -- were you looking
25 specifically for Carson City --

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1 A Silver dollars.

2 Q -- dollars?

3 A And the -- the blue books. Pop -- because it was
4 described to me, Pop had the -- the three (3) way blue
5 velvet containers that you press the coins into. He
6 had a shoebox full of those.

7 Q And all you got, which is what's in the -- in the box
8 here (indicating); is that correct? And I'm looking
9 at the box. I don't think it -- I don't know whether
10 it has a number on it, but we're --

11 A It was introduced into --

12 Q -- going to introduce --

13 A -- evidence.

14 Q -- it into evidence --

15 A Yeah.

16 Q -- if we need, with leave to --

17

18 THE COURT: All right. Has that box with items inside
19 been offered into evidence?

20 MR. TRUSLOW: That's what we're doing at this --

21 THE COURT: Why don't we do -- yeah. Go ahead and do
22 that at this time because I remember her talking about it
23 last time. Any objection to the box coming in with --
24 y'all look at it.

25 MR. REDDING: (Complies.)

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1 MR. TRUSLOW: (Complies.)

2 MR. REDDING: No objection.

3 THE COURT: All right. Thank you. That -- the box
4 then will be admitted as Petitioner's 3, 8/5/19, and
5 contents.

6 (WHEREUPON, Box and Contents was introduced and
7 received into evidence as Petitioner's Exhibit Number 3.)

8 WITNESS DESA BALLARD: Your Honor, when we left here
9 in 2017 you told me to keep the watch, but I believe Mr.
10 Pellington has had the box.

11 MR. TRUSLOW: The fake Rolex --

12 THE COURT: Right.

13 MR. TRUSLOW: -- it wasn't in the box.

14 WITNESS DESA BALLARD: The fake Rolex all that time.

15 MR. TRUSLOW: Do you have the original before you and
16 I -- I would -- I'm trying to think this out, whether we
17 ought to offer this into evidence. I think we should with
18 leave to get it back with an appropriate order so we --

19 THE COURT: Are you talking about that Rolex there?

20 MR. TRUSLOW: Yes, sir. I'm not sure how we --

21 THE COURT: I --

22 MR. TRUSLOW: -- deal with that.

23 THE COURT: -- I don't want to have custody of that.

24 I mean, I --

25 MR. TRUSLOW: I have a suggestion.

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1 THE COURT: We have -- we have a photograph of it.

2 WITNESS DESA BALLARD: I do have a photograph of it.
3 I'm looking for it.

4 MR. TRUSLOW: All right. Yes, sir. And also, just so
5 the -- so the record would be clear, if we may, we've got
6 the fake Rolex watch in here (indicating) --

7 WITNESS DESA BALLARD: Your Honor, I do have this
8 picture --

9 MR. TRUSLOW: -- and we have an original. And I think
10 the Court can -- can -- if the Court could -- if we can
11 show -- take the watch out.

12 THE COURT: Hang on. Show the photograph -- Ms.
13 Ballard, Mr. Truslow, show that to Mr. Redding and see if
14 he has any objection to that photograph being -- coming
15 into evidence rather than the actual watch. And --

16 MR. TRUSLOW: Okay. (Complies.)

17 THE COURT: -- you're the -- you're the -- you'll
18 still retain control of that watch as --

19 WITNESS DESA BALLARD: Yes, sir.

20 THE COURT: -- as the PR.

21 WITNESS DESA BALLARD: My fingers keep slipping.

22 MR. TRUSLOW: I was going to -- in a minute --

23 THE COURT: Hang on. I'll do that.

24 MR. REDDING: No objection.

25 THE COURT: All right. Thank you. Without objection.

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1 Then that photo is going to come in as Petitioner's 4,
2 which would be the watch. And as the trier of fact, Mr.
3 Truslow has requested that I hold up the scales of justice
4 to determine which ones weigh -- which one weighs more.
5 Any objection to that?

6 MR. REDDING: No objection.

7 THE COURT: Okay. All right. All right. And I'm
8 holding in my hand two (2) watches. And it's clear that
9 the left one, which is the gold one, which has been
10 identified as a real Rolex by Ms. Ballard, weighs
11 significantly more than the one in my right hand. Okay.
12 So I'll hand that back. Put the one in my right hand back
13 into the box there (indicating) and that'll remain with the
14 Clerk of Court's Office. That -- that (indicating) will
15 remain with you, Ms. Ballard, until further ordered. And
16 the picture will come in as evidence.

17 WITNESS DESA BALLARD: Thank you, Your Honor.

18 THE COURT: All right.

19 (WHEREUPON, Photographs of Watch were introduced
20 and received into evidence as Plaintiff's Exhibit Number
21 4.)

22 THE COURT: Thank you, Madam Court Reporter.

23
24 MR. TRUSLOW (resuming):

25 Q As -- to wrap up, as you're trying to get these items,

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1 two (2) guns that they said that they had kept
2 exclusively in Diane's safe, money, coins, and -- and
3 what you thought was one (1) Rolex watch, now three
4 (3) Rolex watches that belonged to Pop, and the fake,
5 did you ever get a response other than, (as stated),
6 "This is your stupid need to know. Stop wasting my
7 time," from George?

8 A Nothing worthwhile, no.

9 Q All right. I think that's all, Ms. Ballard. Have I
10 left anything out?

11 A I'm the witness.

12
13 THE COURT: All right.

14 MR. TRUSLOW: All right. Thank you.

15 THE COURT: Thank you. Who's going to be conducting
16 cross?

17 MR. REDDING: I will, Your Honor.

18 THE COURT: All right. Mr. Redding?

19 MR. REDDING: May I approach, Your Honor?

20 THE COURT: Yes, sir.

21 MR. REDDING: I'm going to approach the witness what -
22 - with what, I believe, was previously entered as
23 Respondent's Exhibit Number 7 --

24 THE COURT: Okay.

25 MR. REDDING: -- is that right, Mr. Pellington?

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1 (OFF THE RECORD DISCUSSION)

2
3 (WITNESS DESA BALLARD-CROSS BY MR. REDDING)

4
5 CROSS-EXAMINATION

6 Q Ms. Ballard, I understand that to be your inventory as
7 personal representative, right?

8 A This was the initial inventory that I filed in Probate
9 Court. I think I have since filed an amended one.

10 Q That was October of 2013?

11 A Correct.

12 Q And before you filed that you took some efforts to
13 discover what might be part of the estate, right?

14 A Significant efforts, yes.

15 Q Yeah. Significant. I'm sure you did.

16 A Yeah. I --

17 Q And I'm not questioning your efforts at all.

18 A I got the real stock certificates. I got the real
19 stock ledger book. I got all of that stuff.

20 Q Now, we've tried this case in Federal Court, so I
21 heard your testimony. And I know you tried really
22 hard to do it, not questioning that at all. One of
23 the things you did, I understand, was to talk to Linda
24 Combis. And she's sitting in the courtroom, right?

25 A Yes.

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1 Q You talked to her about what Pop might have had when
2 he died?

3 A The same thing I did -- yes. I asked Charlie what
4 they had in their -- what his clients had in their
5 possession that Pop had.

6 Q Now, my question is about Linda for a minute --

7 A Okay.

8 Q -- and we'll get to other folks. But when you talked
9 to Linda about it, Linda told you what she remembered
10 that Pop owned, right?

11 A Yes.

12 Q And Linda would have been a good witness for that
13 because Pop lived with her when he died, didn't he?

14 A He did.

15 Q All right. So you would think that a lot of his
16 possessions were at Linda's house when Pop died,
17 that'd be a reasonable conclusion, wouldn't it?

18 A Some of them were. Some of them were at George and
19 Diane's house.

20 Q In addition to speaking to Linda, did you speak to
21 Mary Combis?

22 A Yes.

23 Q And she provided you some information?

24 A Not really, no. She didn't know much about that.

25 Q It was mostly Linda?

1 A No. I talked to a lot of different people.

2 Q I mean, between Linda and Mary.

3 A Oh, as between Linda and Mary? I got more information
4 from Linda, yes.

5 Q All right. You also talked to Mr. and Mrs. Combis,
6 that's true?

7 A I did.

8 Q And you've testified at length about talking to
9 Charlie Bridgman?

10 A Yes.

11 Q All right. And he was the lawyer who represented the
12 Combis family at the time, if I recall?

13 A He and -- well, Jeff Long got involved later. But at
14 -- initially it was just Charlie Bridgman representing
15 the --

16 Q Sure.

17 A -- three (3) of them.

18 Q Before me?

19 A Before you, yes.

20 Q All right. Now, had you done everything within your
21 reasonable abilities to do to ascertain what was in
22 the estate for Pop prior to completing your inventory
23 that we've marked as Respondent's Exhibit Number 7?
24 Had you done everything?

25 A Everything I could think of to do.

1 Q Okay. You'd done your -- your level best, right?

2 A Yeah. Certainly.

3 Q Okay. Now, I'm just going to ask you to take a look
4 at one (1) page of this.

5 A Okay.

6 Q Do you mind?

7 A No.

8 Q All right. And I'm turning to a page that lists
9 certain items, it's showing as page four (4) of six
10 (6) at the bottom right-hand corner.

11 A Okay.

12 Q And there's a list -- there's like, kind of, an
13 inventory at the top. Do you see that?

14 A (Views document.) Yes.

15 Q And the items we're talking about here in this hearing
16 are at the bottom of that inventory, aren't there?

17 A Yes.

18 Q And the first one says just Rolex, right?

19 A (As read), "Rolex disputed estimated value."

20 Q And estimated value five thousand dollars (\$5,000.00),
21 does it say that?

22 A It does.

23 Q Okay. That was your -- your best understanding of
24 what the Rolex was at that time, right?

25 A That was my best guess.

1 Q Okay. After --

2 A I'd never seen it or seen pictures of it at the time.

3 Q Right. And -- and I understand, ma'am. You -- you
4 are -- you are hearing everything as a third party,
5 right? You didn't know Pop during his life?

6 A No. Of course not.

7 Q Right. Because I heard your testimony that two (2)
8 young lawyers, one being Bridgman, I guess, the other
9 being Nosal; is that right? Mr. Nosal?

10 A I know they were young men, yes.

11 Q Yeah. Right. We all get old, right? They brought
12 you in the case after Pop died, right?

13 A Well after.

14 Q Well after. Okay. So you're relying on other people
15 to describe these items for you, correct?

16 A I'm relying on my investigation, yes.

17 Q Okay. Including speaking to folks like Linda Combis,
18 right?

19 A Yes. Lots of people.

20 Q All right. Now, based on everything you did, and you
21 said you did the best you could, you determined that
22 one (1) of those items was Rolex. And that's all
23 that's written there, right? Just that one word?

24 A (As read), "Rolex disputed estimated value five
25 thousand dollars (\$5,000.00)."

- 1 Q All right. It doesn't indicate what color the Rolex
2 might be, or what make -- or model, rather -- make is
3 Rolex -- what model it might be, serial number,
4 anything like that, right?
- 5 A I didn't have any of that --
- 6 Q Right.
- 7 A -- except it had been described to me as a gold Rolex.
- 8 Q Okay. But --
- 9 A I didn't put gold down.
- 10 Q Okay. You didn't put gold down for some reason?
- 11 A I didn't know anything --
- 12 Q I'm just -- I'm asking.
- 13 A -- about it. I knew nothing about the watch --
- 14 Q Okay.
- 15 A -- except that it was a gold Rolex.
- 16 Q So you did know it was a gold Rolex, but for whatever
17 reason chose not to write that down; fair enough?
- 18 A Fair enough.
- 19 Q Okay. Next item on the list is what? Right
20 underneath Rolex.
- 21 A (As read), "Pistols, awaiting detail."
- 22 Q All right. Now, those are the same pistols that we
23 are in this hearing about now, right?
- 24 A Correct.
- 25 Q Okay. Meaning, you don't know enough about them at

1 the time to provide any more information in your
2 October of 2013 inventory, right?

3 A Nor do I now.

4 Q Nor do you now. You would've relied primarily on --
5 on Linda Combis?

6 A No. I talked to -- Linda didn't know anything about
7 guns.

8 Q Okay.

9 A I talked to a lot of other people about the guns that
10 Pop had, but primarily my information came from Mr.
11 Bridgman.

12 Q Okay. And all these other people -- I'm not inquiring
13 as to who they are or where -- where they were, none
14 of those people, including Mr. Bridgman, has come to
15 this hearing and testified before this Court about the
16 description of these items that they knew about,
17 right?

18 A (No response.)

19 Q Let me ask it another way. You're right. That's -- I
20 see your face. That's kind of a weird question.

21 A That was a weird question.

22 Q Because I read the transcript. I wasn't here. I
23 understand that Linda Combis testified about the guns,
24 for instance, correct?

25 A I remember she testified. I don't recall --

1 Q Okay.

2 A -- what she testified about.

3 Q Mr. Bridgman did not testify?

4 A Not in this proceeding.

5 Q Right. And none of the other people that you relied
6 upon to determine the existence of guns have come to
7 this proceeding and testified, right?

8 A That's correct.

9 Q Okay.

10 A It was my job to determine what the assets were. And
11 it was my job to report to the Probate Court what the
12 assets were.

13 Q All right.

14 A To do that I talked to other people.

15 Q Good. I understand. And the only thing you could
16 write down there -- the only thing you knew was that
17 they were pistols, right?

18 A That's all I knew. That's --

19 Q Okay. And --

20 A -- that's all I still know.

21 Q And you didn't write a price or an estimated value of
22 those, did you?

23 A I put unknown.

24 Q Unknown. All right. Now, the third item, it says,
25 (as read), "Coins?"

1 A (As read), "Silver dollars."

2 Q Silver dollars. Okay. Silver dollars. Was that
3 information that you obtained primarily from Linda
4 Combis that there were silver dollars?

5 A Mary told me about that as well.

6 Q All right.

7 A Yes, Linda and Mary.

8 Q Anyone else?

9 A I don't think so.

10 Q Okay. So you didn't have enough information to put
11 anything else but silver dollars into your appraisal;
12 is that right -- or into your inventory, excuse --

13 A Mr. Bridgman, I think, confirmed the silver dollars.
14 I can't recall for sure.

15 Q All right. And I appreciate you telling me that, but
16 my actual question was you didn't have any other
17 information that would have allowed you to elaborate
18 on a description of those silver dollars; is that
19 correct?

20 A They were described as Carson City silver dollars. I
21 don't know what that meant. I didn't write it down.

22 Q All right. And you didn't -- also didn't put an
23 estimated value?

24 A I had no way to estimate.

25 Q Okay. All right. Can I have that back?

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1 A (Complies.)

2 Q And that was a long time ago, right? 2013, that's six
3 (6) years ago?

4 A Don't I know it.

5 Q All right. Since then we've had some trials, right?

6 A We've actually had one (1) trial.

7 Q Had a trial in Mecklenburg County, if I recall. I
8 didn't represent anybody, but --

9 A That was -- yes. We had a trial in Mecklenburg.

10 Q Had a county in -- had a trial in South Carolina,
11 Federal Court, correct?

12 A I'm sorry, what?

13 Q Had a federal trial in Columbia?

14 A We had a United States District Court trial in South
15 Carolina and a Superior Court trial in North Carolina.

16 Q And you had another trial, didn't you, in Mecklenburg
17 County over Mary Combis' allegation that she owned one
18 percent (1%) of Mr. Combis' business?

19 A I was not involved in that.

20 Q All right.

21 A I remember being called to testify, but I don't know
22 the details of that allegation.

23

24 MR. REDDING: Your Honor, may I approach the witness?

25 THE COURT: Yes, sir.

1 MR. REDDING (resuming):

2 Q I'm going to show you what I've marked as Respondent's
3 Exhibit Number 8.

4
5 THE COURT: Is this from previous -- the previous
6 hearing?

7 MR. REDDING: I'm going to look to Mr. Pellington for
8 help on that.

9 THE COURT: Have they been offered into evidence?

10 MR. PELLINGTON: It's the *subpoena*, Your Honor. We
11 discussed the *subpoena*, but it hasn't actually been entered
12 as an exhibit.

13 THE COURT: Okay. What about the previous original
14 inventory, was that offered at the last hearing?

15 MR. PELLINGTON: That was already offered and entered
16 into evidence as Respondent's --

17 THE COURT: At the last hearing? That's what I
18 thought.

19 MR. PELLINGTON: Yeah.

20 THE COURT: All right. But this one has not been --
21 nothing has been offered yet?

22 MR. PELLINGTON: That's correct.

23 THE COURT: Okay.

24 MR. REDDING: Sorry about that.

25 THE COURT: No, that's fine. You try your case. If

1 you want to lay a foundation to try to offer it you can.
2 I'm --

3 MR. REDDING: Okay.

4
5 MR. REDDING (resuming):

6 Q This is the *subpoena* that you issued to --

7 A Chris.

8 Q -- is it Chris Combis?

9 A Yes.

10 Q All right. Who's seated in the courtroom right there
11 (indicating) in the corner?

12 A I don't know. I've never met him.

13
14 MR. REDDING: Chris, raise your hand.

15 CHRIS COMBIS: (Complies.)

16 MR. REDDING: That's Chris Combis.

17 WITNESS DESA BALLARD: Okay.

18
19 MR. REDDING (resuming):

20 Q Okay. You issued this *subpoena* to Chris Combis
21 seeking a particular item that you believed was in
22 Pop's possession at the time he died, right?

23 A No, it was not in Pop's possession at the time he
24 died. It was in Diane's possession at the time he
25 died.

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1 Q It was in Diane's possession?

2 A Yes.

3 Q Why did you issue -- issue this *subpoena* to Chris?

4 A Because Mr. Bridgman had confirmed to me that Chris
5 had it.

6 Q All right. Now, you describe in the block under, (as
7 read), "You are commanded," as to what you're looking
8 for --

9 A Yes.

10 Q -- and I'm just going to read it to you, if you'll
11 follow along. You are -- you are asking Chris
12 Combis to produce, (as read), "An original" -- or
13 original, you don't know have an article, to be -- to
14 be fair -- "original Rolex watch allegedly gifted to
15 you by the deceased for appraisal?"

16 A Yes.

17 Q That's what you wrote?

18 A Yes.

19 Q Now, if I understood what you just said, you said
20 Diane gave it to Chris.

21 A No.

22 Q I thought you said that. No?

23 A No.

24 Q Okay. So Pop --

25 A You want me to run through it?

1 Q Well, I'm just going to ask you some questions, if
2 could answer those specific questions --

3 A Okay.

4 Q -- I'd appreciate it.

5 A Okay.

6 Q Pop -- is it your testimony that Pop gave the original
7 Rolex watch to Chris?

8 A That Pop gave -- no, he did not.

9 Q And yet you wrote, (as read), "Original Rolex
10 watch allegedly gifted to you by the deceased."

11 A Correct. That's based on what Mr. Bridgman had told
12 me.

13 Q All right. So I guess we're quibbling over the word
14 allegedly; is that right?

15 A I'm sorry, we're --

16 Q How is that --

17 A -- quibbling over the word --

18 Q -- you can --

19 A -- allegedly?

20 Q It seems like I've heard you say three (3) things and
21 it might be my confusion. On the one hand, I thought
22 you said that Diane gave the original Rolex to Chris?
23 On the one hand, I'm -- it's going to be a long-ish
24 (as stated) question. On your other hand, I thought I
25 heard you say that Pop gave the Rolex to Chris?

1 A Pop gave the Rolex to Chris in his 2003 trust
2 agreement to be given to Chris after his death.

3 Q All right.

4 A That did not happen.

5 Q How is it that you contend Chris came into possession
6 of the Rolex watch?

7 A Based on George's testimony, George gave it to him.

8 Q Okay. So George gave the watch to Chris?

9 A Yes.

10 Q Not Diane? Not Pop?

11 A Correct.

12 Q All right. That's how Chris came to have the original
13 Rolex?

14 A Well, I know that now. I didn't know that at the time
15 I issued the *subpoena*.

16 Q All right. At the time you issued the *subpoena* you
17 didn't know?

18 A No. I learned about the alleged gifting and how all
19 that occurred in George's deposition in September of
20 2017. His *subpoena* was issued in April 2017.

21 Q But you must have had enough knowledge in April of
22 2017 when you issued a *subpoena* -- marked as
23 Respondent's Exhibit Number 8 -- you must have had
24 enough information to reasonably believe that the
25 original Rolex watch was in the possession of Chris

1 Combis, right?

2 A Based on what Mr. Bridgman told me, yes.

3 Q Okay. Otherwise you wouldn't have issued the
4 *subpoena*, correct?

5 A Fair. Yeah.

6 Q All right. Now, that's actually more detail in the
7 *subpoena* that you include -- than you included in your
8 inventory, isn't it?

9 A No.

10 Q In your inventory you just said it was a Rolex, right?

11 A Right.

12 Q Here you say, (as read), "Original Rolex?"

13 A Yes.

14 Q All right. That must -- that means that original must
15 have some particular meaning that would assist Chris
16 in determining which Rolex that you're seeking, right?

17 A Well, I wanted a Rolex. I didn't want a fake Rolex.

18 Q Well, you said --

19 A I have never got a Rolex from Chris.

20 Q Sure. Earlier in your testimony when Mr. Truslow was
21 asking you questions you said that there were multiple
22 Rolex's?

23 A According to George, yes.

24 Q All right. And you've testified that you know of the
25 existence of at least three (3), I understand?

1 A Based on George's testimony.

2 Q And in fact --

3 A And I've seen two (2) of them.

4 Q Right. In the courtroom today we have two (2), one is
5 in the box and one you have in your possession, right?

6 A No. The watch in that box (indicating) is not a
7 Rolex.

8 Q All right. Fake Rolex? We have a fake Rolex in the
9 box and Rolex -- a real Rolex in your hand, correct?

10 A The two (2) that I have seen are the one that I have
11 and the one that George had on him in September 2017
12 that he subsequently gave to his grandson -- or
13 testified that he gave to his grandson.

14 Q All right. You say you -- you commanded Chris in your
15 *subpoena* to produce the original Rolex. That is the
16 only description of that watch that you gave him; is
17 that correct?

18 A Yes.

19 Q All right. And you left it for him to determine what
20 that might mean; is that fair to say?

21 A Well, he had counsel. I thought they could figure out
22 that I was looking for the one that Mr. Bridgman told
23 me about.

24 Q It doesn't say that in the *subpoena*, does it? It
25 doesn't say, for instance, (as stated), "Produce the

1 Rolex that Mr. Bridgman described" --

2 A It does not say that.

3 Q It simply says, (as read), "Original Rolex."

4 A Correct.

5 Q All right. Now, let me show you what's marked as
6 Respondent's Exhibit Number 9.

7 A Did you introduce this (indicating)?

8 Q Oh, I may. Thank you for reminding me, though. Do
9 you see Exhibit Number 9, ma'am?

10 A Yes.

11 Q This would be a *subpoena* that you issued on the same
12 day that you issued a *subpoena* to -- to Chris for the
13 watch, right?

14 A I don't know if it was the same day.

15 Q Let me hand you it back. On the right --

16 A Sure.

17 Q -- it looks like you did them at the same time.

18 A Probably. Yeah. (Views document.) The same day,
19 yes.

20 Q The same day. All right. Exhibit Number 9, though,
21 is a -- is a *subpoena* to Diane Combis, right?

22 A Correct. Correct.

23 Q And in this *subpoena* you command Diane to produce.
24 I'm just going to read it to you, in that third box,
25 (as read), "To produce coins allegedly received from

1 the deceased," correct?

2 A Correct.

3 Q And that would be Pop, right?

4 A Yes.

5 Q So you had reason to believe that Pop had given coins
6 to Diane?

7 A No.

8 Q Is it given that's messing you up? How about I just
9 say that she was -- Diane received them from Pop?

10 A Diane received them from Pop, no. She received them
11 from Linda while Pop was in the hospital.

12 Q All right. But you wrote, (as read), "Received from
13 the deceased," right, on this --

14 A Correct.

15 Q And that would have been Pop?

16 A Yes.

17 Q All right. So what you really meant was not coins
18 that Linda or Diane received from the deceased, Pop,
19 but coins that Diane received from Linda? That's what
20 you really meant, right?

21 A They were Pop's coins that I was looking for, yes.

22 Q Right. But in describing them, you describe them as
23 coins that Diane received from Pop, right? That's
24 what it says.

25 A That's what it says.

1 Q But what you really meant was coins that Diane had
2 received from Linda, right?

3 A Based on the way it was explained to me --

4 Q Okay.

5 A -- Linda had them, yes.

6 Q All right. Now, in your earlier testimony you
7 testified about your inventory where you listed the
8 coins, correct?

9 A I listed the silver dollars.

10 Q Right. You called them silver dollars. Here in the
11 *subpoena* you just call them coins?

12 A Correct.

13 Q Is there an intersection between these two (2) sets?
14 Are some of the coins silver dollars?

15 A I don't know. I never got them.

16 Q Okay. So you're not sure?

17 A I don't know.

18 Q All right.

19 A The -- the blue velvet coin holders have never been
20 produced.

21 Q And those blue velvet coin holders, you found out
22 about them from your conversations with Linda Combis,
23 right?

24 A Correct.

25 Q All right. And you found out about them in 2013 or

1 so?

2 A Probably. Yeah.

3 Q Yet you did not write them into your *subpoena* with
4 descriptions so that Diane Combis would know what you
5 were asking for did you?

6 A I tried to make it clear based on the information that
7 was -- originally had given to me because Mr. Bridgman
8 had said, (as stated), "Well, Pop gave her the coins."
9 And that's not what I heard, but that's what Mr.
10 Bridgman said, that Pop had given her the coins. So I
11 asked for the coins that, according to Mr. Bridgman,
12 had been given to her by Pop. I subsequently learned
13 that the actual delivery occurred from Linda to Diane
14 while Pop was in the hospital for safekeeping.

15 Q Now, you knew at the time you issued these *subpoenas*
16 in 2017 that Charlie Bridgman no longer represented
17 anyone from the Combis family, right? We already
18 tried the case and I was there, right?

19 A I think I sent this to Mr. Pellington. I can't
20 recall.

21 Q And you know Mr. Pellington is my partner, correct?

22 A I know you practice law together.

23 Q Right. We call that partners in North Carolina,
24 something different down here?

25 A A lot of things different down here.

1 Q All right. So you knew at the time you issued these
2 *subpoenas* in 2017 that Mr. Bridgman was out of the
3 picture, he didn't represent anymore, you knew that?

4 A I assumed you had his file.

5 Q Well, why didn't write in the document that Mr.
6 Bridgman described -- withdrawn. I already asked you
7 that, so it's asked and answered.

8 All right. Let me --

9 A Okay.

10 Q -- show you what I'll mark as Exhibit Number 10 for
11 respondent. And, ma'am, I think that's the third
12 *subpoena* that you issued on April 6th -- I'm sorry,
13 that's not the right date, March 16, 2017?

14 A March 16th. Correct.

15 Q All right. And this one was to George Combis, right?

16 A Correct.

17 Q All right. So watch *subpoena* to Chris, coin *subpoena*
18 to Diane, now we're down to gun *subpoena* to George,
19 right?

20 A As well as the contents of the safe.

21 Q All right. And you wrote, (as read), "Any and all
22 firearms allegedly received from or gifted to you by
23 the deceased for appraisal." And we'll get to the
24 rest of that, but that's the first part of what you
25 asked for, right?

1 A Yes.

2 Q All right. And you based that request on things that
3 you had learned about what Pop might have had, right?

4 A Yes.

5 Q These are -- this -- this is the same set of guns that
6 is indicated in your 2013 inventory, isn't it?

7 A I don't remember what that one said.

8 Q (As read), "Pistols."

9 A Pistols.

10 Q Right.

11 A Okay. That's -- must be the way Charlie described
12 them.

13 Q Right. Now, we're not talking about a different set
14 of guns. I just want to make sure, right?

15 A Charlie must have used the word pistols if that's what
16 I put in the inventory --

17 Q Okay.

18 A -- because that's what he told me.

19 Q All right. And by the time you write your *subpoena*
20 here you broadened it out a little bit because you --
21 you call it firearms, right?

22 A I -- yes, because I subsequently was told there might
23 be a rifle.

24 Q Okay. You didn't know at the time that you wrote this
25 *subpoena* anything about the make or model of any of

1 those pistols?

2 A Nothing.

3 Q Nothing about the make or model of the rifle?

4 A Nothing.

5 Q Just that there were firearms?

6 A Yes.

7 Q Okay. And that is solely what you commanded George to
8 produce; is that right?

9 A And the contents of the safe.

10 Q And the contents of the safe. All right. Let me show
11 you what I'll mark as Exhibit Number 11 for
12 respondent. This, ma'am, I understand to be your
13 motion to compel that you drafted because my clients
14 didn't respond to your *subpoena*. Do you see that to
15 be true?

16 A I'm looking at it. (Views document.) Yes, (as read),
17 "Ballard has requested the property be made available
18 for purposes of having the items appraised." I served
19 *subpoenas*. Yes, this had these *subpoenas* (indicating)
20 attached to it.

21 Q All right. And in paragraph number nine (9) of your
22 motion, Plaintiff's Exhibit -- or Respondent's Exhibit
23 Number 12 you state, (as read), "Ballard has requested
24 the property be made available for purposes of having
25 the items appraised for finalizing the inventory

1 report required. Respondents have refused to produce
2 the items."

3 A That's correct.

4 Q That's what you wanted them for, to finalize your
5 inventory, right?

6 A Well, to have them appraised and finalize my inventory
7 report, yes.

8 Q All right. Because if I recall your inventory, it
9 doesn't really -- it only has a cost for the watch as
10 five thousand dollars (\$5,000.00), right?

11 A It has -- I estimated the value at five thousand
12 (5,000). There were some other items of personal
13 property listed. I think it totaled thirty thousand
14 (30,000).

15 Q All right. I think it says unknown, right? You
16 didn't know?

17 A Unknown for the rifles. Unknown for the coins. The
18 total personal property was about thirty thousand
19 (30,000).

20 Q All right. Let me show you what's marked as
21 Respondent's Exhibit Number 12. You testified earlier
22 that your motion to compel was heard here in this
23 Court?

24 A I don't know if it was in this courtroom, it was heard
25 by this judge.

1 Q I meant before this Court, I'm sorry. But that's an
2 important distinction you just made. All right.
3 Somewhere in this courthouse your motion to compel,
4 Exhibit Number 12, is heard by this judge; is that
5 correct?

6 A Correct.

7 Q And as a result of your motion the judge granted
8 relief ordering that those items be produced; isn't
9 that correct?

10 A Yes.

11 Q And that's what Exhibit Number 13 in your hand is,
12 it's Judge Gibbons' order?

13 A No, it's Exhibit 12. The sticker on this is 12. If
14 it's supposed to be --

15 Q You know, I want to make sure that -- ma'am, if you
16 don't mind? You're right, it is 12. Thank you.

17 And that's what Exhibit Number 12 is, it's Judge
18 Gibbons' order to my clients; isn't that correct?

19 A Correct.

20 Q In the first paragraph on the first page -- let me
21 withdraw that and set a better foundation.

22 You wrote this order didn't you?

23 A I'm sure I had a hand in drafting it.

24 Q Okay. All right. That's the way it works, I
25 understand, in this Court. And the same in my home

1 Court is that the -- that the parties' lawyers write
2 it.

3 A I probably drafted it. Mr. Truslow, I didn't know
4 whether he edited it, but the judge edited it before
5 he signed it.

6 Q Yeah. I see because there's interlineations, aren't
7 there?

8 A Correct.

9 Q Okay. All right. Now, in the first paragraph you
10 wrote -- and the judge signed the order that says
11 that, (as read), "You," Ms. Ballard, "are seeking an
12 order compelling production of items, which have been
13 *subpoenaed* from the respondents for the purposes of
14 appraisal." And that would refer to the -- that --
15 the appraisals that -- or the *subpoenas* that I showed
16 you, right, that are in evidence?

17 A Right here (indicating).

18 Q Right.

19 A Yes.

20 Q That's -- that's what the judge ordered to happen?

21 A Correct.

22 Q And that would be Respondent's 8, Respondent's 9, and
23 Respondent's 10, correct?

24 A Correct.

25 Q The last line of that first paragraph reads, (as

1 read), "The Court will hold in abeyance Ballard's
2 motion for sanctions under Rule 37," correct?

3 A Correct.

4 Q Meaning, you thought there should be costs assessed
5 against the Combis' for forcing you to come to Court
6 and have the judge order that these -- these items be
7 produced, right?

8 A Rule 37 mandates that sanctions be awarded -- an order
9 to compel has to be made.

10 Q All right. And on the second page we have judge --
11 the judge setting a time frame from our clients to
12 produce these items. And it reads, (as read), "It is
13 ordered that the items sought for production in the
14 *subpoenas* from Ballard to Respondents dated March 16,
15 2017 shall be delivered to her at her office by
16 respondents or their counsel no later than the close
17 of business August 15, 2017," correct?

18 A That's what it says.

19 Q You would agree with me then that as long as the items
20 were delivered to you, if they were the right items,
21 on or before August 15, 2017 that my client had
22 complied with the judge's order, correct?

23 A No. Your clients had not complied with the judge's
24 order.

25 Q I'm sorry, that was a bit of a hypothetical the way I

1 asked it. If the items that were delivered were the
2 ones subject to the *subpoena* prior to the -- to that
3 date they would have been in compliance? In other
4 words, I understand your contention that they weren't
5 the right items. I'm really asking about the date.

6 A The -- the date is whatever the date is. I don't
7 recall.

8 Q Okay. And in fact, I don't think I have to mark
9 another exhibit, or burden the record as Mr. Truslow
10 likes to say, I can just look in the box, Petitioner's
11 Exhibit Number 3. Do you see that?

12 A I do.

13 Q I'm showing you the top of it. It says RTJ Law Firm
14 on it.

15 A I do.

16 Q That's what we used to be called, we changed our name.
17 I'm going to open that box and in that box one of the
18 contents is a letter, isn't there, directed to you?

19 A (Views document.) Yes.

20 Q And that letter was in the box when these items were
21 delivered to your office wasn't it?

22 A It was.

23 Q And it's dated August 14, 2017; is that correct?

24 A Correct.

25 Q That's the date before the judge ordered that these

1 items were to be produced; is that correct as well?

2 A Yes.

3 Q All right. And Mr. Pellington signed this document,
4 did he not?

5 A It appears to be his signature.

6 Q All right. Mr. Pellington wrote, (as read), "In
7 response to your *subpoena* dated March 16, 2017 our
8 office is producing the following items." And then
9 there's a bullet point of items that were produced.
10 Do you see that?

11 A Yes.

12 Q The first one says, (as read), "Four (4) rolls of
13 pennies." The second one says, (as read), "Ten (10)
14 sealed packages of various coins."

15 A Correct.

16 Q The third says, (as read), "Five (5) blue encased
17 coins."

18 A Okay.

19 Q Fourth says, (as read), "One firearm." Fifth says,
20 (as read), "One holster." Sixth says, (as read), "One
21 empty detachable magazine." Seventh says, (as read),
22 "One Rolex watch." Did I read that accurately?

23 A You did.

24

25 MR. REDDING: Did I say that slowly enough?

1 THE COURT REPORTER: Yes, sir.

2
3 MR. REDDING (resuming):

4 Q Okay. All right. Now, also in the box there's
5 pictures of each of these items, correct?

6 A Those were not in there I don't think.

7 Q Well, they're in there now and your lawyer has --

8 A Well --

9 Q -- entered it into evidence.

10 A Well, I don't know when these pictures were put in,
11 but when I got the box there were no pictures in it.

12 Q You were sitting on the stand when your lawyer offered
13 that box (indicating) into evidence about fifteen (15)
14 minutes ago, weren't you?

15 A Yeah.

16 Q And I came up here to make sure that what was in that
17 box was what was supposed to be in that box, right?

18 A I haven't seen that box since Mr. Pellington took it
19 in November 2017.

20 Q Not my question. I walked up here and looked in that
21 box to see what was in it, right?

22 A Right.

23 Q Standing directly next to me was your lawyer, Mr.
24 Truslow. Do you recall that from fifteen (15) minutes
25 ago?

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1 A I do.

2 Q All right. And we both agreed that that's the -- the
3 box that should be entered, right?

4 A I guess you did. I --

5 Q All right. Now, look at the second paragraph of the
6 letter, underneath the bullet points. Do you see
7 that?

8 A (Views document.) (As read), "Photographs are
9 attached hereto."

10 Q Right. (As read), "Photographs of the four (4)
11 mentioned items are attached hereto." Do you see
12 that?

13 A Yes.

14 Q Yet your testimony now today is those photographs that
15 are in the box, despite the fact them being a letter,
16 despite the fact that your lawyer entered into
17 evidence with the -- with those pictures in the box,
18 now you say they weren't, right?

19 A I don't recall them being in the box, no.

20 Q All right. Now, I understand it to be your contention
21 in this hearing that the items that are in the box,
22 Petitioner's Exhibit Number 3 -- could you return that
23 --

24 A Oh, the letter?

25 Q Yeah. Thank you very much. Just to be sure I have

1 good trial housekeeping. Your contention is that
2 these items in Petitioner's Number 3 do not comply
3 with the judge's order, correct?

4 A I don't know what's in the box now. Mr. Pellington's
5 had it for two (2) years.

6 Q So you have doubts about the authenticity of the --
7 the exhibit entered into evidence by your attorney
8 that you --

9 A I have --

10 Q -- identified?

11 A I have no idea what's in that box. Mr. Pellington has
12 had it for two (2) years.

13 Q Okay. We move to -- which one? All right. Your
14 contention is whatever was delivered to you on August
15 14, 2017 did not conform with the judge's order,
16 correct?

17 A That is my contention.

18 Q All right. And the judge's order was what have you
19 produced what was in the *subpoenas*, correct?

20 A Yes.

21 Q *Subpoenas* do not describe a particular Rolex watch,
22 just the original one, right?

23 A An original Rolex watch. I did not receive a Rolex
24 watch.

25 Q I thought you just said you don't know what was in the

1 box?

2 A When I got it there was a fake Rolex in it. I don't
3 know what's in it now.

4 Q So your -- the fullness of your contention about the
5 Rolex is that it's fake and that means it can't be the
6 original?

7 A No, it can't be a Rolex.

8 Q Do you have any idea how Mr. Chris Combis should have
9 known that?

10 Withdraw that and ask you in a different way.
11 You have testified at length -- and I've objected
12 because I don't think you've been qualified as a
13 jewelry expert, but you've tried to testify at length
14 the difference between an original and a fake Rolex.
15 You've testified about that, right?

16 A I -- yes. I owned a Rolex. I know what they feel
17 like.

18 Q You consider yourself to be an expert at it?

19 A No, I don't consider myself to be an expert --

20 Q All right.

21 A -- but I'm smart enough to know what a Rolex watch
22 looks like.

23 Q As opposed to a fake?

24 A Yeah.

25 Q Because you've owned one?

1 A Yeah.

2 Q But you have no personal knowledge whatsoever as to
3 whether or not Chris Combis has the same degree of
4 expertise with respect to discern between fake and
5 real Rolex's that you do? You don't know, do you?

6 A I have no clue.

7 Q All right. You have alluded -- although not quite
8 stated it -- that Mr. Pellington and I have engaged in
9 some unethical conduct by not providing you with a
10 real Rolex; is that a fair statement?

11 A That's a fair statement.

12 Q All right. Yet you have no idea whether I know
13 anything about fake or real Rolex's, or Mr. Pellington
14 does, do you?

15 A Mr. Pellington pulled it out of his pocket and said,
16 (as stated), "I have" --

17 Q I'm talking about --

18 A -- "a Rolex" --

19 Q -- the box.

20 A -- "right here." In the box? No.

21 Q Okay.

22 A I have no idea.

23 Q All right. So --

24 A I didn't even know if the box was sealed when Mr.
25 Pellington got it. I don't know.

1 Q But again -- so my question, you don't know or have
2 any personal knowledge about what Mr. Pellington or I
3 know about Rolex's?

4 A Apparently you don't.

5 Q I'm wearing an arm watch. I don't wear fancy watches,
6 so I don't know the difference.

7 A Well, I wear fancy watches. I do know the difference.

8 Q So now, let's revisit your testimony that Chris Combis
9 intentionally provided you with a fake Rolex, and that
10 Mr. Pellington and I colluded with him to do so. You
11 have no factual basis to base that on, do you?

12 A I have -- I don't know what you did, but I know, based
13 on the testimony, that Mr. Pellington had the real
14 Rolex for a year before the fake Rolex was produced to
15 me.

16 Q Now, let's talk about that second Rolex. That's the
17 one that you have up there with you, right?

18 A I have a real Rolex up here with me.

19 Q Could I see that? Would you mind?

20

21 THE COURT: Yes, sir.

22 WITNESS DESA BALLARD: Absolutely.

23

24 MR. REDDING (resuming):

25 Q This one is in a plastic bag. We've decided to -- as

1 officers of the Court, that it's best that you
2 maintain possession of this (indicating)?

3 A Yes.

4 Q And I'm sure it will not disappear. I'm pulling it
5 out of it's little interior bag. And that is a gold
6 Rolex that's -- a picture of which is entered into
7 evidence, right?

8 A Yes.

9 Q All right. Now, your testimony is that this gold
10 Rolex watch was first presented to you by Joe
11 Pellington, right?

12 A It was.

13 Q And it was before the hearing of this current motion,
14 wasn't it?

15 A It was during the hearing of this current motion.

16 Q All right. So Mr. Pellington came to you with this
17 watch, pulled it out and said, (as stated), "Here's
18 another Rolex. This might be the one?"

19 A Oh, he didn't give it to me. He held it up and showed
20 it to the Court.

21 Q All right. How did -- I thought you said --

22 A The judge ordered him to give it to me and I've had it
23 ever since.

24 Q Isn't it true that outside the courtroom, in the
25 hallway, Mr. Pellington pulled it out of his pocket,

1 showed it to you, and you said, (as stated), "That's
2 not the one?"

3 A I don't remember that part.

4 Q All right. If he testified that that was true, you
5 wouldn't be in any position to deny it because you
6 don't recall, right?

7 A I don't recall that, no.

8 Q All right. Now, Mr. Pellington just told me he was
9 standing right here (demonstrating) when you did it,
10 does that refresh your memory?

11 A No.

12 Q Okay. You do consent -- concede that that is a real
13 Rolex?

14 A It is.

15 Q You do concede that it's gold in color?

16 A It is gold in color.

17 Q Do you dispute the fact that it meets the description
18 of the original Rolex that you put in your *subpoena* to
19 Chris Combis?

20 A I don't know. I had never seen the original Rolex.

21 Q Then how is it, Ms. Ballard, if you don't know what it
22 looks like, if no one can testify to it, if you don't
23 have it on a -- on a serial numbered document
24 somewhere or a picture of it, how can you contend now
25 that when he gave it to you -- when Mr. Pellington

1 gave it to you, that he hadn't handed you the original
2 of what you were seeking the first place?

3 A Oh, so you're saying during the November hearing he
4 finally complied with the *subpoena* from April?

5 Q No. That would be, I guess, a closing argument. My
6 question is factual to you.

7 A Okay.

8 Q You have no basis to dispute the fact that the watch
9 that's sitting with you right now, the gold Rolex,
10 which you've admitted is real --

11 A Yeah.

12 Q -- you have no basis to dispute the fact that that's
13 the one you sought by *subpoena* to Chris Combis?

14 A And that's not the one I got.

15 Q All right. But you have it now, right?

16 A Yes. Now --

17 Q Okay.

18 A -- I have it --

19 Q Wow.

20 A I've gone through --

21 Q God, you're making it so hard. I just -- I just
22 wanted --

23

24 MR. TRUSLOW: Your Honor, if he --

25 THE COURT: Hang on. Whoa. Stop talking. Let the --

1 objection? What?

2 MR. TRUSLOW: He won't allow her to finish answering.

3 THE COURT: Okay. Thank you. I don't want -- yeah.
4 I don't want witnesses or lawyers talking over each other.
5 My court reporter can only take down one person's name. So
6 your answer to that question was what?

7 WITNESS DESA BALLARD: I've gone through a lot of
8 effort to try to get the original Rolex. I received an
9 original Rolex from Mr. Pellington in 2017. I have never
10 received the original Rolex from your clients.

11 THE COURT: Now.

12

13 MR. REDDING (resuming):

14 Q Okay. All right. Do you contend that the watch you
15 have, the gold real Rolex that you have in your hand
16 right now, do you concede that that's the original
17 Rolex you sought by *subpoena*?

18 A I don't know.

19 Q You don't know. And there's no way for you to make
20 that determination either way, right?

21 A No. I tried to get it through Sylvan's, but --

22 Q Okay.

23 A -- they did the best they could.

24 Q Okay. Now, I'm going to move on from the watches and
25 ask you about -- about the guns. You say that you

1 don't have any knowledge -- specific knowledge about
2 when you made -- when you issued your *subpoena* about
3 what the guns looked like.

4 A Mr. Bridgman would not tell me anything about the
5 guns. He called them pistols.

6 Q All right. Let me show you Exhibit Number 13, which
7 is your verified petition and request to show cause,
8 the reason why we're here, right?

9 A (Views document.)

10 Q I know Mr. Truslow draft -- signed that, but you
11 either drafted this or had a hand in drafting it, did
12 you not?

13 A I did, but it -- it was much bigger than this. It has
14 a bunch of exhibits to it --

15 Q All right.

16 A -- but this looks like the -- the first part of it,
17 yes.

18 Q Now, on page eight (8) -- on page eight (8) there's a
19 paragraph entitled, (as read), "How is it known that
20 items produced are fakes?"

21 A Right.

22 Q Do you see that?

23 A Yes.

24 Q And it lists several things, but I'd ask you to take a
25 look at paragraph seven (7) because we're talking

1 about guns, right?

2 A Correct.

3 Q You wrote on paragraph seven (7), (as read), "The only
4 gun produced to Ballard is a cheap Bauer twenty five
5 (25) caliber Fraser model with cheap plastic grips."

6 A Correct. That's the way it was described to me by
7 people who know about guns.

8 Q Okay. Fine. I understand. Now, the next line says,
9 (as read), "The late Chris Combis did not own this
10 gun."

11 A Correct.

12 Q You have no way of knowing that?

13 A Well, I showed the gun to several people who had
14 provided me with historical information and none of
15 them had ever seen the gun.

16 Q These are the people that have not come here to Court
17 to testify?

18 A It's not their job. It's my job to testify about what
19 he owned at death.

20 Q Again, I don't mind you editorializing, really.
21 That's a good closing point to make, but these people
22 that told you about the gun, they've not come to Court
23 to testify?

24 A They are not here, no.

25 Q And it's hearsay. You understand that, right?

1 A No. It's the history that I gathered in the course of
2 determining my conclusions before I filed the
3 inventory.

4 Q You --

5 A It's historical information that I relied upon as
6 personal representative to make representations to the
7 Probate Court.

8 Q You have no direct personal evidence that Pop did not
9 own this Bauer twenty five (25) caliber pistol?

10 A I do not have any direct knowledge of that, no.

11 Q All right.

12 A I've consulted with people who would have known.

13 Q Okay. People have told you?

14 A People who would have known --

15 Q Okay.

16 A -- who I --

17 Q All right.

18 A -- consulted with, yes.

19 Q None of whom have testified?

20 A I'm sorry?

21 Q None of whom have testified?

22 A Linda has testified, Chris Chagaris has testified --

23 Q In this case?

24 A No -- yes. Linda testified in this case. Chris
25 Chagaris testified in North Carolina.

1 Q Wait. Wait a second. Ma'am, my questions are about
2 witnesses who have come to this Court to testify that
3 this pistol --

4 A Oh, no.

5 Q -- the Bauer twenty five (25) --

6 A No.

7 Q Okay.

8 A Chris Chagaris was one of the people who told me about
9 the silver one.

10 Q Okay. All right. So none of those people have come
11 to testify about the guns, right?

12 A Correct.

13 Q All right. You're relying on what you heard for them
14 -- third party?

15 A I'm relying on what I concluded based on my
16 investigation, yes.

17 Q All right. Now, paragraph eight (8). Here, you make
18 a specific contention about the gun that supposedly
19 exists?

20 A Yes.

21 Q You say, (as read), "Pop carried a heavily engraved
22 twenty two (22) caliber pistol with real pearl grips."

23 A That's what was described to me, yes.

24 Q So you had that knowledge?

25 A I'm sorry?

1 Q Wherever you got it you had that knowledge?

2 A Yes.

3 Q Chris Chagaris told you --

4 A Yes.

5 Q -- maybe?

6 A Yes.

7 Q Okay. Yet, despite the fact that you knew from Chris
8 Chagaris -- or somebody -- that Pop owned a gun that
9 you specifically describe by caliber -- twenty two
10 (22) caliber -- specifically describe as having real
11 pearl grips, despite having that knowledge, you don't
12 insert that description of the pistols into the
13 subpoena that you sent to George Combis. That's a
14 true statement, isn't it?

15 A I think what happened -- yes, that is a true
16 statement. And after I got all these fake documents,
17 I conducted an additional investigation to get more
18 specific details about what I knew were not Pop's
19 belongings --

20 Q Okay.

21 A -- so that I could describe them to the Court. And
22 yes, after the fake items were produced to me --

23 Q Right.

24 A -- I did additional interviews and that's when I
25 received additional knowledge about exactly what the

1 pistols looked like, what kind they were, the bolt
2 action. I don't know what any of this is. This is
3 what other people told me after -- I got that box
4 (indicating) and I said, (as stated), "There's no way
5 on Earth this is a real Rolex." And I started looking
6 at the other stuff. And I said, (as stated), "I need
7 to do more investigation." I did more investigation.
8 Now, I knew -- when I did this that this was more
9 information about the items that you all were
10 attempting to pass off to me as Pop's.

11 Q See, I asked you if you had done everything you had to
12 do before your April of 2013 -- or sorry, October of
13 2013 inventory --

14 A Everything I could --

15 Q -- and you said yes.

16 A Yes, I did everything I knew to do. I did more after
17 you guys produced the fake stuff.

18 Q All right. Because suddenly after the box came to you
19 in the mail you realized there was something you could
20 have, but did not do in 2013; is that correct?

21 A It did come in the mail, but after I saw the fake
22 items I said, (as stated), "I've got to nail this down
23 more specifically because somebody is trying to
24 perpetrate a fraud."

25 Q But you didn't reissue the *subpoena* now with your new

1 knowledge of what it looked like, did you?

2 A No. That's what I included in my rule to show cause.

3 Q Right. You went straight to contempt because you had
4 found out more about what Pop might have owned by --
5 during his life from other people and you put that for
6 the first time in a motion to hold my clients in
7 contempt, to put them -- I guess -- in jail for not
8 giving you something that you never specifically asked
9 for. That's also a true statement?

10 A I asked for what belonged to Pop at the time of his
11 death. Your clients gave me the runaround. Charlie
12 Bridgman gave me the runaround. Charlie Bridgman
13 describes, he wouldn't give me the specific direction
14 -- the descriptions of the guns. When I issued the
15 *subpoenas*, I issued what I knew. When I got the fake
16 stuff, I spent a whole week conducting an additional
17 investigation. And that's when I got the details
18 about what the guns were. I didn't --

19 Q You don't know anything --

20 A -- know that at the time I issued the *subpoenas*.

21 Q You don't know anything about guns, you already
22 admitted that, right?

23 A I don't know a thing about guns.

24 Q You don't know if this gun (indicating) is fake or
25 real?

1 A It's a real gun. It's a piece of trash.

2 Q Why do you keep -- I just thought you said you don't
3 know anything about guns?

4 A I had it looked at by experts.

5 Q Now, isn't it true that Chris Chagaris is the one who
6 told you about Pop's twenty two (22) caliber pistol
7 with real pearl grips?

8 A I don't remember who told -- several people have
9 mentioned it --

10 Q Okay.

11 A -- to me.

12 Q So even --

13 A There was a fellow named Tom --

14

15 THE COURT: Hang on. Hang on. Let her finish
16 answering.

17 MR. REDDING: Apologize.

18 WITNESS DESA BALLARD: There was a fellow named Tom --
19 I don't remember his last name -- who told me about it as
20 well.

21

22 MR. REDDING (resuming):

23 Q So even now -- now, when you're trying to have my
24 clients incarcerated for not producing a specific gun
25 you found out about after the fact, you can't even

1 remember Tom's --

2

3 MR. TRUSLOW: Objection to the form of the question,
4 Your Honor.

5 THE COURT: Sustained. Move -- go ahead. Just
6 rephrase your question.

7 MR. REDDING: Okay.

8

9 MR. REDDING (resuming):

10 Q So even now, right, here we are now?

11 A Yeah.

12 Q The issue is my clients could be put in jail, right,
13 for failure to comply?

14 A They could be, yes.

15 Q That's what you're asking for, isn't it?

16 A It's one of the things I'm asking for.

17 Q And you're relying information about the specificity
18 of these pistols relayed to somebody who's last name
19 you can't remember?

20 A I don't remember Tom's last name. He was somehow
21 involved in the vacuum -- vacuum business that Pop
22 used to be involved in.

23 Q Okay.

24 A His father and Pop owned the vacuum cleaner business
25 together. He had been the son of the Pop -- of the

1 man that Pop did business with, it might be Tom Moore.
2 I can't remember for sure.

3 Q So you wouldn't have any --

4 A But I also talked to a lot of the people that Pop had
5 breakfast with on either Friday or Saturday morning
6 for years in Charlotte. I don't remember those
7 people's names. I have them in my notes.

8 Q All right. Now, here's another thing you specifically
9 say in paragraph nine (9). (As read), "Including a
10 Colt forty five (45) nineteen eleven (1911)" --

11 A Oh, yes. Somebody told me about that.

12 Q -- "and a thirty (30) ought six (6) bolt action rifle
13 with a scope" --

14 A Correct.

15 Q -- "possibly a Remington."

16 A Correct.

17 Q All right. So you're not sure about that?

18 A I'm not sure about any of it.

19 Q Right.

20 A This is what people told me.

21 Q Okay. Those are just words to you, right, because you
22 don't know anything about guns, fair?

23 A I don't know a thing about guns. I rely on Mr.
24 Truslow or my husband about guns.

25 Q All right.

1 A I do know about jewelry.

2 Q On the last line of paragraph eight (8) -- the last
3 sentence of paragraph eight (8), on page nine (9) you
4 wrote, (as read), "Pop had those guns since the
5 1960s."

6 A That had to be Pop -- that had to be Tom that told me
7 that.

8 Q All right. (As read), "And he used them at home, but
9 in the years before his death he took them to Superior
10 for safekeeping" -- which for some reason you put in
11 quotes -- "and they disappeared" -- which you also put
12 in quotes.

13 A Those are the words that were given to me, I believe,
14 by Tom, possibly by Linda, possibly both.

15 Q Why did you not obtain an affidavit from Tom Moore?

16 A I didn't need to. My job as personal representative,
17 as I've told you repeatedly, is to conduct an
18 investigation and come up with my conclusions. I did
19 what I was required to do. I expected your clients to
20 tell the truth, which they have not done. I expected
21 your clients to be honest, which they have not been.
22 And I expected them to be represented by lawyers who
23 would not attempt to perpetrate a fraud on the Court.
24 And I was wrong.

25 Q Well, I'm sorry to disappoint you. Didn't Linda

1 Combis testify in this hearing?

2 A I believe so.

3 Q At -- on page -- line -- page thirty eight (38), line
4 seven (7) --

5 A Of what?

6 Q Of the transcript that we obtained from this hearing.

7 A I don't have it in front of me.

8 Q Then I'll read it to you. Linda Combis said, (as
9 read), "I have no clue about guns." She's nodding her
10 head (indicating), right? She also testified that she
11 did not know where the forty five (45), thirty eight
12 (38), twenty two (22), or the thirty (30) ought six
13 (6) were.

14 A Well, then it must have been Tom who told me about
15 that.

16 Q She also testified that the second gun produced by
17 respondents was not the gun Pop carried all the time?

18 A Correct. I remember her saying that.

19 Q But she didn't say he didn't own it?

20 A No, she told me that --

21 Q I mean, she's not the one --

22 A -- he did own it.

23 Q Didn't she also testify that she hardly remembers the
24 forty five (45)?

25 A I don't remember what she testified.

1 Q Didn't she testify that Pop may have taken the guns to
2 Superior, but she does not know?

3 A I don't recall what she testified.

4 Q Didn't she say -- she testified -- didn't she testify
5 that Diane nor George never indicated that they had
6 any of the guns at that point?

7 A I don't know what she testified to.

8 Q Didn't Linda Combis concede on page fifty six (56),
9 lines eight (8) through twelve (12) of the transcript,
10 that, (as read), "Based on Pop's personality, he could
11 have hidden the guns at his company and they are still
12 hidden there to this day?"

13 A I've heard that description of him from numerous
14 people, yes.

15 Q All right. That's --

16 A I don't recall if Linda testified to it, but I have
17 heard that description from several people.

18 Q Well, you have a copy and the lawyer, I'm sure he can
19 look it up and see if I miss-cited it. That's our
20 compilation of her testimony. Linda Combis, the main
21 source for you of Pop's guns, admitted that Pop
22 himself, because of the kind of guy he was, could have
23 hid them from George and there's no way he could have
24 found them. That's a fair --

25 A Mr. Bridgman said that George had them. Mr. Bridgman

1 told me that George had Pop's pistols. I don't know
2 what Linda testified to. I do know what Mr. Bridgman
3 told me. Mr. Bridgman told me that George had Pop's
4 pistols. Enough said.

5 Q Now, let's talk about the coins.

6 A Okay.

7 Q And I'll refer you to your petition to hold my clients
8 in contempt. And I believe the portions about coins
9 appears on page ten (10) at paragraph nine (9). Are
10 you there with me?

11 A (Views document.) Yes.

12 Q Again, in your *subpoena* you only requested silver
13 dollars, right?

14 A No, I think I said coins in the *subpoena*.

15 Q Oh, you're right. It was either --

16 A I think on the inventory I said silver dollars.

17 Q Thank you. You're right. Here you state, (as read),
18 "The coins that Pop owned were -- that were owned by
19 Pop included between seventy five (75) and one hundred
20 (100) silver dollars in a Ziploc bag, not in
21 protective covers, just" --

22 A Correct.

23 Q That must have been something you found out after your
24 *subpoena*?

25 A All of this is something I found out when I realized

1 that I was trying to -- that your clients were trying
2 to fool me and the Court.

3 Q After the *subpoena*, right?

4 A After the *subpoenas*.

5 Q And you found out by asking Linda Combis, right?

6 A Linda has got to be one of the people that I talked
7 to. I think Linda and Mary both told me about the
8 Carson City dollars. I remember, specifically, Linda
9 telling me about the blue collector books -- books in
10 a shoebox. And Linda gave me a type of coin
11 collection to Diane because, obviously, I didn't have
12 enough information to specify in the inventory or in
13 the *subpoena* with enough detail for your clients to
14 produce what they knew I was looking for.

15 Q You presume that they knew what you were looking for?

16 A I know they knew what I was looking for. Their lawyer
17 knew what I was looking for, Mr. Bridgman.

18 Q He wasn't their lawyer, you understand that, don't
19 you?

20 A He had been.

21 Q Now, you say you didn't have enough information to put
22 in the *subpoena*, but that information was available
23 for you to put in your petition for contempt, wasn't
24 it?

25 A Once I realized that you guys were trying to

1 perpetrate a fraud I did a little more homework, yes.

2 Q I don't care how many times you say perpetrate a
3 fraud, but that's not the answer to my question. My
4 question was the information that you didn't put in
5 the *subpoena* was available to you when you made your
6 petition, right?

7 A As a result of the additional investigation I did.
8 Once I realized you guys were attempting to commit a
9 fraud on the Court, yes.

10 Q And you just went to Linda and asked her? That's
11 where the -- that's where the information in the
12 petition came from, right?

13 A No.

14 Q Okay. Name the person --

15 A Linda is one of the people I have talked to.

16 Q Name the other person who told you with specificity
17 about these coins.

18 A Linda and Mary are the ones who told me about the
19 coins.

20 Q Okay.

21 A I believe Tom, who used to -- who's father owned the
22 vacuum business with Pop -- and who's last name might
23 be Moore -- told me about the heavily engraved silver
24 gun.

25 Q Questions are about coins now.

1 A Coins was just Linda and Mary.

2 Q All right. Linda and Mary were the first people you
3 talked to when you began your investigation in 2013,
4 weren't they?

5 A I didn't know I needed that much information in order
6 to get your clients to tell the truth.

7 Q But if you're going to inventory an estate and demand
8 that things be turned over, don't you have to write
9 something a little more detailed than just the word
10 coins?

11 A You mean on the inventory?

12 Q Yeah, on your inventory for starters. Don't you have
13 to write a little more than just the word silver
14 dollars?

15 A That's all I knew at the time.

16 Q All right. Yet, you've now testified and admitted
17 that that information was within Linda Combis'
18 knowledge because she told you when you made your
19 petition, right?

20 A She and Mary, I believe.

21 Q All right. The Combis --

22 A Now --

23 Q -- sisters.

24 A -- I did enough investigation that honest people would
25 have responded with the correct information,

1 particularly after I had verified it through their
2 lawyer.

3 Q Now, next line of paragraph nine (9) in your petition
4 of contempt, (as read), "He" -- meaning Pop -- "also
5 had mint" -- in quotes --

6 A Yes.

7 Q -- "sets of coins for several years and a box full of
8 blue collector coin books."

9 A That came from Linda.

10 Q Okay. And also information that wasn't in your
11 *subpoena*, right?

12 A Was not in my *subpoena*.

13 Q Shortly before Pop's health began to deteriorate,
14 Linda gave the entire collection to Diane --

15 A Correct.

16 Q -- for safekeeping?

17 A Correct.

18 Q All right. Yet Linda, in her testimony about the
19 coins, said several things. For example, Linda
20 Combis, page forty (40), line ten (10), (as read),
21 "Linda Combis said that what Pop owned wasn't really a
22 coin collection." She said, (as read), "Pop would
23 give people silver dollars, but they were not always
24 Pop's coins." She said, (as read), "Pop owned some
25 silver dollars and blue books with pennies and

1 nickels, but it was not a large collection." She
2 said, (as read), "He kept those in a bag." She also
3 admitted, page forty one (41), line twelve (12) to
4 sixteen (16) that, (as read), "Some of the coins
5 produced by the Combis' might have been Pop's." She
6 said that, (as read), "Pop had fifty (50) to seventy
7 (70) silver dollars in a bag, but" -- page forty one
8 (41), line twenty one (21) to twenty five (25) -- "Pop
9 would hide his money."

10 A And your question is?

11 Q She also testified --

12
13 MR. TRUSLOW: Your Honor, if I -- if I may, I don't
14 believe this is a -- I -- I object, first, if you want to
15 hear --

16 THE COURT: All right. Objection overruled.

17 MR. TRUSLOW: All right.

18
19 MR. REDDING (resuming):

20 Q She also testified that, (as read), "The Carson City
21 silver dollar was actually her ex-husband's."

22 A I don't remember that.

23 Q You could check page forty (40), lines twenty (20) to
24 twenty one (21), and page fifty six (56), lines
25 fourteen (14) to sixteen (16).

1 A Thank you.

2 Q And she also testified that, (as read), "To the extent
3 her information was relied upon for this motion to
4 show cause, it was information that she provided five
5 (5) or six (6) years ago," page fifty seven (57), line
6 eighteen (18).

7 A I don't know what that means.

8 Q Finally -- finally, (as read), "The last time that
9 Linda saw the silver dollars was in the year 2000,
10 nine (9) years before Pop's death. And she didn't
11 count them at the time and admitted that it could be
12 even as low as twenty five (25) silver dollars."
13 That's page sixty two (62), line twenty one (21) to
14 twenty two (22).

15 All right. I read -- I read those to you to try
16 to get you to concede that what's in your petition is
17 inconsistent with the person -- with the testimony of
18 the person you say provided you with the information.
19 Will you conceded that?

20 A No, because I talked to many more people than Linda.

21 Q All right. And guys like Tom who's father was in the
22 vacuum cleaner business, or Chris Chagaris who had
23 breakfast with him at Anderson's every morning, or
24 Charlie --

25 A No, Chris Chagaris' father was friends with Pop.

1 Q Okay. You talked to his --

2 A Chris Chagaris is the same generation as Linda and
3 Mary.

4 Q Yeah. So you talked to the sons of people that
5 remember things about their friend?

6 A Yes.

7 Q So in other words Chris Chagaris' dad ate breakfast at
8 Anderson's with --

9 A No. No, Chris Chagaris' father was not one of the
10 people who had breakfast with Pop and his friends on
11 Friday or Saturday morning. I don't know -- they knew
12 each other professionally somehow.

13 Q But if I understand your generational point here --
14 because I know Chris Chagaris, he's my age. If I
15 understand your generational point here, it's that the
16 sons of Pop's friends --

17 A Yes.

18 Q -- received information from their dads, which they
19 then related to you --

20 A Yeah -- no. They had personal knowledge, both of
21 them, as a result of their time spent with Pop. None
22 of it was, (as stated), "Based on what my daddy told
23 me." This was knowledge that they personally had as a
24 result of their personal observations. I would not
25 have accepted, (as stated), "This is what daddy told

1 me" as proof.

2 Q That picture you have of Pop at his Army reunion.
3 Could I see that?

4 A I don't know where it is.

5 Q Didn't you testify that was from 1987?

6 A I read Pop's writing from the back of it that said it
7 was 1987, but I don't think that it's up here
8 (indicating).

9 Q All right. Doesn't matter. 1987, it would be --

10 A Yes, it is. Here it is (indicating).

11 Q Oh, could I see it?

12 A (Complies.) I put it in the wrong envelope. Pop's
13 handwriting on the back is right there (indicating).

14 Q All right. June 1987 reunion -- could I see the
15 photograph, if you don't mind?

16 A There are three (3) photographs from that event --

17 Q All right.

18 A -- that I have. Here are copies of them, black and
19 white copies of them.

20 Q All right. Believe it or not, after all this, I don't
21 even know which one is Pop. Could you point him out
22 to me?

23 A I'd be happy to. (Complies.) This is Pop.

24 Q All right.

25 A This is Pop's Rolex (indicating).

1 Q Okay.

2 A This is Pop (indicating). This is Pop's Rolex
3 (indicating). This is his wife Jessie (indicating),
4 with her Rolex (indicating). This is Pop (indicating)
5 with his Rolex (indicating). And that's what he wrote
6 on the back of the picture.

7 Q Okay. And you're saying based on your inspection of
8 these pictures you can tell, specifically, what watch
9 Pop was wearing?

10 A Not from -- just from those pictures, no. I also have
11 a picture of him standing in front of the -- the Rolex
12 factory in France, or Germany, or wherever it is.

13 Q Can I see that?

14

15 THE COURT: Hang on.

16 WITNESS DESA BALLARD: I don't have it with me.

17 THE COURT: Any objection to the Court looking at
18 these photographs?

19 MR. TRUSLOW: No, Your Honor.

20 THE COURT: All right. They haven't been offered into
21 evidence, but -- you know, I'd just like to look at them if
22 that's --

23 MR. REDDING: Could I see it?

24 THE COURT: -- okay.

25 MR. REDDING: I'm sorry, Your Honor. I cut you off.

1 THE COURT: That's fine.

2

3 MR. REDDING (resuming):

4 Q Could I see that picture of Pop in front of the Rolex
5 factory?

6 A I don't have it with me today.

7 Q Okay. So --

8 A I have lots of pictures of Pop wearing the watch at
9 Dimetry's wedding in 1999. I have pictures of Pop
10 wearing an original gold Rolex in lots of different
11 places. The men he had breakfast with told me all
12 about the gold Rolex that he was very proud of and he
13 showed off, almost to the point that they thought it
14 was silly. I talked to lots of people about Pop's
15 gold Rolex.

16 Q Okay. I appreciate all that, but really my questions
17 were about the pictures. So all these pictures you
18 just described --

19 A Yes.

20 Q -- other than the three (3) that I just put in front
21 of the judge, you don't have them with you do you?

22 A I don't.

23 Q All right.

24 A I don't need them.

25 Q And it's your reliance upon these photographs that I

1 handed the judge in part for your testimony earlier
2 that you --

3 A No, I -- this is the --

4 Q And I'll -- may I finish my question?

5

6 MR. TRUSLOW: Your Honor, he's talking. I object.

7 MR. REDDING: All right. This time I think she --

8 THE COURT: All right. Hang --

9 MR. REDDING: -- interrupted me.

10 THE COURT: Hang on. Everybody stop. Say your
11 question, then she'll answer. Objection noted, Mr.
12 Truslow.

13

14 MR. REDDING (resuming):

15 Q And also --

16 A What was your question?

17 Q I'm going to stop right --

18

19 THE COURT: Y'all have been -- hang on. Let me
20 interrupt here. All right. I -- I'm aware it's 12:15,
21 you've been on the witness stand all morning. You need to
22 take a break? How much longer --

23 WITNESS DESA BALLARD: I'm fine.

24 THE COURT: -- how much longer do you think you have?
25 All right. Good. Let's go -- let's not interrupt each

1 other anymore. Go ahead.

2 MR. REDDING: Sure. I apologize, Your Honor.

3

4 MR. REDDING (resuming):

5 Q I'm going to stop talking when you start talking, so
6 we won't talk over each other.

7 A I just asked if you have -- what your question was
8 because I didn't hear it.

9 Q Okay. It's those pictures that I handed to the judge
10 of Pop in -- at an Army reunion in 1987 that formed
11 part of your reliance that he had a particular watch?

12 A That is -- yes, that is the oldest photograph that I
13 have found of Pop wearing a Rolex watch, 1987.

14 Q Which would be thirty two (32) years before he died?

15 A I don't do math.

16 Q No, I just did '87 to 2009. I may have it wrong. I
17 think that's right. So thirty two (32) years before
18 he died Pop's wearing a -- there's a picture of Pop's
19 wearing -- of Pop wearing a watch. And based on that
20 you surmise that that's the watch that was in his
21 possession when he died?

22 A No. No. No. No, I never said that. I said there's
23 been several Rolex watches. He had this one on in
24 1987. I don't know if that's the same one he
25 allegedly gifted or planned to gift to Chris in the

1 future. George has testified that Pop had three (3)
2 different Rolex's plus one fake Rolex. I don't know
3 which one is in the photograph in 1987. I do know Pop
4 had a Rolex for much of his adult life, a gold Rolex.
5 He, obviously, had several.

6 Oh, he -- he didn't give you this, Your Honor.
7 It's one of the pictures.

8
9 THE COURT: Any objection to me looking at what the
10 back of the picture says?

11 MR. TRUSLOW: No.

12 THE COURT: All right. (Views document.)

13 MR. REDDING: Just one second, Your Honor. I have
14 only --

15 THE COURT: Yes, sir.

16 MR. REDDING: -- one more question. Just get the
17 right number on it. All right.

18
19 MR. REDDING (resuming):

20 Q Ma'am, let me show you what has been marked as
21 Respondent's Number 14, which is a letter that my
22 office sent to Mr. Truslow.

23 A (Views document.) I'm not answering questions about
24 this.

25 Q I think that's for the judge to decide, wouldn't it

1 be, Ms. Ballard?

2

3 MR. TRUSLOW: Your --

4 THE COURT: All right. Hang on. What's up?

5 MR. TRUSLOW: I object. I -- I mentioned this before.
6 What they -- what they have done is provided, as a part of
7 their pretrial brief and now introducing into evidence, an
8 offer to settle about what was going on in mediation. If
9 they are it opens up the -- a can of worms. I don't think
10 this is appropriate.

11 THE COURT: Is that what this document --

12 WITNESS DESA BALLARD: It's a settlement document.

13 THE COURT: -- attempts to show?

14 MR. REDDING: It's about -- it's in part about the
15 watch, Your Honor, because it's an attempt to pure the
16 contempt, if there's any -- that'll cure it -- purge it, is
17 the right word.

18 THE COURT: All right.

19 MR. TRUSLOW: Why don't -- because I didn't -- I
20 interrupted --

21 MR. REDDING: Which I think is relevant.

22 MR. TRUSLOW: Your Honor --

23 THE COURT: Well, it may be.

24 MR. REDDING: Yeah.

25 THE COURT: Yes?

1 MR. TRUSLOW: I think what that -- what the evidence
2 is this is dated the 13th. I think they sent it out late
3 in the afternoon. Mr. Pellington came in and brought a
4 watch and says, (as stated), "Oh, you wanted -- you wanted
5 the -- a real Rolex."

6 MR. PELLINGTON: Objection, Your Honor. That was not
7 --

8 THE COURT: Hang on. Hang on. I -- this is all just
9 conjecture at this point in time.

10 MR. TRUSLOW: This --

11 THE COURT: I'm not taking anything y'all tell me as
12 evidence. Y'all are the lawyers, not the witnesses. Go
13 ahead.

14 MR. TRUSLOW: I don't -- I don't think an offer to
15 settle would be appropriate. However, if Your Honor says
16 it -- it is then we're going to -- we have some other
17 things that we can go into. This is -- this is an offer to
18 settle, (as read), "We make the following offer." And then
19 they go through this. And then you can look at the date,
20 which is November the 13th, which is the day of the first -
21 - when we first had this scheduled to be heard after your
22 rule to show cause.

23 THE COURT: All right. So, Mr. Redding, your purpose
24 of questioning this witness concerning this document is
25 what?

1 MR. REDDING: It is solely to show that my client
2 attempted to purge the contempt, which is -- which would be
3 a defense.

4 THE COURT: All right. Noted.

5 MR. REDDING: Thank you.

6 THE COURT: All right. I don't need -- I don't need
7 to look at the document to determine that.

8 MR. REDDING: Then I have no more questions.

9 THE COURT: No more questions. You want to take a
10 break, now, before you do redirect or do you have limited
11 redirect?

12 MR. TRUSLOW: I would -- I would take a ten (10)
13 minutes, but I'd defer to Your Honor and --

14 THE COURT: Madam Court Reporter, how are you doing?
15 Do you want to take a little break?

16 THE COURT REPORTER: Yes, Your Honor, if you please.

17 THE COURT: All right. Then let's -- let's take about
18 a five (5) minute break. And then you only have ten (10)
19 minutes on redirect?

20 MR. TRUSLOW: Yes, sir.

21 THE COURT: Let's at least finish this witness before
22 we take a lunch recess. Okay. All right. So let's take
23 about a five (5) minute comfort recess and then we'll
24 commence with the redirect.
25

1 (OFF THE RECORD BREAK FROM 12:21 P.M. TO 12:33 P.M.)

2
3 THE COURT: All right. Everybody's present? Yes,
4 sir. Mr. Truslow?

5 MR. TRUSLOW: All right. I'm ready.

6 THE COURT: Yes, sir.

7
8 (WITNESS DESA BALLARD-REDIRECT BY MR. TRUSLOW)

9
10 REDIRECT EXAMINATION

11 Q There were questions about who all you -- you had
12 talked to. And I'm not going to go through the entire
13 list, but you talked to their -- to -- in attempt to
14 find these things -- find out about guns, silver,
15 watches -- watches I'm talking about. Did you -- for
16 example, did you attempt to talk to -- to a jeweler
17 called Sumpter's --

18 A Yes.

19 Q -- to see whether or not the Combis' had traded in
20 watches?

21 A Yes. I got --

22 Q And you --

23 A -- the name Sumpter's from somebody.

24 Q And were you aware that Diane said they were just fake
25 watches?

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1 A I remember her testifying to that. She didn't tell me
2 that until recently.

3 Q And George said that the -- that he hadn't done any
4 business with -- or they hadn't done any business with
5 Sumpter's or anybody in Charlotte?

6 A I remember that from one of his depositions.

7 Q Did you find that to be inaccurate?

8 A Well, it's conflicting with other information I was
9 given, yes.

10 Q You talked to the SLED agent, for example?

11 A I did.

12 Q All right. Diane, there was a mention of somebody and
13 her name is -- I don't think it's come up before, but
14 we're talking about watches and whether Pop had a
15 Rolex watch. And you heard the name Dimetry?

16 A Yes.

17 Q Dimetry is in Court?

18 A Yes.

19

20 MR. TRUSLOW: Would you stand up, please, ma'am?

21 DIMETRY LOREN: (Complies.)

22 MR. TRUSLOW: Great. Thank you. You can sit down.

23 DIMETRY LOREN: (Complies.)

24

25 MR. TRUSLOW (resuming):

1 Q That's one of the people you talked to to confirm that
2 Pop had the watch? He was -- because he was there
3 when she got married?

4 A Yes.

5 Q It was a Greek wedding, Greek Easter --

6 A I've --

7 Q -- as well?

8 A -- talked to a lot of --

9 Q Saw a lot of photographs?

10 A I've seen a lot of photographs.

11 Q Okay. You talked to George, you -- Chris. And one
12 other thing we didn't talk about. In order to try to
13 trace the watches you were aware that -- that Chris
14 was going through a divorce, and you got his
15 transcript from his domestic case when questions were
16 posed about watches, and --

17 A I did.

18 Q -- what he had, and when he had gotten it?

19 A I did. I got the --

20 Q Did you --

21 A I don't remember if it was a hearing, or a deposition,
22 or both.

23 Q And did you compare that to the trust agreement where
24 -- or Pop's estate plan where he's proposing to
25 bequeath items?

1 A I gather all that information together, yes.

2 Q Okay. You -- also talking about things you'd done.

3 You had -- because they brought it up, you had issued
4 *subpoenas*? You asked them to produce things and they
5 wouldn't, correct?

6 A Correct.

7 Q You issued *subpoenas*, they didn't respond?

8 A Correct.

9 Q You filed motions to compel, they didn't respond?

10 A Correct.

11 Q There were motions to compel in North Carolina?

12

13 MR. REDDING: Objection.

14 MR. TRUSLOW: All right. I can go on.

15 THE COURT: Sustained. Move on.

16

17 MR. TRUSLOW (resuming):

18 Q They talked about the -- the items -- and I'm going to
19 approach the witness in just a second because that's
20 the only copy I have about -- there wasn't a question
21 about -- about coins, about guns. I'm talking about
22 guns and -- and a watch; is that correct? They
23 admitted that -- that there was a watch, a Rolex
24 watch?

25 A Yes. Mr. Bridgman admitted that.

1 Q And they talked in terms of things being in -- in the
2 safe?

3 A Correct.

4 Q In Diane's safe?

5 A I don't recall if it was Diane's safe, or George's
6 safe, or -- one of the six (6) safes.

7 Q George later, I think in Court here, when -- when
8 Linda was testifying George held up his fingers and
9 said what was either six (6) or nine (9) safes that he
10 had? Do you recall? And the judge --

11 A Six (6).

12 Q All right. And to try to find out about this -- about
13 what might be available, did you also ask for
14 insurance to see if there were valuable items about
15 insurance records? And were they willing to produce
16 insurance records?

17 A I had asked for homeowner's policies so I could see
18 what items of jewelry they might have detailed under
19 supplemental --

20 Q And related to that -- I talked over you, I'm sorry.

21 A That's all right. That they might have --

22 Q Related --

23 A -- handed to their --

24 Q Related --

25

1 THE COURT: Hang on. Let her talk. Go ahead. What
2 else did you do?

3 WITNESS DESA BALLARD: Yeah. I -- I asked for their
4 homeowner's policies to see if they had jewelry
5 endorsements where they had listed additional items of
6 value for insurance purposes.

7 THE COURT: I think the Court could take judicial
8 notice that she did an exhaustive investigation. Move on.

9 MR. TRUSLOW: Your Honor, I'm going where -- where
10 questions were posed to you by Mr. Redding regarding a
11 watch. And Your Honor, I'm going to refer you -- it's
12 already in -- it's our first exhibit from today, pages
13 specifically, you -- it's right --

14 THE COURT: Can you hand me that exhibit, please, Ms.
15 Ballard?

16 WITNESS DESA BALLARD: This one's not --

17 THE COURT: Yes.

18 WITNESS DESA BALLARD: -- an exhibit.

19 MR. TRUSLOW: No, sir. It's in the -- yes, sir.

20 WITNESS DESA BALLARD: Oh, yes.

21 MR. TRUSLOW: Yes, sir. It's in the transcript. It's
22 in the transcript.

23 THE COURT: It's in the transcript?

24 MR. TRUSLOW: I'm going to talk about that in a
25 minute.

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1 THE COURT: Here you go, Ms. Ballard.

2 WITNESS DESA BALLARD: I'm sorry.

3 THE COURT: All right. Tell me what page.

4 MR. TRUSLOW: I can refer to you pages of -- of -- you
5 might just want to write these down because --

6 THE COURT: All right.

7 MR. TRUSLOW: -- it's so voluminous. Seventy four
8 (74) and seventy five (75).

9 THE COURT: All right.

10 MR. TRUSLOW: Twenty (20) through twenty three (23).

11 THE COURT: Twenty three (23)?

12 MR. TRUSLOW: Actually, through twenty eight (28).

13 MR. REDDING: Your Honor, just so we can follow along.
14 Are we talking about the trial transcript? Are we talking
15 about the deposition transcript?

16 THE COURT: Is this the deposition transcript?

17 MR. REDDING: Which -- which deposition?

18 THE COURT: All right. Now, the --

19 MR. TRUSLOW: Those --

20 THE COURT: What I have up here is the deposition
21 experts that was introduced over objection. That's
22 Petitioner's Exhibit 1. Now, what are you referring to?

23 MR. TRUSLOW: There -- it's -- it's almost -- there's
24 so many of them, but it starts at about page twenty (20)
25 and goes --