

EXHIBIT 20

DISTRICT COURT
CLARK COUNTY, NEVADA

ANDREA COLLIER, as trustee of the)
JACT TRUST,)

Plaintiff,)

vs.

) CASE NO: A-22-852032-C

) DEPT NO: 8

PENNIE MOSSETT-PUHEK, individually;)

ANTHEM HIGHLANDS COMMUNITY)

ASSOCIATION, a Nevada Non-Profit)

Corporation; DOES I through X and)

ROE BUSINESS ENTITIES I through X,)

inclusive,)

Defendants.)

DEPOSITION OF CHRISLIN HELTON
LAS VEGAS, NEVADA
THURSDAY, APRIL 4, 2024

REPORTED BY: VANESSA LOPEZ, CCR NO. 902
JOB NO.: 6631589

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<p>1 DEPOSITION OF CHRISLIN HELTON held at The Law 2 Offices of Timothy Elson, located at 8965 South Eastern 3 Avenue, Suite 382, Las Vegas, Nevada, on Thursday, April 4, 4 2024, at 1:02 p.m., before Vanessa Lopez, Certified Court 5 Reporter, in and for the State of Nevada. 6 7 8 APPEARANCES: 9 For Plaintiff: 10 THE LAW OFFICES OF TIMOTHY ELSON 11 BY: TIMOTHY ELSON, ESQ. 12 8965 South Eastern Avenue, Suite 382 13 Las Vegas, Nevada 89123 14 (702)874-8600 15 Tim@ElsonLawOffices.com 16 17 For Defendant Pennie Mossett-Puhek: 18 FREEMAN MATHIS & GARY, LLP 19 BY: JILLIANE ANN JACKSON, ESQ. 20 3993 Howard Hughes Parkway, Suite 100 21 Las Vegas, Nevada 89169 22 (725)258-7360 23 derek.noack@fmglaw.com 24 25 For Defendant Anthem Highlands Community Association: 26 27 BOYACK ORME ANTHONY 28 BY: TED BOYACK, ESQ. 29 7432 West Sahara Avenue, Suite 101 30 Las Vegas, Nevada 89117 31 (702)562-3415 32 33 Also Present: Andrea Collier 34 35</p>	<p>1 LAS VEGAS, NEVADA; THURSDAY, APRIL 4, 2024 2 1:02 P.M. 3 -oOo- 4 (The Reporter was relieved of her duties 5 under NRCP 30(b)(4).) 6 Whereupon, 7 CHRISLIN HELTON, 8 having been first duly sworn by the court reporter to 9 testify to the truth, the whole truth, and nothing but the 10 truth, was examined and testified under oath as follows: 11 12 EXAMINATION 13 BY MR. ELSON: 14 Q. Good afternoon. My -- 15 A. Good afternoon. 16 Q. -- name is Tim Elson, and I represent Ms. Andrea 17 Collier in this matter. 18 Before we begin this deposition, could you please 19 state and spell your legal name? 20 A. Yes. Chrislin Helton, C-H-R-I-S-L-I-N. Last name 21 Helton, H-E-L-T-O-N. 22 Q. Have you ever been sworn to tell the truth before? 23 A. Nope. 24 Q. Okay. Let me explain the basic rules of a 25 deposition so there's no confusion here today. Do you</p>
Page 2	Page 4
<p>1 I N D E X 2 WITNESS: CHRISLIN HELTON 3 EXAMINATION PAGE 4 By Mr. Elson 4 149, 163 5 By Mr. Boyack 87, 163 6 By Ms. Jackson 144 7 8 E X H I B I T S 9 NUMBER PAGE 10 Exhibit 1 DFT277-DFT282 73 11 Exhibit 2 Printout of E-mail 74 12 Exhibit 3 DFT1615-DFT1616 78 13 Exhibit 4 DFT1658 80 14 Exhibit 5 Courtesy Notice 82 15 Exhibit 6 DFT1641-DFT1642 155 16 17 18 19 20 21 22 23 24 25</p>	<p>1 understand you are under oath here today? 2 A. Yes. 3 Q. And that this is the same oath you would take in 4 front of a judge and jury? 5 A. Yes. 6 Q. Okay. Anything you say here today carries the 7 same penalty of perjury as it would in front of a judge or 8 jury. 9 A. Yeah. 10 Q. Have you consumed any alcohol in the last 12 11 hours? 12 A. No. 13 Q. Have you consumed any prescription or 14 nonprescription drugs in the last 24 hours? 15 A. No. 16 Q. Do you know of any reason why you can't give your 17 best testimony here today? 18 A. Nope. 19 Q. One of the basic rules of a deposition is that 20 only one person speak at a time. The reason why is we have 21 the court reporter here that is taking down everything that 22 we're saying. It becomes very difficult to create a clean 23 and accurate record if we are speaking over one another. So 24 I would ask that you wait for me to finish asking my 25 question before you answer and I'll try and give you the</p>
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<p>1 same courtesy. Is that fair?</p> <p>2 A. Fair.</p> <p>3 Q. Sometimes in ordinary language, we do thing likes</p> <p>4 uh-huhs or uh-uhs or nodding our head yes or no. While it's</p> <p>5 perfectly fine in ordinary language, it becomes very</p> <p>6 difficult for the court reporter to take down everything</p> <p>7 that we're saying.</p> <p>8 A. Absolutely.</p> <p>9 Q. So from time to time, I may say, Is that a yes or</p> <p>10 is that a no? I'm not trying to be rude. I'm just trying</p> <p>11 to make sure there's a clean and accurate record. Do you</p> <p>12 understand?</p> <p>13 A. I understand.</p> <p>14 Q. Do you understand the difference between a guess</p> <p>15 and an estimate?</p> <p>16 A. Yes.</p> <p>17 Q. Most people tell me that they do, but I'd like to</p> <p>18 give you a short example to help demonstrate. If I asked</p> <p>19 you to estimate the length of the table in front of you, you</p> <p>20 could look at it, use your everyday experiences, and tell me</p> <p>21 you believe it is X amount of feet long. If I asked you to</p> <p>22 estimate the length of the table in my house, seeing how</p> <p>23 you've never been to my house, that would be a pure guess.</p> <p>24 Does that correlate with your understanding?</p> <p>25 A. That's correct.</p> <p style="text-align: right;">Page 6</p>	<p>1 this to go hours and hours and hours. The only thing that I</p> <p>2 would ask is you answer any question that is pending before</p> <p>3 you before we take a break or maybe the line of questioning</p> <p>4 before we go off the record. Is that fair?</p> <p>5 A. Fair.</p> <p>6 Q. Do you have any questions before we start?</p> <p>7 A. No questions.</p> <p>8 Q. I want to start with some background information.</p> <p>9 A. Okay.</p> <p>10 Q. Can you tell me a little bit about your education,</p> <p>11 background, where you went to high school, whether you</p> <p>12 attended any college, things like that?</p> <p>13 A. Yeah, I went to -- grown up here. So I went to a</p> <p>14 high school, SECTA, vocational high school. I got a</p> <p>15 cosmetology license out of that. Went on to do that.</p> <p>16 Shortly had a child after, which then led me into Terra</p> <p>17 West, which led me into community management, and got myself</p> <p>18 a community associations manager provisional license at the</p> <p>19 time, and that's kind of the highest level of education</p> <p>20 where I was.</p> <p>21 Q. Okay. So let's take a second. Let's unwrap</p> <p>22 everything that you --</p> <p>23 A. Mm-hmm.</p> <p>24 Q. -- just mentioned. So when did you graduate from</p> <p>25 high school?</p> <p style="text-align: right;">Page 8</p>
<p>1 Q. Your testimony will come in a typed booklet</p> <p>2 format. You'll have the opportunity to review it and make</p> <p>3 any changes that you wish to make. Please be cautious,</p> <p>4 however, that if you make a material change to your</p> <p>5 deposition transcript or change your testimony at any point</p> <p>6 in time, anyone will have the right to opine or comment as</p> <p>7 to whether or not you were telling the truth at one time or</p> <p>8 another.</p> <p>9 A. Okay.</p> <p>10 Q. So it's very important that we get your best</p> <p>11 testimony here today. As such, I want you to understand my</p> <p>12 questions before you answer them.</p> <p>13 A. Okay.</p> <p>14 Q. If at any point you don't understand them, just</p> <p>15 tell me. Be happy to rephrase as many times as necessary</p> <p>16 until you understand. Is that fair?</p> <p>17 A. That's understandable.</p> <p>18 Q. Okay. Keep in mind that if you do provide us an</p> <p>19 answer everyone will have the right to presume you</p> <p>20 understood the question before you answered it. Is that</p> <p>21 fair?</p> <p>22 A. That's fair.</p> <p>23 Q. If at any point in time today you want to take a</p> <p>24 break, get up, stretch your legs, get some water, use the</p> <p>25 restroom, that's fine. Just let us know. I don't expect</p> <p style="text-align: right;">Page 7</p>	<p>1 A. In 2017.</p> <p>2 Q. After graduating from high school, it sounds like</p> <p>3 you simultaneously obtained your cosmetology license.</p> <p>4 A. Yep.</p> <p>5 Q. Is that correct?</p> <p>6 A. Yep.</p> <p>7 Q. How long were you in the cosmetology field?</p> <p>8 A. For about two years.</p> <p>9 Q. Okay.</p> <p>10 A. About two years and then I had a baby.</p> <p>11 Q. And then you started working for Terra West?</p> <p>12 A. Correct.</p> <p>13 Q. And what year did you start working for Terra</p> <p>14 West?</p> <p>15 A. I started working for Terra West in 2019.</p> <p>16 Q. Prior to starting with Terra West, had you taken</p> <p>17 any education or training in becoming a community manager?</p> <p>18 A. No.</p> <p>19 Q. When did you start your training or education to</p> <p>20 become a community manager?</p> <p>21 A. I believe that was within the following year. It</p> <p>22 was right after I had my second baby. 2021 is -- yeah,</p> <p>23 that's when I started the actual community manager classes.</p> <p>24 Q. Okay. Did you obtain your community management</p> <p>25 license?</p> <p style="text-align: right;">Page 9</p>

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<p>1 A. Not the full licensing. Just up to provisional.</p> <p>2 Q. And when did you obtain your provisional?</p> <p>3 A. I got my provisional in September of 2021.</p> <p>4 Q. What type of classes or hours did you have to</p> <p>5 obtain in order to become a provisional?</p> <p>6 A. So the classes I was doing -- I -- from the best</p> <p>7 of my record -- I could remember, I believe there were days</p> <p>8 where I was working or I would work, and then after I would</p> <p>9 leave and I would go to classes for about four to five hours</p> <p>10 after work every day Monday through Friday.</p> <p>11 Q. After you obtained your provisional license, did</p> <p>12 you take any additional classes or training to take the next</p> <p>13 step?</p> <p>14 A. Not at that time, no, because I was -- I was</p> <p>15 pretty much done being a community manager at that time. I</p> <p>16 didn't want to do it anymore.</p> <p>17 Q. When did you stop working for Terra West?</p> <p>18 A. I stopped working for Terra West May of 2022.</p> <p>19 Q. Are you currently employed?</p> <p>20 A. I am currently employed.</p> <p>21 Q. Where are you currently employed?</p> <p>22 A. American Homes 4 Rent.</p> <p>23 Q. How long have you been employed at American Homes</p> <p>24 4 Rent?</p> <p>25 A. Since May of 2022.</p> <p style="text-align: right;">Page 10</p>	<p>1 A. Yeah. So when I first started at Terra West, I</p> <p>2 first started as a front desk receptionist. Shortly after</p> <p>3 that week that I had started there, they realized that I had</p> <p>4 much more potential and put me as the administrative</p> <p>5 assistant. At that time, my manager was Renee Smith. And</p> <p>6 then that's kind of when I started to work myself up, and</p> <p>7 then they eventually switched me from my manager being Renee</p> <p>8 Smith to Carmen Eassa as my manager.</p> <p>9 Q. So was there any difference in administrative</p> <p>10 assistant versus an assistant to a community manager?</p> <p>11 A. Yeah, actually. The position -- when I -- at the</p> <p>12 time that I was working on Anthem, the position was just</p> <p>13 much different than all of the other assistant positions.</p> <p>14 It was more hands-on. It was more in depth, as opposed to</p> <p>15 all of the other assistant positions. So I didn't -- I</p> <p>16 wasn't technically an assistant to a community manager. I</p> <p>17 was the assistant to the community itself.</p> <p>18 Q. So let's talk about -- I'm sorry. What was</p> <p>19 Renee's last name?</p> <p>20 A. Smith.</p> <p>21 Q. So what were your duties when you were the</p> <p>22 administrative assistant to Ms. Smith?</p> <p>23 A. So when I was the assistant for Renee, I really</p> <p>24 just answered calls from homeowners. I answered e-mails. I</p> <p>25 did the violation processes. So I switched the notices from</p> <p style="text-align: right;">Page 12</p>
<p>1 Q. What do you do currently for American Homes 4</p> <p>2 Rent?</p> <p>3 A. I am an eviction coordinator.</p> <p>4 Q. What does that mean?</p> <p>5 A. I file evictions. I deal with any of the court</p> <p>6 hearings. I file all documents. I update -- that's kind of</p> <p>7 what I do.</p> <p>8 Q. So it sounds like American Homes 4 Rent owns a lot</p> <p>9 of rental properties.</p> <p>10 A. That's correct.</p> <p>11 Q. And you monitor the monthly rental payments?</p> <p>12 A. Yes.</p> <p>13 Q. And if people aren't timely making their rental</p> <p>14 payments, then you --</p> <p>15 A. Correct.</p> <p>16 Q. -- become involved and escalate it?</p> <p>17 A. That's correct.</p> <p>18 Q. Any other schooling that we haven't talked about?</p> <p>19 A. No, that's it.</p> <p>20 Q. Any other employment that we haven't talked about</p> <p>21 since you graduated from high school?</p> <p>22 A. Nope, that's it.</p> <p>23 Q. When you first started with Terra West in 2019,</p> <p>24 was there, like, a specific manager that you were assigned</p> <p>25 to? Or kind of tell me how that worked.</p> <p style="text-align: right;">Page 11</p>	<p>1 courtesies to hearings to formals to all of the process that</p> <p>2 that -- that the violations go through. I did all of that.</p> <p>3 I spoke with homeowners. I did not attend any board</p> <p>4 hearings. I did not attend anything like that at the time.</p> <p>5 I was only just in office, an assistant for the community</p> <p>6 itself. I did things for the community. I helped the</p> <p>7 homeowners, answered calls for the homeowners, guided them,</p> <p>8 sent them paperwork that they needed, did things like that.</p> <p>9 Q. So, then, how did your -- well, strike that.</p> <p>10 How were you first trained when you started</p> <p>11 working for Ms. Smith?</p> <p>12 A. I guess when you say, How was I first trained,</p> <p>13 what do you mean?</p> <p>14 Q. Did you shadow somebody? Did they give you books,</p> <p>15 pamphlets to read? Were there checklists? Were there</p> <p>16 employee handbooks? I mean, how did you learn -- because</p> <p>17 you started out as a receptionist. How did you transition</p> <p>18 to an administrative assistant? What type of training</p> <p>19 program was there? How did you learn that role?</p> <p>20 A. Okay. So I did shadow multiple people. There</p> <p>21 were multiple people I did shadow underneath, other</p> <p>22 assistants who did the same thing. In -- I guess the same</p> <p>23 thing in some of their associations that they had worked on.</p> <p>24 I was given, like, a training guide. I don't</p> <p>25 remember how in depth that training guide, though, was. I</p> <p style="text-align: right;">Page 13</p>

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<p>1 did shadow multiple people, and that was the -- I mean, the</p> <p>2 bulk of the training was just -- it's really hands-on work.</p> <p>3 So it was really sitting there with someone doing it.</p> <p>4 Q. What type of oversight did Ms. Smith provide?</p> <p>5 A. She -- I mean, she looked over my work. She</p> <p>6 didn't have oversight in the inbox necessarily. I mean, she</p> <p>7 could go in there and look at the e-mails between homeowners</p> <p>8 and me, but it was just not something that she did. Her --</p> <p>9 she trusted the assistants to answer those. And if it</p> <p>10 needed to be escalated, it would then get escalated to her</p> <p>11 inbox. And if she ever needed to go into the association's</p> <p>12 inbox, she had full access to that.</p> <p>13 Q. So how did you go from working from Ms. Smith to</p> <p>14 working for Anthem?</p> <p>15 A. Yeah. So working for Anthem, that had -- the</p> <p>16 opportunity had been given to me, and I was already -- I</p> <p>17 already knew about Anthem and how they were. I kind of knew</p> <p>18 the dynamic of it. So I was kind of hesitant about taking</p> <p>19 the job and taking that position. However, I did take it,</p> <p>20 because I was one of the only more seasoned assistants to</p> <p>21 take on the account. So I took it on. And that was a big</p> <p>22 change when I took that on. I knew it would be very</p> <p>23 hands-on. I didn't realize how hands-on.</p> <p>24 Q. When you say you knew about Anthem and the</p> <p>25 dynamic --</p> <p style="text-align: right;">Page 14</p>	<p>1 remember that that was what really made me hesitant in the</p> <p>2 beginning to jump on board for the association.</p> <p>3 Q. After you switched from working for Ms. Smith to</p> <p>4 Ms. Eassa, was there any additional training that you</p> <p>5 received?</p> <p>6 A. No additional training, but a lot of criticism.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. As an assistant, you don't do the minutes. That</p> <p>9 is -- from what I remember in training as a manager, that's</p> <p>10 legally a manager's job, but I was forced to do minutes for</p> <p>11 hearings because I knew most about the violations. However,</p> <p>12 that was not how I was trained in the beginning. The</p> <p>13 managers did the regular minutes and the hearing minutes.</p> <p>14 All of it was done by the manager. So when I went to Anthem</p> <p>15 it was a different -- it was a different change, because now</p> <p>16 I had to do the minutes myself, but I was unaware of that.</p> <p>17 So we got a long e-mail kind of jumping down our throats</p> <p>18 about how I am the one to do the minutes and not Carmen.</p> <p>19 Q. When --</p> <p>20 A. So --</p> <p>21 Q. -- you say you got a long e-mail --</p> <p>22 A. Mm-hmm.</p> <p>23 Q. -- who was that e-mail from?</p> <p>24 A. Pennie.</p> <p>25 Q. Were there any additional manuals or --</p> <p style="text-align: right;">Page 16</p>
<p>1 A. Mm-hmm.</p> <p>2 Q. -- what does that mean?</p> <p>3 A. From situations that had happened when I worked</p> <p>4 there from the previous assistant. Again, she's -- it's</p> <p>5 hearsay, of course. So there's not much I can go into on</p> <p>6 that situation, but she had made an assistant feel really,</p> <p>7 really uncomfortable. Her -- the assistant's grandpa passed</p> <p>8 away and made the assistant feel bad for taking time off of</p> <p>9 work to go grieve her grandpa out of town.</p> <p>10 So I kind of knew that -- that the board was very</p> <p>11 hands-on with time off. And as a mom, I knew that that was</p> <p>12 going to be very hesitant for me. I knew that that was --</p> <p>13 that was why I was a little iffy, because I -- if I needed</p> <p>14 time off, I needed time off as a mom. And hearing the way</p> <p>15 she handled that situation just made me a little nervous.</p> <p>16 Q. When you say "she," who are you referring to?</p> <p>17 A. I am referring to the board president at the time,</p> <p>18 because the board president was the say all, do all.</p> <p>19 Everything went through her, and that was Pennie. At the</p> <p>20 time, that was the board president.</p> <p>21 Q. Are you referring to Pennie Mossett-Puhek?</p> <p>22 A. That is who I am referring to.</p> <p>23 Q. Was there anything else that you had heard about</p> <p>24 Anthem or the dynamic at Anthem?</p> <p>25 A. Not that I can remember at this time. I just</p> <p style="text-align: right;">Page 15</p>	<p>1 A. No.</p> <p>2 Q. -- written information provided to you when you</p> <p>3 started working for Anthem?</p> <p>4 A. No. Nothing additional, other than just the</p> <p>5 normal sheet that they gave you of all the information of</p> <p>6 the community.</p> <p>7 Q. Who was your supervisor when you started working</p> <p>8 on the Anthem account?</p> <p>9 A. That is kind of confusing. So I -- Carmen was my</p> <p>10 supervisor, and then it switched to -- my -- my supervising</p> <p>11 community manager was Carmen. It was always Carmen. And</p> <p>12 then I was told that I could no longer go to Carmen about</p> <p>13 taking time off or request that way. I had to now go to HR,</p> <p>14 because HR then had to reach out to Pennie and Pennie had to</p> <p>15 approve it.</p> <p>16 Q. Okay. As far as -- so other than needing to take</p> <p>17 time off --</p> <p>18 A. Mm-hmm.</p> <p>19 Q. -- Carmen was your supervisor in every other</p> <p>20 respect?</p> <p>21 A. Yeah, absolutely.</p> <p>22 Q. Did you report directly to Ms. Eassa?</p> <p>23 A. Yes.</p> <p>24 Q. How often did you speak with Ms. Eassa?</p> <p>25 A. Daily.</p> <p style="text-align: right;">Page 17</p>

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<p>1 Q. Was Ms. Eassa involved in the violation process of 2 units at Anthem?</p> <p>3 A. No, she was not involved in the violation process 4 unless she involved herself, if that makes sense. So what I 5 mean by that is if she was made aware of a situation, then 6 she would involve herself in the violation itself. Or if I 7 were to make her aware of something going on, she would 8 involve herself. Or if the board were to make her aware of 9 something, then she would involve herself, but for the most 10 part, she really -- she didn't oversee too much in the 11 violation process.</p> <p>12 Q. Who was your understanding of who was supposed to 13 be supervising the violation process?</p> <p>14 A. I mean, my supervising manager. So Carmen should 15 have been.</p> <p>16 Q. If you ever had any question about the violation 17 process, who would you have directed those to?</p> <p>18 A. I would direct them to Carmen, but Carmen would 19 direct me to Pennie.</p> <p>20 Q. Was Ms. Eassa involved in the inspection process?</p> <p>21 A. Yes and no. So Terra West has a policy where they 22 do ask that their community managers and their -- at least 23 someone from the board does ride-along inspection with the 24 inspector, not to tell the inspector what to point out, but 25 to ride along and see how the inspectors do their job and</p> <p style="text-align: right;">Page 18</p>	<p>1 Q. (BY MR. ELSON) Go ahead and answer.</p> <p>2 A. From my understanding.</p> <p>3 Q. So from time to time, you may hear an attorney 4 interpose an objection here today. I'm sure you've seen on 5 TV where people make objections and then typically we have a 6 judge that would rule on them if we were inside the 7 courtroom.</p> <p>8 Here at depositions, we don't have anybody to rule 9 on these objections. So the attorneys may, from time to 10 time, make objections to preserve the record if, in fact, it 11 becomes necessary for a judge to rule on those objections at 12 a later date and time.</p> <p>13 A. Okay.</p> <p>14 Q. So if you hear somebody make an objection, unless 15 somebody instructs you to not answer the question, which is 16 very rare -- and I don't anticipate it happening here 17 today -- just go ahead and answer your question -- answer 18 the question as if the attorney had not even made the 19 objection. Is that --</p> <p>20 A. Okay.</p> <p>21 Q. -- fair?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. Did Pennie ever discuss with you that she 24 reviewed the list of the courtesy notices or hearing notices 25 before they went out?</p> <p style="text-align: right;">Page 20</p>
<p>1 how they write the violations and things like that.</p> <p>2 So Carmen did do ride-alongs every once in a 3 while, and Carmen did drive around the community a lot to 4 inspect community areas, but I couldn't say if they were 5 also inspecting homes.</p> <p>6 Q. Was Carmen involved in any determination on 7 whether or not to send notices or violation notices to units 8 at Anthem?</p> <p>9 A. No.</p> <p>10 Q. Who made those decisions?</p> <p>11 A. Pennie.</p> <p>12 Q. When you say Pennie made those decisions, did you 13 check with Pennie on every courtesy notice before it was 14 sent?</p> <p>15 A. Yeah. From what I can remember, we were asked to 16 send a list of the courtesy notices first, and then she 17 would review them, but for the most part she never came back 18 with, Don't send this one or send that one. She did 19 review it, though. I believe we did allow her to review 20 them before they went out or as they were going out.</p> <p>21 Q. And it's your understanding that she, in fact, 22 reviewed those lists?</p> <p>23 A. From my understanding --</p> <p>24 MS. JACKSON: Objection. Speculation. Objection.</p> <p>25 Speculation.</p> <p style="text-align: right;">Page 19</p>	<p>1 A. I can't answer, because I just -- I don't remember 2 exactly. I mean, this was years ago. So I don't remember 3 exactly how all of the processes went, but from my 4 recollection, I do remember having to send the list out to 5 her.</p> <p>6 Q. Did you ever have any issues with 7 Ms. Mossett-Puhek?</p> <p>8 A. Plenty.</p> <p>9 Q. What types of issues did you run into with 10 Ms. Mossett-Puhek?</p> <p>11 MS. JACKSON: Objection. Vague.</p> <p>12 THE WITNESS: She was very micromanaging. She was 13 the worst board member I could have probably ever dealt 14 with. She was not very nice. She would go -- if there was 15 something wrong, she would go straight to the owner of the 16 company and she would tell the owner of the company plenty 17 of things to try to get people fired or off the account.</p> <p>18 I believe when I was there they had had Anthem for 19 maybe a year or two and they had gone through multiple 20 assistants. She is just -- she's just a bully, honestly.</p> <p>21 If I'm going to be flat-out honest, she's a bully. She 22 bullied me out of wanting to work there. I had to put a 23 resignation letter in in order to even be taken off of 24 Anthem because it was an issue.</p> <p>25 Q. Why did you stop wanting to work for Anthem?</p> <p style="text-align: right;">Page 21</p>

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<p>1 A. Because of her. She's just, again, flat-out --</p> <p>2 she's just a bully. She's -- she was nothing but -- she</p> <p>3 made it a hostile environment to the point where I didn't</p> <p>4 want to go to work. I didn't want to work anymore. I</p> <p>5 didn't like it.</p> <p>6 Q. Do you recall when you stopped working for Anthem?</p> <p>7 A. Yes. It was a couple months before I left. So</p> <p>8 I'm going to say -- I'm going to estimate probably around</p> <p>9 January or February, I believe, of 2022.</p> <p>10 Q. I show, based on my records --</p> <p>11 A. Yeah.</p> <p>12 Q. -- that the assistant that followed you -- do you</p> <p>13 remember the name of the assistant that followed you?</p> <p>14 A. Ashley.</p> <p>15 Q. Ashley Grove. Correct?</p> <p>16 A. Yes, Ashley Grove, I do remember.</p> <p>17 Q. Okay. Was there a time when you and Ashley worked</p> <p>18 the account together?</p> <p>19 A. No, we didn't. So if you have a different time, I</p> <p>20 can have been wrong when I stopped at Anthem.</p> <p>21 Q. That's fine. I show that Ashley Grove was the</p> <p>22 assistant by July of 2021, because her name is mentioned on</p> <p>23 meeting minutes.</p> <p>24 A. Okay.</p> <p>25 Q. Do you have any reason to dispute --</p> <p style="text-align: right;">Page 22</p>	<p>1 board was really -- all of them really just didn't -- they</p> <p>2 were just very carefree. They didn't care as much. They</p> <p>3 didn't -- they weren't as -- they weren't as dictatorship.</p> <p>4 It just felt like it was a dictatorship when I was with</p> <p>5 Anthem.</p> <p>6 Q. Who was the dictator that you felt at Anthem?</p> <p>7 A. Pennie.</p> <p>8 Q. Why would you describe her as a dictator? What</p> <p>9 did you see?</p> <p>10 A. Everything that had gone on or anything involving</p> <p>11 the account had to do with Pennie's approval. Pennie needed</p> <p>12 approval. Pennie needed to make sure that everything --</p> <p>13 like, everything had to be ran through her. All board stuff</p> <p>14 had to be ran through her. The board just allowed her to</p> <p>15 just say what she wanted, do what she wanted.</p> <p>16 Whatever her say was went because these are</p> <p>17 volunteers. These are board members who have their own</p> <p>18 jobs. They don't manage these like a job. They have their</p> <p>19 own jobs. They have their own, like, lives outside of being</p> <p>20 a board manager, where Pennie involved her entire life of</p> <p>21 being a board manager. That's all she did.</p> <p>22 Q. Did you ever discuss any of these issues with</p> <p>23 Ms. Eassa that you experienced with Ms. Mossett-Puhek?</p> <p>24 A. I discussed it with Carmen. I discussed it with</p> <p>25 Julie. I discussed it with Kathy. Everyone knew.</p> <p style="text-align: right;">Page 24</p>
<p>1 A. No.</p> <p>2 Q. -- that you --</p> <p>3 A. No, I don't. That sounds -- that sounds accurate,</p> <p>4 honestly. I was only on the account for a few months</p> <p>5 because I could not handle it.</p> <p>6 Q. Okay. I'm going to reask the question.</p> <p>7 A. Okay.</p> <p>8 Q. Again, try and let me ask the full question before</p> <p>9 you answer. I know a lot of times in natural language we</p> <p>10 tend to predict where other people are going to -- what they</p> <p>11 are going to ask.</p> <p>12 Do you have any reason to dispute that you were no</p> <p>13 longer handling the account by July of 2021?</p> <p>14 A. No.</p> <p>15 Q. Where did you transition to from Anthem?</p> <p>16 A. At that time, I was a provisional community</p> <p>17 manager. So I started working on my own accounts. So I</p> <p>18 transitioned to a portfolio manager and managing about -- I</p> <p>19 think there was four or five different associations at that</p> <p>20 time I was managing.</p> <p>21 Q. Were those other associations ran differently than</p> <p>22 Anthem?</p> <p>23 A. Very different.</p> <p>24 Q. How were they run differently?</p> <p>25 A. So much smoother, I guess. They were just -- the</p> <p style="text-align: right;">Page 23</p>	<p>1 Q. Who is Julie?</p> <p>2 A. Julie Kline is the HR -- she is human resources.</p> <p>3 Q. Who is Kathy?</p> <p>4 A. Kathy Matheson. She is the owner of the company.</p> <p>5 Q. Okay.</p> <p>6 A. Or was the owner of the company.</p> <p>7 Q. In a prior response, you told me that -- you had</p> <p>8 mentioned the owner of Terra West. Were you referring to</p> <p>9 Ms. Matheson at that time?</p> <p>10 A. That is correct, yep.</p> <p>11 Q. When you communicated issues with Ms. Eassa -- to</p> <p>12 Ms. Eassa, Ms. -- and Ms. Kline and Ms. Matheson or who else</p> <p>13 at Terra West, how would you communicate it?</p> <p>14 A. I was actually really close with HR. I was</p> <p>15 really -- we were on very good terms. So I would go into</p> <p>16 her office. I would let her know what was going on. I</p> <p>17 would vent to her about the situation and how it was being</p> <p>18 handled or how something was being taken. From there on,</p> <p>19 nothing really went.</p> <p>20 I mean, whether I'd go to Carmen, whether I'd go</p> <p>21 to Julie, nothing kind of went from there. Like, I voiced</p> <p>22 my opinions, I voiced how I felt, and from then on, it was</p> <p>23 like, Okay. Well, thanks for telling me your opinion. Now</p> <p>24 we're done.</p> <p>25 Q. Did you ever send anything in writing to these</p> <p style="text-align: right;">Page 25</p>

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<p>1 individuals?</p> <p>2 A. Once I sent my resignation letter, that was the</p> <p>3 first time I sent it in writing.</p> <p>4 Q. What did you say in your resignation letter?</p> <p>5 A. I don't recall exactly what was said in the</p> <p>6 resignation letter. I do remember stating the hostile</p> <p>7 environment, because at the time it was extremely hostile.</p> <p>8 Q. And who was making it hostile?</p> <p>9 A. Pennie.</p> <p>10 Q. What was your understanding of Ms. Eassa's</p> <p>11 relationship with Ms. Mossett-Puhek?</p> <p>12 MS. JACKSON: Objection. Calls for speculation.</p> <p>13 THE WITNESS: From my understanding, the</p> <p>14 relationship they had was professional from what I saw, but,</p> <p>15 of course, I was only around in a professional setting. So</p> <p>16 when they would go off and look around the community and</p> <p>17 look at common areas, I don't know what happened. I don't</p> <p>18 know how that was, but from what I know, they were always a</p> <p>19 professional working relationship, if that makes sense. It</p> <p>20 was always just very professional.</p> <p>21 Q. (BY MR. ELSON) And just to be clear, did you ever</p> <p>22 meet with Ms. Matheson about Ms. Mossett-Puhek?</p> <p>23 A. Yes, I have -- I had met with her on one occasion,</p> <p>24 and I do know that at that time they were having lunches</p> <p>25 together and things like that.</p> <p style="text-align: right;">Page 26</p>	<p>1 Q. (BY MR. ELSON) And how did you arrive at that</p> <p>2 understanding?</p> <p>3 A. It was talk around the -- around the office.</p> <p>4 Q. And who talked about it?</p> <p>5 A. Between Julie Kline, a couple of the other</p> <p>6 assistants, one of the main assistants who did all of the</p> <p>7 transitions in and bringing in all of the associations where</p> <p>8 she would help transition the accounts into Terra West and</p> <p>9 from their old management companies. So it was just kind of</p> <p>10 talk. So, of course, that's just talk. I don't know for</p> <p>11 sure, but that was some things that were said at the time.</p> <p>12 Q. Do you know how or why Ms. Eassa started to work</p> <p>13 for Terra West and Anthem again?</p> <p>14 A. I do know that she was on Anthem years, years, and</p> <p>15 years ago. Like a long, long time ago, I knew that they had</p> <p>16 a working relationship.</p> <p>17 Q. Was it ever discussed with you that Ms. Matheson</p> <p>18 directly called Ms. Eassa and asked her to come back to work</p> <p>19 at Terra West and handle the Anthem account?</p> <p>20 A. I feel like that -- I know that that is something</p> <p>21 that Terra West did a lot, is they called back previous</p> <p>22 employees and brought them back. So I -- I am sure that</p> <p>23 probably happened.</p> <p>24 Q. Do you remember when Ms. Matheson stopped working</p> <p>25 at Terra West?</p> <p style="text-align: right;">Page 28</p>
<p>1 Q. When you say "they," who are you referring to?</p> <p>2 A. Pennie and Kathy.</p> <p>3 Q. And how did you know that Ms. Matheson and</p> <p>4 Ms. Mossett-Puhek were having lunches together?</p> <p>5 A. Because I was told through Julie Kline, which is</p> <p>6 HR, and Carmen that Kathy and Pennie had met last night or</p> <p>7 met yesterday, in that sense.</p> <p>8 Q. What was your understanding of Ms. Matheson's</p> <p>9 relationship with Ms. Mossett-Puhek?</p> <p>10 A. From my understanding --</p> <p>11 MS. JACKSON: Object- --</p> <p>12 THE WITNESS: -- when --</p> <p>13 MS. JACKSON: Objection.</p> <p>14 MR. BOYACK: Hold on.</p> <p>15 MS. JACKSON: Sorry. Objection. Calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: From my understanding, when Anthem</p> <p>18 first got signed on with Terra West, I knew that Kathy and</p> <p>19 Pennie were friends outside of it. They both lived in</p> <p>20 Anthem. They both were -- they both had some kind of</p> <p>21 relationship. I don't know if they were family friends,</p> <p>22 close friends, neighborhood friends, or just people who knew</p> <p>23 each other and knew of each other's names and had been,</p> <p>24 like, acquaintances. I don't know, but I do know that they</p> <p>25 knew each other very well.</p> <p style="text-align: right;">Page 27</p>	<p>1 A. I don't know the exact month, but I do remember</p> <p>2 the time when it had happened. Like, I remember when Kathy</p> <p>3 had transitioned out.</p> <p>4 Q. Do you remember if that -- were you still working</p> <p>5 on the Anthem account when that happened?</p> <p>6 A. No, I was not.</p> <p>7 Q. Okay. How long after you had stopped working on</p> <p>8 the Anthem account when Ms. Matheson transitioned out?</p> <p>9 A. Ooh. I want to say probably three to four months.</p> <p>10 It was a minute.</p> <p>11 Q. Was there -- help me understand the transition of</p> <p>12 Ms. Matheson. Was it abrupt? Did you see -- was it kind</p> <p>13 of, like, her slowly transitioning out of the company? Were</p> <p>14 there people that you were directed to speak to as she</p> <p>15 transitioned out? Can you help me understand the transition</p> <p>16 of her?</p> <p>17 A. Yeah. She -- I know that she had been talking --</p> <p>18 in talks -- her and the other owner, Debra, had talks about</p> <p>19 retiring. And then shortly, I believe, after COVID had</p> <p>20 happened, that's when they decided that they were going to</p> <p>21 retire. They started looking around for someone to buy the</p> <p>22 company. And I know that it took them a good two years to</p> <p>23 find someone to buy the company. And then at that time, the</p> <p>24 transition -- it was a quick transition, but it wasn't -- it</p> <p>25 may have felt abrupt, but that's just, I think, because of</p> <p style="text-align: right;">Page 29</p>

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<p>1 COVID. I think COVID had everyone at home, and so she was 2 gone and then she was just gone. 3 Q. After Ms. Matheson transitioned out, who were you 4 directed to -- you know, what was the chain of command at 5 that point? 6 A. At that point, chain of command -- I mean, the 7 owners were -- took over and it was Yes&. That was the 8 owner company. And at that point, I wasn't under Anthem 9 anymore. So I was community manager and my provisional 10 manager at that time was Susan Nolan. 11 Q. When you transitioned out of Anthem -- 12 A. Mm-hmm. 13 Q. -- do you remember having talks with Ms. Kline or 14 Ms. Matheson, like, directly before you transitioned out? 15 A. Talks about? 16 Q. About the issues you were experiencing. 17 A. Yes. That was the reason I transitioned out, was 18 because I gave them my resignation letter. And I said, If 19 you guys cannot take me off of this account, I cannot work 20 here anymore, because I can't deal with the hostility and I 21 can't deal with the tension that it is. I just don't want 22 to be under Pennie anymore. 23 Q. Was Ms. Matheson one of the individuals that 24 received your resignation letter? 25 A. Yes, she was aware.</p> <p style="text-align: right;">Page 30</p>	<p>1 assistant on the account? 2 A. So at that time I had switched from the corporate 3 office off Cimarron to the Henderson office. So at that -- 4 I did not have close communications or contact with her 5 anymore. So, no, I did not hear anything from Ashley. 6 Q. What about complaints from homeowners? Did you 7 ever receive any complaints from homeowners about 8 Ms. Mossett-Puhek? 9 A. Plenty. 10 Q. What types of complaints would you receive from 11 homeowners? 12 A. Complaints that she is -- all of it was that she 13 just misuses her title on the board. She just misuses her 14 power. 15 Q. Was Terra West aware of these complaints? 16 A. Yes. 17 Q. About how many complaints would -- do you recall 18 receiving from homeowners about Ms. Mossett-Puhek? 19 A. I'm going to guess on this one because I -- 20 MR. BOYACK: Well -- 21 Q. (BY MR. ELSON) I don't want you to guess. 22 A. -- don't really know. 23 Q. So let me rephrase. What is your best estimate of 24 the number of complaints that you recall receiving about 25 Ms. Mossett-Puhek? Was the number more than five?</p> <p style="text-align: right;">Page 32</p>
<p>1 Q. And she still worked for Terra West at that time? 2 A. Yes. 3 Q. Are you aware of other employees of Terra West 4 complaining about Ms. Mossett-Puhek? 5 A. Yes. 6 Q. How many other employees? 7 A. With Carmen being one of them, I would say every 8 single assistant they've had on the account with Terra West. 9 So the last three or four assistants they've had, plus the 10 manager. Everyone complains about Pennie. 11 Q. Did Ms. Eassa ever complain to you about 12 Ms. Mossett-Puhek? 13 A. Yes, all the time. 14 Q. What type of complaints would Ms. Eassa say to 15 you? 16 A. It was -- 17 MS. JACKSON: Object -- 18 THE WITNESS: It was always just an eye roll. 19 Well, you know how she is. That's just how she is. It was 20 just -- she was just kind of -- always just allowed her to 21 be the way she is. When she complained about her, she would 22 complain, she would vent, and then she'd be like, But that's 23 just how Pennie is. 24 Q. (BY MR. ELSON) Did Ms. Grove ever complain to you 25 about Ms. Mossett-Puhek once she started acting as the</p> <p style="text-align: right;">Page 31</p>	<p>1 A. Yes. 2 Q. Was the number more than ten? 3 A. The number was definitely more than five. 4 Q. Was the number more than ten? Can you give me a 5 range? 6 A. In a time period, yeah, absolutely, more than ten. 7 I constantly had complaints. 8 Q. Okay. So during the entire time that you were the 9 assistant on Anthem, how many -- what is your best 10 estimate -- you can give me a range if you need to -- about 11 the number of complaints from different homeowners that you 12 received about Ms. Mossett-Puhek? 13 A. I would say probably different homeowners, eight 14 to ten. 15 Q. And the complaints were all similar as to what you 16 described about how -- I think this was your testimony, that 17 she was misusing her power on the board. Is that correct? 18 A. That's correct. 19 MS. JACKSON: Objection. Hearsay. 20 THE WITNESS: That's correct. 21 Q. (BY MR. ELSON) Did you think any of those 22 complaints had merit? 23 A. Yes. 24 Q. How did Terra West handle not only the homeowner 25 complaints but also the internal complaints from other</p> <p style="text-align: right;">Page 33</p>

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<p>1 personnel at Terra West?</p> <p>2 A. I believe they spoke with Pennie, but I don't</p> <p>3 really know what came out of all of that.</p> <p>4 Q. Did you see anything change --</p> <p>5 A. No.</p> <p>6 Q. -- while you were the assistant?</p> <p>7 A. Sorry. No.</p> <p>8 Q. Did you ever see anything in writing from Terra</p> <p>9 West that addressed these issues with Ms. Mossett-Puhek?</p> <p>10 A. Not from what I've seen.</p> <p>11 Q. Did board members ever complain about</p> <p>12 Ms. Mossett-Puhek?</p> <p>13 A. Not to me.</p> <p>14 Q. They appear to be afraid of Ms. Mossett-Puhek?</p> <p>15 MS. JACKSON: Objection. Speculation.</p> <p>16 THE WITNESS: Not to me.</p> <p>17 Q. (BY MR. ELSON) What types of relationships did</p> <p>18 Ms. Mossett-Puhek have with the board, if you know?</p> <p>19 MS. JACKSON: Objection. Speculation.</p> <p>20 THE WITNESS: I don't know. I really don't know</p> <p>21 the relationships. I know they all listened to her.</p> <p>22 Q. (BY MR. ELSON) How do you know they all listened</p> <p>23 to Ms. Mossett-Puhek?</p> <p>24 A. Because everything had to be ran through Pennie</p> <p>25 first. Everything was ran through Pennie.</p> <p style="text-align: right;">Page 34</p>	<p>1 knew that they brought in a lot of revenue. I knew that,</p> <p>2 but I don't know how much and I know that they were an</p> <p>3 important account.</p> <p>4 Q. Okay. Did Ms. Eassa ever discuss that with you?</p> <p>5 A. No.</p> <p>6 Q. Did you ever witness Ms. Mossett-Puhek raise her</p> <p>7 voice at people?</p> <p>8 A. Yes.</p> <p>9 Q. She ever raise her voice at you?</p> <p>10 A. Yes, over the phone, yes, and made me cry.</p> <p>11 Q. What about other units owners? Did you ever</p> <p>12 witness her raise her voice at them?</p> <p>13 A. I'm unaware of that. No, I don't know.</p> <p>14 Q. So who all did you witness Ms. Mossett-Puhek raise</p> <p>15 her voice at?</p> <p>16 A. She's raised her voice at me, and she's raised her</p> <p>17 voice at Carmen.</p> <p>18 Q. Did you ever witness her talk to people in a rude</p> <p>19 manner?</p> <p>20 A. Yes.</p> <p>21 Q. Would that be both you and Ms. Eassa?</p> <p>22 A. Correct.</p> <p>23 Q. Did you ever feel like she was intimidating you?</p> <p>24 A. Absolutely.</p> <p>25 Q. How did Pennie react if you disagreed with her?</p> <p style="text-align: right;">Page 36</p>
<p>1 Q. Was the Anthem account a large account for Terra</p> <p>2 West?</p> <p>3 A. It was a very large account.</p> <p>4 Q. Do you know how much revenue it generated for</p> <p>5 Terra West?</p> <p>6 A. I don't.</p> <p>7 Q. Is it your understanding that Terra West was</p> <p>8 concerned about keeping this account?</p> <p>9 A. Absolutely.</p> <p>10 Q. How did you arrive at that understanding?</p> <p>11 A. They always made that comment, We need to make</p> <p>12 sure that this account is happy.</p> <p>13 Q. Who would make that comment?</p> <p>14 A. Julie.</p> <p>15 Q. Did Ms. Matheson ever echo Julie's concerns about</p> <p>16 keeping the account?</p> <p>17 A. Possibly to Julie, but I didn't have constant</p> <p>18 communication with Kathy, so, no, not to me.</p> <p>19 Q. So I just want to know people that told you this</p> <p>20 directly. So Ms. Kline told you this?</p> <p>21 A. Yes. Yeah.</p> <p>22 Q. Did anybody else tell you, We need to make sure</p> <p>23 and keep this account happy?</p> <p>24 A. Not at -- not that I can remember. I do know that</p> <p>25 that was a main concern, though, is making them happy. I</p> <p style="text-align: right;">Page 35</p>	<p>1 A. I was too afraid to disagree with her. So I</p> <p>2 really don't know how she would react. I was too afraid of</p> <p>3 her reactions and getting fired, honestly.</p> <p>4 Q. Why were you afraid that Pennie would try and get</p> <p>5 you fired?</p> <p>6 A. She has gotten people off of the accounts before</p> <p>7 assistants. She didn't like an assistant before, and she</p> <p>8 has gotten that one off the account. They didn't lose their</p> <p>9 job. However, I was worried I was going to, because what if</p> <p>10 they didn't have any other positions for me? So I just</p> <p>11 stayed quiet.</p> <p>12 Q. Did you ever discuss any of those concerns with</p> <p>13 Ms. Eassa?</p> <p>14 A. No.</p> <p>15 Q. Did Ms. Eassa ever share any thoughts like that</p> <p>16 with you?</p> <p>17 A. No. Not that I can remember.</p> <p>18 Q. How close were you with Ms. Eassa?</p> <p>19 A. Not very close. I mean, I -- we had a working</p> <p>20 relationship, and that's about it. I didn't talk too much</p> <p>21 about my personal life or know much about her personal life</p> <p>22 very much.</p> <p>23 Q. No water cooler talk? It was just very</p> <p>24 professional?</p> <p>25 A. No, no water cooler talk. I'm not . . .</p> <p style="text-align: right;">Page 37</p>

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<p>1 Q. Let's cover a little more background information.</p> <p>2 When were you born and where were you born?</p> <p>3 A. I was born March 3rd, 1999, and I was born in</p> <p>4 Golita, California.</p> <p>5 Q. I'm sorry. Where? What's the --</p> <p>6 A. Golita, California.</p> <p>7 Q. Could you spell that for the record?</p> <p>8 A. Oh, G-O-L-I-T-A.</p> <p>9 Q. And when did you move to Las Vegas?</p> <p>10 A. I moved here when I was six months old.</p> <p>11 Q. And have you lived here ever since?</p> <p>12 A. Yes.</p> <p>13 Q. I don't want to offend you. I ask this question</p> <p>14 of every witness I've ever deposed. Have you ever been</p> <p>15 convicted of a felony?</p> <p>16 A. No.</p> <p>17 Q. Have you ever been convicted of a crime of moral</p> <p>18 turpitude, that is one involving deceit or dishonesty, such</p> <p>19 as lying on your taxes?</p> <p>20 A. No.</p> <p>21 Q. What did you do to prepare for this deposition?</p> <p>22 A. Nothing.</p> <p>23 Q. Did you review any documents?</p> <p>24 A. No.</p> <p>25 Q. It's fair to say that you haven't seen any of the</p> <p style="text-align: right;">Page 38</p>	<p>1 today in any way?</p> <p>2 A. No, not at all.</p> <p>3 Q. Did you do any searches for any records that you</p> <p>4 may have in your possession about Ms. Collier or this case</p> <p>5 as you understood it?</p> <p>6 A. Yes, I did.</p> <p>7 Q. Okay. What type of searches did you do?</p> <p>8 A. I remember when I had worked at Terra West I did</p> <p>9 forward some e-mails from Pennie, some very mean e-mails</p> <p>10 from Pennie over to my inbox, and so I had those.</p> <p>11 Q. Did you review those?</p> <p>12 A. I did review them.</p> <p>13 Q. Are you able to print those up and provide those</p> <p>14 to me?</p> <p>15 A. I can't print them, but I -- well, if I can print</p> <p>16 them here I could, yeah.</p> <p>17 Q. I don't mean at this moment.</p> <p>18 A. Oh, yeah.</p> <p>19 Q. I mean --</p> <p>20 A. Oh, yeah. I can send them to you.</p> <p>21 Q. Or send them to me and --</p> <p>22 A. Absolutely, absolutely.</p> <p>23 Q. Did you just save those e-mails in, like, a</p> <p>24 certain folder on your personal e-mail or --</p> <p>25 A. No. Just forwarded them over to my personal</p> <p style="text-align: right;">Page 40</p>
<p>1 specific documents related to this case like the complaint</p> <p>2 or any discovery or anything like that?</p> <p>3 A. No.</p> <p>4 Q. Other than me, did you talk to anybody about your</p> <p>5 deposition?</p> <p>6 A. Julie Kline did call me to inform me that I might</p> <p>7 be getting deposed prior to speaking with you. It was a</p> <p>8 couple days before you had called me, actually. I asked</p> <p>9 what it was about. She didn't really know much and had the</p> <p>10 attorney give me a call, their attorney, but I didn't speak</p> <p>11 with them. I didn't answer the call. It was after I had</p> <p>12 already spoke with you. So I knew what it was about. And I</p> <p>13 was like, I don't need to call.</p> <p>14 Q. Let's talk about our conversations.</p> <p>15 A. Yeah.</p> <p>16 Q. How many times did we speak?</p> <p>17 A. Two or three times.</p> <p>18 Q. How long did we speak?</p> <p>19 A. Maybe ten minutes.</p> <p>20 Q. In total?</p> <p>21 A. Each call maybe.</p> <p>22 Q. Okay. Did I tell you what to say here today?</p> <p>23 A. No, I really didn't know how all these questions</p> <p>24 were going to go.</p> <p>25 Q. Did I attempt to influence your testimony here</p> <p style="text-align: right;">Page 39</p>	<p>1 e-mail. They're just in my -- I just searched Pennie's name</p> <p>2 and they came up, honestly.</p> <p>3 Q. Did you search anything else?</p> <p>4 A. No, that was it. That's all I found. That's all</p> <p>5 I had.</p> <p>6 Q. Do you still have a copy of your resignation</p> <p>7 letter?</p> <p>8 A. I might have a copy of it. I haven't looked for</p> <p>9 that, but I can look for it.</p> <p>10 Q. If you don't, I'm sure Terra West does. So . . .</p> <p>11 Okay. Let's talk a little bit more about</p> <p>12 inspections.</p> <p>13 A. Okay.</p> <p>14 Q. Who was the inspector on the Anthem account?</p> <p>15 A. Ooh. I have to remember her name. Constance, I</p> <p>16 think, is her name.</p> <p>17 Q. Did you ever give any instructions to Constance on</p> <p>18 how to conduct the inspections?</p> <p>19 A. I did not, but I do know that there was a lot of</p> <p>20 communication as to how inspections were going to go between</p> <p>21 Pennie, Carmen, and Constance. I also know that there --</p> <p>22 they went through a couple inspectors as well, because there</p> <p>23 was issues --</p> <p>24 Q. Do you recall --</p> <p>25 A. -- with the way the inspectors were inspecting.</p> <p style="text-align: right;">Page 41</p>

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<p>1 Q. Do you recall anybody else that served as an 2 inspector -- 3 A. I can't -- 4 Q. -- on the -- 5 A. -- remember names, no. I want to say maybe his 6 name was Ron. I want to say something with an R. I can't 7 remember. 8 Q. Were there complaints from Anthem about the 9 inspectors? 10 A. Yes. 11 Q. Who was making the complaints? 12 A. The board is what I know. I don't know who on the 13 board, but I do know the board was making complaints. 14 Q. Do you know if -- do you know anything specific 15 about the inspections like what type of path of travel they 16 would take, what they would look for, what type of 17 instructions they received? 18 A. No. I do know that they were told they had, like, 19 an actual spreadsheet which marked off what was most 20 important in the neighborhood for the inspectors to look at. 21 So the board members would basically fill out this sheet on 22 intake. 23 So when Terra West takes on an association, they 24 give them this form and they say, Can you please fill out 25 what's the most important violations or what's the most</p> <p style="text-align: right;">Page 42</p>	<p>1 conducted? 2 A. Monthly. 3 Q. Does anyone else other than the inspector conduct 4 inspections at Anthem? 5 A. Yeah. From time to time, I would get e-mails from 6 Pennie sending in violations. Hey, can you send out a 7 notice for this one? Can you send out a notice for this 8 one? But that wasn't uncommon for community associations to 9 do that. 10 Q. Did you receive e-mails from other board members, 11 or was it just Ms. Mossett-Puhek? 12 A. It was just Pennie. Yeah, I didn't get very many 13 e-mails from any other board members. 14 Q. So it would be fair to say Ms. Mossett-Puhek was 15 also conducting inspections at Anthem? 16 A. Yes. 17 Q. Do you know how often Ms. Mossett-Puhek was 18 conducting inspections? 19 A. I don't. 20 Q. Would you receive e-mails from her, like, weekly? 21 Monthly? Was it less frequent than every month that you 22 would receive e-mails from her about violations? 23 A. I would -- I can't remember if it was weekly, 24 monthly. I do know it was frequently. I do know I did get 25 frequent e-mails from her about violations within the</p> <p style="text-align: right;">Page 44</p>
<p>1 important things that need to be looked at in the community 2 to make sure that the community management company, Terra 3 West, is doing what the community board wants to make sure 4 that the community association is following what they're 5 supposed to? 6 So they were given an inspection sheet to follow 7 along, but I do know that they also had a system that just 8 brought them through the system. 9 Q. So we're obviously here today to talk about 10 Ms. Collier. 11 A. Mm-hmm. 12 Q. And you were -- we'll get to this, but my 13 understanding is you had some involvement with Ms. Collier's 14 property on the oleanders and maybe even some paint scheme 15 issues. Does that ring a bell? 16 A. It does ring a bell a little bit, yeah. 17 Q. Do you recall having any conversations with the 18 inspector about Ms. Collier or Ms. Collier's property? 19 A. Not personally, no. I didn't have any. 20 Q. Is the inspector supposed to drive by, like, every 21 house in the community when they conduct inspections? 22 A. Yes, yes, they are to drive slow by each and every 23 house and look at every house. They can't walk on property, 24 but they can walk up to property line. 25 Q. And how often would these inspections be</p> <p style="text-align: right;">Page 43</p>	<p>1 community. And I want to say at nighttime she was doing, 2 like, night light inspections, like the inspections to check 3 your, like, coach lights, but I -- again, I couldn't say 4 specifically if that was what she was doing, but I do know 5 at night she was driving around. 6 Q. Was there any talk at Terra West about -- well, 7 strike that. 8 My understanding is Anthem is made up of, like, 9 multiple subcommunities. 10 A. Correct. 11 Q. Is that correct? 12 A. That's correct. 13 Q. Was there any talk at Terra West about, like, 14 targeting certain neighborhoods or certain subcommunities 15 with the inspector that you recall? 16 A. No, not that I recall. 17 MS. JACKSON: Objection. Hearsay. 18 THE WITNESS: Not that I recall. 19 Q. (BY MR. ELSON) Was there any talk about, like, 20 targeting certain violations or certain issues that you 21 recall? 22 MS. JACKSON: Objection. Hearsay. 23 THE WITNESS: Not that I recall. 24 Q. (BY MR. ELSON) So as it relates to inspections, 25 were they conducted differently at Anthem than what you saw</p> <p style="text-align: right;">Page 45</p>

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<p>1 them being conducted at other communities that you were 2 involved with?</p> <p>3 A. No. I wouldn't say that. It was pretty much the 4 same. The violation processes were pretty much the same. I 5 don't think there was very much different other than having 6 to, more -- more or less, involve Pennie a lot.</p> <p>7 Q. So what was the difference with Pennie's 8 involvement versus other board members at other 9 associations?</p> <p>10 A. Yeah, we had to send the violations over to her so 11 that she could review it. I know we do have other -- we had 12 other associations that also wanted the violations prior to 13 them being sent out courtesy-wise. However, she was one of 14 them who also required that. That was very uncommon for us 15 as assistants to have to do, but it wasn't -- it wasn't, 16 like, completely rare. There were a couple associations we 17 did have to send the courtesy lists out to.</p> <p>18 Q. How come you didn't communicate with the other 19 board members? Why was it always just Pennie?</p> <p>20 A. That's what I was told. That was my -- that is 21 what I was told to do. I had to communicate with Pennie. 22 Pennie, then, would communicate with the board members. Or 23 the board members wouldn't respond and it would just be 24 Pennie. So then Pennie would just take charge of the 25 situation and respond in the e-mails. I do remember board</p> <p style="text-align: right;">Page 46</p>	<p>1 MS. JACKSON: Objection. Speculation.</p> <p>2 THE WITNESS: I guess we don't.</p> <p>3 Q. (BY MR. ELSON) You're not aware of any policy or 4 procedure --</p> <p>5 A. Mm-mm.</p> <p>6 Q. -- that was taken by Terra West to ensure that 7 Pennie was communicating with the entire board. Is that 8 correct?</p> <p>9 A. That's correct. I'm unaware.</p> <p>10 Q. Do you agree or disagree that HOAs are required to 11 make decisions at noticed board meetings?</p> <p>12 A. I agree.</p> <p>13 Q. Do you agree or disagree that the board of 14 directors are required to vote at a noticed board meeting on 15 decisions that affect the HOA?</p> <p>16 A. I agree.</p> <p>17 Q. What decisions can individual board members make?</p> <p>18 A. I mean --</p> <p>19 MS. JACKSON: Objection. Sorry. Objection.</p> <p>20 Vague.</p> <p>21 THE WITNESS: I guess I don't really know, because 22 they really shouldn't be making decisions on their own. It 23 should be all together. I mean, that --</p> <p>24 Q. (BY MR. ELSON) Did you witness Ms. Mossett-Puhek 25 making decisions on her own?</p> <p style="text-align: right;">Page 48</p>
<p>1 members being in the e-mails, but, honestly, I remember 2 Pennie's name over all of the other board members. I can't 3 remember any of the others.</p> <p>4 Q. As you sit here today, can you even recall another 5 board member's name?</p> <p>6 A. Maybe Sidney, and that's just because it was a guy 7 and he has a girl name and that's probably about it. Sorry.</p> <p>8 Q. When you say Sidney has, like -- I believe it's an 9 androgynous name. Right?</p> <p>10 A. Sorry.</p> <p>11 Q. No, it's fine.</p> <p>12 A. That's just what I remember. I'm sorry.</p> <p>13 Q. Sidney is a very nice individual. Made me lose my 14 train of thought.</p> <p>15 A. Sorry.</p> <p>16 Q. Oh, what type of -- so you said Pennie was 17 supposed to communicate with the other board members. Is 18 that correct?</p> <p>19 A. Correct.</p> <p>20 Q. What type of oversight existed to ensure that 21 Pennie was communicating with other board members?</p> <p>22 A. None.</p> <p>23 Q. So how did you guys ensure that she was fulfilling 24 her job to notify all the other board members of what was 25 transpiring?</p> <p style="text-align: right;">Page 47</p>	<p>1 A. Yes.</p> <p>2 Q. Did you feel that that was appropriate?</p> <p>3 A. No.</p> <p>4 Q. What did Terra West do to correct the issues with 5 Ms. Mossett-Puhek making decisions on her own?</p> <p>6 A. I'm unaware to that. I brought the concerns, and 7 that was about it. I stopped right there.</p> <p>8 Q. Who did you bring those concerns to?</p> <p>9 A. Julie and Carmen.</p> <p>10 Q. Did you ever discuss that with Ms. Matheson?</p> <p>11 A. No.</p> <p>12 Q. Was Ms. Eassa ultimately responsible for managing 13 the Anthem account?</p> <p>14 A. Yes.</p> <p>15 Q. Was she ultimately responsible for ensuring that 16 the Anthem account complied with Chapter 116?</p> <p>17 A. Yes.</p> <p>18 Q. Have you ever heard the term "board liaison"?</p> <p>19 A. Yes.</p> <p>20 Q. What is a board liaison?</p> <p>21 A. The board liaison is who we would go, as the 22 managing company -- would go to for them to then express all 23 of it over to the rest of the board so that there wasn't so 24 many e-mail communications. So, basically, if I need an arc 25 application to be approved, then we would go to the board</p> <p style="text-align: right;">Page 49</p>

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<p>1 liaison. The board liaison would take that arc application 2 and take it back to the rest of the board to review and then 3 collectively get their yes, noes, yes, noes, approvals or 4 denials and then bring it back to us with one person. So 5 the board liaison would then bring it back to us with 6 everyone's responses.</p> <p>7 Q. Was the board liaison given any special authority 8 or special decision-making?</p> <p>9 A. No.</p> <p>10 Q. So just so I understand, the board liaison was 11 nothing more than a point of contact?</p> <p>12 A. Correct.</p> <p>13 Q. Who was the board liaison for Anthem?</p> <p>14 A. Pennie Puhek.</p> <p>15 Q. What oversight existed over the board liaison?</p> <p>16 A. No oversight existed.</p> <p>17 Q. What decisions can individual board members make 18 without the rest of the board?</p> <p>19 A. They can't.</p> <p>20 MR. ELSON: We've been going about an hour. You 21 guys want to take a quick break or keep going? I'm fine 22 either way.</p> <p>23 THE WITNESS: I'm fine.</p> <p>24 MR. BOYACK: How much longer do you think you 25 have?</p> <p style="text-align: right;">Page 50</p>	<p>1 And then at the hearing is when it's discussed.</p> <p>2 It's in a closed session. It's discussed whether they're 3 going to fine the tenant -- or fine the homeowner or not 4 fine the homeowner and how to fix the violation and they 5 also get to hear out the homeowner at that time.</p> <p>6 Once that happens, after that happens, the minutes 7 get created and then the hearing results go out. Once the 8 hearing results go out, those notices go out to the 9 homeowners letting them know they were fined whatever the 10 initial fine is and, until that violation is corrected, 11 they're going to continue to get fines every seven days.</p> <p>12 And so that continues until they either correct 13 the violation or it just -- they will just continue to get 14 fined and fined and fined and fined. And then at that point 15 I believe a lien gets put on their house because of the 16 amount of fines that they have.</p> <p>17 If it is through the initial formal process, you 18 basically just cut out the courtesy notice and there's just 19 one less step. So there's just one less notice that goes 20 out, as opposed to the other option. So it just depends on 21 what is stated in the governing documents.</p> <p>22 Q. Okay. Let's talk about Anthem specifically. Does 23 Anthem differ from that general way that you just described?</p> <p>24 A. No, I don't believe and I can't remember if their 25 governing documents required courtesy or initial formal</p> <p style="text-align: right;">Page 52</p>
<p>1 MR. ELSON: I hope that I would be done within an 2 hour. If not, much sooner.</p> <p>3 MR. BOYACK: Let's take a break, if we can.</p> <p>4 MR. ELSON: Okay. Sure. Off the record.</p> <p>5 (Pause in proceedings.)</p> <p>6 MR. ELSON: Back on the record.</p> <p>7 Q. (BY MR. ELSON) Let's talk a little bit about the 8 violation process.</p> <p>9 A. Okay.</p> <p>10 Q. Let's talk a little bit about it generally and 11 then we can talk Anthem specific.</p> <p>12 A. Okay.</p> <p>13 Q. So, generally, how does the violation process 14 work?</p> <p>15 A. Generally, there is two options that the board can 16 kind of choose based off how it's written in their governing 17 documents. So depending on in their governing documents if 18 they need to start with a courtesy and then go to an initial 19 formal letter, that's what would happen.</p> <p>20 So usually it's courtesy and then it goes to 21 initial formal and then it goes to a formal. At the formal, 22 that's when they get -- at the formal notice, that's when 23 they get the hearing date, and that's when they will get 24 scheduled to go out. Those go out and then the hearing is 25 usually, like, a month after.</p> <p style="text-align: right;">Page 51</p>	<p>1 first, but I do know that their processes were pretty much 2 the same.</p> <p>3 Q. Okay. Who oversees the violation process?</p> <p>4 A. Me. It was just the assistant doing it.</p> <p>5 Q. What is your understanding of what role Ms. Eassa 6 should have played with respect to the violation process?</p> <p>7 A. Yeah. So she should have been reviewing them. As 8 a manager, you should be reviewing your violations before 9 any notices go out to make sure that they're all correct, 10 making sure that the inspector put in the right photos, 11 things like that, just a quick scroll through, really. It's 12 just double checking to make sure that those are all good 13 before your assistant sends them out. Some managers did it; 14 some managers didn't. Some managers just trusted their 15 assistants to send it out. And Carmen was one of those who 16 just trusted me to send it out without overviewing it. And 17 she did not see violations until it pretty much got to the 18 hearing point.</p> <p>19 Q. What type of involvement does the board have in 20 that process?</p> <p>21 A. Again, they don't have very much involvement. 22 They do get the copy of the violations. They let us know if 23 they want to proceed with which ones or if they don't want 24 to proceed with them. However, that wasn't very common. We 25 usually proceeded with all of our violations because we</p> <p style="text-align: right;">Page 53</p>

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<p>1 needed to get them all out.</p> <p>2 The board would be involved at the fining and then</p> <p>3 from on -- from them being fined, they would be pretty</p> <p>4 involved at that point because they know that the tenant is</p> <p>5 getting fined. They're consistently getting notices on</p> <p>6 whatever that is.</p> <p>7 Q. How quickly should a violation be presented to the</p> <p>8 unit owner upon discovery by the HOA?</p> <p>9 A. It's usually within -- I don't know. Can't</p> <p>10 remember legally, but I do know that with us at Terra West,</p> <p>11 it was a pretty quick turnaround. We got our violations and</p> <p>12 we sent them out pretty much in the same day. So then it</p> <p>13 was all dependent on how the mail went, like if the mail was</p> <p>14 slower that day or if the mail picked up on time, those kind</p> <p>15 of things. It was more now with the mail's discretion</p> <p>16 getting them out.</p> <p>17 Q. So -- but the process of handling the violation,</p> <p>18 it was supposed to be done quite quickly at --</p> <p>19 A. Yes.</p> <p>20 Q. -- Terra West. Is that correct?</p> <p>21 A. Yes. From when we got the inspection report from</p> <p>22 the inspector, I knew when the inspections were going out.</p> <p>23 They were the same day every month. So I knew that that day</p> <p>24 was coming up. The inspector would then submit it and from</p> <p>25 right when I got that submittal, that was my main concern.</p> <p style="text-align: right;">Page 54</p>	<p>1 probably called in plenty of times to us. So I am aware of</p> <p>2 this situation.</p> <p>3 Q. Okay. So -- and I understand memories aren't</p> <p>4 perfect, but I want to know what your recollection is. What</p> <p>5 do you recall about the violation first being reported to</p> <p>6 you?</p> <p>7 A. Yeah. I don't exactly remember how it was</p> <p>8 reported to me. I don't know if it was within a regular</p> <p>9 inspection or if it was through an e-mail reported to me.</p> <p>10 That's common too. Whether homeowners send in violations</p> <p>11 for other neighbors and things like that, we do -- we do</p> <p>12 take those violations and we do put them in and submit them</p> <p>13 as a violation if we have a photo for it.</p> <p>14 So I can't remember if it was a homeowner</p> <p>15 submittal, if it was a inspector submittal, if it was a</p> <p>16 Pennie submittal. I got those sometimes. So I can't</p> <p>17 remember necessarily who submitted it or how it was</p> <p>18 submitted. I do remember the situation. I do remember her</p> <p>19 trying to cure it at some point, but it was just not enough,</p> <p>20 I guess, or something to that matter I remember. And then</p> <p>21 that's about all I remember from her situation.</p> <p>22 Q. Okay. Well, let's take it one step at a time.</p> <p>23 There's a lot to unwrap there. We're unwrapping just like</p> <p>24 we did before.</p> <p>25 So it's fair to say you don't recall who reported</p> <p style="text-align: right;">Page 56</p>
<p>1 That's what I needed to work on. That was my number one</p> <p>2 task, was to get those violations out.</p> <p>3 Q. So it would be fair to say that upon discovery of</p> <p>4 a violation, an HOA shouldn't wait months to do anything</p> <p>5 about it?</p> <p>6 A. Correct, yeah. Correct.</p> <p>7 Q. Let alone years?</p> <p>8 A. Oh, absolutely. Correct.</p> <p>9 Q. Have you ever been to Anthem?</p> <p>10 A. I have.</p> <p>11 Q. Have you ever conducted an inspection at Anthem?</p> <p>12 A. I have never conducted an inspection. I have</p> <p>13 driven around the community.</p> <p>14 Q. Did you ever notice whether Anthem had oleanders?</p> <p>15 A. I don't even know what oleanders look like.</p> <p>16 Q. So we're obviously here today to talk about</p> <p>17 Ms. Collier and oleanders. And like I said, I think you had</p> <p>18 some involvement in paint scheme. Do you recall</p> <p>19 specifically when it was first presented to you about a</p> <p>20 violation with Ms. Collier's property?</p> <p>21 A. I can't recall the exact time. However, I</p> <p>22 remember her name very well. I do know the violation. I</p> <p>23 remember the situation. I don't remember exactly how it was</p> <p>24 reported, but I do know of the entire violation. I remember</p> <p>25 I had spoken to her probably a couple of times. She had</p> <p style="text-align: right;">Page 55</p>	<p>1 the violation?</p> <p>2 A. Fair.</p> <p>3 Q. Do you recall what the specific initial concern</p> <p>4 was about the oleanders?</p> <p>5 A. That it was, I believe, obstructing some kind of</p> <p>6 view.</p> <p>7 Q. Do you recall whether any sort of inspection was</p> <p>8 done to verify whether it was obstructing any view?</p> <p>9 A. I don't.</p> <p>10 Q. Do you recall whether anybody looked into any code</p> <p>11 issues, not internal CC&Rs but City or County code regarding</p> <p>12 any view obstruction?</p> <p>13 A. I don't remember.</p> <p>14 Q. Do you recall any investigation into whether or</p> <p>15 not the intersection was a controlled intersection? And</p> <p>16 what I mean by that is whether it had any stoplight, stop</p> <p>17 sign, things like that?</p> <p>18 A. No, I don't -- I don't recall.</p> <p>19 Q. Do you recall making yourself any determination</p> <p>20 about whether or not you thought a view obstruction existed?</p> <p>21 A. Back then, I can't recall. I do know that I did</p> <p>22 look up -- I did look up Andrea's address to look it up just</p> <p>23 recently to see kind of that area. And from my own</p> <p>24 recollection, I don't think it's obstructing any view, but</p> <p>25 back then, I don't remember.</p> <p style="text-align: right;">Page 57</p>

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<p>1 Q. Do you remember if some sort of health, safety, 2 welfare violation was ever raised? 3 A. Ooh, that's a good question. I don't remember, 4 but I couldn't answer on that one. 5 Q. Do you know or recall if anyone at Terra West ever 6 inspected the oleanders to evaluate safety issues? 7 A. I believe Pennie had gone out there. 8 Q. Recall if anyone at Terra West -- 9 A. At Terra West, no. Our inspectors would go out. 10 And since it had been violated once it was originally 11 reported, the inspectors do go out, because it's on their 12 list to go to. Safety concerns, though, I don't know if 13 there was any safety concerns. I couldn't recall that. 14 Q. Do you recall ever discussing directly with the 15 inspector anything related to the property? 16 A. No. 17 Q. Do you recall Ms. Eassa ever discussing directly 18 with the inspector anything related to the property? 19 A. Not that I saw. 20 Q. Did you -- prior -- so it's fair to say that -- 21 strike that. 22 It's fair to say that you -- as the assistant, you 23 were handling the courtesy notice and -- 24 A. Yes. 25 Q. -- violations. Right?</p> <p style="text-align: right;">Page 58</p>	<p>1 A. No. 2 Q. Were -- okay. Strike that. 3 As far as health, safety, welfare violations, how 4 many of those do you recall issuing when you were an 5 assistant at Anthem? 6 A. Not very many. It was very little. 7 Q. So those are very rare -- 8 A. Yeah. 9 Q. -- you would say? 10 A. Yeah. Health, safeties are rare in general. 11 Q. As you sit here today, can you recall any other 12 health, safety, welfare violation that you recall issuing at 13 Anthem? 14 A. No. 15 Q. What about Henderson code enforcement? Do you 16 recall -- do you recall ever contacting Henderson code 17 enforcement regarding any violations at Anthem? 18 A. Yeah. In general regarding violations in Anthem, 19 yes. This situation, I can't recall, but I do know that I 20 was constantly calling the City to get updates as to what -- 21 because they -- their streets are -- I believe their streets 22 are public. So I had to get calls on that just to make sure 23 that we were getting the right information, but not 24 specifically on certain violations to get, like, codes or 25 anything like that, no.</p> <p style="text-align: right;">Page 60</p>
<p>1 A. Fair. 2 Q. Okay. Do you recall performing any type of 3 investigation on the oleander issues before any of these 4 notices went out? 5 A. No. 6 Q. Do you recall Ms. Eassa conducting any sort of 7 investigation into oleander issues before any of these 8 notices went out? 9 A. No. 10 Q. What role do you recall Ms. Eassa having with the 11 oleanders? 12 A. I can't recall very much. I do know that she was 13 involved in the situation. I do remember that. I know that 14 this was a very escalated situation. So because it was a 15 very escalated situation, Carmen was heavily involved in 16 whatever was going on. 17 Q. Okay. Was this an unusual situation? 18 A. No. 19 Q. Was anybody other than Carmen, like anybody else 20 at Terra West, involved given that it was an escalated 21 situation? 22 A. No. 23 Q. Do you recall any of these oleander issues being 24 discussed amongst the board before any of these notices or 25 violations went out?</p> <p style="text-align: right;">Page 59</p>	<p>1 Q. How -- what types of violations would you report 2 to Henderson code enforcement? 3 A. Parking, vehicles leaking oil, things like that. 4 It was always street things. Anything that -- because that 5 was what the street really -- or what the City really 6 monitored, was the street only in the communities. That's 7 really all we submitted. 8 Q. Do you recall ever reporting view obstructions to 9 the City of Henderson? 10 A. No. 11 Q. How many view obstruction notices do you recall 12 ever issuing at Anthem, other than the ones related to 13 Ms. Collier? 14 A. None. Not that I can recall. 15 Q. Do you know if anybody ever made any inspection to 16 look for other view obstructions at Anthem? 17 A. No. 18 MS. JACKSON: Objection. Speculation. 19 Q. (BY MR. ELSON) Do you recall any conversations 20 with the investigator about instructions to the investigator 21 where he was supposed to look for view obstructions? 22 A. No. 23 Q. Did you conduct any sort of review or 24 investigation into the oleander issues before any of the 25 notices were sent out?</p> <p style="text-align: right;">Page 61</p>

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<p>1 A. No.</p> <p>2 Q. Prior to sending out notices, were you supposed to</p> <p>3 conduct any sort of review?</p> <p>4 A. No.</p> <p>5 Q. Was that not part of the, like, checklist that</p> <p>6 Terra West had?</p> <p>7 A. No. I mean, we scrolled through the violations</p> <p>8 and then just started them. There wasn't really much</p> <p>9 review, because as you go through sending notices out, you</p> <p>10 review them at that time anyways.</p> <p>11 Q. Do you recall any other oleander violations while</p> <p>12 you were an assistant at Anthem?</p> <p>13 A. No. Actually, Andrea's is the only one I</p> <p>14 remember.</p> <p>15 Q. So if you were to deal with a violation for the</p> <p>16 first time, there was no review to determine whether any</p> <p>17 other board or any other community manager had ever looked</p> <p>18 into how they treated this or how they handled this?</p> <p>19 A. Not -- no, it wasn't. If it was a previous</p> <p>20 violation, it would just get reopened under a courtesy. So</p> <p>21 you would be able to see, like, the records.</p> <p>22 Q. There was no, Hey, let's check a history on this.</p> <p>23 This is a new violation. Let's make sure we are doing</p> <p>24 everything equally, fair, things like that?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 62</p>	<p>1 Q. Did anybody look into how long Ms. Collier's</p> <p>2 oleanders had been present on the property before the</p> <p>3 violation notices were sent out?</p> <p>4 A. No.</p> <p>5 Q. Let's talk a little bit about the paint scheme</p> <p>6 violation. Do you recall any sort of paint scheme issue</p> <p>7 with Ms. Collier's residence?</p> <p>8 A. Very, very, very vaguely recall.</p> <p>9 Q. What do you recall about that?</p> <p>10 A. I remember it being reported. I do know that the</p> <p>11 neighborhood was doing an update on all paint schemes. So I</p> <p>12 don't know if that violation was a part of that one, but I</p> <p>13 do know that there was a whole paint issue within the</p> <p>14 community as to refreshing their paint.</p> <p>15 Q. Is there, like, some type of internal log or some</p> <p>16 type of document that would -- that tracks violations within</p> <p>17 Terra West?</p> <p>18 A. Yeah, absolutely. There's a whole log. There</p> <p>19 should be step by step. I know there is step by step of</p> <p>20 everything I did.</p> <p>21 Q. Okay. And what type of information is contained</p> <p>22 within this log?</p> <p>23 A. The start of who -- of where the violation came</p> <p>24 from. So we could see if the inspector submitted it or if</p> <p>25 the assistant, me, submitted it. If it was me, the</p> <p style="text-align: right;">Page 64</p>
<p>1 Q. Would you agree with me that all homeowners should</p> <p>2 be treated the same?</p> <p>3 A. Absolutely.</p> <p>4 Q. So if no review happened, I mean, how was Terra</p> <p>5 West ensuring that it was treating homeowners the same, not</p> <p>6 only with other homeowners that it was dealing with, but</p> <p>7 with other homeowners that prior management companies had</p> <p>8 dealt with?</p> <p>9 A. Unfortunately --</p> <p>10 MS. JACKSON: Objection. Calls for speculation</p> <p>11 and is vague.</p> <p>12 Q. (BY MR. ELSON) You can answer as to your</p> <p>13 understanding.</p> <p>14 A. Honestly, unfortunately, I don't think there was.</p> <p>15 I don't think there -- other than, I guess, trusting the</p> <p>16 community managers to make sure everything is being done</p> <p>17 properly.</p> <p>18 Q. The community manager that wasn't even reviewing</p> <p>19 the violation process?</p> <p>20 A. Correct.</p> <p>21 Q. Did you review whether other unit owners had</p> <p>22 submitted arcs for oleanders before sending out the notices?</p> <p>23 A. I didn't review the arcs for oleanders. Although,</p> <p>24 I was a part of the arc committee and approving -- in the</p> <p>25 approval processes.</p> <p style="text-align: right;">Page 63</p>	<p>1 assistant, that means it came through an e-mail, whether it</p> <p>2 was from a homeowner or from the board members submitting</p> <p>3 that violation to me. You would be able to tell where that</p> <p>4 violation had come from.</p> <p>5 Q. What about a phone call versus an e-mail?</p> <p>6 A. Phone calls, they weren't as --</p> <p>7 Q. Like, is there a way -- because I would imagine --</p> <p>8 A. Yeah.</p> <p>9 Q. -- if somebody called up and reported the</p> <p>10 violation, you would input it in the system. Correct?</p> <p>11 A. Yeah. So we do not take any kind of violations of</p> <p>12 phones. We made them send in written communication. We had</p> <p>13 to get it through writing. At least in an e-mail with a</p> <p>14 photo, because if we didn't have a photo, we couldn't write</p> <p>15 the violation. If we didn't have proof of the violation, I</p> <p>16 personally was not going to write the violation. Some other</p> <p>17 assistants did. I didn't, because I didn't have proof of</p> <p>18 the violation. So I wouldn't.</p> <p>19 Q. What else would this log show?</p> <p>20 A. The entire process from it going to courtesy to</p> <p>21 when it got fined, the dates that it moved forward, the</p> <p>22 dates new photos were submitted at every inspection. It is</p> <p>23 a detailed log of everything. Every step that the violation</p> <p>24 has taken, it should -- it is on this report. I know,</p> <p>25 because I was -- I did it.</p> <p style="text-align: right;">Page 65</p>

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<p>1 Q. And when you say there is this report, is it, 2 like, saved and maintained within a computer system? 3 A. Yeah. So it's its own software. It's called 4 Youmanage. In Youmanage, you can just basically export the 5 file and you can get all of the entire breakdown of 6 everything. As for phone calls, we did report in how the 7 phone calls or phone calls went in a different system. 8 Q. Do you recall a point in time -- well, strike 9 that. 10 My understanding is with Anthem there is specific 11 paint schemes that they have to follow where there is 12 approved colors for the house and it's supposed to match 13 trim and things like that. 14 A. Mm-hmm. 15 Q. Is that a yes? 16 A. That is yes, sorry. 17 Q. No worry. We catch somebody every deposition. 18 Sometimes it's even the attorney. 19 How is the homeowner provided notice of those 20 paint schemes? 21 A. When you say provide notice, like how did they 22 obtain them, like the actual paint schemes themselves? 23 Q. Yeah, that's correct. 24 A. So we did have an online portal. That online 25 portal, that's where the paint schemes should have been.</p> <p style="text-align: right;">Page 66</p>	<p>1 extensions of time to come into compliance? 2 A. Absolutely, yeah. That's very common. 3 Q. What about with paint scheme violations? 4 A. That's also super common. It's expensive to 5 paint. 6 Q. And do boards typically provide additional time? 7 A. Yeah, they're usually very understanding. 8 Q. What would you consider to be a reasonable amount 9 of time to provide a homeowner to come into compliance for a 10 paint scheme violation? 11 A. In my personal opinion, I believe at least a year, 12 because that paint is expensive. 13 Q. Do you remember during COVID the Nevada Real 14 Estate Division providing, like, instructions or 15 recommendations for associations to work with homeowners on 16 compliance issues? 17 A. I can't remember if there was, like, a guideline 18 to work with. I do know that we were trying to be very, 19 very, very lenient with our homeowners, because it was so 20 unknown. We were in a world of unknown. 21 Q. It was a crazy time. Tough to believe it was like 22 four years ago. 23 A. I know. That's wild. 24 Q. Do you recall any discussions about Ms. Collier 25 asking for additional time to come into compliance on a</p> <p style="text-align: right;">Page 68</p>
<p>1 Per Terra West policy, they should be put on there. I can't 2 recall if they were on there. 3 I do know that homeowners had access to a binder 4 if they wanted to walk or drive down to the Terra West 5 office to look at the binder, but you couldn't take the 6 binder with you. You could take a picture of it and take it 7 with you -- take the picture with you, but you couldn't take 8 the binder. So I don't know if -- I can't recall if paint 9 schemes were on there. 10 I know at one point I was told, as an assistant -- 11 I believe I remember I had to upload them. So -- and I 12 believe that was for Anthem. So I don't know if they were 13 always on there, if they had full access. I do know the 14 community did have a community-wide painting thing that they 15 were doing though. 16 Q. It's my understanding that at some point in time 17 there were issues with Anthem's paint scheme being listed on 18 Terra West's website. Do you recall anything about that? 19 A. I can't recall. I do know I had to upload paint 20 schemes all the time. I know I uploaded documents all the 21 time, but I can't recall if they were uploaded for Anthem. 22 Q. Okay. Do you recall anything else about 23 Ms. Collier's paint scheme issues? 24 A. I don't. 25 Q. Is it typical for a homeowner to request</p> <p style="text-align: right;">Page 67</p>	<p>1 paint scheme violation? 2 A. I don't remember. 3 Q. What board meetings did you attend at Anthem? Was 4 that part of your job? 5 A. Yeah, it eventually did become part of my job. I 6 was required to attend the executive hearings to be there -- 7 I can't remember -- yeah, I was just required for the 8 executives. No, I was required for regular, too. I'm 9 sorry. I'm trying to remember multiple associations. I was 10 required regular and executive to be in both hearings or in 11 both meetings at all times every month. 12 Q. Was there a point in time that you stopped 13 attending board meetings at Anthem? 14 A. Yeah, when I got off the account. 15 Q. So towards the end? 16 A. Yeah -- 17 Q. How -- who was -- during COVID and when board 18 meetings were conducted remote -- because my understanding, 19 there was a time where they went -- 20 A. Mm-hmm. 21 Q. -- remotely. Is that correct? 22 A. That's correct. 23 Q. Who was handling that at Anthem? 24 A. When you say "who was handling that," who was 25 handling the meetings?</p> <p style="text-align: right;">Page 69</p>

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<p>1 Q. Yes. Was Ms. Eassa still handling the meetings?</p> <p>2 A. Yes. She was there. She was still handling -- I</p> <p>3 was there as well, but I was just assisting. I was taking</p> <p>4 notes, doing what I needed to, because I was the one doing</p> <p>5 the minutes the next day. So I needed to be there to know</p> <p>6 how the meetings went, but it was Carmen conducting the</p> <p>7 meetings, yes.</p> <p>8 Q. Do you -- did Ms. Eassa have any issues conducting</p> <p>9 the meetings remotely, like any issues with the technology?</p> <p>10 A. Carmen has a lot of technology issues, yes.</p> <p>11 Q. She said she did.</p> <p>12 A. Yes.</p> <p>13 Q. I was --</p> <p>14 A. Yeah, she does.</p> <p>15 Q. -- verifying it.</p> <p>16 As it relates to the paint scheme issues, do you</p> <p>17 recall looking into -- before sending notices for</p> <p>18 Ms. Collier, do you recall investigating whether any other</p> <p>19 homes had any other paint scheme issues or similar paint</p> <p>20 schemes to how Ms. Collier had painted her house?</p> <p>21 A. I can't recall.</p> <p>22 Q. Is that something you would typically investigate</p> <p>23 as the assistant before sending out paint scheme notices?</p> <p>24 A. No.</p> <p>25 Q. Did -- do you recall sending out any other paint</p> <p style="text-align: right;">Page 70</p>	<p>1 Q. Did Ms. Eassa have access --</p> <p>2 A. Yes.</p> <p>3 Q. Did anybody ever draft response e-mails from this</p> <p>4 Manager e-mail address?</p> <p>5 A. I don't remember if it was drafted from that</p> <p>6 Manager, but I do remember e-mails being drafted for us to</p> <p>7 send out as responses.</p> <p>8 Q. So other people drafted e-mails?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Yes. Sorry.</p> <p>12 Q. Who drafted these e-mails?</p> <p>13 A. It was usually Pennie.</p> <p>14 Q. So Pennie drafted e-mails for Ms. Eassa to send</p> <p>15 out from Ms. Eassa's e-mail address?</p> <p>16 A. Yes, she drafted some from me to send out as well</p> <p>17 from the Anthem Terra West inbox as well.</p> <p>18 Q. Do you recall any other board member drafting</p> <p>19 e-mails for you to send out?</p> <p>20 A. No.</p> <p>21 Q. When you managed other associations, do you recall</p> <p>22 board members ghost drafting e-mails for you to send out?</p> <p>23 A. No.</p> <p>24 Q. Were you present at the executive session</p> <p>25 involving Ms. Collier's oleanders?</p> <p style="text-align: right;">Page 72</p>
<p>1 scheme notices at Anthem while you were an assistant?</p> <p>2 A. Not that I remember. I'm sure I probably did, but</p> <p>3 I can't remember specifics. Those weren't uncommon</p> <p>4 violations.</p> <p>5 Q. I don't even think I'm going to mark this as an</p> <p>6 exhibit. I'm just going to show you this e-mail address.</p> <p>7 The first one is CEassa@TerraWest.com.</p> <p>8 A. Mm-hmm.</p> <p>9 Q. Do you see that?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Is that Ms. Eassa's e-mail address?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. Then the one below that is</p> <p>14 Manager@AnthemHighlands.org?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you recall that e-mail address?</p> <p>17 A. I do recall.</p> <p>18 Q. Whose e-mail address was that?</p> <p>19 A. That e-mail address is an e-mail address, I</p> <p>20 believe, that went to an inbox the board had access to.</p> <p>21 Q. Did every board member have access to --</p> <p>22 A. Yes, the entire board had access to that inbox and</p> <p>23 the Terra West Anthem inbox.</p> <p>24 Q. Okay. Did you have access to this?</p> <p>25 A. I did.</p> <p style="text-align: right;">Page 71</p>	<p>1 A. Ooh, I can't remember that. I don't know. I'm</p> <p>2 sure I was, because I was pretty much at all of them, but I</p> <p>3 can't remember.</p> <p>4 MR. ELSON: You've seen them, Ted. I only brought</p> <p>5 one copy, because you guys typically share. If you want to</p> <p>6 see one, I'm sure I can arrange for that. Just let me know.</p> <p>7 Mark this.</p> <p>8 (Exhibit 1 was marked.)</p> <p>9 Q. (BY MR. ELSON) You've been handed what's been</p> <p>10 marked as Exhibit 1. Do you recognize the form of this</p> <p>11 document?</p> <p>12 A. I do.</p> <p>13 Q. And what is the first page of Exhibit 1?</p> <p>14 A. This is the front page of the minutes. The</p> <p>15 meeting minutes.</p> <p>16 Q. For the executive session?</p> <p>17 A. For the executive session, yes.</p> <p>18 Q. And then I believe the regular session minutes</p> <p>19 start a few pages in on what's Bates stamped -- on the lower</p> <p>20 right-hand corner there is identification numbers. We refer</p> <p>21 to those as Bates stamps. The regular session meeting</p> <p>22 minutes start at DFT280. Do you see that?</p> <p>23 A. Yep, I do.</p> <p>24 Q. I don't see your name listed on either the</p> <p>25 executive session or the regular session.</p> <p style="text-align: right;">Page 73</p>

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<p>1 A. I don't see my name either. So I was most likely 2 off of this account by then. June 2021, I can't recall. 3 Q. If you had been present, would you expect your 4 name to be listed on these meeting minutes? 5 A. Yes. 6 (Exhibit 2 was marked.) 7 Q. (BY MR. ELSON) Now you've been handed what's been 8 marked as Exhibit 2. I'll represent to you that this is an 9 e-mail that was sent to Carmen Eassa, as well as Mr. Boyack. 10 Do you know who Mr. Boyack is? 11 A. I -- 12 THE WITNESS: You're the attorney for Anthem. 13 Right? 14 Q. (BY MR. ELSON) Well -- 15 THE WITNESS: That's what I thought. 16 Q. (BY MR. ELSON) Do you know who Mr. Boyack is? 17 A. I think. 18 Q. Okay. 19 A. Sorry. 20 Q. Prior to today, did you know who Mr. Boyack was? 21 Had you ever heard that name? 22 A. Yes, I've heard the name. 23 Q. Had you heard the name when you were an assistant 24 for Anthem? 25 A. Yes.</p> <p style="text-align: right;">Page 74</p>	<p>1 A. Different, yeah, just -- 2 Q. Hold -- 3 A. -- wild -- 4 Q. -- on. 5 A. -- things that happen. 6 Q. At Anthem? 7 A. Mm-hmm. 8 Q. And -- is that a yes? 9 A. Yes. 10 Q. Involving Ms. Mossett-Puhek? 11 A. Yes. 12 Q. Is this atypical, this e-mail? Does this describe 13 a typical behavior of Ms. Mossett-Puhek? 14 A. Yes. When things aren't going her way. 15 Q. So let me rephrase, because I think maybe you 16 misunderstood the question. 17 A. Okay. 18 Q. Is this conduct of Ms. Mossett-Puhek described in 19 this e-mail -- have you ever seen Ms. Mossett-Puhek engage 20 in a similar manner before? 21 A. Yes. 22 Q. Would you say that Ms. Mossett-Puhek often engaged 23 in inappropriate conduct at executive session meetings or 24 board meetings? 25 A. I can't recall. I don't know if it was often. I</p> <p style="text-align: right;">Page 76</p>
<p>1 Q. Have you ever seen this e-mail before today? 2 A. No, I don't think so. 3 Q. Can you take a moment -- and I'm happy to read it 4 to you, if you'd like, but can you take a moment to review 5 the e-mail? Probably starting in time with the bottom 6 e-mail first -- 7 A. Yeah. 8 Q. -- and working your way up. 9 A. Okay. 10 Q. Have you ever seen this e-mail before? 11 A. I actually think I have. 12 Q. When do you recall seeing this e-mail? 13 A. Shortly after the hearing, I believe I remember 14 seeing this hit our inbox and I believe I immediately 15 forwarded it over to Carmen. 16 Q. Do you recall any discussions with Ms. Eassa about 17 this executive session meeting? 18 A. I can't recall. I don't remember. 19 Q. You don't remember any conversation where 20 Ms. Eassa was like, This was wild, or, There was this crazy 21 executive session meeting I attended, or anything like that? 22 A. There is a lot of those. So I couldn't remember. 23 Q. A lot of those meaning -- 24 A. Just -- 25 Q. -- a lot of crazy meetings --</p> <p style="text-align: right;">Page 75</p>	<p>1 do know that this was common. 2 Q. You witnessed it several times? 3 A. Yes. 4 Q. Was that ever discussed with the higher ups at 5 Terra West, like Ms. Kline? 6 A. The way -- 7 MS. JACKSON: Objection. Sorry. Objection. 8 Calls for speculation. 9 THE WITNESS: The way she conducted the meetings? 10 Q. (BY MR. ELSON) Ms. Mossett-Puhek's behavior, yes. 11 A. Yes, yeah, her behavior was discussed. 12 Q. Did you discuss that directly with Ms. Kline? 13 A. Yes. 14 Q. Did you discuss it directly with Ms. Eassa? 15 A. Correct, yes. 16 Q. Did you discuss with Ms. Eassa that you felt that 17 it was inappropriate? 18 A. I don't know if I would say those words, but I 19 definitely did express concern as to how she was conducting 20 herself as a board member. 21 Q. Well, I don't want to put words in your mouth. 22 A. Yeah. 23 Q. So how would you have discussed it with Ms. Eassa? 24 A. I would have told -- I mean, I am not going to go 25 word for word, because I don't remember, but probably</p> <p style="text-align: right;">Page 77</p>

20 (Pages 74 - 77)

<p>1 something along the lines of -- that she's a child and she</p> <p>2 acts like a child and that her -- the way she acts and --</p> <p>3 she's a little ridiculous. That's probably how I would have</p> <p>4 put it. That was my favorite word. So that's how I would</p> <p>5 have called her, ridiculous.</p> <p>6 Q. Did you think it was unprofessional?</p> <p>7 A. Absolutely unprofessional.</p> <p>8 Q. Do you think it conformed to the standards of</p> <p>9 Chapter 116?</p> <p>10 A. No.</p> <p>11 (Exhibit 3 was marked.)</p> <p>12 Q. (BY MR. ELSON) Before you take a look at</p> <p>13 Exhibit 3, did you witness other board members behaving like</p> <p>14 Ms. Mossett-Puhek?</p> <p>15 A. No.</p> <p>16 Q. You've been handed what's been marked as</p> <p>17 Exhibit 3. The bottom is the first part of Exhibit 2. And</p> <p>18 if you scroll up, you see that Carmen sent the e-mail on</p> <p>19 June 9th of 2021 at 6:17 p.m. And then you see a response</p> <p>20 from Ms. Mossett-Puhek roughly one hour later where she</p> <p>21 states, What an idiot. Did I read that correctly?</p> <p>22 A. You read that correct.</p> <p>23 Q. Is that typical of Ms. Mossett-Puhek's behavior?</p> <p>24 A. That's typical.</p> <p>25 Q. Do you know why Ms. Eassa sent this e-mail to</p> <p style="text-align: right;">Page 78</p>	<p>1 this to you. I wrote the number on the bottom of that, just</p> <p>2 to be clear.</p> <p>3 (Exhibit 4 was marked.)</p> <p>4 Q. (BY MR. ELSON) You're being handed what's been</p> <p>5 marked as Exhibit 4. Please take a moment and familiarize</p> <p>6 yourself with Exhibit 4 and let me know and I'll ask you</p> <p>7 some questions about it.</p> <p>8 A. Okay.</p> <p>9 Q. Do you recall this e-mail that you received</p> <p>10 from -- well, let me take a step back.</p> <p>11 This is an e-mail. It says it's from Pennie</p> <p>12 Mossett-Puhek. Do you recognize that e-mail address?</p> <p>13 A. I do recognize it.</p> <p>14 Q. Is that Ms. Mossett-Puhek's e-mail address?</p> <p>15 A. That is her e-mail address.</p> <p>16 Q. Below that we have Ms. Eassa and her e-mail</p> <p>17 address. Correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Then we have you and your e-mail address. Is that</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. I should have covered this earlier. Have you ever</p> <p>23 been known by any other name?</p> <p>24 A. Yes. Chrislin Perez, is my maiden name.</p> <p>25 Q. This was sent on Thursday, June 10th, 2021, at</p> <p style="text-align: right;">Page 80</p>
<p>1 Ms. Mossett-Puhek instead of the entire board?</p> <p>2 MS. JACKSON: Objection. Calls for speculation.</p> <p>3 THE WITNESS: No.</p> <p>4 Q. (BY MR. ELSON) Do you think Ms. Eassa should have</p> <p>5 sent this e-mail to just Ms. Mossett-Puhek?</p> <p>6 A. No, that should have went to the whole board and</p> <p>7 maybe with Pennie excluded from that.</p> <p>8 Q. Why would you say that?</p> <p>9 A. That maybe should have been a conversation for</p> <p>10 Carmen to advise the board that they need to figure out how</p> <p>11 to address this situation, because the way it was addressed</p> <p>12 doesn't seem like it was properly addressed and</p> <p>13 professionally addressed.</p> <p>14 Q. Are there certain times board members should be</p> <p>15 screened off matters?</p> <p>16 A. Yes.</p> <p>17 Q. Is this one of those times that you feel like the</p> <p>18 board member should have been screened off?</p> <p>19 A. Yes.</p> <p>20 Q. Because it dealt with her own behavior?</p> <p>21 A. Yes.</p> <p>22 Q. Do you believe Ms. Eassa should have reported this</p> <p>23 matter to the higher ups at Terra West?</p> <p>24 A. Yes.</p> <p>25 MR. ELSON: I'm sorry. I don't think I handed</p> <p style="text-align: right;">Page 79</p>	<p>1 5:46 a.m. Did I read that correctly?</p> <p>2 A. You read that correct.</p> <p>3 Q. Okay. Just to give you a frame of reference, the</p> <p>4 e-mail we were looking at before -- looking back at</p> <p>5 Exhibit 3, Ms. Mossett-Puhek's what an idiot e-mail was sent</p> <p>6 on June 9th, 2021, at 7:22 p.m. Did I read that correctly?</p> <p>7 A. You read that correct.</p> <p>8 Q. Less than 12 hours before Exhibit 4?</p> <p>9 A. Correct.</p> <p>10 Q. Do you recall receiving this e-mail?</p> <p>11 A. I do recall it.</p> <p>12 Q. Do you recall discussing it with Ms. Eassa?</p> <p>13 A. I do recall discussing, because I didn't think</p> <p>14 that that was a actual violation.</p> <p>15 Q. What do you mean?</p> <p>16 A. Well, to have a legal counsel reach out to the</p> <p>17 board without authorization and now you are going to charge</p> <p>18 a homeowner the legal fees, it just didn't make sense to me.</p> <p>19 That didn't sound like -- that's not a violation.</p> <p>20 Q. Did Ms. Eassa direct you to send a courtesy</p> <p>21 notice?</p> <p>22 A. I believe I did send that.</p> <p>23 Q. Did Ms. Eassa tell you to do so?</p> <p>24 A. I believe, yes, from what I can recall after that</p> <p>25 conversation, yes.</p> <p style="text-align: right;">Page 81</p>

21 (Pages 78 - 81)

<p>1 Q. Even after you expressed concerns to Ms. Eassa 2 about whether or not it was even proper to do so? 3 A. I believe so, yes. 4 (Pause in proceedings.) 5 (Exhibit 5 was marked.) 6 MR. ELSON: Back on. 7 Q. (BY MR. ELSON) You've been handed what's been 8 marked as Exhibit 5. Please take a moment to familiarize 9 yourself with it and let me know -- 10 A. I'm familiar with this. 11 Q. -- when you're -- okay. And what is Exhibit 5? 12 A. This looks like a courtesy notice from the 13 Exhibit 4 e-mail about the legal fees being charged to the 14 homeowner due to -- 15 MR. BOYACK: Did you give us a copy? 16 THE WITNESS: -- the local counsel e-mailing 17 association's legal counsel. 18 Q. (BY MR. ELSON) So this is the courtesy notice 19 that followed Exhibit 4? 20 A. Correct. 21 Q. Is there any way to determine whether you or 22 somebody else sent this out based on the courtesy notice? 23 A. Pretty sure this was me. That e-mail was directed 24 to me. This was me. 25 Q. I was just wondering in general --</p> <p style="text-align: right;">Page 82</p>	<p>1 priority. Any e-mails that came in from Pennie were always 2 higher priority, because if I didn't respond within a timely 3 manner, there was an issue. So it is also possible that 4 this e-mail was done -- like, the violation was done prior 5 to me talking to Carmen about this -- about this violation, 6 because anything Pennie said goes. Whether we objected to 7 it or not, whether we had any other say, anything Pennie 8 said goes. 9 So I -- it's -- by the time stamps and the way 10 Carmen came in, I possibly processed this violation and then 11 brought it up to Carmen, because it was an e-mail from 12 Pennie. 13 Q. So I want to make sure I understand this. 14 A. Yeah. 15 Q. Even if you disagreed with something that you were 16 being told to do by Pennie -- 17 A. Mm-hmm. 18 Q. -- you -- it was Terra West's position that it 19 should be done any way? 20 A. Yes. I had to do it anyways. 21 Q. Because Pennie told you to do it? 22 A. Because it was an e-mail from Pennie, yes. It was 23 required because Pennie -- she's the board member. She was 24 the board liaison. She was the president. They didn't want 25 to lose her. They didn't want to lose this account. So --</p> <p style="text-align: right;">Page 84</p>
<p>1 A. No, there's no one else. This was -- this was me. 2 Q. Okay. So we look at the process date. It says 3 June 10th, 2021, at 8:25:05 a.m. 4 A. Yep. 5 Q. Okay. What time do you typically arrive -- did 6 you arrive back in June of 2021 at the office every day? 7 A. I believe 8:00 o'clock. That's when I -- I 8 believe that's when I switched to my start time being 8:00. 9 Q. What time did Carmen typically arrive every day? 10 A. She was in shortly after me. So 8:30, 9:00. 11 Q. So it would be fair to say this was the first 12 thing -- one of the first things that you and Carmen did 13 that day. Is that correct? 14 A. Correct. 15 Q. Is that pretty normal to receive a violation 16 notice e-mail and then to -- 17 A. Yes. 18 Q. -- essentially send it out immediately upon 19 arriving to work? 20 A. Yes, yeah. That's -- that is -- that's normal. 21 Q. Okay. 22 A. Because when we clock on we start our work. 23 Q. Just wasn't sure if this was given, like, higher 24 priority or -- 25 A. Oh, no. No. All of my work was kind of higher</p> <p style="text-align: right;">Page 83</p>	<p>1 Q. And you had specific conversations with people at 2 Terra West about that? 3 A. Not specific conversations about doing whatever 4 Pennie says so that we don't lose the account. Specific 5 conversations about not losing the account, specific 6 conversations about making sure that Pennie's requests are 7 done within a timely manner. 8 Q. Was there ever a point in time that you objected 9 to doing something that Pennie told you to do and Terra West 10 said, You're right. You don't have to do that? 11 A. No, not that I can recall. 12 Q. Did you ever get in trouble for -- or, like, weird 13 looks or felt uncomfortable -- let me rephrase it this way: 14 Did you ever feel uncomfortable discussing things within 15 Terra West that Pennie was telling you to do that you didn't 16 feel comfortable doing? 17 A. No, because everyone knew that Pennie just kind of 18 had whatever say and you just did it. Everyone in the 19 company kind of knew that. I mean, between accounting -- 20 between general ledger, accounting -- I mean, everyone knew 21 that Pennie had her -- everyone knew who Pennie was. 22 Q. And everyone knew it was Pennie's way or the 23 highway? 24 A. Pennie's way or the highway. 25 Q. Do you believe that Terra West handled</p> <p style="text-align: right;">Page 85</p>

22 (Pages 82 - 85)

<p>1 Ms. Mossett-Puhek correctly?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. They just kind of -- they let her do whatever she</p> <p>5 wanted. People that are like that get away with whatever</p> <p>6 they want because everyone allows them to do whatever they</p> <p>7 want.</p> <p>8 Q. Do you believe Ms. Collier was treated fairly?</p> <p>9 A. No.</p> <p>10 Q. And why do you say that?</p> <p>11 A. Right now in this moment looking back at all of</p> <p>12 those documents, it's just -- it -- why I even sent some of</p> <p>13 those violations out makes me feel bad, you know. I don't</p> <p>14 feel like it was right. If I got stuff like that, I would</p> <p>15 be upset. And for it to be going on this long, it's not</p> <p>16 fair. I don't think I've ever seen violations go on this</p> <p>17 long.</p> <p>18 MR. ELSON: I don't have any further questions.</p> <p>19 MR. BOYACK: Take a quick break or --</p> <p>20 MR. ELSON: Sure.</p> <p>21 MR. BOYACK: All right.</p> <p>22 (Pause in proceedings.)</p> <p>23 MR. BOYACK: Back on the record.</p> <p>24 ///</p> <p>25 ///</p> <p style="text-align: right;">Page 86</p>	<p>1 Q. Okay? But we need to sort of -- I just want to</p> <p>2 orient you that I'm going to ask, you know -- some of these</p> <p>3 statements that you made, I'm going to ask you for specific</p> <p>4 examples of what you are talking about.</p> <p>5 A. Okay.</p> <p>6 Q. Okay? All right. So first off, let's talk a</p> <p>7 little bit about -- just by way of background, so I'm clear,</p> <p>8 how long were you actually on the account working with</p> <p>9 Carmen approximately?</p> <p>10 A. Six months maybe.</p> <p>11 Q. All right. And that was the first account you</p> <p>12 ever worked on?</p> <p>13 A. No. That was not the first account I've ever</p> <p>14 worked on.</p> <p>15 Q. How many other accounts did you work on?</p> <p>16 A. I had worked on four or five different accounts</p> <p>17 prior to that.</p> <p>18 Q. And for how -- generally speaking, what length of</p> <p>19 time?</p> <p>20 A. About a year.</p> <p>21 Q. All right. And did you have any -- was there any</p> <p>22 discipline or any -- was it -- sorry. Strike that.</p> <p>23 Was it all with Terra West?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Had you been disciplined by Terra West or</p> <p style="text-align: right;">Page 88</p>
<p>1 EXAMINATION</p> <p>2 BY MR. BOYACK:</p> <p>3 Q. Chrislin, my name is Ted Boyack. I represent</p> <p>4 Anthem Highlands, Terra West, and Carmen in this matter. So</p> <p>5 I'm going to ask you some questions.</p> <p>6 A. Mm-hmm.</p> <p>7 Q. All right? Let me first start out by saying you</p> <p>8 have provided a lot of testimony today and a lot of opinions</p> <p>9 about things that have occurred. Correct?</p> <p>10 A. Correct.</p> <p>11 Q. Is that correct?</p> <p>12 A. Yeah, that's correct.</p> <p>13 Q. Now, I'm going to probably spend a lot of time</p> <p>14 asking you for specific examples --</p> <p>15 A. Sure.</p> <p>16 Q. -- to back up those opinions.</p> <p>17 A. Okay.</p> <p>18 Q. Right. And you would agree with me that examples</p> <p>19 that back up your opinions are important, aren't they?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. So I understand this occurred a few years</p> <p>22 ago --</p> <p>23 A. Yeah.</p> <p>24 Q. -- and you may have some memory issues.</p> <p>25 A. Yeah.</p> <p style="text-align: right;">Page 87</p>	<p>1 written up at all for your work performance prior to your</p> <p>2 coming to Anthem?</p> <p>3 A. No, never.</p> <p>4 Q. Had you -- did you ever get written up with --</p> <p>5 while you were working with Anthem for any of your work</p> <p>6 performance issues?</p> <p>7 A. No.</p> <p>8 Q. So HR never talked to you about any concerns about</p> <p>9 the quality of work you were doing?</p> <p>10 A. No.</p> <p>11 Q. Did Carmen ever talk to you about the quality of</p> <p>12 work that you were doing and concerns about it?</p> <p>13 A. No.</p> <p>14 Q. Did the board ever talk to you about any of the --</p> <p>15 any concerns they may have had regarding the work</p> <p>16 performance you were doing?</p> <p>17 A. Yeah, just Pennie.</p> <p>18 Q. Just Pennie?</p> <p>19 A. Just Pennie.</p> <p>20 Q. So it's your belief that the --</p> <p>21 A. That has been going off. I don't know what it is.</p> <p>22 MR. ELSON: Just so the record is clear, there is</p> <p>23 some sort of beeping in the background. I don't know what</p> <p>24 it is, Ted. Do you want me to go look, or do you just want</p> <p>25 to continue on?</p> <p style="text-align: right;">Page 89</p>

23 (Pages 86 - 89)

<p>1 MR. BOYACK: I'll continue on.</p> <p>2 MR. ELSON: I don't think it's any safety issue.</p> <p>3 It's probably just like a voice mail phone or something.</p> <p>4 MR. BOYACK: Yeah.</p> <p>5 (Pause in proceedings.)</p> <p>6 Q. (BY MR. BOYACK) So it's your understanding the</p> <p>7 only person that ever complained about your work performance</p> <p>8 during the time you worked for Anthem was Pennie?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And you never received any other e-mails</p> <p>11 from anyone else or any conversations or anything from</p> <p>12 anyone else saying that your job performance needed to</p> <p>13 improve in some area?</p> <p>14 A. No.</p> <p>15 Q. All right. Let's talk a little bit about the</p> <p>16 reason you were taken off the account. You indicated you</p> <p>17 resigned off the account.</p> <p>18 A. I did.</p> <p>19 Q. Correct?</p> <p>20 A. Yep.</p> <p>21 Q. Were you aware at all that the board had</p> <p>22 specifically requested that you be taken off the account?</p> <p>23 A. No, I submitted a resignation letter to be taken</p> <p>24 off of the account.</p> <p>25 Q. Okay.</p> <p style="text-align: right;">Page 90</p>	<p>1 Q. So as I sit here today, it sounds to me like</p> <p>2 nobody at Terra West during the time you worked on this</p> <p>3 account and nobody other than Pennie ever talked to you</p> <p>4 about anything negative about your job performance or your</p> <p>5 showing up to work. Is that a fair statement?</p> <p>6 A. That's fair.</p> <p>7 Q. Let's talk a little bit about issues with Pennie</p> <p>8 in particular. Did you -- how often, say, in a given week</p> <p>9 would you actually see her physically?</p> <p>10 A. See her physically, not often.</p> <p>11 Q. So most all the time that you dealt with her was</p> <p>12 through e-mails. Is that fair?</p> <p>13 A. E-mails and phone calls.</p> <p>14 Q. All right. And how often as a general rule do you</p> <p>15 think she would call in any given week to you directly?</p> <p>16 A. To me directly, at least twice a day.</p> <p>17 Q. All right. And what -- generally, what would</p> <p>18 those calls be about? Specific violation issues? Were</p> <p>19 they -- can you describe for me what she'd be calling about?</p> <p>20 A. Yeah. Sometimes it was specific violation issues.</p> <p>21 Sometimes there would be maybe something going on in a</p> <p>22 common area that she needed to report to us. If I didn't</p> <p>23 answer an e-mail in a timely manner, I would get a call for</p> <p>24 that. That is usually about what the phone calls and the</p> <p>25 e-mails would come from for the most part, yeah.</p> <p style="text-align: right;">Page 92</p>
<p>1 A. Because I was -- I had asked weeks prior to be</p> <p>2 taken off and I was told I was going to and the transition</p> <p>3 never happened. So I finally submitted a resignation letter</p> <p>4 due to the fact that no one was taking me off the account.</p> <p>5 Q. And so no one ever talked to you or you never saw</p> <p>6 any -- had any knowledge of any specific requests that you</p> <p>7 be taken off the account?</p> <p>8 A. Correct.</p> <p>9 Q. Did anyone ever talk to you about your taking time</p> <p>10 off excessively from the account?</p> <p>11 A. No.</p> <p>12 Q. Did anyone talk to you about you taking too much</p> <p>13 time that wasn't PTO? I guess that's paid time off.</p> <p>14 A. No, I was told -- so Terra West has a hybrid</p> <p>15 schedule where you are allowed to work ten-hour days to take</p> <p>16 a day off, so you have a three-day weekend. And so that's</p> <p>17 what I did for a majority of the time I was at Terra West.</p> <p>18 However, when I got put on Anthem, I was told I</p> <p>19 was no longer allowed to have that schedule. I was told</p> <p>20 that I had to go to a regular work week, a five-day work</p> <p>21 week, a normal eight-hour shift, which was fine, and I did</p> <p>22 that.</p> <p>23 Q. Were you ever -- anyone ever talk to you about</p> <p>24 taking too long of breaks, for example?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 91</p>	<p>1 Q. You know Sidney Woo. Right?</p> <p>2 A. Yes.</p> <p>3 Q. Obviously, we established Sidney's --</p> <p>4 A. Yes.</p> <p>5 Q. -- name.</p> <p>6 A. Yes.</p> <p>7 Q. Would he call you at times as well?</p> <p>8 A. Mm-mm. I never heard from Sidney.</p> <p>9 Q. Would he ever send you e-mails?</p> <p>10 A. I can't recall, because if he did, it was very</p> <p>11 rare. It was usually Pennie.</p> <p>12 Q. How about other board members sending you</p> <p>13 e-mails --</p> <p>14 A. I don't --</p> <p>15 Q. -- regarding --</p> <p>16 A. No. Sorry.</p> <p>17 Q. Let me --</p> <p>18 A. Sorry, sorry, sorry.</p> <p>19 Q. No problem. Let me finish.</p> <p>20 Any other board members other than Pennie that you</p> <p>21 recall sending you e-mails specifically regarding</p> <p>22 violations?</p> <p>23 A. No.</p> <p>24 Q. Just to be clear, is it you don't recall any or</p> <p>25 you don't believe any --</p> <p style="text-align: right;">Page 93</p>

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<p>1 A. I --</p> <p>2 Q. -- were sent?</p> <p>3 A. -- don't recall.</p> <p>4 Q. Fair enough. I don't want you to have testimony</p> <p>5 that sounds like you know or you have an opinion on</p> <p>6 something when it is clear to be more recall. Okay?</p> <p>7 A. Sure.</p> <p>8 Q. All right. So you don't recall --</p> <p>9 A. I don't recall.</p> <p>10 Q. So how many times, if you can recall, generally --</p> <p>11 how many board meetings did you attend?</p> <p>12 A. I can't recall, like, the number, amount, but</p> <p>13 generally I would attend most board meetings.</p> <p>14 Q. All right. And that would include general and</p> <p>15 executive?</p> <p>16 A. Yes.</p> <p>17 Q. Now, previously you indicated that at some of</p> <p>18 these board meetings that there was -- there was typical --</p> <p>19 you know, either chaos or conflict or problems that</p> <p>20 occurred.</p> <p>21 A. Yeah.</p> <p>22 Q. Correct?</p> <p>23 A. Correct.</p> <p>24 Q. Do you remember that testimony?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 94</p>	<p>1 A. Yes.</p> <p>2 Q. Correct?</p> <p>3 A. Yes.</p> <p>4 Q. And that's a pretty significant thing to say --</p> <p>5 A. Yeah.</p> <p>6 Q. -- is it not?</p> <p>7 A. Absolutely.</p> <p>8 (Pause in proceedings.)</p> <p>9 Q. (BY MR. BOYACK) I'm going to ask you to be more</p> <p>10 patient with me.</p> <p>11 A. Okay.</p> <p>12 Q. Let me finish my question and then you'll get on.</p> <p>13 A. Okay.</p> <p>14 Q. Fair?</p> <p>15 A. Yeah.</p> <p>16 Q. All right. And I had the most brilliant question</p> <p>17 that was asked, and I can't remember it.</p> <p>18 (Pause in proceedings.)</p> <p>19 Q. (BY MR. BOYACK) So let's talk about other</p> <p>20 examples. You can't think of any other examples in a board</p> <p>21 meeting.</p> <p>22 A. Correct.</p> <p>23 Q. Correct?</p> <p>24 A. Correct. I -- again, I attended board meetings.</p> <p>25 Didn't attend all of them. I am a mom. I've got to be with</p> <p style="text-align: right;">Page 96</p>
<p>1 Q. Okay. Can you give me a specific example of one</p> <p>2 that stands out in your mind that occurred at a board</p> <p>3 meeting that you thought was, say, inappropriate or a little</p> <p>4 crazy?</p> <p>5 A. Yeah, sure. I can't recall the exact situation.</p> <p>6 I do know that there was some children that were playing</p> <p>7 around in the park and their parents were there and</p> <p>8 something had happened. I believe something was said.</p> <p>9 Pennie didn't like it. She raised her voice a little bit,</p> <p>10 but she had never, I guess, unprofessionally in a rudely --</p> <p>11 or said anything in a mean manner. However, she definitely</p> <p>12 raised her voice. You could tell she was not being very</p> <p>13 nice at the moment.</p> <p>14 Q. So that's one example --</p> <p>15 A. Yeah, that's --</p> <p>16 Q. -- where --</p> <p>17 A. -- an example. Mm-hmm.</p> <p>18 Q. Okay. Do you have another example?</p> <p>19 A. Yeah, I can't recall all of the examples. Again,</p> <p>20 this was plenty of years ago.</p> <p>21 Q. Okay. But you said that it happened all the</p> <p>22 time --</p> <p>23 A. Yeah.</p> <p>24 Q. -- that she was -- it was chaotic at these board</p> <p>25 meetings.</p> <p style="text-align: right;">Page 95</p>	<p>1 my kids sometimes. I can't work always. So, yes, I did</p> <p>2 attend board meetings. I did not attend all of them. I did</p> <p>3 attend a handful. Carmen would come back always flustered</p> <p>4 with a whole slew of venting. I can't remember the venting,</p> <p>5 but she would come back very flustered. So I do know some</p> <p>6 of those board members -- or board meetings were very</p> <p>7 chaotic and hectic.</p> <p>8 Q. Okay.</p> <p>9 A. Did I sit in all of them? No, I did not.</p> <p>10 Q. You've been in other board meetings with other</p> <p>11 associations that are chaotic. Right?</p> <p>12 A. Yeah.</p> <p>13 Q. It happens all the time --</p> <p>14 A. Yeah.</p> <p>15 Q. -- in this business?</p> <p>16 A. All the time.</p> <p>17 Q. Wait till I finish. Okay?</p> <p>18 A. Sorry.</p> <p>19 Q. That happens all the time in this business,</p> <p>20 doesn't it?</p> <p>21 A. Yes.</p> <p>22 Q. Let's -- just by way of going back to that</p> <p>23 incident where Pennie raised her voice with those -- in the</p> <p>24 hearing dealing with the children, I mean, do you think</p> <p>25 somebody raising one's voice is necessarily unprofessional?</p> <p style="text-align: right;">Page 97</p>

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<p>1 A. Yes. That is very unprofessional in a</p> <p>2 professional setting.</p> <p>3 Q. So you believe that whatever the definition of</p> <p>4 raising one's voice is -- you believe that that is</p> <p>5 unprofessional to occur ever. Correct?</p> <p>6 A. Yeah. Absolutely.</p> <p>7 Q. Let's talk a little bit about the violation</p> <p>8 process. Mr. Elson did a very good job of asking you a lot</p> <p>9 of questions. Your memory is generally you don't know the</p> <p>10 origins of the violations. Fair?</p> <p>11 A. Fair.</p> <p>12 Q. But you did state -- let's talk about the</p> <p>13 oleanders -- that you personally did not think that the</p> <p>14 oleander violations were fair. Is that a --</p> <p>15 A. Yeah.</p> <p>16 Q. -- appropriate statement?</p> <p>17 A. Yeah.</p> <p>18 Q. Can you tell me why, specifically, you think the</p> <p>19 initial violations regarding the oleanders were not fair?</p> <p>20 A. Yeah. Again, my opinion to that is because I just</p> <p>21 looked back at her property. I did look on Google. So I</p> <p>22 saw that there was no -- in my opinion, there was no issue</p> <p>23 as to the oleanders. I -- again, I don't know oleanders</p> <p>24 very well, but I know that there's a stop sign right there,</p> <p>25 and I know that it was not --</p> <p style="text-align: right;">Page 98</p>	<p>1 about. So --</p> <p>2 Q. Fair enough. So your opinions about what were</p> <p>3 appropriate or fair violations are limited just to the</p> <p>4 oleanders?</p> <p>5 A. Yeah.</p> <p>6 Q. I know I'm skipping around a lot, but you are on</p> <p>7 top of it and I think you are following me. So I appreciate</p> <p>8 that, but if I'm skipping too much, tell me to straighten</p> <p>9 up.</p> <p>10 There was a part of your testimony where you</p> <p>11 talked about Pennie and Ms. Matheson being friendly or</p> <p>12 friends.</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Do you remember that?</p> <p>15 A. Yes.</p> <p>16 Q. But you were unaware as to what that relationship</p> <p>17 was?</p> <p>18 A. Correct.</p> <p>19 Q. But you were aware that Pennie was on the board</p> <p>20 previously when Terra West managed Anthem?</p> <p>21 A. Correct.</p> <p>22 Q. So that relationship could have come from a</p> <p>23 historical working relationship?</p> <p>24 A. Sure. Working relationship, yeah.</p> <p>25 Q. You don't know that they're friendly by way of</p> <p style="text-align: right;">Page 100</p>
<p>1 Q. When did you look on Google?</p> <p>2 A. Within the last, probably, three weeks or so.</p> <p>3 Q. And why did you do that? 4?</p> <p>4 A. Because I knew about this deposition.</p> <p>5 Q. Did -- in your conversations with Mr. Elson, did</p> <p>6 he talk or indicate to you that you should look --</p> <p>7 A. No.</p> <p>8 Q. -- for the oleanders?</p> <p>9 A. No.</p> <p>10 Q. And when was the date of that Google -- not being</p> <p>11 tech savvy, what was the date of that Google search or</p> <p>12 oleander picture that you looked at?</p> <p>13 A. I don't know the exact date. Again, estimated</p> <p>14 about three weeks ago.</p> <p>15 Q. So when you say that you thought that the oleander</p> <p>16 violation was unfair, the reason you said that was based on</p> <p>17 what you saw on Google. Correct?</p> <p>18 A. Sure, yeah.</p> <p>19 Q. All right. Let's talk a little bit about the</p> <p>20 paint scheme -- paint violations.</p> <p>21 A. Okay.</p> <p>22 Q. Do you have any opinion as to whether those</p> <p>23 violations were fair or not fair?</p> <p>24 A. I'm unaware of them. I don't know exactly how</p> <p>25 they started or where they came from or what they are really</p> <p style="text-align: right;">Page 99</p>	<p>1 some other type of relationship outside of that professional</p> <p>2 relationship?</p> <p>3 A. Sure, but dinners and lunches outside of work and</p> <p>4 talking about other things other than work is -- sounds</p> <p>5 friendly to me.</p> <p>6 Q. Okay. Do you know if Terra West would take other</p> <p>7 board members or other people out to dinners or to drinks or</p> <p>8 something as part of business development?</p> <p>9 A. Not that I can recall, no.</p> <p>10 Q. So the only one that you knew that that ever</p> <p>11 occurred with was Pennie?</p> <p>12 A. Correct.</p> <p>13 Q. And the relationship between Pennie and Carmen,</p> <p>14 you indicated, you thought was just generally professional.</p> <p>15 Right?</p> <p>16 A. Correct, yeah.</p> <p>17 Q. You did not feel there was any other friendship or</p> <p>18 outside relationship between the two of them?</p> <p>19 A. Not that I'm aware of.</p> <p>20 Q. And you were aware that Pennie and Carmen worked</p> <p>21 together the first time Terra West --</p> <p>22 A. Prior, yes.</p> <p>23 Q. Yeah. Let's talk about these inspection sheets --</p> <p>24 A. Okay.</p> <p>25 Q. -- that would be produced. I understand them to</p> <p style="text-align: right;">Page 101</p>

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<p>1 come from the inspectors. Right?</p> <p>2 A. They're produced, actually, not from the</p> <p>3 inspectors. So the inspection sheets that are provided to</p> <p>4 the inspectors are a guideline from the board members as to</p> <p>5 what they would like to be inspected.</p> <p>6 Q. Fair enough. I didn't ask a very good question.</p> <p>7 Let's talk about the violations that came off the</p> <p>8 inspections.</p> <p>9 A. Sure.</p> <p>10 Q. You produced the violation list to Pennie. She</p> <p>11 reviewed it?</p> <p>12 A. Sure, yeah.</p> <p>13 Q. That violation list was prepared by you?</p> <p>14 A. Yep.</p> <p>15 Q. And it would be prepared by you from various</p> <p>16 sources, including the inspection and any e-mails that came</p> <p>17 in?</p> <p>18 A. No. So the violation sheet -- when we send out</p> <p>19 our courtesy notices, it's just strictly from the</p> <p>20 inspection. So any notices that could have come via e-mail</p> <p>21 are just a separate time line as to the monthly inspections.</p> <p>22 Q. Very good. So when you sent your violation --</p> <p>23 what do we call it?</p> <p>24 A. Sheet, I --</p> <p>25 Q. Sheet.</p> <p style="text-align: right;">Page 102</p>	<p>1 A. No.</p> <p>2 Q. Let's talk a little bit about homeowner</p> <p>3 complaints --</p> <p>4 A. Mm-hmm.</p> <p>5 Q. -- that you indicated some homeowners complained</p> <p>6 to you on the phone regarding Pennie.</p> <p>7 A. Yeah.</p> <p>8 Q. Are you aware of any homeowners complaining about</p> <p>9 your conduct on the phone in dealing with them?</p> <p>10 A. No.</p> <p>11 Q. With regard to Pennie, you indicated -- your</p> <p>12 estimate was that there was about ten or so -- I don't want</p> <p>13 to put words in your mouth -- people that you recall.</p> <p>14 A. Yeah.</p> <p>15 Q. Was one of them Ms. Collier?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you remember the names of anyone else?</p> <p>18 A. I don't.</p> <p>19 Q. Do you remember the specific conversations as to</p> <p>20 what the issue was that they were complaining about?</p> <p>21 A. I can't recall right now, no. I'm sure if I sat</p> <p>22 down and thought about it I could, but, no, not right now.</p> <p>23 Q. And were those mostly, to your recollection, if</p> <p>24 you do recall, related to violations or something else?</p> <p>25 A. Both. I mean, it was either related to violations</p> <p style="text-align: right;">Page 104</p>
<p>1 A. -- guess. We'll call it sheet.</p> <p>2 Q. Sheet. You sent your violation sheet for Pennie</p> <p>3 to review?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Do you know if the rest of the board reviewed it?</p> <p>6 A. I am unaware of that.</p> <p>7 Q. Okay. Do you know if they reviewed it in the</p> <p>8 board packet that was provided?</p> <p>9 A. I'm sure. I'm sure, because it's provided in the</p> <p>10 board packet and they're told to review before the meeting.</p> <p>11 So if they do what they are supposed to, then yes.</p> <p>12 Q. And those violations -- Pennie, would she come</p> <p>13 back to you at times and say that some of the violations</p> <p>14 have been cured or have comments about the violations?</p> <p>15 A. Yes, yeah.</p> <p>16 Q. Did you have any concerns with her input regarding</p> <p>17 her review of those violations?</p> <p>18 A. Again, I was just there doing my job. I don't</p> <p>19 really know if I had any concerns at that point or concerns</p> <p>20 as to what she was doing. Again, I didn't know the</p> <p>21 processes of what all board members should and shouldn't be</p> <p>22 doing at that time.</p> <p>23 Q. Do you recall anything specific that Pennie would</p> <p>24 tell you regarding her review of the violations sheet that</p> <p>25 struck you as unusual or strange?</p> <p style="text-align: right;">Page 103</p>	<p>1 or how she conducted herself around the community just in</p> <p>2 general. There were times where she got confrontational</p> <p>3 with people in common areas.</p> <p>4 Q. Okay. Do you have an example of that?</p> <p>5 A. I don't have an example. I just remember these</p> <p>6 being common complaints.</p> <p>7 Q. Okay. From approximately ten people or so?</p> <p>8 A. Yeah, different people. Of course, there were</p> <p>9 different -- different issues, but yes.</p> <p>10 Q. You indicated these homeowners would complain that</p> <p>11 Pennie misuses her power. Do you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. Again, as I understand it, you don't have any</p> <p>14 specific example of that, but can you give me an example of</p> <p>15 where you think Pennie misused her power?</p> <p>16 A. Yeah, absolutely. I believe I spoke already a</p> <p>17 little bit about this, but for her to dictate when people</p> <p>18 can take time off of their job. She's not a boss. She is</p> <p>19 just a client. She's not a boss of ours. So the fact that</p> <p>20 she was able to tell us when we can take off -- time off and</p> <p>21 actually control that, to be able to control the hours that</p> <p>22 I worked. She really controlled my whole entire work life</p> <p>23 when I worked under Anthem.</p> <p>24 Q. Were you deemed -- you and Carmen deemed dedicated</p> <p>25 employees to Anthem?</p> <p style="text-align: right;">Page 105</p>

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<p>1 A. Yep. We were dedicated employees to Anthem. 2 Q. And do you know if pursuant to the contract what 3 that relationship looks like between Anthem and Terra West? 4 A. No, I don't know, like, specifics. No. 5 Q. So you're not aware of how that -- the contract 6 was structured by way of Terra West providing dedicated 7 employees to Anthem? 8 A. Nope. 9 Q. Give me another example of how you believe Pennie 10 misused her power. 11 A. The fact that we had to send everything through 12 Pennie. I could not -- if I were to send an e-mail that 13 CC'd the rest of the board in and that included Pennie, she 14 did not like that. My e-mails had to go straight to Pennie 15 so Pennie could send it to the board, which makes sense. 16 Board liaison, I get it. 17 However, when there's some certain circumstances 18 when all of the board needs to be involved, it was still 19 never allowed. 20 Another example -- 21 Q. Okay. Slow down. Slow down. 22 A. Okay. 23 Q. Hold on. Just want to stop you there. 24 A. Yeah. 25 Q. Don't forget about your other example.</p> <p style="text-align: right;">Page 106</p>	<p>1 Q. -- Pennie. I understand that and that has come 2 through very clearly, but I need examples. All right? 3 So let's go back to the issue of Pennie and her 4 communicating to the board this -- e-mails you sent her. Do 5 you have an example of a situation where Pennie did not or 6 you're aware Pennie did not forward that information to the 7 board? 8 A. Not that I'm aware of right now, no. 9 Q. So as you sit here today, you recognize that every 10 e-mail -- the vast majority of them that you sent to her may 11 have been transmitted to the board? 12 A. Sure, maybe. 13 Q. And a lot of those e-mails were put in board 14 packets, were they not? 15 A. No. 16 Q. No, they were not -- 17 A. No. 18 Q. -- put in board packets? 19 A. I mean, some e-mails were put in board packets, 20 but no. 21 Q. Sorry, but you were then going to say another 22 example. 23 A. Another example. 24 Q. Thank you. 25 A. She was a part of the architectural committee.</p> <p style="text-align: right;">Page 108</p>
<p>1 A. Okay. 2 Q. When you say there were other examples of her 3 not communicating to the board, give me an example of that 4 statement. 5 A. I mean, just in general, every e-mail I was 6 sending, it was to Pennie. I don't have examples -- like 7 specific statements as to when those were or what had 8 happened or the e-mails pertained, but everything was always 9 to Pennie. Pennie was the main person I talked to. 10 Q. Fair enough. Do you know, as you sit here today, 11 or have a single example of a situation where Pennie did not 12 forward or communicate with the rest of the board regarding 13 those e-mails that you sent her? 14 A. I am unaware, no. I don't know. 15 Q. So you don't know if Pennie did or did not 16 communicate with the other board members? 17 A. Sure. I don't know, but if they allow her conduct 18 to be that way, that's wild. 19 Q. Her conduct to be what way? What do you mean 20 that's wild? The board allowed what conduct? 21 A. Aggressive behavior. She's a dictator. To allow 22 her to be a dictator the way she is, that's what it is. 23 Q. And I appreciate you have a lot of opinions 24 regarding -- 25 A. Yeah.</p> <p style="text-align: right;">Page 107</p>	<p>1 She had all say in lots of arcs. It was always her 2 approving them, disapproving them. There were a couple 3 other members in the arc committee, but if Pennie was not 4 able to attend the arc committee meetings, we were not 5 having them. 6 Q. Okay. 7 A. They were cancelled for that week. 8 Q. Do you have any information or examples that 9 Pennie unilaterally took action on the arc committee without 10 communicating with the arc committee? 11 A. Examples off the top of my head, no, but I know 12 that happened. 13 Q. Okay. Well, how do you know that happened, that 14 Pennie unilaterally took action on the arc committee without 15 no one else on the arc committee being aware? 16 A. Because I remember thinking it was wrong. I 17 remember mentioning it to my other assistants around me that 18 it was wrong. 19 Q. What was wrong specifically? 20 A. That she's approving or disapproving these arc -- 21 arc applications via e-mail, rather than through these 22 meetings because she can't attend them. 23 Q. All right. Do you know if the rest of the 24 board -- strike that -- the rest of the arc committee was 25 approving them or that they had reviewed them? Are you</p> <p style="text-align: right;">Page 109</p>

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<p>1 aware of that?</p> <p>2 A. No, I'm not aware.</p> <p>3 Q. So if the rest of the board hypothetically -- I</p> <p>4 say board. Sorry, arc committee.</p> <p>5 A. Mm-hmm.</p> <p>6 Q. Hypothetically had reviewed these e-mails, that</p> <p>7 would be okay, wouldn't it?</p> <p>8 A. Sure, but then we're having meetings for what?</p> <p>9 I'm under this pretense that the meetings were to approve</p> <p>10 and disapprove. So now we're going and approving and</p> <p>11 disapproving and having a different meeting. Now I don't</p> <p>12 know if it's actually been discussed. I don't know.</p> <p>13 Q. Okay.</p> <p>14 A. That's what the meetings were set for.</p> <p>15 Q. How often do you think Pennie -- because you</p> <p>16 indicated you thought it was inappropriate that Pennie would</p> <p>17 make these approvals unilaterally.</p> <p>18 A. Mm-hmm.</p> <p>19 Q. How often do you think she did that?</p> <p>20 A. It wasn't common, but she did make these approvals</p> <p>21 and disapprovals when the board -- or when the arc</p> <p>22 committee --</p> <p>23 Q. Do you recall an instance by chance where she</p> <p>24 would approve an arc that was submitted -- a full on arc</p> <p>25 unilaterally by herself? The entire arc. In other words,</p> <p style="text-align: right;">Page 110</p>	<p>1 to the arc committee, but could those have also been</p> <p>2 variances or changes to the architectural issues that needed</p> <p>3 to be modified and that she sent you an e-mail saying that</p> <p>4 that complied with what the arc committee wanted?</p> <p>5 A. Sure, but the arc committee should have still</p> <p>6 approved on all of that. That wasn't an approved</p> <p>7 application then.</p> <p>8 MR. BOYACK: Sorry. Off the record for a second.</p> <p>9 (Pause in proceedings.)</p> <p>10 MR. BOYACK: Back on the record.</p> <p>11 Q. (BY MR. BOYACK) So we've been talking about the</p> <p>12 arc committee and instances where you believe Pennie acted</p> <p>13 unilaterally. All right.</p> <p>14 Let's move to the board, generally, as a board</p> <p>15 member. Do you have any examples that you recall of her</p> <p>16 specifically acting unilaterally without board authority?</p> <p>17 A. No, I don't have examples without her -- you know,</p> <p>18 with her acting without the board approvals, because I</p> <p>19 don't -- again, I don't know. She was the only person I</p> <p>20 talked to. I didn't have any other communication with the</p> <p>21 board members. The only reason I remember Sidney's name is</p> <p>22 because he was the one who said to take me on. So I don't</p> <p>23 remember anyone else.</p> <p>24 Q. Just . . . was there any instances where you did</p> <p>25 CC the rest of the board on some matters, or was every</p> <p style="text-align: right;">Page 112</p>
<p>1 someone submitted an arc application and she approved it</p> <p>2 just herself. Do --</p> <p>3 A. No, they had to sign off for the most part.</p> <p>4 Q. Who did?</p> <p>5 A. The arc committee.</p> <p>6 Q. Okay. So when you say that she unilaterally</p> <p>7 approved something, what types of stuff would she</p> <p>8 unilaterally have approved if it isn't the arc itself?</p> <p>9 A. Removals of things, but the arc itself she did</p> <p>10 approve. So they did have to sign off. However, there were</p> <p>11 times that board members were either out of town or they</p> <p>12 weren't here or they were out of country and they weren't</p> <p>13 able to sign off. We approved those and allowed those to go</p> <p>14 through.</p> <p>15 Q. Okay. So you do believe there were arc</p> <p>16 submittals --</p> <p>17 A. Mm-hmm.</p> <p>18 Q. -- that do not have the signatures of the arc</p> <p>19 committee?</p> <p>20 A. Yeah, I believe so.</p> <p>21 Q. Okay. You can't think of a specific instance</p> <p>22 though?</p> <p>23 A. No, I can't.</p> <p>24 Q. Do you believe -- and I understand that there's</p> <p>25 not many instances of Pennie acting unilaterally with regard</p> <p style="text-align: right;">Page 111</p>	<p>1 e-mail, generally speaking, sent straight to Pennie?</p> <p>2 A. So I -- there were e-mails where they were</p> <p>3 escalations. And sometimes during the complaints -- or in</p> <p>4 the complaints if it mentioned Pennie, I would CC the entire</p> <p>5 board. That would go to the entire board because I believe</p> <p>6 the whole board should see something like that. So, yeah,</p> <p>7 there were times where complaints in that instance would be</p> <p>8 forwarded or responses to violations that were more</p> <p>9 important violations or I guess how safety violations --</p> <p>10 those responses would also go to the board. So there were</p> <p>11 times that I did send it over to the board, but it was very</p> <p>12 rare that I had communication with the rest of the board.</p> <p>13 Q. Let's talk about courtesy notices for a minute.</p> <p>14 A. Okay.</p> <p>15 Q. Those would be generally sort of automatic that</p> <p>16 you would send those out based upon the violation sheet that</p> <p>17 you received.</p> <p>18 A. Correct.</p> <p>19 Q. Is that --</p> <p>20 A. Yes.</p> <p>21 Q. -- fair?</p> <p>22 A. That's fair.</p> <p>23 Q. Unless Pennie told you, Don't send it out, that</p> <p>24 was pretty much a systematic process?</p> <p>25 A. We would have to manually push the process on. So</p> <p style="text-align: right;">Page 113</p>

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<p>1 it wasn't systematic, but yes.</p> <p>2 Q. I -- bad word. When I meant systematic, I just</p> <p>3 meant you guys just went through that process.</p> <p>4 A. Yes, yes, yeah. That's the process we went</p> <p>5 through.</p> <p>6 Q. All right. You had indicated that you thought</p> <p>7 Pennie was doing inspections herself.</p> <p>8 A. Mm-hmm.</p> <p>9 Q. Would that be inspections to just the common area,</p> <p>10 or do you believe she was doing inspections more than just</p> <p>11 the common area?</p> <p>12 A. Oh, it was both, because I remember her sending me</p> <p>13 e-mails of violations. Again, I don't have specifics of</p> <p>14 them. I just remember getting e-mails and having to --</p> <p>15 again, like that one exhibit where it was, Hey, submit this</p> <p>16 as a violation, it was the same thing. An e-mail just like</p> <p>17 that. Put this in as a violation with a photo of the</p> <p>18 violation. And, again, when homeowners -- she is a</p> <p>19 homeowner. So when she sends that in, we do take that</p> <p>20 complaint and we do submit it in?</p> <p>21 Q. I mean, board members have a right to do that.</p> <p>22 A. Yeah.</p> <p>23 Q. Right?</p> <p>24 A. Absolutely. Yeah, absolutely.</p> <p>25 Q. As do homeowners?</p> <p style="text-align: right;">Page 114</p>	<p>1 A. Yeah, yeah.</p> <p>2 Q. All right. You indicated that Carmen Eassa, as</p> <p>3 the manager, kind of trusted you on the violations.</p> <p>4 A. Yeah.</p> <p>5 Q. That's a good thing, isn't it?</p> <p>6 A. Yeah.</p> <p>7 Q. Is that a yes?</p> <p>8 A. Yes.</p> <p>9 Q. And generally speaking, there was really no</p> <p>10 broad-based board involvement --</p> <p>11 A. Correct.</p> <p>12 Q. -- in that violation process?</p> <p>13 A. Correct.</p> <p>14 Q. Have you seen -- I'm talking outside of Anthem.</p> <p>15 We'll get out of Anthem for a minute.</p> <p>16 Have you seen situations in other associations</p> <p>17 where the board granted a board member or management</p> <p>18 authority to make certain decisions?</p> <p>19 A. No.</p> <p>20 Q. You have never seen that?</p> <p>21 A. No.</p> <p>22 Q. So you've never seen situations where the board</p> <p>23 would grant management, say, the ability to do some common</p> <p>24 area repairs if they were under \$500, for example?</p> <p>25 A. Yeah, sure. I guess then, yes, they would grant</p> <p style="text-align: right;">Page 116</p>
<p>1 A. Yeah, absolutely.</p> <p>2 Q. And do you know if those violations of individual</p> <p>3 homeowners arose from her inspection of the common area?</p> <p>4 A. I'm unaware.</p> <p>5 Q. Okay. So it's very possible that those violations</p> <p>6 she sent you were what she saw in the process of doing her</p> <p>7 common areas inspections?</p> <p>8 A. Possibly, yeah.</p> <p>9 Q. Did you know her to do any ride-alongs with the</p> <p>10 inspection group from Terra West?</p> <p>11 A. I believe she did do ride-alongs with our</p> <p>12 inspectors.</p> <p>13 Q. Okay. But you're not sure as you sit here today?</p> <p>14 A. No, because I don't -- I didn't schedule that. I</p> <p>15 just know that that is Terra West's policy yearly, that</p> <p>16 that's what we do require.</p> <p>17 Q. Yearly someone does a ride-along?</p> <p>18 A. Yearly someone with the board does a ride-along,</p> <p>19 as well as the manager.</p> <p>20 Q. And is that designed just to have sort of a</p> <p>21 communication and --</p> <p>22 A. Yeah, everyone -- yeah --</p> <p>23 Q. -- know what we're --</p> <p>24 A. -- everyone --</p> <p>25 Q. -- looking for?</p> <p style="text-align: right;">Page 115</p>	<p>1 the approval. However, we still would run that all by the</p> <p>2 board. There was -- we never just approved things.</p> <p>3 Q. So you would send e-mails --</p> <p>4 A. Yeah.</p> <p>5 Q. -- for example?</p> <p>6 A. Yeah.</p> <p>7 Q. And communicate with them?</p> <p>8 A. Yes.</p> <p>9 Q. But you have seen that relationship where</p> <p>10 management can take certain actions to repair something,</p> <p>11 broken sprinkler or something, without necessarily having</p> <p>12 the whole board approve it?</p> <p>13 A. Yeah. Sure. When there are immediate actions</p> <p>14 like that, absolutely.</p> <p>15 Q. All right. Can you give me an example in the case</p> <p>16 of Pennie -- and I apologize if I've already asked you</p> <p>17 this -- where she made a decision unilaterally without the</p> <p>18 board's approval, that she just decided, This is what we're</p> <p>19 going to do, and did not seek approval from the board?</p> <p>20 A. I don't have examples off the top of my brain</p> <p>21 right now, no.</p> <p>22 Q. But you believe she did that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know that she did that without having been</p> <p>25 granted authority from the board?</p> <p style="text-align: right;">Page 117</p>

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<p>1 A. Again, I don't know because I did not have e-mail 2 communication with them.</p> <p>3 Q. So it's very possible the board gave her authority 4 as liaison or president to take and do certain things. 5 Correct?</p> <p>6 A. Sure, yeah.</p> <p>7 Q. And you don't believe that's necessarily a 8 violation of the law, do you?</p> <p>9 A. No, not necessarily. I guess depending on what 10 she is taking, though, and doing, yeah.</p> <p>11 Q. But the idea of the board providing someone 12 authority to take some unilateral actions, that, in your 13 opinion, is not necessarily a violation of any law, is it?</p> <p>14 A. No.</p> <p>15 Q. You had indicated that Pennie basically -- you 16 were instructed or you guys at Terra West did what Pennie 17 told you to do.</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Fair statement?</p> <p>20 A. That's fair.</p> <p>21 Q. Do you believe that you personally ever did any 22 action that you believe violated a statute or was violating 23 the CC&Rs or that you believe was illegal?</p> <p>24 A. No.</p> <p>25 Q. Do you know of any action that anyone at Terra Page 118</p>	<p>1 THE WITNESS: Yep.</p> <p>2 Q. (BY MR. BOYACK) Okay. I had taken some notes on 3 this issue.</p> <p>4 A. Mm-hmm.</p> <p>5 Q. So let's talk about it a little bit.</p> <p>6 A. Yeah.</p> <p>7 Q. You -- the statement that you just made, you are 8 basing that statement based upon the documents that you 9 reviewed in this deposition. Correct?</p> <p>10 A. Yeah.</p> <p>11 Q. All right. You did not have any other additional 12 information, other than what was provided to you in this 13 deposition. Right?</p> <p>14 A. That's correct.</p> <p>15 Q. All right. So your opinion is based upon the 16 e-mail, Exhibit 4?</p> <p>17 A. Mm-hmm.</p> <p>18 Q. And, sorry, the exhibit also -- the courtesy 19 notice, Exhibit 5, that's the courtesy notice you sent out?</p> <p>20 A. That's correct.</p> <p>21 Q. And you have made -- you believe that this 22 action -- this courtesy notice -- and let's call it 23 Exhibit 4 and 5 --</p> <p>24 A. Yeah.</p> <p>25 Q. You believe that's a violation of the law. Page 120</p>
<p>1 West ever took in this account with Anthem where they 2 violated the law, violated the CC&Rs, or did something 3 illegal?</p> <p>4 A. No.</p> <p>5 Q. Same question for Pennie.</p> <p>6 As you sit here today, do you believe Pennie has 7 done anything in violation of statute, governing documents, 8 or the law as it relates to her work as a board member at 9 Anthem?</p> <p>10 A. Yes.</p> <p>11 Q. And what is that specifically?</p> <p>12 A. The fact that she is writing up random violations. 13 The one exhibit really has me. The fact that I had sent a 14 violation for legal fees, which it just doesn't make sense 15 now that I'm looking back. It doesn't make sense. That is 16 a misuse of power. Very misuse.</p> <p>17 Q. Let's --</p> <p>18 A. No one should ever have to pay someone else's 19 legal fees like that unless they actually did something 20 wrong.</p> <p>21 Q. Let's talk about it.</p> <p>22 MR. BOYACK: She have these?</p> <p>23 MR. ELSON: What exhibit number is it?</p> <p>24 MR. BOYACK: Four. I'm sorry. I think it's 4. 25 Yeah. Page 119</p>	<p>1 A. Yeah.</p> <p>2 Q. Right?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. So let's talk about that a little bit.</p> <p>5 Tell me specifically why you think that is a violation of 6 the law.</p> <p>7 A. There's a gray area here. I feel that she's using 8 this as a common expense caused by misconduct of any unit 9 owner, the association shall assess that common expense 10 exclusively against such unit's owner. But what common 11 expense other than legal fees and the actions that are being 12 taken because of an attorney reaching out to the board? 13 There is an issue. Who -- how else are you supposed to 14 figure out an issue when someone is feeling some type of 15 way. They can't talk to the board. And so what do you do? 16 You go find someone who can.</p> <p>17 Q. So -- fair enough.</p> <p>18 So your opinion in believing that this is an 19 inappropriate or illegal courtesy notice --</p> <p>20 A. Yes.</p> <p>21 Q. -- is based on the fact that your understanding is 22 that the board was potentially going to assess Ms. Collier 23 because their -- her lawyer was contacting the board. Is 24 that correct?</p> <p>25 A. That's correct. Page 121</p>

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<p>1 Q. Now let's change this a little bit.</p> <p>2 What if this violation was related to</p> <p>3 Ms. Collier's attorney contacting the general counsel for</p> <p>4 the association after having been told not to have such</p> <p>5 contact?</p> <p>6 A. Again --</p> <p>7 Q. Would that change your opinion?</p> <p>8 A. No, no, because, again, these are legal fees that</p> <p>9 are being occurred [sic] for no reason -- to someone for no</p> <p>10 reason.</p> <p>11 Q. Fair enough. So you believe that a homeowner or</p> <p>12 the homeowner's attorney can -- even after being told not to</p> <p>13 contact general counsel or the association's attorney, you</p> <p>14 believe that if they continue to do that that that's an</p> <p>15 expense that the association should pay and that that</p> <p>16 contact should continue?</p> <p>17 A. I mean, as a business, unfortunately, you take on</p> <p>18 some expenses you don't want to.</p> <p>19 Q. Do you think it's appropriate however that a</p> <p>20 homeowner's lawyer, after being told not to reach out to the</p> <p>21 association's lawyer on certain issues -- do you believe</p> <p>22 that's appropriate to continue to do so?</p> <p>23 A. Again, I don't know the situation. I don't know</p> <p>24 what he was reaching out about, and I don't know as to what</p> <p>25 this -- like, I don't -- I don't know. So I wouldn't know</p> <p style="text-align: right;">Page 122</p>	<p>1 though.</p> <p>2 Q. So you're saying you believe this letter was</p> <p>3 harassing too?</p> <p>4 A. Absolutely.</p> <p>5 Q. Tell me why you think that.</p> <p>6 A. Because it was a couple hours after another e-mail</p> <p>7 was sent, What an idiot. Come on. That's retaliatory.</p> <p>8 That is retaliatory.</p> <p>9 Q. Retaliatory to who?</p> <p>10 A. Actions towards Tim, honestly. And the only way</p> <p>11 that they could retaliate and do anything as to what that</p> <p>12 e-mail was, we're going to go ahead and send another</p> <p>13 violation, because I'm mad that you didn't listen to me.</p> <p>14 I'm going to send you another violation.</p> <p>15 Q. And of this violation that you are talking about,</p> <p>16 do you know if anything came of it?</p> <p>17 A. I don't. I'm unaware.</p> <p>18 Q. You don't know if there's any fines associated</p> <p>19 with it or anything?</p> <p>20 A. Again, I'm unaware as to most of how these</p> <p>21 violations ended or went through.</p> <p>22 Q. You have some -- let's go to your opinions that</p> <p>23 you believe Ms. Collier has not been treated fairly.</p> <p>24 A. Yeah.</p> <p>25 Q. Right? So let's dissect that a little bit.</p> <p style="text-align: right;">Page 124</p>
<p>1 how to answer that.</p> <p>2 Q. Fair enough. But I want to be clear here --</p> <p>3 A. Yeah.</p> <p>4 Q. -- because you have stated an opinion that you</p> <p>5 believe that this courtesy notice potentially is a violation</p> <p>6 of the law. So I just want to make sure that you understand</p> <p>7 all the facts.</p> <p>8 If this violation notice was because general</p> <p>9 counsel is being contacted by an attorney after the attorney</p> <p>10 was told to stop contact, do you still believe that this</p> <p>11 courtesy notice violates the law?</p> <p>12 A. Again, depending on why he reached out and for</p> <p>13 what reason that was reached out. If it's for the conduct</p> <p>14 of how Pennie was at that meeting, then no. I don't think</p> <p>15 that she should have -- I think this is illegal. I think</p> <p>16 this violation is wrong.</p> <p>17 Q. A courtesy notice is just simply a courtesy</p> <p>18 notice, isn't it?</p> <p>19 A. Yep.</p> <p>20 Q. No action is taken, is it?</p> <p>21 A. No, but it's still on their record. It's still on</p> <p>22 her violation record.</p> <p>23 Q. True. But there's no hearing and no fine, is</p> <p>24 there?</p> <p>25 A. No. That doesn't mean that it's not harassment</p> <p style="text-align: right;">Page 123</p>	<p>1 Can you give me -- with regard to the oleanders,</p> <p>2 you have indicated that you don't think those violations</p> <p>3 should have gone out. Correct?</p> <p>4 A. Again, I don't remember what the photo was of the</p> <p>5 beginning of the oleanders. So I don't know. However, to</p> <p>6 this point and it is still going on at this point, then,</p> <p>7 yes, I definitely believe this is -- should not be -- it</p> <p>8 should not have gone this far.</p> <p>9 Q. And what do you know about why it's gone on this</p> <p>10 far?</p> <p>11 A. I am unaware as to why it has gone on this far. I</p> <p>12 just know a violation process should not go this far. I did</p> <p>13 this four, five years ago, this violation, and I'm still --</p> <p>14 like, I'm still dealing with it. So, like, it just</p> <p>15 shouldn't go on this long. No violation should.</p> <p>16 Q. And when you say it's going on this long, what do</p> <p>17 you know about this violation as to why -- do you know if</p> <p>18 there was a fine assessed?</p> <p>19 A. I don't know if there was a fine assessed. I'm</p> <p>20 sure there was though.</p> <p>21 Q. Okay. Do you know if that fine has been waived or</p> <p>22 removed?</p> <p>23 A. I'm unaware.</p> <p>24 Q. Okay. So you have opinions about this ongoing</p> <p>25 violation, but you do not know its current status. Correct?</p> <p style="text-align: right;">Page 125</p>

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<p>1 A. Correct.</p> <p>2 Q. Okay. Let's talk about the paint scheme. Do you</p> <p>3 believe the paint violations -- do you have any information</p> <p>4 that those were treating Ms. Collier unfairly?</p> <p>5 A. Again, I don't know much about paint schemes. So</p> <p>6 I can't answer that.</p> <p>7 Q. So your basis that Ms. Collier is being treated</p> <p>8 unfairly is based upon your issues with the oleanders and</p> <p>9 the fact that this violation is continuing to go forward.</p> <p>10 Correct?</p> <p>11 A. And the fact that Ms. Collier got another</p> <p>12 violation for no reason.</p> <p>13 Q. And that's the courtesy notice, Exhibit 5?</p> <p>14 A. Correct.</p> <p>15 Q. Right. This is a courtesy notice. It's not a</p> <p>16 violation notice?</p> <p>17 A. It's a violation notice. It's a courtesy</p> <p>18 violation notice. That's still considered a violation</p> <p>19 notice.</p> <p>20 Q. Right. And if the person who receives a courtesy</p> <p>21 notice stops the behavior or cures it, it ends at that</p> <p>22 point?</p> <p>23 A. Yeah, absolutely.</p> <p>24 Q. In fact, they have a time period in which to cure</p> <p>25 the violation, don't they?</p> <p style="text-align: right;">Page 126</p>	<p>1 answered it. He said, Okay. Thank you. And then we</p> <p>2 scheduled a deposition.</p> <p>3 Q. You would agree with me -- well, you talk about</p> <p>4 Pennie's conduct, that you have testified a great deal about</p> <p>5 that -- because someone may behave in a certain way, raise</p> <p>6 their voice, send e-mails that are curt or, you know,</p> <p>7 aggressive, that doesn't necessarily mean that somebody has</p> <p>8 violated the law. Correct?</p> <p>9 A. Correct.</p> <p>10 Q. So being what someone may charge as</p> <p>11 unprofessional --</p> <p>12 A. Mm-hmm.</p> <p>13 Q. -- that does not necessarily mean that someone is</p> <p>14 violating a statute. Correct?</p> <p>15 A. Correct.</p> <p>16 Q. Or the CC&Rs?</p> <p>17 A. Correct.</p> <p>18 Q. Or that they're treating someone necessarily</p> <p>19 differently than they would treat someone else?</p> <p>20 A. Sure, but this (gesturing) is harassment.</p> <p>21 Q. That's harassment?</p> <p>22 A. So I'm going to point this out again, because this</p> <p>23 right here is harassment. Going back -- if you were to go</p> <p>24 put this in front of the Ombudsman, they're going to say</p> <p>25 that -- looking back at all of that, they're going to say</p> <p style="text-align: right;">Page 128</p>
<p>1 A. Yeah, absolutely.</p> <p>2 Q. You send out courtesy notices all the time and</p> <p>3 people cure them. Right?</p> <p>4 A. Yeah, absolutely.</p> <p>5 Q. And sometimes you send out courtesy notices in</p> <p>6 error where, in good faith, you think something needs to be</p> <p>7 corrected or something to that effect and that happens as</p> <p>8 well. Right?</p> <p>9 A. Yeah, absolutely.</p> <p>10 Q. And so once the person says, I've corrected it,</p> <p>11 it's the end of it?</p> <p>12 A. Yeah, absolutely.</p> <p>13 Q. Let's talk about your conversations with</p> <p>14 Mr. Elson. Did -- can you generally describe for me what he</p> <p>15 indicated to you was the nature of this case?</p> <p>16 A. All I really knew was about the oleander</p> <p>17 situation. He had mentioned oleander. He had mentioned</p> <p>18 Andrea's name, and I recalled exactly what the situation</p> <p>19 was. I did remember this violation in particular, and it's</p> <p>20 very rare for me to remember these violations like that. So</p> <p>21 I did remember that one in particular.</p> <p>22 He didn't really explain to me very much. I tried</p> <p>23 to get some information out of him, but, honestly, he didn't</p> <p>24 really tell me too much. He just wanted to schedule this.</p> <p>25 He asked me a couple questions as to Pennie's conduct. I</p> <p style="text-align: right;">Page 127</p>	<p>1 that that is harassment.</p> <p>2 Q. So you're comfortable and confident sitting here</p> <p>3 today under oath that you believe the Ombudsman would</p> <p>4 consider that to be harassment?</p> <p>5 A. After looking back at all that, yes, absolutely.</p> <p>6 Within the time frame of it, absolutely.</p> <p>7 Q. Well, very good. So let's talk a little bit</p> <p>8 more -- because you have some very strong opinions about</p> <p>9 this issue. Do you -- you're sitting here, basically --</p> <p>10 because you said harassment.</p> <p>11 A. Mm-hmm.</p> <p>12 Q. You are indicating that Anthem violated the law by</p> <p>13 sending that notice?</p> <p>14 A. Yes.</p> <p>15 Q. Well, Exhibit 5. Correct?</p> <p>16 A. Yes.</p> <p>17 Q. But you also acknowledge that you have no</p> <p>18 understanding as you sit here today of the factual</p> <p>19 background or circumstances of what gave rise to this.</p> <p>20 Correct?</p> <p>21 A. Correct.</p> <p>22 Q. So you're only judging your opinion based on the</p> <p>23 fact this notice was sent. Right?</p> <p>24 A. Correct.</p> <p>25 Q. You have not seen any other e-mails about the past</p> <p style="text-align: right;">Page 129</p>

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<p>1 history of what -- how this arose.</p> <p>2 A. Correct. However, we're going to go back to the</p> <p>3 fact of those e-mails and the time frame -- the time frame</p> <p>4 isn't right. Any person -- any logical person is going to</p> <p>5 look at that time frame and look at that as harassment.</p> <p>6 MR. ELSON: Ted, I've given you a lot of leeway on</p> <p>7 this, but, I mean, you are referencing things that literally</p> <p>8 don't exist. And it's --</p> <p>9 MR. BOYACK: Well --</p> <p>10 MR. ELSON: -- borderline starting to get</p> <p>11 harassment of the witness. Do you want to show the witness</p> <p>12 any of these other documents?</p> <p>13 MR. BOYACK: No, but now you are, you know, trying</p> <p>14 to coach the witness here. I'm asking her the basis of her</p> <p>15 knowledge and what she understands. That's totally a</p> <p>16 reasonable question to ask. And that's all I'm asking.</p> <p>17 MR. ELSON: It's not reasonable to reference</p> <p>18 things that don't exist and harass a witness. I'm not</p> <p>19 trying to coach a witness. I have allowed you to thoroughly</p> <p>20 examine the witness on this issue for a long time. And,</p> <p>21 quite frankly, your line of examination is not based in fact</p> <p>22 and misstating evidence.</p> <p>23 So if you want to show the witness documents and</p> <p>24 ask her if documents change her opinion, feel free to do so.</p> <p>25 MR. BOYACK: I only asked her what information she</p> <p style="text-align: right;">Page 130</p>	<p>1 documents that aren't disclosed as part of this</p> <p>2 litigation -- the discovery commissioner wrote a specific</p> <p>3 opinion on that and how all information needed to be</p> <p>4 disclosed before depositions.</p> <p>5 So I'm just concerned that you're concealing</p> <p>6 information that you're now using to examine a witness in</p> <p>7 direct contradiction to what the discovery commissioner</p> <p>8 has stated.</p> <p>9 MR. BOYACK: Are you accusing me of concealing</p> <p>10 information now when I asked her if she has a memory of</p> <p>11 something?</p> <p>12 MR. ELSON: Would you like me to read the report</p> <p>13 and -- would you like me to repeat -- read to you the</p> <p>14 discovery commissioner's opinion on this?</p> <p>15 MR. BOYACK: I don't. No, I don't. I'm going to</p> <p>16 ask questions about what her memory is, and that's what I</p> <p>17 get to ask, period. I don't have to sit here and produce</p> <p>18 every document that may or may not exist. And I asked her a</p> <p>19 question about a document that doesn't necessarily --</p> <p>20 MR. ELSON: And I'm asking you -- because here's</p> <p>21 the thing, when you look at what Rule 16.1 and what Rule 26</p> <p>22 says, it says that you have an independent obligation to</p> <p>23 produce documents that are reasonably calculated to lead to</p> <p>24 the discovery of admissible evidence in this case.</p> <p>25 You are clearly looking at your phone. You are</p> <p style="text-align: right;">Page 132</p>
<p>1 had and that's a fair question. She said she is -- what her</p> <p>2 opinion is is relied upon based on Exhibit 4 and 5 and</p> <p>3 that's what her opinion is. And that's what she based it</p> <p>4 on. Totally reasonable question. And so I appreciate the</p> <p>5 objections.</p> <p>6 Q. (BY MR. BOYACK) All right. However, I have beat</p> <p>7 that one to death. Let's go on to --</p> <p>8 MR. ELSON: Glad. I'm glad we agree on something.</p> <p>9 It doesn't happen very often, Ted.</p> <p>10 MR. BOYACK: That's probably true.</p> <p>11 Q. (BY MR. BOYACK) All right. Let's talk a little</p> <p>12 bit about -- let's go back to your situation with Anthem</p> <p>13 where you, I understand, testified that you had not ever</p> <p>14 been told by anyone at Terra West or the board that your job</p> <p>15 performance was inadequate. Correct?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Do you remember a situation at a board</p> <p>18 meeting where the violation sheet had so many errors in it</p> <p>19 it needed to be redone?</p> <p>20 A. No.</p> <p>21 Q. You don't recall that?</p> <p>22 A. I don't recall.</p> <p>23 Q. All right.</p> <p>24 MR. ELSON: Are you referencing documents when you</p> <p>25 do this? Because, again, for you to be referencing</p> <p style="text-align: right;">Page 131</p>	<p>1 clearly reading from your phone documents that should have</p> <p>2 been disclosed in this case.</p> <p>3 MR. BOYACK: I'm not reading documents, Tim. I'm</p> <p>4 reading questions that I had prepared and have been prepared</p> <p>5 prior to this deposition.</p> <p>6 MR. ELSON: So were those --</p> <p>7 MR. BOYACK: I'm not looking --</p> <p>8 MR. ELSON: -- based on documents?</p> <p>9 MR. BOYACK: -- at documents.</p> <p>10 Would you like to look at the attorney-client</p> <p>11 privileged document that I'm looking at, Tim?</p> <p>12 Don't accuse me of something. It's right here.</p> <p>13 Do you want to look at it? Stop accusing me of that. It's</p> <p>14 ridiculous. These are questions provided to me by my</p> <p>15 client. I have every right to ask them.</p> <p>16 MR. ELSON: Are these based on her personnel file,</p> <p>17 Ted?</p> <p>18 MS. JACKSON: Gentlemen, let's take a minute. Can</p> <p>19 we go off the record --</p> <p>20 MR. ELSON: No, we're --</p> <p>21 MS. JACKSON: -- please?</p> <p>22 MR. ELSON: -- not going to go off the record.</p> <p>23 We're going to continue this conversation on the record.</p> <p>24 Is this based on her personnel file?</p> <p>25 MR. BOYACK: No, I do not believe it is. It's</p> <p style="text-align: right;">Page 133</p>

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<p>1 based upon events that transpired.</p> <p>2 MR. ELSON: Okay. Then continue on.</p> <p>3 MR. BOYACK: Thank you.</p> <p>4 MR. ELSON: Because if it's your representation</p> <p>5 that documents don't exist to support this line of</p> <p>6 questioning, then fine. Then I'll acquiesce to your line of</p> <p>7 questioning and you may continue, but if there's documents</p> <p>8 that support it, those documents should have been produced</p> <p>9 and turned over before this deposition. And that's my</p> <p>10 point.</p> <p>11 MR. BOYACK: Okay. I --</p> <p>12 MR. ELSON: I've made my record.</p> <p>13 MR. BOYACK: Thank you.</p> <p>14 MR. ELSON: You may continue.</p> <p>15 And just to be clear, I never was seeking the</p> <p>16 production of attorney-client privileged information.</p> <p>17 MR. BOYACK: I know, but I'm trying to make a</p> <p>18 point, Tim. You're accusing me of having documents in front</p> <p>19 of me when I'm really just reading friggin questions off of</p> <p>20 an e-mail.</p> <p>21 Q. (BY MR. BOYACK) After you were taken off the</p> <p>22 account, did you ever receive any feedback from Terra West</p> <p>23 or I'll just say from Terra West regarding any other issues</p> <p>24 that were needing to be resolved or handled after you left?</p> <p>25 A. No. I wanted nothing to do with Anthem when I got</p> <p style="text-align: right;">Page 134</p>	<p>1 Terra West.</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Did you believe after you got off the Anthem</p> <p>4 account, Terra West -- you did not believe they were</p> <p>5 handling you as an employee appropriately?</p> <p>6 A. No, I actually loved working for Terra West.</p> <p>7 There was just a lot of favoritism there. I was one of the</p> <p>8 favorites, though. So, I mean, I just didn't like it. The</p> <p>9 conduct in there wasn't -- wasn't cool. There was constant</p> <p>10 turnover and it was just constant -- everyone threw</p> <p>11 everything at me because I did everything.</p> <p>12 Q. And what conduct did Terra West do that you are</p> <p>13 referring to generally?</p> <p>14 A. Just in general there was a lot of favoritism.</p> <p>15 There was just -- if you were a favorite, you got the good</p> <p>16 accounts. If you weren't a favorite, you got bad accounts.</p> <p>17 Q. You got the good accounts, though. Right?</p> <p>18 A. No.</p> <p>19 Q. I thought you said you were a favorite.</p> <p>20 A. I was a favorite, but I was a favorite because I</p> <p>21 did everything because I was good.</p> <p>22 Q. But you still got bad accounts?</p> <p>23 A. Yes.</p> <p>24 Q. And --</p> <p>25 A. Anthem was a bad account. So, yes, absolutely.</p> <p style="text-align: right;">Page 136</p>
<p>1 off of it.</p> <p>2 Q. And just to be clear -- and I think I may have</p> <p>3 already asked this, but just to be clear, are you</p> <p>4 specifically aware of Pennie asking that you be taken off</p> <p>5 the account?</p> <p>6 A. No.</p> <p>7 Q. Just one other question on this particular issue.</p> <p>8 Did anyone, Carmen or anyone else at Terra West or Pennie,</p> <p>9 ever say to you that you were not getting back to homeowners</p> <p>10 in a timely fashion with regard to their e-mails or phone</p> <p>11 calls?</p> <p>12 A. No, never.</p> <p>13 Q. And why did you leave Terra West?</p> <p>14 A. Because I was absolutely sick of it. I was sick</p> <p>15 of the conduct at Terra West. I was sick of the favoritism.</p> <p>16 I was sick of being a community manager in general. I was</p> <p>17 sick of the complaints. I was sick of everything that had</p> <p>18 to do with it.</p> <p>19 I had two kids at home that I needed to take care</p> <p>20 of, one in which had just been diagnosed with some kind of</p> <p>21 muscular issue at the time. So I --</p> <p>22 Q. I'm sorry.</p> <p>23 A. -- needed to quit, and I needed to fix -- fix my</p> <p>24 son's muscular issue.</p> <p>25 Q. So let's talk not about Anthem. Let's talk about</p> <p style="text-align: right;">Page 135</p>	<p>1 Q. During that time after you left Anthem, did anyone</p> <p>2 at Terra West counsel you, discuss with you any complaints</p> <p>3 or issues with your job performance?</p> <p>4 A. No.</p> <p>5 Q. So for the entire time at Terra West, as you sit</p> <p>6 here today, you are not aware of any single complaint,</p> <p>7 problem, error, or issue that was brought to your attention?</p> <p>8 A. No, I was a good employee there.</p> <p>9 Q. What was your relationship with Carmen? Did you</p> <p>10 have a strained relationship with her?</p> <p>11 A. No, just a working relationship. Normal.</p> <p>12 Q. Did you like working with Carmen?</p> <p>13 A. Sure. I mean, Carmen was -- she was just a</p> <p>14 manager. I mean, there's -- you just work with people. I</p> <p>15 didn't have, like, a hate or a dislike. I like most people.</p> <p>16 I'm a --</p> <p>17 Q. Did you think Carmen was a good manager and did a</p> <p>18 decent job?</p> <p>19 A. She was a little micromanaging to an extent, as</p> <p>20 opposed to like the e-mails, but other than that she was</p> <p>21 okay. She didn't pay attention much, but she was okay.</p> <p>22 Q. When you say "she didn't pay attention much," what</p> <p>23 do you mean?</p> <p>24 A. Well, the way Terra West is set up is the outer</p> <p>25 part of the, like, area that we're all in is all the</p> <p style="text-align: right;">Page 137</p>

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<p>1 managers. And then there's like -- I almost want to say 2 like a corral area where all of us assistants are. And so 3 the managers didn't really come to the assistant area very 4 much. They didn't come check on us very much. They didn't 5 come -- they came to give us some paperwork and that's about 6 it. 7 Q. Okay. 8 A. Anytime Pennie had a complaint is when she would 9 come to me. She just got off the phone with Pennie and 10 there was a complaint. 11 Q. So there was a complaint, then, that you heard? 12 A. Sure. Pennie always complained about random 13 things, yeah. 14 Q. Okay. And that came through Carmen. Right? 15 A. Sure, yeah. Never about my performance. 16 Q. What would they be about then? 17 A. Homeowners, complaints about a violation that 18 needs to go out, complaints on that aspect. Never -- never 19 complaints about my work. 20 Q. Sounds like you were pretty stellar and accurate 21 in everything you did. Right? 22 A. I'm fairly good at what I do when I work. Yeah, 23 I -- 24 Q. Whatever complaints -- 25 A. Attention to detail kind of person.</p> <p style="text-align: right;">Page 138</p>	<p>1 I've been treated crappy by other associations and I don't 2 have -- I don't have, like, ill feelings towards them. 3 Q. Do you have ill feelings toward Pennie? 4 A. Absolutely. 5 Q. Do you have ill feelings towards Anthem generally? 6 A. I guess not Anthem in general. 7 Q. How about Carmen? 8 A. No. 9 Q. How about Terra West? 10 A. No. 11 Q. You don't have any ill feelings towards Terra 12 West? 13 A. No. 14 Q. What is it -- just because you've provided a lot 15 of testimony and had a lot of opinions in this case -- 16 A. Yes. 17 Q. -- regarding Pennie. And you've indicated fairly 18 and honestly that you have ill feelings toward her. 19 A. Yeah. 20 Q. Right? Can you just generally describe where 21 those ill feelings come from? Is it because of the -- 22 because you didn't see her one-on-one very often. 23 A. Yes. 24 Q. Is it from the e-mails? 25 A. Yes. The way she conducts herself. The way she</p> <p style="text-align: right;">Page 140</p>
<p>1 Q. Great. And so whatever complaints you may have 2 had during your work, they would have been related to other 3 things going on, but not your job performance. Right? 4 A. No. 5 Q. All right. Let's go back real quick. There was a 6 question asked to you regarding whether you thought that 7 something violated 116. Do you remember that question? 8 A. I don't remember what it was, but . . . 9 Q. Let's just -- let me just ask you this: Do you 10 believe -- and you've been through this deposition today, 11 looked at some documents and you were there present at Terra 12 West during this time. 13 Did you believe there was anything that occurred 14 that violated 116? Any illegal activity that you can point 15 to that violated 116? 16 A. No, not that I can think of right now, no. 17 Q. Do you -- do you -- you've heard the term 18 disgruntled employee. Right? 19 A. Mm-hmm. 20 Q. Is that a yes? 21 A. Yes, sorry. 22 Q. Do you think you are disgruntled with Anthem and 23 the way they treated you and how you, you know -- you -- 24 sort of your experience with them at -- 25 A. Sure, but I'm a fairly fair person. So, I mean,</p> <p style="text-align: right;">Page 139</p>	<p>1 talks to people. She is the kind of person who will just go 2 above everyone to go to the highest person to complain, and 3 that's just not -- that's not chain of command. That's not 4 respect. That's just -- it's rude. She's not respectful. 5 She's a bully. The words she -- the way she says things is 6 not appropriate. 7 I mean, you are typing an e-mail out. So you know 8 in the moment when you are typing this e-mail out, you are 9 angry, you are irritated, you are mad. You can re-read 10 that. You can re-read that and go back and check what you 11 said to make sure that you weren't being rude. 12 Q. You felt she did a lot of that to you personally. 13 Right? 14 A. Yeah, absolutely. 15 Q. Okay. And so that's where you generated the ill 16 will, was how she treated you mostly in e-mails? 17 A. Me and a lot of my other -- a lot of the other 18 assistants who were on that account. Yeah, absolutely. She 19 treated us all the same. 20 Q. And you would agree with me that if somebody's 21 being, as you say, unprofessional or is harsh in e-mails or 22 things of that nature that may be something you don't like, 23 but that doesn't necessarily mean they've violated any law 24 or done anything illegal. Correct? 25 A. Sure, but that's not Pennie in this situation.</p> <p style="text-align: right;">Page 141</p>

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<p>1 So . . .</p> <p>2 Q. So you are back to believing that Pennie did do</p> <p>3 something illegal in this situation?</p> <p>4 A. Yes. Again, I'm going back to this violation</p> <p>5 notice. It's wrong. It's wrong.</p> <p>6 Q. Just the one courtesy notice is what you're</p> <p>7 talking about. Right?</p> <p>8 A. Her actions. The way she conducts herself. She</p> <p>9 should not be a board member. She just shouldn't be a board</p> <p>10 member. That's kind of where all of this is. There's been</p> <p>11 too many complaints. There's too much about her. Too many</p> <p>12 people know how she conducts herself, and that's the issue.</p> <p>13 That's the biggest issue. She shouldn't be a board member.</p> <p>14 She should not be on this account.</p> <p>15 Q. And that's because of her aggressive nature.</p> <p>16 Right?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Right. Just curious, though: Do you think she</p> <p>19 got a lot accomplished and was able to make sure that things</p> <p>20 ran smoothly at the association?</p> <p>21 A. I don't know. I don't know, because does it run</p> <p>22 smoothly when there's a lot of drama like that? Does it run</p> <p>23 smoothly when you have homeowners upset? No, that's not</p> <p>24 running smoothly.</p> <p>25 Q. But did the association, when you were there,</p> <p style="text-align: right;">Page 142</p>	<p>1 EXAMINATION</p> <p>2 BY MS. JACKSON:</p> <p>3 Q. So hello. So I'm also going to be jumping around</p> <p>4 a bit just based on everything that was said today.</p> <p>5 A. Okay.</p> <p>6 Q. So if at any point what I ask doesn't trigger your</p> <p>7 memory of what you said or I restate something that's</p> <p>8 incorrect, please do let me know and correct me.</p> <p>9 A. Okay.</p> <p>10 Q. So I know that you said earlier -- and correct me</p> <p>11 if I'm wrong -- that Pennie had a habit or you believe that</p> <p>12 Pennie would get people removed from accounts.</p> <p>13 A. Correct.</p> <p>14 Q. Do you know any specific individuals who were</p> <p>15 removed from any accounts?</p> <p>16 A. Yes. Rebecca Bok, in specific. She was an</p> <p>17 assistant who was removed from the account because of</p> <p>18 Pennie.</p> <p>19 Q. Okay. And was -- do you -- do you have any</p> <p>20 knowledge as to whether Rebecca was adequate at her job and</p> <p>21 was performing adequately?</p> <p>22 A. She performed adequately on all of her other</p> <p>23 communities. So I didn't -- don't know why she wouldn't</p> <p>24 have done the same on this one. So I don't know</p> <p>25 specifically, I guess. I don't know her workload for</p> <p style="text-align: right;">Page 144</p>
<p>1 process the violations, get things accomplished, took care</p> <p>2 of the common elements? Those things were all done. Right?</p> <p>3 A. Sure, but that's not because of Pennie. That's</p> <p>4 because Pennie had a management company helping her do these</p> <p>5 things.</p> <p>6 Q. Okay.</p> <p>7 A. Pennie dictated what was done and that is it.</p> <p>8 Pennie was just mean. She yelled at everyone to do it. And</p> <p>9 if you didn't do it, then it was an issue. And she -- there</p> <p>10 was constant turnover of assistants. I believe there was</p> <p>11 turnover in the certain managements for the landscape</p> <p>12 companies because she can't get along with anyone.</p> <p>13 MR. BOYACK: I have nothing further. Thank you.</p> <p>14 MS. JACKSON: Do we have time for me to ask a few</p> <p>15 questions?</p> <p>16 MR. ELSON: We're going till we finish.</p> <p>17 MS. JACKSON: I will be quick. I'm not going to</p> <p>18 go --</p> <p>19 MR. ELSON: That's fine. I have more questions,</p> <p>20 too. So . . .</p> <p>21 MS. JACKSON: Okay. Mine will be quick,</p> <p>22 uncharacteristically quick for me.</p> <p>23 ///</p> <p>24 ///</p> <p>25 ///</p> <p style="text-align: right;">Page 143</p>	<p>1 Anthem. I didn't know what she did. From what I know, she</p> <p>2 was a good assistant as well.</p> <p>3 Q. Okay. So you knew she did well from other places</p> <p>4 from what you heard?</p> <p>5 A. Yes.</p> <p>6 Q. And you hadn't heard anything about her not doing</p> <p>7 well at Anthem?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. And then my next question is earlier you</p> <p>10 had mentioned that Pennie would drive around the community</p> <p>11 at night.</p> <p>12 A. Mm-hmm.</p> <p>13 Q. I think earlier it was also stated that she lived</p> <p>14 there. Did Pennie ever send pictures from one of those</p> <p>15 night drives?</p> <p>16 A. I believe so, yeah. I don't recall what pictures</p> <p>17 they were, but I do recall getting pictures from night</p> <p>18 drives.</p> <p>19 Q. But you don't have any specifics?</p> <p>20 A. I don't have specifics. Usually those night</p> <p>21 drives, though, were for coach lights. They were usually,</p> <p>22 you know, the lights that are right outside your garage to</p> <p>23 make sure light bulbs were in those and make sure they were</p> <p>24 on. So those were usually the inspections, which would make</p> <p>25 sense for it to be a night inspection.</p> <p style="text-align: right;">Page 145</p>

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<p>1 Q. Okay. Got it. And is that like a safety thing --</p> <p>2 A. Yeah, safety.</p> <p>3 Q. -- making sure the lights are on?</p> <p>4 A. Yeah.</p> <p>5 Q. And then I have a question about the Google search</p> <p>6 when you said you went online --</p> <p>7 A. Mm-hmm.</p> <p>8 Q. -- and were looking at the oleanders. Did that</p> <p>9 happen -- strike that.</p> <p>10 Do you have any knowledge as to whether the</p> <p>11 oleanders are still obstructing the view?</p> <p>12 A. From what I saw on Google, no.</p> <p>13 Q. Do you have any knowledge of whether the oleanders</p> <p>14 were ever cut?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. And that -- what you saw on Google, did</p> <p>17 that image happen to have a date on it?</p> <p>18 A. I don't remember if -- I'm sure there was.</p> <p>19 Q. Okay.</p> <p>20 A. Usually they do, but if there was, I don't</p> <p>21 remember what the date was for that.</p> <p>22 Q. Okay, okay. Is it possible that that image could</p> <p>23 have been taken after action was taken/done to the</p> <p>24 oleanders?</p> <p>25 A. Sure. Yeah, because those are -- I mean, Google</p> <p style="text-align: right;">Page 146</p>	<p>1 had reached out to, like, help or want to be on the board or</p> <p>2 want to be friendly with her. But if there was homeowners</p> <p>3 who reached out and had concerns, she would then -- I</p> <p>4 wouldn't say keep an eye out for them, but kind of. She</p> <p>5 would then keep them on their radar, like, Oh, yeah. That</p> <p>6 was that person.</p> <p>7 Q. So when you say keep an eye out, do you -- what</p> <p>8 exactly does that mean?</p> <p>9 A. Yeah, I don't mean keep an eye out like watching</p> <p>10 them, like actually physically keeping an eye out, but then</p> <p>11 she'd see their address come up or their name would come up</p> <p>12 or -- and be like, Oh, yeah. That was that person that</p> <p>13 complained, or, That was that person who was really nice, or</p> <p>14 something like that.</p> <p>15 Q. Okay. And would you say that's normal for anyone</p> <p>16 to do, like if you -- if you were --</p> <p>17 A. Sure.</p> <p>18 Q. -- working on accounts and you saw address --</p> <p>19 (Reporter requested clarification.)</p> <p>20 Q. (BY MS. JACKSON) If you were working on accounts</p> <p>21 and you saw addresses and let's say a homeowner was</p> <p>22 particularly snotty to you or a homeowner was particularly</p> <p>23 sweet, would you trigger that recognition as well?</p> <p>24 A. No.</p> <p>25 Q. No?</p> <p style="text-align: right;">Page 148</p>
<p>1 only updates every -- I feel like every few years or so. So</p> <p>2 it's possible, yeah, I guess.</p> <p>3 Q. Thank you. And then my last question. I know you</p> <p>4 said that you were a favorite and you were treated as a</p> <p>5 favorite. And then you also then turned around and said all</p> <p>6 the assistants were treated as the same. Is that still</p> <p>7 accurate?</p> <p>8 A. So we were very much treated the same in the</p> <p>9 aspect of benefits-wise or time off or things like that, but</p> <p>10 when it did come to the accounts we got, it definitely was</p> <p>11 favored in the aspect of -- the managers had the accounts.</p> <p>12 So it just depended on, I want this assistant, this</p> <p>13 assistant, that assistant type of situation.</p> <p>14 Q. Okay. Got it, got it, but in terms of anything</p> <p>15 else, all assistants were treated the same?</p> <p>16 A. In the terms of everything else, yeah, I'm pretty</p> <p>17 sure everything was -- yeah, we were all treated fairly.</p> <p>18 Q. And then what about the homeowners? Did Pennie</p> <p>19 treat homeowners the same? Not the same as assistants, but,</p> <p>20 like, let's say you have homeowner --</p> <p>21 A. No.</p> <p>22 Q. -- A and homeowner B.</p> <p>23 A. No.</p> <p>24 Q. No? Can you give me an example of that?</p> <p>25 A. Yeah, she would be much nicer to homeowners who</p> <p style="text-align: right;">Page 147</p>	<p>1 A. I worked on way too many accounts. No.</p> <p>2 Q. Okay. Okay. That's fair. But would you say that</p> <p>3 maybe people who worked on less accounts, that would be</p> <p>4 something normal to do, to make associations between people,</p> <p>5 the numbers they are associated with and the numbers they</p> <p>6 pop up with?</p> <p>7 A. Sure, possibly, yeah.</p> <p>8 MS. JACKSON: Okay. That's all my questions.</p> <p>9 Thank you.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 (Pause in proceedings.)</p> <p>12 MR. ELSON: Back on the record.</p> <p>13</p> <p>14 EXAMINATION</p> <p>15 BY MR. ELSON:</p> <p>16 Q. When was the last time that you've reviewed your</p> <p>17 e-mails or your records or -- you know, other than the ones</p> <p>18 you saw before your deposition, when was the last time you</p> <p>19 looked over your Terra West documents?</p> <p>20 A. Oh, God. Not since I left there. I haven't</p> <p>21 looked. I left and didn't look back.</p> <p>22 Q. Prior to today, did you have any recollection of</p> <p>23 this violation notice regarding the attorney's fees, the --</p> <p>24 A. No, actually.</p> <p>25 Q. -- Exhibit 4?</p> <p style="text-align: right;">Page 149</p>

<p>1 A. No. I forgot about that.</p> <p>2 Q. Prior to today, did you recall Pennie's e-mail</p> <p>3 directing you about that?</p> <p>4 A. No.</p> <p>5 Q. We heard a lot about -- from Mr. Boyack about</p> <p>6 examples. Tell me examples and examples.</p> <p>7 If you had your -- if you had your full file,</p> <p>8 would you be able to look through it and provide examples</p> <p>9 like Exhibit 4?</p> <p>10 A. Yes, if I had everything, I could -- if I had my</p> <p>11 Terra West computer in front of me, absolutely. I could</p> <p>12 pull so much.</p> <p>13 Q. So, I mean, let's take a look, again, at</p> <p>14 Exhibit 4. Mr. Boyack asked you for an example of a</p> <p>15 unilateral action regarding Ms. Mossett-Puhek. Is that</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Does Exhibit 4 constitute a unilateral action by</p> <p>19 Ms. Mossett-Puhek?</p> <p>20 A. That's correct.</p> <p>21 Q. Well, let's take a look at it a little more</p> <p>22 closely. We see -- we see Ms. Eassa -- I'm looking at</p> <p>23 Exhibit 3. We see Ms. Eassa's e-mail to Ms. Mossett-Puhek.</p> <p>24 Correct?</p> <p>25 A. Mm-hmm, yes.</p> <p style="text-align: right;">Page 150</p>	<p>1 Q. (BY MR. ELSON) You can go ahead and answer the</p> <p>2 question.</p> <p>3 A. That would be a really short time frame. That</p> <p>4 would be a really -- that's like an emergency meeting for no</p> <p>5 reason.</p> <p>6 Q. Are you aware that Ms. Eassa testified that she</p> <p>7 would have expected the board to meet in this time frame?</p> <p>8 MS. JACKSON: Objection. Speculation.</p> <p>9 THE WITNESS: I was unaware of that.</p> <p>10 Q. (BY MR. ELSON) Are you aware that Ms. Eassa</p> <p>11 testified that if the board hadn't met in this time frame,</p> <p>12 she would have expected the board to meet during this time</p> <p>13 frame?</p> <p>14 A. No.</p> <p>15 Q. Is it fair to say that there's many facts about</p> <p>16 this case that you are not aware of?</p> <p>17 A. That's correct.</p> <p>18 Q. Like, for example, are you aware that Henderson</p> <p>19 code enforcement acknowledged that the oleanders weren't a</p> <p>20 view obstruction?</p> <p>21 A. No, I was not aware of that.</p> <p>22 Q. But just to be clear if you had access to your</p> <p>23 full file, all of your e-mails, all of the documents that</p> <p>24 you would have had when you worked for Terra West, would you</p> <p>25 be able to provide Mr. Boyack additional examples that you</p> <p style="text-align: right;">Page 152</p>
<p>1 Q. Do we have any e-mail of Ms. Mossett-Puhek to the</p> <p>2 rest of the board regarding Exhibit 3?</p> <p>3 A. No.</p> <p>4 Q. Well, I mean, this is the -- this is what you are</p> <p>5 not told, is that written discovery was sent out to ask for</p> <p>6 all e-mails between the Anthem board. Were you aware of</p> <p>7 that?</p> <p>8 A. No.</p> <p>9 Q. Okay. Were you a -- well, at least as it relates</p> <p>10 to Ms. Collier, we asked for that. Would it surprise you</p> <p>11 that there was no e-mail from Ms. Mossett-Puhek to the rest</p> <p>12 of the board, sending Exhibit 3 to the rest of the board?</p> <p>13 A. No.</p> <p>14 Q. I mean, when you look at this -- Mr. Boyack,</p> <p>15 again, asked you for examples, right, of unilateral actions</p> <p>16 by Ms. Mossett-Puhek. This e-mail is at 7:22 p.m.</p> <p>17 A. Mm-hmm, yes.</p> <p>18 Q. This one is at 5:45 in the morning.</p> <p>19 A. Correct.</p> <p>20 Q. Does Mr. Boyack expect everyone to believe that</p> <p>21 the board met sometime between 7:22 p.m. and 5:45 in the</p> <p>22 morning to discuss Exhibit 3 and 4?</p> <p>23 MS. JACKSON: Objection. Speculation.</p> <p>24 MR. BOYACK: I object to the witness testifying</p> <p>25 what I might believe, but go ahead.</p> <p style="text-align: right;">Page 151</p>	<p>1 weren't able to provide him here today?</p> <p>2 A. Yes, absolutely.</p> <p>3 Q. Examples just like Exhibit 4?</p> <p>4 A. Yes, absolutely. Plenty of them.</p> <p>5 Q. Let's actually take a look at Exhibit 4. It says</p> <p>6 the CC&R provision 7.2.4 states as follows, If any common</p> <p>7 expense is caused by the misconduct of any unit owner, the</p> <p>8 association shall assess that common expense exclusively</p> <p>9 against such unit owners.</p> <p>10 What typically qualifies as misconduct by a unit</p> <p>11 owner?</p> <p>12 A. Harassment in the sense of the unit owner</p> <p>13 contacting the -- the homeowner or -- or the board members,</p> <p>14 going to their houses, misconduct as in threatening them,</p> <p>15 brandishing weapons. Things along those lines would be more</p> <p>16 of misconduct.</p> <p>17 Q. Maybe destroying property?</p> <p>18 A. Yeah, yeah, yeah. Destroying property, graffiti,</p> <p>19 ruining landscape. Things like that would be misconduct, in</p> <p>20 my opinion.</p> <p>21 Q. Is e-mailing an attorney misconduct, in your</p> <p>22 opinion?</p> <p>23 A. Not in my opinion.</p> <p>24 MS. JACKSON: Objection. Speculation.</p> <p>25 THE WITNESS: Not in my opinion.</p> <p style="text-align: right;">Page 153</p>

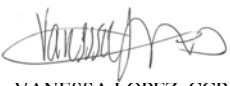
39 (Pages 150 - 153)

<p>1 Q. (BY MR. ELSON) Did Mr. Boyack show you any other 2 misconduct that Ms. Collier may have engaged in or her 3 agents, such as myself -- may have engaged in other than 4 sending the attorney of the association an e-mail? 5 A. No, I didn't see anything. 6 Q. You were asked a lot of questions about 7 Ms. Mossett-Puhek's relationship with Ms. Eassa. Did you 8 know that Ms. Eassa worked for Mr. Boyack? 9 A. Actually, I did know that. 10 Q. Did you know that Ms. Mossett-Puhek and Ms. Eassa 11 worked together for Mr. Boyack? 12 A. I was unaware of that. 13 Q. So you didn't know, for example, that 14 Ms. Mossett-Puhek and Ms. Eassa were employed at the same 15 time by Mr. Boyack? 16 A. No, I had no clue. 17 Q. It's fair to say that there's things about 18 Ms. Eassa and Ms. Mossett-Puhek's relationship that you may 19 not be aware of. Correct? 20 A. That's correct. 21 Q. Ms. Eassa didn't tell you what was going on in her 22 personal life? 23 A. No. 24 Q. And you didn't tell her what was going on in your 25 personal life?</p> <p style="text-align: right;">Page 154</p>	<p>1 Exhibit 6. This is an e-mail dated June 9th of 2021. 2 Correct? 3 A. Mm-hmm, correct. 4 Q. That's the same date as the e-mails pertaining to 5 the executive session meeting that we saw. Correct? 6 A. That's correct. 7 Q. Bottom e-mail says, Ms. Eassa, please see attached 8 photograph we plan to reference during the violation 9 hearing. Did I read that correctly? 10 A. You read that correct. 11 Q. Then we see Ms. Eassa sending it to 12 Ms. Mossett-Puhek right above that. Is that correct? 13 A. That's correct. 14 Q. I'll represent to you that, as far as I know, 15 there are no e-mails that have been produced in this case 16 where it shows that Ms. Mossett-Puhek sent this to the rest 17 of the board, which should have been produced if they 18 existed as part of the written discovery. 19 Are you aware of any e-mails where 20 Ms. Mossett-Puhek sent this to the rest of the board? 21 A. I'm unaware. 22 Q. So Mr. Boyack kept asking you for examples and 23 examples about things Ms. Mossett-Puhek didn't send to the 24 rest of the board. Is that correct? 25 A. That's correct.</p> <p style="text-align: right;">Page 156</p>
<p>1 A. No. 2 Q. For example, did you tell Ms. Eassa anything about 3 the medical issues with your son? 4 A. No. No. Most people didn't know about that. 5 Q. Mr. Boyack asked you about the photographs and 6 what type of research you did regarding the oleander 7 violation, and that's when you discussed the Google search. 8 Correct? 9 A. Correct. 10 Q. I mean, you saw photographs of the violation 11 before the notices went out. Correct? 12 A. Correct. 13 Q. I mean, they're literally on the notices that are 14 sent to the homeowner. Correct? 15 A. Correct. 16 Q. You prepared those notices. Correct? 17 A. Correct. 18 Q. So when Mr. Boyack was asking you questions about 19 your Google searches, you have also seen other photographs 20 of the oleanders. Correct? 21 A. Yes, correct. 22 Q. Mr. Boyack didn't discuss that with you, did he? 23 A. No. 24 (Exhibit 6 was marked.) 25 Q. (BY MR. ELSON) Being handed what's been marked</p> <p style="text-align: right;">Page 155</p>	<p>1 Q. I mean, we've literally just identified two 2 examples in this case where Ms. Mossett-Puhek weren't 3 sending things to the board? 4 A. That's correct. 5 Q. I'm sure, absolutely positive, that if these 6 documents exist where Ms. Mossett-Puhek showed them to the 7 rest of the board, Mr. Boyack will show them to you so that 8 we can all see that Ms. Mossett-Puhek was doing her job as 9 the board liaison. 10 A. Correct. 11 Q. So let's take a look at Exhibit 2. There's a 12 photograph on the second page of it. Now I understand that 13 photograph is probably difficult to read. Is that correct? 14 A. That's correct. 15 Q. The attachment you could pull up and have a better 16 image of it. Well, guess what I have? I have a photograph. 17 We have the same e-mail right here, correct, to Ms. Eassa? 18 A. No. Wait. Hold on. 19 MS. JACKSON: Exhibit 2. 20 THE WITNESS: Oh, I don't have Exhibit 2 in front 21 of me. That might be why. 22 Q. (BY MR. ELSON) This is Exhibit 6. 23 A. This is 6. 24 Q. It's the bottom part of Exhibit 6. 25 A. Sorry. Hold on. No, these -- check that again,</p> <p style="text-align: right;">Page 157</p>

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<p>1 Tim.</p> <p>2 MS. JACKSON: It's a different e-mail I think you</p> <p>3 have up.</p> <p>4 Q. (BY MR. ELSON) Okay. Well, then let me do this.</p> <p>5 A. It is the e-mail, and that's the photo.</p> <p>6 Q. Does that match what's on Exhibit 2?</p> <p>7 A. That's correct.</p> <p>8 Q. Much larger version in color?</p> <p>9 A. Yep, that's correct.</p> <p>10 Q. Do you think you could see a car approaching?</p> <p>11 A. I see the -- yeah, the side mirror. I see the</p> <p>12 car.</p> <p>13 Q. Does this correlate with your understanding of</p> <p>14 what the alleged view obstruction may have looked like back</p> <p>15 in 2021?</p> <p>16 A. Yeah. Sure. Yes.</p> <p>17 Q. Do you believe that constitutes a view</p> <p>18 obstruction?</p> <p>19 A. I don't see a view obstruction.</p> <p>20 Q. So there were questions about, you know, activity</p> <p>21 that violated the law, whether -- activity that violated</p> <p>22 Chapter 116, and I was little confused, because at times it</p> <p>23 seemed like you indicated that certain things were</p> <p>24 inappropriate and at times you said, Oh, no, I don't believe</p> <p>25 anything violated the law or whatnot.</p> <p style="text-align: right;">Page 158</p>	<p>1 A. That's correct.</p> <p>2 Q. Are you supposed to treat homeowners differently?</p> <p>3 A. No.</p> <p>4 Q. And so if, for example -- if Pennie, you know,</p> <p>5 didn't like certain homeowners, should she have been</p> <p>6 treating them differently than any other homeowner?</p> <p>7 A. No.</p> <p>8 MS. JACKSON: Objection. Form.</p> <p>9 THE WITNESS: No.</p> <p>10 Q. (BY MR. ELSON) How should Ms. Mossett-Puhek have</p> <p>11 been treating homeowners that she didn't like?</p> <p>12 MS. JACKSON: Objection. Speculation.</p> <p>13 THE WITNESS: The same way any other homeowner</p> <p>14 should have been treated.</p> <p>15 Q. (BY MR. ELSON) Did you witness Ms. Mossett-Puhek</p> <p>16 treating homeowners differently than other homeowners?</p> <p>17 A. Yeah.</p> <p>18 Q. Did you witness her treating homeowners</p> <p>19 differently that she didn't like?</p> <p>20 A. I can't recall certain situations or examples of</p> <p>21 that, but I do know that there was just a lot of opinions as</p> <p>22 to how she was treating other homeowners and that's what</p> <p>23 came through as complaints --</p> <p>24 Q. And --</p> <p>25 A. -- their opinions and how they were treated.</p> <p style="text-align: right;">Page 160</p>
<p>1 So are you aware of specific statutes within</p> <p>2 Chapter 116 that prevent harassment, intimidation,</p> <p>3 retaliatory tactics against unit owners?</p> <p>4 A. Yes, there's a whole section.</p> <p>5 Q. So it would be fair to say that you -- I believe</p> <p>6 you testified many times you thought Exhibit 4 and the</p> <p>7 related exhibits -- that that constituted harassment. Is</p> <p>8 that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. So it would be fair to say that, just</p> <p>11 looking at Exhibit 4 -- that that would be an example of</p> <p>12 something that violated Chapter 116. Correct?</p> <p>13 A. Yes, when you look at both examples together, yes.</p> <p>14 Q. Okay. It would also be fair to say that if that</p> <p>15 was harassment or intimidation that that would also violate</p> <p>16 the law. Is that your understanding?</p> <p>17 A. That's correct.</p> <p>18 Q. And if a homeowner was intimidating somebody with</p> <p>19 the oleanders, but, in fact, that didn't constitute a</p> <p>20 violation, would that be another example of something</p> <p>21 violating Chapter 116? Or if the HOA was -- strike that.</p> <p>22 If the HOA was intimidating a homeowner or</p> <p>23 Ms. Mossett-Puhek with the oleander violation, that would</p> <p>24 also be something that would violate Chapter 116. Is that</p> <p>25 correct?</p> <p style="text-align: right;">Page 159</p>	<p>1 Q. Did you ever witness Ms. Mossett-Puhek playing,</p> <p>2 like, favorites with certain homeowners?</p> <p>3 A. I can't remember.</p> <p>4 Q. Did you witness Ms. Mossett-Puhek maybe ignoring</p> <p>5 issues for some homeowners that she then pursued for other</p> <p>6 homeowners?</p> <p>7 A. I can't remember.</p> <p>8 Q. Were you aware that Ms. Mossett-Puhek and</p> <p>9 Ms. Collier used to be friends?</p> <p>10 A. No, I was unaware.</p> <p>11 Q. Did you know that Ms. Collier took</p> <p>12 Ms. Mossett-Puhek out to expensive dinners?</p> <p>13 A. No, I was unaware of that.</p> <p>14 Q. Do you think board members should be accepting</p> <p>15 expensive dinners from other unit owners in the community?</p> <p>16 A. In the respects of being a board member, no, but,</p> <p>17 I mean, if they were friends, I don't -- there's a gray area</p> <p>18 there. Right? Like, legally, you can't accept as a board</p> <p>19 member or as a manager. Legally, you can't accept things</p> <p>20 over \$100. So if it's over \$100, in the respect of a</p> <p>21 professional board member or manager, no, you shouldn't</p> <p>22 accept it, but I believe that's kind of a gray area just</p> <p>23 because they were friends. I don't know.</p> <p>24 Q. So maybe it depends on the extent of their</p> <p>25 friendship?</p> <p style="text-align: right;">Page 161</p>

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<p>1 A. Sure. I guess, in my opinion -- I think it looks 2 better you don't accept it, right, even if you are friends. 3 It looks better, if you're a board member, you don't accept 4 it, but legally, I don't know. I feel like there's a gray 5 area there, and I don't really know exactly how that 6 would -- how that would be taken. 7 Q. If at one point in time -- so -- strike that. 8 How did Ms. Mossett-Puhek respond when people 9 disagreed with her exercise of her power? 10 MS. JACKSON: Objection. Form. 11 THE WITNESS: I guess in the sense -- like, the 12 mannerism as, like, that one e-mail, What an idiot. She 13 just kind of, like, degrades -- she would be degrading to 14 the person or about the person and say something bad, of 15 course, about them in some way or how dumb they could be. 16 Q. (BY MR. ELSON) Knowing Ms. Mossett-Puhek's 17 personality, if someone disagreed with her and maybe even 18 got combative with her, do you think that would cause a 19 falling out of the friendship between the two? 20 A. Yeah, absolutely. 21 MS. JACKSON: Objection. Speculation. 22 THE WITNESS: Yes, absolutely. Yeah. 23 Q. (BY MR. ELSON) Then might cause Ms. Mossett-Puhek 24 to harass or intimidate that person? 25 MS. JACKSON: Objection. Speculation.</p> <p style="text-align: right;">Page 162</p>	<p>1 Q. And did you let your feelings about Pennie -- I 2 mean, you didn't show up and lie today because you disliked 3 Pennie. Is that correct? 4 A. No, I told the truth. 5 MR. ELSON: I don't have any further questions. 6 MR. BOYACK: Perfect. 7 (The proceedings concluded at 4:56 p.m.) 8 -oOo- 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 164</p>
<p>1 THE WITNESS: That's possible. 2 MR. BOYACK: Join. 3 Q. (BY MR. ELSON) Use her power as a board member to 4 do so? 5 A. Yeah. 6 MS. JACKSON: Objection. Speculation. 7 MR. ELSON: I don't have any further questions. 8 9 EXAMINATION 10 BY MR. BOYACK: 11 Q. I just have one question. You would agree with me 12 that all courtesy notices that go out need to be approved by 13 the board. Correct? 14 A. Yep, that's exactly why those notices went out. 15 Violation sheet got sent to the board to approve. However, 16 it always got sent straight to Pennie. 17 MR. BOYACK: Thank you. Nothing further. 18 MR. ELSON: I have one last question. 19 20 EXAMINATION 21 BY MR. ELSON: 22 Q. You were categorized today as maybe like a 23 disgruntled employee. You showed up and you told the truth 24 today. Is that correct? 25 A. Absolutely.</p> <p style="text-align: right;">Page 163</p>	<p>1 STATE OF NEVADA)) SS: 2 COUNTY OF CLARK) 3 CERTIFICATE OF REPORTER 4 I, Vanessa Lopez, a duly commissioned and licensed 5 court reporter, Clark County, State of Nevada, do hereby 6 certify: That I reported the taking of the deposition of 7 Chrislin Helton, commencing on Thursday, April 4, 2024, at 8 the hour of 1:02 p.m.; 9 That the witness was, by me, duly sworn to testify 10 to the truth and that I thereafter transcribed my said 11 shorthand notes into typewriting, and that the typewritten 12 transcript of said deposition is a complete, true, and 13 accurate transcription of said shorthand notes; 14 I further certify that I am not a relative or 15 employee of any of the parties involved in said action, nor 16 a relative or employee of an attorney involved in said 17 action, nor a person financially interested in said action; 18 That the reading and signing of the transcript was 19 not requested. 20 IN WITNESS WHEREOF, I have hereunto set my hand in 21 my office in the County of Clark, State of Nevada, this 10th 22 day of April, 2024. 23 24  25 VANESSA LOPEZ, CCR NO. 902</p> <p style="text-align: right;">Page 165</p>

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Nevada Rules of Civil Procedure
Part V. Depositions and Discovery

Rule 30

(e) Review by Witness; Changes; Signing. If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by subdivision (f)(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

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EXHIBIT 21

Andrea Collier ~ October 24, 2023

* * * Videotaped Deposition * * *

Page 1

DISTRICT COURT

CLARK COUNTY, NEVADA

ANDREA COLLIER, as trustee of)
the JACT TRUST,)

Plaintiff,)

vs.)

PENNIE MOSSETT-PUHEK,)
individually; ANTHEM HIGHLANDS)
COMMUNITY ASSOCIATION, a Nevada)
Non-Profit Corporation; DOES I)
through X and ROE BUSINESS)
ENTITIES I through X, inclusive,)

Defendants.)
-----)

CASE NO. A-22-852032-C
DEPT NO. 8

**CONDENSED
TRANSCRIPT**

VIDEOTAPED DEPOSITION OF ANDREA COLLIER

Taken by Defendants

Taken on Tuesday, October 24, 2023

At 10:07 a.m.

At Boyack Orme Anthony & McKiever

7432 West Sahara Avenue, Suite 101

Las Vegas, Nevada

REPORTED BY: CINDY MAGNUSSEN, RDR, CRR, CCR NO. 650

NEVADA FIRM NUMBER 028F

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Andrea Collier ~ October 24, 2023

* * * Videotaped Deposition * * *

2 (Pages 2 to 5)

Page 2	Page 4
<p>1 APPEARANCES: 2 For Plaintiff: 3 TIMOTHY P. ELSON, ESQ. 4 The Law Offices of Timothy Elson 5 8965 South Eastern Avenue 6 Suite 382 7 Las Vegas, Nevada 89123 8 (702) 874-8600 9 10 For Defendant, Pennie Mossett-Puhek: 11 DEREK R. NOACK, ESQ. 12 Freeman Mathis & Gary, LLP 13 770 East Warm Springs Road 14 Suite 360 15 Las Vegas, Nevada 89119 16 (725) 258-7360 17 For Defendant, Anthem Highlands Community Association: 18 EDWARD D. BOYACK, ESQ. 19 Boyack Orme Anthony & McKiever 20 7432 West Sahara Avenue 21 Suite 101 22 Las Vegas, Nevada 89117 23 (702) 562-3415 24 25 Also Present: Jesse Mathis, Videographer Pennie Mossett-Puhek</p> <p>EXAMINATION</p> <p>WITNESS: PAGE Andrea Collier</p> <p>Examination by Mr. Boyack 4 Examination by Mr. Noack 133 Further Examination by Mr. Boyack 198</p> <p>EXHIBITS (None Offered)</p>	<p>1 Pennie Mossett-Puhek. 2 MR. ELSON: Timothy Elson on behalf of 3 Ms. Collier. 4 Thereupon-- 5 ANDREA COLLIER, 6 was called as a witness, and having been first duly sworn, 7 was examined and testified as follows: 8 EXAMINATION 9 BY MR. BOYACK: 10 Q. State your full name, please. 11 A. Andrea Collier. 12 Q. Date of birth? 13 A. 9/12/66. 14 Q. Ms. Collier, can I call you Andrea for purposes 15 of this deposition? 16 A. Sure. 17 Q. Very good. You've been in depositions in this 18 case in the room previously. Correct? 19 A. Yes. 20 Q. And you listened to those admonitions during 21 that process about the deposition process and what we're 22 going to do today? 23 A. Yes. 24 Q. All right. Do you need me to repeat that in any 25 detail, or do you feel comfortable you generally</p>
Page 3	Page 5
<p>1 LAS VEGAS, NEVADA; OCTOBER 24, 2023 2 10:07 A.M. 3 -oOo- 4 P R O C E E D I N G S 5 THE VIDEOGRAPHER: Good morning. Today 6 is October 24th, 2023. We are on the record at 7 approximately 10:07 a.m. 8 This begins the video deposition of Andrea 9 Collier in the matter of Andrea Collier, et al., versus 10 Pennie Mossett-Puhek, et al. 11 We are located at Boyack Orme & Anthony, 12 7432 West Sahara Avenue, Suite 101, Las Vegas, Nevada 13 89117. 14 My name is Jesse James Mathis, court 15 videographer, with Las Vegas Legal Video. Your court 16 reporter is Cindy Magnussen with All-American Court 17 Reporters. 18 This deposition is requested by attorneys for 19 defendant. 20 Will all counsel please state your appearances 21 for the record, and the court reporter will administer 22 the oath. 23 MR. BOYACK: Edward Boyack on behalf of 24 Anthem Highlands. 25 MR. NOACK: Derek Noack on behalf of</p>	<p>1 understand the deposition process? 2 A. I'm comfortable with the process. 3 Q. And you understand, of course, that you are 4 under oath to tell the truth, and that oath carries with 5 it the same penalties of perjury as if you were in a 6 court of law. Do you understand that? 7 A. Yes. 8 Q. And, of course, always a reminder, which is 9 right here on this [indicating], which is helpful, on the 10 back of the laptop, that we're going to make sure that we 11 wait for my question to be asked, and we will try not to 12 talk on top of each other. 13 MR. ELSON: Is the bottled water in the 14 view? 15 THE VIDEOGRAPHER: It is. 16 MR. ELSON: Okay. 17 THE WITNESS: Sorry. 18 THE VIDEOGRAPHER: It's okay. It wasn't 19 blocking anything. 20 MR. ELSON: Fair enough. I just can't 21 tell from my vantage point. 22 BY MR. BOYACK: 23 Q. Current address? 24 A. 2822 Culloden, Henderson, Nevada 89044. 25 Q. How long have you lived there?</p>

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Andrea Collier ~ October 24, 2023

* * * Videotaped Deposition * * *

3 (Pages 6 to 9)

<p style="text-align: right;">Page 6</p> <p>1 A. Since 2015. Eight years.</p> <p>2 Q. And prior to that address, where did you live?</p> <p>3 A. Oh, boy. In Southern Highlands. I can't</p> <p>4 remember the address off the top of my head.</p> <p>5 Q. Do you recall approximately where it was?</p> <p>6 A. Yes. Off of Somerset and -- I don't know the</p> <p>7 cross street, Arville. Somerset and Arville.</p> <p>8 Q. Approximately how long did you live there?</p> <p>9 A. Two years.</p> <p>10 Q. Was that in an HOA, do you know?</p> <p>11 A. I don't know.</p> <p>12 Q. And prior to that address, where did you live?</p> <p>13 A. 3055 West Pyle Avenue.</p> <p>14 Q. Is that Las Vegas?</p> <p>15 A. Yes. Sorry. Las Vegas.</p> <p>16 Q. How long were you there?</p> <p>17 A. Ten years.</p> <p>18 Q. Is that in an HOA?</p> <p>19 A. No.</p> <p>20 Q. Where are you from originally?</p> <p>21 A. Chicago, Illinois.</p> <p>22 Q. Okay. Could you just kind of generally provide</p> <p>23 us a summary, not in too much detail, but just, you know,</p> <p>24 your education, where you grew up, what brought you to</p> <p>25 Vegas, occupation, that kind of thing, just generally and</p>	<p style="text-align: right;">Page 8</p> <p>1 A. My company?</p> <p>2 Q. Yeah.</p> <p>3 A. Marketing and advertising. We also do a lot of</p> <p>4 niche media projects for airports.</p> <p>5 Q. It sounds like generally your career path has</p> <p>6 been in that area; is that fair?</p> <p>7 A. True. Yes.</p> <p>8 Q. Anything else professionally recently that --</p> <p>9 other than -- I cut you off. So was there anything else</p> <p>10 you wanted to say?</p> <p>11 A. No. I am an ACDBE, DBE, WBE. And I am</p> <p>12 certified through, which is now through Harry Reid</p> <p>13 International Airport, the RTC here in town, and the</p> <p>14 Reno-Tahoe Airport.</p> <p>15 Q. You used a lot of acronyms.</p> <p>16 A. Yeah. So it's -- they stand for Airport</p> <p>17 Concession Disadvantaged Business Enterprise,</p> <p>18 Disadvantaged Business Enterprise, and a Women Owned</p> <p>19 Business.</p> <p>20 Q. Okay. That's the --</p> <p>21 A. Those are the acronyms.</p> <p>22 Q. For the business?</p> <p>23 A. My certifications to do business with the</p> <p>24 airports.</p> <p>25 Q. Okay. Very good.</p>
<p style="text-align: right;">Page 7</p> <p>1 so we have an idea of a little bit about you?</p> <p>2 A. Yeah. So I was born in Chicago, Illinois. We</p> <p>3 moved to Las Vegas in 1972.</p> <p>4 I attended elementary school, junior high, and</p> <p>5 high school here. I attended UNLV. I worked for</p> <p>6 Donrey Media Group for 13 years for the Smith family</p> <p>7 here in town.</p> <p>8 After that, I worked for a company called</p> <p>9 Allegiant Physician Services that bought and sold</p> <p>10 ambulatory surgery centers across the country. And I</p> <p>11 spearheaded their marketing and also became part of</p> <p>12 their due diligence team. That had me traveling for</p> <p>13 five years for that company.</p> <p>14 I came back to Vegas and went to work for the</p> <p>15 Hertz family, which was a major tourist publication</p> <p>16 called What's On magazine. And I was appointed the</p> <p>17 general manager, vice president position at that</p> <p>18 company.</p> <p>19 And from there, I engulfed on starting my own</p> <p>20 company. And one of our first accounts was managing</p> <p>21 and launching the Celine Dion Announcement Tour on</p> <p>22 behalf of Daimler Chrysler and their agency BBDO out of</p> <p>23 New York City.</p> <p>24 Q. And what generally does that company do? Is it</p> <p>25 more marketing?</p>	<p style="text-align: right;">Page 9</p> <p>1 Are you presently doing that?</p> <p>2 A. Yes.</p> <p>3 Q. All right.</p> <p>4 A. Yes.</p> <p>5 Q. So your source of income or professional career</p> <p>6 is the business that you're talking about now. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. And does it have an office, or do you work out</p> <p>9 of the house?</p> <p>10 A. It does. It has an office.</p> <p>11 Q. Where is the office?</p> <p>12 A. 2831 St. Rose Parkway, Suite 204, Henderson,</p> <p>13 Nevada 89052.</p> <p>14 Q. How many people, approximately, work in that</p> <p>15 business?</p> <p>16 A. I usually use independent contractors to</p> <p>17 outsource a lot of our projects.</p> <p>18 Q. All right. Do you have any other business</p> <p>19 partners or any other --</p> <p>20 A. No.</p> <p>21 Q. Just you?</p> <p>22 A. Mm-hmm.</p> <p>23 Q. All right. So at your present residence, do you</p> <p>24 live there with anyone?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Who do you live with? 2 A. Jennifer Turner. 3 Q. Jennifer Turner? 4 A. Mm-hmm. 5 Q. How long has Jennifer lived there with you? 6 A. Probably eight years. 7 Q. All right. Do you know if she is -- Jennifer's 8 listed as a witness in this case? 9 A. I do not. 10 Q. Okay. So what brought you to Anthem to this 11 particular home? Why did you -- was there anything 12 particular about the area that -- 13 A. Well -- 14 Q. -- that led you to -- 15 A. Yeah. At the time I thought it was a quiet, 16 nice community, kind of on the outskirts of Las Vegas. 17 But a lot of that has changed recently with the growth. 18 Q. Okay. And when you say "a lot of that has 19 changed," what do you mean? 20 A. Well, the growth. Inspirada, a lot of the 21 growth that's -- a lot of the retail that's come into the 22 area. It's caused a lot of congestion. A lot of 23 traffic. 24 Q. Those of us on the west side complain a lot 25 about the traffic on the east side. But I notice</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No. 2 Q. All right. So when you first moved into 3 Culloden, what do you recall was your first interaction 4 with the association? 5 A. When I was going to put in a pool. 6 Q. Okay. What happened with the pool? Did you 7 submit an application? ARC application? 8 A. Through my pool company, Anthony Sylvan. Yes. 9 Q. How did that process go, that you recall? 10 A. Pretty seamless. 11 Q. And the application was put in, and the pool was 12 ultimately put in. Correct? 13 A. Correct. 14 Q. Did it have other things with it? When I say 15 "other things," like walls or vegetation or anything 16 else? 17 A. Vegetation and a patio cover in the backyard. 18 Q. All right. So basically that resolved -- there 19 was no real issues, and you were able to do the work? 20 A. Yes. 21 Q. All right. When is the next time you recall 22 having an interaction with the HOA? 23 A. When I put in a lattice patio cover on the east 24 side of the property. 25 Q. Okay. Tell me what happened there.</p>
<p style="text-align: right;">Page 11</p> <p>1 recently it's getting pretty bad over here. 2 A. Yeah. 3 Q. So we will see. 4 Anything else about the community that 5 attracted you to this home in particular? 6 A. No. Not really. I mean, basically I guess the 7 lot size. I purchased the home on a corner. So I saw a 8 lot of potential to have the opportunity to create extra 9 living space outdoors. 10 Q. Okay. And you own the home. Correct? 11 A. Yes. 12 Q. And prior to your purchasing that home, I asked 13 you generally if you knew if the other residences you 14 lived in were HOAs. And I think in some cases you 15 indicated they were. 16 So I want to ask you generally, what is your 17 experience with homeowner's associations prior to your 18 moving to Culloden? 19 A. None. 20 Q. All right. Had -- just to clarify, had you, for 21 example, ever applied for any architectural approvals for 22 anything you had done? Had any interaction with an 23 association? Been -- received any notices for 24 violations? Anything that you can recall of that nature 25 prior to moving to Culloden?</p>	<p style="text-align: right;">Page 13</p> <p>1 A. The gentleman who owns the company, I believe 2 his name is Scott, handled the process for me. He filled 3 out the paperwork. He went before the board. He handled 4 the project from start to finish. 5 Q. And to your knowledge, he submitted an 6 architectural approval? 7 A. Yes. And he also had to pull permits for the 8 project as well. 9 Q. Okay. Any issues with that project? 10 A. No. 11 Q. Did it contain anything other than the lattice, 12 or is it pretty specific to that? 13 A. It was that. 14 Q. Okay. Next interaction with the association 15 that you recall? 16 A. I guess nothing until the oleander incident. 17 Q. Okay. Do you recall having any interactions 18 with the association dealing with any issues with 19 enforcement or anything going on in your neighborhood? 20 A. I don't understand the question. 21 Q. Did you -- do you recall that you may have -- 22 because I'm asking for your interactions with the 23 association. Right? 24 Do you know if you recall sending any emails 25 or contacting management about any issues with people</p>

<p style="text-align: right;">Page 14</p> <p>1 in your neighborhood, your neighbors, anything of that 2 sort? 3 A. Yeah. There were some emails and some 4 communication about the parking issues in the 5 neighborhood. 6 Q. Okay. Was that before the oleander issue? 7 A. Yes, it was. 8 Q. So what do you recall about that? 9 A. I recall that the neighborhood was piled up with 10 cars, broken down cars, cars on blocks, trailers in the 11 neighborhood, motor homes in the neighborhood with 12 electrical wires running to homes, people living in them. 13 I remember that the gentleman that lives next 14 door to me worked for Southwest Gas, and that he was 15 constantly blocking my driveway and parking a -- I 16 don't know, it's got to be a 1-ton or a 2-ton truck on 17 the curb, not allowing me to ingress or egress out of 18 my property safely. 19 So yes, I did communicate about those 20 situations. 21 Q. Okay. And how did you generally communicate? 22 Was it via email or some other source? 23 A. Probably email and/or verbally. 24 At the time, when FirstService Residential was 25 managing the community, I had several in-person</p>	<p style="text-align: right;">Page 16</p> <p>1 know, get engaged and get things cleaned up, but that 2 never happened. 3 And what they did was, because I don't think 4 they wanted to put in the work, I think they just 5 changed the rules and regulations and made it possible 6 for people with 1-ton trucks, work trucks to basically 7 park in the community. 8 Q. When you say they changed the regulations, do 9 you know that for a fact or -- 10 A. Yeah. I do. I saw them change from not being 11 allowed to park work trucks with logos on those trucks, 12 you know, advertising on the trucks, to then them 13 allowing that. 14 Q. And you think that was in a formal resolution or 15 some type of change? 16 A. It could have been. Yeah. Because I mean, I 17 just noticed that that all changed. 18 Q. Let me break this down a little bit into -- when 19 you're talking about the truck, right, the big -- 20 A. Mm-hmm. 21 Q. -- 1-ton or 2-ton truck. 22 We will call it the Southwest Gas truck? 23 A. Sure. 24 Q. And then you had indicated there were other 25 problems as well, other parking issues and so forth?</p>
<p style="text-align: right;">Page 15</p> <p>1 meetings with the board and with the management. 2 Q. Let's talk about those meetings. Was that at a 3 board meeting? An official board meeting, some other? 4 A. No. Huh-uh. 5 Q. Explain what you recall. 6 A. Oh, I remember meeting them at the park, 7 basically, and walking through the neighborhood and 8 pointing out certain situations. 9 Q. Was that a meeting specific that was involving 10 your concerns, or was it -- they were doing -- the board 11 was doing other things as well? 12 A. I don't know about the other things. I know 13 that there were other homeowners that I had communicated 14 with, but I don't know if they had communicated with the 15 board. 16 Q. Okay. Tell me a little bit about that -- what 17 you recall about that meeting in your neighborhood. 18 A. With FirstService Residential? 19 Q. Yes. Uh-huh. 20 A. So yes, I mean, it was a good meeting. They 21 listened. They realized that there were issues that 22 needed to be worked on. 23 There was a lady by the name of Marlena Short 24 who was encouraging some of the board members at the 25 time -- I believe his name is Mark west -- to, you</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Mm-hmm. 2 Q. So with regard to the other parking issues, do 3 you believe the board at the time took any action on 4 those or do you know? 5 A. I don't know. 6 Q. All right. Did that improve, to your knowledge, 7 that situation? 8 A. No. 9 Q. Okay. And then the Southwest Gas truck issue, 10 you believe the board actually kind of changed the rules 11 in order to allow for the parking of that vehicle? 12 A. Yes. 13 Q. All right. So what did you do at that point? 14 A. Nothing. I did nothing. 15 Q. Did you communicate with the association at some 16 time later about the Southwest Gas truck? Any concerns 17 that you had with it? 18 A. No. 19 Q. So whatever happened with the Southwest Gas 20 issue/truck? 21 A. What time period are you talking about? 22 Q. Well, is it -- your concern was it was parked 23 blocking your driveway or in front of your house? 24 A. Right. 25 Q. Did that eventually get resolved?</p>

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* * * Videotaped Deposition * * *

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<p style="text-align: right;">Page 18</p> <p>1 A. Not -- not with FirstService Residential.</p> <p>2 Q. Okay. How long, do you have an estimate of time</p> <p>3 from the time the Southwest truck was starting to park to</p> <p>4 the time that it eventually got resolved?</p> <p>5 Are we talking months? Year?</p> <p>6 A. Years.</p> <p>7 Q. Years?</p> <p>8 A. Years.</p> <p>9 Q. All right. So when do you recall,</p> <p>10 approximately, it was first resolved?</p> <p>11 A. It's got to be a couple years ago now.</p> <p>12 Q. Okay. And you indicated it did not occur during</p> <p>13 the time FirstResidential was managing the property?</p> <p>14 A. Can you repeat that?</p> <p>15 Q. Sure. The Southwest Gas truck issue being</p> <p>16 resolved, you indicated it happened after</p> <p>17 FirstResidential was the management company?</p> <p>18 A. Yes.</p> <p>19 Q. All right. So the new management company was</p> <p>20 Terra West?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any understanding as to how or what</p> <p>23 occurred to resolve the Southwest truck issue?</p> <p>24 A. Yeah. I believe that Pennie involved her</p> <p>25 attorneys, and the attorneys got involved with Southwest</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Gregory Neno.</p> <p>2 Q. Neno?</p> <p>3 A. N-e-n-o.</p> <p>4 Q. Could you briefly describe your interactions</p> <p>5 with Gregory Neno as it relates to the Southwest Gas</p> <p>6 truck?</p> <p>7 A. Yeah. Over the years, I repeatedly asked him</p> <p>8 not to park his truck in front of my house, blocking my</p> <p>9 driveway. He would okay it, and then continue to do it.</p> <p>10 As far as my interactions with him, I can tell</p> <p>11 you that after the construction with the pool, there</p> <p>12 was dust everywhere. I was a good neighbor. I offered</p> <p>13 to power wash his house, do his windows. On five</p> <p>14 occasions, I've cleaned up his yard because his</p> <p>15 landscaping was unkept. I've offered to pay for that</p> <p>16 and do that.</p> <p>17 So they were grateful at times, but at other</p> <p>18 times, they -- you know, they are not. They were</p> <p>19 continuing -- they continue to this day.</p> <p>20 Now his son works for Southwest Gas, and now</p> <p>21 his son parks a truck in front of my driveway.</p> <p>22 Q. Has the problem come back now?</p> <p>23 A. It's come back. Yes.</p> <p>24 Q. How often do they -- well, currently, how often</p> <p>25 is he parking --</p>
<p style="text-align: right;">Page 19</p> <p>1 Gas and their attorneys. And from what I understand from</p> <p>2 Pennie, it was a battle to get that resolved.</p> <p>3 Q. But ultimately, it did get resolved?</p> <p>4 A. I guess it did. It's still parked in the</p> <p>5 neighborhood, but it's not parked in front of my</p> <p>6 driveway.</p> <p>7 Q. Okay. What was your reaction to the fact that</p> <p>8 it got resolved at some level? Were you pleased with</p> <p>9 that, or did you have --</p> <p>10 A. Sure. Yes.</p> <p>11 Q. What about the other parking issues we</p> <p>12 discussed? Is there still a problem in your neighborhood</p> <p>13 with those?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Is it as bad -- has it improved at</p> <p>16 all? About the same? Worse?</p> <p>17 A. It's improved. It's improved.</p> <p>18 Q. Did you have any involvement with -- directly</p> <p>19 yourself -- with the Southwest truck owner or driver?</p> <p>20 A. Sure. Yes.</p> <p>21 Q. And that was your direct neighbor?</p> <p>22 A. Yes.</p> <p>23 Q. What he was his name? Do you recall?</p> <p>24 A. Gregory.</p> <p>25 Q. Okay. Last name or first name?</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Every day.</p> <p>2 Q. Every day?</p> <p>3 A. Every day.</p> <p>4 Q. So it sounds to me like this issue has now come</p> <p>5 back again?</p> <p>6 A. It is.</p> <p>7 Q. How long has that been going on?</p> <p>8 A. I think about three weeks now.</p> <p>9 Q. Do you think it's the son's truck?</p> <p>10 A. It is.</p> <p>11 Q. Does he live there?</p> <p>12 A. Yes.</p> <p>13 Q. So we have two Southwest trucks there?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Have you brought that to the</p> <p>16 attention of the association yet?</p> <p>17 A. No.</p> <p>18 Q. So this is the first time that you've mentioned</p> <p>19 it?</p> <p>20 A. Yes.</p> <p>21 Q. Have you had any other -- you described</p> <p>22 generally sort of the interaction with your neighbor.</p> <p>23 During the issues with the Southwest Gas truck conflict</p> <p>24 or discussion, was there anything you want to add as far</p> <p>25 as your interactions with the driver? I mean, you</p>

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* * * Videotaped Deposition * * *

7 (Pages 22 to 25)

<p style="text-align: right;">Page 22</p> <p>1 indicated he was sort of open to maybe resolving it, but 2 then he wouldn't. 3 Can you describe how that happened? 4 A. Just any time I would see him, I would ask him 5 to please not block my driveway. Because either my 6 father was coming over, who is elderly, or I was having 7 guests. But it continued until it was resolved with 8 Terra West. 9 Q. When you say park in front of the driveway, do 10 you believe he was parked -- literally the truck was 11 interfering with your driveway access -- 12 A. Yes. 13 Q. -- or just very close? 14 A. It was interfering. 15 Q. So the truck itself would hang into your 16 driveway some distance? 17 A. 2 to 3 feet. 18 Q. Were you concerned that would create a safety 19 issue? 20 A. For me, yeah. I couldn't get out of my own -- I 21 couldn't get out of my own garage. 22 Q. Okay. All right. So after the Southwest Gas 23 truck issue and the parking issues, when is your next 24 interaction with the association, that you can recall? 25 A. Probably it has to be the oleanders.</p>	<p style="text-align: right;">Page 24</p> <p>1 some point over at the park across the street from my 2 house. And she introduced me to Carmen Eassa. 3 Q. What was the purpose of that meeting? 4 A. Just to basically say hello and that Carmen was 5 the new management company for the neighborhood. 6 Q. Did you express your concerns about the 7 neighborhood issues -- 8 A. Yes. 9 Q. -- to them? 10 What was their reaction; do you recall? 11 A. That they were going to clean it up. 12 Q. And when was your next interaction after the 13 park with Pennie? 14 A. So ongoingly communication about the Glengarry 15 neighborhood, about the want and the need to, you know, 16 set up committees in specific neighborhoods to help the 17 board and to help Terra West so that we could try and 18 work on things together to get the community cleaned up. 19 At some point, I invited Pennie over to the 20 house in more of a relaxed environment so we could talk 21 through some of those things as well. 22 Q. When you say committees, was that ideas that you 23 had? 24 A. Yes. 25 Q. That you were exploring?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. What do you recall happening with the oleanders? 2 A. I recall Pennie texting me and calling me and 3 telling me that the president of Earlstone wanted the 4 oleanders removed or cut back, and Pennie at the time 5 asked me to cut them back. 6 Q. And she reached out to you via phone? 7 A. Yeah. I think on text and phone. 8 Q. So let me just divert a little bit on that issue 9 with Pennie. When did you first meet Pennie? 10 A. In June, I think, June of 20 -- I don't know if 11 I personally met her, but I sent an email when she became 12 the president wanting to meet her. June 2020, I believe. 13 Q. Okay. What was the content of that email, 14 generally? 15 A. Just introducing myself. And, you know, hoping 16 that she could clean up the community once and for all, 17 fix things. 18 We both found out we were basically from 19 Las Vegas, and went to school together here. So there 20 was some likeness. 21 Q. And she was recently elected to the board? 22 A. Yes. 23 Q. What do you recall those early interactions, 24 either -- was it just email at that point, you think? 25 A. I think email, but I think we met in person at</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes. 2 Q. And what kind of committees were you thinking 3 about at the time? 4 A. Just homeowners that could help identify 5 problems and create solutions and bring them back to the 6 board or the management company. 7 Q. Was your primary concern at that point the 8 nature of your neighborhood as far as the enforcement 9 issues? 10 A. Just the decline of the neighborhood. 11 Q. So part of this committee would help the 12 association in enforcement. Would that be a fair 13 statement? 14 A. I don't know about the enforcement part. But 15 identifying. 16 Q. Fair enough. 17 A. Yeah. 18 Q. Not a very good question, but thank you. 19 So she comes over to your house, as you 20 recall. Can you describe a little bit about that 21 meeting? 22 A. Casual, relaxed. In the backyard. Brought two 23 of her best friends, Frank and Doll Capalla [phonetic] 24 over. We ate. We drank. We talked. Sydney Woo came 25 later.</p>

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* * * Videotaped Deposition * * *

8 (Pages 26 to 29)

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1 **Q. Board member?**
2 A. Board member at the time. Yeah.
3 **Q. What was the general conversation about? Was**
4 **it -- obviously some little of social discussion, but was**
5 **there anything specific about the HOA that occurred at**
6 **that meeting?**
7 A. It was more casual.
8 **Q. Casual meeting that you really didn't discuss**
9 **any issues about the HOA in particular?**
10 A. Not really. It turned into eating and drinking
11 and --
12 **Q. Understood. I mean, I understand.**
13 **After that meeting, what do you recall was**
14 **your next interaction with Pennie?**
15 A. We went to dinner together at Michael's.
16 **Q. Who was there at the dinner?**
17 A. Myself, Jennifer, Sydney, and Pennie.
18 **Q. Okay. Jennifer is your -- Jennifer Turner?**
19 A. Turner.
20 **Q. Okay. What did you guys discuss as it related**
21 **to the HOA at that dinner meeting?**
22 A. I believe we discussed a little bit about --
23 well, originally the dinner was supposed to be Pennie and
24 I. I was still trying to get her in a quiet relaxed
25 environment so we could get some committee set up because

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1 **Q. All right. What else do you remember from that**
2 **dinner?**
3 A. That pretty much ended the night. I wanted to
4 get out of there.
5 **Q. Why?**
6 A. Because I know -- I know the people there. And
7 I was embarrassed.
8 **Q. Did you think Pennie made a big enough scene**
9 **that people noticed, or was it just something at your**
10 **table?**
11 A. Jon Gruden noticed. Yeah.
12 **Q. Was he sitting by you?**
13 A. Directly right next to us.
14 **Q. So what did Pennie do to -- what you thought was**
15 **embarrassing at that dinner?**
16 A. Well --
17 **Q. With regard to Gruden. Right?**
18 A. Well, her voice was raised, and she wanted to go
19 over and tell him that he needed to follow the dress code
20 just like everybody else in the restaurant.
21 And I told her several times to please not
22 approach him and to not make a scene.
23 **Q. Were the Raiders winning then?**
24 A. I don't know. I don't follow the Raiders.
25 **Q. Oh. All right.**

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1 there was still a decline, and there were issues with the
2 Glengarry neighborhood. But she wanted to invite Sydney,
3 and I said, Great. Go ahead. So I invited Jennifer as
4 well.
5 And that dinner turned into an eating and a
6 drinking situation. So not a lot got accomplished as
7 far as work and/or meaningful conversations about the
8 community.
9 But I do remember Jon Gruden, who was the
10 coach of the Raiders, came into the restaurant with a
11 pair of shorts. And Pennie became a little enraged
12 that he had shorts on inside the restaurant.
13 And so it took me a minute, a time or two, to
14 just ask her to calm down and hold your voice down and
15 not say anything to him.
16 **Q. What was the concern about shorts in the**
17 **restaurant?**
18 A. There's a dress code.
19 **Q. Is Michael's an upscale place?**
20 A. Yes.
21 **Q. Is that by Anthem Highlands? Where is it**
22 **located?**
23 A. South Point.
24 **Q. She didn't go talk to Jon Gruden, did she?**
25 A. No. She wanted to.

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1 A. Not a fan.
2 MR. ELSON: It's tough to be a fan these
3 days. Right?
4 MR. BOYACK: There's a lot of jokes we
5 could make right now.
6 MR. ELSON: I'm -- I'm not even --
7 MR. BOYACK: You're tempted.
8 We have worked long enough together. I know
9 you're tempted.
10 MR. ELSON: The performance with the
11 Bears was not great Sunday. That's all I'm going to
12 say on that.
13 MR. BOYACK: Yeah, yeah. I kind of would
14 like Gruden back. But that's another story.
15 BY MR. BOYACK:
16 **Q. So -- sorry. You indicated somebody else was**
17 **with Pennie as well, didn't you?**
18 A. Where?
19 **Q. At the dinner.**
20 A. Sydney.
21 **Q. Sydney. All right. After that dinner, what was**
22 **your next interaction with Pennie?**
23 A. Mm, I think I might have exchanged an email or a
24 text message again regarding the community and nothing
25 was happening. So I started to engage myself with Terra

<p style="text-align: right;">Page 30</p> <p>1 West.</p> <p>2 Q. So -- let me break this down a little bit.</p> <p>3 Up until the point of the dinner, and I</p> <p>4 understand you were concerned about what happened at</p> <p>5 the dinner, did you have any concerns with the way</p> <p>6 Pennie was handling her HOA matters or dealing with</p> <p>7 you? Was there any issues that you were frustrated</p> <p>8 with other than what you described at the dinner?</p> <p>9 A. Well, I just felt like Glengarry wasn't -- I</p> <p>10 mean it was getting addressed, but things weren't getting</p> <p>11 fixed in Glengarry.</p> <p>12 Q. What do you mean, the difference between getting</p> <p>13 addressed but not fixed?</p> <p>14 A. Mm, the neighborhood basically remained the</p> <p>15 same. There's -- there were shutters falling off homes.</p> <p>16 There's landscaping in disarray. There were still cars,</p> <p>17 unregistered vehicles piled up. Some of them with</p> <p>18 California plates with cobwebs on them. Those types of</p> <p>19 things.</p> <p>20 So I became frustrated. And I felt like, Hey,</p> <p>21 look, we're not going to set up these committees.</p> <p>22 We're not going to try and address these issues within</p> <p>23 this community like we said we were going to do. And</p> <p>24 so I engaged myself with Terra West.</p> <p>25 Q. And did you avoid Pennie and the board directly</p>	<p style="text-align: right;">Page 32</p> <p>1 approximately 10:46 a.m. We are back on the record.</p> <p>2 BY MR. BOYACK:</p> <p>3 Q. We were talking about Carmen and your</p> <p>4 interaction with her. And she told you to take some</p> <p>5 pictures and to provide some information. Is that a fair</p> <p>6 assessment?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. Is that a yes?</p> <p>9 A. I'm sorry. Yes.</p> <p>10 Q. That's fine. Thank you.</p> <p>11 A. Yeah.</p> <p>12 Q. Did you do that?</p> <p>13 A. Yes.</p> <p>14 Q. Describe a little bit about what you did at that</p> <p>15 point.</p> <p>16 A. I went across the street to the park and took a</p> <p>17 picture of the Southwest Gas truck, vantage point</p> <p>18 blocking my driveway.</p> <p>19 Q. How about other -- sorry. Didn't mean to cut</p> <p>20 you off.</p> <p>21 A. That's okay.</p> <p>22 And then other things. Unregistered vehicles,</p> <p>23 cars with California license plates with the cobwebs on</p> <p>24 them months later. Shutters falling off houses.</p> <p>25 Those are the things I remembered.</p>
<p style="text-align: right;">Page 31</p> <p>1 at that point?</p> <p>2 A. I just simply went to Terra West. I called</p> <p>3 Carmen Eassa.</p> <p>4 Q. Tell me a little bit about those conversations.</p> <p>5 A. With Carmen?</p> <p>6 Q. With Carmen. Yeah.</p> <p>7 A. She was very nice. It was the first time she</p> <p>8 had ever heard about anything as far as my concerns or</p> <p>9 any of the problems in Glengarry.</p> <p>10 She told me that she was going to talk to</p> <p>11 Pennie. And she also asked me to take pictures of</p> <p>12 things and send them to them so they could address --</p> <p>13 start addressing some of those situations.</p> <p>14 Q. Was the Southwest Gas truck already resolved or</p> <p>15 still a problem at this point?</p> <p>16 A. Still a problem.</p> <p>17 MR. BOYACK: If you guys don't mind,</p> <p>18 could we take a quick break?</p> <p>19 MR. ELSON: Yeah. Absolutely.</p> <p>20 MR. BOYACK: Sorry.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 approximately 10:40 a.m. We are going off the</p> <p>23 record.</p> <p>24 (Brief Recess.)</p> <p>25 THE VIDEOGRAPHER: The time is</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Took the photos. Sent them to Carmen?</p> <p>2 A. Yes. And one of her assistants. I don't</p> <p>3 remember the name.</p> <p>4 Q. Any involvement with the board directly at that</p> <p>5 point?</p> <p>6 A. No.</p> <p>7 Q. No CCs on emails, to your recollection?</p> <p>8 A. No.</p> <p>9 Q. Any particular reason why you were just working</p> <p>10 with Carmen as opposed to some line of communication with</p> <p>11 the board?</p> <p>12 A. No. She just asked me to send any information</p> <p>13 that I could, and she would address it.</p> <p>14 Q. All right. Sent those to Carmen?</p> <p>15 A. (Nodded head.)</p> <p>16 Q. Did you get a response at all?</p> <p>17 A. I followed back up with Carmen a couple days</p> <p>18 later. And I was told that Pennie told her not to</p> <p>19 communicate with me anymore because the lawyers were</p> <p>20 involved.</p> <p>21 Q. Okay. Do you have any idea what that meant?</p> <p>22 A. No.</p> <p>23 Q. Okay. So you don't know if that meant lawyers</p> <p>24 were involved for the Southwest Gas issue, or you don't</p> <p>25 have a sense --</p>

<p style="text-align: right;">Page 34</p> <p>1 A. Not -- not at that point, no.</p> <p>2 Q. All right. At some point other point, did you</p> <p>3 become aware of what you think she meant?</p> <p>4 A. Yeah. I believe Pennie and I exchanged another</p> <p>5 text message, and I think Pennie told me that there was a</p> <p>6 Southwest Gas attorney involved.</p> <p>7 Q. So the attorneys being involved, you learned</p> <p>8 later, appeared to be that there were attorneys involved</p> <p>9 with the Southwest Gas issue?</p> <p>10 A. Right.</p> <p>11 Q. What about the other concerns you had? The</p> <p>12 other cars, et cetera?</p> <p>13 A. I don't know. I was told not to talk to her</p> <p>14 anymore because there were attorneys involved.</p> <p>15 Q. All right. Did you follow up or communicate</p> <p>16 with Carmen after that?</p> <p>17 A. I don't believe so.</p> <p>18 Q. Did you follow up with the board or Pennie on</p> <p>19 those issues after that?</p> <p>20 A. No.</p> <p>21 Q. Do you have an estimate of time from the time</p> <p>22 we're talking about with your interactions with Carmen</p> <p>23 and when the Southwest Gas truck issue improved or was</p> <p>24 resolved?</p> <p>25 A. Several months, at least.</p>	<p style="text-align: right;">Page 36</p> <p>1 Pennie at that point about lawyers being involved or</p> <p>2 something to do with enforcement.</p> <p>3 When is your next recollection of engagement</p> <p>4 with Pennie directly?</p> <p>5 A. When -- I guess -- not my direct -- with her,</p> <p>6 specifically?</p> <p>7 Q. Yeah.</p> <p>8 A. Well, it was after City of Henderson got</p> <p>9 involved and after the HOA started harassing me about the</p> <p>10 oleanders and we went to a hearing.</p> <p>11 Q. Okay. So that's fine. So as far as your</p> <p>12 interactions with Pennie, I just want to make an</p> <p>13 understanding of the timeline here.</p> <p>14 At that point, it appears that you weren't</p> <p>15 really interacting with Pennie personally. It had</p> <p>16 shifted at that point to issues related to enforcement</p> <p>17 with your oleanders; is that a fair assessment?</p> <p>18 A. Yes. After -- after I spoke to Carmen. Carmen</p> <p>19 told me she couldn't speak to me anymore. Then the City</p> <p>20 of Henderson sent me a notice of violation for my</p> <p>21 oleanders.</p> <p>22 Q. Was that the first information you had regarding</p> <p>23 the oleanders?</p> <p>24 A. I don't understand.</p> <p>25 Q. Had the association sent you any notices prior</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Any other issues?</p> <p>2 A. With?</p> <p>3 Q. The other issues with enforcement. The other</p> <p>4 cars and shutters.</p> <p>5 A. I don't know.</p> <p>6 Q. You don't know if those got resolved or not?</p> <p>7 A. I don't know. I -- I just drove the</p> <p>8 neighborhood again this morning, and there's shutters</p> <p>9 falling off homes and unregistered vehicles in the</p> <p>10 community.</p> <p>11 Q. Do you know if those particular problems at the</p> <p>12 time -- those vehicles and those shutters -- were</p> <p>13 resolved, or do you think they are still unresolved?</p> <p>14 A. I don't know.</p> <p>15 Q. All right. Did you have -- going back to your</p> <p>16 interactions with Pennie, she texted you or there was</p> <p>17 some exchange regarding -- maybe I got this wrong,</p> <p>18 sorry -- regarding lawyers being involved. Carmen told</p> <p>19 you that, but did Pennie tell you that lawyers were</p> <p>20 involved?</p> <p>21 A. I believe so. I believe so.</p> <p>22 Q. All right. So there was some exchange, you</p> <p>23 think it was by text, email, or verbal. Do you know?</p> <p>24 A. I think by text.</p> <p>25 Q. All right. So there was some discussion with</p>	<p style="text-align: right;">Page 37</p> <p>1 to that?</p> <p>2 A. No.</p> <p>3 Q. So the first notice that there was an issue with</p> <p>4 the oleanders you recall came from City of Henderson?</p> <p>5 A. Yes.</p> <p>6 Q. I'm going to go back just a little bit to the</p> <p>7 restaurant issue and to the point that you engaged with</p> <p>8 Carmen on some stuff.</p> <p>9 It appeared that you had a friendly or</p> <p>10 positive relationship with Pennie up until the point of</p> <p>11 the dinner; is that a fair statement?</p> <p>12 A. Yes.</p> <p>13 Q. What happened to that relationship, in your</p> <p>14 mind, if anything, after the dinner? In other words, did</p> <p>15 the nature of that relationship change or not?</p> <p>16 A. It changed.</p> <p>17 Q. And in what way, do you believe?</p> <p>18 A. I believe when I went to Terra West directly,</p> <p>19 that Pennie wasn't too happy about that.</p> <p>20 Q. All right. Do you believe it changed because of</p> <p>21 any tension or problems in your mind, for example, based</p> <p>22 on what happened in the restaurant with Coach Gruden?</p> <p>23 A. No.</p> <p>24 Q. So even though you were concerned about how she</p> <p>25 acted in the restaurant, in your mind that wasn't --</p>

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* * * Videotaped Deposition * * *

11 (Pages 38 to 41)

<p style="text-align: right;">Page 38</p> <p>1 didn't create like a real issue between the two of you?</p> <p>2 A. No.</p> <p>3 Q. But you believe -- so from your perspective, you</p> <p>4 felt the relationship was positive until such time as --</p> <p>5 when did it go negative?</p> <p>6 A. After I spoke to Terra West and Carmen Eassa</p> <p>7 directly.</p> <p>8 Q. And is it fair that that was sort of a</p> <p>9 unilateral change, in your mind, from a more positive to</p> <p>10 a more negative unilateral, meaning from Pennie's</p> <p>11 perspective, not yours?</p> <p>12 You didn't have any anger, resentment,</p> <p>13 frustration with Pennie at any point up till then?</p> <p>14 A. No.</p> <p>15 Q. And what makes you think that the relationship</p> <p>16 may have changed after the Terra West communication? Is</p> <p>17 that just a -- just how you feel about it or do you have</p> <p>18 any communication or any evidence of that?</p> <p>19 A. Carmen Eassa told me directly that she could not</p> <p>20 talk to me anymore. And, quote/unquote, Pennie said, The</p> <p>21 lawyers are involved.</p> <p>22 Q. Did you take that as meaning that Pennie was</p> <p>23 frustrated or upset at you?</p> <p>24 A. No. I just felt like the communication had been</p> <p>25 shut down.</p>	<p style="text-align: right;">Page 40</p> <p>1 Pennie, and I did so.</p> <p>2 So I was trying to understand, you know, what</p> <p>3 was happening and why the City of Henderson was, you</p> <p>4 know, asked to come out and basically start targeting</p> <p>5 me.</p> <p>6 And it was all -- he told me it was all under</p> <p>7 the direction of Pennie. And she repeatedly called him</p> <p>8 to get him to come out there.</p> <p>9 Q. And that's what he told you?</p> <p>10 A. That's what he told me.</p> <p>11 Q. Just a couple little things I want to clarify.</p> <p>12 You say the oleanders have been there for many, many,</p> <p>13 many years. When were the oleanders planted?</p> <p>14 A. Originally -- originally, originally in 2017 by</p> <p>15 Cacti Landscaping.</p> <p>16 Q. When you say "originally, originally," what does</p> <p>17 that mean? Did they get pulled out and put back in?</p> <p>18 A. They did. They got repurposed after the pool</p> <p>19 because the pool company destroyed the irrigation system</p> <p>20 and most of the vegetation in the front yard.</p> <p>21 Q. And when was that?</p> <p>22 A. What?</p> <p>23 Q. The pool.</p> <p>24 A. 2018.</p> <p>25 Q. 2018. So they were replanted in 2018 completely</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. All right. Fair enough. So the communication</p> <p>2 had been shut down. Did you believe at that point that</p> <p>3 Pennie had any animosity or frustration with you</p> <p>4 personally?</p> <p>5 A. She may have.</p> <p>6 Q. But you don't know?</p> <p>7 A. I don't know.</p> <p>8 Q. All right. City of Henderson notice comes to</p> <p>9 you. How did it come to you?</p> <p>10 A. The mail.</p> <p>11 Q. What did you do at that point?</p> <p>12 A. Called Jason Esau, the Henderson code</p> <p>13 enforcement officer.</p> <p>14 Q. No relation?</p> <p>15 A. No.</p> <p>16 Q. And what happened with that phone call? What</p> <p>17 happened?</p> <p>18 A. He informed me that he referred to Pennie as the</p> <p>19 crazy lady from the HOA is calling him and was asking him</p> <p>20 to come out and look at my oleanders and issue citations.</p> <p>21 Q. What did you say?</p> <p>22 A. I said, Why? They have never been an issue</p> <p>23 before. Not until right now. Those oleanders have been</p> <p>24 there for many, many, many years. They have never been</p> <p>25 an issue. I was asked at one point to cut them back by</p>	<p style="text-align: right;">Page 41</p> <p>1 or --</p> <p>2 A. I believe so.</p> <p>3 Q. All right.</p> <p>4 A. I believe so.</p> <p>5 Q. But from '17 to current, the oleanders in one</p> <p>6 form or fashion, have been in that location?</p> <p>7 A. They were in the yard. In the front yard.</p> <p>8 Q. Okay. Were they later -- did you plant</p> <p>9 oleanders anyplace else?</p> <p>10 A. New oleanders?</p> <p>11 Q. Yes.</p> <p>12 A. No.</p> <p>13 Q. All right. And then I think you indicated he</p> <p>14 said that Pennie had been calling him about -- sorry,</p> <p>15 sorry, sorry. I lost my train of thought.</p> <p>16 I think you indicated that Pennie had talked</p> <p>17 to you about cutting back the oleanders previously?</p> <p>18 A. She did.</p> <p>19 Q. Okay. Do you recall the time frame? Not like a</p> <p>20 date. But in the course of what we're discussing, do you</p> <p>21 remember approximate time frame? Was it before the</p> <p>22 restaurant?</p> <p>23 A. Yes. Yes.</p> <p>24 Q. Why did she ask you to trim those back? Do you</p> <p>25 recall?</p>

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* * * Videotaped Deposition * * *

12 (Pages 42 to 45)

<p style="text-align: right;">Page 42</p> <p>1 A. She told me that the president from Earlstone 2 was complaining about them. 3 Q. Do you know if anyone else had been complaining 4 about the oleanders? 5 A. I don't. 6 Q. Do you know if through the course of the 7 oleander issue we will talk about, do you know if any of 8 your neighbors or other residents in the community 9 complained about them? 10 A. I don't. 11 Q. Okay. They never complained to you directly? 12 A. No. 13 Q. All right. So you used the term "targeted," 14 that I think, again, if I get this wrong, correct me, 15 that you felt that Pennie was targeting you at that point 16 based on your phone call with the City. 17 Why did you say that? 18 A. Because Jason Esau told me that she repeatedly, 19 almost daily, called him to get him to come out and cite 20 those oleanders on the property. 21 Q. And you felt that that, in your mind, was her 22 targeting you in some way? 23 A. Sure. Yes. 24 Q. What did you do after your conversation with 25 Mr. Esau? Did you take any further action? Did you</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I did. 2 Q. Okay. Tell me the nature of those calls. 3 A. That Pennie continually called him, wanted the 4 oleanders cut back. She told Jason Esau that he did not 5 know his job and that she was going to teach him his job. 6 And Jason Esau informed me that the harassment 7 got so bad that he had to involve his boss. And that 8 now the whole situation was sitting with his boss. 9 Q. Anything else you can remember from those 10 conversations? 11 A. Well, we talked about the fact that the 12 oleanders were being considered an obstruction on the 13 corner. And that if Jason Esau were going to issue any 14 citations, that basically 90 percent of Henderson would 15 be issued a citation for obstructions on a corner. 16 But because Pennie kept calling him, that he 17 felt like, you know, he needed to do something about 18 it. 19 Q. Okay. Anything else you remember from those 20 conversations? 21 A. I did tell him, at one point, that I had to get 22 my attorney involved with it. 23 Q. Anything else? 24 A. No. I can't remember right off the top of my 25 head.</p>
<p style="text-align: right;">Page 43</p> <p>1 communicate with anybody? 2 A. Communicated with my legal -- Tim. 3 Q. So you sought legal counsel right after that 4 fist notice from the City? 5 A. Yes. 6 Q. Is Mr. Esau still with the City, to your 7 knowledge? 8 A. I don't know. 9 Q. Have you had any other follow-up conversations 10 with him? 11 A. No. 12 Q. Any emails? 13 A. No. 14 Q. So the only interaction you had with the City 15 would have been that one call with him? 16 A. No. There were multiple calls with him and 17 myself. 18 Q. Okay. Just by way of a timeline. You had your 19 initial call with him? 20 A. Mm-hmm. 21 Q. Right? 22 A. Mm-hmm. 23 Q. Thereafter you retained counsel? 24 A. Yes. 25 Q. Did you have other calls with him after that?</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. He apparently passed it on to someone else in 2 his office? 3 A. I believe so. I believe he said it was his 4 boss. 5 Q. Did you ever talk to that boss? 6 A. No. 7 Q. Do you know the name? 8 A. I don't remember it. 9 Q. Any other interactions other than the ones you 10 described to me with the City of Henderson? 11 A. Yes. 12 Q. Okay. What was the next interaction? 13 A. The next interaction was with the City of 14 Henderson traffic engineers. 15 Q. Okay. Explain how that happened. 16 A. I was forwarded an email from Carmen Eassa that 17 had -- I believe her name was Eleanor from the City of 18 Henderson traffic engineers, was an email from them where 19 it showed that Terra West had engaged the City of 20 Henderson traffic engineers to come out and make a 21 determination that there was an obstruction and a safety 22 hazard on the corner. 23 Q. Okay. Did you interact directly with the 24 engineer? 25 A. I called the engineer's office and spoke to the</p>

<p style="text-align: right;">Page 46</p> <p>1 secretary about it.</p> <p>2 Q. Okay. What did you say?</p> <p>3 A. She told me that there was a -- I guess there</p> <p>4 was an act. I don't want to call it an investigation.</p> <p>5 But that Terra West and Anthem Highlands had been placed</p> <p>6 on a list for a traffic engineer to actually come out and</p> <p>7 conduct a study. And once they finished that study, that</p> <p>8 they would respond to it accordingly.</p> <p>9 Q. Okay. Do you know if that study included your</p> <p>10 residence?</p> <p>11 A. I don't know.</p> <p>12 Q. Any other reactions with the engineer directly?</p> <p>13 A. Directly, no. It was the secretary. It wasn't</p> <p>14 an engineer.</p> <p>15 Q. All right. Did you see anyone from the City</p> <p>16 come out to your residence and inspect the property?</p> <p>17 A. Yeah. I did.</p> <p>18 Q. Okay. And who was that, do you know?</p> <p>19 A. I don't know. It was just a City of Henderson</p> <p>20 truck at the time.</p> <p>21 Q. Did you interact with them at all?</p> <p>22 A. No.</p> <p>23 Q. Did you see what they did at all?</p> <p>24 A. It looked like he was just measuring the street.</p> <p>25 That's all I saw.</p>	<p style="text-align: right;">Page 48</p> <p>1 property.</p> <p>2 Q. Fair enough. But they were there. Correct?</p> <p>3 A. They were out there.</p> <p>4 Q. Yeah. Was that a two-way or three-way stop</p> <p>5 then?</p> <p>6 A. Hmm. I think it was a three-way.</p> <p>7 Q. All right. Does that help refresh your</p> <p>8 recollection as to when the two-way stop went to a</p> <p>9 three-way stop, as far as the timeline?</p> <p>10 A. No. I know that the three-way stop has probably</p> <p>11 been there for at least two years.</p> <p>12 Q. So you received communication from the City that</p> <p>13 it was a three-way stop, thus not a view obstruction.</p> <p>14 Correct?</p> <p>15 A. Correct.</p> <p>16 Q. Any other follow-up or any direct interaction</p> <p>17 with the City after that?</p> <p>18 A. Not by myself. No.</p> <p>19 Q. Do you know if your attorney did?</p> <p>20 A. I believe he did.</p> <p>21 Q. All right. I want to go back in time. You've</p> <p>22 done a very good job in sort of moving us chronologically</p> <p>23 through this.</p> <p>24 Let me go back to when you first got the</p> <p>25 notice from City of Henderson, all right, about the</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. What was the next interaction with the City of</p> <p>2 Henderson after that, if any?</p> <p>3 A. I believe we received an email from City of</p> <p>4 Henderson traffic engineers making a determination that</p> <p>5 there was no obstruction on that corner due to the</p> <p>6 three-way stop.</p> <p>7 Q. Okay. It was a three-way stop at that</p> <p>8 intersection. Right?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. Had it been changed from a three-way to --</p> <p>11 two-way to a three-way at some point?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know when that occurred, approximately?</p> <p>14 A. It's got to be a couple years ago now.</p> <p>15 Q. In relation to this traffic -- City of Henderson</p> <p>16 being involved, at the time they came out and looked at</p> <p>17 your property, was it a three-way stop?</p> <p>18 A. I don't know that they looked at my property.</p> <p>19 Q. City of had Henderson when -- you said somebody</p> <p>20 from the City of Henderson was there.</p> <p>21 A. The engineers?</p> <p>22 Q. Yeah.</p> <p>23 A. Traffic engineers?</p> <p>24 Q. Yeah.</p> <p>25 A. I don't know that they were looking at my</p>	<p style="text-align: right;">Page 49</p> <p>1 oleanders.</p> <p>2 Did the HOA send you a notice at some time</p> <p>3 after that as well?</p> <p>4 A. Yes.</p> <p>5 Q. Approximate time period after?</p> <p>6 A. Within about 30 days. Probably -- I'm going to</p> <p>7 say it was -- I know it was March. Jason Esau --</p> <p>8 probably April 2021.</p> <p>9 Q. Some notice from the HOA?</p> <p>10 A. Yes.</p> <p>11 Q. And you had already talked -- "talken."</p> <p>12 You already talked to Jason by the time you</p> <p>13 received that notice?</p> <p>14 A. Previously. Yes.</p> <p>15 Q. What was that notice?</p> <p>16 A. It was a notice about the oleanders being a view</p> <p>17 obstruction.</p> <p>18 Q. Do you know if that was a courtesy notice?</p> <p>19 A. It was a courtesy notice.</p> <p>20 Q. Okay.</p> <p>21 And what did you do after receiving the</p> <p>22 courtesy notice?</p> <p>23 A. I sent it to Tim.</p> <p>24 Q. Did you interact with the association at all at</p> <p>25 that time period or shortly thereafter, or did you allow</p>

<p style="text-align: right;">Page 50</p> <p>1 your attorney to do that?</p> <p>2 A. I did not interact.</p> <p>3 Q. So you received the courtesy notice. I take it</p> <p>4 you didn't take any action yourself with the oleanders at</p> <p>5 that point. Correct?</p> <p>6 A. No.</p> <p>7 Q. Did you get any other notices from the</p> <p>8 association after that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. What was the next notice?</p> <p>11 A. Regarding the paint on my house. The trim.</p> <p>12 Q. Okay. Fair enough. Let me just go back a</p> <p>13 little bit. Let's just stay on the oleanders for a</p> <p>14 second for purposes of our chronology.</p> <p>15 You got the courtesy notice?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Did you get another notice after the courtesy</p> <p>18 notice regarding the oleanders?</p> <p>19 A. I'm sure I did.</p> <p>20 Q. Okay. Did the paint notice come in between or</p> <p>21 after the additional notice on the oleanders?</p> <p>22 A. It came before the additional notice. It came</p> <p>23 in April of 2021.</p> <p>24 Q. Okay. So pretty close in time you got the</p> <p>25 courtesy notice on the oleanders and a courtesy notice on</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I guess so. I'm not sure.</p> <p>2 Q. Okay. So as you sit here today, you're not</p> <p>3 certain as to what the paint issue is?</p> <p>4 A. I'm assuming it's the trim. Because the body of</p> <p>5 the house has been painted since 2018.</p> <p>6 Q. All right. So the courtesy notice comes for the</p> <p>7 paint. All right. What's the next notice you received</p> <p>8 from the HOA, that you recall?</p> <p>9 A. For my flagpole.</p> <p>10 Q. Again, before receiving additional notice on the</p> <p>11 oleanders or after?</p> <p>12 A. I think after.</p> <p>13 Q. Okay. Again, and I understand the dates may not</p> <p>14 be certain, and you know, if you're not sure, just say</p> <p>15 you're not sure. But you think you may have received a</p> <p>16 notice of a hearing for the oleanders somewhere in that</p> <p>17 time period?</p> <p>18 A. Yeah. For sure.</p> <p>19 Q. Okay. And then you believe perhaps after that</p> <p>20 was the flagpole?</p> <p>21 A. Yes.</p> <p>22 Q. Was that a courtesy notice on the flagpole?</p> <p>23 A. It was.</p> <p>24 Q. All right. So let's go back to the hearing</p> <p>25 notice on the oleanders. You received that. What did</p>
<p style="text-align: right;">Page 51</p> <p>1 paint?</p> <p>2 A. Yes.</p> <p>3 Q. What did the courtesy notice on paint say? What</p> <p>4 was the issue with the paint?</p> <p>5 A. That I didn't have the right color scheme on the</p> <p>6 house.</p> <p>7 Q. What was your assessment of that issue raised by</p> <p>8 the association? Did you believe you had the right color</p> <p>9 scheme? Did you have an opinion?</p> <p>10 A. I didn't know. I didn't know.</p> <p>11 Q. Okay. How soon prior to receiving that notice,</p> <p>12 approximately, had you painted your house?</p> <p>13 A. Two years before. And the body of the paint,</p> <p>14 just for the record, was done in 2018 after the pool</p> <p>15 construction.</p> <p>16 And the trim was done sometime early 2020</p> <p>17 because of a rusty flashing -- fascia issue along the</p> <p>18 top of the roof.</p> <p>19 Q. So is it your understanding the courtesy notice</p> <p>20 referenced the trim being the issue?</p> <p>21 A. I didn't really know. It didn't specifically</p> <p>22 state. It just said that the paint scheme was not</p> <p>23 approved.</p> <p>24 Q. Okay. Have you come subsequently to learn that</p> <p>25 it appears to be related to the trim?</p>	<p style="text-align: right;">Page 53</p> <p>1 you do with it?</p> <p>2 A. The courtesy notice for the oleanders?</p> <p>3 Q. No. The actual hearing notice.</p> <p>4 A. The hearing notice?</p> <p>5 Q. Hearing notice.</p> <p>6 A. Provided it to Tim.</p> <p>7 Q. All right. And that had a hearing set for you</p> <p>8 to come discuss the oleanders?</p> <p>9 A. Yes.</p> <p>10 Q. Did you receive the flagpole notice before or</p> <p>11 after going to the hearing on the oleanders; do you know?</p> <p>12 A. After.</p> <p>13 Q. After. All right. So let's talk about the</p> <p>14 hearing on the oleanders.</p> <p>15 You went to that hearing?</p> <p>16 A. I attended via Zoom.</p> <p>17 Q. Okay. And your counsel attended as well?</p> <p>18 A. Yes.</p> <p>19 Q. Via Zoom?</p> <p>20 A. Yes.</p> <p>21 Q. All right. What was your understanding of the</p> <p>22 purpose of that hearing?</p> <p>23 A. I -- I guess it was to determine if the</p> <p>24 oleanders were going to be approved or not approved.</p> <p>25 Q. All right. Were you present with your attorney</p>

1 together on Zoom, or were you at separate locations?

2 A. We were at separate locations.

3 Q. All right. Was the board on Zoom, or were they
4 together physically?

5 A. I guess the board was on Zoom. I'm not -- I'm
6 not sure where they were.

7 Q. Fair enough. Fair enough.

8 A. Yeah.

9 Q. All right. Could you describe for me what
10 happened at that hearing? What do you recall?

11 A. Yeah. We were, obviously, invited to the
12 hearing. Tim, my attorney, tried to state our case. And
13 repeatedly Pennie screamed, Mr. Elson's name. And
14 interrupted him and would not let him speak.

15 At that point, Tim asked, because it became so
16 abusive, if he could record the meeting. And we were
17 threatened that the meeting was going to be canceled if
18 anyone recorded the meeting.

19 Tim stated that he wasn't going to record it,
20 but that he should be allowed to present the evidence
21 to the board. He was not. Pennie stated that they
22 were under time restraints. So we couldn't present
23 anything.

24 I think a couple board members spoke.
25 Mr. Osziak [phonetic] spoke about how oleanders were

1 A. No. I felt like I was, you know, thrown off the
2 Zoom call, obviously.

3 Q. Were you thrown out of the Zoom process and had
4 to register or get back in?

5 A. Yes. Yes.

6 Q. All right. So you were -- you were thrown out,
7 you think, three or four times?

8 A. At least.

9 Q. Okay. And how did you get back in?

10 A. I would have to dial back in. And then I had
11 texted Tim, and Tim asked Carmen, I think, to send me,
12 you know, a new link or -- but yeah. I missed half of
13 it.

14 Q. All right. Were you able each time to get back
15 in, because you got thrown out three or four times? So
16 you were able to get back in okay?

17 A. Yeah. I think towards the end I wasn't able to
18 get back in at all.

19 Q. Do you know if Tim was thrown out like that?

20 A. I'm not sure.

21 Q. Do you have any understanding of why you think
22 you were thrown out? Do you think it was intentional or
23 do you know? Or whether it was just an issue with the
24 Zoom?

25 A. I don't know.

1 poisonous, and surely talked about the fact that it
2 might be hard for me to keep my oleanders trimmed back.

3 And anyway, Tim kept to try -- he kept trying
4 to state our case. He kept trying to produce the
5 documents that we brought forward to the meeting. And
6 during that time frame, too, I was either being muted
7 or I was being thrown off of Zoom.

8 And the meeting ended very quickly. I think
9 the meeting took place for, like, 12 minutes. And I
10 will tell you that Tim hardly could get a word in edge
11 wise because Mr. Elson's name was screamed probably 60
12 to 70 times, and he was interrupted at that hearing.

13 Q. When you said you were muted, were you trying to
14 talk?

15 A. I did a couple times. And I noticed that I was
16 muted. And then I would get thrown off.

17 Q. When you say "thrown off," because we know with
18 Zoom, at least those of us who are on it all the time,
19 everybody gets muted on the time unless they are talking.
20 Right?

21 So were they -- they were muting you. When
22 you say you were thrown off, what does that mean?

23 A. I was -- the screen went blank on four or five
24 occasions. So --

25 Q. Did you have -- sorry.

1 Q. Okay. Do you know who was the administrator of
2 the Zoom at the time who was handling that? Was it
3 Carmen?

4 A. Carmen or Pennie. I don't know.

5 Q. You used the term "screamed" to describe
6 Pennie --

7 A. Mm-hmm. Interrupting.

8 Q. -- interrupting. All right.

9 Do you recall or could you describe sort of
10 the statements that you recall being made?

11 I understand you indicate that Pennie was
12 screaming. And so there was that sort of -- not a
13 clear line of communication, but do you recall what was
14 being said by any of the parties, either your counsel
15 or Pennie, as it related to this hearing and anything
16 more specific that you recall?

17 A. Tim was trying to basically plead the case. And
18 he was trying to present information to the board during
19 the hearing. And he was unallowed to do so. And every
20 time he tried to speak, Pennie screamed, "Mr. Elson,
21 Mr. Elson, you will not speak."

22 And Tim responded with, "Well, I think I'm
23 allowed to speak at these hearings. Are you telling
24 me" -- "Mr. Elson, Mr. Elson, you are not allowed to
25 speak." That's how the hearing went.

<p style="text-align: right;">Page 58</p> <p>1 Q. Do you remember anything else Pennie said other 2 than, "Mr. Elson, you're not allowed to speak"? 3 A. That the -- that this particular hearing was 4 subject to some sort of a time frame, and that we 5 didn't -- we weren't going to be provided the time to 6 present anything because of the time. 7 Q. Did she say that? 8 A. Yeah. I believe she did. 9 Q. Okay. Do you recall her saying anything else or 10 any other -- articulate anything to Mr. Elson about any 11 other issues or any concerns she had regarding what he 12 was arguing or the evidence he was trying to present? Do 13 you have any recollection? 14 A. I don't. It was -- it was a yelling match. 15 Q. Okay. And you indicated certain other board 16 members made comments regarding the oleanders. Correct? 17 A. Mr. Osziak was given some time to try and share 18 his thoughts on oleanders. 19 Q. Let me ask you this: Do you believe that -- is 20 it your testimony that Mr. Elson was not able to provide 21 any information to the board on your behalf, or just was 22 not allowed to provide -- I mean, I'm trying to 23 understand if Mr. Elson or you were able to provide any 24 information to the board at all, or whether you believe 25 they didn't listen to anything you had to say?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. All right. But you recall -- and we have all 2 these documents, and we will maybe get into them in more 3 detail. But I don't remember -- well, strike that. 4 So Mr. Elson sends a letter to my office. 5 What do you recall happening next as it relates to that 6 hearing? 7 A. The only thing that I know was that Tim, I 8 believe, received an email from Pennie stating that he 9 was not allowed to speak with you or send you anything 10 because it was running up the attorneys' fees, and that I 11 ultimately, as the homeowner, would be responsible for 12 it. 13 Q. Okay. Do you recall seeing that email? 14 A. I do. 15 Q. Sent to Mr. Elson, and then Mr. Elson would have 16 shown it to you, or do you recall? 17 A. I think Tim shared it with me. 18 Q. All right. Next thing you remember with regard 19 to the hearing? 20 A. That's -- that's it. 21 Q. Did you receive a notice at some point of the 22 outcome of the hearing? 23 A. I'm sure I did. 24 Q. Do you recall -- do you recall that notice? 25 A. I believe I received some sort of a fine notice.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. We were not allowed to provide any information 2 to the board. 3 Q. Do you know if there was some information 4 provided to the board in writing by your counsel prior to 5 the hearing? 6 A. I'm sure there was. 7 Q. So you were able to provide that information to 8 the board? 9 A. I'm sure. Yes. 10 Q. Okay. But you do not believe verbally any 11 additional information or argument was provided to the 12 board at that hearing? 13 A. There was not. 14 Q. What happened after that hearing? 15 A. I guess everybody hung up, got cut off. And I 16 believe that Tim recapped the gravity of the 17 unprofessionalism of that hearing to you. 18 Q. Okay. And how do you think he did that? 19 A. Through a letter. 20 Q. Okay. So the next thing you recall after the 21 hearing was that Tim, your counsel, provided me a letter 22 with regard to what happened at the hearing? 23 A. Yes. 24 Q. Do you know if that was cc'd to anybody else? 25 A. I don't remember.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Do you recall the details of it? 2 A. Yeah. It was \$2,000. 3 Q. Okay. You received the fine notice after the 4 hearing for the \$2,000. 5 What did you do at that point? 6 A. I gave it to Tim. 7 Q. All right. Did you have any desire at that 8 point to maybe try to work this out with the association 9 and do something with the oleanders? 10 A. Yeah. I believe we went through the NRED 11 process after that incident -- or that hearing. Excuse 12 me. 13 Q. Fair enough. And we will get to the NRED, what 14 happened there. 15 A. Mm-hmm. 16 Q. But prior to NRED, you've now gotten this notice 17 of the \$2,000? 18 A. Mm-hmm. 19 Q. Did you personally have a desire or an interest 20 in talking about either removing, trimming, or taking 21 some action as it related to the oleanders? 22 A. I had already offered to trim them back, and I 23 did trim them back. 24 Q. When did you trim them back? 25 A. On two occasions. Once when Pennie sent me a</p>

<p style="text-align: right;">Page 62</p> <p>1 text and asked me to. And then the second one was prior 2 to the hearing with the board on the oleanders. 3 Q. Pretty close in time to that? 4 A. Mm-hmm. 5 Q. And you trimmed them down? 6 A. Yes. 7 Q. And why did you do that? Why did you decide you 8 wanted to trim those down? 9 A. To show good faith at the meeting. 10 Q. Did you tell the board at that meeting that you 11 had trimmed them down? 12 A. Yes. 13 Q. I don't want to get too technical about this, 14 but when you say trim them down, do you recall how 15 aggressively they were trimmed down? Was it, you know, 16 they were brought down to like a foot? 17 A. To about 24 to 30 inches. 18 Q. 24 to 30 inches? After the trimming. Right? 19 A. That's what they were trimmed to. 20 Q. To? 21 A. Yes. 22 Q. Okay. Any idea approximately how high they were 23 prior to that trimming? 24 Again, I know we're talking about things that 25 grow. Right? I get it. It's just an estimate.</p>	<p style="text-align: right;">Page 64</p> <p>1 event would have been the NRED mediation itself. 2 Correct? 3 A. Yes. 4 MR. BOYACK: All right. So just real 5 quick. What do you guys want to do for a quick break 6 for lunch? What's your thoughts? 7 MR. ELSON: I guess how are you 8 proceeding on time? How -- you know, do we have time 9 to take a half hour, 45 minutes. 10 MR. BOYACK: Yeah. We do. 11 MR. NOACK: I think half hour would 12 probably be -- 13 MR. BOYACK: Yeah. Half hour would be 14 fine. 15 MR. ELSON: Then I'd say whenever you 16 want, we can take a little bit of time and grab lunch. 17 MR. BOYACK: All right. Let's keep going 18 until noon, if that's okay. 19 THE WITNESS: Sure. 20 MR. BOYACK: And then we will take a 21 30-minute break. 22 THE WITNESS: Sure. 23 MR. BOYACK: Okay. If that's okay with 24 the court reporter and videographer. 25 ///</p>
<p style="text-align: right;">Page 63</p> <p>1 But do you have an estimate of how high they 2 would have gotten prior to the trimming? 3 A. The first trimming or the second trimming? 4 Q. Second trimming. 5 A. They were probably at three to three and a half 6 feet. 7 Q. Did you at all believe that the oleanders, let's 8 say three to three and a half feet, created any type of 9 view obstruction in that interaction? 10 A. No. 11 Q. You, yourself, were not concerned about any 12 safety issues with regard to those oleanders? 13 A. No. 14 Q. Approximately how soon after you received the 15 notice of the \$2,000 fine did you proceed forward to the 16 NRED mediation? Was it several months, or do you recall? 17 A. It was probably a couple months, I think. 18 Q. Do you recall from the time you received the 19 notice of the fine to going to NRED, if you, yourself, 20 had any interaction with the board or management? 21 A. No. 22 Q. Do you know if your counsel did? 23 A. He may have. 24 Q. But generally speaking, we receive the notice of 25 the violation on the oleanders, and then the next major</p>	<p style="text-align: right;">Page 65</p> <p>1 BY MR. BOYACK: 2 Q. NRED mediation. Did you go to the NRED 3 mediation? 4 A. Oh, wow. That's a good question. 5 Yes. Yes. 6 Q. Was that via Zoom? 7 A. I believe so. 8 Q. Who was the mediator; do you recall? 9 A. I don't recall. 10 Q. Tim was present as well? 11 A. Yes. 12 Q. Who else was present on the Zoom? 13 A. That's the only people I remember -- 14 Q. Okay. 15 A. -- at that point. I think maybe the board. I 16 don't really remember that. 17 Q. Fair enough. But on the screen, do you remember 18 if it was just generally you, the mediator, and your 19 counsel, and you didn't see anybody else? Do you recall 20 how that worked? 21 A. Wow. Why don't I remember that? 22 Q. That's fine. 23 A. I'm sorry. 24 Q. No, no. That's fine. That's -- no issues. All 25 right.</p>

<p style="text-align: right;">Page 66</p> <p>1 So in the mediation, do you recall what was 2 proposed from the board for a possible resolution of 3 the oleander issue? 4 A. I think it was just to remove them. 5 Q. Completely? 6 A. Yes. 7 Q. All right. What was your thoughts about 8 removing them completely? 9 A. No. I didn't want to remove them. 10 Q. Okay. Why is that? 11 A. Because it's part of my landscaping. Because I 12 spent the money on them. 13 Q. Okay. Do you know if oleanders are a prohibited 14 plant in -- generally speaking, a prohibited plant in 15 Anthem? 16 A. Well, I do now based on the hearings that we 17 were in. 18 Q. Okay. And so by the time you went to mediation, 19 you understood that the oleanders were a prohibited 20 plant? 21 A. After the hearings, yes. Yes. 22 Q. What proposal did you have in trying to resolve 23 the issue? Was it to just trim them back -- 24 A. Yes. 25 Q. -- to a certain height?</p>	<p style="text-align: right;">Page 68</p> <p>1 get at is sort of the idea of the resolution process in 2 your mind and how we're -- may try to resolve the 3 issue. Does that make sense? But the objection is 4 noted. 5 BY MR. BOYACK: 6 Q. All right. Where did I leave off? I had -- 7 A. Resolution. 8 Q. Resolution. 9 By the end of this process, did you have in 10 your mind some idea of what could be done to try to 11 resolve this? 12 A. No. 13 Q. All right. But you were willing to cut them 14 down? 15 A. Yes. 16 Q. Is that a fair statement? 17 A. Yes. 18 Q. Back up. Trim them; not cut them down? 19 A. (Nodded head.) 20 Q. Right? 21 A. Yeah. 22 Q. And that you would -- you would have been 23 willing, in theory, to trim them down and keep them at a 24 lower level in perpetuity? 25 A. Yes.</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Yes. 2 Q. What was the resolution -- well, there was no 3 resolution, per se, but do you recall where the parties 4 left off after that mediation in an effort to try to 5 resolve this issue? 6 A. Yeah. I believe that Tim -- I believe Tim made 7 an offer -- 8 MR. ELSON: I'm going to object. To the 9 extent that we're dealing with -- and I'm not trying to 10 make a speaking objection -- 11 MR. BOYACK: No. I understand. Make the 12 record. 13 MR. ELSON: We're getting into potential 14 confidential settlement communications here and what 15 occurred at a mediation process. 16 And so I'm going to object on those grounds to 17 the question, as well as this entire line of 18 questioning, if you're okay giving me a running 19 objection. 20 MR. BOYACK: Sure. Sure. Sure. 21 MR. ELSON: Okay. 22 So yeah. That's my objection. 23 MR. BOYACK: And really I'm more 24 interested not in the specific communications and 25 offers, per se, but I think what I'm really trying to</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Do you recall what -- do you believe that the 2 board -- was there any discussion about alternatives 3 other than pulling them out completely? 4 A. No. 5 Q. So after the NRED mediation, did you have, 6 yourself, any direct communication with the board or with 7 management? 8 A. No. 9 Q. And I'm going to -- we're sticking to just the 10 oleander issues. Right? 11 A. Correct. 12 Q. Okay. So the next thing that transpired from 13 your perspective, as far as your involvement after the 14 mediation on the oleander issue, would have been the 15 filing of your present lawsuit? 16 A. Yes. 17 Q. All right. Let's go to the paint issue and talk 18 about that. So all my questions will be in that lane. 19 Okay? 20 A. (Nodded head.) 21 Q. You received the notice of the paint concerns. 22 Your testimony, I understand generally, was you weren't 23 really sure exactly what the issues were. 24 Could you explain a little bit of the 25 evolution of the paint issue? Were you ever called to</p>

Andrea Collier ~ October 24, 2023

* * * Videotaped Deposition * * *

19 (Pages 70 to 73)

<p style="text-align: right;">Page 70</p> <p>1 a hearing on that?</p> <p>2 A. Jeez, I don't remember. I don't remember.</p> <p>3 Q. Do you know if you've ever been fined related to</p> <p>4 the paint scheme?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. You believe there was a fine levied</p> <p>7 against you?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Do you recall receiving a notice of</p> <p>10 hearing on that, that you -- just do you recall receiving</p> <p>11 a notice of hearing?</p> <p>12 A. I don't remember.</p> <p>13 Q. And you don't remember going to such a hearing?</p> <p>14 A. I did not.</p> <p>15 Q. Do you know if those fines are continuing to</p> <p>16 this day?</p> <p>17 A. Yes.</p> <p>18 Q. What is your present understanding of the paint</p> <p>19 issue? In other words, what do you believe -- is it just</p> <p>20 the trim specifically, or as you sit here today, you're</p> <p>21 not sure?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Okay. Have you done any investigation yourself</p> <p>24 into the nature of the paint issue.</p> <p>25 In other words --</p>	<p style="text-align: right;">Page 72</p> <p>1 paint in '18 was the same color as the original body?</p> <p>2 A. Close to it. Probably.</p> <p>3 Q. Did you put in any ARC application for that</p> <p>4 paint?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. I don't know.</p> <p>8 Q. But you thought you were matching the body paint</p> <p>9 to the same paint that was done before? Correct?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Is that a yes?</p> <p>12 A. I'm sorry. Yes.</p> <p>13 Q. And then in 2020 we do the trim. Same question.</p> <p>14 How did we pick the color for the trim?</p> <p>15 A. So I basically walked down to the west of</p> <p>16 Culloden and saw several other homes that were originally</p> <p>17 painted with the same brown trim. And that's how I chose</p> <p>18 the trim.</p> <p>19 Q. Okay. And you had your painter try to match it?</p> <p>20 A. Yes.</p> <p>21 Q. Do you believe he did a good job in matching it?</p> <p>22 A. I believe so.</p> <p>23 Q. Does your trim match the trim of other residents</p> <p>24 on your -- in your neighborhood?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. I -- I guess there's some new paint schemes on</p> <p>2 the Sherwin William Website.</p> <p>3 Q. Do you -- does the present paint that you have</p> <p>4 on your home match those paint schemes?</p> <p>5 A. No.</p> <p>6 Q. So when you went and painted your -- let me make</p> <p>7 sure I get this right. You painted the body of the</p> <p>8 house, but then later on painted the trim; is that</p> <p>9 correct?</p> <p>10 A. Yes. After the pool construction, they had</p> <p>11 scraped the siding of the house with bulldozers and drove</p> <p>12 through the back patio. They destroyed a lot of things.</p> <p>13 It was a huge mess. Overspray from cement.</p> <p>14 So yes, we painted the body of the house at</p> <p>15 that time in 2018.</p> <p>16 Q. After the pool?</p> <p>17 A. After the pool.</p> <p>18 Q. 2020 we did the trim?</p> <p>19 A. Yes.</p> <p>20 Q. So in '18, you -- how did you select the paint</p> <p>21 color?</p> <p>22 A. Wow. I just tried to stay as close to the body,</p> <p>23 the original body paint as I could. I took -- I remember</p> <p>24 taking a sample, I guess.</p> <p>25 Q. Do you believe that the new paint was -- the new</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. All right. Did you submit an ARC in 2020 for</p> <p>2 that trim?</p> <p>3 A. No.</p> <p>4 Q. Okay. Is the trim the same color as the prior</p> <p>5 color or a different color?</p> <p>6 A. It's a different color.</p> <p>7 Q. Any reason you did not submit an ARC for that</p> <p>8 trim?</p> <p>9 A. I called Terra West on a couple of occasions and</p> <p>10 got a COVID message. And I went to the Sherwin Williams</p> <p>11 Website because a neighbor of mine told me that that's</p> <p>12 what I should do. And Glengarry was not noted.</p> <p>13 And so I picked the three houses that had the</p> <p>14 same brown trim, and I painted the house trim that</p> <p>15 color.</p> <p>16 Q. Do you know if that matched a scheme in the</p> <p>17 Sherwin Williams paint?</p> <p>18 A. Glengarry wasn't noted at the time when I -- on</p> <p>19 the Sherwin Williams Website when I went to look for it.</p> <p>20 Q. In 2020?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know if it subsequently was on their</p> <p>23 Website?</p> <p>24 A. It's since been placed back onto the Website.</p> <p>25 Q. What's your understanding of how that Website</p>

<p style="text-align: right;">Page 74</p> <p>1 issue worked? Was it on? Off? Do you know?</p> <p>2 A. I don't know.</p> <p>3 Q. But you contend that at the time you were</p> <p>4 looking for colors, you did consult with the Website?</p> <p>5 A. I tried to. Yeah.</p> <p>6 Q. Okay. But it didn't have the color schemes</p> <p>7 you --</p> <p>8 A. It didn't have the neighborhood of Glengarry</p> <p>9 noted.</p> <p>10 Q. Okay.</p> <p>11 And how did your painter, if you know, try to</p> <p>12 match the color of the other neighbors that had similar</p> <p>13 color trim?</p> <p>14 A. I don't know.</p> <p>15 Q. As you sit here today, have you ever submitted</p> <p>16 an ARC approval for the trim?</p> <p>17 A. I believe we did.</p> <p>18 Q. You believe you did submit one?</p> <p>19 A. Yes.</p> <p>20 Q. All right.</p> <p>21 Do you recall the association telling you that</p> <p>22 they at all or indicating that they just wanted an ARC</p> <p>23 application for the trim so they could consider it?</p> <p>24 A. Yes.</p> <p>25 Q. And you believe you have put in an ARC</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Is there any particular reason why?</p> <p>2 A. Because I'm engaged in litigation.</p> <p>3 Q. Okay. Have you -- so you have not requested</p> <p>4 that the board allow -- to your knowledge, requested the</p> <p>5 board to allow your paint schemes, or do you believe you</p> <p>6 did that when you submitted your ARC?</p> <p>7 A. I don't know. I don't know the answer to that</p> <p>8 question.</p> <p>9 Q. Okay. All right. Let's talk about the</p> <p>10 flagpole?</p> <p>11 A. Mm-hmm.</p> <p>12 Q. I understand the flagpole notice came after</p> <p>13 notice of the oleander -- hearing notice of the</p> <p>14 oleanders?</p> <p>15 A. Came after the paint.</p> <p>16 Q. After the paint. All right. You got a courtesy</p> <p>17 notice on the flagpole?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Right?</p> <p>20 A. Mm-hmm.</p> <p>21 Q. Is that a yes?</p> <p>22 A. Yes.</p> <p>23 Q. You gave it to your counsel?</p> <p>24 A. Yes.</p> <p>25 Q. Did you submit an ARC at any point for the</p>
<p style="text-align: right;">Page 75</p> <p>1 application?</p> <p>2 A. Yes.</p> <p>3 Q. And you haven't heard anything back?</p> <p>4 A. I believe it was denied.</p> <p>5 Q. Okay. And that's just for the trim. Right?</p> <p>6 A. Yes.</p> <p>7 Q. Going back to the body. Same question. Do you</p> <p>8 know if you were asked to submit an ARC application for</p> <p>9 the body?</p> <p>10 A. I don't believe so.</p> <p>11 Q. Do you know if you're being fined presently for</p> <p>12 just the trim or the trim and the body or do you know?</p> <p>13 A. I think it's just the paint in general. It</p> <p>14 doesn't state.</p> <p>15 Q. All right. You believe you're incurring ongoing</p> <p>16 fines as it relates to the trim?</p> <p>17 A. To paint. Yes.</p> <p>18 Q. To paint. Sorry. That was my mistake.</p> <p>19 A. It's okay.</p> <p>20 Q. To paint, generally?</p> <p>21 A. Yes.</p> <p>22 Q. All right. Have you had any interaction with</p> <p>23 the board or followed up with the board on this issue at</p> <p>24 all specifically with regard to the paint?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 77</p> <p>1 flagpole?</p> <p>2 A. I believe we did.</p> <p>3 Q. Okay.</p> <p>4 A. Yes.</p> <p>5 Q. When was that flagpole first put in?</p> <p>6 A. Late 2017.</p> <p>7 Q. And at the time, did you put in an ARC?</p> <p>8 A. No.</p> <p>9 Q. Any particular reason why?</p> <p>10 A. No. I had talked to other homeowners in the</p> <p>11 area about their flags, and they just basically stated</p> <p>12 that they put them up.</p> <p>13 Q. Okay. Who put in the flagpole; do you recall?</p> <p>14 A. The footing was done by a cement company. His</p> <p>15 name is Scott. I don't know his last name. But he has</p> <p>16 his own cement company.</p> <p>17 So there's a 3-foot by 3-foot footing with a</p> <p>18 custom sleeve in the ground.</p> <p>19 Q. So when you got notice of the flagpole through a</p> <p>20 courtesy notice, what did you do? You gave it to your</p> <p>21 counsel?</p> <p>22 A. Mm-hmm.</p> <p>23 Q. Correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did you, yourself, do anything as it related to</p>

<p style="text-align: right;">Page 78</p> <p>1 the board or management on the flagpole?</p> <p>2 A. No. No. I know that we submitted an ARC for</p> <p>3 it, though, at that time.</p> <p>4 Q. Okay. Do you know that that was like an actual</p> <p>5 ARC form that you sent in?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that was prepared by your counsel</p> <p>8 or by you or by both?</p> <p>9 A. By me.</p> <p>10 Q. All right. What's happened with the flagpole</p> <p>11 issue, to your knowledge?</p> <p>12 A. I'm incurring fines every week because of it.</p> <p>13 Q. Thank you. And what was the board's position</p> <p>14 after you submitted the ARC? Do you know? Did they</p> <p>15 communicate with you as to any concerns with the ARC?</p> <p>16 A. They sent back an additional letter requesting</p> <p>17 all sorts of information.</p> <p>18 Q. Okay. Like what kind of information?</p> <p>19 A. Where it came from. How it was made. I think</p> <p>20 it was more along the lines of the specs of the flagpole,</p> <p>21 excuse me, and how it was to be installed.</p> <p>22 I think I remember something about the lot</p> <p>23 lines, having it installed so far away from either the</p> <p>24 street or a homeowner's lot line.</p> <p>25 Q. So the association -- excuse me -- did</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Sure. Yes.</p> <p>2 Q. Any other interaction that you had directly with</p> <p>3 the association as it relates to the flagpole after you</p> <p>4 received the certificate from the City?</p> <p>5 A. No. But I was informed by a neighbor that Terra</p> <p>6 West helped him -- coached him on his ARC application so</p> <p>7 it could be approved. Asked him to provide false</p> <p>8 information on his ARC so it could be approved.</p> <p>9 Q. And who was that neighbor?</p> <p>10 A. Darren Marks.</p> <p>11 Q. When you say false information, what do you</p> <p>12 mean?</p> <p>13 A. They had him check boxes that stated that his</p> <p>14 flagpole was installed 10 feet away from the neighbor's</p> <p>15 property line.</p> <p>16 Q. And who -- did he tell you someone told him to</p> <p>17 do that?</p> <p>18 A. Yeah. Carmen Eassa called him on the phone and</p> <p>19 said that Ken Bensinger called her and asked her to help</p> <p>20 him fill out his ARC for his flagpole so it could be</p> <p>21 approved.</p> <p>22 Q. And did he say that he thought he was filling</p> <p>23 out false information?</p> <p>24 A. He didn't know. He didn't know.</p> <p>25 Q. So when you used the term "false information,"</p>
<p style="text-align: right;">Page 79</p> <p>1 communicate with you regarding additional information</p> <p>2 they wanted on the flagpole?</p> <p>3 A. Yes.</p> <p>4 Q. And what did you do at that point?</p> <p>5 A. Nothing. I gave it to Tim.</p> <p>6 Q. Do you know if there was any attempt to provide</p> <p>7 the information requested?</p> <p>8 A. I don't think so. I did get -- I did pull a</p> <p>9 building permit and have the City of Henderson come out</p> <p>10 and inspect the work.</p> <p>11 Q. And did they inspect it and provide you a</p> <p>12 permit?</p> <p>13 A. They did. They provided me a certificate of</p> <p>14 occupancy, and it was approved by the City of Henderson.</p> <p>15 Q. When did you do that approval? Year?</p> <p>16 Approximately.</p> <p>17 A. Probably sometime in 2022. I think.</p> <p>18 Q. Fairly recent?</p> <p>19 A. 2021, 2022. I don't remember.</p> <p>20 Q. And what did you do with that certificate? Did</p> <p>21 you provide it to the HOA?</p> <p>22 A. Yes. Through my counsel.</p> <p>23 Q. Okay. Did you believe that providing that</p> <p>24 certificate was sufficient to respond to the information</p> <p>25 request from the association?</p>	<p style="text-align: right;">Page 81</p> <p>1 is that your description?</p> <p>2 A. Yeah. Because clearly his flagpole is only</p> <p>3 2 feet from his neighbor's property line.</p> <p>4 Q. Okay.</p> <p>5 So just to be clear, because you indicated</p> <p>6 that you believed Terra West, through Carmen, was</p> <p>7 telling him to provide false information?</p> <p>8 A. Mm-hmm.</p> <p>9 Q. Right?</p> <p>10 Is that what he told you that they told him to</p> <p>11 do, or are you making an assumption that's what they</p> <p>12 did?</p> <p>13 A. He told me that Carmen told him what boxes to</p> <p>14 check on the ARC application.</p> <p>15 Q. Okay. And to your knowledge, that's been</p> <p>16 approved?</p> <p>17 A. Yes.</p> <p>18 Q. That ARC application, the boxes that needed to</p> <p>19 be checked, is that the same ARC application you</p> <p>20 submitted?</p> <p>21 A. I don't know. Because I didn't -- I didn't see</p> <p>22 what he was talking about.</p> <p>23 Q. Do you know as you sit here today that if the</p> <p>24 information specifically that the association requested</p> <p>25 of you was provided whether or not the flag would be</p>

<p style="text-align: right;">Page 82</p> <p>1 approved? Do you know that?</p> <p>2 A. I don't. Because nothing else has.</p> <p>3 Q. So we have these three violations that we have</p> <p>4 been discussing. Are there any other violations,</p> <p>5 notices, or any other issues that you believe the</p> <p>6 association has brought to your attention or against you</p> <p>7 in some way?</p> <p>8 A. Those are the three I know of.</p> <p>9 Q. We're now involved in this litigation involving</p> <p>10 various issues. Do you -- as you sit here today, you</p> <p>11 believe that you're being fined on the paint and the</p> <p>12 flagpole still currently?</p> <p>13 A. Mm-hmm. Yes.</p> <p>14 Q. Correct?</p> <p>15 And that -- are you currently being fined on</p> <p>16 the oleanders?</p> <p>17 A. No.</p> <p>18 Q. As you sit here today with regard to the</p> <p>19 flagpole and the paint, have you -- you haven't talked to</p> <p>20 the association about any -- you directly -- any way to</p> <p>21 try to resolve those issues or what the association may</p> <p>22 require from you in order to resolve those issues; is</p> <p>23 that a fair statement?</p> <p>24 A. Yes.</p> <p>25 MR. BOYACK: Is this an okay time to</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Okay. And how did you come to know it?</p> <p>2 A. It came in the mail.</p> <p>3 Q. It comes periodically in the mail?</p> <p>4 A. Yes.</p> <p>5 Q. And have you -- as I understand it, you have not</p> <p>6 reached back to the association at this point as to how</p> <p>7 to cure the flagpole or the paint violations? Is that a</p> <p>8 fair statement?</p> <p>9 A. Yes.</p> <p>10 Q. As you sit here today, do you know what you</p> <p>11 might be able to do in an effort to ask for the board to</p> <p>12 forgive those fines and have you come into compliance?</p> <p>13 A. No.</p> <p>14 Q. Have you -- do you recall receiving a letter</p> <p>15 from the association generally about forgiveness of fines</p> <p>16 and coming into compliance that you may have received</p> <p>17 over the last year or two?</p> <p>18 A. Yeah, I think a while ago I did.</p> <p>19 Q. What do you recall about that correspondence?</p> <p>20 A. I -- to be honest, I really didn't read it. It</p> <p>21 was about reducing the fines.</p> <p>22 Q. And that was generally to the membership, not</p> <p>23 specific to you. Right?</p> <p>24 A. I'm not sure. It's what I received.</p> <p>25 Q. And when you received that, did you take any</p>
<p style="text-align: right;">Page 83</p> <p>1 break? Quarter to?</p> <p>2 MR. ELSON: Sure.</p> <p>3 MR. BOYACK: All right. Take a 30-minute</p> <p>4 break.</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 approximately 11:47 a.m. We are going off the</p> <p>7 record.</p> <p>8 (Lunch Recess.)</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 approximately 12:31 p.m. We are back on the record.</p> <p>11 BY MR. BOYACK:</p> <p>12 Q. Thank you. We're back on the record after a</p> <p>13 break for lunch.</p> <p>14 Do you know at the moment how much the fines</p> <p>15 are approximately with regard to the paint that's on</p> <p>16 your account? Do you know?</p> <p>17 A. No. I just know the total.</p> <p>18 Q. Okay. What's the total?</p> <p>19 A. Close to \$9,000.</p> <p>20 Q. On the paint alone or the paint plus the</p> <p>21 flagpole?</p> <p>22 A. Both.</p> <p>23 Q. All right. When was the last time you checked</p> <p>24 or were notified of that amount?</p> <p>25 A. Probably a couple days ago.</p>	<p style="text-align: right;">Page 85</p> <p>1 action or do anything related to trying to get these</p> <p>2 fines stopped and come into compliance on the flagpole</p> <p>3 and the paint?</p> <p>4 A. No.</p> <p>5 Q. Going back to the paint for a minute. Have you</p> <p>6 noticed after you painted the trim that anyone else in</p> <p>7 your neighborhood used the same color to paint their</p> <p>8 trim?</p> <p>9 A. Yes.</p> <p>10 Q. And that's after you did it. Correct?</p> <p>11 A. I believe so.</p> <p>12 Q. Have you talked to those homeowners at all?</p> <p>13 A. No.</p> <p>14 Q. You just noticed that they had a similar color?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes.</p> <p>18 Q. And prior to your painting the trim, how many</p> <p>19 homes, approximately, had similar color trim?</p> <p>20 A. Three on my street alone, Culloden.</p> <p>21 Q. Do you know -- you probably don't know the</p> <p>22 addresses, but can you describe where they are as it</p> <p>23 relates to your residence?</p> <p>24 A. Yes. One of them is kitty-corner to my</p> <p>25 residence. And the other two are on the same side of the</p>

<p style="text-align: right;">Page 86</p> <p>1 street, approximately five or six houses down, and then 2 another two houses down. 3 Q. Is that -- we will call it the brown trim; is 4 that fair? 5 A. Yes. 6 Q. Is that brown trim consistent among all of those 7 homes, both before you painted your trim, those homes, 8 and the homes after? Is that a consistent color, do you 9 believe? 10 A. It appeared to be. 11 Q. And do you know as you sit here today, if that 12 color scheme is included in the Sherwin Williams palette? 13 A. I don't know. I don't know. 14 Q. You haven't gone back and checked? 15 A. No. 16 Q. All right. If that -- just hypothetically 17 speaking. If that palette scheme or that color is not 18 included in the palette scheme, do you believe that you 19 should come into compliance so that the color is 20 compatible with the palette scheme? 21 MR. ELSON: Objection. Form. 22 You can proceed to answer the question. 23 THE WITNESS: I believe that we did offer 24 to repaint the house or the trim and asked for a 25 reasonable amount of time to do it. And that request</p>	<p style="text-align: right;">Page 88</p> <p>1 A. No. Because, obviously, we got a rejection, and 2 there was no resolution at that point. 3 Q. As you sit here today, would you be willing, in 4 an effort to resolve this, to paint your house a 5 compatible color scheme? 6 MR. ELSON: Objection. 7 MR. BOYACK: The trim. The trim. 8 MR. ELSON: Objection. Form. Assumes 9 facts not in evidence. 10 THE WITNESS: So it's not that simple 11 because the trim on the house matches the trim on the 12 gates and the trim on the patios and trim on the shed. 13 So there's a lot that goes along with it. 14 BY MR. BOYACK: 15 Q. So as you sit here today, you may not be willing 16 to agree to change the trim paint color to come into 17 compliance? 18 MR. ELSON: Objection. Form. Assumes 19 facts not in evidence. 20 You can go ahead and answer the question. 21 THE WITNESS: I really don't know. I 22 really don't know. 23 BY MR. BOYACK: 24 Q. And you believe the rejection on the paint 25 request or repaint request, you believe it came directly</p>
<p style="text-align: right;">Page 87</p> <p>1 was rejected. 2 BY MR. BOYACK: 3 Q. When did you request that? 4 A. Oh, wow. Over a year ago. 5 Q. Okay. And how was it rejected? 6 A. It was rejected, I believe, in an email from 7 Pennie. 8 Q. Okay. And you had said you just wanted time to 9 come into compliance -- 10 A. Yes. 11 Q. -- with the trim? 12 A. I -- I don't know. We weren't -- it wasn't 13 specific. But it was the painting of the house. 14 Q. Fair enough. I'm not trying -- really not 15 trying to put words in your mouth, so I appreciate the 16 clarification. 17 So the rejection, what did you understand 18 about the rejection? What was the rejection 19 specifically; do you know? 20 A. Yeah. I wasn't going to be given the amount of 21 time requested to repaint the house. 22 Q. Okay. And did you then -- what did you believe 23 at that point after receiving that rejection, that you 24 should go and paint the -- did you have any idea what you 25 wanted to do to try to resolve it?</p>	<p style="text-align: right;">Page 89</p> <p>1 just from Pennie? An email? 2 A. The request? 3 Q. Sorry. The rejection. I'm sorry. 4 A. Yes. 5 Q. Let me go back to the oleanders for a moment. 6 Do you recall Pennie ever telling you that 7 there had been complaints from people in your 8 neighborhood regarding the line of sight or visibility 9 issues as it related to your oleanders? 10 A. I don't remember. 11 Q. Do you remember if anyone else on the board 12 expressed to you complaints regarding your oleanders by 13 homeowners? 14 A. I don't remember. The only interaction I had 15 with the board was at the oleander hearing. So I don't 16 remember. I don't believe that came up. 17 Q. Pennie asked you to trim the oleanders the first 18 time. Does it refresh your recollection if she had 19 indicated to you that someone had complained in your 20 neighborhood regarding those oleanders? 21 A. She stated it was the president of Earlstone. 22 Q. Had complained? 23 A. Yes. 24 Q. Okay. Who was that? Do you remember? 25 A. She didn't say her name at the time. She said</p>

<p style="text-align: right;">Page 90</p> <p>1 the president of Earlstone.</p> <p>2 Q. Do you know, as we sit here today, who that</p> <p>3 might be?</p> <p>4 A. Yes.</p> <p>5 Q. Who is that?</p> <p>6 A. Judy Hendricks [sic].</p> <p>7 Q. Okay. Have you since talked to Judy Hendricks</p> <p>8 regarding whether she complained about your oleanders?</p> <p>9 A. No.</p> <p>10 Q. With regard to Julie [sic] Hendricks, have you</p> <p>11 had any communication with her in the past year?</p> <p>12 A. Julie Hendricks?</p> <p>13 Q. Judy Hendricks?</p> <p>14 A. Yes.</p> <p>15 Q. Did I say Julie?</p> <p>16 A. Yes.</p> <p>17 Q. Sorry.</p> <p>18 Is that communication verbal direct? Email?</p> <p>19 Facebook? Can you describe for me what interactions</p> <p>20 you've had with Judy?</p> <p>21 A. Verbal.</p> <p>22 Q. Okay. And where would you meet her or call her?</p> <p>23 Either way.</p> <p>24 A. Where would I?</p> <p>25 Q. Yeah.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. What did you tell her about NRED?</p> <p>2 A. What did I tell her about NRED? I don't really</p> <p>3 know much about NRED. Just that we had gone through the</p> <p>4 process.</p> <p>5 Q. Did you tell her how that process was for you or</p> <p>6 what you did?</p> <p>7 A. No. She seems pretty schooled on NRED. Much</p> <p>8 more so than I am.</p> <p>9 Q. All right. What else did you guys talk about?</p> <p>10 A. Her kids. My backyard. Oh, her dental</p> <p>11 practice. Her husband's dental practice.</p> <p>12 Q. Did you discuss with her at all anything dealing</p> <p>13 with this litigation? Our -- the litigation involving</p> <p>14 Anthem and you?</p> <p>15 A. No.</p> <p>16 Q. Did she at all converse with you regarding</p> <p>17 Ms. Puhek?</p> <p>18 A. Not really. No. No.</p> <p>19 Q. How about vice versa? Did you discuss anything</p> <p>20 with her regarding your allegations or issues with</p> <p>21 Ms. Puhek?</p> <p>22 A. No. She's already well aware of everything.</p> <p>23 Q. Okay. Have you had a conversation with her over</p> <p>24 the phone since that meeting at your home?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. I don't know. I don't know. From my car. From</p> <p>2 my home.</p> <p>3 Q. Okay. So you just talked to her on the phone.</p> <p>4 Right?</p> <p>5 A. Yeah. Yeah.</p> <p>6 Q. And you have not met with her personally?</p> <p>7 A. She came to my residence once.</p> <p>8 Q. Okay. When was that?</p> <p>9 A. Probably about a month ago.</p> <p>10 Q. Okay. And why did she come to your residence?</p> <p>11 A. To talk to me about NRED.</p> <p>12 Q. Okay. What did she talk to you about NRED for?</p> <p>13 A. She's getting, I guess, ready or was thinking</p> <p>14 about filing NRED complaints.</p> <p>15 Q. And do you know the nature of those complaints?</p> <p>16 A. No. I don't.</p> <p>17 Q. Do you know if they involve Anthem?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you know if they involve Pennie,</p> <p>20 specifically?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you know what the issues might have been that</p> <p>23 she mentioned with Anthem?</p> <p>24 A. I think it had something to do with the paint on</p> <p>25 her home.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. How many times?</p> <p>2 A. Oh probably two or three times. I was helping</p> <p>3 her with signage at her husband's dentist practice.</p> <p>4 Q. Anything discussed during those discussions</p> <p>5 regarding HOA business?</p> <p>6 A. No.</p> <p>7 Q. Anything regarding this legal action?</p> <p>8 A. No.</p> <p>9 Q. Prior to the personal meeting at your home,</p> <p>10 you've had approximately how many phone conversations</p> <p>11 with her?</p> <p>12 A. Oh, probably, I don't know, eight to ten.</p> <p>13 Q. Same question. Can you generally describe, were</p> <p>14 those related to this case or any complaints she had</p> <p>15 regarding Ms. Puhek? What was the nature of those</p> <p>16 conversations?</p> <p>17 A. She talked several times about the paint</p> <p>18 situation on her home with me and what she was doing to</p> <p>19 either correct it or rectify the situation.</p> <p>20 Q. Any specific discussions regarding Pennie, for</p> <p>21 example?</p> <p>22 A. No. The only thing I really remember was that</p> <p>23 Pennie served her some legal documents at a board</p> <p>24 meeting. She told me about that.</p> <p>25 Q. Okay. So these conversations that you've had,</p>

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* * * Videotaped Deposition * * *

25 (Pages 94 to 97)

<p style="text-align: right;">Page 94</p> <p>1 approximately eight, prior to her coming to your home, 2 and several thereafter, it's your testimony you have not 3 discussed in any detail the nature of this litigation; is 4 that a fair statement? 5 A. Not in detail. She's got all the details. 6 Q. How does she have all the details? Do you know? 7 A. She told me that she has the filed copies of all 8 the documents regarding this case. 9 Q. Okay. And did you complain to her or say 10 anything about Pennie during all those conversations? 11 A. No. 12 Q. And did she complain to you or say anything 13 about Pennie during those conversations? 14 A. Not really. No. 15 Q. Gallant. Ms. Gallant is a homeowner in your 16 community? 17 A. Mm-hmm. Mm-hmm. 18 Q. That's a yes? 19 A. Yes. 20 Q. I'm sorry. What's her first name? 21 A. Danielle. 22 Q. Danielle? 23 A. Danielle. Yeah. Danielle/Danielle. 24 Q. Danielle. 25 Same general question. How many</p>	<p style="text-align: right;">Page 96</p> <p>1 peeking around into her backyard. 2 THE VIDEOGRAPHER: Oh, that's the mic. 3 MR. BOYACK: Oh, no. That's okay. I 4 just keep kicking it. 5 BY MR. BOYACK: 6 Q. Did she say specifically who was peeking in her 7 backyard? 8 A. No. 9 Q. You say you talked to her on several occasions. 10 Was the nature of those additional phone calls 11 similar to the first one? In other words, just 12 additional information regarding it, or was there some 13 other subject? 14 A. More of it was -- more political, about her new 15 position with the government. 16 Q. Her elected position? 17 A. Yes. 18 Q. Have you spoken to Sydney Woo in the past year? 19 A. No. 20 Well, I spoke to him at his deposition. 21 Q. Other than the deposition? 22 A. But that -- no. 23 Q. Did you talk to any -- in the past year, any 24 other former board members of Anthem? 25 A. Only during depositions, Shirley and Sydney.</p>
<p style="text-align: right;">Page 95</p> <p>1 conversations/interactions did you have with Danielle 2 Gallant over, say, the past year? 3 A. Maybe three or four. 4 Q. How did you come to know her? 5 A. She reached out to me through a lady by the name 6 of Christine Demolis [phonetic]. 7 Q. Okay. Who is Christine? 8 A. She's a homeowner in Anthem Highlands. 9 Q. And Ms. Gallant contacted you? 10 A. Yes. 11 Q. How did she contact you? Phone? 12 A. Called me. 13 Q. Okay. And what was the purpose of her contact? 14 A. I think it was to discuss my case. 15 Q. Okay. What do you remember about that 16 conversation? 17 A. She told me that there has been a lot of 18 harassment by Pennie and the board members regarding her 19 property. 20 Q. She felt that Pennie and the board was harassing 21 her, as well? 22 A. I guess so. 23 Q. Okay. Do you recall any specifics that she told 24 you about that -- 25 A. Something about her backyard. That they were</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. We have talked about Judy Hendrickson and 2 Danielle Gallant as individuals that talked to you 3 regarding issues in Anthem. 4 Any other homeowners that you recall that 5 reached out to you and either had questions about your 6 litigation or wanted to talk to you about any issues 7 with the association? 8 A. Darren Marks. 9 Q. Who is he? 10 A. He's a neighbor in Glengarry. 11 Q. What did he say? 12 A. He just wanted to know what was going on. He -- 13 he knew that a while back that I was involved in 14 litigation, and he just wanted to make sure that I was 15 okay. 16 Q. Did you discuss with him any details regarding 17 your case? 18 A. I told him that it's dragging on. That it's the 19 case that will never end. 20 Q. Okay. Anything else that you recall discussing 21 with him? 22 A. He told me that he was cited or fined for having 23 livestock in his backyard. 24 Q. Do you know how that was resolved or what 25 happened?</p>

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* * * Videotaped Deposition * * *

26 (Pages 98 to 101)

Page 98	Page 100
<p>1 A. I don't. I haven't talked to him.</p> <p>2 Q. What livestock?</p> <p>3 A. I think they were chickens.</p> <p>4 Q. Did he have chickens?</p> <p>5 A. I haven't seen them. I don't know.</p> <p>6 Q. Did he tell you if he cured the problem or</p> <p>7 admitted that he had chickens?</p> <p>8 A. I didn't -- I haven't really spoken to him about</p> <p>9 that. He was upset that he got some notice about</p> <p>10 livestock in his backyard.</p> <p>11 Q. Okay. Did he deny it to you that he had</p> <p>12 livestock?</p> <p>13 A. He didn't deny it. No.</p> <p>14 Q. Any other homeowners that we haven't discussed?</p> <p>15 A. No. Not that I can think of.</p> <p>16 Q. Are you on the -- or go to the Website known as</p> <p>17 Nextdoor?</p> <p>18 A. Yes.</p> <p>19 Q. All right. Next -- what do you understand</p> <p>20 Nextdoor is?</p> <p>21 A. Just a place for neighbors to communicate</p> <p>22 together.</p> <p>23 Q. And you have -- have you posted on Nextdoor?</p> <p>24 A. I had previously, in the past, on behalf of</p> <p>25 Pennie. I had -- she had asked me to post some positive</p>	<p>1 THE WITNESS: It's okay.</p> <p>2 MR. BOYACK: I'd prefer --</p> <p>3 MR. ELSON: I don't know that Jon Gruden</p> <p>4 owns it, you know.</p> <p>5 MR. BOYACK: Jon Gruden Restaurant.</p> <p>6 BY MR. BOYACK:</p> <p>7 Q. Sorry. Was it posting before or after that</p> <p>8 event?</p> <p>9 A. Before.</p> <p>10 Q. All right. Any other posts that you have done,</p> <p>11 to your recollection, on Nextdoor?</p> <p>12 A. Oh, probably. About the parking issues in</p> <p>13 Glengarry.</p> <p>14 Q. When do you think you stopped posting on</p> <p>15 Nextdoor? If you have stopped. You seemed to indicate</p> <p>16 you haven't done it in a while.</p> <p>17 A. I posted for Pennie in response to positive</p> <p>18 thoughts about Pennie. And then I posted again about</p> <p>19 some crazy parking issues in Glengarry, probably a few</p> <p>20 months ago again. There was a Range Rover on blocks,</p> <p>21 looks like the tires had about stolen off of it.</p> <p>22 I don't know. Very -- very infrequently. I'm</p> <p>23 not -- yeah.</p> <p>24 Q. Fair enough. I appreciate that answer.</p> <p>25 What about Facebook? Are you on a Facebook</p>
Page 99	Page 101
<p>1 comments about her because she was getting so many</p> <p>2 negative comments.</p> <p>3 Q. Okay. Tell me a little bit about those posts,</p> <p>4 what you did.</p> <p>5 A. Just that -- I told people basically in that</p> <p>6 public forum that instead of complaining on Nextdoor, you</p> <p>7 know, start going to the meetings and get active and</p> <p>8 communicate with some of the board members directly about</p> <p>9 their issues.</p> <p>10 Q. When was the timeline on that, approximately?</p> <p>11 A. It's got to be, like, two years ago.</p> <p>12 Q. Pre restaurant?</p> <p>13 A. Restaurant?</p> <p>14 Q. The restaurant that you went to -- the Gruden</p> <p>15 restaurant?</p> <p>16 A. Oh, yeah. Yeah, yeah. For sure.</p> <p>17 Q. That's like the defining moment. Okay.</p> <p>18 So when I say pre restaurant --</p> <p>19 A. Okay.</p> <p>20 Q. -- let's all accept the Gruden restaurant is the</p> <p>21 defining moment.</p> <p>22 A. Okay. All right.</p> <p>23 MR. ELSON: I think the name of the</p> <p>24 restaurant is Michael's, if you want to refer to it by</p> <p>25 name.</p>	<p>1 group, not your personal Facebook, but a Facebook group</p> <p>2 specifically for Anthem Highlands?</p> <p>3 A. Yeah. But I don't go to Facebook.</p> <p>4 Q. Have you ever posted on the Anthem Highlands</p> <p>5 group post, I don't know much about Facebook myself, but</p> <p>6 specifically have you posted on that social media</p> <p>7 platform --</p> <p>8 A. No.</p> <p>9 Q. -- regarding Anthem Highlands?</p> <p>10 A. No.</p> <p>11 Q. So while you may have -- be in the Facebook</p> <p>12 community for Anthem Highlands, you, yourself, do not</p> <p>13 recall posting anything. Correct?</p> <p>14 A. No.</p> <p>15 Q. Is that correct?</p> <p>16 A. I'm sorry. I have not posted. Yeah.</p> <p>17 Q. And do you read what's on the Anthem Highlands</p> <p>18 Facebook? Do you --</p> <p>19 A. Sometimes.</p> <p>20 Q. -- peruse it?</p> <p>21 A. Yeah. Very rarely.</p> <p>22 Q. All right. Anyplace else one could post?</p> <p>23 A. Yeah. You could post on Instagram. You could</p> <p>24 post all sorts of places.</p> <p>25 Q. But specific to groups involving Anthem</p>

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* * * Videotaped Deposition * * *

27 (Pages 102 to 105)

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<p>1 Highlands?</p> <p>2 A. Oh, no. I don't think so.</p> <p>3 Q. So you haven't posted anywhere else in a group</p> <p>4 setting --</p> <p>5 A. No.</p> <p>6 Q. -- dealing with Anthem Highlands?</p> <p>7 A. No.</p> <p>8 Q. Let's go back for a second regarding your</p> <p>9 neighbor with the Southwest Gas truck.</p> <p>10 Do you have any surveillance cameras on your</p> <p>11 home?</p> <p>12 A. I do.</p> <p>13 Q. How many, approximately?</p> <p>14 A. Eight.</p> <p>15 Q. And they face all around the home, side, front,</p> <p>16 back?</p> <p>17 A. Everywhere.</p> <p>18 Q. And have you, in the past, utilized those</p> <p>19 cameras at all to monitor activity on your neighbors'</p> <p>20 property?</p> <p>21 A. Monitor activity?</p> <p>22 Q. Yeah. In other words, their recording activity</p> <p>23 on your neighbors' property?</p> <p>24 A. No.</p> <p>25 Q. Are those cameras at all times just surveilling</p>	<p>1 A. He declined. He let them stay in the disarray</p> <p>2 that they are currently in.</p> <p>3 Q. How many palm trees?</p> <p>4 A. Oh, I don't know. There's probably three, four,</p> <p>5 five.</p> <p>6 Q. You think it's contributing to a rat problem in</p> <p>7 your neighborhood?</p> <p>8 A. Oh, sure I do. Yeah. You can see them climbing</p> <p>9 the trees. Not to mention all the feces.</p> <p>10 Q. Do you know if that neighbor, the Southwest Gas</p> <p>11 neighbor, ever said to you that he felt that you were</p> <p>12 harassing him at all?</p> <p>13 A. No.</p> <p>14 Q. Have you ever heard from any source that he was</p> <p>15 claiming that you were being -- that you were being</p> <p>16 harassing to him?</p> <p>17 A. No. The only thing -- Pennie told me at one</p> <p>18 point to stay away from him because he was dangerous.</p> <p>19 Q. I want to go through, if I can, your memory as</p> <p>20 it relates to improvements on your property. All right?</p> <p>21 So we talked about the two -- I'm sorry, I don't remember</p> <p>22 the date, but you put in a pool?</p> <p>23 A. Yes.</p> <p>24 Q. Was that your first major remodel,</p> <p>25 reconstruction, or addition that did you after moving in?</p>
Page 103	Page 105
<p>1 your property areas?</p> <p>2 A. Yes.</p> <p>3 Q. I recognize that those cameras may take in</p> <p>4 other, you know, street activity or so forth. All right.</p> <p>5 What I'm talking about is, are those cameras at all times</p> <p>6 dedicated to and pointing simply at your property?</p> <p>7 A. Yes.</p> <p>8 Q. So the idea that those cameras are pointing at a</p> <p>9 neighbor's backyard or monitoring a particular neighbor,</p> <p>10 that you have not done that. Correct?</p> <p>11 A. No.</p> <p>12 I live in close proximity, 5 feet away from my</p> <p>13 next-door neighbor. But my cameras are my own, for my</p> <p>14 own protection.</p> <p>15 Q. How is your relationship with that neighbor</p> <p>16 presently? Do you have any interaction with them?</p> <p>17 MR. ELSON: Just to be clear, Ted, you're</p> <p>18 talking about?</p> <p>19 MR. BOYACK: Southwest Gas.</p> <p>20 MR. ELSON: Okay.</p> <p>21 THE WITNESS: Yeah. About five months</p> <p>22 ago, I offered to trim their palm trees again because</p> <p>23 they are unsightly, and there's rats everywhere.</p> <p>24 BY MR. BOYACK:</p> <p>25 Q. What happened?</p>	<p>1 A. The first?</p> <p>2 Q. Yeah.</p> <p>3 A. I did some landscaping in 2017.</p> <p>4 Q. Okay.</p> <p>5 A. In the front yard.</p> <p>6 Q. So let's talk about 2017.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Did you submit an ARC application for the 2017</p> <p>9 landscaping?</p> <p>10 A. No.</p> <p>11 Q. Any reason why?</p> <p>12 A. No.</p> <p>13 Q. What landscaping did you do in 2017, generally</p> <p>14 speaking?</p> <p>15 A. I refreshed the rocks, planted approximately six</p> <p>16 to eight oleanders in the yard, some new shrubs, and just</p> <p>17 basically like a major, major cleanup of the property as</p> <p>18 a whole.</p> <p>19 Q. Did you ever get a violation or anything on the</p> <p>20 landscape work for not having submitted an ARC?</p> <p>21 A. No.</p> <p>22 Q. Have you ever -- have you ever received one?</p> <p>23 A. For --</p> <p>24 Q. For that --</p> <p>25 A. -- that particular --</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. That particular -- 2 A. No. 3 Q. -- improvement? 4 A. No. 5 Q. Just -- sorry. I just want to make it clear 6 that -- all right. 7 That was 2017? 8 A. Yes. 9 Q. Anything of a material nature, as far as 10 improvements after 2017 to the pool? 11 A. No. Then it was the pool. 12 Q. Then it was the pool? 13 A. Yes. 14 Q. You did not submit an ARC for the pool or you 15 did? 16 A. I did. Through Anthony Sylvan. Yes. 17 Q. And there were other things that went on with 18 the pool. Do you know if the ARC included all the other 19 things that were done on your property or just the pool 20 itself? 21 A. I think it was the pool. The pool itself. 22 Q. Was there other things done simultaneous to the 23 pool? 24 A. Before that, there was a patio cover put in in 25 the backyard. Before the pool.</p>	<p style="text-align: right;">Page 108</p> <p>1 the pool contractor? 2 A. Yes. 3 Q. That -- also, that ARC, your understanding, 4 included all the other work that was done as well? The 5 wall? 6 A. Yes. It did. 7 Q. All right. So the ARC would have covered all of 8 that work -- 9 A. Right. 10 Q. -- that was done? 11 A. Yes. 12 Q. After the pool work, we will call it, when was 13 the next, if any, update, change, addition that you did 14 in your -- on your property? 15 A. We had to repair stucco and repaint the house 16 because of the bulldozers running alongside of the east 17 portion of the house. 18 Q. And we talked about that. No ARC was submitted 19 for that. Correct? 20 A. Correct. Pavers. 21 Q. Where did the pavers go? 22 A. In the driveway and the walkway, which was the 23 area the bulldozers were driving through. 24 Q. Did you replace them? 25 A. Yes.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. But close in time, proximity? 2 A. Probably six months apart. 3 Q. Okay. No ARC application for that? 4 A. Yes. 5 Q. There was an ARC application? 6 A. Yes. 7 Q. Who handled that? The pool people or someone 8 else? 9 A. Someone else. Beat the Heat, patio structure. 10 Q. And they submitted to the HOA? 11 A. And for the building permits. 12 Q. Then the pool. Anything else with the pool? 13 Any landscaping? Walls? 14 A. Yeah. There was a front courtyard wall that we 15 put up that was part of the pool. And there was 16 landscape -- new landscaping, obviously. As a result of 17 the pool construction, there was all sorts of things that 18 had to be done after that. 19 Q. ARC application for those items that you just 20 described? 21 A. The pool and the landscaping and the wall? 22 Q. Yes. 23 A. Yes. 24 Q. Because you indicated, just to be clear, that 25 the pool was handled -- the pool portion was handled by</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Like kind or different? 2 A. Like. Like, I believe. Yeah. 3 Q. Any ARC submitted? 4 A. No. 5 Q. Okay. Any reason why? 6 A. No. 7 Q. Pavers. What else? 8 A. Oh, the putting greens. 9 Q. Where did they -- 10 A. They were a part of that. On the east side of 11 the house. 12 Q. They were a part of what -- the -- 13 A. After the paint, the pavers. Then we beautified 14 and put in the putting greens. I believe the putting 15 greens were part of the ARC for the pool. 16 Q. Okay. Were they put in about the same time? 17 A. No. Way later, because of all the -- 18 Q. But you think that they were originally part of 19 the design with the pool that was submitted for the -- 20 A. The putting greens? 21 Q. Yes. 22 A. Yes. 23 Q. Were submitted for approval? 24 A. Yes. 25 Q. Did you do, because of the delay in time, a</p>

<p style="text-align: right;">Page 110</p> <p>1 separate ARC approval again for the putting greens? 2 A. No. 3 Q. Where are the putting greens? Are they on the 4 side of the house? Behind a gate, or are they -- 5 A. So they are directly behind the front courtyard 6 wall facing east. 7 Q. Okay. Can they be seen easily from the street? 8 A. No. Not really. There's a gate. 9 Q. A gate that blocks the view? 10 A. Yes. 11 Q. Okay. Pavers. Putting green. Any other 12 improvements? 13 A. Irrigation system. Complete irrigation system. 14 Q. Did you change the planting when you changed the 15 irrigation system? 16 A. I'm sure I did. A lot of things died during 17 that process. 18 Q. Did you -- sorry. 19 A. It's okay. 20 Q. When I say "replace," did you change? Do you 21 recall changing, redesigning, adding anything to the 22 landscape plan -- 23 A. Yes. 24 Q. -- for that irrigation refresh? 25 A. Yes. Yeah.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. No. No. 2 Q. All right. We will call it the irrigation 3 debauchery. 4 A. Mm-hmm. 5 Q. Anything, other additions, remodels or changes 6 after that? 7 A. Yeah. I think about, maybe, eight months to a 8 year later, we covered the putting greens with a lattice 9 patio cover. 10 Q. Okay. Architectural submission? 11 A. Yes. 12 Q. Okay. Who submitted that? 13 A. Beat the Heat. 14 Q. Same guys that did the other part of the 15 backyard? 16 A. Yeah. And pulled the permits. 17 Q. All right. And that, to your knowledge, was 18 approved and done? 19 A. Yes. 20 Q. Okay. Next improvement or addition? 21 A. Now I'm probably getting into the trim on the 22 house, maybe. 23 Q. We have talked about that. 24 A. Okay. 25 Q. Anything other than the trim on the house?</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Okay. Did you submit an ARC for that? 2 A. No. 3 Q. All right. Do you recall generally what it was 4 that you -- the changes that may have been made? 5 A. Well, I had to remove a probably 13-year-old 6 pepper tree on the east side of the yard. 7 I had to completely redo the landscaping and 8 the rock in the front and rip out the fake turf that 9 was there. 10 I repurposed and replanted the oleanders to 11 the side of the yard once the irrigation system was in 12 place. And planted, I think, a palm, a Mexican fan in 13 the front yard. 14 Q. And all of that was done for the, we will call 15 it the irrigation -- 16 A. Debauchery. 17 Q. Debauchery or redo. Whatever. 18 A. Right. 19 Q. Okay. And did you ever get a notice for those 20 architectural changes -- 21 A. No. 22 Q. -- to the front? 23 A. No. 24 Q. Have you ever been fined, to your knowledge, for 25 those architectural landscape changes?</p>	<p style="text-align: right;">Page 113</p> <p>1 MR. ELSON: And Ted, just to be clear, 2 you're talking the exterior of the house. Right? I 3 mean, you're not -- 4 MR. BOYACK: Yeah. I'm talking about. 5 THE WITNESS: I -- I -- oh, shoot. 6 In 2022, I got a \$4,000 water bill and realized 7 that my main pipe from the house to the curb had burst 8 and wasted a lot of water. 9 So I had to have that -- my entire front yard 10 ripped up again and the whole system replaced. And a 11 reroute done through the garage. So that -- I mean, 12 that was the next thing that happened. And it changed 13 the front yard. 14 BY MR. BOYACK: 15 Q. Okay. Did you do an ARC submission for those 16 changes? 17 A. No. 18 Q. Any reason why? 19 A. No. 20 Q. What kind of changes do you think occurred to 21 the yard from that 2022 main break? 22 A. Oh, there was huge water damage in the earth. 23 The earth had completely given way. 24 The surface was sloping because the water had 25 deteriorated. But so I had -- I had to basically redo</p>

Andrea Collier ~ October 24, 2023

* * * Videotaped Deposition * * *

30 (Pages 114 to 117)

<p style="text-align: right;">Page 114</p> <p>1 the whole front yard. One portion of the front yard 2 that was in front of the main valve and pipes running 3 to the house. 4 Q. Did you change sort of the landscaping nature 5 when you did that? 6 A. I did. 7 Q. Okay. Just so I understand, when you say it was 8 sloping and because of the dirt deterioration, was that 9 actually in your front yard area? 10 A. Yes. 11 Q. It had partially collapsed or deteriorated it? 12 A. Yes. 13 Q. So you had to build that back up and redo it? 14 A. Yeah. Yes. 15 Q. Can you remember kind of generally what was 16 changed in that 2022 repair as far as landscaping? 17 A. Yeah. It was red, thicker landscape rock with a 18 Mexican fan. I think there was some cactus. And all 19 that red, thick landscape rock had to be removed. All 20 the cactus had to be removed. 21 The only thing I think that was salvable was 22 the Mexican fan at the time. But everything had to be 23 redone. 24 Q. Redone? 25 A. Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 association. Is that a fair statement? 2 A. Yes. 3 Q. Now, you have also brought an action against 4 Pennie personally as well as the Anthem board. Correct? 5 A. Yes. 6 Q. So I want to ask you a question as it relates to 7 the Anthem board and Pennie, as well. So this gets 8 complicated because Pennie is a board member. Correct? 9 A. Mm-hmm. Yes. 10 Q. Who is acting with the board. So I just want to 11 try to make the record clear on this point. 12 You indicated at some point when you got a 13 notice from the City that you believed you were being 14 targeted at that point; is that a fair statement? 15 A. Yes. 16 Q. And that you believe that Pennie was the 17 individual who was behind that targeting? 18 A. Yes. 19 Q. Now, as it relates to the board, do you know if 20 anyone else on the board, other than Pennie, was involved 21 in that process with the City of Henderson? 22 A. No. 23 Q. Okay. Same thing about management. Do you know 24 if management knew about that process, that she was 25 communicating with City of Henderson?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Redone. Sorry. 2 So that was 2022. Anything to current? 3 A. Besides the paint, no. 4 Q. With regard to the interior of your home -- 5 strike that. 6 With regard to your backyard, is there 7 anything major you've done in the backyard that we 8 haven't discussed already? 9 A. No. 10 Q. In the interior of your home, have you done any 11 major remodels or reconstruction in the interior of your 12 home since you've moved in? 13 A. No. I just recently put some rock around the 14 fireplace. 15 Q. Yeah. But I'm talking major -- 16 A. Structural? 17 Q. -- structural changes? 18 A. No. 19 Q. Room changes? 20 A. No. No. No. 21 Q. Okay. You indicated in your Complaint, and we 22 will go through -- either I or Derek will go through the 23 Complaint in a little bit more detail. 24 But you've indicated generally as part of this 25 lawsuit that you believe you have been targeted by the</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Management, as in? Terra West? 2 Q. Terra West. Yeah. 3 A. No. I don't know. 4 Q. Subsequently after you believed you were being 5 targeted with the City of Henderson incident, do you 6 believe you were being targeted when you received these 7 other notices, as well, regarding your noncompliance with 8 the architectural standards? 9 A. I do. 10 Q. And do you have any opinion as to whether that 11 targeting was coming specifically from Pennie or from the 12 board, generally, or from any other board members, if you 13 know? 14 A. I can tell you that Jason Esau told me that 15 Pennie was the one who was relentless with her phone 16 calls to the City of Henderson demanding that I be fined 17 and that the oleanders be removed. 18 Q. Fair enough. I appreciate that. 19 But you also received other notices of paint 20 and flagpole. Correct? And you believe those are also 21 part of your targeting harassment claim? 22 A. I do. 23 Q. So my question is: I just want to understand if 24 there were other board members or someone else that you 25 have knowledge of or somehow involved in that or you</p>

<p style="text-align: right;">Page 118</p> <p>1 believe had a hand in that other than Pennie?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. And why do you believe Pennie specifically, if</p> <p>4 you know, may have been targeting or harassing you at</p> <p>5 that point?</p> <p>6 A. Well, I think Pennie became upset after I went</p> <p>7 over her head to Terra West because nothing was getting</p> <p>8 done.</p> <p>9 Q. Okay.</p> <p>10 MR. NOACK: Sorry.</p> <p>11 MR. BOYACK: What happened?</p> <p>12 MR. NOACK: It was a clip.</p> <p>13 MR. ELSON: Derek's throwing things at</p> <p>14 me.</p> <p>15 MR. BOYACK: It's a weird sound.</p> <p>16 BY MR. BOYACK:</p> <p>17 Q. All right. So we have talked about the other</p> <p>18 notices. Right?</p> <p>19 A. Mm-hmm.</p> <p>20 Q. And the City of Henderson --</p> <p>21 A. Mm-hmm.</p> <p>22 Q. -- notices.</p> <p>23 Anything else that were actions of either</p> <p>24 Pennie or Anthem that you believe demonstrate the</p> <p>25 targeting or harassment other than the notices you</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. When was the -- who have you talked to about the</p> <p>2 fact that you felt you've been targeted and harassed</p> <p>3 other than your attorney? We have also mentioned maybe</p> <p>4 some of these other homeowners. Okay.</p> <p>5 But who else have you talked to and told, I</p> <p>6 feel I've been targeted by the association?</p> <p>7 A. Mainly Tim.</p> <p>8 Q. Okay. You haven't publicized that or posted it</p> <p>9 anywhere, to your knowledge?</p> <p>10 A. No.</p> <p>11 Q. Do you think you told Danielle specifically that</p> <p>12 you felt you were targeted, if you recall?</p> <p>13 A. No, I don't think so.</p> <p>14 Q. How about Judy?</p> <p>15 A. Oh, Judy has formed her own opinions about all</p> <p>16 of this.</p> <p>17 Q. Let's talk about damages for a moment.</p> <p>18 When I say "damages," I mean what it is you</p> <p>19 think how you've been harmed as part of this process --</p> <p>20 how you've been harmed by the actions of Anthem and/or</p> <p>21 Pennie. All right?</p> <p>22 So I'm just going to ask you generally what is</p> <p>23 your understanding of what you believe is the harm or</p> <p>24 the damages or loss that you have incurred as a result</p> <p>25 of the actions of Anthem and Pennie and targeting you?</p>
<p style="text-align: right;">Page 119</p> <p>1 received for those violations?</p> <p>2 Was there anything else that occurred where</p> <p>3 you said, I believe that shows or makes me feel like</p> <p>4 I'm being targeted?</p> <p>5 A. All of the violations that I received came right</p> <p>6 in sequence right after the time I spoke to Carmen Eassa.</p> <p>7 And I had never had any violations prior to that time.</p> <p>8 Q. Okay. Fair. I appreciate that.</p> <p>9 Anything else other than that?</p> <p>10 A. No.</p> <p>11 Q. Okay. So when we talk about the targeting and</p> <p>12 the harassment, your belief that demonstrates that that</p> <p>13 occurred is the City of Henderson investigation and the</p> <p>14 fact that all these other two -- oleander, paint, and the</p> <p>15 flagpole issues were coming at you at -- in a close</p> <p>16 proximity of time; is that fair?</p> <p>17 A. Yes.</p> <p>18 Q. Have you, at any point after the City of</p> <p>19 Henderson issue commenced, gone back yourself and talked</p> <p>20 to the board or anyone on the board about your concerns</p> <p>21 about targeting and harassment?</p> <p>22 A. No.</p> <p>23 Q. How about management, Terra West or Carmen?</p> <p>24 A. No. Carmen told me that I can't talk to her</p> <p>25 anymore.</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Well, I've been basically forced to hire legal</p> <p>2 to protect myself and my property. You know, my quality</p> <p>3 of life has changed quite drastically. Because, you</p> <p>4 know, when you're spending this type of money on legal</p> <p>5 fees, you can't go out and do the things that you want to</p> <p>6 do anymore.</p> <p>7 Fearful about losing my home. I can't sleep</p> <p>8 anymore. Stomachaches, headaches. Health reasons have</p> <p>9 come up. Those types of things. A lot of anxiety.</p> <p>10 Q. Okay. I see that you're getting emotional.</p> <p>11 So tell me a little bit -- tell me a little</p> <p>12 bit about why you feel -- your fear about losing your</p> <p>13 home.</p> <p>14 A. Because of the attorney's fees and the fines.</p> <p>15 Q. Okay. When you say because of the attorney's</p> <p>16 fees, what do you mean by that?</p> <p>17 A. I have to pay my attorney to protect myself from</p> <p>18 you.</p> <p>19 Q. Okay. And you say that -- you mentioned some</p> <p>20 health issues. What health issues are you referring to?</p> <p>21 A. I developed high blood pressure over the last</p> <p>22 six months. Stomachaches. Headaches. Not sleeping.</p> <p>23 Extreme anxiety.</p> <p>24 Q. And do you believe that those conditions are all</p> <p>25 related to your stress related to this case?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Yeah. I do. I've never felt this way before. 2 Q. You've never had any problems sleeping? 3 A. No. Huh-uh. No. 4 Q. Never headaches? 5 A. Huh-uh. 6 Q. Never had any stomachaches? 7 A. Never. I'm healthy. 8 Q. Extreme anxiety? 9 A. No. 10 Q. So you say this has just started in the last 11 six months? 12 A. Mm-hmm. 13 Q. Why didn't it begin earlier? 14 A. I don't know. 15 Q. Is there anything in particular that's got you 16 most concerned or that may have triggered some of this 17 anxiety in the last six months? I guess what I'm really 18 getting at is maybe attorney fee pressure. 19 A. No. It's not -- well, you know. You have to 20 pay your attorney. I have to pay him to protect me from 21 you guys. 22 Pennie gets to hide behind you. I don't have 23 anybody to hide behind. And I'm paying for all of 24 this, and it's unnecessary. 25 Q. Do you believe that the pain of attorney's fees</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Or you would have to just clear up the issue of 2 the liens. Right? 3 A. I think it's a little late for that. 4 Q. Why do you think it's a little late for that? 5 A. We're -- we're already down the rabbit hole. 6 Q. Okay. Let's talk about those liens or I don't 7 know if they have gone to actual lien or not. 8 But let's just talk about those fines dealing 9 with the flagpole and the trim. I mean, it's fair to 10 say that those fines are part of creating some anxiety 11 in you that's pretty significant; is that fair? 12 A. Sure. 13 Q. So you would want, I would think, to resolve the 14 flagpole or at least the flagpole and the trim issue 15 since you're continuing to be fined. Correct? 16 A. No. 17 Q. You don't want to resolve them? 18 A. Not at this time. No. 19 Q. And why not? 20 A. Because we should have sat together calmly and 21 professionally when all this began and people could have 22 communicated with me professionally instead of attacking 23 me and harassing me. 24 Q. Okay. So because of the way this has 25 transpired, you're not interested in trying to resolve</p>
<p style="text-align: right;">Page 123</p> <p>1 has put you in a financial stress? 2 A. It could. It eventually could. Yeah. My 3 company can't expand and grow like it has been. 4 Everything has been put on hold. So the company is 5 suffering, too. 6 Q. Do you have any idea how much you've actually 7 paid your attorney? Actual payments? 8 A. It's got to be over a hundred thousand dollars. 9 Q. That you've actually paid? 10 A. Yes. 11 Q. Tell me -- we were talking about the physical 12 ailments as part of your damage claim. The attorney's 13 fees. You said you're losing the house -- you indicated 14 that's more about the attorney fees and fines. 15 Can you explain that a little bit more why you 16 feel that way? 17 A. Well, I wouldn't want to lose my house because 18 of this case. 19 Q. Right. What kind of fear do you have -- I mean, 20 why do you feel that you would lose your house because of 21 this case? I just want to connect -- 22 A. Well, the fines that Anthem Highlands has 23 imposed, those are technically a lien against my 24 property. So if I wanted to sell my property, I 25 couldn't.</p>	<p style="text-align: right;">Page 125</p> <p>1 with the association those two issues with the fines. 2 Correct? 3 A. Correct. 4 Q. When you say instead of -- sorry. I don't want 5 to put words in your mouth. 6 But I think you talked about we're not 7 communicating with you, but we're instead, you know -- 8 tell me a little bit more what you mean by that as it 9 relates to the flagpole and the trim, if you can 10 separate that out. 11 A. Well, I can use the oleanders as an example. 12 Q. Okay. 13 A. Pennie originally asked me to trim back the 14 oleanders, and I did. 15 And then I also trimmed them back to the 16 height that the City of Henderson wanted them prior to 17 our hearing. 18 Okay. So I was asked nicely, politely to do 19 that instead of being attacked and threatened with 20 fines. 21 Q. Okay. So when you -- you say you've been 22 attacked or threatened with fines. You're talking about 23 the process the association has to enforce fines? 24 A. Why all of the sudden? Flag's been there since 25 2017? The body of the house has been painted since 2018.</p>

<p>Page 126</p> <p>1 The trim since 2020. Why all of the sudden the attacks?</p> <p>2 Q. Okay. Do you know as you sit here today who</p> <p>3 actually noticed those violations and instigated their</p> <p>4 production of a notice or courtesy notice to you?</p> <p>5 A. Well, I know for sure the oleanders were Pennie.</p> <p>6 Q. Okay. The trim and the flagpole, do you know?</p> <p>7 A. One can only assume. They came rolling in every</p> <p>8 month.</p> <p>9 Q. Okay. You do not, as you sit here today,</p> <p>10 though, have any inside information or facts as to the</p> <p>11 origins of those two other compliance issues?</p> <p>12 A. No. Huh-uh.</p> <p>13 MR. BOYACK: Take a break for a minute.</p> <p>14 MR. ELSON: Sure.</p> <p>15 THE VIDEOGRAPHER: The time is</p> <p>16 approximately 1:23 p.m. We are going off the record.</p> <p>17 (Brief Recess.)</p> <p>18 THE VIDEOGRAPHER: The time is</p> <p>19 approximately 1:23 p.m. We are back on the record.</p> <p>20 BY MR. BOYACK:</p> <p>21 Q. We were talking about damages a little bit.</p> <p>22 So I want to explore just if we can this idea</p> <p>23 that you're talking about anxiety that's really come on</p> <p>24 over the last six months.</p> <p>25 You've been dealing with these issues for more</p>	<p>Page 128</p> <p>1 Q. Have you heard from anyone else that Ms. Puhek</p> <p>2 or anyone else on the board has made any such comments,</p> <p>3 that they are trying to bankrupt you?</p> <p>4 A. No.</p> <p>5 Q. Anything else that you think has contributed to</p> <p>6 the increased anxiety over the last six months?</p> <p>7 A. Not that I can think of off the top of my head.</p> <p>8 I know, you know, me developing health issues is a</p> <p>9 problem for me because I've never been sick.</p> <p>10 Q. Have you seen a medical personnel at all --</p> <p>11 A. Yes.</p> <p>12 Q. -- to diagnose your conditions?</p> <p>13 Have they stated that they believe they are</p> <p>14 related to your stress --</p> <p>15 A. They believe --</p> <p>16 Q. -- in this case?</p> <p>17 A. -- a lot of it is stress-related.</p> <p>18 Q. Did they specifically, to your knowledge -- or</p> <p>19 do you have any medical records or any medical evidence</p> <p>20 that's related to this case?</p> <p>21 A. Not at this time.</p> <p>22 Q. Now, and specifically, what kind of diagnosis</p> <p>23 are we talking about? For the stomach you've mentioned?</p> <p>24 Is there any other physical ailment that</p> <p>25 you're talking about?</p>
<p>Page 127</p> <p>1 than two years now, as far as when they first started?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Do you have any sense or idea why</p> <p>4 just in the last six months you feel that it's become a</p> <p>5 lot more physically and emotionally difficult for you?</p> <p>6 A. Well, maybe some of it has to do with Mr. Woo's</p> <p>7 testimony. Him stating that Pennie was going to run up</p> <p>8 the attorney's fees and bankrupt me. That's kind of</p> <p>9 alarming, if that's the plan.</p> <p>10 Q. And when did he say that?</p> <p>11 A. In his deposition.</p> <p>12 Q. And you believe that sort of was part of what</p> <p>13 triggered your response that you're currently dealing</p> <p>14 with?</p> <p>15 A. No. I think over time this case has ramped up,</p> <p>16 and it's gotten more intense, and there's more parts to</p> <p>17 it and more time being spent on it.</p> <p>18 But certainly having a former board member</p> <p>19 state that Pennie's intent is to bankrupt me by running</p> <p>20 up the attorney's fees is pretty alarming.</p> <p>21 Q. And that you say came from his deposition</p> <p>22 testimony when he was deposed?</p> <p>23 A. It did.</p> <p>24 Q. You assume that statement is true?</p> <p>25 A. Oh, yes. 100 percent.</p>	<p>Page 129</p> <p>1 A. Developing high blood pressure.</p> <p>2 Q. Okay.</p> <p>3 A. Lack of sleep. Anxiety. Those are some of the</p> <p>4 big ones.</p> <p>5 Q. I want to go back just when you talked about</p> <p>6 that statement that Mr. Woo, you indicated, made in his</p> <p>7 deposition, and you believe it 100 percent.</p> <p>8 You do understand that people when comments</p> <p>9 are made and significant time later are trying to</p> <p>10 regurgitate or explain what someone said, that those</p> <p>11 statements could be inaccurate -- could sometimes be</p> <p>12 inaccurate? Correct?</p> <p>13 A. No. I don't believe his statement was</p> <p>14 inaccurate.</p> <p>15 Q. All right. So you don't believe that it</p> <p>16 could -- if any such statement was ever made, that the</p> <p>17 statement could have been, you know, that these cases can</p> <p>18 get expensive, that the attorney's fees can get</p> <p>19 expensive, that it could have financial consequences for</p> <p>20 her, just making that statement couldn't be confused with</p> <p>21 what you're thinking?</p> <p>22 A. He stated that Pennie made that statement early</p> <p>23 on at the beginning of the lawsuit when I hired Tim.</p> <p>24 Q. So you believe that her statement was very</p> <p>25 specific, and you believe him that she was going to</p>

<p style="text-align: right;">Page 130</p> <p>1 bankrupt you through this case?</p> <p>2 A. Yes.</p> <p>3 Q. Is there any other statements that you believe</p> <p>4 you've heard from any sources that are of a similar</p> <p>5 nature, that Pennie is trying to harm you in some way</p> <p>6 through this case financially?</p> <p>7 A. No.</p> <p>8 Q. So really, it's mostly that statement from</p> <p>9 Mr. Woo that you heard in his deposition?</p> <p>10 A. Yes.</p> <p>11 Q. Any other -- we talked about the damages</p> <p>12 generally. You indicated you were not interested in --</p> <p>13 at this juncture in trying to resolve the fines on the</p> <p>14 painting and the flagpole. Do you remember that</p> <p>15 testimony?</p> <p>16 A. Yes.</p> <p>17 Q. As you sit here today, do you know what you</p> <p>18 might be able to do to come into compliance with the</p> <p>19 governing documents in an effort to have those fines</p> <p>20 removed?</p> <p>21 MR. ELSON: Objection. Form. Assumes</p> <p>22 facts not in evidence.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MR. BOYACK:</p> <p>25 Q. Okay. Have you inquired in detail as to what</p>	<p style="text-align: right;">Page 132</p> <p>1 oleanders right now?</p> <p>2 A. Probably about 3 feet. Three or three and a</p> <p>3 half feet.</p> <p>4 Q. Okay. Do you recognize or understand that the</p> <p>5 association itself may have different rules or even more</p> <p>6 restrictive rules than the City of Henderson when it</p> <p>7 comes to landscaping or safety -- health safety issues?</p> <p>8 A. Possibly.</p> <p>9 Q. So you would recognize that if the City of</p> <p>10 Henderson had a certain standard, that does not</p> <p>11 necessarily mean that Anthem Highlands might be --</p> <p>12 through its governing documents and rules, might be able</p> <p>13 to apply a different standard?</p> <p>14 A. I would think if it had to do with a traffic</p> <p>15 obstruction, Anthem Highlands wouldn't have a say so at</p> <p>16 that point.</p> <p>17 Q. Okay. As we sit here today on those oleander</p> <p>18 bushes, you would acknowledge that there is no</p> <p>19 architectural submission for their planting. Correct?</p> <p>20 A. Where they are today or where they are, period?</p> <p>21 Q. Yeah.</p> <p>22 A. Where they were in the yard --</p> <p>23 Q. Sorry. I did not mean to cut you off.</p> <p>24 A. No. It's okay.</p> <p>25 What are you talking about exactly? When they</p>
<p style="text-align: right;">Page 131</p> <p>1 you might be able to do in order to come into compliance</p> <p>2 with the paint and flagpole issues?</p> <p>3 MR. ELSON: Objection. Form. Assumes</p> <p>4 facts not in evidence.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MR. BOYACK:</p> <p>7 Q. Just give me a minute. I'm going to look at my</p> <p>8 notes, and I may give Derek some time.</p> <p>9 MR. ELSON: I'm sorry. I wasn't wearing</p> <p>10 my microphone. Did that -- I'll put it on now. These</p> <p>11 videotaped depositions don't happen too often.</p> <p>12 MR. NOACK: Every plaintiff case I have.</p> <p>13 BY MR. BOYACK:</p> <p>14 Q. With regard to the oleanders, did the City of</p> <p>15 Henderson tell you that they wanted to maintain a certain</p> <p>16 height for those oleanders so they would not become a</p> <p>17 view obstruction?</p> <p>18 A. I believe they did, but it was prior to the City</p> <p>19 of Henderson traffic engineer's determination.</p> <p>20 Q. Okay. So as you sit there -- as we sit here</p> <p>21 today, you believe that there is no requirement by the</p> <p>22 City of Henderson to keep those oleanders at a certain</p> <p>23 level?</p> <p>24 A. Correct.</p> <p>25 Q. For instance, today, how high are those</p>	<p style="text-align: right;">Page 133</p> <p>1 were originally planted in --</p> <p>2 Q. No, no. I'm talking about the ones that are</p> <p>3 there now. Those that are sitting there now, you</p> <p>4 acknowledge that there is no architectural submission for</p> <p>5 their planting?</p> <p>6 A. There was. It was declined, I believe.</p> <p>7 Q. Okay. And that came after you received notice,</p> <p>8 though. Correct?</p> <p>9 A. Yes.</p> <p>10 MR. BOYACK: Fair enough. Very good.</p> <p>11 Thanks for that clarification. All right. With that,</p> <p>12 I will pass the witness.</p> <p>13 EXAMINATION</p> <p>14 BY MR. NOACK:</p> <p>15 Q. All right. Hi. Good afternoon, ma'am. I</p> <p>16 previously introduced myself to you, but I'm Derek Noack.</p> <p>17 I'm an attorney. I represent Ms. Mossett-Puhek in this</p> <p>18 case. Thank you for your time today.</p> <p>19 MR. ELSON: Derek, before you proceed.</p> <p>20 How does it look on camera? Does it look fine</p> <p>21 with her facing Mr. Noack?</p> <p>22 THE VIDEOGRAPHER: Oh, yeah. It's fine.</p> <p>23 MR. ELSON: I just want to make sure that</p> <p>24 everybody is properly situated with the camera and</p> <p>25 everything looks fine.</p>

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* * * Videotaped Deposition * * *

35 (Pages 134 to 137)

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<p>1 MR. NOACK: Fair.</p> <p>2 MR. ELSON: Please continue. I didn't</p> <p>3 mean to interrupt.</p> <p>4 MR. NOACK: No worries.</p> <p>5 BY MR. NOACK:</p> <p>6 Q. Just a couple background items.</p> <p>7 In preparation for today's deposition, in</p> <p>8 general, what did you do to prepare for today?</p> <p>9 A. Not much. Read through the original Complaint.</p> <p>10 Q. And have you read through the Amended Complaint</p> <p>11 that was recently filed?</p> <p>12 A. Briefly.</p> <p>13 Q. And is your understanding that the allegations</p> <p>14 that are still in the Amended Complaint are factually</p> <p>15 accurate?</p> <p>16 A. I don't know what you're referring to.</p> <p>17 Q. We will go through it.</p> <p>18 A. All right.</p> <p>19 Q. But what I'm saying is that my understanding,</p> <p>20 the original Complaint was filed --</p> <p>21 A. Mm-hmm.</p> <p>22 Q. -- some time ago. And then Amended Complaint</p> <p>23 just went in about a week or two ago. I just didn't know</p> <p>24 if any of the facts had either been more developed or</p> <p>25 changed?</p>	<p>1 A. No.</p> <p>2 Q. Like your roommate?</p> <p>3 A. No.</p> <p>4 Q. Did you speak with her about it?</p> <p>5 A. Huh-uh.</p> <p>6 Q. And then how about -- some of the witnesses that</p> <p>7 we -- or some of the individuals we have talked about</p> <p>8 today. For example, Ms. Hendrickson, did you speak with</p> <p>9 her, that you were going to give a deposition?</p> <p>10 A. No.</p> <p>11 Q. And Ms. Gallant?</p> <p>12 A. No.</p> <p>13 Q. Did you speak with her?</p> <p>14 So no one else knows about the deposition</p> <p>15 today other than your attorney?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Are -- do you take any medication</p> <p>18 regularly?</p> <p>19 A. None.</p> <p>20 Q. None. Multivitamin? Anything at all like that?</p> <p>21 A. I take a vitamin.</p> <p>22 Q. But --</p> <p>23 A. Once in a while when I remember.</p> <p>24 Q. But no prescription medication?</p> <p>25 A. None. None.</p>
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<p>1 A. I don't know. I didn't read it.</p> <p>2 Q. Okay. So you haven't read the Amended</p> <p>3 Complaint?</p> <p>4 A. Not really -- I know I skimmed through it. I</p> <p>5 haven't had time to thoroughly read it.</p> <p>6 Q. Other than the Amended Complaint, are there any</p> <p>7 other documents that you reviewed for today's deposition?</p> <p>8 A. Not really.</p> <p>9 Q. And did -- just for the record, did you bring</p> <p>10 any documents to today's deposition?</p> <p>11 A. No. Huh-uh.</p> <p>12 Q. And then I don't want to know about any actual</p> <p>13 communications you had with your attorney, but I'm</p> <p>14 assuming that you met with your attorney to prepare for</p> <p>15 today's deposition?</p> <p>16 A. I spoke to him about it.</p> <p>17 Q. Spoke to him?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. When was that meeting?</p> <p>20 A. Spoke to him -- what is today? I spoke to you</p> <p>21 Friday -- I spoke to him Friday.</p> <p>22 Q. So last Friday?</p> <p>23 A. Last Friday.</p> <p>24 Q. Okay. And did you speak with anyone else about</p> <p>25 today's deposition?</p>	<p>1 Q. And have you ever had to take prescription</p> <p>2 medication?</p> <p>3 A. No.</p> <p>4 Q. So your multivitamins aren't going to impair</p> <p>5 your memory today?</p> <p>6 A. No.</p> <p>7 Q. Correct?</p> <p>8 All right. Now I want to go back. Why did</p> <p>9 you retain your attorney originally in this case?</p> <p>10 A. To represent me against Terra West and Pennie.</p> <p>11 Q. And was that in response to the -- was it the</p> <p>12 oleander violation? Or what was the first item --</p> <p>13 A. It was the oleanders to begin with.</p> <p>14 Q. And so the first time, and I'm just trying to</p> <p>15 get my bearings on dates, it was about early 2021? Like</p> <p>16 March or April 2021?</p> <p>17 A. March.</p> <p>18 Q. And when you got that, was it a courtesy notice</p> <p>19 that you received for the oleanders?</p> <p>20 A. The courtesy notice was received in April of</p> <p>21 2021.</p> <p>22 Q. That's about the time that you retained</p> <p>23 Mr. Elson?</p> <p>24 A. Mm-hmm -- I believe so. I believe. I don't</p> <p>25 know the exact date.</p>

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* * * Videotaped Deposition * * *

36 (Pages 138 to 141)

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<p>1 Q. Best estimate?</p> <p>2 A. Probably around that time.</p> <p>3 Q. Okay. And the -- was the original purpose of</p> <p>4 retaining Mr. Elson, that was to essentially represent</p> <p>5 you at that hearing or just with respect to the oleander</p> <p>6 issue?</p> <p>7 A. With respect to the oleanders.</p> <p>8 Q. Okay. And when did you decide to file a lawsuit</p> <p>9 against Anthem and Ms. Mossett-Puhek? Did that come much</p> <p>10 later?</p> <p>11 A. Yeah. After I was able to determine that the</p> <p>12 notices that I was receiving, I felt I was being targeted</p> <p>13 and harassed because I had never had anything sent to me</p> <p>14 or filed against my property prior to that.</p> <p>15 Q. And do you know how many homes are in the, you</p> <p>16 know, the Anthem community?</p> <p>17 A. Approximately -- I think 1,600, approximately.</p> <p>18 Q. And so you understand that sometimes there are</p> <p>19 things that may be out of compliance that just aren't</p> <p>20 noticed right away; is that fair?</p> <p>21 A. I'm not sure how the process works.</p> <p>22 Q. And you're not sure, again, with respect to your</p> <p>23 specific -- your courtesy notices or notices of</p> <p>24 violation, you know, who reported it or took the</p> <p>25 photographs or anything like that?</p>	<p>1 A. Yes. Yes.</p> <p>2 Q. Okay. All right. And then sorry if this has</p> <p>3 already been asked. But have you ever filed a lawsuit</p> <p>4 before?</p> <p>5 A. Sure. Yes.</p> <p>6 Q. When was the first -- or how many lawsuits have</p> <p>7 you filed?</p> <p>8 A. I think three, maybe four.</p> <p>9 Q. When was the first lawsuit that you filed?</p> <p>10 A. Oh, boy. I think back in, maybe, 1995, it was a</p> <p>11 construction defect lawsuit.</p> <p>12 Q. And where did you file that construction --</p> <p>13 A. In Las Vegas.</p> <p>14 Q. Do you remember what the community was called?</p> <p>15 A. It was -- no. It was construction defect on a</p> <p>16 building.</p> <p>17 Q. Was it a commercial building?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you remember the address of the</p> <p>20 building or name of the building?</p> <p>21 A. It was on Annie Oakley. It was dirt. So I</p> <p>22 don't really remember the address.</p> <p>23 Q. Was it like a grading?</p> <p>24 A. It was -- no. It was dirt. We were going to</p> <p>25 build a building.</p>
Page 139	Page 141
<p>1 A. In reference to which situation?</p> <p>2 Q. Well, start with the oleanders.</p> <p>3 A. Oleanders?</p> <p>4 Q. Yeah.</p> <p>5 A. Well, I'm pretty sure that that was Pennie and</p> <p>6 the City of Henderson to start with.</p> <p>7 Q. And you had -- I think you testified earlier</p> <p>8 that the Earlstone president had also reported a</p> <p>9 potential issue with the oleanders at that time?</p> <p>10 A. That was only communicated to me through Pennie,</p> <p>11 that that was the case. I don't know that for a fact.</p> <p>12 Q. Okay. All right. And then -- strike that.</p> <p>13 So now, as I've been listening to your</p> <p>14 testimony today, it seems after the time that you</p> <p>15 retained Mr. Elson as your attorney, any time something</p> <p>16 came in, you kind of shifted it to Mr. Elson; is that</p> <p>17 fair?</p> <p>18 A. Correct.</p> <p>19 Q. And did you have any documented responses,</p> <p>20 emails, or text messages that you had sent to anyone</p> <p>21 that's associated with the Anthem board following the</p> <p>22 time you retained your attorney?</p> <p>23 A. No.</p> <p>24 Q. And so were you mainly just relying on your</p> <p>25 attorney to handle the issues that came in?</p>	<p>1 Q. And just generally, what was the nature of the</p> <p>2 lawsuit? That lawsuit?</p> <p>3 A. Oh, so it was construction -- technically</p> <p>4 construction defect.</p> <p>5 Our investor backed out of the loan with the</p> <p>6 bank, so the builder and our company engaged in some</p> <p>7 litigation for a while.</p> <p>8 Q. And were you the plaintiff in that lawsuit or</p> <p>9 was it your company?</p> <p>10 A. It was -- the company that I was involved with</p> <p>11 was actually the defendant. So the builder filed the</p> <p>12 lawsuit.</p> <p>13 Q. Okay. So you were -- you were involved in a</p> <p>14 lawsuit --</p> <p>15 A. Yes.</p> <p>16 Q. -- as a defendant --</p> <p>17 A. Yes.</p> <p>18 Q. -- for the 1994 case?</p> <p>19 A. Yeah.</p> <p>20 Q. So when you said, I think I had asked had you</p> <p>21 ever filed a lawsuit before. You said three or four.</p> <p>22 That first lawsuit was at -- you were a defendant?</p> <p>23 A. I was a defendant. Yes.</p> <p>24 Q. Okay. So you were involved.</p> <p>25 And I imagine that case ultimately came to</p>

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<p>1 some sort of resolution?</p> <p>2 A. It did.</p> <p>3 Q. Did it go to trial?</p> <p>4 A. No.</p> <p>5 Q. Did you have to give a deposition in that case?</p> <p>6 A. I believe I did.</p> <p>7 Q. Okay.</p> <p>8 A. Yep.</p> <p>9 Q. All right. And then have you ever had -- have</p> <p>10 you ever filed a lawsuit as the plaintiff other than this</p> <p>11 present lawsuit?</p> <p>12 A. Yeah. I did.</p> <p>13 Q. So when was your first plaintiff's lawsuit?</p> <p>14 A. Oh, wow. I want to say maybe 2010, 2011.</p> <p>15 Q. And what happened in that 2010, 2011 case?</p> <p>16 A. I had to file a lawsuit against an individual</p> <p>17 that claimed that my company was theirs, and they tried</p> <p>18 to extort me for a quarter of a million dollars.</p> <p>19 Q. And do you remember the name of the person that</p> <p>20 you sued?</p> <p>21 A. Sure. Rose Marie Cramer.</p> <p>22 Q. And was that in Clark County?</p> <p>23 A. In Clark County, Nevada.</p> <p>24 Q. Can you spell Cramer?</p> <p>25 A. C-r-a-m-e-r.</p>	<p>1 Q. -- including the public statement?</p> <p>2 A. Yes.</p> <p>3 Q. When did that settle, approximately, if you can</p> <p>4 remember? It doesn't have to be exact.</p> <p>5 A. It lasted a couple years. Oh, I'm not really</p> <p>6 sure the exact.</p> <p>7 Q. Sometime 2013 --</p> <p>8 A. Could have been.</p> <p>9 Q. -- ish?</p> <p>10 A. Yeah.</p> <p>11 MR. BOYACK: I'm going to leave the door</p> <p>12 open because it's getting warm. Is that okay with</p> <p>13 everyone?</p> <p>14 THE WITNESS: Sure.</p> <p>15 MR. ELSON: As long as we don't get too</p> <p>16 much background noise for the reporter and the</p> <p>17 videographer, which I'm sure they will let us know if</p> <p>18 they --</p> <p>19 BY MR. NOACK:</p> <p>20 Q. Did you have to give a deposition in the 2011</p> <p>21 case? Were you deposed in that case?</p> <p>22 A. I think I was. Yep. I think I was.</p> <p>23 Q. Can you recall how many times you've been</p> <p>24 deposed?</p> <p>25 A. Probably three.</p>
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<p>1 Q. And it being an extortion -- was that the cause</p> <p>2 of action or do you remember what the claims that you</p> <p>3 brought against Ms. Cramer were in that case?</p> <p>4 A. She claimed she was a partner in my company.</p> <p>5 She was an independent contractor. She got a friend of</p> <p>6 hers, who is an attorney, to send me a letter with a</p> <p>7 lawsuit attached to it. Not filed. But with a cover</p> <p>8 letter basically stating that if I don't give them</p> <p>9 \$250,000, they were going to file a lawsuit.</p> <p>10 So we filed the lawsuit first, and that was</p> <p>11 through Mark Tratos' office.</p> <p>12 Q. Can you spelled Tratos just for the record?</p> <p>13 A. T-r-a-t-o-s. Which is now GT, Greenberg</p> <p>14 Traurig.</p> <p>15 Q. And going back in the 1995 case, did you have an</p> <p>16 attorney to represent you personally in that case?</p> <p>17 A. Yes. It was Mr. Tratos and Chris Austin.</p> <p>18 Q. All right. So for the extortion case, did that</p> <p>19 case go to a trial?</p> <p>20 A. It did not.</p> <p>21 Q. Did it settle or resolve before trial?</p> <p>22 A. They settled and had to make a public apology.</p> <p>23 Q. So there were kind of some conditions or terms</p> <p>24 on the settlement --</p> <p>25 A. Yes.</p>	<p>1 Q. Three times?</p> <p>2 A. Yep.</p> <p>3 Q. This being the fourth or the third?</p> <p>4 A. The third or the fourth.</p> <p>5 Q. Today being the third?</p> <p>6 A. Yeah. Yeah.</p> <p>7 Q. Okay. Okay. All right.</p> <p>8 And then other than the construction defect</p> <p>9 case where you were a defendant and the extortion case</p> <p>10 where you were the plaintiff, what was the next lawsuit</p> <p>11 that you have been involved in?</p> <p>12 A. The next lawsuit was with the Grand Canyon</p> <p>13 Resort Corporation.</p> <p>14 Q. And what type of a case was that with</p> <p>15 Grand Canyon?</p> <p>16 A. Oh, god. It was -- it was business litigation.</p> <p>17 And it had to do with management issues, marketing</p> <p>18 issues. It's hard to explain that one. But anyway.</p> <p>19 Q. Were you the plaintiff in that lawsuit?</p> <p>20 A. Well, I ended up being the plaintiff. Because</p> <p>21 we found out that they tried to -- well, they were</p> <p>22 threatening to file a lawsuit, but we filed a lawsuit</p> <p>23 first in the case.</p> <p>24 Q. And what approximate year or month and year was</p> <p>25 that case filed?</p>

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<p style="text-align: right;">Page 146</p> <p>1 A. I'm going to say 20, maybe '13, '14. 2 Q. So did that case go to a trial? 3 A. It did not. It got settled. 4 Q. And did you give a deposition in that case as 5 well? 6 A. I did. I did. 7 Q. All right. And then other than those three 8 lawsuits, have you ever been involved in any other legal 9 action besides the present suit? 10 A. No. No. 11 Q. All right. Before we go through some specifics. 12 We talked a little bit about Judy -- how did you first 13 come to meet Judy Hendrickson? 14 A. Hmm. Gosh. I think she reached out to me. I 15 think she reached out to me. 16 Q. Was it by -- by phone or by letter -- 17 A. It was by phone. 18 Q. -- through a friend -- 19 A. I think it was by phone. 20 Q. Was it through like your company? Do you know 21 how she got your information? 22 A. No. It had to do with this lawsuit. 23 Q. The present lawsuit? 24 A. Yes. This present lawsuit. 25 Q. Oh, okay. So the first time you met Judy</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. -- or talked to her about -- 2 A. Less, probably. 3 Q. And the time -- the time that she met you at 4 your home, is that the only time you've really met in 5 person? 6 A. Yes. 7 Q. And so everything else has been by -- 8 A. Yes. 9 Q. Is it -- 10 A. Just the phone. 11 Q. Mainly the phone. 12 And have you ever emailed with Judy? 13 A. I don't think so. I don't think so. 14 Q. And then any text messages between you and Judy? 15 A. Yes. 16 Q. And then would all those text messages be 17 essentially from the date of the start of this lawsuit to 18 the present? 19 A. I don't think so. Very few at the beginning of 20 the lawsuit. 21 Q. What I mean is that you wouldn't have texted her 22 before this lawsuit -- 23 A. No, no. 24 Q. -- happened? 25 A. Yeah.</p>
<p style="text-align: right;">Page 147</p> <p>1 Hendrickson, it was as part of the present lawsuit 2 against Anthem? 3 A. Yes. 4 Q. Okay. So when did you meet Judy Hendrickson? 5 A. When -- when was this lawsuit filed? It was 6 probably right around that time. I'm sorry. I don't 7 have -- I should have that date. 8 Q. Sometime about a year ago or so? 9 A. Oh, it was more -- it's more than that. 10 Q. Sometime in 2022, I guess is what I mean. 11 A. Probably. Yes. 12 Q. Okay. And so she -- did she reach out to you 13 because of the lawsuit? 14 A. She did. 15 Q. And what -- do you remember that first 16 conversation you had with her? 17 A. Yeah. She just wanted to let me know that there 18 were many, many homeowners that have gone through, you 19 know, horrible situations with Pennie in the community. 20 And that if I needed any support or anybody to 21 talk to, that there were a lot of people that would 22 support me through the process. 23 Q. And it sounds like you met with her, at least, 24 it was about 15 or more times -- 25 A. I don't think so.</p>	<p style="text-align: right;">Page 149</p> <p>1 MR. ELSON: Let's just -- let's wait for 2 Mr. -- 3 THE WITNESS: I'm sorry. 4 MR. ELSON: -- Noack to ask his question 5 before you answer. Just remember the sign on the 6 laptop. 7 THE WITNESS: Sorry. 8 BY MR. BOYACK: 9 Q. Yeah. And I'll slow you down. Perfectly normal 10 to have it feel conversational, but yeah, the court 11 reporter is going to -- 12 MR. ELSON: You guys are both guilty of 13 it. Okay? 14 MR. NOACK: Yeah, yeah. I don't know 15 about that. 16 BY MR. NOACK: 17 Q. All right. So okay. So have all of your 18 communications with Judy essentially have been about 19 the -- this present lawsuit? 20 A. No. 21 Q. What else have you communicated with Judy? 22 A. About her husband's practice, helping him with a 23 new practice that they are acquiring with some specialty 24 signage. 25 Q. And then you alluded earlier to the fact that</p>

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39 (Pages 150 to 153)

<p>Page 150</p> <p>1 Judy has her opinions about -- with the Anthem HOA and 2 even maybe this lawsuit. How do you know -- how do you 3 know that? Has she told you that? 4 A. No. She's a very strong person, if you've ever 5 met her in person. She's -- I'm sure she can be 6 opinionated, but she is restrained and she just comes 7 across very smart, very sure of herself. 8 That's basically it. She's just -- she 9 doesn't seem to be a gossip or at least she doesn't 10 gossip with me. 11 Q. And have you seen any of her -- or has she 12 posted on platforms like Nextdoor -- 13 A. Yes. 14 Q. -- or these other ones? 15 A. Yes. 16 Q. And about this lawsuit? 17 A. Yes. Yes. 18 Q. What has she posted on Nextdoor about this 19 lawsuit? 20 A. Um, I know -- I think she posted the lawsuit, 21 the filed lawsuit. And I think she posted about 22 attorney's fees, that the community is going to be 23 responsible for all these attorney's fees that are being 24 racked up. 25 And I don't know, kind of, I guess, for people</p>	<p>Page 152</p> <p>1 documents -- 2 A. No. 3 Q. -- with Ms. Hendrickson? 4 A. No. 5 MR. ELSON: Again, let's wait for 6 Mr. Noack -- 7 THE WITNESS: Sorry. 8 MR. ELSON: -- to finish his question 9 before you answer. 10 BY MR. NOACK: 11 Q. When was the last time you spoke with 12 Ms. Hendrickson? 13 A. Probably last week. 14 Q. What did you speak about last week? 15 A. Patrick's Signs. 16 Q. When was the last time you talked about this 17 lawsuit with Ms. Hendrickson? 18 A. Probably the time she visited my home. Yeah. 19 Q. And what -- approximate month and year? 20 A. Oh, it was probably last month. 21 Q. Oh, so as recent as September of 2023? 22 A. I think so. Yeah. 23 Q. But that's the only time you've ever met in 24 person? 25 A. The only time.</p>
<p>Page 151</p> <p>1 to get involved, to learn about the case. 2 Q. And then you testified that she had access to 3 the -- the filings in this case? Is that -- 4 A. She has them. She posted them. 5 Q. And what has she posted specifically? 6 A. I don't know because I tried to open them, and I 7 can't open them. 8 Q. Oh, okay. So it's like an attachment to a -- 9 A. Yeah. Yeah. 10 Q. And do you know -- so you haven't viewed any of 11 the documents that she's posted -- 12 A. No. 13 Q. -- on Nextdoor? 14 A. Huh-uh. 15 Q. And do you know how she would get access to 16 those documents? 17 A. I don't know. Isn't it public record? 18 Q. Well, has she ever told you how she got access 19 to documents -- 20 A. No. 21 Q. -- that aren't on the case docket? 22 A. No. 23 Q. Okay. 24 A. No. 25 Q. And you haven't shared any -- any legal</p>	<p>Page 153</p> <p>1 Q. Okay. Can you just walk me through what the 2 genesis of that meeting was? Did she reach out to you 3 and try to offer support about the lawsuit? Did she have 4 specific -- 5 A. No. 6 Q. -- things she wanted to talk about? 7 A. She just wanted to talk about what she might be 8 doing with NRED and her paint scheme situation. 9 Q. And we talked about that. I guess more -- did 10 she talk about this lawsuit at all at the time that she 11 met with you? 12 A. Not really. 13 Q. And when she mentioned that you would have 14 support from her or others, because you had filed this 15 lawsuit, I mean, has she done anything to support you in 16 this lawsuit? 17 A. No. 18 Q. And so these postings you're talking about on 19 Nextdoor in relation to the lawsuit, is that -- are those 20 things she does on her own, or have you ever asked her to 21 support you in that forum? 22 A. No. 23 Q. So she's done those on her own? 24 A. Yes. 25 Q. Has anyone else posted on Nextdoor about this</p>

<p style="text-align: right;">Page 154</p> <p>1 lawsuit, that you're aware of?</p> <p>2 A. I don't know. There's neighbors that are</p> <p>3 chiming in. I don't know if they are posting, per se. I</p> <p>4 guess responding is posting.</p> <p>5 Q. So they will reply?</p> <p>6 A. They will reply. Yeah.</p> <p>7 Q. And do you know who else is replying to comments</p> <p>8 by Ms. Hendrickson or yourself on --</p> <p>9 A. No.</p> <p>10 Q. You don't know any of those persons?</p> <p>11 A. No.</p> <p>12 Q. And you don't know their names?</p> <p>13 A. I mean, I saw their names. But I don't know who</p> <p>14 they are.</p> <p>15 Q. Okay. So I want to go through some of the facts</p> <p>16 and things in the Complaint because it sound like maybe,</p> <p>17 you know, you haven't read this at least recently, and I</p> <p>18 just want to see if there's anything that's at least</p> <p>19 accurate or inaccurate or anything like that.</p> <p>20 So I guess, first of all, I mean, you</p> <p>21 understand that recently the Terra West property</p> <p>22 management company and Carmen Eassa, an individual,</p> <p>23 have been brought into the lawsuit. Do you understand</p> <p>24 that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 involved were just about that Southwest Gas truck, or was</p> <p>2 it about anything ever?</p> <p>3 A. It was probably in general.</p> <p>4 Q. So essentially you took Ms. Eassa's comment to</p> <p>5 mean that you could never contact her again?</p> <p>6 A. Pretty much.</p> <p>7 Q. And did Ms. Eassa tell you that you could never</p> <p>8 contact her again?</p> <p>9 A. She didn't say that, but she told me she</p> <p>10 couldn't speak to me anymore because there were lawyers</p> <p>11 involved.</p> <p>12 Q. Okay. Understood.</p> <p>13 All right. Now we were talking about the</p> <p>14 oleanders. Is it your position that the oleanders were</p> <p>15 grandfathered into your property or did you plant --</p> <p>16 did you plant them?</p> <p>17 A. Well, as far as Pennie is concerned, they were</p> <p>18 grandfathered in. She told me they were grandfathered</p> <p>19 in.</p> <p>20 Q. And what was -- what was that?</p> <p>21 A. She told me, Don't worry about what the</p> <p>22 president of Earlstone said because you're grandfathered</p> <p>23 in.</p> <p>24 Q. Directly with respect to the --</p> <p>25 A. To the oleanders.</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. And do you -- do you understand what the</p> <p>2 allegations you've made as against them are? Like what</p> <p>3 their actions were? Why they are involved in the</p> <p>4 lawsuit?</p> <p>5 A. Sure.</p> <p>6 Q. And can you generally tell me why you brought</p> <p>7 them into this case?</p> <p>8 A. Because they are involved, and they are enabling</p> <p>9 Pennie to do what she does. They are allowing this to</p> <p>10 continue.</p> <p>11 Q. And so they -- is their involvement mainly</p> <p>12 because they are allowing it to continue, or is there</p> <p>13 anything direct, I guess is what I'm trying to ask, that</p> <p>14 Ms. Eassa or Terra West has done involved in this case?</p> <p>15 MR. ELSON: Objection. Form.</p> <p>16 THE WITNESS: Well, clearly Ms. Eassa</p> <p>17 told me that she couldn't speak to me anymore because</p> <p>18 Pennie told her that the attorneys are involved. So</p> <p>19 that's a problem.</p> <p>20 BY MR. NOACK:</p> <p>21 Q. And have you tried to speak with Ms. Eassa</p> <p>22 recently?</p> <p>23 A. No.</p> <p>24 Q. Did you understand that the -- her comment that</p> <p>25 you couldn't speak with her because attorneys were</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. And what was the location of the oleanders on</p> <p>2 your property at that time? Were they in the same</p> <p>3 location they are now?</p> <p>4 A. At what time?</p> <p>5 Q. Was this -- the first time when you talked to</p> <p>6 Pennie about them being grandfathered in?</p> <p>7 A. They were on the east side of the yard. Where</p> <p>8 they are now, today.</p> <p>9 Q. And so this was before -- this was before or</p> <p>10 after the time that you had installed your pool and</p> <p>11 the --</p> <p>12 A. Yes.</p> <p>13 Q. -- oleanders had moved?</p> <p>14 A. Yes.</p> <p>15 Q. Now, one of the allegations, and I anticipate</p> <p>16 this is because of the Southwest Gas truck, that you have</p> <p>17 an allegation that complained about commercial vehicles</p> <p>18 on the street, at times Anthem took action as a result of</p> <p>19 your complaints.</p> <p>20 Can you tell me the actions that Anthem did</p> <p>21 take as a result of your complaints?</p> <p>22 A. They had the truck move to another street, not</p> <p>23 in front of any residences.</p> <p>24 Q. And how about some of your other complaints to</p> <p>25 the board? Were there any other actions that Anthem took</p>

<p style="text-align: right;">Page 158</p> <p>1 in response to your complaints?</p> <p>2 A. From time to time, it would clean up, but it</p> <p>3 always goes back.</p> <p>4 Q. And is that mainly with the parking issues or</p> <p>5 where there --</p> <p>6 A. It's parking. It's landscaping. It's trash.</p> <p>7 It's broken down vehicles. It's unregistered vehicles.</p> <p>8 It's all of it.</p> <p>9 Q. And are you aware, you know, whether, you know,</p> <p>10 courtesy notices or notices of violation were sent out to</p> <p>11 the property owners who would park these vehicles on the</p> <p>12 streets or had these conditions on their property?</p> <p>13 A. I only knew about it during the time I was</p> <p>14 communicating with Pennie. Pennie would tell me that</p> <p>15 notices had gone out.</p> <p>16 Q. And other than issuing notices and then</p> <p>17 attempting to bring people in to compliance based on the</p> <p>18 violations or fines, what else, in your mind, could the</p> <p>19 Anthem HOA do to, quote/unquote, clean up the community?</p> <p>20 What else did you want them to do?</p> <p>21 A. Well, it was suggested that they change the</p> <p>22 rules and regulations and, you know, disallow street</p> <p>23 parking from a certain period at night until a certain</p> <p>24 time in the morning.</p> <p>25 That would eliminate a lot of the problems.</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Oh, no. I paid for it.</p> <p>2 Q. You paid for that?</p> <p>3 A. Yep.</p> <p>4 Q. Okay. And do you remember when the bill came</p> <p>5 out, was there any discussion amongst the dinner guests</p> <p>6 to split the bill?</p> <p>7 A. They handed it to me.</p> <p>8 Q. So you just --</p> <p>9 A. I took it.</p> <p>10 Q. Did you ask anyone else --</p> <p>11 A. No.</p> <p>12 Q. -- to contribute to the meal?</p> <p>13 A. No.</p> <p>14 Q. Do you know if they knew that you had even</p> <p>15 received the bill or was --</p> <p>16 A. I don't know. I mean, at the end of it, Sydney</p> <p>17 mentioned that I was super generous, and that was the end</p> <p>18 of that.</p> <p>19 Q. Because, I mean, I've been at a dinner outing</p> <p>20 where I see the bill. Sometimes there isn't one. And so</p> <p>21 I didn't know if that was ever --</p> <p>22 A. No. There was a bill.</p> <p>23 Q. But again, I just didn't know if it was ever</p> <p>24 discussed amongst the group as far as if it should be</p> <p>25 split or not?</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. So kind of some more general -- the general</p> <p>2 rules of the community --</p> <p>3 A. Yes.</p> <p>4 Q. -- be changed rather than each individual --</p> <p>5 A. Right.</p> <p>6 Q. -- item?</p> <p>7 A. Right.</p> <p>8 Q. Okay. All right. And then just briefly, I know</p> <p>9 we have talked about Michael's dinner party a bit. It</p> <p>10 sounds like nothing about the community was really</p> <p>11 discussed at that dinner party? I mean, was there</p> <p>12 anything, or was it mainly just kind of a social outing?</p> <p>13 A. It turned into a social outing.</p> <p>14 Q. And did you discuss anything specific to the</p> <p>15 community with Pennie at the Michael's dinner party that</p> <p>16 you can remember today?</p> <p>17 A. Might have early on, but I don't remember.</p> <p>18 Q. Nothing notable?</p> <p>19 A. Nothing notable.</p> <p>20 Q. Okay. And then do you recall how the Michael's</p> <p>21 dinner party was paid for? Like, did you pay for that</p> <p>22 meal or was the --</p> <p>23 A. I paid for it.</p> <p>24 Q. And did you pay out of your pocket, or was it</p> <p>25 like a comped meal?</p>	<p style="text-align: right;">Page 161</p> <p>1 A. No.</p> <p>2 Q. So you just took care of it?</p> <p>3 A. Yes.</p> <p>4 Q. Understood.</p> <p>5 But you never asked anyone else to contribute</p> <p>6 to it?</p> <p>7 A. No.</p> <p>8 Q. Correct?</p> <p>9 And then I know we have talked a little</p> <p>10 generally about it. But at the time following the</p> <p>11 dinner party when you first contacted Terra West, the</p> <p>12 allegation of your complaint reads that your</p> <p>13 conversations with Ms. Eassa enraged Ms. Mossett-Puhek.</p> <p>14 Do you agree with that statement?</p> <p>15 A. Sure.</p> <p>16 Q. And how do you know that -- how do you know that</p> <p>17 this enraged her? That your going to Terra West made her</p> <p>18 angry?</p> <p>19 A. Well, because at that point the lines of</p> <p>20 communication were basically shut off, and I had the City</p> <p>21 of Henderson citing my property. And then Terra West</p> <p>22 sending me notices.</p> <p>23 Q. So essentially the timing of the notices</p> <p>24 following your communications with Terra West made you</p> <p>25 feel as if --</p>

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<p>1 A. Yes.</p> <p>2 Q. -- Pennie or the -- someone at Anthem board was</p> <p>3 angry with you?</p> <p>4 A. Yes.</p> <p>5 Q. And has anyone on the board, have they ever</p> <p>6 expressed anger to you? Like directly?</p> <p>7 A. No one.</p> <p>8 Q. And no correspondence to you or anything that</p> <p>9 was made out of rage? Have you ever talked to them when</p> <p>10 they were angry with you?</p> <p>11 A. No.</p> <p>12 Q. No? Okay.</p> <p>13 And did you ever -- have you ever spoken with</p> <p>14 Ms. Mossett-Puhek at all after that point?</p> <p>15 A. No.</p> <p>16 Q. So you wouldn't say that the communication</p> <p>17 changed to be an unfriendly matter? They just were cut</p> <p>18 off? You didn't speak with her anymore?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So now, and we have talked about the</p> <p>21 first communications that you had with Ms. Mossett-Puhek</p> <p>22 regarding the oleanders.</p> <p>23 Do you recall her telling you that other</p> <p>24 neighbors had complained that they may be a view</p> <p>25 obstruction when she asked you to trim them the first</p>	<p>1 don't remember.</p> <p>2 Q. Do you ever remember explaining, like using</p> <p>3 profanities about anyone who would complain about your</p> <p>4 home?</p> <p>5 A. Could have. I don't remember. But I could</p> <p>6 have.</p> <p>7 Q. Almost like, Fuck them. I'll wait until the HOA</p> <p>8 enforces it? Something like that?</p> <p>9 A. I don't know. It was the HOA talking to me. So</p> <p>10 I did what she asked me to do at the time.</p> <p>11 Q. And when -- I'm trying to think.</p> <p>12 When we're talking about enforcement, are you</p> <p>13 aware of the other enforcement actions? And we talked</p> <p>14 about some of them, specifically for the parking issues</p> <p>15 and things.</p> <p>16 But in response to some of the reports that</p> <p>17 you made about other homes, are you aware of any</p> <p>18 specific enforcement actions that the Anthem board took</p> <p>19 in response to those?</p> <p>20 A. Only -- I was only privy to any of that during,</p> <p>21 I think, around the time 2020 during the COVID times.</p> <p>22 Other than that, no. I don't.</p> <p>23 Q. But generally, like when you made complaints</p> <p>24 about other residences, the board would issue courtesy</p> <p>25 notices at times?</p>
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<p>1 time?</p> <p>2 A. I don't remember. I remember the reference to</p> <p>3 whoever the Earlstone president was at the time.</p> <p>4 Q. And then what was your response other than</p> <p>5 trimming? What was your response to those communications</p> <p>6 that they were a view obstruction?</p> <p>7 A. From Pennie telling me that?</p> <p>8 Q. Yes.</p> <p>9 A. I told her that I would trim them back.</p> <p>10 Q. And then -- strike that.</p> <p>11 When you heard that either the Earlstone</p> <p>12 president or other neighbors were, you know, raising</p> <p>13 issues or making complaints about your home, how did</p> <p>14 that make you feel?</p> <p>15 A. I don't know. I didn't really have a feeling</p> <p>16 either way.</p> <p>17 Q. Was it frustrated? Did it make you feel angry</p> <p>18 at all that --</p> <p>19 A. I guess I wasn't angry. More frustrated.</p> <p>20 Q. Like, did you ever respond, you know, did you</p> <p>21 ever respond to or tell anyone that basically you didn't</p> <p>22 care that other people were, you know, complaining about</p> <p>23 your home? Or did you ever have, like, any reaction to</p> <p>24 that at all?</p> <p>25 A. I don't know. I might have. I might have. I</p>	<p>1 A. I wasn't speaking to the board. I was just</p> <p>2 speaking to Pennie.</p> <p>3 Q. Sorry. Not -- when I say "the board," I guess I</p> <p>4 just mean Pennie or Anthem, in general, they were issuing</p> <p>5 some courtesy notices?</p> <p>6 A. I don't know about courtesy notices. I know</p> <p>7 that they were tagging some of the trailers and vehicles.</p> <p>8 Q. So taking some action in response to your</p> <p>9 complaints?</p> <p>10 A. Sure.</p> <p>11 Q. Okay.</p> <p>12 A. Yeah.</p> <p>13 Q. And then we were talking, and sorry, I'm going</p> <p>14 to jump around a little bit, maybe.</p> <p>15 We were talking about your flagpole a little</p> <p>16 bit. And I think you talked about pulling the permit</p> <p>17 in 2022?</p> <p>18 A. Mm-hmm.</p> <p>19 Q. So why did you pull the permit or investigate</p> <p>20 that last year?</p> <p>21 A. Just to make sure that it was absolutely</p> <p>22 installed properly and there were no problems with it.</p> <p>23 Nobody would get injured. I was far enough away from the</p> <p>24 lot lines. That's pretty much it.</p> <p>25 Q. Did -- did you ever submit, and you may have</p>

<p style="text-align: right;">Page 166</p> <p>1 answered this, but did you ever submit that permit to the 2 HOA, you know, so that -- 3 A. I did through Tim. 4 Q. Okay. So you provided it to your counsel to 5 provide to the HOA, to basically -- 6 A. Yes. 7 Q. -- take care of that fine? 8 A. Yes. 9 Q. Do you know if that was ever sent, that permit 10 was ever sent, actually send to the HOA? 11 A. Oh, yeah. 12 Q. It was? 13 And do you know when that was sent? 14 A. No, I don't. 15 Q. You just know that you provided it to your 16 attorney? 17 A. Yeah. 18 MR. ELSON: You don't have a copy of it? 19 MR. NOACK: Oh, I'll look. I just didn't 20 know. 21 MR. ELSON: If you don't have a copy, let 22 me know. I'll make sure that you have a copy. 23 MR. NOACK: Okay. 24 BY MR. NOACK: 25 Q. Now, because you're on the corner lot, I mean,</p>	<p style="text-align: right;">Page 168</p> <p>1 kind of a big difference than a 4-foot oleander. 2 Q. Sure. Different levels. But similar view 3 obstruction. Right? A 4-foot bush can still prevent a 4 driver from seeing around a corner; is that fair? 5 MR. ELSON: Objection. Form. 6 Argumentative. Calls for speculation. 7 THE WITNESS: I don't know. I mean, if 8 you stopped, it's a three-way stop. If everybody stops 9 at the stop sign and proceeds with caution, then it's a 10 safe intersection. 11 BY MR. NOACK: 12 Q. Does everybody stop at that stop sign? 13 A. No one does. 14 Q. So would you agree that -- I mean the view 15 approaching that intersection, it's a residential 16 intersection with a stop sign -- 17 A. Mm-hmm. 18 Q. -- that nobody stops at? 19 A. Mm-hmm. 20 Q. It's pretty important to maintain a safe view; 21 is that fair? 22 A. It's not up to me to create a safe view. I'm 23 pretty sure the traffic engineers did that when they put 24 in the third stop sign. 25 Q. Yeah. Okay. Now, when you first opened the</p>
<p style="text-align: right;">Page 167</p> <p>1 would you agree that safety is a concern being that 2 you're on the corner lot with drivers? 3 A. I guess it could be if people would stop at the 4 stop sign. 5 Q. And when you were talking about the -- like the 6 Southwest Gas truck parking there, was part of the issue 7 with that gas truck that it was a view obstruction for 8 you to -- 9 A. For me to get -- for me to pull out of my 10 driveway. 11 Q. And so -- is that, that type of view 12 obstruction, is that something that you discussed with 13 Pennie or the board? 14 A. With Pennie. 15 Q. As part of the issue with this gas truck. 16 Right? 17 A. Yes. 18 Q. All right. So I guess you would agree that if 19 others were reporting potential kind of view obstruction 20 issues while they were driving, that would be a valid 21 safety concern. Right? 22 A. In reference to what? 23 Q. To either vegetation, like your oleanders or a 24 parked vehicle that was blocking the driver's view? 25 A. The truck is 8 feet tall and 7 feet wide. It's</p>	<p style="text-align: right;">Page 169</p> <p>1 lines of communication with Terra West and Ms. Eassa, do 2 you remember about what month and year that was? Is that 3 February or March of 2021? 4 A. March. 5 Q. And approximately when in March do you recall 6 contacting Carmen? 7 A. Maybe around March 10th through the 15th. 8 Q. And what was that about? Was it still about the 9 parking situation or something else? 10 A. It was -- it was about all the communication and 11 all of the problems that I have brought up to Pennie and 12 wanting to get things done and talking about us 13 volunteering and forming committees. And it fell on deaf 14 ears. And Carmen -- Carmen acted like it was the first 15 time she had heard about anything. 16 Q. So the same types of communications that you had 17 had with Pennie, you essentially passed on to Carmen -- 18 A. Yes. 19 Q. -- during that call? 20 A. Yes. 21 Q. And when you say it fell on deaf ears, why -- 22 why do you think that? 23 A. Well, because no committees had been formed, and 24 the community was still in disarray, and the Southwest 25 Gas truck was still blocking my driveway every day. And</p>

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* * * Videotaped Deposition * * *

44 (Pages 170 to 173)

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<p>1 so I called Terra West.</p> <p>2 Q. What did Terra West do in response to your call?</p> <p>3 A. She said she would look into it right away and</p> <p>4 to go across the street to the park and take pictures for</p> <p>5 her and send them to her.</p> <p>6 Q. Did you do that?</p> <p>7 A. I did.</p> <p>8 Q. What was the next step that was --</p> <p>9 A. I never heard anything from her again. And then</p> <p>10 I called back and that's -- I called back probably two or</p> <p>11 three days later, and she told me she couldn't talk to me</p> <p>12 anymore because the attorneys -- legal was involved.</p> <p>13 Q. And then how much longer after the attorneys</p> <p>14 were involved for the Southwest Gas truck, you know, did</p> <p>15 it relocate or park somewhere else?</p> <p>16 A. I don't know. It was a month or two, probably.</p> <p>17 I don't really know the exact time.</p> <p>18 Q. So within a month or two from the time you</p> <p>19 contacted Terra West, that was when the Southwest Gas</p> <p>20 truck ultimately moved its parking spot?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. And then after that conversation with</p> <p>23 Carmen, in, again, is this about March of 2021 --</p> <p>24 A. Mm-hmm.</p> <p>25 Q. -- where she said the attorneys were involved,</p>	<p>1 with Mr. Elson?</p> <p>2 A. Some. There's -- there's some limited emails</p> <p>3 after our hearing and before the hearing that we had</p> <p>4 regarding the oleanders.</p> <p>5 Q. And did you also ever have a communication</p> <p>6 passed on to you regarding enforcement of the CC&Rs?</p> <p>7 Like any response regarding enforcement of the CC&Rs?</p> <p>8 A. From?</p> <p>9 Q. From Anthem or Terra West?</p> <p>10 A. I don't understand that question.</p> <p>11 Q. Do you know whether anyone at Anthem or Terra</p> <p>12 West spoke to your attorney about CC&R enforcement?</p> <p>13 A. Yes.</p> <p>14 Q. And who -- what's your recollection of that?</p> <p>15 A. I believe Pennie and Tim exchanged either a</p> <p>16 conversation or emails.</p> <p>17 Q. And do you know if anyone else was talking to</p> <p>18 Mr. Elson from Anthem or Terra West around this time?</p> <p>19 A. I'm not sure. It could have been Mr. Boyack.</p> <p>20 Q. During, again, about this same initial time</p> <p>21 frame, were you ever requested to submit all of the</p> <p>22 architectural applications that you had? Like at that</p> <p>23 time?</p> <p>24 A. No.</p> <p>25 Q. And then we've gone through all of the</p>
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<p>1 you've never spoken with Carmen since?</p> <p>2 A. No.</p> <p>3 Q. Okay. Other than Carmen Eassa, at Terra West,</p> <p>4 have you ever spoken with anyone else from Terra West?</p> <p>5 A. No.</p> <p>6 Q. Do you remember when your last communication</p> <p>7 with Ms. Puhek was?</p> <p>8 A. Probably toward the end of February.</p> <p>9 Q. Of which year?</p> <p>10 A. I'm sorry. 2021.</p> <p>11 Q. And do you remember what that final</p> <p>12 communication was?</p> <p>13 A. I think it had something to do with the</p> <p>14 Southwest Gas truck. I don't remember all the details.</p> <p>15 Q. Was it an email or a text?</p> <p>16 A. I think it was a text.</p> <p>17 Q. Do you remember if you initiated the text</p> <p>18 message exchange?</p> <p>19 A. I don't. I don't remember.</p> <p>20 Q. After the time that you spoke with Ms. Eassa,</p> <p>21 you never spoke with Ms. Mossett-Puhek again. Right?</p> <p>22 A. No.</p> <p>23 Q. After the time that you retained your attorney,</p> <p>24 are you aware of any of the communications that</p> <p>25 Ms. Mossett-Puhek, anyone at Anthem or Terra West had</p>	<p>1 improvements on your home and the architectural</p> <p>2 applications that you either submitted during or then</p> <p>3 after the improvements were made.</p> <p>4 Is there anything that we missed with respect</p> <p>5 to your architectural improvements?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 MR. NOACK: Sorry. I'm just trying to</p> <p>9 not go over things you've already covered.</p> <p>10 MR. ELSON: Do you want to take a little</p> <p>11 break? Let the room cool down?</p> <p>12 MR. NOACK: Yeah. It's probably a good</p> <p>13 time for a break.</p> <p>14 MR. ELSON: Just to be clear for the</p> <p>15 record, I am not requesting a break. Just simply</p> <p>16 saying if everybody agrees, we can take a break.</p> <p>17 MR. NOACK: Yeah. We have been going for</p> <p>18 about an hour. Take five.</p> <p>19 THE VIDEOGRAPHER: The time is</p> <p>20 approximately 2:30 p.m. We are going off the record.</p> <p>21 (Brief Recess.)</p> <p>22 THE VIDEOGRAPHER: The time is</p> <p>23 approximately 2:42 p.m. We are back on the record.</p> <p>24 BY MR. NOACK:</p> <p>25 Q. We were talking earlier about some documents</p>

<p style="text-align: right;">Page 174</p> <p>1 that may have been shared with Judy Hendrickson. Do you 2 remember that? 3 A. Oh, yeah. 4 Q. Do you know whether your attorney has shared any 5 documents with Judy Hendrickson? 6 A. I do not. 7 Q. And question, do you know whether any deposition 8 transcripts have been shared with Judy Hendrickson from 9 this case? 10 A. I do not. 11 Q. And you don't know how Judy Hendrickson is 12 getting access to any documents in this case? 13 A. No. I don't know what she has. 14 Q. All right. Now, when you were talking with 15 Jason Esau and Henderson code enforcement, did you ever 16 discuss the violation that was being sent -- being sent 17 to you after that initial inspection? 18 A. Yes. 19 Q. Did you ever ask him to send you a violation? 20 A. To send me a violation? 21 Q. Have you seen the actual violation? 22 A. I have a violation letter. 23 Q. The violation letter. That's from Mr. Esau? 24 A. Yes. 25 Q. And, you know, I -- I didn't know if you had</p>	<p style="text-align: right;">Page 176</p> <p>1 Henderson for your oleanders? 2 A. No. 3 Q. And then okay -- strike that. 4 Did you do anything in response to the 5 violation that was issued by the City of Henderson for 6 the oleanders? 7 A. When you say "do anything," what -- what exact? 8 What -- 9 Q. Like, did the City of Henderson ask you to do 10 anything to rectify the violation or cure it somehow? 11 A. They wanted the oleanders cut back. 12 Q. And did you cut them back after the time the 13 violation was issued? 14 A. No. 15 Q. And why not? 16 A. Because Jason Esau suggested that I write a 17 letter back to them stating the facts surrounding the 18 violation itself. 19 Q. So write a letter back to them, do you mean back 20 to the City of Henderson? 21 A. Back to the City of Henderson. 22 Q. And you wrote a letter back to the City of 23 Henderson? 24 A. I did. 25 Q. And did that change anything with respect to the</p>
<p style="text-align: right;">Page 175</p> <p>1 ever requested that that be sent to you? 2 A. No. I got it mailed to me. 3 Q. So it was mailed to you? 4 A. Yes. 5 Q. And when you had the conversations with him, you 6 know, did he discuss with you the basis for the 7 violation? Like why the violation was being issued? 8 A. Yeah. It was requested by Pennie. 9 Q. But -- 10 A. For an obstruction. Sorry. 11 Q. I'll let you finish, too. 12 A. Oh, sorry. 13 Q. But did he -- I mean, I'm sure the violation 14 doesn't say, I'm issuing this violation because Pennie 15 requested it. 16 Did he actually explain to you or did the 17 letter explain to you why there was a violation for the 18 oleander height? 19 A. Yes. 20 Q. What was the basis for the violation? 21 A. An obstruction. 22 Q. Was that based on the height of the oleanders? 23 A. Yes. 24 Q. And anything else that you know or understood to 25 be a basis of a view obstruction from the City of</p>	<p style="text-align: right;">Page 177</p> <p>1 violation that was issued? 2 A. It opened up additional communication between 3 Jason Esau and I. And it also sparked the attention of 4 the Henderson Police Department as well. 5 Q. And what did you -- what did you put in the 6 letter back to Mr. Esau? 7 A. I don't remember the contents. But I'm sure it 8 wasn't very nice. 9 Q. And why did it -- to your understanding, why did 10 that letter spark the interest of the Henderson Police 11 Department? 12 A. Because Pennie had threatened people in front of 13 my house that were working in front of the house with the 14 police department. 15 Q. And in what way? 16 A. That they shouldn't park in front of my house, 17 to perform any work, that it was an obstruction. 18 Q. And is that in relation to the Southwest Gas 19 truck, or are we talking about something different? 20 A. Something else. 21 Q. Okay. Okay. 22 And so the view obstruction response opened up 23 a bigger dialogue about vehicles parking on the street? 24 A. Mm-hmm. 25 Q. And threats of potential police enforcement, in</p>

<p style="text-align: right;">Page 178</p> <p>1 your mind?</p> <p>2 A. Basically vendors that worked for me were being</p> <p>3 threatened that the police were going to be called on</p> <p>4 them if they parked in front of the house.</p> <p>5 Q. So these were -- what vendors were working for</p> <p>6 you that parked in front of your house?</p> <p>7 A. A gentleman that washes my cars, approximately.</p> <p>8 Q. A mobile carwash?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. And was any action ever taken against the mobile</p> <p>11 carwash vendor?</p> <p>12 A. No. Not that I know of.</p> <p>13 Q. But in your mind, there was a threat of</p> <p>14 potential police action or some sort of report to the</p> <p>15 police?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, during the board hearing about the</p> <p>18 oleanders during the Zoom call, I think you testified</p> <p>19 that was about a 12-minute call that your attorney was on</p> <p>20 the call at least that whole time?</p> <p>21 A. I don't remember the exact time. It was</p> <p>22 maybe -- maybe 15 minutes.</p> <p>23 Q. About -- somewhere between 12 and 15 minutes?</p> <p>24 A. Yeah.</p> <p>25 Q. And you said you were getting dropped off the</p>	<p style="text-align: right;">Page 180</p> <p>1 And -- but, again, is it your understanding</p> <p>2 that the information packet, essentially your response</p> <p>3 to the violation, was previously provided to the board</p> <p>4 for their review?</p> <p>5 A. I think it was.</p> <p>6 Q. Do you ever recall anyone on the Anthem board</p> <p>7 asking your attorney if there was any new information</p> <p>8 that he could present to them during the hearing?</p> <p>9 A. No.</p> <p>10 Q. During that hearing, is it your understanding</p> <p>11 that the board members were previously provided with</p> <p>12 photographs that your attorney had sent on your behalf?</p> <p>13 A. I don't know. Possibly. I don't know.</p> <p>14 Q. Do you remember any of the board members asking</p> <p>15 about any monitoring issues with the oleanders?</p> <p>16 A. Could you explain your question a little bit?</p> <p>17 Q. Yeah. Specifically, do you remember whether</p> <p>18 Ms. Breeden had a concern whether the height of the</p> <p>19 oleanders could be constantly monitored, even if they</p> <p>20 were trimmed?</p> <p>21 A. Yes.</p> <p>22 Q. And what was that in response to? Was that in</p> <p>23 response to something your attorney had said?</p> <p>24 A. Probably regarding the height of the oleanders</p> <p>25 and maintaining them at a certain height.</p>
<p style="text-align: right;">Page 179</p> <p>1 call multiple -- or out of the videoconference multiple</p> <p>2 times?</p> <p>3 A. Yes.</p> <p>4 Q. How long were you actually in the meeting of</p> <p>5 those 15 minutes? Was it about ten minutes of it? Most</p> <p>6 of it?</p> <p>7 A. Probably 10 to 11 minutes of it.</p> <p>8 Q. And so about two-thirds of it, at least?</p> <p>9 A. Sure.</p> <p>10 Q. Now, did your attorney -- did he ever get</p> <p>11 dropped out of the videoconference the same way that you</p> <p>12 were?</p> <p>13 A. I don't remember. He could have been muted.</p> <p>14 Q. And during the 10 or 11 minutes that you were in</p> <p>15 the videoconference, did you hear your attorney speak</p> <p>16 about the issue of the notice of violation?</p> <p>17 A. Yes.</p> <p>18 Q. And was he able to hold up any photographs and</p> <p>19 show the condition of the oleanders on the property so</p> <p>20 that everyone on the video call could see them?</p> <p>21 A. He wasn't allowed to.</p> <p>22 Q. I mean, hold it up for the camera?</p> <p>23 A. I don't believe he was allowed to. I didn't see</p> <p>24 it. I didn't see anything.</p> <p>25 Q. You didn't see him hold it?</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. And that was -- that was probably the main</p> <p>2 concern of the board, was maintaining this 24-inch</p> <p>3 height? Was that fair?</p> <p>4 A. No. They wanted them ripped out.</p> <p>5 Q. They wanted them ripped out. But I'm saying</p> <p>6 that if the height of the oleanders needed to be</p> <p>7 constantly monitored to make sure it was the correct</p> <p>8 height, that was the concern of the board was the --</p> <p>9 essentially the extra effort that would have had to go</p> <p>10 in?</p> <p>11 A. It was probably one of the issues.</p> <p>12 Q. But again, you recall a back and forth between</p> <p>13 your attorney and the board members on that issue?</p> <p>14 A. Yes.</p> <p>15 Q. What other back and forth dialogues do you</p> <p>16 recall during that 15-minute hearing?</p> <p>17 A. Just Mr. Osziak trying to explain that oleanders</p> <p>18 were poisonous, and basically Tim trying to present our</p> <p>19 case and Pennie screaming his name repeatedly. Those are</p> <p>20 the highlights of that hearing.</p> <p>21 Q. And -- but, again, you would agree that the</p> <p>22 combination of the information packet and at least some</p> <p>23 of the back and forth allowed your position to be</p> <p>24 presented on the oleanders; is that -- is that fair?</p> <p>25 A. I'm not sure. We weren't allowed to fully</p>

<p style="text-align: right;">Page 182</p> <p>1 present anything.</p> <p>2 Q. Hypothetically, if the members of the board,</p> <p>3 that packet was circulated to each of them, they would</p> <p>4 have read your attorney's position and seen the</p> <p>5 photographs before the hearing; is that correct?</p> <p>6 MR. ELSON: Objection. Form.</p> <p>7 MR. NOACK: Is that fair?</p> <p>8 MR. ELSON: Same objection.</p> <p>9 THE WITNESS: I don't know. I didn't see</p> <p>10 the packet.</p> <p>11 BY MR. NOACK:</p> <p>12 Q. Oh, okay. So you never saw the packet that your</p> <p>13 attorney sent to the board?</p> <p>14 A. No. I didn't see it.</p> <p>15 Q. Okay. And you didn't have any input as to the</p> <p>16 information in that packet?</p> <p>17 A. No. I don't remember, to be honest with you.</p> <p>18 Q. Was there anything that you wanted to present to</p> <p>19 the board during that meeting that you felt you were</p> <p>20 prevented from doing?</p> <p>21 A. I don't know. I wasn't there to speak. I was</p> <p>22 there to listen.</p> <p>23 Q. And listening, were you able to present your</p> <p>24 position on the oleander issue during that 15 minute --</p> <p>25 A. No. Tim was not. He was not allowed to present</p>	<p style="text-align: right;">Page 184</p> <p>1 aware at that time that the oleanders were a prohibited</p> <p>2 plant?</p> <p>3 A. No.</p> <p>4 Q. So when you provided the ARC and kept oleanders</p> <p>5 on there, you didn't know that they were prohibited at</p> <p>6 that time?</p> <p>7 A. I don't believe so because they are all over the</p> <p>8 Anthem Highlands community.</p> <p>9 Q. So since you had seen them other places, you had</p> <p>10 assumed that they were allowed?</p> <p>11 A. Mm-hmm.</p> <p>12 Q. Okay. All right. And then turning to the</p> <p>13 flagpole, briefly.</p> <p>14 When -- when you had communications with the</p> <p>15 board about the flagpole, like that approval letter, do</p> <p>16 you recall that?</p> <p>17 A. I don't have an approval letter for the</p> <p>18 flagpole.</p> <p>19 Q. Well, let me -- do you recall when the</p> <p>20 architectural committee requested that you provide an</p> <p>21 approval letter for the flagpole?</p> <p>22 A. Yes.</p> <p>23 Q. And then -- and you don't have that approval</p> <p>24 letter. Correct?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 183</p> <p>1 anything.</p> <p>2 Q. Okay. Now, is there -- is there any additional</p> <p>3 evidence that you wanted to present to the board during</p> <p>4 the time of the oleander hearing that you were not able</p> <p>5 to? Or was all that provided in the --</p> <p>6 MR. ELSON: Objection.</p> <p>7 THE WITNESS: We weren't allowed to</p> <p>8 present.</p> <p>9 MR. ELSON: Form.</p> <p>10 Go ahead and answer that question.</p> <p>11 THE WITNESS: We weren't allowed to</p> <p>12 present.</p> <p>13 BY MR. NOACK:</p> <p>14 Q. And you hadn't seen the information packet that</p> <p>15 was provided by your attorney before the hearing? So you</p> <p>16 don't know what's in there?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah.</p> <p>20 Q. No worries.</p> <p>21 Were there any witnesses that you wanted to be</p> <p>22 heard on any of the oleander issues that weren't --</p> <p>23 A. No.</p> <p>24 Q. Now, at the time that you submitted an</p> <p>25 architectural application for the oleanders, were you</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. And do you recall whether they asked you to</p> <p>2 answer a series of questions about the flagpole in</p> <p>3 response to the fact that you didn't have an approval?</p> <p>4 A. Yes. I believe so.</p> <p>5 Q. And did you ever respond to that list of</p> <p>6 questions?</p> <p>7 A. No.</p> <p>8 Q. And why not?</p> <p>9 A. Because I submitted the ARC. That's what they</p> <p>10 asked for.</p> <p>11 Q. And, again, in response to the ARC, do you</p> <p>12 understand that sometimes there is some additional</p> <p>13 information that the committee might need to approve the</p> <p>14 request?</p> <p>15 A. Sure.</p> <p>16 Q. But you felt like the ARC was the only thing you</p> <p>17 needed to do for the flagpole?</p> <p>18 A. Yes.</p> <p>19 Q. When you received the hearing notice for the</p> <p>20 flagpole did you submit any type of response for that?</p> <p>21 A. I guess that's when the ARC was submitted for</p> <p>22 the flagpole.</p> <p>23 Q. And you didn't attend the hearing on the</p> <p>24 flagpole violation?</p> <p>25 A. I don't believe so.</p>

<p style="text-align: right;">Page 186</p> <p>1 Q. Any reason why not? 2 A. I don't think I knew about it. 3 Q. Now, we talked briefly about the couple of 4 notices that were sent to all the homeowners with 5 violation balances to apply for any type of waivers for 6 violations. 7 Do you remember that question? 8 A. In reference to? 9 Q. I'll just ask it directly. 10 Did you receive any notices regarding any fine 11 waivers from Anthem in year 2022? 12 A. I think I saw one. 13 Q. Did you -- you know, did you respond to any of 14 those? 15 A. No. 16 Q. And why not? 17 A. Because I'm already involved in litigation. 18 Q. And earlier when you had said you're kind of so 19 deep in this, you just -- you don't want to respond to -- 20 or cure any issue that may exist right now; is that fair? 21 A. Unfortunately, yes. I'm involved in litigation. 22 Q. Now, in the Complaint and the Amended Complaint, 23 there's an allegation that Ms. Puhek continued to contact 24 code enforcement even after the mediation that you held. 25 Is that your belief that that happened?</p>	<p style="text-align: right;">Page 188</p> <p>1 And that his boss was going to forward the case to the 2 Henderson traffic engineers. 3 Q. And then did the Henderson traffic engineers, is 4 that what prompted the review of that intersection? 5 A. They did get involved. 6 Q. And was there a determination made after that -- 7 after their involvement with respect to the sight 8 disability issues? 9 A. Yes. 10 Q. What was that determination? 11 A. The determination was that there was no sight 12 visibility obstructions at that corner due to a three-way 13 stop sign situation. 14 Q. And we talked about now that the three-way stop 15 was in? 16 A. Right. 17 Q. Okay. And all right. And in your -- in your 18 initial Complaint, there's an allegation of targeting by 19 Ms. Puhek regarding other individuals or that she uses 20 her powers in the community to pursue vendettas against 21 other homeowners. 22 What -- are you referring to any specific 23 other homeowners? 24 A. No. 25 Q. Do you have any information about any other</p>
<p style="text-align: right;">Page 187</p> <p>1 A. Yes. 2 Q. And what -- how do you know that? 3 A. I had a couple additional conversations with 4 Jason Esau. 5 Q. So Jason Esau told you that even after the 6 mediation that you held in this case -- 7 A. Mm-hmm. 8 Q. -- that Pennie continued to have conversations 9 with him about you? 10 A. I believe with his boss. 11 Q. Okay. 12 A. It escalated to his boss. 13 Q. And do you have any -- do you have any 14 documentation of any communications? 15 A. Spoke to him on the phone. 16 Q. So you spoke to Jason Esau, and he said Pennie 17 was talking to his boss? 18 A. Yes. And it was out of his hands now. 19 Q. And it was about your property? 20 A. Specifically. 21 Q. And anything specifically that he told you those 22 discussions were about? Even though it was out of his 23 hands? 24 A. Just that it had escalated, that she wouldn't 25 stop calling him, so he had to get his boss involved.</p>	<p style="text-align: right;">Page 189</p> <p>1 homeowners being targeted by Ms. Puhek? 2 A. I do. 3 Q. Who is that? 4 A. Christine Demolis. 5 Q. What happened with Christine Demolis, that 6 you're aware of? 7 A. I'm really not sure. It's -- it was years of 8 targeting and harassment and temporary restraining orders 9 and being chased down in parking lots by Pennie. That's 10 what I know. And I was able to review some of her 11 personal documents. 12 Q. Some of Christine's personal documents? 13 A. Yes. 14 Q. So how do you know Christine Demolis? 15 A. I think I was introduced to her -- what's his 16 name? There's a gentleman in Anthem who was introduced, 17 I think -- I don't remember the name. 18 She doesn't live there anymore. But I was 19 introduced by a gentleman. And maybe Danielle Gallant. 20 I probably maybe met her through a gentleman in 21 Danielle's neighborhood, Danielle Gallant. I don't 22 remember his name. 23 Q. And when did you meet Christine? Month and 24 year? 25 A. Oh, gosh. A couple years ago.</p>

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* * * Videotaped Deposition * * *

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<p style="text-align: right;">Page 190</p> <p>1 Q. Was it before or after the time you filed this 2 lawsuit? 3 A. Probably after. 4 Q. After you filed it? 5 A. Yeah. 6 Q. And is that how you came to know about 7 information from Christine, because you shared that you 8 had filed this lawsuit and -- 9 A. Well, she had shared with me what happened to 10 her, her story. So she knew that I had filed the 11 lawsuit. 12 Q. So it was after you had filed -- 13 A. Yes. 14 Q. -- you and Christine had connected -- 15 A. Yes. 16 Q. -- and everything else? 17 Okay. And other than Christine, are there any 18 other homeowners that you are informed or believe that 19 Pennie has targeted? 20 A. Not that I know of. 21 Q. Now, throughout your Amended Complaint, 22 Ms. Mossett-Puhek is alleged to have acted at all times 23 in her capacity as a board member at Anthem; is that 24 correct? 25 MR. ELSON: Objection. Form.</p>	<p style="text-align: right;">Page 192</p> <p>1 done individually? 2 A. I haven't really looked through the Amended 3 Complaint. So -- but I don't know at this time. 4 Q. Do you have any knowledge on how your violations 5 were ultimately voted upon by the Anthem board members? 6 A. Which ones. 7 Q. All three. All three of them. 8 A. The oleanders were decided by Pennie. 9 The \$2,000 fine, that original fine was solely 10 decided upon by Pennie. 11 Q. And what do you base that -- what do you base 12 that off? 13 A. Shirley Breeden's and Sydney Woo's testimony. 14 Q. Do you know whether there was a vote by the 15 board members on your oleander violation fine. 16 A. I don't know if there was a vote. But I know 17 Shirley, in her deposition, stated that where did Pennie 18 come up with the \$2,000 fine. 19 And Pennie's response was that I was somehow 20 speaking ill of her during the elections so she was 21 basically going to stick it to me. 22 Q. And what -- what was -- did you ever speak ill 23 of Pennie Mossett-Puhek during the election? 24 A. I haven't spoken ill of Pennie to this day. 25 Q. So would you agree that Shirley Breeden's</p>
<p style="text-align: right;">Page 191</p> <p>1 THE WITNESS: I don't know. 2 BY MR. NOACK: 3 Q. Do you know of anything that Pennie 4 Mossett-Puhek has done individually, like taken 5 individual action -- 6 MR. ELSON: Objection. Form. 7 BY MR. NOACK: 8 Q. -- against you? 9 MR. ELSON: Same objection. 10 THE WITNESS: Based on Shirley Breeden's 11 and Sydney Woo's deposition, she clearly acted alone 12 and made decisions on her own outside the board. 13 Q. And which decisions are you talking about? 14 A. All of them in reference to me. 15 Q. And are you talking about issuing of courtesy 16 notices and items like that, or are you talking about 17 something else? 18 A. Deciding the amount of fines, deciding not to 19 share preservation letters, deciding to go after me for 20 the paint, deciding to go after me for the flagpole. 21 That would be acting outside your scope, I 22 think, and acting alone. 23 Q. And other than the actions that you've included 24 in your Amended Complaint, is there anything else that 25 you believe, as you sit here, that Ms. Mossett-Puhek has</p>	<p style="text-align: right;">Page 193</p> <p>1 statement about some ill speaking about an election is 2 inaccurate? 3 MR. ELSON: Objection. Form. 4 THE WITNESS: No. Because no one has 5 ever received a fine for \$2,000 before for having 6 oleanders in their yard, which are all over the 7 community. 60 percent of the community has them. 8 BY MR. NOACK: 9 Q. I didn't ask you about that. I'm saying 10 Ms. Breeden's comment that Pennie told her that there was 11 going to be a fine against you because you spoke ill of 12 her in an election. That's not accurate. Right? 13 A. I believe -- 14 MR. ELSON: Form. Objection. Form. 15 THE WITNESS: I believe it's accurate. 16 She has no reason to lie. 17 BY MR. NOACK: 18 Q. Okay. So it's your understanding that 19 Ms. Breeden believes that Ms. Mossett-Puhek informed her 20 that you spoke ill of Ms. Mossett-Puhek during an 21 election? 22 A. Or before one. 23 Q. Before an election? 24 A. Yes. 25 Q. Okay. All right. But as you sit here today,</p>

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<p>1 it's your testimony that you've never spoken ill of 2 Ms. Mossett-Puhek during an election? 3 A. No. I have not. 4 Q. If another Anthem board member testified that 5 there was a unanimous vote regarding your fine amount by 6 the Anthem board, would that change your opinion about 7 who issued the fine against you? 8 A. No. 9 Q. So your mind is made up, that it's 10 Ms. Mossett-Puhek? 11 A. Yes. 12 Q. Okay. All right. Just a couple other questions 13 about some communications you had. 14 We talked about some communications with 15 Ms. Hendrickson. Have you had any communications about 16 this case with Mark West. 17 A. No. 18 Q. Have you had any communications about this case 19 with Lisa Woodson West? 20 A. No. 21 Q. Do you still presently communicate with Danielle 22 Gallant? 23 A. Very rarely. 24 I believe she lives in Carson City now. 25 Q. When was the last time you spoke with</p>	<p>1 A. No. 2 Q. Have you ever threatened to sue your neighbor? 3 A. Yeah. 4 Q. And what -- when -- directly? 5 A. I don't remember. But it was a couple years ago 6 regarding the truck blocking the driveway. 7 Q. And so when you threat -- you basically 8 threatened to sue him for the truck being in the 9 driveway? 10 A. I think I talked to Carmen Eassa about it. And 11 that was one of the conversations that I had with her. 12 And she gave me an NRS statute that she said 13 that I could use that they couldn't enforce it, but 14 that I could enforce it civilly. And it's a 5-foot 15 rule. And I don't know the statute, about staying a 16 distance from someone's driveway. 17 Q. And did you ever take that legal action against 18 your neighbor on it? 19 A. No. Huh-uh. 20 Q. After you threatened to sue your neighbor based 21 on that statute, did that help with the parking 22 situation? 23 A. No. I think that he was forced to move to 24 another street where there were no homes. 25 Q. Now, you have a number of allegations in your</p>
Page 195	Page 197
<p>1 Ms. Gallant? 2 A. Probably about 30 days, 40 days ago. 3 Q. And what did you talk about? 4 A. Fundraising. 5 Q. And have you talked about this case with 6 Ms. Gallant? 7 A. She just asked what was going on with it. And I 8 told her it's going. 9 Q. So just kind of in general? Was there anything 10 specific you remember talking with her about -- 11 A. No. 12 Q. -- this case? 13 A. No. 14 Q. Do you have any written communications with 15 Ms. Gallant regarding any of your violations or anything? 16 A. I don't believe I do. 17 Q. Did you ever talk with Ms. Gallant about your 18 flagpole? 19 A. No. 20 Q. Did Ms. Gallant ever have a flagpole as well? 21 A. I don't know. I don't know. 22 Q. And we have talked a lot today about your 23 neighbor with the Southwest Gas truck. Have you ever had 24 any legal action or taken any legal action against your 25 neighbor?</p>	<p>1 original Complaint, your Amended Complaint regarding the 2 issuance of courtesy notices and notices of violation. 3 Do you recall that? 4 A. Yes. 5 Q. Is -- is it your understanding that the entire 6 Anthem board needs to come to a vote in order to issue a 7 courtesy notice? 8 A. That would be my understanding. 9 Q. And similar questions with respect to a notice 10 of violation. Is it your understanding that the board 11 needs to vote to issue one of those? 12 A. That would be my understanding. But that's 13 probably not what necessarily happens. 14 Q. And so as you sit here today, do you know the 15 process of issuing a courtesy notice? Like what happens? 16 A. I don't. 17 Q. And do you know the process of issuing a notice 18 of violation? 19 A. I really don't. 20 Q. And so you don't know whether it's a property 21 manager that issues those or if it's a board member or 22 anyone? 23 A. I don't. 24 Q. Okay. Then I'll reserve my right to follow up, 25 but I don't have anything further right now.</p>

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<p>1 Pass back to you, Ted.</p> <p>2 FURTHER EXAMINATION</p> <p>3 BY MR. BOYACK:</p> <p>4 Q. Going back to that Southwest Gas complaint, the</p> <p>5 neighbor of yours, do you recall you specifically making</p> <p>6 threats that you would sue him?</p> <p>7 A. I could have. Yes.</p> <p>8 Q. Do you recall ever telling him you were going to</p> <p>9 take his house?</p> <p>10 A. No.</p> <p>11 Q. That wouldn't be something you would threaten,</p> <p>12 is it?</p> <p>13 A. To him?</p> <p>14 Q. Yeah.</p> <p>15 That you would sue him and take his house if</p> <p>16 he didn't stop parking the vehicle in front of --</p> <p>17 A. No.</p> <p>18 Q. Just for clarification, that's something you</p> <p>19 know you didn't do that or no, that's something you</p> <p>20 wouldn't say or do?</p> <p>21 A. I did not say that to him.</p> <p>22 Q. Okay. When you threatened -- do you recall any</p> <p>23 specific conversations where you threatened to sue him?</p> <p>24 Do you remember them specifically? I guess that's what</p> <p>25 I'm getting at.</p>	<p>1 to the parking of the new truck?</p> <p>2 A. I don't know. I plan on talking to him when I</p> <p>3 see him.</p> <p>4 Q. Is it -- it's a different truck. Right?</p> <p>5 A. It is.</p> <p>6 Q. Same size?</p> <p>7 A. No. It's smaller.</p> <p>8 Q. Where is it parking?</p> <p>9 A. On the curb in front of both homes. Both homes</p> <p>10 are very close together with a very short gap in between</p> <p>11 both driveways.</p> <p>12 Q. Is it blocking your driveway at all?</p> <p>13 A. It has been.</p> <p>14 MR. ELSON: Ted, can you help me</p> <p>15 understand the relevance of this? I've given you guys</p> <p>16 a lot of latitude on the Southwest Gas issue.</p> <p>17 But I mean, how is any of this line of</p> <p>18 questioning relevant to the scope of the Amended</p> <p>19 Complaint or your denials or affirmative defenses?</p> <p>20 MR. BOYACK: Well, it's part of the</p> <p>21 history of her engagement with the association.</p> <p>22 MR. ELSON: The current line of</p> <p>23 questioning isn't the history. It's about what's</p> <p>24 happening now.</p> <p>25 MR. BOYACK: True. But it certainly</p>
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<p>1 A. With him?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. You don't remember or you don't believe there</p> <p>5 was ever a threat?</p> <p>6 A. I don't believe there was ever a threat.</p> <p>7 Q. Did you ever accuse your neighbor of harassing</p> <p>8 you?</p> <p>9 A. Yes.</p> <p>10 Q. Did you go to the association with that claim</p> <p>11 and ask for some help?</p> <p>12 A. I may have in -- early on.</p> <p>13 Q. Did you ever consult with an attorney about the</p> <p>14 Southwest Gas truck issue?</p> <p>15 A. No. Not until I hired Tim.</p> <p>16 Q. That was after it had generally been resolved,</p> <p>17 though; is that correct?</p> <p>18 A. I believe so.</p> <p>19 Q. Do -- do you recall ever communicating with the</p> <p>20 association that you were going to hire a lawyer to deal</p> <p>21 with the Southwest Gas truck issue?</p> <p>22 A. I could have. Yes.</p> <p>23 Q. As you sit here today, I understand there's --</p> <p>24 the truck is back or some other type of truck is back.</p> <p>25 Do you intend to take any action with regard</p>	<p>1 could become an issue at some point.</p> <p>2 BY MR. BOYACK:</p> <p>3 Q. You are going to talk to your neighbor. Right?</p> <p>4 A. Yeah. I am.</p> <p>5 MR. ELSON: I'm going to ask you to move</p> <p>6 on, Ted. I've given you guys a lot of leeway on this</p> <p>7 Southwest Gas issue.</p> <p>8 I let you inquire into the history. I let you</p> <p>9 ask some basic questions about it, and far more than</p> <p>10 just basic questions about it.</p> <p>11 But what's happening now, that hasn't even</p> <p>12 happened yet, has absolutely no relevance to the Amended</p> <p>13 Complaint, the denials, or your affirmative defenses</p> <p>14 unless you want to explain that to me.</p> <p>15 MR. BOYACK: Are you instructing her not</p> <p>16 to answer those questions?</p> <p>17 MR. ELSON: No. I'm asking you to move</p> <p>18 on.</p> <p>19 MR. BOYACK: Well --</p> <p>20 MR. ELSON: Have I instructed the witness</p> <p>21 to not answer a question?</p> <p>22 MR. BOYACK: I'm just asking you, are you</p> <p>23 going to instruct her not to answer my questions on the</p> <p>24 Southwest Gas truck issue?</p> <p>25 MR. ELSON: Ted, are you going to move</p>

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* * * Videotaped Deposition * * *

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<p>1 on?</p> <p>2 MR. BOYACK: I might have some more</p> <p>3 questions.</p> <p>4 MR. ELSON: Okay. So make an offer of</p> <p>5 proof as to how it's relevant to the Amended Complaint,</p> <p>6 the denials, or the affirmative defenses.</p> <p>7 Take as much time as you need.</p> <p>8 MR. BOYACK: You know what, no. Because</p> <p>9 I know what you're probably searching for. So I'm</p> <p>10 probably not going to take that bait.</p> <p>11 MR. ELSON: I'm not searching for</p> <p>12 anything. I'm just --</p> <p>13 MR. BOYACK: No. That's okay. I'll tell</p> <p>14 you what, I will move on from the Southwest Gas</p> <p>15 questioning.</p> <p>16 Are you talking about the current situation, or</p> <p>17 are you asking for an offer of proof with regard to the</p> <p>18 prior situation?</p> <p>19 MR. ELSON: If you have some questions</p> <p>20 related to the prior situation, although I believe</p> <p>21 you've exhausted that area, I'm happy to entertain some</p> <p>22 non-duplicative questions because I think there's been</p> <p>23 a lot of duplicity as well between you and Mr. Noack.</p> <p>24 MR. BOYACK: And, by the way, just so you</p> <p>25 know, it goes to her understanding of the interaction</p>	<p>1 architectural application on your front yard. That</p> <p>2 included the -- you removed a pepper tree at some point;</p> <p>3 is that correct?</p> <p>4 A. It was on the side --</p> <p>5 Q. Side yard?</p> <p>6 A. -- yard.</p> <p>7 Q. Why did you remove the pepper tree?</p> <p>8 A. So that the -- well, first of all, it was</p> <p>9 uprooted from high winds. But second of all, so that the</p> <p>10 bulldozers could get through to dig the pool.</p> <p>11 Q. All right. So you removed the pepper tree. Did</p> <p>12 you replant it?</p> <p>13 A. No.</p> <p>14 Q. Okay. So the -- the pepper tree has never been</p> <p>15 replanted after it was removed?</p> <p>16 A. No. That's where the putting greens are now.</p> <p>17 Q. All right. I apologize if this has been asked.</p> <p>18 Have you had any communications in the last couple years</p> <p>19 with Mark West?</p> <p>20 A. No.</p> <p>21 Q. Have you ever had any communications with him,</p> <p>22 to your knowledge, other than in his official capacity as</p> <p>23 board president?</p> <p>24 A. Only when he was the president.</p> <p>25 Q. But nothing outside of that context?</p>
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<p>1 of the association, her enforcement capabilities, her</p> <p>2 desire to what is enforced or should be enforced, her</p> <p>3 understanding as to what she would do in the context of</p> <p>4 what the HOA should be involved in by way of her</p> <p>5 neighbor and so forth.</p> <p>6 Goes to her credibility as to what she may have</p> <p>7 communicated with Pennie. That was the start of the</p> <p>8 relationship with Pennie and those type of issues.</p> <p>9 So that's why it's very relevant to our</p> <p>10 discussions, but having said that --</p> <p>11 MR. ELSON: Again, that would be the</p> <p>12 history, which I've allowed a significant amount of</p> <p>13 examination on.</p> <p>14 It's 3:30 in the afternoon. We have been going</p> <p>15 for -- I don't know, four and a half hours, five and a</p> <p>16 half with breaks. I'm just simply saying the current</p> <p>17 issues don't appear to have a lot of relevancy, which</p> <p>18 appears you might agree with me on.</p> <p>19 If you have issues about what was happening in</p> <p>20 2021, 2020-type time frame, again, I believe you've</p> <p>21 exhausted that. But I'm not asking the same thing in</p> <p>22 that time frame to the extent that there is new</p> <p>23 questions on new issues that you would like to ask.</p> <p>24 BY MR. BOYACK:</p> <p>25 Q. Let me ask you something about the application,</p>	<p>1 A. No.</p> <p>2 Q. Going back to the damages for a minute. I</p> <p>3 appreciate you talked about the nature of those damages.</p> <p>4 Have you, by chance, quantified any value that</p> <p>5 you think those damages represent?</p> <p>6 I know you talked about the attorney's fees.</p> <p>7 I'm not talking about that. I'm talking about have you</p> <p>8 quantified or have any thoughts about what you think is</p> <p>9 appropriate damages that you've suffered outside of the</p> <p>10 attorney's fees?</p> <p>11 A. No.</p> <p>12 Q. So as you sit here at this moment, and if this</p> <p>13 matter goes to trial in front of a jury or a judge, you</p> <p>14 don't have a quantifiable amount of what you think would</p> <p>15 be appropriate compensation for the damages outside of</p> <p>16 the attorney's fees. Is that a fair statement?</p> <p>17 A. I don't at this time.</p> <p>18 Q. Okay. Do you believe you should be monetarily</p> <p>19 compensated for the anxiety, stress, and health issues</p> <p>20 that you have suffered from over the last six months?</p> <p>21 A. Yes.</p> <p>22 Q. Has those health issues manifest in any</p> <p>23 inability to continue your work operations, for example?</p> <p>24 Run your business?</p> <p>25 A. It has.</p>

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* * * Videotaped Deposition * * *

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<p>1 Q. In what ways?</p> <p>2 A. Lethargic, unmotivated. Developed some</p> <p>3 procrastination because I'm thinking about other things.</p> <p>4 Q. Are all of those things you just described, do</p> <p>5 you believe in your life related specifically and</p> <p>6 completely to this litigation?</p> <p>7 A. I do.</p> <p>8 Q. And there's nothing else in your life that would</p> <p>9 cause you to have these other symptoms or actions, as you</p> <p>10 described them?</p> <p>11 A. Nothing.</p> <p>12 Q. Are you concerned, just yourself, on a personal</p> <p>13 level, that perhaps this litigation is a little emotional</p> <p>14 or you're a little obsessed about it?</p> <p>15 A. Am I obsessed about it --</p> <p>16 Q. Yes.</p> <p>17 A. -- or am I emotional about it?</p> <p>18 Q. You're clearly emotional about it.</p> <p>19 A. Right.</p> <p>20 Q. Are you a little obsessed about it?</p> <p>21 A. No. I'm not obsessed about it. I'm defending</p> <p>22 myself.</p> <p>23 Q. You think that's important, don't you, to defend</p> <p>24 yourself if somebody threatens you. Right?</p> <p>25 A. Yeah. I do. Or bullies you or targets you.</p>	<p>1 matters that my co-counsel had discussed earlier that</p> <p>2 you've been involved in.</p> <p>3 Do you recall in the last couple of years,</p> <p>4 have you threatened legal action against anyone else</p> <p>5 for any other matter? Either in business or personal?</p> <p>6 A. I don't believe so. Oh, maybe -- maybe</p> <p>7 personal. Maybe the Southwest Gas guy. But I've never</p> <p>8 personally threatened him.</p> <p>9 Q. Okay.</p> <p>10 A. In person.</p> <p>11 Q. In writing?</p> <p>12 A. In writing, no. In writing, no.</p> <p>13 Q. Okay.</p> <p>14 A. I believe I had the conversation with Pennie</p> <p>15 about it.</p> <p>16 Q. Okay. Just to be clear, your testimony is you</p> <p>17 have -- you did not verbally or in writing directly</p> <p>18 threaten him with some type of legal action?</p> <p>19 A. No.</p> <p>20 Q. You've had these conversations, we have talked</p> <p>21 about, lots of different conversations, right, with code</p> <p>22 enforcement, with other people?</p> <p>23 Do you keep any journal or notes of your</p> <p>24 conversations or any way to refresh your recollection</p> <p>25 or document the information you're being provided?</p>
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<p>1 Q. And it seems -- it appears to me that you --</p> <p>2 that's something you think is important to do in any</p> <p>3 context, that if someone is threatening you or bullying</p> <p>4 you, that you should defend yourself appropriately.</p> <p>5 Right?</p> <p>6 A. I think people have a right to do that.</p> <p>7 Q. And there's different ways of doing that,</p> <p>8 though. Do you agree?</p> <p>9 A. Could be. Depends on the situation.</p> <p>10 Q. Okay. Getting lawyers involved is one way of</p> <p>11 doing it. Correct?</p> <p>12 A. Correct.</p> <p>13 Q. But there's other ways of doing it as well.</p> <p>14 Correct?</p> <p>15 A. Sure.</p> <p>16 Q. And you've gotten lawyers involved or threatened</p> <p>17 to get lawyers involved in other contexts where you've</p> <p>18 felt you've been bullied; is that fair?</p> <p>19 A. Naw. Not bullied.</p> <p>20 I haven't -- well, I guess with Rose Marie</p> <p>21 Cramer, it was more extortion than bullying.</p> <p>22 Q. Okay. Or maybe "bully" is not a good word.</p> <p>23 Maybe threatened?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So have you -- you've had those legal</p>	<p>1 A. No.</p> <p>2 Q. So you work pretty much just off of memory on</p> <p>3 these conversations and what you hear. Correct?</p> <p>4 A. I try to.</p> <p>5 Q. You've indicated that you feel you've been</p> <p>6 targeted specifically. And I know we have been through</p> <p>7 that quite a bit, and that's part of your allegations.</p> <p>8 But I want to ask you if you believe that all</p> <p>9 of the homeowners should be required to be treated</p> <p>10 equally when it comes to enforcement. You would agree</p> <p>11 with that. Correct?</p> <p>12 A. Sure.</p> <p>13 Q. And that all homeowners should go through the</p> <p>14 same requirements as any other homeowner. Correct?</p> <p>15 A. Sure.</p> <p>16 Q. And no homeowner at any time should be exempted</p> <p>17 from following the rules or engaging in the process that</p> <p>18 is required under the governing documents. You would</p> <p>19 agree with that. Correct?</p> <p>20 A. I would.</p> <p>21 Q. And you also agree that the board is the entity</p> <p>22 that is charged with managing and running the</p> <p>23 association. Correct?</p> <p>24 A. Yes.</p> <p>25 Q. So if the board itself determined that there</p>

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* * * Videotaped Deposition * * *

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<p>1 were certain processes or procedures that one should</p> <p>2 follow within the HOA, you would agree those should be</p> <p>3 followed. Correct?</p> <p>4 A. Sure.</p> <p>5 Q. As long as they are legal, pursuant to the</p> <p>6 documents?</p> <p>7 A. And depending on the circumstances.</p> <p>8 Q. When you say depending on the circumstances,</p> <p>9 what do you mean?</p> <p>10 A. You can't come back after somebody</p> <p>11 seven years -- from something that's gone on seven years</p> <p>12 ago and decide to start firing off notices and citations</p> <p>13 to people.</p> <p>14 You can't start targeting people six years</p> <p>15 later over oleanders when you know that they are</p> <p>16 already all over the community, and they have been</p> <p>17 there for two or three years. You can't do that.</p> <p>18 If you did, then you would have a huge mess on</p> <p>19 your hands in the entire community.</p> <p>20 Q. And those are examples of perhaps situations</p> <p>21 that would not be, again, speaking hypothetically, may</p> <p>22 not be lawful or supported by the governing documents.</p> <p>23 Correct?</p> <p>24 A. What are you referring to exactly?</p> <p>25 Q. Well, you just indicated some examples of</p>	<p>1 MR. ELSON: Are you guys almost done</p> <p>2 or --</p> <p>3 MR. BOYACK: I think so. We're getting</p> <p>4 close.</p> <p>5 MR. ELSON: Okay.</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 approximately 3:35 p.m. We are going off the record.</p> <p>8 (Brief Recess.)</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 approximately 3:45 p.m. We are back on the record.</p> <p>11 MR. BOYACK: Thank you, Ms. Collier, for</p> <p>12 your time today. I have nothing further.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 THE VIDEOGRAPHER: Anything, gentleman?</p> <p>15 Nothing.</p> <p>16 MR. NOACK: Nothing further from me as</p> <p>17 well.</p> <p>18 THE VIDEOGRAPHER: Mr. Elson, would you</p> <p>19 like a copy of the video or the transcript?</p> <p>20 MR. ELSON: I'll -- I don't want a copy</p> <p>21 of the video. I'll reach out to the reporter about the</p> <p>22 transcript.</p> <p>23 THE VIDEOGRAPHER: Thank you.</p> <p>24 And gentlemen, will we be syncing the video for</p> <p>25 you?</p>
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<p>1 situations where you believe that, you know, you may not</p> <p>2 need to comply with a board directive under the</p> <p>3 circumstances you just described. Correct?</p> <p>4 A. In reference to my own situation?</p> <p>5 Q. Well, just the situation. Yes. The situations</p> <p>6 you just described?</p> <p>7 A. Yes. In reference to my own situation.</p> <p>8 Q. Okay. But if there was a lawful or appropriate</p> <p>9 request by the board, you would agree that that's</p> <p>10 something you should -- you would have an obligation to</p> <p>11 follow up on or to complete?</p> <p>12 A. Possibly.</p> <p>13 Q. Okay. When you say "possibly," again, I just</p> <p>14 want to make sure we're clear.</p> <p>15 If hypothetically it is a lawful document,</p> <p>16 governing document-supported request, you would agree</p> <p>17 that that is something that a homeowner should comply</p> <p>18 with?</p> <p>19 A. Is that before or after the president tells you</p> <p>20 that you've been grandfathered in?</p> <p>21 Q. I'm just talking about generally.</p> <p>22 A. It's hard to answer that question.</p> <p>23 MR. BOYACK: Okay. All right. Could we</p> <p>24 take a quick five-minute break and see where we're at</p> <p>25 and probably wrap up?</p>	<p>1 MR. NOACK: I don't think so.</p> <p>2 THE VIDEOGRAPHER: Not right now.</p> <p>3 MR. NOACK: Yeah. Not right now. We can</p> <p>4 do that later?</p> <p>5 THE VIDEOGRAPHER: Absolutely. Thank</p> <p>6 you.</p> <p>7 This concludes the video deposition of Andrea</p> <p>8 Collier. The original media of today's testimony will</p> <p>9 remain in the custody of Las Vegas Legal Video.</p> <p>10 The time is approximately 3:46 p.m., and we</p> <p>11 are going off the record.</p> <p>12 (Whereupon, the videographer's record</p> <p>13 concluded, and the court reporter's</p> <p>14 record continued as follows:)</p> <p>15 THE COURT REPORTER: Do you want to waive</p> <p>16 signature?</p> <p>17 MR. ELSON: I don't know. We will deal</p> <p>18 with it later.</p> <p>19 (The videotaped deposition concluded at 3:46 p.m.)</p> <p>20 * * * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1	CERTIFICATE OF DEPONENT
2	PAGE LINE CHANGE
3	
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14	
15	*****
16	I, Andrea Collier, deponent herein, do hereby
17	certify and declare under penalty of perjury the within
18	and foregoing transcription to be my videotaped deposition
19	in said action; that I have read, corrected and do hereby
20	affix my signature to said videotaped deposition.
21	
22	Andrea Collier, Deponent
23	
24	Signed this _____ day of _____, 2023.
25	
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1	CERTIFICATE OF REPORTER
2	
3	I, Cindy Magnussen, Certified Court Reporter,
4	State of Nevada, do hereby certify:
5	That I reported the videotaped deposition of
6	Andrea Collier, commencing on Tuesday, October 24, 2023,
7	at 10:07 a.m.
8	That prior to being deposed, the witness was duly
9	sworn by me to testify to the truth. That I thereafter
10	transcribed my said shorthand notes into typewriting and
11	that the typewritten transcript is a complete, true and
12	accurate transcription of my said shorthand notes. That
13	prior to the conclusion of the proceedings, the reading and
14	signing was requested by the witness or a party.
15	I further certify that I am not a relative or
16	employee of counsel of any of the parties, nor a relative or
17	employee of the parties involved in said action, nor a
18	person financially interested in the action.
19	IN WITNESS WHEREOF, I have set my hand in my office in
20	the County of Clark, State of Nevada, this 9th day of
21	November, 2023.
22	
23	CINDY MAGNUSSEN, RDR, CRR, CCR No. 650
24	
25	

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