

RECEIVED

Aug 23 2021

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 III

S. Jahue Moore, SC Bar #4063
Sierra D. Carini, SC Bar #103885
MOORE BRADLEY MYERS LAW FIRM, PA
1700 Sunset Boulevard
West Columbia, SC 29169
803-796-9160
Jake@mbmlawsc.com
Sierra@mbmlawsc.com

Attorneys for Appellants/Respondents

Desa Ballard, SC Bar #498
Harvey M. Watson, III, SC Bar
#74053
BALLARD & WATSON
226 State Street
West Columbia, SC 29169
803-796-9299
desab@desaballard.com
harvey@desaballard.com
Attorneys for
Respondents/Appellants

INDEX

VOLUME I

ORDERS

Entry of Default of Counterclaims dated May 28, 2019.....	1
Consent Order Substituting Counsel dated June 14, 2019.....	4
Emergency Order to Escrow Funds dated November 25, 2019.....	7
Order Granting Motion to Compel filed January 31, 2020.....	8
Order of Judgment dated August 28, 2020	11
Order Denying Plaintiffs’ Motion for Reconsideration dated October 19, 2020	45
Order Granting Summary Judgment for Case No.: 2019-CP-46-03009 filed December 29, 2020	48
Order Denying Motion for Attorney’s Fees filed January 19, 2021	52
Order Denying Motion for Reconsideration filed January 22, 2021	56

PLEADINGS

Summons and Complaint dated February 20, 2019.....	58
Answer/Amended Answer Affirmative Defenses and Counterclaim dated March 22, 2019	72
First Amended Answer, Affirmative Defenses and Counterclaim dated April 22, 2019	97
Reply to Amended Counterclaim dated May 24, 2019.....	130
Notice of Electronic Filing Reply/Reply to Counterclaim dated May 24, 2019	137
Summons and Complaint for Case No.: 2019-CP-30-00598 filed July 11, 2019.....	139

MOTIONS/RELATED DOCUMENTS

Motion for Entry of Default dated May 24, 2019	142
Motion to Dismiss, Answer and Counterclaims for Case No.: 2019-CP-30-00598 filed August 1, 2019.....	144
Motion for Attorney Fees filed September 8, 2020	162
Affidavit of Attorney's Fees with exhibit filed November 9, 2020.....	218
Memorandum in Opposition to Motion for Attorneys fees filed January 6, 2021	289
Reply Memorandum Defendants' Motion for Attorney's Fees filed January 07, 2021	297
Motion to Reconsider filed January 22, 2021	351
Notice of Appeal	355
Notice of Appeal filed January 25, 2021	357

VOLUME II

TRANSCRIPTS

Transcript of Proceedings dated February 6 th and 7 th , 2020	365
Anal Hardik Patel.....	387
Pallev Desai	442
Dennis Drummond.....	470
Vidhya Patel.....	476
Prafull Patel.....	562
Champa Patel	585
Darshak Patel	596
Hardik Patel	658

VOLUME III

Transcript of Proceedings dated June 16 th and 17 th , 2020	745
Thomas C. Jeter, III	751
Hardik R. Patel.....	780
Baset Patel.....	829
Benjamin D. Moore	870
Hardik R. Patel.....	888
Anal H. Patel.....	1030
Praful Patel.....	1160

VOLUME IV

Transcript of Proceedings Deposition for Vidyaben R. Patel dated June 17, 2019.....	1169
Examination by Ms. Ballard	1175

OTHER

TRIAL EXHIBITS

Plaintiff's Exhibits	1459
Ex 1 – 2007 1040 for Anal Patel.....	1459
Ex 2 – BB&T Bank Account Statement	1468
Ex 3 – Photo of Anal and Child.....	1495
Ex 4 – 2006 1040 for Anal Patel.....	1496
Ex 5 – 2007 1040 for Anal Patel.....	1504
 Defendant's Exhibits.....	 1513
Ex 1 - Vidhya W-2s	1513
Ex 2 - Contract between Sponsor and Household Member dated February 27, 2016.....	1522
Ex 3 - Mortgage of Real Estate Filed May 24, 2012	1530
Ex 4 - Vidhya Photo.....	1536
Ex 5 – Letter to Vidhya from Hardik dated January 4, 2019.....	1537
Ex 6 – October 12, 2018 Email from Prakash to Wells Fargo	1538
Ex 7 – Patel Check to Up State Realty	1539
Ex 8 – 2007 Tax Return for Anal Patel.....	1540
Ex 9 – Driver's License of Anal Patel and Hardik Patel	1542
Ex 10 - Articles of Organization filed June 08, 2007	1543
Ex 11 – Check for gas station dated July 18, 2007	1546
Ex 12 – Lease for Store dated August 2, 2008	1547
Ex 13 – 2007 Promissory Note	1555
Ex 14 - Contract to buy house dated March 12, 2009	1559
Ex 15 – Wire Transfer for Clinton House Purchase	1575
Ex 16 – Special Warranty Deed dated April 01, 2009.....	1585
Ex 17 – Draft HUD for residence dated April 22, 2009	1593
Ex 18 – Retail Note and Security Agreement dated April 23, 2009.....	1597
Ex 19 – Pictures of Lottery Tickets	1605
Ex 20 – Payroll Register for the Period of January 1, 2010 to December 31, 2016.....	1607
Ex 21 – Letter Regarding P&P Investments Company, LLC selling BP Station to AAHARVID dated February 6, 2012	1611
Ex 22 – BB&T Purchase of BP Station in Clinton dated February 13, 2012	1612
Ex 23 – Guaranty Agreement (Anal Patel) dated May 22, 2012	1616

Ex 24 – Guaranty Agreement (Hardik Patel) dated May 22, 2012.....	1620
Ex 25 – Owners Affidavit dated May 24, 2012	1624
Ex 26 – Settlement Statement dated May 24, 2012	1626
Ex 27 – AAHARVID Limited Power of Attorney dated May 22, 2012	1637
Ex 28 – AAHARVID Real Estate Title dated May 24, 2012	1638
Ex 29 – Memorandum of Understanding regarding Econo Lodge Property dated August 20, 2012	1642
Ex 30 – South Carline Workers’ Compensation Claim for Vidhyaben Patel for Injury on October 1, 2012	1643
Ex 31 – Moore Taylor & Thomas Invoice for Shree Shree Hair, Inc. dated June 6, 2013...	1647
Ex 32 – Shree Shree Hari Memo of Understanding dated July 10, 2013	1649
Ex 33 – BB&T Account Product Type Change.....	1655
Ex 34 – Check #3548 to Ramesh Patel for \$25,000 and Check #3549 to Vidhya Patel \$25,000 for loan	1656

VOLUME V

Ex 35 – Lottery Retailer Contract dated July 03, 2018.....	1657
Ex 36 – BB&T Cashier’s Check dated October 18, 2018	1671
Ex 37 – Certified Copy of Check from BB&T dated January 29, 2020 for Vidhya Patel ..	1675
Ex 38 – Letter from BB&T Home Mortgage for Authentication of Automatic Draft for Clinton House.....	1676
Ex 39 – 2019 Property Taxes for Clinton House.....	1678
Ex 40 – 2018-2019 Utilities paid by Hardik Patel.....	1679
Ex 41 – Confirmation of Employment dated January 01, 2019	1682
Ex 42 – BB&T Loan Statement for store dated January 13, 2019	1684
Ex 43 – Invoice for Clinton-Newberry Natural Gas Authority for Clinton House dated December 17, 2018 to December 14, 2019	1688
Ex 44 – SCDEW Subpoena Response dated June 26, 2019	1689
Ex 45 – Email from Moore regarding Clinton House dated November 25, 2019	1704
Ex 46 – Email form Moore to Ballard regarding Clinton House dated December 3, 2019	1706
Ex 47 – Letter from Phillip Allison to Beth Cogan from Clinton-Newberry Natural Gas Authority dated January 29, 2020	1708
Ex 48 – 2020 Property Taxes for Clinton House.....	1710
Ex 49 – Picture of Money	1712
Ex 50 – Emergency Order to Escrow Funds dated November 25, 2019	1714
Ex 51 – Amendments to Operating Agreement of Shriji Hari, LLC dated November 27, 2017	1715
Ex 52 – Promissory Note dated May 24, 2012	1717

PROPOSED ORDERS

Plaintiff’s proposed Order of Judgment.....	1721
Defendant’s proposed Order of Judgment	1736

EMAILS

September 24, 2020 Email from Beth Cogan in response to Law Clerk for Judge Griffith.....	1773
October 19, 2020 Email from Desa Ballard to Judge Griffith regarding Motion for Attorney Fees.....	1777
November 6, 2020 Email from Judge Griffith Law Clerk to Desa Ballard requesting Ms. Ballard prepare proposed order	1778
Email correspondences from Jake Moore and Desa Ballard to Judge Griffith on November 10, 2020	1780
Email from Desa Ballard to Judge Griffith sending revised Order for Attorney fees dated December 9, 2020	1781
December 9, 2020 Email from Jake Moore regarding Motion	1781
Email correspondences between Desa Ballard and Jake Moore on December 9, 2020	1781
December 16, 2020 Email from Desa Ballard to Judge Griffith with portion of latest Supreme Court Order regarding (4) Minimizing hearings on Motions.....	1783
December 22, 2020 Email from Judge Griffith requesting Brief or Memorandum from Moore and Price	1786
November 9, 2020 Email from Beth Cogan with Proposed Order for Attorney Fees.....	1788
December 18, 2020 Letter from Jake Moore requesting an extension and a hearing on Motion for Attorney Fees.....	1789
January 6, 2021 Email from Lynn Ivey Emailing Memorandum in Opposition to Costs and Fees to Judge Griffith and his law clerk.....	1790
Email from Beth Cogan to Judge Griffith’s law clerk w attached Reply Memorandum for Attorneys fees dated January 7, 2021.....	1791
Certificate of Appellant Counsel	1792

1 State of South Carolina) Court of Common Pleas
2 County of Laurens) 2019-CP-30-00140
3
4 Vidhyaben R. Patel, and as)
5 Co-Personal Representative)
6 of the Estate of Rameshchandra)
7 Prabhudas Patel and Darshak)
8 Kumar Patel, Individually and)
9 as Co-Personal Representative)
10 of the Estate of Rameshchandra)
11 Prabhudas Patel,)
12)
13 Plaintiff,)
14)
15 vs.) Transcript of Record
16)
17 Hardik R. Patel, Anal H. Patel)
18 and AAHARVID, LLC,)
19)
20 Defendant.)
21)
22)
23 June 16th & 17th
24 Newberry, South Carolina
25
B E F O R E:
The Honorable Eugene C. Griffith, Jr., Judge
A P P E A R A N C E S:
S. Jahue Moore, Esquire
Samuel M. Price, Jr., Esquire
On behalf of the Plaintiff
Desa Ballard, Esquire
On behalf of the Defendant
Stacy S. Johnson
Circuit Court Reporter

I N D E X

(PW) Denotes Plaintiff Witness
(DW) Denotes Defense Witness

		PAGE
1		
2		
3		
4	(DW) Thomas Carroll Jeter, III	
	Direct Examination by Ms. Ballard	7
5	Cross-Examination by Mr. Moore	16
	Redirect Examination by Ms. Ballard	33
6		
	(PW) Hardik R. Patel	
7	Continued Direct Examination by Mr. Moore	36
8		
	(PW) Baset Patel	
	Direct Examination by Mr. Moore	85
9		
	Motion for Directed Verdict	92
10		
	(DW) Benjamin D. Moore	
11	Direct Examination by Ms. Ballard	126
	Cross-Examination by Mr. Moore	137
12		
	(DW) Hardik R. Patel	
13	Direct Examination by Ms. Ballard	144
	Cross-Examination by Mr. Moore	232
14	Redirect Examination by Ms. Ballard	277
	Recross Examination by Mr. Moore	283
15		
	(DW) Anal H. Patel	
16	Direct Examination by Ms. Ballard	286
	Cross-Examination by Mr. Moore	371
17	Redirect Examination by Ms. Ballard	411
	Recross Examination by Mr. Moore	413
18		
	(PW) Praful Patel	
19	Direct Examination by Mr. Moore	416
20	Certificate of Reporter	424
21		
22		
23		
24		
25		

E X H I B I T S				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	P-4	2006 1040/Anal Patel	386	386
4	P-5	2007 1040/Anal Patel	386	386
5	D-8	Anal Patel K-1	5	134
6	D-9	Driver's License	5	134
7	D-10	Articles of Organization	5	134
8	D-11	Check for gas station	5	134
9	D-12	Lease for store	5	134
10	D-13	Promissory Note	5	134
11	D-14	Contract to buy house	5	134
12	D-15	Wire Transfer/Clinton House	5	134
13	D-16	Special Warranty Deed	5	134
14	D-17	HUD Statement 18397/cashier's check	5	134
15	D-18	Retail note/security agreement	5	134
16	D-19	Lottery ticket pictures	5	134
17	D-20	Payroll register	5	134
18	D-21	Letter P&P selling BP to AAHARVID	5	134
19	D-22	BB&T purchase of BP station	5	134
20	D-23	Guaranty Agreement (Ana)	5	134
21	D-24	Guaranty Agreement (Hardik)	5	134
22	D-25	Owner's affidavit	5	134
23	D-26	HUD 19267 Highway East	5	134
24	D-27	AAHARVID Limited POA	5	134
25	D-28	AAHARVID, LLC Title to Real Estate	5	134

1	D-29	Memorandum of Understanding	5	134
2	D-30	WCC Claim	5	134
3	D-31	Moore Taylor Invoice/Memo	5	134
4	D-32	Shree Shree Hari Memorandum	5	134
5	D-33	BB&T Account Product Type Change	5	134
6	D-34	Checks (Loans)	5	134
7	D-35	Lottery Retainer Contract	5	14
8	D-36	Cashier's Checks to Vidhya	5	134
9	D-37	Certified Copy of Check	5	134
10	D-38	Authorization to Draft/House	5	134
11	D-39	Property Taxes for Clinton House	5	134
12	D-40	Utilities paid by Hardik	5	134
13	D-41	Confirmation of Employment	5	134
14	D-42	BB&T Loan Statement for Store	5	134
15	D-43	Natural Gas Invoice	5	134
16	D-44	SCDEW Paperwork	5	134
17	D-45	Em Moore re: Patel house	5	134
18	D-46	Em Price re: Clinton residence	5	134
19	D-47	Letters from utilities	5	134
20	D-48	Taxes on store and house	5	134
21	D-49	Picture of money	5	134
22	D-50	Order to Escrow Funds	5	31
23	D-51	Amendments Shriji Hari	5	134
24	D-52	Promissory note	5	134
25				

1 (The following proceedings were held June 16,
2 2020, beginning at 10:14 AM.)

3 (Discussion off the record.)

4 (Defendant's Exhibit Numbers 8 through 52 were
5 marked for identification.)

6 THE COURT: Okay. Let's put that on the record,
7 that issue, because other than that we'll take him out
8 of order. So Ms. Ballard, go ahead.

9 MS. BALLARD: Okay. Your Honor, I have a witness,
10 Thomas Jeter, who is here from the Charlotte area.
11 He is a lawyer that has provided legal services to my
12 client. Mr. Moore has indicated that he has no objection
13 to me taking Mr. Jeter out of order. I would like to
14 take Mr. Jeter out of order without prejudicing my
15 rights to move for whatever rulings might be appropriate
16 at the end of the Plaintiff's case and I -- I did want
17 the Court to verify that Hardik Patel and Anal Patel
18 have agreed to waive the privilege as far as permitting
19 Mr. Jeter to testify.

20 THE COURT: All right. Just so I'm clear, Mr. and
21 Ms. Patel, you understand your attorney, Ms. Ballard, is
22 representing the fact that you have privileges with this
23 attorney. In order for him to testify fully, you must
24 waive your attorney/client privilege so he can speak
25 freely to the Court on whatever issues he's asked that

1 are relevant to this case.

2 Are you waiving that privilege?

3 HARDIK PATEL: Yes, sir, we do.

4 ANAL PATEL: Yes, sir.

5 MS. BALLARD: Thank you, Your Honor.

6 THE COURT: Okay. Both of them have waived
7 privilege to the attorney/client privilege, so their
8 attorney can testify and we'll take him out of order
9 so we can get him done.

10 MS. BALLARD: Thank you. Do you want to go ahead
11 and start?

12 MR. MOORE: If we can wait five minutes. I
13 believe they're pulling up from what they seem to be
14 telling me.

15 (Pause in proceedings.)

16 THE COURT: All right. Well, let's begin then
17 because they should be here. If they come in, the
18 deputy will greet them at the door.

19 MS. BALLARD: Okay. We'll call Thomas Jeter to
20 the stand, please.

21 (Whereupon, Thomas Carroll Jeter, III, was duly
22 sworn by the Court.)

23 THE COURT: Thank you very much. You're under
24 oath.

25 Your witness, please.

1 THOMAS CARROLL JETER, III,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. BALLARD:

5 Q. Thomas, would you identify yourself for the Court,
6 please.

7 A. My name is Thomas Carroll Jeter, III. I'm an
8 attorney. I'm licensed in North and South Carolina. My
9 office is in Fort Mill, South Carolina.

10 Q. How long have you been a member of the South Carolina
11 bar?

12 A. For -- I've been an attorney for ten years total,
13 eight years in South Carolina.

14 Q. Okay. And who do you practice law with, if anyone?

15 A. I have another law partner, Peter Nosal. It's just
16 the two of us attorneys in that law firm.

17 Q. In what areas do you particularly concentrate your
18 practice?

19 A. My main two practice areas are wills, trusts and
20 estates and business corporate law.

21 Q. Okay. Do you know Hardik and Anal Patel?

22 A. I do. They're clients of mine.

23 Q. When approximately did they first contact you?

24 A. I believe we first had a call in October of 2018,
25 initially an introductory call, and then we -- the first

1 time I met with them was in November of 2018.

2 Q. Okay. What was the subject matter of the meeting?

3 A. A couple different topics, including a business
4 corporate restructuring, questions they had about the --
5 the LLC that -- that owned the gas station, I believe, in
6 Clinton, South Carolina, as well as some issues regarding
7 checks that were written on the company account from
8 Hardik's mother and then also questions about Hardik's
9 father's estate. I believe he had -- Hardik's father had
10 passed away. Questions about the inventory that was filed
11 to date that was missing certain assets, including a hotel
12 in Florence, South Carolina.

13 Q. A hotel in Florence?

14 A. Yes, in Florence.

15 Q. Okay. What specifically did they tell you about the
16 business bank account for the gas station?

17 A. They said that they had had some issues with Hardik's
18 mother who was working at the gas station and had --
19 previously had had check writing authority on the business
20 account of writing personal checks to herself that was
21 in addition to what her compensation was, as well as they
22 -- after revoking her check writing authority, she had
23 continued to write checks and it was one or two different
24 occasions on that account.

25 Q. Okay. What, if anything, did they tell you about

1 whether or not they had closed that particular bank
2 account?

3 A. I can't recall anything about closing the account --

4 Q. Okay.

5 A. -- but just I remember them talking about taking her
6 off of the account and then she wrote a check after that
7 day and the bank didn't catch it and it went through and
8 they were asking for recourse against -- against the bank.
9 She may have closed her personal account that she wrote the
10 check into, but I don't remember about the business account
11 being closed.

12 Q. Okay. Would you look in Defendant's exhibits that are
13 before you in a black notebook, Exhibit Number 35, please.

14 A. Yes, I'm here.

15 Q. Do you recognize Exhibit Number 35?

16 A. Yes, I do.

17 Q. How did you come to have that document or see that
18 document?

19 A. In the -- in the course of my representation with
20 Hardik and Ana, not in our first meeting, but in a
21 subsequent meeting, I was provided documentation of the
22 ownership of the convenience store and all its supporting
23 licenses and documents and this is a copy of the South
24 Carolina Education Lottery license or contract for that.

25 Q. Okay. And who did you understand the owner of the

1 company, AAHARVID, was?

2 A. It was -- Ana Patel was the member and manager of the
3 LLC.

4 Q. Okay. Were there any other members of the LLC?

5 A. No, she was the sole member and manager of it, but
6 part of our initial conversation was Hardik wanted to take
7 the -- take over more of an ownership role in the company
8 and that was part of the discussion that -- as far as
9 whether to transfer the membership, whether to make Hardik
10 manager or whether to form a new company for the management
11 of the gas station.

12 Q. What, if anything, did Ana and/or Hardik tell you
13 about the lottery contract that the convenience store had
14 with the State of South Carolina?

15 A. Well, they told me there was a lottery contract in the
16 course of my representation of forming a new corporation
17 for them. You know, part of that was getting it --
18 assisting them with getting the new licenses for the
19 business and for the -- for the lottery.

20 Q. What, if anything, did they tell you they had
21 encountered by way of difficulties with the lottery -- the
22 lottery servicing the convenience store?

23 A. Well, they had told me about some issues they had had
24 with -- with Hardik's mother and I was shown videos of what
25 appeared to be Hardik mother's taking rolls of lottery

1 tickets that were not sold to customers or not activated
2 before taking them home to be scratched off and then -- and
3 then, you know, further discussions with them about that,
4 that wasn't the proper course for how -- for how those
5 lottery tickets should have been handled.

6 Q. Okay. Do you recall the date of the last meeting you
7 had with them in 2018?

8 A. Yes, that was the date that we signed the new
9 documents, the documents for the new corporation that was
10 -- that was formed December 13th.

11 Q. December 13th of 2018?

12 A. Correct.

13 Q. Okay. And who owned the new corporation?

14 A. Hardik did. He was the sole shareholder and sole
15 -- the new president, owner, director and all officers of
16 the corporation.

17 Q. What advice then did you give them about the existing
18 employees of Ana's corporation?

19 A. I told them, you know, since it was December, you
20 know, starting -- the beginning of the calendar year would
21 be a good time to start fresh with the new company and,
22 you know, we discussed terminating everyone at the end of
23 the year on January 1st and then rehiring the employees
24 that they wanted to keep with the new corporation so it
25 would be a fresh start.

1 Q. Okay. With reference to the lottery concerns, you
2 said you watched a video. How long was the video?

3 A. Well, there -- there were several videos. I don't
4 think I watched all of them, but probably thirty -- I mean,
5 twenty, thirty minutes of video.

6 Q. Okay. And what specifically did you see the woman in
7 the video doing?

8 A. I mean, taking a role of lottery tickets, putting them
9 into her purse and, you know, Hardik narrated some of the
10 video and told me how it should have happened, that it
11 should have been activated first with the -- with the
12 scanner, and then also on a separate occasion taking money
13 from a customer in the store and pretending to put it in
14 the cash register but instead putting it into her purse.

15 Q. Okay. You -- you saw those videos yourself?

16 A. Yes. They were on Hardik's phone. He had -- he was
17 able to -- they were from security camera videos.

18 Q. Okay. What advice, if any, did you give to Ana
19 regarding her obligations with respect to the lottery?

20 A. I told her that she needed to report the lottery --
21 you know, the theft of lottery tickets to the lottery
22 commission. I told her there would be a -- because the
23 contract she had signed not only made company liable, but
24 her as an officer personally liable for anything that
25 happens with the stolen lottery tickets and the contract

1 expressly states that you are required to report any
2 instances of theft or any malfeasance on behalf of any
3 employees that you're required to immediately report that
4 to the lottery commission.

5 Q. And were there consequences for failing to report?

6 A. There were, you know, financial penalties, as well as
7 losing the lottery license, and that would also apply to a
8 successor in interest as well, so just someone selling the
9 store or a new company -- if like a new company would be
10 formed up, so it wasn't just one that would, number one,
11 follow Ana personally liable, but also could affect the new
12 company as well.

13 Q. How did Ana and Hardik react to the suggestion that
14 they had to report Vidhya's activities to the lottery
15 commission?

16 A. Well, they weren't happy about it. I mean, they
17 weren't happy with the whole situation in general. I
18 mean, they were pretty upset about the whole thing. We
19 discussed the matter and thought it would be the less --
20 it would be the lesser way of dealing with it as opposed
21 to a criminal action. I thought it would be just handled
22 civilly, did not think that it would end up leading up to
23 an arrest of Hardik's mother.

24 Q. Okay. Did you point to any particular provisions in
25 the -- in Exhibit Number 35 that obligated An to report

1 thefts of lottery tickets to the lottery commission?

2 A. On page three, paragraph three, specifically states
3 that.

4 Q. Okay.

5 MS. BALLARD: Your Honor, I would move for the
6 introduction of Exhibit Number 35, again, reserving the
7 right to make appropriate motions at the conclusion
8 of the plaintiff's case.

9 MR. MOORE: I don't have any objection to that,
10 Your Honor.

11 THE COURT: 35's in as if the time it comes in in
12 the defendant's case.

13 MS. BALLARD: Thank you, Your Honor.

14 (Defendant's Exhibit Number 35, Lottery Contract,
15 was admitted into evidence.)

16 BY MS. BALLARD:

17 Q. Thomas, did Hardik and Ana resist your advice about
18 reporting the video to the lottery commission?

19 A. Well, there were certainly discussions on it. They
20 went back and forth. You know, they were -- they didn't
21 want to do it on one hand, but they were angry on the other
22 hand that -- or frustrated that this was going on, but I
23 told them that -- you know, business -- from a purely
24 business perspective that taking family emotions out of it
25 that that's something that I think -- you're exposing

1 yourself to a big, big risk by not doing that; that that
2 could affect the livelihood of the business.

3 Q. Did they indicate to you that because the video was
4 Hardik's mother that that made it more complicated?

5 MR. MOORE: Object to leading, please, Your Honor.

6 THE COURT: Rephrase your question.

7 BY MS. BALLARD:

8 Q. What, if any, complexity was added to the situation
9 by virtue of Vidhya being Hardik's mother?

10 A. Well, that that would cause a lot of complexity to
11 the situation because it wasn't just a typical
12 employer/employee relationship, there's also a family
13 relationship and not wanting to destroy all family ties
14 and communications as well, which is why I counseled them
15 against reporting it to the police and instead reporting
16 it to the lottery commission and simply comply with their
17 civic obligations as opposed to -- and hopefully would not
18 lead to anything criminally for her.

19 Q. Okay. And this conversation occurred approximately
20 when?

21 A. December of 2018.

22 Q. Okay. And as far as you know, is the convenience
23 store now being operated under the new corporation that you
24 set up for Hardik?

25 A. Yes, as far as I'm aware. That's correct.

1 Q. Okay.

2 A. But the real estate is still owned by the original
3 LLC. And, again, that was part of my initial advice to
4 them that it was a good idea to separate the liabilities
5 for a lot of business clients and have the real estate
6 owned by one LLC. Again, there was still a mortgage on
7 that property so they could not have transferred that real
8 estate part anyway without paying off the mortgage on it
9 or -- and to separate the active business liabilities from
10 the -- from the real estate and have the new corporation
11 pay rent to the -- to the real estate company, the old LLC
12 that Ana was still the sole member and manager of.

13 MS. BALLARD: Okay. Thank you, Thomas. Answer any
14 questions Mr. Moore has.

15 THE WITNESS: Yes, ma'am.

16 MR. MOORE: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. MOORE:

20 Q. Sir, are you familiar with the general customs of the
21 Indian community?

22 A. With the Indian community, no, sir, I'm not -- I would
23 not say -- I'm not familiar with the general customs of the
24 Indian community.

25 Q. How about the Indian culture, are you familiar with

1 that?

2 A. No, sir.

3 Q. Do you know that generally speaking the husband or a
4 family member holds title to property that belongs to the
5 family?

6 MS. BALLARD: Objection, Your Honor. There's been
7 no testimony in the record about the culture indicating
8 that as the traditional way things are done.

9 MR. MOORE: Your Honor, the only way I can get it
10 in is to ask questions of the witness.

11 THE COURT: Well, if he knows it. If he doesn't
12 know --

13 THE WITNESS: I'm not aware of that.

14 THE COURT: He's already answered in the negative
15 to familiarity of Indian traditions and Indian customs,
16 so if he doesn't know --

17 MS. BALLARD: Thank you, Your Honor.

18 BY MR. MOORE:

19 Q. Now, sir, I understand that the LLC that existed when
20 Hardik Patel came to see you involved a convenience store
21 in Clinton, South Carolina; is that correct?

22 A. Yes, sir, that is correct.

23 Q. And the convenience store in Clinton was actually
24 owned by -- under the LLC, correct?

25 A. Correct.

1 Q. Do you know whose name the legal title to that LLC was
2 in?

3 A. It was in Ana Patel's name as the -- as the member of
4 the LLC.

5 Q. Do you know based upon your own testimony whether or
6 not anyone else had the equitable title to that LLC?

7 A. I've not been shown any documents that would show
8 other --

9 Q. I didn't ask you whether you've seen documents. I
10 asked what you know. Are you able to testify under oath
11 that someone else did not hold the equitable title to that
12 LLC?

13 A. Yes, sir, I am.

14 Q. So you were there when the LLC was formed?

15 A. No, I was not.

16 Q. You were -- you were part of the agreement between
17 Hardik Patel and his father and his mother?

18 A. No, sir.

19 Q. You were -- you were there when Anal Patel made the
20 agreement between the father and mother?

21 A. No, sir.

22 Q. You've seen no documents either way, correct?

23 A. Well, I've seen the documents where Ana swore under
24 oath that she was the sole member and manager of it. She
25 is -- from her -- from what she's told me in our

1 conversations, she held the equitable and legal title to
2 it and there was never even any discussion otherwise about
3 that.

4 Q. Oh, she told you that she had the equitable and the
5 legal titles, correct? Those words came out of her mouth,
6 right?

7 A. She told me she was the sole owner of the company.

8 Q. That's different than what you just testified to.
9 Let's see which one is the truth. Did she actually say to
10 you, oh, Mr. Lawyer, I am the legal and equitable owner of
11 the LLC?

12 A. Yes, sir. She said I am the sole owner of the LLC.

13 Q. Well, then why did you just tell me under oath that
14 she told you she was the legal and equitable owner of the
15 LLC?

16 A. Because I interpreted that that was what she meant
17 from her -- what she told me.

18 Q. Oh, so what you said she said she didn't say. You're
19 simply --

20 THE COURT: I don't want to keep going over it.
21 It's the same thing. I got it.

22 MR. MOORE: Thank you.

23 THE COURT: Move on.

24 BY MR. MOORE:

25 Q. Sir, the truth of the matter is you basically met

1 these people sometime in 2018, correct?

2 A. Yes, sir.

3 Q. You don't know anything about the business
4 arrangements prior to that time, correct?

5 A. I do not. No, sir.

6 Q. And what you advised them to do was to form a new LLC?

7 A. To form a new corporation.

8 Q. Did they form a new corporation?

9 A. Yes, sir. I -- I assisted them with doing that.

10 Q. What is the name of the new corporation?

11 A. Siya Veer -- I'm not sure if I could pronounce it. It
12 starts with an S. Siya Veer, Incorporated.

13 Q. And who owns the corporation?

14 A. Hardik Patel.

15 Q. Well, according to Exhibit Number 35, Hardik Patel is
16 actually the owner of the convenience store, correct?

17 MS. BALLARD: What page are you referring to,
18 Mr. Moore?

19 MR. MOORE: I'm referring to the last page of
20 Exhibit Number 35, which declares that Hardik Patel is
21 the owner of the operation securing the lottery license.

22 A. This says Anal Hardik Patel is the owner.

23 Q. All right. And Anal is Ana, that's his wife, correct?

24 A. Correct.

25 Q. And Hardik Patel is the husband, right?

1 A. Correct.

2 Q. And you helped them fill out that form, correct?

3 A. Yes, sir.

4 Q. So was the owner --

5 A. Well, no, sir, I did not help with this one. This
6 was -- this was the form for the old LLC. This was --
7 they brought me this form already completed.

8 Q. All right. And that was basically completed in 2018,
9 right?

10 A. Correct.

11 Q. All right. So in July of 2018 they were taking the
12 position and swore under oath that Anal and Hardik owned
13 the LLC, correct?

14 A. Again, it says Anal Hardik Patel as the owner.

15 Q. Well, there's no individual known as Anal Hardik
16 Patel. Anal is the wife and Hardik is the husband,
17 correct?

18 A. Sir, I can't say why it was written that way. I --

19 Q. I didn't ask you that. I just want to make sure we
20 understand that in 2018 --

21 THE COURT: Let's -- let's social distance.

22 MR. MOORE: Thank you, Your Honor.

23 BY MR. MOORE:

24 Q. In 2018 they swore to the lottery commission that
25 they, Anal and Hardik, owned the LLC, correct? Or owned

1 the -- owned the convenience store.

2 A. I don't know what they swore to in 2018. All I can
3 tell you is it's written as the owner Anal Hardik Patel.

4 Q. Well, isn't that notarized and presented to the
5 lottery commission in 2018?

6 A. Yes, it is. It is notarized.

7 Q. Sir, you told me that Anal owned it and then Hardik
8 got a corporation that owned it. When did Anal and --
9 basically it was owned by an LLC. Actually how did the --
10 they become the owners individually in the convenience
11 store?

12 A. I don't believe I follow that question.

13 Q. Here's the question. Basically it was titled in the
14 corporation's name or the LLC's name, correct?

15 A. Yes.

16 Q. It's pretty obvious looking at that document no matter
17 how the company was titled, they considered that they owned
18 it together, right?

19 A. I'm -- I'm not sure what Hardik and Anal Patel would
20 do in the situation, but a notary would -- should be
21 witnessing one person's signature and then if there's two
22 names -- I mean, I don't know what that means.

23 Q. Well, one thing it certainly doesn't mean is that
24 either an LLC or a corporation owns it, right?

25 A. Well, I mean, it could mean that they were the owner

1 of the LLC, but, again, it's not that I -- when people do
2 things on their own, some -- in my experience sometimes the
3 blanks don't get filled in correctly.

4 Q. All right. And you've been practicing law ten years,
5 right?

6 A. Yes, sir.

7 Q. And you know sometimes a married couple will hold
8 property in a husband's name or they'll hold property in
9 the wife's name, sometimes they'll even hold it in a
10 child's name. You know that, don't you?

11 A. Well, I mean, yes.

12 Q. Sometimes -- you've seen many, many people who title
13 a piece of property one way, but there's an understanding
14 that it actually belongs to the family or the husband, wife
15 or whatever. You've seen that, haven't you?

16 A. Well, I've seen -- I have seen property pass back and
17 forth between a husband and wife.

18 Q. Sure. And you've actually seen a husband -- let's say
19 a marital residence. You've seen many husbands that put
20 property in their wife's name to avoid any exposure to
21 liability, right?

22 A. Yes.

23 Q. But the property actually belongs to both of them,
24 right?

25 A. No, if they put it in the wife's name, it seems they

1 were giving it to their wife.

2 Q. Okay. You understand what a trust is, don't you?

3 A. Yes, sir.

4 Q. Would you explain to me the concept of a trust?

5 A. A trust is where someone as a trustee is in charge of
6 managing assets for another person as the beneficiary.

7 Q. And there's many times that trusts arise without
8 having an actual formal trust document, aren't there?

9 A. Not -- not the ones that I deal with, sir.

10 Q. You've never heard of a resulting trust?

11 A. I've heard -- I've heard of that. I've never --

12 Q. You've never heard of an equitable trust?

13 MS. BALLARD: Your Honor, he's cutting the witness
14 off. He didn't get to finish his answer.

15 THE WITNESS: I've certainly heard those legal
16 concepts, sir.

17 THE COURT: Let him finish answering.

18 MR. MOORE: Sure. Thank you, Your Honor.

19 THE WITNESS: The type of trusts I typically handle
20 are written trust agreements for clients where there is
21 a -- where the provisions are spelled out, where the
22 trustee is spelled out, the duties of the trustee are
23 spelled out, the beneficiaries are spelled out on what
24 the trustee's obligations are.

25 BY MR. MOORE:

1 Q. Those are the type you handle?

2 A. Correct.

3 Q. So you've never been involved in a situation dealing
4 with a constructive trust or an equitable trust or
5 resulting trust or any of those others?

6 A. No, sir.

7 Q. Never seen that?

8 A. Like I said, I'm aware of the concept. I've never
9 seen that in my practice.

10 Q. And if I were to ask you to even differentiate those,
11 you couldn't do it, could you?

12 A. As far as the elements of each?

13 Q. Sure.

14 A. Not off the top of my head.

15 Q. All right. Now as I understand it, you advised them
16 to form this new corporation. One of the things they
17 were concerned about was to protect the convenience store
18 against any claims of the mother, correct?

19 A. From an employment prospective, yes, sir.

20 Q. Well, not just from employment. They -- you
21 understood that the mother actually claimed -- they told
22 you this, didn't they, that the mother claimed the
23 convenience store was hers?

24 A. Not until January of 2019.

25 Q. All right. And that's when you basically advised one

1 of the ways to separate it in order to protect it was to
2 try to form a corporation to make one more step between
3 them and the convenience store, right?

4 A. No, sir, that was done prior to that in 2018.

5 Q. All right. And the purpose of the new corporation was
6 to do what?

7 A. The purpose of the new corporation was for Hardik to
8 be able to assume control of the business to take something
9 off of Ana's plate and to allow for tax benefits of having
10 a lease agreement between the two entities to lower their
11 taxable income.

12 Q. Now this banking account that we're talking about that
13 they wanted to get Vidhya Patel off of, how much money was
14 in that bank account?

15 A. I'm not sure, sir.

16 Q. Do you know why Vidhya had the signature authority on
17 the account?

18 A. I do not know why.

19 Q. Do you have personal knowledge of where the money came
20 from that was in the account?

21 A. No, sir, I do not.

22 Q. Do you know who it is that gave Vidhya the signature
23 authority on that account?

24 A. I do not. I presumed it was Ana Patel, but I do not
25 know.

1 Q. And one thing that was for certain is that Hardik and
2 his wife wanted to get Vidhya off of the account so she
3 couldn't sign any more checks.

4 A. That's what was told to me, correct.

5 Q. All right. You indicate that these lottery tickets
6 were stolen. Are you accusing this woman of theft?

7 A. I'm not accusing her of anything.

8 Q. Very fine. So when you indicate that the lottery
9 tickets were stolen, you were not accusing Vidhya of
10 anything?

11 A. They way they were stolen, I was -- the way that
12 worked, my conversation with my clients were --

13 Q. Oh, so your clients were the ones who told you that
14 the ticket were stolen?

15 A. Correct.

16 Q. All right. But you don't have any firsthand knowledge
17 that they were stolen?

18 A. Correct.

19 Q. You don't know if she paid for them?

20 A. Well, I did watch the videos. It did not appear she
21 paid for them, but, again, I do not know firsthand.

22 Q. Do you know anybody in the world who can testify that
23 she stole them?

24 A. Well, the -- my clients could testify to that.

25 Q. Well, they weren't there, so they wouldn't know if she

1 paid for them or not, would they?

2 A. Well, based on the video surveillance cameras that
3 they had, they believe she did not pay for them.

4 Q. I know what they believe. The video shows that she
5 took the roll of lottery tickets, right?

6 A. Correct.

7 Q. Are there any videos that indicate whether she, in
8 fact, did pay for them?

9 A. Not that I saw.

10 Q. All right. Well, there was a lot of the time that was
11 in the store that wasn't on the videotapes, right?

12 A. I'm sure there was.

13 Q. What you saw lasted about, what, ten to fifteen
14 minutes?

15 A. Probably about that.

16 Q. Do you know if either you or your clients have any
17 form of firsthand knowledge that Vidhya actually stole
18 anything from the convenience store?

19 A. Well, I believe with the lottery tickets there were --
20 I was told by my clients that there were instances where
21 they were not activated and then they were cashed in at
22 other stores where there would have been an electronic
23 trail of that information that would not have matched up
24 with the store records.

25 Q. Well, do you know if the -- if the cash register ever

1 came up short?

2 A. I do not have that information.

3 Q. All right. So is there any financial record that
4 would tend to indicate Vidhya ever took anything she didn't
5 pay for that you know of?

6 A. Not that I'm -- not that I have seen.

7 Q. All right. And you told your clients to call the
8 lottery commission, but you didn't them to call the Laurens
9 County Sheriff's Department, did you?

10 A. No, sir, I didn't.

11 Q. You didn't tell them to have their mother arrested,
12 did you?

13 A. No, sir.

14 Q. Do you know of any lawyer who told them to participate
15 in having Vidhya arrested?

16 A. No, sir.

17 Q. Do you know whose name the license was in before --
18 the lottery license was in before it got changed in 2018?

19 A. I do not know that.

20 Q. Do you know that Vidhya had basically procured the
21 lottery license with her husband?

22 A. I didn't -- I was -- if that's the case, I was not
23 aware of that.

24 Q. Now let's take a look -- I believe the document I want
25 to look at is Exhibit Number 51. I believe it is.

1 MS. BALLARD: Referring to Defendant's Exhibit
2 Number 51?

3 MR. MOORE: Right. I believe it may be 50.

4 BY MR. MOORE:

5 Q. Let's take a look. It's a lawsuit that you apparently
6 were -- yes, there it is. That's a court order, correct?

7 A. Emergency order to escrow funds. Yes, sir.

8 MR. MOORE: All right. We would like to offer
9 Exhibit 50 into the record, please, Your Honor, as a
10 plaintiff's exhibit.

11 MS. BALLARD: Your Honor, I don't have any objection.
12 I already -- it's already marked as Defendant's Exhibit
13 Number 50.

14 THE COURT: It will be admitted.

15 MR. MOORE: Might I hold that document, please?

16 MS. BALLARD: Your Honor, I would ask that he not
17 approach the witness. That's why he has his own set of
18 exhibits so he does not have to approach the witness.

19 THE COURT: Yeah.

20 MR. MOORE: No problem.

21 And, Your Honor, if I might take a moment and take
22 this out of this book and talk about --

23 THE COURT: You keep it with that book. The
24 Exhibit 50 -- Defendant's Exhibit 50 is admitted without
25 objection.

1 MR. MOORE: Thank you, Your Honor.

2 (Defendant's Exhibit Number 50, Emergency Order to
3 Escrow Funds, was admitted into evidence.)

4 THE COURT: But that's your copy, so you can read
5 from that. The court reporter has the official copy
6 now in the record so we don't need to manage any more
7 documents.

8 MR. MOORE: Great. Thank you.

9 MS. BALLARD: Correct. For the record, Your Honor,
10 I gave the court reporter the originals, you have a copy,
11 Mr. Moore has a copy, the witness has a copy and I have a
12 copy. The witness has his own set so no one has to
13 approach anyone else while we're discussing the exhibits.

14 THE COURT: That would be my understanding.

15 BY MR. MOORE:

16 Q. Mr. Moore, as I understand it, this is --

17 MS. BALLARD: This is Mr. Jeter.

18 MR. MOORE: I'm sorry. Mr. Jeter. I do apologize.
19 I might need to ask Mr. Moore about this, but let's just
20 read it anyway.

21 BY MR. MOORE:

22 Q. Are you familiar with a hotel property in Florence,
23 South Carolina?

24 A. From what my clients have told me, yes, there -- I
25 was told that their father owned a 25 percent interest in

1 a hotel property in Florence, South Carolina.

2 Q. I see. So they acknowledged that their father
3 actually owned the interest of a hotel in Florence, a
4 25 percent interest, correct?

5 A. Yes, sir.

6 Q. Did they tell you that the mom and dad actually owned
7 that 25 percent interest together?

8 A. I was not -- if that's the case, I was not aware of
9 that. I believed -- I believe the father owned the
10 25 percent interest.

11 Q. Okay. So one thing is for certain. Your clients
12 have previously acknowledged that the Florence property was
13 owned by Mr. Ramesh Patel before he died?

14 MS. BALLARD: Objection, Your Honor. That
15 misstate's the evidence.

16 THE COURT: I think it's pretty clear. He owned
17 25 percent, if that's the question.

18 MS. BALLARD: The question suggested he owned it
19 all.

20 BY MR. MOORE:

21 Q. He owned a 25 percent interest in the hotel in
22 Florence?

23 A. Correct. It was in another LLC that he owned 25
24 percent. It was indicated he owned 25 percent.

25 Q. All right. So the clients didn't claim that they

1 owned any interest in that hotel or that LLC, correct?

2 A. Only through the intestacy share from Hardik's father,
3 they -- Hardik would have had a 25 percent interest in that
4 25 percent.

5 MR. MOORE: Thank you very much for answering my
6 questions. I have no further questions and I will try
7 to stay as far socially distanced as I can getting back
8 to my table, Mr. Jeter.

9 Thank you, Your Honor.

10 THE COURT: Uh-huh.

11 REDIRECT EXAMINATION

12 BY MS. BALLARD:

13 Q. Thomas, Mr. Moore asked you about the interest in
14 the Florence hotel. Did you have occasion to review the
15 probate documents that had been filed in the Laurens County
16 Probate Court for Ramesh's estate?

17 A. Yes, I did.

18 Q. Did the inventory appraisement list any ownership of
19 the Florence hotel as an asset of Ramesh's estate?

20 MR. MOORE: May it please, Your Honor, I didn't
21 ask any questions about any of that. I believe she is
22 exceeding the scope of direct examination.

23 THE COURT: It would be cross-examination. I think
24 it was gone into because you dealt with something in the
25 probate court, which was Exhibit Number 50.

1 MS. BALLARD: Yes, sir.

2 THE COURT: I think it's fine. I'll allow it.

3 MR. MOORE: Thank you, Your Honor.

4 BY MS. BALLARD:

5 Q. And as part of your representation of Ana and/or
6 Hardik, did you have the opportunity to review the
7 documents that have been filed in the Laurens County
8 Probate Court on behalf of the Estate of Ramesh Patel?

9 A. Yes, I did.

10 Q. What, if anything, did you see there about the
11 ownership of the -- the ownership by Ramesh of any portion
12 of the Florence hotel?

13 A. It was not listed on it. That was one of the initial
14 concerns that Hardik had was that the asset was not listed
15 on the inventory that was filed in 2018.

16 Q. On Hardik's behalf, what, if anything, did you file
17 with the probate court in Laurens county to contest and to
18 advise the probate court of Ramesh's interest in the hotel?

19 A. Well, a subsequent inventory was filed in 2019 that
20 listed not only the hotel but a house that was in Hardik's
21 name, the convenience store that we've been talking about,
22 that LLC, and the hotel, and then Hardik filed an affidavit
23 objecting to that inventory; that those other two assets
24 should not have been on -- on there because they were not
25 property of his father.

1 Q. Okay. And you filed those documents in the probate
2 court on behalf of Hardik yourself?

3 A. Correct, and also we filed a demand for notice of
4 anything else going forward.

5 MS. BALLARD: Okay. That's all I've got. Thank
6 you.

7 THE COURT: Mr. Moore, anything on recross?

8 MR. MOORE: No, sir, Your Honor. And I have no
9 objection at all to this witness being excused.

10 THE COURT: Thank you. You can head back to
11 Charlotte.

12 THE WITNESS: Yes, sir. Thank you.

13 (Witness excused.)

14 THE COURT: All right. We were -- we took
15 Mr. Jeter out of order. My recollection, and if my
16 notes are correct, Mr. Hardik Patel was on the witness
17 stand in the middle of cross-examination by Mr. Moore,
18 correct?

19 MS. BALLARD: Correct.

20 THE COURT: Mr. Patel, will you come and take the
21 witness stand. I'll remind you, you were placed under
22 oath in Laurens on February 6th and you're still under
23 oath.

24 HARDIK PATEL,
25 having been previously sworn, testified as follows:

1 CONTINUED DIRECT EXAMINATION

2 BY MR. MOORE:

3 Q. Mr. Patel, since the date we recessed, you haven't
4 discussed any portion of your testimony with anyone, have
5 you?

6 A. No, sir.

7 Q. Not even with your wife?

8 A. No, sir.

9 Q. Now I want to make sure I can summarize what we are
10 talking about. At one point in time -- would you care to
11 look at me when I'm -- when I'm --

12 MS. BALLARD: I instructed him to --

13 THE WITNESS: I was told to look at the judge and
14 the court reporter so they can hear me.

15 MS. BALLARD: Your Honor, I instructed Mr. Patel to
16 look at the court reporter to make sure that the court
17 reporter could understand what he's saying.

18 THE COURT: I think that's a fair request.

19 MS. BALLARD: Thank you, Your Honor.

20 MR. MOORE: Your Honor, might I move over there
21 then, sir, so I can see his eyes?

22 THE COURT: Sure.

23 BY MR. MOORE:

24 Q. Sir, as I understand it, at one point in time -- I
25 just want to summarize what you told us so far. At one

1 point in time your father had an ownership interest in
2 something called the Quality Inn in Newberry, correct?

3 A. Ownership interest?

4 Q. He owned an interest.

5 A. In Quality Inn Newberry?

6 Q. Yes.

7 A. No, sir.

8 Q. Did he ever own an interest in a hotel at all in
9 Newberry?

10 A. In Florence hotel he did.

11 Q. In Newberry, South Carolina, this town, did he ever
12 own an interest in a hotel in Newberry?

13 A. No interest in Newberry.

14 Q. Did he ever own an interest in an LLC that -- in
15 Newberry that owned the Quality Inn?

16 A. Not that I'm aware of.

17 Q. Who owned that Quality Inn interest?

18 A. Initially my wife and then in 2009 me and my wife.

19 Q. Now how much money did your wife pay for her interest
20 in the Quality Inn when it was purchased?

21 A. I don't know that, sir.

22 Q. Do you know if she paid anything?

23 A. I don't know, sir.

24 Q. How old would your wife have been at the time the
25 interest in the Quality Inn was acquired?

1 A. Twenty-three, I guess.

2 Q. Twenty-three. All right. And as a 23-year-old, where
3 would she have been living when the Quality Inn interest
4 was acquired?

5 A. She was in college, so she would be living in Atlantic
6 City or Augusta, Georgia. One of them. I don't recall
7 that now.

8 Q. As a 23-year-old college student, do you have any idea
9 where she would have gotten enough money to buy an interest
10 in a hotel in Newberry, South Carolina?

11 A. She had money from jobs. She worked for Eckerd
12 Pharmacy, she worked for Dunkin' Donuts and a couple of
13 other places.

14 Q. Working for Dunkin' Donuts she would have made enough
15 money as a college student to invest in a hotel?

16 A. I don't know.

17 Q. You don't know. All right. Now how old were you when
18 you got a part interest in the hotel in Newberry?

19 A. Twenty-four or twenty-five.

20 THE COURT REPORTER: I'm sorry. I can't hear.

21 THE WITNESS: Twenty-five.

22 MR. MOORE: Twenty-four or twenty-five is what he
23 said.

24 BY MR. MOORE:

25 Q. Where were you working when you were that age?

1 A. I was working at multiple places. I worked in a hotel
2 in Newberry, I also worked in a hotel in Concord, I worked
3 at the Subway in Charlotte. Multiple places.

4 Q. You worked as an employee at a Subway?

5 A. Yes.

6 Q. And as an employee at the hotels?

7 A. Not as an employee. My dad -- I did the work, but my
8 dad got the paycheck.

9 Q. I see. So you did the work, but your dad got the
10 paycheck?

11 A. Yes, sir.

12 Q. So you weren't making any money. Whatever money you
13 made went to your dad?

14 A. We were together. I was making money. It just didn't
15 come to me.

16 Q. Well, explain to the Court then why it is that you
17 worked, but the money went to your father.

18 A. Because I let my father handle it, sir.

19 Q. In other words, your father handled your money?

20 A. I let my father handle it, yes.

21 Q. Was that a yes? You said yes, right?

22 A. I said I let my father handle it, yes.

23 Q. You let your father handle the money?

24 A. Yes, sir.

25 Q. So it would be your money, but your father would be

1 handling it for you?

2 A. Yes, sir.

3 Q. Did you trust your father?

4 A. At that time, yes, sir, I did.

5 Q. Did you have a written trust document for it to set
6 forth that you were entrusting him with your money?

7 A. No, sir.

8 Q. Well, why didn't you bother -- if he was holding your
9 money in trust for you, why didn't you bother to have a
10 written document?

11 A. I cannot tell you that, sir.

12 Q. I did not understand what you said.

13 A. I have no idea why I didn't have it, sir.

14 Q. One thing we do know is that all the money you were
15 earning when you were twenty-four or twenty-five you were
16 entrusting to your father to handle for you, correct?

17 A. Yes, sir.

18 Q. Now your wife also worked in some of your father's --
19 or some of the -- the same places that you worked, right?
20 Hotels and so forth.

21 A. She did not work at the hotel, no. She did work as a
22 pharmacist for many years.

23 Q. And did she entrust your dad with her money?

24 A. She was supportive of everything, yes, sir.

25 Q. All right. So not only did your dad hold your money,

1 but he also held her money?

2 A. Yes, that is correct. Yes, sir.

3 Q. Did she have any kind of formal trust agreement when
4 she entrusted her money to your dad?

5 A. No, sir.

6 Q. Do you know why your dad was holding money in trust
7 for her if you didn't have some formal documentation of
8 that?

9 A. No, sir.

10 Q. Well, when you were working at these hotels while
11 going to school, did you have an hourly rate that you were
12 supposed to be earning?

13 A. Not an hourly rate. I -- I remember working a double
14 shift. I worked night shift and morning shift and then I
15 go to college during the other times.

16 Q. Well, how much were you earning?

17 A. I don't know, sir.

18 Q. In other words, you just worked in the hotel for your
19 dad and he kept the money?

20 A. That is correct. Yes, sir.

21 Q. And if you needed money, he'd give it to you?

22 A. I also had my money, too.

23 Q. Well, you testified that all the money you were
24 earning was going to your father, correct?

25 A. Not 100 percent.

1 Q. Well, what percent of your money was going to your
2 father?

3 A. Some of it was going there. The ones that I worked in
4 the hotel was going to him, but not the gas station and not
5 the BMW store and not the -- not selling life insurance,
6 not the -- listen, I have two jobs all my life. I worked
7 at the both stores.

8 Q. Well, which hotels were you working at and your wife
9 working at -- let's talk about you. Which hotels were you
10 working at that your dad kept all the money?

11 A. Days Inn in Concord, Days Inn in Charleston, Goose
12 Creek, and the Quality Inn in Newberry.

13 Q. All right. Now would that be the same for your wife,
14 that she worked at the Quality Inn in Newberry and you --

15 A. No. No, she did not work at the Quality Inn in
16 Newberry.

17 Q. Did she ever work at the Quality Inn in Newberry?

18 A. No, sir.

19 Q. Well, now, sir, where was she living when you were
20 working at the Quality Inn in Newberry with your dad
21 keeping all the money?

22 A. Well, first she used to live in Atlantic City, she
23 used to attend college in Atlantic City, and then she moved
24 to Medical College of Georgia, in Augusta, so she was in
25 between those two cities.

1 Q. And you told us that your dad is the one that
2 negotiated the purchase of the Quality Inn previously. You
3 told us that, correct?

4 A. That's correct, yes.

5 Q. And your wife at the time your dad negotiated the
6 purchase of the Quality Inn in Newberry, where would your
7 wife have been? A student?

8 A. Yes, sir.

9 Q. A student where?

10 A. I don't recall at this time, sir.

11 Q. When your dad negotiated the purchase of the Quality
12 Inn or his interest in the Quality Inn, would you have been
13 a student?

14 A. Yes, sir.

15 Q. When you got your interest in the Quality Inn in
16 Newberry, did you pay any money for it?

17 A. No, sir.

18 Q. Well, now how is it that you acquired an interest in
19 a motel property and paid absolutely no money for it?

20 A. It was a gift to me from my wife. We shared it.

21 Q. Did you file a gift tax return?

22 A. Not that I'm aware of at this time. No, sir.

23 Q. So your wife gifted you an interest in the motel that
24 she had bought and as far as we know paid nothing for hers
25 either, correct?

1 A. That's correct, yes.

2 Q. Well, if your wife didn't pay any money for the
3 Quality Inn in Newberry and you didn't pay any money for
4 the Quality Inn in Newberry, who did?

5 A. I don't know really. It was a gift from my dad. I
6 said that last time.

7 Q. Well, yes, sir, but he didn't get his share in that
8 hotel for free, did he?

9 A. I don't know how he did it. We got married right
10 before that, he gifted us that, so that's all I know, sir.

11 Q. So if there was any money paid for the Quality Inn in
12 Newberry, it was paid by your mom and dad?

13 A. Not only that, all -- all our money was there, too.

14 Q. All right. Well, do you know if any of your money was
15 used to buy the Quality Inn?

16 A. Definitely, yes. Not -- not exactly how much, but
17 probably did, yes.

18 Q. You say probably did. They had just paid \$50,000 for
19 your wedding, didn't they?

20 A. That is not accurate.

21 Q. Well, how much had they paid for your wedding?

22 A. I have no idea, but it's definitely not fifty
23 thousand. That's way too much.

24 Q. Well, the testimony is that it was \$50,000 plus.

25 A. No. Whose testimony?

1 Q. Sir, let me ask you this. The wedding was where?

2 A. In India.

3 Q. And how many people went over?

4 A. The Indian ceremony, the wedding was in India. Our
5 wedding was here in America in 2005.

6 Q. Right. How many people appeared?

7 A. I don't know how many people appeared, sir.

8 Q. Who paid for all of that?

9 A. My dad did.

10 Q. Now let's talk about the convenience store. We now
11 know that we're talking about the Quality Inn in Newberry.
12 That's one property. Now we're talking about a convenience
13 store in Clinton, correct? You know the convenience store
14 I'm talking about, right?

15 A. Yes, sir.

16 Q. It was leased first and then the store real estate was
17 purchased, right?

18 A. That is correct, yes, sir.

19 Q. When the convenience store in Clinton was first
20 leased, you know that a large sum of money was paid for
21 goodwill and inventory, don't you?

22 A. That was not really paid. We received a note.

23 Q. All right. Well, you didn't pay any money for the
24 goodwill and inventory, did you?

25 A. My wife, she signed it. She signed the -- she got the

1 money to buy the whole store.

2 Q. Well, wait a minute. Did your wife come out of pocket
3 to buy any inventory?

4 A. All of the money to lease that store was borrowed
5 from Mr. Prakash Patel. We have said many times that
6 nobody came out with the money. It was all borrowed from
7 Mr. Prakash Patel at 8.5 percent interest.

8 Q. And the way it was paid off was when the Quality Inn
9 in Newberry was sold Mr. Prakash Patel got 100 percent
10 ownership in the Quality Inn, right?

11 A. No, that's not how it was, sir.

12 Q. Well, the note was ultimately cancelled; was it not?

13 A. Yeah, part of it was cancelled.

14 Q. And why was the note cancelled?

15 A. Because it was completely paid for. That's when it
16 got cancelled.

17 Q. All right. Well, let's talk about the -- the purchase
18 of the actual real estate. Well, wait a minute. At the
19 time the convenience store was leased, how old was your
20 wife?

21 A. About twenty-four, twenty-five.

22 THE COURT REPORTER: I can't hear you.

23 THE WITNESS: Twenty-four, twenty-five.

24 BY MR. MOORE:

25 Q. And I believe she would still have been in school when

1 the convenience store in Clinton was leased, right?

2 A. I think she was going through her pharmacy internship
3 then.

4 Q. So then she would still be in school, right?

5 A. At that time, yes.

6 Q. Did she have any cash money to invest in the
7 convenience store?

8 A. The money was all gathered from Prakash Patel. We
9 don't need cash money, sir. He -- he funded all the
10 financing. He funded the entire store.

11 Q. And Prakash Patel was in partnership with Paul Patel,
12 who's already testified, correct?

13 A. Yeah, but Paul didn't give any money. Prakash was the
14 one. He considered me his son.

15 Q. You heard the testimony of Paul Desai in the court
16 last time, correct?

17 A. I heard, but I never met with him, sir.

18 THE COURT: Hang on, Mr. Moore. I want to make
19 sure the court reporter's clear. You said Paul Patel.
20 It's Paul Desai --

21 MR. MOORE: Paul Desai.

22 THE COURT: -- and Prakash Patel. They were
23 partners. I want the court reporter to understand
24 that's two separate people. Mr. Desai is also an Indian
25 and was involved in several businesses with multiple

1 families.

2 MR. MOORE: Thank you, Your Honor.

3 THE COURT: Does that help, Stacy?

4 THE COURT REPORTER: Yes.

5 MR. MOORE: And you were ahead of me and I thank
6 you.

7 BY MR. MOORE:

8 Q. Were you in the courtroom when Paul Desai testified?

9 A. Yes, I was there. Yes, sir.

10 Q. And Prakash Patel and Paul Desai were partners,
11 correct?

12 A. Prakash Patel did fund all of the money and, yes,
13 they were partners.

14 Q. I guess the question was they were partners, right?

15 A. They were partners, yes.

16 Q. And they owned the convenience store before it was
17 leased or at the time it was leased, right?

18 A. Correct. Yes.

19 Q. They owned the inventory at the time it was
20 transferred?

21 A. That is correct. Yes.

22 Q. And they owned the real estate at the time it was
23 sold?

24 A. They owned the real estate, yes.

25 Q. When the convenience store was sold from P&P, did

1 your wife provide any cash to put on a down payment?

2 A. We had enough money in our business account that was
3 used to buy that store.

4 Q. Well, we know that your wife was still in school when
5 the convenience store was leased. How did she operate a
6 convenience store in Clinton if she was in college
7 somewhere else?

8 A. She lived -- she would go to the college and come back
9 and I was doing the same thing.

10 Q. Right. You were both in college --

11 A. We were both --

12 Q. -- and coming home.

13 A. Sorry.

14 Q. Well, who would be operating the convenience store day
15 in and day out?

16 A. It was me most of the time. When I'm not around, my
17 wife was supporting and when she's not around my mom would
18 support.

19 Q. Your mother was working there. Okay. How many hours
20 a week was your mother working?

21 A. Less than what me and my wife worked.

22 Q. So while you were both full-time students driving
23 back and forth to your colleges, you were able to run a
24 convenience store and your mom worked less than you did?

25 A. That is correct. Yes, sir.

1 Q. Well, you were going to school where?

2 A. Charlotte, North Carolina.

3 Q. And she was going to school where?

4 A. Augusta, Georgia.

5 Q. So she was driving to Augusta every day?

6 A. Not every day. She would travel Monday, Wednesday
7 and Friday, and I would travel on Tuesday and Thursday.
8 That's how we sat it up so we can run the store.

9 Q. I see. Now so we know we're talking about the -- one
10 of the things involved in this case is the convenience
11 store and the inventory and equipment with the convenience
12 store, right?

13 A. Yes.

14 Q. Now the other place we were talking about is the house
15 where your mother lives, correct?

16 A. Yes, sir.

17 Q. How many years has that house been the home of your
18 momma?

19 A. I bought it in 2009, so she's been living there since.

20 Q. And in 2009 when you claim to have bought it, what
21 were you doing for a living?

22 A. I was working at my old store with my wife.

23 Q. In Camden?

24 A. In where?

25 Q. Camden.

1 A. Not Camden.

2 Q. Where was it?

3 A. Clinton.

4 Q. I see.

5 A. Yes.

6 Q. How old would you have been at the time your momma's
7 home was purchased?

8 A. In 2009, I would say about twenty-nine.

9 Q. And you were working at the store. Was your father
10 still keeping your money?

11 A. No. No, not at that time. No.

12 Q. When did your father quit keeping the money he was
13 holding for you?

14 A. I don't know the exact date, sir.

15 Q. When did he give it back to you?

16 A. We never asked like that, sir.

17 Q. My question is we know that your dad was holding money
18 that you had -- you and your wife had entrusted to him.

19 A. Uh-huh.

20 Q. When did he give it back?

21 A. We never asked for it. It didn't work that way, so I
22 don't know if that question is relevant or not. I -- I
23 don't understand that.

24 Q. If it didn't work that way, please explain to the
25 judge the way it did work.

1 A. Sir, I'm confused. I don't know what to say at this
2 point.

3 Q. Well, you told me that your father was holding for you
4 and your wife the money that you and she were earning for a
5 period of time, right?

6 A. Yeah. Yeah.

7 Q. So we know he was holding your money.

8 A. Uh-huh.

9 Q. And I asked you when he gave it back and you said it
10 didn't work that way, right?

11 A. He paid for what? He paid for my education, he paid
12 for the wedding, so, yeah, there is no exact mathematics
13 going on here.

14 Q. Well, he -- he never accounted to you at all for that
15 money, did he?

16 A. We did not do accounts like that, sir.

17 Q. Actually the -- the way you didn't do it like that,
18 what you did was y'all mixed everything up. He had your
19 money, he paid your bills. If y'all needed money, he gave
20 it to you. He took care of your momma. He was the head
21 of the household and that was the way it worked, right?

22 A. I had my own money, too. We had our own store.

23 Q. I'm talking about the money that -- that he was
24 holding for you.

25 A. Paid for our college tuition, I guess.

1 Q. What?

2 A. Our college tuition.

3 Q. Right. It was all mixed up together, right?

4 A. (Nods head.)

5 Q. Right?

6 A. That part of the money, yes, it was mixed together.

7 Q. So y'all commingled and intermingled your money for a
8 long period of time.

9 A. I don't know exactly how long it was. For -- for some
10 time, not a long period of time.

11 Q. A period of years, correct?

12 A. A short amount of years. Not a long amount of years
13 like you're trying to suggest here.

14 Q. Well, it was a period of years, right?

15 A. A small amount of years.

16 Q. Actually, the way it worked is that he basically took
17 the money that y'all earned and he paid your expenses.

18 A. Education and wedding. That's about all I know.

19 Q. And he did the same thing with your brother and he did
20 the same thing with your momma, didn't he?

21 A. Yeah.

22 Q. So not only was your money intermingled with his and
23 your wife's money intermingled with his, but your momma's
24 money was intermingled with his and your brother's money
25 was intermingled with his?

1 A. My wife's money from the store did not intermingle
2 like you're trying to say it.

3 Q. Well, if you --

4 A. You're trying to confuse two matters. They're
5 separate matters, sir.

6 Q. Well, you told us that the money your wife was earning
7 was being held by your dad the same way.

8 A. Not the -- not the real estate money. Not after we
9 bought the store.

10 Q. I didn't ask you that.

11 A. It was before that. You're trying to mix it together,
12 sir. That's not how it worked. That's not the truth.

13 Q. Well, during the period of time that he was holding
14 everybody's money, I want you to tell me how it did work.
15 You told me how it didn't work. During the period of years
16 that he was holding everybody's assets, tell me how it did
17 work.

18 A. He paid for tuition and he paid for the wedding.

19 Q. He paid for food?

20 A. Food? We had our -- we had money to pay for the food.
21 It's not like we're dying hungry, sir. It's not like he
22 got every penny. That's not how it worked, sir.

23 Q. I'm still trying to get the answer how it did work.
24 What did he pay for?

25 A. He paid for my tuition, he paid for the wedding.

1 Q. And?

2 A. Staying at the hotel was for free. The hotel, we --
3 nobody paid for the hotel. We lived in a hotel in
4 Charleston, we lived in a hotel in Goose Creek, we lived
5 in a hotel in Newberry. Until then we had zero bills to
6 pay for light bill, water bill, gas bill.

7 Q. Well, who paid the light bill in Newberry? Did you?

8 A. There was no bill. We lived in the hotel then, sir.

9 Q. Well, so the power to the hotel was for free?

10 A. Paid by the hotel, yes, sir. That was a part of the
11 deal. Whenever somebody works at the hotel and lives at
12 the hotel, there's no expenses. That's how they work.

13 Q. So that was part of the deal?

14 A. Every hotel deal, yes.

15 Q. All right. Now we also were talking in regard to the
16 asset about the cash from the store in Clinton. At the
17 time you fired your mother --

18 A. I did not fire her, sir.

19 Q. At the time your wife fired your mother --

20 A. We did not fire her, sir.

21 Q. At the time you ceased to employ your mother and at
22 the time she was placed on trespass notice against coming
23 to the store where she had worked for all these years,
24 how much cash money was in the business account of the
25 convenience store in Clinton?

1 A. I don't know, sir.

2 Q. Would it have been more than \$10,000?

3 A. I don't know, sir.

4 Q. Who would know?

5 A. I don't know right now, sir.

6 Q. Well, sir, where are all the business records for the
7 convenience store?

8 A. With the bank, sir.

9 Q. Well, those are the bank records. Where are the
10 business -- the checkbooks, the bank statements, all those
11 things, where are they?

12 A. Probably in my office somewhere.

13 Q. Right. And the way you got them in your office is
14 that they were in the house where your momma lived and when
15 she and your brother were in India you and your wife went
16 into her home and took them, right?

17 A. No.

18 Q. Who did? Who took them?

19 A. It was always at my house in Tega Cay.

20 Q. Don't you understand that the bank records went to
21 your mom's house?

22 A. Bank records came to the store and my house in Tega
23 Cay.

24 Q. And the checkbook would have been at your mom's house?

25 A. No, sir. Why would the checks be there? The store is

1 in --

2 Q. Well, you were living in Tega Cay and your wife was
3 living in Tega Cay?

4 A. That's correct.

5 Q. How many years did you live there?

6 A. Since 2017 we bought the house.

7 Q. And from 2017 until your momma no longer worked at the
8 convenience store, did you work there full time?

9 A. Full time?

10 Q. Yes, full time. Forty hours a week.

11 A. No.

12 Q. Did your wife work there forty hours a week?

13 A. No. No, we shared the hours between two of us and we
14 had two more people working.

15 Q. Well, was one of your -- was your mother one of those
16 other people?

17 A. Yes.

18 Q. How many hours did she work there?

19 A. I don't know at this time, sir.

20 Q. Well, sir, if she was an hourly employee, certainly
21 you would have an idea of how many hours she was being paid
22 for, wouldn't you?

23 A. It was always less than forty hours.

24 Q. Did she punch a clock?

25 A. No, sir.

1 Q. What was her salary?

2 A. \$2,000 a month.

3 Q. A month?

4 A. Uh-huh.

5 Q. You paid your momma \$24,000 a month work in the
6 convenience store? A year. \$24,000 a year to work in the
7 convenience store?

8 A. Yes, sir.

9 Q. Who was the manager when you and your wife weren't
10 there?

11 A. My dad was.

12 Q. How about after he died?

13 A. Then I started taking over the business.

14 Q. Well, yes, sir, but you weren't there.

15 A. I was there.

16 Q. Well, when you weren't there, who was the manager?

17 A. After my dad died, the first three months I had PTO,
18 so I worked there, I managed the whole thing and then me
19 and my wife took the turns to manage the store.

20 Q. Sir, the home where your mother lives in, whose name
21 is the title in?

22 A. It is my house, sir.

23 Q. It's titled in your name, right?

24 A. It is my house. That's why it's titled in my name,
25 sir.

1 Q. I simply asked you whose name it's titled in. Who has
2 the deed?

3 A. I have the title. I have the deed.

4 Q. Now when the house was purchased, how much money did
5 you pay down on it?

6 A. First I gave them \$2,500 and then around closing time
7 I give them a cashier's check of \$6,000 and some change.

8 Q. Where did you get the \$6,000?

9 A. We had money.

10 Q. Where did you get it?

11 A. From our jobs.

12 Q. And the \$2,500, where did it come from?

13 A. From our jobs. From my -- my personal account.

14 Q. Did any of that money come out of the convenience
15 store?

16 A. During that time, 2009, no, I was working at BMW at
17 that time, sir.

18 Q. All right. Now the motel in Florence, I understand
19 that you now claim that that belonged to your father when
20 he passed away, right?

21 A. Yes, sir. My dad purchased the motel in Florence
22 right before he passed away.

23 Q. And that motel has now been sold, correct?

24 A. Yes, sir.

25 Q. And there is a sum of money that is in the -- being

1 held in escrow from the sale that belonged to your dad,
2 right?

3 A. Escrow -- yes.

4 Q. How much money is now in the escrow account from the
5 sale of the property in Florence?

6 A. I do not know that, sir.

7 Q. Would it surprise you to learn that it's approximately
8 \$200,000?

9 A. 200,000? Yeah.

10 Q. That sounds about right, doesn't it?

11 A. Yes. Yes, that sounds about right.

12 Q. Now you have said that you want nothing further to do
13 with your mother or with the Hindu traditions, haven't you?

14 A. I never said the words Hindu tradition. I'm Hindu.

15 Q. Well --

16 A. When did I say that?

17 Q. -- you've said that you want nothing to do with your
18 mother. You've said that, correct?

19 A. Yes.

20 Q. You've said you want nothing further to do with your
21 family?

22 A. Yes, sir.

23 Q. And you've said you want nothing further to do with
24 the Indian community, correct?

25 A. Indian com -- I have a lot of friends in the Indian

1 community. I meant like their Indian cult, the ones that
2 are doing -- pushing unethical and illegal things. I don't
3 want that. I want to keep communications with the Indian
4 community, but -- there is a lot of good people in the
5 Indian community. Not that cult.

6 Q. In the Hindu culture, the man is the head of the
7 household, correct?

8 A. No, it's not always like that.

9 Q. Well, actually in the temple, the men sit in the front
10 and the women sit in the back, don't they?

11 A. That's because you're not supposed to touch somebody
12 else's women. That's what happens in Indian. Since there
13 are so many people, you touch somebody's women, so that's
14 why they have it divided. There's no -- everybody is equal
15 in God's eyes.

16 Q. In the -- in the Hindu temple, the men sit in the
17 front and women sit in the back, right?

18 A. Exactly. Because the worshippers who are male they
19 don't want to be seeing females.

20 Q. And the husband generally owns -- holds title to the
21 property belonging to husband and wife, doesn't he?

22 A. No, sir, that's not true.

23 Q. Well, it was true in your family.

24 A. No, sir.

25 Q. Everything that y'all had was titled -- was anything

1 ever titled in Vidhya's name?

2 A. The house in Indian maybe.

3 Q. Other than in India. I'm talking about in the United
4 States. The house in India they had before they ever came
5 here and was inherited. I'm talking --

6 A. No, it was not inherited.

7 Q. Well, whatever.

8 A. It was outright bought.

9 Q. Do you even know that the house in Indian was in both
10 names?

11 A. It's in both names. Yes, sir.

12 Q. All right. In the United States -- they've been here
13 since what year?

14 A. Since 2000.

15 Q. In the -- and your dad died in what year?

16 A. '17.

17 Q. So for the seventeen years they lived in the United
18 States, did Vidhya title anything in her name?

19 A. No, sir.

20 Q. So whatever they owned as a husband and wife would
21 have been titled in your dad's name while they lived here?

22 A. He was more educated. My mom only studied until ten
23 and all the bank documents you have to read and sign and
24 understand, so my dad did it, yes.

25 Q. And that's the reason. That's the reason. He was

1 more educated.

2 A. Exactly.

3 Q. Your mother doesn't have a great education, right?

4 A. In their case, yes.

5 Q. And for that reason anything they owned as husband and
6 wife would have been put in his name, right?

7 A. If that's what they decided, then that's fine. That's
8 what I saw.

9 Q. And that's what you saw and that's what you understood
10 to be the case?

11 A. In their case.

12 Q. And that's a yes, right?

13 A. Yes. In their case, yes. Not in my case.

14 Q. Okay. So they worked as a -- they worked together.
15 Whatever they did, they talked together, they worked
16 together, they shared everything, and what was hers was his
17 and what was his was hers, right?

18 A. In their family, yes. In their personal life, yes.

19 Q. And they intermingled their money, they intermingled
20 their checking accounts, they intermingled everything,
21 right?

22 A. I wouldn't know that of my personal knowledge, no.

23 Q. From what you've seen though, that's the way it
24 worked, right?

25 A. I can't answer that question, sir.

1 Q. And I asked you if your dad was the head of everything
2 and just sort of handled everything and you said no, but he
3 certainly seemed to handle your money, your wife's money,
4 your brother's money. He handled everybody's money.

5 A. He did for a part of the time, not always.

6 Q. All right.

7 A. You have to understand not always.

8 Q. Now your mother had a policy of life insurance.
9 Did you ever do anything to change or help change the
10 beneficiary on her life insurance?

11 A. Yes, sir.

12 Q. And you changed the beneficiary to who on her life
13 insurance policy?

14 A. I -- when I talked to her -- may I explain something?

15 Q. No, sir. I want you to just tell me who did you have
16 listed as the beneficiary on her life insurance policy.

17 A. As the beneficiary, me and my kids.

18 Q. You and your children?

19 A. Uh-huh.

20 Q. Before you had it changed to you and your children,
21 who was the beneficiary?

22 A. It was my father.

23 Q. And your brother as well was on there, too, wasn't he?

24 A. No.

25 Q. All right. Well, now how were you able -- on a life

1 insurance policy that belonged to your another, how were
2 you able to get the beneficiary changed?

3 A. Now can I explain?

4 Q. Yes.

5 A. All right. Okay. So after my father died, I -- I
6 used to -- sorry. I take it back. I used to sell life
7 insurance for a living, so I knew how they worked. After
8 my father passed away, my mother asked me to help her with
9 the insurance information. So when -- when the form came
10 in, I filled out the form, I explained to her everything,
11 I did exactly what she told me to do, and that's how it was
12 changed.

13 Q. Who signed your mother's name on the change of
14 beneficiary form?

15 A. Of course my mother.

16 Q. She signed the form?

17 A. Yes, sir.

18 Q. And you filled it out?

19 A. I filled -- after getting instruction from her, I
20 filled it out. I did exactly what she wanted me to do.

21 Q. And the form you filled out on her life insurance was
22 to change the beneficiary from your father to you and your
23 children?

24 A. Yes, that's what she told me to do.

25 Q. Now you have a younger brother, don't you?

1 A. Yes, sir.

2 Q. He has a family, doesn't he?

3 A. Yes, sir.

4 Q. And he's been close to your mother and father over the
5 years, too, hasn't he?

6 A. Him and my father always fought, but he is close to my
7 mother, yes. Correct.

8 Q. And for some reason that you're not familiar with she
9 wanted to cut him out of her life insurance?

10 A. I'm familiar with the reason because she told me the
11 reason.

12 Q. And -- and it's been changed back now, hasn't it?

13 A. I don't know, sir.

14 Q. And I believe your father's the one that negotiated
15 the deal for the Quality Inn?

16 A. Yes, sir. I answered that already.

17 Q. Your father's the one who negotiated the deal for the
18 convenience store?

19 A. Yes, sir.

20 Q. Your father's the one that negotiated the store
21 purchase?

22 A. He came by, but, yes, he was there. Yes.

23 Q. And the house purchase, you heard Champa Patel testify
24 about that?

25 A. Yeah, but she wasn't accurate. She said I wasn't

1 there at the closing. All the signatures are my
2 signatures.

3 Q. You know Champa Patel?

4 A. Yes, sir.

5 Q. And the Florence hotel purchase, that would have been
6 negotiated by your dad as well, correct?

7 A. I have no idea about that. I was never there.

8 Q. The lawyer who just testified, you went -- you and
9 your wife hired him; is that right?

10 A. Yes, sir.

11 Q. And that lawyer who just testified, you had him bring
12 a legal action against your mother and your brother?

13 A. Legal action?

14 Q. Yes, a claim in the probate court. A petition where
15 you got an order from the probate court to seek --

16 A. No, not against. What's the word "against" mean?

17 Q. Right here --

18 A. Okay.

19 Q. -- where it talks about in the matter of your name,
20 Hardik Patel, petitioner, versus your momma and your
21 brother. Do you see that?

22 A. Yes, sir.

23 Q. Okay. Well, then we know that in the probate court
24 you hired a lawyer to bring an action against your momma
25 and your brother, right?

1 A. This -- I don't understand this document, but my
2 mother transferred the share under her name, which belonged
3 to the probate, so I just wanted to do the right thing over
4 there.

5 Q. You wanted to do the right thing --

6 A. Yes, sir.

7 Q. -- so what you did was to sue your momma and your
8 brother?

9 A. I don't know if this is a sue or not. I told him what
10 happened and I did exactly what he told me to do.

11 Q. Well, sir, you know that we had a hearing in the
12 Laurens County Probate Court where you came and you heard
13 the testimony, right? You were there.

14 A. For -- only for half the time, yes.

15 Q. Right because what happened is after the examination
16 you got in your car and left, didn't you?

17 A. Yeah, I was -- I had a 3-day training for work which
18 I could not miss or otherwise I would lose thirty --
19 thirty-five hundred dollars.

20 Q. So you're telling this Court that even though you
21 appeared in another court and saw testimony you didn't
22 understand that you had brought an action against your wife
23 -- I'm sorry -- against your mother and your brother? You
24 didn't know that?

25 A. I -- I don't know in legal terms. You're asking me

1 this. I'm not the lawyer. I did as what my attorneys told
2 me to do.

3 Q. Right.

4 A. Ms. Desa was there. She told me --

5 MS. BALLARD: Objection, Your Honor. He's trying
6 to elicit confidential communications between my client
7 and me.

8 MR. MOORE: Your Honor, I -- I just -- he -- he
9 said that. I --

10 MS. BALLARD: That's why I cut him off.

11 THE COURT: I'm stuck on the action in the probate
12 court. There was an action filed in the probate court
13 to amend the inventory appraisal. I got it. Whether
14 it's an action or a case or whatever, I'm not worried
15 about that now.

16 BY MR. MOORE:

17 Q. Now we've talked about all this money that you were
18 earning. You recall telling us about your mother financed
19 a car in her name that actually belonged to your wife,
20 right?

21 A. No.

22 MS. BALLARD: Your Honor, I don't want to interrupt,
23 but we covered all of this when we were here in February.
24 I don't know why we're going through it again.

25 THE COURT: I remember the testimony about the car.

1 MR. MOORE: There was.

2 THE COURT: I remember.

3 MR. MOORE: I'm not sure I finished examining
4 about the car, but there was testimony about the car
5 last time.

6 THE COURT: There was. A lot of it --

7 MS. BALLARD: A lot of it.

8 THE COURT: -- so be brief.

9 BY MR. MOORE:

10 Q. Do you know what happened to that car?

11 A. I -- it was her car. I don't know, sir.

12 MR. MOORE: Your Honor, somewhere up here I have
13 another notepad.

14 ANAL PATEL: There it is.

15 MR. MOORE: Thank you so much.

16 BY MR. MOORE:

17 Q. The LLC that the convenience store was placed in,
18 what lawyer drew that LLC up?

19 A. I went there with my wife to Columbia and we formed
20 it ourselves on the third floor in the building wherever
21 it was at that time.

22 Q. I mean, when the LLC was originally leased from P&P.

23 A. Yes. Originally, yes, sir. That's what I'm talking
24 about.

25 Q. What's the lawyer's name?

1 A. Sir, we did it ourself, not the lawyer.

2 Q. You told me that you didn't take any financial records
3 out of your mom's house when she was in India. Did you
4 and/or your wife take anything out of her house when she
5 was India?

6 A. We never took anything that did not belong to us, sir.

7 Q. And that wasn't the question. My question is did you
8 take anything out of her home while she was away in India?

9 A. No, sir.

10 Q. Did you take anything that you claim belonged to you
11 and your wife while she was in India?

12 A. My clothes, yes, because I lived there. My -- my
13 master bedroom belongs to me in my house. My bed is there,
14 my clothes are there, everything. My kids -- my kids' toys
15 are there. Everything that I own is there, sir.

16 Q. I thought you were living in Tega Cay.

17 A. I live at both places, sir. I -- I live here on
18 weekends and also live there. It's been going for many
19 years.

20 Q. So you lived in Tega Cay, but everything you owned was
21 in Clinton?

22 A. I own a lot of stuff. 80 percent is there, 20 percent
23 is there or 15 percent, I don't know, but it if you go
24 right now, the bed is mine, the pictures are mine,
25 everything is mine, and I always lived there. I work from

1 home a lot. On those days I lived in Clinton and then
2 managed the store, so I don't know --

3 Q. So you claim that you own everything in your mother's
4 home?

5 MS. BALLARD: Objection, Your Honor.

6 THE WITNESS: No, sir, I'm not claiming that. My --

7 THE COURT: Hang on. Hang on. What's your
8 objection?

9 MS. BALLARD: My objection is that he's misstating
10 the testimony.

11 THE COURT: All right. I think his testimony was
12 there was a lot of personal items, clothes, children's
13 toys and whatnot that was considered his property. I
14 don't think he distinguished what property was his
15 mother's in the house.

16 MS. BALLARD: Thank you, Your Honor.

17 THE COURT: Rephrase that question and maybe
18 clarify it.

19 MR. MOORE: I'll clarify.

20 BY MR. MOORE:

21 Q. Sir, you said everything that's there is mine. Do you
22 remember saying that?

23 A. Everything -- not in the entire house, sir.
24 Everything there is -- I was talking about the bedroom.

25 Q. Did you have your mother's telephone tracked?

- 1 A. No, sir.
- 2 Q. Did you change her mailing address?
- 3 A. I changed Patel family members address, yes.
- 4 Q. You changed the Patel family mailing address?
- 5 A. That is correct. Yes, sir.
- 6 Q. What do you mean by that?
- 7 A. Well, after my father died, first thing was I stayed
- 8 with her, but then it was really hard to keep up with the
- 9 mail and she repeatedly asked me many, many times to help
- 10 her with the paperwork because she did not understand it,
- 11 so I forwarded all the mail to my house and Thomas Jeter I
- 12 confirmed with him before and after.
- 13 Q. So you -- after your dad died, you had all the mail
- 14 going to the house, including hers, forwarded to you,
- 15 right?
- 16 A. Yes, sir. And at some time she forwarded it back in
- 17 her name going back to her house.
- 18 Q. Right. She had to go basically to the post office
- 19 and get it put back where it would to her?
- 20 A. That's what they say, yes.
- 21 Q. All right. Now at the time you had the mail -- her
- 22 mail directed to your home --
- 23 A. Uh-huh.
- 24 Q. -- did you ever go through any of her mail?
- 25 A. Her mail? She told me to open documents and check it.

1 I would go back to her and I would like explain to her and
2 then take the action the way that she wanted me to.

3 Q. I want to make sure we understand. You opened mail
4 addressed to your momma?

5 A. After her permission, yes.

6 Q. Well, at the time you were having the mail -- her mail
7 redirected to your home and opening her mail, was she on
8 trespass notice?

9 A. No.

10 Q. Well, when did you put her on trespass notice?

11 A. Me?

12 Q. Right.

13 A. What -- can you please repeat the question, sir?

14 Q. Sure. You know that your mother was placed on
15 trespass notice not to even come onto the property at the
16 convenience store, don't you?

17 A. That's correct, yes, sir.

18 Q. All right. When was that done?

19 A. I don't recall the time right now, sir.

20 Q. Actually she was on trespass notice at the time you
21 had the mail redirected from her house to your house,
22 right?

23 A. No, sir.

24 Q. Well, at the time you had the mail redirected, her
25 mail, and you were opening her mail, had she been term --

1 or had ended her employment relationship?

2 A. No, sir. We were on good terms at that time.

3 Q. Did you have the utilities cut off at her home?

4 A. Which utilities, sir?

5 Q. Well, let's talk about them.

6 A. Yes, sir.

7 Q. Did you have the power cut off?

8 A. No, sir.

9 Q. Did you allow the power to get cut off?

10 A. No, sir. It was clearly a misunderstanding.

11 Q. What sort of misunderstanding was there?

12 A. The account that I put all the money in to pay the
13 bills, my mother was on the account and I didn't -- the
14 bills bounced there and that's why the bill didn't get
15 paid. That's why. I didn't do anything. Why would I do
16 that? It would be doing it at my own house if there was no
17 electricity.

18 Q. Did you know that in 2007 your mother and father
19 claimed you as a dependent on their income tax?

20 A. In 2007? Yes, I saw that tax return.

21 Q. Did you know that in 2008 they still claimed you as
22 a dependent on taxes?

23 A. No, sir, I don't know that.

24 Q. How about 2009?

25 A. I don't know that, sir.

1 Q. Well, when did you have them stop claiming you as a
2 dependent on their tax return?

3 A. I didn't go through all the tax returns, but it was
4 right after 2007 it happened because we had our own
5 business.

6 Q. And the convenience store would have been leased when?

7 A. 2nd August, 2007.

8 Q. So during the year the convenience store was leased,
9 your mom and dad still were carrying you as a dependent on
10 their tax return?

11 A. They wanted to get the benefit of me keeping the
12 student so they could get more money back. It was their
13 decision without asking me.

14 Q. The answer is yes?

15 A. Can you please repeat the question?

16 Q. Sure. During the year the convenience store was
17 leased, mom and dad were carrying you as a dependent on
18 their tax return?

19 A. Yes, sir.

20 Q. Who did the tax filings for the convenience store,
21 what accountant?

22 A. Bipin Gandhi.

23 Q. And he is in Charlotte, North Carolina, right?

24 A. Yes, sir.

25 Q. Do you know that the down payment for the house and

1 the monthly payments until June of 2017 were made from
2 the BB&T account that ended in 3464?

3 A. That's -- I think that's my wife's account, yeah.

4 Q. Actually your father's account.

5 A. My wife's account. My father was added later to that
6 account because we were going out of the area to Richmond.

7 Q. Your father was an owner of that account as well,
8 correct?

9 A. I could check, but I know for sure the business check
10 only has my wife's name on it. I used those checks only
11 by my wife's name. Later on my father was added.

12 Q. When was your wife -- when was your father added to
13 the checking account?

14 A. I don't know the date sir, no.

15 Q. So the monthly payments and -- the monthly payments
16 were made from an account that ultimately had your dad's
17 name on it, right?

18 A. He was added as a convenience on my wife's account.

19 Q. Well, when he was added, it was actually your wife and
20 his account, right?

21 A. My wife's account. He was added later.

22 Q. Well, when was he added?

23 A. I don't know, sir. We are going in circles.

24 Q. Well, after he was added, it belonged to your wife and
25 him, right?

1 A. We added him for convenience, sir. That's about it.
2 That's the truth.

3 Q. Well, after he was added, it belonged to him, too,
4 didn't it?

5 MS. BALLARD: Your Honor, he's asking for a legal
6 conclusion.

7 THE COURT: Yeah, it is. I understand your -- I
8 understand the question and it's both names, both owners.
9 BY MR. MOORE:

10 Q. Between June of '07 and October of 2018 the payments
11 were made out of BB&T account that ends in 3989, weren't
12 they?

13 A. 3989?

14 Q. Yes.

15 A. June -- June 7th you say?

16 Q. June of '07 until October --

17 A. No, not June '07. It cannot be June '07.

18 Q. Well, can you acknowledge for me that there was a
19 period of time the payments were made from 3989?

20 A. Yes, sir.

21 Q. That's Vidhya's account, isn't it?

22 A. She finally had \$12,000 in there to cover all the
23 expenses.

24 Q. Whose name is that bank account in?

25 A. My name and my wife -- my mother's name.

1 Q. Your mom's home has how many bedrooms?

2 A. My home you mean?

3 Q. Your mother's home, the place where she lives, the
4 thing we're talking about, how many bedrooms in that house?

5 A. Three bedrooms.

6 Q. How big is that house?

7 A. I don't know exactly the square footage right now.

8 Q. Can we agree it's a small home?

9 A. It's a medium size home.

10 Q. When that house was bought, you would have been how
11 old?

12 A. I don't recall what I had told you.

13 Q. Who paid for the furniture in the house?

14 A. Furniture, I don't recall who paid for it, sir.

15 Q. Do you claim any interest in the furniture or
16 furnishings?

17 A. Any furniture -- interest in the furniture, what does
18 it mean, sir?

19 Q. Do you claim to own any of it, of the furniture or
20 furnishings?

21 A. It's my house, sir.

22 Q. I just want to know if you claim to own the furniture
23 and furnishings inside.

24 A. I claim all the furniture that's inside, yes, sir.

25 Q. And the dishes?

1 A. Dishes?

2 Q. Dishes. Things you eat off of.

3 A. Who wants to know who paid for it? What's the dishes
4 has to do with this, sir?

5 Q. I just want to know who owns them.

6 A. I don't know. You'd have to show me the dishes.

7 Q. All right. You came to the United States in what
8 year?

9 A. 2001, sir.

10 Q. Where did you live when you came to the United States
11 initially?

12 MS. BALLARD: Your Honor, we -- we went through all
13 of this in February.

14 MR. MOORE: I don't --

15 MS. BALLARD: All of it.

16 MR. MOORE: I don't think we did, but I'll --

17 THE COURT: Let's don't go through this again
18 because I did -- I read very, very diligently this
19 morning all the notes from February 6th.

20 BY MR. MOORE:

21 Q. Can we agree that since 2007 you've lived in Clinton,
22 Camden, Richmond and Charlotte?

23 A. Since 2007, Clinton, Richmond, Charlotte, Camden, yes.

24 Q. How many years did you live in Camden?

25 A. Camden, I lived three years.

1 Q. How many years in Richmond?

2 A. Richmond, about six months to eight months.

3 Q. How many years did you live in Charlotte?

4 A. Charlotte, you mean Tega Cay?

5 Q. Yeah.

6 A. Three -- about three years.

7 Q. During all that period of time you were gone, where
8 did your mom and dad live?

9 A. Mom and -- they lived in my house in Clinton.

10 Q. And what did they do for work?

11 A. My dad was about retired. He went to join the temple
12 and he also -- he also bought the hotel in Florence.

13 Q. Well, yes, but he didn't work at the hotel in
14 Florence. I want to know what he did --

15 A. He did work at the hotel in Florence.

16 Q. Did your dad work at the convenience store?

17 A. Yeah, he was helping me manage the store, correct.
18 Yes.

19 Q. After your dad sold the Quality Inn in Newberry, did
20 he ever have any job other than working at the convenience
21 store and working at the hotel in Florence?

22 A. After that he told me he wanted to live a retired
23 life. He was helping me manage the store and then after
24 that for many years later he bought the hotel in Florence
25 because he changed his mind. He did not like retired life

1 or whatever.

2 Q. How much was he paid to manage the store in Clinton?

3 A. I don't know that right now, sir.

4 Q. Well, sir, if it's your store and your wife's store,
5 how come you wouldn't know how much your dad was paid?

6 A. It was a long period of time and many years, many
7 people, I don't know exactly the details for. My
8 accountant would know, sir.

9 Q. Right. And he's in Charlotte, right? Mr. Gandhi?

10 A. That's where his office is, yeah.

11 Q. And that's where he is today as far as you know?

12 A. I have no idea, sir.

13 Q. So the person who could tell me if your dad was paid
14 any money at all for the work he did in the convenience
15 store would be your accountant?

16 A. Yeah, he can tell you. We have W-2's for everything,
17 so, yes.

18 Q. If you have those, can you tell me within a range how
19 much money did you pay your dad every year for the work he
20 did?

21 A. I don't --

22 MS. BALLARD: Your Honor, he's already said he
23 doesn't know. The burden of proof is on the plaintiff.
24 We don't have the burden of proof to show anything about
25 who was paid what and when. He's badgering the witness.

1 We've been over this. We went through two hours in
2 February --

3 THE COURT: I've got it.

4 MS. BALLARD: -- and we're about to go into the
5 second hour now.

6 MR. MOORE: Your Honor, if I'm wasting time, I
7 certainly would apologize to the Court. I'm doing the
8 best I know how in trying to paint for the --

9 THE COURT: Y'all don't need to -- state your
10 objection and let's keep moving on and keep covering
11 new ground.

12 MR. MOORE: Yes, sir.

13 BY MR. MOORE:

14 Q. Would you agree with me that Bipin Gandhi is not only
15 your accountant, but he was your mom and dad's accountant?

16 A. I don't know that, sir.

17 MR. MOORE: Your Honor, I thank the Court for
18 allowing me to examine the witness.

19 Sir, I have no -- no further questions.

20 THE WITNESS: Thank you, sir.

21 MR. MOORE: Thank you so much, Your Honor.

22 THE COURT: Yes, sir.

23 Ms. Ballard, anything else from you?

24 MS. BALLARD: I'm sorry?

25 THE COURT: Do you got any redirect for him?

1 MS. BALLARD: I'll wait, yes.

2 THE COURT: All right. You may step down.

3 THE WITNESS: Thank you, sir.

4 (Witness excused.)

5 MS. BALLARD: Your Honor, Mr. Moore said that my
6 client was his last witness. It appears that he's
7 changed his mind.

8 THE COURT: I don't remember him saying that, but
9 I remember it was close.

10 MS. BALLARD: Okay.

11 MR. MOORE: Baset Patel.

12 Judge, would it be possible to take a small
13 restroom break?

14 THE COURT: Sure. We can do that while you bring
15 him out. We'll stand down for a few minutes.

16 (Recess taken at 12:02 PM.)

17 (Back on the record at 12:15 PM.)

18 THE COURT: All right, Mr. Moore. Are you ready?

19 MR. MOORE: Yes, Your Honor. We call Baset Patel.

20 THE COURT: Mr. Patel, come around this way. Or
21 any way. Your way's fine, Mr. Moore. He can come
22 around that way.

23 MR. MOORE: Baset, they're gonna want you to sit in
24 that chair right there. Before you do that they're gonna
25 ask you to tell the truth.

1 THE COURT: All right. Madam Clerk, place him
2 under oath, please.

3 THE CLERK: Yes, sir.

4 Raise your right hand.

5 (Whereupon, Baset Patel was duly sworn by the
6 Clerk of Court.)

7 BASET PATEL,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MOORE:

11 Q. What is your name?

12 A. Baset Patel.

13 Q. And, Mr. Patel, you have a pretty heavy accent, don't
14 you?

15 A. Yeah, I do.

16 Q. Where are you from originally?

17 A. From India.

18 Q. Did you know Ramesh Patel?

19 A. Yes.

20 Q. Were you a friend of his?

21 A. No, we are actually related.

22 Q. How are you kin? Cousins?

23 A. Very distant cousin, not really close. Very, very
24 far.

25 Q. How long did you know him before he died?

1 A. Quite long because when he came to American, I was the
2 one who picked him up from the airport.

3 Q. Okay.

4 A. So he stayed with me for about a month, I guess, and
5 we got him settled, we got him a job and -- and showed him
6 around and all that. He stayed with us.

7 Q. Are you a life insurance agent?

8 A. I am a life insurance agent, yes.

9 Q. What company do you write insurance for?

10 A. Mass Mutual.

11 Q. Mass Mutual. And at some point in time did you
12 provide a life insurance policy on the life of Vidhya
13 Patel?

14 A. Yes, I did.

15 Q. Originally before Ramesh died, who was the
16 beneficiary?

17 A. That was Ramesh.

18 Q. All right. And at some point in time after Ramesh
19 died, did you learn of a beneficiary change?

20 A. Well --

21 Q. Did you learn there had been a change of beneficiary?

22 A. Yes.

23 Q. And who did you learn the beneficiary had been changed
24 to?

25 A. My company informed me that the --

1 MS. BALLARD: Objection, Your Honor. Hearsay.

2 MR. MOORE: Your Honor, that's not hearsay. He
3 knows as part of his business.

4 THE WITNESS: I -- I want to --

5 THE COURT: Hang on. Hang on.

6 MS. BALLARD: Your Honor --

7 THE COURT: Wait. I can't have three people
8 talking because she's taking down everything that's
9 being said, so we've got to talk separately.

10 Ms. Ballard, what is your objection?

11 MS. BALLARD: My objection is hearsay. He said
12 he's an agent, an insurance agent, and he said his
13 company told him. That's clearly hearsay.

14 MR. MOORE: Your Honor, it's already been
15 stipulated that the policy was changed. Mr. Hardik
16 Patel testified he changed the policy. It's nothing
17 new and it's basically part of his business.

18 MS. BALLARD: It's hearsay, Your Honor.

19 THE COURT: I'm not sure the purpose of the
20 question. I mean, we've already established it.

21 MS. BALLARD: Thank you, Your Honor.

22 THE COURT: I mean, he -- he said he change it.

23 BY MR. MOORE:

24 Q. When you learned that the beneficiary had been changed
25 on Vidhya's policy -- I'm sorry.

1 MS. BALLARD: I was gonna object to the leading,
2 but I'm not going to. I'm just gonna let it go.

3 THE COURT: Okay. Go ahead.

4 BY MR. MOORE:

5 Q. When you learned the policy had been changed from
6 Ramesh to Hardik, did you make a telephone call?

7 A. Yeah, I think --

8 Q. Wait a minute. Did you make a call?

9 A. Yes, I did.

10 Q. And who did you call?

11 A. I talked to Vidhya.

12 Q. And did Vidhya know that there had been a change?

13 A. No, she didn't know.

14 Q. What did you tell her in that conversation?

15 A. The records indicated that the -- Hardik was the only
16 beneficiary on the form. I had access to the records, the
17 policy, so I verified that he was the only one that was
18 beneficiary, so I called and asked her, I said how come
19 there's only one beneficiary.

20 Q. And what -- what did she tell you?

21 A. She said she didn't know at all and I said how come
22 you didn't know, but then we realized that the address on
23 the policy was changed from Vidhya's home address to
24 Hardik's home address, so all the notice of change were
25 going to Hardik so Vidhya would have no idea that the

1 beneficiary was changed and who it was changed to.

2 Q. Now when you asked her why it was changed and she
3 didn't know it had been changed, what did she do?

4 A. Yeah, when I told her that Darshak is not on the
5 policy as a beneficiary, she was quite surprised and
6 shocked because she wanted both the boys to be a
7 beneficiary and that -- just so you know, when Ramesh
8 died and I was at the home, I told them, I said we need
9 to change the beneficiary and she said yeah, put down both
10 the boys' name, but at that time Hardik told me don't
11 worry, I'll take care of it. So she was surprised when I
12 told her that only Hardik was a beneficiary and the address
13 was his home address, so she said can you help me change
14 that again, so that is when I got the new form and I -- I
15 changed it to both the -- I mean, to the -- to Darshak and
16 then also changed the address on the policy so that they
17 could go back to Vidhya where it should have gone.

18 Q. So when you changed it -- when you changed it, who
19 did you change to be the beneficiaries on her policy?

20 A. The beneficiary was Darshak.

21 Q. Just Darshak?

22 A. I think Darshak and Hardik both. Excuse me.

23 Q. Both of them?

24 A. Yes.

25 Q. Okay. Now -- and did you change the address?

1 A. Yes, I did to Vidhya's address so she would know
2 because she's the one --

3 THE COURT REPORTER: I don't know what he's
4 saying.

5 THE COURT: Hang on. Can you slow down just a
6 little bit?

7 MR. MOORE: Can you slow down your speech just a
8 little bit. This lady is trying to write down what we
9 say.

10 THE WITNESS: Sorry. I will. I will slow down.

11 BY MR. MOORE:

12 Q. So you changed the mailing address from whose address
13 to whose address?

14 A. I changed the mailing address from Hardik to Vidhya.

15 Q. When you spoke to Vidhya, did she know that the
16 address had been changed?

17 A. She didn't know until I told her that I noticed that
18 not only the beneficiary has changed, but the address has
19 also changed.

20 Q. When you told her that the beneficiary had been
21 changed to Hardik and the policy address had been changed
22 to Hardik's house, was she happy about that?

23 A. Oh, no. She was -- first of all, she was surprised.
24 She was not happy, she was upset, but she said how can that
25 happen.

1 Q. And how did you go about changing the address from
2 Hardik's house to Vidhya's house?

3 A. There is a form from the company that says if you
4 want to change beneficiary or change address, so I got the
5 form, I filled it out with Vidhya's address and the new
6 beneficiary and then Vidhya had to sign that form.

7 Q. How did you go about changing the beneficiary to make
8 Hardik and Darshak, her two sons, the beneficiary instead
9 of just Darshak?

10 THE COURT: Hasn't he already testified he filled
11 out the form?

12 BY MR. MOORE:

13 Q. You filled out the form and she signed the form?

14 A. Yeah, filled out the form and the form had space for
15 who the beneficiaries are and what the address is, so I
16 put down the new beneficiary and put the new address.

17 MR. MOORE: All right. Thank you very much,
18 Mr. Patel, for answering my questions. Answer any
19 questions the other lawyer might have.

20 THE WITNESS: Sure.

21 MS. BALLARD: I don't have any questions, Your
22 Honor.

23 THE COURT: Very well.

24 All right. Mr. Patel, you are excused if you'd
25 like.

1 THE WITNESS: I'm done?

2 THE COURT: You're done.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MR. MOORE: Your Honor, that would be our case.

6 THE COURT: Okay. It's about 12:30. We'll take
7 a short lunch break and then you --

8 MS. BALLARD: I've got motions. I mean, I can do
9 them before or after, whichever you prefer.

10 THE COURT: Let's do them after. I'm a little
11 hungry.

12 MS. BALLARD: That's fine. Thank you, Your Honor.

13 (Whereupon, a luncheon recess was taken at
14 12:24 AM.)

15 (Back on the record at 1:30 PM.)

16 THE COURT: All right. Ms. Ballard, are you ready
17 to make your motions?

18 MS. BALLARD: Yes, I'm ready, Your Honor.

19 Are we on the record?

20 THE COURT REPORTER: Yes.

21 THE COURT: We are.

22 MS. BALLARD: Thank you, Your Honor.

23 I have several motions regarding requests for the
24 equivalent of a directed verdict at the end of the
25 plaintiff's case. The complaint in this action alleges

1 numerous causes of action. I wanted to go through them
2 and address them one by one.

3 On page 5 of the complaint, the first cause of
4 action is a cause of action for an express trust. The
5 allegations are that there's only actions and conduct,
6 but the term "express trust" refers to a written trust
7 and the case law construing express trust also refers to
8 a written trust and I think the evidence is clear that
9 there has been no written trust introduced into evidence,
10 so I would move for dismissal of the first cause of
11 action on the ground that there's no evidence reasonably
12 to support it when viewing all the evidence in the light
13 most favorable to the plaintiff.

14 THE COURT: I didn't hear any testimony about any
15 in writing, so I think she's right.

16 MR. MOORE: Your Honor, in the case of Beckham versus
17 Short, which is 380 S.E.2d 826, the Court held that parole
18 evidence is allowed to be able to create an express trust
19 and the parole evidence rule does not prohibit the use of
20 parole evidence.

21 In the case of All, A-L-L, versus Prillaman,
22 P-R-I-L-L-A-M-A-N, which is found at 20 S.E.2d 741, it
23 clearly holds that parole evidence may be admitted to
24 show the existence of an express trust.

25 Your Honor, those cases -- also Joyce versus Gunnels,

1 which is an old 1846 case, basically holds that an express
2 trust can be created by the act of the parties and an
3 implied trust basically operates through a construction of
4 law.

5 I think you start splitting hairs to determine
6 exactly what type of trust this is, but I respectfully
7 submit that with the -- with the testimony as it
8 presently exists, there is at least evidence which
9 would demonstrate the creation of an express trust.

10 THE COURT: All right.

11 MS. BALLARD: Your Honor, in response to that, the
12 allegation is, and the proof isn't, that the purchase of
13 the house was solely for the benefit of Ramesh and Vidhya
14 and there's been no testimony to that effect whatsoever.
15 The testimony is that the house was purchased and that all
16 four of them lived in it, but there's been absolutely no
17 testimony that it was intended for the benefit of Ramesh
18 and Vidhya. They were allowed to live there.

19 The All case that Mr. Moore cites specifically
20 says -- and I'll hand up a copy for Your Honor. It
21 expressly says on page 9 all declarations or creations
22 of trusts must be in writing, which must be signed by
23 the parties so making or creating the same, except only
24 where resulting from implication of law, which is their
25 subsequent causes of action for constructive trust and

1 resulting trust, but there is -- it's clear that there
2 is no express trust and I would move to dismiss the first
3 cause of action on that basis.

4 THE COURT: I agree with you, so I'm gonna grant
5 you a directed verdict on that one.

6 Now the other -- the cause of action resulting
7 trust, and you've got the proper individuals because
8 they require a different handling, and so --

9 MS. BALLARD: Correct. Thank you, Your Honor.

10 The second and third causes of action are the
11 cause of action for resulting trust, and the cases that
12 I cited in my pre-trial memorandum, Your Honor, the one
13 most directly on point regarding resulting trust, is
14 Hayne versus Federal Credit Union. Again, it's cited
15 in my pre-trial brief, and what it says is that equity
16 devised the theory of resulting trust to effectuate the
17 intent of the parties in certain situations where one
18 party pays for property, in whole or in part, that for
19 a different reason is titled in the name of another,
20 but the evidence has to show that the -- the purchaser
21 intended to benefit someone else and there has to be
22 evidence of actual intention to benefit someone else.

23 There's been no testimony either with respect to
24 the store or the house that either one were purchased
25 specifically for the benefit of Vidhya and/or Ramesh.

1 In fact, the testimony is that the house and the store
2 were put in somebody else's name because they were
3 trying to defraud the immigration people because they
4 didn't have the right status to hold it in their own
5 name.

6 Well, equity will not allow a violation of the
7 law to support the creation of a resulting trust. And,
8 frankly, the second cause of action and the third cause
9 of action don't even allege the allegations of it, but
10 the -- the general rule is that when real estate is
11 conveyed to one person and consideration paid by another
12 it's presumed that the party who pays the purchase
13 money intended the benefit to himself and accordingly a
14 resulting trust is raised in his behalf. We have not a
15 single bank record, we have not a single check. We have
16 some testimony that oh, I -- I thought I was selling it
17 to Ramesh and we have some testimony that a lot of it
18 dealt with Ana, she's too young, but that is all we
19 have. We have absolutely no evidence that when Hardik
20 bought the house or when Ana bought the store she was
21 intending to benefit anyone other than herself and her
22 husband.

23 And the -- the evidence in -- excuse me -- in the
24 same case, Your Honor, fraud can defeat a resulting
25 trust and their testimony has been that they couldn't

1 put it in Ramesh's name because he didn't have the
2 correct status. I think at one time he had H1 status
3 and at one time he had green card status and their
4 testimony was -- all of their witnesses said oh, because
5 it was immigration status we had to put it in -- we had
6 to put it in Hardik's name and because of his immigration
7 status we had to put the store in Ana's name. Fraud
8 doesn't allow a resulting trust in those circumstances.

9 Now I don't know whether H1 permits holders to own
10 property. I don't know whether green card holders can
11 own property, and I suspect they don't either, but they
12 testified that they did it because the immigration laws
13 prohibited it from happening, prohibited it from taking
14 in their own name. And, Your Honor, the law I think is
15 clear that fraud defeats a resulting trust.

16 First of all, there's not been evidence that the
17 purchase prices were paid by Ramesh and Vidhya. There's
18 been evidence that Vidhya paid some of the gas bills.
19 Plaintiff's Exhibit Number 2 were excerpts from a bank
20 statement that has Ramesh and Vidhya's name on it and
21 Darshak's where certain utilities were paid, but there's
22 not a single bit of evidence that any of the money that
23 went into the purchase of the house came from Ramesh or
24 from Vidhya. Neither is there any evidence to support
25 the suggestion that the house was bought to benefit

1 Ramesh and Vidhya or the store was bought to benefit
2 Ramesh and Vidhya. The testimony's been that there were
3 some bank accounts that were kind of all jumbled up,
4 money kind of went into some bank accounts, people may
5 have thought that money from the Newberry hotel helped,
6 but did you see a single check -- did you see a single
7 check for the sale of the Newberry hotel? You did not.
8 And their whole theory, their whole theory, is that we
9 were defrauding the immigration authorities by putting
10 it in their name. Well, the Hayne case says you can't
11 do that. You can't do that to violate the law.

12 And so as to the second and third cause of action,
13 Your Honor, we move for a directed verdict on both of
14 those. Again, taking the evidence in the light most
15 favorable to the plaintiff, their own theory is we did
16 it to skirt the immigration laws and that will not be
17 upheld by a Court of equity. A trust will not be
18 imposed. As the Court said, equity devised the theory
19 of resulting trust to effectuate the intent of the
20 parties.

21 There's been no evidence whatsoever that it was the
22 indent of my clients to benefit Ramesh and/or Vidhya with
23 the purchase of the house or the purchase of the store.
24 The evidence is that Vidhya and Ramesh lived in the house
25 and my clients did, too, and we know that at least a few

1 gas bills were paid by Vidhya after Ramesh died, but
2 that's all we know and that has nothing to do with the
3 purchase. That's consumption. That has nothing to do
4 with the purchase of the home.

5 Same with the video -- with the store. As my
6 client testified on his adverse testimony or as an
7 adverse witness for the plaintiff, there was no money
8 involved in the purchase of the convenience store, it
9 was all future payments, so the plaintiff's case shows
10 that there was no money put into the convenience store
11 at the time it was purchased, that there was a promissory
12 note that they paid over time, there was no cash upfront,
13 and there's been no evidence where those payments were
14 made from. My case is gonna show you that, but there's
15 been no evidence in their case that Vidhya or Ramesh paid
16 anything to purchase the home. There's no evidence that
17 they purchased -- they paid anything to purchase the
18 store and all you've heard is oh, this is the culture,
19 this is the culture. The father always owns everything.
20 That's the culture. Those were the questions you heard,
21 but you didn't hear any answers that said that.
22 Mr. Moore asked those questions repeatedly. Well, isn't
23 this how it works? Well, no. That's the story he wants
24 to tell you, but the evidence is simply not there, and
25 that is as to a resulting trust, Your Honor, the second

1 and third cause of action as to the house and to the
2 store.

3 THE COURT: Mr. Moore, do you want to respond to
4 those four causes of action? The second and third and
5 forth and fifth are kind of --

6 MS. BALLARD: Those are -- I was gonna argue about
7 the constructive trust, too. Did you want me to go
8 ahead and do that at the same time?

9 THE COURT: Sure. Go ahead. We might as well get
10 all the trust questions together.

11 MS. BALLARD: Okay. Thank you, Your Honor.

12 The fourth and fifth causes of action are
13 constructive trusts and the case that I cited in my
14 pre-trial brief and that Mr. Moore just cited to
15 Your Honor and I just handed up to Your Honor, says
16 that evidence of a constructive trust has to be proved
17 by clear and convincing evidence. On page 11 of the
18 case, clear, satisfactory, convincing, full, free,
19 proceed with great caution, definite, unequivocal,
20 precise, decisive, indubitable, overwhelming, strong,
21 unmistakable, capable of but one conclusion, a greater
22 weight than a mere preponderance of the evidence.

23 Again, all we have is these people kind of lived
24 together and sometimes Hardik gave his paycheck to his
25 father and the bank accounts have multiple names on it,

1 but there's not a single piece of evidence that's come
2 into this record, certainly not under the burden of
3 proof required for the imposition of a constructive
4 trust, that the house was intended for the benefit of
5 Ramesh and Vidhya. No testimony to that whatsoever.

6 Chandra -- or Champa Patel, the realtor, said that
7 she dealt with them in connection with the purchase of
8 the house, but there's no documents that have been put
9 into evidence. You haven't seen the deed, you haven't
10 seen the taxes, you haven't seen anything to show who
11 paid for the house. Nothing.

12 The same with the store. There's not a single
13 document that came into evidence that shows anything
14 paid by Vidhya or Ramesh. What you heard is that Ramesh
15 got some money or may have gotten some money out of the
16 sale of a hotel in Newberry and somehow magically it must
17 have ended up in the convenience store. You've got no
18 documents to support that. None, none whatsoever, and
19 clearly not as to the burden of proof that's required.

20 The case is clear. There's got to be some element
21 of fraud or bad faith that makes it inequitable that the
22 grantee should hold the title not in trust and what there
23 is is evidence of, as Your Honor said yourself earlier,
24 this is the way Indian families do it, but there's not
25 a shred of testimony that the store or the house was

1 intended for Vidhya or Ramesh. The store was bought, the
2 house was bought, but no evidence that it was intended
3 solely to benefit them.

4 Thank you, Your Honor.

5 THE COURT: Thank you, Ms. Ballard.

6 Yes, sir, Mr. Moore.

7 MR. MOORE: May it please Your Honor? I believe
8 the testimony is that while Mrs. Patel was in India
9 Hardik and his wife came to their home and took all of
10 their business records. If that testimony is believed,
11 and I certainly believe at least to this point in the
12 trial if you take all of the evidence in the light most
13 favorable to the plaintiff, the testimony demonstrates
14 that Hardik and his wife came to Mrs. Patel's home and
15 hauled off all of the records. It is -- if that is, in
16 fact, true. It's incredibly hard to perceive how we
17 could be expected to produce documents which they have
18 in their possession.

19 I also would respectfully submit that evidence
20 comes not only by way of documents, but by way of
21 testimony. If we take a look at the testimony of the
22 people who actually sold the house and the convenience
23 store, the understanding was that they were placing the
24 house and the convenience store in the children's names
25 because of the immigration status and that the

1 consideration for both, in effect, came from the father
2 and the mother who held everything as a basic family
3 partnership. I believe the testimony was that they held
4 everything together and they kept it, in effect, in the
5 husband's name.

6 We have testimony from the last hearing, as well as
7 testimony from today. It was incredibly interesting to
8 me to hear the testimony of Hardik where he acknowledged
9 that the father held everything and everything was mixed
10 up in regard to who owned what.

11 Your Honor, the theories of resulting trust and the
12 theory of constructive trust both sound in equity. They
13 are equitable remedies which have been designed to guard
14 against unjust enrichment, overreaching or unfair dealing.
15 The South Carolina law indicates that a resulting trust
16 is imposed in equity to effectuate the intent of the
17 parties, especially in certain situations where one
18 party pays for the property, in whole or in part, that
19 for a different reason is titled in the name of another.
20 That's McDowell verses DSS, which is 370 SE 2d 878, a
21 Court of Appeals decision, 1987.

22 The testimony as I heard it was that neither
23 Hardik nor his wife at the time the convenience store
24 was purchased had the ability to pay for a house or a
25 convenience store. They were very young. They had very

1 little assets. The dad had paid large sums of money for
2 his education, had paid large sums of money for his
3 living and had paid large sums of money for his wedding,
4 but Mr. Paul Patel testified to exactly what the others
5 said, was that Mr. Ramesh Patel is the one who negotiated
6 everything, both the purchase of the home, as well as the
7 convenience store, and that the title was basically
8 placed in their names because of the immigration status
9 and because of the cultural situation the way things are
10 and work in the Indian community.

11 Now I agree with counsel that we haven't put any
12 checks into evidence, but, again, we don't have them,
13 they do. The -- the law basically says in Caulk verses
14 Caulk, which is 43 SE 2d 600, it's presumed that the
15 party who pays purchase money intended to benefit himself
16 and when the property is placed in somebody else's name
17 there's a presumption that it's not a gift and that the
18 person in title is expecting to have that person hold
19 title for himself.

20 Well, we know in this situation according to the
21 people who were the sellers that the convenience store
22 was leased at a time when neither Hardik or his wife had
23 any money. It was leased at a time when they were in
24 school. Mr. Paul Patel, I believe, testified there was
25 some \$150,000 paid by Mr. Ramesh Patel to P&P for the

1 inventory and the goodwill at the time the convenience
2 store was purchased. It is readily apparent that neither
3 Hardik nor his wife had the cash money to pay anything
4 for the inventory. I respectfully submit that testimony
5 that Mr. Paul Patel or his partner just gave it to them
6 is -- begs the -- begs the truth is simply not so and
7 certainly at this stage of the trial doesn't appear to be
8 true.

9 The testimony also is that when the Quality Inn,
10 which belonged to dad according to everybody, it was
11 also placed in the daughter-in-law's name, but she never
12 paid anything for it. When the Quality Inn was sold,
13 what basically happened was that the balance of the note,
14 that there was a note, the balance of the debt was, in
15 effect, paid for using the money from the Quality Inn.
16 So we have a situation where there's no question but
17 that Mr. and Mrs. Patel paid for the convenience store.

18 Now we have Ms. Champa Patel, who was the real
19 estate agent who sold the house, and she said that --
20 or she testified that she and her husband loaned Ramesh
21 and Vidhya the money to buy the house. She was the
22 real estate agent who found the house and that Ramesh
23 and Vidhya borrowed the money, used the money to buy
24 the house, and paid the money back to them.

25 Now counsel indicates there's no testimony in

1 regard to who paid for the house. I'd respectfully
2 submit the testimony of Champa is pretty -- it's really
3 ir-refuted. There is simply the people who were involved
4 in the transaction, the witnesses who were involved in
5 the transaction, have testified under oath. Now this
6 lady is a licensed realtor. She has apparently never had
7 any problem with her realty license. She understands if
8 she were to commit perjury she would lose her livelihood
9 and probably have problems with the criminal court and
10 she came here and swore we loaned them the money for the
11 house. The money was loaned to Ramesh and Vidhya, they
12 paid for the house, and that's how they got the house.

13 We looked at at least some of the documents dealing
14 with the convenience store and the banking account for
15 the convenience store and Ramesh Patel is actually listed
16 as an owner in writing in some of the documents that we
17 -- we introduced.

18 So you have a situation to where the convenience
19 store, according to the evidence, was paid for by Ramesh,
20 the convenience store was negotiated by Ramesh, the
21 convenience store was paid for by Ramesh using funds that
22 belonged to he and Mrs. Patel. The testimony is that
23 Mrs. Patel has limited education, that she's worked in
24 the store for approximately -- for a number of years
25 about sixty hours a week, which is ir-refuted really, and

1 she's been paid little or nothing for the fact that she
2 worked there. If she did not understand that the thing
3 belonged to her, I'm not sure why she would have done
4 that. They bought their home a mile from the convenience
5 store so that they would be convenient to work there.

6 Again, it is amazing to me -- and there are serious
7 issues of credibility when it comes to Hardik.

8 THE COURT: Let's don't do that. I'm not looking
9 for any evidence from your side.

10 MR. MOORE: All right.

11 THE COURT: Both trust actions I'm gonna deny the
12 motion at this time. I want to hear more about that.

13 MR. MOORE: Thank you so much, Your Honor.

14 THE COURT: I think you've gotten passed the
15 motion.

16 MS. BALLARD: Could I just preserve one issue for
17 the record, Your Honor?

18 THE COURT: Sure.

19 MS. BALLARD: The evidentiary inference that we
20 are entitled to, even if it's true that my client stole
21 documents from Vidhya showing her bank account or from
22 Ramesh showing his bank account, those bank accounts
23 were clearly within their possession and control and
24 they could have gone to the bank and they could have
25 gotten those documents. Champa could have brought

1 new documents showing that she loan the money. The
2 evidentiary inference that their failure to produce
3 those documents would not support their theory of the
4 facts has to be applied both at this stage of the
5 proceeding and at the ultimate factfinding of the
6 proceeding and I --

7 THE COURT: Okay. And I -- I agree with you on
8 that, so you're protected on that issue.

9 MS. BALLARD: And, again, with reference to the
10 burden of proof --

11 THE COURT: It's clear and convincing.

12 MS. BALLARD: I'm sorry?

13 THE COURT: Clear --

14 MS. BALLARD: Clear and convincing, not -- not
15 even preponderance of the evidence.

16 THE COURT: I think I said -- I meant to say in
17 the light most favorable to the plaintiff --

18 MS. BALLARD: Correct.

19 THE COURT: -- and I think I misstated that.

20 MS. BALLARD: Okay. Thank you, Your Honor.

21 The sixth cause of action is one for breach of
22 fiduciary duty and there's been no testimony that
23 Hardik was in a fiduciary relationship with his mother
24 or with his father. In fact, the testimony has been
25 quite the opposite. The testimony has been that Ramesh

1 was a businessman, he negotiated all these deals, and
2 they only put it in Hardik's name because they didn't
3 have the immigration status. Clearly there is no
4 evidence to support the existence of a fiduciary
5 relationship between Ramesh and Hardik or between
6 Vidhya and Hardik and even more so as to Ana. There
7 is absolutely no evidence.

8 And I looked at the cause of action. The cause of
9 action says Hardik has breached his fiduciary duty. It
10 doesn't say where the fiduciary duty came from. It
11 doesn't say that Vidhya placed great confidence and
12 repose in her son and relied upon him, nor did she
13 testify to that fact with reference to a breach of
14 fiduciary duty. First there has to be a fiduciary duty
15 and they have not produced evidence that a fiduciary
16 relationship existed with reference to the store or to
17 the house and certainly there's been no evidence of a
18 breach of any fiduciary duty when no fiduciary duty has
19 been shown.

20 Again, taking the evidence in the light most
21 favorable to the plaintiff, there is no fiduciary
22 relationship among these people and as Your Honor said
23 last time we were here they used everybody's names on
24 everything. Well, that's evidence, but it's not
25 preponderance of the evidence and it's certainly not

1 clear and convincing evidence.

2 Mr. Moore has gone to great effort to say well,
3 this is the Indian culture, this is the Indian culture.
4 What he hasn't done is bring you documents. He hasn't
5 brought you a single document other than these bank
6 statements that showed that Vidhya paid her own gas bill
7 occasionally after my clients moved to Tega Cay, but
8 there's no evidence, no allegation even, of why there's
9 a fiduciary relationship and there's certainly no proof
10 that there's a fiduciary relationship and there is no
11 proof of a breach of the fiduciary relationship and that
12 is as to the sixth cause of action, Your Honor.

13 THE COURT: All right. Mr. Moore, we'll hear
14 briefly on that.

15 MR. MOORE: May it please Your Honor? And I may
16 have been instructed wrong when I was in law school, but
17 I don't think so, my understanding is that a trust,
18 whether it be express trust, implied trust, equitable
19 trust, constructive trust or resulting trust, that any
20 time a person stands in the position of a trustee that a
21 trust is inherently imbued with a fiduciary relationship.
22 So if, in fact, the Court were to find any of those forms
23 of a trust, that would mean Mr. and Mrs. Hardik Patel
24 would stand in the position of a trustee.

25 To run off with the checkbook, to abscond with the

1 business documents, to basically take the business and
2 to try to evict the beneficiary of the trust from the
3 home she's lived in all these years after the mom paid
4 for the education and a car and everything else, it
5 would certainly appear to me that if, in fact, the Court
6 were to impose a trust as we think the Court should,
7 then they occupied the position of trustee and, in
8 effect, steal the property from the momma is about as
9 serious a breach of fiduciary duty as one could ask for.

10 There's been a failure to -- we still can't figure
11 out how much money they took. We think it's around
12 \$60,000 they took from the business checkbook. They
13 will not tell us. I think the last they said it was
14 approximately \$40,000 that's still in there, but we
15 don't know. But they've got the checkbook, they've --
16 they've got the account and they, in effect, have taken
17 the money according to them.

18 So I do believe we have a legitimate cause of
19 action for breach of fiduciary duty, as well as for
20 declaratory judgment to impose the trust based upon
21 the -- the trust relationship that supposedly exists.
22 As a matter of fact, Mr. Hardik Patel himself testified
23 that the property was all mingled up because trust was
24 imposed in each other. They trusted dad, dad trusted
25 them. I believe that testimony was -- is in the record

1 as well.

2 Thank you, Your Honor.

3 THE COURT: Well, since I --

4 MS. BALLARD: Your Honor, with reference to both
5 the resulting trust and the constructive trust, those
6 are both equitable doctrines that are imposed after
7 the fact by the Court. By definition there can be no
8 fiduciary duty unless or until the Court rules that a
9 trust has arisen in equity, and as we've already
10 discussed, the trust could not have arisen in equity
11 under these circumstances because the testimony has
12 been that they were trying to skirt the immigration
13 rules. Whether they were doing that or not, that does
14 not retroactively -- even if Your Honor denied my motion
15 for directed verdict on that cause of action, the
16 constructive trust and the resulting trust, that doesn't
17 mean they retroactively became fiduciaries. That's not
18 how that works.

19 What happens is as a result of all the evidence
20 the Court decides under the circumstances that a trust
21 is imposed, it does not retroactively create a fiduciary
22 relationship and they don't allege the basis for the
23 fiduciary relationship and they haven't argued the basis
24 for the fiduciary relationship. Kind of what they're
25 arguing is well, obviously there's a trust, so they must

1 have been trustees.

2 Well, there's no evidence to that effect, Your
3 Honor. Yes, Mr. Hardik Patel said that they put money
4 in different bank accounts, but none of that evidence,
5 again, indicated that they were being -- they were acting
6 in a fiduciary capacity.

7 We talked -- we talked last time we were here in
8 February about the car, the car that was titled in
9 Vidhya's name, and Your Honor made the observation that
10 okay, fine, they put it in Vidhya's name and Hardik paid
11 for it. Okay. We understand. That's not a fiduciary
12 relationship. That was a convenience. That's what
13 they chose to do and there was no testimony the car was
14 intended to be Vidhya's car. We're not making a claim
15 for the car, even though we paid for the car.

16 But, again, I'm getting off topic, but there is --
17 there is no evidence to support the existing fiduciary
18 relationship at the point in time in which these people
19 were engaging in these transactions. The only way a
20 fiduciary relationship could possibly exist is if a
21 court imposes a trust as a result of equity requiring
22 it to be done.

23 THE COURT: Well, if the Court did that because
24 it was an equitable ownership by the parents in the
25 store while the father was alive, then he passed away

1 and then all this other activity occurred, then that
2 could be considered, I think, a breach of fiduciary
3 duty, their alleged misbehavior with the court records
4 and whatnot.

5 Anyway, respectfully I'm gonna deny your motion,
6 but I think all that is all swept into one pile. That's
7 all one big mess.

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

9 And I just want to make clear are you denying my
10 motion for summary judgment on the breach of fiduciary
11 duty both as to Hardik and as to Ana?

12 THE COURT: I am.

13 MS. BALLARD: Okay. Thank you, Your Honor.

14 The seventh cause of action is a cause of action
15 for unjust enrichment. Again, this is an equitable
16 remedy, it is not a freestanding cause of action. It is
17 an equitable remedy that the Court would impose in the
18 event that there is any resulting or constructive trust,
19 it is not an independent cause of action, and we would
20 ask that that one be stricken.

21 THE COURT: Am I just -- I might be wrong on this,
22 but constructive trust, breach of fiduciary duty and the
23 resulting damages is unjust enrichment? It's all kind
24 of -- isn't that all together? Isn't that one cause of
25 action?

1 MS. BALLARD: It a remedy. It's a remedy. It's
2 not an independent cause of action.

3 THE COURT: I mean, I'm kind of collapsing three,
4 four, five, six and seven together.

5 MS. BALLARD: I think that's fair.

6 THE COURT: You can only -- you can only win one
7 time, be unjustly enriched one time.

8 MS. BALLARD: That's fair.

9 THE COURT: So I agree with you. That's not a
10 cause of action, it's a remedy, so to the extent I can
11 award unjust enrichment, I'm gonna have that -- I'm
12 not denying -- I agree with you that's not a cause of
13 action --

14 MS. BALLARD: Thank you, Your Honor.

15 THE COURT: -- so we'll leave it as an allegation.
16 How about that?

17 MS. BALLARD: Okay. Not a cause of action.

18 Okay. Lastly, Your Honor, their cause of action
19 for fraud. I'll hand up the --

20 MR. MOORE: I withdraw that, Your Honor. I don't
21 -- I honestly think this is a trust case.

22 THE COURT: Fraud is withdrawn. Done.

23 MS. BALLARD: Thank you, Your Honor.

24 The other thing we have to address at this point in
25 the proceeding, Your Honor, is what I pointed out in my

1 pre-trial brief, and I'll be happy to hand up a copy of
2 that in the event Your Honor would like it, but we had
3 counterclaims. We had a number of counterclaims in our
4 answers and counterclaims starting on page 17, but the
5 factual basis for the counterclaims started on page 9 of
6 our amended answer and counterclaim. And I asked your
7 law clerk during the break to provide you with a copy of
8 that.

9 THE COURT: He did.

10 MS. BALLARD: We sought a declaratory judgment
11 action that Hardik is the owner of the residence and
12 that the company and all of the assets are Ana Patel's
13 personal property. There was a default. There was no
14 answer -- or reply. Excuse me. There was no reply
15 filed and Your Honor entered an order of default. On
16 May 28, 2019, you held, and I quote, it is ordered that
17 the plaintiffs are in default on the counterclaims
18 asserted by the named defendants and if the damages are
19 not liquidated, we'll have to have a subsequent hearing
20 on damages.

21 So we now face ourselves with what do we do when
22 our declaratory judgment action has been decided in our
23 favor? We're at the conclusion of their case, we've
24 already got admissions as to what we intended to prove,
25 there's been no motion to set aside the default, there's

1 been no suggestion that there were good grounds for the
2 default.

3 And as Your Honor knows from my affidavit for
4 entry of default, I went into great detail about how I
5 communicated with Mr. Price's office and I said aren't
6 you gonna send us a reply. We served the amended answer,
7 affirmative defenses and counterclaims on April 22, 2019.
8 Pursuant to Rule 15(a), he had fifteen days to respond
9 so his response -- his reply was due on May 7th. On
10 May 17th, we contacted Mr. Price and we said hey, are
11 you gonna submit a reply and we got no response. On
12 Monday, May 20th, Mr. Pearce e-mailed back to us and
13 said he would respond to the counterclaims this week.
14 On Thursday, May 23rd, he communicated -- Mr. Pearce
15 communicated -- Mr. Price, I forget his name. Price,
16 Sam Price.

17 THE COURT: Mr. Price.

18 MR. MOORE: Sam Price, yes.

19 MS. BALLARD: I'm sorry. I wrote Pearce.

20 -- communicated by e-mail that the answer and
21 responsive pleadings would be served and filed tomorrow
22 and that at the time I created this affidavit of default
23 on May 24, 2019, at 10 AM, we had not received a reply
24 and there was no response to that. Mr. Price would have
25 been e-served with that because these were electronic

1 filings at that time and he was counsel of record at
2 that time, this is before Mr. Moore got involved in
3 this case, and so all of the factual allegations of our
4 counterclaims and our requests for relief have been
5 admitted and there's been more than a year of complete
6 silence in terms of what the entry of default did and we
7 submit that Your Honor's order of May 28, 2019, is the
8 law of the case.

9 They're in default. They've admitted all of my
10 factual allegations which talk about I seek -- I sought
11 a declaratory judgment action that Hardik owned the
12 house and had paid for the house. Your Honor can see
13 the allegations that we set forth and I set all of these
14 out in my pre-trial brief, too. So they've admitted
15 that Hardik paid for the house, they've admitted that
16 Ana paid for the store. They've admitted that they
17 pur -- they intended to purchase it for themselves. When
18 I say they, the plaintiffs have admitted that they
19 intended to purchase it for themselves, all of that has
20 already been established. So even in the absence of a
21 directed verdict, Your Honor, we have -- by virtue of
22 Your Honor's entry of default against the plaintiffs,
23 we have established our -- our entire claim.

24 If there had been a motion to set aside the default,
25 maybe there would be something to talk about, but there

1 never was and now more than a year has passed, so even
2 Rule 60 is not available to them. They have to seek
3 relief within a year under Rule 60. Under Rule 55 they
4 can do it sooner obviously to set aside the default, but
5 Your Honor did -- you didn't do the default judgment,
6 you did entry of default, and there has to be some
7 consequence for that, Your Honor, particularly when I
8 kept asking Mr. Price if he was gonna file a reply. Oh,
9 yeah, I'll get around to it, I'll get around to it, I'll
10 get around to it, but he never did.

11 Now I think I found online last night that it was
12 filed in the clerk's office, but it was never served on
13 us. I don't know the date it was filed. I couldn't
14 tell that.

15 THE COURT: In Laurens?

16 MS. BALLARD: I'm sorry?

17 THE COURT: Was the reply filed in Laurens?

18 MS. BALLARD: No, no, no, no. I looked last night
19 on the clerk's website and there does -- there is a
20 reply that shows up listed in the pleadings that are
21 listed online, but nothing has ever been served on us
22 and the entry of default would certainly not have been
23 entered had there been a reply in the file. If an error
24 had been committed, if Your Honor accidentally entered
25 default because there was a reply in the file, it would

1 be incumbent on the plaintiff to call that to the Court's
2 attention either by way of Rule 59(e) or a motion to set
3 aside default or some basis to bring it to the Court's
4 attention.

5 Now it's possible Mr. Price wasn't familiar with
6 how to e-file at the time. I think it was fairly new in
7 Laurens county at the time. I know we all had a few --
8 a few events trying to figure out how to make it work.

9 THE COURT: He filed the complaint?

10 MS. BALLARD: I'm sorry?

11 THE COURT: He filed the complaint?

12 MS. BALLARD: He filed the complaint. He was
13 -- he was on the e-file system, so when I filed the
14 affidavit of default, he got a copy of it. He was
15 the only counsel of record at that time, Mr. Moore
16 appeared later, and there's just -- there has to be some
17 consequence for someone admitting all of the allegations
18 of our counterclaims which refute their allegations.

19 Now Mr. Moore is probably gonna say oh, well, let
20 us answer anyway, and that's why I'm making it clear that
21 it's been so long and there has to be some consequence
22 for their failure to comply, particularly when I kept
23 calling Mr. Price saying hey, I'm trying to help you out
24 here, and I got nothing, I got nothing.

25 Thank you, Your Honor.

1 THE COURT: All right. Mr. Moore.

2 MR. MOORE: May it please Your Honor?

3 THE COURT: Yes, sir.

4 MR. MOORE: Let's see. I'm a little bit caught
5 off guard because I did not realize any of this was at
6 issue. I will say this. It appears that what Sam did
7 was to e-file the reply. Now whether it was actually
8 served on counsel or not, I don't know, but apparently
9 he e-filed and apparently he e-filed timely, but I
10 don't know that. I've never seen the affidavit of
11 default -- or the order of default, nor the affidavit
12 of default. My understanding of the e-filing, although
13 I still don't totally -- well, I don't understand at all
14 how it works, my secretaries do all of that. I think
15 that the clerk's office is supposed to automatically
16 serve opposing counsel once you e-file a responsive
17 document.

18 THE COURT: The system does that for you.

19 MR. MOORE: Right. So if it was e-filed, then it
20 should have gone to counsel.

21 THE COURT: Uh-huh.

22 MR. MOORE: And I would respectfully submit in
23 defense of my friend Mr. Price that if he e-filed it as
24 counsel to her credit indicates that he did, he should
25 have been able to assume -- he should have been able to

1 assume that the document would have been served on the
2 adverse counsel, but I don't know.

3 THE COURT: In Ms. Ballard's defense, there's
4 something that was electronically signed by Sam Price
5 and also a gentleman named Hugo Pearce. Perhaps --

6 MS. BALLARD: That makes me feel better.

7 THE COURT: So she was calling him Pearce, but --
8 it's P-E-A-R-C-E. Pearce.

9 MS. BALLARD: There was a Mr. Pearce involved in
10 the very beginning. Both he and Mr. Price were counsel
11 of record.

12 THE COURT: May 24th electronically filed. And
13 when was the default signed?

14 MS. BALLARD: The default was signed on the 28th,
15 Your Honor, again, but no motion was made to set aside
16 the default. And I take issue with Mr. Moore saying
17 he's surprised by this. My pre-trial brief went into
18 great detail about this, the way it happened, how it
19 happened and what the results of it were unless he
20 didn't read it.

21 MR. MOORE: I will acknowledge I did not read her
22 pre-trial brief. That's the first time I've heard of
23 it, but it appears, Your Honor, that the reply would
24 have been filed prior to the entry of default and it
25 would certainly seem to me that we have proceeded

1 through the entire course of this litigation under
2 these circumstances and with a reply having actually
3 been filed before an order of default, it would appear
4 we're certainly timely and should be able to ask the
5 Court to set aside any default order and allow this
6 case to proceed in the interest of justice. There's
7 certainly no prejudice to anyone. They know exactly
8 what the allegations are, we know what the allegations
9 are. It is very rare for a default on a counterclaim
10 in place of a summons and complaint.

11 Did Sam file it or did Hap Pearce file it?

12 THE COURT: You can't tell. Both of them are
13 electronic signatures at the very bottom.

14 MR. MOORE: If it's -- but if it was filed before
15 the -- if it was filed before any order of default, it
16 would appear that the order of default should have
17 probably been issued in error. Counsel was obviously
18 granted an extension to file the reply because she was
19 seeking to have them file it, they told them that she
20 would, that seemed to be acceptable, they filed the
21 reply and then the order of default wound up being
22 issued. That certainly does not seem to be -- when we
23 have a presumption that cases should be tried on their
24 merit, it would appear to me, Your Honor, that the
25 default should be vacated, the reply should be accepted

1 and we should move along with the actual dispositive
2 trial of the case on the merits. There's been no motion
3 for a default hearing, there's been no default judgment,
4 there's been nothing except the entry of an order of
5 default, the reply having been filed within the time.

6 Is there any indication that the order for default
7 was ever served upon Sam and Hap Pearce?

8 THE COURT: The same inference it was served on
9 Ms. Ballard.

10 MR. MOORE: I'm assuming what happened is that they
11 assumed that since the reply had been filed everything
12 was okay, but I don't know that. I wasn't involved in
13 the case at that time.

14 THE COURT: All right. I want to take a quick
15 break. I want to study this a minute and I need to use
16 the restroom, too.

17 MS. BALLARD: Thank you, Your Honor.

18 (Recess taken at 2:19 PM.)

19 (Back on the record at 2:28 PM.)

20 THE COURT: All right.

21 MR. MOORE: Your Honor, I have sent over -- I don't
22 know why Sam wasn't here this morning. I don't know --
23 I'm assuming he got notice of what we were doing, but I
24 don't know. But I have sent over to his office to see
25 if we can find him or if there's a problem.

1 THE COURT: I think I can take that issue under
2 advisement. Either it is or it isn't. I can hear the
3 rest of the case, so I'm not ruling either way. I'm
4 gonna sit on that one.

5 MS. BALLARD: I have to admit I couldn't find any
6 authority to address that one way or the other.

7 THE COURT: Okay. I'm sitting on that issue,
8 taking it under advisement.

9 And what's your next issue, Ms. Ballard?

10 MS. BALLARD: In terms of -- I don't have any other
11 motions, Your Honor.

12 THE COURT: Good enough. All right. You're
13 protected on the record on all your directed verdict
14 motions.

15 MS. BALLARD: Thank you.

16 THE COURT: I granted one. I combined the trust,
17 breech and unjust enrichment. It was basically one big
18 cause of action, the trust.

19 MS. BALLARD: Exactly.

20 THE COURT: And then he was withdraw the fraud,
21 so we're really talking about the trust. Whether it's
22 resulting, constructive, I'm gonna let y'all argue
23 that.

24 MS. BALLARD: And I researched the election of
25 remedies issue, but they're kind of the same thing, so

1 I wasn't gonna --

2 THE COURT: Yeah. Yeah. There's only -- you can
3 only get one trust.

4 MS. BALLARD: Yes, sir. If there's a trust,
5 there's only one.

6 THE COURT: Right.

7 MS. BALLARD: Thank you, Your Honor.

8 THE COURT: Okay.

9 MS. BALLARD: I have a witness, a lawyer from out
10 of town, that I'd like to call out of order, if I may?
11 I realize I'm in my case now.

12 THE COURT: All right. Call your witness. It's
13 your case.

14 MS. BALLARD: Your Honor, we call Attorney Ben
15 Moore.

16 (Whereupon, Benjamin D. Moore was duly sworn by
17 the Clerk of Court.)

18 BENJAMIN D. MOORE,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. BALLARD:

22 Q. Ben, I'm gonna ask you to make sure you look toward
23 the court reporter --

24 A. Okay.

25 Q. -- because this is a new undertaking --

1 A. All right.

2 Q. -- to take down testimony with everybody wearing
3 masks.

4 Would you state your name for the record, please.

5 A. Yes. My name is Benjamin D. Moore.

6 Q. And are you a member of the bar, sir?

7 A. I am. Yes, ma'am.

8 Q. How long have you been a member of South Carolina bar?

9 A. I was sworn in May the 11th, 1977.

10 Q. Okay. With what law firm do you practice?

11 A. I practice law with the Wukela law firm in Florence,
12 South Carolina.

13 Q. Ben, had you had occasion to -- to work with Ramesh
14 Patel prior to his death?

15 A. I have, yes.

16 Q. And what work did you do for Ramesh?

17 A. I worked with Ramesh when his corporation purchased a
18 hotel in Florence, the Travel Lodge. I'm not sure exactly
19 how many years ago, but a few years ago.

20 Q. Okay. And your understanding -- did you do the
21 corporate paperwork for the creation of that corporation?

22 A. No, I did not.

23 Q. Okay. Were you provided with any of the corporate
24 documents by anyone, Ramesh or anyone else?

25 A. Well, let me -- let me say I didn't do the initial

1 paperwork. There was some -- there was some paperwork that
2 needed to be done to take care of some -- the circumstance
3 that happened because of Mr. Ramesh's death, untimely
4 death, and because of that I did participate in creating a
5 document there, but as far as the corporation is concerned
6 I did not.

7 Q. Okay.

8 A. And I'm sorry I'm not turning to you. I'll try to
9 remember.

10 Q. Do you remember the name of the corporation that owned
11 the hotel in Florence?

12 A. It's -- the name of the corporation that most recently
13 sold the corporation is called Shriji Hari. I believe it's
14 S-H-R-I-J-I H-A-R-I. Two words.

15 Q. And who other than Ramesh were members of that LLC?

16 A. I can't give you all of the names, but -- but Rajesh
17 Patel was the kind of second in command and when Mr. Ramesh
18 passed away the corporation named Rajesh as -- as the
19 managing partner.

20 Q. And if you would for the court reporter's benefit,
21 would you spell Rajesh?

22 A. Rajesh would be R-A-J-E-S-H.

23 Q. After Ramesh died, what changes were made to the
24 operation of the corporation? You've already mentioned
25 this, but I want to make sure it's clear on the record.

1 Who was made a managing member of the LLC?

2 A. Rajesh was made the managing member.

3 Q. Okay. And from that time forward, is he the one that
4 you primarily dealt with?

5 A. That's correct.

6 Q. Has -- has that LLC sold the hotel in Florence?

7 A. Has it what? I'm sorry.

8 Q. I'm sorry. Has the corporation now sold the hotel
9 that was owned in Florence?

10 A. Yes, it has.

11 Q. Approximately when did that happen?

12 A. That happened in March of this year.

13 Q. Of 2000?

14 A. 2020, right.

15 Q. 2020. Okay. Sorry. I lost a decade there or two.
16 And who was the purchaser?

17 A. The purchaser is a corporation by the name of Joti,
18 J-O-T-I, Tita, T-I-T-A, Corporation.

19 Q. And was this structured to be just an ordinary real
20 estate transaction?

21 A. Yes.

22 Q. Were there delays in closing the real estate
23 transaction?

24 A. Yes, there was one major delay that happened because
25 two members of the family, I believe Mr. Ramesh's widow

1 and his -- and her son were -- were living on the premises
2 and had been requested to leave the premises because they
3 weren't paying any compensation for that privilege. That
4 went on for, I don't know, probably a month or two or --
5 or better and finally it came to the point of actually
6 making sure that they understood that our position was they
7 were squatters and they needed to leave. If I remember
8 correctly, Mr. Rajesh actually changed the locks on the
9 quarters that they were using and he -- if he didn't he
10 was in the active process of doing that and he was stopped
11 by law enforcement personnel in Florence, in my opinion
12 improperly, but they did anyway and held it up and the
13 gentleman who -- who ran the corporation that bought the
14 hotel, his name was Ramesh, as a matter of fact, Denoni
15 (ph.), Mr. Denoni and his associates said as long as
16 there's -- somebody is living there improperly --

17 MR. MOORE: Your Honor, I object to what they
18 may have said as hearsay.

19 THE COURT: I'm sorry?

20 MS. BALLARD: Let me rephrase the question.

21 THE COURT: I think that's fair. Rephrase the
22 question.

23 MS. BALLARD: Thank you, Your Honor.

24 BY MS. BALLARD:

25 Q. What stumbling blocks were there which prevented the

1 sale from closing at an earlier date?

2 A. The fact that those -- the two people were living
3 there improperly.

4 Q. And those two people were who?

5 A. That was -- is it Vidhya I believe her name is?

6 Q. Vidhya, Ramesh's widow, and --

7 A. Darshak.

8 Q. -- Darshak?

9 A. Right.

10 Q. That's, as you understand it, another son of Ramesh
11 and Vidhya?

12 A. I'm sorry, say again.

13 Q. Is that Ramesh and Vidhya's other son besides Hardik?

14 A. Yes, that's my understanding.

15 Q. Okay. And when the closing occurred, did you and I
16 stay in communication with one another?

17 A. Me and --

18 Q. You and me.

19 A. Oh, yes.

20 Q. Did we stay in touch with one another?

21 A. Yes, we did.

22 Q. Let me ask you to turn to Exhibit 50 in that notebook.

23 A. Fifty?

24 Q. Fifty. 5-0.

25 A. It's all the way at the end.

1 Q. I would come and help you, but I'm trying to social
2 distance.

3 A. It's all the way to the end.

4 Q. It is. You're almost there.

5 A. That would be this document?

6 Q. No.

7 A. Maybe that's 49.

8 Q. There you go.

9 A. There it is.

10 Q. Mr. Moore, do you recognize Exhibit Number 50?

11 A. I do, yes.

12 Q. And would you tell the Court what document that is.

13 A. This is the document that was an amendment to the
14 operating agreement of Shriji Hari.

15 Q. And that was executed when?

16 A. The 27th of November, 2017.

17 Q. And that was after Ramesh's death?

18 A. Yes. As a matter of fact, it refers to Mrs. Patel as
19 being the widow of Ramesh Patel.

20 Q. I don't want to approach you, but I think you might be
21 looking at 51.

22 A. Oh, okay. I've got it. Here we go.

23 Q. Okay. So I want to talk about both of these
24 documents. Let's -- let's talk about Number 50 first.

25 A. All right.

1 Q. Can you identify what Exhibit 50 is?

2 A. Exhibit 50, according to my understanding and I was
3 served with a copy of this order, is an emergency order to
4 escrow funds and states that any funds that -- that are due
5 to the estate of Ramesh Patel from the sale of the -- of
6 the business, of the hotel --

7 Q. The Florence hotel.

8 A. -- are to be held in escrow by me.

9 Q. And are you holding those funds in trust?

10 A. Yes, I am.

11 Q. How much money are you holding in trust that belongs
12 to the estate of Ramesh Patel?

13 A. In my opinion, they are the funds of -- that are due
14 to the estate of Ramesh Patel. There's, I believe, a total
15 of somewhere over -- just over \$200,000.

16 Q. Okay.

17 MS. BALLARD: Your Honor, I move the introduction
18 of Exhibit Number 50 into evidence.

19 MR. MOORE: No objection.

20 THE COURT: Yeah, I think we already put it in.

21 MS. BALLARD: Okay.

22 THE COURT: I believe Mr. Moore put it in and it was
23 introduced as Defendant's 50.

24 MS. BALLARD: Oh, that's right. That's right.

25 MR. MOORE: Your Honor, if it might help, I consent

1 to all of the documents, exhibits 1 through 52 in her
2 notebook being introduced into evidence.

3 MS. BALLARD: That is helpful. We introduced 1
4 through 7 when we were here in February, so I picked up
5 with number 8.

6 THE COURT: Okay. So 8 through 52 are now in --

7 MS. BALLARD: 52, that's correct.

8 THE COURT: -- all by stipulation.

9 (Defendant's Exhibit Numbers 8 through 34 and
10 Exhibit Number 51 and 52 were stipulated into evidence.)

11 BY MS. BALLARD:

12 Q. Now let's turn back to 51, if you don't mind. How
13 did Exhibit Number 51 come to your attention?

14 A. I was contacted by, I believe, Rajesh about the
15 circumstances and about the fact that they at that time
16 had some desire to have Vidhya become a member, in fact,
17 a substituted member of the LLC.

18 Q. Did you prepare Exhibit Number 52?

19 A. I did.

20 Q. And what was the purpose -- I'm sorry, 51. And what
21 was the purpose of 51?

22 A. 51 was to do two things. One was to name Rajesh
23 as the substitute managing member and the other was to
24 express the desire of the corporate members to make Vidhya
25 a member. Now let me say that the way it was worded and

1 the way Mr. Ramesh and I -- Rajesh and I discussed it, it
2 was to say essentially that it's their desire to do that,
3 but as I told them you can't -- you can't just make her a
4 substituted member, you have to be -- she has to be
5 prepared to pay her portion to become a substituted member
6 irrespective of the estate.

7 Q. So is the language in the -- was the language in there
8 about desire, was that chosen for a specific purpose?

9 A. Yes.

10 Q. Did that effect any legal change in the ownership of
11 the LLC in your opinion?

12 A. Not in my opinion because there was not funds to pay
13 that were transferred.

14 Q. Okay. Would you look at the second page of Exhibit
15 Number 51. Do you recognize that document?

16 A. Yes, I do.

17 Q. What is the second document behind Tab Number 51?

18 A. This is where Dikul Patel, D-I-K-U-L, Patel agreed to
19 purchase the interest of Shilpar, S-H-I-L-P-A-R, Patel for
20 \$25,000.

21 Q. And is Vidhya Patel's signature on that document?

22 A. It purports to be on this document, yes.

23 Q. And what is the date of that document?

24 A. That is November 27, 2017.

25 Q. That was after the death of Ramesh?

1 A. Yes.

2 Q. And that was after the execution of the prior page?

3 A. I believe that's right. Well, it was the same day.

4 Q. Okay. The same day.

5 All right. Let me go back to the delay in the
6 closing. You made reference to law enforcement getting
7 involved. Would you tell the Court about that.

8 A. Law enforcement got involved because -- and, of
9 course, I didn't see this happen, but it was related that
10 Rajesh actually on my instructions, I believe, went out to
11 change the locks on the quarters of Vidhya and Darshak and
12 they called the local Florence county sheriff's office who
13 told them that it could not happen that way, that it had to
14 be done by a magistrate's court order.

15 Q. Okay.

16 A. I didn't agree that that was true, but law enforcement
17 said it was, so they make the rules.

18 Q. And we all know not to argue with cops, don't we?

19 A. That's right.

20 MS. BALLARD: Thank you, Mr. Moore. That's all
21 I've got. Please answer any questions that Mr. Moore
22 or the Court might have.

23 THE WITNESS: Certainly.

24 MR. MOORE: Your Honor, would it be all right if
25 I remain seated and just examine him from here?

1 THE COURT: Sure.

2 MR. MOORE: I think I'll be safer over here.

3 THE COURT: You'll be very socially distanced
4 from there. I find that appropriate under these
5 circumstances.

6 MR. MOORE: Thank you, Your Honor.

7 (Whereupon, Mr. Samuel Price enters the courtroom.)

8 CROSS-EXAMINATION

9 BY MR. MOORE:

10 Q. Your name is Ben Moore?

11 A. Yes, sir.

12 Q. And you practice law in Florence, South Carolina?

13 A. I do. Yes, sir.

14 MS. BALLARD: Excuse me, Your Honor. I'd like to
15 give Mr. Price a mask.

16 MR. PRICE: Thank you.

17 MS. BALLARD: Thank you, Your Honor.

18 BY MR. MOORE:

19 Q. Is your family from down that way?

20 A. No, sir. Originally it's from Pickens county.

21 Q. I've got a cousin Ben Moore from Lake City.

22 A. Is that right?

23 Q. Yes, sir.

24 A. I haven't had the -- I haven't had the pleasure of
25 meeting him yet.

1 Q. Well, he's dead now.

2 As I understand it, Mr. Moore, all the people to the
3 transaction in Florence, they were all Indians, right?

4 A. Yes, sir. All that I dealt with were Eastern Indians,
5 yes.

6 Q. And as the Indians after the death of Ramesh they
7 actually -- if you look at page two of Exhibit 52 --

8 A. 52?

9 Q. Page two of Exhibit 51. I'm sorry.

10 A. I'm sorry. Yes, sir.

11 Q. She actually signed as a member of the LLC, didn't
12 she?

13 A. She did, yes, sir.

14 Q. That would basically mean that the Indians who were --
15 were part of this LLC would have recognized her as a member
16 of the LLC following her husband's death, right?

17 A. I -- I can't answer exactly how they felt about it. I
18 was instructed to add her name.

19 Q. Well, one thing that's for certain they allowed her to
20 participate as a full member substituted for her husband by
21 virtue of the document that you prepared?

22 A. Yes, sir.

23 Q. And, of course, she was the widow?

24 A. Of Ramesh.

25 Q. Right. And we've looked at Exhibit Number 50 where

1 it was ordered by the probate court that that two hundred
2 thousand or so dollars get placed in your escrow account.

3 Do you see that?

4 A. Yes, sir, I do.

5 Q. And, of course, you have held that \$200,000 as
6 basically in trust since that time?

7 A. Yes, sir, that's correct.

8 Q. Now was this order an ex parte order or a consent
9 order?

10 A. Well, it was not participated in by me as far as
11 either one is concerned. I -- I was served with a copy of
12 it. That's all I can say for sure.

13 Q. There's nothing on this order to indicate that it was
14 by consent, is it?

15 A. No, sir.

16 Q. Now let me ask you this. I would assume that you are
17 involved in the general practice of law?

18 A. Yes, sir. Heavy in real estate.

19 Q. In real estate. I assume you do estates, too, from
20 time to time?

21 A. I'm sorry?

22 Q. Do you do estate work, too, from time to time?

23 A. From time to time, yes, sir.

24 Q. So if Mr. Ramesh Patel died leaving two sons and had
25 no will, at least whatever he owned, 50 percent would have

1 gone to his widow, right?

2 A. That would be normal estate and testate law, yes, sir.

3 Q. That would basically mean that Vidhya would have owned
4 \$100,000 or so of that money?

5 A. Of the money I'm holding?

6 Q. Yes.

7 A. Going by that calculation, I -- yes, sir, that would
8 be right.

9 Q. And Darshak would own \$25,000 of that money?

10 A. It would be fifty thousand, wouldn't it? I think.

11 Q. That would be fifty thousand of the money. That's
12 correct.

13 A. Yeah, I've got a total of just over two hundred.

14 Q. Right. And their money then has been held in your
15 banking account for, oh, close to -- about seven, eight,
16 nine months?

17 A. Probably about four months because we didn't include
18 the -- we didn't conclude the closing until March of 2020.

19 Q. Okay. And the money's been held according to Exhibit
20 Number 50 pursuant to an action of Hardik, correct?

21 A. I'm not familiar with the exactly whose responsibility
22 it was to have it done. All I know was I got a court order
23 that said hold it, so I did.

24 Q. You would not know the business relationship between
25 Ramesh and his wife, would you?

1 A. No, sir, I don't. I do not.

2 Q. You would not know whether or not Ramesh and Vidhya
3 had everything they owned in his name?

4 A. No, sir, I do not know that.

5 Q. All right. Well, if Ramesh and Vidhya had everything
6 they owned owned together and they functioned, in effect,
7 as a partnership, that would mean that Ramesh would own --
8 would have owned at his death 50 percent of the money you
9 have and Vidhya would have owned 50 percent?

10 A. I -- I guess there's speculation involved with that,
11 but assuming those to be facts, that would, I assume, be
12 right.

13 Q. All right. So then the two sons' interest instead of
14 being \$50,000 each, would be \$25,000 each?

15 A. Under that set of circumstances, yes.

16 Q. All right. And the money is still being held by you?

17 A. Yes, sir.

18 Q. And, of course, you wouldn't know whether or not
19 Ramesh and his wife did everything as a partnership, would
20 you?

21 A. I -- I had no contact -- in fact, at this point in
22 time I've never had any contact personally with Vidhya.

23 Q. All right.

24 A. Ramesh I dealt with because he was the managing member
25 of the Shriji Hari at the time and was a very distinguished

1 gentleman that I dealt with regularly.

2 Q. Had you ever met Hardik before?

3 A. No, sir. Not until about fifteen minutes ago.

4 Q. Had you ever met his wife before?

5 A. No. The same thing.

6 Q. To your knowledge, had Hardik or his wife ever worked
7 at the motel in Florence? To your knowledge.

8 A. Not to my knowledge, no.

9 Q. And had Hardik or his wife ever been involved in any
10 of the business at the hotel in Florence that you know of?

11 A. I know that Rajesh and Hardik spoke from time to time,
12 but I don't know the extent of the discussions between them
13 other than the fact that they did talk sometime.

14 Q. All right. And what they talked about you don't
15 really know?

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

17 Q. When is it -- if we look back at this Exhibit Number
18 51, when is it that the other members of the Florence LLC
19 recognized Vidhya as a substituted member of the LLC for
20 her husband?

21 A. Well, I only spoke to Rajesh at the time and the
22 signatures that were obtained were not obtained in my
23 presence, so I'm assuming it was November 17, 2017.

24 Q. I believe that might be November 27th.

25 A. I'm sorry, 27th. Excuse me.

1 Q. All right. Do you have any idea why they would have
2 recognized Vidhya as being substituted for her late
3 husband?

4 A. I don't have a specific idea as to why that is, no;
5 other than the fact that I was told that they had interest
6 in doing that and at the time that that was going on I
7 believe I referred them because I found out they lived in
8 Laurens county and I -- Mr. Price and I are -- are old
9 friends, National Guard colleagues, college friends, and I
10 said you're gonna -- somebody's gonna need to have counsel
11 in the Laurens county area, I suggest you call Sam Price.

12 Q. Good idea.

13 A. I thought so, too.

14 MR. MOORE: I thank you so much for answering my
15 questions. I have no further questions for you.

16 THE WITNESS: Thank you, sir.

17 MS. BALLARD: I have no further questions.

18 Does the Court have any questions of Mr. Moore?

19 THE COURT: None.

20 MS. BALLARD: Thank you so much.

21 He is under subpoena. May he be excused?

22 THE COURT: He may return to Florence or wherever
23 he so chooses.

24 THE WITNESS: Thank you, Your Honor. I appreciate
25 it. Good to see you, Your Honor.

1 THE COURT: Good luck.

2 (Witness excused.)

3 MS. BALLARD: Your Honor, we call Hardik Patel.

4 THE COURT: All right, Mr. Patel. Come on down.

5 MS. BALLARD: Oh, he needs a restroom break, Your
6 Honor.

7 THE COURT: All right. We'll take five minutes.

8 MS. BALLARD: Thank you, Your Honor.

9 (Recess taken at 2:56 PM.)

10 (Back on the record at 3:04 PM.)

11 THE COURT: All right. Mr. Hardik Patel has been
12 called to the stand.

13 For the record, Mr. Patel, this is the second time
14 you've been called as a witness. You were recalled
15 earlier, and I apologize, but I remind you again you
16 were placed under oath in Laurens county at the initial
17 hearing on February the 6th of this year. You're now,
18 I remind you, you're still under oath today yet again.

19 Ms. Ballard.

20 MS. BALLARD: Thank you, Your Honor.

21 THE WITNESS: Thank you.

22 HARDIK R. PATEL,

23 having been previously sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. BALLARD:

1 Q. And I'm gonna ask you again, Hardik, to look toward
2 the court reporter --

3 A. Yes, yes.

4 Q. -- because of the challenges that we're facing.
5 What is your full name?

6 A. My full name is Hardik Rameshbhai Patel.

7 Q. And is the middle part of that name, is that a
8 derivative of your father's name?

9 A. Yes. Yes, ma'am. Middle name is always the father's
10 name and for women middle name is always the husband's
11 name. That's why my wife's name is Anal Hardik Patel.

12 Q. That's what I was gonna ask you. What your wife's
13 name is.

14 A. Yes, ma'am.

15 Q. How old are you?

16 A. I'm thirty-seven now.

17 Q. And where do you live?

18 A. I live in Tega Cay, South Carolina.

19 Q. Who lives there with you?

20 A. My two beautiful kids, little ones, and my wife lives
21 with me.

22 Q. How long have you lived there?

23 A. Since April 2017.

24 Q. '17. Would you tell the Court briefly about your
25 education.

1 A. Yes, ma'am.

2 Q. And I know it started in another country, so.

3 A. Yes. Yes. So I started studying pharmacy in India
4 and was -- because the law in India was that if you own a
5 pharmacy store you must be a pharmacist and I would have
6 became -- my dad owned a pharmacy store and he wanted me to
7 run it after him, so I started studying pharmacy, but that
8 was by force. So a couple of years later I told my day,
9 I'm like, I'm not feeling this, this is not for me, can I
10 please do something else, so we -- so he told me -- can I
11 tell you what he told me?

12 Q. Unless there's an objection.

13 MR. MOORE: I would object, Your Honor.

14 THE COURT: You can't say what he said.

15 MS. BALLARD: Okay. There was an objection.

16 THE WITNESS: Okay. I'm sorry.

17 BY MS. BALLARD:

18 Q. After talking to your father, what did you do?

19 A. Yes. So I decided that I'm not gonna do pharmacy
20 anymore. I came back -- I came to the U.S. and started
21 studying business, business management. So I first started
22 studying at Trident Technical College in Charleston, South
23 Carolina, because when I got here that's where we used to
24 live, at the Days Inn hotel in -- in Goose Creek, and while
25 I was studying I was -- I was also a tutor and I received

1 the Best Tutor of the Year award while I was in Trident
2 Technical College.

3 Q. And what subject was that?

4 A. Mathematics. I used to teach precalculus, calculus
5 one, two, three, and algebra.

6 Q. Okay.

7 A. All of the maths, yes.

8 Q. And where did you complete your bachelor's degree?

9 A. After I first finished this degree, the business
10 administration degree --

11 Q. Associate's?

12 A. Yeah, at RCCC, which is Rowan-Cabarrus Community
13 College in -- in Concord, that's where the second hotel
14 was, that's where my dad purchased his second hotel, and
15 after that I continued in education. I got a bachelor of
16 science in business management from University of North
17 Carolina in Charlotte with a leadership concentration and
18 -- yeah, with leadership interest because I always wanted
19 to be a businessman, so that's why I did that. And I
20 continued my education until I had my daughter, so I did
21 MBA of one year in Claflin University right here in
22 Orangeburg, South Carolina.

23 Q. But you haven't gotten the MBA yet?

24 A. No, because my daughter was born and there was a lot
25 of moving pieces, so I said I was gonna finish now and I

1 will finish it, but it's one year done, yes.

2 Q. When you were growing up, Hardik, was there ever a
3 period of time when you did not live with your parents?

4 A. All my life basically. So when I was ten, my parents
5 left to go to Africa.

6 Q. Left where?

7 A. To go to Nigeria, Lagos.

8 Q. Where did they leave from? What country?

9 A. From India.

10 Q. Okay. And where did they go?

11 A. They lived in Nigeria, Lagos.

12 Q. How old were you when they left?

13 A. I was ten, ten and a half years. Eleven years old you
14 could say, yeah.

15 Q. Okay. How long were they in Nigeria?

16 A. About seven and a half years until they came to U.S.

17 Q. Okay. So they never came back to India?

18 A. They -- no, they don't come back to India. They used
19 to come and visit India every year and I used to go visit
20 them on vacation, but I was basically on my own, yeah.

21 Q. So who did you live with once your parents left and
22 moved to Nigeria?

23 A. When my parents left, first I lived with my aunt, my
24 dad's sister, and then I lived with my dad's brother, then
25 I lived in a dorm for -- for a year or two years. And the

1 reason for that is when I lived with my aunt and uncle they
2 were very abusive and I tried to tell my dad and the first
3 time he didn't believe me, the second time, and the third
4 time he believed me, so he put us in a dorm and after the
5 dorm I was old enough to be on my own. So my dad owned --
6 my mom and dad both owned a house in India, so I started
7 living at my house with my grandmother until she passed
8 away. Once she died, I was living by myself.

9 Q. Okay. And were you in school then?

10 A. Yeah, I was in school and then I was in college.

11 Q. Tell me about your father and your uncle. What kind
12 of personalities were they?

13 A. They were old school. They -- they were very --
14 really the big thing is if you don't listen to them, it's
15 just got to be their way or no other way, and it's hard.
16 That's how it is in India. There's no law if you beat up
17 your kids or wife, but, yeah, I was -- I was really badly
18 beat by my uncle, too, not just my father, yeah.

19 Q. Okay. Was your father a good businessman?

20 A. Yeah, he was. He was a cunning businessman you could
21 say. He was -- he was -- yeah, he was a good businessman.
22 He knew how to make the deals and so I -- I used his skills
23 throughout my own business projections, too, actually.

24 Q. What do you now do for a living?

25 A. I am a senior principal data analyst for the fourth

1 biggest company in the world, it's call NTT Data, and I do
2 different contracts with Capital One, Bank of America,
3 Wells Fargo. Many contracts, that's what I work on. Bank
4 loans, home loans, a lot of regulatory stuff. That's what
5 I work on.

6 Q. Look at the court reporter, not me.

7 A. I'm sorry.

8 Q. That's okay.

9 MS. BALLARD: Are you hearing him okay?

10 THE COURT REPORTER: (Nods head.)

11 MS. BALLARD: All right. Thank you.

12 BY MS. BALLARD:

13 Q. After your parents moved away when you were ten, when
14 did you ever live with them again?

15 A. After they moved away, they were -- they came to U.S.
16 I was still in India living by myself. When I came to
17 U.S., I started living with them temporarily, but then I
18 got a job in Thomasville, North Carolina, so I was living
19 there by myself while my mom, my brother and my dad lived
20 in Goose Creek, my brother went to Goose Creek High, and
21 then I came back to Goose Creek to start my further
22 education.

23 Q. And what school did you go to down there?

24 A. Trident Technical College.

25 Q. Okay. What hotel were y'all living in in Goose Creek?

1 A. In Goose Creek, we lived in a hotel called Days Inn,
2 1430 Red Bank Road, Goose Creek, South Carolina, 29445.

3 Q. Who owned that hotel?

4 A. My dad owned a part interest and there's three other
5 people. Four people own a percentage.

6 Q. Was it owned by a corporation?

7 A. Yes. Corporation, yes.

8 Q. Okay. And what year would that have been?

9 A. That was the year 2001, that's when, yeah.

10 Q. When you came to America?

11 A. Yes. Yes.

12 Q. And just so I don't forget to ask you, have you become
13 an American citizen?

14 A. Yes, I'm an America citizen.

15 Q. When did you become a citizen?

16 A. '12 maybe.

17 Q. 2012?

18 A. After 2012, yeah.

19 Q. Okay.

20 A. It's been a while. I'm an American, sure.

21 Q. Okay. When you met with your parents and -- and
22 started living with them again, were you an adult?

23 A. I was an adult, yes.

24 Q. What, if any, change did you find about your father's
25 personality?

1 A. It was hard to live with them because they were still
2 trying to control me, but living by myself for all these
3 years, I just absolutely -- I didn't -- I didn't like it,
4 so. But I tried to live with them because it was my dad's
5 dream that we should stick together, so to make him happy,
6 a parent-pleaser you can say, I did that for a time being,
7 yes.

8 Q. Tell us about your mom's personality.

9 A. She -- anything she wants to get done she will use
10 other people to get it done. So like if she wants to get
11 me beat up, she would tell my dad something about me and
12 then my dad would beat me up.

13 Q. Your dad would beat you up?

14 A. Yeah, he would. Definitely. Yes.

15 Q. Even as an adult?

16 A. It happened one time, but, yes. Yes.

17 Q. Okay.

18 A. And if not, then she would go to any lengths to get
19 the things her way. She would use my brother, she would
20 use somebody else, she -- she would use anything to get her
21 way, so basically she likes -- she likes the things to go
22 her way. That's -- that's the main thing. If it doesn't
23 go her way, then, yeah, it's a problem.

24 Q. In terms of -- you said your father was a bully. How
25 about your mother?

1 A. She was, too. She -- she would fight a different way.
2 She would try to be nice first and say if you don't get it
3 done, then she would mad and get it done. If that stuff
4 doesn't happen, she will use somebody else to get it done,
5 but she would turn around and try to make you do the things
6 that she won't do.

7 Q. Hardik, was it sometimes easier just to do what she
8 wanted done than to fight?

9 A. Yes, exactly. Because you don't want to fight your
10 family the whole time, so you have to give up so many
11 times.

12 Q. Now that you're -- what did you say, thirty-seven
13 years old?

14 A. Yes.

15 Q. Now that you've been living without your mother and
16 father for quite some time, what difference do you see in
17 yourself?

18 A. I'm free. This is how you're supposed to live and I
19 learned so much from my childhood experience that I don't
20 do any of this to my kids. My kids are the happiest kids
21 in the world. We don't abuse them, we don't beat them
22 up. They have their freedom, yes, within reason, but I'm
23 completely saying away from what happened to me.

24 Q. And -- and why is that?

25 A. Because it -- this thing affected my brain. It made

1 me a different person. It -- it made me push people away
2 that are not supposed to be pushed. It affects your brain.

3 Q. What do you now feel like was the environment of your
4 childhood?

5 A. Childhood, basically you have no freedom. You do
6 exactly what people tell you to do; sit down, do this, do
7 that, you shouldn't do this. I don't want to get in too
8 much about my childhood. It's -- it's not pleasant.

9 Q. Okay. Hardik, we've heard a little bit about Indian
10 culture. Can you tell the Court what -- if there is an
11 Indian culture that you were a member of and, if so, what
12 it was like?

13 A. I was a member of Indian culture, but I -- I'm a free
14 man now and I -- I started being free -- first of all, when
15 I came from India, my mother and father tried to suppress
16 me, but I wouldn't allow it and this just kind of grew, so
17 I found my jobs wherever I find my jobs and then I got
18 engaged and they tried to do the same thing with my wife,
19 too, even after engagement and then after wedding, so we
20 had a crisis all along, the whole time. To outsiders we
21 make it look like it's very close, but it wasn't that.
22 That's not the truth. That was my father's truth and my
23 mother's truth. That was all to show for their community,
24 but I'm not part of that cult anymore.

25 Q. When you say you're not part of that cult any more,

1 what do you mean by that?

2 A. What happens is like if -- if you don't do what they
3 say within the house using their manipulative techniques,
4 then they would call different people. Sanjay would call,
5 Praful will call, this one call, that one call, and if that
6 don't work, then they will gang up on you. Just like
7 Praful threatened me. Oh, you know, me and Sanjay, Wasim
8 (ph.), all these will come to your house and make you sign
9 the documents. They gang up on you. That's the cult.

10 Q. How did you get out of the cult?

11 A. Well, I -- I talked to my -- see, not all Indian
12 people are bad. I talked to my uncle, Prakash Patel.

13 Q. Okay.

14 A. So when my wife used to live in Augusta because she
15 was studying there, I would go on the weekend, work with
16 Prakash Patel a couple days at his gas station, he's got
17 like over forty gas stations now, and he considers me as a
18 son. God bless him. Because of him I'm here today. He
19 promised me that, okay, he will help me buying the store
20 and finance it, but there was one condition.

21 Q. Well, we'll get -- we'll get to that in a minute.

22 What I want to know is why is it you don't want to be a
23 part of what Indian culture that your parents were a part
24 of? Why is it that you don't want to be a part of that
25 anymore?

1 A. Because I'm an American. My kids are American. My
2 wife is American. It's a free country. I don't want to
3 follow old -- old traditional rules. Like if you -- if you
4 live in (unintelligible) and you move to (unintelligible),
5 you don't dare take her to your home. It's a free country.
6 I love America because it gives you proper privileges. It
7 gives them to everybody. In Indian culture there is no
8 freedom. It's suppression. If you don't go to temple,
9 you're a bad person if you don't go to temple. If you do
10 this, you're a bad person if you do this. Even if you have
11 a liquor bottle in your house, you're a bad person because
12 you have liquor. I don't want to live like that in shame.

13 Q. Did you find the Indian culture to be abusive?

14 A. Abusive, judgemental. They will judge you all the
15 time. If your wife cooks the best meal for all the people
16 and takes care of them, then she's a good woman. Not
17 because she's a businessowner. She's not a good woman
18 because she's not cooking for you. See, a wife, she has
19 to cook, clean, take care of the kids and that's about it.
20 I'm not that way. My wife is an independent woman and
21 that's what they don't like. They absolutely hate it. At
22 thirty I had \$40,000 and my -- my wife and my son and my
23 daughter has \$60,000. Well, it's for education. I got
24 almost three degrees. My paychecks tells it by itself.

25 Q. Let me ask you about that. You've talked -- we've

1 heard from prior testimony that once you came to the United
2 States you sometimes worked in the hotels that your father
3 either worked in or had an interest in.

4 A. Yes.

5 Q. Did you also work in other jobs outside the Indian
6 community?

7 A. Exactly. I had -- most of my life I had two jobs. So
8 while I was working for him at the hotel, I would also do
9 tutoring, I worked in a college book store, I worked in a
10 Subway, I worked in a laundromat, I would cut the grass for
11 somebody. I -- I worked all my life.

12 Q. Hardik, when you worked for the hotels, for instance,
13 that your father either worked at or had an interest in,
14 did you receive a paycheck?

15 A. No, ma'am. He would -- in return he would pay for my
16 tuition and the other stuff. Yes, I definitely had money
17 because it's not like I don't have any money. I have more
18 than enough money for my stuff, to buy my stuff, to do
19 everything. I had my own credit card. I also had my own
20 bank account, too.

21 Q. So have you managed since you came to the United
22 States to always have money of your own?

23 A. I always had money of my own. My own hardworking
24 money, yes.

25 Q. Okay. But within the family unit, did you receive a

1 paycheck from any of the companies where the family worked
2 or the family owned?

3 A. No, not within the family, but I had paychecks showing
4 that I was working as a tutor, I was working for a large
5 (unintelligible) company, I had paychecks from BMW, I had
6 paychecks from life insurance that I worked for, I had
7 paychecks from Capital One.

8 Q. Have you always managed your own personal money?

9 A. I try to manage my personal money at all times. Just
10 like I say, my father was a bully, he tried to control all
11 that, but I always saved up my money, too.

12 Q. On occasion were you required to give paychecks to
13 your father?

14 A. I did not ignore him because listen, I can go to the
15 bank, cash my paycheck and give him some and keep my money
16 to myself.

17 Q. Is that how you kept the peace?

18 A. Yes, that's how I kept the peace.

19 Q. When did you meet Ana?

20 A. I met Ana in 2003 or 2004.

21 Q. Was Ana from the same Indian subculture that you were
22 from?

23 A. No, she's -- she's Patel, but she's Kadva Patel, we
24 are Leva Patel. Leva Patel, we are farmers. Kadva Patel,
25 they are called kanbis. They are -- they are kanbis and

1 they are businessowners. They -- they are more educated,
2 they have more freedom and they live in major cities,
3 whereas we are from villages.

4 Q. The culture in the villages, in the culture that you
5 grew up in and that your parent were a part of, what was
6 expected of you in terms of who you married?

7 A. They would not accept outsiders, they would stay
8 hostile toward outsiders, and basically the last thing --
9 you do exactly as they say and you are happy. If you don't
10 do what they say, they will make your life hell.

11 Q. So when you first met Ana and you and she saw each
12 other for a while, did you do that without your parents'
13 knowledge?

14 A. That is correct, yes. So when I first met Ana I knew
15 that my parents would not approve it, so I went to meet
16 her multiple times. I flew to Atlantic City, I stayed
17 there for a week, I went a second time. All the time I
18 go I talked to their parents -- I mean, Ana's parents. We
19 would decide what to do, how to convince my parents because
20 I knew my parents were not gonna be agreed to this, so.
21 But they were very open minded and they fully supported me,
22 so finally I got strength to go and talk to my parents
23 about it.

24 Q. What -- what differences did you observe, if any,
25 between the culture that Ana's family had versus the

1 culture that your family had?

2 A. So Ana's family, they're all very well educated. Her
3 mother was a bank manager for fifteen years. They are very
4 independent. Everybody in the house has their voice.
5 That's when I saw the freedom first time. Like you know
6 what, not all Indian families are the same like they are
7 trying to portray here. No, that's -- that's not true,
8 that's a lie. People -- every family's different. People
9 from a more educated class, they are a lot better people.
10 They give other people their freedom, their choices and
11 their rights. Not -- they don't bully. They don't bully.
12 And her family love me. I have never -- you know it was --
13 it was a blessing. So I'm like you know what, this is what
14 I want to be. I want to be a free person.

15 Q. When did you and Ana get married civilly in -- in the
16 United States?

17 A. We got married July 29, 2005.

18 Q. And was that just a courthouse wedding?

19 A. That was a courthouse wedding, yes. That was -- that
20 was our decision, me and Ana.

21 Q. How did your parents react to you deciding to marry
22 Ana?

23 A. My mom certainly wasn't happy because she wanted Leva
24 Patel, not Kadva Patel, and then --

25 Q. She wanted you to marry in your culture?

1 A. Yeah, Leva. Yeah, like farmer. Like Leva Patel. And
2 Ana is Kadva. They still don't like it today, so, but --

3 Q. What's the -- what's the reason for the hostility
4 between the two?

5 A. I have no idea. It's almost like black people, white
6 people. They're not ours, they're not ours. I don't
7 understand why they are not ours, you know? They are ours,
8 they are safe.

9 Q. So did you get your parents' permission to marry Ana?

10 A. Actually my dad also was like no, you cannot marry
11 her, they are different, and I'm like dad, I've already
12 went there, I've talked to her parents and that's the girl
13 I'm gonna marry, so let's just get up and let's go meet
14 them.

15 Q. And did your parents meet Ana's parents?

16 A. Yes. We took a fifteen passenger van and --

17 Q. Fifteen passengers?

18 A. Yeah.

19 Q. Who went?

20 A. This cult.

21 Q. The cult?

22 A. Yeah. So my dad, my mom, my brother, (unintelligible)
23 the other guys that were here speaking in the background
24 last time, those people, they -- they came with us.

25 Q. And why did all of you go up to meet Ana's parents?

1 A. I have no idea because Sunil (ph.) is from same city
2 as Ana's and he grew up -- he's still from village, but he
3 grew up in same city as Ana's dad and mom are, so we were
4 trying to make a connection of how we know each other.

5 Q. How did that turn out for you?

6 A. Well, I'm happy. I got -- I got no -- I got a free
7 pass to marry Ana.

8 Q. Who did you get the free pass from?

9 A. Free pass is like after sitting all together everybody
10 agreed, so they -- the custom for giving her a rupee so her
11 parents would -- no, my parents would give her parents the
12 -- the coconut and we decided okay, let's get these two
13 married.

14 Q. Is that something similar to a dowry?

15 A. No, that's not a dowry. A dowry comes during the
16 wedding.

17 Q. Oh, okay.

18 A. Yes.

19 Q. Okay. So did your parents then not object when you
20 married Ana?

21 A. Like I said, they -- they were objecting, but I had
22 a stronger foot. I put my foot down. I'm like no, I'm
23 gonna marry this girl. That's about it.

24 Q. Okay. And we heard about a wedding in Indian that
25 your parents paid for. You did have a subsequent wedding,

1 correct?

2 A. Yeah, that's the -- yeah, that's the wedding in India
3 because they wanted to show their cult that oh, these guys
4 are married, so, yeah.

5 Q. So was it an especially elaborate wedding?

6 A. Yeah, it was a big wedding. Yes.

7 Q. And at whose suggestion was it done that way?

8 A. Well, everybody does it, so we did it. Like -- so
9 everybody says okay, let's have a big -- a big Indian
10 wedding, so we say yeah, we'll do it, that's fine. Who
11 doesn't like nice weddings and good stuff? That's okay.

12 Q. Did your parents pay for your wedding then?

13 A. Yes, they did. Yes.

14 Q. And they paid for your education. You don't dispute
15 that, right?

16 A. No, they did pay for my education. I'm here because
17 of them. Because of my father and mother I'm here. My
18 dad put money in my education, my mom loved me and fed me.
19 They're not my enemies. That's where my concern is. My
20 concern is you guys are not my enemies. What's yours is
21 yours and mine is mine, okay? I'll take care of you, but
22 you cannot just take everything that you want. That's not
23 how it works. I worked two jobs all my life. I did not
24 work just one job. I worked two jobs. I'm here because of
25 my hard work. I'll still take care of them, but, no, you

1 cannot steal and take everything from me, no.

2 Q. What have you found for yourself -- after pulling
3 yourself away from this cult, what have you found about
4 yourself individually as a person?

5 A. As a person, I slowly, slowly became a better person
6 in the sense that I grew a conscience that not only your
7 family's your family or your culture is your family, but
8 there is a saying called vasudhaiva kutumbakam. Make like
9 the whole world is your family. Learn to love and accept
10 everybody as a person, not as a color. Not as a black,
11 white, X, Y, Z. No. Everybody's human. Yes, we have
12 different cultures, we have different values, but as long
13 as you don't hurt each other, as long as you love each
14 other, that's what -- that's what matters.

15 Q. Did your parents live in kind of a small culture?

16 A. Yeah, they -- it's just that. They left India thirty
17 years ago. They would still be like oh, no, this is how
18 it's done, this is how it's done. We are Americans
19 forever. My kids are born here. They are a mixture of
20 these people. No, I don't accept Indian culture like that.

21 Q. Okay. You lived in a hotel in Goose Creek, correct?

22 A. I lived in a hotel in Goose Creek, yes.

23 Q. Did your father own any part of that?

24 A. He owned, what, 15 percent or 25 percent, one of that.

25 Q. Did he handle his finances with respect to the hotel

1 in Goose Creek as far as you know?

2 A. Yeah, yeah.

3 Q. Okay. What did your mother do as far as handling
4 family finances?

5 A. She did not handle family finances. Not that I know
6 of actually to be honest with you.

7 Q. Okay. Did that change at any point or was he always
8 the person who handled the finances?

9 A. My dad would do it and I would help him.

10 Q. Okay. How did it come -- how did it come about that
11 a store, a convenience store, was purchased in Clinton?

12 A. Prakash Patel, the guy that I worked with, he loves
13 me. He said -- he considers me his son and he saw the
14 talent in me when I worked for him and he said I'll buy you
15 a gas station. I'm like I don't have any money. He's like
16 I will finance it, but there was a catch. There was a
17 condition. The condition was I'll finance it as long as
18 your dad doesn't get in the middle. That was the condition
19 and that's why the money was not given to anybody else.
20 And the reason why we call it AAHARVID, LLC and only in my
21 wife's name, number one, LLCs are very well protected,
22 nobody claim it. Number two, it's my wife's, so none of my
23 family can every claim it. And, number three, the money
24 was given only to my wife, not to me, not to my mom, dad,
25 my brother, nobody, and that's where the concern is. The

1 LLC is very well protected. The money was given to only
2 one and only one person, my wife. It clearly says that
3 it's our business, it's not their business. It's not a
4 family business. No, it's not.

5 Q. Was it ever a family business?

6 A. It was never.

7 Q. Did your father and your mother work in the store?

8 A. They did, yes, because my mother, she's dad's pair.
9 What, is she gonna work in McDonald's? No, I wouldn't let
10 her do that.

11 Q. Is your mother educated?

12 A. I would not let her work in at McDonald's like that,
13 so I gave her a job.

14 Q. Okay. Was she employable in the -- in the regular
15 community?

16 A. Not because -- see, like I said, she -- she's having
17 a hard time reading the documents, think about it, and
18 working -- hard working at McDonald's and this and that,
19 that's not for her, so at the store is good because this is
20 -- this is my store, so that's fine. Working doesn't make
21 owning. If you go to work in a McDonald's, you don't own
22 McDonald's.

23 Q. Hardik, if you would, turn in your notebook to Exhibit
24 Number 12, which I understand has already been entered into
25 evidence.

1 Can you tell the Court what Exhibit Number 12 is?

2 A. The lease?

3 Q. Yes.

4 A. Okay. This is the lease that my wife signed on
5 August 2, 2007, as I said, the day before at the store,
6 and this was signed for AAHARVID, LLC, yeah. I remember
7 this document.

8 Q. Were you present when this was signed?

9 A. No, only -- only Prakash, Pallev and my wife. Only
10 three people are present. My dad was not there, my mom was
11 not there, my brother was not, not even me. Only three
12 people.

13 Q. So who initiated the idea that you and your wife
14 acquire a store?

15 A. It was our joint decision, me and my wife. We
16 decided that we wanted to do something on our own and we
17 said okay, we should -- we should do a business because I
18 have a business degree, so -- and I always wanted to own
19 franchises, buy more and more businesses. And we didn't
20 have money, but we had somebody who was willing to help us.

21 Q. And who was that?

22 A. Prakash Patel. And definitely not Pallev Desai.

23 Q. Were they the two principals in P&P?

24 A. P&P, they're the principals, yes, that is correct,
25 but what they are trying to show is Pallev -- no, Pallev

1 wasn't, Prakash Patel was the main guy. If you look at
2 all the money trail, only Prakash has all the money in.
3 Pallev was only in the name.

4 Q. As part of the Exhibit Number 12 -- I'm sorry. Look
5 at the last page of Exhibit Number 12.

6 A. Uh-huh.

7 Q. Do you recognize the signatures on the right-hand side
8 of that document?

9 A. Yes, ma'am.

10 Q. Whose signature is the first one under P&P?

11 A. First one is the signature of Pallev Desai.

12 Q. And who is the second one?

13 A. That's Prakash V. Patel. That's the guy who lent my
14 wife the money.

15 Q. Okay. And what's the last signature on the right-hand
16 side?

17 A. Last signature is my wife. She's clearly the owner of
18 the business, LLC.

19 Q. How was that LLC created?

20 A. Me, my wife and Prakash, three of us, went to
21 Columbia.

22 Q. To the Secretary of State's office?

23 A. Secretary of State's office, yeah. It's right there
24 on the second or third floor and we signed this document in
25 the office.

1 Q. Look at Exhibit Number 13, if you would, Hardik.

2 A. All right.

3 Q. Do you know what Exhibit 13 is?

4 A. Yes. This is a promissory note signed by my wife. It
5 says that -- yeah, that's the one. This is the one where
6 he gave us the money, right there, so.

7 Q. So when -- when Ana bought the store, was there cash
8 upfront?

9 A. No, ma'am. There -- everybody knew that we don't have
10 like a lump sum amount of cash. Yes, we have about twenty,
11 thirty grand in the account, but the guy was financing,
12 clearly financing, all of it, you know, so.

13 Q. Explain how it was financed starting on page two of
14 Exhibit Number 13.

15 A. Two of -- page 2?

16 Q. Yes. Page 1 is the --

17 A. Okay. That Ana signs for that.

18 Q. Yes.

19 A. Okay. Yeah. So the day we purchased the store, the
20 goodwill and the inventory in the store and the gas, the
21 total of all three of them, \$124,130.69. That day we did
22 not have money. Prakash Patel, he's the one who lent us
23 the money at the interest rate of 8.5 percent and we paid
24 all of the money back to him.

25 Q. Okay. Well, let's go through that. I notice the

1 first payment is due on August 3, 2007. I'm sorry. The
2 loan was made on August 3, 2007; is that correct?

3 A. That is correct, yes.

4 Q. And what did the lease provide for in terms of how
5 long you had to pay for the money that was generated to buy
6 the store?

7 A. The term here is until 8-3-2010, but my uncle say
8 that don't stress about it if it goes a little bit here or
9 there. I will work with you. We are flexible.

10 Q. Okay. And as between you and Ana, who handled the
11 finances as between you and Ana with reference to your
12 purchase of the store?

13 A. Purchase of the store, most of the time we are
14 together and I would support her in everything that she
15 wants to do because it was her dream to buy the business,
16 she wanted to be an independent woman and I wanted to
17 support her any way I can.

18 Q. So looking at Exhibit Number 13, who made the payments
19 that are shown on the -- page 2 through -- I'm sorry, page
20 1 through 3 of the amortization schedule?

21 A. All of these payments came from the profits of the gas
22 station.

23 Q. The AAHARVID store?

24 A. AAHARVID, LLC, the BP in Clinton we are talking about.
25 All of the money came from the profits.

1 Q. Okay. Did your mother pay any of the payments for the
2 purchase of the store?

3 A. No. No, she did not.

4 Q. Did your father pay any money for the purchase of the
5 store?

6 A. No, ma'am. They did not, no. None of them.

7 Q. Okay. Who -- who made the payments to Prakash for
8 purchasing the store?

9 A. The payments were made by either me or Ana because in
10 the beginning we had banked with the SunTrust bank, which
11 none of them would know, and it was only the signature for
12 me and Ana. After that we moved to Wachovia bank, which
13 was only signed by me and Ana, which they were not a party
14 to.

15 Q. Their names were not on those bank accounts?

16 A. No, not on them. No. And when we decided to go to
17 Virginia, that's when -- in 2012, when we purchased store,
18 that's when the account was moved to BB&T because it's
19 right across the hotel, so it's convenient there.

20 Q. Let's talk about the lease portion of it first.

21 A. Okay.

22 Q. What was the long range arrangement that you had with
23 Prakash in terms of purchasing the store?

24 A. Long range arrangement, we were -- we wanted to do a
25 lease to buy agreement --

1 Q. Okay.

2 A. -- so we verbally talked about it, lease to buy.
3 After five years we were supposed to buy the store, so
4 that's what we tried to do.

5 Q. Okay. And I know the lease was in 2007. When did
6 Ana's corporation purchase this store?

7 A. 2012.

8 Q. And what -- how did -- how did Ana's corporation come
9 up with the money to purchase this store in 2012?

10 A. Can you repeat that question, please?

11 Q. Yes. How -- where did you generate the money in 2012
12 to purchase the store?

13 A. The store's bank account had enough money to put a
14 down payment in order to purchase the business, plus I had
15 a very well-paying job. I injected some money in there,
16 too.

17 Q. Did you get a -- did Ana get a loan from a bank in
18 order to purchase the business in 2012?

19 A. That's correct, yes. We -- we drove from Virginia, we
20 filled out the paperwork for the loan and we drove back and
21 then we decided -- like it was really hard for me to go
22 back and forth because it was my new job, I had used all of
23 my PTO days, so me and Ana personally, we gave power --
24 power of attorney to my father to finish the rest of the
25 transaction.

1 Q. The power of attorney was for what purpose?

2 A. To purchase the store only. Yes.

3 Q. All right. Was there ever any discussion that he was
4 purchasing the store?

5 A. Never because it wasn't his store at all.

6 Q. What discussions, if any, did you and/or Ana have with
7 your father about whose store it was going to be?

8 A. I -- we did not have discussions with my father, but
9 with Ana we -- we knew from the beginning that we don't
10 want anybody putting their fingers in our pot. It was an
11 LLC, very well protected by state laws, and it was always
12 in Ana's name so nobody else had a claim like this is
13 happening today.

14 Q. Okay. All right. So was the decision to put it
15 solely in Ana's name a deliberate decision?

16 A. She wanted to be a businessowner and I wanted to
17 support her dreams.

18 Q. Okay. We've heard testimony ad nauseam about a hotel
19 in Newberry.

20 A. Uh-huh.

21 Q. Can you tell us about the hotel in Newberry?

22 A. Yes. So from my knowledge when we got married my dad
23 gifted us those shares, but let's put it this way, the
24 hotel did not make profit year after year after -- there
25 was no dividend given to anybody else.

1 Q. Okay. Let's stop.

2 A. Okay.

3 Q. How did you first get an interest in the hotel in
4 Newberry?

5 A. Me? I got an interest in the hotel in 2009 when me
6 and my wife we split the shares.

7 Q. The shares that your wife had was how much?

8 A. My wife had 40 percent shares and she transferred
9 20 percent of shares to me.

10 Q. And where did your wife get the 40 percent shares?

11 A. It was a gift from my dad.

12 Q. Okay. So did your wife pay any money for that?

13 A. No, ma'am.

14 Q. And did you pay any money to purchase the 20 percent?

15 A. Not that I know, no.

16 Q. When you first bought the store -- when Ana first
17 bought the store, where were you guys living?

18 A. When Ana first bought the store?

19 Q. Yes.

20 A. We used to live in the Clinton house.

21 Q. In a house in Clinton?

22 A. Yes, ma'am.

23 Q. Was it rented?

24 A. No, we -- when we brought the store, we owned the
25 house because we bought the house in 2009.

1 Q. Well, let's -- let's back up.

2 A. Okay.

3 Q. Before you bought the house in 2009, where were you
4 living?

5 A. Before the house was bought, yeah, I used to live in
6 the Country -- 238 Countyside Apartments in Clinton, South
7 Carolina. It's a rental house and we decided because after
8 we leased the store it was hard to drive back and forth
9 from Newberry, so we rented a house in Clinton less than
10 five minutes from the store.

11 Q. Okay. And who leased the house that you were living
12 in that was leased?

13 A. I talked to Mr. John Tucker, John Tucker. I don't
14 recall the agreement. I signed the paperwork, but I don't
15 recall the -- the terms, but it was only \$550. That's it.

16 Q. Who paid the rent for that house?

17 A. I paid the rent.

18 Q. And what jobs did you have in 2007 that you allowed
19 you to pay the living expenses for yourself and your wife?

20 A. We had a store. My wife, she was also working in the
21 pharmacy.

22 Q. In the rental house before you bought the house in
23 Clinton, who lived in the rental house with you?

24 A. My mom and dad and my brother.

25 Q. Were any of them on the lease?

1 A. No, not that I know of. I definitely was because I'm
2 the only one who paid because I used to come to the store
3 to collect the rent check, so.

4 Q. All right. So you paid the rent for the rental house
5 in Clinton, is that what you're saying?

6 A. Yes. Yes.

7 Q. Okay. How did it come about that you purchased a
8 house in Clinton?

9 A. Well, my wife was the one who found the house. Going
10 back and forth from the store she saw this house with a
11 foreclosure sign on it and she was like -- she stood there
12 and she called me, like come on and let's take a look at
13 the house. I drove there. We -- we called the number on
14 the sign and the guy came in and then we looked at the
15 house. Once we made a decision, I told my dad like I think
16 this is a very good idea. The market is down in 2008, the
17 market crashed, the price was really low, so we decided to
18 buy the house. They wanted -- they wanted like 60,000, so
19 we started our bid at 19,000 and 20,000 and 26,000, and
20 that's how we do it.

21 Q. Look at Exhibit Number 14 and tell the Court what that
22 is, please.

23 A. Okay. Exhibit 14?

24 Q. 14.

25 A. Yes. This is an agreement to buy real estate

1 residential, the house that we are -- that is in question.

2 Q. Okay. Is this -- is this the house in Clinton that
3 eventually was occupied by you and your wife and your
4 parents?

5 A. That's correct. Yes, ma'am.

6 Q. Okay. Who is the purchaser on this Exhibit Number 14?

7 A. Hardik Patel. I'm the purchaser of it.

8 Q. Okay. And when you called the gentleman whose name
9 was on the -- the sign, did you reach Champa Patel?

10 A. Actually she -- she is greedy. She would get in the
11 middle, push her way in the middle.

12 Q. She got involved?

13 A. I was only dealing with this guy --

14 Q. Right.

15 A. -- and then Champa find out we are getting the house
16 and she's becoming very -- like she is and she's like no,
17 no, let me, let me help you, and she pushed her way in --
18 in with me to buying this house.

19 Q. So if somebody's testified that Champa found the house
20 for you and arranged the purchase, that's not correct?

21 A. That is -- that is a lie. My wife was the one that
22 found the house and once we decided, then we moved forward
23 with it.

24 Q. I want you to look on page -- I'm sorry. These pages
25 are not numbered, but if you would look about fifteen pages

1 in to the signature page.

2 A. Yes.

3 Q. This is the page I'm looking at in Exhibit Number 14.
4 Do you have it?

5 A. Yes.

6 Q. Okay. Whose signature is on that page in Exhibit
7 Number 14?

8 A. The top signature is mine and the second signature
9 is Ana's. This is -- this proves that Champa Patel lied
10 because she said in her testimony that Hardik wasn't there.
11 Who signed this document if I wasn't there? This is my
12 signature and my wife's signature.

13 Q. Did you take out a loan to purchase this home?

14 A. Yes, ma'am, we did.

15 Q. What bank financed this for you?

16 A. BB&T bank financed it and since this was our first
17 house the interest rate was very high, too.

18 Q. And does that appear in Exhibit Number 14?

19 A. It was 7 percent or something, but I remember it
20 because -- because I asked them why the rate is high and
21 they said because it's your first house.

22 Q. Did you make a down payment to purchase the house?

23 A. Yes, ma'am.

24 Q. Would you look at Exhibit Number 14 and tell the Court
25 what Exhibit Number 15 is?

1 A. So this Exhibit Number 15 is that \$2,500 that I gave
2 to Upstate Realty, I believe, at that time.

3 Q. Upstate Realty?

4 A. That's -- yeah.

5 Q. Okay.

6 A. And this is the proof of the wire transfer of \$2,500
7 that I paid for the house and then we moved on with the
8 deal.

9 Q. Now how do we know from looking at Exhibit Number 15
10 that this money came from you?

11 A. Because this is \$2,500, my signature at the bottom,
12 the date is right there, and right behind is the bank
13 statement that proves that \$2,500 on the same day went to
14 the wire transfer.

15 Q. Okay. And whose bank account was this?

16 A. This bank account belongs to only me and my wife.
17 Nobody has ever been on this account.

18 Q. Okay. So the down payment -- excuse me. The \$2,500,
19 we saw a \$2,500 check when we were here in February and
20 Mr. Moore quite rightly pointed out that it had never
21 cleared the bank. Is that correct?

22 A. Yeah, because I -- I looked for that transaction, I
23 couldn't find it. So maybe I gave them the check, but they
24 said no, just do the wire transfer, so that could be one of
25 the reasons, but the house is mine.

1 Q. Look at Exhibit Number 16.

2 A. All right.

3 Q. And what is Exhibit Number 16?

4 A. Okay. This is a copy of the special warranty deed for
5 the mortgage corporation for the house.

6 Q. Okay. And who is the -- who does this deed transfer
7 title to?

8 A. This deed transferred title to Hardik Patel, myself.

9 Q. Was this house purchased for your parents?

10 A. This was purchased for me and my wife. This was our
11 first house.

12 Q. Okay.

13 A. My parents lived their whole life in a hotel room.

14 Q. All right. And so the bank loan for the purchase of
15 the house, who took that bank loan out?

16 A. The bank loan?

17 Q. Yes, to purchase the house.

18 A. I went to -- I went to do the paperwork at the bank.

19 Q. Okay. If we look at Exhibit Number 17 --

20 A. Uh-huh.

21 Q. -- were you required to bring money to the closing?

22 A. Yes, I was.

23 Q. What are we looking at in Exhibit Number 17?

24 A. Number 17, I got this letter from Kenan law firm that
25 on the day of the closing I was supposed to bring certified

1 check for \$6,573.57 at the time of the closing.

2 Q. And did you do that?

3 A. Yes, I did that.

4 Q. What's the -- what does the next page show us?

5 A. The next page shows that the money came only from me
6 and my wife's account. Nobody else was on the account.

7 Q. That was down payment?

8 A. That is \$6,573 as the Kenan firm asked.

9 Q. And who, again, financed? What bank did you finance
10 with?

11 A. BB&T bank.

12 Q. Okay.

13 A. And that, again, Champa Patel said they paid cash for
14 the house. If \$39,000 was paid cash, then why is there a
15 loan on the house for 39,000?

16 Q. Hardik, the official check for the down payment is
17 drawn on Wachovia.

18 A. Correct.

19 Q. Whose bank account was at Wachovia?

20 A. Hardik Patel and Ana Patel. Only two people.

21 Q. Okay. Did your parents have a bank account at
22 Wachovia?

23 A. Not that I know of, no.

24 Q. Okay. Did you obtain any of this money, the 6,500
25 and -- I guess that's \$713 -- I'm sorry, \$6,573.57, did

1 any of that money come from your mother or your father?

2 A. No, ma'am.

3 Q. Where did that money come from?

4 A. Ana had a job at CVS and the store was running by
5 then. Yes.

6 Q. Okay. Was Champa Patel at the closing when you
7 purchased the house?

8 A. It was me and my dad and my wife.

9 Q. Okay. And Champa was not there?

10 A. No, ma'am.

11 Q. And who signed for the loan? Who was obligated on the
12 loan to pay for the house?

13 A. The guarantor?

14 Q. Yes.

15 A. Me and my wife. We are the only two people on the
16 loan.

17 Q. Okay. So at the time the house was purchased in '09,
18 did your parents put any money into the house?

19 A. No, ma'am.

20 Q. And who made the payments on the mortgage to BB&T?

21 A. Me and my wife did.

22 Q. Out of what bank account did you make the payments?

23 A. I don't know that information.

24 Q. Okay. Did you and your wife make all the payments on
25 that original loan?

1 A. Yes, ma'am.

2 Q. All right. Look at Exhibit 18. I think that's
3 probably the document that we're talking about.

4 A. Yes. I'm on 18.

5 Q. Okay. Would you look at page 2 of Exhibit Number 18?

6 A. Page 2, yes, ma'am.

7 Q. Was this note signed in connection with your purchase
8 of the house?

9 A. Yes, this is my signature. That is correct. This is
10 my -- yeah, my house, my signature.

11 Q. And you said your dad was there. Why was your dad
12 there?

13 A. My dad helped me in so many things all the time, so
14 that doesn't mean it's his like they are trying to prove,
15 no, but he was there.

16 Q. He was there to support you?

17 A. He was there to support me. Even when I bought the
18 Tega Cay house my mom and dad both were there to support
19 us.

20 Q. Okay.

21 A. In April 2017 when we bought the house, my mom and dad
22 both were there at the same time.

23 Q. Later in the Exhibit Number 18 there's a copy of the
24 HUD statement. Do you see that? This is the document that
25 I'm looking at. It's in Exhibit Number 18.

1 A. Yeah, because this one has the right percent.

2 Q. Okay.

3 A. That's why we got confused.

4 Q. Okay.

5 A. Okay. I see it.

6 Q. Do you see your signature on there?

7 A. Yes, ma'am.

8 Q. Did anybody else sign on the HUD statement?

9 A. This is only my signature.

10 Q. Okay. And on the left-hand side there's a reference
11 to principal -- on line 202, principal amount of new loan.
12 Was that money paid in cash for the purchase of the house
13 or was that a loan that you took out when you --

14 A. No, that is the loan amount, ma'am. That's the loan
15 we obtained for the rest of the money. So the house was
16 39,500, but the rest was the loan.

17 Q. Okay. When you moved into the house in Clinton,
18 Hardik, was there a master bedroom?

19 A. Yes.

20 Q. Who moved into the master bedroom?

21 A. Me and my wife.

22 Q. And why was that?

23 A. Because this is our house.

24 Q. Okay. Did your parents -- when your parents moved in,
25 did they take one of the lesser bedrooms?

1 A. Yes, they did.

2 Q. And did they do that with your consent?

3 A. Yes, ma'am.

4 Q. During the period of time that you continued to live
5 there, did you continue to make the mortgage payments on
6 the house?

7 A. Yes. The whole time, yes.

8 Q. Okay. And we've heard that you later moved to a
9 couple of different places --

10 A. Uh-huh.

11 Q. -- but have you -- have you paid the mortgage on this
12 house continuously since 2009?

13 A. That is correct. I never missed a payment. I paid
14 from my -- my account.

15 Q. So if Champa Patel says that you paid -- that somebody
16 paid cash for the house, that's just wrong?

17 A. That's -- that's a lie. Yes, ma'am.

18 Q. Okay. Now when Ana first bought the store, where was
19 she living?

20 A. When Ana first bought the store in 2007 -- yeah. So
21 we used to live in a Newberry hotel apartment. She would
22 -- she would drive to Augusta for her college and I would
23 drive to Charlotte for my college.

24 Q. Okay.

25 A. Yeah.

1 Q. Did you also both work in the store?

2 A. That is correct, but some days she would live with her
3 parents, too, because her parents lived in Augusta. Since
4 the day she starts she would live there, too.

5 Q. Was there ever an intent that this house belonged to
6 your parents?

7 A. No.

8 Q. Did your father or mother ever refer to this as their
9 house?

10 A. We referred to it as our house, but not like -- yeah.

11 Q. Not individually?

12 A. No, no, no.

13 Q. Okay. Now let's go back because I skipped something.
14 When Prakash said that he was going to assist you in the
15 purchase of the store, what conditions did he place on
16 that?

17 A. The condition was that my father should not get
18 involved because he knew that my father was a bully and
19 somehow he would stop my progress and that was the main
20 condition. The main and only condition was that my father
21 should not get involved.

22 Q. Okay. Now on the Clinton house, were the utilities in
23 your name?

24 A. Yes.

25 Q. And when we talk about utilities, what are we talking

1 about? Electricity?

2 A. Electricity, water, taxes, insurance, everything.

3 Q. And who paid for that?

4 A. I paid for everything, ma'am.

5 Q. After you moved out of that house and left your
6 parents living in it, did you continue to pay the mortgage
7 payment?

8 A. Yes, ma'am, I did.

9 Q. Did you at any time require your parents to pay any
10 payments toward the mortgage?

11 A. No, ma'am.

12 Q. Did you continue to pay the utilities even after you
13 moved out of the house?

14 A. Yes, ma'am.

15 Q. And, in fact, how -- when did you stop paying the
16 utilities on the house in Clinton?

17 A. We just recently changed those items to my mother's
18 name.

19 Q. Was it after the lawsuit was filed?

20 A. After the lawsuit was filed, yes. Correct.

21 Q. Okay. Up until then you had paid all the utilities?

22 A. Yes, ma'am.

23 Q. If -- if there's some exhibits that have been
24 introduced by the plaintiffs in this action that show
25 payments to a utility company on occasion, would there have

1 been occasions when your mother might have gone down and
2 made a payment on the utilities?

3 A. If she made a payment, then I would have -- I
4 100 percent paid her back or paid them in advance.

5 Q. Okay. Did your parents travel a lot?

6 A. A lot. Yes, they did.

7 Q. How often is a lot?

8 A. Every weekend they travelled. My dad was a vice
9 president for the Hindu temple, so -- all over the U.S.,
10 not just like one state, but if something happened in
11 Canada temple, then he would have travelled there, too.
12 So they've been to practically almost every state,
13 Washington all the way to California. They -- they
14 travelled a lot. A lot. Every year they would go to
15 India a lot, so.

16 Q. Who managed the store after Ana bought it in 2012?

17 A. After 2012, my dad was managing for us.

18 Q. Okay. And was he paid a salary?

19 A. Yes.

20 Q. Did -- was there a checkbook at the store so that
21 vendors could be paid?

22 A. There -- see, we ordered five hundred checks. I would
23 keep two hundred with me and three hundred I left at the
24 store or sometimes split half and half. So, yes, there was
25 a checkbook at the store. Yes.

1 Q. And the bank account that was opened for the store --

2 A. Uh-huh.

3 Q. -- who originally was the signatory on that bank
4 account?

5 A. For -- after the purchase?

6 Q. Yes, after the purchase.

7 A. For SunTrust, me and my wife. Wachovia, only us. For
8 SunTrust, yes, we added my dad for that because remember we
9 came to sign the -- to start the loan process when I ran
10 out of my PTO's, so we did a power of attorney so my dad
11 actually signed on those.

12 Q. Explain to the Court what you mean by PTO.

13 A. It's a paid time off. So, for example, right now I
14 have thirty days paid time off. That means I can take a
15 day off and I still get fully paid for those days.

16 Q. Okay. But where were you working at the time in
17 2012 --

18 A. In 2012 --

19 Q. -- when the store was purchased?

20 A. Yeah, Bank of America.

21 Q. In what city?

22 A. Charlotte, North Carolina.

23 Q. Okay. And what -- where was Ana working?

24 A. Ana was working in CVS pharmacy in Richmond and then
25 she -- and in Charlotte, too, yes. CVS pharmacy at that

1 time.

2 Q. Okay. When was your first child born, Hardik?

3 A. Siya was born November 13, 2010.

4 Q. Siya's your first child?

5 A. Yes, ma'am.

6 Q. Was she the first grandchild?

7 A. She's the first grandchild, too. Yes, ma'am.

8 Q. Were you and your parents living in the same house in
9 Clinton at that time?

10 A. Unfortunately, yes.

11 Q. Were you present when Ana revealed that she had become
12 pregnant and was expecting her first child with you?

13 A. Yes, I was present there. Yes.

14 Q. How did your mother react?

15 A. Before or after?

16 Q. After Ana told her.

17 A. After her visit?

18 Q. Yes.

19 A. Okay. So this is how it went. When Ana was pregnant,
20 we knew, my mother knew, but we wanted to be sure so went
21 to a doctor's visit. On our way from the doctor's visit,
22 Ana's mother called; hey, tell me what happened, and we
23 told her that she's pregnant. She congratulated us. The
24 first thing she did was call my mom at the house.

25 Q. The house in Clinton?

1 A. The house in Clinton. By the time we reached the
2 house, there was a big chaos. My mom was crying there and
3 it was all drama, drama, drama. My dad was angry. When we
4 found -- we tried to ask her what happened, she wouldn't
5 tell right away, then Ana told her like what happened, what
6 happened, and she was angry because she wanted to be the
7 one to congratulate her mother while her mother
8 congratulated her. It was a big ego problem and I remember
9 that they opposed it so much they made my wife bend down on
10 her knees and apologize to them and that hurt my feelings.

11 Q. Tell the -- tell me that again.

12 A. It broke my heart.

13 Q. Tell me that again.

14 A. Okay.

15 Q. They required an apology from your wife?

16 A. Yes.

17 Q. Were you there?

18 A. I was there. I tried to apologize to my dad, but he
19 was a bully, he was screaming loud, and I couldn't -- I
20 couldn't do much, but they made my wife fall on the ground
21 with her hands and beg -- beg for mercy; that I'm sorry
22 that I called my -- I told my mother first that I was
23 pregnant because they wanted to be the one telling
24 everybody.

25 Q. Were there tears?

1 A. She was crying. I was crying, too.

2 Q. So what should have been a happy occasion --

3 A. The happiest -- yes, exactly. That's what I'm saying.
4 It's unfortunate that we had to go through this.

5 Q. How was Ana's pregnancy? Did she have an eventful
6 pregnancy or was it routine?

7 A. Yes. She was under constant stress. I found out
8 later that -- she would work in the pharmacy, she had to
9 stand up and work ten hours, but they expected her to cook,
10 clean, do everything at the house, run the store, and so
11 she would get so tired that she would sleep in the parking
12 lot in the rest area on I-26 and she would cry for so long.
13 She wouldn't even tell me that. I wish she would have told
14 me back then.

15 Q. What was the atmosphere inside the house?

16 A. Inside the house, if you do exactly as they say,
17 everything goes right. If you make a minor mistake, it's
18 bad. At 6:30 Ana had to be up and make sure the tea was
19 ready for the whole family.

20 Q. Who had to do that?

21 A. Ana had to do that. And I approached, too, with my
22 dad. I'm like dad, you have your own wife, why don't you
23 tell her to do that. She was the last one to go to asleep
24 and first one to wake up and they expected it because
25 that's how it was in the Indian cult and I was ready to get

1 out of it.

2 Q. And how far did Ana get in her pregnancy before she --

3 A. She did not reach far because we -- she almost had
4 a miscarriage. The baby stopped moving, so we had to
5 rush her to the hospital and then the doctor said you
6 have to make a decision right here right now. There is a
7 thing called meconium -- meconium, something that babies
8 swallows, and the heartbeat stops, the baby stops kicking,
9 and we had to make the decision --

10 MR. PRICE: I would object to the hearsay of the
11 doctor.

12 THE COURT: Sustained.

13 THE WITNESS: Huh? What happened?

14 THE COURT: Rephrase your question.

15 BY MS. BALLARD:

16 Q. Hardik, what happened when you got to the -- to the
17 hospital? You can't tell me what the doctor said, but what
18 ended up having to happen?

19 A. We ended up having a C-section.

20 Q. And how far into the pregnancy was Ana?

21 A. About seven months.

22 Q. Was Siya born small?

23 A. Yes, she was a premie. She had to be in an incubator.

24 Q. How much did she weigh?

25 A. I don't recall at this time, ma'am.

1 Q. Okay. Was Ana in the hospital for a couple of days
2 before she came home?

3 A. Yes, she was.

4 Q. And did she and the baby come back to the house in
5 Clinton?

6 A. They come back to the house, but I was ready to get
7 them out of the house right then and there.

8 Q. What was the atmosphere like when you -- after Ana and
9 the baby came home?

10 A. Ana had sciatica pain, but they wouldn't believe her.
11 Like oh, she's just making it up, but C-section is a major
12 surgery, but they still expected her to do the work. So
13 I'm like Ana, you've got to get out and go to your mother's
14 house, so that's what we decided. But there was one more
15 thing about a pillow fight. Ana had such a bad pain that I
16 bought a pillow --

17 Q. Let's back up. This was before the baby was born?

18 A. Yes.

19 Q. Okay. Ana was having what, back pain?

20 A. Yes, sciatica pain. That's what it's called.

21 Q. Okay.

22 A. The doctor suggested that I should get her a pillow,
23 that it would make her feel better, then I bought her the
24 pillow.

25 Q. Okay.

1 A. Guess who started crying? My mom.

2 Q. Why?

3 A. She was like you don't love me at all, you don't love
4 me, you bought a pillow for her, you didn't buy this for
5 me, and so Ana -- Ana started crying, too, and so Ana gave
6 her the pillow and my mother threw it in the kitchen, so
7 nobody ended up using it except Shak. Shak used it. It's
8 still there.

9 Q. After -- after Ana and the baby came home, why did you
10 suggest that Ana go live with her parents?

11 A. Because it was very unhealthy. See, I was under
12 stress, it was okay. I was abused, that's fine. I push
13 back, that's fine. Ana, they did the same thing to her,
14 but my kids, that my children have to suffer because of
15 their cult, no, I was not buying that. I was not buying
16 that. So I told her Ana, Ana, you've got to get out. She
17 went to stay with her parents in Augusta, Georgia.

18 Q. And were you able to visit her when she was there?

19 A. We had a fight about that, too. I wanted to visit her
20 and my dad and mom would stop me from visiting.

21 Q. How?

22 A. No, you're not gonna go. I'm like who are you to tell
23 me not to go? No, you're not going. We don't do all that
24 in our culture. We don't go to the wife's house in our
25 culture. You lose respect if you go there.

1 Q. Did you and your father have a disagreement about
2 Siya's name?

3 A. Exactly. They wanted to call her Swara.

4 Q. Spell that.

5 A. That sounds like a swear word.

6 Q. Spell what they wanted to call her.

7 A. S-W-A-R-A.

8 Q. S-W-A-R-A?

9 A. Yeah.

10 Q. Okay.

11 A. And they wanted to call her Swara and I didn't like
12 it. I wanted the god's name, Indian god's name, so I
13 wanted to call her Siya.

14 Q. And what does Siya stand for?

15 A. S-I-Y-A means the goddess of beauty.

16 Q. Okay. Was there a fight about your daughter's name?

17 A. Yes, there was.

18 Q. What did the fight involve?

19 A. There was a fight with my dad about my daughter's
20 name for a long time and even after us calling her Siya,
21 he would still kept calling her Swara for six, eight, ten
22 months.

23 Q. After her birth?

24 A. Yeah. And what happened was I finally put my foot
25 down and I'm like you know what, this is it, I'm out of

1 here, and that's when I stayed two days in my car from
2 going to the apartment that we talked about.

3 Q. When you left the house in Clinton, why did you leave
4 the house in Clinton?

5 A. I couldn't take the abuse anymore. That was -- that
6 was enough for me. You know, enough is enough. My -- I
7 suffered, my wife suffered, my daughter has to suffer for
8 everything. My main concern was tomorrow, six months
9 later, she wants to eat candy and I don't want her to eat
10 the candy, but my dad would be like you got to sit down,
11 she's gonna eat the candy, and I'm not gonna -- I'm not
12 gonna let that happen to my daughter, no.

13 Q. Were you concerned about interference?

14 A. Yes, raising my child because if my dad had his right
15 to call me whatever he wants and he named me, don't I have
16 the right to call my daughter what I want?

17 Q. Okay. So you -- you said that you slept in your car
18 for a couple of days?

19 A. Two days, ma'am. Two days I slept in my car, yes.

20 Q. Where was Ana at this time?

21 A. Ana was in Augusta, Georgia.

22 Q. With her parents?

23 A. Yes, because I was opening and closing the store
24 myself, so I couldn't go and stay with Ana. I had to stay
25 right there. I stayed one day in the store, but the alarm

1 kept on going off every time I go use the bathroom because
2 of the motion sensor, so I slept in my car until I found a
3 place to live.

4 Q. When you found a place to live, that's the apartment
5 that we talked about when we were here in February?

6 A. Yes, ma'am. That was the only thing I was able to
7 find in the entire Clinton.

8 Q. All right. At the time you applied for that
9 apartment, Hardik, did you make any misrepresentations
10 about your income?

11 A. No, ma'am. No, I did not.

12 Q. Did you have a job other than working in the store?

13 A. I had quit my job at BMW because of my daughter.

14 Q. Okay.

15 A. The only job I had was the store, which was, what,
16 merely a thousand dollars a month, which definitely
17 qualifies me for the -- for the apartment.

18 Q. How long did you live in those apartments with you and
19 Ana and Siya?

20 A. Not long. Less than two or three months.

21 Q. Did Darshak also live there with you?

22 A. He did extracurricular activities at that place, yes.

23 Q. What do you mean by that?

24 A. Well, my wife saw him multiple times with other women
25 who --

1 MR. MOORE: Objection, Your Honor, as to the
2 hearsay and relevance.

3 THE WITNESS: Well, she will say it.

4 THE COURT: I need to hear the question again. I'm
5 not certain I heard the question or the answer so I can
6 make a proper ruling.

7 MS. BALLARD: He answered the question and said
8 that Shak engaged in extracurricular activities at the
9 apartment and I asked what he meant by extracurricular
10 activities and he was about to answer. I don't think
11 he started to answer yet. I don't think he'd answered
12 yet.

13 THE COURT: I'm not sure that's relevant.

14 MS. BALLARD: I'm sorry?

15 THE COURT: I'm not sure that's relevant to the
16 ownership of the store, so move on.

17 MS. BALLARD: Okay. That's fine.

18 BY MS. BALLARD:

19 Q. Where did you move after you lived in the apartments
20 for a couple of months?

21 A. I moved right away. I went to New Jersey for the
22 training and I moved to Richmond, Virginia right away.

23 Q. Did Ana go with you and Siya?

24 A. Yes, ma'am. I had to take them with me. There was no
25 chance I would let them stay with my parents.

1 Q. Was this the first time you had managed to live
2 without your parents?

3 A. I bought the house for me and my wife and to live with
4 my family, but my dad kept insisting oh, no, we -- we live
5 together, so I'm like okay. And this is an emotional thing
6 he say. Well, all this life since you were a kid we never
7 got to live together. Plus, think about it. When I was
8 ten years old, since then they are away. Even when I was
9 in U.S., I worked in different places, so he was like
10 emotional about it, that we should live together, so I gave
11 into that.

12 Q. Once you moved to Richmond, did you ever live with
13 your parents again?

14 A. No, I would never. My dad begged me to do that. When
15 I sold my Camden store, he was literally like please come
16 back, please come back, but I would not do that.

17 Q. And why not?

18 A. No, I would not go through that again. I'm sorry. My
19 kids, my life, my freedom.

20 Q. Mr. Moore asked you when we were here in February why
21 is it you don't want to be a part of your mother's family
22 anymore. Why is it you don't want to be a part of your
23 mother's family anymore?

24 A. Because I don't want to be abused anymore. He didn't
25 let me explain that. He would cut me off. He was -- he

1 was so loud. He was loud and he was -- he was like
2 badgering me. He was kind of abusing me. He was coming
3 in my face the whole time.

4 Q. Did he intimidate you?

5 A. Yes, 100 percent he did.

6 Q. Once you got to Richmond, and I think you answered
7 this, was that the first time you and Ana and your child
8 were able to live in a quiet household?

9 A. Happily ever after, yes.

10 Q. All right. Has it been happily ever after since?

11 A. It has been very happily ever after. Life is very
12 different.

13 Q. When did you guys move to Tega Cay?

14 A. Tega Cay, 2017. April 1, 2017.

15 Q. Did you purchase a home there?

16 A. Yes, ma'am. And my parents were there, too, the day
17 we purchased it and I'm glad they're not making a claim for
18 that one, too.

19 Q. Why did you purchase a home in that area as opposed to
20 a home closer to Clinton where your wife's store was?

21 A. Number one reason, my kids. My kids are the future.
22 My daughter used to go to a Montessori Christian school and
23 the fees -- it was \$800 a month fees there. When my son
24 was born later, \$1,500 I was paying in fees. Instead I
25 thought I would buy a bigger property and put that money in

1 the property. We looked for the best of the best in the
2 entire state and my job was in Charlotte, Tega Cay is
3 number one in the schooling. York school system is the
4 number one in the entire state, so we purchased a house
5 right there.

6 Q. Did your parents criticize you for purchasing your
7 house?

8 A. Yes. They're like this is too expensive house, what
9 are you gonna do with this, why buy this. My only reason
10 was if I buy a house there or there, they will go to a
11 different school district. My only reason is -- the house
12 is the kids. That's it.

13 Q. And do you and Ana and the kids still live there?

14 A. Yes. Yes, ma'am, we do.

15 Q. Was your father's death in 2017 sudden?

16 A. Very unexpected.

17 Q. How did you learn that he had passed?

18 A. I was -- I paint everything my own house, my own
19 furniture and my home office, and I was painting my closet
20 when I think my brother or my mother, one of them, called
21 me on my cell phone and said that he passed away and I was
22 caught by surprise. I did not see that coming.

23 Q. Did anybody see that coming? Was he ill?

24 A. Nobody saw that coming, ma'am. Nobody. No way. He
25 was happy and jolly and he was doing what he wanted to do.

1 Q. Where was he living at the time of his death?

2 A. He was living four days in Florence and three days in
3 Clinton.

4 Q. The three days in Clinton were where?

5 A. In my house.

6 Q. Okay. And when he lived in Florence, where did he
7 live?

8 A. At the hotel.

9 Q. Approximately when did he make an investment in that
10 hotel in Florence?

11 A. Right after I sold my Camden store. At that point
12 he was negotiating the deal and then he was short on the
13 money, he asked me for the help, so I gave him, I think,
14 \$50,000 --

15 Q. Let me find that.

16 A. -- to help with the store, yeah.

17 Q. All right.

18 A. So he asked -- and my wife was on the call, too. We
19 were both talking to him.

20 Q. Hold on. Hold on. Look at Exhibit 34.

21 A. All right. Yes.

22 Q. What is Exhibit Number 34?

23 A. Yeah, this is -- right there. Yeah, this is the one.
24 So my dad asked me for some money, so he's like well, I'm
25 -- I told him Ana is here, let's talk together, because

1 we always like to talk together. Me, Ana and my dad, we
2 were one team. Here he asked me for the money to purchase
3 the hotel and I gave him permission and he wrote a check.
4 I told him to write loan on both of them. Okay. Yeah. So
5 this \$50,000 I gave to purchase the property.

6 Q. Whose handwriting is on the check?

7 A. That's my dad's handwriting, but he has my permission.

8 Q. Okay. And whose signature is on it?

9 A. That's his signature.

10 Q. He signed your name?

11 A. No, that's his signature and his name.

12 Q. Okay.

13 A. So one of the check's written to him and one to my
14 mother. I don't know he why he split it, but that's --
15 that's fine. Either way, \$50,000.

16 Q. Which bank account was this?

17 A. This is my -- my wife's business, AAHARVID, LLC.

18 Q. Did your father ever pay back his \$50,000 that --

19 A. No, he hasn't. He passed away. He passed away.

20 Q. Okay. Now you don't know of your own knowledge what
21 he did with that \$50,000, do you?

22 A. No, I don't know, but he told me that he's buying a
23 hotel, he needed some money --

24 MR. MOORE: I object to the relevancy and hearsay.

25 THE WITNESS: Okay. Well, that's fine.

1 THE COURT: I think it's already been testified to.

2 BY MS. BALLARD:

3 Q. Hardik, when you had an ownership interest in a hotel
4 in Newberry, did a dispute arise about money and the
5 handling of money in the Newberry hotel?

6 A. Yes, ma'am.

7 Q. What was that dispute?

8 A. Well, one day Prakash Patel, 60 percent owner in the
9 hotel, came by the hotel and found some wrongdoing done by
10 my father, accounting -- major accounting problems, so he
11 called me and my wife and he threatened us that I'm gonna
12 send your father to jail and both of you to jail for your
13 dad stole the money and he was scaring us all and as a
14 result we had to give up our shares for the hotel.

15 Q. So did you get any money for giving up your shares in
16 the Newberry hotel?

17 A. No, the hotel was purchased for high and it was
18 constantly losing money. Actually the hotel was less money
19 when we transferred our shares. Actually there was a loss
20 on every day for me.

21 Q. Have you reviewed the tax returns during the period of
22 time that you had an ownership interest in the Newberry
23 hotel?

24 A. Yeah, I went through them. Not a single year there
25 was any dividend given to anybody and it was way in loss.

1 Q. Look at Exhibit Number 21 and Number 22. Can you tell
2 us -- I'm sorry, just 21. Can you tell us what 21 is? I'm
3 sorry, that's the wrong exhibit. Excuse me. Well, let's
4 go ahead and identify what Number 22 is.

5 A. 22?

6 Q. Yes.

7 A. Okay.

8 Q. What is 22?

9 A. This is BB&T. This is the time when we applied for
10 the loan.

11 Q. For the purchase of what?

12 A. Purchase of the -- purchase of the gas station that we
13 were leasing at that time.

14 Q. Okay. And who is it addressed to?

15 A. AAHARVID, LLC. That's me and my wife.

16 Q. And if you look over at the signature page, which is
17 like the fourth page in, can you tell me who signed this
18 agreement for the loan?

19 A. Yeah. The top one is my wife's signature, the bottom
20 one is mine. Both are the owners and the guarantors.

21 Q. Okay. Well, let's look at Exhibit Number 23.

22 A. Number 23. Okay.

23 Q. What is Exhibit Number 23?

24 A. Oh, this is the guaranty agreement for who is the
25 responsible party for the loan.

1 Q. And which one is Number 23? Is that yours or Ana's?

2 A. This is Ana.

3 Q. Let's look at Number 24.

4 A. Number 24, this a guaranty so in case the business
5 cannot pay off the money who is responsible. That is mine.
6 This is Hardik Patel.

7 Q. Other than you and Ana, did anybody else guarantee the
8 loan for the purchase of the store?

9 A. No. Me and Ana, we have the best credit, so, yes, we
10 did.

11 Q. Was there ever a discussion that the store belonged to
12 Ramesh or would belong to Ramesh?

13 A. Never, ma'am. No.

14 Q. Was there ever a discussion that he couldn't own
15 property because of his green card status?

16 A. No, he owned property. All of my parents owned
17 property.

18 Q. Specifically what did your father own? Prior to 2012,
19 what did your father own in his own name prior to 2012?

20 A. He owned the Days -- I think he owned Days Inn in
21 Concord, the Days Inn in Goose Creek. Those two that I
22 know.

23 Q. Okay. Did he have any ownership interest in the hotel
24 in Newberry?

25 A. Ownership interest, no. It was always my wife.

1 Q. All right. Have you reviewed the tax returns for the
2 LLC that owned the hotel in Newberry?

3 A. I've seen them, but --

4 Q. We don't have them here, but have you reviewed them?

5 A. Yeah, I've seen them. If I have them, I have seen
6 them, yeah.

7 Q. Did you ever see a K-1 issued to Ramesh for the
8 Newberry hotel?

9 A. No, he was never on that. No, not from day one.
10 Ramesh was never on any of the K-1's.

11 Q. So what was the relationship between Ramesh and the
12 Newberry hotel?

13 A. Ramesh and Newberry hotel?

14 Q. Yes.

15 A. Well, when he left -- where was he? It was in
16 Charlotte, yeah. When he left from Charlotte, he came to
17 Newberry and he gave to us those shares and he worked there
18 as a manager.

19 Q. He worked where? At the Newberry hotel?

20 A. In the Newberry hotel as a manager. Yes, ma'am.

21 Q. So at that point in time he didn't own anything?

22 A. No, ma'am.

23 Q. Okay.

24 A. But then, again, the way he gave me the shares, the
25 shares were gone, too.

1 Q. Say that again.

2 A. The shares, when we transferred them, it was because
3 of his accounting mistake. There was no money exchanged.

4 Q. Tell me what you mean by that.

5 A. Well, when Prakash called and threatened to send me
6 and Ana to jail and my dad to jail, I asked him the
7 details, like what happened, and he said I went to the
8 office and I saw your dad's accounting mistakes and he did
9 this, this, this and this and you owe me \$60,000. I'm like
10 how come I owe you \$60,000? You owe me, you owe me, you
11 owe me, otherwise you're all going to jail. So we all came
12 to the conclusion that okay, we would forfeit our shares.
13 In return, do not send my father to jail or my wife to
14 jail.

15 Q. Look at Exhibit 29, if you would.

16 A. Yes. Right there. This is the one.

17 Q. All right. Tell us what Exhibit Number 29 is.

18 A. Number 29, where my father agrees to the differences
19 of accounting issues with Prakash Patel, who is a 60
20 percent owner in the Quality Inn, now Econo Lodge property,
21 and they decided to move ahead that my dad will pay him
22 \$15,000 on that particular day and upon sale of the
23 property he would pay another \$40,000 to Prakash Patel.

24 Q. All right. Now the third paragraph refers to Ramesh
25 as a partner. Do you -- the Newberry hotel was owned by an

1 LLC; was it not?

2 A. It was owned by an LLC, yes. Shree Shree Hari, LLC.

3 Q. So do you know what they were referring to when they
4 referred to your father as a partner?

5 A. Both parties, Prakash and Ramesh, agree to move
6 forward and remain partners with good understanding at the
7 said property and work together as Mr. Prakash Patel will
8 be managing property from this day --

9 Q. Don't -- don't read it out loud. Just read it to
10 yourself.

11 A. Let's not fight. That's what it is.

12 Q. Okay.

13 A. Yeah.

14 Q. In connection with looking at Exhibit Number 29, let's
15 also look at Exhibit Number 32.

16 A. Okay.

17 Q. Do you recognize that?

18 A. 32, is that the motel?

19 Q. Memorandum of understanding?

20 A. Yes. That's right. Yes, it is.

21 Q. All right. What is that document, Hardik?

22 A. So this is the document that proves that I, Hardik
23 Patel, own 20 percent of the shares and my wife, Ana Patel,
24 owns 20 percent of the shares. We are giving our shares
25 back to Prakash in return that he would not sue us and we

1 are also -- on paying the promissory note that I already
2 paid him, he was paid in 2010, he's forgiving that note.
3 We just added that because we didn't want him to come back
4 again and say that well, you didn't pay that money even
5 though we paid him that money.

6 Q. Whose signature -- I know there are several pages
7 and they're not numbered. Whose signature appears on this
8 document and the following pages?

9 A. The first signature is my father's signature. He was
10 managing the hotel.

11 Q. All right.

12 A. And because of his wrongdoings we had to let the
13 shares go.

14 Q. Okay. What's the next signature? Or who is --

15 A. The next signature belongs to Pallev -- sorry, Prakash
16 Patel. He was a 60 percent partner and he's the one who
17 accused to my father of wrongdoing.

18 Q. Okay. Who were the signatures on the next page?

19 A. The next page is me and my wife. We are both
20 20/20 percent owner and we let our shares go. In return,
21 he would not put my father in jail.

22 Q. Hardik, do you know who prepared this document?

23 A. This document? Yeah, this was -- Mr. Moore's firm
24 prepared this document.

25 Q. Would you look at Exhibit Number 31, please.

1 A. Yes. Right here, sir.

2 Q. What is Shree Shree Hari, Inc.?

3 A. That's the name of the business, Shree Shree Hari,
4 memorandum, the one that we just visited.

5 Q. For the Newberry hotel?

6 A. For the Newberry hotel.

7 Q. Okay. Read the June 6th entry into the record, if you
8 would.

9 A. The June 6th entry says research and drafting
10 memorandum of understanding for Shree Shree Hari.

11 Q. Okay. And that's the one we just looked at that is
12 32?

13 A. That is correct. That's the one we looked at. That's
14 the memorandum of understanding.

15 Q. After your father died, how did your mother's
16 personality change, if at all?

17 A. She practically remained the same, but to me it seems
18 like that she felt more insecure and she just wanted
19 everything because she felt insecure.

20 Q. Did you live with her for a while?

21 A. Yes, first three months. I used all of my PTO's
22 making sure that my mother stays in good health.

23 Q. What requests, if any, did she make for your
24 assistance in handling the finances?

25 A. She repeatedly asked me again and again to help her

1 with her mail and her paperwork and I always, always
2 explained to her, and then the -- what she wanted to do
3 because I did study business law, I did study the
4 employment law, and I was a licensed insurance agent for
5 state of South Carolina. I always did the right thing.

6 Q. We've heard testimony about a change of address to
7 your house in Tega Cay. Why was your mother's address
8 changed to your house in Tega Cay?

9 A. Okay. After first three months, I couldn't keep up
10 with the paperwork back and forth. When you go online,
11 there is an option so for \$1 you can change the family
12 address, so I changed the Patel family address. All of the
13 mail started coming to me.

14 Q. Did your mother know that you had done that?

15 A. She asked me to.

16 Q. Okay.

17 A. Yes.

18 Q. All right. And what did you do with the mail that was
19 addressed to her that came to your home in Tega Cay? Did
20 you handle those matters?

21 A. Exactly. Well, personally I handled them, I explained
22 to her, and then I did exactly what she said.

23 Q. We heard testimony about a life insurance policy on
24 your mother's life. Were you aware there was a life
25 insurance policy on your mother's life?

1 A. Yes, ma'am.

2 Q. How did you become aware of that?

3 A. I always knew because I sold life insurance policies
4 for a living for a time period and we tried to apply for a
5 policy for my mother and father with my company, too, but
6 the payment was too high so we just later on cancelled it
7 and we kept one policy because the payment was a little bit
8 less than the other policy.

9 Q. So after your father died, what request, if any, did
10 your mother make about her life insurance policy?

11 A. So after my father died, we knew that we had to change
12 the beneficiary on the life insurance policy. My mother --
13 okay. So let me -- let me see exactly. We -- we called.
14 My mother was standing right next to me. We called and the
15 agent would not talk to me. He wanted to talk to my mother
16 because he wanted the permission from her. So once we got
17 the permission, we got the form to change the beneficiary
18 sent to us. Once the form came in, we filled out the form
19 the way she wanted me to fill it out.

20 Q. Now tell me how you knew what she wanted -- how she
21 wanted you to fill it out. How did you know?

22 A. She told me two things. That my brother has stage
23 four cancer and he may or may not survive, so we add it
24 later because she absolutely hates his wife and she doesn't
25 want the money to go to his second wife, not -- second

1 wife, and at that time her situation, her thinking, was
2 that and I did exactly what she told me. It is not my
3 signature on it. I had to fill out the application. She's
4 the one who signed it. I am a licensed insurance agent --
5 I was a licensed insurance agent. I'm not willing to go to
6 jail for that. I make that kind of money in more than --
7 less than two years.

8 Q. Hardik, why did you -- why did you assist your mother
9 in changing the beneficiary on her life insurance policy?

10 A. She's the one who asked me to do that, ma'am.

11 Q. Did you forge her signature?

12 A. No, ma'am. No, no, no. I did not. It's her
13 signature.

14 Q. Would it surprise you for her to have claimed to other
15 people that it wasn't her signature?

16 A. At this point, no, it wouldn't surprise me. I -- I
17 believe she can do anything to get me in trouble.

18 Q. Okay. You're under oath.

19 A. Yes, ma'am.

20 Q. You used to sell life insurance?

21 A. Yes, ma'am.

22 Q. You hold a job of honor and profession?

23 A. Yes, ma'am.

24 Q. You're telling the Court that you did not forge your
25 mother's name to that document?

1 A. I'm telling the Court that I did not forge my mother's
2 name, signature or anything. No. No, I have never.

3 Q. Hardik, after your father died, did your mother
4 continue to live in your house?

5 A. Yes, ma'am.

6 Q. And did you continue to pay the mortgage?

7 A. Yes, ma'am.

8 Q. Did you continue to pay the utilities?

9 A. Yes, ma'am.

10 Q. Did you provide a cell phone for your mother?

11 A. Yeah, for long time. Yes.

12 Q. What account did you have her cell phone -- well, did
13 you buy a cell phone for her on your account?

14 A. Yes, on my AT&T account.

15 Q. All right. And did you give it to her for her use?

16 A. Yes.

17 Q. Who paid for her cell phone?

18 A. I paid for the cell phone.

19 Q. Who paid for the cell service?

20 A. I paid for the cell service.

21 Q. In 2018, did you start having more difficulty with
22 your mother in a big way?

23 A. Yes.

24 Q. How did that come about?

25 A. Well, I would -- I would try to tell her not to use

1 personal card for the business items, I would tell her not
2 to mess with the funds, she wouldn't listen, but only as I
3 was -- this is the way it was going. This is the way it
4 would go, like a bully, and I wasn't gonna go for the
5 bullying any more.

6 Q. Was she taking money from the AAHARVID bank account?

7 A. Yes, ma'am.

8 Q. And did you ask her not to do that?

9 A. I asked her multiple times not to do that. I asked
10 her multiple times do not write checks to yourself or don't
11 write checks without my permission.

12 Q. Did she continue to do so?

13 A. Yes, ma'am, she did.

14 Q. Do you recall a weekend in October when your mother
15 went to a wedding in Atlanta?

16 A. October?

17 Q. 2018.

18 A. I -- I go there every weekend, so, yeah, on the
19 weekends she was -- she went to the wedding, yeah, in
20 Atlanta. Yes, that's right.

21 Q. So where did you stay when you worked at the store in
22 Clinton on weekends?

23 A. I always stayed in my own house when I go to work for
24 more than one day.

25 Q. So have you maintained that bedroom at your house in

1 Clinton?

2 A. It is still my bedroom. Yes, ma'am.

3 Q. Do you have clothing there?

4 A. Yes, ma'am.

5 Q. Did you spend the night there and shower and get ready
6 to go to work the next day?

7 A. All the time. Yes, ma'am.

8 Q. I'm having trouble finding the exhibit. Hold on.

9 In October of 2018 when you were spending the night at
10 your house in Clinton, did you have occasion to go into the
11 room that was occupied by your mother?

12 A. Yes, I did.

13 Q. What was your purpose in going into the room that was
14 occupied by your mother?

15 A. Well, all the socks that we have we put in the bottom
16 drawer in my father's bedroom, so I went to get the socks
17 out.

18 Q. Did you see any of your property in there at that
19 time?

20 A. Yes, I saw my T-shirt on the right-hand side of the
21 -- of the drawer between -- between the dresser and then
22 the door.

23 Q. Was it on the floor?

24 A. It was on the floor, yeah.

25 Q. Okay.

1 MR. PRICE: I'm sorry. I couldn't understand what
2 he said as far as what he saw.

3 MS. BALLARD: He found his shirt on the floor in
4 his mother's room.

5 MR. PRICE: All right. Thank you.

6 BY MS. BALLARD:

7 Q. Hardik, when you picked up the shirt, was there
8 anything else there?

9 A. Yes, underneath the shirt there was a blue plastic
10 envelope.

11 Q. Turn to Exhibit Number 48. I'm sorry. That's wrong.
12 49. Excuse me.

13 A. Uh-huh.

14 Q. Hardik, what is Number 49 a picture of?

15 A. It's a picture of not all of it, but a picture of some
16 of the money that I took it as a proof.

17 Q. All right. Where did you find this money?

18 A. When I lift up my T-shirt, underneath there was this
19 blue, big envelope. It was full of money.

20 Q. Did you do count the money?

21 A. Yes, I did.

22 Q. How much money was there?

23 A. It was 11,600 and some change. I don't know the exact
24 amount, but it was over \$11,000.

25 Q. And why did you take a picture of this money?

1 MR. MOORE: Your Honor, may I please? I believe
2 he said 11,000. I think there were eleven \$100 bills.

3 THE COURT: Re --

4 MS. BALLARD: You can cross-examine him.

5 BY MS. BALLARD:

6 Q. Did you count the money?

7 A. Yes, I did.

8 Q. How much money was there?

9 A. It was 11,600 and some change. Well, that's the money
10 that was in the pouch.

11 Q. All right. So the picture that we see in Exhibit
12 Number 49, is that all the cash?

13 A. That's all what I -- this right here? No. It's not
14 all of the cash, no.

15 Q. The rest of it is still where?

16 A. Yeah, in the pouch.

17 Q. Okay. And what's the second page of Exhibit
18 Number 49?

19 A. This is my mother's handwriting.

20 Q. Was this with the pouch?

21 A. This note was right there with the pouch, yes.

22 Q. Whose -- and it's your mother's handwriting?

23 A. This is all my mother's handwriting, yes.

24 Q. What does this indicate to you?

25 A. To me it is like this is the money she took as her

1 work without letting me or Ana know.

2 Q. Did it surprise to you to find that your mother had
3 \$11,000 in cash in your house?

4 A. Yes. I was very much surprised. Yes, I was very
5 surprised. I told her repeatedly don't keep any money in
6 the house. Don't keep any money in the house.

7 Q. And -- and did you tell her you found this money?

8 A. No, I did not.

9 Q. Did you tell Ana?

10 A. I told Ana about this, yes.

11 Q. And what did you and Ana decide to do as a result of
12 finding this \$11,000 in cash in your mother's house?

13 A. When we saw this money, we -- we already were having
14 family issues at the store, so we figured that, you know, I
15 will -- I will take control of 100 percent of activities at
16 the store.

17 Q. What do you mean by that?

18 A. So I will count the money that comes from everyday
19 paycheck -- I mean, everyday sales. I will count it myself
20 and I will deposit the money in the bank.

21 Q. Why did you make that decision?

22 A. Because there's always some cash missing. I didn't
23 know, I couldn't find out, so I'm like you know what, let
24 me just do it myself. I just -- I just had enough of it.

25 Q. Did you tell your mother that you were gonna take over

1 the handling of the company --

2 A. I called her and I told --

3 Q. -- all of the company? Let me finish the question.

4 Did you tell your mother you were gonna handle -- take over
5 handling all of the money for the store?

6 A. Yes, ma'am. I did call her and I told her that from
7 now on anything that has to do with the money, I will
8 handle it; depositing the money, getting the change,
9 writing the checks, and if you ever get the change back and
10 forth from the bank, everything that goes into the account,
11 I will do it personally by myself and I will remove your
12 signature from the account, please don't go to the bank.

13 Q. And why did you make that decision when you made that
14 decision?

15 A. I was really shocked and I was surprised that -- you
16 know, I was always short on the money, but I never blamed
17 anyone, and I'm still not blaming her, but I'm like no, I
18 need to do the right accounting, I need to take it in my
19 hands and I will do it my way.

20 Q. What, if anything, did you and Ana decide to do about
21 moving your mother's signature authority from the store's
22 bank account?

23 A. Once I found the money, I called my mother and told
24 her and then on 9 -- yeah, this 7-30. On 8th I -- I told
25 my mother and on 9th we went to the bank and we removed her

1 signature.

2 Q. And why did you remove her signature?

3 A. Because I kept on telling her not to write the check
4 as you wish. This is the business money, this is business,
5 and she kept -- and when we have an audit we could get in
6 trouble and she kept on saying no, that's how we've been
7 doing it, that's how it's done, who are you to tell me, are
8 you my dad? That's how she would tell me, you're not my
9 dad, and I'm like okay.

10 Q. Was it a hard decision to make to take your mother's
11 name off the bank account?

12 MR. MOORE: Object to the leading, please, Your
13 Honor.

14 A. Yes, because I knew -- huh?

15 MR. MOORE: Object to the leading.

16 BY MS. BALLARD:

17 Q. Was it a hard decision to make to take your mother's
18 name off the bank account?

19 THE COURT: I don't think she's leading.

20 A. It was one of the hardest decisions of my life. Yes,
21 that is right.

22 Q. Why was it hard?

23 A. Because it's -- it's family and I trusted her with it
24 and I knew that she was doing wrong and I had to take it
25 off and I knew that she was gonna retaliate because she has

1 always taken revenge. She always wants to be one step on
2 top of you.

3 Q. But you -- did you tell her you were taking her name
4 off the bank account?

5 A. I told her the day before, yes.

6 Q. Did you subsequently find out that she had some checks
7 in her possession?

8 A. Yeah, she had access to the checkbook because she goes
9 to the store all the time. We -- I keep one checkbook with
10 me and one at the store.

11 Q. After you took your mother's name off of the bank's --
12 excuse me -- off of the company's bank account, did your
13 mother manage to cash checks nonetheless?

14 A. Yes, she did.

15 Q. How much money did she take from the store's bank
16 account after you took her name off the bank account?

17 A. I after I told her not to go to the bank and don't
18 write check, she deposited 5,000 of the company's money
19 into her personal account, which she told me that I went to
20 put in the -- oh, I went to put it in the business, but
21 they wouldn't let me put it in the business, so I put it in
22 the personal and then she wrote a check for \$5,044.34.

23 THE COURT: Could you rephrase that question to get
24 a singular answer?

25 MS. BALLARD: Yes.

1 THE COURT: We got such a rambling answer, I
2 can't --

3 MS. BALLARD: I'll try, Your Honor.

4 BY MS. BALLARD:

5 Q. After you told your mother that you had taken her name
6 off the bank account, did you find that she had taken --
7 written checks on the bank account anyway?

8 A. Yes. When I first told her no, she still went to the
9 bank and deposited the money, the business account money,
10 into the personal account. The check was \$5,044.34 cents,
11 I think, and then \$5,000 that was the business money she
12 put in a personal account. I asked her why did you do
13 that, that's the business money, and she say --

14 THE COURT: All right. Stop. Stop.

15 THE WITNESS: All right.

16 THE COURT: The answer was \$5,044, not all that
17 other while you talked to her about it afterward. We
18 don't need to hear all that.

19 THE WITNESS: Okay. It's \$10,000 altogether.

20 BY MS. BALLARD:

21 Q. There was a second 5,000?

22 A. There was \$10,000 altogether.

23 THE COURT: That would be helpful to know there's
24 two times --

25 MS. BALLARD: That's what I was asking.

1 THE COURT: -- rather than all this conversation
2 and the phone call and what he said and what she said.
3 It's getting very, very difficult to keep up.

4 THE WITNESS: Sorry.

5 BY MS. BALLARD:

6 Q. Okay. How many checks did your mother write on the
7 business account after you took her name off of the
8 business account?

9 A. One check.

10 Q. How much money did she take out of the account after
11 you took her name off the bank account?

12 A. Off the bank account?

13 Q. Yes.

14 A. Five thousand cash, five thousand check, so \$10,044.

15 Q. Did you go to the bank and try to solve that issue?

16 A. Yes, I tried to go to the bank and resolve the issue,
17 but by that time she had already closed the account and
18 took all of the money out.

19 Q. You're talking about her personal account?

20 A. Yes, the -- where she put that 5,000 and 5,000
21 check.

22 THE COURT: All right. So I'm clear, there was
23 \$5,000 cash from the store that was supposed to be
24 deposited and it wasn't, so that wasn't cashed, it was
25 cash --

1 MS. BALLARD: There was one check that was cashed.

2 THE COURT: -- money deposited in her personal
3 account that he is discussing and then there's a check
4 from the business account into her personal account for
5 roughly \$5,000?

6 MS. BALLARD: Right.

7 THE COURT: Okay.

8 MS. BALLARD: Thank you, Your Honor.

9 THE COURT: It's very confusing.

10 BY MS. BALLARD:

11 Q. So what, if any, problems did you have with BB&T after
12 you and she got in a fuss about whether her name could be
13 on that bank account?

14 A. Well, as a result, BB&T -- I asked for the money back
15 and they said you're --

16 MR. MOORE: Object to the hearsay, please, Your
17 Honor.

18 BY MS. BALLARD:

19 Q. You can't tell me what the bank said. What -- what
20 was the end result of your dispute with your mother as to
21 whether her name was supposed to be on the bank account?

22 A. I was told to file a police report --

23 MR. MOORE: Objection, please, Your Honor.

24 THE WITNESS: Okay.

25 BY MS. BALLARD:

1 Q. What was the end result? Don't tell me what you were
2 told.

3 A. Well, all the accounts were closed. We had to move to
4 a different bank.

5 Q. Okay. At that point in time, did you decide to
6 consult a lawyer?

7 MR. MOORE: Objection, please, to leading, Your
8 Honor.

9 THE COURT: That's not a leading question.

10 THE WITNESS: I had consulted a lawyer before
11 that. In September I tried to make an appointment with
12 Mr. Thomas Jeter, but then we cancelled it and then he
13 took over from there.

14 BY MS. BALLARD:

15 Q. And when you met with Mr. Jeter the first time, had
16 you discovered this problem with the bank account at that
17 time?

18 A. Yes, I explained to him, I told him to help me with
19 the -- we talked about multiple issues. I don't recall
20 exactly at this time, but we did talk about bank issues,
21 business and a couple of other things.

22 Q. Okay. And when you discovered the money that had been
23 taken out of the business account after you had removed
24 your mother's name from the account, did you discuss that
25 with Thomas as well?

1 A. Yes, ma'am.

2 Q. Did BB&T cancel the business's account?

3 A. They just told us that --

4 MR. MOORE: Objection, please, Your Honor, to the
5 hearsay.

6 THE WITNESS: Sorry.

7 THE COURT: All right. The account got moved.

8 MS. BALLARD: I'm sorry?

9 THE COURT: The account was closed.

10 THE WITNESS: The account was closed and we went
11 somewhere --

12 MS. BALLARD: Yes.

13 THE COURT: All right. Let's take a break because
14 I could really use a bathroom break and some water.

15 MS. BALLARD: Oh, sure. Sure.

16 MR. MOORE: Thank you so much.

17 MS. BALLARD: I get started and I --

18 MR. MOORE: Thank you, Judge.

19 (Recess taken at 4:51 PM.)

20 (Back on the record at 4:59 PM.)

21 BY MS. BALLARD:

22 Q. Hardik, after your father got his green card, did he
23 ever ask that the store be put in his name?

24 A. He never asked me ever to put any of my stuff in his
25 name. Not the store and not the house.

1 Q. Would you look at Exhibit 36, please.

2 A. Yes, ma'am.

3 Q. Can you tell the Court what the pages are, they're
4 numbered one through four, what these exhibits are?

5 A. This is 6,500 --

6 Q. Speak up.

7 A. Okay. These are the official checks given to Vidhya
8 Patel by BB&T bank when they closed out her account because
9 of the fraud.

10 Q. Okay.

11 MR. PRICE: What number is that?

12 MS. BALLARD: That's Exhibit Number 36.

13 BY MS. BALLARD:

14 Q. Hardik, how did you come to have these pictures of
15 these checks?

16 A. Because I had access to the phone. It was my phone.

17 Q. Let me make sure I'm clear. The phone that Vidhya was
18 using, what happened to that?

19 A. I cancelled the phone and I got -- I got my phone back
20 with me.

21 Q. Did you find these photographs on that phone?

22 A. Yes. On that account, yes.

23 Q. On that account?

24 A. Yes.

25 MS. BALLARD: Your Honor, that's all I have on

1 direct.

2 THE COURT: Okay. You or Mr. Price?

3 MR. MOORE: I will, Your Honor.

4 Your Honor, could we break about 5:30? Would that
5 be all right?

6 THE COURT: I think that would be very appropriate.
7 Can you finish by 5:25?

8 MR. MOORE: I wish I could finish, but I think I'm
9 gonna be a while with him.

10 THE COURT: Well, then let's -- let's break now
11 and you can come back in the morning and that will be a
12 better time for me because --

13 MS. BALLARD: That's fine. Thank you, Your Honor.

14 MR. MOORE: Thank you, Your Honor.

15 THE COURT: That way you can get your thoughts
16 organized and he'll have another break and wait for
17 cross-examination.

18 MR. MOORE: Thank you.

19 THE COURT: The last time we broke he was on
20 cross-examination.

21 MS. BALLARD: That's true. Well, we're coming
22 back tomorrow.

23 THE COURT: Yes. Let's say 9:30.

24 MS. BALLARD: That's fine, Your Honor.

25 MR. MOORE: Thank you, Your Honor.

1 THE COURT: Mr. Price, I'll see you tomorrow.

2 MR. PRICE: Yes, sir.

3 (Whereupon, the proceedings were concluded for
4 June 16, 2020, at 5:02 PM.)

5 (The following proceedings were held June 17,
6 2020, beginning at 9:31 AM.)

7 THE COURT: All right. Are you ready, Mr. Moore?

8 MR. MOORE: I'm ready, Your Honor. I'm not sure
9 where they are, but I'll proceed without them.

10 THE COURT: Like we did yesterday.

11 MR. MOORE: Yes, sir. I have no problem.

12 THE COURT: Mr. Patel, I think this is the third
13 time in the last two days I've reminded you you were
14 put under oath and you're still under oath.

15 THE WITNESS: Yes, sir.

16 THE COURT: Mr. Moore, your witness.

17 MR. MOORE: Thank you, Your Honor.

18 MS. BALLARD: Sit down, Hardik.

19 THE WITNESS: Sit down?

20 THE COURT: I think Mr. Moore's gonna sit there.
21 He's more comfortable sitting down and that way we can
22 better manage the tables, which is appropriate, all
23 things considered, with the virus.

24 CROSS-EXAMINATION

25 BY MR. MOORE:

1 Q. Mr. Patel, you testified yesterday that you have three
2 college degrees. I wrote that down when you said it. You
3 did say that, you remember, right?

4 A. No, sir.

5 Q. All right. You don't remember that you testified you
6 have three college degrees?

7 A. I did not say I have three college degrees, sir.

8 Q. You don't have three degrees, do you?

9 A. I said two college degrees and MBA of one year.

10 Q. Right. Now you testified about all this bullying that
11 you have experienced. Did you perceive that I was bullying
12 you yesterday when I examined you?

13 A. Not yesterday, but last time when you were here before
14 you were literally threatening me and scaring me.

15 Q. Right. You did not like the questions I was asking
16 you, did you?

17 A. I -- I have no problem with the questions. You were
18 in my face and you were loud and you were intimidating me
19 and scaring me. I felt like you were badgering me, and
20 that's the truth.

21 Q. All right. So we know one of the people who have
22 bullied you is me.

23 A. I wouldn't say bully, no. You were doing your job,
24 sir.

25 Q. Well, you did say bully yesterday when --

1 A. That's how it felt like.

2 Q. Yesterday you testified that I bullied you. You
3 remember that, don't you?

4 A. I don't remember calling you a bully, sir.

5 Q. All right. You don't remember saying yesterday that
6 I was one of the ones that bullied you?

7 A. I don't remember that yesterday.

8 Q. All right. Now you say you lived with an uncle in
9 Indian when your parents were, I believe, in Nigeria?

10 A. My aunt at the first and then uncle, yes.

11 Q. And you testified that your aunt and your uncle
12 bullied you.

13 A. They both abused, yes.

14 Q. They -- well, they bullied you is what you testified.
15 So they abused you and they bullied you?

16 A. Yes.

17 Q. All right. And you testified that your father abused
18 and bullied you.

19 A. That is true, yes, sir.

20 Q. And your mother abused and bullied you.

21 A. That is true, too, yes.

22 Q. And the Indian community abused and bullied you.

23 A. Not the entire Indian community. Their part of the
24 community, the ones that threatened me, to come push me
25 in my house and make me -- force me sign the documents.

1 That's the persons, not entire Indian community. That's
2 probably, what, one or two percent of them. India is a
3 huge country. Twenty-seven major languages, over fifty
4 different cultures and 10,000 -- many cultures in there.
5 So you are thinking that only their part is Indian
6 community. You are so mislead on that part. You have no
7 idea what Indian community is, first of all. My wife,
8 herself, is from a different Indian community. So I don't
9 know, sir. Their part that hurt me again and again, have
10 pushed me to do the things that I do not want to do, the
11 people who threatened me. I even told them that if you
12 push in my house, I will call the cops. Those are the
13 people.

14 Q. Well, give me the names of all of the people you can
15 remember in that part of the community that your parents
16 were in, I believe you refer to them as a cult, but give me
17 all of the cult members, the names of those people who
18 bullied and abused you.

19 THE COURT: I don't think that's necessary. Go on
20 and ask a different question. I don't like where that's
21 going.

22 BY MR. MOORE:

23 Q. The gentlemen -- I mean, Mr. Patel, let me you ask you
24 this question. One of the gentlemen that you claim abused
25 you is somebody you referred to as uncle, right?

1 A. Sir, in India it doesn't matter, you go north or south
2 or anywhere, if you see somebody that is more than fifty
3 years old, you call them uncle. You do not know about
4 Indian culture. You're comparing American word "uncle"
5 with Indian word "uncle". It's not the same. I'm sorry
6 you don't understand that.

7 THE COURT: All right now. You need to answer
8 his questions and not argue with him, so just answer
9 Mr. Moore's questions.

10 THE WITNESS: Yes, sir. Please --

11 THE COURT: Y'all are in a fencing match. He's
12 gonna ask you questions, you answer them and don't tell
13 him what he doesn't know.

14 THE WITNESS: All right, sir.

15 BY MR. MOORE:

16 Q. Sir, one of the people that you claim abused you is a
17 gentleman you called and asked to help -- for advice after
18 your dad died, right?

19 A. That's -- yes, sir. That's correct.

20 Q. And when you called him and asked for advice, you
21 wanted to know what you should do in regard to your mother
22 and the house and the store, right?

23 A. I asked him about the bank accounts.

24 Q. Okay. And when you asked him about the bank accounts,
25 is that when he bullied and abused you?

1 A. Not on that day.

2 Q. All right. Now you say you want nothing to do with
3 your family, right?

4 A. Yes, sir.

5 Q. You want nothing to do with their part of the Indian
6 community because it's a cult, right?

7 A. Yes, sir.

8 Q. You say you now have a good job making lots of money.

9 A. Not lots of money. I don't know what you consider
10 lots of money, but I have a very good job and I'm very,
11 very happy.

12 Q. How much money are you making?

13 A. A hundred and ten thousand plus bonus.

14 Q. And in order to make that money, you are using the
15 education and training that was provided to you by your
16 family, aren't you?

17 A. That is correct. Yes, sir.

18 Q. All right. So you don't want anything to do with
19 them, but you want to use for your own benefit the benefits
20 they conferred upon you, right?

21 A. I studied and I received those degrees, yes.

22 Q. Now are you still a licensed life insurance person?

23 A. No, not today. No.

24 Q. But you were a licensed life insurance person?

25 A. Yes, sir.

1 Q. You were trained in selling life insurance?

2 A. Yes, sir.

3 Q. And at one point in time you were an insurance agent?

4 A. Yes, sir.

5 Q. And do you know what a conflict of interest is in the
6 insurance business?

7 A. I don't recall at this time. No, sir.

8 Q. You've never heard of the words "conflict of
9 interest"?

10 A. I've heard the word, but, no, I don't recall at this
11 time what it is.

12 Q. I want to make sure I understand. Your mother had her
13 own agent, didn't she?

14 A. No.

15 Q. The gentleman who testified yesterday was not your
16 mother's insurance agent?

17 A. That's what he said, but, no, not at that time.

18 Q. Is he the gentleman who sold your mother her insurance
19 policy?

20 A. I don't know that. I really don't know.

21 Q. Did you try to find out who her agent was?

22 A. No, sir. I called 1-800 number.

23 Q. And you filled out a form which would, in effect, make
24 you and your children the sole beneficiary of her life
25 insurance policy?

1 A. With my mother's permission, yes.

2 Q. Did you know that she had bullied you so bad when you
3 did that?

4 A. No, at that time we were on good terms.

5 Q. Well, but you knew about this historical bullying and
6 abuse that she had done over the years, right?

7 A. Yes, sir.

8 Q. And did you explain to her mom, I know I'm going to
9 be the only beneficiary of your policy, but I really don't
10 like you because you bullied and abused me all these years?

11 A. I did not say that, sir.

12 Q. Well, if it was -- it was true though, wasn't it?

13 A. That's what she did, yes.

14 Q. That's true, right?

15 A. That's true, yes.

16 Q. When you filed out the form making yourself the sole
17 beneficiary of her life insurance policy, you knew that you
18 didn't like her very much.

19 A. Not in that terms. You're trying to draw a different
20 picture, sir.

21 Q. Well, when you did that, was she your mom?

22 A. She's still my mother, sir.

23 Q. Did you love her?

24 A. Yes, sir.

25 Q. Did you respect her?

1 A. Yes, sir.

2 Q. Did you want to care for her?

3 A. Yes, sir.

4 Q. Did you support her?

5 A. Yes, sir.

6 Q. Did you hate her because she had bullied her?

7 A. No, sir. I don't hate like that. Hate is a very
8 strong word. No, I -- I don't hate. I --

9 Q. Did you dislike -- did you dislike her at the time you
10 loved her and changed the insurance beneficiary?

11 A. No, sir. I don't have problems with her like that.
12 With her actions I have problems.

13 Q. Well, you filled out the form for her, right?

14 A. She told me to, yes, sir.

15 Q. And at the time you filled out the form, you had all
16 this college education, right?

17 A. Yes, sir.

18 Q. And you knew that she wasn't educated at all hardly,
19 right?

20 A. She can understand and I would explain to her until
21 she -- I make her understand basically.

22 Q. She had very limited education is what you testified
23 to, correct?

24 A. That is correct, yes.

25 Q. You knew when you were filling out the life insurance

1 form making yourself the sole beneficiary of a 200,000
2 dollar policy that your mother was trusting and relying
3 upon you, didn't you?

4 A. Yes, sir.

5 Q. And you knew that she didn't have a very significant
6 education, right?

7 A. That's why I explained to her every single line item
8 in that document.

9 Q. And you knew she had a problem with the English
10 language, didn't you?

11 A. Yes, but not with our language. I explained to her in
12 my language.

13 Q. And you did not perceive it to be a conflict of
14 interest to have your mother sign a form that you filled
15 out providing you and your family \$200,000 in death
16 benefits? You didn't see that as a conflict of interest?

17 A. No, sir.

18 Q. You didn't see anything wrong with that?

19 A. I did what she told me to do, sir.

20 Q. You didn't think it would be a good idea for her to
21 have independent advice before you filled out a form
22 changing her beneficiary of \$200,000 to you?

23 A. She's the one who made that decision. She is still
24 the owner of the policy. If I had an interest in it, then
25 I would change the ownership to my name, too, but I didn't

1 to that, sir.

2 Q. Who mailed in the form that --

3 THE COURT: We know enough about that process.
4 Move on to something else. I don't care where the
5 form came from.

6 BY MR. MOORE:

7 Q. Did you -- did you discuss with your brother that he
8 wouldn't be getting any proceeds?

9 A. No, sir. Not at that time.

10 Q. Why didn't you bother to do that?

11 A. It did not occur to me at that time, sir.

12 Q. Did it -- well, you say --

13 THE COURT: All right. Mr. Moore, hang on.

14 Quit yapping. You were shaking your head and
15 nodding your head all through yesterday and it's very,
16 very distracting. I don't need that, please.

17 For the record, I believe that's the brother to
18 the witness and he's been very animated and, as well,
19 there's been animation over here that they've noticed.

20 So I need the families to quit being animated
21 towards one another. I know there's some animosity
22 here. I apologize, but I didn't create that. I'm
23 trying to help y'all resolve this dispute, but this
24 glaring and comments has got to stop.

25 Okay. Mr. Moore, you may resume. I'm sorry about

1 interrupting you.

2 MR. MOORE: Thank you, Your Honor.

3 BY MR. MOORE:

4 Q. Did you have any misgivings about your mother cutting
5 your brother and his family out of the insurance benefits?

6 A. Can you, please, repeat the question, sir?

7 Q. Did you have any misgivings about filling out a form
8 that cut your brother and his family out of a hundred
9 thousand dollars of death benefits?

10 A. Misgivings?

11 Q. Yeah. Did you have any reservations? Did it bother
12 you?

13 A. Huh?

14 Q. Did it bother you to cut your brother out?

15 A. Yes, sir, it did.

16 Q. Why did it bother you to cut your brother out?

17 A. Because that belongs to my mother. It's supposed to
18 be half and half.

19 Q. And where do you get that from?

20 A. What do I get what from?

21 Q. If it's supposed to be half and half and you knew it
22 wasn't right, why did you do it?

23 A. Because my mother asked me to do it, sir.

24 Q. Well, if you knew it wasn't right and it was being
25 done, why didn't you tell your brother about it?

1 A. I talked to him later on.

2 MS. BALLARD: Your Honor, didn't you ask him to
3 move on from this?

4 THE COURT: All right. What now?

5 MS. BALLARD: Didn't Your Honor ask him to move
6 on from this topic?

7 THE COURT: Yeah. I mean, I know we've discussed
8 the insurance policy and the change of beneficiary a
9 great deal. I'm ready to move on to something else.

10 MR. MOORE: Thank you, Your Honor.

11 THE COURT: Uh-huh.

12 BY MR. MOORE:

13 Q. Now you testified that Paul and Prakash were partners,
14 correct?

15 A. They were.

16 Q. Is Prakash outside waiting to testify?

17 A. Prakash Patel?

18 Q. Yeah, Prakash. Is he outside waiting to testify?

19 A. Not that I know of, sir. I don't know.

20 Q. To your knowledge is he coming here today to testify
21 on your behalf?

22 A. I have no idea, sir.

23 Q. You say he's like a father to you. This is pretty
24 much a family matter, isn't it?

25 A. He considered me as a son.

1 Q. Right.

2 A. He helped me a great deal, yes.

3 Q. Where does he live?

4 A. I think he lives in Savannah, Georgia.

5 Q. And did you ask him to come up here and testify to
6 verify all of the things you testified to?

7 A. I called him, but he didn't pick up. He was busy. He
8 didn't pick up the phone call.

9 Q. He wouldn't take your telephone call?

10 A. Yeah, he owns over forty something gas stations. He's
11 very busy.

12 Q. But like you say, he considers you like a son, right?

13 A. Yes, sir.

14 Q. He just didn't have time to talk to you?

15 A. I talked to his wife. His wife say that he is very
16 busy, he cannot talk to you right now.

17 Q. Did you tell his wife what it is you wanted?

18 A. I just talked to her about little things. I don't
19 discuss any business with her.

20 Q. All right. So this gentleman who is like a father to
21 you wouldn't take your telephone call?

22 A. He did not pick up at that time, yes, sir.

23 Q. And did you ask that he return your call?

24 A. No, I didn't ask him that. I didn't leave a message,
25 no.

1 Q. All right. So we know then that Prakash is not gonna
2 testify in the case, but his partner Paul did, right?

3 A. He -- Prakash talked to my attorney.

4 Q. Oh, he did?

5 A. Yes.

6 Q. I see. Well, is he -- is he coming?

7 A. I don't know that, sir.

8 Q. Now his -- we know then that he's not here today. His
9 partner Paul did testify, right?

10 A. Yes, sir.

11 Q. And P&P -- Paul is also Pallev, right?

12 A. Yeah, P&P. Pallev, yes.

13 Q. Were you in the courtroom when his partner Paul Desai
14 testified?

15 A. Yes, sir, I was.

16 Q. Did your father know Paul Desai?

17 A. Yes, sir, he did.

18 Q. Did your father do business with Paul Desai?

19 A. What kind of business, sir?

20 Q. Any kind of business.

21 A. That would be a question for my father, sir.

22 Q. It's a question for you. That's why I asked you.

23 A. He dealt with him, but I don't have -- I don't know
24 if it's in the paperwork that he directly worked with
25 Pallev.

1 Q. So you know that your father did deal with Paul?

2 A. Yes, that's correct. Yes.

3 Q. The specifics of those dealings you do not know,
4 correct?

5 A. No, I don't.

6 Q. Was Paul present when the lease for the convenience
7 store was signed?

8 A. Yes, sir.

9 Q. Was Paul present when the sale of the convenience
10 store was consummated?

11 A. Say that -- I don't know that.

12 Q. Were you present when the sale of the convenience
13 store was consummated?

14 A. I was in Richmond, Virginia that day.

15 Q. Well, my question wasn't where were you. My question
16 is were you present when the sale of the convenience store
17 was consummated?

18 A. No, sir.

19 Q. Was your wife present when the sale of the convenience
20 store was consummated?

21 A. No, sir.

22 Q. Was your father present when the sale of the
23 convenience store was consummated?

24 A. Yes, he was.

25 Q. Now you claim that you and your wife made all of these

1 monthly payments on the convenience store, correct?

2 A. Yes, sir.

3 Q. I would assume then you have the checks which evidence
4 those payments?

5 A. The bank would have the checks, yes, sir.

6 Q. Have you made any effort to get any checks to prove
7 that, in fact, you made the payments on the convenience
8 store?

9 A. We made the payments. No, sir.

10 Q. Why haven't you gone to the bank to get the cancelled
11 checks to show that you and your wife were, in fact, making
12 the payments on the convenience store?

13 A. I can go get them, but there's not enough time now.

14 Q. Well, you've gotten other checks that you placed in
15 into evidence. Why didn't you get those?

16 A. Sir, eleven years' paperwork is like five buckets
17 full. I am not carrying all that with me, sir.

18 Q. Well, you could go to the bank and get them, couldn't
19 you?

20 A. Yes, I could, but we know that we owned the store. I
21 don't have those for every single document.

22 Q. Sir, isn't it true that the monthly payments on the
23 convenience store were made out of the convenience store
24 account?

25 A. That is correct. Yes, sir.

1 Q. And your mom's insurance payments were made out of the
2 convenience store account?

3 A. No, I'm not aware of that, sir.

4 Q. You don't deny that, do you?

5 A. I don't know that, sir.

6 Q. Well, sir, if you claim it belonged to you and your
7 wife, why wouldn't you know that?

8 A. I don't know that, sir.

9 Q. I understand you told me you don't know. Why don't
10 you know? If you claim that the store belonged to you and
11 your wife and there were insurance payments made, why don't
12 you know what the store was even paying for?

13 A. I don't think the store was paying for it, but I can
14 check.

15 Q. Do you understand that the utility payments on the
16 house where your mom lived were paid for by the store?

17 A. No, it wasn't, sir.

18 Q. Where are the personal checks where you've written all
19 the utility payments? Where are the cancelled checks?

20 A. It was on auto pay.

21 Q. Where are all the bank documents that prove that?

22 A. We may have it at the bank or in my office somewhere.

23 Q. Now you introduced photographs of \$1,100 you claim to
24 have found in your mother's room, correct?

25 A. That is correct, yes.

1 Q. But you say it wasn't \$1,100 that you found in mom's
2 room, it was \$11,000, right?

3 A. It was \$11,600 and some change, yes.

4 Q. Now you found these in your mother's room, right?

5 A. Yes.

6 Q. And was your mother there in her home when you found
7 the money, the cash money, in her room?

8 A. No, sir.

9 Q. And what happened is you just innocently happened upon
10 this cash when you were in her room while she wasn't there,
11 right?

12 A. Not innocently. It was a coincidence.

13 Q. It's a coincidence, right?

14 A. Yes, sir.

15 Q. Because your testimony is you had furniture in the
16 house, right?

17 A. Yes, sir.

18 Q. You had your own room in the house?

19 A. Yes, sir.

20 Q. But your testimony is even though you had your own
21 bedroom you kept your socks in your mother's room?

22 A. My father's room. All the socks are always in one big
23 drawer because we all wear the same size socks.

24 Q. So you kept your socks in your mother's room?

25 A. My father's room.

1 Q. Well, your father was dead at the time, right?

2 A. Yes, sir, but you are trying to say something else.

3 I'm telling you how it's been done.

4 Q. Well, I'm simply trying to ask you questions.

5 A. All right, sir.

6 Q. Your testimony is that you kept -- even though you had
7 a room with furniture in your bedroom --

8 A. Yes, sir.

9 Q. -- you kept your socks in your mother's bedroom,
10 right?

11 A. That is the truth.

12 Q. And while you were going through your sock drawer
13 trying to find a pair of socks, you just happened to see a
14 T-shirt on the floor?

15 A. I sat down to wear the socks on the bed and that's
16 when I saw the T-shirt on the right-hand side, yes, sir.

17 Q. And then you started taking photographs for some
18 reason, right?

19 A. No, I picked up the T-shirt and then --

20 Q. All right. You picked up the T-shirt and there was
21 \$11,600?

22 A. No, the blue envelope came open. That's how I knew.

23 Q. Oh, it just popped open?

24 A. Yes, sir. It popped open. That's exactly how it
25 happened.

1 Q. You picked up a T-shirt and the manila envelope pops
2 up open, but I would assume the cash didn't just fall out,
3 did it?

4 A. You could see that.

5 Q. So you saw that your mother had some cash in an
6 envelope?

7 A. That is correct. Yes, sir.

8 Q. And when you saw that your mother had cash in an
9 envelope, instead of calling your mother and asking her
10 what is this, you picked up her envelope in her room and
11 started going through a personal envelope in her personal
12 bedroom, right?

13 A. Yes, sir.

14 Q. And then you decided I want to take pictures of
15 \$1,100, right?

16 A. I took some of the money and I took a picture, yes,
17 sir.

18 Q. Why did you take a picture?

19 A. I don't know. I took a picture that day.

20 Q. Now wait a minute, sir. Your testimony is you took a
21 picture of \$1,100 and you don't have any idea why you took
22 the photograph?

23 A. To discuss with my attorney.

24 Q. Oh. You wanted to document the fact that the money
25 was there, right?

1 A. Yes, sir.

2 Q. I see. And you wanted to document that for evidence,
3 right?

4 A. Yes, sir.

5 Q. Because you wanted to discuss that with your lawyer?

6 A. Yes, sir.

7 Q. And that's because you recognized that there were
8 claims pending between you and your mother?

9 A. Claims? What kind of claims?

10 Q. There was no lawsuit at the time, was it?

11 A. No, there was no lawsuit. No.

12 Q. No lawsuit at the time. Your mom was still working in
13 the store, right?

14 A. Yes, that's right. At that time, yes, sir.

15 Q. And you took pictures of eleven 100 dollar bills,
16 right?

17 A. Yes.

18 Q. Now you used to an operate a camera shop, right?

19 A. What's that, sir?

20 Q. You used to own and operate a camera store?

21 A. Operate a camera store? No.

22 Q. Didn't you have a camera store at one time?

23 A. No, sir, I did not.

24 Q. Did you work at a camera store?

25 A. No.

1 Q. Have you ever had any business dealings in a camera
2 store?

3 A. No, sir.

4 Q. Well, you know how to take photographs, right?

5 A. With my phone. I'm not an expert.

6 Q. Right. And you wanted to document what was there?

7 A. Yes, sir.

8 Q. Well, we know we have photographs of the \$1,100.

9 Where are the photographs of the rest of the money?

10 A. I didn't take all of the money's picture, sir.

11 Q. Well, sir, if the idea was you wanted to make a record
12 of what you found when you were searching in your mother's
13 envelope and you wanted to document there was all this
14 cash, why would you just take pictures of \$1,100 instead of
15 taking pictures of all the money you say was there?

16 A. It did not occur to me at that time, sir.

17 Q. Well, it occurred to you to take pictures of \$1,100
18 because you took them out and laid them out in a nice
19 spread fashion, right?

20 A. Yes, sir.

21 Q. Well, if the idea was to document what was there, it
22 didn't occur to you that you should document what was
23 there?

24 A. No, sir, it did not occur.

25 Q. Well, that was the purpose, to document what was

1 there, right?

2 A. The purpose was to let my attorney know.

3 Q. To let him know and you wanted to let him know by
4 documenting what was there, right?

5 THE COURT: Asked and answered.

6 THE WITNESS: Yeah, but I --

7 THE COURT: Asked and answered.

8 BY MR. MOORE:

9 Q. What did you do with the \$11,000?

10 A. I put it back the way it was, sir.

11 Q. Why did you do that?

12 A. Because that's where it was. I put it back where it
13 was.

14 Q. Well, did you have any reason to believe that money
15 belonged to you?

16 A. No, not to me. No, sir.

17 Q. Did you have reason to believe it belonged to your
18 mother?

19 A. I don't -- I can't say that, sir.

20 Q. The reason why you put it back is because you didn't
21 have any claim to it at the time, right?

22 A. Yes. I don't steal. That's why.

23 Q. And you don't steal because it belonged to your mom,
24 right?

25 A. Yes, sir. It was there.

1 Q. And to this day you don't take the position that your
2 mother stole the \$11,600, do you?

3 A. No, that is not my position, sir. No.

4 Q. To this day you don't have any idea where she got the
5 \$11,600?

6 A. No, sir.

7 Q. And to this day you have no idea why she was keeping
8 cash in the house?

9 A. No, sir. I don't have any idea, no.

10 Q. As you were living in and around your parents, it was
11 not unusual for your dad or your mom to keep cash in the
12 house from time to time, was it?

13 A. I am not aware of that, sir.

14 Q. You talked about this time you lived in India. While
15 you were living in India and your parents were living
16 somewhere else, they always contributed to your education
17 and your support; did they not?

18 A. Yes, sir. They always did.

19 Q. You talk about problems the parents had with your
20 marriage. This is not your first marriage, is it?

21 A. First marriage? This is the only time I got married,
22 sir, yes.

23 Q. Were you not married in India?

24 A. In India?

25 Q. Yes, in India.

1 A. With the same person?

2 Q. No, somebody else.

3 A. No.

4 Q. All right. You testified that you let your parents
5 live in the house because it was your father's dream for
6 the family to stick together. Do you remember saying that?

7 A. He -- he told me that personally. Yes, sir.

8 Q. And you were just kind enough to let them live in your
9 house being nice to your dad's dream of trying to have the
10 family stick together?

11 A. Right, to give him one more chance. Yes, sir.

12 Q. And that was important to you and important to him,
13 right?

14 A. It was important to him. I tried to give him one more
15 chance. Not to me.

16 Q. And after your dad changed at some point, that
17 attitude changed, didn't it?

18 A. He -- he never changed, so.

19 Q. You say that your mother liked to have things her way.
20 Do you like to have things your way?

21 A. I like things just, not my way.

22 Q. You don't like to have things your way?

23 A. In my house everybody has rights.

24 Q. Your mother is sixty years old with limited education.
25 When your parents were paying for your college education,

1 where was your dad working?

2 A. He worked in Days Inn in Concord, Days Inn in
3 Charlotte and Newberry hotel.

4 Q. Where was your mother working?

5 A. She worked at all them places, too.

6 Q. Where did they get the money to pay for all of that
7 for you?

8 A. From all this work that we have done.

9 Q. All this work that we have done. Where did they get
10 the money to pay for your education?

11 A. That would be a question for him, sir.

12 Q. All right. After the Newberry hotel was sold, what
13 did your mom and dad actually own?

14 A. After the Newberry hotel was sold --

15 Q. What did they own? We know the house was yours, the
16 convenience store was yours. What did they own?

17 A. My father started looking for a business.

18 Q. Well, what did they actually own?

19 A. That is a question for them, sir.

20 Q. What do you know that they owned?

21 A. They had a lot of money in bank accounts and a car, I
22 guess.

23 Q. Sir, if they were making \$24,000 a year and they paid
24 all this money for your education, paid all this money for
25 your wedding, where did they get lots of money in the bank?

1 A. I don't know. That would be a question for my dad,
2 sir, and that's why I'm saying that I paid the house
3 payments because their money was not there. I -- I know
4 that I made the house payments.

5 Q. Sir, if you don't know they had lots of money in the
6 bank, how could you testify they had lots of money in the
7 bank?

8 A. That is what my dad told me, but it doesn't count.
9 No, sir.

10 Q. Now when you severed relationships with your mom so
11 she no longer worked in the convenience store, we know she
12 applied for unemployment benefits, right?

13 A. Yes, sir.

14 Q. Did you contest those and claim that she had been
15 terminated for stealing?

16 A. It was my wife's business.

17 Q. Did your wife do that?

18 A. No, sir.

19 Q. If Prakash is like your father, why did Prakash
20 negotiate the lease and the purchase with your father
21 instead of with you?

22 A. Prakash negotiated with me and my wife, not with my
23 father.

24 Q. If the Clinton store was yours, why did you move to
25 Camden and open a store?

1 A. I wanted to have more than fifty stores in my
2 lifetime. It's my dream to franchise.

3 Q. Well, when you and your wife moved to Camden to
4 operate the Camden store, who was operating the store in
5 Clinton?

6 A. In 2012 when my father did some wrong things at the
7 Quality Inn, he got fired and then he had nothing else to
8 do, so I hired him at my store to work as a manager, not as
9 an owner. He had his own business.

10 Q. Now I believe that you sold the Camden store in
11 December of 2016, right?

12 A. No, sir.

13 Q. When did you sell it?

14 A. November.

15 Q. November of 2016?

16 A. Yes, sir.

17 Q. What part of November of 2016?

18 A. 14th. I believe it was the 14th, sir.

19 Q. Mid November of 2016 you sold the Camden store. When
20 did you receive the money from the sale of that store?

21 A. The day of the sale.

22 Q. Now look at -- you told us that your mom and dad did
23 not loan you any money --

24 A. That is true, sir.

25 Q. -- for the Camden store, right?

1 A. That is correct. Yes.

2 Q. Look at Exhibit Number 34, which is two \$25,000
3 checks; one to your dad and one to your mom.

4 A. Yes, sir.

5 MS. BALLARD: 24 did you say?

6 MR. MOORE: Exhibit 34.

7 MS. BALLARD: 34.

8 THE WITNESS: 34, yes.

9 BY MR. MOORE:

10 Q. Sir, those checks are dated what?

11 A. January 14, 2017.

12 Q. That is roughly two months after you sold the store in
13 Camden, right?

14 A. Yeah. Roughly, yes.

15 Q. And those checks do not say loan on them, do they?

16 A. I told him to write loan on both of them, but he
17 writes on one of them. He may have forgotten to write it
18 on the second one.

19 Q. Right. And those checks are two months after you sold
20 the store in Camden, right?

21 A. Yes, sir.

22 Q. It's just a coincidence that those checks were written
23 so close in time to the sale of the store in Camden, right?

24 A. No, my father had been thinking about buying a hotel
25 for the past six to eight months. So the deal was supposed

1 to happen in February, so he asked me for the money.

2 Q. No way that's a loan repayment, is it?

3 A. Well, he -- he borrowed from me, it's not a loan
4 payment, and he's supposed to write loan on both of them.

5 Q. Right.

6 A. That's what we discussed over the phone and my wife
7 was there, too.

8 Q. What the one check says is loan, but it doesn't say if
9 it's a loan from you or dealing with a loan, does it?

10 A. It's says loan from me and my wife because AAHARVID,
11 LLC, she is 100 percent owner and I was managing the store.

12 Q. That's not -- that's not what that check says.

13 A. It says AAHARVID, LLC on the top, sir.

14 Q. The check basically says loan -- the one written, I
15 believe, to your father says loan and it doesn't reference
16 whether it's a loan repayment or if it's making a loan,
17 does it?

18 A. He got the money from me as a loan.

19 Q. Right.

20 A. If it was a repay, it would say repayment on it.

21 Q. I see. And, of course, you deny that your mom and dad
22 had loaned you any money for you to get into the Camden
23 store?

24 A. Yes, sir, I deny that.

25 Q. Did it take cash money to get you into the Camden

1 store?

2 A. I had a really good amount of money plus two of my
3 friends lent me money. I did not take even fifty cents
4 from my mom and dad for the Camden store.

5 Q. Did you bring any documentation at all that would
6 prove what you just said?

7 A. No, but I do have documentation for everything that I
8 say.

9 Q. Where is that documentation that will not be placed
10 into evidence?

11 A. It's -- it's for a different business. It's in my
12 office.

13 Q. And that would be in Tega Cay?

14 A. Yes, sir.

15 Q. And if you had wanted to bring that documentation,
16 could you have done it?

17 A. This case is not regarding that store, sir.

18 Q. I'm just asking you if you had wanted to bring it,
19 could you have?

20 A. It's not related, so I wouldn't bring it.

21 Q. I didn't ask you did you bring it. I asked you could
22 you have if you'd wanted to.

23 A. If I wanted to I could, yes.

24 Q. And you've understood all along that one of the
25 allegations in the case is that your parents loaned you

1 money for you to go in the Camden store, which you paid
2 back. You knew that before today, didn't you?

3 A. No. What money are you talking about, sir?

4 Q. Yes, sir. Because your dad was an educated man, he
5 handled the business for himself and your mother, correct?

6 A. He's businesses he did, yes.

7 Q. He basically commingled their money?

8 A. I don't know that, sir.

9 Q. They held everything jointly, didn't they?

10 A. I don't know that, sir.

11 Q. You say you worked two jobs always, right?

12 A. Most of my life, yes, sir.

13 Q. And you testified that you own the home and the --
14 you and your wife own the home and the convenience store
15 and the interest in the hotel in Newberry, right?

16 A. Yes, sir.

17 Q. Well, when you moved into subsidized housing, were you
18 working two jobs?

19 A. No, sir. At that time I had quit my job at BMW
20 completely.

21 Q. Well, where were you working?

22 A. The only paycheck I had during that time was \$1,000 a
23 month from the store.

24 Q. And did you disclose all of these assets that you
25 had when you moved you and your wife and family into the

1 subsidized housing?

2 A. I don't recall they asked for the assets on the
3 application, but I don't remember any of that anyway.

4 Q. Let's take a look at Exhibit 14.

5 A. 14.

6 Q. You recall Champa Patel testifying, don't you?

7 A. Yes, sir.

8 Q. You recall her testifying why the house was titled the
9 way it was titled?

10 A. Can you, please, repeat, sir?

11 Q. You recall her testifying to the reason why the house
12 was titled as it was titled, don't you?

13 A. Yes.

14 Q. Did Champa Patel actually fill in the blanks on this
15 real estate contract for the house?

16 A. I don't know that, sir.

17 Q. Now the house was basically paid for with cash and
18 there was a loan taken out in order to remodel the house.
19 That's the way it worked, right?

20 A. No, sir.

21 Q. How much did you pay for the house?

22 A. 39,500.

23 Q. Do you have the cancelled check where you paid the
24 39,500?

25 A. We got -- we opened a loan for that, sir.

1 Q. Yes, sir. That came from BB&T. Where did the money
2 come from then to remodel the house?

3 A. It came from the store, sir.

4 Q. Right. And at the time it came from the store, was
5 your mother working at the store?

6 A. No, me and my wife were working at the store.

7 Q. Your mother wasn't working there at all?

8 A. She was partly working, sir.

9 Q. And was your father working in the store?

10 A. No, not at all. He was working at the hotel until
11 2012.

12 Q. And who was taking care of your children while you
13 were in school and doing all this work?

14 A. I didn't have any kids then.

15 Q. Right. Because you were still in college, right?

16 A. Yes, I was in college. Yes, sir.

17 Q. Sir, if you were in college, where did you get the
18 financial wherewithal to borrow that kind of money?

19 A. Can you repeat, please, sir?

20 Q. How did you qualify for a loan?

21 A. Which loan, sir?

22 Q. The loan to buy the house.

23 A. From the bank, sir.

24 Q. Now, sir, if you would look at Exhibit 15.

25 A. All right.

1 Q. I'm sorry. I may have the wrong exhibit. It's not
2 15. There's a \$2,500 check which is one of the exhibits.
3 I can't put my hand on it right now. Do you recall us
4 talking about that \$2,500 check last time?

5 A. Yes, sir.

6 Q. Now you now admit, do you not, that that \$2,500 check
7 never cleared the bank?

8 A. We don't know that yet, sir. I'm still looking for
9 those statements.

10 Q. Well, there's a \$2,500 wire transfer from somebody
11 that appears to cover what that debt was for. Did you pay
12 it twice?

13 A. What do you mean by somebody, sir?

14 Q. I mean somebody. That's what I mean. Somebody.

15 Sir, the check that you testified to that doesn't have
16 any indication that it ever cleared a bank, did it or did
17 it not clear the bank?

18 A. I don't know that yet, sir.

19 Q. What steps have you taken to find out?

20 A. I will look into my account, sir, my statements from
21 that year, but since the bank has changed, Wachovia was
22 bought by Wells Fargo, it is hard to get to that.

23 Q. Since that question was raised at the last hearing,
24 have you done anything to try to figure out if what you
25 testified to was true?

1 A. I've been very stressed, sir.

2 Q. You've been very stressed?

3 A. Yes, sir, I have.

4 Q. So I guess since you were very stressed, the answer
5 would be no?

6 A. I don't recall, sir.

7 Q. You don't recall what?

8 A. Can you repeat the question, please?

9 Q. Well, sure. My question is very simple. It appears
10 based upon the face of the check -- you had testified that
11 that check was used to pay part of the money.

12 A. Uh-huh.

13 Q. It appears now that's not true because the check
14 doesn't appear to have been negotiated. My question is
15 with all the time we've had since the last hearing, have
16 you done anything to verify that the check was either --
17 actually did clear the bank or didn't clear the bank?

18 A. No, we are still working on it. I went through my
19 paperwork, it was scattered out, so I haven't found it yet,
20 but I will find it.

21 Q. Today are you able to testify under oath to what you
22 did testify last time, that that check did clear the bank?

23 A. I don't know that, sir.

24 Q. You testified that your parents travelled a lot.
25 Where all did they go?

1 A. They would go to -- they would go to the states of
2 Washington, Canada, San Francisco, Texas. Wherever there's
3 an Indian ceremony going on regarding the temple, they
4 would travel there.

5 Q. Sir, if -- if they had as little assets as you
6 apparently contend they had, where were they getting all
7 this money to go all these places?

8 A. I don't know, sir.

9 Q. Let's look at Exhibit 29.

10 A. All right. There's only one page of the exhibit.

11 MS. BALLARD: That's correct.

12 BY MR. MOORE:

13 Q. Now this document was signed by the fella you say
14 considered you a son, Ramesh Patel -- I'm sorry, your dad,
15 Ramesh Patel, and Prakash Patel, right?

16 A. That is correct.

17 Q. If we read this -- this is referring to the Econo
18 Lodge in Newberry, right?

19 A. Correct.

20 Q. This is the hotel that your wife claims that she owned
21 the interest in, right?

22 A. Yes, sir.

23 Q. Let's see what your father and your person that you
24 were so close to wrote. The last paragraph there in this
25 memorandum of understanding says this. Both parties,

1 Mr. Prakash V. Patel and Ramesh Patel, agree to move
2 forward and remain partners --

3 A. Uh-huh.

4 Q. -- with good understanding at the said property and
5 work together amicably as Mr. Prakash Patel will be
6 managing property from this day of August 20, 2012 signed
7 onwards.

8 A. You got it.

9 Q. And that is signed by your father and Prakash, right?

10 A. That is correct. Yes, sir.

11 Q. Now this is part of the business records that you have
12 because you were the person who actually produced this
13 document, right?

14 A. This? Yeah.

15 Q. This document is actually contained in the business
16 records of you and your wife, correct?

17 A. Yes.

18 Q. Would you explain to me the partnership status that
19 existed between your father and Prakash Patel as described
20 in you and your wife's business records?

21 A. I don't know why they wrote the word "partner", so I
22 cannot explain to you, sir. I wasn't there.

23 Q. Well, the documents that are contained in y'all's
24 business records do indicate that your father was a partner
25 in the Econo Lodge, correct?

1 A. The -- the word "partner" doesn't indicate that he was
2 a partner.

3 Q. Well, when it says partner -- he's a partner, that
4 doesn't indicate partner?

5 A. LLC has to be there, right? LLC partners have to be
6 partners.

7 Q. I'm just asking, sir, the documents that you got out
8 of you and your wife's business records refer to your
9 father as the partner of Prakash Patel in the Econo Lodge,
10 correct?

11 A. It says the word "partner", yes, sir.

12 Q. Now when documentation was signed referring to your
13 father as partner, why did neither you nor your wife object
14 to that designation?

15 A. Because we were not there, sir. We were in Virginia.
16 This was signed 8-20.

17 Q. Well, we know it's been part of your business records
18 because you produced it. How long have you had the
19 documentation?

20 A. I don't know. We just came -- through our research I
21 saw it.

22 Q. Right. The research. What you did is you went back
23 to the business records that you maintain on the Econo
24 Lodge and this was in there, right?

25 A. Correct. Yes, sir.

1 Q. And to your knowledge then you would have had it ever
2 since 2012, right?

3 A. Yes, sir.

4 Q. All right. Now since you had it that long, I would
5 like for you to explain what partnership your father had
6 in the Newberry Econo Lodge, if you can explain it.

7 MS. BALLARD: Your Honor, he's asked and Mr. Patel
8 has answered that question already.

9 THE COURT: I want to hear more than I was in
10 Virginia.

11 MS. BALLARD: Okay. Thank you, Your Honor.

12 BY MR. MOORE:

13 Q. Sir, the question is this. The business records that
14 you appear to have had all along indicate that your father
15 was a partner in the Econo Lodge. Why didn't you object to
16 that documentation when it was agreed to?

17 A. We were not there when this thing was signed, sir.

18 Q. You were in Virginia?

19 A. Virginia or Charlotte, yes.

20 Q. But you got a copy of it. When you got a copy of it,
21 you obviously had a chance to look at it and read it. Why
22 did you not object to it?

23 A. I just got the copy like probably within the last
24 six months. I -- I did not see that before then.

25 Q. You say you got it in the last six months. You've

1 also testified it's part of the business records that you
2 and your wife have had all along. Now which of those is --

3 A. Not this one. The other copy, the second copy,
4 there's no mystery. It is all I have.

5 Q. Well, where did you get this memorandum of
6 understanding from?

7 A. It was among the other paperwork, sir.

8 Q. The other paperwork where?

9 A. Other paperwork in my house.

10 Q. And so this paperwork is part of the paperwork you've
11 had at your house as part of the business records of the
12 Econo Lodge hotel, right?

13 A. Yes, sir.

14 Q. Now look at Exhibit 32.

15 A. 32. Okay. All right.

16 Q. This basically is an agreement. It's a memorandum of
17 understanding of Shree Shree Hari, Inc., right?

18 A. That is correct. Yes, sir.

19 Q. And it is a memorandum of understanding dated July 10,
20 2013, correct?

21 A. Yes, sir.

22 Q. And it is also a part of your business records,
23 correct?

24 A. Yes, sir.

25 Q. And it is signed by Ramesh Patel, right?

1 A. Yes, sir.

2 Q. And Ramesh Patel was agreeing to have your stocks
3 transferred and the debt's basically cancelled, right?

4 A. Yes.

5 Q. The stock in you and your wife's name was being
6 transferred, the debt was being cancelled on the
7 convenience store, right?

8 A. That's what this document says, but the debt was paid
9 way before that.

10 Q. Well, then if the debt was paid way before that, why
11 in the world was the stock transferred to satisfy a debt?

12 A. Because Prakash threatened us when he called to send
13 my father to jail and that's why we said we don't want to
14 take any chances, the money that we paid for him, let's put
15 all the stuff between me and Prakash in one document and
16 sign it. That's why it's all there, sir.

17 Q. Well, sir, if your father had no interest as a partner
18 or otherwise in the Econo Lodge --

19 A. Uh-huh.

20 Q. -- why would he even have been a party to the
21 agreement?

22 A. Because he was the one who stole the money, sir.

23 Q. Your father -- how much money did your father steal?

24 A. Prakash claimed it was about 60,000; 40 to 60,000, and
25 he wanted money right away, so.

1 Q. Well, tell me this. You also appear to be a party
2 to this agreement. Why did the agreement not include a
3 reference to your father having stolen money?

4 A. Because we don't want to put that in there, sir. It
5 says accounting differences.

6 Q. There were accounting differences; were there not?

7 A. That's a question for Prakash.

8 Q. And, of course, he's not here.

9 A. No, sir. He's not here.

10 MR. MOORE: Your Honor, if I could have just a
11 moment to confer with co-counsel?

12 THE COURT: Sure.

13 (Pause in proceedings.)

14 BY MR. MOORE:

15 Q. I do want to make sure I understand one thing,
16 Mr. Patel.

17 A. Yes, sir.

18 Q. When you fired, laid off, terminated, ceased allowing
19 Mrs. Patel on the premises, whatever happened, at the
20 time that Mrs. -- that your mother quit working in the
21 convenience store, is it your testimony you have no idea
22 how much money was in the checkbook?

23 A. On that day, no, sir.

24 Q. Not even an approximation?

25 A. No, sir.

1 Q. Who did the accounting for the convenience store?

2 A. Bipin Gandhi.

3 Q. Who did the bookkeeping day in and day out for the
4 convenience store?

5 A. Between me and Bipin Gandhi, sir.

6 Q. But Mr. Gandhi is in Charlotte and you -- you're in
7 Charlotte, right?

8 A. I live in Tega Cay, he's in Charlotte, yes, sir.

9 Q. Tega Cay is a suburb of Charlotte, but it's in South
10 Carolina.

11 A. That's what it says, yes, sir, online.

12 THE COURT: I'll take judicial notice Tega Cay is
13 barely across the state line because my daughter lives in
14 Charlotte. A half a mile from the state line, the town of
15 Tega Cay. Quit disputing that. Tega Cay is a part of
16 Charlotte.

17 THE WITNESS: It's a suburb of Charlotte. That's
18 what I said.

19 THE COURT: I know what it is. Don't argue with
20 him about it. It's up there near Charlotte.

21 MR. MOORE: Thank you, Your Honor.

22 THE COURT: Y'all are -- y'all are arguing over
23 stuff that's senseless. We agree the sky is blue.

24 Ask your question.

25 MR. MOORE: Thank you. One moment, please, Your

1 Honor.

2 (Pause in proceedings.)

3 MR. MOORE: I don't have any further questions.

4 Thank you, Your Honor. Thank you, Mr. Patel, for
5 answering my questions.

6 THE WITNESS: Thank you, sir.

7 THE COURT: Ms. Ballard.

8 MS. BALLARD: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. BALLARD:

11 Q. Hardik, you testified earlier that your mother asked
12 you to fill out the form for changing the beneficiary on
13 her life insurance policy. Do you recall that?

14 A. Yes, ma'am. Yes, ma'am.

15 Q. What were the circumstances under which she asked you
16 to do that?

17 A. I don't recall the exact circumstances, but she -- I
18 remember that we were asking for when my -- my father's
19 insurance money would be coming in. At that time the topic
20 came up that she also has a policy and my father was her
21 beneficiary, she was my father's beneficiary so, therefore,
22 she was standing right there, I called in, they wouldn't
23 talk to me, so they talked to her and gave permission to
24 talk to me and we got the form sent in and we filled out
25 the form and we kept her as the owner of the policy. The

1 owner can do anything they want. If I had anything bad in
2 my mind, I would have made myself an owner of the policy
3 and not her. I kept her as owner of the policy and she was
4 later gonna add my brother's name as soon as he survived
5 the cancer. That's what we talked about that day. Shak
6 was never gonna be off it.

7 Q. Why at that point in time when you assisted her in
8 filling out that document was Darshak's name not included?

9 A. Because she said that Darshak was stage four cancer
10 and may or may not survive. She does not want the money to
11 go to his wife because they are always clashing.

12 Q. They being who?

13 A. Darshak's second wife and my mother did not get along
14 at all.

15 Q. Okay. Mr. Moore asked you whether you were present
16 when the purchase of the convenience store was consummated.
17 Do you recall that?

18 A. Yes, ma'am.

19 Q. Would you look at Exhibit Number 52, please. It's the
20 last exhibit in the book.

21 A. Yes.

22 Q. Can you identify what Exhibit Number 52 is?

23 A. Okay. This is a promissory note for AAHARVID, LLC,
24 that was signed on May 24, 2012, and it has a signature on
25 AAHARVID, LLC. It says Rameshchandra Prabhudas Patel, as

1 power of attorney for Anal H. Patel. Clearly this is a
2 bank document, it's a printed document and it clearly says
3 that Ramesh Patel on behalf of Anal S. Patel. It says the
4 word "POA" right there.

5 Q. And why -- why was it, again, that you and your wife
6 gave your father the POA to sign these documents?

7 A. We came in to fill out the loan application. It was
8 too much back and forth from Richmond to Newberry -- I
9 mean, Clinton, and I ran out of my PTO's and if I take too
10 much days off, I can lose my job, so me and my wife we gave
11 power of attorney to my father to make this purchase. It
12 says limited power of attorney on that document. It's not
13 a full power of attorney. Limited power of attorney.

14 Q. Was it your understanding that -- what was your
15 understanding as to what the power of attorney was limited
16 to?

17 A. Limited to only this one day of purchasing the store.

18 Q. So on that day on whose behalf was your father acting?

19 A. On my wife's behalf.

20 Q. Okay. Mr. Moore asked you about the photograph you
21 took of the cash when you found it in your mother's
22 bedroom.

23 A. Uh-huh.

24 Q. Were you shocked and surprised when you found that
25 cash?

1 A. I was extremely shocked, yes, because on multiple
2 occasions I told her not to keep any money because the
3 house is right there on the road and it does not have a
4 security system.

5 Q. Would you look at Exhibit 49 again. Mr. Moore has
6 asked you if that was all the money that was in the
7 envelope and I wanted to ask you to look at the picture and
8 tell us where the remaining money was when you took that
9 picture.

10 A. The remaining money was inside that blue envelope. I
11 took a picture of only some of the cash. It did not occur
12 to me that I should take a picture of all of it at that
13 time.

14 Q. Okay. And what did you do with the cash after you
15 spread it out and took a picture of it?

16 A. I put it back exactly the way it was. Like I said,
17 I'm not gonna steal anybody's money.

18 Q. Okay. Did you call your wife and tell your wife what
19 you found?

20 A. Yes, ma'am, I did.

21 Q. Mr. Moore asked you about the check that we introduced
22 in -- during the February hearing, one that was for \$2,500
23 to Upstate Realty. Do you recall that?

24 A. Yes, ma'am, I do.

25 Q. After the February trial, what, if any, efforts did

1 you make to determine whether that check had cleared or
2 whether there was some other form of payment?

3 A. I tried to look for the documentation for the check.
4 I don't have all the statements. It was a long, long time
5 ago, but when I was looking through the paperwork I found
6 this \$2,500 and I also found this \$7,000. They were -- one
7 of them was a cashier's check coming from my account and
8 the other one was a wire transfer coming from my account.
9 Both of them.

10 Q. And what exhibit are you referring to?

11 A. This is 15.

12 Q. Okay. So piecing together the prior check that we
13 introduced back in February with Exhibit Number 15, what is
14 your best recollection of how you paid the money to Upstate
15 Realty?

16 A. I'm not a hundred percent sure --

17 Q. I understand.

18 A. -- but I wrote the check and when I went to deposit
19 the check they gave me the wiring information and they said
20 well, why don't you wire the money. But either way the
21 twenty-five hundred dollar proof is right here. It came
22 from only my account.

23 Q. Do you think -- do you think perhaps you wrote the
24 check and then did not use it and instead used the wire
25 transfer?

1 A. It is one of the possibilities, but I'm still looking
2 for the statement --

3 Q. I understand.

4 A. -- but I can't find it. Yes. Yes.

5 MS. BALLARD: Excuse me, Your Honor, just a
6 minute.

7 THE COURT: Yes, ma'am.

8 BY MS. BALLARD:

9 Q. Hardik, what do you understand the word "partner" to
10 mean?

11 A. Partner means -- this is not a legal LLC document,
12 so only in a legal document, LLCs, corporation, in that
13 partner means partner. This partner, I don't know why.
14 I just saw it and this is -- I think there's three
15 memorandums and later one memorandum which is more legal
16 because on this one there was no money exchanged and
17 nothing happened. The real memorandum is where the stocks
18 were given and the money -- not the money actually, but the
19 stocks were given away.

20 Q. And just, for the record, were you referring to
21 Exhibit 29 and 32 when you were answering my question?

22 A. That is correct. They are connected. On 29 there was
23 no money exchanged whatsoever.

24 Q. Right.

25 A. Whatever happened was legally with everybody

1 notarized. My father's signature, Pallev's signature and
2 me and my wife's signature.

3 Q. Okay.

4 A. My father was involved because of his misdeeds, that's
5 why.

6 MS. BALLARD: Thank you. Thank you, Hardik. I
7 don't have any other questions. Thank you very much.

8 THE WITNESS: You're welcome.

9 RECROSS EXAMINATION

10 BY MR. MOORE:

11 Q. Sir, I do -- I would like you to, please, if you
12 would, turn to that exhibit, which I believe to be 48 or
13 49, the photograph of the \$1,100.

14 A. Okay. 48?

15 MS. BALLARD: I'm looking for the number.

16 THE COURT: 49.

17 MR. MOORE: 49.

18 THE WITNESS: Yes, sir.

19 BY MR. MOORE:

20 Q. Now I see there a calendar. Do you see the picture of
21 the calendar?

22 A. Yes, sir.

23 Q. I see a folder, right?

24 A. Uh-huh.

25 Q. And I see an envelope, right?

1 A. The blue envelope, yes.

2 Q. All right. And your testimony is the money was in an
3 envelope, right?

4 A. That is correct. Yes, sir.

5 Q. So the envelope would be the thing that's sitting
6 there by the folder. It's under the folder, a piece of it,
7 right?

8 A. I'm sorry, sir. Can you repeat the question?

9 Q. Yes. The envelope is different from the folder and
10 different from the calendar, right?

11 A. The envelope is different from the folder. Like
12 you're talking about the red folder?

13 Q. The -- yes. The money you told us was in an envelope.
14 The envelope --

15 A. In the blue. In the blue. Right there, the blue one.

16 Q. There's -- nothing is blue on my copy.

17 A. Right here, sir.

18 Q. Well, that's actually a folder, that's not an
19 envelope, is it?

20 A. Yeah, that's -- that's where -- that's where the money
21 was, sir.

22 Q. Well, that thing appears to be rather thin, maybe an
23 inch wide, right?

24 A. They were all hundred dollar bills.

25 Q. Right. But \$11,000 is going to be how many hundred

1 dollar bills?

2 A. A hundred and something.

3 Q. Right. How do you get a hundred bills in an envelope
4 that narrow?

5 A. This envelope is the one that folds out bigger. You
6 could put 500 one hundred dollar bills or more.

7 Q. Right. But you told us that there would be \$10,000
8 still in that blue envelope at the time you took the
9 photograph, right?

10 A. Yes, sir. When I counted it, it was \$11,600 and some
11 change. Yes, sir.

12 Q. Well, how come -- so there would be 11,000 -- there'd
13 be 106 hundred dollar bills in that blue envelope according
14 to you. How come that envelope is not bulged out if
15 there's 106 bills in it?

16 A. That I don't know, sir, but I see what I see and I'm
17 telling you the truth.

18 Q. Well, the rules of physics were applicable on the day
19 you took the photograph, weren't they?

20 MS. BALLARD: Your Honor, I object.

21 THE WITNESS: Sir --

22 THE COURT: Don't answer that. Move onto something
23 else. The picture doesn't show what's in the envelope.
24 I got the idea.

25 MR. MOORE: Thank you, Your Honor. I don't have

1 any further questions.

2 THE COURT: Okay. You may step down.

3 (Witness excused.)

4 MS. BALLARD: Your Honor, could we have a comfort
5 break before I call my next witness?

6 THE COURT: I think that's a great idea.

7 MS. BALLARD: Thank you, your Honor.

8 MR. MOORE: We do, too.

9 THE COURT: We'll stand down for -- until 11:00.

10 MS. BALLARD: Thank you, Your Honor.

11 (Recess taken at 11:42 AM.)

12 (Back on the record at 11:51 AM.)

13 MS. BALLARD: Your Honor, we call Anal Patel.

14 THE COURT: Are y'all ready?

15 MR. MOORE: Yes, sir.

16 THE COURT: Are you ready, Stacy?

17 THE COURT REPORTER: Yes.

18 (Whereupon, Anal H. Patel was duly sworn by the
19 Clerk of Court.)

20 ANAL H. PATEL,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. BALLARD:

24 Q. Ana, you have a soft voice. I need you to speak up
25 and I need you to make sure the court reporter can hear

1 you, okay?

2 A. Okay.

3 Q. Tell us your full name.

4 A. Anal Hardik Patel.

5 Q. Why is your middle name Hardik?

6 A. Can I -- before I answer that question, I just want
7 to be sure I have this in my hand with me. Is that okay?

8 Q. Of course. Of course. Why is Hardik your middle
9 name?

10 A. In our culture, when a girl marries, they carry
11 husband's first name as their middle name and before I was
12 married I had my father's name as my middle name, but that
13 is not all Indian culture. India has so many cultures,
14 subcultures, specifically where we come from, we follow.

15 Q. Do you have your driver's license on you?

16 A. I do.

17 Q. What does it say that your name is?

18 A. It says Patel, Anal H.

19 Q. Is that different than your name was before you
20 married Hardik?

21 A. Before I had my dad's initial J on it.

22 Q. Okay. Thank you. Where were you born Ana?

23 A. I was born in India.

24 Q. And what did your parents do?

25 A. My father had a business. My mother was a manager at

1 a bank.

2 Q. We've heard more than we want to about Indian culture.
3 What was the culture that you grew up with?

4 A. The culture that's represented here, I do not come
5 from that same background. It's a different background.
6 My family has always had business roots. We come from a
7 business class family, so my mother is educated. When she
8 was married -- before she was married, she was helping her
9 father manage his business. Then after she got married,
10 she got a job, she was -- did her way up, became a manager
11 at the bank. My mother's mother was educated, too, so --
12 versus my husband's family. They're more old school.

13 Q. So the culture we've been talking about is referred to
14 by you as, what, old school?

15 A. Yes.

16 Q. Okay. Did your parents encourage you to become
17 independent?

18 A. Yes, my parents have raised us to be independent. My
19 parents have taught me you have a right to voice your
20 opinion and point out the problematic beliefs. Every
21 culture has a problematic belief inside them, so my parents
22 have taught us to point out the problematic beliefs and the
23 values that the community follows, so they have taught us
24 not to just go with the flow. If you see something's
25 wrong, you stand up and you speak up for yourself.

1 Q. Ana, when did you come to the United States?

2 A. 2003.

3 Q. And what was your approximate age at that time?

4 A. Eighteen.

5 Q. Where did you and your parents move?

6 A. We moved to New Jersey. My father's sister and
7 mother, they both lived here. They did a petition for us
8 to come legally to United States. My dad's sister's been
9 here for now fifty-four some years, so my grandmother was
10 here, too.

11 Q. Okay. How long did your family stay in New Jersey?

12 A. We stayed -- my parents stayed there. They found a
13 job. I moved to Massachusetts to live with my cousin. I
14 was going to school in Worster, Massachusetts, to get an
15 associate's degree. I lived with her for a year.

16 Q. Tell us about your education, all of which I think you
17 got in the U.S.

18 A. So I was getting an associate's of science in biology
19 degree. I lived in Massachusetts, but then my grandmother,
20 my dad's mother, she was diagnosed with a cancer, so I did
21 only one year and I moved back with my parents in New
22 Jersey, which was Hamilton, New Jersey, an hour away from
23 Atlantic City.

24 Q. So what school did you attend up there initially?

25 A. Atlantic Cape Community College. I got an associate's

1 of science in biology and then we moved to Augusta. I got
2 a -- I applied to quite a few different programs. I
3 applied for a physical therapy program in Pennsylvania,
4 but then after we moved to Augusta, the Medical College of
5 Georgia was a nice school, and then I got in to get my
6 degree in health information management systems. I got my
7 degree in that. I'm a certified pharmacy tech. I hold my
8 certification up until 2014 until my son was born and then
9 after that I didn't renew it, but I could. I'm in the
10 process of renewing it now.

11 Q. What is a certification? Is that a license that's
12 issued by the state?

13 A. Yes. Yes. In order for -- to work in the pharmacy,
14 every state has different laws and regulations. I hold
15 a certification in South and North Carolina. Their
16 requirements are different. We have to catch up with
17 continuing education, so whatever I missed in these few
18 years that I haven't renewed, I have to -- the pharmacy
19 board website has all that information. I have to take
20 classes, take exams, and then apply for certification
21 again.

22 Q. When did you -- what year approximately did you meet
23 Hardik?

24 A. 2004.

25 Q. Were you in school at that time?

1 A. I was.

2 Q. Where were you in school?

3 A. I was in Massachusetts.

4 Q. Where was he living at the time to your knowledge?

5 A. Charleston.

6 Q. How did y'all see each other if you lived in different
7 places?

8 A. We -- we talked a lot over the phone and all, but then
9 after deciding that okay, it's time to meet, he flew -- at
10 that time I had moved to New Jersey with my parents to live
11 with them. He had decided to come meet. When he came, he
12 met my whole family, including my grandmother.

13 Q. And approximately how long after you met Hardik did
14 that happen?

15 A. Well, he came quite a few times. He would come for a
16 couple of days and then he would go back because he had to
17 work and school and then whenever he would get a chance he
18 would come back, but his parents did not know about it.

19 Q. Well, I was gonna ask you what, if anything, did he
20 tell you about his family?

21 A. Well, he met my family from the first day. He would
22 come and he would stay with us every time he comes, but
23 then after his third visit his parents still didn't know
24 where he -- he was coming here and my parents grew
25 concerned that okay, we're letting this boy into our

1 family, dating my daughter, we want to make sure that he's
2 serious about it, so then my mother had asked him that --
3 if he has informed his parents what are his intentions for
4 the future and then he said that he's gonna talk to his
5 parents about us.

6 Q. Okay. Now before we go any further, you and Hardik
7 have children, correct?

8 A. Yes.

9 Q. Who are -- what children do you have?

10 A. I have two; a girl, older girl, she is soon to be ten,
11 she's nine, and a five-year-old boy.

12 Q. And their names are what?

13 A. Siya is my daughter and Veer is my son.

14 Q. And their birth years were 2010 and --

15 A. 2010 for my daughter and 2014 for my son.

16 Q. Did you finish your answer?

17 A. Yeah, 2014 for Veer.

18 Q. Okay. Thank you. Are you involved in your children's
19 education?

20 A. Yes, very much. Their activities, their education,
21 everything I am behind them. As an American, I put my kids
22 -- they go to my church preschool, then my daughter was in
23 a Montessori school for a period of time. Now my son just
24 graduated from church preschool. They're gonna both go to
25 the school where we live now.

1 Q. The public school?

2 A. Public school, yes, ma'am. And we do -- I do
3 volunteering work at the church over there. Where my son
4 went to school, I was a teacher over there at the Lake
5 Wylie Lutheran Preschool. I try to get my kids involved in
6 this society. On each of their birthdays I teach them how
7 it is to live in the community and to give it back. So my
8 daughter's birthday is in November, so that's close to the
9 holidays, so every year we do -- I don't know if you guys
10 are familiar with the Samaritan's Purse.

11 Q. The Samaritan's Purse?

12 A. Yes. Operation Christmas Child.

13 Q. Right.

14 A. So you pick -- you pick a box and you fill up what
15 you chose a child of the age and the gender and then you
16 donate that stuff and then they will send it to the kid.
17 So I let each of my kids choose a box and the age group
18 because both of them -- according to their age group and
19 I'll take them out, they pick out what they want to donate
20 and then have them do it. And then my son's birthday, we
21 have a Children's Attention Home in Rock Hill. They're
22 always in need of some stuff, so I try to help them any
23 way I can.

24 Q. Are you an American citizen?

25 A. I am.

1 Q. When did you become an American citizen?

2 A. 2008.

3 Q. And I believe your husband is also an American
4 citizen, correct?

5 A. Yes, ma'am.

6 Q. Do you live in an Indian community?

7 A. We're a part of the Indian community. I mean, if
8 -- it's so hard in United States to call that you're a
9 part of an Indian community because India is so big,
10 there's so many different cultures, different communities,
11 subcommunities, and all those people are all around you so
12 you make our own community. That's what my understanding
13 is. People that you want to mingle with that are close to
14 you, that is your community no matter if they are from
15 south India, east India, north India. It should not
16 matter.

17 Q. Do you and your children have friends who are native
18 -- I'll say native Americans that are not from an Indian
19 culture?

20 A. Yes, we do have Indian friends, but they are not from
21 the same background as our, but, yes, we do. Some are,
22 some are not.

23 Q. Are you raising your children in the Indian culture or
24 are you raising your children as Americans?

25 A. I'm trying to teach them the roots that their parents

1 come from, like of our festivals and some tradition and
2 all, but I also want them -- I want to raise them as an
3 American because we are Americans and the society we live
4 in, so they need to know about the traditions here and the
5 society.

6 Q. As you were growing up in your family, were women
7 treated any differently than men?

8 A. Well, I come from a different family than I have seen
9 in my husband's family where in my family women gets equal
10 rights.

11 Q. Okay.

12 A. My -- all my life I have seen in my -- my house with
13 my mom and dad or my uncle, aunts, mom's family, mom's
14 parents, even my grandparents, any decisions that has to be
15 made, husband and wife and the kids, we involve everybody.
16 Even growing up my father, if there is something to decide,
17 he will make sure that he gets everybody's input. We're
18 all equal.

19 Q. Female and male?

20 A. Female and male, yes, ma'am. Even till this day my
21 father and mother they -- they are my -- they do everything
22 with both of their consent and -- well, when I was growing
23 up I can be honest with you where we lived in India when my
24 parents were younger, were little, it was not common to
25 follow this belief. Women working outside was not common

1 at that time.

2 Q. Right.

3 A. But my mother, she's educated, she's independent, her
4 mother was educated, independent, so she had worked all
5 her life and my dad has supported her with all of her
6 decisions.

7 Q. When did you and Hardik get married?

8 A. We got married in 2005. We did a court marriage and
9 then we went to India to do a big ceremony wedding in 2008.

10 Q. When is the first time that you lived under the same
11 roof with Ramesh and Vidhya?

12 A. Well, after 2005, we -- there was not a constant time
13 until 2008. I would come for a few days and then I would
14 go because both of us were in school and working and he
15 would come visit me. Whenever I come, they were there, so
16 I would live with them, but then an actual every day basis,
17 '07. I think it was '07.

18 Q. What, if anything, did you notice was different about
19 Hardik's family in terms of how they treat women and how
20 they treat children that was different from yours.

21 A. It was a big shock for me. Hardik's family, dad,
22 always thought that he's the monarch, what he says goes.
23 Everybody has no choice but to follow his rules. I was
24 raised differently. I can tell my parents where they're
25 wrong, that I do not -- I do not agree with what you're

1 saying and we can go on from there, but in his family
2 women were given no rights to talk and --

3 Q. And this is in -- in the household?

4 A. In the household, yes. And then even my husband, I've
5 seen Hardik around his father, he'd try to say something,
6 he would get shut up.

7 Q. Was this something knew for you?

8 A. Yes, very much. I have never seen -- until I met his
9 family and surroundings never experienced anything like
10 this, so -- and that -- that is not the culture that I come
11 from.

12 Q. Okay.

13 A. So it was a big shock for me. In my -- where I come
14 from, my background, daughters and daughter-in-laws are
15 treated equally, but here if you are a daughter-in-law they
16 call you outsider. You are never gonna fit in. They make
17 you sad from the first day on and they expect so much out
18 of you. If you displease them, do not follow their orders,
19 then you are not a nice daughter-in-law.

20 Q. Ana, were you working in 2007, 2008 when you first
21 came to live in Hardik's household?

22 A. Yes, ma'am.

23 Q. What were your -- what jobs did you hold?

24 A. I worked -- I worked at a Rite Aid in Newberry and --
25 well, at first I was still in school, so I was working in

1 Augusta. Then I got a transfer. I had an internship in
2 Greenville Hospital System that I had to do with my degree,
3 so I did that, and then I started working. I was working
4 at the store, the convenience store, and then I started
5 working at the Right Aid here in Newberry.

6 Q. Okay. Were you welcomed by Ramesh and Vidhya into the
7 family?

8 A. They -- I wouldn't say welcomed with open arms.

9 Q. Did you -- what did you feel?

10 A. I always felt that constantly I had to try to
11 please them, put their needs ahead of my needs, put their
12 feelings ahead of my feelings, try -- I had to give up my
13 self-respect in order to please them, which was not how I
14 was raised by my parents.

15 Q. What do you mean you had to give up your respect --
16 your self-respect? If you need to take your mask off,
17 please feel free to do so.

18 What do you mean that -- that you had to give up your
19 self-respect?

20 A. Well, you just don't get respected as a person or a
21 family member. You're just there to follow their orders
22 and just -- yeah, they will say that you are a family
23 member, but then you don't get treated like a family member
24 and they say do one thing and if you think that that's not
25 right and you don't do it, then they shame you into doing

1 things.

2 Q. They shame you?

3 A. Yeah. Like, oh, you are -- you're not a nice
4 daughter-in-law. They would complain to my husband that
5 well, she didn't cook the food right today, so she's not
6 good for you. She did not wake up on time today, so that's
7 not acceptable here.

8 Q. What duties were expected of you when the four of you
9 lived under one roof at the house in Clinton?

10 A. Everything. Cook, clean, take care of around the
11 household, laundry, and everything.

12 Q. What did Vidhya do or contribute to the maintenance of
13 the household?

14 A. She was there, but -- she would help, but then I, as a
15 daughter-in-law, in their mind, their belief when you bring
16 a daughter-in-law into the house it's like you're getting a
17 slave for yourself. She does everything, but the credit
18 goes to somebody else. So I go to work. I used to come to
19 Rite Aid here to work. Before I come if I have an 11:00
20 shift, 10:00 shift, I had to make sure that I cook for the
21 people in the house before I come. When I get home, 8:00,
22 9:00, there will be dishes in the sink and everything for
23 me to do. I had to make sure that I do everything. If I
24 don't, there -- there were times where I missed, I'd get a
25 bad talking from my husband, my father-in-law.

1 Q. How did this make you feel?

2 A. It was tremendously emotionally, mentally hard for me.

3 Q. How did you deal with it?

4 A. I cried it out every single day. I was coming to
5 work --

6 Q. Go ahead.

7 A. My husband wasn't around much either because he was
8 either at the store or they make him work nightshifts at
9 the Quality Inn.

10 Q. The one in Newberry?

11 A. The one in Newberry that we've been talking about,
12 yes. So he would -- he would be there, so I'm alone. I'd
13 cry. I'd come and I'd tell my -- I had really nice people
14 that I was working with at Rite Aid. Some days they would
15 buy me food and there is a -- I'm sorry. It's the worst
16 memories of my life.

17 Q. I understand. I know it's hard. Take your time.

18 A. There is a rest area going to Clinton from Newberry,
19 so when I had too much, I -- on my way home, I would sit
20 there, cry, get myself together and then go home and be
21 ready to face the problems that I had to face.

22 Q. Was that on a daily basis?

23 A. Most of the time, yes.

24 Q. Did Hardik know about this?

25 A. He didn't know.

1 Q. Did you -- you didn't tell him about it?

2 A. Not at that time. I told him after my daughter was
3 born.

4 Q. Did he observe -- to your knowledge, did Hardik
5 observe Hardik -- excuse me -- Ramesh and Vidhya
6 mistreating you?

7 A. He knew, but he was so much under their influence and
8 they were controlling everybody so much that I think he was
9 himself confused how to get out of it. For him -- now I
10 understand. We have evolved as -- as partners through
11 these years. Now we came to an understanding that now I
12 understand him that -- that it was hard for him to deal
13 with his parents. That's why he did not take my side. Now
14 I get that point, but at that time, I mean, I had nobody.

15 Q. Where do your parents live?

16 A. In Augusta, Georgia.

17 Q. And what do they do there?

18 A. They -- they have a gas -- a convenience store and a
19 liquor store.

20 Q. And they have a home there as well?

21 A. They do.

22 Q. Are you close to your mom and dad?

23 A. Yes.

24 Q. And you also have a sister, I believe?

25 A. I have a sister and brother.

1 Q. And where do you fall in the three?

2 A. I am the oldest and my second, my sister, she lives in
3 Raleigh. My brother, he was living with my parents, then
4 he got one degree, he was a paramedic, then he decided to
5 go get another degree for the radiation, so he lives in
6 Kentucky right now.

7 Q. Kentucky?

8 A. Uh-huh. Yes.

9 Q. Okay. Are you close to your brother?

10 A. Very much.

11 Q. How much younger is he than you?

12 A. He's ten years younger than me.

13 Q. Other than your brother when you were still living
14 under Vidhya and Ramesh's roof, who did you have to talk
15 to?

16 A. I really did not tell anyone.

17 Q. How did you deal with it?

18 A. I had to constantly prove myself that I am worthy to
19 be a part of their family and if I told that to my parents
20 it would break their heart.

21 Q. So you didn't tell your parents even?

22 A. Well, I didn't tell them in detail. They -- they kind
23 of had an idea because they had seen how Hardik acted
24 around his parents even after we got married in 2005. When
25 we were dating, his parents would stop him from coming to

1 visit me. We -- they dictate when we go out on a date.
2 They would say if we can go watch a movie or spend time
3 together, so my parents have seen that, and I do not come
4 from a family like that.

5 Q. When did you get pregnant with Siya?

6 A. 2010.

7 Q. How did you -- you learn that you were pregnant?

8 A. Well, we did the test at home.

9 Q. Okay.

10 A. We learned and everybody was at the house at that
11 time, mom -- Hardik, Hardik's mom and dad. They were
12 there.

13 Q. And this is the house in Clinton?

14 A. In Clinton. Yes, ma'am.

15 Q. Okay. So what did you do after doing the home
16 pregnancy test?

17 A. I told them. The family, everybody was there, so we
18 were very excited first time being parents, me and Hardik,
19 so we told them and then we had decided that we should wait
20 until we get the actual exam from the OB and then we'll
21 tell extended family members the good news.

22 Q. Okay. And did Hardik go with you to the doctor?

23 A. Yes. Yes, we went -- we came here to Newberry to see
24 an OB and to confirm how far along I was and I was three
25 months already when I found out.

1 Q. Did you call anybody when you left the doctor's
2 office?

3 A. I did.

4 Q. Who did you call?

5 A. I -- we were so happy, so I called my mom and my
6 sister. They were together. I told them that I'm
7 pregnant. They were also very happy at that time. I'm
8 sorry.

9 Q. That's all right. And were you driving back to the
10 house in Clinton?

11 A. Yes, ma'am. After that me and Hardik got a -- we got
12 food to eat because we came early and then we went home.

13 Q. When you arrived at the home in Clinton, what -- what
14 did you encounter?

15 A. We went inside and there in the kitchen table I can
16 still remember the exact scene. I can picture it. On the
17 kitchen dining table dad was sitting.

18 MR. MOORE: Your Honor, I -- I've been trying to
19 be patient, but I'd have to object. I don't understand
20 how the family reaction would not be hearsay, but I also
21 don't understand how in the world it would have any
22 relevance at all to the facts of the case and I --

23 THE COURT: I understand there was some difficulty
24 there, so I'd like to move forward, too.

25 MS. BALLARD: There's just one -- a couple of areas

1 I'd like to touch on.

2 THE COURT: I feel like I'm at a -- I feel like
3 I'm at a talk show --

4 MS. BALLARD: All right. Thank you, Your Honor.

5 THE COURT: -- and we're at a bench trial.

6 BY MS. BALLARD:

7 Q. How did Vidhya react to finding out you were pregnant?

8 A. Well, she raised the objection that she did not get to
9 call my mother and tell her that I was pregnant and I did
10 it, so I disrespected her.

11 Q. Did you have to apologize to her?

12 A. Yes.

13 Q. Were there tears involved?

14 A. Yes.

15 Q. How long did this drama unfold?

16 A. Close to an hour.

17 Q. How was your pregnancy? Was it uneventful?

18 A. I worked full-time at the Rite Aid and plus at the
19 house and then I still on occasion like would go work at
20 the store as well, so it -- I had sciatica pain and some
21 other complications I had.

22 Q. Did you carry Siya full term?

23 A. No, ma'am.

24 Q. What happened?

25 A. She came early. She came seven -- I was seven months

1 pregnant and she came then. They had to do emergency
2 C-section for that. She was born in Laurens County
3 Hospital.

4 Q. Prior to having your daughter, how did you come to be
5 involved in purchasing the convenience store in Clinton?
6 What do you recall about that?

7 A. Leasing you mean?

8 Q. Leasing, yes.

9 A. We -- we found the store. Prakash told Hardik to go
10 check out the store because they had previous conversations
11 about the business and he also graduated by that time in
12 2007, so both of us were thinking about our future, what we
13 want to do, how we're gonna do it. So we came -- he came
14 and then he took me to see the store --

15 Q. Who is he?

16 A. Hardik. I'm sorry.

17 Q. Okay.

18 A. -- in 2007 and then we liked the store, so we wanted
19 to go forward in leasing the store. And Prakash --

20 Q. Now did you have discussions with Prakash?

21 A. Yes, I did.

22 Q. Okay.

23 A. He -- he leases and sells so many stores. He's
24 actually the one who -- who sold my parents' first store
25 when we moved to Augusta, Georgia, him and Paul Desai, so

1 they -- they both know them as well.

2 Q. So they knew you well before this, right?

3 A. Oh, yes. Yes.

4 Q. Okay. What discussions were you involved in with
5 Paul and/or Prakash about leasing the store and eventually
6 purchasing the store?

7 A. Well, from -- from what my knowledge, I know it states
8 P&P Investments, but we did all the talking with Prakash.
9 Pallev was never there when we talked to Prakash on the
10 conversations. So like Hardik said, that Prakash has told
11 him that --

12 MR. MOORE: Objection, please, to the hearsay,
13 Your Honor, as to what Prakash might have said.

14 THE WITNESS: I'm sorry.

15 MS. BALLARD: I'll rephrase the question, Your
16 Honor.

17 THE COURT: I'll let you rephrase the question.

18 MS. BALLARD: Thank you, Your Honor.

19 BY MS. BALLARD:

20 Q. What -- did Ramesh have any involvement in negotiating
21 the lease of the store?

22 A. He negotiated the lease, but not into the details
23 because when -- we finalized everything and then Hardik
24 told -- we informed Prakash that we don't have enough money
25 and he said don't worry about it.

1 MR. MOORE: Objection, please, Your Honor, to
2 hearsay.

3 MS. BALLARD: Let me rephrase the question.

4 THE WITNESS: I'm sorry.

5 THE COURT: Please do.

6 BY MS. BALLARD:

7 Q. Ana, were you required to put any money down when you
8 initially leased the store?

9 A. No, ma'am. We acquired an owner financed loan from
10 Prakash with an 8 percent interest rate so we can pay him
11 for the inventory and the goodwill of the store that we
12 were leasing.

13 Q. Whose store was it to be when you leased it?

14 A. Mine.

15 Q. And why was it put in your name?

16 A. It was mine and Hardik's decision to do it and Prakash
17 -- and after I signed the -- we did everything, went to the
18 lawyer's office, and when I signed the note for 8 percent
19 we came back and Ramesh was not happy because he could have
20 negotiated a better percentage rate than 8 percent with
21 Prakash.

22 Q. Did you and Hardik create the corporate entity?

23 A. Yes, ma'am. We -- me and him constantly went to
24 Columbia to Secretary of State's Office, created the LLC.

25 Q. Would you look at Exhibit Number 10 in the notebook

1 that's in front of you and tell the Court what Exhibit
2 Number 10 is?

3 A. It's the articles of Secretary of the State.

4 Q. And --

5 A. It's the forming of AAHARVID, LLC.

6 Q. And what involvement did you personally have in
7 forming the corporation?

8 A. Well, I went there to fill this application out.

9 Q. Whose signature is that on page 3?

10 A. It's me.

11 Q. And so at the time that the corporation was created,
12 who was the owner?

13 A. Me.

14 Q. Anybody else?

15 A. No. This is the LLC. We -- LLCs are very well
16 protected by the state law, so only one person owns an
17 interest in the LLC.

18 Q. Had you had any prior experience working in
19 convenience stores?

20 A. Yes, I had.

21 Q. And how was that?

22 A. I worked in my parents' convenience store and when I
23 was in New Jersey I used to work at my friend's 7-Eleven.
24 I've had multiple jobs since I came to United States.

25 Q. Okay. When you originally leased the convenience

1 store, did the store have a lottery system?

2 A. No, ma'am.

3 Q. How did it come about that the store, your store,
4 obtained the lottery license?

5 A. Well, the store -- the reason for -- first I'll tell
6 you the reason why it did not have a lottery license
7 because it's very uncommon. The previous owner was a
8 priest at a church so that -- that was the reason the store
9 did not have a lottery license or a beer and wine license.

10 Q. Either one?

11 A. Either one.

12 Q. Okay. So what changes did you make as a result of
13 that?

14 A. So we had to acquire a new lottery license, beer and
15 wine, we had to get the business license. After we get the
16 business license, we take it to the Department of Revenue,
17 we fill out the forms for a beer and wine license and give
18 them the supporting documents that they need; my social
19 security, they need a criminal background check on you and
20 all that stuff. And then the same with lottery.

21 Q. Whose name was all that done in?

22 A. My name.

23 Q. Your name personally?

24 A. Only my name.

25 Q. Okay. When you signed the lottery license, did you

1 have to personally sign the lottery license?

2 A. Yes, and we have to renew that license and do the oath
3 every year.

4 Q. And so did you have prior experience with the lottery?
5 Did you know how to use it?

6 A. Yes, ma'am.

7 Q. If you would, look at Exhibit Number 12, and we've
8 already talked about this briefly, but I wanted to talk
9 about it a little bit more. Do you recognize what this is?

10 A. It's the lease agreement for AAHARVID, LLC from P&P
11 Investments.

12 Q. Is your signature anywhere on this document?

13 A. It's me, Pallev and Prakash. I remember that all
14 three of us were -- I can't remember the attorney's name
15 in Newberry. Only three of us went to sign this document
16 and at the same office I signed the promissory note that
17 Prakash is lending us \$124,000 at 8 percent interest.

18 Q. Well, look at the Exhibit 13 and see if that's what
19 you mean.

20 A. Yeah, that's the one.

21 Q. Okay.

22 A. So I'm not sure why Mr. Desai in his testimony he
23 said he never met me until the actual purchase happened
24 of the store, he never knew me, but clearly, I mean, he was
25 in there in the office. It was the three of us that were

1 there.

2 Q. Okay. Did Ramesh go with you when you leased the
3 store?

4 A. No, ma'am.

5 Q. Exhibit 13 includes what I call an amortization
6 schedule behind the promissory note. Do you -- do you
7 recognize what that is?

8 A. Yes, ma'am. It's broken down of the payments that we
9 were supposed to pay Prakash.

10 Q. What does -- what, if anything, does this represent
11 about the money put down at the time the store was leased
12 in 2007?

13 A. There was no money put down. Everything was on a
14 note. There was no cash exchanged at all.

15 Q. How was the sum of \$124,113 determined to be the
16 amount of the note?

17 A. Well, 80,000 -- to my knowledge 80,000, if I remember
18 correctly, that number was the goodwill. I think we had
19 20 or 25,000 for the gas and the rest was in inside
20 inventory.

21 Q. So who agreed on the number -- the purchase price that
22 was set forth in this note?

23 A. Well, whenever we leased the store, we hired a person
24 who does the inventory. That person comes in and they give
25 you the number of how much the stuff's worth inside.

1 Q. Okay.

2 A. So that's where that number comes from and then
3 Prakash came up with the goodwill, how much goodwill he's
4 gonna get, so.

5 Q. Okay. When the store was leased by your corporation
6 Ana, was there ever any discussion that the store was being
7 leased for Ramesh or for Vidhya?

8 A. No, ma'am.

9 Q. Did Ramesh or Vidhya have anything to do with the
10 execution of the corporate documents or the promissory note
11 where you bought the store?

12 A. They -- no. All the paperwork every time, every year,
13 all these years, I have used my credit, my social security
14 number on this.

15 Q. Did -- at any time did Ramesh and/or Vidhya ever tell
16 you that the store was theirs or that they had an interest
17 in the store?

18 A. No.

19 Q. Did they at any time have an interest in the store?

20 A. They could have claimed it if they -- if they thought
21 -- I mean, no, they never said anything. We never had any
22 conversation like this at all.

23 Q. When is the first time you heard Vidhya make the claim
24 that either the house or store was somehow hers?

25 A. After that time.

1 Q. And what year was that?

2 A. Not claiming, but -- in the beginning, not claiming
3 it was hers. At first her claim was dad did not leave any
4 property for me, so I don't have any property under my
5 name, but then it came to this.

6 Q. Okay. And just to be clear, are you named as a
7 defendant in this lawsuit as well?

8 A. Yes.

9 Q. Is this the first time you've ever been sued?

10 A. Yes.

11 Q. Okay. After Siya was born, did you leave the hospital
12 and come back to the Clinton house?

13 A. Yes, ma'am.

14 Q. How long did you and Siya stay there?

15 A. We stayed only a week or two and then I moved to my
16 parents' house for three months.

17 Q. Why did you do that?

18 A. My daughter was a premie and it was mine and my
19 husband's joint decision not to be in that house where I
20 was not treated well because clearly I had a C-section so
21 me and my daughter both needed attention.

22 Q. So after Siya's birth when you moved to Augusta, did
23 you ever again live under the same roof with Ramesh and
24 Vidhya?

25 A. Constantly, no, but while I was there Hardik had a

1 fight with his parents, so he acquired the low income
2 apartment close to that so when I came back I could stay
3 over there, but I would still go visit them. They did not
4 want the community to know that they've had a falling out
5 with their son, so I was expected any time their friends,
6 family came to visit or they did show a desire to see
7 the baby, I was to go, stay with them and pretend that
8 everything's normal and we're okay, I still live here.

9 Q. But, in fact, when was the last time you lived with
10 them?

11 A. Just for those two weeks.

12 Q. The two or three weeks after Siya's birth --

13 A. Uh-huh.

14 Q. -- in 2010?

15 A. Right.

16 Q. Did Ramesh and/or Vidhya work in the store?

17 A. Vidhya worked. Ramesh had a job at Shree Shree Hari
18 managing the hotel, so that was his primary job up until --

19 Q. Other than Vidhya, who else worked in the store?

20 A. Me and Hardik.

21 Q. At what point did you add outside employees?

22 A. We've always had outside employees for like sometimes
23 a short period of time, a long period of time, but then
24 constant after we removed Vidhya.

25 Q. Okay. And as between you and Hardik, who primarily

1 handles the finances of your family?

2 A. He does more, but then I'm also in the loop, so I --
3 I am also responsible --

4 Q. Do you and he --

5 A. -- so together.

6 Q. I'm sorry. Do you and he consult about the financial
7 issues?

8 A. Yes. Discuss, yes.

9 Q. Do you have personal knowledge of who made the
10 payments that are set forth in the promissory note that's
11 Exhibit Number 13?

12 A. It went out of the business account, so it went out of
13 the business profits.

14 Q. Which business account? What was the name on the
15 account?

16 A. AAHARVID, LLC.

17 Q. And initially who had signature authority on that bank
18 account?

19 A. Me and Hardik.

20 Q. How long did it remain just you and Hardik?

21 A. It remained for a long time until like -- dad was
22 added after we moved to Richmond, but it was -- one of us
23 was still there, including him, but then after that I -- I
24 don't remember the years exactly --

25 Q. Okay.

1 A. -- but then because it was hard for -- for like day
2 to day operations, so they were there so their signature
3 authority was added in so we can manage the store.

4 Q. At any time did you give Ramesh or Vidhya any
5 ownership interest in the store?

6 A. No, ma'am.

7 Q. At any time did Ramesh or Vidhya ask for any ownership
8 interest in the store?

9 A. No, ma'am.

10 Q. And, again, do you know of your own knowledge that
11 the payments that are set forth on the promissory note as
12 Exhibit 13 were made from the store's accounts?

13 A. Yes.

14 Q. So what was the source of the money that was used to
15 pay the promissory note?

16 A. The income of the store that we generate day to day,
17 revenue of the store, and then we worked side jobs so that
18 wasn't the only one, but this money went out of the store's
19 account.

20 Q. Did Hardik primarily handle the mechanical method of
21 making the payments?

22 A. Yes.

23 Q. How did he primarily do that? Did he use a computer
24 system for making the payments?

25 A. I think back then was like more we -- sometimes we

1 paid the exact, sometimes if the business was good we paid
2 extra to them, so that's how it varied. So check and
3 electronic both.

4 Q. Okay. As time evolved --

5 A. Because we had two different -- I'm sorry to
6 interrupt. We had two bank accounts. In the beginning,
7 in '07, we -- we were banking with SunTrust, that's where
8 the original bank account was opened, but then their
9 interest rates and everything, they were charging us too
10 much for the business account, so we moved to Wells Fargo,
11 Wachovia back then, so, yeah. So whatever was easier to
12 do.

13 Q. Did you using the resources that were generated by
14 your store pay this entire promissory note?

15 A. It was paid in 2010.

16 Q. Is that the schedule that's set forth in Exhibit
17 Number 13?

18 A. Yes, ma'am.

19 Q. What was the plan that you and Prakash had about
20 leasing the store initially and then purchasing it?

21 A. We thought of purchasing it in the -- in the future
22 and then the business was running good, so Prakash offered
23 if we were interested in buying the store, the contents and
24 the videos.

25 Q. And when was that? What year was that?

1 A. 2012. It was when the five-year lease was up.

2 Q. Okay. The five-year lease for the real estate?

3 A. Uh-huh.

4 Q. So in 2012, how did you come up with the money to buy
5 the store from P&P Investments?

6 A. We took a loan from BB&T.

7 Q. Okay. Look at Exhibit Number 22, if you would. Do
8 you recognize this as one of the documents that was used to
9 initiate the loan?

10 A. Yes, ma'am.

11 Q. And whose signature is on the last page for the loan
12 to purchase the store?

13 A. Me and Hardik. He was a guarantor on it.

14 Q. Okay. So if we look at Exhibit 23 and 24, what are
15 those documents?

16 A. 23 is the guaranty agreement that we -- me, being the
17 guarantor, that if something -- if the loan does not get
18 paid or anything, my credit will be on the line, you know.
19 I am responsible for this.

20 Q. And Number 24?

21 A. My husband is the guarantor, too, on the same loan.
22 The same thing, that he guarantees to pay this loan using
23 his credit, his personal information, everything else.

24 Q. Did anybody else personally guarantee the loan for the
25 purchase of the store?

1 A. No, ma'am.

2 Q. Is there still a mortgage on the store?

3 A. Yes.

4 Q. Who pays the mortgage?

5 A. The store's account. We -- this loan that we took
6 out in 2012, we have -- actually it's called a reoccurring
7 loan, so every five years we have to redo the paperwork,
8 the guarantor has to resign the paperwork, so it's --
9 that's why they call it a reoccurring loan, so after that
10 2012 we had just redid the loan in 2017 and now we're gonna
11 do it in '21.

12 Q. And who are the guaranties on the 2017 loan?

13 A. Me and Hardik, we are the guaranties.

14 Q. And what bank is that?

15 A. Same bank. BB&T.

16 Q. At any time to your knowledge did Vidhya and/or Ramesh
17 make any payments on the mortgage for the purchase of the
18 store?

19 A. The mortgage has always gone out of the business
20 account. Nobody's personal account.

21 Q. And, again, where's the money that's in that account
22 generated?

23 A. From the business.

24 Q. At what point, if any, did Ramesh start spending more
25 time working in the store?

1 A. After -- after all this problem happened at the
2 Newberry hotel where he was primarily working and Prakash
3 had no work for him over there, so he started managing the
4 store full time after that.

5 Q. And whose decision was it to let him manage the store?

6 A. Mine and Hardik's.

7 Q. Did you pay him a salary?

8 A. Yes.

9 Q. Did Vidhya continue to work at the store?

10 A. Yes, ma'am.

11 Q. Did you pay her a salary?

12 A. Yes, ma'am.

13 Q. Was she treated -- were they treated as employees or
14 as owners?

15 A. They were getting salaries, so they had W-2's. Owners
16 don't get salaries.

17 Q. Okay. Let me ask you to look, if you would, at
18 Exhibit Number 19 and tell the Court what this picture is
19 of and what it represents.

20 A. It's a picture of the book of lottery tickets.

21 Q. Where was this picture taken?

22 A. Inside the store.

23 Q. All right. And what is the computer monitor that
24 we're looking at on the left side?

25 A. It's the lottery terminal. No, the left side is the

1 cash register.

2 Q. Okay. What's the one on the right-hand side?

3 A. The right-hand side is the lottery terminal that the
4 lottery departments gives you.

5 Q. Did you -- Ana, I'm not gonna introduce these into
6 evidence, but I just want to show you, are these examples
7 of the lottery tickets that are sold in the store?

8 A. Uh-huh. And those are winners.

9 Q. And these are winners?

10 A. I guess if it says that.

11 Q. Yes. Okay. How do you activate a roll of lottery
12 tickets that you get from the lottery commission?

13 A. Each roll has a specific number for the lottery
14 commission to track and manage, so each retailer has a
15 number. We have a retailer number and when I applied for
16 the license and get the license, we -- we have a number,
17 and then all these rolls they all have numbers on them.

18 Q. If you look at the second page of Exhibit Number 19,
19 what does that represent?

20 A. The individual tickets out of a roll, out of a book of
21 tickets.

22 Q. So are these tickets attached to one another in a
23 packet?

24 A. Yes. That's -- yeah, how it comes. It comes in a
25 big book and when we sell it, we rip it apart and sell it

1 individually because they are -- the whole roll is worth
2 \$300, but we sell the tickets individually.

3 Q. Does the roll have any value until it is activated in
4 the system?

5 A. No value until it's activated.

6 Q. And how do you activate the roll?

7 A. Well, we are given an ID and password by the lottery
8 commission for managers separate and employees separate to
9 activate the tickets.

10 Q. Okay. And using the picture that's Exhibit Number 19,
11 can you tell us physically where you have to put the roll
12 of tickets in order to activate them?

13 A. In the bins behind the lottery terminal. It's called
14 the displays.

15 Q. Is that to the right outside of this picture?

16 A. Yeah, it's -- it's on the right. The lottery
17 commission puts this in the store when we get the lottery
18 license and this is where we have to set these roll in.

19 Q. Did Vidhya know how to activate the lottery tickets
20 while she worked there?

21 A. Yes, ma'am.

22 Q. Had she had prior experience with lottery tickets?

23 A. Of working with the lottery?

24 Q. Yes.

25 A. Yes.

1 Q. So you didn't have to teach her how to use this?

2 A. No.

3 Q. Okay. Where did you keep the lottery tickets to
4 secure them?

5 A. In the store because until it's activated it's no use
6 and after it's activated we put it in that bin.

7 Q. And the bin you're talking about is the plastic bin --

8 A. Yes.

9 Q. -- that's above the cash register on the right?

10 A. Yes, the display.

11 Q. I'm sorry?

12 A. It's called the display.

13 Q. A display? Okay. And when somebody wants to buy a
14 lottery ticket, how does the process work?

15 A. When somebody wants to buy a lottery ticket, they
16 will come -- and these are called scratch-offs. They will
17 come and tell us -- there are numbers in the individual
18 bins like number one, two, three because there's so many
19 different kind of scratch-offs.

20 Q. There's different kinds?

21 A. Right.

22 Q. Okay.

23 A. So they will tell us that I want out of the box number
24 one and if they want one or two, how many, we'll rip it
25 apart because each ticket -- the one in the picture are \$10

1 tickets, so if they want one, we'll break it and just sell
2 one.

3 Q. When the tickets are put into the display, are they
4 still in -- attached to one another?

5 A. Yes.

6 Q. And how are they torn off?

7 A. Every time we break -- people want it, we take it out
8 and then break it.

9 Q. Okay. When somebody purchases a lottery ticket, how
10 do you enter it into the system? And, if you could, use
11 the photo in Exhibit 19 to explain the process of selling
12 a lottery ticket and then determining whether it is a
13 winner.

14 A. Well, we're talking about -- just to make sure to
15 tell you, we're talking about scratch-offs. These are
16 scratch-offs.

17 Q. Right.

18 A. And then the terminal also sells the online tickets
19 like Powerball, mega ball, stuff like that.

20 Q. Which those are not --

21 A. No.

22 Q. -- done in the store?

23 A. Those are done in the store.

24 Q. You sell them in the store --

25 A. Yes.

1 Q. -- but you don't redeem them in the store.

2 A. Up -- up until a certain amount.

3 Q. Okay.

4 A. Up until a certain amount.

5 Q. Okay. So using this picture, tell us how you
6 physically manipulate a ticket. When somebody buys it
7 and tears it off the roll, what is done with it?

8 A. Okay. If somebody buys a ten dollar ticket, you rip
9 it off, you give it to them, you take \$10, and then in the
10 register there's a button, left side behind the ticket, the
11 cash register --

12 Q. Right.

13 A. -- the cash register has a button that says online and
14 scratch-off, two separate buttons, and then we put in the
15 amount how many online and scratch-off tickets we sold and
16 then we take the money and put it in the register.

17 Q. Is the lottery inventory for lack of a better word,
18 the inventory of the tickets that are sold, is that
19 transmitted to the lottery commission?

20 A. Can you say that --

21 Q. Or available to them electronically?

22 A. Can you -- can you repeat the question?

23 Q. Sure. Does the lottery commission have a way to -- to
24 have access to the number of lottery tickets that you have
25 sold in a particular store?

1 A. They -- they access -- each time the book of roll is
2 activated, it gets prompted into their system and after
3 that we have fifteen days or -- no, no. I'm sorry. Not
4 fifteen days. Every week the money gets EFT out of our
5 account.

6 Q. When you say EFT, what do you mean?

7 A. Electronic -- like to electronically take out of our
8 lottery account the money that we owe to the lottery
9 department.

10 Q. Okay. And so you don't write checks to the lottery
11 commission, do you?

12 A. No. No, it's always -- the lottery account has to be
13 separate. We cannot mingle with any other account and
14 every week they send -- we get an invoice on Sunday of how
15 much do we owe lottery and Wednesday morning it gets taken
16 out of our account.

17 Q. Okay. How do you mark the display so that you know
18 how many tickets have been sold out of each display?

19 A. Like out of one number in each display?

20 Q. Each plastic display.

21 A. Right. We -- in the morning and in the evening, we
22 write the numbers of the tickets. Like -- because a ten
23 dollar ticket is \$300, so we have from zero to 29. If it
24 was \$5, then it would have zero to 59. And then we write
25 the numbers and then we match in the register.

1 Q. And what's the purpose of doing that?

2 A. To keep track of the inventory of the lottery and make
3 sure there's no theft, no misdeed of the lottery.

4 Q. Okay. Once the -- using the second picture in Exhibit
5 Number 19, once the package is activated and put into the
6 display, do the individual tickets have value at that
7 point?

8 A. Yes.

9 Q. Is this like cash in those displays?

10 A. If you win. If it's a winner, yes.

11 Q. Okay. And when somebody buys it and scratches it off
12 and gives it back to you, what do you do to see if it's a
13 winner?

14 A. We scan it into the lottery terminal and then it will
15 tell me based on the barcode if it's a winner or not.

16 Q. Okay. And under your agreement with the lottery, up
17 to how much can you pay on a lottery ticket win?

18 A. I believe on scratch-off it's, I think, 500. I'm not
19 a hundred percent sure, but I think it's 500.

20 Q. Okay. And is that -- how do you give the \$500 if
21 that's a winner?

22 A. Cash.

23 Q. You take it out of the cash register?

24 A. Cash, but every time we scan it the lottery knows, so
25 they will minus from our account and tell us whenever they

1 send. On Sunday they -- the bill that we get from the
2 lottery it automatically generates in our terminal, it will
3 have all the mathematics and it will tell you that this
4 week you sold this many, you cashed out this many to this
5 many and how much you owe, so he does all the math.

6 Q. Is there any reason for someone who works in the store
7 to take the lottery tickets out of the store?

8 A. No. We are not supposed to do that.

9 Q. What obligations do you have as a lottery retailer to
10 the lottery to maintain the security of the lottery tickets
11 and the money related to the lottery?

12 A. I have to make sure that it does not happen.

13 Q. Speak up.

14 A. I have to make sure that it does not happen and
15 protect -- because lottery is the State's property, it's
16 not my personal property. As a retailer or businessowners
17 we do not make money by selling lottery.

18 Q. How do you make money off the lottery?

19 A. It's just -- it's just a few percent of your winnings.
20 Basically lottery is to attract people to come inside the
21 store and, you know, purchase other items.

22 Q. Would you look at Exhibit Number 35. Can you tell us
23 what Exhibit Number 35 is?

24 A. It's the lottery contract.

25 Q. Is this renewed from time to time?

1 A. Every year.

2 Q. Okay. And on this particular one, Exhibit Number 35,
3 can you show us who has signed for AAHARVID as the
4 responsible person? I believe it's the last couple of
5 pages.

6 A. That's me.

7 Q. That's you?

8 A. Every year we have to sign and notarize it. Yes,
9 ma'am.

10 Q. Okay. So if we're looking at the last page, page 13
11 of 13 in Exhibit Number 35, at the top your name is written
12 as name as Anal Hardik Patel. Do you see that?

13 A. Correct.

14 Q. Is that your name?

15 A. That is my name.

16 Q. Is that verified by your driver's license?

17 A. Yes, ma'am.

18 Q. How long has that been your name?

19 A. Ever since I married my husband. We -- my social
20 security, I had to get it changed. Everywhere. If you
21 change your name, so you've got to have it changed.

22 Q. Right. You didn't have to change your last name when
23 you married, did you?

24 A. No.

25 Q. Because you were already a Patel?

1 A. Patel. Yes.

2 Q. Okay. So the only change to your name when you got
3 married was what?

4 A. Just my middle name.

5 Q. Ana, have you had an opportunity to read any of these
6 lottery contracts through the years?

7 A. Yeah.

8 Q. If you would, look at page 3, and I'm gonna refer you
9 to paragraph three. The page numbers are at the bottom in
10 the center and then the paragraph numbers are on the left.
11 Do you see paragraph three on page 3?

12 A. Uh-huh.

13 Q. Have you read that prior to today?

14 A. I have.

15 Q. What is the gist of that paragraph? What obligations
16 have you as the retailer undertaken in reference to the
17 lottery security?

18 A. That as a representative of the State holding a
19 lottery license, I have to report the theft or loss or
20 damages of the instant or online tickets or destruction of
21 any other lottery property including, but not limited to,
22 sales termination units. I have to report it to both the
23 local law enforcement and the South Carolina Education
24 Lottery Department.

25 Q. So where does the obligation come from for you as

1 the retail holder to notify either the law enforcement
2 officers or the lottery commission that there's been a
3 theft associated with the lottery?

4 A. From the agreement with the State.

5 Q. If you don't comply with that, what consequences are
6 you aware of?

7 A. I could be penalized, lose my license as a retailer.
8 And they do not give you back that license, so I could not
9 buy another property and apply for a lottery license.

10 Q. For your whole life?

11 A. (Nods head.)

12 Q. Look at Exhibit 30, if you would, and my question to
13 you is did Vidhya ever file a worker's compensation claim
14 claiming to be an employee of the convenience store?

15 A. She did.

16 Q. And when did she do that?

17 A. 2012.

18 Q. And what was her injury; do you recall?

19 A. I think it was a back injury. She fell.

20 Q. And does the store maintain worker's comp insurance?

21 A. Yes, we do.

22 Q. Does your policy for worker's comp insurance cover
23 owners or just employees?

24 A. No, owners are not allowed to apply for the workman's
25 comp.

1 Q. Okay.

2 A. Just employees.

3 Q. Do you have security cameras in the store?

4 A. (Nods head.) We do.

5 Q. Speak out loud.

6 A. Yes, ma'am.

7 Q. How long have you had security cameras in the store?

8 A. We always have it.

9 Q. Do the employees know that you have the security
10 cameras?

11 A. Yes, they do.

12 Q. Do they know where they are?

13 A. Most of them, yeah.

14 Q. How can they tell where they are?

15 A. Well, we normally have -- we had two screens.
16 Sometimes the other screen works, sometimes one screen
17 doesn't work, so the -- the main system is in the office,
18 but the extra set of screen is outside.

19 Q. When you say the office, you mean the office in the
20 convenience store?

21 A. In the convenience store. Yes, ma'am.

22 Q. So if somebody's sitting in the office in the
23 convenience store, what, if anything, are they able to
24 observe about what's going on?

25 A. Well, there's a monitor in the office with all the

1 angles of the camera so they can see what's going on at a
2 different angle.

3 Q. In addition to the live monitoring, does the system
4 also record -- -

5 A. Yes.

6 Q. -- activities in the store?

7 A. Yes, ma'am.

8 Q. If you know where the cameras are, are you able to do
9 things around the lottery setup and/or the cash register
10 that do not get caught on camera?

11 A. Yes, ma'am.

12 Q. When Vidhya worked at the store, do you know whether
13 she had knowledge of where the video cameras were?

14 A. Yes.

15 Q. And what was her knowledge? Did she know where they
16 were?

17 A. Yes, she knew.

18 Q. How did she know that?

19 A. Because we've always had those cameras and I think
20 she knew how to operate the -- the system as well, so she
21 knew at what angle what part of the store can be seen.

22 Q. Okay. I asked you to bring for demonstrative purposes
23 only a package of lottery tickets. Can you tell the judge
24 what that is and whether it currently in its current state
25 has any value?

1 A. This does not have any value for the money because
2 it's not activated.

3 Q. And where do you have to put it in order to activate
4 it?

5 A. I have to punch in the manager ID and password in the
6 lottery terminal and scan the barcode that's only for this
7 book of tickets. Each individual ticket has its own
8 barcode. I scan the barcode and it will tell me that the
9 whole roll is not activated.

10 Q. Who had authority while working in the store to
11 activate a roll of lottery tickets?

12 A. Well, Vidhya, she managed -- she worked there, so she
13 did have that ID and password.

14 Q. Did she have her own password or did she have your
15 password?

16 A. Well, there was a manager's password, so me, Hardik
17 and her, all three of us, had it.

18 Q. Okay. In October of 2018, I believe, was Hardik
19 working in the store on weekends?

20 A. Yes.

21 Q. How long had he done that?

22 A. Well, he's -- he's been going there to take care of
23 the store ever since dad passed away so he can take care
24 of mom and also take care of the store. We had a lot of
25 improvements to do at the business, so he wanted to do it

1 himself so he would always go there.

2 Q. When he goes to Clinton on weekends to work at the
3 store, where does he stay?

4 A. He stay at the Clinton house.

5 Q. Does he still have a bedroom at the Clinton house?

6 A. Yes.

7 Q. Is that the same bedroom that you had when all four of
8 you lived under the same roof?

9 A. Yes.

10 Q. In October of 2018, did Hardik contact you regarding
11 cash he had located in his mother's house?

12 A. He did.

13 Q. What did he tell you?

14 A. He could not believe that he found so much stacks of
15 cash in the house. He was very shocked.

16 Q. What concerns, if any, did he have as a result of
17 finding that cash in her house?

18 A. He was not sure of what the cash was for at -- I mean,
19 we don't know what that cash was for, but then he was also
20 concerned about his mother because she lived by herself and
21 repeatedly told her to not keep any cash inside the house.

22 Q. Had the store been having any accounting problems
23 about this time?

24 A. Yeah. Pre -- previous to that we had discussed
25 with me, him and our accountant Gandhi that there were

1 discrepancies in the accounting, money going in -- like
2 the daily revenues that we generate at the store and from
3 that accounting the money going into the business account
4 were not matching.

5 Q. Okay. After you found -- or after Hardik found the
6 cash at his mother's house, what decisions did you and
7 Hardik make for the company regarding Vidhya's ability to
8 write checks for the company?

9 A. We removed her signature authority to write checks on
10 the businesses we had.

11 Q. And how did you go about doing that?

12 A. We went to our local BB&T in Tega Cay and we have a
13 personal banker over there and she did it for us. She
14 knew that the business account -- the money, deposits and
15 everything has always been done at the Newberry BB&T, so
16 we made sure that she wrote a letter to the manager, the
17 tellers and the other members of the Newberry BB&T branch
18 informing them that she does not have signature authority
19 from now on.

20 Q. All right. Did you and/or Hardik tell Vidhya that her
21 name had been removed from the bank account?

22 A. Well, he had that conversation with her.

23 Q. Okay. You were not present?

24 A. I was there, but he had it.

25 Q. Okay. How did she react?

1 A. She did not think it was true. She said no, why would
2 you do that.

3 Q. Speak up a little bit.

4 A. She said why would you do that, I already wrote the
5 check and I'm gonna go to the bank and I'm gonna do it.

6 Q. What checks was she talking about?

7 A. She wrote a check of five thousand four hundred
8 something.

9 Q. On the company bank account?

10 A. On the company, yes.

11 Q. And who were the checks payable to?

12 A. Herself.

13 Q. Did you tell her not to cash those checks?

14 A. Hardik did.

15 Q. Hardik did. And you observed that yourself?

16 A. Yes.

17 Q. Did she get angry?

18 A. Yes.

19 Q. What did she say she was gonna do?

20 A. She said she has to go to the bank to deposit the
21 money in the account, so she's gonna go and deposit this
22 check because it has already been written, so she's gonna
23 deposit it.

24 Q. Okay. What occurred to your knowledge when she
25 presented those checks to the BB&T in Newberry?

1 A. Okay. So next day as we were looking at our online
2 banking, we saw the check clearing from the account, so me
3 and Hardik went to, again, the local BB&T, told them that
4 you know that two days go she does not have a signature
5 authority, how can this check be cleared if she does not
6 have a signature authority, it was an error on their part,
7 so we sat in the manager's chambers, talked to her, she
8 said let me fix it, try to reverse the transaction. She
9 could not reverse the transaction because the money that
10 went into Vidhya and Hardik's account, that account had
11 been closed. So --

12 Q. All right. Did Hardik close that account?

13 A. No, Hardik did not close that account. Me and him
14 were sitting in Anna Givens (ph.), she's the manager, so
15 as a result they put a froze on our business accounts.

16 Q. BB&T did?

17 A. BB&T did. Yes, ma'am.

18 Q. On all of the accounts related to the business?

19 A. Yes, ma'am.

20 Q. What did you have to do at that time when BB&T froze
21 the accounts?

22 A. It was a living nightmare.

23 Q. Tell us -- tell us a little bit about the living
24 nightmare.

25 A. They froze the business account and the business

1 account that we had so many electric transactions that are
2 done every day, payments going in -- coming in, going out,
3 they froze the account because they said there had been a
4 fraud happen on the --

5 MR. MOORE: I object to the hearsay, please,
6 Your Honor.

7 THE WITNESS: Sorry.

8 THE COURT: Just answer her questions as to what
9 happened, not what somebody said.

10 THE WITNESS: I'm sorry?

11 THE COURT: Just answer the questions as to what
12 happened, not what somebody.

13 THE WITNESS: Yes.

14 MS. BALLARD: Right.

15 BY MS. BALLARD:

16 Q. Tell me about the -- without telling me what the bank
17 said, tell me about the nightmare with the freezing of the
18 business accounts.

19 A. Okay. So the accounts froze, so all the transactions
20 had been frozen by the bank, any transaction. So we had a
21 day or two to open new accounts and transfer the funds that
22 we had in that account to another business account because
23 we had to open a whole new business account.

24 Q. In another bank?

25 A. In another bank because BB&T closed it and they -- and

1 we could not do our day to day business. We have gas bills
2 coming in and out, grocery. We have more than five to
3 seven vendors that come every week. Their checks get
4 cleared out of the business account. So for that whole
5 week the -- the transaction, how it worked, before we get
6 it set up to another bank I had to go -- I had to -- I had
7 to contact my vendor, get the amounts that they were gonna
8 get out of my account, take that information, go to the
9 BB&T, sit in this office, wait for them to get it approved
10 by their headquarters and then they would clear that
11 process.

12 Q. So are you -- are you referring to the last checks
13 that had been written out of the BB&T business accounts?

14 A. The checks and some were auto payments, too.

15 Q. Okay. Auto payments.

16 A. So let's say the very next day this happened we had --
17 we had to pay our gas vendor, which was \$30,000.

18 Q. And he's paid out of which account?

19 A. The business account.

20 Q. Okay.

21 A. So if -- when he would do -- he didn't know what
22 happened, so if he tried to get the payment that BB&T would
23 stop him getting the money so then he would -- we break his
24 contract according to him because he had to get his money
25 for the gas that he provided us.

1 Q. Once you got the new company business account up and
2 running, whose name was on it as an authorized signatory?

3 A. After the new?

4 Q. When you opened the new business account for the
5 company, who were the signatories on the account?

6 A. It was me and Hardik.

7 Q. All right. Was Vidhya added at any time to the new
8 account?

9 A. No, ma'am.

10 Q. Did she even know where the new account was?

11 A. No, ma'am.

12 Q. Did she ask?

13 A. No.

14 Q. Did you allow Vidhya to continue to work in the store?

15 A. Yes.

16 Q. And did you continue to pay her for working in the
17 store?

18 A. Yes.

19 Q. Once Ramesh had died, what changes, if any, did you
20 make to the salary that you paid Vidhya?

21 A. She always got 2,000.

22 Q. A month?

23 A. Uh-huh.

24 Q. Okay. So did that change after dad died?

25 A. No.

1 Q. Did you have -- do you have outside people who were
2 also employed in the store?

3 A. Yes, ma'am. We've always had outside help even when
4 he worked there, too.

5 Q. Even when Ramesh was alive?

6 A. Yes.

7 Q. Okay.

8 A. Because they were actively involved in their temple
9 activities, so there were weeks, weekends, they would not
10 be present.

11 Q. Weeks that who would not be present?

12 A. Ramesh or Vidhya.

13 Q. Okay. Around Thanksgiving of 2018, what, if anything,
14 did you ask Hardik to do about looking at the security
15 system tapes at the store? Did you ask Hardik to look --

16 A. He was working -- he was working at the store and --
17 and so I -- I asked him to check the security footage.

18 Q. How far back did the security footage go?

19 A. I don't know. Maybe a week, I think. I'm not exactly
20 sure.

21 Q. All right. When we were at the trial in February, we
22 introduced Exhibit Number 4, and I'm not gonna approach
23 you, but I think you can see it. Can you tell the Court
24 what Exhibit Number 4 is?

25 A. It's a cash register.

1 Q. And who's that standing at the cash register?

2 A. Vidhya.

3 Q. Where was this still shot taken from?

4 A. The camera from the -- above.

5 Q. The security camera?

6 A. Uh-huh.

7 Q. When Hardik reviewed the security footage from the
8 cameras at the store, did he contact you?

9 A. He called me and he FaceTime'd me. Yes, ma'am.

10 Q. And for the purposes of the record, would you -- would
11 you tell the Court what FaceTime is?

12 A. Yes. Video calling from one phone to another phone
13 only done on Apple phones -- iPhones.

14 Q. Okay. So where were you at the time you received this
15 phone call?

16 A. I was at home with my kids.

17 Q. All right. Were you able to see the video that Hardik
18 was looking at?

19 A. Yes, ma'am.

20 Q. Did you watch the video that Hardik was looking at?

21 A. Yes, ma'am.

22 Q. What did you observe on the video?

23 A. I observed that Vidhya taking -- activating the book
24 of lottery and putting it -- taking it with her, putting it
25 in her pocketbook.

1 Q. Did you see any other wrongful conduct recorded on the
2 video?

3 A. Yes. She --

4 MR. MOORE: Objection, Your Honor. There's nothing
5 to indicate it's wrongful conduct. She can testify to
6 what she saw, but to say that it's wrongful conduct --

7 THE COURT: You can -- you can clear it up on
8 cross-examination.

9 Go ahead.

10 BY MS. BALLARD:

11 Q. Did you see any other conduct that you considered
12 improper on the video that Vidhya was engaging in?

13 A. Yes. She was holding the whole book of lottery
14 tickets and cashing it one by one.

15 Q. And what do you accomplish when you stick them in
16 there one by one?

17 A. Well, normally we don't sell the whole roll like that
18 to anybody.

19 Q. Right.

20 A. It has to be individual tickets.

21 Q. Okay.

22 A. So I guess the purpose for this could be --

23 MR. MOORE: Your Honor, I object to the
24 speculation when she said she guessed the purpose
25 could be.

1 THE COURT: All right. I understand. I got it.

2 Rephrase your question.

3 BY MS. BALLARD:

4 Q. What did you see Vidhya doing with the connected roll
5 of --

6 A. Cashing it out, the whole roll.

7 Q. The whole roll?

8 A. (Nods head.)

9 Q. What did you see her doing?

10 A. Scanning it and checking if it's a winner or not and
11 if it's the winner, then get a receipt out and she would
12 put it on the side of how much money that is won off of
13 that ticket.

14 Q. And were you able to clearly observe that on the
15 video?

16 A. Yes.

17 Q. Were you upset by that?

18 A. Very much.

19 Q. Was Hardik upset by that?

20 A. He was very much upset. Both of us were very upset
21 and we never expected to see something like this, that she
22 would retaliate in doing something like this.

23 Q. What do you mean when you say she retaliated?

24 A. Because this happened after we removed her signature.

25 Q. From the bank account?

1 A. From the bank account, right.

2 Q. So you didn't see it -- did you see any footage
3 prior to removing her from the bank account where she was
4 mishandling the lottery tickets?

5 A. We -- we had no reason to check the cameras, so if she
6 did, then we didn't check the camera system.

7 Could you hand me that water bottle?

8 MS. BALLARD: Oh, of course. Which bottle is hers?

9 THE COURT: You're probably about to get a break.
10 We've been going almost an hour and twenty-five minutes.

11 MS. BALLARD: I'm so sorry, Your Honor.

12 THE COURT: That's okay.

13 MS. BALLARD: I happy to take a break.

14 THE COURT: Okay. I think we should. How much
15 more do you got though? I'm trying to plan lunch.

16 MS. BALLARD: We probably should take a lunch
17 break. Do you want to do it now?

18 THE COURT: I do.

19 MS. BALLARD: Okay. That's fine.

20 MR. MOORE: Judge, could we get an approximate
21 amount of --

22 THE COURT: She didn't answer that question yet.
23 I'm not gonna make her. She didn't ask you. I'm
24 biding my time, too, so I don't want to hold her to
25 anything. Y'all both have been given latitude and

1 I'm gonna continue to do so.

2 MS. BALLARD: What time do you want us back?

3 THE COURT: It's 12:20. Is 1:15 good enough? Is
4 that enough time?

5 MS. BALLARD: I think that should work.

6 THE COURT: So it's a short hour.

7 MS. BALLARD: Thank you, Your Honor.

8 MR. MOORE: Thank you, sir.

9 MS. BALLARD: Your Honor, would you instruct her
10 not to --

11 THE COURT: Ma'am, you can't talk about your
12 testimony with anybody, particularly your lawyer, all
13 right? So just no conversation of anything other than
14 the nice weather.

15 THE WITNESS: Okay.

16 MS. BALLARD: Thank you very much, Your Honor.

17 (Whereupon, a luncheon recess was taken at
18 12:20 PM.)

19 (Back on the record at 1:17 PM.)

20 THE COURT: All right. Back on the record.

21 Ms. Ballard.

22 MS. BALLARD: Yes. Thank you, Your Honor.

23 BY MS. BALLARD:

24 Q. Ana, you've talked about what you had seen on the
25 video from the security system at the store. Have you

1 provided me with an excerpt of that video?

2 A. We have.

3 Q. Have you -- during the break, did you watch the video
4 so you can tell me -- tell the Court what it is?

5 A. Yes.

6 MS. BALLARD: Your Honor, I'm gonna play a
7 one-minute excerpt from the video.

8 THE COURT: Okay. This has been exchanged?

9 MS. BALLARD: No, he -- he never served discovery
10 on me.

11 THE COURT: Okay. Well, he can see it.

12 MS. BALLARD: I'll play it again for him, if you'd
13 like.

14 THE COURT: Okay. This is where that still --
15 this is where the still shot came from, correct?

16 MS. BALLARD: Yes, sir.

17 THE COURT: Okay.

18 MR. MOORE: I don't have any problem, but --

19 MS. BALLARD: I'm already playing it, Jake.

20 THE COURT: You're gonna see it in just a moment.
21 Or do you want to see it first?

22 MR. MOORE: I don't have any problem seeing it,
23 but is she testifying that they worked on that over the
24 break, over the lunch?

25 THE COURT: No, she viewed it over the break to

1 see --

2 MS. BALLARD: I had her review it over the break.

3 MR. MOORE: That's fine. I don't have any problem
4 with that.

5 THE COURT: Okay.

6 MS. BALLARD: I'll back it up.

7 (Video playing.)

8 MS. BALLARD: Thank you, Your Honor. That was one
9 minute and nine seconds.

10 Did you want to see it, Jake?

11 MR. MOORE: I would love to see it.

12 MS. BALLARD: Okay. Let me set it up and you can
13 come turn it on.

14 MR. MOORE: Sure.

15 Your Honor, might I inquire is this just pictures
16 of her running them through?

17 THE COURT: Uh-huh.

18 MR. MOORE: I don't need to see it. That's fine.
19 Thank you so much.

20 BY MS. BALLARD:

21 Q. Ana, how much video estimated time did you and Hardik
22 locate on the security video of Vidhya at the store when
23 Hardik looked at it over the Thanksgiving weekend?

24 A. It was two days.

25 Q. You watched two days' worth?

1 A. (Nods head.) We were shocked by the dates because
2 one of the dates that she was shown on the video doing it
3 at that same exact time on that day her brother from Ohio
4 was sitting in my house in Tega Cay asking us questions
5 why we removed her signature from the bank account and why
6 we're not treating our mother right.

7 Q. Okay. After you saw the video, what did you and
8 Hardik do about adding additional security cameras in the
9 building?

10 A. He went the next day in the morning, early morning,
11 and he purchased new cameras, new system. An extra set
12 of cameras. I would say an extra set of cameras and he
13 himself put it up.

14 Q. And when was that?

15 A. The date?

16 Q. Approximately using the holidays as a reference. The
17 date on the video that we just watched was 11-24-18. Does
18 that assist you?

19 A. I think he saw it a couple of days after, so I'm not
20 exactly sure. Towards the end of November I would say.

21 Q. Okay.

22 A. Or -- yeah, towards the end of November.

23 Q. After you put up the additional security camera, did
24 Vidhya continue to work at the store?

25 A. She would come in. She came in one day, she noticed

1 the cameras where they weren't before and after that she
2 did not come in. She worked only one day on the 25th of
3 December.

4 Q. Okay. Through the month of November and December,
5 did she receive her regular paycheck?

6 A. Yes.

7 Q. Do you remember going to meet with Thomas Jeter?

8 A. Yes, ma'am.

9 Q. What issues did you discuss with Mr. Jeter?

10 A. Multiple issues.

11 Q. Well, let me -- let me break it down then. With
12 reference to the bank account.

13 A. In reference to the bank account, yes.

14 Q. What did you talk to Mr. Jeter about with the bank
15 account?

16 A. We asked him that BB&T has closed our accounts and it
17 was so hard for us to manage our day to day operations for
18 the store and what can be done about this.

19 Q. Okay. And don't tell me what he said.

20 A. No, I won't.

21 Q. Did you also discuss with him the video, a longer
22 video than the one we just watched?

23 A. That was after a couple of our meetings, yes, when
24 we discovered it, yes. And then also he suggested about
25 forming the new corporation.

1 MR. MOORE: Objection, please, Your Honor, to
2 the hearsay.

3 MS. BALLARD: I'll rephrase the question,
4 Your Honor.

5 THE COURT: Yeah, rephrase the question. Just
6 as long as you don't say what he said.

7 MS. BALLARD: Right.

8 THE COURT: He's testified to some of that
9 information.

10 MS. BALLARD: Yes, sir.

11 BY MS. BALLARD:

12 Q. After you met with Mr. Jeter and discussed -- well,
13 let me ask you this. Did you discuss the video with
14 Mr. Jeter as well?

15 A. Yes, ma'am.

16 Q. Did you provide with Mr. Jeter a copy of the retail
17 contract with the lottery commission?

18 A. Yes.

19 Q. Don't tell me what he said. Did Mr. Jeter provide you
20 with advice?

21 A. Yes.

22 Q. Did he provide you with advice about communicating
23 with the lottery commission?

24 MR. MOORE: Your Honor, objection. That would be
25 hearsay.

1 THE COURT: I think he's already testified to
2 some of that.

3 MS. BALLARD: He has. I'm trying to move it
4 along.

5 BY MS. BALLARD:

6 Q. What, if anything -- did y'all discuss --

7 THE COURT: How about the next question?

8 MS. BALLARD: I'm sorry?

9 THE COURT: You were gonna say what did you do as
10 a result of talking to him.

11 MS. BALLARD: Right.

12 THE COURT: I thought that was your question
13 coming out.

14 MS. BALLARD: That's what I was trying to do
15 without leading.

16 BY MS. BALLARD:

17 Q. After you met with Mr. Jeter and showed him the video,
18 the several days' video, and showed him the video -- I'm
19 sorry, the lottery license, what, if anything, did you have
20 -- did you do after meeting with Mr. Jeter?

21 A. Contact the lottery.

22 Q. Say that louder for us.

23 A. Contact the lottery commission.

24 Q. In your own review of your obligations under the
25 lottery contract, were you aware of what your obligations

1 were?

2 A. Yes.

3 Q. And what were your obligations under the lottery
4 contract?

5 A. Any misdeed of the lottery tickets it's property of
6 the State and we have to notify them.

7 Q. You have to notify who?

8 A. Notify the lottery commission.

9 Q. Okay. Do you have to notify anybody else?

10 A. And the local law enforcement.

11 Q. Okay. Did you confront Vidhya about what you had seen
12 on the videotape?

13 A. No, ma'am.

14 Q. So the month of December, how many days did she work?

15 A. Did she work?

16 Q. Yes.

17 A. She only came to work on the 25th.

18 Q. Of December?

19 A. Of December.

20 Q. And do you know how it was that she came to work on
21 that day?

22 A. Because of Christmas, my -- all my employees, they
23 needed a day off, and one of them reached out to her asking
24 her to work.

25 Q. Okay. Ana, did you guys have visitors in town over

1 Christmas of 2018?

2 A. Yes. My whole December of '18 I had visitors from
3 Singapore, India, Arkansas, Illinois. I had a house full
4 of people to entertain in and out that whole month.

5 Q. When did your schedule clear? Did it clear at the end
6 of December or the beginning of January?

7 A. Beginning of January.

8 Q. All right. At what point did you contact the lottery
9 commission?

10 A. In January.

11 Q. What part of January?

12 A. Somewhere about mid January.

13 Q. Okay. And did you notify -- did you have a
14 communication with the lottery commission?

15 A. Yes.

16 Q. Did you make any additional phone calls in addition
17 to that?

18 A. As a result of talking to the lottery commission, I
19 had to contact the local law enforcement.

20 Q. Did you meet with law enforcement?

21 A. Yes.

22 Q. Did Hardik meet with law enforcement with you?

23 A. Yes.

24 Q. What, if anything, did you give to law enforcement or
25 show to law enforcement about the lottery?

1 A. They asked for the videos.

2 Q. Were you -- are you aware of your own knowledge that
3 your husband provided a copy of the videos to them?

4 A. Yes.

5 Q. Okay. Ana, is that something you wanted to do?

6 A. (Shakes head.) No, ma'am.

7 Q. Why not?

8 A. She's his mother.

9 Q. She's his mother?

10 A. (Nods head.)

11 Q. I think I know, but why did that make it hard?

12 A. It was the hardest decision. I had talked -- after
13 talking to Thomas and his advice, that I had no other
14 choice but to report her. It was really hard, in addition,
15 on Hardik.

16 Q. And we heard from Thomas that Hardik formed a new
17 corporation.

18 MR. MOORE: Objection, please, Your Honor, as
19 to what Thomas would have said.

20 MS. BALLARD: I'm sorry, what?

21 MR. MOORE: I object to the hearsay of what
22 Thomas said.

23 MS. BALLARD: Do you want me to rephrase it?

24 THE COURT: Please. Please try.

25 MS. BALLARD: Thank you, Your Honor.

1 BY MS. BALLARD:

2 Q. As a result of talking with Thomas and reviewing your
3 obligations under the lottery contract, when you made the
4 contact to the lottery commission and law enforcement, was
5 that hard for you to do?

6 A. Yes, ma'am.

7 Q. Did you rely in any way on your conversations with
8 Mr. Jeter in making those reports?

9 A. Yes.

10 Q. Was it harder to do that than it would have been with
11 just an ordinary employee?

12 MR. MOORE: Your Honor, I would object. Whether
13 she had some sort of emotional struggle in having the
14 mother prosecuted for the lottery tickets would really
15 not be relevant to the facts of this case in my humble
16 opinion.

17 MS. BALLARD: Your Honor, they have --

18 THE COURT: I'm gonna -- I'm gonna allow the
19 question.

20 MS. BALLARD: Okay. Thank you, Your Honor.

21 BY MS. BALLARD:

22 Q. So your husband set up a new corporation in the
23 beginning of 2019; is that correct?

24 A. January 1st.

25 Q. And how did y'all move forward with the operation of

1 the store after that new corporation was created?

2 A. His corporation leased from AAHARVID, LLC.

3 Q. Okay. And is that the corporation under which it
4 continues to do business?

5 A. Siya Veer, Incorporation.

6 Q. And what is Siya Veer?

7 A. S-I-Y-A V-E-E-R, Incorporation. They're my two kids.

8 Q. Okay. What, if anything, did you do about the
9 employment of the people who had worked for AAHARVID for
10 the end of 2018? Did you communicate with them in any way?

11 A. At the end?

12 Q. Yes.

13 A. Well, after getting the advice from our counsel, then
14 we had to do a layoff for all the employees who were
15 working there.

16 Q. All right. Did that include Vidhya?

17 A. Yes.

18 Q. Did the new corporation hire any of those employees
19 back after the first of the year?

20 A. No.

21 Q. Did Vidhya file a claim for worker's -- or, excuse me,
22 for unemployment?

23 A. She did.

24 Q. If you would look at Exhibit Number 41. There's
25 two pages here. Can you tell the Court what these

1 two pages represent?

2 A. This is the employment application for the separation
3 of employment.

4 Q. All right. And to whom did you transmit this
5 information?

6 A. To -- can you say that again? I'm sorry.

7 Q. I'm sorry. Who did you send this information to?

8 A. The unemployment work force.

9 Q. Did you dispute Vidhya obtaining unemployment?

10 A. No, ma'am.

11 Q. Were you aware of whether or not she received
12 unemployment?

13 A. She did. She -- she received all of her unemployment
14 benefits.

15 Q. After the first of the year when the store started
16 operating under the new -- the new company, did Vidhya
17 continue to come into the store?

18 A. No.

19 Q. Did Vidhya communicate with you and/or Hardik or any
20 employees of the store after the first of the year?

21 A. Not with me or Hardik, but with the employees at the
22 store.

23 Q. Did she -- did she come to the store -- to the store
24 property for any purpose after the first of the year?

25 A. She would come in the parking lot. She would stay

1 there for a few minutes out in the parking lot and try to
2 call the person who's working there at the register to come
3 out. We had a couple of incidents happened. Can I tell
4 you about that?

5 Q. Yes. Tell me what happened.

6 A. Okay. One time she came at night, she stood by the --
7 one of the pumps, parked her car for thirty minutes and --
8 waiting for my employee to -- the employee to go out.
9 While she approached her, Vidhya said that she does not
10 have any money for the gas, that she wants money for the
11 gas. And another time she was -- she would just come,
12 drive around the parking lot, sometimes park the car on the
13 side and come out and talk to the customers, try and tell
14 the customers that my son has kicked me out, don't go,
15 don't do business over here, this is not a nice place.

16 Q. Without telling me what was said, did you have any
17 complaints from customers?

18 A. Well, they would come in the store and then, you know,
19 we would find out the conversation.

20 MR. MOORE: Your Honor, I'd object and ask it be
21 stricken. That apparently what's happened is this
22 testimony is the basis of hearsay, what the customers
23 were saying. I don't think she's now -- I think she's
24 admitted now she didn't hear those conversations herself.

25 THE WITNESS: If I was there --

1 MS. BALLARD: Wait. Hold on.

2 THE WITNESS: I'm sorry.

3 THE COURT: I don't think she said what was said.
4 She said we found out there was a conversation outside
5 and that was it, so next question.

6 BY MS. BALLARD:

7 Q. My next question was did you have any customers
8 complain to you or did Hardik have any customers complain
9 to him about Vidhya's behavior?

10 A. Yes.

11 Q. At some point did you contact the police and sign a
12 trespass notice against Vidhya?

13 A. Yes, ma'am.

14 Q. And why did you do that?

15 A. Because of this reason.

16 Q. I'm sorry?

17 A. Because of her coming, bothering my employees and
18 disturbing the business.

19 Q. Okay. Have you and Hardik cooperated with the lottery
20 commission and/or with law enforcement?

21 A. After?

22 Q. When you made the report.

23 A. Yes.

24 Q. Okay. Has law enforcement stayed in touch with you
25 and kept you informed of what's going on with the criminal

1 charges?

2 A. No, ma'am. No, ma'am.

3 Q. Did you have any advance notice or knowledge that
4 Vidhya was gonna be arrested?

5 A. No, ma'am.

6 Q. How did you find out that Vidhya had been arrested?

7 A. The next day one of my employee's mother heard it on
8 the radio.

9 Q. Okay. What did you do when you found that out?

10 A. We were shocked and upset about it and contacted you.

11 Q. All right. Thank you. Ana, when we talked -- excuse
12 me. Hardik told us that you guys bought your house in
13 Tega Cay in 2017.

14 A. Correct.

15 Q. Does that sound about right?

16 A. Correct. 2017.

17 Q. How large is that house?

18 A. It's a 4,000 square feet home.

19 Q. Two stories?

20 A. Two stories.

21 Q. Did Vidhya ever come to visit at that house?

22 A. Yes.

23 Q. What requests, if any, did Vidhya make about having a
24 bedroom at that house?

25 A. After we bought the house, they would come -- when dad

1 was alive, even then and even after he passed away, they
2 would come and visit us with the kids. And I have two
3 master bedrooms upstairs; one is ours and the other I gave
4 to my daughter, but she demanded that she wanted that
5 second master bedroom.

6 Q. For herself?

7 A. For herself when -- whenever she comes visit us.

8 Q. Who occupies that second bedroom upstairs?

9 A. That is my daughter's bedroom.

10 Q. Okay. Did Vidhya ever ask either before or after
11 Ramesh died to come live with you in Tega Cay?

12 A. No.

13 Q. What is the first time that you heard or learned that
14 Vidhya was claiming an interest in Hardik's house and your
15 store?

16 A. When this lawsuit.

17 Q. This lawsuit?

18 A. (Nods head.)

19 Q. And the record will reflect when the lawsuit was
20 filed. What did you do when you received the lawsuit?

21 A. It was 6:45 in the morning when we were served by
22 this, so we were really shocked. I was coming home from
23 the bus stop dropping my daughter off at school and we
24 contacted Thomas Jeter.

25 Q. Okay. And thereafter what, if anything, did you do

1 regarding the lawsuit?

2 A. We tried --

3 Q. Let me lead you a bit. Did you hire me?

4 A. Yes.

5 Q. Okay. Thank you.

6 A. Yes, we got in touch with you.

7 Q. Okay. All right. Tell us just a short bit about your
8 ownership interest of the Newberry hotel. How did that
9 come about?

10 A. When the Newberry hotel was purchased, during that
11 purchase 40 percent of the shares -- I acquired 40 percent
12 of the shares.

13 Q. How did you acquire them?

14 A. I cannot remember the exact transaction at this point.

15 Q. Did you pay any money for them?

16 A. I don't remember.

17 Q. Okay. At some point did you share those shares with
18 someone else?

19 A. Yes. In 2009, we split my 40 percent. I split my
20 shares to my husband, then we became 20/20 percent
21 shareholders.

22 Q. And at some point did you give up your shares in the
23 hotel?

24 A. Yes, ma'am.

25 Q. And why was that?

1 A. When Ramesh was the manager at the Newberry hotel
2 managing the store and --

3 Q. Say that again.

4 A. Ramesh was the manager at the Newberry hotel, managing
5 the hotel, and Prakash was a 60 percent owner of that
6 hotel. That being said, he found Ramesh --

7 MR. MOORE: Objection, please, as to the hearsay.

8 BY MS. BALLARD:

9 Q. What were the circumstances under which you
10 surrendered your stock to --

11 A. Because there was -- there were mishandling of funds
12 by Ramesh and --

13 MR. MOORE: Objection, please, Your Honor,
14 unless she knows that of her own personal knowledge.

15 THE COURT: Aren't there documents that say that?

16 MS. BALLARD: Yes, Your Honor.

17 MR. MOORE: They're not any documents that say
18 he mishandled any funds, there are documents that said
19 there were accounting differences.

20 THE COURT: I got it. I mean, there's a difference
21 in accounting. We're not presenting to a jury, so I'm
22 not so worried about the verbs.

23 MS. BALLARD: Thank you, Your Honor.

24 I think we've already talked about these documents.
25 I just want to --

1 THE COURT: That was when the memorandum of
2 understanding was written, wasn't it?

3 MS. BALLARD: That was it. Yes, sir. I won't ask
4 her about that. We've already covered that.

5 BY MS. BALLARD:

6 Q. Ana, what immigration status did Ramesh have when you
7 first met him?

8 A. H-1B.

9 Q. H-1B as in boy?

10 A. Uh-huh.

11 Q. What does that mean?

12 A. That's a work permit visa that they pay higher taxes
13 and they can legally work in the United States.

14 Q. And how does that differ from a green card?

15 A. A green card is a permanent resident. With H-1 you
16 have to come in United States on the petition on your work
17 base, so a company has to petition you to come to United
18 States. For a green card you come on a family's petition
19 as a permanent resident, whoever was a citizen already
20 living in the United States. So for a H-1 status person,
21 when they come on H-1, the company that petitioned them
22 they have to only work at that company.

23 Q. And for green card status, have you researched this
24 for your own purposes?

25 A. Yes.

1 Q. What is your knowledge from your research as to
2 whether green card holders can own property in the United
3 States?

4 A. Green card holders can own property in United States
5 and H-1 status can own property in United States. With H-1
6 they can own -- no bank will deny you -- in United States,
7 no bank can deny you the loan depending on your immigration
8 status. H-1 person can own a house, H-1 person can invest
9 in a business in foreign based and U.S. based companies.
10 They can get a passive income out of that business, but
11 they cannot get profit or the salary out of it.

12 Q. Okay. And did Ramesh ever obtain his green card?

13 A. Yes.

14 Q. In approximately what year did he obtain that?

15 A. 2013.

16 Q. 2013?

17 A. Uh-huh.

18 Q. After 2013, at any time did Ramesh ask you to convey
19 any interest in the store to him?

20 A. No, ma'am.

21 Q. Using Ramesh's death as a point in time, when is the
22 first time anyone claimed that the store and/or the house
23 -- that Vidhya had some interest in the store and in the
24 house?

25 A. After he passed away.

1 Q. And who -- who made that statement after he passed
2 away?

3 A. She did.

4 Q. She, being Vidhya?

5 A. Vidhya. The question arise after he passed away.

6 Q. What did she say? What did Vidhya say?

7 A. I never had a conversation with her.

8 Q. Okay. Well, then don't tell me. During the period of
9 time that Ramesh worked at the Newberry hotel, did he work
10 at the store much?

11 A. No. He would come and go, but that was his primary
12 job at the hotel, managing the hotel.

13 Q. Okay. Did Vidhya after Ramesh's death ever ask you to
14 giver her an interest in the store?

15 A. She asked Hardik.

16 Q. Okay. But she didn't ask you?

17 A. No.

18 Q. Did you -- were you present when she made the request?

19 A. (Shakes head.)

20 Q. Okay. So we'll leave that alone. Ana, did -- did
21 you file criminal charges against Vidhya in retaliation for
22 something?

23 A. No, ma'am.

24 Q. Why did you notify the police about the behavior that
25 you observed on the videotapes?

1 A. I acted on my counsel's advice.

2 Q. Okay. Have you seen a difference in Hardik and in
3 your relationship since -- since Ramesh died and Vidhya
4 stopped working in the store?

5 A. From my husband.

6 Q. What difference have you noticed in your husband and
7 in your life?

8 A. I -- I can see him becoming a better person. He
9 doesn't have to constantly worry about pleasing somebody
10 and --

11 Q. How does that affect your relationship?

12 A. Our relationship has gotten stronger and better.

13 Q. Are you and he equal in terms of decision-making in
14 your household?

15 A. Yes, always.

16 MS. BALLARD: One moment, Your Honor.

17 (Pause in proceedings.)

18 MS. BALLARD: I'm sorry. One other question.

19 BY MS. BALLARD:

20 Q. Your parents' store in Augusta, who did they buy that
21 from?

22 A. Prakash.

23 Q. And that's the same Prakash that arranged Hardik's --
24 or your purchase of the store?

25 A. Yes, and he also -- the way he owner financed us, he

1 also owner financed them as well.

2 Q. Okay. So you were familiar with that process from
3 your parents' store?

4 A. Yes.

5 Q. Okay.

6 MS. BALLARD: Please answer any questions
7 Mr. Moore has.

8 CROSS-EXAMINATION

9 BY MR. MOORE:

10 Q. That's the same Prakash who's not here today?

11 A. Yes, sir.

12 Q. That's the same Prakash that you testified had spoken
13 with your lawyer, Ms. Ballard?

14 A. Yes, sir.

15 Q. Do you know when Prakash actually spoke with
16 Ms. Ballard?

17 A. No. No, sir.

18 Q. Do you know who made the determination for him not to
19 be here today?

20 A. No, sir.

21 Q. Do you know when the -- the determination was made for
22 him not to be here today?

23 A. I'm sorry. Can you say that again?

24 Q. Was the determination for -- that Prakash not to be
25 here today, was that decision made before or after he spoke

1 to Ms. Ballard?

2 A. I have no -- I don't -- I don't have any idea on
3 Prakash's answer.

4 Q. All right. And you've already testified at the last
5 -- at the hearing over in Laurens, right?

6 A. Yes, sir.

7 Q. Now you're a highly educated person, aren't you?

8 A. I'm educated.

9 Q. What are your degrees?

10 A. I have associate's and bachelor's.

11 Q. And your bachelor's degree is in what?

12 A. In health information management.

13 Q. And you do know that Mr. and Mrs. Patel spent large
14 sums of money on Hardik's education and on your wedding,
15 correct?

16 A. Correct.

17 Q. Do you have any idea where they got that money from?

18 A. I have no knowledge of their personal finances.

19 Q. Now, Mrs. Patel, I believe, Vidhya Patel, actually
20 helped you with your children; did she not?

21 A. We -- can I explain?

22 Q. Did she babysit your children?

23 A. I'm sorry?

24 Q. Did she babysit your children?

25 A. For a day or two.

1 Q. That's all? In the entire time in their lives she's
2 only a day or two?

3 A. Not -- not in the entire -- a day or two in a week.
4 We did not live together after my kids were born, so I
5 cannot say that she helped me raise my kids. I practically
6 raised both of my kids by myself.

7 Q. Well, did she look after your children a day or two a
8 week?

9 A. Yes, sir.

10 Q. And how much did you pay her to do that?

11 A. I did not pay her anything.

12 Q. Where was it that you took the children for her to
13 look after them?

14 A. She would come to where we live.

15 Q. And where was that?

16 A. She had come to my Charlotte apartment, she had come
17 to my Columbia -- I'm sorry, Camden house. She has also
18 come to my Tega Cay house.

19 Q. When she was let go from the convenience store, what
20 is it you contend that actually belonged to her?

21 A. I don't understand the question.

22 Q. Well, you have lived in and around this family for a
23 number of years. When you let her go from her job, did she
24 have a house that belonged to her?

25 A. She lived in our house.

1 Q. No, I asked you did she have a house that you contend
2 belonged to her?

3 A. That she owned?

4 Q. Yeah.

5 A. No.

6 Q. Did she have a business that she owned?

7 A. At the time we let her go, she owned the -- the
8 ownership interest of my father's Florence hotel.

9 Q. Yes, but that was being managed by somebody else.

10 A. Correct.

11 Q. And she only owned a portion of that.

12 A. Correct.

13 Q. And that business was owned in partnership. I want to
14 know if she had a business that she owned.

15 A. Not that I'm aware of.

16 Q. Did she have any visible means of support at all that
17 you know of at the time you let her go?

18 A. No.

19 Q. Now when Mr. Patel died, he was how old?

20 A. Sixty-four, I think.

21 Q. And he had worked his whole life?

22 A. He did.

23 Q. Other than the interest in the hotel in Florence
24 according to you, did he own a home, a house?

25 A. No.

1 Q. Did he own a business?

2 A. In Florence.

3 Q. He -- he had an interest in the hotel. I said other
4 than the interest he had in the hotel, did he own a
5 business?

6 A. I -- no, sir.

7 Q. Well, if the man had worked his entire life, are
8 you telling me according to you all he had to show for it
9 was a -- was a minority interest in a hotel in Florence?
10 That's all he had?

11 A. To my knowledge.

12 Q. And, of course, you were how old when he died?

13 A. I was thirty-three.

14 Q. And according to you, you owned the house that
15 Mrs. Patel lived in, right?

16 A. Yes, sir.

17 Q. And you owned the business that she worked at?

18 A. Yes, sir.

19 Q. And you owned the real estate of the business that she
20 worked at?

21 A. Yes, sir.

22 Q. And you -- the last time we were in court and your
23 husband was testifying, at some point in time while he was
24 on the stand you held up a photograph of your two children.
25 Do you remember doing that?

1 A. Yes, I do.

2 Q. Why did you do that?

3 A. To give him strength.

4 Q. Oh, you were trying to assist him as he testified?

5 A. No, sir.

6 Q. I see.

7 A. I was trying to make it better for him.

8 Q. Now you say that equal rights is in your tradition,
9 right?

10 A. In my family.

11 Q. And you and your husband make all decisions together,
12 right?

13 A. Right.

14 Q. So the decision to terminate your mother-in-law, y'all
15 made that decision together?

16 A. It was a business decision, sir.

17 Q. I didn't ask you if it was a business decision.

18 Obviously it was a business decision, but the decision to
19 basically put her on the street, y'all made that decision
20 together?

21 A. I'm sorry, sir. That's different because we are
22 talking about business, not personal decisions, making it
23 together.

24 Q. Well, did you and he make the decision to terminate
25 her together?

1 A. We consulted with our accountant and we made the
2 decision that we had to make.

3 Q. Well, you and he did that decision together, right?

4 A. Yes.

5 Q. And the decision to evict her from her home, y'all
6 made that decision together?

7 A. We've never --

8 MS. BALLARD: Objection, Your Honor. There's been
9 no evidence that there was an effort to evict her from
10 her home.

11 THE COURT: Rephrase the question.

12 BY MR. MOORE:

13 Q. The decision to not pay the power bill, did y'all make
14 that decision together?

15 A. I'm sorry, can you say that again?

16 Q. Certainly. The decision not to pay the power bill,
17 did y'all make that decision together?

18 A. We decided to transfer the power bill to her name.

19 Q. And as a result of that decision, that decision was
20 made together, you and your husband, right?

21 A. Yes.

22 Q. And you knew that decision resulted in the power being
23 turned off on your mother-in-law?

24 A. I have no knowledge of it, sir.

25 Q. The decision to place her on trespass notice, did

1 y'all make that decision together?

2 A. Yes.

3 Q. The decision to sue her in probate court and to freeze
4 the money in Florence, did you-all make that decision
5 together? You're looking at your husband.

6 A. I'm not looking at my husband. I'm sorry if it felt
7 that way.

8 Q. All right. The decision to sue her in probate court
9 and to have the one asset you acknowledge that she owned
10 frozen, did y'all make that decision together?

11 A. I am hearing about the probate court suit for the
12 first time from you. I have no knowledge of it.

13 Q. Well, then that decision would have been made by your
14 husband without you?

15 A. I have no knowledge of this claim that you're telling
16 me here.

17 Q. Well, ma'am, it's in the law -- it's in the paperwork
18 that your lawyer put into evidence. It basically is a
19 pleading indicating that there is a -- a freezing of the
20 \$200,000 that Ben Moore has got in escrow. You heard about
21 that yesterday, didn't you?

22 A. Yes, but I -- I was not aware that's a lawsuit as you
23 described.

24 Q. Well, you understand that it involved a court order
25 directing the one asset you admit that she's got be frozen,

1 right?

2 A. I have the knowledge of it, but I -- I did not
3 understand the way you said it.

4 Q. Well, who is it that made -- did you and your husband
5 make the decision together to try to freeze the one asset
6 she does have?

7 MS. BALLARD: Your Honor, I object to the question.
8 It's public record that the probate is still open.
9 Vidhya owns nothing until the estate is probated, so
10 Mr. Moore is mischaracterizing the testimony by
11 referring to it -- by referring to it as the one asset
12 she has. The estate has not been closed, it has not
13 been distributed, and that's the basis for the probate
14 court's order that Mr. Moore hold those funds --
15 Mr. Ben Moore hold those funds until the probate is
16 completed.

17 THE COURT: If I remember the testimony from what
18 was going on yesterday, somehow there was a -- someone
19 noticed the inventory did not include the interest in
20 the hotel in Florence and that the petition was brought
21 to alert the closing attorney in Florence of that asset
22 and so the probate judge in Laurens said until we sort
23 this out, please hold those funds in escrow.

24 MR. MOORE: Thank you, Your Honor.

25 MS. BALLARD: That's correct, Your Honor.

1 THE COURT: That's how I understood it. And the
2 characterization of the lawsuit, the action, petition
3 or whatever verb -- noun y'all want to use, these
4 litigants don't like those words, they don't understand
5 them. I do. There was something done and the money's
6 being held in escrow via the probate judge's directive.

7 MR. MOORE: Thank you, Your Honor.

8 BY MR. MOORE:

9 Q. Ma'am, did you and your husband make the decision to
10 have your mother-in-law prosecuted?

11 A. No.

12 Q. Are you accusing her of stealing?

13 A. Stealing?

14 Q. The lottery tickets.

15 A. She did took the lottery tickets.

16 Q. I understand she took them. I want to know did she
17 steal them. Are you accusing this lady of having stolen
18 the lottery tickets?

19 A. Yes.

20 Q. Well, ma'am, do you know if she paid for them or not?

21 A. She did not pay for it.

22 Q. How do you know that?

23 A. She took the tickets, she activated the tickets and
24 then she took it home with her, she brought it back,
25 scratched tickets and started cashing it out.

1 Q. I understand that. My question was how do you know
2 that she did not pay for those tickets?

3 A. There were no money matched the -- the number of
4 lottery books missing I did not have the money to match
5 those books.

6 Q. Ma'am, the only way that -- if she put the money in
7 the drawer for the tickets, then whether there was a
8 balancing of the drawer or not that would mean that she
9 actually paid for them, right?

10 A. Well, she did not put the money in the drawer that
11 day.

12 Q. She didn't put it in that day. Do you know if she put
13 it in later or if she put it in before?

14 A. I -- I don't know that.

15 Q. And if you don't know that, there's no way you can say
16 she stole, is there?

17 A. Well, in the video it shows that what she did.

18 Q. It shows that she took tickets, but you're not able to
19 say whether she paid for them or not, are you?

20 A. You asked me if I know she paid for it or not and my
21 answer is we did not receive any money for those books that
22 were not there.

23 Q. Ma'am, you weren't even there the week before those
24 tickets were taken, were you?

25 A. No.

1 Q. So you don't know if sometime during that week she put
2 the money in the drawer to pay for the tickets, right?

3 A. You cannot put the money in the drawer a week before
4 you activate the -- the book. You have to put the money
5 when you activate the books.

6 Q. Well, you can put the money in ahead of time and come
7 back later and actually --

8 A. We've never prac -- we never practiced that kind of
9 business, sir. So, no, it is not possible.

10 Q. All right. Well, let me ask you this. You realize,
11 of course, that she was arrested, a bond was set, right?

12 A. Later, yes.

13 Q. And you realize the matter went to the solicitor's
14 office in Laurens County?

15 A. Yes, sir.

16 Q. And you realize they haven't elected to prosecute the
17 case?

18 A. I have no detailed knowledge of anything.

19 Q. You don't know of any active involvement they have had
20 in actually prosecuting the case, do you?

21 A. I do not, sir.

22 Q. The case hasn't been called to trial?

23 A. Sir, I have no detailed knowledge of that case.

24 Q. She's never been convicted of any wrongdoing with
25 regard to this?

1 A. I have no idea.

2 Q. To your knowledge, you couldn't testify she was ever
3 convicted of doing anything wrong with those tickets, can
4 you?

5 A. I'm sorry. Can you rephrase it?

6 Q. You cannot testify she was ever convicted of a crime
7 for doing anything with those tickets, can you?

8 THE COURT: Asked and -- y'all are beating a dead
9 horse on this thing.

10 THE WITNESS: I don't understand the question, sir.

11 MR. MOORE: Your Honor, the problem I have is this.

12 THE COURT: The problem is we need to move on.

13 MR. MOORE: Thank you, sir.

14 BY MR. MOORE:

15 Q. You indicate that you weren't welcomed into the family
16 with open arms, right?

17 A. I'm sorry?

18 Q. You said you weren't welcomed into the family with
19 open arms?

20 A. Until this day. Yes, sir.

21 Q. Women weren't respected in that family?

22 A. No.

23 Q. As a matter of fact, the men handled the business,
24 right, in that family?

25 A. I did not say that men handled the business in that

1 family.

2 Q. At any point in time did anybody file a gift tax
3 return for your -- the interest you got in the hotel in
4 Newberry?

5 A. I am not aware of anybody else's personal tax returns,
6 sir.

7 Q. Who did you gift -- well, let's talk about this. You
8 are aware of your tax returns.

9 A. Yes, sir.

10 Q. You basically claim to have gotten the store in
11 Clinton in 2007?

12 A. Yes, sir.

13 Q. Do you recognize your tax return in 2007?

14 A. Yes, sir.

15 MS. BALLARD: Your Honor, is that an existing
16 exhibit?

17 THE COURT: I don't know.

18 MR. MOORE: I don't know.

19 MS. BALLARD: Your Honor, if it's a document that
20 has not been produced to us, Your Honor has already
21 ruled that he cannot use any documents that he did not
22 produce to us.

23 THE COURT: This is her tax return.

24 MS. BALLARD: I'm sorry?

25 THE COURT: This is her tax return.

1 MS. BALLARD: I understand, but he didn't produce
2 it to us.

3 THE COURT: You've got it. I mean, I'm not gonna
4 argue about a tax return that's hers as a result of
5 y'all objecting to how he got it. I mean, that's
6 beyond me that he can hand her her tax return and you
7 object to it. I don't get it.

8 MS. BALLARD: Okay.

9 THE COURT: That's hers.

10 MR. MOORE: Your Honor, we'd like to offer the 2006
11 and 2007 tax returns into evidence.

12 THE COURT REPORTER: What number?

13 MR. MOORE: I'm sorry, Your Honor.

14 THE COURT: Did you enter any exhibits in the first
15 hearing?

16 MR. MOORE: We did. I don't know where they are,
17 but we put -- we put exhibits in the first hearing, I
18 think.

19 Can we put these as Plaintiff's A and B?

20 THE COURT: Hang on.

21 (Pause in proceedings.)

22 THE COURT: Okay. So whatever the next number
23 is, these will be sequential numbers next and next.

24 MR. PRICE: It looks like Plaintiff's has three,
25 so this would be Number 4, right?

1 MR. MOORE: Number 4 and 5.

2 THE COURT: Plaintiff's 4 and 5 will be marked --

3 MS. BALLARD: My only request, Your Honor, is they
4 be redacted.

5 THE COURT: They'll be redacted subject to your
6 objection.

7 MS. BALLARD: Right, but if they're going to
8 into evidence, I want to make sure that her personal
9 information is protected and redacted from the
10 documents.

11 MR. MOORE: I have no objection.

12 THE COURT: We'll mark them as 4 and 5. They're
13 admitted subject to the objection and I'll allow you
14 to redact them.

15 MS. BALLARD: That's fine. Thank you, Your Honor.

16 (Plaintiff's Exhibit Number 4 and 5, tax returns,
17 were marked and admitted into evidence.)

18 BY MR. MOORE:

19 Q. Ma'am, according to your tax returns, in 2006 when you
20 said you had this job and were doing all this working, your
21 income was how much?

22 A. 1,800.

23 Q. \$1,800.

24 A. (Nods head.)

25 Q. So your income for 2006 was \$1,800?

1 A. Yes, sir.

2 Q. And your income in 2007 was how much money?

3 A. We have -- you have showed me this exhibit last time
4 in February.

5 Q. I'm simply asking you, ma'am, according -- if you'd
6 just answer my question.

7 A. 7,500. 7,533.

8 Q. Now, ma'am, if you're making between 1,800 and \$7,500
9 a year without help, you're telling me that you were able
10 to borrow some \$150,000 to go into business?

11 A. It was a note from Prakash. It was Prakash's personal
12 money and that's what the note was for. I did not seek a
13 loan from any bank. He gave us the money with 8 percent
14 interest.

15 Q. Yes, ma'am. I just want to make sure that Prakash
16 Patel, this sharp businessman, loaned you \$145,000 for
17 inventory and goodwill on a service station or a
18 convenience store with this sort of financial record.

19 A. Yes, sir.

20 Q. And when you leased this convenience store, your
21 father-in-law had had experience running a convenience
22 store, right?

23 A. No, sir.

24 Q. You certainly had not had any.

25 A. I did.

1 Q. You had owned and operated a convenience store before?

2 A. Not owned. My parents owned a convenience store and
3 I had worked there. As I told Ms. Desa, I had worked at
4 7-Eleven in New Jersey as well.

5 Q. Now you said as a daughter-in-law you felt like a
6 slave?

7 A. Yes.

8 Q. Well, now if you -- basically you were treated as a
9 second class citizen?

10 A. Yes.

11 Q. You were not welcome?

12 A. Correct.

13 Q. You were not nurtured and loved?

14 A. No.

15 Q. So do you have any idea -- you do acknowledge that
16 Ramesh helped find the location and helped negotiate you
17 getting into it, right?

18 A. The location was found by Prakash Patel. He had
19 bought another business in Laurens town and he came across
20 this BP station, so he found the -- Prakash located this
21 real estate and got in touch with my husband first.

22 Q. Ma'am, let me ask you this question. If Ramesh
23 treated you so bad, looked down upon you, treated you as a
24 slave, did not love and nurture you, can you give us any
25 explanation as to why he gifted to you, gave you, his

1 interest in the Newberry motel?

2 A. Sir, you're explaining this twisting my words in -- to
3 a certain extent. There are hard feelings in the family,
4 but we still are a family.

5 Q. Well, do you act like one?

6 A. It depends on the individual how they want to act.

7 Q. Are you acting as a family when you put a lady on the
8 street who has no visible means of support?

9 A. That's an exaggeration, sir, putting somebody on the
10 street.

11 Q. She had no way to support herself when you terminated
12 her, did she?

13 A. There is no evidence that we have put her on the
14 street.

15 Q. She had no means of visible support when she was
16 terminated, did she?

17 A. I -- I have no knowledge of that.

18 Q. Well, you knew what she had. She had nothing. She
19 had no --

20 A. I have no knowledge of her personal finances or the
21 money that she had that are just hers.

22 Q. Yes, ma'am. Well, in the convenience store did you
23 get a regular paycheck?

24 A. Not all the time. It varied.

25 Q. What did it vary upon?

1 A. I don't recall when I got the paycheck and --

2 Q. Well, now you actually did -- going back to the hotel
3 in -- in Newberry, it was given to you by Ramesh, correct?

4 A. I don't remember the transaction -- exact transaction
5 that happened at that time.

6 Q. Do you have anything to indicate you ever paid as much
7 as a dollar to Ramesh for the interest in the hotel?

8 A. He never owned the interest. He was a salary employee
9 at the Newberry hotel, so why would I be paying something?

10 Q. Well, who is it that gave you your interest in the
11 Newberry hotel?

12 A. Nobody gave me interest. When the hotel was
13 purchased, the LLC was formed, the shares were divided. At
14 that time I acquired 40 percent of the shares and I do not
15 remember the exact transaction how it happened.

16 Q. Did you negotiate?

17 A. No, sir.

18 Q. Who negotiated that?

19 A. My father-in-law.

20 Q. Ramesh?

21 A. Yes, sir.

22 Q. Why is it in your business records does it refer to
23 him as a partner in that hotel?

24 A. Because he was not.

25 Q. But it does. It refers to him as a partner. You've

1 seen the document today.

2 A. Partners can mean -- partners can have so many
3 synonyms. Business partners has to show on the paper or
4 any interest has to be shown. I can call my husband my
5 partner, too.

6 Q. I would like to ask you, ma'am, to look at the -- I'll
7 get you the exact exhibit number on the LLC that owns the
8 convenience store. Here. Exhibit Number 10. Look at
9 that, please, ma'am. Those are the organizational
10 documents of the LLC that owns the convenience store. Do
11 you see that?

12 A. Correct.

13 Q. Who is listed as the initial agent for service?

14 A. Prakash V. Patel.

15 Q. All right. So Prakash Patel was listed as the agent
16 for service on the LLC that you were forming, right?

17 A. Yes.

18 Q. And it says here in Number 4 that you are the
19 organizer, right?

20 A. Yes.

21 Q. Would you look on this document -- and it says on the
22 next page that you're the manager. Do you see that?

23 A. Yes, sir.

24 Q. Where on this piece of paper does it say that you are
25 the owner of the LLC?

1 A. Well, they don't have a thing to fill out for the
2 owner in here.

3 Q. My question is where does it say on --

4 A. Well, the form --

5 Q. Wait a minute. Let me finish my question. On Exhibit
6 Number 10, where does it say that you are the owner?

7 A. On the form there's not given the blanks for the owner
8 to fill out that information, so it shouldn't -- so I don't
9 know what you are trying to say here.

10 Q. Well, here's what I'm trying to say. That generally
11 what this is is a formational document and the way the
12 ownership is documented and established is by a set of
13 bylaws. Now my question after I tell you that is where are
14 the actual formative bylaws for the LLC where it indicates
15 who the owners are and what percentage ownership there is?

16 A. You are telling me that this is the Secretary of the
17 State, a form I received from their office, and it is not
18 correct?

19 THE COURT: No, that's not what he said. He said
20 where are the bylaws. Those are the articles of
21 incorporation. Where are the bylaws?

22 BY MR. MOORE:

23 Q. Where are the bylaws?

24 A. In this form?

25 Q. No, ma'am. Do you have in your possession or have you

1 ever seen a set of bylaws for the LLC that took ownership
2 of the lease and the convenience store in Clinton? Have
3 you ever even seen such?

4 A. I may have, but I don't have it with me.

5 Q. Are you able to testify that any bylaws which actually
6 set forth the ownership interest ever existed? Do you know
7 that?

8 A. I -- I have no knowledge of it, no.

9 Q. As a matter of fact, you told us that you did not use
10 a lawyer to help form the LLC, the only thing you actually
11 did was to file the organizational documents, which is
12 Number 10, correct?

13 A. Right.

14 Q. That being the case, there never were any bylaws set
15 forth to show who actually owned what. That's correct,
16 isn't it?

17 A. Yes.

18 Q. You would not have known how to prepare a set of
19 bylaws to show who owned what, would you?

20 A. To my knowledge, I was the only owner of AAHARVID,
21 LLC.

22 Q. Well, yes, ma'am, I know to your knowledge, but I want
23 to talk about what the actual formative documents --

24 THE COURT: Okay. Hold on. I want to stop for a
25 minute. We've been going a little over an hour, so I'm

1 just gonna -- I'm not telling you you can't ask the
2 question, I'm just saying I need a break.

3 MR. MOORE: Sure. I can always use one.

4 THE COURT: I drank a big Diet Coke at lunch, I
5 need a break, so this is the time that y'all can have
6 one, too.

7 MS. BALLARD: Thank you, Your Honor.

8 (Recess taken at 2:17 PM.)

9 (Back on the record at 2:24 PM.)

10 THE COURT: All right. We'll go back on and
11 resume.

12 Mr. Moore, your examination's back on the record.

13 MR. MOORE: Thank you, Your Honor.

14 BY MR. MOORE:

15 Q. Ma'am, are you able to testify as an affirmative fact
16 that bylaws ever existed for this LLC?

17 A. Can you say that again?

18 Q. Can you swear under oath that for the AAHARVID, LLC
19 there ever existed a set of bylaws?

20 A. No, sir.

21 Q. Can you swear under oath that there ever existed an
22 organizational meeting with minutes designating ownership?

23 A. I don't know, sir.

24 Q. Have you ever seen bylaws or organizational minutes?

25 A. I have. Not -- not for AAHARVID.

1 Q. Okay. I'm talking about for AAHARVID. You've never
2 seen bylaws nor organizational minutes?

3 A. I don't remember if I have, but I don't think I have
4 seen it.

5 Q. Therefore, is there any official documentation of this
6 LLC which ever designated you as the owner?

7 A. I am not sure.

8 Q. Ma'am, if there are no documents which designated you
9 as the owner, what documents can we look at and determine
10 that, in fact, you were the owner of AAHARVID, LLC?

11 A. We have the documents from the Secretary of the State
12 and the -- and we have the paper when we formed the
13 AAHARVID, LLC.

14 Q. Yes, ma'am. That shows you as the organizer, but
15 there's a difference between an owner and an organizer.
16 That shows Mr. Patel, Prakash Patel, as being the
17 registered agent, it shows you being the organizer. We
18 know now, according to you, you know of no document that
19 actually shows you to be the owner of AAHARVID, correct?

20 A. I don't know.

21 Q. You don't know of any, right?

22 A. If I've seen it, I don't remember, but I don't know at
23 this point. No, sir.

24 Q. All right. Well, ma'am, did AAHARVID file tax
25 returns?

1 A. Yes, sir.

2 Q. Where are they?

3 A. With my accountant.

4 Q. Right. That's Mr. Gandhi, who's in Charlotte, right?

5 A. Yes. Correct.

6 Q. And, Mr. Gandhi was not only your accountant, he was
7 Ramesh and Vidhya's accountant, right?

8 A. I'm not aware of their personal accountant. I know
9 that Gandhi did the accounting -- my personal accounting
10 and the business accounting for me and my husband and the
11 business.

12 Q. And Mr. Gandhi, the accountant, who would know all of
13 this is not here, correct?

14 A. He's not here.

15 Q. Did you ask him to come?

16 A. No, sir.

17 Q. Do you know if anyone on your behalf asked him to
18 come?

19 A. No, sir.

20 Q. So as we sit here today, there is no document that we
21 know of in the world that can be pointed to that verifies
22 you as the owner of AAHARVID, correct?

23 A. Well, my tax returns would prove that, that I paid
24 taxes on AAHARVID.

25 Q. But those aren't here, are they?

1 A. I'm not sure if we brought it here. Some are with
2 Mr. Gandhi and some could be with my husband at his office.
3 Q. Now you talked about all the bad treatment that Vidhya
4 gave to you, correct?
5 A. Yes.
6 Q. And, of course, it was treating you badly when she
7 babysat your children for you to go to school and work,
8 right?
9 A. Well, I never had kids while I was going to school.
10 Q. All right. For you to go to work. That was -- that
11 was mean of her to do that, right?
12 A. Right.
13 Q. You thought she was such a bad influence and such a
14 bad mom that you left her in charge of your young children,
15 right?
16 A. We had our differences, but I never let our
17 differences come in the middle of her and my kids. I
18 wanted my kids to know their grandmother.
19 Q. Certainly, but not only did you make arrangements for
20 them to know their grandmother, you left them in the sole
21 custody of this woman, correct?
22 A. Her and -- her and my father-in-law.
23 Q. Right. And they were such bad people you left your
24 children in their exclusive care to look after your
25 children, right?

1 A. I never said they were bad towards my kids. My
2 father-in-law loved, loved, loved my kids.

3 Q. You don't like Vidhya very much, do you?

4 A. I never said that, sir.

5 Q. Do you like her? Do you like her?

6 A. I respect her.

7 Q. I did not ask you that.

8 A. For -- in what -- in what sense are you asking me
9 liking her?

10 Q. You don't understand what it means to like somebody?

11 A. Like somebody meaning -- I respect her because she's
12 my husband's mother.

13 Q. All right. Do you respect her?

14 A. Yes.

15 Q. Do you like her?

16 A. I -- I don't think I have an answer for that.

17 Q. You don't know if you like her or not?

18 A. I have always given her the respect, sir.

19 Q. Do you have any hard feelings towards her?

20 A. No.

21 Q. She did all these bad things to you and you have no
22 hard feelings?

23 A. No, sir. My -- my parents have taught me better
24 values than that, a person's actions, but you should not --
25 hate is a very strong word.

1 Q. The mortgage on the house in Clinton was paid for out
2 of the convenience store checkbook, wasn't it?

3 A. I'm sorry. Can you say that again?

4 Q. Yes, ma'am. You've seen the mortgage placed into
5 evidence, a \$39,000 mortgage on the little house in
6 Clinton, right?

7 A. Yes, sir.

8 Q. The mortgage payments were actually paid out of the
9 convenience store checkbook, weren't they?

10 A. Convenience store checking account, not always. It
11 went out of my husband's checking account, too.

12 Q. Well, before -- before you terminated Vidhya as an
13 employee, the convenience store paid for the mortgage
14 payments on the house, right?

15 A. The -- I think so, yes.

16 Q. The convenience store also paid the taxes and the
17 insurance on the house, right?

18 A. Yes. Yes.

19 Q. And the convenience store also paid Vidhya's life
20 insurance premium, didn't it?

21 A. That I'm not aware of. I -- I don't remember seeing
22 that, sir.

23 Q. Well, ma'am, if you -- if you don't know that, how is
24 it possible for you to own the LLC and not know what's
25 being paid?

1 A. Sir, in the business I have so many transactions
2 happening every day, daily basis, weekly basis, I cannot --
3 I don't know what -- I don't remember all the charges that
4 are going out of my business account and I do not have just
5 one business account.

6 Q. Now there are guaranty agreements which are part of
7 the record in this case, correct?

8 A. For?

9 Q. For when you borrowed the money.

10 A. Guaranty agreement for the note?

11 Q. Where you guaranteed the debts.

12 A. Are you talking about the loan from the bank --

13 Q. Yes, ma'am. The --

14 A. -- for the house or the store?

15 Q. The loan from the bank.

16 A. Yes, sir. I am the guarantor on it, yes.

17 Q. Now in order to get a bank loan, you have to give the
18 bank certain financial information, correct?

19 A. Your social security number, date, they check your
20 credit and your background, yes.

21 Q. And you also have to give them a personal financial
22 statement?

23 A. Yes.

24 Q. Have you ever filed one of those with the bank?

25 A. Yes.

1 Q. Do you know --

2 A. The bank does not approve your loan without all this
3 information.

4 Q. Do you know where that is?

5 A. Where they are or --

6 Q. Right. Where that is. Where the personal financial
7 statements are.

8 A. At home probably in my husband's office.

9 Q. And would you have had that loan in your possession?
10 In other words, would that loan have been in existence when
11 your husband moved into subsidized housing?

12 A. What loan?

13 Q. Do you remember when your husband moved into
14 subsidized, low income housing?

15 A. Yes. That was in 2011, yes.

16 Q. The loan for which you filed these guaranties, would
17 that have already been in place?

18 A. Which loan? You have to distinguish the loan, sir.

19 Q. Well, the loan -- how much money was it that was
20 borrowed from the BB&T loan?

21 MS. BALLARD: 385,000.

22 Q. \$385,000. Was that all --

23 A. But that did not happen until 2012.

24 Q. All right. How about the loan to Prakash?

25 A. Prakash was not a bank, it was a personal loan.

1 Q. I didn't ask you that. Was that loan already in
2 place?

3 A. Yes.

4 Q. And your husband would have had significant assets
5 then at the time he moved into subsidized housing, correct?

6 A. How can he have significant assets and moved to
7 subsidized housing?

8 Q. That's my question. I want to know how he did that.

9 A. In his testimony he told you when he moved to
10 subsidized housing he was getting a check of a thousand
11 dollars from the store where he was working, the
12 convenience store, BP, and the note to Prakash is Prakash
13 loaned us money and we are supposed to give him money, the
14 earnings of the store, on a monthly basis, so there are no
15 banks involved in here, sir.

16 Q. But he also already owned the house that his parents'
17 lived in.

18 A. Yes.

19 Q. Well, how was it possible for him to have moved into
20 subsidized housing when he already had his own house right
21 down the street?

22 A. He had a falling out with his parents.

23 Q. Well, yes, but according to you he still owned the
24 house.

25 A. Yes.

1 Q. How did -- do you know how the government let him move
2 into subsidized housing when he owned his own house right
3 down the street?

4 A. Well, that's a question for them because they passed
5 the application that he had filled and the --

6 Q. All right. So Prakash was taking all of the money out
7 of the --

8 MS. BALLARD: Your Honor, I think we've covered
9 this ad nauseam. I would ask that we move onto another
10 line of questioning.

11 THE COURT: Yeah, I've got a real good picture of
12 what's going on. Move on.

13 BY MR. MOORE:

14 Q. We know that Prakash was taking all the money out of
15 the convenience store. When was the convenience store in
16 Camden purchased?

17 A. 2013.

18 Q. How much money had to be put down?

19 A. It was a lease.

20 Q. So there was no money that had to be put down for the
21 inventory?

22 A. There was money to be put down for the inventory and
23 I do not remember the exact transaction because my husband
24 did all of those accounting transactions on that. All I
25 know is they asked for 25,000 goodwill. My husband had a

1 well-paying job, I was working at the CVS, and two of his
2 friends loaned us money. The details my husband has better
3 knowledge of that.

4 Q. Let me ask this question. I want to go back to
5 these lottery tickets. You've told us what an emotional
6 struggle it was to turn your mother-in-law into the legal
7 authorities, correct?

8 A. Yes.

9 Q. Before you made this heart-wrenching decision to turn
10 this lady over to the authorities, did you ever bother to
11 go to her and say hey, Vidhya, look at this video, what
12 happened? Did you ever ask her her side?

13 A. No, sir.

14 Q. Well, now before you did such a thing as that, why
15 didn't you go to her and at least get her side of what
16 happened?

17 A. She chose to not to talk to us way long before that.

18 Q. Do you know that her husband and she had done this on
19 numerous occasions over the years?

20 A. No, sir.

21 Q. Can you deny that?

22 A. I have no knowledge of it, sir.

23 Q. So then you can't deny that, can you?

24 A. I have no knowledge of them doing this on numerous
25 occasions.

1 Q. Now the cash that she had, this claimed \$11,000,
2 you've never seen a photograph of the \$11,000, have you?

3 A. The actual 11,000?

4 Q. Yes, ma'am.

5 A. Well, he -- he showed me the photo and we were on a
6 video call when he -- he was getting ready to take the
7 picture.

8 Q. My question is have you ever seen a photograph of the
9 actual --

10 A. Not the photograph. No, sir.

11 Q. Have you ever actually seen the \$11,000?

12 A. No, sir.

13 Q. Do you claim that Vidhya stole the \$11,000?

14 A. I am not claiming that she stole it.

15 Q. But your husband was upset, and I wrote this down when
16 you said it, Hardik was upset that Vidhya had disobeyed
17 him.

18 A. I never used the word "disobeyed".

19 Q. I believe that was what I actually wrote down when you
20 said it.

21 A. I did not use the word disobey, sir.

22 Q. Well, was Hardik upset that Vidhya hadn't done what he
23 told her to do?

24 A. He was upset by seeing the money. He was upset to see
25 the money that after telling her not to leave cash laying

1 around in the house he still found cash.

2 Q. What gave him the right to tell his mother not to have
3 cash in the house where she lived?

4 A. He was thinking -- he was thinking better for her
5 because she lives by herself in that house, so he was just
6 telling her to be careful.

7 Q. Well, apparently she was being careful because the
8 money was not out in the open. When is it that Hardik --
9 that Hardik had instructed his mother not to have cash
10 money in the house?

11 A. I -- I don't know exactly when or what time.

12 Q. What gave him the right, if you know, to instruct his
13 mother what to do?

14 A. After -- after dad passed away, he had spent quite --
15 I mean -- I'm sorry. After dad passed away, he used to
16 stay there with her at the Clinton house taking care of
17 her, helping her, so he may have said it at that time.

18 Q. Right. He was the oldest son and as the oldest son
19 in a traditional community like theirs it was his job to
20 take care of his mother; isn't that true?

21 A. I'm sorry. Can I explain something in answer to your
22 question?

23 Q. Can that question be answered yes?

24 A. Yes.

25 Q. Okay.

1 A. Yes.

2 Q. And the answer's yes, isn't it?

3 A. I -- he's the older son, so he -- that's why he was
4 taking care of his mother, but that is not always true
5 that the responsibility only falls on the older son
6 because my father-in-law -- there were five brothers. My
7 father-in-law's mother was staying with the oldest son
8 until he passed away, but after that the responsibility
9 should go to the next in line. Instead, grandma used to
10 live with her daughters.

11 Q. In the traditional Hindu home, traditional community
12 he was raised in, when the father dies it becomes the
13 primary responsibility of the older son to take care of the
14 widow, right?

15 A. It's all kids' job to take care of their parents.

16 Q. It also becomes the responsibility of the older son to
17 ensure that the ashes get back to India for distribution,
18 right?

19 A. Yes.

20 Q. Your husband didn't do that, did he?

21 A. His job did not permit him to have a whole month off.

22 Q. He didn't do that and the younger brother had to do
23 that, right?

24 A. His job did not permit him. He did not do this
25 voluntarily. His employment, which feeds us, we have to

1 pay our bills, he did not get off for a whole month. That
2 was the reason he couldn't go. You cannot hold it against
3 him for not going because of the job reason.

4 Q. Well, he told his mother what to do about not having
5 cash, but he did that because he was in the house
6 supposedly taking care of her, correct?

7 A. Right.

8 Q. He's taken pretty good care of her, hasn't he?

9 MS. BALLARD: Your Honor, I object to that question.

10 THE COURT: I don't know that it was a question.

11 Move on.

12 BY MR. MOORE:

13 Q. You had a BB&T account and ultimately it was merged
14 with Hardik's account, wasn't it?

15 A. Who me?

16 Q. Yes.

17 A. Which BB&T account?

18 Q. Did you have a BB&T account that was --

19 A. I had so many accounts at BB&T.

20 Q. I see. Now you say it was hard to -- to call the
21 police. Was it hard to lay her off?

22 A. It was a decision that my husband's new company
23 made -- he made.

24 Q. I thought y'all said you made the decisions together.

25 A. Yes, but in his new corporation who to hire and who

1 not to hire it's his decision.

2 Q. Well, I mean, I'm talking about things -- you talked
3 about how hard it was to have her arrested. Was it hard to
4 lay her off?

5 A. Sir, arrest and employment, they're two different
6 issues.

7 Q. I didn't ask you that. I asked you was it hard to lay
8 her off.

9 A. I did what my -- my lawyer told me to do.

10 Q. Was it hard to turn the power -- to have the power
11 transferred out of your name?

12 A. I'm sorry?

13 Q. Was it hard to have the power for the house
14 transferred out of your name?

15 MS. BALLARD: Objection, Your Honor. There's
16 been no evidence that the power to the house was ever
17 in Ana's name.

18 THE COURT: I think the testimony was that the
19 bank account got changed, there was some confusion and
20 a new account was opened and the drafts from the former
21 account weren't covered and that's how it got cut off.

22 BY MR. MOORE:

23 Q. Is that how the power got cut off?

24 A. Yes.

25 Q. Was it hard to place her on trespass notice?

1 A. Yes.

2 Q. Where are the checks which show that you paid anything
3 for the convenience store?

4 A. Meaning paying what?

5 Q. Well, where are the checks showing that there was a
6 down payment, where are the checks showing that there was
7 -- well, let's just say the checks showing the monthly
8 payments. Where are the checks showing the monthly
9 payments on the --

10 A. The monthly mortgage payments were going out of the
11 business checking account electronically. I never -- we
12 never wrote the checks by hand. It was automatic.

13 Q. Now you testified when she came to visit you and the
14 children and her son that she wanted a particular bedroom?

15 A. Not visit. When we first bought my house, the Tega
16 Cay house.

17 Q. She wanted a particular bedroom?

18 A. Yes.

19 Q. Do you got any idea what that has to do with this
20 case?

21 A. Just information.

22 Q. Now the shares from the Newberry hotel, you don't
23 recall that they were initially owned by Ramesh?

24 A. They were never initially owned by Ramesh.

25 Q. Well, who were the actual owners besides you of the

1 hotel in Newberry?

2 A. Me, 40 percent. In the beginning it was me, Prakash
3 and Praful had 5 percent -- 5 point some percent interest
4 in the -- in the Shree Shree Hari.

5 MR. MOORE: Your Honor, I don't have any further
6 questions. Thank you.

7 THE COURT: Ms. Ballard.

8 MS. BALLARD: Just a couple, Your Honor.

9 THE COURT: Okay.

10 REDIRECT EXAMINATION

11 BY MS. BALLARD:

12 Q. Ana, would you turn to Exhibit Number 8 and look at
13 the second page of Exhibit Number 8. The first page is the
14 Shree Shree Hari, the second page is AAHARVID. Do you see
15 it?

16 A. Yes. Yes.

17 Q. This is a K-1 for 2007. Who does it show as the 100
18 percent owner of AAHARVID?

19 A. Anal Patel. Myself.

20 Q. Did that ever change?

21 A. Never.

22 Q. And did Mr. Gandhi do this tax return in 2007?

23 A. Always, yes.

24 Q. And did Mr. Gandhi do the ones in the years subsequent
25 to this?

1 A. Yes, ma'am.

2 Q. Are you aware whether Vidhya recovered any life
3 insurance after Ramesh's death?

4 A. Yes, ma'am.

5 Q. How much did she recover?

6 A. Two hundred something thousand dollars. I don't know
7 the exact amount, but she was the sole beneficiary of
8 Ramesh's life insurance policy and she had two hundred and
9 some thousand dollars she received.

10 Q. Mr. Moore asked you, and I think he pejoratively
11 referred to you putting Vidhya out on the street, whether
12 she had anything. Would you turn to Exhibit Number 36,
13 please.

14 A. That's what I told him. That's an exaggeration.

15 Q. What is Exhibit Number 36?

16 A. Well, because, like we talked about before, the fraud
17 happened on our BB&T account, the store's account, by her,
18 BB&T had told her to -- I'm sorry, I can't say --

19 Q. You can't say what BB&T said. My question is what are
20 the checks that are shown in Exhibit Number 36?

21 A. These are the cashier's checks payable to Vidhya
22 Rameshchandra Patel.

23 Q. Are all these checks payable to Vidhya?

24 A. Yes.

25 Q. Are all of these checks paid to Vidhya after Ramesh

1 died?

2 A. Yes.

3 Q. Are all these checks paid to Vidhya about the same
4 time that the dispute arose between you -- not you, the
5 company and Vidhya?

6 A. This is right after the -- her signature was removed
7 in October, yes.

8 Q. So when Mr. Moore said you put her out on the street
9 without anything, you knew what she had; did you not?

10 A. Well, I know what she had.

11 Q. She had almost \$300,000 to her name, right?

12 A. Yes, she does. Yes, she does.

13 MS. BALLARD: I have knowing further.

14 RECROSS EXAMINATION

15 BY MR. MOORE:

16 Q. Ma'am, I do want to call your attention back to
17 Exhibit Number 8, okay? This tax return is of interest to
18 me in that it basically is -- I don't see your signature
19 on it. Did you not sign this?

20 A. Well, this is a copy.

21 Q. Well, certainly, but I don't see where you ever signed
22 this.

23 A. Not on this page.

24 Q. All right. But it talks about AAHARVID, LLC and it
25 represents to the Federal government that you got a hundred

1 percent of the stock of AAHARVID. Do you see that?

2 A. Yes.

3 Q. There was never any stock issued in an LLC, was there?

4 A. Well, Gandhi prepared this document.

5 Q. I know who prepared it. That wasn't my question.

6 There was never any stock issued in an LLC?

7 A. No.

8 Q. You don't issue stock in an LLC, correct?

9 A. No, you don't.

10 Q. Well, now this is part of your tax return wherein
11 you're certifying certain things to the United States
12 government under penalty of perjury.

13 A. Correct.

14 Q. How is it possible for you to have represented to the
15 United States government that you've got stock in an LLC
16 when you have no such stock?

17 A. I have no personal knowledge of how to prepare a tax
18 return, so my accountant prepared this tax return and he
19 put 100 percent. I'd have to ask him why he did that.

20 Q. That's clearly an error --

21 MS. BALLARD: Your Honor, this is beyond the scope
22 of my redirect. The only question I asked her about
23 this is who's shown as the owner --

24 THE COURT: I agree. I agree with you. I think
25 we're going astray from redirect.

1 MS. BALLARD: Thank you, Your Honor.

2 MR. MOORE: Your Honor, she asked about the
3 document and I'm simply examining about the document.

4 THE COURT: And she testified thoroughly about
5 the articles of organization and that was her extent
6 of the knowledge of the documents of incorporation.

7 MR. MOORE: Thank you, sir.

8 THE COURT: That's my recollection.

9 MR. MOORE: Thank you, Your Honor.

10 THE COURT: All right. You may step down.

11 (Witness excused.)

12 MS. BALLARD: Your Honor, we have no further
13 witnesses.

14 MR. MOORE: Your Honor, we would have one witness
15 in replay.

16 MS. BALLARD: Has that witness been sitting in the
17 courtroom?

18 MR. MOORE: No.

19 MS. BALLARD: I'm sorry?

20 MR. MOORE: No.

21 MS. BALLARD: Okay.

22 MR. MOORE: Your Honor, I'm gonna get him from
23 outside, if that's okay.

24 THE COURT: Okay.

25 (Pause in proceedings.)

1 MR. MOORE: Your Honor, I would recall Praful
2 Patel. You can sit in that chair right there.

3 Your Honor, he's previously testified.

4 THE COURT: Okay. I wasn't certain of that, but
5 this is Praful --

6 MR. MOORE: P-R-A-F-U-L, Praful.

7 THE COURT: Mr. Patel, have a seat right there and
8 before you sit down I'm gonna remind you, you testified
9 in January -- I'm sorry, in February, earlier this year,
10 and you were placed under oath. I'm reminding you
11 you're still under that oath to tell the truth in this
12 courtroom, all right?

13 THE WITNESS: Thank you.

14 THE COURT: Your witness.

15 PRAFUL PATEL,

16 having been previously sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. MOORE:

19 Q. Praful, you did testify earlier when we were in
20 Laurens, didn't you?

21 A. Yes.

22 Q. All right. Were you a partner -- an original partner
23 in the motel in Newberry?

24 A. Yes.

25 Q. When the motel was originally acquired, who were the

1 partners in that motel?

2 A. The motel originally acquired in 2006 and when we
3 acquired the motel, the original -- there were four
4 partners; myself has a 10 percent, Mr. Badri Ali has a
5 10 percent.

6 THE COURT: All right. Go slow and spell those
7 for my court reporter.

8 BY MR. MOORE:

9 Q. Spell his name.

10 A. His name is B-A-D-R-I A-L-I.

11 Q. Badri Ali?

12 A. Badri Ali.

13 Q. All right.

14 A. He had a 10 percent, myself has 10 percent, Prakash
15 has 40 percent and Ramesh has 40 percent.

16 Q. Do you have personal knowledge as to how much Ramesh
17 paid for his share in the motel?

18 MS. BALLARD: Your Honor, I object to this. We --
19 this is not a proper rebuttal witness. We didn't put up
20 any testimony because we didn't know what the original
21 2006 investments in that particular corporation were, so
22 this reply testimony is not relevant.

23 THE COURT: I think it is for my decisionmaking
24 purposes. I'd like to hear it.

25 MS. BALLARD: Thank you, Your Honor.

1 THE COURT: Your objection's noted though.

2 MS. BALLARD: Thank you, Your Honor.

3 THE COURT: All right.

4 BY MR. MOORE:

5 Q. How much did Ramesh pay for his original shares?

6 A. 200,000.

7 Q. Now at some point in time did Ramesh put his shares
8 in some of his relatives' names?

9 A. Right. Ramesh transferred his 20 percent to his son
10 and 20 percent to his daughter-in-law.

11 Q. After Ramesh made the transfer of the shares into
12 their names, did he continue to function as if he were an
13 owner?

14 A. Oh, yes, because we all and myself is also dealing
15 with Ramesh because Ramesh was -- as a partner he was
16 working as a partner, plus he was the only one there to run
17 the day to day operations of the motel.

18 Q. Is it unusual in the Indian community for a man to put
19 ownership in his children's names?

20 A. Yes, it is very usual in the Indian community that a
21 father transfer the stock to his kids.

22 Q. And to your knowledge did they pay anything for it?

23 A. I do not have an idea --

24 Q. All right.

25 A. -- that -- if they might have paid something.

1 MR. MOORE: Thank you very much. I have no further
2 questions, Your Honor.

3 MS. BALLARD: I have no cross.

4 THE COURT: All right, Mr. Praful. Thank you so
5 much.

6 THE WITNESS: Thank you.

7 THE COURT: You're done.

8 (Witness excused.)

9 MR. MOORE: And that's our case, Your Honor.

10 THE COURT: All right. Let's go off the record
11 for second.

12 (Off the record discussion.)

13 THE COURT: Okay. Stacy, we're back on. When
14 you're ready.

15 THE COURT REPORTER: Okay.

16 THE COURT: All right. I have yet to study the
17 issue of the default, order of default and reply. I've
18 not done that yet because of the timing. What would be
19 y'all's preferred way to summarize what's been said?
20 Would it be better to do it orally today considering
21 I've not made a ruling on the default or some sort of
22 proposed order?

23 I mean, what would y'all rather do?

24 MS. BALLARD: My suggestion would be proposed
25 orders, Your Honor. That's always easier.

1 MR. MOORE: I think so, too. It makes sense for
2 proposed orders.

3 THE COURT: I think you're right.

4 MS. BALLARD: Okay.

5 THE COURT: Now on the record I was looking back
6 at that default reply. When was that?

7 Remind me, the default order was signed in May?

8 MS. BALLARD: Let me see. I'll hand you up a
9 copy of that, Your Honor.

10 THE COURT: You gave me a copy and Rob's probably
11 got it downstairs and I might go get it. I was reading
12 it yesterday when --

13 MS. BALLARD: The entry of default was May 28,
14 2019.

15 THE COURT: Okay. The reason I'm asking is my
16 law clerk at that time, and I don't know whether this
17 has anything to do with it or not, but I think it does,
18 as I understand the electronic filing system things get
19 filed and sent electronically from the lawyer to the
20 clerk of court or deputy clerk of court, whichever,
21 whoever the designee is in that office. It went to
22 Laurens to, I believe, Donna is her name.

23 MS. BALLARD: Correct.

24 THE COURT: And Donna looks at it for sufficiency
25 or completion or she does some sort of evaluation, not

1 legally, but consistent with the rules and the paper
2 or whatever and then she transmits it to -- the chief
3 administrative judge's gatekeeper. I believe at that
4 time that was Whitney, my law clerk. Whitney and I
5 were in the middle of the Jones trial, so we were in
6 Lexington the entire month of May because we started
7 the last Monday in April and went all the way through
8 the second week in June.

9 It's possible that Whitney looked it up, saw there
10 was no reply, the request for the default, sent it --
11 forwarded it to me and then the reply got filed. I
12 cannot certify or say, and you gave me credit for it
13 yesterday, I'm certain you looked to make certain a
14 reply wasn't filed, but it could have been a day or
15 two lag time between Whitney's examination for me and
16 transmitting it to me. I can't verify that, whether I
17 looked it up or not.

18 MS. BALLARD: Your Honor, I don't think you have
19 to. I don't think that's relevant to the issue that's
20 before the Court.

21 THE COURT: Okay. I'm still gonna study that, but
22 I think for intents and purposes of this I want proposed
23 orders for your counterclaim --

24 MS. BALLARD: I'm sorry?

25 THE COURT: For your counterclaim you're gonna

1 proposed --

2 MS. BALLARD: Oh, yes. Yes. I assumed you
3 wanted a proposed order both for their case and for
4 my counterclaim.

5 THE COURT: Yes. Correct. And for y'all's --
6 y'all's complaint.

7 Is there anything else we need to put on the
8 record other than I'll expect those proposed orders
9 in whatever timeframe y'all want to send them.

10 MS. BALLARD: That was gonna be my question.

11 THE COURT: Is forty-five days enough?

12 MS. BALLARD: Oh, that's more than generous.

13 THE COURT: Thirty?

14 MR. MOORE: Thirty days would be great.

15 THE COURT: Is thirty enough or do you want
16 forty-five?

17 MS. BALLARD: Thirty's fine.

18 THE COURT: Thirty days.

19 All right. Today's date is the 17th, so we'll
20 see you the middle of July.

21 MR. MOORE: I would like to say this, Your Honor,
22 and I mean this sincerely, and every time I appear
23 before you, I thank you, it has been an absolute
24 privilege to appear before you.

25 THE COURT: Well, y'all -- y'all have a tough

1 case. You have a tough case.

2 All right. I'll look for your proposed orders.

3 Thank y'all for y'all's promptness.

4 MS. BALLARD: Thank you for your cooperation
5 with scheduling. I know it's been a challenge.

6 (Whereupon, the proceedings were concluded at
7 3:05 PM.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a
true, accurate and complete transcript of record of all
the proceedings had and the evidence introduced in the
trial of the captioned case in Circuit Court on the
16th and 17th days of June, 2020.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin,
counsel, nor have an interest to any party hereto.

August 3, 2020

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER