

EXHIBIT 6

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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

DEPOSITION OF SYDNEY WOO

LAS VEGAS, NEVADA

WEDNESDAY, JUNE 28, 2023

REPORTED BY: VANESSA LOPEZ, CCR NO. 902

JOB NO.: 992981

Page 2

1 DEPOSITION OF SYDNEY WOO held at The Law Offices
 2 of Timothy Elson, located at 8965 South Eastern Avenue,
 3 Suite 382, Las Vegas, Nevada, on Wednesday, June 28, 2023,
 4 at 1:04 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
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 16
 17 For Defendant Pennie Mossett-Puhek:
 18 FREEMAN MATHIS & GARY, LLP
 19 BY: DEREK NOACK, ESQ.
 20 3993 Howard Hughes Parkway, Suite 100
 21 Las Vegas, Nevada 89169
 22 (725)258-7360
 23 derek.noack@fmglaw.com
 24 For Defendant Anthem Highlands Community Association:
 25 BOYACK ORME ANTHONY & MCKIEVER
 BY: EDWARD BOYACK, ESQ.
 7432 West Sahara Avenue, Suite 101
 Las Vegas, Nevada 89117
 (702)562-3415
 Also Present: Andrea Collier

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1 LAS VEGAS, NEVADA; WEDNESDAY, JUNE 28, 2023
 2 1:04 P.M.
 3 -c0o-
 4 (The Reporter was relieved of her duties
 5 under NRCP 30(b)(4).)
 6 Whereupon,
 7 SYDNEY WOO,
 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, Mr. Woo.
 15 A. Yes, sir.
 16 Q. My name is Tim Elson, and I represent Ms. Collier.
 17 Before we begin this deposition, could you please
 18 state and spell -- excuse me, state and spell your legal
 19 name for the record.
 20 A. Sydney Woo, S-Y-D-N-E-Y, W-O-O.
 21 Q. Have you ever been sworn to tell the truth before?
 22 A. Yes.
 23 Q. On how many occasions?
 24 A. I don't know the exact number. I'd say more than
 25 ten.

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1 I N D E X
 2 WITNESS: SYDNEY WOO
 3 EXAMINATION PAGE
 4 By Mr. Elson 4
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 8 E X H I B I T S
 9 NUMBER PAGE
 10 Exhibit 1 P00220-P00244 68
 11 Exhibit 2 June 9, 2021, E-mail Printout 79
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 13 Exhibit 4 P00256-P00260 82
 14 Exhibit 5 E-mail Printout Re: 2822 83
 15 Culloden: Preservation of Evidence
 16 Exhibit 6 P00208-P00213 88
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1 Q. Okay. Were those at depositions, or what was,
 2 kind of, the basis for --
 3 A. Depositions, court appearances.
 4 Q. And were you a party in those legal matters, or
 5 how were you involved in them?
 6 A. I was a party on behalf of businesses. If our
 7 business was involved in some kind of a legal case, then I
 8 was a party to that in that respect. I was an agent of the
 9 business or I was a witness -- I'm involved in one right
 10 now. I'm a witness for the state in a criminal case.
 11 So . . . it's currently active.
 12 Q. Okay. Fair enough. Well, let me explain the
 13 basic rules of a deposition. Give you a little refresher
 14 just to make sure there's no confusion here today. You
 15 understand that you are under oath today and that this is
 16 the same oath you would take as if a judge and jury were
 17 present?
 18 A. Yes.
 19 Q. You understand that anything you say here today
 20 carries the same penalty of perjury as if you were before a
 21 judge and jury. Is that correct?
 22 A. Yes.
 23 Q. Have you consumed any alcohol in the last 12
 24 hours?
 25 A. No.

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1 Q. Have you consumed any prescription or
 2 nonprescription medication in the last 24 hours?
 3 A. Yes.
 4 Q. I don't necessarily need to know specifics, but
 5 will any of that medication that you've taken affect your
 6 ability to give me your best testimony here today?
 7 A. No.
 8 Q. Is any of that medication mind-altering substances
 9 like narcotics or anything like that?
 10 A. No.
 11 Q. Do you know of any reason why this deposition
 12 cannot go forward here today?
 13 A. No.
 14 Q. One of the basic rules of a deposition is that
 15 only one person speak at a time. The reason why is we have
 16 the court reporter here who is taking down everything that
 17 we say. So it becomes very difficult to create a clean and
 18 accurate record if we are speaking over one another. So I
 19 would ask you to wait for me to finish asking my question
 20 before you answer, and I will try and provide you the same
 21 courtesy. Is that fair?
 22 A. Yes.
 23 Q. Sometimes in ordinary language we do things like
 24 uh-huhs, uh-uhs, or nodding our head yes or no. And while
 25 those types of actions are perfectly normal in everyday

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1 that time or any other time, anyone will have the right to
 2 opine or comment as to whether or not you were telling the
 3 truth at one time or another.
 4 Therefore, it is very important we get your best
 5 testimony here today. Do you understand?
 6 A. I do.
 7 Q. As such, I want you to understand my questions
 8 before you answer them. If you don't understand my
 9 question, please tell me and I will rephrase it as many
 10 times as necessary until you understand the question. Is
 11 that fair?
 12 A. Yes.
 13 Q. Please keep in mind that if you do give us an
 14 answer, everyone will have the right to understand that you
 15 understood the question before you answered it. Is that
 16 fair?
 17 A. Yes.
 18 Q. Okay. Do you have any questions before we start?
 19 A. No.
 20 Q. Okay. If at any point in time you need to take a
 21 break, use the restroom, stretch your legs, I don't have any
 22 issue with that. I typically try and take breaks every hour
 23 or so anyway.
 24 So the only thing I would ask is that you answer
 25 any question that is pending before you before we go off the

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1 conversation, it does make it difficult to create a clean
 2 and accurate record. So from time to time, I may ask you,
 3 Is that a yes or is that a no? I'm not trying to be rude,
 4 I'm just trying to create a clean and accurate record. Is
 5 that fair?
 6 A. Yes.
 7 Q. I don't want you to guess today, but I am entitled
 8 to your best estimate. Do you understand the difference
 9 between a guess and an estimate?
 10 A. Yes.
 11 Q. Okay. Most people tell me they do, and I like to
 12 give a quick example to help demonstrate it. If I asked you
 13 to estimate the length of the table in this room, you could
 14 look at it, using your everyday experiences, tell me you
 15 believe it is X amount of feet long.
 16 If I asked you to estimate the length of my table
 17 in my house, because you've never been to my house, that
 18 would be a pure guess. Does that help confirm your
 19 understanding of what the difference between a guess and
 20 estimate is?
 21 A. Yes.
 22 Q. Okay. Your testimony will have -- will come in a
 23 typed booklet format, and you will have the opportunity to
 24 review it and make any changes you wish to make to it.
 25 Please be cautious that if you make any material changes, at

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1 record and take a break or maybe let me finish that line of
 2 questioning. Is that fair?
 3 A. Yes.
 4 Q. Okay. So I want to start with just some
 5 background information for you, Sydney. Could you -- is it
 6 okay if I call you Sydney?
 7 A. Yes.
 8 Q. Could you just go over a little background with
 9 your education, where you went to high school, whether you
 10 attended any college, things like that?
 11 A. Went to high school in California, in San Carlos,
 12 California, and came to Las Vegas, attended UNLV, got a
 13 degree in hospitality management at UNLV.
 14 Q. When did you first move to Las Vegas?
 15 A. 1980.
 16 Q. Okay. And when did you graduate from UNLV?
 17 A. I actually went for a little while, then didn't --
 18 didn't continue and then went back. So I graduated,
 19 ultimately, in 1999.
 20 Q. Okay. Since graduating from UNLV, have you
 21 attended any other schooling?
 22 A. Are you asking like an accredited educational
 23 institution?
 24 Q. That's correct. Any vocational --
 25 A. I'm trying to think.

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1 Q. -- or professional accreditation or anything like
 2 that.
 3 A. I know I went through some training in the
 4 insurance industry. You know, I am -- I was FINRA licensed,
 5 you know, for securities. So I did go through an
 6 educational process there. I don't -- and it did involve
 7 using, you know, certain curriculum to do that, but I don't
 8 know what level of accreditation that warrants, but I did
 9 get, you know, again, licensed through the federal
 10 government --
 11 Q. Okay. So --
 12 A. -- for securities.
 13 Q. Would your answer change if I moved the time line
 14 back to 1980? Because I asked you after you graduated from
 15 UNLV.
 16 So let me ask it this way: Have you attended any
 17 additional schooling since graduating from high school?
 18 A. I -- not to my recollection. Not -- not a formal
 19 schooling type of environment, no.
 20 Q. Okay. Do you have any other professional
 21 certifications other than the one that you just described?
 22 A. I'm trying to think. Insurance, securities, I
 23 think that's it. I -- you know, based on my industry
 24 background, I did go through a lot of clearances with, you
 25 know, law enforcement so on, so forth, but not, like, a

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1 president of?
 2 A. Typically operations, either hotel operations or
 3 overall operations. So I pretty much focused on the
 4 operation side. I did not really directly involve myself in
 5 the gaming side of the business.
 6 Q. When you first started in the casino business,
 7 what was, I guess, your entry level position?
 8 A. I think I worked at the front desk. No.
 9 Actually, I started out -- believe it or not, I moved out
 10 here to go to school, and I started out bussing tables. So
 11 I worked at the Imperial Palace back then before it became
 12 whatever it is now. So -- yeah, so I honestly started out
 13 bussing tables.
 14 Q. And then you started working at the front desk and
 15 worked your way up?
 16 A. I became a waiter. Really got burnt out in the
 17 food business, and so then I switched over to the hotel side
 18 and worked at the front desk for a while and then progressed
 19 to an assistant manager's position, then became a hotel
 20 manager, and then took over hotel operations as a director,
 21 vice president level.
 22 And then I switched to -- and then I -- that's
 23 when I went back to school. I left that position, went back
 24 to school. Then went -- after finishing school, I went back
 25 to work. At that time, it was Mirage Resorts property.

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1 certification type of thing.
 2 Q. Okay. Well, let's talk a little bit about that,
 3 because I don't know much about Sydney Woo. Why don't you
 4 tell me a little bit about your employment background and
 5 what type of clearances and things like that --
 6 A. Okay.
 7 Q. -- you --
 8 A. So I work in hospitality gaming ever since I moved
 9 out here in 1980. That was basically my career for -- until
 10 I retired. And so that involved, you know, a certain level
 11 of background clearance as I progressed in my level of
 12 responsibility. So I became a key employee, and I went
 13 through, you know, key employee background checks with the
 14 state and with law enforcement at the local level as well,
 15 and that had to be maintained throughout my course of
 16 employment.
 17 Q. What casinos did you work for, I guess?
 18 A. Ooh. Aladdin, Sands, Frontier, Golden Nugget,
 19 Mirage Corporation, American Casinos, which was the
 20 Stratosphere, Arizona Charlie's, Aquarius, you know, the --
 21 and that was my last one, American Casinos.
 22 Q. What -- when you say you were a key employee, what
 23 does that mean? What type of role did you have?
 24 A. Typically, vice president level.
 25 Q. Is there a specific division that you were vice

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1 Became a director. And then I left that business to work
 2 for a local businessperson that ran Extended Stay
 3 properties. So I ran his companies. So I actually had -- I
 4 was general manager for him and ran five companies that he
 5 had.
 6 Did that for a while, and then became -- went to
 7 work for American -- American Casinos, which was a Carl
 8 Icahn company, became vice president, and then they sold it
 9 to Goldman Sachs. So I worked for Goldman for a while and
 10 then I -- I had a real serious illness in my family. So I
 11 decided -- it was a lengthy process. So I decided I had
 12 enough, so I retired.
 13 Q. What year did you retire in?
 14 A. 2011. And then I stayed off for about seven years
 15 and got bored and went back to work again.
 16 Q. Okay. So let's talk a little bit about that.
 17 What have you done since you've been back to work?
 18 A. So I went back and I got licensed in insurance. I
 19 was really looking at potentially doing work in the
 20 insurance industry and it got to a point where it -- I felt
 21 it was more a sales type job than, you know, what I
 22 considered -- what -- the role I wanted to assume, which --
 23 which was really help people, regardless of sales.
 24 And because of that, I -- I did that for a while.
 25 I got licensed, like I said, you know. I even got -- I was

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1 one step away from a full security clear- -- securities
 2 license. I was at a Series -- what they call Series 6
 3 license, and all I needed to do was get a Series 7 and I
 4 could have done all -- you know, full licensing for
 5 securities.
 6 But I decided I just didn't want to do these sales
 7 jobs, so I switched over to banking, which is what I'm doing
 8 right now, and -- which is a little bit less of -- it's
 9 still sales. But in the area that I got into right now, I
 10 got out of the sales part of it. I just don't want to be in
 11 that.
 12 Q. Who is your current employer?
 13 A. B of A. Bank of America.
 14 Q. And what's your specific role with Bank of
 15 America?
 16 A. I do clients -- client relations. So right now I
 17 work in the vehicle lending division. And, basically, I
 18 provide support for clients, and so it's basically all
 19 client driven.
 20 Q. Sydney, where were you born, and when were you
 21 born?
 22 A. Born in Okinawa, Japan. At that time when I was
 23 born, it was a U.S. territory before it was handed back to
 24 Japan. So I was born in Okinawa. I did not gain
 25 citizenship, even though it was a U.S. territory. I was

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1 Charles Hernandez. So . . .
 2 Q. Is there a specific reason why you reviewed that
 3 court case?
 4 A. I remembered something about it. And I -- it was
 5 just something I wanted to review, not specifically that
 6 court case. I just happened upon it and I was looking at --
 7 just browsing regarding the association and that thing
 8 popped up. So I read it and then I just printed it out
 9 because, you know, it -- I felt it had some relevance to
 10 what we're talking about today.
 11 Q. Anything else that you can think of that you
 12 reviewed in preparation for your deposition here today?
 13 A. I did a quick scan of some -- you know, my
 14 e-mails, but I really didn't go into too much detail of
 15 that. I just did a quick review of e-mails.
 16 Q. Are those personal e-mails? E-mails related to
 17 Anthem?
 18 A. It was e-mails related to Anthem.
 19 Q. Do you have a separate e-mail account
 20 for Anthem-related e-mails?
 21 A. We created one, yeah, when we were on the board.
 22 So I do have a separate e-mail address for that.
 23 Q. Is that something you still maintain or have
 24 access to?
 25 A. I still have access to it. It's not -- it's not

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1 born in July of 1960, and we left Okinawa in 1969, moved to
 2 the San Francisco Bay Area and I grew up there.
 3 Q. Sydney, I don't want to offend you. I ask this
 4 question of every witness I've ever deposed. Have you ever
 5 been convicted of a felony?
 6 A. No.
 7 Q. Have you ever been convicted of a crime of moral
 8 turpitude, that is one involving deceit or dishonesty?
 9 A. No.
 10 Q. What did you do to prepare for your deposition
 11 here today?
 12 A. Nothing.
 13 Q. Did you review any documents?
 14 A. There were a couple of documents I did review,
 15 yes.
 16 Q. What documents did you look at?
 17 A. I -- I looked at a resolution that the Anthem
 18 Highlands Community Association had regarding fiduciary
 19 responsibility, and that was something that was drafted in
 20 2014. I just happened across it. So I looked -- I -- I
 21 reviewed that, and I also reviewed a court case that was
 22 involving the association background the same time.
 23 Q. What court case was that?
 24 A. I don't remember exactly what it was. Honestly,
 25 Mr. Boyack was representing the association. So it was with

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1 gone. Everything is still there.
 2 Q. And is there -- I'm trying to think of the correct
 3 way to phrase this. Who hosts that e-mail account?
 4 A. Google.
 5 Q. Google. So it's a Gmail account?
 6 A. Yes. It's a Gmail account. There was a domain
 7 created by the board at one point through GoDaddy for Anthem
 8 Highlands, and there were e-mail addresses associated with
 9 that that were created. But subsequent to that board
 10 leaving, we decided that we were going to use Gmail and
 11 create Gmail identities for our e-mails.
 12 Q. Did anyone ever come to you and ask you to gather
 13 documents from your Gmail account?
 14 A. No.
 15 Q. When you searched in your Gmail account, did you
 16 type in any search terms or anything like that to help you
 17 locate e-mails?
 18 A. I -- I wanted to see if I can refresh myself a
 19 little bit. So I -- I think I typed in Culloden, the street
 20 name.
 21 Q. Mm-hmm.
 22 A. Just to see if there was any relevance to what
 23 we're talking about today. That was basically it.
 24 Q. Did any e-mails pop up when you typed in Culloden?
 25 A. There were, because there were -- there were

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1 things going back and forth regarding violations and
 2 architectural committee requests and things like that.
 3 There weren't a ton of them. And I guess "ton" is a vague
 4 word, but I won't say there were a lot of them, but I just
 5 used that as a keyword and, you know, when the search comes
 6 up, it will show the e-mails with that word highlighted. I
 7 would say it was basically on the one screen.
 8 Q. Were all of those e-mails related to Ms. Collier,
 9 or were some of those e-mails related to units other than
 10 Ms. Collier?
 11 A. There were other ones, too. Ms. Collier -- there
 12 were a few e-mails with her in the subject, but I -- you
 13 know, I looked at some of those because, obviously, you
 14 know, I thought it might refresh myself coming here today,
 15 but there really weren't that many.
 16 Q. Anything else that you think -- that you can think
 17 of that you reviewed in preparation for your deposition?
 18 A. No.
 19 Q. Prior to appearing for this deposition, have you
 20 ever reviewed any documents produced in this case?
 21 A. I'm sorry, prior to -- prior to the dep- --
 22 Q. Let me -- let me phrase it this way.
 23 A. Okay.
 24 Q. Prior to today --
 25 A. Uh-huh.

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1 didn't have any participation in the NRED mediation.
 2 A. No.
 3 Q. Is that correct?
 4 A. No.
 5 Q. Is that correct?
 6 A. Oh, that's correct. Yes, I did not have any.
 7 Sorry.
 8 Q. Prior to resigning from the board, were you
 9 involved in any communications related to the NRED filing by
 10 Ms. Collier?
 11 A. I can't remember.
 12 Q. So if you were, it would also be fair to say that
 13 you don't remember what your involvement was. Is that
 14 correct?
 15 A. If anything, it would have been so minimal that I
 16 don't believe it would have any bearing on what's going on
 17 today.
 18 Q. Okay. When was the last time you talked to
 19 Mr. Boyack?
 20 A. I don't remember the exact date. I did have a
 21 phone conversation with him prior to coming here today.
 22 Q. Okay. Does Mr. Boyack represent you, as far as
 23 you know?
 24 A. No. You mean personally?
 25 Q. That's correct.

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1 Q. -- have you reviewed any documents filed or
 2 produced in this case?
 3 A. During the course of when I was on the board?
 4 Q. Just in general --
 5 A. I mean, I would assume I did.
 6 Q. Let me -- let me put it this way: My
 7 understanding is is that you either resigned from the board
 8 or were no longer on the board prior to the complaint in
 9 this case being filed.
 10 A. Right.
 11 Q. Have you ever seen the complaint in this case in
 12 District Court?
 13 A. No.
 14 Q. Have you ever seen any of the discovery answers or
 15 responses that have been produced in this case?
 16 A. No.
 17 Q. Have you ever seen any of the discovery disclosure
 18 documents that any party has produced in this case?
 19 A. No.
 20 Q. And we're going to talk about timing as it relates
 21 to you on the board here in a few moments. But, again, it's
 22 my understanding that you resigned from the board shortly
 23 before the NRED mediation took place as it relates to
 24 Ms. Collier.
 25 So correct me if I'm wrong, but did you -- you

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1 A. No.
 2 Q. How long did your conversation with Mr. Boyack
 3 last?
 4 A. Say about an hour.
 5 Q. Did you just have that one conversation with
 6 Mr. Boyack or --
 7 A. Yes.
 8 Q. -- did you -- have you ever talked to Mr. Noack?
 9 A. No.
 10 Q. Have you ever talked to a gentleman by the name of
 11 Michael Edwards that works with Mr. Noack at his office?
 12 A. No.
 13 Q. Okay. As far as you know, have you ever talked to
 14 anybody at Mr. Noack's office?
 15 A. No.
 16 Q. What did you and Mr. Boyack speak about when you
 17 spoke?
 18 A. General -- what -- you know, obviously, I left my
 19 position on the board. I had not spoken to him since I had
 20 left. So touched on different aspects of, you know, why I
 21 left or, you know, the fact that I left and concerns that,
 22 you know, I had regarding the board.
 23 Q. Did Mr. Boyack -- and I don't mean to insinuate
 24 that Mr. Boyack would do any of this. So no offense to him,
 25 but I just want to make sure we're clear.

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1 Did Mr. Boyack ever tell you what to say?
 2 A. No.
 3 Q. Did Mr. Boyack ever coach you on how to provide
 4 your testimony --
 5 A. No.
 6 Q. -- today? Other than that conversation that you
 7 had with Mr. Boyack -- I'm going to assume it was in the
 8 last month. Is that fair?
 9 A. Maybe a little longer than that. I -- yeah, I
 10 don't --
 11 Q. Last 60 days?
 12 A. Most -- most likely, yes.
 13 Q. Yeah.
 14 MR. BOYACK: Last 60 to 75 days.
 15 THE WITNESS: Yeah, I'm just -- I'm not sure
 16 exactly. It's been a while. Because this has been
 17 postponed a little bit, too. So I'm losing my track of, you
 18 know, the time line, because this -- this has been later
 19 than I thought we would originally do this. So . . .
 20 Q. (By Mr. Elson) Understood. So it would be fair
 21 to say that it was at or near the time we first reached out
 22 to you and tried to start scheduling your deposition?
 23 A. I don't think it was even then. I think it was
 24 prior to that.
 25 Q. Okay. All right. Fair enough. So other than

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1 manage it, the GoDaddy domain. So I was the only one who
 2 knew how to do it.
 3 So a majority of the conversation I had with her
 4 was regarding that and -- because she was tasked with it and
 5 she had no idea what to do. So I was just trying to help
 6 her, you know, get through that because she had no other way
 7 to -- nobody else that can help her, so I decided to.
 8 And at that time, because the association didn't
 9 have any kind of funding accounts set up with GoDaddy, I was
 10 using my credit card to make the monthly payments for the
 11 GoDaddy subscriptions, and then I would just get reimbursed
 12 by the board. So one of the things I told Carmen was that
 13 she needs to speak to Pennie or somebody to get somebody
 14 else to pay for this, because I'm not on the board anymore.
 15 And so I -- and I told her specifically to get my credit
 16 card off the account. So I told her how to do it and to get
 17 another credit card account or something or set up -- you
 18 know, I encouraged them to set up an account instead, like a
 19 direct bill account, but that was a lot of the conversation.
 20 Then the functionality of how to manage that domain. How --
 21 you know, there were conversations about that, because she
 22 really didn't know what to do.
 23 Q. Okay.
 24 A. And then I think I spoke to her a couple times,
 25 because the board issued a violation, you know, personally

Page 23

1 that conversation, have you spoken to Mr. Boyack since you
 2 were on the board?
 3 A. Wait. Wait a second. I don't understand that at
 4 all.
 5 MR. BOYACK: Since the last conversation? Or --
 6 sorry.
 7 THE WITNESS: Since I was on the board, I've had
 8 conversations with him. I mean . . .
 9 Q. (By Mr. Elson) Since you resigned from it. Maybe
 10 I phrased it incorrectly.
 11 A. Yeah. I mean, that --
 12 Q. Let me ask it another way.
 13 A. Yeah. Okay.
 14 Q. Since you resigned from the board --
 15 A. Mm-hmm.
 16 Q. -- other than the conversation that you just
 17 mentioned to me, have you spoken to Mr. Boyack?
 18 A. No.
 19 Q. Since you resigned from the Board, have you spoken
 20 to Carmen Eassa?
 21 A. Yes.
 22 Q. How many times have you spoken to Carmen Eassa
 23 since you resigned from the board?
 24 A. I'd say less than ten. They were having some
 25 problems with the domain that we had set up and how to

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1 against me for landscaping issues. And so I told her that
 2 what I was issued a violation for was what the Board
 3 recommended homeowners do and I did it and I got a
 4 violation.
 5 And so I told her, you know, This shouldn't even
 6 be on my record, and they closed the violation, but it's
 7 still on my record, which is absurd, but I had conversations
 8 with her about that.
 9 And then I think during the course of those
 10 conversations, you know, we just spoke just casually, like,
 11 you know, more about outside of the board, just how things
 12 were going and more friendly-type of conversation.
 13 Q. Were any of those conversations -- was Ms. Collier
 14 a part of any of those conversations?
 15 A. No.
 16 Q. When you say Carmen was tasked with the domain,
 17 was she also tasked with managing the website? Is that what
 18 you mean by the domain?
 19 A. No. See, what we tried to do -- the prior board
 20 created this GoDaddy domain and it was basically to be able
 21 to provide a -- you know, an address for homeowners to send
 22 to the board. So it was, like, manager@anthem. So it
 23 was -- anthemhighlands.org was the domain. And so we
 24 created, like, a manager address to send the e-mails.
 25 And then you could set it up where -- that once it

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1 comes into that box, it could distribute to certain people
 2 so that, you know, you wouldn't have to involve a person's
 3 e-mail address. It would just go to this, you know, domain
 4 name and the e-mail address.
 5 And the other reason why, you know, I wanted to
 6 maintain it is because, if we changed management companies,
 7 which happens, that it creates a real headache to try to
 8 transition different e-mail addresses for homeowners to
 9 communicate. So by keeping this manager@anthemhighlands.org
 10 consistent, it really didn't matter who it was, because it
 11 would funnel -- if it was a new company, we could funnel it
 12 to new e-mail addresses.
 13 Q. Who was in charge of maintaining the website for
 14 Anthem Highlands?
 15 A. The website itself, I have no idea. It was most
 16 like -- I know that, you know, Terra West was -- has their
 17 website. But the Anthem Highlands website, we really didn't
 18 have anything.
 19 Q. Is there a website outside of the one that Terra
 20 West has for Anthem?
 21 A. I don't believe so.
 22 Q. There is just a portal on the Terra West website
 23 where you log into?
 24 A. Right. You know . . .
 25 Q. When was the last time you've talked to Ken

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1 A. Prior to my departure from the board. I don't
 2 remember the exact date.
 3 Q. As you are aware, we're here today to talk about a
 4 lawsuit involving Ms. Collier and Anthem Highlands. From
 5 time to time, I may refer to Anthem Highlands HOA as Anthem
 6 Highlands or Anthem. I'm always trying to refer to the HOA,
 7 Anthem Highlands HOA. If you ever have any questions or
 8 it's ambiguous, please let us know.
 9 But if you refer to Anthem or Anthem Highlands,
 10 I'm also understanding that you're referring to Anthem
 11 Highlands HOA. Is that fair?
 12 A. Yes.
 13 Q. Okay. How long have you lived in the Anthem
 14 community?
 15 A. I moved there in July of 2014.
 16 Q. Does your path of travel that you take as ingress
 17 and egress out of the community to your house -- does that
 18 take you past Ms. Collier's house?
 19 A. No.
 20 Q. When you enter or leave the community, would you
 21 ever drive by Ms. Collier's house?
 22 A. No. Well, let me do a clarification on that.
 23 There is a back way out of the community on Democracy. If
 24 something is wrong with the normal course of travel, I might
 25 go out the back way, but I may have done that once or twice

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1 Brensinger?
 2 A. It's prior to my departure from the board.
 3 Q. What about other members of the board, like Joe
 4 Osisek or --
 5 A. Yeah, Joe lives two houses away from me. So I --
 6 I have spoken to him a few times just because I'm --
 7 Q. Let me clarify before you jump into your
 8 conversations with Joe. When was the last time you've
 9 spoken to Joe about Ms. Collier?
 10 A. Never.
 11 Q. Okay. When was the last time you spoken to
 12 anyone, other than Mr. Boyack, about Ms. Collier?
 13 A. I had conversations with another board member that
 14 resigned by the name of Shirley Breedon.
 15 Q. Okay.
 16 A. But there were -- I don't believe I had any
 17 specific conversation with her about Ms. Collier.
 18 Q. Okay. What about other than Ms. Breedon? Anybody
 19 else that you can think of since you resigned from the
 20 Board?
 21 A. That I spoke to at all or regarding --
 22 Q. Regarding Ms. Collier.
 23 A. No.
 24 Q. When was the last time you've spoken to Pennie
 25 Mossett-Puhek?

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1 in the entire time I've lived in that community.
 2 Q. How many oleanders are planted throughout the
 3 Anthem community?
 4 A. I couldn't give you an exact number. I don't
 5 think it's uncommon.
 6 Q. Would you say that there's a high percentage of
 7 homes in the Anthem community that have oleanders planted?
 8 A. I couldn't answer that. I don't know what high
 9 percentage is. I mean, can you be more specific?
 10 Q. Well, let me have you give me an estimate then.
 11 A. I can't. I don't know how many there would be.
 12 I -- I do feel that it's not out of the ordinary to have
 13 oleanders, but I couldn't give you a number or an estimate.
 14 Q. Are oleanders planted on the common elements
 15 within Anthem Highlands?
 16 A. Not to my knowledge.
 17 Q. Do you know if oleanders were ever planted on the
 18 common elements within Anthem Highlands?
 19 A. No, I don't. I don't know.
 20 Q. How long have you known Pennie?
 21 A. I knew of her after I moved into the community
 22 because I used to attend board meetings. So I knew who she
 23 was, but I don't believe I started talking to her or had any
 24 kind of correspondence with her until I was on the board.
 25 Q. When did you first serve on the board?

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1 A. Okay. So one time I was appointed to go on the
 2 board because they didn't have enough board members, and so
 3 I was appointed for a short duration of time. I -- I don't
 4 know the exact year. 2017, maybe. But I only served for a
 5 few months because there was elections after that and there
 6 were other candidates that were -- that garnered more votes
 7 than I did. So I just -- I just filled for a few months and
 8 then that was it.

9 Q. Okay. So after that first time you served on the
 10 board in the 2017-type time frame -- and we'll keep it
 11 general. No one is trying to trick you on dates.

12 A. Okay.

13 Q. It was a long time ago. But I'm just going to
 14 call it the 2017 time frame.

15 How long after that was the next time you served
 16 on the board?

17 A. I believe it was when I was -- I didn't serve on
 18 the board. I was appointed as treasurer for the
 19 association, even though I wasn't on the board.

20 Q. How did that work?

21 A. You can be a treasurer.

22 Q. Okay.

23 A. You can hold -- you could be an officer without
 24 being a board member.

25 Q. Okay.

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1 had for dinner last week.

2 A. Yeah, this is really hard for me to remember.

3 Q. So . . .

4 A. Yeah.

5 Q. So I'm --

6 A. I'm just trying to do some kind of, you know,
 7 correlation to time. I -- I do believe my role as treasurer
 8 transitioned directly back to when I got elected and then I
 9 became a director -- you know, a member of -- a director of
 10 the board when I got elected and then I believe I continued
 11 as treasurer after that.

12 Q. Okay. So then how long were you a board member
 13 after you were elected as a board member?

14 A. One year . . . one year, eight months.

15 Q. When did you resign from the board?

16 A. January 2022.

17 Q. That -- that's what my records show as well --

18 A. Yeah.

19 Q. -- is that it was in December 2021 or January
 20 20- --

21 A. So that means I got elected in 20- -- so that --
 22 that reelect- -- I was coming up for reelection in 2022.
 23 That means I was on the board in 2020, because I served a
 24 two-year term. So that means I would have been elected
 25 2020, and then the 2019 for the treasurer probably makes

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1 A. So I was an officer, basically, without being a
 2 board member.

3 Q. When did that take place?

4 A. I'm trying to think when we had -- let's see, I --
 5 maybe 2019, maybe. It was the latter part of either 2018 or
 6 2019.

7 Q. Okay.

8 A. Probably 2019.

9 Q. Did you ever become a board member?

10 A. Yes.

11 Q. When was the first time you became a board member?

12 A. Let's see. 2022 . . . 2021, I believe.

13 Q. Were you an officer from the approximate dates of
 14 2018, 2019 through 2021?

15 A. I was a treasurer. So I was a treasurer preceding
 16 becoming a board member.

17 Q. And I -- so let me ask it this way: Were you
 18 continuously the treasurer from 2018 to 2019 until you
 19 became a board member in 2021?

20 A. I -- that's why I'm trying to correlate the dates,
 21 and I apologize that I can't be more specific, but I don't
 22 believe I had a break between being treasurer and then
 23 becoming a board member. So that -- my dates of being a
 24 treasurer may be incorrect.

25 Q. Fair enough. And, again, I can't remember what I

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1 sense, because that -- again, I really apologize. I'm
 2 trying to put the time frame back in -- back in perspective
 3 here.

4 Q. Okay. That's fine. And we can piece it
 5 together -- together, Sydney.

6 So when you first -- you said you learned of
 7 Pennie by attending board meetings. What was your first
 8 impression of Pennie?

9 MR. NOACK: Objection. Vague.

10 MR. BOYACK: Relevance.

11 Q. (By Mr. Elson) Go ahead and -- so from time to
 12 time I may ask questions and these attorneys may put
 13 objections on the record, and that's just to preserve their
 14 objection. We don't have a judge here to rule on these
 15 objections and whether or not that type of testimony would
 16 become admissible at the time of trial. So unless anyone
 17 instructs you otherwise, just go ahead and proceed to answer
 18 the question --

19 A. So --

20 Q. -- after --

21 A. So --

22 Q. -- they place their objection --

23 A. Right. So --

24 Q. -- on the record.

25 A. -- for my clarification, if they object, I'm still

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1 required to answer the question?

2 Q. Unless someone instructs you otherwise, yes.

3 A. Okay. I just want to make sure I understood that.

4 Q. Yes. So let me reask -- and it's very rare that

5 someone instructs a witness to not answer a question,

6 especially an unrepresented witness. But in any event, if

7 someone does, then we can discuss it at that time.

8 So when they make their objection, just proceed to

9 answer the question as if they hadn't objected, because they

10 are just preserving the record.

11 MR. ELSON: Does counsel have anything they wish

12 to add?

13 MR. BOYACK: No.

14 MR. ELSON: Okay. Just want to make sure

15 everybody is on the same page.

16 Q. (By Mr. Elson) So let me reask the question since

17 I've been speaking so long.

18 When you first met Pennie, what was your

19 impression of her?

20 MR. NOACK: Objection. Vague.

21 THE WITNESS: I didn't have any impression. I --

22 I saw her at a board meeting.

23 Q. (By Mr. Elson) I just wasn't sure if there was

24 something that stood out to you when you first saw her at a

25 board meeting, if there was some type of interaction with

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1 A. I do believe there was -- there was a level of

2 friendship. I mean, you know, I did have a tremendous

3 amount of respect for her, and I had no -- no qualms about

4 being -- you know, having some kind of friendship. I mean,

5 I had no problem with that.

6 Q. Was there -- would you guys hang out socially

7 outside of being board members with one another?

8 A. Hang out socially, meaning what?

9 Q. I don't know. Have dinner or drinks or go to

10 family gatherings or -- I mean, there's a variety of

11 different ways --

12 A. I think there were times when we might go grab a

13 bite to eat or, you know, have a drink or something like

14 that, but that was just -- just to connect. I don't -- I

15 don't even remember the subject matter, you know, why we did

16 that. But it wasn't something that was, you know, like

17 something that we would plan out or -- it was just something

18 that -- go grab a drink or something.

19 Q. And how often would that type of activity take

20 place?

21 A. Several months, maybe a month.

22 Q. So once every several months --

23 A. Or -- again, I think most of the time that we met

24 or communicated was relative to board -- board -- it wasn't

25 outside of the board. So, in other words, if we met for

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1 her.

2 A. She was -- the only thing I could say is that when

3 I -- when I saw the functioning of the board, I felt that

4 she was very active in the board meeting.

5 Q. And when did you develop either some sort of

6 professional relationship or personal relationship with

7 Pennie?

8 MR. NOACK: Objection. Compound. Vague.

9 THE WITNESS: I do believe it was after I got on

10 the board or maybe when I was treasurer, as an officer.

11 Possibly then. I don't -- I really can't answer that

12 because I don't know -- I don't have a distinct memory of

13 when we first communicated or when that started. I -- I

14 can't answer that.

15 Q. (By Mr. Elson) Okay. Did you ever develop --

16 outside of your role of being board members, did you ever

17 develop any sort of friendship or personal relationship with

18 Pennie?

19 A. I would consider us friends. I mean, I don't see

20 anything -- you know.

21 Q. And I'm not suggesting there was anything romantic

22 or anything scandalous. I'm just trying to better

23 understand if your relationship with her extended beyond

24 being board members into being friends or anything like

25 that.

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1 drinks, it might have been, you know, to discuss something

2 that we had thoughts about, you know, regarding board -- it

3 wasn't like, Let's go have something -- let's go have a

4 drink so we can hang out. It wasn't like that. It was more

5 board driven.

6 Q. Okay. Understood. And I'm just trying to better

7 understand the -- the nature of -- of your relationship with

8 Pennie.

9 When you ultimately resigned from the board in

10 2022 -- you did resign. Is that correct?

11 A. I did.

12 Q. Okay. Why did you resign from the board in

13 January of 2022?

14 A. I felt that the conduct and the direction of the

15 board and what was happening on the board did not represent

16 my beliefs. And I was president of the board, and I felt

17 the consequences would become my responsibility. And I was

18 not willing to take the responsibility for the actions of

19 the members of the board.

20 Q. Okay. And what specifically are you referring to

21 when you say that you did not condone the direction that the

22 board was taking?

23 MR. NOACK: Objection. Misstates testimony.

24 Q. (By Mr. Elson) If it misstates your testimony,

25 please tell me. I'm just trying to get a better

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1 understanding of the specifics.

2 A. You know, I just have a belief and way homeowners

3 should be treated, how the board should conduct itself in

4 a business manner --

5 Q. Okay.

6 A. -- you know, as a -- as a board. It's a

7 corporation. I do feel there are responsibilities and

8 fiduciary duties. I just didn't feel like it was properly

9 represented. I didn't want to have anything to do with it.

10 Q. Okay. Was there a specific instance that you

11 believe the board was not properly representing the

12 community in?

13 A. I don't think one specific incident. There were

14 times where I started seeing -- well, there's one, I think,

15 that would be -- I could use as an example.

16 Q. Okay.

17 A. I was the board president. I was the liaison to

18 the management company, but there was a lot of back and

19 forth with the management company giving direction to our

20 community manager that didn't come from me.

21 Q. Who was giving that direction?

22 A. Pennie.

23 Q. Did you agree with the direction that Pennie was

24 giving the management committee?

25 A. It wasn't a management committee. It was our

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1 Q. (By Mr. Elson) Is it your understanding that that

2 behavior was discussed with Pennie?

3 A. I -- I do believe so.

4 Q. Okay. Is it your understanding that that behavior

5 continued even after it was discussed with Pennie that that

6 behavior should stop?

7 A. I don't know of any time that behavior stopped.

8 Q. Was it not only the fact that the behavior was

9 occurring but also the -- the -- the manner in which the

10 behavior was occurring? Was that also an issue?

11 A. Yes.

12 MR. NOACK: Objection. Speculation. Vague.

13 MR. BOYACK: Let me -- let me -- can I just do

14 this? Can I just pose a running objection so we're not --

15 you know, so we're not interrupting all the time?

16 MR. ELSON: No, I just -- no, I want to hear

17 specific objections every time they are raised, because I'll

18 rephrase it to make sure that it's phrased correctly.

19 Q. (By Mr. Elson) Is it your understanding that

20 the -- that it wasn't just the fact that the behavior was

21 occurring but it also related to the manner -- the subject

22 matter itself of what was occurring with the behavior?

23 MR. NOACK: Objection. Foundation.

24 THE WITNESS: I don't understand the question.

25 (Reporter requested clarification.)

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1 community manager that she was ordering to be. And I had --

2 you know, there were -- and this -- and I knew about this

3 because it was shared to me, you know, what -- what was

4 being said. So, you know, that -- the frequency of calls,

5 the mannerism of the calls, you know, and the demands that

6 were placed on the community manager, even though I was the

7 designated contractual liaison with the management

8 company -- all correspondence and communications should have

9 gone through me to the community manager. And I do not

10 believe in treating people that way.

11 And so because of that, you know, it disturbed me

12 that, you know, our community manager was being directed

13 in -- by multiple people. I don't believe that fits into

14 any kind of sound organizational structure in my, you know,

15 professional background. And I, again, felt like those

16 actions would -- I would be held accountable as board

17 president, and I was under -- I was unwilling to take that

18 responsibility for the behavior.

19 Q. Okay. Was it discussed that that behavior should

20 stop?

21 A. Oh, yeah.

22 Q. Okay. And did Pennie persist with that behavior

23 even after it was discussed that it could stop?

24 MR. NOACK: Objection. Foundation.

25 THE WITNESS: So --

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1 MR. NOACK: Vague.

2 (Reporter requested clarification.)

3 MR. NOACK: So objection. Vague. Calls for

4 speculation. Lacks foundation. I don't even know what the

5 question --

6 MR. BOYACK: This line of questioning, I just want

7 to have a running relevance objection. That's it.

8 THE WITNESS: I don't understand the question.

9 Q. (By Mr. Elson) Sure. So you took issue with --

10 let me rephrase.

11 It's your understanding that there was an issue

12 with the fact that Pennie was communicating directly with

13 the community manager. Is that correct?

14 A. Yes.

15 Q. Okay. Was there -- was it your understanding that

16 there was also an issue with the subject matter of what she

17 was communicating with the community manager?

18 MR. NOACK: Objection. Calls for speculation.

19 THE WITNESS: Again --

20 MR. NOACK: Vague.

21 THE WITNESS: "Subject matter," I don't understand

22 what you mean.

23 Q. (By Mr. Elson) The substance of the

24 communications themselves.

25 MR. NOACK: Same --

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1 THE WITNESS: I didn't --
 2 MR. NOACK: Same objection.
 3 THE WITNESS: I didn't personally witness the
 4 communications, so I couldn't really tell you. I can't
 5 answer that question.
 6 Q. (By Mr. Elson) How did the communications take
 7 place?
 8 A. By --
 9 MR. NOACK: Objection. Speculation. It's vague.
 10 THE WITNESS: Most likely by phone calls or
 11 e-mails that I was not privy to.
 12 Q. (By Mr. Elson) Okay. Did you ever see any of the
 13 e-mails?
 14 A. That were sent outside of my -- outside of e-mails
 15 sent to me?
 16 Q. That's correct.
 17 A. Not to my knowledge.
 18 Q. Okay. Who discussed with you that Pennie was
 19 engaging in this conduct?
 20 A. Carmen.
 21 Q. When Ms. Breeden was deposed earlier this week --
 22 Ms. Breeden was deposed on Monday.
 23 A. Okay.
 24 Q. Ms. Breeden described this type of special meeting
 25 that took place sometime in the fall of 2021 wherein some

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1 that Pennie would have that really was not representative of
 2 our contract. Our contract was the board president is the
 3 liaison to the management company.
 4 And, again, it was all because this would allow
 5 Pennie officially to have this kind of -- you know, be able
 6 to do the things I just talked about by having the board
 7 approve creating, you know, two liaisons, which, again, to
 8 me, is just a horrible way to run a business.
 9 And so that, again, was called as an emergency
 10 meeting.
 11 Q. Do you have an understanding as to why the board
 12 just wasn't restructured? Like, why wasn't Pennie just put
 13 back in place as president?
 14 MR. BOYACK: Objection. Relevance.
 15 MR. NOACK: Join.
 16 THE WITNESS: She indicated to me she didn't want
 17 to be president.
 18 Q. (By Mr. Elson) Why did she indicate -- well, when
 19 she indicated that to you, did she discuss with you her
 20 reasoning behind that?
 21 A. Not -- she told me she was burnt out, I guess, to
 22 a certain extent. To me, you know, she was board president.
 23 She would have that level of responsibility that I was
 24 concerned about, that the consequences of actions would
 25 ultimately be held and are responsible by the board

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1 powers were removed from you as president. Do you recall
 2 what I'm talking about?
 3 A. I do.
 4 MR. NOACK: Objection. Misstates testimony. You
 5 can answer.
 6 THE WITNESS: The meeting actually took place in
 7 December.
 8 Q. (By Mr. Elson) Okay. Why don't you describe to
 9 me what took place at that meeting?
 10 A. Again, I'm going to have to go by my recollection.
 11 This meeting, specifically, was to just do several -- it
 12 was -- it was an outside of the normal meeting scheduled.
 13 Okay? It was a special meeting.
 14 Ironically -- and I don't know for what purpose --
 15 it was scheduled when Carmen was gone. So she was on
 16 vacation. So that meeting was, to me -- and I can't say for
 17 sure, but it was very strange that that meeting was suddenly
 18 rescheduled knowing that the community manager wouldn't be
 19 there.
 20 And the purpose of that meeting, supposedly, was
 21 to approve some kind of a landscaping project of some sort.
 22 But the real purpose and intent of that meeting was to
 23 create a board approved -- a motion to separate and have two
 24 liaisons with the management company and restrict what areas
 25 of authority I would have and create levels of authority

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1 president. I felt that this was, in some way, convenient,
 2 that she could continue her -- doing whatever she wanted to
 3 without direct consequence.
 4 Q. That she could essentially still run the board
 5 without the appearance of running the board?
 6 A. Right. She would never stop running the board,
 7 you know. Or, you know, based on her personality and her
 8 behavior traits, she would always command. And so I really
 9 didn't feel that -- again, that it was fair for me to not be
 10 able to execute my responsibilities completely.
 11 Q. Are you aware that Shirley resigned as well after
 12 that special meeting?
 13 A. Yes.
 14 Q. Do you have an understanding as to why Shirley
 15 resigned?
 16 MR. BOYACK: Objection. Relevance.
 17 MR. NOACK: Speculation.
 18 THE WITNESS: I think there was an equal
 19 frustration in the way the board was conducting business. I
 20 wouldn't be surprised if, you know, that had a tremendous
 21 amount of bearing on how -- you know, why she made that
 22 decision.
 23 Q. (By Mr. Elson) Are you aware of what an
 24 intervention affidavit is?
 25 A. Not specifically.

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1 Q. It's a Form 530 that you can file with the
 2 ombudsman, the Nevada Real Estate Division. Does that help
 3 refresh your recollection?
 4 A. Yes.
 5 Q. Okay. So when I refer to an intervention
 6 affidavit, that's what I'm referring to. Is that fair?
 7 A. Okay.
 8 Q. Are you aware on [sic] whether or not Pennie's
 9 filed any intervention affidavits against any third parties?
 10 A. Not -- I'm not aware of that.
 11 Q. Okay. Are you aware of whether any intervention
 12 affidavits have been filed against Pennie by any third
 13 parties?
 14 A. I'm not aware of that.
 15 Q. Okay. Are you aware of whether anybody has ever
 16 sought a temporary protective order against Pennie?
 17 A. I haven't seen it. I do remember there was a lot
 18 of back and forth on social media, and there was -- I -- I
 19 do believe there was some kind of legal action taken. I
 20 don't know if it was officially a restraining order. I -- I
 21 haven't seen anything, so I don't know for sure.
 22 Q. Are you aware of whether or not Pennie has ever
 23 been suspended or banned from Nextdoor?
 24 A. I don't -- again, haven't seen that. So I
 25 couldn't tell you if I know for sure.

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1 social media or however you became aware of it. So let me
 2 ask it this way: How did you become aware of these issues
 3 with Mr. Stern?
 4 A. That was the case that I happened upon that I told
 5 you about at the beginning of the deposition.
 6 Q. Have you ever witnessed Pennie raise her voice at
 7 other board members?
 8 A. Yes.
 9 MR. BOYACK: Objection. Relevance.
 10 MR. NOACK: Join.
 11 Q. (By Mr. Elson) Have you ever witnessed Pennie
 12 interrupt other board members?
 13 A. Yes.
 14 MR. BOYACK: Same objection.
 15 MR. NOACK: Join.
 16 Q. (By Mr. Elson) Have you ever witnessed Pennie
 17 yell at other board members?
 18 MR. NOACK: Objection.
 19 THE WITNESS: Yes.
 20 MR. NOACK: Relevance.
 21 Q. (By Mr. Elson) What about unit owners? Have you
 22 ever witnessed that conduct with unit owners before?
 23 MR. NOACK: Objection. Vague. Relevance.
 24 THE WITNESS: When you -- can you be more
 25 specific? When you -- are you talking yelling at a

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1 Q. Has Pennie ever discussed any of those issues with
 2 you?
 3 A. What issues?
 4 Q. Intervention affidavits, temporary protective
 5 orders, or any suspensions or bans with Nextdoor.
 6 A. No.
 7 Q. Have you -- have you ever heard of any allegations
 8 of harassment by Pennie? By harassment, I mean hostile
 9 conduct, threats, intimidation, things along those lines.
 10 A. I do recall there was a situation a while back
 11 regarding a homeowner and, you know, interchanges on social
 12 media.
 13 Q. And what was the name of that homeowner?
 14 A. Robert Stern.
 15 Q. Was Mr. Stern alleging that Pennie engages in
 16 harassment?
 17 MR. NOACK: Objection. Speculation. Relevance.
 18 THE WITNESS: I can't --
 19 Q. (By Mr. Elson) I'll rephrase.
 20 Was it your understanding that Mr. Stern was
 21 engaging -- was alleging that Pennie engages in harassment?
 22 MR. NOACK: Same objection.
 23 THE WITNESS: I -- unless he told that to me
 24 directly, I wouldn't know.
 25 Q. (By Mr. Elson) Just wasn't sure what you saw on

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1 homeowner?
 2 Q. (By Mr. Elson) Sure. Have you ever witnessed
 3 Pennie yell at a homeowner before --
 4 MR. NOACK: Objection. Vague.
 5 Q. (By Mr. Elson) -- or their representatives?
 6 A. Okay. I --
 7 MR. NOACK: Objection. Vague. Argumentative.
 8 Relevance. You can answer.
 9 THE WITNESS: Okay. So yelling is subjective, in
 10 terms of what you consider yelling, but I do believe that
 11 I've seen Pennie be very aggressive with other homeowners.
 12 Q. (By Mr. Elson) When you were on the board in 2020
 13 through 2022 type time frame, can you explain to me how
 14 homeowners are first brought to a violation hearing?
 15 A. Well, they're initially issued a courtesy
 16 violation -- a courtesy notice to, you know, remedy whatever
 17 the violation is. And --
 18 Q. Okay. Let's talk just about that step for now.
 19 So before a courtesy notice is issued, is there a
 20 discussion among the board on whether or not to issue a
 21 courtesy notice?
 22 A. No.
 23 Q. Prior to you being board -- well, let me actually
 24 provide some background. When did you become board
 25 president?

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1 A. I don't remember the exact date.
 2 Q. I show it being sometime in the fall of 2021, like
 3 the October type time frame --
 4 A. That's very possible.
 5 Q. Prior to you becoming the board president, who was
 6 the president of the board?
 7 A. Pennie.
 8 Q. Was Pennie the president of the board the entire
 9 time you were on the board prior to you becoming president?
 10 A. Yes.
 11 Q. So I want to limit this conversation right now or
 12 this deposition right now to the time that Pennie was the
 13 president of the board. Is that fair?
 14 A. Okay.
 15 Q. So prior to a homeowner being issued a courtesy
 16 notice, how was it determined that a homeowner would receive
 17 a courtesy notice?
 18 A. The inspections. There would be violations
 19 identified during inspections, and then they would get a
 20 courtesy notice to correct the violation.
 21 Q. So is that something the community manager
 22 determined as a result of the inspections?
 23 A. They would process the inspections and then issue
 24 the violations.
 25 Q. Okay. Would there be any type of oversight after

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1 the complaint, is that that dinner party, so to speak, took
 2 place in January of 2021.
 3 Do you have any reason to dispute, other than the
 4 fact that it may have been a warmer than usual --
 5 A. I don't -- again, I'm just trying to remember when
 6 I was there, what I was doing, or if I was wearing a heavy
 7 jacket or we were cold outside or anything. I don't
 8 remember any of that. So that's the only reason I said
 9 that. I don't know when it happened. I don't.
 10 Q. Prior to, what I'll call, this dinner party at
 11 Ms. Collier's residence, had you ever heard of Ms. Collier
 12 before?
 13 A. No.
 14 Q. Had issues regarding Ms. Collier's unit ever been
 15 discussed amongst the board before that you are aware of?
 16 A. The only thing I knew about was this back and
 17 forth regarding -- I don't recall I even knew her name
 18 specifically. I think I knew it was -- the homeowner was
 19 having an issue with the Southwest Gas employee parking his
 20 truck and giving issues with the homeowner next door.
 21 Again, it was not, you know, in my mind specifically
 22 Ms. Collier.
 23 Q. So -- but that was with respect to Ms. Collier's
 24 neighbor, not with respect to Ms. Collier's unit itself.
 25 Correct?

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1 the inspections were done before the community manager
 2 issued the courtesy notice by any member of the board?
 3 A. If anybody, it would be Pennie.
 4 Q. Okay. Do you know if Pennie had that type of
 5 oversight before the courtesy notice went out?
 6 A. I couldn't say for sure. I wouldn't be surprised
 7 if she did -- or, you know, if she did have involvement.
 8 Q. Do you know if Pennie ever played any role in the
 9 inspections conducted by the management company?
 10 A. She did.
 11 Q. Okay. What type of role did Pennie play in the
 12 inspections?
 13 A. She would do inspections, and she would take the
 14 manager with her.
 15 Q. Is that how you acted when you were president?
 16 A. Absolutely not.
 17 Q. When did you first learn of or meet Ms. Collier?
 18 A. The first time I met Ms. Collier was at her home.
 19 There was a get-together that she hosted, and Pennie asked
 20 me to go.
 21 Q. So do you recall what time frame that was in?
 22 A. Well, I can tell you it wasn't very cold outside,
 23 so it wouldn't have been in the wintertime, I can tell you
 24 that.
 25 Q. My understanding is, based on the allegations in

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1 A. Right. It was, I believe, her next door neighbor.
 2 Q. So just to reask the question, as it relates to
 3 Ms. Collier's unit, had there ever been violations or
 4 anything discussed amongst the board about Ms. Collier or
 5 her unit prior to this dinner party that you're aware of?
 6 A. There -- and I can't remember if it was prior to
 7 the dinner party or not. I know that there was a time where
 8 the safety issue came up regarding bushes that were creating
 9 a view obstruction as you enter that community, but I don't
 10 know if that was before or after the dinner party.
 11 Q. How -- would you have learned about the oleanders
 12 bushes at or near the time the courtesy notice was sent to
 13 Ms. Collier related to the oleanders bushes?
 14 A. I can't answer that. I don't know.
 15 Q. So I guess what I'm trying to figure out is: Was
 16 there a large length of time before -- when you -- when you
 17 first learned about the oleanders bushes until enforcement
 18 steps were taken by Anthem to deal with the oleander bushes?
 19 A. I -- I don't know the time line on that. I --
 20 there is -- the one thing I do recollect regarding this was
 21 when there was an appearance at an executive session that
 22 was done on Zoom. As a matter of fact, you were there.
 23 Q. We're going to talk about that in a moment.
 24 A. Okay.
 25 Q. Okay. So there was -- let's go back to the dinner

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1 party.

2 Well, actually, let me ask it one more time:

3 Other than, possibly, the oleander bushes that you just

4 described, were you aware of any other issues related to

5 Ms. Collier's unit prior to the dinner party?

6 A. See, I'm having difficulty answering all these

7 questions, because I can't correlate the time line to the

8 dinner party.

9 Q. Okay.

10 A. In other words, I can't -- I don't know if it was

11 before or after. So I can't answer these questions, because

12 I don't know.

13 Q. Then fair enough. And that's -- it's a very

14 acceptable answer with the time frame we are dealing with.

15 Again, the truth is all anybody is asking you --

16 A. That's what I'm here to do. And that's why I said

17 when you keep bringing up before the dinner party, I can't

18 answer any of these question, because I don't know when the

19 dinner party takes place relative to everything else.

20 Q. That's fine. And sometimes -- I'm not trying to

21 repeat myself, but the brain sometimes percolates on

22 different issues. And if we ask questions in different

23 ways, it might cause witnesses to trigger certain memories

24 or remember things differently than if questions were asked

25 another way. So that's why I'm trying to get creative in

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1 maintained and presented property. It looks great.

2 Q. Do you remember any conversations about her flag

3 pole at that time?

4 A. No.

5 Q. Do you remember any conversations about her paint

6 at that time?

7 A. No.

8 Q. Do you remember Pennie discussing any other

9 homeowners at that time with Ms. Collier?

10 A. "At that time," meaning what?

11 Q. At the dinner party. Do you remember?

12 A. Again, I can't answer anything. You mean did we

13 discuss it at the dinner party?

14 Q. That's correct?

15 A. I don't believe so.

16 Q. Who else was at the dinner party? Do you recall?

17 A. Pennie was there, I was there, Frank Appela was

18 there, his wife, Doll was there. I can't remember if there

19 was anybody else there. I know that --

20 MS. COLLIER: Me.

21 THE WITNESS: Ms. Collier was there and Jennifer

22 was there.

23 Q. (By Mr. Elson) When you say "Jennifer," who's --

24 A. That --

25 MS. COLLIER: Turner. Oh.

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1 some of my questioning, the way that we phrase it, but

2 moving on.

3 As it relates to the dinner party, what do you

4 recall about the dinner party at Ms. Collier's house?

5 A. It was casual. We had a great time. I think

6 everybody did.

7 Q. Okay.

8 A. I don't think it was anything besides that. You

9 know, it was just we all got together, had a good time.

10 Q. Do you recall any discussions with Ms. Collier

11 about her yard?

12 A. Her -- I thought she had a gorgeous property. I

13 don't think I -- I'm sure I complimented it at one point or

14 another. I don't remember exactly what I said, but I

15 remember she had an outdoor area that you could, you know --

16 where we were sitting where you could prepare food and

17 drinks and everything. I thought it was great.

18 Q. Do you remember any conversation about her

19 oleanders at that time?

20 A. No.

21 Q. Okay. Do you remember any conversation about her

22 front yard at that time?

23 A. Again, if there were any conversations regarding

24 that, it would be complimentary. I think, you know, just

25 coming into her property, I think she has a very nicely

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1 Q. (By Mr. Elson) Do you know Jennifer's last name?

2 A. No.

3 Q. Okay. So there was a woman named Jennifer there?

4 A. I believe her name was Jennifer, and I'm trying to

5 go by my memory. So I will call her Jennifer. How is that?

6 Q. There was a lady named Jennifer there. Anybody

7 else that you can think of?

8 A. I can't. I can't remember for sure if anybody

9 else was there. That's who I definitely remember being

10 there.

11 Q. It's my understanding that shortly after this

12 dinner party there was also a dinner at Michael's Gourmet

13 Room.

14 A. Yes.

15 Q. So I'm talking about the time frame between the

16 dinner party and Michael's Gourmet Room. Do you recall any

17 conversations you had with Ms. Collier during that time

18 frame?

19 A. No.

20 Q. Okay. Do you recall having conversations with any

21 third party such as Pennie or management or anybody else

22 about Ms. Collier during that time frame?

23 A. About her specifically?

24 Q. That's correct.

25 A. No.

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1 Q. So going to dinner at Michael's Gourmet Room, do
 2 you recall when that took place?
 3 A. No. It was after dinner -- the party at her
 4 house.
 5 Q. Who attended the dinner at Michael's Gourmet Room?
 6 A. Pennie.
 7 Q. And who else was there?
 8 A. And -- and Ms. Collier and Jennifer.
 9 Q. And you were there as well. Correct?
 10 A. I was there.
 11 Q. So there were four people at this dinner. Is that
 12 correct?
 13 A. Correct.
 14 Q. Did you guys discuss Anthem or community
 15 matters --
 16 A. I don't --
 17 Q. -- at this dinner?
 18 A. I don't believe so.
 19 Q. Do you recall Andrea relaying concerns to Pennie
 20 about parking or vandalism or anything like that at this
 21 dinner?
 22 MR. NOACK: Objection. Asked and answered.
 23 THE WITNESS: Yeah, I don't -- I don't recall any
 24 conversation at that dinner. I don't -- it was -- it was an
 25 enjoyable time, but I don't remember any conversation that

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1 Do you recall any conversations regarding
 2 Ms. Collier after the dinner at Michael's Gourmet Room and
 3 before the courtesy notice was issued regarding the
 4 oleanders?
 5 A. Again, I can't answer that because I can't put it
 6 in perspective of time. So when you say before or after, I
 7 can't answer those questions.
 8 Q. What was the first conversation you recall
 9 regarding Ms. Collier and enforcement actions against her
 10 unit?
 11 A. Enforcement for what?
 12 Q. For the oleanders or any of the other violations.
 13 A. I do -- like I said, I -- the recollection I have
 14 regarding Ms. Collier's unit started with that Southwest
 15 Gas --
 16 Q. Okay.
 17 A. -- vehicle, and that kept going. And I personally
 18 was really surprised that Pennie took it upon herself to
 19 deal with it.
 20 You know, I didn't feel it appropriate, again, for
 21 a board member who is a homeowner to take direct action like
 22 this, which is contrary to how I would behave on the board.
 23 I think that's a community management issue. And so she was
 24 definitely involved with that directly with that Southwest
 25 Gas situation. I'm sure she communicated with Ms. Collier

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1 took place.
 2 Q. (By Mr. Elson) Do you recall anything
 3 specifically about that dinner, other than just having a
 4 good time and enjoying the evening?
 5 A. Well, I went because she -- Pennie asked me to go
 6 because apparently her husband doesn't socialize. So she
 7 wanted somebody to accompany her. I didn't personally think
 8 it was the greatest idea to go. Not because of this
 9 particular case or anything, I just don't think in the
 10 capacity we were in, as, you know, members of the board,
 11 that necessarily would be a good idea. Personally, I don't
 12 believe that when -- and when I was on the board, I would
 13 never personally associate with a homeowner in any way
 14 socially or, you know, even in dialogue. I would never tell
 15 anybody I was a board president, and I just didn't feel
 16 appropriate to involve homeowner to homeowner when you are
 17 in that capacity.
 18 So, personally, I didn't think it was the greatest
 19 idea, but I thought it might not be a bad idea just to, you
 20 know, make sure I accompany her. When the dinner was over,
 21 we went separate ways. I left by myself, and I think Pennie
 22 went with Ms. Collier.
 23 Q. It's my understanding the courtesy notice was --
 24 about the oleanders was issued a month or so after the
 25 dinner at Michael's Gourmet Room.

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1 regarding that.
 2 After that, I know that this came up with the
 3 oleanders. I don't know when it was. I just know -- I
 4 remember the issue was the line of sight. And it was a
 5 health, safety, welfare violation that was going to be
 6 issued because of that because there was a blockage of
 7 the -- you know, obstruction of the line of sight for people
 8 coming into the community.
 9 Q. Okay. Do you recall any discussion regarding
 10 Ms. Collier and violations pertaining to her unit prior to
 11 the executive meeting that took place regarding those
 12 violations?
 13 A. The executive meeting that you were at?
 14 Q. That's correct.
 15 A. Okay. So I'm sure in preparation for that
 16 executive meeting there was some kind of discussion about
 17 what it was all -- you know, what -- what it was concerning,
 18 that, you know, you can't see when you pull up in there to
 19 the -- the stop sign, the limit line. That, you know, it's
 20 obstructing view of traffic to the right, but -- and I'm
 21 sure there was some form of a discussion. I don't
 22 specifically remember what, with whom, or when.
 23 Q. Do you recall, specifically, that there was a
 24 discussion, or are you just presuming that there was a
 25 discussion as you sit here?

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1 A. I don't remember a specific discussion. What I
 2 would assume from the situation that was at hand coming up
 3 to that meeting, especially -- you know, you were present --
 4 that there -- there would most likely have been some form of
 5 discussion, but, again, that's all assumption. I can't -- I
 6 can't define an actual conversation or any discussion.

7 Q. Prior to the executive session, did you drive by
 8 Ms. Collier's unit to look at the oleanders and the line of
 9 sight?

10 A. I did.

11 Q. Did you do that before or after the oleander
 12 bushes had been trimmed back to 24 inches?

13 A. I can't -- I don't know for sure, because I don't
 14 know what it looked like before or after it was trimmed. I
 15 just know that when I was there, there was some obstruction
 16 from where I was sitting. If I went to that limit line,
 17 that -- and when I looked to my right, that there was
 18 obstruction in the line of sight all the way down the
 19 street. I remember that.

20 Q. Did you take any measurements of the oleander
 21 bushes prior to that executive session?

22 A. No, I would not, because I would have to access
 23 property. I didn't do that.

24 Q. Okay. Do you know if anybody took any
 25 measurements of those oleander bushes?

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1 A. Not to my recollection.

2 Q. Was it a board action to report the matter to the
 3 Henderson Police Department?

4 A. Not to my recollection.

5 Q. Prior to the executive session that I attended, do
 6 you recall any board action or discussion as an entire board
 7 related to the oleander bushes?

8 A. Again, I can't -- I can't correlate the time line,
 9 so I can't answer that.

10 Q. Do you know if Pennie ever involved the City of
 11 Henderson as it relates to homeowners within Anthem?

12 A. I don't know firsthand. I know that one thing I'm
 13 aware of, she involved the City of Henderson -- was
 14 regarding a trail that was behind the community she lives in
 15 and -- regarding safety and maintenance of that trail and
 16 she involved the City of Henderson in that.

17 I believe she involved the City of Henderson
 18 regarding parking in front of our park, because it was a
 19 city street and she was trying to restrict -- I remember
 20 something to the effect of that Southwest Gas thing again,
 21 the ability to park in front of our park, that vehicle. I
 22 remember that had something to do with the City of Henderson
 23 as well. But, again, I don't -- I can't recall any seeing
 24 any kind of direct communication in writing. I don't know
 25 if she did that verbally. I don't know.

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1 A. Prior to that meeting -- I don't know the timing
 2 of it. I do remember there was discussion about the height
 3 of the bushes meeting the requirements for the City of
 4 Henderson, but I don't know when that took place, when those
 5 measurements were actually taken.

6 Q. Do you know who made the decision to first send
 7 Ms. Collier a courtesy notice regarding the oleander bushes?

8 A. I'd have to -- again, I couldn't answer that,
 9 because if it was just established on a normal course of
 10 inspections, then it would have been generated by the
 11 inspector to the community manager, but if it was -- because
 12 it was identified as a safety violation, I don't know how it
 13 was -- how it's determined to be a violation.

14 Q. Was it ever discussed with the board that the
 15 matter should be set for an executive session before it was
 16 set for executive session?

17 A. I don't remember.

18 Q. Do you know who first reported the matter to the
 19 City of Henderson?

20 A. I do not.

21 Q. Do you know who involved the Henderson Police
 22 Department?

23 A. I do not.

24 Q. Was it a board action to report the matter to the
 25 City of Henderson?

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1 Q. Do you know of any times that the board has voted
 2 to take board action to report specific units to the City of
 3 Henderson for alleged view obstructions?

4 A. I don't remember that. I don't recall ever doing
 5 that.

6 Q. Okay. Do you know of any time the board voted to
 7 take board action to refer units to the City of Henderson
 8 for health, safety violations?

9 A. I can't recall that.

10 On that last question, can you ask that again?

11 MR. ELSON: Madam Reporter, will you read back the
 12 last question for the witness?

13 (Record read.)

14 THE WITNESS: I'll leave my answer as is.
 15 (Reporter requested clarification.)

16 THE WITNESS: I'll leave my answer as is.

17 MR. ELSON: We've been going for about an hour and
 18 20 minutes. Do you want to take a break, or do you want to
 19 keep going a little longer?

20 THE WITNESS: Yeah, I'm good.

21 MR. ELSON: Everybody good? Madam Reporter?
 22 (Pause in proceedings.)

23 Q. (By Mr. Elson) Do you know who raised the issue
 24 of sending Ms. Collier a courtesy notice regarding her paint
 25 scheme before the courtesy notice was issued?

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1 A. No. I remember -- the conversation I remember
 2 regarding the paint scheme had something to do with another
 3 homeowner that wanted, I believe, to use the same paint
 4 scheme or something to that effect. I'm just going by a
 5 conversation I recollected. It became an issue because of
 6 another homeowner. That's what I remember. And then it --
 7 from there, you know, it became, Well, this doesn't match.
 8 Because another homeowner wanted to do it, it became, Well,
 9 no, we can't let that happen, because then everybody else
 10 would want to do it.

11 Q. Do you know who the other homeowner was that
 12 reported that?

13 A. No. It had to have been on the same street. I
 14 guess I can't even -- I can't even assume that. I just know
 15 that it was somebody that lived in that community.

16 Q. How did you learn about that other homeowner?

17 A. I just remembered the paint became an issue and,
 18 again, this was -- like, hearing this conversation -- it may
 19 have been by e-mail. I don't know. I don't -- I'm just --
 20 I don't have a specific recollection of exactly how I
 21 learned about this, but I remember there was an issue with
 22 her paint scheme because somebody else wanted to use some of
 23 it or all -- I don't know, you know, but there was some
 24 relationship to the fact that it was not an approved paint
 25 scheme and somebody else saw it and wanted to use some part

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1 (Exhibit 1 was marked.)

2 Q. (By Mr. Elson) Mr. Woo, you've been handed what's
 3 been marked as Exhibit 1. Will you please take a moment to
 4 flip through Exhibit 1? Let me know after you've had a
 5 chance to review it. Exhibit 1 is quite long, so I don't
 6 necessarily need you to review the entire exhibit in detail.

7 My first question to you is going to be: Have you
 8 ever seen it before? And depending on that, I may have
 9 additional questions for you.

10 A. No, I have not seen this.

11 Q. So just to be clear, this letter was not
 12 circulated to the board at or near the time of the executive
 13 session. Is that correct?

14 MR. NOACK: Objection. Calls for speculation.
 15 MR. BOYACK: Misstates testimony.

16 Q. (By Mr. Elson) Let me rephrase the question.
 17 Mr. Woo, did you receive a copy of this letter
 18 prior to the executive session?

19 A. I don't recall ever seeing this letter.

20 Q. Do you think Ms. Collier was provided a fair
 21 opportunity to express her position as to why the oleanders
 22 were not a violation at the executive session?

23 MR. NOACK: Objection. Vague. Argumentative.
 24 THE WITNESS: Well, the way that meeting was
 25 conducted according to Pennie, it wasn't, but I would have

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1 of it, if not all of it, and then it became an issue.

2 Q. Let's talk a moment about the executive session
 3 related to the oleander issue. Do you recall that executive
 4 session meeting?

5 A. I do.

6 Q. What transpired at that meeting?

7 MR. NOACK: Objection. Overbroad.
 8 THE WITNESS: There was a discussion. You
 9 attended that meeting to present your position regarding
 10 that violation.

11 Q. (By Mr. Elson) How did Pennie conduct herself at
 12 that meeting?

13 A. It was --

14 MR. NOACK: Objection. Vague.
 15 THE WITNESS: Personally, it was offensive, her
 16 behavior, and I was embarrassed by it.

17 Q. (By Mr. Elson) How did I present myself at that
 18 meeting?

19 MR. NOACK: Objection. Vague.
 20 THE WITNESS: Well, you acted like an attorney. I
 21 think you were trying to present your case. I don't believe
 22 it was handled properly at that meeting. It was just -- it
 23 was very unfortunate.
 24 (Pause in proceedings.)
 25

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1 handled things differently.

2 Q. (By Mr. Elson) Was Ms. Collier ultimately fined
 3 as a result of the oleanders?

4 A. I do remember there was some type of a vote taken
 5 for a fine for a health, safety violation. I don't remember
 6 the amount.

7 Q. Did you vote in favor of the fine for the health,
 8 safety violation?

9 A. I believe I did.

10 Q. Do you recall why you did?

11 A. I don't know specifically what -- why. I do
 12 believe that, to a certain extent, we relied on what was
 13 presented to us by Pennie.

14 Q. What did Pennie present to the board regarding the
 15 oleanders?

16 A. The view -- the view obstruction, that it was a
 17 safety issue. And I know that at one point I went and drove
 18 it to see for myself. Again, I don't know when it -- when
 19 it was actually -- what condition those oleanders were in
 20 when I drove it, but I do remember seeing a view obstruction
 21 to a certain level.

22 Q. Can you flip to what's marked as 227 in the bottom
 23 right-hand corner?

24 A. 227?

25 Q. It's hard to see.

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1 A. I'm getting there.
 2 Q. Okay.
 3 A. Here it is. Yep.
 4 Q. Is that what you recall the view looking like at
 5 the time you conducted your inspection?
 6 A. Well, it wasn't really an inspection. I drove it.
 7 Q. Well --
 8 A. And what I did was I -- at that time, I had --
 9 right now I drive an SUV, but I remember -- I do believe --
 10 oh, no. I can't remember for sure which vehicle I had, but
 11 when I was -- what I did was I drove to the limit line. So
 12 I wanted to use that perspective of that limit line and
 13 where a vehicle should stop before proceeding. So that's
 14 what I did.
 15 Q. Looking at that photograph before you, what's
 16 marked as P227, do you believe there is a view obstruction
 17 presented in that photograph?
 18 A. I can't tell unless I was sitting there at the
 19 limit line.
 20 Q. Okay.
 21 A. I can't tell because this photograph was taken at
 22 a different angle.
 23 Q. Let's flip to what's marked as 244.
 24 A. Okay.
 25 Q. Is that what the oleanders looked like at the time

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1 \$2,000 fine amount?
 2 A. Pennie.
 3 Q. How did Pennie come up with the fine amount in the
 4 amount of \$2,000, if you know?
 5 A. I don't know.
 6 Q. Did Pennie discuss why the \$2,000 fine amount was
 7 correct or appropriate?
 8 A. I think, to the best of my recollection, safety
 9 violations don't have a specific amount. I don't recall why
 10 that particular amount was chosen.
 11 Q. Originally, I wanted to try and have a copy of
 12 Ms. Breeden's transcript for today's deposition, but due to
 13 some timing issues, her deposition got continued till
 14 Monday. So I'm not trying to mischaracterize her testimony,
 15 but it was my -- it's my recollection that Ms. Breeden
 16 testified that Ms. Mossett-Puhek made a comment that you
 17 have to hit the homeowners where it hurts, in their
 18 pocketbook.
 19 Do you recall Pennie making any sort of comment
 20 like that at the executive session meeting?
 21 A. I don't recall that specific comment.
 22 Q. Do you recall anything similar to that type of
 23 comment?
 24 A. In general?
 25 Q. Yes.

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1 you -- I keep calling it an inspection. I'm not trying to
 2 improperly characterize it, but that's what I see it as. So
 3 I'm going to continue to use that word just to --
 4 A. Okay. So you are saying from the time I drove it?
 5 Q. I'm saying: Is this what it looked like at the
 6 time you drove it?
 7 A. I don't -- I can't say for sure, but what I will
 8 tell you is this picture is taken far exceeding the limit
 9 line. Where I would have been sitting, looking is not this
 10 perspective. The limit line is back further. You can see
 11 the pole for the stop sign and the side of the window.
 12 Q. Do you believe that photograph presents a view
 13 obstruction?
 14 A. I guess I can't answer that question, because if
 15 you stop where you are supposed to stop, it's a different
 16 perspective.
 17 Q. So let's assume that that is where you were
 18 supposed to stop. Would you believe that that -- there is a
 19 view obstruction presented in that photograph?
 20 MR. NOACK: Objection. Incomplete hypothetical.
 21 Lacks foundation.
 22 THE WITNESS: That -- again, I wouldn't answer
 23 that question, because that's not where you are supposed to
 24 stop.
 25 Q. (By Mr. Elson) How did the board arrive at the

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1 A. The only thing -- like I said, I was skimming
 2 through some of the e-mails. The only thing I recall was
 3 one e-mail that -- when it was mentioned, the fact that
 4 Ms. Collier had retained an attorney. And I remember
 5 something to the effect -- my response was, I can't believe
 6 she did that. And then Ms. Puhek's comment was something to
 7 the effect of, She's going to drag it out and run up the
 8 bill.
 9 Q. So do you think -- so what's your understanding as
 10 to how that would correlate with the fine amount?
 11 A. I don't -- I don't know how that directly relates.
 12 I'm just saying, you know, there was something to that
 13 effect. I can't use those specific words, but it's
 14 probably -- you know, I would associate that with running up
 15 the legal bill so that would hurt her.
 16 Q. Do you -- was \$2,000 a typical fine amount?
 17 A. We didn't have that many health, safety
 18 violations. So I don't know if that's typical. I -- I
 19 don't -- I don't specifically recall. I mean, these --
 20 we're going back where I can't remember these things.
 21 Q. Do you recall any other unit that was fined \$2,000
 22 while you were serving on the board?
 23 A. Again, I can't answer that. I don't recall.
 24 Q. Okay. Do you recall any other unit that was fined
 25 \$2,000 for an alleged view obstruction?

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1 A. No.

2 Q. Do you recall any of the -- what any of the other

3 board members were saying about whether or not they believed

4 a violation issued or the fine amount or anything related to

5 the oleanders?

6 A. I -- again, I would have to speculate. I can't

7 answer anything I specifically recall.

8 Q. Ms. Breeden -- and, again, this is based on my

9 recollection, because I don't have the -- the transcript. I

10 believe she testified that Pennie made comments at the

11 executive session -- that Pennie was recommending fines

12 against Ms. Collier in part due to statements Ms. Collier

13 made about Pennie during an election.

14 Do you remember Pennie making any such comments

15 like that?

16 A. I didn't see it. Are you talking about social

17 media or something?

18 Q. No, this was a discussion during the executive

19 session.

20 A. Again, I'm not going to dispute what she said. I

21 just don't remember that.

22 Q. Do you have an understanding as to whether or not

23 Pennie was pursuing Ms. Collier as a result of any personal

24 motivation?

25 A. So I'll reference back to what I said prior. I

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1 code provisions regarding the oleanders?

2 A. The only conversation I recall -- and I hear

3 that -- I've heard it multiple times regarding oleanders, is

4 they were banned by the City of Henderson. That kept coming

5 up. And then there was toxicity issues, that they can kill

6 animals and, you know, there were issues about that

7 regarding oleanders. I recall I was at a meeting towards

8 the end before I left the board that a homeowner had planted

9 oleanders because his neighbor had some and they made him

10 yank it. And so I remember that.

11 I do remember one of -- the toxicity issue was

12 brought up by one of the other board members. And, you

13 know, I, quite honestly, haven't seen specifically how the

14 City of Henderson bans oleanders because they sell it at

15 Star Nursery. So I'm not sure where that came from, but

16 that was the basis of it, if I remember correctly.

17 Outside of the fact that it was on the prohibited

18 plant list and, you know, the -- in the community documents.

19 But the fact is that it was brought up multiple times that

20 oleanders were not allowed because it was banned by the City

21 of Henderson.

22 Q. Do you know, were any specific code provisions

23 cited that supported that?

24 A. I don't recall. I just kept hearing, Oh, no.

25 It's banned by the City of Henderson.

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1 don't believe homeowners and, you know, board members -- the

2 board members should interact directly with homeowners. So

3 a consequence of, you know, what may have transpired because

4 Pennie decided she wanted to engage Ms. Collier directly

5 could be a direct result of that. I don't know for sure. I

6 wasn't there.

7 Q. Do you know if there was a falling out between

8 Pennie and Ms. Collier?

9 A. Do I know -- I wasn't involved in that. So I

10 don't know for sure. What I can tell you is the way it

11 started was because Pennie -- she became board president and

12 I do believe Ms. Collier, in her best interest for her

13 community, wanted to try to establish some type of

14 relationship with Ms. Puhek so that she can provide more

15 insight into what's going on in her community, but, you

16 know, how that transpired from there, I don't know.

17 You know, she obviously got Pennie's contact

18 information. I don't know to what extent they communicated.

19 You know, I know that that Southwest Gas thing was a very

20 active part of that communication. After that, I -- you

21 know, we went to the dinner, you know, at her home. We went

22 to Michael's. I mean, I don't think there was any falling

23 out through that period of time. So if it happened, it

24 would have been after that.

25 Q. During the board meeting, did anyone discuss any

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1 Q. Were any specific code provisions cited regarding

2 the height of the oleanders?

3 A. I remember in some back and forth -- and, again, I

4 don't remember the exact correspondence, but there was

5 something mentioned about what the height limit was. I know

6 that that was brought up, but I don't recall when.

7 Q. Was it discussed that Ms. Collier was within that

8 height limit, exceeded that height limit, or how was it

9 discussed?

10 A. I don't recall at the time if it was, but it

11 was -- it was easily cut back to that height limit, but I

12 know that there was discussion about the fact that, How are

13 you going to maintain this? Because if you cut it to

14 whatever it was, 24 inches or whatever it was, in a week

15 it's above 24 inches.

16 So what are you going to do to enforce something

17 like that? I remember there was a conversation to that

18 extent.

19 Q. Was there ever a discussion about how this was a

20 controlled intersection?

21 A. Okay. So that -- again, I'm not sure about the

22 time line on that, but at a point in time, it was not a

23 controlled intersection. Okay? There was only one stop

24 sign. It was coming into the community. The issue was

25 vehicles coming from the right. If you are turning left at

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1 that intersection, as you are entering the community and you
 2 stop at the prescribed limit line, you could not see
 3 vehicles that did not have to stop coming from your right.
 4 But then after a period of time, there was a controlled
 5 intersection established where cars coming from the right
 6 would have to stop and that would change the dynamics of
 7 that quite a bit.
 8 Q. What if I told you that that stop sign -- that it
 9 was a three-way controlled intersection before Ms. Collier
 10 was fined?
 11 MR. NOACK: Objection. Incomplete hypothetical.
 12 THE WITNESS: Again, I -- I -- I don't know. I
 13 remember when it wasn't. Again, I can't correlate the time
 14 line to this, but I remember there was a period of time -- I
 15 thought when I drove it it wasn't. But I, again, defer to
 16 the dates that you have if you have specific dates, but what
 17 I'm trying to say is that I know at one point in time it was
 18 an uncontrolled intersection. Okay? Only control was the
 19 vehicles coming into the community that had to stop at the
 20 limit line. If you stopped at the limit line and there was
 21 no control of the vehicles coming from the right, it was
 22 dangerous.
 23 Q. (By Mr. Elson) Well, you would agree with me that
 24 whether or not it was a controlled intersection is a pretty
 25 important point then. Is that correct?

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1 Now I'm handing you what's been marked as
 2 Exhibit 3.
 3 A. Okay.
 4 MR. ELSON: Off record.
 5 (Pause in proceedings.)
 6 MR. ELSON: Back on the record.
 7 Q. (By Mr. Elson) If you've had a chance to review
 8 Exhibit 3 and familiarize yourself with it, please let me
 9 know.
 10 A. Okay.
 11 Q. Have you ever seen Exhibit 3 before?
 12 A. No.
 13 Q. Was it discussed amongst the board that the
 14 courtesy notice, Exhibit -- well, actually, let me take a
 15 step back.
 16 What is Exhibit 3?
 17 A. It's a courtesy notice.
 18 Q. Okay. What's the date and time as it relates to
 19 the process date?
 20 A. June 10th, 2021, 8:25 a.m.
 21 Q. So roughly 12 hours after the e-mail was sent in
 22 Exhibit 2. Is that correct?
 23 A. Yes.
 24 Q. Was it discussed amongst the board that Exhibit 3
 25 would be sent?

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1 A. I think it would change the dynamics of it,
 2 because if the vehicle has to stop coming from the right, it
 3 would be different.
 4 Q. It would be fair to say that the board never
 5 discussed Exhibit 1 at the executive session. Is that
 6 correct?
 7 A. I can't remember. I don't -- I don't remember all
 8 of this.
 9 MR. ELSON: Let's go off the record.
 10 (Pause in proceedings.)
 11 (Exhibit 2 was marked.)
 12 (Exhibit 3 was marked.)
 13 Q. (By Mr. Elson) So give me a moment, Sydney. You
 14 have been handed what's been marked as Exhibit 2.
 15 A. Yep.
 16 Q. Please take a moment and review Exhibit 2.
 17 Have you ever seen Exhibit 2 before, Sydney?
 18 A. No.
 19 Q. Have you had a chance to review it and familiarize
 20 yourself with it?
 21 A. Yes.
 22 Q. What's the date of Exhibit 2? What's the date and
 23 time of the e-mail?
 24 A. Wednesday, June 9th, 2021, at 6:17 p.m.
 25 Q. Okay. Thank you.

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1 A. I don't recall the discussion.
 2 Q. Do you know who authorized the sending of
 3 Exhibit 3?
 4 A. No.
 5 Q. Be fair to say that Exhibit 3 was not a board
 6 action? Is that correct?
 7 MR. NOACK: Objection. Foundation. Speculation.
 8 THE WITNESS: I don't recall taking a vote on it.
 9 Q. (By Mr. Elson) Let's flip back to Exhibit 1. We
 10 are going to use the Bates stamps again. Take a look at
 11 pages 232 to 236. Have you ever seen this e-mail chain
 12 before?
 13 A. I don't remember seeing something like this.
 14 Q. Okay. Was Ms. Mossett-Puhek authorized by the
 15 board to send the manners that -- to send the e-mails that
 16 she did on pages 232 to 236?
 17 A. Ms. Puhek did whatever she wanted to.
 18 Q. Take a look at pages 238 to 242. Have you ever
 19 seen this e-mail exchange before?
 20 A. Isn't it the same one?
 21 Q. You know what, I believe you are correct, Mr. Woo.
 22 I will presume your answers would be the same then.
 23 A. Yes.
 24 Q. Let's . . .
 25

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1 (Exhibit 4 was marked.)

2 Q. (By Mr. Elson) Handing you what's been marked as

3 Exhibit 4. Take a moment to flip through Exhibit 4

4 and . . . let me know after you've had a chance to

5 familiarize yourself with that document. Just like with the

6 first letter, I don't necessarily need you to read it in its

7 entirety, but you can certainly do so if you wish.

8 My first question to you is going to be: Have you

9 ever seen this document before?

10 A. It's possible. I don't specifically remember this

11 document, but I remember something about document storage.

12 Q. What do you recall about document storage?

13 A. To make sure we don't destroy any.

14 Q. And when do you recall receiving some sort of

15 communication regarding document storage?

16 A. I don't -- I don't recall when.

17 Q. Do you recall who sent you that communication?

18 A. No.

19 Q. Do you recall what that communication involved?

20 A. Again, I mean, I -- I can't say that I've seen or

21 not seen this particular document, but I remember the

22 subject matter. I just don't know when.

23 Q. Do you know if the steps that are outlined in this

24 letter were followed?

25 MR. NOACK: Objection. Calls for speculation as

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1 A. Yes.

2 MR. BOYACK: Objection. Relevance.

3 MR. NOACK: Join.

4 Q. (By Mr. Elson) How did you become aware that

5 Ms. Mossett-Puhek worked for Mr. Boyack?

6 A. She told me.

7 Q. When did she tell you?

8 A. When I was on the board.

9 Q. Was this ever disclosed to the community?

10 A. I don't know. That, I don't know.

11 Q. Whose idea was it to hire Mr. Boyack?

12 A. Well, we ultimately took a vote on it.

13 Q. Who first proposed the potential retention for

14 hiring Mr. Boyack?

15 A. I believe it was put on the agenda by Pennie.

16 Q. Do you know how much money Mr. Boyack has received

17 from Anthem since Anthem hired Mr. Boyack this most recent

18 time?

19 MR. BOYACK: Objection. Relevance.

20 THE WITNESS: I don't know the amount.

21 Q. (By Mr. Elson) Are you aware that

22 Ms. Mossett-Puhek and Ms. Eassa previously worked together?

23 A. Previously worked together, they were -- she was

24 our community manager prior when -- when Pennie was on the

25 board prior.

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1 to --

2 THE WITNESS: Yeah, I don't know for sure.

3 Q. (By Mr. Elson) Did you take the steps that were

4 outlined in this letter?

5 A. No.

6 (Exhibit 5 was marked.)

7 Q. (By Mr. Elson) Sydney, you've now been handed

8 what's been marked as Exhibit 5. Please take a moment and

9 familiarize yourself with Exhibit 5.

10 MR. NOACK: Do you have an extra copy of

11 Exhibit 5, Tim?

12 MR. ELSON: Absolutely.

13 MR. NOACK: Yeah, it might be different.

14 MS. COLLIER: You're welcome.

15 Q. (By Mr. Elson) Have you ever seen Exhibit 5

16 before?

17 A. I don't recall seeing this one.

18 Q. Did Ms. Mossett-Puhek discuss these responses

19 before sending them out on behalf of Anthem?

20 A. I don't believe so.

21 Q. Was Ms. Mossett's e-mails authorized by the board

22 on behalf of Anthem?

23 A. I don't believe we ever voted on it.

24 Q. Are you aware that Ms. Mossett-Puhek previously

25 worked for Mr. Boyack?

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1 Q. Are you aware that Ms. Eassa also used to be

2 employed by Mr. Boyack?

3 A. I do recall that conversation.

4 Q. At the same time that Ms. Mossett-Puhek was

5 employed by Mr. Boyack?

6 A. I don't know that they worked at the same time. I

7 do know that they both worked there.

8 Q. Was it ever disclosed to the community in a formal

9 manner that Ms. Eassa worked for Mr. Boyack and also worked

10 along with Ms. Mossett-Puhek?

11 A. I don't recall that disclosure to the board.

12 Q. Whose idea was it to hire Terra West?

13 A. It was voted by the board.

14 Q. Who first raised the idea of replacing

15 FirstService Residential with Terra West?

16 A. Pennie.

17 Q. Are you aware -- so moving topic matters to the

18 paint scheme.

19 Actually, bear with me for a moment.

20 MR. ELSON: Can we go off the record for a moment?

21 (Pause in proceedings.)

22 MR. ELSON: Back on the record.

23 Q. (By Mr. Elson) While you were serving on the

24 board, Sydney, are you aware of any pursuit of any

25 violations for flag poles?

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1 A. I don't recall. I know that you can put a flag
 2 pole in there. I just think you need to put in an ARC
 3 request for it, if I remember correctly.
 4 Q. Were you aware of the board taking any enforcement
 5 actions or inspecting or reviewing anybody's flag poles
 6 while you served on the board?
 7 A. Not to my recollection.
 8 Q. As it relates to enforcement steps by the board,
 9 did COVID change any sort of procedures or steps that the
 10 board would take regarding enforcement?
 11 A. And what do you mean by that specifically?
 12 Q. You know, if homeowners asked for extensions, did
 13 COVID make it more likely that Anthem would provide them?
 14 A. I'm -- I don't remember specific cases, but I
 15 wouldn't put -- rule that out as, you know, not a
 16 possibility because of the fact that people were impacted
 17 financially. I do think that, you know, the ability to do
 18 repairs or, you know, bring things up to required standards
 19 that involved a financial outlay -- if the homeowner claimed
 20 hardship due to COVID, I think that would definitely be
 21 within the realm of consideration by the board.
 22 I do believe that even -- there was a time that
 23 the prior board president prior to Pennie being on the, you
 24 know, board as president even did something to the effect of
 25 putting up some kind of a motion out there regarding COVID

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1 do it year round. They didn't care. But I would assume
 2 that there may be -- there may be difficulty finding
 3 contractors during certain times of the year just because of
 4 demand. You know, certain times of the year, it's hard to
 5 find a painter. You know, they're all -- they're booked up.
 6 The guy that I -- the one that did my house, I think I
 7 waited two months in December. I mean -- but I wanted to do
 8 it in October. They wound up doing it in December.
 9 Q. And is cost also a factor? You know, if a
 10 homeowner has a more expensive course of action to remedy a
 11 violation, is that something that the HOA takes into account
 12 in determining whether or not to grant an extension?
 13 A. I think if it's within reason, sure.
 14 (Pause in proceedings.)
 15 (Exhibit 6 was marked.)
 16 Q. (By Mr. Elson) Sydney, you've been handed what's
 17 been marked Exhibit 6. Please take a moment to review it
 18 and familiarize yourself with it.
 19 Mr. Woo, have you ever seen the e-mail exchange in
 20 Exhibit 6 before?
 21 A. I don't recall.
 22 Q. Prior to Ms. Mossett-Puhek or Ms. Eassa sending
 23 out the e-mails that they did in Exhibit 6, were those
 24 discussed with the board?
 25 A. These specific e-mails?

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1 and accommodation of assessments that, you know, there would
 2 be consideration even for assessments, you know, for people
 3 that were impacted by COVID. So I would definitely -- you
 4 know, not knowing specific cases, I would definitely not
 5 rule that out as a possibility.
 6 Q. How would -- how would the HOA treat -- typically
 7 treat a homeowner if they asked for an extension of time to
 8 come into compliance or address a violation?
 9 A. They would vote on it in the executive session.
 10 Q. What type of factors would the board consider in
 11 granting such a request?
 12 A. I think hardship would be one. Practicality would
 13 be another. I mean, there are times where if there's issues
 14 with your landscaping -- for instance, there's times where
 15 you are not going to put something out. I mean, you
 16 wouldn't put -- you know, we wouldn't try to put new plant
 17 material out there at, you know, 115 degrees or, you know,
 18 if it's, you know, in the worst part of winter. I think
 19 there's times where you would do something like that. Same
 20 thing with painting. You know, I think there's times of the
 21 year that are more conducive to painting a home than others.
 22 Q. What times of year are more conducive?
 23 A. I think the spring and fall. I think it's
 24 tougher -- although, I had my house painted. They did it in
 25 December, and that company had no problems doing it. They

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1 Q. That's correct.
 2 A. I don't know if these specific e-mails were
 3 discussed with the board.
 4 Q. Do you recall the board ever voting on approving
 5 these types of e-mails?
 6 A. The board would have voted on what was on the
 7 violation list. During the course of an executive session,
 8 all the violations are -- they're the ones that have passed
 9 the courtesy notice time frame based on the status that --
 10 the updated status of the violations, there would be
 11 votes on whether to fine the homeowner or, you know, take
 12 any other kind of action. That -- that vote would have been
 13 taken. I don't recall vote by vote, specifically, what was
 14 done.
 15 Q. Okay. Do you know -- would you characterize these
 16 e-mails by Ms. Mossett-Puhek as a board action?
 17 A. No.
 18 MR. NOACK: Objection. Vague.
 19 THE WITNESS: Meaning that the board voted on it,
 20 no.
 21 Q. (By Mr. Elson) Looking at page 212 -- actually,
 22 let's start at the bottom of 213, which is the first e-mail
 23 chain -- first e-mail in the chain. It states, in part,
 24 Please forward us the current violation letters as it
 25 pertains to the paint scheme. Again, we simply want to

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1 ensure that we have the current letters. New paragraph.
 2 A. Wait a second. Where are you? 213 is the last
 3 page.
 4 Q. 211.
 5 A. Oh, 211. Okay. Sorry.
 6 Q. Which is the last e-mail in the e-mail chain.
 7 A. Okay. Sorry.
 8 Q. Just read the first paragraph to you. Did I read
 9 that correctly?
 10 A. Oh, yes.
 11 Q. Okay. Starting at the second paragraph, We are
 12 still reviewing this issue and discussing it with
 13 Ms. Collier's painter, who, unfortunately, had some family
 14 issues to which he's attending. Nonetheless, it is our
 15 understanding that Ms. Collier is determining what needs to
 16 occur and will take steps to address any issue with the
 17 paint scheme.
 18 Did I read that paragraph correctly?
 19 A. Yes.
 20 Q. With that said, COVID has substantially impacted
 21 Ms. Collier's business. As such, Ms. Collier needs some
 22 additional time to address this issue. We would propose
 23 confirming how she attends to address the paint scheme
 24 within the next 45 days. This will allow time for her to
 25 coordinate and address the issue with the painter. We would

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1 Is that correct?
 2 A. Yes.
 3 Q. That spreadsheet is three pages and ends on 288?
 4 A. Mm-hmm, yes.
 5 Q. Okay. And Item No. 4, we see JACT Trust and the
 6 address 2822 Culloden Avenue. Do you see that, Mr. Woo?
 7 A. I do.
 8 Q. Okay. I'll represent to you that JACT Trust is
 9 Ms. Collier's trust and that this address is her unit. Is
 10 that your understanding?
 11 A. I recognize the address.
 12 Q. Okay. Do you recognize it as Ms. Collier's?
 13 A. Yes.
 14 Q. Okay. And then we have the violation, Need ARC
 15 for paint. Do you see that?
 16 A. I do.
 17 Q. It says, Extension request, yes or no, and it
 18 says, No. Is that correct?
 19 A. Yes.
 20 Q. Is it fair to say that this e-mail regarding the
 21 paint scheme violation -- that it was never presented to the
 22 board at the time of this executive session?
 23 A. It doesn't appear so, because it's indicating
 24 there's no extension request.
 25 Q. Do you recall discussing this e-mail with the

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1 then request that any painting occur within the next 12
 2 months, which will provide Ms. Collier -- which will provide
 3 ample time for Ms. Collier to budget and make any changes.
 4 Did I read that paragraph correctly?
 5 A. Yes.
 6 Q. Would you characterize that as a request for
 7 extension?
 8 A. Yes.
 9 (Exhibit 7 was marked.)
 10 Q. (By Mr. Elson) Mr. Woo, you've been handed what's
 11 been marked as Exhibit 7. When you've had a chance to
 12 review and familiarize yourself with it, please let me know.
 13 A. Yes.
 14 Q. What is Exhibit 7?
 15 A. It's the violation for the painting. They're
 16 requiring the ARC for the paint for 2822 Culloden and a
 17 motion that was made and voted in favor.
 18 Q. It's from Wednesday, July 28th, 2021. Is that
 19 correct?
 20 A. Yes.
 21 Q. Subsection 3 says, Noncompliance, Hearings,
 22 references an Attachment A. You see that?
 23 A. I do.
 24 Q. Okay. We look at attachment A, which is a
 25 spreadsheet starting on what's been Bates stamped as 286.

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1 board at this executive session?
 2 A. I don't have a specific recollection of it.
 3 Q. Do you recall -- what do you recall from this
 4 executive session as it relates to Ms. Collier's unit and
 5 the paint scheme?
 6 A. We took a vote. I don't remember -- I don't
 7 specifically recall the vote itself, but it doesn't -- it
 8 seems to follow consistently what we did at the meetings
 9 taking -- or, you know, voting on the violations as to what
 10 to do. We have a standard, you know, process for a fine --
 11 the fine policy.
 12 Q. Do you recall any specific conversation regarding
 13 Ms. Collier's unit at this board meeting?
 14 A. I don't know if it was at the particular board
 15 meeting. I know that there was something mentioned at one
 16 point or another regarding the 12 months. The 12 month --
 17 the request for 12 months to repaint.
 18 Q. Okay. And when was that discussed?
 19 A. I don't know. I just remember there was a
 20 conversation at one point or another. I don't know where or
 21 when it was discussed.
 22 Q. Was it discussed that Ms. Collier wanted to review
 23 the issue and come into compliance at this board meeting?
 24 A. If I remember correctly, the most -- the biggest
 25 concern was the 12 months being excessive.

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1 Q. Was a shorter time frame ever relayed to
 2 Ms. Collier?
 3 A. I don't know. I don't know what was relayed to
 4 Ms. Collier. I just know that we -- I was made aware that
 5 there was the request for -- was for a 12-month extension.
 6 Q. Did the board vote on providing a shorter
 7 extension?
 8 A. I don't recall.
 9 Q. Would the board typically just say yes or no to an
 10 extension request, or would the board propose another one if
 11 they deemed the extension too long?
 12 A. It's possible to offer an alternative solution,
 13 but I don't recall specifically on this case whether that
 14 was done or not. And, again, it really depends on what it
 15 is. I mean, there's certain things that are probably more
 16 dire that need to be resolved quicker than something that --
 17 you know, like I said, something that may involve
 18 seasonality, but a year to resolve something is pretty
 19 substantial, in terms of time, regardless of circumstance.
 20 I mean, one year seems to be a pretty lengthy request.
 21 Q. Would you characterize this violation as one
 22 that's dire?
 23 A. Well, you know, if a homeowner paints a home and
 24 doesn't follow the requirements to paint the home -- dire,
 25 in terms of does it create a circumstance that's considered

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1 presented to the board?
 2 A. It's possible.
 3 Q. If a homeowner sent something like Exhibit 6 to
 4 the board president and management, as well as legal
 5 counsel, would you expect that to be provided to the board
 6 at the executive session regarding the violation?
 7 A. I would. The other thing that was concerning --
 8 and I wouldn't necessarily reference to this specific
 9 meeting, but there were tendency -- there was a tendency for
 10 these reports to come out very late in the process, in terms
 11 of, you know, when it would be available to review prior to
 12 a meeting. So there are times where, you know, you are
 13 getting things at the last minute that, honestly -- you
 14 know, I'm working. I don't know how much time I would have
 15 to review everything prior to having to vote on it. So we
 16 would use this document as a summary of what would be
 17 material that may or may not have been provided or have any
 18 kind of relevance to these particular situations.
 19 I just can't tie the document to this form,
 20 because a lot of times I can't remember when exactly I
 21 review anything, because they may have come in so late in
 22 the process that, quite honestly, you know, the backup
 23 documentation may -- I may or may not have had an
 24 opportunity to review it.
 25 I mean, it's just, you know, sometimes these --

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1 emergency or -- you know, hazard or whatever, I don't think
 2 it would fall into that. I don't. But at the same time,
 3 you know, that sets some form of precedence as well if you
 4 grant one.
 5 So I do think there is some concern there as to
 6 what you want to do to be consistent, as far as what I would
 7 do. But, again, you know, how that applies to this
 8 particular case, you know, I can't answer for what the
 9 thought process was at that time.
 10 Q. But you do not recall reviewing Exhibit 7. Is
 11 that correct?
 12 A. Well, I don't recall reviewing, but we would have
 13 done so in the normal course during a meeting when we go
 14 through the violations. We would look at a report like this
 15 (gesturing) and we would go violation by violation and we
 16 would vote on what the disposition would be for that.
 17 Q. Maybe I misspoke then. Exhibit 6. Did you recall
 18 reviewing Exhibit 6, Ms. Collier's --
 19 A. Oh, Exhibit 6. I was looking at 7, sorry.
 20 Q. Yeah, I must have misspoken.
 21 A. I don't -- I don't recall.
 22 Q. Exhibit 7 doesn't reference that any extension
 23 request was made. Is that correct?
 24 A. Correct.
 25 Q. Is it entirely possible that Exhibit 6 was never

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1 there were times where we would actually go running around
 2 trying to clear these violations right before the meeting.
 3 You know, so it's just -- it was -- it was, to a certain
 4 extent, really helter-skelter, in terms of how we handled
 5 some of these things. You know, I just can't give you a
 6 consistent, This is what we did every single time.
 7 Q. Would it affect your -- well, strike that.
 8 Would it have affected your determination on
 9 whether or not a violation existed as it relates to the
 10 paint scheme? Actually, let me lay a little more
 11 foundation.
 12 How would a homeowner find out about what is an
 13 appropriate paint scheme for the Anthem community?
 14 A. In the courtesy notice, it would reference the
 15 color schemes that are available. I do believe it's on the
 16 Terra West website, in terms of -- because Sherwin-Williams
 17 put together all the color schemes. However -- and I
 18 mentioned this, is that they did not carry over a lot of the
 19 original color schemes for the homes from the original
 20 Frazee Paint company when Sherwin-Williams bought them. So
 21 not all the paint schemes are in the available color
 22 combination or paint scheme options that the homeowner can
 23 choose from if they wanted to paint their home in the
 24 original color.
 25 Q. And why is that?

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1 A. Because they just didn't carry it over. When
 2 Sherwin-Williams put together the color schemes, they didn't
 3 include everything. Like, my house -- when I just painted
 4 my house -- my house is not in the color scheme for our
 5 community.

6 Q. Do you view that as a problem?

7 A. Absolutely.

8 Q. So before a homeowner goes to paint their house,
 9 the way that they would find out about the paint scheme is
 10 by looking it up on Terra West's website. Is that correct?

11 A. Yes, or they can go to -- I believe they can go to
 12 Sherwin-Williams and get their color schemes. I actually
 13 went down there to verify my color schemes.

14 Q. But you would agree with me that all of the color
 15 schemes are supposed to be listed on Terra West's website?

16 A. They should be, but they're not.

17 Q. All of the communities are supposed to be listed
 18 on Terra West's website. Is that correct?

19 A. They should be. They should be. Within the
 20 communities -- the available color schemes should have been
 21 listed on there by community.

22 Q. Do you have an understanding as to whether or not
 23 at any point in time whether all communities were listed on
 24 Terra West's website?

25 A. I don't know for sure. I didn't -- I didn't go

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1 for the community manager, because Pennie instructed the
 2 inspectors to hit paint violations on one of the invest --
 3 inspection cycles.

4 So there were, like, 160 some odd violations that
 5 went out because of that. And the way it was worded was
 6 that it could be any particular part of the paint. Like, it
 7 could be the stucco. It could be the garage door. It could
 8 be the facade. You know, there are different parts of it.
 9 If they were in violation, they would get a paint violation.

10 So, you know, if -- if it was difficult for them
 11 to be able to figure out what paint to use -- I mean, they
 12 would -- when they got that violation, they would actually
 13 have to submit an ARC if they were going to do some kind of
 14 a paint or change in paint, you know, for the colors that
 15 they want to use. So that would be something that would
 16 have to be put on the ARC, what color scheme you are going
 17 to use to paint whatever you are going to paint. The
 18 problem I have is that the original color schemes weren't
 19 there.

20 Q. Who gave the instruction to the inspectors to go
 21 out and look for paint scheme violations?

22 A. Pennie. She basically gave instructions to the
 23 inspectors for all the inspections.

24 Q. If a homeowner repainted their house but painted
 25 it the correct color scheme without submitting an ARC, is

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1 through -- what I -- what I did at one point was I -- I
 2 tried to look through what color schemes were available in
 3 the different communities. And that's when I -- you know, I
 4 could see that not all of them were on there. And I know
 5 that there was some color schemes that were added, but I
 6 don't believe every single one of them was carried over,
 7 because I can reference my own personal experience.

8 The other thing that I was aware of that was
 9 brought to my -- brought to my attention by Carmen was that
 10 there were homes that were in Earlstone that they didn't
 11 have the color schemes -- the original color schemes for and
 12 it caused a tremendous amount of problems for the homeowners
 13 that received violations, because they couldn't find their
 14 color schemes.

15 Q. Would it have affected your view on whether or not
 16 a violation existed if the Glengarry community where
 17 Ms. Collier's home is located was not listed on Terra West's
 18 website when she repainted the trim of her house?

19 A. Yes and no. Because she would still require an
 20 ARC and the ARC would specify what color scheme she would be
 21 using. And if she indicated she can't find one, that would
 22 obviously be a point of discussion in the ARC request.
 23 Because, you know, a homeowner -- like, I -- I would, again,
 24 reference back to the conversations about Earlstone, is that
 25 they -- they -- it created a tremendous amount of problems

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1 that a violation?

2 A. No. So here's the interesting thing -- I'll
 3 provide some clarity again, firsthand experience. I know
 4 what my color scheme was when I bought my house. So I went
 5 to Frazee Paint before it was purchased by Sherwin-Williams
 6 and I looked at the book and took a picture of my color
 7 scheme just so I had it, not knowing that they were going to
 8 be sold. It was just for -- I wasn't going to paint my
 9 house for a few years, but I just wanted to make sure I had
 10 the color schemes in case I needed it.

11 So when I -- I got a violation that my home needed
 12 to be painted, which I knew it needed to be painted. So I
 13 sent an e-mail back because I -- I was bound by a time frame
 14 to get this done. So I sent an e-mail back to the community
 15 manager indicating that I'm going to paint my home, but I
 16 can't get a paint contractor available until, potentially,
 17 December.

18 So at that point, I got a response back from the
 19 Terra West management team that as long as I painted it the
 20 same color, I don't need to submit an ARC. So the
 21 interesting thing is I painted my home using the color
 22 scheme I gave -- I just gave it -- I went to
 23 Sherwin-Williams to verify the colors, which they did, the
 24 codes that were on that, you know, color scheme that I took
 25 a picture of. I gave it to the painter. It's exactly what

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1 the color of the house was.
 2 So I painted it in December. I think my violation
 3 cleared in April -- April or May. I was shocked at how long
 4 it took to clear that violation. I was starting to wonder
 5 what they were going to do, if they were going to fine me or
 6 what, because they never cleared the violation. But the
 7 fact of the matter is I painted my house with a color scheme
 8 that's not on Terra West's color chart for my community,
 9 because it's the original color of the home, which I got
 10 from the prior paint company.
 11 So, now, how do you determine what other
 12 homeowners are doing if the color schemes don't match the
 13 community from the original colors? And that was the
 14 problem in Earlstone, Pennie's community, that a lot of the
 15 homes -- they didn't have the original color schemes. And
 16 these homeowners are trying to paint -- whether they were
 17 trying to exactly match it or they were trying to make, you
 18 know, a variation of what gets painted what color -- I don't
 19 know how you can violate them.
 20 **Q. Are you aware, as you sit here today, as it**
 21 **relates to the oleanders, that Henderson -- City of**
 22 **Henderson determined that there was never any sort of code**
 23 **violation as it relates to Henderson related to the**
 24 **oleanders, regardless of what height the oleanders were?**
 25 A. No, but like I said, you know, I -- that was

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1 handled and how -- and you as a, you know, legal
 2 representative of Ms. Collier. That means how she was
 3 treated. You know, and that's -- that's something that I
 4 really, you know, saw repetitively. And I -- I just don't
 5 think -- so in -- if you want to consider that fairness, you
 6 can.
 7 I don't -- you know, I'm not going to deem whether
 8 it's fair. You know, does somebody get a 12-month
 9 extension? Is that fair or not fair by saying no? It's not
 10 so much that. It's how it was handled to try to mitigate,
 11 you know, situations with homeowners, you know. And I think
 12 that's the most important part of the board, is to
 13 accommodate the homeowners that spent so much money on their
 14 homes and are trying to live in our community. And so, you
 15 know, I can't say is it fair or not fair. I just can say
 16 how it was handled. I think this was handled poorly.
 17 MR. ELSON: I don't have any further questions at
 18 this time.
 19 So when we were off the record at a prior break,
 20 we talked about how we were going to try and limit timing
 21 and questioning here today, as well as that the court
 22 reporter had some personal issues that we were going to try
 23 and accommodate.
 24 And so while I'm not necessarily indicating that I
 25 think a second deposition is required, the parties did

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1 always the point of contention that was repeated over and
 2 over again, was that oleanders are banned, you know, by the
 3 City of Henderson.
 4 Well, what, again, prompted me to wonder about
 5 that, even though I didn't get any confirmation of it, is
 6 that I go to Star Nursery and there's oleanders for sale.
 7 It doesn't say anywhere that you can't put them in
 8 Henderson.
 9 **Q. As you sit here today and after seeing some of**
 10 **these additional e-mails and letters that maybe you didn't**
 11 **have access to, do you think Ms. Collier was treated fairly**
 12 **throughout this process?**
 13 MR. NOACK: Objection. Argumentative.
 14 THE WITNESS: I mean, that's -- that's just an
 15 opinion.
 16 **Q. (By Mr. Elson) I'm asking you for your opinion.**
 17 A. Okay. So --
 18 MR. NOACK: Same objection.
 19 THE WITNESS: I don't. And it's not so much
 20 fairness. I -- I -- I look at it overall. You know, in
 21 terms of all the things that were happening in the
 22 community. It's the conduct. It's how it was handled that
 23 really bothers me, including the meeting that, you know,
 24 I -- we referenced back that you were in attendance. You
 25 know, it's an embarrassment, you know, of how you were

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1 discuss off the record that, to the extent that a second --
 2 someone felt a second deposition was required, because we're
 3 not going to go the full afternoon, that no one would object
 4 to that and that we could reschedule it as well as
 5 reschedule it by Zoom in order to better accommodate
 6 everyone, which nobody has any opposition to.
 7 So with that understanding, I'm going to go ahead
 8 and pass the witness to provide some of the other attorneys
 9 here some time before we conclude the deposition for the
 10 day.
 11 MR. NOACK: All right. Can we go off the record
 12 for a moment?
 13 (Pause in proceedings.)
 14 MR. NOACK: Back on the record. This is Derrick
 15 Noack on behalf of Pennie Mossett-Puhek. All counsel had a
 16 discussion off the record. And based on the aforementioned
 17 timing concerns and allowing the court reporter to get to
 18 her appointment, we've all agreed to suspend the deposition.
 19 And should a second deposition be necessary, we'll recall
 20 Mr. Woo.
 21 THE WITNESS: Okay.
 22 MR. ELSON: Mr. Woo, we thank you for your time.
 23 Thank you very much.
 24 THE WITNESS: It's been my pleasure. Thank you.
 25 (The proceedings suspended at 3:54 p.m.)

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1 CERTIFICATE OF DEPONENT

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3 PAGE LINE CHANGE REASON

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14 * * * * *

15 I, Sydney Woo, Deponent

16 herein, do hereby certify and declare under

17 penalty of perjury the within and foregoing

18 transcription to be my deposition in said action;

19 that I have read, corrected, and do hereby affix my

20 signature to said deposition, under penalty of perjury.

21

22 _____

23 SYDNEY WOO, Deponent

24

25

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1 STATE OF NEVADA)

2) SS:

3 COUNTY OF CLARK)

4 CERTIFICATE OF REPORTER

5 I, Vanessa Lopez, a duly commissioned and licensed

6 court reporter, Clark County, State of Nevada, do hereby

7 certify: That I reported the taking of the deposition of

8 Sydney Woo, commencing on Wednesday, June 28, 2023, at the

9 hour of 1:04 p.m.;

10 That the witness was, by me, duly sworn to testify

11 to the truth and that I thereafter transcribed my said

12 shorthand notes into typewriting, and that the typewritten

13 transcript of said deposition is a complete, true, and

14 accurate transcription of said shorthand notes;

15 I further certify that I am not a relative or

16 employee of any of the parties involved in said action, nor

17 a relative or employee of an attorney involved in said

18 action, nor a person financially interested in said action;

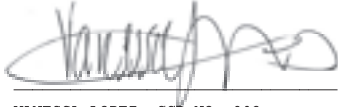
19 That the reading and signing of the transcript was

20 requested.

21 IN WITNESS WHEREOF, I have hereunto set my hand in

22 my office in the County of Clark, State of Nevada, this 5th

23 day of July, 2023.

24 

25 VANESSA LOPEZ, CCR NO. 902

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3 and state laws and regulations ("Privacy Laws") governing the

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6 proceedings, and transcript exhibits, may contain patient health

7 information that is protected from unauthorized access, use and

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10 electronic database maintenance and access, storage, distribution/

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12 patient information be performed in compliance with Privacy Laws.

13 No transcript or exhibit containing protected patient health

14 information may be further disclosed except as permitted by Privacy

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16 attorneys, and their HIPAA Business Associates and Subcontractors will

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18 information, and to comply with applicable Privacy Law mandates,

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20 disclosure (sharing) of transcripts and transcript exhibits, and

21 applying "minimum necessary" standards where appropriate. It is

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23 transcripts and exhibits - including access, storage, use, and

24 disclosure - for compliance with Privacy Laws.

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