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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Appellate Case No. 2020-001472

Vidhyaben R. Patel, Individually and as Co-Personal
Representative of the Estate of Rameshchanda Prabhudas
Patel, and Darshak Kumar Patel, Individually and as
Co-Personal Representative of the Estate of
Rameshchandra Prabhudas Patel, ... Appellants/Respondents,

v.

Hardik R. Patel, Anal H. Patel and AAHARVID, LLC, ... Respondents/Appellants.

RECORD ON APPEAL VOLUME II

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State of South Carolina)
) Court of Common Pleas
County of Laurens)
 2019-CP-30-00140

Vidhyaben R. Patel and as)
Cp-Personal Representative of)
the Estate of Rameshchanda)
Prabhudas Patel and Darshak)
Kumar Patel, Individually and)
as Co-Personal Representative)
of the Estate of Rameshchandra))
Prabhudas Patel)
) vs.) Transcript of Record
))
Hardik R. Patel, Anal H.)
Patel and AAHARVID, LLC)
))
) Defendant)

February 6th and 7th, 2020
Laurens, South Carolina

B E F O R E:

Honorable Eugene C. Griffith, Jr., Judge

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

Jahue Moore, Esq.
Attorney for the Plaintiffs

Desa Ballard, Esq.
Attorney for the Defendants

Joy E. Holston
Official Court Reporter

I N D E X O F W I T N E S S E S

(IC) - Denotes In Camera
(DW) - Denotes Defense Witness
(PW) - Denotes State's Witness

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(PW) Pallev Desai

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(PW) Dennis Drummond

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(PW) Vidhya Patel

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(PW) Prafull Patel

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(PW) Champa Patel

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(PW) Darshak Patel

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(PW) Hardik Patel

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E X H I B I T SPlaintiff's

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE#</u>
1	2007 Tax Return		X	76
2	Bank Records		X	260
3	Photo		X	345

Defendant's

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE#</u>
1	W-2's		X	164
2	Contract	X		173
3	Mortgage Real Estate		X	192
4	Photo		X	184
5	Letter - 1/4/2019		X	189
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7	Copy Check	X		228

1 THE COURT: All right, y'all gave me a kind of
2 thumbnail sketch. This involves a transfer real estate
3 and there is a house and a business. Are we talking about
4 both of them today or just one or the other?

5 MS. BALLARD: Your Honor, the complaint, as I pointed
6 out in my pretrial brief, the complaint ask for the
7 imposition of a trust over a one-half interest in the
8 residence and a one-half interest in the business. The
9 business does own a piece of real estate. Later in the
10 complaint, however, the complaint ask for the imposition
11 of a trust over the entire residence and the entire
12 company. So, I obviously don't know the answer, the
13 complaint is not clear.

14 THE COURT: Okay. So there was a, they are asking
15 for a fifty percent interest on both.

16 MS. BALLARD: That appears to be the case although
17 the complaint is rather confusing.

18 MR. MOORE: If I might. Actually, Your Honor, what
19 we are basically alleging is, that the Defendants hold the
20 property in the trust, Mr. and Ms. Patel. We are asking
21 that the Court declare the imposition of the trust in
22 regard to a small convenient store right there on 72 and
23 I-26.

24 THE COURT: Is it there near Clinton?

25 MR. MOORE: A house.

1 THE COURT: Okay.

2 MR. MOORE: Thank you.

3 THE COURT: All right. Anything we need to do, this
4 is a bench trial. We are just going to deal with the
5 issues on the fly since we don't have a jury to worry
6 about?

7 MR. MOORE: Yes, sir.

8 THE COURT: Okay.

9 MR. MOORE: There is a motion, there are two motions
10 pending, Your Honor.

11 MS. BALLARD: I did want to make sure you have
12 received our pretrial brief. I brought a hard copy of it.

13 THE COURT: That will be fine.

14 MS. BALLARD: Thank you, Your Honor.

15 THE COURT: Let's hear with what motions we have got
16 to deal with.

17 MR. MOORE: Your Honor, we filed two motions to
18 strike the answer and to impose sanctions. If what the
19 witnesses tell me is true, is in fact true, we believe we
20 have a relatively, not a relative, an incredibly serious
21 situation that the Court should deal with. We have three
22 witnesses who are here and who have provided affidavits in
23 regard to pretrial conduct as to Counsel for the
24 Defendant. Has the Court had occasion to look at the
25 affidavits we have submitted. I had instructed my staff

1 to make sure your Clerk did receive a copy.

2 THE COURT: Yes.

3 MR. MOORE: Your Honor, my understanding is, that we
4 had given various names of potential witnesses to Counsel
5 for the Defendant. The first notice that I had if
6 anything was amiss was when I was speaking to Mr. Patel
7 who intends to be one of our witnesses. And he was upset
8 and he was, he was, he felt very uneasy about what had
9 happened. His name is Prafull Patel. He tells me that, I
10 believe it was Tuesday of this week, Tuesday of this week
11 he received a call from Counsel for the Defendant. He
12 tells me that she had sent to him an email indicated that
13 she wanted to talk to him. Obviously, I have got no
14 problem with her speaking to Mr. Patel and finding out
15 what he knows, that is her job as a lawyer, that is
16 perfectly fine. But according to Mr. Patel she asked if
17 he was going to testify. And she told him that he didn't
18 have to testify and that this case was going to be a mess.
19 Mr. Patel tells me that he is originally from India, he
20 doesn't totally understand the processes but he received a
21 call from an attorney who was giving him advice that was
22 unsolicited and that advice was that, A, that if he got
23 involved he would be involved in a mess and that he didn't
24 have to come. Now, as I understand it, his son, Mike, his
25 India name I still can't remember. His son, Mike, was

1 there and his son wanted it put on the speaker phone. And
2 my understanding is, is that Mr. Patel was told to take
3 her off of speaker. So he did but Mike continued to
4 listen. And he is here and he can verify what was told.
5 Mike will testify that Ms. Ballard was trying to talk him
6 out of testifying and that they felt threatened by the
7 conversation when she said, you don't have to come and if
8 you do have to come you are going to be in a mess.

9 THE COURT: These aren't your clients, right?

10 MR. MOORE: No, these are witnesses.

11 THE COURT: Okay.

12 MR. MOORE: I have spoken with both of them, I know
13 what they are going to testify to. But these are
14 witnesses who disclosed to the Counsel for the Defendant
15 as being potential witnesses.

16 THE COURT: Okay.

17 MR. MOORE: In his affidavit, Mr. Patel says he does
18 not know Ms. Ballard, didn't solicit the call, did not
19 seek her advice that he didn't have to come and that she
20 was discouraging his testimony by telling him that he
21 would be getting into a mess. Now, you would be somewhat
22 skeptical or not wanting to accept testimony like that
23 except the exact same thing appears to happen in regard to
24 Pallev Desai who I think is here or coming, he is here.
25 He says he got an email from Ms. Ballard which is exactly

1 what happened with Mr. Patel. And she had wanted him to
2 call which he did. He called her on February the 5th and
3 told her what he is prepared to testify to, that he is the
4 one that sold the convenient store to basically my clients
5 and knows the transaction incredibly well. He says that
6 Ms. Ballard, asked if, if he had a subpoena and he said he
7 did not. And it is his testimony that she told him she
8 did not want him to come testify. He says, "I don't want
9 you to come." He is convinced that she discouraged him
10 from coming to testify. And, again, you have the language
11 about this is going to be a big mess. Made it plain that
12 she did not want him to come testify and told him he did
13 not have to testify. Said the conversation was short, ten
14 minutes or less. And I would call the Court's attention
15 to several things. If those are true, if those are true,
16 there is a specific rule to professional conduct directly
17 on point. I know Ms. Ballard claims to be an expert in
18 ethics but I took the course too.

19 THE COURT: So did I.

20 MR. MOORE: And this really shouldn't be that hard.
21 I have practiced law 45 years in this State and would
22 never try to discourage a witness from coming to testify
23 who was prepared to do so. But the rules of professional
24 conduct are incredibly clear. Rule 3.4(f) says, a lawyer
25 shall not request a person other than a client to reframe

1 from voluntarily giving relevant information to another
2 party. I am not sure how the Rule can be any clearer
3 there. A lawyer shall not request a person to reframe
4 from giving, voluntarily giving relevant information to
5 another party. Now if those two affidavits are true and
6 those people are here subject to examination and willing
7 to testify about what, all three of them, about what they
8 heard, it would seem to me there is a major problem here.
9 Now, we also have submitted to the Court a copy of a case
10 in which Ms. Ballard testified as an expert witness in
11 regard to the type of intimidating conduct which
12 apparently, on its face, may have existed in this case.
13 The case is State versus Inman and if the Court looks at,
14 I have got to turn to the appropriate page. The Court
15 cites to the criminal code which has a criminal
16 prohibition against with interfering or intimidating
17 witnesses. The Court makes reference to, I have got to
18 find it again.

19 MS. BALLARD: Page 44.

20 MR. MOORE: Thank you. Basically talks about, on
21 page 43 it talks about the right to have witnesses, it
22 says improper intimidation of a witness may violate due
23 process. It goes on and it says, talks about
24 intimidation. The Court then goes on and I had it
25 checked. I don't think it is page 44. But the Court

1 talks about the code section which talks about interfering
2 with witnesses. And it talks about the fact that Ms.
3 Ballard in the case testified that it was wrong to
4 interfere with or intimidate a witness. The Court
5 actually cites the fact that she appeared as a purported
6 expert on the field of legal ethics. And that she
7 testified at length about the impropriety of attempting to
8 influence or interfere with a witness. And that code
9 section is somewhere in here of the criminal code section.
10 But it basically appears to be a violation of criminal law
11 to intimidate a witness. These witnesses I think will
12 tell you what they say in their affidavit, that they felt
13 intimidated by being told that they didn't have to come
14 and she was an officer of the court telling them that,
15 offering and solicited legal advice in regard to their
16 obligations to appear or not to appear. And basically,
17 from what it looks like, again, I am anxious to hear
18 anything anybody else has to say. But it would arguably
19 appear that is what is taking place would be a violation
20 of the criminal statute. It would appear that what is
21 taken place would be a violation of the ethical rules of
22 this Court. And the only thing I know to do is once I
23 learn about it do exactly what I did which is to bring it
24 to the attention of the Court. I do not take great
25 happiness in bringing this to the Court. And it may be

1 that nothing improper happened. But if those affidavits
2 are true, I think something improper did happen.

3 THE COURT: Tell me this, if you come I am going to
4 do thus and so. But you don't have to come because you
5 have not been subpoenaed and it will be a mess. How is
6 that intimidation. Well, I mean just on its face. It is
7 not a subpoena so you don't have to come. That is a true
8 statement. And this case is going to be a mess. It
9 sounds like a family court case to me, family arguing
10 about a piece of property but that is just what little I
11 have heard. Why is that intimidating.

12 MR. MOORE: I can explain that.

13 THE COURT: Well, let me have Ms. Ballard explain it
14 because you have talked about fifteen minutes. I am ready
15 to hear from her.

16 MS. BALLARD: Your Honor, did you want to swear me as
17 a witness?

18 THE COURT: No, just tell me what is going on.

19 MS. BALLARD: Thank you very much, Your Honor. Late
20 yesterday afternoon I filed my Declaration. Attached to
21 my Declaration were my contemporaneous notes of my
22 conversation with Prafull Patel which was on Monday,
23 February 3rd, not Tuesday. I summarized my conversation
24 with him. There was no previous email because they have
25 not disclosed to as a witness until Monday morning. So

1 when I got from, I don't know if it was Mr. Price's office
2 or Mr. Moore's office, but they said, oh, we have one more
3 witness whose name is Prafull Patel, here is his phone
4 number. So I picked up the phone and called him which is
5 what Jake says any good lawyer would do. I was -- emailed
6 to Pallev Desai, that I sent last week and he did call me
7 yesterday morning and I make contemporaneous notes of the
8 conversation with him. I filed these late yesterday
9 afternoon, Your Honor, so you can see the content of the
10 conversations I had. Obviously, you will find from my notes
11 with Prafull, he's the one who brought up the issue of
12 this being a mess. He brought up the word, mess, and I
13 laughed and I told him, yeah, it was a mess, I understood
14 that. And he said he preferred not to talk to me and I
15 said, that's fine, fine with me, thank you very much. It
16 was a very short call. And before we hung up he
17 apologized to me for not being able to talk to me. And I
18 said, it's fine with me. I did ask him if he was under
19 subpoena. With Mr. Pallev Desai who I talked to yesterday
20 morning, he returned, he called me. He was responding to
21 my email from last week because he was disclosed as an
22 expert. And I believe I got this email address from my
23 client and I emailed him and told him who I was and asked
24 if he would call me and he did. And when he called me
25 yesterday morning, you will see from my contemporaneous

1 notes that he said he had just gotten back in the Country,
2 he had not been served with a subpoena. He asked me if I
3 wanted him to come testify and I said no, I am not calling
4 for that, I am calling to find out what you know because
5 the other side has listed you as a witness. So he
6 proceeded to tell me essentially what he knew about the
7 transfer of the convenient store that is an issue in this
8 case. And I thanked him and I hung up with him. Mr.
9 Moore is correct, I was the expert witness in the Inman
10 case. The Inman case was a murder case in which the
11 Defendant, Mr. Inman, was attempting to offer, was
12 attempting to offer testimony of a psychologist who was
13 going to talk about his ability to conform in prison which
14 is one of the death penalty requirements.

15 Sorry, Your Honor, I have had a cold since New
16 Year's.

17 And on the witness stand the Solicitor said to this
18 psychologist, you are not licensed in South Carolina to
19 practice psychology, are you.

20 And she said, no.

21 And he said, well, you know it is a criminal offense
22 for you to practice psychology in the State of South
23 Carolina if you are not licensed, right.

24 And she said, no, she didn't know that.

25 But he intimidated her and she asked not be required

1 to testify and she stepped down. My testimony was and
2 still is, that an attempt to intimidate a witness by any
3 criminal activity, criminal prosecution, I mean he was a
4 Solicitor, was in fact interfering with a witness and the
5 Court went on in great detail talking about the reason it
6 was a problem because it was a criminal case. And Mr.
7 Inman's due process rights were involved. If you look on
8 page 43 of the opinion which Mr. Moore attached to his
9 motion, Dr. Loring elected not to testify. The Supreme
10 Court agreed with me and said on page 44, we find the
11 Solicitor's conduct toward Dr. Loring unequivocally
12 constituted witness intimidation. That was witness
13 intimidation. You are going to be prosecuted if you
14 testify for this Defendant in this criminal case. That
15 was witness intimidation. My call to these people was
16 simply to find out what they knew, to find out whether
17 they were under subpoena. Mr. Patel who is the one who
18 used the word, mess, and I laughed and said, yes, it is a
19 mess. My contemporaneous notes reflect it. I do know Mr.
20 Patel seemed very nervous on the phone so it was a very
21 short call, I didn't want to keep him on the phone any
22 longer than necessary because he was nervous. And I said
23 in my notes that he was nervous, that he tried to put me
24 on speaker phone and I asked for him not to. Now, either
25 of these witnesses recorded my call I would ask that the

1 recordings be made available to the Court so that the
2 Court can hear them and judge for yourself whether or not
3 I intimidated anybody. Now, Mr. Moore says it is his
4 obligation to bring this to the Court's attention. That
5 is not exactly true. Rule 8.3 requires that if he knows
6 of professional misconduct by another lawyer he is
7 obligated, under Rule 8.3, to report it to the
8 disciplinary authorities, not this Court, the disciplinary
9 authorities. So he has got to file a grievance against me
10 and if he doesn't that is a problem. What he has done
11 instead is he has filed this motion in an attempt to
12 intimidate me and in an attempt to drive a wedge between
13 my clients and me. Mr. Moore and I have litigated against
14 each other for almost 40 years. He knows me, I know him.
15 He knows I am an aggressive lawyer. He would prefer that
16 my clients not have competent representation. So what he
17 is trying to do is intimidate them and I absolutely object
18 to the suggestion that I have done anything wrong, I want
19 you to listen to the recordings if they exist. I know
20 these people tend to record conversations. I would ask
21 you to inquire to the witnesses whether they recorded the
22 conversations and if they did please listen to them. And
23 I would point out too, in the Inman case, interestingly
24 enough, even those the Supreme Court agreed with me that
25 the Solicitor engaged in unethical conduct in intimidating

1 Dr. Loring and preventing her from testifying, they
2 granted no relief. The conviction was affirmed. So the
3 Supreme Court said, big deal. Your Honor, I am told that
4 I can be intimidating. So I am very careful when I
5 contact someone to make sure they know who I am, who I
6 represent and that they don't have to talk to me. In
7 fact, that is the first thing Mr. Patel said to me, do I
8 have to talk to you and I said, no, you have no obligation
9 whatsoever to talk to me. And he said, well, I think this
10 is a mess, I don't want to get involved. And I laughed
11 and I said, I don't blame you. And when Mr. Desai called
12 me he said essentially the same thing. I don't recall
13 whether Mr. Desai used the word, mess, before I did. But
14 Mr. Patel had introduced the word into our previous
15 conversation. And despite the fact that it was a mess Mr.
16 Desai went out of his way to tell me what he did know. He
17 certainly wasn't intimidated, he kept me on the phone and
18 told me what he knew and what he intended to testify to.
19 So if he is intimidated I am not sure what the word
20 intimidated means. And he is here to tell you about it,
21 so he is not intimidated. Your Honor, this is a, this is
22 an unfortunate effort by the Plaintiff's Counsel to raise
23 a red herring, to try to intimidate me, to try to draw a
24 wedge between me and my clients. It is totally uncalled
25 for. Mr. Moore now has to report me to the Office of

1 Disciplinary Counsel. Your Honor has several options.
2 You can stay these proceedings while he reports me to the
3 proper authorities and let them investigate it to see if I
4 engaged in professional misconduct which you would have to
5 stay these proceedings and none of us want that to happen,
6 we want this case to go forward.

7 THE COURT: Well, a couple of things.

8 MS. BALLARD: Yes, sir.

9 THE COURT: The contemporaneous notes you handed to
10 the Court in Declaration, you swear or affirm those are
11 your contemporaneous notes?

12 MS. BALLARD: They are. The date and times are on
13 them, yes.

14 THE COURT: And that is, and you are making these
15 representations as an Officer of the Court?

16 MS. BALLARD: Yes, sir.

17 THE COURT: All right. Let me go back to Mr. Moore
18 then.

19 MS. BALLARD: Thank you, Your Honor.

20 THE COURT: Mr. Moore, you are not under an
21 obligation to come to court which is a true statement and
22 this is a mess. How is that an intimidation tactic to
23 don't come in here or otherwise you will get in big
24 trouble. I mean, criminal trouble.

25 MR. MOORE: Well, first of all, it is not, you don't

1 even have to rise to the level of intimidation to create
2 an issue. What basically happened here is you have an
3 Officer of the Court calling a witness, a person who has
4 been disclosed as being, coming. And basically offering
5 unsolicited advice that you don't have to come. Now, I
6 think there is a problem with that.

7 THE COURT: Okay. I will stop you there. Are you
8 going to file a grievance against Ms. Ballard, if so,
9 let's deal with that and we will stay this and we will let
10 that take its course because I can't go forward, if you go
11 forward with that.

12 MR. MOORE: I certainly don't want to have to do
13 that.

14 THE COURT: Okay. I understand. And I understand
15 the predicament it puts everyone in.

16 MR. MOORE: I see a real problem with it. If there
17 is going to be, if the Court is, if we are going to move
18 forward, I don't see any reason why we can't move forward.
19 If the Court is telling me the appropriate thing to do is
20 to file a grievance and to allow that venue, its fine.
21 Because I do believe this, I do think at this point and
22 time that there is, I think there has been, there is a
23 problem. And I hate that. But I do think that probably
24 there is no prejudice. I am incredibly tired of the
25 gamesmanship. This is no way to litigate in my humble

1 opinion. There is a companion motion and, which is
2 attached. This companion case, we filed, we answered the
3 interrogatories and request to produce in this case. And
4 as I told the Court earlier, they have, they came into the
5 store and the house and took all of Ms. Patel's documents
6 and then they basically starting beating us up that we
7 weren't producing documents. Of course, we can't produce
8 what they have taken. And in the companion case I
9 basically filed a set of interrogatories and requests to
10 produce and their response to that, there are other cases
11 going on so we are not going to give you anything. So
12 there was no reason to try to get any documents or
13 anything in this case because the response to that case is
14 we are not giving you anything.

15 THE COURT: That is not these two cases?

16 MR. MOORE: No. I filed that motion just because the
17 Court can see the type of game ship that is going on. I
18 don't litigate that way. There may be times when I miss a
19 discovery deadline. And there may be times I will have
20 something to be continued because I have got somewhere
21 else I have got to be. But I don't play those games.
22 There is game ship and it shouldn't take place. The case
23 simply needs to be tried on its facts, a decision needs to
24 be based in justice, on its facts. And we need to move
25 on. But it is, it is the frustration of the source, the

1 sort of thing that we are looking at in regard to calling
2 witnesses and say you ain't got to go, unsolicited legal
3 advice that you haven't got to go. When you look at that
4 and you look at the game playing in discovery and you look
5 at, well, we tried to give them a discovery. We have
6 given them full answers to the extent we can. It is just,
7 the case simply needs to be tried and I brought it to the
8 attention of the Court because quite frankly I am tired of
9 it. And if the Court wants -- and truly, you know, am I
10 prejudiced by the fact that they try to tell my witnesses
11 they don't need to be here. No, I am not prejudiced. But
12 just, if the Court, I just want the case tried and I want
13 to try it honestly and openly without a bunch of games.
14 That is all I want. And, but we have seen games. The
15 lawyer in, I shouldn't say this because it is not--

16 THE COURT: Well, don't say it then. I want to take
17 a couple of minutes, I want to step off and get me another
18 cup of coffee. Y'all take a couple of minutes and I will
19 try to figure out what I am going to go, how I am going to
20 go forward, if we can. I think we can but I will try to
21 do that.

22 MR. MOORE: Okay.

23 MS. BALLARD: Thank you, Your Honor.

24 (Whereupon, a short break was taken.)

25 THE COURT: All right, I don't believe it is my place

1 to make a decision on whether the witnesses were
2 intimidated. On its face, you don't have to come, the
3 case is a mess. That is not a threat of any type on its
4 face. So, Mr. Moore, do you want to make a grievance,
5 file a grievance, that is your decision. If you don't we
6 will go forward. If you are going to, let's move forward
7 with that and we will stay the case. That is kind of
8 where I see where we are.

9 MR. MOORE: I think the Court is telling me that it
10 is not anything wrong with it, I don't have to do
11 anything.

12 THE COURT: It just doesn't seem threatening to me
13 considering, worse case scenario, it is a mess and you
14 don't have to come. I am not threatened by that. Now, I
15 will point out that there are three very qualified lawyers
16 and some people have a voice of intimidating. I have been
17 told I have that, maybe so.

18 MR. MOORE: Your Honor, if the Court is telling there
19 is nothing wrong with it I don't think I have to do
20 anything with it. And I thank you.

21 THE COURT: Okay, there we are. Let's move forward.

22 MS. BALLARD: Thank you, Your Honor. I would ask if
23 you could inquire of the witnesses whether there are audio
24 recordings, they accused me of some very serious
25 misconduct. And I would like to know if there are audio

1 recordings that would be relevant to the issue.

2 THE COURT: You have any knowledge of that, Mr.
3 Moore?

4 MR. MOORE: I will tell the Court as an Officer of
5 the Court I have made the same inquiry and I have been
6 told there are none.

7 THE COURT: Okay, there are none.

8 MS. BALLARD: That's fine, Your Honor, thank you.

9 THE COURT: Okay. Are we ready to go?

10 MR. MOORE: We are.

11 THE COURT: It is your case, call your witness.

12 MR. MOORE: Your Honor, I would call as an adverse
13 witness pursuant to the Rule, Anal H. Patel.

14 ANAL H. PATEL, being
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 By Mr. Moore:

18 Q What is your name?

19 A Anal Hardik Patel.

20 Q And you spell your name, A-N-A-L?

21 A Yes, sir.

22 Q Hardik would be, H-A-R-D-I-C-K?

23 A No.

24 Q Would you spell that, please.

25 A H-A-R-D-I-K.

1 Q And I believe that you are married?

2 A Yes.

3 Q What is your husband's name?

4 A Hardik Patel.

5 Q How long have you and he been married?

6 A Eleven years.

7 Q You have, you are an educated person. What is your
8 educated background, what is your educational background?

9 A I have a Bachelor's in Health Information Management.

10 Q Do you know Vidhya Patel?

11 A Yes.

12 Q She is your mother-in-law, correct?

13 A Yes.

14 Q Did she provide you any assistance in your obtaining
15 your educational degree?

16 A No.

17 Q You did not live with her while you were in school?

18 MS. BALLARD: Your Honor, I object to the form of the
19 question, live with her doesn't specify where, it is a
20 vague question.

21 THE COURT: Rephrase it.

22 Q Ma'am, did you live in the home where Vidhya lived
23 while you were in college?

24 A I was -- what timeframe?

25 Q At any point and time while you were getting your

1 education did you live in the same home as Vidhya?

2 A Yes.

3 Q What years did you live in the home with Vidhya?

4 MS. BALLARD: I object to the question, Your Honor.
5 Whether it is Vidhya's home is at issue in this case, I
6 would ask him to rephrase.

7 MR. MOORE: I said the home with Vidhya.

8 THE COURT: The same home.

9 Q Did you live in the house with Vidhya?

10 A Yes.

11 Q What years?

12 A I can't recall.

13 Q How old were you when you were living in that house
14 with her?

15 A I can't understand the question.

16 Q Do you know what it means to have obtained a certain
17 age?

18 A Yes.

19 Q How old are you now?

20 A 36.

21 Q What age have you obtained during the years that you
22 were living in the house with Vidhya?

23 A 23.

24 Q Now, who else lived in that house while you were
25 living there?

1 A My husband and my father-n-law.

2 Q What was his name?

3 A My father-n-law's?

4 Q Yes.

5 A Ramesh Patel.

6 Q Is Ramesh dead?

7 A Yes, sir.

8 Q When did he die?

9 A 29th, June --

10 Q -- how long a period of time did you live in that
11 house, how many years did you live there?

12 A In the house, which house?

13 Q The house that we have been talking about, the house
14 which I believe is located on Highway 72.

15 A We lived on and off over there, we lived there four
16 years and then my husband got a job so we moved to
17 Richmond, Virginia.

18 Q Right. During those four years that you lived there
19 was your husband also in school?

20 A No.

21 Q What did he do for a living?

22 A He handled the store and he also had a job.

23 Q Do you know who put the down payment on the house
24 when it was purchased?

25 A Yes.

1 Q Who put the down payment on the house?

2 A We did.

3 Q We who?

4 A Me and my husband.

5 Q Where did you get the money?

6 A We worked from job.

7 Q Well, you also were in school. Were you working
8 full-time while you were in school?

9 A No.

10 Q Well, what was the job that you were working that
11 afforded you the ability to make the down payment on the
12 house?

13 A I had a gas station and I also worked previously in
14 the pharmacy. So I had savings as well.

15 Q Yes, ma'am. Now, did you ever own an interest in a
16 hotel in Newberry?

17 A Yes.

18 Q And the hotel in Newberry was the Quality Inn, is
19 that correct?

20 A Yes.

21 Q How old were you when you acquired the interest in
22 the hotel in Newberry?

23 A 21.

24 Q And how much money did you put down of yours in order
25 to acquire the hotel in Newberry?

1 A I am sorry, I can't recall that far.

2 Q Actually the truth of the matter is, you did not put
3 any money down there, correct?

4 A I can't recall, sir.

5 Q Do you recall putting any money to acquire your
6 interest in the hotel in Newberry?

7 A I can't recall, sir.

8 Q So you don't recall putting any money in?

9 A I can't remember.

10 Q Do you know Mr. Paul Desai?

11 A Yes, I do.

12 Q And how do you know Mr. Paul Desai?

13 A He sold the Newberry hotel.

14 Q When you say he sold the Newberry hotel, when was it
15 that he sold the Newberry hotel?

16 MS. BALLARD: Your Honor, I am going to object to
17 this line of questioning, it is irrelevant. We are not
18 here about the Newberry hotel.

19 THE COURT: I was going to ask, what is the
20 relevance.

21 MR. MOORE: Your Honor, when the Newberry hotel was
22 put into the convenient store and the home. So what
23 basically happened is, this lady was in effect the child
24 who has just gotten married. My client who is deceased
25 created an LLC--

1 MS. BALLARD: Your Honor, Mr. Moore is testifying.

2 MR. MOORE: Your Honor asked me a question.

3 THE COURT: Yeah, go ahead.

4 MR. MOORE: It is his money.

5 MS. BALLARD: You have to lay a foundation, Your
6 Honor, before he can question the witness about this. It
7 is irrelevant.

8 MR. MOORE: Your Honor, can I, may I make a
9 suggestion?

10 THE COURT: Yes.

11 MR. MOORE: I believe that it would be a good thing
12 for me to allow, to finish speaking before -- and I will
13 give her the same.

14 THE COURT: Y'all have got to let the Court Reporter
15 do her job and so don't make it hard on her because the
16 spellings and whatnot. The relevance of the hotel is the
17 hotel was sold and that money went to the convenient
18 store?

19 MR. MOORE: Yes.

20 THE COURT: All right.

21 MR. MOORE: Thank you, sir.

22 Q Ma'am, the, when the convenient store was purchased,
23 did you negotiate that?

24 A Negotiate in what way?

25 Q The purchase of it. The price, the terms, the

1 financing, anything.

2 A No.

3 Q What was your interest, you claim that you had an
4 interest in the hotel in Newberry. What exactly interest
5 do you claim you own?

6 A Twenty percent.

7 MS. BALLARD: Your Honor, again, we are talking about
8 the Newberry hotel, I think it is irrelevant.

9 THE COURT: I am going, I want an answer, the
10 proceeds are coming out of a hotel or at least that is
11 what I am led to believe. So, let's go from there.

12 Q What percentage of the hotel did you claim that you
13 owned?

14 A Twenty percent.

15 Q And actually that twenty percent was in the name of
16 an LLC, correct?

17 A Yes.

18 Q What was the name of that LLC?

19 A Shree Shree Hari, LLC.

20 COURT REPORTER: What was that?

21 A Shree, S-H-R-E-E, again the same word, Shree;
22 H-a-r-i, Hari.

23 Q Now, what steps did you take to form the LLC that the
24 twenty percent went into?

25 A I can't recall.

1 Q You didn't hire the lawyer who formed it, did you?

2 A No, sir.

3 Q And what actually happened was, when the transaction
4 got ready to close Mr. Pallev Desai brought you and helped
5 you actually cosign what needed to be signed, right?

6 MS. BALLARD: Your Honor, I object, it is not clear
7 which transaction he is talking about, 2007, 2012. He
8 needs to clarify so the witness understands.

9 THE COURT: Okay.

10 MR. MOORE: I would assume that if she doesn't
11 understand the question she can tell me. But we are
12 obviously talking about the hotel that was used to finance
13 the convenient store. The evidence is going to show that
14 she doesn't know anything about it, she just knew it was
15 in her, the money in it. And the money that was taken to
16 put in the convenient store.

17 THE COURT: Just make certain your questions are
18 specific that you are asking.

19 MR. MOORE: Thank you.

20 Q Ma'am, instead of talking about the hotel I am going
21 to call it the Quality Inn, correct?

22 A Yes.

23 Q Someone put twenty percent of that hotel into your
24 name, right?

25 A Yes.

1 Q Who were the partners in the Quality Inn?

2 A Hardik Patel, my husband and Prakash Patel.

3 Q All right. And the actual age that you were when
4 that hotel was purchased was how old?

5 A Between 21 or 22.

6 Q Did you have any cash money at 21 to put into the
7 purchase of a twenty percent interest in the Quality Inn?

8 A I am sorry, sir. As I said before, I can't remember,
9 it is so long ago.

10 Q And day in and day out, did Vidhya's husband work in
11 that hotel?

12 A Yes.

13 Q Did you work there full-time?

14 A No.

15 Q Did you work there day in and day out?

16 A No.

17 Q Did your husband work there full-time?

18 A Yes.

19 Q And how long did your husband work at the Quality Inn
20 full-time?

21 A I can't remember, sir.

22 Q And was he in school?

23 A Yes.

24 Q During the period of time that the Quality Inn was in
25 operation?

1 A Yes.

2 Q Tell me, if you would, what Mr. Pallev Desai had to
3 do with the sale of this Quality Inn to this LLC that you
4 told us about?

5 MS. BALLARD: Your Honor, I object. That question
6 assumes facts that are not in evidence and in fact the
7 Newberry Hotel had nothing to do with the convenient
8 store. So he is asking her questions she is unable to
9 answer.

10 THE COURT: I didn't hear the question. Tell me what
11 the question was.

12 MR. MOORE: I wanted to know, Your Honor, she has
13 told that Pallev Desai had something to do and knows about
14 the transaction with the hotel. I simply asked her, what
15 did Pallev Desai have to do with the hotel.

16 THE COURT: I will let her answer that.

17 Q What did Paul Desai have to do with the purchase and
18 sell of the Quality Inn when you acquired your twenty
19 percent?

20 A I can't remember what was his role in that
21 transaction.

22 THE COURT: All right, you said purchase and sell.

23 MR. MOORE: Or purchase, the purchase.

24 Q The purchase, when you acquired your twenty percent
25 what did Pallev Desai have to do with it?

1 A He was not one of the purchaser.

2 Q He was one of the sellers, wasn't he?

3 A Right.

4 Q You remember that now?

5 A Yes.

6 Q So, if I were to ask Mr. Desai about the transaction.
7 We know this, whether he remembers or not, he was one of
8 the people who actually participated in the sale of the
9 Quality Inn when you got your twenty percent.

10 MS. BALLARD: Objection, form of the question, Your
11 Honor. There has been no evidence that she received
12 anything from the sale of the Newberry Inn.

13 THE COURT: No, no, no. She is talking, Mr. Desai
14 sold the hotel to the group that bought it. He should
15 know what the seller needed. I have got the question but
16 it seems like we walked around the tree twice to get
17 there. Desai is the seller, this group is the buyer, ask
18 your next question.

19 MR. MOORE: Thank you, sir.

20 MS. BALLARD: Your Honor, that is not accurate. That
21 is why I am asking for clarification because these
22 transactions were unrelated.

23 THE COURT: When Desai sold it to the partners,
24 Darshak and his, her LLC, was he not the seller, did I
25 misunderstand that?

1 MS. BALLARD: Your Honor, she will testify at the
2 appropriate time but Mr. Hardik Patel and Ana Patel has to
3 surrender their interests in the Newberry Hotel because of
4 the misappropriation of funds by the deceased Ramesh. And
5 they were threatened and they gave up their interest in
6 the hotel and received no money for it. The purchase of
7 the convenient store was a totally separate transaction.

8 MR. MOORE: Your Honor, I believe she is talking
9 about a hotel in Florence, South Carolina.

10 MS. BALLARD: No sir, I am talking about the Newberry
11 Hotel.

12 MR. MOORE: In regard to the Newberry Hotel, our
13 contention is that money from the Hotel went into the
14 convenient store.

15 THE COURT: When she acquired her interest and the
16 LLC, start on the sale of the hotel, see what happened.

17 Q Ma'am, do you recall the Quality Inn being sold, was
18 it sold?

19 A Sold to?

20 Q Was it sold, was your interest in the Quality Inn
21 ever sold?

22 A No.

23 Q So you still own it?

24 A No.

25 Q Did you convey it, did you transfer it?

1 A Yes.

2 Q Who did you transfer it to?

3 A Prakash Patel.

4 Q Prakash Patel pay no money for it?

5 A No.

6 Q Do you know when, do you know if your father-in-law
7 ever got any money out of the Newberry Hotel?

8 A I am not sure.

9 Q Do you know any reason why he would have gotten money
10 from the Newberry Hotel?

11 A I am not sure, sir.

12 Q All right. Do you know if your father-in-law took any
13 money from the Newberry Hotel and put it in the convenient
14 store?

15 A No, sir.

16 Q You don't know?

17 A No.

18 Q Do you know Mr., your father-in-law ever took any of
19 his money and put it in the house that you lived in on
20 Highway 72?

21 A No, sir.

22 Q Who would know that. You say you don't know, who
23 would know?

24 A My husband.

25 Q I see. Now, as I understand Ramesh and Vidhya had

1 two children, is that correct?

2 A Yes.

3 Q And after Ramesh died did she go back to India?

4 A What time period?

5 Q After he died, at any point in time after the death
6 of Ramesh did she go back to India?

7 A Yes.

8 Q How long was it after the death of Ramesh that she
9 went back to India?

10 A In 2018, April and May.

11 Q When did he die?

12 A 2017, June.

13 Q So a year, a year and a half after his death Vidhya
14 went to India?

15 A Correct.

16 Q Who went with her?

17 A Darshak.

18 Q Darshak is your brother-in-law, correct?

19 A Yes.

20 Q And at the time he had stage four cancer, right?

21 A What time?

22 Q When they went to India?

23 A No, sir.

24 Q All right. They went to India anyway, correct?

25 A Yes.

1 Q And they took with them the ashes of your
2 father-in-law?

3 A Yes.

4 Q While they were gone with the ashes, did you go into
5 the house?

6 A Yes.

7 Q Were you living in the house at that time?

8 A On weekends, yes.

9 Q And when they left to go to India did you go into the
10 store?

11 A Yes.

12 Q Did you remove anything from the house while she was
13 in India, papers, personal property, anything?

14 A No, sir.

15 Q Did your husband do that?

16 A No.

17 Q Was anything removed from the convenient store while
18 she was in India?

19 A No, sir.

20 Q Did you go into the convenient store?

21 A Yes.

22 Q You didn't take any documents?

23 A What kind of documents?

24 Q Any type of piece of paper, note, bills, checks,
25 checkbooks, check registers, any type of documents?

1 A I may have, I don't remember.

2 Q And you are familiar with this convenient store,
3 right?

4 A Yes.

5 Q Did your mother-in-law ever work there?

6 A Yes.

7 Q Did she work full-time?

8 A Yes.

9 Q Did she work hard?

10 A I believe so, yes.

11 Q Did she work more than 40 hours a week on a regular
12 basis?

13 A No.

14 Q She simply worked 40 hours a week?

15 A It varied.

16 Q Did she ever work more than 40 hours in a week?

17 A Not that I know of.

18 Q Well, at some point and time you and your husband
19 left Clinton, correct?

20 A Yes.

21 Q Where did you go?

22 A Richmond, Virginia.

23 Q When did you move to Richmond, Virginia?

24 A In 2011.

25 Q And you were married in what year?

1 A 2005.

2 Q And in 2005 you had an engagement ceremony in the
3 States and were actually married in India, correct?

4 A Engagement ceremony was before 2005.

5 Q Right. But you had it in the United States, right?

6 A Right.

7 Q And you were married in India?

8 A Yes. No, the Indian ceremony was done in India. We
9 were married here.

10 Q Right. And did Ramesh and Vidhya pay for anything
11 towards your wedding?

12 A In India, yes.

13 Q It was actually \$58,000.00 dollars they paid toward
14 your wedding, correct?

15 A I am not sure about how much they spent.

16 Q That sounds about right, doesn't it?

17 MS. BALLARD: Your Honor, she says she doesn't know.

18 THE COURT: Is that related to this case?

19 MR. MOORE: Hopefully I am not badgering anybody. I
20 am just asking questions. Well, Your Honor,--

21 MS. BALLARD: She is asking for water. Let me get
22 her some water.

23 THE COURT: Okay.

24 Q You say that Vidhya and Ramesh paid money towards
25 this wedding in India. Did they pay money towards the

1 engagement party in New Jersey?

2 A No.

3 Q Who paid for that?

4 MS. BALLARD: Your Honor, I object, this is
5 irrelevant. We are talking about the ownership of a home
6 and the ownership of a convenient store. Whether Vidhya
7 and Ramesh paid for an engagement, weddings--

8 THE COURT: I understand your objection, what is the
9 relevance?

10 MR. MOORE: Your Honor, as part of establishing the
11 family relationship and trust and confidence. We
12 basically are showing the family relationship and what it
13 was like before the death of Ramesh in regard to trust,
14 competence and the closeness of the family.

15 THE COURT: All right. Ask your next question, go
16 ahead.

17 MR. MOORE: Thank you.

18 Q Did Ramesh or Vidhya contribute any money towards
19 your education?

20 A No.

21 Q How about towards your husband's education?

22 A Yes.

23 Q What education does your husband have?

24 A Bachelor's Degree in Business Management.

25 Q From where?

1 A From UNC Charlotte.

2 Q Tell me, if you would, what if anything they did to
3 contribute towards his education?

4 A Pay fees.

5 Q Basically they paid the tuition, room, board and
6 provided him with a car, didn't they?

7 A All I know is they paid his fees.

8 Q When you say his fees, do you know what those fees
9 were?

10 A No, sir.

11 Q Where did you and Ramesh, you and Hardik live while
12 he was getting his Bachelor's Degree being paid for by
13 your in-law's.

14 MS. BALLARD: Objection, Your Honor, he has not
15 established it would be paid for. All she said was they
16 paid fees.

17 THE COURT: Y'all are going to have to quit objecting
18 to everything. You can argue that, I mean, y'all are
19 splitting hairs. She is an adverse witness, I don't know
20 if we are ever going to get done if we are going to keep
21 arguing about every single penny and who and where it came
22 from. I want a big picture.

23 MR. MOORE: Thank you.

24 THE COURT: All right.

25 Q Ma'am, at some point and time a convenient store was

1 purchased in or was leased, the convenient store was
2 leased in Clinton, South Carolina, right?

3 A Yes.

4 Q Highway 72, right?

5 A Yes.

6 Q When was it leased?

7 A 2007.

8 Q In 2007, when that convenient store was leased, what
9 name was it leased in?

10 A AAHARVID, LLC.

11 Q Spell that for the Court Reporter.

12 A A-A-H-A-R-V-I-D, LLC.

13 Q Who owns that LLC?

14 A Me.

15 Q Tell me what the letter stands for in the LLC?

16 A Letter stands for?

17 Q The AA, what does it stand for?

18 A My name.

19 Q What do the next two letters stand for?

20 A HAR for my husband.

21 Q And the last three letters?

22 A VID.

23 Q Who has the first three letters, VID?

24 A My mother-in-law.

25 Q That is one of the Plaintiff's in this case, right?

1 A Yes, sir.

2 Q Now, if the LLC had nothing to do with Vidhya, why
3 were the letters of her name placed in the LLC?

4 A We chose that name, we didn't think why.

5 Q So you chose a name and didn't think why you were
6 naming it?

7 A She is a family member.

8 Q Who actually named the LLC?

9 A My husband, came up with that name.

10 Q I see. And when is it that the convenient store was
11 actually leased?

12 A 2007.

13 Q And where was it leased, who did you lease it from?

14 A P&P Investment.

15 Q And who is that?

16 A Prakash Patel and Pallev Desai.

17 Q Pallev Desai is here today, right?

18 A Right.

19 Q So the person that was involved in the actual leasing
20 of this convenient store to your LLC is here today, right?

21 A Yes.

22 Q Now, when the store was leased, did it have inventory
23 in it?

24 A Yes.

25 Q Did Mr. Desai just give you that inventory?

1 A No.

2 Q You had to pay for it, right?

3 A Yes.

4 Q How much did it cost?

5 A It was a whole amount of inventory inside and
6 including the gas.

7 Q Right, how much did it cost. What did you pay for
8 it?

9 A We did not pay, we obtained a loan from them.

10 Q You didn't pay any money --

11 A -- for lease, no. We obtained a loan--

12 Q -- no, not the lease, for the inventory, the
13 inventory and good will. Was there any money, was there
14 any money paid?

15 MS. BALLARD: Your Honor, Mr. Moore is trying to
16 block my view of the witness. I would ask him not to do
17 that.

18 MR. MOORE: I am because she is tempting to
19 communicate with--

20 MS. BALLARD: I am not attempting to communicate.

21 MR. MOORE: She keeps looking at Ms. Ballard for
22 answers.

23 THE COURT: Ms. Ballard is not going to make any
24 attempt to coach her witness but she gets to see her
25 witness.

1 MR. MOORE: And I am happy, the witness is trying to
2 get help is my problem.

3 A I am not, sir.

4 MS. BALLARD: Your Honor, I object to that.

5 THE COURT: All right, look. She is an adverse
6 witness, lead her.

7 MS. BALLARD: Thank you, Your Honor.

8 Q Ma'am, are you telling me, okay, whether you borrowed
9 the money or not, how much money was P&P paid for the
10 inventory when the location was leased?

11 A I am not sure. How much money P&P paid?

12 Q Yes, ma'am. No ma'am, I want to know, look, you are
13 telling me that your LLC leased the convenient store from
14 P&P?

15 A Right.

16 Q I just want to know how much you paid for the
17 inventory?

18 A Inventory and good will included \$124,000.00 dollars.

19 Q All right. Now, was any money, any of that
20 \$124,000.00 dollars borrowed on a note from P&P?

21 A Yes.

22 Q How much?

23 A All of it.

24 Q You don't recall that part of the money was put down,
25 was cash money put down?

1 A No.

2 Q So they just gave you the convenient store on a note?

3 A Yes.

4 Q What were the terms of that note?

5 A We pay eight percent interest on that money and pay
6 back to them.

7 Q For, over what period of time? Was it a five year
8 note, ten year note?

9 A There were no specific time period on it.

10 Q Well, if there was no specific time period on that
11 note you could pay \$100.00 dollars a year or \$5.00 dollars
12 a year. How much were you paying per month?

13 A I can't recall but we paid it back to them, all of
14 it.

15 Q And where did you get the money?

16 A The income of the store.

17 Q And who wrote the check to pay that money?

18 A I did.

19 Q And as a, wait a minute. As I understand it, after
20 your husband got his degree from UNC y'all moved to
21 Richmond, right?

22 A No, sir. We moved to Richmond in 2011.

23 Q Right. And he got his degree when?

24 A I can't recall when he got his degree.

25 Q How long was it after he got his degree that you

1 moved to Richmond?

2 A I can't recall the year he graduated, sir.

3 Q Well, can you tell me how many years ago, roughly it
4 was, that you moved to Richmond?

5 A We moved in 2011 to Richmond.

6 Q Since 2011, when you moved to Richmond, have you ever
7 lived in Clinton, South Carolina?

8 A Yes, on and off.

9 Q When you say on and off, what do you mean?

10 A We come visit.

11 Q Other than to visit. I mean as a residence. Have
12 you ever had a full-time residence in Clinton, South
13 Carolina since 2011?

14 A No.

15 Q Now, since you have not lived there full-time since
16 2011, who lived in the house?

17 A My father-in-law and mother-in-law.

18 Q Did they pay you rent?

19 A No.

20 Q They lived there rent free?

21 A Yes.

22 Q Who paid the taxes?

23 A My husband.

24 Q And who paid the insurance?

25 A My husband did.

1 Q The home that we are talking about, who was the real
2 estate agent who handled the transaction where the home
3 was purchased?

4 A Ms. Champa Patel.

5 Q Is Champa here today?

6 A Yes.

7 Q Was she integrally involved in the negotiations that
8 led up to the purchase of that home?

9 A Yes.

10 Q How old would you have been when that home was
11 purchased?

12 A Twenty-six.

13 Q Now, at some point and time, as I understand it,
14 after the property was leased and you gave the note to buy
15 the inventory and the gas, was the actual real estate
16 purchased?

17 A Yes.

18 Q Was Mr. Pallev Desai involved in that?

19 A Yes.

20 Q How was Mr. Pallev Desai involved in the actual sell
21 of the real estate to the LLC that is titled in your name?

22 A He sold it to my LLC.

23 Q Who negotiated the deal?

24 A My father-in-law.

25 Q Well, if your father-in-law didn't have any ownership

1 interest in the store and if your father-in-law just worked
2 there sometimes, why in the name of goodness would he have
3 been the person to negotiate the purchase of the LLC, why
4 was he the one who did it?

5 A Because he was a great business man and we trusted
6 him.

7 Q And he trusted you, right?

8 A Yes.

9 Q There is no doubt that in this family there was a
10 great deal of trust, right?

11 A Yes.

12 Q You trusted him, right, right?

13 A Right.

14 Q He trusted you?

15 A Yes.

16 Q And he trusted your husband, right?

17 A Yes.

18 Q Now, in regard to this trust you are telling me that
19 Ramesh is the person who negotiated for the purchase of
20 the convenient store.

21 MS. BALLARD: Your Honor, I object to the reference
22 towards trust, there has been no determination that there
23 is a trust.

24 THE COURT: You have used LLC is what I thought you
25 were talking about.

1 MR. MOORE: Right.

2 THE COURT: Okay, you used the word, trust.

3 MR. MOORE: I am sorry.

4 Q In regard to the purchase of the real estate by the
5 LLC, you told me that the reason that your father-in-law
6 negotiated this because he was a good business man, right?

7 A Yes.

8 Q Well, what terms did he negotiate, what were the
9 terms of the purchase?

10 A For the convenient store?

11 Q Yes, for the actual real estate in which the
12 convenient store was located, what were the terms?

13 A I am not sure. I can't recall the terms.

14 Q Who provided the financing?

15 A We did.

16 Q No, what lending institution, if any, provided the
17 financing?

18 A BB&T.

19 Q Was it an existing loan that was assumed or was there
20 a new loan?

21 A New loan.

22 Q And the, are you sure about that?

23 A Yes.

24 Q Now, what was the purchase price?

25 A Around \$450,000.00, I can't recall the number

1 exactly.

2 Q So you don't know how much was paid for--

3 A I am sorry, it was \$385.

4 Q I see. And how was that number arrived at, was there
5 an appraisal?

6 A I can't recall all the details.

7 Q Do you recall if there was an appraisal for the loan?

8 A Yes.

9 Q Who did it?

10 A I am not sure.

11 Q Who paid for it?

12 A I can't recall, sir.

13 Q What was the interest rate?

14 A I can't recall that far, sir.

15 Q Over how many years was it financed?

16 A 2012.

17 Q No it was financed in 2012, for how many years, five
18 years, ten years, fifteen years?

19 A Five years.

20 Q Who was the banker, what is the banker's name that
21 handled the loan?

22 A I can't recall her name. She is at BB&T in Columbia.

23 Q Now, Ma'am, when your father-n-law negotiated for the
24 purchase of this convenient store, did your father-n-law
25 have anything to do with setting up the financing?

1 A No.

2 Q Did he have anything to do with setting up the LLC?

3 A No.

4 Q What lawyer formed the LLC?

5 A We did not use any lawyer.

6 Q Who did you use?

7 A Me and my husband, we did it by ourself.

8 Q Where did you file the documents?

9 A In Columbia.

10 Q I see. Now, after the convenient store was purchased
11 or when it was purchased you and your husband were living
12 in Clinton, right?

13 A Right.

14 Q How long did you stay in Clinton before you moved?

15 A Four years.

16 Q And during those four years did Vidhya work in the
17 store?

18 A Yes.

19 Q Did Ramesh work in the store?

20 A No.

21 Q Where was he working?

22 A At the Quality Inn in Newberry.

23 Q That was the motel that you owned?

24 A Right.

25 MS. BALLARD: Object, Your Honor, to the testimony,

1 it is clear, she has twenty percent interest.

2 THE COURT: I understand, I have already written that
3 down so sustained as to the twenty percent.

4 MS. BALLARD: Thank you.

5 Q That was the motel that you owned at a twenty percent
6 interest in through an LLC that you told us the name of
7 it, right?

8 A Yes.

9 Q Well, when the motel in Newberry was sold did Ramesh
10 come and begin working in the convenient store?

11 A Yes.

12 Q Did he work there full-time?

13 A I am not aware of him working full-time.

14 Q And did Vidhya or Ramesh have signature authority on
15 the checks?

16 A Yes.

17 Q Who actually signed the checks for inventory and
18 power and those things?

19 A My father-in-law.

20 Q Well, Ma'am, if he was simply an employee, why did
21 you have the checks being signed by him?

22 A I gave him the authority because we were living in
23 Richmond, Virginia.

24 Q I thought you were living in Clinton for four years?

25 A Yes.

1 Q During those four years he had check signing
2 authority too, didn't he?

3 A Yes.

4 Q And so did Vidhya, right?

5 A No.

6 Q Well, after you moved to Richmond, we know you never
7 came back to live, right?

8 A Right.

9 Q Who had the check signing authority after you moved
10 to Richmond?

11 A Ramesh and Vidhya Patel.

12 Q Why did you put Vidhya's name on the bank cards
13 allowing her to sign the checks for the convenient store?

14 A Because they were managing the store for us.

15 Q Now at some point and time you put Vidhya on
16 trespass, or you or your husband put Vidhya on trespass
17 notice telling her she could not come to the convenient
18 store, right?

19 A Yes.

20 Q When that happened, when Vidhya was put out in the
21 store by trespass notice, how much money was in the
22 banking account for the convenient store?

23 A At what time period, what month?

24 Q You recall you and your husband putting your
25 mother-in-law on trespass notice which threatened her with

1 arrest if she came back on the premises, right?

2 A No.

3 Q That is what a trespass notice--

4 A We did not threaten her.

5 Q You put her on a trespass notice?

6 A Yes.

7 Q And you know what a trespass notice is?

8 A That she cannot enter the property.

9 Q And you know that it tells her if she enters the
10 property she is subject to being arrested, right?

11 A Right.

12 Q And you and your husband are the ones that had the
13 trespass notice issued to your mother-n-law?

14 A Yes.

15 Q And that is because you had the LLC titled in your
16 name, right. The LLC was in your name?

17 A The business is under my name.

18 Q When you say the business is under your name, the LLC
19 is in your name, right?

20 A Yes.

21 Q And the business license is in the name of the LLC?

22 A Yes.

23 Q So when you say the business is in your name, the
24 business is actually being operated by the LLC?

25 A Yes.

1 Q And the LLC is titled in your name?

2 A Yes.

3 Q And at some point and time you, as the owner of the
4 business, the LLC, placed your mother-in-law on notice that
5 if she came back into the LLC that she would be arrested,
6 right?

7 A Yes.

8 Q When did you do that?

9 A In January.

10 Q Of what year?

11 A 2019.

12 Q So in January of 2019 when you threatened your
13 mother-in-law with arrest if she came back on the premises,
14 how much money, cash money was in the banking account of
15 the LLC?

16 A It varied day-to-day because we had to pay for the
17 inventory.

18 Q Ma'am, let's, I don't want it to the penny, was there
19 more than \$50,000.00 dollars?

20 A Yes.

21 Q Was there more than \$70,000.00 dollars?

22 A No.

23 Q So there was somewhere between \$50 and \$70,000.00
24 dollars?

25 A Yes.

1 Q Now, at the time you threatened her with arrest if
2 she came back on the premises, where were you living?

3 A In Tega Cay, South Carolina.

4 Q And that is how far from Clinton?

5 A An hour and forty minutes.

6 Q The day before you have her placed on trespass notice
7 who had run the convenient store, who had been the person
8 in charge of running the convenient store?

9 A My husband.

10 Q Well, he was down here running it that day?

11 A No.

12 Q Who was?

13 A Our employee.

14 Q Who was he?

15 A Angela.

16 Q You recognize this gentleman back here with the
17 glasses on?

18 A Which one.

19 Q The larger gentleman, the black gentleman?

20 A Yes.

21 Q What is his name?

22 A Dennis.

23 Q And what is Dennis' last name?

24 A Drummond.

25 Q Drummond, correct?

1 A Drummond, yes.

2 Q And I believe he worked in the store for a long time,
3 right?

4 A No.

5 Q How long did he work there?

6 A Maybe a week or two.

7 Q And he has been a customer, correct?

8 A Yes.

9 Q Was your, you say at the time you placed her on
10 trespass notice the employees were running the store. Was
11 Vidhya working there?

12 A No, she worked to December 2018.

13 Q What happened in December of 2018?

14 A December of 2018, what period in December?

15 Q You said she worked until December--

16 A Until December of, the end of December 2018.

17 Q Okay. At the end of December 2018, what happened to
18 cause Vidhya to no longer work at the convenient store?

19 A We sold an inside business to another LLC and we did
20 not require her to come and work at the store.

21 Q What is the name of the other LLC?

22 A Chevron, (phonetic), Corporation.

23 Q Who owns that?

24 A Hardik Patel.

25 Q That is your husband?

1 A Yes.

2 Q So what happened is that you formed another
3 corporation that your husband owned, right?

4 A Yes.

5 Q And your LLC transferred the business from your LLC
6 to his corporation?

7 A Yes.

8 Q Why did you do that?

9 A We acted on our counsel, our lawyer, he advised us to
10 do that.

11 Q What was the purpose of that. I know who, you may
12 have gotten advice but what was the purpose. You already
13 had an LLC, you claimed it was yours. Why in the world
14 would you form a separate corporation and transfer the
15 LLC's interest to this new corporation owned by your
16 husband?

17 A Well, our attorney, Mr. Thomas said he advises all of
18 his clients to do that. So it would be in our best
19 interest to do it.

20 Q But certainly you would have had to understand why it
21 would have been in your best interest, right?

22 A Right.

23 Q How was it in your best interest to take it out of
24 your name, your LLC and put it in another corporation?

25 A I don't know.

1 Q Let me give you a suggestive answer. It would help
2 insolate and protect it from claims of your mother-n-law,
3 right?

4 A No.

5 Q It wouldn't do that?

6 A I am not sure.

7 Q You are not sure. Okay. Now, you say that this new
8 corporation that was formed, that bought the LLC interest,
9 what did they pay for it, how much cash was paid?

10 A For?

11 Q When the LLC that you had, that owned the convenient
12 store transferred the interest to this new corporation
13 owned by your husband?

14 A Right.

15 Q How much money did the new corporation pay the old
16 LLC?

17 A The inventory at that time.

18 Q How much, did it pay cash?

19 A Yes, he is paying cash over the monthly basis.

20 Q How much, how much did you charge for the inventory?

21 A \$30,000.00. I can't remember the exact number.

22 Q Okay. And your husband's new corporation decided
23 that it would be best at the end of 2018 to tell your
24 mother-n-law, don't come back to the store?

25 A Yes.

1 Q Why?

2 A That is his corporation, sir. I can't, I don't have
3 the answer for that.

4 Q Ma'am, I know whose corporation it was but you and he
5 have been married how long?

6 A Fourteen years.

7 Q Are you telling me, as we sit in this courtroom
8 today, that you don't know why he put her out of the
9 station?

10 MS. BALLARD: Object to the form of the question,
11 Your Honor. There has been no testimony that he put her
12 out of the station. The testimony was they did not assign
13 her--

14 THE COURT: I thought there was a no trespass notice
15 provided to her.

16 MR. MOORE: There was.

17 THE COURT: Okay. Let's take a break. I want to,
18 this is just a good place to take a short break. Ma'am,
19 you are still under oath, you understand. We will take a
20 couple of minutes to break while I step in the back. If
21 you want to go to the restroom you can, but you can't
22 discuss your testimony with anybody. I would like to talk
23 to the lawyers back here. We have makeshift chambers so
24 we will go this way.

25 (Whereupon, a short break was taken.)

1 THE COURT: Are we ready to go back on the record.

2 MR. MOORE: We are.

3 THE COURT: Ms. Patel, you are still under oath. Mr.
4 Moore, your question.

5 CONTINUE DIRECT EXAMINATION.

6 Q Ma'am, I want to change the topic half a moment. I
7 want to get back to this Quality Inn, LLC. Shree Shree
8 LLC, right?

9 A Yes.

10 Q Do you know a man by the name of Prafull Patel?

11 A Yes.

12 Q How do you know Prafull?

13 A He is my father-in-law's friend.

14 Q Ma'am, you said Prafull was your father-in-law's
15 friend?

16 A Yes.

17 Q They were actually more than friends. They actually
18 had business interest together, did they not?

19 A Yes.

20 Q Do you know when Shree Shree Hari, LLC was formed, do
21 you know what the interests were?

22 A I can't recall.

23 Q Do you know that Prafull Patel actually owned forty
24 percent of Shree Shree Hari?

25 A Yes.

1 Q Do you know that when Shree Shree Hari was formed you
2 were not actually a member of the LLC?

3 A I can't recall, sir.

4 Q Do you know that when Shree Shree Hari was formed
5 Ramesh actually owned a forty percent interest in it?

6 A I can't recall, sir.

7 Q Do you know that one of the people who was
8 instrumental in forming Shree Shree Hari was Prafull?

9 A And Prakash Patel.

10 Q And Prakash, sure, both of them?

11 A Yes.

12 Q And do you know that Prafull was the one who actually
13 formed Shree Shree Hari, LLC?

14 A I am not sure about that.

15 Q When your name was added to Shree Shree Hari, from
16 whom did you get your interest?

17 A I can't recall, sir.

18 Q Let me see if I can help you. Isn't it true that
19 what actually happened is your father-in-law is the one
20 that transferred his interest in Shree Shree Hari to you?

21 A I can't recall.

22 Q And isn't it true that when your father-in-law
23 transferred his interest in Shree Shree Hari you paid
24 absolutely nothing to him for it?

25 A I can't recall him transferring the interest over to

1 me, so I am not sure.

2 Q But truly Prafull is going to know, Prafull would
3 know that, correct?

4 A He might.

5 Q Prafull would also know how much money was paid to
6 your LLC at the time of the sale, correct?

7 A Yes.

8 Q Do you know that it was actually \$200,000.00 dollars?

9 A No, I don't.

10 Q But Prafull would know that, wouldn't he?

11 A He was one of the partners.

12 Q And he is here today, isn't he?

13 A Yes.

14 Q And Prafull would be one of the people who was
15 involved in the actual day-to-day decisions regarding the
16 hotel, right?

17 A No.

18 Q Where did you have your partnership meetings?

19 A At the hotel itself.

20 Q How many time do you actually go and participate in
21 any management meeting regarding that hotel?

22 A Never.

23 Q Well, who would have attended to that for you?

24 A Ramesh Patel, my father-in-law.

25 Q Why is it that he would have been the one attending

1 the management meetings for the Newberry hotel?

2 A Because he was the manager.

3 Q Did you ever see any money out of that hotel when it
4 was sold?

5 A The hotel was not sold. We gave away of our shares,
6 transferred it to Prakash Patel. It was not sold.

7 Q Very fine. Do you know where Prakash is today?

8 A Today?

9 Q Yes.

10 A No.

11 Q He actually lives in Savannah now, doesn't he?

12 A That I know, yes.

13 Q Now, at any point and time when you were living in
14 Clinton did you work at the CVS?

15 A Yes.

16 Q Did you work full-time there?

17 A Part-time.

18 Q Why did you work part-time?

19 A I was helping at the store and I also had a newborn
20 baby at that time.

21 Q And, well, while you were working who was taking care
22 of the baby?

23 A My mother-n-law.

24 Q That's the lady who you put on trespass notice,
25 correct?

1 A Yes.

2 Q What all kind of things did your mother-n-law do to
3 take care of your children while you were either working
4 or in school?

5 MS. BALLARD: Your Honor, this is irrelevant, I
6 object. We are talking about money in a house, money in a
7 store.

8 THE COURT: Rephrase that question.

9 Q Your mother-n-law, the other part in this lawsuit,
10 helped you raise your child or children while you were
11 living in Clinton, didn't she?

12 MS. BALLARD: Objection, Your Honor, it is
13 irrelevant.

14 A I had my daughter--

15 THE COURT: Hang on. How is that relevant.

16 MR. MOORE: It goes to demonstrate the family
17 relationship and the trust that she has already said
18 existed.

19 THE COURT: I think y'all have already proven that.
20 There were a lot of interactions among the family members
21 with one another. I don't really think that is a
22 question, y'all demonstrated that through the motions last
23 week as well as the characterization of the family and
24 store and hotel and the house. I think we have gotten
25 that point.

1 MS. BALLARD: Thank you, Your Honor.

2 Q When you came to the United States, you came from
3 where?

4 A India.

5 Q And what sort of Visa did you come on?

6 A Immigration sponsorship, my dad's sister sponsored my
7 father, my mother and me and my two siblings.

8 Q And when you got here did you already know Hardik?

9 A No.

10 Q Did your immigration status change?

11 A No.

12 Q Did you ever get a green card?

13 A Yes.

14 Q Did you have a green card when you came?

15 A I came on, yes, on a petition. So after I came I got
16 a green card, yes.

17 Q When you were living with your mother-in-law and
18 father-in-law, did they have the same immigration status
19 you did?

20 A No.

21 Q How was theirs different?

22 A They were under H1 Visa.

23 Q What is the difference between what you had and what
24 they had?

25 A I was a permanent residence.

1 Q What were they?

2 A There were on work permit Visa.

3 Q And the work permits had to be renewed from time to
4 time, correct?

5 A I have no knowledge of it, sir.

6 Q Okay. And it is your testimony is the fact that you
7 were a permanent residence and they weren't, didn't have
8 anything to do with the way this property was titled?

9 A Can you please rephrase that question?

10 Q Is it your testimony that the fact that you had
11 permanent residence status and they were here on H1's,
12 that had nothing to do with the way this property was
13 titled?

14 A Yes.

15 Q Now, I want to talk about--

16 MR. MOORE: There you are.

17 (Whereupon, a break was taken for emergency, tornado
18 warning.)

19 THE COURT: For the record, we have been for about, a
20 35, 40 minute break for appeared to be a tornado warning.
21 If we get any further information we will take appropriate
22 action but let's continue. We have been down for about 40
23 minutes. All right, Mr. Moore.

24 CONTINUE DIRECT EXAMINATION

25 By Mr. Moore:

1 Q Ms. Patel, let me ask you this. When the house was
2 purchased on Highway 72 did your husband have a green
3 card?

4 A Yes.

5 Q Did your father-in-law have a green card?

6 A No.

7 Q Did your mother-in-law have a green card?

8 A No.

9 Q Now, do you know that your mother-in-law and
10 father-in-law put about \$39,000.00 dollars into the
11 purchase of that house?

12 A No.

13 Q Do you claim that you put any money in the purchase
14 of the house?

15 A Yes.

16 Q How much did you put in?

17 A I can't recall.

18 Q Was it thousands of dollars into the purchase?

19 A I put a down payment on it.

20 Q Well, that is what I am trying to get to.

21 A Yes.

22 Q How much was the down payment?

23 A I am not sure.

24 Q Well actually, isn't it true that what happened is
25 the house was purchased with cash and the loan was taken

1 out in order to make it livable?

2 A No.

3 Q The house was not livable when it was purchased, was
4 it?

5 A That's true.

6 Q So when it was purchased, was it purchased on a
7 financed loan?

8 A Yes.

9 Q Who financed the loan?

10 A The bank.

11 Q How much did you borrow?

12 A The \$39,000.00 you said, the house was, it was a
13 foreclosure house.

14 Q I know.

15 A Right, we got it from the bank.

16 Q Right. It was being foreclosed by the bank and it
17 was purchased?

18 A Right.

19 Q It was put in Hardik's name, right?

20 A Right.

21 Q Did your mother-in-law or father-in-law put any money
22 into the purchase?

23 A No.

24 Q And where did you get the money you put into, you and
25 Hardik put into the purchase?

1 A Had a job.

2 Q I see. There was a loan taken to up-fit the house,
3 right?

4 A Right.

5 Q Would you give me the man's name who you contracted
6 with to make the housing livable?

7 A My husband did most of the renovation in the house
8 with the help of two contractors.

9 Q What were their names?

10 A I am sorry, they were Havier, Jose, I don't know the
11 other person's name.

12 Q I see. Let me ask you this, how much did the
13 renovations cost?

14 A The renovations cost around \$45 to \$50,000.00.

15 Q And what mortgage company loaned the money?

16 A BB&T.

17 Q Now, in regard, get back to the store for a minute.
18 Did Pallev Desai handle the financing for you, for your
19 company to buy that store?

20 A No.

21 Q Did you have, who did?

22 A Prakash Patel.

23 Q Well, Prakash and Pallev were partners, weren't they?

24 A Yes.

25 Q Now, when the hotel in Newberry was sold do you know

1 that \$40,000.00 dollars of your father-n-law's money went
2 to pay off Prakash for money that he was owed on the
3 purchase of the lease?

4 A No.

5 Q Do you deny that?

6 A Yes.

7 Q All right. The \$125,000.00 dollars that was paid
8 when the property was leased, what was that for, what did
9 you buy for \$125,000.00 dollars?

10 A Inventory and good will.

11 Q The convenient store sold gasoline, right?

12 A Yes.

13 Q And the way that works is, you buy gasoline from a
14 supplier, right?

15 A Yes.

16 Q What was the name of the supplier?

17 A SEI.

18 Q Do you know who owned that?

19 A Yes.

20 Q Jim Hanson?

21 A Yes.

22 Q I have asked you before, I am sorry, but I forgot the
23 answer. Did you tell me things were removed by you or
24 your husband from the house on 72 after your
25 father-n-law's death?

1 A Can you rephrase that, remove mean?

2 Q Remove, taken, taken out. Was there anything in that
3 house that was taken out?

4 A In what reference to?

5 Q In reference to anything, object--

6 A Yes.

7 Q That was actually paper, pictures, furniture,
8 anything?

9 A Yes.

10 Q Life insurance policy, what was removed?

11 A I can't recall.

12 Q Was it a lot?

13 A No.

14 Q Did you have permission to remove it?

15 A If it was mine--

16 MS. BALLARD: Objection, Your Honor, that implies--

17 MR. MOORE: It is just a question.

18 THE COURT: She is under cross-examination.

19 MS. BALLARD: There is no foundation for that.

20 THE COURT: Rephrase it, did she get permission.

21 Q Did you have any permission from anybody to, did you
22 take any property in there that might have belonged to
23 your father-in-law or your mother-in-law?

24 A If it was not mine then I did not take anybody else's
25 stuff.

1 Q I see. What did you take?

2 A I can't recall.

3 Q At any point in time did either your mother-in-law or
4 your father-in-law file a gift tax return to you or your
5 husband?

6 A Gift tax return?

7 Q Gift tax return, indicated a gift or anything to you?

8 A No, I am not aware of anything.

9 Q Was it your idea or your husband's idea to have your
10 mother-in-law not come back to work in the store?

11 A It was the company, his company. The new
12 corporation.

13 Q Who in the company made that decision?

14 A C. HARVID, Incorporation and he is the sole owner of
15 the Incorporation.

16 Q So the decision to put her on trespass notice was
17 from your husband, right?

18 A Right.

19 MR. MOORE: One moment please, Your Honor.

20 THE COURT: All right.

21 Q I am going to hand you a tax return from you in the
22 year of 2007. Would this be a copy of your tax return
23 from 2007?

24 A Yes.

25 MR. MOORE: We would like to offer this into

1 evidence, please, Your Honor.

2 MS. BALLARD: No objection.

3 THE COURT: It is Plaintiff's one?

4 MR. MOORE: I would like to make sure all personally
5 identifying information is redacted.

6 MS. BALLARD: Whatever they care to redact is fine by
7 us.

8 MR. MOORE: I am offering it, if they want something
9 redacted I have no problem.

10 THE COURT: It is your client's information, so I
11 will let y'all redact it, if need be. So it is
12 Plaintiff's one without objection, subject to redaction.

13 MS. BALLARD: I will be happy to redact it. Thank
14 you, Your Honor. Do you have a copy for me?

15 MR. MOORE: Your Honor, I believe it is appropriate
16 for us not to be speaking to each other. This has already
17 been provided through discovery. I have an extra copy
18 somewhere.

19 THE COURT: 2007 tax return, Plaintiff's 1.

20 (Whereupon, Plaintiff's Exhibit 1 was admitted into
21 evidence.)

22 Q Ma'am, this 2007 tax return, can you tell me how much
23 money you made according to your tax returns in 2007?

24 THE COURT: The adjusted gross income.

25 Q The adjusted gross income on that sheet would be

1 legitimate, right?

2 A Right.

3 Q Thank you.

4 MR. MOORE: Your Honor, I don't have any further
5 questions at this time. Thank you so much.

6 THE COURT: Ms. Ballard, anything from you at this
7 time?

8 MS. BALLARD: No, Your Honor, I will call her in my
9 case. Thank you.

10 THE COURT: You may step down. This is a break time.
11 (Whereupon, a lunch break was taken.)

12 THE COURT: Are we ready?

13 MR. MOORE: Your Honor, the next witness is in the
14 parking lot.

15 MS. BALLARD: I can explain this while we are
16 waiting.

17 THE COURT: Okay. We will do this while we are
18 waiting on the witness to park.

19 MS. BALLARD: Your Honor, during lunch recess I
20 redacted Plaintiff's exhibit number 1. I did notice as I
21 was doing so that there are page numbers that don't match
22 up so I wanted to be clear for the record there is a total
23 of nine pages. And so the last page says, page 29 of 82.
24 I wanted the record to be clear that this is the entire
25 exhibit, it is nine pages long.

1 THE COURT: Okay. And that is what you handed to the
2 Court.

3 MR. MOORE: Yes, sir.

4 THE COURT: Okay, we are ready.

5 MR. MOORE: Call Pallev Desai to the stand.

6 PALLEV DESAI, being
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Moore:

10 Q What is your name?

11 A My first name is Pallev, last name is Desai.

12 Q Spell your first name, please.

13 A P-A-L-L-E-V.

14 Q And they call you Paul, right?

15 A Yes, sir.

16 Q Mr. Desai, what business are you in?

17 A I own some hotels, convenient store and some real
18 estates.

19 Q You were born and raised in India?

20 A Yes, sir.

21 Q Are you a United States citizen?

22 A Yes, sir.

23 Q How old are you?

24 A 51.

25 Q Mr. Patel, the gentleman who is dead, was he a friend

1 of yours?

2 A Yes, sir.

3 Q How active have you been in the Indian community
4 during your life?

5 A Very much.

6 Q Are you involved in the Hindu Temples?

7 A Yes, sir.

8 Q And are you involved with helping people from time to
9 time in your community?

10 A Yes, sir.

11 Q Now, Mr. Patel, the gentleman who is now deceased,
12 Ramesh, was he a friend of yours?

13 A Yes, sir.

14 Q And when we talk about this whole thing starting, it
15 starts with the hotel called the Quality Inn, is that
16 correct?

17 A Yes, sir.

18 MS. BALLARD: Your Honor, he is leading the witness,
19 I would ask him to ask more open ended questions.

20 THE COURT: I was letting him get through some of
21 that preliminary stuff. Go ahead.

22 Q At any point and time did you own the Quality Inn in
23 Newberry, South Carolina?

24 A Yes, sir.

25 Q Did you sell it?

1 A Yes, sir.

2 Q Who on your end, as a salesman, negotiated the sale?

3 A Mr. Ramesh Patel.

4 Q Were you involved in those negotiations from the

5 sellers standpoint?

6 A Yes, sir.

7 Q So you negotiated the sale with whom?

8 A Mr. Patel.

9 Q Ramesh?

10 A Ramesh, yes sir.

11 Q He is the gentleman who is deceased?

12 A Yes, sir.

13 Q Now, how is that you and Mr. Patel started talking

14 about you selling him the Quality Inn?

15 A I think 2006 and one of my friend's encouraged and

16 that is how we started talking to him.

17 Q And you sold it to, who all was involved in the

18 purchase of the motel?

19 A Mr. Patel and Ms. Patel.

20 Q Who else?

21 A Mr. Prafull Patel.

22 Q Now, Prafull was here today?

23 A Yes, sir.

24 Q And who else?

25 A Prakash Patel, the other guy.

1 Q And who else?

2 A That's it.

3 Q Wasn't there somebody else that had a small interest?

4 A No.

5 Q How much did you sell it for?

6 A Around about \$1.8, as far as I remember.

7 Q \$1.8 what?

8 A Million.

9 Q Dollars?

10 A Yes, sir.

11 Q Now, when these individuals purchased the Quality Inn
12 was there a down payment?

13 A Yes, sir.

14 Q Did Ramesh put any money of his own into the Quality
15 Inn?

16 MS. BALLARD: Your Honor, I object, lack of
17 foundation as to what was Ramesh's money. All this
18 witness would be able to tell is whether he received money
19 and who he received it from but he is not able to testify
20 whose money it was.

21 MR. MOORE: He can tell what it looked like to him.

22 THE COURT: The traditional loan closing, I mean a
23 side sale, how do you know?

24 MS. BALLARD: You don't.

25 MR. MOORE: I guess he would know because he was

1 involved, I will ask him, I will lay the foundation.

2 THE COURT: Lay the foundation.

3 Q As part of the negotiations, were there any
4 negotiations regarding the down payment?

5 A With me, no.

6 Q At closing was there a down payment made?

7 A Yes, sir.

8 Q Were you at closing?

9 A Yes, sir.

10 Q Did you see who brought the money that came to make
11 the down payment?

12 A Yes, sir.

13 Q Who brought money to put money down on the purchase
14 of the hotel?

15 A Prafull.

16 Q Would that include Ramesh?

17 A Ramesh, yes.

18 Q Do you know exactly how much Ramesh put down?

19 A I don't know.

20 Q Are you certain he did put money down?

21 A Yes.

22 Q Now, when you sold it, did you sell it to them
23 individually or to an LLC?

24 A No, LLC.

25 Q Is that unusual in your business?

1 A Yes.

2 Q It is usual or unusual?

3 A No, it is usual, like selling to LLC.

4 Q All right. Now, did you happen to own the convenient
5 store at one time in Clinton that we are talking about?

6 A Yes, sir.

7 Q Who did you own that store with?

8 A Me and Prakash Patel, it is a company name P&P in
9 Richmond.

10 Q So you and Prakash owned the convenient store.

11 MS. BALLARD: Your Honor, I object to the leading
12 again.

13 A Yes, sir.

14 THE COURT: All right, I sustain, you are leading.

15 MS. BALLARD: Thank you, Your Honor.

16 Q Who owned P&P investments?

17 A Me and Prakash.

18 Q Was it an LLC or a corporation?

19 A LLC.

20 Q And at some point and time were there negotiations
21 with anybody about selling or leasing the convenient
22 store?

23 A Yes, lease and --

24 THE COURT: -- that last answer, I didn't understand.

25 MR. MOORE: He said he leased it first and sold it

1 later on. Is that what you said?

2 A Yes.

3 Q All right. Who did you lease it to?

4 A Mr. Ramesh Patel.

5 Q And when the lease was negotiated, who negotiated the
6 terms?

7 A Me and him.

8 MS. BALLARD: Your Honor, I want to object to any
9 hearsay, that would not be admissible in the hearsay rule.

10 MR. MOORE: I just asked him who negotiated the
11 terms.

12 MS. BALLARD: Well, he answered a question indicating
13 that he had conversations with the deceased and he is not
14 allowed, that testimony would be inadmissible.

15 THE COURT: Sustain as to the hearsay of the
16 deceased. Rephrase your question.

17 MS. BALLARD: Thank you, Your Honor.

18 Q Who did you negotiate with, the name of the
19 individual you negotiated with?

20 A Ramesh Patel.

21 MS. BALLARD: Thank you, Your Honor.

22 Q Now, when the lease was signed did you get any money
23 from Ramesh Patel?

24 A Not me but some of the money I think--

25 MS. BALLARD: Objection, Your Honor, he doesn't know,

1 he didn't get the money, he doesn't know.

2 THE COURT: Wait a minute, wait a minute, I think he
3 says not me but. I am not sure what his answer was going
4 to be.

5 MS. BALLARD: That is why we need a foundation.

6 THE COURT: Okay.

7 Q Do you know who got the money?

8 A Yes, yes. Not me but somebody got, my partner,
9 Prakash Patel.

10 Q All right. Now, how heavily were you involved in the
11 negotiations and closing of the transaction?

12 A Very much.

13 Q Were you present when it was closed?

14 A Yes.

15 Q And when the lease transaction was closed did you
16 sign the lease?

17 A Yes, sir.

18 Q And do you know who, if anyone, got money at the time
19 the lease was signed?

20 A Mr. Patel.

21 MS. BALLARD: Your Honor, without a foundation he can
22 only answer whether he got money.

23 MR. MOORE: I ask him did he know who got money and
24 he said yes. He was there.

25 MS. BALLARD: Your Honor, he has to lay a foundation.

1 MR. MOORE: The foundation was he was there and a
2 party to the transaction.

3 THE COURT: But his answer was Mr. Patel and you have
4 already pointed out this is the only non-Patel in the
5 deal. So I am confused.

6 Q Give me the first and the last name of any individual
7 that received money at the time the lease was signed.

8 A Prakash Patel.

9 Q Do you know, based upon your personal knowledge,
10 having been present at the closing, how much Prakash Patel
11 got when the lease was signed?

12 A Total of \$120 something plus or minus, he got like
13 \$40 plus, something like that. And the rest is a note.

14 Q It was a note.

15 MS. BALLARD: I am sorry, \$120 or so, \$40 or so and a
16 note, is that what we heard?

17 THE COURT: That's what I heard. I don't know how it
18 was allocated.

19 MS. BALLARD: Okay.

20 Q Can you tell me, please, how that money was
21 allocated. What was for what?

22 A For the good will and the, when I gave it to--

23 COURT REPORTER: Wait, I didn't get it.

24 THE COURT: I didn't get it either.

25 A Good will and inventory.

1 THE COURT: Mr. Desai, bear with me and Ms. Holston,
2 we are new to this. And you are talking very, very fast
3 of my listening and her fingers. Y'all have been talking
4 to one another and have already picked up on some of this.

5 Q Part of the money was for the good will and part
6 was--

7 MS. BALLARD: Your Honor, I object to the leading.

8 THE COURT: Sustained.

9 MS. BALLARD: Thank you, Your Honor.

10 Q What was part of the money for and what was the other
11 part of the money for?

12 A Part of the money was for the inventory and part of
13 the money for the good will.

14 Q Thank you. Now, you indicate that there was a note
15 and who was the person that was owed the money on the
16 note?

17 A Ramesh Patel has to give it to Prakash Patel.

18 Q All right.

19 MS. BALLARD: I am sorry, can you repeat that.

20 THE COURT: That's a good idea.

21 MR. MOORE: He says Ramesh Patel had to give it to--

22 THE COURT: I want him to repeat it.

23 A Prakash Patel.

24 MS. BALLARD: Ramesh Patel had to give it to Prakash.
25 Is that what you said?

1 A Yes sir, yes Ma'am.

2 MS. BALLARD: Thank you.

3 Q Now, when the lease was signed do you know who the
4 tenant was on the lease?

5 A Yes, sir.

6 Q Who was it?

7 A I did everything with Mr. Ramesh Patel.

8 Q All right.

9 MS. BALLARD: Objection, Your Honor, that was not
10 responsive to the question. The question was who was the
11 tenant on the lease and the answer was, I dealt with
12 Ramesh Patel. That is two different questions.

13 THE COURT: Didn't the lease, does it say who it was
14 leased to?

15 MR. MOORE: It does but we don't have it, they do.
16 They came and took it. So I have Mr. Patel who can tell
17 us what he knows.

18 THE COURT: I think the question would be who are the
19 parties on the lease.

20 Q Who were the parties on the lease?

21 A The LLC but I only dealt with Mr. Ramesh Patel.

22 Q All right. Well, let me ask you this. When you
23 signed the lease in favor of the LLC that we have heard
24 about, why did you sign the lease?

25 A Because I dealt, because of Ramesh Patel and I made a

1 deal with him, only him. And because of him I did sign.

2 Q All right. Now, the tenant was the LLC owned by his
3 daughter-n-law, correct?

4 A Yes, sir.

5 Q Do, when you agreed to sign the lease, why did you
6 sign the lease the way you did?

7 A Because Ramesh Patel, he used her name as a family
8 member.

9 MS. BALLARD: Your Honor, I object.

10 A Their family--

11 THE COURT: No, let me hear your objection.

12 MS. BALLARD: My objection is that he is trying to
13 indicate why it was put in the LLC's name and there is no
14 foundation for that. He knows she signed the documents
15 but he doesn't know about discussions that went on with
16 the family because he wasn't present in discussions that
17 went on with the family. So he is attempting to offer
18 testimony without a proper foundation.

19 MR. MOORE: I simply am asking why he did what he
20 did.

21 MS. BALLARD: That is a different question, then that
22 is okay.

23 THE COURT: That is a good question and I am, it
24 seems to me what he is not allowed to do is say, I did it
25 this way. However the lessee wants to take possession of

1 what entity or whatever, it is up to them.

2 MR. MOORE: Sure.

3 THE COURT: Outside of his knowledge, it shouldn't be
4 within his knowledge as to what--

5 MR. MOORE: But if he believed that is what he was
6 doing he can say why he did what he did. If he believed
7 there was a problem with immigration and that is why he
8 did it the way he did it he can say, I did it to
9 accommodate immigration.

10 THE COURT: No.

11 MR. MOORE: If that is why he did it.

12 THE COURT: He is the lessor, the lessee says this is
13 how I want to do it and that is where it stops. Not
14 because, then you get where did you get this information
15 from, it is coming from a man who is deceased and then
16 that is a problem.

17 MR. MOORE: But you basically have is, it is his
18 mental impression as to why he did something a particular
19 way. Whether it is true or not is irrelevant. If he did
20 it because he was, A, accommodating his business associate
21 and did it because he was, because what he believed to be
22 a immigration status, that is why he did it and that would
23 be relevant.

24 THE COURT: But all of that is in the mind of the
25 deceased man.

1 MR. MOORE: It is in his mind, I am asking him why he
2 did it, not what the deceased man believed but why he did
3 it.

4 MS. BALLARD: Your Honor, in order to answer that
5 question this witness would have to have personal
6 knowledge of the immigration status of all of the parties
7 to the transaction. And the only way to have any
8 knowledge about the immigration status in any party is if
9 the party told him.

10 MR. MOORE: That's not right. He might be wrong
11 about the immigration status, he might not do anything.
12 He might be totally wrong by the law immigration. But if
13 he did it because of immigration that is why he did it.

14 THE COURT: But what I am not following is this, is
15 he owns the place and he is leasing it to someone, period.

16 MR. MOORE: Right.

17 THE COURT: Who do you want to put the name of the
18 lessee, LLC. I think that is where it stops. Not for he
19 did it because he knew he had a problem with immigration,
20 this and that and the other. That is putting him
21 testifying to what the lessee, why he was doing it. I
22 don't think that is fair.

23 MR. MOORE: May I just be heard?

24 THE COURT: Sure.

25 MR. MOORE: I am not asking what the lessee believed,

1 what the lessee said. I am asking him why he did a
2 transaction the way he did a transaction. And what he is
3 going to say is, I did it because of my--

4 MS. BALLARD: Your Honor, I object to Mr. Moore
5 testifying before he, eliciting something from the
6 witness.

7 THE COURT: That is kind of the problem for me.

8 MS. BALLARD: Thank you, Your Honor.

9 THE COURT: We are having this conversation, like the
10 jury being out, not knowing what we are talking about. We
11 are both coaching the witness.

12 MS. BALLARD: Exactly.

13 THE COURT: We are all three coaching the witness. I
14 don't want him to say thus and so. And so, the Judge
15 wants me not to say that. So it is kind of awkward. But
16 he can't testify other than he leased it for these terms
17 to someone, some entity, period. I don't think he can
18 say, I leased to this person and not that person because I
19 had a immigration problem or green card or whatever, I
20 just don't think he can say that because that is putting
21 him with knowledge of the parties leasing.

22 MR. MOORE: But he had that knowledge. And he formed
23 an opinion--

24 MS. BALLARD: Your Honor, again, Mr. Moore is
25 testifying.

1 THE COURT: You interrupted him at that time.

2 MR. MOORE: I can't, this is getting to be a problem.
3 He had a belief, whether it was accurate or inaccurate.
4 Where the information came from is irrelevant.

5 MS. BALLARD: Objection.

6 MR. MOORE: I can't make--

7 THE COURT: Tell me this, why can he tell the Court,
8 the fact finder, what Mr. Ramesh, the deceased gentleman
9 that his motivations to place it in whatever name were
10 anything?

11 MR. MOORE: He can't.

12 THE COURT: That's what you are trying to get him to
13 do. That is what I keep hearing you trying to do.

14 MR. MOORE: No, sir. No, sir. No, sir. I am
15 trying--

16 THE COURT: I know what you are trying to do, I think
17 I do. Tell you what, let's go again but realize I am
18 listening for you getting him to testify to what Ramesh
19 wanted and why he did something, the motivations were.
20 Phrase your questions to avoid that issue.

21 Q I want to know your motivations, Paul, I want to know
22 what caused you to put the name, what facts were you
23 believing that caused you to put the name on the lease and
24 the name of the LLC. Don't tell me what somebody said,
25 tell me why you--

1 A No, no, no. I will tell you. We had a discussion
2 with Ramesh.

3 MS. BALLARD: Your Honor, I object.

4 Q You can't say what Ramesh said.

5 THE COURT: Objection sustained.

6 MS. BALLARD: Thank you, Your Honor.

7 THE COURT: And you corrected him, Mr. Moore. Mr.
8 Desai, you can't tell the Court Ramesh told me thus and so
9 and this and so and so and so. Mr. Moore is going to ask
10 you a question again but you are not allowed to tell us
11 what Ramesh said to you.

12 Q Why did you do it the way you did it, not based on
13 what somebody told you but what were you trying to
14 accomplish doing it the way you did it.

15 A To sign the lease?

16 Q Yes.

17 A Because she is a green card holder, Ramesh was not --

18 MS. BALLARD: Your Honor, I object, he is doing
19 exactly what--

20 COURT REPORTER: I didn't hear what he said.

21 THE COURT: He said, I believe, the young lady was a
22 green card holder and that is why we did it.

23 MS. BALLARD: That is what he said but he doesn't
24 know that of his own knowledge.

25 THE COURT: I want to see the lawyers over here.

1 (Whereupon, a bench conference was held.)

2 Q If leasing the property to, that you and your partner
3 owned, what, if any, importance was it to have somebody
4 who had a green card or was a U.S. citizen, why would that
5 have been important?

6 A Because of our safety.

7 Q And why did you want the tenant, if at all, to be a
8 green card holder or a citizen?

9 MS. BALLARD: Objection, Your Honor, he didn't say
10 that.

11 MR. MOORE: He said because of our safety.

12 MS. BALLARD: Your Honor, what he said was, for our
13 safety. He wanted it to be a green card holder.

14 THE COURT: Ask him to explain what he means by that.

15 Q Explain what you mean, you wanted it to be a green
16 card holder for your safety?

17 A Can I?

18 Q Yes.

19 A As far as you guys know,--

20 Q Thank you, sir. Were you able to hear that, Madam
21 Court Reporter?

22 COURT REPORTER: No.

23 THE COURT: Now, in everybody's defense, somebody
24 came in behind you in the door. Somebody lock that door,
25 I don't think they realize we were in here and so have

1 stopped that problem moments ago.

2 Q Give us your answer again, why you wanted to lease it
3 to a green card holder or a citizen. It said it was for
4 your safety, explain what you mean.

5 A As a landlord I would love to do this business with
6 American citizen or green card holder, legal member of the
7 United States instead of any other people. You got it?

8 COURT REPORTER: I got it.

9 A Good.

10 Q Now, at some point in time we talked about the lease,
11 the facility, was it ultimately sold?

12 A Yes, sir.

13 Q And did you have anything to do with arranging the
14 financing for the sale of this property?

15 A Yes, sir.

16 Q Would you explain to the Judge what you did to
17 arrange for the financing, slowly.

18 A I did with BB&T bank, the banker name at that time
19 was Ben Porter. So when I agree, me and Ramesh--

20 MS. BALLARD: Objection, Your Honor, he is testifying
21 about me and Ramesh did or said something.

22 THE COURT: He can say he and Ramesh talked to the
23 bank but not what Ramesh told the bank.

24 MS. BALLARD: Exactly.

25 A Me and Ramesh agreed--

1 MS. BALLARD: Objection, Your Honor, that is hearsay.

2 A Can I say something?

3 THE COURT: I want to hear the answer on that, if it
4 is improper I have got to figure out how to set it aside
5 anyway. I am listening for hearsay though.

6 MS. BALLARD: Thank you, Your Honor.

7 Q Don't say what you and Ramesh agreed to. Tell me
8 what you did to help?

9 A I took Ramesh to the bank because I had a good
10 relation with the bank. And I explained I am going to
11 sell this property to Ramesh. So I had a good relation
12 with the bank, that is why they helped to financing.

13 Q Did the bank, would the bank give financing to
14 Ramesh?

15 A No because Ramesh was not a green card holder.

16 Q All right.

17 MS. BALLARD: Objection, Your Honor, again, lack of
18 foundation. Unless he can produce denial of application
19 for loan papers, he has no idea why, unless the bank told
20 him in which case it is hearsay or Ramesh telling him and
21 in that case it is hearsay. So he has to lay a
22 foundation, if he knows what the reason was that the bank
23 decided and what the factors were that were relevant to
24 that.

25 THE COURT: I sustain the objection on that. Try to

1 rephrase it.

2 Q Were you a party to the negotiations with the bank
3 trying to get financing?

4 A Yes.

5 Q Who went with you to the bank?

6 A Me and Mr. Ramesh Patel.

7 Q When you went to the bank were you able to get
8 financing for Ramesh to buy the convenient store?

9 A Yes.

10 Q For him to buy it in his name?

11 A No, no. No.

12 Q And when you couldn't get the financing in his name
13 were you able to get financing in somebody else's name?

14 MS. BALLARD: Leading.

15 THE COURT: That is leading but a fair question. Go
16 ahead.

17 Q Who, if at all, were you able to get -- when you
18 weren't able to get the financing in Ramesh's name whose
19 name were you able to get financing with?

20 A His family member.

21 Q And who did that person turn out to be?

22 A She brought in the picture at that time.

23 Q Who is she?

24 A Ms. Anal Patel.

25 Q All right. Now, did she have, to your knowledge did

1 she have a green card?

2 A Yes, sir.

3 MS. BALLARD: Objection, Your Honor, absent a
4 foundation.

5 MR. MOORE: It is already in the record, Your Honor.

6 THE COURT: She testified she had one.

7 MS. BALLARD: But he didn't have a foundation for
8 himself.

9 MR. MOORE: She has testified to that.

10 MS. BALLARD: Your Honor, I failed to request
11 exclusion of the witnesses. I would ask at this point
12 that any other witnesses be excluded. I did, in fact,
13 mean to do that at the beginning of the trial.

14 THE COURT: Any reason we shouldn't sequester the
15 witnesses?

16 MR. MOORE: Well, I think if we are going to
17 sequester it should have been done before -- I think that
18 comes too late and I think we are here, we have an open
19 courtroom and there should be no reason not to continue
20 that.

21 THE COURT: I disagree with you, we are going to
22 sequester any potential witness except your clients.

23 MS. BALLARD: Thank you, Your Honor.

24 THE COURT: It helps me.

25 MR. MOORE: Sure.

1 THE COURT: Anyone who is not, y'all know who your
2 witnesses are. Clients can stay.

3 MR. MOORE: Everybody here go out of the courtroom.

4 (Whereupon, a short break was taken while individuals
5 left the courtroom.)

6 MS. BALLARD: Thank you, Your Honor.

7 THE COURT: All right, Mr. Moore, I think you were
8 somewhere around the financial at the bank.

9 Q Were there any members of Mr. Patel's family, Ramesh
10 Patel's family found to have a green card?

11 A She is the only one.

12 MS. BALLARD: Objection, Your Honor, he has not laid
13 a foundation for whether he knew -- this witness knew
14 whether she had a green card or not at the time of
15 transaction. It doesn't matter what my client may have
16 testified to in his presence.

17 MR. MOORE: He said she did.

18 MS. BALLARD: Your Honor, he doesn't know.

19 MR. MOORE: He said that--

20 THE COURT: All right, but I think he has laid a
21 foundation because he was at the bank, Ramesh did not have
22 credentials but Anal did.

23 MR. MOORE: That's it.

24 THE COURT: It stops there so move on.

25 Q So, when it was determined--

1 THE COURT: For the record, the objection overruled
2 on that one little thing.

3 MS. BALLARD: Thank you, Your Honor.

4 Q When it was determined that Ms. Patel had a green
5 card did the transaction go through?

6 A Yes, sir.

7 Q And did you sell the convenient store to the LLC in
8 which she was the owner?

9 A Yes, sir.

10 Q And financing was done through whom?

11 A BB&T.

12 Q How much were you paid for the convenient store?

13 A Exactly I don't remember right now.

14 Q Was there any money paid down?

15 A Yes.

16 Q Did the down payment come from Ms. Anal Patel or did
17 it come from Ramesh Patel?

18 A Ramesh Patel.

19 Q Now, at the time the convenient store was closed,
20 when it was sold, was there any money still owed on the
21 purchase of the good will and the inventory?

22 A Yes, sir.

23 Q And how did the, how did that note get paid?

24 A Ramesh paid that one.

25 Q All right. Do you recall, as we sit here today, how

1 much money Ramesh paid to pay off the balance of that
2 note?

3 A The note was \$80,000.00 dollar.

4 Q Did he pay the \$80,000.00 dollars?

5 A Yes, sir.

6 Q To your knowledge, do you know where he got the money
7 to pay the note off?

8 A I don't know.

9 Q All right. Would you answer any questions that Ms.
10 Ballard might have for you.

11 A Sure.

12 CROSS-EXAMINATION

13 By Ms. Ballard:

14 Q I just have a few questions, Mr. Desai. It was okay
15 with you to do a transaction that was illegal, is that
16 what you are telling the Court?

17 A Illegal?

18 Q Well, you said you didn't want to lease to somebody
19 unless they had a green card. So you couldn't lease to
20 Ramesh and you couldn't sell to Ramesh so you came up with
21 this person, you came up with Ana to put on the paperwork
22 even though that is not really who you think was buying
23 the property?

24 A Can I say something?

25 Q I am asking you to. You were trying to skirt the

1 immigration laws, right?

2 A That was also but it was a part, I only dealt with
3 Ramesh. I have nothing--

4 Q I understand that.

5 MR. MOORE: Wait a minute, she cut him off.

6 THE COURT: Wait a minute.

7 A And I dealt with--

8 THE COURT: Hang on. Here is what y'all are doing.
9 You got to slow down, Ms. Holston and I are having trouble
10 keeping up with that pace. So reask that question and let
11 him answer his question fully but slowly.

12 Q My question was--

13 MR. MOORE: Can he finish answering the question.

14 THE COURT: I want her to rephrase it.

15 COURT REPORTER: I will have to get it again.

16 THE COURT: Rephrase that question.

17 Q Isn't it true, Mr. Desai, that what you are telling
18 us is that you were attempting to skirt the U.S.

19 Immigration laws in order to transfer this store to Ramesh
20 when you had to use a straw person because it wouldn't
21 have been legal under your understanding?

22 A Yes, ma'am.

23 MS. BALLARD: That is all I have got, Your Honor.

24 MR. MOORE: Nothing further.

25 THE COURT: You may step down.

1 MR. MOORE: Might this witness be excused.

2 THE COURT: Sure.

3 MS. BALLARD: No objection. I was not aware he was
4 under subpoena, I was told he was not.

5 MR. MOORE: Well, Your Honor, at the time he told her
6 it would have been true. But between the time she had a
7 conversation--

8 THE COURT: It's okay, we won't make a big deal about
9 it. He is free to go.

10 MR. MOORE: Dennis Drummond.

11 MS. BALLARD: Your Honor, Mr. Drummond is not listed
12 as a witness either to the answers in interrogatories or
13 any email that I received from Mr. Price earlier this
14 week. And as Your Honor knows, last Tuesday we were here
15 on a motion to compel because the Plaintiff's answers to
16 discovery were inefficient and at that time Mr. Moore
17 agreed and Your Honor signed an order indicating that if
18 they hadn't given me some information they couldn't use it
19 at trial. I will be happy to hand up a copy to Your Honor
20 but Mr. Drummond is not on the witness list.

21 MR. MOORE: Your Honor, the answers to
22 interrogatories clearly indicate that former employees of
23 the store are going to be witnesses. The answers to
24 interrogatories were answered and identified former
25 employees of the store.

1 MS. BALLARD: Mr. Drummond's name was not given to
2 me. Former employees is not an answer.

3 MR. PRICE: Judge, I believe what I sent had the
4 first name, Dennis. I didn't know his last name.

5 THE COURT: All right. Let's see, have you got an
6 answer.

7 MS. BALLARD: Let me find what he sent.

8 THE COURT: It is Dennis, last name unknown?

9 MS. BALLARD: Mr. Price's letter to me dated January
10 29th, which he put in the mail rather than email list a
11 person name Dennis but he did not give me a last name. He
12 gave me a cell phone number. And, of course, if I had of
13 called that witness I would have intimidated that witness.
14 So, this witness has not been identified and I object to
15 him being called.

16 MR. PRICE: Judge, we sent to her a phone number that
17 we had, that is all the information.

18 THE COURT: And she didn't say you give the wrong
19 number. She just said she didn't call because it seemed
20 -- just the first name.

21 MS. BALLARD: And this was after Your Honor's order
22 which you signed excluding any information that they have
23 not disclosed to me.

24 MR. MOORE: Of course we had disclosed to them that
25 we were going to use former employees. We gave them the

1 name as best we had at the time. We gave them a contact
2 telephone number where she could contact him. And all we
3 have the ability to do is tell them what we know when we
4 know it.

5 MS. BALLARD: Your Honor, if they didn't do their
6 homework I can't help them.

7 MR. MOORE: If she, I don't understand how it is that
8 she cannot understand it is rude to continue interrupting
9 when I am talking.

10 THE COURT: We don't need a sportsmanship lesson
11 right now. Y'all come up here real quick.

12 MS. BALLARD: Thank you, Your Honor.

13 (Whereupon, a bench conference was held.)

14 MR. MOORE: I call Dennis Drummond.

15 MS. BALLARD: Over objection, Your Honor.

16 THE COURT: Subject to your objection.

17 DENNIS DRUMMOND, being
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Moore:

21 Q What is your name?

22 A My name is Dennis E. Drummond.

23 Q And, Mr. Drummond, where are you employed?

24 A I am a Chef for AC Hotel in Spartanburg.

25 Q And I believe you have a degree from Johnson and

1 Wales Cooking School?

2 A Yes, sir.

3 Q And are you married?

4 A Yes, sir. Married and two daughters in college.

5 Q And how long have you worked for the hotel there in
6 Greenville?

7 A In Spartanburg.

8 Q In Spartanburg?

9 A For a year and a half, sir.

10 Q Did you ever work at the convenient store that we are
11 talking about?

12 A Yes, sir.

13 Q Who hired you?

14 A Mr. Patel.

15 Q Which Mr. Patel?

16 PLAINTIFFS MEMBER: Ramesh.

17 MS. BALLARD: Your Honor, he was provided a name by
18 one of the client's sitting at Mr. Moore's table.

19 A Her husband.

20 THE COURT: Y'all, there has been a lot of animation
21 behind the lawyers. I don't know whether the lawyers are
22 aware of it or not but I need some poker faces from
23 everybody on both sides.

24 MS. BALLARD: Thank you, Your Honor.

25 THE COURT: So the spouse of Mr. Moore's client would

1 be Ramesh Patel.

2 A Right.

3 THE COURT: Okay.

4 Q Approximately when did you go to work there, can you
5 tell me the year, if you remember?

6 A No, sir. I don't remember the year.

7 Q How long did you actually work in the convenient
8 store?

9 A One year.

10 Q Did you leave pleasantly or unpleasantly?

11 A I left, I was enrolled into college. And when I
12 graduated college I left.

13 Q How old were you when you started college?

14 A I was, I went later in life, I was 38.

15 Q And how old are you now?

16 A 53.

17 Q So that means you were there 15 years ago?

18 A Yes, sir.

19 Q And that would be 2006, 2005?

20 A Yes, sir.

21 Q All right. Now, how close do you live to there?

22 A I stayed approximately a mile from the store.

23 Q So you, do you frequent the store?

24 A Every morning, I still stop there every morning.

25 Q What do you do when you go in?

1 A I just get me a cup of juice, a coffee.

2 Q Based on what you have seen in your work and based
3 upon what you have seen as a customer who has been the
4 party responsible for operating that convenient store over
5 the years?

6 MS. BALLARD: Your Honor, I object. There is no
7 foundation for him to answer a question as to who is
8 responsible. He could answer a question about who was
9 there but he cannot answer a question about who was
10 responsible.

11 MR. MOORE: I will change the question.

12 THE COURT: Rephrase it to who, working the counter.

13 Q Who ran the store on a day-to-day basis?

14 A Most of the time it was Ms. Patel there more than
15 anyone.

16 Q Now, do you know the Defendant?

17 A Yes, sir.

18 Q Can you tell me, based upon what you have seen over
19 the years, the degree of involvement they have had and
20 from what you have seen in operating that convenient
21 store?

22 A Usually they came to give their mom -- she was there
23 most of the time but I usually seen them like maybe once a
24 week at the store.

25 Q That is when you were working there?

1 A Not even when I was working there, they was there
2 once a week even when I was working there.

3 Q Did Ms. Vidhya Patel, from what you could see, did
4 she work more than 40 hours a week?

5 A Yes, sir.

6 Q Tell me what you mean by that?

7 A I basically seen her every day, even in the mornings
8 or in the evenings. So, you know, I seen her every day.

9 THE COURT: Thank you, no further questions, Your
10 Honor.

11 MS. BALLARD: Your Honor, subject to my objection
12 earlier.

13 CROSS-EXAMINATION

14 By Ms. Ballard:

15 Q Mr. Drummond, you have been to the store this week,
16 haven't you?

17 A Yes, ma'am.

18 Q And you talked to Angela at least twice this week,
19 right?

20 A More than twice. Angela works every morning, Ma'am.

21 Q Right. So you talked to her, this is Thursday, so
22 you have talked to her at least three times this week at
23 the store, correct?

24 A I talk to her every morning and I say good morning.

25 Q Okay. And twice this week you asked Angela to relay

1 a message to Hardik Patel, did you not?

2 A No, ma'am.

3 Q You deny having instructed Angela to relay a message
4 to Hardik Patel?

5 A No, ma'am.

6 Q Isn't it true that you asked Angela to relay to
7 Hardik Patel that if he paid you money you would not come
8 to court?

9 A No, ma'am.

10 Q You deny that?

11 A I deny that.

12 MS. BALLARD: Thank you, Your Honor.

13 THE COURT: Mr. Drummond, you are free to go or you
14 are free to stay.

15 MR. MOORE: Your Honor, I call Vidhya Patel.

16 MS. BALLARD: Your Honor, I deposed Ms. Patel. As I
17 have said in my pretrial brief, most of her testimony will
18 be barred by the Dead Man's Statute. Any would be based
19 on her observation, she can certainly testify to her
20 observations but she couldn't testify to anything Ramesh
21 said. Having taken her deposition, she doesn't separate
22 between herself and Ramesh. She speaks as to them and
23 one. So I think we need to be very careful as to how she
24 answers questions to make sure. And I can point you to
25 the pages of her deposition where she speaks of them as

1 one. And she does have problems with the English
2 language. So I would just ask that we be careful and pay
3 attention to what her answers are, she is not violating
4 the Dead Man's Statute.

5 THE COURT: Let me talk to the lawyers.

6 MR. MOORE: May I ask, is that an objection, a motion
7 in limine.

8 MS. BALLARD: It is a motion in limine, I brought it
9 to the Court's attention in my pretrial motion.

10 (Whereupon, a bench conference was held.)

11 VIDHYA Patel, being
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 By Mr. Moore:

15 Q Look at me, are you afraid?

16 A Yes.

17 MS. BALLARD: I didn't hear her answer.

18 MR. MOORE: She said, yes.

19 MS. BALLARD: Your Honor, I didn't hear her, I heard
20 Mr. Moore.

21 THE COURT: Pull that microphone closer.

22 MS. BALLARD: Thank you, Your Honor.

23 A Yes.

24 Q Pull that microphone closer to you.

25 A Okay.

1 Q I am standing right here in front of you but I want
2 you to almost yell at me. Okay.

3 A Okay.

4 Q You have got to do better than that.

5 A Okay.

6 Q No, you have got to do better than that.

7 A Okay.

8 Q That is better. You are doing good.

9 A Thank you.

10 Q How old are you, Ms. Vidhya.

11 A 59.

12 Q Good girl. Where were you born and raised.

13 A In India.

14 Q What part of India are you from?

15 A Gujarat.

16 Q Spell that.

17 A G-U-J-A-R-A-T.

18 Q Are you a citizen of the United States of American
19 now?

20 A No, sir.

21 Q Are you eligible to become a citizen?

22 A Yes sir, this month.

23 Q You are going to become a citizen this month?

24 A Yes, sir.

25 Q Are you excited about that?

1 A Yes, sir.

2 MS. BALLARD: Your Honor, he is leading the witness.
3 He has already misstated one of her answers. She said she
4 was eligible this month and he said, oh, you are going to
5 become a citizen this month. I would just ask him to slow
6 down and not lead and not put words into the witness'
7 mouth.

8 MR. MOORE: I appreciate the rulings from Ms. Desai
9 but I don't think she is correct and I believe the answers
10 were okay, Your Honor.

11 THE COURT: The leading, be careful with leading and
12 go a little slower for me.

13 MS. BALLARD: Thank you, Your Honor.

14 Q When do you plan to become a United States citizen?

15 A This month, sir.

16 Q And what is your present immigration status?

17 A Green card.

18 Q When did you get your green card?

19 A 2013.

20 Q When did your husband get his green card.

21 MS. BALLARD: Objection, Your Honor. I am sorry.

22 Q Do you know when your husband was given a green card?

23 A Yes, sir.

24 Q Have you seen his green card?

25 A Yes, sir. We got them together.

1 Q When is it that you and your husband got your green
2 cards together?

3 A Yes, sir.

4 Q When, what year?

5 A 2013.

6 Q How long have you lived in the United States?

7 A Twenty years.

8 Q What is your education, how far did you go in school?

9 A I study, just the tenth.

10 Q Tenth what?

11 A Tenth grade.

12 Q Tenth grade?

13 A Yes, sir.

14 Q Okay. Where did you go through the tenth grade, was
15 that India or here?

16 A India.

17 Q When did you get married?

18 A 1979.

19 Q And your husband's name is what?

20 A Ramesh Patel.

21 Q And did you and Ramesh have children?

22 A Yes, sir.

23 Q What are their names and ages?

24 A My son is 36 year old and the younger son is 34.

25 Q Which one is the elder son?

1 A Hardik Patel.

2 Q And your younger son is named what?

3 A Darshak Patel.

4 Q Are they educated?

5 A Yes, sir.

6 Q What kind of degrees do they have?

7 A Hardik is a -- in IT. And Darshak is a engineer.

8 Q Industrial Engineer?

9 A Industrial Engineer, yes.

10 Q Do you speak English well?

11 A I speak, just, I speak broken English, not much.

12 Q Can you understand it when it is spoken to you?

13 A Yeah.

14 Q All right.

15 A Some of not but yeah.

16 Q Who paid to educate your boys?

17 A Me and my husband.

18 Q Hardik went to get his IT Degree in Business where?

19 A In NTT, (phonetic).

20 Q How did you and your husband pay for his college

21 degree, where did you get the money?

22 A We got, at the motel.

23 Q What motels did you work in to pay for your oldest

24 son's college degree?

25 A Days Inn.

1 Q Where was that?

2 A (Inaudible).

3 Q What did you do at the Days Inn?

4 A Housekeeping, laundry.

5 Q What did your husband do?

6 A He managed the motel.

7 Q Now, at some point in time do you know anything about
8 a Quality Inn hotel in Newberry?

9 A Yes, sir.

10 Q Were you involved in that hotel?

11 A Yes, sir.

12 Q Did you ever work there?

13 A Yes, sir.

14 Q Now, you and your husband, did you have the same
15 finances or were they different?

16 A The same.

17 Q So you would be familiar with the finances?

18 A Yes, sir.

19 Q When the Quality Inn hotel in Newberry was bought --
20 wait a minute. I am going to go slow and you need to.

21 A Okay.

22 Q Who was the hotel bought from, who was the seller?

23 A Pallev Desai and Prakash Patel.

24 Q Now, did you and your husband have to come up with
25 any money to put down on that motel?

1 A Yes, sir.

2 Q Do you remember how much money came from you and your
3 husband to put down when the Quality Inn was bought?

4 A I don't know how much but we got the money together.
5 So I don't know how much money he gave.

6 Q Okay. Now, the Quality Inn in Newberry, did you work
7 there or did your husband work there or did both of you
8 work there?

9 A We both worked there.

10 Q Tell me what he did at the Quality Inn in Newberry?

11 A He managed the motel and work, night shift. And I
12 work laundry.

13 Q How many years did you work there, Ms. Patel?

14 A Maybe three years.

15 MS. BALLARD: I am sorry, what was the answer?

16 A Three years.

17 Q When did you actually come here from India?

18 A In 2000.

19 Q And when you came here did you already have children?

20 A Yes, sir.

21 Q How old were your children when you came here?

22 A My youngest, he was 15-year-old. And my elder son,
23 he was in India in pharmacy--

24 Q Hold on, your elder son stayed in India why?

25 A Because he was already in college. So I put him in

1 pharmacy college.

2 Q In India?

3 A In India, yes sir.

4 Q So he was in pharmacy school in India when you came
5 over?

6 A Yes, sir.

7 MS. BALLARD: Your Honor, leading again.

8 MR. MOORE: I am just trying to get it for the Court
9 Reporter, Your Honor.

10 THE COURT: He is leading, but at least small facts
11 about the education is a little bit helpful to keep the
12 face.

13 MS. BALLARD: Thank you, Your Honor.

14 THE COURT: But it is leading. Be careful, Mr.
15 Moore.

16 MR. MOORE: Surely and thank you, Your Honor.

17 Q After, when you moved to the United States where did
18 you and your husband first go?

19 A Charleston.

20 Q Charleston?

21 A Charleston, yes sir.

22 Q What did you do in Charleston?

23 A Managed the motel.

24 Q And did you get your Visa status changed from
25 visitor?

1 A Visitor to H1.

2 Q Now, does an H1 Visa allow you to work here?

3 A H1 Visa, yeah.

4 Q Did you have a Visa that would let you work?

5 A Yes, sir.

6 Q All right. Now, how long do you and your husband and
7 your younger son stay here before you brought your older
8 son, Hardik, here?

9 A Just one year.

10 Q And why did he leave pharmacy school?

11 A I don't know, something happened with the --

12 MS. BALLARD: Objection, Your Honor, she answered the
13 question, I don't know.

14 Q Do you know what happened over there?

15 THE COURT: I am going to sustain the objection, she
16 either knows or she doesn't.

17 Q Do you know what happened to make him leave pharmacy
18 school, do you know?

19 A No.

20 Q Has he told you what happened?

21 A No, sir.

22 Q But he came here. Who paid for him to come from
23 India to the United States?

24 A Me and my husband.

25 Q Where did you get the money?

1 A Working and get the money.

2 Q What was his Visa when he came, did he have a Visa to
3 come?

4 A Yes, sir. We have a Visitor -- all four, me, my
5 husbands and my two kids.

6 COURT REPORTER: She had a visitor?

7 MR. MOORE: Visitor Visa.

8 A Yes, that is how he came.

9 Q All right. Now, this case involves two things. The
10 house where you have lived and the convenient store,
11 right?

12 A Uh-huh.

13 Q Is that, yes?

14 A Yes, sir.

15 Q How long have you lived at the house we are talking
16 about?

17 A I think ten years, 2009 to '20, so.

18 Q And how many years did you work in that convenient
19 store?

20 A 2007 to 2019--

21 MS. BALLARD: Wait, 2--

22 MR. MOORE: She said 2007 to 2019.

23 MS. BALLARD: Thank you.

24 A Excuse me, in '19 he kicked me out.

25 Q What year did he kick you out?

1 A '19.

2 Q So 2007 to 2019?

3 A '18, yes, to January--

4 MS. BALLARD: Your Honor, I object to the
5 characterization of he kicked her out. I would ask--

6 MR. MOORE: That is her testimony.

7 THE COURT: It is okay. But her testimony is the
8 last day of December of 2018. She has not worked any more
9 in the store as of January of 2019.

10 MR. MOORE: That is what she said.

11 THE COURT: I have got it.

12 MS. BALLARD: Yes, sir.

13 Q And there has been testimony you only worked 40 hours
14 a week. Did you only work 40 hours a week?

15 A No, sir.

16 Q Can you tell me how many hours a week you would have
17 averaged working in that convenient store?

18 A Maybe 60 hours.

19 Q And during those 60 hours a week that you worked for
20 those 12 years can you tell me what your duties would have
21 been, what did you do?

22 A I do everything, I open the store, I go stocking for
23 the store, outside stocking, I get the -- pull up the car
24 and working in the store.

25 Q Who stocked the shelves?

1 A Myself.

2 Q Who ran the cash register?

3 A Me and my husband.

4 Q Who paid the bills?

5 A Me and my husband.

6 Q Who did the ordering?

7 A Me and my husband.

8 Q Who handled the checkbook?

9 A Me and my husband.

10 Q Now, at some point in time did your son get married?

11 A Yes, my son get married in 2008.

12 Q Hardik got married in 2008?

13 A Yes, sir.

14 Q Did he have children?

15 A Yes, sir.

16 Q How many?

17 A Two.

18 Q What, if any, role did you play in taking care of his

19 children?

20 MS. BALLARD: Your Honor, I object to the relevancy

21 of this.

22 THE COURT: I sustain that. My recollection the

23 Court took note that there was a close family

24 relationship, interaction among them, personally and

25 professionally.

1 MS. BALLARD: Thank you, Your Honor.

2 MR. MOORE: Thank you.

3 Q Vidhya, how did you learn that there was a convenient
4 store in Clinton, where did you learn that from, before
5 y'all leased it and before you bought how did you learn
6 there was a store there?

7 MS. BALLARD: Your Honor, I object to the phrase, the
8 question, before he bought it, before he leased it. Those
9 facts are not in evidence.

10 THE COURT: I understand. I am going to let her
11 answer the question but that is a question for the Court.

12 MS. BALLARD: Thank you, Your Honor.

13 Q Before the store was leased or purchased, before the
14 store was leased how did you learn that it existed?

15 A We go in the store, we just looking, my son. And I
16 came and I just looked.

17 Q All right. Was it bought first or was it leased
18 first?

19 A It was leased first.

20 Q Do you remember the name of the people that it was
21 leased from?

22 A Yes, sir.

23 Q Who was it leased from?

24 A Prakash Patel and Pallev Desai.

25 Q When the store was first leased, hold on, we know

1 when that was. When the store was first leased what, if
2 any, of your money, are you okay?

3 A Yes.

4 Q What, if any, of your money was used to put into the
5 store?

6 A Me and my husband got together and put money
7 together. So my husband keep the money, I don't know how
8 much.

9 Q Was part of your money put in there?

10 A Yes, sir.

11 Q Now, why would you put your money into a lease on
12 that convenient store?

13 A Because in my, we put our money, we put together. We
14 do not have any separate money.

15 Q So what is yours is his and what is his is yours?

16 A Yes, sir.

17 Q All right. Did you object to your money being put
18 into that lease?

19 A No, sir.

20 Q Now, when the store was leased did you have a green
21 card?

22 A No, sir.

23 Q When the store was leased did your husband have a
24 green card?

25 A No, sir.

1 Q When the store was leased did your daughter-n-law
2 have a green card?

3 A Yes, only by daughter-n-law had a card.

4 Q Do you know the name of the LLC that the lease was in
5 was AAHARVID. Do you know what that stands for?

6 A Yes, sir.

7 Q What does that stand for?

8 A A is for Anal; H for Hardik; V for Vidhya.

9 Q That's you?

10 A That's me. And D for Darshak; R for Ramesh.

11 Q R was for Ramesh?

12 A Ramesh.

13 Q The, why was your, do you know why you and your
14 husband's name was put into the name of the business?

15 A Because of--

16 MS. BALLARD: Objection, Your Honor, there is no
17 foundation for that.

18 MR. MOORE: I ask her does she know.

19 THE COURT: If she knows she can answer it.

20 MS. BALLARD: Thank you, Your Honor.

21 Q Did you participate in coming up with that name, was
22 that something that you talked about.

23 A Yes, sir. Me and husband, my son got all together
24 and me, one by one letter for everybody and we make the
25 name.

1 Q All right. How old were the boys when the store was
2 leased and the inventory was purchased?

3 A 22.

4 Q Which one was 22?

5 A Hardik.

6 Q Did Hardik have any money of his own?

7 A No, sir.

8 Q About how his wife, did she have any money of her
9 own?

10 A No, sir.

11 Q Who were they living with?

12 A Living with me.

13 Q Who was paying the bills?

14 A Me and my husband.

15 Q Now, when the store got opened was any of your money
16 to buy the inventory and the good will?

17 A Yes, sir.

18 Q You don't know how much that was?

19 A No, sir.

20 Q When the store was opened was there still money owed
21 on it, did you, was there any money still owed to the
22 seller, to the landlord?

23 A Yes, sir.

24 Q How were y'all paying that, if at all. Were you
25 paying by the month, by the year, regularly. How did you

1 do it, do you know?

2 A The store?

3 Q Right.

4 A We had a bill, like a lease, we pay every month, the
5 lease.

6 Q Now, after the store was leased was your husband
7 working with you in the store or was he still at the hotel
8 in Newberry?

9 A He was working in the Newberry hotel and then he come
10 to the store.

11 Q Hold on. My question is this, at the time the store
12 was leased was your husband still working at the motel in
13 Newberry?

14 A Yes, sir.

15 Q Did he also work some in the convenient store?

16 A Yes, sir.

17 Q Now, when the convenient store was leased did you
18 work a bunch over in Newberry?

19 A No, after the store, I stopped working in Newberry.

20 Q Why was it important that you stop working in
21 Newberry. Why did you do that.

22 A Because I have to work at the store.

23 Q Why did you have to work at the store?

24 A Because my son is going to college, he helping me,
25 Hardik is going -- he helped me in the store and I work.

1 Q Well, if it wasn't your store why would you leave
2 y'all's hotel in Newberry to come over to Clinton. Why
3 were you working in that store that much?

4 A Because it is our store so I have to work.

5 Q Okay. Now, your other son, where would he have been
6 when the store was leased?

7 A He studying at EC.

8 Q ECU?

9 A ECU.

10 Q Eastern Carolina?

11 A Easter Carolina, yes sir.

12 Q Who paid for his education?

13 A Me and my husband.

14 Q What did you use to pay for his education?

15 A What do you--

16 Q What money did you use?

17 A Money, my husband working in the motel, work and I
18 work at the store in Clinton. We don't have a green card
19 so my husband, so we make a student and -- (inaudible).

20 MR. MOORE: Did the Court understand that?

21 COURT REPORTER: I did not.

22 A It is a pardon student.

23 MR. MOORE: We are going to slow down again. Hold
24 on.

25 Q When your son's were here and going to college you

1 told me they had some kind of a Visa?

2 A Yes, sir.

3 Q What kind was that?

4 A Student Visa, L1 Visa.

5 Q L1 student Visa?

6 A Yes, sir.

7 Q Now, you say you paid for that?

8 A Yes, sir.

9 Q Who paid for that?

10 A Me and my husband.

11 Q What kind of money did that cost?

12 A It cost money, \$25,000.00 something.

13 Q \$25,000.00 something?

14 A Yes, sir.

15 Q Each or together?

16 A Each.

17 Q Why did it cost \$25,000.00 dollars to get your son's

18 student Visa?

19 A Because, we don't get, the State -- (inaudible).

20 Q So he had to change from the Visa he had to a student

21 Visa?

22 A Yes, sir.

23 Q And who did you have to pay the \$25,000.00 dollars to

24 get his student Visa?

25 A Me and my husband.

1 Q Who did you have to pay that money to?

2 A Maybe, lawyer or something, when we get a Visa.

3 Q When you went into the store, when the store was
4 leased in 2007, who was money still owed to. Who did you
5 owe money to?

6 A From someone.

7 Q Who did you owe money to for the landlord standpoint.
8 The people that sold you the good will, did you pay them
9 all cash or did you still owe them money?

10 A There was money we paid.

11 Q All right. Do you have any idea how much money you
12 still owed them when you took over the store?

13 A They have a note.

14 Q Now much was the note for?

15 A Like \$87 something.

16 MS. BALLARD: Did she say \$18,000.00?

17 MR. MOORE: \$80.

18 MS. BALLARD: \$80,000.00.

19 Q To Prakash Patel. When you leased the store in 2007
20 was it in spic and span shape or was it something
21 different. Was it real clean and modern or was it
22 different?

23 A No, sir. Just like store, we had to fix everything
24 and fix the roof, painting all store and like, everything.

25 Q Very slowly. I want you to tell me all the things

1 that had to be done to modernize that store after you
2 leased it. You said something about the roof?

3 A Yes. The roof be fixed.

4 Q What had to be done to the roof?

5 A It was leaking everywhere.

6 Q What had to be done to fix that?

7 A Fix the new roof.

8 Q How did you fix the new roof?

9 A We got the guy and he did fix it.

10 Q Who paid him?

11 A Me and my husband.

12 Q The painter, what all got painted?

13 A Paint everything.

14 Q What got painted, the outside, the inside or both?

15 A Outside and inside work.

16 Q Who paid the painter?

17 A Me and my husband.

18 Q Besides painting and the fixing the roof what else did
19 you have to do to modernize it?

20 A Fix the bathroom and the parking lot.

21 Q Who paid to fix the bathroom and the parking lot?

22 A Me and my husband.

23 Q Can you give me an idea, just an idea with the roof,
24 the painting, the parking lot, the bathrooms, how much
25 money you and your husband spent to modernize this

1 location after it was leased?

2 A \$25,000.00 something. The roof was costly.

3 Q The roof was costly?

4 A Yes, sir.

5 Q What did it cost y'all to do the roof?

6 A Just now, I think the house, this much, charged me
7 \$600.00 dollars.

8 Q But that is for your house?

9 A Yes. And this is a big one so it was more.

10 Q Do you know for sure how much the roof cost y'all?

11 A No, sir.

12 Q Who is it that actually hired the workers to come in
13 and to fix the roof and to paint and to fix the parking
14 lot and to fix the bathrooms. Who did the hiring of those
15 people?

16 A Mr. Patel.

17 Q Which Mr. Patel?

18 A My husband, my husband.

19 Q Vidhya, you have got to understand, everybody in this
20 case including the witness' name is Patel. Okay.

21 A I am sorry.

22 Q Were you working in the store during the renovations?

23 A Yes, sir.

24 Q Was that easy or was that hard?

25 A It was hard.

1 Q Why?

2 A Because the moving, every day is getting some dust
3 and cleaning up.

4 Q Did you ever get a paycheck, a regular paycheck for
5 the work you did?

6 A No, sir.

7 Q Did you ever get paid any overtime?

8 A No, sir.

9 Q Why not?

10 A Because it is my business so I don't do that.

11 Q Why do you say it is your business?

12 A Because we paid.

13 Q All right. You were working about how many weeks
14 over there?

15 A 50, 60 hours.

16 Q Who else did you have working?

17 A We have two employees, but the employee take off. So
18 based on I make -- I go to 60 hours.

19 Q Did you take much time off?

20 A No, sir.

21 Q What hours was the convenient store open?

22 A We start 2007, at that time we open at 6:00 o'clock
23 in the morning and like 12:00 o'clock close. And
24 Saturday, Sunday, maybe 2:00 o'clock. We close at 2:00
25 o'clock, midnight.

1 THE COURT: I need a break. Ms. Patel, you can step
2 down, you are not done yet, you can't talk about your
3 testimony to anybody in the courtroom.

4 MS. BALLARD: Or anybody outside.

5 THE COURT: Or anybody outside, do not discuss your
6 testimony with anyone.

7 MS. BALLARD: Thank you, Your Honor.

8 (Whereupon, a short break was taken.)

9 THE COURT: We will go back on the record, Mr. Moore,
10 again your witness.

11 MR. MOORE: Thank you, Your Honor.

12 CONTINUE DIRECT EXAMINATION

13 By Mr. Moore:

14 Q Now, when your husband sold the hotel in Newberry did
15 y'all get any cash money out of that?

16 A No, sir.

17 Q Do you know what was done with his portion of the
18 price. Who got that, if anyone.

19 MS. BALLARD: Objection, Your Honor, again there
20 needs to be a foundation.

21 MR. MOORE: I ask her does she know.

22 THE COURT: All right. If she knows.

23 MR. MOORE: Right.

24 Q Do you know of your own knowledge who got that money?

25 A I think the note, we have a note for the store. We

1 paid for Prakash Patel.

2 Q Okay. Now, Hardik's wedding was paid for by you and
3 your husband?

4 A Yes, sir.

5 Q How much did it cost you?

6 A Maybe \$45 to \$50,000.00 dollars.

7 Q Now, let's talk about the house that you live in.

8 Okay.

9 A Yes, sir.

10 Q Whose name is it titled in?

11 A Hardik's name.

12 Q When that house was purchased did you have a green
13 card?

14 A No, sir.

15 Q When that house was purchased did your husband have a
16 green card?

17 A No, sir.

18 Q When that house was purchased did Hardik have a green
19 card?

20 A Yes, Hardik got a new green card so I put his name
21 to-

22 MS. BALLARD: Objection to the last portion of her
23 answer in terms of she put the house in Hardik's name.

24 THE COURT: Sustained, go ahead.

25 MS. BALLARD: Thank you, Your Honor.

1 Q Did you have a conversation with Hardik about whose
2 name the house would be put in?

3 A When we--

4 Q The answer is yes or no, did you talk to Hardik?

5 A Yes.

6 Q What did you tell him about having the house put in
7 his name?

8 A Because he--

9 Q What did you tell him?

10 A Nothing. My husband talked--

11 MS. BALLARD: Objection, Your Honor.

12 Q Don't say what your husband said.

13 A Okay.

14 THE COURT: Sustained, he is right.

15 MS. BALLARD: Thank you, Your Honor.

16 A Sorry.

17 Q That's all right. When the house was located who was
18 the real estate agent?

19 A Mr. Pallev Patel.

20 Q And were you part of looking at the house, did you
21 look at the house?

22 A No. When the house, my son, Hardik, he find it and
23 then, my son and my husband then decide to buy the house.

24 Q All right. Now, when they found it did you go and
25 look at yourself, did you look at the house?

1 A Yes, sir.

2 Q Was it where you could move into it, or did it need
3 some work to move in?

4 A No, sir. We have too much to do then.

5 Q When you first saw the house what all was needed to
6 be done to it?

7 A It is not like, stay at the house, just a--

8 Q I did not understand, I understand you and I didn't
9 understand what you just said.

10 A It is not, we cannot stay at the house.

11 Q I know that, why not?

12 A Because we had some many things in there.

13 Q What?

14 A Bathrooms, kitchen and wall paint and floors,
15 everything.

16 Q All right. Do you remember who you bought, who the
17 house was bought from?

18 A No, sir.

19 Q Was it a bank or an individual?

20 A Yes, it was a bank.

21 Q Do you recall how much money was paid to buy it? How
22 much money was paid for it when it was bought?

23 A \$38, \$39,000.00.

24 Q That \$38 and \$39,000.00 or \$39,000.00 dollars, where
25 did the money come from, who paid for it?

1 A Me and my husband.

2 Q All right. Where did you get the money?

3 A Every paycheck and someone bought from my relatives.

4 Q What relatives loaned you money to buy that house?

5 A My nephew and my husband's uncle.

6 Q What is his name?

7 A Vesanb Patel.

8 Q Spell it.

9 A V-E-S-A-N-B.

10 Q Vesanb Patel is your husband's uncle, where is he

11 now.

12 A Is, uncle, (inaudible).

13 Q In order to fix the house where it could be lived in

14 did money have to be borrowed?

15 A No, that is money to fix a little bit, money.

16 Q Was there ever a mortgage to the bank, did you ever

17 borrow any money from the bank on the house?

18 A I don't really know that.

19 Q Did Hardik ever pay any money for the house?

20 A No, sir.

21 Q Did his wife ever pay any money for the house?

22 A No, sir.

23 Q Who did the actual work to make the house where you

24 could live in it?

25 A The house, fix the house, my son had help and

1 someone, a guy fixing the roof, they work.

2 Q Now, is your house a big ole house or is it a little
3 house or something in between?

4 A Little house.

5 Q How many bedrooms?

6 A A little bedroom.

7 Q How far is the house away from the convenient store?

8 A One mile.

9 Q Why did you get a house that close to the convenient
10 store?

11 A Because I have to go to store and work at the house,
12 cooking and everything. It is very near for me.

13 Q So you worked in the store, cooked the meals, and
14 took care of the grandkids?

15 A Yes, sir.

16 Q You never got tired, did you?

17 A No, sir.

18 Q All right.

19 A Never.

20 Q Now, after you got the house bought and fixed up who
21 all moved in, who moved in, who lived there after you got
22 it fixed.

23 A Everybody, me and my husband, Hardik, my son,
24 everybody lived together.

25 Q Did you trust your son?

- 1 A Yes, sir.
- 2 Q Did you trust your daughter-n-law?
- 3 A Yes, sir.
- 4 Q How long did they live there with you in the house?
- 5 A 2008 to 2011.
- 6 Q That would be three years?
- 7 A Three, yes.
- 8 Q Now, during those three years where were they going
- 9 to school?
- 10 A Hardik going to school in Charlotte, UNC.
- 11 Q Did he drive back and forth every day?
- 12 A Yes, sir.
- 13 Q Who provided him with a car?
- 14 A Me and my husband.
- 15 Q Who paid the insurance on the car?
- 16 A Everything me and my husband, sir.
- 17 Q Who made the payments on the house?
- 18 A Me and my husband.
- 19 Q Were you worried about the fact that the business was
- 20 in your daughter-n-law's name and the house was in your
- 21 son's name?
- 22 A No. It wasn't, they are my kids. This is family, we
- 23 trust. And everybody, mom and dad trust all the kids, you
- 24 know, in our Country.
- 25 Q In 2011 where did your son and his wife go?

1 A He got a job in Virginia, Richmond, they were over
2 there.

3 Q Since 2011 has your son or daughter-n-law lived in
4 Clinton?

5 A Yes, sir.

6 Q Lived there since 2011? After they moved in 2011
7 have they lived there permanently since?

8 A No, he lived, no. For the job that he is over there.

9 Q What do you mean by that?

10 A He talking about Virginia, right.

11 Q No.

12 A Clinton?

13 Q Listen to the question. After they moved to Richmond
14 in 2011 did they ever come back to live?

15 A No, they come back to, he got a job in Charlotte.

16 Q I don't want to know about Charlotte, I want to know
17 did they ever come back to Clinton to live?

18 A Yes, they come.

19 Q To live on permanent basis?

20 A No, no, no.

21 Q Okay.

22 A They come to see the kids and they leave.

23 Q After they left in 2011 were they involved at all in
24 the day-to-day operations of the convenient store?

25 A No, sir.

1 Q Now, the LLC that is in your daughter-n-law's name,
2 what was the address of that LLC? Where did the mail come
3 for the LLC?

4 A Maybe start, I think the Newberry address and then
5 move to Clinton--

6 COURT REPORTER: Can you repeat that?

7 Q When the LLC was first formed what was the address
8 for the LLC, what City was it in?

9 A Newberry.

10 Q And the address in Newberry would be what?

11 A In Newberry--

12 Q -- what is located there? Is that the Quality Inn?

13 A Yes.

14 Q Okay. After the Quality Inn was sold what was the
15 address?

16 A In Clinton.

17 Q Is the house that you live in?

18 A Yes, sir.

19 Q And it stayed that address until when, when did it
20 get changed from the Clinton address? When did your mail
21 get changed?

22 MS. BALLARD: Objection, Your Honor. He was asking
23 her about the store's mail and suddenly he is asking about
24 her personal mail. So I don't think the question is
25 clear.

1 THE COURT: Make your question clear.

2 Q Listen. When did the mail for the store, you are not
3 listening. Look, I love you, okay. And I know you want
4 to get off that stand but I am talking slowly so that you
5 can understand and she can understand. Okay. I know you
6 are scared and I know you are upset but don't get too
7 fast. Okay.

8 A Okay.

9 Q I just want to know when did the mail for the store
10 stop coming to the house where you live?

11 A Store mail come into the store. From the move from
12 Newberry.

13 Q When did that stop?

14 A 2008, yes.

15 Q Let me ask you this. Did you ever start having a
16 problem getting your mail?

17 A My personal mail?

18 Q Yeah.

19 A Okay, yes.

20 Q What happened?

21 A My son changed the address, my mail, all the mail to
22 his house.

23 Q When did he do that?

24 A 2018, August or something, no. May.

25 Q May of 2018?

1 A Yes, he changed, to the beginning of 2018, yes.

2 Q What did you have to do in order to change the mail
3 back from his house to your house?

4 A I go to bank so he, bank and different address.

5 Q I am not talking about, did you have to go to the
6 post office to get it changed back?

7 A No, sir.

8 Q Is he still getting your mail?

9 A No, I got it changed.

10 Q How did you change?

11 A I go to post office like there and I asked him why he
12 change again my address. He said--

13 MS. BALLARD: Objection.

14 A You can't say what he said. He said twice he changed
15 my address.

16 Q Okay.

17 THE COURT: That is hearsay.

18 A Changed the post office in Newberry, I am sorry,
19 Clinton.

20 Q Are you now getting your mail, do you get your mail
21 now?

22 A No, I changed my address, I changed my address.

23 Q Does the mail come to you now?

24 A Yes.

25 Q How long did it go to him?

1 A Maybe a year.

2 Q All right. Now, after, are you okay?

3 A Yes.

4 Q Are you sure?

5 A Yes.

6 Q After they moved to Richmond, where did they move?

7 A He moved in Charlotte.

8 Q And after Charlotte where did he move?

9 A Camden.

10 Q What did he do in Camden?

11 A Camden he buy another store.

12 Q Did you and your husband help him get that store?

13 A Yes, sir.

14 Q What was the store that Hardik opened in Camden, do
15 you know what the name of it was?

16 A Shop and Go.

17 Q Shop and Go?

18 A Yes.

19 Q Did you and, or your husband take any of your money
20 and loan it to him to open the Camden store?

21 A Yes, sir.

22 Q How much money did you loan him to open the Camden
23 store?

24 A Not like a loan but he need it. He get it from my
25 husband. Papa, I need some money so we give it to him.

1 Q You have any idea how much money, of your money was
2 given to him?

3 A All total is \$90,000.00 dollars, sir.

4 Q And did he ultimately sell the Camden store?

5 A Yes, sir.

6 Q The \$90,000.00 dollars that was advanced to Hardik,
7 where did you get it from. Where did you get the money,
8 where did you and your husband get the money to give him?

9 A He got, slowly, slowly, like \$5,000.00, \$9,000.00,
10 \$10,000.00 like that. So we, income so he could get it.

11 Q How long did the Camden store stay open?

12 A Maybe four years.

13 Q What years was that open?

14 A Open 2011, '12.

15 Q How many years was that open?

16 A Four, yes sir.

17 Q Did he sell the Camden store?

18 A Yes, sir.

19 Q Did he pay and your husband back the money he owed
20 you?

21 A Yes, sir.

22 Q Was there ever a note, a note, a promissory note
23 where he was going to pay you back?

24 A No sir, nothing.

25 Q Well, did he ever pay you interest on the \$90,000.00?

1 A No, sir. The kids, we don't do anything.

2 Q Well, why didn't you at least get a promissory note
3 from him?

4 A He needs money and when sold the store we get money.
5 We have to help our kids, sir --

6 COURT REPORTER: I did not hear, what?

7 MR. MOORE: We have to help our kids in our culture.

8 Q When he sold the store in Camden and paid you and
9 your husband back where did he move after that?

10 A In Charlotte, he got a job in Charlotte.

11 Q Where was he living when he moved to Charlotte from
12 Camden?

13 A Camden to Charlotte, Tega Cay.

14 Q Is he still living in Tega Cay?

15 A Yes, sir.

16 Q Who paid the taxes on the house, your house?

17 A Clinton house?

18 Q Yes.

19 A Me and my husband.

20 Q Who paid the taxes on the convenient store?

21 A Me and my husband.

22 Q Who paid the insurance on the house and the
23 convenient store?

24 A Me and my husband, sir.

25 Q After 2012 did he or his wife do anything at all to

1 work in the store?

2 A In Clinton store, no sir.

3 Q Do you know who the Camden store was purchased for,
4 from, who sold it?

5 A Oh yeah, the gentleman buying, it became--

6 Q Is that man on the left?

7 A Right.

8 Q The man who just raised his hand. What was his
9 father's name, do you remember?

10 A Keefe, (phonetic), Patel.

11 Q And did either you or your husband have anything to
12 do with helping to negotiate the purchase of the Camden
13 store?

14 A Yes, my husband negotiated everything.

15 Q Was there any type of guarantee signed by either you
16 or your husband for the purchase of the Camden store?

17 A I don't know that but he is a friend, he is other
18 friend. So to him, he got the store.

19 Q Okay. In the India culture, is it usual or unusual
20 for members of one family to hold property for the, member
21 of the same family. Is that usual or unusual?

22 A Yes, sir.

23 Q Explain how that works?

24 A Like a, we have stayed all the time together. My
25 husband take care of everybody.

1 Q Have you or your husband ever guaranteed a loan for
2 your son or daughter-in-law? Do you know?

3 A I don't know, sir.

4 Q I know you are going to cry when I ask you this so
5 hold on, all right. Because you cry every time I ask you.
6 Now, you can do it. When did he die?

7 A 2017, June.

8 Q And what killed him, was it sudden or was it long?

9 A It was sudden.

10 Q Did it happen quickly?

11 A Yes sir, quickly.

12 Q It was unexpected, wasn't it?

13 A We, store in Clinton. So when he come to Clinton he
14 just goes to Sam's and buy all for the store. He got the
15 full cart in the store. He buy at Sam's Club and suddenly
16 it happened, he just passed out and died.

17 Q Were you with him when he died?

18 A No, sir. I was in the store.

19 Q You were in what store, what store were you in when
20 that happened?

21 A My store in Clinton.

22 Q Y'all were married how long? It is okay, drink some
23 water.

24 MR. MOORE: She does this every time I ask her about
25 this.

1 Q Y'all were married how long? How old was he?

2 A (Inaudible.)

3 Q How old was he?

4 A 52.

5 Q Y'all had an arranged marriage?

6 A Yes, sir.

7 Q Your mama and daddy put you together?

8 A Yes, sir.

9 Q That worked out okay?

10 A Yes.

11 Q All right.

12 A We met two times, got married after two times.

13 Q You met two times before you got married?

14 A Just like this, I feel like this, nothing. And then
15 we married. My papa did this.

16 COURT REPORTER: Wait a minute, I didn't hear.

17 A In our culture. We see, like the first time we met,
18 like and second time we just married.

19 Q How has life been since he died?

20 A It is too bad. I didn't realize it happened like
21 this.

22 Q Now, in your culture--

23 A I feel like my kids treating me like that.

24 Q In your culture, is the oldest son recognizing as
25 having any responsibilities?

1 A Yes, sir.

2 Q In your culture do you bury the dead or do something
3 else with them?

4 A Sir?

5 Q Do you bury the dead or do something else?

6 A No, sir.

7 Q You cremate them, right?

8 A Yes.

9 Q Cremation is what the Hindu's do?

10 A Yes, cremation, yes.

11 Q And once the ashes are delivered is it a big deal for
12 the ashes to go back to India?

13 MS. BALLARD: Your Honor, he is leading just a bit.

14 THE COURT: I understand it is an emotional issue, I
15 will let him lead in this process.

16 Q And normally is the oldest son who takes the ashes
17 back to India along with the widow, correct?

18 A Yes, sir.

19 Q Did Hardik take the ashes back?

20 A No, sir.

21 Q Who did?

22 A He said don't have a vacation. My son, Darshak came
23 with me.

24 Q That is your younger son?

25 A My younger son, yes sir.

1 Q Now, Darshak, was he ill at the time y'all went back,
2 was he sick, was Darshak sick?

3 A He was sick, it was, ten days my husband died, before
4 he, he has four cancer.

5 Q Ten days after your husband died your younger son--

6 A Before, before ten days.

7 Q Before your husband died?

8 A Yes, sir.

9 Q Your younger son was diagnosed with stage four
10 cancer?

11 A Yes, sir.

12 Q Now, how long was it after your husband passed away
13 that your younger son and you took his ashes back to
14 India?

15 A After a year.

16 Q One year?

17 A Yes.

18 Q What did you do with the ashes when you got them
19 back? What do you do with them?

20 A We, India, asking the church.

21 Q And you left the ashes in India?

22 A Yes.

23 Q When you got back was anything missing, was anything
24 missing from your house or was anything missing from the
25 store?

1 A They, I don't realize anything.

2 Q You do now though, right, you realize it now?

3 A Yes.

4 Q Tell the Judge what all was missing when you got
5 back, what was missing?

6 A So I don't realize what was on my phone, trading my
7 phone.

8 MS. BALLARD: Your Honor, I object to her conclusion
9 as to who did these things. The question was, what was
10 missing.

11 THE COURT: She did answer that question.

12 A Okay. At the store, I came at the store, at the
13 house, right.

14 Q Right.

15 A I just, turn on the TV, do the lights. I started the
16 TV, the TV not work. Okay. Then I checked everything, on
17 the table something is missing. So he took out the, what,
18 the router.

19 Q The router was gone?

20 A Yeah. So I asked my son, he said he want to do
21 everything in your name. So internet, you can do by
22 yourself. He take it out, take it out of my phone and
23 everything.

24 Q Were papers missing?

25 A I check in, we have trust everybody at the house.

1 Then I check in the drawer, there is no paper. At that
2 time I feel like--

3 Q You checked in the home in the drawer and the papers
4 were gone?

5 A Uh-huh.

6 Q Now, the papers that we are talking about, were those
7 your important business--

8 MS. BALLARD: Your Honor, I am objecting again to the
9 leading.

10 THE COURT: That is leading. I want to go back and
11 rule on the prior motion. Ask the question, what was
12 missing and she is answering another question. I sustain
13 that objection and then she give kind of mixed answers to
14 a router and something else. And now go ask a non-leading
15 question about first entering the house.

16 Q Here is what I need to know. Don't tell me about
17 routers, don't tell me about IT. I just want you to tell
18 the Judge what kind of papers did you find missing after
19 you got back from India. Were they love letters, were
20 they business documents?

21 A Like the house papers, home papers, I didn't get
22 anything--

23 (Whereupon, a fire alarm sounded in the courtroom and
24 court was adjourned for the day. The trial will
25 resume the next morning at 9:00 a.m.)

1 February 7, 2020

2 THE COURT: Ms. Patel, welcome back. I remind you
3 you are still under oath. When we recessed yesterday I
4 instructed you you were not allowed to discuss your
5 testimony with anyone. Have you discussed your testimony
6 with anyone.

7 MS. PATEL: No, sir.

8 THE COURT: We will continue on.

9 CONTINUE DIRECT EXAMINATION.

10 Q Ms. Patel, I was asking you about the house you live
11 in. Do you still live in that house?

12 A Yes, sir.

13 Q After your husband's death, at any time, did Hardik
14 try to put you out of your house?

15 A Yes, sir.

16 Q What did he do to try to get you out of your house?

17 A He, the lights--

18 MS. BALLARD: Your Honor, we can't hear.

19 THE COURT: Turn the mics on.

20 Q You were telling me he cut off the lights, what do
21 you mean he cut off the lights?

22 MS. BALLARD: Your Honor, I object, unless she knows
23 personally that he was the one that cut off the lights I
24 don't think she can attribute to him.

25 THE COURT: If something happens, certainly not who

1 did but what happened.

2 MS. BALLARD: Thank youi.

3 Q Was the power cut off?

4 A I had two days without food and hot water.

5 Q Now, has Hardik ever said that he did or did not do
6 that?

7 A He didn't say it but, a person--

8 Q You can't tell me what somebody said. So the gas was
9 turned off?

10 A Yes.

11 Q Did you have it turned off?

12 A No, sir.

13 Q Was any of the other utilities cut off, like
14 electricity or anything else?

15 A Before we did but right now we don't.

16 Q At any time after your husband's death did somebody
17 cut off the power to the house?

18 A Yes, sir.

19 Q How long were you without power?

20 A When I come at night there is no power or nothing, a
21 whole night I stayed, stayed at somebody's house, goes to
22 somebody's house to stay.

23 Q All right. Did you have the power cut off, did you
24 cause it to be cut off?

25 A No, sir.

1 Q All right. Now, the Camden store that we have talked
2 about, was that your store or was that Hardik's store?

3 A No, it is Hardik's store.

4 Q Now, you talked about a hotel in Florence, that is
5 not part of this litigation but what part of that hotel
6 did you and your husband own?

7 A \$25,000.

8 Q Was it in his name or both names?

9 A In my husband's name.

10 Q Did y'all do that regularly, things that belonged to
11 y'all you put in his name.

12 MS. BALLARD: Your Honor, object to leading.

13 THE COURT: Sustained as to leading.

14 Q When you and he owned something would it normally be
15 in your name or his name or both names?

16 A We did the--

17 Q Just anything. When you would buy something and it
18 would be yours and his, would you normally have it put in
19 his name?

20 A Yes.

21 Q His name?

22 A His name.

23 Q Okay. And your husband, did he have a will?

24 A No, sir.

25 Q Did you think he needed a will? Did you believe that

1 he needed a will?

2 A Yes, sir.

3 Q But he never had one?

4 A No, sir.

5 Q When was your name taken off the bank account for the
6 convenient store?

7 MS. BALLARD: Objection, Your Honor, there has been
8 no foundation laid that her name was taken off of any bank
9 accounts.

10 THE COURT: What is your foundation.

11 Q Was your name off the bank account at the convenient
12 store?

13 A Yes, sir.

14 Q When was that done?

15 A In October.

16 Q Of what year?

17 A Of 2018.

18 Q Did you cause that to happen, did you go to the bank
19 and tell them to do that?

20 A No, sir.

21 Q How long did you continue to run the convenient store
22 until you were put out. How many months after your
23 husband's death did you run the convenient store?

24 A Up to 2019, December.

25 Q Where was Hardik during this time, where was he

1 living?

2 A He is living in Tega Cay.

3 Q Where was your daughter-n-law at this time, where was
4 she living?

5 A She living with him in Tega Cay.

6 Q At any point in time were you threatened by Hardik.
7 Did he basically threaten you in any way?

8 A No, sir.

9 Q Okay. The house, when you bought it, the real estate
10 broker was who?

11 A For my house?

12 Q Yes.

13 A Tim (phonetic), inaudible.

14 Q Was the beneficiary of your life insurance changed
15 without your permission?

16 MS. BALLARD: Your Honor, leading.

17 A Yes.

18 THE COURT: I am going to allow the question but
19 watch your leading.

20 MR. MOORE: Thank you.

21 Q Was the beneficiary of your life insurance changed
22 without your permission?

23 A Yes, sir.

24 Q How did you get it changed back?

25 A My insurance agent told--

1 MS. BALLARD: Objection.

2 Q How did you get it changed back, did you have to sign
3 something to get it changed back?

4 A Yes, sir.

5 Q Who was the insurance agent?

6 A B, (inaudible), Patel.

7 Q Was your email changed without your knowledge, your
8 email, your electronic mail?

9 A (No response.)

10 Q Let's -- were you arrested?

11 A Yes, sir.

12 Q Did you do anything illegal or wrong to cause you to
13 get arrested?

14 A No, sir. I was shocked.

15 Q You were shocked?

16 A Yes.

17 Q Why were you shocked about being arrested?

18 A He came at night like, policing my house. I said
19 what is wrong. I do nothing. I tried to call my son but
20 he did not pick up the phone.

21 Q Was your computer changed without your knowledge?

22 A Yes, sir.

23 MR. MOORE: Now, if the Court will give me just one
24 moment.

25 THE COURT: Sure.

1 MR. MOORE: Your Honor, we have no further questions
2 of this witness.

3 THE COURT: Ms. Ballard.

4 CROSS-EXAMINATION

5 By Ms. Ballard:

6 Q Ms. Patel, can you hear me from here. Can you hear
7 me from here?

8 A Yes.

9 Q I am going to stand here so continue to give loud
10 answers. Is that all right?

11 A Uh-huh.

12 Q Thank you. We have met, have we not. You and I have
13 met before?

14 A Yes, ma'am.

15 Q And that was when I took your deposition, correct?

16 A Yes.

17 Q And I believe you told me at that time that as
18 between you and your husband you divided the
19 responsibilities for the household, is that correct?

20 A What?

21 Q I believe you told me that your husband handled all
22 of the finances, is that correct?

23 A I don't understand what you say.

24 Q Didn't you tell me that your husband handled all of
25 the finances for you and him?

1 A Yes, sir. Yes, ma'am.

2 Q And he did all of the tax returns for you and him,
3 correct?

4 A Yes.

5 Q And back when Hardik and Darshak were in college, at
6 whatever hotel it might have been, they worked at the
7 hotels like at night and sometimes when you and your
8 husband needed to be gone somewhere they would work,
9 correct?

10 A Yes.

11 Q Okay. And you also said that there is only one
12 paycheck for everybody's work and that went to your
13 husband, is that correct?

14 A Yes.

15 Q So any money that went into a bank account that might
16 have had Ramesh's name on it, would also have had money in
17 it that was generated as a result of Hardik and Darshak's
18 work as well, correct?

19 A Yes.

20 Q Okay. I believe you said to Mr. Moore yesterday that
21 you did not receive any salary for working at the store.
22 Is that what you said?

23 A Yes, ma'am.

24 Q Do you know what a W-2 is?

25 A Yes, ma'am.

1 Q Have you ever received W-2's from AAHARVID, the
2 company?

3 A I don't know.

4 MS. BALLARD: This will be Defendant's 1.

5 (Whereupon, Defendant's Exhibit 1 was admitted into
6 evidence.)

7 MR. MOORE: Your Honor, may I approach the witness?

8 THE COURT: You certainly may, you have permission to
9 approach during the balance of your cross.

10 Q Can you take that document for me. We have marked
11 this document as Defendant's exhibit number 1. It is
12 several pages long. Do you recognize this document?

13 A Yes.

14 Q You do?

15 A Uh-huh.

16 Q Did you just look at the first page or did you look
17 at all of them?

18 A Just the first page.

19 Q Let's look at all of them. Page two are W-2's for
20 you for 2011 from AAHARVID, is that correct?

21 A It is from the store?

22 Q I am asking you. Do you recognize page number 2 of
23 Defendant's exhibit number 1?

24 A This is Shree Shree Hari.

25 Q Page number two?

1 A That is also Shree Shree Hari.

2 Q May I look and see what page two you have? That was
3 page three, Ms. Patel. Tell me what W-2 that is on page
4 two.

5 A It says AAHARVID.

6 Q And what is AAHARVID?

7 A An LLC, it is from the other family.

8 Q That is the store that is in Ana's name, correct?

9 A Yes.

10 Q And what year is that?

11 A 2011.

12 Q Look at page four of Defendant's exhibit number 1.

13 Do you recognize that? Do you recognize that?

14 A Yes.

15 Q Is that a W-2 in your name?

16 A Yes, ma'am.

17 Q And that is a W-2 in your name from the store for the
18 year of 2012, is that correct?

19 A Uh-huh.

20 Q Say yes for the record, please.

21 A Yes.

22 Q And the next page, please look at the next page. And
23 I will move a little faster. These are W-2's in your name
24 from the convenient store for 2013, is that correct?

25 A Yes, ma'am.

1 Q And the next page is W-2's from the store in your
2 name for the year of 2013, is that correct?

3 A Yes.

4 Q And the next page is W-2's in the Company's name
5 payable to you for 2015. Is that correct?

6 A 2014, okay, yes.

7 Q That's correct?

8 A Yes.

9 Q And the next page is W-2's from the store to you for
10 2016, is that correct?

11 A Yes.

12 Q Do you know what a W-2 represents?

13 A Yes.

14 Q That is wages paid to you by the store, correct?

15 A Yes.

16 Q So earlier when you said that you didn't receive any
17 payment, that is incorrect, isn't it?

18 A Okay.

19 Q Okay. That was my question. And your husband did
20 the taxes each year so you don't know whether he included
21 that in your taxes or not, do you?

22 A Yes.

23 Q You don't know or you do know?

24 A What is it?

25 Q My question is, your husband do the taxes every year,

1 you don't know whether he included your W-2's or not, do
2 you?

3 A My husband do so if--

4 Q You don't know, do you?

5 MR. MOORE: Let her finish answering the question,
6 please.

7 Q You said if.

8 A Yeah, I know that but, the only, it was my hours
9 spending. I didn't get any other spending.

10 Q That wasn't my question, Ms. Patel. My question was,
11 when your taxes were done each year by Ramesh, you don't
12 know whether or not he included those W-2's from the store
13 that we just looked at, do you?

14 A Okay.

15 Q You don't know, do you?

16 A I do.

17 Q You do. How do you know?

18 A (Cannot understand witness' response).

19 Q I am sorry, did you just say Ramesh did something?

20 A No, no. He start my salary in the store, he told me
21 that day.

22 Q Okay, but you can't tell me what Ramesh told you. So
23 you don't know of your own knowledge whether they were
24 included in the tax returns when they were filed, do you?

25 A I know that, actually did my and my husband's

1 together. That I know.

2 Q So you know filed joint tax returns, correct?

3 A Yes.

4 Q But you don't know whether those W-2's we just went
5 through were included or not, right?

6 A Yes.

7 Q Okay. And while you worked at the store you held
8 yourself out as an employee of the store, didn't you?

9 A No, ma'am.

10 Q Do you recall filing a worker's compensation claim in
11 2012 saying you were an employee of the store?

12 A Because--

13 Q It is a yes or no question.

14 MR. MOORE: Your Honor, I think she has a right to
15 explain--

16 THE COURT: She has a right to explain her answers,
17 she can explain that.

18 Q Do you remember filing a worker's compensation claim
19 in 2012 claiming to be an employee of the store?

20 A Yes.

21 Q And you received worker's compensation benefits for
22 that, did you not?

23 A Yes.

24 Q Money?

25 A Yes.

1 Q Okay. And after you no longer worked at the store
2 you filed for unemployment, didn't you?

3 A Because I--

4 Q Yes or no.

5 MR. MOORE: Whoa, whoa, she cannot answer yes or no,
6 she has a right to fully answer.

7 THE COURT: I understand the rules. Y'all dabble
8 back and forth, let her explain.

9 Q You didn't file for unemployment?

10 A I filed so I don't have a choice, because--

11 THE COURT: I didn't understand what she said.

12 MS. BALLARD: She said you have to listen to me.

13 MR. MOORE: She said I filed--

14 A Why I go for that.

15 MR. MOORE: Why I go for that.

16 COURT REPORTER: Can we start--

17 MS. BALLARD: I will lead her, Your Honor, if that
18 will help.

19 Q When you filed for unemployment, you filed for
20 unemployment because you didn't have any other income,
21 right?

22 A Yes.

23 Q And you represented to the unemployment commission
24 that you were an employee of the store, correct?

25 A Yes.

1 Q And you received money from the unemployment
2 commission as a result of claiming to be an employee of
3 the store, correct?

4 A Yes.

5 Q And you represented to the immigration officials in
6 2016 that you were an employee of the store, didn't you?

7 A What?

8 Q You represented to the immigration authorities in
9 2016 that you were a store employee at AAHARVID, did you
10 not?

11 A In 2016?

12 Q Yes.

13 A I don't know.

14 Q You don't remember that?

15 A I don't remember.

16 Q Do you recall you and your husband sponsoring some
17 people to come to the United States in 2016? Do you
18 remember filing with the immigration officials in 2016
19 with your husband to sponsor some people to come to the
20 United States?

21 A I don't remember.

22 Q You don't remember.

23 MS. BALLARD: Could we mark this as number 2.

24 (Whereupon, Defendant's Exhibit 2 was marked for
25 identification only.)

1 MS. BALLARD: Your Honor, may I approach?

2 THE COURT: Yes, I will give you permission for the
3 balance.

4 Q Do you recognize Defendant's exhibit number 2?

5 A Number 2, what part, there is no name or nothing.

6 Q Do you recognize Defendant's exhibit number 2, yes or
7 no?

8 A No.

9 Q Okay. If you will hand that back to me I will turn
10 it to a different page. Thank you. Page six of eight of
11 Defendant's exhibit number 2, is that your signature under
12 paragraph 16, is that your signature?

13 A Yes.

14 Q You don't question that that is your signature, that
15 is your signature?

16 A I don't know what it is.

17 Q You don't know what it is, that is fine. On page two
18 of exhibit number 2, do you see section three here where
19 it says store employee and list the name of the company
20 that Ana owns?

21 A Do you recognize that as--

22 THE COURT: It is hard for me to hear because I have
23 got construction going on and y'all are talking there, Mr.
24 Moore. It is very distracting, and Joy, the look on her
25 face.

1 Q Do you recognize on page two of Defendant's exhibit
2 number 2 that the document bears your signature represents
3 in section two that you are a store employee of the
4 company that Ana owns?

5 A Maybe.

6 Q Maybe? Can you read English, Ms. Patel?

7 A (Inaudible.)

8 Q So you just read to me what, page two on that
9 immigration document says. Is that what you did?

10 A I don't remember in 2016.

11 Q Can you read English, was my question?

12 A Yes, I can read English.

13 Q And on page two of that immigration document that
14 bears your signature, it is represented that you were
15 store employee of the company that Ana owned, correct?

16 MR. MOORE: Objection, Your Honor, it is calling for
17 a legal conclusion. It does represent that she is a store
18 employee but doesn't say who owns it.

19 THE COURT: Hasn't that question already been asked?

20 MR. MOORE: Yes, sir. And she objected to it. That
21 was the exact same objection she made of me yesterday.
22 The question was, were you employed at the store. Yes.

23 THE COURT: No, I thought it was that Ana owned the
24 company was what you were objecting to and that has
25 already been testified to.

1 MR. MOORE: It is titled in her name, the LLC is
2 titled in her name. We stipulate to that. The actual
3 ownership pursuant to a trust proposition is questionable.

4 THE COURT: I got all of that, the semantics of this.
5 I am not going to trap you and say, well, you testified to
6 that.

7 MR. MOORE: I shall sit down and be quiet. Thank
8 you, Your Honor. It is hard sometime to recognize that
9 this is not a jury trial. I understand. Thank you, Your
10 Honor.

11 MS. BALLARD: Your Honor, since Ms. Patel was unable
12 to identify I am going to ask the Court Reporter to mark
13 exhibit number 2 just for identification only.

14 THE COURT: Fair enough.

15 (Whereupon, Defendant's Exhibit 2 was marked for
16 identification only.)

17 Q When the store was leased in 2007 you were on H1
18 status, is that correct?

19 A Yes.

20 Q And Ramesh was on H1 status, is that correct?

21 A Yes.

22 Q And your understanding was that somebody on H1 status
23 couldn't own a store, is that correct?

24 A Yes.

25 Q So the store was not purchased by you, is that

1 correct?

2 A Purchased by us.

3 Q So that you committed a criminal act, is that what
4 you are saying?

5 A No.

6 Q Let's go back. You understood at the time that the
7 store was leased in 2007, that a person with H1 status
8 could not purchase a store, correct?

9 A Could not but put the money --

10 Q Answer my question. You understood in 2007, did you
11 not, that a person with H1 status could not purchase and
12 own a store, correct?

13 A Yes.

14 Q Okay. So all the documents, whatever the documents
15 are that have to do with the store don't have your name on
16 them anywhere, do they?

17 A No.

18 Q And in 2012, when the store was purchased, did you
19 have a green card?

20 A No.

21 Q You still had H1, correct?

22 A Yes.

23 Q And it was your understanding that under H1 status
24 you couldn't own a store, correct?

25 A We put the money, just put the name on, that's all.

1 Q I am asking whether or not you recognize that--

2 A I--

3 Q Let me finish the question. In 2012, when the store
4 was purchased, you recognized that since you and Ramesh
5 had H1 status you could not purchase a store, correct?

6 A Yes.

7 Q Okay. And all the documents that have to do with the
8 purchase of the store in 2012, your name is not anywhere
9 on them, is it?

10 A Yes.

11 Q Your name is on the documents or not?

12 A No.

13 Q Okay. And you acknowledge that Ana's name is on all
14 the documents with records to the purchase of the store,
15 correct?

16 A Because we put her name.

17 Q That was a yes or no question. You can explain it.
18 You recognize Ana's name is the only name that appears on
19 the purchase documents from the store in 2012, correct? I
20 will show them to you if you would like but I think you
21 know.

22 A I know that.

23 Q So your testimony is that you were hiding from the
24 Federal Government the fact that you were purchasing the
25 store by putting it in the name of Ana's Corporation. Is

1 that what you are testifying to?

2 A Because me and my family, my daughter-n-law. I
3 wasn't hiding anything.

4 Q That was a yes.

5 MR. MOORE: Objection, I don't think that was a yes.
6 I think--

7 THE COURT: I heard her answer.

8 MS. BALLARD: Thank you, Ms. Patel.

9 Q And you are aware, are you not, that when the store
10 was purchased in 2012 there was a mortgage taken out with
11 BB&T, correct?

12 A Yes.

13 Q And that mortgage was signed by Ana, was it not?

14 A No.

15 Q You deny that the mortgage for the store was signed
16 by Ana?

17 A No, I think it was Ramesh.

18 Q Well, if you give me a moment I will show you.

19 MS. BALLARD: Can you mark this.

20 (Whereupon, Defendant's Exhibit 3 was marked for
21 identification only.)

22 MR. MOORE: Your Honor, I am clearly with her. I
23 understand this is the only copy of it she has. I have
24 seen this document before. If she cares to use it I have
25 no problem. I do think it is critically important,

1 especially in this case, that Counsel do not at this
2 portion, with each other, I think all comments needs to
3 address to the Court.

4 MS. BALLARD: I am sorry, Your Honor, he was texting
5 on his phone.

6 THE COURT: Okay.

7 MR. MOORE: I actually wasn't texting on it, I was
8 actually reading something on my phone that has something
9 to do with my business. But I was not texting anybody. I
10 do object to that. What I do, I would assume would be my
11 business and not hers. But I was listening to what she
12 was saying and clearly I have no problem with the use. I
13 do have serious objection to the personal snipes, I resent
14 them, I take exception to them, I ask the Court to stop
15 them.

16 THE COURT: I have encouraged to not do that and have
17 been discouraging that type of behavior throughout the
18 hearing. So y'all behave professionally and let's proceed
19 on.

20 MS. BALLARD: Thank you, Your Honor, may I take the
21 exhibit to the witness?

22 THE COURT: Yes, you may.

23 Q Ms. Patel, do you recognize what exhibit, Defendant's
24 exhibit number 3 is?

25 A (No response.)

1 Q Do you remember my question?

2 A No.

3 Q My question was, do you know what Defendant's exhibit
4 number 3 is?

5 A I don't understand.

6 Q You don't know what it is?

7 A Uh-uh.

8 Q Is your signature on it anywhere?

9 A No.

10 Q Is Ramesh's signature on it anywhere?

11 A Yes.

12 Q Would you show me Ramesh's signature?

13 A At AAHARVID, LLC.

14 Q That is Ramesh's name signing for Ana's company,
15 correct?

16 A AAHARVID, LLC.

17 Q AAHARVID, LLC, correct?

18 A Uh-huh.

19 MS. BALLARD: Your Honor, since she couldn't identify
20 this either I am going to have it marked for
21 identification.

22 THE COURT: Two and three are now marked for
23 identification.

24 MS. BALLARD: Two and three, yes sir.

25 MR. MOORE: I have no objection to that being

1 introduced. It is fine by me and number 2 as well can be
2 entered. I have no problem.

3 MS. BALLARD: I will wait and put them into my case,
4 Your Honor.

5 THE COURT: Okay.

6 (Whereupon, Defendant's Exhibit 3 was marked for
7 identification only.)

8 Q When the store was purchased, the store was leased
9 rather in 2007 it didn't have a liquor license, did it?

10 A No.

11 Q It didn't have a contract with the lottery, did it?

12 A No.

13 Q And Ana arranged both for the liquor license and for
14 the contract with the lottery, didn't she?

15 A He put her name.

16 Q So the answer is yes?

17 A Yes, put her name.

18 Q Did you know how to do that, did you know how to
19 apply for a liquor license?

20 A Sorry?

21 Q Did you know how to apply for a liquor license?

22 A No.

23 Q And you didn't know how to apply for a lottery
24 contract either, did you? You didn't know how to apply
25 for a lottery license either, did you?

1 A No, ma'am.

2 Q Okay. And you don't dispute that Ana did all of
3 that?

4 A Sorry?

5 Q You don't dispute that Ana got the liquor license and
6 Ana got the lottery license, correct?

7 A We don't have dispute because we trusted her.

8 Q So you don't dispute that?

9 A We don't have dispute because we trusted her.

10 Q Okay. During your testimony with Mr. Moore you made
11 reference to Ramesh owning an interest in a hotel in
12 Newberry and Ramesh owning an interest in a hotel, I
13 believe, in Charleston, is that right?

14 A Charleston?

15 Q Let me break it down. During your testimony you made
16 reference to a hotel in Newberry and which Ramesh owned an
17 interest. Is that right?

18 A Yes.

19 Q Okay. And that was purchased notwithstanding his
20 immigration status, wasn't it?

21 A Sorry?

22 Q It was purchased regardless of his immigration status
23 in his name, correct?

24 A Yes.

25 Q Same thing, you had a hotel in or there was a hotel

1 in Concord, North Carolina, you remember that?

2 A Yes.

3 Q And you remember that Ramesh owned an interest in
4 that hotel as well, right?

5 A Yes.

6 Q And you know when he got his interest in that hotel
7 he had an H1 Visa status, do you not?

8 A Yes.

9 Q So at that point it was your understanding he
10 couldn't own an interest in a hotel, correct?

11 A No, we don't own--

12 Q Didn't you testify that he owned an interest in the
13 hotel in Concord?

14 A Yes.

15 Q Ms. Patel, you said you were arrested. You were
16 arrested for lottery fraud, is that correct?

17 A Yes, that is the lottery but it is not true.

18 Q In your deposition you refused to answer questions
19 about that, are you willing to answer questions about that
20 now?

21 A Sorry?

22 Q In your deposition you invoked the Fifth Amendment
23 and you refused to answer questions about this. But you
24 will answer questions now about it? Are you willing to
25 answer questions, Mr. Moore asked you if you were

1 arrested. I am asking you if you are willing to answer
2 questions about that?

3 THE COURT: Let Mr. Moore ask her that.

4 MR. MOORE: Your Honor, we have no problem with that.
5 She can answer all the questions that Ms. Ballard, we
6 believe that certainly, anything she wants to ask about
7 that she is free to ask. Not a problem.

8 THE COURT: Okay. Well you represented to the Court
9 that you were representing on that matter so I figured you
10 could advise her that it was either appropriate or
11 inappropriate to answer any questions.

12 MR. MOORE: I do represent her on that matter. If
13 the questions in regard to the validity or invalidity have
14 any relevance to the facts of this case, I have no
15 absolutely no problems with Ms. Ballard going into--

16 THE COURT: Okay, so you are okay with it?

17 MR. MOORE: Fine.

18 THE COURT: All right.

19 Q I am going to show you a photograph and ask you if
20 you can identify what is represented in that photograph,
21 Ms. Patel? Do you recognize what is in that photograph?

22 A Yes, ma'am.

23 Q Let me have a sticker on it.

24 MS. BALLARD: This would be, I believe, number 4?

25 COURT REPORTER: Yes, ma'am.

1 Q Would you tell the Judge what exhibit number 4, the
2 photograph shows.

3 MR. MOORE: Your Honor, if she is going to be
4 examined about the document I would ask that it be placed
5 into evidence. I certainly have no objection, the
6 document being placed into evidence. But I think if she
7 is going to examine as to it it should be in the record so
8 that the record is clear in regard to what is being
9 referred to and the Court can examine it.

10 MS. BALLARD: I was going to identify it first but if
11 he is fine then I would move for the introduction of
12 exhibit number 4.

13 THE COURT: So Defendant's exhibit 4, whatever it is,
14 is admitted without objection.

15 MR. MOORE: And, Your Honor, if there are any other
16 photographs, which I see they have in regard to the
17 lottery charges that were brought against this lady, I
18 have no objection to those being put into evidence either.

19 THE COURT: Ms. Ballard, how many do you got.

20 MS. BALLARD: I am going to only put in one, Your
21 Honor.

22 THE COURT: One is fine. I don't want to have a long
23 lengthy conversation about every exhibit. If there is no
24 objection, say no objection and let's get them in.

25 MS. BALLARD: Thank you.

1 (Whereupon, Defendant's Exhibit 4 was admitted into
2 evidence.)

3 Q Would you tell what that picture, that has been
4 marked as Defendant's exhibit number 4 shows?

5 A Me scanning.

6 Q That is you scanning a lottery ticket?

7 A Yes, ma'am.

8 Q And where is that scanning of a lottery ticket taking
9 place?

10 A In my store.

11 Q In the store that is located on Highway 72 in
12 Clinton?

13 A That is my store.

14 Q Listen to my question.

15 MR. MOORE: Your Honor, I think she did. I think she
16 gave her the answer.

17 THE COURT: I am not sure she did either. I think
18 you may have heard her but you understand it differently.
19 She is difficult to understand. Sometimes repeating the
20 answer is helpful.

21 Q That picture is taken in the store on Highway 72 East
22 in Clinton, is that correct?

23 A Yes.

24 Q And that is you in the picture, right?

25 A Yes.

1 Q What is the date on the picture?

2 A 2018.

3 Q The full date?

4 A Eleven.

5 Q Eleven what?

6 A 11/24.

7 Q That is a picture of you--

8 COURT REPORTER: I didn't get that date.

9 MS. BALLARD: 11/24/18.

10 Q And you are aware, you are aware that that shows you
11 taking lottery tickets from underneath the counter, are
12 you not?

13 A What?

14 Q You are aware that exhibit number 4 shows you taking
15 lottery tickets from underneath the counter, is that
16 correct?

17 A I am scanning lottery ticket.

18 Q You are taking it from under the counter, are you
19 not?

20 A No.

21 Q You are taking it from a roll of lottery tickets?

22 A Yes, ma'am.

23 Q And you are scanning them, correct?

24 A Yes.

25 Q And the purpose of scanning them is to see whether

1 they are correct or not, whether they are winners or not,
2 correct?

3 A Yes.

4 Q And nobody had bought those lottery tickets, had
5 they?

6 A I do.

7 Q You purchase those lottery tickets?

8 A Yes, ma'am.

9 Q And you put cash in the register?

10 A Yes, ma'am.

11 Q Let me finish the question. It is your testimony
12 that you put cash in the register to purchase those
13 lottery tickets?

14 A Yes.

15 Q Okay. You still live in the house on Highway 72 East
16 of Clinton, correct?

17 A Yes.

18 Q And you found out after your husband died that Hardik
19 had been paying all the utilities for that house, correct?

20 A No.

21 Q You didn't find that out? Do you remember when you
22 were requesting August of 2019 to open utility accounts in
23 your own name?

24 A Yes.

25 Q Because they were not in your name, is that correct?

1 A Not my name but I paid everything, I have all the
2 records with me.

3 Q And you had a cell phone at the time your husband
4 died, did you not?

5 A Yes.

6 Q And that was owned by Hardik, was it not?

7 A It is a family. We put all in the family, the same
8 name.

9 Q So is that a yes?

10 A Because we trust and we each to stay together and
11 phone.

12 Q So the answer is yes?

13 A Yes.

14 Q And Hardik was paying for it, correct?

15 A What?

16 Q Hardik was paying for your phone, correct?

17 A He paying, we paid, we just a family, Ma'am.

18 Q Okay. And he was making your car payment at that
19 time, was he not?

20 A Pardon?

21 Q He was making your car payment at that time, was he
22 not?

23 A No.

24 Q No? Do you remember receiving a letter from Hardik
25 in January of 2019 telling you you had to start paying for

1 your own car payments?

2 A Not for Ana's car. She only had, anything, payments,
3 I paid for her. My car is Ana.

4 Q Let me ask the question again, okay. Do you remember
5 receiving a letter in January of 2019, '18, excuse me,
6 '19, '19 from Hardik telling you that he was no longer to
7 pay the car payments on your car?

8 A It was not my car, he called me and place and put my
9 name and then he said okay. And said you can pay it right
10 now, (cannot understand witness.)

11 And then, it is not my car, just my name. The same
12 thing is holding my property in his name.

13 Q I am going to show you a document and see if you can
14 identify it.

15 A I am--

16 Q Can you identify that.

17 MR. MOORE: Judge, she cuts her off.

18 THE COURT: I don't think she had asked the question.
19 Can you identify it.

20 MS. BALLARD: That is all I asked.

21 THE COURT: It is difficult to follow.

22 Q Can you identify the document that I have just handed
23 to you, Ms. Patel?

24 A Yes.

25 Q Let me get it marked.

1 (Whereupon, witness starts talking while Court
2 Reporter is marking exhibit.)

3 THE COURT: Ms. Patel, she has got to mark it so be
4 quiet for a moment until she comes back and asked. My
5 Court Reporter can't do both.

6 (Whereupon, Defendant's Exhibit 5 was marked for
7 identification only.)

8 MS. BALLARD: Thank you, Your Honor.

9 Q So you have identified exhibit number 5 as something
10 you recognize, correct? Did you receive that letter in
11 January of 2019 from Hardik?

12 A Yes, ma'am.

13 Q And after you received that letter you started making
14 the payments on a Honda Pilot, correct?

15 A Yes.

16 Q And you were driving that car, were you not?

17 A Yes.

18 MS. BALLARD: Your Honor, I would move the
19 introduction of exhibit number 5.

20 THE COURT: Any objection?

21 MR. MOORE: None.

22 THE COURT: Without objection.

23 (Whereupon, Defendant's Exhibit 5 was admitted into
24 evidence.)

25 A (The Witness is talking.)

1 (Whereupon, the Witness and Ms. Ballard are talking.)

2 THE COURT: We are not taking that down. Y'all got
3 to ask questions of the witness.

4 MS. BALLARD: Talk to me, don't talk to the Judge.

5 THE COURT: Joy can't keep up with that. Just put
6 down that I, my comments.

7 Q After Ramesh got his green card, I believe that was
8 2013, correct?

9 A Yes.

10 Q Did you, not Ramesh, did you have a discussion with
11 Hardik or Ana about changing the title to the store?

12 A What?

13 Q Did you have a conversation with Ana or Hardik about
14 changing the title to the store?

15 A Not me, my husband.

16 Q Were you present?

17 A Yes.

18 Q Well, you can't tell me what your husband said.

19 MR. MOORE: Your Honor, I believe she can say, her
20 husband is a party to this action. There will be nothing
21 wrong with what, for her saying, if Ms. Ballard wants to
22 know, there is nothing wrong with her saying what her
23 husband said because he is a party to this action.

24 MS. BALLARD: It violates the Dead Man's Statute,
25 Your Honor.

1 MR. MOORE: It may violate the Dead Man's Statute for
2 her to say it. But he is a party to the action and any of
3 his comments, unless the Dead Man's Statute, but if she
4 wants to ask the question I don't have any objection to
5 it. I am not going to raise any objection to her asking
6 what Ramesh said. It is fine by me.

7 MS. BALLARD: I didn't ask what Ramesh said.

8 THE COURT: All right. I believe the Dead Man's
9 Statute applies so I believe she shouldn't comment on
10 that. And if y'all want to, that is your business. But
11 rephrase your question.

12 Q You didn't have a conversation with Hardik or Ana
13 about changing the title to the store, did you?

14 A My husband talked to--

15 Q Ma'am, I don't want to cut you off but the Judge just
16 ruled that statements by your husband that you heard can't
17 come into evidence. So I am asking what you did. You did
18 not talk to Ana or Hardik about changing the title to the
19 store into your name, did you?

20 A Yes.

21 Q You did talk to them?

22 A Yes.

23 Q Who did you talk to?

24 A I talked to Hardik.

25 Q And what did Hardik say?

1 A Hardik didn't say nothing, he just talked to
2 somebody, my old friend.

3 Q I thought you said you talked to him?

4 A So I talked to Hardik.

5 Q You talked to Hardik, what did Hardik say?

6 A He said nothing to me.

7 Q Okay. That is all I have, Ms. Patel, thank you.

8 MR. MOORE: Very briefly please, Your Honor. I would
9 like to move into evidence the Defendant's exhibit number
10 3, I would offer this into evidence, please, Your Honor.

11 MS. BALLARD: No objection.

12 THE COURT: No objection, 3 is in.

13 (Whereupon, Defendant's Exhibit 3 was admitted into
14 evidence.)

15 REDIRECT EXAMINATION

16 By Mr. Moore:

17 Q Ms. Patel, exhibit number 3 has been introduced into
18 evidence. Okay?

19 A Yes.

20 Q This document purports to be a mortgage or real
21 estate dated May of 2012.

22 MS. BALLARD: Your Honor, Mr. Moore is testifying.

23 MR. MOORE: I am just pointing out to her what it is.
24 She has identified it already.

25 MS. BALLARD: Your Honor, she said she didn't know

1 what it was.

2 THE COURT: I think she did, that is why we couldn't
3 get it in. You got it in without objection which is fine.

4 MR. MOORE: Thank you, sir.

5 Q On this document that has mortgage of real estate?

6 A Yes.

7 Q There is a signature line for AAHARVID, LLC. Whose
8 signature is that on that mortgage?

9 A It is my husband's.

10 Q And under it it has words here, would you please read
11 those words?

12 A (Inaudible.)

13 Q And somebody else's?

14 COURT REPORTER: I don't know what she said.

15 THE COURT: I don't have a clue what she said.

16 Q On the mortgage of 2012 whose signature is on that
17 mortgage?

18 A My husband.

19 Q Now, underneath your husband's signature on behalf of
20 AAHARVID it says what?

21 A AAHARVID partner.

22 Q And it says underneath member and manager?

23 A Yes.

24 Q Now, I want to talk half a moment about exhibit
25 number 5.

1 MR. MOORE: Your Honor, she has identified exhibit,
2 exhibit number 5, I would like to offer this into
3 evidence.

4 THE COURT: All right. The letter from the son to
5 her about the note on the car. Admitted without
6 objection.

7 COURT REPORTER: I already have it in.

8 THE COURT: You didn't object to it, Mr. Moore, it is
9 already in.

10 MR. MOORE: It is already in, thank you so much.

11 Q Now, Ms. Patel, when that car was purchased whose
12 name was the car in?

13 A My name.

14 Q Why was the car placed in your name?

15 A Because Ana have no credit.

16 MS. BALLARD: Your Honor, object, absence of
17 foundation.

18 MR. MOORE: She says she knows.

19 THE COURT: All right. Your question again was why
20 was it placed in her name?

21 MR. MOORE: Yes.

22 Q Why was it in your name, why--

23 THE COURT: And your objection.

24 MS. BALLARD: My objection is he has not laid a
25 foundation for what she was trying to add. She was trying

1 to add why.

2 THE COURT: I will allow the question, you brought
3 the note in.

4 MS. BALLARD: Okay, thank you, Your Honor.

5 THE COURT: So it goes.

6 Q Why was the car put in your name and financed in your
7 name?

8 A Because they wanted to buy a car. Ana don't have
9 credit.

10 MS. BALLARD: Your Honor, objection.

11 A And my son--

12 THE COURT: Wait, wait, you have got to stop, you
13 can't just keep rushing on through to try to get your
14 answer out because it is not an argument, this is
15 testimony.

16 A Sorry.

17 MS. BALLARD: He has not established for the
18 foundation that she was present when the car was
19 purchased. So I believe he has to lay a foundation for
20 that before he can question her about what occurred at the
21 purchase of the car.

22 THE COURT: Lay a foundation and let me hear it.

23 Q Ana is a party to this lawsuit, right?

24 A Yes.

25 Q Your son is a party to this lawsuit, right?

1 A Yes, sir.

2 Q Did they, either Ana or your son tell you why they
3 wanted the car put in your name. Did they tell you that,
4 did they tell you that?

5 A Yes.

6 Q All right, is the answer yes?

7 A Yes.

8 Q Okay. What did your son and daughter-n-law tell you
9 about why they wanted to put the car in your name?

10 A I don't know but they have a, I help to put my name.
11 She wanted to buy a car. My husband called me--

12 MS. BALLARD: Your Honor, object to what her husband
13 said.

14 THE COURT: Sustained as to what Ramesh said.

15 Q Was the car bought for you or was it bought for Ana
16 to drive?

17 A Bought for Ana to drive.

18 Q And when you received the letter that we are talking
19 about who had the car, did you have the car?

20 A No.

21 Q Did Ana have the car?

22 A Ana had the car.

23 Q At any point in time did you ever drive the car as
24 your personal car?

25 A Not before that.

1 Q Now, the payments on the car that was in your name
2 that Ana was driving, who made the payments?

3 A I made the payments.

4 Q All of them?

5 A No, I make the payment and then my first, (could not
6 understand witness).

7 Q Why did you allow title to be placed in your name for
8 a car that Ana was going to drive?

9 A It is my daughter-n-law, it is my family, I trust.

10 Q Did you deem the car to be your car or did you deem
11 it to be her car?

12 A It is her car.

13 Q But it was titled in your name?

14 A Yes, sir.

15 Q The letter threatens to--

16 MS. BALLARD: Your Honor, he is leading the witness.

17 THE COURT: The letter has been admitted so I think I
18 have heard enough of the car.

19 Q The letter threatens to do what with the car?

20 A The letter.

21 Q What was the letter telling you they were going to do
22 with the car?

23 A Say the car is in your name so you will need to
24 continue the payment or the bank, I will drop the car at
25 the next location.

1 COURT REPORTER: I can't--

2 THE COURT: I can read the letter, don't make her
3 read it again, please, please.

4 The car was going to be repossessed?

5 MR. MOORE: He was threatening to have it
6 repossessed.

7 THE COURT: All right, enough of that car, move on to
8 something else. I understand the car deal.

9 Q I have no further questions. Thank you, Ma'am, for
10 answering my questions. Are you okay?

11 A Yes.

12 MS. BALLARD: I have no re-follow-up.

13 THE COURT: You can stand down. We are going to take
14 a short break. I want to come back in, we are going to
15 take a few minutes now and step out and come back in but
16 at 11:00 o'clock I am on break where ever we are.

17 MR. MOORE: Thank you.

18 MS. BALLARD: Thank you, Your Honor.

19 (Whereupon, a short break was taken.)

20 THE COURT: Call your next witness.

21 MR. MOORE: We call Prafull Patel.

22 PRAFULL Patel, being
23 first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 By Mr. Moore:

1 Q What is your name?

2 A Prafull Patel.

3 Q Mr. Patel, are you any relation, any kin to any of
4 the parties that are in this action?

5 A No, I am not related.

6 Q Everybody's name is Patel?

7 A Patel is a last name of a big community of those, so
8 many Patel's are there but they are not related.

9 COURT REPORTER: You have got to slow down.

10 THE COURT: He is not kin, just get to the facts.

11 MR. MOORE: All right.

12 THE COURT: I don't need to hear the history of
13 India, I don't think. That is where he starts talking
14 very fast.

15 Q Do you have any financial interest in this case?

16 A No, sir.

17 Q Now, did you know Ramesh?

18 A I know Ramesh since last 18, 19, years.

19 Q Was he a friend of yours?

20 A Yes, he was friend of me.

21 Q Do you know all of the parties?

22 A Yes, I know his wife, Vidhya, I know his two kids,
23 Hardik and Darshak.

24 Q You have known Hardik since he was a boy?

25 A Yes, sir. Maybe he was in college and he grow up

1 with his mom and dad.

2 Q What business are you in, what business do you do?

3 A I have, (could not understand witness).

4 Q Now, I want to talk about a, to begin with I want to
5 talk about a conversation that you had with Hardik while
6 Darshak and Vidhya were in India with the ashes. Did you
7 have such a conversation?

8 A Yes.

9 Q Did you have a conversation with Hardik?

10 A Yes.

11 Q Did you call him or did he call you?

12 A He called me so many times.

13 Q He called you a number of times?

14 A Right.

15 Q Now, is that unusual in the India community, when the
16 father dies they rely for somebody on advice?

17 A Yes, usually as a community.

18 Q Now, there is a particular conversation that you have
19 told me about. How well do you remember that
20 conversation?

21 A I remember very well.

22 Q Now, do you see how slowly I am talking?

23 A Yes.

24 Q I want you to into the microphone, without me asking
25 you any questions, I want to shut-up and I want you in

1 your own words to tell me about the telephone conversation
2 when Hardik called you while Vidhya and Darshak were in
3 India. Tell me what he said to you this slowly, this
4 slowly. Okay?

5 A Okay. During the conversation--

6 Q Oh, no, no, no. Slow down.

7 A Okay, I am sorry. During the conversation Hardik
8 informed me, so many times he called me and his wife was
9 also there on the phone, that he knew that and he
10 confirmed that the property was bought by mom and dad.
11 But the title was on his name. So he wanted to get the
12 bank against him. Hardik to find some -- next he asked me
13 but he called me again after two or three days. And I
14 don't want to go through a lawyer and everything. I
15 informed you to talk to mom and dad. But all of these
16 matters, this lawyer and that lawyer.

17 Q Now, mom and dad, dad was already dead?

18 A That is what I told him.

19 Q Did he tell you who, why he had title in his name?

20 A He never told me, is them, because he don't
21 understand it. Mom and dad--

22 MS. BALLARD: Your Honor, object, he said he didn't
23 know why and now is speculating.

24 Q Let me ask you this. What, if anything, did he tell
25 you about who the property really belonged to.

1 A He informed me and he told me that property belongs
2 to, bought by my mom and dad but the title was on his
3 name, on my name. And because the title is on my name I
4 want to get the property. Will you please help me in
5 finding the lawyer.

6 Q Now when he told you that were you willing to help
7 him find a lawyer to keep the property he told you
8 belonged to his mom and dad?

9 A At this time I informed him that it would be in your
10 best interest of all of the family to talk to your mom and
11 dad, sit down together, found all of these things. This
12 is not a thing that you are arguing with each of us.

13 Q Why did you tell him to talk to his mom and dad if
14 his dad was dead?

15 A It was his dad but his mom has bought the property.

16 Q Now the property he was talking about, when he was
17 talking to you, did you understand what property he was
18 talking about?

19 A The store and the house.

20 Q Did you think he should get it?

21 A He wanted to get the property, the title was on his
22 name.

23 Q Did you tell him that was right or that was wrong?

24 A No, I told him, the right thing to talk to your mom
25 and dad and find out, resolve the matter.

1 Q When you told him that you would not help him keep
2 the property, he told you belonged to his mom and dad,
3 what did he say?

4 A He give me the promises that, yes, I am going to talk
5 with my mom and dad on this. After this month, after that
6 month but then I don't know what he did, if he talked to
7 mom or not, I have no idea.

8 Q At any point in time what, if anything, did he tell
9 you about who had been paying for the store and the house?

10 A Okay. He informed me that--

11 COURT REPORTER: He has gotten a little bit faster.

12 Q During these conversations?

13 A During these conversations, he informed me that,
14 Uncle, I think the market -- my house. So, I was confused
15 and I, to the house, I informed each and every bank
16 statement -- go to the BB&T -- the last three month, three
17 years left on, money was syphoned from this account to
18 this account then account there being the mortgage and the
19 BB&T. Not a single money was injected to any of the
20 account except the account belongs to Vidhya.

21 Q All right. Now, you say he referred, Hardik referred
22 to you as uncle?

23 A Yes.

24 Q Now, were you really his uncle?

25 A In our community the friends, any of the friends or

1 any of the people, something like that. Generally we use
2 the words, uncles, for respect it was. Not uncle
3 relation, family relation.

4 Q All right. Now, when you went and verified that
5 Vidhya and Ramesh were actually the ones paying to the
6 bank did you ever have--

7 MS. BALLARD: Object, Your Honor. He is misstating
8 the testimony.

9 MR. MOORE: I think he said that.

10 THE COURT: I am not sure he did.

11 Q Did you say that?

12 A Yes, I said that the mortgage of the house and the
13 house was paid by Vidhya's account to Ramesh's account and
14 from Ramesh's account the mortgage was paid to the bank
15 for the mortgage. And this was from the last years of the
16 date.

17 Q All right. Now, following your verification that
18 Ramesh and Vidhya had, in fact, paid the mortgage payment
19 on the house did you tell that to Hardik?

20 A No. After that, after that I never make any to
21 communicating with me. And I did not make an effort to
22 because all of his family. But I verified this, for this
23 is the family.

24 Q I want to go back to the purchase of the Quality Inn,
25 way back, leaving this conversation in 2018 and going back

1 to the Quality Inn, the Quality Inn in Newberry. You know
2 about that?

3 A Yes, yes.

4 Q Who was the owner, who bought the Quality Inn?

5 A In 2006--

6 Q I didn't understand you.

7 A 2006, in 2006 Ramesh, myself, Prakash and one other
8 friend decided to, bought the property at the Quality Inn
9 from Desai and his uncle.

10 Q And his uncle's name was what?

11 A Uncle's name was Arvid Desai.

12 Q Arvid. A-R-V-I-D. When the motel was originally
13 purchased how much was paid for it?

14 A Okay. It was Shree Shree Hari. Ramesh has a 40
15 percent sale, Prakash has 40 percent sale, myself has 10
16 percent. And one of the friend, Bodriali has a 10 percent
17 sale.

18 Q B-O-D-R-I-A-L-I.

19 A Yes.

20 Q He owned 10 percent.

21 A He owned 10 percent, yes.

22 Q Now, how much money, if any, did Ramesh pay down for
23 his interest in the Quality Inn?

24 A The price was \$1.8 million. We had to put
25 \$500,000.00 down payment, it has to be a loan. So Ramesh

1 injected \$200,000.00; Prakash injected \$200,000.00; I,
2 myself, has injected \$50,000.00; and Bodriali has injected
3 \$50,000.00 into the Quality Inn.

4 Q When the thing was bought it was put into whose name
5 as far as Ramesh's interest?

6 A Okay. When we formed the corporation, three people,
7 Ramesh, myself and Prakash was a member of the corporation
8 LLC. Mr. Bodriali has formed the corporation, we formed
9 the corporation. Myself and Prakash was a guarantor of
10 the bank.

11 Q All right.

12 MS. BALLARD: I am sorry, who was the guarantor.

13 A Prakash and myself.

14 MS. BALLARD: Thank you.

15 A We both are the guarantor of the bank.

16 Q What bank did you borrow the money from?

17 A From Community South Bank.

18 COURT REPORTER: From what bank?

19 MR. MOORE: Community South Bank.

20 A Community South Bank.

21 Q Now, at some point and time did Ramesh transfer his
22 interest to his daughter-n-law?

23 A Yes.

24 Q Do you know why?

25 A Okay. Ramesh transferred to his daughter or his son,

1 maybe after 2007 or 2006, 2007. In 2007 me and Bodriali,
2 we draw from the corporation into a bank or something like
3 that. And he transferred to the stock to there, we were
4 with an accountant. And I was still a member of the
5 corporation, I had formed the corporation so the
6 accountant said--

7 Q Don't tell me what the accountant said.

8 A Okay. So as far as I know, he has transferred, he
9 has transferred his stockholder to his daughter-n-law and
10 his son.

11 Q All right. Do you know why he did that?

12 A He did it because of--

13 MS. BALLARD: Your Honor, I object, he has got to lay
14 a foundation for how he would know it and any
15 conversations he had with Ramesh would be hearsay.

16 THE COURT: I agree. So, lay a foundation.

17 MR. MOORE: Your Honor, any conversations he had with
18 Ramesh would not be. Now, any conversation anybody who
19 has in an interest, a pecuniary interest in the litigation
20 would be barred under the Dead Man's Statute. But Ramesh
21 is a party to this action and as a party to this action
22 anything which he said would be admissible as long as it
23 is not volatile of the Dead Man's Statute. Him saying
24 what Ramesh says is not going to violate the Dead Man's
25 Statute. The Dead Man's Statute basically says, that a

1 person with a pecuniary interest may not say what the dead
2 man said. But it also does not preclude a person without
3 a pecuniary interest from basically testifying to
4 information he received from the dead man. The dead man
5 in this case is a party to the action through his estate.
6 And therefore he is a party to the action and his comments
7 should be admissible, I would believe.

8 MS. BALLARD: Your Honor, I agree that he doesn't
9 have an interest based, can you wait a minute?

10 A Yes.

11 MS. BALLARD: I agree that he doesn't have an
12 interest so that the Dead Man's Statute would preclude his
13 testimony. But, Your Honor has already ruled that
14 statements made by Ramesh are hearsay. Ramesh is not a
15 party to this action. His estate is a party to this
16 action. To the extent his estate has made any statements,
17 those would be admissible. But Ramesh's statements would
18 not be admissible unless they were dieing declaration
19 which we know they weren't. It is hearsay unless it is a
20 dieing declaration.

21 MR. MOORE: Your Honor, the only parties that has
22 testified so far--

23 A --

24 MR. MOORE: No, no, don't say anything. Would be
25 people who would have pecuniary interest in the case. At

1 this point in time a party, a dead party may only appear
2 in an action through the personal representative. But the
3 dead person is a party to the action by virtue of the
4 representative capacity of the estate. There is no way in
5 the world that Ramesh is not a party to this action
6 because he is.

7 THE COURT: He is. Now, why is this testimony
8 relevant, the transaction with the Quality Inn, what
9 difference does that makes in this?

10 MR. MOORE: Because, okay, now we have got a witness
11 on the stand and I do not want to prejudice his testimony
12 by answering that question. We might want to set him out
13 while I advise the Court as to what I think he is going to
14 say.

15 THE COURT: Let's stand over here.

16 (Whereupon, a bench conference was held and is on the
17 record as transcribed below.)

18 THE COURT: Why is it relevant?

19 MR. MOORE: I believe but I do not know for sure
20 because I don't know what they are liable to say, God only
21 knows. But I believe he is going to say that he wanted to
22 make positive because of the immigration status he wanted
23 to have that house, the business put in her name. She had
24 a green card, he didn't. I think that is what he is going
25 to say.

1 MS. BALLARD: Your Honor, the estate has made those
2 statements. Anything they might have done in their
3 capacity as personal representatives on behalf of the
4 estate would be admissible as statements of parties. But
5 Ramesh is not a party, only his estate is a party. So it
6 is hearsay unless it is a dieing declaration.

7 THE COURT: This is a separate transaction. This is
8 a transaction, it is not involved in this litigation.
9 This is another business that stands independently for the
10 claims for the store and the house. This is a hotel--

11 MS. BALLARD: And it is probably not relevant either
12 but I think hearsay is the easier answer. I am looking
13 for the hearsay rule.

14 THE COURT: Let me read real quick.

15 MR. MOORE: Thank you, Your Honor.

16 (Whereupon, the bench conference is completed.)

17 MR. MOORE: Your Honor, at this point and time, I
18 think this, I think the question in regard to intent, but
19 I think, I do think that statements by Ramesh to other
20 parties are admissible. But there is a legitimate
21 argument by Ms. Ballard, I think, that the, that this
22 particular question may be an irrelevant question. So at
23 this time I will withdraw that question.

24 THE COURT: Relevance is--

25 MR. MOORE: Relevance, I think, is legitimate. And

1 with that, we may have to cross this bridge again. I
2 think clearly what he says, if it is relevant to the
3 transaction but that is fine. And I thank you.

4 Q After you withdrew from the partnership did you have
5 anything else to do with the Quality Inn?

6 A The accountant of the Quality Inn, the accountant is
7 also my CPA there--

8 Q You can't say what the CPA said.

9 A We have a common CPA.

10 Q But you cannot say what the CPA said.

11 A That's fine.

12 Q After you withdrew the, you remained a guarantor on
13 the bank?

14 A Yes.

15 Q At the time you withdrew did anybody pay you any
16 money for your share?

17 A Yes, paid my share back to me.

18 Q During the period of time that you were a guarantor
19 of the account do you know who was the person actually
20 running the day-to-day affairs of the hotel, who managed
21 it?

22 A Ramesh was managing the motel, day-to-day operation
23 until, from to 2006 to 2012.

24 Q And in 2020, I guess '19 he died.

25 MS. BALLARD: '17.

1 A '17.

2 Q In 2017 he died?

3 A '17, he died in 2017.

4 Q At some point in time I believe they sold the Quality
5 Inn, is that right?

6 A No, it is still there.

7 Q It was sold though?

8 A No. Here is the thing, the fact is this. In 2012
9 Ramesh withdraw himself from that part and the money was
10 there, Prakash suppose to give to Ramesh, a \$40,000.00
11 dollar amount was under the note that Ramesh, from the
12 store.

13 Q For the convenient store?

14 A For the convenient store.

15 Q All right. So when Ramesh got out who owed him
16 \$40,000.00 dollars?

17 A When Ramesh got out, Prakash took that money from
18 Ramesh, so Ramesh -- they make a deal to each of us.

19 Q Were you a party to this, do you know about this?

20 A Yes, yes. I was there in the meeting.

21 Q You were in the meeting?

22 A I was in the meeting.

23 Q Hold on. I don't want to get into specifics of the
24 meeting. Prakash got the money that Ramesh was entitled
25 to?

1 A Yes.

2 Q Ramesh basically got a debt satisfied, right, is that
3 what you said? The debt on the convenient store was
4 satisfied?

5 A Yes, the debt on the convenient store was satisfied
6 by Ramesh to Prakash.

7 Q All right. Now, the convenient store debt that got
8 satisfied, was the debt from who to who, the money?

9 A Prakash, Ramesh owed Prakash.

10 Q Ramesh owed Prakash the money?

11 A Yes.

12 Q So Prakash got the interest in the Quality Inn and
13 Ramesh got the debt on the convenient store satisfied?

14 A Exactly.

15 MS. BALLARD: Your Honor, I object to the leading but
16 I understand where we are.

17 THE COURT: I agree. It was very helpful to simply
18 do that by leading.

19 MR. MOORE: Thank you. And I have no further
20 questions of this witness. Thank you, Your Honor.

21 CROSS-EXAMINATION

22 By Ms. Ballard:

23 Q I just have a few questions, Mr. Patel, can you hear
24 me from here?

25 A Oh, yes.

1 Q I want you to continue to talk slowly for the Court
2 Reporter. After Ramesh died you continued to have
3 communications with Hardik, did you not?

4 A He called me.

5 Q Right. And he considered you an uncle and he looked
6 to you for advice, right?

7 A Right.

8 Q And you are aware that at some point he needed to
9 open new bank accounts for the store, is that correct?

10 A Yes.

11 Q And you banked with Wells Fargo, correct?

12 A Yes.

13 Q And you suggested to Hardik that he should open the
14 store's bank accounts at Wells Fargo, didn't you?

15 A Yes. He informed me, he talked to me, not informed
16 me.

17 Q Right.

18 A That he want the, open the new account. And at that
19 time I was alerting Prakash that, to get togetherness,
20 there might be reasons.

21 Q You emailed with him, did you not?

22 A Pardon?

23 Q You emailed with Hardik, didn't you?

24 A I might have emailed or I might have faxed it to him.

25 MS. BALLARD: Can you mark that. That is number 6?

1 COURT REPORTER: That is number 6.

2 MS. BALLARD: May I approach the witness?

3 THE COURT: Yes.

4 Q Mr. Patel, I am going to hand you what we have marked
5 as exhibit number 6. Have you ever seen that?

6 A Yes, this is--

7 Q This is an email that you sent to--

8 A This is--

9 Q Let me ask the question. Exhibit number 6 is an
10 exhibit that shows an email that you sent to Wells Fargo,
11 is that correct?

12 A Yes.

13 Q And you were talking to somebody named Deta,
14 (phonetic), at Wells Fargo, is that correct?

15 A Deta.

16 Q And you told Deta, you identified yourself, you said
17 Prafull from Knights Inn. Which one is Knights Inn?

18 A In Charlotte.

19 Q Charlotte. You said a friend of mine wants to open a
20 new business account at Clinton. He has a gas station.
21 His name is Hardik Patel and his phone number is such and
22 such?

23 A Yes.

24 Q Is that what you said?

25 A Yes.

1 Q This is after Ramesh died, correct?

2 A Pardon?

3 Q This is long after Ramesh had died, correct?

4 A Yes.

5 Q And so you represented to Wells Fargo that Hardik was
6 the owner of the gas station, did you not?

7 A That does not mean that Hardik is--

8 Q Isn't that what you said. He has a gas station--

9 A He has--

10 Q Let me finish my question.

11 A Okay.

12 Q Isn't that what you said to the bank. He has a gas
13 station, his name is Hardik Patel?

14 A I don't mean that he owned the gas station. He has a
15 gas station, I wasn't of a strong impression, son and
16 mother relationship. I wasn't, an impression that they
17 are all together--

18 Q But you knew on October 12th of 2018 that there had
19 been a falling out between Hardik and his mom, didn't you?

20 A Pardon?

21 Q You knew on this day, let me finish the question.
22 You knew on October 12th of 2018 that there had been a
23 falling out between Hardik and his mother, correct?

24 A No. It wasn't a falling out. It was just starting.
25 And at that point also I was trying my effort to bring

1 them together.

2 Q I understand that. But you are aware that the reason
3 Hardik needed to get a new bank account is because he was
4 having problems with Vidhya taking money out of the
5 account that was at BB&T, correct?

6 A No. He is not, all of this things of the account.
7 But Vidhya--

8 Q You didn't tell Wells Fargo that Vidhya had any
9 interest in this account, did you?

10 A I did not told him because it is common and I wasn't
11 under the impression that they had an account--

12 Q Didn't you know at that time that Vidhya's name,
13 signature had been removed--

14 A I don't know--

15 Q Let me finish the question.

16 A Okay.

17 Q Didn't you know at that time that Vidhya's signature
18 authority had been removed from the corporation bank
19 account?

20 A No.

21 Q You didn't know that?

22 A No.

23 Q Vidhya didn't come and tell you that that had
24 happened?

25 A No. I put all of these things, Vidhya called me and

1 informed me the truth. I paid the money of the mortgage
2 and all the stuff--

3 Q That is just what she told you?

4 A Yes.

5 MR. MOORE: She keeps cutting him off.

6 Q Okay. Other than the documents you described before
7 that is just what she told you, right?

8 A I don't understand, what do you mean?

9 Q I said that is just what she told you, correct?

10 A She told me, she told me the whole what happened.
11 And it was his word and her word. So I am, go to her
12 house, verify all of this stuff, events. Some of the
13 documents was not found at her home so me and Vidhya went
14 to the BB&T office in Charlotte, went through the last
15 years and found that money was siphoning from Ramesh and
16 Ana's account. And that account, the mortgage of the
17 house and the utility of being paid.

18 Q How on earth did you gain access to Hardik's and
19 Ana's account. When you went to BB&T, how could you look
20 at their accounts.

21 A Some of the bank statements was still there at
22 Vidhya's house. The mortgage that they are paying to
23 them.

24 Q So you are telling me that there was a bank account
25 that also had Vidhya's name on it?

1 A No.

2 Q How is it that you were able to go to BB&T and look
3 at bank accounts that were owned by my clients without
4 their permission?

5 A It was because I asked Vidhya.

6 Q You looked at her accounts?

7 A Yes.

8 Q Okay.

9 MS. BALLARD: Your Honor, I would move the
10 introduction of exhibit number 6.

11 MR. MOORE: No objection.

12 THE COURT: 6 is in.

13 (Whereupon, Defendant's Exhibit 6 was admitted into
14 evidence.)

15 Q One more question.

16 A Only one.

17 Q Well, one more topic. Let's call it one more topic,
18 okay. It has been your position all along that--

19 A About the Quality?

20 Q No, no, no. It has been your position all along that
21 you wanted these parties to make peace, right?

22 A I don't understand.

23 Q It has been your position that these parties should
24 talk to each other and make peace, isn't it true?

25 A Yes, peace. I beg them all to get the family

1 together.

2 Q Right. And as recently as, I think a few weeks ago
3 you were suggesting to Hardik that he ought to talk to his
4 mother, correct?

5 A No,--

6 Q Sometime in 2019?

7 A No, in 2018.

8 Q '18. Okay.

9 A In 2018.

10 Q And you are aware, are you not, that Vidhya is the
11 one that filed this lawsuit?

12 A Filed?

13 Q Vidhya filed this lawsuit, do you know that?

14 A Yes, I know that.

15 Q Okay.

16 A In '19, I don't know.

17 MS. BALLARD: Just one minute, Your Honor.

18 Q In January of 2019 didn't you tell Hardik that if he
19 didn't talk to his mother you were going to bring a lot of
20 people to his house?

21 A No.

22 Q You didn't do that. Okay. That is all I have.
23 Thank you.

24 THE COURT: Any redirect?

25 MR. MOORE: None, Your Honor. May this witness be

1 excused?

2 THE COURT: He may.

3 MS. BALLARD: No objection.

4 THE COURT: We are going to take that break, 11:00
5 o'clock. We will stand down for fifteen minutes.

6 (Whereupon, a short break was taken.)

7 THE COURT: All right, are y'all ready?

8 MR. MOORE: Yes, sir. We call Champa Patel to the
9 stand.

10 CHAMPA Patel, being
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 By Mr. Moore:

14 Q What is your name?

15 A Champa Patel.

16 Q Spell your first name.

17 A C-H-A-M-P-A.

18 Q Ms. Patel, are you related to Vidhya or Ramesh?

19 A No, I am not.

20 Q You were just asked to swear to tell the truth. When
21 you were asked the question, did you say yes?

22 A Yes.

23 Q So you understand that you have sworn to tell the
24 truth and you are under oath?

25 A Yes, I do know, yes.

- 1 Q Are you a United States citizen?
- 2 A Yes, I am.
- 3 Q How long have you been in the United States?
- 4 A For 47 years.
- 5 Q And I believe you grew up in Gujarat?
- 6 A Yes, I did.
- 7 Q Did I say that right?
- 8 A Yes, you did.
- 9 Q Spell Gujarat for me, Gujarat.
- 10 A G-U-J-A-R-A-T.
- 11 Q And that would be a State of India, kind of like
- 12 South Carolina is a State of the United?
- 13 A Correct.
- 14 Q And it has its own language, doesn't it?
- 15 A Yes, it does, sir.
- 16 Q Did you grow up near anybody who is a party to this
- 17 action?
- 18 A Yes. I grew up with Vidhya.
- 19 Q Vidhya?
- 20 A My house and her house, between her and house, yes.
- 21 Q So you grew up as neighbors?
- 22 A Sorry?
- 23 Q You were neighbors with each other?
- 24 A Yes, yes.
- 25 Q Do you remember Vidhya and Ramesh coming to the

1 United States?

2 A Yes. Because the only, yes, us. Because my husband
3 and Ramesh has a distance relation back home. And I did
4 come and then I met Vidhya and she came to me and I have
5 seen her, maybe, almost 20 years. So see, until, because
6 I had seen her very little. And she says but we are
7 thinking of coming to the United States.

8 Q And they came to the United States, who picked them
9 up from the airport?

10 A I did. And I was very pleased to pick them up.

11 Q All right.

12 A Yes.

13 Q Here is what I am going to ask you to do, just answer
14 what I asked you.

15 A Okay.

16 Q If I asked you, do you have a watch on, don't tell me
17 how to build--

18 A Okay.

19 Q After they came to the United States did you stay in
20 contact with them?

21 A Yes.

22 Q And what business, what profession are you in?

23 A I am a realtor.

24 Q I want to ask you, did you have any involvement with
25 them in regard to the purchase of the house that Vidhya

1 now lives in?

2 A Yes, I sold them a house.

3 Q All right. Now, when the house was sold to them, to
4 the best of your recollection did any of the money used
5 come from somebody you know?

6 A To my husband give them some money but I don't
7 remember exactly how much.

8 Q Did he give it to them or loan it to them?

9 A Loan it to them. And they gave, Ramesh gave it back,
10 Ramesh and Vidhya both gave it back.

11 Q All right. Now, when the house, who found the house,
12 who located the house for a possibility?

13 A Ramesh found house.

14 Q How did you learn about the house?

15 A Ramesh called me.

16 Q And do you know roughly how much was paid for the
17 house?

18 A Around \$39,000.00.

19 Q And other than the money that you and your husband
20 loaned them, do you know where the rest of the money came
21 from?

22 A I want to say Vidhya and Ramesh.

23 Q Was, do you know whose name the house was titled in?

24 A It was titled under their older son, Hardik Patel.

25 Q And did you ask them why they were doing that?

1 A Yes. They had immigration issue.

2 MS. BALLARD: Your Honor, I, they have got--

3 A Ramesh.

4 MS. BALLARD: Your Honor, I want to make sure she
5 doesn't testify to what Ramesh might have said.

6 THE COURT: Mr. Moore, already tuned into this issue.
7 Go ahead.

8 MR. MOORE: Thank you, Your Honor.

9 Q Why was the house put in his name, Hardik's name
10 instead of their name?

11 A Because of immigration.

12 COURT REPORTER: Because of what, I am sorry.

13 MR. MOORE: Immigration.

14 Q Did you caution them about putting the house in
15 Hardik's name. Did you talk to them about that?

16 A Yes, I did because I love them, they are wonderful
17 people. So, yes, I did.

18 Q What did they say, why did they say they were okay
19 putting it in Hardik's name?

20 MS. BALLARD: Objection, Your Honor. Again, hearsay
21 as to Ramesh.

22 THE COURT: Rephrase your question.

23 Q Why were you told that they had no problem putting it
24 in Hardik's name?

25 THE COURT: No, no.

1 MS. BALLARD: Objection,--

2 THE COURT: Vidhya's. She objects to what Ramesh
3 says but not to what Vidhya says.

4 MR. MOORE: I think that what Ramesh said is
5 admissible since he is a party to the action. But I can
6 do it with Vidhya.

7 THE COURT: Okay.

8 MS. BALLARD: Thank you, Your Honor.

9 Q Why did Vidhya say, what did Vidhya tell you that was
10 okay to put her house in Hardik's name.

11 A Says, is my son, I trust them and--

12 Q -- and with that were you okay with --

13 A Of course.

14 Q All right. Was Hardik involved with the transaction.
15 Did he provide any money for the purchase of the house?

16 A Not at all.

17 Q When the house was purchased were you at the closing?

18 A Yes, I was.

19 Q Was Hardik there?

20 A No.

21 Q The house, when it was bought, was it in a livable
22 condition?

23 A Not really.

24 Q What all had to be done to the house?

25 A New flooring, paint, new bathrooms, even a backdoor I

1 believe, locks. It needed quite a bit of help.

2 Q Would you answer any questions that Ms. Ballard might
3 have for you.

4 A Of course.

5 CROSS-EXAMINATION

6 By Ms. Ballard:

7 Q Can you hear me from here?

8 A Yes.

9 Q Great. Thank you. Did you talk with Prafull in the
10 hallway after he testified?

11 A I talked but I didn't, I don't know what you are
12 asking.

13 Q Did he tell you anything about his testimony?

14 A Of course not. Jahue had -- I googled it,
15 (phonetic).

16 Q Okay, thank you. You said that you are a realtor so
17 you have a license that is issued by the Labor, Licensing
18 and Regulation, correct?

19 A Correct. Yes, ma'am.

20 Q And you have to renew that and you have to do
21 continuing education?

22 A Yes, ma'am.

23 Q There is a code of ethics that is applicable to you
24 as a realtor?

25 A Yes, ma'am.

1 Q Okay. So you are not, as a realtor, to misrepresent
2 anything on a HUD statement, are you?

3 A Correct.

4 Q And you are not allowed to tell false or provide
5 false testimony as a realtor, you are required, you are
6 held to a higher standard, aren't you?

7 A Correct. Yes, ma'am.

8 Q Let me show you what we are going to mark as exhibit
9 number 7.

10 (Whereupon, Defendant's Exhibit 7 was marked for
11 identification only.)

12 Q Have you ever seen exhibit number 7 before?

13 A I don't remember, no.

14 Q Do you recognize it?

15 A This?

16 Q Yes.

17 A Yes, I do.

18 Q What is exhibit number 7?

19 A This is a check.

20 Q To who?

21 A UP State Realty.

22 Q And who is that?

23 A I wouldn't know.

24 Q Okay. Who signed the check?

25 A Hardik did.

1 Q And what does it say in the memo line?

2 A House number 18397, Highway 72, South Carolina,
3 29979.

4 Q And that describes the house you are talking about
5 that was purchased, correct?

6 A I don't remember that right now. But I would think
7 so.

8 Q The house was in foreclosure, correct?

9 A Correct.

10 Q And UPS State Realty was a different real estate
11 company that was involved in the closing, right. You only
12 got three percent instead of six percent?

13 A Correct.

14 Q Okay. Let's just mark this for identification at
15 this point. And you are aware, I believe you said, that
16 the reason Vidhya wanted to put the house in her son's
17 name is because she didn't have the right immigration
18 status, is that right?

19 A Correct, ma'am.

20 Q Does that not violate your oath of office as a
21 realtor to allow that to be done?

22 A No, I work for Atlantic Corporation and it all
23 checked out. Yes, ma'am. I didn't make that decision.

24 Q Who did you run it by?

25 A BIC.

1 Q Say that again for me?

2 A Our BIC, Broker, BIC.

3 Q Oh, Broker in Charge?

4 A Broker in Charge. Yes, ma'am.

5 Q Got it. Okay. When you checked with the Broker in
6 Charge to make sure that it was permissible for you to
7 falsify the real estate closing documents and put in
8 Hardik's name?

9 A Correct, ma'am.

10 Q That is all I have got. Thank you.

11 REDIRECT EXAMINATION

12 By Mr. Moore:

13 Q Did you actual falsify documents or was the house
14 actually put in Hardik's name?

15 A Sorry?

16 Q Did you falsify documents or was the house actually
17 put in Hardik's name?

18 A It was put under Hardik name.

19 Q Anything wrong with that from a real estate
20 transaction that you know of?

21 A Sorry?

22 Q Is there anything wrong with that, realty wise, that
23 you-

24 A I wouldn't know, those rules and -- no, I cannot tell
25 you that.

1 Q When the house was bought was there a purchase money
2 loan or did the money all come from Vidhya and Ramesh? It
3 wasn't a loan or was it a purchase money mortgage?

4 A I think it was all cash but I am not one-hundred
5 percent on that right now.

6 Q Now this document that calls itself a check, do you
7 see a date on it?

8 A No, I don't.

9 Q Have you ever seen a check clear the bank that is not
10 dated?

11 A I would think not.

12 Q And do you see anything on there to indicate this
13 check ever cleared the bank?

14 A Not that I see.

15 Q Assuming that the check was actually a check and
16 actually did clear the bank, do you know where the funds
17 would have come from for this \$2,500.00 dollars, who
18 actually provided the \$2,500.00 dollars, if, in fact, it
19 was a check?

20 A I would think it would be Ramesh.

21 Q All right. Thank you so much.

22 MR. MOORE: Your Honor, and let me ask you this.

23 Q On this check is there any indication as to whose
24 account it is, as the name of the owner of the account, is
25 that listed?

1 A There is no name, no.

2 Q Thank you, no further questions.

3 A Thank you.

4 MS. BALLARD: Nothing further, Your Honor.

5 THE COURT: You may step down.

6 MR. MOORE: And might this witness be excused.

7 THE COURT: She may.

8 MR. PRICE: We call as our next witness Darshak
9 Patel.

10 DARSHAK PATEL, being
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 By Mr. Price:

14 Q Darshak, if you could state your current home
15 address?

16 A My current home address is 373, West Palmetto Street,
17 Florence, South Carolina, 29501.

18 Q And that location is a hotel in which your father
19 owned an interest?

20 A That's correct.

21 Q And your marital status is what?

22 A I am married.

23 Q Okay. Any children?

24 A No children.

25 Q And your date of birth?

1 A February 23rd, 1985.

2 Q And that makes you how old today?

3 A 34 years old.

4 Q And your brother is 36?

5 A 37.

6 Q 37?

7 A Yes.

8 Q Now, you and your mother have been appointed personal
9 representatives under your father's estate?

10 A That is correct.

11 Q And what we want to do is we want to talk about the
12 two properties that are in contest here. Now, when your
13 folks leased this convenient store--

14 MS. BALLARD: Objection, Your Honor. Assumed facts
15 that are not in evidence.

16 MR. PRICE: I think it is in evidence.

17 THE COURT: What she is saying is, the inference that
18 certain parties leased, certain parties didn't lease and
19 that is the ultimate decision for the Court.

20 Q When the convenient store was leased you would have
21 been how old?

22 A 2007, so I would have been 22.

23 Q And at that time where were you living?

24 A 2007 I was living with my parents in Clinton at the
25 home that is in question.

1 Q All right. And did you work at the convenient store?

2 A 2008, January, I joined East Carolina University to
3 complete my Bachelors Degree. So I had moved to
4 Greenville, North Carolina. But I was visiting on every
5 weekend in Clinton and I was working at the store on the
6 weekends in Clinton. If you would like I can tell you the
7 exact type of hours I was working.

8 Q How about in the summer time, did you go to school in
9 the summer time or did you work?

10 A No. Summer time I would be only two years, it only
11 took me two years to complete my Bachelors. One summer I
12 came and one summer I had classes. The summer I came to
13 Clinton is the summer we bought this house, it was not in
14 livable condition. And that summer I stayed here in
15 Clinton helping with the house, me and my brother and two
16 contractors, we rebuilt that whole house.

17 Q All right. And you are talking about, that summer do
18 you remember which summer it was?

19 A The summer of 2009.

20 Q Okay. Now, at that time y'all were living in a
21 different location than the house we are talking?

22 A Yes, we had rented a house in Clinton, yes, just five
23 miles away from the current house.

24 Q All right. Now, when your father purchased the store
25 or purchased the house--

1 MS. BALLARD: Objection, Your Honor, assumes facts
2 not in evidence.

3 THE COURT: I am going to let him answer the
4 question. Their position is the father did. Y'all's
5 position is the father did not. Go ahead.

6 MS. BALLARD: Thank you, Your Honor.

7 Q During that period did your father discuss with you
8 and Hardik what was going on in his business life--

9 MS. BALLARD: Your Honor, objection to hearsay.

10 MR. PRICE: I didn't ask him what he said.

11 THE COURT: Rephrase the question. You can't ask him
12 what he said but you discussed. Fair question.

13 MS. BALLARD: Thank you, Your Honor.

14 Q Did your father discuss his business life with you
15 and Hardik?

16 A All the time.

17 Q Good. So, there was some earlier testimony about a
18 convenient store in Camden being purchased. Do you
19 remember that?

20 A Yes, I do.

21 Q And that was about the same time that the lease
22 occurred?

23 A Yes.

24 Q The lease of the C-Store?

25 A Yes.

1 Q And the C-Store that was purchased in Camden, that
2 was purchased to be run by whom?

3 A My--

4 MS. BALLARD: Objection, Your Honor, lack of
5 foundation.

6 THE COURT: Okay. Keep moving. I understand y'all
7 are challenging all of that stuff. Let's just get the
8 testimony out there and argue it.

9 MS. BALLARD: Okay. Thank you, Your Honor.

10 THE COURT: Everybody is not waiving any concession
11 of ownership.

12 MS. BALLARD: Thank you, Your Honor, I just wanted
13 that clear for the record.

14 Q At any rate, the store in Camden, do you know who was
15 to run that store?

16 A The store was purchased, my father had helped my
17 brother to buy that store. But my brother had a full-time
18 job in Charlotte so he was not able to run it. So I had
19 summer vacation from my Master's Degree that I was doing
20 at UNC Charlotte and he asked me if I could run the store
21 for him until he is able to move to Camden.

22 Q Okay. And did you run the store for him?

23 A Yes. I said, yes, I will help you out and I will
24 move there. I moved to Camden, I stayed in a hotel for
25 months, opening the store at 5:00 a.m. in the morning,

1 closing it at night and then go back.

2 Q At some point in time what happened to that store,
3 did y'all still continue to run it, did it get sold?

4 A After that seven months, eight months, my brother and
5 his wife, Ana, moved to Camden. They rented a home and
6 they started running that store and basically told me to
7 just go, kicked me out.

8 Q Okay. Was that store ultimately sold?

9 A Yes, he sold that store in 2016, December.

10 Q Now, do you have any personal knowledge as to whether
11 or not monies that your father or your mother or both had
12 put into that store was ever paid back?

13 A Yes.

14 Q And that knowledge is?

15 A That knowledge is that my brother paid back my father
16 in full for the Camden store.

17 Q And do you have any recollection of the amount?

18 A \$90,000.00 dollars is what I remember.

19 Q Now, I want to direct your attention to June 29th,
20 2017, the day of your father's death.

21 A Yes, sir.

22 Q Now, prior to that time had your brother, Hardik, or
23 his wife had any activities in the C-Store located here in
24 Clinton?

25 A No.

1 Q And after your father died do you have any actual
2 knowledge about four bank accounts that your mother had
3 and what happened to those?

4 A Yes, I do.

5 Q And tell me what your knowledge is?

6 A So there were four bank accounts that my father had
7 his name on with BB&T.

8 Q And was Vidhya's name on these four accounts also?

9 A On two of those accounts Vidhya's name was on them.
10 So my brother basically took my mother to the bank, closed
11 all of these accounts--

12 MS. BALLARD: Objection, Your Honor, lack of
13 foundation.

14 THE COURT: Distinguish the accounts for me.

15 Q Okay. You said there were four bank accounts that
16 your father had, is that correct?

17 A Yes, sir.

18 Q Two of which had Vidhya's name on it?

19 A Yes, sir.

20 Q And your knowledge about those accounts being dealt
21 with, with your mom and Hardik, what is the basis of your
22 knowledge?

23 A One of the accounts also had my name on it, it was
24 me, my father and my mother on that account.

25 Q Okay.

1 A So when the accounts were closed, due to my father's
2 passing, I guess my brother realized it would be better to
3 have a different account without his name.

4 MS. BALLARD: Objection, Your Honor, lack of
5 foundation. He said I guess. He hasn't laid a foundation
6 that he was present at the bank when any changes were
7 made. He has provided no firsthand evidence of anything.

8 THE COURT: All right,--

9 Q After this account with your name, your mom's name
10 and your dad's name was closed, how did you find out about
11 that?

12 A I received a notification in the mail from BB&T
13 saying that the account was closed.

14 Q Before the bank account was closed did anybody from
15 the bank give you notice that this account was about to be
16 closed?

17 A No, they never called me.

18 Q Okay.

19 MR. PRICE: Bear with me, Judge.

20 Q Darshak, I am going to hand you some monthly
21 statements and this account is in the name of Rameshendra
22 P. Patel, Vidhya Ramesh Patel, Darshak Patel. And it
23 looks like the account number--

24 A 9955.

25 Q 9955. If you will do this. We are going to start

1 with, it looks like it is October 11, 2016 which would
2 have been some ten or so months before your father died.
3 If you could just walk us through those accounts each
4 month. What I am specifically looking for is money that
5 was used to pay the mortgage payment, money that was used
6 to pay for the natural gas, utilities and any payments for
7 automobiles and whose automobile it was. First number
8 that you are looking at, what is the date of that
9 statement.

10 A December 14th, 2016 to January 11th, 2016, the first
11 statement.

12 MR. PRICE: Judge, I may have another copy, would you
13 like a copy to look at?

14 THE COURT: It wouldn't hurt.

15 MR. PRICE: Okay.

16 Q Darshak, if you would walk us through that account
17 and just tell us the debits that are of interest as far as
18 payment of house and payment of car, payments of natural
19 gas, utilities and the like.

20 A This account, this is one of the oldest accounts my
21 father had held. And he put my name on there, my mother's
22 name on there. He did not put my brother's name on there,
23 as he did not trust him from the beginning.

24 MS. BALLARD: Objection, Your Honor.

25 Q Stick with the numbers.

1 A Okay.

2 THE COURT: Comments like that don't need to be said.
3 I understand there are hard feelings.

4 Q Walk us through and show us the significant debits.

5 A December 14th, natural gas that was used at the home
6 in Clinton--

7 MS. BALLARD: Your Honor, I object to that, unless he
8 lays a foundation for the house and Darshak knows this.

9 A It is going out of my account.

10 MS. BALLARD: Same objection, Your Honor.

11 THE COURT: Lay a foundation, Mr. Price.

12 Q Darshak, is this account, are you one of the owner's
13 of this account?

14 A Yes, sir.

15 Q Would you typically review the bank statements each
16 month?

17 A Absolutely.

18 Q Is there any other place where natural gas bill would
19 be, other than the house in which your parents lived?

20 A No, sir.

21 MS. BALLARD: Ask your next question.

22 MR. MOORE: I object Ms. Ballard advising Counsel--

23 MS. BALLARD: Mr. Price looked at me and asked me
24 what to do. I told him to ask his next question.

25 THE COURT: Come on. Y'all, let's move on. You got

1 the foundation laid, next question.

2 Q The amount of that natural gas payment was how much,
3 Darshak?

4 A \$116.95.

5 Q And what was the next debit on that account that is
6 related to real estate, utilities or the like?

7 A Minivan payment that my father owned.

8 Q Okay. And that has nothing to do with the vehicle
9 that Anal had?

10 A No sir, that came later. They bought that in 2017.

11 Q Okay. Next thing on there that is related to our
12 lawsuit?

13 A It would be on another statement.

14 Q And the statement you are going to next is dated what
15 date?

16 A February 9, 2016.

17 Q And what debits do you see that are related?

18 A The debt for natural gas, again, \$120.12 for the
19 Clinton house natural gas bill. So in February 8, on the
20 statement, the last line says BB&T online transfer to
21 checking. That checking account ending in 3464 had my
22 father and Anal Patel as the owner of that account. And
23 as you can see he would transfer money into that account
24 and that account would pay for the mortgage of the house,
25 \$443.00 dollars and it would pay for all of the utilities

1 of the house other than the natural gas that was going out
2 of this account.

3 Q And how much--

4 MS. BALLARD: Your Honor, I object to that answer in
5 that he attributed whatever Ana might have done with that
6 money, what she might have paid with it. All he is able
7 to testify is what went out to an account that had Ramesh
8 and Ana's name on it.

9 MR. PRICE: Judge, if I may--

10 THE COURT: Ask him how he knew, which account did he
11 know that the mortgage was paid from.

12 Q Darshak, do you know what account the mortgage on the
13 Clinton house, what bank account that was paid from?

14 A BB&T account ending in 3464.

15 Q And that is where this transfer was made to the
16 account in Ramesh and Anal's name?

17 A Yes.

18 Q And how much was that for that month?

19 A \$500.00 dollars.

20 Q And the mortgage amount was some \$433.00 dollars?

21 A \$443 and some change.

22 Q Let's go to the next statement.

23 A This is March 10th, 2016. Related to this case, see
24 another natural gas payment for \$124.12 on February 18th.
25 And I see another online bank transfer to an account

1 ending in 3464 which the mortgage was paid out of for
2 \$1,000.00 dollars on February 22nd. That is all for this
3 statement.

4 Q Let's go to the next statement.

5 A April 11th, 2016. We have March 15th natural gas
6 payment in the amount of \$24.72. We have another natural
7 gas payment for April 11th for \$23.31. That is it for
8 this statement.

9 Q All right.

10 A The next statement, May 10th, 2016. I do not see
11 anything related to this case on here.

12 Q Let's go to the next one.

13 A Other than I would like to mention this May 10th,
14 2016--

15 MS. BALLARD: Objection, Your Honor, he is just
16 allowing him to--

17 THE COURT: Sustained on that.

18 A I just--

19 MS. BALLARD: Your Honor.

20 THE COURT: I sustain the objection.

21 MS. BALLARD: Thank you, Your Honor.

22 THE COURT: Ask your questions. Rephrase, what were
23 you about to say.

24 Q What were you about to say?

25 THE COURT: No.

1 MS. BALLARD: No.

2 THE COURT: You got to do the question, not him.

3 Q Have you just noticed something on that bank
4 statement that you did not notice before?

5 A Yes, I did.

6 Q What did you notice?

7 A I just noticed a wire transfer from this account,
8 \$5,000.00 dollars going to account ending 0605, which was
9 another account my father owned with my mother.

10 Q Okay.

11 A Another transfer on the next page, April 25th.
12 Account ending in 0605, \$7,000.00 dollars was transferred
13 to that account that my mother and father owned.

14 Q During that period, Darshak, were your folks getting
15 lined up to buy something or invest in something, or do
16 you know?

17 A I know that they are trying to purchase the hotel in
18 Florence, South Carolina.

19 Q That is the right timeframe?

20 A Yes, sir. Six months after that, nine months after
21 that the hotel was closed on. But me, my mother and
22 father had been trying to buy that for one year.

23 Q All right, thank you. And is there another month
24 that you have there?

25 A Next statement, June 9th, 2016.

1 THE COURT: Is his testimony going to be repetitive
2 gas bill, such and such?

3 MR. PRICE: Yes, sir.

4 THE COURT: Can we take this as a package?

5 MR. PRICE: Yes, sir.

6 THE COURT: Okay. These bank accounts for this
7 account are one exhibit, collectively.

8 MR. PRICE: Judge, let me point, and to answer your
9 question, yes, I think so. However, as we get to the end
10 of this package there is a list of debits that have been
11 made to make the Pilot, that is a model for Honda or
12 whatever, for several months showing that out of this
13 account the Pilot payment was being made which was an
14 automobile used by Anal at that time.

15 Q Darshak, I have just handed to you--

16 MR. PRICE: Judge, I don't have a third copy, I am
17 sorry.

18 Q I have just handed to you a stack of bank statements.
19 Could you tell me what account that is?

20 A This is the same account we have been looking at
21 ending in 9955.

22 Q Okay. This is the same account. And what is the
23 statement date?

24 A The statement is February 9th, 2017.

25 Q Okay. Okay. If you could walk us through that,

1 hopefully that is going to get us through July of '17
2 which would be after your father died?

3 A Right.

4 Q On the first statement you have which is dated, did
5 you say February of 20--

6 A '17.

7 Q Is there anything on that showing debits that is not
8 characteristic of what you testified to the earlier
9 statements?

10 A No, just same gas payment, natural gas payment for
11 debits.

12 Q Flip to the next page.

13 A At the bottom of the same page there is credits.

14 Q And the credits, were they large amounts?

15 A Large amount of credits. This is February of 2017.
16 My father had purchased his interest in a hotel in
17 Florence in March of 2017.

18 MS. BALLARD: Objection, Your Honor, lack of
19 foundation.

20 Q And how would you know that he purchased the Florence
21 hotel?

22 A These credits and deposits were made into my account
23 as well as you can see my name at the top. And I was
24 notified every time there was money coming in or going out
25 and I had asked my father about what is going on--

1 MS. BALLARD: Objection, Your Honor, he can't say
2 what his father said.

3 MR. PRICE: He can certainly--

4 THE COURT: He didn't quite yet, he said I asked my
5 father.

6 MS. BALLARD: Okay. That is all he can say.

7 THE COURT: That is what he testified to.

8 Q Okay. And when you talked to your father did he give
9 you a satisfactory answer, please don't tell us what he
10 said.

11 A Yes.

12 Q Okay. Let's move on and see what else we got on
13 these statements.

14 A The next statement is March 10th of 2017. And I do
15 not see anything related to this case on here.

16 Q Thank you. Next statement?

17 A April 12th of 2017. There is a natural gas payment
18 on April 12th. That is it on this case.

19 Q And the next month?

20 A May 9th, 2017. Nothing significant on here for this
21 case.

22 Q Okay. Now, the next one should be June of 2017?

23 A Yes, sir.

24 Q Which comes out before your father died, only a few
25 weeks.

1 A Yes.

2 Q Anything significant on there?

3 A Yes, sir. May 10th, natural gas bill is paid from
4 this account. June 7th, natural gas bill was paid from
5 this account. And that is about it for this statement.

6 Q What month are you looking at?

7 A I am looking at now July 12th of 2017.

8 Q Anything significant on that account?

9 MS. BALLARD: I don't have that one.

10 Q July 12th?

11 A July 12th, 2017.

12 Q Okay.

13 A On that statement, on July--

14 MS. BALLARD: Got it.

15 A July 10th, it says transfer to checking. This is the
16 date where my brother closed all of father's account
17 without my permission, as my name was on there too.

18 MS. BALLARD: Objection, Your Honor.

19 A And transferred money into his account.

20 MS. BALLARD: Objection, Your Honor, lack of
21 foundation.

22 THE COURT: His name is on the account.

23 MS. BALLARD: Yes, but he doesn't know that Hardik
24 closed the accounts.

25 A Yes, I do.

1 MS. BALLARD: Your Honor, Mr. Price has to lay a
2 foundation.

3 THE COURT: We got this issue fifteen minutes ago
4 when Ms. Patel was taken to the bank by one of her son's
5 to effectively close the account. Is that not a proper
6 foundation?

7 MS. BALLARD: Not, unless he was there, no.

8 A That is where I mentioned closed without my
9 knowledge. I was going through chemotherapy at the time.

10 MS. BALLARD: So I move to strike his answer, Your
11 Honor.

12 THE COURT: Ask your next question, go ahead.

13 MS. BALLARD: Thank you, Your Honor.

14 Q Okay. We are going to shift a little bit here,
15 talking about your health situation.

16 MS. BALLARD: I am sorry, your what?

17 Q Health situation.

18 MS. BALLARD: Thank you.

19 Q Darshak, you were diagnosed with cancer when?

20 A I was diagnosed early June of 2017, properly
21 diagnosed was in June. But the effects of it I was
22 feeling since January of that year.

23 Q So, you were formerly diagnosed the same month your
24 father died?

25 A That is correct.

1 Q And you were in remission and they told you you were
2 fine when?

3 A December of 2019. I had my latest scan. That is
4 when they told me--

5 MS. BALLARD: Objection, Your Honor.

6 THE COURT: You can't say what they said.

7 Q Okay. So from June of 2017 until, did you say
8 January?

9 A December of 2019.

10 Q Okay. And during this period of time what type of
11 treatment did you receive?

12 A I received chemotherapy.

13 Q And that was given to you where?

14 A In Rock Hill, Carolina Blood Cancer Clinic.

15 Q Okay. Which is located in Rock Hill?

16 A Rock Hill, South Carolina. Yes, sir.

17 Q Okay. Now, during this period of time how were you
18 able to keep up with everything that was going on with
19 your mom?

20 A I had moved to Florence to help with the hotel that
21 my father had purchased right before his death. I stayed
22 there, I did the management there. I had a day-to-day
23 operations manager that I hired. But I was making all the
24 major decisions there. And when I was doing my chemo I
25 was not able to help my mom too much with the store or

1 the, anything else. But she was doing fine. She was
2 working for a year after my father's passing, working
3 full-time at the store, had no other issues, had no family
4 issues and no fights with Hardik or anyone else,
5 everything was going smoothly. So I wasn't really keeping
6 up too much, I was trying to care about my own health, to
7 survive this cancer.

8 Q Okay. Now, during the period prior to June of 2017,
9 the month you were diagnosed with cancer and the month
10 your father died, was it your parents practice from time
11 to time to give you or Hardik, both money?

12 MS. BALLARD: Objection, Your Honor, to the leading.

13 THE COURT: I am going to allow it.

14 Q Yes or no?

15 THE COURT: I am going to allow it.

16 A Not prior to that, they would help us out when needed
17 but it wasn't anything regular, you know, they wouldn't
18 just give us money every month or anything because we both
19 had our own jobs and careers.

20 Q Well, I mean, I know the evidence, in a deposition
21 there was some exhibits with checks for \$2,000.00 dollars,
22 \$2,000.00 dollars, \$4,000.00 dollars. Tell us about that.

23 A So after my cancer I was not able to work full-time.
24 And I had no income but I had a car payment, I had my
25 health insurance payment. Each of my chemo cost me

1 \$24,000.00 dollars. I took 12 of them. I had a lot of
2 medical bills and no way of earning money. My mother and
3 my brother, we sat together and decided that she was going
4 to help me from the store account, that is the store was a
5 family store and earning money from it. And I was suppose
6 to pay back when I am done with my treatments. And those
7 checks were signed by my mother, as you can see. When I
8 started getting my first check my brother suddenly changed
9 his mind and he said he wanted the same equal amount of
10 money as well. And every time I took a check from mother
11 to help me during my cancer recovery, each of the same
12 amount of check and it ended up being I took about
13 \$10,000.00 over four or five months. And he took more
14 than that and you can see that into the bank statements of
15 that store. And then we presented these checks, they
16 didn't present the ones that he took.

17 THE COURT: All right.

18 Q And as far as you are concerned those were loans to
19 you?

20 A Yes, sir.

21 Q Have you begun to pay any of them back?

22 A Yes sir, to my mother, who was signing the checks and
23 giving me this.

24 Q Right. But not to the store account?

25 A No, sir. Because I have access already, to do that

1 anymore.

2 Q Now, Darshak, as I understand it, when your father
3 died at the end of June of 2017, your mom continued to
4 work in the store?

5 A Yes, sir.

6 Q And then sometime in 2018 you and she went to India?

7 A Yes, sir.

8 MS. BALLARD: Objection to leading, Your Honor.

9 MR. PRICE: It is in the record.

10 THE COURT: I am going to allow it. I think it is
11 known fact that they went to India.

12 Q Now, y'all were gone to India about how long?

13 A About forty days.

14 Q Okay. And who ran the store during that period?

15 A I had asked my wife to move temporarily from
16 Florence, South Carolina to Clinton, South Carolina, stay
17 at the family home, go to the store, at least work one
18 shift a day and the rest of it was employees.

19 Q Okay. And when she went to Clinton did she live in
20 the same home that we are talking about on Highway 72 in
21 Clinton?

22 A Yes, sir.

23 Q Now, we have talked about the bank accounts. We
24 have, tell me about, well, okay, let me rephrase myself.
25 After you and your mom got back from India did Vidhya

1 still continue to run the store?

2 A Yes, sir.

3 Q And she continued to run the store until--

4 A December of 2018.

5 Q Now, what do you know about what happened that ended
6 that relationship between she and Hardik?

7 A My brother was upset with my mother--

8 MS. BALLARD: Objection, Your Honor. Lack of
9 foundation.

10 THE COURT: I am,--

11 MR. PRICE: Let me rephrase.

12 THE COURT: Now, I understand your objection but it
13 is a small family. Rephrase your question, spoke with his
14 mother at length.

15 Q Okay. Darshak, in the timeframe before your mother
16 was terminated from the store did you have a conversation
17 with Hardik?

18 A Yes.

19 Q And this was a telephone conversation?

20 A No.

21 Q It was a face to face conversation?

22 A Yes.

23 Q What was the topic?

24 A The topic was Hardik's personal debt.

25 Q Okay. Tell us about it?

1 A He had borrowed about \$35,000.00 dollars on a
2 Discover credit card as a personal debt that he showed me
3 the statements of. And he had asked my mom to help him
4 pay off all of his personal debt from the life insurance
5 money that my mom was about to receive from my father's
6 death.

7 Q Do you know how much money that was to be?

8 A It is \$200,000.00 dollars.

9 Q All right. And as a result of that conversation what
10 was decided.

11 A He mentioned that she had promised me, right after
12 her father died, that she was going to help me pay off my
13 personal debt with everything from the life insurance
14 money. And now she changed her mind, she turned her back
15 on me and, you know, she is a liar and this and that and I
16 am not going to, you know, forget this.

17 Q All right. Did you have a later conversation with
18 him about ownership in the store?

19 A Yes.

20 Q Tell us about that?

21 A In January of 2019 I was in Florence, South Carolina
22 running a store that I worked at and all of sudden out of
23 no where he showed up there. He didn't have the address
24 of where I worked, what I did. But he somehow found out
25 and he showed up at my store that I was working at. And

1 he said, I have no problem with you, you are my brother, I
2 will share everything with you, half and half. But I will
3 not give a single penny to that woman because of what she
4 is doing and what she did about my personal debt and just
5 leave me hanging like this. And he said that I want to
6 tell you that if she does not stop claiming ownership of
7 the store and the house and do all of this paperwork with
8 the lawyer or anything I will send her to jail. And in
9 April of 2019 he got her arrested on breach of trust, some
10 fraud charges.

11 Q All right. Now, Hardik, before your father died, do
12 you have any knowledge of your father or your mother or
13 both buying large numbers of lottery tickets?

14 A My father and my mother, they are running that store
15 themselves. Every now and then they bought lottery
16 tickets, paid it into the store. Paid the money because
17 we have to match up the numbers at the end of the day.
18 And they played sometimes.

19 Q Okay. Would they often play for several hundred
20 dollars?

21 A Not often but it depends, you know, is there new
22 tickets out. Every time there are new tickets he would
23 play them, bet on and put the money in the draw, of
24 course.

25 Q And--

1 MS. BALLARD: Who is he, I am sorry.

2 A Ramesh Patel.

3 MS. BALLARD: Okay, thank you.

4 THE COURT: And is there any way to check lottery
5 tickets before you scratch them off to see which ones are
6 winners?

7 A Absolutely not.

8 Q Okay.

9 A You would have to scratch the bar code. But any
10 customer could see that right away, that it has been
11 scratched off.

12 Q Okay. Now, do you have any knowledge, first of all,
13 if your parents, your mom, your dad or both ever had
14 problems with the lottery commission would you know it?

15 A Yes, I would.

16 Q Do you think they ever have?

17 A They never have.

18 Q If you were to, let's suppose, a hypothetical
19 question. I run a convenient store, I go in there and I
20 have \$200 or \$500 dollars worth of lottery tickets and I
21 don't put the money in there for that, how long does it
22 take for that to show up?

23 A At the end of the day, when we do a close report we
24 will come up that much short in the cash drawer.

25 Q So it should not take several months to find out that

1 I have been doing improper things with lottery tickets?

2 A Absolutely not. You would know right away.

3 THE COURT: Mr. Price, how much more do you have to
4 go?

5 MR. PRICE: Twenty minutes.

6 THE COURT: It is a good time to take a break. I
7 have another hearing at 12:30 that Judge Hocker needs to
8 hear, that Joy has got to be borrowed for. So we will
9 stand down until 2:00. Okay. Don't discuss your
10 testimony with anybody. We are going to take a break.

11 (Whereupon, a lunch break was taken.)

12 THE COURT: Everybody ready. Mr. Patel, you are
13 still under oath. Did you discuss your testimony with
14 anybody over lunch?

15 MR. PATEL: No, sir.

16 THE COURT: Very well, we will continue, Mr. Price.

17 MR. PRICE: Judge, at this point I would like to
18 offer these bank statements that we testified about into
19 evidence.

20 THE COURT: Ms. Ballard.

21 MS. BALLARD: They have not been marked, Your Honor,
22 I don't have exhibit numbers for them or anything. But I
23 have no objection to them.

24 COURT REPORTER: That will be number 2.

25 MS. BALLARD: Which one is number 2.

1 MR. PRICE: We are just going to admit them all as
2 one.

3 MS. BALLARD: Without objection.

4 THE COURT: Plaintiff's 2 without objection is a
5 cumulation of statements.

6 (Whereupon, Plaintiff's Exhibit number 2 was admitted
7 into evidence.)

8 CONTINUE DIRECT EXAMINATION

9 By Mr. Price:

10 Q Darshak, I have handed to you a 1040 U.S. Individual
11 Income Tax Return for the year 2007. Do you have that in
12 front of you?

13 A Yes, sir.

14 Q And I would direct your attention to line 6a, b and
15 c. Could you tell as far as 6c, dependents, first name,
16 last name, don't worry about the social security system.
17 Who is listed as dependents?

18 A Hardik Patel, son; and Darshak Patel, son, that is
19 me.

20 Q Now, it looks like we are showing that they, an
21 income from Ramesh Patel and Vidhya Patel was how much?

22 MS. BALLARD: Your Honor, before I, these documents
23 were not produced to me before Your Honor signed the
24 order. They were sent to me by Mr. Price at the beginning
25 of this week. So I object to any testimony about these.

1 I responded to the email telling him that Your Honor had
2 already signed an order based on Mr. Moore's agreement
3 that, as Your Honor said, they should be barred from
4 introducing any evidence other than documents already
5 produced during trial. And I identified for Your Honor
6 during the hearing on the motion to compel the three
7 documents that had been produced, there were some bank
8 statements that were also produced but no tax returns had
9 ever been produced. So I object to the use or the
10 introduction of any tax returns based on Your Honor's
11 order granting my motion to compel.

12 THE COURT: What say you, Mr. Price.

13 MR. PRICE: Well, we certainly were not hiding them,
14 Judge. We got them to her earlier in the week. And we
15 are introducing these things basically to show that
16 neither Hardik nor Darshak really had any substantial
17 income this year, 2007.

18 THE COURT: That is not her tax return.

19 MR. PRICE: That is true, but in order to claim them
20 as a dependent they can't be filing their own tax return.

21 THE COURT: How do you claim a dependent over 21?

22 MR. PRICE: That is an excellent question.

23 MS. BALLARD: Your Honor, my objection is they
24 haven't produced it to me and it is barred by Your Honor's
25 order.

1 THE COURT: Didn't he testify earlier he was 22 in
2 2007?

3 MS. BALLARD: He did.

4 MR. PRICE: Yes, sir. And, Judge, I am certainly not
5 a tax expert. I think if you are in school you can claim
6 them until they are 25. Judge, I will be glad to withdraw
7 my question and we can just ask Hardik about this on his
8 testimony.

9 THE COURT: I think that would be better because this
10 is not his tax return.

11 MR. PRICE: Thank you, Judge.

12 Q Darshak, do you have any personal knowledge about a
13 life insurance policy on Vidhya's life?

14 A Yes.

15 Q And how do you have that personal knowledge?

16 A After my second chemo in August of 2017 I went to
17 visit my mother in Clinton while she was working at the
18 store. And I went inside the store, I talked to her, gave
19 her a hug and she had a bunch of official mails that were
20 laying there. And she said please go through them. As
21 her English is not all that great, she repeated, she
22 always normally asked us to look at the mail, me and my
23 brother.

24 Q Now, during that session did you examine any mail
25 related to a life insurance policy on your mother's life?

1 A Yes, sir.

2 Q Tell us about that.

3 A It was a letter from Nationwide Insurance Company and
4 the letter read, when I opened it and looked at it, the
5 letter read that, this letter is to inform you, Vidhya
6 Patel, your beneficiary for your life insurance has been
7 successfully changed to, from Ramesh Prabhudas Patel to
8 Hardik Patel.

9 Q And before your, there was this change of
10 beneficiary, who were the beneficiaries on that policy?

11 A It was just my--

12 MS. BALLARD: Objection, Your Honor, unless he knows
13 from his own personal knowledge.

14 MR. PRICE: Okay.

15 Q Do you know from your own personal knowledge who the
16 beneficiary on Vidhya's life insurance policy before it
17 was changed?

18 A Yes, I do. My father's insurance beneficiary was my
19 mother. And my mother's life insurance beneficiary was my
20 father.

21 Q And do you know if either have alternate
22 beneficiaries?

23 A No, they do not.

24 Q Now, after you discovered there had been a change of
25 beneficiary so that the sole beneficiary under Vidhya's

1 policy was Hardik, did you discuss that with her?

2 A I did.

3 Q And when you discussed it with her did she express
4 any surprise?

5 A Yes, she did. I was very upset in reading that she
6 had only put one of her son's name as the beneficiary to
7 her death. And my name wasn't on there, I was kind of
8 offended. I felt like maybe because I am diagnosed with
9 cancer and I might die, that is why she didn't put my
10 name. I asked her and she said she had no knowledge of
11 this change being made.

12 Q Okay. And as a result of that conversation was the
13 beneficiary changed a second time?

14 A Yes, sir.

15 Q And the beneficiary was changed the second time, so
16 who would be the beneficiaries?

17 A I had helped my mother fill out that second change
18 form and I put my brother's name and my name on that
19 second beneficiary change. And I also marked the box
20 where, if he is not around his children will get that
21 money in, it wouldn't all go to me.

22 Q All right. And as far as you know that is the status
23 of the beneficiaries now?

24 A Currently I am not aware of the status of the
25 beneficiary.

1 Q But you are not aware of any change for a third?

2 A Not that I am aware of right now. This was 2017.

3 Q Now, during this period, after your father died, was
4 there any, first of all, do you have personal knowledge of
5 any change of mailing addresses?

6 A Yes sir, I do.

7 Q And can you focus us to a timeframe, would this have
8 been while you were gone to India, after you got back from
9 India?

10 A So I know this personal knowledge because my name and
11 address was also changed to his house in Tega Cay and
12 without my permission or my knowledge.

13 Q And his house being Hardik's?

14 A Hardik Patel's house in Tega Cay.

15 Q And do you know if this was done as far as Vidhya's
16 address?

17 A Yes, Vidhya Patel's address was changed. My wife,
18 Ekta Patel's address was also changed and my address was
19 also changed.

20 Q And was there a correction back to the proper
21 addresses for Vidhya and yourself and your wife?

22 A Yes, sir. Me and Vidhya Patel went to the local post
23 office in Clinton, South Carolina. We talked to the post
24 master. We asked them when this change was made or what
25 he, he did give us some information that the change was

1 made more than once.

2 MS. BALLARD: Objection, Your Honor.

3 THE COURT: Hearsay.

4 Q In terms of, once the address for yourself and Vidhya
5 was changed back to the proper address, was it changed a
6 second time back to Tega Cay?

7 A Yes, sir.

8 Q Do you know how many times it went back and forth
9 from the proper address to Tega Cay?

10 A The second time it was only Vidhya's address that was
11 changed to his house and Hardik Patel's house in Tega Cay.
12 My address I changed into Florence where I live right now.

13 Q All right. Now, during this period of time when the
14 addresses were being changed were there any communications
15 that were not successful related to getting the probate
16 inventory signed?

17 A Yes, sir. So I was, I had received letters from your
18 office through mail before that the addresses were
19 changed. And after a few times I received a summons, I
20 believe, from the Court for failure to report my father's
21 estate. And the reason for that is I never received a
22 completed inventory from your office because it never came
23 to me. Those mails went straight to Hardik Patel's house
24 in Tega Cay. And I don't know what happened to them but I
25 never received them therefore the Court had held me in

1 contempt.

2 MS. BALLARD: Your Honor, I would object only to that
3 portion of his answer which said where the stuff was
4 delivered because he has no personal knowledge of where
5 the stuff was delivered.

6 THE COURT: I want to move on a different subject. I
7 sustain the objection but the mail has been changed
8 around, move on.

9 MS. BALLARD: Thank you, Your Honor.

10 Q Now, Darshak, do you have personal knowledge as to
11 income tax, Federal income tax reports after your father's
12 death?

13 A Yes sir, I do.

14 Q And tell us what you know about that?

15 A After my father passed away my mother had asked me to
16 help her with filing the Federal tax income, the tax
17 returns. And I had asked Hardik Patel if he knew anything
18 about it or if he had tried to get her taxes filed. And
19 he said that, yes, he was going to take care of it all, he
20 is going to take care of everybody, don't worry about it
21 at all. I went back to receiving my chemotherapy and my
22 treatments and everything after that. And come to find
23 out a year later when my mother was eligible for health
24 insurance through the Marketplace and she was denied
25 coverage. And her coverage was dropped due to for her not

1 presenting the document, the 1095's that the health
2 insurance gives out to everybody. And they said that she
3 did not file her tax returns and that is why--

4 MS. BALLARD: Objection to what they said, Your
5 Honor.

6 THE COURT: Yes, sustained.

7 Q Let me ask you the question again. Without telling
8 me what they said, your mother was not able to get health
9 care insurance because she had not filed her income tax?

10 A That is correct.

11 Q All right. Now, did Hardik ever tell you why he
12 didn't file the tax returns?

13 A He always told me that he was going to do it. And
14 then after the fact he told me that he had done it when he
15 had not done it. He was just trying to misguide me.

16 Q Okay. Now, Darshak, did you and Hardik ever have a
17 conversation about Hardik intending to have your mother
18 arrested?

19 A Yes, sir.

20 Q Tell me about that?

21 A In January 2019 he showed up at my work place
22 unannounced and he had talked to me that if my mother did
23 not stop claiming all of these things we already have mine
24 and my wife's name on there, and if she doesn't stop
25 claiming it then I will get her trouble, I will get her

1 arrested.

2 Q And do you remember how long after that conversation
3 was had that your mom got arrested?

4 A About two and a half to three months after that.
5 January was when we spoke about his and April 2nd, I
6 believe, is when she got arrested, 2019.

7 Q Darshak, in regard to this conversation you had with
8 Hardik about Vidhya should stop claiming the store and
9 possibly the house. Expand on that conversation you had
10 with Hardik.

11 A He was, he tried to tell me that everything is okay
12 between us, as brothers we are good, you know, we will
13 share everything but I am not going to give a single
14 dollar to that woman. And I am going to make sure I am
15 going to put her out in the road and I am going to get her
16 arrested. These are the threats he made to me. And at
17 that time I responded. I said, why would you say that
18 about your own mother and I don't want any part of this
19 and I don't want you to do anything. I will talk to my
20 mother and see what we can work out.

21 Q Did you talk to her?

22 A I did talk to my mother.

23 Q Now, one thing that was established earlier, I think
24 in Vidhya's testimony is that your older brother had a
25 very expensive wedding?

1 A Yes.

2 Q And the wedding was actually in India?

3 A Yes, sir.

4 Q And do you have personal knowledge as to how much
5 money was spent on that?

6 A No knowledge of that but the total amount I am aware,
7 was discussed in the house with my mother. And she had
8 told me it was about \$50,000.00 dollars.

9 Q Now, are you married?

10 A Yes, sir.

11 Q Did you have a big fancy wedding?

12 A Not as big and fancy as his. Mine was here in the
13 States.

14 Q Okay. Now, what is the difference between you and
15 Hardik?

16 A I am just three years younger than him. He is the
17 older son. In our Country older son basically get
18 everything, they get to be the leader of the house after
19 my father is not there anymore and they get to make a lot
20 of decisions and a lot of things. And his wedding had
21 maybe 1,500 people or so in India. And mine had less than
22 500 here.

23 Q All right. So it's, the first born son receives a
24 greater honor, this is a yes or no question.

25 A Yes, sir.

1 Q Than other son's?

2 A Not necessarily, everyone is equal. But my father
3 did always favor him a little bit, him being the older
4 son.

5 Q Now, because he favored him, because he got more
6 money spent on his wedding than you, are you jealous of
7 your big brother?

8 A Oh, absolutely not. I would have loved to go to that
9 wedding and enjoy every bit of that with my family. I was
10 a student and I was a foreign student in East Carolina
11 University. And I could leave the Country but reentry for
12 me to continue my degree would be a little bit difficult
13 or impossible. So I did not go to his wedding. And I ran
14 the store for a month and a half and the Newberry hotel
15 for a month and a half while they were all gone to India
16 to the wedding.

17 Q Darshak, do you have personal knowledge as to whether
18 or not Hardik, AAHARVID, LLC, let your mother go from
19 employment?

20 A Yes, I do.

21 Q And did they?

22 A Yes. The letter read that she is being let go due to
23 lack of work.

24 Q Okay.

25 A And the very next day she was, had trespass notice.

1 Q Now, do you have personal knowledge that your mother
2 was arrested?

3 A Yes, sir.

4 Q And do you have personal knowledge that Hardik was
5 involved in that process of getting her arrested?

6 A The very next day I learned that, yes.

7 Q Now, do you have personal knowledge that sometime in
8 the Spring of 2019, well let me rephrase the question.
9 Yes or no. Do you have personal knowledge that the
10 utilities of your mother's residence were cut off?

11 A Yes.

12 Q And were they cut off?

13 A Yes.

14 Q Do you have personal knowledge that Hardik attempted
15 to have Vidhya evicted from her residence?

16 A Yes.

17 Q And did he do that?

18 A He has tried.

19 Q Okay. Do you have personal knowledge that while you
20 and Vidhya were in India, certain papers, documents and
21 other things were taken from the house or the convenient
22 store?

23 A Yes, sir.

24 Q Now, have some of those documents shown up today as
25 evidence?

1 A Yes, sir.

2 Q Do you know if, when the bank accounts were changed
3 shortly after your father's death, if there were payments
4 that were set up to be drafted from her checking account
5 or accounts were not transferred into the new account?

6 A That is correct.

7 Q And what was the result of that?

8 A The result of that was very hastily or without even
9 thinking he changed all the accounts to one account. And
10 all of those auto payments that were scheduled, my father
11 had scheduled for car insurance payment, life insurance
12 payment, house payment, mortgage payments, all of those
13 auto payments, they got basically, they didn't go through.
14 And ended up having to pay late fees on a lot of different
15 charges. We end up having to pay extra money.

16 Q Now, at the time that Hardik took over the business
17 which--

18 MS. BALLARD: Objection, Your Honor, foundation.

19 THE COURT: Lay a foundation.

20 Q What timeframe would you say that Hardik took over
21 the operations of the business?

22 A Operations as in management or --

23 Q -- running it?

24 A He would come once a week, on weekends, go in the
25 office and do some paperwork and leave. That was after my

1 father's death.

2 Q Would you say, would it be fair to say that after
3 your mother was terminated or told she no longer had a
4 job, that he began to manage the property then?

5 A He came to do the paperwork before but after
6 terminating my mother he was more involved.

7 Q At some point in time when your mom was required to
8 leave was there a balance in the LLC checking account?

9 A Yes, sir.

10 Q Do you know how much that was?

11 A \$93,000.00 dollars.

12 Q And how do you know that?

13 A I have seen all of those bank statements myself.

14 Q Okay.

15 A And I have online access to those bank accounts as
16 well.

17 Q Now, prior to being diagnosed with cancer did your
18 mom and dad pay your automobile insurance?

19 A When I was a student, yes, they did. Actually the
20 automobile insurance policies are cheaper when you bundle
21 more cars together so we, as a family, worked together the
22 car policies.

23 Q And that would include you and Hardik and his wife?

24 A Yes, sir.

25 Q As far as your education at East Carolina State

1 University, did your mom and dad pay the entire cost of
2 your college education?

3 A Yes sir, they did.

4 Q Do you have knowledge as to whether or not the same
5 was done for Hardik?

6 A Yes, I know and for Hardik, the same.

7 Q Did either of you get student loans or scholarships
8 or anything to help?

9 A Fortunately my father and my mother were such
10 hardworking people for over the years, they bought and
11 sold so many businesses, made money and we never had to
12 borrow for education. They paid for all of it.

13 Q Okay. Darshak, I thank you for your honesty. Please
14 answer any questions that Ms. Ballard may have.

15 A Thank you.

16 CROSS-EXAMINATION

17 By Ms. Ballard:

18 Q You said in response to one of Mr. Price's questions
19 that you had online access to the company bank account, is
20 that correct?

21 A That's correct.

22 Q How did you have online access to a bank account on
23 which you were not a signatory?

24 A My mother was a signatory on that account and after
25 my father's death she had repeatedly ask me for help with

1 finances, help with health insurance, help with filing
2 taxes, help with everything. So I helped her and I looked
3 at those accounts.

4 Q So do you still have access to that bank account? Do
5 you still have access to that bank account?

6 A No, I do not.

7 Q When did you lose your access to that bank account?

8 A The same time my mother lost access to the bank
9 account.

10 Q Okay. Now, you were talking about your wedding.
11 Were you talking about your first wedding or your second
12 wedding?

13 A Second.

14 Q Tell me about your first wedding?

15 A What do you want to know about it.

16 Q When did it happen?

17 A 2010.

18 Q And who did you marry?

19 A Mansi Patel.

20 Q How do you spell Montsee?

21 A M-A-N-S-I.

22 Q How long were you guys married?

23 A Maybe, on paper a year and a half.

24 Q And were you divorced?

25 A Yes.

1 Q What were the grounds for the divorce?

2 A Irreconcilable differences, drug use from her.

3 Q All right, did your parents pay for your 2010
4 wedding?

5 A I think my wife and my parents together paid.

6 Q When was your second wedding?

7 A In 2014.

8 Q And where did that wedding take place?

9 A In Clinton, South Carolina.

10 Q And who did you marry that time?

11 A Ekta Patel, E-K-T-A.

12 Q Was that her last name before the marriage?

13 A Yes.

14 Q She was a Patel also?

15 A Yes.

16 Q No blood relation?

17 A No.

18 Q Okay. I want to make sure my notes are clear because
19 they are not. I would ask you to tell me, you said you
20 went to East Carolina in 2006, is that right?

21 A No.

22 Q When did you start East Carolina?

23 A 2008, January.

24 Q Okay. And you said you were there for two years?

25 A Two and a half.

1 Q Okay. During that period of time were you on a
2 student Visa?

3 A Yes, I was.

4 Q Prior to being on a student Visa what was your
5 immigration status?

6 A H4 dependent under my father's H1 work Visa.

7 Q So how old were you when you started college in 2008?

8 A 2008 my age would have been 23.

9 Q So was there some grace period after you turned 21
10 when you were allowed to stay in the Country before you
11 got your student Visa?

12 A No. I attended community college, Rowan-Cabarrus
13 Community College in Concord, North Carolina for three
14 years.

15 Q When did you go to that college?

16 A From 2004 to 2007, I received two Associate Degrees
17 during that time, Ma'am.

18 Q And you lived in Concord during that period of time?

19 A Yes, I did.

20 Q Do you happen to recall your address?

21 A 5125 Davidson Highway, Concord, North Carolina.

22 Q Is that a hotel?

23 A Yes.

24 Q Whose hotel is that?

25 A It was my father's and my mother's.

1 Q In Concord?

2 A Yes.

3 Q Okay. And when was that hotel purchased?

4 A It was purchased in 2004, end of 2003.

5 Q End of 2003. Were they living there as well?

6 A Yes.

7 Q Your mother and your father?

8 A My mother and my father and my brother, my dog.

9 Q And they didn't have kids yet, did they?

10 A They were just engaged in 2004.

11 Q Okay, got it. So when you left Concord you went to
12 East Carolina, did you have to relocate for that?

13 A From Concord, yes, to East Carolina. Yes, I had to
14 move there.

15 Q Where did you move, I don't know where East Carolina
16 is.

17 A In Greenville, North Carolina.

18 Q Okay. You were there from 2008 until when?

19 A 2010, May is when I graduated.

20 Q Okay. How long after you graduated from college do
21 you have to stay in the Country before you have to make
22 other Visa arrangements?

23 A There is, we transferred from student Visa to OPT.

24 Q That is a two-year period when you can be OPT?

25 A I am allowed to work in the States.

1 Q For two years?

2 A Yes.

3 Q Okay. So you work legally in the States from 2010 to
4 2012?

5 A Yes.

6 Q Where did you work from 2010 to 2012?

7 A Avery Dennison, it is a manufacturing plant in
8 Clinton, South Carolina or was there before.

9 Q And why did you leave that employment?

10 A My Visa was running out. My company had sponsored me
11 with H1 Visa. But as immigration, H1 Visa is a lottery
12 system, not everybody gets the Visa that they applied. So
13 my company was not chosen in that lottery so my Visa was
14 not approved.

15 Q So when, when did your OPT status run out?

16 A It ran out January 2013, it was going to run out
17 January 2013.

18 Q Well it was going to or it did?

19 A I quit my job in 2012, before I become, you know,
20 before I am ineligible to work there.

21 Q Okay.

22 A And I changed my Visa back to student Visa and
23 started my Master's Degree in Charlotte, North Carolina.

24 Q And when did you start your Master's Degree?

25 A In January of 2013.

1 Q Was that a full-time program?

2 A Yes.

3 Q And what was the Master's for?

4 A Computer Science.

5 Q And where did you live during that period of time?

6 A I lived in Charlotte. My brother and Anal had rented
7 an apartment after moving back from Virginia. And they
8 had a spare bedroom so they offered that I could stay
9 there to go to college. My father had made the
10 suggestions and arrangements for that.

11 MS. BALLARD: Your Honor, I would move to strike the
12 last portion of that answer in that it violates the
13 hearsay rule.

14 A I didn't say what my father said.

15 THE COURT: Let's move on.

16 Q And where was their apartment, what City?

17 A Charlotte, North Carolina.

18 Q How long did you live with them in Charlotte?

19 A I was there six months, just one semester.

20 Q Did you just stay in school that one semester?

21 A Yes.

22 Q You left school after that?

23 A No, I continued on my Degree after that next
24 semester.

25 Q Now many semesters did you go for your Master's?

1 A Just one and a half.

2 Q So when did you stop your education in Charlotte,
3 your Master's?

4 A About September I would say.

5 Q Of what year?

6 A 2013.

7 Q So how long after your student Visa expired at that
8 time did you have to remain in the Country legally?

9 A It didn't expire. At this time I met my wife and we
10 got married.

11 Q This is your first wife or your second wife?

12 A You can look at the timeline--

13 Q I am asking you.

14 A Second.

15 Q Okay. And so you met your wife and what?

16 A And we decided to get married.

17 Q When did you get married for the second time?

18 A In August.

19 Q Of what year?

20 A 2013.

21 Q Okay. And where did you live in August of 2013?

22 A I was living in Camden, South Carolina.

23 Q Who were you living with?

24 A I was living in a rental home that was rented by my
25 brother, Hardik Patel.

1 Q So you were living with your brother?

2 A I was running his store so he let me stay there.

3 Q My question was, were you living with your brother?

4 A Yes.

5 Q And his wife?

6 A Yes.

7 Q Okay. And you have already told us about working at

8 his store in Camden, correct?

9 A Yes.

10 Q Okay. Where did you move after you left Camden?

11 A I moved to Clinton, South Carolina with my family, my

12 parents.

13 Q When would that have been?

14 A End of 2013.

15 Q And what was your employment after you left and moved

16 back to Clinton?

17 A My father -- my mother and father asked me to run the

18 store for them.

19 Q And how long was that, your employment?

20 A Two years.

21 Q So that takes us to August 2015, is that correct?

22 A That's correct.

23 Q And you lived at the house in Clinton?

24 A Yes, ma'am.

25 Q With your mother and your father, got you. Where did

1 you move after you left Clinton?

2 A I worked at BMW from 2015, '16 and I moved to
3 Charlotte in April of 2016.

4 Q Now, by this time, 2015, 2016, what was your
5 immigration status?

6 A I had a green card.

7 Q And how did you obtain a green card?

8 A My wife happened to be a citizen when I married her
9 and that allowed me to get a green card.

10 Q Okay. What is your current immigration status?

11 A I am green card holder, permanent resident.

12 Q Are you allowed to own property?

13 A Yes, ma'am.

14 Q Were you allowed to own property under any of your
15 prior immigration statuses?

16 A No.

17 Q Why did you leave BMW in 2016?

18 A I was just, I realized that there was no path forward
19 as in BMW, all of the Senior positions, Senior
20 Engineering, Senior Management positions that are held by
21 German Citizens, that they move from Germany. So
22 basically anything worth having, they won't give to
23 Americans. So I realized that there was -- in my first
24 job at Avery Dennison I got four promotions in two years.
25 And I was expecting something similar at BMW. I realized

1 very quickly that they don't promote you unless you are
2 German.

3 Q So when did you leave them?

4 A April 2016 I moved to Charlotte, the summer before
5 that I quit that job.

6 Q And what did you do when you moved to Charlotte in
7 April of 2016?

8 A I worked for a company renovating hotels.

9 Q What was the name of that company?

10 A Laxmi Hotels.

11 Q I am sorry.

12 A L-A-X-M-I.

13 Q Do you know who the owners of that are?

14 A Kumal Dave. K-U-M-A-L; last name, D-A-V-E.

15 Q How long did you work for that hotel company?

16 A About a year and a half.

17 Q When did you leave?

18 A When I got diagnosed with stage four cancer in June
19 of 2017, I could no longer work. I lost too much weight,
20 45 pounds of my average weight. And just was not able
21 physically to work any longer.

22 Q Did you have health insurance at that time?

23 A I have partial coverage.

24 Q How did you get the health insurance, I mean through
25 what?

1 A Through the Marketplace.

2 Q Okay. Private policy?

3 A Yes, Blue Cross Blue Shield policy.

4 Q How long were you and your mother in India when you
5 went over there after your father's death?

6 A 40 days.

7 Q 40 days. Did that time period have anything to do
8 with interfering with your immigration status or that just
9 happens to be the length of time?

10 A No, it was just the time we needed to take care of
11 things there.

12 Q Okay. And while you were there you took care of your
13 father's assets in India, didn't you?

14 A That's correct.

15 Q And you opened up the equivalent of what would be
16 Ramesh's estate in India, correct?

17 A Yes, that is correct.

18 Q And he owned assets in India, correct?

19 A He owned land, farming land in India.

20 Q Ten acres, right?

21 A Yes.

22 Q Okay. Who owns that now?

23 A My brother, my mother and me, all three of us.

24 Q Okay. Did your father have any money that was in the
25 banks in India that you collected when you went over

1 there?

2 A No, not that I am aware of.

3 Q So what month and year did you come back from India?

4 A In May 1st, 2018 is when I returned.

5 MS. BALLARD: Excuse me a minute, Your Honor.

6 Q How did it come to pass that you and your mother were
7 appointed personal representatives of your father's
8 estate?

9 A We learned that my father had died without a will.
10 It was explained to us that, you know, we would have to do
11 something called an estate for my father and we would have
12 to choose representatives. And all representatives would
13 also be members of my father's family which would be my
14 brother, me and my mother.

15 Q And where were you living at the time.

16 THE COURT: I don't think he finished his answer.

17 MS. BALLARD: I am sorry.

18 A So it was three of us that was suppose to be the,
19 managing the Estate. And I had, at that time, hired Mr.
20 Samuel Price here as my Estate attorney. And he had
21 informed us that--

22 Q Don't tell us what he said.

23 MR. PRICE: Object.

24 MS. BALLARD: I am not asking for hearsay, Your
25 Honor.

1 THE COURT: Okay. Just answer the question without
2 saying what he said.

3 A So it was all three of us would be, executing the
4 Estate of my father.

5 Q Executor you said?

6 A Yes. Me and my mother had the time to go to his
7 office and take care of all of these paperwork. My
8 brother told me repeatedly he did not have time for any of
9 this. He made laughing and joking remarks as to hahaha,
10 what did father own, owned that old car. I don't want
11 anything of his Estate, he don't have an Estate. That is
12 what he told me. He showed that he had no interest of
13 being Executor of the Estate. I relayed that to Mr.
14 Price. Mr. Price said that it doesn't work that way. He
15 has to tell us and sign documents to state that it is okay
16 for two of us to be Executor of the Estate and I am not
17 interested.

18 Q And he did that, did he not?

19 A Yes. Mr. Sam Price sent him the form, he signed
20 them, sent them back and that is how me and my mother
21 became execution of the Estate.

22 Q And where were you living then?

23 A Florence, South Carolina.

24 Q And that is where you are still living, correct?

25 A Yes.

1 Q And you gave us your address earlier, that is a hotel
2 in Florence that is owned by a partnership in which, I
3 mean an LLC in which your father owned an interest?

4 A That's correct.

5 Q And how much rent do you pay?

6 A I don't pay rent there.

7 Q Okay. How do you pay for your accommodations?

8 A We have apartments. It is not hotel room, apartment
9 especially for employees and other people to stay. And
10 that is where I am staying, that is why I don't pay rent.

11 Q Okay. Explain that to me again. You have an
12 apartment for who?

13 A For employees that can stay there on property. It is
14 a closed building, it is not part of the hotel. It is a
15 separate building.

16 Q And who had to give you permission to live there?

17 A Nobody.

18 Q Why did you have the right to move in there without
19 anybody's permission?

20 A Because my father had 25 percent -- and after him me
21 and my mother were, because they are parents, we, I was
22 managing the hotel and whenever anybody that manages the
23 hotel there they get accommodations to stay there.

24 Q Okay. And in fact your father had been the managing
25 member of that LLC that owned the Florence hotel, correct?

1 A Yes.

2 Q And so after he, your father died there had to be a
3 new managing member and that was Raj Patel, correct?

4 A Managing member?

5 Q Yes.

6 A Rajesh Patel, yes.

7 Q And Raj owns a majority of the interest in the
8 Florence hotel, does he not?

9 A It is incorrect. Actually owns a minority -- of that
10 hotel.

11 Q And your position is, who owns your father's percent
12 now?

13 A On paper it is in the Estate.

14 Q Okay. But it didn't start out there, did it?

15 A No.

16 Q No. In fact, you and your mother took steps to
17 transfer it to her, did you not?

18 A No.

19 Q No. You didn't list it on the initial papers that
20 you filed with the Probate, did you?

21 A What initial papers?

22 Q The papers that you filed with the Probate Court
23 called inventory.

24 A Okay.

25 Q You did not list, on the initial filing, you did not

1 list your father's interest in the Florence hotel, did
2 you?

3 A I can't remember.

4 Q But after you were held in contempt by the Probate
5 Court, did you file an inventory that listed your father's
6 interest in the Florence hotel?

7 A After I realized that my mailing address had been
8 changed and I was, you know, I was not getting anything,
9 any documents from Mr. Sam Price regarding this inventory
10 that we were suppose to file, the deadline -- what was the
11 question again?

12 Q The question was, when you filed, when you filed a
13 second inventory with the Probate Court. I realized you
14 filed the first one. But when you filed the second one,
15 what was different about the second one?

16 A I don't recall.

17 Q Okay. And is that Estate still open?

18 A Yes, I believe so.

19 Q Is that Estate involved in any litigation other than
20 this?

21 A I don't believe so.

22 Q In terms of, between, authority between you and your
23 mom, who makes the decisions with reference to your
24 father's Estate?

25 A Both of us together.

1 Q Have you been asked to vacate the hotel in Florence?

2 A No.

3 Q Do you deny having received requests from Raj Patel
4 to vacate the apartment in Florence?

5 A He had mentioned that he has, he is planning to --
6 all the partners are planning to sell the hotel. And when
7 the closing will be done, it was scheduled to be done in
8 January and something didn't work out. And he said
9 whenever the closing gets done you are going to have to
10 empty and vacate the apartment which I agreed to.

11 Q Well, the closing was actually suppose to happen in
12 December, isn't that right?

13 A I am not sure.

14 Q And the reason the closing didn't happen is because
15 you refused to move, correct?

16 A No.

17 Q Isn't it true that you called the police on Raj
18 Patel, when the police were there trying to move you out?

19 A No, the police never came and tried to move me out.

20 Q Did the police, did you call the police about Raj's
21 attempts to get you to move from the hotel?

22 A The reason I have called the police was Raj had
23 illegally, without my knowledge, changed the locks to my
24 front door, the house I had been living in for almost
25 three years, me and my wife. We came home from work at

1 10:30 at night tired and we could not get into our own
2 house because he had changed the locks without our
3 permission or knowledge. I called the police to help me
4 get into the house.

5 Q And what gave you the right to break into the house?

6 A I did not break into the house, I used the key that
7 Raj Patel provided me.

8 Q After you called the police?

9 A Because the police instructed--

10 Q Don't tell what the police said. After the police
11 were called you then ended up with a key to the room in
12 the hotel, correct?

13 A It was illegal what Raj Patel did so he had to give
14 the key back to me.

15 Q Who decided it was illegal?

16 A The police.

17 Q Okay. And you are still not paying any rent, right?

18 A I was never asked to pay any rent.

19 Q And isn't it true that there is still a contract to
20 sell the hotel in Florence?

21 A Yes, it is.

22 Q And you have read that contract?

23 A I have read and signed that contract, I am willing to
24 sell the hotel in Florence.

25 Q And there is a contingency in that contract, is there

1 not, that you have to move out before the closing can take
2 place. Isn't that true?

3 A I am not aware of that.

4 Q You didn't read the contract?

5 A I did read the contract at the time it was signed
6 which was months ago.

7 Q You do not remember there is a contingency in there,
8 let me finish the question, you don't remember that there
9 is a contingency in there that requires you to vacate that
10 apartment before the closing can happen?

11 A I don't recall that at this time.

12 Q Thank you.

13 THE COURT: Anything else, Mr. Price?

14 MR. PRICE: We have no further questions.

15 THE COURT: You can step down.

16 MR. MOORE: Hardik Patel please, Your Honor, as an
17 adverse witness.

18 Hardik PATEL, being
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 By Mr. Moore:

22 Q Mr. Patel, there was a document, a copy of your --
23 this document purports to be Defendant's exhibit number 7.
24 You have seen this used today, correct?

25 A Yes, sir.

1 Q Now, the document purports to be a copy of a check.
2 Do you know where the original is?

3 A Upstate, (phonetic).

4 Q Yes, sir. But would have gone to a bank somewhere if
5 it cleared and the original check would have a stamp on it
6 showing that it had actually been used and processed,
7 wouldn't it. The original would show if it was cashed or
8 not, right?

9 A If it was processed it would have definitely showed
10 it.

11 Q Right. You know what a canceled check is, right?

12 A Yes.

13 Q And a canceled check has marks on it where it
14 basically has been canceled, correct?

15 A It has--

16 COURT REPORTER: I can't hear, you will have to speak
17 up.

18 A Can you repeat the question, please, sir?

19 Q Let me ask you this question. Where did you get what
20 is copied here?

21 A This is my--

22 Q This is my what?

23 A This is my check.

24 Q Well, yes sir. Where is the original? If it is your
25 check where is the original?

1 A I wrote the check to Upstate Realty.

2 Q But at some point in time you had regained possession
3 of it to make a copy of it, didn't you?

4 A No.

5 Q The check was canceled, wasn't it, if it cleared the
6 bank it was canceled, right? Right?

7 A I don't understand the question, sir.

8 Q When a check goes through it is returned to you,
9 either that or a picture of it is returned to you and your
10 bank statements and you have got the canceled check in
11 your possession, don't you?

12 A This was scanned before I knew that the check has my
13 record.

14 Q Well, if we look at it, there is no date on the
15 check. Do you see that?

16 A Yes.

17 Q Have you ever heard of a bank cashing a non-dated
18 check?

19 A I scanned this first and then give them the check.
20 So, I wrote the date later.

21 Q You wrote the date later. Well, where is the copy of
22 the actual canceled check that has the date on it?

23 A I don't carry my fax machine with me--

24 Q Sir, if I wanted to know the date of this check, how
25 do I know that?

1 A Go to the bank.

2 Q Yes, sir. You get bank statements, do you have a
3 bank statement anywhere showing where this check got
4 returned to you after it was canceled?

5 A Can you repeat the question?

6 Q If we look at it looks like somebody whited out the
7 date, take a look at this copy and see if it doesn't look
8 like they are, the date was actually whited out?

9 A No, I don't see that.

10 Q There is a mark here on the top of the check where
11 you can see that, the dark line running across and then
12 there is a little dente there that looks like that was
13 whited out too?

14 A No, sir.

15 Q Well, how come the top of the check has that blank
16 piece in there and the rest of it doesn't?

17 A Maybe see at the bank.

18 Q Maybe what?

19 A Seen at the bank. The checks are made where you copy
20 them. You don't see the whole thing.

21 Q And if we look at this purported check it doesn't
22 indicate that it is on a banking account that belongs to
23 you, does it?

24 A What do you mean by purported, sir?

25 Q Well, this document that somebody says is something,

1 I guess supposedly a check that has been modified
2 afterwards because the date is not on it. And there is
3 nothing to say up here in the top left-hand corner that it
4 is your check, is it?

5 A The check number is 096.

6 Q I didn't ask you that. Up at the top, it doesn't
7 have your name or anything?

8 A Starter checks don't have names on them.

9 Q I see. This was a starter check, okay. And it was a
10 starter check for a business, wasn't it?

11 A No.

12 Q Well, let's talk about the, you are a business man,
13 right?

14 A Yes, sir.

15 Q You know how to write your name?

16 A Yes, sir.

17 Q And at the time the business was purchased your
18 signature was HK with a circle around it and this is
19 different, isn't it?

20 A This, no sir, that is the wrong information.

21 Q Tell me how come the name on here is not put on the
22 line but kind of goes at an angle?

23 A That is how I sign it back then.

24 Q You actually put a line underneath your signature?

25 A I always do.

1 Q But, sir, do you have, assuming that this is a check
2 and assuming that it was canceled, do you know where the
3 document is that can show this thing ever cleared the
4 bank?

5 A At this time I don't know.

6 Q All right. So this appears to be, appears to be a
7 document signed by you?

8 A Yes.

9 Q That is a check and for \$2,500.00 dollars to Upstate
10 Realty, correct?

11 A Yes.

12 Q But this is a starter check for a business, right?

13 A No.

14 Q Well, if it wasn't a starter check for a business,
15 what was it a starter check for?

16 A Could you repeat the question?

17 Q If it wasn't -- you say this account is \$2,500.00
18 dollar account, was a started check, correct?

19 A Yes.

20 Q Well, obviously then a starter check is on a new
21 account, right?

22 A Yes.

23 Q When was this starter check actually filled out?

24 A Right before I bought the house.

25 Q The house, I see. So why did you need to have a

1 starter check to buy the house, you already had a bank
2 account, didn't you?

3 A Why not?

4 Q Well, I am asking you why. If you already had a bank
5 account why did you need to open a starter check. Why did
6 you need to open another bank account if you already had
7 one?

8 A It is not on the bank account, it is a new bank
9 account.

10 Q I understand. But you already had a bank account at
11 the time the house was bought, didn't you?

12 A With a different bank.

13 Q Right. But you already had a bank account?

14 A So, I get whatever bank I want to.

15 Q I understand you can. But my question is not can
16 you, it is why did you do it. If you are -- wait a
17 minute. If you already had a bank account when the house
18 was bought why was it necessary to open a new bank
19 account?

20 A Why not?

21 Q No, sir. I am asking you, why did you do it, just to
22 do it?

23 A Because this bank is closing down.

24 Q Where was your other bank. What was the name of the
25 other bank that you had?

1 A BB&T.

2 Q BB&T is in town too, isn't it?

3 A No.

4 Q I see. All right. Why did you want a bank in town.
5 If you were doing, if you were living away why did you
6 want a bank in town?

7 A Why not, convenience.

8 Q Convenience of who. If you are living -- where were
9 you living when the house was bought?

10 A In Clinton.

11 Q Well, then why did you have a banking account with
12 BB&T?

13 A Because I used to live in different city when I
14 opened the BB&T bank account.

15 Q I see. So at some point in time, when the house was
16 being bought you claimed to have opened an account with
17 Wachovia, right?

18 A I did, yes.

19 Q Now, did your mom and dad have a relationship with
20 Wachovia?

21 A No.

22 Q Now, you claim that this was a check that was given
23 to somebody. What was the actual date of this claimed
24 check?

25 A From the time when I bought the house, right before

1 that.

2 Q All right. Now, Darshak is your brother, right?

3 A Yes, he is.

4 Q Did you ever have a conversation with him such as he
5 described?

6 A No, not in the way he describes.

7 Q Did you have a conversation with him?

8 A Yes, I did, yes.

9 Q And did you discuss with him having your mother
10 arrested?

11 A No.

12 Q Did you take, did you have anything at all to do with
13 reporting your mother to the police to have her arrested?

14 A The State arrested our mother.

15 Q I know who did it. Only the State can arrest. My
16 question wasn't who arrested her, my question was did you
17 do anything by way of reporting to try and have her
18 arrested?

19 A No.

20 Q Did you report anything about the lottery tickets to
21 the police?

22 A No.

23 Q Did you have anything to do with talking to the
24 police before she was arrested?

25 A No.

1 Q Did you talk to any investigator, any officer, any
2 SLED, any type of lottery commission representative about
3 your mother before she was arrested?

4 A No.

5 Q You talked to absolutely nobody, right, sir?

6 A No, sir.

7 Q Well, do you know how it is that this matter came to
8 the attention of the lottery commission where she was
9 arrested?

10 A No sir, I don't know.

11 Q It is just strictly a coincidence that she got
12 arrested, right?

13 A I don't know, sir.

14 Q She didn't get arrested after you threatened your
15 brother that if she didn't stop claiming the business and
16 the house that you were going to have her arrested?

17 A I didn't talk to anybody.

18 Q You told your brother that though, didn't you?

19 A No.

20 Q So, well, sir, haven't you been involved with the
21 investigators and police during the criminal matter,
22 either before or after the warrants were issued, the
23 warrants. Haven't you been involved with the police
24 either before or after?

25 A No.

1 Q You have never talked to the police about that?

2 A About what, sir?

3 Q About the criminal charges, the so-called theft of
4 the lottery tickets?

5 A Criminal charges?

6 Q You don't know what those are, do you?

7 A I know criminal charges but can you be more specific,
8 please.

9 Q Well, so in the questioning that you and I have had
10 together, you don't even know what I am talking about, do
11 you? You don't even know what I have been talking about,
12 that is why you have a hard time understanding it because
13 you didn't know what criminal charges I was talking about,
14 correct? I am going to help you. I just want to make
15 sure we understand. You didn't even know your mother had
16 been arrested, did you?

17 A I found out two days later.

18 Q Well, who did you hear it from? Who did you hear
19 that from, who did you learn it from?

20 A From my staff members.

21 Q Do you not recognize this as a summary of information
22 you gave the lottery commission and these are the warrants
23 that we are talking about that was issued based upon that?
24 There is the other one.

25 A Thank you.

1 Q Sure.

2 A Can you please repeat the question, sir?

3 Q Certainly. You now know the criminal charges that we
4 are talking about now, right? You now know.

5 A I know what we are talking about, yes.

6 Q And you see the summary there as basically being
7 information you gave the police that led to those
8 warrants, don't you?

9 A It doesn't have my name on it.

10 Q Right, but you recognize that as what you gave them
11 which gave rise to the warrants that put your mama in
12 jail, right?

13 A No, it wasn't me, it wasn't my store back then.

14 Q It wasn't your store back then. Who did the store
15 belong to?

16 A My wife.

17 Q Who is it that gave the police the information that
18 caused, we know, we have seen the report here. Who is it
19 that gave them that information that caused your mama to
20 get arrested?

21 A The owner of the business.

22 Q And who would that have been?

23 A My wife.

24 Q How do you know your wife did it?

25 A I was there.

1 Q Ah, I see. And when you were there and your wife was
2 giving the information to the police that led to her
3 arrest, you just sat there quietly with your hands folded
4 and never said one word to the police about any of this,
5 right?

6 A I don't want, have access to crimes.

7 Q I didn't ask you that, sir. I want to know, isn't it
8 true that in that discussion with the police with you and
9 your wife there that led to your mother's arrest, you
10 talked to the police and told them information, did you
11 not?

12 A If they asked me then yes, I did.

13 Q Then why did you say no more than five minutes ago
14 that you didn't? Explain to this Judge why you just lied.
15 Tell me why you lied, go ahead.

16 A Sir, I didn't understand properly back then.

17 Q You didn't understand what?

18 A I didn't, don't understand what you are trying to
19 say, sir.

20 Q Sir, I asked you about the questioning that led to
21 the arrest of your mama, at the behest of you and your
22 wife. I asked you, did you talk to anybody. You said no,
23 no, no, no, no. Then I showed you the documents that
24 proved that you had talked to the police and now the
25 answer is yes, I did it. Now, I want you to tell this

1 Judge why you lied under oath about what happened in the
2 arrest of your mother? Why did you lie?

3 A I didn't lie, sir. I did not understand the
4 question.

5 Q The reason that you didn't tell the truth is because
6 you didn't understand the question, right?

7 A Yes, sir. I am under oath.

8 Q Yes sir, you are under oath. And you got what kind
9 of degree from college?

10 A Business management.

11 Q Yes, sir. And as a matter of fact, the only way that
12 you could, the police could have gotten exhibit number --
13 Defendant's exhibit number 4 is that you and your wife
14 gave it to the police off the video camera out of the
15 store that you and she were controlling, right?

16 A Yes.

17 Q All right. Well, did your wife give them the
18 photograph or did you give them the photograph?

19 A None of--

20 Q Sir?

21 A Officers asked.

22 Q The officer asked them after the police were called
23 and asked to do an investigation, right?

24 A Which was the right thing to do.

25 Q Did you -- oh, yes sir, it is the right thing to do,

1 to have your mama arrested. I got that. Did you call the
2 police or did your wife call the police?

3 A My wife did.

4 Q And the police came and you drove all the way down
5 from Charlotte, North Carolina to meet with the police,
6 right?

7 A We always go there because it is our business.

8 Q Well, did you have -- how was the meeting arranged
9 for you to meet with the police officer in order to give
10 them the information to get your mama arrested?

11 A Can you repeat that question, please.

12 Q Sure. How did that get arranged for you to be there
13 at the same time as the police?

14 A Nobody right there and then my wife called the
15 police.

16 Q Your wife called the police.

17 MS. BALLARD: Your Honor, I am going to object to
18 this continuing line of questioning.

19 THE COURT: I have heard enough about this, I
20 understand what is going on. Move on to something else,
21 Mr. Moore.

22 MS. BALLARD: Thank you.

23 Q Sir, at some point in time, what are you looking at,
24 sir.

25 A Huh?

1 Q What are you looking at?

2 A I am looking at this paper right there.

3 Q Which paper, which one? Which paper were you looking
4 at?

5 A That one.

6 Q This one?

7 A No, sir.

8 Q This one?

9 A I am just looking anyways.

10 Q I see. Now, at any point in time did you ask your
11 mama to help pay some of your bills out of the life
12 insurance money?

13 A No, sir.

14 Q At any point in time did you talk to your brother
15 about having your mom pay some of your bills with the life
16 insurance money?

17 A No, sir.

18 Q At any point in time did you try to get any of the
19 life insurance money?

20 A No, sir.

21 MS. BALLARD: Your Honor, I object to this line of
22 questioning, it is irrelevant.

23 THE COURT: Subject to the store or the house, it is
24 relevant to the store or the house issue I have got.

25 MR. MOORE: The issue has already come into evidence

1 about why he would be doing this. It was testified to, I
2 believe, by his brother on direct examination.

3 THE COURT: I think it was, all right.

4 Q At the time the convenient store was put in your
5 wife's name how old was she?

6 A 23.

7 Q And what was she doing for a living at the time?

8 A She was working.

9 Q Where?

10 A Pharmacy.

11 Q And how much was she making at the pharmacy?

12 A I don't recall.

13 Q Was she working full-time?

14 A Yes.

15 Q Was she a pharmacist?

16 A No, pharmacy tech.

17 Q And what were you doing, how old were you at the time
18 the convenient store was placed into her name?

19 A 24.

20 Q What were you doing for a living?

21 A I was working with my dad.

22 Q Making how much an hour?

23 A All money went to my dad.

24 Q So you were working for your dad but not getting
25 paid?

1 A Yes.

2 Q Actually the way it worked is, y'all all were living
3 together, you worked, your brother worked, your mama
4 worked, your dad worked, everything went into the family
5 pot and people got money as they needed it. That is kind
6 of the way it worked, wasn't it?

7 A You can say that.

8 Q You can say that because it is true, right?

9 A No, but it is complicated.

10 Q Well it is complicated, that is kind of the way it
11 worked, wasn't it? You worked and when you needed money
12 dad gave it to you, right?

13 A Yes.

14 Q And he gave it to you either out of the hotel or out
15 of the convenient store?

16 A Not the convenient store, the convenient store was
17 mine so I would have given him.

18 Q Well now, the hotel, when did your wife get the
19 interest put in her name of the Newberry hotel?

20 A I think a couple of years after it was bought.

21 Q How much did she give your dad for his interest at
22 the forty percent he had in the hotel?

23 A It wasn't forty percent, her's was twenty percent.

24 Q Well, let's just say the twenty percent. We know
25 that your dad had paid some \$200,000.00 dollars for his

1 share in the hotel. So when it was put into your wife's
2 name how much did she pay him for that interest in the
3 hotel?

4 A There was no money exchange, it was a gift. Twenty
5 percent to me and twenty percent to my wife.

6 Q Twenty percent to you and twenty percent to the wife?

7 A Yes.

8 Q That is forty percent, isn't it?

9 A Yes, sir.

10 Q But why didn't he just say he didn't own forty
11 percent?

12 A Twenty and twenty is forty.

13 Q He owned forty percent?

14 A Yes, sir.

15 Q And according to you he gave you twenty percent and
16 her twenty percent?

17 A That is correct, yes sir.

18 Q Do you have any document that would basically show
19 that, that he gave you twenty percent as well?

20 A No, I don't have that right now.

21 Q Actually what happened is, he gave the interest to
22 the LLC, right?

23 A No.

24 Q Well, your dad owned -- sir, your lawyer has had a
25 document marked, purports to be a mortgage found in

1 mortgage book 2023, page 267, filed May 29 of 2012. You
2 recognize that document?

3 A Yes, I do.

4 Q What is this a mortgage on?

5 A This one is on store.

6 Q The convenient store?

7 A That's correct.

8 Q Now, this is the convenient store that you say that
9 your father had no interest in, right?

10 A No.

11 Q He had no interest in it at all, right?

12 A No, sir.

13 Q But you had a twenty percent interest, it was owned
14 by the LLC that we talked about, right?

15 A You mean the motel of Shree Shree Hari?

16 Q No, the convenient store.

17 A No, my wife--

18 Q Right. HARVID, LLC you claim was owned by you and
19 your wife, right?

20 A My wife, one-hundred percent.

21 Q One-hundred percent by your wife. Well, I am looking
22 at the mortgage here that y'all have placed in evidence.
23 Can you show me where your wife's name appears on the
24 mortgage that was given to the bank for the convenient
25 store?

1 MS. BALLARD: What is the exhibit number?

2 MR. MOORE: I don't know, one of y'all put it into
3 evidence.

4 A Yes, her name is right here, Anal Patel.

5 Q Show me.

6 A Page number five. HARVID, LLC owned by Anal Patel.

7 Q I am sorry, show me her signature on the mortgage.

8 A Her signature?

9 Q Yes, her signature, the thing that actually creates
10 the mortgage interest, the signature of the owner. Where
11 is it on that document?

12 A He wouldn't be here -- for me we used to live in
13 Virginia back then so you wouldn't find it here.

14 Q Well, yes sir. But if we look at the signature of
15 your dad, it doesn't say that he is signing her name as
16 Power of Attorney. What it actually says is, I am going
17 to let you read it for us. It says HARVID, LLC?

18 A Correct.

19 Q Right. Name of partnership or LLC and it has got
20 your dad's signature?

21 A Only after authorization from me and my wife.

22 Q I didn't ask you that. It has got your dad's
23 signature, right?

24 A Of course because we live in Virginia.

25 Q Well, under your dad's signature read those words.

1 A After our permission he was able to sign.

2 Q No, sir. I want you to read the words after his
3 signature where it says, Member and Manager.

4 A After Power of Attorney, he cannot sign without an--

5 Q Show where the words, Power of Attorney show on there
6 anywhere.

7 A Get to the document.

8 Q Show where the words, Power of Attorney, show
9 anywhere on this mortgage.

10 A It would not be on all of the mortgage.

11 Q Right.

12 A Yes.

13 Q And as a matter of fact, your wife's, nobody there
14 has signed your wife's name or your name on the mortgage
15 either, have they?

16 A Because I used to work in Virginia, we used to live
17 there.

18 Q I didn't ask you that.

19 THE COURT: He has answered that question the same
20 way five times.

21 MR. MOORE: Thank you, Your Honor.

22 THE COURT: The document speaks for itself.

23 Q When that mortgage was taken out did you have a green
24 card?

25 A Yes, I have my green card.

1 Q When the house was purchased on, I guess, Highway 52
2 did you have a green card?

3 A Highway 72.

4 Q Highway 72, did you have a green card?

5 A 2009, no.

6 Q When the business was transferred, the C-Store, did
7 your wife have a green card?

8 A Transferred?

9 Q When she got the store?

10 A You mean lease or purchase.

11 Q Purchase.

12 A Yes, she did.

13 Q When it was leased did she have a green card?

14 A Yes, she did.

15 Q Do you know Prakash Desai?

16 A I know Prakash Patel.

17 Q I am sorry, Prakash Patel. You were in the courtroom
18 this morning when Prakash Patel testified, were you not?

19 A No.

20 Q I am sorry, Prafull Patel. Do you know Prafull
21 Patel?

22 A Yes.

23 Q You were in the courtroom this morning when Prafull
24 Patel testified, right?

25 A Yes.

1 Q And have you ever referred to him as uncle?

2 A Everyone is uncle.

3 Q Is the answer to my question, yes?

4 A Yes.

5 Q You say everyone is your uncle?

6 A Everyone, Prakash is everybody's uncle, that is the
7 way it is.

8 Q Have you ever referred to Prafull Patel as uncle?

9 A Yes sir, I did.

10 Q And that is a sign of respect and that is a sign of
11 friendliness, right?

12 A Yes, sir.

13 Q And you respect him, correct?

14 A I respect everybody, sir.

15 Q I didn't ask you did you respect everyone. I asked
16 you if you respect Prafull Patel?

17 A Yes, sir.

18 Q And you always found him to be an honorable man?

19 A No, sir.

20 Q If he is dishonorable why do you respect him?

21 A You don't respect everybody.

22 THE COURT: I am ready for a break. Let's take a few
23 minutes. Be back in about ten or twelve minutes.

24 (Whereupon, a short break was taken.)

25 THE COURT: All right.

1 MS. BALLARD: Your Honor, before we resume on the
2 record, I would like to correct an oversight on my part.
3 When I introduced exhibit number 3 into evidence, there is
4 a missing page which is a Power of Attorney. This is a
5 recorded document that needs to be attached to that
6 exhibit, page numbers match up.

7 MR. MOORE: I guess at some point in time, at the
8 appropriate place in the trial she might be able to do
9 that. But I believe I have the witness at this point,
10 Your Honor.

11 THE COURT: I agree with you, you will be able to do
12 in a few minutes.

13 MS. BALLARD: Okay. Thank you, Your Honor.

14 CONTINUE DIRECT EXAMINATION

15 By Mr. Moore:

16 Q You had testified a moment ago that Prafull Patel was
17 a dishonorable person. That is the gentleman seated right
18 there, right?

19 A Prafull, yes.

20 Q Explain what there is about Mr. Prafull Patel that
21 you find dishonorable?

22 A He threatened me.

23 THE COURT: He what?

24 A He threatened me, he said he would come to my house
25 with four or five people with Pallev Desai.

1 THE COURT: All right.

2 Q How did he threaten you?

3 A He threatened he would come to my house with his
4 friends.

5 Q With Pallev Desai?

6 A Correct, yes.

7 Q Were you on the telephone when he threatened you?

8 A That is correct, yes.

9 Q Did you call him or did he call you?

10 A At that time he called me.

11 Q Had you called him after your father's death?

12 A Yes, I did.

13 Q And did you seek advice from him?

14 A Once, yes.

15 Q If he is a dishonorable person why would you have
16 called him seeking advice from him?

17 A That was before he threatened me.

18 Q I see. So you called him your uncle and sought
19 advice from him?

20 A Yes.

21 Q And that is true, right?

22 A Yes.

23 Q Did you call him more than once seeking advice from
24 him?

25 A Yes.

1 Q And when you called him were you seeking advice on
2 what to do about the house?

3 A Not on the house, just everything.

4 Q The house, the house in Clinton, were you seeking
5 advice on what to do about that?

6 A No.

7 Q Were you seeking advice on what to do about the
8 convenient store?

9 A Yes.

10 Q Were you seeking advice on what to do about your
11 mother?

12 A Not mother, no.

13 Q Were you seeking advice, you say, about the
14 convenient store, right?

15 A Specific, yes.

16 Q Now, what advice were you seeking from him. When you
17 called Prafull Patel and sought advice from your uncle,
18 what advice did you want him to give you?

19 A We talked about a lot of stuff about life, not just
20 the store. Regarding the store, then I was asking what is
21 the best practice to run the store.

22 Q Well, sir, you have been involved in convenient
23 stores your whole life, correct?

24 A Yes, I have.

25 Q According to you, you have been running this

1 convenient store for years, right?

2 A That's correct, yes.

3 Q Well, why, after your daddy died did you have to call
4 Prafull for advice on how to run a convenient store when
5 you already knew how to do it?

6 A I know how to run the store. Like I said, I called
7 about advice about--

8 Q Advice about something else. Well, you did though
9 say a moment ago, you called him for advice about how to
10 run the store?

11 A No, I said account, account.

12 Q Account, what do you mean account?

13 A Bank account.

14 Q You know about bank accounts, you already had one, we
15 have already got one of your new checks into evidence.
16 You wanted to know about how to open a bank account?

17 A I know how to open a bank accounts.

18 Q All right. So you didn't need his advice about how
19 to open a bank account, did you?

20 A Well, if you know somebody it would be better, which
21 bank is better. We always called to find out which bank
22 has better interest rate, which bank has better accounts.
23 So that is why I called him.

24 Q And you also say you called him to talk about life,
25 right?

1 A Yes.

2 Q And family?

3 A Most life.

4 Q Well, was family discussed?

5 A Not with him, no.

6 Q Well, when you called him and said, Prafull, I want
7 some advice about life. Did you say it that way, how
8 about advising me about life. Is that what you said?

9 A No. We have general conversation.

10 Q About life?

11 A Life, yes.

12 Q And you had that conversation because you were
13 calling asking about life?

14 A Yes.

15 Q And as a matter of fact, in the India community, when
16 the father dies the children sometimes go to the extended
17 family, the extended community to ask advice about what to
18 do, right?

19 A Yes.

20 Q Isn't it true that Prafull told you to do the right
21 thing?

22 A About what?

23 Q I just ask you, didn't he tell you to do the right
24 thing? He told you that, didn't he?

25 A When?

1 Q When you had him on the telephone when you called him
2 seeking advice about life. He told you, son, do the right
3 thing, didn't he?

4 A What topic, sir?

5 Q All right. At any point in time, on any topic, did
6 he say to you, Hardik, do the right thing?

7 A No, sir. I don't remember that.

8 Q Did he say anything like that?

9 A No, sir.

10 Q Did he tell you to go talk to your mama?

11 A Yes, he did. Yes, he did.

12 Q Well, if you weren't discussing your mother like you
13 told us you weren't, why is it that he would have told
14 you, go talk to your mama?

15 A When I reached out to him.

16 Q You called him and wanted to talk about life and his
17 advice to you was talk about your mother. He just, out of
18 the blue, just said, you said, let's talk about life and
19 he said go talk to your mother, right? Is that what you
20 are telling us?

21 A No, not exactly like that.

22 Q Yeah, not like that at all. What basically happened
23 is, he told you to go talk to your mama and get your
24 family situation straightened out in regard to the house
25 and the convenient store, didn't he? You might as well

1 say yes because it is true, everybody knows it. Go ahead,
2 say yes.

3 MS. BALLARD: Your Honor, I object.

4 THE COURT: I agree. Sustained.

5 Q Sir, all right--

6 THE COURT: Ask your next question.

7 Q What, when he told you to go see your mama what did
8 he tell you to go see your mama about?

9 A He said sit down and talk to her, that is about it.

10 Q About what, what was the problem that needed to be
11 addressed with your mother?

12 A I don't know, he knows that.

13 Q So when he said that, go talk to your mother, you had
14 no idea what he was talking about, right?

15 A I had no idea.

16 THE COURT: Let's move on.

17 MR. MOORE: Thank you.

18 Q When the convenient store was first leased, where did
19 the money come from to pay for the inventory?

20 A Came from Prakash Patel.

21 Q Prakash Patel was one of the seller's, was he not?

22 A He was the main guy, yes.

23 Q He and Pallev, right?

24 A I dealt with Prakash all the time, not Pallev.

25 Q Well, you know that Pallev actually owned a part of

1 P&P?

2 A Yes, he did.

3 Q P&P stood for Prakash and Pallev?

4 A I know that too.

5 Q And Pallev was here, you heard him testify?

6 A Yes.

7 Q Well, you say the money came from Prakash, Prakash
8 was the person leasing the store, right?

9 A Prakash, yes, Prakash was the main guy.

10 Q Was there any cash put down to buy the inventory for
11 the store?

12 A Prakash did it for us, we bought it from him.

13 Q I just want to know if there was any money put down?

14 A No.

15 Q You don't recall your father putting down a
16 substantial amount of money?

17 A No, sir.

18 Q Well, was there a note signed by anybody to Prakash
19 for the gasoline and the inventory of the store?

20 A Yes.

21 Q How much was the note for?

22 A \$124,000.00 dollars and some change.

23 Q And that note got paid off by you?

24 A My wife.

25 Q Where did she get \$124,000.00 dollars?

- 1 A From the profit of the store.
- 2 Q Well, and the, as I understand it, the store was
- 3 leased for a grand total of two years before it was
- 4 purchased, right?
- 5 A No.
- 6 Q How long was it leased?
- 7 A Five years.
- 8 Q Was leased for five years before it was purchased?
- 9 A Yes.
- 10 Q And according to you, y'all made \$100 and how many
- 11 thousand dollars worth of profit that you had after taxes?
- 12 A I don't recall that exact amount.
- 13 Q What would be, \$125,000.00 dollars that would have
- 14 been paid to Prakash, right?
- 15 A Of course, yes.
- 16 Q Was that paid at the time the location was purchased?
- 17 A At the time, like, what time.
- 18 Q When the business, the real estate was purchased,
- 19 okay. Is that when the \$125,000.00 dollars was paid off?
- 20 A No.
- 21 Q When was it paid off, before or--
- 22 A On a monthly basis.
- 23 Q On a monthly basis?
- 24 A Yes.
- 25 Q How much per month?

1 A About \$3,000.00 dollars a month.

2 Q Do you have any of those checks where you and your
3 wife paid \$3,000.00 dollars a month?

4 A Checks with me right now?

5 Q Right.

6 A They are made to him.

7 Q Right, they were paid to him, right?

8 A Yes.

9 Q And the check statements would have come every month
10 in the mail, right?

11 A The check, what statements.

12 Q Bank statements, bank statements that you get every
13 month from the bank that shows who you paid what?

14 A Yes.

15 Q Do you have those that can show where you were paid
16 \$3,000.00 dollars a month?

17 A The statement?

18 Q Yes, where are they?

19 A We have the statements.

20 Q Where are they, does Ms. Ballard have them?

21 A Yes.

22 Q She has them on her right now?

23 A You would have to ask her.

24 Q I am asking you.

25 A I don't know if she has them.

1 Q Have you given those bank statements to her?

2 A Yes.

3 Q Let me ask you this. How did you happen to come into
4 possession of those bank statements?

5 A My wife owns the store.

6 Q Was the, and they were taken out of the store when
7 your mother and your brother were taking your father's
8 ashes to India, right?

9 A No.

10 Q Was the, was Mr. Patel paid this \$3,000.00 dollars a
11 month out of the store's account. The bank account for
12 the store, is that what paid him?

13 A Can you repeat the question please.

14 Q Sure. What banking account was used to pay Mr. Patel
15 this \$3,000.00 dollars a month?

16 A Different banks.

17 Q Which ones?

18 A SunTrust to bank with, then Wachovia which changed to
19 Wells Fargo and in 2012 it was from BB&T.

20 Q And, of course, you didn't get any of the money from
21 your daddy or mama?

22 A Prakash had the money.

23 Q Prakash Patel was the seller, Prakash Patel was
24 getting paid?

25 A The financing, sir.

1 Q Right. I want to know where the money was coming
2 from to pay Prakash?

3 A From the store.

4 Q I see. So Prakash was paid out of the earnings of
5 the store, right?

6 A Prakash was paid from the earnings of the store, yes.

7 Q So any money that would have been paid to Prakash was
8 being paid to him out of the store business account,
9 right?

10 A That is correct.

11 Q And at the time you, your mother was fired was there
12 a banking account for the store?

13 A Repeat the question, please, there are two separate
14 questions.

15 Q No, there was only one. You recall when your mother
16 was terminated at the store?

17 A She was not fired, sir.

18 Q Didn't you write her a letter as the owner of a new
19 corporation that you owned and told her, ma'am, there is
20 no more work for you, don't come?

21 A I did that to every single employee, not just her.

22 Q Didn't ask you about every single one of the
23 employees.

24 A No, sir.

25 Q Then will you answer what I ask you instead of what I

1 didn't ask you.

2 A Yes, sir. Repeat the question, sir, I am not sure.

3 Q Sure. You wrote a letter to your mother and told her
4 that her services were no longer needed, right?

5 A That is correct.

6 Q And the very next day you put her on a trespass
7 notice, right?

8 A I didn't, no.

9 Q Who did?

10 A The City of Clinton.

11 Q And the City of Clinton, just out of the blue, came
12 and put her on a trespass notice?

13 A No, sir.

14 Q You asked them to do that, didn't you?

15 A I did not.

16 Q Who did?

17 A My wife did.

18 Q But it wasn't her business anymore. She had no
19 interest in it. How was it possible that somebody that
20 didn't own the store put your wife, put your mother on
21 trespass notice?

22 A They tried to reach her before January, they couldn't
23 reach her, they went to her house twice.

24 Q The City of Clinton wanted to put her on trespass
25 notice, it was their idea, right?

1 A No, sir.

2 Q Whose idea was it?

3 A It was our idea.

4 Q Our being you and your wife?

5 A Yes, sir.

6 Q All right. Let's talk about this then. At the time
7 your mama was put on trespass notice and told to not go
8 into the store that she worked at all of these years, did
9 the store have a banking account?

10 A Yes, sir.

11 Q At the time you formed a new corporation and had the
12 LLC transfer the store to the new corporation, did the
13 store have a banking account?

14 A Yes, sir.

15 Q How long was it between the time you formed a new
16 corporation and the transfer took place, did that happen
17 on the same day?

18 A No, sir.

19 Q How long was it in between?

20 A I don't recall.

21 Q Did the new corporation get the same amount, get the
22 same bank account as the old LLC?

23 A Say that again?

24 Q What was done with the money in the LLC when the new
25 corporation was formed?

1 A The money was in there, that account.

2 Q Right, it was in the LLC account?

3 A Yes.

4 Q And what was done with it?

5 A It is still there.

6 Q In the LLC account?

7 A Yes.

8 Q So you didn't use any of that money for the new
9 corporation?

10 A New corporation is different business.

11 Q I know that. So how much money then is still in the
12 LLC account, since you haven't spent any of it, as you
13 testified. It is still all there, how much cash is there?

14 A I don't recall, sir.

15 Q Would it be \$90,000.00 dollars?

16 A No, sir.

17 Q Would it be \$60,000.00 dollars?

18 A No, sir.

19 Q Would it have been \$50,000.00 dollars?

20 A No, sir.

21 Q Well, when your mother, when you took back, you have
22 been involved in the bookkeeping of this store since the
23 beginning, right?

24 A Correct.

25 Q And you say that it is your wife's store, right?

1 A Yes, sir.

2 Q Well, as somebody who does the bookkeeping from the
3 store, you are telling this Court that you have no idea
4 how much money was in the LLC account when the LLC
5 transferred the store from the LLC to the corporation?

6 A I don't remember exact dollar amount, sir.

7 Q Give me the best approximation you can.

8 A \$40,000.00.

9 Q If your testimony is true, the LLC should still have
10 around \$40,000.00 dollars in that account right now,
11 correct?

12 A Depends what the expenses are.

13 Q No, sir. The expenses are gone. The LLC has no more
14 expenses. It has been shut down, it transferred its
15 interest. It is not doing any business now, is it?

16 A The store shut down.

17 Q What is the LLC doing? What business does it do?

18 A Right now it buys and sells perfume.

19 Q Buys and sells perfume?

20 A Yes sir, resale.

21 Q Now, when the new Corporation was formed how much did
22 it pay the old LLC for the inventory?

23 A Roughly \$30,000.00 dollars.

24 Q How much did your new corporation pay your wife's LLC
25 for the inventory?

1 A \$39,000.00 dollars, somewhere in there.

2 Q So you wrote a check for that?

3 A No.

4 Q How about for the building, the real estate. How
5 much money did your new corporation pay your wife's LLC
6 for real estate?

7 A We never sold the business nor the real estate.

8 Q Well, the real estate is in the name of the LLC,
9 isn't it?

10 A Correct.

11 Q Is it still the name of the LLC?

12 A Yes, that is correct.

13 Q So the only thing that your company bought was the
14 inventory?

15 A The inside business.

16 Q The inventory and the equipment, the shelves and the
17 cash registers and the freezers?

18 A That's correct.

19 Q And how much did you write a check for to pay them?

20 A You are asking for one lump sum, it wasn't working--

21 Q Did you write a check to pay for the gasoline?

22 A Yes.

23 Q That you bought, your check to the LLC for gasoline?

24 A Can you repeat the question.

25 Q Did you write a check to the LLC for the gasoline

1 that was in the ground?

2 A Yes.

3 Q Did you write a check to the LLC for the inventory?

4 A Not one big check, sir. You are asking for one
5 answer, that is not the answer.

6 Q Did you write a check to the LLC for the shelving and
7 the equipment and the machinery?

8 A \$25,000.00.

9 Q So there is a check somewhere from your new
10 corporation to the LLC for \$25,000.00 dollars?

11 A I don't recall but I can check.

12 Q Sir?

13 A I don't recall right now, I can check it for you.

14 Q Why did you say it was \$25,000.00 dollars if you
15 don't recall?

16 A It is about that amount.

17 Q Well, so you are telling me -- well, let me ask you
18 this. Where did the new corporation get \$25,000.00
19 dollars to give to the LLC?

20 A From my job. I have money, I have paychecks.

21 Q The -- what do you do for a living?

22 A I am a Senior Business Consultant for NTT Data--

23 COURT REPORTER: What did he say, where do you work
24 now?

25 A N as in Nancy; T as in Thomas; T as in Thomas; Data.

1 It is a Japanese Company, IT company.

2 Q And you are making so much money you can write a
3 \$25,000.00 dollar check to your wife's LLC but you need
4 your mama to help you pay your credit card debt for
5 \$35,000.00 dollars?

6 A Can you repeat this?

7 Q Sure. The testimony is that you were wanting your
8 mother to help you pay \$35,000.00 dollars in debt. You
9 had so much extra money sitting around from this job that
10 you wanted your mama to use her life insurance money to
11 help pay your debts but you had enough money to give your
12 wife's business \$25,000.00 dollars. Is that what you are
13 saying?

14 A What testimony?

15 Q Is that what you are saying, sir?

16 MS. BALLARD: Your Honor, I have to object. I have
17 to object. Mr. Moore is mischaracterizing the testimony.
18 When he was asked earlier whether he asked his mother to
19 use some of her life insurance money to pay off his credit
20 card he said no.

21 THE COURT: Mr. Moore has asked several very
22 straightforward questions and he gets a please rephrase
23 the question. And then Mr. Moore goes a little further
24 than he probably should but his question was how much
25 money do you make at this job. Can you please rephrase

1 the question. I mean, they are simple questions. The
2 answer is making it difficult and it is getting late in
3 the day. Ask shorter questions, please Mr. Moore, for my
4 benefit.

5 Q How much money do you make at your job?

6 A \$110,000.00 dollars plus bonuses.

7 Q And your wife, was she working?

8 A No, sir.

9 Q And you have two children?

10 A Yes, sir.

11 Q And you have a mortgage?

12 A Yes, sir.

13 Q And at one point in time you had possession of an
14 automobile, is that correct? You had a Honda Pilot in
15 your possession?

16 A Yes.

17 Q And that Honda Pilot was in your mom's name?

18 A That is correct.

19 Q And the Honda Pilot would have been purchased on what
20 year?

21 A '17 or '18, '18 I think.

22 Q And the Honda Pilot was financed through your
23 mother's name?

24 A That's correct.

25 Q If you are making so much money and have so much cash

1 that you can spend this kind of money, why is it that you
2 have got your mama to take out the loan for your wife's
3 car?

4 A We were kind of broke down six or seven days before
5 our purchase of a brand new property. And we were not
6 suppose to get any other thing on the credit. And the
7 loan passed through and we already paid a lot of money for
8 the down payment and stuff.

9 Q You had to have your mama's credit in order to buy
10 your wife a car, right?

11 A Yes.

12 Q Your mama put the car, your mama put your wife's car
13 in her name and financed it so you could buy the car,
14 right?

15 A For the house, not the car.

16 Q The car, the car was financed in your mother's name,
17 wasn't it?

18 A Yes, correct.

19 Q The car was titled in your mother's name?

20 A That is correct, yes sir.

21 Q But it was your car, everyone understood that, right?

22 A No, my wife was driving it.

23 Q It was your wife's car, it was bought for your wife.

24 A She was driving it.

25 Q Right, she was driving it. You and your wife needed

1 a car, right?

2 A At that point, yes sir.

3 Q And, but you needed your mama to finance it?

4 A At that point, yes sir.

5 Q And mama agreed, she had the car titled in her name

6 and financed it, right?

7 A Yes, sir.

8 Q And your wife would drive it?

9 A Uh-huh.

10 Q Is that yes?

11 A Yes.

12 Q And y'all would make the payment on it?

13 A Yes, sir.

14 Q Now, in effect, the car was your wife's car but it

15 was titled in your mama's name, right?

16 A Can you repeat the question, please, sir?

17 Q The car was your wife's car but titled in your mama's

18 name?

19 A She, yes, correct.

20 Q Well now, what documentation did you have to prove

21 that it really was your wife's car and not your mama's

22 car?

23 A It was not my wife's car.

24 Q Well, you just said it was.

25 A She was driving it I said.

1 Q Right. But I want to make sure I understand
2 transaction. You wanted to buy some other piece of
3 property, right?

4 A Yes.

5 Q And you couldn't buy the house and buy the car at the
6 same time because of the credit?

7 A I was told not to, for the credit.

8 Q So you needed your mama to buy the car in her name?

9 A Yes.

10 Q And the deal was that she would buy the car in her
11 name and your wife would possess it and drive it?

12 A She drives it, yes.

13 Q And the car would be paid for by you on a monthly
14 basis?

15 A Yes.

16 Q And the car would be insured by you?

17 A Yes.

18 Q And you would pay for the insurance?

19 A Yes.

20 Q And your mama would simply finance the car and hold
21 title for you?

22 A Yes.

23 Q Well, now, where is the documentation that you had
24 your mama sign to say that in fact it really is your car?

25 A That is no documentation, sir.

1 Q That is because you trusted each other, right?

2 A My father was alive back then.

3 Q You trusted each other, right?

4 A Yes.

5 Q And you wanted your mama to hold title to a car that
6 you and your wife were using and paying for, right?

7 A Yes.

8 Q Okay. And you would have expected her, when the car
9 is paid off, to give you the title if you wanted it,
10 right?

11 A Yes.

12 Q Because it is your car, you are paying for it, right?

13 A No, it is her car.

14 Q It was titled in her name but everybody understood it
15 is your car, you are going to drive it, you are going to
16 use it, you are going to pay for it, right?

17 A We found the right car for us.

18 Q And then what happens in January?

19 A In January we found the car.

20 Q Right. And you write this letter to your mama.

21 MS. BALLARD: Exhibit number, please.

22 MR. MOORE: This is exhibit number 5, I believe it is
23 in evidence.

24 THE COURT: It is.

25 Q I am informing you that I will no longer make the

1 Honda Pilot car payments. At the time you wrote this
2 letter you still had the car in your possession, didn't
3 you?

4 A Yes, sir.

5 Q Okay. This vehicle will be turned into the bank, All
6 South Federal Credit Union. So you were threatening to
7 give the car back to the bank, right?

8 A No, there was no transfer.

9 Q It was a promise, this car will be turned into the
10 bank. That is what you wrote, right?

11 A Yes.

12 Q Then you say, the car is in your name so you will
13 need to continue the payments or work with the bank,
14 right?

15 A Yes.

16 Q I will drive the car at the Dentsville location, 7227
17 Parklane Road, Columbia before March 1st, 2019. Is that
18 where she lived in Dentsville?

19 A No, sir.

20 Q What was the Dentsville location?

21 A Location was the bank.

22 Q The car payment will be paid up to February, 2019,
23 right?

24 A Yes, sir.

25 Q Well, what this letter says is, to your mother, I'm

1 not going to honor the deal we made, right?

2 A What deal, sir?

3 Q The deal where mom was going to finance your car for
4 you and you were going to make the payments on it and once
5 it got paid off she would give you the title. You have
6 already told me that's the deal, right?

7 A It wasn't the deal.

8 Q She never drove this car, did she?

9 A She did, sir.

10 Q Well, she might have driven it on a test ride but she
11 never drove it day in and day out?

12 A She did, sir.

13 Q Well, she wasn't driving it when you wrote this
14 letter, right?

15 A No, but after that she did.

16 Q After this she drove it?

17 A Yes, sir.

18 Q Because you quit paying for it, right?

19 A I found a car I wanted.

20 Q Right. And you had already found a car that you
21 wanted back when you got mom to sign for it, right?

22 A No, sir.

23 Q Well, you wanted the Honda Pilot--

24 A No, sir.

25 Q Wait a minute -- when the Honda Pilot was originally

1 purchased in your mother's name, you wanted that car at
2 that time, didn't you?

3 A We had no choice at that time, sir.

4 Q And that is why you wanted the car at that time,
5 right?

6 A Yes, sir.

7 Q And you asked mama to help you, didn't you? The
8 answer is yes, isn't it?

9 A Yes.

10 Q You asked mama to help you. Mama, I got no car, I
11 got no way to travel. Here is some pictures of the
12 grandchildren being held up. Can I hold that? I believe
13 your wife was holding this up to you while you were
14 testifying, is that correct? Is this what she was holding
15 up?

16 A Yes.

17 Q She was showing that to you as you were testifying,
18 right?

19 A Yes.

20 Q And this would be your children, right?

21 A Yes, sir.

22 MR. MOORE: We would like to have this marked into
23 evidence, please.

24 MS. BALLARD: Your Honor, we object to that. We
25 don't object to having a photocopy of it in evidence but

1 we would like the original back.

2 MR. MOORE: I have no problem with them getting the
3 original back.

4 THE COURT: Absolutely. The photocopy will be
5 entered.

6 COURT REPORTER: That will be number 3.

7 THE COURT: Plaintiff's exhibit 3.

8 MS. BALLARD: Thank you, Your Honor.

9 (Whereupon, Plaintiff's Exhibit 3 was admitted into
10 evidence.)

11 Q Your mama actually helped raise those children,
12 didn't she? I guess the answer would be, yes?

13 A Yes.

14 Q I want to get back when you called and said, mama, we
15 don't have any transportation, we need your help.
16 Remember that call?

17 A No, I didn't call.

18 Q Who called?

19 A My father.

20 Q Your father called you and said, you don't have any
21 transportation, you need your mama's help?

22 A No.

23 Q Well, when he called wanting to get your mama's help,
24 where were you when he called asking you to get your mama
25 to help with the purchase of the car?

1 A In the dealership.

2 Q So your daddy called you, y'all were in the car
3 dealership wanting to buy a Honda Pilot, right?

4 A Yes, I was--

5 Q And your daddy called the dealership just out of the
6 blue, because he didn't know you were there, and said,
7 hey, you need to get your mama's help to buy the car,
8 right?

9 A No.

10 Q Well, how is it that your daddy knew that you were at
11 the car dealership?

12 A Because he was visiting my kids.

13 Q At the car dealership?

14 A Yes.

15 Q All right. So he came to visit your children at the
16 car dealership not knowing that you were there, right?

17 A He knew I was there, that is why he came.

18 Q How did he know that you were there?

19 A Because I was there, he knows.

20 Q He just knows where you are, it is kind of like Santa
21 Claus, he knows where you are at all times, right? How
22 did your dad know you were at the dealership, you told
23 him, right?

24 A Yes, sir.

25 Q All right. That is not that hard. We know then you

1 told dad, hey daddy, we need a car, I am at the car
2 dealership, right?

3 A Yes, sir.

4 Q And you were at the car dealership because you had to
5 have another car, right?

6 A I went there to pick up my car but it was expensive
7 to fix it, so we get a new car.

8 Q And you needed help doing that, right?

9 A Yes.

10 Q And at some point in time somebody said, hey mama, I
11 need your help to buy this new car, right?

12 MS. BALLARD: Your Honor, can we move on?

13 THE COURT: Yes.

14 MS. BALLARD: Thank you.

15 THE COURT: I understand the car situation.

16 Q Well, sir, if, what the deal was, you are suppose to
17 pay for your own car and in January you wrote your mother
18 back and said, I am going to turn this car into the credit
19 bureau, right?

20 A That wasn't the deal.

21 Q Well, that is what you said?

22 A Where?

23 Q In this letter, exhibit number 5. You said I am
24 going to turn this car back into the credit bureau?

25 A What credit bureau?

1 THE COURT: The bank--

2 Q The credit union, I am sorry.

3 A Yes.

4 Q Now, you knew that if you did that it would damage
5 your mother's credit, didn't you.

6 MS. BALLARD: Your Honor, I thought we moved on.

7 THE COURT: Yes, let's move on to something else. He
8 is very, very technical in responses about this car and
9 the arrangements.

10 MR. MOORE: Thank you, sir.

11 Q Now, do you not know that your mama actually paid the
12 insurance on that car?

13 A Can you please repeat the question.

14 Q Mom paid the insurance on the car, didn't she?

15 A No.

16 Q You were in such good financial shape that you could
17 take \$25,000.00 dollars just out of your pocket and write
18 a check to your wife's LLC for the inventory, right?

19 A Yes.

20 Q You must have gotten in a whole lot better shape
21 between the time you were trying to buy the car and the
22 time you formed this new corporation and wrote a check for
23 \$25,000.00 dollars. Things got a lot better, didn't it?

24 A No, not all of a sudden, no.

25 Q Right. Well, sir, if you didn't have \$25,000.00

1 dollars at the time the car was bought, but you did have
2 \$25,000.00 dollars at the time you bought the LLC
3 interest. Where did you get that \$25,000.00 dollars?

4 A From my work, I had savings.

5 Q Savings. If you had savings why didn't you use the
6 savings to buy the Honda Pilot?

7 A You don't buy car with cash like that.

8 Q I just did.

9 MS. BALLARD: Your Honor,--

10 THE COURT: Let's advance onto something else.

11 MS. BALLARD: Thank you, Your Honor.

12 THE COURT: The car, the insurance, the note, the
13 title. I have got a full--

14 MR. MOORE: All right, sir.

15 Q You got any idea how much cash money, if any, still
16 remains in the LLC bank account after you put the
17 \$25,000.00 dollars in it?

18 A Yes.

19 Q How much?

20 A About \$40,000.00 dollars.

21 Q There was \$40,000.00 dollars before you put the \$25
22 in?

23 A Yeah, I had expenses.

24 Q If I want to see all of those other expenses, I guess
25 you got the documents that would show all of that?

1 A We can.

2 Q You are not paying any of your current C-Store
3 expenses out of that LLC account, are you?

4 A Only major expenses.

5 Q Oh, you are paying some of the C-Store bills out of
6 that LLC?

7 A That is correct, yes.

8 Q What expenses are you paying for your corporation out
9 of your wife's LLC?

10 A Major expenses.

11 Q All right, sir. Well, major expenses would consist
12 of what?

13 A Getting new pumps.

14 Q Okay, what else? What else?

15 A Fixing the roof.

16 Q What else?

17 A Anything over a thousand dollars.

18 Q All right. Well, the new pumps that your new
19 corporation is using were actually paid for by your wife's
20 LLC?

21 A The pumps, yes, not the new software and the new
22 screens, no.

23 Q Is your corporation paying the LLC rent?

24 A Yes.

25 Q How much?

1 A \$3,000.00 dollars.

2 Q A month?

3 A Yes.

4 Q In 2011 did you move into Countryside Apartments in
5 Clinton, South Carolina?

6 A Yes.

7 Q Who moved there with you?

8 A Me and my wife.

9 Q Is Countryside Apartments a low income apartment
10 complex?

11 A Yes.

12 Q Is it a government assisted apartment complex?

13 A Yes.

14 Q Well, sir, if you are making all of this money to
15 where you can buy this interest in houses and LLC's and
16 pay the expenses of operating a C-Store, why is it that
17 you would have to be on public assistance in the year of
18 2011?

19 A Can you repeat the question, please?

20 Q Sure. You told us you had all of this money to buy
21 the convenient store, to buy the house, to pay all of
22 these expenses. And yet, in 2011 you and your wife move
23 into a government assisted low income housing project,
24 right?

25 A Yes.

1 Q If you had all of this money, like you claim, why is
2 it that you had to move into government subsidized housing
3 in 2011?

4 A Because I had my daughter and I had a big
5 disagreement with my mother.

6 Q Right. But you say you had all of this money and you
7 moved into an apartment that subsidized by the government.
8 If you had all of these assets and all of this money why
9 did you have to rely on government public assistance to
10 live?

11 A That was the only thing, right there.

12 Q What?

13 A That was the only thing -- right there.

14 Q Yes, sir. You have got to qualify for public
15 assistance to move into one of these units, right?

16 A Yes, sir.

17 Q You have got to qualify as low income to move into
18 one of these units, don't you?

19 A Yes, sir.

20 Q You have got to show that you don't have any assets
21 to move into one of these units, don't you?

22 A I don't recall that, sir.

23 Q Well, that is true, isn't it. Think about it for a
24 moment?

25 A I don't know, sir.

1 Q Don't you have to certify to the government of the
2 Unites States and the State of South Carolina that before
3 you can get public assistance that you don't own anything
4 of any significant value and you don't have any money and
5 you have limited income?

6 A I don't know that, sir.

7 Q Well, let's think about what you did. Remember,
8 just, let's think about what you did. In 2011, what month
9 did you move into publicly assisted housing?

10 A I don't recall, sir.

11 Q All right. We know you did it, did you have to apply
12 for the public assistance in order to get the housing in
13 2011?

14 A I don't recall, sir.

15 Q Don't you recall that to get public assistance with
16 housing they make you fill out a form showing what assets
17 you have?

18 A There is an application but I don't recall that.

19 Q And you have got to show how much income you have,
20 right?

21 A That is something that they -- but yes--

22 Q How much did you have to pay a month for the
23 subsidized housing because of your poverty?

24 A I don't know.

25 Q It wasn't much, was it?

1 A Yes, it was--

2 Q Like \$400.00 dollars a month and that was for a
3 three-bedroom apartment?

4 A Yes, I think it was three-bedroom.

5 Q Now, not only did you get low income housing, you
6 actually got help with your groceries, didn't you?

7 A No.

8 Q You didn't get food stamps?

9 A No.

10 Q Did you get any other public assistance for your
11 poverty other than the subsidized housing?

12 A No, sir.

13 Q Well, sir, do you claim that your wife owned the
14 convenient store at that time?

15 A Yes, sir.

16 Q Well, sir, if you had a convenient store that had all
17 of this value to it, that was doing all of this business,
18 it was making enough money to pay off \$125,000.00 dollar
19 debt in five years, how was it possible that you would
20 qualify for poverty assisted housing?

21 A I wasn't making that much money, sir.

22 Q Well, in 2011, was the beginning. When did the
23 convenient store open?

24 A 2007.

25 Q It had been in existence for four years. And like

1 you told us, it had already started making enough money to
2 pay for y'all to live and to pay off \$125,000.00 dollar
3 debt, right?

4 A It wasn't paying--

5 Q It was being paid by the month. The store was making
6 enough to pay a \$3,000.00 month mortgage, a \$3,000.00 a
7 month payment to, on the inventory and a salary to you and
8 a salary to your wife and a salary, \$12,000.00 a year to
9 your mom, \$24,000.00 dollars a year to your dad, right?

10 A That was the store.

11 Q Were you even working in the store in 2011?

12 A '11, in the beginning part, yes.

13 Q How about after you moved into government subsidized
14 housing at a discounted rate paid for by the tax payer,
15 were you working in the convenient store?

16 A No. At that time I started selling life insurance.

17 Q Right. That because you and your father had a
18 falling out, right?

19 A Yes, I know, but Dad--

20 Q -- you walked away from the store, quit working there
21 and started selling life insurance, correct?

22 A So we don't get into argument, yes.

23 Q Well, sir, your wife left with you, didn't she?

24 A Yes, she did.

25 Q Well, if it was your store why would you quit?

1 A I didn't quit and walk away. I had my daughter, she
2 was only four months old and we wanted to spend time
3 together without any arguments.

4 Q I thought you said you had an argument with your dad?

5 A Correct, yes.

6 Q So you had an argument with your dad?

7 A Yes.

8 Q In 2011?

9 A Yes.

10 Q And following that argument you weren't working at
11 the store anymore?

12 A I was still working at the store helping out doing my
13 daily chores. But I was also working, selling life
14 insurance.

15 Q When you moved in to public assisted poverty housing
16 were you still working at the store?

17 A Yes.

18 Q How much were you getting paid from the store?

19 A I don't recall, sir, it wasn't much.

20 Q What did you and dad get into an argument about?

21 A About what, how to name my daughter. He wanted to
22 name my daughter and I said, no, I want to name my
23 daughter.

24 Q I see. Now, at some point in time the interest in
25 the Newberry hotel was sold, is that right?

1 A Not sold, no.

2 Q Where did it go?

3 A Can you ask a specific question, please, sir?

4 Q Where did it go, what happened to the interest in the
5 Newberry hotel?

6 A Newberry interest was transferred, it was transferred
7 for a note.

8 Q Who was it transferred to?

9 A LLC and Shree Shree LLC, they transferred the notes.

10 Q To who, who got the note?

11 A Prakash Patel and my wife, Anal Patel.

12 Q All right. Now, the note was owed to Prakash by
13 whom?

14 A By Anal Patel.

15 Q Now, the note that was owed by her, how much was
16 Prakash owed?

17 A It was \$124.

18 Q Is it just coincidence that's the same amount that
19 was owed to him from the purchase of the convenient store?

20 A That is the amount, yes.

21 Q I thought you had said it was paid off over time.

22 You said it was paid off month by month, \$3,000.00 dollars
23 a month from the convenient store.

24 A Correct.

25 Q Now you are saying it was paid off by the transfer of

1 the interest in Newberry. Which is true?

2 A Month, sir.

3 Q Then was the note paid off on a monthly basis by the
4 convenient store?

5 A Yes.

6 Q Was the note paid off by the transfer of the Newberry
7 hotel interest?

8 A It was with the Newberry interest.

9 Q So we can agree that part of the money from the
10 Newberry hotel went into the convenient store?

11 A There was no cash exchanged, sir.

12 Q I didn't ask you that. Part of the value of the
13 Newberry hotel went into the convenient store?

14 A Yes, money was transferred. That's right.

15 Q Did your dad ever work at the Newberry hotel?

16 A Yes, he did.

17 Q What did he do there?

18 A He was in management.

19 Q Was he paid a salary?

20 A Salary, yes.

21 Q How much?

22 A I don't know, sir.

23 Q Well, I thought you and your wife each owned twenty
24 percent of that hotel?

25 A Correct.

- 1 Q So your dad was employed by you?
- 2 A He was a manager.
- 3 Q He was employed by you, by your LLC?
- 4 A Yes, but Prakash handled that, Prakash Patel.
- 5 Q Prakash lived in Atlanta, didn't he?
- 6 A Yes and Richmond, Virginia.
- 7 Q And your dad was the person there every day running
- 8 the hotel?
- 9 A Correct, yes.
- 10 Q And you are involved in bookkeeping, right?
- 11 A No.
- 12 Q Well, how much was your dad paid to run the hotel in
- 13 Newberry?
- 14 A I don't recall that, sir.
- 15 Q Was it more than \$5,000.00 dollars a year?
- 16 A Probably, I don't recall that, sir.
- 17 Q More than \$10,000.00 dollars a year?
- 18 A I don't know that.
- 19 THE COURT: He said he didn't know.
- 20 Q Well, certainly you would have the records that would
- 21 show that, right?
- 22 A I don't recall that, no sir.
- 23 Q But you would have them, correct?
- 24 A My accountant may have them.
- 25 Q Who is he?

1 A Bipin Gandhi.

2 Q Where does he practice accountancy?

3 A Charlotte, North Carolina.

4 Q When the interest in the Newberry hotel was
5 transferred to cancel the debt from the convenient store
6 how much was still owed on the inventory debt from the
7 convenient store?

8 A Nothing.

9 Q No, sir. Wait a minute. Immediately before the
10 interest in the hotel was sold how much money was owed to
11 Prakash on the note?

12 A It wasn't sold.

13 Q Transferred, okay. How much money was owed to
14 Prakash on the note?

15 A There was no money in the dollar amount, it was the
16 note's exchanged.

17 Q I understand. I just want to know what was the debt
18 due when the note was exchanged?

19 A Probably \$40 to \$80,000.00 dollars.

20 Q Who negotiated the deal?

21 A My father.

22 Q Why is it that your father was the one who negotiated
23 the deal if he didn't have any ownership interest in
24 either the hotel or the convenient store?

25 A Because he was a business better than I. I told him

1 to do it for me.

2 Q So explain to me now what the deal is actually that
3 your deceased father negotiated in regard to the exchange
4 with the hotel?

5 A Forty percent would go to Prakash, so Prakash would
6 be one-hundred percent owner of the Shree Shree Hari, that
7 Quality motel. And my wife was one-hundred percent to the
8 LLC.

9 Q Were you a party to those negotiations or did your
10 dad just negotiate and tell you what was happening?

11 A My dad negotiated because I was originally working--

12 Q So your dad negotiated the deal and told y'all what
13 y'all were going to do?

14 A Yes.

15 Q And you said okay?

16 A Yes.

17 Q Now, the home, do you know Ms. Patel who testified
18 here today about how the home was handled, the realtor who
19 testified, do you know her?

20 A Yes, I do, yes.

21 Q How do you know her?

22 A She is from village as my mom.

23 Q How long have you known her?

24 A Twenty years.

25 Q Is she an honorable person?

1 A It is a hard question.

2 Q From what you know about her, you have known her for
3 twenty years, have you ever known her to do anything
4 dishonorable?

5 A No.

6 Q And has she been a friend of your families for many,
7 many years?

8 A Yes.

9 Q And did she handle the real estate transaction where
10 the house was sold?

11 A Yes, she did.

12 Q Did she and her husband loan your father any money to
13 put into the house?

14 A My father -- I don't know --

15 Q -- well, can you deny that she and her husband loaned
16 money to your dad for, to help him to buy the house?

17 A I wouldn't know that, sir.

18 Q You don't know?

19 A No, sir.

20 Q Did you pay \$2,500.00 dollars?

21 A Yes.

22 Q Where did you get the money?

23 A I had the money.

24 Q This was in what year?

25 A 2009.

1 Q This was two years before you went into subsidized
2 poverty housing, right?

3 A No.

4 Q You went into subsidized housing in 2011, didn't you?

5 A Less than what, two months, three months.

6 Q Well, yes sir. But 2009 was two years before you
7 went into poverty housing, right?

8 A Yes, that is right.

9 Q Well, sir, if you owned the house outright like you
10 have testified and you put all of this money into the
11 house like you testified how in the world were you able to
12 qualify to live in poverty subsidized housing?

13 A I don't know, sir.

14 Q Well, sir, if you have, this subsidized housing that
15 you lived in, was it here in Clinton?

16 A Yes, in Clinton.

17 Q Well, sir, if you had a house that was yours,
18 belonged to you, it was in your name, belong to you?

19 A Yes.

20 Q Why didn't you just kick your parents out of your
21 house and live there, the house was paid for, wasn't it?

22 A I wouldn't do that to anybody.

23 Q Well, the house was paid for, wasn't it?

24 A No, it was a loan.

25 Q Well, sir, you wouldn't do it to anybody. You kicked

1 your mama out of the convenient store and tried to kick
2 her out of her house, didn't you?

3 MS. BALLARD: Your Honor, I object.

4 A That is wrong.

5 MS. BALLARD: This is badgering.

6 A That is--

7 THE COURT: You need to hush.

8 MS. BALLARD: Your Honor, this is badgering.

9 THE COURT: I don't disagree but he made the
10 statement and I think it was a fair question, from the
11 response he got. It is a fair question but we need to get
12 by it. Reask the question.

13 MS. BALLARD: Thank you, Your Honor.

14 Q Let me reask the question. Sir, according to you,
15 you owned a home in Clinton, South Carolina?

16 A Yes.

17 Q The home was occupied by your mama and your daddy and
18 I believe your brother at the time, right?

19 A And me and my wife and my daughter.

20 Q That's right. And while you had a house that was
21 titled in your name and paid for, you left and got
22 subsidized housing, right? Right?

23 THE COURT: He has already answered that.

24 Q You had to pay rent there, right, on reduced basis,
25 right?

1 A Yes.

2 Q Why, if you already had a paid for home, why didn't
3 you kick your mom and dad and brother out of your home and
4 just live there without paying anything, if it was yours?

5 A I would never do that, sir, they were parents to my
6 family. I wouldn't do that, even today.

7 Q Why not?

8 A Because I love my family.

9 Q It would be wrong, wouldn't it?

10 A Yes.

11 Q And your mom is living in that house right now,
12 correct?

13 A Yes.

14 Q It would be wrong to put her out of the house, just
15 like it would have been wrong to put her out of that house
16 in 2011, right?

17 A That is right, sir.

18 Q Have you made any effort to evict your mama out of
19 that house since your dad died?

20 A No effort to evict her, just straight of the house --
21 because that property we don't want to take care of it, it
22 is degrade, (phonetic).

23 Q How old is your mama?

24 A 62.

25 Q Her birthdate is what?

1 A June 1st, 1960.

2 Q What kind of health is she in?

3 A She is in good shape.

4 Q Well, sir, if she is in good shape, you have got
5 employees running the convenient store, right?

6 A Yes, sir.

7 Q Why did you tell her you didn't need her because you
8 didn't have enough work?

9 A Mismanagement --

10 Q -- I want to ask you about the car again but we will
11 talk about something else.

12 THE COURT: That is a good idea.

13 Q Why the need to put her on trespass notice, why did
14 you do that?

15 A She was harassing my staff.

16 Q She was harassing them?

17 A Yes, sir.

18 Q She was harassing your staff. The staff that was
19 there that she was harassing, who is the person who hired
20 that staff?

21 A I did.

22 Q You interviewed them, you hired them, you are the one
23 that put them all to work?

24 A Yes, sir.

25 Q Your mom had nothing to do with that?

1 A That's correct.

2 Q When the store was first leased in 2007 were you
3 still in school?

4 A My final semester.

5 Q The answer is yes?

6 A Yes, sir.

7 Q When did you move to Richmond, Virginia?

8 A 2011.

9 Q 2011 is the same year you moved into public poverty
10 housing, right?

11 A Yes, sir. I was there for two months.

12 Q And you haven't been back to live in Clinton since?

13 A I still got my bedroom, and I still come down on
14 weekends. Since they changed the locks I haven't been in
15 the house. But, yes, I have been back and forth a lot.

16 Q You haven't been there as a permanent resident in
17 Clinton, South Carolina since 2011, right?

18 A I have been back and forth a lot, sir.

19 Q As a permanent, sir, have you lived in Clinton, South
20 Carolina since 2011?

21 A It is hard to explain the answer. I have been at
22 both houses so I cannot answer that right then and there.

23 Q Where is your drivers license?

24 A Tega Cay.

25 Q South Carolina?

1 A Yes.

2 Q All right. Well, when you are not, when you are
3 doing your business for the fourth largest company in the
4 world that pays you all this money, who was running the
5 store day in and day out?

6 A My father was.

7 Q Well, after your father died and you weren't here who
8 was managing the store day in and day out?

9 A I was managing over the phone.

10 Q You were managing over the phone?

11 A Yes, sir. Like I am doing right now.

12 Q Right this minute you are managing it?

13 A I can do it, yes sir.

14 Q As you are sitting on the witness stand you are
15 managing the store?

16 A No, sir.

17 Q So, your management was done via telephone and your
18 mom helped you out?

19 A Yes.

20 Q Did your mom work at the store at all before your dad
21 died?

22 A Yes, she did, yes.

23 Q I see these tax returns where every year it is the
24 same number, \$12,000.00 dollars, \$12,000.00 dollars,
25 \$12,000.00 dollars. Were y'all paying her \$12,000.00

1 dollars a year for the little bit of work she was doing?

2 A That would be a question for my dad.

3 Q It was your store and she was your employee and you
4 were the person doing the management and you were doing
5 the books and the records. Why would you not know the
6 answer to how much you were paying your mom for the work
7 she was doing?

8 A My dad was managing on my behalf.

9 Q What was the arrangement you had with your mother,
10 did you pay her the same thing regardless how many hours
11 she worked?

12 A My dad would decide that.

13 Q Why would your dad decide that?

14 A Because he was manager of the store on my behalf.

15 Q So the person that set the pay arrangements, the
16 salaries, would be your dad, right?

17 A When he was alive, yes sir.

18 Q And actually what happened is, she claimed and he
19 claimed the same amount of salary every year on their
20 taxes, right?

21 A I didn't do the taxes.

22 Q Well, if we look at the taxes that, I think, was put
23 into evidence it is \$12,000.00, \$12,000.00 and \$12,000.00
24 every year. The W-2's. If we look at Vidhya's W-2, every
25 year that y'all placed into evidence--

1 MS. BALLARD: Exhibit number, please.

2 A One.

3 MS. BALLARD: Thank you.

4 Q It is the same amount of money every year from the
5 LLC, isn't it?

6 A No, sir.

7 Q Which year is different?

8 A 2012.

9 Q And how much did she get in 2012 according to that?

10 A In 2012 she got \$17,500.00.

11 Q That is the only year she got a different number?

12 A Yes, sir.

13 Q Why did she get \$17,500.00 in that year as opposed to
14 the same amount she was getting every other year?

15 A That would be a question for my dad. That year I
16 gave him the Power of Attorney to run the store and do the
17 business on my behalf.

18 Q 2012 is the year you left to go to Richmond, isn't
19 it?

20 A '11 and then I gave Power of Attorney because I
21 couldn't come all the time, it was too hard for me.

22 Q Did your mom and dad pay all of your expenses to
23 college?

24 A Yes, they did.

25 Q Did they pay all the expenses to bring you from India

1 to the United States?

2 A Yes sir, they sure did.

3 Q Did they pay all of your immigration expenses?

4 A It was mixed.

5 Q Did they pay for your marriage in India?

6 A Yes, sir.

7 Q What lawyer prepared the LLC for the store?

8 A For HARVID?

9 Q Yes.

10 A It was me, my wife and Prakash.

11 Q Yes sir, but it takes a lawyer to prepare an LLC, who
12 did that?

13 A No, sir. You can in the State of South Carolina and
14 you can apply for the business then and there.

15 Q So who prepared the LLC?

16 A I did, my wife and Prakash Patel was there, three of
17 us were in there.

18 Q And the name, the letters of the LLC stand for you,
19 your wife and who?

20 A Anal, the owner; H is for Hardik, that is me; and
21 then VID is my mother.

22 Q Why would your mother's name have been placed on an
23 LLC if she didn't have any interest in it?

24 A Because I love my mother, her name was decided to be
25 together.

1 Q Oh, are you the person what came up with the name?

2 A Yes, sir.

3 Q Did your mother have the power to sign checks on the

4 store?

5 A At one point it was hard for me to be everywhere and

6 so yes, we give her authority to do that.

7 Q Well, all she was doing was working there, how come

8 she was writing the checks for the store?

9 A What do you mean, sir?

10 Q What years did she write the checks for the store?

11 A I don't recall that exactly, sir. But it was my

12 wife, she was the owner; I was the primary. Only three of

13 us were there.

14 Q Okay. Do you deny that your father put money into

15 the convenient store?

16 A Can you repeat the question, please?

17 Q Do you deny that your father put money into the

18 convenient store?

19 A Yes.

20 Q Do you deny that your father put money into the

21 house?

22 A Yes.

23 Q How much did you charge him in rent to live there, at

24 the house?

25 A Nothing.

1 Q Well, sir, if it is your house and he is just living
2 there, has no money invested in it, why wouldn't you make
3 him pay rent if he is getting a salary from the convenient
4 store and your mother, why wouldn't they be paying rent?

5 A He is my father, I didn't want to do that.

6 Q What has that got to do with anything?

7 A It is family.

8 Q I don't understand, explain that to me.

9 A I don't understand the question, sir, please repeat.

10 Q Why didn't you charge your mom and dad rent if it is
11 your house?

12 A Because they are family.

13 Q What has that got to do with it?

14 A It has to do everything with it, sir.

15 Q You say it has to do, what's it got to do with it?

16 A He is family.

17 Q Right. Basically family loves each other, right?

18 A That's correct.

19 Q Family trust each other, right?

20 A Yes.

21 Q Family helps each other, right?

22 A Yes--

23 MS. BALLARD: He was not allowed to finish his last
24 answer, Your Honor.

25 THE COURT: Let him finish.

1 Q Sure. Have you finished?

2 A Sorry?

3 Q Did you finish your answer?

4 A Please repeat the question, sir.

5 Q Well, we will start over. The family loves each
6 other, right?

7 A Yes, sir.

8 Q Family trust each other, right?

9 A The parents, yes sir.

10 Q Family helps each other, right?

11 A Yes.

12 Q Sometimes family will finance something in somebody
13 else's name, right?

14 A Can you explain, sir.

15 Q Like a car, right?

16 A Yes, they do personal relationship.

17 Q And the relationship here was a relationship of trust
18 and confidence, right?

19 A In which case, sir?

20 Q Well, you trusted your dad, didn't you?

21 A My dad, yes, sure did.

22 Q You trust your mom, didn't you?

23 A With what, sir?

24 Q With living in your home, running your business,
25 managing the money, writing the checks, paying your

1 tuition, paying your immigration, paying your wedding--

2 THE COURT: All right.

3 A I don't get it, why you combine all of that.

4 Q You trusted her, didn't you?

5 A Yes, it depends, you have to be specific about it.

6 Q I just was specific. You trusted her with all of
7 those things, didn't you?

8 A Some of them did and some of them I don't.

9 Q Well, did she trust you?

10 A That is a question for her.

11 Q Well, did you think she trusted you?

12 A That is a question for her.

13 Q Did you believe she trusted you?

14 A Yes.

15 Q Did you trust your dad?

16 A Yes.

17 Q Did you believe that he trusted you?

18 A Most definitely, yes.

19 Q So, did you have, did they have confidence in you?

20 A Yes.

21 Q And did you have confidence in them?

22 A All of them at the same time, they are different
23 people.

24 Q Your mom and your dad?

25 A My dad, I sure did.

1 Q And your mom, you didn't have confidence in her?

2 A I love my family but my dad thinks better.

3 Q Well, but your dad is dead now, right?

4 A Yes.

5 Q And you are the first born and you are the son and
6 you basically said previously, I don't want anything to do
7 with any of them again. You have said that, haven't you?

8 A When?

9 Q You said it in my office to me.

10 A In your office?

11 Q Yes sir, you said that, didn't you.

12 A I have not been in your office.

13 Q It may have not been in my office, it may have been
14 in somebody else, the mediation. I am sorry.

15 A I never seen you before that so I don't know--

16 MS. BALLARD: Your Honor, I object to any discussions
17 about mediate.

18 MR. MOORE: I agree, she is right.

19 Q After the mediation you said, I don't want anything
20 to do with her and I don't want to do anything, to do with
21 them and I don't want anything to do with the India
22 community ever again?

23 A When?

24 Q Have you said those words?

25 A Yes, I did.

1 Q What is it that happened that caused you to reject
2 your mother? Why did you get so angry to where you don't
3 want anything to do with her or the community or your
4 brother ever again. What happened?

5 A It is more a yes or no question.

6 Q We have as much time as you need, sir. Explain what
7 happened. Let me ask you this. When did you get that
8 way, when did it happen?

9 A I don't know, sir.

10 Q Would it have been after your dad died?

11 A No.

12 Q So you felt that way before your dad died?

13 A You have to ask specific questions, sir, I am getting
14 confused here.

15 Q We know that you have made the statement that you
16 didn't want anything to do with your mother, you didn't
17 want anything to do with your brother and you didn't want
18 to do with anything with the India community, right?

19 A Yes, sir.

20 Q Something caused you to form that sort of belief.
21 Were you angry?

22 A No.

23 Q Were you frustrated?

24 A No.

25 Q You had previously said how much you loved your

1 mother and father?

2 A I always do.

3 Q Well, at some point and time that would have to
4 change when you say, I don't want anything else to do with
5 the woman. What happened to cause you to say, I don't
6 want anything else to do with that woman. Something had
7 to have happened. What got you there?

8 THE COURT: All right, you have asked the question
9 three times, the same question. I've got it. Answer the
10 question. What happened?

11 A Lost trust, I guess, in one word if you want to say.

12 THE COURT: Let's take another break. How much
13 longer you got?

14 MR. MOORE: Your Honor, we probably ought to break
15 for the day. I don't mind.

16 THE COURT: Ms. Ballard might.

17 MR. MOORE: I got probably another hour or hour and a
18 half.

19 THE COURT: Ms. Holston's birthday is today so I am
20 more looking out for her. She has been very patient with
21 all of us.

22 MR. MOORE: She has been patient and the Court has
23 been incredibly patient and for that I thank you. I am
24 willing to break for the day.

25 THE COURT: Ms. Ballard, what is your preference?

1 MS. BALLARD: I can do it either way. I want to
2 defer to the Court Reporter.

3 THE COURT: It is 5:00 o'clock, the court staff wants
4 to go home too, so they are part of my thoughts. The
5 lawyers, let's break for the day. I will be in trial next
6 week in Lexington. I am told it won't resolve itself so
7 it is a General Sessions case. Can we wait until Tuesday,
8 Wednesday, check calendars and see. We can resume the
9 following week, later in the week.

10 MR. MOORE: Yes, sir. I am not sure what I have the
11 following week.

12 THE COURT: I don't either.

13 MS. BALLARD: Mr. Patel can only take two days off
14 per month. He has just had his two February days. So we
15 will have to come back in March.

16 MR. MOORE: March is fine with me.

17 THE COURT: Okay. We will adjourn for the day. You
18 can't discuss your testimony with anybody in any community
19 in any fashion. You are under your duty to do that and I
20 will ask you that first question when we get back
21 together. Okay.

22 MR. MOORE: Thank you, Your Honor.

23 MS. BALLARD: Thank you, Your Honor.

24 *** END OF PARTIAL REQUESTED TRANSCRIPT OF RECORD ***
25

1 CERTIFICATE OF REPORTER
2
34 State of South Carolina)
5 County of Newberry)
6
78 I, Joy E. Holston, Official Court Reporter for the
9 Eighth Judicial Circuit of the State of South Carolina, do
10 hereby certify that the foregoing is a true, accurate and
11 complete transcript of record of the proceedings had and
12 evidence introduced in the trial of the captioned case,
13 relative to appeal, in the County of Laurens, South
14 Carolina on the 6th day of February, 2020.15 I do further certify that I am neither of kin,
16 counsel nor interest to any party hereto.
1718 March 31, 2020
1920 *Joy Holston*
21

22 Joy E. Holston, Court Reporter

23 My Commission expires: May 2, 2026
24
25